

**REGULAR CALLED CITY COUNCIL MEETING
FEBRUARY 20, 2020**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **FEBRUARY 20, 2020 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>PRESENT:</u>	<u>POSITION</u>	<u>ABSENT:</u>	<u>POSITION</u>
C. R. Evans Jr.	Mayor		
John Posey (Mayor Pro-Tem)	2		
Trampas Freeman	1		
Jerry Clark	3		
Reggie Thompson	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, Scott Cargil, representing Christus Trinity EMS, Jeannie and Monte Barber, representing the Overton New London Chamber of Commerce, Rich Scott, representing the Heritage Group and Bill Wall, representing the Overton Fire Department. Also, in attendance representing the public were Michelle Williams, Elsie Hollis, Dale Grandstaff, Susan Cargil, Maggie Thompson, Brandon Brown and Nancy Williams.

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 Allegiances were led by Councilmember Williams*

B. MAYORAL PROCLAMATION / RECOGNITION / APPOINTMENTS

1. *Mayor Evans issued a proclamation in honor of Fire Chief Jim White*
2. *Mayor Evans issued a proclamation in recognition of 2020 Overton Clean Up Day*
3. *Mayor Evans issued a proclamation in recognition of 2020 Rusk County Clean Day*

C. PUBLIC FORUM

Bill Wall, 602 Sabine St., thanked the City of Overton Staff and the Council for their support during the recent loss of Fire Chief Jim White. Mr. Wall also stated that the Assistant Fire Chief and the Fire Department have not missed a beat with the passing of the Chief and that the Asst. Chief was at the Rusk County ESD Fire Board Meeting tonight.

D. REQUESTS OF COUNCIL

1. City Council to hear and take action regarding the following request from the Overton-New London Chamber of Commerce:

Jeannie Barber presented the following requests on behalf of the Overton-New London Chamber requesting the City's permission to hold the events on City property as well as staff support with security, traffic control and road closures during these events. An additional request was to ask the City to check into the street lights not working after dark downtown on Henderson Street.

- a. Approval to hold their annual Easter Egg hunt on April 4, 20120 2020 at a City facility to be determined, requesting that the City purchase and provide 1,000 candy filled eggs and 1,000 trinket filled eggs and requesting the aid of the Overton Police Department to provide traffic and crowd control from the beginning of the event until the event completely concludes.
- b. Approval to hold their annual Fall Fest in downtown Overton on October 17, 2020 and request the aid of the Overton Police Department and the Overton Volunteer Fire Department to provide traffic and crowd control, and blocking off the roads from the beginning of the event until the event completely concludes.
- c. Approval to hold their annual Christmas Parade in downtown Overton on November 30, 2020 to route the parade from Commerce Street to Main Street and request the aid of the Overton Police Department and the Overton Volunteer Fire Department to line up the parade participants, block streets along the route, provide traffic and provide crowd control from the beginning of the event until the event completely concludes.

Mayor Pro Tem Posey made a motion to approve all three of the Chambers events as presented.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

2. Council to hear a request from Elsie Hollis, 212 N. Meadowbrook, regarding the following City Code Violations within the city limits and requesting the City enforce the adopted codes.
 - a. 614 Garland Street – remove abandoned car and down tree
 - b. 609 Brandon Street – owners need to cut overgrowth
 - c. ??? E. State Hwy 323 Dilapidated structured located on E. State Hwy 323 (actually old Good Samaritan Building) – Building is an eyesore far too long, building needs to be torn down.

Elsie Hollis, 212 N Meadowbrook Dr., submitted Council with photos and reported code violations that she, as a concerned citizen, requested that the Interim City Manager have the Code Enforcement Officer address in regards to the abandoned house at 614 Garland Street, overgrown brush and trees which are breeding vandals at 609 Brandon and to do something regarding the dilapidated structure where the roof is falling down on East State Hwy 323.

Interim City Manager/Police Chief Carter stated that:

- *The owner of the house at 614 Garland Street was in a Nursing Home and the Code Enforcement Officer has reached out to the family in Alabama regarding the dilapidated structure.*
- *He would have the Code Enforcement Officer check on 609 Branding Street, and*
- *The owner of the building on E. State Hwy. 323 has been issued a citation.*

No action taken

3. City Council to hear and take action regarding request from Rich Scott, on behalf of the Heritage Group, to hold a Art Festival on Rusk Street from Henderson Street to South Street on March 28, 2020 from 10 a.m. to 4 p.m., and approval of a possible request for various city streets and / or services to be utilized for the event.

Rich Scott presented a request for approval for the Heritage Group to host a Blue Grass Arts Show and Festival downtown. Mr. Scott informed Council that the Heritage Group now had a quote for the event insurance and had obtained their Non-Profit Organization status. They were now raising the funds for the event insurance. Scott requested that the roads be closed from 8 a.m. to 6 p.m. to allow for set up and take down; however, the event would be from 10 a.m. to 4 p.m. only.

Mayor Pro Tem Posey made a motion to approve the Arts Festival and the street closures for the event provided that Mr. Scott provides the event insurance policy to the City prior to the event.

Councilmember Thompson seconded the motion.

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 approve minutes from a Regular Called Meeting of the City Council on January 16, 2020.
2. City Council to approve minutes from a Special Called Meeting of the City Council on January 24, 2020.
3. City Council to approve minutes from a Special Called Meeting of the City Council on February 8, 2020.
4. Council to take action to appoint Robert Wall as Interim Fire Chief until further notice.

Mayor Pro Tem Posey made a motion to approve Consent Agenda as presented.

Councilmember Freeman seconded the motion.

Motion carried 5 – 0.

F. COMMUNITY DEVELOPMENT CASES

1. Council to hear and take action regarding Variance Application 2020-01—Nancy Williams' request for a variance from the City of Overton Design Standards Regulations, Section 106.1 – Sidewalk Requirements and Section 111.3 – Parking: Standard Curb and Gutter Requirements. Specifically, applicant is requesting a variance to not install curb, gutter and sidewalk along Hoxie Johnson and Joe Lee Roads where adjacent to the subject property. The subject property is approximately a 1.451-acre tract of land out of the George Berry Survey A-143, legally described as all that certain lot, tract or parcel of land, a part of the George Berry Survey A-143, Rusk County, Texas and also being as a part of all of that certain tract called 99.10-acre tract of land described in a deed dated November 3,

2016 that is recorded in Volume 3474, Page 352 and also being a part of all of that certain tract called 17.22-acre tract of land described in a deed dated November 4, 1999 as recorded in Volume 2162, Page 536, Official Public Records of Rusk County, Texas, and being more commonly referred to as 1011½ Joe Lee Road , Overton, Rusk County, Texas. ***The Planning & Zoning Commission recommended approval 5 – 0, Commissioner Hickman absent.***

City Secretary Gafford presented staff report.

Councilmember Williams made a motion to approve Variance Application 2020-01 as presented.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

2. Council to hear and take action regarding Preliminary Plat Application 2020-01—Nancy Williams' request, to Preliminary Plat Lot 1, Block 1, Williams Addition being a preliminary plat of an approximately 1.451-acre tract of land out of the George Berry Survey A-143, legally described as all that certain lot, tract or parcel of land, a part of the George Berry Survey A-143, Rusk County, Texas and also being as a part of all of that certain tract called 99.10-acre tract of land described in a deed dated November 3, 2016 that is recorded in Volume 3474, Page 352 and also being a part of all of that certain tract called 17.22-acre tract of land described in a deed dated November 4, 1999 as recorded in Volume 2162, Page 536, Official Public Records of Rusk County, Texas, and being more commonly referred to as 1011½ Joe Lee Road , Overton, Rusk County, Texas. ***The Planning & Zoning Commission recommended approval 5 – 0, Commissioner Hickman absent.***

City Secretary Gafford presented staff report.

Councilmember Freeman made a motion to approve Preliminary Plat Application 2020-01 as presented.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

3. Council to hear and take action regarding Final Plat Application 2020-01—Nancy Williams' request, to Final Plat Lot 1, Block 1, Williams Addition being a final plat of an approximately 1.451-acre tract of land out of the George Berry Survey A-143, legally described as all that certain lot, tract or parcel of land, a part of the George Berry Survey A-143, Rusk County, Texas and also being as a part of all of that certain tract called 99.10-acre tract of land described in a deed dated November 3, 2016 that is recorded in Volume 3474, Page 352 and also being a part of all of that certain tract called 17.22-acre tract of land described in a deed dated November 4, 1999 as recorded in Volume 2162, Page 536, Official Public Records of Rusk County, Texas, and being more commonly referred to as 1011½ Joe Lee Road, Overton, Rusk County, Texas. ***The Planning & Zoning Commission recommended approval 5 – 0, Commissioner Hickman absent.***

City Secretary Gafford presented staff report.

Councilmember Williams made a motion to approve Final Plat Application 2020-01 as presented.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

Mayor Pro Tem Posey requested a short recess.

Mayor Evans granted the recess at 7:31 p.m.

Mayor Evans called the meeting back into session at 7:35 p.m.

G. BUSINESS

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

Scott Cargil, Christus Trinity EMS, presented the monthly report with explanations regarding any runs that exceeded 15 minutes response time. Cargill went on to state that the CPR Certification classes for the City of Overton Staff had been scheduled for Friday, March 20th and the CPR hands on training class for the public had been scheduled for Saturday, March 21st at the Community Building from 9 a.m. to 1 p.m.

No action taken

2. Discuss and consider action regarding a Resolution authorizing the approval and renewal of an Interlocal Agreement between Texas Department of Public Safety and the City of Overton in order to be a part of the Failure to Appear Program.

Interim City Manager Carter presented a staff report and the Resolution for Council review.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2020.02.20B as presented.

Councilmember Williams seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO. 2020.02.20A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF OVERTON AND THE DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS) TO BE ABLE TO UTILIZE THE FAILURE TO APPEAR (FTA) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

3. Discuss and consider action regarding a Resolution authorizing the Mayor to enter into an agreement between the Overton Municipal Development District and the City of Overton for a short-term cash flow loan for the procurement of public works equipment and new financial software.

City Controller Bates presented staff report regarding a promissory note for a short-term loan from the Overton Municipal Development District.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2020.02.20C as presented.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO. 2020.02.20B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS REGARDING A SHORT TERM FINANCE CONTRACT BETWEEN THE CITY OF OVERTON AND THE OVERTON MUNICIPAL DEVELOPMENT DISTRICT (OMDD) FOR THE PURPOSE OF PROCURING A 2006 SEWER VAC-TOR TRUCK, A 2013 BOBCAT E32 WITH A 2016 BRADCO (PALADIN) FME30, A 2007 FORD F-450 DIESEL UTILITY CRANE TRUCK AND NEW FINANCIAL SOFTWARE

4. Discuss and consider action regarding two proposed financial software options and quotes.

City Controller Bates presented quotes from two potential software vendors as options for the replacement financial software for the City.

No action taken

5. Discuss and consider action regarding a Resolution authorizing the City Manager to enter into agreement for the purchase and conversion to a new comprehensive financial software system for the City of Overton.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2020.02.20D as presented authorizing the purchase and conversion to the Incode Software for the new financial software for the City of Overton.

Councilmember Thompson seconded the motion.

Motion carried 5 – 0.

RESOLUTION NO. 2020.02.20C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF OVERTON AND TYLER TECHNOLOGIES, INC. TO PROVIDE A COMPREHENSIVE FINANCIAL SOFTWARE SOLUTION (INCODE 10) TO THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAID AGREEMENT ON BEHALF OF THE CITY

6. Discuss, consider and take action regarding a Resolution authorizing the City Manager to enter into a Service Agreement with John Stover (Skelton, Slusher, Barnhill, Watkins, Wells) to act as bond counsel for the issuance of the proposed Tax and Revenue Certificate of Obligations.

Mayor Evans stated that Item #6 would be skipped as the information was not ready in time for this meeting.

7. Discuss, consider and take action to approve giving notice of intent to issue City of Overton, Texas Certificates of Obligation (2020).

Mayor Evans stated that Item # would be skipped as the information was not ready in time for this meeting.

H. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.

Mayor Evans presented the upcoming meetings and events schedule for February, March & April 2020.

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

No requests for leave of absence for the March meeting was received.

3. Mayor to call a Special Called Meeting for the purpose of interviewing potential Finance Director candidates and possible action on pending financing items.

Mayor Evans announced that he was calling a special meeting for Tuesday, February 25, 2020 at 7 p.m. for the purpose of Council interviewing the best proposed candidate(s) of the Interview Committee.

I. CITY ADMINISTRATION'S MONTHLY REPORTS

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

1. Administration Monthly Reports
 - a. City Manager's Report
 - b. Police Department Report
 - i. 2019 Racial Profiling Report
 - c. Code Compliance/Enforcement Report
 - d. Municipal Cemetery Report
 - e. Community Development Report
 - f. Public Works Department Report

Interim City Manager / Police Chief Carter presented the departmental monthly reports and the 2019 Racial Profiling Report to Council.

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
 - e. Overton Economic Development Corporation (OEDC) expenditures over \$50K

City Controller Bates presented the monthly finance reports

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 **8:51 p.m.**

Minutes submitted, approved and/or corrected this 19th day of March 2020.

CITY OF OVERTON


C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC, CITY SECRETARY



Council Action Items:

1. CA2020.02.20A – Naming Robert Wall as Interim Overton Volunteer Fire Chief
2. Res. No. 2020.02.20B – Interlocal Agreement with Texas DPS (FTA Program)
3. Res. No. 2020.02.20C – OMDD Short-Term Loan # 4
4. Res. No. 2020.02.20D – Incode Financial Software purchase
5. *V2020-01, PP2020-01 & FP2020-01 – 1011½ Joe Lee Road, Lot 1, Block 1, Williams Addition*