



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, June 21, 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

- A. May 3, 2022 Regular Meeting Minutes
May 17, 2022 Regular Meeting Minutes

- B. Financial Report - May 2022

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

7. DISCUSSION ITEMS

- A. Water Bills - Councilwoman Johnnie Allen
- B. City Council Training/Travel - Johnnie Allen
- C. Traffic Pattern Change - Wichita & N. Race St
- D. Budget Planning Calendar

8. CONSIDERATION AND POSSIBLE ACTION

- A. Adopt Resolution #2022-06-02 - A RESOLUTION OF THE CITY OF EVERMAN, TEXAS, ADOPTING THE EVERMAN CIVIC CENTER AS THE NAME FOR THE BUILDING PREVIOUSLY KNOWN AS THE EVERMAN CITY HALL ANNEX.
- B. Approve Ordinance #782 - An ordinance of the City Council of Everman, Texas, the Zoning Ordinance, Appendix B, Section 4.13, Principal Permitted Use Table, Entertainment - Amusements, and providing findings of fact, amendment, repealer, severability, an effective date, and proper notice.
- C. Approve Ordinance #783 - An Ordinance of the City of Everman, Texas amending Chapter 14, "Parks and Recreation", by amending city-owned park regulations for Clyde Pittman and Johnson Parks, providing regulations, providing this ordinance is cumulative of all other ordinances, providing for severability; providing a penalty for violations; publication; and providing an effective date.

9. EXECUTIVE SESSION

- A. Section 551.087 - Deliberation Regarding Economic Development Negotiations - Property Development of City Owned Properties on N. Race St.
- B. Section 551.074 - Personnel Matters - Past performance, review and evaluation of the City Manager

10. CITY MANAGERS REPORT

11. MAYOR'S REPORT

12. 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 June 17, 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.

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, May 03, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Richardson called meeting to order at 6:30pm.

PRESENT

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

ABSENT

Place 2 Kelly Denison

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

There were no comments made.

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.

Mayor opened the Public Hearing at 6:31pm.

City Manager Craig wanted to give council a little bit of background information as they might remember on this before the comments. EDC approved land conveyance of land located on Holley to Advance Architectural Stone and they have an interest in rezoning that property to Heavy Industrial for the purposes of installing a parking lot so that their employees would have a location to park at rather than parking on the street and creating as traffic congestion issue. This property has been conveyed to them already and now they are just applying for that change. The Planning and Zoning has held a public hearing already for this change and there were no comments against this and the Board approved the change with the requirement of

them putting up a fence between them and the residential properties. Craig recommends them to approve this with that requirement in the motion. Mayor then asked if there were any comments from the citizens, there were none. Mayor closed the Public Hearing at 6:34pm.

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.

Motion made by Place 4; Mayor Pro-Tem Mackey as read with an inclusion of a privacy fence around the property, Seconded by Place 5 Sellers.

Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion carried.

- B. Hearing of the City Council - Alleged Ordinance Violations - 300 Noble Avenue, Everman, TX 76140

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

Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

- 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.

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

Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion carried.

9. DISCUSSION ITEMS

- A. Tennis and Pickleball Courts

This was briefly discussed before and council woman Allen wanted an update on this Craig stated. Also, keep in mind the Economic Development privacy with this discussion. We do have a local developer that is working on expanding his property and looking to include several pickleball, and tennis courts as well as bean bag toss and so forth. Craig stated about six months ago Council woman Allen suggested looking into this and it was not a month later this local business owner was looking to do this. Craig's recommendation is to allow the private side to develop this and do what we can to support this business and building this. This is in the works and they have already put applications in and we should see something within about six months or so. This is an Economic Development draw but is private. Council woman Allen asked since this is private would we be able to get something like this opened in the City of Everman? Craig stated that he don't want to say that it is impossible and that they could definitely look into grant opportunity's and other possible funding options to make this happen in the future. Council would like to see in the future that we have something like this for the public.

- B. Reduction of Motor Vehicle Emissions Ordinance

This item was brought to council at a previous meeting and council would like to participate but would like to do this with the least restrictions. This would need to be adopted in order to have future funding. Also, council would like to set the fine to this violation to \$1- \$500 and the idle time that a person can't go over is at 15 minutes. This ordinance will be amended and brought back to council for approval.

- C. Discussion related Pittman Park, Memorial Park, Mobile Food Truck Park, Maintenance and Police Department Facility Parking Lots and bids received for potential improvements

Chip seal work is common. There is no fund for this and will have to come out of General Fund. Bids are good for 30 days. This may go higher or could stay the same. Right now with the way the parking lots look they would last maybe a couple of years but with care. This is not expected to last long with the recycled asphalt on there now. With the damage already done to the parking lots this needs to be addressed. The \$45,000 would have to come from General Fund like said and this will make the Budget very tight. Council would like to move forward with the one parking lot replacement for \$45,000 out of the General Fund.

10. EXECUTIVE SESSION

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

Mayor opened up Executive Session at 7:21pm and closed the Session at 7:39pm.

No action taken.

11. MAYOR'S REPORT

Mayor reported that these reports are only reports and not discussion. Also, the City Manager Evaluation will be given out and will be told when it is due which is due before June 7th meeting for this review. Also Mayor informed them of the Sexual Harassment class they need to complete also.

12. CITY MANAGERS REPORT

Civic Center is progressing very rapidly and is looking very good. Power next week hopefully to the Civic Building. Race will be complete before the Civic Center is complete. Congressmen Mark Veasy came and presented the photo opp. check for the \$414,000 grant money.

13. ADJOURN

Mayor adjourned the meeting at 7:45pm.

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

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- 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.

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, May 17, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Richardson called meeting to order at 6:30pm.

PRESENT

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

ABSENT

Place 2 Kelly Denison

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. April 5, 2022 Regular Meeting Minutes

April 19, 2022 Regular Meeting Minutes

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

Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried

B. Financial Report - April 2022

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

Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried

5. CITIZEN'S COMMENTS

No comments were made.

6. DISCUSSION ITEMS

A. Review and Discussion of Park Rules

Craig stated that there has been a lot of talk about the Park rules. The city does not allow animals in the parks at all. There is a lot of citizens that have animals and walk in the Park. This has been difficult to enforce. Also, there is not a place that a citizen can take their dog on a leash. Craig has brought the idea to having the South end of Pittman Park to allow animals on leashes in that Park only. He also recommended that we also put more and better signs with the Park rules and city ordinances and fines so that the rules are displayed for the citizens to see so that we don't have anyone else locking their pets in Memorial Park to run free like we have already had happen. Council asked about the trash cans in the park and Craig stated that there is some in the park but they are going to improve those trash cans and the pet waste dispensaries so that people have somewhere to put the pet droppings. This will be discussed in the upcoming Budget. Council Member Allen stated that she would think the only animals allowed the Memorial Park would be service animals. Craig followed by stated that he agreed with her one hundred percent. Craig also mentioned the separation of the Parks as in Pittman Park, Anderson Football Field and Memorial Park. Pro-Tem Mackey suggested getting a sign up for Anderson Football Field so that can happen. Council also realizes that a lot of citizens do not follow the rules but by putting this into place for the citizens may help that situation and encourage them to read the rules and following them by making a place for them to bring animals. The concern is still there on the rules and citizens following them but when it is caught they will be enforced. Also, Craig did state that only in the event of an incident would they be required to ask for shot records for the animal. It was said that horses have been seen out there also at times and Craig stated there will be better enforcement on that and council agrees to not allow the horses in the Park. Craig asked council if he had a general consensus to allow dogs in Pittman Park only on a leash and they agreed to this so they will move forward with making this amendment to the ordinance and bring this back before council for their final approval.

B. Review of Civic Plus Meeting Management

Craig wanted to take the time to show council the new software that we have for the agenda and minutes. This software is already live right now. Craig pulled up the city website and displayed the part of the website that shows the publication of the agenda and packet and showed them how it works. This software will help the City Secretary and City Manager manage the Agenda and Minutes and this makes it very easy for the Council to navigate on the city website.

7. CONSIDERATION AND POSSIBLE ACTION

A. City Council Election of Mayor Pro-Tem

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

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

Voting Abstaining: Place 4; Mayor Pro-Tem Mackey

Motion Carried

B. Approve Proposed Civic Center Rental Policies

No Action on this until changes are made.

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

Motion Carried to Table this item.

- C. Variance to Ordinance 680 to allow for the sale, distribution, and consumption of alcohol in accordance with State Law for the duration of the Celebrate America Festival which is scheduled for Saturday, June 25th, 2022

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

Motion Carried

- D. Variance to Ordinance 680 to allow for the sale of merchandise, food and beverage for the duration of the Celebrate America Festival which is scheduled for Saturday, June 25th, 2022

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

Motion Carried

- E. Approve Ordinance 780 - 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.

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

Motion Carried

- F. Approve Fiscal Recovery Fund (FRF) Allocation Amendments as presented by the City Manager

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

Motion Carried

8. EXECUTIVE SESSION

- A. Section 551.074 - Personnel Matters - to deliberate the employment, reassignment, and duties of employees within the City of Everman

Mayor Richardson opened the Executive Session at 8:04pm and closed at 8:18pm.

No Action Taken

9. CITY MANAGERS REPORT

- A. City of Everman Black Tie Gala

Craig informed the council that the invitation to the Black Tie Gala have been sent out. This also will require a RSVP at least by June 1st so that he can have an accurate count for the dinner preparation. Craig does encourage all to bring one guest. Also, he informed council that this Gala has been entirely funded by sponsorship's. Two big ones of those sponsorship's is Beards Towing and Linebarger our Tax collection attorney's that will be recognized at this event. We also had smaller donations for door prizes for this event as well. Craig stated that there is a lot planned and things to give out for the night and it will be an awesome night. Craig stated that this Gala is on June 24th, at 6:30pm and he hopes everyone can make it. Also, Celebrate America is June 25th, the next day at 6pm. Craig also mentioned the Budget schedule that Susanne has provided for the council. Council mentioned to maybe be able to start the Budget meetings earlier and Craig and Susanne are open to what they want to do. Council has decided to move the first four meetings to start at 5pm on the Budget schedule. Craig also just wanting to end with the update on the Park Parking lot and they got the chip and seal down they will come back for finishing touches and then striping. He also stated that the Civic Center is moving along and they are doing the flooring this wee. Power is on and they anticipate the walk-thru and punch list to be done at the end of this month. Everything is on target.

10. MAYOR'S REPORT

Mayor reminded council of their Cyber Security Training and Sexual Harassment Training also and it is due by May 31st. Also, he sent out the City Managers Evaluation and this is due June 6th.

11. ADJOURN

Mayor adjourned the meeting at 8:27pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday May 13, 2022.

/s/ Mindi Parks
City Secretary

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RESOLUTION NO. 2022-06-01

EVERMAN CIVIC CENTER

**A RESOLUTION OF THE CITY OF EVERMAN, TEXAS, ADOPTING
THE EVERMAN CIVIC CENTER AS THE NAME FOR THE BUILDING
PREVIOUSLY KNOWN AS THE EVERMAN CITY HALL ANNEX.**

WHEREAS, the City Council of the City of Everman, Texas (“City”) has demolished and is currently constructing a building on the site previously known as the Everman City Hall Annex; and

WHEREAS, the City Council is authorized to establish names for buildings within the City of Everman; and

WHEREAS, the City Council hereby determines that the Everman City Hall Annex name does not recognize the importance of the new building previously known as the Everman City Hall Annex; and

WHEREAS, the City Council hereby deems it in the public interest to rename the Everman City Hall Annex the Everman Civic Center within the City of Everman, Texas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Everman, TEXAS:

THAT the foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

THAT the name of the new building located on the site previously known as the Everman City Hall Annex, is the Everman Civic Center in the City of Everman, Tarrant County, Texas.

READ & APPROVED on this, the ____ day of June 2022.

APPROVED:

by: _____
Richard Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

CITY OF EVERMAN

ORDINANCE NO. 782

AN ORDINANCE OF THE CITY COUNCIL OF EVERMAN, TEXAS, THE ZONING ORDINANCE, APPENDIX B, SECTION 4.13, PRINCIPAL PERMITTED USE TABLE, ENTERTAINMENT – AMUSEMENTS, 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 City Council of the City of Everman, Texas (“Council”) seeks to protect the health, safety and general welfare of the public by enforcing zoning regulations; and

WHEREAS, the Council finds that these changes are in conformance with the City’s Comprehensive Plan; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the Council has authority to amend its zoning ordinances; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the Council has determined that the authority granted through this Ordinance is reasonable and necessary; and

WHEREAS, the Planning and Zoning Commission of the City of Everman, Texas held a public hearing on this amendment on May 23, 2022.

WHEREAS, the Planning and Zoning Commission of the City of Everman, Texas recommended approval of this amendment on May 23, 2022.

WHEREAS, the City posted notice in the newspaper on _____ regarding this amendment, which is at least fifteen (15) days before the adoption of zoning ordinance amendment; and

WHEREAS, the City Council of the City of Everman 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.** Appendix B, Section 4.13, Principal Permitted Use Table, Entertainment – Amusements 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.
- 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

	AG	A-1	A-2	M-1	M-2	MH	C-1	C-2	D	E
AMUSEMENT, COMMERCIAL INDOOR							P	P	P	P
AMUSEMENT, COMMERCIAL (OUTDOOR)							S	S	P	P



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

AGENDA TITLE: Approve Ordinance 782

MEETING DATE: 06/21/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

It is recommended that the Everman City Council approve Ordinance 782

BACKGROUND INFORMATION:

The City of Everman received an application for a business to open in the 800 Block of W. Enon Avenue. This owner had the desire to open an indoor game room for children under 13 years of age. She had the desire to host birthday parties, small children events, etc. This qualifies as an "indoor amusement". Upon review of our zoning ordinance, it seems as there is a very apparent typo or error.

According to our zoning ordinance, indoor amusement is not permitted within Commercially Zoned properties, however Outdoor Amusement is permitted. So although a small indoor childrens gameroom cannot open in this location, a Six Flags Over Texas could. This is backwards from most other municipalities. It is believed that this was a simple error that was overlooked when drafting the most recent version of the zoning ordinance.

Therefore, it is recommended by the P&Z Commission that the Everman City Council correct this believed error by passing this ordinance.

FISCAL IMPACT:

None

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 14, "PARKS AND RECREATION", BY AMENDING CITY-OWNED PARK REGULATIONS FOR CLYDE PITTMAN AND JOHNSON PARKS, PROVIDING REGULATIONS, PROVIDING THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATIONS; PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman, 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, Pursuant to Texas Local Government Code Section 51.001, the City of Everman has authority to adopt an ordinance that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, and is necessary or proper for carrying out of a power granted to the city by law; and

WHEREAS, the City of Everman has previously adopted ordinances regulating City Parks; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety, and general welfare of the citizens of the City of Everman, and of the general public to amend those regulations governing the city parks within the City of Everman

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

SECTION 1: FINDINGS OF FACT

The statements made in the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2: ENACTMENT

Chapter 14. Parks and Recreation of the Code of Ordinances of the City of Everman, Texas is modified as follows, unchanged provisions otherwise to remain in full force and effect:

SECTION 14-21. – Rules and Regulations.

The following regulations and restrictions are prescribed for the use of City parks:

...

(23) *Pets prohibited.* Except as otherwise specifically provided, it shall be unlawful for any person to bring any animal considered a pet in any city park. Pets shall include all dogs, cats, snakes, monkeys, and all other animals except for animals that are used for service of the disabled.

(27) *Exceptions to enforcement.*

(a) Dogs are allowed within Clyde Pittman Park and Johnson Park, if:

- (i) Dogs are on leashes,
- (ii) Owners collect/remove pet waste, and
- (ii) Dogs have current rabies vaccination

(b) Except as provided by (27)(a), all pets are strictly prohibited from Memorial Park, All Sports Fields or within 100 feet of any concession stand.

SECTION 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. The provisions in Chapter 14 Parks and Recreation, of the Everman Code, and the provisions in any other section of the said Code affected by this Ordinance, are hereby modified to reflect the above enactments, otherwise to remain in full force.

SECTION 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.

SECTION 5: PUBLICATION

Following its adoption, the City Secretary is hereby directed to publish a caption of this Ordinance that summarizes its purpose, as provided in Section 52.013 of the Texas Local Government Code. The City Secretary is further directed to cause the relevant language of Chapter 14 Parks and Recreation and of any other section of the Everman Code affected and amended by this Ordinance, to be published in the appropriate location in said Code.

SECTION 6: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and publication, as provided in Section 3.10 D of the City Charter.

SECTION 7: PROPER NOTICE AND 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 law.

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

by: _____
Mayor Ray Richardson

ATTEST:

Mind Parks, City Secretary