

CITYOF COOPER
 CITY COUNCIL MEETING – REGULAR
 MAY 10, 2021 0 5:03 PM

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

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, JOE ADAMS, JADE BLEVINS, BRANDON BLEVINS, TYLER CREAMER, RUBY DIANE BOSSCHER, LARRY BOSSCHER, DOROTHY RUGLEDGE, AND WILLIE "BEAR" WILKINS

AGENDA ITEM #1

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

AGENDA ITEM #2

Emily Howse canvassed the 2021 election totals as follows:

POSITION	CANDIDATE NAME	MAIL	EARLY VOTING	ELECTION DAY	PROVISIONAL	TOTAL
MAYOR		2	86	78	4 (1 Rejected)	166
	KASEY BRITTON		24	26	1	51
	DARREN BRADY		60	51	2	113
COUNCIL						
	ALLEN FOSTER		65	66	3	134
	ROBERT MAYFIELD		44	35	2	81
	AMANDA L'ESPERANCE		47	44	1	92
Mail						2
Early						86
Election Day						78
Totals Voters						166
Registered Voters						1143

David Phillips made the motion to approve the canvass totals as presented. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #3

City Attorney, Jay Garrett gave the statement of office to Darren Braddy; Mayor, Allen Foster and Amanda L'Esparance (via zoom); council.

AGENDA ITEM #4

City Attorney, Jay Garrett presented the elected members the certificate of election.

AGENDA ITEM #5

City Attorney, Jay Garrett gave the oath of office to Darren Braddy; Mayor, Allen Foster; council and Amanda L'Esperance; council (via zoom).

AGENDA ITEM #6

Allen Foster made the motion to reappoint David Phillips as Mayor Pro-Tem. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #7

Mayor Darren Braddy asked for public comments on the agenda items at hand. No comments were made.

AGENDA ITEM #8

Diane Stegall made the motion to approve the April 12, 2021 public hearing and the April 12, 2021 regular meeting minutes as written. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #9

Mayor Darren Braddy presented to the council that Matthew Terry had purchased 420 FM 1528. This property is currently outside city limits and is getting water service from the City of Cooper at a double water charge rate. Darren stated that this property falls within the servicing area of the City of Cooper and, according to the ordinance that the city currently has, must be annexed to get service. Darren stated that the seller of the property was well aware that annexation had to be done. Darren stated that this property was purchased by a company that a city employee (at the time) was associated with in 2019 and it was stated to the employee that this property must be annexed. Darren allowed the owner in 2019 to access water, at a double charge rate while remodel was being done. The property sold to Matthew Terry and the seller did not disclose this property must be annexed to get service. Darren stated that he turned Matthew Terry's water on at a double charge until this matter could be resolved. Matthew Terry was not present to plead his case, therefore it was the consensus of the council to table this item until Mr. Terry could be present.

Allen Foster made the motion to table this item until Matthew Terry could be present and continue the double water charge until further discussion of this matter. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #10

Mayor Darren Braddy presented to the council that Resolution #01-05-21 supporting application of the Texas Department of Transportation Alternative Set-Aside Sidewalk Grant (T A Set-Aside Grant). Tyler Creamer with Hayter Engineering was present to discuss this matter. Tyler stated that this is an 80/20 split with engineering fees being rolled in to the 80% so the city is not paying the full amount of engineering costs. Mayor Braddy stated that the matching funds would come from the Cooper Independent School District, upon their board's approval, if the City of Cooper was approved for this grant. Tyler Creamer stated that the city could opt out of this at any time if they wished to do so. David Phillips made the motion to read resolution #01-05-21 by caption. Elmo Robinson seconded. Allen Foster abstained. Vote carried. City Attorney, Jay Garrett read:

RESOLUTION #01-05-21

A RESOLUTION SUPPORTING CITY OF COOPER'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS

Diane Stegall made the motion to approve resolution #01-05-21 supporting the TA-Set Aside Grant. Elmo Robinson seconded. Allen Foster abstained. Vote carried.

AGENDA ITEM #11

Mayor Darren Braddy presented to the council resolution #02-05-21 authorizing signatories for the TXCDBG Project # 7220101 Water Treatment Plant improvements (WTP) was at hand.

Allen Foster made the motion to read resolution #02-05-21 by caption. Elmo Robinson seconded. Vote unanimous. City Attorney, Jay Garrett, read:

**RESOLUTION #02-05-21
AUTHORIZING SIGNATORIES**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7220101.

David Phillips made the motion to approve resolution #02-05-21 authorizing signatories for the TXCDBG Project #7220101 WTP Improvements. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #12

Mayor Darren Braddy presented to the council resolution #03-05-21 regarding civil rights for the TXCDBG Project 7220101 for the WTP Improvements. Darren stated that this is a formality of all grants.

Diane Stegall made the motion to read resolution #03-05-21 in its entirety. Amanda L'Esperance seconded. Vote unanimous. City Attorney, Jay Garrett, read the entire resolution, see attached.

Allen Foster made the motion to approve resolution #03-05-21 regarding civil rights for the TXCDBG 7220101 Grant Project. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #13

Mayor Darren Braddy presented to the council that Jade and Brandon Blevins were present to appeal to the council the lack of signatures to allow them to place a tiny home on property id #6418 J. Ratliff Survey block 0002, 0.5075 acres. Brandon Blevins stated that of the 16 signatures required, only one refused to sign. No explanation of refusal was given to the Blevins'. Diane Stegall asked if this home would be underpinned. Brandon Blevins stated yes it would be underpinned. Darren Braddy stated that, if approved to place this tiny home, the electrical would have to be approved by Mike Copeland, City Fire Marshall.

Amanda L'Esperance made the motion to allow the placement of the tiny home on property id #6418 in the J. Ratliff Survey block 0002 0.5075 acres with 15 out of 16 surrounding property owner's signatures. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #14

Mayor Braddy presented to the council the item of vendors on the square. Darren stated that he had been approached by several people with issues of allowing this. He stated there were arguments for and against this issue. He asked the council for their input. It was the consensus of the council to poll other cities and see what they do. No action on this item.

AGENDA ITEM #15

Mayor Braddy presented to the council that Larry and Ruby Diane Bosscher were present to discuss a lien that the city had on property id #6007 in the Old Town Cooper Survey 401 W. Bonham which they had just purchased at a tax sale. Ruby Diane stated that they paid \$5,800.00 for the lot. She stated that

the taxes against it was \$2,740.00. Mayor Braddy stated that he was under the understanding that every thing against a property was included when it went to tax sale. He stated that he now knows that this is wrong information. Ruby Diane Bosscher stated that she had received that same information from Darren and a previous Mayor and the previous Mayor stated that the lien goes away when the property sells for taxes. Everyone now understands that that was wrong information. Ruby Diane stated that the lien amount that the City of Cooper had on this property was \$6,648.73. Ruby Diane and Larry Bosscher stated that they planned to construct a laundry mat which would get this property back on the property tax row and they would appreciate anything that the city could do about the lien that the city had on this property. City Attorney, Jay Garrett stated that the city could petition to apply for money paid above the tax payment amount to go towards the lien. He stated that a 380 agreement could be made with Larry and Ruby Diane Bosscher with stipulations, that if met, would waive the remaining lien that the city had on this property, as long as they complied with the agreement and could be denied if failure to comply with the agreement arose. Ruby Diane stated that she was just trying to do the right thing. Elmo Robinson made the motion to table this item until next month in order for City Attorney, Jay Garrett to prepare a 380 agreement for this property. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #16

Mayor Darren Braddy presented to the council that the Frankie McKinney Foundation situation was at hand. He stated that when Delbert Horton resigned and Judy Falls was appointed as the third board member, that now it has come to light that the McKinney Foundation board had not been following the wishes of Frankie McKinney's will. The will states that the proceeds be used for lecturers and artists and in no way be used for salaries, bonuses, or city budget items. The will states that the board is in place to approve or deny requests for money usage presented by the City Council. The City of Cooper has no access, at this time, to any bank checking accounts or CDs associated with the Frankie McKinney Foundation. It was the consensus of the council to table this item until further information is obtained. Allen Foster made the motion to table this item until further information is obtained. Diane Stegall seconded. Vote unanimous.

AGENDA ITEM #17

Mayor Braddy presented to the council ordinance #01-05-21 allowing firearm carry in open meetings was at hand. Allen Foster made the motion to read ordinance #01-05-21 by caption. Elmo Robinson seconded. Vote unanimous. City Attorney, Jay Garrett, read:

ORDINANCE NO. 01-05-21

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, ADOPTING THE STATE LAWS REGARDING THE CARRYING OF A HANDGUN INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL OR ANY OTHER CITY BOARD OR COMMISSION THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS MEETING.

Diane Stegall made the motion to approve ordinance #01-05-21 allowing firearm carry in open meetings but not in municipal court. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #18

Mayor Darren Braddy presented to the council ordinance #02-05-21 updating the verbiage on the signs posted on City Hall stating that no firearm carry is allowed in municipal court. Diane Stegall made the motion to read ordinance #02-05-21 by caption. David Phillips seconded. Vote unanimous. City Attorney, Jay Garrett, read:

ORDINANCE NO. 02-05-21

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, ADOPTING THE STATE LAWS REGARDING THE CARRYING OF A HANDGUN INTO THE ROOM OR ROOMS IN WHICH ANY PROCEEDINGS OF THE MUNICIPAL COURT OF THE CITY OF COOPER IS IN SESSION.

David Phillips made the motion to approve ordinance #02-05-21 updating the verbiage on the signs posted on City Hall stating that no firearms are allowed in municipal court. Elmo Robinson seconded. Vote unanimous.

AGENDA ITEM #19

Mayor Darren Braddy updated the council on the status of the city.

AGENDA ITEM #20

Monthly budget reports were reviewed.

AGENDA ITEM #21

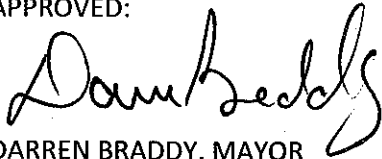
Accounts payable were reviewed.

AGENDA ITEM #22

David Phillips made the motion to adjourn. Allen Foster seconded. Vote unanimous.

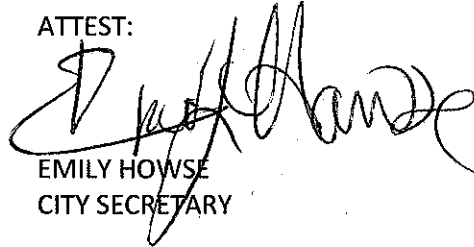
TIME: 6:38 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY