

CITY OF COOPER
CITY COUNCIL MEETING – REGULAR
APRIL 12, 2021 – 5:17 PM

MEMBERS PRESENT: DARREN BRADDY; MAYOR, DAVID PHILLIPS, ALLEN FOSTER, AMANDA L'ESPERANCE, DIANE STEGALL, AND ELMO ROBINSON

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, BILL ASLAN, KIM GREGORY, BILL PEEK, KRISTY PEEK, MARCIA LAIR, BEN PARKER, JOE ADAMS, LYNNE MORRIS, AND DOROTHY RUGLEDGE

AGENDA ITEM #1

Mayor Darren Braddy called the meeting to order and Darren also voiced the prayer.

AGENDA ITEM #2

Mayor Braddy asked for public comments on the agenda items. No comments were made.

AGENDA ITEM #3

Allen Foster made the motion to approve the March 8, 2021 Public Hearing minutes, the March 8, 2021 Regular meeting minutes and the March 23, 2021 Public Hearing minutes as written. David Phillips seconded. Vote unanimous.

AGENDA ITEM #4

Mayor Braddy presented to the council that Bill and Kristy Peek, owners of Fat Boy's BBQ, were present to ask the council's permission to allow him to apply for a private club license in order to sell beer and wine at his business located at 15 TX Hwy 24. Mr. Peek stated that no liquor would be sold. It was the consensus of the council to allow the application for a private club license. Diane Stegall made the motion to allow Bill and Kristy Peek, owners of Fat Boy's BBQ, to apply for a private club license. Amanda L'Esperance seconded vote unanimous.

AGENDA ITEM #5

Mayor Darren Braddy presented to the council the item of passing a resolution establishing guidelines and criteria for property tax abatement that was discussed in the public hearing prior to this regular meeting.

Mayor Braddy stated that Amanda L'Esperance had questioned the correct procedure had not been followed, according to her conversations with Frank Alvarez with the State Comptroller's Office. Darren stated that he had contacted Mr. Alvarez and stated that the City of Cooper was following guidelines from the Texas Comptroller's website. Mr. Alvarez stated that changes could have been made that he was not aware of and he would contact his legal department. Darren stated that he emailed Mr. Alvarez: "**Darren Braddy** <darren389@gmail.com>

To: frank.alvarez@cpa.texas.gov, coopercityhall@yahoo.com

Tue, Apr 6 at 3:43 PM

The process we are currently using is:

Public hearing to discuss guidelines and criteria then into regular meeting

1. Resolution to establish guidelines and criteria.
2. Ordinance to create the reinvestment zone.
3. Ordinance to authorize the city to go into a tax abatement agreement.

All of this is scheduled to happen on the same date. After referencing the Comptroller. Texas. Gov site Step by Step Abatement process says nothing about these needing to happen at separate meetings. Are we allowed to do these at the same meeting or not is the question? Thank you for your help. All notices were posted Feb 10th.

Darren Braddy

Mayor Cooper Tx

903-272-5880"

Darren stated that he had called Mr. Alvarez earlier in the day and still had no response from him. City Attorney, Jay Garrett, stated that he had applied this process for other cities and had no repercussions from the State Comptroller's Office.

City Attorney, Jay Garrett, stated that the guidelines were for anyone who might want to apply for such abatements and was not specific to any one applicant. Jay also stated that the said agreement would need to be amended every two years. It was the consensus of the council to approve "Exhibit A Guidelines and Criteria Governing Property Tax Abatement" attached to resolution #01-04-21.

Allen Foster made the motion to read resolution #01-04-21 by caption. Amanda seconded. Vote unanimous. City Attorney, Jay Garrett read:

RESOLUTION NO. 01-04-21

A RESOLUTION OF THE CITY COUNCIL OF COOPER, TEXAS ELECTING TO PARTICIPATE IN TAX ABATEMENT AGREEMENTS, AND ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ECONOMIC DEVELOPMENT PROSPECTS IN THE CITY OF COOPER.

Diane Stegall made the motion to approve Resolution #01-04-21 and exhibit A establishing guidelines and criteria governing tax abatement for Economic Development in the City of Cooper. Elmo Robinson seconded. Vote unanimous.

Allen Foster excused himself at 5:33 PM

AGENDA ITEM #6

Mayor Braddy presented to the council that the item of approving Ordinance #01-04-21 for the creation and designation of Aslan Addition #1 and Aslan Addition #2 as a Reinvestment Zone pursuant to the Property Development and Tax Abatement Act.

David Phillips made the motion to read Ordinance #01-04-21 by caption. Allen Foster seconded. Vote unanimous. City Attorney, Jay Garrett, read:

ORDINANCE NO. 01-04-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, DESIGNATING AN AREA AS A REINVESTMENT ZONE NUMBER 2021-01; AND PROVIDING FOR AN EFFECTIVE DATE.

David Phillips made the motion to approve Ordinance #01-04-21 designating Aslan Addition #1 and Aslan Addition #2 as a Reinvestment Zone pursuant to the Property Development and Tax Abatement Act. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #7

Mayor Darren Braddy presented to the council that the item of Ordinance #02-04-21 with Exhibit A attached referencing the boundaries for this ordinance action, authorizing the Mayor of the City of Cooper to enter into a tax abatement agreement with the developer, Aslan Addition #1 and Aslan Addition #2 Reinvestment Zone was at hand. City Attorney, Jay Garrett stated that the abatement would begin in 2022 with the claw back provision that if the company defaults on any part of the agreement, the agreement can be terminated. Jay stated that a cap needed to be put on the total amount to be abated. Bill Aslan stated that the cap amount would be 2.5 million dollars. City Attorney wrote in \$2,500,000.00 for the abatement cap not to exceed, in the ordinance, at the instruction of the council. Jay stated that this agreement was specific to Aslan Addition #1 and Aslan Addition #2 and was a two-fold situation because one section would be residential, which is not abatable. Jay also stated that the abatement was on the structure shell only and any business that opened within the complex would be taxed as normal.

David Phillips made the motion to read Ordinance #02-04-21 by caption. Elmo Robinson seconded. Vote unanimous. City Attorney, Jay Garrett, read:

ORDINANCE NO. 02-04-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, DESIGNATING AN AREA AS A REINVESTMENT ZONE NUMBER 2021-01, CITY OF COOPER, TEXAS, FOR THE PURPOSE OF TAX ABATEMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Elmo Robinson made the motion to approve Ordinance #02-04-21 with Exhibit A attached referencing the boundaries for this ordinance action, authorizing the Mayor to enter into a tax abatement agreement with the developers for the Aslan Addition #1 and Aslan Addition #2 Reinvestment Zone. David Phillips seconded. Vote carried.

AGENDA ITEM #8

Mayor Braddy presented to the council the replat of Cooper Development Addition #3 lots 1-10. Amanda L'Esperance made the motion to read Ordinance #03-04-21 by caption. Diane Stegall seconded. Vote carried. City Attorney, Jay Garrett read:

ORDINANCE NO. 03-04-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, APPROVING THE FINAL PLAT FOR REPLAT OF LOTS 1 THRU 10, COOPER DEVELOPMENT ADDITION NO. THREE.

Elmo Robinson made the motion to approve Ordinance #03-04-21 approving the replat of Cooper Development Addition #3 lots 1-10 as presented. Diane Stegall seconded. Vote carried.

AGENDA ITEM #9

Mayor Braddy presented to the council that all Dallas Avenue had been approved to rezone from Light Industrial to Light Commercial and Residential at the December 9, 2019 meeting but the ordinance was never presented or approval. Amanda L'Esperance made the motion to read Ordinance #04-04-21 by caption. Elmo Robinson seconded. Vote carried. City Attorney, Jay Garrett, read:

ORDINANCE NO. 04-04-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER TO ZONE E DALLAS AVENUE AND W DALLAS AVENUE, PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Diane Stegall made the motion to approve ordinance 04-04-21 rezoning E. Dallas Avenue and W. Dallas Avenue from Light Industrial to Light Commercial and Residential. Elmo Robinson seconded. Vote carried.

AGENDA ITEM #10

Mayor Braddy presented to the council that Resolution #02-04-21 authorizing the City of Cooper to submit an application for the upcoming TXCDBG Street Grant needed approval. Diane Stegall made the motion to read Resolution #02-04-21 by caption. Amanda L'Esperance seconded. Vote carried. City Attorney, Jay Garrett, read:

RESOLUTION #02-04-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Elmo Robinson made the motion to approve Resolution #02-04-21 authorizing the submission of a TXCDBG Program Application to the Texas Department of Agriculture for the Community Development Fund and authorizing the Mayor to act as the City's executive officer and representative in all matters pertaining to this grant. David Phillips seconded. Vote carried.

AGENDA ITEM #11

Mayor Braddy presented to the council that Resolution #03-04-21 changing the dates of the Cotton Harvest Festival for the closure of State of Texas Right of Way was at hand. Darren stated that he had spoke with Diane Stegall and she would be getting the dates. Diane stated that, due to personal reasons, she had not obtained the actual dates and that the 4th Saturday of September was when the Cotton Harvest Festival would be held. City Attorney, Jay Garrett stated that the resolution could be approved and the actual dates be inserted at a later date if the council wished. It was the consensus of the council to get the actual dates at a later time. David Phillips made the motion to read Resolution #03-04-21 by caption. Amanda L'Esperance seconded. Vote carried. City Attorney, Jay Garrett, read:

RESOLUTION #03-04-21

A RESOLUTION AUTHORIZING ENTRY INTO AN AGREEMENT BETWEEN THE CITY OF COOPER, TEXAS, AND THE STATE OF TEXAS FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

Elmo Robinson made the motion to approve Resolution #03-04-21 changing the dates for the closure of the State of Texas Right of Way for the Annual Cotton Harvest Festival to the 4th Saturday in September, the actual dates to be obtained at a later date. Diane Stegall seconded. Vote carried.

AGENDA ITEM #12

Mayor Braddy presented to the council that Resolution #04-04-21 denial for application of Oncor Electric Delivery Company LLC for distribution cost recovery factor pursuant to PURA 36.210 and 16 TEX. Admin. Code (25.243)(1)(B) being filed with the Public Utility Commission (PUC) of Texas was at hand. Darren stated that this denial is done each year in order to refer the charge determination to the PUC. Amanda L'Esperance made the motion to read Resolution #04-04-21 by caption. Elmo Robinson seconded. Vote carried. City Attorney, Jay Garrett, read:

RESOLUTION # 04-04-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ('ONCOR' OR 'COMPANY') APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO TEX. ADMIN. CODE 23.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Diane Stegall made the motion to approve Resolution #04-04-21 denial for application of Oncor Electric Delivery Company LLC for distribution cost recovery factor pursuant to PURA 36.210 and 16 TEX. Admin. Code (25.243)(1)(B) being filed with the Public Utility Commission (PUC). Elmo Robinson seconded. Vote carried.

AGENDA ITEM #13

Mayor Darren Braddy presented to the council that Ben Parker was present to ask for consideration for his high water usage due to a leak. Mr. Parker thanked the Mayor and Council for allowing him to speak. Mr. Parker stated that he had two different leaks, one was at his service line connection and one was on the city's riser. David Phillips and Amanda L'Esperance wanted to give consideration to waive a portion of the usage. After much discussion Diane Stegall stated that due to the fact that there was nothing in writing to allow for an adjustment, that Mr. Parker was responsible for the bill that was charged. Elmo Robinson agreed. This was a discussion only item.

AGENDA ITEM #14

Mayor Darren gave an update on the city status and current events.

AGENDA ITEM #15

Monthly budget reports were reviewed.

AGENDA ITEM #16

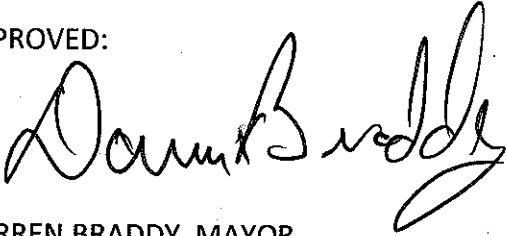
Accounts payable were reviewed.

AGENDA ITEM #17

David Phillips made the motion to adjourn. Amanda L'Esperance seconded. Vote carried.

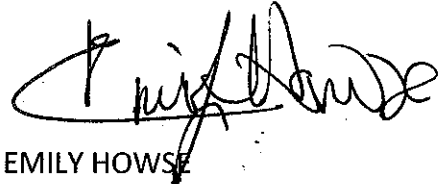
TIME: 6:43 pm

APPROVED:

A handwritten signature in black ink, appearing to read "Darren Braddy". The signature is fluid and cursive, with the first name "Darren" written in a larger, more prominent script than the last name "Braddy".

DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:

A handwritten signature in black ink, appearing to read "Emily Howse". The signature is cursive and somewhat stylized, with the first name "Emily" written in a larger, more prominent script than the last name "Howse".

EMILY HOWSE
CITY SECRETARY