

**REGULAR CALLED CITY COUNCIL MEETING
November 16, 2017**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **NOVEMBER 16, 2017** AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Posey
Jerry Clark
Michael Paul Williams

ABSENT:

Philip Cox, Mayor Pro Tem

Also in attendance were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Comptroller, and Rachél Gafford, City Secretary representing staff. Charles Robinson, Jr., Jeannie Barber, Gene Kennon and Loneta Nelson representing the Overton New London Chamber of Commerce, Andy Chiles and Michele Williams representing the public.

I. CALL TO ORDER – Mayor Evans called the meeting to order at 7:03 pm

Mayor Evans skipped the Invocation and Pledge as it had been done during the workshop earlier in the evening.

II. CITIZEN FORUM - No one spoke.

III. CITIZEN'S REQUEST

1. *Charles Robinson, Jr., on behalf of the Overton-New London Chamber of Commerce presented a request to City Council for approval to hold the annual Christmas Parade on Monday, November 27, 2017. Mr. Robinson presented council with the parade route, a request for the City to temporarily close Commerce Street for the parade and to utilize the City's Police Personnel for traffic control during the parade. Mr. Robinson also provided City Council with a copy of the Chambers Certificate of Insurance to cover liability for the event.*

Councilman Williams made a motion to approve the Chambers' request to hold the Christmas Parade as presented utilizing the City's Police Officers for traffic control and the temporary closing of Commerce Street for the Parade Route.

Councilman Posey seconded the motion.

Mayor Evans called for discussion, no discussion

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0, Mayor Pro Tem Cox absent.

IV. 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 Special Called Meeting of the City Council October 26, 2017.

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

Councilman Davis seconded the motion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Mayor Pro Tem Cox absent.

V. BUSINESS

1. Presentation of Certificates of Election.

City Secretary Gafford stated that in the absence of the current Mayor Pro Tem, Council would need to appoint a Council Member to sign the Certificates of Election.

Councilman Davis made a motion to appoint Councilman Jerry Clark to sign the Certificates of Election.

Councilman Posey seconded the motion.

Mayor Evans called for a vote.

Motion carried 3 – 0 – 1; Councilman Clark abstained, Mayor Pro Tem Cox absent.

Councilman Clark presented Certificates of Election declaring Mayor C. R. Evans, Jr., John C. Posey, Jr. and Lawrence Davis unopposed and duly declared elected to the Overton City Council for a two-year term expiring November 2019.

2. Administration, oath and installation of newly elected Council members: Mayor C. R. Evans, Jr., John Posey, Jr., Place #2 and Lawrence Davis, Place #4.

City Secretary Gafford administered the Oath of Office to Mayor C. R. Evans, Jr.

Mayor Evans administered the Oath of Office to John Posey, Jr. and Lawrence Davis.

3. City Council to consider and/or take action to elect a Mayor Pro Tempore.

Mayor Evans nominated Councilman John Posey, Jr. for Mayor Pro Tem.

Being no other nominations made, Councilman Williams made a motion to elect Councilman Posey to the office of Mayor Pro Tem by acclamation.

Councilman Clark seconded the motion.

Mayor Evans called for a vote.

Motion carried 3 – 0 – 1; Councilman Posey abstained and Councilman Cox absent.

4. Present revised meeting schedule for the City Council as updated November 13, 2017

Mayor Evans presented the meeting calendar for December 2017. Evans wanted to call everyone's attention to the fact that the December regular called meetings for OEDC and OMDD have been cancelled. Mayor Evans recommended that the December Regular Called Meeting scheduled for

December 21st be rescheduled to December 14th due to the third Thursday falling so close to Christmas and that a Special Called Meeting be held on November 21st at 7 p.m. to pass the Resolution to move the meeting and to approve the CDBG Grant Contract that did not come in soon enough to be placed on this agenda.

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

No requests for excused absences received.

5. Discuss and take action ratifying the Overton Municipal Development District decision to fund the following items for the Overton Municipal Park Improvement Project:
 - a. Purchase and Installation of a Fork Lift Attachment in the amount of \$1,350.
 - b. Acceptance of bid from Jason Wood in the amount not to exceed \$9,500 for:
 - i. Revisions to the original drainage project and building of a pad for parking, including the rental of a dozer for one month
 - ii. Refurbishing the existing three swing set frames to be kept
 - iii. Removal of the existing playground equipment (excluding the carousel swing) and leveling the ground for the new playground equipment

City Manager Carter presented a Resolution to ratify the above listed changes and funding to the Overton Municipal Park project.

Mayor Pro Tem Posey made a motion to approve the Resolution as submitted.

Councilman Davis seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

6. Discuss and take action regarding a recommendation by Overton Municipal Development District to remove the Carousel (Merry-Go-Round) Swing in the Overton Municipal Park due to the cost of repair, refurbishing and safety issues / liability associated with keeping the swing.

City Manager Carter presented OMDD and Kaplan Companies recommendations to remove the Carousel Swing from the Park due to safety reasons and the cost of the proposed repairs recommended to refurbish the Carousel Swing was approximately \$2,500, \$600 to \$800 of which was for replacing the bearing.

Councilman Davis made a motion to remove the Carousel Swing from the Municipal Park.

Mayor Pro Tem Posey seconded the motion.

Mayor Evans announced that Michelle Williams a member of the Committee who had worked on the Municipal Park Playground Equipment selection had submitted a request to speak on this item.

Michelle Williams stated that she and the other committee members had designed the new equipment around keeping this piece of historic equipment which the Boy Scouts had just replaced all of the seats and the chains on. That she felt that this piece of equipment is an iconic piece of history that most of the adults can remember playing on as children and which is still the most cherished and favorite piece of equipment in the park. Williams requested that if it cost too much to refurbish it at this time, could Council please consider keeping the piece of equipment as is for the historic preservation aspect.

Mayor Evans called for discussion.

Mayor Pro Tem Posey recommended that if the cost is too much at this time to refurbish the swing, then maybe we just let the swing stay as is for the time being. The quote presented to repair bearing on the swing seems awfully high, there may be some other suppliers or options for the replacement of the bearing that I may be able to provide City staff with.

Mayor Evans called for further discussion, hearing none, the question is on the on the motion to remove the Carousel Swing from the Municipal Park.

The motion failed to pass with a vote of 0 – 4 – 0; Councilman Cox absent; the Carousel Swing will stay in the park.

7. Discuss and consider taking action regarding a Resolution declaring certain property as surplus and authorizing the sale and/or the disposal of said property by the City Manager.

City Manager Carter presented the Resolution to declare certain property as surplus property and authorizes the City Manager to sale and or dispose of said property.

Councilman Davis made a motion to approve the Resolution as submitted.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans then called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

8. Discuss and consider taking action regarding a Resolution authorizing the City Manager to enter into a Service Agreement as an Equipment Operator with Jason Wood on behalf of the City for a term of approximately six month beginning November 12, 2017 and ending on May 31, 2018.

City Manager Carter presented proposed Resolution to authorize the execution of a Service Agreement with Jason Wood as Heavy Equipment Operator in relation to the work being done on the North Lake Dam and the Overton Municipal Park projects.

Mayor Pro Tem Posey made a motion to approve the Resolution and authorize the City Manager to execute the Service Agreement with Jason Wood as submitted.

Councilman Davis seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

9. Discuss and consider taking action regarding a Resolution to reappoint the Municipal Court Judge and authorize the City Manager to enter into a Professional Services Agreement with the Municipal Court Judge with an effective date of November 17, 2017 through December 31, 2019.

Mayor Evans presented proposed Resolution and recommended the reappointment of Carolyn Walters as the City of Overton's Municipal Court Judge and authorize the City Manager to enter into a Professional Services Agreement with Ms. Walters.

City Comptroller Bates also discussed a few contract changes that were made after the agenda packet had been distributed. Bates stated that the changes included adding mileage for traveling to Henderson to Magistrate prisoners, pay within seven (7) days of the end of each month and the Injuries / Insurance section was modified to be reviewed after metal detector(s) installed.

Mayor Pro Tem Posey made a motion to approve the Resolution to reappoint Carolyn Walters to another two-year term as Municipal Court Judge and to authorize the City Manager to execute a Professional Services Agreement with Carolyn Walters for her services.

Councilman Williams seconded the motion.

Mayor Evans called for discussion.

Mayor Pro Tem Posey stated that he wanted to go on record that he was not in support of the reappointment of Carolyn Walters as she had previously been too lenient in dismissing charges on repeat offenders for the plaintiff's claim of indigency and not assigning the person any community service or anything, just dismissing the charges over and over again.

City Manager Carter responded that Charles Cunningham and himself had met with Ms. Walters to discuss her dismissing tickets for these repeat offenders on their claim of not being able to pay with not requiring the plaintiff to show any proof of indigency. Carter assured the members of City Council that Ms. Walters had received additional training on the legal requirements for a person being able to claim indigent status and was working on developing some Standard Operating Procedures for the Court to follow in these and other cases.

Mayor Evans added his input that he had attended several Court sessions and would agree that Judge Walters had made significant improvement in the area of concern.

Mayor Evans called for any additional discussion, no further comments or discussion occurred.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

10. Discuss and consider taking action regarding authorizing the City Manager to publish a Request for Proposals (RFP) for Janitorial Services for City Hall, Police Department, City Park Restrooms and the Community Building.

City Comptroller Bates stated that the City does not currently have a contract for any Janitorial Services. The City had been utilizing the Treatment Center trustees to clean City Hall prior to it having closed and the person who had the contract for the Community Building and the Park Restrooms was relieved of his services more than a year ago. Staff along with community service workers have been attempting to keep the offices cleaned and stocked, but it is just too much for staff to keep up with along with their regular duties. Staff requesting Council permission to develop and publish an RFP for Janitorial Services for City Hall, Police Department, the Community Center and the Park Restrooms.

Mayor Pro Tem Posey made a motion to authorize staff to develop and publish an RFP for Janitorial Services.

Councilman Davis seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

11. Discuss and consider taking action regarding authorizing the City Manager to publish a Request for Proposals for Landscaping and Mowing Services for the Overton Municipal Cemetery.

City Comptroller Bates stated that the current contract is due to expire the last day of January 2018 with the option for a one-month extension. Staff requesting Council permission to develop and publish an RFP for Cemetery Maintenance.

Mayor Pro Tem Posey made a motion to authorize staff to develop and publish an RFP for the Overton Municipal Cemetery Maintenance.

Councilman Davis seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

12. Discuss and consider taking action regarding a Resolution authorizing the casting of the City's 36 votes for either Clifford Harkless, Jon Johnston, Jimmy L. Jones, Pat McCory or Lanita Whitehead for a seat on the Board of Directors of the Rusk County Appraisal District for the 2018-19 term of office.

City Secretary Gafford presented the draft resolution with the nominees for the 2018-2019 Rusk County Appraisal District Board of Directors.

Councilman Davis made a motion to cast the City's 36 votes evenly across all 5 nominees as shown below.

NOMINEE	VOTES CAST
Mrs. Lanita Whitehead	7.2
Mr. Clifford Harkless	7.2
Mr. Jimmy Jones	7.2
Mr. Pat McCrory	7.2
Mr. Jon Johnston	7.2

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

13. Discuss and consider taking action regarding a Resolution nominating Ron Shaffer for reappointment to Smith County 9-1-1 District Board of Managers for an additional two-year term beginning January 1, 2018 and expiring on December 31, 2020.

City Manager Carter presented proposed Resolution to reappoint Ron Shaffer to the Smith County 9-1-1 Board of Managers stating that Ron Shaffer has always been very supportive of the Overton Police Department and Fire Departments requests for funding.

Councilman Davis made a motion to approve the Resolution as submitted nominating Ron Shaffer for reappointment to the Smith County 9-1-1 Board of Managers.

Mayor Pro Tem Posey seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

14. Discuss and give staff direction regarding possible creation of new classes of Part Time Employees.

City Comptroller presented the agenda item stating that the City now has a couple of employees working thirty (30) or so hours each pay period and TML-IEBP will only allow the City to offer employees health insurance at the City's rate if the employee works a minimum of 20 hours and gets vacation time and sick time (aka: PTO). The City would like to extend the offer of health and dental insurance to the employees at their own expense if they are working enough hours to payroll deduct the cost of the insurance from their check.

Councilman Davis made a motion to direct staff to bring back a policy creating the new classes of Part Time Employees.

Councilman Clark seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 3 – 0 – 1; Councilman Davis abstained and Councilman Cox absent.

15. Review, discuss and consider taking action regarding the City Manager's recommendation to add a part time position for a Pro Re Nata (PRN) Part Time Dispatcher.

City Manager Carter presented the agenda item stating that excessive overtime has been an issue with the Court.

Mayor Pro Tem Posey made a motion to approve the addition of the position of a part time PRN Dispatcher to the Police Department.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

VI. CONVENE TO EXECUTIVE SESSION

City Council to adjourned into Executive Session at 8:46 p.m.

1. City Council to discuss, consider and take action on evaluating the performance of the City Secretary during the period April 21, 2014 through November 16, 2017, pursuant to Section 551.074(A) (1) of the "TEXAS GOVERNMENT CODE".

VII. RECONVENE INTO OPEN SESSION

City Council reconvened in open session at 9:35 p.m.

1. Council to take action regarding the City Secretary evaluation as discussed in Executive Session.

Councilman Davis made a motion to approve an overall City Council evaluation rating of 4.7 out of a possible 5 and to approve a 7.3% raise for City Secretary Gafford effective November 25, 2017.

Councilman Clark seconded the motion.

Mayor Evans called for discussion, no further discussion.

Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

VIII. CITY ADMINISTRATION'S MONTHLY REPORTS

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

1. Emergency Services Monthly Reports
2. Department of Finance Monthly Report
3. City Manager's Monthly Report

City Manager Carter answered questions regarding the departmental reports and presented the City Manager's monthly report.

IX. ADJOURNMENT

Councilman Davis made a motion to adjourn.

Mayor Pro Tem Posey seconded the motion.

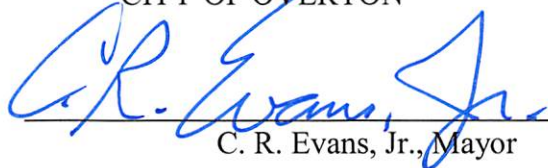
Mayor Evans called for a vote.

Motion carried 4 – 0 – 0; Councilman Cox absent.

With no further business, the meeting was adjourned at **9:55 PM**

Minutes submitted, approved and/or corrected this **14th** day of **December, 2017.**

CITY OF OVERTON



C. R. Evans, Jr., Mayor

ATTEST:



Rachel Gafford, City Secretary



Attachments:

- A. Resolution No. 2017-11-16A – Ratification of OMDD Park Project Funding Revisions
- B. Resolution No. 2017-11-16B - Declaring Certain Municipal Property as Surplus Property
- C. Resolution No. 2017-11-16B - Service Agreement with Jason Wood
- D. Resolution No. 2017-11-16D - Municipal Court Judge Appointment & Service Agreement
- E. Resolution No. 2017-11-16E - Vote on RCAD Board of Directors
- F. Resolution No. 2017-11-16F - Nomination for Smith County 9-1-1 Board of Managers

ATTACHMENT A

City of Overton, TX

Resolution No. 2017-11-16A
Page 1 of 2

RESOLUTION NO: 2017-11-16A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS RATIFYING THE SELECTION OF PROJECTS AND FUNDING BY THE OVERTON MUNICIPAL DEVELOPMENT DISTRICT (OMDD) FOR THE OVERTON MUNICIPAL PARK IMPROVEMENT PROJECT.

WHEREAS, the OMDD met on November 9, 2017 to consider funding of specific items needed for the Overton Municipal Park Improvement Project that have been identified as priority needs of the City of Overton; and

WHEREAS, funds generated by sales and use tax revenue for the Development District are available for funding of said projects; and

WHEREAS, the City Council of the City of Overton agrees to the use of such funds for these specific items listed below as approved by the OMDD for funding,

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

The City Council of the City of Overton, TX ratifies and approves the following expenditures that were approved for funding by the OMDD using funds generated from sales tax for such purposes, in the amounts specified:

1. **Acceptance of a bid from Texas H & H Equipment & Custom Welding in an amount not to exceed \$1,350 for the following items:**
 - a. Purchase and installation of a set of forks and the attachment mechanism for the Holt Cat Backhoe for the offloading and transporting the New Playground Equipment and future use by the City for other projects.
2. **Acceptance of a bid from Jason Wood with an amount not to exceed \$9,500 for the following items:**
 - a. Revisions to the original Park drainage project and building of a parking pad along Pearl Street including the rental of a dozer for one month.
 - b. Refurbishing the existing three (3) swing set A-frames to be retained for use in the park.
 - c. Removal of the old playground equipment structures and leveling the ground for the new playground equipment to installed.

City of Overton, TX

Resolution No. 2017-11-16A
Page 2 of 2

DULY APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 16TH DAY OF NOVEMBER, 2017.



CITY OF OVERTON, TEXAS

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

ATTACHMENT B

City of Overton, TX

Resolution No. 2017-11-16B
Page 1

RESOLUTION NO. 2017-11-16B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON TEXAS, DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SALE OR DISPOSAL OF SAID PROPERTY.

WHEREAS, the City of Overton desires to alleviate the City of said surplus property; and

WHEREAS, the City of Overton has the legal title and ownership rights to said surplus property; and

WHEREAS, the City of Overton desires to dispose of the surplus property as listed on the attached Exhibit "A".

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

SECTION 1. That the City Council declares the attached Exhibit "A" as surplus property and authorizes the City Manager to execute the sale, trade, donation or disposal of said property.

PASSED AND APPROVED BY MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THIS 16TH DAY OF NOVEMBER, 2017.

CITY OF OVERTON

C.R. Evans, Jr., MAYOR

ATTEST:

Rachel Gafford, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY


Blake Thompson, CITY ATTORNEY



**EXHIBIT A
SURPLUS PROPERTY LISTING**

ITEM #	ITEM DESCRIPTION	METHOD OF DISPOSAL
1	1986 IHC DUMP TRUCK VIN# 1HTLCHXL8GHA49189	AUCTION
2	SEIZED 2003 CHEVY TRAIL BLAZER VIN# 1GNDS13S132279246	AUCTION
3	NEW HOLLAND BACKHOE	AUCTION
4	MISCELLANEOUS OLD/USED OFFICE CHAIRS	AUCTION
5	MISCELLANEOUS OLD/USED TIRES	AUCTION/DONATE/RECYCLE
6	OLD / USED 20" RIMS FOR A 2011 DODGE CHARGER	AUCTION
7	MISCELLANEOUS OLD / USED COMPUTERS & ACCESSORIES	AUCTION / RECYCLE
8	MISCELLANEOUS OLD/USED ELECTRONICS	AUCTION / RECYCLE
9	OLD / USED WEED EATERS	AUCTION
10	OLD / USED FIRE HOSES	AUCTION
11	OLD /USED SWIM BASKETS	AUCTION
12	MISCELLANEOUS OLD / USED POLICE PATROL CAR TRANSPORT BARRIERS	AUCTION
13	VARIOUS PIECES OF SCRAP METAL	SALE
14	MISCELLANEOUS OLD/USED DOG KENNELS	AUCTION
15	USED GAS RANGE	AUCTION
16	OLD / USED PRESSURE WASHER	AUCTION
17	VARIOUS OLD / USED FILING CABINETS	AUCTION / SALE
18	UNCLAIMED BICYCLES	AUCTION
19	BUNN COMMERCIAL COFFEE MAKER	AUCTION

ATTACHMENT C

City of Overton, TX

Resolution No. 2017-11-16C
Page 1 of 5

RESOLUTION NO. 2017-11-16C

A RESOLUTION OF THE OVERTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES AGREEMENT WITH THE JASON WOOD TO PROVIDE HEAVY EQUIPMENT OPERATOR SERVICES TO THE CITY OF OVERTON; PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE OF SAID AGREEMENT.

WHEREAS, the City Manager and City Council have found it prudent and more efficient to hire contract labor for a licensed heavy equipment operator on an as needed basis for certain Capital Improvement Projects in lieu of paying overtime wage rates to staff; and

WHEREAS, the City Council of the City of Overton and Jason Wood have agreed to the terms and conditions by which he will provide Heavy Equipment Operator services for the City of Overton on an as needed basis; and

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

SECTION 1. That City Council hereby approves the General Services Agreement between the City of Overton and Jason Wood, as Heavy Equipment Operator, in substantially the form attached hereto as Exhibit A; and

SECTION 2. That City Council hereby authorizes the City Manager to execute the same on behalf of the City of Overton with the approval of the City Attorney.

SECTION 3. That this Resolution shall become effective immediately once executed by all parties with an expiration date of September 30, 2018.

DULY APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 16TH DAY OF NOVEMBER, 2017.

CITY OF OVERTON, TEXAS


C.R. Evans Jr., MAYOR

City of Overton, TX

Resolution No. 2017-11-16C
Page 2 of 5

ATTEST:


Rachel Gafford, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY


Blake Thompson, CITY ATTORNEY



City of Overton, TX

Resolution No. 2017-11-16C
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City of Overton, TX

Resolution No. 2017-11-16C
Page 4 of 5

**EXHIBIT A
GENERAL SERVICES AGREEMENT
(HEAVY EQUIPMENT OPERATOR)**

CITY OF OVERTON
RUSK COUNTY
STATE OF TEXAS

SERVICE AGREEMENT

CITY OF OVERTON AND JASON WOOD

This Agreement, made and entered into this 13th day of November, 2017, by and between the City of Overton, Texas ("CITY") and Jason Wood ("BUSINESS") is understood and agreed to be as set forth herein:

1. **Description of Services:** BUSINESS shall provide the following types of services to the CITY as follows:
 - (a) Equipment operation services as stated below:
 - a. Assist with Lake and Dam Improvement Project.
 - b. Perform visual inspection of equipment before operating; report any damages or other maintenance issues to City Manager.
 - c. Operate various types of hand tools and power tools that may be required in normal course of preparing clearing site where heavy equipment will be operated.
 - d. Safely operate equipment including, but not limited to, a D6 or D7 Caterpillar Dozer, per instructions from City Manager.
 - e. Safely operate grading equipment including, but not limited to, a Linkbelt or other model Excavator, per instructions from City Manager.
 - f. May perform manual labor duties such as digging holes, pouring cement, setting fence posts, etc. in a safe manner.
 - g. Other projects as assigned by the City Manager.
 - (b) BUSINESS shall perform all acts and procedures necessary in accordance with standard practices to perform and complete these tasks. CITY may authorize additional tasks and/or work assignments if and when necessary.

2. **Payment for Services:** The fee structure will include:

- (a) **Office/Work Hours** — BUSINESS shall observe regular office hours, Monday through Friday from 8:00 a.m. to 5:00 p.m., unless authorized otherwise by the City Manager. Upon direction by the CITY, hours and scheduling may be adjusted as needed to comport with the task to be performed and to conform to the CITY's holiday schedule.
- (b) **Invoicing:** BUSINESS shall invoice CITY monthly for hours worked at the hourly rate of **\$12.00/hour** and shall include a description of the work performed. An alternate invoice submission time frame can be authorized by the City Manager. The

CITY shall render payment to BUSINESS within thirty (30) days of receipt of BUSINESS' invoice.

3. **Durations:** This Agreement shall commence upon execution by all Parties and shall be in effect until September 30th of the fiscal year agreement was signed. This agreement shall automatically renew for successive one-year periods unless terminated as provided below.
4. **Termination:** Either party may terminate this Agreement by a seven (7) day written notice to the other party.
5. **Relationship of Parties:** It is understood by the parties that BUSINESS is an independent contractor with respect to the CITY and not an employee of the CITY. CITY will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit including worker's compensation insurance, for the benefit of BUSINESS. As an independent contractor, BUSINESS shall maintain a separate place of BUSINESS, from which BUSINESS can provide service to other customers unrelated to the CITY. BUSINESS shall provide the tools and equipment necessary for completion of the tasks covered by this Agreement. BUSINESS will provide supplies and materials if not furnished by the CITY.
6. **Employees:** Employees of BUSINESS, if any, who perform services for CITY under this Agreement shall also be bound by the provisions of this Agreement. BUSINESS shall provide adequate evidence that such persons are BUSINESS employees. BUSINESS employees shall not have any individual, private right of action against the CITY.
7. **Injured/Injured:** BUSINESS waives the right to recovery from CITY for any injuries that BUSINESS and/or BUSINESS employees may sustain while performing services under this Agreement.
8. **Indemnification:** BUSINESS agrees to indemnify, save and hold CITY harmless from any and all claims for damages, losses, expenses, fees, including attorney's fees, costs and judgments that may be asserted against the CITY that result from acts or omissions of BUSINESS, its employees, if any, agents or contractors.
9. **Assignment:** BUSINESS' obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of CITY.
10. **Notice:** All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

<p>For CITY: City Manager City of Overton 1200 S. Commerce Street Overton, TX 75684</p>	<p>For BUSINESS: Jason Wood 606 S. Cynthia Overton, TX 75684</p>
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City of Overton, TX

Resolution No. 2017-11-16C
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Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in the U.S. mail.

11. Entire Agreement: This Agreement contains the entire Agreement of the parties. There are no other promises or conditions in any other Agreement either oral or written. This Agreement supersedes any prior written agreements between the parties.

12. Amendment: This agreement may be modified or amended in writing signed by both parties.

13. Severability: If for any reason any clause, sentence, paragraph, section or part of this Agreement is held invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not affect any valid provisions of this Agreement.

14. Waiver of Contractual Right: The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of limitation to that party's right to subsequently enforce and compel strict compliance with every provision of the Agreement.

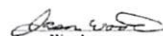
15. Applicable Law: The laws of the State of Texas shall govern this Agreement. Venue for any disputes arising under this Agreement shall be in Rusk County, Texas.

IN WITNESS WHEREOF, executed on this 16th day of November, 2017.

City of Overton:

Jason Wood:


Clyde Carter, Interim City Manager


Jason Wood

ATTACHMENT D

City of Overton, TX

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RESOLUTION NO. 2017-11-16D

A RESOLUTION OF THE OVERTON CITY COUNCIL REAPPOINTING THE MUNICIPAL COURT JUDGE AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE MUNICIPAL COURT JUDGE; PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE.

WHEREAS, Section 29.004 of the Texas Government Code provides for the appointment of municipal court judges and substitute judges; and

WHEREAS, the City of Overton has hereby adopted an Ordinance authorizing for the appointment of a Municipal Court Judge to preside over the Municipal Court as required by Section 29.004 of the Texas Government Code; and

WHEREAS, pursuant to Chapter 33, Section 20 (c) of Ordinance 2014-07-29A, the compensation of the Presiding Municipal Court Judge shall be in such other terms as set by agreement entered into between the City and the Presiding Municipal Court Judge or by the City Council resolution appointing or reappointing the Presiding Municipal Court Judge (the "Appointment Resolution"), as amended from time to time; and

WHEREAS, the City Council of the City of Overton and Carolyn Walters have agreed to the terms and conditions by which Carolyn Walters will preside as the Municipal Court Judge for the City of Overton; and

WHEREAS, the City Council of the City of Overton wishes to reappoint Carolyn Walters as Presiding Municipal Court Judge; and

WHEREAS, the Presiding Municipal Court Judge desires to accept the appointment under the terms and conditions set forth herein.

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

SECTION 1. That the City Council does hereby reappointment of Carolyn Walters as Municipal Court Judge for the City of Overton, for a term commencing on November 17, 2017 and expiring on December 31, 2019 consistent with Chapter 33, Section 20 (c) of the Overton Municipal Code of Ordinances.

SECTION 2. That City Council hereby approves the Professional Services Agreement between the City of Overton and Carolyn Walters, as presiding Municipal Court Judge, in substantially the form attached hereto as Exhibit A; and

City of Overton, TX

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SECTION 3. That City Council hereby authorizes the City Manager to execute the same on behalf of the City of Overton with the approval of the City Attorney.

SECTION 4. That this Resolution shall become effective immediately once executed by all parties with an expiration date of December 31, 2019.

DULY APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 16TH DAY OF NOVEMBER, 2017.

CITY OF OVERTON, TEXAS


C.R. Evans Jr., MAYOR

ATTEST:


Rachel Gafford, CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY


Blake Thompson, CITY ATTORNEY

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EXHIBIT A
PROFESSIONAL SERVICES AGREEMENT
(Presiding Municipal Court Judge)

CITY OF OVERTON §
RUSK COUNTY §
STATE OF TEXAS §

SERVICE AGREEMENT

CITY OF OVERTON AND CAROLYN WALTERS

This Agreement, made and entered into this 17th day of November, 2017, by and between the City of Overton, Texas ("CITY") and Carolyn Walters ("BUSINESS") is understood and agreed to be as set forth herein:

- 1. **Description of Services:** BUSINESS shall provide the following types of services to the CITY as follows:
 - (a) Services as Presiding Municipal Court Judge ("Judge");
 - (b) Assist City Council with recommendations for assistant and/or substitute judge(s) if needed to assure efficient operations of the municipal court.
 - (c) BUSINESS shall perform all acts and procedures necessary in accordance with standard practices to perform and complete these tasks. CITY may authorize additional tasks and/or work assignments if and when necessary.
- 2. **Administrative Support:** The City, through legislative appropriation of funds for operation of the municipal court, shall at all times provide suitable facilities for conduct of the public sessions of municipal court, as well as the administrative functions of the office of the municipal court clerk. The City shall have the exclusive right to designate the courtroom facilities and the location of the municipal court clerk. The City Council reserves the right to allow the City Manager to designate other duties and responsibilities to the individual service as the municipal court clerk, provided that the assignment of such additional duties and responsibilities do not materially impair the efficient operations of the municipal court and the interest of justice.
- 3. **Payment for Services:** The fee structure will include:
 - (a) **Office/Work Hours** — BUSINESS shall observe regular office hours, Monday through Friday from 8:00 a.m. to 5:00 p.m., unless authorized otherwise by the City Manager. Upon direction by the CITY, hours and scheduling may be adjusted as needed to comport with the task to be performed and to conform to the CITY's holiday schedule.
 - (b) **Invoices:** BUSINESS shall invoice CITY monthly for services performed at the rate of \$400/month (\$4,800/year) and shall specify the month services were provided. The Judge is not entitled to reimbursement of expenses unless such expenses are approved by the City Council. An alternate invoice submittal time frame can be

authorized by the City Manager. The CITY shall render payment to BUSINESS within thirty (30) days of receipt of BUSINESS' invoice.

- 4. **Duration:** This Agreement shall commence upon execution by all Parties and shall remain in effect through December 31, 2019 (to allow for review by Mayor when new term begins in November 2019).
- 5. **Termination:** Either party may terminate this Agreement by a thirty (30) day written notice to the other party.
- 6. **Relationship of Parties:** It is understood by the parties that BUSINESS is an independent contractor with respect to the CITY and not an employee of the CITY. CITY will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit including worker's compensation insurance, for the benefit of BUSINESS. As an independent contractor, BUSINESS shall maintain a separate place of BUSINESS, from which BUSINESS can provide services to other customers unrelated to the CITY. BUSINESS shall provide the tools and equipment necessary for completion of the tasks covered by this Agreement. BUSINESS will provide supplies and materials if not furnished by the CITY.
- 7. **Injuries/Insurance:** BUSINESS waives the rights to recovery from CITY for any injuries that BUSINESS and/or BUSINESS employees may sustain while performing services under this Agreement.
- 8. **Indemnification:** BUSINESS agrees to indemnify, save and hold CITY harmless from any and all claims for damages, losses, expenses, fees, including attorney's fees, costs and judgments that may be asserted against the CITY that result from acts or omissions of BUSINESS, its employees, if any, agents or contractors.
- 9. **Assignment:** BUSINESS' obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of CITY.
- 10. **Notice:** All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

For CITY:
City Manager
City of Overton
1200 S. Commerce Street
Overton, TX 75684

For BUSINESS:
Carolyn Walters
PO Box 47
New London, TX 75682

Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in the U.S. mail.

City of Overton, TX

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11. Entire Agreement: This Agreement contains the entire Agreement of the parties. There are no other promises or conditions in any other Agreement either oral or written. This Agreement supersedes any prior written agreements between the parties.

12. Amendment: This agreement may be modified or amended in writing signed by both parties.

13. Severability: If for any reason any clause, sentence, paragraph, section or part of this Agreement is held invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not affect any valid provisions of this Agreement.

14. Waiver of Contractual Right: The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of limitation to that party's right to subsequently enforce and compel strict compliance with every provision of the Agreement.

15. Applicable Law: The laws of the State of Texas shall govern this Agreement. Venue for any disputes arising under this Agreement shall be in Rusk County, Texas.

IN WITNESS WHEREOF, executed on this 16th day of November, 2017.

City of Overton:

Carolyn Walters:


Clyde Carter, Interim City Manager


Carolyn Walters, Presiding Municipal Court
Judge

ATTACHMENT E

City of Overton, TX

Resolution No. 2017-11-16E
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RESOLUTION NO. 2017-11-16E

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, CASTING THEIR 36 (THIRTY-SIX) ENTITLEMENT VOTES AS FOLLOWS FOR THE RUSK COUNTY APPRAISAL DISTRICT BOARD.

WHEREAS, §6.03 of the Texas Property Tax Code requires that each Appraisal District in the State be governed by a Tax Appraisal Board; and

WHEREAS, §6.03(k) provides that each taxing unit in the District that is entitled to vote shall determine its vote by Resolution and submit the results to the Chief Appraiser.

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

SECTION 1: That the City of Overton City Council at the regularly called meeting of the City Council held on Thursday, November 16, 2017 do hereby elect to cast their 36 (thirty-six) entitlement votes as follows:

NOMINEE	VOTES CAST
Mrs. Lanita Whitehead	7.2
Mr. Clifford Harkless	7.2
Mr. Jimmy Jones	7.2
Mr. Pat McCrory	7.2
Mr. Jon Johnston	7.2

DULY PASSED AND APPROVED AT A REGULAR MEETING OF THE OVERTON CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 16TH DAY OF NOVEMBER, 2017 BY A VOTE OF 4 AYES 0 NAYS AND 0 ABSTENTIONS.


CITY OF OVERTON, TEXAS


C.R. Evans Jr., MAYOR

City of Overton, TX

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ATTEST:


Rachel Gafford, CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY


Blake Thompson, CITY ATTORNEY



RUSK COUNTY APPRAISAL DISTRICT

P.O. BOX 7 – HENDERSON, TEXAS 75653-0007
(903) 657-3578 FAX (903) 657-9073

BALLOT

FOR
RUSK COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS 2018 - 2019

NOMINEES	NUMBER OF VOTES
1. Harkless, Clifford	<u>7.2</u>
2. Johnston, Jon	<u>7.2</u>
3. Jones, Jimmy L.	<u>7.2</u>
4. McCrory, Pat	<u>7.2</u>
5. Whitehead, Lanita	<u>7.2</u>

The above vote for the Rusk County Board of Directors passed by resolution on this the 16th
day of November, 2017.

City of Overton

Presiding Officer

ATTACHMENT F

City of Overton, TX
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City of Overton, TX

RESOLUTION NO. 2017-11-16F

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, NOMINATING RON SHAFFER FOR REAPPOINTMENT TO A SEAT ON THE SMITH COUNTY 9-1-1 COMMUNICATIONS DISTRICT BOARD OF MANAGERS.

WHEREAS, Chapter 772 of the Texas Health and Safety Code outlines that the County 9-1-1 - Communications District be governed by a Board of Managers; and

WHEREAS, Chapter 772 of the Texas Health and Safety Code states that two members of said board shall be appointed by the participating municipalities; and

WHEREAS, the current Board Member, Ron Shaffer, appointed by the eleven (11) participating municipalities in Smith County is due to expire on December 31, 2017; and

WHEREAS, Ron Shaffer has indicated that he would be interested in continuing to serve on the Smith County 9-1-1 - Communications District Board of Managers for an additional two (2) year term.

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

SECTION 1. That Ron Shaffer is hereby nominated for reappointment to the Smith County 9-1-1 - Communications District Board of Managers

DULY PASSED AND APPROVED AT A REGULAR MEETING OF THE OVERTON CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 16TH DAY OF NOVEMBER, 2017 BY A VOTE OF 4 AYES 0 NAYS AND 0 ABSTENTIONS.



CITY OF OVERTON, TEXAS

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

Smith County 9-1-1 Communications District
Nomination for Board Member

Name of Nominee: Ron Shaffer

Nomination made by City of: Overton, TX

Brief Resume

Note: This resume will be provided to the other cities to assist them in casting their vote for the Board appointment.

Return to: Smith County 9-1-1 Communications District
1001 ESE Loop 323, Suite 410
Tyler, TX 75701
Fax: 903-561-3329