

## REGULAR CALLED CITY COUNCIL MEETING AUGUST 13, 2020

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **AUGUST 13, 2020 AT 7:00 PM** AT THE OVERTON COMMUNITY CENTER, 505 SOUTH MEADOWBROOK DRIVE, OVERTON, TEXAS 75684.

<b><u>PRESENT:</u></b>	<b><u>POSITION</u></b>	<b><u>ABSENT:</u></b>	<b><u>POSITION</u></b>
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 Jennifer Alejandro, Rusk-Panola Child Advocacy Center, Dale Grandstaff, Michelle Williams, Bob Overman and Curtis Gilbert representing the public.

**A. CALL TO ORDER - Mayor Evans called the meeting to order at 7:03 p.m.**

1. *Invocation was given by Mayor Pro Tem Posey*
2. *Pledge of Allegiance was led by Councilmember Clark*

*Mayor Evans stated that if there were no objections, he would like to skip to Agenda Item 14 to continue the presentation on the proposed Budget. With no objections heard, Mayor turned the floor back over to Finance Director Roberts.*

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

*Finance Director Roberts and Financial Consultant Bates continued with the proposed budget presentation including the General Fund and the Water & Sewer Fund.*

*After a brief discussion and question and answer session from Council, the Mayor returned to the other Council items on the agenda.*

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

**C. PUBLIC FORUM - None**

**D. REQUESTS OF COUNCIL - None**

**E. CONSENT AGENDA**

1. Approve minutes from a Special Called Meeting of the City Council on July 14, 2020.
2. Approve minutes from a Special Called Workshop of the City Council on July 16, 2020
3. Approve minutes from a Regular Called Meeting of the City Council on July 16, 2020.
4. Approve a Resolution authorizing the Mayor to sign an Interlocal Agreement with Rusk County Elections for the November 3, 2020 General Election.
5. Approve a Resolution authorizing the Mayor to sign an Interlocal Agreement with Smith County Elections for the November 3, 2020 General Election.
6. Approve an Ordinance ordering a General Election for the election to be held on November 3, 2020.

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

*Councilmember Thompson seconded the motion.*

*Motion carried 5 – 0*

**RESOLUTION NO. 2020.08.13A**

**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 3, 2020 CITY OF OVERTON GENERAL ELECTION PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE OF SAID AGREEMENT.**

**RESOLUTION NO. 2020.08.13B**

**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 3, 2020 CITY OF OVERTON GENERAL ELECTION PROVIDING FOR AN EFFECTIVE AND AN EXPIRATION DATE OF SAID AGREEMENT.**

**ORDINANCE NO. 2020.08.13A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, ORDERING A GENERAL ELECTION FOR THE ELECTION OF CITY COUNCIL OFFICES FOR PLACE ONE (1), PLACE THREE (3) AND PLACE FIVE (5) , 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 3, 2020; 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.**

**F. PUBLIC HEARING**

• **OPEN PUBLIC HEARING**

**Mayor Evans opened the public hearing at 7:55 p.m.**

1. City Council to hear public comments regarding the first reading of an Ordinance of the City Council of the City Of Overton, Texas, Reenacting and Amending Chapter 95 entitled "Curfew Hours For Minors" of the Code of Ordinances, defining terms, creating hours for curfew for minors, creating offenses for minors, parents of minors, and business establishments violating curfew regulations, providing for enforcement by the Police Department; providing a penalty clause; making various findings and provisions related to the subject; containing a severability clause; repealing all other ordinances in conflict herewith; providing for publication and providing for an effective date.

*Interim City Manager / Chief Carter presented staff report and the proposed changes to the existing Ordinance regarding a curfew to continued to be imposed on minors under the age of 17 within the city limits of Overton.*

*No public comments were received.*

**Mayor Evans closed the public hearing at 8:00 p.m.**

**G. BUSINESS**

1. Council to hear staff update regarding request from Dale Grandstaff, to obtain a copy of his survey plat from Smith County for the purpose of reinstalling his missing corner property marker that he feels the City is responsible for.

*Interim City Manager / Chief Carter presented a letter from Daniel Cooper of Lacy Surveying stating that after having researched the land in question, a deed was found on file with the Smith County Clerks' office; however, there was no survey or plat on file at the County. Lacy Surveying recommended that if Mr. Grandstaff had a survey for his land then he would need to produce it to the City to verify the survey against his deed and the City's lake property survey and deed.*

*Mr. Grandstaff asked that the City Council ask Mr. Jackie Lacy to find the Survey on file at the County.*

***Councilmember Thompson asked Mr. Grandstaff to please request Jackie Lacy to find the survey plat that he believes exists and provide a copy of it to the City.***

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

*Interim City Manager / Chief Carter presented explanations of the Christus EMS report and the OVFD monthly reports.*

3. Discuss, consider, and/or take action regarding Rusk-Panola Children's Advocacy Center's (RPCAC) request for a donation for Fiscal Year 2020 - 2021.

*Interim City Manager / Chief Carter introduced Jennifer Alejandro, RPCAC, to request a donation from the City of Overton in the amount of \$500 for FY 2020 – 2021. Carter stated that the CAC performs all the child victim interviews for the City each year at no charge.*

*Ms. Alejandro presented a request for financial support for Fiscal Year 2021 in the amount of \$500. Alejandro stated that the Center provides advanced training at child sexual abuse conferences to the Overton Police department and have been able to assist the department with several victims' interviews over the past several years. The non-profit organization and the center seek support from individuals, federal/state grants and private foundations. However, the prime base of support comes from the counties and municipalities served.*

*Captain Gabe Wallace made a brief statement of appreciation and support of the CAC and the assistance they provide to the City's Police Department each year with these minor victims.*

***Councilmember Thompson made a motion to approve a one-time donation in the amount of \$500 to the Rusk Panola Child Advocacy Center for Fiscal Year 2021.***

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

***Motion carried 5 – 0.***

4. Discuss, consider, and/or take action regarding the Smith County 9-1-1 Communication District budget approval for Fiscal Year 2020-2021.

*Interim City Manager / Chief Carter presented the Smith County 9-1-1 Communication District budget for Council approval to approve the \$5,000 PASP funds budgeted for the Overton Dispatch department for Fiscal Year 2021.*

***Councilmember Williams made a motion to approve the Smith County 9-1-1 Communication District budget for Fiscal Year 2020-2021 as presented.***

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

***Motion carried 5 – 0.***

5. Discuss, consider, and/or take action regarding recommendations for consideration of ETCOG Officers to the Nominating Committee.

*Finance Director Roberts presented the candidates eligible for nomination.*

***Mayor Pro Tem Posey made a motion to nominate the following persons as officers to the ETCOG Board of Directors: Chairman: Merlyn Homes; 1st Vice-Chairman: Kevin White, 2nd Vice-Chairman: Bill Hale; 3rd Vice-Chairman: Victor Perot and Secretary Treasurer: Bill Stoudt.***

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

***Motion carried 5 – 0.***



6. Discuss, consider, and/or take action regarding a waiver of the City's Overton Economic Development Corporation (OEDC) Administrative Services Fees for a period of time to cover (equating to) the cost of the installation of a fence along the North Lake Dam and Spillway area.

*Interim City Manager / Chief Carter presented request from the Overton Economic Development Corporation (OEDC) for a waiver from the City's Administrative Services Fees for a period of time equal to the cost of the fence project (roughly \$5,000.00 or a 5-month waiver).*

***Mayor Pro Tem Posey made a motion to authorize a waiver of the City's OEDC Administrative Service Fee for the number of months approximately equal to the cost of the fence project.***

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

***Motion carried 5 – 0.***

7. Discuss, consider and/or take action regarding an Ordinance allowing for the collection of a credit card processing fee for all credit cards transactions.

*Finance Director presented staff report and Ordinance authorizing the collection of credit card processing fees for all credit card transactions.*

***Mayor Pro Tem Posey made a motion to approve an Ordinance authorizing the collection of a credit card processing fee for all credit card transactions effective 10/01/2020.***

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

***Motion carried 5 – 0.***

#### **ORDINANCE NO. 2020.08.13B**

**AN ORDINANCE OF THE CITY OF OVERTON, TEXAS, AUTHORIZING THE ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF FEES, FINES, COURT COSTS, AND OTHER CHARGES IMPOSED BY ALL CITY DEPARTMENTS; PROVIDING FOR THE COLLECTION OF RELATED PROCESSING FEES AND SERVICE CHARGES; PROVIDING FOR A SERVICE CHARGE IF PAYMENT BY CREDIT CARD IS NOT HONORED; AND PROVIDING FOR SEVERABILITY; CUMULATIVE AND SAVING CLAUSE; REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

8. Hear and discuss the first reading of an Ordinance to amend the City of Overton - Schedule of Fee's for FY 2020 - 2021 specifically as it relates to the utility rates, the addition of credit card processing fees and other various fees.

*Finance Director Roberts presented a staff report and a draft Ordinance to amend the City of Overton Schedule of Fees for Fiscal Year 2020-2021. Roberts presented the proposed rates as listed in the 50/50 option that was previously presented because of the water rate study. In addition, there was an expansion of the credit card processing fees and establishing a deposit for bulk water customer accounts.*

***Mayor Pro Tem Posey stated that he felt that the 50/50 proposed water rate was the best way to accommodate our low-income families.***

***No action taken***

9. Discuss, consider and/or take action regarding a Resolution authorizing the Interim City Manager to purchase two (2) replacement vehicles and a trailer for the Public Works Department up to \$75,000 for said equipment and to execute the paperwork for a small ticket application loan through Government Capital for the purchase thereof.

*Finance Director Roberts presented a Resolution and a request for approval from Council regarding authorizing the Interim City Manager the ability to find, negotiate and finance two (2) replacement vehicles for the Public Works Department and a Heavy Duty Trailer for the transport of the Mini Excavator.*

***Councilmember Thompson made a motion to discuss.***

***Councilmember Williams seconded the motion***

*After a brief discussion among Council and staff the following action was taken.*

***Mayor Pro Tem Posey made a motion to approve the Resolution authorizing the Interim City Manager to purchase one (1) or two (2) replacement fleet vehicles and a heavy duty trailer for a total not to exceed \$60,000 for both vehicles and trailer, to have each vehicle inspected by an independent mechanic and execute the paperwork for a small ticket application loan through Government Capital for the purchase.***

***Councilmember Williams seconded the motion***

***Motion carried 5 – 0.***

**RESOLUTION NO. 2020.08.13C**

**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 AND A TRAILER FOR THE WATER AND SEWER DEPARTMENTS AND TO MAKE APPLICATION TO GOVERNMENT CAPITAL FOR A SMALL TICKET LOAN.**

10. Presentation and discussion of PROPOSED No New Revenue Rate and Voter Approval Tax Rate for Fiscal Year 2020 – 2021.

*Finance Director Roberts presented what the tax rate would be at the No-New-Revenue Rate of 3.50% at \$0.694206 (which would be a tax decrease of \$0.33705), and the Voter-Approval Rate of 8.0% at \$0.755720 (which would be a tax increase of \$0.027809) neither of which would produce a balanced budget.*

11. Consider and/or take action of a PROPOSED No New Revenue Rate and Voter Approval Tax Rate for Fiscal Year 2020 – 2021. (If proposed rate exceeds NO New Revenue Rate, the date and time for the public hearing will be announced.)

***Mayor Pro Tem Posey made a motion to accept the proposed No-New-Revenue and Voter-Approval Tax rates for Fiscal Year 2020 as calculated***



**by the Rusk County Tax Assessor-Collector, propose a property tax rate of \$0.755720 /per \$100 valuation as the maximum tax rate to be adopted and announce that the public hearings for the adoption of the budget and the adoption of the property tax rate will be held on September 3, 2020 at 7:00 p.m. at the Overton Community Center.**

**Councilmember Williams seconded the motion**

*Roberts explained at where the budget is right now with the Voter-Approval Rate of 8.00 % the budget is still at a \$44,000 deficit. After a brief discussion between Council and staff, **Mayor Pro Tem Posey asked what tax rate would be needed to cover the current deficit.** After calculation staff responded that \$0.08055720 would be the rate needed at this time to cover the current deficit; however, staff was still looking for areas of the budget to cut and would hopefully not need to go this high to balance the budget as staff would continue to work on cuts and requested that Council review the budget document as presented to find cuts as well.*

**Mayor Pro Tem Posey made a motion to amend the previous motion to change the proposed maximum property tax rate to \$0.8055720/per \$100 valuation.**

**Councilmember Williams seconded the motion**

*Mayor Evans stated that the amended motion to change the maximum proposed tax rate for 2020 (FY2021) at \$0.8055720 has been made and a second and requested further discussion. No further discussion. Mayor Evans called for a vote on the amended motion.*

**Motion carried to amend the main motion 5 – 0.**

*Mayor Evans asked the City Secretary to read the main motion as amended:*

**Motion to accept the proposed No-New-Revenue and Voter-Approval Tax rates for Fiscal Year 2020 as calculated by the Rusk County Tax Assessor-Collector, propose a property tax rate of \$0.8055720 /per \$100 valuation as the maximum tax rate to be adopted and announce that the public hearings for the adoption of the budget and the adoption of the property tax rate will be held on September 3, 2020 at 7:00 p.m. at the Overton Community Center.**

**Councilmember Williams seconded the motion**

*Mayor Evans called for any final discussion.*

*Mayor Pro Tem Posey stated that staff need to see if they could find more cuts to the proposed budget prior to the adoption.*

*Mayor Evans called for the vote on the amended main motion.*

**Voting Aye were: Councilmember Freeman, Mayor Pro Tem Posey, Councilmember Clark, Councilmember Thompson, and Councilmember Thompson.**

**Motion carried 5 – 0.**

12. Discuss, consider and/or take action 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 a date for a public hearing on the said ad valorem tax rates and a public hearing for the Annual Operating Budget for FY 2020-21.

*City Secretary Gafford presented the Resolution to set the maximum tax rate for the Overton Municipal Cemetery Maintenance and Operations fund.*

***Mayor Pro Tem Posey made a motion to approve the Resolution setting the maximum proposed tax rate for the Overton Municipal Cemetery Maintenance and Operations at \$0.05000/per \$100 assessed property valuation for the 2020 tax year (FY 2021).***

***Councilmember Williams seconded the motion***

***Voting Aye were: Councilmember Freeman, Mayor Pro Tem Posey, Councilmember Clark, Councilmember Thompson, and Councilmember Thompson.***

***Motion carried 5 – 0.***

#### **RESOLUTION NO. 2020.08.13D**

**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, 2020 AND ENDING SEPTEMBER 30, 2021; 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.**

13. Notice given for the "Drawing for a Place on the Ballot" for the November 3, 2020 General Election.

*City Secretary Gafford announced that the Drawing for a Place on the Ballot would be held on Monday, August 24, 2020 at 5:30 p.m. at the Overton Community Center to determine what order the candidates' names would be listed on the ballot.*

***Mayor Evans called for a short recess at 9:59 p.m.***

***Mayor Evans reconvened in open session at 10:07 p.m.***

#### **H. CONVENE TO EXECUTIVE SESSION**

***Mayor Evans convened Council into Executive Session at 10:08 p.m. to discuss the following as authorized by §551.074 of the Texas Government Code – regarding personnel matters including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.***



1. City Council to hear and discuss the job performance, duties and pay scales of all permanent positions for the City of Overton.

*Mayor Evans reconvened Council into open session at 11:05 p.m.*

**I. ACTION ON ITEM(S) DISCUSSED IN EXECUTIVE SESSION**

*No action taken*

**J. 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 excused absence received from Council.*

*Mayor Evans stated that if there were no objections, he would like to skip the staff monthly reports and let Council review them at home. Mayor encouraged Council to send any questions regarding the reports to staff.*

*With no objections made on skipping the monthly reports, Mayor Evans entertained a motion to adjourn.*

**K. 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~~
  - ~~c. Code Compliance/Enforcement Report~~
  - ~~d. Municipal Cemetery Report~~
  - ~~e. Community Development Report~~
  - ~~f. Public Works Department Report~~
- ~~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~~

**L. ADJOURNMENT**

*Councilman Clark made a motion to adjourn.*


*Councilman Williams seconded the motion.*

*Motion carried 5 – 0.*

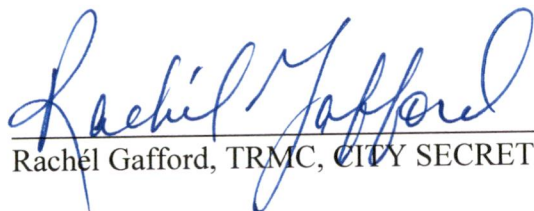
With no further business, the meeting was adjourned at **11:11 p.m.**

Minutes submitted, approved and/or corrected this **10<sup>th</sup>** day of **September, 2020.**

CITY OF OVERTON

  
C. R. Evans, Jr., MAYOR

ATTEST:

  
Rachel Gafford, TRMC, CITY SECRETARY



**ORDINANCES:**

1. Ord. No. 2020.08.13A – Order of General Election for November 3, 2020.
2. Ord. No. 2020.08.13B – Authorizing collection of credit card processing fees on credit card transactions

**RESOLUTIONS:**

3. Res. No. 2020.08.13A – Interlocal Agreement with Rusk County Elections for November 2020 joint election.
4. Res. No. 2020.08.13B – Interlocal Agreement with Smith County Elections for November 2020 joint election.
5. Res. No. 2020.08.13C – Authorizing Interim City Manager the purchase of two PW vehicles and a trailer and financing for the purchase through Government.
6. Res. No. 2020.07.16D – Setting the maximum proposed Overton Municipal Cemetery Tax Rate for 2020 (FY2021).
7. Res. No. 2020.07.16E – Approving an agreement with AWWWS, Inc. for processing the Wastewater Treatment Plant permit renewal with TCEQ.

**COUNCIL ACTIONS:**

1. Approval of a one-time donation in the amount of \$500 to the Rusk Panola Child Advocacy Center for Fiscal Year 2021.
2. Approval of the FY 2020-2021 Smith County 9-1-1 Communications District Budget.
3. Nomination of Board Officers for ETCOG for FY 2021
4. Authorization of a waiver of the OEDC Administrative Fee due to the City of Overton for a period of time equal to the cost of the fence project for the spillway (\$4,400.00).
5. Setting the maximum proposed Ad Valorem Tax Rate for M & O and I & S for the City of Overton for 2020 (FY2021).