

**REGULAR CALLED CITY COUNCIL MEETING**  
**June 21, 2018**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD JUNE 21, 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  
Trampas Freeman  
David Stone  
Michael Paul Williams

ABSENT:

Also, in attendance were Clyde Carter, Interim City Manager / Police Chief, Gabe Wallace, Police Captain, Wendy Bates, City Comptroller and Rachél Gafford, City Secretary representing staff. Michael Vinson, Overton VFD, Scott Cargil, Champion EMS, Jerry Vinson, Ken Dickey and Larry Locke, Emergency Solutions, Inc., Elsie Hollis, Robert Hoover, Doris Hoover, Jack Hoover, Carolyn Garsee, Jennifer Williams, Mollie Worley representing the public.

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

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

**II. PROCLAMATIONS / RECOGNITIONS / APPOINTMENTS**

1. None

***Mayor Evans skipped to Agenda Item IX.1b – Champion EMS Monthly Report and Agenda Item IX.1a – Overton Volunteer Fire Department Monthly Report***

*Council reviewed the Champion EMS report and had no questions for Scott Cargil regarding the report.*

*Council reviewed the Overton VFD report and had no questions for Michael Vinson regarding the report.*

***Mayor Evans then resumed with Council Agenda Item III. - Citizens Forum.***

**III. CITIZEN FORUM**

*Elsie Hollis, 212 N. Meadowbrook Dr., requested that council direct staff to do something about the weeds downtown growing out of the sidewalks and in particular at Kennamer Square and that she appreciated the City for working on and addressing these issues.*

#### **IV. CITIZEN'S REQUEST**

1. Hear, discuss and / or take action on a request for reimbursement by Mr. & Mrs. Vermillion, 309 Ball Park Road, in the amount of \$250 (invoice attached) for paying a contractor to clear and clean the ROW along Ball Park Road.

**Councilman Freeman made a motion to deny the request for reimbursement made by Mr. & Mrs. Vermillion.**

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

**Mayor Evans called for discussion.**

*Mayor Pro Tem Posey made the comment that contracted work needs to follow procedures for bids. If the City Manager or Council had not requested bids or quotes then this should not have been done.*

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

2. Hear, discuss and / or take action on a request from Jeanette Slager, 469 E. Circle Dr., New Lenox, IL, for a prorated rental fee of \$100 (for a ½ day rental) instead of \$200 (for a full day rental) for the Community Building for Friday, July 20th due to being unable to get into the building to set up for the Gregory Reunion until after 2 p.m. on that Friday due to Rotary having their luncheon on Friday.

*City Manager Carter presented the request on behalf of the renters stating that since the Rotary had moved their weekly luncheon to Fridays then the Friday rentals have become an issue. Carter stated that he was going to talk to the Rotary about possibly choosing a different day of the week for their luncheons as this has become an issue for Friday rentals.*

**Councilman Williams made a motion to approve the request for a prorated rental rate of \$100 for the Community Building for Friday, July 20th for the Gregory Reunion.**

**Councilman Stone seconded the motion.**

**Mayor Evans called for discussion.**

*Mayor Pro Tem Posey made the comment that he felt like if an individual is renting for the day, they should have a full day's rental and not just ½ day.*

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

3. Hear, discuss and / or take action on a request from Doris Hoover, 407 W. Pine Street, on behalf of Danville Baptist Church (Kilgore, TX) to be allowed to conduct a Bucket Brigade on behalf of Molli Worley, 207 E. Henderson, for the purchase of a Service Animal. Per Ordinance 05-0421 a Bucket Brigade may only be conducted by a Non-Profit Organization located within the City limits. Although the Non-Profit sponsoring this bucket brigade isn't located within the City limits, the beneficiary of the Bucket Brigade is a resident of the City of Overton.

**Mayor Pro Tem Posey made a motion to approve the request for Danville Baptist Church to conduct a Bucket Brigade in Overton at the 4-way stop for citizen Molli Worley.**

**Councilman Freeman seconded the motion.**

**Mayor Evans called for discussion.**

*Mayor Pro Tem Posey made the comment that when the Ordinance was first adopted it was to limit the Citizens from being hammered every weekend by Bucket Brigades by out of town teams, the whole point was to be sure that the Bucket Brigades were to benefit the local community non-profits.*

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

#### **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 May 17, 2018.

**Councilman Clark 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 5 – 0.**

#### **VI. BUSINESS**

1. Consider, discuss and/or take action regarding ratification of the Overton Volunteer Fire Departments decision to approve the Beta Testing Software License Agreement between the Overton Volunteer Fire Department and Emergency Solutions Inc., and authorizing an authorized Overton Volunteer Fire Department representative (officer) to enter in the agreement to provide software for filing Fire Reports.

*Michael Vinson, Fire Marshal, Overton VFD, made a presentation to Council regarding the efficiencies of the software for submitting and processing incident reports and that this software would be needed if the City approved the next item on the agenda.*

**Councilman Williams made a motion to ratify the Beta Testing Software License Agreement with Emergency Solutions, Inc. as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

2. Consider, discuss and/or take action regarding a Cost Recovery Services Agreement between the City of Overton / Overton Volunteer Fire Department and Emergency Solutions Inc., and authorizing the City Manager and the Volunteer Fire Department Fire Chief to enter in the agreement to allow Emergency Solutions Inc to submit cost recovery insurance claims on behalf of the Overton Volunteer Fire Department for use of the City's fire equipment, consumables and fire engines. The claim will be billed against the property/vehicle owner's insurance, to recover some of the costs associated with the City extinguishing the fire.

*Michael Vinson, Fire Marshal, Overton VFD, and Kenneth Dickey, Emergency Solutions, Inc., presented the Cost Recovery Agreement for Council review.*

**Councilman Williams made a motion to discuss.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

*Michael Vinson, Fire Marshal, Overton VFD, and Kenneth Dickey, Emergency Solutions, Inc., answered Council questions regarding how the cost recovery agreement would work and when it would be utilized.*

*Council had a brief question and answer session with the Emergency Solutions, Inc. representative on why the Fire Department had not been able to submit Cost Recovery Invoicing to insurance companies in the past, and how this new software and the cost recovery agreement would help the City recover some expenses for consumables and offset some of the wear and tear costs on the City's fire equipment.*

**Councilman Clark made a motion to approve the Cost Recovery Agreement as submitted between the City of Overton, the Overton Volunteer Fire Department and Emergency Solutions, Inc.**

**Councilman Freeman seconded the motion.**

*Kenneth Dickey, Emergency Solutions, Inc. recommended that the motion include an effective date as to when they wanted the Overton VFD to start submitting reports for cost recovery invoicing.*

**Councilman Stone made a motion to amend the original motion to add an effective date on May 1, 2018 to the agreement.**

**Councilman Williams seconded the amended motion.**

**Mayor Evans called for a vote on the amendment to the main motion.**

**Motion carried with a vote of 5 – 0.**

**Mayor Evans then called for a vote on the Amended Motion:**

*Motion to approve the approve the Cost Recovery Agreement as submitted between the City of Overton, the Overton Volunteer Fire Department and Emergency Solutions, Inc. with an effective date of May 1, 2018.*

**Amended Motion carried with a vote of 5 – 0.**

3. Present revised meeting schedule for the City Council as updated June 18, 2018.
  - a. Mayor to receive request, if any, for leave of absence from any Council Member for future meetings

*City Comptroller Bates passed out an updated FY2018-19 Budget Meeting Calendar for Council review stating that the July 18, 2018 workshop had been added to the calendar.*

*Mayor Evans reviewed the meetings calendar with Council and asked if anyone needed to request an excused absence for the July 18, 2018 Special Called Meeting (Budget Workshop) or the July 19, 2018 Regular Called Council Meeting.*

*Councilman Freeman requested an excused absence for July 19, 2018 – Regular Called Meeting.*

**Councilman Williams made a motion to grant an excused absence to Councilman Freeman for the July 19<sup>th</sup> Regular Called Meeting.**

**Councilman Stone seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 4 – 0 – 1; Councilman Freeman abstained.**

4. Consider, discuss and/or take action to direct staff on submitting an amendment to Ordinance No. 05-421, the current Ordinance which regulates Bucket Brigades with recommendations for requested changes to the ordinance.

**Councilman Williams made a motion to discuss.**

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

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

*City Secretary Gafford stated that this item was only placed on the agenda for Council to determine if they wanted to have any changes to the Bucket Brigade Ordinance.*

*City Comptroller Bates stated that section 3 of the ordinance limits what the City Manager is able to approve. Bates stated that if Council wanted they could direct staff to revise the ordinance allowing the City Manager the authority to issue a Bucket Brigade permit to a non-profit that is located outside of the city limits if the beneficiary is an Overton resident or the proceeds will benefit Overton.*

*Mayor Pro Tem Posey stated that he felt like the Ordinance is good as written and that any items where someone is requesting a permit for a Bucket Brigade that is outside the guidelines of the current Ordinance (like the one heard earlier tonight) should come before Council for a decision of whether to approve the permit or not.*

*Mayor Evans stated with no further discussion on this item, he would entertain a motion.*

**Agenda Item V.4 died from the lack of a motion.**

5. Consider, discuss and/or take action regarding staff recommendations for proposed insurance coverage options and/or changes from TML Multi-State Intergovernmental Employee Benefits Pool for the City provided Medical, Dental, Life, Insurance and Flexible Spending Accounts for City Employees for the 2018-2019 Fund Year and

directing the City Secretary, as Fund Contact, to sign all required documents digitally with TML-IEBP.

*City Manager Carter presented the TML-IEBP 2019 Insurance re-rate information stating that the City's employee insurance is going to have a 15% increase for the medical insurance and a 9.99% increase for the dental insurance. City Manager Carter recommended that Council consider a cost share with the employees if the employees did not participate in the TML Healthy Initiative incentive program as this could help lower future rate increases.*

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

**Councilman Williams seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

*In summary, Council questioned the legal issues associated with requiring employees to participate in the healthy initiative incentive program or be penalized by having to cost share if they did not.*

**Mayor Pro Tem Posey made a motion to approve Option A to keep the same medical and dental coverage with the 15% increase and to authorize the City Secretary to execute the necessary documents for the 2019 Employee Insurance with TML-IEBP. Posey further moved to direct staff to place the cost share / healthy initiative incentive program issue on the next Council meeting for discussion with the City Attorney.**

**Councilman Freeman seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

6. Consider, discuss and/or take action regarding request by staff to issue a one-time adjustment to the utility account located at 512 W. Kingsway in regards to a disputed water leak at the property address.

*City Manager Carter presented a staff report on an adjustment of \$173.20 to the utility account for 512 W. Kingsway. The resident had disputed the billed usage and stated that they didn't use the amount billed. Carter explained that one employee had gone out to do a re-read and told the resident that they had a leak. Then there was a lack of communication between City staff and another employee went and changed out the meter and the leak stopped. Staff believes that the resident may have fixed the leak between the time; however, the original meter was never sent off for testing. The City does not have any proof that there was indeed a leak on the resident's side of the meter.*

**Mayor Pro Tem Posey made a motion to approve a one-time adjustment of \$173.20 to the utility account for 512 W. Kingsway.**

**Councilman Williams seconded the motion.**

**No further discussion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

7. Council to hear an update regarding the State Comptroller Audit of the Overton Municipal Court.

*City Comptroller Bates presented a high-level summary of the State Comptroller's audit of the Municipal Court stating that it appears that the City will owe the state approximately \$63,017.40 in misallocated payments that were incorrectly applied and fees that were incorrectly collected in part due to the current court software. Bates went on to say that the State Comptroller will allow the City to request a payment plan; however, the City has to wait for the final report and the "official" Notification of Violation which we expect to receive sometime in the next two to three months. The State Comptroller does offer payment plans of up to 20 or 30 years; we will apply for the longest payment plan they will allow us to once the "official" notice is received.*

**No action taken.**

8. Consider, discuss and/or take action directing staff regarding proposed authorized local Municipal Court fees that may be charged as requested by Judge Walters.

*City Comptroller Bates presented a high-level summary of state approved court fees that could be charged if the Judge wanted that are currently not being charged. Bates also stated that although she had given the list of fees to the Judge for review, the Judge would need to make a formal request for the fees to be added and request that the City's Court fees/fines schedule be amended.*

**Councilman Freeman made a motion to direct staff to bring back a list of proposed court fees that Judge Walters would like to have added to the City's Municipal Court Fees.**

**Councilman Clark seconded the motion.**

**No further discussion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

9. Consider, discuss and/or take action regarding OEDC Annual Report.

*City Manager Carter presented a high-level summary of the 2017-18 OEDC Annual Report to Council.*

**Mayor Pro Tem Posey made a motion to accept the 2017-18 OEDC Annual Report as presented.**

**Councilman Williams seconded the motion.**

**No further discussion.**

**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

10. City Council to receive Notice of Open Seats for City Council and Filing for a Place on the Ballot for the General and Special Election to be held on November 6, 2018.

*City Secretary Gafford presented the Notices for Open Seats with the filing deadlines to Council for review for the November 6, 2018 General and Special Elections.*

**No action taken.**

**VII. CITY ADMINISTRATION'S MONTHLY REPORTS**

1. Emergency Services Monthly Reports
  - a. *Fire Department – this item covered earlier in the meeting*
  - b. *Champion EMS – this item covered earlier in the meeting*
  - 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 Freeman seconded the motion.**

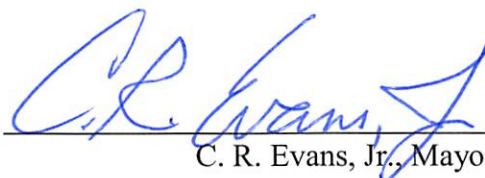
**Mayor Evans called for a vote.**

**Motion carried with a vote of 5 – 0.**

With no further business, the meeting was adjourned at **9:59 PM**

Minutes submitted, approved and/or corrected this **19<sup>th</sup> day of July, 2018.**

CITY OF OVERTON

  
C. R. Evans, Jr., Mayor

ATTEST:

  
Rachél Gafford, City Secretary



**Action Items:**

- A. CA2018.06.21A – Denial of Refund Request for Mr. & Mrs. Vermillion, 309 Ball Park Rd.
- B. CA2018. 06.21B - Approval of Community Building prorated rental fee for Gregory Reunion.
- C. CA2018-06.21C – Approval of Bucket Brigade Permit benefiting Molli Worley for Danville Baptist Church.
- D. CA2018. 06.21D – Approval of Cost Recovery Agreement between City, OVFD and Emergency Solutions, Inc.