

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, September 26, 2017 at 6:30 p.m.

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

Mayor - Jim Braswell: Present  
Council Member - Linda Rankin: Present  
Council Member - Anne Mullins: Present  
Mayor Pro-tem - David Skains: Present  
Council Member - Ron Wyrick: Absent  
Council Member - Rob Rea: Present

Mayor Braswell presented plaques to the Gun Barrel City Fire Department and Police Department on behalf of the Veterans of Foreign Wars Dept. of Texas.

Proclamation – Mayor’s Monarch Pledge Day

Mayor Braswell advised that he was contacted by a member of the beautification committee letting him know that the National Wildlife Federation had started a monarch butterfly mayor’s pledge. He said our city qualified thanks to the support of our beautification committee. He read the proclamation and proclaimed Tuesday, September 26, 2017 as Mayor’s Monarch Pledge Day.

Rita’s Club Foundation presentation to Gun Barrel City Police Department – No comments were made.

**Public Comment/Citizens to be heard (Limited to 3 Minutes)**

There were four citizens’ comments:

Alex Bright spoke on behalf of the beautification committee and advised that the butterfly garden in Gun Barrel City got started with a grant from the Native plant society and started off as a memorial garden for Judy Braswell who was a member of the beautification committee. This garden started off as a project and has now turned into a mission which is to get other cities to participate as well. She ended by saying she would love to see Gun Barrel City be known for the monarchs.

Rusty Prentice said hello again and spoke regarding bringing assisted living into the town of Gun Barrel. He said they started this process years ago and initially had some difficulties getting finances worked out but they have since put news plans into the city and would love to get started. They are looking forward to putting those things in the past and star over. They are looking to break ground in the next couple of months.

Holland Whitten spoke about a council member publically defaming a board member at the last meeting. He advised that the EDC Board has sent a letter to the Mayor and the City Council requesting action on this matter. He asked that they act to restore comity and trust and elicit a public apology from the council member in question.

Steven Schiff explained that there was an unfortunate situation that occurred relating to the reappointment of members to the EDC Volunteer Board. He read an excerpt from the letter written on behalf of the EDC Board of Directors to the Mayor and City Council, it read: After extensively reviewing the videotape from that meeting, the EDC Board of Directors cannot find any evidence to support the allegation made. Subsequently, the EDC Board of Directors asked the unnamed City Council person to provide proof to support the allegation or publically apologize for making a false and untrue allegation. Steven went on to say that there was no need to call out any board member right before a vote since the vote was conducted by secret ballot. As such, the vote was tainted. He advised that the person tainted in this vote was counseled by his attorney not to speak to the City Council this evening. To date, the EDC has not received the courtesy of any reply of any kind. He asked the question, is this the way that a City Council person who advocates that the City Council oversee the EDC sees fit to treat a volunteer board? To put this into additional perspective Steven said, another currently seated Council person who resigned as EDC President wrote in early 2015, "Never in all of the years that I have been associated with the EDC does it seem that City Council are the ones not on the same page with the EDC." "With a lack of priority as to what are truly important projects for this city, the City Council can't agree on direction." "Despite the Council, we will do great things this year and keep projects moving forward." "Our marketing plan will be a game changer and the difference will show." Steven asked the question, what showed? He wished the EDC well and said it will be difficult unless the City Council stops micromanaging, interfering and allows the EDC to continue moving this city forward.

**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

August 22, 2017 Council Minutes

Financial – Budget vs. Actual Expenses – Year to Date (August)

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

EDC Financials (July & August)

[Mayor Pro-tem - David Skains: Motion that we approve the consent agenda but pull out the code enforcement for further discussion.](#)

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

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

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

[Council Member - Anne Mullins: Approve](#)

[Mayor Pro-tem - David Skains: Approve](#)  
[Council Member - Ron Wyrick: Absent](#)  
[Council Member - Rob Rea: Approve](#)

Councilwoman Rankin asked to pull out the EDC statement of assets and liabilities. There was no second.

