

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

The City Council of the City of Gun Barrel City met in a Regular meeting at City Hall, located at 1716 Main St. Gun Barrel City Texas on Tuesday, August 28, 2018 at 6:30 p.m.

Mayor Skains called the meeting to order at 6:30 p.m. and gave the invocation followed by the Pledge of Allegiance. Roll was called and a quorum established.

Mayor - J. David Skains: Present

Mayor Pro-tem - Linda Rankin: Present

Council Member - Anne Mullins: Present

Council Member - Ron Wyrick: Present

Council Member - Rob Rea: Present

00:01:21

Mayor Skains read two proclamations, the first proclamation declared September 17-23, 2018 as Constitution Week. The second proclamation declared the month of September 2018 as Ovarian Cancer Awareness Month.

00:04:05

Citizen Comments: There were five public comments.

Jay Reeve thanked the Mayor and City Council for the proclamation on Ovarian Cancer Awareness.

Joe Luby who resides at 168 Meadow Heath said *he was here tonight to discuss the last five months of my wife and I trying to build a house here, he wants to discuss this with the Council and see if they are aware of the problems that exist. He asked the question, Are municipalities above the law for following their own building codes? He said this is a question to the Council. Mayor Skains advised the City Council is not allowed to comment unless it's on the agenda. Mr. Luby submitted a photo to the Council of an electrical plug. He stated that is a simple electrical plug that I realized after going to Lowes he was not able to use, it was brought to his attention that I was in the wrong because it doesn't have a ground, however the problem is, when the city doesn't follow its own building codes that they set forth to the citizens, he advised the picture is from your own City Hall. That electrical plug under the national electrical code is in violation of the law and its right outside these doors in the lobby. The next thing is the new fire station on Legendary, he's gone through all the building codes which are almost impossible for a normal citizen to try to build a house, in 92 days the address was finally posted on the new fire station, when it says its 10 days it must be posted, also there is not a working restroom inside the station and its signed off on. The building inspector of Gun Barrel City signed off on a building in the city without a working restroom but yet I can't build a house because I don't follow the codes, what I'm wondering is why I have to follow the codes when the municipalities are not above the law you set forth codes that no one can follow, so bad that ya'll can't even follow them. That's why I have dropped my name in the hat to become on City Council and change this kind of stuff.* Mayor Skains advised Mr. Luby his time was up.

Jan Wynn who lives at 100 Hickory Creek Circle commented regarding the Gun Barrel City Police Department's alleged partnership with local citizens. The police department's website says and I quote, "The employees and officers of the Gun Barrel City Police Department are

partners with our local citizens.” Let me explain how this partnership failed. I am a caregiver and durable power of attorney of one of our residents that has resided in Gun Barrel City since 1968. Ms. Wynn referred to the citizen as Ms. Smith, she advised Ms. Smith is considered low income, has health issues and can no longer drive. Ms. Smith asked me to bring her car to my residence and sell it. While waiting to receive vehicle documents from Austin, I parked the car partially in the ditch/street in front of my house and property, in the evening of June 27, 2018 I noticed that Ms. Smith’s car was missing, thinking the car was stolen I called the GBC police department only to learn that the car had been towed earlier in the day at police request at approximately 1:30 p.m. I was at home across the street from the car and my front door was open at the time of the tow. Officers never attempted to contact me to inquire about the car located in front of my house. Officers also never contacted Ms. Smith to which the car was registered and titled. I retrieved the car the following day and was charged \$165.00. On July 28th I spoke with Police Chief, Jeff Arnsward and attending officer Chambers inquiring why the vehicle had been towed. Both stated that the department had received a report that the vehicle had been abandoned. When asked police chief why no one contacted me considering the vehicle was located directly in front of my property, Police Chief stated quote, “We don’t go door to door” and that the vehicle had been abandoned. He also said the car was impeding traffic, there were two wheels touching the street. The car was parked in the same manner as my visitor’s park, I did not realize the car was parked illegally. I received police report a few days later, I noted on the report that not one but two officers, Chambers and White were dispatched to handle the towing.

