

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, December 18, 2018 at 6:30 p.m.

Mayor Skains 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.

[Mayor - J. David Skains: Present](#)
[Council Member - Rob Rea: Present](#)
[Council Member - Ron Wyrick: Present](#)
[Council Member - Keith Butler: Present](#)
[Council Member - Anne Mullins: Present](#)
[Mayor Pro-tem - Linda Rankin: Present](#)

Citizen Comments:

Cassie Day with the Gun Barrel City Quilters Guild thanked the city for their prior participation in their annual event and asked for their support again for next year's event.

ITEM # 1: Consent Agenda:

November 16, 2018 Workshop and Special Council Meeting Minutes
November 27, 2018 Council Minutes
December 3, 2018 Workshop Meeting Minutes
Financial – Budget vs. Actual Expenses – Year to Date (September & October)
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
October 29, 2018 Park Board Minutes

[Mayor Pro-tem - Linda Rankin: Motion to approve the consent agenda as listed.](#)
[Council Member - Ron Wyrick: 2nd](#)
[Mayor - J. David Skains: N\A](#)
[Council Member - Rob Rea: Approve](#)
[Council Member - Ron Wyrick: Approve](#)
[Council Member - Keith Butler: Approve](#)
[Council Member - Anne Mullins: Approve](#)
[Mayor Pro-tem - Linda Rankin: Approve](#)

ITEM # 2: Discuss and/or take action to consider spending up to \$4,500 from the Hotel Motel Fund for the Gun Barrel Quilters Guild 2019 Annual Quilt Show. (Mayor)

[Council Member - Rob Rea: Motion to spend up to \\$4,500 from the Hotel Motel fund for the Gun Barrel Quilters Guild 2019 Annual Quilt show.](#)
[Council Member - Ron Wyrick: 2nd](#)
[Mayor - J. David Skains: N\A](#)

[Council Member - Rob Rea: Approve](#)
[Council Member - Ron Wyrick: Approve](#)
[Council Member - Keith Butler: Approve](#)
[Council Member - Anne Mullins: Approve](#)
[Mayor Pro-tem - Linda Rankin: Approve](#)

ITEM # 3: Discuss and/or take action to interview applicants for the Economic Development Corporation Board of Directors. (Mayor)

There was one vacancy on the Board of Directors. Four applicants applied, John Gaddis, Penney (Missie) Butler, Joe Lawrence and James Cavanaugh. All applicants were present at the meeting and introduced themselves and answered questions Council had.

ITEM # 4: Discuss and/or take action to consider making an appointment in open session to the Economic Development Corporation Board of Directors with a term expiring September 2019. (Mayor)

Council voted in open session for applicants in order or applications received. Penney Butler was the first applicant to receive a majority vote and was appointed to the Board of Directors. Mrs. Butler received three votes.

[Council Member - Rob Rea: Motion to accept Mrs. Butler for the open position to the EDC Board of Directors.](#)
[Council Member - Keith Butler: 2nd](#)
[Mayor - J. David Skains: N\A](#)
[Council Member - Rob Rea: Approve](#)
[Council Member - Ron Wyrick: Approve](#)
[Council Member - Keith Butler: Approve](#)
[Council Member - Anne Mullins: Approve](#)
[Mayor Pro-tem - Linda Rankin: Approve](#)

ITEM # 5: Discuss and/or take action to consider adopting Resolution #R-2018-009 establishing procedures, policies and organizational structure concerning the EDC. (Mayor)

Mayor Skains read Resolution #R-2018-009 aloud. Councilman Rea read a prepared statement. *“Many years ago, the citizens voted the EDC into existence. They were sold on the idea that the EDC would be given an allowance and that they would act autonomously to try to grow business in this city without the onus of politics. I believe that this resolution flies in the face of what the citizens intended. I think the gist of this resolution needs to be simplified so that all can see what’s happening. This legislation emasculates a board of business experts and lays full authority with a director who by his own admission in 30 years of EDC experience has never worked with a franchise or done a deal where life insurance was used as collateral. This is bad enough but this resolution has him now answering solely to a city council of which only one has ever owned a real business with employees. I would say I don’t understand, but I believe that I do. We have a councilwoman who for years argued while president of the EDC that the city council should leave the EDC alone and let them bring projects for approval. We have a mayor, who while president of the EDC actually quit in a rage over the micromanagement of the city council. So the obvious question would be why would these people now bring up a resolution that restructures the EDC, giving all power, even personnel to the city council. My opinion is that this is just a veiled attempt to protect the job of the EDC director. And I think my suspicions will be proven correct with the next several agenda items. Three people from the EDC Board are slated for suspension and they have three things in common. They all have accomplished great things while on the EDC, all have tremendous business backgrounds and all have voiced displeasure with the performance of the current EDC director. Now all of a sudden this sham of restructuring the EDC for peace and kumbaya is being shown for what it truly is.”* Councilman Rea asked the question, if the City Council is willing to take over the overseeing

of the EDC staff, why should they not pay them instead of using the EDC monies? He also advised that included in their packet is a recommendation from staff recommending the adoption of this resolution. Councilman Rea directed this question to City Manager, Bret Bauer who advised that staff always puts a recommendation for council to follow or not follow. He advised it's up to Council to decide how they will vote on what's brought before them. Mayor Skains added that the council went through three different workshops on this and your objections that you've voiced tonight were not heard or didn't come out in those workshops and the assumption was made that things were acceptable for staff to go ahead and go along with this. Mayor Skains mentioned that he will address some of Mr. Rea's other questions and go back to the running of the EDC for the last year, from October to the current time. There has been a number of things that were done incorrectly and poorly including 18 executive sessions to which there is not one certified agenda to be found. You've made motions to approve what we've discussed in executive session and nobody knows what that is. We are now looking at one of the biggest projects that ever came about, there was a date change and we don't know what the date change was because the motion was made to accept what was discussed in executive session. Mayor Skains advised he can look at two \$50,000 grants that were given, one to a meat market that never opened and another given which never created any jobs and produced no sales tax for the city. He advised he believes the Council went along with these projects was to give the EDC as much latitude as possible to do the work they needed to get done. In the end of things especially when it came down to the determination of the Executive Director on August 2nd and it was appealed to the City Council and the Council voted (at the time there were only four members) voted 3-1 to up hold the appeal and then the actions of the EDC at that time were to immediately go into the mode to force another termination. Mayor Skains made mention that yes we had business owners on the EDC, we've had that for a number of years and they are well qualified business owners however they are not economic development professionals. He stated that what you have is a group of business leaders who all want different things, all giving different directions to the professional who's been doing this work for however long it is. Councilman Rea proposed the current Executive Director be put aside and confirmed that what was being said was that the City Council has the EDC expertise to oversee somebody who is a true professional? Councilman Wyrick spoke by saying this is his third term on the Council and four years in a row he let the EDC go along with any and everything they needed to do their job and he finally stood up and said he's tired of it, something has got to change. It's at the point where we had to put our foot down and get it running over there like an organization. They need an Executive Director to point out where they need to go and how they need to go. Councilman Butler asked, hypothetically speaking, what if we appoint a new board and a year from now that board comes to us and says the same thing that the previous board said, then what. Mayor Skains advised he thought the Council would have to listen to what they have to say and make a determination on how valid it is and go from there. Councilman Butler asked what is it that the EDC Board will be in charge of? Mayor Skains answered by saying a lot. For one, the EDC Board will be responsible for designing a template of what a viable project looks like. The by-laws will need to be updated, they are not going to be stripped of their authority to make calls to people. The Board is going to be working with the Executive Director in a manner that will follow the 501, 502 and 505's and will also follow the open meetings act. Councilman Butler brought up a previous conversation to which Mayor Skains advised that most major cities are ran where the director leads the board.

[Council Member - Keith Butler: Motion to consider adopting Resolution #R-2018-009 establishing procedures, policies and organizational structure concerning the EDC.](#)

[Mayor Pro-tem - Linda Rankin: 2nd](#)

[Mayor - J. David Skains: N\A](#)

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

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

[Council Member - Keith Butler: Approve](#)

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

[Mayor Pro-tem - Linda Rankin: Approve](#)

ITEM # 6: Discuss and/or take action to consider suspending Scott Coleman from the EDC Board of Directors. (Mayor)

[Mayor Pro-tem - Linda Rankin: Motion to suspend Scott Coleman indefinitely from the EDC Board.](#)

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

[Mayor - J. David Skains: N\A](#)

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

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

[Council Member - Keith Butler: Disapprove](#)

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

[Mayor Pro-tem - Linda Rankin: Approve](#)

Mayor Skains advised since he put this on the agenda he will explain the reason for these next few items. He stated we just reorganized the EDC Board and given the attempt to go against Councils wishes when the appeal was heard, Mr. Coleman proceeded with trying to find another method to terminate the executive director against the Councils wishes. He does not feel we will ever get the reorganization we need for the EDC to work properly with the board members I'm asking to be suspended. Councilman Rea advised he has spoken to all three of these people and asked them if they knowingly done anything that would go against the suspension that was put against them and all three have told me no. He asked, has anybody on the Council had any conversation with any of these three people having to do with EDC business while under suspension? It seems like we are suspending three people for going against the suspension when they have told me they have not done anything having to do with EDC business at all and coincidentally enough the three not up for suspension have all violated the suspension. Mayor Skains advised he had several pieces of evidence regarding specific violations of the suspension that occurred with such members. The motion to suspend Scott Coleman failed 3-2.

ITEM # 7: Discuss and/or take action to consider suspending Jim Osborne from the EDC Board of Directors. (Mayor)

[Mayor Pro-tem - Linda Rankin: Motion to suspend Jim Osborne indefinitely from the EDC Board of Directors.](#)

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

[Mayor - J. David Skains: N\A](#)

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

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

[Council Member - Keith Butler: Disapprove](#)

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

[Mayor Pro-tem - Linda Rankin: Approve](#)

Councilman Rea said that Jim Osborne has done well over 30 façade improvement grants for the EDC by himself. He is the face of the EDC and to suspend somebody of this value is a great travesty. The motion to suspend Mr. Osborne failed 3-2.

ITEM # 8: Discuss and/or take action to consider suspending Jan Wynn from the EDC Board of Directors. (Mayor)

[Mayor Pro-tem - Linda Rankin: Motion to suspend Jan Wynn indefinitely from the EDC Board of Directors.](#)

[Council Member - Anne Mullins: 2nd](#)

[Mayor - J. David Skains: N\A](#)

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

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

[Council Member - Keith Butler: Disapprove](#)

[Council Member - Anne Mullins: Disapprove](#)
[Mayor Pro-tem - Linda Rankin: Approve](#)

Councilman Rea stated that Ms. Wynn is fairly new to this board and the background states, ongoing adversarial relationship surrounding the Executive Director. He reminded everyone that Ms. Wynn abstained from voting against the executive director from losing his job. Councilwoman Rankin advised that Ms. Wynn has had conversation with some of the Council and she had a choice to present her knowledge of business to the Executive Director or Mayor and it wasn't done. Ms. Wynn spoke on her behalf in regards to the accusations made against her. The motion to suspend Jan Wynn failed 4-1.

ITEM # 9: Discuss and/or take action to consider removing Joe Luby from the Parks and Recreation Board for missing three consecutive meetings per Section 8.01 of the City Charter. (Mayor)

[Council Member - Ron Wyrick: Motion to remove Joe Luby from the Park Board.](#)
[Mayor Pro-tem - Linda Rankin: 2nd](#)
[Mayor - J. David Skains: N\A](#)
[Council Member - Rob Rea: Approve](#)
[Council Member - Ron Wyrick: Approve](#)
[Council Member - Keith Butler: Approve](#)
[Council Member - Anne Mullins: Approve](#)
[Mayor Pro-tem - Linda Rankin: Approve](#)

Councilman Butler asked if anyone knew why he missed the three meetings. Councilman Wyrick advised that Mr. Luby told him he didn't have the time. Mr. Luby was not present at the meeting to speak for himself.

ITEM #10: Discuss and/or take action to convene into Executive Session pursuant to Texas Government Code:

- Section 551.071 to consult with the City Attorney
 - Concerning Gerald Crutcher v. The City of Gun Barrel City pending with the State Office of Administrative Hearings concerning Crutcher's separation from employment F5. (Mayor)

The City Council convened into executive session at 7:40 p.m.

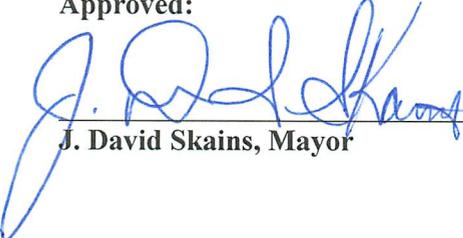
ITEM #11: Discuss and/or take action to reconvene into Open Session to take any action necessary as a result of the Executive Session. (Mayor)

The City Council re-convened into open session at 8:06 p.m. No action was necessary and the meeting adjourned at 8:06 p.m.

Attest:


Janet Dillard, City Secretary

Approved:


J. David Skains, Mayor