Councilman Skains asked the City Manager to further discuss a report titled Code Totals June 1<sup>st</sup> 2017 - September 20, 2017. City Manager, Bret Bauer advised that this spreadsheet shows the code enforcement that took place during this time frame. The total number is 1,073 code violations.

**ITEM # 2:** Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the replat of Lots 68 -70 in the Lakeside Acres Subdivision, belonging to Joshua Patrick, physically located at 283 W. Acres Rd. into one lot, 68-R. **(City Manager)**

[Council Member - Linda Rankin: Motion to receive the report from the City Manager on the replat of Lots 68-70 in the Lakeside Acres Subdivision.](#)

[Mayor Pro-tem - David Skains: 2nd](#)  
[Mayor - Jim Braswell: N/A](#)  
[Council Member - Linda Rankin: Approve](#)  
[Council Member - Anne Mullins: Approve](#)  
[Mayor Pro-tem - David Skains: Approve](#)  
[Council Member - Ron Wyrick: Absent](#)  
[Council Member - Rob Rea: Approve](#)

**ITEM # 3:** Public hearing to discuss replatting Lots 68 -70 in the Lakeside Acres Subdivision, belonging to Joshua Patrick, physically located at 283 W. Acres Rd. into one lot, 68-R. **(Mayor)**

Mayor Braswell opened the public hearing. There were no comments and the public hearing was closed.

**ITEM # 4:** Discuss and/or take action to approve the replat of Lots 68 -70 in the Lakeside Acres Subdivision, belonging to Joshua Patrick, physically located at 283 W. Acres Rd. into one lot, 68-R. **(Mayor)**

[Council Member - Linda Rankin: Motion to approve the replat of Lots 68-70 in the Lakeside Acres Subdivision.](#)

[Mayor Pro-tem - David Skains: 2nd](#)  
[Mayor - Jim Braswell: N/A](#)  
[Council Member - Linda Rankin: Approve](#)  
[Council Member - Anne Mullins: Approve](#)  
[Mayor Pro-tem - David Skains: Approve](#)  
[Council Member - Ron Wyrick: Absent](#)  
[Council Member - Rob Rea: Approve](#)

**ITEM # 5:** Discuss and/or take action on whether to approve a 1.9% Consumer Price Index rate adjustment allowed in the Republic Waste Contract for Solid Waste Collection & Disposal as stated in Paragraph 12.02, to be effective October 1, 2017. **(City Manager)**

Council Member - Linda Rankin: Motion to approve a 1.9% consumer price index rate adjustment for Republic Waste.

Council Member - Rob Rea: 2nd

Mayor - Jim Braswell: N\A

Council Member - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

Council Member - Rob Rea: Approve

**ITEM # 6:** Discuss and/or take action to interview three applicants for the EDC Board of Directors in Open Session and make appointments with those appointments being assigned by the EDC. **(Mayor)**

Council Member - Rob Rea: Motion to proceed with the votes to fill the 2 spots open on the EDC Board of Directors.

Mayor Pro-tem - David Skains: 2nd

Mayor - Jim Braswell: N\A

Council Member - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

Council Member - Rob Rea: Approve

The voting ended with Scott Coleman receiving 4 votes, Lucy Smith receiving 0 votes and Chris Williams receiving 2 votes for and 2 votes against. Mayor Braswell broke the tie and appointed Chris Williams. Scott Coleman and Chris Williams were appointed to the EDC Board of Directors.

**ITEM # 7:** Discuss and/or take action to interview three applicants for the Planning and Zoning Commission in Open Session and make appointments. **(Mayor)**

Council Member - Rob Rea: Motion to proceed with the vote for the 3 applicants for the Planning and Zoning Commission.

Mayor Pro-tem - David Skains: 2nd

Mayor - Jim Braswell: N\A

Council Member - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

Council Member - Rob Rea: Approve

The voting ended with Jim Osborne receiving 3 votes, Lynda Bruner receiving 3 votes and Lynda Folts receiving 4 votes. All three applicants were appointed to the Planning and Zoning Commission.

**ITEM # 8:** Discuss and/or take action to award the bid for a Certified Public Accountant to perform annual audits on all City accounts for the next three fiscal years. **(City Manager)**

Mayor Pro-tem - David Skains: Motion that we discuss and take action to award the bid for a Certified Public Accountant to perform annual audits on all city accounts for the next three fiscal years.  
Council Member - Rob Rea: 2nd

Linda Rankin mentioned that it's important to have a firm who has back up services in terms of if someone is out for health reasons, are we going to have plenty of access to other people in the firm. She recommended one of the larger firms instead of an individual. Rob Rea mentioned that that last firm we had had a very large staff and he cannot think of one single item that they've ever delivered to us in the time they themselves gave forth so he thinks having a large firm is a moot point.

Mayor Braswell asked if there was anyone here from one of the accounting firms. Misty Culpepper was present and spoke to Council advising that she has experience working for Gun Barrel as she serviced the city years ago with another firm. She looks forward to the opportunity to potentially service the city again. She advised there are two auditors on staff and prides herself on customer service and making every effort to meet deadlines.

City Manager, Bret Bauer advised council that Misty Culpepper provided multiple references in her bid proposal, staff has called those references and the comments are listed on the bid tabulation sheet for their review.

Mayor Pro-tem - David Skains: Motion that we approve the hiring of Misty Culpepper for the certified public accounting to perform annual audits for the next three fiscal years.

Council Member - Rob Rea: 2nd

Mayor - Jim Braswell: N/A

Council Member - Linda Rankin: Disapprove

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

Council Member - Rob Rea: Approve

**ITEM # 9:** Discuss and/or take action to adopt Ordinance No. O-2017-008 Amending the Fee schedule in Appendix 1 of the City's Code of Ordinances by creating Section 36.00, Wireless Network Permit Fee's. **(City Manager)**

Council Member - Rob Rea: Motion to adopt Ordinance No. O-2017-008 amending the Fee schedule in Appendix 1 of the City's Code of Ordinances by creating section 36.00, wireless network permit fees.

Mayor Pro-tem - David Skains: 2nd

Mayor - Jim Braswell: N/A

Council Member - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

Council Member - Rob Rea: Approve

**ITEM #10:** Discuss and/or take action to move the October 24th Council meeting to October 17<sup>th</sup>. **(City Manager)**

Council Member - Rob Rea: Motion to move the October 24<sup>th</sup> meeting to the 17<sup>th</sup>.  
Mayor Pro-tem - David Skains: 2nd  
Mayor - Jim Braswell: N/A  
Council Member - Linda Rankin: Approve  
Council Member - Anne Mullins: Approve  
Mayor Pro-tem - David Skains: Approve  
Council Member - Ron Wyrick: Absent  
Council Member - Rob Rea: Approve

**ITEM #11:** Discuss and/or take action to name an official newspaper for the 2017-2018 Fiscal Year. **(Mayor)**

Council Member - Linda Rankin: Motion to name the official newspaper for the 2017-2018 Fiscal year as the Athens Review.  
Mayor Pro-tem - David Skains: 2nd  
Mayor - Jim Braswell: N/A  
Council Member - Linda Rankin: Approve  
Council Member - Anne Mullins: Approve  
Mayor Pro-tem - David Skains: Approve  
Council Member - Ron Wyrick: Absent  
Council Member - Rob Rea: Approve

Linda Rankin made a note that each year we have oscillated between the two newspapers to try and provide each of them the opportunity to serve our community; she thanked the Monitor for this past year.

**ITEM #12:** Discuss and/or take action to approve a Façade Improvement Program Grant for John Quang Tran/JT Transtars, Inc. in the amount not to exceed \$4,046.27. **(EDC)**

Council Member - Rob Rea: Motion to approve the Façade Improvement Program grant for John Quang Tran in the amount not to exceed \$4,046.27.  
Mayor Pro-tem - David Skains: 2nd  
Mayor - Jim Braswell: N/A  
Council Member - Linda Rankin: Approve  
Council Member - Anne Mullins: Approve  
Mayor Pro-tem - David Skains: Approve  
Council Member - Ron Wyrick: Absent  
Council Member - Rob Rea: Approve

