

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, February 24, 2015 at 6:30 p.m.

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

Council Member - Rodney Bevill: Present

Council Member - Ronald Wyrick: Present

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Present

Mayor - Jim Braswell: Present

Council Member - Carol Calkins: Present

**Citizen Presentations: (Limited to 3 Minutes)**

00:02:52

Dennis Woods, Liberty Baptist Church off of Hwy. 198, said the drive into the church went between the Dallas Eye Care Center and the Great American Package Store. They spent thousands of dollars trying to keep the easement drive open and the continual use of big trucks, eighteen wheelers, turning around in their parking lot and in their drive just continues to destroy the drive. They continue to repair it and repair it. Mike (Street Superintendent) had helped him on some of the things but down by the liquor store and down by the eye center, the entrance there which is in the city property, is just atrocious. It messes up our peoples cars; it's just blight. Woods requested the City to take an analysis of what they could do and maybe on a future agenda come up with some answers. He was there on the request of his church to look into this matter.

00:04:16

John Stallings was a citizen and a business owner in Gun Barrel City. He had a few items he wanted to speak about this evening. The first item was the farmer market. Personally, his family was looking forward to the healthy, home-grown foods that they would be purchasing there. He did have a few concerns about the propose location. He understood that this had at least been attempted before at the pavilion or it didn't quite get there but there was no success because some people didn't know about it or they couldn't find it. Instead of paying \$20,000 for one business and for constructing portable buildings on Main Street wouldn't it be more cost effective to invest in prominent advertising signs with directions. The buildings would only be used on weekends and certain times of the year. Other than that we will have empty buildings lined up on Main Street year round. In addition, these buildings only provide cover for the

farmers and their produce. There will be no cover for shoppers during inclement weather. Furthermore, the pavement in the pavilion is smoother than the uneven pavement in the proposed location. The EDC has said for us not to dare try to block the progress with ADA (American Disabilities Act) and that if people need help their families can make sure they are able to shop. This is not the welcoming attitude for which we want our citizen to be known. The majority of those affected by the uneven walking surface will be the senior citizens and I've been told this is a retirement community. In either location, Gun Barrel City citizens should be able the first people considered as vendors which brings me to my next point.

The citizens of Gun Barrel City are the ones who pay taxes in this town and the ones that have voted you all in office. The citizens should receive your primary consideration. For instance, as I stated, I've been informed that this is a retirement community. If this is true, why don't we have a senior center? My mother-in-law lives with us and her only option is to go to Mabank for this. Also, we need to focus on finding jobs for our citizens both for economic development and to provide a way for our children to stay here as they become adults. As it is, where can these children go to work after college? I've been working with a business in Gun Barrel City for about a month. They have hired new employees and outgrown their office so they're looking to relocate. Every building they are looking at is outside Gun Barrel City. Why? Because there needs to be more communication out there so businesses will have knowledge of what is available in Gun Barrel City and what the policy and benefits are of being in Gun Barrel City.

We chose to move to Gun Barrel City because we enjoy having a simpler life and living by the lake. My wife is a teacher in the area and I own a freight brokerage business and our decisions have proven to be positive ones. I encourage all Gun Barrel City citizens to stand up for their rights to work and to remember we have a voice. We all should make our home town the best it can be. Thank you for your time.

00:08:02

Steven Schiff thanked the Council for providing him with the opportunity to speak about his thoughts, his concerns and his perspective. He understood this was a right provided to him as a citizen of Gun Barrel City and it was a right he didn't take lightly.

In recent months I have been conducting research on the Gun Barrel City EDC and evaluating its progress towards achieving its goal of helping businesses to find a place where they want to establish, relocate and grow their respective businesses in East Texas. During the evaluative process I became aware that the EDC is not currently functioning or operating as most normal EDCs. The big overriding question is why. Why in an attractive lake community does the EDC appear to be handicapped in its ability to drive new business and growth into the area? Some blame the following factors: economics and space limitations within the city. Where some of these factors may be true, the most disturbing factor would be the relationship between city

management and some of the City Council members and the EDC. This is causing the EDC not to run effectively. Personal disagreements, lack of respect for the City Council appointed EDC Board of Directors along with continual personal agendas have caused this dysfunction between City government and the EDC.

Let me give you a couple of examples. The former EDC president was called a liar in an open session of a City Council meeting by a City Council member. Due to the internal conflicts with both city management and some City Council members, the former EDC president had the responsibility of new restaurant development taken away. This responsibility was then handed to city management. Conveniently city management also granted 380 agreements to two new restaurants before formally presenting them to the City Council which is causing issues with existing restaurants in the area. Clearly, this is not a normal function of any city management system and the responsibility should rest with the EDC with final decisions made by the City Council prior to granting 380 agreements. I am happy, however, to see that this evening on the agenda there is an item seeking initial control for 380 agreements being taken away from city management and handed back to the EDC. It really needs to go a step further. There should be a follow-up agenda item taking away new restaurant development responsibility away from city management and that should also be handed back to the EDC.

Let me point out that these volunteer board members were appointed by majority vote of City Council members. The EDC board members were appointed with confidence to work diligently toward their mission. One would think with the total confidence of our City leaders behind them that there would be no need for micromanagement by anyone within the city government unless they have a personal agenda. In the past fourteen months or so, the EDC has gone through a lot of changes – three board members replaced, those have either resigned, left for personal reasons or simply were not reappointed. There's a new president, a new vice president and a new secretary. However, even with these changes, the EDC board is still facing the same challenges as before due to the continual interference from city management and some City Council members.

[00:11:47](#)

Mayor Braswell commented, 'Mr. Schiff, I'm going to have to ask you to wind it up. You're over the three minutes, sir.'

Schiff, Ok, well the bottom line here is the City Council always has the last voice as it relates to the EDC. So, these apparent dysfunctions between the EDC, city management and some City Council members have to cease in order for the EDC to effectively deliver its goals to our City. We basically need all of these barriers whether they're personal agendas, conflicts of interests, etc. to be torn down and all departments within our city government need to work together toward a long-term goals which should include new sustainable businesses, increased sales tax

generation through new business development, new manufacturing facilities, increased job opportunities....

Mayor Braswell, 'Mr. Schiff.'

Schiff, I'm almost there. ....adequate community protection, improved roads and happy and content citizens. Thank you for the opportunity.

00:12:41

**Mayor Braswell moved Items 12, 13, 14 & 15 to this point on the agenda and in the following order.**

**ITEM #14:** Discuss and/or take action to adopt Resolution #R-2015-005 approving a Type B Economic Development Project and authorizing an expenditure not to exceed \$20,000 for improvements to real property generally located at 1810 W. Main Street for a farmer's market. **(EDC)**

Mayor Braswell gave a first reading of Resolution #R-2015-005. The second reading and action would be taken at a special meeting on Monday, March 2 at 4:00 p.m.

**ITEM #12:** Discuss and/or take action to adopt Resolution #R-2015-003 revising the EDC's 2014/2015 Fiscal Year Budget by adding line items under Project Cost: Line Item 12527 – Farmer's Market \$20,000 and Marketing: 12621 – Krappie King TV \$6,900. (Undesignated Reserve changed from \$669,416 to \$642,516.) **(EDC)**

Council Member - Carol Calkins: Motion to table Item #12 till the Monday, March 2 meeting.

Council Member - Marty Goss: 2nd

Council Member - Rodney Bevell: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

Council Member - Carol Calkins: Approve

There will be two separate resolutions for this item separating the budget items.

**ITEM #13:** Discuss and/or take action to adopt Resolution #R-2015-004 approving a commercial lease agreement between the GBCEDC and Brian Cruz, d/b/a Gun Barrel Produce Management, for approximately 62,726 square feet of space generally located at 1810 W. Main Street. **(EDC)**

Mayor Braswell gave a first reading of Resolution #R-2015-004. The second reading and action would be taken at a special meeting on Monday, March 2 at 4:00 p.m.

**ITEM #15:** Discuss and/or take action to authorize the City staff to proceed forward with necessary changes to ordinances regarding a farmers market. **(City Manager)**

00:23:02

Council Member - Rodney Bevill: Motion to table Item #15 till the Monday, March 2 meeting.

Council Member - Ronald Wyrick: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

Council Member - Carol Calkins: Approve

**At this point, the agenda reverted back to its original order.**

**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 **January 27, 2015 Council meetings** and the following **January reports:**

Financial – Budget vs. Actual Expenses–Year to Date

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 January 8<sup>th</sup> minutes

Council Member - Carol Calkins: 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: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

Council Member - Carol Calkins: Approve

**ITEM # 2:** Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding the granting of a special

use permit to be able to perform permanent makeup at an already established salon located at 229 E. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(City Manager)**

00:25:17

The City Manager reported that the Planning and Zoning Commission unanimously voted to move this request forward to the City Council for consideration.

Council Member - Marty Goss: Motion to receive the City Manager's report.

Council Member - Ronald Wyrick: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

Council Member - Carol Calkins: Approve

**ITEM # 3:** Public hearing on a request from Cherryann Riley to grant a special use permit to be able to perform permanent makeup at an already established salon located at 229 E. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(Mayor)**

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

**ITEM # 4:** Discuss and/or take action to adopt Ordinance #O-2015-003 granting a special use permit to Cherryann Riley to be able to perform permanent makeup at an already established salon located at 229 E. Main Street, Gun Barrel City, a General Business District B-2 zoned area. **(Mayor)**

00:27:52

Council Member - Marty Goss: Motion to adopt Ordinance #O-2015-003 granting a special use permit to Cherryann Riley.

Council Member - Carol Calkins: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N\A

Council Member - Carol Calkins: Approve

**ITEM # 5:** Annual report to the City Council as required by Senate Bill 1074 in regards to Racial Profiling. **(Chief Boswell)**

00:28:51

Chief Boswell could not pull up the report because the website was down so this would be moved to the March 2 agenda.

Council Member - Carol Calkins: Motion to table Item #5 and place it on the March 2 agenda.

Council Member - Marty Goss: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N/A

Council Member - Carol Calkins: Approve

**ITEM # 6:** Discuss Hotel Motel economic impact report. **(Treasurer)**

00:29:48

The City Manager said the format of our report was bootlegged from an economic impact report done by Lake Fork for one of their fireworks shows. We went with more conservative numbers based on our estimates for the 2014 July Fest. Based on a survey we had done, only 14% of the attendees at the festival were Gun Barrel City residents. It was our belief that the festival brings \$191,101.84 impact to the local economy. Food expense was calculated at \$15 per person. Fuel expense was calculated at \$16 for every 4 local visitors and \$32 for every 2 out of town visitors. General retail expense was calculated at \$15 per person. Attendance is based on ticket sales at the concert.

**ITEM # 7:** Update and recommendation on building and fire codes from Code Review Team. **(CRT)**

00:34:07

The Code Review Team included Mike Howell, City Planner, Joseph Lindaman, Fire Chief, and John Mosley, Building Inspector. They started reviewing the 2012 codes in January. The City was currently on the 2003 International Building Codes. The team had recently completed the review of the 2012 International Residential Codes and Fire Codes with the North Central Texas Council of Governments amendments. They were starting the review of the 2012 International Building Codes. They hoped to have the review finished and to the Council for their review and approve by April. By updating to the 2012 codes, it will put us in line with where we should be and give us better safety standards. These updates are minimum standards set by the State for the 2012 codes. This has nothing to do with our fees. The codes are updated by the State every three years.

Chief Lindaman said the building and fire codes had to go hand-in-hand so what they reviewed in the fire code they're going to make sure the building codes coincide with the fire codes. One change would be the fire lanes would change from 20' to 24' on new construction.

Mike Howell said the cities of Mabank and Tool are in the process of updating their codes as well. They were trying to get uniformity around the lake so all the cities adopt the same codes. Tool was waiting for us to get our new codes in place so we would share them.

**ITEM # 8:** Discuss recommended requirements for elected and appointed officials regarding National Incident Management System (NIMS). **(Chief Lindaman)**

00:41:18

NIMS is FEMA training for elected officials so they know what their roles are in the case of a catastrophic emergency. Because this was a basic class, elected officials would probably have to take the class individually online at [www.fema.gov/is](http://www.fema.gov/is). The class would probably take two hours. This was just an introductory class. It was not mandatory but in order for Texas cities to get some of the Homeland Security grants we have to be able to say yes we are abiding by NIMS and we adopted it in 2005. Certificates of completion can be printed off upon finishing the online class.

