

**REGULAR CALLED CITY COUNCIL MEETING  
April 23, 2015**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **APRIL 23, 2015** 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  
Pat Beets  
Jerry Clark  
Philip Cox  
John Posey

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, Blake Thompson, City Attorney, Clyde Carter, Police Chief and Pamela Raney, Finance Director representing staff, Lawrence Davis, Dudley Hickman, Khurram “Gill” Shaukat, Choudhry “Joe” Shaukat, Carmen Matlock, Mike Matlock, Kim Cox, Sandra Welch, Amelda Pern, William H. Lenadwoski, Thomas Gipson, Ray Smith, Jan Smith, Monte Rouquette and Sharlot Rouquette representing the public.

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

1. Invocation was given by Monte Rouquette
2. Pledge of Allegiance was led by Mayor Pro Tem Welch

**II. PROCLAMATION / RECOGNITION**

1. Certificate of Appreciation for Rite Track – Valero Service Station for the donation of water & pizza to the schools during the bomb threat.
2. Proclamation: Honoring John Edd Welch for ten (10) years of service on the City Council

**Mayor Evans recognized and presented the Certificate of Appreciation to Khurram “Gill” Shaukat and Choudhry “Joe” Shaukat owners of the Rite – Track Valero Service Station and then read a Proclamation honoring Mayor Welch .and presented Mayor Welch with a City of Overton Street Sign with his name and years of service.**

**III. CITIZEN FORUM**

None

**IV. CITIZEN’S REQUESTS**

Hear and Consider request from Nathan Kendall, 202 E. Short St. regarding the need of repairs to a leaking water meter causing mud and overgrown grass and weeds in streets, and the need for repairs and repaving of Short Street.

2. FIRST READING OF **ORDINANCE NO. 2015-05-21A**, AN ORDINANCE AMENDING ORDINANCE NO. 2014-10-07A CITY OF OVERTON ZONING ORDINANCE (CHAPTER 96 OF THE CITY OF OVERTON CODE OF ORDINANCE) BY THE REPEAL OF SECTIONS 6.01, 7.01 8.01, 8.02, 8.03, 8.07, 9.01, 10.01, 11.01, 12.01, 13.01, 14.01, 18 AND 25, THE ADDITION OF SECTION 5A, SECTION 8.02 (REVISED), SECTION 8.03 (REVISED), SECTION 18 (REVISED), SECTION 25 (REVISED) AND SECTIONS 29 THROUGH 31, BEING PART VI – LAND USE SCHEDULE, AND LAND USE DEFINITIONS; PROVIDING FOR A PENALTY OF A FINE OF UP TO \$500.00; AND EACH AND EVERY DAY THAT THE PROVISIONS OF THIS ORDINANCE ARE VIOLATED SHALL CONSTITUTE A SEPARATE AND DISTINCT OFFENCE, A REPEALER, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION. COUNCIL TO RECEIVE PUBLIC COMMENTS REGARDING **ORDINANCE NO. 2015-05-21A. (The Planning & Zoning Commission recommended approval 4 – 0.)**

- a. Staff presentation on ORDINANCE NO. 2015-05-21A

City Secretary Gafford presented a staff report to Council concerning the amendment to the Zoning Ordinance.

- b. Receive public comments

No comments made.

### **CLOSE PUBLIC HEARING**

**Mayor Evans closed the Public Hearings at 8:24 P.M.**

### **VI. ADMINISTRATION OF THE “STATEMENT OF OFFICER” & SWEARING IN OF PLANNING AND ZONING COMMISSIONERS.** (pages 109 - 112)

Mayor Evans will administer the Statement of Elected/Appointed Officer and the Oath of Office to the following appointed Planning & Zoning Commissioners: George Berry and Pamela Merritt.

### **V. CONSENT AGENDA**

1. City Council acting as the Zoning Board of Adjustment to approve minutes of meeting held on November 3, 2014.
2. Approval of the minutes of the special council meeting held on March 3, 2015.
3. Approval of the minutes of the special council meeting held on March 19, 2015.
4. Approval of the minutes of the regular council meeting held on March 23, 2015.
5. Approval of the minutes of the special council meeting held on March 31, 2015.
6. Approval of the minutes of the special council meeting held on April 7, 2015.
7. Approval of the minutes of a joint workshop of the City Council and the Planning and Zoning Commission held on April 7, 2015.
8. City Council to consider the appointment of George A. Perry and Pamela Merritt to the Planning & Zoning Commission.
9. Approval of RESOLUTION NO. 2015-04-23A, a Resolution of the Overton City Council authorizing the execution of an Agreement between the City Of Overton

**Councilman Beets made a motion to approve RESOLUTION NO. 2015-04-23B. Councilman Clark seconded the motion. Motion carried 5 - 0, (ATTACHMENT 2 - RESOLUTION NO. 2015-04-23B)**

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

1. REVIEW, CONSIDER AND/OR TAKE ACTION REGARDING **ORDINANCE NO. 2015-04-23A**; AN ORDINANCE OF THE OVERTON CITY COUNCIL REPEALING AND REPLACING ALL OF TITLE III, CHAPTER 33, SECTIONS 50, 51, 52 AND 53 - MUNICIPAL COURT TECHNOLOGY FUND (EXHIBIT A); WITH THE ORDINANCE AS PROVIDED BELOW, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE OF \$4.00 AGAINST ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION DATE.

City Manager Cunningham presented a brief staff report to council regarding proposed Ordinance No. 2015-04-23A.

**Mayor Pro Tem Welch made a motion to approve ORDINANCE NO. 2015-04-23A. Councilman Cox seconded the motion. Motion carried 5 - 0, (ATTACHMENT 3 - ORDINANCE NO. 2015-04-23A.)**

2. REVIEW, CONSIDER AND/OR TAKE ACTION REGARDING **ORDINANCE NO. 2015-04-23B**; AN ORDINANCE OF THE OVERTON CITY COUNCIL PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE OF \$3.00 AGAINST ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREON.

City Manager Cunningham presented a brief staff report to council regarding proposed Ordinance No. 2015-04-23B.

**Mayor Pro Tem Welch made a motion to approve ORDINANCE NO. 2015-04-23B. Councilman Beets seconded the motion. Motion carried 5 - 0, (ATTACHMENT 4 - ORDINANCE NO. 2015-04-23B.)**

3. REVIEW, CONSIDER AND/OR TAKE ACTION REGARDING A REQUEST FROM THE OVERTON MUNICIPAL DEVELOPMENT DISTRICT BOARD TO HOLD A JOINT WORKSHOP WITH THE CITY COUNCIL TO DISCUSS THE FUTURE USES AND IMPROVEMENTS TO THE SWIMMING POOL AND RV PARK.

**Mayor Evans directed City Manager Cunningham to set up a joint meeting with the OMDD.**

4. REVIEW, CONSIDER AND/OR TAKE ACTION TO AUTHORIZE PURCHASE OF TWO NEW PUMPS FOR THE LIFT STATION AT THE PRISON.

ATTACHMENT 1  
RESOLUTION NO. 2015-04-23A

**RESOLUTION NO. 2015-04-23A**

A RESOLUTION OF THE OVERTON CITY COUNCIL AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF OVERTON ("THE CITY") AND THE OVERTON MUNICIPAL DEVELOPMENT DISTRICT DEVELOPMENT ("OMDD") AS APPROVED BY THE OMDD BOARD ON MARCH 12, 2015 (EXHIBIT A), AND AUTHORIZING THE EXECUTION AN AGREEMENT BETWEEN THE CITY OF OVERTON ("THE CITY") AND THE OVERTON ECONOMIC DEVELOPMENT CORPORATION ("OEDC") AS APPROVED BY THE OEDC BOARD ON APRIL 7, 2015 (EXHIBIT B), FOR THE CITY TO PROVIDE ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES TO THE OMDD AND THE OEDC.

WHEREAS, the Mayor and City Council of Overton are charged with oversight of the OMDD Board and the OEDC Board and required by law to ensure that OEDC and OMDD sales tax revenues are appropriately and properly accounted for; and

WHEREAS, the OMDD and the OEDC do not employ a full-time staff dedicated to promoting business development and economic growth within the City; however, there is a need for someone to manage some of the ministerial duties that are required from time to time; and provide financial services on a continuing basis as well as contracting legal and professional accounting services when needed; and

WHEREAS, the City has staff available to provide these functions on an as needed basis; and

WHEREAS, the OMDD met on March 12, 2015 to consider and take action on the execution of said agreement and the OEDC met on April 7, 2015 to contract with the City to provide administrative and financial support services to both Boards in return for a monthly fee as stated in said agreements.

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

The City Council of the City of Overton ratifies and approves the following duly executed agreements between the City of Overton and the OMDD (Exhibit A) and the OEDC (Exhibit B).

**APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 23<sup>RD</sup> DAY OF APRIL, 2015.**



CITY OF OVERTON

*C.K. Evans, Jr.*  
C.K. Evans, Jr., Mayor

1 of 11

ATTEST:

*Rachel Gafford*  
Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

*Blake Thompson*  
Blake Thompson, City Attorney

OMDD AND CITY JOINTLY AGREE:

- A. That all persons working for the CITY under this Agreement shall be employees of the City, subject to its exclusive management and control, and shall in no way be considered employees of the OMDD; and that any liability which might arise under the Worker's Compensation Law of the State of Texas due to any injury of any employee of the City shall be the sole liability of the City.
- B. That this contract is not assignable.
- C. That this Agreement shall continue in force and the payments hereunder shall continue until October 1, 2015, at which time it will be terminated or renewed under terms approved by the OMDD.



WITNESS OUR HANDS THIS 12<sup>th</sup> DAY OF March, 2015.

THE CITY OF OVERTON, TEXAS  
A MUNICIPAL CORPORATION

BY: [Signature]  
CR Evans, Mayor

ATTEST: [Signature]  
Charles Cunningham, City Manager

OVERTON MUNICIPAL DEVELOPMENT DISTRICT



BY: [Signature]  
Robert Heath, President of the Board

ATTEST: [Signature]  
Dennis M. Vice President/ Secretary

STATE OF TEXAS )  
) SS.  
COUNTY OF RUSK )

THE STATE OF TEXAS §  
COUNTY OF RUSK §

This instrument was acknowledged before me on the 12<sup>th</sup> day of March, 2015, by CR  
Evans, Mayor, authorized representative for the City of Overton.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS  
Rachel F. Gafford  
Printed Name

My Commission Expires: 06/22/2017

THE STATE OF TEXAS §  
COUNTY OF RUSK §

This instrument was acknowledged before me on the 12<sup>th</sup> day of March, 2015, by  
Charles Cunningham, City Manager, authorized representative for the City of  
Overton.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS  
Rachel F. Gafford  
Printed Name

My Commission Expires: 06/22/2017

WITNESS OUR HANDS THIS 13<sup>th</sup> DAY OF April, 2015.

FOR:

OVERTON ECONOMIC DEVELOPMENT CORPORATION A NONPROFIT CORPORATION

BY:   
Philip Cox, President of the Board

ATTEST:  
  
Jeannie Barber, Executive Secretary

THE STATE OF TEXAS §  
COUNTY OF RUSK §

This instrument was acknowledged before me on the 13<sup>th</sup> day of April, 2015, by Philip Cox, President of the Board, authorized representative for the Overton Economic Development Corporation.



  
Rachel F. Gafford  
Notary Public, State of Texas  
Printed Name: Rachel F. Gafford  
My Commission Expires: 06/22/2017

THE STATE OF TEXAS §  
COUNTY OF RUSK §

This instrument was acknowledged before me on the 13<sup>th</sup> day of April, 2015, by Jeannie Barber, Executive Secretary, authorized representative for the Overton Economic Development Corporation.



  
Rachel F. Gafford  
Notary Public, State of Texas  
Printed Name: Rachel F. Gafford  
My Commission Expires: 06/22/2017

- B. Be responsible for the management of administrative support functions including but not limited to finance, accounting, project management, preparation of required annual reports including an Annual Budget, contracting legal and annual audit services, all carried out under the terms of this Agreement.
- C. To the extent allowed by law, indemnify the OEDC and hold it harmless from any and all claims, suits, demands and causes of action resulting from the acts or failure to act on any agent, servant or employee of the City, or any other person pursuant to this Agreement.
- D. Provide a monthly report within thirty (30) days of the ending of each month showing the activity of the OEDC hereunder and specifically listing the expenditure of the funds provided hereunder, showing the vendor's name; the item or service purchased; a short explanation; and the dollar amount.
- E. Make its books and financial records concerning the funds expended under this Agreement available to the OEDC for inspection and review and audit. The City will, as a part of its financial services to the OEDC, provide an annual report and accounting of all expenditures of the OEDC.

2. THE OEDC WILL:

Compensate the CITY for services rendered pursuant this Agreement in the sum of one thousand (\$1,000.00) per month, for the term of this Agreement payable in six (6) monthly installments, such funds to be expended only under the terms, conditions and restrictions and for the purposes specifically set forth in this Agreement. Payments shall be conditioned upon the OEDC's timely receipt of these reports of the CITY set forth in items D and E above.

3. OEDC AND CITY JOINTLY AGREE:

- A. That all persons working for the CITY under this Agreement shall be employees of the City, subject to its exclusive management control, and shall in no way be considered employees of the OEDC, and that any liability which might arise under the Worker's Compensation Law of the State of Texas due to any injury of any employee of the City shall be the sole liability of the City.
- B. That this contract is not assignable
- C. That this Agreement shall continue in force and the payments hereunder shall continue until September 30, 2015. The Agreement may be terminated by either party with thirty (30) days written notice.

ATTACHMENT 2  
RESOLUTION NO. 2015-04-23B

RESOLUTION NO. 2015-04-23B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AUTHORIZING EXECUTION OF AN ADDENDUM TO AN ENGAGEMENT LETTER DATED JANUARY 21, 2014 BETWEEN THE CITY OF OVERTON ("CITY") AND PROTHRO WILHELM AND COMPANY P.L.L.C ("CPA") THAT DEFINES WORK TO BE DONE TO COMPLETE AUDIT WORK ON CITY'S FINANCIAL STATEMENTS FOR THE PERIOD ENDING SEPTEMBER 30, 2011 IN AN ESTIMATED AMOUNT OF \$8,500.

**ADDENDUM TO AN AGREEMENT BETWEEN CITY OF OVERTON AND PROTHRO WILHELM AND COMPANY P.L.L.C**

This is an Addendum to an Agreement, made and entered into, by and between, **CITY OF OVERTON ("CITY") AND PROTHRO WILHELM AND COMPANY P.L.L.C ("CPA")**.

**WITNESSETH:**

**WHEREAS**, CITY executed an engagement letter with CPA on January 21, 2014 for CPA to conduct an audit of CITY's Financial Statements for the period ending September 30, 2012; and

**WHEREAS**, CPA has determined that an additional 80 hours will be needed to complete the audit at a total cost estimated \$8,500; and

**WHEREAS**, CITY is absolutely required to have the audit completed as expeditiously as possible; and

**WHEREAS**, CPA has prepared an "Engagement Letter Addendum" as shown in Exhibit A which is attached hereto and incorporated herein for all purposes.

**NOW, THEREFORE, BE IT AGREED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT:**

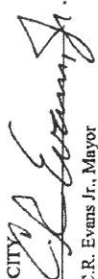
The Mayor is granted authority to execute the "Engagement Letter Addendum" as it appears in EXHIBIT A, attached; and

that invoices submitted by the CPA for payment as work proceeds, shall be approved for payment by the City Manager; and

that the Addendum contains all of the understandings and agreements between the parties with respect to the subject matter hereof, and the terms and conditions of the agreement may be changed only by written amendments agreed to by both parties and shall be construed in accordance with and governed by the laws of the State of Texas; and

that the Original engagement letter and this addendum contain the entire Agreement between CPA and CITY and any other agreements or representations between the parties hereto not expressly set forth in said Agreement documents are null and void and of no force and effect.

IN WITNESS WHEREOF THIS AGREEMENT IS ENTERED INTO ON THIS 23<sup>rd</sup> DAY OF APRIL, 2015.

FOR CITY  
BY:   
C.R. Evans Jr., Mayor



ATTEST:  
  
Charles L. Cunningham, City Manager

ATTACHMENT 3  
ORDINANCE NO. 2015-04-23A

**ORDINANCE NO. 2015-04-23B**

**AN ORDINANCE OF THE OVERTON CITY COUNCIL ADDING TITLE III, CHAPTER 33, SECTION 60 TO THE CITY OF OVERTON CODE OF ORDINANCES; PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE OF \$3.00 AGAINST ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION, AND AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN.**

WHEREAS, Article 102.017 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Building Security Fund  
NOW THEREFORE, BE IT ORDAINED BY THE OVERTON CITY COUNCIL, Title III, Chapter 33, Section 60, of the Code of Ordinances, of Overton, Texas is to read as follows:

**SECTION 1: ESTABLISHMENT OF MUNICIPAL COURT BUILDING SECURITY FUND**

- A. There is hereby created and established a Municipal Court Building Security Fund, herein known as the "fund" pursuant to Article 102.017 of the Code of Criminal Procedure.
- B. The fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

**SECTION 2: ESTABLISHMENT OF AN AMOUNT OF THE FEE, ASSESSMENT AND COLLECTION THEREOF;**

- A. The Municipal Court Building Security Fee, herein known as the "fee" shall be in the amount of \$3.00.
- B. The fee shall be assessed and collected from the defendant upon conviction of a misdemeanor offense in the Municipal Court of the City of Overton, Texas as a cost of court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.

C. A person is considered to have been convicted in a case if:

- (1) Judgment, sentence, or both are imposed on the person;
- (2) The person is placed on deferred disposition; or
- (3) The Court defers final disposition or imposition of the judgment and sentence.

D. The fee shall be collected on convictions of an offense committed on or after July 18, 2002 (of for convictions on offenses committed on or after Ordinance 2014-07-29A is adopted).

E. The Municipal Court Clerk is hereby authorized and required to collect the fee and pay same to the Treasurer of the City of Overton, Texas who shall deposit the fee into the Municipal Court Building Security Fund. All fees so collected and paid over to the Treasurer of the City of Overton; Texas shall be segregated in the Fund.

**SECTION 3: DESIGNATED USE OF THE FUND AND ADMINISTRATION**

A. The Fund shall be used only for the purpose of financing the purchase of security devices and/or service for the building or building housing the Municipal Court of the City of Overton, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d-1) of the Code of Criminal Procedure.

B. The Fund shall be administered by and under the direction of the City Council of the City of Overton, Texas.

**SECTION 4: SEVERABILITY**

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Overton, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

**SECTION 5: REPEALING CONFLICT**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.



ATTACHMENT 4  
ORDINANCE NO. 2015-04-23B

**ORDINANCE NO. 2015-04-23A**

**AN ORDINANCE OF THE OVERTON CITY COUNCIL REPEALING AND REPLACING ALL OF TITLE III, CHAPTER 33, SECTIONS 50, 51, 52 AND 53 - MUNICIPAL COURT TECHNOLOGY FUND (EXHIBIT A); WITH THE ORDINANCE AS PROVIDED BELOW, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE OF \$4.00 AGAINST ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN.**

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund.

NOW THEREFORE, BE IT ORDAINED BY THE OVERTON CITY COUNCIL, Title III, Chapter 33, Section 50, of the Code of Ordinances, of Overton, Texas is to read as follows:

SECTION 1: ESTABLISHMENT OF MUNICIPAL COURT TECHNOLOGY FUND

- A. There is hereby created and established a Municipal Court Technology Fund, herein known as the "Fund" pursuant to Article 102.0172 of the Code of Criminal Procedure.
- B. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

SECTION 2: ESTABLISHMENT OF THE AMOUNT OF THE FEE AND ASSESSMENT AND COLLECTION

- A. The Municipal Court Technology fee, herein known as the "fee" shall be in the amount of \$4.00.
- B. The fee shall be assessed and collected from the Defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:
  - (1) Judgment, sentence, or both are imposed on the person;
  - (2) The person is placed on deferred disposition; or
  - (3) The court defers final disposition or imposition of the judgment and sentence.

C. The fee shall be collected on convictions of an offense committed on or after July 18, 2002 (of for convictions on offenses committed on or after Ordinance 2014-07-29A is adopted).

D. The Municipal Court Clerk shall collect the fee and pay the fee to the Municipal Treasurer of the City of Overton, Texas who shall deposit the fee into the Municipal Court Technology Fund.

SECTION 3: DESIGNATED USE OF THE FUND AND ADMINISTRATION

A. The Fund shall be used only for the purpose of financing the purchase of or to maintain technical enhancement for the Municipal Court of the City of Overton, Texas. "Technical Enhancement" shall include any and all items described in Article 102.0172(d) of the Code of Criminal Procedure.

B. The Fund shall be administered by or under the direction of the City Council of the City of Overton, Texas.

SECTION 4: SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portion of this ordinance of the application hereby shall remain in effect, it being the intent of the City Council of the City of Overton, Texas in adopting this ordinance that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 5: REPEALING CONFLICT

All ordinance and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6: PUBLISHING AND EFFECTIVE DATE

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. This ordinance shall become effective in accordance with state law upon passage, but not earlier than September 1, 1999.

SECTION 7: ADMINISTRATION OF FUND

The purpose of the use of any funds remaining in the fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

PRESENTED AND APPROVED ON THIS 23RD DAY OF APRIL, 2015 BY A VOTE OF 5 AYES, 0 NAYS, 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

- (5) imaging systems;
- (6) electronic kiosks;
- (7) electronic ticket writers; and
- (8) docket management systems.