**ITEM #13:** Discuss and/or take action to approve a “no cost” lease agreement with the City of Gun Barrel City as related to the property having a legal description of “Acres 8.101, AB 794 G. T. Walters Sur, Mid Cities Prop, Blk B Lts 5, 6 & N/PT of lot 7. **(EDC)**

Mayor Pro-tem - David Skains: Motion that we discuss and/or take action to approve a no cost lease agreement with the City of Gun Barrel City as related to the property having a legal description of 8.101 acres.  
Council Member - Rob Rea: 2nd

David Skains asked EDC board member Holland Whitten that the use of the premises was limited and asked if they wanted to use this for parking or something else would it be an issue or is it something they should include in the lease? Holland replied by saying the use described is considered a part of those activities. He advised he would be willing to modify the agreement if council would like. Skains asked about item number 17 which did not allow for animals on the premises. Holland said it is at the council's discretion and they would be happy to have it or not in there.

Linda Rankin asked Holland what the purpose of the lease was. Holland said he wanted to formalize an informal agreement that was already in place. Linda presented information from years back regarding the EDC and the hiring of a company to come in and do a plan for that whole area. She would like to keep this in mind as we move forward. She explained our park board helped to establish the grant for our park. She doesn't want a lease of this nature to be a deterrent that this might be an approach we might use in the future. Holland said they are open to other uses of the property and they will take that into consideration. David Skains asked if he was okay with the motion to eliminate item number 17 that covers the pets. Linda mentioned an item on the agreement that pertains to noise and asked Holland consider adjusting that item as well. Holland said they can do that.

[Mayor Pro-tem - David Skains: Motion that council approve the no cost lease agreement with the City of Gun Barrel City and the EDC with the before mentioned changes to the lease.](#)

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

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

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

[Council Member - Anne Mullins: Approve](#)

[Mayor Pro-tem - David Skains: Approve](#)

[Council Member - Ron Wyrick: Absent](#)

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

**ITEM #14:** Discuss and/or take action to accept a one year engagement proposal from Jason Gray (JD Gray Group) for the purposes of recruiting and hiring an Economic Development Executive Director for the Gun Barrel City Economic Development Corporation. **(EDC)**

[Mayor Pro-tem - David Skains: Motion to accept a one year engagement proposal from Jason Gray for the purposes of recruiting and hiring an Economic Development Executive Director for the Gun Barrel City Economic Development Corporation.](#)

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

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

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

[Council Member - Anne Mullins: Approve](#)

[Mayor Pro-tem - David Skains: Approve](#)

[Council Member - Ron Wyrick: Absent](#)

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

**ITEM #15:** Convene into Executive Session pursuant to Texas Government Code: 551.071 – Contemplated Litigation and advice from City Attorney regarding the following matter: CP Homes. **(Mayor)**

The City Council convened into executive session at 7:21 p.m.

**ITEM #16:** Reconvene into Open Session to Discuss and/or take action, if any, regarding Executive Session deliberation: CP Homes. **(Mayor)**

Council reconvened into open session at 7:38 p.m.

Council Member - Linda Rankin: Motion to authorize our City Attorney to continue negotiations with CP Homes.

Council Member - Rob Rea: 2nd

Mayor - Jim Braswell: N/A

Council Member - Linda Rankin: Approve

Council Member - Anne Mullins: Approve

Mayor Pro-tem - David Skains: Approve

Council Member - Ron Wyrick: Absent

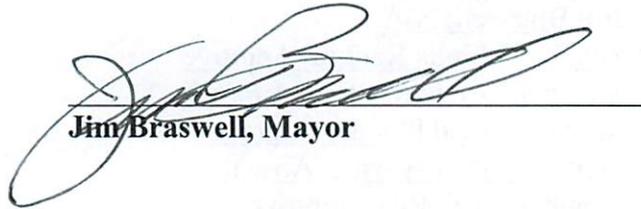
Council Member - Rob Rea: Approve

The meeting adjourned at 7:40 p.m.

**Attest:**

**Approved:**

  
Janet Dillard, City Secretary

  
Jim Braswell, Mayor