

**REGULAR CALLED CITY COUNCIL MEETING
December 18, 2014**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **DECEMBER 18, 2014** AT 7:00 PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Ed Welch, Mayor Pro-Tem
Jerry Clark
Philip Cox
John Posey

ABSENT:

Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Police Chief and Pamela Raney, Finance Director representing staff, Glenn Evans representing the media, Brian Wilkerson and Stan Holden representing Champion E. M. S.

I. CALL TO ORDER - Mayor Evans called the meeting to order at 7:00 P.M.

1. Invocation was given Mayor Evans
2. Pledge of Allegiance was led by Councilman Clark

II. CONSENT AGENDA

1. Council to review and make possible corrections to minutes of the council meeting held on November 13, 2014.
2. Council to review and make possible corrections to minutes of the council meeting held on November 20, 2014.

Councilman Cox made a motion to approve the consent agenda items with correction to the November 20, 2014 minutes. Councilman Clark seconded the Motion. Motion carried 4 – 0, Councilman Beets absent.

III. CITIZEN FORUM

None

IV. CITY ADMINISTRATION'S MONTHLY REPORTS

1. Fire Department
2. Police Department
3. Department of Finance
4. City Manager's Report

City Manager Cunningham presented the departmental monthly reports to Council. During the City Manager's Report, Cunningham highlighted the following items:

- A budget amendment is planned for January 2015 for approval based on the decision made concerning the Water and Sewer rate changes.
- There is no Grant Funding available for the Dam repairs.

- Based on the information received from the Grant Consultants it is recommended that the City of Overton not apply for any Grants during this Grant Funding cycle.

No action taken.

V. PUBLIC HEARINGS

1. PUBLIC HEARING ON ORDINANCE NO. 2015-01-15A REGARDING WATER, SEWER AND GARBAGE COLLECTION RATES AND OTHER CITY SERVICES

a. Mayor Evans opened the public hearing on ORDINANCE NO. 2015-01-15A

b. PRESENTATION BY STAFF ON NEED AND IMPACT OF PROPOSED CHANGES IN UTILITY RATES

City Manager Cunningham presented and explained a handout on the proposed changes in the utility rates to Council.

City Manager Cunningham proposed the rate changes:

<u>Water Rate</u>	From		To		Proposed Increase	
Changes	Base	Volume	Base	Volume	Base	Volume
Residential	\$ 20.25	\$ 3.00	\$ 21.25	\$ 3.30	\$ 1.00	\$ 0.30
Commercial 1	\$ 20.25	\$ 3.50	\$ 21.35	\$ 3.85	\$ 1.10	\$ 0.35
Commercial 2	\$ 32.25	\$ 3.50	\$ 34.00	\$ 3.85	\$ 1.75	\$ 0.35
Prison c.	\$ 7,251.25	\$ 4.25	\$ 7,631.81	\$ 4.50	5%	\$ 0.25

d.

<u>Sewer Rate</u>	From		To		Proposed Increase	
Changes	Base	Volume	Base	Volume	Base	Volume
Residential	\$ 14.00	\$ 2.25	\$ 14.75	\$ 2.50	\$ 0.75	\$ 0.25
Commercial 1	\$ 20.25	\$ 2.50	\$ 21.35	\$ 2.75	\$ 0.75	\$ 0.25
Commercial 2	\$ 32.25	\$ 3.25	\$ 34.00	\$ 3.50	\$ 1.50	\$ 0.25
Prison d.	\$ 7,251.25	\$ 3.25	\$ 6,987.50	\$ 3.50	7.5%	\$ 0.25

e.

GARBAGE / SOLID WASTE RATES		
Residential Rate	Current	With 1.9% Increase
<i>Residential Cart collection once weekly curbside collection</i>	1x / Weekly	1x / Weekly
1 Cart	\$14.00	\$ 14.27
2 Carts	\$19.22	\$ 19.59
3 Carts	\$24.44	\$ 24.90
4 Carts	\$29.66	\$ 30.22
5 Carts	\$34.88	\$ 35.54

Commercial Cart Rate	1x / Weekly	1x / Weekly
<i>96 gallon cart for businesses generating < 2 yards per week (and not participating in the dumpster service)</i>		
One Cart (per month)	\$29.42	\$ 29.98

Commercial Dumpster - Size = 2 YD		
Serviced Per Week		
1x Weekly	\$56.44	\$ 57.51

Commercial Dumpster - Size = 3 YD		
Serviced Per Week		
1x Weekly	\$71.70	\$ 73.06
2x Weekly	\$137.55	\$ 140.16
3x Weekly	\$204.93	\$ 208.82

