

**GILMER CITY COUNCIL
TUESDAY, SEPTEMBER 24, 2019 5:15 P.M.
COUNCIL CHAMBERS, CITY HALL
110 BUFFALO, GILMER, TEXAS**

COUNCIL PRESENT:

**MAYOR TIM MARSHALL
MAYOR PRO-TEM WILLIAM HORNSBY, DISTRICT 1
COUNCILMAN MARTY JORDAN, DISTRICT 2
COUNCILMAN BRIAN WILLIAMS, DISTRICT 3
COUNCILMAN MICHAEL CHEVALIER, AT-LARGE**

COUNCIL ABSENT:

**COUNCILMAN JAROM TEFTELLER, AT-LARGE
COUNCILMEMBER TEATHEL HOLLIS, DISTRICT 4**

STAFF PRESENT:

**GREG HUTSON, CITY MANAGER
MARIA CISNEROS, CITY SECRETARY
MIKE MARTIN, CITY ATTORNEY
STEPHANIE ELLIS, FINANCE DIRECTOR
JERRY TAYLOR, GILMER FIRE DPT
HERMAN MONTGOMERY, GPD**

OTHERS PRESENT:

**W.T. TURNER
HUEY MITCHELL
PHILLIP WILLIAMS, THE GILMER MIRROR
STEVE DEAN
JOHNNY SCHOON
MELONY WRIGHT, HANNAH HOUSE
SKYLIE ALMANZA
THOMAS WOOD
STACY MCMAHAN
DAVID BRICKER, UNION GROVE
VANCE LOWRY
MARK LEE DICKSON, RIGHT TO LIFE EAST TEXAS
JULIA DAVIS
KATHERINE PILCHER, TEXAS RIGHT TO LIFE
SISSIE BIBLE
EDDIE TURNER
MEGAN JOHNSON, WOMENS CENTER OF EAST TEXAS
DAVID GRIFFITH
RICHARD RIDGEWAY
CYNTHIA RIDGEWAY
D.J. BULLS
KELLY HUTTON
JEFF CHAVEZ, KLTV 7
JOHN SEAGO, TEXAS RIGHT TO LIFE**

MINUTES

- 1. CALL TO ORDER
INVOCATION
PLEDGE**

Mayor Tim Marshall called the meeting to order at 5:17 p.m. The invocation was led by Minister D.J. Bulls and pledge of allegiance led by City Attorney Mike Martin.

2. CITIZEN COMMENTS

3. CONSIDER ADOPTION OF THE FOLLOWING PROCLAMATION:

a. NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH" PROCLAMATION

Mayor Tim Marshall read the proclamation and presented it to Megan Johnson with the Women's Center of East Texas.

4. CONSENT AGENDA

a. Consider approval of City Council minutes from September 10, 2019

b. Consider approval of Expense report

c. Consider approval of Financial report

Councilman William Hornsby made a motion to consent agenda items with a second by Councilman Brian Williams and a vote of 5/0 for approval.

5. CONSIDER DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION BY GILMER CITY STAFF TO CHANGE ZONING IN DESIGNATED AREA OF CITY (TITUS STREET FROM BUFFALO TO REDBUD) FROM BUSINESS (B-1, B-2) TO MULTI-USE/MIXED-USE ZONING AND MATTERS RELATED THERETO

City Manager Greg Hutson requested zoning change along Titus St. north of Buffalo Street to Redbud Street changing from Business to Multi-Use/Mixed Use zoning. Multiple zoning uses currently exist on Titus Street already.

Mayor Tim Marshall made a motion to approve City initiated zoning request with a second by Councilman William Hornsby and a vote of 5/0 for approval.

6. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-034 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 TO RECORD INSURANCE PROCEEDS IN THE AMOUNT OF \$185.00 FOR DAMAGE TO GILMER CEMETERY FENCE

Councilman Michael Chevalier made a motion to approve Ordinance No. 19-034 with a second by Councilman Marty Jordan and a vote of 5/0 for approval.

7. CONSIDER AND ACT ON APPROVING CONTRACT FOR DISPATCHING SERVICES BETWEEN THE CITY OF GILMER AND THE UPSHUR COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR 2019-2020

Fire Chief Jerry Taylor stated that this contact agreement shall begin October 1, 2019 and ending September 30, 2020 and the total cost to the ESD for this service will be \$36,000.00 annually.

Councilman Marty Jordan made a motion to approve agreement with a second by Councilman William Hornsby and a vote of 5/0 for approval.

8. CONSIDER AND ACT ON APPROVING CONTRACT FOR FIRE FIGHTING SERVICES BETWEEN THE CITY OF GILMER AND THE UPSHUR COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR 2019-2020

Fire Chief Jerry Taylor stated contract shall be in full force and effect from October 1, 2019, until September 30, 2020 and the total cost to ESD for this service will be \$90,000.00

Councilman Marty Jordan made a motion to approve contract with a second by Councilman William Hornsby and a vote of 5/0 for approval.

9. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-036 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 TO REALLOCATE BUDGETED FUNDS FROM CONTINGENCY TO REPAIR/REPLACE FOR DIVIDER WALL IN BANQUET ROOM CIVIC CENTER IN THE AMOUNT OF \$1,678.00

Councilman Marty Jordan made a motion to approve Ordinance No. 19-036 with a second by Councilman Brian Williams and a vote of 5/0 for approval.

10. CONSIDER EXCUSING COUNCIL MEMBER JAROM TEFTTELLER FROM ATTENDANCE AT COUNCIL MEETINGS

Councilman Marty Jordan made a motion to excuse Councilman Jarom Tefteller from city meetings with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

11. CONSIDER AND ACT ON APPROVING CLOSURE OF THE FOLLOWING CITY STREETS FOR YULEFEST FROM 6:00 P.M. ON FRIDAY, DECEMBER 6TH UNTIL 8:00 A.M. ON SUNDAY, DECEMBER 8TH, 2019

- a. Buffalo/Jefferson from Hwy 271 to Trinity Street
- b. Simpson Street from Hwy 154 to Jefferson
- c. Davis from Hwy 154 to Cass Street

Councilman Marty Jordan made a motion to approve Street Closure for Yulefest with a second by Councilman Brian Williams and a vote of 5/0 for approval.

12. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-032 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 TO TRANSFER FUNDS FROM GENERAL FUND TO DEDICATED FUND FOR PLANNING AND ZONING MASTERPLAN IN FY2019-2020 IN THE AMOUNT OF \$25,000.00

Councilman Marty Jordan made a motion to approve Ordinance No. 19-032 with a second by Councilman Marty Jordan and a vote of 5/0 for approval.

13. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-033 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 TO TRANSFER FUNDS FROM GENERAL AND WSF FUND CONTINGENCY FOR SPILLWAY PROJECT IN FY2019-2020 IN THE AMOUNT OF \$ 74,000.00

Councilman Brian Williams made a motion to approve Ordinance No. 19-033 with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

14. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-037 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 TO BUDGET THE TRANSFER OF FUNDS FROM 2015 BOND TO ENTERPRISE FUND FOR THE 2019 STREET IMPROVEMENTS FOR CHEROKEE TRACE, ABNEY ST., AND PARK STREET HAYES ENGINEERING SERVICES PERFORMED THROUGH AUGUST 31, 2019 IN THE AMOUNT OF \$3,000.00

Councilman Marty Jordan made a motion to approve Ordinance No. 19-037 with a second by Councilman Marty Jordan and a vote of 5/0 for approval.

15. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-038 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 TO TRANSFER FUNDS FROM GENERAL FUND TO DEDICATED FUND FOR FUTURE PURCHASE OF FIRE TRUCK IN THE AMOUNT OF \$61,000.00

Councilman Marty Jordan made a motion to approve Ordinance No. 19-038 with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

16. CONSIDER DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 19-039 AMENDING THE CITY BUDGET FOR THE CITY OF GILMER, TEXAS FOR THE ONE YEAR PERIOD BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 FOR EXPENSE FROM FIRE OPERATIONS FOR ONETIME EXPENSE ON REPAIR OF SEVERELY CORRODED DRIVE SHAFT ON FIRETRUCK IN THE AMOUNT OF \$5,872.95

Mayor Tim Marshall made a motion to approve Ordinance No. 19-039 with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

17. CONSIDER AN EXECUTIVE SESSION UNDER ARTICLE NUMBER(S) §551.071 CONSULTATION WITH CITY ATTORNEY-DELIBERATION REGARDING TEXAS RIGHT TO LIFE INITIATIVE IN THE FORM OF ORDINANCE/RESOLUTION, AND §551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT INCENTIVES FOR SCM INTEGRITY FIRST COMPANIES.

Councilman Marty Jordan made a motion to enter into executive session with a second by Councilman Michael Chevalier and a vote of 5/0 for approval. Time entered in executive session at 6:09 p.m. Councilman Marty Jordan made a motion to enter regular session with a second by Councilman Michael Chevalier and a vote of 5/0 for approval. Time entered in regular session at 7:43 p.m.

18. CONSIDER DISCUSSION AND POSSIBLE ACTION RELATED TO DELIBERATION REGARDING TEXAS RIGHT TO LIFE INITIATIVE AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT INCENTIVES FOR SCM INTEGRITY FIRST COMPANIES.

Mayor Tim Marshall stated request for a waiver of specific fees for SCM Integrity First Companies-Dr. Shenequa C. Miller to assist with development of houses, conditional upon acceptance of deed restriction requiring homestead exemption for 10 years. Dr. Miller will be building single-family residential housing for future residents in a very economically depressed area. Councilman Marty Jordan made a motion to approve 7/8 waiver request of fees excluding City clearance of undergrowth and brush for this project using City equipment and labor with a second by Councilman Michael Chevalier and a vote of 5/0 for approval.

Mayor Tim Marshall stated Ordinance No. 19-040 outlaw's abortion within the City of Gilmer, declaring Gilmer a Safe Haven City for the unborn, making various provisions and findings related thereto, providing for severability, repealing conflicting ordinances, and establishing an effective date.

Mayor Tim Marshall made a motion to approve Ordinance No. 19-040 with a second by Councilman Marty Jordan and a vote of 4/1 Councilman Brian Williams opposed.

19. ADJOURN

Councilman Marty Jordan made a motion to adjourn with a second by Councilman Brian Williams and a vote of 5/0 for approval.

Meeting Adjourned at 7:55 p.m.



Tim Marshall
Tim Marshall, Mayor

ATTEST:

Maria Cisneros
Maria Cisneros, City Secretary