

**SPECIAL CALLED WORKSHOP OF CITY COUNCIL
April 21, 2016**

MINUTES OF THE **SPECIAL CALLED WORKSHOP** OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **APRIL 21, 2016** AT 6:00 P.M. PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
Philip Cox, Mayor Pro Tem
Jerry Clark
Lawrence Davis
John Posey

ABSENT:

Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Chief of Police representing staff.

Mayor Evans called the workshop to order at 6:01 p.m.

1. City Council to review, discuss and make revisions to a draft Ordinance of the City Council of the City of Overton, Texas, establishing rules and procedures for City Council meetings, including and providing for the following; finding of facts; purpose; parliamentary laws and rules of order; authority; definitions; meetings and agendas; attendance and fines; general rules and procedures at meetings; standards of conduct; duties and privileges of council members; presiding officer and conduct; individuals with disabilities; rules of suspension; relation to other ordinances; severability; proper notice and meeting; and providing for publication and an effective date.

Council reviewed the changes as discussed and adopted on March 24, 2016 by Ordinance No. 2016-03-24A City Council Rules & Procedures; Sections 1 through 8.02.

City Manager presented minor changes made to the following sections:

- *Sections 6.02 and 6.03 of how special meetings and workshops may be called at the request of two or more Councilmembers instead of three or more.*
- *Sections 9.03 (b) and (e) – For better definitions of how the public may speak before Council either through the Citizens Forum (during Citizens Forum or when the item is considered by Council) or by submitting a Citizen’s Request to Place an Item on a future Agenda.*

Council reviewed and discussed changes to the proposed Ordinance that would establish rules and procedures for City Council Meetings (Section 12 through Section 17, Annex A, B & C and Attachment of Forms: A & B)

Mayor Evans requested a change to Section 12.01 Conflict of Interest, second paragraph to read “If leaving the room will break the quorum for the meeting; the agenda item shall need

to be postponed to the next Council meeting where a quorum may be maintained when the Councilmember with the conflict of interest is able to leave the dais and the room without breaking the quorum”

Mayor Pro Tem Cox requested a change to Section 12.02 Voting, to read “When a vote is called, every Councilmember present (except the Mayor) shall vote or abstain, by a show of hands, "Aye" or "Nay" except on matters involving a conflict of interest that compels a Councilmember to recuse them self.”

With no further discussion on Item 1; Mayor Evans moved to Item 2.

2. City Council to review, discuss and make revisions to a draft Ordinance of the City Council of the City of Overton, Texas, establishing rules and regulations for the Overton Municipal Cemetery.

City Secretary Gafford reviewed the cover Ordinance and Sections I through VI with Council.

Chief Carter recommended the removal of any wording or penalties related to vandalism from the cover ordinance as vandalism is already covered by the criminal code.

Councilman Posey recommended changes to Section III (c) purchase of lots regarding installment payments. Posey suggested wording for the change was to “if an individual fails to conclude final payment of the reserved cemetery plot within twelve months of the original down payment date, they shall forfeit all money paid and the right to any ownership to said plot.” The Mayor and all Councilmen present agreed.

City Manager Cunningham stated on Section VII Foundations, Monuments and Markers that he would like the Council to consider adopting the rule that anyone who purchased their Cemetery Plot prior to the adoption of this Ordinance may put an upright marker no matter what Section the plot is located in. However, if the plot is purchased after the date of adoption of this ordinance, then only a flat marker will be allowed to be installed by the family. Cunningham added that he felt that we may be able to list this requirement as a deed restriction that would be added to any deeds that are sold in the future.

City Secretary Gafford explained that she had learned through research that the Cemetery only allowed upright markers in Sections A, A-1 & A-2 and Section “G”. The cemetery rules turned over to the City from the Cemetery Association stated that Sections B, C, D, DD, E (now EE) only allow flat markers. However, all sections have some upright markers. Gafford went on to say that the only section that adhered to this rule was Section B and most of Section C. The rule has never been strictly enforced. When Section F was opened up; many people purchased in Section F instead of Section EE because they were told that Section F would allow upright markers.

Mayor Pro Tem Cox stated that before we made any decisions moving forward; he felt the Council needed to do more research and walk through the different sections of the Cemetery.

Mayor Evans stated that since it was nearly time for the Council Meeting to start; the remainder of the Cemetery Rules Ordinance review would need to be postponed until another workshop. Mayor Evans directed staff to schedule a Special Workshop for City Council at 6 p.m. prior to the next Regular Council Meeting on May 19th.

The workshop adjourned at 6:59 p.m.

**REGULAR CALLED CITY COUNCIL MEETING
April 21, 2016**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD APRIL 21, 2016 AT 7:00 P.M. PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
Philip Cox, Mayor Pro Tem
Jerry Clark
Lawrence Davis
John Posey

ABSENT:

Pat Beets

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Chief of Police; Pamela Raney, Finance Director (arrived at 8:00 p.m.) representing staff. Robert Haberle, representing Shaumburg & Polk, Lynn and Dee Walding representing of Victory Christian Center, New London, TX, Dustin Norris representing Holt CAT; James Still and Angela Holleman, representing the Overton Youth Sports Association, Steven and Cheryl Jacobs, representing replat applicants and Michael Paul Williams representing the public

I. 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 Councilman Posey.

II. PROCLAMATIONS & AWARDS

1. National Armed Forces Day, Saturday, May 21, 2016
2. 65th Annual National Day of Prayer; Thursday, May 5, 2016
3. Municipal Clerks Week, May 1st through May 7th 2016
4. National Police Officers Week and Police Officers Memorial Day

III. CITIZEN FORUM

1. Dee Walding, Victory Christian Center, requested City Council permission to utilize Kennemur Square for the purpose of conducting a “National Day of Prayer” community event the evening of May 5, 2016, at 6:00 p.m.

Mayor Evans responded that he did not have any issues with the event. He suggested that the petitioner provide the relevant information to City Secretary Gafford and requested that the City would post the event information on the City’s website and Facebook page.

IV. CITIZEN’S REQUEST

1. Request by James Still on behalf of Overton Youth Sports Association (OYSA) for use of the Park and Community Building as site for a fund raiser.

James Still, 202 N. Pope St, requested that City Council approve the OYSA to use the City Park and Community Center for a fund raising event to raise funds to improve the Overton Sports Complex August 20th or August 27th. Mr. Still said that the plans were still in the initial stage however they were considering hosting a band and car show. Some notable sports figures were expected to participate and sign autographs.

Mayor Pro Tem asked how they planned to raise funds.

Mr. Still responded that they planned to charge a \$5.00 admission price.

City Secretary Gafford asked if roads would need to be blocked off for this event.

Mr. Still responded that they did not think so.

City Secretary Gafford stated that the Community Center is already booked for August 20, 2016; she was not aware of the current status for August 27th but would be happy to check on the dates.

Mayor Evans stated that the City would need more information with Logistics and drawing for location planned for the car show and parking would take place. Mayor Evans directed staff to put the item on the May agenda for consideration and action providing the OYSA was able to provide more information.

No action taken

V. 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. Approval of the Minutes of the City Council Special Called Workshop held March 24, 2016
2. Approval of the Minutes of the Regular Council meeting held on March 24, 2016.

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

Councilman Davis seconded the motion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

VI. PUBLIC HEARING

Mayor Evans opened the Public Hearing at 7:25 P.M.

1. Council to hear public comment(s) and take action regarding replat application RP2016-01. Steven Jacobs' request to final plat Lot 1R, Block 10R, Original City of Overton, being a replat of Lots 1, 2, and part of lots 3, 7 and 8, Block 10, Original City of Overton, and part of an abandoned alley in Block 10, Original City of Overton; as deeded to O.L. Jacobs by the City of Overton in Volume 679, Page 122, Official Deed Records, Rusk County, Texas. This being the same parcel of land as deeded to Steven Craig Jacobs in Volume 3416, Page 304, Official Deed Records, Rusk County, Texas and more commonly referred to as 302 West Henderson Street.,

Overton, Texas. **(The Planning and Zoning Commission recommend approval 3-0, Commissioner Hickman and Commissioner Perry absent.)**

- a. Staff presentation of Replat Application 2016-01.

City Secretary Gafford presented the staff report, recommending approval.

- b. Council to receive Public comments

No comments were received.

Mayor Evans closed the Public Hearing at 7:28 P.M.

- c. Council to take action on Replat Application 2016-01.

Mayor Pro Tem Cox made a motion to approve replat application 2016-01 as submitted.

Councilman Posey seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

Mayor Evans asked if there were no objections from Council; he would like to skip to: Item VIII.4 of NEW BUSINESS.

- VIII.4. City Council to hear, review, consider and/or take action on adoption of **Resolution No. 2016-04-21E**; a Resolution of the City Council of the City of Overton, Texas, to authorize execution of PESA (Project Engineering Services Agreement) with Schaumburg & Polk for services related to four (4) public works projects in the City of Overton, funded by the OEDC and OMDD.

City Manager Cunningham presented staff report for this item explaining that this resolution authorizes the Task Order to proceed on the four different paving projects that were authorized by the OEDC 2015 Special Election plus the repaving of the parking lot of the Community Center to be funded by OMDD.

Robert Haberle, SPI, presented the scope of work within the packet presented. Cost estimates in the proposal are only estimates until actual bids are received on the projects. Once the Engineers are on site, the price will fluctuate possibly downward. We will be working with staff to provide much of the information needed to be able to keep the cost contained as much as possible.

Councilman Clark asked if we only plan to reconstruct four (4) alleys.

Mayor Evans responded yes.

City Manager Cunningham stated that he plans on picking up as much of the alleys as possible; however, it will be dependent upon the cost of each one since only limited funds are available for each project.

Mayor Evans stated that the Council would like to be able to see the Garbage Trucks go down the alleys.

Mr. Haberle responded that SPI is aware of that request and that plans will be made accordingly.

Councilman Davis stated that he noticed a 10% Contingency fee listed in the agreement.

Mr. Haberle responded that is normal in an agreement like this; it is the "just in case" clause to cover change orders.

Mayor Pro Tem Cox made a motion to approve Resolution No. 2016-04-21E to authorize the Mayor to execute the Project Engineering Services Agreement with SPI as submitted.

Councilman Davis seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

Mayor Evans stated that if there is no objection by Council; the next item on the agenda to cover will be: Item VII.4 under Old Business

VII.4 City Council to hear, review, consider and/or take action on adoption of **Resolution No. 2016-04-21A**; a Resolution of the City Council of the City of Overton, Texas, Council to hear and consider action on a request to purchase a new backhoe- loader, steel wheeled roller and for the Public Works and Utility Departments.

City Manager Cunningham presented a formal letter of approval from Texas Bank & Trust to loan the City \$120,000.00 at 3% interest for a term of 48 months. Payments will be \$2,656.00.

Dustin Norris, Holt, stated he was here to answer any questions Council may have in regards to the Backhoe and the Roller.

Councilman Posey made a motion to approve Resolution No. 2016-04-21A to approve the loan agreement with Texas Bank & Trust in the amount of \$120,000.00 and to authorize the Mayor to execute said agreement and loan.

Councilman Davis seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

Mayor Evans the stated that the Council will move to Item VII.1 of Old Business.

VII. OLD BUSINESS

1. Present revised meeting schedule for the City Council as updated, 2016.

City Manager Cunningham reviewed the upcoming meeting schedule with Council. Cunningham stated that the Overton Municipal Development District did not wish to make a decision on the proposed Swimming Pool replacement without discussing it with City Council first and requested that the Mayor schedule a Special Called Joint meeting in May with the OMDD.

Mayor Evans directed staff to schedule a special called joint meeting with the OMDD on May 12, 2016 at 6 p.m. which would be the next Regular Called Meeting of the OMDD.

Mayor Evans directed staff to schedule a workshop prior to the next Regular Council Meeting on May 19, 2016 at 6 p.m. for Council to complete the review and changes to the proposed Overton Municipal Cemetery Rules & Regulations Ordinance.

No action taken

- a. Receive request for leave of absence request from Council Members for future meetings.

Mayor Evans skipped this item as when the calendar was discussed each Councilmember present stated that they would be able to attend the May scheduled meetings.

2. City Council to hear, review, consider and/or take action on adoption of **Ordinance No. 2016-04-21A**, an Ordinance of the City Council of the City Of Overton, Texas, amending Ordinance No. 2016-03-24A by adding Sections 8.03 through Section 18 of the City Council Rules and Procedures for City Council Meetings, including and providing for the following: Findings of Fact; Purpose; Parliamentary Laws and Rules of Order; Authority; Definitions; Meetings & Agendas; Attendance and Fines: General Rules of Procedure at Meetings; Standards of Conduct; Disruptive or Disorderly Conduct; Duties and Privileges of Council Members; Enforcement; Committees; Recording of Meetings; individuals with Disabilities; Rules of Suspension; Relation of this Ordinance to Other Ordinances; Severability; Proper Notice and Meeting; and Providing for Publication and an Effective date.

Councilman Posey made a motion to approve Ordinance No. 2016-03-24A as amended with revisions made to Sections 12.01 and 12.02

Mayor Pro-Tem Cox seconded the motion.

Mayor Evans called for discussion; no discussion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

3. City Council to hear, review, consider and/or take action on adoption of Ordinance No. 2016-04-21B; an Ordinance of the City Council of the City of Overton, Texas, adding Section 76.10 to Chapter 76 General Provisions to the City of Overton Code of Ordinances; Adopting the Overton Municipal Cemetery Rules and Regulations 2016; providing a Severability Clause and declaring a penalty for violations of certain rules; regulations provided within and an effective date.

Mayor Pro-Tem Cox made a motion to postpone any discussion or vote on Agenda Item VII.3 until the May 19, 2016.

Councilman Davis seconded the motion.

Mayor Evans called for discussion.

Mayor Pro Tem Cox stated that he believes each Councilmember needs to take time to visit the various sections of the Municipal Cemetery and to study the specific areas of the Cemetery that will be affected by the Ordinance as proposed.

With no further discussion, Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

II. NEW BUSINESS

1. City Council to hear, review, consider and/or take action on adoption of Resolution No. 2016-04-21B; a Resolution of the City Council of the City of Overton, Texas, requesting a suspension of an interim rate increase (IRA) by CenterPoint Energy for period of 45 days from May 30, 2016.

City Manager Cunningham presented staff report for this resolution explaining that the only action City Council can take is to delay the CenterPoint rate increase by this resolution for 45 days.

Mayor Pro-Tem Cox made a motion to approve Resolution No. 2016-04-21B to suspend the interim rate increase by CenterPoint Energy for 45 days.

Councilman Posey seconded the motion.

Mayor Evans called for discussion.

Councilman Posey stated that he wished there was more than just suspend the rate increase.

With no further discussion, Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

2. City Council to hear, review, consider and/or take action on adoption of Resolution No. 2016-04-21C; a Resolution of the City Council of the City of Overton, Texas, to approve an Agreement with Texas Bank and Trust to implement new cash management and payroll processing procedures.

City Manager Cunningham presented staff report for this resolution explaining that the proposed agreement with Texas Bank & Trust will allow the City to add additional banking products and services which the City was not able to utilize prior to changing our internet service provider

and the new server. The agreement will allow the City to process Direct Deposit and Utility Bill Bank Drafts through Texas Bank & Trust instead of having to run these services through Citizens Bank and transferring funds back & forth between the two accounts and will allow for remote check deposits.

Councilman Posey made a motion to approve Resolution No. 2016-04-21C to authorize the Mayor to execute said agreements with Texas Bank & Trust. .

Mayor Pro-Tem Cox seconded the motion.

Mayor Evans called for discussion.

City Secretary Gafford stated that there is an error in the Resolution as it should have said to authorize the City Manager to execute said agreements.

Councilman Davis made a motion to amend Resolution No. 2016-04-21C to authorize the City Manager instead of the Mayor to execute said agreements with Texas Bank & Trust. .

Mayor Pro-Tem Cox seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote to amend the motion to amend the Resolution 2016-04-21C.

Motion carried 4-0-0; Councilman Beets absent.

Councilman Posey withdrew his original motion.

Mayor Pro-Tem Cox made a motion to approve amended Resolution No. 2016-04-21C authorizing the City Manager to execute said agreements with Texas Bank & Trust.

Councilman Clark seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote to adopt amended Resolution 2016-04-21C.

Motion carried 4-0-0; Councilman Beets absent.

3. City Council to hear, review, consider and/or take action on adoption of Resolution No. 2016-04-21D; a Resolution of the City Council of the City of Overton, Texas, to authorize approval of acquisition of new copier system.

City Manager Cunningham presented staff report for this resolution explaining that the proposed agreement with Konica Minolta will allow the City to add additional copier for City Hall, moving the existing copier to the Police Department. Said agreement will actually lower the overall cost of the lease and payments made to Konica Minolta as it should reduce the cost of overages on the allowable number of copies being made each month.

Mayor Pro-Tem Cox made a motion to approve Resolution No. 2016-04-21D to approve the acquisition of the new copier system. .

Councilman Davis seconded the motion.

Mayor Evans called for discussion.

City Secretary Gafford stated that there is an error in the Resolution as it stated the Mayor in the Resolution Caption to execute the agreement and the body of the Resolution it authorizes the City Manager to execute said agreement.

Councilman Posey made a motion to amend Resolution No. 2016-04-21D to approve the acquisition of the new copier system and to allow the City Manager to execute the agreement with Konica Minolta.

Mayor Evans called for discussion.

Councilman Cox withdrew his original motion.

Mayor Evans called for a vote to amend and adopt amended Resolution No. 2016-04-21D to approve the acquisition of the new copier system and to allow the City Manager to execute the agreement with Konica Minolta.

Motion carried 4-0-0; Councilman Beets absent.

III. CITY ADMINISTRATION'S MONTHLY REPORTS

1. Fire Department Monthly Report

City Manager Cunningham presented the Fire Department report on behalf of Chief White. Cunningham stated he wanted to compliment Chief White for aggressively seeking out several grants to fund the purchase of new fire gear for the firefighters and grant money to completely pay for the new Fire Brush Truck recently acquired by the Volunteer Fire Department.

- 2. Police Department Monthly**
- 3. Department of Finance Monthly Report**
- 4. City Manager's Monthly Report**

City Manager Cunningham presented monthly departmental reports.

During the City Manager's Monthly report; Cunningham stated that he wanted to call attention to the Fire Department and Administration section of his report. Chief White (with the assistance of Chief Carter) has applied for and had received grant approval from Smith County 9-1-1 to receive a grant in the amount of \$14,000 to purchase four (4) hand held emergency response radios that will communicate with Smith County 9-1-1 to help Overton Volunteer Fire Department respond to and comply with the Interlocal Agreement with Arp Volunteer Fire Department and for Arp's Volunteer Fire Department to respond to fire's inside Overton City Limits that fall within Smith County. A motion was needed on this item to accept the grant funds from Smith County 9-1-1 District.

Mayor Pro-Tem Cox made a motion to accept the City Manager's report, and include approval of the acceptance of the grant from Smith County 911 District in the amount of \$14,000 for the purchase of four (4) for the Overton Volunteer Fire Department.

Councilman Posey seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

City Manager resumed the presentation of the City Manager's Monthly report

No further action taken.

VIII. ADJOURNMENT

Mayor Pro Tem Cox made a motion to adjourn.

Councilman Clark seconded the motion.

Mayor Evans called for a vote.

Motion carried 4-0-0; Councilman Beets absent.

With no further business, the meeting was adjourned at 8:52 P. M.

Minutes approved and submitted and/or corrected this 19th day of May, 2016.



C. R. Evans Jr., Mayor

Attested by:



Rachél Gafford, City Secretary



ATTACHMENT 1

City of Overton, Texas

Ordinance No. 2016-04-21A

City of Overton, Texas

Ordinance No. 2016-04-21A

ORDINANCE NO. 2016-04-21A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, AMENDING ORDINANCE NO. 2016-03-24A BY ADDING SECTIONS 8.03 THROUGH SECTION 18 OF THE CITY COUNCIL RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS, INCLUDING AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; PARLIMENTARY LAWS AND RULES OF ORDER; AUTHORITY; DEFINITIONS; MEETINGS & AGENDAS; ATTENDANCE & FINES; GENERAL RULES OF PROCEDURE AT MEETINGS; STANDARDS OF CONDUCT; DUTIES AND PRIVILIGES OF COUNCILMEMBERS; PRESIDING OFFICER AND CONDUCT; COMMITTEES; INDIVIDUALS WITH DISABILITIES; RULES OF SUSPENSION; RELATION TO OTHER ORDINANCES; SEVERABILITY; PROPER NOTICE AND MEETING; AND PROVIDING FOR A FINE OF \$20 FOR EACH UNEXCUSED ABSENCE; PUBLICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Overton, Texas seeks to provide for the efficient administration of City business; and

WHEREAS, the City Council seeks to maintain order and decorum at City Council meetings; and

WHEREAS, the City Council finds the promulgation of procedural rules for Council meetings furthers the effective and efficient administration of City business and encourages orderly public participation in the democratic process; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health and general welfare to adopt reasonable rules and regulations to maintain order and to regulate conduct at its meetings; and

WHEREAS, the City Council is authorized to adopt such rules and regulations by virtue of Section §22.038 of the Texas Local Government Code and by section §551.023 of the Texas Government Code; and

WHEREAS, the City Council has carefully reviewed the rules and regulations established by this Ordinance; and

WHEREAS, the City Council has received public input by and through a public meeting at which the Ordinance was adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. That Ordinance No. 2016-04-21A– City Council Rules of Procedure shall read as provided in Exhibit “A” attached hereto and incorporated herein as if fully set forth for all purposes.

SECTION 3. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other City ordinances and regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

SECTION 5. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. In the event that any one or more of the sections, provisions, clauses, or words of this Ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Ordinance or the application thereof to any other situations or circumstances and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional section, provision, clause or word had not been included herein.

SECTION 7. That the meeting at which this Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

SECTION 8. The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SECTION 9. That this Ordinance shall become effective after its passage.

PRESENTED APPROVED ON THIS THE 21ST DAY OF APRIL, 2016, AT A REGULAR COUNCIL MEETING OF THE CITY OF OVERTON BY A VOTE OF 4 YES, 0 NOS, AND 0 ABSTENTIONS.



CITY OF OVERTON

C. R. Evans, Jr.
C. R. Evans, Jr., Mayor

ATTEST:

Rachel Gafford
Rachel Gafford, City Secretary

APPROVED AS TO CONTENT AND FORM:

Blake Thompson
Blake Thompson, City Attorney

ATTACHMENT 2

City of Overton, TX
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RESOLUTION NO. 2016-4-21A

RESOLUTION NO. 2016-4-21A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS APPROVING A LOAN AGREEMENT WITH TEXAS BANK AND TRUST FOR THE PURPOSE OF FUNDING VARIOUS PIECES OF CAPITAL EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, The City of Overton is in dire need of upgrading certain pieces of equipment that have outlived their useful lives or have not been replaced in over a decade; and

WHEREAS, The City is attempting to implement a new plan of street maintenance and improved repair of utility cuts that have been needed for a number of years but have not been possible because of the lack of reliable and necessary equipment; and

WHEREAS, the City Council supports the renewed effort by staff to focus on proper maintenance of its streets, roads and alleyways as well as increasing the efficiency and lowering the cost of line repairs for both water and sewer; and

WHEREAS, Texas Bank and Trust has offered a loan package on favorable terms that will allow the City to purchase said equipment at this time;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: THAT the City Council approves the Agreement attached as Exhibit A and incorporated into this Resolution for all purposes and authorizes the Mayor of the City of Overton to execute said Agreement.

AND IT IS SO RESOLVED.

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 21st day of April, 2016.

CITY OF OVERTON



By: C.R. Evans Jr.
C.R. Evans Jr., Mayor

City of Overton, TX
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RESOLUTION NO. 2016-4-21A

ATTEST:
Rachel Gafford
Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:
Blake Thompson
Blake Thompson, City Attorney

ATTACHMENT 3

City of Overton, TX
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Resolution No. 2016-04-21B

RESOLUTION NO. 2016-04-21B

**A RESOLUTION OF THE OVERTON CITY COUNCIL
REQUESTING A SUSPENSION OF AN INTERIM RATE
INCREASE (IRA) BY CENTERPOINT ENERGY FOR A
PERIOD OF 45 DAYS FROM MAY 30, 2016.**

WHEREAS, CenterPoint Energy intends to impose its 2016 interim rate adjustment for the Company's Beaumont/East Texas Division on May 30, 2016 to establish the annual gas infrastructure reliability program (GRIP) for this region; and

WHEREAS, applicable law allows the proposed IRA to become effective on May 30, 2016, unless the City suspends that date for a period no longer than (45) days; and

WHEREAS, the City is aware of CenterPoint's right to impose such a fee with the approval of the Public Utility Commission; and

WHEREAS, the City wishes to exercise its right to delay the imposition of the fee for the maximum allowable time of forty-five (45) days;

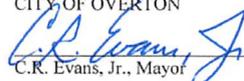
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, THAT:

The City formally exercises its right, pursuant to applicable law to demand a suspension of the IRA by CenterPoint Beaumont/East Texas Division for a period of forty-five (45) days.

INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 21ST DAY OF APRIL, 2016.



ATTEST:

CITY OF OVERTON

C.R. Evans, Jr., Mayor


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND
LEGALITY

Blake Thompson, City Attorney

ATTACHMENT 4

City of Overton, TX
Page 1

Resolution No. 2016-04-21C

RESOLUTION #: 2016-04-21C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, COUNCIL TO ENTER INTO AN AGREEMENT WITH TEXAS BANK AND TRUST (TBAT) TO PROVIDE CASH MANAGEMENT SERVICES THAT INCLUDE A MORE EFFICIENT PROCESS FOR MANAGING PAYROLL AND POSITIVE PAY; AND AUTHORIZES THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, The City of Overton currently uses Citizen’s National Bank as an intermediate step in processing its bi-weekly payroll by depositing an amount to cover payroll disbursements and then transferring that amount to its main depository account at TBAT; and

WHEREAS, the City of Overton has not been able to utilize the “Positive Pay” cash management feature offered by TBAT in the past due to inadequate upload and download speeds of its internet service; and

WHEREAS, due to upgrades and updates of its IT network the City now has the download and upload speeds necessary to utilize the benefits offered by TBAT with regard to cash management and payroll services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: THAT the City of Overton agrees to the terms and conditions specified in the Texas Bank and Trust Cash Management Master Agreement and the Texas Bank and Trust Company Remote Deposit Services Agreement as found in EXHIBIT A and EXHIBIT B attached to this agreement and incorporated herein for all purposes.

SECTION 2: THAT the City Manager of the City of Overton is authorized to execute said Agreements on behalf of the City.

INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 21st day of APRIL, 2016.



CITY OF OVERTON

C.R. Evans Jr.
C.R. Evans Jr., Mayor

City of Overton, TX
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Resolution No. 2016-04-21C

ATTEST:

Rachél Gafford
Rachél Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Blake Thompson
Blake Thompson, City Attorney

ATTACHMENT 5

City of Overton, TX
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Resolution No. 2016-04-21D

RESOLUTION #: 2016-04-21D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, TO ENTER INTO AN AGREEMENT WITH KONICA MINOLTA BUSINESS SOLUTIONS U.S.A. INC., TO REPLACE CURRENT C284E WITH A C554E MODEL; AND AUTHORIZES THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, The City of Overton currently uses a Konica Minolta model c284e as the only network printer in City Hall and seven (7) desk jet printers to serve its copier needs; and

WHEREAS, Konica Minolta is running a special on its Bizhub C554e copier that is 83% faster than the current model; and

WHEREAS, a transfer of the current copier with the color feature turned off will greatly reduce the cost of the current copier and provide the police department with a network computer and reduce the number of desk jet copier used; and

WHEREAS, the acquisition of this copier is of the states DIR list which satisfies all bidding requirements for copier services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

THAT the City Council of the City of Overton authorizes the City Manager to execute the necessary documents to acquire the Bizhub model C554e at the advertised price of \$141.56 for the FMV 60 month lease.

INTRODUCED, READ AND APPROVED FOR ADOPTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 21st day of APRIL, 2016.



CITY OF OVERTON

C.R. Evans Jr.
C.R. Evans Jr., Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Rachel Gafford
Rachel Gafford, City Secretary

Blake Thompson
Blake Thompson, City Attorney

ATTACHMENT 6

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Resolution No. 2016-04-21E

City of Overton, TX
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Resolution No. 2016-04-21E

RESOLUTION NO. 2016-04-21E

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, COUNCIL TO ENTER INTO AN AGREEMENT WITH SCHAUMBURG & POLK FOR PROJECT ENGINEERING SERVICES #1; AND AUTHORIZES THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney

WHEREAS, The City of Overton has previously entered into an Agreement with Schaumburg & Polk to provide Engineering services for public works projects funded by the City, Overton Economic Development Corporation and/or the Overton Municipal Development District; and

WHEREAS, the City of Overton staff has provided the scope of work for street, drainage and utility improvements that are to be completed at four different locations around the City; and

WHEREAS, funding for the projects will come from the Overton Economic Development Corporation and Overton Municipal Development District; and

WHEREAS, SPI Inc. has provided a draft agreement for consideration by the City Council, that includes cost of service, scope of work, and estimated construction costs for the specific project components; and

WHEREAS funding for the projects will come from the Overton Economic Development Corporation and Overton Municipal Development District;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

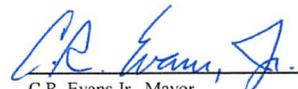
THAT the City Council of the City of Overton of agrees to the terms and conditions specified in the Project Engineering Services Agreement and authorizes the Mayor to execute said Agreement on behalf of the City.

AND IT IS SO RESOLVED.

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 21st day of April, 2016.



CITY OF OVERTON

By: 

C.R. Evans Jr., Mayor