

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, August 28, 2012 at 6:30 p.m.

Mayor Eaton called the meeting to order at 6:30 p.m. and gave the invocation. The Pledge of Allegiance followed. Roll was called. The following people were present. 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](#)

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 **July 24, 2012 Council meeting** and the following **July reports**:

Financial – Budget vs. Actual Expenses – Year to Date (June & July)

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 and garage sale applications/fees

EDC minutes and financial report

Webster asked that the budget report for October 2011-2012 be discussed separately.

Webster moved to approve the remaining Consent Agenda. Baade seconded. The voting was as follows with the motion being approved.

[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 summary showed Total Income of \$2,810,702.08 and Total Expenses of \$3,052,637.43 with a deficit Net Income of \$-241,935.35. This was due to the funds expended on the park grant. A reimbursement request had been submitted to Texas Parks & Wildlife in the amount of \$273,000. We didn't have to have the park project completed prior to receiving our reimbursement.

Webster moved to approve the financial reports. Johnson seconded. The voting was as follows with the motion being approved.

[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 # 2: Discuss and/or take action to approve the Annual Financial Report for the Year Ending September 30, 2011 (2010-2011 Audit). **(Yeldell & Wilson)**

[06:42:12 PM](#)

Total Revenue budgeted for the year was \$3,548,263. Actual Revenues received were \$3,564,872. We received \$16,609 more than we anticipated. Total Expenditures budgeted for the year were \$3,552,275. Actual Expenditures were \$3,480,373. We came in \$71,902 under the budgeted amount. The City chose not to use any of the existing fund balance so basically a zero fund balance budget for the year. For the year we actually generated a fund balance of \$84,499. We did better than what we had budgeted to do.

In regards to the TMRS retirement system, the City's Actuarial Values of Assets was \$1,728,274 compared to the Actuarial Accrued Liability of \$1,804,376. We were actually unfunded by \$76,102 which they expect the City to become fully funded within a 25-30 year period. However, to be funded at 95.8% was exceptional. This was a very positive position for the City to be in. A recommendation letter has been issued to the City.

[06:49:15 PM](#)

On page 22, Webster asked why the notes receivable loans given to individual businesses by the EDC were shown in the City's report. Yeldell replied that as part of the reporting structure whenever you have a discretely presented component unit of the City their major note disclosure is included. The GBCEDC is considered to be a component unit of the City and therefore meets the reporting requirements for the inclusion in the City's audit report.

Baade commented that on page nine of the report, there was an incomplete sentence in the paragraph titled Economic Factors and Next Year's Budget. He wasn't sure that sentence even needed to stay in the report. Mr. Yeldell said he would check on the sentence.

Webster moved to approve the Annual Financial Report for the Year Ending September 30, 2011 (2010-2011 Audit) with the correction requested by Councilman Baade. Baade seconded. The voting was as follows with the motion being approved.

[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 # 3: Discuss and/or take action to award the bid for a Certified Public Accountant to perform annual audits on all City accounts for the next three fiscal years. **(City Manager)**

The City advertised for bids as required. The only bid received was from Yeldell, Wilson & Company.

Webster moved to award the bid for a Certified Public Accountant to Yeldell, Wilson & Company to perform annual audits on all City accounts for the next three fiscal years. Bevill seconded. The voting was as follows with the motion being approved.

[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 # 4: Discuss and/or take action to submit a letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise the power of eminent domain in Texas. **(City Attorney)**

[00:25:02](#)

The City has the power of eminent domain which is the lawful ability for the City to acquire property that is needed for infrastructure, transportation needs, essential services that the City provides. The law restricts under what circumstances you can use the eminent domain power. It had to be used for an approved purpose. There used to be more ability to use eminent domain to take property to do economic development projects. That was curtailed several legislature sessions ago. When you do take property, you have to pay the owner fair market value. All political subdivisions of this State, not just cities, have to submit a form to the State Comptroller listing every bit law or statute that gives you eminent domain authority. We have until December 31, 2012 to submit this information. Any political subdivision doesn't submit their list forfeits their right to have eminent domain power. If your list is incomplete, you forfeit your right to use eminent domain under whatever statute or law that you left off your list.

Baade moved to submit a letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise the power of eminent domain in Texas. Webster seconded. The voting was as follows with the motion being approved.

[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 concerning the Texas Community Development Block Grant Program to discuss the current plans to file an application for grant funds. **(Traylor & Associates)**

The City Manager explained this \$280,000 grant was for drainage and street improvements in Willowood Subdivision. The grant could only be used for low to moderate income projects. This same grant was applied for last year but it wasn't awarded to the City. You are allowed to carry the grant process over for two years.

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

ITEM # 6: Discuss and/or take action to appoint a City Charter Review Committee. **(Webster)**

[00:31:52](#)

Webster said the Charter had not been reviewed and amended since 2008. He wanted to get that process started. He recommended that each Council member and the Mayor appoint two Gun Barrel City residents to serve on the Charter Review Committee. The Committee will be charged with the duty of setting their meetings, reviewing and making recommendations to the City Council regarding amendments to be placed on a ballot for a special election to be held in May 2013. It was recommended that no more than ten amendments be put on the ballot. Webster's choices were Carroll Strickland and Linda Rankin. He asked that the other Council members submit their choices to the City Manager within two weeks so work could begin on reviewing the Charter.

Julie Fort, the City Attorney, had made a running list of notes as different issues had come up with the Charter. In order to keep expenses to a minimum, she would not be a regular attendee of the Charter Review Commission but would be available if needed.

Webster moved to approve setting up a Charter Review Commission with the Mayor and Council members each appointing two Gun Barrel City residents to serve on the Commission. Johnson seconded. The voting was as follows with the motion being approved.

[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 amend Chapter 6.00, Work Schedule and Time Reporting, of the City's Personnel Policies Manual in order to adopt a 28-day pay schedule for the paid fire fighters. **(Fire Chief)**

Currently, the fire fighters were salaried employees. By IRS standards, they need to be hourly employees. Changing to a 28-day pay schedule for the fire fighters would help cut the cost of overtime. Under a 28-day pay schedule, no overtime would be paid until they had worked more than 212 hours. They were getting the same pay; they were not losing any money.

Webster moved to amend Chapter 6.00, Work Schedule and Time reporting, of the City's Personnel Policies Manual in order to adopt a 28-day pay schedule for the paid fire fighters. Bevill seconded. The voting was as follows with the motion being approved.

[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: Discuss and/or take action to set budget workshop dates. **(City Manager)**

The City Manager recommended that the Council meet every Friday until they reached a balanced budget.

Webster moved to schedule budget workshop meetings on Friday, September 7, September 14 and September 21 at 10 a.m. Hayes seconded. The voting was as follows with the motion being approved.

[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 # 9: Discuss attending the TML Annual Conference to be held November 13 – 16 at the Gaylord Texan Convention Center in Grapevine with commitments to attend turned in to the City Manager before October 1. **(City Manager)**

[00:42:19](#)

The TML Annual Conference was a learning tool available to all Council members. Advertisements for this year's event had been in the Texas Town and City magazine published by TML. The City Manager urged all Council members to attend and at least go to the Exhibit Hall. If the members were interested in attending, he asked that they respond to him by October 1 in order to receive a \$50 reduction on each registration fee. Shirts honoring the 100th

anniversary of the TML Convention were available. If Council was interested in having a shirt, the City Manager needed to know their shirt sizes.

The meeting adjourned at 7:19 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Paul Eaton, Mayor