

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

The City Council of the City Gun Barrel City Council met in a workshop/special meeting at City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Friday, February 15, 2013 at 10:00 a.m.

Mayor Pro-tem Webster called the meeting to order at 10:00 a.m. Gerry Boren gave the invocation. The Pledge of Allegiance followed. Roll was called and a quorum was established.

[Council Member - Rodney Bevill: Present](#)

[Council Member - Melvyn Hayes: Present arrived at 10:40 a.m.](#)

[Mayor - Paul Eaton: Absent](#)

[Council Member - Dennis Baade: Present](#)

[Council Member - Curtis Webster: Present](#)

[Council Member - Ronnie Johnson: Present](#)

Also, in attendance were City Manager Gerry Boren and City Attorney Bill Krueger.

**ITEM # 1:** Discuss the recommendations received from the City Attorney on February 11, 2013 which were a result of the Friday, February 1 meeting. **(Mayor)**

[00:02:39](#)

**Proposition 1**

**3.02 – Limitations on Terms** – There was discussion about gap of service being one term vs. one year. Consensus was the amendment was okay as written in the February 14 document produced by the city attorney.

[00:23:45](#)

[Council Member - Dennis Baade: Motion to make 3.02 read:](#) ‘No person shall **be elected and/or appointed** serve for more than four (4) consecutive **two year** terms or eight (8) **consecutive** years, whichever is less, as city council member and mayor, combined, with no more than three (3) consecutive **two year** terms or six (6) **consecutive** years, whichever is less, in any single position. **A gap of service must exist for one year between the service of a single city council member or mayor, or an individual who has served both as city council member and mayor, within the same consecutive terms or years, before such individual would be entitled to the privilege of election and/or appointment to the city council and/or mayor for an additional set of consecutive terms or years. A position is defined under this section to mean the mayor or any council position, be it by district or at large.**’

[Council Member - Ronnie Johnson: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[00:25:27](#)

**8.01 (1) – Authority, Composition and Procedures** – The gap in service needed to be consistent with 3.02. After discussion, consensus was the amendment was okay as read by the city attorney.

[Council Member - Ronnie Johnson: Motion to make 8.01 read:](#) ‘The City Council shall create and establish or abolish as may be required by the laws of the State of Texas or this charter, or deemed desirable by the City council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, functions, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter. **Except for the Board of Adjustment, all board, commission, chairpersons, presidents and/or committee members are subject to three (3) consecutive two-year terms or six (6) consecutive years, whichever is less with a minimum one year gap before the privilege of being appointed for an additional set of consecutive terms or years.**’

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N\A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[00:27:56](#)

**8.02 – Boards and Commissions Enumerated** – Term limits for all Boards and Commissions were discussed and it was agreed the terms should be consistent. It was suggested to use the wording for the Board of Adjustment in 9.05(2) when referring to meetings for any Board or Commission of the City. That wording was, ‘The Board shall meet at the call of the presiding officer and at other times as may be determined by the Board.’

[00:52:36](#)

[Council Member – Ronnie Johnson: Motion to move that except for the Board of Adjustments, all boards, commissions, chairmen, presidents and/or committee members identified in our Charter are subject to the following language out of 9.05 \(2\) Board of Adjustment.](#) ‘The Board shall meet at the call of the presiding officer and at other times as may be determined by the Board. The Board shall record minutes of its proceedings which minutes shall be maintained as a public record by the City Secretary. The Board shall serve without compensation.’ This motion is to include that language with regard to the various Boards, Commissions and Committees that might be identified in our Charter so that the meetings, the minutes, and the compensation are consistent among the various boards, commissions and committees.

[Council Member – Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N\A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

It was the attorney’s job to make sure that any board, commission or committee identified in the Charter reads that way which included the Planning and Zoning Commission, the Park and

Recreation Board, the Library Board, the Fire Department Board of Appeals and the Economic Development Corporation.

[00:56:19](#)

**11.05 (5) – Wording Interpretation** – This needed to be consistent with 3.02. After discussion, the following motion was made.

[01:17:34](#)

[Council Member - Curtis Webster: Motion to make 11.05 read:](#) ‘If any person has been elected and/or appointed to fill a vacancy for the remainder of the term, that period of time shall not be calculated when counting consecutive terms unless such period of time is greater than fifty (50) percent of the length of such term.

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N\A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[01:18:27](#)

## **Proposition 2**

**3.06 (2) - Vacancies, Forfeitures and Filling of Vacancies** - Consensus was the amendment was okay as written in the February 14 document produced by the city attorney.

[Council Member - Ronnie Johnson: Motion to approve Proposition 2 as written in the document dated February 14 making 3.06 read: Any member of the City Council and/or Mayor who has been absent from all regular meetings within a 100 day period for any reason shall have the seat declared vacant at the next regular meeting of the City Council, by resolution.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Absent](#)

[Mayor - Paul Eaton: N\A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[01:20:00](#)

## **Proposition 3**

**3.14 (1) - Passage of Ordinances in General** - Consensus was the amendment was okay as written in the February 14 document produced by the city attorney.

