



CITY COUNCIL MEETING AGENDA

The City Council of the City of Gun Barrel City, Texas will meet in a Regular Meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, April 28, 2026 at 6:30 PM.

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL & QUORUM**
- 5. CITIZEN COMMUNICATIONS (Limited to three minutes)**

Pursuant to Texas Government Code section 551.007, members of the public may speak on any topic. Comments are limited to three minutes and no action may be taken by the Council. Any response from a member of the City Council to non-agenda comments is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff for follow-up.

6. CONSENT AGENDA

All matters listed 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:

- 6.A March 17, 2026, Special meeting minutes
- 6.B March 24, 2026, Regular meeting minutes
- 6.C EDC February financials
- 6.D Ordinance No. O-2026-007, amending Chapter 10 (General Provisions)
- 6.E Ordinance No. O-2026-008, amending Chapter 30 (City Policies and Procedures)
- 6.F Ordinance No. O-2026-009, amending Chapter 31 (City Council)
- 6.G Ordinance No. O-2026-010, amending Chapter 32 (Municipal Court)

- 6.H Ordinance No. O-2026-011, amending Chapter 33 (Personnel Policies)
- 6.I Ordinance No. O-2026-012, amending Chapter 34 (Departments, Boards and Commissions)
- 6.J Ordinance No. O-2026-013, amending Chapter 35 (Police Department)

7. NEW BUSINESS

- 7.A Presentation of quarterly department reports including City Treasurer (Mickie Raney), City Secretary (Janet Dillard), and City Planner (Brittany Anderson).
- 7.B Consider and take action to approve the FY2026 second quarter financial report. (City Treasurer)
- 7.C Receive the annual comprehensive financial report (Audit) for the fiscal year ending September 30, 2025, for the City of Gun Barrel City, which includes the independent auditor's report. (City Treasurer)
- 7.D Receive the annual comprehensive financial report (Audit) for the fiscal year ending September 30, 2025, for the Economic Development Corporation, which includes the independent auditor's report. (EDC)
- 7.E Consider and take action to adopt Resolution No. R-2026-010 declaring the Place 4 Council seat to be vacant pursuant to the city's charter. (City Secretary)
- 7.F Consider and take action to adopt Ordinance No. O-2026-006, amending the fiscal year 2025-2026 budget so as to include a fund balance of \$244,242 and allocate those funds into various city departments. (City Treasurer)
- 7.G Consider and take action to adopt Ordinance No. O-2026-003 amending Chapter 90 (Animal Control) of the Gun Barrel City Code of Ordinances. (City Manager)
- 7.H Consider and take action to approve amending Section 3: MEMBERSHIP of the Gun Barrel City Community Center Policy and Procedure Manual to include memberships for up to two owners for any business located in Gun Barrel City. (City Manager)
- 7.I Consider and take action to adopt Ordinance No. O-2025-016 amending the site plan approval process to include a subdivision site plan permit and establish a fee. (City Manager)
- 7.J Consider and take action to adopt Resolution No. R-2026-009 appointing a local health authority for the City of Gun Barrel City in accordance with Texas Health and Safety Code Chapter 121.001, ET SEQ and Gun Barrel City Code of Ordinances Section 92.01. (City Manager)
- 7.K Conduct board applicant interviews and consider and take action on

appointment/s. (Mayor)

- 7.L Consider and take action to award bid for the Harbor Point Road reconstruction project (Phase III). (Street Superintendent)
- 7.M Public hearing to discuss the unsafe structure located at 129 Butler Trl., Gun Barrel City, Texas. (Mayor)
- 7.N Consider and take action to determine whether the structure located at 129 Butler Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)
- 7.O Consider and take action to adopt Order - 129 Butler Trl., making findings of fact and ordering the demolition of structures located at 129 Butler Trl., Gun Barrel City, Texas. (Building Official)
- 7.P Public hearing to discuss the unsafe structure located at 250 Overlook Trl., Gun Barrel City, Texas. (Mayor)
- 7.Q Consider and take action to determine whether the structure located at 250 Overlook Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)
- 7.R Consider and take action to adopt Order - 250 Overlook Trl., making findings of fact and ordering the demolition of structures located at 250 Overlook Trl., Gun Barrel City, Texas. (Building Official)
- 7.S Presentation and discussion of an ordinance of the City Council of the City of Gun Barrel City, Texas, amending the Code of Ordinances of the City of Gun Barrel City by Amending Chapter 111 "Amusements" and replacing Section 111.01 "Coin-Operated Machines". (City Manager)
- 7.T Discussion regarding final draft of ordinances, Chapters 36-43 and Chapters 50-52. (City Manager)

8. PLANNING & ZONING

- 8.A Public hearing on a request from Zulema Padilla to grant a special use permit to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas 75156, including a waiver of the 1,000-foot separation requirement (Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances. (Mayor)
- 8.B Consider and take action to adopt Ordinance No. O-2026-014 granting a special use permit to Zulema Padilla to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas, including a waiver of the 1,000-foot separation requirement (Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances. (City Planner)

9. ADJOURNMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting on any item on the agenda as long as it is within one of the permitted categories of the Texas Government Code.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

I certify that this Notice of Meeting was posted in a glass-enclosed case in front of City Hall at 1716 West Main Street, Gun Barrel City, Texas, and available for viewing by the public three business days prior to the meeting, as well as at the City's website at www.gunbarrelcity.gov.

Janet Dillard, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary Office at (903) 887-1087 for further information.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action - Ordinance

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

All matters listed 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:

March 17, 2026 special meeting minutes

March 24, 2026 regular meeting minutes

EDC February financials

Ordinance No. O-2026-007 through Ordinance No. O-2026-013

SUMMARY

In January 2025, City Council appointed an Ordinance Review Committee to review the Code of Ordinances for Gun Barrel City. Over a year, meeting twice per month, the Ordinance Review Committee reviewed the ordinances to prepare recommendations to City Council for a full-scale Ordinance Update. Council has now reviewed Chapters 10-35, and each is presented at this meeting for approval.

These ordinance amendments will be approved individually by Chapter and will be codified into the official language at the bi-annual amendment. The Ordinances become effective immediately.

BACKGROUND

February 9 City Council Special Meeting – Discussion regarding final draft of ordinances, Chapters 10 & 30.

March 16 City Council Special Meeting – Discussion regarding final draft of ordinances, Chapters 31 – 35.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

March 17 meeting minutes

March 24 meeting minutes

EDC February financials

Final Draft Code of Ordinances Amendment – Chapter 10 and 30-35

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 Special Meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, March 17, 2026, at 4:30 p.m.

1. CALL TO ORDER

Mayor Pro-tem, April Burns called the meeting to order at 4:30 p.m. Roll was called and a quorum established. Members in attendance included Mayor Pro-tem, April Burns and City Council members, Jennifer Jacobs and Robert Edwards. Brian Crull, Rita Evans and Brian Henson were absent.

2. ROLL CALL & QUORUM

3. CITIZEN COMMUNICATIONS (Limited to three minutes)

There were no citizen comments.

4. NEW BUSINESS

4.A Discussion regarding final draft of ordinances, Chapters 31-35. (City Manager)

City Manager, Dr. Angela Smith, advised the notes you see are the comments of not only staff but also the Ordinance Review Committee. A few minor changes were mentioned by Dr. Smith. The biggest changes are shown in the police department and fire department chapters. Once these recommendations are agreed upon, staff will send them to the attorney for a draft ordinance that will come back to Council for consideration.

Changes discussed included:

31.17 (b)(2) - a desire to leave as invocation only and not add moment of silence. There was no consensus on this.

31.17 (c) – a request to remove “or designee” in certain places was discussed and possibly not appropriate in certain sections.

31.18 it was noted these red-line changes do not change the process.

31.32 introduction and action on ordinances – change the redline to *all ordinances and resolutions shall be placed on a city council agenda, introduced, read, and acted upon at an open meeting.*

31.33 the word *touch* was questioned, and it was mentioned to ask the attorney if there is a better word, possibly use the word *address*.

31.19 – veto of mayor was discussed, and it was noted that nothing was changed, only separated out.

32.41 was mentioned and it was noted that the *local youth diversion fund* and the *local youth diversion administrative fee* was required by legislature and is a new mandate of city's.

- 4.B Discussion regarding the Community Center Policy and Procedure manual, section 3 as it relates to membership for Gun Barrel City businesses and section 5 as it relates to gymnasium rentals. (City Manager)

City Manager, Dr. Angela Smith asked for direction from Council on memberships for Gun Barrel businesses and gymnasium rental rates.

Dr. Smith's recommendation was to allow owners of businesses regardless of ownership of property and give no more than two or three owner memberships. It was determined to offer this with up to three business memberships. Gymnasium rentals were discussed and it was noted the gym was not conducive to having a basketball tournament as room is limited. Smith stated the center has designated times for pickleball play and others for open gym and it's understood that if pickle ball is being played during open gym time and someone comes in wanting to play basketball, they must give up the court.

No fees were determined for the gymnasium during discussion.

- 4.C Discussion regarding the Gun Barrel City FY2026 mid-year budget amendment. (City Manager)

A PowerPoint presentation was presented to Council. Key discussion and slides included: Explanation of fund balances at the end of September 2025.

RESTRICTED FUNDS	FY2025 Year End Fund Balance	FY2026 Revenue Estimate	FY2026 Budget
Court Security MBC Fund*	\$46,100	\$10,000	\$8,027
Fire Department Special Fund	\$50,948	(donations)	\$3,500
Law Enforcement Education Fund*	\$34,228	\$2,000	\$12,000
Municipal Court Technology Fund*	\$20,815	\$8,200	\$500
Municipal Court Time Payment Fund*	\$5,902	\$85	\$1,675
Park Special Fund	\$17,295	(donations)	\$10,000
Police Seizure/Forfeiture*	\$10,874	(seizures or forfeitures)	
Police Special Fund	\$9,194	(donations)	\$5,000
Public Enhancements*	\$430,412	\$51,641	\$60,000
Street Maintenance Sales Tax*	\$925,966	\$707,146	\$875,296
Capital Improvement Fund	\$1,637,352	(no revenue)	\$530,937
Hotel/Motel Fund*	\$216,520	\$196,507	\$388,222
Festival Fund	\$6,222	\$310,047	\$241,100

The city's financial condition, both unrestricted and restricted funds were displayed as of January 2026.

UNRESTRICTED FUNDING

Required 90-day reserve - \$1,400,128

- CD #20422 - \$50,000
- CD #40713 - \$142,966.01
- 400004821 - \$105,919.08
- 40004830 - \$102,631.25
- General Fund balance - \$998,611.66

Amount available over reserve amount

- \$431,411.71 in the General Fund Balance

Rolled over to FY2026 as excess reserves from FY2025 - \$376,374.01

Capital Improvement Fund

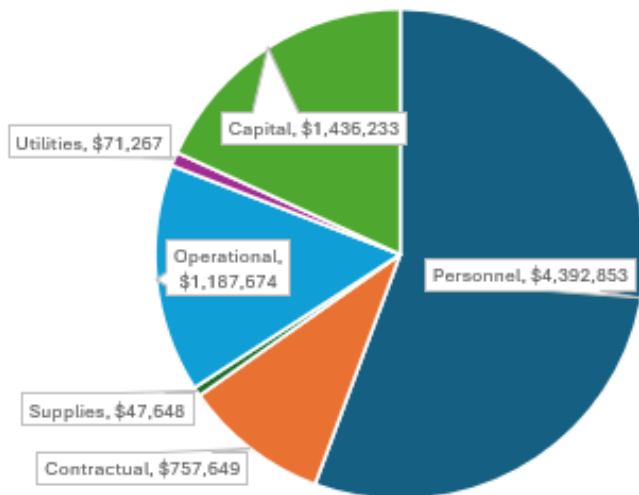
Total in the fund - \$1,654,449.49

\$935,212 dedicated to Community Center and Police Vehicles

Total available capital improvement fund - \$719,237

This fund has traditionally been used to purchase equipment and onetime purchases.

It was reported that the city is in a good financial position with only 55% of the city's expenses being personnel.



Smith advised an item will be appearing on a future agenda regarding approving an application with TexSTAR and moving about \$3.6 million into this investment account. Projected investments are shown below.

INVESTMENT WITH HILLTOP SECURITIES

GUN BARREL CITY BANK BALANCE REPORT				
		JANUARY 2026 BALANCES	TXStar	Operating Account
UNRESTRICTED FUNDS				
0 Day Reserve Amount	GENERAL FUND	1,430,023.37	400,000.00	(1,030,023.37)
\$1,400,128	Prosperity Bank CDS			
	CD #20422*	50,000.00	50,000.00	-
	CD# 40713*	142,966.01	142,966.01	-
	FIRST STATE BANK CDS			
	400004821*	105,919.08	105,919.08	-
	40004830*	102,631.25	102,631.25	-
	CAPITAL IMPROVEMENT FUND (\$935,212 dedicated to PD & FESTIVAL OPERATING	1,654,449.49	1,500,000.00	(154,449.49)
TOTAL		6,265.95	-	
2,301,516.34				
RESTRICTED FUNDS				
Days	COURT SECURITY MBC FUND	47,938.06	40,000.00	(7,938.06)
147.94	FIRE DEPARTMENT SPECIAL	51,166.73	45,000.00	(6,166.73)
	HOTEL-MOTEL/TOURISM	252,880.87	100,000.00	(152,880.87)
	LAW ENFORCEMENT EDUCATION FUND	34,365.39	30,000.00	(4,365.39)
	MUNICIPAL COURT TECHNOLOGY FUND	21,646.56	15,000.00	(6,646.56)
	MUNICIPAL COURT TIME PAYMENT FUND	5,929.29	2,500.00	(3,429.29)
	PARK SPECIAL FUND	17,318.21	14,000.00	(3,318.21)
	POLICE SEIZURE/FORFEITURE	10,888.37	5,000.00	(5,888.37)
	POLICE SPECIAL FUND	9,206.28	5,000.00	(4,206.28)
	FEDERAL GRANTS	44,345.61	-	(44,345.61)
	STREETS	993,657.40	600,000.00	(393,657.40)
	PUBLIC ENHANCEMENTS	434,499.72	400,000.00	(34,499.72)
TOTAL	380 AGREEMENTS	8,022.14	5,000.00	(3,022.14)
1,261,500.00				
COMMITTED FUNDS				
	FIRST STATE BANK ACCOUNTS			
TOTAL	SINKING FUND	133,041.90	-	(133,041.90)
0.00				
	TOTAL OF ALL FUNDS	\$ 5,557,161.68	\$ 3,563,016.34	\$ (1,994,145.34)
3,563,016.34				

Prediction for close out amounts for CD's at Prosperity
 CD #20422 - \$50,493.15 at close out
 CD#40713 - \$163,164.39 at close out

First State Bank CD's will renew in June.

There were no concerns regarding investments with Hilltop.

Department requests were discussed and displayed with the following spreadsheet.

Department	Item	Amount	Notes	Add'l Notes
Administration	Sound for Chambers	\$25,000	Phase II of AV update for Council - New microphones, programming of crestron, microphones for work sessions	
Administration	Conex Container	\$10,000	2 20' containers to replace existing containers plus shelving for documents	storage for PD for equipment, storage for documents that must be kept with shelving
Administration	Time Clock Plus Software	\$7,870	By March 31: \$7870 up front and \$3150/year recurring - April: \$10,230 upfront, \$3,150 annually	Time Management and Scheduling Software
Buildings	Funding for property clean up	\$30,000	15 Cleanups need to be done - price ranges from \$3,000-\$12,000 -roughly \$180,000 - \$30,000 will let us begin to make a dent with some of the cleanup	
Fire	Admin Vehicle	\$50,000	This vehicle will serve as an administration vehicle so we are exploring options but will need to have all wheel drive.	Fire is losing the Fire Marshall a truck (which was funded through a grant) to become the new brush truck with the grant for the new slip on
Fire	exterior wall repair	\$25,000	replace damaged exterior walls, paint the exterior walls	
Police	Breaching tools & Shields	\$10,000	6 leatherhead 30" breaching tools (\$504 each) & 6 armor-upfitters ballistic shields (\$1,000 each)	mandated equipment by HB33
Police	Building remodel	\$25,000	Two Admin offices install carpet and cove base, and paint the walls. Halls- remove chair rail, texture, and paint, paint all doors to match, Re-floor attic, paint bathrooms, and install cabinet above toilets, paint cabinets in kitchen to match, lobby remodel, replace lights, sally port door	
Police	Raincoats for Officers	\$1,600	Raincoats for 15 officers and 1 animal control officer	
Police	Exhaust Fans for evidence room	\$2,500	Have stopped working and need to be vented outside	waiting on final quote
Police	Crime scene packing and labeling supplies	\$2,500	Running short on supplies, buying out of office supplies will deplete funding	
Police	2 Computers	\$3,400	Two computers must be upgrades to Windows 11 for compliance and cannot be upgrades due to hardware limitations. We will upgrade two police computers to run technology they need and use those two to replace two at Streets.	Mandated Upgrade
Streets	Skid Steer	\$78,000	Kubota SVL75-3 Skid Steer - track system - Skid Steer - \$72,000, Grapple Bucket \$5,750,	Can be used for park, clean up and road work
TOTAL		\$270,870		

Dr. Smith encouraged Council to send any requests or anything they would like more information on before the next meeting

5. ADJOURNMENT

The meeting adjourned at 5:30 p.m.

Attest:

Janet Dillard, City Secretary

Approved:

Brian Crull, Mayor

STATE OF TEXAS *

COUNTY OF HENDERSON *

CITY OF GUN BARREL CITY *

The City Council of the City of Gun Barrel City, Texas met at a Regular Meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, March 24, 2026, 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, April Burns and City Council members, Rita Evans, Jennifer Jacobs, and Robert Edwards. Brian Henson was absent.

5. CITIZEN COMMUNICATIONS (Limited to three minutes)

Cindy Key of 312 Canoe Court spoke about communication and bringing forward solutions to issues rather than complaints. She thanked staff and all the volunteers for their hard work.

Amaris Faith of 155 Pine Bloom spoke in opposition regarding two items appearing on the agenda; the animal control ordinance and flock cameras stating *pets are family, not a revenue source and shouldn't be entered into a government registry*. Faith further stated installing citywide surveillance that tracks our vehicles raises serious questions.

Mayor Brian Crull stated several individuals that signed the petition against the animal ordinance amendment were under the understanding this was a tax; it is not a tax.

Brent Mickey of 5880 Co Rd 4518 in Henderson County shared information regarding the IPL pipeline that spans from Lake Palestine through Cedar Creek Lake to Fort Worth in regard to the county road repair plan stating if repairs are needed, they will use county road repair allowance to fix, further stating this is our tax money.

Bridgett Crull of 111 Lost Forest Road challenged citizens and shared her desire for everyone to work together as one to find solutions to questions asked. Crull praised staff and volunteers stating *it's not just their job, it's their love of their city*.

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.

The following reports were included in the consent agenda: February 9, 2026, special meeting minutes, February 24, 2026, regular meeting minutes and EDC January financials.

Jennifer Jacobs made a motion to accept the consent agenda as is. April Burns seconded and all members voted yes to approve. Motion carries.

7. NEW BUSINESS

7.A Proclamation — Child Abuse Awareness & Prevention Month, April 2026.

Mayor Brian Crull read the proclamation aloud proclaiming April 2026 as child abuse awareness and prevention month.

7.B Presentation of quarterly department reports including Fire (Colby McBride), Streets & Parks (Mike Howell), and Community Engagement (Brooke Atkinson).

Quarterly reports for months December, January and February were presented. Key highlights included water rescue recognitions and a total of \$96,850 received by the Fire department in grant funding. Harbor Point Phase 2 was completed, and two new part time employees were hired for the Community Center.

7.C Conduct Park board applicant interview and discuss appointment. (City Manager)

There was one vacancy on the Park Board and one application filed. Kortney Clayburn introduced herself and shared her desire to serve on the Park Board.

April Burns made a motion to accept Kortney Clayburn to the Park Board. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

7.D Consider and take action to adopt Resolution No. R-2026-006 approving an application for participation in the Texas Short Term Asset Reserve Program (TexSTAR). (City Manager)

51:46 Mayor Brian Crull read the resolution header aloud. City Manager, Dr. Angela Smith, provided a timeline of events regarding this policy and advised the application for participation has been provided and Hilltop is here tonight to answer any questions.

Robert Edwards made a motion to take action to adopt Resolution No. R-2026-006 approving an application for participation in the Texas Short Term Asset

Reserve Program (TexSTAR). April Burns seconded, and all members voted yes to approve. Motion carries.

- 7.E Consider and take action to adopt Resolution No. R-2026-007 allowing staff to file all necessary applications and supporting materials to apply for a Motor Vehicle Crime Prevention Authority FY2027 SB224 Catalytic Converter grant to fund additional FLOCK equipment for Gun Barrel City. (Police Chief)

56:06 Mayor Brian Crull read the resolution header aloud. Police Chief, Keith Stephens advised the total grant amount was \$105,000 and they are asking for a city match of \$21,000. Equipment included with this grant would be 11 cameras, a drone with live viewing abilities, 2 solar PTZ cameras, 2 wired PTZ cameras and 1 integrated live feed. The placement of these cameras was noted to be placed at major entry/exit points of the city but was yet to be determined. This grant will be funded in 2027 and Stephens confirmed there are policies and procedures in place for this system and it is to be used only for open investigations. The question was asked regarding software and ongoing costs for the future and Stephens confirmed they will be applying for this grant each year and the cost to the city should remain the same if they receive the grant. City Manager, Dr. Angela Smith, advised this is a scalable product and we are not required to add additional cameras. It was noted that the flock cameras have thermal imaging capabilities.

April Burns made a motion to adopt Resolution No. R-2026-007 allowing staff to file all necessary applications and supporting materials to apply for a Motor Vehicle Crime Prevention Authority FY2027 SB224 Catalytic Converter grant to fund additional FLOCK equipment for Gun Barrel City. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

- 7.F Consider and take action to adopt Resolution No. R-2026-008 authorizing the City Manager to close Certificate of Deposit Account number ending in 1007 at Prosperity Bank and transfer the proceeds to the City's General Fund Account to be held for future investment. (City Manager)

1:10:51 Mayor Brian Crull read the resolution aloud. City Manager, Dr. Angela Smith advised this resolution will allow staff to close the current CD with Prosperity Bank to move that money to the General Fun account in order for us to reinvest it with TexSTAR in the next 30-days.

Jennifer Jacobs made a motion to adopt Resolution No. R-2026-008 authorizing the City Manager to close Certificate of Deposit Account number ending in 1007 at Prosperity Bank and transfer the proceeds to the City's General Fund Account to be held for future investment. April Burns seconded, and all members voted yes to approve. Motion carries.

- 7.G Consider and take action to approve a service agreement with B-Weiss Entertainment Group, LLC. for an amount not to exceed \$198,589 for JulyFest 2026. (Community Engagement)

1:13:04 Kate Weller of 129 Camino Robles stated JulyFest is funded by the Hotel Occupancy Tax Fund referred to as the hot fund, collected from hotels, motels and short-term rentals. Texas tax code requires that hot funds be spent on projects that are likely to increase overnight hotel stays and/or promote tourism and cannot be used for general government operations or infrastructure that does not directly serve tourists.

1:15:16 Brooke Atkinson advised this year the city will be elevating the event as our official America 250th celebration. Julyfest (August 1, 2026) will have live music, fireworks, vendors and family activities. The largest portion in the total price is talent which totals \$114,500 and event production and infrastructure totaling \$72,439. The question was asked why we are holding Julyfest in August, rather than July. City Manager, Dr. Angela Smith advised scheduling talent in or around weekends in July was difficult and they just weren't available unless we wanted to pay a huge amount more for them. Smith confirmed we have spoken to Brad about searching for talent and locking them in place sooner in years to come.

Robert Edwards made a motion to approve a service agreement with B-Weiss Entertainment Group, LLC. for an amount not to exceed \$198,589 for JulyFest 2026. Jennifer Jacobs seconded. All members voted yes to approve and the motion carries.

- 7.H Consider and take action to adopt Ordinance No. O-2026-003 amending Chapter 90 (Animal Control) of the Gun Barrel City Code of Ordinances. (City Manager)

1:22:07 Gary Damiano of 335 Autumnwood Trail spoke in favor of the ordinance comparing the ordinance to an insurance policy stating it helps you get your dog back. Damiano stated we have an animal problem and we need a solution.

1:24:54 Michelle Hammer of 119 Briarwood Drive spoke in favor of the ordinance stating she spent roughly \$30,000 on cat rescues in 2024, and this shouldn't be an option. Hammer gave examples of concerns that will continue unless there are standards put in place. Without these measures, enforcement is reactive and increases risk to residents, property and animals. These policies are not about overregulation; they are about implementing practical, widely accepted standards that allow a community to function safely and responsibly.

1:27:58 Mayor Brian Crull read the ordinance header aloud.

Robert Edwards made a motion to table the item stating we have a lot more to discuss, and we could work on this. Rita Evans seconded and all members voted yes to table. Motion carries and the item was tabled and will come back before Council at the April regular meeting.

- 7.I Consider and take action to adopt Ordinance No. O-2025-016 amending the site plan approval process to include a subdivision site plan permit and establish a fee. (City Manager)

1:29:32 Mayor Brian Crull read the ordinance header aloud. City Manager, Dr. Angela Smith advised the purpose of this was to allow us a checks and balances system in line with our drainage ordinance to have someone confirm that the site plan is being developed in line with the site plan that is approved. A timeline of events for this ordinance was presented, and a question was asked what other infrastructure would this site plan ordinance give us. Smith stated streets was the main one or any additional infrastructure that was proposed, sidewalks, retaining walls...etc. It was noted that maybe a change to the street ordinance would be a better option since this is mainly regarding streets.

Robert Edwards made a motion to table. The motion was not considered by the group and no vote was taken. Discussion continued stating if the desire was to not approve the ordinance, then a motion to not approve was needed.

April Burns made a subsequent motion not to adopt ordinance number O-2025-016 amending the site plan approval process to include a subdivision site plan permit and establish a fee. Robert Edwards seconded, and all members voted yes to not adopt the ordinance.

Due to Robert Edwards' motion being on the table and not formally addressed or considered, the second motion is not considered valid and will need to come back before the Council for consideration once more.

- 7.J Consider and take action to move the May 26, 2026, regular City Council meeting to Wednesday, May 27, 2026, due to Primary Runoff Election Day. (City Secretary)

City Secretary, Janet Dillard advised the primary runoff date falls on the same date as the regular meeting and staff is asking to push the regular date to the following day. April Burns made a motion to move the May 26, 2026, regular city council meeting to Wednesday, May 27, 2026, due to primary runoff election day. Robert Edwards seconded and all members voted yes to approve. Motion carries.

8. ADJOURNMENT

The City Council adjourned the meeting at 8:14 p.m.

Attest:

Janet Dillard, City Secretary

Approved:

Brian Crull, Mayor

Financial Report

February 2026

Prepared for Gun Barrel City Economic Development Corporation

For the April, 2026 Board meeting

By Charles Houk, Executive Director

Gun Barrel City Economic Development Corporation

Bank Balance Report Month End

Account	Balance
Prosperity – Operating	\$23,184.56
Prosperity – Projects	\$373,947.51
Prosperity – Sales Tax Revenue	\$1,466,616.57
TexStar 1890	\$720,837.91

Notes Receivable

Account	February 2026	January 2026
Lakeland Medical Associates	27,928.65	30,603.65
Badge, LLC, Lake Glass & Mirror	11,744.22	13,218.04
Slap-n-Good BBQ	19,752.40	19,752.40
Safari Project – Saucedo Ent	9,142.40	9,666.70
Michael Huskisson/Tip Top	69,188.90	69,188.90
Jacey Hurst – Dreamy Dogs	82,670.37	82,670.37
Gun Barrel Transmission	240,046.98	242,360.70
Mosier's Contracting Inc	75,000	0
-	0	0
-	0	0
-	0	0
-	0	0

Notes Payable

Account	February 2026
SSB Big Chief Landing	\$0
SSB Pier 334	\$372,796.28

Gun Barrel City Economic Development Corporation

Budget Report

October 1, 2025 – February 28, 2026

Summary:

Total Income: \$341,882.53

Total Expenses: \$134,445.79

Net Income: \$207,436.74

		Oct 2025		
	Actual	Budget	over Budget	% of Budget
Income				
100 Sales Tax Revenue	58,158.60	56,662.00	1,496.60	102.64%
101 RLF Interest	537.35	833.33	-295.98	64.48%
06025 Eldon Campbell-Int. Pmt.		4,166.67	-4,166.67	0.00%
Total 101 RLF Interest	\$ 537.35	\$ 5,000.00	-\$ 4,462.65	10.75%
102 Other Interest Income			0.00	
Int. on Cking & Sav. Accts.	4,527.55		4,527.55	
Total 102 Other Interest Income	\$ 4,527.55	\$ 0.00	\$ 4,527.55	
Total Income	\$ 63,223.50	\$ 61,662.00	\$ 1,561.50	102.53%
Gross Profit	\$ 63,223.50	\$ 61,662.00	\$ 1,561.50	102.53%
Expenses				
12500 PROJECTS & PROGRAMS			0.00	
12505 Big Chief Landing			0.00	
12505.1 BCL Interest Expense			0.00	
12505.3 BCL Other Expenses		3,394.58	-3,394.58	0.00%
12505.4 Pier 334 Development		8,420.83	-8,420.83	0.00%
12505.5 Pier 334 Int Expense		5,026.25	-5,026.25	0.00%
Total 12505 Big Chief Landing	\$ 0.00	\$ 16,841.66	-\$ 16,841.66	0.00%
12507 Large Business Incentive Progra		8,333.33	-8,333.33	0.00%
12523 Small Business Incentive Progra	4,000.00	2,974.56	1,025.44	134.47%
Total 12500 PROJECTS & PROGRAMS	\$ 4,000.00	\$ 28,149.55	-\$ 24,149.55	14.21%
FIXED EXPENSES				
30000 Personnel Costs			0.00	
31000 Executive Director		7,083.33	-7,083.33	0.00%
33000 Executive Assistant		3,358.27	-3,358.27	0.00%
33200 Employee Benefits	658.08	2,083.33	-1,425.25	31.59%
65600 Payroll Taxes		750.00	-750.00	0.00%
Total 30000 Personnel Costs	\$ 658.08	\$ 13,274.93	-\$ 12,616.85	4.96%
50000 Facilities			0.00	
41201 Telephone & Internet	468.65	583.33	-114.68	80.34%
51000 Rent	1,269.80	750.00	519.80	169.31%
53000 Repairs & Maint.	150.00	166.67	-16.67	90.00%
54000 Utilities			0.00	
54200 Electricity		250.00	-250.00	0.00%
Total 54000 Utilities	\$ 0.00	\$ 250.00	-\$ 250.00	0.00%
54300 Security		16.67	-16.67	0.00%
Total 50000 Facilities	\$ 1,888.45	\$ 1,766.67	\$ 121.78	106.89%

Total FIXED EXPENSES	\$ 2,546.53	\$ 15,041.60	-\$ 12,495.07	16.93%
Payroll Expenses			0.00	
Company Contributions			0.00	
Retirement	494.37		494.37	
Total Company Contributions	\$ 494.37	\$ 0.00	\$ 494.37	
Taxes	1,644.61		1,644.61	
Wages	17,112.45		17,112.45	
Total Payroll Expenses	\$ 19,251.43	\$ 0.00	\$ 19,251.43	
VARIABLE EXPENSES			0.00	
12600 Marketing			0.00	
12524 Donations		83.33	-83.33	0.00%
12601 Materials Design & Production		250.00	-250.00	0.00%
12602 Placer ai	14,700.00	1,166.67	13,533.33	1260.00%
12606 Website (GISPlanning)		1,791.67	-1,791.67	0.00%
12607 Website (Golden Shovel)	9,055.97	666.67	8,389.30	1358.39%
12608 Advertising		833.33	-833.33	0.00%
12619 Print Advertising		208.33	-208.33	0.00%
Total 12600 Marketing	\$ 23,755.97	\$ 5,000.00	\$ 18,755.97	475.12%
40000 Office Expenses	356.86		356.86	
41102 Software/Computers	214.90	250.00	-35.10	85.96%
43000 Office Supplies	353.40	583.33	-229.93	60.58%
Total 40000 Office Expenses	\$ 925.16	\$ 833.33	\$ 91.83	111.02%
43400 Dues & Subscriptions			0.00	
43405 TEDC	600.00	208.33	391.67	288.00%
43406 Other Miscellaneous	100.00	83.33	16.67	120.00%
Total 43400 Dues & Subscriptions	\$ 700.00	\$ 291.66	\$ 408.34	240.01%
46000 Professional Service			0.00	
46100 Audit Fee		666.67	-666.67	0.00%
46200 CPA Fees	500.00	333.33	166.67	150.00%
46300 Bank Fee		8.33	-8.33	0.00%
46400 Legal Fee	1,102.50	1,250.00	-147.50	88.20%
46500 Misc Prof Fees		1,250.00	-1,250.00	0.00%
Total 46000 Professional Service	\$ 1,602.50	\$ 3,508.33	-\$ 1,905.83	45.68%
48000 Professional & Board Development			0.00	
48050 Staff Training	40.00	208.33	-168.33	19.20%
48100 Board Development		208.33	-208.33	0.00%
Total 48000 Professional & Board Development	\$ 40.00	\$ 416.66	-\$ 376.66	9.60%
Total VARIABLE EXPENSES	\$ 27,023.63	\$ 10,049.98	\$ 16,973.65	268.89%
Total Expenses	\$ 52,821.59	\$ 53,241.13	-\$ 419.54	99.21%
Net Operating Income	\$ 10,401.91	\$ 8,420.87	\$ 1,981.04	123.53%
Other Expenses				
Ask My Accountant			0.00	
Total Other Expenses	\$ 0.00	\$ 0.00	\$ 0.00	
Net Other Income	\$ 0.00	\$ 0.00	\$ 0.00	

Net Income

\$	10,401.91	\$	8,420.87	\$	1,981.04	123.53%

GUN BARREL CITY ECONOMIC DEVELOPMENT C
Budget vs. Actuals: FY_2025_2026 - FY26
October 2025 - February 2026

Nov 2025				Dec 2025			
Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
93.17	56,662.00	-56,568.83	0.16%	59,065.15	56,662.00	2,403.15	104.24%
600.07	833.33	-233.26	72.01%	13,310.73	833.33	12,477.40	1597.29%
	4,166.67	-4,166.67	0.00%		4,166.67	-4,166.67	0.00%
\$ 600.07	\$ 5,000.00	-\$ 4,399.93	12.00%	\$ 13,310.73	\$ 5,000.00	\$ 8,310.73	266.21%
		0.00				0.00	
4,171.07		4,171.07		4,168.54		4,168.54	
\$ 4,171.07	\$ 0.00	\$ 4,171.07		\$ 4,168.54	\$ 0.00	\$ 4,168.54	
\$ 4,864.31	\$ 61,662.00	-\$ 56,797.69	7.89%	\$ 76,544.42	\$ 61,662.00	\$ 14,882.42	124.14%
\$ 4,864.31	\$ 61,662.00	-\$ 56,797.69	7.89%	\$ 76,544.42	\$ 61,662.00	\$ 14,882.42	124.14%
		0.00				0.00	
		0.00				0.00	
		0.00				0.00	
	3,394.58	-3,394.58	0.00%		3,394.58	-3,394.58	0.00%
	8,420.83	-8,420.83	0.00%		8,420.83	-8,420.83	0.00%
3,634.08	5,026.25	-1,392.17	72.30%		5,026.25	-5,026.25	0.00%
\$ 3,634.08	\$ 16,841.66	-\$ 13,207.58	21.58%	\$ 0.00	\$ 16,841.66	-\$ 16,841.66	0.00%
	8,333.33	-8,333.33	0.00%		8,333.33	-8,333.33	0.00%
	2,974.56	-2,974.56	0.00%		2,974.56	-2,974.56	0.00%
\$ 3,634.08	\$ 28,149.55	-\$ 24,515.47	12.91%	\$ 0.00	\$ 28,149.55	-\$ 28,149.55	0.00%
		0.00				0.00	
		0.00				0.00	
	7,083.33	-7,083.33	0.00%		7,083.33	-7,083.33	0.00%
	3,358.27	-3,358.27	0.00%		3,358.27	-3,358.27	0.00%
3,217.60	2,083.33	1,134.27	154.45%		2,083.33	-2,083.33	0.00%
	750.00	-750.00	0.00%		750.00	-750.00	0.00%
\$ 3,217.60	\$ 13,274.93	-\$ 10,057.33	24.24%	\$ 0.00	\$ 13,274.93	-\$ 13,274.93	0.00%
		0.00				0.00	
505.03	583.33	-78.30	86.58%	627.75	583.33	44.42	107.61%
750.00	750.00	0.00	100.00%	750.00	750.00	0.00	100.00%
225.00	166.67	58.33	135.00%	150.00	166.67	-16.67	90.00%
		0.00				0.00	
	250.00	-250.00	0.00%		250.00	-250.00	0.00%
\$ 0.00	\$ 250.00	-\$ 250.00	0.00%	\$ 0.00	\$ 250.00	-\$ 250.00	0.00%
16.50	16.67	-0.17	98.98%		16.67	-16.67	0.00%
\$ 1,496.53	\$ 1,766.67	-\$ 270.14	84.71%	\$ 1,527.75	\$ 1,766.67	-\$ 238.92	86.48%

\$	4,714.13	\$	15,041.60	-\$	10,327.47	31.34%	\$	1,527.75	\$	15,041.60	-\$	13,513.85	10.16%
					0.00							0.00	
					0.00							0.00	
	527.42				527.42			1,582.26				1,582.26	
\$	527.42	\$	0.00	\$	527.42		\$	1,582.26	\$	0.00	\$	1,582.26	
	436.37				436.37			1,309.10				1,309.10	
	5,704.15				5,704.15			17,112.45				17,112.45	
\$	6,667.94	\$	0.00	\$	6,667.94		\$	20,003.81	\$	0.00	\$	20,003.81	
					0.00							0.00	
					0.00							0.00	
		83.33		-83.33	0.00%			83.33		-83.33		0.00%	
		250.00		-250.00	0.00%			250.00		-250.00		0.00%	
		1,166.67		-1,166.67	0.00%			1,166.67		-1,166.67		0.00%	
		1,791.67		-1,791.67	0.00%			1,791.67		-1,791.67		0.00%	
		666.67		-666.67	0.00%			666.67		-666.67		0.00%	
		833.33		-833.33	0.00%		220.00	833.33		-613.33		26.40%	
	245.00	208.33		36.67	117.60%			208.33		-208.33		0.00%	
\$	245.00	\$	5,000.00	-\$	4,755.00	4.90%	\$	220.00	\$	5,000.00	-\$	4,780.00	4.40%
	267.37				267.37							0.00	
	248.38	250.00		-1.62	99.35%		248.38	250.00		-1.62		99.35%	
	254.23	583.33		-329.10	43.58%			583.33		-583.33		0.00%	
\$	769.98	\$	833.33	-\$	63.35	92.40%	\$	248.38	\$	833.33	-\$	584.95	29.81%
					0.00							0.00	
	1,419.15	208.33		1,210.82	681.20%			208.33		-208.33		0.00%	
		83.33		-83.33	0.00%			83.33		-83.33		0.00%	
\$	1,419.15	\$	291.66	\$	1,127.49	486.58%	\$	0.00	\$	291.66	-\$	291.66	0.00%
					0.00							0.00	
		666.67		-666.67	0.00%			666.67		-666.67		0.00%	
	500.00	333.33		166.67	150.00%		1,000.00	333.33		666.67		300.00%	
		8.33		-8.33	0.00%			8.33		-8.33		0.00%	
	292.50	1,250.00		-957.50	23.40%		45.00	1,250.00		-1,205.00		3.60%	
		1,250.00		-1,250.00	0.00%			1,250.00		-1,250.00		0.00%	
\$	792.50	\$	3,508.33	-\$	2,715.83	22.59%	\$	1,045.00	\$	3,508.33	-\$	2,463.33	29.79%
					0.00							0.00	
		208.33		-208.33	0.00%			208.33		-208.33		0.00%	
		208.33		-208.33	0.00%			208.33		-208.33		0.00%	
\$	0.00	\$	416.66	-\$	416.66	0.00%	\$	0.00	\$	416.66	-\$	416.66	0.00%
\$	3,226.63	\$	10,049.98	-\$	6,823.35	32.11%	\$	1,513.38	\$	10,049.98	-\$	8,536.60	15.06%
\$	18,242.78	\$	53,241.13	-\$	34,998.35	34.26%	\$	23,044.94	\$	53,241.13	-\$	30,196.19	43.28%
-\$	13,378.47	\$	8,420.87	-\$	21,799.34	-158.87%	\$	53,499.48	\$	8,420.87	\$	45,078.61	635.32%
					0.00							0.00	
\$	0.00	\$	0.00	\$	0.00		\$	0.00	\$	0.00	\$	0.00	
\$	0.00	\$	0.00	\$	0.00		\$	0.00	\$	0.00	\$	0.00	

- \$	13,378.47	\$	8,420.87	- \$	21,799.34	-158.87%	\$	53,499.48	\$	8,420.87	\$	45,078.61	635.32%

Wednesday, Mar 04, 2026 04:52:57 PM GMT-8 - Accrual Basis

CORPORATION

P&L

Jan 2026				Feb 2026				
Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget	Actual
120,180.87	56,662.00	63,518.87	212.10%	67,751.04	56,662.00	11,089.04	119.57%	305,248.83
665.93	833.33	-167.40	79.91%	586.04	833.33	-247.29	70.33%	15,700.12
	4,166.67	-4,166.67	0.00%		4,166.67	-4,166.67	0.00%	0.00
\$ 665.93	\$ 5,000.00	-\$ 4,334.07	13.32%	\$ 586.04	\$ 5,000.00	-\$ 4,413.96	11.72%	\$ 15,700.12
		0.00				0.00		0.00
4,252.20		4,252.20		3,814.22		3,814.22		20,933.58
\$ 4,252.20	\$ 0.00	\$ 4,252.20		\$ 3,814.22	\$ 0.00	\$ 3,814.22		\$ 20,933.58
\$ 125,099.00	\$ 61,662.00	\$ 63,437.00	202.88%	\$ 72,151.30	\$ 61,662.00	\$ 10,489.30	117.01%	\$ 341,882.53
\$ 125,099.00	\$ 61,662.00	\$ 63,437.00	202.88%	\$ 72,151.30	\$ 61,662.00	\$ 10,489.30	117.01%	\$ 341,882.53
		0.00				0.00		0.00
		0.00				0.00		0.00
		0.00		1,756.81		1,756.81		1,756.81
	3,394.58	-3,394.58	0.00%		3,394.58	-3,394.58	0.00%	0.00
	8,420.83	-8,420.83	0.00%		8,420.83	-8,420.83	0.00%	0.00
	5,026.25	-5,026.25	0.00%	3,566.82	5,026.25	-1,459.43	70.96%	7,200.90
\$ 0.00	\$ 16,841.66	-\$ 16,841.66	0.00%	\$ 5,323.63	\$ 16,841.66	-\$ 11,518.03	31.61%	\$ 8,957.71
	8,333.33	-8,333.33	0.00%		8,333.33	-8,333.33	0.00%	0.00
	2,974.56	-2,974.56	0.00%		2,974.56	-2,974.56	0.00%	4,000.00
\$ 0.00	\$ 28,149.55	-\$ 28,149.55	0.00%	\$ 5,323.63	\$ 28,149.55	-\$ 22,825.92	18.91%	\$ 12,957.71
		0.00				0.00		0.00
		0.00				0.00		0.00
372.70	7,083.33	-6,710.63	5.26%	562.50	7,083.33	-6,520.83	7.94%	935.20
	3,358.27	-3,358.27	0.00%		3,358.27	-3,358.27	0.00%	0.00
	2,083.33	-2,083.33	0.00%	1,790.76	2,083.33	-292.57	85.96%	5,666.44
	750.00	-750.00	0.00%		750.00	-750.00	0.00%	0.00
\$ 372.70	\$ 13,274.93	-\$ 12,902.23	2.81%	\$ 2,353.26	\$ 13,274.93	-\$ 10,921.67	17.73%	\$ 6,601.64
		0.00				0.00		0.00
3,198.84	583.33	2,615.51	548.38%		583.33	-583.33	0.00%	4,800.27
	750.00	-750.00	0.00%	750.00	750.00	0.00	100.00%	3,519.80
75.00	166.67	-91.67	45.00%	225.00	166.67	58.33	135.00%	825.00
		0.00				0.00		0.00
	250.00	-250.00	0.00%		250.00	-250.00	0.00%	0.00
\$ 0.00	\$ 250.00	-\$ 250.00	0.00%	\$ 0.00	\$ 250.00	-\$ 250.00	0.00%	\$ 0.00
16.50	16.67	-0.17	98.98%	16.50	16.67	-0.17	98.98%	49.50
\$ 3,290.34	\$ 1,766.67	\$ 1,523.67	186.25%	\$ 991.50	\$ 1,766.67	-\$ 775.17	56.12%	\$ 9,194.57

\$	3,663.04	\$	15,041.60	-\$	11,378.56	24.35%	\$	3,344.76	\$	15,041.60	-\$	11,696.84	22.24%	\$	15,796.21	
					0.00							0.00			0.00	
					0.00							0.00			0.00	
	527.42				527.42			1,054.84				1,054.84			4,186.31	
\$	527.42	\$	0.00	\$	527.42		\$	1,054.84	\$	0.00	\$	1,054.84		\$	4,186.31	
	801.51				801.51			1,387.10				1,387.10			5,578.69	
	5,704.15				5,704.15			11,408.30				11,408.30			57,041.50	
\$	7,033.08	\$	0.00	\$	7,033.08		\$	13,850.24	\$	0.00	\$	13,850.24		\$	66,806.50	
					0.00							0.00			0.00	
					0.00							0.00			0.00	
			83.33		-83.33	0.00%				83.33		-83.33	0.00%		0.00	
			250.00		-250.00	0.00%				250.00		-250.00	0.00%		0.00	
			1,166.67		-1,166.67	0.00%				1,166.67		-1,166.67	0.00%		14,700.00	
			1,791.67		-1,791.67	0.00%				1,791.67		-1,791.67	0.00%		0.00	
			666.67		-666.67	0.00%				666.67		-666.67	0.00%		9,055.97	
			833.33		-833.33	0.00%		400.00		833.33		-433.33	48.00%		620.00	
			208.33		-208.33	0.00%				208.33		-208.33	0.00%		245.00	
\$	0.00	\$	5,000.00	-\$	5,000.00	0.00%	\$	400.00	\$	5,000.00	-\$	4,600.00	8.00%	\$	24,620.97	
					0.00							0.00			624.23	
	248.38		250.00		-1.62	99.35%		261.17		250.00		11.17	104.47%		1,221.21	
	955.80		583.33		372.47	163.85%		940.03		583.33		356.70	161.15%		2,503.46	
\$	1,204.18	\$	833.33	\$	370.85	144.50%	\$	1,201.20	\$	833.33	\$	367.87	144.14%	\$	4,348.90	
					0.00							0.00			0.00	
	225.00		208.33		16.67	108.00%				208.33		-208.33	0.00%		2,244.15	
			83.33		-83.33	0.00%				83.33		-83.33	0.00%		100.00	
\$	225.00	\$	291.66	-\$	66.66	77.14%	\$	0.00	\$	291.66	-\$	291.66	0.00%	\$	2,344.15	
					0.00							0.00			0.00	
			666.67		-666.67	0.00%				666.67		-666.67	0.00%		0.00	
			333.33		-333.33	0.00%		500.00		333.33		166.67	150.00%		2,500.00	
	10.00		8.33		1.67	120.05%				8.33		-8.33	0.00%		10.00	
	607.50		1,250.00		-642.50	48.60%		135.00		1,250.00		-1,115.00	10.80%		2,182.50	
			1,250.00		-1,250.00	0.00%		25.00		1,250.00		-1,225.00	2.00%		25.00	
\$	617.50	\$	3,508.33	-\$	2,890.83	17.60%	\$	660.00	\$	3,508.33	-\$	2,848.33	18.81%	\$	4,717.50	
					0.00							0.00			0.00	
			208.33		-208.33	0.00%				208.33		-208.33	0.00%		40.00	
			208.33		-208.33	0.00%				208.33		-208.33	0.00%		0.00	
\$	0.00	\$	416.66	-\$	416.66	0.00%	\$	0.00	\$	416.66	-\$	416.66	0.00%	\$	40.00	
\$	2,046.68	\$	10,049.98	-\$	8,003.30	20.37%	\$	2,261.20	\$	10,049.98	-\$	7,788.78	22.50%	\$	36,071.52	
\$	12,742.80	\$	53,241.13	-\$	40,498.33	23.93%	\$	24,779.83	\$	53,241.13	-\$	28,461.30	46.54%	\$	131,631.94	
\$	112,356.20	\$	8,420.87	\$	103,935.33	1334.26%	\$	47,371.47	\$	8,420.87	\$	38,950.60	562.55%	\$	210,250.59	
					0.00			2,813.85				2,813.85			2,813.85	
\$	0.00	\$	0.00	\$	0.00		\$	2,813.85	\$	0.00	\$	2,813.85		\$	2,813.85	
\$	0.00	\$	0.00	\$	0.00	-\$	\$	2,813.85	\$	0.00	-\$	\$	2,813.85	-\$	\$	2,813.85

\$	112,356.20	\$	8,420.87	\$	103,935.33	1334.26%	\$	44,557.62	\$	8,420.87	\$	36,136.75	529.13%	\$	207,436.74

Total		
Budget	over Budget	% of Budget
283,310.00	21,938.83	107.74%
4,166.65	11,533.47	376.80%
20,833.35	-20,833.35	0.00%
\$ 25,000.00	-\$ 9,299.88	62.80%
0.00	0.00	
0.00	20,933.58	
\$ 0.00	\$ 20,933.58	
\$ 308,310.00	\$ 33,572.53	110.89%
\$ 308,310.00	\$ 33,572.53	110.89%
0.00	0.00	
0.00	0.00	
0.00	1,756.81	
16,972.90	-16,972.90	0.00%
42,104.15	-42,104.15	0.00%
25,131.25	-17,930.35	28.65%
\$ 84,208.30	-\$ 75,250.59	10.64%
41,666.65	-41,666.65	0.00%
14,872.80	-10,872.80	26.89%
\$ 140,747.75	-\$ 127,790.04	9.21%
0.00	0.00	
0.00	0.00	
35,416.65	-34,481.45	2.64%
16,791.35	-16,791.35	0.00%
10,416.65	-4,750.21	54.40%
3,750.00	-3,750.00	0.00%
\$ 66,374.65	-\$ 59,773.01	9.95%
0.00	0.00	
2,916.65	1,883.62	164.58%
3,750.00	-230.20	93.86%
833.35	-8.35	99.00%
0.00	0.00	
1,250.00	-1,250.00	0.00%
\$ 1,250.00	-\$ 1,250.00	0.00%
83.35	-33.85	59.39%
\$ 8,833.35	\$ 361.22	104.09%

\$	75,208.00	-\$	59,411.79	21.00%
	0.00		0.00	
	0.00		0.00	
	0.00		4,186.31	
\$	0.00	\$	4,186.31	
	0.00		5,578.69	
	0.00		57,041.50	
\$	0.00	\$	66,806.50	
	0.00		0.00	
	0.00		0.00	
	416.65		-416.65	0.00%
	1,250.00		-1,250.00	0.00%
	5,833.35		8,866.65	252.00%
	8,958.35		-8,958.35	0.00%
	3,333.35		5,722.62	271.68%
	4,166.65		-3,546.65	14.88%
	1,041.65		-796.65	23.52%
\$	25,000.00	-\$	379.03	98.48%
	0.00		624.23	
	1,250.00		-28.79	97.70%
	2,916.65		-413.19	85.83%
\$	4,166.65	\$	182.25	104.37%
	0.00		0.00	
	1,041.65		1,202.50	215.44%
	416.65		-316.65	24.00%
\$	1,458.30	\$	885.85	160.75%
	0.00		0.00	
	3,333.35		-3,333.35	0.00%
	1,666.65		833.35	150.00%
	41.65		-31.65	24.01%
	6,250.00		-4,067.50	34.92%
	6,250.00		-6,225.00	0.40%
\$	17,541.65	-\$	12,824.15	26.89%
	0.00		0.00	
	1,041.65		-1,001.65	3.84%
	1,041.65		-1,041.65	0.00%
\$	2,083.30	-\$	2,043.30	1.92%
\$	50,249.90	-\$	14,178.38	71.78%
\$	266,205.65	-\$	134,573.71	49.45%
\$	42,104.35	\$	168,146.24	499.36%
	0.00		2,813.85	
\$	0.00	\$	2,813.85	
\$	0.00	-\$	2,813.85	

\$	42,104.35	\$	165,332.39	492.67%

ORDINANCE NO. O-2026-007

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 10 (GENERAL PROVISIONS) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the general operation of the City and has codified said regulations in Chapter 10 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 10 (General Provisions) are necessary in order to provide further clarity and guidance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 10.09 (Reference to Offices) is amended as follows:

Reference to a public office or officer shall be deemed to apply to any elected office, appointed position, and/or employee of the City that exercises a sovereign function of City Government largely independent of the control of others and for the public benefit.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-008

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 30 (CITY POLICIES AND PROCEDURES) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning general policies and procedures of the City and has codified said regulations in Chapter 30 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 30 (City Policies and Procedures) are necessary in order to provide further clarity and guidance concerning said policies and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 30.01 (Official Newspaper) is deleted in its entirety.
- Section 30.03 (Brady Law Criminal History Check Fee) is deleted in its entirety.
- Section 30.05 (Credit Card Processing Fee has been retitled as Electronic Payment; Processing Fee). This Section is amended as follows:

The collection of fee payments by electronic means and by debit or credit card shall be processed by a third-party vendor. Processing fees charged for payments by electronic means shall be a percentage of the payment plus a transaction fee for payments made by credit card and a set amount per transaction for payments made by electronic check. Processing fees charged for payments made by debit or credit card shall be a set amount per transaction as determined by the vendor or as provided for in § 25.00 of the Fee Schedule found in Appendix 1 of this code. The City must approve any fees set by the third-party vendor.

- Credit Card Fee, Section (1)-(5) is deleted in its entirety.
- Section 30.05 (A) and (B) are added as follows:
 - A) Service charge. If, for any reason, a payment by electronic means, debit or credit card is not honored by the credit card company on which the funds are drawn, the city may collect a service charge from the person who owes the payment. The service charge is in addition to the original fee and is for the collection of that original amount. The amount

of the service charge is the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds.

- B) Deposit of the credit card fee. The credit card fee or service charge, when collected by the City and not a third party, shall be deposited into the General Fund, or other funds as directed or required by law, of the city.

- Section 30.25 (Claims for Damages) is amended as follows:

State law reference(s)—Immunity of certain governmental functions, see Tex. Civ. Practice & Remedies Code § 101.055.

- Section 30.26 (Conduct of City Employees and Officers) is amended as follows:

B) Claims against the city. The Mayor and/or the City Manager or designee may meet with any person, who is not then represented by legal counsel, regarding the facts and circumstances applicable to any claim or potential claim by such person against the city, for the purpose of ascertaining the relevant facts and circumstances regarding any such claim and, in appropriate instances, reaching an amicable resolution thereof subject to the approval of the City Council; provided that the Mayor and/or City Manager or designee shall in every instance conduct themselves, to the best of their ability, in a manner consistent with the best interests of the city and the high level of duty owed the city and its citizens.

- Section 30.35 (Restricted Access to Certain City Buildings) is amended as follows:

B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PERSON. A person authorized to go upon the grounds of or enter into such building by an officer of the city.

CITY FACILITY. Any public building or specific area in a public building, used and occupied for the purpose of conducting City Business or emergency response which is not open to the public including fire stations, City Hall, the Justice Center, the Community Center, and a streets or park office building.

SERVICE PROVIDER. Any person who is providing, or who is assisting any person or entity to provide, services or products to the city.

C) Restricted access. Access to non-public areas of City Facilities is restricted as provided in this division.

- (1) It shall be unlawful for any person who is not a member of the City Council, an employee of the city, an authorized person, or a service provider, to enter into any non-public area of a City owned facility except fire stations and the Justice Center.

- (2) It shall be unlawful for any person who is not an employee of the respective department in the performance of their job duties, an authorized person, or a service provider, to enter into any fire station or the Justice Center when not escorted by an employee of the Fire, Police or Court Department.

D) Defense to prosecution. It shall be a defense to prosecution under this section if a person is accompanied by an authorized person.

- Section 30.37 (Rental of Baseball Field and Equipment) is deleted in its entirety.
- Section 30.38 (Rental of City Fire Department Meeting Hall) is deleted in its entirety.
- Section 30.39 (Use of Tobacco in City Buildings and Vehicles is retitled as Use of Tobacco or E-Cigarette Devices in City Buildings and Vehicles). This Section is amended as follows:

It shall be unlawful for any person to smoke, consume a tobacco product or use an e-cigarette within any building or vehicle owned, operated or managed by the City.

- Section 30.40 (Identification of City Vehicles and Equipment) is amended as follows:

The City Manager or designee shall have printed upon each side of every city-owned motor vehicle (except undercover law enforcement vehicles) and piece of heavy equipment the name of the city in letters that are plainly legible at a distance of not less than 100 feet. Such inscription shall be in a color sufficiently different from the body of the vehicle or piece of equipment. A decal may be used in lieu of printing.

- Section 30.51 (Notice of Unclaimed or Abandoned Property; Holding Period) is amended as follows:
 - A) The City Manager or designee shall give notice to the owner of any personal property that remains unclaimed for 30 days. If the owner is known, notice shall be given by certified mail to the last known address of the owner of the property and include a description of the property, the name and address where the property may be redeemed, and a statement indicating that if the owner does not claim the property within six months from the date of the notice, the property will be sold. If the owner is unknown or the owner's address is unknown, then the City Manager or designee shall publish a notice of the description of the property, name of owner, if known, and where the property can be redeemed. If the property is not claimed within six months from the date the notice is published, it may be sold.

- Section 30.52 (Surplus Property May be Traded) is amended as follows:

In lieu of selling surplus property of the city, the City Manager or designee may offer the property as a trade-in for new property as he considers to be in the best interest of the city.

- Section 30.53 (Public Auction of Unclaimed and Surplus Property; Notice) is amended as follows:

- A) UNCLAIMED PROPERTY. Before selling any unclaimed or surplus property, the City Manager or designee shall post notices of the sale, and shall cause a copy of the notice of public sale to be published in the official newspaper of the city at least 21 days before the date of the sale. The notice of the sale shall describe the property, and designate the time, date, and place of sale.
- B) SURPLUS PROPERTY. The City Manager or designee shall schedule a public auction, at which such property is to be sold to the highest bidder. An accurate statement of each piece of property sold, the sale price, and the name and address of the bidder shall also be kept. A copy of such report shall be provided to the City Secretary as soon as possible after the close of sale. A bill of sale of the property shall be executed by the city to the purchaser.

- Section 30.55 (Worthless Property) is amended as follows:

Any property which has been listed and offered for sale under the provisions of this subchapter and for which no price or sum has been offered, if deemed in the opinion of the City Manager or designee to be worthless and without value, shall be disposed of in such lawful manner as he shall prescribe. A written description of all property destroyed or disposed of as worthless or without value shall be filed to the City Secretary, together with the date and manner of disposal.

- Section 30.56 (Disposition of Controlled Substances) is amended as follows:

All controlled substances, marijuana, and drug paraphernalia seized by the Police Department shall be taken into custody and disposed of in accordance with Tex. Health and Safety Code §§ 481.151 et seq.

- Section 30.57 (Abandoned, Stolen and Recovered Firearms and Weapons) is amended as follows:

- A) All abandoned, stolen, or recovered firearms or other weapons and ammunition that have remained unclaimed or unidentified by the rightful owner thereof for a period of 60 days and which are not being held as evidence pending a case filed by record, shall be destroyed by a process of disassembling and cutting in to small bits or smelting by a professional third party contractor with oversight of the Police Chief. Before any such firearms or weapons shall be destroyed, any case numbers, make, model, type, and serial

numbers, if available, shall be prepared and kept on record along with the scheduled time, date, place, and manner of destruction.

- B) However, any handguns, rifles, and/or shotguns that have been classified as antiques or collector's items as may be determined by the Police Chief or by a firearms expert selected by the Police Chief and using the guidelines set by the Bureau of Alcohol, Tobacco, Firearms and Explosives can be sold in the public interest to any person holding a federal firearms license; provided, that their sale is not restricted by law and that such handguns are not so called "Saturday Night Specials."

- Section 30.58 (Disposition of Seized Weapons) is amended as follows:

Weapons seized in connection with an offense involving the use of a weapon or an offense committed under Tex. Penal Code Chapter 46 shall be kept by the Police Department and shall be disposed of in the manner as ordered by a magistrate.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Janet Dillard, City Secretary

Approved:

Brian Crull, Mayor

ORDINANCE NO. O-2026-009

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 31 (CITY COUNCIL) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the City Council and has codified said regulations in Chapter 31 (City Council) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 31 (City Council) are necessary in order to provide clarity and direction concerning the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 31.01 (City Council Elections) is hereby amended as follows:

A) Council Place Numbers.

- (A)(2) Council Place 2. Council Place 2 shall be filled by a Council Member residing within an elected or appointed from the geographic area of the City line and being situated east of Prairie Creek. The geographic area of the City that is east of Prairie Creek shall be the East District.
- (A)(4) Council Place 4. Council Place 4 shall be filled by a Council Member residing within and elected or appointed from the geographic area of the City lying and being situated west of Prairie Creek. The geographic area of the City that is west of Prairie Creek shall be the West District.

B) Mayoral/Council elections. A general election shall be held as called for in the charter on the uniform election date in May for the election of Council Members as follows:

- (B)(1) The election to fill the positions of Council Members for Council Place 1, Council Place 3 and Council Place 5 shall be held every third year beginning in 2025. The qualified voters residing within the East District shall vote in the Council Place 1 and Council Place 5 elections. The qualified voters residing within the West District shall vote in the Council Place 3 and Council Place 5 elections.

- (B)(2) The election to fill the positions of Council Members for Council Place 2, Council Place 4 and the position of Mayor shall be held every third year beginning in 2026. The qualified voters residing within the East District shall vote in the Council Place 2 and in the Mayoral elections. The qualified voters residing within the West District shall vote in the Council Place 4 and in the Mayoral elections.
- Section 31.02 (Cooperation with City Council Investigations) is amended as follows:
- A) Council Determination.
- (A)(1) In conducting an investigation pursuant to § 3.17 of the City Charter, the City Council shall determine, on a case by case basis, whether an individual is in contempt by negligently or intentionally failing or refusing to obey a summons, or produce books, papers or other evidence requested by the City Council. In the event the City Council finds such conduct, the Council may impose punishment as prescribed in division (B) herein.
 - (A)(3) Any findings of contempt and/or wrongdoing by the City Council as referenced in divisions (A)(1) and (2) of this Section shall be confirmed by a simple majority vote of the Council that is present and voting at the next available meeting.
- B) Penalties. Upon a determination by the City Council that an individual has failed or refused to obey a Council-issued summons or to produce books, papers or other evidence in connection with an investigation by the City Council and/or committed an act of wrongdoing, the Council may impose a penalty(ies) as follows:
- (2) Penalty for Employees. An employee may be subject to any and all disciplinary action as authorized by the City of Gun Barrel City's Personnel Policies and Procedures regarding employee misconduct.
- (3) Penalty for Advisory Board Members.
- (c) Permanent removal from the Advisory Board as referenced in the Gun Barrel City Charter.
- Section 31.15 (Regular and Special Meetings; Quorum) is amended as follows:
- A) Regular and Special meetings shall be called in accordance with Section 3.09 of the Gun Barrel City Charter. When a Special meeting of the City Council is called, a good faith and reasonable attempt shall be made to contact each Council Member for the purpose of establishing the most convenient time to hold the meeting, in order to maximize attendance and enable the Council to work together appropriately to conduct required City business. (The remainder of this Section is deleted).

(B)(1)(2); Deleted in their entirety.

C) Quorum.

(1) Regular and Special meetings. Three Council Members constitutes a quorum.

(2) Certain circumstances as outlined by State Law or the Charter may require a simple majority plus one of the City Council. (The remainder of this Sub-Section is deleted in its entirety).

○ Section 31.16 (Emergency Meetings and Agenda Items) is amended as follows:

A) In a declared disaster or when there is an urgent public necessity, all emergency meetings and agenda items will follow the Texas Local Government Code.

(A)(1)(2)(a)(b)(3)(4)(b)(c) are deleted in their entirety.

○ Section 31.17 (Agenda; Executive Sessions) is amended as follows:

(B)(2) Invocation/Moment of Silence;

(B)(6) Presentations;

C) General business and action item requests. Agenda items may be submitted by the Mayor, any City Council member or the City Manager. City staff will submit agenda items for consideration through the City Manager. Citizens may submit agenda items for consideration through the Mayor, their elected Council representative, or the City Manager.

- The following from Sub-Section (C) is hereby deleted: The City Manager has the authority to reorder the agenda items for efficiency and to facilitate the conduct of the Council meeting. These requests, properly filled out, will comply with posting of the agenda subjects in sufficient detail to determine specifics and action required to meet the Open Meetings Act requirements, Tex. Gov't Code §§ 551.001 et seq.

○ Section 31.18 (Conduct of Meetings; Veto Power of Mayor) is amended by deleting "Veto Power of Mayor". This Section is further amended as follows:

B) Agenda item discussion. The Mayor shall identify the agenda item being considered. The sponsor shall explain the agenda item and a member of Council must make a motion. If and when the motion is seconded, the discussion shall begin in line with Robert's Rules of Order.

(1) Public Comment. Pursuant to Tex. Gov't Code §§ 551.001 et seq., members of the public may speak on an agenda item during the public comment section of the meeting or at the time the agenda item is called for discussion by the Mayor. Speakers shall be given three minutes. A speaker needing a translator and/or interpreter may be given six minutes to speak. Those wishing to address the Council regarding an item not on the agenda must be a citizen, property owner or business owner of Gun Barrel City.

Comments on such non-agenda items shall be limited to three minutes. The Council will not comment on items not on the agenda; however, the Council may refer the item to City staff for research, resolution or referral of the matter to the Council as a future agenda item.

(2) This Section is amended by providing the title, "Meeting Conduct".

(3) Items Tabled. There may be an item that in the best interest of the city should be tabled for more consideration and input from the citizens. The Mayor or any Council member may make this recommendation on any item that Council members or the citizens are still concerned about. The Council may, by majority vote, table or continue any such item indefinitely or to a future meeting. A workshop may be appropriate before including the item on the next regular Council meeting agenda for consideration.

C) Approval of agenda items. The Mayor shall call for a vote on agenda items after the discussion has been closed. A majority vote of the Council members present shall be required to approve or reject action on any agenda item unless item requires a simple majority plus one vote.

(D) (Veto Power of Mayor) is deleted in its entirety.

- Section 31.19 (Veto Power of Mayor) is amended as follows:

Every ordinance or resolution passed by the City Council must be filed with the City Secretary. Thereupon, the Mayor may either sign or refuse to sign the ordinance or resolution. If the Mayor refuses to sign the ordinance or resolution, his or her objections must be set forth in writing and submitted to the City Secretary within three (3) business days of the time the ordinance or resolution was filed.

(1) If the Mayor's statement of objections is not filed within three (3) business days, the ordinance or resolution automatically goes into effect without his or her signature.

(2) If the Mayor files a statement of objections to the ordinance or resolution in a timely manner, it is killed unless a majority plus one of the full Council votes to override the Mayor's veto by adopting the ordinance or resolution as originally proposed, with the votes of each Council Member entered into the minutes of the meeting at which the vote was taken.

Charter reference: Section 3.05

- Section 31.30 (Regulatory Authority) is amended as follows:

The City Council shall have the power to pass, publish, amend, repeal and enforce all ordinances, rules and policy regulations, not contrary to the Constitution of this state, for the good government, peace, and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested to local governments.

- Section 31.32 (Introduction and Action on Ordinances) is amended as follows:

All ordinances and resolutions shall be in writing and shall be introduced at an open meeting of the City Council when it shall be read and acted upon. It shall only be necessary to provide a brief explanation and read the caption of the ordinance or resolution unless a majority of the members present request a reading of the entire ordinance or resolution. An ordinance must be adopted by a majority vote, unless otherwise required by an ordinance, the Charter or State Law.

- Section 31.33 (Recording Ordinances and Resolutions) is hereby amended as follows:

Deleting the last sentence of this Section which is worded as follows: “Such book of ordinances shall by authority touch all questions arising under the laws and ordinances of the City.”

- Section 31.34 (Publication of Ordinances) is amended as follows:

A) Every ordinance that imposes a penalty, fine or forfeiture, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance, shall be published in accordance with Section 3.14 of the Gun Barrel City Charter and State Law.

(A)(1)(2) deleted in their entirety.

B) When an ordinance is required to be published, an affidavit by the printer or publisher of the official newspaper verifying that the publication shall be filed in the office of the secretary of the municipality. In the courts of this state, the affidavit is prima facie evidence of the adoption of the ordinance and of the required publication.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-010

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 32 (MUNICIPAL COURT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning its Municipal Court and has codified said regulations in Chapter 32 (Municipal Court) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 32 (Municipal Court) are necessary in order to provide clarity and guidance to the Municipal Court and its operation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

○ Section 32.02 (Municipal Judge) is hereby amended as follows:

A) Office of Judge Created. There is hereby created the office of Judge of the Municipal Court who shall have all the powers and authority as granted by state law and the ordinances of this city and shall perform all the duties as required by state law and the ordinances of this city.

B) Appointment of Judge; Temporary Replacement.

- (B)(1) Pursuant to Charter § 4.04, the City Council shall appoint by a simple majority plus one vote of its full membership such municipal judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to be the Municipal Judge. The Municipal Judges of the Municipal Court shall be appointed to a term of two years and may be appointed to additional consecutive terms upon completion of his or her term of office.

D) Removal of Judge. The Judge of the Municipal Court may be removed by a simple majority plus one vote of the full membership of the City Council for incompetency, corruption, misconduct, or malfeasance in office, after due notice and an opportunity to be heard in his or her defense. The Judge of the Municipal Court may also be removed from office by a City Council resolution declaring a lack of confidence in the Judge; provided, that a simple majority plus one of the full membership of the City Council vote in favor of such resolution.

- Section 32.03 (Associate Municipal Judge) is amended as follows:
 - A) Office of Associate Judge Created. There is hereby created the office of the Associate Judge of the Municipal Court.
 - B) Appointment of Judge. Pursuant to Charter §4.04(7), of the City Council shall be required to appoint or remove an Associate Court Judge upon the affirmative vote of a simple majority plus one (1) vote of the full City Council, requiring the Associate Judge to adjudicate cases within the jurisdiction of the Municipal Court in the absence of the Municipal Judge and requiring the Associate Municipal Judge to report to the City Manager for daily work direction.
 - C) Duties. The Associate Judge shall have all powers and authorities as granted by State Law and the Ordinances of this City and shall perform all the duties as required by State Law and Ordinances of this City. The Associate Judge shall be responsible for the planning, managing and administrative functions of the Court.

- Section 32.04 (Court Clerk) is renumbered and amended as follows:

- A) Creation and compensation. The office of the Municipal Court Clerk is hereby created, and shall receive such compensation as may be fixed by the City Council. The Municipal Court Clerk shall report to the Associate Judge for daily work direction. (The remainder of this Section is deleted).
- B) Duties. The Court Clerk of the Municipal Court shall keep minutes of the proceedings of the Municipal Court, issue all process, and generally perform all duties of the clerk of a court as prescribed by law for a Court Clerk in so far as the same may be applicable.
- C) Removal of Court Clerk. The Associate Judge may remove the Court Clerk in accordance with the adopted Gun Barrel City Personnel Policy. (The remainder of this Section is deleted in its entirety).
- D) Deleted in its entirety.

- Section 32.05 (City Prosecutor) is renumbered and amended as follows:

In the event of the City Attorney's absence, alternate attorneys may be selected by the City Attorney or Council to act as City Prosecutor.

- Section 32.06 (Bailiff) is renumbered and amended as follows:

- A) The Chief of Police or any police officer shall serve as bailiff to preserve order and decorum while Court is in session and upon request by the Judge. The Judge may contract a bailiff in needed.
- B) Compensation. Pay shall be set by the Associate Municipal Judge and paid through the Treasurer's office. Compensation may be paid from the Municipal Court Security Fund.

- Section 32.07 (Warrant Officer) is renumbered and amended as follows:
 - A) The Chief of Police or any police officer shall serve as warrant officer to serve all process or papers issued by the Municipal Court and upon request by the Judge.
 - B) Compensation. Pay shall be set by the Associate Judge and paid through the Treasurer's office. Compensation may be paid from the Municipal Court Security Fund.
- Section 32.07 is renumbered as Section 32.08 (Court Procedures)
- Section 32.08 is renumbered as Section 32.09 (Special Expense Fee)
- Section 32.20 (Establishment of Fund) is amended as follows:
 - A) There is created and established a Municipal Court Technology Fund, known as the Fund, pursuant to Tex. Code Crim. Proc. Art. 102.0172.
 - B) The Fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.
- Section 32.21 (Establishment of Amount of Fee and Assessment and Collection) is hereby amended as follows:
 - A) This fee shall be as provided for in § 27.00 of the Fee Schedule found in Appendix 1 of this Code.
 - B) This fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of the court. A defendant is considered convicted if:
 - C) This fee shall be collected on conviction for an offense committed on or after September 1, 1999, or for convictions on offenses committed on or after this subchapter is adopted.
 - D) The Clerk of the Court shall collect the fee and pay the fee to the Treasurer or other official who discharges or performs the duties of the City Treasurer, who shall deposit the fee into the Municipal Court Technology Fund.
- Section 32.30 (Establishment of Fund) is amended as follows:
 - A) There is created and established a Municipal Court Building Security Fund, known as the Court Security Fund, pursuant to Tex. Code of Criminal Procedure, Art. 102.017.
 - B) The Court Security Fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

- Section 32.32 (Designated Use of Fund and Administration) is amended as follows:
 - A) The Court-Security Fund may be used only for security personnel, services, and items related to buildings that house the operations of the Municipal Court, including:
 - (10) Locks, chains, alarms, or similar security devices;
 - There is hereby added to Chapter 32 the following Local Youth Diversion Fund Regulations:
 - Section 32.41 (Special Expense Fee for Local Youth Diversion Fund).
 - A) Special Expense Fee. A special fee in an amount not to exceed \$5.00 shall be assessed and collected in all non-jailable misdemeanor offenses, including criminal violations of a municipal ordinance, in accordance with § 134.156 of the Texas Local Government Code.
 - B) May be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of juvenile case manager and juvenile case manager services. If there is no juvenile case manager, may be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, and any other project designed to prevent or reduce the number of juvenile referrals to the Court. Money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.
- Local Youth Diversion Administrative Fee.
- Section 32.42 (Special Administrative Fee).
 - A) The clerk of the Municipal Court may collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case under § 45.312 of the Texas Code of Criminal Procedures.
 - B) The fee under this article may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the Court shall order the parent, if financially able, to pay the fee to the clerk of the Court. Failure for the parent to pay is enforceable against the parent by contempt.
 - C) A Court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay.
 - D) The clerk of the Court shall keep a record of the fees collected and shall forward the funds to the Municipal Treasurer or person fulfilling the role of a Municipal Treasurer, as appropriate.
 - E) The fee collected under this article shall be deposited in a special account that can be used only to offset the cost of the operations of Youth Diversion Programs.

- Time Payment Reimbursement Fee.
- Section 32.43 (Time Payment Reimbursement Fee).
 - A) A \$15 fee shall be assessed and collected if a person has been convicted and pays any part of a fine, court costs, or restitution, or another reimbursement fee, on or after the 31st day on which judgment is entered assessing the fine, court costs, or restitution, or other reimbursement fee pursuant to § 102.030 of the Texas Code of Criminal Procedure.
 - B) The Treasurer shall deposit the reimbursement fees collected into a separate account in the general fund of the Municipality to be used for the purpose of improving the collection of outstanding costs, fines, reimbursement fees, or restitution or improving the efficiency of the administration of justice in the Municipality. The Municipality shall prioritize the needs of the judicial officer who collected the fees when making expenditures under § 102.030(b) of the Texas Code of Criminal Procedure and use the money deposited for those needs.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Janet Dillard, City Secretary

Approved:

Brian Crull, Mayor

ORDINANCE NO. O-2026-011

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 33 (PERSONNEL POLICIES) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning personnel policies and procedures and has codified said regulations in Chapter 33 (Personnel Policies) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 33 (Personnel Policies) are necessary in order to provide clarity and guidance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 33.03 Negotiation Authority of Mayor is retitled as Negotiation Authority of Mayor for Employment Agreements and is amended as follows:

A) In negotiating prescribed employment agreements/contracts with city personnel, the City Council may authorize the Mayor to negotiate certain terms and conditions of said agreements/contracts in the following manner:

- (1) The Mayor is authorized to negotiate prescribed employment agreements/contracts on behalf of the city within the parameters established by the Council by way of discussion and consensus reached by the City Council.

- Section 33.15 (Social Security Benefits Authorized) is amended as follows:

The City Manager acting for and on behalf of the city shall enter into all necessary agreements with the State Department of Human Services for the purposes of securing the benefits of Federal Old-Age and Survivors Insurance.

- Section 33.18 (Allocation of Funds) is amended as follows:

A sufficient sum of money shall be paid to the State based on employee wage amounts on a bi-weekly basis. The fund where these monies are reserved are the Social Security Employee Account and a Social Security Company Account. (The remainder of this Section is deleted in its entirety).

II.
SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III.
REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV.
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-012

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS REPEALING CHAPTER 34 (DEPARTMENTS, BOARDS AND COMMISSIONS) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning Departments, Boards and Commissions and has codified said regulations in Chapter 34 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that repealing Chapter 34 (Departments, Boards and Commissions) is necessary to provide clarity and guidance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. REPEALER

Chapter 34 is repealed in its entirety and shall be recodified in Chapter 40 of the Gun Barrel City Code of Ordinances.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-013

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 35 (POLICE DEPARTMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the operation of its Police Department and has codified said regulations in Chapter 35 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 35 (Police Department) are necessary in order to provide further clarity and guidance to the Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 35.01 (Created; Appointment and Termination of Chief and Officers is retitled as Created; Appointment and Termination of Chief and Officers, Jurisdiction). This Section is hereby amended as follows:

There is hereby created and established a Police Department in the city which shall consist of a Police Chief and such police officers as the City Council may from time to time deem necessary and proper. The Police Chief shall be appointed and/or terminated by the City Manager with the approval of the Mayor and City Council. All other police officers shall be appointed and/or terminated by the Police Chief with the consent of the City Manager.

The jurisdiction of the Department shall be the corporate limits of the City of Gun Barrel City and that property lying outside the city limits which is owned by the city.

- Section 35.03 (Certification; Compliance with State Requirements) is amended as follows:

No person will be certified as a police officer who has not complied with the basic requirements established by the State of Texas for peace officers and by the city acting through the Chief of Police.

All police officers and other members of the Police Department shall be and are hereby vested with all the power and authority given to them as peace officers under the laws of the State of Texas in enforcing the criminal and traffic laws of the state and the ordinances of this city within the limits of the city. It shall also be the general duty of all police officers to quell riots, disorders and disturbances of the peace and to take into custody all persons so offending

against the public peace. Such officers shall further use their best endeavors to prevent the commission within the city of offenses against the laws of the state and of the ordinances of the city; to observe and enforce all such laws and ordinances; to detect and arrest offenders against the same; to preserve the good order of the city and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest may be placed in their hands by the duly constituted authorities of the city. In addition, all police officers shall execute all writs and processes issued from the municipal court of the city. (The remainder of this Section is deleted in its entirety).

- Section 35.04 (Powers and Duties) is amended as follows:

Chief of Police

- A) The Police Department of the city shall consist of the Chief of Police and such members as the City Council may provide.
- B) The Chief of Police shall be appointed by the City Manager and confirmed by the City Council.
- C) The Chief of Police shall carry out the functions of the Police Department relating to public safety and enforcement of ordinances, State and Federal laws; organize the Police Department of the city in conformity with the laws of the State of Texas and ordinances of the city; and shall promulgate policies, procedures, rules, directives and orders for the administration of the department, including but not limited to discipline within the department.
- D) The Chief of Police shall have control of and responsibility for the management of the city jail system.

Authority and Duties of Police Officers

- E) Individual officers constituting the City of Gun Barrel City Police Department are vested with all the power and authority given to them as peace officers under the laws of the State of Texas. Inherent with this power and authority is the obligation to preserve the peace, to enforce the ordinances and regulations of the city, the laws of the State of Texas and of the United States, to take legal custody of offenders and secure the citizens from violence.
- F) All personnel of the Police Department shall be bound by the most current directives, orders, rules, regulations and procedures for the operation of the Police Department as may be promulgated or as hereafter amended by the Chief of Police, and failure to abide thereby shall subject the violating personnel to such disciplinary action as may be determined by the Chief of Police within the limits of State law and city ordinance. (The remainder of this Section is deleted in its entirety).

- Section 35.05 (Uniforms, Badges, and Armament) is amended as follows:

The Police Chief shall prescribe the uniforms and badges for the members of the Police Department and direct the manner in which the members of such force shall be armed.

- Section 35.06 (Classification and Appointment) is amended as follows:

Classifications below the rank of Chief of Police shall be outlined in the Gun Barrel City Annual Budget. Positions should include at a minimum the classifications of Sergeant, Police Officers, Reserve Police Officers and Communication Officers.

- Auxiliary Police Reserve Force shall be retitled Police Reserve Force.

- Section 35.15 (Creation is retitled Establishment; Composition). This Section is amended as follows:

A Police Reserve Force is hereby established, such force to be known as the Gun Barrel City, Texas, Auxiliary Police Reserve Force.

- Section 35.16 (Membership) is amended as follows:

The Police Reserve Force shall be composed of personnel who have volunteered to join the organization and whose application for membership has been accepted and who have complied with the rules, regulations and orders provided for the conduct and control of members thereof.

A) The Chief of Police may, by order, diminish or expand the membership of the Police Reserve Force as he deems fit up to a total of twelve (12) members.

B) Reserves who do not complete at least one year of service will be required to reimburse the city for the physical examination.

- Section 35.17 (Separate from Regular Police Force) is amended as follows:

The Police Reserve Force shall be separate and distinct from the regular force of the Police Department of Gun Barrel City. Individual officers constituting the City of Gun Barrel City Police Department are vested with all the power and authority given to them as peace officers under the laws of the State of Texas. Inherent with this power and authority is the obligation to preserve the peace, to enforce the ordinances and regulations of the City, the laws of the State of Texas and of the United States, to take legal custody of offenders and secure the citizens from violence.

- Section 35.18 (Reserve Force Under Authority of Police Chief) is amended as follows:

The members of the Police Reserve shall be under the authority, control and command of the Chief of Police of the City of Gun Barrel City and shall be certified under the guidelines promulgated by the State of Texas, Texas Commission on Law Enforcement Officer Standards and Education. (The remainder of this Section is deleted in its entirety).

- Section 35.19 (Applications and Eligibility for Membership; Examinations) is amended as follows:

A) A list of eligibility shall be established, in compliance with rules and regulations set forth in Gun Barrel City Police Policy and Procedure Manual. All applicants for a position with the Police Reserve must apply in writing on the application form prescribed by the Chief of Police.

- Section 35.22 (Appointments) is amended as follows:

All appointments will be made by the Chief of Police.

- Section 35.23 (Oath of Office) is amended as follows:

All applicants before appointment to the Police Reserve Force shall subscribe to an oath that he will obey and observe the Constitution of the United States, the Constitution of the State of Texas, and the laws of this nation, this state, and this city, that he will carry out the duties of a member of the Police Reserve Force, Gun Barrel City Police Department, to the best of his ability.

- Section 35.24 (Duties of Reserve Force; Rules and Regulations) is amended as follows:

A) The duties of the Police Reserve Force, subject at all times to the detection, supervision and control of the Chief of Police, shall be to assist the regular members of the Police Department of this city in the enforcement of the law, and in the maintenance of peace and order during periods of emergency designated by the Chief of Police. The Chief may, by order, establish rules and regulations to govern the Police Reserve Force, to fix the specific duties of its members, and to provide for the maintenance of discipline. He may change such orders from time to time and he may command members of the Police Reserve Force to obey the instructions of regular police officers in carrying out their duties.

- Section 35.25 (Power and Authority of Reserve Officers) is amended as follows:

All Reserve Officers shall be and are hereby vested with all the power and authority given to them as peace officers under the laws of the State of Texas in enforcing the criminal and traffic laws of the State and the ordinances of this City within the limits of the City. It shall also be the general duty of all police officers to quell riots, disorders and

disturbances of the peace and to take into custody all persons so offending against the public peace. Such officers shall further use their best endeavors to prevent the commission within the City of offenses against the laws of the State and of the ordinances of the City; to observe and enforce all such laws and ordinances; to detect and arrest offenders against the same; to preserve the good order of the City and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers shall have no power or authority in civil matters but shall execute any criminal warrant or warrant of arrest that may be placed in their hands by the duly constituted authorities of the City. In addition, all police officers shall execute all writs and processes issued from the municipal court of the City. (The remainder of this Section is deleted in its entirety).

- Section 35.27 (Renewal of Membership) is amended as follows:

B) If application for renewal is not presented on or before January 31 of the year for which renewal is sought, then anyone desiring the commission as a member of the Police Reserve Force shall make application as in the first instance where an applicant did not hold a commission.

- Section 35.28 (Resignation or Dismissal from Reserve Force) is amended as follows:

B) Chief may dismiss Reserve Officer. In addition to the penalties provided by law, any violation of law under color of the performance of his duties as a member of the Police Reserve Force, and any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion and the fact thereof may be published at the order of the Chief.

- Section 35.29 (False Impersonation as Reserve Officer Unlawful) is amended as follows:

It shall be unlawful for any person to bear, carry or display a Police Reserve Force identification card or otherwise deceitfully represent himself to be connected with the Police Reserve Force, unless he is in fact a member thereof in good standing.

- Section 35.30 (Chief to Prescribe Uniforms and Badges) is amended as follows:

The Chief of Police shall prescribe the uniforms and badges for the members of the Police Reserve Force and direct the manner in which the same shall be worn.

- Section 35.31 is hereby retitled as Compensation for Services and is amended as follows:

Generally, Reserve Police Officers are not compensated monetarily for time worked. Reserve Officers work sixteen (16) hours per month for the Gun Barrel City Police Department to hold their peace officer commission. If a Reserve Officer is asked to cover a shift for a full-

time officer, the Reserve Officer can/could be compensated monetarily for hours worked at the rate of a full-time Police Officer.

- Section 35.32 (Diminishing or Expanding the Force) is amended as follows:

The Chief of Police may, by order, diminish or expand the membership of the Police Reserve Force as may be required.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: City Treasurer
REQUESTED BY: Mickie Raney

POSTED AGENDA ITEM WORDING

Consider and take action to approve the Fiscal Year 2026 2nd Quarter Financial Report.

SUMMARY

The City Treasurer will give a report on the 2nd quarter (January, February and March 2026) revenues and expenditures.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Financial reports are posted online.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: City Treasurer
REQUESTED BY: Mickie Raney

POSTED AGENDA ITEM WORDING

Receive the Annual Comprehensive Financial Report (Audit) for Fiscal Year ending September 30, 2025 for Gun Barrel City which includes Independent Auditor Report.

SUMMARY

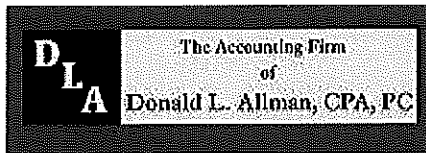
Don Allman and his team completed the field work in January 2026 and will be presenting their findings.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

FY2025 Audit



Donald L. Allman, CPA, PC
160 Owen Pass
Liberty Hill, Texas 78642
Email: dallman@donallmancpa.com

CERTIFIED PUBLIC ACCOUNTANT

GUN BARREL CITY, TEXAS
ANNUAL FINANCIAL REPORT
With SUPPLEMENTARY INFORMATION
For the Year Ended
September 30, 2025

MEMBER TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS & AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
160 Owen Pass, Liberty Hill, Texas 78642 512-422-3700 WEBSITE www.donallmancpa.com

Table of Contents

INTRODUCTORY SECTION

Title Page	1
Table of Contents	2-3

FINANCIAL SECTION

Independent Auditor's Report	6
Management's Discussion and Analysis (Required Supplementary Information)	10

BASIC FINANCIAL STATEMENTS

Government-Wide Financial Statements

Statement of Net Position	16
Statement of Activities and Change in Net Position	17

Fund Financial Statements

Governmental-Funds Financial Statements

Balance Sheet – Government Funds	18
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	19
Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds	20
Reconciliation of the Statement of Revenues, Expenditures, and Changes In Fund Balances of Governmental Funds to the Statement of Activities	21

Notes to Financial Statements	23

REQUIRED SUPPLEMENTARY SCHEDULES

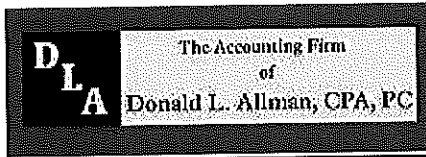
Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual – Governmental Fund	48
Schedule of Changes in Net Pension Liability and Related Ratios Texas Municipal Retirement System (TMRS)	49
Required Supplementary Information For the Year Ended September 30, 2025 Schedule of Contributions Texas Municipal Retirement System (TMRS)	50
Combining Balance Sheet Non-Major Governmental Funds	54
Combining Statement of Revenues, Expenditures and Changes in Fund Balances Non- Major Governmental Funds	55

Single Audit Act Requirement

Schedule of Expenditures of Federal Awards	57
Notes to Schedule of Expenditures of Federal Awards	58
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards	59
Independent Auditor's Report on Compliance for Each Major Program and On Internal Control Over Compliance Required by the Uniform Guidance	60-61
Schedule of Findings and Questioned Costs	62-63
Schedule of Prior Year Findings and Questioned Costs	64
Corrective Action Plan	65

INTRODUCTORY SECTION

FINANCIAL SECTION



Donald L. Allman, CPA, PC
160 Owen Pass
Liberty Hill, Texas 78642
Email: dallman@donallmancpa.com

CERTIFIED PUBLIC ACCOUNTANT

Independent Auditor's Report

To the Honorable Mayor and
City Council Members of
Gun Barrel City, Texas

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Gun Barrel City, Texas as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise Gun Barrel City, Texas' basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Gun Barrel City, Texas, as of September 30, 2025, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Gun Barrel City, Texas and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Gun Barrel City, Texas' ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Gun Barrel City, Texas' internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Gun Barrel City, Texas ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 9-13 and 47 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Gun Barrel City, Texas' basic financial statements. The accompanying combining and individual nonmajor fund financial statements and schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and the schedule of expenditures of federal awards are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

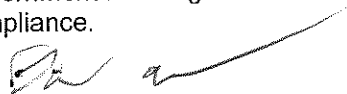
Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 20, 2026, on our consideration of Gun Barrel City, Texas' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Gun Barrel City, Texas' internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Gun Barrel City, Texas' internal control over financial reporting and compliance.



Donald L. Allman, CPA, P.C.

Liberty Hill TX
March 20, 2026

MANAGEMENT'S DISCUSSION AND ANALYSIS

GUN BARREL CITY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
September 30, 2025

The purpose of the Management's Discussion and Analysis (MD&A) is to provide a narrative overview of Gun Barrel City, Texas' (the City) financial activities for the year ended September 30, 2025. The analysis is based on currently known facts, decisions, and economic conditions. The information should be used in conjunction with the transmittal letters and accompanying basic financial statements.

Financial Highlights

- Total assets at September 30, 2025 were \$16,484,001, total liabilities were \$1,735,487, with total net position being \$14,118,709.
- Total revenues for the fiscal year ending September 30 2025 were \$7,628,620, total expenses were \$7,041,248, with a net position increase, or net income, of \$587,372.
- The net position of Governmental Funds, which do not include capitalized assets or loans, is \$6,324,343, with a net position decrease of \$(187,732), which is due to capital assets being accounted for as expenditures rather than being depreciated.

OVERVIEW OF THE FINANCIAL STATEMENTS

The structure of this financial report divided into three areas. These areas are the Management's Discussion and Analysis, the Basic Financial Statements, and Required Supplementary Information.

The City's basic financial statements include (1) the independent auditor's report, (2) the government-wide financial statements, (3) the fund financial statements and (4) the notes to the financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Statements

The government-wide statements report information for the City as a whole. These statements include transactions and balances relating to all assets, including infrastructure capital assets. These statements are designed to provide information about cost of services, operating results, and financial position of the City as an economic entity. The Statement of Net Position and the Statement of Activities, which appear first in the City's financial statements, report information on the City's activities that enable the reader to understand the financial condition of the City. These statements are prepared using the accrual basis of accounting, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account even if cash has not yet changed hands.

The Statement of Net Position presents information on all the City's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. Other non-financial factors, such as the City's property tax base and the condition of the City's infrastructure, need to be considered in order to assess the overall health of the City.

The Statement of Activities presents information showing how the City's net position changed during the most recent year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows, and using the full accrual method rather than modified accrual that is used in the fund level statements.

GUN BARREL CITY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
September 30, 2025

The Statement of Net Position and Statement of Activities divide the City's financial into two classes of activities:

1. *Governmental Activities* – include the city's tax-supported services, sanitation, streets drainage (public works), community services, and general administrative services (general government). Sales tax, franchise taxes, municipal court fines, and permit fees fund most of these activities.

The government-wide financial statements include not only the City itself (known as the primary government), but also a legally separate Economic Development Corporation for which the City pays over 73% of its revenues through City Sales Taxes. Financial information for this component unit is reported separately from the financial information present for the primary government itself.

FUND FINANCIAL STATEMENTS

Funds may be considered as operating companies of the parent corporation, which is the City. They are usually segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance related legal reporting requirements. The City uses one fund type – governmental.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as *on balances of spendable resources* available at the end of the year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City maintains seventeen individual government funds. Information is presented separately in the combining governmental fund balance sheet and in the combining governmental fund statement of revenues, expenditures and changes in fund balances for the general fund. The remaining governmental funds are combined into single, aggregated presentation.

The City adopts an annual budget for its general funds. A budgetary comparison schedule has been provided to demonstrate compliance with this budget.

Proprietary Funds (Gun Barrel City Does not Have a Proprietary Fund)

GUN BARREL CITY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
September 30, 2025

Notes to Financial Statements

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes are the last section of the basic financial statements.

Other Information

In addition to basic financial statements, MD&A, and accompanying notes, this report also presents certain Required Supplementary Information (RSI). The RSI includes a budgetary comparison schedule for the general fund, Proprietary Fund, and a schedule of funding progress for the Texas Municipal Retirement System. RSI can be found after the basic financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Statement of Net Position:

The Condensed Statement of Net Position is displayed in Table One. This statement is often referred to as the Balance Sheet. The statement shows a modest increase in assets of the Governmental Activities as the City added several pieces of new equipment to the public works area.

The city's financial position for the last two years is presented in Table 1, the Condensed Statement of Net Position.

STATEMENT OF NET POSITION
As of September 30, 2025

	Governmental Activities		Total	
	2025	2024	2025	2024
Current and other assets	\$ 7,034,440	\$ 7,143,619	\$ 7,034,440	\$ 7,143,619
Capital assets, net	9,449,561	8,528,323	9,449,561	8,528,323
Total Assets	16,484,001	15,671,942	16,484,001	15,671,942
Deferred Outflows of Resources	509,795	591,579	509,795	591,579
Long-term liabilities	1,025,390	1,151,871	1,025,390	1,151,871
Other liabilities	710,097	631,544	710,097	631,544
Total Liabilities	1,735,487	1,783,415	1,735,487	1,783,415
Deferred Inflows of Resources	1,139,600	948,769	1,139,600	948,769
Net investment in capital assets	8,424,171	7,376,452	8,424,171	7,376,452
Restricted	2,153,802	1,725,930	2,153,802	1,725,930
Unrestricted	3,540,736	4,428,955	3,540,736	4,428,955
Total Net Position	\$ 14,118,709	\$ 13,531,337	\$ 14,118,709	\$ 13,531,337

GUN BARREL CITY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
September 30, 2025

Statement of Activities:

The Condensed Statement of Activities and Changes in Net Position is displayed in Table 2. This statement is often referred to as the Profit and Loss Statement. Revenues of the Governmental Activities fund showed a positive increase of \$587,372. The following table provides a summary of the City's changes in net position.

STATEMENT OF CHANGES IN NET POSITION

For the Fiscal Year Ended September 30, 2025

	Governmental Activities		Totals	
	2025	2024	2025	2024
Revenues				
Program revenues:				
Charges for services	857,761	680,979	857,761	680,979
Grants	271,661	57,926	271,661	57,926
General Revenues:				
Sales taxes	5,121,657	5,057,239	5,121,657	5,057,239
Franchise taxes	455,371	448,243	455,371	448,243
Alcoholic beverage taxes	72,555	77,456	72,555	77,456
Hotel / motel taxes	135,317	195,388	135,317	195,388
Investment earnings	104,499	94,080	104,499	94,080
Gain on sale of assets	410,000	-	410,000	-
Miscellaneous	199,799	285,208	199,799	285,208
Total Revenues	7,628,620	6,896,519	7,628,620	6,896,519
Expenses				
General government	1,833,459	1,750,826	1,833,459	1,750,826
Public safety	3,352,840	3,171,708	3,352,840	3,171,708
Highways and streets	1,554,675	1,776,296	1,554,675	1,776,296
Culture and recreation	273,884	512,892	273,884	512,892
Interest and fiscal charges	26,390	24,899	26,390	24,899
Total Expenses	7,041,248	7,236,621	7,041,248	7,236,621
Increase (Decrease) in Net Position	587,372	(340,102)	587,372	(340,102)
Net Position, Beginning	13,531,337	13,871,439	13,531,337	13,871,439
Net Position, Ending	\$ 14,118,709	\$ 13,531,337	\$ 14,118,709	\$ 13,531,337

GENERAL FUND BUDGETARY HIGHLIGHTS

The budget for the year ended September 30, 2025 had revenues estimated at \$6,171,583 and actual revenues were \$7,619,940 a surplus of \$1,448,357. Budgeted expenses were \$6,427,336 and actual expenses were \$7,807,672, an overage of \$1,380,336.

GUN BARREL CITY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
September 30, 2025

CAPITAL ASSETS

At fiscal year-end 2025, the City's investment in capital assets, net of accumulated depreciation, totaled \$9,449,561. The increase was due to increases in the equipment purchases and infrastructure.

SCHEDULE OF CAPITAL ASSETS
(Net of Accumulated Depreciation)
30-Sep-25

	Governmental Activities		Totals	
	2025	2024	2025	2024
Non-Depreciable Assets				
Land	\$ 371,085	\$ 371,085	\$ 371,085	\$ 371,085
Construction in progress		-	-	-
Depreciable Capital Assets				
Buildings	1,580,733	1,636,304	1,580,733	1,636,304
Machinery, Equipment, Vehicles	938,576	1,293,427	938,576	1,293,427
Infrastructure	6,559,167	5,227,507	6,559,167	5,227,507
Totals	9,449,561	8,528,323	9,449,561	8,528,323

LONG-TERM DEBT

At fiscal year-end 2025, the City's long-term debt was \$1,025,390 with pension and OPEB liabilities totaling \$327,003, for which the City is not directly liable.

SCHEDULE OF LONG-TERM DEBT
30-Sep-25

	Governmental Activities		Totals	
	2025	2024	2025	2024
General obligation debt	\$ -	\$ -	\$ -	\$ -
Contracts payable	39,645	78,138	39,645	78,138
Notes Payable	520,517	572,758	520,517	572,758
Net pension liability	215,465	298,391	215,465	298,391
Net OPEB Liability	111,538	108,636	111,538	108,636
Compensated absences	138,225	93,948	138,225	93,948
Totals	\$ 1,025,390	\$ 1,151,871	\$ 1,025,390	\$ 1,151,871

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

Gun Barrel City revenues were 23.5% over budgeted amounts, expenditures were 21.5% over budgeted amounts.

REQUESTS FOR INFORMATION

Requests for information may be addressed to:

Gun Barrel City, Texas
1716 W. Main Street
Gun Barrel City, Texas, 75156

BASIC FINANCIAL STATEMENTS

GUN BARREL CITY, TEXAS
STATEMENT OF NET POSITION
September 30, 2025

	Primary Government		Component Unit
	Governmental Activities	Totals	Economic Development District
<u>Assets</u>			
Cash and cash equivalents	\$ 3,152,580	\$ 3,152,580	\$ 2,525,192
Investments	403,029	\$ 403,029	
Receivables, net	1,334,184	\$ 1,334,184	498,853
Due from Primary Government	-	\$ -	118,105
Restricted Cash	2,144,647	\$ 2,144,647	
Capital assets, not being depreciated	371,085	\$ 371,085	804,242
Capital assets, net of accumulated depreciation	9,078,476	\$ 9,078,476	4,435
Total Assets	16,484,001	16,484,001	3,950,827
<u>Deferred Outflows of Resources</u>			
Deferred Outflows related to Pension	420,895	420,895	
Deferred Outflows related to OPEB	88,900	88,900	
Total Deferred Outflows of Resources	509,795	509,795	
<u>Liabilities</u>			
Accounts payable and other current liabilities	591,992	591,992	28,129
Due to Component Unit	118,105	118,105	
Long-term liabilities due within one year	93,766	93,766	58,558
Long-term liabilities due in more than one year	931,624	931,624	387,367
Total Liabilities	1,735,487	1,735,487	474,054
<u>Deferred Inflows of Resources</u>			
Deferred inflows related to pension	1,016,747	1,016,747	
Deferred Inflows related to OPEB	122,853	122,853	
Total Deferred Inflows of Resources	1,139,600	1,139,600	
<u>Net Position</u>			
Net investment in capital assets	8,424,171	8,424,171	362,752
Restricted for:			
Debt service	112,710	112,710	107,267
Capital projects	1,637,352	1,637,352	-
Public Safety	-	-	-
Special Revenue Funds	403,740	403,740	-
Unrestricted	3,540,736	3,540,736	3,006,754
Total Net Position	\$ 14,118,709	\$ 14,118,709	\$ 3,476,773

GUN BARREL CITY, TEXAS
STATEMENT OF ACTIVITIES AND CHANGE IN NET POSITION
For the Year Ended September 30, 2025

Net (Expense) Revenue and Changes in Net Position						
Functions / Programs	Program Revenues				Totals	Component Unit Economic Development District
	Expenses	Charges for Services	Operating Grants and Contributions	Governmental Activities		
Primary Government						
Governmental Activities						
General government	\$ 1,833,459	\$ 418,913	\$ 267,136	\$ (1,147,410)	\$ (1,147,410)	\$ -
Public safety & Court	3,352,840	430,168	4,525	(2,918,147)	(2,918,147)	-
Highways and streets	1,554,675	4,060	-	(1,550,615)	(1,550,615)	-
Culture and recreation	273,884	4,620	-	(269,264)	(269,264)	-
Interest on long-term debt	26,390	-	-	(26,390)	(26,390)	-
Total Governmental Activities	<u>7,041,248</u>	<u>857,761</u>	<u>271,661</u>	<u>(5,911,826)</u>	<u>(5,911,826)</u>	<u>-</u>
Total Primary Government	<u>\$ 7,041,248</u>	<u>\$ 857,761</u>	<u>\$ 271,661</u>	<u>(5,911,826)</u>	<u>(5,911,826)</u>	<u>-</u>
Component Unit						
Municipal Development District	319,788	-	-	-		
Total Component Unit	<u>319,788</u>	<u>-</u>	<u>-</u>	<u>-</u>		<u>(319,788)</u>
General Revenues:						
Taxes						
Sales Taxes				\$ 5,121,657	\$ 5,121,657	\$ 732,034
Franchise taxes				455,371	455,371	-
Hotel / motel taxes				135,317	135,317	-
Alcoholic beverage taxes & bingo				72,555	72,555	-
Gain or (loss) on disposal of assets				410,000	410,000	118,273
Investment earnings				104,499	104,499	78,283
Miscellaneous				199,799	199,799	52,767
Transfers				-	-	-
Total General Revenues and Transfers				<u>6,499,198</u>	<u>6,499,198</u>	<u>981,357</u>
Change in Net Position				587,372	587,372	661,569
Net Position, Beginning				13,531,337	13,531,337	2,815,204
Net Position, Ending				<u>\$ 14,118,709</u>	<u>\$ 14,118,709</u>	<u>\$ 3,476,773</u>

**GUN BARREL CITY, TEXAS
BALANCE SHEET
GOVERNMENTAL FUNDS
September 30, 2025**

	General Fund	Total Non-Major Funds	Totals Governmental Funds
<u>Assets</u>			
Cash and cash equivalents	\$ 2,757,995	\$ 394,585	\$ 3,152,580
Investments	403,029		403,029
Receivables, net:	1,279,801	54,383	1,334,184
Due from other funds	(263)	263	-
Restricted Cash	2,144,647		2,144,647
	<u>6,585,209</u>	<u>449,231</u>	<u>7,034,440</u>
I Assets			
<u>Liabilities and Fund Balances</u>			
<u>Liabilities</u>			
Accounts payable	589,755	2,237	591,992
Due to Component Unit	118,105	-	118,105
Due to other funds	(43,254)	43,254	-
Total Liabilities	<u>664,606</u>	<u>45,491</u>	<u>710,097</u>
<u>Fund Balances</u>			
Nonspendable	-		-
Restricted	1,750,062	403,740	2,153,802
Unassigned	4,170,541	-	4,170,541
Total Fund Balances	<u>5,920,603</u>	<u>403,740</u>	<u>6,324,343</u>
Total Liabilities and Fund Balances	<u>\$ 6,585,209</u>	<u>\$ 449,231</u>	<u>\$ 7,034,440</u>

See Notes to Financial Statements

GUN BARREL CITY, TEXAS
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET POSITION
September 30, 2025

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets are used in governmental activities are not current financial resources and therefore not reported in the governmental funds.	9,449,561

Some liabilities, including bonds payable, interest payable, notes payable, premiums on bonds/other refunding charges, net pension liability and accrued compensated absences are not reported as liabilities in the governmental funds.	(1,025,390)

Deferred outflows and inflows of resources pertaining to actuarial pension differences between expected and actual economic experience, projected and actual investment earnings and pension contributions made subsequent to the measurement date are not financial resources, and therefore, are not reported in the funds.	(629,805)

Net Position of Governmental Activities

<u>\$ 14,118,709</u>

See Notes to Financial Statements

GUN BARREL CITY, TEXAS
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
For the Year Ended September 30, 2025

	General	Total Non-Major Funds	Total Governmental Funds
Revenues			
Taxes:			
Sales	5,121,657	-	5,121,657
Hotel/motel	-	135,317	135,317
Franchise	455,371	-	455,371
Alcoholic beverage taxes	72,555		72,555
Fines and forfeitures	430,168	-	430,168
Charges for services	344,145	74,768	418,913
Contributions and donations and Grants	267,136	4,525	271,661
Investment earnings	92,907	11,592	104,499
Other	576,451	33,348	609,799
Total Revenues	7,360,390	259,550	7,619,940
Expenditures			
Current:			
General/government	1,234,659	209,189	1,443,848
Public safety	3,071,626	11,334	3,082,960
Highways and streets	1,068,486	-	1,068,486
Culture and recreation	129,271	73,385	202,656
Capital Outlay	1,892,598	-	1,892,598
Debt Service:			
Principal retirement	90,734		90,734
Interest and fiscal charges	26,390		26,390
Debt issuance costs	-	-	-
Total Expenditures	7,513,764	293,908	7,807,672
(Deficiency) of Revenues	(153,374)	(34,358)	(187,732)
(Under) Expenditures			
Other Financing Sources			
Transfers Out	-	-	-
Transfers in	-	-	-
Total Other Financing Sources	-	-	-
Net Change in Fund Balances	(153,374)	(34,358)	(187,732)
Fund Balances - Beginning	6,073,977	438,098	6,512,075
Fund Balances - Ending	\$ 5,920,603	\$ 403,740	\$ 6,324,343

GUN BARREL CITY, TEXAS
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
For the Year Ended September 30, 2025

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds	\$ (187,732)
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay of 1,892,598 is more than depreciation (971,360).	921,238
Pension Expense & OPEB Expense is not included in Governmental Funds	264,532
Differences in Deferred Outflows & Deferred Inflows not reported for governmental funds versus government wide financial statements.	(353,690)
Revenues in the statement of activities that do not provide current financial resources are not reported as revenue in the funds. This represents the net change in receivables on the accrual basis of accounting.	(147,710)
The issuance in long-term debt (e.g., bonds, leases, certificates of obligation) provide:	
current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount represents the net effect of these differences in the treatment of long-term debt and related items, and consists of and principal repayment on capital leases, notes payable and bonds \$.	90,734
Change in Net Position of Governmental Activities	\$ 587,372

See Notes to Financial Statements

NOTES TO FINANCIAL STATEMENTS

Note 1 – Summary of Significant Accounting Policies

The accounting policies of the City conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant policies:

The City follows Financial Accounting Standards Board (FASB) pronouncements issued after November 30, 1989, unless they conflict with Government Accounting Standards Board (GASB) pronouncements.

Financial Reporting Entity

Gun Barrel City, Texas (the City) was incorporated on May 26, 1969, under the provisions of the State of Texas. The City operates under a Home Rule Charter. A Mayor and five Council members are elected by voters for the City, the Mayor and one council member at large, and four from two districts, for four-year terms.

The City Council is the principal legislative and administrative body of the City. Subject to confirmation of the City Council, the Mayor has the power to appoint all boards, commissions, agencies, and officers provided for the charter or by ordinance. The Mayor is the presiding officer of the City Council.

The City provides the following services: public works, police & fire, parks & recreation, and general government.

The City is an independent political subdivision of the State of Texas governed by an elected Council and a Mayor and is considered a primary government. As required by generally accepted accounting principles. These basic financial statements have been prepared based on consideration regarding the potential for inclusion of other entities, organization, or functions as part of the City's financial reporting entity. As the City is considered a primary government for financial reporting purposes, its activities are not considered a part of any other governmental or other type of reporting entity.

Considerations regarding the potential for inclusion of other entities, organizations, or functions in the City's financial reporting City are based on criteria prescribed by generally accepted accounting principles. These same criteria are evaluated in considering whether the City is a part of any other governmental or other type of reporting entity. The overriding elements associated with prescribed criteria considered in determining that the City's financial reporting City status is that of a primary government are that it has a separately elected governing body, it is legally separate, and it is fiscally independent of other state and local governments. Additionally, prescribed criteria under generally accepted accounting principles include considerations pertaining to organizations for which the primary government is financially accountable and considerations pertaining to organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

Discretely Presented Component Unit – The corporation described below is included in the City's reporting entity because the City appoints the governing body and the corporation is financially dependent on the City. The Corporation is reported as a discretely presented component unit since the governing body is not substantially the same as the governing body of the City, and it provides services to the citizens of Gun Barrel City and the surrounding area as opposed to the primary government. To emphasize that it is different from the City, it is reported in a separate column in the financial statements.

The Gun Barrel City Economic Development Corporation (the 'EDC') is responsible for collecting and disbursing the one-fourth percent sales tax to be used for economic development within the City. The members of the Corporation's board are appointed by the City. The EDC is presented as a governmental fund and has a September 30th year end.

A. Government-Wide Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all activities of the primary government and any component units. Likewise, the primary government is reported separately from legally separate *component units* for which the primary government is financially accountable.

B. Basis of Presentation – Government-Wide Financial Statements

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds and internal service funds.

As a general rule, the effect of inter-fund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the inter-fund services.

C. Basis of Presentation – Fund Financial Statements

The fund financial statements provide information about the City's funds. The emphasis of fund financial statement is on the major governmental is presented.

The City reports the following governmental funds:

The *general fund* is used to account for all financial transactions not properly includable in other funds. The principal sources of revenues include local sales taxes, alcoholic beverage taxes and franchise taxes, licenses and permits, fines and forfeitures, and charges for services. Expenditures include general government, public safety, public works, parks and recreation, and community services.

Additionally, the City reports the following fund type:

During the course of operations, the City has activity between funds for various purposes. Any residual balances outstanding at year end are reported as due from /to other funds and advances to/from other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities (i.e. the governmental and internal serve funds) are eliminated so that only the net amount is included as internal balances in the governmental activities column.

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements, the amounts are reported at gross amounts as transfer in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column.

NOTES TO FINANCIAL STATEMENTS
September 30, 2025

D. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The government-wide and proprietary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirement imposed by the provider have been met.

The governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Entitlements are recorded as revenues when all eligibility requirements are met, including any time requirements, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year-end). Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period of this revenue source (within 60 days year-end). All other revenue items are considered to be measurable and available only when cash is received by the City.

E. Cash and Cash Equivalents

The City's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition. For the purpose of the statement of cash flows, the general fund types consider temporary investments with maturity of three months or less when purchased to be cash equivalents. All cash amounts are secured by the FDIC.

F. Investments

Although the City does not currently have any pooled investments. City policy requires that it comply with GASB Statement No. 31. Accounting on Reporting for Certain Investments and External Investment Pools when excess funds for investment into pools are available. The City reports all investments at fair value, except for "money market investments" and "2a7-like pools." Money market investments, which are short-term highly liquid debt instruments that may include U.S. Treasury and agency obligations, are reported at amortized costs.

F. Investments (Continued)

Investment positions in external investment pools that are operated in a manner consistent with the SEC's Rule 2a7 of the Investment Company Act of 1940, are authorized to invest in the following:

- Direct obligations of the U.S. Government for U.S. Government agencies
- Fully collateralized certificates of deposit
- Money market mutual funds that meet certain criteria
- Banker's acceptance
- Statewide investment pools

G. Inventories and Prepaid Items

Inventories are valued at cost using the first-in/first-out (FIFO) method. The costs of governmental fund type inventories are recorded as expenditures when the related liability is incurred (i.e., the purchase method).

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures / expenses when consumed rather than when purchased.

H. Accounts Receivable

The City collects sales taxes, franchise taxes, alcoholic beverage taxes and hotel motel occupancy taxes, as well as fines and fees.

I. Restricted Assets

When applicable, certain proceeds of bonds, as well as other resources set aside for specific purposes, are classified as restricted assets on the balance sheet because their uses are limited by applicable bond covenants or contractual agreements. Restricted assets of governmental fund are restricted by bond covenants for repayment of debt and finance construction projects.

J. Capital Assets

Capital assets, which include property, plant equipment and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items) are, reported in the governmental activities column of the government-wide financial statement. In accordance with GASB Statement No.34, infrastructure has been capitalized retroactively. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

Major outlays for capital assets and improvements are capitalized as projects are completed and placed in service. Interest costs incurred in connection with construction of government fund capital assets are capitalized when the effects of capitalization materially impact the financial statements.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized. Property, Plant, and equipment of the primary government are depreciated using the straight-line method over the following estimated useful years:

Asset Description	Estimated Useful Life
Building and improvements	40 years
Equipment	5-7 years
Infrastructure	50 years

K. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense/expenditure) until then. It is the deferred charge on refunding reported in the government-wide Statement of Net Position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

In addition to liabilities, the statement of financial position will sometime report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represent an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The City has three types of items, which arises only under a modified accrual basis of accounting that qualifies for reporting in this category. Accordingly, the items, *unavailable revenue*, are reported only in the governmental funds, balance sheet. The governmental funds report unavailable revenues from property taxes, court fines and warrants, and refuse. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

L. Compensated Employee Absences

It is the City's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Amounts accumulated, up to certain amounts set by Council, may be paid to employees upon termination of employment. The City does not pay out unused sick leave to retirees, but does pay unused vacation to retirees.

M. Long-Term Obligation

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities statement of net position.

N. Net Position Flow Assumption

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond) and unrestricted resources. In order to calculate the amounts to report as restricted-net position and unrestricted-net position in the government-wide financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted-net position to have been depleted before unrestricted-net position is applied.

O. Fund Balance Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of the unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

P. Fund Balance Policies

Fund balances of governmental funds are reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

Non-spendable fund balance represents amounts that cannot be spent because they are either in non-spendable form (such as inventory or prepaid insurance) or are legally required to be maintained intact (such as notes receivable or principal of a permanent fund).

Restricted fund balance represents amounts that are constrained by external parties, constitutional provisions, or by enabling legislation.

The committed fund balance classification includes amount that can be used only for the specific purposes determined by formal action of the City's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balances. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the City for specific purposes but do not meet the criteria to be classified as committed. The City Council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriation in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment. The City strives to maintain a minimum unassigned fund balance in the general fund between 90 and 100 days of current year operating expenditures.

Q. Estimates

The preparation of financial statements in conformity with generally accepted accounting principles, requires management to make estimates and assumption that affect the reported amounts of assets, liabilities, disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures / expenses during the reporting period. Actual results could differ from those estimates.

R. Program Revenues

Amounts reported as program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, series or privileges provided by a given function or segment and 2) grants, and contributions (including special assessments) that are restricted to meeting the operation or capital requirements of a particular function or segment. All taxes, including those dedicated for specific purposes and other internally dedicated resources are reported as general revenues rather than as program revenues.

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP). The original budget is adopted by the City Council prior to the beginning of the year. The legal level of control in the approved budget, as defined by the charter, is at the department level for funds. Appropriations lapse at the end of the year, excluding capital project budgets. There were no supplemental budgets appropriations may be made for the year ended September 30, 2025.

NOTE 3 – DEPOSITS AND INVESTMENTS

As of September 30, 2025, the City had the following cash and investments:

	Book Balance	Fair Value
Cash and cash equivalents	\$ 3,152,580	\$ 3,152,580
Total Cash and Cash Equivalents	<u>\$ 3,152,580</u>	<u>\$ 3,152,580</u>

Interest rate risk – In accordance with its investment policy, the City manages its exposure to declines in fair values by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations and invest operating funds primarily in short-term securities.

Custodial credit risk deposits – In the case of deposits, this is the risk that the City’s deposits may not be returned in the event of a bank failure. The City’s investment policy requires funds on deposit at the depository bank to be collateralized by securities. As of September 30, 2025, fair market values of pledged securities and FDIC coverage exceed bank balances.

Custodial credit risk investments – For an investment, this is the risk that the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party in the event of the failure of counterpart. The City's investment policy requires that it will seek to safe keep securities at financial institutions, avoiding physical possession. Further, all trades where applicable shall be conducted on a delivery versus payment basis or commercial book entry system as utilized by the Federal Reserve and shall be protected through the use of a third-party custody / safekeeping agent.

NOTE 4 – CAPITAL ASSETS

A summary of changes in capital assets for the year end is as follows:

	Balances Oct. 1, 2024	Additions	Retirements	Balances Sept. 30, 2025
Government Activities:				
Capital assets not being depreciated:				
Land	\$ 371,085	\$ -	\$ -	\$ 371,085
Construction in Progress	-	-	-	-
Total capital assets not being depreciated:	371,085	-	-	371,085
Capital assets being depreciated:				
Buildings and improvements	3,332,774	63,623	-	3,396,397
Equipment & Vehicles	5,127,850	17,000	-	5,144,850
Infrastructure	9,917,169	1,811,975	-	11,729,144
Total capital assets being depreciated	18,377,793	1,892,598	-	20,270,391
Less: Accumulated Depreciation for:				
Buildings and improvements	(1,696,470)	(119,194)	-	(1,815,664)
Equipment & Vehicles	(3,834,423)	(371,851)	-	(4,206,274)
Infrastructure	(4,689,662)	(480,315)	-	(5,169,977)
Total Accumulated Depreciation	(10,220,555)	(971,360)	-	(11,191,915)
Total capital assets being depreciated, net	8,157,238	921,238	-	9,078,476
Governmental activities capital assets, net	\$ 8,528,323	\$ 921,238	\$ -	\$ 9,449,561

Depreciation was allocated as follows:

Governmental Activities:	
General government	\$ 144,063
Public safety	269,880
Highways and streets	486,189
Culture and recreation	71,228
Total Depreciation Expense-Governmental Activities	\$ 971,360

NOTE 5 – RECEIVABLES

Amounts are aggregated into single account receivable (net of allowance for uncollectable) line for certain funds and aggregated columns. Below is the detail of receivables for the general fund, including the applicable allowances for uncollectible accounts:

	Governmental Activities
Accounts Receivable	1,334,184

September 30, 2025

NOTE 6 – LONG-TERM OBLIGATIONS

The City has a contract payable secured by equipment with a balance at September 30, 2025 of \$78,138 with a 2.98% interest rate and a maturity date of October 30, 2025, with annual payments of \$40,815 to \$40,826.

The City has a loan payable secured by the building with a balance at September 30, 2025 of \$572,758, with a 3.55% interest rate and a maturity date of May 10, 2036, with annual payments of \$71,884.

	Balances Oct. 1, 2024	Additions	Reductions	Balance Sept. 30, 2025	Amounts Due Within One Year
Governmental Activities:					
Certificates of obligation	\$ -	\$ -	\$ -	\$ -	\$ -
Notes payable	572,758	-	(52,241)	520,517	54,121
Contract payable	78,138	-	(38,493)	39,645	39,645
Net pension liability	298,391	-	(82,926)	215,465	-
Net OPEB Liability	108,636	2,902	-	111,538	-
Compensated absences	93,948	44,277	-	138,225	-
Total Governmental Activities	\$ 1,151,871	\$ 47,179	\$ (173,660)	\$ 1,025,390	\$ 93,766

Year ended Sept. 30,	Governmental Activities	
	Principal	Interest
2026	39,645	1,181
2027	-	-
Totals	\$ 39,645	\$ 1,181

Year Ended Sept 30,	Note Payable	
	Principal	Interest
2026	54,121	17,763
2027	56,068	15,816
2028	57,963	13,921
2029	59,925	11,959
2030	61,773	10,111
2031-2032	132,424	11,343
2033-2036	98,243	2,928
Totals	520,517	83,841

NOTE 7 – RISK MANAGEMENT

The City is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets, errors, and omissions; and natural disasters for which the City participates along with over 2,600 other entities in the Texas Municipal League's Intergovernmental Risk Pools (the "Pool"). The Pool purchases commercial insurance at group rates for participants in the Pool. The City has no additional risk or responsibility to the Pool, outside of the payment of insurance premiums. The City has not significantly reduced insurance coverage or had settlements which exceeded coverage amounts for the past three years.

NOTE 8 – CONTINGENT LIABILITIES

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts of expenditures which may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

The City is not a defendant in any lawsuits that would have a material effect on these financial statements.

NOTE 9 – OTHER

A. Contracts

The City did not have any significant contracts at September 30, 2025.

B. Subsequent Events and Related Party Transactions

There are no reportable subsequent events as of the report date. There were no significant related party transactions during the fiscal year.

Note 10. Pension Plans

Texas Municipal Retirement System

A. Plan Description

The City participates as one of 860 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for municipal employees in the State of Texas. The TMRS Act places the general administration and management of the System with a six-member board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS's defined benefit pension plan is a tax-qualified plan under Section 401(a) of the Internal Revenue Code. TMRS issues a publicly available comprehensive annual financial report (CAFR) that can be obtained at www.tmr.com.

All eligible employees of the city are required to participate in TMRS.

B. Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the city, within the options available in the state statutes governing TMRS.

At retirement the benefit is calculated as if the sum of the employee's contributions, with interest, and the city-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement in one of seven payment options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

Plan provisions for the City were as follows:

Employees covered by benefit terms.

At the December 31, 2024 valuation and measurement date, the following employees were covered by the benefit terms.

Inactive Employees or beneficiaries currently receiving benefits	33
Inactive employees entitled to but not yet receiving benefits	60
Active employees	<u>46</u>
Total	139

C. Contributions

The contribution rates for employees in the TMRS are either 5%, 6%, or 7% of employee gross earnings, and the city matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the city. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The actuarially determined rate is the additional amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the City were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the City were 14.19% and 15.37% in calendar years 2025 and 2024 respectively. The city's contributions to TMRS for the year ended September 30, 2025, were \$271,319 and were equal to the required contributions.

D. Net Pension Liability

The City's Net Pension Liability (NPL) was measured as of December 31, 2024, and the Total Pension Liability (TPL) used to calculate the Net Position Liability was determined by an actuarial valuation as of that date.

Actuarial assumptions:

The Total Pension Liability in the December 31, 2024 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	3.0% per year
Investment Rate of Return	6.75%, net of pension plan investment expense, including inflation

Notes to Basic Financial Statements
September 30, 2025

Salary increases were based on a service-related table. Mortality rates for active members, retirees, and beneficiaries were based on the gender-distinct RP2000 Combined Healthy Mortality Table, with male rates multiplied by 109% and female rates multiplied by 103%. Based on the size of the City, rates are multiplied by a factor of 100.0%. The rates are projected on a fully generational basis by scale BB to account for future mortality improvements. For disabled annuitants, the gender-distinct RP2000 Disabled Retiree Mortality Table is used, with slight adjustments.

Actuarial assumptions used in the December 31, 2024, valuation were based on the results of actuarial experience studies. The experience study in TMRS was for the period January 1, 2010 through December 31, 2014, first used in the December 31, 2015 valuation. Healthy post-retirement mortality rates and annuity purchase rates were updated based on a Mortality Experience Investigation Study covering 2009 through 2011, and dated December 31, 2013. These assumptions were first used in the December 31, 2013 valuation, along with a change to the Entry Age Normal (EAN) actuarial cost method. Assumptions are reviewed annually. No additional changes were made for the 2016 valuation.

The long-term expected rate of return on pension plan investments is 6.75%. The pension plan's policy in regard to the allocation of invested assets is established and may be amended by the TMRS Board of Trustees. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return (Arithmetic)
Domestic Equity	17.5%	4.80%
International Equity	17.5%	6.05%
Core-Fixed Income	30.0%	1.50%
Non-Core Fixed Income	10.0%	3.50%
Real Return	5.0%	1.75%
Real Estate	10.0%	5.25%
Absolute Return	5.0%	4.25%
Private Equity	5.0%	8.50%
Total	100.0%	

Notes to Basic Financial Statements
September 30, 2025

Discount Rate

The discount rate used to measure the total pension liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all period of projected benefit payments to determine the Total Pension Liability.

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balance at 12/31/23	\$ 5,718,751	\$ 5,492,301	\$ 226,450
Changes for the year:			
Service cost	458,776	-	458,776
Interest	393,843	-	393,843
Change of benefit terms	-	-	-
Difference between expected and actual experience	177,318	-	177,318
Changes in assumptions	-	-	-
Contributions - employer	-	271,319	(271,319)
Contributions - employee	-	203,127	(203,127)
Net investment income	-	570,221	(570,221)
Benefit payments, including refunds of employer contributions	(226,856)	(226,856)	-
Administrative expense	-	(3,660)	3,660
Other changes	-	(86)	86
Net changes	\$ 803,081	\$ 814,065	\$ (10,984)
Balance at 12/31/24	<u>\$ 6,521,832</u>	<u>\$ 6,306,366</u>	<u>\$ 215,466</u>

Sensitivity of the net pension liability to changes in the discount rate

The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City's net position liability would be if it were calculated using a discount rate that is 1- percentage-point lower (5.75%) or 1- percentage-point higher (7.75%) than the current rate.

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
City's net pension liability	<u>\$ 1,152,370</u>	<u>\$ 215,465</u>	<u>\$ (553,173)</u>

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's Fiduciary Net Position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at www.tmrs.com.

E. Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions.

GUN BARREL CITY	
SCHEDULE OF PENSION EXPENSE	
SEPTEMBER 30, 2025	
1. Total Service Cost	458,776
2. Interest on the Total OPEB Liability	393,843
3. Changes in Benefit terms	-
4. Employee Contributions	(203,127)
5. Projected earnings on plan investments	(370,730)
6. Administrative expense	3,660
7. Other Changes in Fiduciary Net Position	86
8. Recognition of Current year Outflow of Resources-Liab	64,246
9. Recognition of Current year Inflow of Resources-Assets	(39,899)
10. Amortization of Prior Year Inflows of Resources-Liab	(77,431)
11. Amortization of Prior Year Inflows of Resources-Asset	31,692
12. Total Pension Expense	261,116

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

At September 30, 2025, the city reported deferred outflows of resources and deferred inflows or resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic exp	\$ 113,072	\$ -
Changes in actuarial assumptions		-
Difference between projected and actual investments	-	(159,592)
Contributions subsequent to the measurement date	-	-
Totals	\$ 113,072	\$ (159,592)

Year ended Dec 31:

2025	25,961
2026	100,669
2027	(85,399)
2028	(39,895)
2029	-
Thereafter	-
	<u>\$ 1,336</u>

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

Texas Emergency Services Retirement System

The Texas Emergency Services Retirement System (TESRS) administers a cost-sharing multiple employer pension system (the System) established and administered by the State of Texas to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. Direct financial activity for the system is classified in the financial statements as pension trust funds. The System issues a stand alone financial report that is available to the public at www.tesrs.ofg.

A. Plan Description

The City participates in a cost-sharing multiple employer pension plan that has a special funding situation. The plan is administered by the Texas Emergency Services Retirement System (TESRS) established and administered by the State of Texas to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. At August 31, 2024, there were 198 contributing fire and/or

A. Plan Description (continued)

emergency services department members participating in TESRS. Eligible participants include volunteer emergency services personnel who are members in good standing of a member department.

On August 31, 2025, the pension system membership consisted of:

Retirees and beneficiaries currently receiving benefits	3,073
Terminated members entitled to benefits but not yet receiving them	2,161
Active participants (vested and non-vested)	4,036

B. Pension Plan Fiduciary Net Position

Detailed information about the TESRS's fiduciary net position is available in a separately-issued Comprehensive Annual Financial Report that includes financial statements and required supplementary information. TESRS issues a publicly available Annual Financial Report, which includes financial statements, notes, and required supplementary information, which can be obtained at www.tesrs.org. The separately issued actuarial valuations which may be of interest are also available at the same link.

B. Plan Description

The City participates in a cost-sharing multiple employer pension plan that has a special funding situation. The plan is administered by the Texas Emergency Services Retirement System (TESRS) established and administered by the State of Texas to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. At August 31, 2022, there were 198 contributing fire and/or

C. Plan Description (continued)

emergency services department members participating in TESRS. Eligible participants include volunteer emergency services personnel who are members in good standing of a member department.

On August 31, 2025, the pension system membership consisted of:

Retirees and beneficiaries currently receiving benefits	3,073
Terminated members entitled to benefits but not yet receiving them	2,161
Active participants (vested and non-vested)	4,036

Notes to Basic Financial Statements September 30, 2025

Texas Emergency Services Retirement System

D. Pension Plan Fiduciary Net Position

Detailed information about the TESRS's fiduciary net position is available in a separately-issued Comprehensive Annual Financial Report that includes financial statements and required supplementary information. TESRS issues a publicly available Annual Financial Report, which includes financial statements, notes, and required supplementary information, which can be obtained at www.tesrs.org. The separately issued actuarial valuations which may be of interest are also available at the same link.

Funding Policy (continued)

E. Benefits Provided

Senate Bill, 65th Legislature, Regular Session (1977), created TESRS and established the applicable benefit provisions. The 79th Legislature, Regular Session (2005), re-codified the provisions and gave the TESRS Board of Trustees authority to establish vesting requirements, contribution levels, benefit formulas and eligibility requirements by Board rule. The benefit provisions include retirement benefits as well as death and disability benefits. Members are 50% vested after the tenth year of service, with the vesting percent increasing 10% for year of the next five years of service so that a member becomes 100% vested with 15 years of service. Upon reaching age 55, each vested member may retire and receive a monthly pension equal to his vested percent multiplied by six times the governing body's average monthly contribution over the member's years of qualified services. For years of service in excess of 15 years, this monthly benefit is increased at the rate of 6.2% compounded annually. There is no provision for automatic postretirement benefit increases.

On and off-duty death benefits and on-duty disability benefits are dependent on whether or not the member was engaged in the performance of duties at the time of death or disability. Death benefits include a lump sum amount or continuing monthly payments to a member's surviving spouse and dependent children.

F. Funding Policy

Contributions are made by governing bodies for the participating departments. No contributions are required from the individuals who are members of the System, nor are they allowed. The governing bodies of each participating department are required to make contributions for each month a member performs emergency services for a department (this minimum contribution is \$36 per member and the department may make a higher monthly contribution for its members). This is referred to as a Part One contribution, which is the legacy portion of the System contribution that directly impacts future retiree annuities. The State is required to contribute an amount necessary to make the System "actuarially sound" each year, which may not exceed one-third of the total of all contributions made by participating governing bodies in a particular year.

The Board rule defining contributions was amended effective July 27, 2014 to add the potential for actuarially determined Part Two contributions that would be required only if the expected future annual contributions from the State are not enough with the Part One contributions to provide an adequate contribution arrangement as determined by the most recent actuarial valuation. This Part Two portion, which is actuarially determined as a percent of the Part One portion (not to exceed 15%), is to be actuarially adjusted near the end of each even-numbered calendar year based on the most recent actuarial valuation. Based on the actuarial valuation as of August 31, 2014, the Part Two contribution rate was 0%, since the first actuarial valuation report after adoption of the rules showed the System to have an adequate contribution arrangement without any Part Two contributions. Additional contributions may be made by governing bodies within two years of joining the System, to rant up to ten years of credit for service per member. Prior service purchased must have occurred before the department began participation in the System. A small subset of participating departments has a different contribution

Notes to Basic Financial Statements
September 30, 2025

arrangement which is being phased out over time. In this arrangement, contributions made in addition to the monthly contributions for active members, are made by local governing bodies on a pay-as-you-go basis for members who were pensioners when their respective departments merged into the System. There is no actuarial impact associated with this arrangement as the pay-as-you-go contributions made by these governing bodies are always equal to benefit payments paid by the System.

D. Actuarial Assumptions (continued)

E. Contributions

The contribution requirement per active emergency services personnel member per month is not actuarially determined. Rather, the minimum contribution provisions were set by board rule, and there is no maximum contribution rate. For the fiscal year ending August 31, 2025, total contributions (due, prior service, and interest on prior financing) of \$3,456 were paid by the City. The State appropriated \$5,503,140 for the fiscal year ending August 31, 2025 to the plan as a whole.

F. Actuarial Assumptions

Total pension liability in the August 31, 2025 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement.

Actuarial valuation date	8/31/2025
Actuarial cost method	Entry age
Amortization method	Level dollar, Open
Amortization period	30 years
Asset valuation method	Market value smoothed by a 5-year deferred recognition method with a 80%/120% corridor on market value.
Actuarial assumptions:	
Investment rate of return*	7.75%
Projected salary increase	N/A
*includes inflation at	3.5%
Cost of living adjustments	None

Mortality rates were based on the RP-2000 Combined Healthy Lives Mortality Tables for males and for females projected to 2018 by scale AA. The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future net real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

Notes to Basic Financial Statements
September 30, 2025

These components are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation (3.5%). In addition, the final 7.75% assumption reflected a reduction of 0.20% for adverse deviation. The target allocation and expected arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Net Real Rate of Return
Equities		
Large Cap Domestic	32.00%	5.20%
Small Cap Domestic	10.00%	5.80%
Developed International	21.00%	5.50%
Emerging Markets	6.00%	5.40%
Master Limited Partnership	5.00%	7.10%
Fixed Income		
Domestic	21.00%	1.40%
International	5.00%	1.60%

F. Discount Rate

The discount rate used to measure the total pension liability was 7.75%. No projection of cash flows was used to determine the discount rate because the August 31, 2022 actuarial valuation showed that expected contributions would pay the normal cost and amortize the unfunded actuarial accrued liability (UAAL) in 30 years using the conservative level dollar amortization method. That UAAL was based on an actuarial value of assets that was \$7.9 million less than the plan fiduciary net position as of August 31, 2014. Because of the 30-year amortization period with the conservative amortization method and with a lower value of assets, the pension plan's fiduciary net position is expected to be available to make all projected future benefit payments of current active and inactive members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

H. Sensitivity of the Net Pension Liability to changes in the discount rate

The following presents the net pension liability of the City, calculated using the discount rate of 7.75%, as well as the city's net pension liability would be if it were calculated using a discount rate that is 1 percentage point lower (6.75%) or 1 percentage point higher (8.75%) than the current rate:

Notes to Basic Financial Statements
September 30, 2025

H. Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At August 31, 2025, the City reported a liability of \$30,632 for its proportionate share of the plan's net pension liability. This liability reflects a reduction for State pension support provided to the City. The amount recognized by the City as a proportionate share of the net pension liability, the related State support, and the total portion of the net pension liability that was associated with the City were as followed:

**Calculated using the City's proportionate share of contributions multiplied by the State's share of the collective net pension liability.*

The net pension liability was measured as of August 31, 2025 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. GASB Statement No. 68 requires the net pension liability to be measured as of a date no earlier than the end of the employer's prior fiscal year. TESRS did not roll forward the net pension liability nor did they provide the necessary information for the participants to roll forward themselves. While the City acknowledges that the measurement date does not fall within this 12 month period, the City elected to honor the conservatism principle and report a net pension liability measured as of August 31, 2017. The City used the assumption that any differences in the net pension liability measured as of August 31, 2017 versus September 30, 2016 would be immaterial. The employer's proportion of the net pension liability was based on the employer's contributions to the pension plan relative to the contributions of all employers to the plan for the period September 1, 2015 through August 31, 2025.

At August 31, 2025 the employer's proportion of the collective net pension liability was .425%. TESRS did not provide prior year proportions measured as of August 31, 2025. The City is using the assumption that the change in proportion would have been immaterial and therefore disregarded this year.

There were no changes of assumptions or other inputs that affected measurement of the total pension liability during the measurement period.

There were no changes of benefit terms that affected measurement of the total pension liability during the measurement period.

For the year ended August 31, 2025, the City recognized pension expense of \$8,996. The City recognized on-behalf revenues of \$3,456 calculated by taking the State's total contributions to TESRS multiplied by the City's proportionate share.

Notes to Basic Financial Statements

September 30, 2025

At August 31, 2025, the City reported its proportionate share of the TESRS deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

\$10,089 reported as deferred outflows or resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability for the year ending September 30, 2025. The net amount of the employer's balances of deferred outflows and inflows or resources related to pensions will be recognized in pension expense as follows:

Note 14. Other post-employment benefits

Supplementary Death Benefit

The city also participates in the cost sharing multiple-employer defined benefit group-term life insurance plan operated by the Texas Municipal Retirement system (TMRS) known as the Supplemental Death Benefits Fund (SDBF). The city elected, by ordinance to provide group-term life insurance coverage to both current and retired employees. The city may terminate coverage under and discontinue participation in the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on employee's actual earnings, for the 12-month period preceding the month of death); retired employees are insured for \$7,500; this coverage is an "other postemployment benefit," or OPEB.

The city contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year; the intent is not to pre-fund retiree term life insurance during employee's entire careers.

The city's contribution to the TMRS SDBF for the year ended September 30, 2025, were \$2,321, which equaled the required contributions for the year.

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

Note 14. Other post-employment benefits

Net Other Post Employment Benefits Liability.
Actuarial Assumptions

Actuarial assumptions were developed from the actuarial investigation of the experience of TMRS over the four year period from December 31, 2019 to December 31, 2023. These assumptions were adopted in 2023 and first used in the December 31, 2023 valuation.

All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.

The Mortality Experience Investigation Study covering 2019 through 2023 is used as the basis for the post-retirement mortality assumption for healthy annuitants and Annuity Purchase Rate (APRs). Mortality Rates for service employees uses the RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103%. The rates are projected on a fully generational basis with scale BB to account for future mortality improvements subject to the 3% floor.

Inflation	2.50% per year
Overall payroll growth	3.50 to 10.5% per year including inflation
Discount rate	2.75%

Changes in the Net Other Post Employment Benefits Liability

	Increase (Decrease) Total OPEB Liability
Balance at 12/31/23	\$108,636
Changes for the year	
Service Cost	6,384
Interest on Total OPEB liability	4,172
Changes of benefit terms	0
Differences between expected and actual experience	614
Changes in assumption or other inputs	(5,947)
Benefit payments	(2,321)
Net changes	2,902
Total OPEB Liability – end of year	\$111,538
Total OPEB Liability as a Percentage of Covered Payroll	3.84%

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, calculated using the current discount rate of 4.08% as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (3.08%) or -1 percentage point higher (5.08%) than the current rate. Because the SDBF is considered an unfunded trust, the relevant discount rate to calculate the total OPEB liability is based on the Fidelity Index's 20 year Municipal GO AA Index.

	1% Decrease in Discount Rate (3.08%)	1% Increase in Discount Rate (4.08%)	Discount Rate (5.08%)
Total OPEB liability	\$132,543	\$ 111,538	\$ 94,903

Gun Barrel City, Texas
Notes to Basic Financial Statements
September 30, 2025

Note 14. Other post-employment benefits

GUN BARREL CITY
SCHEDULE OF OPEB EXPENSE
SEPTEMBER 30, 2025

1. Total Service Cost	6,384
2. Interest on the Total OPEB Liability	4,172
3. Changes in Benefit terms	-
4. Employer administrative costs	-
5. Recognition of deferred outflows/inflows of resources	
6. Difference between expected and actual experience	(4,730)
7. Changes in assumptions or other inputs	(2,410)
8. Total OPEB Expense	3,416

GUN BARREL CITY
SCHEDULE OF OPEB OUTFLOWS AND INFLOWS - CURRENT AND FUTURE EXPENSE
SEPTEMBER 30, 2025

	Recognition Period (or amortization yrs)	Total (Inflow) or Outflow of Resources	2024 Recognized in current pension expense	Deferred (Inflow) Outflow in future expense
Due to Liabilities:				
Difference in expected and actual experience [actuarial (gains) or losses]	5.5700	\$ 614	\$ 111	\$ 503
Difference in assumption changes [actuarial (gains) or losses]	5.5700	\$ (5,947)	\$ (1,068)	\$ (4,879)
			<u>\$ (957)</u>	<u>\$ (4,376)</u>

Deferred Outflows and Deferred Inflows of Resources, by year, to be recognized in future pension expense as follows:

	Net deferred outflows (inflows) of resources
2025	\$ (9,769)
2026	(10,767)
2027	(9,273)
2028	(882)
2029	(548)
Thereafter	-
Total	<u>\$ (31,239)</u>

Due to the SDBF being considered an unfunded OPEB plan, benefit payments are treated as being equal to the employer's yearly contributions for retirees. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75 to pay related benefits. In order to determine the retiree portion of the City's Supplemental Death Benefit Plan contributions (that which is considered OPEB), the City should perform the following calculation:

Total covered payroll * retiree Portion of SDB Contribution (Rate)

REQUIRED SUPPLEMENTARY SCHEDULES

GUN BARREL CITY, TEXAS
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BUDGET AND ACTUAL – GOVERNMENTAL FUND
For the Year Ended September 30, 2025

	Budgeted Amounts		Actual	Variance from Final Budget
	Original	Final		
<u>Revenues</u>				
Taxes:				
Sales Tax	\$ 4,863,564	\$ 4,863,564	\$ 5,121,657	\$ 258,093
Franchise Taxes	449,288	449,288	455,371	6,083
Hotel Motel taxes			135,317	
Alcoholic beverage taxes	59,774	59,774	72,555	12,781
Fines and fees	221,327	221,327	430,168	208,841
Licenses and permits	327,222	327,222	287,742	(39,480)
Other	244,704	231,864	740,970	509,106
Interest	-	-	104,499	104,499
Intergovernmental	18,544	18,544	-	(18,544)
Contributions and donations	-	-	271,661	271,661
Total Revenues	6,184,423	6,171,583	7,619,940	1,313,040
<u>Expenditures</u>				
General government				
Mayor and council	6,900	6,900	6,872	28
Administration	665,284	665,284	673,377	(8,093)
City Secretary	128,226	128,601	119,046	9,555
Treasury	133,708	133,708	135,615	(1,907)
Municipal Buildings	96,419	105,419	117,390	(11,971)
Public Safety:				
Police	1,922,187	1,925,520	1,846,609	78,911
Municipal Court	212,444	225,131	225,018	113
Code Enforcement	332,334	332,334	339,032	(6,698)
Fire	885,934	959,268	885,957	73,311
Animal Control	122,370	122,920	125,375	(2,455)
Public Works	1,493,412	1,496,745	1,068,486	428,259
Culture and recreational	212,801	212,801	255,173	(42,372)
Debt Service:				-
Principal retirement	112,705	112,705	90,734	21,971
Interest expense	-	-	26,390	(26,390)
Capital Outlay			1,892,598	(1,892,598)
Total Expenditures	6,324,724	6,427,336	7,807,672	(1,380,336)
Excess (Deficiency) of Revenues				
Over (Under) Expenditures	(140,301)	(255,753)	(187,732)	68,021
<u>Other Financing Sources (Uses)</u>				
Grant income & donations			-	-
Transfers in	140,301	255,753	-	(255,753)
Transfers (out)	-	-	-	-
Total Other Financing Sources (Uses)	140,301	255,753	-	(255,753)
Net Change in Fund Balance	-	-	(187,732)	(187,732)
Fund Balance - Beginning	6,512,075	6,512,075	6,512,075	
Fund Balance - Ending	\$ 6,512,075	\$ 6,512,075	\$ 6,324,343	\$ (187,732)

Gun Barrel City
Schedule of Changes in Net Pension Liability and Related Ratios
Texas Municipal Retirement System (TMRS)
Last 10 Years (will ultimately be displayed)

	2019	2018	2017	2016	2015	2014
Total Pension Liability						
Service cost	181,072	173,945	170,086	177,341	171,115	155,7
Interest (on the total pension liability)	223,250	216,155	225,640	209,202	200,617	186,1
Changes of benefit terms	-	-	54,796	-	-	
Difference between expected and actual experience	(144,028)	(137,778)	(372,861)	-	(83,831)	(4,6
Change of assumptions	17,262	-	-	(31,812)	82,314	
Benefit payments, including refunds of employee contributions	(169,321)	(132,220)	(198,399)	(126,356)	(153,625)	(123,0
Net Change in Total Pension Liability	108,235	120,102	(120,738)	228,375	216,590	214,3
Total Pension Liability - Beginning	3,301,534	3,181,432	3,302,170	3,073,795	2,857,205	2,642,8
Total Pension Liability - Ending (a)	3,409,769	3,301,534	3,181,432	3,302,170	3,073,795	2,857,2
Plan Fiduciary Net Position						
Contributions - employer	87,651	106,389	104,627	93,899	95,709	86,8
Contributions - employee	85,979	83,467	84,118	85,178	87,571	82,9
Net investment income	519,866	(102,088)	417,227	187,346	4,044	145,8
Benefit payments, including refunds of employee contributions	(169,321)	(132,220)	(198,399)	(126,356)	(153,625)	(123,0
Administrative expense	(2,942)	(1,977)	(2,161)	(2,115)	(2,463)	(1,5
Other	(88)	(103)	(110)	(114)	(121)	(1
Net Change in Plan Fiduciary Net Posit	521,145	(46,532)	405,302	237,838	31,115	191,0
Plan Fiduciary Net Position - Beginning	3,368,042	3,414,575	3,009,273	2,771,435	2,740,320	2,549,2
Plan Fiduciary Net Position - Ending (b)	3,889,187	3,368,043	3,414,575	3,009,273	2,771,435	2,740,3
Net Pension Liability - Ending (a) - (b)	(479,418)	(66,509)	(233,143)	292,897	302,360	116,8
Plan Fiduciary Net Position as a Percentage of Total Pension Liabilit	114.06%	102.01%	107.33%	91.13%	90.16%	95.9
Covered Employee Payroll	1,719,581	1,689,335	1,682,354	1,703,567	1,751,429	1,659,8
Net Pension Liability as a Percentage of Covered Employee Payroll	-27.88%	-3.94%	-13.86%	17.19%	17.26%	7.04%

Notes to Schedule: N/A

Gun Barrel City, Texas
Required Supplementary Information
For the Year Ended September 30, 2025
Schedule of Contributions
Texas Municipal Retirement System (TMRS)
Last 10 Years (will ultimately be displayed)

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>
Total Pension Liability					
Service cost	458,776	413,471	375,543	340,091	211,109
Interest (on the total pension liability)	393,843	359,520	337,926	306,921	233,892
Changes of benefit terms	-	-	-	688,718	-
Difference between expected and actual experience	177,318	(39,689)	(188,430)	(24,116)	11,275
Change of assumptions	-	(13,907)	-	-	-
Benefit payments, including refunds of employee contributions	(226,856)	(240,260)	(207,936)	(154,638)	(100,508)
Net Change in Total Pension Liability	<u>803,081</u>	<u>479,135</u>	<u>317,103</u>	<u>1,156,976</u>	<u>355,768</u>
Total Pension Liability - Beginning	<u>5,718,751</u>	<u>5,239,616</u>	<u>4,922,513</u>	<u>3,765,537</u>	<u>3,409,769</u>
Total Pension Liability - Ending (a)	<u><u>6,521,832</u></u>	<u><u>5,718,751</u></u>	<u><u>5,239,616</u></u>	<u><u>4,922,513</u></u>	<u><u>3,765,537</u></u>
 Plan Fiduciary Net Position					
Contributions - employer	271,319	269,030	239,554	105,665	92,992
Contributions - employee	203,127	187,576	169,382	108,934	98,926
Net investment income	570,221	546,945	(356,329)	556,415	294,821
Benefit payments, including refunds of employee contributions	-	-	-	-	-
	(226,856)	(240,260)	(207,936)	(154,638)	(100,508)
Administrative expense	(3,660)	(3,485)	(3,087)	(2,578)	(1,910)
Other	(86)	(24)	3,684	18	(75)
Net Change in Plan Fiduciary Net Position	<u>814,065</u>	<u>759,782</u>	<u>(154,732)</u>	<u>613,816</u>	<u>384,246</u>
Plan Fiduciary Net Position - Beginning	<u>5,492,300</u>	<u>4,732,518</u>	<u>4,887,250</u>	<u>4,273,434</u>	<u>3,889,188</u>
Plan Fiduciary Net Position - Ending (b)	<u><u>6,306,365</u></u>	<u><u>5,492,300</u></u>	<u><u>4,732,518</u></u>	<u><u>4,887,250</u></u>	<u><u>4,273,434</u></u>
 Net Pension Liability - Ending (a) - (b)	<u><u>215,467</u></u>	<u><u>226,451</u></u>	<u><u>507,098</u></u>	<u><u>35,263</u></u>	<u><u>(507,897)</u></u>
 Plan Fiduciary Net Position as a Percentage of Total Pension Liability	<u>96.70%</u>	<u>96.04%</u>	<u>90.32%</u>	<u>99.28%</u>	<u>113.49%</u>
 Covered Employee Payroll	<u>2,901,810</u>	<u>2,679,656</u>	<u>2,419,739</u>	<u>2,178,676</u>	<u>1,978,529</u>
 Net Pension Liability as a Percentage of Covered Employee Payroll	<u>7.43%</u>	<u>8.45%</u>	<u>20.96%</u>	<u>1.62%</u>	<u>-25.67%</u>

Notes to Schedule: N/A

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Actuarially Determined Contributions	\$ 106,389	\$ 104,627	\$ 93,899	\$ 95,440	\$ 96,044	N/A
Contributions in Relation to the Actuarially Determined Contributions	<u>\$ 106,389</u>	<u>\$ 104,627</u>	<u>93,899</u>	<u>95,440</u>	<u>96,044</u>	N/A
Contribution Deficiency (Excess)	-	-	-	-	-	N/A
Covered Employee Payroll	1,669,335	1,682,357	1,703,567	1,751,429	1,659,825	N/A
Contributions as a Percentage of Covered Employee Payroll	6.37%	6.22%	5.51%	5.51%	5.79%	N/A
	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	
Actuarially Determined Contributions	\$ 271,319	\$ 269,030	\$ 200,103	\$ 102,007	\$ 87,651	
Contributions in Relation to the Actuarially Determined Contributions	<u>\$ 271,319</u>	<u>\$ 269,030</u>	<u>\$ 200,103</u>	<u>\$ 102,007</u>	<u>\$ 87,651</u>	
Contribution Deficiency (Excess)	-	-	-	-	-	
Covered Employee Payroll	2,901,810	2,679,656	2,347,156	2,121,230	1,719,581	
Contributions as a Percentage of Covered Employee Payroll	9.35%	10.04%	8.53%	4.81%	5.10%	

Notes to Schedule of Contributions

Valuation Date:

Notes

Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

Methods and Assumptions Used to Determine contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level percentage of Payroll, Closed
Remaining Amortization Period	28 years
Asset Valuation Method	10 Year smoothed market; 15% soft corridor
Inflation	2.50%
Salary Increases	3.50% to 10.50%, including inflation
Investment Rate of Return	6.75%
Retirement Age	Experienced-based table of rates that are specific to the City's plan of benefits. Last updated for the 2015 valuation pursuant to an experience study of the period 2010-2014 RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB

Other Information

Notes

There were not benefit changes during the year.

GASB 68 requires 10 fiscal years of data to be provided in this schedule. As GASB 68 has been initially adopted for the 2015 fiscal year, historical data is not presented.

Combining Financial Statements

Non-Major Governmental Funds

Special Revenue Funds

Special revenue funds are used to account for specific revenues that are legally restricted to expenditure for particular purposes.

Gun Barrel City, Texas
Combining Balance Sheet
Non-major Governmental Funds
September 30, 2025

	<u>Special Revenue Funds</u>										Totals
	Court						Law				Nonmajor
	Time	Volunteer									Special
	Payment	Fire	Parks	Police	Court	Court	Enforcement	Forfeited			Revenue
	Fees	Department	Special	Special	Security	Technology	Education	Contraband	Tourism	Festivals	Funds
<u>Assets</u>											
Cash and cash equiv	\$ 5,902	\$ 47,823	\$ 17,295	\$ 9,094	\$ 46,275	\$ 20,402	\$ 34,228	\$ 10,874	\$ 196,578	\$ 6,114	\$ 394,585
Accounts Receivable	-								54383		\$ 54,383
Due from other funds	-	-	-	263	-	-	-	-	-		\$ 263
Total Assets	5,902	47,823	17,295	9,357	46,275	20,402	34,228	10,874	250,961	6,114	449,231
<u>Liabilities & Fund Balances</u>											
<u>Liabilities</u>											
Accounts payable	-	1,716	521	-	-	-	-	-	-		2,237
Deferred Revenue											
Due to other funds	-	-	-	-	-	-	-	-	37,251	6,003	43,254
Total Liabilities	-	1,716	521	-	-	-	-	-	37,251	6,003	45,491
<u>Fund Balances</u>											
Restricted	5,902	46,107	16,774	9,357	46,275	20,402	34,228	10,874	213,710	111	403,740
Total Fund Balances	5,902	46,107	16,774	9,357	46,275	20,402	34,228	10,874	213,710	111	403,740
Total Liabilities and Fund Balances	\$ 5,902	\$ 47,823	\$ 17,295	\$ 9,357	\$ 46,275	\$ 20,402	\$ 34,228	\$ 10,874	\$ 250,961	\$ 6,114	\$ 449,231

Gun Barrel City, Texas
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Non-major Governmental Funds
For the Year Ended September 30, 2025

	Special Revenue Funds											Totals
												Nonmajor
	Court	Volunteer					Law					Special
	Time	Fire	Parks	Police	Court	Court	Enforcement	Forfeited				Revenue
	Payment fees	Department	Special	Special	Security	Technology	Education	Contraband	Tourism	Festivals	Funds	
Revenues												
Taxes												
Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hotel/Motel	-	-	-	-	-	-	-	-	135,317	-	135,317	135,317
Charges for services	70	-	210	3,380	11,658	9,575	-	-	-	49,875	74,768	74,768
Fines and forfeitures	-	-	-	-	-	-	-	-	-	-	-	-
Investment earnings	23	640	64	29	540	67	437	68	9,281	443	11,592	11,592
Contributions	-	4,425	-	100	-	-	-	-	-	-	4,525	4,525
Grants	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	210	-	-	-	-	4,916	-	-	28,222	33,348	33,348
Total Revenues	93	5,275	274	3,509	12,198	9,642	5,353	68	144,598	78,540	259,550	
Expenditures												
Current:												
General government	-	-	-	-	-	2,298	-	-	206,891	-	209,189	209,189
Public safety	-	-	-	-	-	-	-	11,334	-	-	11,334	11,334
Highways and streets	-	-	-	-	-	-	-	-	-	-	-	-
Culture and recreation	-	-	-	-	-	-	-	-	-	73,385	73,385	73,385
Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service:												
Principal payments	-	-	-	-	-	-	-	-	-	-	-	-
Interest and fiscal charges	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	2,298	-	11,334	206,891	73,385	293,908	
Excess (Deficiency) of Revenues												
Over (Under) E:	93	5,275	274	3,509	12,198	7,344	5,353	(11,266)	(62,293)	5,155	(34,358)	
Other Financing Sources												
Transfers in/(Out)	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	
Net Change in Fund	93	5,275	274	3,509	12,198	7,344	5,353	(11,266)	(62,293)	5,155	(34,358)	
Fund Balances, Beg	5,809	40,832	16,500	5,848	34,077	13,058	28,875	22,140	276,003	(5,044)	438,098	
Fund Balances, End	\$ 5,902	\$ 46,107	\$ 16,774	\$ 9,357	\$ 46,275	\$ 20,402	\$ 34,228	\$ 10,874	\$ 213,710	\$ 111	\$ 403,740	

SINGLE AUDIT ACT REQUIREMENTS

GUN BARREL CITY
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED SEPTEMBER 30, 2025

Federal Grantor Pass Through Grantor Program Title	Federal AL Number	Project Number	Disbursements
2021 Coronavirus Local Fiscal Recovery Fund American Recovery Plan Act	21.027	ARP-TX-21-140	<u>\$1,178,784</u>
TOTAL FEDERAL AWARDS			\$1,178,784

GUN BARREL CITY
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
For the year ended September 30, 2025

NOTE A BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of Gun Barrel City (the "City") under programs of the federal government for the year ended September 30, 2025. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in net assets, or cash flows of the City.

NOTE B SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

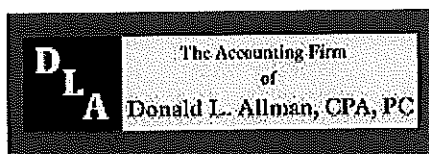
Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE C INDIRECT COST RATE

The City has elected not to use 10% de minimis indirect cost rate as allowed under the Uniform Guidance.

NOTE D FEDERAL AWARDS PASSED THROUGH TO SUBRECIPIENTS

Federal awards are passed through to subrecipients through the State of Texas and then to the Gun Barrel City.



Donald L. Allman, CPA, PC
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Email: dallman@donallmancpa.com

CERTIFIED PUBLIC ACCOUNTANT

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the City Council
Gun Barrel City, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Gun Barrel City, Texas, as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise Gun Barrel City, Texas's basic financial statements, and have issued our report thereon dated March 20, 2026..

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Gun Barrel City, Texas's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Gun Barrel City, Texas's internal control. Accordingly, we do not express an opinion on the effectiveness of Gun Barrel City, Texas's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

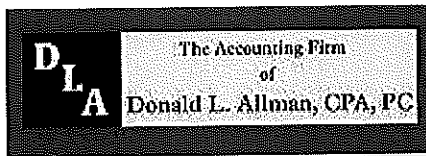
As part of obtaining reasonable assurance about whether Gun Barrel City, Texas' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Donald L. Allman, CPA, PC 

Liberty Hill, Texas
March 20, 2026



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160 Owen Pass
Liberty Hill, Texas 78642
Email: dallman@donallmancpa.com

CERTIFIED PUBLIC ACCOUNTANT

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the City Council
Gun Barrel City, Texas

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited Gun Barrel City, Texas's compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on each of Gun Barrel City, Texas's major federal programs for the year ended September 30, 2025. Gun Barrel City, Texas's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, Gun Barrel City, Texas complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended September 30, 2025.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).¹ Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Gun Barrel City, Texas and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of Gun Barrel City, Texas's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to Gun Barrel City, Texas's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Gun Barrel City, Texas's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Gun Barrel City, Texas's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Gun Barrel City, Texas's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of Gun Barrel City, Texas's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of Gun Barrel City, Texas's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control over Compliance

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Donald L. Allman, CPA, PC



Georgetown TX
March 20, 2026

GUN BARREL CITY
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2025

I. SUMMARY OF AUDITORS' RESULTS

Financial Statements

Type of auditors' report issued: Unmodified

Internal control over financial reporting:

• Material weakness(es) identified? No

Significant deficiencies identified not considered
to be material weaknesses? • None Reported

Noncompliance material to the financial statements noted? No

Federal Awards

Internal control over major programs:

• Material weakness(es) identified? No

Significant deficiencies identified not considered
to be material weaknesses? • None Reported

Type of auditors' report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?
No

Identification of major programs:

AL #

21.027

U.S. Department of Housing & Urban Development

2021 Coronavirus Local Fiscal Recovery Fund

American Recovery Plan Act

Dollar Threshold to identify Type A and Type B programs? \$1,000,000

Auditee qualified as low-risk auditee? No

GUN BARREL CITY
SCHEDULE OF FINDINGS AND QUESTIONED COSTS - CONTINUED FOR THE YEAR
ENDED SEPTEMBER 30, 2025

II. Financial Statement Findings	None

III. Findings Related to Federal Awards	None

GUN BARREL CITY
SCHEDULE OF PRIOR YEAR FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED SEPTEMBER 30, 2025

No prior year audit findings.

**GUN BARREL CITY
CORRECTIVE ACTION PLAN
FOR THE YEAR ENDED SEPTEMBER 30, 2025**

No findings and no questioned costs so no corrective action plan.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: Action

SUBMITTING INFORMATION

DEPARTMENT: ECONOMIC DEVELOPMENT CORPORATION
REQUESTED BY: Charles Houk, Executive Director

POSTED AGENDA ITEM WORDING

Receive the Annual Comprehensive Financial Report (Audit) for the fiscal year ending September 30, 2025, for the Economic Development Corporation, which includes the independent auditor's report.

SUMMARY

The independent auditor, Donald L. Altman, CPA, PC, will present the FY 2024–2025 Annual Comprehensive Financial Report for the Economic Development Corporation. The audit resulted in an unmodified (clean) opinion with no material findings. The Corporation reported an increase in net position of approximately \$661,735, ending the year with total net position of approximately \$3.48 million.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

2024-2025 EDC Audit Report

ALG-CL-5.2: Communication with Those Charged with Governance at the Conclusion of the Audit

Donald L. Allman, CPA, PC 160 Owen Pass Liberty Hill, TX 78642

March 25, 2026

To the Gun Barrel City EDC Mayor and City Council

Gun Barrel City EDC, 1716 West Main Street, Gun Barrel City, TX 75156

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Gun Barrel City EDC for the year ended September 30, 2025. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated March 25, 2026. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters***Qualitative Aspects of Accounting Practices***

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Gun Barrel City EDC are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2025. We noted no transactions entered into by the Gun Barrel City EDC during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the Gun Barrel City EDC's financial statements was:

No significant estimates noted.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure(s) affecting the financial statements was

No significant sensitive disclosures noted.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated March 25, 2026.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to [Name of Governmental Unit]’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Gun Barrel City EDC’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the Management Discussion & Analysis, Budget to Actual, and Pension Reporting, which are (is) required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the information and use of the Gun Barrel City EDC City Council and management of the Gun Barrel City EDC and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Donald L. Allman, CPA, PC

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION

GUN BARREL CITY, TEXAS

BASIC FINANCIAL STATEMENTS

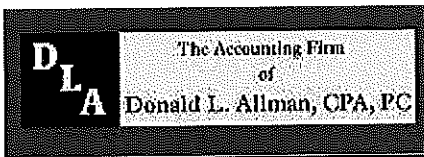
AND SUPPLEMENTAL SCHEDULES

AND INDEPENDENT AUDITOR'S REPORT

FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2025

TABLE OF CONTENTS

Independent Auditor's Report	1-3
Management's Discussion and Analysis	4-6
Governmental Wide Financial Statements:	
Statement of Net Position	7
Statement of Activities	8
Fund Financial Statements:	
Balance Sheet – Governmental Funds	9
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	10
Statement of Revenues, Expenditures, and Changes In Fund Balance of Governmental Funds	11
Reconciliation of the Governmental Funds Revenues, Expenditures, and Changes in Fund Balances to the Statement of Activities	12
Notes to the Financial Statements	13-16
REQUIRED SUPPLEMENTARY INFORMATION:	
Budgetary Comparison Schedule – General Fund	18
Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Governmental Auditing Standards</i>	19



Donald L Allman, CPA, PC
160 Owen Pass
Liberty Hill, Texas 78642

CERTIFIED PUBLIC ACCOUNTANT

**Report on Financial Statements Issued in Accordance with
Government Auditing Standards or in a Single Audit**

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Gun Barrel City Economic Development Corporation

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Gun Barrel City Economic Development Corporation as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise the Gun Barrel City Economic Development Corporation's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Gun Barrel City Economic Development Corporation, as of September 30, 2025, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Gun Barrel City Economic Development Corporation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Gun Barrel City Economic Development Corporation's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Gun Barrel City Economic Development Corporation's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Gun Barrel City Economic Development Corporation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4-6 and 18 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Gun Barrel City Economic Development Corporation's basic financial statements. The accompanying combining and individual nonmajor fund financial statements and schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and the schedule of expenditures of federal awards are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 21, 2026, on our consideration of the Gun Barrel City Economic Development Corporation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Gun Barrel City Economic Development Corporation's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Gun Barrel City Economic Development Corporation's internal control over financial reporting and compliance.

Donald L. Allman, CPA, PC



Georgetown, TX
March 21, 2026

Management's Discussion and Analysis

As management we offer readers of the Gun Barrel City Economic Development Corporation's financial statements this narrative overview and analysis of the financial activities of the Corporation for the fiscal year ended September 30, 2025. Please read it in conjunction with the financial statements and accompanying notes.

Overview of the Financial Statements

The annual financial report consists of two parts: Management's Discussion and Analysis (this section) and the basic financial statements. The Corporation is a self supporting entity and uses a governmental fund to report operations.

The governmental fund statements tell how general services were financed in the short term as well as what remains for future spending.

The government-wide financial statements provide both long-term and short-term information about the Corporation's overall financial status. The government-wide statements are presented in a manner similar to a private business, such as a real estate development, investment banking, commercial lending, construction management and private consulting. The statement of net position includes all the Corporation's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

Financial Highlights

- The assets of the Corporation exceed its liabilities at the close of the most recent fiscal year by \$3,476,839.
- As of the close of the current fiscal year, the Corporation reported an increase in net position of \$661,735, on the Governmental Activities Funds basis.

The following table provides a summary of the Corporation's Statement of Net Position:

	2025	2024
Current assets	\$ 3,142,150	\$ 2,608,501
Capital assets, net	808,677	744,398
TOTAL ASSETS	3,950,827	3,352,899
Current liabilities	110,645	89,152
Long-term liabilities	363,343	448,543
TOTAL LIABILITIES	473,988	537,695
Net Position:		
Net Investment in Capital Assets	362,818	213,339
Restricted	107,533	107,267
Unrestricted	3,006,488	2,494,598
TOTAL NET POSITION	\$ 3,476,839	\$ 2,815,204

Government-Wide Financial Analysis

The following table provides a summary of the Corporation's Changes in Net Position.

	2025	2024
Revenues:		
Sales tax	\$ 732,034	\$ 722,462
Government grants	-	-
Interest income	78,283	82,006
Capital Gain (Loss) on sale of assets	118,273	-
Other	52,767	-
TOTAL REVENUES	981,357	804,468
Expenses:		
Economic Development Expenses	297,555	729,049
Interest expense	22,067	21,343
TOTAL EXPENSES	319,622	750,392
CHANGE IN NET POSITION	661,735	54,076
Beginning net position	2,815,104	2,761,028
ENDING NET POSITION	\$ 3,476,839	\$ 2,815,104

Operating Activities. Operating activities increased the Corporation's net position by \$661,735.

Capital Assets.

	2025	2024
Land	\$ 803,793	\$ 738,172
Machinery & Equipment, net	4,884	6,226
Improvements	-	-
TOTAL	\$ 808,677	\$ 744,398

Long-Term Debt. The Corporation has outstanding debt of \$445,859 at year end.

Requests for Information

This financial report is designed to provide a general overview of the Corporation for all those with an interest in the Corporation's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Gun Barrel City Economic Development Corporation, P.O. box 833, Gun Barrel City, TX 76520.

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
STATEMENT OF NET POSITION
SEPTEMBER 30, 2025

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
STATEMENT OF NET POSITION
September 30, 2025

	GOVERNMENT ACTIVITIES
ASSETS	
Current assets:	
Cash & cash equivalents	\$ 2,525,192
Economic Development agreements receivable	498,853
Due from City	<u>118,105</u>
Total current assets	<u>3,142,150</u>
Non-Current Assets	
Capital assets	
Land	803,793
Machinery & Equipment, net	<u>4,884</u>
Total non-current assets	<u>808,677</u>
TOTAL ASSETS	<u>\$ 3,950,827</u>
LIABILITIES	
Current:	
Accounts payable & Accrued expenses	\$ 28,129
Accrued interest payable	-
Loans payable - current portion	<u>82,516</u>
TOTAL CURRENT	<u>110,645</u>
Long-Term:	
Loans payable	<u>363,343</u>
TOTAL LONG-TERM	<u>363,343</u>
TOTAL LIABILITIES	<u>473,988</u>
NET POSITION	
Net Investment in Capital Assets	362,818
Restricted	107,533
Unrestricted	<u>3,006,488</u>
TOTAL NET POSITION	<u>3,476,839</u>

The accompanying notes are an integral part of the financial statements

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
STATEMENT OF ACTIVITIES
For the Year Ended September 30, 2025

	GOVERNMENTAL ACTIVITIES
Revenues:	
Sales tax	\$ 732,034
Interest income	78,283
Other	<u>52,767</u>
TOTAL REVENUES	<u>863,084</u>
Expenditures:	
Economic Development Expenses	297,555
Interest expense	<u>22,067</u>
TOTAL EXPENSES	<u>319,622</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	543,462
Other Financing Sources:	
Capital grants	-
Government grants	-
Capital Gain on Sale of Assets	<u>118,273</u>
TOTAL OTHER FINANCING SOURCES	<u>118,273</u>
Change in net position	661,735
Net position beginning of fiscal year	<u>2,815,104</u>
Prior Period Adjustment	<u>-</u>
Net Position end of fiscal year	<u><u>\$ 3,476,839</u></u>

The accompanying notes are an integral part of the financial statements

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2025

	General Fund	Total Governmental Funds
Assets:		
Cash and Cash Equivalents	2,525,192	2,525,192
Economic Development Agreements receivable	498,853	498,853
Due from City	118,105	118,105
Total Assets	3,142,150	3,142,150
Liabilities and Fund Balances		
Liabilities:		
Accounts Payable & accrued expenses	28,129	28,129
Unearned Revenue	-	-
Total Liabilities	28,129	28,129
Fund Balances:		
Nonspendable	-	
Restricted	-	-
Committed	-	
Assigned		
Unassigned	3,114,021	3,114,021
Total Fund Balances	3,114,021	3,114,021
Total Liabilities and Fund Balances	3,142,150	3,142,150

The accompanying notes are an integral part of the financial statements

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET POSITION
SEPTEMBER 30, 2025

Total Fund Balances - Governmental Funds	\$ 3,114,021
Capital assets used in governmental activities are not financial resources and therefore are not reported in governmental funds.	\$ 808,677
At the beginning of the year, the cost of these assets was \$764,172 and the accumulated depreciation and amortization was \$(19,774).	
The net effect of including the balances for capital assets (net of depreciation) in the governmental activities is to increase net assets.	
Some long-term liabilities are not due and payable in the current period and therefore are not reported in these funds. These liabilities consist of:	
	\$ (445,859)
Net Position of Governmental Activities	\$ 3,476,839

The accompanying notes are an integral part of the financial statements.

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2025

	General Fund	Total Governmental Funds
Revenues		
Taxes:		
Sales Taxes	\$ 732,034	\$ 732,034
Gain on Sale of Assets	118,273	118,273
Investment Earnings	78,283	78,283
Other Revenue	52,767	52,767
Total Revenues	<u>\$ 981,357</u>	<u>\$ 981,357</u>
Expenditures		
Current:		
Economic Development expenses	293,012	293,012
Debt Service:		
Principal	85,200	85,200
Interest	22,067	22,067
Capital Outlay:	68,922	68,922
Bond Closing costs	-	-
	-	-
Total Expenditures	<u>\$ 469,201</u>	<u>\$ 469,201</u>
Other Financing Sources:	-	-
 Net Changes in Fund Balances	 \$ 512,156	 \$ 512,156
Fund Balances - Beginning	<u>\$ 2,601,865</u>	<u>\$ 2,601,865</u>
Fund Balances - Ending	<u>\$ 3,114,021</u>	<u>\$ 3,114,021</u>

The accompanying notes are an integral part of the financial statements.

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES TO THE STATEMENT OF ACTIVITIES
SEPTEMBER 30, 2025

Total Net Change in Fund Balances - Governmental Funds	\$ 512,156
Current year capital outlays are expenditures in the fund financial statements,	68,922
but they should be shown as increases in capital assets in the government-wide financial statements. The net effect of the current year capital outlays is to increase net assets.	-
Depreciation & Amortization is not recognized as an expense in governmental funds since it does not require resources of current funds. The net effect of the current year depreciation & amortization is to decrease net assets.	(4,543)
Principal payments on bonds are not outflows for governmental activities	85,200
Miscellaneous adjustments between government wide & govt. funds	-
	-
	-
	-
Change in Net Position of Governmental Activities	\$ 661,735

The accompanying notes are an integral part of the financial statements.

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2025

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTANT POLICIES

The accounting policies of the Gun Barrel City Economic Development Corporation “the Corporation” conform to accounting principles generally accepted in the United States of America as applicable to governmental units.

A. Reporting Entity

The Gun Barrel City Economic Development Corporation “(the Corporation)” was incorporated July 10, 1997 for the purposes of promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare of Gun Barrel City, Texas. The accompanying financial statements present the Corporation.

B. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The Corporation uses only governmental funds to report their operations and are engaged in a single program. For this reason, the Corporation has combined their fund financial statements and their government-wide financial statements by providing a columnar (line-by-line) reconciliation on the face of the financial statements.

Government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, revenues are considered to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred as under accrual accounting. However debt service expenditures are recorded only when payment is due.

The following governmental fund is reported:

The *general fund* is the primary operating. It accounts for all financial resources.

C. Capital Assets

Capital assets, which include land, buildings, furniture and equipment and infrastructure assets are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Corporation as assets with an initial, individual cost of more than \$1,000 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Buildings, furniture and equipment of the Corporation are depreciated using the straight line method over the following estimated useful lives:

<u>ASSETS</u>	<u>YEARS</u>
Buildings and improvements	20-50
Computers, furniture and equipment	5-10

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
NOTES TO THE FINANCIAL STATEMENTS – CONTINUED
September 30, 2025

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – CONTINUED

D. Budgetary Data

The Board adopts an “appropriated budget” for the General Fund. The Corporation is required to present the adopted and final amended budgeted revenues and expenditures. The Corporation compares the final amended budget to actual revenues and expenditures.

The following procedures are followed in establishing the budgetary data reflected in the general-purpose financial statements:

1. Prior to September 30, the Corporation Board of Directors prepares a budget for the next succeeding fiscal year beginning October 1. The operating budget includes proposed expenditures and the means of financing them.
2. A meeting of the Board is then called for the purpose of adopting the proposed budget. The GBCEDC holds a public hearing to receive citizens comments on the budget.
3. Prior to September 30, the budget is legally enacted through passage of a resolution by the City of Gun Barrel City Council. Once a budget is approved, it can only be amended at the function and fund level by approval of a majority of the members of the Board. Amendments are presented to the Board at its regular meetings. As required by law, such amendments are made before the fact, are reflected in the official minutes of the Board, and are not made after fiscal year end. The Corporation had no budget amendments during the year.
4. Budgeted amounts are as amended by the Board and City Council. All budget appropriations lapse at year end.

E. Subsequent Events

Management has evaluated subsequent events through March 21, 2026, the date the financial statements were available to be issued.

NOTE 2 – DEPOSITS AND INVESTMENTS

The Corporation is authorized to invest in securities that are listed in Texas House Bill 2459, *Public Funds Investment Act of 1995*.

The Corporation's deposits were fully insured or collateralized at September 30. At year end, the carrying amount of deposits in the Corporation operating account was \$1,816,568.

All investments held at September 30, are insured or registered, or held by the Corporation or its agent in the Corporation's name (Category 1).

The Corporation's investments as of September 30, are:

	CARRY AMOUNT	MARKET VALUE
TexStar	\$ 708,624	\$ 708,624
	-	-
	<u>\$ 708,624</u>	<u>\$ 708,624</u>

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
NOTES TO THE FINANCIAL STATEMENTS – CONTINUED
September 30, 2025

NOTE 2 – DEPOSITS AND INVESTMENTS – CONTINUED

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value. The Corporation concentrates its investments on short-term investments in order to limit market risk caused by changes in interest rates. The maximum allowed maturity of an investment by the Corporation is two years.

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits. The Corporation's depository fully collateralizes the Corporation's deposits as outlined above.

NOTE 3 – CAPITAL ASSET ACTIVITY

Capital asset activity for the Corporation for the year ended September 30, was as follows:

	PRIMARY GOVERNMENT		
	BEGINNING BALANCE	ADDITIONS	ENDING BALANCE
Governmental Activities:			
Land	\$ 738,172	\$ 65,621	\$ 803,793
Machinery & equipment	26,000	3,301	29,301
Improvements	-	-	-
		-	-
TOTAL ASSETS	764,172	68,922	833,094
Accumulated depreciation	(19,774)	(4,643)	(24,417)
TOTAL	\$ 744,398	\$ 64,279	\$ 808,677

NOTE 4 – LONG-TERM DEBT

Loans payable at September 30, comprised of the following:

OUTSTANDING 9/30/2024	ISSUED	REPAID	OUTSTANDING 9/30/2025
\$ 531,059	\$ -	\$ (85,200)	\$ 445,859

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
NOTES TO THE FINANCIAL STATEMENTS – CONTINUED
September 30, 2025

NOTE 4 – LONG-TERM DEBT – CONTINUED

YEAR ENDED SEPTEMBER 30,	PRINCIPAL	INTEREST	TOTAL
2026	87,971	19,562	107,533
2027	30,717	9,385	40,102
2028	32,215	8,519	40,734
2029	35,254	5,911	41,165
2030	37,522	4,174	41,696
Thereafter	222,180	53,789	275,969
	<u>\$ 445,859</u>	<u>\$ 101,340</u>	<u>\$ 547,199</u>

NOTE 5 – CONCENTRATION OF RISK

The Corporation is dependent on sales taxes collected in the Gun Barrel City Economic Development Corporation, Texas. Therefore, the Corporation is subject to any significant changes in the economic environment to the City.

NOTE 6 – SUBSEQUENT EVENTS

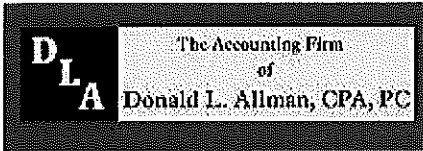
No subsequent events were noted through the date of completion of the audit of March 21, 2026 that would have a significant and material effect on these financial statements.

REQUIRED SUPPLEMENTARY INFORMATION

GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND
For the Year Ended September 30, 2025

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	VARIANCE FA VORABLE (UNFA VORABLE)
Revenues:				
Sales Tax	\$ 679,944	\$ 679,944	\$ 732,034	\$ 52,090
Interest income	45,000	45,000	78,283	33,283
Other	-	-	52,767	52,767
TOTAL REVENUES	<u>724,944</u>	<u>724,944</u>	<u>863,084</u>	<u>138,140</u>
Expenditures:				
Payroll costs	142,125	142,125	104,810	37,315
Dues & subscriptions	3,500	3,500	1,410	2,090
Variable office expenses	7,500	7,500	8,262	(762)
Office expenses	20,400	20,400	21,206	(806)
Pier 334 Expenses	101,050	101,050	63,468	37,582
Professional development	5,000	5,000	1,167	3,833
Marketing & advertising	56,000	56,000	43,620	12,380
Projects and Programs	152,169	152,169	4,000	148,169
Legal, Audit & Professional fees	35,100	35,100	45,069	(9,969)
Debt Service	101,050	101,050	107,267	(6,217)
Capital Outlay	-	-	68,922	(68,922)
TOTAL EXPENDITURES	<u>623,894</u>	<u>623,894</u>	<u>469,201</u>	<u>154,693</u>
EXCESS (DEFICIENCY) OF REVENUES OVER	101,050	101,050	393,883	292,833
Other Financing Sources:				
Grant	-	-	-	-
Sales proceeds received from Capital Gain			118,273	
Carry over/transfer from other accounts	-	-	-	-
TOTAL OTHER FINANCING SOURCES	<u>-</u>	<u>-</u>	<u>118,273</u>	<u>-</u>
CHANGE IN NET POSITION	101,050	101,050	512,156	292,833
Fund balance beginning of year	2,601,865	2,601,865	2,601,865	-
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCE END OF YEAR	<u>\$ 2,702,915</u>	<u>\$ 2,702,915</u>	<u>\$ 3,114,021</u>	<u>\$ 292,833</u>

The accompanying notes are an integral part of the financial statements.



Donald L. Allman, CPA, PC
160 Owen Pass
Liberty Hill, Texas 78642

CERTIFIED PUBLIC ACCOUNTANT

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Board of Directors
Gun Barrel City Economic Development Corporation, TX

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Gun Barrel City Economic Development Corporation, TX, as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise the Gun Barrel City Economic Development Corporation, TX's basic financial statements, and have issued our report thereon dated March 21, 2026.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Gun Barrel City Economic Development Corporation, TX's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Gun Barrel City Economic Development Corporation, TX's internal control. Accordingly, we do not express an opinion on the effectiveness of the Gun Barrel City Economic Development Corporation, TX's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Gun Barrel City Economic Development Corporation, TX's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Donald L. Allman, CPA, PC

Georgetown, TX
March 21, 2026



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: City Secretary
REQUESTED BY: Janet Dillard

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Resolution No. R-2026-010 declaring the Place 4 Council seat to be vacant pursuant to the city's charter.

SUMMARY

The Gun Barrel City Charter section 3.06 provides as follows: if the mayor and/or any member of the City Council has unexcused absences from any three (3) consecutive regular meetings for any reason, that Mayor's and/or members seat shall be declared vacant by resolution at the next regular meeting of the City Council.

Council member Brian Henson has missed the following regular meetings:

1. January 27, 2026
 2. February 24, 2026
 3. March 24, 2026
-

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Resolution No. R-2026-010

RESOLUTION NO. R-2026-010

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS CONCERNING THE PLACE 4 COUNCIL SEAT FOR THE GUN BARREL CITY CITY COUNCIL; DECLARING THE PLACE 4 COUNCIL SEAT TO BE VACANT PURSUANT TO THE CITY'S CHARTER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gun Barrel City ("City") is a Home-Rule Municipality organized and existing pursuant to the laws of the State of Texas and its Home-Rule Charter; and

WHEREAS, Section 3.06 (Vacancies, Forfeitures, and Filling of Vacancies) of the Gun Barrel City City Charter provides regulations concerning attendance of City Council members at regular City Council meetings and provides that a City Council seat may be vacated upon a member having three (3) consecutive unexcused absences from said meetings; and

WHEREAS, a Resolution by the City Council is required in the event that a City Council seat is vacated due to Section 3.06 and the attendance requirements found therein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I.

Place 4, Gun Barrel City City Council Seat Declared Vacated

- a. Section 3.06(2) (Vacancies, Forfeitures, and Filling of Vacancies) of the Gun Barrel City City Charter provides as follows: if the Mayor and/or any member of the City Council has unexcused absences from any three (3) consecutive regular meetings for any reason, that Mayor's and/or member's seat shall be declared vacant by resolution at the next regular meeting of the City Council.
- b. Place 4 City Council member, Brian Henson, has unexcused absences from three (3) consecutive regular meetings of the Gun Barrel City City Council, those being: January 27, 2026, February 24, 2026 and March 24, 2026. Consequently, pursuant to Section 3.06(2) of the Gun Barrel City City Charter, Mr. Henson has vacated his seat as the Place 4 City Council member, and as such, said seat is declared vacant by the passage of this Resolution.

II.

Severability

If any provision of this Resolution or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

III.
Effective Date

This Resolution shall become effective immediately upon its passage and approval by the City Council for the City of Gun Barrel City, Texas.

PASSED AND APPROVED this _____ day of _____, 2026.

Approved:

Attest:

Brian Crull, Mayor

Janet Dillard, City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: City Treasurer
REQUESTED BY: Mickie Raney

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Ordinance 0-2026-006 amending the Fiscal Year 2025 – 2026 Budget and to include a fund balance of \$244,242 and allocate those funds to various departments.

SUMMARY

The Fund Balance for Fiscal Year 2025 – 2026 is \$376,374.01. Staff would like to allocate some of those funds for one-time purchases with a mid-year budget adjustment. The balance of \$132,132.01 will remain in the General Fund Reserve balance.

FINANCIAL INFORMATION

BUDGETED ITEM: Mid-Year Amendment
AMOUNT BUDGETED: \$0
AMOUNT REQUESTED: \$244,242
ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Ordinance O-2026-006
Request List

ORDINANCE #O-2026-006

AN ORDINANCE OF THE CITY OF GUN BARREL CITY, TEXAS, AMENDING THE FISCAL YEAR 2025-2026 BUDGET SO AS TO INCLUDE A FUND BALANCE OF \$244,242 AND ALLOCATE THOSE FUNDS INTO VARIOUS CITY DEPARTMENTS; AND TO PROVIDE AN EFFECTIVE DATE.

Whereas, the City Council of the City of Gun Barrel City has heretofore enacted the budget for fiscal year 2025-2026; and

Whereas, the governing body finds that conditions have arisen which could not reasonably have been foreseen in the normal process of planning the budget; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS:

Section 1. That Ordinance #O-2026-006 be, and the same is hereby, amending the Fiscal Year 2025-2026 budget so as to increase revenues and expenditures by bringing the total Fiscal Year 2025-2026 budget to \$5,922,539.00 and to allocate those funds into various city departments as follows:

Revenues		Current	New	Difference
2024-2025 Fund Balance		0.00	\$244,242.00	\$244,242.00
Expenditures				
10-53581 – Maint of Computer		\$60,000.00	\$70,230.00	\$10,230.00
10-5402 – Land and Buildings		\$0.00	\$25,381.00	\$25,381.00
10-5480 – Machinery/Equipment		\$0.00	\$10,075.00	\$10,075.00
65-5360 – Property Cleanup		\$15,000.00	\$45,000.00	\$30,000.00
60-5215 – Protective Equipment		\$5,000.00	\$6,600.00	\$1,600.00
60-5220 – Minor Tools		\$3,400	\$15,900.000	\$12,500.00
60-5350 – Maint of Building		\$5,000.00	\$6,200.00	\$1,200.00
60-53581 – Maint of Computer		\$66,045.00	\$69,445.00	\$3,400.00
70-5402 – Land and Buildings		\$0.00	\$23,235.00	\$23,235.00
70-5480 – Machinery/Equipment		\$0.00	\$47,000.00	\$47,000.00
80-5480 – Machinery/Equipment		\$0.00	\$79,621.00	\$79,621.00

Section 2. This ordinance shall take effect immediately from and after its passage as the law and Charter in such cases provide.

Section 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Passed and Approved by the City Council of the City of Gun Barrel City, Texas, on the _____ day of _____.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

FY2026 Department Requests – Mid Year					
#	Department	Item	Amount	Notes	Add'l Notes
A	Administration	Sound for Chambers	\$25,381	Phase II of AV update for Council – New microphones, programming of crestron, microphones for work sessions	
B	Administration	Conex Container	\$10,075	2 20' containers to replace existing containers plus shelving for documents – verified via email, 2 containers – \$5,800, installation of door – \$3,000; Delivery \$1275	Storage for evidence, storage for documents that must be kept with shelving
C	Administration	Time Clock Plus Software	\$10,230	\$10,230 upfront, \$3,150 annually	Time Management and Scheduling Software
D	Buildings	Funding for property clean up	\$30,000	15 Cleanups could be done with proper notification – price ranges from \$3,000-\$12,000 – \$30,000 will allow us to start processing some of the work needed along with FY26 budget.	We only have the ability to do one to two per month based on state law and ordinance requirements. Additional funding will be requested in FY2027.
E	Fire	Admin Vehicle	\$47,000	This vehicle will serve as an administration vehicle so we are exploring options but will need to have all wheel drive. \$47,000 truck,	Fire is losing the Fire Marshall a truck (which was funded through a grant) to become the new brush truck with the grant for the new slip on
F	Fire	exterior wall repair	\$23,235	replace damaged exterior walls, paint the exterior walls	
G	Police	Breaching tools & Shields	\$10,000	upfitters ballistic shields (\$1,000 each) Price confirmed online	mandated equipment by HB33
I	Police	Raincoats for Officers	\$1,600	Raincoats for 15 officers and 1 animal control officer	
J	Police	Exhaust Fans for evidence room	\$1,200	Have stopped working and need to be vented outside	
K	Police	Crime scene packing and labeling supplies	\$2,500	Running short on supplies, buying out of office supplies will deplete funding	
L	Police	2 Computers	\$3,400	Two computers must be upgrades to windows 11 for compliance and cannot be upgrades due to hardware limitations. We will upgrade two police computers to run technology they need and use those two to replace two at Streets.	Mandated Upgrade – Price from Syslogic
M	Streets	Skid Steer	\$79,621	Kubota SVL75-3 Skid Steer – track system – Skid Steer – \$72,000, Grapple Bucket \$5,750,	can be used for park, clean up and road work – Price not to exceed this amount, looking at used equipment as well
TOTAL			\$244,242		



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item - Ordinance

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD ~ City Manager

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Ordinance No. O-2026-003 amending Chapter 90 (Animal Control) of the Gun Barrel City Code of Ordinances.

SUMMARY

In 2024, one of the major concerns in Gun Barrel City was the strength and enforceability of our Animal Control Ordinance. Council contracted with an expert in Animal Control for both officer training and assistance in updating the Animal Control Ordinance. After several discussions, Council approved Ordinance O-2024-022 amending the existing Animal Control Ordinance. This Ordinance was repealed by petition and Council agreed to amend the Ordinance, hold public input sessions and further discuss resident concerns.

At the January 8, 2026 Special City Council meeting, Council was presented updates to the repealed Ordinance including several changes (visible in the attached red line copy of the Staff Recommendations). These changes were made in line with resident and expert concerns and comments.

