

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

The City Council of the City of Gun Barrel City met in a **special called** regular meeting in City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Monday, April 20, 2015 at 6:30 p.m.

Mayor Braswell called the meeting to order and gave the invocation. The Pledge of Allegiance followed. Roll was called and a quorum established.

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

[Council Member - Ronald Wyrick: Present](#)

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

[Council Member - Marty Goss: Present](#)

[Mayor - Jim Braswell: Present](#)

[Council Member - Carol Calkins: Present](#)

PUBLIC COMMENT / CITIZENS TO BE HEARD (Limited to 3 Minutes)

[00:05:30](#)

Rob Rea read the following prepared statement. I am here to address our City Council tonight in what I see as a unique position. I am a member of the Gun Barrel EDC Board. I am also running unopposed for a position on this City Council. But tonight I am speaking as a citizen of Gun Barrel City.

There are a couple of items on tonight's agenda that could conceivably have far reaching ramifications. I have registered to speak during the discussions of one of these items. But as I have learned as an EDC Board member, there are political maneuverings that can limit the ability to speak.

That being said, I have chosen to say some things in the comment section.

Bluntly, my fear is that some precedence can be set tonight that would hinder future City Councils.

I am going to give you two quotes verbatim from City Council minutes. The first is from a sitting elected official. "So I mean, just in all things that seem to be anything but transparent. All I'm suggesting is that all these things get tabled. The new board would be set in October. They can redo the budget, go through the budget and hit the ground running. But I don't see any reason to saddle them with these problems."

The second quote is from a recently resigned elected official taken verbatim from Council meeting minutes. "Table this until the new Board is seated so the new board can be acquainted with all of these items."

All that I'm asking is that policies and contracts that could affect this City for years to come be tabled for a couple of weeks for a new Council to be seated. Just like these two individuals wanted for a new EDC Board.

PUBLIC RECOGNITION – CITIZENS / EMPLOYEES

[00:04:15](#)

Mayor Braswell commented that for the third year in a row, the Texas Comptroller had awarded the City with a Leadership Circle Platinum Membership for continued progress towards achieving financial transparency. The program recognizes local governments across Texas that are striving to meet a high standard for financial transparency online. Our efforts to provide citizens with clear, consistent pictures of spending and share information in a user friendly format have paved the way for achieving greater financial transparency.

Also, for the fourth year in a row, the City had been recognized by the Gulf Coast Sports Association honoring our City Park.

ITEM # 1: Consent Agenda: All matters listed under 'Consent Agenda' are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. Consider approving the **minutes** of the **March 24, 2015 Council meetings** and the following **March reports:**

Municipal Court – traffic and non-traffic court activity
Police Department – number of cases filed and cleared
Dispatch Report – calls for service
Animal Control – number of complaints, impoundments and citations
Fire Department/Fire Marshal – number of incidents, investigations & mutual aid
Street & Park Department – cost break down of monthly street repairs & park expenses
Building Official – number of inspections and associated fees
Code Enforcement – break down of violations
EDC February 12 & 17 minutes and February financial reports

00:07:45

[Council Member - Marty Goss: Motion to accept Item #1 as stated.](#)

[Council Member - Ronald Wyrick: 2nd](#)

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

[Council Member - Ronald Wyrick: Approve](#)

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

[Council Member - Marty Goss: Approve](#)

[Mayor - Jim Braswell: N\A](#)

[Council Member - Carol Calkins: Approve](#)

ITEM # 2: Presentation by Bill Goheen, General Manager of East Cedar Creek Fresh Water Supply District, regarding ECCFWSD water main improvements. **(City Manager / Bill Goheen)**

00:09:16

Bill Goheen gave a slide show presentation of the water main improvements.

ITEM # 3: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the granting of a special

use permit to Krystal Fesperman & Steven Ratliff to operate a tattoo / piercing studio at 722 W. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(City Manager)**
[00:25:27](#)

The City Manager stated the Planning and Zoning Commission tabled this special use permit request at their April 16 meeting. He was, therefore, asking that these items be removed from the agenda.

