



# EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, August 12, 2025 at 6:00 PM

213 North Race Street Everman, TX 76140

## AGENDA

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**1. MEETING CALLED TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. CONSENT AGENDA**

**A. Financial Report**

June 2025

**5. PRESENTATIONS**

**A. Proclamation Honoring the 60th Wedding Anniversary of Dwaine & Janice Hope**

**6. CITIZEN'S COMMENTS**

**7. DISCUSSION ITEMS**

**A. Staff Report - "Operation Clean & Clear" Code Enforcement Blitz**

**B. Staff Report - Wichita Street Construction Project**

**C. Staff Report - Hanna Ranch Sewer Main Project Update**

**D. Staff Report - Everman Police Officer Great Cycle Challenge**

**E. 50th Year Community Development Block Grant (CDBG) Waterline Project - City Engineer**

**8. CONSIDERATION AND POSSIBLE ACTION**

**A. RESOLUTION NO. 2025-08-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE PURDUE SETTLEMENT AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM REGARDING THE PURDUE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE**

**B. RESOLUTION NO. 2025-08-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE OPIOID SETTLEMENTS WITH ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN AND ZYDUS AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM(S) REGARDING THE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE**

**C. RESOLUTION NO. 2025-08-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, RECOMMENDING AWARD OF BID FOR THE 50TH YEAR CDBG**

PROJECT – WATER LINE IMPROVEMENTS FOR MARLENE DRIVE – TO PIPE CREW, LLC IN THE AMOUNT OF \$164,496.00, IN ACCORDANCE WITH THE ENGINEER’S RECOMMENDATION; AND PROVIDING AN EFFECTIVE DATE.

- D.** ORDINANCE NO. 837 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 10, “HEALTH, SAFETY AND NUISANCES,” BY ADDING A NEW ARTICLE XI, TO BE ENTITLED, “DONATION COLLECTION BINS,” TO ADOPT REGULATIONS FOR THE PLACEMENT AND USE OF DONATION COLLECTION BINS IN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE ; AND PROVIDING AN EFFECTIVE DATE.
- E.** ORDINANCE NO. 838 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST IN A PORTION OF THE TRICE STREET RIGHT-OF-WAY BEING PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE SAID ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.
- F.** ORDINANCE NO. 839 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, APPROVING AND ADOPTING AN UPDATED SCHEDULE OF RATES AND FEES FOR WATER, SEWER, REFUSE, AND RELATED UTILITY SERVICES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
- G.** ORDINANCE NO. 840 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 20, “UTILITIES,” ARTICLE VIII “UTILITY AND TELECOMMUNICATIONS FACILITIES WITHIN THE RIGHT-OF-WAY” BY AMENDING SECTION 20-343 “RESTORATION OF RIGHT-OF-WAY” AND SECTION 20-347 “PENALTY”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.
- H.** ORDINANCE NO. 841 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE “CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES RULES AND PROCEDURES,” LAST AMENDED BY ORDINANCE NO. 788, TO INCORPORATE NEW STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**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 August 8, 2025.

/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/](http://www.evermantx.us/government/citycouncil/)*

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

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

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

*Citizens wishing to submit written comments should e-mail the City Secretary at [mparks@evermantx.net](mailto: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.*



# Proclamation

## HONORING DWAIN & JANICE HOPE ON THEIR 60<sup>TH</sup> WEDDING ANNIVERSARY

**WHEREAS**, the City of Everman, Texas, proudly recognizes and honors the enduring commitment, love, and partnership of its residents, Dwaine and Janice Hope, who will celebrate their 60th wedding anniversary on August 20, 2025; and

**WHEREAS**, Dwaine and Janice were united in marriage on August 20, 1965, and over the past six decades have built a life grounded in faith, mutual respect, and unwavering devotion to one another; and

**WHEREAS**, their marriage stands as a shining example of lifelong partnership, perseverance, and shared purpose—serving as an inspiration to all who know them; and

**WHEREAS**, throughout their years together, Dwaine and Janice have contributed to the fabric of the Everman community through their kindness, generosity, and neighborly spirit; and

**WHEREAS**, it is fitting and proper that the City of Everman recognize this extraordinary milestone and honor the legacy of love and family they have created;

**NOW THEREFORE, BE IT PROCLAIMED, BY THE CITY COUNCIL, OF THE CITY OF EVERMAN**, that we proclaim August 20<sup>th</sup>, 2025 as **Dwaine & Janice Hope Day** in the City of Everman. We urge all citizens to join us in extending heartfelt congratulations and best wishes to Dwaine & Janice Hope on this joyous occasion.

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Ray Richardson, Mayor

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**August, 12, 2025**

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Date of Enactment



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

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**AGENDA TITLE:** RESOLUTION NO. 2025-08-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE PURDUE SETTLEMENT AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM REGARDING THE PURDUE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE

**MEETING DATE:** August 12, 2025

**PREPARED BY:** C. W. Spencer & Victoria Thomas

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**RECOMMENDED ACTION:**

Approval

**INFORMATION**

**PURPOSE**

The purpose of this staff report is to provide background and recommendation on Resolution No. 2025-08-01, which authorizes the City of Everman to participate in the national opioid settlement involving Purdue Pharma and the Sackler family and to submit the required Subdivision Participation and Release Form.

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**BACKGROUND**

The City of Everman previously adopted the Texas Term Sheet and Allocation Schedule through the Office of the Texas Attorney General, which provided a mechanism for municipalities to participate in opioid-related settlements. The City has now received notice of the opportunity to join an additional opioid settlement with Purdue Pharma, a key distributor of opioid medications implicated in the national crisis.

Under this settlement, local governments may receive compensation to offset opioid-related expenditures and support harm reduction efforts in their communities.

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**SUMMARY OF RESOLUTION NO. 2025-08-01**

- **Settlement Participation:**  
Authorizes the City Manager to execute and submit the Subdivision Participation and Release Form (Rubris Reference No. CL-1752110), thereby formally entering the City of Everman into the Purdue Settlement agreement.
  - **Delegated Authority:**  
The City Manager is further authorized to act on behalf of the City in any future opioid settlements negotiated and recommended by the Texas Attorney General that distribute funds to municipalities.
  - **Submission Deadline:**  
The participation form must be submitted to the National Opioid Settlements Implementation Administrator by **September 30, 2025**.
- 

**IMPACT ON THE CITY**

Participation in the Purdue Settlement will:

- Provide the City with access to settlement funds intended to abate the consequences of the opioid crisis.
  - Support public health and safety initiatives related to prevention, treatment, and recovery.
  - Reinforce the City's commitment to holding accountable those responsible for the opioid epidemic.
- 

**FISCAL IMPACT:**

None

**CITY OF EVERMAN, TEXAS****RESOLUTION NO. 2025-08-01****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE PURDUE SETTLEMENT AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM REGARDING THE PURDUE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Everman has previously adopted and approved the Texas Term Sheet and Allocation Schedule regarding the Global Opioid Settlement through the Office of the Attorney General; and

**WHEREAS**, the City of Everman has received notice of a settlement through the Office of the Texas Attorney General relating to opioid claims against Purdue (the "Purdue Settlement"); and

**WHEREAS**, the City of Everman can participate in this settlement by adopting and submitting to the National Opioid Settlements Implementation Administrator on or before September 30, 2025, the Subdivision Participation and Release Form, attached hereto and incorporated herein by this reference as Exhibit "A" (the "Release Form");

**WHEREAS**, the City Council of the City of Everman, Texas, (i) finds there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Everman, (ii) supports the addition of the Purdue Settlement to those previously adopted; and (iii) supports the adoption and approval the Release Form and finds it to be in the public interest to approve such settlement;

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

**SECTION 1.** The City Manager is hereby authorized on behalf of the City to enter into the opioid settlement with Purdue (the "Purdue Settlement") and to sign and submit or cause to be submitted said Subdivision Participation and Release Form (City's Rubris Reference Number: CL-1752110), attached hereto and incorporated herein by this reference as Exhibit "A" to the National Opioid Settlements Implementation Administrator by email at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com) before September 30, 2025.

**SECTION 2.** The City Manager is authorized to act on behalf of the City to agree to such future opioid settlement agreements and release of claims negotiated and recommended by the Texas Attorney General that provide for distribution of settlement funds to the City.

**SECTION 3.** This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF AUGUST, 2025.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Victoria Thomas, City Attorney



## Exhibit A

4910-8883-7462, v. 1



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

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**AGENDA TITLE:** RESOLUTION NO. 2025-08-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE OPIOID SETTLEMENTS WITH ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN AND ZYDUS AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM(S) REGARDING THE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE

**MEETING DATE:** August 12, 2025

**PREPARED BY:** C. W. Spencer & Victoria Thomas

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**RECOMMENDED ACTION:**

Approval

**INFORMATION**

**PURPOSE**

To provide a summary and recommendation on Resolution No. 2025-08-02, which authorizes the City Manager to enter into opioid settlements with eight additional pharmaceutical entities and to submit the required Subdivision Participation and Release Form to secure Everman's participation in those settlements.

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**BACKGROUND**

The City of Everman previously adopted the Texas Term Sheet and Allocation Schedule under the guidance of the Texas Attorney General as part of broader efforts to seek accountability and financial relief related to the national opioid epidemic.

The City has now received notification of new settlement opportunities involving the following manufacturers and distributors:

**Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus.**

These additional settlements provide an opportunity for Everman to obtain further financial compensation to offset past opioid-related costs and support local abatement and prevention efforts.

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## SUMMARY OF RESOLUTION NO. 2025-08-02

- **Settlement Participation:**  
Authorizes the City Manager to execute and submit the **Subdivision Participation and Release Form** (Rubris Ref. No. CL-1775108) to officially join these new opioid settlements.
  - **Delegated Authority:**  
The City Manager is also authorized to agree to future opioid settlements negotiated by the Texas Attorney General that result in fund distribution to the City.
  - **Submission Deadline:**  
Forms must be submitted to the National Opioid Settlements Implementation Administrator no later than **October 8, 2025**.
- 

## IMPACT ON THE CITY

Participation in these settlements will:

- Provide additional funding to the City to combat opioid addiction and its consequences.
- Reinforce the City's ongoing efforts to hold manufacturers and distributors accountable for their role in the opioid crisis.
- Help fund prevention, education, treatment, and public health initiatives related to opioid misuse and its societal costs.

## FISCAL IMPACT:

None

**CITY OF EVERMAN, TEXAS****RESOLUTION NO. 2025-08-02****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE OPIOID SETTLEMENTS WITH ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN AND ZYDUS AND AUTHORIZING THE SUBMISSION OF THE SUBDIVISION PARTICIPATION AND RELEASE FORM(S) REGARDING THE SETTLEMENT AND FULL RELEASE OF ALL CLAIMS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Everman has previously adopted and approved the Texas Term Sheet and Allocation Schedule regarding the Global Opioid Settlement through the Office of the Attorney General; and

**WHEREAS**, the City of Everman has received notice of a settlement through the Office of the Texas Attorney General relating to opioid claims against Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (the “Opioid Settlements”); and

**WHEREAS**, the City of Everman can participate in the Opioid Settlements by adopting and submitting to the National Opioid Settlements Implementation Administrator on or before October 8, 2025, the Subdivision Participation and Release Form, attached hereto and incorporated herein by this reference as Exhibit “A” (the “Release Form”);

**WHEREAS**, the City Council of the City of Everman, Texas, (i) finds there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Everman, (ii) supports the addition of the Opioid Settlements to those previously adopted; and (iii) supports the adoption and approval the Release Form and finds it to be in the public interest to approve such settlement;

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

**SECTION 1.** The City Manager is hereby authorized on behalf of the City to enter into the Opioid Settlements with Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun and Zydus (the “Opioid Settlements”) and to sign and submit or cause to be submitted said Subdivision Participation and Release Form (City’s Rubris Reference Number: CL-1775108), attached hereto and incorporated herein by this reference as Exhibit “A” to the National Opioid Settlements Implementation Administrator by email at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com) before October 8, 2025.

**SECTION 2.** The City Manager is authorized to act on behalf of the City to agree to such future opioid settlement agreements and release of claims negotiated and recommended by the Texas Attorney General that provide for distribution of settlement funds to the City.

**SECTION 3.** This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Victoria Thomas, City Attorney

Exhibit A

4914-2765-8582, v. 1

August 6, 2025

Mr. Craig Spencer  
City of Everman  
212 N. Race Street  
Everman, Texas 76140

**RE: 50<sup>th</sup> Year CDBG Project – Everman**  
**Project # B-24-UC-48-0001-24-15**  
**Water Line Improvements for Marlene Dr (Christopher Dr to Russell Rd)**  
**Recommendation of Award**  
**TNP Project # TAR 24402**

Dear Mr. Spencer,

The bid opening for the 50<sup>th</sup> Year CDBG, was held at the offices of Tarrant County Community Development on July 9th, 2025. Eight (8) responsive bids were received and are provided in the attached bid tabulation.

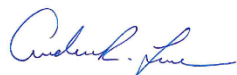
Please note there were math errors on the bids received by Atkin Bros. and Harris Road Company that caused the bid total to be different than those originally read at the opening. The math errors did not affect Gomez Brothers Construction and Pipe Crew, LLC standing as the low bidder and second low bidder.

Due to Gomez Brothers Construction status as low bidder on 3 concurrent projects and the County's unfamiliarity with this contractor, raise reasonable questions about the contractor's ability to manage multiple federally funded projects concurrently and meet CDBG contract compliance requirements. Based on 2 CFR 200.318(h), contracts must be awarded only to responsible contractors with the capacity to perform successfully. Therefore, we **do not** recommend award to the lowest bidder, Gomez Brothers Construction.

Based on researching the references provided and because of their experience on similar projects, we recommend that the City of Everman recommend that Tarrant County award the contract for construction of the Water Line Improvements for Marlene Dr. to the second lowest bidder, Pipe Crew, LLC, for the Total Bid of \$164,496.00.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,  
tnp



Andrew Luce, P.E.

Encl.

cc: Wren Davis, Tarrant County CDBG  
Gilberto Ramirez, City of Everman

## CITY OF EVERMAN, TEXAS

## RESOLUTION NO. 2025-08-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, RECOMMENDING AWARD OF THE CONTRACT FOR THE 50TH YEAR CDBG PROJECT – WATER LINE IMPROVEMENTS FOR MARLENE DRIVE , PROJECT #B-24-UC-48-0001-24-15 – TO PIPE CREW, LLC IN THE AMOUNT OF \$164,496.00, IN ACCORDANCE WITH THE ENGINEER’S RECOMMENDATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Everman, in partnership with Tarrant County, solicited competitive bids for the 50th Year CDBG Project – Water Line Improvements for Marlene Drive (from Christopher Drive to Russell Road), Project # B-24-UC-48-0001-24-15; and

**WHEREAS**, eight (8) responsive bids were received and evaluated by the City’s engineering consultant, Teague Nall and Perkins, Inc. (TNP); and

**WHEREAS**, although Gomez Brothers Construction submitted the lowest bid, the City’s engineering consultant raised concerns about the contractor’s capacity to perform due to their concurrent commitments and lack of established performance history with federally funded projects; and

**WHEREAS**, pursuant to 2 CFR § 200.318(h), contracts must be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement; and

**WHEREAS**, the City’s engineering consultant has recommended award to the second lowest bidder, Pipe Crew, LLC, based on favorable reference checks and demonstrated experience on similar projects, in the total amount of **\$164,496.00**; and

**WHEREAS**, the City Council finds it in the best interest of the City and consistent with federal procurement regulations to support this recommendation.

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

**SECTION 1.** The City Council hereby recommends that Tarrant County award the contract for the 50th Year CDBG Project – Water Line Improvements for Marlene Drive (from Christopher Drive to Russell Road), Project # B-24-UC-48-0001-24-15 to **Pipe Crew, LLC** in the amount of **\$164,496.00** in accordance with the recommendation of the City’s engineering consultant, attached hereto and incorporated herein by this reference as Exhibit “A.”



**SECTION 2.** The City Manager is hereby directed to forward this recommendation to Tarrant County and to take all necessary actions to facilitate the execution of the contract by the County.

**SECTION 3.** This Resolution shall take effect immediately upon passage.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**APPROVED:**

\_\_\_\_\_  
**Ray Richardson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Mindi Parks, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Victoria Thomas, City Attorney**  
4919-5616-0091, v. 1

**EXHIBIT A**  
[TNP August 6, 2025 Recommendation Letter]

4919-5616-0091, v. 1

<div> <div>TEAGUE NALL AND PERKINS, INC.</div> <div>CONSULTING ENGINEERS</div> </div> <div> <div>BID TABULATION REPORT</div> <div> <div>CLIENT: CITY OF EVERMAN, TARRANT COUNTY</div> <div>DESCRIPTION: 50th YR CDBG - WATER LINE IMPROVEMENTS FOR MARLENE DRIVE (Christopher Dr to Russell Rd)</div> </div> </div>									
BIDDERS									
TNP JOB NO: TAR 24402									
BID DATE: July 9, 2025									
BID TIME: 10:00 a.m									
ENGINEER'S ESTIMATE: \$195,523.00									
BASE BID - MARLENE DRIVE									
WATER LINE- (Christopher Dr to Russell Rd)									
ITEM NO.	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	Pipe Crew, LLC		
1	1	EA	\$450.00	\$450.00	\$320.00	\$320.00			
2	782	LF	\$80.00	\$62,560.00	\$67.00	\$52,394.00			
3	2	EA	\$2,000.00	\$4,000.00	\$3,400.00	\$6,800.00			
4	1	EA	\$6,000.00	\$6,000.00	\$11,000.00	\$11,000.00			
5	0.3	TON	\$2,000.00	\$600.00	\$6,300.00	\$1,890.00			
6	6	EA	\$1,450.00	\$8,700.00	\$2,000.00	\$12,000.00			
7	5	EA	\$1,650.00	\$8,250.00	\$3,100.00	\$15,500.00			
8	1	EA	\$450.00	\$450.00	\$750.00	\$750.00			
9	10	EA	\$450.00	\$4,500.00	\$750.00	\$7,500.00			
10	4	EA	\$350.00	\$1,400.00	\$900.00	\$3,600.00			
11	788	LF	\$45.00	\$35,460.00	\$45.00	\$35,460.00			
12	5	LF	\$150.00	\$750.00	\$380.00	\$1,900.00			
13	100	SY	\$16.00	\$1,600.00	\$15.00	\$1,500.00			
14	782	LF	\$2.00	\$1,564.00	\$1.00	\$782.00			
15	3	EA	\$3,500.00	\$10,500.00	\$1,700.00	\$5,100.00			
16	1	LS	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00			



**TEAGUE NALL AND PERKINS, INC.**  
**CONSULTING ENGINEERS**

CLIENT: CITY OF EVERMAN, TARRANT COUNTY  
DESCRIPTION: 50th YR CDBG - WATER LINE  
IMPROVEMENTS FOR MARLENE DRIVE  
(Christopher Dr to Russell Rd)

Page 3







# CITY OF EVERMAN

212 North Race Street Everman, TX 76140

## STAFF REPORT

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**AGENDA TITLE:** ORDINANCE NO. 837

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 10, "HEALTH, SAFETY AND NUISANCES," BY ADDING A NEW ARTICLE XI, TO BE ENTITLED, "DONATION COLLECTION BINS," TO ADOPT REGULATIONS FOR THE PLACEMENT AND USE OF DONATION COLLECTION BINS IN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE ; AND PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** August 12, 2025

**PREPARED BY:** C. W. Spencer & Victoria Thomas

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**RECOMMENDED ACTION:**

Approval

**INFORMATION**

**PURPOSE**

The purpose of this staff report is to summarize Ordinance No. 837, which establishes new regulations governing the placement, maintenance, and permitting of donation collection bins within the City of Everman.

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**BACKGROUND**

The proliferation of donation collection bins throughout Everman—particularly on commercial properties—has resulted in growing concerns related to blight, unauthorized placement, accumulation of trash, and health and safety risks. These bins are often unsupervised, become overloaded, or are misused for illegal dumping, negatively affecting neighborhood aesthetics and property values.

To address these issues, Ordinance No. 837 introduces a comprehensive regulatory framework to ensure donation bins are lawfully installed, regularly maintained, and do not pose hazards to the public.

## SUMMARY OF ORDINANCE NO. 837

### Code Amendment

- Adds Article XI – *Donation Collection Bins* to Chapter 10 of the Code of Ordinances.

### Key Provisions

- **Permit Required:** A valid permit is required for each individual bin. No nonconforming use status is granted for existing bins.
- **Eligibility & Application:** Applicants must be Texas-registered nonprofits or operate under agreement with one. Proof of compliance with Subchapter K, Chapter 17, Texas Business & Commerce Code is required.
- **Zoning Restrictions:** Bins are prohibited in residential, agricultural, and mobile home park districts.
- **Placement Standards:**
  - Not allowed within 50 feet of building entrances or 200 feet of residential zones
  - Must not obstruct traffic, fire lanes, or easements
  - Requires designated stacking/parking space
  - Prohibited on properties selling flammable materials
- **Design & Maintenance:**
  - Max bin size: 175 cubic feet (200 cu. ft. with Special Exception)
  - Must be enclosed on three sides by a 6' masonry wall matching adjacent structures
  - No high-intensity colors; single solid color required
  - Bin and area must be kept clean and free from debris or overflow
- **Joint Responsibility:** Both property owners and bin operators are responsible for upkeep and compliance.
- **Penalties & Enforcement:**
  - Daily fines up to \$500 for general violations; up to \$2,000 for health/sanitation issues
  - City may impound bins for repeated violations, non-compliance, or nuisance conditions
  - Impounded bins not retrieved within 30 days are forfeited to the City
- **Revocation & Appeals:**



- Permits may be revoked for violations or false application information
  - Appeals must be submitted within 10 days to the Board of Adjustment
  - **Special Exceptions:**
    - May be granted for bin size up to 200 cu. ft.
    - Considerations include applicant history, public safety, and site-specific conditions
- 

## IMPACT

Adopting this ordinance allows the City to:

- Improve visual and environmental conditions in public and commercial spaces
  - Reduce illegal dumping and nuisance complaints
  - Ensure equitable and regulated use of donation bin locations
  - Protect the health, safety, and welfare of residents and businesses
- 

### **FISCAL IMPACT:**

None

**ORDINANCE NO. 837**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 10, "HEALTH, SAFETY AND NUISANCES," BY ADDING A NEW ARTICLE XI, TO BE ENTITLED, "DONATION COLLECTION BINS," TO ADOPT REGULATIONS FOR THE PLACEMENT AND USE OF DONATION COLLECTION BINS IN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE ; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, collection bins for donations of clothing and household items have been proliferating throughout the City; and

**WHEREAS**, in some instances these collection bins may have been placed on private and public properties without authorization of the respective property owners; and

**WHEREAS**, many of these donation collection bins are not regularly collected, often resulting in overflow of donated materials onto the area surrounding the collection bin creating visual blight and negatively impacting property values; and

**WHEREAS**, in many instances the donation collection bins have become depositories for uncollected refuse, creating offensive conditions and public nuisances; and

**WHEREAS**, the donation collection bins can pose hazards to pedestrians, motor vehicle users, and others due to the placement of collection bins; and

**WHEREAS**, to address these concerns, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance establishing rules and regulations governing the placement and use of donation collection bins in the City;

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

**SECTION 1.** That Chapter 10, "Health, Safety and Nuisances," of the Code of Ordinances City of Everman, Texas, be and is hereby amended by reserving sections 10-178 through 10-199 under Article X and by adding a new Article XI, to be entitled, "Donation Collection Bins," without amendment, repeal or change to any other Article, part or provision of Chapter 10, such that Article XI shall read in its entirety as follows:

**"ARTICLE X**

**. . .**

Secs. 10-178 through 10-199 Reserved.

**ARTICLE XI  
DONATION COLLECTION BINS**

**Sec. 10-200. – Purpose.**

The purpose of this article is to protect the public health, safety and welfare of residents by requiring the registration and permitting of donation collection bins within the City. This article further serves to protect the aesthetic well-being of the community and promote the clean and orderly appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted, improperly used, or poorly maintained collection bins that threaten the health and welfare and the orderly development of the City. These provisions are cumulative of all City ordinances.

**Sec 10-201. – Applicability.**

The requirements of this article apply to all collection bins regardless of whether the bins were placed prior to the effective date of these regulations. No previously placed collection bin shall be granted any non-conforming status or rights under this article or the City's comprehensive zoning ordinance. Collection bins shall not be deemed an accessory use or structure in any zoning district.

**Sec. 10-202. – Definitions.**

When used in this article:

“administrator” shall mean the City Manager or authorized representative delegated by the City Manager.

“collection bin” or “donation collection bin” shall mean any bin, box, container, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household items or materials, and not used exclusively for the collection of recyclable material.

“person” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

**Sec. 10-203. – Permit required**

- (a) It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any collection bin within the City without having first secured a permit in compliance with the provisions of this article.
- (b) No permit issued under the provisions of this article shall be transferrable. The authority a permit confers is conferred only to the permit holder named therein.

**Sec. 10-204. – Application for permit.**

- (a) Applicants for permits under this article shall file a written, sworn application with the Administrator. The application shall include (1) the written authorization of the property owner, lessee, or property manager allowing the collection bin on the property, (2) a site plan depicting the exact proposed location of the collection bin, (3) proof of registration to operate in the State of Texas as a non-profit corporation or proof of a written agreement to solicit on behalf of a Texas non-profit corporation, and (4) proof

of compliance with the provisions of Subchapter K, Chapter 17, Texas Business and Commerce Code for each individual or for-profit entity.

- (b) A separate permit and application shall be required for each collection bin regardless of the ownership thereof. Permits issued under the provisions of this article shall be valid only at the address or location stated on the permit.
- (c) The person receiving a permit to place a collection bin shall be registered to operate in the State of Texas as a non-profit corporation or has proof of a written agreement to solicit on behalf of a Texas non-profit corporation. Proof of compliance with the provisions of Subchapter K, Chapter 17, Texas Business and Commerce Code must be submitted by an individual or for-profit entity.
- (d) The real property owner must provide written authorization allowing the collection bin on the property. The applicant must agree to be responsible for collecting the contents of the collection bin on a schedule and in a manner to prevent overflow and littering.
- (e) An annual permit fee for each collection bin shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- (f) Any person denied a permit shall be provided written notice thereof delivered by certified United States mail to the address specified on the application and shall have the right to appeal such action in accordance with the provisions of section 22-317.

#### **Sec. 10-205. – Permit Requirements.**

- (a) Collection bins shall not be placed or permitted to be placed on real property located in any agricultural, single-family or two-family residential, or mobile home park zoning district.
- (b) The collection bin shall only be used for the collection and short-term storage of clothing and household items and materials. All materials must fit into and be placed entirely inside the bin. The collection or storage of any materials outside the bin is strictly prohibited. The collection bin and the area surrounding the bin shall be continuously maintained by the operator and the owner of the property on which the collection bin is located such that there shall be no accumulation of clothing or other materials outside the bin and the collection bin and surrounding area are kept clean and free of trash, debris, broken glass, coat hangers, clothes, clothing, accessories, or excess donations. The visual and structural integrity of the collection bin must be maintained continuously.
- (c) No more than one (1) collection bin may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the shopping center or office development shall be regarded as if it is only one contiguous lot.
- (d) No collection bin shall be permitted to be placed or remain placed within 50 feet of any entrance or exit to any building on the property or within 200 feet of a zoning district in which a collection bin is otherwise prohibited by this article.

- (e) The placement of the collection bin shall not impede vehicular or pedestrian traffic nor visually impair any motor vehicle operation within a fire lane, parking lot, driveway, alley, street or other thoroughfare. A collection bin shall be placed such that there will be no interference with vehicular or pedestrian traffic or circulation.
- (f) The collection bin shall not be located in a required building setback, landscape buffer area, access easement, drainage easement, floodplain, fire lane, driveway, right-of-way, sidewalk, or utility easement.
- (g) At least one (1) stacking or parking space shall be required for use of persons accessing the collection bin. The collection bin may not block or occupy any number of parking spaces required by the primary use structure.
- (h) No collection bin may be placed in any location that may constitute a fire safety hazard, as determined by the City fire marshal. No collection bin may be placed on any property on which gasoline, fuel, or other flammable liquids or gases are sold or stored.
- (i) The permit holder and the property owner shall both be jointly responsible for the maintenance, upkeep, and servicing of the collection bin and the clean-up and removal of any materials left on the property outside of the collection bin.
- (j) The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance by removal and impoundment of the collection bin or under the procedures contained in Article III of this Chapter (sections 22-126 – 22-130).
- (k) No collection bin shall exceed 175 cubic feet in size.
- (l) Each collection bin shall clearly indicate in writing on the front side of the collection bin that all donations must fit into and be placed within the collection bin.
- (m) The permit holder placing or maintaining the collection bin shall display current contact information including street address and phone number on the collection bin. Said information must be readable and clearly visible to the public.
- (n) Collection bins shall be enclosed on three sides with six-foot masonry walls constructed of the same materials and finishes as the buildings. The opening shall not face, or shall be screened from, a public street or access easement. All screening shall be constructed to prevent the storage or placement of donations outside the collection bin, with the screening wall itself being no more than two feet (2') from the screened collection bin. Screening shall be maintained in vertical and good condition.
- (o) Each collection bin shall be painted one solid color. No high-intensity or fluorescent colors shall be used for the collection bin or associated signage.
- (p) Each collection bin shall be maintained in a clean and sanitary condition in compliance with this article.
- (q) Collection bins and the owner(s) thereof shall comply at all times with the requirements of subchapter K of Chapter 17, Texas Business and Commerce Code, as amended.

- (r) Any collection bin located within the City that does not have a current, valid permit ,or any permitted collection bin that has received more than two (2) notices of violation from the City in the preceding 12-month period, shall be subject to impoundment by the City. Any collection bin impounded by the City shall only be released to the owner upon payment of all applicable impoundment and storage fees. An owner's failure to remit fees and retrieve the collection bin within thirty (30) days of its impoundment shall be deemed a forfeiture to the City of any and all ownership of and interest in the collection bin and the city may thereafter dispose of the collection bin in any manner it deems appropriate.

**Sec. 10-206. – Revocation of permit.**

- (a) Any permit issued hereunder may be suspended or revoked by the Administrator if (1) the permit holder or property owner has received a citation for violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month period or (2) has knowingly made a false, material statement in the application or (3) as otherwise become disqualified for the issuance of a permit under the terms of this Article.
- (b) Notice of suspension or revocation of a permit shall be given to the permit holder or property owner in writing, with the reasons specified in the notice, served either by personal delivery or by first class United States mail to their last known address, and shall become effective on the date set forth in the notice, the day of personal delivery, or three days following deposit in the mail, whichever is later.
- (c) The notice of suspension or revocation of a permit shall notify the permit holder, in writing, of the reason for which the permit is subject to suspension or revocation.
- (d) A collection box will have a noncompliant status and will be subject to immediate impoundment by the City without further notice at any time commencing 24 hours after finalization of any revocation or suspension. Finalization may result from Board of Adjustment decision or from appeal time having passed without the filing of an appeal.
- (e) If a permit is revoked by the city, it shall not be reissued within the one-year period following the date of revocation.
- (f) In the event that any two or more collection bin permits of the same holder have been revoked within a 12-month period, then all permits issued to the person shall be revoked and all donation collection boxes operated by the person may be removed by the City without further notice at any time commencing 24 hours after finalization of the second revocation.

**Sec. 10-207. – Appeal of Denial, Suspension or Revocation of Permit.**

- (a) The denial, suspension, or revocation of a permit may be appealed to the Board of Adjustment only on written notice of appeal transmitted to the Administrator within ten (10) days of suspension or revocation. The Board's decision shall be final and binding. If not written request for hearing is received within ten days, the denial, suspension, or revocation becomes final.

- (b) The appeal hearing shall be conducted reasonably promptly by the Board of Adjustment and in no event later than sixty (60) days after the date the written request for hearing is received by the administrator.
- (c) An appeal shall not stay the denial, suspension, or termination of the permit while the appeal is pending unless otherwise directed by the Administrator.

**Sec. 10-208. – Nuisance and emergency abatement.**

- (a) Each of the following is hereby declared an emergency requiring immediate action to protect the public health and safety, is declared a nuisance subject to abatement, and is hereby prohibited and made unlawful under this section:
  - (1) A donation collection bin or any area within 25 feet of a donation collection bin that is a breeding place for flies because of the unsafe or unsanitary condition of the donation collection bin or its contents;
  - (2) The presence of ectoparasites, including bedbugs, lice, and mites, suspected to be disease carriers in a donation collection bin or within 25 feet of a donation collection bin because of the unsafe or unsanitary condition of the donation bin or its contents;
  - (3) A donation collection bin which may become a breeding place for mosquitoes, rodents or other vermin;
  - (4) A donation collection bin that is defective and allows leakage or spilling of contents;
  - (5) A condition of a donation collection bin, including any structural defect of the donation collection bin, that is unsafe and may cause injury;
  - (6) The deposit or accumulation of any foul, decaying, or putrescent substance or other offensive matter in a donation collection bin or within 25 feet of a donation bin.
  - (7) The detectible presence of urine or the presence of feces, vomit or other bodily fluids in a donation collection bin or within 25 feet of a donation bin;
- (b) A donation collection box found in violation of this section will be issued a notice of violation to remove or abate the violation within five business days. The notice may be sent by mail, personal delivery or by posting on site.
- (c) If a landowner or permit holder (or the collection bin operator) fails to remove or abate a violation of this article within five business days of the notice of the violation, then the city shall be authorized to carry out any and all abatement, which includes, but is not limited to, the following actions:
  - (1) Issuance of citations each day the violation remains, and each day is a separate offense;
  - (2) Suspension, revocation or denial of any permit issued for the donation collection box; or
  - (3) Removal and impoundment of the donation collection bin.
- (d) If the city has abated the nuisance for any one or more of the foregoing violations by its removal and impoundment of the collection bin, the city shall notify the property owner and permit holder (or collection bin operator) by certified mail no later than the

tenth business day after the date of the abatement. The property owner or permit holder (or collection bin operator) may submit a written request for a hearing within twenty (20) days of the City's delivery of the foregoing notice. The Board of Adjustment will promptly conduct a hearing solely for the purpose of determining whether the collection bin was in violation of one or more of the foregoing prohibitions. The Board's decision shall be final and binding.

- (e) For any abatement carried out by the city under this section, the city may assess its expenses related to such abatement, including applicable overhead expenses, and place a lien on any real property on which the donation collection bin was placed. No notice shall be required prior to an emergency nuisance abatement, but the city shall give notice to the property owner and permit holder (or collection bin operator) as soon thereafter as is practical.
- (f) If the city has removed and impounded a donation collection bin under this section and the landowner or permit holder (or collection bin operator) or their designee has not retrieved the collection bin and paid the city's expenses within 30 days after removal, the city may dispose of the donation bin without providing further notice. An owner's failure to remit fees and retrieve the collection bin within 30 days of its impoundment shall be deemed a forfeiture to the City of any and all ownership of and interest in the collection bin and the city may thereafter dispose of the collection bin in any manner it deems appropriate.
- (g) Notices under this section shall be given to the permit holder or property owner in writing, with the reasons specified in the notice, served either by personal delivery or by first class United States mail to their last known address, and shall become effective on the date set forth in the notice, the day of personal delivery, or three days following deposit in the mail, whichever is later.
- (h) A property owner, permit holder, or collection bin operator who violates this section is guilty of a misdemeanor punishable by a fine up to \$2,000.00. Each day any violation continues shall constitute and be punishable as a separate violation of this article.

**Sec. 10-209. – Enforcement; remedies; penalties.**

- (a) This article may be enforced against, and the requirements of this article must be met by, the owner or operator of the collection bin as well as any person in control of or responsible for management or control of the property including but not limited to landlords, operators, managing agents, property managers and permit holders of the donation collection boxes. Enforcement against one shall not preclude enforcement of the same violation against another.
- (b) Any person violating any provision of this article relating to the placement, operation, and permitting of donation collection bins shall be punished by a fine not exceeding \$500.00. A violation of any provision under section 22-318(a) relating to public health and sanitation shall be punished by a fine not exceeding \$2,000.00. It is the intent of the city in adopting this article that the provisions of said section govern public health and sanitation.



- (c) Violations of the provisions of this article are deemed strict liability offenses. No culpable mental state or intent need be pleaded or proven in the prosecution of any offense or violation of any provision of this article.
- (d) Each day in which a violation of any provision of this article occurs shall be deemed to be a separate offense.
- (e) The remedies provided for in this article are nonexclusive. The city may, at its option, pursue the remedies provided for in this article as well as any and all other remedies available to the city at law or in equity. This shall be expressly in addition to, and not in lieu of, available criminal penalties.

#### **Sec. 10-210. – Special Exception**

- (a) A permit applicant or permit holder may request a Special Exception of the requirements set forth in section 22-315(k) regarding maximum size of a collection bin by submitting the request in writing to the administrator.
- (b) The request for Special Exception shall include:
  - a. The name, permanent address, telephone number and email address of the applicant;
  - b. If a permit exists for the collection bin at issue, the date of issue;
  - c. The location address of the collection bin for which the Special Exception is requested;
  - d. The size and dimensions being requested for the collection bin;
  - e. A specific site plan drawn to scale showing the specific dimensions and size of the collection bin and location of the collection bin on the property; and
  - f. The written support of the property owner for the application.
- (c) No Special Exception shall allow a collection bin size exceeding 200 cubic feet, 8 feet in height, or 6 feet in width or length.
- (d) If granted, the Special Exception shall expire upon expiration of the permit and shall be considered renewed for a permit timely renewed without lapse or expiration.
- (e) The administrator may consider any or all of the following factors when reaching a decision on a request for Special Exception:
  - a. The number and substance of violations incurred by the applicant for any collection bin operated by the applicant or situated at the proposed location within the last twenty-four months;
  - b. The number and substance of suspensions or revocations of a permit held by the applicant or for a collection bin situated at the proposed location within the last twenty-four months;
  - c. The number and substance of complaints, calls for service, notices of violation, and written or verbal warnings issued within the last twenty-four months issued to the applicant or issued regarding any collection bin permitted to or operated by the applicant or situated at the proposed location;
  - d. The impact on public health, safety, and/or sanitation of granting the application;

- e. The reasons put forward by the applicant to justify the application and staff input as to those matters; and
  - f. Any pending action or investigation regarding the applicant, the collection bin, or the property.
- (f) The administrator shall issue a determination on the application within fifteen (15) business days of receipt of a complete application.
- (g) An applicant may appeal a denial of an application for a Special Exception to the Board of Adjustment by filing a written appeal with the City Secretary within five (5) days of notice of the administrator's final determination. The written appeal must attach a copy of the notice of administrator's final determination and state the factual and legal bases for the appeal. The Board of Adjustment will hear the appeal within sixty (60) days of filing of the written appeal. The Board of Adjustment's decision shall be final, binding, and unappealable."

**SECTION 2.** That all ordinances of the City of Everman, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

**SECTION 3.** That should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

**SECTION 4.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) if the violation relates to public health and sanitation; otherwise, the fine shall be in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day any violation continues shall constitute a separate offense. Unless otherwise expressly provided for herein, no intent need be pleaded or proven in the prosecution of an offense under this article, and a person in violation shall be strictly liable, regardless of intent.

**SECTION 5.** That this ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Everman, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

**APPROVED:**

\_\_\_\_\_  
Ray Richardson, Mayor

**ATTEST:**

\_\_\_\_\_  
Mindi Parks, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Victoria W. Thomas, City Attorney

4916-3496-0215, v. 1



# CITY OF EVERMAN

212 North Race Street Everman, TX 76140

## STAFF REPORT

### AGENDA TITLE:

ORDINANCE NO. 838 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST IN A PORTION OF THE TRICE STREET RIGHT-OF-WAY BEING PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE SAID ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.

### MEETING DATE:

August 12, 2025

### PREPARED BY:

C. W. Spencer

### BACKGROUND:

Advanced Cast Stone, Inc. is in the process of expanding their new manufacturing facility at **101 E Enon Avenue**, a project that aligns with the City's goals for economic growth and industrial development. To accommodate the facility's site layout and operational needs, the company submitted a request to the City for the abandonment of an adjacent portion of **Trice St (Roy C Brooks Blvd) right-of-way** that is no longer required for public access or municipal use.

After review, staff determined that the right-of-way in question:

- Is not currently in use for public travel or utilities,
- Is not necessary for future public infrastructure needs, and
- Directly abuts the Advanced Cast Stone property, making it suitable for conveyance.

### SUMMARY OF ORDINANCE NO. 838:

This ordinance:

- Abandons and vacates all right, title, and interest held by the City in a specific portion of the Trice Street right-of-way, as described and depicted in Exhibit A;
- Quitclaims the abandoned ROW to the underlying abutting property owner, Advanced Cast Stone, Inc., consistent with Texas state law;
- Reserves existing easement rights of third parties, if any;

- Authorizes the City Manager to execute all necessary documents to complete the transaction;
- Directs the City Secretary to provide a certified copy for recordation in the Tarrant County Official Public Records, serving as a quitclaim deed.

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**FISCAL IMPACT:**

- Minimal administrative cost related to document preparation and recording.
- Positive long-term fiscal impact through increased property value and commercial development potential.

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**LEGAL REVIEW:**

The City Attorney has reviewed and approved the ordinance as to form.

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**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance No. 838 abandoning the designated portion of Trice Street right-of-way and conveying it to Advanced Cast Stone, Inc. This action facilitates a key industrial expansion project and supports local economic development objectives.

CITY OF EVERMAN, TEXAS  
ORDINANCE NO. 838

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST IN A PORTION OF THE TRICE STREET RIGHT-OF-WAY BEING PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE SAID ABANDONMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Everman, Texas, acting pursuant to State law and upon request of the abutting property owner, hereinafter referred to as Grantee, deems it advisable to abandon and quitclaim the hereinafter described right-of-way to Grantee, and is of the opinion and finds that said right-of-way is not needed for public use and should be abandoned and quitclaimed to Grantee, subject to the reservations and conditions of this ordinance.

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

**SECTION 1.** The City of Everman, Texas, on behalf of the public, hereby abandons, vacates and quitclaims in favor of the abutting owner of the underlying fee simple title all of the City’s right, title and interest in and to the following right-of-way along a portion of Trice Street, described and depicted in Exhibit “A” attached hereto and incorporated herein by this reference, together with all improvements constructed on the surfaces thereof (the “Right-of-Way”).

**SECTION 2.** The abandonment and vacation of the Right-of-Way described and depicted in Exhibit “A” hereto is subject to any existing easement rights of others, whether apparent or non-apparent, aerial, surface, underground or otherwise, owned by any and all third parties.

**SECTION 3.** The City Secretary is authorized and directed to prepare a certified copy of this ordinance and furnish the same to abutting property owner, and the recording of this abandonment ordinance in the Official Public Records of Tarrant County, Texas, shall serve as the quitclaim deed of the City of Everman, Texas, of all the right, title or interest of the City of Everman, Texas, in and to said Right-of-Way described and depicted in Exhibit “A”, subject to the limitations and reservations of this ordinance.

**SECTION 4.** The City Manager is authorized to execute any documents necessary to complete the abandonment contemplated herein.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Everman, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Victoria W. Thomas, City Attorney

**EXHIBIT "A"**  
**RIGHT-OF-WAY DESCRIPTION AND DEPICTION**  
**(to be attached)**

4925-2061-9090, v. 1



EXHIBIT "A"

TRICE STREET  
RIGHT-OF-WAY VACATION

Being 12,770 square feet of land situated in Shelby County School Land Survey, Abstract No. 1375, City of Everman, Tarrant County, Texas, also being a portion of a tract of land described in deed to the City of Everman, as recorded in Tarrant County Commissioners Court Order No. 145301, also being a portion of Trice Street, and being more particularly described by metes and bounds as follows:

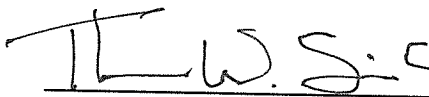
**BEGINNING** at a 1/2 inch iron rod with cap stamped "Brittain & Crawford" found at the southeast corner of said City of Everman tract, also being the southwest corner of a tract of land described in deed to Enon Avenue Holding LLC, a Texas limited liability company, as recorded in Instrument No. D224149844, Deed Records of Tarrant County, Texas (D.R.T.C.T.), also being in the north line of Enon Avenue (a variable width right-of-way), and also being in the east line of said Trice Street, from which a 1/2 inch iron rod with a broken cap found at the southeast corner of said Enon Avenue Holding tract bears N 89°37'14" E, a distance of 226.47 feet;

**THENCE** S 89°37'14" W, leaving the east line of said Trice Street, along the south line of said City of Everman tract, along the north line of said Enon Avenue, also passing over and across said Trice Street, a distance of 40.70 feet to a 5/8 inch iron rod with cap stamped "TNP" set, from which a 1/2 inch iron rod with an illegible cap found in the west line of said Trice Street, and being the southeast corner of Lot 10, Block 6, Everman Texas, an addition to the City of Everman, Tarrant County, Texas, as recorded in Volume 106, Page 126, Plat Records of Tarrant County, Texas (P.R.T.C.T.) bears N 88°46'59" W, a distance of 61.24 feet;

**THENCE** N 10°25'32" W, leaving the south line of said City of Everman tract and the north line of said Enon Avenue, continuing over and across said Trice Street, also passing over and across said City of Everman tract, parallel to and 60 feet east of the west line of said Trice Street, a distance of 318.69 feet to a Mag nail set in asphalt in the north line of said City of Everman tract, from which a 5/8 inch iron rod found in the west line of said Trice Street, and being the northeast corner of Lot 9, of said Block 6, Everman Texas bears S 77°55'04" W, a distance of 59.99 feet;

**THENCE** N 89°37'14" E, continuing over and across said Trice Street, and along the north line of said City of Everman tract, a distance of 40.68 feet to a Mag nail found in asphalt at the northeast corner of said City of Everman tract, also being the northwest corner of said Enon Avenue Holding tract, and also being in the east line of said Trice Street, from which a 1/2 inch iron rod with a broken cap found at the northeast corner of said Enon Avenue Holding tract bears N 89°37'14" E, a distance of 227.66 feet;

**THENCE** S 10°25'46" E, along the east line of said Trice Street, along the east line of said City of Everman tract, and along the west line of said Enon Avenue Holding tract, a distance of 318.69 feet to the **POINT OF BEGINNING** and containing 12,770 square feet or 0.2932 of an acre of land.

  
Theron W. Sims, R.P.L.S.  
Texas Registration No. 5887

Date: June 18, 2025



Surveyed on the ground February 13, 2025.

1. Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83(2011) Epoch 2010.00) as derived locally from Allterra Central's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 0.999880014 was used to scale surface coordinates and distances to grid.
2. Integral parts of this survey:      a. Legal Description   b. Sketch



SCALE 1"=60'

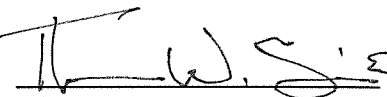
LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N88°46'59"W	61.24'
L2	S77°55'04"W	59.99'

NOTES:

1) Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone; NAD83(2011) 2010.00) as derived locally from Alterra Central's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 0.999880014 was used to scale surface coordinates and distances to grid.

2) Integral parts of this survey:  
a. Legal Description  
b. Sketch

3) ● is 5/8" iron rod set with cap stamped "TNP" unless otherwise noted.

  
THERON W. SIMS, R.P.L.S.  
TEXAS REGISTRATION NO. 5887

DATE: JUNE 18, 2025  
SURVEYED ON THE GROUND  
FEBRUARY 13, 2025



EVR25002



teague nall & perkins

5237 N. Riverside Drive, Suite 100  
Fort Worth, Texas 76137  
817.336.5773 ph 817.332.7756 fx  
www.tnpinc.com / TBPLS Registration No. 100116-00

ENON AVENUE  
VARIABLE WIDTH R-O-W

S89°37'14"W  
40.70'

POB

EXHIBIT "A"  
**TRICE STREET  
RIGHT-OF-WAY VACATION**

Being a part of the Shelby County School Land Survey,  
Abstract No. 1375, City of Everman, Tarrant County, Texas.

SHEET 2

42

TRAMMEL STREET

VARIABLE WIDTH R-O-W

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9

BLOCK 6

EVERMAN TEXAS  
VOL 106, PG. 126  
P.R.T.C.T.

1/2" CIRF  
BRITAIN CRAWFORD  
N89°37'14"E  
40.68'

MAG SET

5/8" IRF

L2

MAG FND

N89°37'14"E, 227.66'

A PORTION OF TRAMMEL AVENUE  
VACATED BY ORD. NO. 398  
VOL. 9550, PG. 2060  
D.R.T.C.T.

REMAINING PORTION OF  
DEED TO CITY OF  
EVERMAN IN TARRANT  
COUNTY COMMISSIONERS  
COURT ORDER #145301

SHELBY C.S.L. SURVEY  
ABST. No. 1375

TRICE STREET  
60' WIDE R-O-W

1/2" CIRF  
ILLEGIBLE

LOT 10  
BLOCK 6

KNOX MACHINE COMPANY, INCORPORATED,  
a Texas corporation  
INST. #D211306721  
D.R.T.C.T.

ENON AVENUE HOLDING LLC,  
a Texas limited liability company  
INST. #D224149844  
D.R.T.C.T.

RIGHT-OF-WAY  
TO BE VACATED  
12,770 SF  
0.2932 AC

DEED TO CITY OF  
EVERMAN IN TARRANT  
COUNTY COMMISSIONERS  
COURT ORDER #145301

1/2" CIRF  
BRITAIN & CRAWFORD

N89°37'14"E, 226.47'

1/2" CIRF  
ILLEGIBLE

L1

BOWERS STREET  
CALLED 50' WIDE R-O-W

Section 8, Item E.





# CITY OF EVERMAN

## 2025 WATER RATE EVALUATION



# WATER & SEWER FINANCIAL

2021 – City conducted a water rate assessment and major adjustment which resulted in a \$14.45 monthly increase for most residential customers.

2024 – A water rate increase was assessed at 5% of the base rate. The average impact to residential consumers was \$1.34/month.

- FY2024 Water & Wastewater Budget - \$3,117,398

# GOALS

- Rates must be set at a level that **covers the full cost of producing, treating, storing, and distributing water to customers.** This includes debt service, financial reserves, operation, maintenance, and all regulatory compliance costs.
- Rates must be ***Fair & Equitable***. Fair means the rate is high enough to cover the full cost of the system. Equitable means that each class of customer is paying its fair share of the costs.
- Build a Reserve Balance that will cover 3 months of operations in the event of a catastrophic event
- Build a Capital Improvement Fund to allow for system improvements and upgrades; minimizing the need to levy Ad Valorem Taxes, issue Bonds, or take out additional loans.

# WATER SYSTEM INFORMATION

Section 8, Item F.

Account Type	Active Accounts	Inactive Accounts
Residential ¾"	1,479	73
Residential 1"	219	4
Senior Citizen ¾"	317	3
Senior Citizen 1"	3	0
Commercial ¾"	127	17
Commercial 1"	13	0
Commercial 1.5"	5	1
Commercial 2"	19	4
Commercial 3"	3	0
Commercial 4"	1	0

Total Active Accounts: 2,186

# RESIDENTIAL AVERAGES BASED ON 5,000 GALLONS

Section 8, Item F.

City	Population	Customers	Average Usage	Water Residential (5,000)	Wastewater Residential	Residential Total
Sanger	9,831	3,617	6,200	\$ 51.29	\$ 58.65	\$ 109.94
Jersey Village	7,962	2,228	13,100	\$ 49.61	\$ 53.39	\$ 103.00
Marble Falls	7,573	4,025	7,000	\$ 59.65	\$ 63.20	\$ 122.85
Mexia	7,539	2,687	3,000	\$ 67.95	\$ 52.15	\$ 120.10
Sealy	7,243	2,723	5,200	\$ 36.14	\$ 43.10	\$ 79.24
Kermit	6,856	512	4,000	\$ 38.76	\$ 22.94	\$ 61.70
Mabank	6,396	4,830	6,506	\$ 50.51	\$ 27.79	\$ 78.30
Slaton	6,235	2,276	5,000	\$ 38.75	\$ 23.25	\$ 62.00
Bowie	5,964	3,212	1,500	\$ 56.11	\$ 48.36	\$ 104.47
Luling	5,954	2,557		\$ 29.70	\$ 24.12	\$ 53.82
Caddo Mills	5,500	2,460	14,130	\$ 59.00	\$ 41.50	\$ 100.50
Magnolia	5,320	4,000		\$ 51.38	\$ 21.95	\$ 73.33
Gilmer	5,216	2,610	3,750	\$ 18.04	\$ 21.43	\$ 39.47
Crandall	5,006	2,398	6,300	\$ 68.59	\$ 60.25	\$ 128.84
Everman	7,000	2,186		\$ 45.16	\$ 42.08	\$ 87.24
<b>AVERAGES</b>		<b>2,821</b>	<b>6,307</b>	<b>\$ 48.04</b>	<b>\$ 40.28</b>	<b>\$ 88.32</b>



# INCREASE IMPACT COMPARISON

Water Base Rate Change	Annual Consumer Impact	Min Annual Revenue Impact
\$0.75 (2.8%)	\$9.00	\$20,619
\$1.25 (4.6%)	\$15.00	\$34,365
\$1.75 (6.5%)	\$21.00	\$48,111
\$2.25 (8.4%)	\$27.00	\$61,857
\$2.75 (10.2%)	\$33.00	\$75,603

# CURRENT WATER RATE SCHEDULE

Section 8, Item F.

## City of Everman Services and Rate Schedule

Service	Service Code	Account Type	Rate Code	Inside/ Outside City	Base Rate by Meter Size (Includes First 1000 Gal)								Step Rate per 1000 Gallons Consumption			
					3/4"	1"	1.5"	2"	3"	4"	6"	8"	2000 - 5000	6000- 10000	11000- 25000	25000+
WATER	WT	Residential	1	Inside	\$ 28.12	\$ 41.64	\$ 69.67	\$ 111.86	\$ 230.40	\$ 384.30	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			1	Outside	\$ 44.10	\$ 57.62	-	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96
		Commercial	2	Inside	\$ 38.57	\$ 53.80	\$ 88.33	\$ 128.18	\$ 225.24	\$ 435.97	\$ 776.29	\$ 1506.37	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			2	Outside	\$ 52.50	\$ 67.74	\$ 102.26	\$ 142.12	\$ 239.17	\$ 449.90	\$ 790.22	\$ 1520.31	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96
		Senior Citizen	3	Inside	\$ 19.14	\$ 23.66	\$ 37.20	-	-	-	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			3	Outside	\$ 20.72	\$ 25.23	\$ 38.78	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96
		Multi-Unit	9	Inside	\$ 28.12	\$ 41.64	\$ 69.67	\$ 111.86	\$ 230.40	\$ 384.30	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			9	Outside	\$ 44.10	\$ 57.62	-	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96

Service	Service Code	Account Type	Rate Code	Base Rate	Step Rate per 1000	Consumption Basis
SEWER	SW	Residential	1	\$ 30.68	\$ 2.28	Actual Water Use
		Commercial	2	\$ 53.65	\$ 3.85	Actual Water Use
		Senior Cit	3	\$ 21.77	\$ 2.28	Actual Water Use

# 5% INCREASE IMPACT ON BASE

Section 8, Item F.

## City of Everman Services and Rate Schedule

					Base Rate by Meter Size (Includes First 1000 Gal)								Step Rate per 1000 Gallons Consumption			
Service	Service Code	Account Type	Rate Code	Inside/ Outside City	3/4"	1"	1.5"	2"	3"	4"	6"	8"	2000 - 5000	6000- 10000	11000- 25000	25000+
WATER	WT	Residential	1	Inside	\$ 1.41	\$ 2.08	\$ 3.48	\$ 5.59	\$ 11.52	\$ 19.22	-	-	\$ 0.21	\$ 0.23	\$ 0.25	\$ 0.26
			1	Outside	\$ 2.21	\$ 2.88	-	-	-	-	-	-	\$ 0.24	\$ 0.26	\$ 0.29	\$ 0.30
		Commercial	2	Inside	\$ 1.93	\$ 2.69	\$ 4.42	\$ 6.41	\$ 11.26	\$ 21.80	\$ 38.81	\$ 75.32	\$ 0.21	\$ 0.23	\$ 0.25	\$ 0.26
			2	Outside	\$ 2.63	\$ 3.39	\$ 5.11	\$ 7.11	\$ 11.96	\$ 22.50	\$ 39.51	\$ 76.02	\$ 0.24	\$ 0.26	\$ 0.29	\$ 0.30
		Senior	3	Inside	\$ 0.96	\$ 1.18	\$ 1.86	-	-	-	-	-	\$ 0.21	\$ 0.23	\$ 0.25	\$ 0.26
		Citizen	3	Outside	\$ 1.04	\$ 1.26	\$ 1.94	-	-	-	-	-	\$ 0.24	\$ 0.26	\$ 0.29	\$ 0.30
		Multi-Unit	9	Inside	\$ 1.41	\$ 2.08	\$ 3.48	\$ 5.59	\$ 11.52	\$ 19.22	-	-	\$ 0.21	\$ 0.23	\$ 0.25	\$ 0.26
			9	Outside	\$ 2.21	\$ 2.88	-	-	-	-	-	-	\$ 0.24	\$ 0.26	\$ 0.29	\$ 0.30

Service	Service Code	Account Type	Rate Code	Base Rate	Step Rate per 1000	Consumption Basis
SEWER	SW	Residential	1	\$ 1.53	\$ 0.11	Actual Water Use
		Commercial	2	\$ 2.68	\$ 0.19	Actual Water Use
		Senior Cit	3	\$ 1.09	\$ 0.11	Actual Water Use

# TOTAL W/ 5% INCREASE

Section 8, Item F.

## City of Everman Services and Rate Schedule

					Base Rate by Meter Size (Includes First 1000 Gal)								Step Rate per 1000 Gallons Consumption			
Service	Service Code	Account Type	Rate Code	Inside/ Outside City	3/4"	1"	1.5"	2"	3"	4"	6"	8"	2000 - 5000	6000- 10000	11000- 25000	25000+
WATER	WT	Residential	1	Inside	\$ 29.52	\$ 43.73	\$ 73.15	\$ 117.45	\$ 241.92	\$ 403.52	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			1	Outside	\$ 46.31	\$ 60.51	-	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Commercial	2	Inside	\$ 40.49	\$ 56.49	\$ 92.74	\$ 134.59	\$ 236.50	\$ 457.77	\$ 815.10	\$ 1581.69	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			2	Outside	\$ 55.13	\$ 71.12	\$ 107.37	\$ 149.22	\$ 251.13	\$ 472.40	\$ 829.73	\$ 1596.32	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Senior	3	Inside	\$ 20.10	\$ 24.84	\$ 39.06	-	-	-	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
		Citizen	3	Outside	\$ 21.75	\$ 26.49	\$ 40.72	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Multi-Unit	9	Inside	\$ 29.52	\$ 43.73	\$ 73.15	\$ 117.45	\$ 241.92	\$ 403.52	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			9	Outside	\$ 46.31	\$ 60.51	-	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25

Service	Service Code	Account Type	Rate Code	Base Rate	Step Rate per 1000	Consumption Basis
SEWER	SW	Residential	1	\$ 32.21	\$ 2.39	Actual Water Use
		Commercial	2	\$ 56.33	\$ 4.04	Actual Water Use
		Senior Cit	3	\$ 22.86	\$ 2.39	Actual Water Use

# NEW RATE COMPARISON WITH AVERAGES – BASED ON 5,000 GALLONS

Section 8, Item F.

City	Population	Customers	Average Usage	Water Residential (5,000)	Wastewater Residential	Residential Total
Sanger	9,831	3,617	6,200	\$ 51.29	\$ 58.65	\$ 109.94
Jersey Village	7,962	2,228	13,100	\$ 49.61	\$ 53.39	\$ 103.00
Marble Falls	7,573	4,025	7,000	\$ 59.65	\$ 63.20	\$ 122.85
Mexia	7,539	2,687	3,000	\$ 67.95	\$ 52.15	\$ 120.10
Sealy	7,243	2,723	5,200	\$ 36.14	\$ 43.10	\$ 79.24
Kermit	6,856	512	4,000	\$ 38.76	\$ 22.94	\$ 61.70
Mabank	6,396	4,830	6,506	\$ 50.51	\$ 27.79	\$ 78.30
Slaton	6,235	2,276	5,000	\$ 38.75	\$ 23.25	\$ 62.00
Bowie	5,964	3,212	1,500	\$ 56.11	\$ 48.36	\$ 104.47
Luling	5,954	2,557		\$ 29.70	\$ 24.12	\$ 53.82
Caddo Mills	5,500	2,460	14,130	\$ 59.00	\$ 41.50	\$ 100.50
Magnolia	5,320	4,000		\$ 51.38	\$ 21.95	\$ 73.33
Gilmer	5,216	2,610	3,750	\$ 18.04	\$ 21.43	\$ 39.47
Crandall	5,006	2,398	6,300	\$ 68.59	\$ 60.25	\$ 128.84
Everman	7,000	2,186		\$ 47.44	\$ 42.08	\$ 89.52
<b>AVERAGES</b>		<b>2,821</b>	<b>6,307</b>	<b>\$ 48.25</b>	<b>\$ 40.15</b>	<b>\$ 88.40</b>

# IMPACT

- The average residential consumer will see an increase of approximately \$2.28/month on their utility bill. This is an annual impact of approximately \$27.36.
- Average resident will see an approximate 2.5% increase in their monthly utility bill.
- As of July 2025, the 12-month Consumer Price Index for All Items increased 2.7% before seasonal adjustment. (Source: <https://www.bls.gov/news.release/cpi.htm>)
- This increase is reflective of current inflation and economic status.

## ORDINANCE NO. 839

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, APPROVING AND ADOPTING AN UPDATED SCHEDULE OF RATES AND FEES FOR WATER, SEWER, REFUSE, AND RELATED UTILITY SERVICES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Everman, Texas, has determined that it is in the best interest of the City and its residents to update the utility rates and fees charged for water, sewer, refuse, and related services; and

**WHEREAS**, the City Council has reviewed the proposed rate schedule, attached hereto as *Exhibit A*, and finds it to be reasonable, equitable, and necessary for the continued operation, maintenance, and improvement of the City's utility systems; and

**WHEREAS**, the updated rates are intended to ensure the fiscal sustainability of the City's utility services while maintaining affordability for residents and customers;

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

**SECTION 1.** The City Council hereby approves and adopts the updated utility rate and fee schedule, attached hereto and incorporated herein by this reference as Exhibit "A," as the official rates for water, sewer, refuse, and related utility services in the City of Everman, said rates and fees to be effective and applicable for all utility billing periods beginning on or after August 24, 2025..

**SECTION 2.** All ordinances, resolutions, or parts thereof that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3.** If any section, paragraph, clause, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect immediately upon its adoption and publication as required by law.

**DULY PASSED** by the City Council of the City of Everman, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

**APPROVED:**

\_\_\_\_\_  
Ray Richardson, Mayor

**ATTEST:**

---

Mindi Parks, City Secretary

**APPROVED AS TO FORM:**

---

Victoria W. Thomas, City Attorney  
4927-9095-8427, v. 1



## Exhibit A

4927-9095-8427, v. 1

# Exhibit A

Section 8, ItemF.

## City of Everman

### Services and Rate Schedule (2025 - Ordinance # 839)

					Base Rate by Meter Size (Includes First 1000 Gal)								Step Rate per 1000 Gallons Consumption			
Service	Service Code	Account Type	Rate Code	Inside/ Outside City	3/4"	1"	1.5"	2"	3"	4"	6"	8"	2000 - 5000	6000- 10000	11000- 25000	25000+
WATER	WT	Residential	1	Inside	\$ 29.52	\$ 43.73	\$ 73.15	\$ 117.45	\$ 241.92	\$ 403.52	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			1	Outside	\$ 46.31	\$ 60.51	-	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Commercial	2	Inside	\$ 40.49	\$ 56.49	\$ 92.74	\$ 134.59	\$ 236.50	\$ 457.77	\$ 815.10	\$ 1581.69	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			2	Outside	\$ 55.13	\$ 71.12	\$ 107.37	\$ 149.22	\$ 251.13	\$ 472.40	\$ 829.73	\$ 1596.32	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Senior	3	Inside	\$ 20.10	\$ 24.84	\$ 39.06	-	-	-	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
		Citizen	3	Outside	\$ 21.75	\$ 26.49	\$ 40.72	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25
		Multi-Unit	9	Inside	\$ 29.52	\$ 43.73	\$ 73.15	\$ 117.45	\$ 241.92	\$ 403.52	-	-	\$ 4.48	\$ 4.82	\$ 5.23	\$ 5.46
			9	Outside	\$ 46.31	\$ 60.51	-	-	-	-	-	-	\$ 5.13	\$ 5.52	\$ 5.99	\$ 6.25

Service	Service Code	Account Type	Rate Code	Base Rate	Step Rate per 1000	Consumption Basis
SEWER	SW	Residential	1	\$ 30.68	\$ 2.28	Actual Water Use
		Commercial	2	\$ 53.65	\$ 3.85	Actual Water Use
		Senior Cit	3	\$ 21.77	\$ 2.28	Actual Water Use

Service	Service Code	Account Type	Rate Code	Base Rate
Refuse	RF	Residential	1	\$ 21.70
		Commercial	2	NONE
		Senior Cit	3	\$ 20.20

Sales TAX	TX	All	8.25% of RF
Penalty	PN	All	10.00% of Past Due Balances
Service Charge	SC	All	\$50
NSF Check Fee	NSF	All	Involuntary Cutoff \$34 each Insufficient Funds Check or Draft
Transfer Fee	TF	All	\$15 transfer service to new address
Water Dep	WTD	All	Based on the amount of the new Water Deposit
Any other charge	OT	All	Variable amounts



# CITY OF EVERMAN

212 North Race Street Everman, TX 76140

## STAFF REPORT

### AGENDA TITLE:

ORDINANCE NO. 840 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 20, "UTILITIES," ARTICLE VIII "UTILITY AND TELECOMMUNICATIONS FACILITIES WITHIN THE RIGHT-OF-WAY" BY AMENDING SECTION 20-343 "RESTORATION OF RIGHT-OF-WAY" AND SECTION 20-347 "PENALTY"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** August 12, 2025

**PREPARED BY:** C. W. Spencer

### BACKGROUND:

The City of Everman previously adopted standards for restoration of the public right-of-way following utility work. However, spot repairs and inconsistent restoration efforts have contributed to premature degradation of pavement surfaces, increased maintenance costs, and compromised street rideability.

To address these concerns, staff—working with the Public Works Department—has proposed updated restoration standards based on pavement age and condition, requiring more comprehensive surface repairs and enhanced documentation from contractors. These changes are in alignment with regional best practices and reflect updated standards set by the North Central Texas Council of Governments (NCTCOG).

### SUMMARY OF ORDINANCE NO. 840 CHANGES:

- **Section 20-343 – Restoration of Right-of-Way:**
  - Introduces restoration requirements based on Pavement Condition Index (PCI), pavement age, and material type (asphalt vs. concrete).
  - Requires curb-to-curb milling and overlay for asphalt cuts in newer streets.
  - Mandates full slab replacement for concrete streets under 2 years old and outlines partial panel allowances for older pavement.

- Requires flowable fill backfill on downtown streets and High Early Strength (HES) concrete for specific repairs.
  - Establishes submission standards for red-line and as-built drawings.
  - Adopts standardized drawings (P-15 and P-16) for partial panel and asphalt replacements.
  - **Section 20-347 – Penalty:**
    - Clarifies and enforces fines up to \$500 per violation, per day, or up to \$2,000 for violations that endanger public health and safety.
- 

#### **FISCAL IMPACT:**

The ordinance is anticipated to reduce long-term street maintenance costs by extending pavement life through proper restoration practices. No direct expenditures are required at this time.

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#### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the ordinance as to form.

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#### **STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance No. 840 as presented.

ORDINANCE NO. 840

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 20, “UTILITIES,” ARTICLE VIII “UTILITY AND TELECOMMUNICATIONS FACILITIES WITHIN THE RIGHT-OF-WAY” BY AMENDING SECTION 20-343 “RESTORATION OF RIGHT-OF-WAY” AND SECTION 20-347 “PENALTY”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council has previously adopted provisions governing utilities in the public rights-of way; and

**WHEREAS**, the City desires to update those provisions to incorporate provisions to increase pavement life, decrease maintenance costs, and increase the rideability of the city’s streets; and

**WHEREAS**, the major changes are designed to eliminate spot pavement repairs in favor of a more complete replacement to accomplish the City’s goals; and

**WHEREAS**, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance amending and updating the provisions related to restoration of the rights-of-way within the City;

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

**SECTION 1.** That Chapter 20, “Utilities”, Article VIII “Utility and Telecommunications Facilities Within the Right-of-Way” be and it is hereby amended by amending section 20-343 “Restoration of Right-of-way” to read as follows:

**“Sec. 20-343. – Restoration of right-of-way.**

- (a) After completion of any work within the right-of-way, a permit holder shall return all flowlines and grades in the right-of-way to their original condition and shall complete restoration, which shall include, but not be limited to:

...

- (8) In order to maintain an acceptable riding surface on the street, the utility company, developer, or contractor shall replace the pavement surface according to the age, Pavement Condition Index (PCI) and type of the pavement. Backfill and compaction testing in accordance with current North Central Texas Council of Governments (NCTCOG) Standard Specifications may be followed in lieu of flowable fill. However, flowable fill is required to

backfill all trenches in downtown streets. Any damage to the street surface caused by the utility construction project, including damage related to staging operations and material storage, must be properly repaired at the contractor's expense.

(9) Replacement of pavement shall adhere to the following guidelines:

A. New Pavement

If a utility company, developer, or contractor desires or is required to cut the street within the first two (2) years of construction or reconstruction, the entity must receive approval from the Director. For concrete streets less than two (2) years old, effective August 12, 2025, the entity must replace each whole slab with flowable fill, High Early Strength (HES) concrete according to NCTCOG Standard Specifications or better, and meet a 12-foot straightedge requirement with a maximum allowable deviation of ¼ inch. For asphalt streets less than two (2) years old, effective August 12, 2025, the entity must mill and overlay the existing asphalt a minimum of two (2) inches using a paving machine from curb to curb and block to block.

B, Concrete Pavement:

*Effective August 12, 2025*

2 years to 10 years or greater than 85 PCI	Entire Panel
More than 10 years and less than 85 PCI	Entire Panel with some exceptions

Partial panel replacement of concrete pavement more than ten (10) years old and less than 85 PCI, may be allowed, if the panel is larger than 20 feet. The partial panel replaced shall be equal to a half panel and the remaining half panel must be intact without any identifiable damage as shown in Drawing P-15, a copy of which is maintained in the Office of the Director of Public Works and the Office of the City Secretary.

C. Asphalt Pavement:

*Effective August 12, 2025*

2 to 10 years or greater than 85 PCI	Overlay half of pavement, curb to centerline, for 50 feet in length
More than 10 years and less than 85 PCI	Overlay 1 lane width (approx. 12') for 30 feet in length

If a street is scheduled for construction start within 6 months and programmed for total reconstruction under a Capital Improvement Program or resurfacing under a Street Maintenance Program, permanent trench repair is acceptable.

(10) Red-line drawings/field notes must be furnished thirty (30) calendar days

after completion of each construction segment. Record (“as-built”) Drawings must be provided within thirty (30) calendar days after time of final completion of the project. Submissions shall be provided in portable document format (PDF).

(11) The following drawings are adopted by the City of Everman to apply to partial panel concrete replacement and partial asphalt replacement and are on file in the Office of the Director of Public Works and the Office of the City Secretary:

Drawing P-15      Partial Panel Concrete Replacement

Drawing P-16      Partial Asphalt Replacement”

**SECTION 2.** That Chapter 20, “Utilities”, Article VIII “Utility and Telecommunications Facilities Within the Right-of-Way” be and it is hereby amended by amending section 20-347 “Penalty” to read in its entirety as follows:

**“Sec. 20-347 – Penalty.**

Any person, firm or corporation that violates, disobeys, omits, neglects, or refuses to comply with or that resists the enforcement of any of the provisions of this article shall be fined not more than five hundred dollars (\$500.00) for each offense, with each day a violation is permitted to exist constituting a separate offense. Provided, however, that in cases of endangerment to public health and safety, a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) may be provided for each offense, with each day a violation is permitted to exist constituting a separate offense.”

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

**SECTION 4.** Should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

**SECTION 5.** This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Everman, Texas, on this the \_\_\_\_\_ day  
of \_\_\_\_\_ 2025.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Victoria Thomas, City Attorney





## CITY OF EVERMAN

212 North Race Street Everman, TX 76140

### STAFF REPORT

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#### AGENDA TITLE:

ORDINANCE NO. 841 AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE "CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES RULES AND PROCEDURES," LAST AMENDED BY ORDINANCE NO. 788, TO INCORPORATE NEW STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MEETING DATE:** August 12, 2025

**PREPARED BY:** C. W. Spencer

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#### BACKGROUND:

The City's governing rules for City Council, boards, commissions, and committees were last amended via **Ordinance No. 788** in September 2022. Since that time, the **89th Texas Legislative Session** resulted in several new statutory mandates affecting municipal governance. These include stricter requirements for:

- **Public meeting notice timing**
- **Budget and tax rate disclosures**
- **Taxpayer transparency via impact statements**
- **Online posting obligations**
- **Compliance documentation for boards and committees**
- **Filing of audit-related information**

To ensure the City of Everman remains in compliance with all applicable provisions of the **Texas Government Code**, these rules and procedures must be updated accordingly.

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#### SUMMARY OF ORDINANCE NO. 841:

##### Key amendments include:

- **Article 4.3 – Public Meetings:**
  - Updates meeting notice timing to a minimum of **three (3) business days** prior to a scheduled meeting.

- Requires budget and tax rate meeting agendas to include a **link to the proposed budget** and a **taxpayer impact statement** comparing the proposed tax rate to the no-new-revenue rate.
  - **Article 6.6 – Public Hearings:**
    - Requires verbal reference to the taxpayer impact statement and access to the proposed budget during public hearings on the tax rate or budget.
    - Mandates the **City Secretary** post both documents online and link them in the agenda.
  - **Compliance Clauses:**
    - Includes **Severability Clause**, **Cumulative Clause**, and **Effective Date** to ensure legal continuity.
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## FISCAL IMPACT:

Minimal. The changes involve administrative compliance and transparency measures that can be absorbed within current staff responsibilities and systems.

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## LEGAL REVIEW:

The ordinance was reviewed and approved by the City Attorney for legal sufficiency and compliance with applicable state laws.

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## STAFF RECOMMENDATION:

Staff recommends approval of **Ordinance No. 841** to maintain compliance with recent legislative changes and to enhance transparency and accountability in City governance.

**ORDINANCE NO. 841**

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, AMENDING THE “CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES RULES AND PROCEDURES,” LAST AMENDED BY ORDINANCE NO. 788, TO INCORPORATE NEW STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Everman, Texas has previously adopted comprehensive Rules and Procedures governing the conduct of City Council meetings and the operations of boards, commissions, and committees, which were last amended by Ordinance No. 788 on September 6, 2022; and

**WHEREAS**, during the 89th Texas Legislative Session, several bills were passed into law that impose new obligations on municipalities regarding transparency, financial reporting, meeting notices, and board governance; and

**WHEREAS**, the City Council desires to amend its Rules and Procedures to ensure full compliance with state law and to promote transparency, accountability, and sound municipal governance;

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

**SECTION 1.** Article 4 “General Rules of Procedure and Policies”, Section 4.3 “Meetings Shall be Public” of the City Council, Boards, Commissions, and Committees Rules and Procedures is hereby amended to read:

**“4.3 Meetings Shall Be Public**

All meetings of the City Council, Boards, Commissions, and Committees shall be public and noticed in accordance with Chapter 551 of the Texas Government Code (Texas Open Meetings Act). Except in the case of an emergency meeting, a notice of all meetings shall be posted at least **three (3) business days** prior to the date of the scheduled meeting.

For any meeting where the City Council will deliberate or take action on the annual budget or tax rate, the posted agenda must include:

- (1) a link to the full proposed budget or a physical copy available at City Hall; and
- (2) a taxpayer impact statement that illustrates the change in taxes for the median-value home comparing the proposed tax rate to the no-new-revenue rate.”

**SECTION 2.** Article 6 “Agenda Order” of the City Council, Boards, Commissions and Committees Rules and Procedures is hereby amended by repealing and replacing in their entirety the first two paragraphs of that Article, which shall henceforth read in their entirety as follows:

The City Secretary shall prepare an agenda and cause the same to be posted a minimum of three business days prior to the date of the scheduled meeting. Agenda shall be delivered to the City Council, in the format requested by each Council member, on the day of 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 consistent 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 the Council and submitted to the City Manager’s Office at City Hall by 5:00 p.m. on the seventh (7<sup>th</sup>) business day preceding the date of the regular meeting. Business days do not include Saturdays, Sundays, federal, state, or City holidays, or other days that the City’s administrative officers are unable to open due to extreme or extraordinary circumstances. The Council members requesting the agenda item shall be responsible for presentation of that item during the meeting. Any City staff assistance should be requested through the City Manager’s office at the time of submission of the request for the agenda item.”

**SECTION 3.** Article 6 “Agenda Order”, Section 6.6 “Public Hearings” of the City Council, Boards, Commissions, and Committees Rules and Procedures is hereby amended by adding at the end of said Article 6.6 the following:

“When a statutorily required public hearing concerns the proposed budget or tax rate, the hearing shall include verbal reference to the published taxpayer impact statement and access to the proposed budget. The City Secretary shall ensure that both documents are posted online and linked in the meeting agenda.”

**SECTION 4.** If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, for any reason, by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Everman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6** This Ordinance shall take effect immediately upon its passage and publication as required by law. The City Secretary is hereby directed to update and republish the Rules and Procedures document to reflect the amendments made herein.

**DULY PASSED by the City Council of the City of Everman, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_ 2025.**

**APPROVED:**

\_\_\_\_\_  
**Ray Richardson, Mayor**

**ATTEST:**

\_\_\_\_\_  
Mindi Parks, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Victoria W. Thomas, City Attorney

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