

CITY OF COOPER
CITY COUNCIL MEETING – PUBLIC HEARING AND REGULAR MEETING
AUGUST 12, 2019 – 5:00PM

COUNCIL MEMBERS PRESENT: DARREN BRADY; MAYOR, DAVID PHILLIPS, ALLEN FOSTER, AMANDA L'ESPERANCE, DONNA THOMASON, AND WILLIE "BEAR" WILKINS

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, HARMON KEECH, JOE ADAMS, JIM BATCHELOR, KAREN ATKINS, SUSAN RASER, WILL ANDERTON, CHARLES PENRY, CINDY PENRY, LYNNE MORRIS, DORTHY RUTLEDGE, JIM BUTLER, CAROL CROUCH, PATRICIA CROUCH, AND KIM COX

AGENDA ITEM #1

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

AGENDA ITEM #2

Donna Thomason made the motion to approve the July 8, 2019 minutes as written. Amanda L'Esperance seconded. Allen Foster abstained. Vote carried.

AGENDA ITEM #3

Mayor Darren Braddy opened the first public hearing for the annexation of the Jimmy D. and Antoinette Batchelor property located at 100 Springfield Drive Property ID #4044 in the E. Spencer Survey. Mayor Braddy stated the location of the property and said that this property is already surrounded by city property and there was no reason to reject the application for annexation because city services were already present within the realm of city services. After several comments from the audience in support of the annexation Mayor Darren Braddy stated that the second public hearing would be held September 9, 2019 on the property site at 4:30 PM.

There being no other discussion the Mayor Braddy closed the public hearing.

AGENDA ITEM #4

Harmon Keech was present to appeal the lack of signatures for the mobile structure he had placed on his property at 801 S.E. 5th property Id # 5610. Harmon stated that he had "gotten the cart before the horse" and placed the structure there before the correct procedure was followed. He stated that, after the fact, he obtained all but two signatures that were required. One was deceased and one was a hold out. Darren Braddy reiterated to the council to think about their decision because, in the future, this decision would set the standard for all other cases. After much discussion it was the consensus of the council to allow the mobile structure to remain.

David Phillips made the motion to allow the mobile structure at 801 S.E. 5th Street to remain in place, forging the one deceased and one hold out signatures. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #5

Mayor Braddy stated that ordinance #01-08-19 set the new flat fee schedule, which was previously discussed, for the remodeling of existing structures.

Donna Thomason made the motion to read ordinance # 01-08-19, which set the new remodel flat fee schedule, by caption. Allen Foster seconded. Vote unanimous.

City Attorney Jay Garrett read:

ORDINANCE NO. 01-08-19

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, AMENDING BUILDING PERMIT ORDINANCE NO. 04-04-85 TO SET NEW FEE SCHEDULES FOR RESIDENTIAL AND COMMERCIAL BUILDING PERMITS FOR THE PURPOSES OF REMODELING EXISTING STRUCTURES; AND SETTING AN EFFECTIVE DATE.

Allen Foster made the motion to approve ordinance #01-08-19 setting the new flat fee schedule of \$75.00 for residential and \$150.00 for commercial remodels. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #6

Mayor Braddy stated that the item of setback variance for the Delinda Leatherwood property located at 1321 S.W. 12th Street was at hand. He stated that there were multiple properties that would be in need of variances due to the apparent miscommunication or misunderstanding of builders in the past. Mayor Braddy asked City Attorney Jay Garrett his opinion of changing the existing set back structure. City Attorney Jay Garrett stated that this was a possibility and the City and property owners should look into this.

Allen Foster made the motion to read ordinance #02-08-19 granting a setback variance to 1321 S.W. 12th by caption. Donna Thomason seconded. Vote unanimous.

City Attorney Jay Garrett read:

ORDINANCE 02-08-19

AN ORDINANCE GRANTING VARIANCE FOR PROPERTY LOCATED AT 1321 S.W. 12TH STREET FROM CERTAIN ENCROACHMENT OF THE HOUSE AND COVERED PORCH IN THE REGULATIONS PRESCRIBED BY THE CITY CODE FOR AN EXISTING STRUCTURE SET BACKS AND PROVIDING AN EXPIRATION FOR THE VARIANCE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPER:

Donna Thomason made the motion to approve the setback variance for 1321 S.W. 12th property Id # 9612. David Phillips seconded vote unanimous.

AGENDA ITEM #7

David Phillips made the motion to read ordinance # 03-08-19 granting a setback variance to 1313 S.W. 9th property Id # 5244. Allen Foster seconded. Vote unanimous

City Attorney Jay Garrett read:

ORDINANCE 03-08-19

AN ORDINANCE GRANTING VARIANCE FOR PROPERTY LOCATED AT 1313 S.W. 9TH STREET FROM CERTAIN ENCROACHMENT OF THE HOUSE AND COVERED PORCH IN THE REGULATIONS PRESCRIBED BY THE CITY CODE FOR AN EXISTING STRUCTURE SET BACKS AND PROVIDING AN EXPIRATION FOR THE VARIANCE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPER:

Donna Thomason made the motion to approve the setback variance for 1313 S.W. 9th Street property Id # 5244. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #8

Mayor Braddy stated that the item of updating the water conservation plan was at hand. He stated that this plan is updated and submitted to Texas Water Development Board by May 1 every five years. He stated that this has been done but the ordinance had not been updated since 2009, therefore a new ordinance must be done. Allen Foster made the motion to read ordinance # 04-08-19 updating the water conservation by caption. Donna Thomason seconded. Vote unanimous.

City Attorney Jay Garrett read:

ORDINANCE 04-08-19

AN ORDINANCE OF THE COOPER CITY COUNCIL AMENDING ORDINANCE NO.01-11-05 AND 01-11-09 UPDATING A WATER CONSERVATION PLAN WHICH INCLUDES A WHOLESALE DROUGHT CONTINGENCY PLAN AND A RETAIL DROUGHT CONTINGENCY PLAN

David Phillips made the motion to approve ordinance #04-08-19 updating the water conservation plan which includes a wholesale drought contingency plan and a retail drought contingency plan. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #9

Mayor Braddy presented to the council the Delta County Tax Assessor Collector Tax Collection Contract. He stated that the only change was a slight increase in cost which was \$36,692.39. City Attorney Jay Garrett stated that he had read the contract and all was in order.

Amanda L'Esperance made the motion to approve the Delta County Tax Assessor Collector Tax Collection Contract as presented. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #10

Mayor Braddy presented to the council the Delta County Sheriff's Contract. He stated that the Sheriff had asked for an increase from the City. Mayor Braddy stated that the city did not have the funds to do so, therefore no increase was implemented into the new contract.

Donna Thomason made the motion to approve the Delta County Sheriff's Contract with no increase implemented at a cost of \$50,000.00. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #11

Mayor Braddy presented to the council the audit engagement letter from McClanahan and Holmes LLP, CPA's. He stated that there was no change from last year's contract. The cost to the city would be \$13, 950.00. David Phillips made the motion to approve the audit engagement letter from McClanahan and Holmes LLP, CPA's for the city's annual audit at a cost of \$13,950.00. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #12

Mayor Braddy presented to the council that the bank depository was on the table for discussion. He stated that a bid was presented to First National Bank and Legend Bank. First National Bank was the only response. Willie "Bear" Wilkins made the motion to accept the First National Bank as the City's depository for a 2-year period beginning October 1, 2019 and ending September 30, 2021. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #13

Mayor Darren Braddy stated that 741 E. Waco property Id #3734 was a Delta County Trustee property (which belongs to all of the entities City of Cooper, Delta County, Cooper ISD, Delta County MUD, and Delta County Emergency Services District). He stated that an individual was interested in purchasing this property. Mayor Braddy also stated that this property was scheduled to go to sale for taxes in October therefore no discussion was needed at this time. Willie "Bear" Wilkins made the motion to table this item until a later date. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #14

Mayor Braddy stated that he had met with the Planning and Zoning Commission on July 24, 2019 and it was the consensus of that board to designate all buildings in the downtown area of the square (from S.E. 2nd to N.E. 2nd to S.W. 2nd to N.W. 2nd from E. Ft. Worth to W. Ft. Worth to E. Cooper to W. Cooper) to have 40% of their building for business/retail purposes and the rest could be living quarters. Darren stated that owners who currently do not have a business in this area are grandfathered from this action and are not required to have a business.

Allen Foster made the motion to read ordinance #05-08-19 by caption. Donna Thomason seconded. Vote unanimous.

Jay Garrett read:

ORDINANCE NO. 05-18-19

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, ALLOWING FOR PRIVATE RESIDENCE IN COMMERCIAL ZONED DOWNTOWN SQUARE; PROVIDING REQUIREMENTS THERETO; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Allen Foster made the motion to approve ordinance # 05-08-19 designating that the downtown area of the square from S.E. 2nd to N.E. 2nd to S.W. 2nd to N.W. 2nd from E. Ft. Worth to W. Ft. Worth to E. Cooper to W. Cooper be restricted to 40% of the premises to be designated solely for retail/business space. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #15

Mayor Darren Braddy stated that since the retirement of James Jarrell he had set in for James on the Planning and Zoning Commission meetings but had not been officially appointed. David Phillips made the motion to appoint Darren Braddy to the Planning and Zoning Commission for a two-year term expiring in February 2021. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #16

Mayor Darren Braddy updated the council on the maintenance projects.

AGENDA ITEM #17

Monthly budget reports were reviewed.

AGENDA ITEM #18

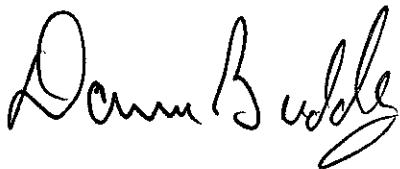
David Phillips made the motion to approve accounts payable. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #19

Allen Foster made the motion to adjourn. Amanda L'Esperance seconded. Vote unanimous.

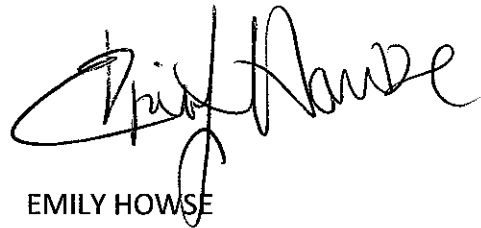
TIME: 5:55 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY