

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, January 24, 2012 at 6:30 p.m.

Mayor Pro-tem Webster called the meeting to order at 6:30 p.m. Ronnie Johnson gave the invocation. Dennis Baade led the Pledge of Allegiance. Roll was called. Ronnie Johnson, Curtis Webster, Dennis Baade, Melvyn Hayes and Rodney Bevill were present. A quorum was established.

Citizen Presentations: (Limited to 3 Minutes)

Rob Rea was concerned about the state of the City. He asked how much money was spent on the November 2011 election including attorney fees.

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 **December 27, 2011 Council meetings** and the following **December reports:**

- Financial – Budget vs. Actual Expenses – Year to Date (Sept & Oct 2011)
- 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 – monthly & year-to-date totals
- EDC minutes and financial report

Baade moved to approve the Consent Agenda. Hayes seconded. All Council members voted 'aye.' Motion carried.

ITEM # 2: Discuss and/or take action to make three appointments to the Planning and Zoning Commission with terms to expire October 2013. **(City Manager)**

Larry Moon's background was as a civil engineer, residential and commercial development and construction involving design, budgets, costs and oversight. James Osborne was a retired mechanical engineer with experience in executive management, marketing and advertising and banking and finance. Marty Goss was a local realtor and a former City Council member. He had a background of accounting, entertainment and recreation, marketing and advertising and banking and finance. Marvin Pace was a former City Council member and a retired truck driver.

Johnson commented that the Council should be looking for someone who could work well with people. Prospective Commission members should be able to give fair and impartial hearings.

Baade moved to appoint Larry Moon to the Planning and Zoning Commission with a term to expire October 2013. Johnson seconded. All Council members voted 'aye.' Motion carried.

Baade moved to appoint James Osborne to the Planning and Zoning Commission with a term to expire October 2013. Hayes seconded. All Council members voted 'aye.' Motion carried.

Bevill moved to appoint Marty Goss to the Planning and Zoning Commission with a term to expire October 2013. Hayes seconded. Johnson voted 'no.' Webster, Baade, Hayes and Bevill voted 'aye.' The voting resulted in one 'no' vote and four 'aye' votes. Motion carried.

After the appointments, the City Manager commented there were openings on the Board of Adjustments that needed to be filled as well.

ITEM # 3: Discuss and/or take action to appoint Linda Rankin to the Park Board with a term to expire July 2012 or July 2014. **(City Manager)**

Johnson moved to appoint Linda Rankin to the Park Board with a term to expire July 2014. Baade seconded. All Council members voted 'aye.' Motion carried.

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 rezoning of all that certain lot, tract or parcel of land located in the G T Walters Survey, A-794, City of Gun Barrel City, Henderson County, Texas, being described as part of a called 91.387 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 (RPRHCT), and containing 2.06 acres of land more or less, from Agriculture to Multi-Family Residential District (MF-1), or any other appropriate zone. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission's recommendation was to proceed forward with the zoning. This was a 2.06 acre tract of land set aside for Country Place Living.

Baade moved to receive the report from the City Manager. Hayes seconded. All Council members voted 'aye.' Motion carried.

ITEM # 5: Public hearing on rezoning all that certain lot, tract or parcel of land located in the G T Walters Survey, A-794, City of Gun Barrel City, Henderson County, Texas, being described as part of a called 91.387 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 (RPRHCT), and containing 2.06 acres of land more or less, from Agriculture to Multi-Family Residential District (MF-1), or any other appropriate zone. **(Mayor)**

The Mayor Pro-tem opened the public hearing. Steve Webster urged the City Council to approve this rezoning so they could move forward with the contract in order to bring a new assisted living center to the City. The public hearing was closed.

ITEM # 6: Discuss and/or take action to adopt Ordinance #O-2012-001 rezoning all that certain lot, tract or parcel of land located in the G T Walters Survey, A-794, City of Gun Barrel City, Henderson County, Texas, being described as part of a called 91.387 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 (RPRHCT), and containing 2.06 acres of land more or less, from Agriculture to Multi-Family Residential District (MF-1), or any other appropriate zone. **(City Manager)**

Baade moved to adopt Ordinance #O-2012-001. Hayes seconded. All Council members voted 'aye.' Motion carried.

ITEM # 7: Discuss and/or take action to award bids for the year 2012 for street materials and construction consisting of: **(Mayor)**

- Cold mix asphalt per ton delivered
- One and one half inch flex base rock per ton delivered
- Hot mix asphalt per ton delivered
- Hot mix asphalt per ton installed
- 3/8 inch pea gravel per ton delivered
- Polymer modified asphalt (UPM) per ton delivered
- Wash sand per ton delivered
- Tack coat per gallon
 - 1) CSS-1
 - 2) SS-1
 - 3) CRS-2

Bids were not received for hot asphalt delivered per ton and cold mix delivered per ton. Steps had already been taken to go out for bid again for those items.

Johnson moved to award the bids to the following:

S & S Trucking	Base Rock Delivered/Ton	\$ 13.85
King Sand & Gravel	Wash Sand Delivered/Ton	\$ 12.25
Ergon Asphalt	Tack Coat/Gallon	\$ 2.41
Texana Land & Asphalt	Hot Asphalt Installed/Ton	\$ 90.50
Michael's Patio & Landscaping	Pea Gravel Delivered/Ton	\$ 13.10

Baade seconded. All Council members voted 'aye.' Motion carried.

ITEM # 8: Discuss and/or take action to select one of three contract price options with Henderson County regarding the May 12, 2012 election. **(City Manager)**

Option 1 was the standard option where the County would do the pre-defining and testing of the equipment and tally the votes from the e-Slate machines at a cost of \$1,772.93. The City would run the entire election as usual.

Option 2 was a joint election where the City would conduct Early Voting and the County would conduct Election Day voting. The County would still do the pre-defining and testing of equipment along with the

tallying of votes. The cost for Option 2 would be \$2,173.33. Option 2's cost was \$400.40 greater than Option 1.

Option 3 was a County conducted election where the County would conduct the entire election at a cost of \$3,370.13. Option 3's cost was \$1,135.60 greater than Option 2 and \$1,536.00 greater than Option 1.

On top of the above prices, the City would still pay approximately \$1,500 to Hart Intercivic for programming the e-Slates and printing paper ballots.

Johnson moved to select Option 3 whereby having the County conduct the entire May 12, 2012 election for a cost of \$3,370.16. Baade seconded. Johnson, Webster, Baade and Bevill voted 'aye.' Hayes voted 'no.' The voting resulted in four 'aye' votes and one 'no' vote. Motion to select Option 3 passed.

ITEM # 9: Discuss and/or take action to adopt Ordinance #O-2012-002 calling a general election for May 12, 2012 for the election of a mayor and two council persons for two year terms each. **(Mayor)**

Bevill moved to adopt Ordinance #O-2012-002 calling a general election for May 12, 2012 for the election of a mayor and two council persons for two year terms each. Hayes seconded. All Council members voted 'aye.' Motion carried.

ITEM #10: Discuss whether to call a special election for the reauthorization of the local sales and use tax in the City at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. **(Mayor)**

A lengthy discussion was held on whether to call this election. Steve Webster, EDC President, asked that the Council not call this election so the money could revert back to the EDC. We were in tough economic times and the EDC needed all the money they could get in order to support existing businesses and lure new businesses to the City. He felt the EDC had demonstrated their desire and ability to improve the City and they would continue to do so. By getting this money back into their coffers, they would have additional funds to help the City do other projects.

The opposing argument was that if this money, which comprised \$377,197 in the 2012 Street Department budget, was not received through this reauthorization election, it would be difficult for the City to make up that amount from the General Fund.

Steve Webster asked if the Council would consider a compromise and lower the amount to 1/8 of 1% on the ballot. Another alternative was to leave the ballot at 1/4 of 1% and if the entire amount wasn't spent for street maintenance, it could be returned to the EDC. The City Secretary didn't feel that was an option because the wording of the election ballot was specific that the money could only be spent on street maintenance and repair. She felt the State Comptroller would frown upon returning unused money to the EDC.

ITEM #11: Discuss and/or take action to adopt Ordinance #O-2012-003 calling a special election for May 12, 2012 for the reauthorization of the local sales and use tax in the City at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. **(Mayor)**

Hayes moved to adopt Ordinance #O-2012-003 calling a special election for May 12, 2012 for the reauthorization of the local sales and use tax in the City at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. Johnson seconded. Johnson, Webster and Hayes voted 'aye.' Baade and Bevill voted 'no.' the voting resulted in three 'aye' votes and two 'no' votes. Motion to call a special election carried.

ITEM #12: Discuss and/or take action to spend up to \$50,000 from the Hotel-Motel Fund on two events: 1) a three-day Memorial Day event and 2) a one-day July Festival and authorize the City Manager to sign a contract with B-Weiss Entertainment Group, LLC to produce and promote both events. **(Bevill)**

Bevill said he and some of the City staff had met with Brad Weiss, an entertainment promoter. The vision was to build on the festival and go bigger every year. The promoter had suggested going with a bigger name artist which would bring in 3,000 to 4,000 people. We were looking at a \$35,000 to \$40,000 range for a bigger artist.

The contract with B-Weiss would be for both the Memorial Day event and July Fest. Memorial Day would be a three-day event for the community, the children and the school. The Beautification Committee, the Park Board and possibly the Chamber would help with this event. There would be a carnival with a 30' Ferris wheel and 30 big rides. One night there could be a drum line competition with a possible cash prize. Another night could be sponsored by the Youth Ministers of the local churches to raise money for their church camps, etc. They were looking at a band to play 70's, 80's and 90's music on the last night. The carnival would be here Thursday, Friday and Saturday, May 24 -26, so they were trying to expand on that.

July Fest would be on Saturday, July 7, with one big-name artist as the headliner. There would be three bands - an opening band, the headliner and a closing band. The headliner would go on prior to the fireworks.

If the contract with B-Weiss Entertainment Group, LLC were approved, services provided for the event would include selling sponsorships for the event including but not limited to beer sponsors, restaurant sponsors, mobile phone provider sponsors, automobile sponsors, boat sponsors and all other sponsorship categories. The City Manager wanted Council to be aware that if they approved the contract, they were approving any of those possible sponsorships. The promoter would be responsible for all aspects of the sale of beer. The City would bear no liability. The City Manager was recommending the approval of a contract with B-Weiss Entertainment Group, LLC.

Chapter 110.03 of the City's ordinances read: *(C) Exceptions.* The restrictions of this section shall not apply to a festival, civic celebration, or charitable event on city property which has been authorized by the City Council, and which is authorized by the provisions of the Texas Alcoholic Beverage Code. Before the City Council makes any such determination, the City Manager shall make a recommendation whether to approve or not approve the consumption or possession of alcoholic beverages on city property, and in doing so shall consider the impact on the surrounding neighborhood, whether the festival, civic celebration or charitable event is one which traditionally has had alcoholic beverage consumption with no resultant problems, whether the sponsor of the event will provide for sufficient trash and refuse removal

and necessary sanitary facilities, and any other conditions the City Manager deems advisable to protect the public health, safety and welfare.

Bevill moved to spend up to \$50,000 from the Hotel-Motel Fund on two events: 1) a three-day Memorial Day event and 2) a one-day July Festival and authorize the City Manager to sign a contract with B-Weiss Entertainment Group, LLC to produce and promote both events. Baade seconded. All Council members voted 'aye.' Motion carried.

ITEM #13: Discuss and/or take action to spend \$4,500 from the Hotel Motel Fund for a platinum sponsorship for the KCKL Bass Tournament. **(City Manager)**

The tournament would be held on March 24 & 25.

Baade moved to append \$4,500 from the Hotel Motel Fund for a platinum sponsorship for the KCKL Bass Tournament. Hayes seconded. All Council members voted 'aye.' Motion carried.

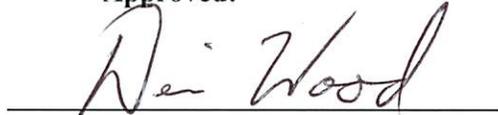
The meeting adjourned at 7:51 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Dennis Wood, Mayor