[Council Member - Dennis Baade: Motion to approve Proposition 3 Section 3.14 of the February 14 letter from the attorney relating to Passage of Ordinances in General making it read: The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be “Be it ordained by the City Council of the City of Gun Barrel City, Texas.” Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one \(1\) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing](#)

ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall show new language in bold type and omitted language in strike through marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council before the first reading. Copies of the proposed ordinance, in the forms required for adoption, shall be available at the City offices and shall be furnished citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

Council Member - Rodney Bevill: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Absent

Mayor - Paul Eaton: N/A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

01:22:39

**Proposition 4 - 5.01 (4) - City Elections** - The City Secretary was correct in that she didn't keep the list of voters and wasn't tasked with the law to keep the list of voters and keep it current. The Tax Assessor Collector was the County entity that was supposed to keep the list and it was sometimes delegated to the Elections Division.

Council Member – Ronnie Johnson: Motion to make 5.01 (4) read: A certified list of voter registrants within the City as prepared by the County Tax Assessor-Collector, shall be **utilized** ~~maintained-current~~ by the City Secretary. If, for a purpose relating only to a city election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary **in writing.**

Council Member – Dennis Baade: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Absent

Mayor - Paul Eaton: N/A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

01:45:34

**Proposition 5 –5.04 (1) and (3) - Official Results** - Consensus was the amendment was okay as written in the February 14 document produced by the city attorney.

Council Member - Dennis Baade: Motion to make 5.04 read: (1) The candidate(s) for elective offices receiving a majority of the votes cast shall be declared the winner(s). Should a runoff election be necessary, such election shall be held in accordance with the Texas Election Code. ~~and other applicable statues.~~ AND make (3) read: In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for the first (1<sup>st</sup>) place, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. ~~If a specific date is not specified by the Texas Election Code, such run-off election shall be held on the second Saturday following the preceding regular or special election.~~ **Such run-off election shall be held according to the Texas Election Code as if it were a run-off election with a specific date.**

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Approve

Mayor - Paul Eaton: N/A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

[01:47:23](#)

**Proposition 6 – 7.02 Submission of Budget and Budget Message** – Consensus was this amendment should be deleted.

[Council Member - Ronnie Johnson: Motion to delete this Proposition 6 from the ballot.](#)

[Council Member - Melvyn Hayes: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Approve](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[01:48:44](#)

**Proposition 7 – 7.13 Lapse of Appropriations** – Consensus was the amendment was okay as written in the February 14 document produced by the city attorney.

[Council Member - Ronnie Johnson: Motion to approve Proposition amending 7.13 Lapse of Appropriation as shown in the attorneys February 14 document making it read: Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such capital appropriation shall be deemed abandoned if ~~three \(3\)~~ \*\*five \(5\)\*\* years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Approve](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[01:53:55](#)

**Proposition 8 – 9.04 – The Master Plan: Procedure and Legal Effect** – The language recommended by the Charter Commission restated the current law. This could pose a problem if State law changed and the Charter did not adapt. The recommendation was to simply leave this provision alone and delete this proposition from the ballot.

[Council Member - Ronnie Johnson: Motion to delete Proposition 8 from the ballot.](#)

[Council Member - Melvyn Hayes: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Approve](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

[02:00:10](#)

**Proposition 9 – 11.01 Public Records** – The wording was okay as written in the attorney's 2/14 document making 11.01 read:

Council Member - Dennis Baade: Motion to make 11.01 read: All records of the City shall be open to inspection except those that are **subject to being withheld under the Texas Public Information Act.** ~~closed to the public by law.~~ The records may be examined and copied in the City offices during normal office hours at a nominal charge established by the City Manager.

Council Member - Melvyn Hayes: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Approve

Mayor - Paul Eaton: N\A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

02:12:41

**Proposition 10 – 15.02 State Preemption** – The current wording was simple and concise. The recommendation was to delete this from the ballot.

Council Member - Rodney Bevill: Motion to delete Proposition 10 from the ballot.

Council Member - Dennis Baade: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Approve

Mayor - Paul Eaton: N\A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

Because three propositions had been deleted, the Council reviewed the following as possible additions to the ballot.

02:18:48

**3.13 - Roberts Rules of Order** – The City Manager suggested looking at this because we didn't really follow Roberts Rules of Order to conduct the meetings, i.e. new business, old business. The attorney felt there should be some rules. If they were going to replace Roberts Rules of Order, there needed to be something in place to fall back on. Because this hadn't been discussed in the Charter Review Commission meetings, it was decided not to do anything with this at this time.

02:25:59

**11.07 - Charter Revision** – Currently the Charter states that the Charter shall be reviewed every two years. Proposed language was to change 'shall' to 'may' appoint a Charter Review Commission every two years. So, we may review it every two years but we must review it every five years. Johnson preferred four years.

Council Member - Dennis Baade: Motion to change 11.07 to read: The City Council may ~~shall~~ appoint a Charter Review Commission of ten (10) citizens of the City every two (2) years but shall appoint one every four (4) years.

Council Member - Ronnie Johnson: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Approve

Mayor - Paul Eaton: N\A

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Ronnie Johnson: Approve

[02:29:43](#)

**ITEM # 2:** Discuss and/take action to modify the recommendations received from the City Attorney on February 11, 2013. **(Mayor)**

[Council Member - Curtis Webster: Motion to put the eight propositions that were voted on today on the May 11, 2013 ballot.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Melvyn Hayes: Approve](#)

[Mayor - Paul Eaton: N/A](#)

[Council Member - Dennis Baade: Approve](#)

[Council Member - Curtis Webster: Approve](#)

[Council Member - Ronnie Johnson: Approve](#)

The meeting adjourned at 12:31 p.m.

**Attest:**

  
\_\_\_\_\_  
Christy Eckerman, City Secretary

**Approved:**

  
\_\_\_\_\_  
Paul Eaton, Mayor