

CITY OF COOPER
CITY COUNCIL MEETING – REGULAR
FEBRUARY 14, 2022 – 5:00 PM

COUNCIL MEMBERS PRESENT: DARREN BRADY; MAYOR, DAVID PHILLIPS, AMANDA L'ESPERANCE, AND
DIANE STEGALL

ABSENT: ALLEN FOSTER AND ELMO ROBINSON

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, CLARK KIMBALL, MIKE KELLNER, STEVEN PERRY, SUSAN RAZER, KAREN
ATKINS, DONNA THOMASON, LINDA BARNES, AND DEVONNE BOWER

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 made the motion to approve the January 10, 2022 minutes as written. Amanda
L'Esperance seconded. David Phillips abstained to vote. Vote to approve carried.

AGENDA ITEM #4

Steven Perry and Mike Kellner, with D.A. Davidson (Municipal Advisors), and Clark Kimball with McCall
Parkhurst & Horton (Bond Attorney's) were present to inform the city of substantial savings that
refinancing the current bonds could produce. Steven Perry stated that interest rates are currently very
low and, in his opinion, it would be a good opportunity for the City of Cooper to save some money.
Steven stated that the city was currently paying 4.5% to 5.35% on the bonds and with their proposal,
rates could be in the area of 3%. Steven stated that this could be even lower, depending on rates at the
time of the bond refinancing finalization. Steven stated that there were no comparable issues for non-
insured cities, but they would apply for bond insurance, which would lower the interest rate. Steven
stated that the city currently has CDs in the amount of \$74,400 that are held until payment of the bonds
is complete. He stated that this could be applied to the bonds to lower the amount once the bonds have
been paid off. Clark Kimball stated that the ordinance would keep the existing sources of repayment
(which are transfers monthly from the water and sewer funds) but a tax pledge would be in place if the
existing funds could not support the payment.

Steve stated that all fees associated with this transaction are included within the bond with the possible
exception of the credit rating cost. Steven stated that the city could be responsible for the cost of the
credit rating if the credit rating was complete and the interest rates ballooned to such a high amount
that it was not effective for the city to complete the refinance action, then the city would be responsible
for the \$12,000 cost of the credit rating which is currently included in the refinance action.

Steven presented the process which is:

1. City Council authorizes refunding ordinance.
2. D.A. Davidson circulates POS, Calendar of events and distribution list
3. Determine insurance eligibility

4. Comments due on POS
5. Request payoffs from USDA & TWDB
6. Due diligence discussion
7. Credit rating due
8. Print POS
9. CO pricing
10. D.A. Davidson and City print final official statement
11. Closing and delivery of funds

Steven stated that the responsibility of a Municipal Advisor is to prepare the city for offering of securities and structure bond financing according to duties set out by MRSB Rule G-42, Fiduciary responsibility to city, and provide informed advise – must have the skills and abilities to provide advice. www.mrsb.org/Rules-and-Interpretations/MSRB-Rules/Genera/Rule-g-42-6-23-2016.aspx

Bond Issuance Participants:

Issuer: The City

Bond Council: Drafts bond documents and provides tax opinion

Paying agent: collects debt service payments

Rating Agency: Provides letter rating on bonds. Not always used

Texas Attorney General: Reviews financing transcript and provides incontestability opinion

Bond Insurance: Issuer pays for insurance policy to lower interest rates

Underwriter: Distributes bonds to investors and underwrites unsold portions of bonds

Underwriter's Counsel: Prepares offering documents, conducts due diligence

Mike Kellner stated that rates seem to be on the increase so time is of the essence to make a decision. No action could be taken on agenda item #4, 5 and 6 due to a lack of a super quorum, (which means 4 council members must be present when a tax rate issue is at hand).

Amanda L'Esperance made the motion to table agenda item #4, #5, And #6 until a special meeting could be arranged. David Phillips seconded. Vote unanimous.

AGENDA ITEM #5

Tabled

AGENDA ITEM #6

Tabled

AGENDA ITEM #7

Diane Stegall made the motion to order the city election to be held on May 7, 2022. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #8

Amanda L'Esperance made the motion to appoint Charlie Steward as Election Judge, Misty Bates as Early Voting Clerk, Betty Holcomb and Carolyn Irvin as Alternate Judges with these appointees serving as the Early Voting Ballot Board. David Phillips seconded. Vote unanimous.

AGENDA ITEM #9

Diane Stegall made the motion to set the two 12 hour early voting days for April 25, 2022 and May 3, 2022. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #10

Mayor Darren Braddy announced that the drawing for the placement of names on the ballot would be held on Monday February 28, 2022 at 10:00 AM.

AGENDA ITEM #11

Amanda L'Esperance made the motion to re-appoint Linda Barnes to a two-year term on the Sulphur River Municipal Water District Board (Sulphur River MWD). Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #12

Diane Stegall made the motion to re-appoint Denise Braddy to a two-year term on the Sulphur River Regional Mobility Authority Board (SURRMA). Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #13

Mayor Darren Braddy presented to the council Ordinance #02-02-22 which amends Ordinance No. 1503 to state that Recreational Vehicles (RV's) are only allowed as a temporary (6months) dwelling for use at an onsite construction site of a new structure that is being built, (not for permanent living quarters) and Recreational Vehicle Parks (RV Parks). Darren stated that anyone who currently had a permit for an RV outside of an RV Park would be grandfathered.

Amanda L'Esperance made the motion for City Attorney, Jay Garrett, to read Ordinance #02-02-22 by caption. David Phillips seconded. Vote unanimous.