Updates from repealed ordinance include:

- Update definitions for Animal Control Officer, Assistance Animal, Pet, and Service Animal
- Update Authority of Animal Control Officer duties (90.03)
- Update Enforcement (90.04)
- Update Animal Nuisance related to slaughtering of animals (90.07)

- Update Number of Animals (90.11)
- Update Registration of Animals (90.41) to include what is required with registration
- Update Expiration Date (90.42) to include expiration after one year
- Added Grandfather Clause (90.47)
- Update Fees (90.49) to reduce registration fee to \$0.00, raise fees for offenses, remove fee for livestock (managed by County)

Background:

January 23, 2024 Regular City Council Meeting – Approve contract with Innovative Animal Management to update Animal Control Ordinances and provide Animal Control Officer training.

June 27, 2024 Regular City Council Meeting – Discussion regarding update to Chapter 90 (Animal Control).

July 23, 2024 Special City Council Meeting – Discussion regarding an update to Chapter 90 of Animal Control Ordinance.

August 27, 2024 Regular City Council Meeting - Approved Ordinance No. O-2024-022 amending the current Animal Control Ordinance.

November 19, 2024 Regular City Council Meeting - Ordinance no. O-2024-022 repealed

February 20, 2025 Town Hall #1 held to discuss updates to Animal Control Ordinance and associated fees.

March 20, 2025 Town Hall #2 held to discuss the Animal Control Ordinance and associated fees.

January 8, 2026 Special City Council Meeting - City Council discussion related to Animal Control ordinance and changes to the repealed ordinance.

January 16, 2026 - Legal advice from City Attorney related to legality of ordinance changes (attached)

January 27, 2026 – Email from the Mayor requesting to table the Ordinance on the January Regular City Council meeting and have the attorney review the legal concerns presented by a resident. (attached along with full list of concerns)

January 27, 2026 Regular City Council Meeting – item 7N tabled for further consideration.

March 5, 2026 – feedback from the City Attorney related to residents’ concerns (response attached with findings related to concerns)

March 24, 2026 Regular City Council Meeting – Item tabled by City Council

FINANCIAL INFORMATION

BUDGETED ITEM: No purchase required

AMOUNT BUDGETED: 0

AMOUNT REQUESTED: 0

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- Ordinance O-2026-003 Amending Section 90 Animal Control
- Email to Mayor Crull 3/9/2026 related to documents attached to this item
- Email from the City Attorney 1/6/2026 stating he reviewed the proposed ordinance and found issues from a legal standpoint.
- Staff Recommendations on changes to the repealed Ordinance.
- Email chain between Mayor Crull and Councilwoman Burns on January 27th related to tabling the Ordinance consideration at the January 27 City Council meeting due to residents' concerns.
- A PDF copy of the residents' concerns (Mr. Bahyi) about how the updated ordinance violates state and federal law.
- Email from the City Attorney after reviewing residents' concerns clarifying that our ordinance is not in violation of state or federal law.

ORDINANCE NO. O-2026-003

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 90 (ANIMAL CONTROL) AND APPENDIX 1 (FEE SCHEDULE) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas has previously passed regulations concerning animal control and has codified said regulations in Chapter 90 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council now desires to amend Chapter 90 (Animal Control) in its entirety and passes this Ordinance to effectuate said amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

A) Appendix I (Fee Schedule), Section 30.00 (Animal Control; Licenses, Fines) of the Gun Barrel City Code of Ordinances is hereby amended in its entirety as follows:

90.51 FEES, FINES AND PENALTY

Registration	\$0
Impoundment fee, unrestrained dog with vaccination tag and proof of registration and/or chipping	First offense: \$100
	Second offense: \$150
	Third and subsequent offenses: \$200
Impoundment fee, unrestrained dog without vaccination tag and proof of registration and/or chipping	First offense: \$200
	Second offense: \$250
	Third and subsequent offenses: \$420
Breeder's Permit (Required for sale of 5 or more dogs)	\$150/year
Other fees - assessed as situations warrants	Up to \$1500

Penalties for violations will be set by the Gun Barrel City Municipal Court

B) Chapter 90 (Animal Control) of the Gun Barrel City Code of Ordinances is hereby amended, in its entirety, as follows:

CHAPTER 90 – ANIMAL CONTROL ORDINANCES

ARTICLE I. - IN GENERAL

90.01 Purpose

- a. It is the purpose of this chapter:
 1. To provide regulations by which the transmission of rabies can be prevented and controlled within the city,
 2. To decrease the number of unwanted and stray animals within the city,
 3. To encourage responsible animal ownership,
 4. To protect the public health and safety of the city.

90.02 Definitions

As used in this chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon- means to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal, or to failure to redeem an animal impounded by Animal Control.

Adequate Shelter- means a sturdy structure:

- a. that provides the dog protection from inclement weather,
- b. with dimensions that allow the dog to stand erect, sit, turn around, and lie down in a normal position,
- c. and has three sides, a roof, and allows the dog to avoid standing water and excessive waste.

Animal- means any living, vertebrate creature, domestic or wild, other than humans.

Animal shelter- means any facility operated or designated by the city for the purpose of impounding and caring for animals as prescribed by law.

Animal Control - means the city department with authority to enforce the provisions of this chapter and state law related to the health, care, and safety of animals.

Animal Control officer - A person designated by the Chief of Police to represent and act for the city in the impounding of animals, controlling of animals at large and as otherwise required in this chapter.

Assistance animal- an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability as outlined by the Fair Housing Act. ***At large or running at large-*** means any animal, with the exception of cats, not kept contained in an enclosure or physically restrained.

Bodily injury- means physical pain, illness, or any impairment of physical condition.

Cat- means a commonly domesticated member of the Felidae (feline) family.

City- means Gun Barrel City, Texas.

Collar- means a band of material specifically designed to be placed around the neck of a dog, cat, or ferret.

Colony manager- a citizen who helps with the feral cat populations by assisting with a TNR program.

Confined- means an animal is under restraint under the following conditions:

- a. It is securely enclosed or confined to its owner's yard by a physical fence in a manner that will isolate the animal from the public; or
- b. It is accompanied by its owner or trainer at a bona fide dog show, field trial, or exhibition; or
- c. It is secured by a person holding a leash of sufficient strength to control the animal; or
- d. It is an assistance or service animal, as defined by this chapter, which is being used by a person with a disability.

Currently vaccinated- means the inoculation of an animal with a rabies vaccine or other medicine satisfying all of the following criteria.

- a. The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that animal species at or after the minimum age requirement and using the recommended route of administration for the vaccine.
- b. The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer and as required by state law.

City Enforcement Agent- means a city employee directed by the City Manager or Chief of Police to perform Animal Control Operations.

Dangerous dog- means a dog that:

- a. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
- b. Is deemed dangerous by Animal Control or by another municipality.

Direct physical control- means control within the owner's observation and in such proximity as to permit the owner reasonable opportunity to control the animal.

Dog- means a commonly domesticated member of the Canidae (canine) family.

Dog tethering- means using a rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

Domestic animal- means any livestock, caged or penned fowl, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonvenomous reptiles or nonvenomous snakes.

Fowl- means any domestic bird of any kind.

Impound- means to take an animal into custody by the city; impoundment shall begin at the time any Animal Control or Police Officer takes control of an animal.

Harness- means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

Inclement weather- includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures and can include any issued weather warnings.

Licensed veterinarian- means a person authorized to practice veterinary medicine who is currently licensed by the state board of veterinary medical examiners.

Litter- means one or more newborn animals under six months of age.

Livestock- means an animal including, but not limited to, horse, donkey, pig, sheep, goat, or cattle.

Microchip- means a device implanted in an animal that stores a unique identification number that can be read by a scanner to determine ownership of the animal.

Miniature livestock- means livestock that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats, miniature donkeys, and miniature horses.

Local Rabies Control Authority (LRCA)- means the officer designated by the city under the Health and Safety Code § 826.017 or his or her designee.

Miniature swine- means any member of the swine family including but not limited to "potbellied pigs" that have, through selective breeding, been bred to attain a maximum height of no more than 30 inches at the shoulder when fully grown, has short ears and a straight tail, and a maximum weight of 350 pounds. No swine shall be considered a miniature swine if its weight exceeds 350 pounds or its height at shoulder level is more than 30 inches.

Owner - means any person who owns, keeps, shelters, maintains, feeds, harbors or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic animal to remain on or about any premises occupied by that person or over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for five consecutive days or more.

Person - means an individual, association, partnership, or corporation.

Pet – any animal not meeting the definition of an Assistance Animal or Service Animal.

Properly fitted collar or other neck restraint- means a collar or other neck restraint that measures the circumference of a dog's neck plus at least one inch and is intended for use on dogs. With respect to a harness, properly fitted means a harness that is of an adequate size, design, and construction as appropriate for the dog's size and weight.

Protective custody- means the holding of an animal by the city:

- a. Due to the arrest, eviction, hospitalization, or death of the animal's owner;
- b. Pursuant to a court order; or
- c. At the request of a law enforcement agency.

Public nuisance- means the following:

An owner's failing to control or to restrain, or otherwise allowing, either by conduct, omission, or condition of premises, any animal too:

- a. Engage in conduct that establishes such animal as a dangerous animal;
- b. Be at large or running at large as defined herein;
- c. Cause a disturbance by excessive, continuous, or untimely barking, howling, crowing, or otherwise audible noise. Such noise, in excess of 15 minutes, even if in sporadic bursts, shall be prima facie evidence that the same constitutes a nuisance;
- d. Accumulate, attract, or generate maggots, flies, odors or unclean conditions sufficient to annoy adjacent property owners or residents;
- e. Damage, soil, defile or defecate on private property other than the owner's property or on public walks or recreation areas unless such waste is immediately removed and properly disposed of by the owner.

Quarantine- means to place in confinement as defined in this chapter isolated from human beings and other animals in such a way as to preclude the possibility of rabies disease transmission. The quarantine period for a dog, cat, or a domestic ferret in rabies quarantine is ten days from the date of the bite, or other exposure, or as recommended by the from the department of state health services.

Rabies- means an acute viral zoonotic disease affecting the central nervous system and usually transmitted by an animal bite, or other exposure.

Sanitary- means any condition of good order and cleanliness that discourages and limits disease transmission.

Secure enclosure- means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous animal in conjunction with other measures that may be taken by the owner. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal(s) from escaping from the enclosure. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous animal.

Securely enclosed or confined- means:

- a. An area that is completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design as to prevent any animal from escaping from the area and in a manner that will isolate the animal from the public and other animals except for animals owned or under the control of the owner.
- b. The term "securely enclosed or confined" does not mean enclosure or confinement by an invisible or electronic fence.
- c. Such fence or enclosure shall comply with the appropriate zoning regulations applicable to the property.

Serious bodily injury- means an injury characterized by severe bite wounds or tearing of muscle that would cause a person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Service animal- means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability as outlined in the Code of Federal Regulations 28.I.35.A.35.104.

Sterilization- spay/neuter- means a medical process that would cause a dog or cat the inability to reproduce.

Stray- means an animal that is roaming with no physical restraint beyond the premises of the animal's owner or keeper.

Trap, Neuter, Return- is a program to help reduce and control the feral cat populations in the City. Managed by a colony manager.

Unprovoked attack by a dog- means an incident in which a dog that attacked a person or an animal was not hit, kicked, or struck by a person with any object or part of a person's body, nor was any part of the dog's body pulled, pinched, or squeezed by a person, nor was the dog taunted or teased by any person, nor was the person in the dog's territory on the property of the dog's owner at the time of the attack.

Vaccination certificate- means the certificate issued by a licensed veterinarian on a form approved by the department of state health services for a current rabies vaccination.

Veterinary hospital or clinic- means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

Wild or exotic animals- means any non-domestic or exotic animal as defined by the State of Texas.

Wildlife rehabilitator- means a person holding all current state and/or federal permits needed to temporarily house native wild animals in his or her possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and federal laws.

90.03 AUTHORITY OF ANIMAL CONTROL OFFICER

- a. The Animal Control Officer of the City of Gun Barrel City is hereby designated to act as the local health authority for purposes of implementation and enforcement of Tex. Health and Safety Code, Ch. 826, relating to the control and eradication of rabies. The Animal Control Officer shall have other powers and responsibilities as are delegated to the local health authority under the provisions of Tex. Health and Safety Code, § 826.017.
- b. It shall be the duty of the Animal Control Officer to administer and enforce all state laws and regulations and city ordinances, which regulate animals.

90.04 ENFORCEMENT

- a. Animal Control shall be responsible for the enforcement of this chapter and all other ordinances in the Gun Barrel City Code of Ordinances pertaining to animals, unless otherwise provided by law or this chapter.
- b. Animal Control shall be responsible for the enforcement of all laws and regulations of the State of Texas pertaining to animals.

- c. Any person violating any provision of this chapter by committing a prohibited act or by failing to comply with a required act, may be issued a citation for such violation, and upon conviction thereof, the person shall be deemed guilty of a misdemeanor.
- d. Each twenty-four-hour period of violation, and each separate animal and/or condition in violation of any provision of this chapter, shall constitute a separate offense.
- e. Animal Control is authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter, pursuant to all applicable local, state, and federal laws.
- f. It shall be unlawful for any person to interfere with an Animal Control Officer or the Chief of Police in the performance of their duties as prescribed by this chapter and state law.
- g. Animal Control Officers have the right to pursue animals running at large onto private property while enforcing the provisions of this chapter.
- h. A city enforcement agent is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter, subject to all local, state, and federal laws and court orders.

90.05 RUNNING AT LARGE

- a. It shall be unlawful for an owner or person in control of an animal to fail to keep the animal contained as defined in this chapter.
- b. It shall be unlawful for an owner to fail or refuse to control, contain, or otherwise allow, either willfully or by negligence, his or her animal to become a public nuisance by running at large.

90.06 UNLAWFUL RESTRAINT OF DOG

- a. An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:
 - 1. adequate shelter;
 - 2. an area that allows the dog to avoid standing water and exposure to excessive animal waste;
 - 3. shade from direct sunlight; and
 - 4. potable water.
- b. An owner may not restrain or tether a dog outside and unattended by use of a restraint that:
 - 1. is a chain;
 - 2. has weights attached;
 - 3. is shorter in length than the greater of:
 - a. five times the length of the dog, as measured from the tip of the
 - b. dog's nose to the base of the dog's tail; or

- c. 10 feet; or
 - 4. is attached to a collar or harness not properly fitted.
- c. A person commits an offense if the person knowingly violates this section.
 - d. The restraint of each dog that is in violation is a separate offense.
 - e. An offense under this section is a Class C misdemeanor, except that the offense is a
 - f. Class B misdemeanor if the person has previously been convicted under this section.
 - g. If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Exceptions- this code does not apply to:

- a. the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area,
- b. federal, state, or local authority or jurisdiction;
 - 1. the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is
 - 2. associated with the use or presence of a dog;
 - 3. the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
 - 4. the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
 - 5. a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended
 - 6. a dog taken by the owner, or another person with the owner's permission,
 - 7. from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be
 - 8. temporarily restrained; or
 - 9. a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.
 - 10. this section does not apply to a restraint attached to a trolley system that
 - 11. allows a dog to move along a running line for a distance equal five times the length of the dog or at least the distance of ten feet.
- c. This subchapter does not prohibit a person from walking a dog with a handheld leash.

90.07 ANIMAL NUISANCE

- a. *Noise.* A person commits an offense if he knowingly or recklessly harbors an animal that unreasonably barks, howls, crows or makes other unreasonably loud or persistent noise near a private residence that disturbs the peace and quiet. If the noise lasts for a period of at least 15 minutes, even if the noise is sporadic within the 15-minute period,

such shall be prima facie evidence of a violation of this provision and that the same constitutes a nuisance.

1. A person who is disturbed by an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence may file a complaint with Animal Control. A complaint must include the name and address of the complainant, the exact address of the disturbance, the type of animal causing the disturbance and the times that the animal is causing the disturbance.
 2. Animal Control shall hand deliver or mail the owner or harbinger of the animal a notice that a disturbance complaint has been received. If a notice has been mailed to the owner of the animal causing the disturbance, a copy of the letter will also be mailed to the complainant.
 3. If an owner or harbinger continues to allow his animal to cause a disturbance after ten days, the complainant may issue a citation as a witness to the event.
- b. *Animals defecating/urinating in public places.* It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or animal to defecate upon the sidewalk or any public street, or upon the floor of any common hall in any entranceway, stairway or upon any wall of any public place or building and any private property not his own, and it shall be the responsibility of the owner to remove any animal waste deposited by his animal.
 - c. *Animal waste.* It shall be unlawful and considered a public nuisance for any person to allow any house, building, business, lot, pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, or disagreeable to any persons residing in the vicinity thereof or to the public at large. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this chapter.
 - d. *Wild or exotic animals.* No person shall keep or permit to be kept on his premises or premises under his control any wild or exotic animal for pet ownership, sale, or display, or for exhibition purposes, whether gratuitously or for a fee shall be prohibited. This section shall not be construed to apply to zoological parks, performing animal exhibitions, licensed wildlife rehabilitators, or circuses.
 - e. *Slaughtering of animals.* It shall be unlawful for any person to slaughter, skin, defeather, butcher or display the carcass of an animal on residential property within the city whereby it is in the view of the public, except an animal carcass actually cooking over a barbecue pit, or a dead animal being prepared by a taxidermist for the purpose of display.
 - f. *Dead animals.* It shall be unlawful for any person to permit the carcass of any dead animal to be, or remain, upon any property under his control for more than 24 hours after the death of the animal.

90.08 CARE AND TREATMENT OF ANIMALS

- a. It shall be unlawful for a person to treat an animal in an inhumane or cruel manner as defined by V.T.C.A., Penal Code § 42.09, as amended, V.T.C.A., Penal Code § 42.091, as amended, V.T.C.A., Penal Code § 42.092, as amended, or V.T.C.A., Health and Safety Code Ch. 821, as amended.

- b. It shall be unlawful for a person to knowingly own, harbor, train, sell, or offer for sale any animal that is to be used for the purpose of fighting; or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or animals when not provoked.
- c. It shall be unlawful for a person to mutilate any animal, whether such animal is dead or alive. This subsection does not apply to medical or veterinary medical research, medical or veterinary medical autopsies, or biology class use of animals for educational purposes.
- d. It shall be unlawful for a person to cause an animal to fight another animal or person.
- e. It shall be unlawful for a person to transport an animal in a motor vehicle unless the animal is:
 - 1. Safely enclosed within the vehicle, or
 - 2. If the animal is transported in an unenclosed vehicle including a convertible, pickup truck, flatbed truck, or motorcycle, confined in a secured, appropriately sized, and vented container or otherwise effectively secured in a manner that prevents the animal from falling, jumping from the vehicle, or otherwise being injured.
- f. It shall be unlawful for a person operating a motor vehicle that strikes a domestic animal or livestock within the city to fail to report the accident to Animal Control as soon as practicable.
- g. It shall be unlawful for a person to tether a dog in a manner that prevents the animal from access to adequate shelter, food, and water, or in such a manner that the animal could become entangled or injured,
- h. It shall be unlawful for a person to confine an animal in such a manner that prevents the animal from being able to stand to its full height, to stretch out, to turn around and lie down, or to make normal postural adjustments comfortably for an unreasonable amount of time.
- i. It shall be unlawful for a person to confine an animal in such a way that the animal is forced to stand or lay in its own feces, urine, standing water, or other unsanitary conditions.
- j. It shall be unlawful for a person to crop a dog's ears, dock a tail, remove dew claws, or perform other surgical procedures on a dog or a cat except as provided by the veterinary licensing act.
- k. It shall be unlawful for a person to use steel jaw or leg-hold traps except in the case of mouse or rat control.
- l. It shall be unlawful for any person to beat, starve, overwork, or to otherwise abuse any animal.
- m. It shall be unlawful for an owner or other person having care and control of any animal to abandon said animal.
- n. It shall be unlawful for a person to confine an animal in a parked or standing vehicle, a trailer, or an enclosure under such circumstances and for such a time as to endanger the animal's health, safety, or welfare. Animal Control and Police Officers may, after attempting to locate the animal's owner, remove the animal from a vehicle or enclosed space using any reasonable means, including breaking a window or lock. If professional

services are required to remove the animal, the owner is responsible for the cost. Any Animal Control or Police officer who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage.

- o. The actions prohibited by this section are in addition to any prohibitions existing elsewhere in this code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on an owner by any other provision of this code or any applicable state or federal law.
 - 1. Animal Control and Police officers shall have the authority to seize any animal that is the subject of any violation of this section if doing so is believed to be necessary to protect the animal's health, safety, or welfare.
 - 2. If said officer personally witnesses a violation of any provision of this section occurring in plain view from or on public property or from private property where the officer has the permission of the owner or occupant to be, the officer may seize the animal without seeking issuance of a warrant even if doing so requires entering onto or into private property.
 - 3. If an animal is seized without a warrant a timely hearing shall be held in the municipal court to satisfy the constitutional requirements of due process.
- p. Nothing in this section shall be construed to prevent Animal Control officers euthanizing animals when authorized to do so by any statute, ordinance, or law, or when such action is in the interest of the public health and safety.

90.09 CARE OF ANIMALS

Every owner or other person having care and control of any animal shall provide the following for each animal under his or her care and control:

- a. Sufficient fresh and nutritious food, to maintain the animal in good health;
- b. Fresh and clean water, fresh water is to be available to the animal at all times;
- c. Adequate shelter, which shall allow the animal to remain dry and protected from the elements at all times and which shall provide shade for the animal to avoid direct sunlight; and
- d. Veterinary care as needed to prevent suffering,
- e. Parasite preventative treatments as needed.
- f. Grooming to ensure the health and comfort of the animal.

90.10 ANIMAL TRAPS AND POISON

- a. Humane traps shall be used to trap animals within the city, whether on public or private property. The person who places the trap, shall be responsible for checking the trap, the care of the animal while it is in the trap, all traps shall be checked by 9am daily.
- b. All captured domesticated animals shall be turned over to the department, unless the animal is a cat or captured as part of a feral animal neutering program that has obtained written permission from Animal Control to place traps within the city. All captured wild animals shall be turned over to a wildlife educational center, or state-licensed wildlife rehabilitator within twenty-four (24) hours.
- c. *Offenses.* A person commits an offense if he:

1. Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap, a body hold trap, any snare trap, any noose-type trap, or any other trap designed, used, or adapted to be lethal or cause serious bodily injury or death of an animal;
 2. Placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
 3. Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four hours;
 4. Placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;
 5. Removes, alters, damages, or otherwise tampers with a trap or equipment belonging to or placed at the request of the department; or
- d. Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats, or insects, for commercial profit, without identifying the trap with the name, telephone number, and Texas Department of Agriculture structural pest control applicator license number of the applicator who placed or placed and baited the trap.
 - e. Any trap found to be set in violation of this chapter may be confiscated by the Animal Control or Police Department and held as evidence in the case for the offense.
 - f. This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

90.11 NUMBER OF ANIMALS

- a. It shall be unlawful for any person to keep, harbor, own or possess, maintain or allow to be kept, harbored, owned, possessed or maintained more than four dogs over three months old, upon or within any premises owned, occupied, or under control of such person within the city, except where it is specifically exempted in this chapter.
- b. Exceptions. The provisions of this section limiting the number of animals shall not apply to the following: veterinary hospitals, pet shops, kennels, service and animal shelters.

90.12 BREEDER'S PERMIT

- a. All persons owning unsterilized dogs over the age of four months, or at the age recommended by a licensed veterinarian, who are selling dogs are required to maintain a valid breeder's permit issued by Animal Control. Permits are valid for one year and must be renewed annually for the lifetime of the unsterilized dog or until the owner shows proof that the dog has been sterilized. A breeder's permit may not be issued if the

applicant is found to be in violation of any city ordinance or state law or regulation governing the care and treatment of animals including animal cruelty, abuse, or neglect. Animal Control may inspect the premises before issuing a permit if they deem it advisable.

- b. It shall be unlawful for:
 - 1. Any person to sell five or more dogs per year to another person without a breeder's permit,
 - 2. Any person to sell any dog that is not vaccinated and currently registered as required,
- c. Animal services shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute that regulates the care and treatment of animals, to inspect the premises of an applicant or holder of a breeder's permit to ensure compliance with city ordinances and state statutes. Any holder of a breeder's permit found to be in violation of any city ordinance or state statute that regulates the care and treatment of animals may have their permit revoked by Animal Control.

90.13 MANDATORY SPAY/NEUTER AND MICROCHIPPING

All dogs or cats over the age of four months of age that have three or more offenses, such as running-at-large, impoundment, or failure to provide a current rabies vaccine, shall be subject to:

- a. Mandatory microchipping and
- b. Mandatory spaying/neutering.

These will be at the owner's expense within a timeframe determined by Animal Control not to exceed 60 days unless a written recommendation from a licensed veterinarian is provided stating that such a procedure would be detrimental to the health of the animal.

Exceptions to Mandatory Microchip and Spay/Neuter

- a. Animals under four months of age.
- b. Animals where a licensed veterinarian certifies that the dog or cat should not be spayed/neutered for medical or health related reasons.
- c. Competition and show animals may be exempt with the proper documentation to demonstrate an animal's activity.
- d. Service animals for law enforcement, military, and disabled persons.
- e. Animals transferred to another animal shelter or qualified rescue organization agreeing to follow all state and local laws.

90.14 –TRAP, NEUTER, AND RETURN (TNR)

Trap, neuter/spay, return program. It is the policy of Gun Barrel City to encourage practices, programs and policies that are designed to humanely capture, sterilize, and return feral cats to their place of capture as a means of controlling feral cat populations. Animal Control shall encourage the humane capture, neutering/spaying, and humane release of feral cats. A database of participating citizens shall be created and maintained by Animal Control.

ARTICLE II.- LIVESTOCK, FOWL, RABBITS, FERRETS, REPTILES, AND OTHER FARM ANIMALS

90.15 LIVESTOCK

- a. It shall be unlawful for any person to allow livestock to be at large, estray, on private or public property. Any livestock at large, within the city limits, shall be reported to the sheriff of Henderson County as soon as reasonably possible, in accordance with county and state laws.
- b. It shall be unlawful for any person to keep livestock in an area less than one acre. No more than two livestock shall be kept in an area of one acre. For each one additional livestock an owner must have an additional one acre per livestock animal.
- c. Livestock must not be located closer than 150 feet distance from the nearest residence, other than his own.
- d. The provisions of subsection (c) of this section shall not apply to livestock kept on property adjacent to any newly constructed development, provided that the owner can substantiate to the Animal Control that livestock was maintained on the property prior to construction of the new development and so long as the livestock are continuously maintained after construction.

90.16 MINIATURE LIVESTOCK REGULATIONS

- a. *Keeping.* It shall be unlawful for any person to keep miniature livestock in an area less than one acre. An additional three miniature cows, miniature donkeys, or miniature horses; or an additional six goats or sheep can be kept on each additional acre of land.
- b. *Miniature pigs.* May not be kept, harbored, or housed in the city.

90.17 FERRETS

- a. *Vaccinations required.*
 1. A person who owns, keeps, harbors or has custody of a ferret over four months of age must have said animal vaccinated against rabies.
 2. A person commits an offense if the person owns, keeps, harbors, or has custody of a ferret that has not been immunized against rabies as required by this section.
- b. *Disposition of biting ferrets.* Any ferret suspected of biting a person shall be placed under quarantine to determine if the animal is capable of transmitting or exposing humans and/or other animals to rabies or must be humanely euthanized and sent to the state department of health for rabies testing. The quarantine period for ferrets shall be for a period of not less than ten days after biting such person. The place of quarantine shall be with a licensed veterinarian for the period of the quarantine or secured at the owner's premises on the owner's premises.
- c. *At large.* It shall be unlawful to have a ferret in a public place without being on a leash no longer than six feet in length or in an adequate enclosure capable of controlling the animal's actions.

90.18 RABBITS

- a. Rabbits shall be kept in a secure pen, enclosure, or fenced area. Rabbit enclosures shall be of a design which prohibits the animals from running at large.

90.19 FOWL

- a. *Generally.* The keeping of fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits, in any pen, coop or enclosure that is within 150 feet of any residence (other than the owner's), business or school shall be prohibited.
- b. *Chickens.* No person shall keep more than six hens in an area zoned residential within the city and shall be no closer than thirty feet to the nearest inhabited dwelling, other than that of the owner.
- c. *Secure pen or enclosure.* Any fowl kept within the city limits shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep the fowl from running at large. The enclosure must consist of four sides and a top to ensure that the fowl cannot escape and run at large.

90.20 BEES

- a. *Keeping.* It shall be unlawful for any owner or person to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of any public property or property of others.
- b. *Hives.* All bee colonies shall be kept in hives with removable frames, or serviceable for the collection of honey, which shall be kept in sound and useable condition.
- c. *Water.* Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at water sources where they may cause human or domestic pet contact.
- d. *Colony densities.* It shall be unlawful to keep more than the following number of colonies on any lot, in an area zoned residential within the city, based upon the size of the lot which the apiary is situated:
 - 1. One-half acres or less of lot size: two colonies;
 - 2. Larger than one-half but less than one acre of lot size: four colonies;
- e. Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.
- f. *Compliance.* Animal Control, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or destroyed.

90.21 DISPOSAL OF DEAD ANIMALS

- a. It shall be the owner's responsibility to remove and properly dispose of any deceased animals within 24 hours of the death of the animal. If requested by the owner, Animal Control will pick up a deceased animal if the animal has been placed in a sealed plastic bag and left at curb side.

- b. Animal Control shall have the authority to dispose of all deceased animals found on any roadway, street, highway, and/or public or private property where the owner cannot otherwise be identified.
- c. It shall be the specific responsibility of the owner of any livestock to have the livestock removed and properly disposed of within 24 hours of the death of said livestock, consistent with state law.

ARTICLE III.- DANGEROUS DOGS

90.22 OWNER'S KNOWLEDGE

For purposes of this article, a person learns that they are the owner of a dangerous dog when:

- a. They know of an attack described in this chapter's definition of the term "dangerous dog"; or
- b. They are notified by Animal Control that the dog is a dangerous dog.

90.23 REPORTING

- a. Animal Control may receive a report concerning a dangerous dog. Such a report and supporting witness statement shall be in writing and sworn to on a form prescribed by the animal control manager.
- b. Animal Control shall cause to have investigated all reports under this article.

90.24 DETERMINATION

- a. If Animal Control determines that the animal dog is dangerous, they shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one of the following:
- b. Order humane destruction of the dangerous dog;
- c. Order that the dangerous dog be removed from the city permanently; or
- d. Order secure confinement of the dangerous dog.

90.25 NOTIFICATION AND APPEAL

- a. If, after investigating a report of a dangerous dog, Animal Control determines the dog is a dangerous dog, they shall notify the owner of that fact, as well as any known victim of the dangerous dog.
- b. The notice shall be in writing and shall contain a statement that the owner has a right to appeal.
- c. Notice shall be mailed by regular mail and certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person. A written notice left at the entrance to the premises where the dangerous dog is harbored will also be considered valid notice under this article.
- d. An owner or victim, not later than ten days after the date the owner or victim is notified that a dog owned by him is a dangerous dog or notified that a determination has been made that the dog is not dangerous, may appeal the determination of Animal Control to the city's municipal court.

- e. Failure to appeal the determination of Animal Control within ten days of the notification shall result in his determination becoming final and binding.
- f. If the municipal court reverses the determination of Animal Control the dog shall be returned or released to its owner, provided that the owner reimburses the city for any veterinary medical treatment administered to the dog while in the custody of Animal Control.

90.26 STATUS OF DOG DURING APPEAL

- a. Pending the outcome of an appeal, the dog must be confined at a veterinary clinic or at the city animal shelter, the cost of which shall be borne by the owner of the dog.
- b. If the dog is not in the possession of Animal Control or a veterinary clinic at the time of the determination, the owner must surrender the dog to Animal Control when ordered to do so by any Animal Control or Police officer.
- c. If the owner fails to surrender the dog, the Animal Control shall have the authority to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the city limits.
- d. If the dog cannot be taken into custody by Animal Control, it may be taken into custody under a search warrant issued by the municipal judge.

90.27 HUMANE DESTRUCTION

- a. Upon a final order of destruction, if the dangerous dog is in the care and custody of a veterinarian clinic, the owner will have 48 hours to surrender the dangerous dog to Animal Control.
- b. If the owner of the dangerous dog fails to surrender such dog as provided for by the order of Animal Control or the court, the dog may be impounded and humanely destroyed.

90.28 DECLARED DANGEROUS; ORDER THAT ANIMAL DOG BE REMOVED FROM CITY LIMITS PERMANENTLY

If Animal Control declares the dog to be a dangerous dog, the requirements set forth under article V of this chapter and 90.19c will be followed in ordering the dog euthanized or removed from the city permanently.

90.29 CONFINEMENT

- a. The owner of a dangerous dog shall comply with the following requirements within ten days of notification by Animal Control, or within 48 hours of an unsuccessful appeal:
- b. Present proof of liability insurance or financial responsibility in the amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog which causes bodily injury to a person;
- c. Present proof of current rabies vaccination of the dangerous dog;
- d. Pay a registration fee established by the city;
- e. Present proof that the dog has been altered so as to prevent reproduction;

- f. Present proof satisfactory to Animal Control that the enclosure in which the dog will be kept is a secure enclosure. The term "secure enclosure" shall mean a house or a building, or in the case of a dangerous dog being kept outdoors, a kennel or pen that includes a roof which is fastened to all vertical walls, which are submerged in a solid material. The kennel or pen must be at least six feet in height and have the minimum dimensions of five feet by ten feet. The kennel/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that a dog cannot climb, dig, jump, or otherwise escape. The enclosure shall be securely locked at all times. The kennel/pen shall provide protection from the elements and allowed for daily removal of waste as approved by Animal Control.
- g. Animal Control shall provide to the owner registering a dangerous dog, a dangerous dog registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its face, and shall be larger than a normal license tag issued to dogs and cats. A dangerous dog registration shall be valid for one year from the date of issuance.
- h. The owner of a registered dangerous dog shall attach the tag to the animal's dog's collar or similar device and shall place such collar or device on the dog, which shall be worn at all times.
- i. The owner shall post a sign on the premises where the dangerous dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the street. This sign will be provided by Animal Control. In addition, the owner shall conspicuously display a sign with a symbol warning, understandable by small children, of the presence of a dangerous dog.
- j. On an annual basis, the proof of liability insurance, vaccination and secure enclosure shall be provided to Animal Control a minimum of 30 days prior to registration expiration, along with an annual registration fee established by the city.
- k. The owner shall microchip the dangerous dog and present proof thereof to Animal Control. The cost shall be at the owner's expense.

90.30 MUZZLING AND RESTRAINT

When a dangerous dog is taken outside the approved proper enclosure, the dog must be securely muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting a person or other animal; the dog must be restrained by a substantial chain, cable or leash having a minimum tensile strength of 1,000 pounds and not exceeding six feet in length; and the dog must be under the direct control or supervision of its owner.

90.31 SALE OR MOVING

Prior to selling or moving the registered dangerous dog either inside or outside the city limits, the owner must notify Animal Control of their intentions. If the dog is moved permanently outside the city limits, the owner must comply with state law in notifying Animal Control in control of the area into which the animal has been moved.

90.32 ATTACKS; NOTIFICATION OF ANIMAL CONTROL

The owner or harbinger of a dangerous dog shall immediately notify Animal Control of any attack made by the dog on humans or domestic animals, or if the dog is at large. For the purposes of this section, the term "immediate" shall mean within 30 minutes of the owner or harbinger becoming aware of the attack or of the dog being at large.

90.33 DOG DETERMINED DANGEROUS IN ANOTHER JURISDICTION

The owner of a dog that has been determined to be dangerous by another jurisdiction is prohibited from having such dog within the city limits.

90.34 PENALTIES FOR VIOLATION

- a. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person whether or not the dog was on a leash, securely muzzled, or escaped without fault of the owner.
- b. A person commits an offense if the person is an owner of a dangerous dog and the dog makes an unprovoked attack on a domestic animal or domestic fowl while such dog was outside the dog's secure enclosure, and the attack causes bodily injury or death to the domestic animal or domestic fowl whether or not the dog was on a leash, securely muzzled, or escaped without fault of the owner.
- c. A person who owns or has custody or control of a dangerous dog commits an offense if the person fails to comply with any requirement imposed by this article on an owner of a dangerous dog.
- d. A person commits an offense if he owns or has custody or control of a dangerous dog that is not currently registered as a dangerous dog with the city.
- e. The owner of a dangerous dog commits an offense if he fails to provide notice of an attack as provided for in this article.
- f. The owner of a dangerous dog commits an offense if he sells or transfers the dog to another person and fails to notify the animal control division.
- g. The owner of a registered dangerous dog commits an offense if they fail to display, on such dog, a current dangerous dog registration tag issued by Animal Control.
- h. If a person is found guilty of an offense under this article, the court may order Animal Control to impound and humanely destroy the dog immediately.
- i. Animal Control shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this article are being violated.
- j. The penalties, remedies and procedures provided for in this article are in addition to those provided by state law and are cumulative, not exclusive of state law.

90.35 DEFENSE TO PROSECUTION FOR VIOLATION OF DANGEROUS DOG REQUIREMENTS

- a. It is a defense to prosecution of an offense under this article that the person is:
 1. A veterinarian, peace officer, employee of the city in the performance of his duties; or

2. An employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

ARTICLE IV. - ANIMAL CONTROL IMPOUNDMENT

90.36 IMPOUNDMENT; NOTICE; DISPOSITION

- a. Animals may be impounded by Animal Control under any of the following circumstances when:
 1. An animal is at large or running at large,
 2. An animal is reasonably suspected of having inflicted bodily injury on any person or animal, or poses a threat to public safety or constitutes a public nuisance,
 3. The animal is prohibited under this chapter,
 4. An animal is not cared for in violation of section 90.07,
 5. An animal that has rabies or symptoms that could reasonably indicate rabies, or that bites, or otherwise creates a condition that may expose or transmit rabies to any human being or animal,
 6. An animal is not kept in conformity with this chapter or state law, or
 7. An animal is held in protective custody.
- b. If, by vaccination tag or other means, the owner of an impounded animal can be identified, Animal Control shall, as soon as practicable after impoundment, notify the owner. If the impounded animal is not redeemed within three days after impoundment, disposition of the impounded animal shall occur in accordance with this chapter.

90.37 IMPOUNDMENT; FEES; REDEMPTION OF ANIMAL

- a. Impounded animals, including those released from quarantine, shall be kept for three days from the date of impoundment. In calculating the length of this time, the first day after impoundment shall be day one. If the owner of such impounded animal does not redeem the impounded animal within three days after impoundment, disposition will be in accordance with this chapter. The animal may be disposed of prior to the expiration of such time if, in the professional opinion of Animal Control, essential to avoid the unnecessary suffering of a sick or injured animal.
- b. Impounded and quarantined animals, except for prohibited animals, shall be available for redemption upon meeting the requirements as set forth by Animal Control.
- c. When an owner cannot provide proof to Animal Control at the time of release from impoundment that the animal is currently vaccinated against rabies, then the owner must meet the requirements of Animal Control obtain the vaccination within 48 hours of release and provide proof of same to Animal Control. Failure to comply with the provisions of this section is a violation of this chapter.
- d. If an animal is not redeemed within three days from the date of impoundment as provided in this section, the animal shall be disposed of by placing the animal up for adoption, offering it to a local humane group for adoption, or by humanely destroying the animal.

- e. A person commits an offense if he removes or attempts to remove an animal from the city animal shelter without paying all impoundments, daily housing and other redemption assessed fees.

ARTICLE V. - RABIES CONTROL

90.38 RABIES VACCINATION

- a. *Vaccinations required.*
 - 1. A person who owns, keeps, harbors or has custody of a dog, cat, or ferret over four months of age must have said animal vaccinated against rabies by a licensed veterinarian.
 - 2. The same animal must be revaccinated against rabies at a minimum of once every three years with a rabies vaccine or at such interval as provided by state law.
- b. A person commits an offense if the person owns, keeps, harbors, or has custody of a dog, cat, or ferret that has not been vaccinated against rabies as required by this section.
- c. Every owner of a dog, cat, or ferret vaccinated against rabies shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.

90.39 DOMESTIC ANIMALS POTENTIALLY EXPOSED TO RABIES

- a. A dog, cat, or ferret that has rabies or symptoms that could reasonably indicate rabies, or that bites, scratches, or otherwise creates a condition that may expose or transmit rabies to any human being or animal, shall be immediately held in quarantine for a period of ten days from the date of the bite or when the condition that may have exposed or transmitted the rabies virus to a human being occurred, or longer as the local rabies control authority may deem necessary. Such quarantine will be subject to the following conditions:
 - 1. An unvaccinated dog, cat, or ferret shall not be vaccinated against rabies during the ten-day observation period.
 - 2. The animal must be observed twice daily for rabies symptoms during the observation period if said animal is quarantined at a veterinary clinic or city quarantine facility.
 - 3. If Animal Control is able to notify the owner of the subject animal, within 24 hours of notification and with the approval of the local rabies control authority, the owner may exercise the option to quarantine the subject animal in:
 - i. A department of state health services approved facility including a veterinary clinic in the city that has the facilities for quarantine purposes,
 - ii. City quarantine facility,
- b. In a home quarantine as provided in subsection (b), below.

90.40 HOME QUARANTINE

- a. The owner or custodian of the dog, cat, or ferret may request permission from the local rabies control authority to place the animal in home quarantine if the following criteria can be met:

1. Secure facilities must be available at the home of the animal's owner or custodian, and must be approved by the local rabies control authority;
 2. The animal is currently vaccinated against rabies;
 3. There are no unvaccinated dogs, cats, or ferrets residing at the residence;
- b. Animals not eligible for home quarantine must be quarantined at an eligible veterinary facility or the city quarantine facility.

ARTICLE VI. - REGISTRATION OF ANIMALS

90.41 REGISTRATION OF ANIMALS

No owner shall have within the city any dog or cat four months of age or older unless such dog or cat is currently registered with the city. The owner of any dog or cat must present a copy of a certificate from a licensed veterinarian showing that such dog or cat has been vaccinated for rabies within the preceding twelve months. No dog or cat shall be registered until proof of vaccination has been provided. An exception to this proof of vaccination may be made if the owner presents written recommendation from a licensed veterinarian stating that such rabies vaccination would be detrimental to the health of the animal.

- a. The rabies certificate must be supplied, upon request to an Animal Control or a Police Officer.
- b. A current rabies vaccination tag must be affixed to a collar or harness that must be worn by the dog or cat at all times.
- c. Vaccination certificates and tags shall be valid only for the animal for which the certificate or tag was originally issued by a licensed veterinarian.
- d. A person commits an offense if the person violates a provision of this section or permits an animal owned by the person or under the person's control to be in violation of a provision of this section.
- e. A fee, established by city council, may be charged per animal for registration and record keeping purposes.
- f. A current microchip number can be used in lieu of a rabies tag, a current rabies vaccine or written recommendation from a licensed veterinarian is still required.
- g. The application for registration shall include the name, address and phone number of the applicant, a description of the dog as to breed, color and sex, and a current valid rabies certificate issued by a licensed veterinarian.

90.42 EXPIRATION

Registration shall only be valid for the animal to which it was issued. The duration of the registration shall be for one year.

90.43 CHANGE OF OWNERSHIP

If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for such transfer. Application for such transfer shall be made to Animal Control in writing or in person.

90.44 EXEMPT REGISTRATIONS

Fee exempt registrations may be issued for the following:

- a. Dogs trained to assist the auditorily, visually, or other physically impaired persons,
- b. Police or sheriff's department dogs,
- c. Spayed or neutered and microchipped animals legally owned by city residents 65 years of age or older,
- d. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

90.45 VERIFICATION PROGRAM

Animal Control shall have the authority to request current registration and rabies vaccination information when responding to any animal related issue or complaint.

90.46 NON-REGISTRATION FEE

For the purpose of this article, a fee established by ordinance of the city council may be assessed when an animal is impounded or otherwise complained upon and found to be under the following conditions:

- a. The owner has failed to register the animal within ten days of that animal reaching four months of age,
- b. The owner has failed to renew registration within 30 days following the expiration of the current rabies vaccination,
- c. The owner has failed to obtain registration within 30 days of the animal taking up residence in the city.

90.46 REVOCATION OF REGISTRATION AND APPEAL

- a. Animal Control may refuse to register an animal or may revoke a registration issued to any person who has been convicted of the following:
 1. Cruelty to animals, attack on an assistance animal, or dog fighting under V.T.C.A., Penal Code §§ 42.09, 42.091, 42.092 or 42.10 as amended, or
 2. Three or more separate violations of this chapter or of an animal control ordinance of another jurisdiction within a consecutive 12-month period.
- b. If Animal Control revokes or denies the registration for an animal, written notice shall be given to the owner. The owner may appeal the decision to the municipal court by filing written notice of appeal with the Animal Control and the municipal court within ten days after notification of the denial or revocation. If the owner fails to timely file the notice of appeal, the decision of the Animal Control is final and binding. The timely filing of the notice of appeal stays an action of the Animal Control until the municipal court renders a final decision.
- c. The municipal court may consider evidence offered by any interested person and shall render its decision on a preponderance of the evidence presented at the hearing. The municipal court shall conduct a hearing and render a decision within 15 days after the request for the appeal is filed or as soon thereafter as practical. The municipal court

may affirm or reverse the denial or revocation. The decision of the municipal court shall be sent to the owner of the affected animal(s) and the municipal court's decision shall be final and binding.

- d. Within 15 calendar days after receipt of notice of revocation or denial of registration, or within 15 days of the final decision of the municipal court if an appeal is timely filed, the owner shall remove the animal from the city limits and may not thereafter own, harbor or keep another animal for which a registration is required. Animal Control or the municipal court may extend the 15-day removal period for an additional 15 calendar days. The owner shall provide Animal Control with a sworn statement confirming the removal of the animal(s).
- e. A person commits an offense without regard to mental state if the person owns, keeps or harbors an animal for which registration is required during a period when the registration for the animal has been revoked or denied, or if the person fails to remove the animal when required by this section.
- f. If the owner or person in control of the property where the animal is kept or harbored fails to remove the animal after the removal period has lapsed, then Animal Control may obtain a seizure warrant from any magistrate to take possession of the animal and dispose of it in accordance with city policy.

90.48 GRANDFATHER CLAUSE.

1. Prohibited animals grandfathered. Any prohibited animal within the city limits at the time this ordinance is passed shall be allowed to remain upon the property, providing:
 - a. Under this clause, the specific animal is grandfathered, not the property or owner; and
 - b. If the animal has been deemed to be a nuisance, it no longer qualifies as a grandfathered animal under this section.
 - c. Existing number of animals cannot exceed previous number allowed by previous ordinance.
2. Documentation.
 - a. The Animal Control Officer shall personally visit owners of properties where prohibited animals are known to be kept.
 - b. Documentation of the existing number of animals will be completed by the Animal Control Officer.
 - c. The city will maintain the record of grandfathered animals.
3. Revocation or suspension. Permits may be revoked/suspended by:
 - a. A violation of code ordinance or regulation. Grandfathered status may be revoked or suspended whenever the Town Council determines a violation of this code, or whenever any ordinance and/or code in any manner detrimental to the public health, morals or welfare of the community has been violated; or
 - b. Fraud or misrepresentation. The Council may revoke or suspend any grandfathered animal for fraud or misrepresentation in its status procurement or for a violation of any federal or state statute.

90.49 APPEAL PROCESS

Any person denied such registration may appeal the refusal to the municipal court judge. The municipal court judge shall uphold or overturn the Animal Control's refusal to issue a registration.

ARTICLE VII. - ANIMAL SHELTER ADVISORY BOARD

90.50 ANIMAL SHELTER ADVISORY BOARD

- a. *Appointments.* The city council shall appoint a seven-person animal shelter advisory board. The board shall be composed of one licensed veterinarian, one municipal official, one person whose duties include daily operation of the animal shelter, a representative from an animal welfare organization, and three citizens.
- b. *Scheduled meetings.* The animal shelter advisory board shall meet at least three times each year.
- c. *Responsibilities.* The animal shelter advisory board authority shall be limited to the following tasks and responsibilities:
 1. The animal shelter advisory board shall meet to discuss ideas that will help ensure the animal shelter is in compliance with the state department of health rules pertaining to animal shelters,
 2. The animal shelter advisory board shall meet to make recommendations, for the betterment of the community, concerning operations, policies, procedures, new programs, and the improvement of existing programs.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, Policies and/or other measures in conflict with any provision found within this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective following its passage by the City Council for the

City of Gun Barrel City, Texas and publication as required by law.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor



Outlook

Animal Control Ordinance Attorney Feedback to compliants

From Angela Smith <asmith@gunbarrelcity.gov>

Date Mon 3/9/2026 12:52 PM

To Brian Crull <bcrull@gunbarrelcity.gov>

Cc April Burns <aburns@gunbarrelcity.gov>

Good Morning Mayor,

I have put the following in your box for your review:

1. Email from Blake Armstrong dated 1/6/26 stating that he has reviewed the latest draft of the Animal Control Ordinance (that was to be presented on January 27th for approval) and found no issues from a legal standpoint.
2. The *Staff Recommendation* draft of the Animal Control Ordinance that was placed on the January 27th City Council agenda for approval.
3. The email chain between you, Councilwoman Burns and me from January 27th asking to table the agenda item and asking for clarity on Mr. Bahyi's concerns from the attorney.
4. A PDF copy of what I assume was an email from Mr. Bahyi related to how our ordinance violates State and Federal Law. I did not get the original email, what I recieved was this PDF. This is the document that was forwarded to our attorney for review.
5. Email from Blake Armstrong dated 3/5/26 going point by point and clarifying that our ordinance is not in violation of State or Federal law as it relates to any of the concerns presented.

Please let me know if you have any questions.

Angie

Angela Smith, PhD
City Manager
City of Gun Barrel City
1716 W Main St
Gun Barrel City, TX 75156
903-887-1087





Outlook

RE: Animal Control Ordinance Amended

From Blake Armstrong <blake@birdsonglaw.com>

Date Fri 1/16/2026 7:52 AM

To Angela Smith <asmith@gunbarrelcity.gov>

Cc Keith Stephens <kstephens@gunbarrelcity.gov>; Carol Jett <cjett@gunbarrelcity.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Angie – I have reviewed and have no issues with the ordinance from a legal standpoint. I find it to be consistent with state law and enforceable. Let me know if you need anything else Thank you. Blake
Sincerely,

Blake E. Armstrong, Esq.

BLAKE E. ARMSTRONG, P.C.
2307 Dueling Oaks Dr., Ste. 103
Tyler, Texas 75703
Phone: (903) 705-6088
Fax: (903) 595-3630
Email: blake@birdsonglaw.com

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From: Angela Smith <asmith@gunbarrelcity.gov>

Sent: Wednesday, January 14, 2026 11:30 AM

To: Blake Armstrong <blake@birdsonglaw.com>

Cc: Keith Stephens <kstephens@gunbarrelcity.gov>; Carol Jett <cjett@gunbarrelcity.gov>

Subject: Animal Control Ordinance Amended

Blake,

Council is ready to reconsider the Animal Control Ordinance. We have been working on updating it and addressing Citizen concerns. I suspect someone will attempt recall just to prove a point but I have really tried to address their concerns.

Can you review to be sure we are in line with state law and you have no concerns. I am looking for state law and best practice here. I don't want to do something just to do it so if you have concerns please let me know.

Angie

Angela Smith, PhD

City Manager

City of Gun Barrel City

1716 W Main St

Gun Barrel City, TX 75156

903-887-1087



CHAPTER 90 – ANIMAL CONTROL ORDINANCES

STAFF RECOMMENDATIONS

ARTICLE I. - IN GENERAL

90.01 Purpose

- a. It is the purpose of this chapter:
 1. To provide regulations by which the transmission of rabies can be prevented and controlled within the city,
 2. To decrease the number of unwanted and stray animals within the city,
 3. To encourage responsible animal ownership,
 4. To protect the public health, and safety of the city.

90.02 Definitions

As used in this chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon- means to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal, or to failure to redeem an animal impounded by Animal Control.

Adequate Shelter- means a sturdy structure:

- a. that provides the dog protection from inclement weather,
- b. with dimensions that allow the dog to stand erect, sit, turn around, and lie down in a normal position,
- c. and has three sides, a roof, and allows the dog to avoid standing water and excessive waste.

~~**Animal-** means any living, vertebrate creature, domestic or wild, other than humans.~~

Animal shelter- means any facility operated or designated by the city for the purpose of impounding and caring for animals as prescribed by law.

Animal Control - means the city department with authority to enforce the provisions of this chapter and state law related to the health, care, and safety of animals.

~~**Animal Control officer** - means an authorized agent or employee of the animal control department. A person designated by the Chief of Police to represent and act for the city in the impounding of animal, controlling of animals at large and as otherwise required in this chapter.~~

~~**Assistance animal-** an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability as outlined by the Fair Housing Act. means an animal that is specially trained or equipped to help a person with a disability and — that: Is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and Has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.—~~

At large or running at large- means any animal, with the exception of cats, not kept contained in an enclosure or physically restrained.

Bodily injury- means physical pain, illness, or any impairment of physical condition.

Cat- means a commonly domesticated member of the Felidae (feline) family.

City- means Gun Barrel City, Texas.

Collar- means a band of material specifically designed to be placed around the neck of a dog, cat, or ferret.

Colony manager- a citizen who helps with the feral cat populations by assisting with a TNR program.

Confined- means an animal is under restraint under the following conditions:

- a. It is securely enclosed or confined to its owner's yard by a physical fence in a manner that will isolate the animal from the public; or
- b. It is accompanied by its owner or trainer at a bona fide dog show, field trial, or exhibition; or
- c. It is secured by a person holding a leash of sufficient strength to control the animal; or
- d. It is an assistance or service animal, as defined by this chapter, that is being used by a person with a disability.

Currently vaccinated- means the inoculation of an animal with a rabies vaccine or other medicine satisfying all of the following criteria.

- a. The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that animal species at or after the minimum age requirement and using the recommended route of administration for the vaccine;
- b. The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer and as required by state law.

City Enforcement Agent- means a city employee directed by the City Manager or Chief of Police to perform Animal Control Operations.

Dangerous dog- means a dog that:

- a. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
- b. Is deemed dangerous by Animal Control or by another municipality.

Direct physical control- means control within the owner's observation and in such proximity as to permit the owner reasonable opportunity to control the animal.

Dog- means a commonly domesticated member of the Canidae (canine) family.

Dog tethering- means using a rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

Domestic animal- means any livestock, caged or penned fowl, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonvenomous reptiles or nonvenomous snakes.

Fowl- means any domestic bird of any kind.

Impound- means to take an animal into custody by the city; impoundment shall begin at the time any Animal Control or Police Officer takes control of an animal.

Harness- means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

Inclement weather- includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures and can include any issued weather warnings.

Licensed veterinarian- means a person authorized to practice veterinary medicine who is currently licensed by the state board of veterinary medical examiners.

Litter- means one or more newborn animals under six months of age.

Livestock- means an animal including, but not limited to, horse, donkey, pig, sheep, goat, or cattle.

Microchip- means a device implanted in an animal that stores a unique identification number that can be read by a scanner to determine ownership of the animal.

Miniature livestock- means livestock that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats, miniature donkeys, and miniature horses.

Local Rabies Control Authority (LRCA)- means the officer designated by the city under the Health and Safety Code § 826.017 or his or her designee.

Miniature swine- means any member of the swine family including but not limited to "potbellied pigs" that have, through selective breeding, been bred to attain a maximum height of no more than 30 inches at the shoulder when fully grown, has short ears and a straight tail, and a maximum weight of 350 pounds. No swine shall be considered a miniature swine if its weight exceeds 350 pounds or its height at shoulder level is more than 30 inches.

Owner - means any person who owns, keeps, shelters, maintains, feeds, harbors or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic animal to remain on or about any premises occupied by that person or over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for five consecutive days or more.

Person - means an individual, association, partnership, or corporation.

Pet – any animal not meeting the definition of an Assistance Animal or Service Animal.

Properly fitted collar or other neck restraint- means a collar or other neck restraint that measures the circumference of a dog's neck plus at least one inch and is intended for use on dogs. With respect to a harness, properly fitted means a harness that is of an adequate size, design, and construction as appropriate for the dog's size and weight.

Protective custody- means the holding of an animal by the city:

- a. Due to the arrest, eviction, hospitalization, or death of the animal's owner;
- b. Pursuant to a court order; or
- c. At the request of a law enforcement agency.

Public nuisance- means the following:

An owner's failing to control or to restrain, or otherwise allowing, either by conduct, omission, or condition of premises, any animal to:

- a. Engage in conduct that establishes such animal as a dangerous animal;
- b. Be at large or running at large as defined herein;
- c. Cause a disturbance by excessive, continuous, or untimely barking, howling, crowing, or otherwise audible noise. Such noise, in excess of 15 minutes, even if in sporadic bursts, shall be prima facie evidence that the same constitutes a nuisance;
- d. Accumulate, attract, or generate maggots, flies, odors or unclean conditions sufficient to annoy adjacent property owners or residents;
- e. Damage, soil, defile or defecate on private property other than the owner's property or on public walks or recreation areas unless such waste is immediately removed and properly disposed of by the owner.

Quarantine- means to place in confinement as defined in this chapter isolated from human beings and other animals in such a way as to preclude the possibility of rabies disease transmission. The quarantine period for a dog, cat, or a domestic ferret in rabies quarantine is ten days from the date of the bite, or other exposure, or as recommended by the from the department of state health services.

Rabies- means an acute viral zoonotic disease affecting the central nervous system and usually transmitted by an animal bite, or other exposure.

Sanitary- means any condition of good order and cleanliness that discourages and limits disease transmission.

Secure enclosure- means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous animal in conjunction with other measures that may be taken by the owner. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal(s) from escaping from the enclosure. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous animal.

Securely enclosed or confined- means:

- a. An area that is completely surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design as to prevent any animal from escaping from the area and in a manner that will isolate the animal from the public and other animals except for animals owned or under the control of the owner.
- b. The term "securely enclosed or confined" does not mean enclosure or confinement by an invisible or electronic fence.
- c. Such fence or enclosure shall comply with the appropriate zoning regulations applicable to the property.

Serious bodily injury- means an injury characterized by severe bite wounds or tearing of muscle that would cause a person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Service animal- means ~~an animal~~any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability as outlined in the Code of Federal Regulations 28.I.35.A.35.104.

Sterilization- spay/neuter- means a medical process that would cause a dog or cat the inability to reproduce.

Stray- means an animal that is roaming with no physical restraint beyond the premises of the animal's owner or keeper.

Trap, Neuter, Return- is a program to help reduce and control the feral cat populations in the City. Managed by a colony manager.

Unprovoked attack by a dog- means an incident in which a dog that attacked a person or an animal was not hit, kicked, or struck by a person with any object or part of a person's body, nor was any part of the dog's body pulled, pinched, or squeezed by a person, nor was the dog taunted or teased by any person, nor was the person in the dog's territory on the property of the dog's owner at the time of the attack.

Vaccination certificate- means the certificate issued by a licensed veterinarian on a form approved by the department of state health services for a current rabies vaccination.

Veterinary hospital or clinic- means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

Wild or exotic animals- means any non-domestic or exotic animal as defined by the State of Texas.

Wildlife rehabilitator- means a person holding all current state and/or federal permits needed to temporarily house native wild animals in his or her possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and federal laws.

90.03 AUTHORITY OF ANIMAL CONTROL OFFICER

- a. The Animal Control Officer of the City of Gun Barrel City is hereby designated to act as the local health authority for purposes of implementation and enforcement of Tex. Health and Safety Code, Ch. 826, relating to the control and eradication of rabies. The Animal Control Officer shall have other powers and responsibilities as are delegated to the local health authority under the provisions of Tex. Health and Safety Code, § 826.017.
- b. It shall be the duty of the Animal Control Officer to administer and enforce all state laws and regulations and city ordinances, which regulate animals.

90.03 ENFORCEMENT

- a. Animal Control shall be responsible for the enforcement of this chapter and all other ordinances in the Gun Barrel City Code of Ordinances pertaining to animals, unless otherwise provided by law or this chapter.
- b. Animal Control shall be responsible for the enforcement of all laws and regulations of the State of Texas pertaining to animals.
- c. Any person violating any provision of this chapter by committing a prohibited act or by failing to comply with a required act, may be issued a citation for such violation, and upon conviction thereof, the person shall be deemed guilty of a misdemeanor.
- d. Each twenty-four-hour period of violation, and each separate animal and/or condition in violation of any provision of this chapter, shall constitute a separate offense.
- e. Animal Control is authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter, pursuant to all applicable local, state, and federal laws.
- f. It shall be unlawful for any person to interfere with an Animal Control Officer or the Chief of Police in the performance of their duties as prescribed by this chapter.
- e.g. Animal Control Officers have the right to pursue animals running at large onto private property while enforcing the provisions of this chapter.
- ~~f.~~ ~~Animal Control shall have the power to search, seize and impound an animal without a warrant or court order, with probable cause under the following conditions:~~
 - ~~1. When the animal is on public property, in all cases;~~
 - ~~2. When Animal Control has probable cause to believe that the animal has been abandoned or is being treated inhumanely;~~
 - ~~3. When Animal Control has probable cause to believe that the animal has been infected by or exposed to rabies;~~
 - ~~4. When Animal Control has probable cause to believe that the animal is not being quarantined for rabies observation as defined in this chapter;~~
 - ~~5. When Animal Control has probable cause to believe that the animal meets the definition of a dangerous animal as defined in this chapter;~~
 - ~~6. When Animal Control has probable cause to believe that the animal is being harbored in violation of this chapter:~~
 - ~~a. When the animal is on private property, if: The consent of the resident or property owner, or someone with apparent authority to consent, is obtained;~~
 - ~~b. or exigent circumstances exist, Animal Control reasonably believes that there is imminent danger of serious bodily injury or death to a human being, another animal, or the animal in question, and there is insufficient time to obtain a warrant.~~
- g.h. A city enforcement agent is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter, subject to all local, state, and federal laws and court orders.

90.04 RUNNING AT LARGE

- a. It shall be unlawful for an owner or person in control of an animal to fail to keep the animal contained as defined in this chapter.
- b. It shall be unlawful for an owner to fail or refuse to control, contain, or otherwise allow, either willfully or by negligence, his or her animal to become a public nuisance by running at large.

90.05 UNLAWFUL RESTRAINT OF DOG

- a. An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:
 1. adequate shelter;
 2. an area that allows the dog to avoid standing water and exposure to excessive animal waste;
 3. shade from direct sunlight; and
 4. potable water.
- b. An owner may not restrain or tether a dog outside and unattended by use of a restraint that:
 1. is a chain;
 2. has weights attached;
 3. is shorter in length than the greater of:
 - a. five times the length of the dog, as measured from the tip of the
 - b. dog's nose to the base of the dog's tail; or
 - c. 10 feet; or
 4. is attached to a collar or harness not properly fitted.
- c. A person commits an offense if the person knowingly violates this section.
- d. The restraint of each dog that is in violation is a separate offense.
- e. An offense under this section is a Class C misdemeanor, except that the offense is a
- f. Class B misdemeanor if the person has previously been convicted under this section.
- g. If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Exceptions- this code does not apply to:

- a. the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area,
- b. federal, state, or local authority or jurisdiction;
 1. the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is
 2. associated with the use or presence of a dog;

3. the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
 4. the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
 5. a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended
 6. a dog taken by the owner, or another person with the owner's permission,
 7. from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be
 8. temporarily restrained; or
 9. a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.
 10. this section does not apply to a restraint attached to a trolley system that
 11. allows a dog to move along a running line for a distance equal five times the length of the dog or at least the distance of ten feet.
- c. This subchapter does not prohibit a person from walking a dog with a handheld leash.