Mayor Skains advised Ms. Wynn her time was about up.

I previously brought this matter up to the Mayor and the City Council, I’ve requested reimbursement for \$165.00, no action has been taken. I’ll leave you with these questions. Is this situation a constructive use of our police time and more importantly our tax payer money? Is this debacle the way we as a city would want to treat our citizens especially our elderly and disabled citizens.

Mayor Skains advised Ms. Wynn her time was up and thanked her. She kept speaking.

Is this fiasco the way we partner with our local citizens?

Mike Gallagher advised he would be more positive tonight, he thanked the Street Department and the Fire Department. He quoted Micah 6:8 that spoke of integrity.

Shawn Cooper, Owner of Pickers and Pinchers Resale advised *during the month of July they held a Christmas in July toy drive with donations going directly to local families in need. They had hoped to receive 50 items and got blown away and exceeded their goals. On behalf of my wife, children, employees and customers he’d like to present all these 130 toys collected so the city can utilize them as they see fit.*

00:18:16

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 following reports:

City Manager report

July 24, 2018 Council Minutes

Financial – Budget vs. Actual Expenses – Year to Date (June & July)

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 – break down of monthly street & park repairs
Building Official – number of inspections and associated fees
Code Enforcement – break down of violations
EDC Minutes & Financials
Park Board Minutes
GBC 50th Anniversary Committee Minutes

Mayor Pro-tem - Linda Rankin: Motion to accept the consent agenda as written.

Council Member - Ron Wyrick: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

ITEM # 2: Discuss and/or take action to adopt Ordinance #O-2018-009 fixing the rate and tax levy for the 2018-2019 Fiscal Year. **(Mayor)**

Mayor Skains read the Ordinance aloud.

Mayor Pro-tem - Linda Rankin: Motion to adopt Ordinance #O-2018-009 fixing the rate and tax levy for the 2018-2019 Fiscal Year.

Council Member - Anne Mullins: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

ITEM # 3: Discuss and/or take action to adopt Resolution #R-2018-003 designating GrantWorks, Inc. as the management service provider for application and project implementation of the 2019-2020 Community Development Funds as administered by the Texas Department of Agriculture. **(City Manager)**

Mayor Skains read the Resolution aloud. Janice Southworth, a representative from GrantWorks was present at the meeting and took the podium to speak on behalf of the firm.

Mayor Pro-tem - Linda Rankin: Motion to adopt Resolution #R-2018-003 designating a management service provider for 2019-2020 Community Development Block Grant.

Council Member - Ron Wyrick: 2nd

Councilwoman Rankin asked approximately how many grants they could apply for in a year. Ms. Southworth advised there are many. Ms. Rankin asked if they worked with Texas Parks and Wildlife but advised those are normally city run. Councilman Rea asked who formed the

evaluation team consisting of the Mayor, City Manager and City Secretary. Ms. Southworth advised the City did. City Manager, Bret Bauer advised the Mayor was included in this evaluation team because of the requirement of an Elected Official being a part of it. He mentioned He chose the Mayor seeing as he didn't have a vote. Councilwoman Rankin asked if they will have the ability to look at grants for fire and police department. Ms. Southworth advised those are tougher to get and they have not been very successful with them.

Mayor Pro-tem - Linda Rankin: Motion to adopt Resolution #R-2018-003 designating a management service provider for 2019-2020 Community Development Block Grant.

Council Member - Ron Wyrick: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

00:28:05

ITEM # 4: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding rezoning the Margaret K. Hicks 22.18 acres & the Margaret K. Hicks 1.00 acre in the B. Metro Survey A-483 belonging to Mark Hudson Family Partnership Ltd. from Agriculture District (A)(22.18acres) and General Business District (B-2)(1.00acre) to Multiple-Family Residential District (MF-1). **(City Manager)**

Council Member - Rob Rea: Motion to receive a report from the City Manager on the mentioned property.

