



JOINT MEETING - BUILDING & STANDARDS COMMISSION AND THE EVERMAN CITY COUNCIL

Tuesday, April 16, 2024 at 6:00 PM
213 North Race Street Everman, TX 76140

AGENDA

1. CITY COUNCIL MEETING CALLED TO ORDER
2. BUILDING & STANDARDS COMMISSION MEETING CALLED TO ORDER
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL MEETING RECESSED
6. PRESENTATIONS
 - A. Proclamation - National Telecommunicators Week
 - B. Proclamation - Administrative Professional's Day
7. PUBLIC HEARING, DELIBERATION, AND DETERMINATION ON CASES
 - A. Case # 1394, Public Hearing

Public hearing to receive sworn testimony and citizen's comments concerning whether the following structures complies with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII .

(1) The Paradise Apartments, 929 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

(2) The Paradise Apartments, 928 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

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(5) The Paradise Apartments, 900 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

After hearing testimony, the Building Standards Commission will discuss and consider action on whether the building(s) the subject of the public hearing comply with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII, (the "Code").

Should the building(s) be found in violation of the standards set forth in the Code, the Building Standards Commission will take any action, which may include an order that the building(s) be demolished by the owner, mortgagee, lien holder, or other person with an interest in the property within thirty (30) days from the date of the order. The owner of record is Paradise Apartments, LLC, CEO Hermann Vorhand, 14 Bourbon Court Lakewood, NJ 08701-3784.

8. ADJOURNMENT OF THE BUILDING AND STANDARDS COMMISSION MEETING

9. THE EVERMAN CITY COUNCIL MEETING IS RECONVENED

10. CONSENT AGENDA

A. Minutes

March 5, 2024 Regular Meeting Minutes

March 19, 2024 Joint Meeting with Building & Standards Commission and The Everman City Council

B. Financials

March 2024

11. CITIZEN'S COMMENTS

12. DISCUSSION ITEMS

- A.** Discussion related to the potential proposal for amending operational hours of certain city departments within the city and how such amendments may affect city services and operations.

13. CONSIDERATION AND POSSIBLE ACTION

- A.** Consideration of nominations and appointments to the Animal Shelter Advisory Committee

- B.** RESOLUTION # 2024-04-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT ESTABLISHING EVERMAN CODE ENFORCEMENT JURISDICTION FOR ANIMAL CONTROL AND WELFARE LAWS IN THE CITY OF FOREST HILL; AND PROVIDING AN EFFECTIVE

- C.** RESOLUTION # 2024-04-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN AMENDMENT TO THE CITY'S PERSONNEL MANUAL AT SECTION 9.01(e) REGARDING APPEAL PROCEDURE FOR EMPLOYEES APPOINTED BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE

14. EXECUTIVE SESSION

15. CITY MANAGERS REPORT

16. MAYOR'S REPORT

17. 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 April 12, 2024.

/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 Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

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.

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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.

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, March 05, 2024 at 6:00 PM
213 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor called meeting to order at 6:00pm.

PRESENT

- Place 1 Linda Sanders
- Place 2 Carolyn Renfro
- Place 3 Johnnie Allen
- Place 4; Mayor Pro-Tem Susan Mackey
- Place 6 Miriam Davila
- Mayor Ray Richardson

ABSENT

- Place 5 Judy Sellers

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

- A. Presentation, Discussion, and Review of the Chambers Creek Flood Assessment and Master Drainage Study - Teague, Nall, & Perkins, Inc.

Mandy, Andrew and Sawyer with Teague, Nall, & Perkins came before council to present the Flood Study that they have been working on. They had a Power Point that they shared with the council and citizens that are present on the findings of the Chambers Creek Flood Study. This Presentation will be available on the website. Craig stated that this presentation can be printed as well and be picked up at City Hall. Final Report once done will be on website also.

5. CITIZEN'S COMMENTS

We had no citizens comments.

6. DISCUSSION ITEMS

- A. Staff Report - S&P Global Rating Update

Craig stated to council that he sent council an email highlighting the change in the Star letter changing our rating to a positive outlook from a negative outlook and that is a great turn around. This is our Bond Rating for the City. This is on the agenda for any questions. There were no questions from council at this time.

B. Staff Report - City-wide Cleanup Event

Craig stated that there was a great turnout at this event. A large group from the athletic department from the school and supported and did a phenomenal job at cleaning up a bunch of trash. This will happen again in November. Johnnie Allen asked if this could go in the water bill for a reminder as well. This will go into the water bill. Miriam asked if Peach Jar could be a possible avenue and Craig agreed to look into that.

7. CONSIDERATION AND POSSIBLE ACTION

- A. ORDINANCE NO. 810 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS, CHAPTER 10 "HEALTH, SAFETY AND NUISANCES", ARTICLE V "NOISE", BY AMENDING SECTIONS 10-91 AND 10-92; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Mayor Richardson
Voting Nay: Place 6 Davila

Motion Carried

- B. ORDINANCE NO. 811 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, CANCELLING THE GENERAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2024, FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS FOR PLACES 2, 4, 6 AND MAYOR ON THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS; DECLARING THAT EACH UNOPPOSED CANDIDATE TO BE ELECTED TO OFFICE; REQUIRING POSTING OF THIS ORDINANCE ON ELECTION DAY AT EACH POLLING PLACE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried

- C. RESOLUTION # 2024-03-01 - A RESOLUTION AUTHORIZING MEMBERSHIP IN THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 6 Davila, Mayor Richardson

Motion Carried

8. CITY MANAGERS REPORT

City Manager Craig Spencer had nothing to report.

9. MAYOR’S REPORT

Mayor had nothing to report.

10. ADJOURN

Mayor adjourned the meeting at 7:17pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday March 1, 2024.

/s/ Mindi Parks
City Secretary

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JOINT MEETING - BUILDING & STANDARDS COMMISSION AND THE EVERMAN CITY COUNCIL

Tuesday, March 19, 2024 at 6:00 PM

213 North Race Street Everman, TX 76140

MINUTES

1. CITY COUNCIL MEETING IS CALLED TO ORDER

Mayor called meeting to order at 6:00pm.

2. BUILDING & STANDARDS COMMISSION MEETING IS CALLED TO ORDER

Mayor called Building & Standards Commission Meeting at 6:00pm.

PRESENT

- Place 1 Linda Sanders
- Place 2 Carolyn Renfro
- Place 3 Johnnie Allen
- Place 4; Mayor Pro-Tem Susan Mackey
- Place 5 Judy Sellers
- Place 6 Miriam Davila
- Mayor Ray Richardson

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL MEETING IS RECESSED

Mayor recessed the Council meeting at 6:01pm.

6. PUBLIC HEARING, DELIBERATION, AND DETERMINATION ON CASES

Public Hearing opened up at 6:01pm.

- A. Case # 1394, Public Hearing

Public hearing to receive sworn testimony and citizen’s comments concerning whether the following structures complies with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII .

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After hearing testimony, the Building Standards Commission will discuss and consider action on whether the building(s) the subject of the public hearing comply with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII, (the "Code").

Should the building(s) be found in violation of the standards set forth in the Code, the Building Standards Commission will take any action, which may include an order that the building(s) be demolished by the owner, mortgagee, lien holder, or other person with an interest in the property within thirty (30) days from the date of the order. The owner of record is Paradise Apartments, LLC, CEO Hermann Vorhand, 14 Bourbon Court Lakewood, NJ 08701-3784.

City Manager, Craig Spencer announced at this time that Kartik Singapura, attorney for Saul Moskowiec that was present is asking for a continuance for time. At this time Mr. Singapura approached council and is requesting time so that they can come back with a corrective plan.

Mayor closed Public Hearing at 6:12pm.

No Public Comments were made.

The Board is all in Favor to giving this continuance for Owner of Paradise Apartments Saul Moskowiec.

7. ADJOURNMENT OF THE BUILDING AND STANDARDS COMMISSION

Mayor adjourned the Building and Standards Commission meeting to order at 6:12pm.

8. THE EVERMAN CITY COUNCIL MEETING IS RECONVENED

Mayor reconvened the Regular Council meeting at 6:12pm.

9. CONSENT AGENDA

A. Minutes

February 6, 2024

February 20, 2024

Council woman Sanders requested to put this on Consideration and Action for a question and clarification on something. Sanders wanted clarification on if she was counted absent or present due to her vote being abstained. City Secretary Mindi Parks Clarified the questioned and she was counted Present for that meeting in question.

Motion made by Place 5 Sellers, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

B. Financial Report

February 2024

Council Woman Johnnie Allen wanted to move the Financials to Consideration and Action for discussion. Johnnie stated that the Check Register that is given to the council shows the money that was paid out but not what it was for. Johnnie Allen asked if she could be told or shown what these items are. Craig explained that it would tell you what Budget Code that it was hitting. He also stated that if council had any questions that he would be more than happy to answer them. Craig stated that the city staff is very transparent and will research anything for her or the council. Johnnie also asked which document shows what we collect for the Civic Center. Susanne, Finance Director stated that It is in License, Permits, and Fees for services, but she could also provide a report for just the Civic Center for her. Johnnie also wanted to know where she would find the amount that has been paid back for the loan for the Civic Center. Susanne stated that it would be found in the EDC line item because it is paid out of the EDC Budget. This is paid annually. Johnnie actually wanted to know what has been paid back to EDC for the Civic Center Tax Notes. Susanne stated that will be in the Audit Financial Report that will be presented in a couple of weeks.

Motion made by Place 5 Sellers, Seconded by Place 6 Davila.
Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

10. CITIZEN'S COMMENTS

No Citizens had comments.

11. DISCUSSION ITEMS

- A. Presentation and discussion by the City Attorney's office related to potential implementation of a Stormwater Impact Fee.

Moved to the next meeting.

- B. Staff Report - Total Eclipse Watch Party | April 8th

April 8th, 11am-3pm. There will be food trucks and music and activities geared towards adults. School is still in session and this is for the adults. Wants Council to come out if they can make it.

- C. Staff Report - Celebrate America Festival | June 29th

Saturday, June 29th. Time is to be determined to set a good time for vendors and citizens for that. Looking at 10am for the Market Place Vendors and still having the kick off at 6pm. This will be announced. This will be formally

12. CONSIDERATION AND POSSIBLE ACTION

- A. ORDINANCE NO. 812 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, RENUMBERING, READOPTING, AND RATIFYING AN ORDINANCE PREVIOUSLY ADOPTED AS ORDINANCE 782 ON AUGUST 2, 2022, SAID ORDINANCE TO BE RENUMBERED AS ORDINANCE NUMBER 812; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders. Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

- B. ORDINANCE NO. 813 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, RENUMBERING, READOPTING, AND RATIFYING AN ORDINANCE PREVIOUSLY ADOPTED AS ORDINANCE 783 ON AUGUST 9, 2022, SAID ORDINANCE TO BE RENUMBERED AS ORDINANCE NUMBER 813; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 5 Sellers. Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

- C. Resolution # 2024-03-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH TARRANT COUNTY, TEXAS FOR OVERLAY AND RECONSTRUCTION OF RACE STREET; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey with the following amendments, changing the reconstruction of Race Street from Enon Avenue to Neil Avenue and changing to overlay of Race Street from Neil Avenue to Shelby Road Seconded by Place 5 Sellers. Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

13. EXECUTIVE SESSION

- A. The City Council will convene into closed, executive session in accordance with Texas Government Code section 551.071(2) – Consultation with City Attorney, to seek legal advice regarding development negotiations with international franchise restaurant and potential revisions to Code of Ordinances related thereto.

Mayor convened into Executive Session at 6:33pm.

Mayor reconvened from Executive Session at 6:54pm.

No Action Taken

14. CITY MANAGERS REPORT

Craig just stated that Susanne is still dealing with the Audit and getting to the finish of it.

15. MAYOR’S REPORT

Mayor had nothing to report.

16. ADJOURN CITY COUNCIL MEETING

Mayor adjourned the meeting at 6:56pm.

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/s/ Mindi Parks
City Secretary

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ORDINANCE NO. 808

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS BY AMENDING CHAPTER 3, “ANIMALS AND ANIMAL CONTROL REGULATIONS” TO ADD A NEW ARTICLE X “ANIMAL SHELTER ADVISORY COMMITTEE” ESTABLISHING THE ANIMAL SHELTER ADVISORY COMMITTEE; ESTABLISHING TERMS AND RESPONSIBILITIES OF THE COMMITTEE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Code of Ordinances of the City of Everman, Texas, be, and the same is hereby amended by amending Chapter 3, “Animals and Animal Control Regulations” to add a new Article X “Animal Shelter Advisory Committee” to read as follows:

“ARTICLE X. ANIMAL SHELTER ADVISORY COMMISSION

Sec. 3-213. Creation.

An animal shelter advisory commission is hereby created to assist the city and its health department in communicating awareness to the citizens of Everman and to the citizens of Forest Hill, as a neighboring city served by Everman’s Animal Control Services, regarding the services, procedures, and compliance with state regulations concerning the operation of animal shelters. The commission shall be advisory in nature and shall not have any responsibility or authority over any Committee, commission, public official or employee of the city.

Sec. 3-214. Composition.

The animal shelter advisory commission shall consist of seven (7) members appointed by the city council consisting of one (1) licensed veterinarian; one (1) City of Everman municipal official; one (1) City of Forest Hill municipal official; one (1) person whose duties include the daily operation of an animal shelter; one (1) representative from an animal welfare organization, one (1) citizen who is a resident of the City of Everman and one (1) citizen who is a resident of the City of Forest Hill. The City of Forest Hill municipal officer and citizen of the City of Forest Hill commission members shall be nominated by the City Council of the City of Forest Hill. If, at any time, the City of Everman ceases to provide animal control services to the City of Forest Hill, the

membership of the City of Forest Hill municipal official and City of Forest Hill resident on the Animal Shelter Advisory Commission shall terminate immediately without further action by the City Council.

Sec. 3-215. Terms.

The members shall be appointed by the city council for a term of two years and shall serve until their successor is appointed. To provide for staggered terms of office, the licensed veterinarian, the two municipal officials, and the person whose duties include the daily operation of an animal shelter shall be appointed for two (2) year terms and the representative from an animal welfare organization and the two citizens who are resident of Everman and Forest Hill shall be initially appointed for one (1) year terms. All subsequent appointments shall be for terms of two (2) years. The city council shall appoint the chairperson and a vice chairperson. The members of the animal shelter advisory commission may be removed at any time by the city council with or without cause.

Sec. 3-216. Meetings; quorum.

The animal shelter advisory commission shall meet at least three (3) times per year. Meetings shall be called as needed by the chairperson or vice chairperson of the commission. A simple majority of the commission shall constitute a quorum. A vote of the simple majority of the quorum shall be required for any action taken by the commission.

Sec. 3-217. Responsibilities.

The commission shall assist the Animal Services Department of the City in complying with requirements of Texas Health and Safety Code Chapter 823 and other applicable state and local laws by submitting recommendations to the Animal Services Department. The commission shall perform such other duties as the city council may prescribe by resolution or ordinance.”

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal or invalid.

SECTION 3. All provisions of the ordinances of the City of Everman in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Everman not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect immediately from and after its passage, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Everman, Texas, on the _____ day of _____, 2024.

APPROVED:

RAY RICHADSON, MAYOR

ATTEST:

MINDI PARKS, CITY SECRETARY

APPROVED AS TO FORM:

LAN'TIQUA BURKS, ASST. CITY ATTORNEY
4882-8727-7983, v. 1

**CITY OF EVERMAN, TEXAS
RESOLUTION NO. 2024-04-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS,
APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION
AGREEMENT ESTABLISHING EVERMAN CODE ENFORCEMENT JURISDICTION
FOR ANIMAL CONTROL AND WELFARE LAWS IN THE CITY OF FOREST HILL; AND
PROVIDING AN EFFECTIVE**

WHEREAS, Chapter 791 of the Texas Government Code ("Interlocal Cooperation Act"), authorizes local government entities to enter into interlocal contracts for governmental purposes; and

WHEREAS, Everman is currently providing animal control and shelter services for the City of Forest Hill pursuant to an Interlocal Agreement between the two cities; and

WHEREAS, as a corollary to that Interlocal Agreement, Forest Hill has requested that Everman accept jurisdiction to enforce State of Texas and City of Forest Hill animal control and animal welfare laws within the jurisdictional limits of the City of Forest Hill; and

WHEREAS, City Administration recommend approval of Forest Hill's request; and

WHEREAS, the City Council of the City of Everman finds it to be in the public interest to enter said agreement with the City of Forest Hill;

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

SECTION 1. The City Council hereby approves, and the City Manager is hereby authorized to sign on behalf of the City the Interlocal Cooperation Agreement Establishing Everman Code Enforcement Jurisdiction for Animal Control and Welfare laws in the City of Forest Hill, in substantially the form of that attached hereto and incorporated herein by this reference as Exhibit "A."

SECTION 2. The City Manager is further authorized to take any and all steps necessary to ensure that Everman personnel are vested with appropriate authority to perform the duties set forth in the Interlocal Agreement attached hereto as Exhibit "A."

SECTION 3. This resolution shall become effective immediately upon its approval.

PASSED AND APPROVED this the _____ day of April, 2024.

City of Everman, Texas

Ray Richardson, Mayor

Attest:

Mindi Parks, City Secretary

Approved as to Form:

Lan'Tiqua Burks, Asst. City Attorney
4861-8003-9348, v. 1

EXHIBIT A
Interlocal Cooperation Agreement Establishing Everman Code Enforcement
Jurisdiction for Animal Control and Welfare Laws in the City of Forest Hill
[to be attached]

4861-8003-9348, v. 1

STATE OF TEXAS § INTERLOCAL COOPERATION AGREEMENT
COUNTY OF TARRANT § ESTABLISHING EVERMAN CODE ENFORCEMENT
§ JURISDICTION FOR ANIMAL CONTROL AND WELFARE LAWS IN THE CITY OF FOREST HILL

This **Interlocal Cooperation Agreement Establishing Everman’s Code Enforcement Jurisdiction for Animal Control and Welfare Laws in the City of Forest Hill** (“Agreement”) is made and entered into by the City of Everman, Texas (“Everman”), a home rule municipality of the State of Texas, and the City of Forest Hill, Texas (“Forest Hill”), a home rule municipality of the State of Texas acting by and through their respective duly appointed and authorized representatives. Everman and Forest Hill may each be referred to herein as “Party” and collectively as “Parties.

WHEREAS, Section 791 of the Texas Government Code provides that governmental entities of the State may contract with each other to provide governmental functions and services to protect public health; and

WHEREAS, Everman has territorial jurisdiction over territory that is contiguous to the jurisdictional limits of Forest Hill, and Forest Hill has territorial jurisdiction over territory that is contiguous to the jurisdictional limits of Everman; and

WHEREAS, pursuant to an Interlocal Agreement for Rabies Control and Shared Use of Everman Animal Shelter, Everman Code Enforcement officers currently provide animal control and welfare services within the jurisdictional limits of Forest Hill; and

WHEREAS, as a corollary thereto, Everman and Forest Hill desire to provide Everman’s Code Enforcement and Animal Control personnel with jurisdiction for enforcement of all animal control and welfare laws within the jurisdictional limits of the City of Forest Hill;

NOW, THEREFORE, in consideration of the mutual promises and consideration provided for herein, the receipt and sufficiency of which are hereby confirmed, Forest Hill and Everman hereby agree to the following:

1. TERRITORY

The Territory that constitutes the subject of this Agreement with regard to the City of Everman’s jurisdiction within the corporate boundaries of the City of Forest Hill is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes (“Territory A”).

2. SERVICES

2.1 Of and from the Effective Date of this Agreement, City of Everman Code

Enforcement officers and Everman Animal Control officers shall have and assume jurisdiction within Territory A for the purposes of investigating and enforcing state and local animal control and animal welfare laws including, but not necessarily limited to appropriate City of Forest Hill and/or State animal-related rules and laws relating to rabies control, animal registration, dangerous animals, impoundment, stray animals, animal bites, quarantine, animal cruelty, forfeiture or seizure, and the euthanasia of animals as necessary.

- 2.2 Forest Hill and Everman agree that adoption or approval of this Agreement, by appropriate resolution, by the City Council of the City of Forest Hill will give Everman Code Enforcement Officers and Everman Animal Control Officers the authority to issue citations for violations of any State of Texas and/or City of Forest Hill municipal animal laws and regulations.

- 2.3 The City of Forest Hill will be responsible for making arrangements with the City of Everman to provide a copy of any City of Forest Hill municipal animal laws and regulations City of Forest Hill municipal citation books.

- 2.4 The City of Everman agrees that any citations issued for the violation of a Texas state or City of Forest Hill municipal animal law or regulation within Territory A will be filed with the City of Forest Hill Municipal Court. It is agreed that the appropriate personnel from the City of Everman will be administratively directed to be present at such times as court sessions are set and cases involving said citations are on the court's docket, without the necessity for the issuance of a subpoena. The City of Forest Hill Municipal Court will provide reasonable notice of any case settings to the City of Everman Code Enforcement and Animal Control Departments.

3. TERM

This Agreement shall take effect on the date first signed by both Parties and shall terminate on September 30, 2024. The Agreement will renew each year automatically, for successive one (1) year renewal terms, with the first such automatic renewal to occur on October 1, 2024, unless sooner terminated.

4. TERMINATION

Either Party may terminate this Agreement upon thirty (30) days' written notice to the other, provided, however, that termination shall not apply to any case

pending on the effective date of termination.

5. INDEPENDENT CONTRACTOR

The Parties agree that this Agreement is not a joint enterprise, and neither is a contractor, independent or otherwise, partner, or agent of the other.

6. FUNDING

Either Party paying for the performance of governmental functions or services under this Agreement will make those payments from current revenues available to the paying Party. This Agreement does not require an expenditure of City of Everman; however, the Parties agree that the Party paying for the performance of governmental functions or services under this Agreement has been fairly compensated.

7. RIGHT TO AUDIT

Each Party agrees that the other Party shall, until the expiration of three years after final payment under or the expiration of this Agreement (whichever is later), or the final conclusion of any audit commenced during the said three years, have access to and the right to examine at reasonable times any directly pertinent books, documents, papers and records of the other Party involving transactions relating to this Agreement at no additional cost to the inspecting Party. The Parties further agree that each Party shall have reasonable access during normal working hours to all necessary facilities of the other Party and that each Party shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. The Party desiring to conduct an audit shall give the other Party reasonable advance notice of intended audits. Forest Hill and Everman acknowledge and agree that such access under this section is subject to the limitations and requirements of the Texas Public Information Act.

8. NOTICES

Notices required pursuant to the provisions of this Agreement shall be conclusively determined to have been delivered when (1) hand-delivered to the other Party, c/o the designated person listed below; or (2) received by the other Party by United States Mail, registered, return receipt requested, addressed as follows:

City of Forest Hill
ATTN: City Manager
3219 E. California Pkwy
Forest Hill, Texas 761119

City of Everman
ATTN: City Manager
212 N Race Street
Everman, Texas 76140

9. LIABILITY

Each Party shall be liable for any and all costs, claims, liens, damages, causes of action, liability, and suits of any kind and nature arising out of, resulting from, or related to the acts or omissions of such Party's agents, officers, directors, representatives, employees, consultants, or subcontractors. In the event the Parties are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of the State of Texas, subject to section 10 of this Agreement.

10. GOVERNMENTAL POWERS/IMMUNITIES

It is understood and agreed that by execution of this Agreement, neither the City of Forest Hill nor the City of Everman nor the officers or employees thereof waives or surrenders any of their governmental powers or immunities.

11. NOTICE OF CLAIM

Each Party shall promptly advise the other Party in writing of any claim or demand against either Party known to the advising Party and related to or arising out of action or omissions under this Agreement.

12. NO WAIVER

The failure of Forest Hill or Everman to insist upon the performance of any term or provision of this Agreement or to exercise any right granted herein shall not constitute a waiver of Forest Hill's or Everman's respective right to insist upon appropriate performance or to assert any such right on any future occasion.

13. GOVERNING LAW/VENUE

This Agreement shall be construed in accordance with the laws of the State of Texas. If any action, whether real or asserted, at law or in equity, is brought pursuant to this Agreement, venue for such action shall lie in state district courts located in Tarrant County, Texas .

14. SEVERABILITY

If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. FORCE MAJEURE

Forest Hill and Everman shall exercise their best efforts to meet their respective duties and obligations as set forth in this Agreement, but shall not be held liable for any delay or omission in performance due to force majeure or other causes beyond their reasonable control, including, but not limited to, compliance with any government law, ordinance or regulation, acts of God, acts of the public enemy, fires, strikes, lockouts, natural disasters, wars, riots, material or labor restrictions by any governmental authority, transportation problems and/or any other similar causes.

16. ASSIGNMENT

This Agreement is not assignable by either Party.

17. HEADINGS NOT CONTROLLING

Headings and titles used in this Agreement are for reference purposes only, shall not be deemed a part of this Agreement, and are not intended to define or limit the scope of any provision of this Agreement.

18. SEVERABILITY

If any provision of this Agreement is held invalid or unenforceable under federal, state, or local law, it is the intention of the Parties that any unenforceability shall not affect any other provision of this Agreement and that the remainder of this Agreement shall be construed as if such invalid or unenforceable provision was never included.

19. APPROVAL OF AGREEMENT

The governing bodies of Forest Hill and Everman have approved the execution of this Agreement, and the persons signing the Agreement have been duly authorized by the governing bodies of Forest Hill and Everman to sign this Agreement on behalf of the governing bodies.

20. AMENDMENTS

No amendment of this Agreement shall be binding upon a Party hereto unless such amendment is set forth in a written instrument, which is executed by an authorized representative of each Party.

21. ENTIRETY OF AGREEMENT

This Agreement, including Exhibit A, contains the entire understanding and

agreement between Forest Hill and Everman, their assigns, and successors in interest as to the matters contained herein. Any prior or contemporaneous oral or written agreement is hereby declared null and void to the extent it conflicts with any provision of this Agreement.

22. COUNTERPARTS

This Agreement may be executed in one or more counterparts, and each counterpart shall, for all purposes, be deemed an original, but all such counterparts shall together constitute one and the same instrument.

(Signature Pages to Follow)

City of Everman Signature Page

SIGNED AND AGREED this ____ day of _____, 2024.

CITY OF EVERMAN

By:

Craig Spencer, City Manager

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Lan'Tiqua Burks, Asst. City Attorney

City of Forest Hill Signature Page

SIGNED AND AGREED this ____ day of _____, 2024.

CITY OF FOREST HILL

By:

Venus M. Wehle, City Manager

ATTEST:

Amy L. Anderson, City Secretary

APPROVED AS TO FORM:

Autumn Keefer, Asst. City Attorney

EXHIBIT A
(Territory A – Boundaries of Everman’s Animal Law Enforcement Jurisdiction within Forest Hill)

4878-8161-4516, v. 1

**CITY OF EVERMAN, TEXAS
RESOLUTION NO. 2024-04-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS,
APPROVING AN AMENDMENT TO THE CITY’S PERSONNEL MANUAL AT SECTION
9.01(e) REGARDING APPEAL PROCEDURE FOR EMPLOYEES APPOINTED BY THE
CITY MANAGER; AND PROVIDING AN EFFECTIVE**

WHEREAS, the City has established and has put into effect a City Personnel Manual dated February, 2022 governing employment with the City of Everman; and

WHEREAS, pursuant to section 1.05 of that Personnel Manual, the Personnel Manual may be amended from time to time by action of the city Council; and

WHEREAS, City staff has recommended that section 9.01(e) should be amended to provide, for employees reporting directly to the City Manager, a right of appeal to the Mayor of a disciplinary action of dismissal, demotion, or suspension; and

WHEREAS, the City Council of the City of Everman finds it to be in the best interest of the City and of service to the general welfare to approve the recommended amendment;

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

SECTION 1. The City of Everman Personnel Manual, dated February, 2022 is hereby amended at section 9.01(e) thereof to read in its entirety as follows:

“Article IX. DISCIPLINE, APPEAL, AND GRIEVANCE PROCEDURES.

Sec. 9.01. Discipline Procedures

...

(e) Procedure for employees reporting directly to the city manager. The procedure shall be the same as above, except that the appeal shall be to the Mayor. The decision of the Mayor is final.”

SECTION 2. Within seven (7) working days of adoption of this resolution, the Human Resources Director is directed to disseminate the amended policy, section 9.01(e) set forth herein, to all City employees by one or more of the following means: (1) prominent posting in all City departments, (2) email transmission, (3) distribution by department heads to all department employee, and/or (4) such other means as will apprise employees of the amendment.

SECTION 3. This resolution shall become effective immediately upon its approval.

PASSED AND APPROVED this the _____ day of April, 2024.

City of Everman, Texas

Ray Richardson, Mayor

Attest:

Mindi Parks, City Secretary

Approved as to Form:

Lan'Tiqua Burks, Asst. City Attorney
4875-7414-0596, v. 1