90.06 ANIMAL NUISANCE

- a. *Noise.* A person commits an offense if he knowingly or recklessly harbors an animal that unreasonably barks, howls, crows or makes other unreasonably loud or persistent noise near a private residence that disturbs the peace and quiet. If the noise lasts for a period of at least 15 minutes, even if the noise is sporadic within the 15-minute period, such shall be prima facie evidence of a violation of this provision and that the same constitutes a nuisance.
 1. A person who is disturbed by an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence may file a complaint with Animal Control. A complaint must include the name and address of the complainant, the exact address of the disturbance, the type of animal causing the disturbance and the times that the animal is causing the disturbance.
 2. Animal Control shall hand deliver or mail the owner or harbinger of the animal a notice that a disturbance complaint has been received. If a notice has been mailed to the owner of the animal causing the disturbance, a copy of the letter will also be mailed to the complainant.
 3. If an owner or harbinger continues to allow his animal to cause a disturbance after ten days, the complainant may issue a citation as a witness to the event.
- b. *Animals defecating/urinating in public places.* It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or animal to defecate upon the sidewalk or any public street, or upon the floor of any common hall in any entranceway, stairway or upon any wall of any public place or building and any private property not his own, and it shall be the responsibility of the owner to remove any animal waste deposited by his animal.

- c. *Animal waste.* It shall be unlawful and considered a public nuisance for any person to allow any house, building, business, lot, pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, or disagreeable to any persons residing in the vicinity thereof or to the public at large. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this chapter.
- d. *Wild or exotic animals.* No person shall keep or permit to be kept on his premises or premises under his control any wild or exotic animal for pet ownership, sale, or display, or for exhibition purposes, whether gratuitously or for a fee shall be prohibited. This section shall not be construed to apply to zoological parks, performing animal exhibitions, licensed wildlife rehabilitators, or circuses.
- e. *Slaughtering of animals.* It shall be unlawful for any person to slaughter, skin, ~~or defeather, an animal within the city, unless as part of a bona fide, licensed business. It shall further be unlawful for any person to~~ butcher or display the carcass of an animal on residential property within the city whereby it is in the view of the public, except an animal carcass actually cooking over a barbecue pit, or a dead animal being prepared by a taxidermist for the purpose of display.
- f. *Dead animals.* It shall be unlawful for any person to permit the carcass of any dead animal to be, or remain, upon any property under his control for more than 24 hours after the death of the animal.

90.07 CARE AND TREATMENT OF ANIMALS

- a. It shall be unlawful for a person to treat an animal in an inhumane or cruel manner as defined by V.T.C.A., Penal Code § 42.09, as amended, V.T.C.A., Penal Code § 42.091, as amended, V.T.C.A., Penal Code § 42.092, as amended, or V.T.C.A., Health and Safety Code ch. 821, as amended.
- b. It shall be unlawful for a person to knowingly own, harbor, train, sell, or offer for sale any animal that is to be used for the purpose of fighting; or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or animals when not provoked.
- c. It shall be unlawful for a person to mutilate any animal, whether such animal is dead or alive. This subsection does not apply to medical or veterinary medical research, medical or veterinary medical autopsies, or biology class use of animals for educational purposes.
- d. It shall be unlawful for a person to cause an animal to fight another animal or person.
- e. It shall be unlawful for a person to transport an animal in a motor vehicle unless the animal is:
 - 1. Safely enclosed within the vehicle, or
 - 2. If the animal is transported in an unenclosed vehicle including a convertible, pick-up truck, flatbed truck, or motorcycle, confined in a secured, appropriately sized, and vented container or otherwise effectively secured in a manner that prevents the animal from falling, jumping from the vehicle, or otherwise being injured.
- f. It shall be unlawful for a person operating a motor vehicle that strikes a domestic animal or livestock within the city to fail to report the accident to Animal Control as soon as practicable.

- g. It shall be unlawful for a person to tether a dog in a manner that prevents the animal from access to adequate shelter, food, and water, or in such a manner that the animal could become entangled or injured,
- h. It shall be unlawful for a person to confine an animal in such a manner that prevents the animal from being able to stand to its full height, to stretch out, to turn around and lie down, or to make normal postural adjustments comfortably for an unreasonable amount of time.
- i. It shall be unlawful for a person to confine an animal in such a way that the animal is forced to stand or lay in its own feces, urine, standing water, or other unsanitary conditions.
- j. It shall be unlawful for a person to crop a dog's ears, dock a tail, remove dew claws, or perform other surgical procedures on a dog or a cat except as provided by the veterinary licensing act.
- k. It shall be unlawful for a person to use steel jaw or leg-hold traps except in the case of mouse or rat control.
- l. It shall be unlawful for any person to beat, starve, overwork, or to otherwise abuse any animal.
- m. It shall be unlawful for an owner or other person having care and control of any animal to abandon said animal.
- n. It shall be unlawful for a person to confine an animal in a parked or standing vehicle, a trailer, or an enclosure under such circumstances and for such a time as to endanger the animal's health, safety, or welfare. Animal Control and Police Officers may, after attempting to locate the animal's owner, remove the animal from a vehicle or enclosed space using any reasonable means, including breaking a window or lock. If professional services are required to remove the animal, the owner is responsible for the cost. Any Animal Control or Police officer who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage.
- o. The actions prohibited by this section are in addition to any prohibitions existing elsewhere in this code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on an owner by any other provision of this code or any applicable state or federal law.
 - 1. Animal Control and Police officers shall have the authority to seize any animal that is the subject of any violation of this section if doing so is believed to be necessary to protect the animal's health, safety, or welfare.
 - 2. If said officer personally witnesses a violation of any provision of this section occurring in plain view from or on public property or from private property where the officer has the permission of the owner or occupant to be, the officer may seize the animal without seeking issuance of a warrant even if doing so requires entering onto or into private property.
 - 3. If an animal is seized without a warrant a timely hearing shall be held in the municipal court to satisfy the constitutional requirements of due process.

- p. Nothing in this section shall be construed to prevent Animal Control officers euthanizing animals when authorized to do so by any statute, ordinance, or law, or when such action is in the interest of the public health and safety.

90.08 CARE OF ANIMALS

Every owner or other person having care and control of any animal shall provide the following for each animal under his or her care and control:

- a. Sufficient fresh and nutritious food, to maintain the animal in good health;
- b. Fresh and clean water, fresh water is to be available to the animal at all times;
- c. Adequate shelter, which shall allow the animal to remain dry and protected from the elements at all times and which shall provide shade for the animal to avoid direct sunlight; and
- d. Veterinary care as needed to prevent suffering,
- e. Parasite preventative treatments as needed.
- f. Grooming to ensure the health and comfort of the animal.

90.09 ANIMAL TRAPS AND POISON

- a. Humane traps shall be used to trap animals within the city, whether on public or private property. The person who places the trap, shall be responsible for checking the trap, the care of the animal while it is in the trap, all traps shall be checked by 9am daily.
- b. All captured domesticated animals shall be turned over to the department, unless the animal is a cat or captured as part of a feral animal neutering program that has obtained written permission from Animal Control to place traps within the city. All captured wild animals shall be turned over to a wildlife educational center, or state-licensed wildlife rehabilitator within twenty-four (24) hours.
- c. *Offenses.* A person commits an offense if he:
 - 1. Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap, a body hold trap, any snare trap, any noose-type trap, or any other trap designed, used, or adapted to be lethal or cause serious bodily injury or death of an animal;
 - 2. Placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
 - 3. Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four hours;
 - 4. Placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;
 - 5. Removes, alters, damages, or otherwise tampers with a trap or equipment belonging to or placed at the request of the department; or
- d. Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats, or insects, for commercial profit, without

identifying the trap with the name, telephone number, and Texas Department of Agriculture structural pest control applicator license number of the applicator who placed or placed and baited the trap.

- e. Any trap found to be set in violation of this chapter may be confiscated by the Animal Control or Police Department and held as evidence in the case for the offense.
- f. This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

90.10 NUMBER OF ANIMALS (CURRENT ORDINANCE SAYS FOUR)

- ~~a. It shall be unlawful for any person to keep within the city, in any residential district, more than four dogs at any residence. Only one litter of animals is permitted per residence at a time.~~
- a. It shall be unlawful for any person to keep, harbor, own or possess, maintain or allow to be kept, harbored, owned, possessed or maintained more than four dogs or four cats or any combination of such animals, with the total number not exceeding four over three months old, upon or within any premises owned, occupied, or under control of such person within the city, except where it is specifically exempted in this chapter.
- b. Exceptions. The provisions of this section limiting the number of animals shall not apply to the following: veterinary hospitals, pet shops, kennels, service and animal shelters.

90.11 BREEDER'S PERMIT

- a. All persons owning unsterilized dogs over the age of four months, or at the age recommended by a licensed veterinarian, who are selling dogs are required to maintain a valid breeder's permit issued by Animal Control. Permits are valid for one year and must be renewed annually for the lifetime of the unsterilized dog or until the owner shows proof that the dog has been sterilized. A breeder's permit may not be issued if the applicant is found to be in violation of any city ordinance or state law or regulation governing the care and treatment of animals including animal cruelty, abuse, or neglect. Animal Control may inspect the premises before issuing a permit if they deem it advisable.
- b. It shall be unlawful for:
 - 1. Any person to sell three or more dogs per year to another person without a breeder's permit,
 - 2. Any person to sell any dog that is not vaccinated and currently registered as required,
- c. Animal services shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute that regulates the care and treatment of animals, to inspect the premises of an applicant or holder of a breeder's permit to ensure compliance with city ordinances and state statutes. Any holder of a breeder's permit found to be in violation

of any city ordinance or state statute that regulates the care and treatment of animals may have their permit revoked by Animal Control.

90.12 MANDATORY SPAY/NEUTER AND MICROCHIPPING

All dogs or cats over the age of four months of age that have three or more offenses, such as running-at-large, impoundment, or failure to provide a current rabies vaccine, shall be subject to:

- a. Mandatory microchipping and
- b. mandatory spaying/neutering.

These will be at the owner's expense within a timeframe determined by Animal Control not to exceed 60 days unless a written recommendation from a licensed veterinarian is provided stating that such a procedure would be detrimental to the health of the animal.

Exceptions to Mandatory Microchip and Spay/Neuter

- a. Animals under four months of age.
- b. Animals where a licensed veterinarian certifies that the dog or cat should not be spayed/neutered for medical or health related reasons.
- c. Competition and show animals may be exempt with the proper documentation to demonstrate an animal's activity.
- d. Service animals for law enforcement, military, and disabled persons.
- e. Animals transferred to another animal shelter or qualified rescue organization agreeing to follow all state and local laws.

90.13 –TRAP, NEUTER, AND RETURN (TNR)

Trap, neuter/spay, return program. It is the policy of Gun Barrel City to encourage practices, programs and policies that are designed to humanely capture, sterilize, and return feral cats to their place of capture as a means of controlling feral cat populations. Animal Control shall encourage the humane capture, neutering/spaying, and humane release of feral cats. A database of participating citizens shall be created and maintained by Animal Control.

ARTICLE II.- LIVESTOCK, FOWL, RABBITS, FERRETS, REPTILES, AND OTHER FARM ANIMALS

90.14 LIVESTOCK

- a. It shall be unlawful for any person to allow livestock to be at large, estray, on private or public property. Any livestock at large, within the city limits shall be reported to the sheriff of Henderson County as soon as reasonably possible, in accordance with county and state laws.
- b. It shall be unlawful for any person to keep livestock in an area less than one acre. No more than two livestock shall be kept in an area of one acre. For each one additional livestock an owner must have an additional one acre per livestock animal.
- c. Livestock must not be located closer than 150 feet distance from the nearest residence, other than his own.
- d. The provisions of subsection (c) of this section shall not apply to livestock kept on property adjacent to any newly constructed development, provided that the owner can substantiate to the Animal Control that livestock was maintained on the property prior

to construction of the new development and so long as the livestock are continuously maintained after construction.

90.15 MINIATURE LIVESTOCK REGULATIONS

- a. *Keeping.* It shall be unlawful for any person to keep miniature livestock in an area less than one acre. An additional three miniature cows, miniature donkeys, or miniature horses; or an additional six goats or sheep can be kept on each additional acre of land.
- b. *Miniature pigs.* May not be kept, harbored, or housed in the city.

90.16 FERRETS

- a. *Vaccinations required.*
 1. A person who owns, keeps, harbors or has custody of a ferret over four months of age must have said animal vaccinated against rabies.
 2. A person commits an offense if the person owns, keeps, harbors, or has custody of a ferret that has not been immunized against rabies as required by this section.
- b. *Disposition of biting ferrets.* Any ferret suspected of biting a person shall be placed under quarantine to determine if the animal is capable of transmitting or exposing humans and/or other animals to rabies or must be humanely euthanized and sent to the state department of health for rabies testing. The quarantine period for ferrets shall be for a period of not less than ten days after biting such person. The place of quarantine shall be with a licensed veterinarian for the period of the quarantine or secured at the owner's premises on the owner's premises.
- c. *At large.* It shall be unlawful to have a ferret in a public place without being on a leash no longer than six feet in length or in an adequate enclosure capable of controlling the animal's actions.

90.17 RABBITS

- a. Rabbits shall be kept in a secure pen, enclosure, or fenced area. Rabbit enclosures shall be of a design which prohibits the animals from running at large.

90.18 FOWL

- a. *Generally.* The keeping of fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits, in any pen, coop or enclosure that is within 150 feet of any residence (other than the owner's), business or school shall be prohibited.
- b. *Chickens.* No person shall keep more than six hens in an area zoned residential within the city and shall be no closer than thirty feet to the nearest inhabited dwelling, other than that of the owner.
- c. *Secure pen or enclosure.* Any fowl kept within the city limits shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep the fowl from running at large. The enclosure must consist of four sides and a top to ensure that the fowl cannot escape and run at large.

90.19 BEES

- a. *Keeping.* It shall be unlawful for any owner or person to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of any public property or property of others.
- b. *Hives.* All bee colonies shall be kept in hives with removable frames, or serviceable for the collection of honey, which shall be kept in sound and useable condition.
- c. *Water.* Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at water sources where they may cause human or domestic pet contact.
- d. *Colony densities.* It shall be unlawful to keep more than the following number of colonies on any lot, in an area zoned residential within the city, based upon the size of the lot which the apiary is situated:
 1. One-half acres or less of lot size: two colonies;
 2. Larger than one-half but less than one acre of lot size: four colonies;
- e. Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.
- f. *Compliance.* Animal Control, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or destroyed.

90.20 DISPOSAL OF DEAD ANIMALS

- a. It shall be the owner's responsibility to remove and properly dispose of any deceased animals within 24 hours of the death of the animal. If requested by the owner, Animal Control will pick up a deceased animal if the animal has been placed in a sealed plastic bag and left at curb side.
- b. Animal Control shall have the authority to dispose of all deceased animals found on any roadway, street, highway, and/or public or private property where the owner cannot otherwise be identified.
- c. It shall be the specific responsibility of the owner of any livestock to have the livestock removed and properly disposed of within 24 hours of the death of said livestock, consistent with state law.

ARTICLE III.- DANGEROUS DOGS

90.21 OWNER'S KNOWLEDGE

For purposes of this article, a person learns that they are the owner of a dangerous dog when:

- a. They know of an attack described in this chapter's definition of the term "dangerous dog"; or
- b. They are notified by Animal Control that the dog is a dangerous dog.

90.22 REPORTING

- a. Animal Control may receive a report concerning a dangerous dog. Such a report and supporting witness statement shall be in writing and sworn to on a form prescribed by the animal control manager.
- b. Animal Control shall cause to have investigated all reports under this article.

90.23 DETERMINATION

- a. If Animal Control determines that the animal dog is dangerous, they shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one of the following:
- b. Order humane destruction of the dangerous dog;
- c. Order that the dangerous dog be removed from the city permanently; or
- d. Order secure confinement of the dangerous dog.

90.24 NOTIFICATION AND APPEAL

- a. If, after investigating a report of a dangerous dog, Animal Control determines the dog is a dangerous dog, they shall notify the owner of that fact, as well as any known victim of the dangerous dog.
- b. The notice shall be in writing and shall contain a statement that the owner has a right to appeal.
- c. Notice shall be mailed by regular mail and certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person. A written notice left at the entrance to the premises where the dangerous dog is harbored will also be considered valid notice under this article.
- d. An owner or victim, not later than ten days after the date the owner or victim is notified that a dog owned by him is a dangerous dog or notified that a determination has been made that the dog is not dangerous, may appeal the determination of Animal Control to the city's municipal court.
- e. Failure to appeal the determination of Animal Control within ten days of the notification shall result in his determination becoming final and binding.
- f. If the municipal court reverses the determination of Animal Control the dog shall be returned or released to its owner, provided that the owner reimburses the city for any veterinary medical treatment administered to the dog while in the custody of Animal Control.

90.25 STATUS OF DOG DURING APPEAL

- a. Pending the outcome of an appeal, the dog must be confined at a veterinary clinic or at the city animal shelter, the cost of which shall be borne by the owner of the dog.
- b. If the dog is not in the possession of Animal Control or a veterinary clinic at the time of the determination, the owner must surrender the dog to Animal Control when ordered to do so by any Animal Control or Police officer.
- c. If the owner fails to surrender the dog, the Animal Control shall have the authority to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the city limits.

- d. If the dog cannot be taken into custody by Animal Control, it may be taken into custody under a search warrant issued by the municipal judge.

90.26 HUMANE DESTRUCTION

- a. Upon a final order of destruction, if the dangerous dog is in the care and custody of a veterinarian clinic, the owner will have 48 hours to surrender the dangerous dog to Animal Control.
- b. If the owner of the dangerous dog fails to surrender such dog as provided for by the order of Animal Control or the court, the dog may be impounded and humanely destroyed.

90.27 DECLARED DANGEROUS; ORDER THAT ANIMAL DOG BE REMOVED FROM CITY LIMITS PERMANENTLY

If Animal Control declares the dog to be a dangerous dog, the requirements set forth under article V of this chapter and 90.19c will be followed in ordering the dog euthanized or removed from the city permanently.

90.28 CONFINEMENT

- a. The owner of a dangerous dog shall comply with the following requirements within ten days of notification by Animal Control, or within 48 hours of an unsuccessful appeal:
- b. Present proof of liability insurance or financial responsibility in the amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog which causes bodily injury to a person;
- c. Present proof of current rabies vaccination of the dangerous dog;
- d. Pay a registration fee established by the city;
- e. Present proof that the dog has been altered so as to prevent reproduction;
- f. Present proof satisfactory to Animal Control that the enclosure in which the dog will be kept is a secure enclosure. The term "secure enclosure" shall mean a house or a building, or in the case of a dangerous dog being kept outdoors, a kennel or pen that includes a roof which is fastened to all vertical walls, which are submerged in a solid material. The kennel or pen must be at least six feet in height and have the minimum dimensions of five feet by ten feet. The kennel/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that a dog cannot climb, dig, jump, or otherwise escape. The enclosure shall be securely locked at all times. The kennel/pen shall provide protection from the elements and allowed for daily removal of waste as approved by Animal Control.
- g. Animal Control shall provide to the owner registering a dangerous dog, a dangerous dog registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its face, and shall be larger than a normal license tag issued to dogs and cats. A dangerous dog registration shall be valid for one year from the date of issuance.

- h. The owner of a registered dangerous dog shall attach the tag to the animal's dog's collar or similar device and shall place such collar or device on the dog, which shall be worn at all times.
- i. The owner shall post a sign on the premises where the dangerous dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the street. This sign will be provided by Animal Control. In addition, the owner shall conspicuously display a sign with a symbol warning, understandable by small children, of the presence of a dangerous dog.
- j. On an annual basis, the proof of liability insurance, vaccination and secure enclosure shall be provided to Animal Control a minimum of 30 days prior to registration expiration, along with an annual registration fee established by the city.
- k. The owner shall microchip the dangerous dog and present proof thereof to Animal Control. The cost shall be at the owner's expense.

90.29 MUZZLING AND RESTRAINT

When a dangerous dog is taken outside the approved proper enclosure, the dog must be securely muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting a person or other animal; the dog must be restrained by a substantial chain, cable or leash having a minimum tensile strength of 1,000 pounds and not exceeding six feet in length; and the dog must be under the direct control or supervision of its owner.

90.30 SALE OR MOVING

Prior to selling or moving the registered dangerous dog either inside or outside the city limits, the owner must notify Animal Control of their intentions. If the dog is moved permanently outside the city limits, the owner must comply with state law in notifying Animal Control in control of the area into which the animal has been moved.

90.31 ATTACKS; NOTIFICATION OF ANIMAL CONTROL

The owner or harbinger of a dangerous dog shall immediately notify Animal Control of any attack made by the dog on humans or domestic animals, or if the dog is at large. For the purposes of this section, the term "immediate" shall mean within 30 minutes of the owner or harbinger becoming aware of the attack or of the dog being at large.

90.32 DOG DETERMINED DANGEROUS IN ANOTHER JURISDICTION

The owner of a dog that has been determined to be dangerous by another jurisdiction is prohibited from having such dog within the city limits.

90.33 PENALTIES FOR VIOLATION

- a. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person whether or not the dog was on a leash, securely muzzled, or escaped without fault of the owner.

- b. A person commits an offense if the person is an owner of a dangerous dog and the dog makes an unprovoked attack on a domestic animal or domestic fowl while such dog was outside the dog's secure enclosure, and the attack causes bodily injury or death to the domestic animal or domestic fowl whether or not the dog was on a leash, securely muzzled, or escaped without fault of the owner.
- c. A person who owns or has custody or control of a dangerous dog commits an offense if the person fails to comply with any requirement imposed by this article on an owner of a dangerous dog.
- d. A person commits an offense if he owns or has custody or control of a dangerous dog that is not currently registered as a dangerous dog with the city.
- e. The owner of a dangerous dog commits an offense if he fails to provide notice of an attack as provided for in this article.
- f. The owner of a dangerous dog commits an offense if he sells or transfers the dog to another person and fails to notify the animal control division.
- g. The owner of a registered dangerous dog commits an offense if they fail to display, on such dog, a current dangerous dog registration tag issued by Animal Control.
- h. If a person is found guilty of an offense under this article, the court may order Animal Control to impound and humanely destroy the dog immediately.
- i. Animal Control shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this article are being violated.
- j. The penalties, remedies and procedures provided for in this article are in addition to those provided by state law and are cumulative, not exclusive of state law.

90.34 DEFENSE TO PROSECUTION FOR VIOLATION OF DANGEROUS DOG REQUIREMENTS

- a. It is a defense to prosecution of an offense under this article that the person is:
 - 1. A veterinarian, peace officer, employee of the city in the performance of his duties; or
 - 2. An employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

ARTICLE IV. - ANIMAL CONTROL IMPOUNDMENT

90.35 IMPOUNDMENT; NOTICE; DISPOSITION

- a. Animals may be impounded by Animal Control under any of the following circumstances when:
 - 1. An animal is at large or running at large,
 - 2. An animal is reasonably suspected of having inflicted bodily injury on any person or animal, or poses a threat to public safety or constitutes a public nuisance,
 - 3. The animal is prohibited under this chapter,
 - 4. An animal is not cared for in violation of section 90.07,

5. An animal that has rabies or symptoms that could reasonably indicate rabies, or that bites, or otherwise creates a condition that may expose or transmit rabies to any human being or animal,
 6. An animal is not kept in conformity with this chapter or state law, or
 7. An animal is held in protective custody.
- b. If, by vaccination tag or other means, the owner of an impounded animal can be identified, Animal Control shall, as soon as practicable after impoundment, notify the owner. If the impounded animal is not redeemed within three days after impoundment, disposition of the impounded animal shall occur in accordance with this chapter.

90.36 IMPOUNDMENT; FEES; REDEMPTION OF ANIMAL

- a. Impounded animals, including those released from quarantine, shall be kept for three days from the date of impoundment. In calculating the length of this time, the first day after impoundment shall be day one. If the owner of such impounded animal does not redeem the impounded animal within three days after impoundment, disposition will be in accordance with this chapter. The animal may be disposed of prior to the expiration of such time if, in the professional opinion of Animal Control, essential to avoid the unnecessary suffering of a sick or injured animal.
- b. Impounded and quarantined animals, except for prohibited animals, shall be available for redemption upon meeting the requirements as set forth by Animal Control.
- c. When an owner cannot provide proof to Animal Control at the time of release from impoundment that the animal is currently vaccinated against rabies, then the owner must meet the requirements of Animal Control obtain the vaccination within 48 hours of release and provide proof of same to Animal Control. Failure to comply with the provisions of this section is a violation of this chapter.
- d. If an animal is not redeemed within three days from the date of impoundment as provided in this section, the animal shall be disposed of by placing the animal up for adoption, offering it to a local humane group for adoption, or by humanely destroying the animal.
- e. A person commits an offense if he removes or attempts to remove an animal from the city animal shelter without paying all impoundments, daily housing and other redemption assessed fees.

ARTICLE V. - RABIES CONTROL

90.37 RABIES VACCINATION

- a. *Vaccinations required.*
 1. A person who owns, keeps, harbors or has custody of a dog, cat, or ferret over four months of age must have said animal vaccinated against rabies by a licensed veterinarian.
 2. The same animal must be revaccinated against rabies at a minimum of once every three years with a rabies vaccine or at such interval as provided by state law.

- b. A person commits an offense if the person owns, keeps, harbors, or has custody of a dog, cat, or ferret that has not been vaccinated against rabies as required by this section.
- c. Every owner of a dog, cat, or ferret vaccinated against rabies shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.

90.38 DOMESTIC ANIMALS POTENTIALLY EXPOSED TO RABIES

- a. A dog, cat, or ferret that has rabies or symptoms that could reasonably indicate rabies, or that bites, scratches, or otherwise creates a condition that may expose or transmit rabies to any human being or animal, shall be immediately held in quarantine for a period of ten days from the date of the bite or when the condition that may have exposed or transmitted the rabies virus to a human being occurred, or longer as the local rabies control authority may deem necessary. Such quarantine will be subject to the following conditions:
 - 1. An unvaccinated dog, cat, or ferret shall not be vaccinated against rabies during the ten-day observation period.
 - 2. The animal must be observed twice daily for rabies symptoms during the observation period if said animal is quarantined at a veterinary clinic or city quarantine facility.
 - 3. If Animal Control is able to notify the owner of the subject animal, within 24 hours of notification and with the approval of the local rabies control authority, the owner may exercise the option to quarantine the subject animal in:
 - i. A department of state health services approved facility including a veterinary clinic in the city that has the facilities for quarantine purposes,
 - ii. City quarantine facility,
- b. In a home quarantine as provided in subsection (b), below.

90.39 HOME QUARANTINE

- a. The owner or custodian of the dog, cat, or ferret may request permission from the local rabies control authority to place the animal in home quarantine if the following criteria can be met:
 - 1. Secure facilities must be available at the home of the animal's owner or custodian, and must be approved by the local rabies control authority;
 - 2. The animal is currently vaccinated against rabies;
 - 3. There are no unvaccinated dogs, cats, or ferrets residing at the residence;
- b. Animals not eligible for home quarantine must be quarantined at an eligible veterinary facility or the city quarantine facility.

ARTICLE VI. - REGISTRATION OF ANIMALS

90.40 REGISTRATION OF ANIMALS

No owner shall have within the city any dog or cat four months of age or older unless such dog or cat is currently registered with ~~Animal Control~~the city. The owner of any dog or cat must present a copy of a certificate from a licensed veterinarian showing that such dog or cat has been vaccinated for rabies within the preceding Twelve months. No dog or cat shall be

registered until proof of vaccination has been provided. An exception to this proof of vaccination may be made if the owner presents written recommendation from a licensed veterinarian stating that such rabies vaccination would be detrimental to the health of the animal.

- a. The rabies certificate must be supplied, upon request to an Animal Control or a Police Officer.
- b. A current rabies vaccination tag must be affixed to a collar or harness that must be worn by the dog or cat at all times.
- c. Vaccination certificates and tags shall be valid only for the animal for which the certificate or tag was originally issued by a licensed veterinarian.
- d. A person commits an offense if the person violates a provision of this section or permits an animal owned by the person or under the person's control to be in violation of a provision of this section.
- e. A fee, established by city council, ~~shall~~ may be charged per animal for registration and record keeping purposes.
- f. A current microchip number can be used in lieu of a rabies tag, a current rabies vaccine or written recommendation from a licensed veterinarian is still required.
- f.g. The application for registration shall include the name, address and phone number of the applicant, a description of the dog as to breed, color and sex, and a current valid rabies certificate issued by a licensed veterinarian.

90.41 EXPIRATION

Registration shall only be valid for the animal to which it was issued. The duration of the registration shall be ~~commensurate with the animal's rabies vaccination for one year. For example, a dog or cat receiving a three-year vaccination may be registered for a three-year period.~~

90.42 CHANGE OF OWNERSHIP

If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for such transfer. Application for such transfer shall be made to Animal Control in writing or in person.

90.43 EXEMPT REGISTRATIONS

Fee exempt registrations may be issued for the following:

- a. Dogs trained to assist the auditorily, visually, or other physically impaired persons,
- b. Police or sheriff's department dogs,
- c. Spayed or neutered and microchipped animals legally owned by city residents 65 years of age or older,
- d. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

90.44 VERIFICATION PROGRAM

Animal Control shall have the authority to request current registration and rabies vaccination

information when responding to any animal related issue or complaint.

90.45 NON-REGISTRATION FEE

For the purpose of this article, a fee established by ordinance of the city council may be assessed when an animal is impounded or otherwise complained upon and found to be under the following conditions:

- a. The owner has failed to register the animal within ten days of that animal reaching four months of age,
- b. The owner has failed to renew registration within 30 days following the expiration of the current rabies vaccination,
- c. The owner has failed to obtain registration within 30 days of the animal taking up residence in the city.

90.46 REVOCATION OF REGISTRATION AND APPEAL

- a. Animal Control may refuse to register an animal or may revoke a registration issued to any person who has been convicted of the following:
 1. Cruelty to animals, attack on an assistance animal, or dog fighting under V.T.C.A., Penal Code §§ 42.09, 42.091, 42.092 or 42.10 as amended, or
 2. Three or more separate violations of this chapter or of an animal control ordinance of another jurisdiction within a consecutive 12-month period.
- b. If Animal Control revokes or denies the registration for an animal, written notice shall be given to the owner. The owner may appeal the decision to the municipal court by filing written notice of appeal with the Animal Control and the municipal court within ten days after notification of the denial or revocation. If the owner fails to timely file the notice of appeal, the decision of the Animal Control is final and binding. The timely filing of the notice of appeal stays an action of the Animal Control until the municipal court renders a final decision.
- c. The municipal court may consider evidence offered by any interested person and shall render its decision on a preponderance of the evidence presented at the hearing. The municipal court shall conduct a hearing and render a decision within 15 days after the request for the appeal is filed or as soon thereafter as practical. The municipal court may affirm or reverse the denial or revocation. The decision of the municipal court shall be sent to the owner of the affected animal(s) and the municipal court's decision shall be final and binding.
- d. Within 15 calendar days after receipt of notice of revocation or denial of registration, or within 15 days of the final decision of the municipal court if an appeal is timely filed, the owner shall remove the animal from the city limits and may not thereafter own, harbor or keep another animal for which a registration is required. Animal Control or the municipal court may extend the 15-day removal period for an additional 15 calendar days. The owner shall provide Animal Control with a sworn statement confirming the removal of the animal(s).

- e. A person commits an offense without regard to mental state if the person owns, keeps or harbors an animal for which registration is required during a period when the registration for the animal has been revoked or denied, or if the person fails to remove the animal when required by this section.
- f. If the owner or person in control of the property where the animal is kept or harbored fails to remove the animal after the removal period has lapsed, then Animal Control may obtain a seizure warrant from any magistrate to take possession of the animal and dispose of it in accordance with city policy.

90.47 GRANDFATHER CLAUSE.

- 1. Prohibited animals grandfathered. Any prohibited animal within the city limits at the time this ordinance is passed shall be allowed to remain upon the property, providing:
 - a. Under this clause, the specific animal is grandfathered, not the property or owner:
and
 - b. If the animal has been deemed to be a nuisance, it no longer qualifies as a grandfathered animal under this section.
 - c. Existing number of animals cannot exceed previous number allowed by previous ordinance.
- 2. Documentation.
 - a. The Animal Control Officer shall personally visit owners of properties where prohibited animals are known to be kept.
 - b. Documentation of the existing number of animals will be completed by the Animal Control Officer.
 - c. The city will maintain the record of grandfathered animals.
- 3. Revocation or suspension. Permits may be revoked/suspended by:
 - a. A violation of code ordinance or regulation. Grandfathered status may be revoked or suspended whenever the Town Council determines a violation of this code, or whenever any ordinance and/or code in any manner detrimental to the public health, morals or welfare of the community has been violated; or
 - b. Fraud or misrepresentation. The Council may revoke or suspend any grandfathered animal for fraud or misrepresentation in its status procurement or for a violation of any federal or state statute.

90.47 48 APPEAL PROCESS

Any person denied such registration may appeal the refusal to the municipal court judge. The municipal court judge shall uphold or overturn the Animal Control's refusal to issue a registration.

ARTICLE VII. - ANIMAL SHELTER ADVISORY BOARD

90.48 ANIMAL SHELTER ADVISORY BOARD

- a. *Appointments.* The city council shall appoint a seven-person animal shelter advisory board. The board shall be composed of one licensed veterinarian, one municipal

official, one person whose duties include daily operation of the animal shelter, a representative from an animal welfare organization, and three citizens.

- b. *Scheduled meetings.* The animal shelter advisory board shall meet at least three times each year.
- c. *Responsibilities.* The animal shelter advisory board authority shall be limited to the following tasks and responsibilities:
 1. The animal shelter advisory board shall meet to discuss ideas that will help ensure the animal shelter is in compliance with the state department of health rules pertaining to animal shelters,
 2. The animal shelter advisory board shall meet to make recommendations, for the betterment of the community, concerning operations, policies, procedures, new programs, and the improvement of existing programs.

90.49 FEES, FINES AND PENALTY

Registration	~~\$50~~ <u>0</u>
Discount for Spay/Neuter	~~\$20~~
Discount for Chip	~~\$20~~
Senior (over 65) with spay/neuter and chip	~~Free~~
Senior (over 65) with spay/neuter but no chip	~~\$20~~
Senior (over 65) with chip but no spay/neuter	~~\$20~~
Senior (over 65) with no chip and no spay/neuter	~~\$40~~
Re-registration at new address	~~\$25~~
Impoundment fee, unrestrained dog with vaccination tag and proof of ~~regisration~~ <u>registration</u> and/or chipping	First offense: ~~\$20~~ <u>100</u>
	Second offense: ~~\$150~~ <u>30</u>
	Third and subsequent offenses: ~~\$50~~ <u>200</u>
Impoundment fee, unrestrained dog without vaccination tag and proof of ~~regisration~~ <u>registration</u> and/or chipping	First offense: ~~\$30~~ <u>200</u>
	Second offense: ~~\$250~~ <u>40</u>
	Third and subsequent offenses: ~~\$60~~ <u>420</u>
~~Impoundment fee, livestock:~~	~~First offense: \$35~~
	~~Second offense: \$45~~
	~~Third and subsequent offenses: \$70~~
Breeder's Permit (Required for sale of 3 or more dogs)	\$150/year
Other fees - assessed as ~~situato~~ <u>inssituations</u> warrants	Up to ~~\$150~~ <u>1500</u>

Penalties for violations will be set by the Gun Barrel City Municipal Court



Outlook

Re: Ordinance Analysis for O-2026-003

From Brian Crull <bcrull@gunbarrelcity.gov>

Date Tue 1/27/2026 11:13 AM

To April Burns <aburns@gunbarrelcity.gov>; Angela Smith <asmith@gunbarrelcity.gov>

For sure thank you for the info

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From: April Burns <aburns@gunbarrelcity.gov>

Sent: Tuesday, January 27, 2026 11:12:30 AM

To: Angela Smith <asmith@gunbarrelcity.gov>; Brian Crull <bcrull@gunbarrelcity.gov>

Subject: Re: Ordinance Analysis for O-2026-003

Will do. Thanks.

Thank you,
April Burns
Gun Barrel City Council Place 1

From: Angela Smith <asmith@gunbarrelcity.gov>

Sent: Tuesday, January 27, 2026 11:11:20 AM

To: April Burns <aburns@gunbarrelcity.gov>; Brian Crull <bcrull@gunbarrelcity.gov>

Subject: Re: Ordinance Analysis for O-2026-003

Good morning,

You absolutely can table an item on an agenda to a future meeting.

The Animal Control Ordinance is item 7N. The item will get read into the record and someone will have to make a motion to table the item to a future meeting. Might be good to say why we are tabling it - To have the attorney look at a few citizen concerns.

Angie

Angela Smith, PhD
City Manager
City of Gun Barrel City
1716 W Main St
Gun Barrel City, TX 75156
903-887-1087



From: April Burns <aburns@gunbarrelcity.gov>
Sent: Tuesday, January 27, 2026 8:16 AM
To: Angela Smith <asmith@gunbarrelcity.gov>
Subject: Fw: Ordinance Analysis for O-2026-003

I don't know if we just table it since it's already on the agenda but we want to have the attorney look at the suggestions/ comments that Chris has and see either an explanation or if we should change the animal ordinance.

Thank you,
April Burns
Gun Barrel City Council Place 1

From: Brian Crull <bcrull@gunbarrelcity.gov>
Sent: Monday, January 26, 2026 5:50:46 PM
To: April Burns <aburns@gunbarrelcity.gov>; Jennifer Jacobs <jjacobs@gunbarrelcity.gov>
Subject: Fw: Ordinance Analysis for O-2026-003

Good evening hope you guys are staying safe and warm. I had a conversation with Mr. Bayhi and it was very productive. He has given me some good information I wanted to pass along. I know we are bringing this up at tomorrow night meeting just fuel for thought. I think we should possibly think about maybe holding off and doing a little more research until we finally passed this maybe in February. Just my thoughts. I also think it is beneficial for us when I certain group of people are suggesting to us that we at least consider and take action so that they can see. We are actually listening to some of the things they are presenting to us. I will try to reach out to you guys in the morning. I have been with my wife all day. She's been battling kidney stones so I apologize for not getting back with you guys sooner.. I appreciate all you guys do stay warm. Talk to you in the morning.

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From: Christopher Bayhi <christopherbayhi@gmail.com>
Sent: Monday, January 26, 2026 10:43:31 AM
To: Brian Crull <bcrull@gunbarrelcity.gov>
Subject: Ordinance Analysis for O-2026-003

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Mayor,

Per our conversation on Friday, I'm sending over the plain language bullet list I put together on the ordinance so you would have a preview of concerns that will be raised should the proposed meeting happen. Some of it is concrete. Some of it is subjective and specific to certain circumstances.

.

I know this weather has had everyone running in ten different directions, and I appreciate everything you and the City have been doing to look out for folks.

No need to respond — I just wanted to make sure you had this on hand before tomorrow night's council meeting in case it's helpful.

Thanks,
Christopher Bayhi

I want to be very clear up front: I don't believe anyone involved in drafting this ordinance acted with bad intentions. Everyone here cares about animal safety, public safety, and the well-being of our community. The issues I'm raising are not about motives — they're about process.

Animal law is one of the most complicated areas of municipal regulation. It touches federal disability law, state preemption, constitutional limits, criminal statutes, and our own city charter. Even experienced cities struggle to get these ordinances right on the first attempt.

What appears to have happened here is something that happens in many small cities across Texas: the ordinance was drafted with the goal of improving animal control, but without a full legal review of how the language interacts with state law, federal law, and our existing city code. That's not unusual. Most cities rely on templates, borrowed language, or staff recommendations, and those drafts often contain provisions that unintentionally conflict with higher law.

The conflicts I've identified are not about anyone doing anything wrong. They're simply the result of how complex this area of law is. No one person can be expected to know every detail of the ADA, the Texas Health and Safety Code, the Penal Code, the Veterinary Licensing Act, the Parks and Wildlife Code, and our own charter all at once. That's why careful review is so important.

My goal here is not to criticize the council or staff. My goal is to help the City avoid passing an ordinance that could create legal exposure, confusion for residents, or enforcement problems for our officers. When an ordinance contains conflicts with state or federal law, it puts the City in a difficult position: either enforce it and risk liability, or decline to enforce it and undermine public trust.

I believe everyone here wants the same thing — an ordinance that is effective, enforceable, and legally sound. The issues I'm raising are simply opportunities to refine the language so that the final version protects animals, protects residents, and protects the City itself.

I'm not asking the council to abandon the ordinance. I'm asking the council to slow down long enough to ensure that what we pass is something we can stand behind confidently. A short review period, or a workshop session with legal counsel, would allow us to correct the conflicts and produce a stronger, safer ordinance for everyone.

FEDERAL AND CIVIL RIGHTS CONFLICT ANALYSIS

SECTION 90.02 – Definitions (Assistance Animal / Service Animal)

Directly conflicts with:

ADA (28 C.F.R. §35.104 and §36.104)

Fair Housing Act (42 U.S.C. §3604(f))

HUD Guidance FHEO-2020-01

Explanation:

The ordinance merges ADA “service animals” and FHA “assistance animals” into overlapping definitions. Federal law treats these categories completely differently. ADA service animals are dogs only, trained to perform tasks. FHA assistance animals can be any species, including emotional support animals. Combining these definitions creates a regulatory structure that does not match federal requirements and can lead to improper enforcement, denial of accommodations, and confusion for disabled residents. Federal law requires separate, distinct definitions.

SECTION 90.02 – “Securely Enclosed or Confined” (Electronic Fences Prohibited)

Inconsistent with:

ADA Title II – Reasonable Modifications (28 C.F.R. §35.130(b)(7))

Explanation:

The ordinance bans electronic fencing as a method of confinement. Many disabled handlers rely on electronic fencing because it is the only method they can physically manage due to mobility or strength limitations. The ADA requires cities to modify policies when necessary for equal access. A blanket prohibition with no ADA exceptions can prevent disabled residents from safely managing their service animals. Federal law requires flexibility; this section provides none.

SECTION 90.03 and 90.04 – Warrantless Entry, Pursuit, and Seizure Authority

Directly conflicts with:

Fourth Amendment

Camara v. Municipal Court (1967)

Florida v. Jardines (2013)

Collins v. Virginia (2018)

Explanation:

These sections authorize entering private property without a warrant, pursuing animals into fenced yards, breaking into vehicles, and seizing animals based solely on officer judgment. Federal law is clear that a city cannot create its own exceptions to the Fourth Amendment. Entering the curtilage of a home, entering a vehicle, or seizing property requires probable cause and a warrant unless a narrow, recognized exception applies. The ordinance authorizes actions beyond what federal law permits.

SECTION 90.04(h) – Breaking Vehicle Windows to Seize Animals

Directly conflicts with:

Fourth Amendment

United States v. Jones (2012)

Explanation:

Breaking a vehicle window is a search and seizure under federal law. The ordinance authorizes this without requiring probable cause, exigent circumstances, or a warrant. Federal law does not allow municipalities to expand search and seizure authority. This section contradicts constitutional limits.

SECTION 90.06 – Tethering Restrictions (No ADA Exceptions)

Inconsistent with:

ADA Title II – Reasonable Modifications

Rehabilitation Act §504

Explanation:

Some disabled handlers rely on tethering systems, adaptive equipment, or mobility related restraints to safely manage their service animals. The ordinance imposes absolute prohibitions on certain tethering methods without allowing ADA required exceptions. Federal disability law requires cities to modify policies when necessary for equal access. A rigid rule with no modification process is inconsistent with ADA requirements.

SECTION 90.07(a) – Noise Nuisance (15-Minute Rule)

Directly conflicts with:

ADA Title II and Title III

Fair Housing Act – Reasonable Accommodation Requirements

Explanation:

Service animals may vocalize as part of their trained tasks, including medical alerts, psychiatric alerts, seizure warnings, or protective notifications. A strict 15 minute noise rule with no ADA exceptions can penalize disabled residents for the behavior of a service animal performing its function. Federal law requires individualized assessment and reasonable accommodation. This section provides neither.

SECTION 90.08(o)(1–3) – Warrantless Seizure of Animals

Directly conflicts with:

Fourth Amendment

Soldal v. Cook County (1992)

Explanation:

The ordinance authorizes seizure of animals without a warrant, probable cause, exigent circumstances, or judicial oversight. Federal law requires due process before property is seized. Animals are legally considered property under federal constitutional analysis. A city cannot authorize warrantless seizure simply by ordinance. This section contradicts federal constitutional protections.

SECTION 90.08(n) – Forced Entry Into Vehicles

Directly conflicts with:

Fourth Amendment

United States v. Jones (2012)

Explanation:

Forced entry into a vehicle is a search. Federal law requires probable cause, exigency, or a warrant. The ordinance authorizes forced entry based solely on officer discretion, without federal safeguards. This contradicts constitutional requirements.

SECTION 90.10 – Traps and Poison (No ADA Modification Process)

Inconsistent with:

ADA Title II – Reasonable Modifications

Explanation:

Section 90.10 requires daily trap checks by 9 a.m., strict trap type prohibitions, and rigid enforcement with no exceptions. For disabled residents, these requirements may be impossible due to mobility impairments, chronic illness, psychiatric disabilities, sleep cycle disorders, or physical limitations. The ADA requires cities to modify policies when necessary for equal access. Section 90.10 contains no mechanism for ADA accommodations, creating a direct conflict with federal disability rights requirements.

SECTION 90.02 – “Owner” Definition (5-Day Harbor Rule)

Contradicts the requirements of:

ADA Title II

Fair Housing Act – Assistance Animal Protections

Explanation:

Federal law prohibits cities from redefining “ownership” in ways that penalize disabled handlers, interfere with assistance animal access, or impose burdens inconsistent with federal protections. The 5-day harbor rule can classify temporary caretakers, disability related helpers, or neighbors assisting a disabled resident as “owners,” creating liability inconsistent with federal civil rights protections.

SECTION 90.02 – Emotional Support Animals Treated as ADA Service Animals

Directly conflicts with:

ADA (28 C.F.R. §35.104 and §36.104)

Explanation:

The ADA does not recognize emotional support animals. By merging ESA and ADA definitions, the ordinance creates enforcement rules that contradict federal law. This can lead to improper denial of ADA rights, improper granting of ADA rights, confusion for officers, and inconsistent enforcement. Federal law requires strict separation of these categories.

TEXAS CONSTITUTION AND STATE LAW CONFLICT ANALYSIS

SECTION 90.02 – Definitions (Dangerous Dog, Secure Enclosure, At Large)

Conflicts with:

Texas Health and Safety Code Chapter 822 (Dangerous Dogs)

Explanation: Texas law provides a complete statutory framework for dangerous dog determinations, including definitions, notice, hearings, appeals, and owner rights. The ordinance creates new definitions and standards that differ from state law. A city cannot redefine a dangerous dog in a way that expands liability or reduces due process protections beyond what Chapter 822 allows. Any municipal definition that is broader or more restrictive than the state definition is inconsistent with state law.

SECTION 90.02 – “Owner” Definition (5-Day Harbor Rule)

Conflicts with:

Texas Health and Safety Code §821

§822 Texas common law property rights

Explanation: Texas law defines ownership of animals based on property rights and intent. The ordinance creates a new legal standard that can classify temporary caretakers, neighbors, or good Samaritan helpers as “owners” after five days. This contradicts Texas property law, which requires intent to own. A city cannot redefine property ownership in a way that conflicts with state law or imposes liability on someone who is not legally an owner.

SECTION 90.02 – Definitions Related to Veterinary Procedures (Ear Cropping, Tail Docking, Dewclaw Removal)

Conflicts with:

Texas Occupations Code Chapter 801 (Veterinary Licensing Act)

Explanation: The ordinance attempts to regulate or prohibit certain veterinary procedures. Texas Occupations Code §801 gives exclusive authority over veterinary medical practices to licensed veterinarians and the Texas Board of Veterinary Medical Examiners. A city cannot regulate veterinary medical procedures or create new criminal penalties for acts governed by the Veterinary Licensing Act. Any municipal rule that restricts or criminalizes veterinary procedures beyond state law is inconsistent with Chapter 801.

SECTION 90.03 and 90.04 – Authority of Animal Control (Warrantless Entry and Seizure)

Conflicts with:

Texas Constitution Article I, Section 9 (Search and Seizure)

Texas Code of Criminal Procedure Chapter 18 (Search Warrants)

Texas Health and Safety Code §821.022 (Seizure of Cruelly Treated Animals)

Texas Penal Code §30.05 (Criminal Trespass)

Explanation: The ordinance authorizes entering private property, fenced yards, and curtilage areas without a warrant or consent. Texas law requires a warrant issued by a magistrate before an animal may be seized for cruelty or neglect unless a narrow exigent circumstance exists. Entering private property without consent is criminal trespass under §30.05. A city ordinance cannot authorize conduct that state law defines as a criminal offense. Any rule permitting entry without consent contradicts state law and the Texas Constitution.

SECTION 90.04(h) – Breaking Vehicle Windows to Remove Animals

Conflicts with:

Texas Constitution Article I, Section 9

Texas Penal Code §28.03 (Criminal Mischief)

Texas Penal Code §30.04 (Burglary of Vehicles)

Texas Health and Safety Code §821.022

Explanation: Breaking a vehicle window is “damage to tangible property” under §28.03 and entering a vehicle without consent is burglary of a vehicle under §30.04. The ordinance authorizes forced entry without requiring probable cause, exigent circumstances, or a warrant. A city cannot create exceptions to state criminal statutes. This section contradicts both constitutional protections and criminal law.

SECTION 90.06 – Tethering Restrictions

Conflicts with: Texas Health and Safety Code §821.102–§821.125 (State Tethering Law)

Texas Penal Code §42.092 (Cruelty to Non-Livestock Animals)

Explanation: Texas has a statewide tethering statute that sets uniform standards for restraint, tether length, collar type, shelter, and enforcement. The ordinance imposes additional restrictions and penalties that differ from or exceed state law. Municipalities may supplement state law but cannot contradict or create standards inconsistent with the statewide tethering framework. Any section that imposes requirements inconsistent with §821.102–§821.125 is unenforceable.

SECTION 90.07 – Noise Nuisance (15-Minute Rule)

Conflicts with:

Texas nuisance law (common law)

Texas Health and Safety Code Chapter 343 (Public Nuisance)

Texas Penal Code §42.01 (Disorderly Conduct – Noise)

Explanation: Texas nuisance law requires a fact specific analysis of whether noise is unreasonable under the circumstances. The ordinance creates a strict 15-minute rule that treats any noise lasting 15 minutes as a nuisance, even if reasonable. This contradicts Texas nuisance standards and the Penal Code, which uses a “reasonable person” standard. A city cannot redefine the elements of a criminal offense in a way that contradicts state law.

SECTION 90.08(o) – Seizure of Animals Without Warrant

Conflicts with: Texas Health and Safety Code §821.022 (Cruelty Seizure Requirements)

Texas Rules of Civil Procedure (Seizure Hearings)

Texas Constitution Article I, Section 19 (Due Process)

Texas Penal Code §31.03 (Theft)

Texas Penal Code §39.03 (Official Oppression)

Explanation: Texas law requires a sworn affidavit, a warrant issued by a magistrate, and a prompt hearing before an animal can be seized. The ordinance authorizes seizure without a warrant or judicial oversight. Seizing property without legal authority can constitute theft or official oppression. A city cannot authorize seizure procedures that contradict state law or deprive owners of due-process protections.

SECTION 90.08(n) – Forced Entry Into Vehicles

Conflicts with:

Texas Constitution Article I, Section 9

Texas Code of Criminal Procedure Chapter 18

Texas Penal Code §30.04 (Burglary of Vehicles)

Texas Penal Code §28.03 (Criminal Mischief)

Explanation: Forced entry into a vehicle is a search under Texas law. State law requires probable cause and a warrant unless a narrow exception applies. The ordinance authorizes forced entry without meeting these requirements. Municipalities cannot expand search and seizure authority beyond what state law permits.

SECTION 90.09 – Care of Animals (Veterinary Care, Grooming, Parasite Treatment)

Conflicts with:

Texas Health and Safety Code §821.022

Texas Penal Code §42.092 (Cruelty to Non-Livestock Animals)

Texas Occupations Code Chapter 801 (Veterinary Licensing Act)

Explanation: Texas cruelty statutes define minimum care standards and the threshold for criminal liability. The ordinance imposes additional requirements such as mandatory grooming, parasite treatment, and veterinary care beyond what state law requires. Regulating veterinary care also intrudes into areas governed exclusively by the Veterinary Licensing Act. A city cannot create new criminal standards or regulate veterinary practice in ways that conflict with state law.

SECTION 90.10 – Traps and Poison

Conflicts with:

Texas Parks and Wildlife Code §63.002 (Unlawful Traps)

Texas Agriculture Code (Pesticide and Poison Regulations)

Texas Health and Safety Code (Wildlife and Rabies Control)

Texas Penal Code §42.06 (Poisoning Animals)

Texas Penal Code §42.092 (Cruelty)

Explanation: Texas law regulates traps, snares, poisons, and wildlife control at the state level. The ordinance prohibits certain traps and devices that state law allows under regulated conditions. Municipalities may regulate trapping but cannot contradict state wildlife and agriculture statutes or redefine criminal conduct. Any prohibition that conflicts with state-authorized trapping methods or poison control regulations is inconsistent with state law.

SECTION 90.02 – Wild or Exotic Animals Definition

Conflicts with:

Texas Parks and Wildlife Code (Exotic and Dangerous Wildlife)

Texas Administrative Code (Wildlife Permits)

Texas Penal Code §42.092 and §42.09

Explanation: Texas law defines exotic and wild animals and establishes permit requirements. The ordinance creates its own definitions that differ from state classifications. A city cannot redefine wildlife categories in a way that changes the scope of criminal liability or conflicts with state wildlife law.

SECTION 90.07(d) – Prohibition on Keeping Wild or Exotic Animals

Conflicts with:

Texas Parks and Wildlife Code (Possession and Rehabilitation of Wildlife)

Texas Administrative Code (Wildlife Rehabilitation Permits)

Explanation: State law allows licensed wildlife rehabilitators and certain permit holders to possess and care for wildlife. The ordinance prohibits keeping wild or exotic animals on private property without distinguishing between illegal possession and state licensed rehabilitation. A city cannot prohibit conduct that state law expressly authorizes under permit.

SECTION 90.03 – Animal Control Officer as Local Rabies Control Authority

Conflicts with:

Texas Health and Safety Code §826.017 (Designation of LRCA)

Texas Department of State Health Services Rules

Explanation: State law requires the Local Rabies Control Authority to comply with state mandated training, reporting, and procedural standards. The ordinance grants broad authority to the Animal Control Officer without referencing or incorporating state mandated LRCA duties. Any authority granted that exceeds or contradicts state rabies control requirements is inconsistent with Chapter 826.

GUN BARREL CITY CHARTER AND EXISTING CITY CODE CONFLICT ANALYSIS

(Assuming O-2026-003 is adopted)

SECTION 90.02 – Definitions (Dangerous Dog, Secure Enclosure, At Large)

Conflicts with:

Gun Barrel City Charter – Limitation on Municipal Authority

Existing GBC Ordinances – Chapter 2 (Police Powers)

Existing GBC Ordinances – Chapter 50 (Nuisance)

Existing GBC Ordinances – Chapter 130 (Zoning)

Explanation: The Charter prohibits the City from adopting ordinances that exceed delegated municipal authority or conflict with existing city law. Several definitions in O-2026-003 impose new regulatory standards that contradict definitions already established in other chapters of the Code. For example, “secure enclosure” and “at large” impose zoning related and nuisance related standards that conflict with Chapters 50 and 130. A city cannot adopt definitions that contradict existing ordinance language unless those ordinances are amended simultaneously. O-2026-003 does not amend those chapters, creating internal conflicts.

SECTION 90.02 – “Owner” Definition (5-Day Harbor Rule)

Conflicts with:

Gun Barrel City Charter – Due Process and Property Rights

Existing GBC Ordinances – Chapter 6 (Animals Running at Large)

Existing GBC Ordinances – Chapter 50 (Nuisance)

Explanation: The Charter protects private property rights and prohibits arbitrary reclassification of ownership. The five day harbor rule creates a new legal standard that can classify temporary caretakers as legal owners. This contradicts existing city ordinances that define ownership based on control and responsibility, not time. The Charter prohibits the City from imposing liability without due process or intent. This definition creates liability inconsistent with existing city law.

SECTION 90.03 and 90.04 – Authority of Animal Control (Warrantless Entry and Seizure)

Conflicts with:

Gun Barrel City Charter – Article on Police Powers and Limitations

Existing GBC Ordinances – Chapter 2 (Police Department)

Existing GBC Ordinances – Chapter 50 (Nuisance Enforcement)

Existing GBC Ordinances – Chapter 6 (Animal Impoundment)

Explanation: The Charter limits any enforcement authority to actions permitted under state and federal law. Existing city ordinances require lawful process for entry onto private property and impoundment. O-2026-003 authorizes Animal Control to enter private property, pursue animals into fenced yards, and seize animals without a warrant or consent. This contradicts the Charter’s limitations on police powers and conflicts with existing city ordinances that require compliance with state law for impoundment and nuisance enforcement.

SECTION 90.04(h) – Breaking Vehicle Windows to Remove Animals

Conflicts with:

Gun Barrel City Charter – Protection of Private Property Existing GBC Ordinances

Existing GBC Ordinances – Chapter 2 (Police Department)

Existing GBC Ordinances – Chapter 6 (Animal Impoundment)

Explanation: The Charter prohibits the City from authorizing destruction of private property except as permitted by state law. Existing city ordinances do not authorize forced entry into vehicles for animal control purposes. O-2026-003 grants Animal Control the authority to break vehicle windows without judicial oversight. This contradicts the Charter's property rights protections and conflicts with existing city ordinances that require lawful process before entering or damaging private property.

SECTION 90.06 – Tethering Restrictions

Conflicts with:

Existing GBC Ordinances – Chapter 6 (Animals Running at Large)

Existing GBC Ordinances – Chapter 50 (Nuisance)

Explanation: The existing city ordinances already regulate animal restraint and/or nuisance behavior. O-2026-003 imposes new tethering restrictions that conflict with the standards in Chapter 6 and Chapter 50. A city cannot adopt conflicting ordinances on the same subject without expressly amending the prior ordinance. Because O-2026-003 does not amend those chapters, the new tethering rules create internal contradictions within the Code.

SECTION 90.07 – Noise Nuisance (15-Minute Rule)

Conflicts with:

Gun Barrel City Charter – Requirement for Reasonableness in Enforcement

Existing GBC Ordinances – Chapter 50 (Noise and Nuisance Regulations)

Explanation: Chapter 50 uses a reasonableness standard for noise enforcement. O-2026-003 imposes a strict 15-minute rule that automatically classifies noise as a nuisance, even if reasonable under the circumstances. This contradicts the existing noise ordinance and violates the Charter's requirement that ordinances be reasonable, enforceable, and consistent with existing law. A city cannot adopt conflicting nuisance standards without amending Chapter 50.

SECTION 90.08(o) – Seizure of Animals Without Warrant

Conflicts with:

Gun Barrel City Charter – Due Process Clause

Existing GBC Ordinances – Chapter 6 (Impoundment Procedures)

Existing GBC Ordinances – Chapter 2 (Police Department)

Explanation: The Charter requires due process before property is seized. Existing city ordinances require compliance with state law for the impoundment, including notices and hearings requirements. O-2026-003 authorizes seizure without a warrant or due process. This contradicts the Charter's due process protections and conflicts with existing city procedures for impoundment.

SECTION 90.08(n) – Forced Entry Into Vehicles

Conflicts with:

Gun Barrel City Charter – Protection of Private Property

Existing GBC Ordinances – Chapter 2 (Police Department)

Existing GBC Ordinances – Chapter 6 (Animal Impoundment)

Explanation: Forced entry into a vehicle is a seizure of property. The Charter prohibits destruction of private property except as allowed by state law. Existing ordinances do not authorize forced entry into vehicles for animal control. O-2026-003 grants authority that exceeds the Charter's limits and contradicts existing city law.

SECTION 90.09 – Care of Animals (Veterinary Care, Grooming, Parasite Treatment)

Conflicts with:

Gun Barrel City Charter – Limitation on Creating New Criminal Offenses

Existing GBC Ordinances – Chapter 6 (Minimum Care Standards)

Explanation: Existing city ordinances already define minimum care standards. O-2026-003 imposes additional requirements such as mandatory grooming, parasite treatment, and veterinary care beyond what existing city law requires. The Charter prohibits the City from creating new criminal offenses that conflict with or exceed state law. The proposed ordinance creates new criminal liability inconsistent with existing city standards.

SECTION 90.10 – Traps and Poison

Conflicts with:

Gun Barrel City Charter – Requirement for Consistency with State Law

Existing GBC Ordinances – Chapter 6 (Wildlife and Trapping Rules)

Existing GBC Ordinances – Chapter 50 (Nuisance)

Explanation: Existing city ordinances already regulate trapping and wildlife control in a manner consistent with state law. O-2026-003 prohibits certain traps and devices that state law allows under regulated conditions. The Charter prohibits the City from adopting ordinances inconsistent with state law. Any prohibition that conflicts with state authorized trapping methods or poison control regulations is inconsistent with both the Charter and existing city ordinances.

SECTION 90.02 – Wild or Exotic Animals Definition

Conflicts with:

Gun Barrel City Charter – Consistency Requirement

Existing GBC Ordinances – Chapter 6 (Wildlife Definitions)

Explanation: The proposed ordinance creates new definitions for wild and exotic animals that differ from existing city definitions. A city cannot adopt conflicting definitions within its own code. The Charter requires consistency across ordinances. The proposed definitions contradict existing city law.

SECTION 90.07(d) – Prohibition on Keeping Wild or Exotic Animals

Conflicts with:

Gun Barrel City Charter – Limitation on Prohibiting State Authorized Conduct

Existing GBC Ordinances – Chapter 6 (Wildlife Rehabilitation and Permits)

Explanation: Existing ordinances allow possession of wildlife by licensed rehabilitators consistent with state law. O-2026-003 prohibits keeping wild or exotic animals without distinguishing between illegal possession and state licensed rehabilitation. The Charter prohibits the City from banning conduct that state law expressly authorizes. This section contradicts both the Charter and existing ordinances.

SECTION 90.03 – Local Rabies Control Authority

Conflicts with:

Gun Barrel City Charter – Requirement to Follow State Mandated Procedures

Existing GBC Ordinances – Chapter 6 (LRCA Duties and Procedures)

Explanation: Existing ordinances already define the duties of the Local Rabies Control Authority in accordance with state law. O-2026-003 grants broad authority to the Animal Control Officer without referencing state mandated LRCA duties. This contradicts existing city law and exceeds the City's authority under the Charter.

Animal Control Ordinance

From Blake Armstrong <blake@birdsonglaw.com>

Date Thu 3/5/2026 10:29 AM

To Angela Smith <asmith@gunbarrelcity.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Angie – I reviewed the above ordinance, relevant legal authority and have the following thoughts:

- I find the definitions of Assistance Animal and Service Animal to be legally correct. Our definition of Assistance Animal is in line with the U.S. Dept. of Housing and Urban Development. Our definition of Service Animal is consistent with federal law and Office of the Governor's definitions.
- Our ordinance simply requires a fence or structure that is capable of preventing the escape of a dog. I see nothing that would prohibit an electric fence.
- Animal control officers and peace officers can enter private property without a warrant to secure a dangerous dog, rescue a dog that is being cruelly treated or take control of a dog running at large. Breaking a window is also a legal act if the officer feels an animal's health, safety or welfare is in jeopardy – usually a heat related event with a dog in the car.
- Tethering dogs – Our ordinance is consistent with the State Safe Outdoor Dog Act regarding tethering. It doesn't prohibit tethering, it simply puts restrictions on tethering to insure safety of the dog.
- Noise nuisance regulations concerning barking are within the discretion of the city. There is nothing illegal about putting a 15 minute standard on when barking becomes a nuisance.
- Warrantless Seizure – Texas courts have held that if a warrant can't be obtained, an officer may seize an animal without a warrant if the animal can be openly seen and it appears an emergency exist related to the condition of the animal. Our ordinance also calls for an expedited hearing before the Municipal Court Judge if an animal is seized without a warrant.
- Trap checks – Within our discretion to put a 9:00 AM daily check requirement.
- Owner definition – Our definition is fine. There is no clear legal definition of what an "owner" is relative to an animal.
- Dangerous dog process – I find our process to identify dangerous dogs and the processing of same to be in keeping with state law. The allegations that the ordinance somehow runs afoul of state law is very vague. I'm happy to look at anything specific he is concerned about.

- I see nothing in the ordinance where we are attempting to regulate the practice of veterinary medicine.
- Wild/exotic animals – We simply adopted the state's definition of these animals, which is completely fine. We also allow exceptions for wildlife rehabilitators and others that may be permitted to have such animals.
- Absolutely nothing wrong with our Animal Control Officer acting as our rabies control authority. She simply needs to maintain all required licensing/training.

Most of this individual's concerns are related to accommodations for the disabled. We can and should always consider any accommodation that someone may need that would result in an exception to our ordinance. I find our ordinance to be legally sound, but again, we should always consider a true hardship that might require an exception to enforcement.

Angie, please let me know if you need anything else on this. Thank you. Blake

Sincerely,

Blake E. Armstrong, Esq.

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Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: **Action Item** – Policy and Procedure Update

SUBMITTING INFORMATION

DEPARTMENT: Community Center
REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Consider and take action to approve amending Section 3: MEMBERSHIP of the Gun Barrel City Community Center Policy and Procedure Manual to include memberships for up to two owners for any business located in Gun Barrel City.

SUMMARY

Approving this item will amend Section 3: MEMBERSHIP of the Gun Barrel City Community Center Policy and Procedure Manual to include a “Business Membership” that will allow up to two owners of a Gun Barrel City business to receive a membership to the Gun Barrel City Community Center.

GUN BARREL CITY BUSINESS MEMBERSHIP

Individuals who own a business in Gun Barrel City are also eligible for membership. Up to two (2) owners may receive a membership card by presenting a valid Texas driver’s license or State identification from the Department of Public Safety, and the Certificate of Occupancy for the business listing names of Business Owners.

Business Member's need not be a resident of Gun Barrel City but must be listed as an owner on the official Certificate of Occupancy for the business.

BACKGROUND

February 24, 2026 Regular City Council Meeting – Discussion regarding the Community Center Policy and Procedure Manual regarding Chapter 3: MEMBERSHIP and Chapter 5: GYMNASIUM as requested by two City Council members. Discuss options for adding a “Business Membership” and amending the gym rental policies to host tournaments.

March 17, 2026 Special City Council Meeting – Follow up discussion regarding Chapter 3: MEMBERSHIP and Chapter 5: GYMNASIUM of the Gun Barrel City Community Center Policy and Procedure Manual.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Gun Barrel City Community Center Policies and Procedure Draft



Gun Barrel City, Texas
Community Center

Policy & Procedures Manual

Approved by Council on September 23, 2025

Amended by Council on April 28, 2026

Table of Contents

1.1 GUN BARREL CITY VISION STATEMENT:	4
1.2 CUSTOMER SERVICE	4
1.3 REGULATIONS	4
1.4 FAILURE TO COMPLY	4
1.5 POLICY CHANGES	4
1.6 HOURS OF OPERATION	4
2.1 CODE OF CONDUCT	6
3.1 MEMBERSHIP POLICY	8
3.2 PROCEDURE	8
3.3 MEMBERSHIP FEE	8
4.1 GUEST FEE:	9
4.2 POLICY	9
5.1 INTRODUCTION	10
5.2 GYMNASIUM POLICY	10
5.3 GYMNASIUM RENTAL	10
5.4 GYMNASIUM RENTAL POLICY	10
6.1 LOCKER ROOMS	12
7.1 INTRODUCTION	13
7.2 ROOM DIMENSIONS AND CAPACITY	13
7.3 DEPOSITS AND RENTAL FEES	13
7.4 RESERVATION POLICY	13
7.5 ROOM RENTAL AGREEMENT/POLICY	14
8.1 INTRODUCTION	17
8.2 SUSPENSION GUIDELINE POLICY	17
9.1 LEAGUE SPORTS	18

10.1	INTRODUCTION.....	19
10.2	CLASS PARTICIPANT POLICY.....	19
10.3	INSTRUCTOR POLICY.....	19
11.1	INTRODUCTION.....	20
11.2	RESERVATION POLICY	20
11.3	AVAILABLE AMENITIES.....	20

DRAFT

**Gun Barrel City, Texas
Community Center**

Subject: **INTRODUCTION**

Section: **1**
Revised: **9/2025**

1.1 GUN BARREL CITY VISION STATEMENT:

Gun Barrel City is the regional center of the Lakeplex, combining a unique sense of place and hometown feel, where residents live safe, healthy, and active lives.

1.2 CUSTOMER SERVICE

The Gun Barrel City Community Center strives to provide quality customer service to all members, guests, and patrons. We continually strive to meet your recreational needs and exceed your expectations.

GBC Staff and Management will work to ensure your satisfaction in our programs and events. GBC staff will be empowered to make the necessary decisions to address customer service needs.

1.3 REGULATIONS

It is the policy of the Gun Barrel City Community Center to maintain its facilities in conformance with all applicable local, state and federal laws and regulations, including the Americans with Disability Act. The Community Center may develop and enforce such rules governing the physical facilities as may be necessary to carry out these laws and regulations.

Attendance and membership is open to the entire community without regard to race, age, sex, religion, national origin, political affiliation, or physical ability.

1.4 FAILURE TO COMPLY

Any individual who violates the Center's rules and regulations, whose conduct is improper or dangerous to the facility or to other members is subject to suspension of privileges. Written notice will be sent or delivered by certified mail to the individual by Community Center Staff. An opportunity for a written appeal to the City Manager will be made available. The City Manager or designee will make final review and consideration.

1.5 POLICY CHANGES

The City Manager or designee shall have the administrative authority to modify or change GBC policies as necessary to maintain the public safety, enjoyment & well-being of our patrons and to adjust policy as necessary to respond to changes in market conditions, recreational trends and new program opportunities in a timely fashion, subject to the approval of the Parks and Recreation Director.

1.6 HOURS OF OPERATION

The Center shall be open at the following times: *

- Monday – Friday: 7am - 2pm, 4pm - 7pm
 - Saturday: 9am - 3pm
- Rental Hours: Monday – Saturday, 8am–midnight

*This may not include volleyball, basketball leagues or special events and multi-purpose room reservations. Multi-purpose room rentals may not extend beyond midnight.

The Center will be closed on noted holidays including:

New Year's Day
Columbus Day
Martin Luther King Jr. Day
Good Friday
Presidents Day
Memorial Day
Juneteenth National Independence Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving
Friday after Thanksgiving
Christmas Eve Day
Christmas Day

**Gun Barrel City, Texas
Community Center**

Subject: **COMMUNITY CENTER
CODE OF CONDUCT**

Section: **2**
Revised: **9/2025**

2.1 CODE OF CONDUCT

- All patrons using the facility must present current valid membership cards.
- Children under the age of 17 years will be required to have a release form on file before being issued a membership card. The release can be signed by a parent or legal guardian. The release form will require emergency contact and necessary medical information.
- Membership cards are non-transferable. Only the person whose photo and signature appear on the membership card will be allowed to use it. Violation of this policy will result in suspension and/or forfeiture of membership without refund. Member will be eligible to renew membership one year from suspension.
- Members are responsible for notifying GBC staff of lost or stolen membership cards as soon as possible. Members will not be held responsible for unauthorized use after notification.
- Membership cards reported lost will be cancelled from the system and will no longer be eligible for use. Replacement card will be issued after replacement fee has been paid.
- Children under the age of 12 years old must be accompanied by a person over the age of 16 while in the facility.
- Parent/Guardian are responsible for ensuring proper behavior of child/children at all times.
- Alcohol or drugs are prohibited on the premises, including the outdoor parking area. Anyone suspected to be under the influence of drugs or alcohol will be asked to leave. An alcohol permit is required for rental events.
- Profanity, littering or gambling is prohibited on the premises.
- Solicitations of any kind are prohibited inside the building or outside the premises.
- Patrons are expected to show respect for property, other patrons, and staff members.
- Proper attire should be worn while on the premises at all times. Apparel & tattoos that advertise or depict drugs, nudity, gang membership, obscene language or obscene graphics will not be allowed in the premises.
- See-through clothing, bathing suits, or undergarments must be covered before admission to the facility
- Food and drinks are permitted in designated areas or in meeting rooms.

- Fighting or conduct which constitutes a breach of peace will not be allowed and will result in immediate removal from the facility and/or suspension from the facility.
- Office/Control Desk are for staff use only.
- It is unlawful to vandalize, deface or otherwise damage the property or the building of the Gun Barrel City Community Center.
- Violation of policy will result in possible suspension of privileges as stated in the **Suspension Guidelines (Section 8)** of this manual.

DRAFT

Gun Barrel City, Texas Community Center

Subject: **MEMBERSHIP**

Section: **3**
Revised: **9/2025**
4/2026

3.1 MEMBERSHIP POLICY

Use of the Gun Barrel City Community Center is generally intended for residents of Gun Barrel City and owners of Gun Barrel City businesses. Proper procedure must be followed to obtain membership at the Gun Barrel City Community Center. Yearly membership is valid for one (1) year from date of purchase. Membership card must be presented at the front lobby control desk each time the facility is used.

3.2 PROCEDURE

GUN BARREL CITY RESIDENT MEMBERSHIP

Residents may receive a membership card by presenting two (2) forms of identification establishing Gun Barrel City residency. These may be in the form of the following:

- A valid Texas driver's license or State identification from the Department of Public Safety, showing current address, and
- Utility bill with Gun Barrel City address.

Pay the designated membership fee

GUN BARREL CITY BUSINESS MEMBERSHIP

Individuals who own a business in Gun Barrel City are also eligible for membership. Up to two (2) owners may receive a membership card by presenting a valid Texas driver's license or State identification from the Department of Public Safety, and the Certificate of Occupancy for the business listing names of Business Owners.

Business Member's need not be a resident of Gun Barrel City but must be listed as an owner on the official Certificate of Occupancy for the business.

GBC management and staff reserve the right to verify pertinent information provided by members. Falsified information on membership forms may be rendered disqualified or invalidate membership.

3.3 MEMBERSHIP FEE

- Memberships are \$10/year (residents only).
- Guest Day Pass: \$5 (available to both residents and non-residents, must accompany a member).
- Ages 17 & under must have a release signed by guardian/parent.
- Ages 12 & under must be supervised at all times by a guardian/parent.

**Gun Barrel City, Texas
Community Center**

Subject: **GUEST POLICY**

Section: **4**
Revised: **9/2025**

4.1 GUEST FEE:

Guest fee is \$5 per day, available to residents and non-residents, but must accompany a member.

4.2 POLICY

- Sponsoring member is responsible for his/her guest's conduct while in the facility.
- Guests of members are subject to the same policies and procedures as members as set forth in this policy.
- Guests who violate any GBC policy may be prohibited from coming in as a guest/non-member for a period of time as reasonably determined and set by management.
- Guests of members will not be allowed to stay in the facility once sponsoring member leaves.
- Guests are required to sign a non-member waiver form and pay the applicable fee prior to being issued a guest pass.

**Gun Barrel City, Texas
Community Center**

Subject: **GYMNASIUM**

Section: **5**
Revised: **9/2025**

5.1 INTRODUCTION

Gun Barrel City Community Center has 1-full sized basketball courts available for use during regular business hours. City sponsored events will take precedence over other activities. GBC will provide as much notice as possible.

Open-play hours will be posted in lobby of the Center.

5.2 GYMNASIUM POLICY

- Only drinks in non-spill or leak-proof containers.
- Hanging on the rims or nets is not allowed.
- Organized team practices are only allowed with reservation.
- Only non-marking athletic shoes are allowed on gymnasium floor.
- Use of teaching aids including cones, chairs, etc, are prohibited on the floor at all times unless it is scheduled practice.
- Individual training or private coaching is not permitted in either gym at any time.
- Violation of any policy may result in suspension of privileges as stated in the **Suspension Guidelines (Section 8)** of this manual.

5.3 GYMNASIUM RENTAL

Anyone wishing to use the gymnasium for organized team practices must make a reservation through the Center staff or City Hall.

Gymnasium rental fee categories are as follows:

- Gun Barrel City Youth League Teams
- Gun Barrel City Adult League Teams
- Non-Gun Barrel City Teams

Charges and Fees to be established by Resolution of the City Council

5.4 GYMNASIUM RENTAL POLICY

- Lessee will be held responsible for his/her team and its members' conduct while utilizing the facility.
- Should any of the rental team members bring their minor children, it is the lessee's responsibility to ensure that they remain in the gymnasium by the team's designated court and

not be unattended or otherwise disrupt patrons of the facility.

- It is the lessee's responsibility to ensure proper behavior and demeanor at all times.
- Gymnasium rentals do not include the use of fitness room or meeting rooms unless specified in rental contract.
- Violation of GBC gymnasium rental policies may result in termination of rental contract.

DRAFT

**Gun Barrel City, Texas
Community Center**

Subject: **SHOWER AND LOCKER ROOMS**

Section: **6**
Revised: **9/2025**

6.1 LOCKER ROOMS

- Lockers may be used free of charge to members, guests and those properly admitted to the facility on a daily basis.
- Members can provide their own locks for lockers.
- We are not responsible for items left in lockers, and all such items will be removed nightly. Any lock left at close of business for the day will be cut and content removed.
- The Community Center is not responsible for lost or stolen items.
- Lockers and showers are not co-ed. Admission of members to male or female locker rooms is limited to persons of those genders.
- Uses of camera cell phones, cameras, or video recording devices in locker rooms, wet area or dressing area are prohibited.

Gun Barrel City, Texas Community Center

Subject: **ROOM RENTAL**

Section: **7**
Revised: **9/2025**

7.1 INTRODUCTION

Gun Barrel City Community Center has rooms designed to accommodate meetings, weddings, wedding rehearsal and reception, bridal showers, baby showers, birthday and anniversary celebrations, graduation parties, family reunions, etc. These rooms are available for rent on a first-come, first-serve basis. Preference will be given to Gun Barrel City residents and businesses.

7.2 ROOM DIMENSIONS AND CAPACITY

Maximum room occupancy has been designated as follows:

- Room A 20'x20' Occupancy: 26
- Room B 20'x20' Occupancy: 26
 - Rooms A & B can be combined for a 20'x40' room with an occupancy of 52.
- Room C (training) 15'x20' Occupancy: 15

Maximum capacity set by the Fire Marshall will be strictly enforced. The entire party may be asked to leave by a GBC staff should it be proven that this regulation has been violated. No refund of the deposit will be given in this instance.

7.3 DEPOSITS AND RENTAL FEES

To reserve Room A, B, or C a GBC Rental Agreement Form must be completely filled out and the deposit fee paid in full. Room deposits are deposited by the City of Gun Barrel City the next business day. Deposits will be refunded by the City of Gun Barrel City within 7-10 days following the event if deposit is paid with credit card and 2-3 weeks if paid by check or cash. Room deposits are as follows:

- Deposit: \$150 per room
- Rental Rates:
 - Residents / Gun Barrel City Business Owners: \$250 per 4-hour block, \$50 per each additional hour
 - Non-Residents: \$300 per 4-hour block, \$75 per additional hour
- Rentals available 8am–midnight
- Non-profits are the only renters allowed to charge entry or make a profit from rentals
- Rental fees as well as other charged fees must be paid for at least seven (7) days prior to event.

Changes and fees to be established by resolution of the City Council.

7.4 RESERVATION POLICY

- Lessee reserving the room must be at least 18 years of age.
- Lessee must present a valid driver's license before any reservations can be made.
- A 14-day advance notice is required for all rentals. Rentals with less than 14-day notice will be required to pay the entire balance in full at time of making reservation.
- Lessee must complete and sign a rental agreement and pay necessary deposit to secure room reservation; payment of full rental amount is required prior to occupancy in accordance with this policy and is due no later than one (1) week prior to rental. Lessee will be given a copy of the signed rental agreement.
- No admission charges, collections, dues or sales shall be made or required for participation in any functions held in GBC rooms except by advanced written permission. GBC rooms may not be used for fund-raising events/activities unless such event/activity will directly benefit the City of Gun Barrel City or other city sponsored or co-sponsored programs.

7.5 ROOM RENTAL AGREEMENT/POLICY

- This part of the policy will state room rental agreement/policy that lessee has agreed on from date of signature until the conclusion of his/her event.
- Any amendments to the rental agreement executed must be made by the primary lessee in person.
- Changes to the time and date of rental made will be made at the discretion of the GBC staff and will be based on room availability.
- Cancellation of rental, less than seven (7) days prior to event, may result in forfeiture of rental fees, and/or deposit.
- Minimal room configuration or set-up changes to a regular set-up room will be allowed. Regular room set-up will provide ample seating to accommodate maximum room capacity.
- Lessee, whose name and signature appear on the contract, will be the main contact person and must be on-site or in attendance for the whole duration of the event.
- Lessee will be the first person to be allowed in the room. Any other member of the party will not be allowed in the rented room until after lessee has signed in with a GBC staff member at the control desk.
- Lessee, guests, caterer, party coordinator, florist, or any part of the renting party will not be allowed in the room until entry time as stated in the contract. It is lessee's responsibility to notify their caterer, party coordinator, and guests of this policy.
- GBC management/staff is not responsible for unattended or damaged items left in facility.
- Any equipment brought in cannot be left in the facility before time designated in the contract and must be removed immediately after the event has occurred.
- Lessee, whose name and signature appear on the contract, shall be the responsible party and shall be responsible for any loss or damage to GBC property caused by any attendee of the activity during time of rental. Such responsible party shall be responsible to the extent of

paying the necessary costs and/or expenses needed to replace or repair damaged items.

- Unless previously noted, the gymnasium, racquetball courts, fitness room, game room, or other parts of the facility are not included in the rental agreement. However, a separate agreement may be executed for use of the same.
- Lessee and his/her guests should remain in the designated rented room(s). Children and guests are not allowed access, other than the restroom and kitchen facilities, if included in the rental agreement.
- Use of alcoholic beverages is prohibited unless it is specifically authorized by the GBC Staff and a valid permit is obtained. If serving of any alcoholic beverage is going to be a part of the event, lessee is required, at their own expense, to secure the services of an off-duty Gun Barrel City Police Officer. A license fee of \$50 will be charged at the time of reservation. Such officer shall be on duty 30 minutes before the function and until 30 minutes after the function has ended. Lessee will not be allowed to bring any beverage into the building without the presence of the Gun Barrel City Police Officer. **NO** sales of alcoholic beverages are permitted.
- At the time reservation is being made, lessee is to notify GBC staff of any kind of music that will be used during the event. Unless otherwise noted in the contract, use of any kind of music will not be permitted during the event. Noise level will need to remain at a low level in order not to disturb or disrupt other facility rentals taking place at the same time.
- Kitchen rental includes the use of the standard kitchen equipment including microwaves, fridge/freezer, stove/oven. GBC will not provide cooking utensils and party supplies. Supplies in kitchen cupboards and drawers are not available for use. Any obvious tampering of cupboards or drawers, with or without the intention of using their contents, will result in loss of full kitchen use and forfeiture of deposit.
- Smoking and the use of any tobacco products is prohibited anywhere inside the facility including the deck area. This includes Vapors or any other type of electric cigarettes.
- All decorations are limited to tabletop and freestanding items only. Attachment of any kind of decoration to the walls and windows is prohibited.
- Confetti, rice, sequins or birdseeds within 25 feet of building entryway is prohibited. These items are not allowed indoors. Bubbles can be used outside the building only. Any evident use of confetti, sequins or birdseed in the building may result in reduction or loss of deposit.
- Balloons must be secured. Please notify staff of any free-floating balloons as they may set off the facility alarm.
- Candles or any open flame device is prohibited and cannot be used in the building.
- Lessee must clean and sweep and spot mop rented room(s), remove all food and personal items in the room, and place all trash in provided containers prior to vacating the premises. If kitchen is included in rental, kitchen floor must be swept and mopped, and kitchen counters wiped down. Lessee is responsible for transporting trash to the dumpster behind the Community Center.
- GBC reserves the right to void or waive stipulations of this contract at any time prior to or during the rental time period. This shall include the right to terminate a reservation during

the activity if a violation of the policy occurs or endangerment to patrons warrant.

- GBC reserves the right to have a staff member present at any party, meeting or program held in the facility.
- Failure to comply with these policies will result in denial of any future use of GBC rental rooms, and fees and/or deposit.

**Gun Barrel City, Texas
Community Center
Gun Barrel City, Texas
Community Center**

Subject: **SUSPENSION GUIDELINES**

Section: **8**
Revised: **9/2025**

8.1 INTRODUCTION

Members and guests whose behavior is in violation of this policy or otherwise endangers the safety of patrons, or violates any federal, state, or local law shall be immediately asked to leave the facility. The City Manager or designee shall thereafter suspend or revoke membership privileges of a member or guest for a reasonable period of time.

8.2 SUSPENSION GUIDELINE POLICY

- GBC management reserves the right to review all cases and take appropriate action. Should a member be suspended, his/her membership card will be held at the control desk until suspension has been lifted.
- GBC management, staff, including scheduled on-duty Gun Barrel City Police Officers, can impose any warranted suspension.
- Refund will not be given in the event of suspension.
- This policy will be strictly imposed.
- Any action taken may be appealed to the City Manager or designee.

**Gun Barrel City, Texas
Community Center**

Subject: **LEAGUE SPORTS**

Section: **9**
Revised: **9/2025**

9.1 LEAGUE SPORTS

- League teams will be allowed to practice and play at GBC gymnasium on time designated to them.
- League team members and their guests are allowed use of the gymnasium and restroom areas only.
- The team coach is responsible for ensuring appropriate behavior of team members and their guests.
- League members' children must be supervised.
- Food or drinks will not be allowed in the gymnasium.
- Parents of league participants will not be charged a day pass/guest fee if they are watching from the bleachers.

**Gun Barrel City, Texas
Community Center**

Subject: **YOUTH & ADULT CLASSES**

Section: **10**
Revised: **9/2025**

10.1 INTRODUCTION

Classes held at the Gun Barrel City Community Center are conducted by independent instructors, companies, GBC staff, or City employees. We strive to provide our patrons with the best activities, events, and services.

10.2 CLASS PARTICIPANT POLICY

- Class participants need not be members of GBC to participate in classes or activities, however, registration is required and fees based on residency shall be established.
- Class participants must register and pay required class fee at GBC front desk prior to attending any particular class.
- Registration for any class does not include use of non-class facility amenities such as the basketball gymnasium, racquetball courts, game room, kid's area, and fitness room.

10.3 INSTRUCTOR POLICY

- Instructor is required to turn in class description, including potential days and times of class, and a list of qualifications prior to commencement of class.
- Instructor must sign GBC/Instructor agreement form before the first day of class. This contract can be renewed as deemed appropriate.
- Instructor cannot in any way transfer his/her rights or duties under this agreement. Should instructor decide to cancel his/her class, GBC reserves the right to find a replacement.
- GBC or class instructor may terminate signed agreement any time by giving thirty (30) days written notice to the other party.
- For services rendered, compensation will be based on agreed upon amount between GBC management and instructor.
- Instructor is expected to show up in a timely manner and conduct his/her class as scheduled. Extension of class beyond scheduled time will only be permitted with Recreation Programmer's approval.
- Due to the high volume of classroom use, instructor is expected to vacate assigned room as scheduled, unless previously approved by Recreation Programmer.

Community Center

Subject: **PARK FACILITY RENTALS**

Section: **11**
Revised: **9/2025**

11.1 INTRODUCTION

Amenities at the Gun Barrel City Park are also available for rental through the staff at the Gun Barrel City Community Center.

11.2 RESERVATION POLICY

- All reservations, whether residents or non-residents, are done on a first-come, first-serve basis.
- Lessee reserving the room must be at least 18 years of age.
- Lessee must present a valid driver's license before any reservations can be made.
- A 14-day advance notice is required for all rentals. Rentals with less than 14-day notice will be required to pay the entire balance in full at time of making reservation.
- Lessee must complete and sign a rental agreement and pay necessary deposit to secure room reservation; payment of full rental amount is required prior to occupancy in accordance with this policy and is due no later than one (1) week prior to rental. Lessee will be given a copy of the signed rental agreement.
- No admission charges, collections, dues or sales shall be made or required for participation in any functions held in GBC rooms except by advanced written permission. GBC rooms may not be used for fund-raising events/activities unless such event/activity will directly benefit the City of Gun Barrel City or other city sponsored or co-sponsored programs.

11.3 AVAILABLE AMENITIES

- Amphitheater
- Tennis Courts
- Pickleball Courts
- Pavilion – four spaces per hour or entire pavilion
- Soccer Field
- Justice Field – Baseball
- Smith Field – Baseball
- Horseshoe Pits



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: March 24, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item - Ordinance

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD ~ City Manager

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Ordinance No. O-2025-016 amending the site plan approval process to include a subdivision site plan permit and establish a fee.

SUMMARY

Gun Barrel City requires builders/developers/owners to have a site plan approved in accordance with Chapter 156 SITE PLAN APPROVAL PROCESS. In the case of subdivisions, the site plan must include several items outlined in Section 156.110 and be in compliance with Chapter 155 SUBDIVISION REGULATIONS. To ensure compliance with these ordinances, there is a need to have a process in place for subdivision development that allows the city to confirm the site plan is developed in line with the approved plan.

The Ordinance in its current form will require a developer/builder/owner to provide a certified "as built" set of plans stamped by the design engineer for the site plan work, certified by the State of Texas prior to receiving a building permit for structures to go vertical in the subdivision. This practice is in line with 155.40(N)(4) which states "Following construction, but prior to acceptance of improvements or issuance of a building permit, the design engineer, certified by the State of Texas, shall furnish one set of reproducible "as built" plans for each project, bearing certification by a registered professional engineer, certified by the State of Texas." 155.40 is specific to the Drainage Design Standards under the Subdivision Regulations. This ordinance also allows the City Building Official to make visits as necessary throughout the development process.

The fee for the Subdivision Site Plan Permit will be \$200 per site plan. This fee is designed to cover

our direct expenses with the permit issuance and any related inspections by the City Building Official or Code Enforcement Officer.

Background:

December 16 City Council Regular Meeting – First Review of Ordinance O-2025-016 which established a process and fee to confirm Subdivisions are built in compliance with the approved Site Plan. At this meeting, Council requested to table the item for additional research.

Concerns included the City having the manpower to do inspections, who should be responsible for the inspections, the charges related to the permit, what infrastructure would be inspected, and what liability the city may have with the inspections

January 8 City Council Special Meeting – City Council discussed proposed amendments to the Site Plan Permit which would require an engineer to provide an engineered stamped set of final plans to ensure the site is developed/built in accordance with the approved site plan.

February 24 City Council Regular Meeting – Ordinance O-2025-016 was presented to City Council with significant changes but the incorrect ordinance was attached to the agenda. The item was tabled to the March meeting for further discussion.

March 28 City Council Regular Meeting – A motion was made to table the item that was not acted on before a motion was made to not approve the ordinance.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Site Plan Permit Fee Ordinance Redline
Site Plan Permit Fee Ordinance FINAL

ORDINANCE NO. O-2025-016

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING THE SITE PLAN APPROVAL PROCESS AS CODIFIED IN CHAPTER 156 (ZONING CODE), SECTIONS 156.105 – 156.111 AND APPENDIX I (FEE SCHEDULE) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the site plan approval process and has codified said regulations in Sections 156.105 through 156.11 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that an amendment to the aforementioned Code Sections concerning the site plan approval process is necessary in order to require a subdivision site plan permit and associated fee and passes this Ordinance to effectuate same; and

WHEREAS, the City Council also desires to amend Appendix I (Fee Schedule) to establish a subdivision site permit fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENT

A) Chapter 156 (Zoning Code) is hereby amended by adding the following Section:

- SEC. 156.112 – Subdivision Site Plan Permit
 - A) Following final site plan approval, but before building permits are issued, the applicant shall obtain a subdivision site plan permit from the City.
 - B) A subdivision site plan permit shall be required for residential subdivision development.
 - C) The subdivision site plan permit shall allow for the City to make such inspections as are deemed necessary to assure proper installation per the site plan. Neither the review nor approval of such plans nor the inspection of the completed work will create any liability on the part of the city (155.40 (N) (3).and include inspections following site plan approval to insure the site is being developed in accordance with the approved engineering plans concerning the site.
 - D) A subdivision site plan permit must be obtained prior to the construction of any public improvements and prior to installing a connection to any public utility main.
 - ~~D)~~E) In line with 155.40 (N) (4), following construction, but prior to acceptance of improvements or issuance of a building permit, the design engineer, certified

by the State of Texas, shall furnish one set of reproducible "as built" plans for each project, bearing certification by a registered professional engineer, certified by the State of Texas.

B) Appendix I (Fee Schedule) is amended by adding Section 38.00 – Subdivision Site Plan Permit Fee as follows:

- SEC. 38.00 – Subdivision Site Plan Permit Fee

The fee for a site permit shall be ~~\$200~~\$100 per lot as outlined in the preliminary plat.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of December 2025.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2025-016

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING THE SITE PLAN APPROVAL PROCESS AS CODIFIED IN CHAPTER 156 (ZONING CODE), SECTIONS 156.105 – 156.111 AND APPENDIX I (FEE SCHEDULE) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the site plan approval process and has codified said regulations in Sections 156.105 through 156.11 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that an amendment to the aforementioned Code Sections concerning the site plan approval process is necessary in order to require a subdivision site plan permit and associated fee and passes this Ordinance to effectuate same; and

WHEREAS, the City Council also desires to amend Appendix I (Fee Schedule) to establish a subdivision site permit fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENT

A) Chapter 156 (Zoning Code) is hereby amended by adding the following Section:

- SEC. 156.112 – Subdivision Site Plan Permit
 - A) Following final site plan approval, but before building permits are issued, the applicant shall obtain a subdivision site plan permit from the City.
 - B) A subdivision site plan permit shall be required for residential subdivision development.
 - C) The subdivision site plan permit shall allow for the City to make such inspections as are deemed necessary to assure proper installation per the site plan. Neither the review nor approval of such plans nor the inspection of the completed work will create any liability on the part of the city.
 - D) A subdivision site plan permit must be obtained prior to the construction of any public improvements and prior to installing a connection to any public utility main.
 - E) In line with 155.40 (N) (4), following construction, but prior to acceptance of improvements or issuance of a building permit, the design engineer, certified by the State of Texas, shall furnish one set of reproducible "as built" plans for each project, bearing certification by a registered professional engineer, certified by the State of Texas.

B) Appendix I (Fee Schedule) is amended by adding Section 38.00 – Subdivision Site Plan Permit Fee as follows:

- SEC. 38.00 – Subdivision Site Plan Permit Fee

The fee for a site permit shall be \$200.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of December 2025.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Resolution

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Consider and take action to approve a resolution of the City Council for the City of Gun Barrel City, Texas appointing a local health authority for the City of Gun Barrel City in accordance with Texas Health and Safety Code Chapter 121.001, ET SEQ and Gun Barrel City Code of Ordinances Section 92.01.

SUMMARY

Section 92.01 of the Gun Barrel City Code of Ordinances requires the appointment of a “Health Authority” by City Council. The Health Authority is responsible for consulting with City Council on any matter affecting public health and the prevention and containment of contagious diseases. Dr. Jon Rich has served as the Health Authority for the City of Gun Barrel City for many years and by this resolution we are requesting to keep this relationship in place. This is an annual appointment done by resolution.

Sec. 92.01 - CITY HEALTH AUTHORITY.

- A. Appointment. There is hereby created the office of Health Authority of the city who shall be appointed by the City Council. The Health Authority, after appointment, shall take and subscribe to the official oath, and shall file a copy of such oath and a copy of his appointment with the State Board of Health.*
- B. Qualifications. The Health Authority shall be a competent physician, legally qualified to practice medicine in the state and shall have a reputable professional standing and be a*

resident of Henderson County.

C. Duties generally. The Health Authority shall be fully responsible to the City Council in any matters affecting the public health and the prevention and containment of contagious diseases. He shall make reports to the State Board of Health as required by state law and discharge and perform his duties under the direction, rules, regulations, and requirements of the State Board of Health.

D. Power to quarantine. The Health Authority shall have charge of and superintend the administration of all matters pertaining to quarantine within the city with full authority to declare and enforce quarantine as provided in this section and the sanitary regulations of the state.

('88 Code, Ch. 8, § 13.01; '88 Code, Ch. 8, § 13.02; '88 Code, Ch. 8, § 13.03; '88 Code, Ch. 8, § 13.05; Ord. 260, passed 1-10-89; Am. Ord. 99-014, passed 8-10-99)

State Law reference— Authority to appoint health authority, see Tex. Health and Safety Code § 121.028; Health authority (officer), see Tex. Health and Safety Code §§ 121.021 et seq.; Issuance of search warrants to health officers, see Tex. Code Crim. Proc. Art. 18.05

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Resolution NO. R-2026-009

RESOLUTION NO. R-2026-009

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS APPOINTING A LOCAL HEALTH AUTHORITY FOR THE CITY OF GUN BARREL CITY IN ACCORDANCE WITH TEXAS HEALTH AND SAFETY CODE CHAPTER 121.001, ET SEQ.

WHEREAS, the local Public Health Reorganization Act, Chapter 121 of the Texas Health and Safety Code, provides that a governing body of a municipality may take any measure or enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, the City of Gun Barrel City, Texas finds that the appointment of a local health authority furthers the objectives of Chapter 121 of the Texas Health and Safety Code; and

WHEREAS, a local health authority is a physician appointed to administer state and local laws related to public health within the City of Gun Barrel City; and

WHEREAS, a local health authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the State of Texas, must be a resident of the State of Texas, and pursuant to the Gun Barrel City City Charter, Section 92.01, the local health authority shall also be a resident of Henderson County, Texas; and

WHEREAS, the local health authority shall serve a term of two (2) years and may be appointed to successive terms.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Gun Barrel City, Texas as follows:

1. The City Council for the City of Gun Barrel City, Texas hereby approves the appointment of Dr. Jon M. Rich as the health authority for the City of Gun Barrel City, Texas pursuant to Texas Health and Safety Code Chapter 121.001, *et seq.*

2. Dr. Jon M. Rich shall serve a term of two (2) years beginning May 28, 2026, pursuant to Section 121.023 of the Texas Health and Safety Code.

3. The City Council finds that Dr. Jon M. Rich meets all of the qualifications to serve as the local health authority pursuant to Section 121.002 of the Texas Health and Safety Code.

4. Dr. Jon M. Rich shall perform all duties as prescribed by Section 121.024 of the Texas Health and Safety Code and any other duty as required by law, City Ordinance or the Charter for the City of Gun Barrel City, Texas.

5. This Resolution shall become effective immediately upon its passage and approval by the City Council for the City of Gun Barrel City, Texas.

PASSED AND APPROVED by the City Council for the City of Gun Barrel City, Texas, this the 28th day of April 2026.

APPROVED:

Brian Crull, Mayor

ATTEST:

Janet Dillard, City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: City Secretary
REQUESTED BY: Janet Dillard

POSTED AGENDA ITEM WORDING

Conduct board applicant interviews and consider and take action on appointment/s.

SUMMARY

Staff have received two board applications in the month of April for consideration to the Planning and Zoning Commission (P&Z). P&Z is a seven-member board, and the board currently only holds three active positions. Both applicants qualify to serve on the board and have previous serving experience and will be present to introduce themselves and share their desire to serve.

RECOMMENDED ACTION

Interview/consideration for appointment

ATTACHMENTS

None – Resumes to be emailed to City Council due to nature of information



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 4/28/2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: STREET DEPARTMENT
REQUESTED BY: MIKE HOWELL, STREET SUPERINTENDENT

POSTED AGENDA ITEM WORDING

Consider and take action to award bid for the Harbor Point Road reconstruction project (Phase III)

SUMMARY

- Sealed bid openings will be Monday April 27, 2026, at 12:00pm
- Low bid award will be presented to Council on Tuesday April 28, 2026, at 6:30 pm during regular council meeting by Street Department Superintendent

Location: This phase of Harbor Point Road will be from Commodore Rd. north to Gun Barrel City Limits. Commodore Rd to First Mate 2355'X24 ft. Wide; From First Mate to Gun Barrel City Limits will be 1470'X22' wide.

Project Date: June 1, 2026 to June 12, 2026, weather permitting.

Scope of Work:

- Milling up of existing pavement to a depth of 8" with removal of 2" to the Street Department
- Add Portland cement at a rate of 35lbs. per square yard, mix to a depth of 6"
- Water and compact to 95% density
- Fine grade for proper drainage, allow proper cure time.
- Tack coat edges with SS-1 tack

- Overlay area with TXDOT approved Type “D” asphalt to an average compacted 4” thickness
 - Stripe Road with double line yellow thermoplastic and white thermoplastic edge lines
 - Contractor shall be responsible for all Traffic Control.
-

FINANCIAL INFORMATION

BUDGETED ITEM: To be funded from Street Sales Tax

AMOUNT BUDGETED: \$0

AMOUNT REQUESTED: Approximately \$300,000 based on previous projects (TBD Monday, 4/27)

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

None –Sealed Bids will be opened on Monday, April 27

LOCATION:





Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 4/28/26

AGENDA SECTION: New Business

ITEM TYPE: Public hearing, determination, order adoption

SUBMITTING INFORMATION

DEPARTMENT: Building

REQUESTED BY: Shannon Wiggins

POSTED AGENDA ITEM WORDING

Consider and take action to determine whether the structure located at 129 Butler Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)

Consider and take action to adopt Order - 129 Butler Trl., making findings of fact and ordering the demolition of structures located at 129 Butler Trl., Gun Barrel City, Texas. (Building Official)

SUMMARY

129 Butler Trl.is a burned-out structure and abandoned property. There has been no response from the listed property owner. Code Enforcement has contacted neighbors of the listed property in an attempt to locate an owner. This was met with negative results. All notifications have been sent out with no owner reply. This property will be torn down and cleaned up by the city street department. Estimated cost is \$5500

FINANCIAL INFORMATION

BUDGETED ITEM: Yes

AMOUNT BUDGETED: \$15,000 for building cleanups

AMOUNT REQUESTED: \$5,500.00

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Certified Letter
Photo of property
Order





1716 WEST MAIN STREET GUN BARREL CITY, TEXAS 75156

March 31, 2026

I.D.# 26-00058

129 Bulter Trl, Gun Barrel City
Carlos W. Long

Notice of UNSAFE/DANGEROUS STRUCTURE AND PUBLIC HEARING

Violation of Gun Barrel City Code of Ordinances

Ord. 402, Section 151.04, UNSAFE STRUCTURE NOTICE OF UNSAFE BUILDING AND PUBLIC HEARING.

Offense Location: 129 Bulter Trl. LT 133 AB 696 H M STRODE SUR, WILLOWWOOD SEC 1, LT 133

As the owner/trustee of the property that lies within the city limits of Gun Barrel City, Texas, identified as, **129 Bulter Trl, Lot 133 Ab 696 H M Strode Sur. Willowwood Sec 1, Lt 133.** Please be advised that said property is in violation of the Gun Barrel City Code of Ordinances to wit: **Ordinance # 402, Section 151.04, It shall be unlawful for any person to permit to allow or continue any structure to become an unsafe/substandard building per the Unsafe Building Act, being either dilapidated, substandard, unsecured or unfit for human habitation.**

An inspection of the above referenced property was made on February 19,2026. and found to remain in violation of city code. All attempts to contact you have gone ignored and the property has since been POSTED UNSAFE. In accordance with Ordinance 402, section 151.04 you are being notified that a **PUBLIC HEARING will be held before the City Council of the City of Gun Barrel City, TX on April 28, 2026 at 6:30 p.m. at Gun Barrel City Hall** in regard to the condition of your property. You will be required to submit at the hearing, proof of the scope of work that is required in order to bring the property and its structures in to compliance.

The structure must be secured to prohibit access by animals, vagrants and children at play. Repairs must be completed in compliance with adopted Building Codes to a condition fit for human habitation. Or, the building/s/structure/s must be demolished and all debris removed to a legal landfill. Failure to comply may result in action by the city to alleviate the violation. Such action on the part of the city will result in assessing the cost of any remedial action to you and a lien will be places against the property in question.

The City of Gun Barrel seeks your assistance in helping to keep our community a clean, attractive city, which is free of health and fire hazards and thanks you in advance for your cooperation. Should you have any questions or concerns you may reach me at 903-887-1087.

Sincerely,
ShannonWiggins
Building Official

RECIPIENTS: Carlos W Long (Owner)

AN ORDER MAKING FINDINGS OF FACT; FINDING CERTAIN BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS TO BE DILAPIDATED, SUBSTANDARD AND UNFIT FOR HUMAN HABITATION; AND A HAZARD TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY'S RESIDENTS; ORDERING THE BUILDINGS AND STRUCTURES BE ABATED; AND ORDERING THE DEMOLITION THEREOF.

Whereas, on April 28, 2026, at 6:30 p.m. CST, a public hearing was scheduled and held in City Hall, 1716 W. Main Street, Gun Barrel City, Texas 75156, to determine if the buildings and other structures ("the Structures") on the property identified as **LT 133 AB 696 H M STRODE SUR, WILLOWWOOD SEC 1, LT 133, ID# 290923** Gun Barrel City, Tx. 75156, 129 Butler Trl, within the Gun Barrel City City limits are dilapidated, substandard, or unfit for human habitation, constitutes a hazard to the public health, safety, and welfare of the City's residents, and if such structures should be declared unsafe buildings; and

Whereas, this action concerning the Structures is being taken in accordance with the City of Gun Barrel City's Code of Ordinances, specifically Chapter 151, Section 151.02 (Standard Unsafe Building Abatement Code); and Section 214.001 et. Seq., Texas Local Government Code (Authority Regarding Substandard Building); and

Whereas, the City of Gun Barrel City has complied with Chapter 151 of the City's Code of Ordinances but has not been successful in dealing with owners of the Structures; and

Whereas, proper and lawful written notice of the hearing of April 28, 2026, at 6:30 p.m. CST was duly given to the owner of the Structures; and

Whereas, the legal description of the property which is the subject of this hearing is identified as **LT 133 AB 696 H M STRODE SUR, WILLOWWOOD SEC 1, LT 133, ID# 290923** Gun Barrel City, Tx. 75156, 129 Butler Trl., within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas; and

Whereas, the City Council of Gun Barrel City, Texas hereby finds that proper notice of this hearing was sent by certified mail to the owner and persons with interests in the above described property; that in accordance with Chapter 151 of the City's Code of Ordinances the City duly and properly conducted the required investigation and administratively determined that the Structures as described above constitute a hazard to the public health, safety, and welfare of the City's residents, were dilapidated, substandard, or unfit for human habitation and should, therefore, be declared unsafe and the owner required to repair, vacate, or demolish the building within 30 days from the issuance of such order unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS:

Section 1. The City Council finds all of the above recitals to be true and correct and incorporates the same in the Ordinance as findings of fact.

Section 2. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (1) of the City's Code of Ordinances, The City Council hereby declares the following:

(a) Each and every structure and building located at **LT 133 AB 696 H M STRODE SUR, WILLOWWOOD SEC 1, LT 133, ID# 290923** -129 Butler Trl., within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas.

(b) The structures and buildings located on the property described in section (a) of this Ordinance to be dilapidated, substandard and unfit for human habitation and a hazard to the public health, safety and welfare of the City's residents. See Exhibit "A" attached hereto and attached to this ordinance.

(c) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

(d) Containing a statement that the city will cause to be vacated, secured, removed or demolished the dangerous building and evict the occupants of the building if the ordered action is not taken within the time specified by the City Council.

Section 3. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (2) of the City's Code of Ordinances and Section 214.001, Texas Local Government Code, the owners of said structures and other properties shall be served with a written copy of this Ordinance by certified mail, and after the expiration of thirty (30) days or the allocated time agreed upon by the City Council from the date of order the City may enter into a contract with a demolition company to demolish the subject structures and properties.

Duly Passed and Approved by the City Council of the City of Gun Barrel City, Texas, on the _____ day of _____, _____

Approved:

Brian Crull, Mayor

Attest:

Janet Dillard, City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 4/28/26
AGENDA SECTION: New Business
ITEM TYPE: Public hearing, determination, order approval

SUBMITTING INFORMATION

DEPARTMENT: Building
REQUESTED BY: S.Wiggins

POSTED AGENDA ITEM WORDING

Consider and take action to determine whether the structure located at 250 Overlook Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)

Consider and take action to adopt Order - 250 Overlook Trl., making findings of fact and ordering the demolition of structures located at 250 Overlook Trl., Gun Barrel City, Texas. (Building Official)

SUMMARY

250 Overlook has been declared an unsafe, unsecured structure. All notifications have been made and Code Enforcement has been in communication with the property owner. The property owner has stated she is no longer able to care for the property and will not contest the demolition order. This property has 8 prior violations and we have been working on it as an unsafe structure for the last three years. The estimated cost will be \$9,500.

FINANCIAL INFORMATION

BUDGETED ITEM: Yes
AMOUNT BUDGETED: \$15,000 for building cleanups
AMOUNT REQUESTED: \$5,500.00

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Public hearing notice

Photo

Order





1716 WEST MAIN STREET GUN BARREL CITY, TEXAS 75156

Notice of UNSAFE/DANGEROUS STRUCTURE AND PUBLIC HEARING

March 31, 2026

I.D.# 26-000078

CURIEL MAYRO G OLIVERA
1711 Oldstone Ct
Rancho Palos Verdes, Ca 90275

**Re: Violation of Gun Barrel City Code of Ordinances
Ord. 402, Section 151.04, UNSAFE STRUCTURE NOTICE OF UNSAFE BUILDING AND
PUBLIC HEARING.
Offense Location: 250 Overlook Trl, Gun Barrel City, Tx**

Dear Mayra Curiel,

As the owner/trustee of the property that lies within the city limits of Gun Barrel City, Texas, identified as, **250 Overlook Trl, LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE LTS 868 & 869**, please be advised that said property is in violation of the Gun Barrel City Code of Ordinances to wit: **Ordinance # 402, Section 151.04, It shall be unlawful for any person to permit to allow or continue any structure to become an unsafe/substandard building per the Unsafe Building Act, being either dilapidated, substandard, unsecured or unfit for human habitation.**

An inspection of the above referenced property was made on April 01, 2025 and again on March 17, 2026, and found to remain in violation of city code. The property has since been POSTED UNSAFE. In accordance with Ordinance 402, section 151.04 you are being notified that a **PUBLIC HEARING** will be held before the City Council of the City of Gun Barrel City, TX on **April 28, 2026 6:30 p.m. at Gun Barrel City Hall** in regard to the condition of your property. You will be required to submit at the hearing, proof of the scope of work that is required in order to bring the property and its structures in to compliance.

The structure must be secured to prohibit access by animals, vagrants and children at play. Repairs must be completed in compliance with adopted Building Codes to a condition fit for human habitation. Or, the building/s/structure/s must be demolished and all debris removed to a legal landfill. Failure to comply may result in action by the city to alleviate the violation. Such action on the part of the city will result in assessing the cost of any remedial action to you and a lien will be placed against the property in question.

The City of Gun Barrel seeks your assistance in helping to keep our community a clean, attractive city, which is free of health and fire hazards and thanks you in advance for your cooperation. Should you have any questions or concerns you may reach me at 903-887-1087.

Sincerely,
Shannon Wiggins
Building Official

RECIPIENTS: Curiel Mayra G Olivera (Owner)

AN ORDER MAKING FINDINGS OF FACT; FINDING CERTAIN BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS TO BE DILAPIDATED, SUBSTANDARD AND UNFIT FOR HUMAN HABITATION; AND A HAZARD TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY’S RESIDENTS; ORDERING THE BUILDINGS AND STRUCTURES BE ABATED; AND ORDERING THE DEMOLITION THEREOF.

Whereas, on April 28, 2026, at 6:30 p.m. CST, a public hearing was scheduled and held in City Hall, 1716 W. Main Street, Gun Barrel City, Texas 75156, to determine if the buildings and other structures (“the Structures”) on the property identified as **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits are dilapidated, substandard, or unfit for human habitation, constitutes a hazard to the public health, safety, and welfare of the City’s residents, and if such structures should be declared unsafe buildings; and

Whereas, this action concerning the Structures is being taken in accordance with the City of Gun Barrel City’s Code of Ordinances, specifically Chapter 151, Section 151.02 (Standard Unsafe Building Abatement Code); and Section 214.001 et. Seq., Texas Local Government Code (Authority Regarding Substandard Building); and

Whereas, the City of Gun Barrel City has complied with Chapter 151 of the City’s Code of Ordinances but has not been successful in dealing with owners of the Structures; and

Whereas, proper and lawful written notice of the hearing of April 28, 2026, at 6:30 p.m. CST was duly given to the owner of the Structures; and

Whereas, the legal description of the property which is the subject of this hearing is identified as **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas; and

Whereas, the City Council of Gun Barrel City, Texas hereby finds that proper notice of this hearing was sent by certified mail to the owner and persons with interests in the above described property; that in accordance with Chapter 151 of the City’s Code of Ordinances the City duly and properly conducted the required investigation and administratively determined that the Structures as described above constitute a hazard to the public health, safety, and welfare of the City’s residents, were dilapidated, substandard, or unfit for human habitation and should, therefore, be declared unsafe and the owner required to repair, vacate, or demolish the building within 30 days from the issuance of such order unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARRELCITY, TEXAS:

Section 1. The City Council finds all of the above recitals to be true and correct and

incorporates the same in the Ordinance as findings of fact.

Section 2. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (1) of the City's Code of Ordinances, The City Council hereby declares the following:

(a) Each and every structure and building located at **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas.

(b) The structures and buildings located on the property described in section (a) of this Ordinance to be dilapidated, substandard and unfit for human habitation and a hazard to the public health, safety and welfare of the City's residents. See Exhibit "A" attached hereto and attached to this ordinance.

(c) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

(d) Containing a statement that the city will cause to be vacated, secured, removed or demolished the dangerous building and evict the occupants of the building if the ordered action is not taken within the time specified by the City Council.

Section 3. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (2) of the City's Code of Ordinances and Section 214.001, Texas Local Government Code, the owners of said structures and other properties shall be served with a written copy of this Ordinance by certified mail, and after the expiration of thirty (30) days or the allocated time agreed upon by the City Council from the date of order the City may enter into a contract with a demolition company to demolish the subject structures and properties.

Duly Passed and Approved by the City Council of the City of Gun Barrel City, Texas, on the _____ day of _____, _____

Approved:

Brian Crull, Mayor

Attest:

Janet Dillard, City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026

AGENDA SECTION: New Business

ITEM TYPE: Ordinance

SUBMITTING INFORMATION

DEPARTMENT: Administration

REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Presentation and discussion of an ordinance of the City Council of the City of Gun Barrel City, Texas, amending the Code of Ordinances of the City of Gun Barrel City by Amending Chapter 111 “Amusements” and replacing Section 111.01 “Coin-Operated Machines”.

SUMMARY

Recent legal developments related to amusement redemption machines necessitate changes to the City's ordinances related to amusement redemption machines and amusement redemption machine game rooms. In *City of Fort Worth v. Rylie*, the Second Court of Appeals of Texas found that electronic gaming machines, the amusement redemption machines that includes games that are more commonly referred to as "eight-liners," were unconstitutional because they are illegal lotteries as they require consideration from a chance to win a prize, and that city ordinances regulating such machines were not preempted by the Texas Occupation Code. Additionally, amusement redemption machines can negatively impact the surrounding area, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary.

These machines were a major concern during our Ordinance Review Committee meetings. This item will allow discussion by the Council before taking action at a future meeting.

The proposed amendments to the ordinance related to amusement redemption machine game rooms seek to bring the City of Gun Barrel City's ordinance in line with the recent judicial ruling by further restricting machines that involve consideration for a chance, or a combination of skill and chance, to win a prize.

Current Ordinance:

Sec. 111.01 - COIN-OPERATED MACHINES.

- A. It shall be unlawful for any person, firm, association of persons, corporations and every other organization, save and except religious, charitable or educational organizations, authorized under the laws of the State of Texas; to own and operate, for profit or otherwise, any coin-operated game machines, as such terms are defined in Tex. Rev. Civ. Stat. Art. 8801 et seq., or to maintain or keep such coin-operated game machines, on the premises of any business establishment within this city without having first obtained an appropriate permit from the City Secretary, as herein provided; which permit shall at all times be displayed in some conspicuous place within the licensed place of business.*
- B. The City Secretary is authorized to collect an occupation tax for each location on which a coin-operated game machine is owned or operated, as provided for in § 8.00 of the Fee Schedule found in Appendix 1 of this Code, for each permit issued and like sum for each renewal thereof. This fee shall be paid in full and shall not be prorated. The term of such permit shall run concurrently with the required state permit. The City Secretary issues the permit for coin-operated game machines, but the Code Compliance Officer will visit the establishments to make sure the establishments have their permits, the Code Compliance Officer shall enforce the provisions of the Code.*

Proposed changes include:

- Prohibiting amusement redemption machine games from existing outside of a licensed amusement redemption machine game room.
- Restricting an amusement redemption machine game room to only exist as an accessory use at a bar, nightclub, bingo hall or billiard hall.
- Prohibiting non-functional amusement redemption games from existing within a building that is not a licensed amusement redemption machine game room.
- Limits the number of amusement redemption machines to two (2) per licensed amusement redemption machine game room.
- Amends the annual license for amusement redemption machine game rooms as well as an application process, fees, terms, etc.
- Revokes all existing amusement redemption machine permits and amusement redemption machine game room licenses.

Per the City Attorney: The law is continuously evolving with these machines. Several cities in addition to City of Humble have prohibited these machines in gas stations/convenience stores. To my knowledge, there has been no litigation yet challenging these prohibitions. This seems consistent with other cities that have relegated them to certain zoning districts, such as Lufkin recently passing an ordinance only allowing them in manufacturing district, essentially taking them out of the commercial area of town. With the above in mind and our general authority concerning land use/zoning issues, I think we can move forward with the ordinance. If I hear of anything on the legal front that changes a restriction like this, I will let you know.

FINANCIAL INFORMATION

BUDGETED ITEM:	No
AMOUNT BUDGETED:	0
AMOUNT REQUESTED:	0
ACCOUNT NUMBER:	N/A

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

Draft Ordinance

ORDINANCE NO. XX-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF GUN BARREL CITY BY AMENDING CHAPTER 111 “AMUSEMENTS,” SECTION 111.01 “COIN OPERATED MACHINES;” PROHIBITING AMUSEMENT REDEMPTION MACHINES FROM NON-AMUSEMENT REDEMPTION MACHINE GAME ROOMS; RESTRICTING THE LOCATION OF AMUSEMENT REDEMPTION MACHINE GAME ROOMS; LICENSING AMUSEMENT REDEMPTION MACHINE GAME ROOMS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

WHEREAS, in *City of Fort Worth v. Rylie*, Court of Appeals Second Appellate District of Texas No. 02-17-00185-CV, the Second Court of Appeals of Texas, found that electronic gaming machines, the amusement redemption machines that includes games that are more commonly referred to as “eight-liners”, were unconstitutional because they are illegal lotteries as they require consideration for a chance to win a prize, and that city ordinances regulating such machines were not preempted by the Texas Occupation Code; and

WHEREAS, amusement redemption machines, such as but not limited to eight-liners, can negatively impact the surrounding area, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

WHEREAS, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council of the City of Gun Barrel City has determined that it is in the best interest of the public health, safety, and general welfare to prohibit the operation of said electronic devices beyond the confines of certain designated businesses within the City of Gun Barrel City, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS THAT:

Section 1. The facts and recitations set forth in the preamble of this ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Gun Barrel City, Texas, is hereby amended by repealing the entirety of Chapter 11 “Amusements” and replacing Section 111.01 “Coin-Operated Machines” to read as follows:

“ARTICLE 111.01 AMUSEMENT REDEMPTION GAME ROOMS

Sec. 111.01 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement redemption machine means any electronic, electromechanical, or mechanical contrivance, including sweepstakes machines and “eight-liner” machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items and is in compliance with Texas Penal Code section 47.01(4)(b)

Amusement redemption machine does not include:

- (1) A machine that awards the user non-cash merchandise prizes, toys or novelties solely and directly from the machine, including claw, crane, or similar machines; or
- (2) A machine from which the opportunity to receive non-cash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, varies depending on the user’s ability to throw, roll, flip, toss, hit or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

Amusement redemption machine game room or game room means any accessory use in a bar, bingo hall, night club, or billiard hall in which one or more amusement redemption machines, with the exception of excluded machines, are displayed or exhibited for public use.

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and derives at least 60 percent of gross revenues from the sale of alcoholic beverages for on-premises consumption, including, but not limited to, any tavern, nightclub, cocktail lounge, or cabaret.

Billiard Hall means any place or establishment owning and operating one or more pool or billiard tables for profit.

Bingo Hall means a bingo facility operated under the Bingo Enabling Act, chapter 2001 of the Occupations Code.

City official means a police officer, code enforcement officer or building official of the City.

Licensee means any person, individual, firm, company, association, or corporation operating an amusement game room in the City.

Nightclub means any room, place or space where patrons are provided with a space for dancing or are permitted to dance and to which the public generally may gain admission with or without the payment of a fee or other consideration.

Non-Operational Amusement Redemption Machine means any redemption machine that is not connected to electricity or otherwise operational and regardless of whether it is displayed for patronage.

Operator means a person who exhibits or displays, or permits to be displayed, a coin-operated machine in this city in a place of business that is not owned by the person.

Owner shall mean any person owning any “coin-operated machine” or indoor amusement facility in this city.

Person includes an individual, association, trustee, receiver, partnership, corporation, or organization or a manager, agent, servant, or employee of an individual, association, trustee, receiver, partnership, operation, or organization.

Skill or pleasure coin-operated machine means any kind of coin-operated machine that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill or pleasure or is operated for any purpose, other than for dispensing merchandise, music, or service. The term includes marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, billiard or pool games, or machines or devices that dispense merchandise or commodities or plays music in connection with or in addition to dispensing skill or pleasure; and does not include an amusement machine designed exclusively for a child.

Residential Area means an area in which the principal land use is for one or more private residences including single family homes, duplexes and apartment complexes; or a subdivision for which a plat is recorded in the real property records of the county and that contains or is bounded by public streets or parts of public streets that are abutted by residential property occupying at least 75 percent of the front footage along the block face; or a subdivision for which a plat is recorded in the real property records of the county and a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

Sec. 11.02 Amusement redemption machines prohibited outside amusement redemption machine game room(s).

- (a) It shall be an offense for any person, firm, or corporation to maintain, display for patronage or otherwise keep for operation by the patrons any Amusement Redemption Machine or Gambling Device outside of a licensed Game Room.
- (b) It shall be an offense for any person, firm, or corporation to maintain a non-operational amusement redemption machine or gambling device outside of a licensed Game Room.

- (c) A Game Room shall only be allowed within a licensed bar, bingo hall, billiard hall or nightclub as an accessory use. No person, firm, or corporation shall operate a Game Room that is not located within a bar, bingo hall, billiard hall, or nightclub within the City limits.

Sec. 11.03 Enforcement.

- (a) In addition to prohibiting certain conduct by individuals, it is the intent of this Article to hold a corporation or association criminally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of the agent's office or employment.
- (b) The City of Gun Barrel City Municipal Court shall have the power to issue to the City official or their designee search warrants, or other process allowed by law, where necessary to aid in enforcing this section.
- (c) A person who violates any provision of this Article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine in accordance with applicable law.
- (d) This Article may be enforced by civil court action as provided by state and federal law.
- (e) In addition to the criminal offenses and penalties prescribed in this section, the City may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits. Any person found guilty of violating the provisions of this Article shall become liable to the City for any expense, loss, or damage incurred by the City by reason of remediating such violation.

Sec. 11.04 Game room license required

No person shall operate an amusement redemption machine game room in the City without first obtaining a license from the City, as required by this article. No license shall be issued until the occupation tax has been paid for each amusement redemption machine within the premises, and the applicable game room license fee has been paid.

Sec. 11.05 Number of amusement redemption machines limited.

No person shall operate an amusement redemption machine game room in the City that contains more than two (2) amusement redemption game machines. Each amusement redemption game machine must be inspected annually by a city official and display a permit sticker issued by the City.

Sec. 11.06 Payment of annual inspection and license fee; issuance of license.

An owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a license annually. An amusement redemption machine game room or person shall be required to secure a license by paying to the City an annual inspection and amusement redemption machine game room license fee of \$200.00 plus \$50.00 per amusement redemption machine.

Upon payment of the fee and compliance with all licensing requirements, the license shall be issued by the City.

Sec. 11.07 Term of license; jurisdiction; scope.

A license issued for an amusement redemption machine game room under this article:

- (a) Is an annual license which expires December 31 of each year unless it is suspended or cancelled earlier;
- (b) Is effective for a single place of business only;
- (c) Vests no property right in the licensee except to maintain, display for public patronage, and permit the use or skill or pleasure of amusement redemption machines in accordance with the terms and conditions of this article;
- (d) Shall automatically expire if the licensee thereof sells the property or the business, transfers equity to accomplish same, or otherwise disposes of amusement redemption machines; and
- (e) Is not assignable or transferable.

In addition, the City shall not refund any portion of a license fee after the license is issued, nor shall it prorate or reduce in amount any fee due to the City.

Sec. 11.08 Existing Amusement Redemption Game Room Licenses Revoked.

All existing Amusement Redemption Machine Permits and/or Amusement Redemption Machine Game Room Licenses as of the date of this Article's adoption are hereby revoked effective April 1, 2026. No refunds for permit or licensing fees shall be issued. In locations where Amusement Redemption Game Rooms are allowed to operate under the regulations of this Article, any permit or license fees paid to the City for such permit or license shall be applied to the new permit and license fee effective April 1, 2026 and subsequently discounted from the new effective license fee, which will be valid through December 31, 2026.

Sec. 11.09 Restrictions, regulations, controls, and limitations.

- (a) All building and fire code standards must be met. Inspection by building officials and the issuance of a certificate of occupancy for the primary use of the building shall be obtained before a license for an amusement redemption machine game room is issued. An establishment that includes an amusement redemption machine game room as an accessory use shall at all times actively conduct and maintain the primary use of the establishment as declared in the approved certificate of occupancy. The failure to actively conduct and maintain the primary use shall result in the revocation of the amusement redemption machine game room license.

- (b) Only one amusement redemption machine game room shall be permitted on any lot or in any single building, structure or strip center except for amusement redemption machine game rooms in existence as of the date this ordinance goes in to effect and which do not meet this criteria; in which case full compliance with this subsection shall be required upon the expiration of three years or upon abandonment of use at such location, whichever occurs first.
- (c) No amusement redemption machine game room shall be situated within 300 feet of any church, school, daycare, hospital, public park or residential area except for amusement redemption machine game rooms in existence as of the date this ordinance goes in to effect and which do not meet this criteria; in which case full compliance with this subsection shall be required upon the expiration of three years or upon abandonment of use at such location, whichever occurs first. If there is a distance restriction of the primary use of the building in which an amusement redemption machine game room is an accessory use, the greater of the primary use or accessory uses distance restrictions shall control.
- (d) The distance shall be measured in a straight line without regard to intervening objects or structures and from the nearest lot line of the amusement redemption machine game room seeking a license to the nearest lot line of the church, school, daycare, hospital, public park or residential area.
- (e) No amusement redemption machines or related business activities shall be allowed to be situated and/or performed outdoors.
- (f) The hours of operation for an amusement redemption machine game room shall be limited to the following hours:
 - (1) Monday through Friday open at 8:00 a.m. and close at 2:00 a.m.; and
 - (2) Saturday open at 8:00 a.m. and close at 1:00 a.m. (Sunday)
 - (3) Sunday open at 12:00 p.m. and close at 2:00 a.m. (Monday)
 - (4) If there is a statutorily defined hours of operation for the primary use of the building in which an amusement redemption machine game room is an accessory use, the restrictions of those hours of operations shall control.
- (g) The owner, operator, or manager of the licensed premises must be present to supervise the operation of the amusement redemption machine game room. The amusement redemption machine game room shall not be left unattended.
- (h) Amusement redemption machines must be situated within the licensed premises as to be in full and open public view, which entails being visible to all patrons of the establishment.

