



**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*

Notice is hereby given that a **Regular Council Meeting** of the City of Copperas Cove, Texas, will be held on the **18th day of May 2010 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. Employees of the First Quarter 2010. **Andrea M. Gardner, City Manager**
 - Public Safety Division – Carla Polidoro, Fire Captain
 - Community Services Division – Billy King, Light Equipment Operator
 - Public Works Division – Noel Watson, Heavy Equipment Operator
Compost
 - Administrative Services Division – Desiree Mundell, Human Resources
Coordinator
2. Proclamations. **John Hull, Mayor**
 - a. "Law Enforcement Torch Run Day for Special Olympics Texas."
 - b. "Hurricane Awareness Week."
 - c. "Trauma Awareness Month and EMS Week."

F. CITIZENS FORUM – At this time, citizens will be allowed to speak for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section. Pursuant to §551.042 of the Texas Open Meetings Act, any deliberation or

decision about the subject of inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

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 considered separately.

1. Consideration and action on approving the minutes from the regular council meeting on May 4, 2010. **Jane Lees, City Secretary**
2. Consideration and action on approving the minutes from the workshop council meeting on May 10, 2010. **Jane Lees, City Secretary**
3. Consideration and action on a resolution 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. **Eddie Wilson, Police Lieutenant**
4. Consideration and action on a resolution authorizing and supporting the City Manager in the submission of a grant application and other related mandatory documents to the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. **Eddie Wilson, Police Lieutenant**

H. PUBLIC HEARINGS/ACTION

1. Public Hearing and action on an ordinance amending Chapter 16.5 of the Code of Ordinances of the City of Copperas Cove. **Andrea M. Gardner, City Manager**

I. ACTION ITEMS

1. Consideration and action on the appointment of members to the Keep Copperas Cove Beautiful Commission. **Robert Schumacher, President, Keep Copperas Cove Beautiful**
2. Consideration and action on authorizing the City Manager to execute a contract with Bell Contractors, Inc. for Phase III of the Community Development Block Grant (CDBG) Sewer Rehabilitation Project. **Robert M. McKinnon, Public Works Director**
3. Consideration and action on a resolution authorizing the Fire Chief to apply for a grant through the United States Department of Homeland Security, Federal Emergency Management Agency, Assistances to Firefighters Grant Program for the purchase of Self Contained Breathing Apparatus and Related Equipment. **Mike Baker, Fire Chief**

4. Consideration and action on a resolution, canvassing returns and declaring the results of the General Election held on May 8, 2010. **Jane Lees, City Secretary**
5. Consideration and action on an ordinance canvassing returns and declaring the results of a Special Election, held on May 8, 2010, 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**
6. Consideration and action on a written order to declare the approved amendments of the Charter of the City of Copperas Cove as adopted. **Jane Lees, City Secretary**
7. Consideration and action on a resolution ordering and establishing procedures for a Special Election on July 20, 2010 in Copperas Cove, Texas, to fill a vacancy on the City Council. **Jane Lees, City Secretary**
8. Discussion on proposed revisions to Chapter 3 of the Code of Ordinances for the City of Copperas Cove. **Andrea M. Gardner, City Manager**

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

1. Update on the CCEDC Concept Plan. **Polo Enriquez, CCEDC Executive Director**

K. ITEMS FOR FUTURE AGENDAS

L. EXECUTIVE SESSION

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

N. 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 _____, May 14, 2010, on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

Jane Lees, TRMC, CMC, City Secretary



**NOTICE OF WORKSHOP
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*

Notice is hereby given that a **Workshop** of the City of Copperas Cove, Texas will be held on the **18th day of May 2010**, 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 stormwater regulations. **Wesley Wright, P.E., City Engineer**
2. Presentation and discussion on a draft land disturbance ordinance. **Wesley Wright, P.E., City Engineer**
3. Provide direction to the City Manager on items C-1 and C-2 above. **Andrea M. Gardner, City Manager.**

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 _____, **May 14, 2010** on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

Jane Lees, TRMC, CMC
City Secretary



PROCLAMATION

WHEREAS, on May 25, 2010, the CenTex Law Enforcement Committee for Special Olympics, our Guardians of the Flame, will begin their journey; and

WHEREAS, the support provided by this dedicated group has contributed greatly to programs in our communities, which involves more than 24,675 athletes with mental retardation in Texas; and

WHEREAS, to highlight their efforts and the Special Olympics Program, over 500 volunteers will carry the torch more than 2,500 miles to Arlington, Texas to present it at the Summer Games Opening Ceremonies on May 28, 2010; and

WHEREAS, here in Texas, Law Enforcement Torch Run began in 1985 and has grown to become the largest in the nation; and

WHEREAS, the Special Olympics athletes oath, "Let me win, but if I can not win, let me be brave in the attempt," inspires Law Enforcement Torch Run volunteers to carry the torch for them.

NOW, THEREFORE, I, John Hull, Mayor of the City of Copperas Cove, Texas do hereby proclaim May 25, 2010, shall be observed as:

"Law Enforcement Torch Run Day for Special Olympics Texas"

in the City of Copperas Cove, Texas, and I urge each and every citizen to recognize the efforts and the crucial role that Special Olympics Law Enforcement Torch Run volunteers play in the lives of Special Olympics athletes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Copperas Cove to be affixed this 18th day of May 2010.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary



PROCLAMATION

- WHEREAS,** Texas hurricane season each year begins June 1 and ends November 30; and
- WHEREAS,** the 624-mile Texas Gulf coastline, areas of Texas hundreds of miles inland, and even the City of Copperas Cove, are vulnerable to the devastating effects of a hurricane or tropical storm; and
- WHEREAS,** both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and our emergency management office; and
- WHEREAS,** the National Weather Service and the Texas Division of Emergency Management are designating the week of May 23-29, 2010 as

“Hurricane Awareness Week”

in Texas and the City of Copperas Cove; and

- WHEREAS,** the National Weather Service, the Texas Division of Emergency Management, the Copperas Cove Office of Emergency Management and the leaders of Copperas Cove strongly suggest that all residents and visitors to this area be made aware of the potential dangers of these storms; and
- WHEREAS,** the best defense is preparedness and public education about the dangers of the high winds, storm surge, flooding and tornadoes that may occur for hundreds of miles in conjunction with a hurricane or tropical storm.

NOW, THEREFORE, I, John Hull, Mayor of the City of Copperas Cove, Texas, urge all citizens of this City and this community to participate in hurricane preparedness activities, and to pay close attention to watch and warning instructions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Copperas Cove to be affixed this 18th day of May 2010.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary



PROCLAMATION

WHEREAS, the City of Copperas Cove Fire Department, in concert with a developed network of trauma care facilities across Texas, provide lifesaving care in Texas 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate for those who experience sudden illness or injury; and

WHEREAS, the Copperas Cove Fire Department personnel also care for the community by teaching injury prevention to citizens to lessen the occurrence and severity of injuries and by training to respond to any possible occurrences with potential weapons of mass destruction; and

WHEREAS, the citizens of Copperas Cove benefit daily from the knowledge and skills of these highly trained individuals and from the availability of the Texas trauma system; and

WHEREAS, in appreciation of your valuable contribution to Copperas Cove, the City of Copperas Cove commends and congratulates the Copperas Cove Fire Department and other Texas EMS personnel for outstanding, dedicated pre hospital and medical care to the citizens of Copperas Cove, Texas, and hereby join the Texas Department of State Health Services in designating the month of May as Trauma Awareness Month and in designating May 16-22, 2010, as Emergency Medical Services Week.

NOW, THEREFORE, I, John A. Hull, Mayor of the City of Copperas Cove, Texas do hereby proclaim the month of May 2010, and the week of May 16-22, 2010 as:

“TRAUMA AWARENESS MONTH AND EMS WEEK”

in 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 18th day of May 2010.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
May 4, 2010 – 7:00 P.M.**

A. CALL TO ORDER

Mayor John Hull 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

Pastor Tim O'Neil, Hillside Ministries, gave the Invocation and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

John Hull
Cheryl L. Meredith
Charlie D. Youngs
Chuck Downard
Danny Palmer
Bill L. Stephens
Willie C. Goode
Frank Seffrood

ALSO PRESENT

Andrea M. Gardner, City Manager
Charles E. Zech, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

Council Member Downard stated that there were 718 early voters for the May 8, 2010 election. He encouraged everyone who had not voted to vote on Saturday from 7:00 a.m. to 7:00 p.m.

Council Member Seffrood reminded everyone that this coming Saturday was the annual food drive sponsored by the letter carriers. Food will be collected at mailboxes and all contributions will go to local food banks.

Council Member Youngs announced that the City's bond rating was upgraded.

Mayor Hull thanked all volunteers who helped pick up trash on the City's waterways last Saturday.

City Manager Gardner stated that the City will be hosting a Public Meeting on Tuesday, May 11, 2010 in the City Hall Council Chambers on Emergency Management Operations.

Ms. Gardner also announced that the City's Household Hazardous Waste Event will be Saturday, May 8, 2010 at the Transfer Station from 9:00 a.m. to 2:00 p.m. Another event will be held on June 12, 2010 in Temple at the Nathaniel Mitchell Service Center, 3210 East Avenue H, from 9:00 a.m. to 2:00 p.m.

She also stated that the law firm of Denton, Navarro, Rocha & Bernal, P.C. is sponsoring a governmental seminar on June 25 called "Hog Wild" at the Civic Center in New Braunfels. This event is for elected and appointed officials and administration and will provide updates on the

latest changes in the law and how to stay out of trouble and out of the courtroom. The event is free.

E. PUBLIC RECOGNITION

1. Proclamation: Police Week. **John Hull, Mayor**

Mayor John Hull read the "Police Week" proclamation and presented it to Chief Tim Molnes, Lt. Danny Austin and Cpl. Kevin Keller of the Copperas Cove Police Department.

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

Andrea M. Gardner, City Manager, presented the following May 2010 recipients with their pins:

- Steven Hollenbeck, Light Equipment Operator, Street Department – 5 years
- Elmer Gothard, Street and Drainage Superintendent – 15 years

F. CITIZENS' FORUM – None.

G. CONSENT ITEMS

1. Consideration and action on approving the minutes from the workshop council meeting on April 19, 2010. **Jane Lees, City Secretary**

2. Consideration and action on approving the minutes from the workshop council meeting on April 20, 2010. **Jane Lees, City Secretary**

3. Consideration and action on approving the minutes from the regular council meeting on April 20, 2010. **Jane Lees, City Secretary**

4. Consideration and action on a resolution, authorizing and supporting the City Manager in the submission of a grant application to Texas STEP for the FY 2011 Comptroller's Tobacco Compliance Grant. **Daniel Austin, Police Lieutenant**

5. Consideration and action on a resolution accepting the quarterly investment report as presented for the quarter ending March 31, 2010 per the Investment Policy. **Wanda Bunting, Director of Financial Services**

7. Consideration and action on authorizing the Mayor to execute a letter to the Brazos River Authority in support of Commissioner Jack V. Wall who desires to become a voting member on the Brazos G Water Planning Group. **Robert M. McKinnon, Public Works Director**

Council Member Stephens requested further discussion on item G-6.

Council Member Palmer made a motion to approve G-1, G-2, G-3, G-4, G-5, and G-7 as presented. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action on authorizing the City Manager to enter into an Agreement with Luck Design Team LLC to conduct a "Parks Needs Assessment" for the City of Copperas Cove Parks system. **Danny Zincke, Assistant Director of Community Services**

Danny Zincke, Assistant Director of Community Services gave an overview of item G-6.

Council Member Stephens made a motion to approve authorizing the City Manager to enter into an agreement with Luck Design Team LLC to conduct a "Parks Needs Assessment." Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1. Public hearing and action on an ordinance amending Chapter Four of the 2007 Comprehensive Plan of the City of Copperas Cove, Texas; providing for changes in the Future Land Use Plan; providing for changes on Plate 4-1, the Future Land Use Map. **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item H-1. Chris Steward of Espey Consultants, Inc., the City's planning consulting firm, discussed further the changes being proposed.

Mayor Hull opened the public hearing at 7:30 p.m.

Speaking for: None.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:34 p.m.

Council Member Downard made a motion to disapprove Ordinance No. 2010-20. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING CHAPTER FOUR OF THE 2007 COMPREHENSIVE PLAN OF THE CITY OF COPPERAS COVE, TEXAS; PROVIDING FOR CHANGES IN THE FUTURE LAND USE PLAN; PROVIDING FOR CHANGES ON PLATE 4-1; THE FUTURE LAND USE PLAN).

2. Public hearing and action on an ordinance rezoning Lot 2, Block 3 of the Crestview Heights Addition, locally known as 1003 Phil Avenue, from R-2 (two-family residential) to B-4 (business). **Wesley Wright, P.E., City Engineer**

Wesley Wright, City Engineer, gave an overview of agenda item H-2.

Mayor Hull opened the public hearing at 7:36 p.m.

Speaking for: None.

Speaking Against: None.

Mayor Hull closed the public hearing at 7:37 p.m.

Council Member Stephens made a motion to disapprove Ordinance No. 2010-21. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

ORDINANCE NO. 2010-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS APPROVING A ZONING CHANGE BY REZONING LOT 2, BLOCK 3 OF THE CRESTVIEW HEIGHTS ADDITION, LOCALLY KNOWN AS 1003 PHIL AVENUE, FROM R-2 (TWO-FAMILY RESIDENTIAL) TO B-4 (BUSINESS).

I. ACTION ITEMS

1. Consideration and action on the Mayor's recommendation to appoint an alternate member to the Central Texas Council of Governments Executive Committee. **John Hull, Mayor**

John Hull, Mayor, gave an overview of agenda item I-1. Mayor Hull recommended Council Member Seffrood to serve as the alternate member to the Central Texas Council of Governments Executive Committee. He stated that the City Manager, Andrea M. Gardner, was the alternate, but since becoming a member of the board, could no longer serve in that capacity.

Council Member Downard made a motion to accept Mayor Hull's nomination for Council Member Seffrood to be the alternate member to the Central Texas Council of Governments Executive Committee. Council Member Stephens seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove and SCS Engineers for professional services to arrange for continuous coring and the installation of three piezometers to provide additional site characterization for the landfill groundwater monitoring plan as suggested by the Texas Commission on Environmental Quality (TCEQ). **Michael Mundell, Superintendent of Solid Waste**

Michael Mundell, Superintendent of Solid Waste, gave an overview of agenda item I-2.

Council Member Meredith made a motion to authorize the City Manager to execute an agreement with SCS Engineers for professional services to arrange for continuous coring and the installation of three piezometers to provide additional site characterization for the landfill groundwater monitoring plan as suggested by the Texas Commission on Environmental Quality

(TCEQ). Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

3. Consider and take action with respect to an Ordinance of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, Limited Tax Notes, Series 2010, in the aggregate principal amount of \$4,050,000; 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**

Andrea M. Gardner, City Manager, gave an overview of agenda item I-3. Garry Kimball, Specialized Public Finance, was on hand to discuss this item.

Council Member Seffrood made a motion to approve Ordinance No. 2010-22 as presented. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

ORDINANCE NO. 2010-22

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, LIMITED TAX NOTES, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,050,000; 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.

4. Consider and take action with respect to an Ordinance of the City of Copperas Cove, Texas, authorizing the issuance and sale of City of Copperas Cove, Texas, General Obligation Bonds, Series 2010, in the aggregate principal amount of \$4,685,000; levying a tax in payment thereof; authorizing the execution and delivery of a paying agent / registrar agreement; approving the official statement; and enacting other provisions relating thereto. **Wanda Bunting, Director of Financial Services**

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

Council Member Meredith made a motion to approve Ordinance No. 2010-23 as presented. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

The ordinance caption is as follows:

ORDINANCE NO. 2010-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF COPPERAS COVE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,685,000; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING THE

OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO.

5. Consideration and action on appointments to the Parks and Recreation Committee. **Danny Zincke, Assistant Director of Community Services**

Danny Zincke, Assistant Director of Community Services, gave an overview of agenda item I-5.

Council Member Meredith made a motion to appoint Patricia Thomas and Inez Faison as members to the Parks and Recreation Committee. Council Member Downard seconded the motion, and with a unanimous vote, motion carried.

6. Consideration and action to authorize the CCEDC to seek bids for the completion of Constitution Drive Extension project. **Dan Yancey, Chair, CCEDC Board of Directors**

Dan Yancey, Chair, CCEDC Board of Directors, gave an overview of agenda item I-6.

Council Member Palmer made a motion to authorize the CCEDC to seek bids for the completion of Constitution Drive Extension project Phase 1 and Phase 2 as an alternate. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

7. Consideration and action to authorize the Chairman of the Copperas Cove Economic Development Corporation Board of Directors to execute a letter of commitment to Constitution Court Ltd. regarding the associated infrastructure to serve the project. **Dan Yancey, Chair, CCEDC Board of Directors**

Dan Yancey, Chair, CCEDC Board of Directors, gave an overview of agenda item I-7.

Council Member Downard made a motion to authorize the Chairman of the Copperas Cove Economic Development Corporation Board of Directors to execute a letter of commitment to Constitution Court Ltd. regarding the associated infrastructure to serve the project. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

1. Update on the CCEDC digital sign. **Dan Yancey, Chair, CCEDC Board of Directors**

Dan Yancey, CCEDC Board of Directors, gave an update on the CCEDC digital sign. He stated that the sign was in possession of the CCEDC and is now stored in the City. The installation company is doing a survey, which, when completed and submitted to the CCEDC, will be taken to the various governmental bodies for approval.

2. Update on CCEDC projects. **Polo Enriquez, CCEDC Executive Director/Monica Hull, Marketing Director**

Polo Enriquez, CCEDC Executive Director, gave an update on CCEDC projects. He stated that the Land Exchange will be completed soon. Once completed, the property can be opened up for

development of the Shops at Five Hills. He hoped that this would happen within the next 30 days. The assisted living center, Stoney Brook, is now under construction. The center is expected to be open by the end of 2010. The CCEDC Concept Master Plan is currently being reviewed and will be brought to the City Council at the next meeting.

K. ITEMS FOR FUTURE AGENDAS – None.

L. EXECUTIVE SESSION – None.

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

N. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 8:30 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
May 10, 2010 – 5:30 P.M.**

A. CALL TO ORDER

Mayor John Hull called the workshop meeting of the City Council of the City of Copperas Cove Texas to order at 5:51 p.m.

B. ROLL CALL

John Hull
Cheryl L. Meredith
Charlie D. Youngs
Chuck Downard
Danny Palmer
Bill L. Stephens - Absent
Frank Seffrood

ALSO PRESENT

Andrea M. Gardner, City Manager
Jane Lees, City Secretary

C. WORKSHOP ITEMS

1. Update on Pass Through Financing application. ***Andrea M. Gardner, City Manager***

Andrea Gardner, City Manager, stated that the application is due in Austin tomorrow by 3:00 p.m. at the Texas Transportation Commission. One additional item will be included on the application since the Council discussed this subject at a workshop on April 20, 2010. That item is to include in the application the construction to just past FM 2808. The total length of the project is 2.6 miles. The City's funding portion will be 1.4 miles. The difference will be covered by the Brownwood District. The difference in amount to be financed with the Pass Through Financing is approximately \$351,000 more. The application was originally for \$55.275M, and with the additional project, the total application will now be \$55,626M. Ms. Gardner said that the additional project makes the pass through application much more attractive to TxDOT.

D. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 6:03 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. G-3

Contact – Eddie Wilson, Police Lieutenant, 547-8222
ewilson@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a resolution 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.

1. BACKGROUND/HISTORY

The Bulletproof Vest Grant is a program targeted at jurisdictions having populations under 100,000 to assist in outfitting officers with bulletproof vests. Previous grants received under the program have assisted the Copperas Cove Police Department in purchasing vests for officers since December 2000. New and replacement vests are authorized for purchase annually through the program. Previous grants received under the program ranged between \$1,078 and \$7,573. The awards are for 50% of the total cost of the vests.

2. FINDINGS/CURRENT ACTIVITY

The Copperas Cove Police Department is seeking to continue equipping officers with appropriate protective vests. The Department plans to purchase 11 vests, as allowed by the grant application currently, to accommodate current officers and new hires over the next two years (the award period).

3. FINANCIAL IMPACT

Currently, Copperas Cove Police Department is eligible for up to \$3,078.57 with a fifty percent (50%) match of \$3,078.57. The match will be provided through the normal operating budget. Total project cost will be \$6,157.14.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council approve a resolution 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.

RESOLUTION NO. 2010-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE – BULLETPROOF VEST PROGRAM; AUTHORIZING THE CITY MANAGER AS THE CHIEF EXECUTIVE FOR CERTIFICATION AND THE POLICE DEPARTMENT TO ACT ON BEHALF OF THE CITY OF COPPERAS COVE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE BUREAU OF JUSTICE ASSISTANCE.

WHEREAS, the Bureau of Justice Assistance is authorized to administer the Bulletproof Vest Program grant funds for the purpose of purchasing bulletproof vests for officers; and

WHEREAS, the City of Copperas Cove, in the State of Texas is qualified to apply for grant funds under the Request of Applications.

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

Section 1.

That the City of Copperas Cove Police Department is authorized to request grant funding from the Bureau of Justice Assistance, Bulletproof Vest Program (BVP) of up to the amount of \$6,157.14 for the purpose of purchasing bulletproof vests. The City of Copperas Cove is responsible for a 50% match of up to the amount of \$3,078.57.

Section 2.

The Police Department will act on behalf of the City of Copperas Cove in all matters related to the grant application and any subsequent grant contract and grant project that may result.

Section 3.

That the City of Copperas Cove will comply with the grant requirements of the Office of Justice Programs (OJP), the Bureau of Justice Assistance, and the Bulletproof Vest Program.

Section 4.

That Grant funds will be used only for the purpose for which they are intended under the grant.

Section 5.

That all activities will comply with and support the Bulletproof Vest Program for the geographical area in which activities are performed.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010 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.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. G-4

Contact – Eddie Wilson, Police Lieutenant, 547-8222
ewilson@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a resolution authorizing and supporting the City Manager in the submission of a grant application and other related mandatory documents to the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

1. BACKGROUND/HISTORY

The Bureau of Justice Assistance (BJA), through the U.S. Department of Justice (DOJ) has announced the availability of funding through the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

2. FINDINGS/CURRENT ACTIVITY

Funding from the 2010 Edward Byrne Memorial JAG is a direct type of funding and Copperas Cove was allocated funding in the amount of \$13,048. The City is not required to provide matching funds for the grant. Since Coryell County is classified as a "disparate" entity, they are ineligible for a direct funding JAG award and must be a signatory on the required Memorandum of Understanding (MOU) as a partner with the grant. Thus, Copperas Cove and Coryell County must agree on how to share the funding or agree not to share the funding. As such, the MOU satisfies the requirement. Coryell County, through the Commissioner's Court, authorized County Judge John Firth to sign the MOU agreeing to split the funding in the grant, which provides the City with \$6,524 and Coryell County with \$6,524, and allows the City of Copperas Cove to act as the fiscal agent for the grant. City Council must now authorize the City Manager to sign the MOU to allow the grant application to be submitted and move forward.

As part of the process, the application must be made available for review by the governing body not fewer than 30 days before the application is submitted to the BJA. As indicated in the application process, if the 30-day governing body review process is not met, the application should be submitted prior to the application deadline. BJA will add a special condition to the award that will withhold grant funds until the documentation is submitted confirming the requirement has been met. The application deadline is June 30, 2010. The grant application will be

completed and submitted prior to the June 30, 2010 deadline and be presented to the City Council for review at the next regularly scheduled meeting set for July 6, 2010. After the process, BJA will be notified that the review has taken place.

Another part of the application process requires the City to provide an opportunity for the public to comment on the 2010 Edward Byrne Memorial JAG application. The manner in which the application process is completed is left to the applicant. Staff is satisfying this requirement by placing the notification of the grant application, the grant's purpose, and amount of funding available on the City's website, on Cable Channel 10, as well as a notice in the local newspaper. Members of the public wishing to comment may do so by calling, emailing, or visiting the Police Department.

The funding from the grant will be used for police officer safety. The funding will allow for the purchase of ballistic shields.

3. FINANCIAL IMPACT

There is no financial impact associated with the grant.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council authorize the mayor to sign a resolution supporting the City Manager in the submission of a grant application to the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program and authorize the City Manager to execute a Memorandum of Understanding between the City of Copperas Cove and Coryell County.

RESOLUTION NO. 2010-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA), OFFICE OF JUSTICE PROGRAMS 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CORYELL COUNTY AS TO THE DISTRIBUTION OF SUCH FUNDING WITH CORYELL COUNTY, AND AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF TO ADMINISTER THE GRANT, AND PLEDGING THAT THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE BUREAU OF JUSTICE ASSISTANCE (BJA), OFFICE OF JUSTICE PROGRAMS.

WHEREAS, the Bureau of Justice Assistance (BJA) through the Office of Justice Programs is authorized to administer the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG). The purpose areas of the 2010 JAG funds are that they may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Some examples include: prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation); and

WHEREAS, the City of Copperas Cove, in the State of Texas, is qualified to apply for grant funds under the Request for Applications.

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

SECTION 1.

That the City Manager is authorized to execute a Memorandum of Understanding between the City and Coryell County allocating \$6,524 to the City and \$6,524 to Coryell County for a total of \$13,048 in available grant funding from the Bureau of Justice Assistance (BJA), Office of Justice Programs for the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).

SECTION 2.

That the City Manager is authorized to apply for and accept such funding in the amount of \$13,048 of which the City portion is \$6,524 and the Coryell County portion is \$6,524. No matching funds are required.

SECTION 3.

That the City Manager will act on behalf of the City of Copperas Cove and the Copperas Cove Police Department in all matters related to the grant application and any subsequent grant contract and grant project that may result, and the City Manager will act on the City's behalf in administering the grant.

SECTION 4.

That the City of Copperas Cove will comply with the grant requirements of the Bureau of Justice Assistance (BJA), Office of Justice Programs 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) and the State of Texas and the conditions of the Memorandum of Understanding.

SECTION 5.

