

**City of Hurst  
City Council Minutes  
Tuesday, August 14, 2018**

On the 14<sup>th</sup> day of August 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
Larry Kitchens	)	
Jon McKenzie	)	
Cathy Thompson	)	
Cindy Shepard	)	
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 Strategic and Fiscal Services
Steve Bowden	)	Executive Director of Economic Development
Michelle Lazo	)	Executive Director of Planning and Development
Matia Messemer	)	Executive Director of Human Resources

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.

Mayor Pro Tem David Booe gave the Invocation.

The Pledge of Allegiance was given.

**CONSENT AGENDA**

1. Considered approval of the minutes for the July 10, 16 and 28, 2018 City Council meetings.
2. Considered Resolution 1707 ratifying the actions of the Hurst Crime Control and Prevention District Board.
3. Considered Resolution 1708 adopting the City of Hurst Investment Policy.
4. Considered authorizing the city manager to enter into a Purchase Agreement with Motorola Solutions to purchase portable radios and supplies for the police department

and fire department.

5. Considered authorizing the city manager to enter into a Software Assurance Agreement with Microsoft for products and services.

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

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

#### **PUBLIC HEARING(S) AND BUDGET RELATED ITEM(S)**

6. Conducted a Public Hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2018 and ending September 30, 2019.

Mayor Wilson announced a public hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2018 and ending September 30, 2019 and recognized Executive Director of Strategic and Fiscal Services Clayton Fulton and Police Chief Steve Niekamp who provided an overview of the Fiscal Year 2018-2019 Crime Control District proposed budget. Mr. Fulton stated the Crime Fund is a dedicated sales tax fund, based on a sales tax levy of 8.25%. He explained of the sales tax revenue generated, the state receives 76% of those dollars; the Hurst General Fund receives 1%, Hurst Community Development .5% and the Hurst Anti-Crime Fund only .5%. He explained the .5% to the Anti-Crime Fund is really a property tax relief of 17 cents to the tax rate. Mr. Fulton reviewed the FY 18-19 proposed revenue of \$5,481,521, expenditures \$5,593,663, including a fund balance allocation of \$112,142. Chief Niekamp reviewed the fund history stating the original election was 1995 and reauthorized in 2010 for another 20 years. He also noted approximately 75% of the revenue comes from people that do not live in the City and explained expenditures include mainly personnel, and capital projects in the police department.

There being no one to speak, Mayor Wilson closed the public hearing.

Councilmember Kitchens reinforced the point that for the same level of public safety service, the property tax rate would have to be raised 17 cents. He stated this fund is a big benefit for the citizens and Mayor Wilson noted the high percentage of the passage rate at the election, indicating citizens understand and support the fund.

7. Considered Ordinance 2388, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2018 and ending September 30, 2019.

Executive Director of Strategic and Fiscal Services Clayton Fulton stated the proposed Ordinance will adopt the budget reviewed during the public hearing this evening and noted the Crime Control Board adopted the budget early this evening

Councilmember Thompson moved to approve Ordinance 2388, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2018 ending September 30, 2019. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

8. Considered ordering the publication of the effective and rollback tax rates, including a proposed tax rate, to be published on August 18, 2018, in the "Fort Worth Star-Telegram" to comply with truth-in-taxation laws.

Executive Director of Strategic and Fiscal Services Clayton Fulton reviewed the budget cycle, noting the year long process from the town hall forum to strategic planning and budget preparation is to ensure citizens are treated fairly. He explained the calculation for the effective tax rate of \$0.552995 and the rollback tax rate of \$0.586350, which is the highest rate before citizens have the option to petition for a rollback election. Mr. Fulton stated the proposed rate is \$0.58 per \$100 valuation and explained the action tonight is not the vote on the rate, but a vote to order the publication as required by the Local Government Code. He stated the vote on the tax rate will be September 11, 2018. Mr. Fulton stated the rate is two parts, with an I&S rate of \$0.108449 per \$100 valuation that will fund the debt service obligation in the proposed FY 19 budget. He also noted of the total tax bill, 51% is school taxes, 20% is the city and the balance is the county and hospital district.

Councilmember Thompson moved that the effective and proposed tax rates be published on August 18, 2018, in the "Fort Worth Star-Telegram", to comply with truth-in-taxation laws as prescribed in Section 26 of the Tax Code and Section 140 of the Local Government Code. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

9. Considered vote on the proposed tax increase for Fiscal Year 2018-2019.

Executive Director of Strategic and Fiscal Services Clayton Fulton reviewed Truth-in-Taxation laws explaining the proposed rate exceeds the effective rate, so the Council must vote to place a proposal to adopt the rate on the agenda as an action item. If the motion passes, two scheduled public hearings will be held on August 28, 2018 and September 4, 2018 for action to vote on the tax rate scheduled on September 11, 2018. City Manager Caruthers stated the additional revenue key categories include economic development 380 agreements, revenue losses in municipal court, sales tax flattening, additional street maintenance, public safety overtime and a 2.5% proposed cost of living adjustment. He stated these items will be reviewed in the budget work session Saturday.

Councilmember Kitchens noted this vote was not on the tax rate, but the tax increase and explained the many options Hurst provides for citizens to have a reduced rate, i.e., senior tax freeze, home exemptions, which is approximately \$6.8 million savings for citizens. He stated it was important to know that the biggest portion of property tax goes to the school district, which the state is not properly funding. Mayor Wilson noted that approximately 30% of Hurst citizens are seniors with frozen taxes and that if the City did not have the freezes and exemptions, the rate could be significantly lower.

Councilmember Kitchens moved to comply with Truth-in-Taxation Laws, the City Council voted to place a proposal to adopt a tax rate of \$.058 per \$100 valuation on the agenda, as an action item for the September 11, 2018 meeting and schedule two (2) public hearings on August 28, 2018 and September 4, 2018 for this proposal. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

### **ORDINANCE(S)**

Mayor Wilson reviewed the proposed changes reflected in the next few agenda items regarding boards, commissions and committees. He explained that at a recent Council work session Council reviewed the structure and duties of the boards, commissions and committees and expressed a desire to provide additional opportunities for citizen participation.

10. Considered Ordinance 2389, first reading, amending Hurst Code of Ordinance, Chapter 2, Article X. Senior Citizens Advisory Board, Section 2-252, amending membership.

Councilmember McLendon moved to approve Ordinance 2389, first reading, amending Hurst Code of Ordinance, Chapter 2, Article X. Senior Citizens Advisory Board, Section 2-252, amending membership. Motion seconded by Councilmember Shepard. City Manager Caruthers noted discussion in work session this evening to remove the qualified voter language in this ordinance and include "Hurst resident" language for regular members and alternate members. Mayor Wilson stated the motion on all of the board items would include the resident language. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

11. Considered Ordinance 2390, first reading, amending Hurst Code of Ordinances, Chapter 2, Article IX. Neighborhood and Community Advisory Committee, restricting the composition of members, redefining the term of appointment and meeting schedule.

Councilmember Shepard moved to approve Ordinance 2390, first reading, amending Hurst Code of Ordinances, Chapter 2, Article IX. Neighborhood and Community Advisory Committee, restricting the composition of members, redefining the term of

appointment and establishing a revised meeting schedule. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

12. Considered Ordinance 2391, first reading, amending Hurst Code of Ordinances, Chapter 24, Section 24-14 and 24-15 by renaming the Traffic Safety Commission and restating the duties, quorum, meeting dates, and staff liaison of the commission.

Councilmember Kitchens stated this board will not just be concerned with traffic safety, but transportation and will have an expanded scope of duties.

Councilmember McKenzie moved to approve Ordinance 2391, first reading, amending Hurst Code of Ordinances, Chapter 24, Section 24-14 and 24-15 by renaming the Traffic Safety Commission and restating the duties, quorum, meeting dates, and staff liaison of the commission. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

13. Considered Ordinance 2392, first reading, amending Hurst Code of Ordinances, Chapter 5, Article IX, Section 5-354 – Historic Preservation Committee by amending the composition of members, restating meeting dates, quorum and staff liaison.

Councilmember Kitchens stated the original membership included representatives from the Planning and Zoning Commission, Library Board and Parks and Recreation Board with 5 members. He stated the proposed ordinance increases the membership to 7, adds 2 alternate members, and removes the dual board memberships. He stated he will step down as the Council representative providing an additional opening.

Councilmember Kitchens moved to approve Ordinance 2392, first reading, amending Hurst Code of Ordinances, Chapter 5, Article IX, Section 5-354 – Historic Preservation Committee by amending the composition of members, restating meetings dates, quorum and staff liaison. Motion seconded by Councilmember Booe. Mayor Wilson noted this committee is in the middle of an important project of restoring Parker/Post Oak Cemeteries, with two members heavily involved. He explained Council discussed leaving these members on the Committee until this project's major planning decisions are made. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

**RESOLUTION(S)**

14. Considered Resolution 1709, amending the composition of the Hurst Economic Development Advisory Committee.

Mayor Wilson stated this adds a position for a representative from a non-profit.

Councilmember Shepard moved to approve Resolution 1709, amending the composition of the Hurst Economic Development Advisory Committee. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

**ACTION ITEM(S)**

15. Considered confirming the city manager's appointment of Mr. Karl Burge in Place 3 of the Civil Service Commission.

City Manager Clay Caruthers stated the proposed appointee, Mr. Karl Burge, is a Hurst 101 graduate and that he and Executive Director of Human Resources Matia Messemer met with Mr. Burge to make sure he fit the criterion for eligibility. Mayor Wilson stated he has known Mr. Burge for thirty years through Bell Helicopter and believes he will be an excellent addition to the Commission.

Councilmember Booe moved to confirm the city manager's appointment of Mr. Karl Burge in Place 3 of the Civil Service Commission. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

16. Considered annual appointments to boards, commissions and committees.

Mayor Wilson stated this action will be tabled to another date, and explained consideration of appointments will appear on several future City Council meeting agendas. City Manager Caruthers noted the deadline to receive applications for the current interview process, is August 15, 2018, but applications may be submitted at any time for any future openings. No action was taken on this item

17. Considered authorizing the city manager to enter into an Agreement with Ash+Lime Services to create and produce community events.

City Manager Clay Caruthers stated staff is committed to the Hurst Sustainability Plan and Council's vision in the catalyst areas. He stated there will be additional work

sessions to discuss redevelopment and sustainability and tonight is one element of the plan. Executive Director of Economic Development Steve Bowden reviewed the sustainable neighborhood plan for Catalytic Area 7, Bellaire Center. He stated the plan indicates if activities are held in the area, it will provide a desirable amenity for special family centered events and entertainment that would create momentum for other redevelopment in the area. Mr. Bowden reviewed the objectives and scope of work for the proposed "pop-up park" events. Costs include \$15,000 for each event with \$18,740 in professional services. Mr. Bowden introduced Ash+Lime Representative Rick Adamski who provided background on the company, explained how the events are designed by community engagement, data analysis and first hand observation. Mr. Adamski also reviewed phases and approaches to the plan, and reviewed a number of area community events conducted by their company.

In response to Councilmembers' questions, Mr. Adamski noted some of the positive results in other community events include additional investments by the city through tested success; a different approach to utilizing public space; increased business participation and a permanent brewery business and anchor for the downtown area. Council also noted the event could be a great opportunity to provide feedback on the transforming Hurst initiatives and illustrate what is trying to be accomplished.

Councilmember McLendon moved to authorize the city manager to enter into an Agreement with Ash+Lime Services to create and produce three community events. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

18. Considered authorizing the city manager to renew the current contract with Cigna to provide stop-loss insurance for the health plans, third party administration for the health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective October 1, 2018 through September 30, 2019.

City Manager Clay Caruthers stated Executive Director of Human Resources Matia Messemer will review this item, but first wanted to express appreciation for the compensation and benefits provided for the employees, which maintains the City's competitive pay structure and benefit plans and ability to retain employees. He stated staff also recognizes the fiscal side for benefits and Matia works diligently with our consultant to make sure there is balance of competitive benefits and fiscal responsibility. Ms. Messemer reviewed the negotiated renewal for stop loss insurance of 1.19% increase, which is down from an initial 5.59% increase for health/pharmacy benefits through Cigna. Cigna also provides third party administration for the self-funded health plans and there will be no fee change for the administration of the health plans. Ms. Messemer also reviewed dental coverage through Cigna and the administrative services only plan and health maintenance organization plan. Councilmembers discussed the

balance between good quality health care and financial feasibility and noted staffs effort to find a good balance.

Councilmember Shepard moved to authorize the city manager to renew the current contract with Cigna to provide stop-loss insurance for the health plans, third party administration for the health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective October 1, 2018 through September 30, 2019. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

19. Considered authorizing the city manager to enter into a Contract with OptumHealth Financial Services, Inc. (Optum) to provide third party administration of the City's Health Reimbursement Account (HRA) and Flexible Spending Account (FSA).

Executive Director of Human Resources Matia Messemer reviewed the new partnership to administer the City's Health Reimbursement Account (HRA) and Flexible Spending Account (FSA). She stated with increased enrollment, the administration has out grown internal administration, and staff believes the best solution is to outsource administration. Optum's solution will allow for improved service. In response to Councilmembers' questions, Ms. Messemer stated approximately 90% of employees were in the HRA and 119 were enrolled in the FSA.

Councilmember McKenzie moved to authorize the city manager to enter into a contract with Optum to provide third party administration of the City's Health Reimbursement Account and Flexible Spending Account. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

20. Considered authorizing the city manager to enter into a Contract for construction of the Valley View Branch Sanitary Sewer Interceptor Replacement Improvements from State Highway 10 to Redbud.

Executive Director of Public Works Greg Dickens reviewed the proposed project, which is the second phase of an overall project to replace and increase the capacity of the Valley View Branch Sanitary Sewer Interceptor Main. He explained this is just one section of the major outfall carrying sewer from homes to the meter in Fort Worth and they are trying to increase to the appropriate capacity. He reviewed the bids and stated Joe Funk Construction was low bidder. Mr. Dickens explained as part of the Clean Water State Revolving Fund loan through the Texas Water Development Board (TWDB), they also have to approve the award. He stated staff investigated the service level of the low bidder and are pleased with the findings. In response to Councilmembers' questions, Mr.

Dickens stated this will increase the capacity for Redbud, which had some backflow after the late spring rain, and the bid is less than the loan, so there may be funds available to extend the project. Mr. Dickens also noted staff's maintenance program to ensure manholes are secured.

Councilmember Kitchens moved to authorize the city manager to enter into a Contract with Joe Funk Construction, Inc., for Valley View Branch Sanitary Sewer Interceptor Replacement Improvements from State Highway 10 to Redbud Drive, in the amount of \$1,022,486.40, with a contingency of \$110,000.00. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

21. Considered authorizing the city manager to enter into an Engineering Services Contract with Thomas Hoover Engineering, LLC, for design of the Sheri Lane Street Improvements from Reed Street to Cavender Drive.

Executive Director of Public Works Greg Dickens reviewed the proposed Engineering Services Contract for the design of the Sheri Lane Street Improvements from Reed Street to Cavender Drive, noting the City submitted an application for funds through the Community Development Block Grant (CDBG) funding program and received notice that \$165,000 has been set aside for the project. He stated a segment of Sheri Lane to Reed Street was completed with a previous grant, and the proposed project will extend from Reed Street to Cavender Drive. He stated the engineering firm is very experienced and capable.

Councilmember Thompson moved to authorize the city manager to enter into a Contract with Thomas Hoover Engineering, LLC, for the design of the Sheri Lane Street Improvements from Reed Street to Cavender Drive, in an amount not to exceed \$26,855.00. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

22. Considered authorizing the city manager to enter into an Engineering Services Contract with Bartlett & West, Inc., for the design of repairs to the Hurstview Drive Bridge, at the north crossing of Lorean Branch.

Executive Director of Public Works Greg Dickens reviewed the proposed Engineering Services Contract for the design of repairs to the Hurstview Drive Bridge at the north crossing of Lorean Branch. He reviewed the Texas Department of Transportation (TxDOT) "Off-System Bridge Inventory, Inspection and Appraisal Program" that indicated the needed repairs. Mr. Dickens explained the City has 29 bridges that are inspected, as part of the program, and that two years ago the Bedford Eules bridge was

repaired. Mr. Dickens stated the Hurstview Drive Bridge is sound, but requires some repairs. He stated Bartlett & West are qualified for this type of work. In response to Councilmembers' questions, Mr. Dickens stated there are no other bridges included in the five-year program.

Councilmember Shepard moved to authorize the city manager to enter into a Contract with Bartlett & West, Inc., for the design of repairs to the Hurstview Drive bridge at the north crossing of Lorean Branch, in an amount not to exceed \$35,000. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayés: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard  
No: None

### **OTHER BUSINESS**

23. Council reviewed the following board and committee meeting minutes:
  - Historical Landmark Preservation Committee
  - Parks and Recreation Board
  - Library Board
  - Hurst Senior Citizen's Advisory Board
  
24. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the following calendar items:
  - Wednesday, August 15, 2018 – Board, Commission and Committee Application Deadline
  - Saturday, August 18, 2018 – City Council Budget Work Session, City Hall
  - Tuesday, August 28, 2018 – Budget Public Hearing, City Hall
  - Monday, September 3, 2018 – City Hall Closed - Holiday
  - Tuesday, September 4, 2018 – Tax Rate Public Hearing, City Hall
  - Saturday, September 29, 2018 – Fire Department Open House – Main Fire Station
  - Tuesday, October 2, 2018 – National Night Out – Library and Vivagene Copeland Park
  
25. City Council Reports - Items of Community Interest – Mayor Wilson noted his attendance at the IH820 Expansion Groundbreaking Ceremony. He stated part of the project will widen the Trinity Bridge and eliminate the bottleneck. He reviewed the project timeline noting a four and half year timeline.

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

Mayor Wilson recognized Jessica Martin, 337 Grace Circle, Hurst, Texas who expressed

concern over an incident on her front porch and the time taken by the police department to investigate. She expressed her belief the police department needs help so the officers are not overworked.

Mayor Wilson recognized Janice Trostle who questioned when the IH820 construction will begin. Ms. Trostle was advised construction should start soon.

**EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Tex. Government Code, 551.071, consultation with City Attorney regarding pending litigation in City of Hurst, Texas v. Baugus Properties, Inc., et. al., City of Hurst, Texas v. Metro Properties, Inc., et. al. and City of Hurst, Texas v. Carl A. Robinson Properties, Ltd., et.al, and 551.072 deliberate the purchase, exchange, lease, or value of real property (Animal Control Shelter) to reconvene in Open Session at the conclusion of the Executive Session.**

Mayor Wilson did not recess to Executive Session.

- 26. Take any and all action ensuing from Executive Session – No Action was taken.

**ADJOURNMENT**

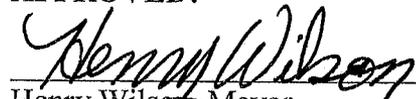
The meeting adjourned at 8:09 p.m.

**APPROVED** this the 28<sup>th</sup> day of August 2018.

**ATTEST:**

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

**APPROVED:**

  
\_\_\_\_\_  
Henry Wilson, Mayor