

**WORK SESSION AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
FIRST FLOOR CONFERENCE ROOM
TUESDAY, JUNE 26, 2018 – 5:15 P.M.**

I. Call to Order

II. Informational Items

III. Discussion of Agenda Item(s) 7

Consider authorizing the city manager to enter into a Purchase Agreement with GT Distributors and Precision Delta Corporation, to purchase ammunition for the police department

IV. Discussion of Agenda Item(s) 8

Consider authorizing the city manager to execute an Encroachment License Agreement with the Assembly of God Church to allow encroachment of driveway on City roadway easement

V. Discussion of Agenda Item(s) 9

Consider Resolution 1706 supporting application to the Office of the Governor for the Combined Mental Health Coordinator Grant for the cities of Hurst, Euless and Bedford to operate a Combined Mental Health Coordinator

VI. Adjournment

Posted by: _____

This the 22nd day of June 2018, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 561.087 of the 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, JUNE 26, 2018**

AGENDA:

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

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

CALL TO ORDER

INVOCATION (Councilmember Nancy Welton)

PLEDGE OF ALLEGIANCE

CANVASS OF ELECTION

1. Consider Resolution 1705 Canvassing the June 16, 2018 Runoff Election

INAUGURATION OF OFFICIAL

2. Presentation of Certificate of Election
3. Oath of Office for Elected Official

PROCLAMATION(S)

4. Proclamation recognizing Parks and Recreation month
5. Proclamation recognizing Amateur Radio Week

CONSENT AGENDA

6. Consider approval of the minutes for the June 12 and 14, 2018 City Council meetings
7. Consider authorizing the city manager to enter into a Purchase Agreement with GT Distributors and Precision Delta Corporation, to purchase ammunition for the police department
8. Consider authorizing the city manager to execute an Encroachment License Agreement with the Assembly of God Church to allow encroachment of driveway on City roadway easement

RESOLUTION(S)

- 9. Consider Resolution 1706 supporting application to the Office of the Governor for the Combined Mental Health Coordinator Grant for the cities of Hurst, Euless and Bedford to operate a Combined Mental Health Coordinator

OTHER BUSINESS

- 10. Review of the following advisory committee meeting minutes:
- 11. Review of upcoming calendar items
- 12. City Council Reports - Items of Community Interest

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, 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City (CN Churchill IV, LLC) and 551.072 deliberate the purchase, exchange, lease, or value of real property (Animal Control Shelter) and to reconvene in Open Session at the conclusion of the Executive Session

- 13. Consider any and all action necessary ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 22nd day of June 2018, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 561.087 of the 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.

City Council Staff Report

SUBJECT: Consider Resolution 1705 Canvassing the June 16, 2018 Runoff Election	
Supporting Documents:	
Resolution 1705 will be provided at the meeting	Meeting Date: 6/26/2018 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
The City of Hurst Runoff Election to fill City Council Place 7 was held June 16, 2018 and will be canvassed at the June 26, 2018 City Council meeting.	
Funding and Sources:	
There is no fiscal impact. This item is representative of the Council's vision and mission statements along with their goals and priorities.	
Recommendation:	
Staff recommends the City Council approve Resolution 1705 canvassing the June 16, 2018 Runoff Election results.	

City Council Staff Report

SUBJECT: Presentation of Certificate of Election for the June 16, 2018 Runoff Election

Supporting Documents:

Meeting Date: 6/26/2018
Department: City Secretary
Reviewed by: Rita Frick
City Manager Review:

Background/Analysis:

The City of Hurst Runoff Election for City Council Place 7 was held June 16, 2018, and canvassed on June 26, 2018. Certificates of Election are provided to each candidate elected to office.

Funding and Sources:

There is no fiscal impact.

Recommendation:

Staff recommends the Mayor provide the Certificate of Election to the elected candidate for Councilmember Place 7.

City Council Staff Report

SUBJECT: Oath of Office for Elected Official	
Supporting Documents:	
	Meeting Date: 6/26/2018 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
The City of Hurst Runoff Election was held June 16, 2018, and canvassed on June 26, 2018. Newly elected Councilmembers take the Official Oath of Office before conducting official business.	
Funding and Sources:	
There is no fiscal impact.	
Recommendation:	
Staff recommends the Oath of Office be administered to the elected candidate for Councilmember Place 7.	

Office of the Mayor

Proclamation

City of Hurst

Parks and recreation programs are an integral part of communities throughout this country, including the City of Hurst; and

Our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

Parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens, building a Healthy Hurst; and

Parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

Parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

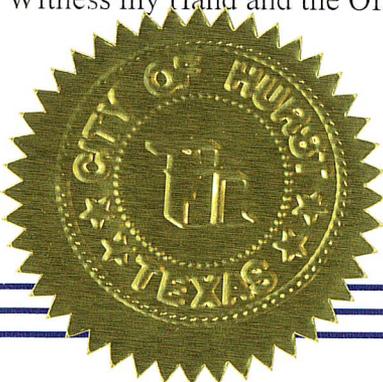
The U.S. House of Representatives has designated July as Parks and Recreation Month.

NOW THEREFORE, I, Henry Wilson, Mayor of the City of Hurst, Texas on behalf of the entire City Council and our citizens, do hereby proclaim the month of July as

Park and Recreation Month

in the City of Hurst and encourage all citizens to enjoy the benefits derived from parks and recreation resources.

Witness my Hand and the Official Seal of the City of Hurst, Texas, on this the 26th day of June 2018.



Henry E. Wilson

Henry Wilson, Mayor

Office of the Mayor

Proclamation

City of Hurst

Amateur Radio operators are celebrating over a century of the miracle of the human voice broadcast over the airwaves and continues to provide a bridge between people, societies and countries by creating friendships and the sharing of ideas; and

Amateur Radio Operators have also provided countless hours of community services, both in emergencies and to other local organizations, and these services are provided wholly uncompensated; and

The state also recognizes the services Amateur Radio's people provide to many Emergency Response organizations, including the local police and fire departments; and

These same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; and

The City of Hurst, Texas recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn Program of the U.S. Government Weather Bureau; and

The ARRL is the leading organization for Amateur Radio in the USA and the ARRL Amateur Radio Field Day exercise will take place on June 23-24, 2018 and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self-supporting communications without further infrastructure being required.

NOW THEREFORE, I Henry Wilson, Mayor, of the City of Hurst, Texas, do hereby officially recognize and designate June 18-24, 2018 as

Amateur Radio Week

In the City of Hurst, Texas.

Witness my Hand and the Official Seal of the City of Hurst, Texas, on this the 18th day of June 2018.



A handwritten signature in cursive script that reads "Henry E. Wilson".

Henry Wilson, Mayor

Minutes
Hurst City Council
Work Session
Tuesday, June 12, 2018

On the 12th day of June 2018, at 5:17 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:

Henry Wilson	)	Mayor
David Booe	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Nancy Welton)	
Larry Kitchens)	
Jon McKenzie)	
Clay Caruthers	)	City Manager
Allan Heindel	)	Deputy City Manager
John Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Clayton Fulton	)	Executive Director of Fiscal and Strategic Services
Steve Bowden	)	Executive Director of Economic Development
Paul Brown	)	Managing Director of Finance and Accounting
Kayleen Puiszis	)	Controller

With the following Councilmembers absent: Cathy Thompson, constituting a quorum; at which time, the following business was transacted:

I. Call to Order – Mayor Wilson called the meeting to order at 5:14 p.m.

II. Informational Items

) Discussion and staff update on Council Chamber audio equipment project. Deputy City Manager Allan Heindel provided an overview of the Council Chamber audio equipment project, noting the items will come to Council during the budget process and the possibility of moving one or two Council meetings in November to the Library during the project. He briefed Councilmembers on a smart podium, audio visual components and renovation of the chambers to accommodate the project and ADA compliance.

) Discussion and staff update on Economic Development Conference. Executive Director of Economic Development Steve Bowden provided an overview of the International Conference of Shopping Centers (ICSC) including contacts and discussions regarding various retailers and developers for possible future developments. Also noted was a potential meeting with Simon Properties. In response to Mr. Bowden being unable to meet with the Hilton Garden Inn during the conference, Mayor Wilson noted the new Hilton Garden Inn in Hurst received the Temporary Certificate of Occupancy and he believes they will have the final Certificate of Occupancy by the end of the month. He commended staff

for their inspection work. Also, noted was a June 14, 2018, tour of the hotel, and City Council special meeting and dinner at the Conference Center.

Council discussed the work session items in the following order: V Agenda Item 5, III, IV, and V Agenda Item 6.

III. Discussion of Agenda Item(s) 3

Consider authorizing the city manager to enter into an annual Contract for monument sign maintenance and repair services.

Deputy City Manager Allan Heindel briefed Councilmembers on the proposed annual contract for monument sign maintenance and repair services, noting 46 signs are in the City and require professional maintenance. Mr. Heindel stated Turner Sign Systems submitted the lowest qualified bid.

IV. Discussion of Agenda Item(s) 4

Consider authorizing the city manager to enter into a Standard Utility Agreement with the Texas Department of Transportation (TXDOT) regarding reimbursement to the City of Hurst for water utility relocation expenses associated with the improvement to the IH820/SH121.

Executive Director of Public Works Greg Dickens briefed Council on the proposed Standard Utility Agreement with TxDOT regarding reimbursement for water utility relocation expenses associated with the improvement to the IH820/SH121 project. He reviewed the minor relocation of Hurst water utilities in preparation for the roadway construction and stated the estimated costs for the water line construction will be borne by the City, initially, and reimbursed by TXDOT, with the estimated total of \$148,762.62.

V. Discussion of Agenda Item(s) 5 and 6

Consider Resolution 1704 authorizing the city manager to enter into a Contract with Wells Fargo for bank depository services for the period beginning August 1, 2018, and ending July 31, 2020, with the option to renew for three additional one year periods.

Executive Director of Fiscal and Strategic Services Clayton Fulton introduced Managing Director of Finance and Accounting Paul Brown who briefed Council on the bank depository services contract. Mr. Brown introduced E.K. Hufstedler, III, with Valley View Consulting, who outlined the criteria used in reviewing the applications, the analysis process and recommended remaining with Wells Fargo. He stated Wells Fargo representative Tim Pinon is present to answer any questions.

Consider approval of an Agreement with Tarrant County for tax collection services for tax year 2018.

City Manager Clay Caruthers briefed Council on the proposed agreement with Tarrant County for tax collection services for tax year 2018, noting last year's rate remains the same and the City could not collect the taxes, in house, for the proposed rate.

VI. Adjournment – The meeting adjourned at 6:14 p.m.

APPROVED this the 26th day of June 2018.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

**City of Hurst
City Council Minutes
Tuesday, June 12, 2018**

On the 12th day of June 2018, 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:

Henry Wilson	)	Mayor
David Booe	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Nancy Welton)	
Larry Kitchens)	
Jon McKenzie)	
Clay Caruthers	)	City Manager
Allan Heindel	)	Deputy City Manager
Ben Stool	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Steve Bowden	)	Executive Director of Economic Development
Michelle Lazo	)	Executive Director of Planning and Development
Duane Hengst	)	City Engineer

With the following Councilmembers absent: Cathy Thompson, constituting a quorum; at which time, the following business was transacted:

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

Councilmember Jon McKenzie gave the Invocation.

The Pledge of Allegiance was given.

PRESENTATION

1. Presentation of Storm Water Management Plan.

City Engineer Duane Hengst reviewed the Storm Water Management Plan, a comprehensive program for addressing federal and state regulations and policies for managing water quality impacts of storm water runoff. He reviewed regulatory authority, adoption dates and updates, annual reporting and permitting requirements, minimum control measures and best management practices. Reviewed were several implementation measures in the City like the Good Neighbor Program, staff participation and support for the North Central Texas Council of Governments regional program and numerous other programs and educational measures. In response to Councilmembers' questions, Executive Director of Public Works Greg Dickens stated this is a mandatory

program with some flexibility in how the City's program is developed. Staff indicated, although, they have not seen them yet, it is anticipated more stringent requirements will slowly be implemented.

CONSENT AGENDA

2. Considered approval of the minutes for the May 22 and 31, 2018 City Council meetings.
3. Considered authorizing the city manager to enter into an annual Contract for monument sign maintenance and repair services.
4. Considered authorizing the city manager to enter into a Standard Utility Agreement with the Texas Department of Transportation (TxDOT) regarding reimbursement to the City of Hurst for water utility relocation expenses associated with the improvement to the IH820/SH121.

Councilmember Booe moved to approve the consent agenda. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, and Welton

No: None

RESOLUTION(S)

5. Considered Resolution 1704 authorizing the city manager to enter into a Contract with Wells Fargo for bank depository services for the period beginning August 1, 2018, and ending July 31, 2020, with the option to renew for three additional one year periods.

Mayor Wilson recognized Executive Director of Fiscal and Strategic Services Clayton Fulton who introduced Managing Director of Finance and Accounting Paul Brown. Mr. Brown stated the current bank depository services contract with Wells Fargo will expire on July 31, 2018. He explained the City engaged Valley View Consulting, LLC, to assist in evaluating the applications and introduced E.K. Hufstedler, III, who provided the criteria in reviewing the applications. He explained the City received applications from four financial institutions – Wells Fargo, American National Bank of Texas, JP Morgan Chase and Frost Bank who was removed from consideration because they do not have a physical location in Hurst. He noted the financial analysis provided to the Council and that they concur with staff's recommendation to remain with Wells Fargo. He stated Wells Fargo representative Tim Pinon is present to answer any questions.

Councilmember Welton moved to approve Resolution 1704 authorizing the city manager to enter into a Contract with Wells Fargo for bank depository services for the period beginning August 1, 2018 and ending July 31, 2020, with the option to renew for three

additional one year periods. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, and Welton

No: None

ACTION ITEM(S)

6. Considered approval of an Agreement with Tarrant County for tax collection services for tax year 2018.

Mayor Wilson recognized Managing Director of Finance and Accounting Paul Brown who stated Tarrant County has collected taxes for the city since October 1994 and they continue to offer the lowest collection fee of any urban county in Texas. He stated the proposed rate for tax year 2018 is \$0.98 per account, which is unchanged from tax year 2017. Mr. Brown stated the expenditure estimate for fiscal year 2018-2019 is \$17,436, a reasonable fee versus the cost to provide the service in-house. In response to Councilmembers' questions, City Manager Caruthers stated the collection percentage is generally 99% to 100% indicating performance and the City utilizes the firm of Linebarger, Goggan, Blair & Sampson, LLP, to help with delinquent collection. He stated, as city manager, he is very satisfied with the collection process and service.

Councilmember McLendon moved to approve the agreement with Tarrant County for tax year 2018 property tax collection services, in an amount equal to \$0.98 per property tax account. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, and Welton

No: None

OTHER BUSINESS

7. Councilmembers reviewed the following advisory committee meeting minutes:
 -) Library Board – May 15, 2018
 -) Parks and Recreation Board – May 17, 2018
 -) Senior Citizens Board – May 17, 2018
8. Review of upcoming calendar items – City Secretary Rita Frick noted the June 16, 2018 Runoff Election Day, 7:00 a.m. to 7:00 p.m., at the Hurst Public Library. City Manager Caruthers reviewed the following:
 -) Wednesday, July 4, 2018 – City Hall Closed
 -) Wednesday, July 4, 2018 – Hurst Stars & Stripes, Hurst Community Park. Deputy City Manager Allan Heindel stated the gates will open about 3:00 p.m.

with children’s inflatables at 4:00 p.m. He stated the bands this year are Blue River, Infinite Journey and Emerald City, playing 5:00 to 9:15 p.m. and fireworks about 9:30 p.m.

- 9. City Council Reports - Items of Community Interest – Mayor Pro Tem Booe noted his attendance at the HEB School Board / City collaboration meeting and how well the school district and cities work together to make this area a great place to live. He stated he also attended the Birdville Reads! Program and commended Library Director Jesse Loucks and staff on the success of the program, noting half of Hurst is in the Birdville ISD.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED – No one spoke.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

APPROVED this the 26th day of June 2018.

ATTEST:

APPROVED:

Rita L. Frick, City Secretary

Henry Wilson, Mayor

**MINUTES
HURST CITY COUNCIL
SPECIAL SESSION
THURSDAY, JUNE 14, 2018**

On the 14th day of June 2018, at 5:00 p.m., the City Council of the City of Hurst, Texas, convened in Special Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
David Booe	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Nancy Welton)	
Larry Kitchens)	
Cathy Thompson)	
Jon McKenzie)	
Clay Caruthers	)	City Manager
Rita Frick	)	City Secretary

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

CALL TO ORDER – Mayor Wilson called the meeting to order at 5:30 p.m.

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Government Code, 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City (CN Churchill IV, LLC) and 551.072 deliberate the purchase, exchange, lease, or value of real property (Animal Control Shelter) and to reconvene in Open Session at the conclusion of the Executive Session

Mayor Wilson recessed the meeting to Executive Session at 5:31 p.m., in compliance with the provisions of the Texas Open Meetings Law, authorized by Government Code, 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City (CN Churchill IV, LLC) and reconvened Open Session at 5:45 p.m.

1. Consider authorizing the city manager to extend the Certificate of Occupancy deadline for CN Churchill IV, LLC and take any other necessary action.

No action was taken.

ADJOURNMENT

The meeting was adjourned at 5:45 p.m.

APPROVED this the 26th day of June 2018.

ATTEST:

Rita Frick, City Secretary

APPROVED:

Henry Wilson, Mayor

City Council Staff Report

SUBJECT: Consider authorizing the City Manager to enter into a purchase agreement with GT Distributors and Precision Delta Corporation to purchase ammunition for the police department.

Supporting Documents:

Meeting Date: 6/26/2018

Department: Police

Reviewed by: Billy Keadle

City Manager Review:

Background/Analysis:

The City of Hurst Police Department provides recurring firearms training for all sworn police officers for the City of Hurst; Police, Fire Arson Investigators, and City Marshals. All sworn officers are mandated by the Texas Commission On Law Enforcement (TCOLE) to demonstrate annual firearms proficiency, which requires training and duty ammunition for this testing process, as well as attend multiple weapons training sessions throughout the year. Annually all approved duty ammunition is replaced based on manufacture recommendations. In addition, City of Hurst police officers who are members of the regional tactical unit receive additional firearms training. In order to maintain an appropriate supply for training and duty use, a yearly one-time purchase is needed at a cost of \$34,722.04.

Funding Sources and Community Sustainability:

In support of the City Council's Public Safety strategic priority, purchasing training and duty ammunition will help to ensure the Police Department continues to provide excellent and responsive services to the community. Two of The Hurst Way's components, Financial Sustainability and Public Service, provided the filter for determining the cost and benefits of this purchase.

Funds have been allocated in the current Half-Cent Anti-Crime Budget. TxSMARTBuy state co-operative purchasing contracts will be used for this purchase.

Recommendation:

Staff recommends the City Council authorize the City Manager to enter into a purchase agreement with GT Distributors and Precision Delta Corporation with funds available in Anti-Crime for a total amount not to exceed \$34,722.04.

City Council Staff Report

SUBJECT: Consider authorizing the city manager to execute an Encroachment License Agreement with Assembly of God Church to allow encroachment of driveway on City roadway easement

Supporting Documents:

Encroachment License Agreement

Meeting Date: 6/26/2018

Department: Public Works

Reviewed by: Greg Dickens by D. Hengst

City Manager Review:

Background/Analysis:

A small vacant triangular parcel of land located behind the Red Sea Fish market on Pipeline Road was gifted to the adjacent Assembly of God Church on Harrison Lane. To gain access to the church property and make use of the parcel, church representatives have requested encroachment authorization across a remnant right-of-way parcel previously occupied by Harrison Lane to construct a driveway. The road remnant right-of-way continues to hold various underground public and franchise utilities.

The church plans to construct a driveway across the road right-of-way to gain access to the vacant land parcel for additional planned parking.

Funding Sources and Community Sustainability:

There is no fiscal impact associated with allowing the encroachment. The Encroachment Agreement provides for the church to undertake all costs related to design, construction, maintenance, and, if needed, removal of the access drive. The agreement fully indemnifies the City should any liability claims arise from their use of the public right-of-way for the purposes of the driveway and access. The agreement is consistent with the strategic priority by protecting the City's Infrastructure and is consistent with the Council's goal of Financial Sustainability.

Recommendation:

Staff recommends the City Council authorize the city manager to execute an Encroachment License Agreement with the Assembly of God Church for construction of a driveway across City roadway easement.

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

ENCROACHMENT LICENSE AGREEMENT

THIS ENCROACHMENT LICENSE AGREEMENT (the “License Agreement”) is hereby entered into by and between THE CITY OF HURST, TEXAS, a home-rule municipality organized and existing pursuant to the laws of the State of Texas, (the “Licensor”) and **Hurst Assembly of God Church**, (the “Licensee”), and hereby agree to the terms and conditions as stated herein:

WHEREAS, the Licensee is the owner of Lot A, Block 1, Assembly of God Addition and remainder Lot 4R, Easter Addition being further described as Lots 4R1 and 4R2 according to the Tarrant Appraisal District; and

WHEREAS, the Licensee desires to obtain the right to encroach upon the Licensor property on the former Harrison Lane roadway between Lot A, Block 1, Assembly of God Addition and Lot 4R2 Easter Addition (as shown on Exhibit “A”) for the purpose of constructing a paved access road between said two lots; and

WHEREAS, the Licensor is willing to execute the encroachment license agreement to allow the installation of said paved access road if all City, State, and Federal requirements are adhered to; and

WHEREAS, the Licensee shall submit a grading plan for approval sealed by a professional civil engineer licensed in the State of Texas with the application to the Licensor for a building permit to construct the parking lot area and paved access road; and

WHEREAS, the Licensee shall maintain all improvements associated with the construction of said paved access road; and

WHEREAS, in order to effectuate the purpose as stated above, the parties hereby execute this License Agreement and agree to the terms and conditions as stated herein.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Licensor and Licensee hereby agree as follows:

GRANT OF LICENSE

I.

That for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual covenants and agreement herein contained, and all matters stated in the preamble which are hereby found to be true and correct and are incorporated into the body of this License Agreement, the Licensor does hereby Grant a revocable license to the Licensee the right to encroach upon the Street Right-of-Way with a paved access road, under the terms and conditions described herein.

II.

This License Agreement is subject to the paramount right of the Licensor to use the Street Right-of-Way at all times for the needs of the City, save and except the use of the Street Right-of-Way as defined herein.

III.

A. The Licensee will reimburse the Licensor for any damages occurring by any means or person whatsoever to the Street Right-of-Way, whether real or personal, during the term of the License Agreement, excluding any damages to the allowed improvements in the Street Right-of-Way as defined herein.

- B. 1. The Licensee shall maintain any improvements constructed pursuant to this License Agreement in the Street Right-of-Way. The Licensee shall undertake all construction and maintenance of the allowed improvements in accordance with any and all applicable federal and state laws, and City Ordinances.
2. Specifically, the Licensee shall only be allowed to place a paved access road in the Street Right-of-Way (the "Allowed Improvements"). The Allowed Improvements must be in compliance at all times with any and all applicable federal and state laws and City Ordinances. In addition, basic groundcover and seasonal plantings will be allowed in the Street Right-of-Way but no large bushes or trees. It shall be the Licensee's sole responsibility to maintain the Allowed Improvements and the entire Street Right-of-Way during the term of the License Agreement.
3. The Licensee agrees to remove any and all Allowed Improvements within sixty (60) days of receiving written notice by the Licensor that this License Agreement is being terminated.
4. The Licensee understands and expressly agrees that the City is not responsible, in whole or in part, for damages or costs for any Allowed Improvements either during the terms of the License Agreement or upon termination.

IV.

Should a Court of competent jurisdiction declare any word, phrase, clause, sentence, or paragraph of this License Agreement to be invalid for any reason, the remaining provisions shall remain in full force and effect.

V.

This License Agreement shall continue in effect until the City gives sixty (60) days notice of its right to terminate the same. The right to terminate the License Agreement shall be at the City's sole discretion, and the Licensee shall have no recourse against the City upon the termination.

VI.

This License Agreement is a covenant running with the land and shall be recorded in the Deed Records of Tarrant County, Texas, and is binding on all subsequent Licensees of any of the land contained in the Plat.

VII.

This License Agreement may only be assigned or sub-licensed upon the written consent of the Licensor.

VIII.

THE LICENSEE HEREBY AGREES TO INDEMNIFY, RELEASE AND HOLD HARMLESS THE CITY, ITS ELECTED OFFICIALS, AGENTS, OFFICERS, EMPLOYEES, ATTORNEYS, AGENTS AND ASSIGNS FROM AND

AGAINST ANY AND ALL LIABILITY CLAIMS, INJURY TO PROPERTY, PERSONS OR DEATH, OCCURRING ON OR FROM THE STREET RIGHT-OF-WAY DURING THE TERM OF THIS LICENSE AGREEMENT. THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THE LICENSE AGREEMENT FOR ANY LIABILITY, CLAIMS, INJURY TO PROPERTY, PERSONS OR DEATH WHICH OCCURRED OR ACCRUED DURING THE TERMS OF THIS LICENSE AGREEMENT.

IX.

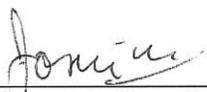
The Licensor and Licensee agree that the Licensor will file this License Agreement in the Real Property Records of Tarrant County, and a copy of the recorded document will be provided to the Licensee.

EXECUTED this ____ day of _____, 2018.

LICENSOR: City of Hurst, Texas:

LICENSEE: Hurst Assembly of God Church

Clay Caruthers,
City Manager



Josue Maldonado,
Trustee, Hurst Assembly of God Church

ATTESTED:

Rita Frick, City Secretary

APPROVED AS TO FORM;

City Attorney

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, _____ on this day personally appeared Clay Caruthers, City Manager of the City of Hurst, Texas, known to me (or proved to me through the presentation of a valid Texas Driver's License) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

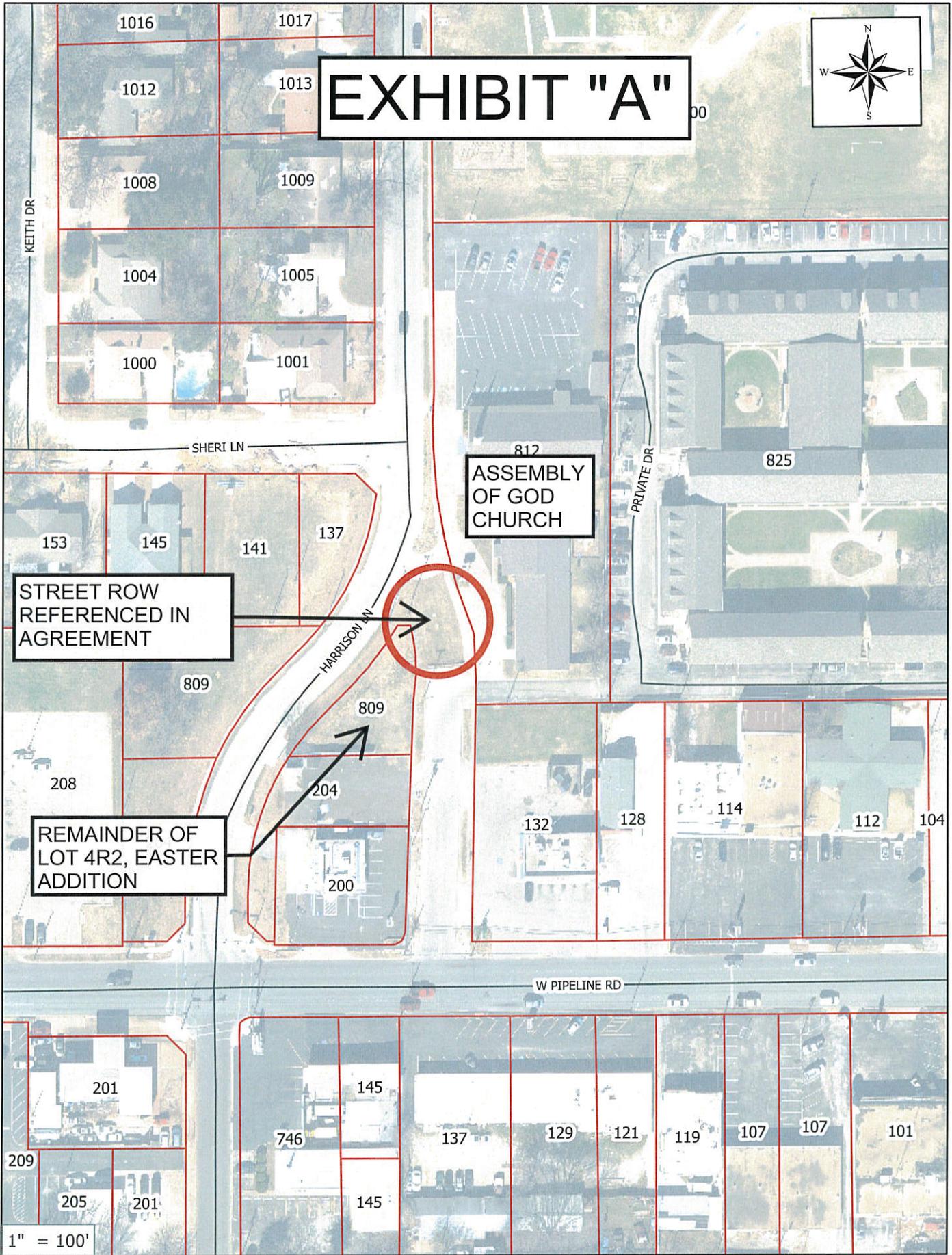
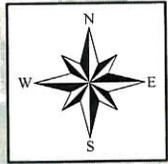
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2018.

Notary Public, State of Texas

Commission Expires:

Notary's Printed Name:

EXHIBIT "A"



City Council Staff Report

SUBJECT: Consider Resolution 1706 Supporting Application for the Mental Health Coordinator Grant to the Office of the Governor for the cities of Hurst, Euless, and Bedford to operate a combined Mental Health Coordinator.

Supporting Documents:

Resolution 1706

Meeting Date: 6/26/2018

Department: Police

Reviewed by: Billy Keadle

City Manager Review:

Background/Analysis:

The City of Hurst Police Department began working with Tarrant County Mental Health Mental Retardation (MHMR) in 2008 to identify and help law enforcement personnel properly handle mentally ill citizens. The Cities of Hurst, Euless and Bedford have worked in conjunction, for the past several years, on the Mental Health Coordinator. The program was so successful in Hurst that other cities in Tarrant County became involved with the program. In 2017, Hurst, Euless and Bedford handled 985 mentally ill clients, in 2015 the (3) three Cities handled 1249 clients; a decrease of 21% percent. Many of these mentally ill clients have been able to avoid the criminal justice system due to proactive police involvement. The Mental Health Coordinator provides training to all (3) three Police Departments on identifying citizens suffering from mental illness, handling mentally ill citizens and, assists in redirecting clients with mental illness to services that are more appropriate than the criminal justice system. By actively addressing the mental health issues in the community, law enforcement is able to reduce calls for service as well as decrease crime.

Funding Sources and Community Sustainability:

In support of the City Council's Public Safety strategic priority, the Police Department employs a Mental Health Coordinator to actively address mental health issues in the community. The City of Hurst received a grant from the Office of the Governor, for a DJ-Edward Byrne Memorial Justice Assistance Grant for \$101,000 for this position for 09/01/2017-9/30/2018. This grant application is requesting the same amount of \$101,000. Associated costs not covered by the grant will be split equally between the Cities of Hurst, Euless and Bedford. The City of Hurst portion of the cost not covered by the grant will be funded through the Half Cent Anti-Crime Fund.

Recommendation:

Staff recommends the City Council adopt Resolution 1706 supporting the grant application for the Mental Health Coordinator Grant from the Office of the Governor to continue serving the cities of Hurst, Euless, and Bedford.

RESOLUTION 1706

A RESOLUTION OF THE CITY COUNCIL OF HURST, TEXAS, AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR THE MENTAL HEALTH COORDINATOR, 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 the continuation grant for the Mental Health Coordinator, in cooperation with the Cities of Bedford and Euless, be operated for the 2018/2019 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 City Council of Hurst, Texas approves submission of the grant application for the Mental Health Coordinator to the Office of the Governor, Criminal Justice Division.

AND IT IS SO RESOLVED.

Approved this the 26th day of June 2018 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

Grant Number: 3319102

City Attorney

Future Event Calendar

June 26, 2018

Regular City Council meetings are held on the second and fourth Tuesday of each month. Following are additional meetings, canceled meetings and public event dates.

<u>DATE AND TIME</u>	<u>ACTIVITY</u>
Saturday, June 30, 2018 9:00 a.m.	City Council Work Session Hurst Conference Center
Wednesday, July 4, 2018	Holiday – City Hall Closed
Wednesday, July 4, 2018 5:00 p.m.	Hurst Stars & Stripes Hurst Community Park
Tuesday, July 24, 2028	Regular City Council Meeting - Canceled
Saturday, July 28, 2018 7:30 a.m.	City Council Multi-year Planning Meeting Hurst Conference Center