That grant funds will be used only for the purpose for which they are intended under the grant.

SECTION 6.

That the City of Copperas Cove, in the event of loss or misuse of the Bureau of Justice Assistance (BJA), Office of Justice Programs 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), will reimburse the Bureau of Justice Assistance (BJA), Office of Justice Programs, the full amount of the City's portion of the grant award.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010 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.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

THE STATE OF TEXAS
COUNTY OF CORYELL

KNOW ALL BY THESE PRESENT

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF COPPERAS COVE, TEXAS AND COUNTY OF CORYELL, TEXAS**

2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 17th day of May, 2010, by and between The COUNTY of CORYELL, acting by and through its governing body, the Commissioners' Court, hereinafter referred to as COUNTY, and the CITY of COPPERAS COVE, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of CORYELL County, State of TEXAS, witnesseth:

WHEREAS, this Agreement is made under the authority of Chapter 7, Texas Government Code: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the CITY agrees to act as the fiscal agent for this grant and provide the COUNTY \$6,542 from the JAG award for the Coryell County Sheriff's Office Equipment and Technology Upgrade Program: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of \$6,542 of JAG funds.

Section 2.

COUNTY agrees to use \$6,542 for the Coryell County Sheriff's Office Equipment and Technology Upgrade Program by September 30, 2013.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Texas Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

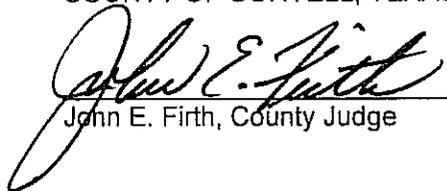
Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF COPPERAS COVE, TEXAS

COUNTY OF CORYELL, TEXAS

Andrea Gardner, City Manager



John E. Firth, County Judge

ATTEST:

ATTEST:

Jane Lees, City Secretary



Barbara Simpson
County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney



Brandon Belt, County Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. H-1

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

SUBJECT: Public Hearing and action on an ordinance amending Chapter 16.5 of the Code of Ordinances of the City of Copperas Cove.

1. BACKGROUND/HISTORY

A staff committee to review the City's existing sign regulations was formed in July 2009. As a result of time constraints caused by the annual budget process, the committee was unable to resume the review process until November 2009. Since that date, a public meeting outlining sign regulations was conducted on January 19, 2010 and was followed by a Council Workshop on February 2, 2010 to receive direction from the governing body.

2. FINDINGS/CURRENT ACTIVITY

The review process was completed with a Public Meeting on April 26, 2010 to accept stakeholder feedback on the proposed ordinance. At the Public Meeting, changes were recommended and are included in the attached ordinance.

3. FINANCIAL IMPACT

Codification expenses are \$17.00 per page for any update on any page and \$10.00 per tabulation material per page. The expenses will be covered by the General Fund.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council approve an Ordinance amending Chapter 16.5 of the City of Copperas Cove Code of Ordinances.

ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING CHAPTER 16.5 OF THE CITY'S CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Copperas Cove has previously adopted sign regulations to ensure the orderly development of land and use of property within its corporate limits and to provide for uniform sign standards and regulations in order to ensure the public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the City of Copperas Cove's business, cultural, historical, and residential areas; and

WHEREAS, the City Council continues to seek to maintain the value of the City of Copperas Cove's scenic and natural resources, which are the keystones of the City's economic strength and quality of life, through a comprehensive regulatory program that includes land use and development ordinances regulating signs; and

WHEREAS, the City Council recognizes the need for properly constructed and maintained signs creating a pleasing environment for residents, visitors, shoppers, and the entire community while upholding the principles of free speech, including commercial speech while promoting business and supporting the economic strength of commercial businesses within the boundaries of the City of Copperas Cove; and

WHEREAS, Chapter 16.5 of the Code of Ordinances was amended on January 19, 2010; and

WHEREAS, The City Council finds that it is in the best interest of the City of Copperas Cove to adopt the amended Sign Ordinance.

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

SECTION 1.

That the current Sign Regulations contained in Chapter 16.5 of the City's Code of Ordinances is hereby amended and the new Sign Ordinance Regulations attached hereto are hereby adopted and incorporated herein.

SECTION 2.

That any ordinances or resolutions or part of ordinance or resolutions in conflict with the provisions of this Sign Ordinance are hereby repealed to the extent of such conflict.

SECTION 3.

That should any section, clause, or provision of the Sign Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 4.

That this ordinance shall go into effect immediately upon its adoption and approval by City Council.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010 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.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

Chapter 16.5 SIGN REGULATIONS*

***Editor's note:** Ord. No. 2008-43, § 1, adopted Nov. 3, 2008, repealed the former ch. 16.5, and enacted a new ch. 16.5 as set out herein. The former ch. 16.5 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 16.5-1. Purpose.

Signs use private land near the public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (1) *Safety.* To promote the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay or abandonment.
 - b. Do not obstruct fire fighting, **rescue, hazardous material response**, or police surveillance.
 - c. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
 - (2) *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing that:
 - a. Those signs which provide messages and information most needed and sought by the public are given priorities.
 - b. Businesses and services may identify themselves.
 - c. Customers and other persons may locate a business or service.
 - d. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way.
 - e. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
 - (3) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
 - a. Do not interfere with scenic views.
 - b. Do not create a nuisance to persons using the public rights-of-way.
 - c. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.
 - d. Are not detrimental to land or property values.
- (Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-2. Administration.

The provisions of this chapter shall be administered and enforced by the Building Official and/or **his/her** authorized representative of the City of Copperas Cove.

Compliance required

- (a) It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee to the building official unless specifically noted otherwise in this article. A change of business requires a new sign permit.
- (1) No sign permit is required for on-site real estate “for sale” signs, candidate signs, government signs including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.
- (2) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.
- (b) No person may install a sign or structurally alter an existing sign except in conformity with this article and other applicable city ordinances.
- (c) The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this section shall be deemed responsible for the violation of this section.
- (d) The director of building inspections or his/her designee shall enforce and implement the terms of this article, including without limitation:
- (1) Issuing permits and collecting the fees required by this article;
- (2) Conducting appropriate inspections to insure compliance with this article;
- (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to insure compliance with this article; and
- (4) Investigating complaints of alleged violations of this article.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-3. Permit procedures and fees.

- (a) *Requirements.* No sign shall be erected, constructed, relocated, altered, or substantially repaired except as provided in this chapter until a permit for such has been issued and the fee paid, except as otherwise provided in this chapter. All sign construction shall conform to the adopted codes and ordinances of the City of Copperas Cove.
- (b) *Application for permits.* All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building façade indicating the proposed location of the sign,

and sign specifications. Applications shall be made to the chief Building Official **or his/her designee** on forms provided by the city.

(c) *Fee required.* Fees for a permit to erect, alter, replace or relocate a sign shall be as provided in the **City of Copperas Cove Fee Schedule**.

(d) *Repair permit.* It shall be unlawful for any person to repair or make alterations to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided in the fee schedule.

(e) *Late fee.* When a sign is erected, placed or substantially repaired, or work started thereon before obtaining a sign permit, the permit fee shall be doubled. The late fee does not excuse full compliance with the provisions of this chapter.

(f) *Electrical permit.* Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the electrical code of the city. No sign shall be erected in violation of the electrical code.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-4. Special definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Appurtenance. A small panel containing single or multiple words, symbols, or devices that serve to add to or become accessory to the content of the main or larger sign. These are typically smaller signs or panels that are mounted adjacent to the main sign on the supporting structure of the main sign.

Attached sign. A sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called a wall sign.)

Awning sign means a sign made of adhesive vinyl, or other materials, dyed or painted on an awning. Square footage is calculated by multiplying the distance from the sign's lowermost portion to the sign's uppermost portion by the distance from the sign's extreme left to the sign's extreme right. Measurement may be made across curves and angles, but must include all intervening surface area.

Banner means a piece of cloth, paper, plastic or other nonrigid material, upon which a message is painted, printed or affixed. This definition shall not include official flags of a country, state or local government jurisdiction.

Billboard means any outdoor advertising sign independent of a building which directs attention to a business, commodity, industry or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located or to which it is affixed or which is sold, offered or conducted on such premises only incidentally, if at all. Further, the term includes all structures, of whatever material the structures may be constructed, which are erected, maintained and established for public display of posters, printed signs, pictures or other pictorial or reading matter

Building. Any structure built for the support, shelter, and enclosure or protection of persons, animals, chattels or movable property of any kind.

Building Official. The officer or other designated authority charged with the administration and enforcement of adopted codes and ordinances.

Changeable electronic variable message sign (CEVMS). A sign which permits light to be turned on or off periodically or which is operated in a way whereby light is turned on or off periodically (including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, LED (light emitting diode) sign or digital sign) and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Construction sign means a temporary sign that denotes work at a construction site during the period of construction by a contractor, tenant or owner.

Detached sign. A sign connected to the ground which is not an attached sign, inclusive of signs on moveable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. (Also termed "pole sign" or "freestanding sign").

Device sign. A flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs. (Also termed "wind device".)

Directional Signs. Signs limited to directional messages, principally for pedestrian or vehicular traffic.

Effective area. The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from a viewpoint which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular façade (see Appendix - Illustration 1).

Façade. Any separate face of a building, including parapet walls and vertical offsets, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered as a part of a single façade.

Flag, corporate. The official flag of a company including logo flags and special event flags supplied by a parent company.

Flag, national. The flag of the United States of America.

Flag, spirit. School flags or flags that contain crests, pictures and such but contain no advertising.

Flag, state. The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.

Government sign. Signs which are legally required or necessary to the essential functions of government agencies.

Inflatable devices. Devices filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. These include but are not limited to balloons that are lighter-than-air and tethered, balloons that are filled with air and anchored or other inflatable devices that are set in motion by a constant air supply (air-powered devices).

Kiosk Sign. Kiosk signs shall be approved sign plaza structures and may be located within the city right-of-way, providing directions to subdivisions, homebuilders, and city or government facilities, installed and maintained by the city or a contractor authorized by the city.

Luminance. The brightness of a lamp or sign or a portion thereof expressed in terms of foot-candles.

Monument sign. A freestanding sign having a low profile and made of stone, concrete, metal, routed wooden planks or beams, brick or similar materials. These signs shall be designed to repeat or harmonize with the architecture of the structure of the building it serves

Nit. A unit of luminance also called candela per square meter. Often used to quote the brightness of computer displays, which typically have luminance of 50 to 300 nits (the sRGB specification for computer monitors targets 80 nits). Modern flat-panel (LCD and plasma) displays often exceed 300 nits.

Nonconforming signs. Any sign which does not conform to all provisions of this chapter shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign, as the case may be, prior to the adoption of this chapter.

Off-premises sign. Any sign which is not a premises sign

Political sign. Signs which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected noncommercial free speech.

Portable and/or display sign. A sign or display surface temporarily fixed to a standardized advertising or structure which can be regularly moved from its location at period intervals and is not permanently affixed to the real property.

Premises sign. A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity. (Also called "on-premises sign".)

Projected sign. A sign which extends out or beyond the face of the building more than eighteen (18) inches with the message or face perpendicular to the face of the building.

Protective sign. A sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "beware of dog", "no trespassing", and "no solicitors".

Premises. A lot or un-platted tract, or a combination of contiguous lots or un-platted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the county.

Sign means any structure, part thereof or device or inscription which is located upon, attached to or painted or represented on any land or on the outside of any building or structure or on an awning, canopy, marquee or similar appendage or permanently affixed to the glass on the outside of the building or structure and which displays or includes any numeral, letter, word, model, banner, pennant, balloon, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, string of lights or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity or any combination thereof. Where the term "sign" is used in this chapter without further modification, the term shall be understood to embrace all regulated signs and replicas. The term "sign" shall include the sign structure.

Sign support. Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

Special Events. Any community entertainment, amusement, or recreation event to which the general public is invited, lasting 4 days or less, that occurs at a single location on a recurring or irregular basis.

Streamers. Streamers, pendants, flags, reflective tinsel and other devices strung on ropes or wires designed to be strung between buildings or poles.

Temporary sign. A sign temporarily supplementing the permanent signs on the premises. Signs indicating a business opening, "For Lease", or "For Rent" are special purpose signs.

Traffic control sign. A sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

Vehicular sign. Any sign on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs that are being transported to a site of permanent erection or identification, company name or logo painted or permanently affixed to the vehicle or signs on vehicles transporting goods or providing services.

Zoning district, business or manufacturing. Any business or manufacturing zoning district designated by the Zoning Ordinance of the City of Copperas Cove.

Zoning district, non-business. Any zoning district not designated as a business or manufacturing district in accordance with the above definition.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-5. Provisions for all zoning districts.

(a) *Banners.*

(1a) Each business shall only be allowed (4) banner per calendar year

(1) Banners may be displayed for no more than **fourteen consecutive (14)** days.

(2) No more than **one (1)** banners per building may be displayed.

(3) Banners may not exceed **twelve (12)** square feet.

(4) Banners may only be attached to the main structure or to poles in a taut manner and must be a minimum of twelve (12) feet from the bottom of the sign above the ground. Temporary poles and fence posts are prohibited. Poles installed in thick sleeves that are removable would be considered permanent poles provided they have a footing.

(5) Banners may only be made of a non-rigid material

(b) *Changeable electronic variable message signs (CEVMS) standards.*

(1) The interval of change between each individual message shall be at least ten (10) seconds, not including the time required for one (1) message to transition to the next. A change of message must be accomplished within two (2) seconds or less.

(2) The sign shall contain a default mechanism that will freeze the display in a static image if a malfunction occurs.

(3) The sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. For purposes of this section, the terms *daytime* and *nighttime* shall have the meanings set forth in 541.401, Texas Transportation Code, V.T.C.A, as amended, and light exceeding the following intensity levels (nits) constitute a nuisance:

TABLE INSET:

Intensity Levels (nits)		
Color	Daytime	Nighttime

Red only	3,150	1,125
Green only	6,300	2,250
Amber only	4,690	1,675
Multiple colors	7,000	2,500

(4) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory programmed not to exceed 7,000 nits and that the intensity level is protected from end-user manipulation by password-protected software, or other method satisfactory to the Building Official.

(5) The sign shall not:

- a. Resemble a warning or danger signal;
- b. Resemble or simulate any lights or official signage used to control traffic in accordance with the current version of the Manual on Uniform Traffic Control Devices, including any revisions, published by the Federal Highway Administration (FHWA); or
- c. Cause an ordinary driver to mistake the sign for a warning or danger signal.

(6) Nothing in this section shall be construed to permit light in violation of section 20-25 of the Copperas Cove Zoning Ordinance, or any other applicable regulation. In addition, to the extent of any conflict this section controls over section 16.5-8 of this chapter.

(7) Location and application alternatives for CEVMS signs. CEVMS signs may be permitted only along U.S. Highway 190, in business districts and **manufacturing** districts, within the applications explicitly specified below.

(c) *Construction signs.* Temporary construction signs are allowed when complying with the requirements of this chapter, providing that such signs shall not be erected prior to the issuance of the building permit for the project to which the sign pertains. Construction signs are allowed upon the property upon which the construction is taking place and shall be removed upon release of the property for occupancy or completion of the project. No permit is required for construction signs.

(d) *Flags.*

(1) Any time the American flag is displayed, it will be in accordance with public law 94-344, dated July 7, 1976 and will not be torn, tattered or faded.

(2) Corporate flags and flags provided by parent companies may be displayed as long as they are fixed to poles or standards provided on the property. When such flags become tattered or faded, they must be removed or replaced.

(e) *Government signs.* Nothing in this chapter shall be construed to prevent the display of any signs which are legally required or necessary to the essential functions of government agencies.

(f) *Inflatable devices.*

(1) Lighter-than-air devices.

- a. No such device shall be tethered or anchored in or on public right-of-way.
- b. No such device shall be placed on public property without the written consent of the governing agency.
- c. Anchorage for any lighter-than-air device must be adequate to keep the device in the desired location with the anchorage device remaining stationary.
- d. Lighter-than-air devices shall not be filled with any explosive or flammable gas.
- e. Lighter-than-air devices may not remain aloft during hours of darkness unless they are illuminated.

f. Lighter-than-air devices may not be displayed for more than eighteen (18) consecutive hours, and for more than ten (10) consecutive days.

(2) Air-filled devices.

a. No such device shall be tethered or anchored in or on public right-of-way.

b. No such device shall be placed on public property without the written consent of the governing agency.

c. No device of this type may be filled with any explosive or flammable gas.

d. The tethering or anchorage for this type of device shall be such that if part of the tethering or anchorage becomes unattached, the remaining anchorage or tethering will prevent the device from interfering with vehicles or pedestrians or enter onto public or other private property.

e. This type of device may be displayed for no more than ten (10) consecutive days **in a calendar year**.

(3) Air-powered devices.

a. No such device shall be tethered or anchored in or on any public right-of-way.

b. No such device shall be placed on public property without the written consent of the governing agency.

c. The tethering or anchorage for this type of device shall be such that if part of the tethering or anchorage becomes unattached, the remaining anchorage or tethering will prevent the device from interfering with vehicles or pedestrians or enter onto public or other private property.

d. This type of device may be displayed for no more than ten (10) consecutive days **in a calendar year**.

e. This type of device must be located in a place so as to not interfere with any vehicles or pedestrians or enter onto public or other private property if the air supply fails.

(g) *Lighted signs*. Lighted signs shall be allowed in accordance with the following:

(1) All electrical wiring shall conform to the National Electrical Code edition in effect at the time of permit issuance.

(2) No single light bulb shall exceed forty (40) watts.

(3) Lighted signs shall not resemble official traffic signals or emergency vehicle lights.

(4) Sign lighting shall not move, flash, strobe, blink, rotate, change in intensity, or appear to do any of the foregoing. Exception: decorative building lighting, including permitted wall signs, when the same are at least twenty-five (25) feet from the property line along any roadway running contiguous with the premises. Also, lighted signs which indicate time and/or temperature shall be excepted.

(5) If any sign lighting, including CEVMS signs, shall be reasonably calculated to constitute a hazard to the safety of motorists operating vehicles at night, such lighting shall be altered or changed to eliminate the hazard whether or not such lighting meets the other provisions of this chapter.

(6) No lighted sign shall be erected within one hundred and fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.

(h) *Maintenance*. All signs whether on- or off-premises shall be maintained and kept in good repair.

(1) All signs having a painted face shall be kept free of fading, cracking, and peeling. Signs having more than twenty-five (25) percent of the face damaged shall be repaired, repainted, or removed.

(2) All signs having plastic faces shall be kept free of cracks, gaps and holes. Broken or damaged faces must be repaired or the entire sign removed. Signs that have faces removed due

to vacancy or the building [sic] the sign is intended for must have blank faces installed. Sign poles with open metal frames must be removed.

(3) Signs with paper or fabric faces must be maintained free of tears, rips, or voids where part of the text or face is missing. Fabric faces that are held in place with ties shall be kept secured, not allowed loose or missing ties.

(4) All poles shall be maintained in a uniform and sound condition. Poles that are dented to point where they are leaning out of plumb or have bent support or hangers shall be repaired or removed. Poles shall be maintained free of rust and be uniform in color. Poles that are multiple colored by design are allowed.

(i) *Political signs.*

(1) Political signs may be placed upon private real property, as defined in the ch. 216, § 903, Local Government Code, V.T.C.A, with the consent of the property owner. The signs may be placed without a municipal permit or municipal fee. If the city should provide a charge for the removal of a political sign, this charge shall be no greater than the charge applied for the removal of any other sign of similar size and configuration.

(2) A political sign cannot:

- a. Have an effective area greater than thirty-six (36) square feet;
- b. Be more than eight (8) feet high;
- c. Be illuminated; and
- d. Have any moving elements.

(j) *Portable signs.* Portable signs are not permitted.

(k) *Protective signs.* The occupant of a premise may erect not more than two protective signs, in accordance with the following provisions:

- (1) Each sign must not exceed one (1) square foot in effective area.
- (2) Detached signs must not exceed two (2) feet in height.
- (3) Letters must not exceed four (4) inches in height.

(l) *Restricted language or wording.* Signs shall not display gestures or words that are obscene, profane, or pornographic in nature.

(m) Searchlights are permitted but the searchlight permit shall expire one (1) week after the beginning date. The building official shall issue no more than four (4) searchlight permits for the same location in one (1) calendar year.

(n) *Sign on fence, wall, etc.* No person shall paint a sign or attach a sign, other than a nameplate and address (showing a street number), to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not on the property line. A sign identifying the fence manufacturer, not to exceed one (1) square foot, may be placed on each fence.

(o) *Sign on sidewalk, street, etc.* No person shall attach any sign, paper, material, or paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter, or street.

(p) *Sign on pole, tree, etc.* No person shall attach or maintain any sign upon any public utility pole or other public structure to include trees on public property.

(q) *Signs over right-of-way (on-premise).* Except traffic control devices, street signs, or directional signs placed by the city or state, signs over or in the right-of-way are prohibited.

(r) *Kiosk Sign.* Kiosk signs shall be approved sign plaza structures and may be located within the city right-of-way, providing directions to subdivisions, homebuilders, and city or government facilities, installed and maintained by the city or a contractor authorized by the city.

(s) *Streamers and pendants.*

- (1) Such devices may only be strung from buildings or poles.
 - (2) No such devices may be nearer to the ground than **fifteen (15)** feet at its lowest point.
 - (3) Any such device that is missing twenty-five (25) percent of the flags, pendants or tinsel must be removed or replaced.
 - (t) *Traffic and directional control signs.* Traffic control signs may be erected at any occupancy or any premise, other than a single-family or duplex premise, may be attached or detached, and may be erected without limit as to number, provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of a premise who erects a traffic control sign shall comply with the following requirements:
 - (1) Each sign must be stationary and not exceed two (2) square feet in effective area or as required by MUTCD.
 - (2) If a sign is an attached sign, the words must not exceed four (4) inches in height.
 - (3) Each sign must convey a message that directs vehicular or pedestrian movement within or onto the premise on which the sign is located.
 - (4) The signs must contain no advertising but may have company identification or logo.
 - (u) *Utility identifications and warning devices.* Utility identification markings on poles or for underground pipe and line warnings do not come under the realm of signage for purposes of this section. Warning and identification devices are exempt from this section and may be located in the right-of-way when used to identify equipment in that right-of-way.
 - (v) *Vehicular signs.* Vehicular signs shall conform to the following restrictions:
 - (1) It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure or vehicle, where the primary use of such structure is to provide a base for such sign or constitute a sign itself. This provision does not restrict the identification signs on vehicles used for any bona fide transportation activity.
 - (2) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time and where the **sole** intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service, or product. Vehicles operating under a city franchise or annual permit fee shall be excluded from this provision.
 - (3) Signs shall extend no more than twenty-four (24) inches from the top of any vehicle.
 - (4) *Exempt signs:* Temporary construction trailers on construction sites and advertisement of any company. Emergency vehicle signs are exempt from this section.
 - (w) **Signs may not be operated or located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road and driveway intersections or a road and railroad intersections.**
- (Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-6. Business district sign requirements.

- (a) *Detached signs (on-premise).*
 - (1) Detached signs are permitted in business zoning districts as provided in this chapter.
 - (2) Detached signs must be premise signs; off-premises signs may be allowed according to Sec 16.5-8, Billboards and Other Off-premises Signs.
 - (3) Number of signs--Only one (1) detached sign of any type may be erected on any premise or lot, except that:

- a. Premises that have more than four hundred fifty (450) feet of frontage along the public right-of-way, other than an alley, may have one (1) additional detached sign for each additional four hundred fifty (450) feet or portion thereof of frontage.
 - b. Properties having frontage on two (2) streets may have two (2) freestanding detached signs, one (1) facing each direction of travel.
- (4) Design specifications--Pole signs, advertising both single tenant and multi-tenant users, shall be allowed and shall be governed by the following design standards and regulations:
- a. Detached signs exceeding ten (10) feet in height but not exceeding twenty (20) feet in height and with an effective area of fifty (50) square feet or less may be located as near as ten (10) feet to the public right-of-way as measured from the closest edge of the sign. Total cross-sectional area shall not exceed three (3) square feet.
 - b. A detached sign of an effective area of one hundred fifty (150) square feet or less may be located as near as fifteen (15) feet to the right-of-way, provided that said sign is a premise sign at least ten (10) feet high, and does not exceed thirty (30) feet in height. In the event of back-to-back signs, the space between signs shall not exceed six (6) feet measured horizontally.
 - c. A detached sign of an effective area of three hundred (300) square feet or less may be located as near as twenty-five (25) feet to the right-of-way or as near as the building setback line specified by the Zoning Ordinance, whichever is further, provided that the sign is at least ten (10) feet high and does not exceed a height of forty (40) feet. Total cross-sectional area shall not exceed nine (9) square feet.
 - d. No detached sign(s) shall exceed three hundred (300) square feet in effective area or forty (40) feet in height except as hereinafter provided in section 16.5-8 for certain detached non-premise signs.
 - e. All set backs shall be measured from right-of-way to nearest edge of sign (see Appendix - Illustration 2).
- (5) Multiple occupants or establishments.
- a. Detached sign designed to identify multiple establishments and/or advertise multiple occupants within a shopping center, office park or medical center are acceptable but must conform to (4) above.
 - b. Signs for bed and breakfast facilities shall be limited to one (1) on-premise detached sign not exceeding eight (8) square feet.
- (6) Changeable electronic variable message signs (CEVMS) signs may be used in detached sign applications as follows:
- a. The change in message capability of CEVMS signs allows one (1) sign to present multiple messages. Therefore, only one (1) sign may be used per parcel or property (whichever is more restrictive) and no additional signs may be attached to a CEVMS sign or CEVMS sign support.
 - b. On premises detached CEVMS signs are limited to **two hundred and twenty (220)** square feet in message area.
 - c. The maximum height of a CEVMS sign, including supporting structure, is **forty-two and one-half (42 1/2) feet** above nearest grade or street height, whichever is lower.
- (7) Monument signs are permitted (see Appendix - Illustration 3).
- (b) *Attached signs.* Attached signs are permitted in business districts in accordance with the provisions of this chapter.
- (1) All attached signs must be on-premise signs.
 - (2) Maximum effective area. Total effective area of attached signs shall not exceed the following:

- a. An attached sign located at a height up to thirty-six (36) feet or less shall be limited to **two and one-half (2.5)** square foot of sign area for each linear foot of building frontage on a public street not to exceed one hundred (100) square feet.
 - b. An attached sign located at a height of thirty-six (36) feet or above shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one (1) foot of height above thirty-six (36) feet, measured from the base of the sign.
- (3) Specifications for special purpose signs. Any premise or any nonresidential occupancy may temporarily display one special purpose attached sign on each building façade, limited to eight (8) words with characters equal to or exceeding a height of four (4) inches. The total effective area of the combined signage shall contain no more than fifty (50) square feet.
- (4) Projection from building surface. All attached signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than eighteen (18) inches from the surface except as follows:
- a. Any premise or any nonresidential occupancy may erect not more than one (1) attached sign projecting up to a maximum of four (4) feet from a vertical building surface, but not above the roof, provided that the premise or occupancy maintains no detached sign on the premise, and that the sign does not exceed twenty (20) square feet in effective area and that no part of the sign descends closer to site grade than ten (10) feet, nor projects into or over any public right-of-way (see Appendix - Illustration 4).
 - b. On any premise or nonresidential occupancy, a sign may be erected at the eaves or edge of the roof or on a parapet or edge of a canopy, provided that the sign is parallel to the façade, and does not project more than four (4) feet from the surface to which it is attached (see Appendix - Illustration 5).
 - c. Notwithstanding any of the above requirements, no building front or wall shall exceed thirty-five (35) percent of that wall or front in signage including signs attached to windows.
- (5) Approved metal or wood backing is required for all attached wall or projected signs and shall be adequately anchored.
- (Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-7. Provisions for non-business zoning districts.

- (a) *Application of division.* The provisions of this section apply to all signs in any non-business district, and also to signs which are within twenty-five (25) feet of a non-business district boundary.
- (b) *Special purpose and premise signs.* An occupant in non-business zoning districts may erect only special purpose signs, and premise signs, which include movement control signs and protective signs. No sign shall exceed eight (8) square feet.
- (c) *Detached premise signs--Multifamily.* Multifamily premises may have detached signs subject to the following restrictions:
 - (1) Number of signs. Each premise may have no more than one (1) detached premise sign provided however, that premises with more than seven hundred fifty (750) feet of frontage along a public street, other than an alley, may have not more than one (1) additional detached sign for each five hundred (500) feet of additional frontage or fraction thereof. Each premise may display not more than one (1) detached special purpose sign.

(2) Setback, effective area, and height. A minimum setback of ten (10) feet is required of all detached signs. A minimum setback of fifteen (15) feet from the public right-of-way is required for signs exceeding ten (10) square feet in effective area or ten (10) feet in height. A minimum setback of twenty (20) feet is required if effective area exceeds twenty (20) square feet. No detached signs shall exceed fifty (50) square feet in effective area and twenty (20) feet in height.

(d) *Attached premise signs--Multifamily.* Attached signs are permitted for multifamily premises subject to the following restrictions:

(1) All attached signs must be premises signs.

(2) All signs erected pursuant to this section shall be limited to one (1) per complex per street frontage.

(3) All signs and their words shall be mounted parallel to the building surface to which they are attached. No signs or words shall project more than eighteen (18) inches from the surface to which they are attached. Signs shall not be mounted on roofs and shall not project above the roof.

(e) *Detached premise signs--Single-family or duplex residential.* A single-family or duplex residential premise may display one (1) detached special purpose sign referring to the sale or lease of the premise, and may display detached political signs provided that detached special purpose and political signs must conform to all the restrictions set forth in this section. Detached signs advertising home occupations are prohibited.

(f) *Attached premise signs--Single-family or duplex residential.* A single-family or duplex residential premise may display one (1) attached sign referring to the sale or lease of the premise. This sign must conform to all restrictions set forth in this section. Attached signs advertising home occupations are not permitted.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-8. Billboards and other off-premises signs.

(a) *Size and height.*

(1) Maximum sign area for billboards shall be six hundred seventy-two (672) square feet, excluding cutouts, with maximum dimensions of twenty-five (25) feet in height and sixty (60) feet in width. Cutouts may not exceed twenty (20) percent of the sign's effective area.

(2) Maximum sign area for off-premises CEVMS signs shall be **two hundred and twenty (220)** square feet. If a CEVMS sign larger than **two hundred and twenty (220)** square feet is requested, it must meet all requirements of an off-premises billboard sign as well as meeting all CEVMS restrictions on sign characteristics. If a conflict between the billboard and CEVMS sign regulations exists, the more restrictive of the two (2) shall be prescribed.

(3) No sign may have more than one (1) side facing a particular direction of travel on the main traveled right-of-way. Signs, which exceed three hundred (300) square feet, may not be stacked or placed side-by-side. If a sign is erected in a back-to-back or "V" type configuration, it cannot be double-faced, but will be limited to only one (1) face for each direction of travel.

(4) No off-premises billboard sign shall exceed forty-two and one-half (42 1/2) feet in height measured from the top of the sign to the roadway from which it is to be viewed or existing grade, whichever is higher.

(b) *Spacing and location.*

(1) Off-premises signs are allowed only in the following zoning districts:

a. **B-4 - Business 190 District**

b. **B-5 - Business Park District**

c. M-1 Light Manufacturing District

d. M-2 - Heavy Manufacturing District

(2) An off-premises billboard sign may not be erected within two thousand six hundred forty (2,640) feet (one-half (1/2) mile) of another existing or previously approved off-premises billboard sign on either side of the roadway and no closer than fifteen (15) feet to the right-of-way.

(3) An off-premises CEVMS sign must not be erected within **two thousand six hundred and forty (2640)** feet of another existing or previously approved off-premises sign on either side of the roadway, and no closer than fifteen (15) feet of the right-of-way.

(4) Signs located at an intersection are not in violation of subsections (1), (2), and (3) above if they are on perpendicular streets and are not facing traffic on the same street.

(5) For spacing purposes, all measurements shall be made along the nearest edge of the highway or street right-of-way.

(6) No off-premises sign may be erected within two hundred (200) feet of any property zoned for any one (1) or two (2) family dwelling.

(7) Signs may not be **operated or** located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road and driveway intersections or a road and railroad intersections.

(8) Detached non-premise signs shall be located not less than two hundred (200) feet from any intersection involving two (2) or more major thoroughfares (9) For purposes of this subsection, "existing or previously approved" off-premises sign or off-premises billboard sign shall include, but not be limited to:

a. All previously erected signs in existence at the time of a sign permit application, regardless of whether the previously erected sign:

i. Is a legal nonconforming sign;

ii. Is an illegal nonconforming sign; or

iii. Has received approval or a permit from the Texas Department of Transportation;

b. All off-premises signs or off-premises billboard signs, regardless of whether or not construction has begun, which have received a sign permit from the City of Copperas Cove prior to the permit application of another applicant whose sign location would be in violation of this subsection.

(c) *Other provisions.*

(1) When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, it may not be re-erected, reconstructed, or rebuilt except in full compliance and conformance with this chapter. For purposes of this section, substantial shall mean if the cost of repair exceeds sixty (60) percent of the cost of a new sign of the same construction and size.

(2) Wind loads and structural requirements shall conform to the International Building Code as adopted.

(3) All off-premises advertising signs shall be permanently identified with the name of the sign owner or agency in control of the sign. Said identification shall be easily read from the roadway on which the sign is intended to be read and contain a phone number that will connect to the sign owner or agency in control of the sign.

(d) Off Premise Sign Cap:

The number of off-premise signs in the City is limited to the number of such signs legally in existence on (date)

(e) Relocation:

When a sign located in the City of Copperas Cove within the proposed right of way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign. The City will also issue a permit for a sign that meets all current City standards, except that the relocated sign:

- (1) must have a permit, but will not require payment of a permit fee;
- (2) may be erected no less than five feet (5') from any highway right of way line;
- (3) may be constructed with the same number of poles and same type of materials as the existing sign; and
- (4) may be erected without enlarging the sign face.

(f) Sign Construction and Maintenance:

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the International Building Code (IBC) at all times.
- (2) Except for banners. Flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground. A building or another structure by direct attachment to a rigid wall, frame, or structure.
- (3) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times.
- (4) All signs shall maintain a minimum clearance from electric power lines of ten (10) feet horizontally and fifteen (15) feet vertically of as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.
- (5) Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that **their light source cannot be seen from abutting roads or properties.**

16.5-12 Subdivision Entry Signs

Subdivision entry signs are allowed at the primary entrance into a subdivision, subject to the following standards:

- (a) Subdivision entry signs are allowed at one (1) primary entrance unless the subdivision has entrances on two (2) different major arterials in such case an entrance sign may be placed on each of the major arterial roadways;
- (b) Subdivision entry signs must be Monument Signs subject to the definition of this Code and may contain a maximum of forty (40) square feet per sign face with a maximum height of six (6) feet;
- (c) Subdivision entry signs must be constructed of stone, brick and masonry material(s) other than CMU and stucco and must be compatible with surrounding development.
- (d) Subdivision entry signs must be setback a minimum of five (5) feet from the property line outside of the required sight triangle [defined as a sight visibility

triangle defined by measuring twenty-five (25) feet to a point along the property lines and joining said points to form the hypotenuse of the triangle and located outside of any public utility easement.

- (e) Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face.
 - (1) Irrigation must be provided.
 - (2) The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.
 - (3) Must be submitted as part of Master Sign Plan and Construction Plans.
 - (4) All landscape materials shall be maintained so to insure an attractive appearance and a healthy vigorous, growth environment.

(Ord. No. 2008-43, § 1, 11-3-08; Ord. No. 2009-07, 3-26-09)

Sec. 16.5-9. General exceptions.

(a) The following signs may be erected and maintained under the following exceptions and conditions:

- (1) *Personal residential property sale, and residential subdivision.* Permission is granted as a special privilege for residential dwelling occupants for the erection of one (1) nonilluminated personal real estate property sale sign of each type. No permit shall be required.
- (2) *Temporary real estate directional signs.* Off-premises signs are permitted in any district provided each sign does not exceed six (6) square feet.
- (3) *Real estate signs (nonresidential or undeveloped property).* Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property on which the sign is located. Real estate signs for a tract or building shall not exceed thirty-two (32) square feet in total effective area for each street frontage.
- (4) *Monument signs (on-premise).*
 - a. A monument sign is a freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base. A monument sign may only contain the company or corporation name, logo, address and product or service of the establishment. Such sign may be single or double-faced. Such signs and base shall not exceed seven (7) feet in overall height above the natural or average grade and the actual sign face shall not exceed a total area of forty-eight (48) square feet in area. One (1) monument sign per adjoining street will be allowed. Signs made of plastic or similar materials shall not be considered as monument signs. A minimum, setback of ten (10) feet from the public right-of-way is required.
 - b. Monument signs are permitted in any nonresidential or multifamily district and shall conform to the requirements in subsection a. above. No other detached on-premise signs are allowed.
- (5) *Temporary construction/development signs.* Permission is granted to developers and remodelers to erect temporary construction signs designed to identify contractors, financier, architects, engineer, and to advertise the coming of a new business on the premise to which the sign pertains. Such signs shall not be erected prior to the issuance of the building permit of the project to which the sign pertains, and must be removed prior to the issuance of a certificate of occupancy. Such signs shall comply with the provisions of this chapter with the exception that no sign shall contain more than thirty-two (32) square feet in effective area.

(6) *Aircraft traffic signs.* Aircraft traffic signs or directional beacons are exempt.

16.5-10 SIGNS EXEMPT FROM REGULATIONS:

(a) The following signs shall be exempt from regulation under this Code:

1. Any Public Notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;
3. Decorative landscape lighting only;
4. Traffic control signs on private property. Such as Stop, Yield, and similar signs. The face of which meet Department of Transportation standards and which contain no commercial message of any sort;
5. Address and postbox numerals conforming to incidental sign regulations;
6. Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
7. Legal notices;
8. Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries; and
9. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance.
10. Temporary Directional Signs for Special Events provided that such signs have a maximum area that does not exceed 2 square feet, are in place only during the actual hours the Special Event is in progress. Such signs may be located in a required setback.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-11 Other requirements.

(a) *Contractor registration.* Any contractor, including those performing sign construction operations, within the city limits and ETJ of the City shall be required to be registered with the city under chapter 4, article I, section 4-7 of the City Code of Ordinances. Upon registration the contractor shall be considered registered with the city.

(b) *Surety bond.*

(1) Before a sign contractor shall be issued a license, he or she must first post a surety bond in the amount of five thousand dollars (\$5,000.00). The licensee agrees that a surety bond will be provided annually to the city no later than thirty (30) days prior to the expiration of the surety bond currently in force.

(2) The surety bond shall insure the full and faithful surety by the licensee of all the covenants, terms and conditions of the zoning ordinance, sign ordinance and building code of the City of Copperas Cove and stands as a security for the payment by the license holder of all valid claims by the city.

(c) *Indemnification.* All persons holding a sign operator's license shall agree to indemnify and hold harmless the City of Copperas Cove, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all liability for fines, claims, suits, demands, actions or causes of actions of any kind and nature, including, but not limited to, personal injury or death and property damage, in any way arising out of or resulting from any activity or operation of the licensee.

This indemnification shall include the issuance of the sign contractor's license. The license holder shall pay all expenses incurred in defending against any such claims made against the city; provided, however, that the license holder shall not be liable for any injury, damage or loss caused by the sole negligence or willful misconduct of the city, its agents or employees. The licensee and the city shall give prompt and timely notice of any claim made, or suit instituted, which in any way affects or might affect either party.

(d) *Revocation and suspension.*

(1) *Grounds.* The building official shall have the authority to suspend or revoke the license of any person who is found guilty of:

- a. Any fraud or deceit in obtaining such license.
- b. Securing sign permits in his or her name as a person authorized by law to do sign work and thereafter transferring said permit to a third party without retaining responsibility for construction and maintenance of the permitted sign.
- c. Gross negligence, incompetence or misconduct in the performance of sign work which is addressed under the provisions of this chapter.
- d. If the holder of such license violates any provision of this section relating to the manufacture, installation, maintenance, demolition or repair of any sign.

(2) *Appeal.* The decision of the Building Official may be appealed to the **Planning and Zoning Commission** by the submission, from the affected persons or parties involved, of a written letter requesting such an appeal. In determining the validity of such charges, the **Planning and Zoning Commission** shall proceed upon the sworn information furnished by any individual who is of sound mind and legal age. The **Planning and Zoning Commission**, whenever the information is sufficient to support further action, shall convene a hearing to investigate the charges further. A copy of the **Planning and Zoning Commission's** order convening the hearing shall be provided to the requesting person or party not less than fifteen (15) days prior to the date of the hearing. The requesting person or party may appear in person or be represented by counsel, or both, and present his or her defense to the **Planning and Zoning Commission**. The city attorney may provide counsel to the **Planning and Zoning Commission**. If the requesting person or party pleads guilty, or if the **Planning and Zoning Commission** finds the charges to be true, then the decision of the building official to suspend or revoke the license shall be upheld by the **Planning and Zoning Commission**. The hearing before the **Planning and Zoning Commission** provides the requesting person or party due process with which to resolve the issue.

Note: A fee as adopted in the City's Fee schedule shall be required to file an appeal under this ordinance.

(3) *Record.* When the **Planning and Zoning Commission** has completed **their** hearing, **they** shall file a record of **their** finding and decision with the city secretary and forward a certified copy for the finding and decision to the accused.

(4) *Length of suspension.* Persons may reapply for a sign contractor's license once they have remedied the reasons for which they were suspended.

(5) *Operating while suspended or revoked.* It shall be unlawful for any person whose license has been suspended or revoked by the building official to engage in or do sign work for which a permit is required under this chapter.

(e) *Enforcement and penalties.*

(1) *Enforcement.* The provisions of this chapter shall be administered by the chief building official. The chief building official, any building inspector or code enforcement officer or any duly authorized person shall have the right to enter upon any premises at any reasonable time for

the purpose of making an inspection of buildings or premises necessary to carry out the enforcement of this chapter.

(2) *Violation and Penalties.* Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00) for each offense. Each violation of this chapter shall be deemed a separate offense and each day that a violation exists shall constitute a separate offense. This penalty should not be construed as exclusive, and the city may seek any other remedy available to it, in law or in equity.

(3) *No culpable mental state required.* Except as otherwise provided in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter.

(4) *Injunction; civil penalties.* The city shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this chapter. Such right of injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this chapter and not in lieu thereof.

(Ord. No. 2008-43, § 1, 11-3-08)

Sec. 16.5-12 Nonconformance and exceptions.

(a) *Purpose.* It is the declared purpose of this chapter that in time, all privately-owned signs shall conform to the provisions of this chapter and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this chapter and all other ordinances of the City of Copperas Cove. Any sign which does not conform to all provisions of this chapter shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this chapter was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.

(b) *Condemnation.* Notice--Signs adjudged by the building official to be structurally unsafe or to be more than sixty (60) percent destroyed or dilapidated (based upon reconstruction value) may be condemned. A condemnation letter will be sent to the owner of the property stating that the sign must be demolished within fifteen (15) days of the receipt of the letter. If the sign is not removed within the period allotted, the city may remove the sign at the property owner's expense.

(c) *Nuisances.* All of the following signs shall be considered a public nuisance and the city may, without notice, remove and impound any of the following signs:

- (1) Any sign erected or existing that constitutes a traffic hazard.
- (2) Any sign erected without a permit, either prior to or after the adoption of this chapter, if a permit was required.
- (3) Any sign erected in violation of the provisions of this chapter.
- (4) Any sign erected in or over a public right-of-way, either prior to or after the adoption of this chapter.

(d) *Removal of certain nonconforming signs, when required.* A nonconforming sign may be replaced with another sign as long as the area of the existing sign is not exceeded by the new sign.

- (e) *Repair or renovation of nonconforming signs.* No nonconforming sign shall be enlarged. Normal periodic maintenance or repair is permitted pursuant to paragraph (b) above.
- (f) *Recovery of impounded signs.* Signs impounded from within the street right-of-way may be recovered by the owner within fifteen (15) **calendar** days of the date written notice received of impoundment by paying a fee as follows:
- (1) A fee of five dollars (\$5.00) for signs which are thirty-two (32) square feet or less in area.
 - (2) A fee of fifty dollars (\$50.00) for signs which are larger than thirty-two (32) square feet in area.
- (g) *Disposal of impounded signs.* Signs not recovered within fifteen (15) **calendar** days of impoundment may be disposed of by the city in any manner it shall elect.

Sec. 16.5-12 Appeals

- (a) Any appeals of the interpretation of this ordinance may be made to the supervisor of the building official. An Appeal shall be requested in writing to the building official requesting the appeal of the interpretation of the ordinance within in five (5) business days of the ruling by the building official. If no appeal is filed within five (5) business days of the ruling by the building official, the appellants are considered to have waived their rights of appeal. For the purposes of this ordinance, a written appeal may be made in writing by letter or email addressed to the building official.
- (b) The supervisor of the building official will hear all issues and may call a meeting of the applicant for a sign permit or an existing sign permit holder. At this meeting, the supervisor of the building official will attempt to resolve any conflicts through education on the intent of the codes. No code is written and adopted that can possibly predict all circumstances that may arise. The building official and his/her supervisor will seek to identify alternatives to the issues that do not violate the intent of the code but allow individual circumstances to apply using a common sense approach. The supervisor of the building official may elect to have more than one meeting to accomplish a resolution. He/she may also use other resources at his/her discretion to research possible alternatives. These resources may include but are not limited to; other cities with similar ordinances and codes, legal advice from the City Attorney, inquiries to other code officials, and consultation with other staff members of the City of Copperas Cove.
- (c) It is generally understood that the appeal meeting(s) will begin within ten (10) business days of the receipt of the appeal.
- (d) This appeal process in no way represents a variance to the ordinance. It shall not be interpreted to be a circumvention of the intent of the ordinance. It is intended to seek all possible resolutions to interpretation issues while still complying with the intent of the ordinance.

Sec 16.5-13 Variance

A. Application and Fee Required.

Any person, business or other organization desiring to continue to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign which does not conform to the provisions of this ordinance may make application to the City Council for a variance to the provisions of this ordinance. The application will be reviewed by the Planning and Zoning Commission whose decision shall be final. The application shall be filed with the City, accompanied by the appropriate fee established by City Council, and conform to all requirements established herein.

B. Requests for Variances after Permit Denial.

Within ten (10) business days after denial of a sign permit by the City Building Official, an applicant may file a written request for a variance with the Planning and Zoning Commission.

C. Action.

Unless an extension or postponement is sought by the applicant, the Planning and Zoning Commission shall consider and take action on the written request for a variance within Forty-five (45) days of receipt of the administratively complete application by the City.

D. Standards for Variances.

A variance shall not be granted unless the following affirmative findings, as reflected in the minutes of the meeting, are made by the Planning and Zoning Commission:

1. The variance will not authorize a type of sign which is specifically prohibited by this ordinance;
2. The variance is not contrary to the goals and objectives outlined by the City;
3. The variance is not contrary to the public interest;
4. Due to special conditions, applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right of way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
5. The spirit and purpose of the ordinance will be observed, and substantial justice will be done.

E. Conditions of Variances. The Planning and Zoning may impose such conditions or requirements in a variance as are necessary in their judgment to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not under construction within ninety (90) calendar days of the date of approval of the variance, the variance shall lapse and become of no force or effect.

APPENDIX

GRAPHIC LINK:[Click here](#)
(Ord. No. 2008-43, § 1, 11-3-08)

City of Copperas Cove City Council Agenda Item Report May 18, 2010

Agenda Item No. I-1

**Contact – Robert Schumacher, President, Keep Copperas Cove Beautiful, 547-4242
rschumacher@hotmail.com**

**SUBJECT: Consideration and action on the appointment of members to the
Keep Copperas Cove Beautiful Commission.**

1. Background/History

During a Regular Council Meeting on September 17, 2002, Ordinance 2002-20 was approved allowing the formation of the Keep Copperas Cove Beautiful Commission. The commission allows for 15 members to be approved by the City Council. According to KCCB by-laws, the term of each Commission member shall be two (2) years.

2. FINDINGS/CURRENT ACTIVITY

During the Regular City Council Meeting on January 19, 2010, three (3) members were re-appointed by the City Council bringing the total on the commission to 11. Since that date, three (3) members resigned from the commission. With Council approval on the appointment, the number of vacant seats on the commission will be six (6).

The following individual is seeking appointment to the Keep Copperas Cove Beautiful Commission: Stefanie Brown.

Keep Copperas Cove Beautiful will continue to seek new members to fill the remaining six (6) positions.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council appoint Stefanie Brown to the Keep Copperas Cove Beautiful Commission.

Candidate Application for City Council-Appointed Boards & Commissions

Applications will be reviewed as vacancies arise. Information disclosed on this application or any other attached document may be disclosed in public meetings. Please print clearly.

received
4/6/10
J. Leek
logged

Please attach your resume (optional).

Board Preference 1: Keep Copperas Cove Beautiful

Board Preference 2: _____

Name: Stefanie Brown

Street Address: Lampasas

City Resident: _____ years Personal E-Mail: _____

Primary Phone: _____ Home Fax: _____

Profession: Deputy City Secretary

Business Name: City of Copperas Cove

Business Address: 507 S. Main St.

City: Copperas Cove State TX Zip: 76522

Business Phone: (254) 547 4221 Business Fax: _____

Business E-Mail: sbrown@ci.copperas-cove.tx.us

Experience or Special Knowledge applicable to City board or commission function:

Civic Activities/Professional Affiliations Have volunteered with the

Killeen Parks: Recreation Department working special events. I have also volunteered with the Amarillo Parks: Recreation.

I verify that the information I have provided in this application to be true and correct. I also understand that this information may be made available to the public.

Stefanie Brown 6 April 10
Signature Date

Please return completed application and resume to:
City Secretary's Office, City Hall
507 S. Main Street, Copperas Cove, Texas
Phone: (254) 547-4221



City of Copperas Cove City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-2

Contact – Robert M. McKinnon, Public Works Director, 547- 0751
bmckinnon@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on authorizing the City Manager to execute a contract with Bell Contractors, Inc. for Phase III of the Community Development Block Grant (CDBG) Sewer Rehabilitation Project.

1. BACKGROUND/HISTORY

Copperas Cove was notified almost three years ago of the possibility of obtaining a CDBG for rehabilitation of sewer lines. The City of Copperas Cove was awarded grant funds in 2008 in the amount of \$250,000. The City Council authorized the City Manager to enter into a contract for Phase I on April 21, 2009 and Phase II on August 18, 2009, both of which are now complete.

After completion of both phases, \$61,719 in grant funds remained available. The decision was for the remaining funds to be used for a Phase III of the sewer rehabilitation. Additional projects were identified, an amendment request was submitted to and approved by TDRA (Texas Department of Rural Affairs) and plans and specifications were completed.

2. FINDINGS/CURRENT ACTIVITY

Advertisements for bids on Phase III, as required by Local Government Code 252 and TDRA were published on April 1 and 9, 2010. The bid opening was held on April 20 at 2:00 with two bidders for the project which will involve replacement of sewer lines along West and East Reagan Streets. Bell Contractors, Inc. from Belton provided the lowest qualified bid of \$66,916.36. Attached are copies of the Bid Tabulation and Engineers Recommendation.

3. FINANCIAL IMPACT

Even though Bell Contractors, Inc. submitted the lowest qualified bid, it exceeded remaining available funds by \$5,197.36. Rather than return grant funds and/or reduce the scope of the project it was decided to pay the excess from Water/Sewer Contingency Funds and add it to the Mid-Year Budget Amendment planned for consideration in June 2010.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council authorize the City Manager to execute a contract with Bell Contractors, Belton, Texas for Phase III CDBG Sewer Rehabilitation Project.

HEARN ENGINEERING, INC.

