

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

The City Council of the City of Gun Barrel City met in a regular meeting in City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Tuesday, August 26, 2014 at 6:30 p.m.

Mayor Braswell called the meeting to order at 6:30 p.m. Curtis Webster gave the invocation. The Pledge of Allegiance followed. Roll was called and a quorum was established.

[Council Member - Rodney Bevill: Present](#)

[Council Member - Ronald Wyrick: Present](#)

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

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

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

[Mayor - Jim Braswell: Present](#)

Citizen Presentations:

[00:03:38](#)

Carroll Strickland made the following comments on Item #7. Mr. Goss is up to his tricks again. It seems to me that if you had already voted on something and it's been approved it would be highly irregular to have to vote on it again. I would think there would be contracts involved in that and I'm thinking this sounds kind of illegal to me but what do I know I didn't go to law school. I do know that this is some more of Mr. Goss' continuing efforts to harass, berate and belittle the EDC and Linda Rankin. And if you think this isn't personal with Linda then let me ask you this question. When he was told that she would possibly run for Council his response was, 'She'll never get on the Council; I'll personally see to that.' I'm glad you think that's funny Marty. I personally think it's disgusting. Marty Goss responds, 'It's a lie but go ahead.' Strickland (pointing her finger at Goss), 'You're not supposed to be speaking.' Goss, 'Oh, my bad. Sorry.' He is also urging you to put Paul Eaton on the EDC. The citizens spoke when we had our last election and they didn't want Mr. Eaton to be the mayor anymore and I don't think they want him to be on the EDC. After all, he's already cost this City money when he was the mayor before and we had the debacle with the Heritage Cove – Ken Landers deal. I know since I last spoke to the City Council you've been presented with evidence that shows Mr. Goss has violated the City Council and the violation is subject to the dismissal from the City Council. But you've done nothing. So you are either agreeing with Mr. Goss and his dirty tricks and actions or you've chosen deliberately to ignore the City Charter. The City Charter was voted on by the good citizens of this town and it represents the rules that you're supposed to run the City by. No place in the Charter does it say that you can pick and choose which items you want to enforce and which ones you don't. Although Mr. Boren seems to think that there is. I can't understand why you are continually letting this go on when you have evidence that asks for, that begs, for Mr. Goss to be removed from the Council. Personally, I think you've betrayed the trust of the

good citizens of this City that elected you to office. You weren't elected to serve at Mr. Goss' whim. You were elected to serve the people of the City and I can't tell you how many people have come to me since I last spoke to the Council and ask me why aren't they doing anything. Why aren't you?

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 22, 2014 Council meetings** and the following **July reports:**

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

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 & Park Department – cost break down of monthly street repairs & park expenses

Building Official – number of inspections and associated fees

Code Enforcement – break down of violations

EDC minutes and financial reports

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

[Council Member - Marty Goss: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

ITEM # 2: Discuss and/or take action to replace Council representative to the GBCEDC by rotating Councilmen. **(Webster)**

[00:09:00](#)

Webster commented that it would make for better communication and a learning experience to rotate a City Councilman as the liaison to the EDC. Councilman Baade had been the liaison for a year to year and a half. We rotated the Mayor Pro-tem every year. So he was suggesting we rotate the Council representative to the EDC every quarter.

[Council Member - Curtis Webster: Motion to replace Council representative to the EDC by rotating Councilmen on a quarterly basis.](#)

[Council Member - Marty Goss: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

The Mayor asked for nominations. Goss moved to nominate Curtis Webster. Dennis Baade moved to nominate Ron Wyrick.

Council Member - Marty Goss: Motion to name Curtis Webster as liaison to the EDC for the next quarter.

Council Member - Ronald Wyrick: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Disapprove

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

The City Manager suggested that since two people were nominated why not appoint the second person to the quarter following Curtis Webster.

