

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, September 23, 2014 at 6:30 p.m.

Mayor Braswell called the meeting to order at 6:30 p.m. Mike Gallagher 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: Present](#)

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

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

[Mayor - Jim Braswell: 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 **August 18 & 26 and September 2 & 5, 2014 Council meetings** and the following **August reports**:

Financial – Budget vs. Actual Expenses–Year to Date (None Available)

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 – 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](#)

**ITEM # 2:** Discuss and/or take action to award the Bank Depository Contract for the period of October 1, 2014 through September 30, 2019. **(City Manager)**

00:04:16

Every five years the City went out for bids for the depository contract. The only bid received for the depository period of 2014 – 2019 was from Prosperity Bank. Prosperity had been the City's bank for many years. There were no questions.

Council Member - Marty Goss: Motion to award the Bank Depository Contract for the period of October 1, 2014 through September 30, 2019 to Prosperity Bank.

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:** Public hearing to discuss the City's budget for the 2014-2015 Fiscal Year. **(Mayor)**

Mayor Braswell opened the public hearing. The City Manager said this budget reflected a zero percent property tax rate. If the property tax passed at the November election, next year's budget would reflect that tax rate. The public hearing was closed.

**ITEM # 4:** Discuss and/or take action to adopt Ordinance #O-2014-012 adopting the City's budget for the 2014-2015 Fiscal Year. **(City Manager)**

00:06:58

This budget was tight with zero property tax. We took care of staff this year with employee adjustments based on the wage study. Employees are now paid by job values.

Council Member - Curtis Webster: Motion to adopt Ordinance #O-2014-012 adopting the City's budget for the 2014-2015 Fiscal Year.

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 # 5:** Discuss and/or take action to adopt Ordinance #O-2014-013 fixing the rate and tax levy for the 2014-2015 Fiscal Year. **(City Manager)**

00:08:26

State law states that when you adopt a budget you adopt a tax rate to meet the budget. The budget was done with a zero tax rate so we're asking that the tax rate be set at zero.

Council Member - Marty Goss: Motion to adopt Ordinance #O-2014-013 fixing the rate and tax levy for the 2014-2015 Fiscal Year.

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

**ITEM # 6:** Discuss and/or take action to name an official newspaper for the 2014-2015 fiscal year. **(City Manager)**

00:09:20

Council Member - Rodney Bevill: Motion to name the Monitor as the official newspaper for the 2014-2015 fiscal year.

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

**ITEM # 7:** Discuss and/or take action to approve an over-sized sign variance (an additional 50 sq.ft.) for Chicken Express located at 1243 W. Main Street. **(City Manager)**

00:10:35

The national logo for Chicken Express exceeded our 100 sq. ft. sign ordinance by 50 sq.ft. Our Code of Ordinances allowed over-sized sign variances to come before the City Council. Chicken Express was asking for an additional 50 sq.ft. making the sign 150 sq.ft. It would meet the 30' height requirement of our ordinance.

[Council Member - Marty Goss: Motion to approve an over-sized sign variance \(an additional 50 sq.ft.\) for Chicken Express located at 1243 W. Main Street.](#)

[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 # 8:** Discus and/or take action to interview applicants for the Planning and Zoning Commission in Open Session and make an appointment with a term to expire in October 2016. **(Mayor)**

[00:13:40](#)

There were three positions open on the P&Z Commission. We were filling the two positions with terms to expire October 2016. One position with an unexpired term of one year would be filled at a later date. Keith Butler and Melinda Whitaker had applied to serve on the Commission.

Keith Butler had lived in the City for 15 ½ years. He had been married for 25 years and had raised two sons of whom he was very proud. He had worked at Southwest Airlines as an aircraft dispatcher for 26 years. He had been the President of the Sherwood Shores POA. With his kids out of the house, he wanted to get involved in the community.

Melinda Whitaker, a widow, had lived in the City since 2003. She was a retired teacher. She had taught in Texas, Oklahoma and Hawaii. She had also had a fitness center in Ennis. She had a diverse work background. She graduated from Oklahoma University with a Bachelor of Science degree in elementary education. Melinda's disabled son lived with her. Her daughter was a teacher in Austin. She wanted to get involved and meet more people.

[Council Member - Curtis Webster: Motion to appoint Keith Butler and Melinda Whitaker to the Planning and Zoning Commission with terms to expire October 2016.](#)

[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:** Discussion on approving the 2014-2015 EDC budget. (Curtis Webster went over line item by line item of this budget.) **(Webster)**

00:20:27

Webster had met with the EDC Board and had gone over their budget line item by line item. Based on a conversation with the Mayor, Goss suggested they table Items 9, 10 & 11. Webster objected. This was discussion not approval on Item #9.

Boots2Business was \$50,000 last year and they agreed to leave it at \$50,000 for the coming year. It was agreed to leave the Town Center Development project at \$150,000. They discussed some of the other items one being the industrial business park. Webster would appreciate that when the EDC brings a project to the Council that they have a preliminary budget with assumptions. He had never built a shopping center that he didn't have a budget. Everybody does a budget. He personally did a household budget. The City does a budget. There was no reason why the EDC couldn't put a budget together with the project when you bring it to the EDC and Council. That way you will be able to tell realistically whether your numbers are going to work or it's a pie in the sky type operation.

Goss said as long as they were discussing he would go through his list of five items. On the Town Center project, Goss wanted to reduce the amount from \$150,000 to \$141,195 which was the remainder of the budgeted amount from the current year. As they did a Phase 2, they could put a complete package together and bring it back to the Council for approval. He wanted to reduce the aquatic center from \$25,000 to zero and the money put back into the unidentified project column. On the business park, .....

At this point, Mayor Braswell interrupted and said if they were going to go over this budget again could Webster, as liaison, take it back to the EDC Board to discuss the items that Goss was mentioning. There were five items. It looked like it was going to be a redo anyway. So to sit here and redo the budget in open session, he didn't see the significance of doing that right now. The Mayor might not oppose anything that Goss had to say but he didn't know why he wanted it in there but he didn't want the Council to sit here and go through why we're doing that right now. Goss was good with that. He thought they wanted to discuss it.

Mayor Braswell thought the EDC Board as a group should meet with the liaison of the Council and discuss the items that Goss would like to see done and the EDC Board vote on them and bring it back to Council. Webster said he would be happy to do that. Was it in the form of a motion? This was a discussion only item.

**ITEM #10:** Public hearing to discuss the EDC's budget for the 2014-2015 Fiscal Year. **(Mayor)**

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

**ITEM #11:** Discuss and/or take action to adopt Resolution #R-2014-018 approving the amended EDC 2014-2015 Fiscal Year Budget. **(Mayor)**

00:26:37

Council Member - Ronald Wyrick: Motion that the items that Mr. Goss was recommending to go back to the EDC Board with Curtis Webster and EDC to reexamine the prices and stuff and come back to Council.

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 #12:** Status update on the ongoing EDC feasibility studies, EDC Project #2014-003. **(EDC)**

00:27:29

The City Manager said Councilman Wyrick had challenged both the Council and EDC to be open and communicate with each other. We thought this status update would be a good opportunity.

Linda Rankin said after the budget meetings that they have had there had been a lot of discussion about the business park. A lot of things were held back pending approval by the Council which you have now done on the second site. We were also hesitant to do any more on the first site because apparently the Council didn't want to approve that either. We have an agreement now, since the Council made some approvals last month that the engineers are now working on the study for the second site. The second site and the first site will have their completed report at the October EDC Board meeting. They hoped to have all the drawings ready by the EDC Board meeting in October. So, that is where we stand today. She didn't have any other updates.

Rankin mentioned that since the Council did not pass the EDC budget tonight, they needed to have an emergency meeting very soon because they won't be able to pay salaries. Webster said he was available whenever except this Thursday night when they have the Town Hall meeting and Task Force meeting.

Mayor Braswell asked if Rankin could call a special EDC meeting for Monday, September 29<sup>th</sup>. Bevill asked the City Manager Boren, even with no budget, couldn't the EDC still do business as usual. Boren replied not by the TML attorney, Bill Longley, who said if there was going to be an

issue that they do a month-to-month approval. The EDC would come to Council with a monthly budget of expenses. What he was hearing was that Webster was free to meet with the EDC Board. Also, the Council needed to do a 72-hour notice so we can call a special meeting as well. The EDC didn't have anything in their by-laws about a back-up plan.

Possible meetings were discussed. Goss didn't have a problem hashing this out right now. Boren thought it needed to go to the Board. A 72-hour notice had to be posted. Webster was available to meet Saturday but not Sunday. Boren said the Council could call a special meeting for the same day.

Webster stated that when the feasibility studies were completed, the EDC had the authority to pay the \$8,750 and the \$6,000. Rankin said she had the authority to pay those but what she found troubling was that they asked Orasi to spend another \$6,000 of their money up front without having paid any additional money. They had only paid half of the first sum so they were asking them to just take for granted that they're going to get paid. She wasn't comfortable with how they were handling that. Webster said Orasi had been paid for seven years and most people didn't get paid until they finished the work. Rankin said with this contract it was half at the beginning and half at the end and when they ended that one you started a second one so they should have had a check of some sort. Webster said Orasi wasn't going to amend the contract; he said that's fine. So, when he's finished with the feasibility studies you can pay him the \$8,750 and the \$6,000.

Braswell asked Rankin if she would call a special EDC meeting for Saturday. She would have to check with the Board to see who would be available. There was a quorum of the EDC Board in the audience who said they would be available Saturday. Goss asked if this special meeting was to address the budget only. Braswell said the budget and the items Goss wanted to touch on and the payroll. Goss said not electing officers. Boren said there was nothing here about electing officers.

The Mayor asked Christy Eckerman, the City Secretary, to get with Rita Evan, the EDC Administrative Assistant, to get together and set times for the EDC meeting and a Council to immediately follow. Rankin pointed out that an employee, whether it was Rita or Christy, would have to be there to run the AV Capture system. Goss said he was working Saturday. Bevill said EDC could do theirs Saturday and the Council could do their Monday. Webster said Monday was good for him.

**ITEM #13:** Discuss and/or take action to proceed forward with a letter of credit up to \$200,000 to build N. Luther Lane as required by the Texas Capital Fund grant. **(City Manager)**

[00:35:32](#)

A \$399,999 Texas Capital Fund (TCF) grant was awarded to the City about seven months ago. It was a 100% grant. We would get \$400,000 to build N. Luther Lane up to Church Street. The requirement was requiring us to do a surety bond or a letter of credit. Since this grant was tied to jobs created by Country Place Living, it was difficult to get a surety bond. Boren thanked the EDC because they were willing to give up land as collateral. However, when we found out it

had to be an EDC project which had to meet the EDC laws requirements, Boren decided to take \$200,000 worth of CDs and put that up as collateral for a letter of credit. Country Place Living was going to put up \$200,000 worth of collateral for their line of credit. The two together will satisfy the \$400,000 letter of credit needed. Then we can start issuing debt against the grant. We had three years to build the road and expand Municipal Drive. Construction would probably begin summer of 2015. Preliminary work had been done but we will have to go out for bid and do engineering. There would be a 2% fee on the \$200,000 at \$4,000 per year for a total of \$8,000 over the two year period. As far as Boren knew, there would be no other costs associated with the letter of credit.

Council Member - Curtis Webster: Motion to proceed forward with a letter of credit by securing it with a \$200,000 CD as required by the Texas Capital Fund grant.

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 #14:** Discuss and/or take action to approve a contract with Henderson County to conduct the City's November 4, 2014 Special Election. **(City Manager)**

00:39:47

Council Member - Curtis Webster: Motion to approve a contract with Henderson County in the amount of \$3,875.85 to conduct the City's November 4, 2014 Special Election.

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

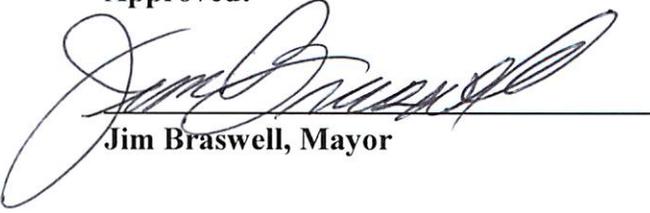
Mayor - Jim Braswell: N\A

The meeting adjourned at 7:10 p.m.

**Attest:**

  
Christy Eckerman, City Secretary

**Approved:**

  
Jim Braswell, Mayor