- (i) No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine game room.
- (j) A sign stating that no one under the age of 18 is allowed inside the amusement redemption machine game room shall be posted in plain sight immediately inside the entrance stating that:

"No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine game room."
- (k) An amusement redemption machine game room operator must be a person who is at least 18 years of age.
- (l) The total number of operational amusement redemption machines allowed in one amusement redemption machine game room establishment shall be limited to the maximum number of two (2) amusement redemption machine games. Any back-up, non-operational or replacement amusement redemption machines shall be secured in a locked storage area or closet to which the public is not allowed to enter and such machines shall not be connected to electricity or be otherwise operational. The occupation tax on such back-up or replacement amusement redemption machine games shall be paid annually regardless of whether such machines are used by the game room's patrons.
- (m) Nothing contained herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the City, any regulation of the county, any section of the penal code of this state, or the constitution of this state.

Sec. 111.10 Application for amusement redemption machine game room license.

An applicant for a license under the provisions of this article shall file with the Building and Permits Department a written application on a form provided for that purpose by the City which shall be signed by the applicant, who shall be the owner of the amusement redemption machine game room sought to be licensed. A separate application must be filed for each location sought to be licensed. The following information is required in the application:

- (1) Name, address, telephone number, and driver's license number of the applicant if the applicant is a natural person;
- (2) Name, address, telephone number and driver's license number of all persons who own 25 percent or more interest in the amusement redemption machine game room;
- (3) Name, address, telephone number and driver's license number of all corporate officers, if any, of such business;
- (4) Name, address, telephone number of the business;

- (5) If incorporated, the name of the business registered with the Texas Secretary of State;
- (6) If a partnership, the name, address, telephone number and driver's license of each of the general and limited partners;
- (7) The trade name by which the applicant does business and a true and correct copy of the registration of the applicant's assumed name filed in the office of the county clerk, bearing the file mark or stamp that evidences its filing in that office;
- (8) A copy of a valid game room permit issued by Harris County where applicable;
- (9) The street address of the premises;
- (10) If applicant is not the owner of the premises, the applicant shall furnish the name, address, and telephone number of the property owner;
- (11) Name, address, and telephone number of the operator of the premises to be permitted;
- (12) Number of amusement redemption machines in the premises to be permitted and the serial number of each amusement redemption machine;
- (13) Whether a previous license of the applicant, or, if applicable, a corporate officer of the applicant, has been revoked within two years of filing of the application;
- (14) The previous occupation(s) of the applicant and, if applicable, all corporate officers and partners of the applicant within the preceding five years;
- (15) A notarized statement, under oath, that:
 - a. All the facts contained in the application are true and correct;
 - b. The amusement redemption machines are not and will not be used as gambling devices;
 - c. The location and operation of the amusement redemption machine game room will not violate any applicable deed restrictions;
 - d. The amusement redemption machine game room will be operated in accordance with all laws;
- (16) Name, address, and telephone number of an emergency contact person who can be reached after hours;
- (17) A floor plan of the amusement redemption machine game room interior depicting the layout of the amusement redemption machine game room interior specifically

including, but not limited to, the location of all amusement redemption machines, coin-operated machines or devices, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted; and

- (18) Any other plans that may be required by this Code.

Any failure to provide the documents required by this section shall be grounds for denial of the application to which it applies.

Sec. 11.11 Renewal of amusement redemption machine game room license.

- (a) A license may be renewed for the following calendar year beginning October 1 of each year by filing a completed application for each license and paying the applicable fee set forth in this article. A renewal application shall be subject to the same requirements in this section as for a license application.
- (b) Upon the expiration of a license, the licensee shall be required to obtain a renewal of the expired license if the licensee wishes to continue operating an amusement redemption machine game room. Failure to obtain the renewal within 30 days after expiration may require such person to pay an additional late fee in an amount equal to 20 percent of the fee as currently established or as hereafter adopted by City Council from time to time. Nothing herein authorizes the licensee to operate after the expiration of a license and before a renewal is effective.

Sec. 11.12 Grounds for denial of license; applicants or licensees indebted to City.

- (a) The City shall refuse to approve issuance or renewal of a licensee for one or more of the following reasons:
 - (1) Any failure to provide the information required by this article;
 - (2) A determination by the City that inaccurate, erroneous or incomplete information has been submitted;
 - (3) A false statement as to a material matter made in an application for a license;
 - (4) Revocation of a license, pursuant to this article, of the applicant or a co-owner or a corporate officer of the applicant within two years preceding the filing of the application;
 - (5) Refusal or failure to pay the occupation tax on any amusement redemption machine;
 - (6) Refusal or failure to pay the correct license fee amount;
 - (7) The applicant or a co-owner for such license has, within the past three years, been convicted of any violation of this article;

- (8) The applicant or a co-owner for such license has, within the past five years, been convicted of any violation of regulations adopted by Harris County relating to game rooms; and/or
- (9) The applicant or a co-owner for such license has, within the past ten years, been convicted of a crime involving moral turpitude.
- (b) The City shall not issue or renew a license under this article and shall suspend or cancel a license if it be determined that the applicant or licensee is indebted to the City for any fee, costs, penalties, or delinquent taxes.

Sec. 11.13 Suspension or revocation of license for violation of article.

- (a) Power and authority. If any individual, company, corporation or association who owns, operates, exhibits, or displays any amusement redemption machine(s) in an amusement redemption machine game room in this City shall violate any provision of this article, the City shall have the power and authority to suspend or revoke the license(s) issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such suspension or revocation, and the same shall be suspended or revoked ten days from date of such notice.
- (b) Suspension. The City Manager or his designee shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:
 - (1) Violated or is not in compliance with any of the provisions of this article;
 - (2) Refused to allow or interfered with an inspection of the amusement redemption machine game room premises; or
 - (3) Demonstrated an inability to operate or manage an amusement redemption machine game room in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.
- (c) Revocation for continuing violations. The City Manager or his designee shall revoke a license if a cause of suspension occurs and the license has been previously suspended within the preceding twelve months.
- (d) Automatic revocation. The City Manager or his designee shall revoke a license if he determines that:
 - (1) A licensee gave false or misleading information in the material submitted to the City during the application process;
 - (2) A licensee or an employee of a licensee knowingly allowed the possession, use, or sale of a controlled substance on the premises;

(3) A licensee or an employee of a licensee knowingly operated the amusement redemption machine game room during a period of time when the licensee's permit was suspended; or

(4) If the primary use of the building per the certificate of occupancy ceases.

(e) Effect of revocation. No license shall be issued within a period of one-year to anyone whose license has been revoked, except at the discretion of the City Manager or his designee. If the license of an individual, company, corporation, or association owning, operating, or displaying amusement redemption machines in this City is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such amusement redemption machines in any amusement redemption machine game room until a new license is granted.

Sec. 11.14 Appeal from denial, suspension or revocation of license.

If the City manager or his designee refuses to approve the issuance of a license or the renewal of a license to an applicant, or suspends or revokes a license issued under this article, this action is final unless the applicant or licensee, within ten days after the receipt of written notice of the action, files a written appeal with the City Secretary, who shall, within ten days after the appeal is filed forward same to City Council for its consideration at a public meeting following a hearing. The City council shall, within 30 days, grant such hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

Sec. 11.15 Display of license.

A valid license issued under this article for an amusement redemption machine game room shall be displayed at or near the entrance of the business premises, and such display shall be permanent and conspicuous.

Sec. 11.16 Inspections.

- (a) The premises in which such amusement redemption machines are located shall conform to all building codes and fire prevention codes of the City and the Fire Marshal of the City and his assistants and the chief building official may enter into the premises where such amusement redemption machines are located at any time during normal business hours for the purposes of inspecting said premises for fire hazards.
- (b) All law enforcement personnel of the City shall have the right to enter into said premises at any time during normal business hours for the purpose of enforcement of the terms of this article.
- (c) The City shall have the authority to seal any coin-operated machine located in any amusement redemption machine game room for which the occupation tax has not been paid. A fee in the amount identified by resolution of the City Council from time to time

will be charged for the release of any machine sealed for non-payment of said occupation tax.

- (d) The City shall have the authority to seal any coin-operated machine located in any amusement redemption machine game room for which a license fee has not been paid. A fee in the amount identified by resolution of the City Council from time to time will be charged for the release of any machine sealed for non-payment of said license fee.

Sec. 11.17 Responsibility of licensee.

A licensee hereunder shall not permit any of the following activities within the licensed premises:

- (1) The operation of any amusement redemption machine by a person younger than 18 years of age;
- (2) Gambling by any person;
- (3) The possession of gambling materials; and
- (4) Unlawful or criminal activity of any kind.

Sec. 11.18 Violation of other laws.

Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition operation, display or maintenance of which is illegal or in violation of any ordinance of the City, any regulation of the county, any section of the Penal Code of this state, or the constitution of this state.

Sec. 11.19”

Section 3. A violation of any provision of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 4. The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never be a part hereof.

Section 5. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this

ordinance are hereby repealed.

Section 7. It is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Gun Barrel City, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 8. That this ordinance shall take effect on April 1, 2026.

DRAFT



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Discussion regarding final draft of ordinances, Chapters 36-43 and Chapters 50-52.

SUMMARY

Chapter 36 – Fire Department – cleaned up volunteer fire department language throughout; removed “safety officer” and changed to “Chief”; deleted requirements as it related to volunteers; clarified administration of “special funds”; updated section related to Texas Emergency Services Retirement System; updated language as it relates to the Fire Marshall position;

Chapter 37 – Emergency Management – updated title of the section; clarified questions for the attorney; questions related to Emergency Medical Services section – EMS services are provided by UT Health so is this section relevant today

Chapter 38 – Finance and Taxation – combine Chapter 42 into this section as it relates to federal purchasing; delete section related to Audit since exact duplicate of charter; added questions to the city attorney; updated additional sales and use tax authorized, added street maintenance sales tax; updated definitions on Hotel/Motel Occupancy Tax, clarified regulation authority and collection of delinquent taxes since it is handled by Nuemo; updated information under 38.55 to be in line with current conditions

Chapter 39 – Records Management – small updates clarifying Records Liaison Officer and what is approved by Council

Chapter 40 – Parks and Recreation – moved Parks and Recreation Board to this section; updated titles of sections in line with current practices; added ordinances related to amplification system,

pets, mass gatherings, advertising; updated firearms ordinance in line with state law

Chapter 41 – Water and Wastewater – Established in 2006 to form a water and wastewater department. Our services are provided by East Cedar Creek Municipal Water District so this ordinance needs to be repealed all together.

Chapter 42 – Procurement and Procedures – moved to Chapter 38 which also deals with Federal Funding and purchasing

Chapter 43 – Purchasing Policies – no changes

Chapter 50 – Utilities Regulations – Updated to include rate and fee schedule considerations.

Chapter 51 – Solid Waste Management – Updated in line with newest contract with Republic Services to require specific containers and placement of containers due to side load trucks

Chapter 52 – Sewers – No questions just clarification from the attorney on how this relates to East Cedar Creek Municipal Water District.

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

Draft Code of Ordinances Amendment – Chapters 36 – 43 and Chapters 50-52

CHAPTER 36: FIRE DEPARTMENT¹

GENERAL PROVISIONS

Sec. 36.01 ~~FIRE SAFETY OFFICER ESTABLISHED~~OFFICE OF THE FIRE CHIEF; DUTIES.

- (A) Establishment of position. The position of Fire ~~Safety Officer~~Chief is hereby created. The City Manager ~~or designee~~ shall appoint and supervise the Fire ~~Safety Officer~~Chief, ~~which may be two persons, or one.~~ Pursuant to Charter § 4.01(5), the City Manager appoints the Fire ~~Safety Officer~~Chief with ~~2/3 a Simple majority plus one~~ approval of the City Council. The City Manager ~~or designee~~ shall establish written qualifications for, and, to the extent not inconsistent with this chapter, the duties of, the position of Fire ~~Safety Officer~~Chief and may amend such qualifications and duties from time to time.
- (B) Duties of Fire ~~Safety Officer~~Chief. The Fire ~~Safety Officer~~Chief shall coordinate and provide oversight and supervision of the fire suppression, prevention and safety programs of the city and the department heads ~~responsible~~responsible, therefore. He or she shall serve as Fire Chief and Fire Marshal, and perform or cause to be performed each duty and responsibility of those positions; coordinate the planning, structuring and oversight of the staffing, equipment and training needs for the provision of fire suppression services; and make recommendations to the City Manager and the City Council with respect to all matters and issues related to or regarding fire suppression, fire safety and fire prevention within the city, including, but not limited to, the functions, duties, responsibilities, performance and conduct of personnel and programs for the suppression of fires, fire safety and prevention; the qualifications and training of personnel, budget, programs, equipment ordinances, rules and regulations applicable to such programs, functions and services.

(Ord. 462, passed 11-14-95)

~~VOLUNTEER~~ FIRE DEPARTMENT

Sec. 36.15 CREATED.

A ~~Volunteer~~ Fire Department to be known as the Gun Barrel City ~~Volunteer~~ Fire Department is hereby established.

('88 Code, Ch. 5, § 1.01; Ord. 326, passed 10-1-91)

State law reference(s)—Authority to organize Fire Department, see Tex. Local Gov't Code § 342.004

Sec. 36.16 DUTIES.

The duties of the ~~Volunteer~~ Fire Department shall include, but not be limited to, the fighting of fires, providing emergency rescue services and providing fire prevention services and enforcement.

('88 Code, Ch. 5, § 1.02; Ord. 326, passed 10-1-91; Am. Ord. 00-004, passed 2-8-00)

¹Cross reference(s)—Emergency medical services, see §§ 37.30 et seq.; Fire prevention - fireworks, see Chapter 91

Sec. 36.17 OPERATING MANUAL.

The Chief of the ~~Volunteer~~ Fire Department shall promulgate rules, regulations and operating procedures under which the ~~Volunteer~~ Fire Department shall operate. Such rules, regulations and operating procedures shall be designated the "Operating Manual" of the Gun Barrel City ~~Volunteer~~ Fire Department.

('88 Code, Ch. 5, § 1.03; Ord. 326, passed 10-1-91; Am. Ord. 00-004, passed 2-8-00)

~~Sec. 36.18 REQUIREMENTS AND APPLICATION.~~

(A) ~~Requirements. The Volunteer Fire Department shall be composed of a Chief, and not more than 45 members, including compensated members and employees. Volunteer applicants must make written application for membership. Each applicant must meet all standards set forth in the operating manual for consideration for membership. Each applicant must be accepted by the Chief of the Volunteer Fire Department prior to being commissioned. Compensated members of the Fire Department shall be selected by the Fire Chief.~~

(B) ~~Application. Application for membership in the Volunteer Fire Department as a volunteer shall be filed with the Chief of the Volunteer Fire Department. Such application shall be on a form prescribed by the Chief. Application for a compensated position shall be made to the Fire Chief.~~

~~('88 Code, Ch. 5, § 1.04; '88 Code, Ch. 5, § 1.06; Ord. 326, passed 10-1-91; Ord. 350, passed 8-25-92; Am. Ord. 00-004, passed 2-8-00)~~

~~Sec. 36.19 DESIGNATED OFFICERS; APPOINTMENT.~~

(A) ~~Designated officers. The officers of the Volunteer Fire Department shall be a Chief, First Assistant Chief, Second Assistant Chief, Secretary-Treasurer and Training Officer. Other positions may be created that are deemed necessary by the Chief of the Volunteer Fire Department. All compensated positions and the salary ranges authorized therefor shall be established by the annual budget or classification ordinance enacted by the City Council. The duties and qualifications for each position in the Volunteer Fire Department, including compensated and volunteer positions, shall be as set forth in the operating manual.~~

(B) ~~Appointment of the Chief and other officers.~~

~~(1) The City Council shall appoint the Chief of the Volunteer Fire Department.~~

~~(2) The Chief and other compensated positions of the Fire Department shall be paid in accordance with the annual budget or classification ordinance enacted by the City Council.~~

~~('88 Code, Ch. 5, § 1.07; '88 Code, Ch. 5, § 1.08; Ord. 326, passed 10-1-91; Am. Ord. 00-004, passed 2-8-00)~~

~~Sec. 36.20 TERMINATION, SUSPENSION, OR RESIGNATION OF MEMBERS.~~

(A) ~~Termination of members. Membership of any volunteer firefighter in the Volunteer Fire Department may be terminated by the Chief for any cause set forth in the operating manual. The Chief of the Volunteer Fire Department and the City Council must both recommend and approve the termination before any volunteer firefighter may be terminated.~~

(B) ~~Suspension of members. The Chief of the Volunteer Fire Department may suspend any volunteer firefighter for a period not to exceed 30 days for any cause set forth in the operating manual of the Volunteer Fire Department. If suspension is imposed, the Chief shall, in writing and within 24 hours of such suspension, state the reasons for the suspension. The volunteer firefighter shall be given the written reasons within a~~

reasonable time of the suspension date. The volunteer firefighter shall have the right to appeal as set out in the operating manual for the Volunteer Fire Department.

- (C) ~~Resignation of members. A member of the Volunteer Fire Department may resign by delivering his or her resignation to the Chief of the Volunteer Fire Department. The Volunteer Fire Department Chief shall notify the Mayor and City Council members of any and all resignations, thereby furnishing the Mayor and Council members with an up-to-date roster at all times.~~

('88 Code, Ch. 5, § 1.09; '88 Code, Ch. 5, § 1.10; Ord. 326, passed 10-1-91; '88 Code, Ch. 5, § 1.11; Ord. 360, passed 10-13-92; Am. Ord. 00-004, passed 2-8-00)

DONE IN ACCORDANCE WITH PERSONNEL POLICY MANUAL

Sec. 36.~~21-18~~ TERMINATION OF FIRE CHIEF.

The Chief of the ~~Volunteer~~ Fire Department may be terminated by the ~~City Manager~~City Manager or designee with ~~two-thirds~~ a simple majority plus one approval of the full City Council.

('88 Code, Ch. 5, § 1.12; Ord. 326, passed 10-1-91; Am. Ord. 00-004, passed 2-8-00)

Sec. 36.~~22~~ SUSPENSION OF FIRE CHIEF.

- (A) ~~The City Manager shall have the authority to suspend the Fire Chief of the Volunteer Fire Department for a period not to exceed 14 days for any reason deemed sufficient by the City Manager. Prior to any suspension, the City Manager shall, in writing and within 24 hours of such suspension, state the reasons for the suspension. The Fire Chief shall be given the written reasons within a reasonable time of the suspension date. The Fire Chief shall have the right to appeal any suspension to the City Council if such suspension is not terminated prior to any regularly scheduled Council meeting or called Council meeting. Such right of appeal shall be set forth in the operating manual of the Volunteer Fire Department.~~

- (B) ~~If the Fire Chief is suspended by the City Manager, the City Manager shall appoint an interim Fire Chief who shall serve until the suspension is lifted or otherwise disposed of.~~

('88 Code, Ch. 5, § 1.13; Ord. 326, passed 10-1-91; Am. Ord. 462, passed 11-14-95)

Sec. 36.~~23~~ SWEARING IN OF OFFICERS.

~~The Mayor shall swear in the officers of the Volunteer Fire Department prior to the officers discharging their duties.~~

('88 Code, Ch. 5, § 1.14; Ord. 326, passed 10-1-91)

Sec. 36.~~24-19~~ FIRE CHIEF IS ADMINISTRATIVE AND OPERATIONAL HEAD OF DEPARTMENT.

- (A) The Fire Chief shall be the administrative and operational head of the ~~Volunteer~~ Fire Department. He or she shall work under the general direction of the City Manager ~~or designee~~ and shall operate in accordance with procedures outlined for his or her department as well as all other departments of the city. The Fire Chief shall further operate his or her department under procedures established by the City Manager and approved by the City Council upon the recommendation of the City Manager. The Fire Chief of the ~~Volunteer~~ Fire Department of the city shall have the powers and perform the duties as prescribed by the laws of the State of Texas and by the ordinances of the city.

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- (B) The Fire Chief shall be in charge of all members, apparatus, and equipment, while on parade, at drills at conventions and at fires or other emergencies requiring the services of the department. He or she shall have the right to call out any and all members and apparatus for any purpose incidental to this office. He or she shall assume full responsibility for all fire equipment and see that adequate training programs are conducted in the department and shall acquaint himself or herself insofar as possible with all new fire fighting methods by attending fire schools, drills and conferences. He or she shall recommend the purchase of suitable training manuals, text books and other instructional material. He or she shall see that proper discipline is maintained in the department.
 - (C) It shall be the duty of the Fire Chief to see that a proper record is kept of all fires and emergencies, the hour and date, the type of occupancy, the name of owner or tenant, type of damage, type of building construction, where fire originated if such can be determined, the extent of its spread, and how it was extinguished. He or she shall make such reports as is provided by law, furnishing a copy of same to the City Council.
 - (D) It shall be the duty of the Fire Chief to see that periodic inspections of the public and commercial buildings in the city be made for the purpose of furnishing the members of the Department with the necessary information to provide improved fire fighting practices and he or she may do such other further things as the City Council and City Manager shall direct.
 - (E) The Fire Chief shall be responsible to the city for all property belonging to, used by, or in possession of the department.

('88 Code, Ch. 5, § 1.15; Ord. 326, passed 10-1-91; Am. Ord. 462, passed 11-14-95)

Sec. 36.~~25-20~~ ADMINISTRATION OF DEPARTMENT SPECIAL FUNDS.

- (A) All fundraising moneys shall be deposited in an account described as follows: Gun Barrel City Special Fire Department Special FundAccount. All funds so deposited shall be expended for the benefit of Fire Department requirements only.
- (B) All funds being withdrawn from such depository shall be done in compliance with the Gun Barrel City financial policies. on the checks of the Gun Barrel City Special Fire Department Account shall be signed by any one signature and counter-signature specified by the Mayor, and who is an elected official and/or the City Secretary.
- ~~(C) The City Treasurer shall furnish the City Fire Department with quarterly financial reports, and all records shall be open for investigation by the Volunteer Fire Department of the city at all times.~~
- ~~(D) The funds of the Volunteer Fire Department shall be included in the city budget, showing its proposed balances, revenues and expenditures. A copy of such budget shall be forwarded to the Comptroller of Public Accounts of the state.~~
- ~~(E) All present fire equipment, apparatus and buildings shall be the property of the city and all fire equipment, apparatus or any equipment purchased for the extinguishment of fires and control thereof, shall become the property of the city and be listed under the assets of the city.~~

('88 Code, Ch. 5, § 1.16; Ord. 326, passed 10-1-91)

Sec. 36.~~26-21~~ CONTRIBUTIONS TO FIRE DEPARTMENT.

- (A) The Fire Chief has the authority to accept contributions to the City ~~Volunteer~~ Fire Department. Such contributions shall be used for the purpose of uniforms, equipment or property for use by the City ~~Volunteer~~

Fire Department. All contributions shall be recorded in City financial records, made of record and such records made available to the Mayor or City Council upon request.

- (B) Any contribution of ~~fire fighting~~firefighting equipment or contributions of personal or real property to the ~~Volunteer~~ Fire Department shall become the property of the city.
- (C) ~~Any contracts entered into by the present Volunteer Fire Department of the city are hereby assigned to the new Fire Department created by this subchapter.~~

('88 Code, Ch. 5, § 1.17; Ord. 326, passed 10-1-91)

~~Sec. 36.27 FUNDING.~~ SPECIFIC TO VOLUNTEER DEPARTMENT

~~The city may through the yearly fiscal year budget provide funding to assist in maintaining operations of the Volunteer Fire Department as needed and approved by the City Council. Funding shall be through the city's purchase order system. Evaluation of needed funds shall be prepared by the Fire Chief and presented to the City Manager each year at budget preparation time.~~

('88 Code, Ch. 5, § 1.18; Ord. 326, passed 10-1-91)

~~Sec. 36.28 LIABILITY.~~

~~The Fire Chief charged with the enforcement of this subchapter, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against the Fire Chief because of such act performed by him in the enforcement of any provision in this subchapter shall be defended by the City Attorney until the final termination of the proceedings.~~

~~('88 Code, Ch. 5, § 1.19; Ord. 346, passed 7-14-92)~~

Sec. 36.29-22 Texas Emergency Services Retirement System.

(A) Gun Barrel City participates in the Texas Emergency Services Retirement System (TESRS). TESRS is a state agency that administers a pension system for emergency services departments across the state. In addition to retirement benefits, active members are covered by survivor and disability benefits and may be eligible for tuition benefits.

(B) Contributions. Gun Barrel City contributes at a specified rate on behalf of each participating Volunteer firefighter. The rate is determined by the agency and is paid in advance and at least semi-annually.

~~FIREFIGHTER'S RELIEF AND RETIREMENT FUND.~~

~~(A) ——— Decision to participate. The Volunteer Fire Department of the city held a meeting on May 24, 1988 and elected to participate under the Firemen's Relief and Retirement Fund beginning on October 1, 1988.~~

~~(B) ——— Contributions. Contributions of \$12 per month will be made in behalf of each participating firefighter, to be paid in advance and at least semi-annually.~~

~~('88 Code, Ch. 8, § 12.01; '88 Code, Ch. 8, § 12.02)~~

FIRE MARSHAL

Sec. 36.~~40-23~~ OFFICE ~~CREATED~~; ARSON INVESTIGATOR.

- (A) The office of Fire Marshal is hereby created and such office shall report directly to the City Manager.
- (B) The Fire Marshal ~~shall organize and administer an Arson Investigation Committee and~~ shall be commissioned by the city as Arson Investigator.
- (c) The Fire Marshall duties shall be included in the duties of the Fire Chief as called out in 36.01 of this ordinance.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.01; Am. Ord. 462, passed 11-14-95; Am. Ord. 97-024, passed 9-23-97)

Sec. ~~36.41~~ APPOINTMENT.

~~The office of Fire Marshal shall be filled by appointment by the City Manager, by and with the consent of the City Council. Upon the City Council establishing any such position in the city budget, the Fire Marshal may appoint a Deputy Fire Marshal.~~

~~(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.02; Am. Ord. 462, passed 11-14-95)~~

Sec. ~~36.42~~ QUALIFICATIONS AND REMOVAL.

~~The Fire Marshal shall be properly qualified for the duties of his or her office, and shall be appointed and, subject to an appeal to the City Council, removed by the City Manager.~~

~~(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.03; Am. Ord. 462, passed 11-14-95)~~

Sec. 36.~~43-24~~ RECORDS TO BE KEPT.

The Fire Marshal shall keep ~~in his or her office~~, a record of all fires, together with all facts, statistics and circumstances, including the origin of fires and the amount of loss, which may be determined by the investigation required by this subchapter.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.04)

Sec. 36.~~44-25~~ REPORTING CONDITIONS AND FIRES.

At the end of each month, the Fire Marshal shall report to the State Fire Marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.05)

Sec. 36.~~45-26~~ DUTY TO INVESTIGATE; TIMELINESS.

- (A) The Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and which was a result of carelessness or design.
- (B) Investigation shall be begun within 24 hours, not including Sundays, of the occurrence of such fire.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.06; '88 Code, Ch. 5, § 2.08)

Sec. 36.~~46-27~~ INVESTIGATIONS MAY BE PRIVATE.

Any investigation held by or under the direction of the Fire Marshal may, in his ~~or her~~ discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.07)

Sec. 36.~~47-28~~ AUTHORITY TO TAKE TESTIMONY.

The Fire Marshal, when in his ~~or her expert~~ opinion believes further investigation is necessary, shall take or cause to be taken, the testimony under oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under the investigation, and shall cause the same to be reduced to writing.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.09)

Sec. 36.~~48-29~~ FILING CRIMINAL CHARGES.

If the Fire Marshal shall be of the expert opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he ~~or she~~ shall cause such person to be lawfully arrested and charged with such offense~~(s) or either of them~~.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.10)

Sec. 36.~~49-30~~ FURNISHING EVIDENCE TO PROSECUTING ATTORNEY.

The Fire Marshal shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all the information obtained by him or her, including a copy of all pertinent and material testimony taken in the case.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.11)

Sec. 36.~~50-31~~ AUTHORITY TO SUMMONS WITNESSES, REQUIRE PERTINENT MATERIALS, AND ADMINISTER OATHS.

- (A) Witnesses and pertinent materials. The Fire Marshal shall have the power to summon witnesses before him or her to testify in relation to any matter which is by the provisions of this subchapter a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto.

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- (B) Empowered to administer oaths. The Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him or her.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.12; '88 Code, Ch. 5, § 2.13)

Sec. 36.~~51~~32 AUTHORITY TO ENTER AND INSPECT BUILDINGS.

- (A) Authority to inspect building where fires have occurred. The Fire Marshal shall have the authority at all times of the day or night, when necessary, in the performance of the duties imposed upon him or her, to enter upon and examine any buildings or premises where the fire has occurred, and other buildings or premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.
- (B) Inspections; right of entry. The Fire Marshal, upon complaint by any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings premises within the city, and it shall be his or her duty, monthly or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.14; '88 Code, Ch. 5, § 2.15)

Sec. 36.~~52~~33 ORDERING THE REMEDY OF DANGEROUS CONDITIONS.

Whenever the Fire Marshal shall find any building or other structure, which for want of repair, or by reasons of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he or she shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes with which the same may be connected, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosine, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he or she shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner of occupant of such building or premises.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.16)

Sec. 36.~~53~~34 COMPLAINTS AND GRIEVANCES.

If the owner or occupant deems himself or herself aggrieved by such order, he or she may, within five days appeal to the ~~Mayor~~City Manager, who shall investigate the cause of the complaint and unless by his or her authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.17)

Sec. 36.~~54~~35 REFUSAL TO PROVIDE TESTIMONY OR EVIDENCE.

It shall be unlawful for any witness to refuse to be sworn, or to refuse to appear or testify, or to disobey any lawful order of the Fire Marshal, or to fail or refuse to produce any book, paper or document touching any matter under examination or, to be guilty of any contemptuous conduct during any of the proceedings of the Fire Marshal in the matter of such investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.18)

Cross reference(s)—Penalty, see 10.99

Sec. 36.~~55-36~~ REFUSAL TO REMEDY HAZARDS OR IMPROPER ARRANGEMENT OF COMBUSTIBLES; PROSECUTION.

- (A) Refusal to remedy hazards. It shall be unlawful for any owner or occupant of a building or other structure or premises to keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein.
- (B) Improper arrangement of appliances, lighting devices, and explosives. It shall be unlawful for any owner or occupant of any building or other structure or premises to keep or maintain the same with an improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or to keep or maintain any building, other structure of premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in character to the persons, health or property of others, or which shall be dangerous in the matter of promoting, augmenting or causing fires; or which shall create conditions to firefighter, or occupants of such building, structure, or premises other than the maintainer thereof.
- (C) Prosecution. No prosecution shall be brought under this subchapter because of violations in divisions (A) and (B) of this section unless an inspection as provided in § 36.~~5132~~(B) has first occurred.

(Ord. 81, passed 12-14-76; '88 Code, Ch. 5, § 2.19; '88 Code, Ch. 5, § 2.20; '88 Code, Ch. 5, § 2.21)

Cross reference(s)—Penalty, see § 10.99

Sec. 36.~~56-37~~ LIABILITY.

The Fire Marshal charged with the enforcement of this subchapter, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against the Fire Marshal because of such act performed by him in the enforcement of any provision in this subchapter shall be defended by the City Attorney until the final termination of the proceedings.

('88 Code, Ch. 5, § 2.22; Ord. 347, passed 7-14-92)

Is this required? There isn't a liability in the Police Department section.

CHAPTER 37: ~~EMERGENCIES~~EMERGENCY MANAGEMENT

GENERAL PROVISIONS

Sec. 37.01 EMERGENCY ACTIONS BY CITY OFFICERS, AGENTS, OR EMPLOYEES.

Every officer, agent or employee of the city, while responding to emergency situations, is hereby authorized to act in such a manner as to most effectively deal with the emergency. This provision shall prevail over every other ordinance of the city and, to the extent to which the city has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the city nor the employee shall be liable for failure to use ordinary care in such an emergency.

('88 Code, Ch. 8, § 9.00; Ord. 260, passed 1-10-89)

State law reference(s)—Immunity of certain governmental functions, see Tex. Civ. Practice & Remedies Code § 101.055; Immunity of volunteer firefighters, see Tex. Civ. Practice & Remedies Code § 78.001

Editor's note(s)—This section was enacted as a result of the Texas Supreme Court's decision in *Ron Black v. Nueces County Rural Fire Prevention District No. 2* to establish immunity from liability because of the doctrine of sovereign immunity.

~~EMERGENCY MANAGEMENT~~

Sec. 37.15 EMERGENCY MANAGEMENT DIRECTOR.

- (A) There exists the office of Emergency Management Director of the city, which shall be held by the Mayor in accordance with state law.
- (1) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.
 - (2) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this section. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.
 - (3) The operational Emergency Management Organization of the city shall consist of the officers and employees of the city so designated by the Director in the Emergency Management Plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officials and employees in accordance with terms of the emergency management plan.
- (B) Powers and duties. The duties and responsibilities of the Emergency Management Director shall include the following: **Does this need to be its own section?**
- (1) Conduct an on-going survey of actual or potential hazards which threaten life and property within the city and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
 - (2) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the City Council, all mutual aid arrangements deemed necessary for the implementation of such plan.
 - (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

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- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this subchapter. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
 - (5) Direction and control of the operations of the Emergency Management Organization as well as the training of emergency management personnel.
 - (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
 - (7) Maintenance of liaison with other municipal, county, district, state, regional ~~of~~ or federal, emergency management organizations.
 - (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
 - (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the county - wide coordination of emergency management efforts.
 - (10) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
 - (11) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
 - (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
 - (13) Other requirements as specified in Texas Disaster Act of 1975, being Tex. Gov't Code §§ 418.001 et seq. ('88 Code, Ch. 1, § 11.01; '88 Code, Ch. 1, § 11.02; Ord. 280, passed 11-28-89)

State law reference(s)—Local and interjurisdictional emergency management, see Tex. Gov't Code §§ 418.101 et seq.

Sec. 37.16 EMERGENCY MANAGEMENT PLAN.

A comprehensive emergency management plan shall be developed and maintained in a current state of readiness. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this subchapter. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this section and have the effect of law during the time of a disaster.

('88 Code, Ch. 1, § 11.03; Ord. 280, passed 11-28-89)

Sec. 37.17 INTERJURISDICTIONAL PROGRAM.

The Mayor is hereby authorized to join with the Henderson County Judge and the Mayors of the other cities in the county in the formation of an Emergency Management Council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as such program may affect the city.

('88 Code, Ch. 1, § 11.04; Ord. 280, passed 11-28-89)

Sec. 37.18 OVERRIDE.

~~All~~In-all disaster orders when ~~rules~~rules and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

('88 Code, Ch. 1, § 11.05; Ord. 280, passed 11-28-89)

Sec. 37.19 LIABILITY.

This subchapter is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety and neither the city, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this subchapter shall be liable for any damage sustained to persons as the result of such activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license of privilege, or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. Does this just mean allows us to use?

('88 Code, Ch. 1, § 11.06; Ord. 280, passed 11-28-89)

Sec. 37.20 COMMITMENT OF FUNDS.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this subchapter without prior approval by the City Council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

('88 Code, Ch. 1, § 11.07; Ord. 280, passed 11-28-89)

Sec. 37.21 OFFENSES.

- (A) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in enforcement of any rule or regulation issued pursuant to this subchapter, or to do any act forbidden by rule or regulation issued pursuant to the authority contained in this subchapter.

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- (B) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted such person by the proper officials.
 - (C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this subchapter and shall be subject to the penalties imposed by § 37.99(A).

('88 Code, Ch. 1, § 11.08(a) - (c); Ord. 280, passed 11-28-89)

Cross reference(s)—Penalty, see § 37.99

EMERGENCY MEDICAL SERVICES

This service is provided by contract with UHealth EMS. Attorney is reviewing if we should delete this section altogether considering we do not have an EMS system managed by the City.

Sec. 37.30 PURPOSE AND INTENT.

It is the purpose of this uniform EMS subchapter to:

- (A) Establish a regulated ambulance service system which can provide clinical quality of care, with reasonable, reliable response time standards, and with the goal of furnishing the best possible chance of survival, without disability or preventable complication, to each ambulance patient.
- (B) Establish a sole-provider ambulance system, because it is unreasonable to have unnecessarily high rates and/or public subsidy to make needed improvements to ambulance service in the service area, when a more efficiently designed system can achieve the same results at lower cost. The most efficient design to achieve the goals of high-quality service, at the lowest cost, consistent with the quality of care required, is the implementation of the system described herein.
- (C) Provide a method to develop specific performance standards, adequate review, and either continuation of service or an appropriate procedure to obtain alternate proposals from other providers.
- (D) To provide more effective medical oversight by recognizing a multi-jurisdictional Medical Control Board of licensed physicians expert in emergency medicine and related specialties as the entity empowered hereunder to oversee and regulate all clinical aspects of the emergency medical system which affect patient care within this jurisdiction.

(Ord. 450, passed 5-9-95)

Sec. 37.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. That unit of local government designated in the interlocal agreement which has accepted responsibility for providing administrative and clerical services necessary to the orderly issuance, renewal, suspension, revocation, or restriction of licenses, certifications, and permits pursuant to authorization by the Medical Control Board, which licenses, certifications, and permits shall be accepted as valid throughout the regulated service area, including this jurisdiction.

ADVANCED LIFE-SUPPORT AMBULANCE. Any vehicle which is equipped to provide treatment of life-threatening emergencies through the use of advanced airway management, intravenous therapy, and other advanced pre-hospital care procedures, and which is equipped to transport sick or injured persons to, or from, health care facilities.

AMBULANCE. Any privately or publicly owned motor vehicle or helicopter that is specially designed or constructed and equipped and is intended to be used for, and is maintained or operated for, the transportation of patients.

AMBULANCE PATIENT or PATIENT. Any person being transported in a reclining position within the regulated service area to, or from, a health care facility, except when the transportation originates outside the regulated service area.

AMBULANCE SERVICE CONTRACTOR. That entity which is then currently under contract to provide all ambulance and ambulance patient services within this jurisdiction and throughout the regulated service area, except those services specifically exempted by § 37.32 of this subchapter.

APPROVED EMERGENCY ROOM or DEPARTMENT. A health care facility which possesses a Level 4 or higher trauma categorization as defined by the State Department of Health.

APPROVED USER FEE. Those membership fees, mileage charges, subsidy payments, if any, and total average bill (exclusive of membership fees and mileage charges) approved for this jurisdiction by the City Council from the Uniform Schedule of Price/Subsidy Options.

BASE STATION PHYSICIAN. A physician licensed to practice medicine in the state, and certified by the Medical Control Board as knowledgeable of the pre-hospital emergency medical protocols, EMS radio procedures, and the general operating policies of the ambulance service contractor, and from whom ambulance personnel may take medical direction by radio or other remote communications device.

CITY COUNCIL. That group of officials elected to govern the affairs of this city.

CONTRACT SERVICE AREA. The geographic area encompassing the regulated service area of the city.

EMERGENCY MEDICAL TECHNICIAN (EMT). An individual who is a specially skilled "emergency medical technician" under Tex. Health and Safety Code §§ 773.001 et seq., or its successor.

EMS ADMINISTRATIVE AGENCY. That agency established by the interlocal agreement for purposes of supervising financial aspects of the master ambulance service contract, and to perform various administrative services and functions as defined in the interlocal agreement.

EMS SYSTEM. That network of individuals, organizations, facilities, and equipment whose participation is required to generate a clinically appropriate, preplanned, system-wide response for pre-hospital care and transport or interfacility transport, so as to provide each patient the best possible chance of survival without disability, given available financial resources and EMS technology.

EXTRAORDINARY ADJUSTMENT. A change of the uniform schedule of subsidy/price options which is not a scheduled cost-of-living adjustment, but is instead an adjustment justified on the basis of either an increase in the system standard of care, or on the basis of an unusual increase in the cost of a factor of production when such increase in cost is industry-wide and the result of causes beyond the ambulance service contractor's reasonable control.

FIRST RESPONDER. Any person, Fire Department vehicle, police vehicle, or other vehicle not normally used for purposes of patient transport, but which vehicle and on-board personnel are capable of providing services in medical emergencies.

HELICOPTER RESCUE UNIT. Any rotary wing aircraft providing basic or advanced life support services and patient transportation originating from the scene of emergency incidents which occur within the contract service area.

MASTER AMBULANCE SERVICE CONTRACT. That ambulance service contract between the city and the ambulance service contractor.

MEDICAL AUDIT. An official inquiry into the circumstances involving an ambulance run or request for ambulance service, conducted by the Medical Director or a licensed physician designated by the Medical Director, or by the Medical Control Board.

MEDICAL CONTROL. That direction given ambulance personnel by a base station physician through direct voice contact, with or without vital sign telemetry, as required by applicable medical protocols promulgated by the Medical Control Board, and by Tex. Health and Safety Code §§ 773.001 et seq., or its successors.

MEDICAL CONTROL BOARD (MCB). That board of physicians as exists primarily by virtue of § 31-14 of the Ordinance of the City of Tyler, [Gun Barrel City](#), Texas, passed on May 26, 1992, regulating ambulance service within that city. These provisions shall control the MCB unless such § 31-14 is changed and amended in any regard. At that time such change shall only be binding under this subchapter if the change is approved by the City Council.

MEDICAL DIRECTOR. An emergency physician, expert in the pre-hospital practice of emergency medicine, appointed by the ambulance service contractor.

MEDICAL PROTOCOL. Any diagnosis-specific or problem-oriented written statement of standard procedures, or algorithm, promulgated by the Medical Control Board as the proper standard of pre-hospital care for a given clinical condition.

MUTUAL AID AGREEMENT. A written agreement between one or more providers of ambulance service whereby the signing parties agree to provide backup ambulance service to one another under conditions and pursuant to terms specified in the agreement.

PARAMEDIC. A person qualified as a certified "emergency medical technician - paramedic" as defined by Tex. Health and Safety Code §§ 773.001 et seq., or its successor.

PERSON. Any individual, firm, partnership, association, corporation, governmental entity, or other group or combination acting as a unit.

SENIOR PARAMEDIC IN CHARGE. That person among the certified personnel assigned to an ambulance, not the driver, who is a certified paramedic designated by the ambulance service contractor as the individual in command of the ambulance.

SPECIAL EVENT. Any public event located within the regulated service area, for which standby ambulance service is arranged in advance, and for which an ambulance (or ambulances) are hired by the sponsor of the event or other interested party.

SPECIALIZED MOBILE INTENSIVE CARE UNIT. A vehicle which is specially constructed, equipped, staffed, and employed in the interfacility transport of patients whose requirements for en route medical support are likely to exceed the clinical capabilities of a paramedic level ambulance.

SYSTEM STANDARD OF CARE. The combined compilation of all priority dispatching protocols, pre-arrival instruction protocols, medical protocols (that is, for first responders and ambulance personnel), protocols for selecting destination hospital, standards for certification of pre-hospital care personnel (that is, telephone call takers, first responders, ambulance personnel, and on-line medical control physicians), developed and adopted by the Medical Control Board as well as standards governing requirements for on-board medical equipment and supplies, and licensure of ambulance services and first responder agencies. The SYSTEM STANDARD OF CARE shall simultaneously serve as both a regulatory and contractual standard.

(Ord. 450, passed 5-9-95)

Sec. 37.32 AUTHORITY TO OPERATE; EXCEPTIONS.

- (A) No person shall operate or cause to be operated an ambulance nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of ambulance patients within the regulated service area, or provide special events standby coverage, unless such person is the ambulance service contractor. No person shall knowingly solicit ambulance services as regulated herein except the ambulance service contractor.
- (B) However, the prohibitions set forth in division (A), immediately above, shall not be applicable to an ambulance or ambulance service provider:
 - (1) Which is rendering assistance to patients in the case of a major catastrophe or emergency with which the contractor's ambulances are insufficient or unable to cope; or
 - (2) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location within the regulated service area; or
 - (3) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location beyond the limits of the regulated service area and only incidentally passing through the regulated service area; or
 - (4) Transporting a patient who is picked up from a location within the regulated service area and transported to a location beyond the regulated service area, providing the ambulance or ambulance service initially transported that same patient into the regulated service area and is making the return trip.
- (C) Violations of this section are declared to be public nuisances and shall be prohibited and abated in actions at law or in equity.

(Ord. 450, passed 5-9-95)

Cross reference(s)—Penalty, see § 37.99

Sec. 37.33 MEDICAL CONTROL BOARD [\(MCB\)](#).

- (A) System standard of care adopted. The system standard of care as defined in § 37.31 of this subchapter is adopted as the minimum requirement for compliance with this chapter, and the Medical Control Board is recognized as the clinical standards-setting body for this jurisdiction.
- (B) Physician participation. Any hospital within this jurisdiction which operates an emergency room or emergency department meeting the requirements of an "approved emergency room or department" shall be eligible to appoint its physician director of the emergency room or department (or his/her physician designee) to membership on the Medical Control Board, and such representative shall have full voting rights when the MCB has been notified in writing by an officer of the hospital.
- (C) Coordination of activities. The Medical Director appointed by the Ambulance Service Contractor shall serve as ex-officio, non-voting chair of the Medical Control Board, and shall be responsible for arranging meetings, creating the agenda, keeping minutes, ensuring compliance with this subchapter, and developing a process for monitoring compliance with the system standard of care, subject to approval by the Medical Control Board.
- (D) Duties and responsibilities. Responsibilities of the Medical Control Board shall be as follows:
 - (1) To set the system standard of care and provide periodic revisions. The system standard of care shall address minimum requirements and recommended higher standards governing the licensure of

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(Supp. No. 2, Update 1)

organizations, the certification of individuals, and the permitting of vehicles employed within the EMS System, and shall be developed in accordance with the following table of contents:

- (a) Prevention, CPR, and other public information programs.
 - (b) Telephone access (emergency and routine).
 - (c) Control center operations.
 - (d) First responder services.
 - (e) Ambulance services.
 - (f) On-line medical control.
 - (g) Quality improvement and clinical research.
- (2) Approve and periodically verify a process for monitoring the EMS system's actual performance to determine compliance or noncompliance.
 - (3) Authorize the issuance, denial, revocation, suspension, or restriction of licenses, permits and certifications issued pursuant to this subchapter.
 - (4) Licenses, certifications, and permits in good standing issued by any jurisdiction within the regulated service area pursuant to written authorization by the Medical Control Board shall be recognized and accepted as valid by this jurisdiction.

(Ord. 450, passed 5-9-95)

Sec. 37.34 SELECTION OF PATIENT DESTINATION.

- (A) Medical protocols approved by the Medical Control Board shall establish protocols for selection of the destination hospital, which protocols shall be strictly followed by paramedic personnel and on-line medical control physicians, except when a departure from protocol is justified on the basis of special considerations of patient care or practical barriers to implementation (for example, blocked roads, hospital divert status, and the like).
- (B) In developing such "transport protocols," the Medical Control Board shall strictly adhere to the following priorities of consideration, and shall recognize these priorities in the sequence presented:
 - (1) First consideration. Patient care and safety;
 - (2) Second consideration. Patient/family choice;
 - (3) Third consideration. Fairness in distribution of patients among hospitals. In this regard, the following rules shall apply:
 - (a) Non-emergencies. All "non-emergency patients" (as defined by patient-assessment protocols approved by the Medical Control Board) shall be transported to the destination selected by the patient, the patient's family, or the patient's personal physician, without exception.
 - (b) Non-life-threatening emergencies. Patients experiencing a "non-life-threatening emergency" (as defined by patient-assessment protocols approved by the Medical Control Board) shall be transported to the facility of choice designated by the patient, the patient's family, or the patient's personal physician, or if no such preference is stated, to the nearest hospital approved by the Medical Control Board for receipt of patients experiencing non-life-threatening emergencies.

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- (c) Life-threatening emergencies. Patients experiencing life-threatening emergencies (as defined by patient-assessment protocols approved by the Medical Control Board) shall, in accordance with transport protocols approved by the Medical Control Board, be delivered to the "nearest appropriate facility," taking into consideration the patient's condition and location, the patient's medical requirements, and the respective capabilities of hospitals within and, for some types of patients, outside) the "contract service area." Such transport protocols shall not be inconsistent with then-currently-approved trauma system protocols (when available).
 - (d) Enforcement. Inappropriate and unjustified deviations from these patient-destination protocols by a paramedic without direct authorization by a base station physician or inappropriate and unjustified instructions regarding such deviation by a base station physician shall be subject to sanction by the Medical Control Board provided such sanctions are applied in accordance with due process procedures approved by the City Attorney. Such sanctions may include reprimand, suspension of certification, or revocation of certification, depending upon frequency and severity of error.

(Ord. 450, passed 5-9-95)

Sec. 37.35 BINDING ARBITRATION AVAILABLE.

In the event any hospital desires to dispute a policy of the Medical Control Board affecting patient distribution, that hospital may at its option institute procedures for binding arbitration as follows:

- (A) The hospital wishing to contest the specified policy shall present its position in writing to the Medical Control Board, including one or more proposed remedies acceptable to the hospital.
- (B) If the Medical Control Board rejects all remedies proposed by the hospital, the hospital may appoint a physician expert in the medical specialty to which the contested policy is related to serve as a member of an arbitration team, provided that such physician shall have no affiliation, direct or indirect, with any hospital or physician group practicing within the contract service area.
- (C) The Medical Control Board shall then appoint a physician expert in the medical specialty to which the contested policy is related to serve as a member of the arbitration team, provided that such physician shall have no affiliation, direct or indirect, with any hospital or physician group practicing within the contract service area.
- (D) The two appointed members of the arbitration team shall then jointly appoint a third physician, expert in the medical specialty to which the contested policy is related, to serve as the third member of the arbitration team, provided that such physician shall have no affiliation, direct or indirect, with any hospital or physician group practicing within the contract service area.
- (E) The arbitration team shall then review such written documentation related to the dispute as may be available, and shall conduct such site visit inspections and on-site interviews as the team deems appropriate, and shall render a decision on the disputed matter either in favor of the Medical Control Board or in favor of the hospital initiating the arbitration process, and such decision shall be final. The arbitration team shall not have authority to impose any resolution which was not proposed by either the Medical Control Board or the hospital initiating the proceedings.
- (F) The actual and reasonable cost of the arbitration process, including consulting fees and travel reimbursement, shall be paid by the hospital initiating the arbitration process.

(Ord. 450, passed 5-9-95)

Sec. 37.36 COMPLIANCE WITH LAW.

All persons and entities regulated under this subchapter shall comply with the laws of the state and reference to permits, licenses, minimum equipment, and minimum qualifications of operators and attendants and all state and federal laws and regulations applicable to its ambulance operation.

(Ord. 450, passed 5-9-95)

Cross reference(s)—Penalty, see § 37.99

Sec. 37.37 FAILURE TO PAY SERVICE CHARGES PROHIBITED.

- (A) It shall be unlawful for any person, with intent to defraud, to request or accept the service of any ambulance within the city, having no intention of paying for such service.
- (B) Failure, by the person requesting or accepting the services of an ambulance, to pay to the person furnishing such service the customary charge therefor within 90 days after demand for payment is made, shall be prima facie evidence of intent to defraud and prima facie evidence that such person had no intention of paying for such services when the same were requested or accepted.
- (C) Demand for payment, as used in this subchapter, shall be written demand, sent by registered or certified mail addressed to the person requesting or accepting such services, and to the address given by, or on behalf of, such person at the time the services were requested or accepted. Intent to defraud or intention not to pay for such services may be shown by direct evidence.

(Ord. 450, passed 5-9-95)

Cross reference(s)—Penalty, see § 37.99

Sec. 37.99 PENALTY.

- (A) Pursuant to Tex. Health and Safety Code § 418.173, convictions for violations of the provisions of §§ 37.15 through 37.21 of this chapter shall be punishable by fine not to exceed \$1,000, imprisonment up to 180 days, or both.
- (B) Any person who shall violate any provision of §§ 37.30 through 37.37 of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 10.99. Each day such violation shall continue or be permitted to continue shall be deemed a separate offense. It shall not be necessary for the complaint to ~~negative~~ [negate](#) any exception contained in §§ 37.30 through 37.37 concerning any prohibited act, but any such exception made in such subchapter may be urged as a defense by any person charged by such complaint.

('88 Code, Ch. 1, § 11.08(d); Ord. 280, passed 11-28-89; Ord. 450, passed 5-9-95)

CHAPTER 38: FINANCE AND TAXATION²

²Charter reference(s)—Budget and finance, see Charter Art. VII

Cross reference(s)—Returned check charge, see § 30.04

GENERAL PROVISIONS

Sec. 38.01 COMPETITIVE BIDDING. Section required by ARPA with exact language

- (A) Except in the case of exempted procurement, the city may not purchase or enter into a contract that requires an expenditure of more than what is allowed in the Tex. Local Gov't Code § 252.021, Competitive Requirements for Purchases, without first submitting such to competitive sealed bidding, except in the case of high technology procurement shall include the following:
- (1) A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the city's residents or to preserve city property;
 - (2) A procurement necessary to preserve or protect the public health or safety of the city's residents;
 - (3) A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
 - (4) A procurement for personal, professional or planning services;
 - (5) A procurement for work that is performed and paid for by the day as the work progresses;
 - (6) A purchase of land or a right-of-way;
 - (7) A procurement of items that are available from only one source, including.
 - (a) Items that are available from only one source because of patents, copyrights, secret processes or natural monopolies;
 - (b) Films, manuscripts or books;
 - (c) Electricity, gas, water and other utility services;
 - (d) Captive replacement parts or components for equipment;
 - (e) Books, papers and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - (f) Management services provided by a non-profit organization to a municipal museum, park, zoo or other facility to which the organization has provided significant financial or other benefits;
 - (8) A purchase of rare books, papers, and other library materials for a public library;
 - (9) Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
 - (10) A public improvement project authorized by the voters for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
 - (11) A payment under a contract by which a developer participates in the construction of a public improvement as provided by Tex. Local Gov't Code §§ 212.071 et seq.;
 - (12) Personal property sold:
 - (a) At an auction by a state license auctioneer;

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- (b) At a going out of business sale held in compliance with Tex. Bus. & Commerce Code §§ 17.81 et seq.;
 - (c) By a political subdivision of this state, a state agency of this state or an entity if the federal government; or
 - (d) Under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Tex. Local Gov't Code §§ 391.001 et seq.; or
- (13) Services performed by blind or severely disabled persons.

Other cities have a 14, 15 & 16?

- (B) Notice of the time and place at which competitive sealed bids or proposals must be published at least once a week for no less than two weeks in the official newspaper of the city. The date for the first publication must be before the fourteenth day before the date set to incur the expenditure or the letting of the contract.
- (C) For any construction project which involves trench excavation that exceeds a depth of five feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet Occupational Safety and Health Administration (OSHA) standards and that these plans and specifications include a pay item for these safety systems.
- (D) All competitive bids shall be received and opened at the time and in the manner specified in the bid advertisement. Bids received shall be opened by the City Manager or designee and the City Secretary in a public bid opening procedure.
- (E) All bids received in response to bid advertisements shall be reviewed and evaluated by the ~~City Manager~~City Manager or designee and city staff. Bids shall be tabulated and ranked in order of priority, with the lowest and or best bid being ranked number one.
- (F) The tabulation of bids and the action recommended by the ~~City Manager~~City Manager or designee shall be included on the next scheduled agenda for the City Council to consider awarding the bid.
- (G) The tabulation of bids shall separately identify any bid found to be nonconforming, the reason of the nonconformity, and a recommendation, if any, that such bid should be disqualified.

(Tex. Local Gov't Code § 252.022; '88 Code, Ch. 1, § 18.00; Ord. 260, passed 1-10-89; Am. Ord. 383, passed 3-7-94; Am. Ord. 468, passed 5-14-96; Am. Ord. 97-014, passed 6-24-97; Am. Ord. O-2013-003, passed 2-26-13)

State law reference(s)—Purchasing and contracting requirements, see Tex. Local Gov't Code §§ 252.001 et seq.;
Trenching safety standards, see Tex. Health and Safety Code § 756.023

Purchasing guidelines are outlined in the City's Purchasing Manual, approved by City Council.

Sec. 38.02 ADOPTION BY REFERENCE.

- (A) The city follows the procurement standards in 2 CFR 200.317 - 2 CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 - 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This ordinance O-2022-006, Exhibit A, contains the most current 2 CFR 200.317 - 2 CFR 200.327 language available at the adoption of these policies and procedures.
 - (B) The contents of Ordinance O-2022-006, Exhibit A, are hereby adopted by reference as part of this Code of Ordinances as if fully set out herein.
- (Ord. O-2022-006, passed 4-26-22)

Sec. 38.02-03 CITY DEPOSITORY.

- (A) Pursuant to Tex. Local Gov't Code §§ 105.001 et seq., the City Council shall designate a depository service contract whose term does not exceed five years, or as provided by state law. Checking accounts or savings accounts, as authorized by the City Council, shall be established at such bank with the requirement that all checks written against any such accounts shall require at least two signatures. The authorized persons who may sign city checks are the Mayor, City Manager, Mayor Pro Tem and the City Secretary.
- (B) City depository applicant's policy. It is the express policy of the City Council that applications for city depository may be considered from banks, credit unions or savings associations that are not doing business within the city, provided that the banks, credit unions and savings associations maintain a place of business within the state and offer within the state the services required by the depository services contract, after taking into consideration what is in the best interest of the city in establishing a depository.

('88 Code, Ch. 1, § 4.00; Ord. 260, passed 1-10-89; Am. Ord. O-2009-023, passed 8-25-09; Am. Ord. O-2009-025, passed 9-8-09)

State law reference(s)—City depository required, see Tex. Local Gov't Code §§ 105.001 et seq.

Sec. 38.03 AUDIT OF CITY FUNDS. This is the exact language in the Charter.

~~Pursuant to Charter § 7.18, at the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit to be made of all accounts of the city by a Certified Public Accountant. Bids must be let for a new Certified Public Accountant after three consecutive annual audits. The Certified Public Accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The report of the audit with the auditor's recommendations will be made to the City Council. Upon completion of the audit, the summary shall be published immediately in the official newspaper of the city and copies of the audit placed on file in the City Secretary's office as a public record.~~

~~('88 Code, Ch. 1, § 6.00; Ord. 260, passed 1-10-89; Am. Ord. O-2021-020, passed 5-25-21)~~

~~State law reference(s)—Annual audit required, see Tex. Local Gov't Code §§ 103.001 et seq.~~

Could make language stronger such as:

Pursuant to Charter § 7.18, at the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit to be made of all accounts of the city. Such audits shall be made by qualified accountants experienced in municipal accounting following Generally Accepted Accounting Principles (GAAP), and the results of the audit shall be made public within 180 days of the close of the fiscal year. Within 90 days after the close of the fiscal year, and annual report of the city business shall be published by the city treasurer in such form as will disclose pertinent facts concerning the activities and finances of the city government. Bids must be let for a new Certified Public Accountant after three consecutive annual audits. The Certified Public Accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The report of the audit with the auditor's recommendations will be made to the City Council. Upon completion of the audit, copies of the audit placed on file in the City Secretary's office as a public record.

LOCAL SALES AND USE TAX

Sec. 38.15 LOCAL SALES TAX AUTHORIZED.

In accordance with Tex. Tax Code §§ 321.001 et seq., a local sales and use tax of 1% has been adopted and now imposed by the voters of the city and as a result of an election held on September 16, 1969.

(Ord. 2, passed 8-12-69; '88 Code, Ch. 1, § 21.01)

State law reference(s)—Authority to adopt municipal sales tax, see Tex. Tax Code § 321.101; Authority to levy sales tax on gas and electricity for residential use, see Tex. Tax Code § 321.105

Sec. 38.16 LOCAL SALES TAX RETAINED ON RESIDENTIAL GAS AND ELECTRICITY.

- (A) The tax heretofore imposed by the city, pursuant to the provisions of the Local Sales and Use Tax Act, is hereby continued on the sale, production, distribution, lease, or rental of and the use, storage, or other consumption of gas and electricity for residential use.
- (B) The sale, production, distribution, lease or rental of and the use, storage or other consumption of gas and electricity for residential use shall not be exempt from the tax imposed by the city under the Local Sales and Use Tax Act.

- (C) The imposition of the one percent city sales tax on the residential use of gas and electricity consumption within the corporate limits of the city shall be continued in line with state law provided the City Secretary is in compliance with Section D of this Ordinance.

- (D) The City Secretary is hereby directed to transmit, on or before April 1, 1979, a certified copy of this section by registered or certified mail to the Comptroller of Public Accounts of the State of Texas. Remove or keep?

(Ord. 96, passed 10-10-78; '88 Code, Ch. 1, § 21.02)

Sec. 38.17 ADD-ON SALES TAX TO REDUCE PROPERTY TAX AUTHORIZED.

Effective October 1, 1992, an add-on tax of 1/2 cent % will be added to the sales tax already imposed. This 1/2 cent % tax increase was voted on and approved November 5, 1991, by the citizens of the city, and will be used to eliminate the city property tax or ad valorem tax at the present time.

('88 Code, Ch. 1, § 21.03; Ord. 329, passed 12-3-91)

Sec. 38.18 ADDITIONAL SALES AND USE TAX AUTHORIZED.

In accordance with Tex. Tax Code §§ 321.001 et seq., an additional local sales and use tax of 1/2% has been adopted and now imposed by the voters of the city for the promotion and development of new and expanded business enterprises. Such additional 1/2% sales and use tax was approved as a result of an election held on May 3, 1997.

In accordance with section 4B of article 5190.6 (V.A.T.S.) Gun Barrel City held an election on May 15, 2004 to reduce the city sales and use tax for economic and industrial development by 1/4% and to adopt an additional 1/4% sales and use tax for street maintenance and repairs as permitted under Chapter 327 of the Texas tax code

(Ord. 2004-010, passed 5-25-04

(Ord. 97-007, passed 5-5-97)

Sec. 38.19 MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE

A municipality may adopt a street maintenance sales and use tax authorized by this chapter at an election held in the municipality.

- (A) A municipality may not adopt a tax under this chapter or increase the rate of the tax if as a result of the adoption of the tax or the increase in the rate of the tax the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality would exceed two percent at any location in the municipality.
- (B) If the voters of a municipality approve the adoption of the tax or the increase in the rate of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves the increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this state having territory in the municipality would exceed two percent at any location in the municipality, the election to adopt a sales and use tax under this chapter has no effect.

REAUTHORIZATION OF TAX. Unless imposition of the sales and use tax authorized by this chapter is reauthorized as provided by this section, the tax expires on:

- (A) the fourth anniversary of the date the tax originally took effect under Section 327.005;
- (B) the first day of the first calendar quarter occurring after the fourth anniversary of the date the tax was last reauthorized under this section if, at that election, the voters approved the imposition of the tax for a period that expires on that anniversary;

(Ord. 2004-010, passed 5-25-04; Ordinance 2008-016, passed 05-13-2008; Ordinance 2012-007, passed 05-22-2012; Ordinance 2016-012, passed 05-17-2016; Ordinance 2020-034, passed 11-17-2020; Ordinance 2024-014, passed 05-13-2024)

HOTEL/MOTEL OCCUPANCY TAX

Sec. 38.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COLLECTOR OF TAXES (for ~~hotel/motel purposes~~state hotel occupancy tax only). The City Treasurer of Gun Barrel City, Texas or a third party approved by Council with a simple majority vote.

