

CITY OF COOPER
CITY COUNCIL MEETING – REGULAR
JULY 12, 2021 5:00 PM

MEMBERS PRESENT: DARREN BRADY; MAYOR, DAVID PHILLIPS, DIANE STEGALL, ELMO ROBINSON AND AMANDA L'ESPERANCE VIA ZOOM

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, JOE ADAMS, MELISSA MILLARD, BETTY SLAKEY, CYNTHIA VERASKA, JUDY FALLS, LARRY WILLIS AND VIA ZOOM: IPHONE, SAMSUNG SM G930V, WYATT ALLEN, KASEY BRITTON

ABSENT: ALLEN FOSTER

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 June 14, 2021 minutes as written. David Phillips seconded. Vote unanimous.

AGENDA ITEM #4

The item of updating the public funds investment policy was on the table for discussion. Mayor Darren Braddy stated that Emily Howse has attended all of the required training and due to the fact that the City of Cooper does not have substantial investments, bi-annual training is not required. The policy needs to be reviewed annually and updated if necessary. David Phillips made the motion to read resolution #01-07-21. Diane Stegall seconded. Vote unanimous. City Attorney Jay Garrett read the resolution. Elmo Robinson made the motion to approve resolution #01-0721 updating the Public Funds Investment Policy. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #5

Mayor Darren Braddy presented to the council the municipal services outside city limits was again on the table for discussion. Mayor Braddy stated that the blanket non annexation for people who currently have city services but are not inside the city limits, as discussed in the June 2021 meeting, was not a good idea. Darren stated that there were several properties that were surrounded by city limits, that had city services and were not annexed. Darren stated that current owners should be grandfathered, but if the property changed ownership, then they must annex unless special circumstances, brought before the council, were considered for approval not to annex. Elmo Robinson made the motion to read

resolution #02-07-21 by caption. David Phillips seconded. Vote unanimous. City Attorney, Jay Garrett, read:

RESOLUTION NO. 02-07-21

AN AMENDMENT TO RESOLUTION NO. 04-12-14 RELATING TO THE CITY OF COOPER RATIFYING ITS POLICY OF REQUIRING A REQUEST FOR ANNEXATION PRIOR TO FURNISHING MUNICIPAL SERVICES; AMENDING RESOLUTION NO. 01-11-00; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE THIS RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO THIS RESOLUTION.

David Phillips made the motion to approve resolution #02-07-21. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #6

Mayor Braddy presented to the council that the resignation of Delbert Horton from the McKinney Foundation had never been authenticated. City Attorney, Jay Garrett, stated that this resolution would authenticate Delbert's resignation. Diane Stegall made the motion to read resolution #03-07-21 by caption. Elmo Robinson seconded. Vote unanimous. City Attorney Jay Garrett read:

RESOLUTION NO. 03-07-21

A RESOLUTION REPEALING RESOLUTION 01-01-99 APPOINTING DELBERT HORTON AS INVESTMENT ADVISOR FOR THE MCKINNEY FOUNDATION, 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.

David Phillips made the motion to approve resolution #03-07-21 authenticating the resignation of Delbert Horton from the McKinney Foundation as investment advisor. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #7

Mayor Braddy presented to the council that the McKinney Foundation was again on the table for discussion. Mayor Braddy turned the meeting to City Attorney, Jay Garrett. Jay stated that, in the past, family members of Ms. Frankie McKinney were the board members appointed to carry out the wishes as stated in Frankie McKinney's will. At that time, the current Mayors did not want to be responsible for making sure the will was executed correctly, therefore the board took it upon themselves to create a "foundation" and obtaining a tax-exempt number in order to be able to use the funds and carry out the wishes of the will. Back in the 1990's, when this was done, the way the board set this up was approved by the IRS. But now, the "foundation" does not meet foundation requirements and the way the McKinney Foundation is being operated is not how the will states that it should be done. City Attorney, Jay Garrett stated that the "McKinney House" was not documented in the will. He stated that it was absorbed into the foundation at some point. Diane Stegall stated that this is no fault of the current board members, Melissa Millard, Betty Slakey, and Judy Falls. Diane stated that their efforts are greatly appreciated. Mayor Darren Braddy stated that this all came to light when the Enloe State Bank failed and auditors were asked to look into the set up of the McKinney Foundation. Mayor Braddy stated that the city's audit was delayed for 6 months until multiple auditors and attorneys made the determination that the McKinney Foundation did belong to the City of Cooper and it must be put on the city books. Darren Braddy reiterated that this confusion is all because the previous Mayors did not want the

responsibility of executing the will as directed. The board will have to meet with the City Council to create a plan of operation.

The ordinance at hand will repeal the creation of the tax-exempt Frankie McKinney Foundation and revert the Frankie McKinney assets back to the City of Cooper, as stated in the Frankie McKinney last will and testament. Diane Stegall made the motion to read ordinance #01-07-21 by caption. Elmo Robinson seconded. Vote unanimous. City Attorney Jay Garrett read:

ORDINANCE NO. 01-07-21

AN ORDINANCE REPEALING ORDINANCE NUMBER 01-11-95, DATED NOVEMBER 13, 1995, RELATING TO CREATION OF TAX EXEMPT FOUNDATION IN CONNECTION TO THE BEQUEST TO CITY OF COOPER UNDER THE LAST WILL AND TESTAMENT OF FRANKIE MCKINNEY.

Amanda L'Esperance made the motion to approve ordinance #01-07-21 repealing the creation of the tax-exempt Frankie McKinney Foundation in connection to the bequest to the City of Cooper under the last will and testament of Frankie McKinney. David Phillips seconded. Vote unanimous.

AGENDA ITEM #8

Mayor Braddy presented to the council that employee health insurance renewal was at hand. Darren stated that he had contacted other insurance providers and there was not enough difference to make a change from the current provider, TML Health. After much discussion it was the consensus of the council to renew, city paid, employee health insurance. David Phillips made the motion to continue city paid employee health insurance. Elmo Robinson seconded. Amanda L'Esperance voted nay. Vote to continue employee insurance passed.

AGENDA ITEM #9

The Delta County Appraisal District Preliminary budget was reviewed. No action was taken.

AGENDA ITEM #10

Mayor Braddy presented to the council that David Cowan, with North Texas Municipal Water District, had contacted us to participate in a hydrographic survey of Cooper Lake. The cost of this project will be divided between all of the partnering water rights holders. The cost per agency is:

Irving: \$24,580.94, North Texas Municipal Water District: \$26,041.39, Upper Trinity Regional Water District: \$7,328.93, Sulphur Springs: \$8249.22, Sulphur River Basin Authority: \$7,409.70, City of Cooper: \$486.82 (which will be split with Delta County Water), for a total of \$74,097.00. An interlocal agreement will be prepared for all participating entities. David Phillips made the motion to approve the hydrographic survey to be done and pay the city's portion of \$486.82 as stated in the payment chart presented by David Cowan. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #11

Mayor Braddy updated the council on grants, water leaks, and street work.

AGENDA ITEM #12

Monthly budget reports were reviewed.

AGENDA ITEM #13

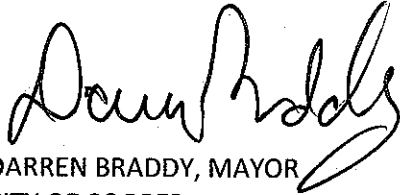
Accounts payable were reviewed.

AGENDA ITEM #14

Diane Stegall made the motion to adjourn. Elmo Robinson seconded. Vote unanimous.

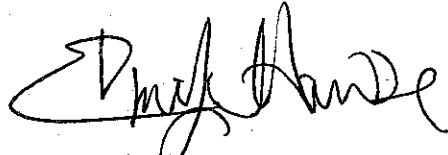
TIME: 6:40 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY