

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

The City Council of the City of Gun Barrel City, Texas met in a regular meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, August 27, 2024, at 6:30 p.m.

1. **CALL TO ORDER** Mayor Brian Crull called the meeting to order at 6:30 p.m.
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**

Mayor Brian Crull gave the invocation and the Pledge of Allegiance was led by the City Council.

4. **ROLL CALL & QUORUM**

Council Members Present: Mayor Brian Crull, Mayor Pro-tem Rita Evans and Council members, April Burns, Jennifer Jacobs, Jay Burson and Ken Foster.

Others present: City Manager, Dr. Angela Smith

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

Christopher Bayhi of 102 Sunnymeadow advised he is not against the ordinance as a whole but sections of it claiming it seems like this is putting responsible owners in the bullseye instead of people that are actually doing the dumping and letting their dogs run free. A statement against the ordinance was submitted to the Council with suggested changes.

Amaris Faith of 155 Pine Bloom gave an analogy of one out of six students causing damage to a teachers laptop and the teacher requiring all six students' parents to pay for the laptop referencing the effects of this ordinance. Faith claims she already pays taxes that fund animal control and this mandatory registration and fee reaches directly into the pockets of thousands of residents. She urged Council to send the mandatory registration and fee to a referendum, make your case to the public and let the people decide.

Kate Weller of 129 Camino Robles spoke in support of the ordinance specifically the \$50 registration fee stating it may seem high but owners can reduce the fee by \$20 if the dog is spayed or neutered and by an additional \$20 if chipped. Weller encouraged the Council to draft an ordinance regarding posted signs within the city limits requiring them to reflect a statement of sponsorship referencing the "No dog tax" signs posted throughout the city.

Shawn Tolker of 102 Paseo Patricia spoke in favor of the Ordinance telling a story of a dog who was dumped in his backyard and the depths of medical bills he has endured to save this animals life. Tolker stated he thinks this is the right step.

Sherilyn Kelly of 109 Brett Dr. spoke in opposition of the ordinance stating don't penalize the ones who keep their dogs current with rabies and shots and not let their dogs loose.

Kelly shared her animal expenses and said she's paying a lot of money because she loves her dogs and wants to keep them healthy and safe and to add a fee onto what I already pay is going to be tough to pay.

Shiloh Holland of Seven Points advised she is a dog trainer and behaviorist and is grateful that the city brought in professionals to study the problem so that you understand the available proven solutions and this is a viable plan that's been proven all over the country. Holland gave specific examples of the successes of implementing animal ordinances. Nester Estrada of Kemp and owner of Bampton Farm foundation spoke in favor of the ordinance sharing his heartbreaking daily experiences of animals needing rescued. Estrada asked if the money for this ordinance is going back to rescue organizations or are we going to pile all that money so it is cheaper for us to get all of our dogs taken care of. Estrada shared if anyone needs assistance in caring for their pet to contact his organization.

6. CONSENT AGENDA

6.A The following reports were included in the consent agenda: July 15, 2024, meeting minutes, July 23, 2024, special and regular meeting minutes, July 2024 financial, Code Enforcement, Court, Fire, EDC June 2024 financials, Permits & Inspections, Planning reports (Part 1-4), Police, Dispatch and Animal Control, Streets and Park Maintenance.

Rita Evans made a motion to approve the consent agenda as written. Ken Foster seconded, and all members voted yes to approve.

7. NEW BUSINESS

7.A Consider and take action to adopt Ordinance No. O-2024-019 amending Appendix I (fee schedule) and section 37.00 short term rental fees of the Gun Barrel City Code of Ordinances. (City Manager)

Brian Crull read the ordinance header aloud and asked for a motion. City Manager, Dr. Angela Smith advised items 7.A and 7.B work in tandem. On May 28, 2024, City Council approved an amended short term rental ordinance, 7A and B amend that ordinance by adding permit fees, amending the fee schedule and housekeeping a couple things.

April Burns made a motion to adopt Ordinance No. O-2024-019 amending Appendix I and section 37 short term rental fees of the Gun Barrel City Code of Ordinances. Jay Burson seconded, and all members voted yes to approve.

7.B Consider and take action to adopt Ordinance No. O-2024-020 amending chapter 19 (short term rentals) and section 119.13 (permit fees) of the Gun Barrel City Code of Ordinances. (City Manager)

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

Ken Foster made a motion to adopt Ordinance No. O-2024-020 amending chapter 19, short term rentals and section 119.13, permit fees of the Gun Barrel City Code of Ordinances. April Burns seconded and all members voted yes to approve.