Council Member - Anne Mullins: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

ITEM # 5: Public hearing to discuss rezoning the Margaret K. Hicks 22.18 acres & the Margaret K. Hicks 1.00 acre in the B. Metro Survey A-483 belonging to Mark Hudson Family Partnership Ltd. from Agriculture District (A)(22.18acres) and General Business District (B-2)(1.00acre) to Multiple-Family Residential District (MF-1). **(Mayor)**

Mayor Skains opened the public hearing. Ms. Sheela Singa, the requestor advised her husband and her are purchasing this property and planning for an assisted living facility. It would be a 50,000 square feet facility that will have studio style apartments. There will be 67 beds to start with, 50 of those being studio style apartment, 17-18 will be memory care beds. Later they will be adding independent living. They will be employing about 27 jobs and the total cost is roughly \$6 million. Councilwoman Rankin mentioned they had a 5 star rating which is really high. She asked how much land for just the assisted living unit. Ms. Singa answered the 22 acres is sufficient, it will be one story. Councilman Rea added that moving something from agriculture to an assisted living facility would be something that this city would be very glad to see happen

and he doubts the residents of a senior living facility would be a great risk of stealing from the businesses on Main Street.

ITEM # 6: Discuss and/or take action to adopt Ordinance #O-2018-008 approving the rezoning of the Margaret K. Hicks 22.18 acres & the Margaret K. Hicks 1.00 acre in the B. Metro Survey A-483 belonging to Mark Hudson Family Partnership Ltd. from Agriculture District (A)(22.18acres) and General Business District (B-2)(1.00acre) to Multiple-Family Residential District (MF-1). **(Mayor)**

Mayor Skains read Ordinance #O-2018-008 aloud.

Mayor Pro-tem - Linda Rankin: Motion

Council Member - Ron Wyrick: 2nd

Councilwoman Mullins wanted to clarify that this is a zoning change only from agriculture to Multi-family residential and is not tied to the project described although she thinks this project would be wonderful.

Mayor Pro-tem - Linda Rankin: Motion to adopt Ordinance #O-2018-008 approving the rezone of the Margaret K. Hicks 22.18 acres and the Margaret K. Hicks 1 acre from Agriculture to Multi-family residential.

Council Member - Ron Wyrick: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

00:36:27

ITEM # 7: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding replatting Lots 302-304 in the Eastwood Island subdivision, belonging to Jill Sparling physically located at 127 Ocean Drive Gun Barrel City, TX 75156 into 2 lots, 302R and 304R. **(City Manager)**

Council Member - Rob Rea: Motion to receive a report from the City Manager on the mentioned properties.

Council Member - Anne Mullins: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

ITEM # 8: Public hearing to discuss replatting Lots 302-304 in the Eastwood Island subdivision, belonging to Jill Sparling physically located at 127 Ocean Drive Gun Barrel City, TX 75156 into 2 lots, 302R and 304R. **(Mayor)**

Mayor Skains opened the public hearing, there were no comments and the public hearing was closed.

ITEM # 9: Discuss and/or take action to approve the replatting of Lots 302-304 in the Eastwood Island subdivision, belonging to Jill Sparling physically located at 127 Ocean Drive Gun Barrel City, TX 75156 into 2 lots, 302R and 304R. **(Mayor)**

Council Member - Rob Rea: Motion to approve the replatting of Lots 302-304 in the Eastwood Islands subdivision, belonging to Jill Sparling physically located at 127 Ocean Drive into 2 lots, 302-R and 304-R.

Mayor Pro-tem - Linda Rankin: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

Council Member - Rob Rea: Approve

00:38:38

ITEM # 10: Discuss and/or take action to adopt Ordinance #O-2018-010 setting a curfew for minors. **(City Manager)**

Mayor Skains read the Ordinance aloud.

Mayor Pro-tem - Linda Rankin: Motion

Council Member - Ron Wyrick: 2nd

Councilwoman Rankin advised that this summer they had some vandalism that was severe and a group of children whose parents were not willing to discipline and take control and responsibility of and our Police did not have the ability to do anything for a long time and even have a reason to pick them up because there was no law that would give them that ability. She is very pleased with the Chief; he has accommodated us with an ordinance that is enough to make a difference and give them the tools they need to correct what's wrong but not too severed that it can't be modified and the children aren't going to be abused by it. Councilman Wyrick said good job, he spoke to other cities around us and he didn't know we didn't have one in effect; he thanked Jeff for standing up and doing something that's going to really impact Gun Barrel City. Mayor Skains advised he spoke with the City Manager and the Police Chief on this at length and got to go on a ride along this weekend, Saturday night and saw the need first hand with 11 year old children outside at 1:00 in the morning walking the streets while they were looking for a stolen four-wheeler. It convinced him between the conversations he's had with our Police Chief and the City Manager that this is definitely something they need. He'd also like to point out that during that ride along he was very impressed with our officers relationship with the community. We had POA president's texting us at 11:30 at night about the welfare of citizens they happened to hear over the scanner that they were in the neighborhood. Police took the time to address those concerns and were very professional.

Mayor Pro-tem - Linda Rankin: Motion to adopt Ordinance #O-2018-010 setting a curfew for minors.

Council Member - Ron Wyrick: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve
Council Member - Anne Mullins: Approve
Council Member - Ron Wyrick: Approve
Council Member - Rob Rea: Approve

ITEM # 11: Discuss and/or take action to move the September 25, 2018 Council meeting to September 18, 2018. **(City Manager)**

Mayor Pro-tem - Linda Rankin: Motion to move our September meeting to September 18th.
Council Member - Anne Mullins: 2nd
Mayor - J. David Skains: Approve
Mayor Pro-tem - Linda Rankin: Approve
Council Member - Anne Mullins: Approve
Council Member - Ron Wyrick: Approve
Council Member - Rob Rea: Approve

ITEM # 12: Discuss and/or take action to move the October 23, 2018 Council meeting to October 16, 2018. **(City Manager)**

Mayor Pro-tem - Linda Rankin: Motion to move the October Council meeting to October 16th.
Council Member - Anne Mullins: 2nd
Mayor - J. David Skains: Approve
Mayor Pro-tem - Linda Rankin: Approve
Council Member - Anne Mullins: Approve
Council Member - Ron Wyrick: Approve
Council Member - Rob Rea: Approve

ITEM # 13: Discuss and/or take action to accept the disbandment of the 50th Anniversary Committee. **(Mayor)**

Mayor Pro-tem - Linda Rankin: Motion to accept the disbandment of the 50th Anniversary Committee.
Council Member - Ron Wyrick: 2nd
Mayor - J. David Skains: Approve
Mayor Pro-tem - Linda Rankin: Approve
Council Member - Anne Mullins: Approve
Council Member - Ron Wyrick: Approve
Council Member - Rob Rea: Approve

Councilman Wyrick said they aren't disbanding the 50 anniversary, just the committee, we are going to have a 50th Anniversary. Mayor Skains added the committee did an outstanding job and gave a ton of really good ideas, they were formed under a pretense they would come up with ideas and also help raise money. One of the ideas they brought to us was to combine the 50th anniversary celebration with July Fest but they did express a lack of interest in going out and raising funds. He thanked them for the work they did.

00:45:33

ITEM # 14: Discuss and/or take action to interview applicants for the EDC Board of Directors in Open Session and make appointments with those appointments being assigned by the EDC. (Mayor)

Mayor Skains advised we would do this in order of applications received. Councilwoman Rankin asked if she could say a few words before they started.

I wanted to speak to each of the candidates that are applying for this position. I'd like to direct these words to the nominees. It is very obvious to me and others in the community that the EDC has been having some serious issues over the past few years, not just recently and there have been violations of Texas Laws and the Open Meetings Act that should have never occurred. I have watched from this position, I've made suggestions, I've asked for revisions or corrections, I've voted as I've deemed necessary and I guess it's always going to have issues. For the most part, I think it's the lack of understanding of State laws, the City Charter and the EDC bylaws have led to most of the problems but there have been times when it was easier for the EDC to ask forgiveness rather than do the right thing. This is where I have a problem. These acts needing forgiveness can bring the city lawsuits, severe lawsuits from the Attorney General's office and imagine the poor integrity and lack of good character that we are representing to those that are looking at us to see if they want to join us. The Board has seven members, those members should be outstanding men and women, they must work in the confines of the law and with utmost accuracy and professionalism and permit the best of our community. To you applying to be an elite member of this board I would ask of you this most important request. That your actions and your public displays be of kindness and consideration and that all of your actions and votes on this board be above the board and abide by the laws of the State of Texas, the City Charter and the bylaws of the EDC. Remember, you are working for a local government; you are not working for yourselves or a corporation. You are a part of this city. Additionally, please read the Texas statutes and familiarize yourself with them. Please read the city charter so you understand the role of the City Council and how it relates to the EDC and be cognizant of how your role interacts with those parameters as you build this city's long term strategic plan. Know the role of the EDC and how it is an integral role of the entire city government, it is not just a corporation and please keep in mind the EDC is not funded to aid charities or organizations, it is spelled out in the laws of the State of Texas but what you can fund are those charities that offer attribute to our city. This Council expects this EDC Board to act within the confines of the law and not at their own will or desires and the soon to be new comprehensive plan is to be the focus of the EDC. This Council and as an EDC member your goal should be to see the accomplishments of this plan each year, every month and update the plan for the next generation.

00:50:51

Council Member - Rob Rea: Motion to interview applicants for the EDC Board of Directors in open session.

Council Member - Anne Mullins: 2nd

Mayor Skains advised we will interview applicants in the order they were received, there are three available positions, it requires a majority vote of the City Council in order to be appointed to the EDC Board, if there is a tie then the Mayor will break that tie. The Mayor advised we will vote after each applicant speaks and when the three positions are filled we will stop.

Councilman Rea asked if it wouldn't be more prudent to vote on each applicant after they have

all spoken. Mayor Skains advised this is a precedence we've set with the Mayor Pro-tem and I think we will keep doing it this way.

The first applicant to introduce themselves was Gary Damiano. He received a 4-0 vote from the City Council and was appointed to the EDC Board of Directors. Councilman and current EDC President Rob Rea introduced himself and received a 1-3 vote and was not re-appointed to the EDC Board. Current EDC Member Jan Wynn spoke that concluded with a 4-0 vote and she was re-appointed to the EDC Board of Directors. New to the area resident, Jim Nicholson addressed Council and received a 3-1 vote and was appointed to the EDC Board of Directors. The remaining applicants who did not get voted on were David Conner and Ron Wyrick.

Mayor Skains made a comment recognizing EDC Member Holland Whiten and his hard work that he provided to the EDC. He will be missed. He welcomed the new members and a vote to accept the new members was made.

Mayor Pro-tem - Linda Rankin: Motion to accept the board members for the Economic Development Corporation.

Council Member - Ron Wyrick: 2nd

An amended motion was made naming the members that were being appointed.

Mayor Pro-tem - Linda Rankin: Motion to accept Gary Damiano, Jan Wynn and Jim Nicholson as our new board members for the Economic Development Corporation.

Council Member - Ron Wyrick: 2nd

Mayor - J. David Skains: Approve

Mayor Pro-tem - Linda Rankin: Approve

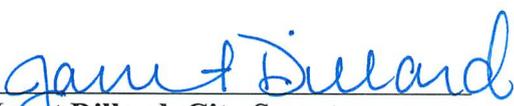
Council Member - Anne Mullins: Approve

Council Member - Ron Wyrick: Approve

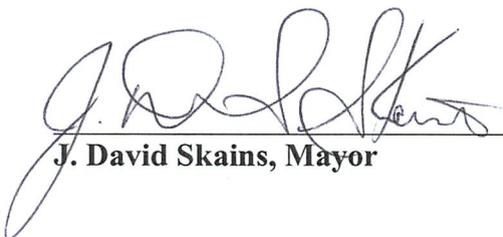
Council Member - Rob Rea: Approve

The meeting adjourned at 7:36 p.m.

Attest:


Janet Dillard, City Secretary

Approved:


J. David Skains, Mayor