

**REGULAR CALLED CITY COUNCIL MEETING
August 17, 2017**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD AUGUST 17, 2017 AT 7:00 PM IN THE COUNCIL CHAMBERS, 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, Police Chief, Wendy Bates, City Comptroller, and Rachél Gafford, City Secretary representing staff.

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

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

II. PROCLAMATION / RECOGNITION / APPOINTMENTS

None

III. CITIZEN FORUM

No one signed up to speak.

IV. CITIZEN'S REQUEST

None

V. CONSENT AGENDA

Mayor Evans introduced the Consent Agenda items

1. City Council to review, make possible corrections and approve minutes of:
 - a. Special Called Workshop of the City Council held on July 20, 2017.
 - b. Regular Called Meeting of the City Council held on July 20, 2017.

Councilman Posey made a motion to approve Consent Agenda as submitted.

Councilman Williams seconded the motion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

VI. OLD BUSINESS

1. Present revised meeting schedule for the City Council as updated August 14, 2017.
 - a. Mayor to receive request, if any, for leave of absence from any Council Member from future meetings.

City Manager Cunningham presented the meeting calendar for September 2017. The September regular called meetings for OEDC and OMDD have been cancelled.

No requests for excused absences received

2. City Council to hear and discuss an update of the following pending issues:
 - a. Emergency Services District workshops.

City Manager Cunningham stated that the workshop discussions with the existing Overton Fire Department Volunteers would resume in November. Cunningham recommended Council making a decision on how to proceed in April/May 2018.

- b. Dangerous Structures Ordinance revisions.

City Manager Cunningham stated that since City Attorney Thompson had made recommendations for several revisions to the proposed Ordinance amendment, staff would work on the revisions and have this on the Agenda for the October Council Meeting.

- c. Removal of Cemetery Benches deadline August 18, 2017.

City Secretary Gafford presented the current listing of benches that had not been removed and which plot owners had installed bench pads. Gafford asked for direction as to whether more time should be allotted or should staff proceed with the bench removals.

Mayor Pro Tem Cox stated that he felt that staff should proceed with bench removal of all plot owners who had not removed or complied with the Cemetery Rules. Council agreed and Mayor Evans directed staff to remove the remaining benches from the cemetery.

- d. FY 2017-18 Budget Calendar revised.

City Manager Cunningham presented a revised calendar for Council review for upcoming meetings for the adoption of the FY 2017-18 Budget and Tax Rates.

- e. Report on gas leak and electrical line damaged that was reported behind Texas Bank & Trust in Overton August 9th and August 11th.

City Manager Cunningham informed Council that staff had followed all 8-1-1 procedures in having all utility lines marked prior to digging and staff was told by CenterPoint Energy that the gas line that was cut was a dead line. The electric line was not marked and Oncor was not aware that the line existed.

No action required

VII. NEW BUSINESS

1. Consider and propose ***Ad Valorem*** Tax Rates for Fiscal Year 2017-18 by record vote and schedule two (2) public hearing dates on Tax Rates for General

Government Operations and Maintenance, Funding of Debt Obligations and Cemetery Operations and Maintenance.

This item was presented and discussed with Item VII.2. See that item for detail on the discussion.

2. Consider and schedule a public hearing date on the City's Annual Operating Budget for Fiscal Year 2017 - 2018.

City Manager Cunningham gave a power point presentation covering Items VII.1 & VII.2 regarding the proposed Tax Rates for the City of Overton O & M, Debt and Cemetery to support the FY 2017-18 Budget. Cunningham proposed that the two Public Hearing dates for the tax rates be set for Thursday, August 31, 2017 and Thursday, September 7, 2017. Cunningham also proposed Council set the Public Hearing for the FY 2017-2018 Annual Operating Budget for Thursday, September 7, 2017.

Councilman Davis made a motion to set the two Public Hearing dates for the City of Overton 2017 Tax Year Rates on Thursday, August 31, 2017 and Thursday, September 7, 2017 and the Public Hearing on the FY 2017-2018 Annual Operating Budget for Thursday, September 7, 2017 all at 7 pm.

Councilman Williams seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

3. Council to review, consider and/or take action regarding **RESOLUTION NO. 2017-08-17A**; a Resolution of the City Council of the City of Overton, Texas documenting the Council's consideration of provisional tax rates for funding City operations; recording the votes on said tax rates; setting dates for two public hearings on the tax rates; and a single public hearing on the Annual Operating Budget for FY 2017-18.

Councilman Davis made a motion to approve Resolution No. 2017-08-17A (Part A), documenting Council's consideration of a provisional tax rate of \$0.41 for the O & M tax rate, \$0.258 for I & S tax rate and setting two Public Hearing dates for the City of Overton 2017 Tax Year Provisional Rates on Thursday, August 31, 2017 and Thursday, September 7, 2017 and the Public Hearing on the FY 2017-2018 Annual Operating Budget for Thursday, September 7, 2017 all at 7 pm.

Mayor Pro Tem Cox seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a record vote.

COUNCIL MEMBER	AYE	NAY
Mayor Pro-Tem Philip Cox, Place #1	X	
John Posey, Place #2	X	
Jerry Clark, Place #3	X	
Lawrence Davis, Place #2	X	
Michael Paul Williams, Place #5	X	

Motion carried 5 – 0 – 0.

Mayor Pro Tem Cox made a motion to approve Resolution No. 2017-08-17A (Part B), documenting Council’s consideration of a provisional tax rate of and \$0.05 for the Cemetery tax rate and setting two Public Hearing dates for the City of Overton 2017 Cemetery Tax Year Rate on Thursday, August 31, 2017 and Thursday, September 7, 2017 at 7 pm to fund the O & M of the Overton Municipal Cemetery.

Councilman Clark seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a record vote.

COUNCIL MEMBER	AYE	NAY
Mayor Pro-Tem Philip Cox, Place #1	X	
John Posey, Place #2	X	
Jerry Clark, Place #3	X	
Lawrence Davis, Place #2	X	
Michael Paul Williams, Place #5	X	

Motion carried 5 – 0 – 0.

4. Council to review, consider and/or take action setting dates of two public hearings regarding an Ordinance of the City Council of the City of Overton, Texas, reenacting Chapter 95 entitled “Curfew Hours for Minors” of the Code of Ordinances.

Police Chief Carter presented a draft Ordinance to reenact the current Juvenile Curfew Ordinance for an additional three (3) years per requirement by the Texas Local Government Code, Section 370.002.

Councilman Posey made a motion to set two Public Hearing dates for the re-enactment of Chapter 95 of the City of Overton Code of Ordinances “Curfew Hours for Minors” on Thursday, August 31, 2017 and Thursday, September 7, 2017 at 7 pm.

Mayor Pro Tem Cox seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

5. Council to review, consider and/or take action regarding **ORDINANCE NO. 2017-08-17A**, an Ordinance of the City Council of the City of Overton, Texas ordering a Regular City General Election for the election of Mayor and City Council Member Place # 2, City Council Member Place # 4 as required by Section 22.003 of the Texas Local Government Code and Chapter 41 of the Texas Election Code at the next uniform election to be held on November 7, 2017; authorizing the Mayor to sign the Election Order on behalf of the governing body, designating the main Early Voting Polling Places.

Mayor Pro Tem Cox made a motion to approve Ordinance No. 2017-08-17A, Ordering the 2017 General Election for the City of Overton for November 7, 2017.

Councilman Posey seconded the motion.

Mayor Evans called for discussion. No discussion.

Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

VIII. CITY ADMINISTRATION’S MONTHLY REPORTS

Mayor Evans introduced the following departmental reports for review and discussion by Council.

1. Fire Department Monthly Report
2. Police Department Monthly
3. Department of Finance Monthly Report
4. City Secretary’s Monthly Report

City Manager Cunningham answered questions regarding the departmental reports and presented the City Manager’s monthly report

5. City Manager’s Monthly Report

City Manager Cunningham mentioned the following items during his report:

- *County to continue to repair the roads that were schedule for this year in next year’s budget year.*

- TCEQ is requiring the refurbishing of the ground storage tanks at both Well # 5 & Well #7, estimated cost for both will be \$160,000. Staff had submitted a request to give the City an extension on the refurbishing until February 2018, but had not received a response as of yet.

Mayor Pro Tem Cox asked if staff would consider approaching OMDD for the removal of the Cohagen storage tank.

City Manager Cunningham stated that he would need to get a bid on the cost to remove the tank but agreed that this would be a good project to be funded by OMDD.

- The engineering pressure study conducted by SPI recommended the consideration of a new well which is estimated to cost \$1,000,000. Recommending that this be a part of the next year's budget items and possibly sell bonds for the building of the new well.

Councilman Posey asked if selling bonds would be an election issue.

City Manager Cunningham responded that the City would have to conduct Public Hearings on the intent to issue bonds; however, if the City does not receive a petition to conduct an election on whether the City should issue bonds or not, then the City would not have to conduct an election.

No action required

IX. ADJOURNMENT

Mayor Pro Tem Cox made a motion to adjourn.

Councilman Posey seconded the motion.


Mayor Evans called for a vote.

Motion carried 5 – 0 – 0.

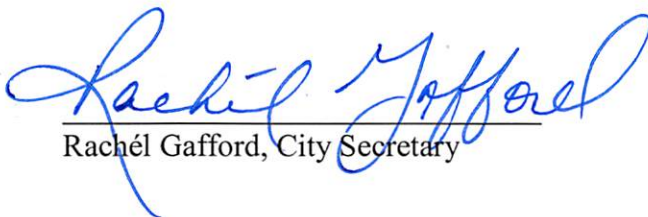
With no further business, the meeting was adjourned at **8:11 PM**

Minutes submitted, approved and/or corrected this 7th day of September, 2017.

CITY OF OVERTON


C. R. Evans, Jr., Mayor

ATTEST:


Rachél Gafford, City Secretary



ATTACHMENT A

RESOLUTION NO. 2017-08-17A – Proposed 2017 Tax Rates & Public Hearing Dates

RESOLUTION NO. 2017-08-17A

A RESOLUTION OF THE CITY OF OVERTON, TEXAS, TO RECORD COUNCIL VOTE TO CONSIDER PROPOSED *AD VALOREM* TAX RATES PER \$100.00 OF TAXABLE VALUATION OF \$0.410000 FOR GENERAL GOVERNMENT MAINTENANCE AND OPERATIONS; \$0.258000 FOR FUNDING OF ITS ANNUAL DEBT OBLIGATIONS AND; \$0.050000 FOR MAINTENANCE AND OPERATIONS OF THE OVERTON MUNICIPAL CEMETERY FOR FISCAL YEAR 2017-18; TO SCHEDULE TWO PUBLIC HEARINGS ON THE TAX RATE AND SCHEDULE ONE PUBLIC HEARING ON THE PROPOSED 2017-18 FISCAL YEAR BUDGET; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Texas Tax Code, Section 26.06, requires that prior to holding the required public hearings on the tax rate, the governing body must take a record vote by an ordinance or resolution, as appropriate, showing how each member of the governing body voted on the proposal to consider the tax increase, and

WHEREAS, this Resolution complies with the provisions of the Texas Tax Code.

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

Section 1. Findings. As required by the Texas Tax Code, Section 26.06, the City Council of the City of Overton, Texas, has on this day considered the proposal to set the following *ad valorem* tax rates as described and in the amounts stated herein, per \$100 valuation for Fiscal Year 2017-18:

- Support of Operations and Maintenance of General Government \$0.410000
- Funding for the City's annual debt Obligations \$0.258000

Total Tax Rate \$0.668000

Section 2. Recorded Vote. The recorded the vote on the tax rate proposal in Section 1. Above is as follows:

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place #3	X	
Councilman Lawrence, Davis #4	X	
Councilman Michael Paul Williams, Place # 5	X	

PRESENT AND NOT VOTING: Mayor C.R. Evans, Jr.

ABSENT: _____

Section 3. Findings. The City Council of the City of Overton, Texas, has on this day considered the proposal to set the following *ad valorem* tax rate as described and in the amounts stated herein, per \$100 valuation for Fiscal Year 2016-17:

- Support of Operations and Maintenance of the Municipal Cemetery \$0.050000

Section 4. Recorded Vote. The recorded the vote on the tax rate proposal is as follows:

Council Member	FOR	AGAINST
Mayor Pro Tem Philip Cox, Place # 1	X	
Councilman John Posey, Place # 2	X	
Councilman Jerry Clark, Place #3	X	
Councilman Lawrence, Davis #4	X	
Councilman Michael Paul Williams, Place # 5	X	

PRESENT AND NOT VOTING: Mayor C.R. Evans, Jr.

ABSENT: _____

Section 5. The date of **August 31st, 2017** is set as the date of the **first public hearing** on the FY 2017-18 Tax Rates for the City of Overton.

Section 6. The date of **September 7th, 2017** is set as the date of the **second public hearing** on the FY 2017-18 Tax Rates for the City of Overton.

Section 7. The date of **September 7th, 2017** is also set as the date of the required public hearing on consideration of the FY 2017-18 Annual Operating Budget for the City of Overton.

Section 8. In addition, the following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 9. Authorization. This Resolution of the City of Overton, Texas, is hereby adopted in compliance with the requirements set forth in Section 26.06 of the Texas Tax Code.

Section 10. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the rules governing General Law Cities.

Section 11. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

FINALLY PASSED AND APPROVED on this the **17th** day of **August, 2017**.



THE CITY OF OVERTON, TEXAS

C.R. Evans, Jr.
Mayor C.R. Evans, Jr. 8/17/17
Date

ATTEST:

Rachel Gafford
Rachel Gafford, City Secretary 8/17/2017
Date

ATTCHMENT B
ORDINANCE NO. 2017-08-17A – ORDERING THE 2017 GENERAL ELECTION

City of Overton, TX

ORDINANCE NO. 2017-08-17A
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ORDINANCE NO. 2017-08-17A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ORDERING A GENERAL ELECTION FOR THE CITY OF OVERTON FOR THE ELECTION OF MAYOR AND CITY COUNCIL MEMBER PLACE # 2, CITY COUNCIL MEMBER PLACE # 4 AS REQUIRED BY SECTION 22.003 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 41 OF THE TEXAS ELECTION CODE AT THE NEXT UNIFORM ELECTION TO BE HELD ON NOVEMBER 7, 2017; AUTHORIZING THE MAYOR TO SIGN THE ELECTION ORDER ON BEHALF OF THE GOVERNING BODY, DESIGNATING THE EARLY VOTING POLLING PLACES.

ORDER OF GENERAL ELECTION FOR THE CITY OF OVERTON, TEXAS
(ORDEN DE ELECCIÓN GENERAL PARA LA CIUDAD DE OVERTON, TEJAS)

An election is hereby ordered to be held on November 7, 2017 for the purpose of:

Electing a Mayor, Councilman Place # 2 and Councilman Place # 4

La elección general que se ordena aquí, se celebrará martes, el 7 de Noviembre 2017, para los fines siguientes:

La elección de un Alcade, Concejal Lugar #2 y #4 Concejal Lugar

Early voting by personal appearance will be conducted each week day from October 23, through November 3, 2017 at: *(La votación avanzado y en persona estará conducida cada día laborable desde el 23 de Octubre hasta el 3 de Noviembre 2017:*

MAIN EARLY VOTING SITE (RUSK COUNTY):

Sitio principal de la votación anticipada (Condado de Rusk):

Location
Rusk County Elections Office 204 N. Main St. Henderson, TX

MAIN EARLY VOTING SITE (SMITH COUNTY):

Sitios principals de la votación anticipada (Condado de Smith):

Location
The HUB Smith County Elections Office 304 E. Ferguson St Tyler, TX

City of Overton, TX

ORDINANCE NO. 2017-08-17A
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Applications for ballot by mail for Rusk County Voters should be mailed to:
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

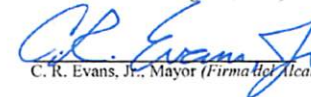
Kathie Wittner, Election Administrator
 Early Voting Clerk *Secretaria de la Votación Adelantada*
P.O. Box 668 (204 N. Main St)
(Address) (Dirección)
Henderson, Texas 75653
(City) (Zip Code) (Ciudad)(Zona Postal)

Applications for ballot by mail for Smith County Voters should be mailed to:
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Karen Nelson, Election Administrator
 Early Voting Clerk *Secretaria de la Votación Adelantada*
302 E. Ferguson St
(Address) (Dirección)
Tyler, Texas 75702
(City) (Zip Code) (Ciudad)(Zona Postal)

Applications for ballots by mail must be received no later than **Friday, October 27, 2017** close of business. *(Las aplicaciones para votaciones por el correo no deben ser recibidas más tarde que el final de. Cerrado viernes, 27 de de Octubre de 2017.)*

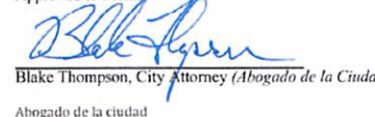
Issued this the 17th day of August, 2017. *(Emitida este día 17th de Agosto, 2017)*


 C. R. Evans, Jr., Mayor *(Firma del Alcaldé)*

Attested by:


 Rachel Gafford, City Secretary *(Secretario de la Ciudad)*

Approved to Form:


 Blake Thompson, City Attorney *(Abogado de la Ciudad)*
 Abogado de la ciudad



Instruction Note: A copy of this election order must be delivered to the county Clerk/elections Administrator and Voter Registrar immediately after ordering the election.
(Nota de instrucción: Se deberá entregar una copia de esta orden de elección a la Secretaría del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes inmediatamente después de ordenar la elección.)