

CITY OF COOPER  
CITY COUNCIL MEETING – PUBLIC HEARING AND REGULAR MEETING VIA ZOOM  
SEPTEMBER 14, 2020 – 5:00 PM

COUNCIL MEMBERS PRESENT: DARREN BRADY; MAYOR, DAVID PHILLIPS, ALLEN FOSTER,  
AMANDA L'ESPERANCE, AND DONNA THOMASON

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, JIM BUTLER, DIANE STEGALL, JOE ADAMS, CHARLES PENRY,  
CINDY PENRY, KIM COX, CONSTITUTIONAL CITIZEN, AND CECILEY HORTON

ABSENT: WILLIE "BEAR" WILKINS

AGENDA ITEM #1

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

AGENDA ITEM #2

Mayor Darren Braddy opened the public hearing to discuss the proposed 2020-2021 City of Cooper budget. There were no comments from the public.

AGENDA ITEM #3

Mayor Braddy closed the public hearing on the proposed 2020-2021 City of Cooper budget at 5:04 PM.

AGENDA ITEM #4

Mayor Braddy asked for public comments on the remaining agenda items. There were no comments.

AGENDA ITEM #5

Mayor Braddy presented to the council that there had been a change to the proposed budget that was presented in the budget work session. He stated that Emily Howse had not given the City Secretary and the City Foreman position a 3% proposed salary increase, and in his opinion, as discussed in the budget work session, the City Secretary position and the City Foreman position needed an increase also. Mayor Braddy stated that the change to the budget was highlighted. Amanda L'Esperance asked why give a raise to an open position [City Foreman]? Mayor Braddy responded that just because a raise is budgeted does not mean you have to make that the starting salary. He also stated that it was possible to have to hire someone at a higher salary for that position.

Donna Thomason made the motion to read ordinance #02-09-20, approving the 2020-2021 City of Cooper Budget by caption. Allen Foster seconded. Vote unanimous.

City Attorney, Jay Garrett Read:

**ORDINANCE NO. 02-09-20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS, ADOPTING THE 2020-2021 BUDGET AND PROVIDING AN EFFECTIVE DATE.**

Donna Thomason made a motion to approve and adopt the 2020-2021 City of Cooper budget as presented. David Phillips seconded. Vote was: David Phillips; Aye, Allen Foster; Aye, Amanda L'Esperance; Nay, Donna Thomason; Aye. The Ayes carried. The 2020-2021 City of Cooper budget was adopted as presented.

**AGENDA ITEM #6**

Mayor Braddy presented to the council the proposed tax rate was at hand. He stated that the proposed effective rate of 0.871290 was lower than last year's rate of 0.917610.

David Phillips made the motion for City Attorney Jay Garrett to read ordinance #01-09-2020 adopting the 2020 tax rate. Allen Foster seconded. Vote unanimous.

City Attorney, Jay Garrett read:

ORDINANCE #01-09-2020

BE IT ORDAINED AND ORDERED by the City Council of the City of Cooper that

We, the City Council of the City of Cooper do hereby levy or adopt the tax rate of \$100 valuation for this City for tax year 2020 as follows:

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF COOPER FOR THE TAX YEAR 2020

\$ 0.834418 For the purpose of maintenance and operation

\$ 0.036872 For the payment of principal and interest on debt of this City

\$ 0.871290 Total tax rate

The Tax Assessor-Collector is hereby authorized to assess and collect the taxes of the City of Cooper employing the above tax rate.

The above Ordinance and order was read and adopted this 14<sup>th</sup> day of September 2020.

Donna Thomason made the motion to approve ordinance #01-09-2020 adopting the 2020 tax rate of 0.871290. David Phillips seconded. Vote unanimous.

**AGENDA ITEM #7**

Amanda L'Esperance made the motion to approve the August 10, 2020 regular meeting minutes and the September 3, 2020 budget work session minutes as presented. Donna Thomason seconded. Allen Foster abstained from the September 3, 2020. Vote to approve both minutes carried.

**AGENDA ITEM #8**

Charles Penry was present to ask the council to approve a variance on the set back regulation for a car port that he wished to place on his property. Mr. Penry apologized for not knowing he

needed a permit for such project. He stated that many around town were not in compliance with the set-back regulations. Mr. Penry stated that his house did not meet the set-back regulation either. His house is 20' set back and the ordinance states 25'. Mr. Penry stated that he was willing to construct the carport 5' less than originally planned. He asked the council to allow him to construct his carport to be even with his house. Mayor Braddy stated that he was aware of structures that were not in compliance with the set-back regulation, but he had no control of what was allowed before he became Mayor and code enforcer. Mayor Braddy stated that it was his job to abide by the ordinances that were put in place. Mayor Braddy stated that the Zoning Commission had been polled of their opinion of this situation and it was the consensus of the Zoning Commission not to disregard the regulations of the set-back ordinance. Mayor Braddy understood the dilemma for the council and Mr. Penry, but in his opinion, the set-back should not be varied. After much discussion, David Phillips made the motion to approve the 5' variance for the carport, which would allow it to be even with the house, for 550 W. Dallas Avenue.

