

**WORK SESSION AGENDA OF THE CITY COUNCIL OF HURST, TEXAS  
CITY HALL, 1505 PRECINCT LINE ROAD  
FIRST FLOOR CONFERENCE ROOM  
TUESDAY, OCTOBER 25, 2016 – 5:15 P.M.**

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**I. Call to Order**

**II. Informational Items**

- ) **Update and Discussion on new Hurst History Video production**
- ) **Update and Discussion on Police Neighborhood Outreach and Community Statistics**
- ) **Discussion of Rental Registration renewal and inspection fees**

**III. Discussion of Agenda Item(s) 7**

Consider Ordinance 2339, first and final reading, amending Republic Services contract and residential, commercial and industrial trash and residential recycling rates

**Malaika Marion Farmer**

**IV. Discussion of Agenda Item(s) 8, 9, and 10**

Consider Ordinance 2340, first reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance

Consider Ordinance 2341, first reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance

Consider Ordinance 2342, first reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 “Dead Trees”, declaring dead trees to be a public nuisance

**Michelle Lazo**

**V. Discussion of Agenda Item(s) 11**

Consider Resolution 1656 in support of local control for the upcoming 85th Legislative Session

**Rita Frick**

**VI. Discussion of Agenda Item(s) 12**

Consider Resolution 1657 authorizing the city manager to submit a grant application for the Mobile Forensic Project to the Office of Governor, Criminal Justice Center

**Stephen Moore**

**VII. Discussion of Agenda Item(s) 13**

Consider authorizing the city manager to approve funding for the 42<sup>nd</sup> Year Community Development Block Grant (CDBG) Sheri Lane Paving and Water Improvements

**Greg Dickens**

**VIII. Adjournment**

Posted by: \_\_\_\_\_

This the 21st day of October 2016, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

**This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (817) 788-7041 or FAX (817) 788-7054, or call TDD 1-800-RELAY-TX (1-800-735-2989) for information or assistance.**

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS  
CITY HALL, 1505 PRECINCT LINE ROAD  
TUESDAY, OCTOBER 25, 2016**

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**AGENDA:**

**5:15 p.m. - Work Session (City Hall, First Floor Conference Room)**

**6:30 p.m. - City Council Meeting (City Hall, Council Chamber)**

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**CALL TO ORDER**

**INVOCATION (Mayor Pro Tem Larry Kitchens)**

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

1. Consider approval of the minutes for the October 11, 2016 City Council meetings
2. Consider Ordinance 2338, second reading, amending Chapter 21, Article II. – Impact Fees including updated land use assumptions, capital improvement plans, and impact fee levels
3. Consider authorizing the city manager to enter into a purchase agreement with Integrated Forensic Services and the Tarrant County Medical Examiner’s office for evidence processing services
4. Consider authorizing the city manager to enter into a purchase agreement with Red The Uniform Tailor for Police Department uniforms and equipment
5. Consider authorizing the city manager to enter into an Engineering Services Contract, Amendment 1, with Deltatek Engineering for additional engineering services for the Tarrant County College (TCC) Elevated Storage Tank Renovation Project
6. Consider authorizing the city manager to purchase six (6) Chevrolet Tahoe Police Edition vehicles and two (2) Chevrolet Impala Police CID units from Reliable Chevrolet

**ORDINANCE(S)**

7. Consider Ordinance 2339, first and final reading, amending Republic Services contract and residential, commercial and industrial trash and residential recycling rates
8. Consider Ordinance 2340, first reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance

9. Consider Ordinance 2341, first reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance
10. Consider Ordinance 2342, first reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 “Dead Trees”, declaring dead trees to be a public nuisance

### **RESOLUTION(S)**

11. Consider Resolution 1656 in support of local control for the upcoming 85th Legislative Session
12. Consider Resolution 1657 authorizing the city manager to submit a grant application for the Mobile Forensic Project to the Office of Governor, Criminal Justice Center

### **ACTION ITEM(S)**

13. Consider authorizing the city manager to approve funding for the 42<sup>nd</sup> Year Community Development Block Grant (CDBG) Sheri Lane Paving and Water Improvements

### **OTHER BUSINESS**

14. Review of the following advisory board meeting minutes:
  - ) Historical Landmark Preservation Committee
15. Review of upcoming calendar items
16. City Council Reports

### **PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED**

### **EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and to reconvene in Open Session at the conclusion of the Executive Session**

17. Consider and take any and all action ensuing from Executive Session

### **ADJOURNMENT**

Posted by: \_\_\_\_\_

This 21st day of October 2016, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

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**Minutes  
Hurst City Council  
Work Session  
Tuesday, October 11, 2016**

On the 11th day of October 2016, at 5:22 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson	)	
Nancy Welton	)	
David Booe	)	
Trasa Cobern	)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Managing Director of Development
Duane Hengst	)	City Engineer
Ashleigh Johnson	)	Managing Director of Communications
Kara McKinney	)	Marketing and Multimedia Specialist
Shelly Klein	)	Communications Specialist

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

**I. Call to Order** – The meeting was called to order at 5:22 p.m.

**II. Informational Items**

- ) **Discussion of ongoing utility work within the City** - Executive Director of Public Works Greg Dickens briefed Councilmembers on the AT&T fiber line replacement project on Pipeline Road and two ATMOS projects, the steel line replacement project west of Precinct Line Road and north of Pipeline Road and the 6” distribution line on Pipeline Road.
- ) **Discussion of Republic Services’ request for residential and commercial trash and residential recycling rate increases** – City Manager Clay Caruthers introduced Republic Services Representative Jerri Harwell who reviewed the proposed rate increase, and explained the request to change from a CPI adjustment to a flat rate. Ms. Harwell noted the CPI rate does not apply to the waste and recycling industry, and reviewed the current contract and possible amendments to the 2016 and 2017 rates. Ms. Harwell stated she will not be able

to attend the next City Council meeting, and thanked the Council for the opportunity to explain Republic Services' request this evening. City Manager Caruthers stated staff will bring this item to the Council, at the October 25, 2016 meeting, for consideration.

There was no discussion on Item III during work session.

**III. Discussion of Agenda Item(s) 10**

Consider Ordinance 2338, first reading, amending Chapter 21, Article II. – Impact Fees including updated land use assumptions, capital improvement plans, and impact fee levels.

**IV. Discussion of Agenda Item(s) 11**

Consider authorizing the city manager to enter into an agreement with Catalyst Commercial Inc. to complete a redevelopment plan.

Executive Director of Development Steve Bowden noted discussions on this item at the last City Council meeting and stated Catalyst Commercial Inc. representative Jay Narayana is present to answer any additional questions. In response to Councilmembers' questions, Ms. Narayana explained how the stakeholder meetings would be conducted, timing and information gathering methods. Ms. Narayan emphasized the need to maintain momentum and achieve results by utilizing different tools, implemented at different time frames. Councilmembers and staff discussed the importance of planning for the Community needs and desires, not just for developers, and how the plan will illustrate the direction of the City. In response to concerns about the usefulness of the plan, Ms. Narayan expressed that this is a base study and she believes by the end of Phase I, the City will have a good opportunity to decide the usefulness of the study.

**V. Discussion of Agenda Item(s) 12**

Consider authorizing the city manager to enter into an agreement with Schaefer Advertising for the FY 2017 City of Hurst marketing plan.

Managing Director of Communications Ashleigh Johnson briefed Councilmembers on an agreement with Schaefer Advertising for the FY 2017 City of Hurst marketing plan, and in response to Councilmembers' questions stated the agreement is primarily focused on the Conference Center.

**VI. Discussion of Agenda Item(s) 13**

Consider authorizing the city manager to enter into contracts for the City's Information Technology VmWare infrastructure upgrade project.

Director of Information and Technology Sunny Patel briefed Councilmembers on contracts for the City's Information Technology VmWare infrastructure upgrade project noting the upgrade is for the City's virtual server environment that is the City's server backbone running servers for the major applications such as Utility Billing, Municipal Courts, and others.

**VII. Adjournment - The work session adjourned at 6:22 p.m.**

**APPROVED** this the 25th day of October 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**City of Hurst**  
**City Council Minutes**  
**Tuesday, October 11, 2016**

On the 11th day of October 2016, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson	)	
Nancy Welton	)	
David Booe	)	
Trasa Cobern	)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Steve Bowden	)	Executive Director of Development
Sunny Patel	)	Director of Information Technology
Malaika Farmer	)	Executive Director of Administration
Ashleigh Johnson	)	Managing Director of Communications
Kara McKinney	)	Marketing and Multimedia Specialist
Shelly Klein	)	Communications Specialist

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Councilmember Welton gave the Invocation.

The Pledge of Allegiance was given.

**PRESENTATIONS**

1. Presentation of Communications Division 2016 State and National Awards.

Mayor Ward recognized City Manager Clay Caruthers, who introduced Managing Director of Communications Ashleigh Johnson, Marketing and Multimedia Specialist Kara McKinney, and Communication Specialist Shelly Klein, expressing appreciation for the excellent job their team does to communicate with the community. Ms. Johnson presented the TAMI Award received for the new Welcome Packet, and the 3CMA SAVY Award received for photography taken by Kara McKinney.

Ms. Johnson introduced family members, husband Justin, son Bishop, parents Tom and Sherry Whiteman and grandparents Norman and Margie Parkey. Ms. McKinney introduced her husband Ben, and Ms. Klein introduced her daughter Sara.

### **CONSENT AGENDA**

2. Considered approval of the minutes for the September 27, 2016 City Council meetings.
3. Considered canceling the November 22, 2016 and the December 27, 2016 City Council meetings.
4. Considered Ordinance 2334, second reading, adopting Z-16-01, a zoning change from OC to OC-PD with a site plan for Lot 1R, Block 1, Putt-Putt Golf and Games Addition, being 8.414 acres located at 609 Northeast Loop 820.
5. Considered Ordinance 2335, second reading, adopting SP-16-05, Norwood North, adopting a site plan for a portion of Lot A1, Block 1, Norwood North Addition, being 1.003 acres located at 500 Grapevine Highway.
6. Considered Ordinance 2336, second reading, adopting Z-16-03, Public Storage, a zoning change from GB-PD to OC-PD with a concept plan on a portion of Lot 3, Block 1, Crestview Highway 26 Addition, being 3.49 acres located at 759 Grapevine Highway.
7. Considered Ordinance 2337, second reading, setting forth registration requirements and credit extension guidelines for credit access businesses.
8. Considered authorizing the city manager to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road Project, Phases 2, 3 and 4.
9. Considered authorizing the city manager to enter into an Interlocal Agreement with the City of Fort Worth for the Household Hazardous Waste Program.

Councilmember Wilson moved to pass the consent agenda. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

### **ORDINANCE(S)**

10. Considered Ordinance 2338, first reading, amending Chapter 21, Article II. – Impact Fees including updated land use assumptions, capital improvement plans, and impact fee levels.

Mayor Ward recognized Executive Director of Public Works Greg Dickens, who provided an overview of the proposed ordinance, and noted the public hearing held at the last City Council meeting and a review of the impact study by Freese and Nichols. Mr.

Dickens also reviewed the Advisory Committee letter recommending the Council allow the impact fee rates to remain at the same level of \$587 per service unit for water and \$722 per service unit for wastewater for a 5/8" or 3/4" meter size, and noted pricing outlined in Exhibit "A" of the proposed Ordinance. Mr. Dickens stated the City of Fort Worth is currently going through this process and, depending upon their action, staff may have to bring back an amendment.

Councilmember Welton moved to approve Ordinance 2338, amending Hurst Code of Ordinances, Chapter 21, Article II.-Impact Fees, including updated land use assumptions, capital improvements plans, and recommended impact fee levels. Motion seconded by Councilmember Cobern. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

### **ACTION ITEM(S)**

11. Considered authorizing the city manager to enter into an agreement with Catalyst Commercial Inc. to complete a redevelopment plan (tabled from the September 27, 2016 meeting).

Mayor Ward recognized Executive Director of Development Steve Bowden who reviewed the proposed agreement for a redevelopment plan. Mr. Bowden noted the first phase is focusing on southeast Hurst and will include an assessment of what exists today and analysis of the highest and best uses. Mr. Bowden noted the scope of service was reviewed in the work session and Catalyst Commercial Inc. representative Jay Narayana was present to answer any questions.

Councilmember Kitchens stated Council has been talking about a redevelopment plan for quite some time and expressed the importance for all of Hurst to be included, even though Phase I involves southeast Hurst. He stated there are high expectations of Catalyst and staff for this project and of Council to follow-up with this plan.

Councilmember Kitchens moved to authorize the city manager to enter into an agreement for Professional Services, with Catalyst Commercial Inc., to complete a redevelopment plan, at a cost not to exceed \$65,000. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

12. Considered authorizing the city manager to enter into an agreement with Schaefer Advertising for the FY 2017 City of Hurst marketing plan.

Mayor Ward recognized Managing Director of Communications Ashleigh Johnson, who reviewed the proposed agreement with Schaefer Advertising and expressed appreciation for the partnership with Schaefer Advertising resulting in many successful Hurst projects.

Ms. Johnson reviewed the company's standing with other organizations as well as the City of Hurst. In response to Councilmembers' questions Ms. Johnson stated the majority of the proposed agreement will be focused on the Hurst Conference Center.

Councilmember Booe moved to authorize the city manager to enter into an Agreement with Schaefer Advertising for the FY 2017 City of Hurst marketing plan, for an amount not to exceed \$90,000. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

13. Considered authorizing the city manager to enter into contracts for the City's Information Technology VmWare infrastructure upgrade project.

Mayor Ward recognized Director of Information Technology Sunny Patel who provided an overview of the proposed VmWare infrastructure upgrade project noting this is the City's major infrastructure housing Utility Billing, Municipal Court, Ambulance Billing, Building Inspections, among others. He reviewed the current capacity and proposed expansion that will increase storage and be fully implemented by a third party. He stated the estimated project cost is \$246,597, and he anticipates the project to be complete by December. In response to Councilmembers' questions, Mr. Patel stated the project is budgeted, and the technology will also increase security due to the isolation between servers.

Councilmember McLendon moved to authorize the city manager to enter into the contracts for the City's VmWare infrastructure upgrade project, for an amount not to exceed \$246,597. Motion seconded by Councilmember Wilson. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

### **OTHER BUSINESS**

14. Councilmembers reviewed the following advisory board meeting minutes:
- ) Parks and Recreation Board
  - ) Senior Citizen Advisory Board
15. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the following calendar items:
- ) October 22, 2106, 7:00 a.m. – noon, Good Neighbor Day, Bellaire Shopping Center
  - ) October 29, 2106, 7:00 a.m. – noon, Good Neighbor Day, Bellaire Shopping Center
16. City Council Reports – Councilmember Wilson noted how nice the Citizens Alumni Fire Academy Steak Dinner was on Saturday. Councilmember Welton noted health problems former Councilmember Swarengen and his wife are having and wished them well.

**PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED** – Mayor Ward recognized Managing Director of Communications Ashleigh Johnson’s family members and noted it is Ms. Johnson’s Grandfather’s birthday.

**ADJOURNMENT**

The meeting adjourned at 7:10 p.m.

**APPROVED** this the 25th day of October 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita L. Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

City Council Staff Report

SUBJECT: Consider Ordinance 2338, second reading, an amendment to Hurst Code of Ordinances, Chapter 21, Article II.-Impact Fees, including updated land use assumptions, capital improvement plans, and impact fee levels

Supporting Documents:

Ordinance 2338

Meeting Date: 10/25/2016  
 Department: Public Works  
 Reviewed by: Greg Dickens  
 City Manager Review:

Background/Analysis:

The City of Hurst currently assesses water and wastewater impact fees in accordance with Chapter 395 of the Texas Local Government Code (TLGC). An impact fee is a one-time charge or assessment imposed by a city on new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The TLGC requires the land use assumptions, capital improvements plan, and the impact fee levels assessed and collected be reviewed and updated every five years.

The City of Hurst contracted with Freese and Nichols, Inc., to provide the Fiscal Year 2015-2016 update study, which was provided in the September 27, 2016 City Council agenda packet. The Planning and Zoning Commission serves as the Advisory Committee (AC) and responsible for review of the update study and recommendation to Council concerning the land use assumptions, capital improvements plan, and the impact fee levels assessed and collected. The AC considered the update study at their meeting on September 6, 2016 and their written comments were transmitted to the Mayor and Council on September 19, 2016. A copy of the AC comments are included with this agenda item.

The current balance of City of Hurst impact fees collected through June 30, 2016 is \$730,009 for water and \$695,939 for wastewater.

Funding and Sources:

There is no fiscal impact.

Recommendation:

Staff recommends that City Council approve Ordinance 2338 amending Hurst Code of Ordinances, Chapter 21, Article II.-Impact Fees, including updated land use assumptions, capital improvements plans, and recommended impact fee levels.

**ORDINANCE 2338**

**AN ORDINANCE APPROVING AMENDMENTS TO THE HURST LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND MODIFICATIONS OF IMPACT FEES BASED ON SUCH PLAN AND AMENDING TABLES 1 AND 2 IN ATTACHMENT "A" ADOPTED BY REFERENCE AS PART OF ARTICLE II OF CHAPTER 21 OF THE HURST CODE OF ORDINANCES**

**WHEREAS**, notices have been published, public hearings held and the written recommendations of the advisory committee received concerning amendments to land use assumptions, the capital improvements plan and the impact fees of the City; and

**WHEREAS**, the City Council finds that the amendments proposed have been formulated in accordance with and meet the requirements of Chapter 395, Texas Local Government Code and should be adopted;

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

Section 1. **THAT** the amended land use assumptions, capital improvements plan and modification of impact fees based on a plan prepared by Freese and Nichols, Inc., dated June 2016 and entitled "2016 Water & Wastewater Impact Fee Study" on file in the office of the City Secretary is hereby approved and amended as the updated City of Hurst land use assumptions plan and capital improvements plan. The maximum allowable impact fee level per service unit is approved at \$605 for water and \$1,331 per wastewater. The level at which the impact fees will be collected per service unit will be \$587 for water and \$722 for wastewater.

Section 2. **THAT** Article II of Chapter 21 of the Hurst Code of Ordinances is hereby amended by replacing Tables 1 and 2 with Tables 1 and 2 as reflected in Attachment "A" hereto.

**AND IT IS SO ORDERED.**

Passed on first reading on the \_ day of 11<sup>th</sup> day of October 2016 by a vote of 6 to 0.

Approved on second reading on the 25<sup>th</sup> day of October 2016 by a vote of \_\_\_\_ to \_\_\_\_.

**ATTEST:**

**CITY OF HURST**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**Approved as to form and legality:**

\_\_\_\_\_  
City Attorney

## ATTACHMENT "A"

**TABLE 1**  
**Adopted 2016 Water and Wastewater Impact Fee Collection Levels by Meter Size**  
**with Fort Worth Current Impact Fee Collection Levels**

<b>Meter Size</b>	<b>City of Hurst Adopted 2016 Water Impact Fee</b>	<b>City of Fort Worth Current Water Impact Fee</b>	<b>Total Water Impact Fee</b>	<b>City of Hurst Adopted 2016 Wastewater Impact Fee</b>	<b>City of Fort Worth Current Wastewater Impact Fee</b>	<b>Total Wastewater Impact Fee</b>
5/8" or 3/4"	\$587	\$469	\$1,056	\$722	\$452	\$1,174
1"	\$980	\$1,173	\$2,153	\$1,206	\$1,129	\$2,335
1 1/2"	\$1,955	\$2,345	\$4,300	\$2,404	\$2,258	\$4,662
2"	\$3,129	\$3,752	\$6,881	\$3,848	\$3,612	\$7,460
3"	\$5,870	\$10,201	\$16,071	\$7,220	\$9,820	\$17,040
4"	\$9,785	\$17,588	\$27,373	\$12,306	\$16,932	\$29,238
6"	\$19,565	\$37,520	\$57,085	\$24,062	\$36,120	\$60,182
8"	\$46,960	\$65,660	\$112,620	\$57,760	\$63,210	\$120,970
10"	\$74,355	\$98,490	\$172,845	\$91,456	\$94,815	\$186,271

**TABLE 2**  
**Total Maximum Allowable Hurst 2016 Water and Wastewater Impact Fees by Meter Size**

<b>Meter Size</b>	<b>City of Hurst Maximum Allowable 2016 Water Impact Fee</b>			<b>City of Hurst Maximum Allowable 2016 Wastewater Impact Fee</b>		
5/8" or 3/4"	\$605			\$1,331		
1"	\$1,010			\$2,223		
1 1/2"	\$2,015			\$4,432		
2"	\$3,225			\$7,094		
3"	\$6,050			\$13,310		
4"	\$10,085			\$22,188		
6"	\$20,165			\$44,362		
8"	\$48,400			\$106,480		
10"	\$76,635			\$168,598		

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a Purchase Agreement with Integrated Forensic Services and Tarrant County Medical Examiner for evidence processing services	
Supporting Documents:	
	Meeting Date: 10/25/2016 Department: Police Reviewed by: Steve Niekamp City Manager Review:
Background/Analysis:	
<p>The Police Department annually budgets for professional evidence processing services to include toxicology testing, drug testing, and other evidence processing services requiring a certified laboratory technician. Many of these services are required by state law, including mandatory drug and alcohol toxicology testing, in certain Driving While Intoxicated offenses. The Police Department's primary evidence processing laboratories are Integrated Forensic Services in Bedford, Texas, and the Tarrant County Medical Examiner's office in Fort Worth, Texas.</p> <p>Due to the need to use professional processing services, for a substantial amount of evidence, the cost of these services is expected to be up to \$55,350. This anticipated expenditure amount requires City Council to authorize the city manager to enter into a purchase agreement with Integrated Forensic Services and the Tarrant County Medical Examiner's office.</p>	
Funding and Sources:	
Services will be funded from the General Fund.	
Recommendation:	
Staff recommends the City Council authorize the city manager to enter into a Purchase Agreement, with Integrated Forensic Services and the Tarrant County Medical Examiner's office, for evidence processing services, for an amount not to exceed \$55,350.	

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a Purchase Agreement, with Red The Uniform Tailor, for Police Department uniforms and equipment	
Supporting Documents:	
	<p>Meeting Date: 10/25/2016</p> <p>Department: Police</p> <p>Reviewed by: Steve Niekamp</p> <p>City Manager Review:</p>
Background/Analysis:	
<p>The police department annually budgets for uniforms for sworn officers and civilian personnel to include necessary ancillary items, such as ballistic vests/ body armor, badges, name tags, holsters, belts, jackets, and other protective gear. The police department has approved access for best pricing through government purchasing contracts such as "City of Frisco Best Value Bids 1306-061 and 1405-067", as well as other statewide government purchasing cooperative contracts, such as HGAC, BuyBoard, TXDIR, etc. The police department's primary vendor, accessing cooperative contracts, is Red The Uniform Tailor, Grand Prairie, Texas.</p> <p>Due to the need to purchase a large number of ballistic vests/body armor and the price of uniform items, the costs of these items, from Red The Uniform Tailor, will exceed \$25,000. This expected expenditure amount requires Council to authorize the city manager to enter into a purchase agreement with Red The Uniform Tailor.</p>	
Funding and Sources:	
Items will be funded from General Fund and Half Cent Sales Tax Anti-Crime Fund.	
Recommendation:	
Staff recommends the City Council authorize the city manager to enter into a Purchase Agreement with Red The Uniform Tailor, for uniforms and ancillary uniform items, for police department personnel, for an amount not to exceed \$80,600.	

City Council Staff Report

<p><b>SUBJECT:</b> Consider authorizing the city manager to enter into an Engineering Services Contract Amendment 1, with Deltatek Engineering, for additional engineering services for the Tarrant County College (TCC) Elevated Storage Tank Renovation Project</p>	
<p><b>Supporting Documents:</b></p>	
<p>Contract Amendment 1 with Exhibit "A"</p>	<p><b>Meeting Date:</b> 10/25/2016  <b>Department:</b> Public Works  <b>Reviewed by:</b> Greg Dickens  <b>City Manager Review:</b></p>
<p><b>Background/Analysis:</b></p>	
<p>Council approved the Engineering Services Agreement for the TCC Elevated Storage Tank Renovation Project, with Deltatek Engineering, at the September 27, 2016 meeting, for an amount not to exceed \$63,250.00. The additional services to be provided by Deltatek Engineering, with the approval of this amendment, will include design, testing, and inspection necessitated by the lead levels exceeding the 0.5% limit in the primer paint tank coatings on the interior and exterior surfaces. There is no concern with any lead leaching into the water system since the paint with the elevated levels is the primer (first) paint coat, which is protected by the existing interior surface (second and third) paint coats. Also, the City is required to test the potable water, in the system, on a regular basis and Hurst has never exceeded the limits set by federal regulations. With the existing paint surface deteriorating and needing to be replaced, now is the time to address the lead paint issue. The additional services outlined in Amendment 1 will cost \$9,000.00. Approval of the amendment will increase the overall engineering contract amount to \$73,250.00.</p>	
<p><b>Funding and Sources:</b></p>	
<p>Additional funds are available in Enterprise Depreciation Funds for the engineering amendment on this project.</p>	
<p><b>Recommendation:</b></p>	
<p>Staff recommends that City Council <b>authorize the city manager to enter into an Engineering Services Contract, Amendment 1, with Deltatek Engineering for additional engineering services, for the Tarrant County College (TCC) Elevated Storage Tank Renovation Project, for amount not to exceed \$9,000.00.</b></p>	

**Contract Amendment No. 1**

ENGINEERING SERVICES CONTRACT

**Renovation and Repainting of the**

**Tarrant County College Elevated Storage Tank**

City of Hurst Project No. 6808-003

**THE CONTRACT DOCUMENTS ARE HEREBY REVISED OR AMENDED AS FOLLOWS:**

1. In order to better track the total cost of a project, additional services required for a project shall be documented as a contract amendment rather than a new contract, using this form.
2. The additional scope of work shall generally include the following with a detailed scope as provided in Exhibit "A" attached to this amendment:

We will revise the drawings and contract documents to reflect the removal and abatement of lead base paint coatings on the interior and exterior of the Tarrant County College Elevated Storage Tank.

3. The additional fee for Amendment 1 will be \$9,000.00. The revised total fee for this project including Amendment 1 will be \$72,250.00.
4. This additional amount of work is required because:  
See attached Exhibit "A" for explanation.

**IN WITNESS WHEREOF**, the parties hereby have executed this agreement in triplicate originals on this date, the \_\_\_\_ day of \_\_\_\_\_, 2016.

**City of Hurst, Texas**

**Deltatek Engineering**

\_\_\_\_\_  
Clay Caruthers, City Manager

\_\_\_\_\_  
Bahram Niknam, P.E.

  
\_\_\_\_\_  
Gregory W. Dickens, Executive Director of Public Works



# EXHIBIT "A"

October 5, 2016

Mr. Greg Dickens, P.E.  
Executive Director of Public Works  
City of Hurst  
1505 Precinct Line Road  
Hurst, Texas 76054

Reference: Request for Supplemental Agreement for Adding Design  
& Construction Services to the Renovation of TCC Elevated  
Storage Tank due to the Presence of Lead in Existing Coatings  
City of Hurst

Dear Mr. Dickens:

In response to your request, Deltatek Engineering is pleased to provide justifications for fee increase due to discovery of lead based paint in the interior and exterior coating system on the TCC Elevated Storage Tank. Our fee for performing this task is \$9,000.00.

## Scope of Services

### Removal and Abatement of Lead Based Coatings

Deltatek Engineering has retained services of Armstrong Forensic Laboratory, Inc. to performed testing of the existing coatings on the TCC EST as a part of due diligence in determining the Opinion of Probable Cost for the referenced project. The test results from Armstrong Forensic Laboratory, Inc., (copy attached), indicated the presence of lead in extremely high levels (5.74% & 4.23%). The U.S. Department of Housing and Urban Development (HUD) defines Lead Based Paint as 0.5% lead by weight (5,000 mg/kg). The levels reported in the test results for this facility are higher than that 0.5% limit. Levels in that range require special removal, ambient air monitoring, and disposal methods by the contractor. As the Engineer, we also take on some liability for assuring that those requirements are included in the bid documents and that they are observed during renovation.

The design will require contractor to install a full containment with 90% shade factor and operate Ambient Air monitors before renovation begins to establish a baseline, during blasting operations, and following all blasting. Soil testing will also be required prior to abrasive blast cleaning to establish a background and after to determine that the spent media has been contained and has not contaminated the site. Proper removal of spent media and paint chips from the site and disposal in an approved landfill will also be required. The spend media will be analyzed for Total Characteristic Leaching Procedure known as TCLP to establish appropriate disposal site. Additionally, proper Personal Protective Gear is required for those exposed to lead based material including Quality Assurance personnel.

Our design will include plans and specifications stamped and signed by a Professional Engineer assuring compliance with EPA, OSHA, and TCEQ requirements.

2211 Texas Drive, Irving, Texas 75062  
Firm Registration No. F-4419  
972-255-9500  
Email: [bn@deltatekeng.com](mailto:bn@deltatekeng.com)

## TARRANT COUNTY COLLEGE ELEVATED WATER STORAGE TANK

### DESIGN PHASE

Senior Engineer	6 hrs @	\$185 /hr	= \$	1,110.00
Engineer	2 hrs @	\$125 /hr	= \$	250.00
Technician	10 hrs @	\$105 /hr	= \$	1,050.00
Clerical/Admin	8 hrs @	\$70 /hr	= \$	560.00
Misc. Expenses: Paint Chip Analysis, Specifications Revision for Lead			\$	1,030.00
<b>Sub-Total Design Phase</b>			<b>\$</b>	<b>4,000.00</b>

### RENOVATION PHASE

Senior Engineer	2 hrs @	\$185 /hr	= \$	370.00
Engineer	2 hrs @	\$125 /hr	= \$	250.00
Technician	24 hrs @	\$105 /hr	= \$	2,520.00
Clerical/Admin	8 hrs @	\$70 /hr	= \$	560.00
Misc. Expenses: Monitoring of Air Sampling			\$	-
Soil Lead Background Analysis & TCLP for Waste Disposal & Travel			\$	1,300.00
<b>Sub-Total Quality Assurance Services</b>			<b>\$</b>	<b>5,000.00</b>

**Grand Total** \$ **9,000.00**

Should you have any questions, please call me at 972-255-9500 or 214-232-5040.

Sincerely,  
DELTATEK ENGINEERING



Bahram Niknam, P.E.

City Council Staff Report

SUBJECT: Consider authorizing the city manager to purchase six (6) Chevrolet Tahoe Police Edition vehicles and two (2) Chevrolet Impala Police CID units from Reliable Chevrolet	
Supporting Documents:	
	<p>Meeting Date: 10/25/2016</p> <p>Department: Administration</p> <p>Reviewed by: Malaika Marion Farmer</p> <p>City Manager Review:</p>
Background/Analysis:	
<p>The Fleet Services Division is committed to maintaining, repairing, and replacing City vehicles and equipment in a timely and cost-effective manner so as to prevent interruptions in City services. The Fleet Services Division follows a replacement schedule to determine vehicle depreciation and estimate service life. During the vehicle's service life, all parts, fuel and repairs are tracked. Each year during the budget process, all vehicles are evaluated based on the age, mileage, and maintenance and repair costs. Following this evaluation process, the necessary vehicles are budgeted to be replaced in the upcoming fiscal year. After vehicles are approved for replacement, Fleet Services staff examine them to determine if any equipment such as emergency lights, consoles, and gun racks can be reused, in an effort to lower costs.</p> <p>For FY 2017, six (6) Chevrolet Tahoe Police Edition vehicles and two (2) Chevrolet Impala Police CID units are scheduled and budgeted for replacement, in the amount of \$290,000. Reliable Chevrolet submitted a quote, in the amount of \$32,111.09 per Tahoe and \$18,453.58 per Impala, for a total quote of \$229,573.70. The remaining budgeted funds will be used later to purchase and install the necessary equipment, after examinations determine what can be reused from the existing vehicles. This equipment and vehicle decaling will be purchased following the City's standard purchasing guidelines.</p> <p>The City of Hurst has an interlocal agreement with Tarrant County, and; therefore, can purchase directly from Reliable Chevrolet using their contract with Tarrant County.</p>	

Funding and Sources:

Funding for these vehicles has been identified within the FY 2017 Fleet Service Fund Capital Budget.

Recommendation:

It is recommended the City Council authorize the city manager to purchase six (6) Chevrolet Tahoe Police Edition vehicles and two (2) Chevrolet Impala Police CID units from Reliable Chevrolet, in the amount of \$229,573.70.

City Council Staff Report

SUBJECT: Consider Ordinance 2339, first and final reading, amending Republic Services contract and residential, commercial and industrial trash and residential recycling rates									
Supporting Documents:									
Ordinance 2339	<p>Meeting Date: 10/25/2016</p> <p>Department: Administration</p> <p>Reviewed by: Malaika Marion Farmer</p> <p>City Manager Review:</p>								
Background/Analysis:									
<p>The City of Hurst contracts with Republic Services for the collection and disposal of residential, commercial, and industrial trash and residential recycling. This contract was competitively bid and awarded to Republic Services in 2003; extended in May 2008 with a new expiration date of June 1, 2013; amended in 2011 to add a recycling rewards program and also extended the contract end date to June 1, 2016; and most recently extended in October 2013 to end on May 31, 2018.</p> <p>The current contract allows for annual price adjustments based upon changes to the DFW Consumer Price Index (CPI) and the landfill disposal costs. However, true cost increases for Republic Services have been much higher. Therefore, on October 3, 2016, Republic Services respectfully requested amending the contract section regarding rate increase requests. This amendment would increase the residential, commercial and industrial trash and residential recycling rates by 3%, effective November 1, 2016, and an additional 3% effective November 1, 2017, and remain in effect until the end of the current agreement. Staff agrees with the request, based on the fact that Republic Services has not increased their rates since 2014 and that Republic Services is a valued partner in City initiatives, such as the Good Neighbor Program.</p> <p>If approved, the proposed residential rates would go into effect on November 1, 2016 and are:</p> <table border="0"> <thead> <tr> <th>Current Monthly Residential Rates</th> <th>Proposed Monthly Residential Rates</th> </tr> </thead> <tbody> <tr> <td>▪ Curbside Collection: \$7.57</td> <td>▪ Curbside Collection: \$7.80</td> </tr> <tr> <td>▪ Curbside Recycling: \$3.74</td> <td>▪ Curbside Recycling: \$3.85</td> </tr> <tr> <td>▪ Total: \$11.31</td> <td>▪ Total: \$11.65</td> </tr> </tbody> </table>		Current Monthly Residential Rates	Proposed Monthly Residential Rates	▪ Curbside Collection: \$7.57	▪ Curbside Collection: \$7.80	▪ Curbside Recycling: \$3.74	▪ Curbside Recycling: \$3.85	▪ Total: \$11.31	▪ Total: \$11.65
Current Monthly Residential Rates	Proposed Monthly Residential Rates								
▪ Curbside Collection: \$7.57	▪ Curbside Collection: \$7.80								
▪ Curbside Recycling: \$3.74	▪ Curbside Recycling: \$3.85								
▪ Total: \$11.31	▪ Total: \$11.65								

Senior and disabled residents qualify for a reduced fee for recycling services of \$3.49, and customers who request back door trash collection will pay an additional fee of \$7.92 (for a total trash collection rate of \$15.72 per month).

Funding and Sources:

There is no fiscal impact.

Recommendation:

It is recommended the City Council approve Ordinance 2339, first and final reading, amending Republic Services residential, commercial and industrial trash and residential recycling rates, effective November 1, 2016, to be included in all City utility bills processed on, or after, November 1, 2016.

ORDINANCE 2339

AN ORDINANCE AMENDING CHAPTER 9.5 OF THE HURST CODE OF ORDINANCES, ENTITLED GARBAGE; REFLECTING A RATE INCREASE REQUEST FOR SERVICES PROVIDED BY ALLIED WASTE SERVICES, DBA REPUBLIC SERVICES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City competitively bid the residential solid waste and recycling collection and commercial collection in 2003 effective February 1, 2004; and

WHEREAS, the contract, which allowed one five-year extension, was extended in May 2008, with a new expiration date of June 1, 2013; and

WHEREAS, an amendment to the contract with Allied Waste Services, dba Republic Services, allowed for a new recycling rewards program and also extended the contract end date to June 1, 2016; and,

WHEREAS, the contract was extended in October 2013, by two additional years, terminating May 31, 2018, in conjunction with a recycling rate reduction; and

WHEREAS, on October 3, 2016, Allied Waste Services, dba Republic Services, submitted a request to amend the contract section regarding rate increase requests; and

WHEREAS, per the amended contract, the residential, commercial and industrial trash and residential recycling rates will increase by 3% effective November 1, 2016, and the rates shall be adjusted by an additional 3%, effective November 1, 2017, and remain in effect until the end of the current agreement; and,

WHEREAS, the City Council of Hurst, Texas declares this an emergency to safeguard the health, safety, and general welfare of the public and requires that this ordinance become effective upon passage and approval on first and final reading.

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

Section 1: THAT Section 9.5-5, entitled Charges, be amended to read as follows:

"Sec. 9.5-5. Charge

(b.) The charge for residential recycling customers shall be three dollars and eighty-five cents (\$3.85) per month plus sales tax. Senior citizen customers and disabled citizen customers shall be entitled to a reduced rate of three dollars and forty-nine (\$3.49) per month plus sales tax for curbside recycling service and backdoor recycling, after applying for and receiving such reduced rate from the water office. Such applications shall be approved only if the customer is on the Tarrant Appraisal District's senior citizen or disabled citizen roll or has other satisfactory proof of age or disability and residency.

(c.) The charge for garbage and trash collection service shall be seven dollars and eighty cents (\$7.80) plus sales tax per residential unit per calendar month for curbside pickup, which charges shall be made to all residences not requesting back door service. Back door service charges for those customers who have given written instructions to the City for garbage pickup behind the building line are hereby established to be fifteen dollars and seventy-two cents (\$15.72) plus sales tax per month per residential unit. After an original thirty-day enrollment period, no change of pickup location shall be accepted for a period of one hundred twenty (120) days. Changes shall be effective as of the regular customer billing date.

A fee as set by the matrix entitled Special Haul Fee in Section 9.5-10 plus sales tax per pickup load shall be charged to those residential customers requesting special brush pickups, to be collected from the resident at the time the service is performed. This charge does not apply to residential customers that bundle and tie their brush in four-foot lengths or place in containers."

Section 2: THAT Section 9.5-10, entitled Same – Collection of waste; charges, be amended by deleting the existing tables entitled Multi-Family Residential and Commercial Solid Waste Collection and Disposal Rates, and inserting tables to read as follows:

COMMERCIAL HAND LOAD RATE

\$ 20.27 per month. Two (2) times per week (limit 4 bags per pickup)

## COMMERCIAL FRONT LOAD RATES

Size	1xWeek	2xWeek	3x Week	4xWeek	5xWeek	6xWeek	EXTRA
2 Cu Yd	\$65.28	\$127.04	\$190.53	\$254.05	\$317.58	\$381.09	\$37.53
3 Cu Yd	\$75.81	\$148.09	\$222.14	\$296.16	\$370.21	\$444.27	\$41.08
4 Cu Yd	\$86.34	\$169.16	\$253.71	\$338.28	\$422.87	\$507.46	\$45.61
6 Cu Yd	\$107.39	\$211.27	\$316.88	\$422.52	\$528.16	\$633.81	\$57.68
8 Cu Yd	\$128.46	\$253.39	\$380.07	\$506.76	\$633.45	\$760.17	\$69.06

## COMMERCIAL ROLL OFF AND COMPACTOR RATES

SIZE	TYPE	DELIVERY	RENTAL PER DAY	TOTAL PER LOAD	DEPOSIT PER CONT
20 YD	OPEN	\$100.04	\$7.50	\$410.20	\$315.17
25 YD	OPEN	\$100.04	\$7.50	\$458.59	\$315.17
30 YD	OPEN	\$100.04	\$7.50	\$465.23	\$315.17
35 YD	OPEN	\$100.04	\$7.50	\$500.25	\$315.17
40 YD	OPEN	\$100.04	\$7.50	\$508.60	\$315.17
28 YD	COMP	Negot	Negot	\$515.26	Negot
30 YD	COMP	Negot	Negot	\$521.94	Negot
35 YD	COMP	Negot	Negot	\$543.60	Negot
40 YD	COMP	Negot	Negot	\$613.64	Negot
42 YD	COMP	Negot	Negot	\$630.30	Negot

## TO PROVIDE OTHER SERVICES

\$ 1.21 per caster, per lift

\$ 2.44 per lock, per lift

\$ 4.06 per gate, per lift

\$ 122.54 per container exchange

## SPECIAL HAUL FEE

The matrix below lists prices on cubic yards of unacceptable waste (see definitions).

Cubic Yards	Base Cost
1	\$ 32.78
2	\$ 32.78
3	\$ 32.78
4	\$ 32.78
5	\$ 32.78
6	\$ 49.18
7	\$ 49.18
8	\$ 65.57
9	\$ 65.57
10	\$ 65.57

Franchise Fee Percentage 10.00%

Section 3: THAT the rates herein established shall be effective on all bills processed on or after November 1, 2016.

Section 4: THAT this Ordinance shall be effective upon first and final reading.

AND IT IS SO ORDERED.

Adopted on the first and final reading on the 25<sup>th</sup> day of October 2016, by a vote of \_\_\_ to \_\_\_.

ATTEST:

CITY OF HURST

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

Approved as to form and  
legality:

\_\_\_\_\_  
City Attorney

City Council Staff Report

**SUBJECT:** Consideration of Ordinance 2340 amending Chapter 10 of the City of Hurst Code of Ordinances, by adding Article VI Junked Vehicles; repealing conflicting ordinances; declaring junked vehicles to be a public nuisance; providing definition, providing procedures for the removal of junked vehicles; providing a penalty, providing for severability clause, providing a fine of up to \$200.00 for each offense in violation of the ordinance; and an effective date

**Supporting Documents:**

Ordinance 2340

Meeting Date: 10/25/2016  
 Department: Development  
 Reviewed by: Steve Bowden  
 City Manager Review:

**Background/Analysis:**

The City of Hurst adopted the nuisance ordinance in 2006. The ordinance has been a very effective tool to maintain the quality and integrity of our neighborhoods. Since 2006, many cities have adopted similar ordinances, which include some definitions and sections that would be a benefit to the City of Hurst.

The proposed amendments to Chapter 10 include changing the definition of a “Junked Vehicle”, which was amended by the state in 2015. The new definition requires a valid license tag, which now covers the registration and state inspection.

In February 2016, Council adopted amendments to Section 10-84 “Inoperative, Abandoned, or Junked Vehicle”, however some of the language has now been modified to remove the inoperative term and add offenses.

**Funding and Sources:**

There is no fiscal impact.

**Recommendation:**

The Neighborhood Community Advisory Committee met on Thursday, May 28 , 2015, and voted 6-0 to recommend approval of amending Chapter 10 “HEALTH” as presented.

## **ORDINANCE 2340**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF HURST CODE OF ORDINANCES, BY ADDING ARTICLE VI JUNKED VEHICLES; REPEALING CONFLICTING ORDINANCES; DECLARING JUNKED VEHICLES TO BE A PUBLIC NUISANCE; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE REMOVAL OF JUNKED VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$200.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Hurst, Texas, has determined that a junked vehicle, including part of a junked vehicle, that is visible at any time of the year from either a public or private place

1. is detrimental to the safety and welfare of the general public;
2. tends to reduce the value of private property;
3. invites vandalism;
4. creates fire hazards;
5. produces urban blight adverse to the maintenance and continuing development of the municipalities; and
6. is a public nuisance; and

**WHEREAS**, the City Council of the City of Hurst, Texas, has adopted ordinances regulating junked vehicles; and

**WHEREAS**, the City Council of the City of Hurst, Texas has determined the City's junked vehicle ordinance should be amended to comply with and better utilize the current junked vehicle statutory provisions provided by Chapter 683, Subchapter E of the Texas Transportation Code; and

**WHEREAS**, Chapter 683, Subchapter E of the Texas Transportation Code allows the City to provide for a more inclusive definition of junked vehicle than the definition in provided by Subchapter E; and

**WHEREAS**, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

**WHEREAS**, the City Council determines that the passage of this Ordinance is in the best interests of the health, safety, and welfare of the public.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:**

**SECTION 1.**

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

**SECTION 2.**

That the following section in Chapter 10, Health, is hereby repealed:

**Section 10-84 - Inoperative, Abandoned, or Junked Vehicles.**

**SECTION 3.**

That following section in Chapter 10, Health is hereby repealed:

**Section 10-85 - Procedure for abating and removing abandoned, inoperative or junked vehicle nuisances as defined herein.**

**SECTION 4.**

That Chapter 10, Health, Article V, Public Swimming Pools is hereby amended by adding Sections 10-102—10-120, which shall read as follows:

**Secs. 10-102—10-120. - Reserved**

**SECTION 5.**

That Chapter 10, Health, is hereby amended by adding Article VI, Junked Vehicles, which shall read as follows:

**ARTICLE VI. – JUNKED VEHICLES**

**Section 10-121. - Definitions.**

In this Article the terms and phrases below shall have the following meanings:

*Antique vehicle* means a passenger car or truck that is at least twenty-five (25) years old.

*Demolisher* means a person whose business is to convert a motor vehicle into processed scrap or metal or to otherwise wreck or dismantle a motor vehicle.

*Director* means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

*Inoperative vehicle* means any motor vehicle, motor home, boat, or trailer which cannot be operated or towed lawfully on a Texas public street or highway, due to removal of, damage to, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other part necessary for such movement or lawful operation, or in the case of motor vehicles, cannot be moved under its own power.

*Junked Vehicle* means

- (a) A motor vehicle that displays an expired license plate or does not display a current valid license plate,
- (b) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47,
- (c) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055 Parks and Wildlife Code; or
- (d) any vehicle that is:
  1. wrecked, dismantled, or partially dismantled, or discarded; or
  2. inoperable and has remained inoperable for more than:
    - a. 72 consecutive hours, if the vehicle is on public property; or
    - b. 30 consecutive days, if the vehicle is on private property.

*Motor vehicle* means a motor driven or propelled vehicle subject to registration under Texas Transportation Code 501.000 et seq., the Certificate of Title Act, a trailer or semi-trailer, other than manufactured housing, that has a gross vehicle weight that exceeds four thousand (4,000) pounds.

*Outboard motor* means an outboard motor subject to registration under Chapter 31, Parks and Wildlife Code.

*Police department* means the police department of the City of Hurst, Texas.

*Watercraft* means a vessel subject to registration under Chapter 31, Parks and Wildlife Code.

**Section 10-122. - Junked Vehicles declared to be public nuisances.**

A junked vehicle as herein defined, or any part thereof, that is visible at any time of the year from a public or private place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, is an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state by producing urban blight which is adverse to the maintenance and continuing development of the City of Hurst, and such vehicles therefore, shall be and are hereby declared a public nuisance.

**Section 10-123. - Offense.**

- (a) It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of real property within the city to maintain a public nuisance on such property as described by this Article.
- (b) The following are defenses to prosecution under this Section:
  - (1) The junked vehicle was screened from a right-of-way or adjacent property by a solid opaque fence, within a building enclosure, or by an un-torn cover material that was fitted for the specific vehicle.
  - (2) The Junked Vehicle was stored in connection with a vehicle repair business , provided that:
    - a. such vehicle repair business had no more than five (5) Junked Vehicles legally parked on the business's property;
    - b. the Junked Vehicle is on such property for the purpose of repair;
    - c. there is a current, valid work order for every junked vehicle on such property;
    - d. the Junked Vehicle is not wrecked, dismantled, partially dismantled, dilapidated, does not have broken glass, or does not have one (1) or more flat tires; and
    - e. the Junked Vehicle was not on such property in excess of 120 consecutive days.
- (c) Auto sales lots are exempt from subsection (b)(1) when operating in compliance with all state laws and any other city ordinance regulating auto sales, and such sales lots are not displaying vehicles that are wrecked, dismantled, partially dismantled, dilapidated, that have broken glass, or that have more than one (1) flat tire.
- (d) A vehicle that is not demonstrated to be operable upon request of the designated city official is presumed to be an inoperable vehicle.
- (e) Whenever such a public nuisance is found to exist within the City, the City may, without notice described in Section 10-125, send a Notice of Violation against the person or persons in violation of this section.
- (f) An offense under this section is a misdemeanor punishable by fine not to exceed two hundred dollars (\$200.00) for each offense.
- (g) Upon conviction, the court shall order the defendant to abate and remove the nuisance vehicle within 10 days. If the defendant fails or refuses to remove the junked vehicle within 10 days, the judge of the municipal court may issue an order to the director to have the nuisance removed in accordance with the provisions of this Article.
- (h) Each day that a violation is permitted to exist shall constitute a separate offense.
- (i) An offense under this section is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.

**Section 10-124. – Exceptions**

This article shall not apply to:

- (1) A vehicle or vehicle part that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;

- (2) A vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard or that is an antique or special interest vehicle stored or parked in a lawful manner by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area, if any, are:
- a. Maintained in an orderly manner;
  - b. Not a health hazard; and
  - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

**Section 10-125. - Notice to abate the nuisance.**

- (a) After a determination is made by the director that a particular vehicle found on private property, public property, or on a public right-of-way within the City limits is a junked vehicle herein defined, or after an order issued by the municipal court pursuant to Section 10-123(g), the director shall provide not less than ten (10) days' notice of the nature of the public nuisance.
- (b) The required notices must be written and must be personally served, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation to:
- (1) The last known registered owner of the nuisance;
  - (2) Each lienholder of record of the nuisance; and
  - (3) The owner or occupant of the property on which the nuisance is located or, if the nuisance is located on a public right-of-way, the owner or occupant of the property adjacent to the right-of-way.
- (c) A copy of the notice also may be placed on the junked vehicle or vehicle part if the post office address of the last known registered owner of the nuisance is unknown.
- (d) The notice must:
- (1) Declare the junked vehicle or vehicle part a public nuisance;
  - (2) Describe the junked vehicle, including its identification number and license plate number if possible;
  - (3) Identify the location of the junked vehicle;
  - (4) Order that the nuisance be abated and removed not later than the tenth day after the date on which the notice was personally delivered; and
  - (5) State that any request for a hearing must be made to the City Secretary within ten (10) days of the date on which the notice was personally delivered or mailed.
- (e) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.

**Section 10-126. - Relocation of junked vehicle after abatement proceeding has commenced.**

After notice described in this section is sent, the relocation of a junked vehicle that is a public nuisance to another location in the City has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

**Section 10-127. - Hearing**

- (a) A person for whom notice is required under this Article may request, in writing, a public hearing to determine whether the vehicle identified in the notice, or any part thereof, constitutes a public nuisance. Such written notice must be received by the City Secretary's Office within ten (10) days after the day on which the notice to abate the nuisance was personally delivered.
- (b) If such a public hearing is properly requested, the City Secretary, or designee, shall schedule a hearing to be held not earlier than the 11th day after the date on which the notice was delivered. Notice of the date, time, and location of the hearing will be provided to each person who submitted a timely request for a hearing.
- (c) The **Municipal Judge** is hereby designated as a hearing officer who is authorized to conduct hearings under the provisions of this article.
- (d) The issue at the hearing is whether the vehicle is a nuisance vehicle. Unless proved otherwise, the vehicle is presumed to be inoperable.
- (e) The hearing officer shall consider all evidence and determine whether the vehicle, or any part thereof, constitutes a public nuisance as alleged. If the hearing officer finds that a public nuisance does exist and that there is sufficient cause to remove the nuisance, and that the notice requirements provided in this division have been met, the hearing officer shall order that:
  - (1) the owner or occupant shall remove the vehicle and abate the nuisance no later than the 10th day after the hearing; and
  - (2) if the owner or occupant fails or refuses to abate or remove the vehicle as ordered, the Police chief or his or her designees shall remove it from the property and dispose of it in accordance with the provisions of this article and Chapter 683, Subchapter E of the Texas Transportation Code.
- (f) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include a description of the vehicle, identification number, and the license plate number.

**Section 10-128. - Reconstruction of Junked Vehicle after Removal**

After any junked vehicle has been removed under the authority of this division, it shall not be reconstructed or made operable again.

**Section 10-129. - Notice to Department of Transportation**

Within five (5) days after the date of removal of the junked vehicle from the premises, notice thereof shall be given to the Texas Department of Transportation. Said notice shall include a description of the junked vehicle, and the correct identification number and license number of the junked vehicle, if available.

**Section 10-130. - Administration of Article by City Employees**

The provisions of this article shall be administered by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts therefrom may be made by any other duly authorized person.

**Section 10-131. - Authority to Administer Abatement Procedures**

After a vehicle is declared to be a nuisance junked vehicle, a person authorized to administer the procedures described in this article may enter upon any private property for the purposes specified in this article, to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal judge of the municipal court of the City shall have authority to issue all orders necessary to enforce such procedures.

**Section 10-131. - Disposal of Junked Vehicles**

A junked vehicle, including part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the City of Hurst.

**SECTION 6.** That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

**SECTION 7.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 8.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such

remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 9.** The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

**SECTION 10.**

This ordinance shall be in full force and effect after its passage and publication as required by law.

**AND IT IS SO ORDERED.**

Passed on the first reading on the 25th day of October 2016 by a vote of \_\_\_ to \_\_\_.

Approved on the second reading on the 8<sup>th</sup> day of November 2016 by a vote of \_\_\_ to \_\_\_.

**ATTEST:**

**APPROVED**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

City Council Report

<p>SUBJECT: Consideration of Ordinance 2341 amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21, View and Passage Obstructions, declaring these to be a public nuisance; providing definitions; providing procedures for abatement, providing a severability clause; and providing an effective date</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2341</p>	<p>Meeting Date: 10/25/2016                  Department: Development                  Reviewed by: Steve Bowden                  City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The Hurst Code of Ordinances Chapter 24 Traffic Section 24-21, View and Passage Obstructions Traffic was amended in 1990. The ordinance requires trees over residential street right-of-way to be trimmed up to 10 feet in height and trees over arterials be trimmed up to 14 feet.</p> <p>Low lying branches and/or shrubs, in the right-of-way, are a hazard and a nuisance to solid waste trucks, delivery trucks, fire trucks and any over-sized vehicle. These branches may cause damage to the trucks and, when hit, may fall into the street.</p> <p>The proposed changes are consistent with area cities.</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	
<p>Recommendation:</p>	
<p>The Neighborhood and Community Advisory Committee met on Monday, September 26, 2016, and voted 7-0 to recommend approval of amending Chapter 24-21 View and Passage Obstructions, with the stipulation that shrubs also be regulated to 14 feet in height.</p>	

## **ORDINANCE 2341**

**AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF HURST CODE OF ORDINANCES, BY AMENDING SECTION 24-21 VIEW AND PASSAGE OBSTRUCTIONS DECLARING THESE TO BE A PUBLIC NUISANCE; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR ABATEMENT, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$500.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council has determined that maintaining the integrity of our neighborhoods to is vital to all residents of the City; and

**WHEREAS**, the City Council of the City of Hurst, Texas recognizes the hazard of tree branches over-hanging the right-of-way and the damage and danger they may cause for service vehicles; and

**WHEREAS** the City Council has adopted ordinances regulating nuisances; and all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

**WHEREAS**, the City Council determines that the passage of this ordinance is in the best interests of the health, safety, and welfare of the public.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:**

### **SECTION 1.**

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

**SECTION 2: That section 24-21 VIEW AND PASSAGE OBSTRUCTIONS be amended by deleting the current subsection (c) and replacing it as follows:**

**24-21(c) Visibility requirements.**

**(1) Visibility obstructions prohibited; generally.**

No obstruction, protrusion, or object of any kind, natural or man-made, shall be allowed to interfere with or obscure any motor vehicle operator's view of any traffic-control device or street sign or otherwise create a traffic hazard.

**(2) Vegetation requirements.**

**(i)** Trees, shrubs or other vegetation planted in parkways that are fifteen feet (15') or more in height must be trimmed up from the ground fourteen feet (14') when extending into the street area. Trees and shrubs below fifteen feet (15') in height shall be trimmed a minimum of one foot (1') back from the curb on the street side of said tree or shrub.

**(ii)** Trees are prohibited in the parkway area unless the trees are a minimum of twenty-five (25) feet apart.

**(3) Signs or other obstructions.** Signs that are permitted or allowed shall be restricted to two (2) feet in height above curb level or shall be mounted on twelve-inch maximum diameter poles a minimum of nine (9) feet in height above the curb level.

**SECTION 3.** That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

**SECTION 4.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 5.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6.** The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

**SECTION 7.** This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

**AND IT IS SO ORDERED.**

PASSED on the first reading on the 25<sup>th</sup> day of October by a vote of \_\_\_\_ to \_\_\_\_.

APPROVED on the second reading on the 8<sup>th</sup> day of November 2016 by a vote of \_\_\_\_ to \_\_\_\_.

**ATTEST:**

**CITY OF HURST**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

City Council Report

<p>SUBJECT: Approval of Ordinance 2342 amending Chapter 10 of the City of Hurst Code Of Ordinances, by amending Section 10-80 "HIGH WEEDS AND GRASS" and by the addition of 10-80.5 "DEAD TREES"; declaring these to be a public nuisance; providing procedures for abatement, providing a severability clause; providing for a penalty; and providing an effective date</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2342</p>	<p>Meeting Date: 10/25/2016                  Department: Development                  Reviewed by: Steve Bowden                  City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The City of Hurst contracts through Municipal Code Corporation to codify and maintain the City ordinances online. When the amendments to high weeds and grass were added in 2015, Section 10-80 was inadvertently removed by Municipal Code Corporation. The language included in this ordinance regarding high weeds and grass does not change any previously approved amendments by City Council.</p> <p>The City of Hurst Code Enforcement Department receives many complaints annually regarding dead trees around the City. Some neighbors complain about aesthetics, but the majority complains about life safety issues if the tree falls.</p> <p>Currently, the City handles fallen limbs and branches on the ground as trash and debris. The proposed ordinance will require residents to remove a tree or parts thereof, if the tree is dead and/or constitutes an immediate safety risk to persons or property.</p> <p>The City of Hurst has many mature and dead trees. Staff will make every effort to work with our residents to abate the nuisance while prioritizing safety in theCity.</p>	
<p>Funding and Sources:</p>	
<p>There is no fiscal impact.</p>	

Recommendation:

The Neighborhood and Community Advisory Committee met on Monday, September 26, 2016, and voted 7-0 to recommend approval of adding Section 10-80.5 "Dead Trees" with additional language to allow a homeowner to only remove the hazardous branches.

## **ORDINANCE 2342**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF HURST CODE OF ORDINANCES, BY AMENDING SECTION 10-80 “HIGH WEEDS AND GRASS” AND BY THE ADDITION OF 10-80.5 “DEAD TREES”; DECLARING THESE TO BE A PUBLIC NUISANCE; PROVIDING PROCEDURES FOR ABATEMENT, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Hurst, Texas, has determined that Dead Trees may be a public safety and property hazard and, and a nuisance; and

**WHEREAS**, the City Council has determined that maintaining the integrity of our neighborhoods is vital to all residents of the City; and

**WHEREAS**, the City Council of the City of Hurst, Texas recognizes the hazard of dead trees falling on a person, structure, or public street; and

**WHEREAS** the City Council has adopted ordinances regulating nuisances; and all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meeting Act; and

**WHEREAS**, the City Council determines that the passage of this ordinance is in the best interests of the health, safety, and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AS FOLLOWS:**

### **SECTION 1.**

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

### **SECTION 2.** Amend Section 10-80 to read as follows:

Sec. 10-80. - High weeds and grass.

(a) It shall be unlawful for any person owning, claiming, or occupying or having supervision or control of any real property, occupied or unoccupied, to permit, suffer or allow grass or weeds to grow on the premises to a height greater than twelve (12) inches on average on undeveloped property and eight (8) inches in height on residential property or developed non-residential property.

(b) It shall be unlawful for any person owning, claiming, or occupying or having supervision or control of any real property, occupied or unoccupied, to fail to remove or mow wildflowers after such time as seeds have matured following the final blooming of the

majority of plants, or native grasses after such time as the majority of a species have gone dormant.

- (c) The acts described in subsection (a) and (b) above shall constitute a nuisance.
- (d) The city, as authorized by law, may go upon a property and do or cause to be done the work necessary to obtain compliance with this article without notice when:
  - (1) Grass or weeds have grown in excess of forty-eight (48) inches; and
  - (2) Are an immediate danger to health, life, or safety of any person;
- (e) No later than the tenth day after the city causes the work to be done under this section, the city shall give notice to the property owner in the manner required by section 10-83 of this chapter.

**SECTION 3.** Amend Chapter 10 by Adding Section **10-80.5, “DEAD TREES”** to read as follows:

- (a) It shall be unlawful for any person, owning, leasing, occupying claiming or having supervision or control of any real property within the City of Hurst, whether occupied or unoccupied, to allow, suffer or permit any trees or part of trees to remain on said property if the tree is dead and/or constitutes an immediate risk to persons or property.
- (b) The offense described in subsection (1) above shall be considered a public nuisance. In addition to criminal penalties, the City may have the hazard abated and invoice and/or place a lien on said property to abate the nuisance, pursuant to Section 10-83.
- (c) Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 4.** That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Hurst, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

**SECTION 5.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 6.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 7.** The fact that the present ordinances and regulations of the City of Hurst, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

**SECTION 8 .**This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

Passed on the first reading by the City Council on the 25<sup>th</sup> day of October 2016.

Approved on the second reading by the City Council on the 8<sup>th</sup> day of November 2016.

**ATTEST:**

**CITY OF HURST**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**Approved as to form and legality:**

\_\_\_\_\_  
City Attorney

City Council Staff Report

SUBJECT: Consideration of Resolution 1656 of the City of Hurst, Texas, in support of local control for the upcoming 85 <sup>th</sup> Legislative Session	
Supporting Documents:	
Resolution 1656	Meeting Date: 10/25/2016 Department: Legislative and Judicial Services Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
<p>The City of Hurst is a Council/Manager form of government operating as a Home Rule municipality. The City Council is elected at large by the majority of registered voters residing within its boundaries and is the most direct and frequent point of contact with its citizens.</p> <p>The upcoming 85<sup>th</sup> Legislative Session is a time for elected state representatives to meet and work in the best interest of the citizens they represent. Citizens are best represented by the local elected officials, who have frequent contacts with the citizens they serve, compared to state or federal government representatives. Local Control is imperative for local government to ensure they have the necessary authorities and resources to fulfill the desired needs of the citizens who have elected them.</p> <p>The proposed Resolution supports local control to allow for locally elected officials to make decisions that are beneficial to the interests of City residents and opposes legislation that preempts or erodes the authority of city government or is detrimental to cities.</p>	
Funding and Sources:	
There is no fiscal impact.	
Recommendation:	
Staff recommends that City Council approve Resolution 1656 in support of local control for the upcoming 85 <sup>th</sup> Legislative Session.	

## **RESOLUTION 1656**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, IN SUPPORT OF LOCAL CONTROL FOR THE UPCOMING 85<sup>TH</sup> LEGISLATIVE SESSION, TO INCLUDE ANY SPECIAL CALLED SESSIONS AND THE INTERIM**

**WHEREAS**, local government is the most direct and frequent point of contact with its citizens and enjoys more direct and frequent contact with the citizens and residents it represents overall compared to any other form of government. In particular, cities enjoy more frequent contacts with those it serves as compared to state or federal government or representatives; and

**WHEREAS**, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

**WHEREAS**, local government is responsible for providing basic and emergency services; and

**WHEREAS**, local governments are the first responders in local emergencies; and

**WHEREAS**, the ability of local government to provide services is dependent on having the necessary resources and authority to carry out its responsibilities; and

**WHEREAS**, local government officials are elected by the residents they represent to provide a wide array of services, advocating on behalf of citizens to state and federal levels of government; and

**WHEREAS**, state representatives and senators are charged with working in the best interest of the citizens they represent; and

**WHEREAS**, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them;

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

Section 1. That the above findings are approved.

Section 2. That for the reasons set forth above and many other compelling reasons, the City of Hurst supports legislation that supports or advances the principles of local control, to allow locally elected officials to make decisions beneficial to the interests of City residents or that is otherwise beneficial to the City's interest; and opposes legislation that preempts or erodes the authority of city government or is detrimental to cities.

Approved this the 25<sup>th</sup> day of October 2016 by a vote of \_\_\_ to \_\_\_.

**ATTEST:**

**CITY OF HURST**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

**Approved as to form and legality:**

\_\_\_\_\_  
City Attorney

City Council Staff Report

SUBJECT: Consider Resolution 1657 authorizing the city manager to make submission of a grant application, for the Mobile Forensic Project, to the Office of the Governor, Criminal Justice Division

Supporting Documents:

Resolution 1657

Meeting Date: 10/25/2016

Department: Police

Reviewed by: Steve Niekamp

City Manager Review:

Background/Analysis:

The police department is currently facing the challenge of extracting data from mobile devices, such as cellular phones, Global Positioning System (GPS) devices, tablet computers, and factory in-car systems. The Hurst Police Department Criminal Investigations Division encounters the obstacle of set limitations on forensic mobile extraction. In 2015, the Criminal Investigations Division conducted 1,778 investigations. Phone forensic investigations were conducted less than 50 times due to lack of access to mobile forensic equipment. The forensic investigations for the above cases were conducted at a remote location as the police department does not currently own any mobile forensic equipment. Many law enforcement agencies use the remote location, which limits the number of mobile forensic investigations the department can conduct and creates a substantial time delay on the mobile investigations conducted.

Funding and Sources:

Funding is available through the Office of the Governor, Criminal Justice Division grant.

Recommendation:

Staff recommends the City Council approves Resolution 1657 authorizing the city manager to submit a grant application, for the Mobile Forensic Project, to the Office of Governor, Criminal Justice Division.

RESOLUTION 1657

A RESOLUTION OF THE CITY COUNCIL OF HURST, TEXAS, AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR THE MOBILE FORENSIC PROJECT, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FUNDING

WHEREAS, The City Council of Hurst, Texas finds it in the best interest of the citizens of Hurst to apply for a grant for the Mobile Forensics Project to be operated for the 2016-2017 year; and

WHEREAS, The City Council of Hurst, Texas agrees to provide applicable matching funds for the said project if required by the Office of the Governor, Criminal Justice Division grant application; and

WHEREAS, The City Council of Hurst, Texas agrees that in the event of loss or misuse of the Criminal Justice Division funds, Hurst City Council assures that the funds will be returned to the Criminal Justice Division in full; and,

WHEREAS, City Council of Hurst, Texas designates the city manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. THAT the City Council of Hurst, Texas approves submission of the grant application, for the Mobile Forensic Project, to the Office of the Governor, Criminal Justice Division.

AND IT IS SO RESOLVED.

Approved this the 25<sup>th</sup> day of October 2016 by a vote of \_\_\_\_ to \_\_\_\_.

ATTEST:

CITY OF HURST

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Richard Ward, Mayor

Approved as to form and legality:

Grant Number: 3059501

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City Attorney

City Council Staff Report

<p>SUBJECT: Consider authorizing the city manager to approve funding for the 42nd Year Community Development Block Grant (CDBG) Sheri Lane Paving and Water Improvements</p>	
<p>Supporting Documents:</p>	
<p>Engineer's Recommendation Letter          Bid Tab</p>	<p>Meeting Date: 10/25/2016          Department: Public Works          Reviewed by: Greg Dickens          City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>Dick Perkins, P.E., prepared construction drawings to reconstruct the paving and water facilities on Sheri Lane from Reed Street to Harrison Lane. This project was previously approved by Council as the City's project for the 42nd Community Development Block Grant (CDBG) Program with Tarrant County. The paving improvements will consist of reinforced concrete. The cast iron water main will be replaced to increase capacity and provide more durable pipe line materials.</p> <p>Bids were received and opened by Tarrant County on October 12, 2016. Three (3) bids were received with Reliable Paving, Inc. submitting the lowest bid of \$315,829.00. The 42nd Year CDBG Grant will provide \$266,211.70 leaving a remainder of \$49,617.30 for the City to reimburse the County. The 10% contingency of \$32,000.00 is not included in the bid amount, but is recommended to be approved as part of this action item. Tarrant County requires the City to approve funding for the project above the grant amount and recommend the award of bid.</p>	
<p>Funding and Sources:</p>	
<p>Funds are available in Water/Sewer Impact fees and Street and Drainage Bond funds.</p>	
<p>Recommendation:</p>	
<p>The City Council recommends Tarrant County award the contract for the 42nd Year CDBG Sheri Lane Paving and Water Improvements Project to Reliable Paving, Inc., in the amount of \$315,829.00, with a 10% contingency of \$32,000.00, for a total of \$347,829.00, with the City being responsible for all project costs over the County grant amount of \$266,211.70</p>	

J. Richard Perkins, P.E.  
2501 Riven Rock Road  
Edmond, Oklahoma 73034

October 17, 2016

Mr. Greg Dickens, P.E. Executive Director of Public Works  
City of Hurst  
1505 Precinct Line Road  
Hurst, Texas 76054

Re: 42nd Year CDBG Project, Sheri Lane  
Paving & Water Improvements

Dear Greg:

In accordance with your instructions, bids were received on the subject project on October 12 at the Tarrant County offices. Bids were received from three (3) contractors, and the low bid was submitted by Reliable Paving, Inc. in the amount of \$315,829.00. The attached bid tabulation provides the unit prices and total amount bid by each of the contractors.

Based on the fact that I have had previous good experience with the low bidder, I recommend award of the contract to Reliable Paving, Inc. in the amount of \$315,829.00. The CDBG allotment to the City for this project is \$266,211.70. Therefore, the City will be required to pay the additional \$49,617.30 for the construction of the project. If this contract is awarded by the Hurst City Council the resolution adopted by them should state that they agree to pay the additional amount of \$49,617.30 and any other costs that may exceed the contract amount.

Brad Hearne is desirous of getting this project under contract as soon as possible; therefore, if it is possible to get this item on the last Council agenda in October, that would assist in getting the project under contract in that timeframe.

Should you have any questions regarding this project or the enclosed bid tabulation, please advise.

Very truly yours,

J. Richard Perkins, P.E.

JRP/sap  
Enclosure

xc: Mr. Jim Juneau, Project Manager  
Mr. Brad Hearne, CD Program Manager



CITY OF HURST

Final Draft

COUNTY OF TARRANT

STATE OF TEXAS

On the 8<sup>th</sup> day of September 2016, at 6:00 p.m., the Historic Landmark Preservation Committee of the City of Hurst, Texas, convened in Regular Meeting at the Library, 901 Precinct Line Road, Hurst, Texas with the following members present to-wit:

Georgia Kidwell	)	Members
Carol Cole		
Larry Kitchens		
Betty Whiteside		
Billye Runnels-Jones		
Charles Swearngen		
Jesse Loucks	)	Library Director
Malaika Marion	)	Managing Director of Community Services
Hannah Titony	)	Library Assistant – Administration

constituting a quorum, at which time the following business was transacted.

**I. Call to Order**

Georgia Kidwell called the meeting to order at 6:09 p.m.

**II. Roll Call of Members**

Hannah Titony conducted the roll call of members.

**III. Approval of Minutes of the April 28, 2016 meeting**

The minutes of the April 28, 2016 meeting were reviewed and approved as written.

**IV. Communications**

**A. Tarrant County Historical Commission Preservation Summit Invite**

A 'save the date' was passed out regarding the Preservation Summit on Wednesday, October 12, 2016. Staff plans to attend and will coordinate RSVP's for Committee members.

**V. Unfinished Business**

None at this time.

**VI. New Business**

None at this time.

## VII. Information Items

- A. Parker Cemetery Update:** Larry Kitchens presented information regarding who is buried in both the Parker and Post Oak Cemeteries. Detailed lists of about thirty names were handed out to the Committee.

Malaika Marion reminded the Committee of the three phase project which consists of getting external help to help restore parts of the cemetery, researching the history of who is buried in the cemetery and where, and what further improvements the Committee would like to have performed. She noted that she has been working with Texas Cemetery Restoration and has met with them on the property. Texas Cemetery Restoration has given each monument and/or headstone a conservation priority, repair recommendations, and cleaning recommendations. Texas Cemetery Restoration will also be performing ground penetrating radar to pinpoint graves that need to be identified. The company will work with the Parks Department to maintain iris bulbs that will be uprooted for this. This part of the project could begin in November.

Carol Cole made a motion recommending the beginning of the assessment and restoration, Betty Whiteside seconded, and the vote in favor was unanimous.

Malaika Marion went over the updated Master Plan which includes the goal for this site to stay historical rather becoming a park area.

- B. Hurst History Project:** Jesse Loucks announced that interviews of Russell Johnson, Carl Jones, Larry Darlage, and Mark Cyrier are still in the editing process. One of the four interviews has been completed and once all of them are finished the Committee will be given the chance to approve. Funding for eight new interviews has been approved. Jesse presented the Committee a list of possible people to interview. The Committee will bring their recommendations to the next meeting. Jesse will also be reaching out to citizens via social media, Library marketing, and the Where We Live magazine for old Hurst photos. Jesse Loucks announced funding has been received for a new Hurst history/marketing video. This video will be utilized by our Marketing Department as a tool to educate about Hurst history. Jesse asked the Committee for permission to possibly use subjects for Phase IV of the Hurst Historical Project as part of the marketing video project in an effort to save time and money. The Committee agreed.

## VIII. Other Business

- A. Next Meeting Date**

The Committee discussed that the next meeting will be on Tuesday, December 6<sup>th</sup> at 4 p.m.

**IX. Board and Citizen Comments**

Betty Whiteside asked about Staff contacting the Souders regarding contributing information and pictures pertaining to Hurst history. Jesse Loucks noted that we have contacted them and they are open and receptive to this idea.

**X. Adjournment**

There being no further business, the meeting was adjourned by Georgia Kidwell at 7:27 p.m.

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016

APPROVED:

ATTEST:

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
RECORDING SECRETARY

## Future Event Calendar

October 25, 2016

<b>DATE AND TIME</b>	<b>ACTIVITY</b>
Tuesday, October 25, 2016 6:30 p.m.	Regular City Council Meeting City Council Chambers
Saturday, October 29, 2016 7:00 a.m. - noon	Good Neighbor Day Bellaire Shopping Center 372 East Pipeline Road
Tuesday, November 1, 2016 6:30 p.m.	Chat with the Police Chief Hurst Public Library
Tuesday, November 8, 2016 6:30 p.m.	Regular City Council Meeting City Council Chambers
Tuesday, November 22, 2016	Regular City Council Meeting - Canceled
Wednesday, November 23, 2016	City Offices Close - Noon
Thursday, November 24, 2016	City Offices Closed - Holiday
Friday, November 25, 2016	City Offices Closed - Holiday
Tuesday, November 29, 2016 5:00 p.m. – 9:00 p.m.	Christmas Tree Lighting Hurst Conference Center
Tuesday, December 13, 2016 6:30 p.m.	Regular City Council Meeting City Council Chambers