

**REGULAR CALLED CITY COUNCIL MEETING
August 16, 2018**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD AUGUST 16, 2018 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

ABSENT:

- C. R. Evans Jr., Mayor
- John Posey, Mayor Pro Tem
- Jerry Clark
- Trampas Freeman
- David Stone
- Michael Paul Williams

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Gabe Wallace, Police Captain, Wendy Bates, City Comptroller and Rachél Gafford, City Secretary representing staff. Stacy Schaff, representing Traylor and Associates and Stan Hayes, Hayes Engineering were also in attendance.

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

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

II. PROCLAMATIONS / RECOGNITIONS / APPOINTMENTS

- 1. None

III. CITIZEN FORUM

- 1. None

IV. CITIZEN’S REQUEST

- 1. None

V. CONSENT AGENDA

- 1. City Council to review, make possible corrections and approve minutes of:
 - a. Special Called Meeting of the City Council held on **July 18, 2018.**
 - b. Regular Called Meeting of the City Council held on **July 19, 2018.**

Councilman Freeman made a motion to approve Consent Agenda as submitted with the noted correction of a typo on the July 19, 2018 minutes on the last page under Action Item A from “f” to “of”.

Councilman Clark seconded the motion.

Motion carried 5 – 0.

VI. BUSINESS

1. Council to be presented Emergency Services monthly reports
 - a. *City Manager / Chief Carter presented the monthly Champion EMS*

Mayor Pro Tem Posey inquired about the response times taking so long on the following calls on 7/26/18: Transport call from Medic 31 with a response time of 16 minutes and then another for 18 minutes.

City Manager / Chief Carter stated that he believed Medic 31 is Kilgore responding; however, he would send an email to Champion EMS to respond and have an answer at the next regular meeting.

- b. *City Manager / Chief Carter presented the monthly Fire Department*

2. Present revised meeting schedule for the City Council as updated August 13, 2018.
 - a. Mayor to receive request, if any, for leave of absence from any Council Member from future meetings.

Mayor Evans reviewed the meetings calendar with Council and asked if anyone needed to request an excused absence for the August 16, 2018, Regular Called Council Meeting.

No requests made for a leave of absence for the September 13, 2018 regular called meeting; however, Mayor Pro Tem Posey mentioned that he would not be able to attend the August 30, 2018, special called meeting.

No action required or taken

Mayor Evans then skipped to Item 4 on the agenda.

4. Discuss and/or consider action awarding the construction bid for the 2018 Street and Water Improvements, TxCDBG #7217341.

Stan Hayes, Hayes Engineering, presented three submitted bids for the TxCDBG #7217341 for Council's review and action to award the bid. Hayes Engineering recommends awarding the contract to the lowest bidder, Rayford's Truck and Tractor for the low Base Bid Plus Alternate No. 1 in the total amount of \$229,694.00.

Mayor Pro Tem Posey made a motion to award the TxCDBG #7217341 contract to Rayford's Truck and Tractor for the Base Bid Plus Alternate No. 1 in the total amount of \$229,694.00.

Councilman Stone seconded the motion.

Motion carried 5 – 0.

Mayor Evans then moved back to Item 3 on the agenda.

3. Discuss and/or consider action regarding proposed authorized local Municipal Court fees as recommended by Judge Carolyn Walters.

City Comptroller Bates presented a high level presentation of requested additional fees to be assessed by Municipal Court Judge Carolyn Walters as authorized by the Texas State Comptroller's Office.

Mayor Pro Tem Posey made a motion to approve the requested additional fees to be assessed by the Municipal Court as presented. (CA2018.08.16A)

Councilman Williams seconded the motion.

Motion carried 5 – 0.

Mayor Evans then continued with Item 5 on the agenda.

5. Discuss and/or consider action to authorize the City Manager to sign a contract with EFORCE to provide software that will be compliant with the mandated National Incident-Based Reporting System (NIBRS) to the City of Overton.

City Manager / Chief Carter presented the contract for execution with EFORCE.

Councilman Freeman made a motion to approve the contract as submitted and authorize City Manager / Chief Carter to execute the contract with EFORCE. (CA2018.08.16B)

Councilman Williams seconded the motion.

Motion carried 5 – 0.

6. Discuss and/or consider action regarding the Smith County 9-1-1 Communication District Budget Approval for Fiscal Year 2018-2019.

City Manager / Chief Carter presented the Smith County 911 FY 2019 Budget for Council approval and acknowledgement of the funds appropriated to the City of Overton's Telecommunications (Dispatch) department.

Councilman Williams made a motion to approve the Smith County 911 FY 2019 Budget (CA2018.08.16CB)

Councilman Clark seconded the motion.

Motion carried 5 – 0.

7. Discuss and/or consider action regarding a Resolution authorizing the Mayor to sign an Interlocal Agreement with Smith County Elections for the November 6, 2018 Regular and Special Elections.

City Secretary Gafford presented the proposed Resolution and Agreement to Council authorizing the Mayor to sign an Interlocal Agreement with Smith County Elections to provide elections services to the City of Overton for the 2018 General Election. Gafford explained that since the City had moved the General Election to November, it is required that the City contract election services with both Smith and Rusk County as the City lies in both counties. Gafford also explained that the Special Election is not needed as it had been recently realized that a separate election is not needed for the unexpired term of Place #4.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2018.08.16A authorizing the Mayor to sign the Interlocal Agreement with Smith County Elections for the 2018 General Election.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

The following is a caption of the adopted Resolution:

**RESOLUTION NO. 2018.08.16A
INTERLOCAL AGREEMENT**

STATE OF TEXAS §
COUNTY OF SMITH §

This Agreement is entered into this 16TH day of AUGUST, 2018, by and between Smith County, Texas, a political subdivision of the State of Texas, with the authorization of its governing body (hereinafter referred to as COUNTY), The City of OVERTON, with the authorization of its respective governing bodies (hereinafter referred to as VOTING UNITS).

- 8. Discuss and/or consider action regarding a Resolution authorizing the Mayor to sign an Interlocal Agreement with Rusk County Elections for the November 6, 2018 Regular and Special Elections.

City Secretary Gafford presented the proposed Resolution and Agreement to Council authorizing the Mayor to sign an Interlocal Agreement with Rusk County Elections to provide elections services to the City of Overton for the 2018 General Election. Gafford noted again the proposed Special Election is not needed.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2018.08.16B authorizing the Mayor to sign the Interlocal Agreement with Rusk County Elections for the 2018 General Election.

Councilman Freeman seconded the motion.

Motion carried 5 – 0.

The following is a caption of the adopted Resolution:

**RESOLUTION NO. 2018.08.16B
INTERLOCAL AGREEMENT**

THE STATE OF TEXAS §
COUNTY OF RUSK § **KNOW ALL MEN BY THESE PRESENTS:**

**CONTRACT FOR ELECTION SERVICES
CITY OF OVERTON**

THIS AGREEMENT is made and entered into by and between the duly appointed and acting Rusk County Elections Administrator and the City of Overton and by authority of Section 31.092, Vernon’s Texas Civil Statutes, Election Code for the leasing, programming, supervision and tabulation of the City of Overton Election.

- 9. Discuss and/or consider action on an Ordinance ordering a Regular General Election for the election to be held on November 6, 2018.

City Secretary Gafford presented the proposed Ordinance ordering the City of Overton 2018 General Election.

Mayor Pro Tem Posey made a motion to approve Ordinance No. 2018.08.16A ordering the 2018 General Election.

Councilman Williams seconded the motion.

Motion carried 5 – 0.

The following is a caption of the adopted Ordinance:

ORDINANCE NO. 2018.08.16A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, ORDERING A GENERAL ELECTION FOR THE ELECTION OF CITY COUNCIL OFFICES FOR PLACE ONE (1), PLACE THREE (3) AND PLACE FIVE (5) FOR TWO (2) YEAR TERMS AND PLACE FOUR (4) UNEXPIRED TERM OF ONE YEAR, AS REQUIRED BY SECTION 22.003 AND SECTION 22.010 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 41 OF THE TEXAS ELECTION CODE AT THE NEXT UNIFORM ELECTION TO BE HELD ON NOVEMBER 6, 2018; AUTHORIZING THE MAYOR TO SIGN THE ELECTION ORDER ON BEHALF OF THE GOVERNING BODY, PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

10. Discuss and/or consider action on an Ordinance ordering a Special Election to be held on November 6, 2018.

Mayor Evans skipped the above item on the agenda as it was determined that a special election was not needed.

11. Discuss and/or consider action on proposing the maximum property tax rate for Fiscal Year 2018-19 funding the General Government Maintenance and Operations and Interest and Sinking (Debt Obligations) by record vote and discuss scheduling two (2) public hearing dates on said *ad valorem* Tax Rates.

City Comptroller Bates presented the 2018 Tax Year of the effective and roll back rates as calculated by Rusk County Tax Office and recommended that Council consider a proposed rate of \$0.729700 per \$100 of valuation as the proposed maximum tax rate for FY2018-19 (Tax Year 2018) which is slightly below the roll back rate.

Mayor Pro Tem Posey made a motion to set the maximum proposed property tax rate for Fiscal Year 2018-19 (Tax Year 2018) for the City of Overton at \$0.729700 (\$0.448000 M&O and \$0.281700 I&S).

Councilman Williams seconded the motion.

Motion carried 5 – 0, Freeman, Posey, Clark, Stone and Williams all voting Aye, Mayor Evans present and not voting.

12. Discuss and/or consider action a Resolution documenting the Council's consideration of maximum *ad valorem* tax rates for funding City Maintenance and Operations and Interest and Sinking (Debt Obligations); recording the votes on said *ad valorem* tax rates; setting dates for two public hearings on the said *ad valorem* tax rates and on the Annual Operating Budget for FY 2018-19.

City Comptroller Bates presented the proposed resolution that would document the record vote on the maximum proposed tax rate for M&O and I&S for the City of Overton for Tax Year 2018 and set the two required public hearings on the proposed maximum tax rate.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2018.08.16C, documenting the record vote to set the maximum proposed property tax rate for Maintenance and Operations and Interest and Sinking for Fiscal Year 2018-19 (Tax Year 2018) at \$0.729700 (\$0.448000 M&O and \$0.281700 I&S), and setting the dates for two public hearings at 7 p.m. in Council Chambers at Overton City Hall located at 1200 S. Commerce St. for Thursday, August 30, 2018 and Thursday, September 6, 2018.

Councilman Freeman seconded the motion.

Motion carried 5 – 0, Freeman, Posey, Clark, Stone and Williams all voting Aye, Mayor Evans present and not voting.

The following is a caption of the adopted Resolution:

RESOLUTION NO. 2018.08.16C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, PROPOSING A MAXIMUM PROPERTY TAX RATE OF \$0.729700 PER \$100 OF TAXABLE VALUE FOR MAINTENANCE AND OPERATIONS AND INTEREST AND SINKING FOR THE CITY'S FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR TWO PUBLIC HEARINGS ON THE PROPOSED TAX RATE; PROVIDING FOR A DATE TO CONDUCT A VOTE TO ADOPT A TAX RATE; PROVIDING THE LOCATION, DATE AND TIME FOR TAX RATE CONSIDERATIONS – SUBJECT TO CHANGE AS THE COUNCIL MAY DETERMINE; AND PROVIDING AN EFFECTIVE DATE.

13. Discuss and/or consider action on proposing the maximum cemetery property tax rate for Fiscal Year 2018-19 funding the Cemetery Maintenance and Operations by record vote and discuss scheduling two (2) public hearing dates on said *ad valorem* Tax Rate.

City Comptroller Bates presented the maximum proposed Cemetery Tax rate for the 2018 Tax Year to continue at the maximum rate of \$0.050000 per \$100 of valuation as authorized by the Health and Safety Code. Bates stated that the with no real direction on how the Cemetery Tax is to be adopted each year, staff continues to use the Tax Code procedures for adoption each year.

Mayor Pro Tem Posey made a motion to set the maximum proposed Cemetery property tax rate for Fiscal Year 2018-19 (Tax Year 2018) at \$0.050000.

Councilman Clark seconded the motion.

Motion carried 5 – 0, Freeman, Posey, Clark, Stone and Williams all voting Aye, Mayor Evans present and not voting.

14. Discuss and/or consider action a Resolution documenting the Council's consideration of maximum *ad valorem* cemetery tax rate for funding Cemetery Maintenance and Operations; recording the votes on said *ad valorem* tax rate; setting dates for two public hearings on the said *ad valorem* tax rate and on the Annual Operating Budget for FY 2018-19.

City Comptroller Bates presented the proposed resolution that would document the record vote and set the two public hearings on the proposed maximum Cemetery property tax rate for Tax Year 2018.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2018.08.16D, documenting the record vote to set the maximum Cemetery property tax rate for Fiscal Year 2018-19 (Tax Year 2018) at \$0.050000, and setting the dates for two public hearings at 7 p.m. in Council Chambers at Overton City Hall located at 1200 S. Commerce St. for Thursday, August 30, 2018 and Thursday, September 6, 2018.

Councilman Freeman seconded the motion.

Motion carried 5 – 0, Freeman, Posey, Clark, Stone and Williams all voting Aye, Mayor Evans present and not voting.

The following is a caption of the adopted Resolution:

RESOLUTION NO. 2018.08.16D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, PROPOSING A MAXIMUM PROPERTY TAX RATE OF \$0.050000 PER \$100 OF TAXABLE VALUE FOR CEMETERY MAINTENANCE FOR THE CITY'S FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR TWO PUBLIC HEARINGS ON THE PROPOSED CEMETERY TAX RATE; PROVIDING FOR A DATE TO CONDUCT A VOTE TO ADOPT A TAX RATE; PROVIDING THE LOCATION, DATE AND TIME FOR TAX RATE CONSIDERATIONS – SUBJECT TO CHANGE AS THE COUNCIL MAY DETERMINE; AND PROVIDING AN EFFECTIVE DATE.

15. Issuance of the Notice for Drawing for a Place on the Ballot for the November 6, 2018 Regular and Special Elections.

City Secretary Gafford presented the Notice for Drawing for a Place on the Ballot to Council for the General Election if needed for August 30, 2018 at 6 p.m. (Special Election not needed).

No action required or taken.

VII. WORKSHOP

Mayor Evans opened the workshop at 8:27 p.m.

- 1. FY 2018-2019 Municipal Budget

City Comptroller Bates presented a high level overview of the proposed Operating Budget for the City of Overton for FY2018-2019 stating that the proposed budget is based on the maximum proposed tax rate of \$0.7297.

No action required or taken.

Mayor Evans opened the workshop at 9:17 p.m.

VIII. CITY ADMINISTRATION'S MONTHLY REPORTS

- 1. *City Manager / Chief Carter presented and answered questions regarding the departmental reports.*
 - a. Police Department
 - b. Public Works Department
 - c. Community Development
 - d. Cemetery
- 2. *City Comptroller Bates presented and answered questions regarding the Finance department reports.*
 - a. Accounts Payable Check Register
 - b. Statement of Revenue and Expenditures by Fund
 - c. Monthly Bank Statement

IX. ADJOURNMENT

Councilman Williams made a motion to adjourn.


Councilman Freeman seconded the motion.

Motion carried with a vote of 5 – 0.

With no further business, the meeting was adjourned at **9:21 PM**

Minutes submitted, approved and/or corrected this **13th day of September, 2018.**

CITY OF OVERTON



 C. R. Evans, Jr., MAYOR

ATTEST:



 Rachel Gafford, CITY SECRETARY



Action Items:

- A. CA2018.08.16A – Establishing additional Municipal Court Fees as authorized by Texas State Comptroller’s office.
- B. CA2018.08.16B – Awarding Rayford Truck & Tractor the contract for the 2018 Street and Water Improvements TxCDBG #7217341.
- C. CA2018.08.16C – Authorizing the City Manager to sign the contract with EFORCE.
- D. CA2018.08.16D – Approving the FY 2018-2019 Smith County 911 Budget.
- E. Res. No. 2018.08.16A – Approving Interlocal Agreement with Smith County Elections for services for the 2018 General Election.
- F. Res. No. 2018.08.16B – Approving Interlocal Agreement with Rusk County Elections for services for the 2018 General Election.
- G. Ord. No. 2018.08.16A – Ordering the 2018 General Election for November 6, 2018.
- H. Res. No. 2018.08.16C – Recording the vote by Council setting the proposed maximum property tax rate for M&O and I&S for FY 2018-2019 (Tax Year 2018) and scheduling public hearings on the tax rate.
- I. Res. No. 2018.08.16D – Recording the vote by Council setting the proposed maximum property tax rate for Cemetery Maintenance for FY 2018-2019 (Tax Year 2018) and scheduling public hearings on the tax rate.