**ITEM # 9:** Discuss and/or take action to request the City Manager to apply for the Local Government Management Assessment program. **(Calkins)**

00:47:01

Texas Comptroller offers a free review of eight areas of process, structure and procedures similar to the performance reviews performed on State agencies. The cost to the City would just be the time of our City staff to complete the survey documents. The end result would be a report that would identify ways to make our government more efficient and productive. Certain recommendations could also save us taxpayer dollars if the recommendations are approved by Council. The City Manager has agreed that this process would be beneficial to the City in that the report would give us recommendations on how to operate more efficiently and effectively, be in compliance, improve customer service and increase accountability and transparency. Calkins had agreed to work with the City Manager to identify the processes and the scope. The eight areas included General Administration, Financial Management, Budget and Strategic Planning, Purchasing, Tax Administration, Collection of Fees, Fine and Revenues, Asset and Risk Management and Facilities Management.

Council Member - Carol Calkins: Motion to adopt this directive to the City Manager to apply for the Local Government Management Assessment program.

Council Member - Ronald Wyrick: 2nd

Council Member - Rodney Beville: Approve

Council Member - Ronald Wyrick: Approve

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N/A

Council Member - Carol Calkins: Approve

**ITEM #10:** Discuss and/or take action to transfer the Restaurant 380 negotiation responsibility from the City Manager to the EDC. **(Calkins)**

00:50:44

Calkins said this item dealt with the directive to the City Manager to transfer to the EDC the primary responsibility for negotiations with restaurants with the directive that the City Manager

and the City staff will work closely with the EDC on the 380 portion of any incentive package. With the continued tightening of the economy, the City Manager should be focusing on the primary responsibilities outlined in the Charter for his position such as the major areas of managing the city services such as police, fire, parks, and infrastructure including roads. Furthermore, this will create consistency on speaking with one voice during negotiations.

Council Member - Carol Calkins: Motion to adopt this directive to the City Manager to direct all future inquiries and negotiations with restaurants to the EDC and for the City Manager / City staff to work closely with the EDC in developing the 380 agreements on negotiations for economic development incentives whether for restaurants or other commercial interests.

Council Member – Rodney Bevill: 2nd

Calkins said as the sponsor of this motion she added that she had worked with the City Manager and he is in agreement that this process would be beneficial to his position. The President of the EDC had agreed with this proposal also. When she initially put this on the agenda, she wasn't aware of how the 380 agreements worked. We can't delegate away the responsibility of preparing the 380 agreements that is solely the responsibility of the Council and the City Manager. However, she felt it would be in the best interest of Gun Barrel City to allow the City Manager to focus on his key areas and for us to be able to speak with one voice as far as negotiating contracts. In her motion, she wanted to make clear that the EDC and the City to work closely on this because the EDC can't move forward on a negotiation with a restaurant if we don't have the 380 agreement. The EDC does a performance agreement for their portion of the sales tax. The City does their piece of it as a 380 agreement.

Goss said the problem with this is that the 380 agreements have already been done. It was a very simple agreement. Fifty percent (50%) of sales tax is rebated for four years. All restaurants got the same deal if they ask for it. We are speaking with one voice because this had been decided by Council in the past. The EDC didn't have 'any skin in the game' because it doesn't affect their sales tax money so there's no reason for them be involved in the 380 agreements. This doesn't need to be renegotiated.

Calkins said her motion didn't say to do anything with Resolution #R-2014-012 that was passed last year. All she was saying that when someone calls the City to talk to an official of the City with regards to restaurant negotiations that that call would be directed to the EDC. Goss asked then why would she want to put an extra step in the negotiations. All the City Manager has to say is that we have a standard 380 agreement and here it is. The City Manager stated that we had given 380 restaurant agreements to Taco Casa and Chicken Express. We were anticipating giving one to Little Caesar's.

Mayor Braswell said he saw the issue as trying to bring seven people dedicated to economic development of Gun Barrel City and the City Manager and the City staff together to work together as a group when needed to know what the right hand and the left hand is doing. There's nothing to hide. The Mayor asked what would be the problem if a rib place came in asking for a building. The City Manager said he would refer them to the EDC and that's what he had been doing.

After a lengthy discussion about the chain of command and the roles of the Mayor, Council and

EDC Board, Goss made the following motion to amend the previous motion. If we followed the Charter, a lot of these problems would go away.

Council Member – Marty Goss: Motion to amend the previous motion that the 380 agreement stay with the City Manager.

