



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, May 03, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

7. PUBLIC HEARINGS

- A. PUBLIC HEARING - The City Council will hold a Public Hearing for the purpose of permitting or denying a request from Alex Campolo c/o Advanced Architectural Stone, for a change of zoning, from (A2) Single Family Residential to (E) Heavy Industrial, on property located at 400 Holley Street (Baker Addition Block 8 Lot 12) Everman, Texas.

8. CONSIDERATION AND POSSIBLE ACTION

- A. Approve request from Alex Campolo c/o Advanced Architectural Stone, for a change of zoning, from (A2) Single Family Residential to (E) Heavy Industrial, on property located at 400 Holley Street (Baker Addition Block 8 Lot 12) Everman, Texas.
- B. Hearing of the City Council - Alleged Ordinance Violations - 300 Noble Avenue, Everman, TX 76140
- C. Resolution #2022-04-01 - scheduling a public hearing on June 7, 2022 to consider whether to impose water and sanitary sewer impact fees within the City and the extraterritorial limits of the City; directing the City Secretary to publish notice of said public hearing.

9. DISCUSSION ITEMS

- A. Tennis and Pickleball Courts
- B. Reduction of Motor Vehicle Emissions Ordinance
- C. Discussion related Pittman Park, Memorial Park, Mobile Food Truck Park, Maintenance and Police Department Facility Parking Lots and bids received for potential improvements

10. EXECUTIVE SESSION

- A. Pursuant to Texas Government Code Section 551.071 - Past Performance and Continued Contract Services With Waste Connections, LLC

11. MAYOR'S REPORT

12. CITY MANAGERS REPORT

13. ADJOURN

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday December 31, 2021.

/s/ Mindi Parks
City Secretary

Citizens may watch city council meetings live on YouTube. A link to the City of Everman YouTube channel is provided on the city website at: www.evermantx.us/government/citycouncil/

Pursuant to Section 551.071, Chapter 551 of the Texas Government Code, Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting, to receive advice from its attorney on any posted agenda item, as permitted by Law. Additionally, Council may convene into Executive Session to discuss the following:

- A. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney.
- B. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property.
- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

Citizens wishing to submit written comments should e-mail the City Secretary at mparks@evermantx.net. Comments that are received at least one-hour prior to the start of the meeting will be provided to all council members.

According to the City of Everman Policy on Governance Process, individual citizen comments will be restricted to three (3) minutes unless otherwise determined by a majority vote of the Council. The mayor is responsible to enforce the time limit. Citizens may address City Council either during the Citizen Comments portion of the meeting or during deliberation of a listed agenda item. City Council is only permitted by Law to discuss items that are listed on the agenda. Citizens wishing to make comments should notify the City Secretary as soon as possible.

City Hall is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpretative services must be made 48 hours prior to the meeting. To make arrangements, call 817.293.0525 or TDD 1.800.RELAY TX, 1.800.735.2989.



CITY OF EVERMAN
212 North Race Street Everman, TX 76140
STAFF REPORT

AGENDA TITLE: PUBLIC HEARING - The City Council will hold a Public Hearing for the purpose of permitting or denying a request from Alex Campolo c/o Advanced Architectural Stone, for a change of zoning, from (A2) Single Family Residential to (E) Heavy Industrial, on property located at 400 Holley Street (Baker Addition Block 8 Lot 12) Everman, Texas.

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer; City Manager

RECOMMENDED ACTION:

It is recommended by the Planning & Zoning Commission that the Everman City Council approve the request for Zoning Change from A2 Single Family to E Heavy Industrial with the condition that a privacy fence is constructed between the property located at 400 Holley St and abutting residential properties.

BACKGROUND INFORMATION:

Advanced Cast Stone wishes to rezone a neighboring property to (E) Heavy Industrial to match the current zoning of properties and to construct an employee parking lot. This will provide employees alternative parking locations off of the roadway. Overall this will improve the visible appearance of the business and improve traffic patterns in front of the business. Owners have agreed to construct a privacy fence that will serve as a visual barricade from abutting residential properties.

The City of Everman Planning & Zoning Commission held a Public Hearing on the request on Monday, March 28, 2022. There were public comments made during this meeting. After Review, the Planning and Zoning Commission voted to recommend this zoning change.

Notice was published in accordance with law. A copy of the notice is attached to this item.

FISCAL IMPACT:

None

Application for Zoning Change

Section 7, Item A.

Section 1: APPLICANT/OWNER INFORMATION

PLEASE PRINT

PLANNED DEVELOPMENT DISTRICT: ☐ NEW ☒ GENERAL ZONING CHANGE ☐ REMOVAL
 SPECIFIC USE PERMIT: ☐ AMENDMENT ☐ DEED RESTRICTION AMENDMENT
☐ NEW ☐ CITY PLAN COMMISSION AUTHORIZED HEARING
☐ AMENDMENT
☐ RENEWAL

Applicant: Advanced Architectural Stone Telephone: (214) 802.0845
 Address: 115 Lee St City/State/Zip: Pl. Worth, TX 76140

APPLICANT'S STATUS: (Check one) OWNER ☒ TENANT ☐ PROSPECTIVE BUYER ☐

Property Owner must sign the application or submit a notarized letter of authorization.

Owner: _____ Telephone: () _____
 Address: _____ City/State/Zip: _____
 Representative: Alex Campolo Telephone: (214) 802.0845
 Address: 1808 Sagebrush Trl City/State/Zip: Euless, TX 76040

OWNERSHIP (Check one) INDIVIDUAL ☐ TRUST ☐ PARTNERSHIP ☐ CORPORATION ☒

If ownership is a trust, partnership, or corporation, name the partners or principals and their addresses and positions on a separate attachment!

Alex Campolo, President Print Name (and Title if applicable)
Alex Campolo Signature of Applicant
 _____ Signature of Owner

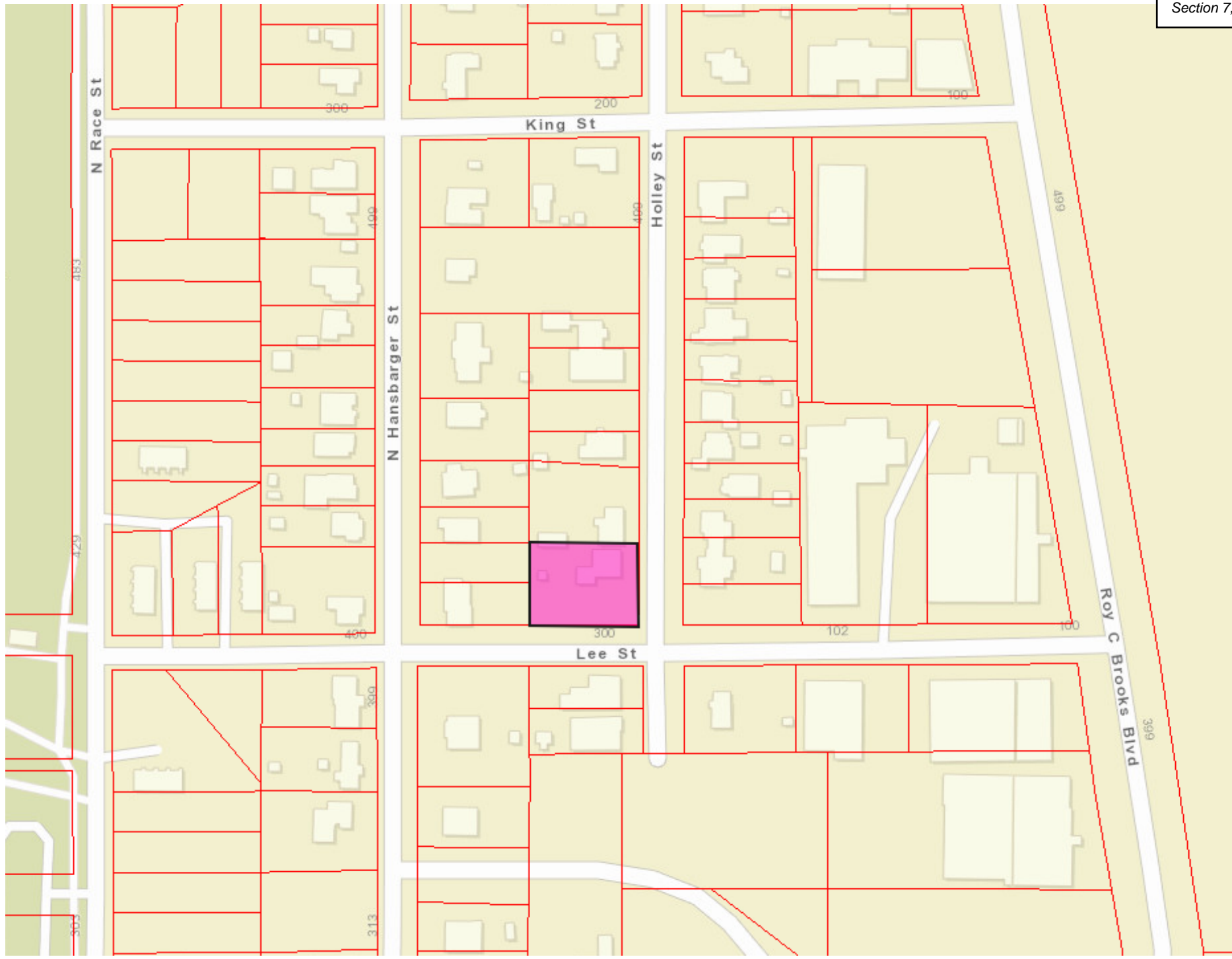
Section 2: ZONING REQUEST INFORMATION

SITE LOCATION: (400 Holley St.) Baker Addition - Everman
 LOTS NO(S): 12 BLOCK NO: 8 SIZE OF REQUEST: 0.1728 EXISTING ZONING: M2 Single Family Residential
 REQUEST: Change to E Heavy Industrial
 CITY TAX ID NO: _____ CITY TAXES OWED? YES ☐ NO ☒ IF YES, WHAT IS AMOUNT? \$ _____
 CENSUS TRACT: _____ COUNCIL DISTRICT: _____ MAPSCO (Page/Cell): TAR-106F ZONING MAP NO: _____

Section 3: STAFF CHECKLIST

<input type="checkbox"/> ZONING MAPS	<input type="checkbox"/> EMPLOYMENT DATA	<input type="checkbox"/> PROPER FILING FEE	No. of Signs to Post: _____
<input type="checkbox"/> TAX PLATS	<input type="checkbox"/> TRAFFIC IMPACT STUDY	<input type="checkbox"/> PROPER SIGNATURES	Notification Area: _____
<input type="checkbox"/> SITE PLANS	<input type="checkbox"/> INDEX LOCATION MAP		Filing Fee: _____
<input type="checkbox"/> LANDSCAPE PLANS	<input type="checkbox"/> INDEX LOG BOOK		Receipt Number: _____
<input type="checkbox"/> TRANSPARENCIES	<input type="checkbox"/> ZONING HISTORY MAP		Reference File: _____
<input type="checkbox"/> SURVEY MAPS (Metes & Bounds)	<input type="checkbox"/> ESCARPMENT AREA		Two Year Waiver Required? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> LAND USE STATEMENT	<input type="checkbox"/> CORRECT LOT & BLOCK		

ACCEPTED BY: _____ DATE ACCEPTED: _____ DATE WITHDRAWN: _____



**CITY OF EVERMAN
PLANNING & ZONING
PUBLIC HEARING
MINUTES
MONDAY MARCH 28, 2022**

There was a Public Hearing held by the Everman Planning & Zoning Commission on Monday March 28, 2022 at 6pm at Everman City Hall City Council Chambers, at 212 North Race St. in Everman Texas, concerning the following agenda:

ALL PRESENT:

Chairperson	Judy Welborn
Commission Members	Brenda Edmond
	Tony Young
	Ora Hill
	Richard Irarrarez

LIAISON:

Donna Wilkerson

AUDIENCE:

City Manager Craig Spencer
City Attorney Alan Wayland (via zoom)
City Secretary Mindi Parks
Aaron Fricke
Alex Campolo

- 1. Meeting Called to Order:**
 - a) 6:01 pm**
- 2. Approval of Prior Minutes:**
 - a.) Approved minutes from Monday April 19, 2021 Regular Meeting/CIP Workshop. Motion to approve was made by Judy Welborn. Ora Hill seconded the motion.**

ALL VOTED AYE

1. Discussion Item:

Richard Irarrarez motioned to approve and recommend request from Advanced Architectural Stone to change zoning of premise at 400 Holley (Baker Addition Block 8 Lot 12) form A2 Single Family Residential to E Heavy Industrial. Tony Young seconded motion.

Craig Spencer gave background of Advanced Architectural Stone, what having their company/business in Everman means, what they've donated and how they've assisted in support of the City.

Alex Campolo from Advanced Architectural Stone took the floor to speak to the Commission regarding the reason for and advantages of the zoning change, citing that the area is congested due to the company's employee growth. He stated that the

lot would be turned into parking spaces to help alleviate the street congestion due to parking. He stated that his company would be responsible for and maintenance of screening from residential structures as required by ordinance.

ALL VOTED AYE

7. Adjournment: 6:15p.m.

Judy Welborn, Chairman

Donna Wilkerson, Liaison

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

Deadline for submitting legal notices is **11:00 (am)** the business day before

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

1 **PUBLIC HEARING**
2 The City Council will hold
3 a Public Hearing on Tuesday
4 May 3, 2022 at 6:30 P.M. in
5 the Council Chambers, Ever-
6 man City Hall, 212 North
7 Race Street, for the purpose
8 of permitting or denying a re-
9 quest from Alex Campolo, c/o
10 Advanced Architectural Stone,
11 for a change of zoning, from
12 A2 Single Family Residential
13 to (E) Heavy Industrial, on
14 property located at 400 Holley
15 Street (Baker Addition Block
16 8 Lot 12), Everman, Texas
17 76140. This hearing is open
18 to any interested person. Opin-
19 ions, objections and/or com-
20 ments relative to this matter
21 may be expressed in writing
22 or in person at the hearing.
23 You may also be represented
24 by another person, neighbor
25 or attorney.

4-18

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50



CITY OF EVERMAN

212 North Race Street Everman, TX 76140

STAFF REPORT

AGENDA TITLE: PUBLIC HEARING - The City Council will hold a Public Hearing for the purpose of permitting or denying a request from Alex Campolo c/o Advanced Architectural Stone, for a change of zoning, from (A2) Single Family Residential to (E) Heavy Industrial, on property located at 400 Holley Street (Baker Addition Block 8 Lot 12) Everman, Texas.

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer; City Manager

RECOMMENDED ACTION:

It is recommended by the Planning & Zoning Commission that the Everman City Council approve the request for Zoning Change from A2 Single Family to E Heavy Industrial with the condition that a privacy fence is constructed between the property located at 400 Holley St and abutting residential properties.

BACKGROUND INFORMATION:

Advanced Cast Stone wishes to rezone a neighboring property to (E) Heavy Industrial to match the current zoning of properties and to construct an employee parking lot. This will provide employees alternative parking locations off of the roadway. Overall this will improve the visible appearance of the business and improve traffic patterns in front of the business. Owners have agree to construct a privacy fence that will serve as a visual barricade from abutting residential properties.

The City of Everman Planning & Zoning Commission held a Public Hearing on the request on Monday, March 28, 2022. There were public comments made during this meeting. After Review, the Planning and Zoning Commission voted to recommend this zoning change.

Notice was published in accordance with law. A copy of the notice is attached to this item.

FISCAL IMPACT:

None

Application for Zoning Change

Section 8, Item A.

Section 1: APPLICANT/OWNER INFORMATION

PLEASE PRINT

PLANNED DEVELOPMENT DISTRICT: ☐ NEW ☒ GENERAL ZONING CHANGE ☐ REMOVAL
 SPECIFIC USE PERMIT: ☐ AMENDMENT ☐ DEED RESTRICTION AMENDMENT
☐ NEW ☐ CITY PLAN COMMISSION AUTHORIZED HEARING
☐ AMENDMENT
☐ RENEWAL

Applicant: Advanced Architectural Stone Telephone: (214) 802-0845
 Address: 115 Lee St City/State/Zip: Pl. Worth, TX 76140

APPLICANT'S STATUS: (Check one) OWNER ☒ TENANT ☐ PROSPECTIVE BUYER ☐

Property Owner must sign the application or submit a notarized letter of authorization.

Owner: _____ Telephone: () _____
 Address: _____ City/State/Zip: _____
 Representative: Alex Campolo Telephone: (214) 802-0845
 Address: 1808 Sagebrush Trl City/State/Zip: Euless, TX 76040

OWNERSHIP (Check one) INDIVIDUAL ☐ TRUST ☐ PARTNERSHIP ☐ CORPORATION ☒

If ownership is a trust, partnership, or corporation, name the partners or principals and their addresses and positions on a separate attachment!

Alex Campolo, President Print Name (and Title if applicable)
Alex Campolo Signature of Applicant
 Signature of Owner

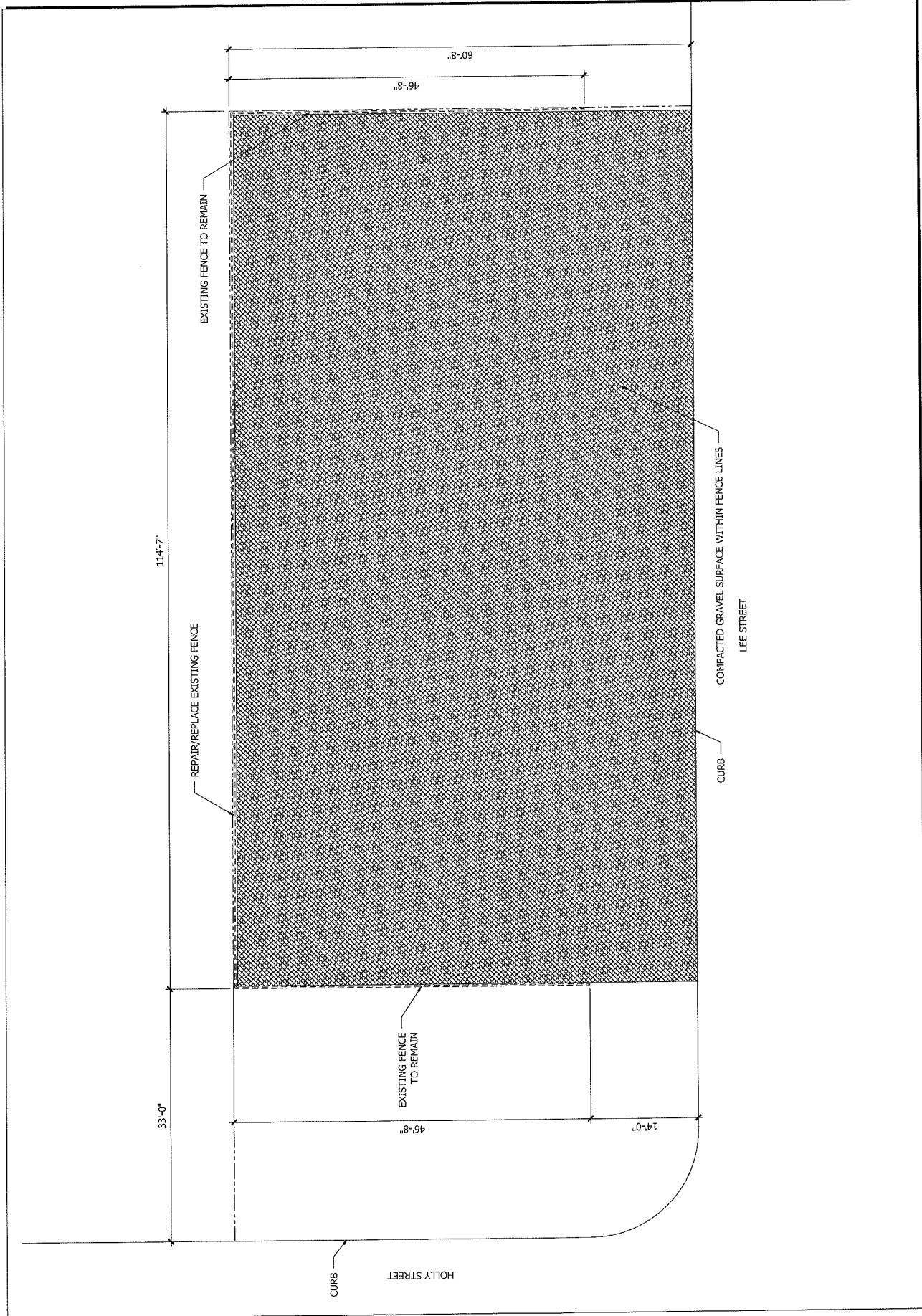
Section 2: ZONING REQUEST INFORMATION

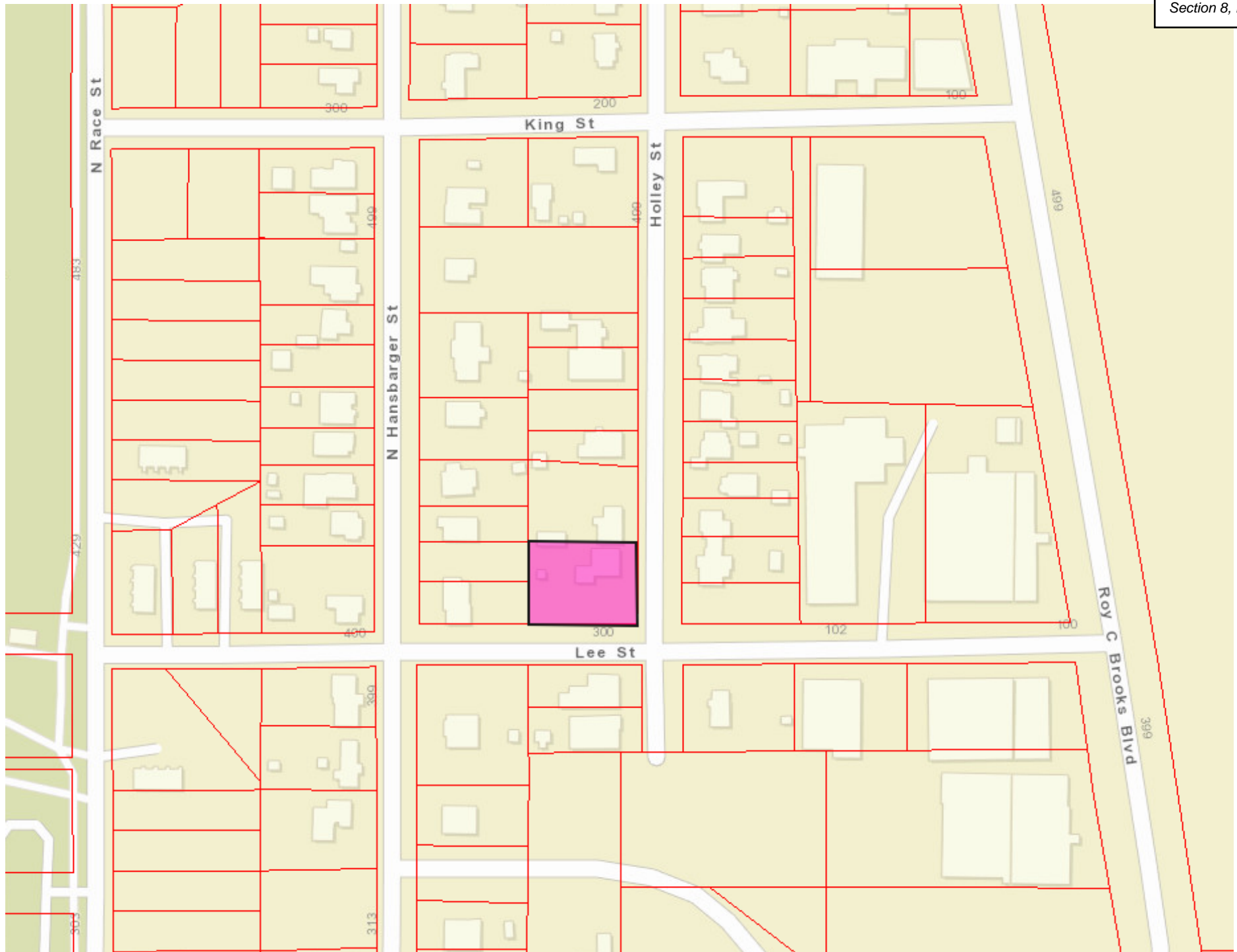
SITE LOCATION: (400 Holley St.) Baker Addition - Everman
 LOTS NO(S): 12 BLOCK NO: 8 SIZE OF REQUEST: 0.1728 EXISTING ZONING: M2 Single Family Residential
 REQUEST: Change to E Heavy Industrial
 CITY TAX ID NO: _____ CITY TAXES OWED? YES ☐ NO ☒ IF YES, WHAT IS AMOUNT? \$ _____
 CENSUS TRACT: _____ COUNCIL DISTRICT: _____ MAPSCO (Page/Cell): TAR-106F ZONING MAP NO: _____

Section 3: STAFF CHECKLIST

<input type="checkbox"/> ZONING MAPS	<input type="checkbox"/> EMPLOYMENT DATA	<input type="checkbox"/> PROPER FILING FEE	No. of Signs to Post: _____
<input type="checkbox"/> TAX PLATS	<input type="checkbox"/> TRAFFIC IMPACT STUDY	<input type="checkbox"/> PROPER SIGNATURES	Notification Area: _____
<input type="checkbox"/> SITE PLANS	<input type="checkbox"/> INDEX LOCATION MAP		Filing Fee: _____
<input type="checkbox"/> LANDSCAPE PLANS	<input type="checkbox"/> INDEX LOG BOOK		Receipt Number: _____
<input type="checkbox"/> TRANSPARENCIES	<input type="checkbox"/> ZONING HISTORY MAP		Reference File: _____
<input type="checkbox"/> SURVEY MAPS (Metes & Bounds)	<input type="checkbox"/> ESCARPMENT AREA		Two Year Waiver Required? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> LAND USE STATEMENT	<input type="checkbox"/> CORRECT LOT & BLOCK		

ACCEPTED BY: _____ DATE ACCEPTED: _____ DATE WITHDRAWN: _____





**CITY OF EVERMAN
PLANNING & ZONING
PUBLIC HEARING
MINUTES
MONDAY MARCH 28, 2022**

There was a Public Hearing held by the Everman Planning & Zoning Commission on Monday March 28, 2022 at 6pm at Everman City Hall City Council Chambers, at 212 North Race St. in Everman Texas, concerning the following agenda:

ALL PRESENT:

Chairperson	Judy Welborn
Commission Members	Brenda Edmond
	Tony Young
	Ora Hill
	Richard Irarrarez

LIAISON:

Donna Wilkerson

AUDIENCE:

City Manager Craig Spencer
City Attorney Alan Wayland (via zoom)
City Secretary Mindi Parks
Aaron Fricke
Alex Campolo

- 1. Meeting Called to Order:**
 - a) 6:01 pm**
- 2. Approval of Prior Minutes:**
 - a.) Approved minutes from Monday April 19, 2021 Regular Meeting/CIP Workshop. Motion to approve was made by Judy Welborn. Ora Hill seconded the motion.**

ALL VOTED AYE

1. Discussion Item:

Richard Irarrarez motioned to approve and recommend request from Advanced Architectural Stone to change zoning of premise at 400 Holley (Baker Addition Block 8 Lot 12) form A2 Single Family Residential to E Heavy Industrial. Tony Young seconded motion.

Craig Spencer gave background of Advanced Architectural Stone, what having their company/business in Everman means, what they've donated and how they've assisted in support of the City.

Alex Campolo from Advanced Architectural Stone took the floor to speak to the Commission regarding the reason for and advantages of the zoning change, citing that the area is congested due to the company's employee growth. He stated that the

lot would be turned into parking spaces to help alleviate the street congestion due to parking. He stated that his company would be responsible for and maintenance of screening from residential structures as required by ordinance.

ALL VOTED AYE

7. Adjournment: 6:15p.m.

Judy Welborn, Chairman

Donna Wilkerson, Liaison

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

Deadline for submitting legal notices is **11:00 (am)** the business day before

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

1 **PUBLIC HEARING**
 2 The City Council will hold
 3 a Public Hearing on Tuesday
 4 May 3, 2022 at 6:30 P.M. in
 5 the Council Chambers, Ever-
 6 man City Hall, 212 North
 7 Race Street, for the purpose
 8 of permitting or denying a re-
 9 quest from Alex Campolo, c/o
 10 Advanced Architectural Stone,
 11 for a change of zoning, from
 12 A2 Single Family Residential
 13 to (E) Heavy Industrial, on
 14 property located at 400 Holley
 15 Street (Baker Addition Block
 16 8 Lot 12), Everman, Texas
 17 76140. This hearing is open
 18 to any interested person. Opin-
 19 ions, objections and/or com-
 20 ments relative to this matter
 21 may be expressed in writing
 22 or in person at the hearing.
 23 You may also be represented
 24 by another person, neighbor
 25 or attorney.

26 4-18
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50



CITY OF EVERMAN
212 North Race Street Everman, TX 76140
STAFF REPORT

AGENDA TITLE: Hearing of the City Council - Alleged Ordinance Violations - 300 Noble Avenue, Everman, TX 76140

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer - City Manager

RECOMMENDED ACTION:

No recommendation at this time

BACKGROUND INFORMATION:

Following a complaint to the Everman City Council related to this specific property, the City Manager provided written notice to the owner of the property. A copy of the notice is attached to this report as well as a copy of the related ordinance.

FISCAL IMPACT:

None



CITY OF EVERMAN

212 N. Race St.
Everman, TX 76140

NOTICE

BenZen Properties, LLC &
Gene Molloy Properties, Realtors
6313 Preston Road #200
Plano, Texas 75024
benzenpropertiesllc@gmail.com
management@molloyteam.com

via E-mail &
Certified Mail#7019 0160 0000 7181 1060

The City of Everman has received notice and complaint related to the property which Tarrant County Deed Records indicate that you own, located at 300 Noble Avenue Everman, Texas 76140. The complaint received indicates that the leasee/renter is exclusively operating a photography business ("Dallas Dreamhaus") at this residence in violation of the City of Everman Code of Ordinances; specifically Zoning Ordinance Article 8 Section 2 – Home Occupations.

Sufficient evidence has been provided to indicate that this residence is not being used as a primary dwelling. Furthermore, "Dallas Dreamhaus" is not showing to be listed with the Texas Comptrollers Office as would normally be required of a photographer who manufactures and/or sells photographs (*ref. Texas Tax Code Section 151.318 & Texas Comptroller Rule 3.312*). Based upon the complaints received, it has been determined by the City Manager of the City of Everman that this business is having a negative impact or effect on the neighborhood. In accordance with the City of Everman Zoning Ordinance Article 8 Section 2, BenZen Properties, LLC (owner) is being provided with written notice that a hearing has been scheduled for final determination of this matter with the Everman City Council for:

**Tuesday, May 3, 2022
6:30 pm
Everman City Hall – City Council Chambers
212 N. Race St.
Everman, Texas 76140**

If it is determined by the City Council that violations of the City of Everman Zoning Ordinance exists, fines may be imposed on the owner and/or renter and the Certificate of Occupancy for this residence may be revoked. Furthermore, a complaint with the Texas Comptroller may be filed. If you have any questions or concerns related to this notice, please contact my office.

Respectfully,

A handwritten signature in black ink, appearing to be "C. W. Spencer".

C. W. Spencer
City Manager
City of Everman, Texas

Cc: Rachel Whitney Page
2923 Forest Hollow Lane
Arlington, Texas 76140; and,

300 Noble Avenue
Everman, Texas 76140

Alan Wayland
City Attorney
City of Everman
awayland@evermantx.net



CITY OF EVERMAN
212 North Race Street Everman, TX 76140
STAFF REPORT

AGENDA TITLE: Resolution #2022-04-01 - scheduling a public hearing on June 7, 2022 to consider whether to impose water and sanitary sewer impact fees within the City; directing the City Secretary to publish notice of said public hearing

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer; City Manager

RECOMMENDED ACTION:

It is recommended that the Everman City Council approve Resolution #2022-04-01

BACKGROUND INFORMATION:

Following the adoption of the Land Use Assumptions and the Capital Improvement Plan, City Council must hold a Public Hearing prior to considering the adoption of Impact Fees. Previously, City Council moved to hold the Public Hearing on May 3rd; however, Texas Law requires the adoption of a resolution and 30 day notice to the public. Therefore, this Public Hearing cannot be scheduled until June 7th.

FISCAL IMPACT:

None

CITY OF EVERMAN, TEXAS**RESOLUTION NO. 2022-04-01****A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS SCHEDULING A PUBLIC HEARING TO CONSIDER WHETHER TO IMPOSE WATER AND SANITARY SEWER IMPACT FEES; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SAID PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 395 of the Texas Local Government Code provides procedures for preparing land use assumptions and a capital improvements plan for the consideration of imposing water and wastewater impact fees within the municipal limits of a city and a city's extraterritorial jurisdiction; and

WHEREAS, the City of Everman has adopted Ordinance # 779 adopting land use assumptions and a capital improvements plan for water and sanitary sewer impact fees; and

WHEREAS, Chapter 395 requires that a public hearing be held prior to the adoption of water and sanitary sewer impact fees; and

WHEREAS, the City Council of Everman now desires to schedule the public hearing on June 7, 2022 and provide notice as required by law to consider whether to impose water and sanitary sewer impact fees in accordance with Chapter 395.

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

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

Section 2. In accordance with Chapter 395 of the Texas Local Government Code, the City Council hereby schedules the public hearing to receive public comment to consider whether to impose water and sanitary sewer impact fees on June 7, 2022, at 6:30 p.m., accessible online as a virtual meeting and in the Council Chambers within City Hall, 212 North Race Street, Everman, Texas.

Section 3. The City Secretary is directed to have notice, as described herein, of such public hearing published in the official newspapers of the City of Everman, Texas as required by law. The City Secretary is further directed to send notice of hearing by certified mail to any person who has given written notice to the City Secretary requesting notice of such hearing.

Section 4. Copies of the land use assumptions and capital improvements plan for water and sanitary sewer shall be available to the public at the Office of the City Secretary at City Hall, 212 North Race Street, Everman, Texas and on the City's website.

Section 5. That this Resolution shall take effect immediately upon execution by the Mayor.

2022. **AND, IT IS SO RESOLVED, PASSED, AND APPROVED** this _____ day of May

CITY OF EVERMAN, TEXAS

By: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary



CITY OF EVERMAN
212 North Race Street Everman, TX 76140
STAFF REPORT

AGENDA TITLE: Tennis and Pickleball Courts

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No Action Required

BACKGROUND INFORMATION:

Councilwoman Allen has expressed significant interest in offering "Pickleball" Courts somewhere within the City of Everman. City Staff have confirmed with a local business owner and developer that there are plans to construct these style courts. Councilwoman Allen has requested that this item be placed on the agenda and an update provided to City Council related to the status of this project.

FISCAL IMPACT:

None



CITY OF EVERMAN

212 North Race Street Everman, TX 76140

STAFF REPORT

AGENDA TITLE: Reduction of Motor Vehicle Emissions Ordinance

MEETING DATE: 05/03/2022

PREPARED BY: Craig Spencer; City Manager

RECOMMENDED ACTION:

No Recommendation

BACKGROUND INFORMATION:

The NCTCOG Regional Transportation Council has requested that Municipalities participate in an effort to reduce motor vehicle emissions by resolution or ordinance. Adopting such ordinance or resolution is a requirement for continued funding support of the RTC. The specific restrictions and enforcement are up to each individual city.

As requested by City Council, the City Attorney has drafted an ordinance for your review and consideration. This ordinance restricts idling of large vehicles (GVWR 8,500 pounds or over). Most passenger vehicles, including Chevrolet Suburbans or Ford Expeditions, are less than 8,500 pounds.

FISCAL IMPACT:

None

CITY OF EVERMAN

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF EVERMAN, TEXAS, AMENDING CHAPTER 19, ARTICLE 2 OF THE CITY OF EVERMAN CODE OF ORDINANCES AND PROVIDING FOR THE REDUCTION OF MOTOR VEHICLE EMISSIONS BY ESTABLISHING LIMITATIONS PROHIBITING IDLING ACTIVITIES AND PROVIDING FOR ENFORCEMENT ACTIVITIES RELATING THERETO, AND PROVIDING FOR FINDINGS OF FACT, AMENDMENT, REPEALER, SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE.

- WHEREAS,** the City of Everman (“City”), is a home rule municipality located in Tarrant County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and its City Charter; and
- WHEREAS,** the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and
- WHEREAS,** the U.S Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act, which addresses that purpose; and
- WHEREAS,** Section 382.113 of the Texas Health and Safety Code provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and
- WHEREAS,** Locally Enforced Idling Restrictions is a weight of evidence commitment in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and
- WHEREAS,** idling vehicles emit more emissions while idling due to incomplete combustion than at normal on-road speeds; and
- WHEREAS,** the City desires to actively participate in improving the air quality of the region; and
- WHEREAS,** the City Council of the City of Everman (“City Council”) finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare

of the citizens of the City of Everman, Texas by limiting the pollution created from unnecessary idling of motor vehicles within the City;

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

- 1. FINDINGS OF FACT.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
- 2. AMENDMENT.** Chapter 19, Article 2 of the City of Everman Code of Ordinances is hereby amended and replaced so as to read in accordance with Exhibit A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Such provisions are hereby an addition to Chapter 19, Article 2 of the Code of Ordinances, titled Operation of Vehicles, as reflected in the attached Exhibit A.
- 3. REPEALER.** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.
- 4. SEVERABILITY.** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.
- 5. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon passage and publication.
- 6. PROPER NOTICE & MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the ____ day of _____ 2022, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Everman, Texas.

CITY OF EVERMAN:

by: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

EXHIBIT A**Sec. 19-27. CONTROL REQUIREMENTS FOR MOTOR VEHICLE IDLING**

- a. No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle under their operation to idle for more than five consecutive minutes when the motor vehicle is not in motion.
- b. No person using the vehicle's sleeper berth may idle;
 - 1) in a school zone;
 - 2) within 1,000 feet of a public school during its hours of operation
 - 3) within 1,000 feet of a hospital, or
 - 4) in a residential area, as defined in Section 244.002 of the Texas Local Government Code.
- c. No driver may idle within 1,000 feet of an air intake valve of the following structures as adopted by §70.100(a)(1) of this Code and further defined by [Section 302.2 of the International Building Code](#):
 - 1) Assembly Group – occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.
 - 2) Educational Group— occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to *places of religious worship* and have *occupant loads* of less than 100.
 - 3) Institutional Group-- occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people are cared for or live in a supervised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.
 - 4) Mercantile Group-- includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

Sec. 19-28. DEFINITIONS

Unless specifically defined herein, the terms used in this article have the meanings commonly ascribed to them in the field of air pollution control, unless the context provides otherwise.

Idle shall mean the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or manufacture for when the accelerator is fully released and there is no load on the engine.

Motor vehicle shall mean any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002.

Primary propulsion engine shall mean a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

Sec. 19-29. EXEMPTIONS

a) The provisions of this ordinance (relating to Control Requirements for Motor Vehicle Idling) does not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 8,500 pounds or less;
- (2) a motor vehicle that has a gross vehicle weight rating greater than 8,500 pounds and that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling;
- (3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation or airport ground support and/or maintenance or diagnostic purposes,
- (5) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety during extreme weather conditions in

vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;

(6) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance; a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle; or as an armored vehicle when the driver is present;

(7) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

Sec. 19-30. ENFORCEMENT

a) An offense under this title shall be punishable by a fine not to exceed [*amount determined by Council*].



CITY OF EVERMAN

212 North Race Street Everman, TX 76140

STAFF REPORT

AGENDA TITLE: Discussion related Pittman Park, Memorial Park, Johnson Park, Mobile Food Truck Park, Maintenance and Police Department Facility Parking Lots and bids received for potential improvements

MEETING DATE: 05/03/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No recommendation at this time

BACKGROUND INFORMATION:

Commissioner Brooks and Tarrant County Precinct 1 graciously offered to perform parking lot improvements in several city lots. TxDOT donated recycled asphalt materials for these improvements. The work is now complete and this has provided significant improvement over the previous condition of each of these parking lots. City Council has expressed concern related to the durability and long-term life of the recycled asphalt material.

City Staff performed research related to potential options for further improvement to these parking lots. Cost estimate for an Asphalt Reconstruction of Pittman Park Parking lot came in at over \$100,000. "Chip Seal" provides a costs effective alternative to complete reconstruction or asphalt overlay. Proper Chip Seal jobs provide for long-term durability and will provide a hardened top surface similar to asphalt that can be striped for parking.

Staff requested bids from multiple potential vendors. We received bids from CD's Paving and Elite Asphalt. The bids are attached with this report for the consideration of council. It is important to understand that these bids vary greatly in price, however the process and end product are also different. The City Manager will discuss these differences with council so that you may make an informed decision.

Consideration for parking lot improvements should be made dependent upon many factors including amount of daily traffic, location, and use. The order of which parking lots experience the most traffic is being provided below:

- 1) Pittman Park
- 2) Maintenance & PD Facility Lot
- 3) Memorial Park
- 4) Johnson Park

5) Mobile Food Truck Park

It is also important to note that public parking facilities are not eligible uses of Street Improvement Tax Funds. Any improvements made will need to be covered by General Funds.

FISCAL IMPACT:

\$30,000 - \$45,000 for Pittman Park

Other parking lots will vary

Craig Spencer

From: Gilbert Ramirez
Sent: Monday, April 25, 2022 2:30 PM
To: Craig Spencer
Subject: Fwd: CD PAVING & SEAL COATING

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Cd Paving <cdpaving@rocketmail.com>
Sent: Friday, April 22, 2022 8:00:03 PM
To: Jeff Reed <jreed@evermantx.net>; Gilbert Ramirez <gramirez@evermantx.net>
Subject: CD PAVING & SEAL COATING

Everything will go on a formal contract as soon as the city decides what option to go with. Here are 4 option, three individual and all three on one bid, we are making a better deal at \$5,000 off if we do all three areas at the same time. The job includes preparing the ground by some minor grade and clean up work, cutting out grass and weeds and spraying herbicide on the vegetated areas. Then wet the asphalt millings and roll to a hard, smooth compaction with steel drum rollers. Then we will spray a Heavy Layer of Hot CRS2 Tar and spread 3/8" pea gravel. Then roll to compaction with rubber wheel and steel drum rollers. Everything goes on contract first, we require a third down payment to start job and then rest on completion of job. There will also be a 6 month warranty on job. Please watch our YouTube video showing how we would Chip Seal a parking lot like this <https://youtu.be/tiJlYggVbe8>. Or check out this video <https://youtu.be/OBT05c9q3ac> or this <https://youtu.be/AwB5RqwdhzE>. Watch this video to see what our Chip Seal looks like after a year <https://youtu.be/Rmpq2i2D10c>. Also check in to a company's BBB report <https://www.bbb.org/us/tx/fort-worth/profile/paving-contractors/cd-paving-seal-coating-0825-235968819>.

p: 752.2 ft
a: 30,790 sq ft

\$30,000

p: 0.2 mi

a: 55,172 sq ft

WICHITA ST

\$55,000

N HANSBARGER ST

p: 674.4 ft

a: 8,570 sq ft

\$9,000







New Chip Seal Parking Lot

City Of Everman

Craig Spencer

Project:

Clyde Pittman Park Parking Lot

301 N Race St
Everman, TX 76140



Keith Murrell
Estimator

Service Provider Information

Company Info



Elite Asphalt LLC
5080 Ben Day Murrin Rd
Ft Worth, TEXAS 76126

P: 817-451-0011
F: 817-887-4448
<https://eliteasphalt.net/>

Contact Person

Keith Murrell
Estimator
keith@eliteasphalt.net
Cell: 817-201-1703
Office 817-451-0011

About Us

We Are A Full Service Paving Contractor

Elite Asphalt LLC, we are a commercial paving contractor who specialize in meeting your business's paving construction, repair, and maintenance needs.

We are happy to help with government, commercial, and residential asphalt paving. We are Fort Worth and beyond's, choice for top-quality asphalt repair and installation! Our asphalt and concrete paving company is your choice for paving, stabilizing, grading, repairs, sealing, and so much more.

Chip Sealing

1. Prior to chip sealing, water and compact existing RAP to provide more stable sub base for chip seal.
2. After compacting RAP, apply heavy prime coat to RAP surface to prepare prior to chip seal application.
3. We will apply chipseal surfacing to 29,075 square feet.
4. Apply a 2 course Chip Seal using CRS2P Asphalt at a residual rate of 0.40 GAL/SY and GR 4 Limestone Aggregate at 110 LBS/SY.
5. We will roll and set stone aggregate into the asphalt oil and sweep away excessive aggregate.

Total Price: \$45,065.00

Sales Tax

1. Sales tax to be excluded from proposal total upon receipt of proper documents.

Total Price: \$0.00

Exclusions

1. Customer is to provide on-site water for construction activities.
2. This proposal does not include any testing, engineering, surveying, permits, or bonds. These items can be added at cost plus 10% upon written authorization.

Total Price: \$0.00

Map: Site Map



Notes:

Price Breakdown: Clyde Pittman Park Parking Lot

Section 9, Item C.

Please find the following breakdown of all services we have provided in this proposal.

This proposal originated on April 25, 2022. **Job Number:** 700

Item	Description	Cost
1.	Chip Sealing	\$45,065.00
2.	Exclusions	\$0.00
Subtotal:		\$45,065.00
Tax:		\$0.00
Total:		\$45,065.00

Authorization to Proceed & Contract

You are hereby authorized to proceed with the work as identified in this contract. By signing and returning this contract, you are authorized to proceed with the work as stated.

We understand that if any additional work is required different than stated in the this proposal/contract it must be in a new contract or added to this contract.

Please see all attachments for special conditions that may pertain to aspects of this project.

Acceptance

We agree to pay the total sum or balance in full 10 days after the completion of work.

I am authorized to approve and sign this project as described in this proposal as well as identified below with our payment terms and options.

Date: _____

Craig Spencer
City Of Everman
301 N Race St
Everman, TX 76140
cspencer@evermantx.net
C: 817-203-3239

Keith Murrell | Estimator
Elite Asphalt LLC
5080 Ben Day Murrin Rd
Ft Worth, TEXAS 76126
E: keith@eliteasphalt.net
C: 817-201-1703
P: 817-451-0011
F: 817-887-4448
<https://eliteasphalt.net/>

Attachments

Please click any of the links below to view and print all documents.

Company Attachments

[COI 2021 - 2022](#)

[Elite References 2021](#)

[Job Information Sheet](#)