

CITY OF COOPER
CITY COUNCIL MEETING – PUBLIC HEARING AND REGULAR MEETING
FEBRUARY 11, 2019 – 5:00 PM

COUNCIL MEMBERS PRESENT: DARREN BRADY; MAYOR, DAVID PHILLIPS, E. J. CATES, ALLEN FOSTER, DONNA THOMASON, AND WILLIE “BEAR” WILKINS.

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, TEFFANY KAVANAUGH, DENNIS SAWYER, SHIRLEY SMITH, DON SMITH, NIKKI MULLENS, BARBARA MILES, ANDREA HURLEY & SPOUSE, SCOTT STEGALL, CAROL CROUCH, PATRICIA CROUCH, SHERRY CROUCH, JAVIER & KIM SALAZAR, AMANDA L’ESPERANCE, KAREN ATKINS, SUSAN RASER, JENNIFER & PAUL DWYER, TONDA KIRBY, LYNNE MORRIS, KRISTI LYNCH, JIM BUTLER, JAMES MAURER, TREY & JENN OATS, VINCENT CONEY, KELLY DURAN, MARY JONES & SAM (LAST NAME UNREADABLE), AND JIMMIE MCGRAW.

AGENDA ITEM #1

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

AGENDA ITEM #2

Mayor Darren Braddy turned the meeting over to Mayor Pro-Tem David Phillips.

AGENDA ITEM #3

Mayor Pro-Tem David Phillips opened the public hearing to hear comments on the 28 properties that had been tagged as condemned due to the uninhabitable status of each.

AGENDA ITEM #4

Mayor Pro-Tem David Phillips listed each property:

5692 James Adams 550 S.E. 7th, **6472** Duncan Anderson 151 N.W. 9th, **5669** Austin Bank 550 S.E. 5th, **5597** Dorothy Banks 901 S.E. 4th, **5966** Cora Lee Battle Est. 220 W. Commerce, **5668** Becky Boles 531 S.E. 4th, **4437** Patricia Crouch 1100 W. Wilson, **5660** Jacob Donahue 350 S.E. 4th, **5766** Thomas Fortner 800 S.W. 9th, **5584** Emma Twonette Gessman 600 S.E. 4th, **6405** Rachel Hight 950 E. Terrell, **5759** Andrea Hurley 750 S.W. 9th, **6431** Jimmy Loveless/DC Trustee 730 E. Commerce, **1224** Jimmy MCGraw 301 W. Waco, **5778** Mid-Ohio Sec Corp. 1001 W. Kaufman, **6397** Mary Newberry 900 E. Terrell, **6506** Edna Reynolds 91 E. Kaufman, **6321** Randy Reynolds, 500 E. Cooper, **5316** Javier Salazar 550 W. Austin, **5349** Dennis Sawyer 851 W. Bonham, **6371** Joe Slaton 741 E. Kaufman, **5526** Don Smith 601 S.W. 1st, **5949** Paula Somers 251 W. Marshall, **6509** Connie Spratt 1131 S.W. 1st, **5540** Valta Stovall 941 S.W. 1st, **5402** Alisha Williams 541 N.W. 2nd, **2241** Albert Wilson 1001 S.W. 1st, **5791** Gracie Young 250 E. Ft. Worth.

As David read the list of properties, he asked if anyone was present to speak on behalf of said property. Someone was present to speak on behalf of the 9 properties listed below:

Property ID # 4437 Patricia Crouch 1100 W. Wilson, #5759 Andrea Hurley 750 S.W. 9th, #1224 Jimmie McGraw 301 W. Waco, #5316 Javier Salazar 550 W. Austin, #5349 Dennis Sawyer 851 W. Bonham, #5526 Don Smith 601 S.W. 1st, #5540 Valta Stovall (Barbara Miles) 941 S.W. 1st, #5402 Alisha Williams (Vincent Coney) 541 N.W. 2nd, and #5791 Gracie Young (Kristi Lynch) 250 E. Ft. Worth.

AGENDA ITEM #5

City Attorney Jay Garrett swore in each person who was present to speak.

Crouch will salvage what they can and demolish the remainder and rebuild. Hurley will repair and bring up to code. Sawyer will repair and bring up to code. Smith will repair or sell and new owner will repair and bring up to code. Stovall will sell and new owner will repair and bring up to code. Williams will repair and bring up to code. McGraw will demolish. Salazar will demolish. Young will demolish.

Boles was demolished and complete on 01-18-2019. Gessman was demolished.

Adams, Anderson, Banks, Battle, Donahue, Fortner, Hight, Mid-Ohio Sec Corp, Edna Reynolds, Slaton, Spratt, and Wilson had no one to speak on behalf of these properties.

Austin Bank, Newberry, Randy Reynolds, and Paula Somers signed a consent for the city to demolish and place a lien on the property.

AGENDA ITEM #6

After much discussion on this item, David Phillips asked for any more comments, hearing none, he closed the public hearing.

AGENDA ITEM #7

Mayor Pro-Tem David Phillips turned the meeting back over to Mayor Darren Braddy.

Regular Meeting Began at 5:40 PM

AGENDA ITEM #8

Donna Thomason made the motion to approve the January 14, 2019 minutes as written. E. J. Cates seconded. Vote unanimous.

AGENDA ITEM #9

Teffany Kavanaugh, with McClanahan and Holmes, LLP CPA's, was here to present the 2018 fiscal year end audit. Teffany stated that it was a clean audit. She also stated that two findings for concern were that the city did not prepare the financial statements themselves and the segregation of duties. Teffany stated that these two items could not be helped due to the small size. She stated that the council needed to over see all operations and be involved on a daily basis.

David Phillips made the motion to accept and approve the 2018 annual Financial Audit by McClanahan and Holmes, LLP CPA's. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #10

Scott Stegall, with Sanitation Solutions, presented to the council the request to move regular trash pick-up day from Tuesday to Wednesday. Scott stated that Wednesday pick-up would be more effective because Sanitation Solutions had 9 towns to pick up on Tuesday and only 5 on Wednesday. He stated that, if a Wednesday pick-up was agreed upon, it would mean that the same truck and personnel would pick up each week. Which would mean that the personnel would be familiar with the route. He stated that commercial dumpster pick-up would remain on Thursday. Willie "Bear" Wilkins made the motion to amend the contract with Sanitation Solutions to state Wednesday as regular trash pick-up day for the City of Cooper. Donna Thomason seconded. Vote unanimous.

***Changed tape side at 5:55 PM**

AGENDA ITEM #11

Trey Oats was again present to ask the council to consider agreeing to one of his proposals to remedy his dilemma of inadvertently placing his house on city property. Trey's packet included: Bottom line up front: seeking a resolution, Highlight the Texas Property Code as law, Discuss Precedent of Big Creek Res. Property, Recommended motions for Council. Trey presented that Texas property code 21.023 was presented to each property owner at the time of purchase of land for the initial building of Big Creek Lake. This code states eminent domain authority disclosure for acquisition of the property. Subsections state owners, heirs, successors, or assign may be entitled to repurchase of the property under subchapter E. Trey stated that precedent was set in 2001 when the City of Cooper granted land back to Lone Oats after an executive session meeting was held.

City Attorney Jay Garrett stated that eminent domain was not used for the acquisition of the property at hand. Jay stated that it was a voluntary sale therefore Texas property code 21.023 did not apply to this circumstance. Jay stated that the land was acquired as a buffer and the city should not sell as this would impinge on the original intended use of the property.

Mayor Darren Braddy commended Trey for bringing this matter to the attention of the city and also how Trey handled the situation. Darren stated that it was nothing personal but he had to lean toward doing the right thing for the city which meant declining any land sale, gift or trade of city property.

E. J. Cates made the motion to reject Trey Oats' request for the city to trade property for property, on the property which Trey inadvertently placed his house. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #12

David Phillips made the motion to order the city election to be held on May 4, 2019. E. J. Cates seconded. Vote unanimous.

AGENDA ITEM #13

E. J. Cates made the motion to appoint Charlie Steward as Election Judge, Neali Landers as early voting clerk, Judy Thompson, Carolyn Irvin and Ann Ford as alternate judges, which will make up the early voting ballot board. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #14

David Phillips made the motion to set Monday April 22, 2019 and Tuesday April 30, 2019 as the city's two twelve hour early voting days. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #15

Mayor Braddy announced that Tuesday February 26, 2019 at 10:00 AM as the time for the drawing to determine the order in which the names of candidates are to be printed on the ballot would be.

AGENDA ITEM #16

David Phillips made the motion to read resolution 01-02-19, appointing Darren Braddy as the ATCOG Board of Directors Member for the City of Cooper, by caption. Donna Thomason seconded. Vote unanimous.

Jay Garrett read:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS.

E. J. Cates made the motion to approve resolution #01-02-19 appointing Darren Braddy as the ATCOG Board of Directors Member for the City of Cooper. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #17

The findings and actions of the public hearing for these 28 condemned properties was on the table for discussion:

5692 James Adams 550 S.E. 7th, **6472** Duncan Anderson 151 N.W. 9th, **5669** Austin Bank 550 S.E. 5th, **5597** Dorothy Banks 901 S.E. 4th, **5966** Cora Lee Battle Est. 220 W. Commerce, **5668** Becky Boles 531 S.E. 4th, **4437** Patricia Crouch 1100 W. Wilson, **5660** Jacob Donahue 350 S.E. 4th, **5766** Thomas Fortner 800 S.W. 9th, **5584** Emma Twonette Gessman 600 S.E. 4th, **6405** Rachel Hight

950 E. Terrell, **5759** Andrea Hurley 750 S.W. 9th, **6431** Jimmy Loveless/DC Trustee 730 E. Commerce, **1224** Jimmy McGraw 301 W. Waco, **5778** Mid Ohio Sec Corp. 1001 W. Kaufman, **6397** Mary Newberry 900 E. Terrell, **6506** Edna Reynolds 91 E. Kaufman, **6321** Randy Reynolds, 500 E. Cooper, **5316** Javier Salazar 550 W. Austin, **5349** Dennis Sawyer 851 W. Bonham, **6371** Joe Slaton 741 E. Kaufman, **5526** Don Smith 601 S.W. 1st, **5949** Paula Somers 251 W. Marshall, **6509** Connie Spratt 1131 S.W. 1st, **5540** Valta Stovall 941 S.W. 1st, **5402** Alisha Williams 541 N.W. 2nd, **2241** Albert Wilson 1001 S.W. 1st, **5791** Gracie Young 250 E. Ft. Worth.

There were 9 citizens present to discuss the property in which they represented. 6 will repair the structure and 3 will demolish the structure themselves. 2 structures have already been demolished. 1 has gone to Delta County Trustee. 1 property owner wishes to donate the property to the city. 4 have provided a consent for the city to demolish and file a lien on the property. 11 had no one to represent them in the public hearing and will be demolished by the city and a lien filed on the property.

The determination of each of the 6 properties that will be restored to code compliance will consist of a construction plan, cost analysis, time frame, and show proof of financial ability to complete the project and present this at the March 11, 2018 meeting. Those properties are:

1. Property ID #4437 Patricia Crouch 1100 W. Wilson
2. Property ID #5759 Andrea Hurley 750 S.W. 9th.
3. Property ID #5349 Dennis Sawyer 851 W. Bonham
4. Property ID #Don Smith 601 S.W. 1st
5. Property ID #5540 Valta Stovall 941 S.W. 1st
6. Property ID #5402 Alicia Williams 541 N.W. 2nd