3000 Joe DiMaggio Blvd., Ste 25 • Round Rock, Texas 78665 • Telephone (512) 310-0176 • FAX (512) 244-7316

April 27, 2010

Bob McKinnon
Public Works Director
City of Copperas Cove
P.O. Box 1449
Copperas Cove, TX 76522

RE: City of Copperas Cove
CDBG Wastewater Improvements Phase III

Dear Mr. McKinnon:

At 2:00 p.m. on April 20, 2010 bids for the referenced project were publicly opened and read aloud in the Council Chambers. The work under this project consist of replacing existing wastewater lines that are failing. There were two bids ranging from the low base bid of \$39,521.40 and the high base bid of \$46,455.00. After reviewing the bids, the low bidder is Bell Contractors, Inc. who has successfully completed several construction jobs for the City of Copperas Cove. They have a reputation for doing good work in a timely manner. We recommend awarding the contract with the base bid of \$39,521.40 and Alternate #1 bid of \$27,394.96 to the low bidder, Bell Contractor, Inc. for the total price of \$66,916.36. Attached is the bid tabulation for the referenced project.

If you should have any questions please contact me at (512) 310-0176.

Sincerely,



Douglas C. Hearn P.E., R.P.L.S.

cc: Andrea Gardner
Tracy Molnes
Gandolf Burrus
James Trevino

**City of Copperas Cove
2009 CDBG PHASE III WW IMPROVEMENTS
BID TABULATION**

ITEM	DESCRIPTION	QUANTITY		Bell Contractors, Inc		TTG Utilities, LP		UNIT PRICE	TOTAL
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
W Reagan									
	Remove & replace 8" WWI with 8"SDR26 PVC								
1	0' to 8' including pavement restoration	486	LF	\$ 54.90	\$ 26,681.40	\$ 52.50	\$ 25,515.00		\$ 0.00
2	Furnish and install precast WW manholes 0' to 8'	1	EA	\$ 2,400.00	\$ 2,400.00	\$ 3,900.00	\$ 3,900.00		\$ 0.00
3	Disconnect & reconnect existing services	8	EA	\$ 670.00	\$ 5,360.00	\$ 560.00	\$ 4,480.00		\$ 0.00
4	Trench Safety Protection along Wwline	1	LS	\$ 1,800.00	\$ 1,800.00	\$ 1,230.00	\$ 1,230.00		\$ 0.00
5	Project Sign complete in place	2	LS	\$ 640.00	\$ 1,280.00	\$ 1,015.00	\$ 2,030.00		\$ 0.00
6	Traffic control plan and signage complete in place	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 9,300.00	\$ 9,300.00		\$ 0.00
TOTA; BASE BID PRICE					\$ 39,521.40		\$ 46,455.00		\$ 0.00

Alternate 1 E. Reagan									
7	Remove & replace 8" WWI with 8"SDR26 PVC	408	LF	\$ 32.70	\$ 13,341.60	\$ 61.00	\$ 24,888.00		\$ 0.00
	0' to 8' including pavement restoration								
8	Saw cut remove & replace existing pavement with 1-1/2 Type D HMAC with 8" compacted flex base	408	LF	\$ 13.90	\$ 5,671.20	\$ 22.00	\$ 8,976.00		\$ 0.00
9	Furnish and install precast WW manholes 0' to 8'	1	EA	\$ 2,300.00	\$ 2,300.00	\$ 3,900.00	\$ 3,900.00		\$ 0.00
10	Disconnect & reconnect existing services	8	EA	\$ 670.00	\$ 5,360.00	\$ 560.00	\$ 4,480.00		\$ 0.00
11	Trench Safety Protection along Wwline	408	LF	\$ 1.77	\$ 722.16	\$ 1.25	\$ 510.00		\$ 0.00
Alternate 1 Bid Price					\$ 27,394.96		\$ 42,754.00		\$ 0.00

Alternate 2 Hackberry St.									
12	Remove & replace 8" WWI with 8"SDR26 PVC								
	0' to 8' including pavement restoration	977	LF	\$ 48.00	\$ 46,896.00	\$ 62.00	\$ 60,574.00		\$ 0.00
13	Furnish and install precast WW manholes 0' to 8'	1	EA	\$ 2,100.00	\$ 2,100.00	\$ 3,600.00	\$ 3,600.00		\$ 0.00
14	Disconnect & reconnect existing services	19	EA	\$ 670.00	\$ 12,730.00	\$ 560.00	\$ 10,640.00		\$ 0.00
15	Trench Safety Protection along Wwline	1	LS	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00	\$ 1,200.00		\$ 0.00
Alternate 2 Bid Price					\$ 62,826.00		\$ 76,014.00		\$ 0.00

	Total Base Bid				\$39,521.40		\$46,455.00		
	Total Alternate 1 E. Reagan				\$27,394.96		\$42,754.00		
	Total Base and Alternate 1 E. Reagan				\$66,916.36		\$89,209.00		

	Total Base and Alternate 1 E. Reagan				\$66,916.36				
	CDBG Grant Fund				\$61,719.00				
	Deficit				\$5,197.36				

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-3

Contact –Mike Baker, Fire Chief, 547-2514
mbaker@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a resolution authorizing the Fire Chief to apply for a grant through the United States Department of Homeland Security, Federal Emergency Management Agency, Assistancess to Firefighters Grant Program for the purchase of Self Contained Breathing Apparatus and Related Equipment.

1. BACKGROUND/HISTORY

The USDHS, FEMA, AFG program allows for local entities to apply for and receive funding for approved projects including fire protection equipment. The City of Copperas Cove Fire Department has Self Contained Breathing Apparatus units and related equipment that are in desperate need of replacement. The units are used by firefighters when entering dangerous atmospheres like fires and hazardous materials incidents to conduct life saving operations.

2. FINDINGS/CURRENT ACTIVITY

The City of Copperas Cove would like to apply for the grant to replace the current SCBA units and related equipment. The current units are old and we are no longer able to obtain replacement parts. When maintenance is needed, staff is forced to take parts from other units to assemble one good unit out of two or more. The units are required by federal and state regulations to be used by firefighters in the normal course of duty. The deadline for the application is May 28, 2010.

3. FINANCIAL IMPACT

The City of Copperas Cove would be required to match the grant up to 10% of the total cost of the program. The total cost of the program is estimated not to exceed \$175,000. The City required match would be capped at \$17,500.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council approve a resolution authorizing the Fire Chief to apply for the grant through the program outlined.

RESOLUTION NO. 2010-19

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, ALLOWING THE FIRE DEPARTMENT TO APPLY FOR AN ASSISTANCE TO FIREFIGHTER'S GRANT THROUGH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, FOR THE PURCHASE OF NEW SELF CONTAINED BREATHING APPARATUS AND RELATED EQUIPMENT NOT TO EXCEED \$175,000.00.

WHEREAS, the City of Copperas Cove, Texas has the opportunity to apply for another Assistance to Firefighter's Grant; and

WHEREAS, the fire department has identified the need to replace the old self contained breathing apparatus units and related equipment for which parts are no longer available to repair and maintain; and

WHEREAS, the total cost of the equipment is anticipated not to exceed \$175,000 and there is a ten (10) percent match required for the City of Copperas Cove; and

WHEREAS, the deadline for making application is 1700 hours on May 28, 2010 EDT.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COPPERAS COVE, TEXAS THAT:

The members of the governing body of the City of Copperas Cove, Texas hereby authorize the Fire Chief to make application to the Assistance to Firefighter's Grant program for the replacement of Self Contained Breathing Apparatus not to exceed \$175,000.00 and the City of Copperas Cove match not to exceed \$17,500.00.

PASSED, APPROVED, AND ADOPTED, on this 18th day of May 2010 at a regular meeting of the City Council of the City of Copperas Cove, Texas, such meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, Chapter 551-001 et.seq. at which meeting a quorum was present and voting.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

City of Copperas Cove City Council Agenda Item Report May 18, 2010

Agenda Item No. I-4

Contact – Jane Lees, TRMC, CMC, City Secretary, 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a resolution, canvassing returns and declaring the results of the General Election held on May 8, 2010.

1. BACKGROUND/HISTORY

For an election ordered by an authority of a political subdivision other than a county, the election shall be canvassed by the political subdivision's governing body. The canvass is the official tabulation of the election results. Elections on a May uniform election date must never be made later than the eleventh day after the election, but it may be made as early as the third day after election day if provisional and Federal ballots have been verified and counted.

Texas Election Code, Chapter 67, Section 67.004 (a) states: "Two members of the authority constitute a quorum for purposes of canvassing an election."

2. FINDINGS/CURRENT ACTIVITY

There were no provisional ballots cast in the May 8, 2010 general election. Four paper ballots were mailed out and two were returned by 7:00 p.m. on May 8, 2010, Election Day. The two returned paper ballots were processed by the Early Voting Ballot Board on Election Day and the results were added to the Early Voting tally.

The unofficial results of the General Election held on May 8, 2010 are shown below:

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total Votes</u>
<u>Council Member Position 3</u>			
R. Ray Gatewood	316	127	443
Gary Kent	379	161	540
<u>Council Member Position 4</u>			
Danny Palmer	394	173	567
Mark E. Peterson	309	116	425

Council Member Position 5

John F. Gallen	339	130	469
Kenn Smith	361	157	518
Total Voters	720	300	1,020

The Official Cumulative Report showing the election results is attached to the agenda item. The adoption of Resolution No. 2010-20 declares the winners of the May 8, 2010 General Election to be Gary Kent, Council Member Position 3, Danny Palmer, Council Member Position 4, and Kenn Smith, Council Member Position 5.

FINANCIAL IMPACT

None.

3. ACTION OPTIONS/RECOMMENDATION

City staff recommends approval of Resolution No. 2010-20, to officially canvass and declare the results of the General Election held on May 8, 2010.

RESOLUTION NO. 2010-20

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 8, 2010.

WHEREAS, On the 18th day of May 2010, members of the City Council of the City of Copperas Cove, Texas, convened in a regular meeting following the City's General Election, held on May 8, 2010, which session was open to the public; and

WHEREAS, At least two members of the governing body were present to conduct the official canvass, which constitutes a quorum for purposes of canvassing an election, as set forth by the Texas State Election Code, Chapter 67, Section 67.004 (a); and

WHEREAS, After careful consideration of the official returns of the election, which are attached as Exhibit A and made a part of this resolution, it has been determined that there were 1,020 total votes cast at said election by valid and legal voters of the City of Copperas Cove; and

WHEREAS, Each of the candidates in said general election received votes as follows:

	<u>Early Voting</u>	<u>Election Day</u>	<u>Total Votes</u>
<u>Council Member Position 3</u>			
R. Ray Gatewood	316	127	443
Gary Kent	379	161	540
<u>Council Member Position 4</u>			
Danny Palmer	394	173	567
Mark E. Peterson	309	116	425
<u>Council Member Position 5</u>			
John F. Gallen	339	130	469
Kenn Smith	361	157	518
Total Voters	720	300	1,020

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS THAT:

- (1) All of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as a part of its judgment; and
- (2) It is further found and determined that the results of the election as canvassed and tabulated in the preamble reflect the votes cast at the election.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT:

- (3) In accordance with the returns, Gary Kent received a majority of all votes cast at the General Election for Council Member Position 3, and is hereby declared the winner for a three-year term beginning in June 2010 through May 2013; and
- (4) In accordance with the returns, Danny Palmer received a majority of all votes cast at the General Election for Council Member Position 4, and is hereby declared the winner for a three-year term, beginning in June 2010 through May 2013; and
- (5) In accordance with the returns, Kenn Smith received a majority of all votes cast at the General Election for Council Member Position 5, and is hereby declared the winner for a three-year term, beginning in June 2010 through May 2013.

PASSED AND APPROVED, at a regular meeting of the City Council of the City of Copperas Cove, Texas, this 18th day of May 2010, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code §551.001 et seq. and Texas Election Code, Chapter 67.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha &
Bernal, P.C., City Attorney

Cumulative Report — Official
CITY OF COPPERAS COVE, TEXAS — GENERAL AND SPECIAL ELECTIONS — May 08, 2010

Resolution No. 2010-20 Exhibit A

05/10/2010 01:52 P

Total Number of Voters : 1,020 of 0 = 0.00%

Precincts Reporting 1 of 1 = 100.00'

Party	Candidate	Early		Election		Total	
COUNCIL MEMBER, POSITION 3, Vote For 1							
	R. Ray Gatewood	316	45.47%	127	44.10%	443	45.07%
	Gary Kent	379	54.53%	161	55.90%	540	54.93%
	Cast Votes:	695	96.53%	288	96.00%	983	96.37%
	Over Votes:	1	0.14%	0	0.00%	1	0.10%
	Under Votes:	24	3.33%	12	4.00%	36	3.53%
COUNCIL MEMBER, POSITION 4, Vote For 1							
	Danny Palmer	394	56.05%	173	59.86%	567	57.16%
	Mark E. Peterson	309	43.95%	116	40.14%	425	42.84%
	Cast Votes:	703	97.64%	289	96.33%	992	97.25%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	17	2.36%	11	3.67%	28	2.75%
COUNCIL MEMBER, POSITION 5, Vote For 1							
	John F. Gallen	339	48.43%	130	45.30%	469	47.52%
	Kenn Smith	361	51.57%	157	54.70%	518	52.48%
	Cast Votes:	700	97.22%	287	95.67%	987	96.76%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	20	2.78%	13	4.33%	33	3.24%

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-5

Contact – Jane Lees, TRMC, CMC, City Secretary, 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on an ordinance canvassing returns and declaring the results of a Special Election, held on May 8, 2010, 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.

1. BACKGROUND/HISTORY

For an election ordered by an authority of a political subdivision other than a county, the election shall be canvassed by the political subdivision's governing body. The canvass is the official tabulation of the election results. Elections on a May uniform election date must never be made later than the eleventh day after the election, but it may be made as early as the third day after election day if provisional and Federal ballots have been verified and counted.

Texas Election Code, Chapter 67, Section 67.004 (a) states: "Two members of the authority constitute a quorum for purposes of canvassing an election."

2. FINDINGS/CURRENT ACTIVITY

There were no provisional ballots cast in the May 8, 2010 special election. Four paper ballots were mailed out and two were returned by 7:00 p.m. on May 8, 2010, Election Day. The two returned paper ballots were processed by the Early Voting Ballot Board on Election Day and the results were added to the Early Voting tally.

The unofficial results of the Special Election held on May 8, 2010 consisted of thirty-seven proposed amendments to the City Charter. The results of the propositions are as follows:

Propositions 1-9	Passed
Proposition 10	Rejected
Propositions 11-37	Passed

The Official Cumulative Report showing the special election results is attached to the agenda item, and will be made a part of Ordinance No. 2010-21.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends approval of an ordinance to officially canvass and declare the results of the Special Election held on May 8, 2010.

ORDINANCE NO. 2010-21

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 8, 2010, FOR PROPOSED 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.

WHEREAS, this City Council duly authorized a special election to be held within the City of Copperas Cove, Texas (the "City") on May 8, 2010, for the purpose of submitting to the resident qualified electors of the City the propositions hereinafter set forth; and

WHEREAS, this City Council has investigated all matters pertaining to said special election; and

WHEREAS, the election officer who held said election has duly made the returns of the results thereof, and said returns have been duly delivered to this City Council; and

WHEREAS, it is officially found and determined that the said election was duly ordered, that proper notice thereof was duly given, that proper election officers were duly appointed prior to said election, that said election was duly and lawfully held, that due returns of the results of said election have been made and delivered, and that this City Council has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

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

SECTION 1.

Findings. The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact and operative provisions hereof.

SECTION 2.

Votes Cast. It is further officially found and determined that the following votes were cast at said election on the submitted propositions by the resident qualified electors of the City who voted at said election by 1,020 valid and legal voters:

PROPOSITION NO. 1 (PROPUESTA NO. 1)

The amendment of Section 1.03 of the City Charter regarding the nature and function of the City Charter. *(La enmienda a la Sección 1.03 de la Carta Orgánica de la Ciudad sobre la naturaleza y función de la Carta Orgánica de la Ciudad.)*

	FOR	AGAINST
EARLY VOTING	571	101
ELECTION DAY	207	67
TOTAL	778	168

PROPOSITION NO. 2 (PROPUESTA NO. 2)

The amendment of Section 1.05 of the City Charter deleting, as unnecessary, the words “right” and “power” with regards to the City exercising eminent domain. *(La enmienda a la Sección 1.05 de la Carta Orgánica de la Ciudad que elimina por ser innecesarias las palabras “derecho” y “poder” en relación al uso por la Ciudad del poder de dominio eminente.)*

	FOR	AGAINST
EARLY VOTING	526	152
ELECTION DAY	198	84
TOTAL	724	236

PROPOSITION NO. 3 (PROPUESTA NO. 3)

The amendment of Section 2.01 of the City Charter moving language regarding the designation of the Mayor on the ballot from one subsection to another. *(La enmienda a la Sección 2.01 de la Carta Orgánica de la Ciudad que cambia de una subsección a otra la designación de Alcalde en la boleta de votación.)*

	FOR	AGAINST
EARLY VOTING	549	119
ELECTION DAY	207	68
TOTAL	756	187

PROPOSITION NO. 4 (PROPUESTA NO. 4)

The deletion of Sections 2.15 and 2.16 and the amendment of Section 2.03 to provide that the duties of the Mayor for purposes of martial law and in times of emergency are consistent with State law. *(La eliminación de las Secciones 2.15 y 2.16 y enmienda a la Sección 2.03 que dispone que las obligaciones del Alcalde en períodos de ley marcial y en situaciones de emergencia sean conformes a las disposiciones de las leyes del Estado.)*

	FOR	AGAINST
EARLY VOTING	609	75
ELECTION DAY	230	56
TOTAL	839	131

PROPOSITION NO. 5 (PROPUESTA NO. 5)

The amendment of Section 2.03 of the City Charter providing that any Council Member acting in the capacity of Mayor in the absence of the Mayor does not lose their right to vote. *(La enmienda a la Sección 2.03 de la Carta Orgánica de la Ciudad que dispone que un miembro del concejo municipal no perderá su derecho a votar mientras esté desempeñando la función de Alcalde durante la ausencia de este último.)*

	FOR	AGAINST
EARLY VOTING	577	109
ELECTION DAY	220	65
TOTAL	797	174

PROPOSITION NO. 6 (PROPUESTA NO. 6)

The deletion of Section 2.04 and amendment of Section 2.07 of the City Charter in order to allow a Council Member or the Mayor to receive an excuse for missing two consecutive regular City Council meetings after the absences occur without forfeiting their respective office. *(La eliminación de la Sección 2.04 y enmienda a la Sección 2.07 de la Carta Orgánica de la Ciudad, para poder permitir que a un miembro del concejo municipal o al Alcalde se le autoricen dos ausencias consecutivas a las reuniones del concejo municipal, luego de haber ocurrido dichas ausencias, sin que estos funcionarios públicos sean desposeídos de sus respectivos cargos públicos.)*

	FOR	AGAINST
EARLY VOTING	490	194
ELECTION DAY	177	110
TOTAL	667	304

PROPOSITION NO. 7 (PROPUESTA NO. 7)

The amendment of the City Charter by addition of a section providing that the City Council is the final judge of all elections and the qualifications of its members and other elected officials of the City. *(La enmienda a la Carta Orgánica de la Ciudad para agregar una sección en la que se dispone que el concejo municipal será el juez final de todas las elecciones, así también como de las calificaciones de sus miembros y otros funcionarios públicos electos de la Ciudad.)*

	FOR	AGAINST
EARLY VOTING	486	193
ELECTION DAY	162	119
TOTAL	648	312

PROPOSITION NO. 8 (PROPUESTA NO. 8)

The amendment of Sections 2.08 and 3.02 of the City Charter moving language regarding City employment after becoming a candidate for office from one section to another. *(La enmienda a las Secciones 2.08 y 3.02 de la Carta Orgánica de la Ciudad que cambia de lugar de una sección a otra el texto que se refiere a ser empleado de la Ciudad luego de presentarse como candidato a un cargo electo.)*

	FOR	AGAINST
EARLY VOTING	535	129
ELECTION DAY	204	74
TOTAL	739	203

PROPOSITION NO. 9 (PROPUESTA NO. 9)

The amendment of Section 2.09 of the City Charter to provide that special meetings of the City Council may be held at any time. *(La enmienda a la Sección 2.09 de la Carta Orgánica de la Ciudad que dispone que las sesiones o reuniones especiales del concejo municipal podrán ser convocadas en todo momento.)*

	FOR	AGAINST
EARLY VOTING	539	142
ELECTION DAY	199	85
TOTAL	738	227

PROPOSITION NO. 10 (PROPUESTA NO. 10)

The amendment of Section 2.10 of the City Charter reducing the number of Council Members required for a quorum to conduct business from five (5) to four (4). *(La enmienda a la Sección 2.10 de la Carta Orgánica de la Ciudad que reduce de cinco (5) a cuatro (4) el número mínimo de miembros del concejo municipal que deben estar presente para que haya un quórum y para que el concejo pueda tomar decisiones.)*

	FOR	AGAINST
EARLY VOTING	367	313
ELECTION DAY	114	174
TOTAL	481	487

PROPOSITION NO. 11 (PROPUESTA NO. 11)

The amendment of Section 2.12 of the City Charter to provide that the City Secretary is responsible for all City Elections. *(La enmienda a la Sección 2.12 de la Carta Orgánica de la Ciudad que dispone que el Secretario Municipal es el funcionario responsable de todas las elecciones municipales.)*

	FOR	AGAINST
EARLY VOTING	568	102
ELECTION DAY	225	53
TOTAL	793	155

PROPOSITION NO. 12 (PROPUESTA NO. 12)

The amendment of the City Charter deleting, as unnecessary, Section 2.13 Emergency Powers. *(La enmienda a la Carta Orgánica de la Ciudad que elimina por ser innecesaria la Sección 2.13 sobre Poderes en Situaciones de Emergencia.)*

	FOR	AGAINST
EARLY VOTING	496	164
ELECTION DAY	172	102
TOTAL	668	266

PROPOSITION NO. 13 (PROPUESTA NO. 13)

The amendment of the City Charter deleting, as unnecessary, Section 2.14 Emergency Ordinances. *(La enmienda a la Carta Orgánica de la Ciudad que elimina por ser innecesaria la Sección 2.14 sobre Ordenanzas en Situaciones de Emergencia.)*

	FOR	AGAINST
EARLY VOTING	502	161
ELECTION DAY	169	106
TOTAL	671	267

PROPOSITION NO. 14 (PROPUESTA NO. 14)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Subsections 3.01 (C) and (D) regarding voter eligibility and conduct of elections. *(La enmienda a la Carta Orgánica de la Ciudad que elimina por ser redundantes de las disposiciones existentes en la Ley del Estado, y por lo tanto innecesarias, las sub-secciones 3.01 (C) y (D) sobre los requisitos para votar y sobre cómo se deben realizar las elecciones.)*

	FOR	AGAINST
EARLY VOTING	555	103
ELECTION DAY	210	65
TOTAL	765	168

PROPOSITION NO. 15 (PROPUESTA NO. 15)

The amendment of the City Charter Section 3.02 Filing for Office to comply with State law. *(La enmienda a la Sección 3.02 de la Carta Orgánica de la Ciudad sobre Presentar una Candidatura para un Cargo Electo para que esta cumplir con las disposiciones de la ley del Estado.)*

	FOR	AGAINST
EARLY VOTING	628	35
ELECTION DAY	254	23
TOTAL	882	58

PROPOSITION NO. 16 (PROPUESTA NO. 16)

The amendment of the City Charter Section 3.06 Power of Initiation to provide that an initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city, equal in number to two and one half percent (2.50%) percent of qualified voters registered to vote at the last general City election. *(La enmienda a la Sección 3.06 de la Carta Orgánica de la Ciudad sobre Poder para Iniciar que dispone que una ordenanza que ha sido iniciada puede ser presentada ante el concejo por medio de una petición firmada por electores habilitados de la ciudad, igual en número a dos y medio por ciento (2.50%) de los electores habilitados registrados en las más recientes elecciones generales de la Ciudad.)*

	FOR	AGAINST
EARLY VOTING	554	111
ELECTION DAY	216	61
TOTAL	770	172

PROPOSITION NO. 17 (PROPUESTA NO. 17)

The amendment of the City Charter Section 3.06 Power of Initiation deleting the minimum number of petitioner signature requirements for initiating an ordinance. *(La enmienda a la Sección 3.06 de la Carta Orgánica de la Ciudad sobre Poder para Iniciar que elimina el requisito de un número mínimo de firmas de peticionarios para iniciar una ordenanza.)*

	FOR	AGAINST
EARLY VOTING	458	205
ELECTION DAY	151	125
TOTAL	609	330

PROPOSITION NO. 18 (PROPUESTA NO. 18)

The amendment of Section 3.12 deleting, as unnecessary, language regarding the result of a referred ordinance which is not approved. *(La enmienda a la Sección 3.12 que elimina, por ser innecesaria, la referencia al resultado de una ordenanza que ha sido referida cuando no fue aprobada.)*

	FOR	AGAINST
EARLY VOTING	532	122
ELECTION DAY	201	72
TOTAL	733	194

PROPOSITION NO. 19 (PROPUESTA NO. 19)

The amendment of Section 3.12 of the City Charter by addition of a subsection providing that if conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. *(La enmienda a la Sección 3.12 de la Carta Orgánica de la Ciudad en la que se agrega una sub-sección que dispone que en caso de aprobarse ordenanzas en una misma elección que estén en conflicto una con otra, la ordenanza que reciba el mayor número de votos afirmativos prevalecerá sobre la otra en la medida en que exista tal conflicto.)*

	FOR	AGAINST
EARLY VOTING	579	85
ELECTION DAY	213	64
TOTAL	792	149

PROPOSITION NO. 20 (PROPUESTA NO. 20)

The amendment of Section 3.13 of the City Charter to provide that the citizens shall have the power to recall any elected officer of the City for the reasons of incompetency, official misconduct and upon conviction of a crime of moral turpitude. *(La enmienda a la Sección 3.13 de la Carta Orgánica de la Ciudad que dispone que los ciudadanos tendrán la facultad de solicitar la remoción de cualquier funcionario público electo de la Ciudad por motivos de incompetencia, conducta indebida en la función oficial, o por haber sido condenados de un delito de conducta inmoral.)*

