

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, located at 1716 West Main Street, Gun Barrel City, Texas, on Tuesday, July 23, 2013 at 6:30 p.m.

Mayor Pro-tem Baade called the meeting to order at 6:30 p.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: Absent](#)

[Mayor - Paul Eaton: Absent](#)

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

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

[Council Member - Marty Goss: Present](#)

Citizen Presentations: None

ITEM # 1: Consent Agenda: All matters listed under ‘Consent Agenda’ are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. Consider approving the **minutes** of the **June 14 & 25, 2013 Council meetings** and the following **June reports:**

Financial – Budget vs. Actual Expenses–Year to Date

Municipal Court – traffic and non-traffic court activity

Police Department – number of cases filed and cleared

Dispatch Report – calls for service

Animal Control – number of complaints, impoundments and citations

Fire Department/Fire Marshal – number of incidents, investigations & mutual aid

Street Department – cost break down of monthly street repair

Building Official – number of inspections and associated fees

Code Enforcement – break down of violations

EDC minutes and financial reports

[Council Member - Curtis Webster: Motion moved to approve the Consent Agenda.](#)

[Council Member – Marty Goss: 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 - Marty Goss: Approve](#)

ITEM # 2: Discussion only on creating a dumpster screening ordinance. **(City Manager)**

00:03:28

Included in the packet were the ordinances adopted by Coppell, Kaufman and Athens. Coppell, which was a larger city, didn't establish their ordinance until 2005. The Athens ordinance was very detail oriented. We may not need to be that detailed. Boren suggested talking to businesses to get their input. He also suggested earth tone colors for the screening walls. This information was gathered to give the Council some ideas of what other cities were doing. Existing businesses may be given one or two years to become compliant. However, for a new business compliance should be immediate. Perhaps the Allied Waste representative could come to a future meeting to discuss options. Easements may have to be obtained from TXU Energy / Oncor. Who would be responsible for damage to the screening? Cost sharing of dumpsters between businesses could be an option.

ITEM # 3: Discuss and/or take action to move the August Council meeting to Monday, August 26, 2013. **(City Manager)**

The City Manager was going to be out of town and asked that the meeting be moved prior to August 27.

Council Member - Curtis Webster: Motion to move the August Council meeting to August 26, 2013.

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 - Marty Goss: Approve

ITEM # 4: Discuss and make any changes necessary to the draft of the Agriculture District zoning amendment. **(City Manager)**

00:26:35

We currently had a moratorium in place in our agriculture zone. While trying to come up with procedures for rezoning all the agriculture property in the City, it became apparent that this was going to be a major undertaking to bring it all in compliance with the Land Use Plan. We were confusing the property owners. The City Attorney suggested amending our current Agriculture Zone. By doing so, the process became much simpler. The purpose of being zoned agriculture was to get the agriculture exemption. Currently, we had property zoned as agriculture with two or three houses on it. That was not agriculture; that was residential. It was easier to keep it as agriculture but with restrictions. If you develop it, you come in and file for the zoning you need to market your property.

One section of the proposed zoning change stated that no person shall park, store, use or occupy a mobile home or recreational vehicle as a residential dwelling in the Agriculture District. If you went down Luther Lane, there was an RV Park zoned as agriculture. We had not done due diligence. It also stated

that the effective date of this ordinance shall be allowed to remain as a lawful, nonconforming use. So, the RV Park was grandfathered. However, that RV Park could not upgrade or change it. If so, it needed to be rezoned appropriately. To keep track of these little pockets, we are going to budget for a software package through East Texas Council of Government to create a digital zoning map. We would be able to digitally mark all those properties that were non-conforming. Each property owner would get a letter stating they were in non-conformance.

Webster asked for clarification where the ordinance stated that if a nonconforming mobile home was not occupied for more than 30 days. Boren said a 'For Rent' sign could be placed on the property and that would be considered 'occupied.' This was geared more toward abandoned structures.

Webster also asked for a clarification about commercial development. It was alright to run a farm-related business in agriculture zones or a community service that met the needs of the community. You could have a farm house and a farm but if you built a second house that second house needed to be for your farm hands not used as rental property for a single family use.

No multi-family residential buildings or structures would be permitted in the Agriculture District (A). Before someone could build multi--family, they would have to rezone it to multi-family and they would have to look at the traffic impact.

Webster asked if this ordinance would be in conflict with the Appraisal District Ag exemption. Once it was rezoned from Ag there would be roll back taxes for five years for the person who buys it and changes the zoning. Their taxes would also go up. Boren said that if the new owner leaves the property zoned as Ag for one year from the time of purchase, the roll back tax would not apply. Boren had done this in Rockwall County. However, he would check with Henderson County to see if this was correct.

Goss asked about building a metal structure on Ag zoned property with living quarters. Boren said it was okay to use a metal building for farming stuff but that the City's job was to see that property values did not decrease. Goss said citizens were worried that the City was getting carried away with too many ordinances. Boren said we were now a City of 7,000 not 3,000. We needed control out there or we would grow up to be a spot-zoned community. This was to protect our citizens.

[Council Member - Curtis Webster: Motion to proceed forward with amendments to the Agriculture Zone.](#)

[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 - Marty Goss: Approve](#)

ITEM # 5: Discuss and/or take action to approve the Collections Contract between the City and Henderson County Tax Office for the purpose of collecting delinquent property taxes for the period of October 1, 2013 through September 30, 2014. **(City Secretary)**

The City Secretary explained that this was a contract to collect delinquent taxes owed from the early 1990's. The contract would run from October 1, 2013 thru September 30, 2014. Henderson County would charge the City a 1% collection fee.

[Council Member - Curtis Webster: Motion to approve the Collections Contract between the City and Henderson County Tax Office for the purpose of collecting delinquent property taxes for the period of October 1, 2013 through September 30, 2014.](#)

[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 - Marty Goss: Approve](#)

ITEM # 6: Public hearing in regard to the submission of an application for a Texas Community Development Block Grant Program / Texas Capital Fund grant for Country Place Assisted Living. **(Mayor)**

[00:47:40](#)

An application had been submitted for a Texas Community Development Block Grant Program / Texas Capital Fund grant for public infrastructure (street and sewer improvements) for Country Place Living. This would extend Luther Lane north of 334 all the way to Church Street. It would tie in Bar H Estates and create a loop. Municipal Drive would be widened 200'.

Mayor Pro-tem Baade opened the public hearing. Strickland asked how this was going to directly affect Country Place. It wasn't going to directly affect Country Place but because they were going to create 20 jobs we used them on the scoring part of the application. The public hearing was closed.

ITEM # 7: Discuss and/or take action to adopt Resolution #R-2013-005 regarding Texas Community Development Block Grant Program / Texas Capital Fund grant for Country Place Assisted Living. **(City Manager)**

This was a \$399,990 grant through the Texas Capital Fund.

[Council Member - Marty Goss: Motion to adopt Resolution #R-2013-005.](#)

[Council Member - Curtis Webster: 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 - Marty Goss: Approve

ITEM # 8: Discuss and/or take action to adopt the Citizens Complaint Procedures for the Texas Community Development Block Grant Program. **(City Manager)**

Citizen Complaint Procedures was a requirement of the Texas Community Development Block Grant Program. A record would be kept of all complaints regarding the grant. An investigation would have to be conducted within five days of receiving any complaint. This was an assurance that we would communicate with the citizens.

Council Member - Curtis Webster: Motion to adopt the Citizens Complaint Procedures.

Council Member - Marty Goss: 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 - Marty Goss: Approve

ITEM # 9: Discuss and/or take action to appoint Dennis Baade as the liaison for July Fest 2014. **(City Manager)**

Council Member - Marty Goss: Motion to appoint Dennis Baade as the liaison for July Fest 2014.

Council Member - Curtis Webster: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Melvyn Hayes: Absent

Mayor - Paul Eaton: N\A

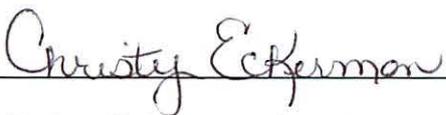
Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

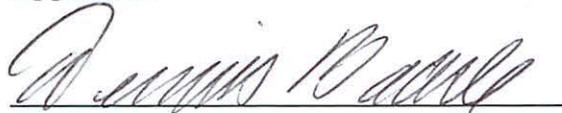
The meeting adjourned at 7:30 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Dennis Baade, Mayor Pro-tem