

**SPECIAL CALLED CITY COUNCIL MEETING**  
**August 27, 2015**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **August 27, 2015** AT 7:00 P.M. IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor  
Philip Cox, Mayor Pro Tem  
Pat Beets (arrived at 7:06 p.m.)  
Jerry Clark  
John Posey  
Lawrence Davis

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary and Clyde Carter, Chief of Police representing staff, and Mathew Hodges representing the public.

**I. CALL TO ORDER** – Mayor Evans called the meeting to order by at 7:00 p.m.

1. Invocation was given by Councilman Davis
2. Pledge of Allegiance was led by Councilman Posey

**II. CITIZEN FORUM**

None

**III. CONSENT AGENDA**

1. Approval of minutes of the regular called Council meeting held on **August 20, 2015**.
2. Hear, consider and act upon **Resolution No. 2015-08-27A**, A Corporate Resolution to authorize the deletion and addition of signers on the City's, Citizens National Bank Payroll ACH clearing account. (Attachment A)
3. Hear, consider and act upon **Resolution No. 2015-08-27B**, A Corporate Resolution to authorize the deletion and addition of signers on the City's, Citizens National Bank Customer Deposit Clearing Account. (Attachment B)
4. Hear, consider and act upon **Resolution No. 2015-08-27C**, A Corporate Resolution to authorize the deletion and addition of signers on all of the City's, Texas Bank and Trust Accounts. (Attachment C)
5. Hear, consider and act upon **Resolution No. 2015-08-27D**, A Resolution to ratify agreements approved by the Overton Economic Development Corporation (OEDC) at an August 18, 2015 for Engineering Services with KSA Engineers to perform work on improvements to the North Lake Dam; and another Agreements with Schaumburg & Polk , Inc. to perform engineering work on improvements to the Wastewater Treatment Plant. (Attachment D)

*City Manager Cunningham stated that Resolutions Numbers: 2015-08-27A (acct # XXXXXX1129) and 2015-08-27B (acct# XXXXXX4822) were required to remove Robert Young, John Edd Welch, Billy Joe Potts and Deana McCasland from the Citizens Bank Accounts and to*

*add Mayor C.R. Evans, Jr., Mayor Pro Tem Philip Cox, City Manager Charles Cunningham, City Secretary Rachel Gafford and Finance Director Pamela Raney to these bank accounts.*

*City Manager Cunningham then explained that Resolutions Number: 2015-08-27C was required to remove former Mayor Pro-Tem John Edd Welch from the Texas Bank & Trust Accounts and to add Mayor Pro Tem Philip Cox to these bank account at Texas Bank & Trust.*

*City Manager Cunningham then presented Resolution 2015-08-27D, a resolution to ratify the decision by the OEDC to move forward with KSA Engineering for the North Lake Dam Task Order Agreement and Schaumburg & Polk, Inc. for the Engineers for the Wastewater Treatment Plant projects.*

***Councilman Clark stated that on page 4 of the minutes showed that Councilman Davis had seconded the motion; it should have been Councilman Clark.***

***Councilman Davis stated that on page 2 of the minutes there was the following line that needed to be removed "Councilman Davis asked if the stolen bicycle on Kingsway was solved", this comment was from a previous meeting.***

**Councilman Clark made a motion to approve the consent agenda items with corrections as mentioned to the August 20, 2015 minutes. Councilman Posey seconded the motion.**

**Mayor Evans called for discussion; no discussion.**

**Mayor Evans called for a vote. Motion carried 5 – 0.**

#### **IV. OPEN PUBLIC HEARING - Mayor Evans opened the Public Hearing at 7:11 p.m.**

1. Receive public comments regarding a 2015-2016 Ad Valorem Tax Levy Ordinance; and Proposed 2015 Property Tax Rate. **Draft - Ordinance No. 2015-09-17B**, An Ordinance Levying *Ad Valorem* Taxes For The Maintenance and Operation of the Municipal Government of the City Of Overton for the 2015-2016 fiscal year; and providing for the Interest and Sinking Fund for the 2015 Tax Year.

a) Staff Report

*City Manager Cunningham presented Draft Ordinance No. 2015-09-17B.*

b) Citizen's comments

*No public comments received*

2. Receive public comments regarding **Ordinance No. 2015-09-17C** an Ordinance that would levy an *Ad Valorem* Taxes for the Maintenance and Operation of the City of Overton Municipal Cemetery for the 2015-2016 fiscal year.

a) Staff Report

*City Manager Cunningham presented Draft Ordinance No. 2015-09-17B.*

b) Citizen's comments

*No public comments received*

**CLOSE PUBLIC HEARING** - *Mayor Evans closed the public hearing at 7:16 p.m.*

**V. EXECUTIVE SESSION** –

*Council convenes in an Executive Session at 7:16 p.m.*

1. City Council to adjourn to executive session to review, consider and take action to establish negotiating parameters with respect to reimbursement of costs by the Billy Moore as pursuant to Subchapter D, Section 551.071 (A) (B) Consultation with City Attorney regarding negotiations on a settlement offer and possible pending or contemplated litigation.

*Council reconvened in open session at 7:54 p.m.*

**RECONVENE IN OPEN SESSION**

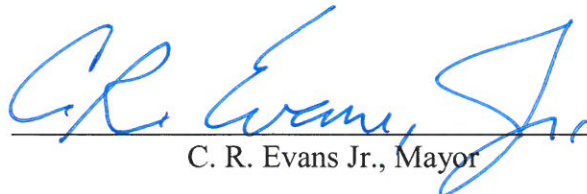
*No Action was taken by City Council from Executive Session*

**ADJOURNMENT**

**Mayor Pro Tem Cox made a motion that the meeting be adjourned.  
Councilman Clark seconded the motion. Motion carried 5 – 0**

With no further business, the meeting was adjourned at 8:00 P. M.

Minutes approved and submitted and/or corrected this 27<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
C. R. Evans Jr., Mayor

Attested by:

  
\_\_\_\_\_  
Rachel Gafford, City Secretary



ATTACHMENT A

**RESOLUTION NO. 2015-08-27A**  
**CORPORATE AUTHORIZATION RESOLUTION**

C.N.B. - OVERTON BRANCH  
 307 S. COMMERCE ST.  
 OVERTON, TEXAS 75684

CITY OF OVERTON  
 1200 S. COMMERCE ST  
 OVERTON, TEXAS 75684

Referred to her within as "Financial Institution"

Referred to here within as "Corporation"

I, Rachel Gafford certify that I am the Secretary (clerk) of the above named Corporation organized under the laws of the State of Texas, Federal Employer I. D. Number \_\_\_\_\_, engaged in business under the trade name of City of Overton, Texas, and that the Resolution on this document is a correct copy of the Resolution adopted at a meeting of the Board of Directors (City Council) of the Corporation duly and properly called and held on August 27, 2015. This Resolution appears in the minutes of this meeting and has not been rescinded or modified.

AGENTS: Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Faesimile Signature
A. C.R. Evans Jr., Mayor		
B. Philip Cox, Mayor Pro Tem		
C. Charles Cunningham, City Mgr.		
D. Rachel Gafford, City Secretary		
E. Pam Raney, Financial Director		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agents signatures required to exercise the power.

A, B, C, D, E	Description of Power	Signatures Required
A, B, C, D	(1) Exercise all of the powers listed in this resolution	2
A, B, C, D, E	(2) Open any deposit or share account(s) in the name of the corporation	2
A, B, C, D, E	(3) Endorse checks and orders for the payments of money or otherwise withdraw or transfer funds on deposits with this Financial Institution	1
A, B, C, D	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences or indebtedness.	2
A, B, C, D	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payments of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest, and notice of non-payment	2
A, B, C, D	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	2
	(7) Other.	

LIMITATIONS OF POWERS: The following are the Corpor under this resolution. NONE

EFFECT ON PREVIOUS RESOLUTIONS: This resolution supersedes all previous resolutions.  
 CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation (City Council) resolution had, full power and lawful authority to adopt Resolution above to the persons named who have full power and lawful authority.

If checked, the Corporation is a non-profit corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

The City Council of the City of Overton has authorized the financial duties and responsibilities and shall become effective

APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE 27<sup>th</sup> DAY OF AUGUST, 2015.

CF

CF

ATTEST:

In Witness Whereof, I have subscribed my name to this document the Corporation on this the 27<sup>th</sup> day of August, 2015

Rachel Gafford, City Secretary

ATTACHMENT B

RESOLUTION NO. 2015-08-27B

CORPORATE AUTHORIZATION RESOLUTION

BY

C.N.B. – OVERTON BRANCH  
 307 S. COMMERCE ST.  
 OVERTON, TEXAS 75684

Referred to her within as: "Financial Institution"

Referred to here within as: "Corporation"

I, Rachel Gafford, certify that I am the Secretary (clerk) of the above named Corporation organized under the laws of the State of Texas, Federal Employer I. D. Number: \_\_\_\_\_ engaged in business under the trade name of City of Overton, Texas, and that the Resolution on this document is a correct copy of the Resolution adopted at a meeting of the Board of Directors (City Council) of the Corporation duly and properly called and held on August 27, 2015. This Resolution appears in the minutes of this meeting and has not been rescinded or modified.

AGENTS: Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Facsimile Signature
A. C.R. Evans, Jr., Mayor		
B. Philip Cox, Mayor Pro Tem		
C. Charles Cunningham, City Mgr.		
D. Rachel Gafford, City Secretary		
E. Pam Raney, Financial Director		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agents signatures required to exercise the power.

A, B, C, D, E	Description of Power	Signatures Required
A, B, C, D	(1) Exercise all of the powers listed in this resolution	2
A, B, C, D, E	(2) Open any deposit or share account(s) in the name of the corporation	2
A, B, C, D, E	(3) Endorse checks and orders for the payments of money or otherwise withdraw or transfer funds on deposits with this Financial Institution	1
A, B, C, D	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	2
A, B, C, D	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payments of all bills received, negotiated or discounted and to waive demand, prepayment, protest, notice of protest, and notice of non-payment	2
A, B, C, D	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	2
	(7) Other:	

LIMITATIONS OF POWERS: The following are the Corporation's express limitations on the powers granted under this resolution. NONE

EFFECT ON PREVIOUS RESOLUTIONS: This resolution supersedes resolution dated October 16, 2008.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation (City Council) has, and at the time of adoption of this resolution had, full power and lawful authority to adopt Resolution 2015-08-27A, and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same.

If checked, the Corporation is a non-profit corporation.

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

The City Council of the City of Overton has authorized the Agents listed here within this resolution to have the financial duties and responsibilities and shall become effective the date of adoption of the Corporate Resolution.

APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 27<sup>th</sup> DAY OF AUGUST, 2015.

CITY OF OVERTON

C.R. Evans, Jr., Mayor

ATTEST:

In Witness Whereof, I have subscribed my name to this document and affixed the Seal of the Corporation on this the 27<sup>th</sup> day of August, 2015



Rachel Gafford, City Secretary

ATTACHMENT C

RESOLUTION NO. 2015-08-27C  
CORPORATE AUTHORIZATION RESOLUTION

TEXAS BANK AND TRUST  
155 EAST HENDERSON  
OVERTON, TEXAS 75684  
Referred to her within as "Financial Institution"

BY  
CITY OF OVERTON  
1200 S. COMMERCE ST  
OVERTON, TEXAS 75684  
Referred to here within as "Corporation"

I, **Rachel Gafford** certify that I am the Secretary (clerk) of the above named Corporation organized under the laws of the State of Texas, Federal Employer I. D. Number --, engaged in business under the trade name of City of Overton, Texas, and that the Resolution on this document is a correct copy of the Resolution adopted at a meeting of the Board of Directors (City Council) of the Corporation duly and properly called and held on **August 27, 2015**. This Resolution appears in the minutes of this meeting and has not been rescinded or modified.

AGENTS: Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Facsimile Signature
A. C.R. Evans, Jr., Mayor		
B. Phillip Cox, Mayor Pro Tem		
C. Charles Cunningham, City Mgr.		
D. Rachel Gafford, City Secretary		
E. Pam Roney, Financial Director		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area below each power. Following each power indicate the number of Agents signatures required to exercise the power.

A, B, C, D, E	Description of Power	Signatures Required
A, B, C, D	(1) Exercise all of the powers listed in this resolution	2
A, B, C, D, E	(2) Open any deposit or share account(s) in the name of the corporation	2
A, B, C, D, E	(3) Endorse checks and orders for the payments of money or otherwise withdraw or transfer funds on deposits with this Financial Institution	1
A, B, C, D	(4) Borrow money on behalf and in the name of the Corporation, to secure and deliver promissory notes or other evidences or indebtedness.	2
A, B, C, D	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payments of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest, and notice of non-payment	2
A, B, C, D	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	2
	(7) Other:	

LIMITATIONS OF POWERS: The following are the Corporation's express limitations on the powers granted under this resolution. NONE

EFFECT ON PREVIOUS RESOLUTIONS: This resolution supersedes resolution dated **May 5, 2014**.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation (City Council) has, and at the time of adoption of this resolution had, full power and lawful authority to adopt Resolution 2015-08-27A, and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same.

If checked, the Corporation is a non-profit corporation.

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

The City Council of the City of Overton has authorized the Agents listed here within this resolution to have the financial duties and responsibilities and shall become effective the date of adoption of the Corporate Resolution. APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 27<sup>th</sup> DAY OF AUGUST, 2015.

CITY OF OVERTON

C.R. Evans, Jr., Mayor

ATTEST:

In Witness Whereof, I have subscribed my name to this document and affixed the Seal of the Corporation on this the 27<sup>th</sup> day of August, 2015



Rachel Gafford, City Secretary



ATTACHMENT D

RESOLUTION NO: 2015-08-27D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, A RESOLUTION TO RATIFY AGREEMENTS APPROVED BY THE OVERTON ECONOMIC DEVELOPMENT CORPORATION (OEDC) ON AUGUST 18, 2015 FOR ENGINEERING SERVICES WITH KSA ENGINEERS TO PERFORM WORK ON IMPROVEMENTS TO THE NORTH LAKE DAM; AND ANOTHER AGREEMENT WITH SCHAUMBURG & POLK, INC. TO PERFORM ENGINEERING WORK ON IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT.

THE STATE OF TEXAS §
COUNTY OF RUSK §

WHEREAS, the Overton Economic Development Corporation(OEDC) met on August 18<sup>th</sup> 2015 to consider an Agreement with KSA Engineers to provide engineering services for a construction project appearing as Proposition #3 on the May 9<sup>th</sup>, 2015 Special Election ballot; and

WHEREAS, after careful consideration of both proposals from the respective Engineering firms, to perform the work, the OEDC Board voted to approve both Agreements by votes of 5-0; and

WHEREAS, the City Council of the City of Overton previously agreed to the use of OEDC Sales tax funds for Proposition #3 on the May 19<sup>th</sup>, Special Election ballot, to wit "for North Overton Lake dam improvements that will stabilize the slide area and reinforce the embankment on the west end of the dam to prevent further erosion and possible breaching. Total costs of Engineering Services not to exceed \$77,000.00; and

WHEREAS, the City Council of the City of Overton previously agreed to the use of such funds for Proposition #5 on the May 19<sup>th</sup>, Special Election ballot, to wit "for Wastewater Treatment Plant Improvements to upgrade the Clarifier and Weirs, and upgrade Chlorine Contact Chamber at the Wastewater Treatment Plant. Total costs of Engineering Services not to exceed \$25,000.00.

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

Section 1: The City Council of the City of Overton ratifies and approves the action taken by the OEDC to enter into the Agreement with KSA Engineers for the work associated with "PROPOSITION # 3", for North Overton Lake dam improvements that will stabilize the slide area and reinforce the embankment on the west end of the dam to prevent further erosion and possible breaching. Services provided under the Agreement to not exceed, \$77,000.00.

Section 2: The City Council of the City of Overton ratifies and approves the action taken by the OEDC to enter into the Agreement with Schaumburg & Polk Inc. for the work associated with "PROPOSITION # 5", for Wastewater Treatment Plant Improvements to upgrade the Clarifier and Weirs, and upgrade Chlorine Contact Chamber at the Wastewater Treatment Plant. Total costs of Engineering Services not to exceed \$25,000.00.

APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 27<sup>TH</sup> DAY OF AUGUST, 2015.

CITY OF OVERTON

[Signature of C.R. Evans, Jr.]
C.R. Evans, Jr., Mayor

ATTEST:

[Signature of Rachel Gafford]
Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

[Signature of Blake Thompson]
Blake Thompson, City Attorney