	FOR	AGAINST
EARLY VOTING	602	71
ELECTION DAY	250	30
TOTAL	852	101

PROPOSITION NO. 21 (PROPUESTA NO. 21)

The amendment of the City Charter Section 3.13 to provide that a petition for recall of an City elected official may be submitted to the council by a petition signed by qualified voters of the city, equal in number to two and one half percent (2.50%) percent of qualified voters registered to vote at the last general City election. *(La enmienda a la Sección 3.13 de la Carta Orgánica de la Ciudad que dispone que una petición para la remoción de un funcionario público electo puede ser presentada al concejo municipal por medio de una petición firmada por electores habilitados de la ciudad, en número igual al dos y medio por ciento (2.50%) de los electores habilitados para votar en las más recientes elecciones generales de la Ciudad.)*

	FOR	AGAINST
EARLY VOTING	564	106
ELECTION DAY	227	50
TOTAL	791	156

PROPOSITION NO. 22 (PROPUESTA NO. 22)

The amendment of the City Charter Section 3.13 deleting the minimum number of petitioner signatures for the recall of a City elected official. *(La enmienda a la Sección 3.13 de la Carta Orgánica de la Ciudad que elimina el número mínimo de firmas de peticionarios para la remoción de un Funcionario Público electo.)*

	FOR	AGAINST
EARLY VOTING	450	217
ELECTION DAY	155	123
TOTAL	605	340

PROPOSITION NO. 23 (PROPUESTA NO. 23)

The amendment of the City Charter Section 3.14 to provide that the office of a City elected official who has been recalled is automatically vacated upon the canvas of the

votes of the recall election. *(La enmienda a la Sección 3.14 de la Carta Orgánica de la Ciudad que dispone que el cargo de un Funcionario Público electo que haya sido removido de su puesto, será declarado inmediatamente vacante una vez que se hayan contado los votos de la elección para la remoción del funcionario público.)*

	FOR	AGAINST
EARLY VOTING	594	73
ELECTION DAY	233	45
TOTAL	827	118

PROPOSITION NO. 24 (PROPUESTA NO. 24)

The amendment of the City Charter Section 3.17 to provide that immediately below a question on the ballot for the recall of a city elected official, there shall be printed the two (2) following propositions, one above the other and in the following order: "YES." "NO". *(La enmienda a la Sección 3.17 de la Carta Orgánica de la Ciudad que dispone que inmediatamente a continuación de una pregunta en la boleta de votación para la remoción de un funcionario público electo, deberán imprimirse las siguientes dos (2) propuestas, una encima de la otra y en el siguiente orden: "SI," "NO".)*

	FOR	AGAINST
EARLY VOTING	602	59
ELECTION DAY	241	34
TOTAL	843	93

PROPOSITION NO. 25 (PROPUESTA NO. 25)

The amendment of the City Charter Section 5.02 to delete, as unnecessary, the requirement that the Municipal Judge assist the City Attorney in the review of ordinances for updating or deletion. *(La enmienda a la Sección 5.02 de la Carta Orgánica de la Ciudad que elimina por ser innecesario el requisito que el Juez Municipal ayude al Asesor Legal Municipal en la revisión de ordenanzas para actualizarlas o eliminarlas.)*

	FOR	AGAINST
EARLY VOTING	515	143
ELECTION DAY	191	85
TOTAL	706	228

PROPOSITION NO. 26 (PROPUESTA NO. 26)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Section 6.06 regarding a proposed budget. *(La enmienda a la Carta Orgánica de la Ciudad que elimina, por ser redundante de la legislación del Estado, la Sección 6.06 sobre la propuesta del presupuesto.)*

	FOR	AGAINST
EARLY VOTING	542	116
ELECTION DAY	203	74
TOTAL	745	190

PROPOSITION NO. 27 (PROPUESTA NO. 27)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Section 6.07 regarding a proposed budget. *(La enmienda a la Carta Orgánica de la Ciudad que elimina, por ser redundante de la legislación del Estado, la Sección 6.07 sobre la propuesta del presupuesto.)*

	FOR	AGAINST
EARLY VOTING	540	119
ELECTION DAY	204	71
TOTAL	744	190

PROPOSITION NO. 28 (PROPUESTA NO. 28)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Section 6.12 regarding budget appropriations. *(La enmienda a la Carta Orgánica de la Ciudad que elimina, por ser redundante de la legislación del Estado, la Sección 6.12 sobre asignaciones en el presupuesto.)*

	FOR	AGAINST
EARLY VOTING	531	122
ELECTION DAY	206	67
TOTAL	737	189

PROPOSITION NO. 29 (PROPUESTA NO. 29)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Section 6.13 regarding property taxes. *(La enmienda a la Carta Orgánica de la Ciudad que elimina, por ser redundante de la legislación del Estado, la Sección 6.13 sobre impuestos a la propiedad.)*

	FOR	AGAINST
EARLY VOTING	533	120
ELECTION DAY	198	79
TOTAL	731	199

PROPOSITION NO. 30 (PROPUESTA NO. 30)

The amendment of the City Charter deleting, as redundant of State law and therefore unnecessary, Section 6.15 regarding estimated expenditures. *(La enmienda a la Carta Orgánica de la Ciudad que elimina, por ser redundante de la legislación del Estado, la Sección 6.15 sobre los gastos estimados.)*

	FOR	AGAINST
EARLY VOTING	533	122
ELECTION DAY	203	73
TOTAL	736	195

PROPOSITION NO. 31 (PROPUESTA NO. 31)

The amendment of Section 11.06 of the City Charter for conformance with state law. *(La enmienda a la Sección 11.06 de la Carta Orgánica de la Ciudad para que la misma sea conforme con lo dispuesto en la legislación del Estado.)*

	FOR	AGAINST
EARLY VOTING	595	59
ELECTION DAY	243	33
TOTAL	838	92

PROPOSITION NO. 32 (PROPUESTA NO. 32)

The amendment of Section 11.07 deleting unnecessary provisions. *(La enmienda a la Sección 11.07 que elimina disposiciones innecesarias.)*

	FOR	AGAINST
EARLY VOTING	558	97
ELECTION DAY	215	59
TOTAL	773	156

PROPOSITION NO. 33 (PROPUESTA NO. 33)

The amendment of the City Charter Section 11.18 to provide that proposed amendments to the City Charter may be submitted to the council by a petition signed by qualified voters of the city, equal in number to two and one half percent (2.50%) percent of qualified voters registered to vote at the last general City election. *(La enmienda a la Sección 11.18 de la Carta Orgánica de la Ciudad Municipal que dispone que las enmiendas propuestas a la Carta Orgánica de la Ciudad pueden ser presentadas al concejo municipal por una petición firmada por electores habilitados de la ciudad, igual en número a dos y medio por ciento (2.50%) del total de electores registrados para votar en la más reciente elección general municipal.)*

	FOR	AGAINST
EARLY VOTING	575	89
ELECTION DAY	222	56
TOTAL	797	145

PROPOSITION NO. 34 (PROPUESTA NO. 34)

The amendment of the City Charter Section 11.18 deleting the minimum number of petitioner signatures needed to submit a petition for amendments to the City Charter. *(La enmienda a la Sección 11.18 de la Carta Municipal que elimina el requisito de un número mínimo de firmas de peticionarios para presentar una petición de enmienda a la Carta Orgánica de la Ciudad.)*

	FOR	AGAINST
EARLY VOTING	475	188
ELECTION DAY	165	112
TOTAL	640	300

PROPOSITION NO. 35 (PROPUESTA NO. 35)

The amendment of the City Charter deleting sections Section 11.19 and 11.20 of the original Charter as no longer necessary. *(La enmienda a la Carta Orgánica de la Ciudad que elimina las Secciones 11.19 y 11.20 de la versión original de la Carta Orgánica de la Ciudad debido a que ya no son necesarias.)*

	FOR	AGAINST
EARLY VOTING	548	104
ELECTION DAY	206	67
TOTAL	754	171

PROPOSITION NO. 36 (PROPUESTA NO. 36)

The amendment of the City Charter adding a section to allow the City to regulate the sale and distribution of alcohol in residential areas pursuant to State law. *(La enmienda a la Carta Orgánica de la Ciudad que agrega una sección con el fin de permitir que la Ciudad regule la venta y distribución de alcohol en áreas residenciales conforme a lo dispuesto en la legislación del Estado.)*

	FOR	AGAINST
EARLY VOTING	530	139
ELECTION DAY	212	65
TOTAL	742	204

PROPOSITION NO. 37 (PROPUESTA NO. 37)

The amendment of the City Charter adding a section to allow the City Council to make non-substantive form changes to the Charter by ordinance. *(La enmienda a la Carta Orgánica de la Ciudad que agrega una sección con el fin de permitir que el Consejo Municipal adopte cambios de forma no sustanciales a la Carta Orgánica de la Ciudad por medio de ordenanzas.)*

	FOR	AGAINST
EARLY VOTING	474	183
ELECTION DAY	172	99
TOTAL	646	282

SECTION 3.

Charter Amendments Authorized. As a result of said election, and in conformity with law, this City Council is authorized to amend the Home Rule Charter to reflect the provisions of the propositions receiving a favorable vote of a majority of the resident, qualified voters participating in the Election.

SECTION 4.

Official Precinct Report. A copy of the Official Cumulative Report is attached and made a part of this ordinance and is marked "Exhibit A".

Proposition numbers one through nine (1-9) and eleven through thirty-seven (11-37) received favorable votes of a majority of the resident, qualified voters participating in the Special Election. Proposition number ten (10) received unfavorable votes of a majority of the resident, qualified voters participating in the Special Election.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010, 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. and at which meeting a quorum was present and voting.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha &
Bernal, P.C., City Attorney

Cumulative Report — Official
CITY OF COPPERAS COVE, TEXAS — GENERAL AND SPECIAL ELECTIONS — May 08, 2010

Ordinance No. 2010-21 Exhibit A

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05/10/2010 01:52 P

Total Number of Voters : 1,020 of 0 = 0.00%

Precincts Reporting 1 of 1 = 100.00%

Party	Candidate	Early	Election	Total
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PROPOSITION NO. 1, Vote For 1

FOR	571	84.97%	207	75.55%	778	82.24%
AGAINST	101	15.03%	67	24.45%	168	17.76%
Cast Votes:	672	93.33%	274	91.33%	946	92.75%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	48	6.67%	26	8.67%	74	7.25%

PROPOSITION NO. 2, Vote For 1

FOR	526	77.58%	198	70.21%	724	75.42%
AGAINST	152	22.42%	84	29.79%	236	24.58%
Cast Votes:	678	94.17%	282	94.00%	960	94.12%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	42	5.83%	18	6.00%	60	5.88%

Cumulative Report — Official

CITY OF COPPERAS COVE, TEXAS — GENERAL AND SPECIAL ELECTIONS — May 08, 2010

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Total Number of Voters : 1,020 of 0 = 0.00%

Precincts Reporting 1 of 1 = 100.00%

Party	Candidate	Early	Election	Total
PROPOSITION NO. 3, Vote For 1				
	FOR	549 82.19%	207 75.27%	756 80.17%
	AGAINST	119 17.81%	68 24.73%	187 19.83%
	Cast Votes:	668 92.78%	275 91.67%	943 92.45%
	Over Votes:	1 0.14%	0 0.00%	1 0.10%
	Under Votes:	51 7.08%	25 8.33%	76 7.45%
PROPOSITION NO. 4, Vote For 1				
	FOR	609 89.04%	230 80.42%	839 86.49%
	AGAINST	75 10.96%	56 19.58%	131 13.51%
	Cast Votes:	684 95.00%	286 95.33%	970 95.10%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	36 5.00%	14 4.67%	50 4.90%
PROPOSITION NO. 5, Vote For 1				
	FOR	577 84.11%	220 77.19%	797 82.08%
	AGAINST	109 15.89%	65 22.81%	174 17.92%
	Cast Votes:	686 95.28%	285 95.00%	971 95.20%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	34 4.72%	15 5.00%	49 4.80%
PROPOSITION NO. 6, Vote For 1				
	FOR	490 71.64%	177 61.67%	667 68.69%
	AGAINST	194 28.36%	110 38.33%	304 31.31%
	Cast Votes:	684 95.13%	287 95.67%	971 95.29%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	35 4.87%	13 4.33%	48 4.71%
PROPOSITION NO. 7, Vote For 1				
	FOR	486 71.58%	162 57.65%	648 67.50%
	AGAINST	193 28.42%	119 42.35%	312 32.50%
	Cast Votes:	679 94.31%	281 93.67%	960 94.12%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	41 5.69%	19 6.33%	60 5.88%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 8, Vote For 1				
FOR		535 80.57%	204 73.38%	739 78.45%
AGAINST		129 19.43%	74 26.62%	203 21.55%
	Cast Votes:	664 92.22%	278 92.67%	942 92.35%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	56 7.78%	22 7.33%	78 7.65%
PROPOSITION NO. 9, Vote For 1				
FOR		539 79.15%	199 70.07%	738 76.48%
AGAINST		142 20.85%	85 29.93%	227 23.52%
	Cast Votes:	681 94.58%	284 94.67%	965 94.61%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	39 5.42%	16 5.33%	55 5.39%
PROPOSITION NO. 10, Vote For 1				
FOR		367 53.97%	114 39.58%	481 49.69%
AGAINST		313 46.03%	174 60.42%	487 50.31%
	Cast Votes:	680 94.44%	288 96.00%	968 94.90%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	40 5.56%	12 4.00%	52 5.10%
PROPOSITION NO. 11, Vote For 1				
FOR		568 84.78%	225 80.94%	793 83.65%
AGAINST		102 15.22%	53 19.06%	155 16.35%
	Cast Votes:	670 93.06%	278 92.67%	948 92.94%
	Over Votes:	0 0.00%	1 0.33%	1 0.10%
	Under Votes:	50 6.94%	21 7.00%	71 6.96%
PROPOSITION NO. 12, Vote For 1				
FOR		496 75.15%	172 62.77%	668 71.52%
AGAINST		164 24.85%	102 37.23%	266 28.48%
	Cast Votes:	660 91.67%	274 91.33%	934 91.57%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	60 8.33%	26 8.67%	86 8.43%

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Total Number of Voters : 1,020 of 0 = 0.00%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 13, Vote For 1				
	FOR	502 75.72%	169 61.45%	671 71.54%
	AGAINST	161 24.28%	106 38.55%	267 28.46%
	Cast Votes:	663 92.08%	275 91.67%	938 91.96%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	57 7.92%	25 8.33%	82 8.04%
PROPOSITION NO. 14, Vote For 1				
	FOR	555 84.35%	210 76.36%	765 81.99%
	AGAINST	103 15.65%	65 23.64%	168 18.01%
	Cast Votes:	658 91.39%	275 91.67%	933 91.47%
	Over Votes:	0 0.00%	1 0.33%	1 0.10%
	Under Votes:	62 8.61%	24 8.00%	86 8.43%
PROPOSITION NO. 15, Vote For 1				
	FOR	628 94.72%	254 91.70%	882 93.83%
	AGAINST	35 5.28%	23 8.30%	58 6.17%
	Cast Votes:	663 92.08%	277 92.33%	940 92.16%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	57 7.92%	23 7.67%	80 7.84%
PROPOSITION NO. 16, Vote For 1				
	FOR	554 83.31%	216 77.98%	770 81.74%
	AGAINST	111 16.69%	61 22.02%	172 18.26%
	Cast Votes:	665 92.36%	277 92.33%	942 92.35%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	55 7.64%	23 7.67%	78 7.65%
PROPOSITION NO. 17, Vote For 1				
	FOR	458 69.08%	151 54.71%	609 64.86%
	AGAINST	205 30.92%	125 45.29%	330 35.14%
	Cast Votes:	663 92.08%	276 92.00%	939 92.06%
	Over Votes:	1 0.14%	0 0.00%	1 0.10%
	Under Votes:	56 7.78%	24 8.00%	80 7.84%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 18, Vote For 1				
	FOR	532 81.35%	201 73.63%	733 79.07%
	AGAINST	122 18.65%	72 26.37%	194 20.93%
	Cast Votes:	654 90.83%	273 91.00%	927 90.88%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	66 9.17%	27 9.00%	93 9.12%
PROPOSITION NO. 19, Vote For 1				
	FOR	579 87.20%	213 76.90%	792 84.17%
	AGAINST	85 12.80%	64 23.10%	149 15.83%
	Cast Votes:	664 92.22%	277 92.33%	941 92.25%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	56 7.78%	23 7.67%	79 7.75%
PROPOSITION NO. 20, Vote For 1				
	FOR	602 89.45%	250 89.29%	852 89.40%
	AGAINST	71 10.55%	30 10.71%	101 10.60%
	Cast Votes:	673 93.47%	280 93.33%	953 93.43%
	Over Votes:	0 0.00%	1 0.33%	1 0.10%
	Under Votes:	47 6.53%	19 6.33%	66 6.47%
PROPOSITION NO. 21, Vote For 1				
	FOR	564 84.18%	227 81.95%	791 83.53%
	AGAINST	106 15.82%	50 18.05%	156 16.47%
	Cast Votes:	670 93.06%	277 92.33%	947 92.84%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	50 6.94%	23 7.67%	73 7.16%
PROPOSITION NO. 22, Vote For 1				
	FOR	450 67.47%	155 55.76%	605 64.02%
	AGAINST	217 32.53%	123 44.24%	340 35.98%
	Cast Votes:	667 92.64%	278 92.67%	945 92.65%
	Over Votes:	0 0.00%	1 0.33%	1 0.10%
	Under Votes:	53 7.36%	21 7.00%	74 7.25%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 23, Vote For 1				
	FOR	594 89.06%	233 83.81%	827 87.51%
	AGAINST	73 10.94%	45 16.19%	118 12.49%
	Cast Votes:	667 92.64%	278 92.67%	945 92.65%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	53 7.36%	22 7.33%	75 7.35%
PROPOSITION NO. 24, Vote For 1				
	FOR	602 91.07%	241 87.64%	843 90.06%
	AGAINST	59 8.93%	34 12.36%	93 9.94%
	Cast Votes:	661 91.81%	275 91.67%	936 91.76%
	Over Votes:	0 0.00%	2 0.67%	2 0.20%
	Under Votes:	59 8.19%	23 7.67%	82 8.04%
PROPOSITION NO. 25, Vote For 1				
	FOR	515 78.27%	191 69.20%	706 75.59%
	AGAINST	143 21.73%	85 30.80%	228 24.41%
	Cast Votes:	658 91.39%	276 92.00%	934 91.57%
	Over Votes:	1 0.14%	0 0.00%	1 0.10%
	Under Votes:	61 8.47%	24 8.00%	85 8.33%
PROPOSITION NO. 26, Vote For 1				
	FOR	542 82.37%	203 73.29%	745 79.68%
	AGAINST	116 17.63%	74 26.71%	190 20.32%
	Cast Votes:	658 91.39%	277 92.33%	935 91.67%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	62 8.61%	23 7.67%	85 8.33%
PROPOSITION NO. 27, Vote For 1				
	FOR	540 81.94%	204 74.18%	744 79.66%
	AGAINST	119 18.06%	71 25.82%	190 20.34%
	Cast Votes:	659 91.53%	275 91.67%	934 91.57%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	61 8.47%	25 8.33%	86 8.43%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 28, Vote For 1				
FOR		531 81.32%	206 75.46%	737 79.59%
AGAINST		122 18.68%	67 24.54%	189 20.41%
	Cast Votes:	653 90.69%	273 91.00%	926 90.78%
	Over Votes:	0 0.00%	1 0.33%	1 0.10%
	Under Votes:	67 9.31%	26 8.67%	93 9.12%
PROPOSITION NO. 29, Vote For 1				
FOR		533 81.62%	198 71.48%	731 78.60%
AGAINST		120 18.38%	79 28.52%	199 21.40%
	Cast Votes:	653 90.69%	277 92.33%	930 91.18%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	67 9.31%	23 7.67%	90 8.82%
PROPOSITION NO. 30, Vote For 1				
FOR		533 81.37%	203 73.55%	736 79.05%
AGAINST		122 18.63%	73 26.45%	195 20.95%
	Cast Votes:	655 90.97%	276 92.00%	931 91.27%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	65 9.03%	24 8.00%	89 8.73%
PROPOSITION NO. 31, Vote For 1				
FOR		595 90.98%	243 88.04%	838 90.11%
AGAINST		59 9.02%	33 11.96%	92 9.89%
	Cast Votes:	654 90.83%	276 92.00%	930 91.18%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	66 9.17%	24 8.00%	90 8.82%
PROPOSITION NO. 32, Vote For 1				
FOR		558 85.19%	215 78.47%	773 83.21%
AGAINST		97 14.81%	59 21.53%	156 16.79%
	Cast Votes:	655 90.97%	274 91.33%	929 91.08%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	65 9.03%	26 8.67%	91 8.92%

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Party	Candidate	Early	Election	Total
PROPOSITION NO. 33, Vote For 1				
	FOR	575 86.60%	222 79.86%	797 84.61%
	AGAINST	89 13.40%	56 20.14%	145 15.39%
	Cast Votes:	664 92.22%	278 92.67%	942 92.35%
	Over Votes:	1 0.14%	0 0.00%	1 0.10%
	Under Votes:	55 7.64%	22 7.33%	77 7.55%
PROPOSITION NO. 34, Vote For 1				
	FOR	475 71.64%	165 59.57%	640 68.09%
	AGAINST	188 28.36%	112 40.43%	300 31.91%
	Cast Votes:	663 92.08%	277 92.33%	940 92.16%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	57 7.92%	23 7.67%	80 7.84%
PROPOSITION NO. 35, Vote For 1				
	FOR	548 84.05%	206 75.46%	754 81.51%
	AGAINST	104 15.95%	67 24.54%	171 18.49%
	Cast Votes:	652 90.56%	273 91.00%	925 90.69%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	68 9.44%	27 9.00%	95 9.31%
PROPOSITION NO. 36, Vote For 1				
	FOR	530 79.22%	212 76.53%	742 78.44%
	AGAINST	139 20.78%	65 23.47%	204 21.56%
	Cast Votes:	669 92.92%	277 92.33%	946 92.75%
	Over Votes:	1 0.14%	0 0.00%	1 0.10%
	Under Votes:	50 6.94%	23 7.67%	73 7.16%
PROPOSITION NO. 37, Vote For 1				
	FOR	474 72.15%	172 63.47%	646 69.61%
	AGAINST	183 27.85%	99 36.53%	282 30.39%
	Cast Votes:	657 91.25%	271 90.33%	928 90.98%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	63 8.75%	29 9.67%	92 9.02%

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-6

Contact – Jane Lees, TRMC, CMC, City Secretary, 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a written order to declare the approved amendments of the Charter of the City of Copperas Cove as adopted.

1. BACKGROUND/HISTORY

Local Government Code, Chapter 9, Section 9.005 (b), states: *“A Charter or amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.”*

Local Government Code, Chapter 9, Section 9.007 states: *(a) As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality’s seal showing the approval by the voters of the municipality. (b) The secretary of state shall file and record the certification in his office in a book kept for that purpose.”*

2. FINDINGS/CURRENT ACTIVITY

Thirty-seven proposed Charter amendments were put before the voters of the City of Copperas Cove in a Special Election held on May 8, 2010. Following the canvass, the Council must declare in a separate vote that the amendments are adopted. The results of the Special Election show that Propositions 1-9, and Propositions 11-37 are adopted. Proposition 10 was rejected by the voters.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council declare the approved charter amendments adopted, and per State law require the Mayor to file an authenticated copy of the amended charter with the Secretary of State in the form required.

CITY OF COPPERAS COVE

WRITTEN ORDER

WHEREAS, On July 21, 2009, the City Council established and appointed citizens to a Charter Committee; and

WHEREAS, The Charter Committee reviewed the City's Charter between September 2009 and January 2010; and

WHEREAS, The Committee's proposed recommendations to the Charter were reported to the City Council at the January 19, 2010 Council Meeting; and

WHEREAS, The City Council approved the proposed amendments from the Charter Committee on February 16, 2010 for a Special Election to be held in conjunction with the General City Election on the uniform election date of May 8, 2010.

NOW, THEREFORE, IT IS ORDERED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, CORYELL COUNTY, TEXAS THAT:

- (1) The results of the Special Election have been canvassed and were found to be true and correct; and
- (2) The Governing Body of the City of Copperas Cove declares that the Charter amendments accepted by the qualified voters of the municipality are hereby adopted.

PASSED AND APPROVED, at a regular meeting of the City Council of the City of Copperas Cove, Texas, this 18th day of May 2010, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code §551.001 et seq. and Texas Election Code, Chapter 67.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha &
Bernal, P.C., City Attorney

ARTICLE I. INCORPORATION: FORM OF GOVERNMENT: CORPORATE POWERS

Sec. 1.01. Incorporation.

The inhabitants of the City of Copperas Cove, within the corporate limits as now established or to be established in the future by law as directed by this charter, shall be a municipal body politic and corporate in continued growth under the name of the City of Copperas Cove.

Sec. 1.02. Form of government.

The municipal government provided by this charter shall be of the type known as the council-manager government. The municipal government provided by this Charter shall consist of a mayor and council members, elected by the people and responsible to the people, and a City manager, appointed by and responsible to the council for proper administration of the affairs of the City.

Sec. 1.03. Home rule.

(a) The City of Copperas Cove shall have the power of local self government to the fullest extent permitted by law. The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas together with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare and good order of the City and its inhabitants. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and the City's ordinances.

(b) All powers of the City shall be vested in the City council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted by the state or this charter.

Sec. 1.04. Change of boundaries.

(a) *Annexation.* The boundaries of the City of Copperas Cove may be enlarged and extended by the annexation of additional territory in any of the methods and in any manner and by any procedure that may now be provided by state law, or that may be hereafter provided by such law. Any territory annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City subject to federal, state and local laws and regulations.

