

**SPECIAL CALLED CITY COUNCIL MEETING  
SEPTEMBER 3, 2020**

MINUTES OF THE SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **SEPTEMBER 3, 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	John Posey (Mayor Pro-Tem)	2
Trampas Freeman	1		
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, Gabe Wallace, Police Captain, Todd Spakes, Police Sargent/K-9 Officer and Rachél Gafford, City Secretary representing staff. Guests in attendance were Vicki Hudson, Madison Nichols, Patricia York, Dennis H. May, Cathy J. Hall, Kelvin Darden, J. W. Waggoner, Terry Waggoner, Michelle Wilson, Raymond G. Moon, Jr., Allen Cook, Lane Schurbon, Bonnie Schurbon, Maggie Thompson, Reagan Thompson, Carol Wingo, Lonetta Nelson, Elsie Hollis, Michael Allen, Pamela Hampton, Bobbie Trimble, Sharon May, Mark Carnes, Robbie J. Carnes, Shirley Shaw, Josh Hill, Denise Hill, Jean Beth Hamblen, Doug Osburn, Shane McCasland and Paul Silvey.

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

1. *Invocation was given by Mayor Evans*
2. *Pledge of Allegiance was led by Councilmember Clark*

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

**C. PUBLIC FORUM**

*Shirley Shaw, 1201 E. Price Lane, wanted to request that Council consult with the Code Enforcement Officer and was requesting that the officer stop harassing her son for parking his 18-wheeler cab (without a load) on Price Street. Shaw claims that they have received several warnings from the Code Enforcement Officer to relocate the parking of his vehicle to an area that allows for the truck parking along the truck route. Shaw contends that the 18-wheeler cab does not exceed the weight limit of 20,000 pounds set by Council several months ago. Shaw also stated that she personally has maintained the roadway area herself where the truck is being parked.*

**D. PUBLIC HEARING**

- **OPEN PUBLIC HEARING – Mayor Evans opened the Public Hearing at 7:07 p.m.**

1. Receive comments regarding the re-adoption of the Curfew Ordinance for Minors.

*Shirley Shaw and Elsie Hollis both spoke in support of the readopting of the Curfew Ordinance.*

2. Receive comments regarding Budget for Fiscal Year 2021.

*Finance Director Roberts presented the General Fund budget. Council and Roberts received and answered questions from the public regarding the revenues and expenditures proposed in the budget and listened to the public comments.*

*Finance Director Roberts presented the Water & Sewer Fund budget. Council and Roberts received and answered questions from the public regarding the revenues and expenditures proposed in the budget and listened to the public comments.*

*Finance Director Roberts then presented all other funds included in the City's budget.*

3. Receive comments regarding the proposed 2020 Ad Valorem Tax Rate of \$0.8055720/per \$100 valuation (\$0.542889 for M & O and \$0.262683 for I & S) for Fiscal Year 2021.

*Finance Director Roberts presented and explained that the proposed Tax Rate that was in the paper was the highest rate that Council was willing to consider to fund the Budget for the General Fund for the FY2021 budget as of 8/13/2020 to cover the proposed deficit of the budget. It was set at the rate that was published in the paper because the law requires that the notice be in the paper a minimum of 10-days prior to the public hearing on the budget. Staff and Council are still working on budget cuts to reduce the tax rate needed to fund the General Fund for Maintenance and Operations.*

*Roberts went on to explain that the Water and Sewer Rates fund the Maintenance and Operations of the Water and Sewer infrastructure. The Tax Rate funds the General Operating fund, City Hall, Streets, Park, Police, Fire and the Administrative Staff Roberts.*

*Council and Roberts received and answered questions regarding the proposed tax rate and listened to the public comments.*

4. Receive comments regarding the proposed 2020 Cemetery Ad Valorem Tax Rate of \$0.050 / per \$100 valuation for the Overton Municipal Cemetery Maintenance and Operations for Fiscal Year 2021.

*Finance Director Roberts and City Secretary Gafford presented and explained the proposed 2020 Tax Rate for the Cemetery Maintenance and Operations for Fiscal 2021.*

*Council and Gafford received and answered questions and listened to the public comments.*

• **CLOSE PUBLIC HEARING – Mayor Evans closed the public hearing at 9:16 p.m.**

***Mayor Evans made the following announcement publicly:***

***The City Council of the City of Overton will vote on a proposed tax rate for general operation (M & O) and Debt (I & S) for the 2020 tax year that would increase total tax revenues. The Council will also vote on a proposed tax rate for the Cemetery Fund for the 2020 tax year. Both votes will occur at the Regularly Called City Council Meeting at 7:00 p.m., Thursday, September 10, 2020 at the Overton Community Center located at 505 South Meadowbrook Drive, Overton, Texas 75684.***



*Terry Waggoner, 3989 CR 124, asked the Mayor if he could have a moment to speak as he thought there would be another chance for Public Comments after the public hearing.*

***Mayor Evans requested parliamentary rule guidance from City Secretary Gafford.***

*City Secretary Gafford stated that the Council could make a motion to temporarily suspend the rules to allow citizens an opportunity to speak outside the Public Forum agenda item.*

***Councilmember Thompson made a motion to temporarily suspend the rules of order to allow citizens to speak outside of the Public Forum agenda item.***

***Councilmember Freeman seconded the motion.***

***Motion carried 4 – 0, Mayor Pro Tem Posey absent.***

*Terry Waggoner, 3989 CR 124, asked the Mayor and Council if they could just clean up the town, put oil dirt down on the street, stop filling the pot holes with crushed rock which just washes away. If the Citizens could visually see that the City was trying to make improvements to the infrastructure then the citizens would have more faith in the City leaders. A \$25.00 increase in taxes will not affect the average person that bad and if the citizens could see improvements, they would be in support of the tax increase.*

*Doug Osburn, \_\_\_\_\_ Cynthia Street, asked if the City could at least have a vision and a plan and share the vision and the plan with the citizens on how they plan to get the audits caught up and to fix the roads and the infrastructure. I believe if the City is transparent with the citizens, the citizens would then know that the City is headed in the right direction and would be able to see the improvements being made.*

#### **E. BUSINESS**

1. Act regarding 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.

***Councilmember Freeman made a motion to approve the re-adoption of the Ordinance No. 2020.09.03A as submitted.***

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

***Motion carried 4 – 0, Mayor Pro Tem Posey absent.***

#### **ORDINANCE NO. 2020.09.03A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AMENDING CHAPTER 95 “CURFEW HOURS FOR MINORS” OF THE CODE OF ORDINANCES BY THE READoption OF CURFEW HOURS FOR MINORS; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED**

**UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY; PROVIDING A REPEALER, SEVERABILITY AND PUBLICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

2. Hear and discuss an Ordinance to amend the City of Overton Schedule of Fees for FY 2021 regarding utility rates.

*Finance Director Roberts presented a study of local cities water rates to compare the City of Overton water rates against. Roberts stated that she had three scenarios for Council to review as follows:*

- *Raise the base rate to \$30 for access to the system and charge per 1,000 gallons used on a step chart. FY 2020-2021 Net Gain for this scenario would produce \$149,716.*
- *Raise the base rate to \$26.43 for access to the system and charge per 1,000 gallons used on a step chart. FY 2020-2021 Net Gain for this scenario would produce \$113,144.*
- *Keep the base rate at the current \$22.85 for access to the system and start charging customers per 1,000 gallons used on a step chart. FY 2020-2021 Net Gain for this scenario would produce \$76,123.*

*Council and staff discussed pros and cons regarding each scenario.*

3. Hear and discuss an Ordinance amending the FY 2019 – 2020 Budget.

*Finance Director Roberts stated that there had been no significant changes to the Budget Amendment since presented on August 31, 2020. A finalized budget amendment document and ordinance would be presented at the September 10, 2020 meeting.*

4. Hear and discuss and Ordinance adopting the FY 2020 - 2021 proposed Budget.

*Finance Director Roberts went over the additional cuts that had been made by staff to the budget since the last meeting.*

5. Act regarding postponing the final vote on the budget until the regular City Council meeting on September 10, 2020 at 7:00 p.m.

***Councilmember Freeman made a motion to postpone the final vote on the budget until the Regular Council Meeting to be held on September 10, 2020 at 7:00 p.m.***

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

***Motion carried 4 – 0, Mayor Pro Tem Posey absent.***

## **F. ADJOURNMENT**

***Councilman Clark made a motion to adjourn.***


***Councilman Freeman seconded the motion.***

***Motion carried 4 – 0, Mayor Pro Tem Posey absent.***

With no further business, the meeting was adjourned at **10:01 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:

  
Rachél Gafford, TRMC, CITY SECRETARY



**ORDINANCES:**

1. Ord. No. 2020.09.03A – Chapter 95 – Minor Curfew Ordinance readopted.