



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

AGENDA

1. CITY COUNCIL MEETING IS CALLED TO ORDER
2. BUILDING & STANDARDS COMMISSION MEETING IS CALLED TO ORDER
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL MEETING IS RECESSED
6. 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

(3) The Paradise Apartments, 917 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

(4) The Paradise Apartments, 901 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

(5) The Paradise Apartments, 900 Courty 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.

7. ADJOURNMENT OF THE BUILDING AND STANDARDS COMMISSION

8. THE EVERMAN CITY COUNCIL MEETING IS RECONVENED

9. CONSENT AGENDA

A. Minutes

February 6, 2024

February 20, 2024

B. Financial Report

February 2024

10. CITIZEN'S COMMENTS

11. DISCUSSION ITEMS

- A.** Presentation and discussion by the City Attorney's office related to potential implementation of a Stormwater Impact Fee.
- B.** Staff Report - Total Eclipse Watch Party | April 8th
- C.** Staff Report - Celebrate America Festival | June 29th

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.

- 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.
- 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.

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.

14. CITY MANAGERS REPORT

15. MAYOR’S REPORT

16. ADJOURN CITY COUNCIL MEETING

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 14, 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.

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.



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, February 06, 2024 at 6:30 PM
213 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor called meeting to order at 6:30pm.

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

- A. Everman Police Department Promotional, Swearing-In, and Badge Pinning Ceremony - Corporal Troy Schrader

Craig Spencer presented the Oath of Office to Troy Schrader.

- B. Introduction of new Assistant City Attorney - Lan'Tiqua Burks

Craig Spencer introduced the new City Attorney Lan'Tiqua Burks.

5. CITIZEN'S COMMENTS

We had none.

6. DISCUSSION ITEMS

- A. Notice by Waste Connections, Inc - Price adjustment based on Consumer Price Index (CPI) Solid Waste Contract Section 12.A.

This is already in contract and this is nothing new and this is just a notice of the six percent increase on the May billing for the trash service.

- B. Staff Report - Capital Improvement Plan

Craig stated at the Planning and Zoning Commissions they presented the old Capital Improvement Plan and held a Public Hearing to hear the citizens opinion on what projects in the city need to be put on the new Capital Improvement Plan. This will come before council at some point.

- C. Staff Report - South Race Street Infrastructure Improvement Project

This project is coming to completion. This project should be complete this week and the inspections should be done. Craig stated that Neil to Enon is also a complete rebuild for the road. Neil to Everman Parkway is going to be an overlay. This road construction will not start until the summer time when school is out.

7. CONSIDERATION AND POSSIBLE ACTION

- A. Consider and make necessary appointments or removals to the Senior Citizen Advisory Board

Motion made by Place 5 Sellers, Seconded by Place 4; Mayor Pro-Tem Mackey.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- B. ORDINANCE # 805 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS, CHAPTER 2 "ADMINISTRATION", ARTICLE II "COUNCIL", BY AMENDING SECTION 2-21 "MEETINGS", SUBSECTION (a); 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 5 Sellers.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- C. ORDINANCE # 806 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2024 IN THE CITY OF EVERMAN FOR THE PURPOSE OF ELECTING THE MAYOR, COUNCILMEMBER PLACE 2, COUNCILMEMBER PLACE 4, AND COUNCILMEMBER PLACE 6; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH TARRANT COUNTY ELECTIONS DEPARTMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made by Place 5 Sellers, Seconded by Place 4; Mayor Pro-Tem Mackey.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- D. ORDINANCE # 807 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS RENAMING THE EVERMAN ANIMAL CONTROL DIVISION AND EVERMAN ANIMAL SHELTER TO MUNICIPAL ANIMAL SERVICES AND ADOPTING A LOGO FOR THE SAME; PROVIDING FOR THE AUTHORIZED USE OF THE MUNICIPAL ANIMAL SERVICES LOGO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- E. ORDINANCE # 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.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 5 Sellers.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- F. RESOLUTION # 2024-02-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 6 Davila.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

- G. RESOLUTION # 2024-02-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR COMMUNICATIONS CENTER AND EMERGENCY DISPATCH SERVICES WITH THE CITY OF RENO, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 5 Sellers, Seconded by Place 4; Mayor Pro-Tem Mackey.

Voting Yea: Place 2 Renfro, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Voting Abstaining: Place 1 Sanders

Motion Carried.

8. CITY MANAGERS REPORT

Education Dinner invitation for dinner has been sent on email and it is fifty dollars per ticket for council if they want to attend. Also, staff is busy getting ready for the Financial Audit and the SNP rating.

9. MAYOR'S REPORT

Mayor and Craig met with Be an Angel Program. This is the program that could be giving us the swing for the park. Mayor will inform council when he finds out.

10. ADJOURN

Mayor adjourned the meeting at 7:09pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday February 2, 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.

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.



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, February 20, 2024 at 6:00 PM
213 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

PRESENT

Place 1 Linda Sanders
Place 2 Carolyn Renfro
Place 3 Johnnie Allen
Place 5 Judy Sellers
Place 6 Miriam Davila
Mayor Ray Richardson

ABSENT

Place 4; Mayor Pro-Tem Susan Mackey

Mayor called meeting at 6:00pm.

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. Minutes

January 16, 2024 City Council Regular Meeting Minutes

Motion made by Place 5 Sellers, Seconded by Place 6 Davila.

Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 5 Sellers, Place 6 Davila,
Mayor Richardson

Motion Carried.

B. Financials

January 2024

Motion made by Place 5 Sellers, Seconded by Place 6 Davila.

Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

5. PRESENTATIONS

A. Forest Hill Public Library District Presentation & Upcoming Events

Angela from the Forest Hill Public Library came to share some upcoming Events that will be held at the Library in Forest Hill for the rest of February up until April. Angela displayed a Slide Show of the different activities that they have to offer to our citizens as well as their own. Angela also stated that they have had a lot more traffic since coming together with Everman and she is excited to see the increase and changes that are coming up for all of their citizens and ours.

B. Presentation of the 2023 Racial Profiling Report

City Manager Craig Spencer stated that he provided the council with a copy of the 2023 Annual Racial Profiling Report. Craig stated that this is required and we contract with Del Carmen Consulting to perform our analysis of the Racial Profiling Data. This is required by the Sander Bland Act and they also require us to have certain policies and procedures as well. Craig explained the findings of this report to council and also explained how this data shows and how we are in compliance and follow the policy and procedures that are required. There is no action that needs to be done with this report.

6. CITIZEN'S COMMENTS

A. PUBLIC HEARING - Public Hearing to hear Citizen Comments on Proposed Budget Amendments to the Fiscal Year 2022-2023 Budget.

Open - 6:20pm

Craig presented and discussed the Proposed Budget Amendments to the Fiscal Year 2022-2023 Budget.

No Citizens Comments.

Closed - 6:31pm.

7. DISCUSSION ITEMS

A. Promotion of Physical Activity in the Community by use of City Facilities - Mayra Fuentes & Councilwoman Miriam Davila

Mayra Fuentes presented to council with the help of Councilwoman Miriam Davila with translation about wanting to use our facility or Parks to promote Zumba classes. She explained that Zumba is a type of dancing exercise that promotes physical health. She does not want to charge anyone and would like to host class in the evenings one to two days a week. The council and Mayor along with Craig the City Manager love this idea and need to consult as a team with some of our legal; professional on how the city can go about this and figure out the liability side of things on this.

B. Discussion related to the use of the Everman Public Library Building

Craig stated that the Library building is still just a storage and we have not yet had any ideas on what to do with the building. The Plans were to see at looking at the potential of working with the Boys and Girls Club and letting them use the facility and the city pay the utilities and do the up keep on building and when they did the presentation it would still cost the city around the ballpark of two hundred and sixteen thousand dollars. The City is in no position to fund that right now. Craig stated to council that the Police Department is outgrown and so is the Public Works Department. Craig would like to propose to council that he place Gilbert and his staff over there, which would require some building of walls and he is asking for \$5,000 for the construction of this and he would also bring two detectives from Police Department as well to the conference area. This would be administrative office space. This would leave the Civic Center for any possible Events that may need to happen. Craig stated that the one office would be built for Gilbert and his assistant Evelyn would be at the circulation desk that is on the left when you walk in. The two detectives would be in the conference room as well. All of council is in consensus for this and gave Craig the ok to move forward with this.

C. Discussion related to the Everman Code of Ordinances - Article V - "Noise" - Councilwoman Linda Sanders

Councilwoman Linda Sanders stated that she wanted to discuss the loud music and calls they get to those places. Linda stated that there are several areas in town including her area that get multiple calls for this. Linda stated that she knows they go out on the call and make them turn it down and they leave, then it goes back up or the next weekend it is another party and it is the same situation and your sitting in your house with the door and windows shut and you can hear the music clearly. Linda would like to know when it goes past just the warning? Craig explained that the procedure should be that they go out for this complaint, they contact owner and give them a verbal warning and if they get called back out then they can write a citation. Craig stated that also they officers would have to have a decibel meter in order to enforce that ordinance since it is in the ordinance to measure the sound when going out. It is all deciding if it is at an offensive level when called out. The officer also has discretion if it is not up at a offensive level. Craig asked if council wanted to remove the decibel out of the ordinance and council would like Craig to come to council with some recommendations on this and they will discuss it further then.

D. Staff Report - Civilian Response to Active Shooter Training (C.R.A.S.E.)

Craig stated that they have had six officers trained for Active Shooter Training. We have also hosted this training for the school district and one for the City last night Craig stated. We have had a lot of positive feed back from this also. This is a great class and we are going to have them here at the Civic Center 3 or 4 times a year.

E. Staff Report - Bi-Annual City Wide Cleanup Event

It is that time of year again, and Craig stated that the Bi-Annual City Wide Cleanup Event is coming and not only are we setting up for that but we are gearing up to provide and volunteers trash bags and encouraging them to go out in the streets of Everman and help clean it up. They can leave the trash bag on the side of the road for us to pick up or bring it to the park for disposal. March 2, from 8am - 1pm is this event. This is a great way to get the community together and beautify the city and keep it clean.

8. CONSIDERATION AND POSSIBLE ACTION

A. ORDINANCE # 809 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING ORDINANCE 784, TOTAL APPROPRIATIONS BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING A REPEALER CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Place 5 Sellers, Seconded by Place 1 Sanders.

Voting Yea: Place 1 Sanders, Place 2 Renfro, Place 3 Allen, Place 5 Sellers, Place 6 Davila,
Mayor Richardson

Motion Carried

9. CITY MANAGERS REPORT

Craig updated council on the 13 year-old girl that was missing. She was found and at home safe with her family. Also, the Audit is next week. Susanne has been working long and hard on this. Craig also stated that the Flood Study was suppose to be presented tonight but the engineer asked for a extension on this so hopefully that will get presented on the first council meeting in March. Also, Craig updated the council with Election information. All the candidates were unopposed, so we can cancel the election. Craig also informed council about the new city app. It has been launched and encourages them to use it and check it out.

10. MAYOR'S REPORT

Mayor just wanted to remind council to do the questionnaire that the auditors have sent out to them.

11. ADJOURN

Mayor adjourned the meeting at 7:23pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday February 16, 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.

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, TEXAS
RESOLUTION NO. 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.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the “Act”) authorizes political subdivisions to contract with each other to facilitate the governmental functions and services of said political subdivisions; and

WHEREAS, the City of Everman and Tarrant County are local governments with the authority to enter into interlocal agreements pursuant to the Act; and

WHEREAS, the City and Tarrant County have negotiated an interlocal cooperation agreement for the overlay and reconstruction of Race Street; and

WHEREAS, the City Council finds it to be in the public interest of the City to approve the interlocal cooperation agreement with the Tarrant County and to authorize the City Manager to execute said agreement;

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

SECTION 1. The City Council of the City of Everman hereby approves the interlocal cooperation agreement with Tarrant County for the overlay and reconstruction of Race Street, in substantially the form of that attached hereto and incorporated herein by this reference as Exhibit “A” and further authorizes the City Manager to execute said interlocal cooperation agreement on behalf of the City of Everman.

SECTION 2. This Resolution shall be effective immediately upon approval.

PASSED AND APPROVED this the 19th day of March, 2024.

APPROVED:

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Lan'Tiqua Burks, Asst. City Attorney
4895-9447-9532, v. 1

Exhibit A
Interlocal Cooperation Agreement with Tarrant County for Overlay
and Reconstruction of Race Street
[to be attached]

THE STATE OF TEXAS
COUNTY OF TARRANT
INTERLOCAL AGREEMENT
FOR
THE OVERLAY AND RECONSTRUCTION OF RACE STREET,
WITHIN THE CITY OF EVERMAN

This Agreement is between Tarrant County, Texas ("COUNTY") acting by and through its duly authorized County Commissioner Court, and the City of Everman, Texas ("CITY") acting through its duly authorized City Manager.

WHEREAS, the Interlocal Cooperation Act, (Texas Government Code Section 791.001 et seq.) provides legal authority for this Agreement; and

WHEREAS, the CITY is requesting the COUNTY's assistance with the reconstruction of Christopher Drive within the City of Everman:

- Overlay of Race Street from Enon Avenue to Neill Avenue being approximately 4,000 square yards, to apply two inches of type B and D asphalt
- Reconstruction of Race Street from Neill Avenue to Shelby Road being approximately 5,167 square yards, to apply two inches of type B and D asphalt

Collectively referred to as the "Project"; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, The Commissioners Court of the COUNTY and the Council of the CITY each make the following findings:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.

NOW, THEREFORE, the County and City agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

- 1.1 COUNTY will furnish the labor and equipment for the Project.
- 1.2 COUNTY will pay for a portion of the Project cost not to exceed the amount of one hundred and twenty-five thousand (\$125,000) dollars. Funding is available in 579061/26100-2024/6110300000.
- 1.3 Notwithstanding any other provision of this Agreement, the parties agree that the funds to be paid by the County are payable solely from appropriations allocated by the County for the current fiscal year 2024. In the event that such funding is not allocated beyond the current fiscal year 2024 or is determined to be insufficient for the Project, this Agreement shall immediately terminate without further obligation to the County upon notice that such appropriations no longer exist and are insufficient.

2. CITY RESPONSIBILITY

With respect to each part of the Project:

- 2.1 The CITY will furnish and pay for all materials, including trucking costs, for the Project.
- 2.2 The CITY will furnish all rights-of-way and plan specifications. The CITY will also furnish all engineering drawings, if necessary, which will include required drainage grades and American with Disabilities Act approved entrances, if required. The CITY will pay for drainage culverts, if needed, for any part of the Project.
- 2.3 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the Project; and
- 2.4 CITY will provide temporary driving lane markings.
- 2.5 CITY will provide a porta toilet.
- 2.6 CITY will ensure that the Project is cleared of obstructions which could damage COUNTY equipment during construction; and
- 2.7 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the Project.

- 2.8 CITY will furnish a site for dumping waste in close proximity to the job site for materials generated during this Project.
- 2.9 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design, development, implementation and maintenance of the Plan for the duration of each part of the Project. The COUNTY will inform the CITY if the Plan needs maintenance during construction.
- 3.0 The CITY is responsible for the scheduling and milling cost required for the PROJECT.

3. PROCEDURES DURING PROJECT

- 3.1 The COUNTY retains the right to inspect and reject all materials the CITY provides for the Project.
- 3.2 If the CITY has a complaint regarding the construction of any part of the Project, the CITY must complain in writing to the COUNTY no later than thirty (30) days from the date of completion of that particular portion of the Project. Upon expiration of thirty (30) days after completion of a particular portion of the Project, the CITY will be responsible for all maintenance and repairs of that street. The reference to a "portion of the Project" as used in this Agreement refers to an individual street identified on the attached exhibit.

4. NO WAIVER OF IMMUNITY

This Agreement does not waive the COUNTY's rights under a legal theory of sovereign immunity. This Agreement does not waive the CITY's right under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If necessary, the COUNTY will furnish flag persons.

6. TIME PERIOD FOR COMPLETION

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. **THIRD PARTY**

The parties do not enter into this Agreement to protect any specific third party. The intent of this Agreement excludes the idea of a suit by a third party beneficiary. The parties to this Agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. **JOINT VENTURE & AGENCY**

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. **EFFECTIVE DATE**

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. **DISCLOSURE**

The CITY acknowledges that it is a “governmental entity” and not a “business entity” as those terms are defined in Tex. Gov’t Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov’t Code Section 2252.908 is required.

11. **COMPLAICNE WITH LAWS**

In providing the services required by this Agreement, City must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers’ compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. City shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

12. **TERMINATION OF AGREEMENT**

The initial term of this Agreement is until October 1, 2024 and will automatically renew for a like term thereafter until (1) the Project is completed or (2) the Agreement is terminated by either party in writing. Either party may terminate this Agreement at any time—either before the expiration of the initial term or after the renewal of any term thereafter—by providing the other party with thirty (30) days written notice of termination. In the event of termination by either party, neither party shall have any

further obligations to the other party under this Agreement, except the CITY remains liable for payment to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the Project, if any.

SIGNED AND EXECUTED this _____ day of _____, 2024

**COUNTY OF TARRANT
STATE OF TEXAS**

CITY OF EVERMAN

County Judge

Ray Richardson, Mayor

Date: _____

Date: _____

Commissioner, Precinct 1
Roy Charles Brooks

Attest:

Attest:

APPROVED AS TO FORM

APPROVED AS TO FORM AND LEGALITY

Craig Price

CRIMINAL DISTRICT ATTORNEY'S OFFICE

*By law, the Criminal District Attorney's Office may only
Approve contracts for its clients. We reviewed this document
For our client's legal perspective. Other parties may not rely
On this approval. Instead, those parties should seek contract
Review from independent counsel.