

**City of Hurst  
City Council Minutes  
Tuesday, September 11, 2018**

On the 11<sup>th</sup> day of September 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
Duane Hengst	)	City Engineer
Clayton Fulton	)	Executive Director of Strategic and Fiscal Services
Michelle Lazo	)	Executive Director of Planning and Community Development
Paul Brown	)	Managing Director of Finance

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 Cindy Shepard gave the Invocation.

The Pledge of Allegiance was given.

**PROCLAMATION(S) AND PRESENTATION(S)**

1. Proclamation recognizing Constitution Week. Councilmember Larry Kitchens read and presented the Proclamation recognizing Constitution Week to the Daughters of the American Revolution, Captain Nathaniel Lewis Chapter, who thanked the Mayor and Council for the proclamation. Councilmember Kitchens provided a review of the Daughters of the American Revolution's 1955 petition, presented to Congress for Constitution Week, and adopted August 2, 1956 by Dwight Eisenhower. He also provided fun facts regarding the Constitution.
2. Presentation of the Hurst Police Department's Commission on Accreditation for Law Enforcement Agencies (CALEA) Award.

Police Chief Steve Niekamp stated the police department attained the accreditation by the

Commission on Accreditation for Law Enforcement Agencies (CALEA), in July of 1990, the tenth agency to receive the award. He reviewed the criteria for this designation. He noted the necessary criteria to receive the Excellence Award with this being the department's ninth Accreditation with Excellence Award. Chief Niekamp thanked Deputy Chief Billy Keadle, Lieutenant Mark Schwobel and Kenya Meza for their hard work to achieve this award and stated the awards reflect the character of the police department and is part of their culture.

### **CONSENT AGENDA**

3. Considered approval of the minutes for the August 28, 30, September 4, 2018 City Council meetings.
4. Considered cancelling the November 27 and December 25, 2018 regular City Council meetings.

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 RELATED ITEM(S)**

5. Conducted a public hearing to consider Z-18-01, Lucas Funeral Home, a zoning change with a site plan from R-1 to MU-PD for Tract 2C1 and 2C2 William Wallace Survey A-1706, and a site plan for Lot BR, Block 1, Lucas Estates Addition, being 3.71 acres located at 820 W. Bedford-Euleess Road and 1321 Precinct Line Road.

Mayor Wilson announced a public hearing to consider Z-18-01, Lucas Funeral Home a zoning change with a site plan from R-1 to MU-PD for Tract 2C1 and 2C2 William Wallace Survey A-1706, and a site plan for Lot BR, Block 1, Lucas Estates Addition, being 3.71 acres located at 820 W. Bedford-Euleess Road and 1321 Precinct Line Road and recognized Executive Director of Planning and Development Michelle Lazo, who reviewed the zoning change and site plan. Ms. Lazo noted Lucas Funeral Home purchased the residential lot adjacent to their existing funeral home and plan to demolish the existing residential structure to add a new parking lot, expand the existing funeral home and construct an event center. She reviewed the proposed phases of the project, which will be developed over time. Reviewed were the photometric plan showing zero foot-candles along the residential property lines, to the north and west; an existing 6' masonry-screening wall along the western property line that will be extended along the north property line and the existing wooden fence between the funeral home and the residential lot, which will be removed. Ms. Lazo stated Phase I will include 108 parking spaces on the adjacent lot to allow for the relocation of the parking required to keep the funeral home in operation during expansion. Phase 2 will consist of adding a large chapel on the northwest side of the building with relocation of the fire lane. Phase 3 will add a garage for the fleet vehicles and additional parking. Phase 4 will remodel the

existing funeral home and additional parking amendments and Phase 5 will include the construction of an events center. She stated the residential lot is covered with trees totaling 3,131 caliper inches and the applicant is preserving 296 caliper inches and will mitigate the remaining trees, including \$14,100 to the City's tree replacement fund.

Mayor Wilson recognized applicant John Lucas, who reviewed his family's business and explained that parking is really an issue, and that the first expansion is really the most important. He explained the phases are within the current footprint except the event center.

