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, January 28, 2025, 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.

   Mayor Crull acknowledged distinguished guests in the audience.

5. **CITIZEN COMMUNICATIONS (Limited to three minutes)**

   There were no citizen comments as all individuals requested to speak at the beginning of the agenda item.

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 December 17, 2024, meeting minutes.

   A motion was made by April Burns to approve the December 17, 2024, meeting minutes. Ken Foster seconded and all members voted yes to approve.

7. **NEW BUSINESS**

   7.A Presentation of quarterly department reports including City Treasurer and City Secretary.

   Quarterly reports for months, October, November and December of 2024 were presented by City Treasurer, Mickie Raney and City Secretary, Janet Dillard. Key highlights included increases in revenue from franchise fees, alarm permits, fines and a draw from a grant, expense highlights including remodel of the court, purchase of three police vehicles and two mowers. Board vacancies totaled four and codification completion for 2024 was finished in January. The 2025 general election with early voting and election day information was shared.

7.B Consider and take action to approve the FY 2024/25 financial report for the first quarter. (City Treasurer)

Ken Foster made a motion to approve the fiscal year 2024/25 financial report for the first quarter. Rita Evans seconded and all members voted yes to approve.

7.C Consider and take action to approve the 2025 City Council meeting schedule. (City Manager)

Key date changes included April's regular meeting being moved up a week due to early voting. A special meeting in April was added to canvass votes and November and December's meetings were moved up a week due to the holidays.

April Burns made a motion to approve the 2025 City Council meeting schedule. Jay Burson seconded and all members voted yes to approve.

7.D Consider and take action to adopt Ordinance No. O-2025-001 calling a general election for May 3, 2025, to elect the following positions: Council Place 1 (East), Council Place 3 (West) and Council Place 5 (At-large) to three year terms each. (City Secretary)

Mayor Brian Crull read the ordinance header aloud and asked for a motion.

Jennifer Jacobs made a motion to adopt Ordinance No. O-2025-001 calling a general election for May 3, 2025, to elect the following positions: Council Place 1 (East), Council Place 3 (West) and Council Place 5 (At-large) to three year terms each. Ken Foster seconded and all members voted yes to approve.

7.E Consider and take action to approve an interlocal agreement with Henderson County to conduct the city's May 3, 2025, general election. (City Secretary)

April Burns made a motion to approve an interlocal agreement with Henderson County to conduct the city's May 3, 2025, general election. Jennifer Jacobs seconded and all members voted yes to approve. It was mentioned that the estimated cost for this election was $3,500.

7.F Consider and take action to adopt Ordinance No. O-2025-002 adopting Supplement 1 - Update No. 2 to the Code of Ordinances. (City Secretary)

Mayor Brian Crull read the ordinance header aloud and asked for a motion.
City Secretary, Janet Dillard stated this is update number two for Supplement one, covering all ordinances from June through December 2024.

April Burns made a motion to adopt Ordinance No. O-2025-002 adopting

Supplement 1 - Update No. 2 to the Code of Ordinances. Jennifer Jacobs seconded and all members voted yes to approve.

7.G Consider and take action to award bids for the 2025 street materials. (Street Superintendent)

There were a total of five proposals received by staff. Street Superintendent, Mike Howell gave a presentation with recommended vendor approvals based on lowest cost. Staff also requested Council approve an approximate amount per vendor the city plans to spend. A tabulation was provided to Council and the following motion was made.

April Burns made a motion to award bids for the 2025 street materials as suggested by staff. Jennifer Jacobs seconded and all members voted yes to approve.

7.H Consider and take action on amending performance agreement date for retail and dining for project 334. (Burson)

Cindy Key of 312 Canoe Court requested the Council move forward with pending projects without further delay.

Gary Damiano, secretary of the Economic Development Corporation advised what is on your plate tonight is a scribers error and the issue has been provided a solution supported by our attorney and that solution has been implemented. Damiano asked the Council to make a motion for no action and pass back to the EDC for them to handle.

Roy Key, EDC board president shared print outs with the Council and referenced an email that took place on December 23, 2024, that sets forth how our attorney recommended we handle the date issue. Key advised this error is a separate subset and has nothing to do with the overall project, its merely correcting an error that the face of the document itself specifically states. Key went on the state that the document dates suggest we need a certificate of occupancy for something that has not come to fruition to build. Key asked the Council to adopt what we've done as they have made the correction.

Steven Haynes gave a brief update of Pier 334 stating the seawall on both sides has been completed and they are putting up the frame today for the eight-foot walkway that goes around the water. Other updates on the progress included a 35 foot pool, an amphitheater, construction drawings being submitted for permitting by the first. Haynes concluded that after foundation pours they will be about 2.2 million dollars invested.

Jay Burson stated the reason for this item was that when he asked if this item would be coming back to Council he was told no and reading through the document, he felt that it needed to. Burson agreed with prior public comments stating, the dates needed to be cleaned up and sent back to the EDC to get all the appropriate signatures and have it come back to Council for approval. Ken Foster made mention of the agreement being not fully executed. City Manager, Angela Smith advised she and the EDC admin will ensure future amendments to agreements come back fully executed with signatures. Smith advised an email was sent out last week with a first amendment to this agreement as they have worked on looking at all the dates because there are a few other dates that need to be amended as well.

Jay Burson read a proposed motion aloud stating he did not want to make the motion but wants the following done, "to hand this amended and restated performance agreement back to the EDC board of directors for review on all the dates and make sure that they work together and then resubmit a fully executed second amended and reinstated agreement with all the required performance dates back to the City Council at the February meeting." Rita Evans suggested Mr. Burson just make the motion if he knows what he wants.

Jay Burson made a motion to hand this amended and reinstated performance agreement back to the EDC Board of Directors to review all the dates and make sure they work together and then resubmit a fully executed second amended and reinstated agreement with all the required performance dates back to the City Council at the February meeting with their appropriate signatures. Rita Evans seconded and all members voted yes to approve.

8. PLANNING & ZONING

8.A Public hearing on a request to rezone Tracts 17D1, 17D, and 17 in the G.T. Walters survey, A-794 in the City of Gun Barrel City, being described as all of called 14.63 acre tract of land described in deed as 606 East Main Street, Gun Barrel City, Texas belonging to Rizvi Syed Nasir Ali from General Business District (B-2) & Agriculture (AG) to Single-Family detached residential (R-5). (Mayor)

Mayor Brian Crull opened the public hearing, David Cheek shared a concern regarding storm water drainage onto his property with this new development. There were no other comments and the hearing was closed.

8.B Consider and take action to adopt Ordinance No. O-2025-003 rezoning Tracts 17D1, 17D, and 17 in the G.T. Walters survey, A-794 in the City of Gun Barrel City, being described as all of called 14.63 acre tract of land described in deed as 606 East Main Street, Gun Barrel City, Texas belonging to Rizvi Syed Nasir Ali from General Business District (B-2) & Agriculture (AG) to Single-Family detached residential (R-5). (City Planner)

Mayor Brian Crull read the ordinance header aloud. City Planner, Brittany Lewis gave a PowerPoint presentation regarding the request including a timeline of events and notifications to property owners. Lewis noted that part of this property is zoned business (B-2) even though a residential home is established on the property. The request to rezone would bring the zoning into alignment with the current residential use for this zoning. Details of the proposed district were mentioned and the request to rezone was based on providing high-density, workforce housing for the community. Lewis mentioned that while we are not at that phase yet, the developers have had conversations with adjoining property owners and will be able to have a second exit at the end of the development.

Jennifer Jacobs made a motion to adopt Ordinance No. O-2025-003 rezoning Tracts 17D1, 17D, and 17 in the G.T. Walters survey, A-794 in the City of Gun Barrel City, being described as all of called 14.63 acre tract of land described in deed as 606 East Main Street, Gun Barrel City, Texas belonging to Rizvi Syed Nasir Ali from General Business District (B-2) & Agriculture (AG) to Single-Family detached residential (R-5). April Burns seconded and all members voted yes to approve.

