

CITY OF COOPER  
CITY COUNCIL MEETING – REGULAR  
OCTOBER 15, 2019 – 5:00 PM

COUNCILMEMBERS PRESENT: DARREN BRADDY; MAYOR, DAVID PHILLIPS, ALLEN FOSTER, AMANDA L'ESPERANCE, DONNA THOMASON, AND WILLIE "BEAR" WILKINS.

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, KYLA INGLE, TINA MARTINEZ, MACI MORRIS, LYRA L'ESPERANCE, WYATT L'ESPERANCE, CHRIS FITZGERALD, KEVIN CARTER, MARISSA WELCH, CAROL CROUCH, PATRICIA CROUCH, SHERRY CROUCH, JIM MAURER, JIM BUTLER, KIM COX, AND KASEY BRITTON.

AGENDA ITEM #1

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

AGENDA ITEM #2

Donna Thomason made the motion to approve the September 24, 2019 minutes as written with the typo corrections to be made. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #3

Willie "Bear" Wilkins made the motion to approve the October 7, 2019 Public Hearing minutes as written. Amanda L'Esperance seconded. Allen Foster abstained and Donna Thomason abstained. Vote carried.

AGENDA ITEM #4

David Phillips made the motion to read by caption resolution #01-10-19 requesting an exception to the conflict of interest for the TDHCA HOME Program Contract # 1002614. Willie "Bear" Wilkins seconded. Allen Foster abstained. Vote carried.

City Attorney Jay Garrett read:

RESOLUTION #01-10-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, AUTHORIZING THE SUBMISSION OF A REQUEST FOR EXCEPTION TO A CONFLICT OF INTEREST TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND AUTHORIZING THE CITY MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S REQUEST.

Amanda L'Esperance made the motion to approve Resolution #01-10-19, as read by caption, requesting an exception to the conflict of interest for the TDHCA HOME Program Contract #1002614. Willie "Bear" Wilkins seconded. Allen Foster abstained. Vote carried.

## AGENDA ITEM #5

Mayor Darren Braddy stated that the item of possibly implementing a business moratorium was at hand. Darren Braddy introduced local business owner, Kevin Carter. Kevin Carter thanked the council for allowing him to be present and speak. Kevin stated that he was raised in this community and now he has moved back and has brought multiple businesses to Cooper and Delta County. Kevin stated that he has done all of this with no breaks or incentives from the City. Kevin stated that he is in the process of building a fitness facility. He stated his concern that a chain fitness center was considering to locate in Cooper also. Kevin stated that his terminology of a moratorium might not be the exact verbiage that fit this situation. He was not being self-serving but was trying to benefit all small businesses that are currently operating and for future small business possibilities. Kevin stated that he is investing in Cooper and he is trying to prevent large companies from shutting down the "Mom & Pop" operations. He said that he is asking for a temporary restriction to give a new business time to set some roots. He stated that Cooper is so small that multiple businesses of the same category would be an oversaturation and most likely one or more would fail and then you would have more empty buildings. And Cooper does not need empty buildings. Kevin introduced his business acquaintance Chris Fitzgerald, who is also an attorney.

Chris stated that Kevin is trying to protect the integrity of Cooper and be proactive to the needs and ability of support of a small community.

Mayor Darren Braddy stated that he had spoken with Texas Municipal League (TML) on this matter. TML stated that Texas law only allowed business moratoriums for certain situations that are stated in Texas Local Government Code 212.135.

Chris Fitzgerald stated that TML is quite correct but, the City can be creative and find ways to get around the statute. He stated that he would not do or say anything to get the city into trouble. Chris stated that implementing temporary restrictions would benefit any small business not just Kevin's.

Mayor Darren Braddy stated that the city would not want to disallow large businesses or chains because they also could benefit the city, therefore discussions and planning with the P&Z must be done to determine what is in the best interest of Cooper.

City Attorney Jay Garrett stated that the resolution to this issue was to present it to the Planning and Zoning (P&Z) Board and study to make a determination for future growth and infrastructure needs. This falls under the auspices of the P&Z.

Jay Garrett commended Kevin Carter for all that he has done for this community.

Chris Fitzgerald agreed with City Attorney Jay Garrett that master development plans would protect certain businesses through legal avenues.

Allen Foster made the motion to direct this matter to the Planning and Zoning Board. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #6

Mayor Darren Braddy presented to the council that McClanahan and Holmes had requested that the City of Cooper change their audit presentation from the accrual system to cash basis system. Darren stated that Emily Howse, City Secretary, was currently operating on the cash basis system therefore there would be no change for her. He stated that it would simplify the monthly budget reports. It was the consensus of the council to allow this change.

Willie "Bear" Wilkins made the motion to change the accounting reporting from accrual system to cash basis system. David Phillips seconded. Vote unanimous.

AGENDA ITEM #7

Ordinance # 01-10-19 was on the table for discussion. This ordinance amends ordinance #09-14-1971 as discussed at the September 9, 2019 regular meeting. Allen Foster made the motion to read ordinance #01-10-9 by caption. Donna Thomason seconded. Vote unanimous.

City Attorney Jay Garrett read:

**ORDINANCE NO. 01-10-19**

**AN ORDINANCE OF THE CITY OF COOPER, TEXAS, AMENDING ORDINANCE NO. 9-14-1971 FOR THE REGULATION OF THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS ON PUBLIC STREETS, IN AUTOMOBILES AND IN OTHER PLACES BETWEEN CERTAIN HOURS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE.**

Willie "Bear" Wilkins made the motion to approve ordinance #01-10-19. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #8

David Phillips made the motion to table casting votes for the Delta County Appraisal District Board member for a two-year term. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #9

The item of the updated personnel policy was on the table for discussion. Mayor Darren Braddy stated that the council has had more than enough time to look it over. He stated that City Attorney Jay Garrett presented a public access form to be included in the policy. This form would allow employees to elect what information would not be allowed for open records requests. Donna Thomason made the motion to allow City Attorney Jay Garrett to prepare an ordinance stating the consensus of the council to approve the ordinance at the next meeting. Willie "Bear" Wilkins seconded. Amanda L'Esperance abstained. Vote carried.

AGENDA ITEM #10

Mayor Darren Braddy presented to the council the determination of the Planning and Zoning Board which met on October 10, 2019 to discuss the request to change the fence set-back measurement. It was the consensus of the P&Z to leave the set-back measurement as is. The P&A Board stated that this measurement was put in place for a reason therefore it should remain in place.

David Phillips made the motion to accept the recommendation of the P&Z Board and leave the fence set-back measurement at 25' from the front property line and 1' off the back and sides of property line. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #11

Mayor Braddy presented to the council the determination of the P&Z Board which allowed the change from R-1 Single Family to R-3 Multi Family for 411 W. Ft Worth.

Willie "Bear" Wilkins made the motion to accept the recommendation of the P&A Board to change 411 W. Ft. Worth from R-1 Single Family to R-3 Multi-Family. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #12

Mayor Darren Braddy updated the council on the maintenance projects which included the completion of repairing the Big Creek Dam. Darren also updated the council on the condemned houses. He stated that some were complete and some were still showing progress toward completion.

AGENDA ITEM #13

Monthly budget reports were reviewed. Mayor Braddy stated that this report showed the full year results and that all funds finished with a satisfactory statement of budgeted figures.

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AGENDA ITEM #14

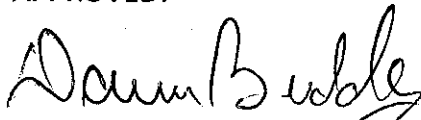
Willie "Bear" Wilkins made the motion to approve accounts payable as presented. David Phillips seconded. Vote unanimous.

AGENDA ITEM #15

Willie "Bear" Wilkins made the motion to adjourn. Allen Foster seconded. Vote unanimous.

TIME: 6:01 PM

APPROVED:



DARREN BRADDY, MAYOR  
CITY OF COOPER

ATTEST:



EMILY HOWSE  
CITY SECRETARY