

**REGULAR CALLED CITY COUNCIL MEETING
APRIL 16, 2020**

MINUTES OF THE REGULAR CALLED VIRTUAL MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **APRIL 16, 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 via GoTo Meeting were Clyde Carter, Interim City Manager / Police Chief, Wendy Bates, City Controller, Sherry Roberts, Finance Director, Gabriel Wallace, Police Captain, and Rachél Gafford, City Secretary representing staff. Tom Trimble, representing Oncor, and Christopher Hall representing the public.

After a few technical difficulties experienced by staff and Council getting everyone connected virtually, instructions were given to the Councilmembers and the attendees, and the meeting was called to order.

A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:15 p.m.

1. *Mayor Evans called roll call and all Councilmembers were present virtually.*
2. *Invocation was given by Mayor Evans*
3. *Pledge of Allegiances were led by Interim City Manager Carter*

B. MAYORAL PROCLAMATION / RECOGNITION / APPOINTMENTS

1. *Mayor Evans issued a proclamation recognizing the month of May 2020 as Motorcycle Safety and Awareness Month for the City of Overton*
2. *Mayor Evans issued a proclamation recognizing Thursday, May 7, 2020 as 2020 National Day of Prayer 2020 and Friday, May 15, 2020 as a National A Day of Prayer for all Americans Affected by the Coronavirus Pandemic and for our National Response Efforts in the City of Overton*

C. PUBLIC FORUM – No one spoke

D. CONSENT AGENDA

1. City Council to approve minutes from a Regular Called Meeting of the City Council on March 19, 2020.

Councilmember Freeman made a motion to approve Consent Agenda as submitted.

Councilmember Thompson seconded the motion.

Mayor Evans called for a roll call vote

and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams – Yeah

Motion carried 5 – 0.

E. BUSINESS

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

Interim City Manager / Chief of Police Carter presented the Emergency Management Services reports.

No action taken.

2. Discuss and consider action to direct staff regarding a possible amendment to Chapter 60, Section 60.23 Truck Route of the City of Overton Code of Ordinances as it relates to the allowable weight limits allowed on city streets.

Interim City Manager / Chief of Police Carter presented the staff report regarding the research he found regarding other City's allowable weight limits allowed on their city streets, the documentation of the current Truck Route Ordinance defining the City's current weight limit on City streets to 10,000 lbs., and an excerpt of the council meeting minutes from July 17, 2014 and August 21, 2014 (the last time this item was brought before Council for discussion regarding amending this Ordinance). Carter also stated that most Class A motorhomes weigh between 16,000 to 30,000 lbs.; however, he did not feel that Overton's city streets could not handle much more than 16,000 lbs.

Councilmember Freeman made a motion to discuss.

Councilmember Thompson seconded the motion.

Councilmember Freeman stated that through his research he has found that a F450 is rated at a Class 4 and has a maximum GVW of 16,000 lbs., an F550 (an Oncor or CenturyLink Utility Truck) is rated at a Class 5 and has a GVW of between 16,001 to 19,500 lbs., and a Class 6 truck has a GVW between 19,501 to 26,000 lbs. Freeman went on to say that we currently have all of these types of trucks on the City streets now. Freeman asked if we know what the weight rating is for the City streets.

Councilmember Clark and Mayor Pro Tem Posey asked questions and provided comments regarding the route Mr. Hall traveled to his home. Mr. Hall responded to their questions

Councilmember Thompson asked about costs related to an engineering study and made a comment regarding if the ordinance was to be changed that it be consistent for all city streets for all citizens.

Councilmember Thompson asked if it would be feasible to request an engineering study for the weight limit for the City streets.

Controller Bates replied that our City Engineer may be able to give us guidance without a full-blown engineering study, but if Council actually wants an engineering study done, then this would have significant cost implications that I am unsure the City could afford at this time.

Councilmember Freeman made a motion to have staff consult with the City Engineer to determine if they could give us guidance on the weight capacity of most city streets and bring the responses back in May.

The motion died for the lack of a second.

Mayor Pro Tem Posey made a motion to direct staff to draft an ordinance to amend Chapter 60.23 Traffic Route to increase the regulated truck to be any vehicle in excess of a Gross Vehicle Weight to 20,000 lbs.

Councilmember Thompson seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

3. Discuss and act regarding the appointment of a Local Rabies Control Authority.

Interim City Manager / Chief of Police Carter presented the staff report regarding Texas Department of Health and Human Services citing Chapter 826 of the Texas Health and Safety Code requiring each municipality to appoint and register with them a Local Rabies Control Authority. Carter stated that he would recommend that the Council appoint Officer Bob Overman as he is the City's Animal Control Officer.

Councilmember Williams made a motion to appoint Officer Bob Overman as the City of Overton's Local Rabies Control Authority.

Councilmember Freeman seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

4. Discuss update regarding the COVID-19 Pandemic as it relates to the City of Overton and city operations. Possible action by Council to give staff direction for procedural changes.

Interim City Manager / Chief of Police Carter presented the staff report giving Council an update of what has been done to protect staff and the citizens regarding to the COVID-19 pandemic. Carter let Council know that late fees were assessed to all unpaid utility accounts as of March 16th as staff and the Mayor alone do not have the authority to waive fees. However, the Mayor and Interim City Manager postponed disconnects and disconnect fees until staff had exhausted every means available to contact the utility account holder to make contact with City Hall to set up a payment arrangement for their delinquent utility account. Finally disconnects were done on April

8th instead of March 26th and we had only disconnected eight (8) customers, four (4) of which contacted and made payment arrangements or paid their bill by the end of business day on April 8th. Carter stated that the next item on the agenda will cover giving staff direction on how to handle late fees, disconnect fees and disconnections for the month of April.

No action taken.

5. Discuss and act on a Resolution to amend and extend the Local Disaster for Public Health Emergency Declaration through April 30, 2020 for the City of Overton.

Interim City Manager / Chief of Police Carter presented the staff report stating that the City is not regulated by the PUC in regard to disconnection of utility services; therefore, staff is requesting direction from Council. Carter stated that the attached Resolution would ratify the Mayor's amendment to the Disaster Declaration through April 30, 2020, ratify the issuance of the "Stay at Home" Order provision for all of Overton (Rusk and Smith County portions of the City), would close the Municipal Park Equipment and the RV Park until further notice and would allow staff to waive the \$10 late fee for the month of April and postpone disconnections until all efforts are exhausted to reach the utility customer to establish a payment arrangement. The resolution would also give the Mayor the authority to extend the Disaster Declaration to the next City Council meeting or to rescind the order if needed.

Mayor Pro Tem Posey made a motion to approve Resolution No. 2020.04.16A as presented except specified the waiver of late fees is approved only for the month of April.

Councilmember Freeman seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

RESOLUTION NO. 2020.04.16A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AMENDING RESOLUTION NO. 2019.03.19A BY THE APPROVAL OF THE MAYORAL RATIFICATION OF THE SMITH COUNTY ORDER TO ISSUE A "STAY AT HOME" ORDER AND PUTTING THAT ORDER INTO EFFECT FOR ALL OF THE CITY OF OVERTON (BOTH RUSK AND SMITH COUNTY SIDES), AND THE ADDITION OF SOME ADDITIONAL PROVISIONS FOR THE CITY OF OVERTON, AUTHORIZING THE EXTENSION OF SAID ORDERS THROUGH APRIL 30, 2020 AND ANY FUTURE EXTENSIONS ISSUED BY SMITH COUNTY AND AUTHORIZING THE MAYOR TO RECIND SAID ORDERS IF NEEDED.

6. Review and discuss the street light audit report submitted to Council by Tom Trimble, Oncor from the January audit and presentation of the street light audit completed in April.

Interim City Manager / Chief of Police Carter presented the January street light audit resolution report submitted by Oncor and presented the April street light audit results to council.

Tom Trimble, ONCOR, stated that he would follow up on the April audit resolution and submit the resolution report to staff once the repairs have been completed.

Council and Interim City Manager thanked Tom Trimble for the follow up on the audits.

7. Discuss and act regarding the ISO update and scheduling of presentation from ISO.

Interim City Manager / Chief of Police Carter stated that he had originally asked Dean Shattuck, ISO, to be at this meeting to discuss the implications to the City of not having permits and requiring inspections. Carter postponed that presentation; however, he wanted direction from council if they wanted to try for May or wait until the June meeting. Carter went on to state that City Secretary Gafford had submitted an email to ISO stating staff had been directed to adopt the current building codes. City Secretary Gafford stated that she had received an email from the ISO granting the City until February 21, 2021 to adopt said codes and allowing the City to maintain the ISO ratings of a 5 for both Residential and Commercial properties.

Councilmember Freeman made a motion to schedule the ISO presentation for the June meeting.

Councilmember Thompson seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

8. Discuss and act regarding transfer of the excessive duty stipend from the City Controller position to the Finance Director position.

Interim City Manager / Chief of Police Carter and City Controller Bates presented a staff report in support of transferring the Excessive Duty Stipend currently authorized to Controller Bates to Finance Director Roberts as Roberts has taken on many of the duties previously being done by Bates.

Mayor Evans and members of Council all thanked both City Controller Bates and Finance Director Bates for their hard work and dedication to the City of Overton.

Councilmember Thompson made a motion to transfer the \$250 per pay period stipend from Controller Bates to Finance Director Roberts retroactively to be effective on the pay period beginning April 11, 2020.

Councilmember Clark seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

9. Hear, discuss and act to direct staff regarding financing options for both the authorized Public Works Equipment purchases and the authorized Incode Financial Software subscription.

Finance Director Roberts and City Controller Bates presented the financing options and interest rates provided by Texas Bank and Trust for the loan needed to fund the public works equipment and Incode Financial Software subscription at an interest rate of 3.40% for a 5-year or 3.80% for a 7-year loan. Roberts recommended a loan term of 7 years at 3.80% interest.

Mayor Evans and members of council expressed their support and showed their approval of the 7-year loan and agreed to a Special Called meeting to be scheduled to approve anything related to authorizing the loan.

10. Discuss and act regarding a Resolution to denying the application for approval of a rate change submitted by ONCOR Electric Delivery Company, LLC and authorization to participate in proceedings at the Public Utility Commission of Texas.

Interim City Manager Carter presented the Resolution to Council.

Tom Trimble, ONCOR, gave a short presentation requesting that Council adopt the Resolution to deny the rate increase so that Overton would be included in the cities submitted on the petition to the Public Utilities Commission (PUC) and ultimately the PUC would set the rate for this region.

Mayor Pro Tem Posey made a motion to approve the Resolution as submitted denying the proposed rate increase by ONCOR.

Councilmember Williams seconded the motion.

Mayor Evans called for a roll call vote and the votes were recorded as follows:

Mayor Pro Tem Posey – Yeah, Councilmember Freeman – Yeah, Councilmember Clark – Yeah, Councilmember Thompson – Yeah, Councilmember Williams - Yeah

Motion carried 5 – 0.

RESOLUTION NO. 2020.04.16B

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 3, 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

F. FUTURE MEETINGS

1. Present revised upcoming meetings and events schedule.

Mayor Evans presented the upcoming meetings and events schedule for April, May and June 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 May meeting were received.

3. Mayor to set a date and time for a Special Called Meeting to complete financing paperwork discussed in Agenda Item E.9.

Council discussed the dates of April 30th or May 7th for the Special Called Meeting to complete the loan financing paperwork.

Mayor Evans stated that since all members of Council are available for either day, and recommended staff set the date for the first available date once the loan paperwork is ready from Texas Bank and Trust.

G. CITY ADMINISTRATION'S MONTHLY REPORTS

1. Administration Monthly Reports
 - a. City Manager's Report
 - b. Police Department 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 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

Finance Director Roberts presented the monthly finance reports

H. ADJOURNMENT

Councilman Clark made a motion to adjourn.

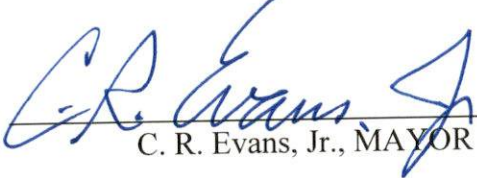
Councilman Thompson seconded the motion.

Motion carried 5 – 0.

With no further business, the meeting was adjourned at **8:42 p.m.**

Minutes submitted, approved and/or corrected this 7th day of May 2020.

CITY OF OVERTON


C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC, CITY SECRETARY



RESOLUTIONS:

1. Res. No. 2020.04.16A – Renewing and extending the Mayoral Declaration of Local Disaster due to a Public Health Emergency (COVID-19)
2. Res. No. 2020.04.16B – Denial of ONCOR rate increase

COUNCIL ACTIONS:

1. CA2020.04.16A – Directing staff submit ordinance amendment to 20,000 lbs GVW for Chapter 60.23 Truck Route.
2. CA2020.04.16B – Appointing Bob Overman as the City’s Local Rabies Control Authority
3. CA2020.04.16C - Authorizing the transfer of the excessive duty stipend from City Controller Bates to Finance Director Roberts.