7.C Consider and take action to adopt Ordinance No. O-2024-021 adopting a

supplement to the Code of Ordinances. (City Secretary)

Brian Crull read the ordinance header aloud and asked for a motion. City Secretary, Janet Dillard stated this is the first supplement to the code of ordinances completed by Municode. The city recently switched publishers from American Legal earlier in the year. Dillard also stated publications would take place twice a year moving forward, once in July and again in January.

Jay Burson made a motion to adopt Ordinance No. O-2024-021 adopting a supplement to the code of ordinances. Ken Foster seconded and all members voted yes to approve.

7.D Consider and take action to approve a contract with The Humane Society of Cedar Creek Lake for animal shelter services. (City Manager)

City Manager, Dr. Angela Smith advised the contract with the Humane Society is set to expire the first of October, 2024. This contract will be for a one year period, can be terminated by either party with 30-days written notice and this contract continues the agreement of ten animals per month which are measured on a quarterly basis and it was stated that the rate will remain the same as last year.

Ken Foster made a motion to approve a contract with the Humane Society of Cedar Creek Lake for animal shelter services. Rita Evans seconded and all members voted yes to approve.

7.E Consider and take action to adopt Ordinance No. O-2024-022, amending Chapter 90 (Animal Control) and appendix I (Fee Schedule) of the Gun Barrel City Code of Ordinances. (City Manager)

Brian Crull read the ordinance header aloud and asked for a motion. City Manager, Dr. Angela Smith began by stating to be clear, this is not a tax, this is a permit fee similar to the many other fees Gun Barrel already has in place. It allows us to track our animal population and return animals to their rightful owners if they get out. The goal of this ordinance is to strengthen animal control ordinances and set guidelines and an updated fee structure. The ultimate goal is to help our animal control officer and ensure she has the ordinances needed to provide proper control. It brings our ordinances up to date in all areas including outlining the purpose, providing additional definitions, outlining unlawful nuisances, defines the care and treatment of animals, defines animal breeders, sets the standard for chipping, spay and neuter after three at-large offenses. It outlines guidelines for livestock, fowl, rabbits, ferrets, reptiles and other farm animals. It will add a registration fee for dogs, the fee is \$50 per dog but there is a discount for a dog that is spayed or neutered and chipped making the fee \$10. For seniors whose dog is spayed/neutered and chipped registration is free. The goal of the program is to do a full roll out with free registration clinics and chipping. This ordinance will be the first step in what will be a much larger program and it is critical to moving Gun Barrel in the right direction. There were three changes to the ordinance that were not included in the packet. Section 90.12 changed

making chipping, spay/neuter mandatory after three offenses. Section 90.40 did some clarification regarding the language on registration and rabies and lastly section 90.49 (fees) it should simply say registration as opposed to “annual” registration. April Burns advised of one more change to section 90.18 regarding the distance of chickens to the nearest dwelling stating we discussed 30-feet.

April Burns made a motion to adopt Ordinance No. O-2024-022 amending chapter 90 animal control and appendix I fee schedule of the Gun Barrel City Code of Ordinances with amendments to 90.12, 90.18, 90.40, 90.49 as explained by the City Manager. Jennifer Jacobs seconded and all members voted yes to approve.

- 7.F Consider and take action as desired regarding Ordinance No. O-2024-006 which amended sections of the code concerning the membership and terms of office for the Park Board, Planning and Zoning Commission and Board of Adjustment.
(City Manager)

