

**REGULAR CALLED CITY COUNCIL MEETING
November 17, 2016**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **NOVEMBER 17, 2016** 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
Michael Paul Williams

ABSENT:

Also in attendance were, Charles Cunningham, City Manager, Clyde Carter, Chief of Police, Blake Thompson, City Attorney and Rachél Gafford, City Secretary representing staff; Jerome Lacy, representing the applicant and Micaela Akin, Jason Boothe, Jerry McGee, Coy Barron, Michelle Williams representing the public.

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

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

II. CANVAS GENERAL ELECTION

1. City Council, acting as the Canvassing Board to Canvas the General Election held on November 8, 2016.

Councilman Posey made a motion to accept the Canvas of the General Election results as submitted.

Councilman Cox seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

2. City Council to consider and/or take action on **Resolution No. 2016-11-17A**; a Resolution to canvass votes of the November 8, 2016 General Election and proclaim the following members of City Council duly elected.

Councilman Williams made a motion to approve Resolution No. 2016-11-17A as submitted.

Councilman Davis seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

3. Presentation of Certificates of Election.

Mayor Evans presented Certificates of Election to Michael Paul Williams, Jerry Clark and Phillip Cox.

III. 2016 GENERAL Election

1. Administration of the "Statement of Officer" & swearing in of duly elected City Council Members.

Mayor Evans administered the statement of officer and the Oath of Office to Michael Paul Williams, Jerry Clark and Phillip Cox.

2. Election of Mayor *Pro Tempore*.

Mayor Evans made a recommendation that Phillip Cox be nominated to serve and additional term as Mayor Pro-Tem. Council agreed to the nomination. No other nominations were made.

Councilman Posey made a motion to elect Phillip Cox as Mayor Pro-Tem for 2016-2017.

Councilman Clark seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

IV. CITIZEN FORUM - None

V. CITIZEN'S REQUEST

1. Request by Jason and Cassidy Boothe to be allowed to keep a bench at Jaxen Boothe's (their son) grave.

Mayor Pro-Tem Cox requested additional information be provided by staff prior to Council taking action.

Mayor Pro-Tem Cox made a motion to delay action on the request, and requested that staff reschedule this item on the December regular council agenda at which time staff should provide additional information, photos and options for Council to consider prior to taking a final determination. Councilman Posey seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

2. Jerome Lacy, on behalf of Triple Alliance Enterprises, Inc. and Legacy Funeral Home, request that the Application Fee of \$150.00 fee be waived and refunded for Zoning Board of Adjustment Variance Application No. 2017-01 (ZBA2017-01). Parking Variance Request to reduce the number of required parking spaces as prescribed by the City of Overton Zoning Ordinance.

Mayor Pro-Tem Cox made a motion to deny request for a refund of the Zoning Board of Adjustment application fee.

Councilman Posey seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 4 – 1 – 0; Councilman Davis opposed.

VI. CONSENT AGENDA

Any or all items under Consent Agenda may be removed by the Mayor, any Council Member or the City Manager for discussion.

1. City Council to review, make possible corrections and approve minutes from a Regular Called Meeting of the City Council October 20, 2016.

Mayor Evans introduced each of the items on the Consent Agenda and asked the Council if they had the chance to review the items listed above.

Mayor Pro-Tem Cox made a motion to approve the Consent Agenda as submitted.

Councilman Clark seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 1; Councilman Davis abstained.

VII. OPEN PUBLIC HEARING

Mayor Evans opened the public hearing at 7:46 p.m.

1. The City Council acting as the Zoning Board of Adjustment; to hear public comment and consider taking action regarding the request of Jerome Lacy, on behalf of Triple Alliance Enterprises, Inc. and Legacy Funeral Home, for a variance from the City of Overton Zoning Ordinance regarding parking regulations as outlined in Section 15 (12) of the City of Overton Zoning Ordinance. Specifically, applicant is requesting to reduce the required number of parking spaces for the proposed funeral home from fifty (50) parking spaces to seven (7) parking spaces, a variance of forty-three (43) parking spaces. The subject property is a 1.257-acre tract of land that is legally described as Part of Lot 12, Block 134, Original City of Overton, Rusk County, Texas and is more commonly referred to as 1000 South Commerce Street, Overton, Texas.
 - a. *City Secretary Gafford presented staff report. Staff recommended a temporary variance through a specific date to represent case for final determination.*

Applicant Jerome Lacy addressed the Zoning Board of Adjustment with a plea for leniency on the parking regulations to allow him to establish his business with the use of the grassy area on his property for parking until parking needs were actually determined and he had a few years to save the money to install the parking lot correctly.

- b. **No public comments were made**

Mayor Evans closed the public hearing at 7:49 p.m.

- c. Council to take action on Parking Variance Application ZBA2017-01.

Mayor Pro-Tem Cox made a motion to grant a temporary variance to Triple A Alliance; DBA: Legacy Funeral Home through January 1, 2020 allowing the funeral home to use the existing parking and grass for parking; resubmitting application at no additional application fee cost for a final determination prior to the expiration of the Temporary Parking Variance.

Councilman Davis seconded the motion.

Mayor Evans called for discussion.

Councilman Posey stated that he would recommend a two (2) year as opposed to a three (3) year temporary variance.

City Secretary Gafford asked for clarification to determine if Councilman Posey was making an amended motion.

Councilman Posey stated he wanted to see how the rest of the Council felt.

Councilman Clark stated he would prefer a two (2) year temporary variance, Councilman Williams stated he was in preference for the proposed three (3) year temporary variance, and Councilman Davis stated he would compromise and would favor a two and one-half (2 ½) temporary variance.

Mayor Evans stated he would entertain an amended motion or we could close the discussion.

There being no discussion; Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

VIII. EXECUTIVE SESSION

Mayor Evans stated that Council would now retire to Executive Session at 7:53 p.m.

1. City Council to retire to Executive Session to consider legal action concerning an appeal by MTC Corporation to the Public Utilities Commission concern objections to a utility rate increase that was imposed by passage of Ordinance **2016-05-19B** on July 14th, 2016.

Mayor Evans stated that Council would now reconvene at 8:23 p.m.

No action from Executive Session taken

IX. OLD BUSINESS

1. Present revised meeting schedule for the City Council as updated November 14, 2016.

City Manager Cunningham presented the Calendar.

- a. Mayor to receive request, if any, for leave of absence from any Council Member for future meetings.

Mayor Evans asked for requests for leave of absences for the December meeting.

No requests were made. No action taken.

2. City Council to hear, review, discuss and consider first reading of **Ordinance No. 2016-12-15A**, an Ordinance of the City Council of the City of Overton, Texas which shall replace Chapter 90, Sections 90.01, 90.02, 90.03, 90.10, 90.11, 90.12, 90.13, 90.14, 90.15, 90.16, 90.17, 90.18, 90.19, 90.20; repeal Chapter 90, Sections 90.21, 90.22, 90.23, 90.24, 90.25, 90.26, 90.27, 90.28, 90.29, 90.30, 90.40, 90.41, 90.42, 90.50, 90.51, 90.60, 90.61 in their entirety, and amend the following sections of

Chapter 90 as amended as listed herein: 90.77(E), 90.77(F), 90.80(8) , 90.81, 90.82, 90.84; as relating to the Permit Requirements, Permitting Procedures, Construction Codes Adopted, Construction And Inspection Activities within the corporate limits of the City of Overton, Texas, and enforcement of Building Provisions as provided in said codes; containing a severability clause, providing for a penalty of up to \$2,000.00 (as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances) for violation of this Ordinance and providing for publication and for an effective date.

City Secretary Gafford presented the Ordinance No. 2016-12-15A for review and discussion. Gafford stated that the ordinance is necessary to revise the City's Code of Ordinances; Chapter 90 with the 2012 ICC Building Codes as adopted by City Council in January 2016. However, there are a few additional sections that needed to be discussed with Council that are included in the Chapter 90 that are not covered by the Building Codes. More specifically she asked that Council advise staff on revisions to the following sections:

- ***Section 90.79 Moving of Buildings – Permit Required***

Gafford stated that the current fee for relocating a structure as defined by our Fee Schedule is only \$50.

Chapter 90 currently states that there is a fee required for the Moving the Building Permit, the Application, the Inspection the Police Escort. City Secretary Gafford recommended that the permit fee should be enough to be all inclusive for all the above instead of separate fees and the current fee schedule does not have all of the fees defined.

After a brief discussion, Council agreed and recommended that a set fee of \$150.00 be set for relocating a structure which would cover the police escort fee, the permit fee and the inspection fees.

- ***Section 90.81 Moving of Buildings – Investigation of Application by Building Official***

Gafford recommended that the title of this section be changed to "Inspection Required" and that the fee listed be removed.

After a brief discussion, Council agreed.

- ***Section 90.83 Moving of Buildings - Insurance and Bonding Requirements***

Gafford recommended that the Bond and Insurance amounts be changed, she stated that the liability amounts were too low and that the following information should be submitted at the time of application for the "Moving a Building" permit application.

- ❖ *Map of the travel route proposed*
- ❖ *TxDOT permit if one was required*
- ❖ *Copy of the Insurance and Bond by the Contractor*
- ❖ *Permit Fee*

After a brief discussion, Council agreed to change the wording of Section 90.83 to the following:

- *Keep section "90.83 (a)" as is.*
- *Change section "90.83 (b)" as follows:*

(b) The applicant shall procure and keep in full force and affect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State and in the standard form approved by the State Board of Insurance Commissioners. Such policy shall contain a provision that the City shall be fully

indemnified. Such insurance policy shall insure the public from any loss or damage that may arise to any person or property by the reason of the moving of a building or structure by the applicant and providing that the following recovery limits be not less than the following:

- (1) For damages arising from bodily injury to or death of one (1) person in any one accident-one hundred thousand (\$100,000) **(\$250,000)**.
- (2) For damages arising from bodily injury to or death of two (2) or more persons in any one accident-three hundred thousand (\$300,000) **(\$500,000)**.
- (3) For injury to or destruction of property in any one accident-fifty thousand (\$50,000) **(\$250,000)**.

- Keep section "90.83 (c)" as is.
- **Section 90.84 Moving of Buildings – Escort Required**

Gafford asked Police Chief Carter to discuss with Council changes that needed to be made to the Moving of Structures permit and escort.

Police Chief Carter stated that Section 90.84 Escort Required should be changed as follows:

*No person shall move any building or structure across or along any public way within the City limits without an escort. **All escort vehicles shall be adequately marked and lighted to meet the Texas Transportation Code Standards.** If the mover does not have an approved escort, he or she may request that a police escort be made available. ~~The fee for such an escort by the police department shall be provided for in 14.00 of the Fee Schedule and is payable at the time when the permit is issued.~~*

After a brief discussion, Council agreed.

City Secretary Gafford stated that she would make the following changes and represent Ordinance No. 2016-12-15A to Council at the next meeting for review and final action.

X. NEW BUSINESS

1. Consider and/or take action on approving the selection of an ad hoc Committee made up of a member of the City Council, one member of the OMDD and one member of the OEDC to consider and evaluate Qualifications of three Engineering firms who submitted statements of said qualifications to the City, for consideration as the Appointed Engineering Consultant Firm to work with City Staff to define a project area and develop specifications for a CDBG application and if successful in securing a grant, coordinate the bidding, evaluate the bids of Contractors and supervise construction of the Project funded by a Community Development Block Grant (CDBG) in 2017.

City Manager Cunningham opened discussion for the need for a committee to be formed by City Council, OEDC and OMDD members to review the Engineering Proposals received for the 2017 CDB Grant application and requested that City Council appoint a committee with one member from each board.

Mayor Pro-Tem Cox recommended Christopher Laws from the OEDC Board, City Secretary Gafford recommended Mike Piercy from the OMDD, Councilman Clark volunteered to represent the City Council.

Mayor Pro-Tem Cox made a motion to appoint the following people (Jerry Clark, Mike Piercy and Christopher Laws) to serve on the Ad Hoc Engineering Selection Committee to review the three submitted proposals and make a recommendation to City Council for appointment of an Engineering Firm at the next City Council meeting in December.

Councilman Williams seconded the motion.

Mayor Evans called for discussion.

There being no discussion; Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

2. Consider and/or take action on approving **Resolution No. 2016-11-17B**, a Resolution to select Traylor and Associates to assist the City in applying for a CDBG Grant and if successful in being awarded a grant, entering into a contract with them to provide grant administration services to the City.

Mayor Pro-Tem Cox made a motion to approve Resolution 2016-11-17B as submitted appointing Gary Traylor and Associates as the Grant Administrator selected to represent the City of Overton in the application and Grant Administration process for a 2017 CDB Grant.

Councilman Posey seconded the motion.

Mayor Evans called for discussion.

There being no discussion; Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

3. Consider and/or take action on approving **Resolution No. 2016-11-17C**, a Resolution authorizing the taking of bids for the sale of a 0.261-acre tract of land owned by the City of Overton, Tax Foreclosed Property, being legally described as Lots 22, 23, 24 and West 3.3 Lot 21, Block 135, Original City of Overton and more commonly referred to as 210 E. Henderson Street, Overton, Rusk County, Texas.

Mayor Pro-Tem Cox made a motion to approve Resolution 2016-11-17C adding a minimum bid of \$500.00 be submitted for this property.

Councilman Davis seconded the motion.

Mayor Evans called for discussion.

There being no discussion; Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

XI. CITY ADMINISTRATION'S MONTHLY REPORTS

4. Fire Department Monthly Report
5. Police Department Monthly
6. Department of Finance Monthly Report

City Manager Cunningham presented monthly departmental reports.

7. City Secretary's Monthly Report

City Secretary presented City Secretary monthly report.

8. City Manager's Monthly Report

City Manager Cunningham presented City Manager monthly report.

No Action Taken

XII. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Davis seconded the motion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

With no further business, the meeting was adjourned at **9:30 P. M.**

Minutes approved and submitted and/or corrected this **15th** day of **December, 2016.**



CITY OF OVERTON

A blue ink signature of Philip Cox, Mayor Pro Tempore, written over a horizontal line.

Philip Cox, Mayor Pro Tempore

Attested by:

A blue ink signature of Rachél Gafford, City Secretary, written over a horizontal line.

Rachél Gafford, City Secretary

ATTACHMENT A RESOLUTION NO. 2016-11-15A

City of Overton, TX

Resolution No. 2016-11-17A
Page 1 of 6**RESOLUTION NO: 2016-11-17A**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS CANVASSING THE VOTES FOR THE GENERAL ELECTION FOR THE CITY COUNCIL OF THE CITY OF OVERTON; COUNCIL MEMBER PLACE #1, COUNCIL MEMBER PLACE #3 AND CITY COUNCIL MEMBER PLACE #5

WHEREAS, a general election for City Council Member Place #1, City Council Member Place #3 and City Council Member Place #5 was held on November 8, 2017; and

WHEREAS, the City Council has met and canvassed the votes on the aforementioned general election on November 17, 2016 at 7:00 p.m.; and

WHEREAS, the canvass of the general election shows the following results:

Canvass of Votes for General Election Held November 8, 2016 City Council Member Places #1, #3 and #5 Overton, Texas								
Council Member Place	Candidate	Total Votes	Smith County Precincts 10 & 26 Exhibit B			Rusk County Precincts 112 Exhibit A		
			Early Votes		Election Day Votes	Early Votes		Election Day Votes
			By Mail	In Person	In Person	By Mail	In Person	In Person
Place #1	Philip Cox	580	1	25	5	25	-340	184 -
Place #3	Jerry Clark	536	1	22	8	26	312	167
Place #5	Michael Paul Williams	329	1	12	2	18	200	96
	Brandon Brown	299	1	16	6	10	169	97

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

SECTION 1: THAT the above canvass of the election results to be the same as provided by Rusk County Elections in **Attachment A** and Smith County Elections Office in **Attachment B** and are hereby approved.

SECTION 2: THAT the following Council Members are hereby duly elected to serve a two year term beginning immediately after the canvas on November 17, 2016 and ending the day prior to the uniform election day of November 2019.

- Philip Cox, City Council Member Place #1
- Jerry Clark, City Council Member Place #3
- Michael Paul Williams, City Council Member Place #5

City of Overton, TX

Resolution No. 2016-11-17A
Page 2 of 5

SECTION 3: THAT, this Resolution shall become effective immediately upon its passage and execution.

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 17th day of November, 2016.



CITY OF OVERTON

By:

C.R. Evans Jr., Mayor

ATTEST:

Rachel Gafford
Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Blake Thompson
Blake Thompson, City Attorney

City of Overton, TX

Resolution No. 2016-11-17A
Page 3 of 5CITY OF OVERTON, TX
CANVAS OF GENERAL ELECTION
HELD NOVEMBER 8, 2016

I, C. R. Evans, Jr., Mayor of the City of Overton, Texas, met with the City Council sitting as the canvassing board to canvass the General Election of November 8, 2015 on November 17, 2015 at City Hall (1200 S. Commerce Street, Overton, Texas 75684).

I, certify that the figures in the Election Results table of page 1 of Resolution Number 2016-11-17A does correspond with the figures on the election returns provided by Kathie Wittner, Rusk County Elections Administrator and Karen Nelson, Smith County Elections Administrator as the Contract Election Authority contracted to conduct the General Election on behalf of the City of Overton.

Witness my hand this 17th day of November, 2016.


Presiding Officer of Canvassing Authority

City of Overton, TX

Resolution No. 2016-11-17A
Page 4 of 6Exhibit A
Rusk County Joint Election Summary Report

SUMMARY REPT-GROUP DETAIL		Joint General Election Rusk County, Texas November 8, 2015		UNOFFICIAL	
Run Date: 11/28/16 09:54 PM				Report: FL45A Page: 004	
	TOTAL VOTES	%	EV HAS	EV 110	ED 110
Constable, Precinct No. 2, Unexpired					
Vote for 1					
Chuck McDonald (REP)	3,353	100.00	213	2,061	1,079
Constable, Precinct No. 3					
Vote for 1					
Kenneth W. Wiley (REP)	1,270	58.04	99	619	553
Cain Swann (DEM)	918	41.95	94	400	424
Constable, Precinct No. 4					
Vote for 1					
David Guy (REP)	1,748	100.00	108	958	642
Constable, Precinct No. 5					
Vote for 1					
Jeremy Skinner (REP)	5,084	100.00	497	3,660	997
School Trustees-Full Term, LEISD					
Vote for 4					
Tara Naggoner	182	13.36	9	103	70
Larry Hayes	180	13.22	11	109	60
Barbara Brinkmann	191	14.02	9	107	75
Harlan Akim	115	8.44	7	60	48
Cathy Blane Ward	250	18.36	14	160	76
Robert B. Loftis	199	14.61	18	107	74
Shari Penny-Doss	245	17.99	13	146	87
City Council, Place #1, City of Overton					
Vote for 1					
Philip Cox	540	100.00	25	340	184
City Council, Place #3, City of Overton					
Vote for 1					
Jerry Clark	505	100.00	25	312	157
City Council, Place #5, City of Overton					
Vote for 1					
Michael Paul Williams	114	53.22	18	260	96
Brandon Brown	776	46.78	10	169	97
Trustee, Place #4, Overton ISD					
Vote for 1					
Kelvin Darden	213	31.70	12	130	71
Landon McDaniel	203	30.31	7	134	62
Cecily Freeman	255	38.10	15	169	72

City of Overton, TX

Resolution No. 2016-11-17A
Page 5 of 6Exhibit B
Smith County Joint Election Summary Report

SUMMARY REPT. GROUP DETAIL

Joint General Election
Smith County, Texas
November 8, 2016

Report EL45A Page 001

Run Date: 11/17/16 11:09 AM

	TOTAL VOTES	X	EARLY	MAIL	ELECTION DAY	LIMITED	PROVISIONAL
Council Member, Place 1, City of Overton							
Vote for 1							
Philip Cox	31	100.00	25	1	5	0	0
Total	31		25	1	5	0	0
Over Votes	0		0	0	0	0	0
Under Votes	52		41	3	8	0	0
Council Member, Place 3, City of Overton							
Vote for 1							
Jerry Clark	31	100.00	22	1	8	0	0
Total	31		22	1	8	0	0
Over Votes	0		0	0	0	0	0
Under Votes	52		44	3	5	0	0
Council Member, Place 5, City of Overton							
Vote for 1							
Michael Paul Williams	15	39.47	12	1	2	0	0
Brandon Brown	23	60.53	16	1	6	0	0
Total	38		28	2	8	0	0
Over Votes	0		0	0	0	0	0
Under Votes	45		38	2	5	0	0

City of Overton, TX

Resolution No. 2016-11-17A
Page 6 of 6

NAME HEADING CANVASS

Joint General Election
Smith County, Texas
November 8, 2016

RUN DATE: 11/17/16 11:14 AM

Council Member, Place 1, City of Overton

Vote for 1

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(NON)
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0010 10 24
0026 26 7
CANDIDATE TOTALS 31
CANDIDATE PERCENT 100.00

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Council Member, Place 3, City of Overton

Vote for 1

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J C
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J K
(NON)
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0010 10 27
0026 26 4
CANDIDATE TOTALS 31
CANDIDATE PERCENT 100.00

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Council Member, Place 5, City of Overton

Vote for 1

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H P W
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c u l r r
h l l e o
a t m w
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1 n o
s n
(NON) (NON)
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0010 10 13 18
0026 26 2 5
CANDIDATE TOTALS 15 23
CANDIDATE PERCENT 39.47 60.52

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ATTACHMENT B

RESOLUTION NO. 2016-11-15B

City of Overton, TX

Resolution No. 2016-11-17 B
Page 1**RESOLUTION #: 2016-11-17B**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, TO APPROVE TRAYLOR AND ASSOCIATES INCORPORATED TO PROVIDE SERVICES IN PREPARATION OF A GRANT APPLICATION FOR A POSSIBLE 2017-18 TXCDBG GRANT AND IF THE CITY OF OVERTON IS SUCCESSFUL IN SECURING SUCH A GRANT, APPROVAL OF AN AGREEMENT TO PROVIDE ADMINISTRATION SERVICES UNDER THE TERMS AND CONDITIONS ESTABLISHED BY TXCDBG GUIDELINES, WITH THE MAYOR AUTHORIZED TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY IF AND WHEN A GRANT IS AWARDED.

WHEREAS, The Federal Agency responsible for funding the annual CDBG grant program through the Texas Department of Agriculture has issued new requirements for soliciting such services by a formal RFP process; and

WHEREAS, the City of Overton has followed the RFP guidelines by advertising for such services in the form and on the dates specified; and

WHEREAS, Traylor and Associates Incorporated was the only firm to submit a proposal for such services in compliance with the specifications cited in the RFP;

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

Section 1: THAT the City Council of the City of Overton approves the proposal as submitted by Traylor and Associates Incorporated to provide services defined in the RFP under the terms and conditions specified; and

Section 2: That the City Council of the City of Overton authorizes the Mayor, if a CDBG grant is awarded to execute the necessary Agreement for said services under the terms and conditions specified in the TXCDBG guidelines.

INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 17 day of November 2016.

City of Overton, TX

Resolution No. 2016-11-17 B
Page 2

CITY OF OVERTON



C.R. Evans Jr.
C.R. Evans Jr., Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Rachel Gafford
Rachel Gafford, City Secretary

Blake Thompson
Blake Thompson, City Attorney

Attachment A

ATTACHMENT C

RESOLUTION NO. 2016-11-15C

City of Overton, TX

Resolution No. 2016-11-17C
Page 1 of 1**RESOLUTION NO. 2016-11-17C**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, AUTHORIZING THE SALE OF A CERTAIN PROPERTY AS MORE FULLY DESCRIBED IN THIS RESOLUTION, PROVIDING THAT SUCH SALE OF THE PROPERTY IS THE RECOMMENDATION OF THE MAYOR AND CITY STAFF; THAT THE PROPERTY TO BE OFFERED FOR PUBLIC SALE BY THE CITY OF OVERTON BY SEALED BID; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and Staff has recommended that the property described below be offered for sale to the public by the City of Overton per Title 8 of the Local Government Code Chapter 272; and

WHEREAS, the City Council of the City of Overton, Texas, deems it in the public interests to authorize the sale of this property by sealed bid.

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

SECTION 1. The City Council of the City of Overton, Texas, does hereby authorize that the property described herein is to be offered for sealed bid to the public by the City of Overton and that the City Manager is hereby authorized to execute a deed on behalf of this entity conveying all right, title and interest of the City of Overton, described parcel of real property located inside the City of Overton, Rusk County, Texas, and further that the minimum bid will be as set forth herein for the property:

PARCEL ID #	ACCT. NUMBER	ORIGINAL SHERIFF SALE	LEGAL DESCRIPTION	NEW MIN. BID
2721	01600-03720-00000-000000	09/01/2009	LOTS 22,23,24 AND THE WEST 3.3 FEET OF LOT 21, BLOCK 135, ORIGINAL TOWNSHIP, CITY OF OVERTON, RUSK COUNTY, TEXAS	\$500.00

Section 2. This Resolution shall become effective from and after its adoption.



CITY OF OVERTON

C.R. Evans, Jr.
C.R. Evans, Jr., Mayor

ATTEST:

Rachel Gafford
Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Blake Thompson
Blake Thompson, City Attorney

City of Overton, TX

Resolution No. 2016-11-17C
Page 2 of 1

EXHIBIT A SHERIFF'S TAX DEED TAX RESALE

00086145 VOL: 2987 PG: 312

Notice of confidentiality rights: If you are a natural person, you may remove or delete any or all of the following information from any document that contains an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

SHERIFF'S TAX DEED (TAX RESALE)

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF RUSK

X

That whereas, by virtue of a resolution of Rusk County, Trustee, Rusk County, Texas, and pursuant to Section 34.05 (c) of the Texas Property Tax Code, I, Danny Firth, Sheriff of Rusk County did advertise the below described property by giving public notice to the time and place of said sale by an advertisement in the English language, published once a week for three (3) consecutive weeks preceding such sale, the first publication appearing not less than (21) days immediately preceding the day of sale, beginning on June 14, 2009, in *The Henderson Daily News*, a newspaper published in the county of Rusk stating in said advertisement the time and place of sale, a description of the property to be sold, the suit under which the property was sold at the tax foreclosure sale, and the date of the tax foreclosure judgment, and on the first Tuesday in July, 2009, beginning at 1:00 p.m., said and hereinafter described land or lots at public auction, at the Front Steps of the Courthouse of Rusk County, at which sale the premises hereafter described were struck off to

CITY OF OVERTON
DRAWER D
OVERTON, TX 75804

for the sum of \$100.00, they being the highest bidder therefor, and that being the highest bid for the same, NOW, THEREFORE, in consideration of the premises aforesaid, and of the payment of the aforesaid sum, the receipt of which is hereby acknowledged, I, as Sheriff, did Grant, Sell, and Convey, and by these presents do Grant, Sell, and Convey unto the said grantee all of the estate, right, title, and interest of Rusk County, Trustee, and all other taxing units interested in the tax foreclosure judgment of that certain suit, Cause No. 2007-160, Rusk County, et al vs. Dale Therman McCreary, et al, against the property herein conveyed, acquired by tax foreclosure sale heretofore held, said property being located in Rusk County, and described as follows:

TRACT 1
LOTS 22, 23, 24 AND THE WEST 3.3 FEET OF LOT 21, BLOCK 135, ORIGINAL TOWNSHIP, CITY OF OVERTON, RUSK COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1861, PAGE 511, DEED RECORDS OF RUSK COUNTY, TEXAS, AND ALSO SUBJECT TO A CITY OF OVERTON DEMOLITION LIEN FILED IN THE AMOUNT OF \$100.00 (ACCT #03604-03330-00000-000000 OVERTON IED, CITY OF OVERTON, RUSK CO. & KILGORE COLLEGE)

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee, their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof, as fully and absolute as I, Sheriff, can convey by Section 34.05 (c).

