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

The City Council of the City of Gun Barrel City, Texas met in a regular meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, December 17, 2024, at 6:30 p.m.

1. **CALL TO ORDER** – Mayor Brian Crull called the meeting to order at 6:30 p.m. and gave the invocation followed by the Pledge of Allegiance.

2. **INVOCATION**

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL & QUORUM** – Roll was called and a quorum established. Members in attendance included Mayor Brian Crull, Mayor Pro-tem, Rita Evans, and Council members, April Burns, Jennifer Jacobs, Jay Burson and Ken Foster.

5. **CITIZEN COMMUNICATIONS**

   Cindy Key of 312 Canoe Court requested the Council approve the large business incentive policy stating it has been approved by the EDC Board and attorney.
   Roy Key of 312 Canoe Court gave a timeline of events regarding the large business incentive policy dating back to July 2024. Key stated a great deal of time and effort has gone into this policy by the EDC and it is the intent of this policy to provide guidelines, criteria requirements and procedures to evaluate and approve incentives deemed necessary by the EDC and City Council for the furtherance of economic development and community goals.
   Gary Damiano encouraged Council to approve the large incentive policy stating this is the second time Council has had a chance to review it. The first time, input was given and the board went back and developed new language to satisfy the concerns of the Council. Damiano stated, without this policy the EDC is hampered; he encouraged Council to approve tonight so the EDC can get on with business.

6. **CONSENT AGENDA**

   6.A 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 items: November 6, 2024, special meeting minutes, November 19, 2024, special and regular meeting minutes and EDC October financials.

   The following reports were included in the consent agenda for approval: November 6, 2024, special meeting minutes, November 19, 2024, special and regular meeting minutes and EDC October financials.

April Burns made a motion to approve the consent agenda as presented. Rita Evans seconded and all members voted yes to approve.

7. NEW BUSINESS

7.A Presentation of quarterly department reports including Fire, Planning, Streets and Park Maintenance. (City Manager)

Quarterly reports for months September, October and November of 2024 were presented by Fire Chief, Joseph Lindaman, City Planner, Brittany Lewis and Street Superintendent, Mike Howell. Key highlights included year to date fire incident types detailing Rescue and Emergency medical service calls totaling 55%, pending and upcoming planning projects, street special projects, a snapshot of the Parks Department and improvements made at the park.

7.B Consider and take action to adopt Ordinance No. O-2024-031 approving a contract extension between the City and Republic Services for an additional seven-year term through December 2031. (City Manager)

City Manager, Dr. Angela Smith advised Republic Services has served Gun Barrel City under several different names for the past 25 years. A seven year contract makes good financial sense so we can get a bigger bang for our buck. Smith stated the new contract will include additional dumpsters for events and community and residential clean up and also includes a $5,000 per year donation to the Park Special Fund for projects to improve the city park. Leigh Furguson gave a few highlights of the contract extension including language amended regarding recycling to state we'll service recycling twice per month on Fridays. 20 roll off's a year are included in the new agreement instead of four, a $5,000 donation each year towards the park, side load trucks will be used during the new contract once ordered and a franchise fee has been added to all industrial customers. Furguson further stated that the first rate adjustment that residential customers will see will be in January of 2027. Mayor Crull thanked Leigh and Republic for their partnership and read the ordinance header aloud and asked for a motion.

April Burns made a motion to adopt *Resolution* No. O-2024-031 approving a contract extension between the City and Republic Services for an additional seven-year term through December 2031. Let it reflect this is an Ordinance, not a Resolution as stated in the motion. Rita Evans seconded and all members voted yes to approve.

7.C Consider and take action to spend up to $5,000 out of the Hotel Motel fund and enter into a publicity and tourism agreement with Texas Bass Nation to sponsor their 2025 Team State Championship Tournament in September of 2025. (City Manager)

Brett Stafford with Texas Bass Nation presented a PowerPoint presentation with details about the upcoming event. Key highlights included a brief history of the organization, an operating budget for 2024, team division participation numbers over the past three years reflecting significant growth, a request of $5,000 HOT funds to host the 2025 state championship with an estimated $88,500 economic benefit to the area. A marketing plan was given as well as an event schedule. The dates of the next event are September 10-13, 2025.

Jay Burson made a motion to spend up to $5,000 out of the Hotel Motel fund and enter into a publicity and tourism agreement with Texas Bass Nation to sponsor their 2025 Team State Championship Tournament in September of 2025. Ken Foster seconded and all members voted yes to approve.

7.D Consider and take action to approve a purchase of 37,000sf of asphalt overlay to Advanced Paving in an amount not to exceed $120,576.00. (City Manager)

City Manager, Dr. Angela Smith advised each year staff puts out a bid for services for street materials. Advanced Paving won the bid for asphalt overlay last year and it is still in place. Our street department goes out and prepares the surface and Advanced Paving will come in and actually lay the asphalt. There are two roads to be completed, Box Road and Harbor Haven which is what staff is asking Council to approve today.

Jennifer Jacobs made a motion to approve a purchase of 37,000 square feet of asphalt overlay to Advanced Paving in an amount not to exceed $120,576.00. April Burns seconded and all members voted yes to approve.

7.E Consider and take action to adopt Resolution No. R-2024-015 amending Resolution No. R-2024-014 regarding catalytic converter grant. (City Manager)

Mayor Brian Crull read the resolution header aloud. City Manager, Dr. Angela Smith advised we did approve this in November, our grant has been submitted for flock cameras but this resolution has some required language that was not included in the original resolution. Police Chief, Keith Stephens gave a brief description of what these cameras are able to do and a motion was made.
April Burns made a motion to adopt Resolution No. R-2024-015 amending Resolution No. R-2024-014 regarding catalytic converter grant. Ken Foster seconded and all members voted yes to approve.

7.F Discuss, consider and/or take action if needed on Council action taken on agenda items 7.J & 7.K at the November 19, 2024, City Council meeting to establish and make appointments to the Ordinance Review Committee per Resolution R-2024-011. (Foster)

Ken Foster stated during the appointment process at the previous meeting this resolution was adopted. Two words had been added that were not part of the information in the packet. The resolution called for 12 members and this was changed to "up to twelve". Foster asked if Council should vote to approve the wording change. City Manager, Dr. Angela Smith advised this was done at the meeting and we did have this conversation but if Council doesn't feel like that is the case, we're happy to bring it back but it was clarified before the vote. April Burns advised this was also mentioned in the workshop and when Mr. Burson said he didn't know anybody and Foster said he couldn't find anybody so she agreed to help recruit others.

Ken Foster made a motion to take no action. Rita Evans seconded and all members voted yes to take no action.

7.G Consider and take action to appoint Debra DeLeon and Lana Ahrens to the Ordinance Review Committee. (City Manager)

City Manager, Dr. Angela Smith advised she received a request from Council member Jay Burson to add this item to the agenda. We have up to twelve members that can be on the committee and we currently have nine. We had our first meeting last Thursday, they've appointed a Chair, Vice Chair and a Secretary and we have our first meeting on January the 13th. April Burns asked Mr. Burson if he is aware of the actions of Lana Ahrens towards the city for the past year. Burson advised he is quite aware, Burns continued on stating, if we're trying to do what's best for the city, and the ordinance review is what's best for the city, and the things she's done to the staff, personally attacked them, went after them, these were not things that had to do with ordinances, these were just her actions and you're thinking the best thing for Gun Barrel is to ask your staff to work with this person. Burson stated, it is his right to pick who he wants on the board. Burns ended the discussion by stating she cant imagine how a council person can take somebody who's done the things that they've done to the city and to their constituents to work with such people. I'm not saying that people haven't changed and that she's not used it for good going elsewhere but time heals all wounds and its just not been enough time and that is my opinion. Burson shared his reasonings behind the two listed names. Jacobs encouraged Burson to consider staffs feelings regarding Lana and shared her attempt to nominate Ms. Ahrens but when it was said to her that not enough time has passed for certain city staff members to feel comfortable working with her she agreed to pull her name off. Evans said she has no issues with DeLeon and she is going to trust that the City Manager can handle all of this, she doesn't feel she has the authority to ask Jay to take his people off.

Ken Foster made a motion to appoint Debra DeLeon and Lana Ahrens to the Ordinance Review Committee. Jay Burson seconded and the motion was approved with a 4-1 vote with April Burns voting no.

8. PLANNING & ZONING

8.A Consider and take action to assign term limits for newly appointed Planning and

Zoning board members. (City Manager)

City Manager, Dr. Angela Smith advised at the last meeting Council appointed three members to the P&Z. Because Robert Dye resigned, that left one, one-year term to be filled. The City Secretary and I randomly drew names out of a bowl and we placed them in the order that I drew. Sharla Johnson was drawn to fill the one-year term so tonight Council has two options, to approve as we have presented or place them in the positions you see fit.

Ken Foster made a motion to assign term limits for newly appointed Planning and Zoning board members. Jay Burson seconded and all members voted yes to approve.

8.B Consider and take action to adopt Ordinance No. O-2024-032 amending the official boundary map of the city. (City Manager)

Mayor Brian Crull read the Ordinance header aloud. City Manager, Dr. Angela Smith advised each time we annex or disannex property, legally we are supposed to approve a new boundary map. This map is due to the recent annexation on East highway 334.

Ken Foster made a motion to adopt Ordinance No. O-2024-032 amending the official boundary map of the city. Rita Evans seconded and all members voted yes to approve.

9. ECONOMIC DEVELOPMENT

9.A Consider and take action to approve the Large Business Incentive Program Policy. (EDC)

City Manager, Dr. Angela Smith advised this policy has been discussed by the Council and the EDC numerous times. At the last meeting, there was a request to add some teeth to the policy and the concerns were shared with the EDC attorney and he added language as requested. The policy already said we acknowledge the performance agreement will have to be executed prior to receiving any incentives. The attorney added further we acknowledge the performance agreement will contain all state law requirements including the capital investment to be made, jobs to be created or retained, the penalty for non-performance including repayment of the monies provided including an appropriate interest rate, we acknowledge this performance agreement may include any deed of trust, any corporate guarantee or individual guarantee as determined by the city to be appropriate security for the incentive being provided. Councilman Burson read a statement concluding that the application and the policy for the large business program should clearly state what is required before receiving a loan. Money should never be loaned below prime as an interest rate. Burson continued stating Gun Barrel EDC is a nonprofit corporation loaning and granting taxpayers money to incentivize businesses to grow, however loaning monies not secured is not a good business practice. Burson suggested Council consider tabling this item or amending it for further discussion. Councilperson Jacobs stated, this has to be on a case by case, day to day basis, we have to look at what rates are when that business approaches us and asked the question, how are you going to put a specific rate in this policy. Jacobs confirmed if we put language into the program that we will consider what the rate is, we can get this passed. Burson advised that and also adding collateral. Jacobs stated she feels the language that was added covers the collateral portion and she feels like every time we have these conversations, it's a different issue. Councilperson Burns stated the EDC has done their due diligence, this is an incentive program, we aren't a bank, if we want to give an incitive you're tying their hands to where they can't. If the EDC wants collateral, they can ask for it, if they don't ask, when it comes to us, we can. We should be able to incentivize people to come to the city however we see fit or however the EDC decides. Mayor Crull asked Burson what the incentive is that he has in this plan. Burson stated you cant borrow money… Mayor Crull advised that is not an incentive. Mayor Crull continued stating if the goal is to never have a bad debt, then you're never going to do business period. Councilperson Burns clarified a statement made by Councilman Burson stating we do not go to the bank and loan money to loan it to other people, the EDC has never done that. Discussion continued, Mayor Crull concluded stating what he does not see from Councilman Foster and Burson is something that incentivizes any business to want to come here and be a part of Gun Barrel City. Councilman Foster stated he'd like to adopt this large business incentive program with one addition to section 7.2 to add language verifying collateral tangible assets as a primary or principal obligation from the guarantee as appropriate security from default for the incentive being provided. Foster stated, we ask for this in the application are we going to take that out as an incentive. Councilperson Burns stated it's not required now, its at the discretion of the EDC and/or the Council. Burns further stated, they have the right to request collateral as do we and we have to be creative and let the EDC do their job. Councilman Foster read his amendment aloud once again stating we acknowledge this performance agreement which may include any deed of trust, corporate guarantee or individual guarantee verifying tangible assets as a primary or principal security for default for the incentive being provided.

Ken Foster made a motion to approve the policy with the addition of the following language, *verifying tangible assets as a primary or principal security for default for the incentive being provided.* Jennifer Jacobs seconded and all members voted yes to approve.

9.B Consider and take action to accept the resignation of Paul McCullough from the Economic Development Corporation Board of Directors. (City Manager)

City Manager, Dr. Angela Smith advised Mr. McCullough has missed three EDC meetings and right before his third meeting he submitted a resignation letter.

Smith advised we have already posted the position and are accepting applications.

Ken Foster made a motion to accept the resignation of Paul McCullough from the Economic Development Corporation board of directors. Rita Evans seconded and all members voted yes to approve.

10. ADJOURNMENT

The meeting adjourned at 8:37 p.m.

Attest:	Approved:
Janet Dillard	
Janet Dillard, City Secretary	Brian Crull, Mayor