

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, November 27, 2012 at 6:30 p.m.

Mayor Eaton 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: Present](#)

[Mayor - Paul Eaton: Present](#)

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

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

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

Presentation by Prosperity Bank – No one was present from the bank.

Citizen Presentations:

Keith Crozier made general comments regarding the jobs well done by the Police Department, specifically Chief Damon Boswell, Assistant Chief Larry Warrick and Investigator Monty Mansfield. He also acknowledged Jacqui Callaway and Jason Shoecraft in the Code Enforcement Department. Crozier also mentioned Chief Joseph Lindaman of the Fire Department, Mike Horton, Street Department Superintendent and Rene Alonso, Animal Control Officer, for the dedication to their jobs.

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 **October 23, 2012 Council meeting, the workshop meeting of November 5, 2012, the special meeting of November 7, 2012 and the** and the following **October reports:**

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

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

[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](#)

ITEM # 2: Convene into Executive Session pursuant to Local Government Code 551.072 – Deliberations about Real Property – regarding the purchase, sell, exchange, lease, or value of real properties located on Main Street. **(Mayor)**

Mayor Eaton recessed the meeting at 6:41 p.m. to go into Executive Session.

NOTE: There was some technical difficulty with the AV Capture All system so the video session had to be ended and a new session started in order to record the entire meeting.

ITEM # 3: Reconvene into Open Session to discuss and/or take action regarding the purchase, sell, exchange, lease or value of real properties located on Main Street. **(Mayor)**

Mayor Eaton reconvened the Open Session at 7:10 p.m.

[Council Member - Curtis Webster: Motion to give the City Manager the authority to negotiate the sale of the old City Hall property located at 1810 W. Main Street to the Gun Barrel City Economic Development Corporation.](#)

[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](#)

Item #s 22 & 23 were moved to the point on the agenda.

ITEM #22: Discuss and/or take action to adopt Ordinance #O-2012-013 creating a franchise fee for water. **(City Attorney)**

The City Attorney explained this was not a franchise tax under the Tax Code. It was a franchise fee for the rental of the City's property to put lines and facilities in the City's right-of-way. This ordinance was for a 2.5% fee based on the gross receipts received by East Cedar Creek Fresh

Water Supply District. The infrastructure would belong to ECCFWSD and they would operate it and maintain it.

The City Manager stated that 50% of the money received would go towards staff and 50% would go towards infrastructure improvements. It would go into an escrow account in case we needed to upgrade a water line or fix a street. The money cannot be used to purchase a new cop car or a fire truck.

Council Member - Curtis Webster: Motion moved to adopt Ordinance #O-2012-013 creating a franchise fee for water.

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

ITEM #23: Discuss and/or take action to adopt Ordinance #O-2012-014 creating a franchise fee for sewer. **(City Attorney)**

The discussion for Item #22 applied to Item #23 as well.

Council Member - Dennis Baade: Motion moved to adopt Ordinance #O-2012-014 creating a franchise fee for sewer.

Council Member - Rodney Bevill: 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 agenda reverted back to Item #4.

ITEM # 4: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the replatting of Lots 147 & 148, in Block 9 of Section 1 in Harbor Point Subdivision, belonging to **Donald & Lynn Coleman**, physically located at 321 Bay Court, into one lot. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission unanimously approved this replat.

[Council Member - Curtis Webster: Motion to receive the report.](#)

[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](#)

ITEM # 5: Public hearing to discuss replatting Lots 147 & 148, in Block 9 of Section 1 in Harbor Point Subdivision, belonging to **Donald & Lynn Coleman**, physically located at 321 Bay Court, into one lot. **(Mayor)**

Mayor Eaton opened the public hearing. There were no comments. The public hearing was closed.

ITEM # 6: Discuss and/or take action to approve the replat of Lots 147 & 148, in Block 9 of Section 1 in Harbor Point Subdivision, belonging to **Donald & Lynn Coleman**, physically located at 321 Bay Court, into one lot. **(Mayor)**

[Council Member - Curtis Webster: Motion to approve the replat of Lots 147 & 148, in Block 9 of Section 1 in Harbor Point Subdivision, belonging to Donald & Lynn Coleman, physically located at 321 Bay Court, into one lot.](#)

[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](#)

ITEM # 7: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the replatting of Lots 16, 17 & Part of Lot 18 in Northwood Shores Subdivision, belonging to **Scott & Shelly Coleman**, physically located at 121 The Lee Way, into one lot. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission unanimously approved this replat. The Lee Way was a waterfront / waterfront view street.

[Council Member - Dennis Baade: Motion moved to receive the report.](#)

[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

ITEM # 8: Public hearing to discuss replatting Lots 16, 17 & Part of Lot 18 in Northwood Shores Subdivision, belonging to **Scott & Shelly Coleman**, physically located at 121 The Lee Way, into one lot. **(Mayor)**

Mayor Eaton opened the public hearing. There were no comments. The public hearing was closed.

ITEM # 9: Discuss and/or take action to approve the replat of Lots 16, 17 & Part of Lot 18 in Northwood Shores Subdivision, belonging to **Scott & Shelly Coleman**, physically located at 121 The Lee Way, into one lot. **(Mayor)**

Council Member - Dennis Baade: Motion to approve the replat of Lots 16, 17 & Part of Lot 18 in Northwood Shores Subdivision, belonging to Scott & Shelly Coleman, physically located at 121 The Lee Way, into one lot.

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

ITEM #10: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the replatting of Lot 2C, a 0.96 acre tract of land in the L. Navarro Survey, A-578, Henderson County, Texas, physically located at 522 W. Main Street for the **First Baptist Church of Gun Barrel City**. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission approved this replat. City ordinance allowed one sign per lot. The church wanted a second sign so they chose to replat the lot into two to comply with the City ordinance.

Council Member - Ronnie Johnson: Motion to receive the report.

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

ITEM #11: Public hearing to discuss replatting Lot 2C, a 0.96 acre tract of land in the L. Navarro Survey, A-578, Henderson County, Texas, physically located at 522 W. Main Street and

belonging to the **First Baptist Church of Gun Barrel City** into two lots, to produce Lots 2C-1 and 2C-2, 0.48 acres each, as part of the church's long range growth plan. **(Mayor)**

Mayor Eaton opened the public hearing. There were no comments. The public hearing was closed.

ITEM #12: Discuss and/or take action to approve a replat of Lot 2C, a 0.96 acre tract of land in the L. Navarro Survey, A-578, Henderson County, Texas, physically located at 522 W. Main Street and belonging to the **First Baptist Church of Gun Barrel City** into two lots, to produce Lots 2C-1 and 2C-2, 0.48 acres each, as part of the church's long range growth plan. (Use of property will be for new sign.) **(Mayor)**

Council Member - Curtis Webster: Motion to approve a replat of Lot 2C, a 0.96 acre tract of land in the L. Navarro Survey A-578, Henderson County, Texas, physically located at 522 W. Main Street and belonging to the First Baptist Church of Gun Barrel City into two lots, to produce Lots 2C-1 and 2C-2, 0.48 acres each, as part of the church's long range growth plan.

Council Member - Dennis Baade: 2nd

Council Member - Rodney Bevell: 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

ITEM #13: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding approval of a final plat for **Eastern CCL, LLC**. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission approved this replat. This was the Applebee's plat. The goal was to have everything ready to go by January 1, 2013.

Council Member - Dennis Baade: Motion moved to receive the report.

Council Member - Rodney Bevell: 2nd

Council Member - Rodney Bevell: 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

ITEM #14: Public hearing to discuss cutting out and platting 1.25 acres from Tract 1 in the B. Medro Survey, in the City of Gun Barrel City, as recorded in Volume 2712, Page 81 of the Deed Records of Henderson County, Texas, belonging to **Eastern CCL, LLC**, in order to create proposed Lot 1, Block A – **SD Apple Addition (Applebee's)**. **(Mayor)**

Mayor Eaton opened the public hearing. There were no comments. The public hearing was closed.

ITEM #15: Discuss and/or take action to approve a final plat cutting out and platting 1.25 acres from Tract 1 in the B. Medro Survey, in the City of Gun Barrel City, as recorded in Volume 2712, Page 81 of the Deed Records of Henderson County, Texas, belonging to **Eastern CCL, LLC**, in order to create proposed Lot 1, Block A – **SD Apple Addition (Applebee’s)**.
(Mayor)

Council Member - Dennis Baade: Motion to approve a final plat cutting out and platting 1.25 acres from Tract 1 in the B. Medro Survey, in the City of Gun Barrel City, as recorded in Volume 2712, Page 81 of the Deed Records of Henderson County, Texas, belonging to Eastern CCL, LLC, in order to create proposed Lot 1, Block A – SD Apple Addition (Applebee’s).

- 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

ITEM #16: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding approval of a final plat for **GBCEDARCREEK, LLC & GBCEDC**. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission unanimously approved this replat. They had been working on this project for about a year. This was a land swap trade between the EDC and Gary Smith in order to get right-of-way for the future North Luther Lane.

Council Member - Dennis Baade: Motion to receive the report.

- 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

ITEM # 17: Public hearing to discuss approving a final plat for Gary Smith, Manager of **GBCEDARCREEK, LLC** and Steve Webster, President of the **Gun Barrel City Economic Development Corporation**, regarding all that certain lot, tract or parcel of land located in the G. T. Walters Survey, A-794, City of Gun Barrel, Henderson County, Texas, being described as part of a called 2.65 acre tract of land described in deed to GBCEDARCREEK, LLC recorded in Volume 2933, Page 104 and part of a called 91.287 acre tract of land described in deed to Gun Barrel City Economic Development Corporation recorded in Document 2010-00005679 of the

real property records of Henderson County, Texas, in order to create Lot 1, a 2.37 acre tract of land. **(Mayor)**

Mayor Eaton opened the public hearing. There were no comments. The public hearing was closed.

ITEM #18: Discuss and/or take action to approve a final plat for Gary Smith, Manager of **GBCEDARCREEK, LLC** and Steve Webster, President of the **Gun Barrel City Economic Development Corporation**, regarding all that certain lot, tract or parcel of land located in the G. T. Walters Survey, A-794, City of Gun Barrel, Henderson County, Texas, being described as part of a called 2.65 acre tract of land described in deed to GBCEDARCREEK, LLC recorded in Volume 2933, Page 104 and part of a called 91.287 acre tract of land described in deed to Gun Barrel City Economic Development Corporation recorded in Document 2010-00005679 of the real property records of Henderson County, Texas, in order to create Lot 1, a 2.37 acre tract of land. **(Mayor)**

00:35:43

Council Member - Curtis Webster: Motion to approve a final plat for Gary Smith, Manager of GBCEDARCREEK, LLC and Steve Webster, President of the Gun Barrel City Economic Development Corporation, regarding all that certain lot, tract or parcel of land located in the G. T. Walters Survey, A-794, City of Gun Barrel, Henderson County, Texas, being described as part of a called 2.65 acre tract of land described in deed to GBCEDARCREEK, LLC recorded in Volume 2933, Page 104 and part of a called 91.287 acre tract of land described in deed to Gun Barrel City Economic Development Corporation recorded in Document 2010-00005679 of the real property records of Henderson County, Texas, in order to create Lot 1, a 2.37 acre tract of land.

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

ITEM #19: Discuss and/or take action to appoint James Braswell and Harold Bruner to the Planning & Zoning Commission with terms to expire October 2014. **(City Manager)**

Council Member - Curtis Webster: Motion to appoint James Braswell and Harold Bruner to the Planning & Zoning Commission with terms to expire October 2014.

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

ITEM #20: Discuss and/or take action to appoint Patty Raasch to the Charter Review Commission. **(City Manager)**

Council Member - Ronnie Johnson: Motion moved to appoint Patty Raasch to the Charter Review Commission.

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

ITEM #21: Discuss and/or take action to authorize spending up to \$3,000 from Hotel Motel Fund for Christmas parade expenses. **(Hayes)**

00:40:31

Hayes felt it was too late for this year but wanted this for next year to make it a bigger event. The City Manager said there would be some expenses this year, i.e. prize money. If it was for next year they needed to wait until next year. He recommended this be approved for this year.

Council Member - Curtis Webster: Motion moved to authorize spending up to \$3,000 from Hotel Motel Fund for 2012 Christmas parade expenses.

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 7:57 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Paul Eaton, Mayor