City Manager, Dr. Angela Smith advised this ordinance was approved at the January 23, 2024, meeting. It was presented by staff to help solve the challenges with recruiting volunteers for boards and commissions. The Charter calls out several different start dates and does not specify alternates for P&Z or Parks. This ordinance allowed as spring/summer recruitment, a summer interview and an October start date for all boards and commissions. It also added alternates to P&Z and Parks board. Alternates would be appointed by Council and provide a person to quickly fill a seat and be appointed by Council if a seat is vacated. The charter calls for 30 days to fill a vacated seat and we’re unable to process and get volunteers and interviews that quickly. It’s my understanding that the legality of the ordinance has been questioned, specifically as it related to adding alternates to boards. We did ask the city attorney and his take is in general if an item is not addressed by the Charter, the expectation is that it can be set by Ordinance. Smith referenced section 8.01 stating the Council shall by ordinance prescribe the purpose, composition, functions, duties and tenure of each board, commission or committee. Councilman Foster advised his concern is that the charter addresses our committees and it’s not silent on where alternates are mentioned, he felt that we are overstepping our Charter by passing an ordinance of this nature and proposed that we repeal the ordinance. Mayor Brial Crull asked Councilman Foster if that was a motion. Foster stated yes. Rita Evans seconded. April Burns stated she sees it both ways and deals with other data restrictions and bylaws and believes that you can do it if its silent. Dr. Smith advised, State law sets the appointment of the Board of Adjustment and this is the very reason we wrote this ordinance which is for somebody to stay engaged in the conversation, they don’t vote but are there for every meeting. Foster stated he feels this is something for the voters to decide. Rita Evans advised section 15.03 of the charter states what we can do and what we cant and she isn’t willing to overstep her authority on the charter with the people. Brian Crull advised Council of the motion on the table to repeal and asked for a vote. The vote ended with a 3-2 vote to repeal. Members who voted to repeal included Rita Evans, Jay Burson and Ken Foster. Let it be reflected for the record that in order to repeal an ordinance, an ordinance to repeal

must be voted on and this was not done during this meeting.

8. BUDGET

8.A Budget Presentation (City Manager)

City Manager, Dr. Angela Smith presented the FY 2024-25 proposed budget to the Council. Keynotes included high inflation and interest rates resulting in a decrease of sales tax revenues. A decrease of 3.9% sales tax was budgeted for this year with increases in fines, short term rental and animal control fees. A recommendation was made to roll over any fund balance for operational expenses for the Community Center and it was noted that people are a city's biggest asset. FY 2023/24 department accomplishments were mentioned and the budget process/timeline was discussed. FY 2025 revenues and expenses amounted to \$5,593,139 and a comparison from last years budget to this years was shown. Special projects were listed as follows and a huge thank you to all involved was given.

- First Responders (Patrol, Dispatchers, Sgt, Animal Control, Fireman and Fireman/Captain) one step raise
- All other employees modified schedule – move to four-day workweek and be compensated at 40 hours for a 36-hour week
- Council cell phones
- Upgraded Technology – Email and Server Security, PD Server Replacement, Move email to .gov
- Chairs for Chamber Dias
- Police Department Computer Replacement
- Radar replacement
- 3 Police Vehicles – 2 patrol, 1 K-9
- Remodel for the Fire Department Restroom>Showers
- Remodel court room
- Mower for Street Department
- Part Time Position for Parks Department
- Mower for Parks Department

Ken Foster asked if the constituents can be assured that services will not be diminished in a 36-hour staff work week. Dr. Smith confirmed yes, staff will be onsite five days a week during business hours, and she has made a promise to Council that we will bring this back to you in six months for a review. Discussion regarding new hires and advising them of this trial period is important. Smith confirmed that what this 36-hour work week provides is in Lieu of providing other staff one-step raises, we are giving them time and that allowed us to put money into the budget requests and into the operations.

8.B Public hearing to discuss the city's budget for the 2024-2025 fiscal year. (Mayor)

Mayor Brian Crull opened the public hearing, there were no comments and the hearing was closed.

8.C Consider and take action to adopt Ordinance No. O-2024-023 adopting the city's

budget for the 2024-2025 fiscal year (City Manager)

Mayor Brian Crull read the ordinance header aloud and asked for a motion. April Burns made a motion to adopt Ordinance No. O-2024-023 adopting the city's budget for the 2024-2025 fiscal year. Jennifer Jacobs seconded and all members voted yes to approve.

8.D Public hearing on proposed tax rate which will be set at zero. (Mayor)

Mayor Brian Crull opened the public hearing, there were no comments and the hearing was closed.

9. ECONOMIC DEVELOPMENT

9.A Public hearing to discuss the EDC budget for the 2024-2025 fiscal year. (Mayor)

Mayor Brian Crull opened the public hearing, there were no comments and the hearing was closed.

9.B Consider and take action to adopt Resolution No. R-2024-007 approving the 2024-2025 fiscal year budget for the Gun Barrel City Economic Development Corporation. (EDC)

Mayor Brian Crull read the Resolution header aloud and asked for a motion. City Manager, Dr. Angela Smith advised sales tax is projected at a three-year average for the EDC budget. We are seeing a small decrease in sales tax projections, the executive assistant is projected to receive a small 3% increase. The EDC board approved this budget on April 13, 2024, and it was noted that this budget was a conservative one as they realigned several expenses, increased training dollars and got the board set up for success.

Ken Foster made a motion to adopt Resolution No. R-2024-007 approving the 2024/25 fiscal year budget for the Gun Barrel City EDC. Jay Burson seconded and all members voted yes to approve.

9.C Consider and take action to plat the property on which "Luther Lane Extension" exists and formally transfer ownership to the City of Gun Barrel City through a Right of Way Deed. (EDC)

City Manager, Dr. Angela Smith advised this is really a housekeeping issue from when Luther Lane extension was built. This should have been done before we ever put a road in. The property upon which Luther Lane extension was built should have been dedicated to Gun Barrel City before the road was built. This item will deed the land to Gun Barrel City, the road will be the city's and all maintenance and upkeep will be the city's responsibility. This deed gives us right of way easements. Smith advised, the city attorney and EDC attorney will help me get this all taken care of with Councils approval.

April Burns made a motion to Plat the property on which Luther Lane Extension

exists and formally transfer ownership to the city of Gun Barrel City through a Right-of-way deed. Rita Evans seconded and all members voted yes to approve.

- 9.D Consider and take action to plat the 1.44-acre land located at the corner of Church Street and Luther Lane and sell the property for the appraised value of \$130,000 plus the cost of closing. (EDC)

City Manager, Dr. Angela Smith advised this property was appraised in July of 2023 for \$130,000. We are asking for approval of the EDC platting and selling this property to a local business owner. The property lies at the corner of Church and Luther Lane Extension and is 1.44 acres. Dr. Anshu Bansel, a local dentist introduced herself and shared her desire to expand her business. Her expansion would include assistance to patients who suffer from sleep apnea. She has partnered with VA and is the only one contracted within 60-miles for the VA but this would assist the entire community, not just veterans. She asked the Council to consider selling her the land and although her practice does not generate sales tax directly, everybody who comes to see her would need to eat, get gas and could indirectly help generate sales tax dollars. Ken Foster asked what would be her timing on building. Dr. Bansel answered she'd like her new office to be functional by next summer 2025. Dr. Smith advised the city has met with the city engineer and started discussions to set developers up for success.

Jay Burson made a motion to take action to plat the 1.44 acre land located at the corner of Church Street and Luther Lane and sell the property for the appraised value of \$130,000 plus the cost of closing. Jennifer Jacobs seconded and all members voted yes to approve.

- 9.E Consider and take action to survey and appraise the property located behind the Gun Barrel City Park - the remaining approximately 60 acres of the larger property that includes Luther Lane Extension and the property on Church Street. (EDC)

Dr. Angela Smith advised this piece of property was part of the much larger tract that we discussed tonight. What the EDC is asking is to survey the remaining acres that go along beside the park and up behind and then have an appraisal done for that portion of the property. In transparency, we have had a developer reach out to us, they are interested in purchasing it but that is not a part of this conversation tonight. We're doing the other two and we're tightening those up to survey just this part with dedicating a portion and selling the other portion and we will need to get a survey of just that piece of property. This was approved by the EDC at their last meeting.

Jennifer Jacobs made a motion to survey and appraise the property located behind the Gun Barrel City park – the remaining approximately 60 acres of the larger property that includes Luther Lane Extension and the property on Church Street. Rita Evans seconded and all members voted yes to approve.

- 9.F Consider and take action to adopt Resolution No. R-2024-008 approving the 2024

amended bylaws of the Gun Barrel City Economic Development Corporation.
(EDC)

Brian Crull read the Resolution header aloud and asked for a motion. Dr. Angela Smith advised, subcommittee members, Keith Bond, Linda Rankin and Gary Damiano have been meeting monthly since November 2023 to update the GBC EDC Bylaws. The draft was presented at the June 24th EDC meeting and shared at that time with City Council for feedback. Recommendations from that meeting from input from our public and from City Council members were incorporated into the draft and final review was conducted at the July 17, 2024, EDC workshop. The latest draft has been approved by the EDC attorney and approved by the EDC Board at the August 13, 2024, meeting and it was noted that the bylaws do fall in line with the city charter.

Ken Foster made a motion to adopt Resolution No. R-2024-008 approving the 2024 amended bylaws of the Gun Barrel City Economic Development Corporation. Rita Evans seconded and all members voted yes to approve.

10. ADJOURNMENT

The meeting adjourned at 8:03 p.m.

Attest:


Janet Dillard, City Secretary

Approved:


Brian Crull, Mayor