Council Member – Rodney Bevill: 2nd

Goss explained that the only time the EDC needed to come into play was if they needed some type of variance that was above or beyond what had already been established by the Council. All restaurants got the same thing; so they didn't need to reinvent the wheel. Calkins said she clarified during the debate that her motion didn't delegate the 380 agreements away from the City. She wasn't suggesting that they move the 380 agreements to the EDC. By law, they can't do that. Goss suggested she remove the 380 agreement out of her motion. He had a problem with her motion because she was putting the 380 agreement within the motion even though she was saying the responsibility couldn't be moved to the EDC but she wanted them to be included in the negotiations.

Mayor Braswell asked Councilman Goss to withdraw his amendment to the original motion. Goss said he would like his motion to stay as it was.

Council Member - Marty Goss: Motion to amend the previous motion that the 380 agreement stay with the City Manager.

Council Member - Rodney Bevill: 2nd

**No vote was taken on this motion.**

**Council needed to vote on the amendment to the original motion first. But because Goss was asked to restate the motion and he didn't make it exactly as he had to begin with, the Mayor asked for a second on the new motion.**

Council Member - Marty Goss: Motion to amend the previous motion that the 380 agreement stay with the City Manager and all further negotiations with the RBEG and Boots2Business is referred to the EDC.

Council Member - Rodney Bevill: 2nd

Council Member - Rodney Bevill: Approve

Council Member - Ronald Wyrick: Disapprove

Council Member - Dennis Baade: Absent

Council Member - Marty Goss: Approve

Mayor - Jim Braswell: N/A

Council Member - Carol Calkins: Disapprove

There was a tie vote. The Mayor voted no to break the tie. The motion failed.

**Now a vote would be taken on the original motion.**

Council Member - Carol Calkins: Motion to adopt this directive to the City Manager to direct all future inquiries and negotiations with restaurants to the EDC and for the City Manager / City staff to work closely with the EDC in developing the 380 agreements on negotiations for economic development incentives whether for restaurants or other commercial interests.

Council Member – Rodney Bevill: 2nd  
Council Member - Rodney Bevill: Disapprove  
Council Member - Ronald Wyrick: Approve  
Council Member - Dennis Baade: Absent  
Council Member - Marty Goss: Disapprove  
Mayor - Jim Braswell: N/A  
Council Member - Carol Calkins: Approve

There was a tie vote. The Mayor voted yes to break the tie. The motion passed.

**ITEM #11:** Discuss and/or take action on the allocation of Hotel/Motel Occupancy Taxes.  
**(Calkins)**

01:24:45

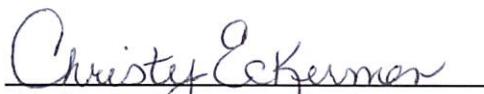
Currently, the City uses hotel motel tax funds to support various music festivals that will attract overnight visitors. The tax money has nine different categories where money can be used. Music festivals fall into the arts category. This category is limited to 15% of the collected tax. The City must spend 1/7 of the 7% collected on advertising of events that will attract visitors who will stay in the hotels and motels. This tax is not monitored by the state. The Council is the one held responsible for properly allocating the funds. The Texas Hotel and Lodging Association organization has a large litigation fund which they will use to sue a city if they believe that a city is not properly allocating hotel funds. It had been recommended that the Council take the overt action each year to designate these funds into those two categories. Hence, the request for the annual allocation out of the hotel occupancy tax fund of the 15% so the City may use the funds for the arts and second to allocate funds to ensure that we are meeting the required advertising spend.

Council Member - Carol Calkins: Motion to adopt this directive to allocate the annual 15% to the arts category and the 1/7 of the 7% collected to advertising based on the tax collection in the 2013/2014 fiscal year pursuant to Texas Tax Code Section 351.101a4.

Council Member - Marty Goss: 2nd  
Council Member - Rodney Bevill: Approve  
Council Member - Ronald Wyrick: Approve  
Council Member - Dennis Baade: Absent  
Council Member - Marty Goss: Approve  
Mayor - Jim Braswell: N/A  
Council Member - Carol Calkins: Approve

The meeting adjourned at 8:00 p.m.

**Attest:**

  
Christy Eckerman, City Secretary

**Approved:**

  
Jim Braswell, Mayor