

**REGULAR CALLED CITY COUNCIL MEETING**  
**December 17, 2015**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **DECEMBER 17, 2015** AT 7:00 P.M. PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

**PRESENT:**

C. R. Evans Jr., Mayor  
Philip Cox, Mayor Pro Tem  
Jerry Clark  
Lawrence Davis  
John Posey

**ABSENT:**

Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Chief of Police representing staff. Gwen Hatter representing the applicant, Dudley Hickman and Michael Paul Williams 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 Clark.

**II. CITIZEN FORUM**

None

**III. CITIZEN REQUEST**

1. Gwen Hatter, P. O. Box 25, Overton, TX requests that the Application Fee of \$150.00 fee be waived and refunded for ZBA2015-01 2105 E. FM 850\_Special Exception to locate an Manufactured Home on her parents property.

*City Secretary Gafford gave a brief presentation on behalf of Gwen Hatter requesting that the application fee for the Special Exception be waived and refunded to Ms. Hatter to help offset her utility connection expenses.*

**Mayor Pro Tem Cox made a motion to table Item III.1 until the Special Exception case information and decision had been made.**

**Councilman Davis seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0, Councilman Beets absent.**

2. Dudley E. Hickman, 610 Garland St, Overton, TX requests that § 84.13 of the City of Overton Code of Ordinances regarding Location of Sexually Oriented Businesses be revised.

*Dudley Hickman stated that he would like City Council to revise the City of Overton's Sexually Oriented Business existing regulations regarding the distance requirements for the location of a*

*Sexually Oriented Business from residential areas, schools and churches. He requested that the Council consider increasing the distance requirement to 2,500 feet. Mr. Hickman also requested that a revision be made to the City's ordinance that prohibited the sale or consumption of alcoholic beverages on the premises of Sexually Oriented Business.*

**Councilman Posey made a motion to direct staff to submit an amendment to the City's existing Sexually Oriented Business ordinance for the Council to consider that would increase the distance requirement between a Sexually Oriented Business' and residential properties, Churches, Day Care or Child Care Centers, and Public or Private Schools to the maximum amount allowed by law and to prohibit the sale and consumption of alcohol on the premises of a Sexually Oriented Business.**

**Councilman Clark seconded the motion**

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

**Mayor Evans called for a vote.**

**Motion carried 4 – 0, Councilman Beets absent.**

#### **IV. CONSENT AGENDA**

1. Approval of the minutes of the regular Council meeting held on **November 19, 2015.**
2. City Council to consider the appointment of Christopher Laws to the Overton Economic Development Corporation to fill vacancy on the board with the term expiration of 9/30/2017.

**Councilman Davis made a motion to approve Consent Agenda items as submitted.**

**Councilman Posey seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried 4-0; Councilman Beets absent.**

#### **V. OLD BUSINESS**

1. Present revised meeting schedule for the City Council as updated December 11, 2015.

*City Manager Cunningham presented the updated meetings schedule.*

**Mayor Evans stated that he wanted to wish everyone a Merry Christmas as this would be the last meeting for 2015.**

2. Hear and/or consider action on ORDINANCE No. 2016-12-17A; an Ordinance of the City Council of the City of Overton, Texas; amending Chapter 86 of the Overton Code of Ordinances; regulating the location of establishments selling alcoholic beverages; regulating hours during which all alcoholic beverages, including mixed beverages, may be sold; prohibiting consumption of alcoholic beverages in city facilities; providing for a penalty of up to \$2,000.00; amending Ordinance No: 2014-07-29B Appendix "A" City of Overton Schedule of Fees; providing a severability clause, providing for publication and an effective date.

*City Manager Cunningham presented the revisions made to Ordinance No. 2015-12-17A. Cunningham stated that he had provided some information on the distance requirements from a public school as to why the School Board could not recommend the increase of the distance requirement to 1,000 feet because that provision is only authorized for cities with a population of 900,000 or more.*

**Mayor Pro Tem Cox made a motion to approve Ordinance No. 2015-12-17A with the removal of Section 86.10 (c).**

**Councilman Posey seconded the motion.**

**Mayor Evans called for Discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-1-0; Councilman Davis opposed, Councilman Beets absent. (Attachment 1)**

**VI. OPEN PUBLIC HEARING – Mayor Evans opened the public hearing at 7:45 p.m.**

1. The City Council acting as the Zoning Board of Adjustment; to hear public comment regarding Gwen Hatter's request, on behalf of Aline Hatter, for a Special Exception to the City of Overton Zoning Ordinance Zoning Regulations, Section 15 Agricultural Zoning District (AO) and Section 29 Allowable Land Use Table. Specifically the applicant is seeking a Special Exception from the Zoning Ordinance Regulation which does not allow a Manufactured Home to be located in an Agricultural Zoning District (AO) The subject property is legally described as Abstract 732 J Smith Survey, City of Overton, Rusk County, Texas and is more commonly referred to as 2105 E FM 850 (Humbleway), Overton, Texas. The subject property has had previous water service addresses of 2105 E FM 850 and 2109B E FM 850, Overton, Texas.

*City Secretary Gafford presented staff report.*

*No public comments made.*

2. City Council to hear public comment regarding first reading of ORDINANCE NO. 2016-01-21A; an Ordinance of the City Council of the City of Overton, Texas; an ordinance amending Ordinance No. 2014-10-07A Chapter 96 City of Overton Zoning Ordinance; Section 29; Part VI – Land Use Schedule and Section 30 Land Use Definitions of the City of Overton Code of Ordinance, providing for a penalty of up to \$500.00, a repealer, a severability clause, providing for publication and an effective date.

*City Secretary Gafford presented staff report.*

*No public comments made.*

3. City Council to hear public comment regarding first reading of ORDINANCE NO. 2016-01-21B; an Ordinance of the City Council of the City of Overton, Texas; repealing the following sections of the City of Overton Code of Ordinances; Chapter

90, Section 90.01 Building Code; Chapter 90, Section 90.10 National Electric Code, Chapter 72, Section 72.20 Fire Prevention, Chapter 90, Section 90.60 Fuel and Gas, Chapter 90, Section 90.50 Mechanical Code, Chapter 90, Section 90.40 Plumbing Codes; updating and adopting various standard codes as listed below herein relating to the construction and inspection activities of the City of Overton, Texas, and enforcement of building provisions as provided in said codes; containing a severability clause, providing for a penalty for a penalty as defined by Appendix B "SCHEDULE OF FINES" OF THE Overton Code of Ordinances for violation of this ordinance and providing for publication and an effective date.

*City Secretary Gafford presented staff report. Gafford stated that the City had hired a retired Building Official (contract labor) from the City of Longview to review this Ordinance and to make recommended changes, repealed sections of these codes and added appendices; therefore, we expect a few changes to the ordinance that will be presented in January for the second reading and adoption.*

*Dudley Hickman, 610 Garland St., asked if the adoption of this ordinance would allow for the City to tear down all these old dilapidated houses.*

*City Secretary Gafford responded that the existing Dangerous Structure Ordinance provides the authority, processes and procedures to allow for the City to demolish dilapidated houses that are in violation of this Ordinance. The Code Enforcement Officer has been working on these structures with some success. However, the City does not currently have the funds to raze these structures so staff is trying to get the property owners to demolish these old dilapidated structures.*

**OPEN PUBLIC HEARING: Mayor Evans closed the public hearing at 8:06 p.m.**

## **VII. NEW BUSINESS**

1. The City Council acting as the Zoning Board of Adjustment; take action regarding Gwen Hatter's request, on behalf of Aline Hatter, for a Special Exception to the City of Overton Zoning Ordinance Zoning Regulations, Section 15 Agricultural Zoning District (AO) and Section 29 Allowable Land Use Table. Specifically the applicant is seeking a Special Exception from the Zoning Ordinance Regulation which does not allow a Manufactured Home to be located in an Agricultural Zoning District (AO) The subject property is legally described as Abstract 732 J Smith Survey, City of Overton, Rusk County, Texas and is more commonly referred to as 2105 E FM 850 (Humbleway), Overton, Texas. The subject property has had previous water service addresses of 2105 E FM 850 and 2109B E FM 850, Overton, Texas.

*City Secretary Gafford stated that staff recommended approval of ZBA2015-01.*

**Councilman Posey made a motion to grant the special exception for a Manufactured Home to be located at 2105 E FM 850.**

**Mayor Pro Tem Cox seconded the motion.**

**Mayor Evans called for discussion.**

*Councilman Posey stated that he appreciated Ms. Hatter's willingness to clean up the property.*

**Mayor Evans called for a vote.**

**Motion carried 3 – 0 – 1. Councilman Davis abstained, Councilman Beets absent.**

*Mayor Evans stated that he would now like to return to Item III.1; but he would need a motion to remove the item from the table.*

**Mayor Pro Tem Cox made a motion to recall Item III.1 from the table:**

*Gwen Hatter, P. O. Box 25, Overton, TX requests that the Application Fee of \$150.00 fee be waived and refunded for ZBA2015-01 2105 E. FM 850\_Special Exception to locate an Manufactured Home on her parents property*

**Councilman Clark seconded the motion.**

*City Secretary Gafford stated that Ms. Hatter had already paid for the water deposit and connection fee when it was discovered that she had moved the manufactured home in without having been granted a Special Exception from the Zoning Board of Adjustment. Gafford also stated that during staff researching back into the Temporary Variance granted to Ms. Hatter in 2002 it was discovered in the old Utility Billing software that her previous account had been closed with a delinquent balance of \$293.00. Ms. Hatter's previous deposit of \$75, plus the \$200.00 deposit that she paid was applied to the delinquent balance. Ms. Hatter is requesting the refund to be able to pay off the delinquent balance due, and put toward her water account deposit for the manufactured home if the Special Exception was granted tonight.*

**Mayor Pro Tem Cox made a motion to grant the application fee refund to Ms. Hatter.**

**Councilman Posey seconded the motion.**

**Mayor Evans called for discussion. No discussion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0. Councilman Beets absent.**

2. Hear and/or consider action regarding RESOLUTION NO. 2015-12-17A: a Resolution of the City Council of the City of Overton, Texas authorizing the issuance of Request for Qualifications (RFQ) from firms that can adequately demonstrate they have the resources, experience and qualifications to fulfill the role of Engineering Consultant to the City.

*City Manager Cunningham presented Resolution No. 2015-12-17A requesting Council's approval to issue the Request for Qualifications to hire an Engineering Consultant for future projects for the City, OMDD and OEDC.*

**Mayor Pro Tem Cox made a motion to approve Resolution No. 2015-12-17A.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion.**

*Mayor Pro Tem Cox stated that the idea of contracting with one Engineer to assess all the issues around the City and provide a priority list of improvements for the Council to consider and gather funding for.*

*Councilman Davis stated that he was excited as he read through the RFQ.*

*Councilman Posey asked if this would allow the Council to ask for rates and quotes from several companies.*

*City Manager Cunningham responded yes.*

**Mayor Evans called for a vote.**

**Motion carried 4 – 0. Councilman Beets absent. (Attachment 2)**

3. Hear and/or consider recommendation from the City Manager to create an *ad hoc* Engineering Consultant Selection Committee consisting of two members of the City Council, two members of the Overton Economic Development Corporation Board and two members of the Overton Municipal Development District.

City Manager Cunningham presented the idea of nominating two (2) council members to the selection committee. Cunningham stated that it would probably need to have 3 or 4 meetings; most of these meetings could be after hours except for the interviews.

Councilman Clark stated that he thinks that Charles Cunningham should be on the committee.

City Manager Cunningham stated that he would take an advisory part of the committee and would be in on all the meetings and the interviews to prompt questions and to add input.

*Councilman Clark stated that he would like to see John Posey and Philip Cox appointed to the Engineering Consultant selection committee.*

*Councilman Posey stated that if Council appointed two people and then EDC appointed Philip Cox would that not be a quorum and be subject to the open meetings act?*

*City Secretary Gafford stated that we would just need to post a notice of possible quorum for each of the meetings.*

*Councilman Posey stated that he thought it might be a good idea to appoint 2 members and an alternate just in case someone had a conflict with schedules.*

*Mayor Pro Tem Cox stated that he would like to see if anyone was willing to volunteer.*

*Councilman Davis stated that he would be willing to volunteer; however, he only has one day off a week which is typically Tuesday. But he could change that day if he had enough advance notice of the meeting.*

**Mayor Pro Tem Cox made a motion to nominate John Posey and Lawrence Davis to the selection committee and to appoint Jerry Clark as an alternate to serve in place of one of the other committee members if they are unable to serve due to other obligations.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0. Councilman Beets absent.**

4. Hear and/or consider action on ORDINANCE NO. 2015-12-17B, an Ordinance of the City Council of the City of Overton, Texas; amending Chapter 7; “ANIMAL CONTROL” OF THE OVERTON CODE OF ORDINANCES by adding a section on Vicious Animals; providing for a penalty of up to \$500.00, providing a severability clause, providing for publication and an effective date.

*City Manager Cunningham presented Ordinance No. 2015-12-17B for adoption drawing the Council’s attention to the words Vicious Animals and not just dogs; this would allow the Animal Control to use the tranquilizer gun on dogs, skunks or other vicious animals.*

*Chief Carter stated that the current traps they have been using are not working to catch this influx of stray dogs that we have been dealing with. The proposed ordinance would authorize the purchase of a tranquilizer gun to be purchased and used on these and other animals to subdue these animals so that they can be caged.*

***Councilman Davis stated that he saw in the notes that the cost of the Tranquilizer Gun is \$1,000; why so much?***

*Chief Carter stated that this was a specialty gun and only one gun shop in this area deals with this type of gun. They will not mail the gun. Chemicals must be drawn up by a veterinarian and if not done properly the dosage could be lethal. Carter went on to explain that the tranquilizer meds had to be kept under lock and key and that the medicine is purchased from a veterinarian in the amounts needed by weight of the animals. We have already sent one officer for certification to be able to operate and use the tranquilizer gun.*

***Councilman Posey asked if approved, does the City’s insurance cover the City under liability if we kill an animal.***

*City Manager Cunningham stated that it would be covered under the City’s general liability policy.*

***Councilman Posey asked if the Animal Control could also use this gun on varmints.***

*Chief Carter responded yes.*

*City Manager Cunningham stated that he had written the ordinance very broadly on purpose to include skunks.*

**Mayor Pro Tem asked how long it would take to order and get the gun if Council adopted the ordinance tonight.**

*Chief Carter stated that he could get the gun as early as the next day.*

*City Secretary Gafford asked if the City would send additional officers for training.*

*Chief Carter responded that at some point and time other officers would be trained; however, the certification class costs \$400.00 each. At this time Officer Overman would be on call when needed to use the gun.*

**Mayor Pro Tem Cox made a motion to adopt Ordinance No. 2015-12-17B.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0. Councilman Beets absent. (Attachment 3)**

#### **VIII. CITY ADMINISTRATION'S MONTHLY REPORTS**

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

*City Manager Cunningham presented monthly departmental reports.*

*Cunningham stated that he wanted to update the Council on the following items:*

- *A meeting scheduled with the Prison on Tuesday, December 22, 2015 to negotiate a possible settlement on the expenses incurred earlier during the year when the prison lift station pumps had to be replaced.*
- *Public Works department had responded to a complaint from TCEQ regarding a sewer leak under a house located at the corner of Hwy 135 and McKay St. They traced the leak back and found that across the street there were three (3) lines converging into a 10" line. They had to install a manhole which the total cost of the repairs and manhole would be approximately \$12,000.*

**Councilman Davis asked where staff was on the next audit.**

*City Manager Cunningham stated that he had reconciled all the small accounts and just had to finish up the three largest accounts and then the City would be ready for the Auditors to start there field work.*

**Councilman Posey asked how many more audits needed to be completed before the City would be able to refinance the debt.**



*City Manager Cunningham stated that we needed to complete two more audits; the 2012 – 2013 and the 2013 – 2014. Cunningham stated that he is working on both of these at the same time expedite the process. Cunningham also made the remark that he anticipated being able to complete these two audits by February 2016.*

**IX. ADJOURNMENT**

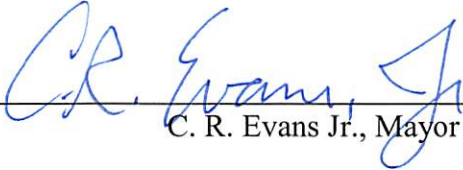
**Mayor Pro Tem made a motion that the meeting be adjourned. Councilman Posey seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried 4 – 0, Councilman Beets absent.**

With no further business, the meeting was adjourned at 9:19P. M.

Minutes approved and submitted and/or corrected this 21<sup>st</sup> day of January, 2016.

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

Attested by:

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



ATTACHMENT 1

City of Overton, TX

ORDINANCE NO. 2015-12-17A  
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**ORDINANCE #: 2015-12-17A**

AN ORDINANCE AMENDING CHAPTER 86 OF THE OVERTON CODE OF ORDINANCES; REGULATING THE LOCATION OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; REGULATING HOURS DURING WHICH ALL ALCOHOLIC BEVERAGES, INCLUDING MIXED BEVERAGES MAY BE SOLD; PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES; PROVIDING FOR A PENALTY OF UP TO \$2,000.00; AMENDING ORDINANCE NO. 2014-07-29B APPENDIX "A" CITY OF OVERTON SCHEDULE OF FEES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Texas Alcoholic Beverage Code provides that municipalities may restrict the location of establishments that sell alcoholic beverages; and

WHEREAS, the City Council finds that such restrictions promote the health, safety and welfare of persons within the City; and

WHEREAS, the Texas Alcoholic Beverage Code provides that municipalities may charge a permit fee and application inspection fee to cover its costs of administering the application and permitting process;

NOW, THEREFORE,

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

SECTION 1: THAT Chapter 86 of the Overton Code of Ordinances is hereby amended to read as follows:

CHAPTER 86: SALE AND PURCHASE OF ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES

City of Overton, TX

ORDINANCE NO. 2015-12-17A  
Page 2

DIVISION. I. GENERALLY

SEC. 86.01 PURPOSE

The purpose of alcoholic beverage regulations is to protect the public health, safety and welfare of the City's citizens.

SEC. 86.02 DEFINITIONS

For the purposes of this ordinance, all definitions of words, terms and phrases as set forth in the Texas Alcoholic Beverage Code are adopted and made a part of this Ordinance.

Business. An establishment, including but not limited to a general merchandise or food store and/or shop of any size or motor vehicle fueling station, filling or service station engaged or an establishment primarily engaged in the selling of alcoholic beverages including mixed beverages to the general public and rendering services incidental to the sale of such goods.

Church. A building which is primarily used for religious purposes by a group of persons organized for religious purposes.

Open Container. A container that is no longer sealed.

Permit. An authorization granted by the City for sale of alcoholic beverages including mixed beverages within the City.

Person. A natural or association of natural persons, trustee, receiver, partnership, corporation, limited liability company, organization or the manager, agent, servant or employee or any of them.

Private School. A parochial school shall mean a school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location.

Public. A place that is accessible to or shared by all members of the community.

Public Hospital. An establishment that:

- (1) Offers services, facilities, and beds for use for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy;
- (2) Regularly maintains, at a minimum, clinical laboratory services, diagnostic x-ray services, treatment facilities, including surgery or obstetrical care, and other definitive medical or surgical treatment of similar extent; and
- (3) Is licensed to operate as a hospital by the Texas Department of State Health Services or its successor.

**SEC. 86.03 RESERVED****DIVISION 2. PERMITS****SEC. 86.04 REQUIRED**

It shall be unlawful for any person to manufacture, distill, brew, sell and/or possess for the purpose of sale any beer, wine or other alcoholic beverage including mixed beverages, or otherwise engage in any activity for which a license or permit is required by the Texas Alcoholic Beverage Code, as amended, within the City, unless the person has a current and unrevoked permit issued by the City.

**SEC. 86.05 FEES ESTABLISHED**

- a) The city shall levy and collect one-half of the state fee collected for each permit issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.
- b) The city shall levy and collect one-half of the state fee for each license, except a temporary or agent's beer license, issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.

State Law reference— Authority for this section, V.T.C.A., Alcoholic Beverage Code § 11.38, 61.36.

- (c) Amended Fee Ordinance- ORDINANCE #: 2014-07-29B, APPENDIX "A" CITY OF OVERTON – SCHEDULE OF FEES is hereby amended to revise "Section X" as follows: The city shall levy and collect one-half of the state fee collected for each permit issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.
- (d) Exemptions. The city adopts those exemptions from the permit fee requirement as provided in the Texas Alcoholic Beverage Code, section 11.38(d).
- (e) Application and Inspection Fee. The application and inspection fee for verifying the information needed in applications and for approvals by the City shall be in the amount of \$50.00. ORDINANCE #: 2014-07-29B, APPENDIX "A" CITY OF OVERTON – SCHEDULE OF FEES is hereby amended to revise "Section X- Item 2" that establishes an Application and Inspection fee of \$50.00. APPENDIX "A" SCHEDULE OF FEES may be amended from time to time.

**SEC. 86.06 PAYMENT OF FEES**

All fees required under this Ordinance, except for the application and inspection fee, shall be paid in advance to the City Secretary for a two-year term at the same time that the state biennial fee is due and payable for each respective license and/or permit, including renewals thereof. All payments must be made by cash, cashier's check, certified check, or money order.

**SEC. 86.07 ISSUANCE OF PERMIT**

(a) The office of the City Secretary shall, in the name of the City, issue and deliver to such applicant or person a permit (a receipt evidencing payment of the fee(s) shall be sufficient proof of a city permit) to engage in a business that sells alcoholic beverages including mixed beverages within the City of the character described in and authorized by the state permit held by such applicant or person. This permit issued in the name of the City shall authorize the conduct of such business upon the premises described in the state permit, and shall remain in full force only so long as the state permit remains in force. The City permit will be issued upon payment to the office of the City Secretary of the applicable fee(s) for a permit as required by this Ordinance and according to state law. The office of the City Secretary shall keep a record of all permits and/or receipts issued under this Ordinance.

(b) The permit shall be valid for only two (2) years from the date of its issuance. All permits issued under the terms of this Ordinance shall terminate at midnight on the day before the anniversary date of its issuance, and no receipt shall be issued covering a longer term than two (2) years. Upon expiration of any permit issued under this Ordinance, the applicant or person shall renew biennially thereafter during the time that such person is engaged in the business of selling alcoholic beverages including mixed beverages within the City.

(c) Permit applications shall be filed with the office of the City Secretary.

(d) All permits issued under this ordinance shall be displayed in a conspicuous place at all times, on the premises for which the permit is issued.

**SEC. 86.08 CANCELLATION AND SUSPENSION OF PERMITS**

A permit issued under this Ordinance may be canceled, denied, or revoked as provided under chapters 11 or 61 of the Texas Alcoholic Beverage Code, as amended. The City shall have all powers, duties and remedies permitted under state law.

**DIVISION 3. VIOLATIONS AND PROCEDURES****SEC. 86.09 APPLICATION AND COMPLIANCE**

Before the City Secretary shall sign any city permit or application for a permit under the Texas Alcoholic Beverage Code, as amended, or any biennial renewal, the city permit and application shall be submitted to the appropriate city departments, as determined by the City Manager, to ensure that the city permit and application comply with all city ordinances and regulations and are for premises located in a wet area.

**SEC. 86.10 RETAIL SALES NEAR CHURCHES, PUBLIC HOSPITALS AND PUBLIC OR PRIVATE SCHOOLS**

(a) Distance requirements Churches, Day Care or Child Care Centers, Public or Private Schools and Public Hospitals. Alcoholic beverages shall not be sold by a dealer or person whose place of business is within three hundred (300) feet of a church or public hospital.

(b) Measurement requirements Churches and Public Hospitals.

(1) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. In places of business with one or more front doors, measurement shall begin at a point equidistant between the two front doors that are farthest apart.

(c) Measurement requirements Day Care or Child Care Centers Public or Private Schools.

(1) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

(d) Variance procedures. The City Council may allow variances to the regulation when it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, if, after consideration of the health, safety and welfare of the public and the equities of the situation, determines that it is in the best interest of the community.

**SEC. 86.11 SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES IN RESIDENTIAL AREA PROHIBITED**

The sale of all alcohol including mixed beverages is prohibited at a location that is within residential zoned areas, or within residential zoning districts where residential uses are allowed. Residential areas include properties that allow vertical mixed use developments with a residential component, except the central business district. Under this ordinance, residential areas shall mean any property located in the following districts as described in the city's zoning ordinance, as amended from time to time:

- (1) Single-family residential detached (SF).
- (2) Multiple-family residential (MF).
- (3) HUD-Code manufactured home park district (MH).

**Sec. 86.12 SELLING OF ALCOHOLIC BEVERAGES RESTRICTED TO CERTAIN HOURS**

Any person, firm, or corporation authorized to offer for sale alcoholic beverages within the city limits will do so only during the hours authorized under V.T.C.A., Alcoholic Beverage Code Chapter. 105. Hours of Sale and Consumption.

**SEC. 86.13 FAILURES TO REQUIRE AND PROPERLY CHECK IDENTIFICATION**

(a) All permittees, and/or their employees shall require and properly check identification before selling any alcoholic beverage to any customer to ensure an underage person is not sold and/or does not have in his/her possession alcoholic beverages while in a licensed business.

(b) "Identification" in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

**SEC. 86.14 PENALTY; OTHER REMEDIES**

(a) Any person violating or failing to comply with any of the provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), unless the violation involves fire safety, zoning, or public health and sanitation, in which case the person shall be fined an amount not to exceed two thousand (\$2,000.00). Each day any violation or noncompliance continues shall constitute separate and distinct offenses. The penalty provided herein shall be cumulative of other remedies provided by state law, and the power of injunction as provided in sections 54.012 and 54.016 of the Texas Local Government Code, as may be amended, may be exercised in enforcing this ordinance, whether or not there had been a complaint filed.

(b) The penal provisions imposed under this section are cumulative of all other remedies and nonexclusive. These penal provisions shall not be deemed nor construed to limit the availability of any remedy against any person or property otherwise provided by law, including without limitation fines, penalties, closure and injunction. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(c) A person who violates a provision of this ordinance in which a specific penalty is not provided, is guilty of a misdemeanor and, on conviction, is punishable as provided in Section 10.08 of this code. The term "specific penalty," as used in this section, means a penalty that might be imposed as a result of a criminal prosecution.

**SEC. 86.15 CONSUMPTION OF ALCOHOL**

Possession of an open container of an alcoholic beverage or consumption of an alcoholic beverage in any public place inside the city limits of the City of Overton, Texas is prohibited except as provided and under the terms and conditions specified in the following Subsections:

- (a) Possession or consumption of alcoholic beverages is allowed by patrons, lessees or invitees of the Overton Golf Course; and

- (b) Possession or consumption of alcoholic beverages is allowed by lessees and/or their invitees within the confines of the Overton RV Park; and
- (c) Possession or consumption of alcoholic beverages is allowed by Lessees and their invitees of the Overton Community Building subject to the following requirements:
  - (i.) Lessee has completed and filed with the City a properly completed and executed Lease Agreement.
  - (ii.) Lessee has paid the requisite deposit needed to reserve the facility for its intended use.
  - (iii.) Lessee has secured the services of a commissioned licensed police officer to provide security during the event.

**SEC. 86.16 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. 86.17 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. 86.18 EFFECTIVE DATE**

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

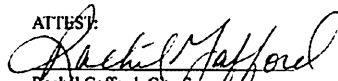
PRESENTED AND APPROVED THIS THE 17<sup>th</sup> DAY OF DECEMBER, 2015 BY A VOTE OF 3 AYES, 1 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

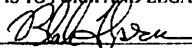
  
C.R. Evans, Jr., Mayor



ATTEST:

  
Rachel Gafford, City Secretary

AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney

ATTACHMENT 2

City of Overton, TX  
Page 1 of 3

ORDINANCE NO. 2015-12-17B

**ORDINANCE NO. 2016-12-17B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS; AMENDING CHAPTER 7; "ANIMAL CONTROL" OF THE OVERTON CODE OF ORDINANCES BY ADDING A SECTION ON VICIOUS ANIMALS; PROVIDING FOR A PENALTY OF UP TO \$500.00, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Overton is aware of a chronic problem caused by wild dogs running loose thus creating a threat to the health and public safety of the citizens of Overton; and

WHEREAS, the most humane and effective way to deal with the capture and impoundment of such animals is to use a tranquilizer gun to subdue them; and

WHEREAS, prudence requires that any public official using a tranquilizer gun should be certified to do so and should have the necessary local statutes in place to authorize the use of such means to subdue wild animals; and

WHEREAS, The City of Overton's Animal Control Officer has taken required courses to be certified to use a tranquilizer gun to subdue vicious animals;

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

**SECTION 1:** That the following Sections shall be added to CHAPTER 70: ANIMAL CONTROL of the City of Overton Code of Ordinances as written:

**Vicious Animals**

**§ 70.51: Dogs at large**

It shall be unlawful for any person to keep-harbor, raise or allow to run at large, any vicious dog within the City.

**§ 70.52: Animals at large**

It shall be unlawful to allow to run at large any wild or vicious animal within the City. As used in this section a "wild animal" shall mean any animal that is not ordinarily domesticated. A vicious animal shall mean any animal, other than a dog, that by its nature or physical makeup is capable of causing serious physical injury or death to human beings.

City of Overton, TX  
Page 2 of 3

ORDINANCE NO. 2015-12-17B

**§ 70.53: Impoundment**

- a. The Animal Control Officer or designee shall cause to be seized and impounded any vicious dog found to be running at large or that is found to be kept or living in the City.
- b. The Animal Control officer or designee shall cause to be seized and impounded any wild or vicious animal found to be running at large within the City.

**§ 70.54: Tranquilization, destruction**

If, during the course of seizing and impounding any animal, including but not limited to vicious dogs, that under this article, poses a risk of serious physical harm or death to any person, such person authorized by the Animal Control Officer or designee may render such animal immobile, by means of tranquilizers (however administered) or other safe drugs or if that is not safely possible then such animal may be killed.

**§ 70.55: Redemption Restricted**

- a. Any vicious dog or wild or vicious animal shall not be released from impoundment unless and until the Animal Control Officer or designee is satisfied that the owner of such vicious dog or wild or vicious animal has made arrangements to keep the same outside of the City, and that the vicious dog or wild or vicious animal will be immediately and permanently removed from the City and the impoundment and/or any other applicable fees that are on file in the City are paid.
- b. No vicious dog or wild or vicious animal may be adopted out of the City of Henderson Animal Shelter. However, the owner of any impounded vicious dog or wild animal may resume possession of the same if such owner makes arrangements for keeping the same outside of the City, within 72 hours of its removal from the Shelter.

**§ 70.56: Penalty for Violation**

Any owner of an animal whose actions are in violation of this chapter shall be fined by the Municipal court and shall be deemed guilty of a Class C misdemeanor and punished by a fine not to exceed five hundred dollars (\$500.00) for each subsequent offense.

**SECTION 2: AUTHORIZATION TO PURCHASE TRANQUILIZER GUN**

That staff is directed to purchase and as necessary use a tranquilizer rifle to provide the means of safely tranquilizing any animal described in § 70.52 above;

**SECTION 3: SEVERABILITY CLAUSES**

That if any provision or any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or section of this Ordinance, which shall remain in full force and effect.

**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**

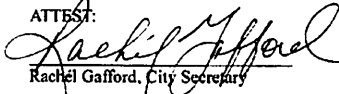
This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PRESENTED ON AND APPROVED ON THIS 17<sup>TH</sup> DAY OF December, 2015 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

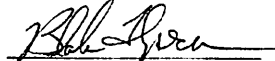
  
C.R. Evans, Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney

ATTACHMENT 3

City of Overton, TX  
Page 1 of 2

RESOLUTION NO. 2015-12-17A

**RESOLUTION NO. 2015-12-17A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AUTHORIZING THE ISSUANCE OF REQUEST FOR QUALIFICATIONS (RFQ) FROM FIRMS THAT CAN ADEQUATELY DEMONSTRATE THEY HAVE THE RESOURCES, EXPERIENCE AND QUALIFICATIONS TO FULFILL THE ROLE OF ENGINEERING CONSULTANT TO THE CITY.**

WHEREAS, The City of Overton is committed over the next several years to use all available financial and human resources to improve a variety of major deficiencies that have been identified in its infrastructure network; and

WHEREAS, The City is looking for an Engineering firm to assist in assessing the current condition of its infrastructure and developing a capital improvement plan that will correct the maximum number of deficiencies found, within a reasonable amount of time and within the financial capabilities of the City; and

WHEREAS, the Capital Improvement Program will emphasize projects that promote compliance with state regulatory agencies, improve delivery of services to the citizens of Overton and maximize the useful life of infrastructure features through implementation of systematic maintenance programs;

WHEREAS, implementation of the program requires the professional services of an Engineering firm that is qualified in all fields that are contained in the Program; and

WHEREAS, the services of such a firm are required to be solicited on an open and competitive basis through a widely distributed "Request for Qualifications(RFQ); and

WHEREAS, such an RFQ has been developed and is available for issue;

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

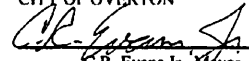
**SECTION 1:** THAT the RFQ that is attached and incorporated in this Resolution for all purposes, Exhibit A, is authorized to be issued and distributed as widely as possible as soon as practicable, to solicit proposals from highly qualified engineering firms.

City of Overton, TX  
Page 2 of 2

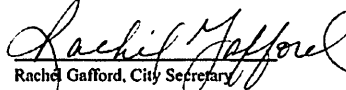
RESOLUTION NO. 2015-12-17A

**AND IT IS SO RESOLVED.**

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 17<sup>th</sup> day of December, 2015.

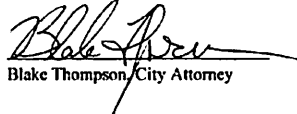
CITY OF OVERTON  
By:   
C.R. Evans Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney



**EXHIBIT A**



**City of Overton, Texas Request for Qualifications (RFQ)  
For Professional Engineering Services**

The City of Overton is requesting Statements of Qualifications from firms that can adequately demonstrate they have the resources, experience and qualifications to fulfill the role of Engineering Consultant to the City for an initial period of three years. The scope of work will include assisting the City in development of a comprehensive ongoing capital improvement and maintenance program and once defined, provide engineering design and construction supervision services for each improvement project as it is scheduled.

**Program Description:**

The City of Overton is committed over the next several years to use all available financial and human resources to improve a variety of major deficiencies that have been identified in its infrastructure network. The City is looking for an Engineering firm to assist in assessing the current condition of its infrastructure and developing a capital improvement plan that will correct the maximum number of deficiencies found, within a reasonable amount of time and within the financial capabilities of the City. The Program will emphasize projects that promote compliance with state regulatory agencies, improve delivery of services to the citizens of Overton and maximize the useful life of infrastructure features through implementation of systematic maintenance programs.

It is the City's intent to select an engineering consultant firm to execute the planning, design and construction management of all projects funded by water/sewer revenue, general fund revenue, loans and bond funds as are feasibly available. Supervision of the work of the Consultant will be provided by the City Manager and Public Works Superintendent.

The selected Engineering Consulting firm will be responsible for successfully planning, designing and supervising construction of the projects defined in the Program.

**Project Management Team (PMT):**

The Project Management Team will consist of the City Manager, Public Works Superintendent and a designated Lead Engineer or representative from the selected firm. The PMT will be responsible for the approval process and coordination of projects with other offices including City Council, Boards and Commissions of the City of Overton, other City Departments, other entities' projects and all private utilities. The Consultant will also be responsible for acquiring approval and permits from all outside agencies and utilities, as necessary, for each project.

To accomplish the goals of the Utilities Program, the Consultant must be able to execute extensive coordination with various regulatory agencies, public entities, and public and private utilities. Below is a list of currently identified existing entities that may need to be contacted or coordinated with. Other entities not listed may also need to be contacted or coordinated with.

- City of Overton Public Works Department
- City of Overton Utilities (Water/Sewer) Department
- Rusk County Engineering Department
- Texas Department of Transportation
- Center Point Energy - Gas
- Oncor - Electric
- Sweeco - Electric
- Century Link Communications
- Verizon - Communications
- Various Pipeline Companies
- Union Pacific Railroad

**Scope of Work:**

1. Project Management Team (PMT) & Program Management Goals:
  - Manage multiple design and construction contracts to a coordinated and predictable outcome.
  - Meet individual project goals within scope, budget, and schedule.
  - Coordinate the program's projects with the City's other CIP projects.
  - Create an early warning system to allow problems to be addressed in a proactive manner.
  - Report Programs/Project progress and financial status.

2. Individual Project Engineering Services:

The PMT will be responsible for managing and directing design teams for individual projects. These design teams will work under the umbrella contract of the Consultant

Engineer with the City but will be managed and directed by the PMT. The scope of services to be provided for individual projects may include, but is not limited to:

- Site Investigation/Assessment
- Preliminary Engineering Report (PER)
- Public Involvement
- Design Phase, bid phase and construction phase services
- Survey and Geotechnical services
- Environmental services and environmental permitting
- Coordination with City Overton Project Management, Public Works and Utilities Staff and others as necessary.
- Plans, Specifications, and Estimates (PS&E)
- Quality Assurance/Quality Control and Constructability Reviews
- Value Engineering
- Alternative Delivery Analysis and Recommendations
- Review and recommendation of contract size and phasing
- Obtaining all permits necessary to construct the project
- Preparing all right-of-way and easement parcel maps and metes and bound descriptions for acquisition
- Coordinating utility relocation with all public and private utilities
- Preparation of contracting documents
- Construction Phase Engineering, including but not limited to, RFI responses, shop drawing and submittal reviews, claims review, and construction update meetings
- Ensure adherence to project schedules
- Milestone and Financial Reporting
- Document Management
- Construction Administration, Management, Inspection, and Materials Testing
- Project Close Out, Warranty work administration, and one-year inspection/project closeout

3. Desired Expertise of the Consultant:

It is anticipated that multiple design contracts will occur at the same time with various schedules and complexities. Critical to the success of the Program will be the selected consultant's ability to foster and facilitate team building/partnering concepts between owner representation, outside agencies, design teams, the public, contractors, etc., which will encourage an open and honest exchange of information and ideas throughout the entire process.

Specific discipline-dependent expertise, required as minimum qualifications for the consultants must include experience in the following areas:

- Water distribution and wastewater collection project design and construction.
- Wastewater lift station design and construction for new facilities, upgrades, and rehabilitations
- Paving and drainage design and construction for new facilities, upgrades, and rehabilitations
- Managing, administering, and providing oversight for design and construction contracts
- Communicating, involving, and coordinating with many different groups
- QA/QC and other project controls (scheduling, cost estimating, document control, general accounting, etc.)
- Initiating interagency agreements
- Success in gaining environmental approvals

Engineering Consultant's Agreement:

The selected firm will negotiate a General Services Agreement with the City to provide General Engineering Services while acting as technical advisor to the City on all engineering related matters. A member of the selected firm will be appointed to represent the firm on the Project Management Team. The General Services Agreement will define and make allowances for work performed by this representative as a member of the PMT.

The PMT will provide a scope of services and terms of reference for each individual project that is identified including the initial Infrastructure Assessment Review. Management of each of the projects identified and defined by the PMT will be handled as Task Orders to be executed by the selected firm as directed by the PMT. The City Manager and the selected firm's representative will negotiate the scope, schedule, and cost for individual "Task Orders" for services on an assignment-by-assignment basis during the term of the Agreement. Final authorization for Commencement of work under any "Task Order" is subject to approval of the governing authority that is providing funding for the project.

Request for Qualifications:

The intent of this notification is to have the various firms prepare a Statement of Qualifications (SOQ) for review by the City's Engineering Consultant Selection Committee, made up of two City Council members, two members of the Overton Economic Development Board (OEDC) and two members of the Overton Municipal Development District Board (OMMD).

The City of Overton intends to make its selection from the firms that submit a SOQ package that consists of the following:

- A. Basic Information
  - 1. Specific information related to proposed Programs project.

2. A letter of interest, not to exceed three (3) typewritten pages, describing why the firm is particularly well qualified to perform these services at this time and indicates the following:
  - a. An understanding of the anticipated assignments, services required and approach to providing the services required.
  - b. Identity of the proposed Project Manager or any Project Team
  - c. Sub-consultant usage if anticipated, including, but not limited to, land surveying, geotechnical, materials testing, and environmental sub-consultants
3. A list of not more than five (5) relevant programs/projects completed within the last 5 years.

B. Specific Information- The SOQ package should, at a minimum, address the following City of Overton concerns most usually associated with the selection of such firms:

1. Organization of the firm and the roles and responsibilities of all assigned personnel. The City of Overton reserves the right to approve all core staff and key personnel assigned to work on this contract.
2. Demonstrate relevant project examples of how your proposed personnel will be able to deliver projects within scope, budget, and schedule. Include an Organizational Chart for the proposed Project Management.
3. Professional qualifications, education, experience and technical competence of the firm's key employees, as evidenced by resumes and experience records.
4. The firm's approach to Project Management. Describe all elements to your approach, including how your approach addresses contingencies that may arise during projects, how to resolve issues within the project team, and how your firms will manage the design system(s) that will be used to monitor budget, schedule, and scope.
5. Describe your Quality Assurance/Quality Control processes, including your tracking Management, development of design requirement, designs, and construction of similar projects and public interface.
6. Past experience and satisfactory performance on Project Management/Design Projects control, quality of work, and compliance with performance schedules.
7. Knowledge of the City of Overton area and the pertinent construction materials, vendor facilities, and standard practices.
8. Potential conflicts with current work by the individual firm on a case-by-case basis.
9. The firm's financial stability, including proof of insurance.
10. Information regarding the firm's involvement in litigation, as a plaintiff or defendant, over the last 5 years.

C. Project Management Experience - Provide a list of no more than five relevant programs completed in the last 5 years, which include the following information:

1. Program name, owner, scope, number of projects, program duration and program amount.
2. Individual projects completed including project name, design engineer with contact information, location, original and actual start and completion dates, description, estimated and actual costs.
3. References - Owner's name, representative and contact information.

Three (3) copies of the SOQ package shall be submitted.  
Selection Criteria:

As a basis for evaluating the qualification of a consultant firm during initial short list development and the firm presentation (if requested), the following elements merit consideration:

1. The firm's past experience in performing similar assignments for other public owners, and the overall reputation of the firm.
2. The depth of experience of the firm's staff in the particular field.
3. The firm's ability to assign qualified staff that will be in charge of the project(s) and will be able to complete the work within the time schedule required.
4. Location of the firm's staff with respect to the general geographic area of the City of Overton.
5. The consultant has, on past projects, demonstrated innovative concepts.
6. Suggested project approach.
7. Previous experience on municipal programs and projects.
8. Previous experience on City of Overton projects.
9. Knowledge of local conditions.
10. References.

Selection Process Overview:

The SOQ will be used to rank the respondents and determine a short list. In addition, the SOQ will be used for reference material throughout the selection process. Once a short list has been determined, a Pre-proposal Meeting may be established for a briefing and to provide an opportunity for the short-listed firms to ask questions. Once the Pre-proposal Meeting has been completed, there may be an oral interview/presentation session scheduled. The presentation should demonstrate the firm's experience in providing consultant(s) and Project Management for Water and Sewer, Street, Drainage and other Public Works Infrastructure Projects including their experience in coordinating with other projects and entities.

Based on the SOQs and interviews (if requested), the Consultant Selection Committee will determine the most highly qualified firm on the basis of demonstrated competence, qualifications, previous project experience, specific project experience in Overton and ability to perform.

After the selection process has been completed, a detailed scope of services will be developed between the successful firm and the City of Overton. Along with the scope of services the firm will submit applicable cost information (i.e. salary rates for various classifications of personnel, and indirect cost derivation, and a schedule of rates for other direct costs). The price proposal should substantially reflect the same composition and level of involvement as required to address the agreed Scope of Services.

If a mutually agreeable cost/price proposal cannot be negotiated, the City of Overton will formally end the negotiation and proceed to select and negotiate with the next most highly qualified firm on the basis of demonstrated competence and qualification.

Term:

The term of the Agreement will be three (3) years with an option for another two (2) upon satisfactory completion of the first three year term.

Submission Deadline:

Qualification packages must be submitted no later than 5:00 p.m. on Thursday January 14th, 2015 to the address listed below:

City of Overton, Texas  
Attn: City Manager  
1200 S. Commerce St.  
Overton, TX 75684

Submissions must include the following on the exterior of the package:

RFQ # 12-01  
Professional Engineering Consultant  
Due: 5:00 p.m. CST Thursday January 14th, 2015

Inquiries regarding this Request for Qualifications must be submitted in writing or by email to Charles Cunningham, City Manager to the following addresses: (1) If in writing: Charles Cunningham, City Manager, City of Overton Texas, 1200 S. Commerce Street, Overton, TX 75684; or (2) if by email: [ccunningham@ci.overton.tx.us](mailto:ccunningham@ci.overton.tx.us). Emailed requests must include the following reference on the email subject line: RFQ # 12-01.

NOTE: By submission of your letter of interest and qualification statements in response to this announcement, you are certifying that neither your firm nor any of its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in this procurement process by any Federal department or State agency, or other governing body. Further, if such a debarment or suspension occurs during the course of the procurement, you shall so inform the City of Overton.

NOTE: No submitting firm shall, directly or indirectly, engage in any conduct (other than the submission of the RFQ or other prescribed submissions and/or presentations before the Consultant Selection Committee) to influence any employee or elected official of the City of Overton concerning award of a contract as a result of this solicitation. Violation of this prohibition may result in disqualification of the firm from further participation in the solicitation for services or goods sought herein, or from participation in future City of Overton solicitations or contracts.