

**REGULAR CALLED CITY COUNCIL MEETING
APRIL 25, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **APRIL 25, 2019 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, Gabe Wallace, Police Captain and Rachél Gafford, City Secretary representing staff. Michael Vincent, representing the Overton Volunteer Fire Department and Tom Trimble, representing ONCOR. J. M. Jones, Lane Schurbon, Bennie Schurbon, Nancy Williams, Turu Coleman, Serresa Coleman, Thomas Coleman, Theresa Coleman, Rhonda Lowden, Patrick Hogan, Craig Ballew, Pamela Hampton, Michelle Williams, Michael Allen, Richard Cobb, Norma Cobb and Tomasene Coleman representing the public.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:04 p.m.

1. *Invocation was given by Mayor Pro Tem Posey*
2. *Pledge of Allegiance of the U. S. Flag and the Texas Flag was led by Councilmember Clark.*

B. PROCLAMATION / RECOGNITION / APPOINTMENTS

1. Mayor to issue Proclamation in honor of National Day of Prayer, May 2, 2019.

Mayor Evans issued a Proclamation for the 2019 National Day of Prayer.

2. Council to consider and take action on an appointment of Lane Schurbon to the Planning & Zoning Commission.

Mayor Pro Tem Posey made a motion to appoint Lane Schurbon to the Planning & Zoning Commission.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

3. Council to consider and take action on an appointment of Lane Schurbon to the Overton Economic Development Corporation.

Councilmember Williams made a motion to appoint Lane Schurbon to the Overton Economic Development Corporation Board.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

4. Administration of the Oath of Office for any appointments listed above.

Mayor Evans installed newly appointed official Lane Schurbon to office for both the Planning & Zoning Commission and the Overton Economic Development Corporation Board.

C. CITIZEN FORUM – No one spoke

D. CITIZEN REQUESTS

1. Consider action regarding Stephen DuBose, Overton I.S.D., request for a waiver from the standard building permit fees, not the building inspection fees, for the installation, remodel and a certificate of occupancy of a portable building to be used as a concession stand and restroom facility for the Overton Softball Field located on Warren Drive.

City Secretary Gafford presented request, on behalf of Overton I.S.D., for waiver of permit fees requesting to pay actual inspection fees for the proposed concession stand project for the Overton Softball Field.

Mayor Pro Tem Posey made a motion to approve the request to waive permit fees (not inspection fees) associated with the Overton Softball Field Concession Stand project.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

2. Consider action regarding Lane Schurbon, on behalf of the Overton-New London Chamber of Commerce, requesting permission to prepare flower beds around the base of some of the trees on the easement of Commerce Street, downtown Overton.

Lane Schurbon, on behalf of the Overton-New London Chamber of Commerce, requested permission to install flower beds around several trees in the south end of greenway which is leased by the City from Union Pacific Railroad, along Commerce Street and the use of the irrigation system for the watering and maintaining of the flower beds.

Councilmember Clark made a motion to approve the installation of the flower beds by the Overton-New London Chamber of Commerce and the use of the irrigation system for the maintenance of the flower beds.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

3. Consider action regarding Nancy Williams, 1012 Joe Lee Road, request to open a Barbeque Sandwich shop and a Karaoke Pool Table Lounge with beer service on the property located at the corner of Hoxie and Joe Lee Road which both has water service addresses as 903 ½ Hoxie and 1011 ½ Joe Lee Road.

Nancy Williams, 1012 Joe Lee Road, requested permission from Council to open a Barbeque Sandwich Shop and Karaoke Pool Table Lounge with alcohol service on her property located at the corner of Hoxie and Joe Lee Roads.

City Secretary Gafford responded that the property was not properly zoned for either business in an Agricultural Zoning District but did provide the necessary steps to be taken to be able to pursue either of the business ventures desired.

E. CONSENT AGENDA

1. City Council to review, make possible corrections and approve minutes from a Regular Called Meeting of the City Council on March 21, 2019.
2. City Council to review, make possible corrections and approve minutes from a Special Called Meeting of the City Council on April 4, 2019.
3. City Council to review, make possible corrections and approve minutes from a Special Called Meeting of the City Council on April 15, 2019.

Mayor Pro Tem Posey made a motion to approve the Consent Agenda as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

F. COMMUNITY DEVELOPMENT CASES

Councilmember Freeman requested permission from the Mayor to recuse himself for Item F.1 on the Agenda and stepped down from the dais and left the room at 7:35 p.m.

COUNCIL WAS SEATED AS THE ZONING BOARD OF ADJUSTMENT AT 7:35 P.M.

1. The City Council seated as the Zoning Board of Adjustment to hear a second amendment request and consider action regarding Norma Cobb’s request, on behalf of Patty Visage and herself, for an Amendment to the Zoning Board of Adjustment case number ZBA2018-03. Specifically, the applicant is seeking an Amendment to the Special Exception granted on October 18, 2018 for the 52’ x 30’ 4” (Model IN3252C) Modular Home, and the Special Exception amendment granted on December 13, 2018 for the brick enclosure of the pier and beam foundation for the modular home at Lot 1, Block 1, Norma Cobb Addition more commonly referred to as 510 E. Henderson St.

City Secretary Gafford presented the request from Applicant Cobb for a second amendment to the Special Exception Granted by ZBA2018-03 to allow for a different modular home and to change from a full brick enclosure of the pier and beam foundation to a berm set enclosure on three of the four sides of the home for handicap accessibility.

After a brief question answer session between the applicant and the Board the following motion was made.

Board Member Posey made a motion to approve the amendment to allow for a change to a 71' x 15' 2" (Whitehouse II Model) Modular Home with the three-sided berm set enclosure around the pier and beam foundation and a brick enclosure along the rear of the proposed residential structure.

Board Member Williams seconded the motion.

Motion carried 5 – 0, Board Member Freeman recused.

THE CITY COUNCIL RESUMED AS THE OVERTON CITY COUNCIL AT 7:52 P.M.

Councilmember Freeman returned to the dais at 7:52 p.m.

G. BUSINESS

1. Presentation of Emergency Management Services monthly reports.
 - a. Christus EMS report
 - b. Overton Volunteer Fire Department report

City Manager Carter presented the Christus EMS and the Fire Department reports.

Council reviewed reports, no action taken.

2. Consider action on a Resolution to move the June 20, 2019 Regular Council Meeting to June 27, 2019 in coordination of TML Health Benefits Pool rerate notice and staff vacations.

Councilmember Williams made a motion to approve the Resolution as submitted for approval.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO: 2019.04.25A

A RESOLUTION OF THE CITY OF OVERTON, TEXAS, RESCHEDULING THE JUNE 2019 REGULAR CITY COUNCIL MEETING FROM THURSDAY, JUNE 20, 2019 TO THURSDAY, JUNE 27, 2019.

3. Consider a Resolution suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") in its application filed on or about March 28, 2019 pursuant to section 104.301 of the Gas Utility Regulatory Act.

City Controller Bates presented the proposed Resolution for adoption suspending the rate increase 45 days.

Councilmember Freeman made a motion to approve the Resolution to suspend as submitted for approval.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO: 2019.04.25B

A RESOLUTION BY THE CITY OF OVERTON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"; REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

- 4. Consider, discuss and/or take action regarding an Resolution by the City of Overton, Texas ("City") denying the Distribution Cost Recovery Factor Rate Request of Oncor Electric Delivery Company LLC made on or about April 8, 2019; authorizing participation in a Coalition of Similarly Situated Cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

Tom Trimble, representing Oncor, presented proposed resolution and explained that it was better if all the cities denied the rate increase request so that all City's cases would be presented to the PUC together and that one rate for the entire district was set by the PUC guaranteeing a fair rate for all Oncor customers regardless of where they lived.

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

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO: 2019.04.25C

RESOLUTION BY THE CITY OF OVERTON, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE REQUEST OF ONCOR ELECTRIC DELIVERY COMPANY LLC MADE ON OR ABOUT APRIL 8, 2019; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

- 5. Hear update and discuss the status and progress of the demolition project of the cart sheds at the Golf Course.

City Manager Carter presented update on the project stating that notice of termination of contract was given to the original demolition contractor and the City had decided to subcontract the demolition and clean up work to two subcontractors for the same price to finish the demolition and clean up of the Cart sheds. Proper 10-day notice of demolition had been given by the City to the State for the demolition which could actually start on 5/3/2019. Contractor will have until 5/31/2019 to complete the demolition work and clean up.

H. FUTURE MEETINGS

- 1. Present revised upcoming meetings and events schedule.

Mayor Evans went over the meetings calendar for May.

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

No requests for excused absences received for the April meeting.

I. CITY ADMINISTRATION’S MONTHLY REPORTS

City Council to hear and/or act if necessary, on the following items:

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

No action taken.

City Controller Bates presented and answered questions regarding the following 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

No action taken.

J. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Freeman seconded the motion.

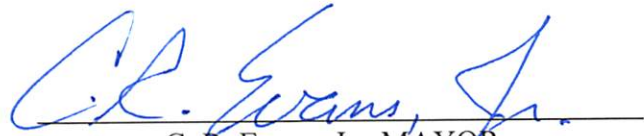
Motion carried 5 – 0.

With no further business, the meeting was adjourned at **8:24 p.m.**

Minutes submitted, approved and/or corrected this **16th** day of **May, 2019.**

CITY OF OVRTON




C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC, CITY SECRETARY

Council Action Items:

1. CA2019.04.25A – Waiver of permit fees for Overton I.S.D. Softball Field Concession Stand Project.
2. CA2019.04.25A – Approval of the Overton-New London Chamber of Commerce request to install flower beds in the greenway.
3. Res. No. 2019.04.25A – Changing the date of the June Council Meeting to June 27, 2019.
4. Res. No. 2019.04.25B – Suspending the CenterPoint Grip Rate proposed for 45 days.
5. Res. No. 2019.04.25C – Denying Oncor's Rate Increase.