8.C Public hearing for a request from Hillsdale Development Group LP to approve a preliminary plat for Hillsdale Phase 2, a 5.857 acre tract, situated in the J.P. Brown survey, Abstract No. 59 for 23 single family lots and three open space lots located in the City of Gun Barrel City, Texas. (Mayor)

Mayor Brian Crull opened the public hearing. Linda Rigo of 108 The Lee Way advised she has owned property here for 20-years, they bought on The Lee Way because of the quiet and friendly community and have had problems ever since the developers bought property next door. Rigo concluded by asking the Council to reject the proposal being considered tonight.

Jeremy Brown, representative for multiple homeowners in the Northwood Shore subdivision submitted a handout to Council requesting denial of the preliminary plat for two reasons, stating first it violates the rights of existing residents and it violates the ordinance relating to replats. Brown claimed the restrictions on lot 18 are limited to residential purposes which are interpreted to mean for living purposes only, the proposed plat uses lot 18 as a driveway therefore it's in violation. Brown confirmed the homeowners are not against development, only development that restricts and ignores the rights of the home owners. There were no other comments and the hearing was closed.

8.D Consider and take action on a request from Hillsdale Development Group LP to approve a preliminary plat for Hillsdale Phase 2, a 5.857 acre tract, situated in the J.P. Brown survey, Abstract No. 59 for 23 single family lots and three open space lots located in the City of Gun Barrel City, Texas. (City Planner)

City Planner, Brittany Lewis gave a PowerPoint presentation on the request including a timeline of events, notices to surrounding property owners and a brief explanation of the phase two plat request. The development calls for 23 single-family residential lots and three open spaces including necessary infrastructure such as road utilities and drainage. Lewis stated the approval of this plat is crucial as it ensures the development aligns with our city's regulations and sets the stage for future phases. Lewis stated the project will be a private gated community offering security and privacy for the future residents. The Council had three options to consider, approval, approval with conditions or denial. Lewis confirmed that if approval with conditions was decided by Council, specific actions would need to be taken before the final approval. Denial would require a clear explanation of the reasons for denial. Staff recommended approval with conditions that the site plan fully complies with the city's codes or that exceptions are granted. This approval would allow the project to move forward and ensure that it aligns with development standards. The question was asked whether or not lot 18 was included in this plat, Lewis explained it is not included however it is not uncommon to show the surrounding area on a plat and because the developer owns this lot, it is shown. It was also noted that this would be a secondary access which is why it is shown.

Ian Hill, developer of Hillsdale gave a brief background on the project stating the site is 21 acres totaling three separate parcels. 16 acres is outside of city limits and a little under six acres is inside. They have already plotted the 16 acre section into 47 single-family residential lots which is in phase one and two commercial lots along 198 that we call retail one and two. Today were asking to approve the plat for the final 6 acre portion into 23 single family lots and three common areas. Hill stated the development aligns with the comprehensive plan and current R4 zoning. Hill shared details and visuals of the proposed residential and retail phases through a PowerPoint presentation.

Rob Dakey, civil engineer for Hillsdale explained the plat process is a function of the city subdivision ordinance whereas the site plan process is created by the zoning ordinance. Dakey requested a clean vote for approval from Council suggesting the city is not giving anything up as it still has its regulatory authority as it relates to those issues in the site plan.

City engineer, Joe Mundo explained that our code is written and requires everything we're talking about. The plat process has all of the civil engineering requirements that the site plan process has. The plat process grants an entitlement to that property owner that submits and requests the approval so simply stated, to grant a plat approval that doesn't meet your ordinances but its going to be taken care of later is not an approach that is recommended or that anyone would recommend. Mundo suggested the logical step forward is to approve the plat with those conditions and that those things be worked out. City Manager, Angela Smith advised the exceptions staff is recommending are a part of our platting process that the engineer has found not to be in compliance. Mr. Mundo confirmed once again lot 18 is not included in this plat it is only shown on the plat.

April Burns made a motion that we approve the preliminary plat conditioned provided that code of ordinance 155.23 (a) 2 (f) and 155.23(a) 2 (c) are met or variances are granted. Jennifer Jacobs seconded and the vote ended with a favorable vote of 4-1 to approve with Jay Burson voting no.

9. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Attest:

Janet Dillard

Janet Dillard, City Secretary

Approved:

Brian Crull, Mayor