

STATE OF TEXAS *
COUNTY OF HENDERSON *
CITY OF GUN BARREL CITY *

The City Council of the City Gun Barrel City Council met in a workshop/special meeting at City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Friday, February 1, 2013 at 10:00 a.m.

Mayor Eaton called the meeting to order at 10:05 p.m. Mayor Pro-tem Webster gave the invocation. The Pledge of Allegiance followed. Roll was called and a quorum was established.

Council Member - Rodney Bevill: Absent

Council Member - Melvyn Hayes: Absent

Mayor - Paul Eaton: Present

Council Member - Dennis Baade: Present

Council Member - Curtis Webster: Present

Council Member - Ronnie Johnson: Present

Also in attendance were City Attorney, Bill Krueger, City Manager, Gerry Boren and various members of the Charter Review Commission.

ITEM # 1: Discuss the recommendations received at the January 22, 2013 Council meeting from the Charter Review Commission. **(Mayor)**

While waiting for Mr. Krueger to arrive, it was suggested that Ms. Black give a brief overview of the non-substantive changes and conflicts that the Commission had compiled.

00:02:38

The CRC had met Thursday, January 31, to discuss non-substantive changes. Patsy Black distributed a copy of those things they felt were non-substantive changes. Some of those non-substantive changes included the terminology 'not inconsistent with state law' in Sections 1.04(1), 2.01 c, 2.01(i). In all those instances, the CRC recommended replacing the phrase 'not inconsistent' with 'consistent.'

In 10.01, they recommended changing the phrase 'or is not inconsistent with state law' to 'as consistent with state law.'

In 3.08 (2), the question was raised, 'Who fits the definition of city administrative officer? This wasn't a change just a question. The CRC felt this should be addressed in the Personnel Policy.

In 3.15, it would be easier to understand if the last sentence read, Neither shall they authorize the borrowing of money except as provided elsewhere **in Section 7.14** in this Charter. The Charter doesn't take precedence over State law but it can be more restrictive.

The above changes wouldn't be on the ballot but Council would have to approve for the non-substantive changes to be made when the Charter was updated.

00:13:29

Ms. Black's list of conflicts was a means of pointing out some of the everyday conflicts between what the Charter stated and what was actually done. She didn't know if these things were actually in conflict or if they were being done. If the Charter wasn't being followed, then changes needed

to be addressed.

In 4.01(5), the Charter stated, 'The City Manager shall have the power to prepare and accept items for inclusion in the official agenda of all city council meetings and of all boards and commissions.' Baade suggested adding the words 'or designee'.

In 4.07 (e), the Charter stated, 'A plan for annual oral and written evaluation based on a job description for all city employees by their immediate supervisor, including evaluation of the City Manager by the City Council.'

In 5.02 (e), the Charter stated, 'No employee, nor any member or volunteer with any board, commission, or department of the City, shall continue in such position upon election and acceptance of the elected position.' Currently Dennis Baade was serving on the EDC after having been elected to the Council. However, it had happened before when Patsy Black was on the EDC after being elected to the Council. Black said it has gone both ways but if the Charter states something it should be followed. Otherwise, it needs to be changed.

In 8.01 (4), the Charter stated, 'No elected official or officer of the City nor any person who holds a compensated appointive position with the City shall be appointed to any, board, commission or committee created or established by this Charter other than in an advisory capacity.'

In 11.07 (1), the Charter stated, 'The City Council shall appoint a Charter Review Commission of ten (10) citizens of the City every two (2) years from the time this Charter is voted in, who shall:...' Most of the Council agreed that reviewing the Charter every two years was too soon. It was suggested to change it to five years. It was also suggested that if they didn't want to change it to five years perhaps they word 'shall' should be changed to 'may'.

All of the above were discussed in great detail.

Johnson asked if the Council could override the Charter. Black didn't think the Council should ever be able to override the Charter. The Charter could only be determined by the people of this City. If you're taking it away from the people in the City, then why have a City Charter at all.

An hour into the meeting, it was suggested by Marty Goss, a member of the CRC, that they actually discuss the Charter amendments recommended by the CRC.

[01:04:08](#)

Proposition Recommendations:

3.02 – Limitation on Terms – The CRC wanted to add a simple sentence stating, 'A break in service of a two (2) year term must be taken after the maximum term is served.'

The attorney's suggestion was, rewriting the paragraph to read: 'No person shall **be elected and/or appointed** serve for more than four (4) consecutive **two year terms** or eight (8) **consecutive** years, whichever is less, as city council member and mayor, combined, with no more than three (3) consecutive **two year terms** or six (6) **consecutive** years, whichever is less, in any single position. **A gap of service must exist for one term, between the service of a single city council member or mayor, or an individual who has served both as city council member and mayor within the same consecutive terms or years, before such individual would be entitled to the privilege of election and/or appointment to the city council and/or mayor for an additional set of consecutive terms or years.**

This was discussed in great detail.

3.06 (2) – Vacancies – The CRC wanted to remove everything past the words ‘In addition’ at the beginning of the second sentence and make it read, ‘Any member of the City Council who has been absent for ~~six (6)~~ **three (3)** consecutive regular meetings due to any reason shall have his seat declared vacant at the next regular meeting of the City Council, by resolution.

The attorney’s suggestion was, rewriting the paragraph to read, ‘If any member of the City Council is absent for **three (3)** ~~four (4) of seven (7)~~ consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, ~~the his seat office~~ shall be declared vacant at the next regular meeting of the City Council by resolution. In addition, any member of the City Council who has been absent for six (6) consecutive regular meeting due to any reason shall have ~~the his~~ seat declared vacant at the next regular meeting of the City Council, by resolution.

Alternative suggestions were made by Council to include meetings missed in a 100 day period. The attorney will rewrite this paragraph.

3.14 (1) – Ordinances – The CRC was recommending the change submitted by the City Secretary who stated she didn’t amend ordinances by using brackets around omitted language and quotation marks around new language. She used strikeout marks to omit language and put new language in bold print. By doing so, the ordinance was more understandable and easier to read. However, a member of the CRC had suggested adding a sentence to read: Each new ordinance must be written in a manner to be in agreement with the City Charter and not make for an ambiguous language or action subject to individual interpretation.

The attorney said he could change it to read, ‘Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall ~~indicate language to be omitted by enclosing it in brackets and shall indicate new language by enclosing it in quotation marks~~ **show new language in bold type and omitted language in strikeout marks.**’

The attorney would check to see if this this might be considered a non-substantive change.

5.01 (4) – City Elections - The City Secretary suggested deleting this entire paragraph because the list of voter registrants was maintained by the Henderson County Voter Registrar’s office. If this paragraph was deleted then paragraph 5 would become 4. However, the attorney had three revision options. A decision needed to be made whether to omit this paragraph or revise it.

[Council Member - Curtis Webster: Motion to recess for lunch at 12:11 p.m.](#)

[Council Member - Ronnie Johnson: 2nd](#)

[Council Member - Rodney Bevill: Absent](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

Mayor Eaton reconvened the meeting at 1:22 p.m.

5.04 (3) – Official Results - The City Secretary suggested deleting the second sentence in the paragraph. ~~If a specific date is not specified by the Texas Election Code, such run-off election shall be held on the second Saturday following the preceding regular or special election.~~ AND rewriting the last sentence to read: Such run-off election shall be held according to the Texas Election Code ~~as if it were a run-off election with a specific date~~ **and other applicable statutes.**

The attorney's suggestion read, 'Such run-off election shall be held according to the Texas Election Code as if it were a run-off election with a specific date.'

The attorney didn't have a problem with the City Secretary's suggestion but he would check to see if there were other applicable statutes.

7.02 – Budget – The Charter read, 'On or before the first (1st) day of the eleventh (11th) month of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.' It was discussed whether to change the sentence to read the first day of the ninth month instead of the eleventh month. **It was agreed that this proposition should be omitted from the list.**

7.13 - Lapse of Appropriations – General consensus was to change three years to five years and insert capital before appropriation making the third sentence read, 'The purpose of any such **capital** appropriation shall be deemed abandoned if ~~three (3)~~ **(5)** years pass without any disbursement from or encumbrance of the appropriation.'

9.04 - Master Plan – The City Manager pointed out that the Master Plan was controlled by State law. The following sentence will be added at the beginning of the paragraph. **The Master Plan shall include, but is not limited to the Future Land Use Plan, Thoroughfare Plan and the Parks and Open Space Plan and shall abide by the following conditions.**

11.01 – Public Records - Replace the first sentence, '~~All records of the City shall be open to inspection except those that are closed to the public by law.~~' with '**All records of the City will be handled under the Public Information Act.**'

15.02 – State Preemption – The CRC recommended adding the following sentence: The Home Rule Charter for the City of Gun Barrel City is a document that is within the laws of the State of Texas but is allowed to be more restrictive. This was meant for clarification for future Councils.

The attorney was good with the current language which read: In the event this Charter is in conflict with State Law or the Texas Constitution, State Law and the Texas Constitution prevail. The law was going to set the maximum and the law was going to set the minimum. If we're above the maximum or below the minimum, then we're in trouble. We're wrong. The law is going to say the Charter prevails and if there is an ordinance that says different then the ordinance is wrong. There will be a debate.

[02:56:35](#)

Webster asked about Section 8.02(6). Term limits for the EDC were discussed in great length. Council manages the boards and commissions. Whether the Council wants to control it by an ordinance or by its own motion still is consistent with the Charter. If you wanted term limits by ordinance then you could pass them and if you wanted to take them away you could repeal the ordinance. Linda Rankin, an EDC Board member, said they were in the process of revising the EDC By-laws and this was something that could be put in the by-laws. The attorney said the by-laws had to be consistent with the Articles of Incorporation. The Charter stated the EDC Board serves at the pleasure of the City Council.

However, in 8.01 (2), removal procedures state, ‘Such appointees shall be subject to removal from office by the City Council for any cause deemed by the City Council sufficient for their removal in the interest of the public service, but only after a public hearing before the City Council on charges publicly made if demanded by such members within ten (10) days after receipt of written notification to the City Secretary by such members.’

The City Secretary clarified that term limits were set in the Charter for the Park Board, the Library Board, the Fire Department Board of Appeals and those were not going to change. But there were no term limits set for the EDC. Were they proposing to change that? No. So, the EDC Board couldn’t be removed until they went through the process described in 8.01 (2).

Baade stated that a Type B corporation you were only limited to two year terms not the number of terms you can serve. Technically he wasn’t in violation of the State law but he might be in violation of the Charter if the Charter is changed. The attorney stated that if the EDC by-laws were revised to put term limits on positions that previously weren’t limited by terms, he didn’t see a problem, but he could see a Council coming in and saying we don’t agree with the term limits and decide to keep someone and reappoint them. Webster suggested letting the EDC set their own term limits subject to Council approval.

Mr. Krueger would do some research on those things that were questioned and work on the ballot language

ITEM # 2: Discuss and/take action to modify the recommendations received at the January 22, 2013 Council meeting from the Charter Review Commission. **(Mayor)**

[Council Member - Ronnie Johnson: Motion to charge the City Manager and the City Attorney to make the changes to the propositions discussed today and get the written ballot language to the Council by Friday, February 8 and that the EDC bring a proposal on by-law revisions addressing term limits by the next Council meeting.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Absent](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

The meeting adjourned at 2:50 p.m.

Attest:


Christy Eckerman, City Secretary

Approved:


Paul Eaton, Mayor