[Council Member - Marty Goss: Motion to table Items 3, 4 and 5 for a future meeting.](#)

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

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

[Council Member - Ronald Wyrick: Approve](#)

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

[Council Member - Marty Goss: Approve](#)

[Mayor - Jim Braswell: N\A](#)

[Council Member - Carol Calkins: Approve](#)

ITEM # 4: Public hearing on a request from Krystal Fesperman & Steven Ratliff to grant a special use permit to operate a tattoo / piercing studio at 722 W. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(Mayor)**

See action taken on Item 3.

ITEM # 5: Discuss and/or take action to adopt Ordinance #O-2015-004 granting a special use permit to Krystal Fesperman & Steven Ratliff to operate a tattoo / piercing studio at 722 W. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(Mayor)**

See action taken on Item 3.

ITEM # 6: Discuss and/or take action to eliminate the Project Team for Patriot Park at Gun Barrel City. **(Baade)**

[00:26:41](#)

Patriot Park, more commonly known as the Montana Project, was to be an independent living, an assisted living, memory care, rehab facility and veterans' clinic. This project had been in the process for over 3 to 3 ½ years. In working with the developers, they ended up getting in a lawsuit with each other. This project had died because the option on the property expired on March 31, 2015 and had not been renewed. City staff, Council members and the City Manager had worked diligently to try to keep this project alive with the developers but at the end of the day, the Montana people would not return phone calls or emails. The City did everything they could to make this happen. The demise of this project was by no means the fault of the City.

[Council Member - Dennis Baade: Motion to eliminate the Project Team for Patriot Park.](#)

[Council Member - Rodney Bevill: 2nd](#)

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

[Council Member - Ronald Wyrick: Approve](#)

Council Member - Dennis Baade: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N/A

Council Member - Carol Calkins: Approve

ITEM # 7: Discuss Gun Barrel City projected loss for 2014/2015 fiscal year. **(Calkins)**

00:30:24

Calkins commented this was a discussion item only so she would not be making a motion so consequently there will be no debate.

She wanted to bring to the Council's attention that she had been reviewing the financials and because of that she had done a couple of projections. One of the things she did was look at the budget expenditures and being a City most of the things that we have, what our assets are, are our people. Consequently, a good portion of the budget is made up of salaries, benefits and fixed expenses like electricity and water. That makes up about 70% to 80% of our budget. Those items can't be changed unless we have furloughs or layoffs.

In her analysis, she used the original budgeted expenses and revenue for year to date and then she took the actual revenue received for the remaining months from last year and calculated what the shortage would be. There could potentially be a \$150,000 shortfall. That's using the actual revenues collected last year for March through September.

Another way she looked at it was that there was an outside firm, MuniServices that worked with the City Treasurer. They made a downward revision of sales tax by about \$36,000 for the last half of the year. Although they missed the budgeted numbers, the ones they originally proposed to us when the Council adopted this budget, the first five months of the year they missed that amount by \$24,000. If you spread that out, you would actually miss it by about \$58,000. This didn't include any shortfalls in other revenues. This was just with sales tax. We had completed two 380 sales tax rebate agreements for restaurants which we need to account for in this year although we won't be paying until next year. Those amounts have not been factored into our budget which further erodes our revenue.

Calkins' said no matter how you look at it we will end up in a deficit position whether its \$36,000, \$58,000 or \$150,000. Her concern was that in 2013 we ate up about \$27,000 of our reserve and this past year 2014 the number is \$42,000. We've actually diminished our reserve by about \$70,000 in the past two years. Our reserve is about \$250,000. She looked at this reserve as a rainy day fund. She was not interested in continuing to run in the red so that was why she brought this to the Council's attention.