(b) *Disannexation.* Whenever there exists within the corporate limits of the City of Copperas Cove any territory not suitable or necessary for City purposes, or for the purpose of effectuating

common boundary line agreements between the City of Copperas Cove and adjoining cities, the City council may, by ordinance duly passed, disannex said territory as a part of the City; said ordinance shall accurately describe the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained, and when said ordinance has been duly passed the territory shall cease to be a part of said City, but said territory shall remain liable for its pro rata share of any debts incurred while said area was a part of the City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

(c) *Agreement.* Upon mutual agreement between the City of Copperas Cove and any other adjacent municipality may, by ordinance duly passed, exchange territory with the other adjoining municipality for the purpose of effectuating a common boundary line agreement.

Sec. 1.05. Eminent domain.

The City shall have the full authority to exercise the right of eminent domain for public use when necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution or laws of the State of Texas.

ARTICLE II. THE COUNCIL

Sec. 2.01. Composition and terms of office.

(a) *Composition.* The council shall be composed of a mayor and seven (7) council members. The mayor and all council members shall be elected from the City at large, and each council member shall occupy a position on the council, such positions being numbered one (1) through seven (7) consecutively. The mayor will not be designated as a numbered position on the ballot but shall be designated as "MAYOR."

(b) *Terms of office.* At the first general election held under this charter, and each three (3) years thereafter, the mayor and two (2) council members shall be elected, with the mayor filling the office of mayor and the two (2) council members filling the office of numbered positions one (1) and two (2). The following year, and each three (3) years thereafter, three (3) council members shall be elected, to fill the office of numbered positions three (3), four (4) and five (5). The following year, and each three (3) years thereafter, two (2) council members shall be elected to fill the office of numbered positions six (6) and seven (7). A council member, unless sooner removed from office under the provisions of this charter, shall serve for a term of three (3) years, and shall serve not more than two (2) terms in succession in the office to which elected. Sec. 2.07(c) also applies.

Sec. 2.02. Restrictions.

If any member of the City council desires to run for a different council office other than that which he/she holds, he/she must resign and vacate his/her present office at least sixty (60) days prior to the next election for the desired office. The resignation shall be effective on the date of such resignation. For the purposes of this provision there shall be only two (2) offices; the office of mayor and the office of numbered council member.

Sec. 2.03. Presiding officer: Mayor and mayor pro tempore.

(a) The mayor shall be elected in the manner provided by this charter to serve for a term of three (3) years and shall not serve more than two (2) terms in succession. The mayor shall preside at all meetings of the City council and shall be recognized as head of the City government for all ceremonial purposes, by the governor for purposes of martial law, and shall serve as the emergency management director in times of an emergency as provided by state law, but shall have no day-to-day administrative duties other than signatory duties where the mayor signs a variety of documents to give them official legal effect. The mayor shall vote at council meetings only to break a tie.

(b) At the City council's second regular meeting following each yearly regular election of council members, or runoff election if required, the council shall elect one of its members as mayor pro tem, for a period of one (1) year. The mayor pro tem shall act as mayor during the absence or disability of the mayor and, when so acting, shall have the same powers, duties, and restrictions as set forth for the office of mayor, except that the he/she shall not lose the right to vote.

(c) In the event that both the mayor and mayor pro tem are absent from a council meeting, if there be a quorum as elsewhere stated in this charter, the council members present shall elect a chairperson who shall have the authority to conduct the meeting as if he/she were the mayor.

Sec. 2.04. Qualifications.

A candidate for office must:

(1) be a United States citizen.

(2) be 18 years of age or older upon the commencement of the term to be filled at the election.

(3) be a qualified voter in the City of Copperas Cove.

(4) be domiciled within the corporate limits of Copperas Cove for at least one (1) year next preceding the day of the election at which they are a candidate.

(5) not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities.

(6) not have been determined by a final judgment of a court exercising probate jurisdiction to be:

(a) totally mentally incapacitated; or (b) partially mentally incapacitated without the right to vote, and

(7) not be disqualified by reason of any section of this charter or by state or federal law.

Sec. 2.05. Judge of Qualifications.

The City Council is the final judge of all elections and the qualifications of its members and of any other elected officials of the City.

Sec. 2.06. Compensation of council members and mayor.

The mayor shall receive \$50 and all other council members shall receive \$25 for each regular and specially called meeting attended. No council member shall receive any compensation for attendance at any workshop meeting, except for any workshop meeting that is conducted on a date separate from a regular or special called meeting. In addition, City council shall establish by ordinance methods of reimbursement for all actual and necessary expenses incurred by the mayor and council members in the performance of their duties.

Sec. 2.07. Vacancies, forfeitures, filling of vacancies.

(a) *Vacancies.*

The office of a council member or office of the mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.

(b) *Forfeiture.*

1. A council member or the mayor shall forfeit his/her office if he/she:

(1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law,

(2) violates any express prohibition of this charter,

(3) is convicted of a misdemeanor involving moral turpitude, felony or is assessed a deferred adjudication or probation for a felony,

(4) fails to attend two (2) consecutive regular meetings unless excused by City Council (said excusal may be obtained before or after the absence occurs) caused by sickness or emergency, or

(5) moves his/her permanent residence outside the City limits.

2. If a council member forfeits his/her office, and does not immediately resign, the council and mayor may conduct a hearing to determine if the office holder has forfeited and

should vacate his/her office. The hearing shall be held within 30 days of the council, as a body, learning of the alleged forfeiture. The council may, by an affirmative vote of five (5) members, declare the office of said office holder to be forfeited and vacant. Disposition of the matter under this Charter is final and is res judicata. Further relief may be sought in a court of law. The office holder subject to the forfeiture shall not have a vote. The mayor shall vote unless he is the office holder subject to the forfeiture.

(c) *Filling of vacancies.*

Any City council member or mayoral vacancy will be filled by majority vote of qualified voters at a special election called for that purpose. The special election will be conducted in accordance with state and federal election laws. The term of office will be for the unexpired term of the office vacated. If the unexpired term is one (1) year or less, that council member may seek re-election for two (2) additional consecutive terms. If the unexpired term exceeds one (1) year that council member may succeed himself/herself only once. For the purposes of this section the period from one annual general election to the next annual general election shall be considered as one year or less regardless of the number of calendar days involved.

Sec. 2.08. Prohibitions.

(a) *Holding other office.* Except where authorized by law, no mayor or council member shall hold any other City office or City employment during his/her term as mayor or council member, and no former mayor or council member shall hold any compensated appointive City office or City employment until one (1) year after the expiration of his/her term as mayor or council member.

(b) *Continuation of City Employment upon Candidacy.* No employee of the city shall continue in such position after becoming a candidate for an elective office.

(c) *Appointments and removals.* Neither the council nor any of its individual members, including the mayor, shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City manager or any of his/her subordinates are empowered to appoint, however, the council may express its views and fully and freely discuss with the City manager anything pertaining to appointment and removal of such officers and employees.

(d) *Interference with administration.* Neither the council nor its individual members, including the mayor, shall give any orders or direction, public or private, to any officer or employee who is subject to the direction and supervision of the City manager. Council members, including the mayor, shall not give orders or direction to the City secretary, City judge, City attorney or City manager unless acting as a council as a whole. This is not to preclude the council or its individual members, including the mayor, from conducting a dialog with City staff where the spirit and intent is not to interfere with the management and administration of the City. The mayor is not prohibited from performing administrative duties under a Declaration of Emergency Disaster per Section 2.13 or when performing administrative duties as the Emergency Management Director per Section 2.15

Sec. 2.09. Meetings of council.

The council shall hold at least two (2) regular meetings each month with the exception of December, which shall have a minimum of one (1) regular meeting, and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The council shall fix, by ordinance, the days, time and place of the regular meetings. All meetings shall be open to the public, except as otherwise provided by law. Special meetings of the council may be held at any time during the year.

Sec. 2.10. Rules of procedure.

The council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at all regular and special council meetings in regard to any matter under consideration. The council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except on unanimous votes, shall be by roll call and the yeas, nays, and abstentions shall be recorded in the minutes. Five (5) council members shall constitute a quorum for the purpose of transaction of business. Unless otherwise required by law, no actions of council shall be valid and binding unless adopted by the affirmative vote of four (4) or more members of the Council.

Sec. 2.11. Investigative power of the council.

The council shall have the power to inquire into or investigate the official conduct of any department, agency, office, officer, employee, council members and mayor of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence, and as it shall provide by ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence, unless otherwise stated by state law.

Sec. 2.12. City secretary.

(a) The City council shall appoint to the office of City secretary a person to serve as City secretary at the discretion of the council. Any adjustments to the salary, the compensation package or employment status of the City secretary will be approved by the City council.

(b) The secretary shall be provided an office in the City Hall sufficient to maintain the records entrusted to his/her care and shall be entitled to a seat at the council table at all official meetings.

(c) The secretary shall give notices of its meetings, shall keep the journal of its proceedings, shall authenticate by signature and record in full in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the council may assign.

(d) The secretary shall recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.

(e) The secretary shall be responsible for all City elections.

The City secretary shall have such additional duties and authority not herein specified as shall be included for City secretaries in the Texas Civil or Penal Statutes presently existing or adopted in the future, except such duties and authority as may be expressly excluded by ordinance adopted by the City council consistent with the mandatory duties and authority prescribed either by state or federal law. The City council and the mayor shall evaluate the City secretary in accordance with the City's personnel policies manual, and each council member and the mayor shall sign the evaluation. The City council shall also appoint an alternate City secretary to serve in the absence of the City secretary.

ARTICLE III. ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Sec. 3.01. Municipal elections.

(a) *Schedule.* The general municipal election shall be held annually on the second Saturday in May or such other date as may be required by state or federal law. The runoff election date will be held in accordance with state election law. The city council shall be responsible to specify places for holding all elections.

(b) *Special elections.* The city council may order a special election for ordinances, bond issues, charter amendments, recall or other purposes deemed appropriate. Special elections must be held on a uniform election date in accordance with state election law.

Sec. 3.02. Filing for office.

Any qualified person may have his or her name placed on the official ballot as a candidate for mayor or council member at any election held for the purpose of electing a mayor or council member by filing with the mayor or city secretary at least forty-five (45) days prior to the date of election before 5:00 p.m., a sworn application as provided in Texas Election Code, 141.031 as amended, may be amended or disposed of in the future.

Sec. 3.03. Official ballots.

(a) *Names on ballot.* The names of all candidates for office shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(b) *Order of listing.* The order on the ballot of the names of the candidates shall be determined in accordance with Texas state law.

(c) *Early voting ballots.* Procedures for voting by early voting ballot shall be consistent with the current edition of Texas election laws.

(d) *Ballots for ordinances and charter amendments.* An ordinance or charter amendment, to be voted on by the city, shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the whole city council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a square.

(e) *Write-in votes.* Procedures for write-in votes shall be consistent with current edition of Texas election laws.

Sec. 3.04. Elections.

(a) To be elected for the office of council member or mayor, the candidate must receive a majority vote of qualified voters who voted in the general election. If no candidate receives a majority vote, the two (2) candidates with the highest number of votes will participate in a runoff election.

(b) *Canvassing elections.* Returns of elections shall be accomplished according to state law.

(c) *Notification and taking office.* It shall be the duty of the city secretary to notify all persons elected. Those elected shall take office and enter upon their duties after qualifying by taking and subscribing to their oath of office at the second regular city council meeting after the election.

Sec. 3.05. Oath of office.

Every officer of the city, whether elected or appointed, before entering upon the duties of office, shall take and subscribe to the appropriate oath or affirmation prescribed by the secretary of state of the State of Texas. The oath shall also contain a statement affirming that the officer will uphold and comply with the Charter of the City of Copperas Cove, Texas. Oaths of office shall be kept in the office of the city secretary.

Sec. 3.06. Power of initiative.

The voters of this city shall have the power to propose any ordinance, or reject the same at the polls. An initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city, equal in number to two and one half percent (2.50%) percent of qualified voters registered to vote at the last general City election.

Sec. 3.07. Power of referendum.

The voters of this city shall have the power to repeal at the polls any ordinance enacted by the city council which is subject to the initiative process under this charter, except for bonds that have been legally awarded to a successful bidder or other legal obligations. The petition for referendum shall require the same number and qualification of signers as required by this charter for an initiative petition.

Sec. 3.08. Requirements of petition.

Any five (5) qualified voters may begin initiative or referendum proceedings by filing with the city secretary an affidavit stating they constitute the petitioners committee and will be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and setting out in full the proposed initiative ordinance or the ordinance sought to be considered. Petitions shall contain, or have attached to them, the full texts of the ordinance proposed or sought to be considered. The signatures to the initiative or referendum need not all be appended to one paper, but each signer shall sign his/her name in ink, shall add his/her place of residence by street and number, shall include his/her date of birth or voter registration number, and shall state his/her county of residence. The circulators of each petition page shall make an affidavit that he/she, and he/she only, personally circulated that page of the petition, and that each signature is the genuine signature of the person as is written, and further, that no signatures shall have been placed there more than forty-five (45) days prior to the filing of such petition. Petitions shall be returned to the city secretary for filing within forty-five (45) days after filing of the affidavit of petitioners committee.

Sec. 3.09. Filing, examination and certification of petition.

Within twenty (20) business days after an initiative, referendum or recall petition is filed, the city secretary shall determine whether such petition is signed by a sufficient number of qualified voters and has proper affidavit(s). After completing examination of the petition, the city secretary shall certify the results to the city council at its next regular meeting. If such petition is insufficient, the city secretary shall set forth in a certificate the particulars in which it is insufficient, and an additional ten (10) days shall be allowed in which to file an amendment or supplement which will correct the deficiency. No petition, once amended, may be amended again.

Sec. 3.10. Effect of certification of referendum petition.

When a referendum petition or amended petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action shall be suspended if it shall have gone into effect, until and unless it is approved by the voters.

Sec. 3.11. Council consideration and submission to voters.

(a) When the council receives a petition for initiative which has been certified by the city secretary to be sufficient, the council shall either enact the proposed ordinance within thirty (30) days, or after certification the proposed ordinance shall be submitted to a vote of the qualified

voters of the city at a regular or special election to be held at the first uniform election date in accordance with state election law.

(b) When the council receives a referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance within thirty (30) days; and if not repealed, it shall submit that ordinance to the qualified voters of the city at a regular or special election to be held at the first uniform election date in accordance with state election law.

Sec. 3.12. Ballot form and results of elections.

(a) The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: "For the Ordinance" "Against the Ordinance." Any number of ordinances may be voted upon at the same election in accordance with the provisions of this charter. An ordinance submitted, and receiving an affirmative majority of the votes cast, shall then become effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a majority vote of the entire city council.

(b) If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 3.13. Power to recall.

(a) *Power to recall.* The voters of the City of Copperas Cove shall have the power to recall any elected officer of this city for the reasons of Incompetency and Official Misconduct and upon conviction of a crime of moral turpitude.

(1) Incompetency means gross ignorance of official duties; gross carelessness in the discharge of official duties; or inability or unfitness to promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of the officer's election.

(2) Official Misconduct means intentional unlawful behavior relating to official duties and includes intentional or corrupt failure, refusal, or neglect to perform a duty imposed on the officer by law.

(b) *Requirements of a recall petition.*

(1) A petition for recall shall specifically state the grounds alleged for the removal of the officer in plain and intelligible language and must cite the time and place of the occurrence of each act alleged as a ground for removal with as much certainty as the nature of the case permits.

(2) The petition shall be signed by qualified voters of the city equal in number two and one half percent (2.50%) of the number of qualified voters registered to vote at the last general City election. The petition shall be verified by the same number of signers, with

the same qualifications, and in the same manner required in the charter for an initiative petition.

(c) *Ordering of an election.* If the petition is certified by the city secretary to be sufficient, the council shall order and hold, or cause to be held, on the next feasible date for such, an election as specified under state law, to determine whether such officer shall be recalled.

(d) *Limitation for removal.* An officer may not be removed for an act the officer committed before election to office.

Sec. 3.14. Results of recall election.

If the majority of the votes cast at a recall election shall be for the removal from office of the elected officer named on the petition and ballot, upon the canvas of said election, his/her office shall immediately be declared vacant and shall be filled as vacancies in the city council are filled, as provided in this charter. An elected officer who has been so removed from office shall not be eligible to succeed himself/herself.

Sec. 3.15. Limitation on recall.

No petition shall be filed against an elected officer within 180 days after he/she has taken office. A recall election need not be ordered by the council if the term of office of the elected officer against whom a petition is filed is to expire within 180 days after the petition is filed with the city secretary. An elected officer previously the subject of a recall election, shall not be listed on a recall petition within 365 days of the previous recall election.

Section 3.16

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such requests for a public hearing.

Sec. 3.17. Ballots in recall election.

Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought, the question shall be submitted "Shall (name of person) be removed from the office of (mayor) (council member) by recall?"

(2) immediately below the question, there shall be printed the two (2) following propositions, one above the other, in the order indicated: "YES." "NO".

Sec. 3.18. Failure of council to call a recall election.

When all the requirements of this charter shall have been met and the council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon the council by the provisions of the charter with reference to such recall, then it shall be the duty of the district judge of Coryell County, Texas, upon proper application being made, to order such election and to enforce the carrying into effect of the provisions of the article of the charter.

ARTICLE IV. ADMINISTRATIVE SERVICES

Sec. 4.01. City manager.

(a) Appointment and qualifications.

(1) The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. He/she shall be chosen solely on the basis of his/her executive and administrative training, experience and ability. He/she need not be a resident of the city when appointed; however, during his/her tenure of office he/she shall reside in the city.

(2) No mayor or council member shall receive such appointment during the term for which he/she shall have been elected or within one (1) year after the expiration of his/her term.

(b) Term and salary. The city manager shall serve at the discretion of the city council and shall receive such salary as may be fixed by the council.

(c) Powers and duties. The city manager shall be responsible to the council for the administration of all the affairs of the city. The powers and duties conferred upon the city manager shall include, but shall not be limited by the following:

(1) He/she shall see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by him/her, or by officers subject to his/her direction and supervision, are faithfully executed.

(2) Appoint, suspend or remove any employee of the city, including department heads, not appointed by council.

(3) Attend all meetings of the council.

(4) Prepare the annual budget and submit it to the council and be responsible for its administration after its adoption.

(5) Prepare and submit to council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(6) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem necessary.

(7) Perform such other duties as may be prescribed by this charter or required of him/her by the council.

(8) Manage, as administrative head, all employees of the city. However, the city manager may not lower, change or alter in any manner the salary and/or the compensation package of personnel directly responsible to the city council.

(9) The city council, including the mayor, shall evaluate the city manager annually in accordance with the city's personnel policies manual, and each council member shall sign the evaluation.

Sec. 4.02. Acting city manager.

The city manager within sixty (60) days after taking office, shall designate by letter filed with the city secretary, a qualified administrative officer of the city to perform the duties of the city manager in his/her absence or disability. Such designation shall be approved by council.

Sec. 4.03. Department heads.

The head of each department, except those specifically mentioned in this charter, shall be appointed by, responsible to, and removed by the city manager, and shall be directly responsible for the administration of his or her department. The city manager shall determine the salary of the head of each department under his or her supervision.

No department or office established by this charter shall be discontinued by the city council, and no duties of any such departments shall be transferred therefrom or added thereto.

Sec. 4.04. Participation of city manager and other department heads in meetings.

The city manager shall have the right to participate in the discussion of all matters coming before the council. Other department heads shall take part in all discussions of the council relating to their respective offices, departments or agencies, subject to the provisions of the Open Meetings Act.

ARTICLE V. LEGAL DEPARTMENTS AND MUNICIPAL COURT

Sec. 5.01. City attorney.

The city council shall appoint a competent attorney, licensed by the State of Texas, who shall be its "city attorney". The city attorney shall serve at the discretion of the city council. The city attorney shall designate assistant(s) city attorney and submit the name(s) to the city council for concurrence, if the council appropriates sufficient funds for that position. The city attorney shall receive for his/her services such compensation as may be fixed by the council. The city attorney shall appear, in any court, on behalf of the city.

The city attorney shall represent the city in all litigation. He/she shall be the legal advisor, counsel for the city, and counsel for the departments of the city.

The city attorney shall review any and all ordinances considered suspect for change or deletion and cause said ordinance to be brought before the city council with his/her recommendations. The city council and the mayor shall evaluate the city attorney annually, and each council member and the mayor shall sign the evaluation.

Sec. 5.02. Municipal court.

There shall be a court for the trial of misdemeanor offenses known as the "Municipal Court of Copperas Cove, Texas," with such powers and duties as are given and prescribed by laws of the State of Texas and this charter.

The municipal court shall be presided over by a magistrate, who shall be known as "the judge of the municipal court."

The court shall be served by a clerk, to be known as the "municipal court clerk", who shall be a city employee.

All fines imposed by the municipal court, or by any court in cases appealed from judgments of the municipal court, shall be paid into the city treasury for the use and benefit of the city.

Sec. 5.03. Municipal judge.

There shall be a magistrate of the municipal court known as the "judge of the municipal court", appointed by the city council for a period of two years, or until resignation, or replacement by the city council for cause, whichever shall occur earlier. He/she shall receive such compensation as may be fixed by the city council.

The city council and the mayor shall evaluate the municipal judge annually, and each council member and the mayor shall sign the evaluation.

Further, the city council may appoint an associate municipal judge to serve in the absence of the municipal judge. The associate judge shall serve at the discretion of the city council, who shall fix his/her compensation.

ARTICLE VI. THE BUDGET

Sec. 6.01. Fiscal year.

The fiscal year of the City of Copperas Cove shall begin the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

Sec. 6.02. Preparation and submission of proposed budget.

The city manager, between ninety (90) and sixty (60) days prior to the beginning of each fiscal year, shall submit to the city council a proposed budget, which shall provide a complete financial plan for the fiscal year and shall contain the following:

(a) A budget message, explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes

from the previous fiscal year in expenditures and revenue items, and shall explain any major changes in financial policy.

- (b) A consolidated statement of receipts and expenditures of all funds.
- (c) An analysis of property valuations.
- (d) An analysis of the tax rate.
- (e) Tax levies and tax collections by year for at least five (5) years or, if records for five (5) years are not available, for as many years as are available.
- (f) General fund resources in detail.
- (g) Summary of proposed expenditures by function, department, and activity.
- (h) Summary of proposed expenditures by character and subject.
- (i) Detailed estimates of expenditures shown separately for each activity to support the summaries numbers (g) and (h) above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay.
- (j) A revenue and expense statement for all types of bonds.
- (k) A description of all bond issues outstanding, showing rates of interest, date of issue, maturity date, amount and authorized amount issued, and amount outstanding.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) A special funds section.
- (n) The appropriation ordinance.
- (o) The tax levying ordinance.
- (p) A capital program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition and shall include the following items:
 - (1) A summary of proposed programs.
 - (2) A list of all capital improvements which are proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements.
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Sec. 6.03. Anticipated revenue compared with other years in budget.

The city manager shall, in the preparation of the budget, place in parallel columns opposite all items of revenue the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

Sec. 6.04. Proposed expenditures compared with other years.

The city manager, in the preparation of the budget, shall place in parallel columns opposite all items of expenditures, the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

Sec. 6.05. Proposed budget: a public record.

The proposed budget and all supporting schedules shall be filed with the city secretary when submitted to the council and shall be a public record for inspection by anyone.

Sec. 6.06. Public hearing amending or supplementing proposed budget.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the proposed budget, except items in proposed expenditures fixed by law. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice setting forth the nature of the proposed changes and fixing a place and time, not less than five (5) days after publication, at which the council will hold a public hearing thereon.

After such further hearing, the council may insert the additional item or items and make the increase or increases to the amount in each case indicated by the published notice, or to a lesser amount; but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such total proposed expenditures.

Sec. 6.07. Vote required for adoption.

The budget shall be adopted by a majority vote of the council.

Sec. 6.08. Date of final adoption.

The budget shall be finally adopted not later than the thirtieth (30th) of September. If the council fails to adopt the budget by the thirtieth (30th) day of September, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it pro-rated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. The levy of property tax will be set based on the State Law provisions governing property tax levy and the adoption requirements for said levy.

Sec. 6.09. Effective date and distribution of budget.

Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of the budget, as finally adopted, shall be filed with the city secretary, the county clerk of Coryell County, the county clerk of Lampasas County, and as required by state law. The final budget shall be printed, or otherwise reproduced, and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations and placed on file with the city secretary, municipal library, and on the city's website.

Sec. 6.10. Contingent appropriations.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation, in an amount not more than fifteen (15) per centum of the total general fund expenditure, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him/her after approval by the city council. A detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations were made.

Sec. 6.11. Amending the budget.

(a) *Program/budget action conference.* Within fifteen (15) days after the end of the second quarter of the fiscal year the council will hold a program/budget action conference with the city manager to determine the fiscal condition of the city at that time and to determine if the current budget for that fiscal year should be amended in any manner.

(b) *Budget amendments.*

(1) If, at any time, the council desires to amend the budget it will call for a public hearing and cause to be published, in local newspapers of general circulation in the city, at least five (5) days prior to such public hearing a description of the proposed amendments.

(2) After the public hearing mentioned above, the city council may adopt, modify and adopt, or decline to adopt the proposed amendments.

(3) In those cases where the council desires to move funds or make appropriations from reserve accounts, two (2) public hearings, held a minimum of five (5) days apart, must be held prior to such action being taken.

(4) In those cases where state law requires that a state of grave public necessity be declared prior to amending the budget, the actual fact of the grave public necessity may be established by an unanimous vote of the council or by the certification in writing by not less than one hundred fifty (150) resident qualified voters. If a grave public necessity is established as herein required, then the budget may be amended by customary council action.

(5) Transfers of appropriations authorized in Sec. 8.02 are budget actions that do not require the amendment procedures required elsewhere in this article.

ARTICLE VII. ISSUANCE AND SALE OF BONDS

Sec. 7.01. Power to borrow.

