

**REGULAR CALLED CITY COUNCIL MEETING
JUNE 27, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF
OVERTON, TEXAS THAT WAS HELD **JUNE 27, 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 Rachel Gafford, City Secretary representing staff. Jim White and Michael Vinson, representing the Overton Volunteer Fire Department, Elsie Hollis, Gary Putnam, Reginald Thompson, Howard Hawkins, Dianne Vermillion, Mike Vermillion and Milton Ragsdale representing the public per the public sign in sheet.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:00 p.m.

1. *Invocation was given by Councilmember Freeman*
2. *Pledge of Allegiance of the U. S. Flag and the Texas Flag was led by Councilmember Williams.*

B. PROCLAMATION / RECOGNITION / APPOINTMENTS / ANNOUNCEMENTS

1. Announcement regarding the July 4, 2019, Fireworks in the Park Festival.

City Manager Carter presented an update on the festival sponsorships and festival preparations.

2. Announcement regarding the Overton North Lake Dam & Spillway Project.

City Manager Carter presented an update on the dam / spillway project.

C. CITIZEN FORUM

Mayor Evans stated that no green cards had been submitted therefore he skipped Citizen Forum.

Note: Elsie Hollis did request to speak in regards to Citizen Forum later in the meeting.

D. CITIZENS REQUESTS

1. City Council to hear, discuss, consider action on a request from Dianne and Michael Vermillion for a waiver from the City's Zoning Ordinance No. 2014-10-07A, which requires that the property must be a legal lot of record prior to the issuance of this building permit for an RV Cover to be installed at 309 W. Ballpark Rd.

City Secretary Gafford presented a staff report to Council regarding the above request by Mr. & Mrs. Michael Vermillion. Staff recommended approval of the request.

Mayor Pro Tem Posey made a motion to approve and grant a one-time waiver of the plat requirements so that the RV Carport permit could be issued.

Councilmember Clark seconded the motion.

Motion carried 4 – 1, Councilmember Stone opposed.

2. City Council to hear, discuss, consider action on a request from Reginald Thompson, 501 E. Crews Street, to approve a Resolution to grant a temporary waiver (not to exceed one year), to Ordinance No. 2014-10-07B which prohibits the installation of a Manufactured Home or a Coach (Recreational Vehicle) within the city limits of Overton located outside of a Manufactured Home Park and to allow the connection of City services to said property address.

City Secretary Gafford presented a staff report to Council regarding the above request by Reggie Thompson.

Mr. Thompson addressed Council requesting permission to live in his RV on the property to supervise the construction of his permanent residence to be built on the property.

Councilmember Clark made a motion to approve the Resolution granting a one-year waiver of the use of an RV as a temporary residence with terms and conditions stipulated in the Resolution.

Councilmember Freeman seconded the motion.

Councilmember Stone stated that he believed that the Ordinance requirement should be upheld.

Motion carried 3 – 2, Councilmember Stone and Councilmember Williams opposed.

The caption of the approved resolution is listed below:

RESOLUTION NO: 2019.06.27A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS GRANTING A TEMPORARY WAIVER OF SECTION 8.02.1 OF ORDINANCE NO. 2014-11-07 THAT PROHIBITS THE LOCATING OF MOBILE HOMES IN THE CITY OTHER THAN IN LAWFULLY DESIGNATED AND DULY LICENSED MOBILE HOME PARKS; AND SECTION 2 (C) OF ORDINANCE NO. 2014-10-07B WHICH DOES NOT ALLOW THE PARKING AND USE OF A COACH (RECREATIONAL VECHICLE) OUTSIDE OF A MOBILE HOME PARK FOR MORE THAN 10 DAYS; AND AUTHORIZING THE DESIGNATED OWNER OF SAID PROPERTY TO ESTABLISH A UTILITY ACCOUNT AND CONNECT THE COACH (RECREATIONAL VEHICLE) TO CITY SERVICES FOR A PERIOD NOT TO EXCEED ONE YEAR.

3. City Council to hear and take action regarding a request from Milton Ragsdale, 227 Jessie Thompson, for a reduction of late / disconnect fees regarding utility service account for 227 Jessie Thompson.

City Controller Bates presented a staff report to Council regarding the above request by Milton Ragsdale for an adjustment to his utility account regarding late / disconnect fees. Staff recommended approval of an adjustment of \$50 in late fees and \$100 in disconnect fees.

Mayor Pro Tem Posey made a motion to approve waiver of \$50 of late fees and to waive \$100 of the disconnect fees assessed to the Utility account for 227 Jessie Thompson. The waiver would be granted contingent upon payment in full of the

\$83.40 due on the account after the adjustment and the current bill due generated at the end of June no later than July 15, 2019.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

4. City Council to hear and take action regarding a request from Howard Hawkins, 510 W. Briar Square, regarding issues surrounding his utility service bill.

City Controller Bates presented a staff report to Council regarding the above request by Howard Hawkins.

Howard Hawkins addressed Council stating that he questions the validity of the readings and the usage charges on the account.

Councilmember Williams made a motion to discuss.

Councilmember Freeman seconded the motion.

Motion Carried 5 – 0.

After a brief discussion between Council, Mr. Hawkins and staff the following motion was made.

Mayor Pro Tem Posey made a motion to have the meter pulled and tested. Pending the results of the meter test, Mr. Hawkins would not incur any late or disconnect fees and would be allowed to pay an average water bill for the account until the results of the meter test were received. Posey further motioned that staff be authorized to make adjustments to the utility based on the results of the meter test.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

5. City Council to hear and take action regarding a request from Superintendent Stephen DuBose, on behalf of the North Texas Career & Technology Education Center, regarding the waiver of permit fees related to the remodel project at 1300 FM 2089.

City Manager Carter presented a request on behalf of Stephen DuBose, Overton I.S.D. Superintendent, for the waiver of permit fees (inspection and review fees would still apply) in regards to the Technology Center remodel.

Councilmember Freeman made a motion to approve waiving the permit fees only associated with the remodel permit for the North Texas Career & Technology Education Center (plan review and inspection fees would still be assessed and paid by Overton I.S.D.).

Councilmember Clark seconded the motion.

Councilmember Stone asked how much would the permit fee be.

City Secretary Gafford responded that per Mr. DuBose much of the remodel costs are being donated by local contractors and a true valuation of the project had not been submitted to staff. Commercial permit fees are based on valuation and therefore we do not have a good number by which to calculate the permit fees.

Motion Carried 5 – 0.

E. 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 take action to approve minutes from a Regular Called Meeting of the City Council on May 16, 2019.
2. Council to take action to approve minutes from a Special Called Meeting of the City Council on May 30, 2019.

Councilmember Clark made a motion to approve the Consent Agenda as submitted.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

F. BUSINESS

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

No action required

2. Consider and/or take action regarding authorization of the renewal of the contract agreement between the Overton Volunteer Fire Department (OVFD) and Rusk County Emergency Services District for Fire Protection Services and authorize the City Manager and Fire Chief of the OVFD to sign the agreement on behalf of the City of Overton.

City Manager Carter presented the agreement to Council for review stating that this is basically an interlocal agreement which will auto renew unless there are any changes made to the agreement. Carter stated that the last time the agreement had been signed was in 2004. There were some wording changes in the contract which are bolded and highlighted in Section III & V of the agreement documents.

City Controller Bates stated that the City Attorney had reviewed the agreement as there was some wording that staff and the attorney felt may need to be changed in regards to return of equipment in the event of termination of the agreement. However, due to the timing of the agreement needed to be signed, the attorney stated that even with this wording he would argue that the ESD would only be able to request the return of any ESD purchased equipment.

Councilmember Williams made a motion to approve the interlocal agreement between the City of Overton and Rusk County ESD with the proposed changes as submitted and further authorizing the City Manager and the Overton Fire Chief to execute any contract documents needed on behalf of the City.

Councilmember Freeman seconded the motion.

Fire Chief Jim White asked the Mayor to be recognized and speak to Council. White stated that he had spoken with Gloria Dooley, Rusk County ESD and they had agreed to have the requested wording changed on the equipment changes made prior to execution of the agreement.

Mayor Pro Tem Posey made a motion to amend the original motion to include and approve the interlocal agreement between the City of Overton and Rusk County ESD with the proposed changes as submitted which includes staff recommended changes to specify only the Rusk County ESD equipment would be returned in the event of the agreement was terminated by either party and further authorizing the City

Manager and the Overton Fire Chief to execute any contract documents needed on behalf of the City.

Councilmember Clark seconded the motion.

Motion to amend the motion carried 5 – 0.

Mayor Evans requested that the amended motion be read prior to the vote.

City Secretary Gafford read the following motion as amended:

Motion to approve the interlocal agreement between the City of Overton and Rusk County ESD as presented with the proposed changes as submitted which includes staff recommended changes to specify only the Rusk County ESD equipment would be returned in the event of the agreement was terminated by either party and further authorizing the City Manager and the Overton Fire Chief to execute any contract documents needed on behalf of the City..

Mayor Evans called for a vote on the amended original motion.

Motion to amend the motion carried 5 – 0.

3. Consider and/or take action regarding approval of the Response Master Software License Agreement between the City of Overton and Emergency Solutions Inc., and authorizing the City Manager to enter in the agreement to provide software for the Overton Volunteer Fire Department to utilize to file Incident Reports.

City Manager Carter and City Controller Bates presented staff report regarding the Response Master License Agreement. Staff recommended conditional approval.

Mayor Pro Tem Posey made a motion to discuss.

Councilmember Freeman seconded the motion.

Motion Carried 5 – 0.

After a brief discussion between Council, Mr. Hawkins and staff the following motion was made

Mayor Pro Tem Posey made a motion to approve the Response Master Software License Agreement between the City of Overton and Emergency Solutions Inc., with written clarification that this would be a monthly subscription agreement, and further authorizing the City Manager to execute any contract documents needed on behalf of the City.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

4. Consider and/or take action regarding a Cost Recovery Services Agreement between the City of Overton and Emergency Solutions Inc., and authorizing the City Manager to enter in the agreement.

City Manager Carter and City Controller Bates presented staff report regarding the Cost Recovery Services Agreement between the City of Overton and Emergency Solutions Inc. Staff recommended approval of the agreement as presented.

Councilmember Freeman made a motion to approve the Cost Recovery Agreement between the City of Overton and Emergency Solutions Inc. and further authorizing the City Manager to execute any contract documents needed on behalf of the City.

Councilmember Stone seconded the motion.

Motion carried 5 – 0.

5. Consider and/or take action regarding proposed insurance coverage options and/or changes from TML Multi-State Intergovernmental Employee Benefits Pool for the City provided Medical, Dental, Life, Insurance and Flexible Spending Accounts for City Employees for the 2019-2020 Fund Year and directing the City Secretary, as Fund Contact, to sign all required documents digitally with TML-IEBP.

City Manager Carter presented staff report regarding the TML-IEBP proposed rerate for City provided employee health, dental and life insurance for fiscal year 2020. Staff recommended converting the current insurance plan to Option 2 which would increase the employee co-pays for office visits; however, it would lower the overall employee deductible and provide other benefits to the employees not currently provided with the current plan. Option 2 would only be an increase of 1.59% increase in insurance premiums over the previous year.

Councilmember Williams made a motion to approve the conversion from the current insurance plan to the new Option 2 TML-IEBP Co-Pay Plan and authorize the City Secretary as Fund Contact to execute any required contract documents digitally with TML-IEBP on behalf of the City.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

6. Consider and/or take action regarding staff recommendation to add the following disability coverage policies to the City benefit package for the 2019-2020 Fiscal Year.

Per the request of the Mayor and Mayor Pro Tem, City Manager Carter and City Controller Bates presented a staff report with cost estimates for the addition of either Short-Term and/or Long-Term Disability Insurance coverage at the cost of the City to the employee benefit package for Fiscal Year 2020. The staff report included a cost for Short Term Disability plan of \$146 per month and the cost for Long Term Disability plan of \$256 per month to cover all employees with a 4-year rate guarantee for both plans. City Manager Carter stated that if Council opted to approve this plan, then staff will be bringing back changes to the PTO donation policy and the caps and pay out caps upon separation for PTO before the end of the year.

City Secretary Gafford requested that Council take action separately on each plan.

- a. Short Term Disability Coverage

Councilmember Williams made a motion to approve the addition of City provided Short Term Disability to the TML-IEBP Insurance Plan for City Employees as presented for Fiscal Year 2020.

Mayor Pro Tem Posey seconded the motion.

Motion carried 5 – 0.

- b. Long Term Disability Coverage

Councilmember Clark made a motion to approve the addition of City provided Long Term Disability to the TML-IEBP Insurance Plan for City Employees as presented for Fiscal Year 2020.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

- 7. Consider and/or take action regarding a standard operating procedure allowing the waiver of certain fees by City Staff.

City Controller Bates presented a basic procedural policy requesting authorization for staff to approve waivers to certain city fees under certain conditions.

Mayor Pro Tem Posey made a motion to approve the standard operating policy allowing the waiver of certain fees by City staff.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

- 8. Consider and/or take action regarding an Ordinance to repeal Ordinance No. 2018-12-18A, regarding the rules, regulations and the rental of the Overton Club House at the Golf Course.

City Manager Carter presented Ordinance to repeal Ordinance No. 2018-12-18A since the Golf Course and Club House had been leased to High Hill Management, LLC and the Ordinance was no longer relevant.

Mayor Pro Tem Posey made a motion to approve Ordinance No. 2019.06.27A as presented.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

The caption of the approved ordinance is listed below:

ORDINANCE NO: 2019.06.27A

AN ORDINANCE REPEALING ORDINANCE NO. 2018.12.18A - CHAPTER 89: OVERTON CLUB HOUSE – RULES & REGULATIONS OF THE CITY OF OVERTON CODE OF ORDINANCES; REMOVING THE ORDINANCE IN ITS ENTIRETY FROM THE CODE OF ORDINANCES FOR THE BUILDING LOCATED AT 505 LAKESHORE DRIVE, OVERTON, TEXAS KNOWN AS THE “OVERTON CLUB HOUSE”, AND AMENDING ORDINANCE NO. 2014-07-29B – APPENDIX A – CITY OF OVERTON – SCHEDULE OF FEES AND ANY AMENDMENT THERETO BY THE REMOVAL OF THE SET RATES FOR THE RENTAL OF SAID FACILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- 9. Consider and/or take action regarding acceptance of the FY2018 Annual Report from the Overton Economic Development Corporation.

City Controller Bates presented and explained the FY2018 Overton Economic Development Corporation Annual Report per the OEDC By-Laws requirements.

Councilmember Williams made a motion to approve OEDC Annual Report as presented.

Councilmember Clark seconded the motion.

Motion carried 5 – 0.

Elsie Hollis, 212 N. Meadowbrook, requested the floor from Mayor Evans.

Mayor Evans recognized Ms. Hollis allowing her to address City Council.

Ms. Hollis stated that she had looked for the green speaker cards, but had not seen that they were laid out and thought when the Mayor moved passed Citizens Forum, he had stated he was going to come back to this item.

Ms. Hollis addressed Council stating she was representing the Beautification Committee. On behalf of the committee she wanted to submit photos of two dilapidated buildings located in the downtown area to City Manager Carter and Council and request that Council direct staff to do something to address the much-needed repairs to these structures. Ms. Hollis went on to say that it was the intention of the committee to present photos of two buildings a month to Council as they are aware of how busy staff is and thought this may help call staff and Code Enforcement attention to these buildings.

G. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.
 - 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 July meeting.

H. 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
 - i. Brandon Street Warranty
 - ii. Barrett Lane repairs and easements
 - iii. Golf Cart Shed Demo / Fencing update
 - iv. Seasonal Employees
 - v. Sewer Line replacement Arcola
 - 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.

I. ADJOURNMENT

Councilman Clark made a motion to adjourn.

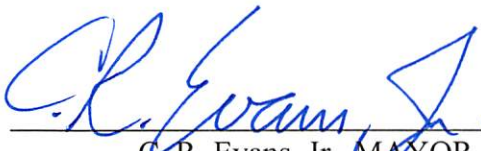
Councilman Freeman seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **9:18 p.m.**

Minutes submitted, approved and/or corrected this **18th** day of **July, 2019.**

CITY OF OVERTON


C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC, CITY SECRETARY



Approved Items:

- **Ordinances:**
 1. **Ord. No. 2019.06.27A** – An Ordinance repealing Ordinance No. 2018.12.18A regarding rules and regulations related to the rental of the Overton Club House facility.
- **Resolutions:**
 1. **Res. No. 2019.06.27A** – Temporary waiver for use of RV as residence at 501 E. Crews St.
- **Council Action Items:**
 1. **CA2019.06.27A** – Waiver of Plat requirements for 403 W. Ball Park Rd.
 2. **CA2019.06.27B** – Reducing of late and disconnection fees for 227 Jessie Thompson Rd.
 3. **CA2019.06.27C** – Authorizing a temporary hold on late and disconnect fees for 510 W. Briar Square during meter testing.
 4. **CA2019.06.27D** – Authorizing the waiver of permit fees for 1300 FM 2089 for the North Texas Career & Technology Center remodel.
 5. **CA2019.06.27E** – Approving an Interlocal Agreement between City of Overton and Rusk County ESD on behalf of the Overton Volunteer Fire Department.
 6. **CA2019.06.27F** – Approving a Subscription Agreement between the City of Overton and Emergency Solutions Inc. for the Response Master Software License Agreement on behalf of the Overton Volunteer Fire Department.

7. **CA2019.06.27G** – Approving a Cost Recovery Services Agreement between the City of Overton and Emergency Solutions Inc. on behalf of the Overton Volunteer Fire Department.
8. **CA2019.06.27H** – Approving the rates and authorizing conversion to a Co-Pay plan with TML-IEBP for Employee health, dental and life insurance for FY2020.
9. **CA2019.06.27I(a)** – Approving and authorizing the addition Short Term Disability insurance to the employee benefits package for FY2020.
10. **CA2019.06.27I(b)** – Approving and authorizing the addition Long Term Disability insurance to the employee benefits package for FY2020.
11. **CA2019.06.27J** – Approving and authorizing a policy by which certain fees may be reduced or waived by City staff.