She requested that the City Manager in conjunction with the City Treasurer, work with MuniServices and the auditors to give us a revised budget for the remainder of the year including what expenditures would be curtailed, if any. It should be noted that if things change for the positive we can always adjust the budget.

ITEM # 8: Discuss the Republic waste contract dated September 13, 1999 entitled Olympic Waste Contract, its amendments and current status including the five year rollover conflict with the Charter and the ordinances requiring competitive bids, Muni Services contract, Yeldell contract and creation of a calendar. **(Calkins)**

[00:38:38](#)

Again this was a discussion item that Calkins wanted to get on the table. When she asked about a Council contract calendar, she found there was no calendar identifying the major contracts that would come due during the fiscal year.

The Republic Services contract was a rolling contract that rolled over in September 2014 for another five years. No notice was given to the Council of the clause that stated that you must notify the company within 60/90 days of termination or it would automatically roll over. When this was discovered in February 2015, she asked the City Manager in writing to get with the City Attorney to determine if the Charter had been violated since the Charter requires that these contracts be bid competitively and whether or not the City could send the contract out for bid after it had automatically rolled over. This contract may or may not be a good contract. But how are we to know if we are not given the opportunity to review it? The City Manager has proceeded to move forward with negotiations with Republic Services ignoring this request. She asked the City Manager to ask our City Attorney to advise us on this issue and yet nearly 2 ½ months later have received nothing. Our City Attorney, Bill Krueger, indicated to Calkins that he couldn't respond to her request but must get his direction from the City Manager or the City Council. When she asked to sit in on the negotiation meetings with Republic Services, she was told that another city council member wanted to sit in on the meeting. Her understanding is that no city councilmember sat in on those meetings.

She had a concern about the Republic Services contract but she didn't know if anything could be done about it. If there were a calendar, then the Council could be better informed.

MuniServices is the company that provides the budget estimates and the auditing of our hotel motel taxes. The MuniServices contract came up for renewal in January 2015 and was approved by the City Manager without bringing it to the Council's attention. The contract is for one year but spans two fiscal years. The Council should have been notified in regard to this contract because the City Manager can't approve the payments on this contract without coming back to the Council because it crosses over two years. She asked if this was something that needed to be encumbered because it was binding on next year's budget but has yet to receive a response.

The CPA contract with Yeldell, Wilson and Company is coming up for renewal. According to the City Secretary, the contract will be posted for bid in June 2015. One of the questions they need to ask when it comes up is that because it is a multi-year contract is whether or not we can get our audited results in a more reasonable time frame. Our accounting year ends in September but we don't get the audited financials until June. There may be reasons for that but she was hoping they could get this moved up to be more timely and informative to the City Council. Another point that was troublesome to Calkins was that they were not testing for internal controls.

Finally, Calkins would like to see the reconciling items between what is provided by the City Treasurer at year end and what the auditors finally determine. For example, in the 2013 financials, the auditors pointed out the City overspent appropriations by some \$366,000. Yet, the Treasurer had indicated that this number was \$27,000 after the audit. The audit report in the footnotes went on to state that this overspending was covered by increased revenues. It did not indicate whether the Council had approved the additional expenditures. It is important to note that the City Council is the one charged with appropriating the funds. So if we're going to overspend, even though we have all the revenue in there, we need to amend our budget and go back in and make the appropriate appropriations.

There were many other major contracts that should be brought to the attention of the City Council. Some may require competitive bids. She asked that the City Manager create a calendar that lists all major contracts, start dates, termination dates and have the calendar walk back the discussion/presentation to the council time frame so that they have advanced notice and appropriately address these issues.

ITEM # 9: Discuss and/or take action to give direction to the City Manager concerning a 380 Agreement for Little Caesar's Pizza. **(City Manager)**

[00:47:05](#)

The City Manager was asked to bring this to the Council from Little Caesar's. Although we said we would go to the EDC with all new restaurant negotiations that was directed from the Council but this negotiation went on before. Did they want to take it back to the EDC and go through that process or did they want to copy the process that had been done for Taco Casa and Chicken Express?

[Council Member - Marty Goss: Motion on Item 9 to take action for discussion on the 380 Agreement with Little Caesar's.](#)

[Council Member - Rodney Bevill: 2nd](#)

Bevill suggested they send through EDC like they had agreed upon in the first place and let it go through that process like everybody else will go through. Goss said the difference was that this one had been negotiated and approved he recommended that since this had already been dealt with to go forward with it and resolve it. All new negotiations would be sent to the EDC.

Calkins questioned whether it had been approved and negotiated. The City Manager had been in a meeting with the business owner and Robert Blasse in Mr. Blasse's office. In discussing this with the City Manager, Calkins said there was no documentation of the negotiations held in Robert Blasse's office. The City Manager was looking for direction. Did he continue with the 380 or did it go to the EDC? There was no 380 agreement right now because he hadn't created one. Calkins asked Goss to repeat the motion.

[Council Member - Marty Goss: Motion to take action to pass the 380 agreement and proceed forward with Little Caesar's Pizza.](#)

[Council Member - Rodney Bevill: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)
[Council Member - Ronald Wyrick: Approve](#)
[Council Member - Dennis Baade: Approve](#)
[Council Member - Marty Goss: Approve](#)
[Mayor - Jim Braswell: N\A](#)
[Council Member - Carol Calkins: Disapprove](#)

ITEM #10: Discuss and/or take action to authorize the City Manager to get Requests for Quotes (RFQs) to outsource mowing at City Hall and amend the budget accordingly. **(City Manager)**
[00:54:44](#)

The City Manager said they had been maintaining the City Hall property using Street Department personnel. He had looked at the budget and he felt it was time to get a professional landscaper. He didn't know what numbers the RFQs would come in at but they would follow the Purchasing Policy.

[Council Member - Carol Calkins: Motion to authorize the City Manager to get Requests for Quotes \(RFQs\) to outsource mowing at City Hall and to reallocate budget resources as required.](#)
[Council Member - Dennis Baade: 2nd](#)
[Council Member - Rodney Bevill: Approve](#)
[Council Member - Ronald Wyrick: Approve](#)
[Council Member - Dennis Baade: Approve](#)
[Council Member - Marty Goss: Approve](#)
[Mayor - Jim Braswell: N\A](#)
[Council Member - Carol Calkins: Approve](#)

ITEM #11: Convene into Executive Session pursuant to Texas Government Code 551.074 – Personnel Matters – to discuss the City Manager's performance evaluation. **(Mayor)**
[00:58:55](#)

Mayor Braswell recessed the Open Meeting at 7:28 p.m. to go into Executive Session.

ITEM #12: Reconvene into Open Session to discuss and/or take action on the City Manager's performance evaluation. **(Mayor)**
[00:59:47](#)

Mayor Braswell reconvened the Open Session at 8:37 p.m.

Baade said the Council had reviewed the City Manager's strengths and weaknesses and made suggestions for his improvement over the next year and into the future. The Council completed the performance evaluation and gave it to Mr. Boren.

[Council Member - Dennis Baade: Motion to accept all the information that was provided to the City Manager.](#)
[Council Member - Marty Goss: 2nd](#)
[Council Member - Rodney Bevill: Approve](#)
[Council Member - Ronald Wyrick: Approve](#)

Council Member - Dennis Baade: Approve
Council Member - Marty Goss: Approve
Mayor - Jim Braswell: N/A
Council Member - Carol Calkins: Approve

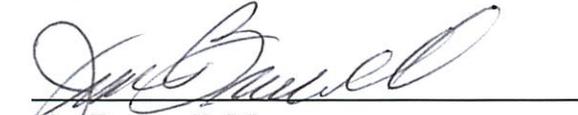
The meeting adjourned at 8:38 P.M.

Attest:



Christy Eckerman, City Secretary

Approved:



Jim Braswell, Mayor