Mayor Wilson recognized the following individuals who expressed their concerns including loss of value to their homes, trees for landscaping under power lines, security issues, noise regarding commercial dumpster pickup and vermin issues on the property and spreading when clear cutting is done. Also expressed was concern the existing residential home was allowed to deteriorate, the expansion of commercial zoning into the residential neighborhood, traffic issues, hours of operation, control regarding the event center zoning in the future, location of the western most drive access and signage. Also expressed was the belief dollars being invested by the property owner could be better utilized in another area of the City.

Rob Davis, 809 Wheelwood Drive, Hurst, Texas; Harvey Vance, 836 W. Bedford-Eules Road, Hurst, Texas, and Danny Highgate, 824 W. Bedford-Eules Road.

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

In response to Councilmembers' questions, Mr. Lucas stated the garage will be at the current location just extended. He stated the primary driveway will be on Bedford-Eules Road, with an additional driveway installed to the west for the event center. Mr. Lucas stated there is no intent to remove trees before necessary and stated the event center is for families to gather after a service for a reception or catered lunch. Council discussed the timeline of constructing the event center, removing trees, requiring the event center only be reserved for events associated with a funeral and requesting the applicant remove Phase 5 from this request since they did not have a definite time for construction. Mr. Lucas stated he did not necessarily see a problem removing Phase 5 at this time. In response to additional questions, Ms. Lazo stated the photometric plan shows zero foot-candles along the residential property lines that are designed to shine down and not over the property line. Mr. Lucas stated he would prefer shrubs under the power lines, but they are existing trees.

Councilmember Kitchens moved to approve Z-18-01 Lucas Funeral Home, a zoning change with a site plan from R-1 to MU-PD for Tract 2C1 and 2C2 William Wallace Survey A-1706, and a site plan for Lot BR, Block 1 Lucas Estates Addition, being 3.71 acres located at 820 W. Bedford-Eules Road and 1321 Precinct Line Road with the following stipulations: 1) the dumpster be relocated; 2) the tree buffer-yard on the west side match the density of trees on the north side; 3) sidewalk on Bedford-Eules Road, west of driveway be removed from the site plan; and 4) Phase 5 of the plan be removed.

Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

6. Considered Ordinance 2396, first reading, to consider Z-18-01, Lucas Funeral Home, a zoning change with a site plan from R-1 to MU-PD for Tract 2C1 and 2C2 William Wallace Survey A-1706, and a site plan for Lot BR, Block 1, Lucas Estates Addition, being 3.71 acres located at 820 W. Bedford-Euleess Road and 1321 Precinct Line Road.

Councilmember Kitchens moved to approve Ordinance 2396. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

#### **BUDGET RELATED ITEM(S)**

7. Considered Ordinance 2393(a), first reading, adopting budget for fiscal year beginning October 1, 2018 and ending September 30, 2019. Mayor Wilson stated the City Council conducted public hearings on the budget and tax rate and requested City Secretary Rita Frick read Ordinance 2393(a).

Councilmember McLendon moved to pass Ordinance 2393(a). Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

8. Considered Ordinance 2393(b), first reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2018-2019 Budget. City Secretary Rita Frick read Ordinance 2393(b).

Councilmember Booe moved to approve Ordinance 2393(b), first reading, ratifying the property tax revenue increase reflected in the fiscal year 2018-2019 budget. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

9. Considered Ordinance 2394, first reading, setting the tax rate for the 2018 tax year. City Secretary Rita Frick read Ordinance 2394.

Councilmember Shepard moved with the adoption of Ordinance 2394, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.58, which is effectively a

4.9% increase in the tax rate". Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

10. Considered Ordinance 2395, first reading, approving all water and wastewater rates for Fiscal Year 2018-2019.

Mayor Wilson recognized City Manager Clay Caruthers who noted the Enterprise Fund Budget was presented to Council during several budget related meetings. He stated staff utilized consultant Lewis McLain to help with the calculations, and noted the primary cost driver for the increase is wholesale cost increases from the City of Fort Worth. He stated he believed everything possible is being done to maintain cost and is proposing a 1.5% increase for water and wastewater. Executive Director of Fiscal and Strategic Services Clayton Fulton reviewed the impact to customers based upon volume usage, with an average usage monthly increase of \$1.36. City Manager Caruthers stated staff will continue to study rates each year. Councilmember Kitchens stated it is clear these are pass through rates, forced upon the City by an outside agency. He explained Council is doing everything they can to smooth the rates, but do not have a lot of control. City Manager Caruthers explained the impact of population growth in Tarrant County to the system and that without a City owned lake and water treatment plant this is the result. Also noted is the per gallon cost of water of one penny a day per gallon for delivery by the City versus a store bought gallon cost of one dollar.

Councilmember Thompson moved to approve Ordinance 2395 including the proposed Water and Wastewater rates effective October 1, 2018, to be included in all City utility bills processed on, or after, November 1, 2018. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

### **RESOLUTION(S)**

11. Considered Resolution 1711 approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division.

Mayor Wilson recognized Executive Director of Fiscal and Strategic Services Clayton Fulton who stated this item is the result of the City's participation, along with 171 other cities in the Atmos Energy Steering Committee "ACSC" and also reviewed the Rate Review Mechanism "RRM" process arising out of the Gas Reliability Infrastructure Program legislation, which created a substitute rate review process. Mr. Fulton stated as a result of these processes, ACSC's Executive Committee agreed to recommend a system-wide rate increase of \$24.9 million as opposed to the original \$42 million dollar rate request. He stated the rate increase associated with the Resolution is largely offset by the lowered federal income tax rates, such that out-of-pocket expense to consumers

should be roughly the same under new rates as what was experienced by consumers last winter, and staff recommends approval of the proposed Resolution.

Councilmember McKenzie moved to approve Resolution 1711 approving the negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Divison. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

### ACTION ITEM(S)

12. Considered engagement With BKD CPAs & Advisor for Professional Auditing Services.

Mayor Wilson recognized Executive Director of Fiscal and Strategic Services Clayton Fulton who stated the City currently has a five year agreement with Rylander, Clay & Opitz, L.L.P, who merged with BKD CPAs & Advisers. Mr. Fulton introduced Managing Director of Finance Paul Brown who stated the base fee for the audit is \$75,000, a 5.6% increase. He stated if a Single Audit is necessary, the fee is \$5,000. Mayor Wilson stated he understands the attorneys will negotiate the final contract language.

Councilmember Booe moved to engage the services of BKD CPAs & Advisers to audit the City's financial records for the fiscal year ending September 30, 2018, for an overall base and single audit fee, not to exceed \$80,000. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

13. Considered vote for Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

Mayor Wilson stated he currently serves on the Texas Municipal League Intergovernmental Risk Pool Board as a nonvoting member and knows the nominated individuals to the Board. He stated the members work diligently for the board, as a property insurance company for cities.

Councilmember Booe moved to vote for Place 11, Randy Criswell; Place 12, Bert Lumberas; Place 13, Byron Black; and Place 14, David Rutledge. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

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

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

Mayor Wilson stated the Council met and interviewed candidates and discussed where they might serve best, and proposes the following appointments for the 2018-2019 Board, Commissions and Committees:

Economic Development Advisory Committee: Place 2(non-profit), Fannette Welton, Term Expires 2020

HEB Teen Court: Place 2, Brandon Herrera, Term Expires 2020

Historical Landmark Preservation Committee: Place 4, Marsha Camarata, Term Expires 2019; Place 6, Heather Buen, Term Expires 2020; Place 7, Dallas Snow, Term Expires 2020; Alternate 1, Steve Johnson, Term Expires 2019; Alternate 2, Janice Pyles-Trostle, Term Expires 2019

Library Board: Place 5, Margaret Coleman, Term Expires 2020, Alternate 1, Linda Dibley, Term Expires 2019, Alternate 2, Julie Granquist, Term Expires 2019

