

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

The City Council of the City of Gun Barrel City, Texas met in a regular meeting, in City Hall, located at 1716 West Main Street, Gun Barrel City, Texas, on Tuesday, March 27, 2012 at 6:30 p.m.

Mayor Wood called the meeting to order at 6:30 p.m. and gave the invocation. The Pledge of Allegiance followed. Roll was called. Ronnie Johnson, Curtis Webster, Dennis Baade, Melvyn Hayes and Rodney Bevill were present. A quorum was established.

Mayor Wood read the Child Abuse Awareness Proclamation and presented it to the District Attorney Scott McKee and Sheriff Ray Nutt.

Citizen Presentations: (Limited to 3 Minutes)

Rob Rea had tried to expand his business by selling plants but he ran into complications with some City codes. He felt the City was a business unfriendly town. Some of the codes in this City were meant for cities the size of Houston or Dallas. He requested that the City look at the codes. He realized that we were trying to make Gun Barrel City look more like a big City but we needed to encourage business not prohibit it. The businesses were being nickel and dimed to death. We needed to concentrate on small town businesses so they could prosper.

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 **February 28, 2012 Council meeting** and the following **February reports:**

- Financial – Budget vs. Actual Expenses – Year to Date (Jan & Feb)
- Municipal Court – traffic and non traffic court activity (Jan & Feb)
- Police Department - number of cases filed and cleared
- Dispatch Report – calls for service
- Animal Control – number of complaints, impoundments and citations
- Fire Department/Fire Marshal – number of incidents, investigations & mutual aid
- Street Department – cost break down of monthly street repair
- Building Official – number of inspections and associated fees
- Code Enforcement – break down of violations and garage sale applications/fees
- EDC minutes and financial report

Webster moved to approve the Consent Agenda. Hayes seconded. All Council members voted 'aye. Motion carried.

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 creation of a South 198 Overlay District where the building setback line would be a minimum of 25' for business property on S. 198. **(City Manager)**

The City Manager stated the current building line was 40'. The Planning and Zoning Commission unanimously approved to create a South 198 Overlay District which would allow business owners to move the building line to 25'. This would affect only South 198 to the Payne Springs Bridge.

Webster moved to receive the report. Johnson seconded. All Council members voted 'aye.' Motion carried.

ITEM # 3: Public hearing to discuss creating a South 198 Overlay District where the building setback line would be a minimum of 25' for business property on S. 198. **(Mayor)**

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

ITEM # 4: Discuss and/or take action to adopt Ordinance #O-2012-004 creating a South 198 Overlay District. **(Mayor)**

Webster moved to adopt Ordinance #O-2012-004 creating a South 198 Overlay District. Baade seconded. All Council members voted 'aye.' Motion carried.

ITEM # 5: First reading of Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive. **(Mayor)**

Mayor Wood gave the first reading of Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive.

ITEM # 6: Discuss and/or take action to receive a report from the City Manager on the recommendation from the Planning and Zoning Commission regarding adding a definition for building setback lines to Chapter 155, Subdivision Regulations and Chapter 156, Zoning Code. **(City Manager)**

The City Manager reported that the Planning and Zoning Commission unanimously approved to add a definition for building setback lines to Chapter 155, Subdivision Regulations and Chapter 156, Zoning Code and forward it to Council for further action. In the body of the ordinance, are examples of the different types of lot variations. We have actually defined what a front yard, side yard and rear yard is. This would not affect any existing structure.

Webster moved to receive the City Manager's report. Baade seconded. All Council members voted 'aye.' Motion carried.

ITEM # 7: Public hearing to discuss adding a definition for residential building lines to Chapter 155, Subdivision Regulations and Chapter 156, Zoning Code. **(Mayor)**

Mayor Wood opened the public hearing. There were no public comments. The City Manager commented that they were trying to define what constituted the front, side and rear yard for irregular shaped lots and lots that fronted two streets. The City Attorney suggested the public hearing be reopened at the April 24 Council meeting.

Webster moved to continue the public hearing for Item #7 at the April 24, 2012 Council meeting at 6:30 p.m. Baade seconded. All Council members voted 'aye.' Motion carried.

ITEM # 8: Discuss and/or take action to adopt Ordinance #O-2012-005 adding a definition for residential building lines to Chapter 155, Subdivision Regulations and Chapter 156, Zoning Code. **(Mayor)**

The City Manager asked that this item be tabled. The City Attorney was still working on the amendment to make sure the definitions were consistent throughout the Code of Ordinances. This amendment would not change the actual distances of the setback lines.

Webster suggested that input be solicited from local builders before the April 24 Council meeting. The City Manager said he would take the lead.

Webster moved to table Item #8 until the April 24, 2012 Council meeting. Baade seconded. All Council members voted 'aye.' Motion to table this item carried.

ITEM # 9: Second reading of Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive. **(Mayor)**

Mayor Wood gave the second reading of Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive.

ITEM #10: Discuss and/or take action to adopt Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive. **(EDC / Mayor)**

Webster moved to adopt Resolution #R-2012-003, EDC Project 2012-001, Tip Top Automotive. Johnson seconded. All Council members voted 'aye.' Motion carried.

ITEM #11: Discuss and/or take action to approve a 380 agreement between Gun Barrel City, the GBCEDC and Silverleaf. **(City Manager)**

Baade stated the SilverLeaf project served a public purpose and this should be reflected in the minutes of this meeting. He thanked everyone who had been involved in the 380 agreement and the project. They had worked six weeks on this agreement.

Baade gave the following brief description of the 380 agreement.

Easements:

The off-site sewer utility easement will run from the developer's property to Municipal Drive and will be dedicated to ECCFWSD. The eight inch water line on Church Street will run from Municipal Drive to the future north Luther Lane and will be in the Church Street roadway right of way. The easement for the water line is being provided by SilverLeaf and will be dedicated to ECCFWSD. A fire lane right of access easement will be granted to the developer for emergency access. The Gun Barrel City Economic Development Corporation is providing the land for the fire lane. The developer will be putting the fire lane in at his own expense.

Infrastructure:

Roads - The developer will pay Gun Barrel City \$63,500 for his share of the future Luther Lane improvements. Luther Lane will be a four lane thoroughfare running 948 feet along the western edge of the development and will probably be constructed sometime over the next ten years. The payment by the developer is to be made before the 16th certificate of occupancy is issued. Gun Barrel City will complete construction of Church Street by June 19, 2013. Church Street will run east/west between Municipal Drive and the future Luther Lane. The total cost of Church Street is estimated to be \$156,000, which will be shared equally by the City, the EDC and SilverLeaf, each contributing \$52,000.

Fire Lane - The developer will construct a concrete emergency access lane along the eastern edge of the property prior to the issuance of the first occupancy permit. It will be completed before the City issues the first occupancy permit.

Storm Detention – The developer will pay the City \$28,000 for drainage improvements. We still had \$25,000 from ETMC for retention when they built their doctor facility.

Water - The Gun Barrel City Economic Development Corporation will construct an eight inch water line from Municipal Drive to the future north Luther Lane. This will serve both the SilverLeaf and Country Place Living developments. This has been engineered with the cooperation of the ECCFWSD and they will oversee its installation.

Sewer – The developer will construct a two inch force main sewer line from the developer's property to Municipal Drive. No certificates of occupancy will be issued until the offsite sewer line is completed and will be dedicated to ECCFWSD.

ECCFWSD - All water and sewer improvements both onsite and offsite will meet ECCFWSD requirements and regulations. If any of these are not met, the City is not under any obligation to and will not issue any occupancy permits.

In Kind Contributions:

The amount of the developer's infrastructure contribution is roughly proportional to the infrastructure improvement expenses to be incurred by the City. Gun Barrel City Economic Development Corporation is making an in kind contribution of \$130,000 toward the 10 acre land purchase and making water improvements to Church Street estimated to be \$53,195.

Project to be completed within 18 months:

The developer is bound by the Texas Department of Housing and Community Affairs 2011 Qualified Allocation Plan to complete the project within 18 months. If the Texas Department of Housing and Community Affairs for Low Income Housing Tax Credits does not provide its commitment to the project, the City and the Gun Barrel City Economic Development Corporation are not obligated to the developer under the 380 agreement.

Performance Bond:

If for any reason, this 380 agreement is assigned the developer is responsible for providing the Gun Barrel City EDC a \$200,000 performance bond so that it can recover its in kind contribution if all 21 certificates of occupancy are not issued.

SilverLeaf would pay back the \$80,000 promissory note so there was no risk to the City. Mr. Sugrue would be closing on the property later this week. A special meeting would be called in conjunction with the Planning and Zoning Commission on Monday, April 2 to approve an amended plat.

Webster moved to approve a 380 agreement between Gun Barrel City, the GBCEDC and Silverleaf. Hayes seconded. All Council members voted 'aye.' Motion carried.

The City Manager stated that at the last Council meeting it was reported that the land would be a match to start the park grant project. Texas Parks & Wildlife have changed their process due to cities sitting of their match and not starting the project. We will get a 100% funding as we turn in our projects. We will be using the money in surplus to cover expenses until we process the phases of the park grant. We will be starting with the amphitheater. We will put in a draw which will come back at 100% and then we'll put in the next project. Instead of using the refunded amount that was going to come from the land we will be using surplus funds. The

Treasurer was comfortable with doing this. We had \$11,000 worth of in kind services already accrued by manpower and things that had already been done. Baade wanted to see a new plan.

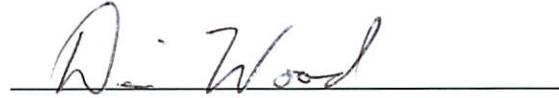
The meeting adjourned at 7:36 p.m.

Attest:



Christy Eckerman, City Secretary

Approved:



Dennis Wood, Mayor