The determination of each of the 3 properties that will be demolished by the owner will consist of a 90-day time frame to complete but will have the option to return to the council to ask for an extension if circumstances hinder the 90-day completion time frame. Those properties are:

1. Property ID #1224 Jimmie McGraw 301 W. Waco
2. Property ID #5316 Javier Salazar 550 W. Austin
3. Property ID # 5791 Gracie Young 250 E. Ft. Worth

Two properties that are complete are:

1. Property ID #5668 Becky Boles 531 S.E. 4th
2. Property ID #5584 Emma Twonette Gessman 600 S.E. 4th

The 4 properties that have signed a consent to allow the city to demolish and file a lien on the property for the cost of demolition are:

1. Property ID #5669 Austin Bank Texas 550 S.E. 5th
2. Property ID #6397 Mary Newberry 900 E. Terrell
3. Property ID # 6321 Randy Reynolds 500 E. Cooper
4. Property ID # 5949 Paula Somers 251 W. Marshall

One property has been seized for taxes which now belongs to the Delta County Trustees which will be demolished and cost absorbed by the City, County, CISD, MUD, and Delta County ESD (which make up the Delta County Trustees) is:

1. Property ID #6431 Jimmy Loveless (Now Delta County Trustees)

The determination of the 11 properties that had no one to represent them in the public hearing will consist of the city demolishing the structure and filing a lien on the property. Those properties are:

1. Property ID #5692 James Adams 550 S.E. 7th
2. Property ID #5597 Dorothy Banks 901 S.E. 4th
3. Property ID #5966 Cora Lee Battle 220 W. Commerce
4. Property ID #5660 Jacob Donahue 350 S.E. 4th
5. Property ID #5766 Thomas Fortner 800 S.W. 9th
6. Property ID #6405 Rachel Hight 950 E. Terrell
7. Property ID #5778 Mid-Ohio Sec Corp 1001 W. Kaufman
8. Property ID #6506 Edna Reynolds 91 E. Kaufman
9. Property ID #6371 Joe Slaton 741 E. Kaufman
10. Property ID #6509 Connie Spratt 1131 S.W. 1st
11. Property ID #2241 Albert Wilson 1001 S.W. 1st

It was the consensus of the council to accept the donation of 1 property, with the proper deed transfer to be filed at the court house, that the owner wished to donate to the city which is:

1. Property ID #6472 Duncan Anderson 151 N.W. 9th

Allen Foster made the motion to approve the above listed determinations for each category of structures as stated. David Phillips seconded. Donna Thomason abstained. Vote carried.

Donna Thomason made the motion to approve the donation of Property ID #6472 Duncan Anderson 151 N.W. 9th with the proper deed transfer to be filed at the court house. David Phillips seconded. Vote unanimous.

Willie "Bear" Wilkins excused himself at 6:30 PM and returned at 6:45 PM

AGENDA ITEM #18

Mayor Darren Braddy gave an update on maintenance projects. Rain is causing multiple issues with streets, water and sewer.

***Changed tapes at 6:53 PM**

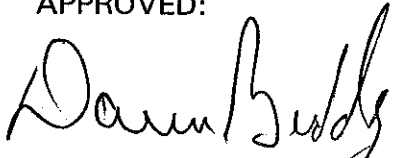
AGENDA ITEM #19
Monthly budget reports were reviewed.

AGENDA ITEM #20
E. J. Cates made the motion to approve accounts payable. Willie "Bear" Wilkins seconded.
Vote unanimous.

AGENDA ITEM #21
Allen Foster made the motion to adjourn. David Phillips seconded. Vote unanimous.

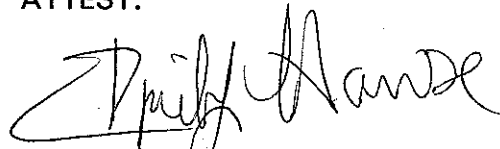
TIME: 6:55 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY