

**REGULAR CALLED CITY COUNCIL MEETING  
NOVEMBER 15, 2018**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD NOVEMBER 15, 2018 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

**PRESENT:**

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

**ABSENT:**

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Controller, Gabriel Wallace, Police Captain and Rachél Gafford, City Secretary representing staff. Whitney Gibbs, Betty Clark, James Ross, Lisa Ross, Roy Langford, Daniel Webb, Kaylee Webb, Elsie Hollis, Robert Hoover and Shaun Simpson representing the public.

**A. CALL TO ORDER** – Mayor Evans called the meeting to order at 7:01 PM.

1. *Invocation was given by Mayor Pro Tem Posey*
2. *Pledge of Allegiance of the U. S. Flag was led by Robert Hoover and the pledge to the Texas Flags was led by Councilmember Stone.*

**B. INSTALLATION OF CITY OFFICIALS**

1. *Mayor Evans presented the certificates of election to Michael Paul Williams, Jerry Clark, Trampas Freeman and David Stone declaring each individual duly elected as unopposed candidates for the November 6, 2018 General Election.*
2. *Mayor Evans installed the Council members in the following order, each member recited their statement of office and then took their oath of office: Michael Paul Williams, Jerry Clark, Trampas Freeman and David Stone (Unexpired Term).*
3. City Council to consider and/or take action to elect a Mayor Pro Tempore.

***Mayor Evans opened the floor for nominations.***

***Councilmember Clark nominated John Posey to serve as Mayor Pro Tempore for a one-year term.***

***Councilmember Stone seconded the nomination.***

***Being no other nominations, Mayor Evans declared John Posey elected as Mayor Pro Tempore by acclamation.***

**C. ANNOUNCEMENTS**

1. Invitation from the Overton-New London Chamber of Commerce for City Council presence at the 2018 Christmas Parade.

*Mayor Evans read a card from the Overton-New London Chamber of Commerce inviting members of City Council and City Staff to join and participate in the 2018 Annual Christmas Parade.*

**D. CITIZEN FORUM – No one spoke**

**E. CITIZEN'S REQUEST**

1. Betty Clark's request, on behalf of the Queen Price Garden Club, for authorization to decorate the greenway for Light Up Overton 2018, beginning Saturday, November 17, 2018.

*Betty Clark, on behalf of the Queen Price Garden Club, requested authorization from Council to decorate the greenway and downtown area on November 17<sup>th</sup> the same way as done in 2017 (including additional decorations provided by the prison) with the Christmas themed decorations and lights. Clark invited all to come out to help with the decorating.*

*Mayor Pro Tem Posey made a motion to approve the Queen Price Garden Club request to decorate the greenway and downtown Overton for Christmas as submitted.*

*Councilmember Freeman seconded the motion.*

*Motion carried 5 – 0.*

**F. 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 on October 18, 2018.

*Mayor Pro Tem Posey made a motion to approve the consent agenda as submitted.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 – 0.*

**G. PUBLIC HEARING ITEMS**

**Mayor Evans opened the public hearing at 7:14 p.m.**

Council to hear public comments regarding Replat Application 2018-01—Norma Jean Cobb's request, on behalf of Patty June Visage and herself, Final Plat Lot 1, Block 1, Norma Cobb Addition, being a replat of a 0.285 acre tract of land out of the J Lindley Survey, Abstract 507, legally described as the Northern part of Lot 3 of the Wilson Addition, recorded in Volume 398, Page 276, Deed Records of Rusk County Texas, and Lot 2, Block 157, Town of Overton, an unrecorded subdivision of the City of Overton, Rusk County Texas, being the same parcels of land as deeded to Henry L. Woford and wife, Bonnie B. Woford, as described and recorded in Volume 753, Page 55 and in Volume 1653, Page 677 Deed Records, Rusk County, Texas and is more commonly referred to as 510 East Henderson Street, Rusk County, Overton, Texas.

*City Secretary Gafford presented staff report. No public comments received.*

Council to hear staff report and receive public comments (as required by House Bill 2168) regarding an Ordinance to change from a "25-year any age" Service Retirement City to a "20-year

any age” Service Retirement City with the Texas Municipal Retirement System by the employees of the City of Overton.

*City Controller Bates presented staff report.*

*Robert Hoover, 310 S. Rusk St., asked what was the reason for the City originally adopting a 25 year of service retirement policy and why should the City look at switching to a 20-year City.*

*City Secretary Gafford stated that at the time the City of Overton joined the TMRS, that the 25-year policy was the standard retirement length of service offered. TMRS has since changed that retirement policy giving Cities this other option. Many Cities have changed their policy in order to assist with drawing qualified applicants and employee retention. City Staff recommends this change for this same reason.*

**Mayor Evans closed the public hearing at 7:24 p.m.**

## **H. COMMUNITY DEVELOPMENT CASES**

1. City Council to act regarding Replat Application 2018-01—Norma Jean Cobb’s request, on behalf of Patty June Visage and herself, Final Plat Lot 1, Block 1, Norma Cobb Addition at 510 East Henderson Street, Overton, Texas. ***(Planning and Zoning Commission recommend approval 4 – 0, Chairman Raney present and not voting.)***

***Mayor Pro Tem Posey made a motion to approve Replat Application 2018-01 as submitted.***

***Councilmember Williams seconded the motion.***

***Motion carried 5 – 0.***

2. City Council to hear staff report and act regarding Final Plat Application 2018-02—Casey True’s request, to Final Plat Lot 1, Block 1, McDavid Acres Addition, being a 1.701-acre tract of land in the J.T McDaniel Survey, Abstract No. 557, City of Overton, Rusk County, Texas and being the same parcel of land deeded to Casey True as recorded in Volume 3562, Page 575, Official Public Records, Rusk County, Texas and being more commonly referred to as 528 McDavid Road, Overton, Rusk County, Texas. ***(Planning and Zoning Commission recommend approval 4 – 0, Chairman Raney present and not voting.)***

***Mayor Pro Tem Posey made a motion to approve Final Plat Application 2018-02 as submitted.***

***Councilmember Williams seconded the motion.***

***Motion carried 5 – 0.***

3. City Council to hear staff report and act regarding Final Plat Application 2018-03—Marcela Martinez and Venancio A. Reyes’ request, to Final Plat Lot 1, Block 1, Martinez Estates, being a 1.003-acre tract of land in the J. Smith Survey, Abstract No. 732, City of Overton, Rusk County, Texas and being the same parcel of land deeded to Marcela Martinez and Venancio A. Reyes as recorded in Volume 3485, Page 451, Official Public Records, Rusk County, Texas and being more commonly referred to as 310 North Jessie Thompson Road (County Road 128), Overton, Rusk County, Texas. ***(Planning and Zoning Commission recommend approval 4 – 0, Chairman Raney present and not voting.)***

***Councilmember Williams made a motion to approve Final Plat Application 2018-03 as submitted.***

***Councilmember Stone seconded the motion.***

***Motion carried 5 – 0.***

*City Secretary Gafford added that Staff approved a Variance Request Application 2018-01 for a variance from the curb, gutter and sidewalk requirements for CR 128 on this property.*

**I. BUSINESS**

1. Presentation of Emergency Management Services monthly reports for the month of October 2018.

*City Manager Carter presented the following reports for Council review stating that he would like to call Council’s attention to the email received from Brian Wilkerson, Champion EMS, regarding the response times noted on the monthly report:*

- a. Champion EMS report
- b. Overton Volunteer Fire Department report

***No action required or taken***

2. Discuss and consider action regarding an Ordinance to change from a “25-year any age” Service Retirement City to a “20-year any age” Service Retirement City with the Texas Municipal Retirement System by the employees of the City of Overton.

*City Controller Bates presented Ordinance and staff report.*

***Mayor Pro Tem Posey made a motion to approve Ordinance No. 2018.11.15A changing the City of Overton to a 20-year any age Service Retirement City with the Texas Municipal Retirement System as submitted.***

***Councilmember Clark seconded the motion.***

***Motion carried 5 – 0.***

***The following is a caption of the adopted Ordinance:***

**ORDINANCE 2018.11.15A**

**AN ORDINANCE AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM GRANTING THE ADDITIONAL RIGHTS AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS GOVERNMENT CODE, AS AMENDED, AND PRESCRIBING THE EFFECTIVE DATE FOR THE ORDINANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Overton, TEXAS:**

**Section 1. Pursuant to the provisions of Section 854.202(g) of Subtitle G of Title 8, Texas Government Code, as amended, which Subtitle shall herein be referred to as the “TMRS Act,” the City of Overton, Texas, adopts the following provisions affecting participation of**

its employees in the Texas Municipal Retirement System (herein referred to as the “System”):

(a) Any employee of the City who is a member of the System is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the System performed for one or more municipalities that have adopted a like provision under Section 854.202(g) of the TMRS Act.

(b) Prior to adopting this ordinance, the governing body of the City has: (1) prepared an actuarial analysis of member retirement annuities at 20 years of service; and (2) held a public hearing pursuant to the notice provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code.

- 
- 3. Discuss and consider action regarding an Ordinance to increase the rate of deposits from 5% to 6% to the Texas Municipal Retirement System by the employees of the City of Overton.

*City Controller Bates presented the Ordinance and staff report.*

*Councilmember Freeman made a motion to approve Ordinance No. 2018.11.15B increasing the employee’s rate of deposits to 6% to the Texas Municipal Retirement System as submitted.*

*Councilmember Williams seconded the motion.*

*Councilmember Stone made a statement in opposition to the deposit rate increase.*

*Motion carried 3 – 2, Mayor Pro Tem Posey and Councilmember Stone opposed.*

---

*The following is a caption of the adopted Ordinance:*

**ORDINANCE 2018.11.15B**

**AN ORDINANCE TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY OF OVERTON.**

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

**Section 1. That all employees of the City of Overton, who are members of the Texas Municipal Retirement System, shall make deposits to the System at the rate of 6% of their individual earnings.**

**Section 2. This ordinance shall become effective on the 1st day of January, 2019.**

- 
- 4. Discuss and consider action regarding a Resolution of the City Council of the City of Overton, Texas moving the regular City Council Meeting from Thursday, December 20, 2018 to Thursday, December 13, 2018 at 7:00 p.m.

*Mayor Evans presented the Resolution stating this date change had been discussed at the last meeting, this Resolution would make the date change official.*

*Mayor Pro Tem Posey made a motion to approve Resolution No. 2018.11.15A changing the December 2018 Regular Council Meeting to December 13, 2018 as submitted.*

*Councilmember Freeman seconded the motion.*

*Motion carried 5 – 0.*

*The following is a caption of the adopted Resolution:*

**RESOLUTION NO. 2018.11.15A**

**A RESOLUTION OF THE CITY OF OVERTON, TEXAS, RESCHEDULING THE DECEMBER REGULAR CITY COUNCIL MEETING FROM THURSDAY, DECEMBER 20, 2018 TO THURSDAY, DECEMBER 13, 2018.**

5. Present revised meeting schedule for the City Council as updated November 12, 2018.
  - a. Mayor to receive request, if any, for leave of absence from any Council Member for future meetings.

*Mayor Evans reviewed the meetings calendar with Council and asked if anyone needed to request an excused absence for the December 13 2018, Regular Called Council Meeting. Evans called Council's attention to the Special Called Meeting scheduled for December 18, 2018 at 7 p.m. to update Council on any response back on the City's notice on non-renewal letter to Champion EMS contract. The Champion EMS representative has told staff that Champion EMS Board was scheduled to discuss our non-renewal letter at their meeting to be held on December 13, 2018*

*No requests made for a leave of absence for the December 2018 Regular Called Meeting.*

6. Discuss and consider action for a loan from Texas Bank and Trust for a 2003 John Deere Tractor and accessories.

*City Manager Carter presented staff report and request to purchase the tractor from the Overton Golf Course Association.*

*Mayor Pro Tem Posey made a motion to discuss.*

*Councilmember Freeman seconded the motion.*

*Motion carried 5 – 0.*

*Mayor Pro Tem Posey asked if staff had obtained a blue book value on the tractor and had the tractor inspected by a certified mechanic.*

*City Manager Carter responded that staff had not.*

*Councilmember Stone made a statement in opposition to the loan for the tractor recommending that staff save enough money and to look at purchasing a tractor when sufficient funds would be available to purchase outright.*

***Mayor Pro Tem Posey made a motion to postpone action on the request for a loan to purchase the tractor requesting staff get a cost evaluation on the tractor and bring it back on the December 13, 2018 agenda.***

***Councilmember Freeman seconded the motion.***

***Motion carried 3 – 2, Councilmember Clark and Stone opposed.***

7. Discuss and consider action on staff recommendation to set the monthly pay date for City Council pay as the 15<sup>th</sup> day of each month instead of the monthly meeting date which changes monthly.

*City Controller Bates presented the staff report.*

***Mayor Pro Tem Posey made a motion to approve setting the monthly pay date for City Council pay as the 15<sup>th</sup> of each month as submitted.***

***Councilmember Freeman seconded the motion.***

***Motion carried 5 – 0.***

8. Discuss and consider action on staff recommendation to close City Hall for a full day on Monday, December 24 to observe the Christmas Eve Holiday and a full day on Monday, December 31 to observe the New Year's Eve Holiday.

*City Controller Bates and City Manager Carter presented the request to close for a full day on Christmas Eve and New Year's Eve.*

***Mayor Pro Tem Posey made a motion to discuss.***

***Councilmember Stone seconded the motion.***

***Motion carried 5 – 0.***

*Brief discussion took place between Council and staff.*

***Mayor Pro Tem Posey to approve closing City Hall for a full day on December 24<sup>th</sup> and December 31<sup>st</sup> to allow City Staff a full day off to observe both the Christmas Eve and New Year's Eve Holidays.***

***Councilman Williams seconded the motion.***

***Motion carried 5 – 0.***

9. Discuss and consider action on staff recommendation to approve four (4) to eight (8) hours of Paid Time Off ("PTO") to be given to each full-time employee and two (2) to four (4) hours of PTO to each part-time employee.

*City Controller Bates and City Manager Carter presented the request to Council to gift PTO time to each employee to use to cover hours when City Hall would be closed for Christmas Eve and New Year's Eve and not covered by Holiday Pay in lieu of a Christmas Bonus which Municipalities are not allowed to give.*

***Councilman Williams made motion to give full-time employees eight (8) hours and part-time employees four (4) hours of PTO to use for the closing for the full day on Christmas Eve and New Year's Eve since the City cannot give a Christmas Bonus to employees.***

***Mayor Pro Tem Posey seconded the amended motion***

***Motion carried 5 – 0.***

10. Discuss and consider action regarding update of the status of employee's completion of the TML-IEBP Healthy Initiative Incentive Program in regards to implementation of the January health insurance cost share.

***Mayor Pro Tem Posey made a motion to discuss.***

***Councilmember Freeman seconded the motion.***

***Motion carried 5 – 0.***

*City Manager Carter presented an update on employee's completion status of the Healthy Initiative program stating that all but four (4) employees had completed the program. Carter stated that staff may have one new hire that may have an issue completing the program due to the fact that they were not hired on as full-time until November.*

***Mayor Pro Tem Posey made a motion to postpone this item until December 13, 2018 agenda.***

***Councilmember Williams seconded the motion.***

***Motion carried 5 – 0.***

11. Discuss and consider action to approve sending four (4) participants, David Stone, Trampas Freeman, Wendy Bates and Clyde Carter to the upcoming TML Newly Elected Officials workshop, January 11, 2019 in San Antonio.

*City Manager Carter presented staff report requesting Council's authorization to send four (4) people to the Newly Elected Officials Workshop.*

***Mayor Pro Tem Posey made a motion to approve to approve sending David Stone, Trampas Freeman, Wendy Bates and Clyde Carter to the TML Newly Elected Officials workshop, January 11, 2019 in San Antonio.***

***Councilman Williams seconded the motion.***

***Councilmember Stone stated that although he did feel that the workshop would be beneficial to himself and others, he felt that the City needed to cut costs and not send not more than two people to this training. He stated that these two individuals could then come back and give a presentation to the others on the training they received. Stone went on to say that he did not support the City spending money until the City was in a better financial position.***

***Motion carried 3 – 2, Councilmembers Stone and Freeman opposed.***

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

*City Manager / Chief Carter presented and answered questions regarding the departmental reports.*

1. Administration Monthly Reports
  - a. City Manager's Report
  - b. Police Department report
  - c. Municipal Cemetery report
  - d. Community Development report
  - e. Public Works Department report



*City Controller Bates presented and answered questions regarding the Finance department reports.*

2. Finance Monthly Reports
  - a. City Controller's Report
  - b. Accounts Payable Check Register
  - c. Statement of Revenue and Expenditures by Fund
  - d. Monthly Bank Statement

**K. ADJOURNMENT**

**Councilman Clark 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 **9:09 PM**

Minutes submitted, approved and/or corrected this **13<sup>th</sup>** day of **December, 2018.**



CITY OF OVERTON

*C. R. Evans, Jr.*  
 C. R. Evans, Jr., MAYOR

ATTEST:

*Rachél Gafford*  
 Rachél Gafford, CITY SECRETARY

**Action Items:**

- A. Replat Application 2018-01 – Lot 1, Block 1, Norma Cobb Addition
- B. Final Plat Application 2018-02 – Lot 1, Block 1, McDavid Acres Addition
- C. Final Plat Application 2018-03 – Lot 1, Block 1, Martinez Estates.
- D. Ord. No. 2018.11.15A – Change to “20-year any age” Service Retirement City for TMRS.
- E. Ord. No. 2018.11.15B – Increase employee TMRS deposit rate to 6%.
- F. Res. No. 2018.11.15A – Change December 2018 Regular Council Meeting Date.