Council Member - Marty Goss: Motion to name Ron Wyrick as liaison to the EDC for the quarter following Curtis Webster.

Council Member - Dennis Baade: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

ITEM # 3: Discuss and/or take action to interview any remaining applicants for the Planning and Zoning Commission in Open Session and make appointments. **(Mayor)**

There had been two applicants for the P&Z: Steve Shorrocks and Paul Eaton.

Council Member - Curtis Webster: Motion to appoint Steve Shorrocks and Paul Eaton to the Planning and Zoning Commission.

Council Member - Marty Goss: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

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

[Mayor - Jim Braswell: N\A](#)

ITEM # 4: Discuss and/or take action to interview any remaining applicants for the GBC Economic Development Corporation Board of Directors in Open Session and make appointments. **(Mayor)** (There are three two-year and one one-year terms to appoint.)

[00:14:41](#)

Patsy Black was interviewed in Open Session for the EDC prior to the Council going into Executive Session to deliberate with the City Attorney. Ms. Black had worked for the Tom Thumb organization and had owned two vacuum cleaning service businesses. She had served on the Council, the EDC, the BOA, the Charter Review, the Beautification Committee, the Christmas Parade Committee, the flag committee and the GBC Business Coalition which eventually became the Gun Barrel Chamber of Commerce.

Mayor Braswell recessed the meeting at 6:47 p.m. to go into Executive Session to discuss the process on how the candidates would be voted on. Mayor Braswell reconvened the meeting at 6:56 p.m.

It was the consensus of Council that ballots were drawn up and each Council member would make four selections. The sealed ballots would be passed on to Christy Eckerman, City Secretary, to be counted, tallied and announced.

The results were as follows:

Candidates	Votes
Patsy Black	4
Jim Cavanaugh	2
Gary Damiano	4
Paul Eaton	2
Rob Rae	4
David Skains	3
Sandra Ward	1

[Council Member - Dennis Baade: Motion to appoint Patsy Black, Gary Damiano, Rob Rae and David Skains to the EDC Board of Directors.](#)

[Council Member - Curtis Webster: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

The appointees would be seated and sworn in at the September EDC meeting.

ITEM # 5: Discuss and/or take action to set budget workshops and strategic planning meetings.
(City Manager)

[00:27:28](#)

It was very important to start the process of our workshops. There were a lot of things to consider including the budget, strategic planning and the upcoming property tax election. A Facebook page had been set up to inform the citizens on the upcoming tax election.

Webster asked if the meetings could be held to 1 ½ hours. When it came to the budget workshop, Boren said he would probably need two hours.

Wyrick wanted to see the EDC Board going over this with the Council. He wanted to see the Council and EDC work together not as two separate entities. He suggested a joint strategic planning meeting. Goss said the problem with that was with the new Board being seated in September they would need direction from the Council as to which direction they were going to go. The Council's position was to take the lead role and set the guidelines and the objectives to be achieved. Boren said with this being a workshop, the Mayor could invite anyone to speak. So, the EDC members could attend by posting a Notice of Possible Quorum and the Mayor could recognize them to speak.

[Council Member - Curtis Webster: Motion to schedule the first strategic planning meeting for Tuesday, September 2 at 4:30 p.m.](#)

[Council Member - Ronald Wyrick: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

[Council Member - Curtis Webster: Motion to schedule a budget meeting for Friday, September 5 at 4:30 p.m. at City Hall.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

ITEM # 6: Discuss and/or take action to spend up to \$15,000 out of the Hotel-Motel fund for the Fall Fest which includes lawn mower races, arts & crafts, a concert and BBQ cook-off. **(City Manager)**

00:35:49

Boren said they weren't going to spend \$15,000 but they always ask for extra just in case so they don't have to come back to Council. They spent about \$8,000 last year. The concert this time was going to be a kid's concert for local talent 18 years of age or younger.

00:36:54

Mike Howell said they were trying to coordinate all the City festivals on the first weekend of the month like the July Fest and the Christmas parade. The Fall Fest would be a one-day event held on Saturday, October 4. The barbeque brisket cook-off would be a fundraiser for the Gun Barrel City Fire Department. There would be arts and crafts vendors and lawn mower racing in the afternoon. The lawn mower association would also be holding their annual banquet in town that night which would bring a little tax revenue into the City. The racers come from Missouri, Arkansas, Oklahoma, Louisiana and Texas.

Council Member - Curtis Webster: Motion to spend up to \$15,000 out of the Hotel-Motel fund for the Fall Fest.

Council Member - Rodney Bevill: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

ITEM # 7: Discuss and/or take action to cease and desist spending any further funds on existing EDC projects until they are brought back before Council for review. **(Goss)**

00:41:08

Goss said in listening to the candidates confirming what he was thinking the whole issue the new Mayor ran on along with a lot of people was transparency. There had been a great amount of things done at the EDC that had not been transparent. In doing so, there had been a lot of things done in Executive Session that no one knew about, projects have been flipped to different locations that no one knew about. There's just been a lot of things.

In going through the budget alone that they put out, the Town Center jumping it up to an additional \$200,000. Things like that should be left in the General Fund that the group, especially with the new Board coming on and possible new officers being elected that those things will be decided by the new Board instead. Because they're wrapping up the projects they've finished on right now but let the new Board discuss what direction they want to go into instead of putting that kind of money, \$200,000, into an account that's not targeted, it's not specific, it's general. So, why not let the new EDC Board look at those things and make their recommendations.

Moving on through it, the aqua center \$25,000, the business park, I can't really go into that, there's \$20,000 for it for the feasibility, they jumped the Project Office Space from \$10,000 which is if you remember they were, at one time, looking at this corner and then it was put down to Luther Lane and then all of a sudden it got flipped back to the corner and no one knew about it and now all of a sudden there was \$100,000 for a project that the original tenants don't even want now. They said they're not going to be a single tenant renter. So, again, all this was done without anybody knowing what was going on. It was done in Executive Sessions. It was not done out in the open. And, we've all seen it.

You've got the skate park - \$200,000. Something like that, if it's something we decide to do, that's fine. Leave it in the EDC's general budget and prioritize it. Let the new EDC Board take a look at these things. There's \$200,000 for a skate park; that's quite a bit of money. You get into the additional investments; unidentified projects, \$56,000. Why is that not left in the General Fund and being more transparent so when they put it on an agenda item it can be discussed, it can be looked at and then voted on. But to put \$56,000 as unidentified projects why target it that way. It was not being transparent for what they were saying to do.

You get into traveling expenses, marketing and traveling, if you tally it up there's between \$30,000 and \$40,000 earmarked for traveling and marketing. The Council has \$5,000 in their budget for traveling and it's hard to believe that the EDC needs that kind of money because I don't really see them going to these trade shows in Vegas or anywhere else in all honesty. You get into, like the booth at the symposiums, the 175 corridor, they keep throwing them in plus travel. You got miscellaneous, there's another \$5,000 for those things. Unidentified projects, there's another \$15,000.

Real Estate Council, spend \$900 to have two people join. Why? You have realtors trying to make a living in the City. Stan Fernald, that's already representing the EDC, is an excellent agent. Why not let him do the work for you? He already belongs to these Boards. Let him do his job. Why spend \$900 of the EDC's money which could go somewhere else instead of just letting a local realtor do the work for you which you're already paying for. Conference seminars another \$5,000.

Emergicon Revolving Loan to \$150,000. Emergicon's already done whatever they're going to do to their location. So why there needs to be another \$150,000, if it's necessary, that's fine but there's no explanation why we're sticking another \$150,000 for people that are renting. You get into Orasi putting \$30,000 in there for another year of his services when you're going to hire a new EDC Executive Director. Why not let the new EDC Director address this himself and pick who he wants to work with and if he chooses to stay with him, so be it, but let the new Board and them have that option. We got to the EDC Director; there was a 5 - 0 vote to hire one. The EDC leadership had to be reminded to put the salary in there because it wasn't originally in the budget. So the City Manager had to tell them to put it in there after a 5 - 0 vote to achieve this thing.

So I mean, just in all the things that seem to be anything put transparent. All I'm suggesting is that all these things get tabled. The new Board would be set in October; they can redo the budget, go through the budget and hit the ground running. But I don't see any reason to saddle them with these kinds of problems.

00:47:05

Webster said Item #7 said to cease and desist. He asked what about Items 8, 9, 10, 11 and 12. Goss said if the Council chooses to pass those then they are doing what Item # 7 says because it has come back to them. If the Council approves them, then they move forward. Webster said so if the Council approves Item #7, then we take up Items 8 – 12. Goss said right. And if Item #7 passes, it doesn't mean that Item #9 cannot pass and that program moves forward because the Council has approved it. It's just like Item #8, the EDC will get to present and explain their budget. If Council agrees that it's not what Goss thinks then fine pass their budget. If you think everything is on the up and up and it's clear, pass it. If not, then you will table it. But they will have their day in the sun to explain and do those things and if you still think there's a little too much stuff and it needs to wait then table it until the new Board takes it.

00:48:20

Baade said let's say the EDC had previously gotten approval from the Council to move forward on a project and they have to contact their attorney to draw up a performance agreement. Does that mean they have to come back to the Council to ask the Council to spend the money with the lawyer to create the performance agreement? Goss said in some cases it might be a possibility. The reason for that was, a good example was Luther Lane. We were sold the bill that it had been flipped down to that location to approve \$10,000 to do it. That was what was sold to us. We agreed to it. We approved it. Then low and behold we find out that it got flipped back to the corner property without any of use knowing it when that's the way it was sold. So then, yes, that would come back so the Council could relook at it and reevaluate it and yes possibly draw up another agreement. When it got switched back none of the Council knew it. Well, Goss didn't know it. Baade didn't know it either and he was the liaison to the EDC. For all intense purposes, the Council didn't know it but this was done and the EDC was taking bids switching it back down here. So it's things like that that says, "Where's the transparency?" Doing those kinds of shady things and the Mayor and I talked about it and the Mayor commented to Goss that he told Linda to stop it, to come clean, tell the Council everything and quit doing these things. Has anybody gotten a call? NOPE.

00:50:19

Wyrick said they needed to have a workshop with EDC and consider what they needed to do as a group. If there's problems we disagree with then we need to do a workshop with EDC and go over their budget, get everything worked out and bring it back to the Council.

00:51:12

The Mayor said cease and desist covers a lot. The EDC had projects in process and people are expecting them to stand up do what they tell these people they will do. How do we expect the EDC to go back and tell these people that we can't do it right now? We have to stop. We have to cease and desist. That's not right and it doesn't send a good message for our City and the people we are trying to do business with.

Goss said so what you're saying is as long as they're doing it behind our backs (the Council) it's okay. The Mayor commented, 'Well Marty, this is all personal vendetta.' Goss, 'No it's not.' Mayor, 'Yes it is Marty. If it quacks, it's a duck.'

Webster wrapped on the Council Dias and asked for some order.

00:52:55

Webster said Dennis was the liaison to the EDC and he was supposed to report to the Council and he didn't know about the change of the site. Is that correct Dennis? Dennis, 'No, I wasn't aware of Emergicon.' Webster, 'Why didn't our liaison know and then we wouldn't have this problem?'

Council Member - Marty Goss: Motion to cease and desist spending any further funds on existing EDC projects until they are bought back before Council for review.

Council Member - Rodney Bevill: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Disapprove

Council Member - Dennis Baade: Disapprove

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N/A

Boren said he was hearing that the Council wanted to brief the new Board. There were three items coming before Council tonight. He was hearing a Council member saying they needed to meet in a strategic planning meeting with both Boards. You have a strategic planning session scheduled for Tuesday. Was there any way we could get both Boards together to discuss the remaining three items so that we're not stalling and moving forward. Mayor Braswell didn't agree with that at all. The EDC was told that they would be able to speak tonight and if it's too late and anybody wants to go home they can go. Goss agreed that the EDC should get to discuss it. The Mayor didn't think a session right now for the two Boards to come together was going to do us a lot of good.

ITEM # 8: Discuss and/or take action to adopt Resolution #R-2014-018 approving the EDC 2014-2015 Fiscal Year Budget. **(Mayor / EDC)**

00:56:06

Linda Rankin said along with herself Ron Wyrick, Jim Braswell, James Osborne and Jim Cavanaugh were on the EDC budget committee. Gerry Boren and Dennis Baade participated in one meeting. They went over every line item, Mr. Goss. The people in the room didn't find anything wrong with what they were doing. So you got your way tonight but I'm telling you

right now there was nothing on this budget that would show that we were wasteful. There was no reason why we cannot zero out our budget and at least earmark some money for certain projects. That is what the EDC does. So many of the things that you sat up there tonight and said were false, highly incorrect and I don't want any of this public out here think that we were misusing funds. That is terribly important. The integrity of the people on the EDC Board matter more to me than anything you could say.

This budget was put together with as much transparency as we could. Mr. Wyrick, did I not say that we wanted to be transparent. Uh huh. And did I not say that we would include travel in these line items so in case we did have to go do some prospecting or we took time to go to a conference we would have the travel in the budget. There was nothing that we ever said that was trying to take advantage of this budget. Nothing.

The revolving loan for Emergicon is an amount of money that had to stay in that account until their contract ends. They have a revolving loan of \$150,000 and until that three year project is up that money has to remain in that account. If anyone had bothered to contact us and ask questions before this meeting, you would have had some very good answers.

The Mayor suggested that the skate park be a line item. Rather than condemn our EDC Board I think you need to speak to the Mayor. We were accommodating this City Council. Project Office Space is a business that is trying to expand and stay in the City. As far as the RBEG loan, Rankin guessed they couldn't give out any more loans. That also went for the Boots2Business grants. Thank You very much, and you're a veteran (speaking to Mr. Goss). There were several people working on the aquatic park project and the Town Center project. Everything just ended tonight. Thank You very much!

The only trade show in the budget was in Dallas not Las Vegas, Mr. Goss. If you had read your marketing plan you would have known that. For the first time ever we have a marketing budget. We have put together a plan to market economic development for Gun Barrel City and we're doing so strategically with the cities between Seagoville and Athens which was in this budget. As far as memberships with the Real Estate Council, if you are ever going to build a relationship with any of the leading commercial real estate site selectors that is the one place you're going to build that relationship. Mike Sugrue, developer of SilverLeaf of Gun Barrel City, would agree with that and highly recommended it.

The Façade Improvement project just ended, Mr. Goss. So much for improving the streets of our City. The budget was done with a lot of thorough planning and a lot of thought and Mr. Wyrick you were in there and you should be able to confirm that. Mr. Braswell you were in there. Mr. Boren you sat in there the first day and told me not to put the money in there for the Executive Director but then you came back and said I think we should and we did.

So I worked with your Mr. Boren, Marty, it wasn't just me doing all of this. And, there's a reason why we did it the way we did it.

01:02:28

Webster asked Rankin if the Façade Improvement Program would start in September. It wouldn't start until it was approved and apparently tonight we're not approving anything. Someone had applied to Boots2Business but at this point it didn't seem to matter to this Council. We have prospects out there waiting for us to do something and this is the attitude you take. Goss asked, 'Who are they?' Rankin, 'Really, in Open Session, when you're negotiating a deal?' Goss, 'Yeah, really.' Rankin, 'How professional is that?' Goss, 'Personally I think you're lying. So I'm asking you who.'

Mayor Braswell called for order.

01:03:43

Council Member - Curtis Webster: Motion to have a joint workshop with the EDC on Tuesday, September 2 at 4:30 p.m. to go over the budget of the EDC in detail so the Council can get a full picture of what's going on.

Council Member - Marty Goss: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Approve

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

ITEM # 9: Discuss and/or take action to adopt **revised** Resolution #R-2014-016, EDC Project 2014-004, Façade Improvement Project. **(Mayor / EDC)**

01:04:45

Rankin said not that it could be passed now but Item #2 under the guidelines for the program they incorporated the line to say that applicants must have three quotes and they must also be code and ordinance compliant.

Webster and Goss both felt this could be voted on and passed. The Mayor said they had made a motion to cease and desist. Goss said his item said "until they are brought back before Council for review". This had come back. The Mayor said he couldn't have it both ways. Boren thought they could come back to each item Tuesday. The EDC could give the Council a report and

Council could make decisions. The Mayor had a problem with that. He had given his word that the EDC would be able to discuss Items 8 – 12 and I expect to live up to that. Boren said the Mayor had the right to give the EDC a voice but his recommendation was to come back in a joint meeting and take action. Bevill agreed with Mr. Boren.

Mayor Braswell asked if they wanted to table Item 9. Goss didn't have a problem with letting the EDC talk about each item.

Bevill moved to table Items 9 – 12. The motion died for lack of a second.

Webster asked if they could rescind the motion made on Item #7 and make the motion excluding Items 9, 10, 11 and 12. Boren said he thought the way the motion was made had their restrictions.

When asked, the City Secretary said that the Façade Improvement Program had been revised and it was coming back before the Council tonight. She didn't see why the Council couldn't make a motion and vote on Item #9.

[Council Member - Curtis Webster: Motion to adopt revised Resolution #R-2014-016, EDC Project 2014-004, Façade Improvement Project.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

ITEM #10: Discuss and/or take action to approve the EDC paying \$5,000 to Go Texan for recertification for the Certified Retirement Community. **(Mayor/ EDC)**

[01:09:32](#)

[Council Member - Curtis Webster: Motion to approve the EDC paying \\$5,000 to Go Texan for recertification for the Certified Retirement Community.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

ITEM #11: Discuss and/or take action to approve the EDC spending \$6,000 for a Business Park Feasibility Study for Site 2. **(Mayor / EDC)**

01:09:59

Boren said in reading the agreement, the first feasibility study that was approved was rescinded by the motion made at the last Council meeting so there is no feasibility project right now because the motion was rescinded. This project, the auditors will ask from me where is the first project because we rescinded the motion. We need to come back with this one with the project motion and then expand it.

Webster started to make a motion that the EDC bring this back to the Council for their consideration. The Mayor asked if Item 11 would have to be a new motion at the next Council meeting. Yes.

01:12:03

Rankin said the EDC had a meeting about two weeks ago and they discussed both site one and site two to confirm whether or not both sites were still viable for being a business park. So they then started looking into how they could do a feasibility study on site two. Due to the fact that Mr. Goss is representing that piece of land and due to the fact that he signed a conflict of interest he still made it known before this City Council that he wanted a motion to do that site and he was insistent on it. Not only that, he came to our EDC meeting and he was again insistent that we had to do a feasibility study on that site. In case you do not know a conflict of interest no officer, whether elected or appointed or any employee whether full or part time of the City shall have a substantial financial interest, direct or indirect, and any contract or other procurement process a substantial financial interest, direct or indirect, in the sale to or the purchase from the City of any land, materials, supplies, services, etc. The word substantial interest as used herein shall be defined in Chapter 171 of the Local Government Code. Any willful violation of this section shall constitute malfeasance in office and any elected or appointed officer or employee found guilty thereof thereby forfeits his office or position. Any violation of this section with the knowledge expressed or implied of the person or the corporation contracting with the governing body of the City shall render the contract or other procurement process involved voidable by the City Manager or the majority vote of the full membership of the City Council. Rankin wanted to bring this to the public's attention and yours and that we have been railroaded into this one. However, I will admit that it's a good site to study. I think that the fact that it was brought to us at the last hour way behind time after we had already studied site one and we were ready to finish our feasibility study was well planned by his part and it has now created quite a detriment to our whole EDC and City Council.

[01:14:48](#)

Webster asked if the original approval by the Council was for two sites. Yes. And did you use all the money for one site? Yes because there wasn't a second site. The Council approved the contract for two sites in July. The contract with Orasi was signed in May prior to the Council's approval. Rankin said the reason the resolution read as it did was because they had taken the Council's advice back in January which said the City Council doesn't have to have another reading if it was already in the budget. And, Rita, in May, began to be questioned and so she said we needed to have a resolution and we made it a resolution that would have been what we would have filed in January. Therefore, that's why the resolution that came to the Council was what would have been presented in January had we known the rules and the law. That's why we go to our attorney to find out these things.

Webster said even though the contract called for two separate sites you spent all the money on one because you could not find another site. You didn't look for another site. Rankin said they did. They sent letters to all of the citizens that live along Hwy 334. We called Mr. Blasse and he handled that for us and he called Rankin back in a week or two and said they hadn't had any luck. Pat Cassidy and Rankin went to the appraisal district and got the names and addresses and telephone numbers and they did some searching for that land. If you don't believe us, ask Pat. We tried very hard to find a second site and the other six sites out of the seven that Orasi presented to us were too close to residential areas or else the land was not available.

Webster asked if Item #11 was to spend \$6,000 for site two because there were no funds left. Correct and Rankin said there were no funds left was after they had a meeting with the engineering company we realized we had an opportunity to put in our own municipal water district out in that area which is a profit center which is a profit this city could use to build out that entire infrastructure and whatever you want to put into your business park. It made common sense to since we didn't have a second site to go ahead and pursue this and see what we might be able to do out there. It would be a money maker for the City and it would give us visibility and an ability to develop beyond 175. Webster asked if this would be a MUD in competition with ECCFWSD. Rankin said they wouldn't be in competition because there was no CCN out there. It was free and open to us so it was worth the EDC time and trouble to look into this to find out what they could do to make it work. Since it was still within the scope of the budget and they didn't have a second site, Rankin said it made perfect sense to the entire Board to do this. It was a directive. It didn't have to be a motion and she had a legal opinion from the EDC attorney.

[Council Member - Curtis Webster: Motion to delay this item until the EDC brings it back to the Council for approval.](#)

[Council Member - Rodney Bevill: 2nd](#)

[Council Member - Rodney Bevill: Never heard his response due to whispering.](#)

[Council Member - Ronald Wyrick: Disapprove](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

Webster asked whether they had to do this. Wyrick thought, on the last two items, they had to wait until the workshop. He was for #11. Webster said they just voted to do it but they needed to get the EDC to bring it back. Wyrick said they shouldn't have even voted on it. Webster, no we voted for the EDC to bring the project back to the Council since it was rescinded. Boren said there was no project now. You have no feasibility project. There were issues that were raised by Ms. Rankin and issues that he raised last time. The motion was made by Council member Goss which made it invalid. Webster, so the EDC needs to bring it back to the Council as a project and that was his motion. Wyrick misunderstood the motion. Boren thought they should rescind the motion and start all over.

[Council Member - Curtis Webster: Motion to rescind his last motion and that they include in current motion to approve the EDC's spending \\$8,750 to pay Orasi for the remainder of the feasibility study and for the EDC to bring back this project of the business park to the City Council for approval at a special meeting to be held on Tuesday, September 2 at 4:30 p.m. at the City Council meeting.](#)

[Council Member - Dennis Baade: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

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

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

[Mayor - Jim Braswell: N\A](#)

[01:25:37](#)

Carroll Strickland raised the question that at the previous meeting the decision was made to be a workshop. Boren's opinion was that you could anything you wanted to this meeting and you've added this to the meeting. It will no longer be a workshop; it will be a special called meeting. We can do the workshop after the special called meeting.

Boren said the remaining balance of the invoice was \$8,750 not \$8,000. He didn't want to confuse the Council. He said \$8,000 but he assumed the remaining \$8,750 would be paid. Bevill and Webster said they could live with that. Webster added, after he finishes the work.

ITEM #12: Discuss and/or take action to approve the EDC spending an additional \$3,500 for an environmental study for Business Park Site 1. (Mayor / EDC)

[01:26:44](#)

Rankin said they needed topography to take a look at the run off and to do some study on the crater where the water is collected. They needed to study what springs were in the area and what streams were running to it and to get some determination on that.

[01:28:12](#)

Orasi said they wanted to make sure how much of the pond they could retain because there were a lot of questions about how did it originate, how did it get there, was it meant for detention or was it dug out because the property owner wanted to do so. They needed to do an environmental study to see if they needed any kind of federal or state regulatory agencies approval to make any kind of adjustments to the pond. If they don't, then it was up to their discretion to fill it in however they please. If there were regulatory agencies at the federal or state level that do need to approve it then they needed to understand what the process looked like, what the expense could be and how much they could get reclaimed for development use.

Webster asked if the land was under contract. No. Don't you normally do an environmental study in a commercial contract during a feasibility period? Orasi said this wasn't a Phase 1 but Webster was right that in a lot of development deals and you're going in for the contract you want to do a Phase 1 and if Phase 1 warrants a Phase 2. This wasn't an environmental study of that nature. This was a study more of the pond and how much we can reclaim for development purposes. We need to understand how much land can be developed. Right now the site was approximately 63 acres and the pond takes up about 18 acres. We'd like to narrow that down to 10 – 15 acres.

Regardless, Webster asked, don't you do that type of study when the property is under commercial contract in the feasibility period? Orasi didn't think that was necessary. Webster asked what happened if you spent all that money and then you can't buy the property. Orasi answered that they had already been studying the site up to now. Webster, but you've spent money and you want to spend more money and it's not even under contract. Orasi, Correct, but what the EDC Board wants to understand is how much of that land can be developed and what that would look like. Webster said they can do that in the feasibility period because you usually ask for 90 to 120 days. Orasi, then we can put it under contract and then go do the study. Webster, that's what I'd do you've already spent \$17,500 and now you're asking to spend another \$3,500 which puts it up to \$21,000, sounds to me like they're sold on the site.

[Council Member - Curtis Webster: Motion to deny spending more money on a site that is not under contract and spending an additional \\$3,500 for a water study, environmental study, or otherwise.](#)

[Council Member - Rodney Bevill: 2nd](#)

[Council Member - Rodney Bevill: Approve](#)

[Council Member - Ronald Wyrick: Approve](#)

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

Council Member - Curtis Webster: Approve

Council Member - Marty Goss: Abstain

Mayor - Jim Braswell: N/A

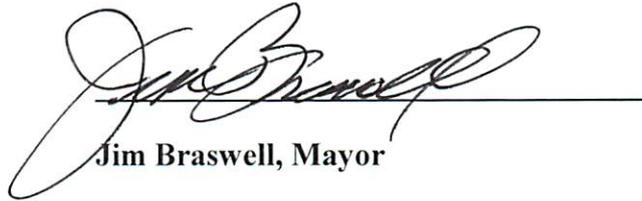
The meeting adjourned at 8:12 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Jim Braswell, Mayor