

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 meeting in City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Tuesday, September 15, 2015 at 6:30 p.m.

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

[Council Member - Rob Rea: Present](#)

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

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

[Council Member - Linda Rankin: Present](#)

[Mayor - Dennis Baade: Present](#)

Mayor Baade read the National Night Out Proclamation.

Citizen Presentations: (Limited to 3 Minutes)

The City Secretary announced that Keith Crozier had met with her earlier today and had asked that his Council Place 4 (W) application be removed for consideration.

Councilman Wyrick praised the work the EDC had done on the Crappie Angler of Texas tournament held in the City this past weekend. There were 32 teams and it went really well.

ITEM # 1: Budget presentation. **(City Manager)**

[00:13:27](#)

Gerry Boren, City Manager, gave a PowerPoint presentation of the budget.

ITEM # 2: Public hearing to discuss the City's budget for the 2015-2016 Fiscal Year. **(Mayor)**

[00:33:17](#)

Mayor Baade opened the public hearing and commented that they had spent hundreds of hours on the budget process this year and made some tough decisions. He thanked the Council for their hard work. Steven Schiff said he was energized with the presentation that was just given and was happy to see the information on the slides and the cooperation that they were about to build between the City Council and the EDC.

Rea said the Lowe's money, \$544,000, was like a windfall that they didn't expect. He was proud that with the limited budget that we have we were coming out of this with some new fire equipment and some new police vehicles. This was a tough job to budget with the limited revenues.

The public hearing was closed.

ITEM # 3: Discuss and/or take action to adopt Ordinance #O-2015-008 adopting the City's budget for the 2015-2016 Fiscal Year. **(City Manager)**

Council Member - Rob Rea: Motion to adopt Ordinance #O-2015-008 adopting the City's Budget for the 2015-2016 Fiscal Year.

Council Member - Linda Rankin: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor - Dennis Baade: N\A

ITEM # 4: Discuss and/or take action regarding the City's engagement of Brown & Hofmeister, LLP, to provide legal services to the City, and authorize the mayor to execute the engagement agreement with Brown & Hofmeister, LLP. **(Rankin)**

00:39:21

Council Member - Linda Rankin: Motion to authorize the Mayor to execute the engagement agreement with Brown & Hofmeister, LLP to provide legal services to the City.

Council Member - Rob Rea: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor - Dennis Baade: N\A

Wyrick said this had taken place with some of the Council members and he didn't want to say anything against anyone because they were trying to work together but he didn't feel it was done right or how it should have been done.

ITEM # 5: Convene into Executive Session pursuant to Texas Local Government Code 551.074 – Personnel Matters – to discuss and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, and all matters incident and related thereto. **(Rankin / Mayor)**

Mayor Baade recessed the meeting at 7:10 p.m. to go into Executive Session.

ITEM # 6: Reconvene into Open Session to take any action, pursuant to Sec. 551.074 of the Texas Local Government Code, to discuss and consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Manager, and all matters incident and related thereto. **(Rankin / Mayor)**

The Open Meeting was reconvened at 7:16 p.m.

[Council Member - Linda Rankin: Motion to ratify the Mayor's execution of a settlement agreement and mutual release of claims with Gerry and Marcie Boren.](#)

[Council Member - Rob Rea: 2nd](#)

[Council Member - Rob Rea: Approve](#)

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

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

[Council Member - Linda Rankin: Approve](#)

[Mayor - Dennis Baade: N\A](#)

Gerry Boren made the following statement, "After a lot of prayer and discussions with my family, I've decided to hang up my guns and holster and tender my resignation as the City Manager of Gun Barrel City. It is my belief that this will provide me the opportunity to focus on my family and allow the community that I love to move forward without any distractions. I've been contemplating this opportunity to pursue new endeavors and I believe that this is the right time."

ITEM # 7: Public hearing on proposed tax rate which will be set at zero. **(Mayor)**

Mayor Baade opened the public hearing. The tax rate would be set at zero. The public hearing was closed.

ITEM # 8: Discuss and/or take action to appoint a City Charter Review Commission member to replace Dee Ann Jordan. **(Mayor)**

[00:46:09](#)

[Council Member - Linda Rankin: Motion to appoint Jim Cavanaugh to the Charter Review Commission.](#)

[Council Member - Carol Calkins: 2nd](#)

[Council Member - Rob Rea: Approve](#)

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

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

[Council Member - Linda Rankin: Approve](#)

[Mayor - Dennis Baade: N\A](#)

ITEM # 9: Discuss and/or take action to adopt Resolution #R-2015-014, EDC Project 2015-003, Transcend Inc., d/b/a SPA Skateparks. **(Mayor)**

[00:47:00](#)

[Council Member - Rob Rea: Motion to adopt Resolution #R-2015-014, EDC Project 2015-003, Transcend Inc., d/b/a SPA Skateparks with the following addition to the motion being that the objections that have been brought up by other Council members will be addressed momentarily.](#)

Council Member - Ronald Wyrick: 2nd

Rea said there had been a problem with the contract on this project and for legitimate reasons. The scope of work for the skate park designates what they are going to do for the \$200,000 estimate. They also have in this contract several things that are not included and that posed a problem for some Council members.

His understanding was that in the scope of work that was not included in the price was a cost for geotechnical report, materials testing and a survey. It also said contractor registration fee and City permits and fees. After some discussion with the City staff, it seemed ridiculous not to waive the permit fees and contractor fees because this project will be donated back to the City. That was agreed by the City Manager, Secretary and Treasurer that we could call the permit fees and the contractor fees a wash because the property would eventually be given to the City.

The land was already owned by the City and/or the EDC. The site had not been selected yet but it would be on City or EDC property. In that case the property would not change hands so a survey wasn't needed. So that expense disappears.

Rea had a private citizen tell him that they would pay for the costs for geotechnical reports and material testing. The reason the cost for these fees wasn't spelled out in the contract was because the contractor suggested that the geotechnical report and the material testing done by an independent person so that we protect ourselves. Material testing is the testing of the concrete before it's poured. The contractor didn't want to be responsible for hiring a material testing contractor because it could be a conflict of interest.

Therefore, the bottom line is we've eliminated the cost for the survey, we've eliminated the registration fees; we've eliminated the permits. The only two costs left are the geotechnical report and the material testing and there is a very generous individual in the City that has agreed to pay for that out of his own pocket and Rea had that in writing. So, the tabling of this resolution isn't necessary and we're able to vote on this right now. This project had been in the works for a year.

Rankin said Steven Schiff was agreeable to have a workshop on Monday, September 21 to go over some other technicalities and issues that we have in this agreement. This could be back on our agenda for September 29. There were some major issues within the design build agreement that needed to be addressed before she could ever put her name on it.

Calkins said the Council continued to get things that were incomplete and once again something had been put on the agenda that didn't have a comprehensive presentation behind it. The contract that was included in this particular packet had been changed from the contract they had last time. Councilman Rea's comments are coming to the Council cold. The Council didn't have anything in front of them, in writing, saying these fees are guaranteed and she was of the mindset that they needed to have a workshop to discuss all this with the full EDC Board and with

the full Council and with the appropriate department heads in the City who would be involved with this.

Council Member - Rob Rea: Motion to adopt Resolution #R-2015-014, EDC Project 2015-003, Transcend Inc., d/b/a SPA Skateparks with the following addition to the motion being that the objections that have been brought up by other Council members will be addressed momentarily.

Council Member - Ronald Wyrick: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Disapprove

Council Member - Linda Rankin: Disapprove

Mayor - Dennis Baade: N\A

The voting resulted in a tie. Mayor Baade voted to approve the motion thus breaking the tie. Motion carried.

ITEM #10: Discuss and/or take action to authorize the transfer of \$21,000 from the Festival Account to the General Fund for the fireworks. **(City Treasurer)**

00:55:21

Council Member - Carol Calkins: Motion to direct the City Treasurer to transfer \$21,000 from the Festival Account to the General Fund for the fireworks.

Council Member - Rob Rea: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor – Dennis Baade: N\A

ITEM #11: Discuss and/or take action to authorize the transfer of \$39,232 from the Street Maintenance Road Tax fund to the General Fund to pay for engineering and administration of the CDBG Grant for the Willowood Subdivision that was used on the reconstruction of streets. **(City Treasurer)**

00:56:13

Council Member - Rob Rea: Motion to authorize the transfer of \$39,232 from the Street Maintenance Road Tax fund to the General Fund to pay for engineering and administration of the CDBG Grant for the Willowood Subdivision that was used on the reconstruction of streets.

Council Member - Ronald Wyrick: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor - Dennis Baade: N\A

ITEM #12: Discuss and/or take action to interview applicants for the Planning and Zoning Commission in Open Session and make appointments to expire in October 2017. **(Mayor)**

Council Member - Rob Rea: Motion to appoint Jim Osborne to the Planning and Zoning Commission with a term to expire October 2017.

Council Member - Ronald Wyrick: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor - Dennis Baade: N\A

ITEM #13: Discuss and/or take action to accept the resignation of David Skains and Cheyenne Lyons from the Gun Barrel City Economic Development Board. **(Mayor)**

Council Member - Rob Rea: Motion to accept the resignation of David Skains and Cheyenne Lyons from the Gun Barrel City Economic Development Board.

Council Member - Carol Calkins: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

Mayor - Dennis Baade: N\A

ITEM #14: Discuss and/or take action to interview applicants for the vacant City Council position in Open Session and make one appointment to expire in May 2016. **(Mayor)**

00:59:25

Interviews were conducted with Anne Mullins and Kevin Banghart after which the Council marked their ballots. Kevin Banghart received two votes and Anne Mullins received two votes. The Council voted three times with the count always resulting in a tie. Kevin Banghart removed his name from consideration thereby leaving Anne Mullins as the only applicant.

Council Member - Rob Rea: Motion to appoint Anne Mullins to fill the unexpired seat of Council Place 4 (W) until May 2016.

Council Member - Linda Rankin: 2nd

Council Member - Rob Rea: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Carol Calkins: Approve

Council Member - Linda Rankin: Approve

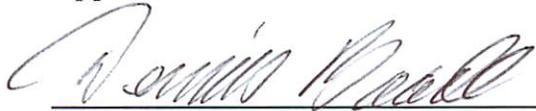
Mayor - Dennis Baade: N\A

The meeting adjourned at 7:48 p.m.

Attest:


Christy Eckerman, City Secretary

Approved:


Dennis Baade, Mayor