



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, May 17, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

- A. April 5, 2022 Regular Meeting Minutes
April 19, 2022 Regular Meeting Minutes

- B. Financial Report - April 2022

5. CITIZEN'S COMMENTS

6. DISCUSSION ITEMS

- A. Review and Discussion of Park Rules
- B. Review of Civic Plus Meeting Management

7. CONSIDERATION AND POSSIBLE ACTION

- A. City Council Election of Mayor Pro-Tem
- B. Approve Proposed Civic Center Rental Policies
- C. Variance to Ordinance 680 to allow for the sale, distribution, and consumption of alcohol in accordance with State Law for the duration of the Celebrate America Festival which is scheduled for Saturday, June 25th, 2022
- D. Variance to Ordinance 680 to allow for the sale of merchandise, food and beverage for the duration of the Celebrate America Festival which is scheduled for Saturday, June 25th, 2022
- E. Approve Ordinance 780 - AN ORDINANCE OF THE CITY COUNCIL OF EVERMAN, TEXAS, AMENDING CHAPTER 19, ARTICLE 2 OF THE CITY OF EVERMAN CODE OF ORDINANCES AND PROVIDING FOR THE REDUCTION OF MOTOR VEHICLE EMISSIONS BY ESTABLISHING LIMITATIONS PROHIBITING IDLING ACTIVITIES AND PROVIDING FOR ENFORCEMENT ACTIVITIES RELATING THERETO, AND PROVIDING FOR FINDINGS OF FACT, AMENDMENT, REPEALER, SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE.
- F. Approve Fiscal Recovery Fund (FRF) Allocation Amendments as presented by the City Manager

8. EXECUTIVE SESSION

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

9. CITY MANAGERS REPORT

- A. City of Everman Black Tie Gala

10. MAYOR'S REPORT

11. 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 May 13, 2022.

/s/ Mindi Parks
City Secretary

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

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

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

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

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, April 19, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

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

PRESENT

Place 1 Linda Sanders

Place 2 Kelly Denison

Place 3 Johnnie Allen

Place 4; Mayor Pro-Tem Susan Mackey

Place 5 Judy Sellers

Place 6 Miriam Davila

Mayor Ray Richardson

Others Present:

Mindi Parks City Secretary

Craig Spencer City Manager

Susanne Helgesen Director of Finance

Gilbert Ramirez Director of Public Works

Aaron Fricke CobbFendley

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. March 1, 2022 City Council Regular Meeting Minutes

March 15, 2022 City Council Regular Meeting Minutes

March 25, 2022 City Council Special Meeting Minutes

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

Motion Carried

B. Financial Report - March 2022

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

Motion Carried

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

A. Anthony Villagomez - Addressing Council related to a complaint of an at-home business.

Anthony Villagomez approached council with some concerns with the resident at 300 Noble Ave is running a Studio Business that has multiple people coming and going on a daily basis. The resident calls the business Dallas Dreamhaus and that her Instagram also has @dallasdreamhaus and you can see the business she is running on there. He claims that she is a renter and not even the owner and not using this property as her own address. He claims she does not live there and she is using this address for the business and the business tax dollars are not coming here either to Everman being that it is advertised as another city business. Council heard his concerns and will request the citizen to come to the next council meeting to prove and show that she does reside at the property.

B. Public Hearing - Hear Citizen Comments related to the consideration and adoption of the Land Use Assumptions and Capital Improvement Plan.

Mayor Richardson opened up Public Hearing at 6:46pm.

Aaron Fricke displayed presentation for Council to review. This explained the Land Use Assumptions, a description of the service area and projections of changes in land uses, densities, intensities, and population over a 10- Year period. He also displayed a Population Growth Projection chart for the City of Everman and also the Land Use Map 2022 for the City of Everman. He then displayed a Capital Improvements Plan for the city that is a projection of course to show council. This will have another Public Hearing to approve the Impact Fees. The Ordinance is on this meeting for approval.

No citizens had comments concerning Ordinance #779 adopting the Land Use assumptions and Capital Improvement Plan for 2022-2032.

Mayor Richardson closed the Public Hearing at 6:55pm.

Alan Wayland the City Attorney had council approve the Public Hearing for the Impact Fees.

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

Motion Carried.

7. CONSIDERATION AND POSSIBLE ACTION

- A. Approve Ordinance #779 - An ordinance of the city of Everman, Texas, adopting land use assumptions and a capital improvements plan for 2022-2032 in accordance with chapter 395 of the Texas Local Government Code; making various provisions related to the subject; and providing for an effective date.

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

Motion Carried.

- B. Approve the appointment of Susan Mackey to the Everman Public Library Board

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

Motion Carried.

- C. Approve Interlocal Agreement between the City of Everman and the Town of Edgecliff Village for Rabies Control and the Shared Use of the City of Everman Animal Shelter

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

Motion Carried.

- D. Approve Interlocal Agreement between the City of Everman and Tarrant County for the Everman Emergency Services Dispatch Services Upgrade

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

Motion Carried.

8. DISCUSSION ITEMS

- A. Waste Connections - Price Adjustment based on Consumer Price Index (CPI) Solid Waste Contract Section 12.A

Craig is making Council is aware of the increase that they are going to be doing. This will be up when the renewal happens. This is within the contract also. Craig stated that this will go on the next meeting and will be in Executive Session for council to discuss. The increase is 4.1 percent increase and will go on the water bill.

- B. U.S. Appropriations Committee - FY23 - Community Project Funding Opportunity - Congressman Marc Veasey

Craig stated that he got notice from Marc Veasey's office that they have opened up the United States Appropriations Committee for the Community Project Funding again and that we do qualify and they are requesting any projects that we wish to submit. The deadline for his was Friday so Craig only had a few days to put something together. Craig did take in consideration while submitting this on our CIP Plan and other things that have been discussed and the project he submitted focusses on Storm Drainage Improvements along South Race Street. He did also ask the City Engineer to draft a Conceptual opinion with probable cost with that. Craig also wanted to inform council that a total storm drainage overhaul on Race Street and Christie Avenue is well over Five Million Dollars. The portion of this Stag Grant would require to provide a twenty percent match and we are not in any position to provide that. Craig then asked our Engineer what would be a more beneficial project, on Race or Christie and he recommended Race Street because it would capture the water and prevent a majority of it flowing to Christie. This project for Race Street is just over three million dollars and that side of the project is what was submitted. When this goes through then we will get back with council on how we will get that twenty percent for this project in the event of the approval. With this project submission the City Engineer recommends to replace the water-lines underneath Race as well as the Sewer lines and Craig does have those cost estimates and closer to Budget we will talk more about that. The Storm Drainage Project would be from Enon to Everman Parkway on Race, all of South Race Street. This will not solve the flooding but will help storm drainage in that area. Council will be updated as Craig gets information on this submittal with Marc Veasey's office.

9. EXECUTIVE SESSION

10. CITY MANAGERS REPORT

A. Update related to ongoing projects

Craig updated that the City Hall Annex is moving right along and he stated that the invites to the Ribbon Cutting have been sent out and if they need to add anyone to the list to let him know. Exterior is nearly complete, the water tap and fire suppression system is scheduled sometime later this week or next week. The rest of the progress will be hidden inside. Things are progressing right along. Craig also updated that all the parking lots are under construction. Pittman Park parking lot will be complete by tomorrow and they have already began to cut out for the Mobile Food Truck parking lot. Memorial Park parking lot is about 75% complete. Then, they will move to Johnson Park and behind the Police Department. Also, Christopher Drive is expected to begin right around May 4th-6th. This will take about two weeks for completion. Then they will move to Race Street around May 23rd and this will take another additional two weeks. All of this will be complete before the Ribbon Cutting for the new City Hall Annex. Craig stated that the parking lots are recycled asphalt. It is similar to gravel but not as loose. This is free and will last and it will become hard as it's packed down. Johnnie Allen announced that the Library is having Cat in the Hat on Saturday from 10:30am-11:30am.

11. MAYOR'S REPORT

Mayor did not have anything to report.

12. ADJOURN

Mayor Richardson adjourned the meeting at 7:20pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday April 14, 2022.

/s/ Mindi Parks
City Secretary

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**EVERMAN
CITY COUNCIL
REGULAR MEETING
MINUTES
Tuesday, April 5, 2022
6:30 P.M.**

There will be a Regular Meeting held by the Everman City Council on Tuesday, April 5, 2022 at 6:30 p.m. at 212 North Race Street with the following agenda:

Ray Richardson	*	Mayor
Kelly Denison	*	Council Member, Place 2
Johnnie Allen	*	Council Member, Place 3
Susan Mackey	*	Mayor Pro-Tem
Judy Sellers	*	Council Member, Place 5
Miriam Davila	*	Council Member, Place 6
Absent:		
Linda Sanders	*	Council Member, Place 1
Others Present:		
Mindi Parks	*	City Secretary
Craig Spencer	*	City Manager
Susanne Helgesen	*	Director of Finance
Kathy Williams	*	Snow Garrett Williams

1. Meeting called to order.

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

2. Invocation.

3. Pledge of Allegiance.

4. Consent Agenda:

A. None

5. Citizens Comments:

Johnnie Allen had a comment and stated they there is still problems with the trash pick-up and she would like to know if the city is working on that. Craig stated that the city is aware of the problems and this will be on the next meeting for review.

6. Presentation

A. The 2021 Financial Audit Presentation by Snow Garrett Williams- [22095](#)

Kathy Williams a partner with Snow Garrett Williams is going to take council through a few items from the Audit Report like she has done in the past. These are a few highlights from this report. Kathy started on the Independent Auditor's Report on page three where it states the opinion and, in their opinion, the financial statements referred to above present fairly, in all material respects and thereof for the year then ended in accordance with accounting principals and this is that clean unmodified opinions that you as a council want to see. She then moved to page seven, the Management's Discussion and Analysis. She put the council's attention on the total assets line for the Governmental Activities and Business-type Activities. This amount went from \$16,072,549 to \$18,285,132 for a total increase of 2.2 million dollars. This is due to all the projects going on right now and assets. The total net position on this report went from \$5,495,797 to \$6,276,759 for an increase of 1.5 million dollars. The goal is to preserve and increase these positions. This increase is good start in

doing that. On page ten she then pointed out the Major Capital Asset events during the current fiscal year include Memorial Park facility upgrades; Water line project; Fire Station rebuild; and beginning the City Hall Annex- Civic Center rebuild. Page eleven where you will see the total Capital Assets at the end of September of 2021, were over 9.9 million dollars and that is net of depreciation and that includes 5.4 million dollars in Governmental Activities and 4.5 million in Business-Type Activities. The outstanding debt on this page is \$9,568,948. Kathy then moved to page sixteen, taking a look at the individual fund statements starting with the Governmental Funds. Here you will see total assets and these are more on a current basis, at this point they do not include your Capital Asset, so the total assets were \$4,021,536 for all Governmental Funds and most of that is in cash and cash equivalents. Total Liabilities were \$1,062,135. That includes Accounts Payable accrued expenses for September that were paid in October or the first part of November. The unearned revenue for the American Rescue Plan Act, there was grant money that had been received by the city and had not been spent yet by year end so that money will be spent in this upcoming year. Total Fund balances of \$2,875,613 for the Governmental Funds last on this page. Kathy moving to page seventeen, again looking at the Governmental Funds and you will see total Revenues were at \$5,680,895, total expenditures of \$7,296,512 and that includes \$1,750,747 in Capital outlay for those improvements and ongoing projects that the city has. Then we have Other Financing sources and uses which include the city's Bond Proceeds and Proceeds from sale of assets and those total \$637,600 and when we put all of that together there was actually a net decrease in fund balances and again this is primarily because of the Capital outlay and you can see that in every category. So, the city is using the Fund Balance Reserves to cover that Capital outlay for those significant improvements that the city has going on. Kathy moving to page nineteen, starting with the Statement of Net Position for the Enterprise Fund which is the Water and Sewer Fund. The council will see the total assets of \$9,018,232. That included restricted cash of \$4.1 million dollars which was primarily unspent Bond Proceeds. Also, you have your noncurrent which are your Capital Assets of \$4.5 million dollars. The total Liabilities towards the bottom of the page were \$6,399,496 and that included 1.8 million of current liabilities and then your noncurrent liabilities of \$4,601,987. The ending net position for the Water and Sewer Fund was at \$2,615,344. Kathy moving to page twenty, again the Water and Sewer Fund statement of revenues, expenses, and changes in Net Position there was a total Operating revenue for the last fiscal year of \$2,158,900 and you subtract out your operating expenses of \$1,752,973 and that resulted in Operating income of \$405,927 for the year. If you add back the non-operating revenues of \$106,718 and that resulted in an increase in the city's net position in the Water and Sewer Fund of \$512,645. This is a very positive thing. She stated that she knows it was difficult raising water rates but when the water system continues to age and you have significant improvements going on, to be able to build up those reserves and have those funds available to pay off the debt that was issued as well as to have it available for future repairs on the system. Kathy moving on to page seventy, everyone's favorite part she added. She stated that on this page that you will find the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards. This covers two areas; Internal Control over Financial Reporting and you will see at the bottom that a significant deficiency that they have identified that we will go over and there were no instances of non-compliance that have to be reported to the council at the bottom of the page under Compliance. Kathy moving to page seventy-two, the council will find the Schedule of Findings and Questioned Costs. She stated that this is just a good summary and this is a required Schedule when you spend over \$750,000 in Federal Funds. You are required to have what's called a Single Audit and this Schedule is required by the Single Audit. The top section talks about the Financial Statements and says that it was an Unmodified Report that was issued. It said we did not find any Material Weaknesses or Non-Compliance. This goes through and says that there were no findings under Federal Awards. The Finding down at the bottom in Internal Controls over Financial Reporting, they identified a significant deficiency because there were adjusting journal entries necessary to correct and adjustment account balances at year end. The effect here is that there were two areas that had significant entries, that included an entry for Workers Compensation payable and related expenditures as well as adjustments for Capital Asset balances at year end. There were several things that contributed to this, there was some changes in the system, there were some unusual

transactions that happened in the last year. She stated that they have gone over all this with the Finance Director and she has all the entries and their all entered into the system and the Auditors feel like a lot of it is because of some of the unusual things that happened in the Twenty-one Fiscal year. Kathy moving to the top of page seventy-three, the council will see there that they commend the city on developing and adopting the Comprehensive Financial Management Policy and they recommend continuing to develop those Policies to maintain strong Internal Controls and to go ahead and reconcile some of the reconciliation's between different Systems and recording Financial transactions including Capital Asset activity as those things occur just so you have more useful and accurate reports throughout the year. Kathy moving to page seventy-five, the council will find the city's response to that corrective action plan and you will see there that she mentioned before, that the city stated they will continue to implement new policies and procedures as necessary to maintain strong internal controls related to our financial reporting and monitoring. She also thanked the city staff for getting all the answers to their questions and it has been a pleasure as usual working with everyone. There is a Management Letter in the back and it covers things that we have already went over and they just ask the city to continue reviewing Budget Report and making the budget amendments as needed. Kathy then asked council if they had any questions. Johnnie Allen asked on page seventy-two, under Internal Controls Over Financial Reporting there is a yes and Kathy explained it is because of the finding on the bottom of the page where Significant deficiencies identified that are not considered to be material weaknesses and the answer is yes. Kathy explained that a material weakness is worse. A significant deficiency does not rise to the level of a material weakness. A material weakness means there is something in your system and in your accounting system or in controls that is not working properly. If it had been reoccurring entries instead of just one-time unusual instances then it could have risen to that level. Craig also stated that he took the liberty to going to look at past financial audits and he went back to 2012 to now, to get a performance history to see what has been going on in the city the past ten years. After reviewing there has been some impactful take aways include a \$1.5 million dollar increase in the total net unrestricted net position in one year. This is also the first increase in the net position since 2014. The increase we saw 2014 was only \$42,000. This is also the first year we have seen an increase in Government Activities unrestricted net position since 2014. This is the first year we have seen an increase in Government Activities total net position since 2014. This is a ten-year record high Business Type Activities total net position \$2.6 million dollars, and this is the first year we have seen a total net position increase and that increase was \$780,000. So, considering the circumstances and what we have had to work with over the last couple years, the pandemic and take that and include all of the investments, and projects that the city has taken on, Craig stated he thinks council made the right decisions approving the changes and policies that we made and slowly getting the city in a better financial state. Mayor and council thanked Kathy for the good news and her for coming out and this completed the presentation.

B. The Introduction of the new Librarian- Rosalinda Leon- [22099](#)

Craig just wanted Rosalinda to come introduce herself. Also, just being transparency with council Rosalinda does not have any Library experience at all but she has excellent customer service experience and management experience that is going to be very beneficial to the library and this role. She has a lot of good ideas and we believe she will be a true key player in the changes and improvements in the library. With Rosalinda being hired we also promoted another existing employee to Program Coordinator and she as well has a lot of good ideas and things she wants to see in the library. These two together will make a great combination for the library. Council is very excited to see her on board and welcomes her. He added that she is very excited also, and she urged them to come to the library and ask her anything and she will be happy to help. She stated that she is a resident of Everman also.

C. Proclamation- Child Abuse Prevention Month- [22096](#)

Mayor Richardson read and presented the Proclamation for Child Abuse Prevention Month.

D. Proclamation- Public Safety Telecommunicator's Week- [22100](#)

Mayor Richardson read and presented the Public Safety Telecommunicator's Week.

7. Discussion Items:

A. Discussion and potential selection of a date for City Staff to host a "Town Hall Meet & Greet" - [22097](#)

Craig stated that when they had the last Budget session last year that Council Woman Allen brought up and wanted to receive some more citizen input on Budget and projects that are happening around the city. Our Civic Center across the street is expected to be completed by the end of May therefore Craig thinks it would be a good idea and good time of year to host a Town Hall meet and greet. This would be an opportunity for citizens to come up and interact with the Directors of every Department. The meeting would consist of a pretty short presentation of everyone as a whole and the numerous of projects that are going on in the city and then move forward to the interaction of the citizens o the Director they wish to talk with and get that citizen feedback directly from our citizens. The Directors would then take that feedback into consideration when working on the Budget and compile that back to council. Craig stated that council of course is also invited to participate in this if they would like to. Allen expressed that she thinks moving forward we should have a couple of those a year. The council likes the idea and asked Craig when he is planning to have this Town Hall meet and greet. Craig explained depending on the completion of the City Hall Annex and that should be end of May so he expects mid to late June. He did ask council if they would rather have this on a Saturday, or do they prefer a week night? They would like to host this on a Saturday. The earliest in June as soon as the building is done and Craig will update Council on that date as soon as he gets it.

B. CDBG CV – 2022 Additional Funding – Craig Spencer - [22101](#)

Craig stated that Tarrant County has put out notice on our RFP again for CDBG Coronavirus Funding. The first round that was submitted, the City of Everman submitted an RFP for the inclusive playground over at Pittman Park and that is what is funding that project. This is another round of that funding and here is the carveout to that, because we have already received funding from round one, we will be at the bottom of the list to be selected to receive funding and any cities that have not already received CDBG Funding will receive funding first. So, there is a good chance that we may not get funding at all however Craig did not want to just not put in for it. The amount on this RFP is anywhere between \$75,000 to \$500,000. There are two areas within this project that we can focus these funds on. It is really just Park Improvements and Water-Line infrastructure improvements. One of the areas of concern that Craig and the Director of Public Works looked at is Forest Hill Drive. The funding is in place for the expansion of Forest Hill Drive but we have not had the chance to address that infrastructure underneath that road way. The Director of Public works Mr. Ramirez believes e should focus these funds underneath the road ways. We did ask the City Engineer to give us an updated cost for this project and that estimate came in at \$501,000, it would not be much for the city to make up to make this project happen. Craig wants to get a consensus from council tonight to move forward and there is a tight deadline on this project so we have to submit this by April 30th. With council's consensus he will tell our City Engineer to move forward on submitting this on our behalf. Mackey asked if this would address the standing water at the intersection down from Souder where kids walk and this would not but RTC is addressing that Storm Drainage along with the street expansion. Council is in consensus for Craig to move forward with this project.

C. Completion of the Form 2201- Statement of Officer "Anti-Bribery Statement" and renewed Oath of Office for all elected and appointed positions – [22102](#)

Craig handed out this form for all of council to sign. This form is for all appointed positions and Boards and Commissions. The City Secretary Mindi Parks administered the Oath of Office to all council.

D. Discussion regarding future plans of the Everman Historical Society and the continued use of the Everman Public Library - [22103](#)

Craig stated that this questioned has came up on the Library Board side and the staff has talked a little about it too. The Everman Historical Society uses a room over at the library. There is a lot of neat artifacts in there. There is a lot of old newspapers from Everman and beautiful paintings on the wall and it has been just closed off. Has not been seen or used in a very long time. Covid kind of played into that but they also have not been very active either. Craig would like some guidance from council on how you would like to move forward and maybe start some discussion with the Historical Society and what the staff would like to do at the library is to open that room up in the mean time and rope it up so that those artifacts can be seen and so that people even know that it is there. Staff also talked about having some classes in there and actually talk about the history of Everman and get kids to learn that here in the city. Mayor has talk to a couple of them. One is all for it and one is worried about the

stuff walking off and she would be glad to come and show the room. They do have old display cases. They don't want anything vandalized or walk off. Mayor explained they just have concerns. Craig stated have a plan to get this going. It has been asked about the building for this Historical Society and it is just not in any shape and the repair cost is over \$ 100,000 and we don't have that at this time. If this were to get fixed the question would also come on the staff it would require to run that building. Library Board and staff just want to utilize that room and want to know the status on the Historical Society. Mayor stated that they are in the library until the building is done. Johnnie Allen asked about the Annex building and that would limit the rental space. Council suggested maybe having tour times of the museum so that we can make sure someone is there. This could be put on the sign and website. Craig asked Mayor to get the Historical Society together so they can meet with them about this idea. This will be continued discussion till we get the game plan together.

8. Consideration and Possible Action:

A. Approve the City of Everman Sports Fields Event Rental Agreement Contract and authorize the City Manager to execute said contract as needed - [22098](#)

Motion was made by Council Member Denison and seconded by Council Member Sellers to approve the City of Everman Sports Fields Event Rental Agreement Contract as amended amending the starting date to June 1st and authorizing the City Manager to execute said contract as needed. ALL VOTED AYE.

9. Executive Session- NONE

10. City Manager's Report- Craig Spencer

Craig just has an update on the Civic Center and they have a delay and they were aiming mid-May for completion now it is the end of May. He is waiting on an exact date. Allen asked if there was an update on Columbine and he said that he did not get one and he will email her that information. Mayor asked about the Tanks on the PD well site. Craig said about %50. This completed his update.

11. Mayors Report – Mayor Ray Richardson- NONE

12. Adjourn.

Mayor Richardson adjourned the meeting at 7:40pm.

Mindi Parks
City Secretary



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

AGENDA TITLE: Review and Discussion of Park Rules

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No recommendation at this time.

BACKGROUND INFORMATION:

Ordinance 680 was adopted by the Everman City Council in 2014 which applied universal rules to all parks. However, not all parks are built equally and utilized the same. Currently, our ordinance prohibits dogs inside of all parks. Pittman Park is frequently utilized as an exercise park with the walking track and general large size of the park. We often times see citizens walking with their dogs, even though there are postings and ordinances that prohibit dogs within all parks. We have made it known that we have the intention and desire to construct a dog park within the City at some point whenever funding allows. Until that time however, there are no locations available within the City for residents to take their dogs.

City Manager would like to propose an amendment to the Park Rules that will allow for dogs in Pittman Park under the following conditions:

- Dogs must be kept on a leash at all times
- Owners must have proof of rabbies vaccinations
- Owners must pick up their pet's waste

It is recommended that we do not allow dogs within Johnson Park, Anderson Field, Memorial Park and Mobile Food Truck Park.

FISCAL IMPACT:

None



CITY OF EVERMAN

212 North Race Street Everman, TX 76140

STAFF REPORT

AGENDA TITLE: Review of Civic Plus Meeting Management

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No recommendation at this time.

BACKGROUND INFORMATION:

The new Civic Plus Meeting Management software is now live and fully operational. City Manager and City Secretary will be giving a very brief overview of the software and improvements to the website.

FISCAL IMPACT:

None



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

AGENDA TITLE: City Council Election of Mayor Pro-Tem

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

No Recommendation at this time

BACKGROUND INFORMATION:

In accordance with the Everman City Charter Section 3.03, the City Council shall elect one of its members as Mayor Pro-Tem to serve a 1-year term. This election is typically following the canvassing of votes that in the May election. There were no ballot items during this last election and are therefore no votes to canvas.

The Mayor shall entertain nominations from the council for the position followed by a vote.

FISCAL IMPACT:

None



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

AGENDA TITLE: Approve Proposed Civic Center Rental Policies

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

It is recommended that the Everman City Council approve the Civic Center Rental Policies as presented.

BACKGROUND INFORMATION:

These policies have been presented previously for review. At that time, staff received no recommended changes to these policies. Since, there have been a couple of various discussions related to these policies.

Staff would like for the City Council to review these policies, discuss and finalize any changes.

FISCAL IMPACT:

Revenue Impact based upon city council decisions.



213 N. Race Street
Everman, TX 76140

CIVIC CENTER USAGE APPLICATION

ORGANIZATION (if applicable): _____

TYPE OF EVENT: (convention/conference/meeting/wedding/birthday/etc.)

DATE(S) & TIMES OF EVENT/INCLUDING SET-UP & TEAR-DOWN:

Choose from: Monday-Friday, 7:00am – 10:00pm/Saturday, 7:00am-12:00am/Sunday, 7:00am-10:00pm

DAY: _____ DATE: _____ TIME: _____
DAY: _____ DATE: _____ TIME: _____
DAY: _____ DATE: _____ TIME: _____
DAY: _____ DATE: _____ TIME: _____

NOTE: If an event continues after scheduled end time, the Client shall be subject to appropriate overtime charges of the per hour negotiated rate.

THE EVENT WILL BE: (check one) ☐ Private ☐ Open to the public ☐ Admission will be charged

THE MAXIMUM NUMBER OF PEOPLE THAT WILL BE PRESENT AT ANY ONE TIME IN THE FACILITY:
(check one) ☐ Less than 50 ☐ Between 50-100 ☐ Over 100 ☐ If over 100, # of people _____

NAME OF PERSON FILING APPLICATION: _____

ADDRESS: _____

PHONE: _____ **EMAIL:** _____

ALTERNATE CONTACT: _____ **PHONE:** _____



FACILITY RENTAL SPACE DATES & FEES:

FACILITY SPACE	DATES (Start/End dates)		TIME (Start/End times; includes set-up & tear-down)		DAYS (list day of the week here: Monday, Tuesday, etc.)	# of Days	DAILY ROOM RENTAL FEE	Total Fee
Ballroom								
Conference Room #1								
Conference Room #2								
Conference Room #3								
Kitchen								
Tablecloths								
TOTAL:								

Total number of round tables required: _____ ***each must be covered when rented

Total number of 8' rectangular tables required: _____ ***each must be covered when rented

Total number of Chairs required: _____

Is Audio/Visual equipment required? Yes _____ No _____



CATERING / FOOD AND BEVERAGE

No bottles or glass containers of any kind. Punch bowls are allowed. Glass bowls and containers for food are allowed in the kitchen area only. No cooking pots, pans, griddles, toasters, or other items used for cooking foods are allowed. The kitchen has a microwave oven and a food warming unit available for use if the kitchen is acquired.

Name of Catering Company: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

All deliveries (Catering, Flowers, Bakery products, etc.) will be made through the door located on the South side of the facility, near the Kitchen area. This includes food, cakes, flowers, decorations, and giveaways. Audio, video, DJ equipment, or any items from an outside rental company shall be delivered through the South side door near the kitchen.

*****ALL ITEMS BROUGHT BY CATERERS, DJ’S, BANDS OR CLIENTS MUST BE REMOVED AT THE END OF THE EVENT. DUE TO NEXT DAY RENTALS, NOTHING CAN BE LEFT IN THE BUILDING OVERNIGHT. ANY ITEM LEFT IN THE BUILDING WILL BECOME THE PROPERTY OF THE CITY OF EVERMAN.**

**LABEL ALL FOOD & DRINK CONTAINERS WITH CLIENT NAME TO AVOID
CONFUSION WITH OTHERS USING THE KITCHEN.**



FACILITY USE TERMS AND CONDITIONS

THE SERVING OF ANY ALCOHOLIC BEVERAGE IS ALLOWED WITH THE COMPLETION OF THE "ALCOHOLIC BEVERAGE POLICY & AGREEMENT," THE PURCHASE OF APPROPRIATE LIABILITY INSURANCE AND THE HIRING OF SECURITY AT THE DISCRETION OF THE CITY OF EVERMAN POLICE DEPARTMENT.

THE SALE OF ALCOHOL IS NOT ALLOWED AT ANY EVENT.

ILLEGAL GAMBLING IS STRICTLY PROHIBITED. THIS IS A NON-SMOKING FACILITY.

ASSIGNMENT: This agreement may not be assigned without prior written consent of the City, which consent may be withheld by City in its sole and absolute discretion.

AUDIO/VISUAL EQUIPMENT: Video and audio equipment is available for use in the Ballroom and Conference Room #3. If additional audio/visual equipment, DJ, band, or other personally owned or rented equipment is to be used for the event, the City must receive a detailed list of all equipment prior to event and details as to where it will be placed. It must be delivered within your rental time.

AUTHORITY: The client certifies that to the best of his/her knowledge, the City property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law. This agreement must be signed by persons authorized to sign on behalf of the client and bind the client to the terms of this agreement.

CANCELLATIONS: All cancellations must be submitted in writing. All cancellations will forfeit their reservation deposit if not cancelled 120 days prior to a scheduled event.

LOCAL BUSINESS, SENIOR CITIZEN GROUPS, AND RETIRED TEACHERS USE: Everman local businesses, Everman Senior Citizen organizations, and the Everman Retired Teachers organization may utilize Civic Center rooms for meetings/events if the center is available for usage. Rental and/or Deposit fees are waived for these groups. Rentals will have precedence over these groups unless determined otherwise by City personnel. The clean-up and all other requirements must still be agreed to and followed.

CHOICE OF LAW AND VENUE: This agreement is to be governed by and interpreted in accordance with the laws of the City of Everman and the State of Texas. If any action is brought arising out of this agreement, said action will be brought to the appropriate court in Tarrant County, Texas.

DECORATIONS: All decorations must be free-standing or tabletop. Decorations **cannot** be stapled, taped, nailed, or glued to any walls, windows, doors, ceiling fans or blades, pillars and/or staging. Decorations **cannot** be suspended or hung from any ceiling, staircase or doorway. Painting of any kind is prohibited. All decorating must occur within your

rental time. Balloons must be securely anchored and removed at the end of the event by the client. They are given out at any event. The client is responsible for removing decorations, food or other materials brought into the facilities. Glitter and Confetti products are not allowed.

Section 7, ItemB.

DEFAULT: Failure to comply with any term of this agreement or comply with any rules or regulations of the City will be grounds to cancel event and deny permission for use or future use of City facilities by the client, be it individual or organization, or any member thereof, in addition to any remedies available by law. Client agrees that should the event be changed or canceled by client, or due to client's failure to meet the requirements of this agreement, a full or partial refund of fees, if any, will be made only at the sole discretion of the City. The City may cancel event or terminate this agreement, without cause, for its convenience or if facilities are needed for city purposes.

DEPOSITS:

Payments may be made by credit/debit card, money order, cashier's check or cash. When using a credit/debit card, certain fees apply.

Deposits required:

1. Reservation Deposit: Rental reservation deposits are due when contract signed. All reservation balances are due 30 days prior to event. The Ballroom deposit is \$500; all other rooms are \$250 each. Reservations made less than 30 days of an event must be paid in full at the time of booking with a credit/debit card, money order, cashier's check or cash.
2. Damage/Cleaning Deposit: \$500 for the Ballroom and/or \$250 each for other rooms are due at the time the application is accepted by the city and the reservation is made.

City staff will perform a walkthrough after the event to ensure that no damage has occurred and the facility is clean. Deposit will be returned to client within 30 days after event if no damages were incurred or cleaning is required. Should there be any findings the client will be notified promptly. In the event that City property has been damaged or cleaning is necessary, the client will accept the City's estimate of the amount incurred. The cost of any repairs and/or cleaning deemed necessary will be charged to the client's damage deposit. Should the cost of repairs or cleaning exceed the amount of the damage deposit, the client will receive an invoice for said charges, which will be due within 15 days of the date of the invoice. Effective 30 days after invoice date, any unpaid balance will bear a FINANCE CHARGE of 18% per month and future applications will be accepted on a pre-payment basis only. ***Client's initials*** _____

EMERGENCY PROCEDURE: Call 9-1-1 in the event of an emergency. For non-emergency police matters, call Police Dispatch at 817-293-2945 and provide the operator with your location in the facility.

FOOD SERVICE: The City reserves the right to assign exclusive catering services at its facility (if desired). Client should make arrangements with the City at least two weeks in advance of the event. All caterers must provide a Tarrant County Health Department Permit to City two weeks in advance of the event.

INDEMNIFICATION: The Client and its members shall be held responsible for any and all loss, accident, neglect, injury, or damage to person, life, or property, and claims which may be the result of, or may be caused by, the Client's occupancy or use of the facilities or facility. Client has been given an opportunity to inspect Facility prior to the event and accepts, discharges, and releases, and shall protect, indemnify, defend, and hold harmless, the City and each of its employees, agents, employees, volunteers and representatives, from any and all liability, claims, judgments, or demands including reasonable attorney's fees and costs, which may arise from any injuries, deaths, and damage to property arising directly or indirectly out of this agreement, including, but not limited to client's occupancy or use of the facility and the adjoining areas, including the parking lots, except if due to City's active negligence or willful misconduct. ***Client's initials*** _____

INSURANCE: If the City of Everman staff determines a possible need for insurance due to the number of the activity or event, the client shall secure and maintain comprehensive general liability insurance in the amount of one million dollars per occurrence with coverage for incidental contracts. Client agrees to endorse such policy to name the City of Everman as additional insured. Further, the Certificate of Insurance shall provide 30 days prior written notice of cancellation. Client shall also secure and maintain worker's compensation covering all certificates(s) of insurance, along with the additional insured endorsement, at least 2 weeks in advance of the event; otherwise, this agreement may be canceled by City. **Client's initials** _____

NOTICE: Notices shall be delivered to the person and address specified as the signatory hereto.

PAYMENT TERMS: Fees are due and payable as per listed above in the "Deposit" section. Checks shall be payable to the City of Everman. No personal checks will be accepted. Payment shall be made by: cash, cashier's check, money order or credit card.

PROHIBITED USES: The City strictly prohibits the use of flammable liquids, compressed gases, fog or smoke machines, candles or any type of open flame; the throwing of rice, paper or metallic confetti, birdseed or other materials in the facility or on the grounds; "parking lot parties"; pools, fountains, ponds or landscapes inside or outside the facility, outside tents and stages, inflatable jumping rooms, inflatable water slides, animals of any kind in a City facility, with the exception of service animals; smoking in a City building within 25 feet of a door, window or ventilation; nudity; or drugs. Explosives are not allowed near or inside the facility. Vehicles of any kind are not allowed in the facility.

PARKING OF VEHICLES: Vehicles are NOT allowed to be parked inside, along or near any Fire Lane, in the front or along the sides of the Facility or under the covered entry to the building. Any/all vehicles must be parked in designated parking places only. Parking on grassy areas of the adjoining Park is prohibited. Any vehicle parked in these areas or illegally parked in the Handicap parking areas are subject to removal by the Everman Police Department or towing company assigned by the City. All towing and storage costs are at the expense of the individual vehicle owner(s). The client is prohibited from charging Parking Fees.

ALCOHOL EVENTS: Alcohol is allowed via BYOB or Open Bar. The sale(s) of alcohol is prohibited. BYOB shall be monitored by the host of the event. Open Bar will require TABC licensed bartenders. The alcohol may be purchased prior to the event by the host, however, licensed bartenders must distribute the alcohol when engaged in Open Bar engagements. Open Bar events are preferred as there is alcohol consumption oversight. Open Bars usually coincide with wedding receptions, Quinceanera's, Banquets, etc. **ALL** alcohol related events require Security personnel.

SECURITY: An Everman Police officer may be required for security for all events; however, security shall be provided for any commercial event and/or any event where alcohol is present/consumed. Licensed alcohol handlers must be hired for "open bar" events. Events for 100 or more people will also require Security personnel. The fee charged will be at the current off-duty rate with a 4-hour minimum; payment is to be made in cash to the Officer upon arrival. All costs associated with the hiring of security services will be assumed by the client. The City reserves the right to require monitoring during any event held on city property.

Security required: ____ Yes ____ No **Client's initials** _____ **City Staff initials** _____

STORAGE: Storage space is **not** available at any time. All personal or catering company items must be removed at the end of each event. Shall any item be left in the building it will become the property of the City of Everman.
Client's initials _____

TABLE COVERINGS: Table coverings are required at all times. Round and rectangular tablecloths are available to rent from the City. If Client chooses not to rent table coverings from the Center, client is required to provide and cover all tables and remove them after the event.

TERM: This agreement becomes effective on the date first written above and shall remain in effect for as long as client remains on or utilizes City facilities, regardless of event(s) duration.

TRASH: All used trash bags are to be tied up and placed inside the dumpster near the facility before the client leaves the building.

WEAPONS: It is the client's responsibility to determine if handguns are to be allowed at client's event. The client must determine if the carrying of handguns would be legal at the event. The client may request the use of signage from the

City to alert attendees that handguns, either openly carried and/or concealed, are prohibited at the event. The City assumes all liability regarding this issue. The City may not, pursuant to law, unilaterally prohibit the carrying of handguns at a City facility. The client is responsible for any damage or loss to the signage.

Section 7, ItemB.

Client's initials _____

USE: Client must be at least twenty-one (21) years of age and provide proof thereof. Children must be supervised by an adult throughout the time that they are in the facility. Ages through 12 require 1 adult per 4 children; ages 13 through 17 require 1 adult per 10 young adults. Use of the facilities described herein is granted subject to the terms and conditions herein rules and regulations established from time to time by the administration of the City of Everman. The City assumes no liability or responsibility for any personal property of Client or of its employees, agents, representatives, guests or invitees brought onto the property before, during or after the event described herein. Submission of this application/agreement or acceptance by the City of Everman of any fee does not guarantee availability of any city facilities. Facility and adjoining areas are provided on an "as is" basis.

All fire exits must be kept clean, clear and unobstructed at all times. The path of travel in hallways and to exits may not be blocked by furniture or any other movable object. Client must abide by room capacity limits. It is unlawful to exceed the capacity of any room. Failure to abide by room capacity limits may result in the cancellation of the event without refund or pro-rating of fees if the rental participants do not adhere to these facility rules.

This agreement contains the entire understanding of the parties. There are no representations, covenants, or warranties other than those expressly stated herein. No change or waiver of modification of any of the terms hereof shall be valid unless in writing. Signed agreement must be shown to City authorities on demand.

Nothing in this agreement is intended to create any rights in or for a third party. Nothing in this agreement is intended to waive any defense available to the city at law or common law.

The facility is under video surveillance 24 hours a day.

By signing this application, I agree personally or on behalf of the organization I represent that I will/have/understand:

- Provide a copy of my Driver's License or state issued identification card;
- I have read, understand and agree to the terms and conditions on this form or attached hereto, incorporate herein by reference;
- I agree to provide any required Certificate of Insurance to the City at least 3 business days before the event;
- I understand I have agreed to hold the City harmless and indemnify it from any claim or expense incurred as a consequence of my use of the facility, per the **INDEMNIFICATION** paragraph above;
- I assume all liability for loss or damage to any personal property, owned, used, or stored at the event facility;
- I agree to pay the fees as specified in advance of the event;
- Instruct all participants and spectators not to park on any grassy areas and to park in designated parking areas only; client is restricted from charging for parking of vehicles on city property at any time;
- That there is a 10% charge based on the full amount of this application to change and reprocess the method of payment submitted for an event;
- Not hold the City responsible for any personal items or items of value that are left at the facility;
- I am entitled to use only the area(s) that I have rented;
- Leave the event facility in the same condition in which I found it;
- Abide by any and all rules for the use of this facility;

- No verbal agreements have been made with city representatives;

Section 7, ItemB.

- At the discretion of the City or any Police Officers present at a rental, understand that a rental may be cancelled without refund or pro-rating of fees if the rental participants do not adhere to the facility rules.

Not valid until signed by authorized representative of both parties. Valid for date(s) listed on page 1 only.

Applicant Signature

City Representative Signature

Applicant Printed Name

City Representative Printed Name

Date

Name of entity /organization (if applicable)

If the Agreement is executed on behalf of an entity / organization, the Applicant must present proof of authority to sign on behalf of the organization / entity, e.g. a copy of corporate minutes and the proof shall be attached to this application.

DISCLAIMER: Granting permission to use the City facilities does not constitute an endorsement by the City of the group or its beliefs and/or practices.

**CITY PERSONNEL
CIVIC CENTER USE**

City Personnel (Staff and/or City Council members) may rent the Civic Center when available for use. The Civic Center may be rented at a discount a maximum of two (2) times a year. There is a 75% discount for the first usage and a 50% discount for the second. If there is a third use, the normal fees will apply.

If the Civic Center is rented by City Personnel, it must be used/hosted by the person renting the facility. City Personnel may not rent the facility at discounted rates for someone else. City Personnel renting the facility will be required to be at the event at all times during the rental.

All rules and regulations pertaining to the Civic Center still apply.



212 N. Race Street

Everman, Texas 76140

817-293-0525

ALCOHOLIC BEVERAGE POLICY

All laws pertaining to alcohol use will be followed by the City of Everman and the Everman Civic Center.

Each client wishing to have alcohol at their event(s) must abide by the following rules and regulations regarding alcohol use at the Everman Civic Center or other City facilities (including City Parks):

1. Alcoholic beverages may be consumed with a completed Policy & Agreement, Rental Application, and payment of the appropriate fee(s).
2. No alcoholic beverages may be sold at any event held at the Everman Civic Center. Alcohol may be sold at City approved Park events as long as TABC Rules, Regulations, and Licenses are followed.
3. Alcoholic beverages may be consumed:
 - A. With payment of the Alcohol Beverage Policy Damage Deposit fee of \$250; this is a refundable deposit, barring any damage costs that may be incurred. This deposit is in addition to the Rental Damage Deposit fee of \$500.
 - B. With providing the City of Everman a Certificate of Insurance proving that the City lessee has in force and effect an insurance policy, showing the City of Everman as insured:
 - i. Comprehensive General Liability Insurance, including products & liquor liability with not less than the following limits:

- a. \$2,000,000 General Aggregate
- b. \$1,000,000 Limit per Occurrence

4. Alcoholic beverages may be consumed when the appropriate number, as determined by the Everman Police Department, of off-duty police officers are hired for security purposes. Officers will be on-site during the hours in which alcohol will be consumed at the event. The cost per officer will be determined by the current off-duty pay rate and the client will pay the officer at the beginning of their shift.
5. It is illegal to serve alcohol to any person under the age of twenty-one (21).
6. Proof of age will be required for anyone at the discretion of police officers, the event host, and/or TABC licensed bartenders if acquired. Proper identification will be a State or Federal issued Government agency ID and must include date of birth and photograph. No other documents will be accepted.
7. Beverage servers and any police officer have the right to refuse service/sale to anyone who appears to be intoxicated or under the age of 21.
8. Non-alcoholic beverages (sodas, juices, water, etc.) shall be made available for the duration of any event where alcoholic beverages are available.
9. Alcoholic beverage service will be stopped one (1) hour prior to the end of the event.
10. No alcoholic beverages may be taken outside of the Civic Center if the event is confined to the Center. Unopened containers may be transported to vehicles for removal from the event.
11. It is illegal to serve alcoholic beverages to an intoxicated person.
12. It is illegal to be intoxicated in public.
13. It is illegal to drive/operate a motor vehicle under the influence of alcohol.

Indemnification:

The client agrees to defend, indemnify, and hold harmless the City of Everman and the Everman Economic Development Corporation and its employees, agents, officials, and officers from and against and all

claims, demands, causes of action, or liabilities incurred by the City of Everman and the Everman Economic Development Corporation or it's employees, arising from CLIENT's acts or omissions under this Agreement or any act or omission of CLIENT's vendors, employees, contractors, or persons attending the meeting or event with the express or implied permission or invitation of CLIENT.

The City of Everman & the Everman Economic Development Corporation will not be held responsible for any losses, damages, or injuries. This refers to any loss, damage, or injury to persons or possessions that may occur at any function held on City properties, from any cause, whatsoever, prior to, during, or subsequent to the period covered by the contract. The Client will be responsible for the control and supervision of the people in attendance during the use of the facility or any City owned properties (Parks, Pavilions, etc.) to ensure no harm is done to persons or property.

Client agrees to abide by this Agreement and acknowledges having received a copy thereof. Client will be held financially responsible for any damage to the facility, Parks, or Pavilions, or equipment, which occurs through the Client's meeting or event at the Facility, Park location(s), Pavilion(s), etc.

By signing below, the Client acknowledges that he/she has read and agreed to all above terms and conditions.

Date: _____

Applicant's Signature

Date: _____

Approved by City Staff



**212 N. Race Street
Everman, Texas 76140
817-293-0525**

ALCOHOL BEVERAGE AGREEMENT APPLICATION

Today's Date: _____ Event Date(s): _____

Name of Individual or Organization completing Application:

Area(s) of Consumption: _____

Total # of Attendees expected: _____

Time Alcohol will be consumed: _____ to _____

Host/Person Responsible: _____

Mailing Address: _____

Phone # _____ Alternate Phone # _____

Purpose of Use: _____

As the Host, I understand it is my responsibility to comply with all Everman and State of Texas alcohol beverage laws, including the prohibition against serving alcohol to persons who are underage.

Applicant's Signature

Date: _____

Approved by City Staff

Date: _____



Facility Space and Fee Schedule	Hourly Monday thru Sunday	8 Hour Monday thru Thursday	12 Hour Saturday	12 Hour Friday or Sunday
Ballroom (tables, chairs, dance floor, stage, risers & electric)	\$250	\$1,200	\$2,500	\$2,000
Conference Room #1	\$125	NA	NA	NA
Conference Room #2	\$125	NA	NA	NA
Conference Room #3	\$125	NA	NA	NA
Tablecloths – each	\$4	\$4	\$4	\$4
Kitchen – Refrigerator, freezer, heating cabinet, ice maker; no dishwashing allowed.	\$125 – Flat rate per day Ballroom \$30 – Flat rate per day for all other rooms	\$125 – Flat rate per day Ballroom \$30 – Flat rate per day for all other rooms	\$125 – Flat rate per day Ballroom \$30 – Flat rate per day for all other rooms	\$125 – Flat rate per day Ballroom \$30 – Flat rate per day for all other rooms



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

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

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

It is recommended that the Everman City Council

BACKGROUND INFORMATION:

The Annual Celebrate America Festival is scheduled for Saturday, June 25th, 2022. The Everman Fire Department is once again requesting a variance to permit the sale, distribution, and consumption of alcohol at the event. The alcohol will be provided and sold by a third party vendor who will be responsible for obtaining and complying with all TABC permits and laws. Officers will be present for the duration of the event.

FISCAL IMPACT:

None



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

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

MEETING DATE: 05/17/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

It is recommended that the Everman City Council

BACKGROUND INFORMATION:

The Annual Celebrate America Festival is scheduled for Saturday, June 25th, 2022. The Everman Fire Department is once again requesting a variance to permit the sale of merchandise, food, and beverage for the duration of the event.

FISCAL IMPACT:

None

CITY OF EVERMAN**ORDINANCE NO. 780**

AN ORDINANCE OF THE CITY COUNCIL OF EVERMAN, TEXAS, AMENDING CHAPTER 19, ARTICLE 2 OF THE CITY OF EVERMAN CODE OF ORDINANCES AND PROVIDING FOR THE REDUCTION OF MOTOR VEHICLE EMISSIONS BY ESTABLISHING LIMITATIONS PROHIBITING IDLING ACTIVITIES AND PROVIDING FOR ENFORCEMENT ACTIVITIES RELATING THERETO, AND PROVIDING FOR FINDINGS OF FACT, AMENDMENT, REPEALER, SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE.

WHEREAS, the City of Everman (“City”), is a home rule municipality located in Tarrant County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and its City Charter; and

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act, which addresses that purpose; and

WHEREAS, Section 382.113 of the Texas Health and Safety Code provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, Locally Enforced Idling Restrictions is a weight of evidence commitment in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and

WHEREAS, idling vehicles emit more emissions while idling due to incomplete combustion than at normal on-road speeds; and

WHEREAS, the City desires to actively participate in improving the air quality of the region; and

WHEREAS, the City Council of the City of Everman (“City Council”) finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare

of the citizens of the City of Everman, Texas by limiting the pollution created from unnecessary idling of motor vehicles within the City;

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

- 1. FINDINGS OF FACT.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
- 2. AMENDMENT.** Chapter 19, Article 2 of the City of Everman Code of Ordinances is hereby amended and replaced so as to read in accordance with Exhibit A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Such provisions are hereby an addition to Chapter 19, Article 2 of the Code of Ordinances, titled Operation of Vehicles, as reflected in the attached Exhibit A.
- 3. REPEALER.** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.
- 4. SEVERABILITY.** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.
- 5. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon passage and publication.
- 6. PROPER NOTICE & MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

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

CITY OF EVERMAN:

by: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

EXHIBIT A**Sec. 19-27. CONTROL REQUIREMENTS FOR MOTOR VEHICLE IDLING**

- a. No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle under their operation to idle for more than fifteen consecutive minutes when the motor vehicle is not in motion.
- b. No person using the vehicle's sleeper berth may idle;
 - 1) in a school zone;
 - 2) within 1,000 feet of a public school during its hours of operation
 - 3) within 1,000 feet of a hospital, or
 - 4) in a residential area, as defined in Section 244.002 of the Texas Local Government Code.
- c. No driver may idle within 1,000 feet of an air intake valve of the following structures as adopted by §70.100(a)(1) of this Code and further defined by [Section 302.2 of the International Building Code](#):
 - 1) Assembly Group – occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.
 - 2) Educational Group— occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to *places of religious worship* and have *occupant loads* of less than 100.
 - 3) Institutional Group-- occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people are cared for or live in a supervised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.
 - 4) Mercantile Group-- includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

Sec. 19-28. DEFINITIONS

Unless specifically defined herein, the terms used in this article have the meanings commonly ascribed to them in the field of air pollution control, unless the context provides otherwise.

Idle shall mean the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or manufacture for when the accelerator is fully released and there is no load on the engine.

Motor vehicle shall mean any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002.

Primary propulsion engine shall mean a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

Sec. 19-29. EXEMPTIONS

a) The provisions of this ordinance (relating to Control Requirements for Motor Vehicle Idling) does not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 8,500 pounds or less;
- (2) a motor vehicle that has a gross vehicle weight rating greater than 8,500 pounds and that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling;
- (3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation or airport ground support and/or maintenance or diagnostic purposes,
- (5) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety during extreme weather conditions in

vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;

(6) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance; a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle; or as an armored vehicle when the driver is present;

(7) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

Sec. 19-30. ENFORCEMENT

a) An offense under this title shall be punishable by a fine not to exceed five hundred dollar [\$500.00].



ARPA FISCAL RECOVERY FUNDS ALLOCATION AMENDMENTS

05/17/2022

Project	Initial Allocation	Amended Allocation	NOTES
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REVENUE LOSS CATEGORY

Animal Control Shelter Facility Improvements	\$ 10,000.00	\$ 9,680.00	Project is complete and came in under budget
P.D. Body Worn Cameras	\$ 19,000.00	\$ 18,970.00	Project is complete and came in under budget

WATER/SEWER INFRASTRUCTURE

Replacement & Rehab of Electrical Systems	\$ 220,000.00	\$ 220,000.00	
SCADA Update/Upgrade	\$ 65,000.00	\$ 65,000.00	
Technical Assistance	\$ 65,000.00	\$ 65,000.00	
Administrative Office Repair	\$ 20,000.00	\$ -	Placing project on hold
Chlorine Storage Facility	\$ 34,000.00	\$ 51,000.00	Due to pricing increases
Generator Backup	\$ 100,000.00	\$ -	Upon review, this project will not be feasible with the original allocated amount.
P.D. Well Site Security	\$ 20,000.00	\$ 15,962.00	Project is complete and came in under budget

ECONOMIC IMPACT

Tech Infrastructure - OpenGov	\$ 145,000.00	\$ 160,913.09	Following initial proposal, there were additional service fees and implementation fees for additional features needed as a part of this conversion.
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PUBLIC SAFETY STAFFING

Police Officer Staffing	\$ -	\$ 25,000.00	Additional FT Police Officer June 1, 2022 through September 30, 2022.
Firefighter Staffing	\$ 100,000.00	\$ 100,000.00	Employ 3 FT Firefighters June 1, 2022 through September 30, 2022.

TOTAL ALLOCATION: \$ 798,000.00 \$ 731,525.09 (Allowable: \$769,778.69)
UNALLOCATED \$ (28,221.31) \$ 38,253.60

City of Everman

Salary

Positions	Pay Rate	Hours	Per Pay Period (26)	Annual Salary
Firefighter/Paramedic	\$ 14.50	120	\$ 1,740.00	\$ 45,240.00
Firefighter/Paramedic	\$ 14.50	120	\$ 1,740.00	\$ 45,240.00
Firefighter/Paramedic	\$ 14.50	120	\$ 1,740.00	\$ 45,240.00
Code Enforcement Officer	\$ 22.04	80	\$ 1,763.20	\$ 45,843.20

Benefits - Employer Portion

Positions	TMRS Per Pay Period	FICA Per Pay Period	TWC Per Pay Period	Total Per Pay Period (26)	Medical Per Pay Period	Dental Per Pay Period	Life Ins. Per Pay Period	STD Per Pay Period	LTD Per Pay Period	EAP Per Pay Period	Vision Per Pay Period	Total Per Pay Period (24)	Annual Total
Firefighter/Paramedic	\$ 174.00	\$ 133.11	\$ 27.84	\$ 334.95	\$ 500.00	\$ 16.23	\$ 8.37	\$ 4.88	\$ 4.20	\$ 4.25	\$ 2.71	\$ 540.64	\$ 21,684.06
Firefighter/Paramedic	\$ 174.00	\$ 133.11	\$ 27.84	\$ 334.95	\$ 500.00	\$ 16.23	\$ 8.37	\$ 4.88	\$ 4.20	\$ 4.25	\$ 2.71	\$ 540.64	\$ 21,684.06
Firefighter/Paramedic	\$ 174.00	\$ 133.11	\$ 27.84	\$ 334.95	\$ 500.00	\$ 16.23	\$ 8.37	\$ 4.88	\$ 4.20	\$ 4.25	\$ 2.71	\$ 540.64	\$ 21,684.06
Code Enforcement Officer	\$ 176.32	\$ 134.88	\$ 28.21	\$ 339.42	\$ 500.00	\$ 16.23	\$ 8.37	\$ 4.88	\$ 4.20	\$ 4.25	\$ 2.71	\$ 540.64	\$ 21,800.18

Accrued Benefits Liability

Positions	Annual Sick/Vacation Hours Accrual	Annual Personal Holiday Accrual	Total Accrued Benefit Hours	Benefit Leave Payout Salary	Benefit Leave Payout TMRS	Benefit Leave Payout FICA	Benefit Leave Payout TWC	Total Accrued Liability
Firefighter/Paramedic	324	24	348	\$ 5,046.00	\$ 504.60	\$ 386.02	\$ 80.74	\$ 6,017.36
Firefighter/Paramedic	324	24	348	\$ 5,046.00	\$ 504.60	\$ 386.02	\$ 80.74	\$ 6,017.36
Firefighter/Paramedic	324	24	348	\$ 5,046.00	\$ 504.60	\$ 386.02	\$ 80.74	\$ 6,017.36
Code Enforcement Officer	168	8	176	\$ 3,879.04	\$ 387.90	\$ 296.75	\$ 62.06	\$ 4,625.76

Firefighter/ Paramedic

Annual Salary	\$ 45,240.00
Annual Benefits	\$ 21,684.06
Annual Accrued Hours	\$ 6,017.36
Annual Total per employee	\$ 72,941.42
Annual Total - 3 Firefighter/Paramedics	\$ 218,824.25
Amount Remaining in FY22	\$ 72,941.42

Code Enforcement Officer

Annual Salary	\$ 45,843.20
Annual Benefits	\$ 21,800.18
Annual Accrued Hours	\$ 4,625.76
Annual Total per employee	\$ 72,269.13
Amount Remaining in FY22	\$ 24,089.71

Total ARPA Funds Requested for FY22	\$ 97,031.13
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