CONSIDERATION. The cost of the room, sleeping space, bed or dormitory space but shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy, and shall not include any tax assessed for the occupancy thereof by any other governmental agency.

~~HOTEL~~SHORT TERM RENTAL UNIT. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. Residential premise could include a single-family dwelling, multiple-family attached dwelling, apartment house, condominium, duplex, HUD Manufactured home or any portion of such dwellings. A building in which members of the public obtain sleeping accommodations for consideration. The term includes hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium or nursing home, nor does the term include a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Tex. Educ. Code § 61.003, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution. **MATCHES SHORT TERM RENTAL ORDINANCE**

OCCUPANCY. The use or possession, or the right to the use of possession of any room space or sleeping facility in a ~~hotel-short term rental~~ for any purpose.

OCCUPANT. ~~Any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant. Anyone who, for a consideration, uses, possesses, or has the right to use or possess any room or rooms, or sleeping space or facility in a hotel under any lease, concession, permit, right of access, license, contract or agreement.~~

PERMANENT RESIDENT. Any occupant who has or shall have the right to occupancy of any room or sleeping space or facility in a hotel for at least 30 consecutive days during the current calendar year or preceding year, so long as there is no interruption of payment for the period.

PERSON. Any individual, company, corporation, or association owning, operating, managing or controlling any hotel.

QUARTERLY PERIOD. The regular calendar quarters of the year, the first quarter being composed of the months of January, February and March; the second quarter being the months of April, May and June; the third quarter being the months of July, August, and September; and the fourth quarter being the months of October, November and December.

(Ord. 128, passed 11-11-80; '88 Code, Ch. 1, § 10.01)

State law reference(s)—Local hotel occupancy taxes, see Tex. Tax Code §§ 351.001 et seq.

Sec. 38.36 LEVY OF TAX; COLLECTION.

- (A) Levy of tax. There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any ~~hotel-short term rental~~ where such cost of occupancy is at the rate of \$2 or more per day, such tax to be equal to 7% of the consideration paid by the occupancy of such room to such ~~hotel-short term rental~~; provided, however, no tax shall be imposed hereunder upon the consideration paid by the occupant of such room who is a permanent resident, as heretofore defined.
- (B) Collection of tax by ~~hotel-short term rental~~. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by division (A) of this section for the city.

(Ord. 128, passed 11-11-80; '88 Code, Ch. 1, § 10.02; '88 Code, Ch. 1, § 10.03; Ord. 260, passed 1-10-89)

Sec. 38.37 REPORT AND PAYMENT.

On the last day of the month following each quarterly period, every person required in § 38.36(B) of this subchapter to collect the tax imposed herein, shall file a report with the Collector of Taxes showing the consideration paid for all room occupancies in the preceding quarter, the amount of tax collected on such occupancies, and other information the Collector of Taxes may reasonably require. Such person shall pay tax due on such occupancies at the time of filing such report.

(Ord. 128, passed 11-11-80; '88 Code, Ch. 1, § 10.04)

Sec. 38.38 REGULATION AUTHORITY.

The Collector of Taxes shall have the power to ~~adopt such procedures and make such~~ rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby and shall upon reasonable notice have

access to books and records necessary to determine the accuracy of any report filed as required by this subchapter and the amount of taxes due under this provision of the subchapter.

Upon request of any person owning, operating, managing or controlling any short-term rental, the collector of taxes shall furnish a copy of such procedures, rules and regulations for the guidance of such person and facilitate the collection of such tax as such collection is required herein. Such procedures, rules and regulations shall be in writing, and a copy thereof shall be placed on file with the city secretary and posted digitally on the city's official website. enable him to determine the correctness of any report filed as required by this subchapter and the amount of taxes due under the provision of this subchapter.

(Ord. 128, passed 11-11-80; '88 Code, Ch. 1, § 10.05)

Sec. 38.39 COLLECTION OF DELINQUENT TAXES.

If any person required by the provisions of this subchapter to collect the tax imposed herein, make reports as required herein, or pay to the Tax Collector the tax imposed herein, shall fail to collect such tax, file such report or pay such tax, or if any such person shall file a false report, such person shall be fined in an amount not to exceed \$200 and shall pay to the Tax Collector the tax due, together with a penalty of 5% of the tax due for the first each 30 days that the same is not timely filed. ~~and an additional 5% for more than 30 days. Such person shall also forfeit the reimbursement for the cost of collecting the tax.~~

Such person shall also forfeit the reimbursement for any cost associated with collecting the tax and penalty.

('88 Code, Ch. 1, § 10.06; Ord. 344, passed 6-23-92)

Sec. 38.40 OPTION TO CONTRACT FOR ADMINISTRATION OF FUNDS.

The city may, at its option, enter into a contract with an agency outside of the city government to administer the funds made available under this subchapter and to carry out the purpose of this subchapter.

(Ord. 128, passed 11-11-80; '88 Code, Ch. 1, § 10.07)

TAXATION OF TELECOMMUNICATIONS SERVICES

Sec. 38.55 ESTABLISHED.

- (A) A tax is hereby authorized on all telecommunications services sold within the city. For the purposes of this section, the sale of telecommunications service is consummated at the location of the telephone or other telecommunication device from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed.
- (B) The rate of the tax imposed by this section shall be the same as the rate imposed by the city, for all other local sales and use taxes as authorized by the legislature of the state.
- (C) The City Secretary shall forward to the Comptroller of the Sstate, ~~Attn: Shirley Kaatz, PO Box 13528, Capitol Station, Austin, TX 78711-3528 by United States Registered Mail~~ a copy of this section along with a copy of the minutes of the City Council's vote and discussion on this section.

(D) The tax provided for herein shall not serve as an offset to, be in lieu of, or in any way reduce any amount

payable to the city pursuant to any franchise, street use ordinance, or statute or, without limitation by the foregoing enumeration, otherwise payable by any provider of telecommunications service, it being the express intent hereof that all such obligations and impositions of every kind and nature shall remain in full force and effect without reduction or limitation hereby.

(Ord. O-2008-003, passed 1-8-08)

CHAPTER 39: RECORDS MANAGEMENT³

Sec. 39.01 POLICY.

It is hereby declared to be the policy of city to provide for efficient, economical and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act (Tex. Local Gov't Code §§ 201.001 et seq.) and accepted records management practice.

('88 Code, Ch. 1, § 25.01; Ord. 344, passed 6-23-92)

Sec. 39.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY RECORDS. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this chapter or procedures authorized by it and in no other manner. CITY RECORDS shall not include those items excluded from the definition of "Local Government Record" in Tex. Gov't Code § 201.003(8).

ESSENTIAL RECORD. Any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the recreation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

PERMANENT RECORDS. Any record of the city for which the retention period on a records schedule is given as permanent.

RECORDS CONTROL SCHEDULE. A document prepared by or under the authority of the Records Management Officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

RECORDS MANAGEMENT. The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the

³Charter reference(s)—Public records, see Charter § 11.01

management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

RECORDS MANAGEMENT OFFICER. The person designated in § 39.04(A) of this chapter.

RECORDS MANAGEMENT PLAN. The plan developed under § 39.05 of this chapter.

RETENTION PERIOD. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

('88 Code, Ch. 1, § 25.02; '88 Code, Ch. 1, § 25.03; Ord. 344, passed 6-23-92)

Sec. 39.03 CITY RECORDS DECLARED PUBLIC PROPERTY.

All city records as defined in § 39.02 of this section are hereby declared to be the property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

('88 Code, Ch. 1, § 25.04; Ord. 344, passed 6-23-92)

Sec. 39.04 DESIGNATION OF RECORDS MANAGEMENT OFFICER; DUTIES.

- (A) The City Secretary, and the successive holders of such office, shall serve as **the** Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the Director and Librarian of the Texas State Library within 30 days of the initial designation or of taking up the office, as applicable.
- (B) In addition to other duties assigned in this chapter, the Records Management Officer shall:
 - (1) Administer the records management program and provide assistance to department heads in its implementation;
 - (2) Plan, formulate, and prescribe records disposition policies systems, standards, and procedures;
 - (3) In cooperation with department heads, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
 - (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
 - (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
 - (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
 - (7) Provide records management advice and assistance to all city personnel by preparation of a manual or manuals or procedure and policy and by on-site consultation;
 - (8) Monitor records retention schedules and administrative rule, issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;

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- (9) Disseminate to the City Council and city personnel information concerning state laws and administrative rules relating to local government records;
 - (10) Instruct ~~Records Liaison Officers and other~~ personnel in policies and procedures of the records management plan and their duties, in the records management program;
 - (11) Direct ~~Records Liaison Officers or other~~ personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this chapter;
 - (12) Ensure that the maintenance, preservation, ~~microfilming~~, destruction, or other disposition of the city is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
 - (13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
 - (14) Report annually to the City Council on the implementation of the records management plan of the city, including summaries of the statistical and fiscal data compiled under division (B)(13) above; and
 - (15) Bring to the attention of the City Council non-compliance by city personnel with the policies and procedures of the records management program or the Texas Local Government Records Act.

('88 Code, Ch. 1, § 25.07; Ord. 344, passed 6-23-92)

Sec. 39.05 RECORDS MANAGEMENT PLAN.

- (A) The Records Management Officer shall develop a records management plan for the city for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this chapter effectively.
- (B) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, ~~or microfilmed~~ or disposed of in accordance with the plan.
- (C) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this chapter and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

('88 Code, Ch. 1, § 25.06; Ord. 344, passed 6-23-92)

Sec. 39.06 DUTIES AND RESPONSIBILITIES OF PERSONNEL.

In addition to other duties assigned in this chapter, all personnel shall:

- (A) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this chapter.
- (B) Adequately document the transaction of government business and the services, programs, and duties for which the person is responsible and maintain the records in his or her care and carry out their

preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this chapter.

('88 Code, Ch. 1, § 25.08; Ord. 344, passed 6-23-92)

Sec. 39.07 RECORDS CONTROL SCHEDULES; IMPLEMENTATION.

(A) Records control schedules.

- (1) The Records Management Officer shall prepare records control schedules listing all records created or received by the city and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.
- (2) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.
- (3) Before its adoption, a records control schedule or amended schedule must be approved by the City Council. ~~Attorney and the Council person designated by the City Council.~~
- (4) Before its adoption, a records control schedule must be submitted to and accepted for filing by the Director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the Director and librarian.

(B) Implementation. A records control schedule that has been approved and adopted under § 39.05 shall be implemented by all personnel according to the policies and procedures of the records management plan.

('88 Code, Ch. 1, § 25.09; '88 Code, Ch. 1, § 25.10; Ord. 344, passed 6-23-92)

Sec. 39.08 DESTRUCTION OF RECORDS. Destruction schedules set by state.

(A) Destruction of records under schedule.

- (1) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or any personnel requests in writing to the Records Management Officer that the record be retained for an additional period.
- (2) Prior to the destruction of any record under an approved records control schedule, authorization for the destruction **must be obtained by the Records Management Officer from the City Council.**

(B) Destruction of unscheduled records. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule, and the Records Management Officer has submitted to and received back from the Director and librarian an approved destruction authorization request.

('88 Code, Ch. 1, § 25.11; '88 Code, Ch. 1, § 25.12; Ord. 344, passed 6-23-92)

Sec. 39.09 COPYING CHARGES FOR PUBLIC RECORDS.

A service charge for copying governmental and public records shall be determined by the City Council ~~from time to time~~ and prescribed in § 2.00 of the Fee Schedule (Appendix 1 of this Code).

('88 Code, Ch. 1, § 23.00 and App. A, § 2.00; Ord. 260, passed 1-10-89; Am. Ord. 344, passed 6-23-92; Am. Ord. 98-023, passed 8-11-98)

Sec. 39.10 ~~[PREPAYMENT AND PERSONNEL TIME LIMITATIONS FOR PRODUCTION OF PUBLIC INFORMATION.]~~

Regulations

- (1) Thirty-six hours, per fiscal year, per requestor, and or 15 hours for a requestor for a one-month period, as provided by Texas Government Code § 552.275 is the reasonable limit set on the amount of time City personnel are required to spend producing public information for inspection or duplication by a requestor or providing copies of public information to a requestor.
- (2) Each time the City complies with a request for public information, the City shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period.
- (3) At such time that, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limit established by the City, the City shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the tenth day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be as established by rules prescribed by the Texas Attorney General under [Texas Government Code] §§ 552.262(a) and (b).
- (4) If it is determined that additional time is required to prepare the written estimate under Subsection (e) of Texas Government Code § 552.275, the City shall provide the requestor with a written statement of that determination and the City shall provide the written statement under that subsection as soon as practicable, but on or before the tenth day after the date the City provided the statement under this subsection.
- (5) If the City provides a requestor with the written statement under Subsection (e) of Texas Government Code § 552.275, the City is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the City provided the written statement under that subsection, the requestor pays the lesser of, or submits a statement in writing to the City in which the requestor commits to pay the lesser of:
 - a. The actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
 - b. The amount stated in the written statement provided under Subsection (e) of Texas Government Code § 552.275.
- (6) If the requestor fails or refuses to pay or submit the written statement under Subsection (g) of [Texas Government Code] § 552.275, the requestor is considered to have withdrawn the requestor's pending request for public information.

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- (7) Pursuant to Section 552.275 of the Texas Government Code, the limitations adopted herein by the City pursuant to Texas Government Code § 552.275 do not apply if the requestor is a representative of:
- a. A radio or television station that holds a license issued by the Federal Communications Commission;
 - b. A newspaper that is qualified under [Texas Government Code] § 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
 - c. A newspaper of general circulation that is published on the internet by a news medium engaged in the business of disseminating news or information to the general public; or
 - d. A magazine that is published at least once a week or on the internet by a news medium engaged in the business of disseminating news or information to the general public.
 - e. If the requestor is an elected official of the United States, this state, or a political subdivision of this state;
 - f. If the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

(Ord. O-2023-016, § I, 9-26-23)

CHAPTER 40: PARK AND RECREATION FACILITIES

PARKS AND RECREATION BOARD

Sec. 40.01 MISSION STATEMENT.

A Park and Recreation Board is hereby organized in accordance with Tex. Local Gov't Code §§ 332.001 et seq. in order to accomplish the following purposes:

- (A) To serve in an advisory capacity to the City Council in the acquisition, development, improvement, equipment and maintenance of all parks, public playgrounds, athletic field, community center, senior citizen center and other recreation facilities and activities on any of the properties owned or controlled by the city.
- (B) To recommend to Council programs, policies and ordinances that will benefit and promote the leisure and recreational needs of the community.
- (C) Seek to promote close cooperation between the city and all private citizens, institutions, agencies and associations interested in or conducting recreational activities, to the end that all recreational resources within the city may be coordinated to secure the greatest public welfare.
- (D) Coordinate with the City Manager or his or her designee: all matters of an administrative or personnel nature requiring the attention of the chief administrative officer; a plan outline of development of any new parks and playgrounds for Council approval; and all matters of a budgetary nature related to park and recreation matters.

('88 Code, Ch. 1, § 27.01; Ord. 97-012, passed 6-24-97)

Sec. 40.02 MEMBERSHIP AND APPOINTMENT.

The Park and Recreation Board shall be composed of six qualified city voters. The City Council will consider for appointment to the Board only those persons who have demonstrated their civic interest, personal knowledge of the community, independent judgement, interest in Park and Recreation program planning and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Board which is broadly representative of the community.

('88 Code, Ch. 1, § 27.02; Ord. 97-012, passed 6-24-97; Ord. O-2024-006, § A.1), 1-23-24; Ord. O-2024-025, § I(A), 9-24-24)

Sec. 40.03 TERMS OF OFFICE; FILLING OF VACANCIES.

- (A) The terms of three of the members shall expire on September 30 of each odd numbered year and the terms of three of the members shall expire on September 30 of each even numbered year.
- (B) Vacancies for unexpired terms shall be filled by appointment whose term runs concurrently with that of the vacancy to be filled. No member shall be appointed for a term in excess of three consecutive terms. Newly appointed members shall be installed at the first regular Board meeting after their appointment. The City Council may remove a Board Member for cause on a written charge.

('88 Code, Ch. 1, § 27.03; Ord. 97-012, passed 6-24-97; Ord. O-2024-006, § A.2), 1-23-24)

Sec. 40.04 ORGANIZATION; MEETINGS.

- (A) The Board shall hold an organizational meeting in October of each year and shall elect a Chairperson, Vice-Chairperson and a Secretary from among its members before proceeding to any other matters of business. The same person may not serve any longer than three consecutive years as the Chairperson.
- (B) Meetings will be held monthly and shall be conducted at a time, date and place designated by the chair. The Board shall adhere to the Park and Recreation Board rules of procedure as adopted by Council and keep a record of its proceedings consistent with the provisions of this subchapter and the requirements of law.

('88 Code, Ch. 1, § 27.04; Ord. 97-012, passed 6-24-97; Am. Ord. O-2012-012, passed 9-25-12)

Sec. 40.05 DUTIES AND RESPONSIBILITIES.

The Park and Recreation Board is hereby charged with the duty and ~~invested~~ vested with the authority to:

- a. Under Council direction, will review and recommend rules, procedures and ordinances for consideration by the City Manager or designee relating to the management of a public park and recreation program.
- (B) The Board shall provide recommendations to the City Manager or designee, on behalf of Council, on ordinances governing the conduct on public playgrounds, athletic fields, recreation centers, community and senior citizen center, concession rights, and other recreational facilities and activities on any of the properties owned or controlled by the city, on properties controlled by the city with the consent of the owners or authorities thereof.
- (C) In accordance with administrative policies and procedures established by the City Manager or designee, the Board may solicit or receive any gifts or bequests of money or other personal property, or any donations to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.
- (D) The Board shall, with the approval of the City Manager or designee, on behalf of the Council, coordinate recreational activities that employ the leisure time of the citizenry in a constructive and wholesome manner.
- (E) Prepare, submit, and review on an annual basis with the City Manager or designee, recommendations to Council for a five year Capital Improvements Plan.
- (F) Present in September of each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Board officers.
- (G) The Board, at the direction of Council, shall study, hold public hearings and submit reports on any topics pertaining to recreational and leisure program planning that the Council deems appropriate.
- (H) The Board shall forward recommendations to the City Manager, on behalf of the Council, with regards to the Park Board Budget within the Parks Budget.

('88 Code, Ch. 1, § 27.05; Ord. 97-012, passed 6-24-97)

Sec. 40.06 QUORUM; ATTENDANCE AT MEETINGS; COMPENSATION.

A quorum for the conduct of business shall consist of three members of the Board. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation. Three consecutive unexcused absences or absence from three meetings in any six-month period shall constitute grounds for dismissal.

('88 Code, Ch. 1, § 27.06; Ord. 97-012, passed 6-24-97)

Sec. 40.07 MOTIONS OF THE BOARD; COUNCIL ACTIONS.

(A) A motion may be made by any member other than the presiding officer.

(B) A motion to approve any matter before the Board or to recommend approval of any request requiring Council action shall require three favorable votes. When fewer than all the members are present for the voting and when all motions fail to carry by three votes, consideration of the motion shall be continued to the next regular meeting upon motion carried by a majority of those present. Failure of the Board to secure three concurring votes to approve or recommend approval at such next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

('88 Code, Ch. 1, § 27.07; Ord. 97-012, passed 6-24-97)

Sec. 40.08 DISQUALIFICATION FROM VOTING.

A member shall disqualify himself or herself from voting whenever he or she finds that he or she has a personal or monetary interest in the matter under discussion, or that he or she will be directly affected by the decision of the Board.

('88 Code, Ch. 1, § 27.08; Ord. 97-012, passed 6-24-97) Sec. 40.01

PARKS AND RECREATION FACILITIES

Sec. 40.01-09 HOURS OF OPERATION OF CITY PARKS.

(A) Definitions. For the purpose of this section, the following terms are defined as follows:

AGREEMENT is a document stipulating the terms, rules, and regulations to be adhered to by all parties being represented by signatory.

CITY PARK means any portion of the city park system which has been dedicated for park purposes, including walks, drives, roads, and parking facilities within and adjacent to park facilities.

CLOSED FIELD means any athletic field that is ~~shut down~~unavailable for use due to ~~for the purpose of~~ maintenance, renovation or to protect the surface of the athletic field from damage.

GBC PARK. The City of Gun Barrel City Municipal Park ~~Department~~.

PERMITTEE is a person or organization that requests the use of a certain recreational area of the park for a period of time.~~a field or fields for one or more days a week and refers to their schedule as a season or tournament.~~

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- (B) Operating hours established. In order to properly preserve and maintain the city parks, the following schedule of hours is adopted for use of city parks by members of the public: Monday through Sunday ~~6:00 a.m.-dawn~~ to 11:00 p.m.
- (C) Closed field. The ~~Director of the Parks and Recreation Department or his or her designee~~ City Manager or designee is authorized to designate any athletic field owned or leased by the city a closed field and a sign or signs shall be posted giving notice of the closed field. When such signs are posted, giving notice that an athletic field is a closed field, it is an offense for any member of the public to enter upon such athletic field.
- (D) Use of, or presence in, park during unauthorized hours is prohibited. Use of a city park or presence therein or contrary to the hours established herein or as shall from time to time be established by ordinance by the City Council is hereby prohibited.
- (E) User and custodial fees. Refer to Appendix I: Fee Schedule, § 22.00, for a list of applicable fees.
- (Ord. 05-002, passed 2-8-05; Am. Ord. 2016-006, passed 2-23-16)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~02-10~~ RESERVED.

Sec. 40.~~03-11~~ MANAGEMENT, USE AND OPERATION OF CITY-OWNED PROPERTY.

- (A) Whenever it is necessary for the preservation or protection of property, the ~~City Manager~~ City Manager or designee shall have full power and authority to establish written rules and regulations for the management, use and operation of any city-owned property. Such rules shall be known as Standing Rules and shall not be contradictory to this chapter or other ordinances of the city but may explain or clarify such requirements.
- (B) Violation of Standing Rules shall be enforced by verbal request for compliance, and continued failure to comply may result in ~~rejection~~ from the park or refusal of services.
- (C) For the purpose of this section, CITY-OWNED PROPERTY shall include, but is not limited to, municipal parks, athletic fields, administrative buildings, fire stations, city hall, animal shelter, health clinic, the Justice Center, Community Center and any other property, whether vacant or developed, together with all buildings, facilities and parking lots located in or on such property.

Should rule posting be REQUIRED by ordinance?

(Ord. 05-002, passed 2-8-05)

Sec. 40.~~04-12~~ DEPOSITING TRASH AND THE LIKE IN PARK.~~LITTER.~~

No person shall throw litter in or on a public park, pond or greenbelt area at any time. All litter in any park after any activity shall be picked up by the reserving party or operators of the concession stand if being utilized.

~~It shall be unlawful for any person to throw or deposit trash, yard waste or solid waste of any kind or nature in any park within the city, except in public receptacles and in such a manner that the trash, yard waste or solid waste will be prevented from being carried or deposited by the elements upon or any part of the park or upon any street or any public place. Where public receptacles are not provided, all such trash, yard waste or solid waste shall be carried away from the park by the person responsible for its presence and properly disposed of as same is provided for herein.~~

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

~~Sec. 40.05 THROWING TRASH OR WASTE IN FOUNTAIN, POND, AND THE LIKE.~~

~~It shall be unlawful for any person to throw or deposit any trash, yard waste or solid waste of any kind or nature whatsoever in any fountain, pond, lake, stream or any other body of water in a park.~~

~~(Ord. 05-002, passed 2-8-05)~~

Cross reference(s)—Penalty, see § 10.99

~~Sec. 40.06-13 AMPLIFICATION SYSTEM~~

~~Except when approved by the City Manager or his designee, no person shall operate any device so that the sound could be heard to the annoyance or inconvenience of persons in any public place or in neighboring premises.~~

Sec. 40.14 WATER-RELATED ACTIVITIES ON CITY PROPERTY.

- (A) Except as provided in this section, it shall be unlawful and an offense for any person to wade, swim, boat or ice skate in or upon any pond, drainage area, lake or other water facility located on city park property or other property owned or under control of the city.
- (B) Fishing in city parks and on city property shall be allowed only at designated water facilities and is "catch and release" only.
- (C) The ~~Director of Parks and Recreation or his or her~~City Manager or designee may authorize special events allowing the activities prohibited herein, where such activities are sponsored by the city.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

~~Sec. 40.07-15 HITTING GOLF BALLS IN CITY PARKS PROHIBITED~~GOLF.

~~Playing or practicing golf shall be prohibited within city parks except in areas specifically designated for golf. When signs are posted giving notice to such effect, it shall be unlawful and an offense for any person to hit or drive golf balls in and upon public parks within the city.~~

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

**~~Sec. 40.08-16 DISRUPTING~~DISRUPTION OF SUPERVISED PLAY OR AMUSEMENT CONDUCTED
UNDER AUTHORITY OF ~~PARKS AND RECREATION DEPARTMENT~~THE CITY OF GUN
BARREL CITY.**

- (A) It shall be unlawful and is hereby declared to be a nuisance for any person to willfully disrupt, prevent or hinder the orderly conduct of any supervised play or amusement program ~~being conducted by or under the authority of the Parks and Recreation Department of the city~~ in any building, playground or park area operated by or subject to the direction of the ~~Parks and Recreation Department of the city~~City of Gun Barrel City.

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- (B) The ~~Park Supervisor~~Gun Barrel City Police Department or any employee acting in their official capacity can reject someone for violation of the Standing Rules, penal codes or other ordinances of the city.
- (C) "Supervised play or amusement program" includes an organized activity where permission or authority for such activity is required ~~from the Parks and Recreation Department for such activity~~, such as games of sport requiring specific areas of a facility or particular equipment and including, but not limited to, baseball, softball, football, soccer, both practice and inter-team competition, as well as other activities subject to control or authority of the Parks and Recreation Department.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~09-17~~ ARCHERY EQUIPMENT PROHIBITED.

It is unlawful for any person to discharge any bow and arrow, crossbow, or other archery equipment within a public park or recreation area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~10-18~~ FIREWORKS PROHIBITED.

It is unlawful for any person to possess~~s~~, sell, or discharge any fireworks within a public park or recreational area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~11-19~~ FIREARMS DISCHARGE PROHIBITED.

It is unlawful for any person, other than law enforcement officers or the Fire Marshal, to ~~carry or~~ discharge any firearms within a public park or recreation area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~12-20~~ FIRES PROHIBITED.

- (A) It is unlawful for any person to build, ignite, or maintain a fire within a public park or recreation area except as herein provided.
- (B) It shall be a defense to prosecution under this section that the fire:
- (1) Was built, ignited, or maintained in a fire-containment vessel or structure provided by the Parks and Recreation Department; or
 - (2) Was built, ignited, or maintained in a fire-containment vessel or device approved by the Fire Marshal in consultation with the ~~Director of the park~~City Manager or designee.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~13-21~~ TENTS, STANDS, OR OTHER CONSTRUCTION PROHIBITED.

- (A) Except as provided herein, it is unlawful for any person to place any tent, stand, building or structure on the grounds of any public park or recreation area.
- (B) Nothing herein stated shall relieve any person acting under a written contract, lease, or special event permit from responsibility to ensure that any tent, stand, building, or structure placed on the grounds of a public park or recreation area:
 - (1) Is properly permitted in accordance with this Code;
 - (2) Is duly inspected by the relevant authority; and
 - (3) Is certified for occupancy or compliance with city codes as otherwise provided in this Code.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~14-22~~ DAMAGE TO PLANTS PROHIBITED.

It is unlawful for any person to cut, remove, damage or destroy any trees, shrubs, flowers or other growing plants located in and upon the grounds of any public park or recreation area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~15-23~~ DAMAGE TO CITY PROPERTY PROHIBITED.

It is unlawful for any person to remove, alter, damage or destroy any building, structure, recreation equipment, furniture, fixtures or other property of the city in or upon a public park or recreation area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~16-24~~ HUNTING, STALKING, TRAPPING PROHIBITED.

It is unlawful for any person to hunt, stalk, trap, or kill any bird, animal, or other wildlife in or upon the grounds of a public park or recreation area.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~17-25~~ POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED.

- (A) It is unlawful for any person to consume alcohol or to possess an open container containing alcoholic beverages within a public park or recreational area without prior approval by the City Manager or designee including:

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- (1) Athletic facilities including, but not limited to, baseball and softball diamonds, athletic fields, soccer and other game courts;
 - (2) All park facilities and accessory structures including Playgrounds; parking lots; roadways; community centers, concessions buildings, amphitheater, pavilions and restroom facilities.

~~(3) Vehicle parking areas in a public park or recreational area;~~

~~(4) Interior roadways contained within a public park or recreational area; or~~

~~(5) Inside recreational centers, concession buildings, and restroom facilities.~~

- (B) For purposes of this section, the term ALCOHOLIC BEVERAGES is used as defined in the Tex. Alcoholic Beverage Code.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.18-26 UNAUTHORIZED USE OF MOTOR VEHICLES.

- (A) It is unlawful for any person to operate an automobile, motorcycle, all-terrain vehicle, or other motor vehicle upon the grounds of any public park or recreation area except upon a public street, road, trail or parking area designated for vehicle operation.
- (B) It is unlawful for any person to stop, stand, or park a motor vehicle so as to obstruct, in whole or in part:
 - (1) Any parking space or area specifically reserved for the disabled and conspicuously identified as such according to law;
 - (2) Any point of ingress or egress to such park or recreation area;
 - (3) Any roadway, trail or parking area established for motor vehicle use.
- (C) It is unlawful for any person to fail to park the entire motor vehicle within the limit lines of a designated stall where such lines have been provided.
- (D) It is unlawful for any person to stop, stand, or park a motor vehicle in a manner prohibited or declared unlawful by this Code or the state law.
- (E) The city shall post signs notifying vehicle owners of the parking rules. If a motor vehicle is stopped, parked or left standing in violation of this section and the owner cannot be found, any peace officer having jurisdiction within the city may remove or impound the vehicle or cause the same to be removed or impounded on accordance with this Code.

(Ord. 05-002, passed 2-8-05)

Cross reference(s)—Penalty, see § 10.99

Sec. 40.19-27 RADIO CONTROLLED MODEL AIRCRAFT PROHIBITED.

Except as provided in this chapter, it is unlawful for any person to launch, fly or otherwise operate a radio controlled aircraft in or upon the grounds of any public park or recreation area owned or used by the city.

(Ord. 05-002, passed 2-8-05) **Drone use controlled by FAA – this is just model aircraft.**

Cross reference(s)—Penalty, see § 10.99

Sec. 40.~~20-28~~ EXCEPTIONS TO PROHIBITIONS. SHOULD THIS BE AT THE END?

The prohibitions of this chapter:

- (A) Do not apply to a city or other government official or employee acting within the scope of official duties.
- (B) **Apply only to those prohibitions specifically waived in a permit. IS THIS CORRECT?**

(Ord. 05-002, passed 2-8-05)

Sec. 40.~~21-29~~ APPLICABILITY OF OTHER CITY REQUIREMENTS.

- (A) All facilities provided by a business, concessionaire or person conducting a special event shall be properly permitted, inspected by the appropriate city inspector and certified with respect to compliance with such city requirements, as necessary prior to operation.
- (B) The Building Official, Fire Marshal, Health Inspector, or designees, as well as police officers acting within the scope of official duties shall have the right ~~to~~of entry at all times to any building, structure, concession exhibit, show, or other facilities located in a public park and recreation area and utilized by persons operating concessions or conducting special events in public parks or recreation areas.
- (C) The officers have the authority to cite any concessionaire or person conducting a special event for violation of this Code and to cause the immediate closure or removal of any construction, use, occupancy, or condition which constitutes an imminent hazard to public health, safety, or welfare.

(Ord. 05-002, passed 2-8-05)

Sec. 40.~~30~~ PETS.

No pets shall be permitted within any playground area or where any organized activity is being conducted.

Sec. 40.~~31~~ MASS GATHERING.

It shall be unlawful to hold any meeting or gathering within the parks system which will attract more than 100 people without first obtaining a special permit from the City for such purposes.

Sec 40-32 ADVERTISING

No person shall attach or affix any printed, pictured, drawn or written matter to any public building or utility pole within any city park. No advertisement or political sign shall ever be located, placed or maintained in, on or over any public right-of-way, public vehicular easement, street or alley within any city park; provided, however, that the board is authorized to allow advertising to be placed on the official score boards at all park athletic fields and gymnasiums where the party or company receiving the benefit of the advertisement pays all or part of the cost of such score boards.

Sec. 40.~~22-33~~ MASTER PARKS AND TRAILS PLAN, ADOPTED.

The city hereby adopts the Comprehensive Master Parks and Trails Plan, as amended, for the provision of direction and guidance for all current and future parks and trails within the city. The Plan is adopted by reference as if set out in full herein; copies are available through city offices.

(Ord. O-2008-32, passed 11-11-08; Am. Ord. O-2009-001, passed 1-6-09; Am. Ord. O-2009-003, passed 1-27-09)

CHAPTER 41: WATER AND WASTEWATER DEPARTMENT

This Chapter to be deleted – GBC does not have own water and wastewater department.

~~Sec. 41.01 ESTABLISHMENT OF WATER AND WASTEWATER DEPARTMENT.~~

~~There is hereby established the Water and Wastewater Department of the City of Gun Barrel City.
(Ord. O-2006-007, passed 6-13-06)~~

~~Sec. 41.02 DIRECTOR, PERSONNEL AND FACILITIES.~~

~~The Water and Wastewater Department shall be headed by a director appointed by the City Manager and approved by 2/3 of the full City Council. The department shall have such personnel as may be authorized in the annual budget of the city. The Director shall supervise the employees of the department.
(Ord. O-2006-007, passed, 6-13-06; Am. Ord. O-2006-010, passed 6-27-06)~~

~~Sec. 41.03 DUTIES OF THE DIRECTOR OF WATER AND WASTEWATER DEPARTMENT.~~

~~The Director of the Water and Wastewater Department shall, subject to the direction, supervision and oversight of the City Manager and within the funds appropriated, budgeted and available for such purposes:~~

- ~~(A) Coordinate with the City Manager, the City Engineer, and the City Council the planning, development, construction, enlargement, improvement, and operation of a sanitary sewer, wastewater disposal, and water treatment system, pursuant to plans approved by the City Council;~~
- ~~(B) Maintain the buildings, grounds and equipment of the Water and Wastewater system;~~
- ~~(C) Provide the day-to-day operations and management of the Water and Wastewater System;~~
- ~~(D) Enforce the rules and regulations adopted by the City Council and the state and federal rules and regulations applicable to the water and wastewater system;~~
- ~~(E) In consultation with the City Council, suspend or restrict any water or wastewater operations whenever he or she believes such action to be necessary and appropriate for the public health, safety and welfare;~~
- ~~(F) Facilitate communications and serve as a liaison between the state and federal regulatory agencies and the City Council;~~
- ~~(G) Assure that water is being treated properly and that all health department rules and regulations are followed to the best of his or her ability, including sending in required number of water samples;~~
- ~~(H) Keep the pump house and grounds clean and in good shape at all times;~~
- ~~(I) Supervise the installation, maintenance and reading of water meters to ensure proper functioning and readings;~~
- ~~(J) Ensure the grounds and equipment of the water and wastewater treatment plant are clean and in good working order keeping a supply of all necessary chemicals kept in stock at all times;~~
- ~~(K) Ensure that all tests are made and reported to the proper authorities;~~

-
- (L) — Supervise the installation and maintenance of sewer taps ensuring that wastewater is properly chlorinated;
 - (M) — Supervise the employees of the Water and Wastewater Department and ensure that all inspection stickers and employees' licenses are kept current, not permit any employee to work when job qualifications are lacking, and remove employees from job sites who are not qualified to perform the work required;
 - (N) — Be responsible for assuring that all facets of the Department are run in a business-like manner with offices kept clean and neat and working such hours as necessary to properly maintain the operations of the Water and Wastewater system;
 - (O) — Regularly check with the City Treasurer to ensure all water is being billed and paid for and to respond to all questions regarding the meter readings;
 - (P) — Perform other duties and responsibilities as directed by the City Manager;
 - (Q) — Keep the City Council informed of important changes, activities or other circumstances; and
 - (R) — In consultation with the City Manager, the City Engineer, and the City Council, recommend plans, specifications, grants, financing, and operating manuals for the design, installation, operation, and management of the Water and Wastewater System.

(Ord. O-2006-007, passed, 6-13-06)

CHAPTER 42: PROCUREMENT POLICIES AND PROCEDURES RESERVED

Moved to Chapter 38 – Finance and Taxation

Sec. 42.01 ADOPTION BY REFERENCE.

- (A) — The city follows the procurement standards in 2 CFR 200.317– 2 CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317– 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This ordinance O-2022-006, Exhibit A, contains the most current 2 CFR 200.317– 2 CFR 200.327 language available at the adoption of these policies and procedures.
- (B) — The contents of Ordinance O-2022-006, Exhibit A, are hereby adopted by reference as part of this Code of Ordinances as if fully set out herein.

(Ord. O-2022-006, passed 4-26-22)

CHAPTER 43: PURCHASING POLICIES

Sec. 43.01 ADOPTION BY REFERENCE.

The purchasing manual contained in Ordinance O-2025-004, Exhibit A, is hereby adopted by reference as part of this Code of Ordinances as if fully set out herein.

(Ord. O-2025-004, § I, passed 3-25-25)

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(Supp. No. 2, Update 1)

TITLE V: PUBLIC WORKS

TITLE V: PUBLIC WORKS⁴

CHAPTER 50: UTILITIES REGULATIONS

Sec. 50.01 JURISDICTION OVER ELECTRIC UTILITIES.

- A. The city does hereby elect to have the public utility commission of the state exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of the city.
- B. The city hereby expressly retains the exclusive original jurisdiction over the rates, operations, and services of water and sewer utilities within the existing and future incorporated limits of the city.

Sec. 50.02 RATE AND FEE SCHEDULE

- A. Rates and fees shall be in the amounts established by city council and amended from time to time.

~~The city does hereby elect to have the Public Utility Commission of Texas exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of the city.~~

('88 Code, Ch. 11, § 4.00; Ord. 160, passed 2-9-82)

CHAPTER 51: SOLID WASTE MANAGEMENT⁵

GENERAL PROVISIONS

⁴State law reference(s)—Authority to operate and prescribe rates, see Tex. Local Gov't Code § 402.017; Authority to regulate waste discharges and require pretreatment, see Tex. Water Code §§ 26.176 and 26.177; City has exclusive jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility, see Tex. Water Code § 13.042

⁵Cross reference(s)—Dumping on any property prohibited, burning restricted, see § 92.18; Outdoor privies, cess pools and open drainage restricted, see § 92.16

State law reference(s)—Authority to adopt regulations regarding solid waste collection, handling, transportation, storage, processing, and disposal, see Tex. Health and Safety Code § 363.111; Authority to suspend service for nonpayment, see Tex. Health and Safety Code § 363.114

Sec. 51.01 DEFINITIONS.

BULK WASTE. Items too large for a regular trash container, such as furniture, appliances, mattresses, and rugs, which are collected for disposal or recycling upon request.

COMMERCIAL CONTAINER. Containers of varying sizes used by Commercial businesses for the purpose of Solid Waste dumping.

CONTRACTOR. The company, or representatives thereof, which has been duly chosen to provide garbage collection services in the city.

GARBAGE. any and all waste food, dry kitchen refuse, waste from the preparation and consumption of food and solids after the liquids have been drained off.

POLY CART. A ninety (90) gallon mobile receptacle furnished by the contractor for depositing residential and light commercial garbage.

RECYCLING. Materials consisting of flattened cardboard, paper, plastic bottles and jugs, metal cans and/or glass which are empty, clean and dry.

SOLID WASTE. Any garbage, trash or recyclable materials.

TRASH. Paper, rags, clothes, paper and pasteboard containers, rubber, crates, weeds, grass, small tree limbs, aluminum, tin, glass, wire, bottles, etc., and in addition thereto any of the listed items utilized for recycling purposes.

For the purpose of this chapter, GARBAGE shall mean discarded waste, food, food wrappings and containers, trash, refuse and other waste matter, both organic and inorganic.

(Ord. 148A, passed 9-22-81; '88 Code, Ch. 11, § 3.01)

COLLECTION SERVICE

Sec. 51.10 SANITATION COLLECTION SERVICE.

- (A) Every person or company owning, managing, operating, leasing or renting any residence, business, industry, manufacturing operation, warehouse or storage facility shall subscribe to sanitation collection service. The city shall provide this sanitation collection service through a private contractor authorized to provide collection service within the city.
- (B) Furthermore, it shall be the duty of every owner, occupant, tenant, or lessee using or occupying any buildings, house, structure, or premises to place the daily accumulations of garbage in a container or containers as allowed by the city and place such container(s) at appropriate locations designated by the city for pick up.
- (C) Every owner, occupant, tenant, or lessee using or occupying any building, house, structure, or premise within the city shall provide and maintain garbage cans or other receptacles of sufficient number and type to hold the garbage and trash that will normally accumulate on the premises.
- (D) Subscription to the sanitation collection service shall be necessary in order to prevent accumulations of garbage and trash. Accumulations of garbage and trash is a public nuisance, punishable by law, because it causes substantial diminution of the value of property in the neighborhoods where located and tends to create a fire and health hazard.

(Ord. 148A, passed 9-22-81; '88 Code, Ch. 11, § 3.02; Am. Ord. 260, passed 1-10-89; Am. Ord. 332, passed 1-7-92; Am. Ord. 01-003, passed 3-20-01)

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(Supp. No. 2, Update 1)

Cross reference(s)—Penalty, see § 10.99

Sec. 51.11 ONLY AUTHORIZED COLLECTORS MAY OPERATE IN CITY.

Garbage collection within the city limits shall be made only by authorized contractors having a valid collection contract with the city. Any collecting businesses operating within the city limits, without such authorization, shall be in violation hereof.

(Ord. 148A, passed 9-22-81; '88 Code, Ch. 11, § 3.03)

Cross reference(s)—Penalty, see § 10.99

Sec. 51.12 CONTRACTS FOR COLLECTION.

- (A) Contracts with the city for garbage collection shall set the rates for such services, both residential and commercial, and shall contain any other terms which the City Council shall deem to be in the best interests of the citizens of the city. Such contracts shall be entered into on a competitive basis.
- (B) Factors for consideration in contract awards shall include the following:
- (1) Proposed rates in bids;
 - (2) Reputation and experience of contractor;
 - (3) Equipment and financing of contractor.

(Ord. 148A, passed 9-22-81; '88 Code, Ch. 11, § 3.04)

CONTAINERS

Sec. 51.25 CONTAINER REQUIREMENTS.

The requirements of garbage containers to be picked up in the city shall be as follows:

- A. All residents and commercial establishments that are not provided with commercial container service shall use only approved containers for disposal of solid waste.
- B. Polycarts provided by the franchise solid waste hauler are hereby declared to be the only approved containers for disposal of solid waste and recycling.
- C. The City Manager or designee may make certain special rules and regulations concerning the disposal of waste items other than garbage and trash when determined that such approved containers would be inadequate for such disposal.
- D. Unless otherwise exempt by the terms of this chapter, it shall be unlawful for any person to dispose of garbage, trash, recyclables, and other solid waste except through commercial container service or in the approved containers. Solid waste placed outside of approved containers shall not be collected.

~~(A)—All garbage must be totally contained in disposable or non-disposable containers.~~

~~(B)—Non-disposable containers must be covered.~~

~~(C)—No container shall exceed the capacity of the waste management disposable bag or the non-disposable poly cart. No container will be picked up unless it is furnished through waste management.~~

(Ord. 190, passed 3-13-84; '88 Code, Ch. 11, § 3.10; Am. Ord. 332, passed 1-7-92)

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(Supp. No. 2, Update 1)

Cross reference(s)—Penalty, see § 10.99

Sec. 51.26 PLACEMENT OF CONTAINERS.

- (A) All residents and commercial establishments that do not use a commercial container service shall place their solid waste in the city/public right-of-way for collection. Polycarts shall be placed so that they may be mechanically picked up and emptied. The recycling polycart should be placed approximately three feet from and adjacent to the trash polycart.
- (B) No polycarts or recycling containers shall be allowed to remain in the city/public right-of-way prior to: 4:00 p.m. on the day before collection or after 12:00 p.m. on the day after collection.
- (C) All solid waste and recyclables shall be placed inside the polycarts. Nothing may be placed on top of the polycart lid. The lid must be closed to prevent littering and to render contents inaccessible to insects, rodents, and other animals.
- (D) Commercial establishments that do not use commercial container service shall place their approved containers at the appropriate collection point on the scheduled collection day.
- (E) After receiving notification that an item placed for collection cannot be handled by the collection crews, residents and commercial establishments shall remove and dispose of such items at their own expense within 48 business hours.
- (F) Residents will have the ability to schedule bulk/brush service through the city's vendor one time per month at no cost.
- (G) There shall be no parking in front of or within five feet of either side of residential waste containers or bulky/brush set out.

~~All residential containers to be picked up must be deposited conveniently near the street in front of the residence, lot or establishment from which the garbage emanates and deposited only on the day on which the garbage is to be picked up. The most convenient pick-up location for all commercial businesses shall be determined by the contractor.~~

(Ord. 148A, passed 9-22-81; '88 Code, Ch. 11, § 3.11)

Cross reference(s)—Penalty, see § 10.99

Sec. 51.27 CONTAINERS TO BE KEPT SANITARY AND PROTECTED FROM WIND.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding the garbage containers shall be maintained in a clean and sanitary condition. Also, the contents of all containers and receptacles shall be protected so that the wind cannot blow out and scatter the contents.

('88 Code, Ch. 11, § 3.12; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 51.28 PILFERING OR MEDDLING WITH GARBAGE CANS AND RECEPTACLES PROHIBITED.

- A. No person, other than the current resident of the property on which recyclable materials are placed for collection, or an authorized carrier, shall remove, pick up, or transfer recyclable materials left curbside in any residential subdivision or at curbside at any single-family residence. Materials left at curbside in either specifically marked recovery containers or any other type of container are to be picked up by a designated

carrier for removal of recyclable materials. Each unauthorized removal of any items from a resident subdivision location or a single-family residence shall constitute a separate violation of this chapter. For purposes of this section, the term "recyclable material" shall mean:

- a. Plastic—Polyethylene terephthalate (pet) and high-density polyethylene plastics (HDPE).
- b. Aluminum beverage cans.
- c. Steel cans (commonly known as tin cans).
- d. Glass—Clear, brown, and green.
- e. Cardboard/paper/newsprint.

B. After solid waste or debris is placed for collection, no person other than the owner of the property on which the solid waste or debris is placed or an authorized carrier shall sift through, remove, pick up, or transfer the solid waste or debris placed thereon. Solid waste or debris located on city or public property shall not be sifted through, removed, picked up, or transferred by any person without prior authorization by the city. Each unauthorized removal of any items shall constitute a separate violation of this section.

~~(A)—The meddling with garbage containers or other receptacles used for garbage, or in any way pilfering, searching or causing the scattering of the contents of a garbage container or receptacle is hereby declared to be unlawful.~~

~~(B)—This section shall not apply to authorized garbage and refuse collectors or other authorized city officials, including police officers, acting within the scope of their official duties.~~

('88 Code, Ch. 11, § 3.13; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

CHAPTER 52: SEWERS

Managed by East Cedar Creek Fresh Water District should we have ordinances?

Sec. 52.01 SEWER CONNECTION COMPULSORY.

The owner of any property containing a structure used for human occupancy, employment, recreation or other purpose in which human waste is or may be generated shall be required to connect to the public sewer system; provided, that the nearest sewer main is located within 300 feet of any portion of the property.

('88 Code, Ch. 11, § 1.00; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 52.02 SEPTIC TANKS.

It shall be unlawful for any person to install or use any septic tank for private waste disposal within the city limits except when public sewer is not available or when such septic tanks were in operation on the effective date of this section; provided, that the property is not located within 300 feet of a sanitary sewer main or 2,000 feet from Cedar Creek Lake. Whenever any septic tank is to be installed it shall be in compliance with On-Site Sewage Facility (OSSF) rules set by the Texas Commission on Environmental Quality, ~~the provisions of the latest edition of the "Construction Standards for On-Site Sewerage Facilities" as published by the Texas Department of Health.~~

('88 Code, Ch. 11, § 2.00; Ord. 260, passed 1-10-89)

Cross reference(s)—Outdoor privies, cess pools and open drainage restricted, see § 92.16; Penalty, see § 10.99



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: Planning
REQUESTED BY: Brittany Anderson

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Ordinance No. O-2026-014 granting a special use permit to Zulema Padilla to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas, including a waiver of the 1,000-foot separation requirement (Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances (General Business District - B-2, uses permitted by special use permit).

SUMMARY

Tattoo studios require a Special Use Permit in the B-2 district. The proposed location is approximately 83 feet from residential property lines and does not meet the 1,000-foot separation requirement; however, City Council may waive this requirement.

Planning & Zoning Commission Action:

The Planning and Zoning Commission was unable to take action on this item due to a lack of quorum.

RECOMMENDED ACTION

Staff recommends approval of the Special Use Permit, including waiver of the 1,000-foot separation requirement, subject to City Council determination that the use will not be detrimental to public health, safety, or general welfare.

ATTACHMENTS:

Application
Proposal packet
Timeline
Staff report

ORDINANCE #O-2026-014

AN ORDINANCE OF THE CITY OF GUN BARREL CITY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO GRANT A SPECIAL USE PERMIT TO ZULEMA PADILLA TO OPERATE A TATTOO AND PIERCING STUDIO (TATTOO MAFIA AESTHETICS AND WELLNESS) LOCATED AT 229 EAST MAIN STREET, GUN BARREL CITY, TX 75156 HENDERSON COUNTY, TEXAS; PROVIDING SPECIAL CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Planning and Zoning Commission and City Council of the City of Gun Barrel City, in compliance with state laws with reference to amending the comprehensive zoning ordinance and map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City Council is of the opinion and finds that said zoning ordinance and map should be amended as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS:

Section 1. That the comprehensive zoning ordinance and map of the City of Gun Barrel City, Texas, as heretofore amended, be, and the same are hereby, amended to grant a **special use permit issued to Zulema Padilla to operate a tattoo and piercing studio at 229 East Main Street, Gun Barrel City, Texas.**

Section 2. That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Gun Barrel City, as heretofore amended, subject to the following special conditions:

- A. The special use permit granted is in order to operate a tattoo and piercing studio along with the sale of jewelry, supplies, artwork and t-shirts which would generate sales tax revenue for the City.
- B. No tattoo art which could be offensive to someone will be displayed in a public area. Offensive art must be placed in binders or racks or in another room that the public doesn't see. The artists will not provide images to patrons that may be considered racist, gang or drug related.
- C. No tattooing will be provided on patrons compromised by alcohol, pregnancy, or patrons under the age of 18 as required by the State of Texas.
- D. Tattoos to be placed on the body in private areas must be done in a secured room not visible by anyone but the tattoo artist.
- E. All staff (not just tattoo artists) will be required to complete the Blood born Pathogen Certification on their first day of employment. All Artists will comply with all State of Texas regulations regarding sanitation and disposal. The tattoo studio will be required to follow all State of Texas requirements to complete regular inspection.

- F. Tattoo Mafia will provide the State of Texas with monthly spore testing done on all sterilization equipment. As added protection surface barriers will be used to protect all patrons.
- G. There will be a zero-tolerance policy for- loud noise, vandalism, and loitering. We serve to provide an asset, provide jobs, and revenue to the community.

Section 3. That all provisions of the ordinances of the City of Gun Barrel City in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

Section 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

Section 5. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Gun Barrel City, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

Duly Passed and Approved by the City Council of the City of Gun Barrel City, Texas, on the **28th** day of **April 2026**.

Approved:

Brian Crull, Mayor

Attest:

Janet Dillard, City Secretary

SPECIAL USE PERMIT SCHEDULE
Tattoo Studio
Zulema Padilla, Applicant
tattoomafiadallas@gmail.com
229 East Main Street, Gun Barrel City, TX 75156

- 03/20/26 Public hearing notice sent to paper.
- 03/25/26 Letters mailed to property owners within 200 feet of the property.
- 03/29/26 P&Z & City Council public hearing notice published in paper - at least 15 days prior to the City Council meeting.
- 04/13/26 P&Z Meeting with the following items:
- Public hearing on a request from Zulema Padilla to grant a Special Use Permit for a Tattoo Studio located at 229 East Main Street, Gun Barrel City, Texas 75156, as required by Section 156.041(B)(3)(g) of the Code of Ordinances (General Business District – B-2, Uses permitted by Special Use Permit).
- Consider and take action to make a recommendation to the City Council on a request from Zulema Padilla to grant a Special Use Permit for a Tattoo Studio located at 229 East Main Street, Gun Barrel City, Texas 75156, as required by Section 156.041(B)(3)(g) of the Code of Ordinances (General Business District – B-2, Uses permitted by Special Use Permit).
- 04/28/26 Regular City Council Meeting with the following items:
- Public hearing on a request from Zulema Padilla to grant a Special Use Permit for a Tattoo Studio located at 229 East Main Street, Gun Barrel City, Texas 75156, as required by Section 156.041(B)(3)(g) of the Code of Ordinances (General Business District – B-2, Uses permitted by Special Use Permit).
- Consider and take action to adopt Ordinance #O-2025-00X granting a special use permit to Zulema Padilla for a Tattoo Studio located at 229 East Main Street, Gun Barrel City, Texas.



City Council Staff Report

April 28, 2026

Title:

Consider and take action on a request for a Special Use Permit to allow a Tattoo Studio located at 229 East Main Street, Gun Barrel City, Texas.

Executive Summary:

The applicant, Zulema Padilla, has submitted a request for a Special Use Permit (SUP) to operate a Tattoo Studio at 229 East Main Street.

The property is zoned B-2 General Business District. Tattoo studios are permitted only by Special Use Permit pursuant to Sec. 156.041(B)(3)(g) of the Code of Ordinances.

The Planning and Zoning Commission was unable to take action on this item at the April 13, 2026 meeting due to a lack of quorum; however, this request is required to be considered by City Council for final action.

Background Information:

Applicant: Zulema Padilla

Property Address: 229 East Main Street

Zoning: B-2 General Business District

Request: Special Use Permit to allow a Tattoo Studio

The subject property is located along East Main Street (SH 334) and is developed with an existing commercial structure.

Public Notices:

- March 20, 2026 – Public hearing notice sent to the newspaper.
- March 25, 2026 – Letters mailed to property owners within 200 feet.
- March 29, 2026 – Public hearing notice published in the newspaper.

Meeting Dates:

- April 13, 2026 – Planning & Zoning Commission - (No quorum – no action taken)
 - April 28, 2026 – City Council Meeting.
-



City Council Staff Report

Staff Analysis

Zoning Compliance

The property is zoned B-2 General Business District, which allows a range of commercial uses.

Pursuant to Sec. 156.041(B)(3)(g) of the Code of Ordinances, tattoo studios are permitted only by Special Use Permit

Compatibility with Surrounding Uses

The surrounding area includes a mix of commercial and residential properties.

The proposed tattoo studio is a service-based commercial use that is generally consistent with other uses allowed in the B-2 district.

Site and Operational Considerations

- The business will operate within an existing structure
- No outdoor operations are proposed
- Any signage must comply with Chapter 154 – Signs
- The business must comply with all applicable State of Texas Department of State Health Services (DSHS) requirements

Impact on Public Health, Safety, and Welfare

No adverse impacts are anticipated provided the use complies with all applicable regulations, including building, fire, and state health requirements.

Special Use Permit Considerations

The purpose of the Special Use Permit process is to ensure that certain uses are compatible with surrounding development.

Staff finds that:

- The location along a commercial corridor is appropriate
- The use is consistent with the intent of the B-2 district
- No significant negative impacts have been identified.



City Council Staff Report

Proposed Use Details

- The business will operate as an appointment-based, owner-operated studio
- Services include tattooing, body piercing, cosmetic/permanent makeup, and related aesthetic services
- Hours of operation are proposed from 8:00 AM to 9:00 PM
- The business will have one employee (owner only)
- The use will be located within an existing multi-tenant commercial building

Tattoo Studio Specific Requirements (Sec. 156.094):

Per Sec. 156.094(A) of the Code of Ordinances, tattoo studios shall be located a minimum of 1,000 feet from any church, public or private school, or residential zoning district.

Based on review of the subject property and surrounding area, the proposed location is within approximately 83 feet of residential property and therefore does not meet the 1,000-foot separation requirement.

However, Sec. 156.094(A) allows City Council to reduce or waive this distance requirement if it is determined that the operation of the tattoo studio would not be detrimental to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

Conclusion

The request is consistent with the intent of the B-2 zoning district and meets the general considerations for a Special Use Permit, as the proposed use is compatible with surrounding commercial development and is not anticipated to negatively impact adjacent properties.

The proposed location does not meet the 1,000-foot separation requirement from residential zoning; therefore, approval of the request will require City Council consideration of a waiver of this requirement in accordance with Sec. 156.094(A).

Staff Recommendation:

Staff recommends approval of the Special Use Permit for a Tattoo Studio at 229 East Main Street, including a waiver of the 1,000-foot separation requirement, as permitted by Sec. 156.094(A).

CITY OF GUN BARREL CITY
Application for Special Use Permit

Address of Site
Applicant/Owner Information
Name of Owner: <u>Zulema Padilla</u>
Name of Business: <u>Tattoo Mafia Aesthetics and wellness by zulema padilla</u>
Name of applicant (if different): _____
Contact E-mail: <u>tattoomafiadallas@gmail.com</u>
Contact Phone: <u>469-358-5028</u>

Legal Description

Lot(s) Number: <u>LT. 246</u>	Tract/Block(s) Number: <u>map 1d. 16E</u>
Current zoning: _____	<u>AB 59 JP Brown Sur, Tamarack</u>
Acres: _____	Subdivision: <u>venture</u>

Existing & Proposed Use Description

Existing use of the site (empty lot, leased space, etc.): _____
Description of special use request: <u>I am a individual that performs tattoos piercings, cosmetic makeup, botox, lip filler, air brush</u>

Acknowledgment

I certify that the above information is accurate and complete to the best of my knowledge and that I will be fully prepared to present the above proposal at both the Planning and Zoning Commission and City Council public hearing. I reserve the right to withdraw this proposal at any time by filing a written request with the City Secretary. I understand that the full application fee is non-refundable once paid to the city.

Owner Signature: Zulema Padilla

Date: 3-3-26



Applicant Plan of Operation

All non-residential uses must provide the following information with the application

Describe proposed use

lip filler, Airbrush
Tattoos, Piercings, Botox, Cosmetic Makep. I am
a individual with a shop in dallas but I
purchased a home here in GBC so i would like
to promotion my work and by appointment accept
client

Indicate hours of operation

8AM - 9pm

Total number of employees

1 myself

Indicate if any activity or storage is proposed outside the building

Other relevant unique information regarding site

It is a up and running business they rent out
offices for barbers, lashes, cosmerologist



Applicant Checklist For Special Use Permit

- ☒ Receipt and Recognition of Information & Guidelines for Special Use Permits/Rezoning
- ☒ Completed signed Application
- ☒ Plan of Operation (for non-residential uses)
- ☒ Application fee receipt: **Special Use - \$250.00**
- ☐ A survey along with a drawing to scale of the property requested to be granted an SUP

I certify that the information supplied on this application and the attached materials is accurate and true to the best of my knowledge.

Signature of Owner: *Suzana Padilla* Date: 3-3-20

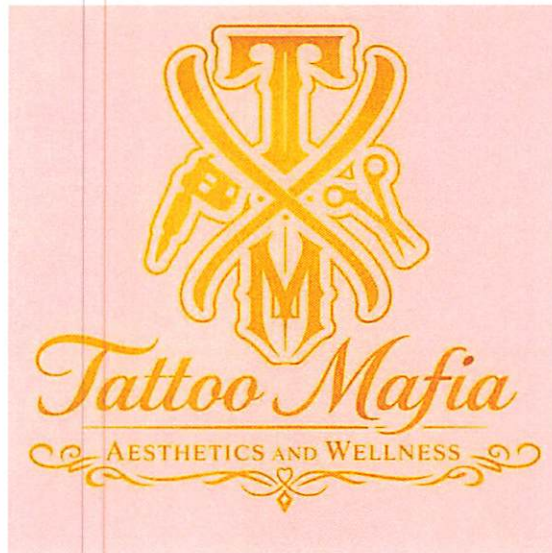
For Office Use Only

Reviewed by: _____

Reviewed by: _____

Accepted by: _____ Date: _____





Public Hearing Proposal Submission Packet

Tattoo Mafia Ink, Aesthetics & Wellness

Owner: Zulema Padilla

Proposed Location: 229 E Main St, Gun Barrel City, TX 75156

Business Overview

- Small private suite studio.
- Tattoo services. *Airbrush service*
- Body piercing services.
- Cosmetic permanent makeup services.
- Botox services. *- Lip filler*
- Appointment-based, owner-operated business.

Owner Background

- Owner of Tattoo Mafia (Dallas, TX) since 2010.
- Over 15 years experience in tattoo industry.
- Medical Assistant experience.
- Certified Phlebotomist (2021).
- Licensed Concierge Botox Injector (2025).

Licensing & Compliance

- State-issued licenses for tattoo and piercing operations.
- Proper medical certifications for Botox services.
- OSHA-compliant sanitation and safety procedures.
- Sterilization and infection control protocols in place.
- Single-use needles and approved sharps disposal systems.

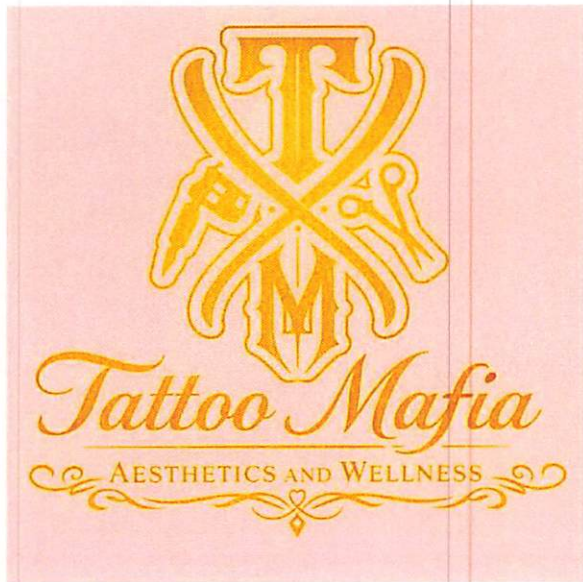
Commitment to Gun Barrel City

- Locally owned and operated small business.
- Quiet, appointment-only professional suite.
- Positive addition to Main Street businesses.
- Committed to maintaining high safety and professional standards.
- Focused on long-term economic contribution to the community.

Respectfully submitted for City Council consideration.

Zulema Padilla

Tattoo Mafia Ink, Aesthetics & Wellness



TATTOO MAFIA

TATTOOS*PIERCINGS*AIRBRUSH

PERMANENT MAKE UP

MEDICAL ASSISTANT

CERTIFIED PHLEBOTOMIST



FB/ZULEMA PADILLA



IG/TATTOOMAFIADALLAS



TATTOO MAFIA TATTOOS AND PIERCINGS
TATTOOMAFIADALLAS@GMAIL.COM

735 N.WESTMORELAND
DALLAS TEXAS 75211

INSIDE BARGAIN CITY BAZAR STE#P108

469-358-5028



229 E Main St Gun Barrel city



