

## REGULAR CALLED CITY COUNCIL MEETING JULY 16, 2020

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **JULY 16, 2020 AT 7:00 PM** IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u><b>PRESENT:</b></u>	<u><b>POSITION</b></u>	<u><b>ABSENT:</b></u>	<u><b>POSITION</b></u>
C. R. Evans Jr.	Mayor		
Trampas Freeman	1		
John Posey (Mayor Pro-Tem)	2		
Jerry Clark	3		
Reggie Thompson	4		
Michael Paul Williams	5		

Staff in attendance were Clyde Carter, Interim City Manager/Police Chief, Sherry Roberts, Finance Director, Wendy Bates, Financial Consultant, Gabe Wallace, Police Captain and Rachél Gafford, City Secretary. Guests in attendance were Michelle Williams, Elsie Hollis, Dale Grandstaff, Christi Garrett and Mark Garrett representing the public.

**A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:01 p.m.**

1. *Roll Call – everyone was present*
2. *Invocation was given by Mayor Pro Tem Posey*
3. *Pledge of Allegiances were led by Councilmember Williams*

**B. MAYORAL PROCLAMATION / RECOGNITION /APPOINTMENTS - None**

**C. PUBLIC FORUM - None**

**D. REQUESTS OF COUNCIL**

1. Council to hear, discuss, consider action on a request from Dale Grandstaff, 302 S. Honzell Rd., regarding the request for a copy of the contract between the City of Overton and the company that did the recent work on the Overton City Lake who dug up and hauled off the corner marker to his property and now the property line is no longer marker.

*Mr. Grandstaff thanked staff for providing a copy of the Construction Contract between Leland Bradley and the Overton Economic Development Corporation for the North Lake Dam Spillway project.*

*Grandstaff then proceeded to make a request to Council for the City to replace the survey marker for the corner of his property and the dirt that was removed from his property during the recent construction project on the Overton North Lake Dam & Spillway. Mr. Grandstaff stated that the Contractors crossed onto his property at least 30' and removed part of his land including the survey marker. Grandstaff requested that the City obtain a copy of his Survey on file at Smith*

*County and replace the corner marker at the City's expense as he felt that the City was responsible for the Contractor removing his dirt and his corner property marker.*

***Mayor Pro Tem Posey made a motion to authorize staff to contract Lacy Surveying to install property markers along the northern property line of the City's Overton Lake Property for the purpose of installing a fence.***

***Councilmember Thompson seconded the motion.***

***Motion carried 5 – 0***

*City Secretary Gafford stated that staff would like to request that Council grant a fee waiver in the amount of \$27.40 for Mr. Grandstaff's Public Information Request for the copy of the contract documents.*

***Councilmember Thompson made a motion to waive the Public Information Copy Fees in the amount of \$27.40 associated with fulfilling Mr. Grandstaff's Public Information Request.***

***Mayor Pro Tem Posey seconded the motion.***

***Motion carried 5 – 0.***

2. Council to hear, discuss, consider action on a request from Stevie Posey, 206 Kingsway, regarding request for more action to be taken to control the speeding traffic coming down Kingsway making the neighborhood unsafe.

*Interim City Manager / Chief Carter presented the request on behalf of Stevie Posey. Carter stated that he had directed the Police Department Staff to increase patrol along Kingsway between the hours of 4 p.m. to 7 p.m.*

3. City Council to hear, discuss, consider action on a request from Mark Garrett for a one-time 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 a Relocating a Structure Permit, for a 12' x 32' Storage Building to be installed at 506 W. Ballpark Rd.

*Mr. Garrett presented a request for a one-time waiver of the final plat requirement of the Zoning Ordinance for the installation of a 12' x 32' storage building to be added to his property. Garrett stated that he had inherited the property from his mother. He had already purchased the storage building and was scheduling installation when he found out that he needed a permit for the relocation of the structure inside the City limits and that the property needed to be final platted.*

*Staff is supportive of the one-time waiver request, but needed Council permission to grant the waiver.*

***Mayor Pro Tem Posey made a motion to grant a one-time waiver of the platting requirements for 506 W. Ball Park Road and allowing the issuance of a Relocation of Structure Permit.***

***Councilmember Williams seconded the motion.***

***Motion carried 5 – 0***



***Mayor Pro Tem Posey requested a short recess from the Mayor. Council recessed at 7:45 p.m. and reconvened in open session at 7:50 p.m.***

**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. Consider action to authorize and approve engagement letter with Prothro, Welhelmi & Company, CPA's for the FY2015-2016 Financial Audit designating the Interim City Manager as the authorized signer on behalf of the City.
2. Consider action to approve minutes from a Regular Called Meeting of the City Council on June 18, 2020.

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

***Councilmember Clark 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

*Interim City Manager / Police Chief Carter presented the monthly reports for both EMS and the Volunteer Fire Department.*

***No action required.***

2. Discuss and/or consider action directing staff when to enforce the Zoning Ordinance requirement that a property must be a lot of legal record prior to expansion for the use of the property.

*City Secretary / Community Development Coordinator Gafford requested direction on when the Zoning Ordinance requirement for a parcel to be a legal lot of record should be triggered prior to development, redevelopment and / or expansion of the current use of the property. Gafford explained that the requirement for a building permit typically triggers the platting and/or replat requirements for development. Gafford stated that the bench mark, as set by the International Building Code, is 120 square foot for when a building permit is required for a storage building or a structure; however, since the City is no longer requiring building permits for the most part staff needs direction on when to enforce this Zoning Ordinance requirement.*

***Mayor Pro Tem Posey made a motion to discuss.***

***Councilmember Thompson seconded the motion.***

*After a brief discussion by Council the following motion was made.*

***Mayor Pro Tem Posey made a motion to direct staff to consult with the City Attorney to amend the Zoning Ordinance to determine how a carport***

*can be exempt from the final plat requirement and to set the standard for enforcement of the legal lot of record prior to being allowed to proceed with development. Redevelopment or expansion of the current use of a property to be 288 s.f. or more will require the property owner to comply with the final plat requirements.*

*Councilmember Thompson seconded the motion.*

*Motion carried 5 – 0*

3. Discuss and consider action regarding a Resolution designating the officer or employee responsible for complying with Section 26.04 of the Texas Tax Code for the city.

*Finance Director Roberts presented the Resolution with a staff report to Council.*

*Councilmember Clark made a motion to approve Finance Director Sherry Roberts as the employee responsible for complying with Section 26.04 of the Texas Tax Code for the City.*

*Councilmember Freeman seconded the motion.*

*Motion carried 5 – 0.*

#### **RESOLUTION NO. 2020.07.16A**

#### **A RESOLUTION OF THE CITY OF CITY OF OVERTON, TEXAS, DESIGNATING THE OFFICER OR EMPLOYEE RESPONSIBLE FOR COMPLYING WITH SECTION 26.04 OF THE TEXAS TAX CODE FOR THE CITY; AND PROVIDING AN EFFECTIVE DATE**

4. Discuss and consider action regarding a Resolution directing the City Finance Director, with the assistance of the Chief Deputy of the Rusk County Tax Assessor/Collector, to have the voter-approval tax rate calculated in the manner provided for a special taxing unit.

*Finance Director Roberts presented the Resolution with a staff report to Council*

*Councilmember Thompson made a motion to approve a Resolution directing the City Finance Director, with the assistance of the Chief Deputy of the Rusk County Tax Assessor/Collector, to have the voter-approval tax rate calculated in the manner provided for a special taxing unit according to Section 26.04(c) (c-1) of the Texas Tax Code relating to an area declared as a disaster area.*

*Councilmember Williams seconded the motion.*

*Motion carried 5 – 0.*

#### **RESOLUTION NO. 2020.07.16B**

#### **A RESOLUTION OF THE CITY OF OVERTON TEXAS, DIRECTING THE CITY FINANCE DIRECTOR TO HAVE THE VOTER-APPROVAL TAX RATE CALCULATED IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT PER**



**SECTION 26.04 (C-1) OF THE TEXAS TAX CODE; AND PROVIDING AN EFFECTIVE DATE.**

5. Discuss and consider action regarding a Resolution approving an Interlocal Agreement with and authorizing the participation in the Texas Interlocal Purchasing System (TIPS) a purchasing cooperative offered by Region VIII Education Service Center and designating the Interim City Manager to enter into said agreement on behalf of the City of Overton.

*Finance Director Roberts presented the Resolution with a staff report to Council*

***Councilmember Freeman made a motion to approve Resolution approving an Interlocal Agreement with and authorizing the participation in the Texas Interlocal Purchasing System (TIPS) a purchasing cooperative offered by Region VIII Education Service Center and designating the Interim City Manager to enter into said agreement on behalf of the City of Overton.***

***Councilmember Clark seconded the motion.***

***Motion carried 5 – 0.***

**RESOLUTION NO. 2020.07.16C****TIPS BOARD RESOLUTION**

6. Discuss and consider action directing staff regarding the credit card fees as it relates the City of Overton Schedule of Fees.

*Finance Director Roberts presented a staff report to Council.*

***Councilmember Thompson made a motion to direct staff to draft an ordinance to add a credit card fee of 2.75% to the Overton Schedule of Fees to be effective on October 1, 2020.***

***Councilmember Williams seconded the motion.***

***Motion carried 5 – 0.***

7. Discuss and consider action authorizing the release of a demolition lien held on Rusk County Parcel #10753, Lot 2, Block 24, Original Townsite, City of Overton, Rusk County, Texas more commonly referred to as 204 Crews Street, Overton, Texas and further authorizing the Mayor to execute any necessary documents related thereto.

*Finance Director Roberts presented a staff report to Council.*

***Councilmember Freeman made a motion to approve the release of a demolition lien held on Rusk County Parcel #10753, Lot 2, Block 24, Original Townsite, City of Overton, Rusk County, Texas more commonly referred to as 204 E. Crews Street, Overton, Texas and further authorizing the Mayor to execute any necessary documents related thereto.***

***Councilmember Thompson seconded the motion.***

***Motion carried 5 – 0.***

8. Discuss and consider action regarding a Resolution authorizing the Interim City Manager to purchase one (1) or two (2) replacement utility truck vehicles for the Public Works Department up to \$50,000 for both vehicles and to execute the paperwork for a small ticket application loan through Government Capital for the purchase thereof.

*Interim City Manager / Police Chief Carter and Finance Director Roberts presented the Resolution with a staff report to Council*

***Councilmember Clark made a motion to approve a Resolution authorizing the Interim City Manager to purchase one (1) or two (2) replacement utility truck vehicles for the Public Works Department up to \$60,000 for both vehicles, have each vehicle inspected by an independent mechanic, and to execute the paperwork for a small ticket application loan through Government Capital for the purchase thereof.***

***Councilmember Thompson seconded the motion.***

***Motion carried 5 – 0.***

**RESOLUTION NO: 2020.07.16D**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE FOR THE PURCHASE OF REPLACEMENT PUBLIC WORKS FLEET VEHICLES FOR THE WATER AND SEWER DEPARTMENTS AND TO MAKE APPLICATION TO GOVERNMENT CAPITAL FOR A SMALL TICKET LOAN.**

9. Discuss and consider action regarding a Resolution authorizing the Interim City Manager to enter into an agreement with AWWWS, Inc. based on the proposal to provide services in preparing and submitting the City's Wastewater Permit Renewal for 2021 to Texas Commission on Environmental Quality.

*Finance Director Roberts presented the Resolution with a staff report to Council*

***Councilmember Williams made a motion to approve a Resolution authorizing the Interim City Manager to enter into an agreement with AWWWS, Inc. based on the proposal to provide services in preparing and submitting the City's Wastewater Permit Renewal for 2021 to Texas Commission on Environmental Quality.***

***Councilmember Clark seconded the motion.***

***Motion carried 5 – 0.***

**RESOLUTION NO: 2020.07.16E**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT FOR SERVICES THAT DEFINES THE TERMS AND CONDITIONS UNDER WHICH AWWWS, INC. PROPOSES TO PROVIDE SERVICES IN PREPARING AND**



**SUBMITTING THE CITY'S WASTEWATER PERMIT RENEWAL FOR 2021 TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (HEREINAFTER KNOWN AS T.C.E.Q).**

10. Continued discussion regarding the FY 2020-2021 Proposed Municipal Budget Plan, if needed.

*Item skipped by Mayor Evans.*

**G. FUTURE MEETINGS**

1. Present revised upcoming meetings and events schedule.

*Mayor Evans went over the upcoming meetings calendar.*

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

*No requests received.*

**H. 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
    - i. 2020 Fireworks in the Park 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 Carter presented the monthly report and acknowledged the sponsors who have committed to sponsoring the Fireworks in the Park 2020. Carter went on to recognize all the staff for an outstanding job and express appreciation to the many volunteers who made the event a success.*

2. Finance Monthly Reports
  - a. Finance Director'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 covered the financial reports, handing out the December 2019 Revenue and Expenditure report and gave a brief update on the audits.*

**I. ADJOURNMENT**

*Councilman Clark made a motion to adjourn.*

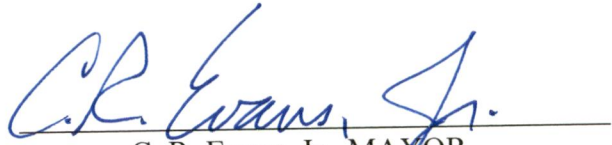
*Councilman Williams seconded the motion.*

***Motion carried 5 – 0.***

With no further business, the meeting was adjourned at **9:15 p.m.**

Minutes submitted, approved and/or corrected this **13<sup>th</sup> day** of **August, 2020.**

## CITY OF OVERTON

  
C. R. Evans, Jr., MAYOR

ATTEST:

  
Rachel Gafford, TRMC, CITY SECRETARY

**RESOLUTIONS:**

1. Res. No. 2020.07.16A – Designating the Finance Director as the officer/employee responsible for compliance with Section 26.04 of the Texas Tax Code.
2. Res. No. 2020.07.16B – Directing the Finance Director to have the voter-approval tax rate calculated in the manner provided for a special taxing unit.
3. Res. No. 2020.07.16C – Approving an Interlocal Agreement with Region VII Education Service Center for participation in the TIPS purchasing cooperative.
4. Res. No. 2020.07.16D – Authorizing the purchase of two PW vehicles and the financing thereof up to \$60,000 responsible for compliance with Section 26.04 of the Texas Tax Code.
5. Res. No. 2020.07.16E – Approving an agreement with AWWWS, Inc. for processing the Wastewater Treatment Plant permit renewal with TCEQ.

**COUNCIL ACTIONS:**

- Approval of the waiver of PIA fees in the amount of \$27.50 for Dale Grandstaff.
- Authorizing the hiring of Lacy Surveying for marking the North Lake Property for installation of a fence.
- Granting a one-time waiver of final plat requirement for 506 W. Ball Park Road for the issuance of a Relocation of a Structure Permit.



- Approval of an engagement letter with Prothro, Welhelmi & Company, CPA for the FY2015-2016 Financial Audit.
- Approval of the release of demolition lien placed on 208 E. Crews St.