Neighborhood and Community Advisory Committee: Place 1, Guy Rhodes, Term Expires 2019; Place 2, Eric Posey, Term Expires 2020; Place 5 Barry Smith, Term Expires 2019; Place 7, Josh Ingram, Term Expires 2020; Alternate 1, Leah Smith, Term Expires 2019; Alternate 2, Anna Holzer, Term Expires 2019

Parks and Recreation Board: Place 6, Gary Waldron, Term Expires 2019; Alternate 1, Jessica Martin, Term Expires 2019; Alternate 2, Will Blackburn, Term Expires 2019

Transportation Infrastructure and Safety Committee: Place 1, Denise Fields, Term Expires 2020

Zoning Board of Adjustment: Place 1, Andrea Taylor, Term Expires 2019; Alternate 1, Bobby Grigsby, Term Expires 2019; Alternate 2, Trasa Cobern, Term Expires 2019

Codes, Appeals and Advisory Board: Alternate 2, Elaine Wicker, Term Expires 2019

Mayor Wilson also noted that two Historical Committee members will rotate off when the current cemetery project is complete.

Councilmember McKenzie moved to accept the slate as read for the 2018-2019 board, commission and committee appointments. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard

No: None

Councilmember Kitchens moved that those existing members that indicated their desire to be reappointed that Council approve the reappointment. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, McKenzie, Thompson, and Shepard

No: None

### **OTHER BUSINESS**

15. Councilmembers reviewed the following board and committee meeting minutes:

- Historical Committee
- Animal Services Advisory Committee
- Parks and Recreation Board
- Library Board
- Hurst Senior Citizens Advisory Committee
- Planning and Zoning Commission

In response to Councilmember Booe's questions regarding the Parks and Recreation minutes regarding Rickel Park, Deputy City Manager Allan Heindel stated Eules was contractually obligated, as a Corp of Engineers project, and Eules has completed the project.

16. Review of upcoming calendar items: City Manager Clay Caruthers reviewed the following calendar items:

- Saturday, September 29, 2018, 10:00 a.m. to 2:00 p.m. - Fire Department Open House, Fire Station 1
- Tuesday, October 2, 2018, 5:30 p.m. – National Night Out, Library and Vivagene Copeland Park
- Saturday, October 6, 2018, 11:00 a.m. to Noon – Fall Festival, Bellaire Shopping Center/Vivagene Copeland Park
- Saturday, October 13, 2018, 8:00 to 11:00 a.m. – Household Hazardous Waste, Service Center
- Tuesday, October 16, 2018, 5:30 – 9:00 p.m. – Cyber Security Event, Library
- Saturday, October 20, 2018 – Clean-Up Day (curbside pickup) Monday and Thursday garbage service
- Saturday, October 27, 2018 – Clean Up Day (curbside pickup) Tuesday and Friday

17. City Council Reports - Items of Community Interest – Councilmember Kitchens noted a citizen comment of how prompt the City crews were in responding to a sewer backup on Redbud during the recent heavy rain event. He also noted a water main break by his

home at 5:30 p.m. and that the crew stayed until 2:00 a.m. to repair. He complimented the crews work noting that sometimes their work goes unrecognized. Mayor Wilson noted his participation and how nice the L.D. Bell homecoming parade was on Monday evening.

**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.

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

Mayor Wilson recessed the meeting at 7:58 p.m. to Executive Session in compliance with the provisions of the Texas Open Meetings Law, authorized by Tex. Government Code 551.072 deliberate the purchase, exchange, lease, or value of real property (Animal Control Shelter) and 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and to reconvened Open Session at 8:30 p.m.

- 18. Take any and all action ensuing from Executive Session. No action was taken.

**ADJOURNMENT**

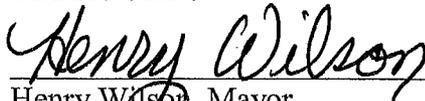
The meeting adjourned at 8:40 p.m.

APPROVED this the 25<sup>th</sup> day of September 2018.

ATTEST:

  
Rita Frick, City Secretary

APPROVED:

  
Henry Wilson, Mayor