



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, September 06, 2022 at 6:30 PM

213 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. Previous Meeting Minutes

July 22, 2022 Budget WorkShop

July 26, 2022 Budget WorkShop

August 2, 2022 Regular Meeting

August 9, 2022 Special Meeting

August 16, 2022 Regular Meeting

August 29, 2022 Special Meeting

B. Financial Reports

June 2022

July 2022

5. PRESENTATIONS

A. Everman Fire Department - Truck 19

6. CITIZEN'S COMMENTS

7. DISCUSSION ITEMS

A. Review of Transportation Alternatives Set-aside Program (TAP) - Potential funding for sidewalks and shared paths; a multijurisdictional project between the Cities of Everman, Fort Worth and Tarrant County.

B. Update and Discussion related to the City of Fort Worth Zoning Case #22-102 located at 4401 Enon Avenue

C. Discussion of potential North Race Street Development - Michael Nicoletti

8. CONSIDERATION AND POSSIBLE ACTION

- A.** Approve Ordinance #788 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 2, ARTICLE II, SECTION 2-22 IN ORDER TO ADOPT CITY COUNCIL POLICIES AND PROCEDURES TO REGULATE MEETINGS AND OTHER ACTIVITIES OF THE CITY COUNCIL AND OTHER APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY; REQUIRING THAT A COPY OF SUCH POLICIES AND PROCEDURES BE KEPT ON FILE IN THE CITY SECRETARY'S OFFICE; REPEALING ORDINANCES, PART OF ORDINANCES AND PREVIOUS POLICIES IN CONFLICT HEREWITH, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- B.** PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 1.2 ACRES, BEING SHELBY COUNTY SCHOOL LAND SURVEY ABSTRACT 1375 TRACTS 32A AND 32A06, FROM A1 – SINGLE-FAMILY HOUSING DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW FOR THE DEVELOPMENT OF A SMALL STRIP CENTER THAT WILL POTENTIALLY INCLUDE A LIQUOR STORE, A PROPOSED RESTAURANT, AND 4 ADDITIONAL LEASED RETAIL SHOPS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. THIS DEVELOPMENT WILL ALSO INCLUDE A PROPOSED ADDITION AND RENOVATION OF THE EXISTING CHEVRON FUEL STATION AND CONVENIENCE STORE.

- C.** APPROVE VARIANCE REQUEST FOR PROPERTY LOCATED AT 100 & 108 N. FOREST HILL DRIVE, PERMITTING A 20-FOOT SETBACK ON THE EAST PROPERTY LINE TO ALLOW FOR AN APPROPRIATE FIRE LANE. STAFF RECOMMENDS APPROVAL.

- D.** Casts vote for the TML Intergovernmental Risk Pool Board of Trustees Election for Places 6, 7, 8, and 9.

9. EXECUTIVE SESSION

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 September 2, 2022.

/s/ Mindi Parks
City Secretary

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

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

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

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

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

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



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

AGENDA TITLE: Review of Transportation Alternatives Set-aside Program (TAP) - Potential funding for sidewalks and shared paths; a multijurisdictional project between the Cities of Everman, Fort Worth and Tarrant County.

MEETING DATE: 09/06/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No action needed at this time.

BACKGROUND INFORMATION:

During the budget process, Councilwoman Johnnie Allen requested that staff research potential partnership opportunities with the City of Fort Worth, specifically for the purposes of providing safe paths for children to access Baxter Elementary.

Following this guidance, staff began working with the City of Fort Worth Transportation Department and TxDOT. As a part of those discussions, it was decided amongst staff that it would be in the best interest of all entities to partner together to pursue funding through the Transportation Alternatives Set-aside Program (or "TAP" Project).

Staff from both municipalities worked together to identify all potential projects in this area, particularly along the Race St., Everman Parkway, Shelby, and Oak Grove corridors. City of Fort Worth staff worked with our Engineers to provide projected costs for all projects. These projects include sidewalks, shared paths, pedestrian traffic signals, pavement markers, protective pylons and even lighting. The total project cost for this region is estimated to be \$5,325,275. Attached to this report is a line-item cost projection breakdown for your review.

This funding program requires 20% match from participation entities for the project. We are working on finalizing those estimated participation amounts and will continue to keep the City Council apprised of developments.

Attached to this staff briefing is also a map indicating the proposed project areas.

FISCAL IMPACT:

No final determination on financial impact has been made at this time.



— Everman SS4A Project

▭ Fort Worth City Limits

N 5

Itemized Construction Costs
S Race Street (Noble Ave to J E Marr Stadium) (5300 LF)

Work Activities	Quantity	Units	Unit Price	Amount
MOBILIZATION	1	LS	\$50,000.00	\$50,000
CONTINGENCY	1	LS	\$200,000.00	\$200,000
TRAFFIC CONTROL	4	MO	\$10,000.00	\$40,000
RAISED PLASTIC BARRIER	4,060	LF	\$40.00	\$162,400
PYLON REFLECTORS	124	EA	\$100.00	\$12,400
REMOVING CONCRETE CURB AND GUTTER	3,905	LF	\$16.00	\$62,480
CONCRETE CURB AND GUTTER	3,905	LF	\$50.00	\$195,250
CURB RAMPS	23	EA	\$4,000.00	\$92,000
CONCRETE SIDEWALK (5' WIDE)	2,100	SY	\$80.00	\$168,000
CONCRETE DRIVEWAY	6	EA	\$5,000.00	\$30,000
PLANE ASPH CONC PAV (1.5" TO 3")	16,000	SY	\$5.00	\$80,000
2" HMA TY-D OVERLAY	16,000	SY	\$30.00	\$480,000
ALUMINUM SIGN AND POST	52	EA	\$700.00	\$36,400
PAVEMENT MARKING (BIKE)	6	EA	\$400.00	\$2,400
PAVEMENT MARKING (SHARROW)	32	EA	\$800.00	\$25,600
PAVEMENT MARKING (24" CROSSWALK STRIPE)	1,150	LF	\$15.00	\$17,250
PAVEMENT MARKING (4" SOLID YELLOW)	3,200	LF	\$2.00	\$6,400
Total Itemized Construction Costs:				\$1,660,580

Notes

roughly 5%
 roughly 20%

Raised 8" round dome, every 10 feet
 EVERY 10 FEET

length of section with curb, subtracted out sidestreets (30) and drives (15)

2 per crosswalk and one for each bike symbol
 2 AT EVERY SIDESTREET

8 crosswalks - 50lf each

Itemized Construction Costs
Shelby St (S Race St to S Forest Hill Dr) (5250 LF)

Work Activities	Quantity	Units	Unit Price	Amount
MOBILIZATION	1	LS	\$25,000.00	\$25,000
CONTINGENCY	1	LS	\$100,000.00	\$100,000
TRAFFIC CONTROL	2	MO	\$10,000.00	\$20,000
RAISED PLASTIC BARRIER	3,465	LF	\$40.00	\$138,600
PYLON REFLECTORS	347	EA	\$100.00	\$34,650
CURB RAMPS	4	EA	\$4,000.00	\$16,000
CONCRETE SIDEWALK (5' WIDE)	2,000	SY	\$80.00	\$160,000
CONCRETE DRIVEWAY	9	EA	\$5,000.00	\$45,000
ALUMINUM SIGN AND POST	20	EA	\$700.00	\$14,000
PAVEMENT MARKING (24" CROSSWALK STRIPE)	500	LF	\$15.00	\$7,500
PAVEMENT MARKING (SHARROW)	60	EA	\$800.00	\$48,000
PED CROSSING SIGNS WITH FLASHING BEACON (SOLAR)	2	EA	\$20,000.00	\$40,000
Total Itemized Construction Costs:				\$648,750

Notes

at Crimson/Smith

Itemized Construction Costs

Oak Grove Rd (Everman Pkwy to Forum Way) (2050 LF)

Work Activities	Quantity	Units	Unit Price	Amount
MOBILIZATION	1	LS	\$40,000.00	\$40,000
CONTINGENCY	1	LS	\$160,000.00	\$160,000
TRAFFIC CONTROL	3	MO	\$10,000.00	\$30,000
RAISED PLASTIC BARRIER	2,040	LF	\$40.00	\$81,600
PYLON REFLECTORS	204	EA	\$100.00	\$20,400
ALUMINUM SIGN AND POST	12	EA	\$700.00	\$8,400
CYCLE TRACK PAINT (GREEN)	21,000	SF	\$15.00	\$315,000
PAVEMENT MARKING (4" BROKEN WHITE)	525	LF	\$2.00	\$1,050
PAVEMENT MARKING (BIKE)	4	EA	\$400.00	\$1,600
PAVEMENT MARKING (24" CROSSWALK STRIPE)	200	LF	\$15.00	\$3,000
PAVEMENT PARKING (BIKE BOX)	1	EA	\$1,000.00	\$1,000
BIKE SIGNAL	1	EA	\$10,000.00	\$10,000
HAWK SIGNAL	2	EA	\$200,000.00	\$400,000
Total Itemized Construction Costs:				\$1,072,050

Notes

Itemized Construction Costs
Everman Pkwy, Dan Meyer Dr, Townley Dr (City of Everman)

Work Activities	Quantity	Units	Unit Price	Amount
MOBILIZATION	1	LS	\$50,000.00	\$50,000
CONTINGENCY	1	LS	\$200,000.00	\$200,000
TRAFFIC CONTROL	6	MO	\$10,000.00	\$60,000
RAISED PLASTIC BARRIER	2,433	LF	\$40.00	\$97,320
PYLON REFLECTORS	250	EA	\$100.00	\$25,000
CURB RAMPS	6	EA	\$4,000.00	\$24,000
CONCRETE SIDEWALK (5' WIDE)	2,030	SY	\$80.00	\$162,400
DITCH REGRADING (FOR SIDEWALK)	360	LF	\$100.00	\$36,000
STORM CROSSING EXTENSION	1	EA	\$50,000.00	\$50,000
ALUMINUM SIGN AND POST	8	EA	\$700.00	\$5,600
PAVEMENT MARKING (24" CROSSWALK STRIPE)	200	LF	\$15.00	\$3,000
REMOVE PAVEMENT MARKING (4" BROKEN)	400	LF	\$0.50	\$200
PAVEMENT MARKING (4" BROKEN WHITE)	400	LF	\$2.00	\$800
PAVEMENT MARKING (SHARROW)	20	EA	\$800.00	\$16,000
TRAFFIC SIGNAL AT DAN MEYER	1	EA	\$400,000.00	\$400,000
Total Itemized Construction Costs:				\$1,130,320

Notes

higher contingency since we have a signal

DIDN'T INCLUDE BUFFER FOR DAN MEYER OR TOWNLEY

Itemized Construction Costs
Everman Pkwy (City of Fort Worth) (3900 LF)

Work Activities	Quantity	Units	Unit Price	Amount
MOBILIZATION	1	LS	\$25,000.00	\$25,000
CONTINGENCY	1	LS	\$100,000.00	\$100,000
TRAFFIC CONTROL	2	MO	\$10,000.00	\$20,000
RAISED PLASTIC BARRIER	7,380	LF	\$40.00	\$295,200
PYLON REFLECTORS	738	EA	\$100.00	\$73,800
ALUMINUM SIGN AND POST	36	EA	\$700.00	\$25,200
PAVEMENT MARKING (24" CROSSWALK STRIPE)	900	LF	\$15.00	\$13,500
REMOVE PAVEMENT MARKING (4" BROKEN)	1,950	LF	\$0.50	\$975
PAVEMENT MARKING (4" BROKEN WHITE)	1,950	LF	\$2.00	\$3,900
PAVEMENT MARKING (BIKE BOX)	6	EA	\$1,000.00	\$6,000
PED CROSSING SIGNS WITH FLASHING BEACON (SOLAR)	12	EA	\$20,000.00	\$240,000
BIKE SIGNAL	1	EA	\$10,000.00	\$10,000
Total Itemized Construction Costs:				\$813,575

Notes

Marlene, Michael, Christopher



CITY OF EVERMAN

Office of the City Manager

September 1, 2022

Honorable Fort Worth Mayor & Council Members,

I hope this letter finds you well and appreciate your time and consideration on this issue. It is my hope that you will review this letter and the information within it. I know this letter is lengthy; however, this information is vital as this is a critical issue and concern for the City of Everman, the City of Fort Worth, Tarrant County, and all of our residents in this region. This letter is in reference to Zoning Case #22-102, located at 4401 Enon Road. The applicant for this case is Mr. George Moore, who is requesting a Zoning Change from Agricultural to Manufactured Housing.

On July 11th, 2022, the Everman City Council unanimously adopted Resolution #2022-07-01 in opposition to the zoning application. This letter details the concerns and reasons for the opposition, as well as to clear up any misconceptions or misunderstandings regarding our position.

City of Fort Worth Future Land Use and Comprehensive Plan

This zoning request is inconsistent with the City of Fort Worth Future Land Use or Comprehensive Plan. The current plan calls for this particular property to be zoned Single Family Residential. The City of Fort Worth Staff originally classified this application as a “substantial deviation” from the adopted plan and originally recommended denial for this case. The Zoning Commission first heard this case on July 13th, 2022, at which time the applicant requested a 30-day continuance. I spoke at this meeting in opposition to this change, at the direction of my City Council. At that meeting, Commissioner Wanda Conlin stated that it was her first inclination to move for denial of this request due to the substantial deviation; however, she agreed to allow a 30-day continuance, which ultimately was passed by the Zoning Commission.

Recommendation	
Land Use Compatibility:	Requested change is not compatible .
Comprehensive Plan Consistency:	Requested change is not consistent (significant deviation) .
Staff Recommendation:	Denial

(Recommendation on Staff Report from July 13, 2022)

This case was then rescheduled and heard by the Zoning Commission on August 10th. The proposal from the developer did not change, however, the staff recommendation changed from “Denial” to “Approval”. The Land Use Compatibility was also changed to compatible, with no changes in the proposed plans. Staff cited that the change was due to the product being “much higher quality than other MH developments and helps address affordable housing demand”.



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Recommendation	
Land Use Compatibility:	Requested change is compatible .
Comprehensive Plan Consistency:	Requested change is not consistent (significant deviation) .
Staff Recommendation:	Approval

(Recommendation on Staff Report from August 10, 2022)

The fact remains that this proposal is still a significant deviation from the Comprehensive Plan and the Land Use Compatibility is arguable. I will address the affordable housing demand separately within this letter.

Flood Prone Region and Mitigation Efforts

This particular region has been extremely prone to flooding. In 2018, the City of Everman and Tarrant County experienced tremendous flooding in this area that affected over 70 homes and businesses. We have seen increased incidents in recent years, most likely due to changing weather patterns. Since 2018, the City of Everman has been working tirelessly to address potential mitigation projects within this region. We have worked very closely with our partners at Tarrant County and the North Central Texas Council of Governments on this effort. In 2019, the City of Everman completed a Hazard Mitigation Action Plan, which was incorporated into the Tarrant County Plan. Since the completion of this plan, the City of Everman and Tarrant County has pursued funding opportunities through the Texas Division of Emergency Management (TDEM) and FEMA to conduct drainage studies in this region. Drainage studies are required in order to pursue additional funding for mitigation projects. The City of Everman and Tarrant County were denied funding in 2019 and in 2020. In late 2021, Tarrant County received approval for this funding to move forward with this study.

Simultaneous to these efforts, the City of Everman has also been working with the NCTCOG and Tarrant County to address transportation and drainage, specifically along Forest Hill Drive between Lon Stephenson and Shelby Rd. Following the approval from TDEM, the NCTCOG has committed to funding the expansion of this study to incorporate the region instead of just the City of Everman. As a part of these discussions, we have been working to identify potential land uses along Chambers Creek for Over Detention to assist with mitigating flooding. On October 8th, 2021, City of Fort Worth staff discussed the potential utilization of this particular property for that purpose. I have attached a copy of that e-mail to the letter ([click here](#)).

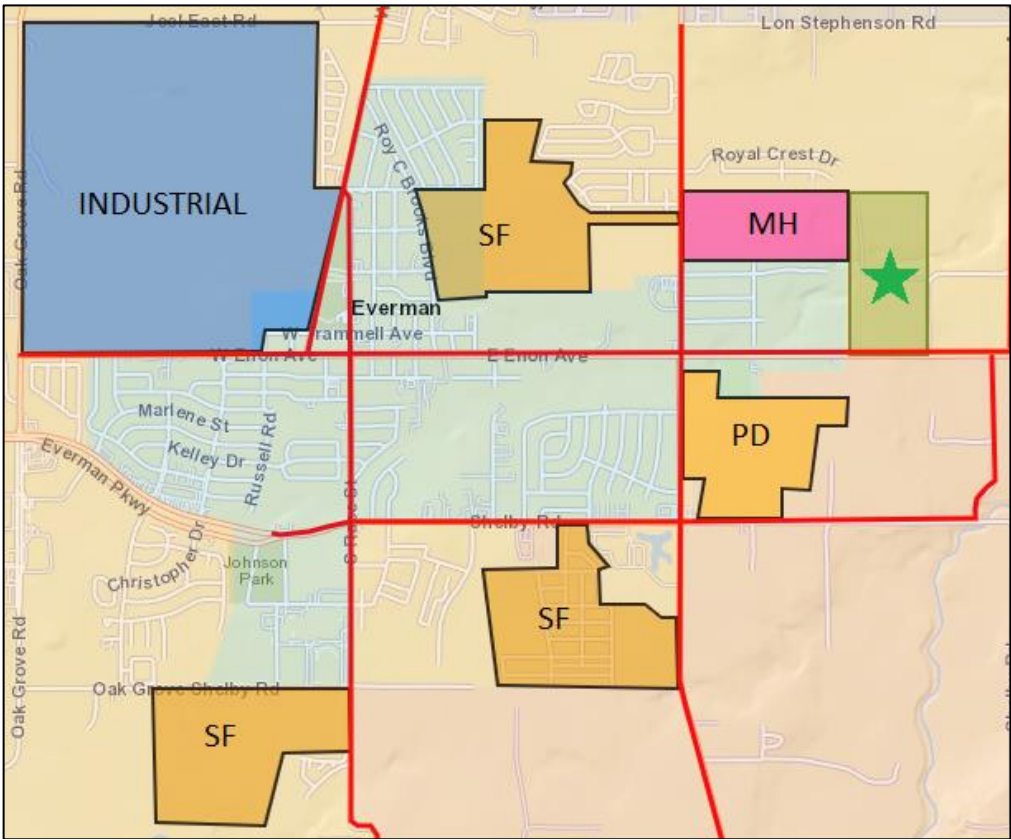
There seems to be a misconception that the City of Everman is concerned that this development will cause an increase in stormwater runoff. That is not our concern as we know that development standards and codes are in place to alleviate this concern. The concern is that



CITY OF EVERMAN

Office of the City Manager

with so much simultaneous development occurring in this region, we are quickly losing opportunities to adequately address potential mitigation projects in this region as land opportunities along Chambers Creek continue to dissipate.



(Current Approved Developments immediately adjacent to Everman)

To help understand the magnitude of the flooding concern in this region, we have put together a brief two-minute video clip for your review. You can view the video here: <https://youtu.be/NhbPipq3zqo>. The video and images show the Everman Cemetery completely underwater, dramatically affecting nearby businesses like Bean Electric and Hickory Stick BBQ. All of these locations are immediately adjacent to the property being considered on this application. In 2018, residents along Southway Drive had to be rescued from their homes by First Responders. I hope after reviewing this short clip, you understand our deeply rooted concerns related to flooding and working towards plausible mitigation projects.

Transportation Impact

There are concerns about the impact these many developments will have on the transportation system in this area. Currently, the City of Everman is working with NCTCOG and Tarrant County to address the widening of Forest Hill Drive from Lon Stephenson to Shelby Rd. However, there are no



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Office of the City Manager

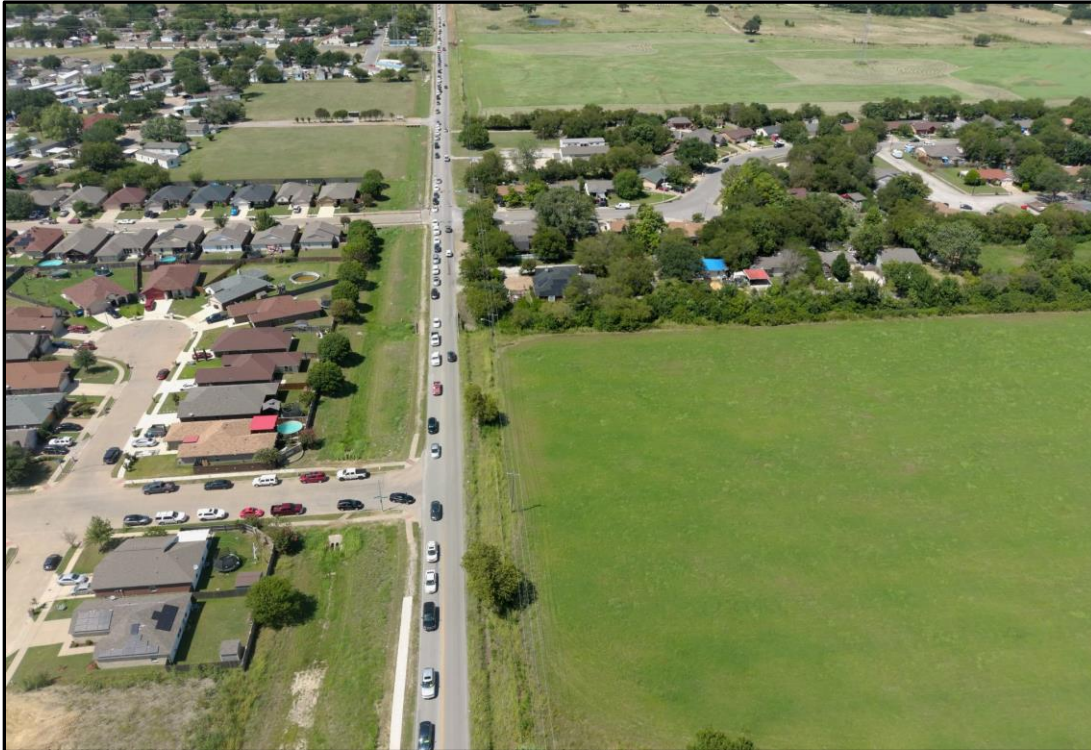
plans, and there have been no discussions between the City of Fort Worth and Everman regarding any potential improvements along Enon Avenue or Anglin Drive. Both of these road systems are undersized for the already approved developments in this region and need addressing. There are also concerns related to pedestrian traffic as there are no shared paths or sidewalks on most of the streets in this development area. Below are pictures of the current traffic conditions on Forest Hill Drive during daytime school hours. The images depict traffic congestion for miles in either direction. This is a daily occurrence.





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Affordable Housing

This development markets itself as an affordable first-time home-buying option. The firm claims its Manufactured Homes do not depreciate like other Manufactured Homes. They state that they have seen their homes increase in value; however, that is only based on data since 2019 while the real estate market in Texas has seen unprecedented appraisals and increases across the board over the past three years. Furthermore, they advised their turnover rate has been less than 2%. There is concern that the claim of these homes appreciating is an unfounded statement and needs further evaluation. Furthermore, the purchaser does not own the actual land the home is sitting on and must continually lease that land from the developer at an additional cost. At the August 10th Zoning Commission Meeting, First Step Homes advised the lot rent varied between \$500 - \$700 per month and that these homes would be sold near the \$100,000 mark on a 15-year mortgage. This means that the resident would be paying (assuming a 5% interest rate) approximately \$800 per month. This translates to approximately \$1,300 - \$1,500 per month. Even once the mortgage is paid off, the leasing of the lot is continual and will likely increase as the market demands.

For comparison's sake, quick research of home sales within this area indicates that the proposed project does not necessarily offer a more affordable monthly option than a Single Family (3BR/2BA) Home. Below, we have listed two examples of these homes, which, if purchased on a traditional 30-year mortgage, would cost approximately \$1,300 - \$1,400 per month. The purchase of a conventional single-family home offers a better investment to the purchaser, larger lot space, and limits impact and density on the local infrastructure.

\$230,000 3 bds | 2 ba | 1,219 sqft
 100 Coury Rd, Everman, TX 76140
 ● House for sale | Zestimate®: \$237,400
 Est. Payment: \$1,328/mo

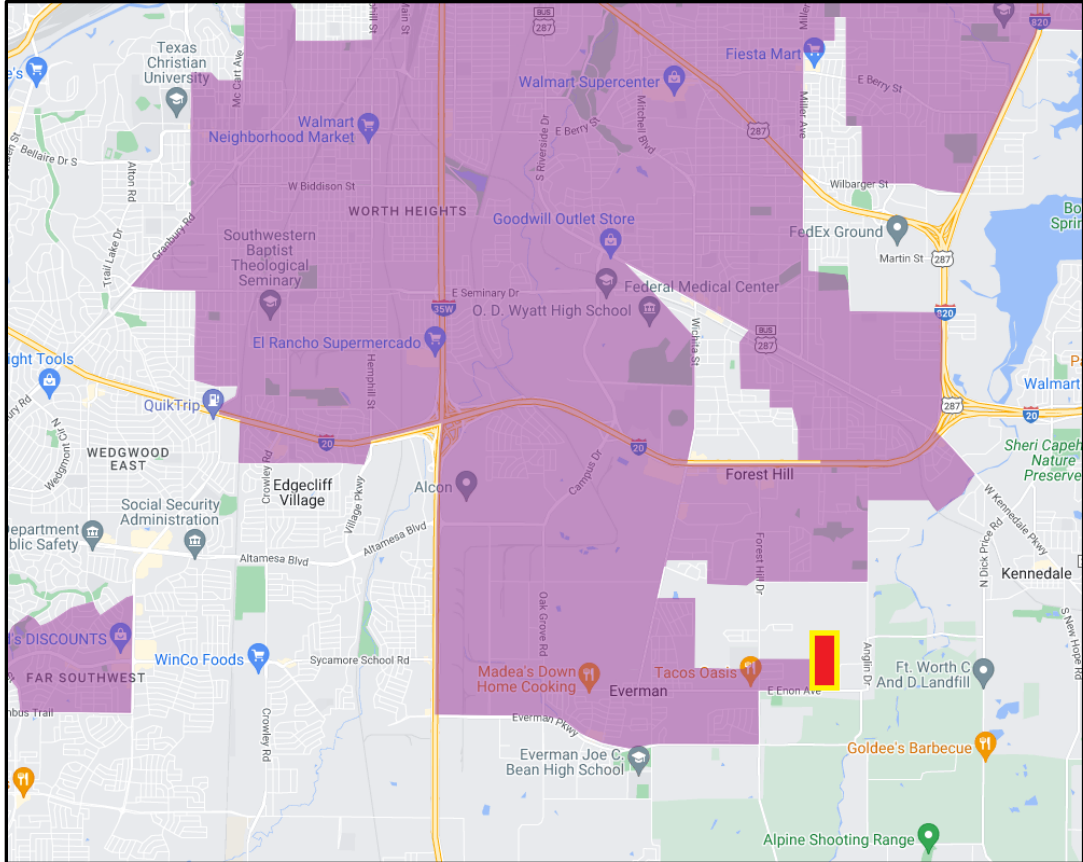
\$229,900 3 bds | 2 ba | 1,275 sqft
Price cut: \$10K | 508 Smith Ave, Everman, TX 76...
 ● House for sale | Zestimate®: \$241,042
 Est. Payment: \$1,328/mo

Furthermore, this particular region of Tarrant County is over inundated with low-income housing opportunities. Below is a map provided by Housing and Urban Development (HUD). The red indicates the proposed project location on this map, while the purple shaded areas indicate current Qualified Census Tracts.



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Office of the City Manager



(Qualified Census Tract Map from Housing and Urban Development)

According to the 2019 Census, The City of Everman’s poverty rate is 20.4%, which is more than double the county-wide poverty rate, and approximately 9% more than the City of Fort Worth’s poverty rate. The average median income for an individual in Everman was \$23,480, one of the lowest median incomes within Tarrant County. First Step Homes advertises that two individuals making a combined \$60,000 will qualify to purchase one of their homes. The median income for an individual in this area does not qualify to purchase one of these homes.

Since I took office as the City Manager in 2020, these issues became my top priority. Affordable Housing options are overabundantly available within this region. What is needed is proper economic development. The City of Everman has been striving to take a different approach in this region by providing adequate development and increasing quality job opportunities within this region. Working with the community and community stakeholders to provide avenues for citizens to obtain these jobs.

The location of this proposed development is in an area that is practically a food desert. This area offers few services traditionally needed for low-income housing, such as transportation. The solution is not to build more “affordable housing”. The answer is to address the needs of those that are already here.



CITY OF EVERMAN

Office of the City Manager

Conclusion

On August 9th, the day before the second Zoning Hearing, the developer requested a meeting with the City of Everman. During this meeting, the City of Everman highlighted these concerns, which the developer stated they understood. We expressed that the City of Everman would be more inclined to support this project if the application and proposal were for Planned Development rather than Manufactured Housing. Planned Development would require site plan approval before consideration of the change. The reason is that the developer could work with the City of Fort Worth, Everman, and Tarrant County to address some of these concerns while continuing with development simultaneously. However, if approved as Manufactured Housing, then the developer, by right of entitlement, will not be required to address these concerns listed in this letter. Furthermore, suppose this zoning change is approved, and this particular developer does not proceed with development. In that case, the next developer may not be inclined to work with municipalities and may also claim the right of entitlement due to the property already being zoned MH. The developer did not wish to pursue a Planned Development route as it would delay the agreements already in place to purchase the property.

The City of Everman is undoubtedly not against development. To my knowledge, the City of Everman has never officially opposed any development by the City of Fort Worth previously. The City of Everman supports development as we work on multiple actions ourselves. However, the City of Everman does not support a supposed "Affordable Housing" development on this particular tract of land where the flood-prone Chambers Creek flows directly through the middle.

I truly appreciate your time and consideration as I know it is valuable. I hope you understand our position and concerns, ultimately denying this request. Please do not hesitate to contact me directly if you should have any questions or concerns.

Very Respectfully,

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

C. W. Spencer
City Manager
212 N. Race St
Everman, Texas 76140
cspencer@evermantx.net
(817) 293-0525 ext. 316
(817) 203-3239 – cell

Craig Spencer

From: Dyke, Jennifer M <Jennifer.Dyke@fortworthtexas.gov>
Sent: Friday, October 8, 2021 1:05 PM
To: Joseph J. Jackson; Edith Marvin; Kelp, Brandi
Cc: Davis, Clair
Subject: land just downstream of Everman- 4401 E Enon Ave

Joseph & Edith-

I wanted to understand if you are interested in discussing the Subject tract with us.

I got a call today from the owner of 4401 E Enon (see screenshot below- tract in red) just downstream of Everman. He is interested in doing something with his land other than developing it and would like to keep it natural.

While this is downstream of Everman, I thought if y'all are considering US conveyance improvements to help mitigate flood risk in Everman that the property could potentially be used as DS detention to mitigate these improvements. ***Where are y'all at with your planning/mitigation evaluation? If this a tract that interests you?***

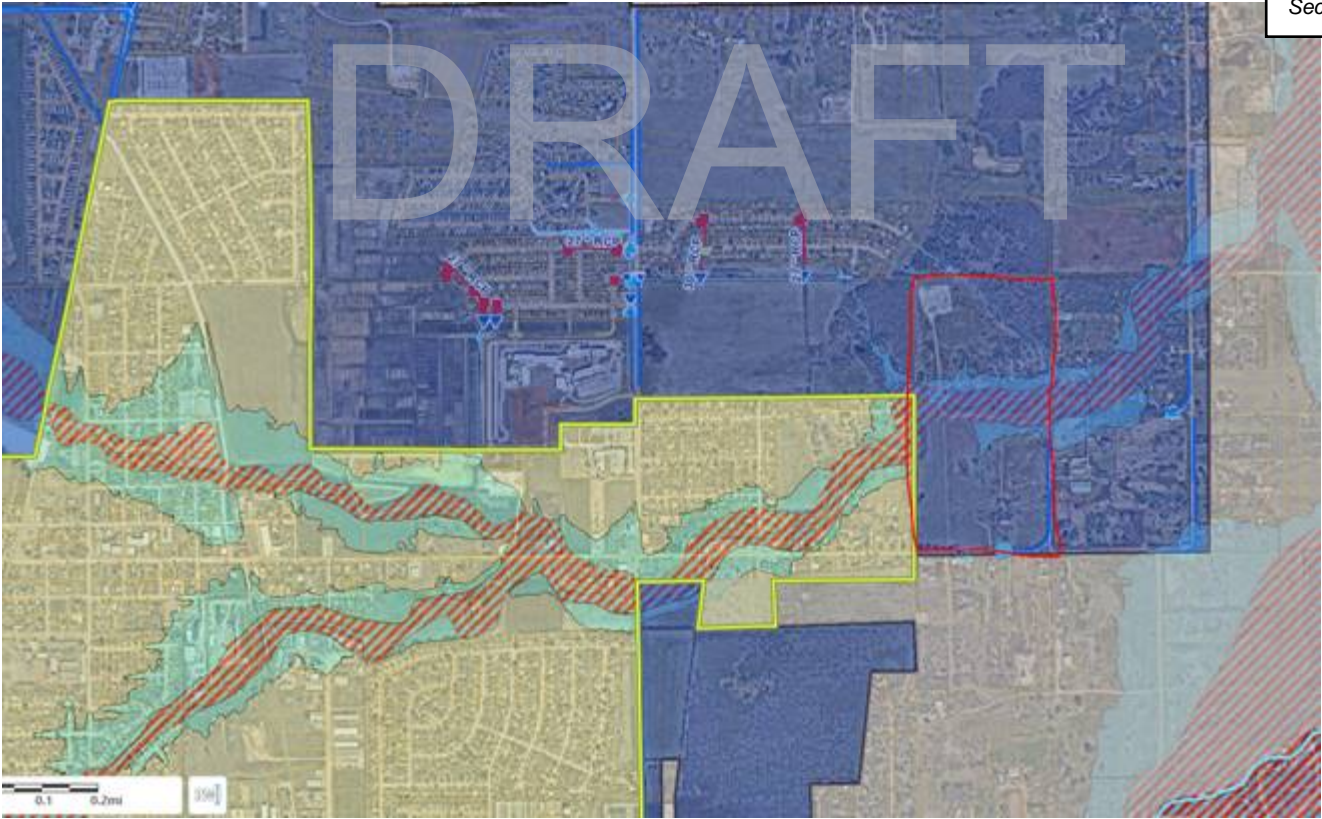
We will also take a look at this from an Open Space Conservation Program perspective and see what the priority is to see if it might be something we may want to pursue. Or depending on your interest, if there could be a partnership opportunity here.

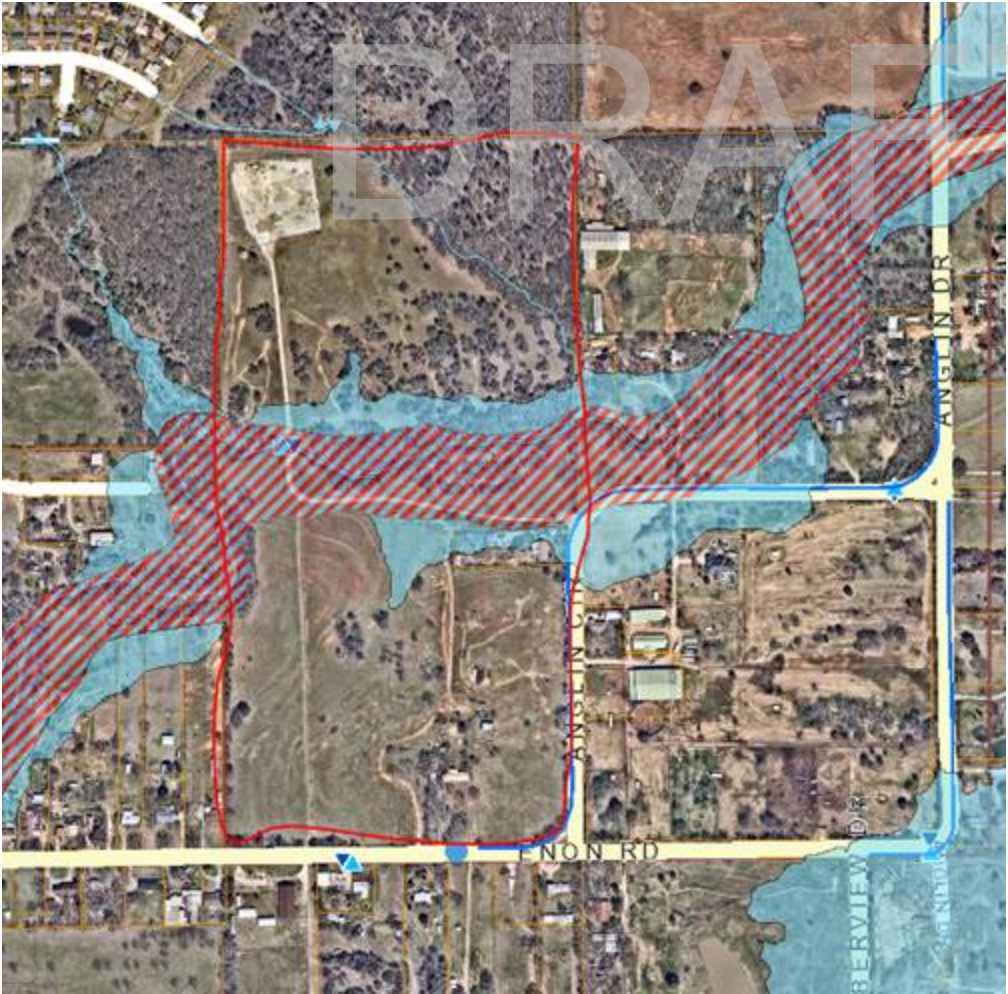
Thanks,
~Jennifer

Yellow- city of Everman

Blue- City of FW

Red outline- 4401 E Enon owned by Mr. George Moore



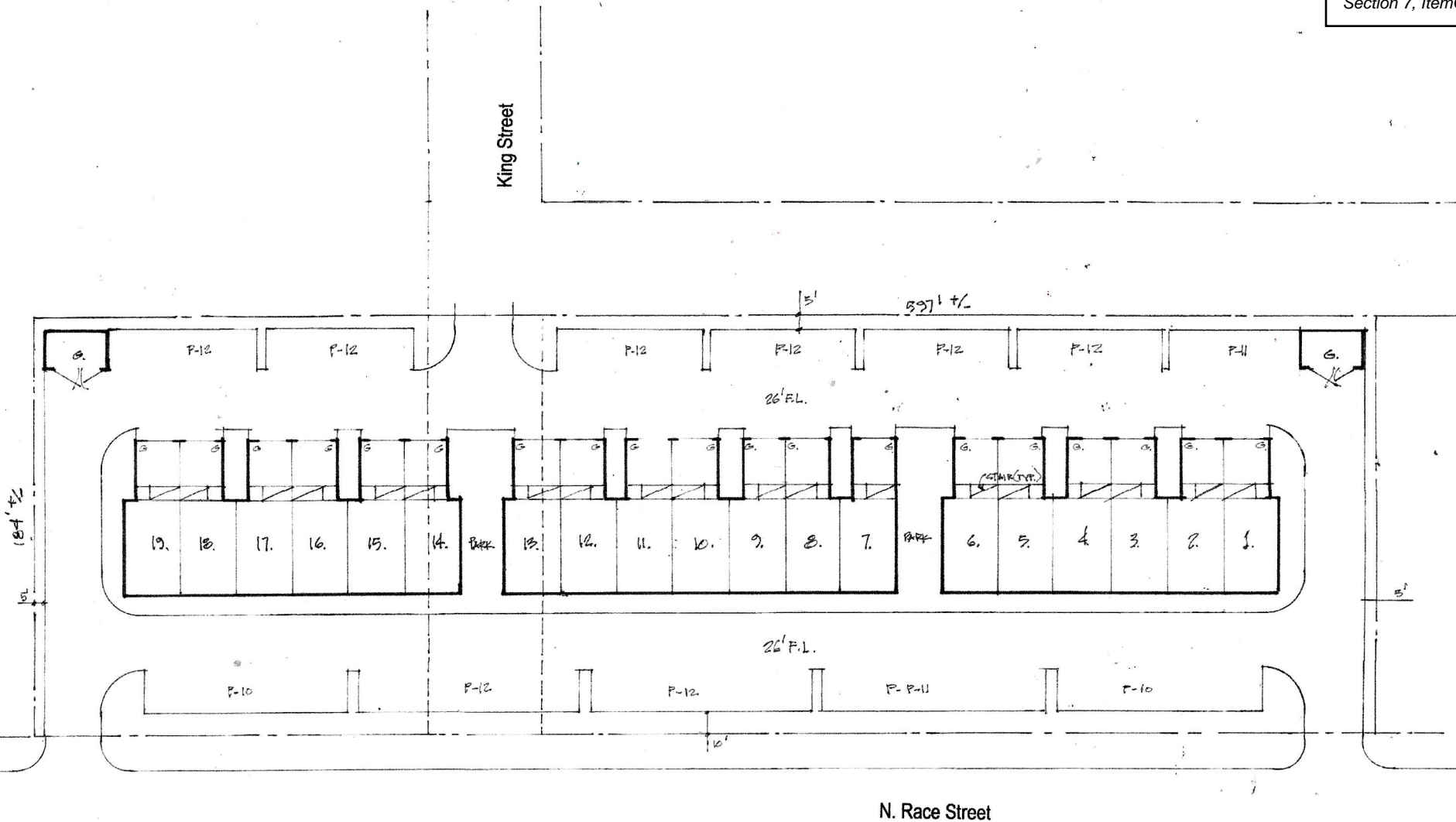


Jennifer Dyke, CFM
 Stormwater Program Manager
 Transportation and Public Works Department
 Stormwater Management Division
 City of Fort Worth
 1000 Throckmorton St.- Rm. G14b
 Fort Worth, TX 76102
 Office Phone: 817.392.2714

City of Fort Worth — Working together to build a strong community.



I value my performance---Feel free to contact my Supervisor
Gregory.Simmons@fortworthtexas.gov



Site Plan Data:

Lot Area:	2.5 ac. +/-	
Proposed Use:	Ground Retail	19 units (1,000 sf each)
	Condos/Apts. above	19 units (1,600-1,800 sf each)
Parking:	Residents	38 cars (2-car garages)
	Retail & Visitors	138 cars
GFA:	Retail	19,000 sf
	Residential	32,300 sf
	Total:	51,300 sf
Height:	3 stories	

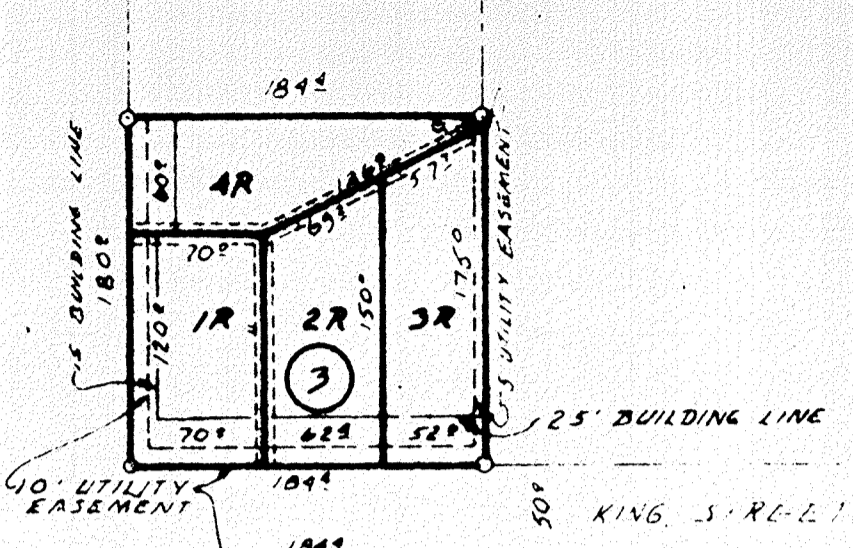
N. Race Redevelopment
Everman Texas

PRELIMINARY SITE PLAN

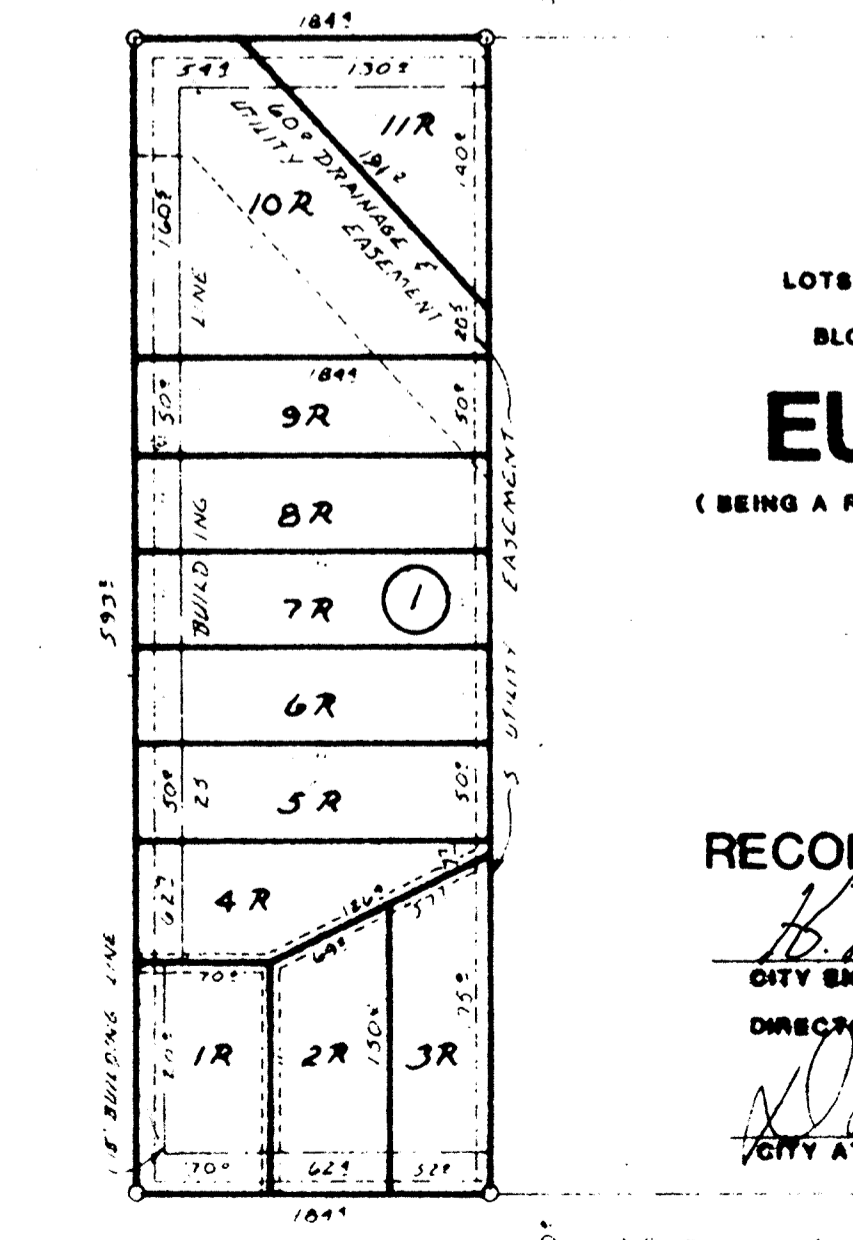
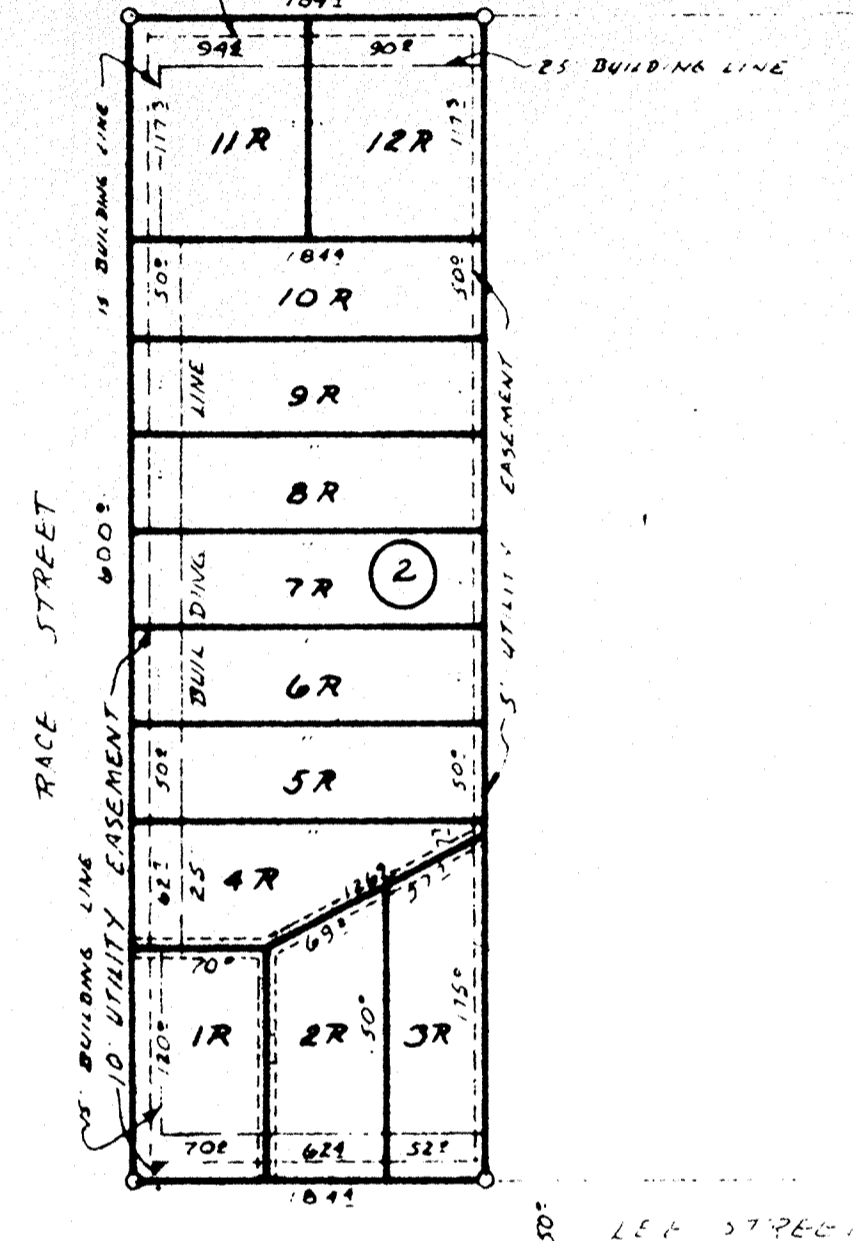
Waal.architecture







1000 27710 6.00 WD 6 08/26/83



PLAT SHOWING
 LOTS 1-R THRU 11-R, BLOCK 1, LOTS 1-R THRU 12-R,
 BLOCK 2, AND LOTS 1-R THRU 4-R, BLOCK 3.
EUREKA ADDITION
 (BEING A REVISION OF BLOCKS 8, 9, AND PART OF 10, RACE'S ADDITION)
 TO THE CITY OF EVERMAN,
 TARRANT COUNTY, TEXAS.

RECOMENDED FOR FINAL APPROVAL:
H.P. Hensley 8-8-83
 CITY ENGINEER AND/OR DATE
 DIRECTOR OF PUBLIC WORKS
Walter J. ... 8-8-83
 CITY ATTORNEY DATE

COMMISSIONER OF TARRANT COUNTY, TEXAS
 I certify that this instrument was filed on this date in the Volume and Page of the Plat Records of Tarrant County, Texas, as stamped herein on this date.
 AUG 25 1983
Madeline Huffman
 COUNTY CLERK
 TARRANT COUNTY, TEXAS

Ralph Whitlock 8-8-83
 CHAIRMAN, CITY PLANNING DATE
 AND ZONING BOARD
J.L. Carroll 8-8-83
 SUPERINTENDENT OF THE DATE
 WATER AND SEWER DEPARTMENT

DEDICATION
 THE STATE OF TEXAS |
 COUNTY OF TARRANT |
 KNOW ALL MEN BY THESE PRESENTS
 THAT WHEREAS, MRS. EDITH CHRISTOPHER is the owner of Lots 1-A THRU 4-A, Lots 5 thru 10, Block 3, Lots 1 thru 10, Block 9, and Lots 1 thru 3, Block 10, Race's Addition to the city of Everman, Tarrant County, Texas, according to plat recorded in Volume 388-T, Page 9, Plat Records, Tarrant County, Texas.

NOW THEREFORE, MRS. EDITH CHRISTOPHER desires to adopt a plan for revising said lots to be known as Lots 1-R thru 11-R, Block 1, Lots 1-R thru 12-R, Block 2, and Lots 1-R thru 4-R, Block 3, Eureka Addition to the city of Everman, Tarrant County, Texas, and does hereby dedicate to the use of the public all streets and easements as shown thereon.

IN WITNESS THEREOF, THIS DEDICATION is executed this the 31st day of August, 1983.
 By *Edith Christopher*
 MRS. EDITH CHRISTOPHER

THE STATE OF TEXAS |
 COUNTY OF TARRANT |

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared MRS. EDITH CHRISTOPHER, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 31st day of August, 1983.
[Signature]
 Notary Public, Tarrant County, Texas

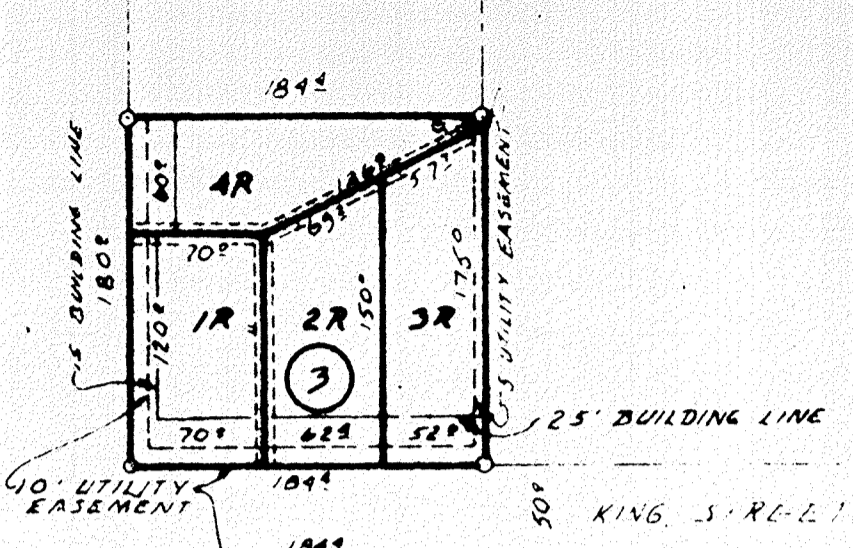
I hereby certify that the above and foregoing Plat of Blocks 1 thru 3, Eureka Addition to the City of Everman, Texas, was approved by the City Council of the City of Everman, Texas, on the 9 day of August 1983.
 This approval shall be invalid unless the approved plat of such addition is recorded in the office of County Clerk of Tarrant County, Texas, within 30 days from said date of final approval.
 Said addition shall be subject to all the requirements of the Platting Ordinances of the City of Everman.
 Witness my hand this 9 day of August 1983.

Jerry L. ...
 City Secretary

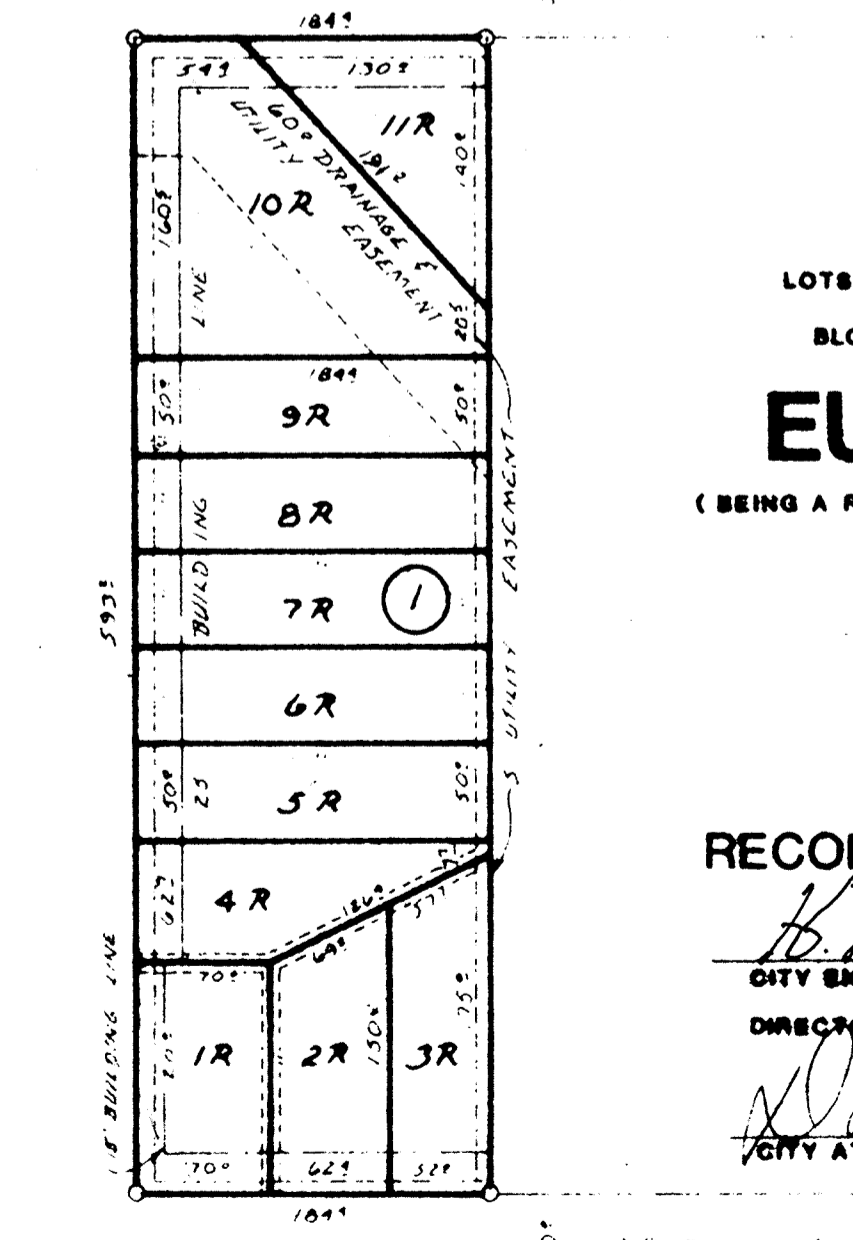
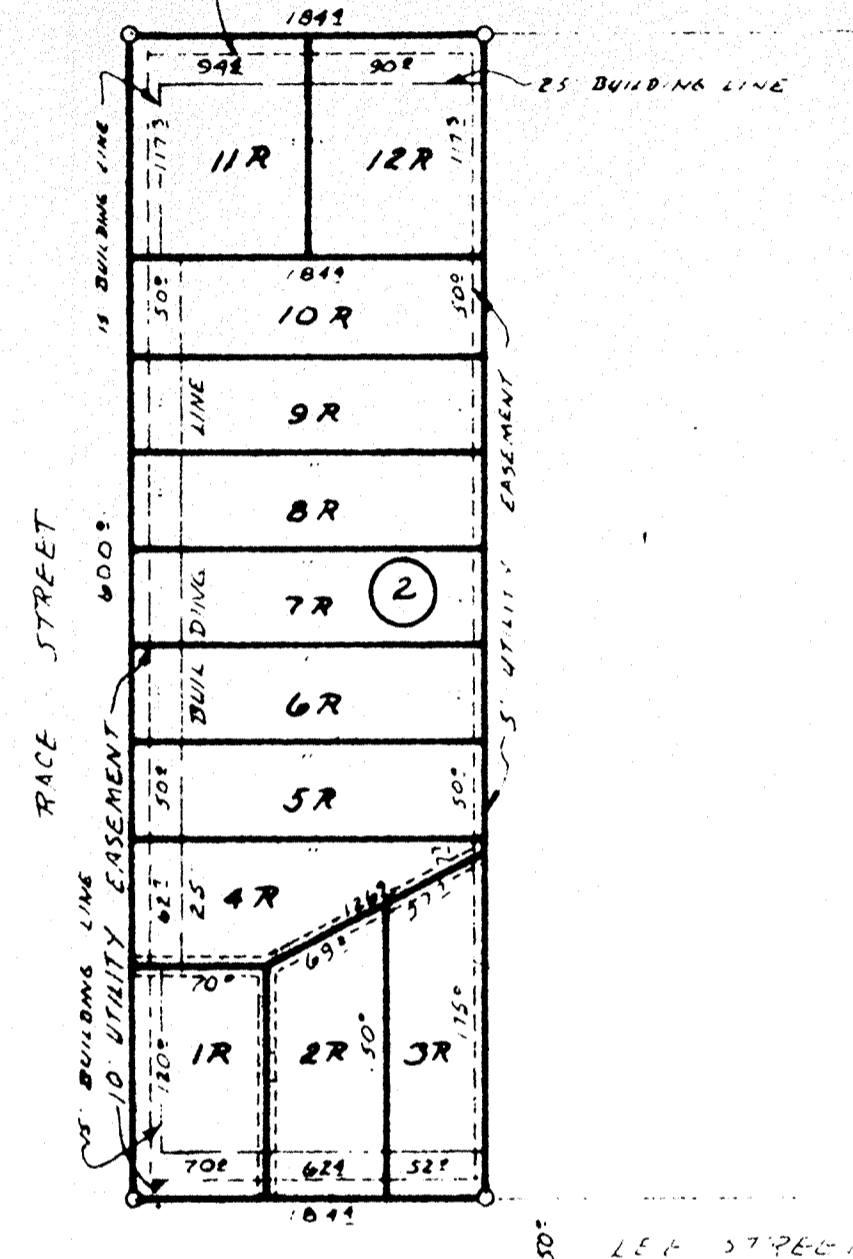
83 AUG 25 P 1:18
 TARRANT COUNTY, TEXAS

Clarence ...
 7-8-83

AREA SURVEYING COMPANY
 102 W. TRAMMELL ST.
 EVERMAN, TEXAS 76140
 PHONE 293-5684



1000 27710 6.00 WD 6 08/26/83



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 LOTS 1-R THRU 11-R, BLOCK 1, LOTS 1-R THRU 12-R,
 BLOCK 2, AND LOTS 1-R THRU 4-R, BLOCK 3.
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 DIRECTOR OF PUBLIC WORKS
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 CITY ATTORNEY DATE

COMMISSIONER OF TARRANT COUNTY, TEXAS
 I hereby certify that this instrument was duly recorded in the time stamped herein by me and was filed in the Volume and Page of the Plat Records of Tarrant County, Texas, as stamped herein on this date.
 AUG 25 1983
Madeline Huffman
 COUNTY CLERK
 TARRANT COUNTY, TEXAS

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 By *Edith Christopher*
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THE STATE OF TEXAS |
 COUNTY OF TARRANT |

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared MRS. EDITH CHRISTOPHER, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

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[Signature]
 Notary Public, Tarrant County, Texas

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 7-8-83

AREA SURVEYING COMPANY
 102 W. TRAMMELL ST.
 EVERMAN, TEXAS 76140
 PHONE 293-5684

**CITY OF EVERMAN, TEXAS
ORDINANCE NO. 788**

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 2, ARTICLE II, SECTION 2-22 IN ORDER TO ADOPT CITY COUNCIL POLICIES AND PROCEDURES TO REGULATE MEETINGS AND OTHER ACTIVITIES OF THE CITY COUNCIL AND OTHER APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY; REQUIRING THAT A COPY OF SUCH POLICIES AND PROCEDURES BE KEPT ON FILE IN THE CITY SECRETARY’S OFFICE; REPEALING ORDINANCES, PART OF ORDINANCES AND PREVIOUS POLICIES IN CONFLICT HEREWITH, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman, Texas (“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 deems it necessary, for the purpose of promoting effective and efficient government of the City and in order to provide fair, ethical, and accountable local government, to adopt and enforce regulations and policies regarding the governance of the City by the Everman City Council; and

WHEREAS, the City Council has in the past, on August 8, 2017, adopted Ordinance 714 for a Policy on Governance Process; and

WHEREAS, the City Council wishes to repeal the previously adopted Policy of Governance Process and replace such policy with the provisions set forth in this Ordinance and adopted by reference herein.

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

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 2 of the Code of Ordinances of the City of Everman, Section 2-22 entitled “Policy on Governance Process Adopted” is hereby amended to read as follows:

“Sec 2-22 City Council, Boards, Commissions, and Committees Rules and Procedures

(a) Adoption of Policy

The City of Everman City Council, Boards, Commissions, and Committees Rules and Procedures in the form attached hereto as Exhibit “A” (“the Policy”) is hereby adopted as the official policy of the

City of Everman, Texas and shall be applicable to the City Council and to the extent set forth therein, all Boards, Commissions, and Committees created by the City. The Policy is incorporated by reference as though copied into this article in its entirety. The material contained in the Policy shall not be included in the formal municipal codification of ordinances, but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

(b) Policy Amendments

The Policy as adopted herein may from time to time be amended by ordinance through a majority vote of the city council. Such amendments shall be incorporated into this section by reference, but shall not be included in the formal municipal codification of ordinances. The amendments shall be maintained as a public record in the office of the City Secretary and made available for public inspection and copying during regular business hours.”

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, including, but not limited to Ordinance Number 714, and any codification thereof or amendments thereto, and the Policy on Governance Process adopted by the City Council on August 8, 2017, are all hereby repealed, and any other ordinances or policies regarding the subject of City Council or Board, Commission or Committee procedures, are hereby repealed to the extent of any conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contemplated herein.

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. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

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: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

Ord. 788 - Exhibit A

CITY OF EVERMAN

City Council, Boards, Commissions, and Committees Rules and Procedures



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ARTICLE 1. INTRODUCTION, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Introduction

The Everman City Council ("Council") is the governing body of the City of Everman ("City"); therefore, it must bear the initial responsibility for the integrity of governance. The Council is accountable for its own professional development (both as a group and as individuals), its responsibilities, its own discipline, and its own performance. The development and adoption of this policy are to ensure effective and efficient government. All citizens and businesses of Everman are entitled to fair, ethical, and accountable local government which has earned the public's full confidence for integrity. In keeping with the City's commitment to excellence, the effective functioning of democratic government, therefore, requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials are independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

1.2 Applicability

The rules and procedures adopted by the City Council are applicable not only to the City Council, but shall apply to all other boards, commissions, and committees of the City of Everman.

1.3 Amendment

These rules may be amended or new rules adopted, by a majority vote of the members of the City Council present.

ARTICLE 2. MISSION STATEMENT

2.1 Mission Statement

Based on recognition that stewardship of the public interest must be their primary concern, members of the Council and of the Boards, Commissions, and Committees that are appointed by the Council ("Board Members"), will work for the common good of the people of Everman and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before their respective body.

ARTICLE 3. COMPLY WITH LAW

3.1 Comply with Law

All Members shall comply with all Federal, State and Local laws, the Everman City Charter, all Ordinances, Regulations, Codes, Rules and Policies of the City of Everman.

ARTICLE 4. GENERAL RULES OF PROCEDURE AND POLICIES

4.1 Construction of Authority

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United State of America; (2) The Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Everman, Texas; (5) these rules; and, (6) Robert's Rules as amended and set forth herein.

4.2 Council/Staff Relationships and Communications

The City Manager shall be the chief executive and administrative officer of the City. Refer to Home Rule Charter, Section 5.04 for specific details. The Council should contact City employees through the City Manager. Council Members should refrain from giving orders or directions to any subordinate of the City Manager, either publicly or privately. Work assignments and policy direction should come from the elected body as a whole and not from individual members.

The City Manager shall be directly responsible for providing equal information to all Council members. Should the City Manager find that staff time is being dominated by a single member, he/she should inform the Mayor of the concern.

All Council members and staff members shall show respect and courtesy to each other and citizens at all times.

The City Manager is responsible for seeing that all newly elected Council members are provided with a thorough orientation on staff procedures, municipal facilities and other information of interest to municipal officials.

Consultants hired by the City shall be considered staff members for purposes of governance.

4.3 Meetings Shall Be Public

All meetings of the City Council, Boards, Commissions, and Committees shall be public, and notices thereof shall be posted as provided for under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, a notice of all meetings

shall be given 72 hours before the time set for any meeting. The Everman City Hall is wheelchair accessible and special parking is available on the west side of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 817-293-0525.

4.4 Conduct of Meetings

Meetings shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Robert's Rules of Order as amended herein and when not inconsistent with these rules

4.5 Regular Meetings

Regular meetings of the City Council shall be established by ordinance in accordance with the Everman City Charter. The Council may, by majority vote at a regular meeting, change the days or times of meetings, as circumstances may necessitate. Regular meetings of Boards, Commissions, and Committees shall be set by each independent board and are required to meet at least once during each fiscal quarter of the year.

4.6 Special Meetings

Special meetings of the City Council may be called, upon the request of the Mayor or two Council Members. A request for a special meeting shall be filed with the City Manager in written/electronic format unless made at a regular meeting at which a quorum of the Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

4.7 Emergency Meetings

In case of emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

4.8 Work Sessions

Work Sessions are called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

4.9 Executive Sessions

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council, Board, Commission, or Committee can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded, and affirmed by a majority of the Council. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the presiding officer or his/her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body who, without lawful authority, knowingly discloses to a member of the public the certified agenda for a meeting that was lawfully closed to the public under the Open Meetings Act is liable for: (a) actual damages; (b) reasonable attorney fees and court costs; and possibly (c) exemplary damages. An offense is a Class B misdemeanor. The governmental body will make and keep a certified agenda of each closed executive session, except for an executive session held by the governmental body to consult with attorney in accordance with section 551.071 of the Texas Government Code. The presiding officer must certify that the agenda is a true and correct record of the executive session. The certified agenda must include: (1) a statement of the subject matter of each deliberation, (2) a record of any further action taken, and (3) an announcement by the presiding officer at the beginning and end of the closed meeting indicating the time and date. The presiding officer will certify all agendas in accordance with state law.

4.10 Recessed Meetings

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

4.11 Quorum

The Open Meetings Act defines a “quorum” as the majority of the governing body unless otherwise defined by applicable law, rule, or charter. A quorum of a governmental body’s members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open

meeting of that body under the Act. This requirement applies even if the governmental body plans to go into executive session immediately after convening.

4.12 Conflict of Interest

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the City Secretary as soon as possible after the posting of an agenda which contains a conflict, unless an applicable conflict of interest questionnaire has already been filed.

A Council Member prevented from voting by conflict of interest shall step down from the dais and leave the room, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflict of interest including Chapter 171 of the Local Government Code.

Also, Section 176.003 of the Local Government Code requires certain local government officers to file a Conflicts Disclosure Statement. A "local government officer" is defined as a member of the governing body of a local government entity, a director, superintendent, administrator, president, or other person designated as the executive director of the local government entity; or an employee of a local government entity with respect to whom the local government has, in accordance with Section 176.005, extended the requirements of Section 176.003 and 176.004. The CIS form is required to be filed with the City Secretary no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement. Additionally, a local government officer is required to file an "Affidavit Providing Notice of Potential Conflict of Interest" should the officer have a "substantial interest" in a business or property, as defined in Chapter 171 of the Local Government Code, if the Council is contemplating taking action that may have a special economic effect on the business property. That affidavit must be filed if you or a person related to you in the first degree by consanguinity (blood) or affinity (marriage) has the interest. Please contact the City Secretary for a form prior to the meeting for which you need to file an affidavit.

4.13 Presiding Officer

The Mayor shall be the official head of City Government. The Mayor shall serve as the presiding officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the presiding officer. In the absence of the Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in the City Charter.

The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. The Presiding Officer of boards, commissions, and committees shall be the person selected by the board as the chair, co-chair, or vice chair. If these persons are not in attendance, the board shall choose a temporary presiding officer from among the members in attendance.

4.14 Minutes of Meetings

The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas.

4.15 Suspension and Amendment of Rules

Any provisions of these rules not governed by federal, state law, or the City Charter, may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purposes of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminary approve the amendment.

ARTICLE 5. PARLIAMENTARY PROCEDURE

5.1 Purpose

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself and fully participate in the process.

5.2 Model Format for an Agenda Item Discussion

The following ten steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Ordinance Caption Read.* The Ordinance Caption must be read out loud for the participating members, the audience, and the record prior to the adoption of the ordinance.
3. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
4. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
5. *Seek Resident Input.* The Mayor should invite resident comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that the public input is closed, or if a public hearing, the public hearing is closed.
6. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
7. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion to allow discussion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion is not seconded and should be so stated by the Mayor, who may ask for another motion or move on to the next order of business.
8. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - a. The Mayor can ask the maker of the motion to repeat it;
 - b. The Mayor can repeat the motion; or
 - c. The Mayor can ask the City Secretary to repeat the motion.
9. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good practice to repeat the motion before calling for a vote.
10. *Vote.* The Mayor will call for a vote. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the

vote would constitute a conflict of interest, all members of the Council, including the Mayor, shall vote upon every question, ordinance, or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting with the majority. Action items require a vote. A roll call vote will be conducted by the City Secretary.

11. *Announce the Outcome.* The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

5.3 Types of Council Actions

The Council adopts standing policy for the City primarily in three forms: (1) Ordinances; (2) Resolutions; and (3) Passed Council Actions.

1. *Ordinances*

Actions requiring an ordinance are those required by law and City Charter § 3.11. An ordinance adopted by the Council is a law of the City that may be enforced through the court system. The City Manager or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed ordinances are furnished to members of the Council in their agenda packets. Copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Secretary. The City Attorney may draft, review, or provide any comments about the proposed ordinance to be included in the Agenda Packet.

A proposed ordinance may be amended, but any ordinance amended in substance must be reconsidered at the next regular meeting, except for ordinances authorizing the issue of bonds or other obligations. The Charter requires that the City codify all general obligations. General ordinances are those ordinances of a permanent or continuing nature that affect the residents of the City at large. The Council may legislate by ordinance only.

2. *Resolutions*

Resolutions generally do not have the force of law. A resolution is adopted to approve a contract, state a policy, or to define in writing the intent of the Council when a law is not necessary. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Secretary.

3. *Council Actions*

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy is also supplemented by administrative orders issued by the City Manager and other duly

authorized offices of the City, such as clarifications to the personnel manual, or general orders of the police department. All administrative orders must be in conformance with any policies set by the Council.

5.4 Basic Motions

The basic motion puts forward a decision for consideration. A basic motion might be: “move approval of the Ordinance as submitted,” or “I make a motion that we deny the Resolution.”

5.5 The Motion to Amend

If a member wants to change a basic motion, he or she would have to move to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the Ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

5.6 Discussion and Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

5.7 Other Motions

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.

- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

5.8 Motions Requiring Two-Thirds or a Supermajority Vote to Pass

Normally a super majority vote requires a larger number of affirmative votes than a simple majority. For purposes of these rules, and where applicable state law does not dictate a contrary result, a super majority vote shall require a minimum of five votes for a two-thirds majority vote. The number of affirmative votes required for a super majority is not reduced by the sickness or absence of one or more Council Members. In circumstances where the number of Council Members available to vote on a particular matter is reduced by death, resignation or legal disqualification of one or more of said Members, the total number of Members voting shall be reduced by a like number and the number of affirmative votes required for adoption re-calculated accordingly. The following table provides an example of the calculation for a super majority vote in instances where the number of Council Members is reduced by death, resignation or legal disqualification:

Number of Council Members After Reducing by Death, Resignation, etc.	Minimum Number of Votes For Two-Thirds Supermajority
7	5
6	4
5	4
4	3

- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds, or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the

item from appearing on a future agenda. The motion requires two-thirds, or super majority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)

- *Motion to Suspend the Rules.* This motion IS debatable, but requires a two-thirds or super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

5.9 Motion to Reconsider

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it MUST be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

5.10 Courtesy, Decorum, and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is

healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members who wish to speak during a meeting must first complete a Citizen Comment Request Form and submit it to the City Secretary. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or, points of order are as follows:
 - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of

the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.

- c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
- d. *Call for orders of the day.* This is simply another way of saying, “let’s return to the agenda.” If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

5.11 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor may order any person (Council Member, staff member, or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code)
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.

5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

5.12 Council May Discipline its Own Members

In the event a Council Member violates the Charter, these rules, or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Everman, the City Council on supermajority vote may discipline the offending member.

Such action may only take place after a hearing in an Executive Session, or if the member requests a public hearing, is held to discuss the offense. The offending member shall be present at the hearing to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the hearing, the remaining members of the City Council may proceed in his or her absence.

The outcome of the hearing may be as follows and shall be made when required in Open Session in Accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

ARTICLE 6. AGENDA ORDER

The City Secretary shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each Council Member, on the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

Council Members may request an item to be included on a future agenda. For an item to be included, requests must be made by the Mayor or at least two members of Council and submitted to the City Manager's Office at City Hall by 5:00 pm on the seventh (7th) calendar day preceding the date of the regular meeting. The Council members requesting the agenda item shall be responsible for the presentation of that item during the meeting. Any City staff assistance should be requested through the City Manager's office.

6.1 Call to Order.

The Mayor shall call the meeting to order.

6.2 Invocation/Pledge of Allegiance

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United States flag.

6.3 Consent Agenda Items.

There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all non-controversial business regularly coming before the City Council or requires no deliberation. All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full. Any member of the City Council may request during the *Consider Approval of the Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any item was removed from the Consent Agenda, it will be considered immediately following approval of the remainder of the Consent Agenda.

6.4 Approval of the Minutes.

The Council shall consider the Minutes of any meeting presented for their review since the last Regular Meeting.

6.5 Presentations and Proclamations.

The Mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

6.6 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The Mayor shall first request staff comments. The Mayor shall open the public hearing, then open the public hearing to receive resident input in the following order: proponents, then opponents. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for resident comments. Upon conclusion of resident comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

6.7 Resident Comments on Agenda and Non-Agenda Items.

All persons desiring to speak to the City Council on an agenda or non-agenda item must submit a Citizen Comment Request Form to the City Secretary at least five (5) minutes before the meeting starts. A member of the public may address the City Council upon being recognized by the Mayor or with the consent of the City Council. The Mayor may limit comments to three (3) minutes to address the council. City Council is restricted on discussing or taking action during Citizen Comments.

6.8 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

6.9 City Managers Report.

This section is used for routine reports and announcements provided by the City Manager to the Council. It also is an opportunity for Council to ask questions of the City Manager related to project status and clarifications.

6.10 Mayors Report.

This section is used for routine reports and announcements provided by the Mayor to the Council. It also is an opportunity for Council to ask questions of the Mayor related to project status and clarifications.

6.11 Future Agenda Items.

The Mayor or City Council may request items be placed on a future agenda at this time. An additional member of Council must concur with a Council Members request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place.

6.12 Executive Session Items.

This section is only used, when it is necessary for the Council to convene in Executive Session. Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act. If the subject of the Executive Session warrants, the Executive Session may be held prior to the Regular Session.

6.13 Action on Executive Session Items.

This section is only used if section 6.12 is used. Action on Executive Session Items must be taken during public/open session of the Council Meeting. Action may include the taking of no action at all.

6.14 Adjournment.

The Mayor shall adjourn the meeting or upon passage of the appropriate motion.

ARTICLE 7. WORK SESSION POLICIES AND PROCEDURES

7.1 Purpose.

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

7.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.

7.3 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

7.4 Prohibitions Against Formal Actions.

No formal actions may be taken at a Work Session. Council may provide staff direction on the matter being considered and ask that the item be placed on a Regular or Special Called Meeting agenda for formal action.

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a Work Session.

ARTICLE 8. RULES GOVERNING RESIDENT COMMENTS

8.1 Purpose.

It is the desire of the City Council to hear from the residents of Everman and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

8.2 Mayor to State Rules for Audience Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the audience. The Mayor may direct the City Secretary to read the rules and publish the same in the Council Chambers.

8.3 Rules Governing Resident Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on each agenda item. Each speaker is limited to one presentation per meeting and a maximum timed limit of three minutes, unless otherwise granted by the Presiding Officer.
2. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to

speak. If the subject matter does not pertain to city business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.

3. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
4. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
5. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.
6. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.
7. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
10. Council meetings are the workplace to carry out the business of the City of Everman; therefore, any conduct that could constitute harassment in the workplace is prohibited.
11. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

8.4 Preservation of Order.

The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

ARTICLE 9. BOARDS AND COMMISSIONS

9.1 General.

All boards and commissions are detailed under the City of Everman Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

9.2 Meeting Times and Agenda Order.

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act. All boards, commissions, and committees shall be required to hold a Regular Meeting at least once every financial quarter. The purpose of these meetings, if for no other reason, would be for the members to receive status updates, pose questions of clarification, set future agenda items as well as provide opportunity for public comment.

9.3 Boards with Regulatory Authority.

The Board of Adjustments, Capital Improvements Advisory Committee, Economic Development Corporation, Planning and Zoning Commission, and Tax Increment Financing Board all have regulatory authority.

9.4 Boards without Regulatory Authority.

The Animal Control Advisory Board and Library Board do not have regulatory authority.

9.5 Appointments.

The City Council will review applications and or interview eligible applicants for open positions on boards and commissions. Appointments will be approved by a simple majority vote.

9.6 Board Members.

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

9.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the City Secretary.

9.8 Liaisons.

Council Members or staff may be appointed as Liaison to the following City Boards and Commissions; Planning and Zoning, Library, Animal Control Advisory, and Economic Development Corporation board. Liaisons will be appointed by Council with consideration given to applicable expertise. Liaisons shall attend the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their Liaison concerning items of concern or interest with regard to their appointed board.

ARTICLE 10. TRAINING

10.1 General Provisions

In addition to the required training, Council members are encouraged to attend at least one training event per year, and others as found beneficial to the performance of their elective duties, subject to the availability of funds as appropriated in the annual budget for the Mayor and each Council member.

At a minimum, funds will be appropriated annually for three council members to attend the annual TML Training Conference. Accordingly, Places 1, 3, and 5 will attend in odd-numbered years while Places 2, 4, and 6 will attend in even-numbered years. These allocations are transferrable only in the event that a Council member is unable to attend and that both council members are in agreement on the transfer. Additionally, funds will be appropriated annually for the Mayor to attend one conference.

Council members are responsible for completing their own training registration and any necessary travel and lodging arrangements.

When attending TML conferences, credit must be obtained for all training seminars, with a minimum of 5 credits obtained per full day, and 2.5 credits for all half days. Documentation of credits obtained must be submitted to the Mayor or the City Manager in the Mayor's absence, to be eligible for reimbursement.

10.2 Permissible Training

Training can be obtained through Texas Municipal League, the Everman City Attorney's office, North Central Texas Council of Governments (NCTCOG), or online. All other training must be approved by the City Council or reimbursement will not be processed.

10.3 Financial Responsibility and Reimbursement Process

If a Council member is scheduled to go to an event per their request, and then cancels their registration for the event, the Council Member will be responsible for all late fees or the forfeiture of funds incurred by the City.

The following criteria must be met for expenses to be eligible for reimbursement:

1. All training must be approved in advance by the Mayor.
2. All training must be obtained within the State of Texas and must be pertinent to the local city government.
3. Council member must complete a Staff Reimbursement Form, attach copies of all appropriate receipts or documentation and submit the form to the Mayor for approval.
4. If a Council member is requesting reimbursement for mileage, a map indicating the start and end locations, route, and mileage are required in accordance with city policy.

All Council Members are required to participate in "Automatic Payroll Deposit" to receive payments or reimbursements due to them. This is required of all city employees, and the City Council will abide by the same rules. Once an automatic payroll deposit account is set up any payments shall be made electronically. The Mayor is responsible for approving all reimbursement requests submitted by a Council Member.

ARTICLE 11. MISCELLANEOUS COUNCIL POLICIES

11.1 City Shirts

City shirts or other similar items may be purchased by Council, Board, Commission, & Committee Members at their own expense.

11.2 Business Cards

Elected or appointed officials who want business cards, other than those outlined in the personnel policy (Management Staff and Mayor) may order them through the city but will be required to reimburse the city.

11.3 Functions

The city will pay for Council members and one guest to attend functions related to city business, e.g., TML Region 8 dinners, Mayor's Council dinner, Chamber dinners, up to the dollar amount allocated for each council member as approved during the budget process. If a council member signs up for an event and does not attend, the Council Member shall reimburse the city for any amounts already paid that cannot be refunded. All reimbursements shall be processed within 30 days of receiving appropriate documentation and support.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

*For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.



CITY OF EVERMAN

212 N. Race St.
Everman, TX 76140

PUBLIC NOTICE CITY OF EVERMAN ZONING COMMISSION PUBLIC HEARING

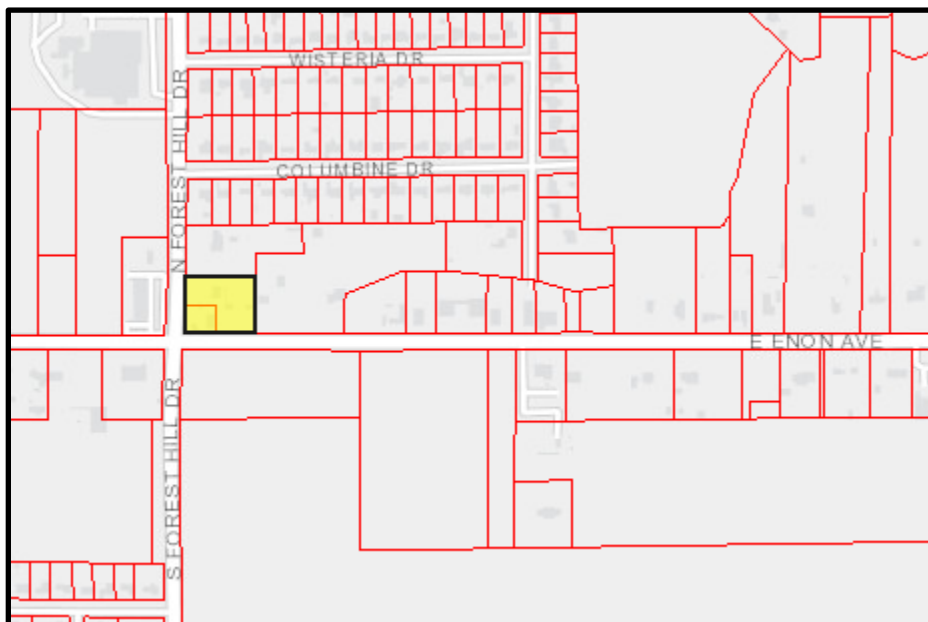
Meeting Date: Monday, August 15th, 2022 at 6:30pm
Council Chambers - Everman City Hall
212 N. Race St
Everman, Texas 76140

A Zoning Change has been requested for the property shown in the highlighted area on the map below.

If you would like to express support or opposition for this request, you can sign up to speak at the Public Hearing or provide written comment to the Zoning Commission.

For questions, to submit written comments, or register to speak, please e-mail: dstrickland@evermantx.net. Any member of the public who wishes to address the commission regarding an item on the agenda must sign up prior to the commencement of the meeting.

Case Address: 100 & 108 N. Forest Hill Drive
Case Name: AGHA Enterprises
Proposed Change: From "A1" Single-Family Housing
To: "C1" Commercial





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

AGENDA TITLE: Zoning Change Request - 100 & 108 N. Forest Hill Drive - AGHA Enterprises, proposed change from "A1" Single-Family Housing to "C1" Commercial

MEETING DATE: 09/06/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

Approval

BACKGROUND INFORMATION:

The applicant is requesting the zoning change to allow for the development of a small strip center that will potentially include a Liquor Store, a Proposed Restaurant, and 4 additional Leased Retail Shops. This development will also include a proposed addition and renovation of the existing Chevron Fuel Station and Convenience Store.

This application does align with the City of Everman Comprehensive Plan. The application does not align with the Future Land Use Plan, however, it is highly compatible due to the immediately adjacent and already existing Commercial Property. Because of these reasons, this application is being recommended for approval.

On August 15, 2022, the City of Everman Zoning Commission held a Public Hearing on this request. Following testimony from the applicant and opposition, the Zoning Commission voted to recommend approval for this change.

During this hearing, there was testimony given in opposition to the zoning change, specifically due to the proposed Liquor Store. The opposition expressed concern about the proposed liquor store, citing the proximity to a school and stating that having a liquor store would increase crime rates and decrease property values. Staff would like to address these three statements in this report:

- 1) Texas State Law prohibits the sale of alcohol within 300 feet of any school, church, or daycare. The City of Everman recognized the importance of such laws and adopted more stringent requirements through City Ordinance 678 which was adopted in 2014. This ordinance prohibits the sale of alcohol within 1,000 feet of certain schools. Furthermore, Everman voters approved the sale of liquor through an election, which became effective June 8, 1981. This proposed project complies with these requirements.
- 2) There is no existing information or data available to suggest or support that the presence of a Liquor Store in the City of Everman would contribute to a rise in crime. Currently, the City of Everman already has one Liquor Store currently open on Everman Parkway, near a normally crime-ridden area. The Everman Police Department has seen no adverse impact due to the presence of a liquor store. As a

matter of fact, the overall crime rate within the City of Everman is drastically lower in comparison to before the current liquor store existed. Therefore, the presence of a liquor store does not have a negative or positive impact on the crime rate. Quality police practices and community relationships directly contribute to lower crime rates. It should also be noted that alcohol products are already sold on this proposed property as well as the property across the street (located even closer to a school). Alcohol Sales Tax contributes significant dollars to the City of Everman Crime Control District Fund which is specifically allocated for law enforcement. The presence of alcohol sales actually provides financial means to further reduce crime.

3) Additionally, there is no data or information available to suggest that the presence of a liquor store would adversely affect nearby property values. The information, data, and common development practices indicate the opposite effect. Quality development, coupled with planned infrastructure improvements, in this area will significantly increase property values.

FISCAL IMPACT:

The current residential zoned portion of this property is vacant and undeveloped. Property Tax revenue of this location is minimal. The development of this property for commercial purposes will allow for increased sales tax revenue for the City of Everman in addition to the obvious increase in property tax revenue from any development. Furthermore, if the proposed Liquor Store is developed, the City of Everman will see an increase in Crime Control District Funds from Alcohol Sales.

N. Forest Hill

N0° 41' 41"W 192.49'

N89° 21' 19"E 229.83'

108 N. Forest Hill Dr, Everman

30 Parking

LIQUOR STORE
3110sf

PROPOSED RESTAURANT
2527sf

Liquor Store

Office

Storage

Addition

Existing Chevron Station

6'-0"

24'-0"

28'-11"

New limits

existing limits in gray

25'-0"

20'-0"

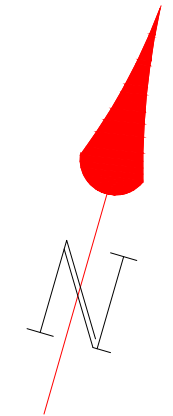
5'-0"

S89° 3' 19"E 229.83'

E. Enon Ave

Site Plan

SCALE: 1"=0" = 20'



JLEC, Inc
5216 Saratoga
Arlington, TX 76017

L&E CROSS
JLEC, INC

100 N Forest Hill Dr.
Everman, Tarrant County, Texas

Dwg By:
ECC
5/5/2022

Site

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 6 – 9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2022. Ballots received after September 30, 2022, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 6

- Allison Heyward.** Councilmember for the City of Schertz (Region 7) since 2018. She also serves as the Mayor Pro Tem. Mrs. Heyward was appointed to represent the Texas Municipal League Board of Directors as an ex-officio non-voting member of the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool. She earned a Bachelor's Degree in Accounting from Texas Southern University in 1990 and is a 2020 graduate of the Chamber Leadership Core Program. She is a TML Leadership Fellow, a Certified Municipal Officer (CMO), as well as a member of the TMRS Advisory Board on Benefit Design.

- Kimberly Meisner.** Assistant City Manager for the City of Kerrville (Region 7). Ms. Meisner has over 25 years of public service, which includes serving Kerrville and La Porte. She earned a Master's Degree in Public Administration from the University of Texas at Arlington and a Bachelor's Degree in Human Resource Management from Columbia Southern University. She is a member of TCMA and serves on the Ethics Committee as the Region 8 Representative. She is also serving a second year as the Chair of the Ethics and Integrity Award subcommittee.

WRITE IN CANDIDATE:

PLACE 7

- Mary Dennis** (Incumbent). Mayor for the City of Live Oak (Region 7) since 2010. Mayor Dennis has served on the TML Risk Pool Board since 2018. She is currently Vice-Chair of the TML Risk Pool Board, and on October 1, 2022, will begin a two-year term as Chair. Among her numerous civic activities are serving as 2016/2017 President for the Texas Municipal League, 2021-2023 NLC Board Director, Treasurer of the Greater Bexar County Council of Governments, Chair of the Judson ISD Facilities Committee, Chair of the Bexar County Suburban Cities Committee, and President of the Live Oak Economic Development Corporation. She is also a 2019 Inductee of the San Antonio Women’s Hall of Fame and the 2019 San Antonio Women’s Chamber of Commerce “Comet Award.”
- James A. Douglas, Ph.D.** City Councilmember for the City of Kenedy (Region 7). Dr. Douglas is a current criminal justice instructor at Kenedy ISD. He is a national Law and Public Safety Education Network (LAPSEN) Honor Teacher who, along with some of his students, recently participated in the Washington, D.C. National Academy of Law and Justice. The LAPSEN Honor Teachers were identified from a national application process to identify educators with a passion for law and justice, excellence in leadership and teaching.
- Rebecca (Becky) Haas.** Mayor of Richmond (Region 14). Mayor Haas is a business-owner in the historic downtown district of Richmond. She is a direct descendant of one of Stephen F. Austin’s first settlers in Texas who are known as the Old Three Hundred. She is Chaplain for and a charter board member of the Descendants of Austin’s Old Three Hundred organization. She is passionate about Texas history, a member of the Fort Bend County Historical Commission, a former member of the Richmond Historical Commission, a member of the Fort Bend County Museum, a board member of the Black Cowboy Museum, member of Historic Richmond Association, and is a Fort Bend Docent.
- James Hotopp.** City Manager for Weatherford (Region 8) since 2019. Mr. Hotopp joined the City in 2007 as its Director of Water/Wastewater and Engineering and served the City in several capacities, including Utility Engineer, Director of Planning and Development, and Assistant City Manager. He serves as a voting member of Region C Water Planning Group for Texas, which prepares a regional water plan for a 16-county group in North Texas. Mr. Hotopp is a member of the North Texas City Manager’s Association, the North Texas Commission, and a board member of the Texas Public Power Association. Previously, he worked in consulting engineering where he designed water treatment plants, wastewater treatment plants, water pump stations, wastewater lift stations, and distribution/collection lines.

WRITE IN CANDIDATE:

PLACE 8

- Chris Coffman.** City Manager of Granbury (Region 8). Mr. Coffman has 24 years in public management. He has served as City Manager for Sealy, Borger, the Village of Timbercreek Canyon, and Panhandle. He has also served as the Director of Local Government Services of the Panhandle Regional Planning Commission and served as Interim City Manager for the Cities of Fritch and Stratford. During his time at the Panhandle Regional Planning Commission, he served 26 counties and 62 cities in the Panhandle. He is a past President of the TCMA. Mr. Coffman holds a Bachelor of Science Degree in Public Administration from West Texas A&M University and has a Certified Public Manager designation through Texas Tech University.

- Brett Haney.** City Administrator for the City of Cockrell Hill (Region 13) since 2015. Mr. Haney has been with Cockrell Hill since 2006 and was promoted to Assistant City Administrator in 2011. He is originally from Southern California and moved to North Texas in 2000. Mr. Haney earned Bachelor of Applied Arts and Sciences and Master of Public Administration degrees from the University of North Texas. He is a member of TCMA and currently serves on the Public Policy Committee and has served on the TCMA Advocacy Committee in recent years. He is very active as Cubmaster and Den Leader for Cub Scout Pack 717 in Keller, Texas.

- Mike Land.** City Manager for the City of Coppell (Region 13) since 2017, and Deputy City Manager from 2012-2017. Previously, he was Town Manager for Prosper, City Manager for Gainsville, and Executive Director for the Southwestern Diabetic Foundation. Mr. Land has served on the International City/County Management (ICMA) Board of Directors, ICMA's Advisory Board on Graduate Education, Texas A&M University's Development Industry Advisory Council, School Board Trustee for Gainesville Independent School District, and President of TCMA. Currently, he serves on the Texas Women's Leadership Institute Advisory Board and the UTA MPA Advisory Board.

- Marian Mendoza.** City Administrator for the City of Helotes (Region 7) since 2020. Ms. Mendoza has held positions with the City of Alamo Heights, as Assistant to the City Manager (2005-2020), and with the City of San Antonio as a Management Analyst (2003-2005). Previously she served as a Director overseeing homeless transition housing programs for the Salvation Army. She also serves as the Ex-Officio Board Member of the Helotes Economic Development Corporation. Ms. Mendoza earned a Bachelor's Degree from St. Mary's University and is part of the Certified Public Management program at Texas State University. She is a member of the ICMA, TCMA, and the International Hispanic Network.

- Louis R. Rigby.** Mayor of the City of La Porte (Region 14) since 2010. Mayor Rigby previously served as the District 5 Councilperson from 2004 until 2010, before being elected Mayor. He is a member and past Director of the La Porte-Bayshore Chamber of Commerce and has held the offices of Treasurer, Vice-President, and President of the Harris County Mayors and Councils Association. He graduated from San Jacinto College and the University of Houston before earning an MPA from the University of Houston-Clear Lake. Mayor Rigby served in the U.S. Airforce from 1968-1972. He has actively advocated for the La Porte region on issues including heavy haul and solutions for hurricane damage and management.

WRITE IN CANDIDATE:

PLACE 9

- Barry Beard.** Commissioner for the City of Richmond (Region 14) since 2016. Mr. Beard retired from Moody National Bank where he was the Senior Vice President. He has served on many civic and community boards. He was President of the Board for Oak Bend Hospital, past Chair of the Central Fort Bend Chamber Alliance, past Chair of Arc of Fort Bend, Congressman Olson’s Service Academy Interview Committee and Fort Bend Partnership for Youth. He also served on the original Richmond Charter Commission, Richmond Parks Commission, Richmond Development Corporation, Richmond Historical Commission, Richmond Comprehensive Planning Advisory Committee, and the Richmond Rosenberg Local Government Corporation.

- Stephanie Fisher.** Councilmember for Johnson City (Region 7). In 2021, she was appointed as the Johnson City representative to the General Assembly of the Capital Area Council of Governments. The Executive Committee of the Capital Area COG appointed her to represent the COG on the Unified Scoring Committee of the Texas Department of Agriculture’s Community Block Grant program. She serves on the Board of Directors for the Hill Country 100 Club and the Johnson City Community Education Foundation. She also is the Commissioner for the Johnson City Youth Football program and sits on an advisory committee for the Johnson City Youth Sports Association. She is active in her church, as well as multiple activities within Johnson City ISD, and is a member of the Blanco County Eclipse Task Force.

- Carl Joiner.** Mayor for the City of Kemah (Region 14) since 2015. Prior to that, he served as a Kemah City Councilmember for three years. He has served as President of the Kemah Community Development Corporation, Chairman of the Bay Area Houston Transportation Partnership, member of the Convention and Visitors Bureau Board, Chairman of the Clear Creek Education Foundation, board member of the Chris Reed Foundation, Chairman of the Clear Lake Area Chamber, and Treasurer of the League City Regional Chamber of Commerce. He has received awards such as the Chairman’s Award in 2020 for the League City Regional Chamber of Commerce and the Sam Walton Award for Integrity in Business.

- Opal Mauldin-Jones (Incumbent).** City Manager for the City of Lancaster (Region 13) since 2011, and in various other roles for Lancaster since 2003. Under her leadership, the City has experienced two consecutive bond rating increases without issuing debt. The City has been designated a 2019 All-America City and received the CiCi Award. It is one of less than 25 communities with all five Transparency Stars awarded by the Texas Comptroller. Ms. Mauldin-Jones earned her Bachelor Business Administration and Master Public Administration degrees from the University of Texas at Arlington. She currently serves on the TCMA Board as Director-at-Large and as Vice President-Elect, and on the Board of the TML Intergovernmental Risk Pool.

- William Linn.** City Manager of Kenedy (Region 7). Mr. Linn is a member of TCMA and ICMA. He earned a Bachelor of Science Degree in Business from Indiana University’s Southeast campus. Thereafter, he was accepted to several law schools where he intended to specialize in business and intellectual property law. However, Mr. Linn opted to enroll in Southern New Hampshire University where he earned a Master of Business Administration and Master of Science in Organizational Leadership concurrently. He is a Certified Fraud Examiner and a Certified Public Manager. He is working to complete the Lean Six Sigma Black Belt and Project Manager Professional Certifications.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this _____ day of _____, 2022.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity