

**REGULAR CALLED CITY COUNCIL MEETING
May 17, 2018**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD MAY 17, 2018 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Posey, Mayor Pro Tem
Jerry Clark
David Stone
Michael Paul Williams

ABSENT:

Trampas Freeman

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Gabe Wallace, Police Captain, Wendy Bates, City Comptroller, Carolyn Walters, Municipal Court Judge and Rachél Gafford, City Secretary representing staff. Rand Cates, Judy Cates, Richard Sisk, Cliff Mauldin, Rebeka Posey and Bridgette Valdetero representing the public.

I. CALL TO ORDER – Mayor Evans called the meeting to order at 7:00 PM.

1. *Invocation was given by Councilman Stone.*
2. *Pledge of Allegiance was led by Councilman Clark.*

II. PROCLAMATIONS / RECOGNITIONS / APPOINTMENTS

1. Presentation of Certificates of Appreciation for Election Workers

Mayor Evans presented Certificates of Appreciation to Bridgette Valdetero and Rebeka Posey for serving as Election Judges for the 2018 Special Election.

2. Consider, discuss and/or take action to appoint Rand Cates as Municipal Court Judge Pro Tem with mileage reimbursement per the current IRS Standard Mileage rate.
 - a. Statement of Appointed Official & Oath of Office

Judge Carolyn Walters presented a list of reasons as to why the City of Overton needed to appoint a Judge Pro Tem to act in her place as Judge if for some reason she needed to recuse herself from a case or in the event that she was unable to serve on a regular scheduled court date. Judge Walters recommended that City Council consider appointing Rand Cates (Municipal Court Judge for the City of Mt. Enterprise) as Judge Pro Tem for the City of Overton and request that the City agree to pay Rand Cates only a mileage reimbursement in the event that he would be called upon to serve as Judge. Judge Walters went on to state that this is the same agreement that she has made with the City of Mt. Enterprise to serve as their Judge Pro Tem to be a backup Judge for Rand Cates.

Mayor Pro Tem Posey made a motion to appoint Rand Cates as the City of Overton Municipal Court Judge Pro Tem and to authorize mileage reimbursement for round trip travel from Henderson to Overton at the

current IRS standard reimbursement rate in the event that he has to serve for Judge Walters.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

III. CITIZEN FORUM – No one spoke.

IV. CITIZEN’S REQUEST

1. Clifford Mauldin, Juneteenth Committee, request for permission to conduct a Juneteenth parade beginning at the Dairy Queen and proceeding through Overton down Commerce Street, North Street and FM 3053 on June 19, 2018 and to utilize the City’s Police Department staff to provide escort and traffic control for the event.

Mr. Mauldin presented his request to hold the Juneteenth Parade down Commerce Street.

Councilman Williams made a motion to approve request to hold the Juneteenth Parade down Commerce Street on June 19, 2018 and the utilization of the City’s Police Department to provide escort and traffic control for the event.

Councilman Clark seconded the motion.

Mayor Evans called for discussion, no discussion.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

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. Review, make possible corrections and approve minutes from Regular Called Meeting of the City Council held on April 19, 2018.
2. Review, make possible corrections and approve the minutes from the Canvass Meeting of the City Council seated as the Canvassing Authority held on May 11, 2018.

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

Councilman Williams seconded the motion.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

VI. BUSINESS

Mayor Evans moved to Item VI.7 on the agenda

7. Consider, discuss and/or take action to authorize the position of a Pro Re Nata (as needed) Fire Marshal to serve as the City's Fire Marshal local official and certified fire inspector and giving the City Manager the authority to fill the position.

City Manager / Chief Carter presented staff report recommending that Council authorize the position of Pro Re Nata Fire Marshal. Carter further stated that Chapter 72 of the City's Code of Ordinances specifically calls for the City to have a Fire Marshal who is a certified peace officer to enforce the provisions of Chapter 72. The City had been utilizing a contract Fire Inspector for Fire Inspections for Certificate of Occupancy permits for the past few years as the Volunteer Fire Department does not have anyone who is qualified as a Fire Marshal or a Fire Inspector who could legally be called upon to do these inspections. Carter stated that the City has had to discontinue the contract with that Fire Inspector for non-timely responsiveness to inspection and consultation requests. Carter introduced Richard Sisk, Sabine Fire Chief and Overton Reserve Police Officer. Carter stated that he would like to recommend Sisk for the position of Pro Re Nata (PRN) Fire Marshal; however, this would mean because Richard would then be considered an employee that the City would have to pay Richard to cover shifts as an Officer for the Police Department. Richard currently helps cover Police Officer shifts as an unpaid Reserve Officer to avoid excessive overtime in the Police Department which is often caused when Officers use their PTO. Richard Sisk as PRN Fire Marshal would mainly be used for the purpose of assisting the Community Development Coordinator (Rachél Gafford) inspect the Certificate of Occupancy permits in the area of Fire Code violations to protect the citizens and business owners of potential fire code violations. Sisk is a certified peace officer and had recently passed his fire inspector's certifications to be able to do fire inspections therefore he is qualified to be the City's Fire Marshal and is willing to do so on an as needed basis.

Richard Sisk presented a high-level power point presentation of a recent courtesy inspection performed on a local business showing the specific need for someone with his fire inspection certification knowledge to serve the community for the health, safety and welfare protection of the citizens who may be utilizing the services provided by this business. Sisk went on to say that if hired he would like to see the City eventually allow him to institute an annual inspection program for all commercial businesses and buildings in the City to help educate and identify potential fire hazard risks throughout the City.

Mayor Pro Tem Posey made a motion to approve the PRN position of Fire Marshal authorizing the City Manager the authority to fill the position.

Councilman Williams seconded the motion.

Mayor Evans called for discussion

Mayor Pro Tem Posey asked exactly how the City plans to pay for these annual inspections. Would the City be charging the businesses or the property owners for these inspections. How much are these inspections going to cost?

Richard Sisk stated that a typical inspection would take about three (3) hours, one (1) hour inspection in the business and about two (2) hours on the paperwork and report side.

City Secretary Gafford stated that when there is a change of occupancy or change of ownership the Building Code requires a new Certificate of Occupancy permit be issued which would cover the cost of the building inspector and the fire inspector. However, the annual inspections would have to be considered as part of the services the City provides.

City Comptroller Bates stated that she felt that if we started out only doing maybe one to two annual inspections a month the City could afford this.

Mayor Pro Tem Posey stated that he definitely feels that we needed to stick to just the Certificate of Occupancy inspections at this time that the City could not afford to start the annual inspection program at this time.

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

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

Mayor Evans then moved to Item VI.1 on the agenda

Mayor Evans announced that Mayor Pro Tem Posey had submitted paperwork to the City Secretary to recuse himself from the dais for Items VI. 1, VI. 2 and VI. 3 at 8:13 p.m.

1. Consider, discuss and/or take action on request by staff to approve an adjustment to the utility account for John Lee Posey at 404 Briar Court.

City Manager / Chief Carter presented staff request to grant a \$25.20 adjustment to Utility Bill for Mr. John Lee Posey, 404 Briar Court. Carter explained that when staff had repaired the major water leak on Kingsway and began flushing lines that it caused Mr. Posey's line and water to become very milky in color and smelled like sewer. Staff actually had to flush the water lines inside and outside of his house because their house is located at the end of the service line.

John Posey, Jr., representing John Lee Posey, stated that his son was unable to wash clothes, bath, cook or use the water for several days due to the foul odor and color of the water.

Councilman Clark made a motion to approve a one-time utility account adjustment in the amount of \$25.20 for 404 Briar Court.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion or comments made.

Mayor Evans called for a vote.

Motion carried with a vote of 3 – 0, Mayor Pro Tem Posey recused and Councilman Freeman absent.

2. Consider, discuss and/or take action on request by staff to approve an adjustment to the utility account for Posey Signal as requested by John C. Posey, Jr. at 906 S. Commerce Street.

John Posey, Jr., representing Posey Signal, 906 S. Commerce Street, requested consideration of a one-time adjustment to his business utility account for the excessive sewer charges that were on the May 1, 2018 utility bill. Posey stated that when CenterPoint replaced his gas service line, they had hit the City's water service line causing a major leak. Although CenterPoint repaired the leak

the April usage was excessive causing a utility bill of almost \$700. Posey stated that his crews have not been in the building or utilizing services for all of April or May as they have been out in the field. Posey stated the he himself had checked the meter after the repair and the little hand of the meter (known as the leak detector dial) was not spinning so he thought the leak was fixed; however, in May he noticed that water was still coming from somewhere and when he had his handy man Mike Baker check the meter again, the meter was still not spinning but Baker did find a leak and he shut off the meter. Posey stated that he did not mind paying for the water as he knows that it ran through the meter and had been treated water; however, he requested an adjustment for the sewer as the water usage never made it to the sewer system for treatment.

City Manager / Chief Carter gave support for the adjustment stating that he believed the May bill will have some of the same issue as the leak was not fully fixed and repaired until May 10th. Therefore, an adjustment may be needed for both April and May service. Carter also stated that he had already directed staff to change the meter at 906 S Commerce as there apparently was an issue with a meter at this address if the leak detector was not working.

City Comptroller Bates presented an Account History report dating back to January 2017 to determine the monthly average usage for the service address. Bates stated that based on this report the average usage for the sewer bill for this service runs between \$31.00 to \$34.75. Bates stated that Council may want to consider not just a one-time adjustment but an adjustment for the April and the May bill since the leak detector indicator malfunction was not detected until May 10th and it would affect both the April and May billing cycles.

Councilman Clark made a motion to approve a utility account adjustment to the sewer portion of the utility account for any charges in excess of \$31.00 for both the April 2018 usage and the May 2018 usage bills and to replace the meter for the service address 906 S. Commerce Street.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion or comments made.

Mayor Evans called for a vote.

Motion carried with a vote of 3 – 0, Mayor Pro Tem Posey recused and Councilman Freeman absent.

Mayor Pro Tem Posey left council chambers for the next item.

3. Council to hear staff presentation and update regarding request by Ed Johnson to reduce the rate of the utility bill for the utility account for 101 E Main Street for the Masonic Lodge. *(Item was postponed from the April 19, 2018 agenda)*

City Manager / Chief Carter stated that after further review by staff and consultation with the City's Engineer, it is staff's recommendation that Council not set a different rate class for Non-Profits as there are too many possible non-profit organizations with city services this would affect city wide. The City is providing city services to the facility and there is a basic cost of just accessing the system that is what the base utility water rate set by Council covers.

No action taken

Mayor Pro Tem Posey returned to the dais.

4. Council to hear staff update regarding the request to survey property owners abutting Piercy Street in regards the Ed Johnsons request for the City to close Piercy Street. *(Item was postponed from the April 19, 2018 agenda)*

City Manager / Chief Carter updated Council that he had spoken with several of the abutting property owners who were not in support of the City closing Piercy Street. Carter went on to say that there is a Fire Hydrant that is located at the end of Todd Street that the Fire Department would need to be able to access and the closing of Piercy Street would be prohibitive to access to that Fire Hydrant. Carter also stated that the road would need to stay open because the City has a sewer line running down Piercy Street.

No action taken

5. Present revised meeting schedule for the City Council as updated May 14, 2018.
 - a. Mayor to receive request, if any, for leave of absence from any Council Member for future meetings

Mayor Evans reviewed the meetings calendar with Council and asked if anyone needed to request and excused absence for the June 21, 2018 Regular Called Council Meeting.

No requests for excused absences received.

6. Consider, Discuss and/or take action regarding an Ordinance of the City of Overton, Texas, abolishing the existing Section 4A Economic Development Sales and Use Tax for the promotion and development of new and expanded business enterprises at the rate of one-half of one percent, and adopting a Section 4B Economic Development Sales and Use Tax at the rate of one-half of one percent to undertake projects as described in Section 4B of the Development Corporations Act, as amended from time to time, including but not limited to projects for public parks, park facilities, museums, sports facilities, affordable housing, open space improvements, landscape of public facilities, and projects related to recreational or community facilities, and projects to promote new or expanded business enterprises that create or retain jobs, and street and roads, drainage, and related improvements, demolition of existing structures, or land, buildings, equipment facilities that are related to any of the above projects and any other projects that the board determines will promote new or expanded business enterprises that create or retain jobs, and the maintenance and operations expenses for any of the above described projects; and providing an effective date therein.

Mayor Evans presented an Ordinance abolishing the Type 4A EDC and adopting the Type 4B EDC as recently passed at the May 5, 2018 Special Election stating that this would ratify the action taken by the Canvassing Board to accept the Election results as presented.

Mayor Pro Tem Posey made a motion to approve the Ordinance as submitted to change the EDC from a Type 4A EDC to a Type 4B EDC as passed by the May 5, 2018 Special Election.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion or comments made.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

8. Consider, discuss and/or take action to reconsider the issuance of the RFP for City's Audits and to authorize the City Manager to accept proposal for and sign an engagement letter with Prothro Wilhelmi to provide Audit catch up services for FY 2015-16, FY 2016-17 and FY 2017-18.

City Comptroller Bates requested Council to rescind the decision made in April to send out Request for Proposals for Audit Services. Initially staff had requested permission to issue an RFP to see if staff could find a company who could get the audits completed sooner than the timeline presented by Prothro Wilhelmi; however, after careful review of staff's workload it has been determined that the time line presented by Prothro Wilhelmi works well within reasonable guidelines and trying to issue another RFP to shave a few months off the proposed completion time would not be worth the extra workload it would create on staff to put together the RFP. Bates also requested Council accept this proposal and authorize the City Manager to sign the engagement letter from Prothro Wilhelmi to provide Audit services for FY 2015-16, FY 2016-17 and FY 2017-18.

Mayor Pro Tem Posey made a motion to approve the proposal as submitted and to authorize the City Manager to sign the engagement letter with Prothro Wilhelmi for Audit Services for FY 2015-16, FY 2016-17 and FY 2017-18.

Councilman Williams seconded the motion.

Mayor Evans called for discussion, no discussion or comments made.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

9. Consider, discuss and / or take action regarding the proposed FY 2018-19 Budget Planning & Meeting calendar.

Councilman Williams made a motion to approve the FY2018-19 Budget Planning & Meeting calendar as presented and to set a budget workshop for City Council with staff on July 18, 2018 at 7 PM.

Councilman Clark seconded the motion.

Mayor Evans called for discussion, no discussion or comments made.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

VII. CITY ADMINISTRATION'S MONTHLY REPORTS

1. Emergency Services Monthly Reports
 - a. Fire Department
 - b. Champion EMS
 - c. Police Department
2. Department of Finance Monthly Report
 - a. Accounts Payable Check Register
 - b. Statement of Revenue and Expenditures by Fund

- c. Monthly Bank Statement
- 3. City Manager’s Monthly Report to include if needed
 - a. Public Works Department
 - b. Community Development
 - c. Cemetery

City Manager / Chief Carter presented and answered questions regarding the departmental reports.

VIII. ADJOURNMENT

Councilman Clark made a motion to adjourn.

Councilman Williams seconded the motion.

Mayor Evans called for a vote.

Motion carried with a vote of 4 – 0, Councilman Freeman absent.

With no further business, the meeting was adjourned at **9:10 PM**

Minutes submitted, approved and/or corrected this **21st** day of **June, 2018.**



CITY OF OVERTON

C. R. Evans, Jr.

C. R. Evans, Jr., Mayor

ATTEST:

Rachel Gafford

Rachél Gafford, City Secretary

Attachments:

- A. Ordinance No. 2018.05.17A – Change from Type 4A to Type 4B EDC
- B. CA2018.05.17A – Approval of PRN Fire Marshal position.
- C. CA2018.05.17B - Approval of Engagement Letter with Prothro Wilhelmi for Audit Catch Up Services FY2015-16, FY2016-17 and FY2017-18.
- D. CA2018-05.17C – Approval of FY2018-19 Budget Planning & Meeting Calendar