City Attorney Jay Garrett read:

ORDINANCE NO. 02-02-22

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, AMENDING ORDINANCE NO. 1503 REGULATING MOBILE HOMES TO PROVIDE RESTRICTIONS ON USE OF RECREATIONAL VEHICLE AS A DWELLING IN THE CITY OF COOPER FOR RECREATIONAL VEHICLES LOCATED OUTSIDE A RECREATIONAL VEHICLE PARK; AND SETTING AN EFFECTIVE DATE.

David Phillips made the motion to approve Ordinance #02-02-22 which mandates that RV's are for temporary living uses during new structure construction and in RV Parks only. Amanda L'Esperance seconded. Diane Stegall abstained. Vote to approve Ordinance #02-02-22 carried.

AGENDA ITEM #14

Mayor Braddy presented to the council Ordinance #03-02-22 regulating RV Parks. This ordinance states that a developer who wants to build an RV Park must first present the development plan to the Planning & Zoning Commission (P&Z). The P&Z then presents the request to the Council. Upon Council approval, the developer will then pay the City of Cooper a development fee of \$150.00 and \$10.00 per lot and present a detailed development plan. The city will require inspections before, during and after construction. The developer will present their list of rules and regulations to the P&Z. Upon P&Z approval the rules & regulations will then go before the Council for approval. The developer/owner will ultimately be responsible for compliance of their rules and regulations within the park.

David Phillips made the motion for City Attorney, Jay Garrett, to read Ordinance #03-02-22 by caption. Amanda L'Esperance seconded. Diane Stegall abstained. Vote to read Ordinance #03-02-22 by caption carried.

City Attorney, Jay Garrett, read:

ORDINANCE NO. 03-02-22

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, REGULATING RECREATIONAL VEHICLE PARKS TO PROVIDE RESTRICTIONS ON OPERATION OF RECREATIONAL VEHICLE PARKS IN THE CITY OF COOPER; AND SETTING AN EFFECTIVE DATE

David Phillips made the motion to approve Ordinance #03-02-22 regulating RV Parks. Amanda L'Esperance seconded. Diane Stegall abstained. Vote to approve Ordinance #03-02-22 carried.

AGENDA ITEM #15

Mayor Darren Braddy presented to the council Ordinance #04-02-22 Amending Ordinance # 02-08-02 section 2 which mandates the location of where itinerant vendors can set up, pertaining to City property or City leased property. Darren stated that he has been getting feedback from citizens who were concerned about parking on the square and damage to the grassy area around the Pagoda. This ordinance states that vendors must set up at the City Park with a specific location thereof designated by the city with the purchase of an annual permit of \$150.00. Vendors can set up on property of their choice, with the property owner's approval. This ordinance does not apply to festivals that are held on the City Square.

Diane Stegall made the motion for City Attorney, Jay Garrett, to read Ordinance #04-02-22 by caption. Amanda L'Esperance seconded. Vote unanimous.

City Attorney, Jay Garrett, read:

ORDINANCE NO. 04-02-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS AMENDING ORDINANCE NO. 02-08-02 MADE ON AUGUST 12, 2002, SECTION 2; PROVIDING RESTRICTION ON LOCATION TO DO BUSINESS; PROVIDING FOR AMENDMENT OF DEPOSIT AND OTHER PROVISIONS; 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.

Diane Stegall made the motion to approve Ordinance #04-02-22 amending Ordinance #02-08-02 which restricts the location that itinerant vendors can set up. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #16

Mayor Darren Braddy presented to the council Resolution #02-02-22 modifying the lease of the baseball fields and facilities with the City of Cooper and Delta County Kid Baseball Association (DCKBA). Currently the City of Cooper is responsible for utilities (water/sewer, electricity, and garbage) associated with the use of fields for kids. This resolution gives the DCKBA the authority to allow adult use of the fields but mandates that utilities will be paid by whomever leases the baseball fields that are other than kids.

David Phillips made the motion for City Attorney, Jay Garrett, to read Resolution #02-02-22 by caption. Amanda L'Esperance seconded. Vote unanimous. City Attorney, Jay Garrett read:

RESOLUTION NO. 02-02-22

A RESOLUTION OF THE CITY OF COOPER APPROVING AN AGREEMENT MODIFYING LEASING THE BASEBALL FIELDS AND FACILITIES BY AND BETWEEN THE CITY OF COOPER AND DELTA COUNTY KID BASEBALL ASSOCIATION; AUTHORIZING THE MAYOR TO SIGN THE LEASE; AND SETTING AN EFFECTIVE DATE.

David Phillips made the motion to approve Resolution #02-02-22 modifying the lease agreement with DCKBA and mandating utility use, other than kids, will be paid by organizations that lease it. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #17

No items for Frankie McKinney Arts Alliance were presented.

AGENDA ITEM #18

Mayor Darren Braddy updated the council on city status and current events.

Amanda L'Esperance excused herself which left no quorum so no more action could be taken.

AGENDA ITEM #19

Monthly budget reports were available for review.

AGENDA ITEM #20

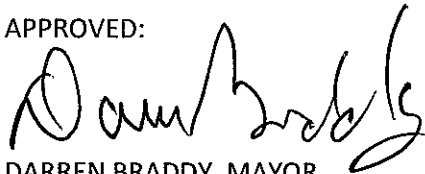
Accounts payable were available for review.

AGENDA ITEM #21

City Attorney, Jay Garrett, allowed the action to adjourn due to no quorum.

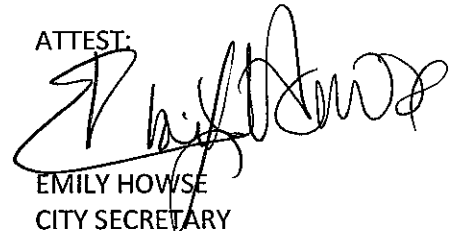
TIME: 6:43 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY