

CIT OF COOPER
CITY COUNCIL MEETING – REGULAR
AUGUST 9, 2021 – 5:00 PM

MEMBERS PRESENT: DARREN BRADDY; MAYOR, AMANDA L'ESPERANCE, DIANE STEGALL, ELMO ROBINSON, AND DAVID PHILLIPS ATTENDED VIA ZOOM AT 6:26 PM.

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, CHARLA SINGLETON, ALEX SUAREZ, DENISE BRADDY, LYNN HOLMES, JUDY FALLS, LINDA BARNES, JOSH HOSKINSON, JENNIFER SPEULDA, MICHAEL SPEULDA, KASEY BRITTON, JOE ADAMS, KEN APPEGATE, LARRY BOSSCHER, RUBY DIANE BOSSCHER, AND HARMONIES IPHONE VIA ZOOM.

ABSENT: ALLEN FOSTER

ARRIVED LATE: DAVID PHILLIPS

**At 5:00 pm a quorum was not present therefore Mayor Darren Braddy read the proclamation, which was item #4 on the agenda, recognizing National Health Care Center Week.

At 5:08 PM Elmo Robinson arrived to make the quorum.

AGENDA ITEM #1

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

AGENDA ITEM #2

No public comments were made.

AGENDA ITEM #3

Diane Stegall stated that the statement in the minutes "Darren Braddy reiterated that this confusion is all because the previous Mayors did not want the responsibility of executing the will as directed" needed to be struck because that is not how it was presented to her from the people that she had spoken with. City Attorney, Jay Garret, stated that it should not be struck because it was stated. Diane was adamant that the City Attorney was also involved from the beginning and it should not fall totally on the previous Mayors. Diane wanted her exception to the statement noted.

Amanda L'Esperance made the motion to approve the July 12, 2021 regular minutes and the July 27, 2021 special minutes as written. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #4

At 5:00 pm a quorum was not present therefore Mayor Darren Braddy read the proclamation, which was item #4 on the agenda, recognizing National Health Care Center Week.

AGENDA ITEM #5

Mayor Darren Braddy stated that Denise Braddy, President of the Sulphur River Municipal Water District (Sulphur River MWD) Board, was present to discuss that Texarkana had submitted "Water Rights Permit Application # 13642" request to Texas Commission on Environmental Quality (TCEQ). Darren stated that

Linda Barnes was a long-time member of the Sulphur River MWD Board and was also present for discussion on this matter. Denise stated that, in the opinion of the Sulphur River MWD referenced in a letter to TCEQ, "the proposed water rights referenced in the Water Rights Permit Application #13642 could, if folded into Texarkana's existing water rights, create a condition whereby Texarkana's new water rights would be senior to our own. This could cause the Sulphur River MWD to have to release water during a drought of record. This would be unacceptable." Darren stated that Sulphur Springs, Commerce, and the Sulphur River MWD had approved a resolution contesting the application. Diane Stegall made the motion to read Resolution #01-08-21 by caption. Amanda L'Esperance seconded. Vote unanimous. City Attorney, Jay Garrett, read:

RESOLUTION #01-08-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS CONTESTING THE ISSUANCE OF THE CITY OF TEXARKANA'S WATER RIGHTS PERMIT APPLICATION #13642 BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

Amanda L'Esperance made the motion to approve Resolution #01-08-21 contesting the issuance of The City of Texarkana's Water Rights Permit application #13642 to TCEQ. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #6

This item was delayed until Larry and Ruby Diane Bosscher arrived. Sheriff Annual Contract was discussed in this place. Both items will be stated in their regular location.

Larry and Ruby Diane Bosscher were present to discuss the possibility of waiving a lien that was placed on 401 W. Bonham property ID #6007 which they purchased at a tax sale. Diane stated that it was her understanding that when properties were purchased at tax sales that all monies owed was included or waived. Jay Garrett stated that this was incorrect. Jay stated that liens stay with the property. Diane stated that with the purchase of this property it was now back on the tax row. Diane asked that the lien be forgiven because the property is now back on the tax row and she and Larry keep their taxes paid. She stated that they intend to build a structure in the future when lumber prices go down. City Attorney, Jay Garrett, stated that the city could not "give" anything to anyone. He stated that an agreement could be made, such as a 380 agreement, in order to work with someone that was not aware of a lien that was on a property. Diane Stegall suggested a 10% good faith payment be made if no construction would begin soon. Amanda L'Esperance made the motion to table this item until further information could be obtained. Elmo Robinson seconded. Vote unanimous.

AGEDA ITEM #7

Resolution #02-08-21 appointing two new trustees to the Frankie McKinney Estate Testamentary Advisory Board was on the table for discussion. Judy Falls stated that Tiesha Wady and Rachel Darden were willing to accept the position. Judy stated that she wanted to implement more board members to ensure openness and show that things were being done as stated in the will. City Attorney, Jay Garrett, stated that the directives of the will could not be changed. There was discussion of an auxiliary group that could be formed, but the decisions were the sole responsibility of the appointed board members and the City Council. Elmo Robinson made the motion to read Resolution #02-08-21 in its entirety. Amanda L'Esperance seconded. Vote unanimous. Diane Stegall made the motion to approve Resolution #02-08-21 appointing Tiesha Wady and Rachel Darden to the Frankie McKinney Estate Testamentary Advisory Board. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #8

Resolution #03-08-21 directing the banking institutions holding funds in in accounts titled "Frankie McKinney Foundation" to close such accounts and deliver the funds on deposit to the City of Cooper was on the table for discussion. Judy Falls asked if this was an action of the County Judge or District Judge. City Attorney, Jay Garrett, stated no. This is an action of the City Council of The City of Cooper under the direction of the will of Frankie McKinney. Elmo Robinson made the motion to read Resolution #03-08-21 by caption. Diane Stegall seconded. Vote unanimous. City Attorney, Jay Garrett, read:

RESOLUTION #03-08-21

A RESOLUTION DIRECTING BANKING INSTITUTIONS HOLDING FUNDS IN ACCOUNTS FRANKIE MCKINNEY FOUNDATION TO CLOSE SUCH ACCOUNTS AND DELIVER THE FUNDS ON DEPOSIT TO THE CITY OF COOPER, GRANTING AUTHORITY TO THE MAYOR TO EXECUTE THIS RESOLUTION, AND AUTHORIZING THE CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO THIS RESOLUTION AND ANY INSTRUMENTS REQUISITE IN IMPLEMENTING THIS RESOLUTION.

Diane Stegall made the motion to approve Resolution #03-08-21 directing banking institutions holding funds in accounts of Frankie McKinney Foundation to close such accounts and deliver the funds on deposit to the City of Cooper. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #9

Resolution #04-08-21 declaring the Frankie McKinney House located at 250 S.W. 1st Street to be a venue primarily for events authorized in the last will and testament of Frankie McKinney was on the table for discussion. Mayor Darren Braddy stated that this resolution would allow the McKinney funds to support the upkeep of the property and occasional miscellaneous events to be held at the McKinney House and not be out of compliance with the wishes of the will. Elmo Robinson made the motion to read Resolution #04-08-21 by caption. Amanda seconded. Vote unanimous. City Attorney, Jay Garrett read:

RESOLUTION # 04-08-21

A RESOLUTION DECLARING THE FRANKIE MCKINNEY HOUSE TO BE A VENUE FOR HOLDING EVENTS TO CARRY OUR THE TERMS AND CONDITIONS OF THE BEQUEST TO THE CITY OF COOPER IN THE LAST WILL AND TESTAMENT OF FRANKIE MCKINNEY; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE THIS RESOLUTION, AND AUTHORIZING THE CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO THIS RESOLUTION AND ANY INSTRUMENTS REQUISITE IN IMPLEMENTING THIS RESOLUTION.

Diane Stegall made the motion to approve Resolution #04-08-21 declaring the Frankie McKinney House at 250 S.W. 1st Street to be a venue primarily for events authorized in the last will and testament of Frankie McKinney infurtherance of and to carry out the terms and conditions of the bequest to the City of Cooper. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #10

Diane Stegall made the motion to approve First National Bank as the depository bank for a two-year term. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #11

Elmo Robinson made the motion to approve the Delta County Tax Assessor-Collector annual contract as presented. Amanda seconded. Vote unanimous.

AGENDA ITEM #12

Mayor Darren Braddy presented to the council that the annual Delta County Sheriff's contract was on the table for discussion. He stated that it was the same as last year. Emily Howse stated that the verbiage of "two deputies" salaries had been removed. Darren stated that the \$50,000.00 did not cover the cost of two deputies. Sheriff Charla Singleton and Alex Suarez were present to request an increase in the contract amount. Charla stated that \$71,845.66 would be the cost for two deputies with no benefits or certification pay and \$84,353.99 would be the cost for two deputies with benefits (payroll, employee medical, retirement, workers comp, unemployment, and death benefit) and no certification pay. Darren stated that we received the tax documents from Delta County Tax Assessor-Collector on Friday 8-6-2021 but there was an error and the DCTAC was working on the issue therefore this discussion could go no further until the tax document was corrected.

Elmo Robinson made the motion to table this item. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #13

Mayor Darren Braddy presented to the council Resolution #05-08-21 which would raise the garbage rates to reflect the 5.39% CPI increase from Sanitation Solutions. Diane Stegall and Amanda L'Esperance both asked if this action could be done before the contract ended. Darren stated yes, the CPI increase can be imposed when needed. Emily Howse stated that the current rates that are charged to the customers are below the rate Sanitation Solutions will charge therefore rates must be increased. Emily stated that the rates shown on the resolution are increased by 5.39%, the exact amount of the increase from Sanitation Solutions. Diane Stegall made the motion to read Resolution #05-08-21 by caption.

Amanda L'Esperance seconded. Vote unanimous. City Attorney, Jay Garrett, read:

RESOLUTION # 05-08-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS ESTABLISHING THE GARBAGE RATES TO REFLECT THE 5.39% CPI INCREASE PASSED THROUGH BY SANITATION SOLUTIONS TO BE CHARGED FOR RESIDENTIAL AND COMMERCIAL USERS; AND DECLARING AN EFFECTIVE DATE.

Diane Stegall made the motion to approve Resolution #05-08-21 raising the garbage rates on all residential and commercial accounts. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #14

Mayor Darren Braddy presented to the council that our animal ordinance had been questioned. Darren stated that the ordinance states you must have one acre to have an animal and then you have to have one half acre per animal. A citizen that has two horses on one half acre was summoned to court on August 5, 2021 for being in violation of the ordinance. The citizen has certification of one of the horses being an emotional support animal. The citizen's attorney asked that the ordinance be changed, because in his opinion, the ordinance contradicted itself and the citizen he represented would remove one of the horses. Darren stated that, in his opinion, the ordinance should remain as is and possibly work out a variance to this issue. Amanda L'Esperance questioned the wellbeing and sanitary issues of an animal being held in less space than allowed by ordinance. Darren stated that if no agreeable compromise was accomplished then this matter would most definitely go to jury trial, as stated by the attorney for the citizen. It was the consensus of the council to state in the ordinance an exception permit for this case, such as the "Permit For Livestock Project In The City Limits" that the city currently has which requires signatures of adjoining property owners which is only good for twelve months. (This was not stated in the meeting but the "Permit For Livestock Project In The City Limits" application states that. It was the consensus of the council to make adjustments to the ordinance. Diane Stegall made the motion to read

ORDINANCE # 01-08-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS AMENDING ORDINANCE NO. 01-07-02, SECTION 3.04; PROVIDING A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER PUBLICATION.

Elmo Robinson made the motion to approve Ordinance #01-08-21 amending Ordinance #01-07-02 Section 3.04 Keeping of Livestock, retaining the one acre requirement and implementing the exception to allow service animals and emotional support animals to be allowed on less than one acre only if a "Permit For Livestock Project In The City Limits" application is obtained from the City, and give the City the authority to demand removal of animals if odors become offensive. Amanda L'Esperance seconded vote unanimous.

AGENDA ITEM #15

Mayor Darren Braddy gave updates on road construction, maintenance needed on the square, sewer line repairs, city's part complete on housing development, and court cases and American Rescue Plan Funds. Josh Hoskinson inquired about the street issues on the south side of the square and the west side of the square. Darren stated that TXDOT had been contacted and work towards repairs had been in the works since 2017. Linda Barnes asked if there was a committee to determine how the American Rescue Plan Funds would be spent. Darren replied that there was not a committee but himself and the city employees determined the high need areas of water and sewer lines that needed to be repaired or replaced. Darren stated that this area was definitely approved in the American Rescue Plan Act Fund allocation. Linda also asked the council if they were aware of the funds to be distributed and if they had any input on how it would be spent. Linda asked the council individually if they were aware of the funds. The council's individual response was yes but no official use had been discussed. Darren stated that there had been little discussion on this matter because there were no definite guidelines at this time and his direction of use was from employees that knew where priority areas of utilities that needed much attention were located but this would most definitely be a council discussion and decision.

AGENDA ITEM #16

Monthly budget reports were reviewed.

AGENDA ITEM #17

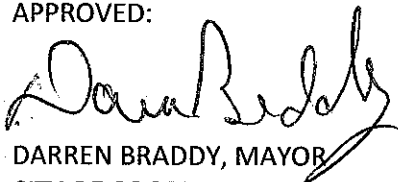
Accounts payable were reviewed.

AGENDA ITEM #18

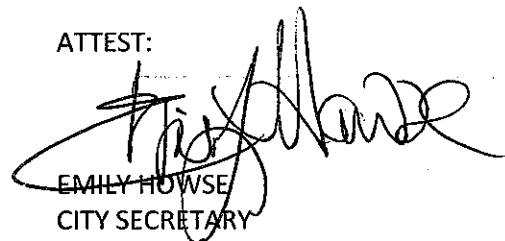
Diane Stegall made the motion to adjourn. Amanda L'Esperance seconded. Vote unanimous.

TIME: 7:00 PM

APPROVED:


DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:


EMILY HOWSE
CITY SECRETARY