



**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 **1st day of June 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. Recognition and farewell to outgoing Council Members. ***John Hull, Mayor***
 - Chuck Downard, Position 3
 - Bill L. Stephens, Position 5
2. Oath of Office. ***F. W. "Bill" Price, Municipal Court Judge***
 - Gary L. Kent – Council Member Position 3
 - Danny Palmer – Council Member Position 4
 - Kenn Smith – Council Member Position 5
3. Outgoing Unity Committee Members. ***Andrea M. Gardner, City Manager***
 - Joseph Pace, Chairman – Municipal Court Administrator
 - Carroll Merrell, Member – Utility Dept. Meter Reader/Service Tech.
 - Ernest Wilkins, Member – Drainage Dept. Laborer
 - Kevin Keller, Member – Police Dept. Corporal
 - Calvin Aplaca, Member – Sewer Collection Assistant Supervisor

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 workshop council meeting on May 18, 2010. **Jane Lees, City Secretary**
2. Consideration and action on approving the minutes from the regular council meeting on May 18, 2010. **Jane Lees, City Secretary**
3. Consideration and action on approving the minutes from the special council meeting on May 24, 2010. **Jane Lees, City Secretary**

H. PUBLIC HEARINGS/ACTION

1. Public hearing on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove. **Andrea M. Gardner, City Manager**

I. ACTION ITEMS

1. Consideration and action on the appointment of a mayor pro tem to serve for a period of one (1) year and who shall act as mayor during the absence or disability of the mayor. **Stefanie Brown, Deputy City Secretary**
2. Consideration and action on granting Council Member Frank Seffrood, Position 7, an excused absence from a regular council meeting. **Stefanie Brown, Deputy City Secretary**
3. Discussion on Fiscal Year 2010-11 Budget Calendar to include the dates established for budget workshops and the required public hearings per the City Charter and/or State Law. **Andrea M. Gardner, City Manager**
4. Consideration and action on an ordinance amending Personnel Policy No. 510, Family and Medical Leave. **Kelli Sames, Human Resources Director**
5. Consideration and action on appointments to the Board of Adjustment. **Wesley Wright, P.E., City Engineer**
6. Consideration and action on appointments to the Planning and Zoning Commission. **Wesley Wright, P.E., City Engineer**

7. Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove and Sunbelt Industrial Services Inc. for professional services to perform 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**
8. Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove and Hearn Engineering, Inc for professional services to survey and mark the locations for the installation of three piezometers and four permanent gas monitoring probes to provide additional site characterization for the landfill groundwater monitoring plan and the future installation of four permanent gas monitoring probes as suggested by the Texas Commission on Environmental Quality (TCEQ). **Michael Mundell, Superintendent of Solid Waste**
9. Consideration and action authorizing the submittal of an application for a grant through the Texas Forest Service for new air packs, bunker gear, and training. **Mike Baker, Fire Chief**

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS – None.

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 28, 2010, on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

Stefanie Brown, Deputy City Secretary

**CITY OF COPPERAS COVE
CITY COUNCIL WORKSHOP MEETING MINUTES
May 18, 2010 – 6:00 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 6:00 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
Charles E. Zech, City Attorney
Jane Lees, City Secretary

C. WORKSHOP ITEMS

1. Presentation and discussion on stormwater regulations. **Wesley Wright, P.E., City Engineer**

The presentation on stormwater regulations is attached and made a part of the minutes.

2. Presentation and discussion on a draft land disturbance ordinance. **Wesley Wright, P.E., City Engineer**

The presentation and the draft land disturbance ordinance is attached and made a part of the minutes.

3. Provide direction to the City Manager on item C-1 and C-2 above. **Andrea M. Gardner, City Manager**

At the request of the City Manager, the appeals process for denial of a permit was explained by the City Attorney. The City Attorney concluded the appeals can go directly to the City Council.

Council Member Meredith requested additional time to review and allow the newly elected Council Members an opportunity to review once seated.

The City Engineer agreed appeals criteria needed to be included in the ordinance. Once updated a copy is to be provided to the Council.

Mayor Hull stated another workshop can be scheduled if necessary and he preferred City staff bring the proposed ordinance to council for approval in the near future.

Council Member Youngs stated the ordinance is a tool to monitor an area. The committee felt it was important to get a draft in front of the Council and get feedback. He requested City staff send revised ordinance to the Council to study.

The City Manager stated the ordinance may be placed on an upcoming meeting agenda as a discussion item.

The City Engineer concluded he would hand out the proposed ordinance at the upcoming Builders & Developers Luncheon next week.

D. ADJOURNMENT

There being no further business, Mayor Hull adjourned the meeting at 6:40 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

Storm Water Regulations – MS4

May 18, 2010

Wesley Wright, P.E., City Engineer

Storm Water Regulations

What is MS4?

- Municipal Separate Storm Sewer System
- Phase I – 100k population
- Phase II – under 100k



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Texas Pollutant Discharge Elimination System
Small Municipal Separate Storm Sewer System (MS4) General Permit

The Notice of Intent (NOI) for the Small MS4 listed below was received on February 11, 2009. The intent to discharge storm water associated with the Small MS4 under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) Small MS4 permit TXR040000 is authorized. The MS4 Operator's TPDES Small MS4 general permit authorization number is:

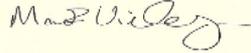
TXR040201
Coverage Effective: 4/30/2009

TCEQ's Small MS4 general permit requires certain storm water pollution prevention and control measures, possible monitoring and reporting, and periodic inspections. Among the conditions and requirements of this permit, you must have prepared and implemented a storm water management program (SWMP) that is tailored to your MS4. As a facility authorized to discharge under the Small MS4 general permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Title Information	OPERATOR
8416551000	CITY OF COPPERAS COVE
CITY OF COPPERAS COVE MS4	CITY OF COPPERAS COVE
A PORTION OF AREA WITHIN THE CITY OF COPPERAS COVE LIMITS THAT IS LOCATED	PO BOX 1419
WITHIN THE SILVER SPRINGFIELD AREA, 200 IN LANPASTAS COUNTY	COPPERAS COVE, TX 75226-0419
COPPERAS COVE, TX 75222	
CONVELL COUNTY	

This permit expires on August 13, 2012, unless otherwise amended. For additional information, see the TCEQ web site at http://www3.tceq.state.tx.us/wq_cpa or contact the Storm Water & Pretreatment Team at swpp@tceq.state.tx.us or by telephone at (512) 239-4671. A copy of this document should be kept with your storm water management program.

Issue Date: 4/30/2009


FOR THE COMMISSION

Storm Water Regulations

What is MS4?

- Originated from the Clean Water Act of 1972 (Amended in 1977)
- Unfunded federal mandate regulated and enforced by the EPA/TCEQ
- Goal is to reduce non-point pollution discharges into waterways



Storm Water Regulations

How is an MS4 effective?

- Reduce pollutants in waterways
- Control storm water discharges
- Protect water quality
- Water quality requirements

Storm Water Management Plan (SWMP)

Plan was approved on April 30, 2009

Year 1 – August 2007 to August 2008

Year 2 – August 2008 to August 2009

Year 3 – August 2009 to August 2010

Year 4 – August 2010 to August 2011

Year 5 – August 2011 to August 2012



Storm Water Regulations

What is a SWMP?

- Five year plan focusing on Six Key Initiatives
 1. Public Education and Outreach
 2. Public Involvement/Participation
 3. Illicit Discharge Detection and Elimination
 4. Construction Site Runoff Control
 5. Post-Construction Storm Water Management
 6. Pollution Prevention/Good Housekeeping
- Full plan is available online
http://www.ci.copperas-cove.tx.us/pages/city_engineer/stormwater.htm

Storm Water Regulations

Public Education and Outreach

- Year 3 Requirements
 - Utility bill insert
 - Storm water website
 - Book covers
 - Information packet at Library
 - Brochures
- Typically annual requirements

Storm Water Pollution Prevention

Water pollution can come from a lot of different places, but the number one reason that our creeks, rivers, lakes and beaches get dirty is from the pollutants that flow into storm drains.



Please pick up behind me!
Pet waste pollutes drinking water sources.

For more information, visit
[www.ci.copperas-cove.tx.us/
pages/city_engineer/stormwater.htm](http://www.ci.copperas-cove.tx.us/pages/city_engineer/stormwater.htm)

10 Things You Can Do to Prevent Storm Water Pollution

- ◆ Use fertilizers sparingly and sweep up driveways, sidewalks, and gutters.
- ◆ Never dump anything down storm drains or in streams
- ◆ Vegetate bare spots in your yard
- ◆ Compost your yard waste
- ◆ Use less toxic pesticides and follow labels
- ◆ Direct downspouts away from paved surfaces
- ◆ Take your car to the car wash instead of washing it in the driveway
- ◆ Check your car for leaks and recycle your motor oil
- ◆ Have your septic tank pumped and system inspected regularly
- ◆ Pick up after your pet



For more information, visit
[www.ci.copperas-cove.tx.us/
pages/city_engineer/stormwater.htm](http://www.ci.copperas-cove.tx.us/pages/city_engineer/stormwater.htm)

Storm Water Regulations

Public Involvement/Participation

- Year 3 Requirements
 - Mark inlet drains
 - Public Meetings
 - KCCB efforts
- Typically annual requirements



Storm Water Regulations

Illicit Discharge Detection and Elimination

- Year 3 Requirements
 - Inspect drainage system
 - Inspect construction sites
 - Spill response
- Future Requirements
 - Plan review
 - Continue prior year efforts



Storm Water Regulations

Construction Site Runoff Control

- Year 3 Requirements
 - Erosion control plans
 - Plan review
- Future Requirements
 - Erosion control ordinance?



Storm Water Regulations

Post-Construction Storm Water Management

- Year 3 Requirements
 - Drainage criteria manual
 - Post construction inspection
- Future Requirements
 - Maintain and improve



Storm Water Regulations

Pollution Prevention/Good Housekeeping

- Year 3 Requirements
 - Street sweeping
 - Maintain city facilities
 - Administration
 - Training/Education
- Future Requirements
 - Continue annually



Storm Water Regulations

- What's next?
 - Public
 - Protect storm drains
 - Maintain vehicles
 - Establish a good lawn/mulch
 - Participate in KCCB
 - City Staff
 - Continue to follow SWMP
 - Land Disturbance Ordinance
 - Drainage Criteria Manual
 - Erosion Control Ordinance



Storm Water Regulations – MS4

May 18, 2010

Wesley Wright, P.E., City Engineer

Proposed Land Disturbance Ordinance

May 18, 2010

Wesley Wright, P.E., City Engineer

Land Disturbance Ordinance

- October 13, 2009 – Committee Established



- Charlie Youngs, Council Member
- Nelson Helm, Citizen
- Samuel Banks, Citizen
- Wesley Atkinson, Builder/Developer
- Gilbert Hancock, Citizen
- Jamie Clark, Builder

Land Disturbance Ordinance

- Why?
 - Inform the public about potential damages
 - Provide a means to establish and enforce protective measures
 - EPA & TCEQ storm water requirements
 - Help the development community



Land Disturbance Ordinance

- Permit Required

- Grubbing
- Grading
- Excavating
- 3 cubic yards soil
- Within city limits

- Not required

- Plant removal on individual single family/duplex lots
- Clear cutting
- Agricultural activities
- Clearing survey sight lines
- Trenching for foundations/utilities
- Routine maintenance of existing landscaping



Land Disturbance Ordinance

- Required Components
 - Application
 - Fee (\$35)
 - Proof of ownership

 - *Topographical survey
 - *Proposed grading
 - *Erosion control plan

 - **Notice of Intent
 - **SWPPP

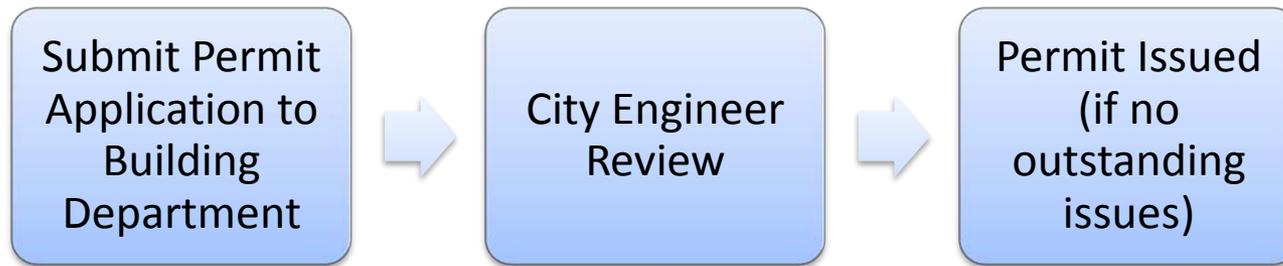


*individual one/two family lots exempted

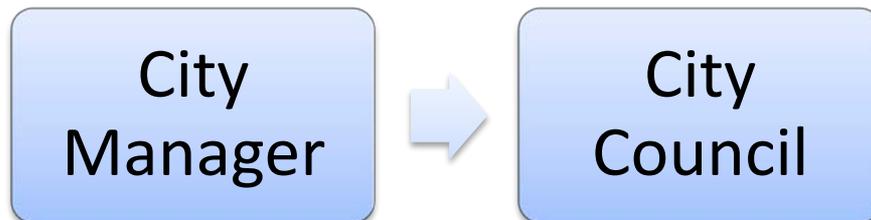
**where required by TCEQ/EPA

Land Disturbance Ordinance

- Permit Process



- Appeal Process



Land Disturbance Ordinance

- Possible reasons for denial



- Incomplete application packet
- Erosion control issues
- Adverse impact downstream
- Easement issues
- Moratorium

Land Disturbance Ordinance

- Questions for Council
 - Proceed with Ordinance?
 - Modifications?
 - Recommendations?
 - Questions?



Proposed Land Disturbance Ordinance

May 18, 2010

Wesley Wright, P.E., City Engineer

Sec. 17.5-2. Definitions. (add these terms to the existing definitions or amend the definitions as follows)

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Accessory structure or building shall mean a subordinate structure or building customarily incident to and located on the same lot occupied by the main structure or building.

Applicant shall mean the owner(s) of the property to be developed and/or disturbed.

Bond shall mean any form of security, including a cash deposit, surety bond, or instrument of credit in an amount and form approved by the city.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. Also, anything built that requires a permanent location.

City standards shall mean those standards and specifications, together with all tables, charts, graphs, drawings and other attachments hereinafter approved and adopted by the City Council, which may be amended from time to time, and are administered by the city staff for the construction and installation of streets, sidewalks, drainage facilities, water and sanitary sewer mains and any other public facilities. All such facilities which are to become the property of the city upon completion must be constructed in conformance with these standards.

Commission shall mean the duly organized body appointed by the city council as the Planning and Zoning Commission.

Construction plans shall mean the plat, grading plan, drainage plan, site plan, erosion control plan, paving plans, utility plans, maps, drawings and technical specifications, including bid documents and contract conditions, where applicable, which provide a graphic and written description of the character and scope of the work to be performed prepared for approval by the city for construction. Maps or drawings prepared and sealed by a licensed professional engineer, showing the specific location and design of public improvements to be installed in accordance with the requirements of the City Engineer.

Developer shall mean any person, corporation, governmental or other legal entity engaged in the development of property by improving a tract or parcel of land for any use. The term "developer" is intended to include the term "subdivider."

Development any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Easement shall mean a grant by a property owner to the public, a corporation, or persons for a general or specific use of a defined strip or parcel of land, for such purpose as the installation, construction, maintenance and/or repair of utility lines, drainage ditches or channels, or other public services, the ownership or title to the land encompassed by the easement being retained by the owner of the property.

Easement (utility, access and drainage). An authorization granted by the property owner to the city, the public, an individual, or a private utility corporation for installing or maintaining utilities or drainage facilities over or under private land, together with the right to enter the property with machinery and vehicles necessary for the maintenance of the utilities or drainage facilities, or authorization to cross a piece of property for purpose of access/egress to another property.

Enclosure is a fully enclosed area below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement.

Engineer shall mean any person duly authorized under the Texas Engineering Practice Act (V.A.C.S. art. 3271a), as amended, to practice the profession of engineering.

Erosion shall mean the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Erosion control shall mean a set of best management practices or equivalent measures designed to control surface runoff and erosion and to prevent sediment from leaving a certain area.

Extraterritorial jurisdiction shall mean that unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in V.T.C.A., Local Government Code, section 42.001 et seq. The extraterritorial range of the City of Copperas Cove authority lies outside the corporate limits of up to two (2) miles as authorized by state law.

Land disturbing activity shall mean any change in land made or caused by human activity that may result in soil erosion from water or wind, the movement of solid materials into waters or onto adjacent lands, or increased runoff of storm

water including, but not limited to, grubbing, grading, excavating, transporting, or filling of land.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms “lot” and “tract” shall be used interchangeably.

Master plan shall mean the comprehensive plan of the city adopted by the city council.

Notice of Intent (NOI) see Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Off-site shall mean any premises not located within the property to be developed, regardless of ownership.

Owner shall mean any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal or equitable title in the land sought to be subdivided under these regulations.

Plat shall mean a map representing a tract of land showing the boundaries of individual properties and streets or a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, easements, alleys, which an applicant submits for approval and a copy of which he intends to record with the County Clerk of the County or Counties within which the subdivision or parcel resides.

Plat, final, shall mean the map or plan of a proposed development submitted for approval by the planning and zoning commission and city council, where required, prepared in accordance with the provisions of this chapter and requested to be filed with the county clerk of the County within which the subdivision or parcel resides.

Right-of-way shall mean a strip of land, shown to be separate and distinct from adjacent lots or parcels of land, and not included in the dimensions or areas of such lots or parcels, acquired by dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission facility, oil or gas pipeline, water mains, sewer mains, storm drainage or other similar facility. Rights-of-way intended for streets, sidewalks, water mains, sewer mains, storm drainage, or any other use involving maintenance by a public agency shall be dedicated to the public use by the plat applicant either by easement or in fee simple title.

Sediment shall mean soils or other surface materials transported by surface water as a product of erosion.

Sedimentation shall mean the process of action of depositing sediment generally caused by erosion.

Storm Water Pollution Prevention Plan (SWPPP). See Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Streets and alleys shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, alley, place, or however otherwise designated. City streets shall conform to the following classifications:

- (1) Arterial streets and highways are those which are used primarily for higher speed and higher volume traffic. Routes for such streets shall provide for cross-town circulation and through-town movements.
- (2) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance, circulation streets of a residential development and streets for circulations within such a development of a residential subdivision.
- (3) Minor streets are those which are used primarily for access to abutting properties.
- (4) Marginal access streets are minor streets located parallel to and adjacent to arterial streets and highways, providing access to abutting properties and protection from the traffic of the thoroughfares.
- (5) Alleys are minor ways used primarily for access to abutting properties for vehicle service usually to the back or side of a property.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and ground signs, but exclusive of customary fences or boundary or retaining walls.

Subdivision shall mean:

- (a) Any land, vacant or improved, which is divided into two (2) or more parts, or alternatively assembly of two or more parts into one tract, for the purpose of:
 - (1) transfer of ownership; or
 - (2) creating lots, including an addition to the city,
 - (3) to lay out suburban, building or other lots; or
 - (4) to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts.
- (b) "Subdivision" refers to any division irrespective of whether the actual division is made by metes and bounds description in a deed of

conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

- (c) A subdivision does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.
- (d) Subdivision shall apply to land within the city or its ETJ.

Sec. 17.5-137. Enforcement; penalty. (Replaces Sections 17.5-137 and 17.5-138)

(a) Unless otherwise stated, violations of this chapter shall be punishable under the provisions of section 1-8 of the City Code of Ordinances and/or as provided in paragraphs (b) through (g) below.

(b) If it appears that a violation or threat of a violation of this subchapter or plan, rule, or ordinance adopted under this subchapter consistent with this subchapter exists, the municipality is entitled to appropriate injunctive relief against the person who committed, is committing, or is threatening to commit the violation.

(c) A suit for injunctive relief may be brought in the county in which the defendant resides, the county in which the violation or threat of violation occurs, or any county in which the municipality is wholly or partly located.

(d) In a suit to enjoin a violation or threat of a violation of this subchapter or a plan, rule, ordinance, or other order adopted under this subchapter, the court may grant the municipality any prohibitory or mandatory injunction warranted by the facts including a temporary restraining order, temporary injunction, or permanent injunction.

(e) A person commits an offense if the person violates this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter within the limits of the municipality. An offense under this subchapter is a Class C misdemeanor. Each calendar day the violation continues constitutes a separate offense.

(g) It is no defense to a criminal or civil suit under this section that an agency of government other than the municipality issued a license or permit authorizing the construction, repair, or alteration of any building, structure, or improvement. It also is no defense that the defendant had no knowledge of this subchapter or of an applicable plan or rule. Reference L.G.C. § 212.050 (a) (f).

ARTICLE III. DEVELOPMENT PROCESS

Sec. 17.5- 60 Land Disturbance Permit

Purpose(s). The purposes of this section of the subdivision ordinance are to inform the public about the hazards to life and property due to damages created by changes to existing landscape and to provide a means for which to establish and enforce protective measures to reduce these damages. Any change to existing landscape, including cutting and filling of small spaces, may initiate or increase erosion and sedimentation and may also lead to changes in which storm water travels from one property to another.

The National Environmental Protection Agency (NEPA) and the Texas Commission on Environmental Quality (TCEQ) have mandated that local governments monitor and control pollutants entering drainage ways, streams, ponds, rivers, and lakes of the United States and Texas. These regulations require that municipalities act as the local enforcement agencies for all non point pollutants that may enter the aforementioned water ways including those pollutants that are borne in sediments that are carried away due to soil erosion and the sediments they may create in these water ways.

Additionally, the Federal Emergency Management Agency (FEMA) has released flood hazard maps for Bell County (adopted in 2008), and new flood hazard maps for Coryell County are scheduled for adoption on February 17, 2010. Recent heavy rainfall events (the years 2007 and 2008) have led to numerous properties being flooded and caused considerable injury to persons and property. This section of the subdivision ordinance will provide a method for staff review of proposed grading and how this affects area drainage.

The provisions within this ordinance do not relieve any entity or property owner from storm water runoff related damages caused by their land disturbing activity, or the responsibility to adhere to all Federal and State requirements.

Sec. 17.5 - 61. Land disturbance permit required.

(a) *When required.* A land disturbance permit shall be obtained before any land disturbance activity, including grubbing, grading, or excavating, that causes to be moved more than three (3) cubic yards of soil, fill, or other material. A permit shall be obtained whenever the land disturbance activity is within the corporate limits of the City of Copperas Cove.

(b) *When not required.* A land disturbance permit is not required for the following land disturbing activities:

- (1) The removal of woody or herbaceous plants on existing, individual one and two family residential parcels less than two (2) acres in size. All other properties shall be subject to permitting. In instances where, in the

opinion of the City Engineer or designee, the removal of woody or herbaceous plants would not result in significant drainage or erosion control issues, permit may be waived.

(2) Tree removal that does not disturb the root system or soil.

(3) Agricultural activities such as clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities.

(4) Clearing of narrow sightlines for the specific purpose of conducting measurements and surveys.

(5) Trenching required for structural foundations or utility improvements.

(6) Routine maintenance of existing landscaping.

(c) *Required components.* An applicant proposing land disturbance must submit an application for a Land Disturbance Permit, a copy of their Notice of Intent (NOI) (when required by any agency), proof of a Storm Water Pollution Prevention Plan (SWPPP) (when required by any agency), along with the following items:

(1) Completed permit application signed by the property owner or, in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);

(2) Nonrefundable permit application fee, as established by the City Council;

(3) Deed showing current ownership of the subject property;

(4) Existing topographic survey (including all existing facilities, both under and above ground);

(5) Proposed grading plan (including all existing and proposed facilities, both under and above ground);

(6) Erosion control plan detailing how silt, sediment, and pollutants will remain onsite and how soil will be stabilized once land disturbance is complete.

(7) Homeowners of one and two family residential lots less than two (2) acres shall be required to provide *required components (1), (2), and (3)*. Hand sketches combined with written descriptions of proposed modifications shall suffice for *required components (4), (5), and (6)* for permitting purposes of one and two family residential lots less than two (2) acres.

(d) *Review process.* The city staff agency responsible for the intake of the permit shall be the Building Department and the review of land disturbance permit applications shall be made by the City Engineer. Applications shall be submitted on a form provided by the Building Department. The City Engineer shall advise the applicant in writing of any concerns with the permit application. The City Engineer shall approve the issuance of the land disturbance permit if all components required by this section have been submitted, the fee paid, and all concerns have been addressed.

(f) *Issuance of permit.* The Building Official shall issue a permit within ten (10) working days after the permit application is received or give a detailed written notice to the applicant that the permit application is unapproved. If response is not given within ten (10) days, applicant may request to have the permit taken to the City Manager's office for consideration.

If the permit application is returned as being unapproved, the applicant may correct the deficiencies and resubmit the permit application for approval without paying any additional fees. If the permit application is returned a second time or if a second request is not received within forty-five (45) calendar days of the date of notice of the first written notice, the applicant shall be required to resubmit the permit application and shall be required to pay all standard permit application fees.

(g) *Appeal.* The applicant for a land disturbance permit may file an appeal of a non-issuance by staff with the City Manager's office within fifteen (15) calendar days. The appeal request must detail the applicant's basis for challenging the written findings of the City Engineer. The City Manager shall consider the merits of the appeal and shall either resolve the appeal in the applicant's favor and have the permit issued or, upon applicant's request, schedule the appeal for the next available City Council meeting agenda for final resolution.

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
May 18, 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

ALSO PRESENT

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

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

D. ANNOUNCEMENTS

Council Member Downard announced the 2010 Volunteer Board Recruitment Reception to be held on Monday, May 24, 2010 at 7:00 p.m. in the Library.

Mayor Hull announced the Relay for Life event starting on Friday night at 7:00 p.m. and running through Saturday morning. He reminded everyone that it was for a good cause and to participate in any way they could.

City Manager Gardner announced the Hog Wild Seminar provided to municipal clients of Denton, Navarro, Rocha & Bernal on June 25, 2010 in New Braunfels, Texas.

Mayor Hull stated that the annual Rabbit Fest was held over the weekend and was attended well. He thanked everyone for their efforts in helping put this event together.

E. PUBLIC RECOGNITION

1. Employee of the First Quarter 2010. ***Andrea M. Gardner, City Manager***

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

- 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. Mayor John Hull read the “Law Enforcement Torch Run Day for Special Olympics Texas” proclamation and presented it to Cpl. Kevin Keller of the Police Department. Cpl. Keller brought several Special Olympians with him, who are members of the local S.M.I.L.E. team. Those present were Shannon Fitzgerald, Ramona Lopez, Casey Fitzgerald, Aaron Parris, Ruthie Ellis and Coaches Myra Lopez and Mary Fitzgerald. Coach Lopez thanked the Council for the proclamation, saying that she started the S.M.I.L.E. Team five years ago in honor of her daughter Ramona.
- b. Mayor John Hull read the “Hurricane Awareness Week” proclamation and presented it to Fire Chief Mike Baker.
- c. Mayor John Hull read the “Trauma Awareness Month and EMS Week” proclamation and presented it to Deputy Fire Chief Gary Young, who introduced the following nine members present from the Fire Department’s C Shift:

Michael Fleming – Battalion Chief/Paramedic
Jim Bednar – Investigator/Paramedic
Stephen Clendenen – Lieutenant/Paramedic
Heather Frink – Firefighter/Paramedic
Carlos Mariduena – Firefighter/Paramedic
Andy Smith – Firefighter/Paramedic
Mike Brazill – Firefighter/EMT-Intermediate
Kris Hurst – Firefighter/EMT
Mike Mayfield – Firefighter/EMT

F. CITIZENS’ FORUM

Roger O’Dwyer, 1703 Highland Drive. Mr. O’Dwyer stated that approximately 8-10 days ago, Time Warner Cable did something to their system and Channel 10 can no longer be viewed on cable.

G. CONSENT ITEMS

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**

Council Member Downard made a motion to approve G-1, G-2, G-3, and G-4 as presented. 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 16.5 of the Code of Ordinances of the City of Copperas Cove. **Andrea M. Gardner, City Manager**

Andrea M. Gardner, City Manager, gave an overview of agenda item H-1.

Mayor Hull opened the public hearing at 7:32 p.m.

Council Member Seffrood asked about free standing banners, saying that it was not included in the sign ordinance. The City Attorney stated a banner is still a banner whether it is attached to a building or to poles. Fire Chief, Mike Baker referenced the definition section, which clearly defines "banner". He also stated Section 16.5-5 references banners as well.

Speaking for: None.

Speaking Against: None.

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

Council Member Youngs made a motion to approve Ordinance No. 2010-20 as presented. Council Member Downard 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 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.

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**

Robert Schumacher, President of Keep Copperas Cove Beautiful, gave an overview of agenda item I-1.

Council Member Meredith made a motion to appoint Stefanie Brown to the Keep Copperas Cove Beautiful Commission. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

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**

Robert M. McKinnon, Public Works Director, gave an overview of agenda item I-2.

Council Member Downard made a motion to authorize the City Manager to execute a contract with Bell Contractors, Inc. for Phase III of the Community Development Block Grant (CDBG) Sewer Rehabilitation Project. Council Member Palmer seconded the motion, and with a unanimous vote, motion carried.

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**

Mike Baker, Fire Chief, gave an overview of agenda item I-3.

Council Member Meredith made a motion to approve Resolution No. 2010-19 as presented. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

The resolution caption is as follows:

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.

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**

Jane Lees, City Secretary, gave an overview of agenda item I-4. Election Judge Mary Howell was present to present the final numbers.

Council Member Downard made a motion to approve Resolution No. 2010-20 as presented. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

The resolution caption is as follows:

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.

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**

Jane Lees, City Secretary, gave an overview of agenda item I-5. Election Judge Mary Howell was present to present the final numbers.

Council Member Downard made a motion to approve Ordinance No. 2010-21 as presented. Council Member Palmer 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 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.

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**

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

Council Member Palmer made a motion on a written order to declare the approved amendments of the Charter of the City of Copperas Cove as adopted. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

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**

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

Council Member Palmer made a motion to approve Resolution No. 2010-22 as presented. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

The resolution caption is as follows:

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.

8. Discussion on proposed revisions to Chapter 3 of the Code of Ordinances for the City of Copperas Cove. **Andrea M. Gardner, City Manager**

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

The City Manager stated she contacted Mr. Mike Fry, who is educated in feral cat management programs. The City Manager requested guidance from the Council on how to proceed in this matter. She further stated that Mr. Fry looked at the proposed ordinance and provided comments.

Council Member Meredith stated she would like to have Mr. Fry brought here to do a presentation before the final ordinance is adopted. She further stated that it would be beneficial for everyone if he came.

Council Member Youngs stated this is an emotional issue within community. He prefers to not pay someone to fly here, but concluded it would be worth the money if it helps the City and the community clarify and understand the issues better. In addition, he stated that for the price of a flight and hotel, the City would be getting a good deal, rather than paying additional money to hire a consultant.

Council Member Palmer stated the matter was a hot topic that deserves all the attention we need to give it. Mr. Fry should be given a chance to address those who would like to hear him in a public meeting.

Council Member Seffrood stated that more participation from citizens is needed. He concluded that the money spent for a flight and hotel for Mr. Fry would be well worth it. However, he appealed to citizens to show up and participate in public meetings so the City Council can hear their opinions.

Council Member Youngs stated this may help lay the groundwork for an ordinance that will solve the problems the City has had with feral cats.

Council Member Downard stated the draft ordinance looked good, but preferred it go back to the Animal Advisory Board for further recommendations.

J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS

- | |
|--|
| 1. Update on the CCEDC Concept Plan. <i>Polo Enriquez, CCEDC Executive Director</i> |
|--|

Polo Enriquez, CCEDC Executive Director, gave an update on the CCEDC Concept Plan. Mr. Enriquez stated that issues were raised when the Concept Plan was first introduced and that hopefully at the conclusion of the presentation those questions will be answered. He introduced Otto Weiderhold of Walker Partners to make a presentation and answer any questions that the Council may have.

Mr. Weiderhold presented maps showing the project location, existing zoning for the Business Industrial Park, the existing and proposed lot layout, the water concept plan, the wastewater concept plan, and the drainage area map. The presentation is attached and made a part of these minutes.

In addition, the maps showed the proposed Shops at Five Hills, along with additional street plans which will match up to the proposed streets in the shopping center. An Oncor substation is planned for the area as well as land for a future fire substation. Constitution Drive will eventually be connected to Mueller Street in the next Phase. The future wastewater lines will be gravity fed and once completed, the temporary lift station can be decommissioned as well as the one in Thousand Oaks. Drainage must meet City detention requirements on each individual lot. He stated that a regional detention facility could be developed instead, but the water may not drain to all one point. This alternative can be looked into further. Runoff from the Shops at Five Hills has not been determined yet since it is still unknown how it will be developed.

K. ITEMS FOR FUTURE AGENDAS – None.

Meredith – would like City Manager to include discussion item on Land Disturbance Ordinance.

Meredith – City Attorney to discuss in a workshop the legal requirements for various types of committees, the purpose of the committees, and council involvement.

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

DRAWINGS
for
CITY OF COPPERAS COVE
CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER
COPPERAS COVE, TEXAS

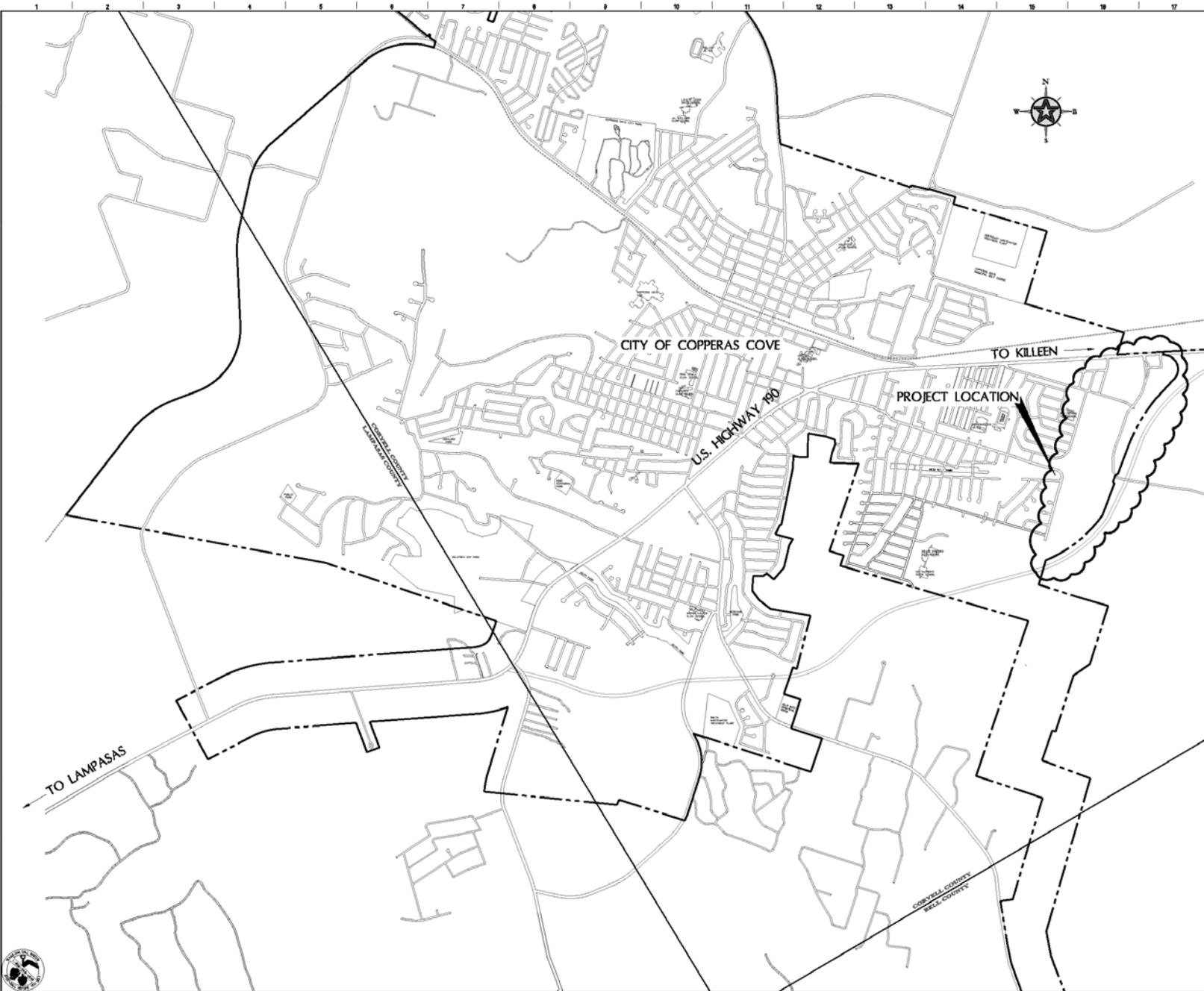
OWNER: COPPERAS COVE E.D.C.
210 SOUTH FIRST STREET
COPPERAS COVE, TEXAS 76522

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





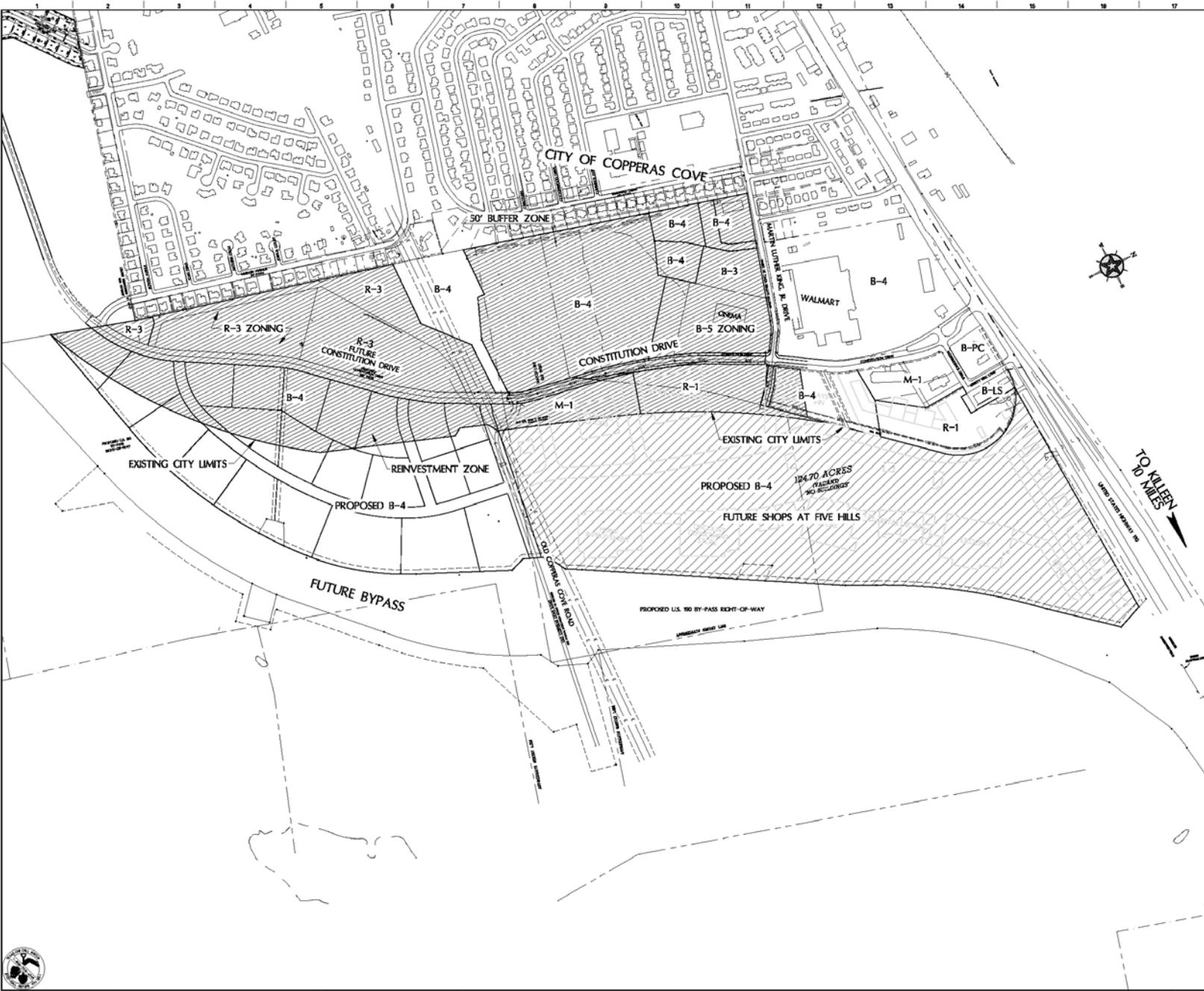
REV.	DESCRIPTION	DATE


Walker Partners
 ENGINEERS + SURVEYORS
 11211 S. WESTERN BLVD.
 SUITE 100
 DALLAS, TEXAS 75241

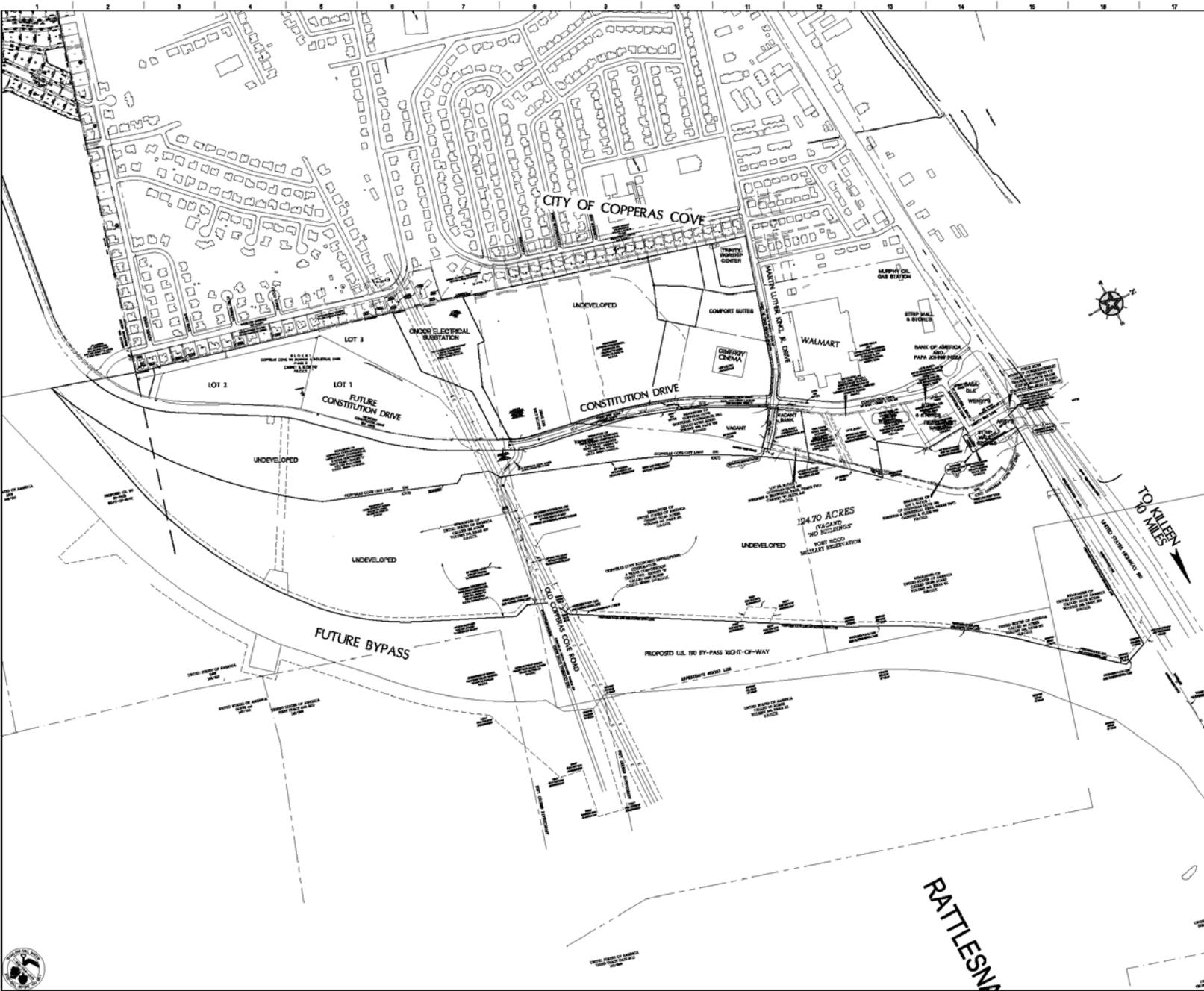
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION
 CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER

PROJECT LOCATION MAP
 PRELIMINARY FOR REVIEW ONLY

<small>THIS DOCUMENT IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA SHOWN ON THIS MAP. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</small>	DRAWN BY CEM	DRAWING NO. C001
	CHECKED BY JAB	
	DESIGNED BY CEM	
	DATE CEM	



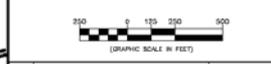
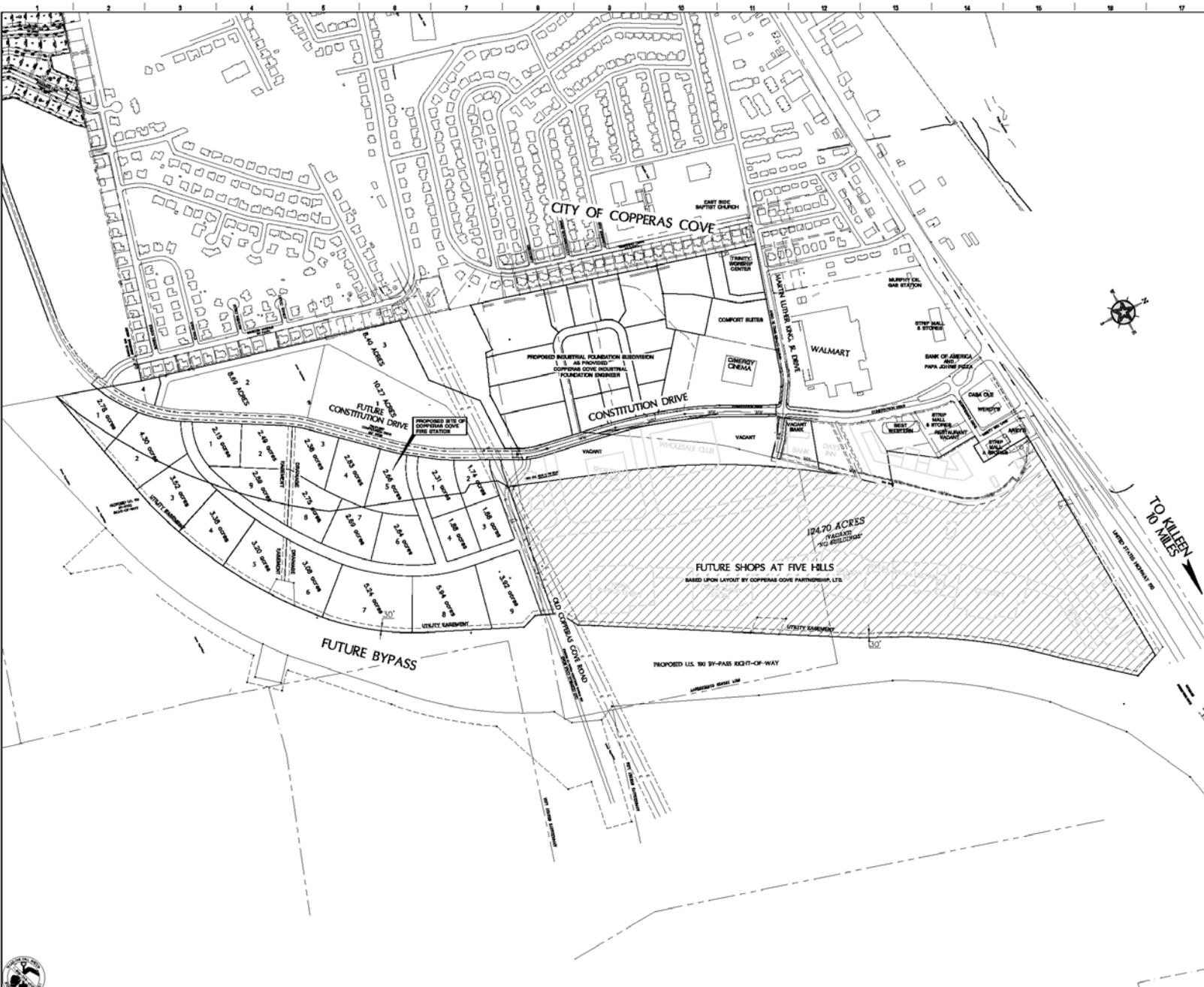
REV	DESCRIPTION	DATE								
<p>Walker Partners ENGINEERS • SURVEYORS 1821 J. WILSON ROAD, WACO, TX 76798</p>										
<p>COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER</p>										
<p>ZONING MAP</p>										
<p>PRELIMINARY FOR REVIEW ONLY</p>										
<p>THIS DOCUMENT IS THE PROPERTY OF WALKER PARTNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p>	<table border="1"> <tr> <td>DESIGNED BY</td> <td>OEW</td> </tr> <tr> <td>DRAWN BY</td> <td>JAB</td> </tr> <tr> <td>CHECKED BY</td> <td>OEW</td> </tr> <tr> <td>DATE</td> <td> </td> </tr> </table>	DESIGNED BY	OEW	DRAWN BY	JAB	CHECKED BY	OEW	DATE		<p>DRAWING NO.</p> <p style="font-size: 24pt; font-weight: bold;">C002</p>
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DRAWN BY	JAB									
CHECKED BY	OEW									
DATE										



REV.	DESCRIPTION	DATE
 Walker Partners ENGINEERS - SURVEYORS 1822 E. WASHINGTON ST. WYOMING, WY 83001		
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
EXISTING LOT LAYOUT		
PRELIMINARY FOR REVIEW ONLY		
THE DESIGNER IS RELEASED FOR THE DESIGN OF THIS PROJECT UNDER THE AUTHORITY OF PROFESSIONAL DESIGNER OTTO E. WITKOWSKI LICENSE NO. 10000 STATE OF WYOMING	DEW JAB DEW DEW	DRAWING NO. C003



RATTLESNAKE



REV.	DESCRIPTION	DATE

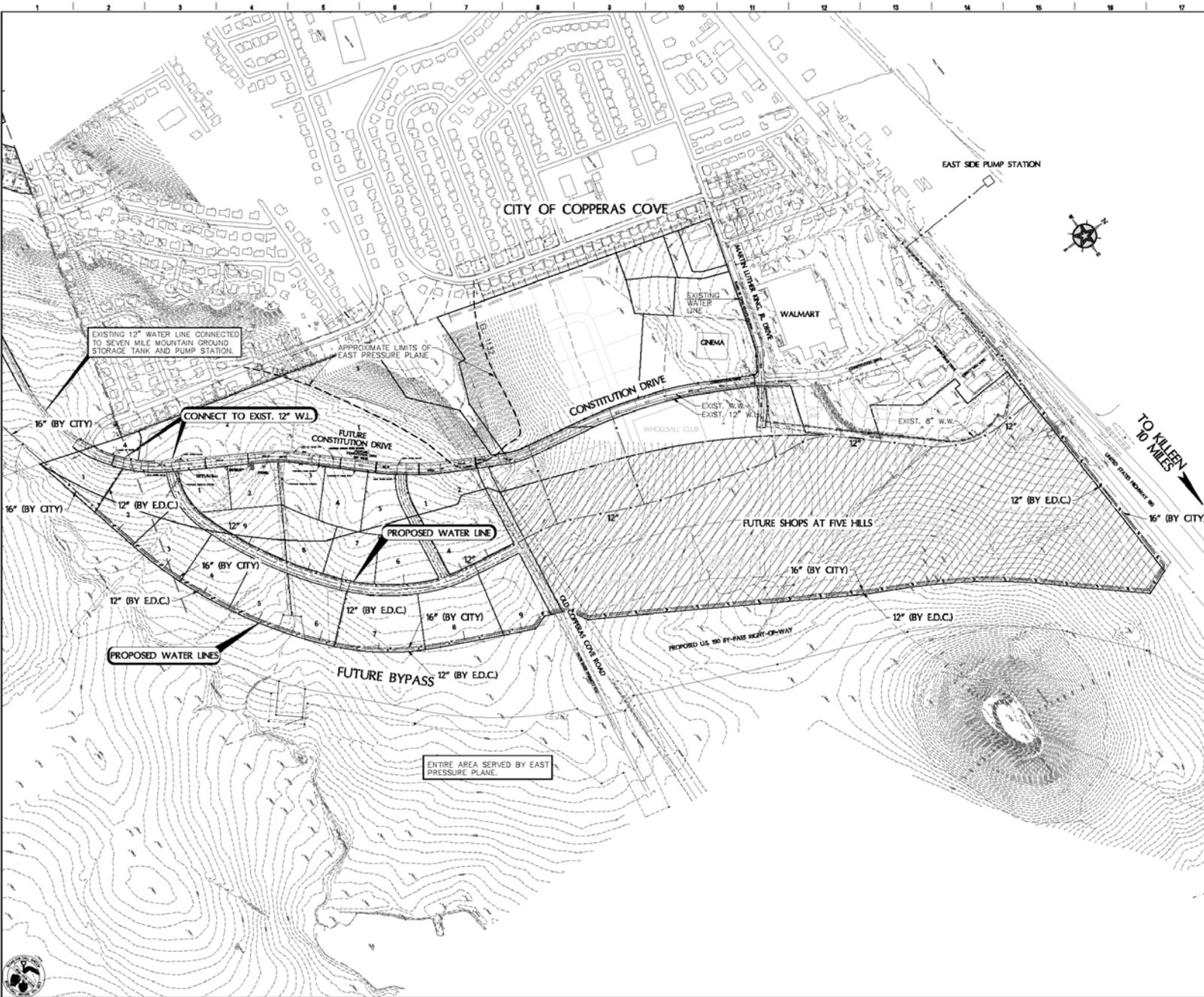
Walker Partners
ENGINEERS • SURVEYORS
1821 WILSONVILLE RD.

COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION
CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER

PROPOSED LOT LAYOUT

PRELIMINARY FOR REVIEW ONLY

THIS DRAWING IS RELEASED FOR THE PURPOSE OF REVIEW ONLY AND SHOULD BE APPROVED BY PROFESSIONAL SERVICE OFFICE: WALKER PARTNERS	DRAWING NO. C004
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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

WINDSOR CLUB

FUTURE SHOPS AT FIVE HILLS

12" (BY E.D.C.)

16" (BY CITY)

12" (BY E.D.C.)

PROPOSED WATER LINE

FUTURE BYPASS 12" (BY E.D.C.)

PROPOSED U.S. 90 BY-PASS RIGHT-OF-WAY

ENTIRE AREA SERVED BY EAST PRESSURE PLANE



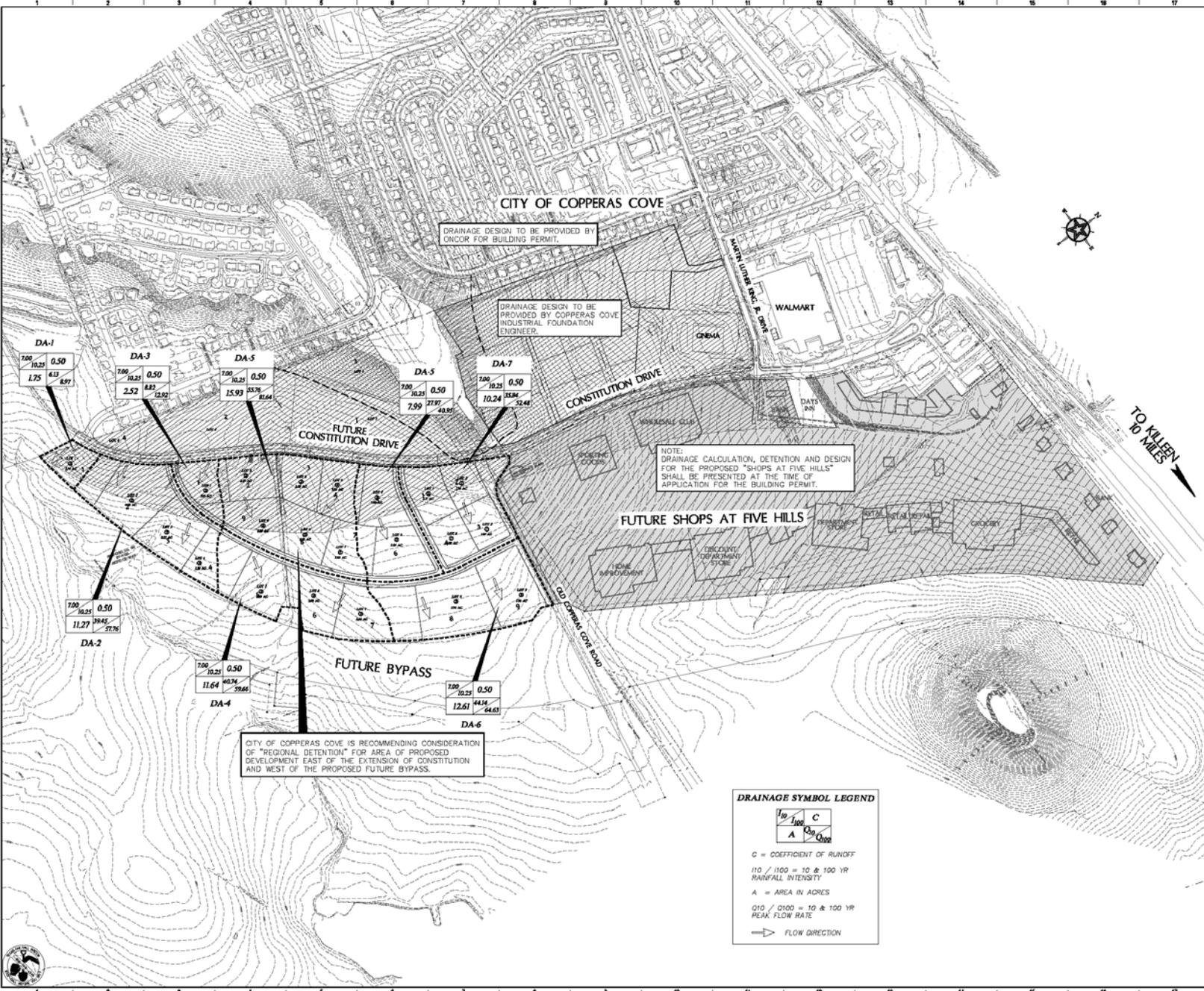
REV	DESCRIPTION	DATE
 Walker Partners ENGINEERS • SURVEYORS <small>1811 S. WINDSOR ROAD, SUITE 100, WINDSOR, CO 80550</small>		
COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER		
WATER CONCEPT PLAN		
PRELIMINARY FOR REVIEW ONLY		
<small>THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW ONLY AND SHOULD BE APPROVED BY PROFESSIONAL ENGINEERS AND SURVEYORS.</small> <small>OTTO E. WINDERSKOLD</small> <small>REGISTERED PROFESSIONAL ENGINEER</small> <small>NO. 100000000</small> <small>STATE OF TEXAS</small>	DRAWING NO. C005	DATE DESIGNED BY CHECKED BY DRAWN BY



REV	DESCRIPTION	DATE
 Walker Partners ENGINEERS • SURVEYORS 1821 J. WILSON ROAD, WACO, TX 76798		
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: 05/11/2011</small> <small>BY THE CLIENT: JERRY L. GIBSON, P.E.</small> <small>DATE: 05/11/2011</small> <small>BY THE REVIEWER: BOBIE M. HENRY, P.E.</small>	DRAWING NO. C006	DRAWING NO. C006

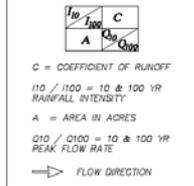
GENERAL NOTES

RUNOFF FLOWS SHOWN WERE CALCULATED WITH THE INTENTION THAT ALL FUTURE DEVELOPED TRACTS WILL HAVE ONSITE DETENTION FACILITIES.



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



REV	DESCRIPTION	DATE
<p>Walker Partners ENGINEERS - SURVEYORS 1821 W. WOODBRIDGE BLVD.</p>		
<p>COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION CONCEPT PLAN FOR REMAINDER OF E.D.C. PROPER</p>		
<p>DRAINAGE AREA MAP</p>		
<p>PRELIMINARY FOR REVIEW ONLY</p>		
<p>THIS DRAWING IS RELEASED FOR THE PURPOSE OF REVIEW ONLY AND SHALL BE APPROVED BY PROFESSIONAL LICENSE #01101</p> <p>BY: [Signature] DATE: 1/11/11 JOB NO. 00000000 SHEET NO. 001 OF 001</p>	<p>DESIGNER: CEW CHECKER: JAB DRAWN: CEW IN CHARGE: CEW</p>	<p>DRAWING NO. C007</p>

**CITY OF COPPERAS COVE
CITY COUNCIL SPECIAL MEETING MINUTES
May 24, 2010 – 6:00 P.M.**

A. CALL TO ORDER

Mayor John Hull called the special meeting of the City Council of the City of Copperas Cove Texas to order at 6:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Brian Hawkins, Fellowship Cove, gave the Invocation and Mayor Hull led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

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

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

D. ANNOUNCEMENTS

Council Member Downard announced the 2010 Volunteer Board Recruitment Reception to be held at 7:00 p.m., May 24, 2010 at the Library. He invited all interested citizens to attend and visit with current board and committee members, and if interested, fill out an application to serve on the board of choice.

Mayor Hull announced the Law Enforcement Torch Run for Special Olympics Texas at the Police Department tomorrow, May 25, 2010, at 11:00 a.m.

E. PUBLIC RECOGNITION – None.

F. CITIZENS' FORUM – None.

G. CONSENT ITEMS – None.

H. PUBLIC HEARINGS/ACTION – None.

I. ACTION ITEMS

1. Consideration and action on a resolution to amend Resolution No. 2010-22, 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**

John Hull, Mayor, gave an overview of agenda item I-1.

Council Member Palmer made a motion to approve Resolution 2010-23, amending the resolution calling the special election to fill a vacancy. Council Member Seffrood seconded the motion, and with a unanimous vote, motion carried.

2. Consideration and action on granting Council Member Bill L. Stephens, Position 5, an excused absence from a regular council meeting. ***Jane Lees, City Secretary***

John Hull, Mayor, gave an overview of agenda item I-2.

Council Member Downard made a motion to approve the request for an excused absence from Council Member Stephens. Council Member Meredith seconded the motion, and with a unanimous vote, motion carried.

- J. REPORTS FROM OUTSIDE ENTITIES, ADVISORY COMMITTEES AND BOARDS – None.**
- 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 6:05 p.m.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. H-1

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

SUBJECT: Public hearing on an ordinance amending the 2009-10 fiscal year budget for the City of Copperas Cove.

1. BACKGROUND/HISTORY

The 2009-10 budget was adopted on September 15, 2009 with budget amendments approved on October 13, 2009, November 3, 2009, and March 2, 2010. According to Section 6.16(b)(1) of the Copperas Cove City Charter, in order for the City Council to amend the 2009-10 budget it must first hold a public hearing on the proposed amendments. The Charter also provides a requirement that when fund balance is to be used to fund increases in expenditures that two public hearings be held. The proposed budget amendment will require the use of fund balance. Thus, two public hearings will be required. The second Public Hearing will be held on June 15, 2010.

2. FINDINGS/CURRENT ACTIVITY

The General Fund requires a redistribution of \$42,298 and an increase of \$78,669 in expenditure appropriations.

In order to adequately fund the expenditures for the following departmental budgets, a budget amendment is required:

• City Secretary	\$20,890
• City Manager	\$8,000
• City Attorney	\$5,000
• Finance	(\$2,000)
• Human Resources	\$11,394
• Engineering	\$36,344
• Building & Development	(\$30,959)
• Municipal Court	\$30,000
• Non-Departmental	\$4,520
• Non-Departmental	\$4,819
• Non-Departmental	(\$9,339)

The redistribution of appropriations includes the following:

- Salary savings in Finance and Building and Development are being used to cover a portion of the expenditure appropriations increase.
- The Non-departmental Contingency account is being depleted to cover maintenance to the City Hall due to the recent roof repair (\$4,520) and expenses to hire a health consultant (\$4,819). The Human Resources Department is currently seeking quotations. Should the quotations exceed the funds available, the appropriation from the budget amendment will be returned to fund balance at year end.
- The City Secretary requires additional funds for an upcoming special election, a possible runoff election, and an equipment lease shortage.
- The City Attorney and Municipal Court require funds to cover projected legal fees. Should the total legal fees at year end equal an amount less than the appropriated total, the excess funds will be returned to fund balance at year end.
- A shortage of salaries and benefits in the Human Resources and Engineering departments exist due to a calculation error for Human Resources Director position and an accounting procedure change for the City Engineer position. The City Engineer position is no longer being allocated to the various capital projects.
- A proposed position of Director of Budget reporting to the City Manager will require a partial expenditure appropriation for the current year. The Assistant to the City Manager position has been reclassified to Director of Budget; however, the position can't be filled without an expenditure appropriation for the projected expenditure. Should any portion of the budget amendment appropriation not be utilized, the funds will be returned to fund balance at year end.

The Water and Sewer Fund requires a redistribution of \$66,325 and an increase of \$23,551 in expenditure appropriations.

The budget amendment includes the following appropriation changes:

- | | |
|------------------------|------------|
| • Water Distribution | \$18,600 |
| • Sewer | \$5,200 |
| • Sewer | (\$45,000) |
| • Wastewater Treatment | \$66,076 |
| • Non-Departmental | (\$21,325) |

The redistribution includes the depletion of the Contingency account to cover expenses to replace sewer lines along West and East Reagan Streets which was approved by City Council at the May 18, 2010 regular meeting. In addition to the sewer lines, there are also funds from the Contingency account to cover expenses to develop Storm Water Pollution Prevention Plans for the South, Northeast, and Northwest Wastewater Treatment Plants (\$7,500) as required by the Texas Commission on Environmental Quality. The remaining funds in the Contingency account are required to cover a portion of the travel expenses due Greg Ellner Associates when repairing the Wastewater Treatment Plant because of the storm damage in 2007.

Increases in expenses in the Wastewater Treatment Department are to update the August 2004 Water System Study Master Plan (\$15,000) and funds for a Toxicity Reduction Evaluation Plan for the Northeast Wastewater Treatment Plan per the TCEQ Bio-monitoring requirement (\$30,000). Funds are also needed for Water System improvements for the Mesa Verde subdivision (\$3,600) and to cover the remaining travel expenses to Greg Ellner Associates totaling \$28,576.

The Grants Fund will require an increase in expenditure appropriations in the amount of \$26,441. The increase in appropriations is being funded by the Fire CT Trauma Council grant revenues totaling \$26,441 received for a prior fiscal year.

The Court Technology Fund will require an increase of \$5,000 in expenditure appropriations. The expenditure increase is to cover the expenses to purchase seven scanners for the successful implementation of the document imaging project included in the Five Year Capital Improvement Plan for year 2010.

The 2009 Tax Notes (Hotel Occupancy Tax) will require a redistribution of \$32,778 from the Allin House Roof Renovations to cover additional funds required for the renovations at the Civic Center.

3. FINANCIAL IMPACT

See attached ordinance and proposed amendments.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council hold a public hearing on Ordinance No. 2010-25 amending the fiscal year 2009-10 Budget.

ORDINANCE NO. 2010-25

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF COPPERAS COVE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING ON SEPTEMBER 30, 2010; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the operating budget of the municipal government of the City of Copperas Cove for the fiscal year October 1, 2009 to September 30, 2010; and

WHEREAS, said budget amendments have been submitted to the City Council by the City Manager in accordance with the City Charter; and

WHEREAS, public notices of public hearings upon this budget have been duly and legally made as required by City Charter and law.

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

SECTION I.

That the City Council of the City of Copperas Cove ratify, approve and adopt the amendments to the budget considered for the fiscal year of October 1, 2009 to September 30, 2010, as identified in "Attachment A" of this ordinance.

SECTION II.

That all ordinances for which provision has heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

SECTION III.

That should any part, portion, or section of this ordinance be declared invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining portions, parts, or sections or parts of section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

SECTION IV.

That this ordinance shall take effect and be in full force and effect from and after its passage and publication according to law.

PASSED, APPROVED AND ADOPTED this 15th day of June 2010, at a regular called 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:

Charles E. Zech, City Attorney

CITY OF COPPERAS COVE, TEXAS

FISCAL YEAR 2009-10 BUDGET

GENERAL FUND

SUMMARY OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

Description	Actual FY 2008-09	Adopted FY 2009-10	Proposed Amendment	Amended Budget FY 2009-10
BEGINNING FUND BALANCE:				
Unreserved, Undesignated	\$ 3,259,675	\$ 3,292,395	\$ -	\$ 3,292,395
Prior Yr Enc Voided in Current Yr	125	-	-	-
Prior Period Adjustment	76,952	-	-	-
Unreserved, Designated	1,000,000	1,000,000	-	1,000,000
TOTAL BEGINNING FUND BALANCE	\$ 4,336,752	\$ 4,292,395	\$ -	\$ 4,292,395
REVENUES:				
Taxes	\$ 10,689,885	\$ 10,879,365	\$ -	\$ 10,879,365
Permits & Licenses	171,361	180,870	-	180,870
Charges for Services	887,869	898,510	-	898,510
Fines	868,420	919,398	-	919,398
Administrative Reimbursements	1,260,441	1,250,500	-	1,250,500
Miscellaneous Revenue	401,419	367,882	-	367,882
TOTAL REVENUES	\$ 14,279,395	\$ 14,496,525	\$ -	\$ 14,496,525
TOTAL FUNDS AVAILABLE	\$ 18,616,147	\$ 18,788,920	\$ -	\$ 18,788,920
EXPENDITURES:				
City Council (21)	\$ 24,177	\$ 41,399	\$ -	\$ 41,399
City Manager (22)	256,939	280,542	8,000	288,542
City Secretary (23)	165,440	152,822	20,890	173,712
City Attorney (24)	218,056	87,922	5,000	92,922
Finance (31)	621,029	717,340	(2,000)	715,340
Human Resources (34)	236,631	300,272	11,394	311,666
Public Affairs Office (4250)	108,657	113,942	(8,176)	105,766
Information Systems (35)	238,778	247,899	8,176	256,075
Municipal Court (41)	320,035	412,634	30,000	442,634
Police (42)	4,279,761	4,807,019	-	4,807,019
Animal Control (43)	205,542	234,331	-	234,331
Fire/EMS (44)	3,103,956	3,302,101	-	3,302,101
Emergency Management (4420)	3,526	7,359	-	7,359
Engineering (51)	147,911	155,210	36,344	191,554
Streets (53)	682,797	881,387	-	881,387
Fleet Services (55)	245,785	255,003	-	255,003
Facility Maintenance (57)	101,294	105,730	-	105,730
Planning (61)	164,239	102,717	-	102,717
Building Development (52)	237,846	275,707	(30,959)	244,748
Code & Health (72)	186,836	218,150	-	218,150
Parks and Recreation (54)	984,070	1,077,549	-	1,077,549
Library (71)	478,059	557,032	-	557,032
Non-Departmental (75)	567,356	673,961	-	673,961
TOTAL EXPENDITURES	\$ 13,578,724	\$ 15,008,028	\$ 78,669	\$ 15,086,697
OTHER EXPENDITURES:				
Capital Outlay	\$ -	\$ 27,200	\$ -	\$ 27,200
TOTAL OTHER EXPENDITURES	\$ -	\$ 27,200	\$ -	\$ 27,200
TOTAL EXPENDITURES	\$ 13,578,724	\$ 15,035,228	\$ 78,669	\$ 15,113,897
ENDING FUND BALANCE:				
Unreserved, Undesignated	\$ 4,037,423	\$ 2,753,692	\$ -	\$ 2,675,023
Unreserved, Designated	1,000,000	1,000,000	-	1,000,000
TOTAL ENDING FUND BALANCE	\$ 5,037,423	\$ 3,753,692	\$ (78,669)	\$ 3,675,023
IDEAL FUND BALANCE	\$ 3,394,681	\$ 3,752,007	\$ 19,667	\$ 3,771,674
OVER (UNDER) IDEAL FUND BALANCE	\$ 1,642,741	\$ 1,685	\$ (98,336)	\$ (96,651)

*The budget reflects 2009-10 budget amendments that were approved by City Council on 10/13/09, 11/3/09, and 03/02/10.

**CITY OF COPPERAS COVE
FISCAL YEAR 2009-10 BUDGET
WATER & SEWER FUND
SUMMARY OF REVENUES, EXPENSES AND CHANGES IN FUND BALANCE**

Description	Actual FY 2008-09	Adopted* FY 2009-10	Proposed Amendment	Amended Budget FY 2009-10
BEGINNING FUND BALANCE:				
Unreserved, Undesignated	\$ 1,730,313	\$ 1,765,613	\$ -	\$ 1,765,613
Prior Period Adjustment	81,721	-	-	-
TOTAL BEGINNING FUND BALANCE	\$ 1,812,034	\$ 1,765,613	\$ -	\$ 1,765,613
Water Revenue	\$ 4,943,385	\$ 4,981,455	\$ -	\$ 4,981,455
Sewer Revenue	3,473,199	3,737,155	-	3,737,155
Senior Citizen Discount	(146,977)	(142,000)	-	(142,000)
Water Tap Fees	44,582	35,000	-	35,000
Sewer Tap Fees	14,170	11,500	-	11,500
Connect Fee	56,275	53,000	-	53,000
Meter Box Reset Fee	-	300	-	300
Composting Sales Revenue	15,908	15,000	-	15,000
Subtotal	<u>\$ 8,400,541</u>	<u>\$ 8,691,410</u>	<u>\$ -</u>	<u>\$ 8,691,410</u>
Admin Reimb-Drainage	\$ 20,000	\$ 20,000	\$ -	\$ 20,000
Transfer from Bond Funds	-	300,000	-	300,000
Interest Revenue	23,982	25,000	-	25,000
Late Charge For Billing	246,722	260,000	-	260,000
Miscellaneous Revenues	63,386	54,890	-	54,890
Insurance Proceeds	3,400	-	-	-
Riser Forfeiture Revenue	1,960	2,000	-	2,000
Auction Proceeds	11,338	1,000	-	1,000
Subtotal	<u>\$ 370,788</u>	<u>\$ 662,890</u>	<u>\$ -</u>	<u>\$ 662,890</u>
TOTAL REVENUE	\$ 8,771,329	\$ 9,354,300	\$ -	\$ 9,354,300
TOTAL FUNDS AVAILABLE	\$ 10,583,363	\$ 11,119,913	\$ -	\$ 11,119,913
OPERATING EXPENSES:				
Public Works (80)	\$ 166,941	\$ 175,779	\$ -	\$ 175,779
Utility Administration (81)	564,328	600,323	-	600,323
Water Distribution (82)	1,254,997	1,321,590	18,600	1,340,190
Sewer Collection (83)	469,055	544,924	(39,800)	505,124
Wastewater Treatment (84)	1,217,791	1,323,915	66,076	1,389,991
Composting (84-01)	166,517	186,215	-	186,215
Non-Departmental (85)	2,700,993	2,932,754	(21,325)	2,911,429
TOTAL OPERATING EXPENSES	\$ 6,540,620	\$ 7,085,500	\$ 23,551	\$ 7,109,051
OTHER EXPENSES:				
Capital Outlay	\$ -	\$ 31,835	\$ -	\$ 31,835
Principal & Int Debt Pymts	2,807,470	2,797,847	-	2,797,847
Principal & Int Pymts in Bond Funds	(1,135,505)	(430,000)	-	(430,000)
Transfer to Bond Funds	300,000	25,500	-	25,500
TOTAL OTHER EXPENSES	\$ 1,971,965	\$ 2,425,182	\$ -	\$ 2,425,182
TOTAL EXPENSES	\$ 8,512,585	\$ 9,510,682	\$ 23,551	\$ 9,534,233
ENDING FUND BALANCE:				
Unreserved, Undesignated	\$ 2,070,778	\$ 1,609,231	\$ (23,551)	\$ 1,585,680
TOTAL ENDING FUND BALANCE	\$ 2,070,778	\$ 1,609,231	\$ (23,551)	\$ 1,585,680
IDEAL FUND BALANCE	\$ 1,635,155	\$ 1,771,375	\$ 5,888	\$ 1,777,263
OVER (UNDER) IDEAL FUND BALANCE	\$ 435,623	\$ (162,144)	\$ (29,439)	\$ (191,583)

*The budget reflects 2009-10 budget amendments that were approved by City Council on 10/13/09, 11/3/09, and 03/02/10.

NOTICE OF PUBLIC HEARING

On June 1, 2010, during a Regular City Council Meeting, the City Council of the City of Copperas Cove will hold a public hearing on the ordinance to amend the FY 2009-10 Budget for the City of Copperas Cove. The June 1, 2010 City Council Meeting will begin at 7:00 pm and will be held in the City Council Chambers at City Hall, 507 South Main Street, Copperas Cove, Texas 76522.

The proposed amendments to the FY 2009-10 Annual Budget are as follows:

	Increase (Decrease)
General Fund	
Expenditure Appropriations	\$78,669
Water and Sewer Fund	
Expenditure Appropriations	\$23,551
Grants Fund - Fire	
Expenditure Appropriations	\$26,441*
Court Technology Fund	
Expenditure Appropriations	\$5,000
2009 Tax Notes - Hotel Occupancy Tax	
Expenditure Appropriations	\$0**

*Grant funds received and recorded in 2008/09 and planned for expenditure in 2009/10.

**Allin House Roof Renovation project expenditure under run is being re-appropriated to cover anticipated project over runs for the Civic Center Renovations.

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-1

Contact – Stefanie Brown, Deputy City Secretary, 547-4221
sbrown@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on the appointment of a mayor pro tem to serve for a period of one (1) year and who shall act as Mayor during the absence or disability of the Mayor.

1. BACKGROUND/HISTORY

The City Charter Section 2.03 (b) states, *“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.”*

2. FINDINGS/CURRENT ACTIVITY

The regular election was held on May 8, 2010. A runoff election was not required. The second regular council meeting after the regular election date is June 1, 2010.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council elect, from one of its members, a mayor pro tem to serve for a period of one (1) year.

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-2

Contact – Stefanie Brown, Deputy City Secretary, 547-4221
sbrown@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on granting Council Member Frank Seffrood, Position 7, an excused absence from a regular council meeting.

1. BACKGROUND/HISTORY

The City of Copperas Cove City Charter Sec. 2.07(b)(4), Vacancies, forfeitures, filling of vacancies, states: *“A council member or the mayor shall forfeit his/her office if he/she 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.”*

2. FINDINGS/CURRENT ACTIVITY

Council Member Frank Seffrood requests an excused absence for the June 15, 2010 regular council meeting due to travel. Per the Council Rules of Meetings and Order of Business, the appropriate number of Council Members concurred with placing the request on the June 1, 2010 agenda.

3. FINANCIAL IMPACT

N/A.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council take action on the request.

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-3

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

SUBJECT: Discussion on Fiscal Year 2010-11 Budget Calendar to include the dates established for budget workshops and the required public hearings per the City Charter and/or State Law.

1. BACKGROUND/HISTORY

The FY 2010-11 Budget began in April 2010 with the Budget Kickoff. Prior to the annual budget kickoff with City staff, the Finance Department with City Manager input prepared the attached FY 2010-11 Budget Calendar. The budget calendar references the City Charter and/or State Law requirement in the column adjacent to the stated meeting. Each year, budget planning is impacted by multiple variables to include "Truth in Taxation" requirements, receipt of the Certified Appraisal Roll and governing body quorum issues.

2. FINDINGS/CURRENT ACTIVITY

The FY 2010-11 City Manager's Proposed Budget is planned for presentation to the governing body and filing with the City Secretary on July 20, 2010. Following the introduction of the annual budget, multiple workshops are planned with the governing body. City staff is requesting feedback from the City Council regarding the following proposed budget workshops and public hearing dates:

- July 27, 2010 – Operating Funds Departmental Presentations Workshop
- August 3, 2010 – Discussion on the Tax Rate Workshop
- August 5, 2010 – Hotel Occupancy Tax Committee Presentation and Outside Entity Presentations and Public Hearing on Proposed Budget
- August 17, 2010 – City Council Recommended Changes to the Proposed Budget Workshop and First Public Hearing on Tax Increase
- September 7, 2010 – Public Hearing on Changes to the Proposed Budget and Second Public Hearing on Tax Increase
- September 21, 2010 – Adoption of FY 2010-11 Budget and adoption of tax rate

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends the City Council discuss the required dates for conducting budget workshops and public hearings for FY 2010-11 Proposed Budget and provide feedback to the City Manager regarding potential scheduling conflicts.

**City of Copperas Cove
FY 2010-11 Working Budget Calendar**

July 20, 2010	Council Workshop	Presentation of FY 2011 Proposed Budget by City Manager	*City Charter Article VI, Sec 6.02 & 6.05 *State Statute Sec 102.001,
July 20, 2010		FY 2011 Proposed Budget Filed with City Secretary	*City Charter Article VI, Sec 6.05 *State Statute Sec 102.005
July 20, 2010	Council Meeting	Set Public Hearing on Proposed Budget for August 5, 2010	*City Charter Article VI, Sec 6.06
July 26, 2010		Chief Appraiser Certifies Approved Appraisal Roll	*Texas Property Tax Code 26, Article VIII Sec 21
July 27, 2010	Special Council Workshop	Budget Workshop (Departmental Presentations) - Major Operating Funds	
July 30, 2010		Publication of Effective and Rollback Tax Rates, Statements, and Schedules (Tax Collector prepares for newspaper)	*Texas Property Tax Code 26, Article VIII Sec 21
July 30, 2010		Public Notice of Meeting to Discuss Tax Rate (Information to paper by 7/27/2010)	*Texas Property Tax Code 26, Article VIII Sec 21
August 3, 2010	Special Council Workshop (5:30pm)	Budget Workshop (Discuss Tax Rate / Departmental Presentations)	*Texas Property Tax Code 26, Article VIII Sec 21
August 5, 2010	Special Council Workshop	Budget Workshop (Hotel Occupancy Tax Committee Presentation and Outside Organization Presentations)	
August 5, 2010	Special Council Meeting	Take a recorded vote on tax rate and set date to adopt the tax rate	*Texas Property Tax Code 26, Article VIII Sec 21
August 5, 2010	Special Council Meeting	Set Public Hearings on the Tax Increase for August 17, 2010 and September 7, 2010	*Texas Property Tax Code 26, Article VIII Sec 21
August 5, 2010	Special Council Meeting	Set meeting to Adopt Tax Rate for September 21, 2010	*Texas Property Tax Code 26, Article VIII Sec 21
August 5, 2010	Special Council Meeting	Public Hearing on Proposed Budget	*City Charter Article VI, Sec 6.07 *State Statute Sec 102.006

**City of Copperas Cove
FY 2010-11 Working Budget Calendar**

August 17, 2010	Council Workshop	Review City Council Recommended Changes to the Proposed Budget (Last day for City Council to make changes.)	*Article VI, Sec 6.08
August 17, 2010	Special Council Meeting	First Public Hearing on Tax Increase (Must be a Separate Council Meeting)	*Texas Property Tax Code 26, Article VIII Sec 21
September 7, 2010	Council Meeting	Public Hearing on Changes to Proposed Budget	*City Charter Article VI, Sec 6.08
September 7, 2010	Special Council Meeting	Second Public Hearing on Tax Increase (Must be a Separate Council Meeting)	*Texas Property Tax Code 26, Article VIII Sec 21
September 21, 2010	Council Meeting	Adoption of FY 2011 Proposed Budget	*City Charter Article VI, Sec 6.09 & 6.10
			*State Statute Sec 102.007
September 21, 2010	Council Meeting	Action on Amending the City's "Fee Schedule" Ordinance	
September 21, 2010	Council Meeting	Adoption of 2010-11 Tax Rate	*City Charter Article VI, Sec 6.10
September 21, 2010	Council Meeting	Ratify the Vote Approving and Adopting the Budget and the Vote to Adopt the Tax Rate	*City Charter Article VI, Sec 6.10

Updated: May 24, 2010

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-4

Contact – Kelli Sames, Human Resources Director, 542-8922
ksames@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on an ordinance amending Personnel Policy No. 510, Family and Medical Leave.

1. BACKGROUND/HISTORY

The City of Copperas Cove currently has in effect Personnel Policy No. 510, Family and Medical Leave Act. The policy establishes the standards and guidelines for the City of Copperas Cove's compliance with Family and Medical Leave (FMLA). From time to time, City staff makes recommendations to change personnel policies. In cases where changes are required to personnel policies, City Council's approval is required. Personnel Policy No. 510, Family and Medical Leave Act is attached for Council review and consideration.

2. FINDINGS/CURRENT ACTIVITY

On October 28, 2009, as part of the Fiscal Year 2010 National Defense Authorization Act, the FMLA was amended to expand exigency and military caregiver leave. The law was expanded to allow for exigency leave for active duty service of an employee's parent, child or spouse. And, clarifications were made to the military caregiver portion of the law to allow leave to care for an employee's qualifying family member who is undergoing medical treatment, recuperation or therapy for a SHC that occurred any time during the 5 years preceding the date of treatment.

As a result, City staff proposes to revise Personnel Policy 510, Family and Medical Leave Act. The revised areas are notated in "red" on the attached proposed policy.

3. FINANCIAL IMPACT

None.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends approval of Ordinance No. 2010-26, amending Personnel Policy 510, Family and Medical Leave Act.

ORDINANCE NO. 2010-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, APPROVING THE ATTACHED PERSONNEL POLICIES AND PROCEDURES OF THE CITY OF COPPERAS COVE BY REPEALING THE CURRENT PERSONNEL POLICY, NO. 510, (FAMILY AND MEDICAL LEAVE ACT) AND REPLACING THE EXISTING POLICY WITH A REVISED PERSONNEL POLICY, NO. 510, (FAMILY AND MEDICAL LEAVE ACT) AND RATIFYING THE REMAINING SECTIONS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, The City of Copperas Cove has not updated this ordinance since March 3, 2009.

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

Section 1.

That the Personnel Policies and Procedures Manual dated September 1, 2006, hereinafter set forth and included with this Ordinance as Exhibit "A" is hereby amended by repealing the current personnel policy, No. 510, (Family and Medical Leave Act) and replacing the existing policy with a revised personnel policy, No. 510 (Family and Medical Leave Act) correctly shown by the attached Exhibit "A";

Section 2.

That the remaining sections of the said Personnel Policies and Procedures Manual are hereby ratified, and shall remain in full force and effect;

Section 3.

That any outstanding Personnel Polices and Procedures Manuals other than Exhibit "A" either in the form of a manual or otherwise written or oral in nature, are hereby rescinded and are no longer of any force and effect;

Section 4.

That any additions, deletions or other amendments to the Personnel Polices and Procedures Manual shall be made in a manner similar to process by which this manual is originally approved and only after compliance with the Texas Open Meetings Act and approved by the City Council of the City of Copperas Cove.

Section 5.

That should any section, clause, or provision of this 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 6.

That this ordinance shall be effective June 1, 2010.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, this 1st day of June 2010, such meeting held in compliance with the Open Meeting Act (Texas Government Code, Chapter 551.001 et.seq.), at which 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

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of job-protected leave each year for specified family and medical reasons or 26 weeks of leave to care for an injured or ill service member or veteran.

1. FMLA Leave Runs Concurrently With Other Types of Leave. FMLA leave is typically unpaid unless the absence also qualifies for paid leave under another City policy.

1.1 Sick Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy and the employee satisfies that policy's procedural requirements.

1.2 Vacation, Comp Time, Personal Leave & Holiday. If an FMLA-qualifying absence is not covered by the City's sick leave policy, the following FMLA leave time will be applied and will run concurrently with any remaining FMLA leave: accrued vacation, personal leave, holiday leave and/or comp time.

1.3 Disability & Workers' Comp Leave. If the employee is approved for workers' comp or long-term disability, the employee's absence from work is automatically approved for FMLA, provided he/she has met the FMLA's eligibility requirements. This means that workers' comp and long-term disability absences will run concurrently with FMLA leave. Employees being paid either workers' comp salary benefits or long-term disability benefits while on leave are not required to use accrued sick, personal, holiday, comp time or vacation leave while collecting workers' comp or disability benefits.

2. Employee Eligibility. To be eligible for FMLA leave, an employee must:

- Have worked for the City for at least 12 months (need not necessarily be consecutive 12 months);
- Have worked for the City at least 1,250 hours during the 12 months before the start of the leave; and
- Work within 75 miles of a City worksite employing 50 or more employees.

3. Qualifying Reasons for Leave. FMLA leave may only be taken for qualifying events and is limited to the time periods set out below.

3.1 Twelve Weeks of Leave. Eligible employees may take up to 12 weeks of FMLA leave in a single 12-month period (the City uses a rolling 12-month period measured backward) for one or more of the following reasons:

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

- When the employee is unable to perform the functions of his/her job because of **his/her own serious health condition**;
- For the **birth or placement of a child for adoption or foster care**. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.;
- To care for a **spouse, child, or parent with a serious health condition**;
or
- A **qualifying exigency** arising out of the fact that the employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) **as a member of the National Guard or Reserves** in support of a contingency operation **or who is serving on active duty in any regular component of the Armed Forces who is deployed in a foreign country**.

3.2 Twenty-Six Weeks of Military Caregiver Leave. Eligible employees may take up to 26 weeks of FMLA leave in a single 12-month period to care for a **covered service member** (*i.e.*, the employee's spouse, child, parent, or next of kin) with a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces. **This leave is also available to care for any former member of the Armed Forces, National Guard or Reserves during the first five years following discharge from military service if the veteran is undergoing treatment for, or recuperating from, a serious illness or injury incurred in the line of duty while on active duty.** If an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 26 work weeks of leave during a single 12-month period.

3.3 Maximum Amount of Leave. The maximum amount of FMLA leave available is 12 weeks during a 12-month period or 26 weeks in a single 12-month period to care for an injured or ill service member even if there are multiple FMLA qualifying events.

4. Employee's Notification Responsibilities. Employees must give the City sufficient information so that it can make a determination as to whether the employee's absence is FMLA-qualifying. If an employee fails to explain the reasons, leave may be denied. Employees must also indicate on their time records when an absence or tardy is

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

or may be covered by FMLA. Any absence or illness that results in more than three days' absence must be reported to the City's Human Resources Department.

4.1 At Least 30 Days Notice Required for Foreseeable Leave. Employees must provide their Department Director or the Human Resources Department with at least 30 days' advance notice when the need for FMLA leave is foreseeable.

4.2 Notice as Soon as Practicable for Unforeseeable or Emergency Leave. If the need for FMLA leave is not foreseeable, employees must provide their Department Director or the Human Resources Department with as much advance notice as practicable, in accordance with their Department's normal call-in procedures. The employee must also provide an explanation as to why he/she was unable to provide at least 30 days' advance notice of the need for leave.

4.3 Content of Notice. Employees must provide the City with at least verbal notice and explain the reasons for the needed leave sufficient to allow the City to determine if the absence is FMLA-qualifying, and the anticipated timing and duration of the leave, if known. If the employee has previously taken FMLA leave for the same reason, he/she must specifically reference the qualifying reason for leave or the need for FMLA leave. The City may seek additional information from the employee, and the employee is obligated to respond to the City's questions so the City can determine if an absence is potentially FMLA-qualifying. The employee must notify the City as soon as practicable if the dates of his/her scheduled leave change or are extended, or where initially unknown.

4.4 Compliance With City's Call-In Procedures. Employees must comply with their Department's normal call-in procedures for reporting absences, tardies and requesting leave, *e.g.*, contacting a specific supervisor by a certain time. Notice may be given by the employee's spokesperson only if the employee is physically unable to do so personally. Where an employee does not comply with the City's and Department's normal call-in procedures and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

4.5 Consequences for Failing to Provide Required Notice. If the employee fails to timely explain the reasons for his/her need for leave, FMLA leave may be denied or delayed for up to 30 days. The employee may also be subject to disciplinary action in accordance with City policy. Likewise, if an employee fails to respond to the City's reasonable inquiries regarding a leave request, the employee may not be granted FMLA leave protection.

4.6 Scheduling Planned Medical Treatment. When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is ordinarily expected to consult with his/her

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

supervisor and try to schedule the treatment so as not to disrupt unduly the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the City.

4.7 Periodic Check-In While on FMLA. Employees must check in periodically with their supervisor and with the Human Resources Department regarding their status and intent to return to work. If the employee discovers that the amount of leave originally anticipated is no longer necessary, the employee must provide the City with reasonable notice (*i.e.*, within two business days) of the changed circumstances if foreseeable.

5. City's Responsibilities.

5.1 Human Resources Department. The Human Resources Department is responsible for the verification, approval and notification of FMLA leave. The Human Resources Department may place an employee on FMLA leave if it determines that a qualifying event has occurred.

a. Eligibility Notice. The Human Resources Department will notify an employee of his/her eligibility to take FMLA within five business days (absent extenuating circumstances) of its receipt of the employee's request for FMLA leave (or from when the City otherwise determines that an employee's absence may be FMLA-qualifying). Employee eligibility is determined (and notice will be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. Notification may be oral or in writing, but the City will normally use FMLA Form #1 to provide the employee with Eligibility Notice. If an employee's eligibility status changes, the Human Resources Department will so notify the employee within five business days, absent extenuating circumstances.

b. Rights & Responsibilities Notice. The Human Resources Department will provide employees with a notice (FMLA Form #1) detailing the City's specific expectations, the employee's obligations, and consequences to the employee of not meeting his/her obligations. The Human Resources Department will provide this notice each time it provides the Eligibility Notice described above. The required certification form will accompany this notice. If any of the specific information in the Rights & Responsibilities Notice changes, the Human Resources Department will notify the employee within five business days of its receipt of the employee's first notice of need for leave subsequent to any change.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

c. **Designation Notice.** When the Human Resources Department has enough information to determine if an absence is FMLA-qualifying (*e.g.*, after receiving the employee's fully completed Certification), the Human Resources Department will notify the employee in writing (FMLA Form #2) as to whether the leave will or will not be designated as FMLA. This Designation Notice will be given to the employee within five business days, absent extenuating circumstances. If the information in the Designation Notice changes, the Human Resources Department will notify the employee within five business days of the City's receipt of the employee's first notice of need for leave subsequent to any change.

d. **Certification Forms & Other Required Documentation.** The Human Resources Department is responsible for determining the completeness and authenticity of certification forms, fitness-for-duty/return to work certifications, and for review and coordination of all other FMLA documentation required by this policy.

5.2 Supervisors & Department Directors. So that the Human Resources Department can meet the notice deadlines required by the FMLA, supervisors must immediately notify both their Department Director and the Human Resources Department if they have reason to believe an employee's absence is due to an FMLA-covered reason. Supervisors must make this report even if the employee is using paid time off to cover the absence, *e.g.*, sick leave, comp time, vacation, holiday, workers' comp, long-term disability. Supervisors and Department Directors must report to Human Resources any time an employee misses work for more than three days because of his/her own illness or injury or that of a spouse, child or parent. Supervisors, it is important to remember that under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements. When an employee submits a leave/absence form indicating an FMLA absence, the form must be sent to the Human Resources Department immediately.

6. **Medical Certifications and Other Required Documentation.** In all instances in which the City requests a certification from an employee, it is the employee's responsibility to provide the Human Resources Department with a complete and sufficient certification; failure to do so may result in the denial or delay of FMLA leave.

6.1 Certification. An employee must provide the Human Resources Department with a complete and sufficient medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

(FMLA Form #3), his/her spouse, child or parent (FMLA Form #4), or due to the serious injury or illness of a covered service member (FMLA Form #5). The required medical certification forms are available from the Human Resources Department. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. The employee is responsible for any expenses associated with providing the City with a required certification. The employee must turn in the required certification to the Human Resources Department within 15 days after it is requested, unless not practicable under the circumstances.

6.2 Second & Third Opinions. In some cases, the City may require a second or third medical opinion (at the City's expense). The City will not require second or third opinions in the case of leave to care for a covered service member.

6.3 Recertifications. Employees may be asked to periodically recertify the need for FMLA. The City will not, however, require recertifications in the case of leave to care for a covered service member. The recertification must be provided within 15 days or as soon as practicable under the particular facts and circumstances. The employee is responsible for any expenses associated with providing the City with any required recertifications.

- a. **30-day rule.** The City will request recertification no more than every 30 days and only in connection with an absence by the employee unless paragraphs b or c below applies.
- b. **More than 30 days.** If the certification indicates that the minimum duration of the condition is more than 30 days, the City will wait until that minimum duration expires before requiring a recertification, unless paragraph c below applies. If the minimum duration of a serious health condition extends beyond six months, the City may nevertheless request a recertification every six months in connection with an employee's absence.
- c. **Less than 30 days.** The City may request recertification in less than 30 days if the employee requests an extension of leave, circumstances described by the previous certification have changed significantly (*e.g.*, the duration or frequency of the absence, the nature or severity of the illness, complications, a pattern of unscheduled absences), or the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

- d. **Annual Medical Certifications.** If a serious health condition lasts beyond a single leave year, the City may require the employee to provide a new medical certification in each subsequent leave year.

6.4 Fitness-for-Duty/Return to Work Certification. Employees must submit a "fitness-for-duty" certification before they can return to work if FMLA leave is a result of the employee's own serious health condition. (The City may provide an FMLA form for this purpose.) The fitness for duty/return to work certification must specifically address the employee's ability to perform his/her essential job functions set out in the City's Designation Notice, but is limited to the particular health condition that caused the employee's need for FMLA leave. The employee is responsible for any expenses associated with providing the City with a required fitness for duty/return to work certification and is not entitled to be paid for the time or travel costs spent in acquiring the certification. The Human Resources Department may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty/return to work certification; the City will not delay the employee's return to work while such contact with the health care provider is being made. The City will not require second or third opinions of fitness-for-duty certifications. An employee who fails to timely provide the City with this certification will not be allowed to return to work; an employee who does not provide the required fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement and may be terminated.

While the City will not require a fitness-for-duty certification to return to duty for each absence taken on intermittent or reduced leave schedule, it will require such a certification up to once every 30 days if reasonable safety concerns (*i.e.*, a reasonable belief of significant risk of harm to the employee or others) exist as to the employee's ability to perform his/her duties, based on the serious health condition for which the employee took leave.

6.5 Failure to Provide Certifications & Deficient Certifications. If an employee fails to provide a required certification within 15 days after the City requests it, the City may deny leave until the certification is provided. If the employee never produces the certification or recertification, the employee is not eligible for FMLA protections. If the certification is incomplete or insufficient, the Human Resources Department will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If the deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave. The Human Resources Department may contact the health care provider for purposes of clarification and authentication after giving the employee the opportunity to cure any deficiencies.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

- 6.6 Documenting Family Relationships.** If an employee elects to take FMLA leave in order to care for a qualifying family member or to care for a covered service member **or veteran**, the employee may be required to provide reasonable documentation confirming the family relationship.
- 7. Certifications for Qualified Exigency Leave.**
- 7.1 Active Duty Orders.** The first time an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the active duty service.
- 7.2 Certification Form.** The employee must complete and submit to the Human Resources Department the appropriate certification form (FMLA Form #6) in support of his/her need for leave. This form must usually be turned in within 15 days after the City requests it.
- 7.3 Verification.** If the qualifying exigency involves meeting with a third party, the Human Resources Department may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment, and the nature of the meeting. The City may also contact an appropriate unit of the Dep't of Defense to request verification of active duty, call to active duty status, **and/or deployment in a foreign country.**
- 7.4 Denial or Delay of Leave.** Exigency leave may be delayed or denied if the employee fails to turn in the required certification within 15 days. If the certification is incomplete or insufficient, the Human Resources Department will notify the employee, in writing, and advise the employee what additional information is required. The City will provide the employee with seven additional days to cure any deficiency. If deficiencies are not cured with the seven-day deadline, the City may deny the taking of FMLA leave.
- 8. Intermittent & Reduced Leave Schedule.** An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only if medically necessary, because of a qualifying exigency, for planned medical treatment, or as otherwise approved by the Department Director.
- 8.1 Notice.** The employee must inform the City of the reasons why the intermittent or reduced leave schedule is necessary and of the schedule for treatment if necessary.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

8.2 Scheduling Planned Medical Treatment. When an employee intends to take leave for planned medical treatment for him/herself or for his/her spouse, child or parent, the employee is ordinarily expected to consult with his/her supervisor and try to schedule the treatment so as not to disrupt unduly the City's operations, subject to the approval of the treating health care provider. This should be done prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the both the employee and the City.

8.3 Temporary Transfer. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits, but not necessarily equivalent duties) in order to better accommodate an employee's intermittent or reduced leave schedule.

8.4 Minimum Increments. Intermittent leave will be counted in increments no greater than the shortest period of time used by the City to account for use of other types of leave, up to a maximum increment of one hour.

8.5 Exempt Employees. Exempt employees using unpaid intermittent or reduced schedule FMLA leave may be docked for absences of less than a day without jeopardizing their exempt status under the Fair Labor Standards Act (FLSA). This special exception to the "salary basis" requirement for the FLSA's exemptions extends only to an eligible employee's use of leave required by the FMLA.

9. Benefits During FMLA Leave.

9.1 Group Health Insurance. During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City will advise the employee of the terms and conditions for making such payments. Failure to pay premiums in a timely manner will result in cancellation of group health coverage. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition, the serious injury or illness of a covered service member, or another reason beyond the employee's control. Medical certification is required under such circumstances.

9.2 Other Benefits. The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

9.3 TMRS. Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Department and completing the necessary paperwork.

9.4 Holidays. When an employee takes a full work week of FMLA leave and a holiday occurs within the week, the week is counted as a full week of FMLA leave. If, however, an employee uses FMLA in increments of less than a week, the intervening holiday does not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work on the holiday. Employees on FMLA leave are not normally paid for holidays.

10. Job Restoration After FMLA Leave. Upon return from FMLA leave, an employee will normally be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions. An employee, however, has no greater right to reinstatement than if he/she had been continuously employed during the period of FMLA leave. Further, the City may delay restoration to employees who fail to timely provide a fitness-for-duty certification to return to work.

10.1 Key Employees. Under certain circumstances the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid 10 percent of employees within 75 miles of the worksite. An employee will be notified of his/her status as a key employee, when applicable, after requesting FMLA leave.

11. Other Employment During FMLA Prohibited. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the City's Outside Employment Policy (Policy No. 216) unless expressly authorized in writing in advance by the Department Director and City Manager.

12. Fraud. An employee who fraudulently obtains FMLA leave is not protected by the FMLA's job restoration or maintenance of health benefits provisions. Further, an employee who commits fraud will likely be terminated from City employment.

13. FMLA Statute and DOL Regulations. More detailed provisions and definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Department. The City will refer to the Act and the applicable DOL

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

regulations in carrying out this policy, as well as any relevant court interpretations and decisions. This policy does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement, which provides greater family or medical leave rights. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division or the Department of Labor's website for more information.

14. Mandatory Reporting of Improper Handling of FMLA. Employees must immediately report, in writing, to their Department Director or the Director of Human Resources, the following so that the City can investigate and respond appropriately:

- Any interference with, restraint or denial of the employee's right to take FMLA or any rights protected by the FMLA or this policy.
- Any discrimination or perceived acts of discrimination against the employee for any right protected by the FMLA or this policy.
- Any refusal by a supervisor to authorize FMLA leave or attempt to discourage an employee from taking FMLA leave.
- Any attempt to avoid the City's FMLA responsibilities.
- Discrimination or retaliation against an employee for exercising or attempting to exercise FMLA rights.
- Discrimination or retaliation against an employee for opposing or complaining about any unlawful practice under the Act or this policy.

15. Definitions. More detailed definitions of some of the terms used in this policy are set out in the Act and in the DOL's regulations.

15.1 12-Month Period for Covered Service Members - The 12-month leave period for calculating leave to care for a covered service member with a serious injury or illness is the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During this 12-month period, the maximum FMLA leave an employee may take – for any qualifying reason – is limited to a combined total of 26 weeks.

15.2 12-Month Period for All Other FMLA Leave - To determine eligibility for all other leave, the City uses a rolling 12-month period measured backward from the date of any FMLA leave.

15.3 Health Care Provider (HCP) – Means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services.

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

15.4 Next of Kin of a Covered Service Member – Means the nearest blood relative other than the covered service member’s spouse, parent, or child in the priority established by the DOL.

15.5 Incapacity – Means the inability to work, attend school or perform other regular daily activities.

15.6 Serious Health Condition - For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

15.6.1. Inpatient care – an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

15.6.2. Continuing treatment by a health care provider (HCP) - includes one or more of the following:

- a. Incapacity & Treatment** - a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment: (i) two or more times (within 30 days of the first day of incapacity, unless extenuating circumstances exist), by a HCP or under direct supervision of, under orders of, or on referral by, a HCP, or (ii) by a HCP on at least one occasion which results in a regimen of continuing treatment under supervision of the HCP. The first (or only) in-person treatment visit must take place within 7 days of the first day of incapacity.
- b. Pregnancy & Prenatal care** - any period of incapacity due to pregnancy, or for prenatal care;
- c. Chronic Conditions** - any period of incapacity or treatment for such incapacity due to a chronic serious health condition which (i) requires periodic visits (at least twice a year) for treatment by, or under the direct supervision of a HCP, or (ii) continues over an extended period of time (including recurring episodes of a single underlying condition); and (iii) may cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.);
- d. Permanent or Long-Term Conditions** - a period of incapacity which is permanent or long-term due to a condition

FAMILY AND MEDICAL LEAVE ACT
Policy #510

June 2010

for which treatment may not be effective (*e.g.*, Alzheimer's, a severe stroke, or the terminal stages of a disease);

- e. Conditions Requiring Multiple Treatments** - any period of absence to receive multiple treatments (including any period of recovery therefrom) by, or under the supervision of, under orders of, or on referral by, a HCP either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment (*e.g.*, chemo or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. In addition, routine physicals, eye examinations, and dental examinations are not considered treatment.

15.7 Qualifying Exigency – this term includes issues arising from short-term deployments of seven or less calendar days prior to the date of the deployment; military events and related activities such as official ceremonies and programs sponsored by the military and to attend family support or assistance programs and informational briefings; childcare and school activities; financial and legal arrangements; counseling; rest and recuperations; post-deployment activities; and additional activities arising out of the covered military member's active duty or call to active duty status if the employee and the City agree that such leave qualifies as an exigency, and agree to both the timing and duration of the leave.

City of Copperas Cove

City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-5

Contact – Wesley Wright, P.E, City Engineer, 547-0751
wwright@ci-copperas-cove.tx.us

SUBJECT: Consideration and action on appointments to the Board of Adjustment.

1. BACKGROUND/HISTORY

The general purpose of the Board of Adjustment is to hear and decide special exceptions, authorize a variance, and to hear and decide on an appeal from a decision made by an administrative official in the enforcement of the zoning ordinance.

Commissioners are typically appointed for a two (2) year term and shall not serve more than two consecutive terms.

2. FINDINGS/CURRENT ACTIVITY

The terms of Positions Two, Four, Alternate 1, and Alternate 2, currently occupied by Robin Hopkins, Frank Somera, James Morival, and Annabelle Smith, respectively, will expire on June 30, 2010.

Robin Hopkins is completing two consecutive terms and is not eligible for reappointment.

Frank Somera has requested reappointment and missed one meeting during his appointment.

James Morival has requested and is eligible for reappointment to the Board of Adjustment.

Annabelle Smith has also requested reappointment and has attended all meetings during her appointment.

Applications from citizens requesting appointment are attached.

3. FINANCIAL IMPACT

The appointed positions are voluntary positions. Thus, appointments will result in no direct cost to the City.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends appointing members to Positions Two, Four, Alternate 1, and Alternate 2 for the two year term beginning July 1, 2010 and ending June 30, 2012.

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.

Please attach your resume (optional).

Board Preference 1: BOARD OF ADJUSTMENT OF COPPERAS COVE

Board Preference 2: _____

Name: FRANK D. SOMERA JR.

Street Address: 1318 EAGLE TRAIL, COPPERAS COVE, TX 76522

City Resident: 18 years Personal E-Mail: FSOMERA@HOT.RR.COM

Primary Phone: (254) 547-1018 Home Fax: —

Profession: CLERGY

Business Name: _____

Business Address: _____

City: _____ State _____ Zip: _____

Business Phone: _____ Business Fax: _____

Business E-Mail: _____

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

FORMER CC COUNCIL MEMBER, PRESENTLY CHAIRMAN CC
BOD OF ADJUSTMENT, ETC

Civic Activities/Professional Affiliations OPTIMIST CLUB, MOAA, ETC

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.

Francesco Somera Jr.
Signature

5 May 2010
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



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.

Please attach your resume (optional).

Board Preference 1: Planning & Zoning

Board Preference 2: Board of Adjustments

Name: Annabelle L. Smith

Street Address: 904 Holly St.

City Resident: 38 years Personal E-Mail: Annabelle.Smith@ctcd.edu

Primary Phone: (254) 547-9833 Home Fax: _____

Profession: College Administrator

Business Name: Central Texas College

Business Address: 6200 W Centex Expy

City: Killeen State Tx Zip: 76540

Business Phone: (254) 526-1205 Business Fax: (254) 526-1480

Business E-Mail: Annabelle.Smith@ctcd.edu

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

Served on city council 6 years - CC Appraisal Dist, Keep CC Beautiful Board of Adj

Civic Activities/Professional Affiliations Exchange Club, Chamber past board chair, KCCB, Downtown Association

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.

Annabelle L. Smith
Signature

5/6/10
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



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.

Please attach your resume (optional).

Board Preference 1: P&Z

Board Preference 2: BOA

Name: JACK WIDUP

Street Address: 2418 CAVALRY CT, C-COVE

City Resident: 45+ years Personal E-Mail: jwidup@hotmail.com

Primary Phone: 254 547 1728 Home Fax: NONE

Profession: RETIRED (ALSO PART TIME AUCTIONEER)

Business Name: CORYL BELL AUCTION CO

Business Address: 2418 CAVALRY CT, COPPERAS COVE

City: COPPERAS COVE State TX Zip: 76522

Business Phone: 254 547 1728 Business Fax: NONE

Business E-Mail: jwidup@hotmail.com

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

PAST MBR OF BOA 6YRS, CHARTER REVIEW COMMITTEE CHAIR,

CURRENT MBR (VICE CHAIR) P&Z, FORMER CHAIR HOUSING AUTHORITY Bd

MBR OF 2008 CHARTER REVIEW, PAST MBR OF CORNELL COUNTY APPRAISAL REVIEW Bd

Civic Activities/Professional Affiliations PAST MBR HOON EXCHANGE CLUB, MBR TEXAS

AUCTIONEERS ASSN, LIFE MBR MOA, DAV, VFW

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.

Signature Jack Widup Date 5-6-10

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



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.

Please attach your resume (optional).

Board Preference 1: Planning and Zoning Commission

Board Preference 2: Board of Adjustment

Name: Everett R. Kelley

Street Address: 1322 Eagle Tr.

City Resident: 22 years Personal E-Mail: KelleyEverett@aol.com

Primary Phone: (254) 718-2926 Home Fax: _____

Profession: Broker/Realtor

Business Name: Preferred Real Estate and KEF Rentals

Business Address: 201 E. Clements

City: Copperas Cove State TX Zip: 76522

Business Phone: (254) 547-1053 Business Fax: (254) 547-9313

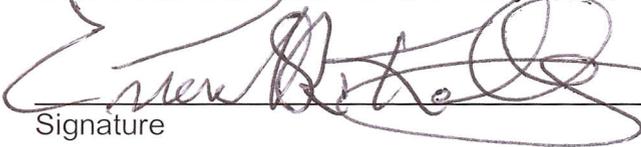
Business E-Mail: KEFRentals@hotmail.com

Experience or Special Knowledge applicable to City board or commission function:
22 Years Military experience, retired as CWO 3. I have worked in real estate for the past 17 years.

Currently working as a Real Estate Broker.

Civic Activities/Professional Affiliations Former Exchange Club and Rotary Affiliations

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.

 _____
Signature

05/13/2010
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



Candidate Application for City Council-Appointed Boards & Commissions

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received
5/21/10 Glee

Please attach your resume (optional).

Board Preference 1: Board of Adjustment

Board Preference 2: _____

Name: Gilbert T. Hancock

Street Address: 1007 Rhonda Lee St, Copperas Cove, TX 76522

City Resident: 45 years Personal E-Mail: ghancock@hotmail.com

Primary Phone: (254) 547-8511 Home Fax: same as phone #

Profession: Retired: Military CSM / Texas State Agencies - Factory Mng'r.

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Business Fax: _____

Business E-Mail: _____

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

Ordinance Review: Jan - Jun 2008

Land Disturbance + storm Drainage Committee - Oct/Nov - Feb 2010

Civic Activities/Professional Affiliations Ntl. Museum U.S. Army; Ntl Assoc.

for Uniformed Service. Armed Forces Top Enlisted Assoc. Retired Enlisted Assoc. Disabled American Veterans RARP

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.

Gilbert T. Hancock
Signature

5/20/2010
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
"The City Built for Family Living"

Resume

Throughout my entire military carrier and Texas Agency positions, formal education, experience and consulting with other experts in related fields, I have acquired and developed an extensive understanding, personal skills in staff and management operations.

Through my various assignments, I have been influential in the prime reduction of expenditure of funds and time.

The end result provided a positive effort in communication and attitude and the willingness for voluntary compliance with city ordinances, enhancing Copperas Cove's position toward growth and prosperity.

1953 - 1977: Military Service : Retired Command Sergeant Major (CSM)

1977 - 2003: Texas State Agencies: Retired Industrial Factory Manager

*Education: Master of Criminal Justice; Bachelor of Criminal Justice;
Associate in Applied Science*

Areas of Interest: Real Estate, Recycling, City Ordinances

Candidate Application for City Council-Appointed Boards & Commissions

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Received 5/24/10 - J.Lees
Logged

Please attach your resume (optional).

Board Preference 1: BOARD OF ADJUSTMENT

Board Preference 2: _____

Name: JAMES MORIVAL

Street Address: 604 N 4TH ST COPPERAS COVE TX ⁷⁶⁵²²

City Resident: 6 years Personal E-Mail: PARLONZ_04@YAHOO.COM

Primary Phone: (254) 458 5308 Home Fax: _____

Profession: Student

Business Name: _____

Business Address: _____

City: _____ State _____ Zip: _____

Business Phone: _____ Business Fax: _____

Business E-Mail: _____

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

Student Major Bachelor of Sciences
Business Bachelor of Science (BBS)

Civic Activities/Professional Affiliations _____

CITY BOARD OF ADJUSTMENT

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.

James Morival
Signature

05/24/2010
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



Candidate Application for City Council-Appointed Boards & Commissions

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received
5/24/10 JLees

Please attach your resume (optional).

Board Preference 1: Animal Shelter Advisory, P&Z Commission

Board Preference 2: Hospital Authority, Board of Adjustment

Name: Billie L. STEPHENS

Street Address: 701 BOND ST.

City Resident: 7 years Personal E-Mail: billie.stephens@us.army.mil

Primary Phone: 254-547-6147 Home Fax: _____

Profession: Computer Engineer

Business Name: Fed Govt

Business Address:

City: FT. HOOD State: TX Zip: 76544

Business Phone: 254-532-8321 Business Fax: _____

Business E-Mail: see above

Experience or special knowledge applicable to City board or commission function:

Business Degrees, Financial Manager

Civic Activities/Professional Affiliations Writers League of TX, O/S EC, many

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.

Billie L. Stephens
Signature

24 May 10
Date

Please return completed application and resume to:
City Secretary's Office, City Hall
507 S. Main Street, Copperas Cove, Texas 76522
Phone: (254) 547-4221


City of Copperas Cove
"The City Built for Family Living"

Candidate Application for City Council-Appointed Boards & Commissions

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Received 5/26/10 - J. Lees
Logged

Please attach your resume (optional).

Board Preference 1: Board of Adjustments
Board Preference 2: P&Z / Ordinance Update Committee

Name: Jack Smith

Street Address: 3009 Sun Temple Circle

City Resident: 30 years Personal E-Mail: jacksmithhomes@aol.com

Primary Phone: 254-577-5878 Home Fax: 254-542-1489

Profession: Realtor

Business Name: Donlie McMullin Realty

Business Address: 202 South 1st

City: Copperas Cove State Tx Zip: 76522

Business Phone: 254-547-0172 Business Fax: 254-542-1489

Business E-Mail: jacksmithhomes@aol.com

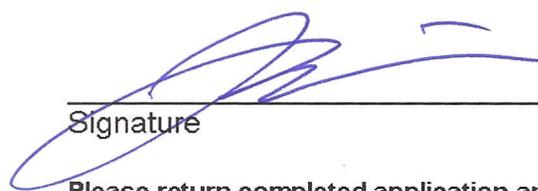
Experience or Special Knowledge applicable to City board or commission function:

Real Estate Broker.

President Fort Hood Area Assoc. of Realtors

Civic Activities/Professional Affiliations Art Chamber Board, Noon Exchange Club, Director Central Texas Homebuilders Assoc, Educational Foundation Graduate Leadership Copperas Cove 1999

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.



Signature

5/26/10

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
"The City Built for Family Living"

City of Copperas Cove City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-6

Contact – Wesley Wright, P.E, City Engineer, 547-0751
wwright@ci-copperas-cove.tx.us

SUBJECT: Consideration and action on appointments to the Planning and Zoning Commission.

1. BACKGROUND/HISTORY

The general purpose of the Planning and Zoning Commission is to act as an advisory body to the City Council on all zoning matters and to act on plats submitted to the commission.

Commissioners are appointed for a three (3) year term and shall not serve more than two consecutive terms.

2. FINDINGS/CURRENT ACTIVITY

The terms of Positions Three, Four, and Five, currently occupied by Jason Ziegler, Jack Widup, and John Gallen respectively, will expire on June 30, 2010.

Jason Ziegler and John Gallen have declined to seek reappointment.

Jack Widup has requested and is eligible for reappointment. Mr. Widup has only missed two (2) meetings during the first term served.

Applications from citizens requesting appointment are attached.

3. FINANCIAL IMPACT

The positions are voluntary positions. Thus, appointments will result in no direct cost to the City.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends appointing Commissioners to Positions Three, Four, and Five for the three year term beginning July 1, 2010 and ending June 30, 2013.

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.

Please attach your resume (optional).

Board Preference 1: Planning & Zoning

Board Preference 2: Board of Adjustments

Name: Annabelle L. Smith

Street Address: 904 Holly St.

City Resident: 38 years Personal E-Mail: Annabelle.Smith@ctcd.edu

Primary Phone: (254) 547-9833 Home Fax: _____

Profession: College Administrator

Business Name: Central Texas College

Business Address: 6200 W Centex Expy

City: Killeen State Tx Zip: 76540

Business Phone: (254) 526-1205 Business Fax: (254) 526-1480

Business E-Mail: Annabelle.Smith@ctcd.edu

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

Served on city council 6 years - CC Appraisal Dist, Keep CC Beautiful Board of Adj

Civic Activities/Professional Affiliations Exchange Club, Chamber past board chair, KCCB, Downtown Association

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.

Annabelle L. Smith
Signature

5/6/10
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
"The City Built for Family Living"

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.

Please attach your resume (optional).

Board Preference 1: P&Z

Board Preference 2: BOA

Name: JACK WIDUP

Street Address: 2418 CAVALRY CT, C-COVE

City Resident: 45+ years Personal E-Mail: jwidup@hotmail.com

Primary Phone: 254 547 1728 Home Fax: NONE

Profession: RETIRED (ALSO PART TIME AUCTIONEER)

Business Name: CORYL BELL AUCTION CO

Business Address: 2418 CAVALRY CT, COPPERAS COVE

City: COPPERAS COVE State TX Zip: 76522

Business Phone: 254 547 1728 Business Fax: NONE

Business E-Mail: jwidup@hotmail.com

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

PAST MBR OF BOA 6yrs, CHARTER REVIEW COMMITTEE CHAIR,
CURRENT MBR (VICE CHAIR) P&Z, FORMER CHAIR HOUSING AUTHORITY Bd
MBR OF 2008 CHARTER REVIEW, PAST MBR OF CORYL COUNTY APPRAISAL REVIEW Bd
Civic Activities/Professional Affiliations PAST MBR HOON EXCHANGE CLUB, MBR TEXAS
AUCTIONEERS ASSN, LIFE MBR MOA, DAV, VFW

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.

Signature [Handwritten Signature] Date 5-6-10

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
"The City Built for Family Living"

Candidate Application for City Council-Appointed Boards & Commissions

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Board Preference 2: Board of Adjustment

Name: Everett R. Kelley

Street Address: 1322 Eagle Tr.

City Resident: 22 years Personal E-Mail: KelleyEverett@aol.com

Primary Phone: (254) 718-2926 Home Fax: _____

Profession: Broker/Realtor

Business Name: Preferred Real Estate and KEF Rentals

Business Address: 201 E. Clements

City: Copperas Cove State TX Zip: 76522

Business Phone: (254) 547-1053 Business Fax: (254) 547-9313

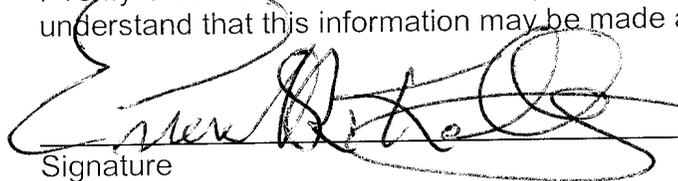
Business E-Mail: KEFRentals@hotmail.com

Experience or Special Knowledge applicable to City board or commission function:
22 Years Military experience, retired as CWO 3. I have worked in real estate for the past 17 years.

Currently working as a Real Estate Broker.

Civic Activities/Professional Affiliations Former Exchange Club and Rotary Affiliations

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.


Signature _____ Date 05/13/2010

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



Candidate Application for City Council-Appointed Boards & Commissions

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Received 5/11/10 JLees
Logged

Please attach your resume (optional).

Board Preference 1: Planning & Zoning Board

Board Preference 2: _____

Name: James Stockman

Street Address: 1201 Virginia Ave.

City Resident: 22 years Personal E-Mail: jamesstockman@hotmail.com

Primary Phone: (254) 371-8136 Home Fax: _____

Profession: Logistics-Management

Business Name: XO-tech llc.

Business Address: Bldg 40001, 76th & Tank destroyer

City: Ft. hood State TX Zip: 76544

Business Phone: (254) 287-6777 Business Fax: _____

Business E-Mail: james.stockman1@conus.army.mil

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

Former Planning & Zoning Board member - Former Council member

HOT committee

Civic Activities/Professional Affiliations Citizens Fire & Public safety Vol. Assoc.

Military Order of the Purple Heart.

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.

James Stockman 11 May 2010
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



James Doyle Stockman
1201 Virginia Ave.
Copperas Cove, Texas 76522
Mobile : (254) – 371-8136
Work: (254) - 287-6777

OBJECTIVE: To provide maintenance and logistics management skill needed to support customers while moving the company goals forward.

XOtech-llc, Ft. Hood, TX
AMCOM / USAMMA Fleet Manager
(06/09-Present)

Serves as Aviation and USAMMA (medical) Fleet Manager for 407th AFSB. Monitored regional units rebuild of combat power and facilitated the build up for their return to combat. Hosted the hi-monthly DA G-3 Aviation RESET VTC at Ft. Hood. Serves as Fleet Manager for Leave Behind / RESET Aviation, AMCOM equipment and USAMMA assets ensuring that all aircraft and medical equipment were brought up to DA standards. Identified problems in the LBE Aircraft transfer process and developed solutions to streamline the process. Implemented plan to help leverage DOL Aviation Contractor to provide necessary support to maintain 407th AFSB mission requirements. Monitored and expedited high priority parts for supported units. Facilitated the transfer of 38 LBE aircraft to multiple units in support of Army Force Generation. Monitors aircraft status of regional units in an effort to identify any systemic maintenance issues throughout the aviation fleet. BN/DMT POC for Pre-Deployment Training Equipment (PDTE). Responsible for monitoring and reporting what is OH in PTDE, readiness status. Monitor and report any on-going MRAP issue in PTDE. End-State is a current detailed status of the fleet, trends, identifying fixes and ways-ahead for the PTDE.

Eagle Support Services, Ft. Hood, TX
A MCOM / USAMMA Fleet Manager (DMT)
(04/08- 06/09)

Conduct analysis of maintenance capabilities, requirements, and make appropriate recommendations to Army Materiel Command (AMC), Army Sustainment Command (ASC), Army Field Support Brigade (AFSB), Logistics Support Element (LSE), and Distribution Management Center (DMC) staffs. Create reports, collect and consolidate data, and prepare maintenance reports for the DMC and AFSB. Utilize asset visibility to make recommendations based on findings to support ARFORGEN requirements. Analyze and recommend optimal positioning of maintenance assets to support Readiness, Left Behind Equipment (LBE), RESET, and provide technical data to all supporting elements. Consolidate and prepare RESET and LBE reports. Conduct work loading analysis for LBE and RESET equipment. Perform analysis to determine system maintainability, reliability, and supportability requirements. Analyze Systems Integration and Configuration to make recommendations to the Command to assist with building combat power. Use existing readiness monitoring capabilities and collection of logistics

intelligence from multiple logistics databases to predict, manage and resolve materiel readiness issues. Document results of the analysis in a report format. Assist with articulate logistic issues for presentation to the national level. Assist in developing systems maintenance concepts, plans, life-cycle supply requirements and processes to meet supply requirements. Develop and review systems acquisition projects, operating plans, and procedures to ensure logistic support considerations are included. Perform technical training, configuration management, and quality assurance. Monitor weekly work order files in LIW. Conduct supply status research and track requisition availability to resolve parts related maintenance issues.

DMT Readiness Analyst

Evaluates and prepares studies, special reports, and records pertaining to aircraft maintenance, component repair, RESET, PRESET, MEP, aircraft transfers, status reports and other related aviation activities as required. Assist with and prepares corps-level aviation maintenance plans, policies, programs and procedures to sustain the U.S. Army's III Corps aviation supply and maintenance operations, including aircraft, avionics, aircraft armament, associated repair parts and ground support equipment. Provides aviation technical guidance and managerial expertise to supported units at Fort Hood. Serve as an aviation liaison and expeditor with the CORPS Aviation maintenance officer to resolve problem areas for units, chain of commands and the installation. Assists in the development of maintenance procedures to include; the instruction of aviation training programs with-in the CORPS and supported aviation Units. Recommends plans, policies and procedures for all aircraft related maintenance operations as needed. Provides aviation maintenance and logistics planning inputs as required for the, III Corps Contingency Operational Plan (OPLAN) and Operational Order (OPORD).

***III Corps G4 Deputy (Rear) Ft. Hood, TX
Supervisor Logistics Management Specialist GS-12
(06/07-04/08)***

Directs policy, program planning, and program execution in the III Corps G4 (Rear). Manages, supervises, and coordinates all logistical activities for a large complex installation. Directs all maintenance, supply, ammunition, food services, laundry, transportation, and property accountability, clothing, and other related logistical activities. Oversees a workforce comprised of both in-house and contractor personnel performing various logistical functions. Coordinates and directs logistics mobilization planning and seeks new mobilization initiatives. Coordinates and oversees the operations performed by contractors. Interprets objectives and guidance received from FORSCOM and Department of the Army headquarters relating to logistical operations. Develops and recommends to the III Corps G4 (Rear) the establishment of local procedures to govern logistical operations and the management of resources.

***Eagle Support Services, Ft. Hood, TX
Logistics Analyst – Level IV
(01/07 - 06/07)***

Provide field level maintenance program management and analysis for work-loading the DOL, FLRC, CECOM and independent maintenance contractors in support of the 1st Cavalry Division, 4th Infantry Division, 13th SC-E and III Corps separate units reset and Left Behind Equipment (LBE) programs. Serve as the direct liaison between the DMC, LSE and the 407th AFSB command and staff. Conduct analysis of maintenance capabilities and requirements and make appropriate recommendations to the supported commanders material readiness teams. Recommend maintenance priorities monitor maintenance programs and manage production reports. Conduct supply status research, track requisition availability and expedite long lead/critical repair parts to help resolve readiness issues.

407th AFSB, Fort Hood, TX
Aviation Fleet manager GS – 09
06/06 – 01/07)

Served as an Aviation Fleet Manager for III CORPS & IRMC – with primary responsibility to Perform Maintenance Management and readiness Visibility for III Corps (G4). Reviews incoming unit status reports to assess overall equipment readiness posture and to identify maintenance problem areas. Analyzes maintenance trends. Utilizing a through knowledge of assigned equipment, maintenance policies, techniques, doctrine and management in the daily performance of duties. Served as liaison and expediter to resolve problem areas for units, chain of commands and the installation. Gathers and compiles data from appropriate sources in support of assigned aircraft status and data bases. Performs as Aviation Fleet Manager for all III Corps aircraft to include Left Behind Equipment (LBE).

AGES II Supervisor
Lockheed Martin, Ft. Hood, TX
(04/1998- 09/1999)

First Line Supervisor of four (4) technicians on AGES II maintenance and Sustainment operations. Managed and maintained accountability of team members, equipment and assets. Performed data reporting, tracking and administrative tasks. Continually strived to improve services and support for customers by setting and establishing personal and team goals. Responsible for supply management, inspection and inventory procedures for sensitive and classified avionics and armament equipment. Responsible for requesting, receiving, turn in and disposal of property/supplies, statement of charges and report of survey, hand-receipts.

Chief Warrant Officer 3 (CW3) (Retired)
31/21/1972 - 3/31/1998

Period encompasses 26 years of active Federal Service and covers a variety of occupations and duty locations.

Airfield Operations Officer
(01/1997- 03/1998)

Provided daily administrative logistics operations for the Maintenance Test Pilot Course.

Responsible for ensuring the smooth flow of daily aircraft company operations for all assigned students & 43 instructors. Provided input and acted as POC for the local flying rules that pertained to aircrew procedures. Supervised the flight operations section to ensure compliance with all regulations. Ensure that all airfield facilities were kept to the highest of standards. Ensured that the pre-accident plans were current and up to date with all agencies.

Wheeler Army Airfield, HI

(12/1994 – 12/1997)

Technical Supply OIC, Responsible for requisition, receipt, issue, inventory, and disposal of spare parts, property, supplies and consumable items. Ensured spare parts, supplies and were properly requisitioned, received and maintained. Ensured the Unit/Squadron did not exceed budgetary requirements for the quarter or fiscal year. Responsible for over 9 million dollar stock fund/ budget for the Squadron. Conducted investigations to determine cause of inventory discrepancies, checked all property documents and compiled information necessary to determine appropriate action to complete report of survey. Ensured regulatory guidelines were followed to insure property accountability. Knowledgeable of the use of Access databases for inventory tracking, accountability, issue and receipt of equipment and supplies. Planned and conducted inventory management studies on property utilization; developed schedules and initiated inventories of all property and non-expendable and consumable supplies. Reconciled and updated inventory results and related supply transactions resolving discrepancies.

Ft. Bragg, N.C.

(09/1990 - 11/1994)

As Company Executive Officer assisted the commander in planning, coordination, and supervising all activities that support the unit mission. Streamlined/revised Company Training Plans to ensure quality training was prepared and forecasted for subordinates to ensure combat readiness. Assisted and monitored inspection of unit programs and activities. Supervised and managed training, performance, counseling, administration, operations, maintenance, supply and logistics, and inventory requisition management for 350 personnel assigned to the company. Responsible for implementation and quality control based on military regulations. Primary hand receipt holder for the company. Responsible for the management of assets for the company, to include asset accountability, disposal of property, as well as distribution of assets. Received and processed documents for new property and equipment, obtained or verified appropriate authorization and oversaw the preparation of purchase request. Processed reports of Discrepancy; monitored and identified excess property.

(02/1984- 08/1990)

Performed duties as an Aviation Maintenance Technician (CW1 – CW3) Supervised aviation maintenance and repair shops, teams, sections, and facilities that maintained or repaired army rotor-wing and fixed wing aircraft. Organized and managed maintenance facilities, equipment, and personnel to inspect, service, test, disassemble, repair, reassemble, adjust, and retest aircraft or aircraft components. assigned work to subordinates and supervised work in progress, final inspection, and final testing. Developed operating procedures, and performed administrative duties related to

supply and maintenance activities. Provided technical assistance to pilots and flight crews concerning required crew maintenance of aircraft and aircraft components.
Interpreted technical material and regulations related to aircraft maintenance.

(03/1972 – 09/1980)

Attack Helicopter Repairer. Performed and supervised maintenance on attack helicopters. Assisted in the removal and installation of subsystems assemblies such as engines, transmissions, gear boxes, rotor hubs, and rotor blades. Prepared helicopters for extensive inspections and maintenance. Assisted in maintenance operational checks.
Performed maintenance on common and special tools and ground personnel. support equipment.
Provided maintenance and technical guidance to various skilled personnel.

Additional Skills: Excel, Power Point, Word, CAVERS FASST, LIW, ILAP, PCS II LBE/RESET (Ground/Aviation), Pre-Deployment Training Equipment (PDTE) Readiness Management.

Education:

Associate Degree in Applied Sciences, (Aviation) CTC- Killeen, TX
Enrolled at Texas A&M Central Texas (Killeen) Bachelors in Aviation Management / Minor in Business

Current Security Level : Secret

III Corps G4- Government Purchase Card (GPC) Billing Officer
CLM003 Ethics Training for Acquisition Technology and Logistics □ Oct 07
CLM001 DoD Government Purchase Card □ Oct 07
Fiscal Law Course for Government Purchase Card □ Oct 07
National Security Personnel System - NSPS 101
National Security Personnel System - NSPS HR Elements/Performance Management for Supervisors and Managers class
CAVERS FASST
LIW
ILAP
PCS II RESET (Aviation)

Military Training

Warrant Officer Entry Program-Aviation School - Ft. Rucker, AL 09/1987

OH-58 A/C Maintenance Manager/Test Pilot Course – Aviation Logistics School-Ft. Eustis, VA – 10/1987-02/1988

Aircraft Armament Maintenance Tech- Aviation Logistics School-Ft. Eustis, VA – 03/1988-06/1988

AH-1S Maintenance Manager/Test Pilot course-Aviation Logistics School- Ft. Eustis, VA-03/1988 – 06/1988

Aviation Warrant Officer Advanced course- Aviation School Ft. Rucker, AL. 02/1996-05/1996

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
5/25/10 (Kees)
logged

Please attach your resume (optional).

Board Preference 1: Planning and Zoning

Board Preference 2: _____

Name: Melinda Montoya

Street Address: 1411 Linda Lane

City Resident: 14 years Personal E-Mail: mmakeg@earthlink.net

Primary Phone: (254) 289-1019 Home Fax: _____

Profession: Data Specialist

Business Name: Copperas Cove ISD

Business Address: 400 S. 25th Street Copperas Cove, TX

City: Copperas Cove State TX Zip: 76522

Business Phone: (254) 547-2534 Business Fax: (254) 547-2671

Business E-Mail: montoyam@ccisd.com

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

Civic Activities/Professional Affiliations _____

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.

Melinda Montoya
Signature

5/17/10
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
"The City Built for Family Living"

Melinda J. Montoya 1411 Linda Lane □ Copperas Cove, TX 76522
(254) 289-1019 • mmokeg@earthlink.net

Education:

Masters of Business Administration
Tarleton State University Central-Texas

Bachelor of Science: Marketing
Tarleton State University Central-Texas

Associate Degree in Business Management
Central Texas College, Killeen, TX

Special Skills

Ability to work independently or as a team member
Excellent communication and interpersonal skills
Strong attention to detail, strong organizational skills and strong ability to multi-task

Work History:

Copperas Cove Independent School District - Copperas Cove, Texas
Data Specialist

- Assist with parents and students, to resolve issues and provide information
- Answer multi-line telephone
- Assist withdrawal and enrollment of students
- Track and verify enrollment of withdrawn students
- Assist with sending requested information from gaining school
- Assist Registrar
- Maintain student cumulative files
- Assist truant officer

Copperas Cove Independent School District - Copperas Cove, Texas
Assistant Computer Services

- Assist with parents, students, and staff to resolve issues and provide information
- Create various reports as needed for administrators, teachers and staff
- Maintain confidentiality and accuracy of Pregnancy Related Services information
- Maintain and verify homebound student information
- Review student cumulative files for accuracy
- Assist with verifying and submitting PEIMS data

- Perform new student data entry and withdrawal of students
- Enter student pre-registration schedules
- Enter new student demographic information and new student schedules
- Assist in preparation of master schedule and input data into established database
- Attend in-services and workshops as needed in order to remain current on all aspects concerning the student computer services department
- Verify enrollment for the High School and administration
- Maintain accurate data for current year's master schedule
- Create class rosters as needed
- Maintain free and reduced lunch information
- Maintain and create files for phone master
- Print letters, mail, and monitor ARC program
- Maintain confidentiality of electronic records

***Copperas Cove Independent School District - Copperas Cove, Texas
Instructional Aide***

- Researched and prepared statistical reports for review by teachers, principals and administration
- Effectively disseminated authorized information from student records to teachers, principals and administration via telephone, mail services and e-mail
- Planned, scheduled, and administered testing for admission/dismissal into Reading Program for two campuses
- Maintained confidential paper and electronic student files
- Composed detailed outgoing correspondence related to student's qualifications to participate in special program
- Maintained and monitored budget for program on two campuses
- Ensured accuracy of student entrance and dismissal into program
- Operated computer terminal to enter data, retrieve and edit information from database
- Worked with students to ensure their success
- Maintained confidentiality

Computer Skills:

Microsoft Word, Excel, PowerPoint, Word processing, e-mail, student information systems, and database management. Adding machine, calculator and typewriter, copier and fax.

Activities and Honors:

Business and Marketing Association
National Dean's List

Cum-Laude
Delta-Mu-Delta

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
5/24/10 *J. Lees*

Please attach your resume (optional).

Board Preference 1: Animal Shelter Advisory, P&Z Commission

Board Preference 2: Hospital Authority, Board of Adjustment

Name: Billie L. STEPHENS

Street Address: 701 BOND ST.

City Resident: 7 years Personal E-Mail: billie.stephens@us.army.mil

Primary Phone: 254-547-6147 Home Fax: _____

Profession: Computer Engineer

Business Name: Fed Govt

Business Address: ~~_____~~

City: Ft. Hood State: TX Zip: 76544

Business Phone: 254-532-8321 Business Fax: _____

Business E-Mail: see above

Experience or special knowledge applicable to City board or commission function:

Business Degrees, Financial Manager

Civic Activities/Professional Affiliations Writers League of TX, O/S EC, many

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.

Billie L. Stephens
Signature

24 May 10
Date

Please return completed application and resume to:
City Secretary's Office, City Hall
507 S. Main Street, Copperas Cove, Texas 76522
Phone: (254) 547-4221


City of Copperas Cove
"The City Built for Family Living"

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 5/26/10 - J. Lees
Logged

Please attach your resume (optional).

Board Preference 1: Board of Adjustments
Board Preference 2: P&Z / Ordinance Update Committee

Name: Jack Smith

Street Address: 3009 Sun Temple Circle

City Resident: 30 years Personal E-Mail: jacksmithhomes@aol.com

Primary Phone: 254-577-5878 Home Fax: 254-542-1489

Profession: Realtor

Business Name: Donlie McMullin Realty

Business Address: 202 South 1st

City: Copperas Cove State Tx Zip: 76522

Business Phone: 254-547-0172 Business Fax: 254-542-1489

Business E-Mail: jacksmithhomes@aol.com

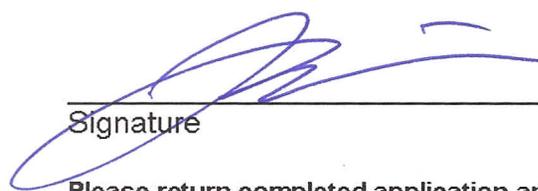
Experience or Special Knowledge applicable to City board or commission function:

Real Estate Broker.

President Fort Hood Area Assoc. of Realtors

Civic Activities/Professional Affiliations Art Chamber Board, Noon Exchange Club, Director Central Texas Homebuilders Assoc, Education Foundation Graduate Leadership Copperas Cove 1999

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.



Signature

5/26/10
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
"The City Built for Family Living"

City of Copperas Cove City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-7

Contact – Michael Mundell, Superintendent of Solid Waste, 547-4242

mmundell@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove and Sunbelt Industrial Services Inc. for professional services to perform 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).

1. BACKGROUND/HISTORY

The landfill at Boys Ranch Road is a closed type I municipal solid waste landfill. Over the years, one groundwater monitoring well produced no samples for analysis and two wells produced minimal samples; thereby bringing into question the effectiveness of the groundwater monitoring plan.

During a workshop held in July of 2009 the Council was briefed on the history of the groundwater monitoring plan, the increased scrutiny from the TCEQ, and a preliminary plan on a possible remedy. Since that time TCEQ has requested action to address the dry monitoring well and the wells that may be located too far from waste for adequate monitoring of the groundwater.

2. FINDINGS/CURRENT ACTIVITY

Sunbelt Industrial Services Inc. has submitted a proposal to perform the drilling portion of the project. Sunbelt Industrial Services Inc. is also one of the companies recommended by SCS Engineers to perform the services because of the entity's professionalism, quality of work, and experience in the field.

A legal review of the attached agreement was completed by the City Attorney.

3. FINANCIAL IMPACT

The Sunbelt Industrial Services Inc. proposal to perform the continuous coring and installation of three piezometers is \$10,572. Funds for the project are available in the Solid Waste Operating Budget.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends City Council authorize the City Manager to enter into a professional services agreement with Sunbelt Industrial Services Inc. for the continuous coring and installation of three piezometers.

Sunbelt Industrial Services Service Agreement

This Agreement is made this 18th day of May, 2010, between Sunbelt Industrial Services, Inc. ("Sunbelt" or "Contractor"), and the City of Copperas Cove, TX, ("Copperas Cove", or "Client").

- 1.) **Nature of Agreement and Relationship:** Each party shall at all times, and for all purposes, be regarded as an independent contractor of the other. The parties hereto are not making any partnership agreement or joint venture for any purpose. Neither the negotiation, implementation, or continuation of this agreement, nor the conduct of any activity pursuant to, in accordance with, or subsequent to, this agreement, will be construed as obligating either party to enter into a further agreement with the other party, creating or implying a partnership of any kind or nature between the parties, or permitting either party to use the credit or licenses of the other.
- 2.) **Scope of Work:** For and in consideration of the payment by Client of the amounts and in the manner set forth in Exhibit A hereto, Sunbelt does hereby agree to perform in a good and workmanlike manner and in accordance with any applicable law and regulations, the work as specified on Exhibit A hereto ("the Work"). Client shall furnish Contractor with any such drawings, specifications, changes, field engineering and/or access to the property as are necessary for Contractor to perform the Work. If Client requests, verbally or in writing, that Contractor perform work beyond or in addition to the scope of Work as initially defined or described, or if Contractor notifies Client that additional work is required because of conditions not visible when the Work was commenced, Contractor shall be authorized to proceed with such additional work, and Client shall pay for such additional work upon submission of interim and/or final invoices for such by Contractor, as provided herein below.
- 3.) **Payment:** If the work is quoted on the basis of component costs, Contractor shall have the right to submit, and Client shall pay within thirty (30) days of invoice date, interim monthly billings. If the Work is quoted on the basis of an initial estimated total price, Contractor shall have the right to submit, and Client shall pay within thirty (30) days of invoice date, interim monthly billings. On estimated total price projects, Client may "retain" an amount up to ten (10%) percent of the amount of any interim invoice until final completion. Final payment of any unpaid interim progress draws, and of retainage, if any, shall be due upon completion of the Project by Contractor, and within thirty (30) days of submission of final invoice. ~~If Client fails to fully and timely pay amounts when due, Contractor shall have the right to halt work, and Client shall pay pre-judgment interest at 18% per annum from the thirty first day after the date of invoice, and Client shall pay all attorney's fees, expenses and court costs incurred by Contractor in collection of said invoice(s).~~ (11)
- 4.) **Duration of Agreement:** Contractor shall begin the Work following execution of this Agreement by both parties, and in accordance with any schedule delivered by Contractor to Client. Unless otherwise terminated in accordance herewith, this Agreement shall remain in effect until completion of the Work as originally described, or as subsequently modified. Either party may terminate this Agreement upon written notice, provided, however, that all work completed by Contractor as of the date of termination shall be paid in full by Client within thirty days of invoice for such. In the event that this agreement is terminated by Client at a point when cessation of work by Contractor would leave Contractor, and/or Contractor's license(s), exposed to liability, Contractor shall proceed to do only such work as is required by applicable law or regulations, and/or to secure the site, and Client shall pay for such further work.

Subject to The
Texas Public Information Act

5.) **Confidentiality:** Each party hereto shall keep confidential, and shall not use for any purpose other than the performance of Work under this Agreement, any proprietary or trade secret information or documentation it obtains concerning the other of them.

6.) **Insurance, Indemnification, and Limitation of Liability:**

a.) Contractor shall maintain in force during the performance of the Work policies of insurance providing coverage for commercial general liability, comprehensive automobile liability, worker's compensation, employer's liability, and professional liability. Client shall also maintain in force during the performance of the Work policies of commercial general liability insurance.

b.) Contractor shall indemnify and hold harmless Client from and against liability, loss or damage suffered by Client as the direct and proximate result of the violation by Contractor of any federal, state or local statute, rule, regulation or ordinance in the performance of the Work; ~~provided, however, that the damage, costs, expenses or other liability of Contractor shall be limited to \$50,000.00, or the amount paid by Client pursuant to the Agreement, whichever is less. Contractor shall not in any event be liable for special, incidental, consequential, punitive or exemplary damages.~~ Contractor shall, as part of its preparation to begin work, mark or cause to be marked all utilities located at and around the perimeter of the Property (outside the tap). Unless Client directs Contractor in writing to locate and mark all utilities on the user side of the tap, and pays Contractor any additional costs incurred in doing so, Contractor shall not be liable for any injury or damage to lines, property or persons relating to or resulting from Contractor coming in contact with or damaging any line on the user side of the tap.

c.) Client shall ~~indemnify and~~ hold harmless Contractor from and against any liability, loss or damage suffered by Contractor as the direct and proximate result of the breach by Client of this Agreement; any violation by Client of any federal, state or local statute, rule, regulation or ordinance by Client; Client's alleged involvement or status as an owner, operator, arranger, generator or transporter of hazardous substances or constituents at the Project Site; and/or inaccurate information provided by Client to Contractor. **CLIENT DOES HEREBY RELEASE, INDEMNIFY AND HOLD HARMLESS CONTRACTOR, ITS AFFILIATED COMPANIES, SUBCONTRACTORS, AGENTS, AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS AND LIABILITY OF EVERY KIND AND NATURE, FOR ANY INJURY TO PERSONS AND/OR ANY DAMAGE TO PROPERTY INCLUDING THAT OF CLIENT, WHICH ARISE FROM OR IN CONNECTION WITH, OR ARE CAUSED BY ANY ACT, ERROR, OMISSION OR NEGLIGENCE OF CLIENT AND OR ITS SUBCONTRACTORS.**

7.) **General**

a.) Each party represents that the person signing this document is fully authorized to do so on their behalf, and to bind said party hereto.

b.) This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The parties hereto expressly agree that this Agreement shall be considered as performable in ~~Tarrant~~ County, Texas, and that any and all litigation relating to or arising from this Agreement shall be brought in the state courts located in ~~Tarrant~~ County, Texas.

c.) If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements, in addition to any other relief to which it may be entitled.

Coryett

- d.) This Agreement shall be binding on the parties and inure to the benefit of their respective heirs, legal representative, successors and assigns. This Agreement shall not be assigned without the express written consent of the parties.
- e.) This Agreement supersedes all other agreements entered into by the parties prior to the date of signing. Further, it contains the entire agreements, arrangements, or undertakings, oral or written, between the parties other than those set forth and duly executed in writing.
- f.) Time is of the essence both in the performance of the Work, and in the making of payments for such.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 18th day of May, 2010.

Sunbelt Industrial Services, Inc.

City of Copperas Cove, TX:

By: [Signature]
Title: President
Date: 5/18/10

By: _____
Title: _____
Date: _____

Request For Bid
City of Copperas Cove Landfill Continuous Core and Monitoring Well
Installation
Bid Form

Note that items such as decon equipment rental cost and time, per diem, and any other costs not specifically listed below must be accounted for and incorporated in your bid. Invoices with line items not listed below will not be accepted without prior consultation. The "Number Required" listed below is estimated. Actual payment will be based on actual units completed of each line item, as determined by daily records. Please incorporate your per diem, rental etc. into footage costs, not mobe costs.

<u>Item</u>	<u>No. Required</u>	<u>Units</u>	<u>Your Unit Cost (\$)</u>	<u>Total (\$)</u>
Mob/demob	1	Eq	1950.00	1950.00
Continuous coring	156	Feet	30.00	4680.00
Drilling				
Install three, two-inch monitoring wells	156	Feet	50.73	7913.88
Monitoring Well Surface Completions:				
6 x 6 feet x 6 inch w/ wire mesh	3	Eq	850.00	2550.00
Plugging 3 wells	78	feet	15.00	1170.00
<u>Estimated Total Project Cost</u>				18263.88

Stand-by cost per hour:	unknown	Hr	100	
Estimated number of days for project completion:	4 Days (drilling days only--NOT including mobe)			
Rig Type:	B61-HDX w/750 Compressor			
PLEASE ADD TOTAL->	1			18263.88

Signed _____ Company Vortex Drilling, Inc Date 1-29-10



TOTAL SUPPORT SERVICES
DALLAS • AUSTIN • HOUSTON
Serving Texas and the surrounding states since 1991

SCS Engineers
1901 Central Drive, Suite 650
Bedford, Texas 76021

January 25, 2010
Copperas Cove Landfill
Copperas Cove, Texas

Dear Mr. Lawrence,

Proposal #2010-036

We would like to thank you for the opportunity to bid on this project. If you need to make any changes to the proposal or have questions or comments regarding our bid, please do not hesitate to call us at 800-259-7174.

It is proposed to install three (3) 2 inch monitor wells at the above referenced site. The wells will be drilled to approximately 52 feet below ground surface. The wells will be installed using schedule 40 PVC (0.010 inch slotted screen), 20/40 silica sand and ¾ inch bentonite chips. Soil samples will be taken continuously using NX or NQ2 core barells. It's also proposed to P&A monitor wells with an estimated total footage of 78 ft. All down hole equipment will be decontaminated using a high pressure steam cleaner. The wells will be completed at the surface 6x6x6 completions.. All waste products generated during on site activity will be spread on site.

Item:	Per:	Unit:	Rate:	Total:
Mobilization	Trip	1	\$1000.00	\$1,000.00
Monitor Well Installation	Foot	156	\$23.00	\$3,588.00
Cores	Ft	156	\$18.00	\$2,808.00
Concrete Pad Construction	Pad	3	\$750.00	\$2250.00
P&A Wells	Ft	78	\$6.00	\$ 468.00
Estimated Cost:				\$10,114.00

This proposal is based on the following assumptions. All field work can be conducted using level D personal protective equipment. The final invoice will be based on the work completed on site and the rates provided above. Items not included in this proposal that are completed or requested on site will be billed at the rates specified in our most recent fee schedule. Utilities will be cleared and clearly marked by the client prior to our arrival on the job site.

Sincerely,
Total Support Services, Inc.

Matt Brenna, P.G.

Total Support Services, Inc.
PO Box 81621
Austin, Texas 78708

Phone: 800-259-7174
Fax: 214-337-7922

City of Copperas Cove Landfill Coring and Monitoring Well Installation

Date of Request: May 5, 2010

DQ11025

Respond to: Mike Mundell
City of Copperas Cove Solid Waste Superintendent
e-mail mmundell@ci.copperas-cove.tx.us
office phone 254.547.4242

05/06/10

please also send an e-mail copy to Jim Lawrence at
jlawrence@scsengineers.com

Respond by: May 12, 5 PM, 2010

Job Summary: Continuously core three holes and install three monitoring wells at the City of Copperas Cove Landfill, Copperas Cove, Texas.

Notes:

1. **Schedule: Drilling is expected to be completed by June 15, 2010.**
2. **Observing groundwater during the drilling process is critical to project goals, in order to set well screen at correct elevation. Mud rotary drilling is not allowed.**
3. **Driller will arrive at the site on the first day of drilling with all equipment necessary to complete the project, including metal survey discs to put in cement pads.**
4. Only one mobilization fee will be paid.
5. Your bid numbers should be put on page 4 of this document. Please incorporate per diem expenses into footage costs, not mobe costs.
6. Job scope does include continuous coring.
7. **Driller will submit to SCS Engineers, DRAFT logs for checking prior to submitting final logs to TDLR. Draft logs will be submitted to SCS within 14 days of project completion.**
8. Groundwater monitoring wells are all two-inch-diameter pvc. Minimum diameter hole size is 6-inches.
9. Monitoring wells will have twenty to forty-foot screens. Final design decisions will be made in the field at the time of installation. See attached specifications.
10. The City requests that bid prices be valid for three months from the date of submittal.
11. Payment terms are detailed on attached Service Order Terms.
12. Each page of the Request For Bid must be attached to your proposal and initialed to indicate acknowledgement.
13. Invoices must follow the line item format contained in this Bid Form (page 4 of this document). No other items can be charged without prior consultation.
14. No stand-by time will be paid for those times when the drill crew is told not to come to the landfill due to weather conditions or other conditions beyond the control of the City.
15. Each line item of your bid must be a separate, stand-alone item, such that if any line item is deleted from the project scope, the other costs remain the same.
16. Assume truck-mount rig.
17. **All footages on the attached page are ESTIMATES. Driller will be paid based on actual footage drilled.**

mp

Job Specifications—City of Copperas Cove Landfill Continuous Core and Install Three Monitoring Wells

Approximate Total Footage of Drilling: 156 feet (continuous coring three holes averaging 52 feet deep, followed by monitoring well installation).

Monitoring Well Specifications

Monitoring Wells shall be installed in accordance with 30 TAC 330.421

Caps: Top— 2" slip-on
Bottom—threaded

Hole Total Depth: 52 feet. **Screen from 10 feet to 50 feet.** Sump 50 to 52 feet.

Screen: **Twenty to Forty** feet long, slotted, w/ 0.010-inch slots; sealed in plastic upon arrival at site.

Sand Pack: Placed from total depth to two feet above screen.

Sediment trap: Two feet in length, installed below screen.

Bentonite seal over sand: Approximately 2 feet, dry pellets placed, followed by 24 hours hydration.

Decon: Before each well installation. Decon water will not be contained.
Decon washer must be present and used at site.

55-gallon drums: Not needed.

Containment For Cuttings: Not needed.

Surface Casing: No.

Centralizers: No.

Well Development: No.

Pad Size: 6-foot by 6-foot by 6 inches

Wire mesh and survey disk marker in pads: Yes

Bollards: Four per pad, pre-painted cat yellow prior to arriving on site, 4-inch diam.

Housings: **Steel**, square, **6-inch by 6-inch**, lockable hinged tops. No paint.

Padlocks: Not required.

Minimum Hole Diameter: Six inches.

Additional Job Specifications

NOTES:

1. Holes for monitoring wells will be drilled to two feet below bottom of screen to allow room for two-foot tail section (sump).
2. Work schedule will be Monday through Friday, 7 AM to approximately 6 PM (later if conditions allow).
3. Driller will carefully consider site geology and propose and implement suitable methods for continuous core recovery in this geology.
4. DRILLER WILL PROVIDE CARDBOARD CORE BOXES TO STORE 156 FEET OF CORE.

Driller is responsible for cleaning up site and disposing of waste materials, except soils/cuttings which will be disposed on the ground.

Request For Bid
City of Copperas Cove Landfill Continuous Core and Monitoring Well
Installation
Bid Form

Note that items such as decon equipment rental cost and time, per diem, and any other costs not specifically listed below must be accounted for and incorporated in your bid. Invoices with line items not listed below will not be accepted without prior consultation. The "Number Required" listed below is estimated. Actual payment will be based on actual units completed of each line item, as determined by daily records. **Please incorporate your per diem, rental etc. into footage costs, not mobe costs.**

<u>Item</u>	<u>No. Required</u>	<u>Units</u>	<u>Your Unit Cost (\$)</u>	<u>Total (\$)</u>
Mob/demob	1	Ea	1,440.00	1,440.00
Continuous coring	156	Feet	18.00	2,808.00
Drilling				
Install three, two-inch monitoring wells	156	Feet	29.00	4,524.00
Monitoring Well Surface Completions:				
6 x 6 feet x 6 inch w/ wire mesh	3	Ea	600.00	1,800.00
<u>Estimated Total Project Cost</u>				10,572.00

Stand-by cost per hour:	unknown	Hr	150.00	
Estimated number of days for project completion:	3 days onsite (drilling days only--NOT including mobe)			
Rig Type:	CME-75 Truck Mounted			
PLEASE ADD TOTAL->	\$			

Signed Melody M. Padgett Company Sumbell Industrial Services, Inc. Date 05/06/10

Review of Relevant Site Stratigraphy and Hydrogeology

City of Copperas Cove Landfill

A typical site geology log is attached. The Formations are as follows:

Ground surface to approximately 25 feet below ground: Walnut Formation

25 feet below ground to 30 feet below ground: Paluxy Formation (absent in some parts of site)

30 feet below ground to 60 feet below ground: Glen Rose Formation

Site field drilling indicates site stratigraphy to a depth of about 60 feet is characterized by weathered limestone and shaley limestone with some clay, silt, and fine sand. Groundwater may be encountered at some locations, especially if the five-foot Paluxy sand layer is encountered.

mp

TYPICAL GEOLOGIC LOG

LOG OF BORING FOR CITY OF COPPERAS COVE LANDFILL					Page 1 of 2
Date: 6/15/94		Type: Core		Boring # P-3	
Project location: Copperas Cove, Texas		Location: See site map			
Depth Feet	MATERIAL DESCRIPTION	Core drilled (ft)	Core Recovered (ft)	Eleva- tion	Depth Feet
GSE - 1024-99					
WALNUT FORMATION					
0	Rocky soil 2.3	2.2	0.2		0
5	Light Gray to White shaley LIMESTONE, dry very weathered. 1/16 - 1/8 inch clay and breccia layers every 2-4 inches, flaggy	4.8	2.0		5
10	Tan 12.6' - 13.3	5.0	3.0		10
15	Gray to 26.5'	5.0	3.0		15
20	1/16 - 1/8 inch clay seams every 2 - 3 inches between 20' - 22'	5.0	4.0		20
25	Tan to 27.5	5.0	3.0	997.49	25
PALUNY FORMATION					
30	Brown fine SAND - damp	5.0	4.7	992.49	30
GLEN ROSE FORMATION					
35	Gray shaley LIMESTONE, dry - brown to dark gray to 37.0'	5.0	2.8		35
40		5.0	5.0		40
45		5.0	5.0		45
50	buggy 57' - 58'	5.0	5.0		50
55		5.0	5.0		55
60					60

mp

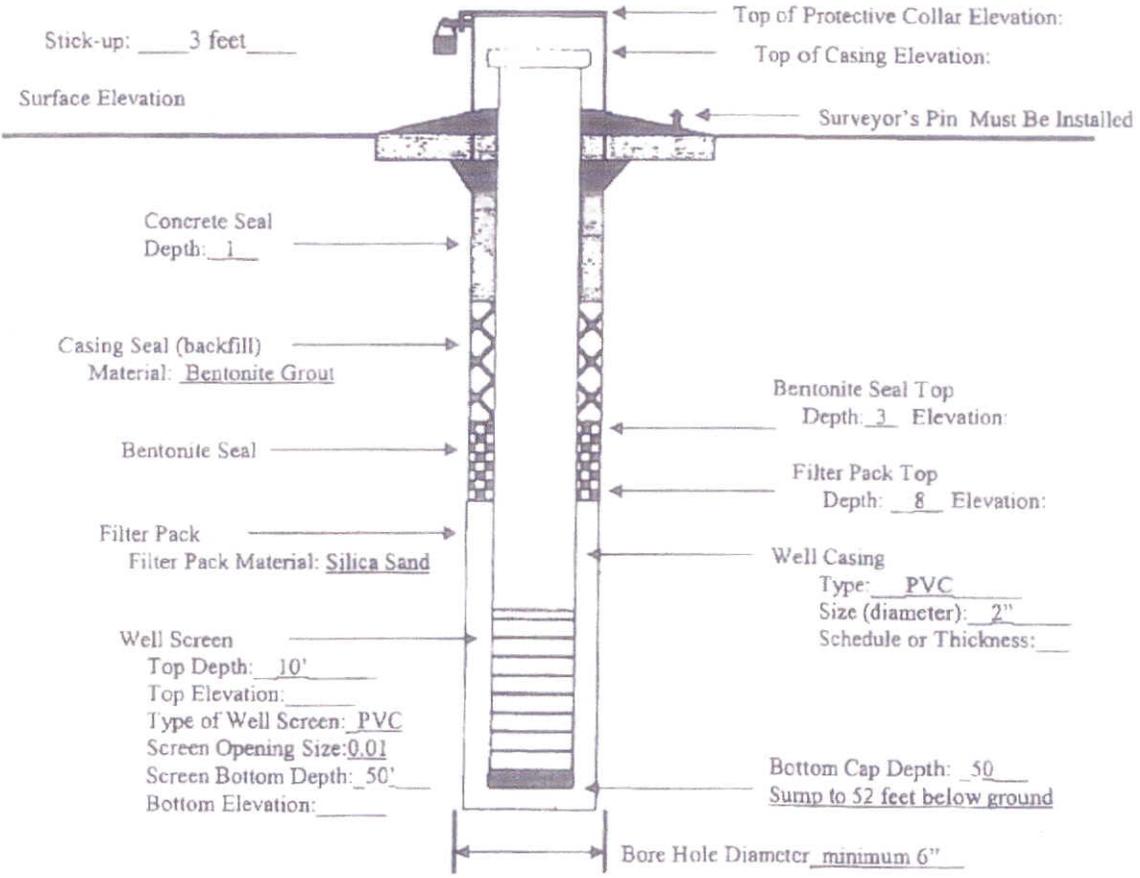
Monitoring Well Install Specification Data City of Copperas Cove Landfill

Site Name: City of Copperas Cove Landfill
 County: Coryell

Monitor Well I.D. No.: TBD

Type of Case Protection: Steel
 Concrete Surface Pad (with steel reinforcement) Dimensions: 6'X6'

Stick-up: 3 feet



Monitoring Well Install City of Copperas Cove Landfill

Request For Bid

City of Copperas Cove Landfill Coring and Monitoring Well Installation

Date of Request: May 5, 2010

-END OF REQUEST FOR BID-

Page - 8 - of 8

E:\BD Proposals\Copperas Cove\GWM\2010-M05052010 Request For Coring and Drilling Bid-C Cove LF MW Install.doc

INITIALS OF SUBCONTRACTOR ACKNOWLEDGING THIS PAGE

MP

City of Copperas Cove City Council Agenda Item Report

June 1, 2010

Agenda Item No. I-8

Contact – Michael Mundell, Superintendent of Solid Waste, 547-4242

mmundell@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on authorizing the City Manager to execute an agreement between the City of Copperas Cove and Hearn Engineering, Inc for professional services to survey and mark the locations for the installation of three piezometers and four permanent gas monitoring probes to provide additional site characterization for the landfill groundwater monitoring plan and the future installation of four permanent gas monitoring probes as suggested by the Texas Commission on Environmental Quality (TCEQ).

1. BACKGROUND/HISTORY

The landfill at Boys Ranch Road is a closed type I municipal solid waste landfill. Over the years, one groundwater monitoring well produced no samples for analysis and two wells produced minimal samples; thereby bringing into question the effectiveness of the groundwater monitoring plan.

During a workshop held in July of 2009 the Council was briefed on the history of the groundwater monitoring plan, the increased scrutiny from the TCEQ, and a preliminary plan on a possible remedy. Since that time TCEQ has requested action to address the dry monitoring well and the wells that may be located too far from waste for adequate monitoring of the groundwater.

2. FINDINGS/CURRENT ACTIVITY

Hearn Engineering Inc. has submitted a proposal for the surveying portion of the project. They have several years of experience working with the TCEQ and the City's groundwater monitoring plan and monitoring well issues. Hearn Engineering Inc. is also one of the companies recommended by SCS Engineers to perform the surveying because of the firm's familiarity with the groundwater monitoring plan.

The agreement will be executed upon Council consideration and final approval after a legal review is completed by the City Attorney.

3. FINANCIAL IMPACT

The Hearn Engineering Inc proposal to survey and mark the locations for the installation of three piezometers and four permanent gas probes is \$4,000. Funds for the project are available in the Solid Waste Operating Budget.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends City Council authorize the City Manager to enter into a professional services agreement with Hearn Engineering Inc. for the surveying and marking of the installation locations for three piezometers and four permanent gas probes.

AGREEMENT FOR THE PROVISION OF LIMITED PROFESSIONAL SERVICES

Design Firm: Hearn Engineering, Inc.
3000 Joe DiMaggio Blvd., Ste. 25
Round Rock, TX 78665
Date: _____

Client: City of Copperas Cove _____
P.O. Box 1449 _____
Copperas Cove, Tx 76522 _____
Project No.: _____

Project Name/Location:

City of Copperas Cove Landfill Survey of Proposed Monitor Wells and Gas Probes

Scope/Intent and Extent of Services:

Pre and post-Installation survey of three monitor wells and four gas probes on closed landfill site.

PRE-INSTALLATION

\$2,500.00

Using coordinates provided by the City or it's Engineer, flagged wood stakes will be used to mark each of seven locations. Each stake will have written directly on the stake: (1) Well Name, (2) State Plane Coordinates (previously provided by City), and (3) Ground elevation at stake location (determined at time of survey). The list of ground elevations at all locations will be e-mailed to the City. All elevations surveyed will be obtained using methods suitable to provide vertical accuracy of 0.01 foot.

POST-INSTALLATION

\$1,500.00

After all well installation is complete, surveyor will provide post-installation surveying services of the locations. The following items will require surveying for the three well and four gas probes: (1) State Plane Coordinates (northing and easting) of metal survey marker in pad, and (2) four vertical elevations as shown on provided sketch "Required Survey Elevation At Finished Wells" (Top of steel casing, top of PVC pipe, marker in concrete slab, ground surface).

Fee Arrangement:

The fee for this work is a not to exceed amount of \$4,000.00. Work will be invoiced monthly.

Special Conditions:

TERMS AND CONDITIONS

The firm shall perform the services outlined in this agreement for the stated fee arrangement.

Access to Site:

Unless otherwise stated, the Firm will have access to the site for activities necessary for the performance of the services. The Firm will take precautions to minimize damage due to these activities, but have not included in the fee the cost of restoration of any resulting damage.

Dispute Resolution:

Any claims or disputes made during design, construction or post-construction between the Client and Firm shall be submitted to non-binding mediation. Client and Firm agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between parties. Each party shall be responsible for their own costs of mediation. Should litigation arise, venue will be in Coryell County.

Billings/Payments:

Invoices for the Firm's services shall be submitted, at the Firm's option, either upon completion of such services or on a monthly basis. Invoices shall be due and payable upon receipt, at 3000 Joe DiMaggio Blvd. Suite 25, Round Rock,

Texas, 78664. Payment is past due 30 days after the invoice date. If questions regarding the invoice amount are not brought to the attention of the Firm within 21 days of the invoice date, the invoice shall be considered accepted by the Client. If the invoice is not paid within 45 days, the Firm may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of the service.

Late Payments:

Accounts unpaid 30 days after the invoice date may be subject to a monthly service charge of 1.5% (or the maximum legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

Certifications, Guarantees and Warranties:

The Firm shall not be required to execute any document that would result in their certifying, guaranteeing or warranting the existence of conditions whose existence the Firm cannot ascertain.

Limitation of Liability:

The firm shall not be liable for acts or omissions by the client, its employees, or its contractors.

Termination of Services:

This agreement may be terminated by the Client or the Firm should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay the Firm for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

A. FOR CAUSE. The occurrence of any one or more of the following events will justify termination for cause:

1. Firm's persistent failure to perform the Work in accordance with the Contract (including, but not limited to, failure to supply sufficient skilled workers or suitable materials or equipment);
2. Firm's disregard of Laws or Regulations of any public body having jurisdiction;
3. Firm's violation in any substantial way of any provisions of the Contract;
4. The Client fails to pay the firm in a timely manner;
5. The Client fails to provide information pertinent information to the firm that would affect work covered under this agreement;

If one or more of the events identified above occur, the agreement may be terminated after giving a seven day written notice of its intent.

Notwithstanding the right to terminate for cause, Firm's services will not be terminated if Firm begins within seven days of receipt of notice of intent to terminate to correct its failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of said notice.

B. FOR CONVENIENCE. The Client and Firm may terminate this Agreement for convenience in whole or in part at any time, without cause, by giving at least thirty (30) days notice, in writing, to the respective party. Upon termination pursuant hereto, CONTRACTOR shall account for and properly present to the CITY all claims for amounts due, charges, costs, fees and expenses and the Client pay the Firm all amounts due for work completed up to time of such termination which are undisputed, less payments of compensation previously made.

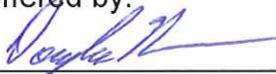
Ownership of Documents:

All documents produced by the Firm under this agreement shall remain the property of the Firm until receipt of final payment, and may not be used by the Client for any other endeavor without the written consent of the Firm. If evidence of the existence or release of hazardous substances or other occurrences or information required by law or regulation to be reported are revealed to Client as a result of our company's performance of services under this Agreement, it shall be the responsibility of Client to contact the appropriate Federal, State or local authorities.

Rate Schedule

Principal	\$180.00/Hr.
Professional Engineer	\$170.00/Hr.
Professional Surveyor	\$150.00/Hr.
Graduate Engineer	\$ 95.00/Hr.
Project Coordinator	\$ 75.00/Hr.
Survey Crew	\$125.00/Hr.
CADD Technician/Survey Technician	\$ 80.00/Hr.
Clerical	\$ 75.00/Hr.
Mileage	\$0.485/Mi. (Or current Federal Rate)
Reproduction and Supplies	Cost + 10%

Offered by:

 5/5/10
(signature) (date)

Douglas Hearn, P.E., R.P.L.S. Principal
(printed name/title)

Hearn Engineering, Inc.

Accepted by:

(signature) (date)

(printed name/title)

(name of Client)

AGREEMENT FOR THE PROVISION OF LIMITED PROFESSIONAL SERVICES

Design Firm: Hearn Engineering, Inc.
3000 Joe DiMaggio Blvd., Ste. 25
Round Rock, TX 78665
Date: _____

Client: SCS Engineers
1901 Central Drive, Suite 550
Bedford, Tx 76021
Project No.: _____

Project Name/Location:

City of Copperas Cove Landfill Survey of Proposed Monitor Wells and Gas Probes

Scope/Intent and Extent of Services:

Pre and post-installation survey of three monitor wells and four gas probes on closed landfill site.

PRE-INSTALLATION

\$2,500.00

Using coordinates provided by SCS Engineers, flagged wood stakes will be used to mark each of seven locations. Each stake will have written directly on the stake: (1) Well Name, (2) State Plane Coordinates (previously provided by SCS), and (3) Ground elevation at stake location (determined at time of survey). The list of ground elevations at all locations will be e-mailed to SCS Engineers. All elevations surveyed will be obtained using methods suitable to provide vertical accuracy of 0.01 foot.

POST-INSTALLATION

\$1,500.00

After all well installation is complete, surveyor will provide post-installation surveying services of the locations. The following items will require surveying for the three well and four gas probes: (1) State Plane Coordinates (northing and easting) of metal survey marker in pad, and (2) four vertical elevations as shown on provided sketch "Required Survey Elevation At Finished Wells" (Top of steel casing, top of PVC pipe, marker in concrete slab, ground surface).

Fee Arrangement:

The fee for this work is a not to exceed amount of \$4,000.00. Work will be invoiced monthly.

Special Conditions:

TERMS AND CONDITIONS

The firm shall perform the services outlined in this agreement for the stated fee arrangement.

Access to Site:

Unless otherwise stated, the Firm will have access to the site for activities necessary for the performance of the services. The Firm will take precautions to minimize damage due to these activities, but have not included in the fee the cost of restoration of any resulting damage.

Dispute Resolution:

Any claims or disputes made during design, construction or post-construction between the Client and Firm shall be submitted to non-binding mediation. Client and Firm agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between parties. Each party shall be responsible for their own costs of mediation. Should litigation arise, venue will be in Williamson County.

Billings/Payments:

Invoices for the Firm's services shall be submitted, at the Firm's option, either upon completion of such services or on a monthly basis. Invoices shall be due and payable upon receipt, at 3000 Joe DiMaggio Blvd. Suite 25, Round Rock, Texas, 78664. Payment is past due 30 days after the invoice date. If questions regarding the invoice amount are not

Maples & Associates, Inc.

www.maplesinc.com • P.O. Box 893 • Lampasas, Texas 76550 • (512) 556-2078 • (512) 556-0500 fax

September 4, 2009

James Lawrence, P.G.
SCS Engineers
via email jlawrence@scsengineers.com

Dear Jim:

In response to your request dated September 3, 2009, for a cost estimate for surveying on the City of Copperas Cove Landfill project I provide the following proposal.

Maples & Associates, Inc. will provide the necessary surveying according the Scope of Work detailed in your request. We will provide the survey on the time schedule required in the Scope of Work.

We can provide the pre-installation surveying for a total cost of \$1750. The post-installation surveying will be an additional \$1750. We will invoice each of these surveys upon completion.

Thank you for the opportunity to work with you.



Paul W. Maples, RPLS
Maples & Associates, Inc.
512-556-2078



PROPOSAL FOR PROFESSIONAL SURVEYING SERVICES

September 3, 2009

To: **SCS ENGINEERS**
 1901 Central Drive, Suite 550
 Bedford, Texas 76021
 Attn: James Lawrence, P.G.
 817.571.2288 fax 817.572.2188

**Project: City of Copperas Cove Landfill PRE AND POST –INSTALLATION
 surveying of 3 monitoring wells, and four gas probes.**

Dear Mr. Lawrence:

Thank you for allowing All County Surveying, Inc. the opportunity to prepare a proposal for the surveying services on the above referenced project.

Based upon details (scope of work) set out in letter received via email at the offices of All County Surveying, Inc. on September 2, 2009, All County Surveying will perform the above surveying services for:

A Lump Sum Fee of\$3,750.00

If additional work is required, it will be invoiced at an hourly rate of \$130.00 per hour for Field Work, \$105.00 per hour for RPLS Work and \$90.00 per hour for CAD Work or a lump sum amount will be agreed upon prior to services being provided.

Work will be invoiced upon completion, and terms will be standard Net 30 days.

Prior to commencing work, All County will provide SCS with current insurance certificates. All County currently carries \$500,000 professional liability, and if a higher amount of premium is required by SCS, additional fees to cover this increase will be negotiated.

1303 South 21st Street, Temple, Texas 76504
254 778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 FAX
www.allcountysurveying.com

City of Copperas Cove City Council Agenda Item Report

June 01, 2010

Agenda Item No. I-9

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

SUBJECT: Consideration and action authorizing the submittal of an application for a grant through the Texas Forest Service for new air packs, bunker gear, and training.

1. BACKGROUND/HISTORY

The Texas Forest Service and the Texas Intrastate Fire Mutual Aid System (TIFMAS) are offering grants to agencies to fund training, protective clothing, and self contained breathing apparatus (air pack) purchases.

2. FINDINGS/CURRENT ACTIVITY

The application for assistance would be for the following:

- Training dollars totaling \$1,770 at 100% funding by grant
- Bunker gear totaling \$9,000 at 90% funding by grant
- Air pack and masks totaling \$17,500 at 75% funding by grant

3. FINANCIAL IMPACT

The total cost to the City for required matching funds wouldn't exceed \$5,275 if all three requests are awarded by the grant review board.

4. ACTION OPTIONS/RECOMMENDATION

City Staff recommends approving the submission of the grant application with potential required city matching funds at a cost not to exceed \$5,275.

FOR INTERNAL USE ONLY
 RATING: _____
 CASE NO: _____

APPLICATION FOR TIFMAS GRANT ASSISTANCE
REQUEST for PPE/ SCBA/ TRAINING TUITION

① Name of Fire Department: Copperas Cove Fire Department

② Physical Address: 415 South Main Copperas Cove 76522
(Street) (City) (Zip)

Mailing Address: Same
(Street or PO Box) (City) (Zip)

③ Email Address: jpiper@ci.copperas-cove.tx.us

④ County: Coryell Department Telephone: (254) 547 2514
 Fax Telephone: (254) 547 3578

⑤ State of Texas Charter Number (REQUIRED): Under the City of Copperas Cove

⑥ Federal Tax Identification Number (REQUIRED): _____
 Include signed Form W-9 with each application

⑦ Membership - Number of Volunteers: 10
 Number of Paid Full-Time: 51
 Number of Paid Part-Time: 0

⑧ Do you have a designated protection area under a 911 Public Service Answering Point (PSAP)?
 Yes No

⑨ Population of your Primary 911 Protection Area 45,120

⑩ Fire Department Budget Per 1,000 Population \$ 63,429.57

⑪ Percentage of FD Budget Allocated to Personnel 88.2%

⑫ Call Volume Per 1,000 Population 125

⑬ **PERSONAL PROTECTIVE EQUIPMENT** (Attach additional sheets if necessary)

Please describe what type of assistance you are requesting and the size of the item:
Six sets of full structural protective clothing to outfit
employers for replacement of garments lost to NFPA 1551 Inspection.
Sizes will be fitted for appropriate garment at the time of purchase.
Total price to be \$9,000 for 90/10 matching where department is
requesting \$8,100 and city will provide \$900.

14 SCBA Please describe what type equipment you are requesting:

3 complete high pressure self contained breathing Apparatus with pack, spare bottle, and mask. The Department is requesting \$17,500 for 75/25 matching where department is requesting \$13,125 and the city will match \$4,375.

15 TRAINING TUITION (Attach multiple sheets for additional schools)

Name of School (REQUIRED): TEEX Municipal Fire School

Number of Trainees:	Date(s) of Training:	Course Name(s):	Tuition Cost per Trainee:
1	July 25-31 2010	ASP 150 FD Pump Maintenance	\$ 590.00
2	July 25-31 2010	INS100 Instructor 1	\$ 590.00
			\$
			\$
			\$
			\$
			\$
			\$

16 FIRE DEPARTMENT OFFICERS (Contact information)

Name	Title	Mailing Address	Telephone
J. Mike Baker	Fire Chief	415 South MAIN	254 547 2514
Gary Young	Deputy Chief	Copperas Cove TX 76522	
Robert Martin	Fire Marshal		
James Piper	Training Chief		

I certify that the information entered on this application is true and accurate and that I, the undersigned, am authorized by the Copperas Cove Fire Department to represent their interests in acquiring funds and equipment for the Department.

Name (Print): James A Piper Telephone: (254) 547 2514

Signature: [Signature] Cell: (254) 721 1414

Title: Division Chief of Training EMS Date: 5/27/10

Email Address: jpiper@cityofcopperas-cove.tx.us

Mail or Fax completed application and W-9 to the following:

Texas Forest Service
 2127 South First Street
 Lufkin, Texas 75901
 Attn: Emergency Services Grants Unit
 Fax (936) 639-8138 – Tel (936) 639-8130