Commercial Dumpster - Size = 4 YD		
Serviced Per Week		
1x Weekly	\$85.17	\$ 86.79
2x Weekly	\$142.13	\$ 144.83

Commercial Dumpster - Size = 6 YD		
Serviced Per Week		
1x Weekly	\$109.85	\$ 111.94

Commercial Dumpster - Size = 8 YD		
Serviced Per Week		
1x Weekly	\$138.31	\$ 140.94
2x Weekly	\$225.17	\$ 229.45
3x Weekly	\$304.34	\$ 310.12

- c. RECEIVE PUBLIC COMMENTS CONCERNING PROPOSED ORDINANCE NO. 2015-01-15A AN ORDINANCE AMENDING ORDINANCE NO. 2014-07-29B - "APPENDIX A" CITY OF OVERTON - SCHEDULE OF FEES, BY UPDATING FEES IMPOSED BY THE CITY FOR WATER, SEWER, GARBAGE SERVICE AND OTHER CITY SERVICES; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

No public comments or questions received.

- d. **Mayor Evans closed the public hearing.**

2. PUBLIC HEARING ON RESOLUTION NO. 2014-12-29 REGARDING TENDERED CONTRACT OFFER FROM CHAMPION EMS TO CONTINUE PROVIDING AMBULANCE SERVICE IN THE CITY OF OVERTON.

- a. **Mayor Evans opened the public hearing on RESOLUTION NO. 2014-12-29**

b. PRESENTATION BY STAFF ON PROVISIONS AND IMPACT OF THE PROPOSED CONTRACT WITH CHAMPION EMS

City Manager Cunningham informed the Council that after reviewing the research done by City Secretary Gafford and consulting with the City Attorney, it has been determined that the City is not able to add a \$4.00 surcharge to the water bill for E.M.S. services.

Champion E.M.S. representative Stan Holden stated that Champion E.M.S. Board has presented the City's counter proposal to their legal department for review.

City Manager Cunningham asked Champion E.M.S. representatives if the City could sign the contract with an agreement clause that if the legal review showed that memberships could be offered to the Overton citizens that the contract would be amended.

Champion E.M.S. representative Stan Holden stated that the Board had agreed to extend the current contract through January 2015 for the legal department to review the City's proposed changes.

City Manager Cunningham requested a letter stating that Champion E.M.S. had extended the City of Overton's contract.

Champion E.M.S. representative Stan Holden agreed to provide a letter granting the 30 day contract extension.

c. RECEIVE PUBLIC COMMENTS CONCERNING RESOLUTION NO. 2014-12-29, A RESOLUTION TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH CHAMPION EMS TO CONTINUE TO MAINTAIN AN EMS STATION IN THE CITY OF OVERTON AND PROVIDE AMBULANCE SERVICE THAT IS DISPATCHED FROM THAT STATION TO THE CITY OF OVERTON AND ITS ENVIRONS

No public comments or questions received.

d. Mayor Evans closed the public hearing.

VI. **OLD BUSINESS (Review, consider and/or take action)**

1. PRESENT REVISED MEETING SCHEDULE FOR THE CITY COUNCIL AND PLANNING ZONING COMMISSION AS UPDATED DECEMBER 17TH, 2014

City Manager Cunningham presented the revised meeting schedule calendar to Council for review.

Councilman Posey and Mayor Pro Tem Welch stated that they would not be available on December 29th or December 30th for the Special Called Meeting.

City Manager Cunningham stated that with the 30 day extension on the Champion E.M.S. contract, then the December 29th and the December 30th Council Meeting could be removed from the proposed meeting calendar.

No formal action required

2. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF ORDINANCE NO. 2014-12-18A: AN ORDINANCE AMENDING ORDINANCE # 2014-07-29A WHICH ESTABLISHED BY REFERENCE § 35.70 PERSONNEL, RULES AND POLICIES

(APPENDIX 5) WHICH SHALL NOW BECOME § 35.70 PERSONNEL POLICIES AND PROCEDURES (APPENDIX C); PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION

City Manager Cunningham presented the revised ORDINANCE NO. 2014-12-18 PERSONNEL POLICIES AND PROCEDURES (APPENDIX C) to the Council for adoption stating that one revision would be made to the manual on page number twelve (12) of the manual: recommended job classification change of job title of Public Works Maintenance (Crew Leader) to (Lead Worker).

Councilman Cox made a motion to approve ORDINANCE NO. 2014-12-18A. Councilman Posey seconded the Motion. Motion carried 4 – 0, Councilman Beets absent. (Attachment 1 – Cover Ordinance only)

3. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF ORDINANCE NO. 2014-12-18B; AN ORDINANCE ADDING CHAPTER 87 TO THE CITY OF OVERTON CODE OF ORDINANCES; ESTABLISHING RULES AND REGULATIONS FOR THE RENTAL OF THE OVERTON COMMUNITY CENTER BUILDING; PROVIDING A SEVERABILITY CLAUSE AND DECLARING A PENALTY FOR VIOLATIONS OF CERTAIN RULES; REGULATIONS PROVIDING WITHIN; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

Councilman Cox made a motion to approve ORDINANCE NO. 2014-12-18B. Councilman Clark seconded the Motion. Motion carried 4 – 0, Councilman Beets absent. (Attachment 2)

4. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF ORDINANCE NO. 2014-12-18C; AN ORDINANCE ADDING AN APPENDIX B THE CITY OF OVERTON CODE OF ORDINANCES, HEREAFTER TO BE KNOWN AS APPENDIX B, CITY OF OVERTON – SCHEDULE OF FINES, AMENDING ANY CURRENT PENALTIES AS SET FORTH IN ANY INDIVIDUAL ORDINANCE LOCATED IN THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

5. **Councilman Cox made a motion to approve ORDINANCE NO. 2014-12-1C. Councilman Clark seconded the Motion. Motion carried 4 – 0, Councilman Beets absent. (Attachment 3)**

VII. NEW BUSINESS (Review, consider and/or take action)

1. PRESENT NOTICE OF OPEN SPACES REGARDING THE CITY OF OVERTON'S CITY COUNCIL PLACES ON THE BALLOT FOR THE MAY 9, 2015 ELECTION WITH SPECIFIC ELECTION CALENDAR DATES AS SPECIFIED BY THE SECRETARY OF STATE'S OFFICE

City Secretary Gafford presented the notice of open spaces available for the upcoming May, 9, 2015 election to the Council

No action taken.

2. PRESENT NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT AS POSTED ON THE CITY OF OVERTON'S OFFICIAL BULLETIN BOARD AT CITY HALL ON DECEMBER 9, 2014

City Secretary Gafford presented the public notice of deadline to file applications for a place on the ballot as posted on the City's bulletin board to the Council

No action taken.

3. HEAR AND/OR CONSIDER ACTION ON ADOPTION OF RESOLUTION NO. 2014-12-18; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS APPROVING THE ELECTION OF NEW OFFICERS FOR THE CITY OF OVERTON VOLUNTEER FIRE DEPARTMENT FOR CALENDAR YEAR 2015

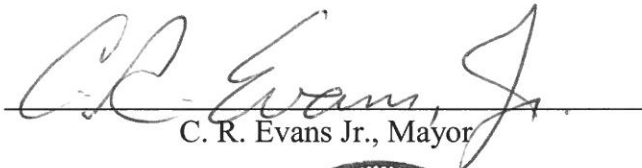
Mayor Pro Tem Welch made a motion to approve RESOLUTION NO. 2014-12-18. Councilman Posey seconded the Motion. Motion carried 4 – 0, Councilman Beets absent. (Attachment 4)

VIII. ADJOURNMENT

Councilman Posey made a motion that the meeting be adjourned. Mayor Pro Tem Welch seconded the Motion. Motion carried 4– 0, Councilman Beets absent.

With no further business, the meeting was adjourned at 8:29 P. M.

Minutes approved and submitted and/or corrected this 15th day of January, 2015.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary



ATTACHMENT 1

ORDINANCE #: 2014-12-18A

ORDINANCE # 2014-12-18A: AN ORDINANCE AMENDING ORDINANCE # 2014-07-29A WHICH ESTABLISHED BY REFERENCE § 35.70 PERSONNEL, RULES AND POLICIES (APPENDIX 5) WHICH SHALL NOW BECOME § 35.70 PERSONNEL POLICIES AND PROCEDURES (APPENDIX C); PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

WHEREAS, it is incumbent upon the City to maintain policies and procedures governing personnel administration that provide a framework for fair and equal treatment of its employees, complies with all related federal, state and local legal requirements related to employment law; and

WHEREAS, the original version of personnel policies and procedures are in need of revision and extension of application as they appeared in the original form; and

WHEREAS, Attachment A to this ordinance provides a more complete and up-to-date set of policies and procedures governing issues related to personnel management and administration;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: THAT the Chapter 35.70 of the Overton Code of Ordinances is hereby amended and upon adoption of this ordinance, shall read as follows:

§ 35.70: Adoption of Personnel Policies and Procedures

Personnel policies and procedures for the City of Overton are hereby adopted as set forth in the document entitled Personnel Rules and Regulations and included in this Code as Appendix C.