David Phillips made the motion for City Attorney, Jay Garrett, to read ordinance #03-09-20 caption. Donna Thomason seconded. Vote unanimous. City Attorney, Jay Garrett read:

**ORDINANCE NO. 03-09-20**

**AN ORDINANCE GRANTING VARIANCE FOR PROPERTY LOCATED AT 550 W. DALLAS FROM CERTAIN ENCROACHMENT OF A PROPOSED CARPORT IN THE REGULATIONS PRESCRIBED BY THE CITY CODE FOR STRUCTURE SET BACKS AND PROVIDING AN EXPIRATION FOR THE VARIANCE.**

Donna Thomason made the motion to approve ordinance #03-09-20 allowing the 5' encroachment of a carport over the 25' front set back line. David Phillips seconded. Vote was David Phillips; Aye, Allen Foster; Nay, Amanda L'Esperance; Aye, Donna Thomason; Aye. The Ayes carried. The 5' encroachment of a carport over the 25' front set back line for 550 W. Dallas Avenue was allowed.

**AGENDA ITEM #9**

The audit engagement letter from MCCLanahan and Holmes LLP CPA's was on the table for discussion. Mayor Braddy stated that MCCLanahan and Holmes had prepared the audit for the City of Cooper for many years. In his opinion they did a satisfactory job. It was the consensus of the council to continue to allow them to prepare the annual audit.

David Phillips made the motion to approve the audit engagement letter, presented by MCCLanahan and Holmes LLP, CPA's, as presented. Donna Thomason seconded. Vote unanimous.

**AGENDA ITEM #10**

Allen Foster made the motion to approve the Delta County Tax Assessor Collector contract for collection of city taxes as presented. David Phillips seconded. Vote unanimous.

AGENDA ITEM #11

Amanda L'Esperance made the motion to approve the Delta County Sheriff's contract as presented, which did not include a raise for this year. Amanda stated that further options for law enforcement within the city needed to be searched out before next year's budget. Donna Thomason seconded. Vote unanimous. The Sheriff's contract with no raise included for this budget year was passed.

AGENDA ITEM #12

Scotty Stegall asked if the portion of S.W. 13<sup>th</sup> Street from W. Kaufman Avenue to S.W. 12<sup>th</sup> Street could be closed. This portion of the platted street had never been officially opened and the property owners did not wish for it to be opened. Mayor Braddy stated that, in his opinion, there was no reason that the City should not allow this action. He stated that there was not a street there and, at this time there was no need for a street to be here.

David Phillips made the motion for City Attorney, Jay Garrett, to read ordinance #04-09-20, which would allow the closure of a portion of S.W. 13<sup>th</sup>, Street by caption. Amanda L'Esperance seconded. Vote unanimous. City Attorney, Jay Garrett, read:

**ORDINANCE NO. 04-09-20**

**AN ORDINANCE PROVIDING THAT THAT PORTION OF S.W. 13<sup>th</sup> STREET FROM W. KAUFMAN SOUTH STREET TO EAST TO S.W. 12<sup>th</sup> STREET BE VACATED, ABANDONED AND CLOSED; PROVIDING FOR THE REVERSION OF THE FEE IN SAID LAND; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY.**

Allen Foster made the motion to approve ordinance #04-09-20 allowing the closure of that portion of S.W. 13<sup>th</sup> from W. Kaufman Avenue to S.W. 12<sup>th</sup> Street. David Phillips seconded. Vote unanimous.

AGENDA ITEM #13

The item of allowing the Delta Hope House to occasionally access the city dumpsite at no charge was at hand. Mayor Braddy stated that sometimes the Hope House got a shipment of bad produce and needed a place to dispose of it before their regular trash pick-up was scheduled. The Hope House is a non-profit organization that is operated by volunteers that tremendously help this community. David Phillips stated that it is not often that the Hope House needs access to the dumpsite. It was the consensus of the council to allow the Hope House to use the dumpsite when needed at no charge.

Allen Foster made the motion to allow the Hope House to utilize the dumpsite at no charge. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #14

Mayor Darren Braddy stated that the 2<sup>nd</sup> clean up week that was previously scheduled for September 5-12 was not advertised properly, therefore it was his opinion that new dates needed to be set. He stated that clean up pricing had been honored to anyone that brought items to the dumpsite during September 5-12. Darren stated that September 19-26 would be

the next advertised clean up week dates with the same hours and days of operation as the spring cleanup.

David Phillips made the motion to approve September 19-26, 2020 as the fall clean up week. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #15

Mayor Braddy updated the council on the water leaks, employee licensing, WWTP repairs, and upcoming grants.

AGENDA ITEM #16

Monthly budget reports were reviewed.

AGENDA ITEM #17

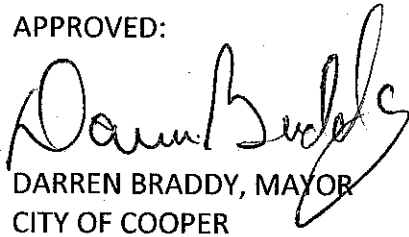
Accounts payable were reviewed.

AGENDA ITEM #18

Donna Thomason made the motion to adjourn. Allen Foster seconded. Vote unanimous.

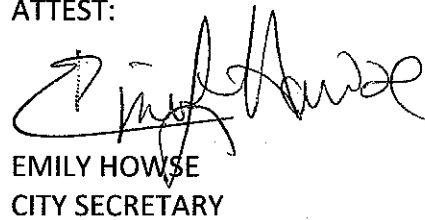
TIME: 6:12 PM

APPROVED:



DARREN BRADDY, MAYOR  
CITY OF COOPER

ATTEST:



EMILY HOWSE  
CITY SECRETARY