

**REGULAR CALLED CITY COUNCIL MEETING
AUGUST 15, 2019**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **AUGUST 15, 2019 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>PRESENT:</u>	<u>Place</u>	<u>ABSENT:</u>	<u>Place</u>
C. R. Evans Jr., Mayor		Trampas Freeman	1
John Posey, Mayor Pro Tem	2		
Jerry Clark	3		
David Stone	4		
Michael Paul Williams	5		

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. Also, in attendance representing the public were Nathan Kendall, Bob Overman, Lane Schurbon, Stephen DuBose, Doris Hoover, Carolyn Garsee, Sam Schultz, Jim Hamblin, Jean Beth Hamblin, Elsie Hollis, Susan Bobbitt, Michael Vinson, Shannon Arrington and Scott Florey.

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

A. PROCLAMATION / RECOGNITION / APPOINTMENTS / ANNOUNCEMENTS

1. Stephen DuBose, Overton I.S.D. Superintendent to present an update regarding the Northeast Career and Technology Center project.

Stephen DuBose, Overton I.S.D. Superintendent, presented a high level overview on the progress made regarding the project and enrollment of students for the Northeast Career Technology Center project to Council. DuBose stated that they have 151 students enrolled for the semester with classes scheduled to start on August 26, 2019 in the various programs that would be offered such as Certified Nursing Assistant, Pharmacy Tech, Dual Credit College Courses and the Year 1 – Building Trades program. Engineering Classes and Year 2 – Building Trades program are also slated for the Center courses.

B. CITIZEN FORUM - Each citizen will be allowed three (3) minutes.

Jean Beth Hamblin, 702 E. Henderson Street, addressed Council regarding community concerns regarding the VFW Monuments being desecrated at the old VFW building. Ms. Hamblen also mentioned that the Community is concerned about the amount of money, attention and time being spent on the City Cemetery maintenance when there are far greater concerns that need to be addressed in the Community that the City could be spending that money on.

Elsie Hollis, 212 N. Meadowbrook Dr, representing the Overton Citizens Beautification Committee submitted photos to Interim City Manager Carter of residential properties along Helen Street and

the subdivision behind it that have major code and trash violations that the committee would like to see the City's Code Enforcement Department address with the property owners to have the properties cleaned up.

Susan Bobbitt, 1109 State Hwy 323 East, addressed Council regarding the lack of professionalism, harassment and mistreatment that she felt she had endured and received from the Overton Police Department.

C. CITIZEN'S REQUESTS

1. Hear, consider and take possible action to direct staff regarding Nathan Kendall's, 202 E. Short St., request regarding the City's plan for downtown revitalization, community outreach and possible addition of a Public Relations Officer for the City of Overton.

Nathan Kendall, 202 E. Short Street, commended Council and City Staff for the efforts and the improvements made during the past five (5) years that he has been in Overton. However, he strongly encouraged Council to create an action plan now for the future to improve the infrastructure problems the City has faced for many years. The City needs to have a long-range master plan now for the water and sewer system lines replacements, street improvements and what will be the plan to improve the cell phone and internet systems currently servicing the City. Kendall strongly recommended that the City needed to find a way to employ a Public Affairs Officer to market to and engage the community and to bring much needed industry to the City.

D. 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. Special Called Meeting & Budget Workshop of the City Council held on July 17, 2019.
 - b. Regular Called Meeting of the City Council held on July 18, 2019.

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

Councilmember Stone seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

E. BUSINESS

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

Mayor Evans presented Council with the Christus EMS and the Overton Volunteer Fire Department monthly reports stating that any questions regarding the reports could be directed to Interim City Manager / Police Chief Carter.

No questions received, no action taken

2. Discuss and/or consider action regarding a Resolution authorizing the Mayor to sign an Interlocal Agreement for Shelter & Impoundment Services with the Smith County Animal Control and Smith County Animal Shelter.

Interim City Manager / Police Chief Carter presented a staff report regarding the Resolution and Interlocal Agreement to Council stating that the Henderson Animal Shelter had changed to a no kill shelter; therefore, the availability of being able to take the stray animals to Henderson has been greatly reduced. This Interlocal Agreement with Smith County Animal Shelter would allow the City another option for the stray animals that staff is not able to find the owners or find a home for, however the cost is higher than using the Rusk County Animal Shelter in Henderson.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2019.08.15A as submitted.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15A

A RESOLUTION OF THE CITY OF OVERTON, TEXAS, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH SMITH COUNTY FOR SHELTER & IMPOUNDMENT SERVICES WITH SMITH COUNTY ANIMAL CONTROL AND SMITH COUNTY ANIMAL SHELTER; PROVIDING FOR AN EFFECTIVE DATE.

3. Review, discuss and direct staff regarding proposed changes to the City of Overton Personnel and Policy Manual Chapters 1 – 6.

City Secretary Gafford and City Controller Bates presented and gave a high level overview of the proposed changes to Council. Staff stated that the majority of these changes have been reviewed, recommended and approved by the City Attorney. Staff recommended that Council review the proposed changes and the item would be on the next agenda for feedback and approval from Council to proceed with these recommended changes.

No questions received, no action taken

4. Discuss and/or consider action regarding a Resolution authorizing the Mayor to sign an Interlocal Agreement with Rusk County Elections for the November 5, 2019 General Election.

City Secretary Gafford presented staff report regarding the proposed Resolution and Interlocal Agreement with Rusk County for Election services.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2019.08.15B as submitted.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15B

A RESOLUTION OF THE OVERTON CITY COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KAITLIN SMITH, ELECTIONS ADMINISTRATOR OF RUSK COUNTY, FOR ELECTION SERVICES FOR THE NOVEMBER 5, 2019 CITY OF OVERTON GENERAL ELECTION PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE OF SAID AGREEMENT.

- 5. Discuss and/or consider action regarding a Resolution approving and authorizing the adoption of the Election Systems and Software EVS6000 voting system to be used in all Rusk County elections.

City Secretary Gafford presented staff report regarding the Resolution to approve and adopt the new voting equipment purchased by Rusk County Elections Office to be used in future City of Overton elections.

Councilmember Williams made a motion to approve Resolution No. 2019.08.15C as submitted.

Councilmember Clark seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ADOPTING THE ELECTIONS SYSTEMS AND SOFTWARE EVS 6000 VOTING SYSTEM EQUIPMENT TO BE USED BY THE CITY OF OVERTON FOR ALL CITY ELECTIONS IN RUSK COUNTY.

- 6. Discuss and/or consider action regarding a Resolution authorizing the Mayor to sign an Interlocal Agreement with Smith County Elections for the November 5, 2019 General Election.

City Secretary Gafford presented staff report regarding the proposed Resolution and Interlocal Agreement with Smith County for Election services.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2019.08.15D as submitted.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15D

A RESOLUTION OF THE OVERTON CITY COUNCIL AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KAREN NELSON, ELECTIONS ADMINISTRATOR OF SMITH COUNTY, FOR ELECTION SERVICES FOR THE NOVEMBER 5, 2019 CITY OF OVERTON GENERAL ELECTION PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE OF SAID AGREEMENT.

7. Discuss and/or consider action regarding a Resolution approving and authorizing the adoption of the Election Systems and Software EVS6000 voting system to be used in all Smith County elections.

City Secretary Gafford presented staff report regarding the Resolution to approve and adopt the new voting equipment purchased by Smith County Elections Office to be used in future City of Overton elections.

Councilmember Williams made a motion to approve Resolution No. 2019.08.15E as submitted.

Councilmember Clark seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15E

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ADOPTING THE ELECTIONS SYSTEMS AND SOFTWARE EVS 6000 VOTING SYSTEM EQUIPMENT TO BE USED BY THE CITY OF OVERTON FOR ALL CITY ELECTIONS IN SMITH COUNTY.

8. Discuss and/or consider action on an Ordinance ordering a General Election for the election to be held on November 5, 2019.

City Secretary Gafford presented staff report regarding the Ordinance to order the 2019 General Election for City Officials for uniform election date of November 5, 2019.

Councilmember Williams made a motion to approve Ordinance No. 2019.08.15A as submitted.

Councilmember Clark seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

ORDINANCE NO. 2019.08.15A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, ORDERING A GENERAL ELECTION FOR THE ELECTION OF CITY COUNCIL OFFICES FOR MAYOR, PLACE TWO (2) AND PLACE FOUR (4) , 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 TUESDAY, NOVEMBER 5, 2019; AUTHORIZING THE MAYOR TO SIGN THE ELECTION ORDER AND ANY OTHER DOCUMENTS RELATED THERETO 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.

9. Discuss, consider and take action on a Resolution documenting the Council’s consideration of the 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 one public hearing for the Annual Operating Budget for FY 2019-20.

City Controller Bates presented staff report regarding the Resolution to set the maximum ad valorem property tax rates for funding the City of Overton Maintenance and Operations and Interest and Sinking (Debt Obligations) and setting public hearing dates for Fiscal Year 2019-2020.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2019.08.15F as submitted.

Councilmember Clark seconded the motion.

Mayor Evans called for a record vote setting the maximum ad valorem property tax rate for the City of Overton for Fiscal Year 2019-2020.

<i>Councilmember</i>	<i>Place</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
<i>Trampas Freeman</i>	<i>1</i>				<i>X</i>
<i>John Posey, Mayor Pro Tem</i>	<i>2</i>	<i>X</i>			
<i>Jerry Clark</i>	<i>3</i>	<i>X</i>			
<i>David Stone</i>	<i>4</i>	<i>X</i>			
<i>Michael Paul Williams</i>	<i>5</i>	<i>X</i>			

Present and not voting: Mayor C.R. Evans, Jr.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15F

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, PROPOSING A MAXIMUM PROPERTY TAX RATE OF \$0.727911 PER \$100 OF TAXABLE VALUE FOR MAINTENANCE AND OPERATIONS AND INTEREST AND SINKING FOR THE CITY’S FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; 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.

10. Discuss, consider and take action on a Resolution documenting the Council’s consideration of the 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 one public hearing for the Annual Operating Budget for FY 2019-20.

City Controller Bates presented staff report regarding the Resolution to set the maximum ad valorem cemetery tax rates for funding the City of Overton Cemetery Maintenance and setting public hearing dates for Fiscal Year 2019-2020.

Councilmember Williams made a motion to approve Resolution No. 2019.08.15G as submitted.

Councilmember Clark seconded the motion.

Mayor Evans called for a record vote setting the maximum ad valorem cemetery tax rate for the City of Overton for Fiscal Year 2019-2020.

<i>Councilmember</i>	<i>Place</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
<i>Trampas Freeman</i>	<i>1</i>				<i>X</i>
<i>John Posey, Mayor Pro Tem</i>	<i>2</i>	<i>X</i>			
<i>Jerry Clark</i>	<i>3</i>	<i>X</i>			
<i>David Stone</i>	<i>4</i>	<i>X</i>			
<i>Michael Paul Williams</i>	<i>5</i>	<i>X</i>			

Present and not voting: Mayor C.R. Evans, Jr.

Motion carried 4 – 0, Councilmember Freeman absent.

RESOLUTION NO. 2019.08.15G

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, 2019 AND ENDING SEPTEMBER 30, 2020; 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.

Mayor Evans called for a short recess at 8:13 p.m.

Mayor Evans reconvened the meeting at 8:17 p.m.

- 11. Discuss, consider and take possible action regarding a possible purchase for a used piece of sewer equipment.

Interim City Manager / Police Chief Carter presented a staff report regarding the mechanical issues regarding the current Sewer Vac Con truck, requesting permission be granted to purchase a replacement Sewer Jetting Truck in the amount of \$14,000.

Councilmember Stone made a motion to discuss.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

A brief discussion between staff and Council took place and Council reviewed the comps of similar trucks and machines presented by staff.

Mayor Pro Tem Posey made a motion to conditionally authorize the purchase of the proposed Sewer Jetting Truck pending the results of a mechanical evaluation by a certified mechanic on the condition of the truck.

Councilmember Williams seconded the motion.

Motion carried 4 – 0, Councilmember Freeman absent.

12. Council to hear legislative update regarding the following
 - a. Senate Bill 944 – Public Information Records on Personal Devices
 - b. House Bill 2840 – Public Comments

City Secretary Gafford presented Council with copies of the new laws passed by the Texas Legislative Session regarding the Public Information Act as related to the use of personal devices and changes to future procedures for City Council meetings stating that citizens must be allowed to address Council with items listed on the Agenda at any time during the meeting or on the Agenda item.

13. Issuance of the Notice for Drawing for a Place on the Ballot for the November 5, 2019 Regular.

City Secretary Gafford presented the notice for the drawing for the order of the names on the ballot to Council stating that the notice had been posted on the City's website and bulletin board in compliance with the Election Code.

No action taken

F. 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.

Mayor Evans presented the three month calendar showing all upcoming meetings and events. Mayor Evans stressed that the next several meetings were critical to the adoption of the new budget and the tax rate and that the next three meetings would all need four (4) members present for the Special Called Meetings and the adoption of the budget and the tax rate on September 12th.

Mayor Evans then asked everyone to check their calendars and if anyone needed to request an excused absence for upcoming meetings please do so at this time.

No action taken

G. CITY ADMINISTRATION'S MONTHLY REPORTS

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

Interim City Manager / Police 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.

- 1. Finance Monthly Reports
 - a. City Controller’s Report
 - b. Accounts Payable Check Register
 - c. Statement of Revenue and Expenditures by Fund (*Included with Budget Workshop presentation*).
 - d. Monthly Bank Statement
 - e. Overton Economic Development Corporation (OEDC) expenditures over \$50K

No action taken

B. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Williams seconded the motion.

Motion carried 4 – 0, Councilman Freeman absent.

With no further business, the meeting was adjourned at **9:13 p.m.**

Minutes submitted, approved and/or corrected this **12th** day of **September, 2019.**



CITY OF OVRTON

C. R. Evans, Jr.

 C. R. Evans, Jr., MAYOR

ATTEST:

Rachél Gafford

 Rachél Gafford, TRMC CITY SECRETARY

Council Action Items:

1. Res. No. 2019.08.15A – Authorizing Interlocal Agreement with Smith County for Animal Control and Impound Services
2. Res. No. 2019.08.15B – Authorizing Interlocal Agreement with Rusk County Elections for Election Services.
3. Res. No. 2019.08.15C – Approving and Authorizing the adoption of the ES&S EVS 6000 voting system to be used in all of City of Overton, Rusk County Elections.
4. Res. No. 2019.08.15D – Authorizing Interlocal Agreement with Smith County Elections for Election Services.
5. Res. No. 2019.08.15E – Approving and Authorizing the adoption of the ES&S EVS 6000 voting system to be used in all of City of Overton, Smith County Elections.
6. Ord. No. 2019.08.15A – Ordering the 2019 General Election for City Officials for November 5, 2019.
7. Res. No. 2019.08.15F – Setting the maximum proposed ad valorem property tax for FY 2019-2020 (Tax Year 2019)
8. Res. No. 2019.08.15G – Setting the maximum proposed ad valorem cemetery tax for FY 2019-2020 (Tax Year 2019)
9. CA2019.08.15A – Authorizing the purchase of a sewer jetting truck pending the truck passes a mechanical evaluation by a certified mechanic. hanging the benefit waiting period on new full-time employees from 0 to 90 days.