SECTION 2: Overton Code of Ordinances - **Appendix C**

Appendix C as specified above refers to Attachment A of this Ordinance.

SECTION 3: SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise

invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 4: PUBLICATION

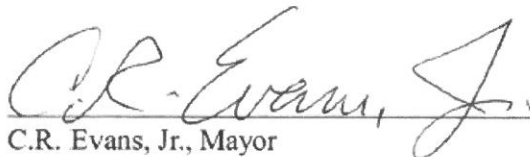
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SECTION 5: EFFECTIVE DATE

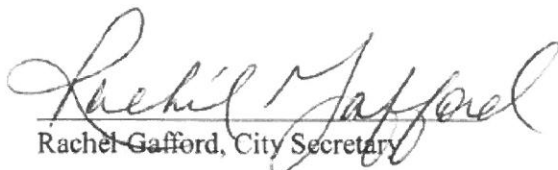
This Ordinance shall be effective January 10th, 2015.

PRESENTED AND APPROVED THIS THE 18th DAY OF December 2014 BY A VOTE OF 4 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

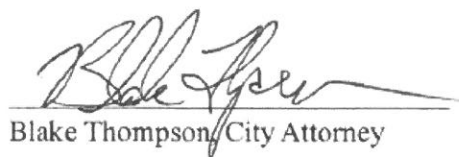

C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

Attachment A
ORDINANCE 2014-12-18A

“APPENDIX C”

City Of Overton

PERSONNEL POLICIES AND PROCEDURES

Adopted 12/18/2014

ATTACHMENT 2

ORDINANCE #: 2014-12-18B

CHAPTER 87: COMMUNITY CENTER RULES & REGULATIONS

AN ORDINANCE ADDING CHAPTER 87 TO THE CITY OF OVERTON CODE OF ORDINANCES; ESTABLISHING RULES AND REGULATIONS FOR THE RENTAL OF THE OVERTON COMMUNITY CENTER BUILDING AND PROVIDING A SEVERABILITY CLAUSE AND DECLARING A PENALTY FOR VIOLATIONS OF CERTAIN RULES; REGULATIONS PROVIDED WITHIN; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Overton to protect the public health, safety, and welfare, of the citizens of Overton, Texas; and

WHEREAS, the establishment of rules and regulations for the rental and use of the publicly owned Community Center facility is in the best interest in the protection of this public facility; and

WHEREAS, a goal of this ordinance is to establish such rules and regulations for the rental and use of said Community Center; and

WHEREAS, it is necessary to protect the rights of all citizens who, for legitimate reasons, for the continued preservation and future use of this public facility; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

THAT the Code of Ordinances, City of Overton, Texas, is hereby amended by adding CHAPTER 87 entitled "COMMUNITY CENTER RULES & REGULATIONS", to read as follows:

SEC. 87.01 PURPOSE:

The purpose of the Overton Community Center Rules & Regulations is to protect public health, safety, welfare and publicly owned facility.

SEC. 87.02 DEFINITIONS.

Alcoholic Beverage. Means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Beer. Means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight

City Hall Personnel. A representative of the City of Overton, specifically the Utility Billing Clerk, Finance Director or City Secretary.

Community Center. A publicly owned facility located at 505 Meadowbrook Drive, Overton, Texas.

Lessee. A person or organization that seeks to lease / rent the Overton Community Center

Lease. The agreement to pay a set fee, as set forth in Appendix A – Schedule of Fees, for the purpose utilization of the Overton Community Center.

Security Deposit. A set fee, as set forth in Appendix A – Schedule of Fees, for the purpose of securing a said rental date and insuring that the said Community Center building, equipment and grounds shall be left in the same clean condition as when it was rented.

Sponsor. A responsible adult given the authority by the Lessee to supervise and be a representative of the Lessee in insuring the public facility is protected from damage to the grounds, equipment and building.

Wine and Vinous Liquor. Means the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.

SEC. 87.03 RULES & REGULATIONS.

