

CITY OF COOPER
CITY COUNCIL MEETING – REGULAR MEETING
SEPTEMBER 9, 2019 – 4:50 PM

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

CITY ATTORNEY: JAY GARRETT

OTHERS PRESENT: EMILY HOWSE, JOE ADAMS, LYNNE MORRIS, SHELBI THOMASON, KASEY BRITTON, KAREN ATKINS, SUSAN RASER, CAROL CROUCH, PATRICIA CROUCH, SHERRY CROUCH, CRAIG WELLBAUM ON BEHALF OF DERRICK ROBERTS, KIM COX, JIM BUTLER, AND ELMO ROBINSON, CATHY WEETS, AND PAT AINSWORTH.

AGENDA ITEM #1

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

AGENDA ITEM #2, #3, #4, and #5

Mayor Brady stated that there were 4 sets of minutes to approve, the August 12, 2019 public hearing and regular meeting, August 15, 2019 work session, August 26, 2019 public hearing, and the September 5, 2019 public hearing. All 4 meetings were listed as an individual agenda item. After allowing time to review the minutes City Attorney Jay Garrett stated that all of the minutes could be approved in one motion. Allen Foster, David Phillips, and Willie "Bear" Wilkins stated that they were not present at some of the meetings. Jay Garrett stated that they could still approve the minutes.

David Phillips made the motion to approve the August 12, 2019 public hearing and regular meeting, August 15, 2019 work session, August 26, 2019 public hearing, and the September 5, 2019 public hearing minutes as written. Allen Foster seconded. Donna Thomason abstained. Vote carried.

AGENDA ITEM #6

Ordinance #01-09-19 annexing the Jimmy D. and Antoinette Batchelor property located at 100 Springfield Drive Property ID # 4044 307 E. Spencer Survey was presented for approval. Allen Foster made the motion to read the annexation ordinance by caption. David Phillips seconded. Vote unanimous. City Attorney Jay Garrett read:

ORDINANCE NO. 01-09-19

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF COOPER, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 0.423 ACRES OF LAND SURROUNDED BY THE PRESENT CITY LIMITS OF THE CITY OF COOPER, TEXAS AND NOT BEING PART OF ANY INCORPORATED AREA; AND PROVIDING ANEFFECTIVE DATE.

David Phillips made the motion to approve the annexation of 100 Springfield Drive Property ID # 4044 307 E. Spencer Survey ordinance #01-09-19. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #7

Consider approval of the 2019-2020 budget was on the table for discussion. Donna Thomason stated that she did not agree with the proposed raises. She stated that streets, sewer lines, water lines should be the priority focus for proceeds from the tax rate increase at hand. She stated that she had nothing against raises but the proposed raises were substantial. Donna suggested to cut the raises in half. Amanda L'Esperance stated that only the employees who "worked their butts off" were deserving of the raise. Willie "Bear" Wilkins stated that this proposed budget had been discussed in three different meetings and there had been no suggestion of cutting the proposed raises in half, therefore he stated that this budget should stand as presented.

After much discussion on this matter Willie "Bear" Wilkins made the motion to approve the 2019-2020 budget as presented. Allen Foster seconded. David Phillips stated that he didn't like it but he voted Aye. Allen Foster voted Aye, Amanda L'Esperance voted Nay, Donna Thomason voted Nay, and Willie "Bear" Wilkins voted Aye. With the 3 Ayes and the 2 Nays, the 2019-2020 City of Cooper Budget was passed as presented.

AGENDA #8

Allen Foster made the motion to ratify the 7.608757% increase over the 2019 effective rate. David Phillips seconded. Vote unanimous.

AGENDA ITEM #9

City Attorney Jay Garrett read ordinance #02-09-19 stating the 2019 approved City of Cooper tax rate which stated that 0.877116 was for the purpose of maintenance and operation and 0.040494 was for the principal and interest of the debt of the city for a total tax rate of 0.917610.

Donna Thomason made the motion to approve ordinance #02-09-19 setting the 2019 tax rate at 0.877116 for maintenance and operation and 0.040494 for the debt rate for a total tax rate of 0.917610. Allen Foster seconded. Vote unanimous.

AGENDA ITEM #10

Delbert Horton was not present to discuss the Frankie McKinney Foundation. Allen Foster made the motion to table this item until Mr. Horton could be present. David Phillips seconded. Vote unanimous.

AGENDA ITEM #11

Elmo Robinson was present to ask for amendments be made to the curfew ordinance that was approved on September 15, 1971. Elmo stated that due to his position in law enforcement this ordinance needed to be updated and take in consideration the average age of a graduating student is 18. Elmo also stated that the time should be changed from 12:30 AM to 6:00 to 12:00 AM to 6:00 AM. It was the consensus of the council to allow these changes to be made. Donna Thomason made the motion to allow City Attorney Jay Garrett to make the requested changes to ordinance 9-14-1971. Amanda L'Esperance seconded. Vote unanimous.

AGENDA ITEM #12

The 2019-2020 Holiday schedule was presented for approval: Columbus Day Oct 14, 2019, Veteran's Day Nov. 12, 2019, Thanksgiving Nov. 27,28,29, 2019, Christmas Dec. 23,24,25, 2019, New Year's Jan. 1, 2020, Martin Luther King Jr. Jan. 20, 2020, President's Feb. 17, 2020, Good Friday April 10, 2020, Memorial Day May 25, 2020, Emancipation Day June 19, 2020, Independence Day July 3, 2019, and Labor Day Sept. 7, 2020.

Donna Thomason made the motion to approve the 2019-2020 holiday schedule as presented. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #13

It was the consensus of the council to nominate Amanda L'Esperance to serve on the two-year term on the Delta County Appraisal District Board of Directors (DCAD).

Allen Foster made to motion to approve resolution #01-09-19 nominating Amanda L'Esperance as the candidate for the DCAD Board of Directors for a two-year term. Donna Thomason seconded. Vote unanimous.

AGENDA ITEM #14

Craig Wellbaum was present on behalf of Derrick Roberts to present to the council Derrick's case that the City was discriminating against him of where he was wanting to place a fence. Mr. Wellbaum stated that Derrick was trying to place a 4-panel ranch style fence around a newly acquired property. He stated that it would not hinder view of traffic. Mr. Wellbaum stated that he had pictures if the council wished to see them. Mayor Braddy first read a letter from Ellwanger Law:

"Dated September 6, 2019 Dear Mr. Braddy,

We represent Mr. Derrick Roberts of 751 S.E. 8th Street in Cooper. It has come to our attention that Mr. Roberts has been subjected to disparate treatment by the City of Cooper in connection with the construction of a country style wooden fence on the property. By way of example but not limitation, the setbacks the City of Cooper is attempting to enforce are inconsistent with similar fences at 960 E. McKinney Street, 951 E. Paris Street, 850 S.E. 8th Street and 750 S.E. 8th Street.

We have strong concerns that this disparate treatment is due to Mr. Roberts' race (African-American). Before we take further action to enforce Mr. Roberts' rights under federal law, please provide the ordinance upon which the City of Cooper is basing its decision to deny Mr. Roberts the ability to build the fence. Additionally, please provide evidence that the actions taken by the City of Cooper are race-neutral, and why the aforementioned properties have not been subjected to the same selective enforcement efforts by the City.

Please respond in writing within five (5) business days. We look forward to working with you to resolve these issues on behalf of Mr. Roberts, and please feel free to contact the undersigned with any questions or concerns. Sincerely Jay D. Ellwanger"

Mayor Darren Braddy stated that he had been in discussion on the fence matter with Derrick Roberts and that where he wanted to place it was not in compliance with city set back ordinance. Mayor Braddy said that he told Derrick that he would need to be placed on the

agenda for a variance allowance if he did not want to abide by the set back measurement for the fence. Mayor Braddy placed this as an agenda item for this meeting. City Attorney Jay Garrett stated that the variance for the fence should first go before the Planning and Zoning Commission (P&Z). Darren stated that he would set the P&Z meeting as soon as possible. Darren also stated that he had tried to contact Ellwanger Law and did not speak to a person but he left a message. Darren stated that he had checked the set back distance on the addresses mentioned in the letter, and two were compliant and two were not compliant. Darren also stated that all of the fences mentioned were done before he was elected Mayor. Donna Thomason made the motion to table this item until the Planning and Zoning Commission could meet and discuss this matter. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #15

Mayor Braddy gave updates on the current maintenance projects. He stated that the maintenance crew had a multitude of projects that they were working on and they were doing their due diligence to complete them. He updated the council on the maintenance project at the Water Treatment Plant and Dam and the Waste Water Plant. Shelbi Thomason raised her hand for comments. Darren welcomed her input. Shelbi stated that it was ridiculous that the W. Kaufman street closure had taken so long. She stated that if the project would have been completed properly that the street would be opened by now. Mayor Braddy stated that the project had been completed properly but the flood that fell right after the completion soaked the area before it could pack down and a vehicle unknowingly drove over and fell through. This was of no fault of the city.

AGENDA ITEM #16

Monthly budget reports were reviewed.

AGENDA ITEM #17

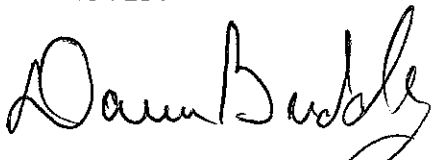
David Phillips made the motion to approve accounts payable. Willie "Bear" Wilkins seconded. Vote unanimous.

AGENDA ITEM #18

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

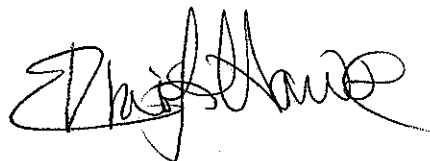
TIME: 6:07 PM

APPROVED:



DARREN BRADDY, MAYOR
CITY OF COOPER

ATTEST:



EMILY HOWSE
CITY SECRETARY