

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

The City Council of the City Gun Barrel City met in a special meeting at City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Wednesday, November 7, 2012 at 6:00 p.m.

Mayor Eaton called the meeting to order at 6:00 p.m. and gave the invocation. The Pledge of Allegiance followed.

[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: Absent](#)

A quorum was established.

ITEM # 1: First reading of Resolution #R-2012-009, EDC Project 2012-003, Applebee's. **(Mayor)**

The Mayor gave the first reading of Resolution #R-2012-009, EDC Project 2012-003, Applebee's.

ITEM # 2: Second reading of Resolution #R-2012-009, EDC Project 2012-003, Applebee's. **(Mayor)**

The Mayor gave the second reading of Resolution #R-2012-009.

ITEM # 3: Discuss and/ take action to adopt Resolution #R-2012-009, EDC Project 2012-003, Applebee's. **(EDC / Mayor)**

[00:11:04](#)

Webster wanted to make an amendment to the performance agreement that was discussed in the workshop on Monday night, November 5. The EDC's attorney, Jeff Moore, stated in an email, 'Average in my opinion allows them (Applebee's) to drop below 50 as long as the average is 50. For example, they could have 48 and then 52 employees and if it is for equal time the average is 50 employees for the quarter. It can be added, but it might create an administrative issue of calculating an average of 50 employees for the quarter. I am fine with the change with that understanding.'

In a response to Jeff Moore's email, Linda Rankin, an EDC Board member, made the following written comment, 'I sent the change to the Performance Agreement to our attorney and his comment is below. It may be to our advantage not to add the word 'average'. In his opinion, the way it is worded now means they must maintain 50 employees at all times and does not give them the option of dropping below 50 employees. I agree that he is correct in this interpretation. Please let me know if you agree and what I should do.'

The amendment Webster wanted to offer under Section 4(d), Job Creation and Retention, is after Full-Time Employment Positions and/or Part-Time Employment Positions add “**at all times**” before the wording ‘working at the property’ and the rest to remain the same.

Hayes felt the person operating a business should be able to maintain their business the way they feel proper. They should be given the leeway to average the number out every quarter. He thought they were trying to hinder these people from doing business here.

Webster said this project was sold on job creation. Their attorney said the word average gave Applebee’s the ability to drop below 50 or go above. Mayor Eaton commented that they had to keep an average of 50 so if he goes below 50 then the next month he has to go above 50. Linda Rankin said this was based on a quarter – 50 per quarter. Baade said 50 was the only number they needed to focus on. Discussion followed regarding ‘the average of 50’ vs. ‘a quarterly minimum of 50.’ Mayor Eaton said the word average wasn’t to the City’s benefit. Rankin said the EDC would check it every quarter to see if Applebee’s had maintained 50 employees

[Council Member - Dennis Baade: Motion to adopt Resolution #R-2012-009, EDC Project 2012-003, Applebee’s.](#)
[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: Disapprove](#)
[Council Member - Ronnie Johnson: Absent](#)

Hayes said he would have liked to have seen the whole Council present to vote on this but because of expediting this we needed to go ahead.

The meeting adjourned at 6:21 p.m.

Attest:


Christy Eckerman, City Secretary

Approved:


Paul Eaton, Mayor