The City of Copperas Cove shall have the right and power to issue its general obligation bonds on the full faith and credit of the city, payable from ad valorem taxes not to exceed the maximum rate permitted by the Texas constitution, for the purpose of providing permanent public improvements or for any other public purpose. The city shall also have the right and power to issue its revenue bonds payable from the revenues of any municipally owned utility or utilities, and may secure such revenue bonds by a mortgage or deed of trust on the physical properties of such utility or utilities. The city shall also have the right and power to issue interest bearing time warrants pursuant to Article 2368a., Vernon's Annotated Civil Statutes as amended, may be amended or disposed of in the future and interest bearing certificates of obligation pursuant to Acquisition, Sale or Lease of Property, V.T.C.A., Local Government Code, Chap. 271, Subchapter C, as amended, may be amended or disposed of in the future.

Sec. 7.02. Issuance of bonds, time warrants, and certificates of obligation.

All bonds, warrants, and certificates of obligation of the City of Copperas Cove shall be issued pursuant to the procedures and requirements established by the Constitution and general laws of the State of Texas. All tax bond issues must be presented to the voters for referendum.

ARTICLE VIII. FINANCE ADMINISTRATION

Sec. 8.01. Director of finance.

(a) *Appointment.* The council may set up a department of finance, the head of which shall be the director of finance, who shall be appointed by the city manager.

(b) *Qualifications.* The director of finance shall have the proper knowledge of municipal accounting and sufficient experience in budgeting and financial control to properly perform the duties of the office.

(c) *Power and duties.* Under the direction of the city manager, the director of finance shall have charge of the administration of the financial affairs of the city, and to that end he/she shall have the authority and shall be required to:

- (1) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations as established or changed by the city council are not exceeded.
- (2) Maintain a general accounting system for the city government each of its offices, departments, and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as may be deemed expedient.
- (3) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city.
- (4) Prepare, as of the end of each fiscal year, a complete financial statement and report.
- (5) Collect license fees and other revenues of the city, or for whose collection the city is responsible, and receive all money receivable by the city from state or federal government, or from any court, or from any office, department or agency of this city.
- (6) Have custody of all public funds belonging to or under the control of the city of any office, department or agency of the city government, and deposit all funds coming into his/her hands in such depository or depositories as may be designated by the city council, subject to the requirements of law in force at the time as to the furnishing of bond or the deposit of securities and the payment of interest on deposits. All such interests shall be the property of the city and shall be accounted for and credited to the proper account.
- (7) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange.
- (8) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.
- (9) Approve all proposed expenditures; provided that there is an unencumbered balance of appropriated and available funds.
- (10) Supervise and be responsible for the sale or disposal of surplus or obsolete supplies, materials and equipment belonging to the city.

(d) *Acting.* In the absence of a director of finance, the city manager will serve in the capacity of director of finance.

Sec. 8.02. Transfers of appropriations.

The director of finance may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency (restrictions in Sec. 4.01(c)(8) apply). At the request of the city manager and within the last three (3) months of the fiscal year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Sec. 8.03. Accounting supervision and control.

The city manager shall have power and shall be required to:

- (a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments or agencies of the city government.
- (b) Examine and sign all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable.
- (c) Audit and approve, before payment, all bills, invoices, payrolls, and other evidence of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.
- (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his/her office.

Sec. 8.04. Lapse of appropriations.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered. The finance director shall transfer such lapsed appropriations to the reserve account of the fund to which the lapsed appropriation belongs.

Sec. 8.05. Fees shall be paid to city.

All fees received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the director of finance.

Sec. 8.06. Sale of city property.

Any sale, gift, or contract for the sale of any real property belonging to the City, either in form of land, real estate or other real properties, shall be in accordance with the Texas Constitution, Texas Local Government Code, Chapters 253 and 263, and the acts amendatory thereof and supplementary thereto, now or hereafter enacted, and all other applicable State law. Personal property shall be disposed of according to ordinance.

Sec. 8.07. Purchase procedure.

The Director of Finance shall have authority to make expenditures from one or more municipal funds without the approval of the City Council for all budgeted items up to that amount which, under State law, triggers the competitive procurement process. All contracts or purchases requiring expenditures from one or more municipal funds in the amount involving more than the dollar amount which, according to Section 252.021 of the Local Government Code, or any

successor statute thereto triggers the competitive bidding process, shall be let in compliance with the procedures prescribed by Chapter 252 of the Local Government Code and the acts amendatory and supplementary thereto, now or hereafter enacted, for competitive sealed bidding or competitive sealed proposals.

Sec. 8.08. Contract for improvements.

Any city contract requiring an expenditure by, or imposing an obligation or liability on the city shall be made in accordance with the requirements of the Constitution and statutes of the State of Texas. These contracts shall include, but are not limited to, contracts for the construction of public works or the purchase of materials, equipment, supplies, or machinery. If changes in plans or specifications are necessary after the performance of the contract is begun or it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the changes shall be made in accordance with the requirements of the Constitution and statutes of the State of Texas. If contracts executed pursuant to Section 252 of the Local Government Code, require a change order involving a decrease or an increase equal to or less than the amount provided in Section 252.048(c) of the Texas Local Government Code and the acts amendatory thereof and supplementary thereto, the city manager may approve the change order.

Sec. 8.09. Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the director of finance, or his/her deputy, and countersigned by the city manager. In the event the city manager is the director of finance, all checks signed by him/her shall be countersigned by the assistant director of finance.

Sec. 8.10. Accounting control of purchases.

All purchases made shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any seller unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 8.11. Borrowing in anticipation of property taxes.

For the purpose of temporary borrowing, the city council shall have the power by ordinance to raise money on the credit of the city by the issuance of warrants and notes in anticipation of the collection of taxes and of special assessments.

Sec. 8.12. Sale of notes: report of sale.

All notes issued pursuant to this article may be sold at not less than face value and accrued interest at private sale by the director of finance without previous advertisement, but such sale

shall be authorized by Council. Issuance of notes pursuant to this section is specifically exempt from the provisions of section 8.07.

Sec. 8.13. Surety bonds.

The directors of all administrative departments whose duties include the handling of monies and all employees whose duties include the handling of monies belonging to the City of Copperas Cove shall, before entering upon the duties of this office or employment, be bonded with a responsible surety company acceptable to the city council for such amount as the council may prescribe, the premium of which bond shall be paid by the city; and the city council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of his/her office, and if there are provisions of state law bearing upon the functions of his/her office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

ARTICLE IX. TAX ADMINISTRATION

Sec. 9.01. Power to tax.

The city shall have all the same powers of taxation granted by the constitution and the general laws of the State of Texas governing cities with a population in excess of five thousand (5,000) inhabitants and by virtue of this charter shall have the power to:

(a) Authorize the granting and issuance of licenses and direct the manner of issuing and registering the same and fix the fees therefor; but no license shall be issued for a longer period than one (1) year and shall not be assignable except by permission of the governing authority of the city; and may adopt such measures as may be deemed necessary to enforce the registration requirements;

(b) Assessing the penalty and interest rate and the method of determining the amount of collector's cost to be charged to delinquent tax accounts;
No irregularities in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment.

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES

Sec. 10.01. Powers of the city.

The city shall have the power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations. In addition, the city shall have additional powers as granted by the constitution and the laws of the State of Texas. The city shall not provide any utility services outside the city limits except by a written contract with the prospective customer requesting such services.

Sec. 10.02. Power to grant franchise.

The council shall have the power, by ordinance, to grant, renew, extend and amend by mutual agreement, all franchises of all public utilities operating within the city. No franchise shall be granted, renewed or extended for an indeterminate period or for a term of more than twenty (20) years.

Sec. 10.03. Ordinance granting franchise.

Each ordinance granting, renewing, extending or amending a public utility franchise shall be read at a public hearing during two (2) separate regular meetings of the council and shall not be acted upon until the second and final reading. Within seven (7) days following the first reading the ordinance shall be published once, as allowed by law. The prospective franchise holder shall be responsible for the expense of publication. No ordinance shall take effect until thirty (30) days after passage.

Sec. 10.04. Grant not to be exclusive.

No grant to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

Sec. 10.05. Transfer of franchise.

No public utility franchise shall be transferable except by city ordinance. The term "transferable," as used in this article, shall not be interpreted in such a manner as to prevent the franchise holder from pledging the franchise as security for a valid debt or mortgage.

Sec. 10.06. Franchise value not to be allowed.

No value shall be assigned to any franchisee granted by the city in:

- (a) Fixing reasonable rates and charges for utility services within the city.
- (b) Determining the just compensation to be paid by the city for public utility property which it may acquire.

Sec. 10.07. Right of regulation.

Each grant, renewal, extension and amendment of public utility franchises shall be subjected to the right of the city, and the city shall have the power in accordance with state law:

- (a) To forfeit any franchise, by ordinance, at any time if the holder fails to comply with the terms of the franchise. This power shall be exercised only after notice and hearing, and the franchise holder has had an opportunity to correct the default.

- (b) To, require expansion, extension and maintenance of plants and facilities as necessary to provide adequate service to the public at the highest reasonable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent discrimination in service or rates.
- (d) To impose regulations to insure safe, efficient and continuous service to the public. The franchise holder, in opening and refilling of all openings and in the disturbance of property, shall do all work necessary to complete restoration to a condition as good as when disturbed.
- (e) To examine and audit, at any time during regular businesses hours, the accounts and records of any public utility, providing such examination or audits is relevant to the city's right of regulation.
- (f) To require compensation and rental permitted by the laws of the State of Texas.
- (g) To require that each public utility maintain its accounts in accordance with the uniform systems of accounts prescribed by the National Association of Regulatory Commissioners, or the Federal Energy Regulatory Commission, or the Federal Communications Commission, or the Railroad Commission of Texas or their successor, as applicable. If the maintenance of accounts for any public utility is not prescribed by any federal or State of Texas agency, then the city shall prescribe the form of accounts.
- (h) To establish specifications for materials and construction for public utilities used within or beyond the limits of the city.
- (i) To prescribe penalties for noncompliance of this provision of the article or ordinances pertaining to franchises and public utilities.

Sec. 10.08. Regulation of rates.

The council shall have the power, after notice and hearing, to regulate by ordinance the rates, charges and fares of every public utility franchise holder to that which the council is permitted to regulate under state and federal law. However, no such ordinance shall be passed as an emergency measure. Every franchise holder requesting an increase in rates, charges or fares shall have, at the hearing called to consider such request, the burden of presenting clear, competent and convincing evidence to substantiate the increase. The council shall have the power to employ expert advice and assistance in determining rates, charges and fares and an equitable profit to the public utility and the franchise holders requesting the increase shall pay the cost of such expert advice and assistance.

Sec. 10.09. Submission of annual reports.

Each franchise holder of a public utility operating in the city shall submit a sworn annual report to the city manager. The report will include receipts from the operation of the public utility for the current year, amount of expenditures to include the amounts for betterments or

improvements, the rates, charges or fares for services rendered to the public and any other information that the council may require. The content, submission and inclusive dates of the report will be established by ordinance. The council shall review these reports at least once annually to determine if rates, charges or fares are right and proper.

Sec. 10.10. Municipally owned utilities.

An account will be maintained by the city manager for each public utility owned or operated. Each account will show the true and complete financial results of the city ownership and operation including assets and liabilities by classes, depreciation reserve, other reserves and surplus, revenues, operating expenses, depreciation, interest payments, rental and disposition of annual income, capital cost of each city-owned utility, cost of and service rendered to any city department, and other information required by the council. Annually, a certified public accountant will prepare, and the council will cause to be published, a financial report for each public utility owned or operated by the city. Each report will contain the information specified in this section and such other information as required by the council. The council will establish, by ordinance, the submission and inclusive dates of each report.

Sec. 10.11. Records.

The city shall compile and maintain a public record of city-owned and operated public utilities, public utility franchises and related annual reports.

ARTICLE XI. GENERAL PROVISIONS

Sec. 11.01. Publicity of records.

All records of the city shall be open for inspection by any citizen or by any representative of a citizen's organization or the press during normal business hours subject only to the provisions and limitations of the Texas Public Information Act as now exists or hereafter amended.

Sec. 11.02. Conflict of interest.

Any member of the city council, any city officer, any city employee or any city board or commission member who has a substantial financial interest, direct or indirect, in any firm, or by reason of ownership of stock in any corporation, or employment with any employer in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a city council member, city officer or city employee in the making of such sale or the making or performance of such contract. Any city council member, city officer or city employee who willfully conceals such substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the

knowledge expressed or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager or the city council.

Sec. 11.03. Gratuities.

Officers or employees of the City of Copperas Cove shall not accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying the grant of any franchise, privilege or easement from the city during the term of office of such officer or during such employment of such employee, except as may be authorized by law or ordinance; provided, however, that policemen and firemen in uniform or wearing their official badges may accept such free service where the same is permitted by ordinance. Any officer or employee of the city who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense and shall forthwith be removed from office.

Sec. 11.04. Equal employment opportunities.

All employment vacancies in the city shall be filled in a manner prescribed and based upon provisions of the Equal Employment Opportunity Act. Persons employed by the city shall not be related within the second degree of affinity, or within the third degree consanguinity, to any elected officer or the city manager. This provision shall not affect officers or employees who are already employed by the city at the time any elected official related within the named degree takes office. Further, this provision shall not affect officers or employees who obtain such degrees of affinity or consanguinity described above due to his/her marriage after they have become officers or employees of the City.

Sec. 11.05. Employee relations.

Nothing in this charter shall limit the City of Copperas Cove from terminating employment at will. The City of Copperas Cove is an at will employer. The employment relationship between the employee and the City can be terminated at any time and by either party. Therefore, nothing herein is intended, nor shall it be construed, to confer on or award to any employee of the City any property right in his or her employment with the City of Copperas Cove, Texas.

Sec. 11.06. Damage suits.

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within one hundred-twenty (120) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

Sec. 11.07. Power to settle claims.

The city council, and only the city council, shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city, including suits by the city to recover delinquent taxes.

Sec. 11.08. Service of process against the city.

All legal process against the city shall be served upon the mayor or city secretary.

Sec. 11.09. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the City of Copperas Cove is a party, for any bond, undertaking or security to be demanded, executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals or proceedings, same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security of bond had been duly executed.

Sec. 11.10. Liens against city property.

No lien of any kind shall ever exist against any property, real or personal, owned by the city except that the same be created by this charter.

Sec. 11.11. Provisions relating to assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the city, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. 11.12. Power to remit penalties.

The city council shall have the right to remit in whole or in part any fine or penalty belonging to the city, which may be imposed under any ordinance or resolution passed in pursuance of this charter.

Sec. 11.13. Churches and school property not exempt from special assessments.

No property of any kind, church, school, or otherwise, in the City of Copperas Cove shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements unless the exemption is required by state law.

Sec. 11.14. Sale or lease of property other than public utilities or acquired by tax sale.

Any real property owned by the City of Copperas Cove may be sold or leased by the city council when in its judgment such sale or lease will be for the best interests of the city; provided, however, a sale or a lease for more than five (5) years shall never become effective until thirty (30) days after passage of the ordinance or resolution affecting same. If, during such thirty (30) day period, a referendum petition is presented to the city secretary which in all respects conforms to the referendum provisions of Article II of this charter, and same is found sufficient, then the secretary shall certify the sufficiency of same to the city council, and an election shall be called submitting the question of whether or not the sale or lease shall be consummated. Provided, further, however, the provisions of this section shall not apply to public utilities nor to property purchased by the city at tax sales.

Sec. 11.15. Effect of this charter on existing law.

All ordinances, resolutions, rules and regulations now in force under the city government of Copperas Cove, and not in conflict with the provisions of this charter, shall remain in force under this charter until altered, amended or repealed by the council after this charter takes effect; and all rights of the City of Copperas Cove under existing franchises and contracts are preserved in full force and effect to the City of Copperas Cove. Upon adoption of this charter, it shall constitute the charter of the City of Copperas Cove.

Sec. 11.16. Continuance of contracts and succession of rights.

All contracts entered into by the city or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims and demands, which have accrued under the laws heretofore in force governing the City of Copperas Cove, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in any way be diminished, effected or prejudiced by the adoption and taking effect of this charter.

Sec. 11.17. Construction and separability clause.

The charter shall be liberally construed to carry out its intents and purposes. If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Sec. 11.18. Amending the charter.

Amendments to this charter may be framed and submitted to the qualified electors of the city by a charter commission in the manner provided by law for framing and submitting a new charter.

Amendments may also be proposed and submitted by ordinance, passed by a majority vote of the full membership of the council, or by a petition signed by not less than two and one half percent (2.50%) of the number of qualified voters registered to vote at the last general City election.

When a charter amendment petition shall have been filed with the council in conformity with the provisions of this charter as to petitions for initiated ordinances, the council shall forth with provide by ordinance for submitting such proposed amendment to a vote of the qualified electors. Any ordinance for submitting a charter amendment to the qualified electors shall provide that such amendment be submitted at the next regular municipal election if one shall occur not less than thirty (30) days nor more than ninety (90) days after the passage of the ordinance; otherwise it shall provide for the submission of the amendment at a special election held on a uniform election date in accordance with state law.

Notice of the election for the submission of said amendment or amendments shall be given by publication thereof, in some newspaper of general circulation in said city, on the same day in each of two (2) successive weeks; the date of the first publication to be not less than fourteen (14) days prior to the date set for said election. If a proposed amendment be approved by a majority of the qualified electors voting thereon, it shall become a part of the charter at the time fixed therein. Each amendment shall be confined to one subject; and when more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the qualified electors to vote on each amendment separately.

Sec. 11.19. Rules of construction.

As used in this charter, a word importing the masculine gender only shall extend to, and be applied to, females as well as males. A word importing the singular number shall include the plural, and a word importing the plural number shall include the singular.

Sec. 11.20. Regulation of Alcohol.

The sale of liquor and beer is prohibited in all residential sections or areas of the City, as designated by any zoning ordinance or Comprehensive Plan of the City. The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law.

Section 11.21. Rearrangement and renumbering.

The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, as it deems appropriate, and upon the passage of such ordinance, a copy thereof certified by the City Secretary shall be forwarded to the Secretary of State for filing.

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-7

Contact – Jane Lees, TRMC, CMC, City Secretary- 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on a resolution ordering and establishing procedures for a Special Election on July 20, 2010 in Copperas Cove, Texas, to fill a vacancy on the City Council.

1. BACKGROUND/HISTORY

The Copperas Cove City Charter, Sec. 2.07. Vacancies, forfeitures, filling of vacancies, states the following: *(a) The office of a council member or office of the mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.*

Sec. 2.07 (c) Filling of vacancies states the following: *Any city council member or mayoral vacancy will be filled by majority vote of qualified voters at a special election called for that purpose. The special election will be conducted in accordance with state and federal election laws. The term of office will be for the unexpired term of the office vacated. If the unexpired term is one (1) year or less, that council member may seek re-election for two (2) additional consecutive terms. If the unexpired term exceeds one (1) year that council member may succeed himself/herself only once. For the purposes of this section the period from one annual general election to the next annual general election shall be considered as one year or less regardless of the number of calendar days involved.*

The Charter also states in Sec. 3.04 Elections, the following: *(a) To be elected for the office of council member or mayor, the candidate must receive a majority vote of qualified voters who voted in the general election. If no candidate receives a majority vote, the two (2) candidates with the highest number of votes will participate in a runoff election.*

The Texas Constitution, Article XI, Section 11 (b) states the following regarding municipalities with terms exceeding two years: *A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality, and any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such*

purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.

FINDINGS/CURRENT ACTIVITY

On April 21, 2010, Mayor John Hull received the attached resignation letter from Council Member Willie C. Goode, Position 6. The current term of office for the position ends in May 2011.

2. FINANCIAL IMPACT

Estimated cost for a special election is \$10,500. An additional \$10,500 will be required if a runoff election is held.

3. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council adopt a resolution, ordering and establishing procedures for a special election on July 20, 2010 in Copperas Cove, Texas.

RESOLUTION NO. 2010-22

A RESOLUTION ORDERING AND ESTABLISHING PROCEDURES FOR A SPECIAL ELECTION ON JULY 20, 2010 IN COPPERAS COVE, TEXAS, TO FILL A VACANCY ON THE CITY COUNCIL.

WHEREAS, the laws of the State of Texas and the Charter of the City of Copperas Cove provide that a special election be ordered within 120 days of a vacancy; and

WHEREAS, The Mayor of the City of Copperas Cove received a resignation letter on April 21, 2010 from the council member currently seated in Position 6; and

WHEREAS, if, in the election to fill the vacancy in Position 6 on the City Council, no candidate receives a majority of all the votes cast in that race, a Runoff Election shall be conducted on August 17, 2010, between the two candidates for that office receiving the highest number of votes cast; and

WHEREAS, the laws of the State of Texas and the Charter of the City of Copperas Cove, further provide that the Election Code of the State of Texas is applicable to said election and in order to comply with said code, a Resolution and Order of Election, for the Special Election should be passed establishing the procedure to be followed in said election as outlined below.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:

Section 1. That all independent candidates at the election to be held on July 20, 2010 for Council Member Position 6, file their application to become candidates with the City Secretary of the City at 507 South Main Street, Copperas Cove, Texas from May 19, 2010 through May 26, 2010, and that all said applications shall be on a form as prescribed by the Election Code of the State of Texas.

Section 2. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing in City Hall Council Chambers on May 27, 2010 at 9:00 a.m.

Section 3. Only resident qualified voters of said City shall be eligible to vote. Said election will be held in Copperas Cove City Hall Council Chambers, 507 South Main Street, with Mary Howell as Presiding Election Judge and Rita Burgess as Alternate Presiding Election Judge. The clerks for the election will be appointed by the Presiding Election Judge in a number not to exceed four (4) clerks. The Presiding Election Judge

will be paid the sum of \$10.00 per hour and the Alternate Presiding Election Judge and clerks will be paid \$8.00 per hour.

Section 4. The designated polling place shall, on Election Day, be open from 7:00 a.m. to 7:00 p.m.

Section 5. Mary Howell shall be appointed to serve as the Early Voting Ballot Board Presiding Officer and shall appoint two (2) clerks to serve on the Board.

Section 6. Jane Lees, City Secretary, will conduct early voting. The City Secretary will appoint Deputy Early Voting Clerks to assist her. Early voting for the above designated election shall be held in Copperas Cove City Hall Council Chambers, 507 South Main Street.

Section 7. Early voting will be conducted on the following days and times:

July 8, 2010	7:00 a.m. – 7:00 p.m.
July 9, 2010	8:00 a.m. – 5:00 p.m.
July 12, 2010	8:00 a.m. – 5:00 p.m.
July 13, 2010	7:00 a.m. – 7:00 p.m.
July 14, 2010	8:00 a.m. – 5:00 p.m.
July 15, 2010	8:00 a.m. – 5:00 p.m.
July 16, 2010	8:00 a.m. – 5:00 p.m.

Section 8. Applications for ballot by mail shall be mailed to: Jane Lees, City Secretary, City of Copperas Cove, P.O. Drawer 1449, Copperas Cove, Texas 76522. The first day applications for voting by mail ballot may be accepted is May 26, 2010. The last day to receive applications from voters in person for a ballot to be voted by mail is July 5, 2010. The last day to receive applications by mail for a ballot to be voted by mail is July 13, 2010.

Section 9. All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and Paper Ballots and eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System.

Section 10. All expenditures necessary for the conduct of the election, the purchase of materials and the employment of all election officials is hereby authorized and the City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 11. Said election shall be held in accordance with the Election Code and the State of Texas. Notice of said elections shall be given in accordance with the terms and provisions of the Election Code and the City Secretary is hereby instructed to have said notice posted and published in accordance with state law. A copy of this order shall

also serve as a Writ of Election, which shall be delivered to the above-appointed Presiding Election Judge for said elections.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010, 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.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

April 21, 2010

Honorable John Hull

Mayor City of Copperas Cove

Copperas Cove, TX 76522

Mayor Hull,

Due to having two deaths in our family in the last ninety days, My wife's health and mine I am saddened to inform you that I must resign my place on the City Council effective immediately.

We are moving to be closer to our family as this is my wife's desire to be close in the event of anything else happening.

I really enjoyed my time on the council and believe we all have done a great job looking out for the citizens of Copperas Cove and the city.

Everyone has my best wishes for them in the future.

Sincerely,



Willie C. Goode

Place 6

City Council

City of Copperas Cove

City Council Agenda Item Report

May 18, 2010

Agenda Item No. I-8

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

SUBJECT: Discussion on proposed revisions to Chapter 3 of the Code of Ordinances for the City of Copperas Cove.

1. BACKGROUND/HISTORY

City staff conducted a Public Meeting to discuss Animal Control Operations on March 1, 2010. A multitude of issues surfaced during the public participation portion of the meeting, to include the trapping of animals and feral cats.

The City Manager received the required number of requests from Council to update the existing ordinance to include regulations for feral cat management.

2. FINDINGS/CURRENT ACTIVITY

At the March 16, 2010 Council Meeting, the City Manager presented options to the governing body for drafting a feral cat ordinance. The Council provided direction for the City Manager to proceed with preparing an ordinance for Council consideration. Since that date, the City Manager contacted Mr. Mike Fry with Animal Ark Shelter in Minnesota regarding feral cat management. Mr. Fry offered at that time to provide an educational presentation on feral cat management for the governing body and citizens. Furthermore, once the draft ordinance was prepared, Mr. Fry and the City Attorney completed a review and provided recommended changes.

On April 13, 2010, the City Manager presented the draft ordinance to the Copperas Cove Animal Control Advisory Committee for comment. The committee comments were mostly concerns about the operation and staff management of a feral cat management program. As a result, the City Manager notified the committee members of Mr. Fry's offer to provide a presentation, which was well received and supported by the committee. As a result, the City Manager has tentatively scheduled Mr. Fry to provide a presentation on June 22, 2010 to the governing body, the members of the Animal Control Advisory Committee and the general public.

Once the presentation is complete, the governing body and stakeholders will be better equipped to determine if the draft ordinance is in the best interest of the

City of Copperas Cove. Thus, staff would present the ordinance for citizen input and Council consideration at the July 6, 2010 meeting as a Public Hearing/Action Item.

3. FINANCIAL IMPACT

Airfare for Mr. Fry's air travel is approximately \$425 and one night hotel stay is approximately \$120. The expense will be covered in the General Fund budget.

1. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council provide direction to the City Manager regarding the public process to be utilized for the feral cat ordinance.

ORDINANCE NO. 2010-__

AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING CHAPTER 3 OF THE CITY'S CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Copperas Cove has previously adopted animal regulations in order to ensure the public safety, efficient communication and promotion of pet adoptions and responsible pet care; and

WHEREAS, the City Council has determined that there are an undetermined number of feral cats in the City of Copperas Cove, feral cats being otherwise known as wild, untamed or unsocialized of the species felis domestica; and

WHEREAS, the City Council continues to seek to maintain the most humane methods of controlling feral cats; and

WHEREAS, the City Council recognizes the need for properly educating pet owners and desires to reduce the number of feral cats in a non-lethal and effective manner, thereby creating a pleasing and safe environment for residents and improving animal care in the community; and.

WHEREAS, the City Council recognizes that rescue groups serve as a resource for the placement of animals, education of pet owners and sterilization of feral animals; and

WHEREAS, the City Council desires to allow for revisions regarding the trapping of animals, the feeding of feral cats on City property and the proper care and treatment of feral cats.

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

SECTION 1.

That the current Animal Regulations contained in Section 3-48 (d) of the City's Code of Ordinances is hereby amended as follows:

Sec. 3-48 (d)

Trapping of animals.

Any person may trap any animal at large as permitted by applicable state law within the city limits; however, only humane live–animal traps shall be used for the capturing of feral animals roaming unrestrained in the City. Further the trapped animal shall be immediately delivered to the animal shelter or an approved rescue group.

That a new Article be added to Chapter 3 of the City’s Code of Ordinances by adding the following provision:

Article XIV. FERAL CATS

Sec. 3-104

Impoundment.

- (a) Any cat found off the owner’s premises and not wearing tags with owner identifying information, a microchip and/or rabies tags may be impounded and shall be given proper care and maintenance until reclaimed by its owner or the period for impoundment has ended. A cat impounded pursuant to this section shall be kept at least three (3) working days after the impoundment thereof, unless reclaimed earlier by its owner.
- (b) If a cat impounded pursuant to this section is unclaimed by its owner at the end of three (3) days, it may be disposed of according to the most humane and approved methods, or may be given to a rescue group, if requested by that group prior to the euthanization of the cat.
- (c) Notwithstanding the three day waiting period, a cat which is reasonably believed to be feral may be transferred at any time to a feral cat management program which has been recognized by the City of Copperas Cove Animal Control for the purpose of immediate identification, sterilization and release, if requested by a rescue group prior to the euthanization of the feral cat.

Sec. 3-105

Spaying/neutering.

No cat impounded under this chapter, whether domestic or feral, may be given to a rescue group without being spayed or neutered, unless the rescue group has made arrangements with a veterinarian for the spaying/neutering and shows proof of the completion of the operation within ten (10) days of receiving the feral cat.

Sec. 3-106

Release of feral cats.

No feral cat shall be released back into the community where it was impounded unless the animal has:

- (1) Been spayed or neutered;
- (2) Been given appropriate rabies vaccinations; and
- (3) Been marked in agreed upon manner to show that the animal has been sterilized

Sec. 3-107

Feeding of feral cats.

- (a) It shall be unlawful for any person other than authorized representatives of a rescue group or feral cat manager previously approved by the City of Copperas Cove to feed feral cats on any property owned by the City of Copperas Cove.
- (b) Any unauthorized person(s) who violates the provisions of this section shall be guilty of an infraction and shall be fined in a sum not to exceed two hundred dollars (\$200.00).

That the current definitions contained in Section 3-1 of the City's Code of Ordinances is hereby amended to include the following:

Sec. 3-1

Definitions

Domestic cat shall mean a cat which by its temperament does not show long term fear and resistance to contact with humans.

Feral cat shall mean a cat which is wild, untamed or unsocialized.

Feral cat management program shall mean a program designed to trap, sterilize and return feral cats to their neighborhood in order to reduce and ultimately eliminate feral cat populations in a non-lethal and effective manner.

Rescue group shall mean a non-profit entity which is appropriately licensed and has as at least one of its purposes the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.

SECTION 2.

That any ordinances or resolutions or part of ordinance or resolutions in conflict with the provisions of this Animals and Fowl Ordinance are hereby repealed to the extent of such conflict.

SECTION 3.

That should any section, clause, or provision of the Animals and Fowl Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 4.

That this ordinance shall go into effect sixty (60) calendar days after its adoption and approval by City Council.

PASSED, APPROVED, AND ADOPTED on this 18th day of May 2010 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.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

Mark Fry
Executive Director of Animal Ark



Mr. Fry is currently the Executive Director of Animal Ark, Minnesota's largest no kill animal welfare organization. He is also the co-host and executive producer of the nationally syndicated Animal Wise radio program. This program discusses the issues affecting domestic animals and wildlife.

Mr. Fry is the former rehabilitation manager at the HOWL Wildlife Center in Seattle, WA and the former Clinic Coordinator for the Wildlife Rehabilitation Center at the University of Minnesota. He has extensive experience with domestic and wild animals.

Mr. Fry's unique and broad perspective on the various issues relating to feral felines has enabled him to develop a well respected feral cat program in Minnesota. This program has been used as a model for the development of similar programs in other areas.

DRAWINGS
for
CITY OF COPPERAS COVE
CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER
COPPERAS COVE, TEXAS

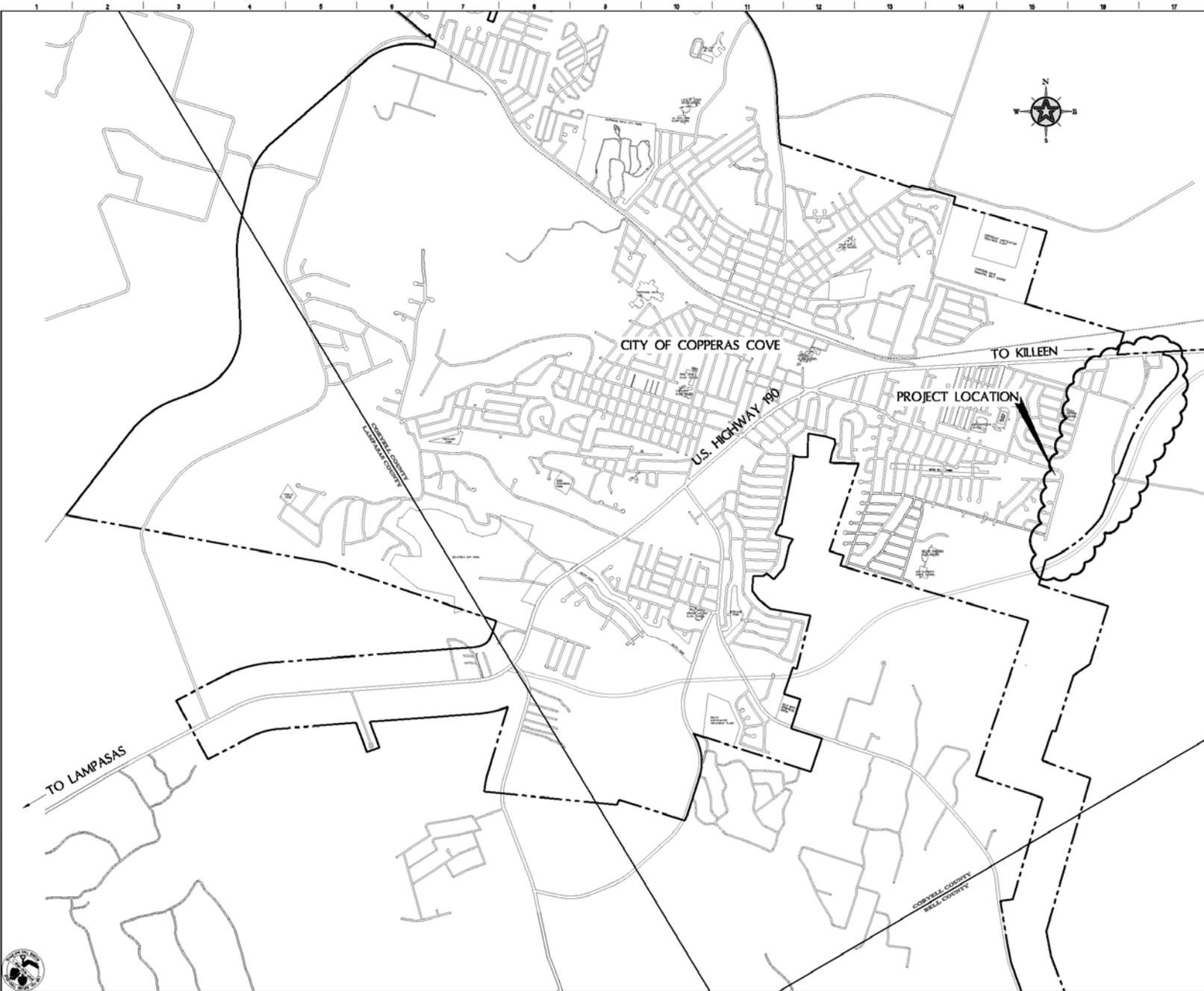
OWNER: COPPERAS COVE E.D.C.
210 SOUTH FIRST STREET
COPPERAS COVE, TEXAS 76522

INDEX OF DRAWINGS

CS	COVER SHEET
	GENERAL
C001	LOCATION MAP
C002	ZONING MAP
C003	EXISTING LOT LAYOUT
C004	PROPOSED LOT LAYOUT
C005	WATER LAYOUT
C006	WASTE WATER LAYOUT
C007	DRAINAGE PLAN

FOR REVIEW ONLY





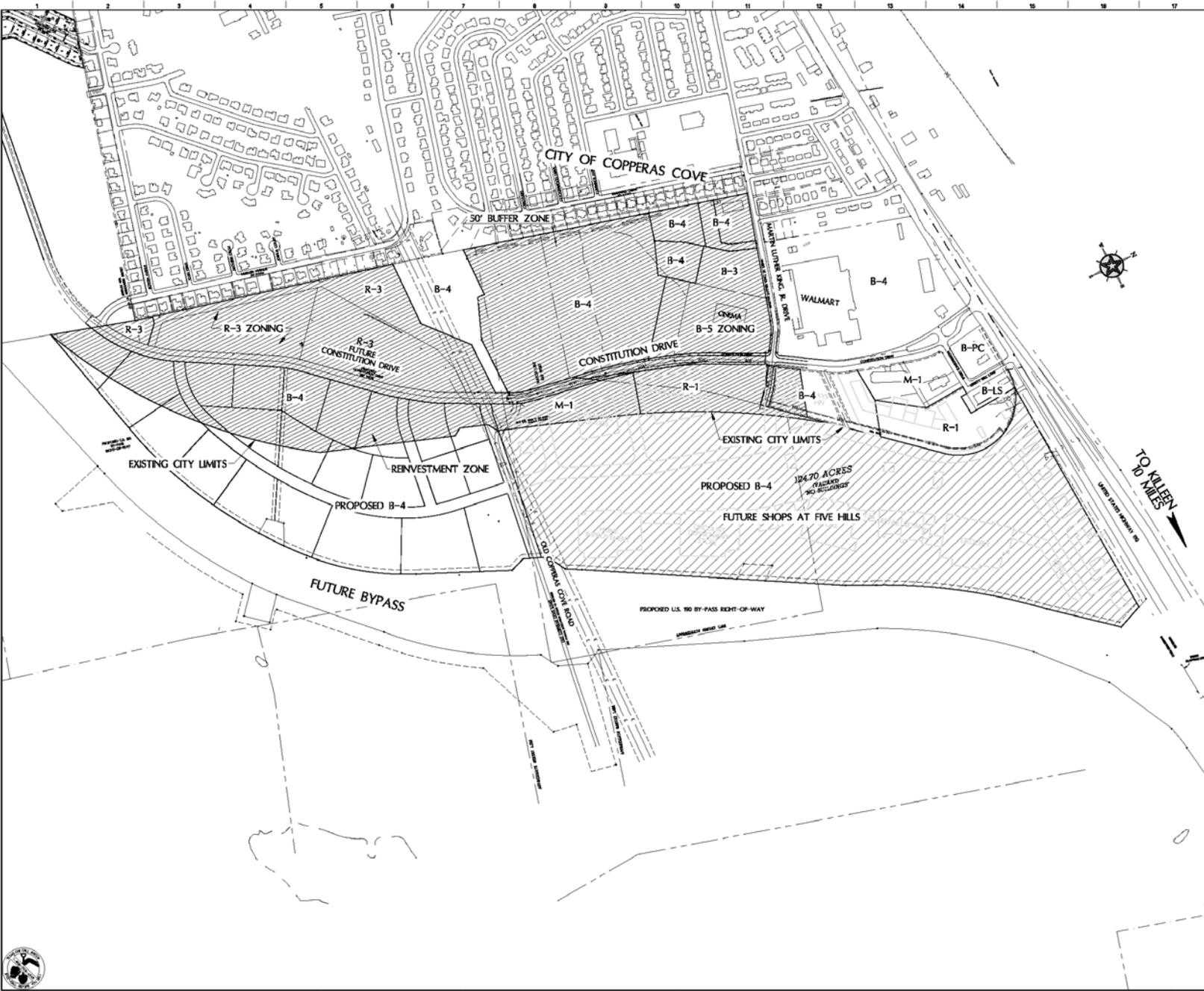
REV.	DESCRIPTION	DATE


Walker Partners
 ENGINEERS + SURVEYORS
 1214 S. BENTLEY ST. #100
 KILLEEN, TX 76789

COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION
 CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER

PROJECT LOCATION MAP
 PRELIMINARY FOR REVIEW ONLY

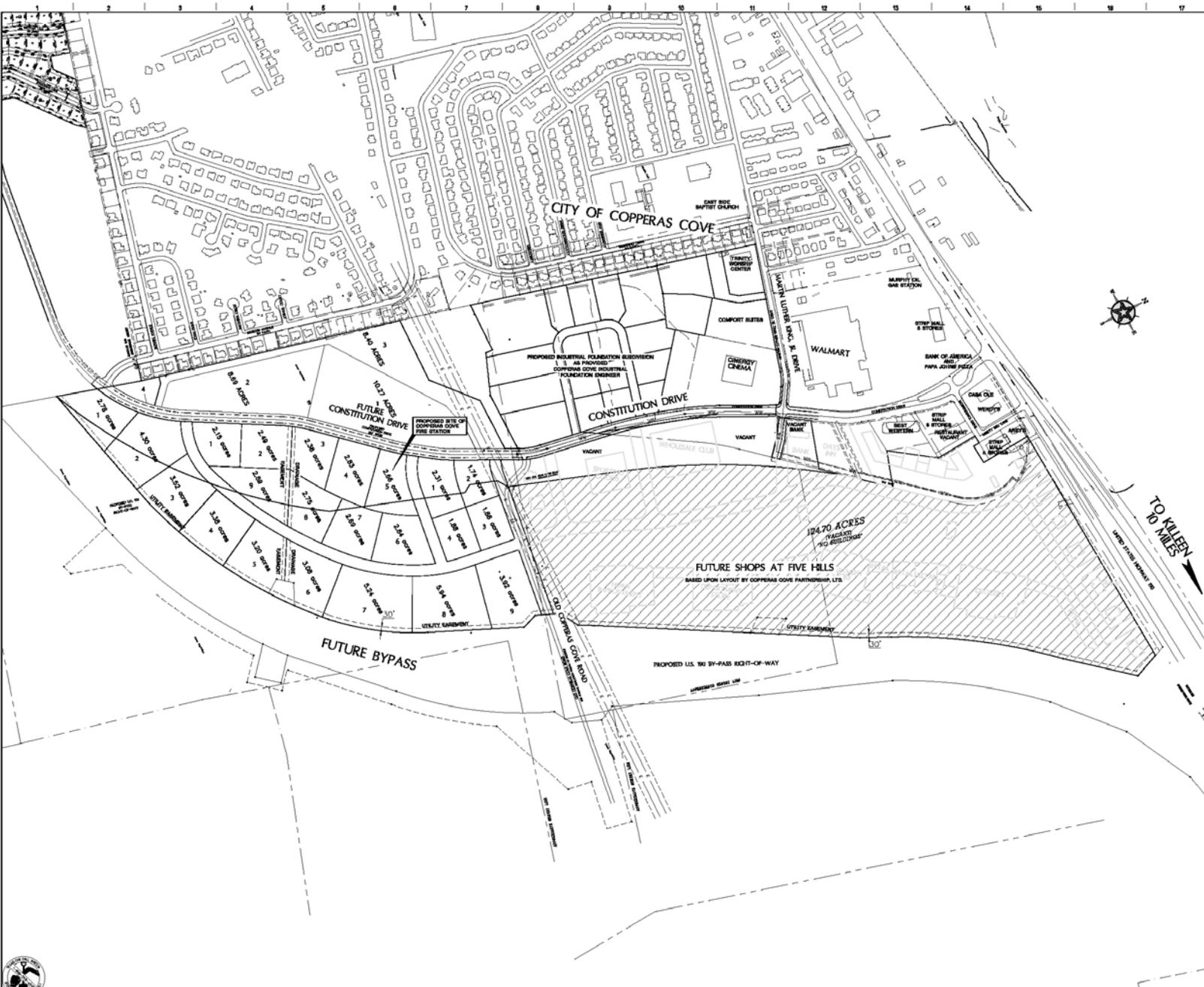
<small>THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PUBLIC REVIEW ONLY. THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.</small>	<small>DATE:</small> <small>BY:</small>	<small>DRAWING NO.:</small> C001
	<small>DESIGNED BY:</small> <small>CHECKED BY:</small>	<small>DATE:</small>
	<small>PROJECT MANAGER:</small> <small>CLIENT:</small>	<small>SCALE:</small>
	<small>DATE OF PREPARATION:</small> <small>BY:</small>	<small>DATE:</small>



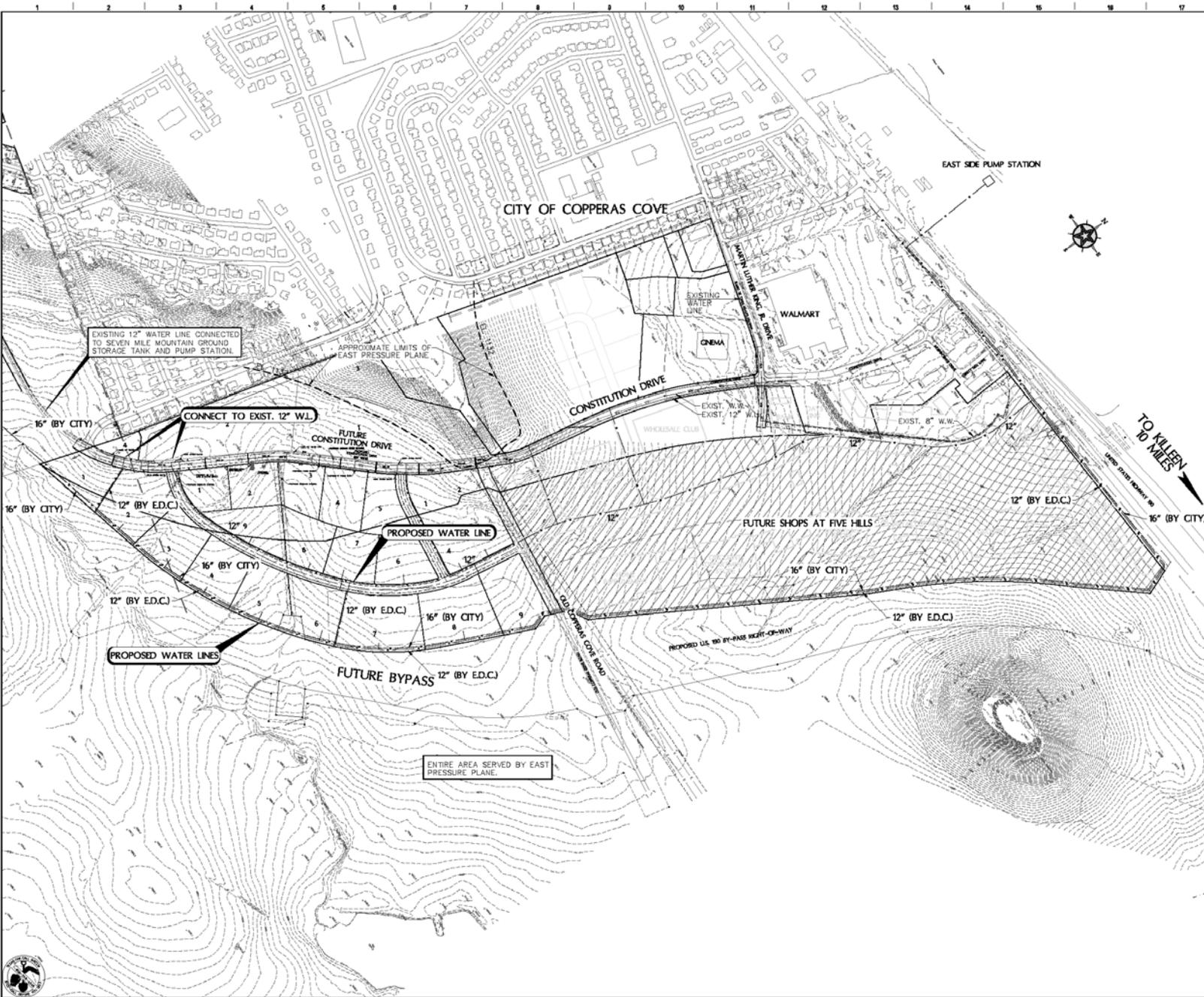
REV	DESCRIPTION	DATE								
<p>Walker Partners ENGINEERS • SURVEYORS 1821 J. WILSON ROAD, WACO, TX 76798</p>										
<p>COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER</p>										
<p>ZONING MAP</p>										
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DESIGNED BY	OEW									
DRAWN BY	JAB									
CHECKED BY	OEW									
DATE	OEW									



REV	DESCRIPTION	DATE
 Walker Partners ENGINEERS - SURVEYORS <small>1922 E. WASHINGTON ST. SUITE 100 DALLAS, TEXAS 75201</small>		
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
EXISTING LOT LAYOUT		
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REV	DESCRIPTION	DATE
 Walker Partners ENGINEERS • SURVEYORS 1821 W. WASHINGTON ST.		
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
PROPOSED LOT LAYOUT		
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EAST SIDE PUMP STATION

CITY OF COPPERAS COVE



EXISTING 12" WATER LINE CONNECTED TO SEVEN MILE MOUNTAIN GROUND STORAGE TANK AND PUMP STATION

APPROXIMATE LIMITS OF EAST PRESSURE PLANE

EXISTING WATER LINE

WALMART

GENMA

CONSTITUTION DRIVE

EXIST. W.W. EXIST. 12" W.W.

EXIST. 8" W.W.

TO KILBURN 10 MILES

CONNECT TO EXIST. 12" W.L.

FUTURE CONSTITUTION DRIVE

FUTURE SHOPS AT FIVE HILLS

PROPOSED WATER LINE

PROPOSED WATER LINES

FUTURE BYPASS 12" (BY E.D.C.)

ENTIRE AREA SERVED BY EAST PRESSURE PLANE



REV.	DESCRIPTION	DATE
 Walker Partners ENGINEERS • SURVEYORS <small>1811 S. WILSON ROAD, SUITE 100, WILSON, TEXAS 76798</small>		
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
WATER CONCEPT PLAN		
PRELIMINARY FOR REVIEW ONLY		
<small>THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF WITHIN LOCAL AGENCY BE APPROVED BY PROFESSIONAL ENGINEER</small> <small>DATE: 07/10/2010</small> <small>BY: C. WILSON</small> <small>DATE: 07/10/2010</small> <small>BY: C. WILSON</small>	DRAWING NO. C005	



REV	DESCRIPTION	DATE
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COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
WASTE WATER CONCEPT PLAN PRELIMINARY FOR REVIEW ONLY		
<small>THIS DRAWING IS RELEASED FOR THE PURPOSE OF REVIEW ONLY AND SHOULD BE APPROVED BY PROFESSIONAL PERSONNEL.</small> <small>BY THE DESIGNER: OTTO E. WUNDERHOFF, P.E.</small> <small>DATE: 5/24/10</small> <small>BY THE CLIENT: JERRY L. BROWN, P.E.</small> <small>DATE: 5/24/10</small>	DRAWING NO. C006	DRAWING NO. C006

GENERAL NOTES

RUNOFF FLOWS SHOWN WERE CALCULATED WITH THE INTENTION THAT ALL FUTURE DEVELOPED TRACTS WILL HAVE ONSITE DETENTION FACILITIES.

DRAINAGE DESIGN TO BE PROVIDED BY ONCOR FOR BUILDING PERMIT.

DRAINAGE DESIGN TO BE PROVIDED BY COPPERAS COVE INDUSTRIAL FOUNDATION ENGINEER.

NOTE: DRAINAGE CALCULATION, DETENTION AND DESIGN FOR THE PROPOSED "SHOPS AT FIVE HILLS" SHALL BE PRESENTED AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT.

CITY OF COPPERAS COVE IS RECOMMENDING CONSIDERATION OF "REGIONAL DETENTION" FOR AREA OF PROPOSED DEVELOPMENT EAST OF THE EXTENSION OF CONSTITUTION AND WEST OF THE PROPOSED FUTURE BYPASS.

DRAINAGE SYMBOL LEGEND



C = COEFFICIENT OF RUNOFF
 110 / 1100 = 10 & 100 YR RAINFALL INTENSITY
 A = AREA IN ACRES
 Q10 / Q100 = 10 & 100 YR PEAK FLOW RATE
 → FLOW DIRECTION



Walker Partners
 ENGINEERS - SURVEYORS
 1821 W. WOODBRIDGE BLVD.

COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION
 CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER

DRAINAGE AREA MAP

PRELIMINARY FOR REVIEW ONLY

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IN THE EVENT OF A DISASTER, THE USER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THIS DRAWING FROM THE ARCHIVE OF THE ARCHITECTURAL BOARD OF MISSISSIPPI.	CHECKER CEW	