1. Lease Agreement application form must be submitted to City Hall personnel in person by the individual leasing the building.
2. The lease is not considered in effect until the Security Deposit has been paid in full.
3. Reservations will be taken in order of reservation requested. Roll over reservations/deposits are not allowed (lessee must complete a new lease agreement application for each reservation).
4. Lessee must be a responsible adult, at least twenty-one (21) years of age, and must submit payment in full and provide a signed complete Lease Agreement application before the key will be issued.
5. Lessee must disclose on said Lease Agreement application whether there will be any alcoholic beverages present, allowed, provided or served at the Community Center during the rental time. If there will the consumption of any alcoholic beverage at said event; it is the lessees responsibility to provide the following:
 - a. Licensed commissioned police officer to provide security before, during, and after the event.
 - b. T.A.B.C. Certified Server must be in charge of mixed beverage service
6. Building key must be returned to City Hall with Community Center Clean Up List form signed as soon as possible following use of the building. (Key may be placed in the drop box located to the right of City Hall front door.)
7. Lessee shall be held accountable for any damage done to the building, equipment and/or grounds for reasonable replacement/repair costs.
8. Lessee agrees to leave the building, equipment and grounds in clean and orderly condition.
9. Lessee shall be held responsible for the decent and orderly conduct of all guests or persons allowed access to the premises during the lease. Failure to do so as agreed will result in forfeiture of the security deposit made by the lessee.
10. Sponsors of parties for minors must be present at all times. It is required that there is at least one sponsor for each ten (10) minors.
11. The City of Overton has the right to terminate the lease for the need or use of any City sponsored event and/or damage to the building or failure to leave the premises clean in accordance with the Community Center Clean Up List.

12. Lessee and sponsors agree to see that the following rules are observed, and that all property of the City of Overton is protected against loss or breakage and left in a clean and orderly manner. Kitchen, stove, oven, restrooms, tables, chairs are to be cleaned and put away after each event.
 - a. Any decorations used must be attached only using tape and must be removed as per the posted Community Center Clean Up List. Nails, staples or anything that leaves holes in the walls or woodwork is strictly prohibited; the security deposit shall be forfeited if nail holes, staples or tape remnants are found.
 - b. Moving of any appliances is strictly prohibited and will result in forfeiture of security deposit and loss of future use of the building.
 - c. Smoking is strictly prohibited inside of the Community Center
13. The City of Overton shall furnish only that which is at hand. Any service other than keeping the building clean will have to be furnished by the lessee.
14. Security Deposit fee shall be forfeited if reservation is not cancelled at least seven (7) calendar days prior to the reservation date. Failure to cancel reservation at least forty-eight (48) hours prior to scheduled event shall result in the loss of the Security Deposit and Rental Fee. Cancellations will be accepted by phoning City Hall personnel. Unless contact is made, forfeiture of fees shall be assessed.
15. The Community Center is furnished for your pleasure and benefit, and charges are made for the actual maintenance and upkeep of the building. Please be courteous and preserve it for the use of others in the future.

SEC. 87.04 OFFENSES.

- a. A lessee commits an offense if he allows, provides or serves any alcoholic beverage without having properly notified the City that alcoholic beverages would be present at the Community Center during the said rental dates and/or times on the lease agreement.
- b. A lessee commits an offense if he has denoted that alcoholic beverages would be present at the Community Center during the said rental dates and/or times on the lease agreement; however, fails to hire the services of a commissioned off-duty law enforcement officer to provide security for at least one (1) hour prior to, during the duration of said event, and up to (1) hour after said event as stated on the lease agreement.
- c. A lessee commits an offense if he has denoted that mixed beverages would be present and/or served at the Community Center during the said rental dates and/or times as denoted on the lease agreement; however, fails to hire the services of a T.A.B.C. Certified Server.

SEC. 87.05 ENFORCEMENT.

All Community Center events are subject to drive by and on-site inspections at any time during event by the Overton Police Department or an authorized representative of the City of Overton. A police officer, upon finding a violation of Section 87.04 (a), (b) and/or (c), shall ascertain the name and address of the lessee and may issue a citation to the lessee.

SEC. 87.06 PENALTIES.

Any person who violates Section 87.04 (a), (b) and/or (c), of this section shall lose said security deposit and be punishable by a fine as provided for in the current City of Overton – Appendix B – Schedule of Fines.

SEC. 87.07 SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SEC. 87.08 PUBLICATION.

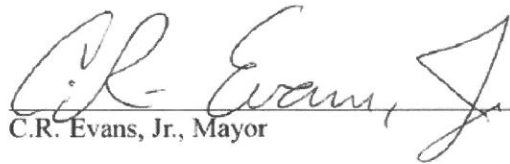
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SEC. 87.09 EFFECTIVE DATE.

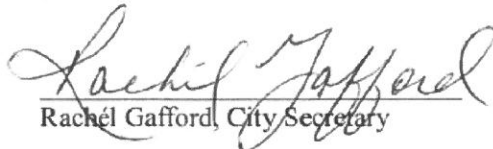
This Ordinance shall be effective immediately upon its passage and approval.

PRESENTED AND APPROVED THIS THE 18TH DAY OF DECEMBER 2014.

CITY OF OVERTON

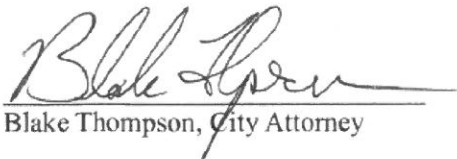

C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

ATTACHMENT 3

ORDINANCE #: 2014-12-18C

APPENDIX B

City of Overton - Schedule of Fines

AN ORDINANCE ADDING AN APPENDIX B TO THE CITY OF OVERTON CODE OF ORDINANCES, HEREAFTER TO BE KNOWN AS APPENDIX B, CITY OF OVERTON – SCHEDULE OF FINES, AMENDING ANY CURRENT PENALTIES AS SET FORTH IN ANY INDIVIDUAL ORDINANCE LOCATED IN THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City of Overton desires to summarize and set forth a schedule of fines and penalties for each ordinance and law requiring such in one central location of the City of Overton Code of Ordinances:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS;

SECTION 1. ADOPTION OF APPENDIX B - SCHEDULE OF FINES

That the provisions, policies, fines, penalties and violations of ordinances and laws of the City of Overton are hereby amended and revised as set out in Appendix B the City of Overton, Schedule of Fines hereto as Exhibit "A" and made a part hereof for all purposes.

SECTION 2. REPEAL OF ORDINANCES

That all ordinances or parts of ordinances in conflict herewith are, and the same are hereby, repealed to the extent of such conflict.

SECTION 3. VALIDITY

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held to be invalid and unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 4. CONFLICTS

That all ordinance fee, penalties or fines in conflict herewith, are to the extent of such conflict, hereby repealed.

SECTION 5. PUBLICATION

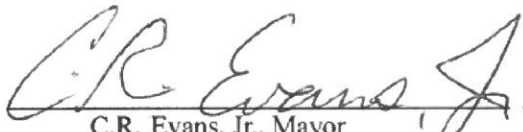
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SECTION 6. EFFECTIVE DATE

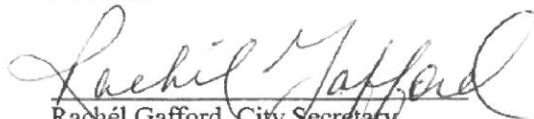
This Ordinance shall be effective immediately upon its passage and approval.

PRESENTED AND APPROVED THIS THE 18th DAY OF December 2014 BY A
VOTE OF 4 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED
MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON


C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Blake Thompson, City Attorney



EXHIBIT A
“APPENDIX B”

CITY OF OVERTON
SCHEDULE OF FINES

Adopted 12-18-2014 – Ordinance No. 2014-12-18C

ORDINANCE #
2014-12-18A

**APPENDIX B: CITY OF OVERTON
SCHEDULE OF FINES**

EFFECTIVE DATE:
12/23/2014

SECTION	OFFENSE	CURRENT FINE
A	<u>MOVING VIOLATIONS</u>	
	SPEEDING 1-10 MPH OVER POSTED SPEED LIMIT	\$150.00
	SPEEDING 11-20 MPH OVER POSTED SPEED LIMIT	\$250.00
	SPEEDING 21-25 MPH OVER POSTED SPEED LIMIT	\$300.00
	SCHOOL ZONE (SPEEDING)	Add additional \$20.00 to above fine
	ACCIDENT (SPEEDING)	Add additional \$40.00 to above fine
	DISREGARDING STOP SIGN	\$200.00
	DISREGARDING EMERGENCY VEHICLE	\$250.00
	FAILURE TO DRIVE ON CORRECT SIDE OF ROAD	\$200.00
	OPERATING AN ATV ON PUBLIC ROADWAY	\$200.00
	IMPEDING TRAFFICE	\$200.00
	PASSING IN A NO PASSING ZONE	\$200.00
	UNSAFE BACKING	\$250.00
	FAILURE TO YIELD RIGHT OF WAY	\$200.00
	FAILURE TO SIGNAL	\$150.00
	UNSAFE SPEED	\$200.00
	FAILURE TO CONTROL SPEED	\$240.00
	OPERATING AN UNSAFE VEHICLE	\$200.00
	FOLLOWING TO CLOSELY	\$200.00
	DISREGARDING A RAILROAD CROSSING	\$200.00
	DRIVING WITHOUT LIGHTS	\$150.00
	IMPROPER TURN	\$200.00
	FARM LICENSE VIOLATION	\$200.00
	OBSTRUCTED VIEW	\$150.00
	LEAVING THE SCENE OF AN ACCIDENT	\$250.00
B	<u>NON-MOVING VIOLATIONS:</u>	
	NO SEAT BELT	\$200.00
	UNRESTRAINED CHILD	\$250.00
	NO HELMET (CHILD)	\$300.00
	EXPIRED MOTOR VEHICLE INSPECTION STICKER	\$200.00
	EXPIRED MOTOR VEHICLE REGISTRATION	\$200.00
	NO INSURANCE (1ST OFFENSE)	\$250.00
	NO INSURANCE (2ND OFFENSE)	\$500.00
	DEFECTIVE EQUIPMENT	\$150.00
	NO DL OR EXPIRED DL	\$250.00
	INVALID DL OR SUSPENDED DL	\$500.00
	DRIVING WITH OUT A PERMIT	\$200.00
	ALLOWING UNLICENSED DRIVER TO DRIVE	\$150.00
	VIOLATION OF DL RESTRICTION	\$150.00
	NO LICENSE PLATE	\$150.00
	FICTITIOUS MOTOR VEHICLE REGISTRATION	\$200.00
	FAILURE TO CHANGE ADDRESS	\$150.00
	NO MOTORCYCLE ENDORSEMENT	\$150.00
	FAILURE TO DISPLAY INSPECTION STICKER	\$150.00
	CELL PHONE USE IN A SCHOOL ZONE	\$200.00
	PARKING IN HANDICAP PARKING PLACE (NO HANDICAP STICKER)	\$500.00

SECTION	OFFENSE	CURRENT FINE
C	<u>CRIMINAL OFFENSES:</u>	
	ASSAULT "SIMPLE CLASS C MISDEMEANOR"	\$225.00
	ASSAULT BY THREAT	\$200.00
	CRIMINAL MISCHIEF	\$500.00
	DISORDERLY CONDUCT	\$250.00
	OPEN CONTAINER	\$200.00
	PUBLIC INTOXICATION	\$500.00
	FAILURE TO APPEAR	\$250.00
	WARRANTS	\$50.00
	FAILURE TO ID	\$150.00
	DRIVING UNDER THE INFLUENCE OF ALCOHOL BY A MINOR	\$250.00
	MIP IN POSSESSION OF ALCOHOL	\$250.00
	MIP IN POSSESSION OF TOBACCO	\$250.00
	CONSUMPTION OF ALCOHOL BY A MINOR	\$250.00
	POSSESSION OF DRUG PARAPHENALIA	\$500.00
	THEFT UNDER \$50.00	\$500.00
	LITTERING	\$300.00
	RECKLESS DAMAGE	\$371.00
	MAKING TOBACCO AVAILABLE TO A MINOR	\$260.00
	UNATTENDED CHILD	\$450.00
	VIOLATE PROMISE TO APPEAR	\$500.00
	FISHING WITH NO FISHING LICENSE	\$150.00
D	<u>CITY ORDINANCE VIOLATIONS:</u>	
ORD NO.		
2014-07-29A CHAPTER 74 SEC. 74.11	TRASH & DEBRIS ON LOT	\$250.00
2014-07-29A CHAPTER 70 SEC. 70.11	DOG RUNNING AT LARGE	\$200.00
2014-07-29A CHAPTER 74 SEC. 74.23	LOUD MUSIC	\$200.00
2014-07-29A CHAPTER 61	ILLEGALLY PARKED VEHICLES	\$200.00
2014-07-29A CHAPTER 76	ALCOHOL IN PARK	\$250.00
2014-11-20A CHAPTER 86	ALCOHOL IN PUBLIC	\$250.00
2014-07-29A CHAPTER 75 SEC. 75.10	INOPERABLE VEHICLES (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 90 SEC. 90.70	UNSAFE STRUCTURE (1ST OFFENSE)	\$500.00
2014-07-29A CHAPTER 73 SEC. 73.01	OVERGROWN LOT (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 74 SEC. 74.11	DOWN TIMBER (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 73 SEC. 73.01	GROWTH LIMITATIONS	\$350.00
2014-07-29A CHAPTER 60	PROHIBITED TRUCK ROUTE	\$250.00
2014-07-29A CHAPTER 82 SEC. 82.02	SOLICITING WITH OUT A PERMIT	\$500.00
2014-10-16A CHAPTER 95	VIOLATING CITY CURFEW ORDINANCE	\$200.00
00-0518 CHAPTER 72 SEC. 72.60	BURNING WITH OUT A BURN PERMIT	\$250.00
2014-07-29A CHAPTER 70 SEC. 70.11	VIOLATION OF MAXIMUM NUMBER OF ANIMALS ALLOWED	\$250.00
2014-07-29A CHAPTER 70	NO VACCINATION RECORD	\$450.00
2014-07-29A CHAPTER 50	PROHIBITED DISCHARGE OF RAW SEWAGE	\$500.00
2014-07-29A CHAPTER 70 SEC. 70.33	KEEPING PROHIBITED SWINE	\$300.00
2014-07-29A CHAPTER 74 SEC. 74.12	ABANDONED REFRIGERATOR	\$500.00

<u>SECTION</u>	<u>OFFENSE</u>	<u>CURRENT FINE</u>
92010	POSSESSION OF K2	\$500.00
2014-07-29A CHAPTER 72 SEC. 72.40	DISCHARGING FIRE WORKS IN CITY LIMITS	\$250.00
Article VI Sec. 9.70	DISCHARGING A FIREARM IN CITY LIMITS	\$500.00
2014-11-20A CHAPTER 86	FAILURE OF WINE/BEER RETAILER (BQ PERMITTEE) TO PROMINENTLY DISPLAY SPECIFIED WARNING SIGN	\$25.00
2014-11-20A CHAPTER 86	CONSUMPTION OF LIQUOR, BEER OR WINE ON PREMISES OF A WINE/BEER RETAILER (BQ PERMITTEE) 1ST OFFENSE	\$25.00 UP TO \$200.00
2014-11-20A CHAPTER 86	CONSUMPTION OF LIQUOR, BEER OR WINE ON PREMISES OF A WINE/BEER RETAILER (BQ PERMITTEE) 2ND OFFENSE	\$100.00 UP TO \$200.00
2014-11-20A CHAPTER 86	NON DISCLOSED ALCOHOL AT COMMUNITY BUILDING EVENT	\$250.00
2014-11-20A CHAPTER 86	NO COMMISSIONED & LICENSED PEACE OFFICER AT ALCOHOL RELATED EVENT @ COMMUNITY BUILDING	\$250.00
2014-07-29A CHAPTER 72 SEC. 72.60	BURNING WITH OUT A BURN PERMIT	\$250.00
*BOND AMOUNT IS DOUBLE THE FINE AMOUNT BUT NOT TO EXCEED \$500.00		
E	CONVICTION FEES	
	SUMMONING OF WITNESS	\$5.00
	SUMMONING OF JURY	\$5.00
	JURY	\$3.00
	WRITTEN NOTICE TO APPEAR IN COURT	\$5.00
	INSTALLMENT PAYMENT PLAN FEE	\$25.00

ATTACHMENT 4

RESOLUTION #: 2014-12-18

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF OVERTON, TEXAS APPROVING
THE ELECTION OF NEW OFFICERS FOR THE
CITY OF OVERTON VOLUNTEER FIRE
DEPARTMENT FOR CALENDAR YEAR 2015.**

WHEREAS, the Constitution and By-Laws of the Overton Volunteer Fire Department require that the election of certain officers, namely the Chief, Fire Marshall and Assistant Fire Chief be elected in December of each year by its members; and

WHEREAS, said election did take place which resulted in the election of a new Chief, Fire Marshall and Assistant Fire Chief by a majority of the members present; and

WHEREAS, the Constitution and By-laws further stipulate that the election of said officers be subject to the approval of the City Commissioners:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

That by virtue of adoption of Resolution #: 2014-12-18B, the City Council hereby approves election of the following officers to the positions so indicated below:

Fire Chief Greg Wall
Assistant Fire Chief.... Robert Wall
Fire MarshallJim White

AND IT IS SO RESOLVED.

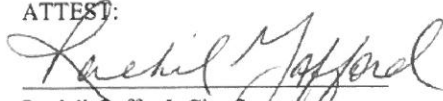
APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 18th day of December, 2014.

CITY OF OVERTON

By:


C.R. Evans Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary

