

**WORK SESSION AGENDA OF THE CITY COUNCIL OF HURST, TEXAS  
LIBRARY, 901 PRECINCT LINE ROAD  
CONFERENCE ROOM  
TUESDAY, JANUARY 22, 2019 – 5:30 P.M.**

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**I. Call to Order**

**II. Informational Items**

- ) **Discussion and Legislative Update**
- ) **Discussion and Update of 2019 Hurst 101 Citizen Academy**
- ) **Discussion of zoning verification letters requested by Gardner Capital**

**III. Informational Items(s) 3**

Consider authorizing the city manager to purchase information technology hardware through approved purchasing vendors and contractors

**Allan Heindel**

**IV. Discussion of Agenda Item(s) 4**

Consider Ordinance 2403, first reading, establishing distance separation between certain properties containing multi-family residential development in the Texas Highway 10 Multiuse District

**Steve Bowden**

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

Consider authorizing the city manager to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road Project, Phases 2, 3 and 4

Consider authorizing the city manager to enter into an Interlocal Agreement with Tarrant County for the 2019 Street Overlay Program

**Greg Dickens**

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

Consider authorizing the city manager to proceed with the Vivagene Copeland Park basketball court improvements

**Allan Heindel**

**EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Tex. Government Code Section Code Section 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**

## **VII. Adjournment**

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

This the 18<sup>th</sup> day of January 2019, 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  
LIBRARY, 901 PRECINCT LINE ROAD  
TUESDAY, JANUARY 22, 2019**

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**AGENDA:**

**5:30 p.m. - Work Session (Library, Conference Room)**

**6:30 p.m. - City Council Meeting (Library, Program Rooms North and South)**

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**CALL TO ORDER**

**INVOCATION (Mayor Henry Wilson)**

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

1. Consider approval of the minutes for the January 5 and 8, 2019 City Council meetings
2. Consider Ordinance 2402, second reading, adding and amending Chapter 300, Section 313 of the General Orders of the Hurst Police Department, relative to the policy on General Health and Fitness for all agency personnel and providing specific physical fitness incentives for sworn personnel
3. Consider authorizing the city manager to purchase information technology hardware through approved purchasing vendors and contractors

**ORDINANCE(S)**

4. Consider Ordinance 2403, first reading, establishing distance separation between certain properties containing multi-family residential development in the Texas Highway 10 Multiuse District

**OTHER ITEM(S)**

5. Consider authorizing the city manager to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road Project, Phases 2, 3 and 4
6. Consider authorizing the city manager to enter into an Interlocal Agreement with Tarrant County for the 2019 Street Overlay Program
7. Consider authorizing the city manager to proceed with the Vivagene Copeland Park basketball court improvements

**OTHER BUSINESS**

8. Review of board, commission and committee meeting minutes:  
    ) Animal Services Advisory Committee
9. Review of upcoming calendar items
10. 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 Tex. Government Code Section Code Section 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**

11. Take any and all action ensuing from Executive Session

**ADJOURNMENT**

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

This 18<sup>th</sup> day of January 2019, 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.**

**MINUTES  
HURST CITY COUNCIL  
WORK SESSION  
SATURDAY, JANUARY 5, 2019**

On the 5th day of January 2019, at 9:07 a.m., the City Council of the City of Hurst, Texas, convened in Work Session at the 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
Larry Kitchens	)	
Jon McKenzie	)	
Cathy Thompson	)	
Cindy Shepard	)	
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:

The meeting was called to order at 9:07 a.m.

1. Discussion of strategic and comprehensive land use planning including discussions pertaining to key elements of a comprehensive plan

Mayor Wilson led City Council in a discussion of strategic and comprehensive land use planning including discussion of key categories and elements of a comprehensive plan.

Councilmembers discussed possible key categories of a plan including transportation, housing and neighborhoods/land use, businesses, public amenities/quality of life, municipal areas and infrastructure. Discussed were various elements of each proposed category and needs within the community. City Manager Clay Caruthers advised Council that staff will work on terminology and bring back an outline at the strategic planning meeting to build a framework. He noted the time and resources required to build a full comprehensive plan, but noted there has already been a lot of good work accomplished, including an existing Park Master Plan, the Catalyst Plan, Drainage Plan and more. Mayor Wilson reviewed the elements of the 1958 Master Plan and compared the differences of Hurst then to today. Additional discussions ensued regarding how a comprehensive plan, sustainability plan, and other plans work to address the needs of the community and that planning documents are living documents to be reviewed to fit the needs of the community. Mayor Wilson noted an additional tax credit support for multi-family development request and his belief Council should only endorse Gardner Capital and their

proposed plans. Staff stated if council desired to discuss this item; it could be placed on a future agenda.

2. Update and Discussion of annual citizen survey content.

City Manager Clay Caruthers stated the citizen survey is another planning tool and it is important to receive information from the citizens. Council discussed including survey questions regarding volunteers, internet shopping versus brick and mortar shopping, and how citizens receive their news.

**Informational Items** – Items of Community Interest and review of City Council calendar of meetings. City Manager Caruthers noted Deputy City Manager Allan Heindel will retire in April.

**ADJOURNMENT** - The Work Session was adjourned at 11:04 a.m.

**APPROVED this the 22nd day of January 2019.**

**ATTEST:**

**APPROVED:**

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

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

**Minutes  
Hurst City Council  
Work Session  
Tuesday, January 8, 2019**

On the 8<sup>th</sup> day of January 2019, at 5:36 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at the Hurst Library, 901 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
Matthew Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Community Development
Malaika Marion Farmer	)	Executive Director of Administration and Customer Service
Steve Bowden	)	Executive Director of Economic Development
Steve Niekamp	)	Police Chief
Billy Keadle	)	Assistant Police Chief
Matt Holloway	)	Fleet Services Manager
Kristie Weaver	)	Parks Director

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

**I. Call to Order – Mayor Wilson called the meeting to order at 5:36 p.m.**

Councilmembers discussed the work session items in the following order: II, Executive Session, and III. The remaining items were not discussed in work session

**II. Informational Items**

) **Discussion and Legislative Update** – Mayor Wilson provided an overview of the recent Texas Municipal League Board meeting he attended regarding the upcoming legislative session. Mayor stated the discussion at the TML meeting included items relative to local authority, preemption bills, revenue caps and numerous city related items that could affect the city. He noted his upcoming meeting with Representative Stickland and his plans to review the TML “Our Home Our Decision” legislative message. City Manager Caruthers stated staff will continue to review legislation and

draft any necessary correspondence. Mayor Wilson suggested scheduling meetings with the City's U.S. Representatives when they plan to be in their local office around the time of the NLC Conference.

- J) **Discussion and Update of 2019 Hurst 101 Citizen Academy** – Executive Director of Administration and Customer Service Malaika Marion Farmer briefed Council on the Hurst 101 Citizens Academy schedule noting Thursday, January 17 all Council is invited.

**III. Discussion of Agenda Item(s) 2**

Consider Ordinance No. 2402, first reading, adding and amending Chapter 300, Section 313 of the General Orders of the Hurst Police Department, relative to the policy on General Health and Fitness for all agency personnel and providing specific physical fitness incentives for sworn personnel

In response to Councilmember questions, City Manager Caruthers stated, currently an officer is tested before being hired, but there are no requirements to hold to a specific standard. This ordinance will put into play incentives for officer physical fitness.

**IV. Discussion of Agenda Item(s) 3**

Consider P-18-05 Public Storage Addition, a replat of Lot 3, Block 1 Crestview Hwy. 26 Addition to Lot 1, Block 1 Public Storage Hurst Addition, being 3.49 acres located at 747 Grapevine Highway

**V. Discussion of Agenda Item(s) 4**

Consider Resolution 1722 calling the May 4, 2019 General Election

**VI. Discussion of Agenda Item(s) 5**

Consider authorizing the city manager to proceed with Chisholm Park softball field renovation #2

**VII. Discussion of Agenda Item(s) 6 and 7**

Consider authorizing the city manager to purchase (8) eight vehicles from approved vendors

Consider authorizing the city manager to purchase a Case 590SN tractor

**Malaika Marion Farmer**

**VIII. Discussion of Agenda Item(s) 8**

Consider authorizing the city manager to enter into an Engineering Services Contract Amendment No. 1 for RPS Infrastructure, Inc. on Valley View Branch Sanitary Sewer Interceptor Replacement Project

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

Mayor Wilson recessed the meeting at 6:06 p.m. to Executive Session in compliance with the provisions of the Texas Open Meetings Law, authorized by Texas Government Code

Section 551.074, Personnel - (Evaluation of City Attorney) and reconvened Open Session at 6:14 p.m.

**IX. Adjournment – The meeting adjourned at 6:20 p.m.**

**APPROVED** this the 22<sup>nd</sup> day of January 2019.

**ATTEST:**

**APPROVED:**

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Rita Frick, City Secretary

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Henry Wilson, Mayor

**City of Hurst  
City Council Minutes  
Tuesday, January 8, 2019**

On the 8<sup>th</sup> day of January 2019, 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
Matthew Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Community Development
Malaika Marion Farmer	)	Executive Director of Administration and Customer Service
Steve Bowden	)	Executive Director of Economic Development
Steve Niekamp	)	Police Chief
Billy Keadle	)	Assistant Police Chief
Matt Holloway	)	Fleet Services Manager
Kristie Weaver	)	Parks Director

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.

**CONSENT AGENDA**

1. Considered approval of the minutes for the December 11, 2018 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

**ORDINANCE(S)**

2. Considered Ordinance No. 2402, first reading, adding and amending Chapter 300, Section 313 of the General Orders of the Hurst Police Department, relative to the policy on General Health and Fitness for all agency personnel and providing specific physical fitness incentives for sworn personnel.

City Manager Clay Caruthers noted this item falls within the Council's Public Safety Strategic Priority and Hurst Way philosophy. Assistant Police Chief Billy Keadle reviewed the ordinance noting staff's belief the program will have both short and long-term impact on the officers, their family and community. He noted a physically fit force will help provide excellent and responsive service and a number of other benefits of the proposed physical fitness program. Chief Keadle explained currently, all employees may voluntarily participate in the City of Hurst Wellness Program, which provides time off incentives for achieving physical fitness goals. The new policy will require all sworn personnel to actively participate in the police department's physical fitness testing and provide time off incentive for superior performance. In response to Councilmembers' questions, he stated if approved the program will begin in February, is an annual program, and only requires participation, no minimum standard or penalty.

Councilmember Kitchens moved to approve Ordinance 2402, first reading, adding and amending Chapter 300, Section 313 of the General Orders of the Hurst Police Department, and providing fitness incentives to sworn personnel. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

**PLAT(S)**

3. Considered P-18-05 Public Storage Addition, a replat of Lot 3, Block 1 Crestview Hwy. 26 Addition to Lot 1, Block 1 Public Storage Hurst Addition, being 3.49 acres located at 747 Grapevine Highway.

Executive Director of Planning and Community Development Michelle Lazo reviewed the plat noting this is the Climate Control Storage located on Grapevine Highway. She stated the plat dedicates utility easements and relocates the floodplain line based on the LOMR (Letter of Map Revision) approved by FEMA.

Councilmember Thompson moved to approve P-18-05, Public Storage Addition. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

#### **RESOLUTION(S)**

4. Considered Resolution 1722 calling the May 4, 2019 General Election.

City Secretary Rita Frick reviewed the proposed Resolution calling the May 4, 2019 General Election including contract, joint election, polling places and voting date information.

Councilmember Kitchens moved to approve Resolution 1722 calling the May 4, 2019 General Election of Officers. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

#### **OTHER ITEM(S)**

5. Considered authorizing the city manager to proceed with Chisholm Park softball field renovation #2.

Parks Director Kristie Weaver reviewed the proposed Chisholm Ball Field Improvements noting in 2014 and 2015, improvements to the youth baseball and softball fields one, three and four were completed. She stated due to the sloping terrain surrounding fields one and two, they are prone to excessive washout and erosion and need repair. The planned improvements include drainage, sod, and irrigation modifications to help mitigate the problem and will also expand the dugouts and covers, including fencing modifications in certain areas. She stated project components will be purchased through city approved vendors and the approved city contractor, Latham Fence for an estimated cost of \$35,950. She stated funding comes from the half-cent sales tax fund and this item is part of the Council's Strategic Priorities for Redevelopment and Infrastructure. In response to Councilmembers' questions, Ms. Weaver stated there were 869 participating in the program last year and over 1300 this year. City Manager Caruthers noted 85% of participants were recreational and 15% select. Ms. Weaver stated the project will start immediately and finish within three or four weeks.

Councilmember McLendon moved to authorize the city manager to proceed with the Chisholm Ball Field Improvements, for an amount not to exceed \$35,950. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

6. Considered authorizing the city manager to purchase (8) eight vehicles from approved vendors.

Executive Director of Administration and Customer Service Malaika Marion Farmer and Fleet Services Manager Matt Holloway reviewed the proposed annual fleet purchase noting fleet services currently maintains 273 pieces of equipment including specialty equipment such as fire and ambulance, and large equipment. Staff stated their philosophy is to be as cost efficient as possible, but make sure, the fleet needed is available. Staff reviewed the replacement program and stated this year replacements include six Chevrolet PPV Tahoes for Police Patrol, one Chevrolet C1500 pick-up for the Utility Billing Division, and one Chevrolet C1500 pick-up for Building Inspections. In response to Councilmembers' questions staff advised the old cars are typically sold at auction. That the old PPV Police vehicles have over 100,000 miles at the end of four years with in town driving and idling, so the reality is approximately 200,000 miles of hard use. He stated the equipment is also evaluated for replacement, and a light bar usually last four to five years. He stated the new PPV Police vehicles should average 8 and 12 miles per gallon. City Manager Caruthers noted staff also pays attention to fuel miles and technology for the best fuel consumption when possible.

Councilmember Shepard moved to authorize the city manager to purchase (8) eight vehicles from Caldwell Country Chevrolet, in the amount of \$240,190. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

7. Considered authorizing the city manager to purchase a Case 590SN tractor.

Executive Director of Administration and Customer Service Malaika Marion Farmer and Fleet Services Manager Matt Holloway reviewed the proposed backhoe replacement noting the original tractor was purchased in 1995, has over 5000 operational hours with issues, and has been restricted for use for safety concerns. Ms. Farmer stated staff came to Council in October 2018 recommending replacement, however, during the purchasing process additional information and demos afforded the recommendation this evening for the Case tractor that is more cost effective in the end. Staff stated the purchase is through Buyboard, with \$135,000 budgeted and a quote of \$106,879.42. In response to Councilmembers' questions, Mr. Holloway stated a few of the features were safer due to more visibility, less wobble and a bigger cab.

Councilmember Kitchens moved to authorize the city manager to purchase a Case 590SN from Associated Supply Company, Inc., in the amount of \$106,879.42. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

8. Considered authorizing the city manager to enter into an Engineering Services Contract Amendment No. 1 for RPS Infrastructure, Inc. on Valley View Branch Sanitary Sewer Interceptor Replacement Project.

Executive Director of Public Works Greg Dickens reviewed the proposed project and amendment for the Valley View Branch Sanitary Sewer Interceptor Replacement Project. He stated the loan through the Texas Water Development Board (TWDB) is \$1,360,000 and the low bid by Joe Funk Construction, Inc. of Dallas was \$1,022,486.40. Mr. Dickens stated due to the good bid, savings are available for a change order to do an additional replacement. He stated the city can spend an additional 25% of the original low bid amount on change orders, but the logical place to stop for this project is 450 linear feet upstream at the next manhole. Mr. Dickens provided an update of the current project, explaining how the PVC pipe is fused and fed in long sections. Sufficient funds are available and the project represents Council's Strategic Priorities of Financial Sustainability and Infrastructure. In response to Councilmembers' questions, Mr. Dickens stated this project will help improve some of the issues seen during the recent past heavy rains, but also noted another city is discharging into our system, and also last time, there was a water main break aggravating this issue.

Councilmember Shepard moved to authorize the city manager to enter into an Engineering Services Contract Amendment 1, with RPS Infrastructure, Inc., for Valley View Branch Sanitary Sewer Interceptor Replacement Project. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

### **OTHER BUSINESS**

9. Council reviewed the following board, commission and committee meeting minutes:
  - Ñ Parks and Recreation Board
  - Ñ Hurst Senior Citizens Advisory Board
10. Review of upcoming calendar items – City Manager Caruthers reviewed the following calendar items:
  - ) Saturday, January 12, 2019, 8:00 – 11:00 a.m. – Household Hazardous Waste Collection, Hurst Service Center
  - ) Tuesday, January 15, 2019, 4:00 p.m. – City Council Work Session, City Hall
  - ) Thursday, February 28, 2019, 6:00 p.m. – Town Hall Forum, Hurst Conference Center
11. 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**

Mayor Wilson recognized Gary Waldron, 1905 Hurstview Drive, Hurst, Texas who questioned the pricing variance between purchasing in Caldwell County instead of local. Fleet Services Manager Matt Holloway stated staff looks at numerous resources but tries to find the best value. He stated vehicles are not purchased off the lot, but special ordered through the manufacturer who gives a great price, and then purchased through Buyboard.

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

Mayor Wilson did not recess the meeting to Executive Session noting the earlier work session.

- 12. Take any and all action ensuing from Executive Session.

Councilmember Booe moved to approve Resolution 1716 renewing the employment agreement entered into by and between the City of Hurst and John F. Boyle, Jr., Boyle & Lowry, L.L.P., City Attorney. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

**ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

**APPROVED** this the 22<sup>nd</sup> day of January 2019.

**ATTEST:**

**APPROVED:**

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

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

City Council Staff Report

SUBJECT: Consider Ordinance 2402, second reading, adding and amending Chapter 300, Section 313, of the General Orders of the Hurst Police Department, relative to the policy on General Health and Fitness for all agency personnel and providing specific physical fitness incentives for sworn personnel

Supporting Documents:

Ordinance 2402  
 General Order Chapter 300, Section 313

Meeting Date: 1/8/2019  
 Department: Police Department  
 Reviewed by: Billy Keadle  
 City Manager Review:

Background/Analysis:

The public expects police officers to be physically capable to protect and serve. At initial employment, sworn personnel applicants must meet certain physical fitness standards. Unfortunately, after the completion of the academy, police officers are not required to meet any physical fitness standards. Recently, the Texas Legislature considered statutes requiring mandatory law enforcement fitness standards in order to maintain state licensing. Also, some court cases have questioned the validity of initial physical fitness testing when there is no physical fitness requirement of incumbents.

Section 143.044 of the Texas Local Government Code states: "If the criteria for fitness incentive pay are clearly established, are in writing, and are applied equally to each fire fighter or police officer, in a municipality who meets the criteria, the municipality's governing body may authorize fitness incentive pay for each fire fighter or police officer who successfully meets the criteria."

Currently, all employees may voluntarily participate in the City of Hurst Wellness Program. The program provides time off incentives for achieving physical fitness goals. The new policy will require all sworn personnel to actively participate in the police department's physical fitness testing and provide time off incentives for superior performance. The maximum time off incentive from both programs may not exceed eight hours annually.

Funding Sources and Community Sustainability:

In support of the City Council's Public Safety Strategic Priority, incorporating incumbent physical fitness testing 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 implementing this program. Police Officers will be required to participate in the fitness testing, and they will be incentivized for superior performance with paid time off up to the maximum allowed within the City's current Healthy Hurst Wellness Program. Pre-testing general health screenings for current sworn personnel must be completed, and will be provided through Texas Occupational Health with an estimated initial cost of \$6,750. It is anticipated the annual cost for maintaining pre-testing general health screenings will be \$6,750. Funds are available in the Anti-Crime Tax Fund.

Recommendation:

Staff recommends the City Council approve Ordinance 2402, second reading, adding and amending Chapter 300, Section 313 of the General Orders of the Hurst Police Department, and providing fitness incentives to sworn personnel.

## ORDINANCE 2402

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS ADDING AND AMENDING CHAPTER 300, SECTION 313, OF THE GENERAL ORDERS OF THE HURST POLICE DEPARTMENT, RELATIVE TO THE POLICY ON GENERAL HEALTH AND FITNESS FOR ALL AGENCY PERSONNEL AND PROVIDING FOR SPECIFIC PHYSICAL FITNESS GOALS AND INCENTIVES FOR THE AGENCY'S SWORN EMPLOYEES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council has adopted a Wellness Program available to all City employees including employees of the Hurst Police Department; and

**WHEREAS**, the City Council now wishes to adopt a physical fitness policy specific to sworn employees of the Hurst Police Department as provided for herein; and

**WHEREAS**, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the City is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

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

**Section 1. THAT** all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied herein in their entirety.

**Section 2. THAT** the General Orders of the Hurst Police Department are hereby amended by the adding and amending the attached Chapter 300, Personnel, Section 313, Physical Fitness, to the General Orders of the Hurst Police Department.

**Section 3. THAT** all other provisions of the General Orders of the Hurst Police Department not specifically amended herein shall remain in full force and effect and shall not be amended by the adoption of this ordinance.

**Section 4. THAT** 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 in spite of such invalidity, which remaining portions shall remain in full force and effect.

**Section 5. THAT** this Ordinance shall be effective upon the second consideration and passage by the City Council of the City of Hurst, Texas.

**AND IT IS SO ORDERED.**

Passed on the first reading on the 8<sup>th</sup> day of January 2019 by a vote of 6 to 0.

Approved on the second reading on the 22<sup>nd</sup> day of January 2019 by a vote of \_\_\_ to \_\_\_.

**ATTEST:**

**CITY OF HURST**

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

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

**Approved as to form and legality:**

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



# Hurst Police Department GENERAL ORDERS MANUAL



## Chapter 300

### Personnel

## Section 313

### Physical Fitness

CALEA Standards # [22.3.2](#), [22.3.3](#)

### Purpose

To set the policy on general health and fitness for all agency personnel at the Hurst Police Department. To establish departmental directives regarding physical fitness testing of Hurst Police Department sworn employees. Physical fitness condition impacts the safety of officers and the citizens they protect. The program's goal is to improve the overall physical fitness levels of sworn employees by instituting a testing requirement and providing incentives for sworn employees to achieve a higher performance percentage of the physical fitness standard set by the Texas Department of Public Safety ("DPS").

#### Section 313.01 CITY WELLNESS PROGRAM AVAILABLE TO ALL EMPLOYEES

- A. The City of Hurst Employee Policy Manual places the responsibility on each employee to maintain the standards of physical and mental fitness required for performing their position. The Employee Policy Manual sets the guidelines for determining an employee's fitness for duty.
- B. To assist the employee in maintaining their wellness, the City has a Wellness Program.
  1. This program is supported with a trained Wellness Program Coordinator to aid employees in determining their current level of fitness and designing fitness programs to attain the desired fitness goals.
  2. The Wellness Program Coordinator will provide ongoing support, education, and evaluation of the employee's general health and physical fitness.
- C. Participating in the Wellness Program shall be voluntary; however, employees are encouraged to participate in the City Wellness Program and the annual wellness screening.
- D. By participating in the annual health screening and completing a health risk assessment questionnaire, all full-time employees will be eligible for the Wellness Incentive. For additional information on the City Wellness Program and its incentives refer to the Hurst Insider website.

#### Section 313.02 POLICY STATEMENT FOR SWORN EMPLOYEES

- A. The physical fitness requirements of police officers are unique from most other professions. Physical fitness has been shown to directly relate to an officer's job readiness and general mental and physical well-being. It has been reported that people who exercise are able to

work better, be more creative, and enjoy better mental health. It is the policy of the Hurst Police Department to promote physical and mental fitness, well-being, and stress management by means of this program.

- B. The Hurst Police Department will support and assist officers in the maintenance of good health and fitness by providing a periodic evaluation and assessment of their general physical condition, however each officer still has an individual responsibility to maintain a level of fitness that permits the officer to carry out job responsibilities and handle any situation that may arise. Officers have a responsibility to their families when it comes to day-to-day safety and longevity.
- C. Goals of the program include the reduction of injuries with resulting healthcare related claims and absences; improved officer performance; improved mental health; and the general reduction of stress related problems.

### **Section 313.03 SWORN EMPLOYEE PARTICIPATION**

- A. All sworn police officers are required to participate in the Hurst Police Department's physical fitness program and must actively participate in the physical fitness testing process, unless excused. [Standard 22.3.3 \(a\)](#)
- B. The program coordinator will be selected by the Chief of Police. [Standard 22.3.3 \(b\)](#)
- C. All sworn police officers are required to have pre-testing general health screening prior to participation in the physical fitness program. The pre-testing general health screening will be provided by the City of Hurst at no cost to Hurst employees. Alternatively, employees may choose to have pre-testing general health screening by their own physicians, but that cost will not be reimbursed by the City of Hurst and the results of that general health screening must be provided in writing to the City of Hurst. [Standard 22.3.3 \(c\)](#)
- D. The program coordinator is responsible for assisting officers with individual education, goal setting, ongoing support, and evaluation. [Standard 22.3.3 \(d\) \(e\)](#)

### **Section 313.04 SWORN EMPLOYEE PHYSICAL FITNESS TESTING**

- A. Physical fitness testing will be administered by appropriately trained and qualified personnel. Qualified personnel are those who have been instructed on how to conduct the fitness test. [Standard 22.3.3 \(b\)](#)
- B. The fitness testing format is the 2000-meter row with the damper setting set to 5. There is no minimum standard. Training videos for the rower are available at <http://www.concept2.com/indoor-rowers/training/technique-videos>. If the hyperlink does not work, please contact the program coordinator.
- C. Physical fitness testing will take place at the beginning of the program, as well as at six and twelve months. Testing will occur during the month designated by the program coordinator and while on-duty. The three sets of data will be used for evaluation to determine the setting of a minimum standard for the department, however there is no requirement that the department establish a minimum standard. The department's physical fitness program will be evaluated annually.

- D. Trained and qualified personnel conducting the fitness test will record the times on a form designated by the department and forward the results to the program coordinator. The department will utilize the Texas DPS row standards as a comparing instrument. The 2000-meter row calculator can be referenced at [www.hursttx.gov/about-us/departments/police-department/police-careers/becoming-a-police-officer](http://www.hursttx.gov/about-us/departments/police-department/police-careers/becoming-a-police-officer). If the hyperlink does not work, please contact the program coordinator.
- E. An automated external defibrillator (“AED”) and certified AED operator will be present during the physical fitness testing.

### **Section 313.05      PHYSICAL AND MENTAL FITNESS**

- A. Determinations of physical and mental fitness for sworn personnel will be made under Section 143.081 of the Texas Local Government Code.
- B. The physical fitness program does not provide alternate testing methods, so if an officer is excused during the scheduled month of testing, they are not required to reschedule or make up the testing cycle.

### **Section 313.06      SWORN EMPLOYEE ON-DUTY TRAINING TIME**

- A. On-duty patrol officers are allotted two 45-minute lunch breaks. One of the lunch breaks may be extended to 60 minutes for physical fitness training. On-duty traffic officers working 8 hour or 10 hour shifts may combine their two allotted coffee breaks in order to have one 60-minute period of physical fitness training. If an officer is not conducting physical fitness training, then breaks must comply with the department’s General Order 217.
- B. Administrative, Criminal Investigations, and Community Services sworn personnel may use one hour of on-duty time, three times per week for physical fitness training. The time must be used to conduct physical fitness training at the police department and not as a means to adjust work schedules or for any purpose other than physical fitness training.
- C. The on-duty training time is considered a privilege and not a right; therefore, officers cannot claim overtime or other compensation for not receiving the physical fitness training time due to call load or other circumstances prohibiting its use. Approved on-duty training time during any shift is part of that shift time, so approved on-duty training time does not extend shift time.
- D. The on-duty training time cannot be carried over to another day or otherwise accumulated.
- E. All officers are subject to call while on a paid physical fitness training break. Each officer is required to be available so as to expedite their response to an emergency.
- F. Patrol and traffic officers are required to seek clearance from their supervisor prior to taking a physical fitness training break. All officers must check out with communication’s personnel on a “fitness break”, which will be logged into CAD as out of service code, “FIT”.

### **Section 313.07      INJURIES**

- A. Any injury suffered while exercising during approved on-duty training time or during Hurst Police Department physical fitness testing is considered covered under the Worker's Compensation Act.
- B. All injuries shall be reported to a supervisor immediately.

#### **Section 313.08 AVAILABILITY OF WORKOUT FACILITY**

- A. No persons under the age of 16 are permitted in the Hurst Police Department workout facility.
- B. The Hurst Police Department workout facility is available for use by Hurst Justice Center employees and members of their household. Household members must be accompanied by the employee while utilizing the Hurst Police Department workout facility.
- C. Employees and household members desiring to use the Hurst Police Department workout facility will be required to furnish the Senior Administrative Assistant a signed copy of the "Waiver and Release" form(s), which is available in the shared template file directory.

#### **Section 313.09 SWORN EMPLOYEE AWARDS AND INCENTIVES**

- A. The objective of awards and incentives is to encourage and reward officers for superior physical fitness commitment and performance. For comparison, new officer applicants must achieve 50% of the physical fitness standard set by Texas DPS.
- B. Fitness Incentive Leave. Officers shall be granted fitness leave time based on their highest performance percentage during a yearly training cycle. Officers who achieve 90% or more of the Texas DPS standard will receive eight hours of fitness leave. Officers who achieve at least 80% but less than 90% of the Texas DPS standard will receive six hours of fitness leave. Officers who achieve at least 70% but less than 80% of the Texas DPS standard will receive four hours of fitness leave. The fitness leave time is awarded once per yearly training cycle and is at regular pay. Fitness leave time under this section is considered fitness incentive pay under Sections 143.041 and 143.044 of the Texas Local Government Code. Officers may only receive a maximum of eight hours of fitness/wellness leave per year. This may be a combination of fitness leave under this policy and wellness leave under the City of Hurst Policy.
- C. Fitness Bar. Officers will be awarded a fitness bar for their uniform for a performance percentage of 90% or more of the Texas DPS standard during the yearly training cycle.
- D. Public Recognition. The names of officers whose highest performance percentage during a yearly training cycle is 80% or more of the Texas DPS standard may be shared with the department, the city, and the public, including through social media on the Internet.

City Council Staff Report

SUBJECT: Consider approval of the purchase of Information Technology hardware.

Supporting Documents:

Meeting Date: 1/22/2019  
Department: Community Services  
Reviewed by: Allan Heindel  
City Manager Review:

Background/Analysis:

The City of Hurst's Information Technology (I.T.) Department provides state-of-the-art technology to the employees. The computers, printers, and infrastructure hardware is depreciated over time and replaced on a regular schedule managed by the Information Technology Advisory Committee; this plan provides for a hardware replacement schedule based on a minimum five-year or greater life expectancy.

In order for the I.T. Department to provide reliable service on such a large scale, the Department has standardized much of the City's hardware. This standardization increases productivity and reduces the maintenance costs associated with keeping mismatched equipment operational.

The I.T. Department currently uses HP, Lenovo, Getac, and Panasonic as its primary hardware vendors. The I.T. Department uses approved vendors on the State of Texas DIR purchasing contract, as well as other national purchasing agreements (such as WSCA and GSA). These purchasing consortiums offer the City bulk pricing, well below the pricing offered to retail, small businesses, or through the City's bidding process.

Funding Sources and Community Sustainability:

The total amount needed for the 2019 I.T. hardware replacement program is \$131,900. Funding for this project has been identified in the FY 2018-19 I.T. operating budget.

In an effort to remain a vibrant community this project addresses the City Council's Strategic Priorities for Innovation and Infrastructure by improving and maintaining the City's I.T. components.

Recommendation:

It is recommended that the City Council authorize the City Manager to purchase hardware through approved purchasing vendors and contracts not to exceed the amount of \$131,900.

City Council Staff Report

SUBJECT: Consider approving Ordinance 2403, first reading, establishing distance separation between certain properties containing multi-family residential development in the Texas Highway 10 Multiuse District

Supporting Documents:

Ordinance 2403

Meeting Date: 1/22/2019

Department: Economic Development

Reviewed by: Steve Bowden

City Manager Review:

Background/Analysis:

Recently the City Council approved Resolution 1718, supporting Gardner Capital's proposed development for an apartment home community located at 501 Hurst Boulevard. Gardner Capital intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2019 Competitive 9% Housing Tax Credits for "Provision at Patriot Place."

As part of the TDHCA application process, Gardner Capital is requesting the proposed Ordinance for additional support of their "Provision at Patriot Place" project. The Ordinance provides that a new multi-family residential development may have its boundary no less than zero feet (adjacent) to the boundary of the property containing the Kelly Moore paint facility as long that development adheres to the Planned Development guidelines of the Texas Highway 10 Multiuse District.

Funding Sources and Community Sustainability:

This Item is a direct representation of Council's Strategic Priorities of Redevelopment and Economic Vitality by identifying potential City involvement and focusing on neighborhood and commercial revitalization and identifying external and internal influences on the financial condition of the City.

Recommendation:

Staff recommends the City Council approve Ordinance 2403, first reading, establishing distance separation between properties containing multi-family residential development in the Texas Highway 10 Multiuse District.

## **ORDINANCE 2403**

### **AN ORDINANCE OF THE CITY OF HURST CITY COUNCIL ESTABLISHING DISTANCE SEPARATION BETWEEN CERTAIN PROPERTIES CONTAINING MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN THE TEXAS HIGHWAY 10 MULTIUSE DISTRICT**

**WHEREAS**, the City of Hurst currently does not have any restrictions regarding the distance separation from multi-family residential development from property containing the Kelly Moore paint facility located at 303 W Hurst Boulevard, Hurst TX 76053; and

**WHEREAS**, the City of Hurst has established the Texas Highway 10 Multiuse District for the purpose of creating concentrated growth along the north and south sides of Highway 10 with the development of business, industry and compatible supportive activities that maximize the potential for job growth, increase property values, and enhance the city's urban image along the state Highway 10 corridor; and

**WHEREAS**, multi-family residential is an allowed use in this district under the Planned Development uses within the Texas Highway 10 Multiuse District; and

**WHEREAS**, the City of Hurst Sustainable Neighborhoods Plan of 2017 identifies the Highway 10 corridor as an area needing reinvestment to encourage revitalization and mixed uses; and

**WHEREAS**, the Kelly Moore paint facility contains retail uses as well as paint mixing and storage facilities and operates as a light industrial use, and

**WHEREAS**, the Kelly Moore paint facility poses no threat to neighboring residential and has undergone extensive investment to become an environmentally friendly and sustainable asset and employment center for the City of Hurst; and

**WHEREAS**, the City Council finds that adoption of this ordinance will provide for reinvestment and the ability for new quality housing in appropriate locations in the Highway 10 Multiuse District; and

**WHEREAS**, the City of Hurst is authorized by law to adopt the provisions contained herein; and

**WHEREAS**, the City Council of the City of Hurst deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

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

**WHEREAS**, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

**SECTION 1.** That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

**SECTION 2.** A new multi-family residential development may have its boundary no less than zero feet (i.e. adjacent) to the boundary of a property containing the Kelly Moore paint facility as long as that development adheres to the Planned Development guidelines of the Texas Highway 10 Multiuse District.

**SECTION 3.** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.** This ordinance shall take effect immediately from and after its passage.

**AND IT IS SO ORDERED.**

Passed on the first reading on the 22<sup>nd</sup> day of January 2019 by a vote of \_\_\_\_ to \_\_\_\_.

Approved on the second reading on the 12<sup>th</sup> day of February 2019 by a vote of \_\_\_\_ to \_\_\_\_.

**ATTEST:**

**CITY OF HURST**

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

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

**Approved as to form and legality:**

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

City Council Staff Report

SUBJECT: Consider authorizing the city manager to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road Project, Phases 2, 3 and 4

Supporting Documents:

Interlocal Agreement

Meeting Date: 1/22/2019

Department: Public Works

Reviewed by: Greg Dickens

City Manager Review:

Background/Analysis:

The City has an ongoing 50% matching grant from Tarrant County for the construction of Pipeline Road from Billie Ruth to Brown Trail. The first phase, Phase 1 of 4, from Billie Ruth through the intersection of Precinct Line Road is complete. Tarrant County's participation in Phase 1 construction was \$1,344,401.62. The second phase, Phase 2 of 4, is from Precinct Line Road to the Lorean Branch Channel Bridge. Tarrant County's funding for Phase 2 construction is in the amount of \$2,150,000 or 50% of eligible costs. The total amount of the grant from Tarrant County for all four phases is \$5,540,000.

Funding Sources and Community Sustainability:

Sufficient funding is available from various water, sewer, drainage, and street bond funds for Phases 2 and 3. Future bond funds will be necessary to fund Phase 4.

The renewal of this interlocal agreement is directly representative of the Council's goals of Financial Sustainability and Infrastructure. The use of grant funds from the County along with City bond funds will certainly help spark Redevelopment along the expanded corridor.

Recommendation:

Staff recommends City Council authorize the city manager to renew the Interlocal Agreement for Pipeline Road with Tarrant County.

STATE OF TEXAS           §  
                                      §     **Ninth Renewal of Interlocal Agreement**  
                                      §     **Court Order No. 107250**  
COUNTY OF TARRANT §     **Project: Pipeline Road**

**BACKGROUND**

1. Tarrant County ("COUNTY") and the City of Hurst ("CITY") entered into an Interlocal Agreement approved by Tarrant County Commissioners Court Order No. 107250, for the cooperative funding of improvements to Pipeline Road ("Project") as described in the 2006 Tarrant County Bond Program.
2. The COUNTY and CITY subsequently renewed that Interlocal Agreement eight times for each subsequent fiscal year, the most recent renewal occurring on January 9, 2018, for fiscal year 2018 under Tarrant County Commissioners Court Order No. 126870.
3. The Project is incomplete and the parties desire to renew the Interlocal Agreement for the 2019 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following:

1. Both parties acknowledge that they are each a "governmental entity" and not a "business entity" as those terms are defined in Tex. Gov't Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov't Code Section 2252.908 is required.
2. The COUNTY and the CITY renew the Interlocal Agreement for the COUNTY's 2019 Fiscal Year, with the Interlocal Agreement expiring September 30, 2019, or upon completion of the Project as determined by the COUNTY, whichever occurs sooner.
3. The COUNTY and CITY agree to the revised payment schedules attached to this Ninth Renewal.
3. All terms and conditions of the original Interlocal Agreement and subsequent amendments remain in effect except to the extent modified by this Ninth Renewal.
4. Section IV of Interlocal Agreement is amended as follows:

County agrees to reimburse City either \$5,540,000 of its Costs or 50% of its Costs, whichever amount is less. This funding will be allocated to each project phase as identified below.

COUNTY funding for Phase 1 will not exceed One Million Three Hundred

Forty-Four Thousand Four Hundred One and 62/100 Dollars (\$1,344,401.62). This Phase is complete.

COUNTY funding for Phase 2 will not exceed Two Million One Hundred Fifty Thousand Dollars (\$2,150,000).

COUNTY funding for Phase 3 will not exceed One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000).

COUNTY funding for Phase 4 will not exceed Two Hundred Ninety-Five Thousand Five Hundred Ninety Eight and 38/100 Dollars (\$295,598.38).

**APPROVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Tarrant County.

Commissioners Court Order No. \_\_\_\_\_.

**TARRANT COUNTY  
STATE OF TEXAS**

**CITY**

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Signature

***APPROVED AS TO FORM:***

***APPROVED AS TO FORM AND  
CONTENT:***

\_\_\_\_\_  
Criminal District Attorney's Office\*

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

\*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

*CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF*  
\$ \_\_\_\_\_:

**Certification of Funds Available as follows:**

Fiscal year ending September 30, 2010	\$1,344,401.62
Fiscal year ending September 30, 2011	\$
Fiscal year ending September 30, 2012	\$
Fiscal year ending September 30, 2013	\$
Fiscal year ending September 30, 2014	\$
Fiscal year ending September 30, 2015	\$
Fiscal year ending September 30, 2016	\$
Fiscal year ending September 30, 2017	\$748,878.31
Fiscal year ending September 30, 2018	\$785,795.93
Fiscal year ending September 30, 2019	\$680,287
Fiscal year ending September 30, 2020	\$1,500,000
Fiscal year ending September 30, 2021	\$300,000
Fiscal year ending September 30, 2022	\$180,637.14
	-----
	\$5,540,000

\_\_\_\_\_  
Auditor's Office

## ATTACHMENT A

### Project Information

City: City of Hurst  
 Project Name: Pipeline Road Widening

### Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	-	-	-
ROW Acquisition:	-	-	-
Utility Relocation:	-	-	-
Construction:	Apr-2009	163	Nov-2022

\* COUNTY payments by completed phase are contingent upon the COUNTY'S reasonable determination that the work regarding the project phase for which payment is expected is successfully completed, as determined by the COUNTY. COUNTY plans to issue debt for all phases of this project, therefore payment remains contingent on debt issuance in accordance with applicable law.

Once Construction commences, COUNTY payment shall be made by fiscal quarter prorated over the life of the construction but contingent upon reasonable progress in construction as may be determined by the COUNTY.

### Proposed County Payment by Phase

Design:	\$
ROW Acquisition:	\$
Utility Relocation:	\$
Construction:	\$5,540,000
County Funding	
Total:	\$5,540,000*

### Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2015	\$	\$	\$	\$
2016	\$	\$	\$	\$
2017	\$748,878.31	\$	\$	\$
2018	\$785,795.93	\$	\$	\$480,287
2019	\$200,000	\$	\$	\$500,000
2020	\$400,000	\$500,000	\$100,000	\$
2021	\$	\$	\$300,000	\$180,637.14
2022	\$	\$	\$	\$
2023	\$	\$	\$	\$
2024	\$	\$	\$	\$

\* \$1,344,401.62 reimbursed to City in May, 2010 for Phase 1

City Council Staff Report

SUBJECT: Consider approval of an Interlocal Agreement with Tarrant County for the 2019 Street Overlay Program

Supporting Documents:

Interlocal Agreement  
 Location Map

Meeting Date: 1/22/2019  
 Department: Public Works  
 Reviewed by: Greg Dickens  
 City Manager Review:

Background/Analysis:

The City of Hurst and Tarrant County have combined their efforts for many years to provide quality asphalt overlaid streets for the citizens of Hurst. City of Hurst Street Division staff will assist the County by preparing the streets for re-surfacing, handling traffic control, and replacing the street markings.

Three street segments on Precinct Line Road are proposed for rehabilitation this year. The three segments are (1) from SH 121/183 to Bedford Euless Road, (2) from Pipeline Road north to approximately 150 feet south of Cheryl Avenue, and (3) from Pipeline Road south to approximately 135 feet north of Cedar Street. These three segments will have the top two inches removed by milling and then two-inches of new asphalt pavement will be laid. These streets are listed in the attached Interlocal Agreement. Tarrant County Commissioners are scheduled to take action on the Interlocal Agreement after Council approval at their next regularly scheduled meeting.

The agreement is similar to previous years, with the County assisting in the milling process by providing additional trucks to haul-off the waste material. Tarrant County will also provide the equipment and labor for the placement of the asphalt overlays. The City of Hurst will be responsible for the cost of material, asphalt removal, traffic control, pavement markings, and storm water pollution prevention.

The total cost should not exceed \$205,000.00

Funding Sources and Community Sustainability:

Sufficient funds have been budgeted in FY 2019 to cover the cost of this project. The participation in the Tarrant County Overlay Program each year is directly representative of the Council's goals of Financial Sustainability and Infrastructure maintenance.

Recommendation:

Staff recommends the City Council authorize the City Manager to enter into an Interlocal Agreement with Tarrant County for the 2019 Street Overlay Program for an amount not to exceed \$205,000.

**THE STATE OF TEXAS**

**INTERLOCAL AGREEMENT**

**COUNTY OF TARRANT**

This Interlocal Agreement is between Tarrant County, Texas (“COUNTY”), and the City of Hurst (“CITY”).

WHEREAS, the CITY is requesting the COUNTY’s assistance to:

- ) Resurface Precinct Line Road (1) located within the City of Hurst from SH 121/183 to Bedford Euless Road (Approximately 1,493 linear feet).
- ) Resurface Precinct Line Road (2) located within the City of Hurst from Pipeline Road to Approximately 150 ft South of Cheryl Avenue (Approximately 1,057 linear feet).
- ) Resurface Precinct Line Road (3) located within the City of Hurst from Pipeline Road to Approximately 135 ft North of Cedar Street (Approximately 440 linear feet).

Hereinafter, collectively referred to as the “**Project**”.

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the parties to enter into this Agreement; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions under this Agreement, the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, the Commissioners Court of the COUNTY and the City Council of the CITY each make the following findings:

- a. This Agreement serves the common interests of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and the COUNTY have authorized their representative to sign this Agreement.

- e. Both parties acknowledge that they are each a “governmental entity” and not a “business entity” as those terms are defined in Tex. Gov’t Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov’t Code Section 2252.908 is required.

NOW, THEREFORE, the COUNTY and the CITY agree as follows:

## **TERMS AND CONDITIONS**

### **1. COUNTY RESPONSIBILITY**

The COUNTY will furnish the labor and equipment to assist the CITY in completing the Project:

- ) Precinct Line Road (1): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.
- ) Precinct Line Road (2): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.
- ) Precinct Line Road (3): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.

### **2. CITY RESPONSIBILITY**

- 2.1 The CITY will furnish and pay for the actual cost of the materials, including any delivery or freight cost. The CITY will provide a purchase order and will be billed directly by the material supplier. The COUNTY may accumulate and bill the CITY for incidental material cost.
- 2.2 The CITY will pay for one-half of the COUNTY’s fuel used to construct this Project. The COUNTY will invoice the CITY for the fuel consumed at the conclusion of the Project.
- 2.3 The CITY will be responsible for all traffic control necessary to safely construct this project. This responsibility includes all advance notices, signage, barricades, pilot vehicles, and flagmen necessary to control traffic in and around the construction site. The CITY will be responsible for and provide portable message boards to supplement traffic control as needed.
- 2.4 The CITY will make all necessary repairs and preparations to the existing roadway prior to the COUNTY starting work.

- 2.5 The CITY will adjust all utilities, manholes and valve boxes for this Project.
- 2.6 The CITY will provide the COUNTY with a hydrant meter and all the water necessary for construction of the Project at no cost to the COUNTY.
- 2.7 The CITY will provide or pay for any engineering, survey, and laboratory testing required for this Project.
- 2.8 The CITY will furnish a nearby site for dumping all spoils and waste materials generated during construction of this Project.
- 2.9 The CITY will provide the material to backfill the pavement edges for this project.
- 2.10 If required, the CITY will be responsible for the design and development of a Storm Water Pollution Prevention Plan (SWPPP). The CITY further agrees to pay for all cost (including sub-contractor materials, labor and equipment) associated with the implementation of the plan. The COUNTY will be responsible for maintenance of the plan during the duration of the Project. Documentation and record keeping of the SWPPP will be the responsibility of the CITY.

### **3. PROCEDURES DURING PROJECT**

COUNTY retains the right to inspect and reject all materials provided for this Project.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY no later than 30 days of the date of project completion.

### **4. NO WAIVER OF IMMUNITY**

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

### **5. OPTIONAL SERVICES**

- 5.1 If requested by the CITY, the COUNTY will apply permanent striping coordinated through the Transportation Department. Application of striping by the COUNTY is limited to Project roadways. If the CITY desires permanent striping applied to any roadways or portions of roadways not covered by this Agreement, the CITY will need to enter

into a separate agreement with the COUNTY for the provision of those services.

**6. TIME PERIOD FOR COMPLETION**

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

**7. THIRD PARTY**

This contract shall not be interpreted to inure to the benefit of a third party not a party to this contract. This contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental and sovereign immunity, or any limitation of liability, responsibility, or damage of any party to this contract, party's agent, or party's employee, otherwise provided by law.

**8. JOINT VENTURE & AGENCY**

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

**9. EFFECTIVE DATE**

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

**10. TERMINATION**

This Agreement will automatically terminate on either September 30, 2019 or on the date the project is completed, whichever occurs first. Notwithstanding the foregoing, or any other language to the contrary, either party may terminate this Agreement without cause upon thirty (30) days' written notice to the other party prior to the intended date of termination. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except that the CITY remains liable to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the project, if any.

**TARRANT COUNTY, TEXAS**

**CITY OF HURST**

\_\_\_\_\_  
B. Glen Whitley  
County Judge

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Gary Fickes  
Commissioner, Precinct 3

\_\_\_\_\_  
Greg Dickens, P.E.  
Director of Public Works

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_

APPROVED AS TO FORM\*

APPROVED AS TO FORM AND LEGALITY

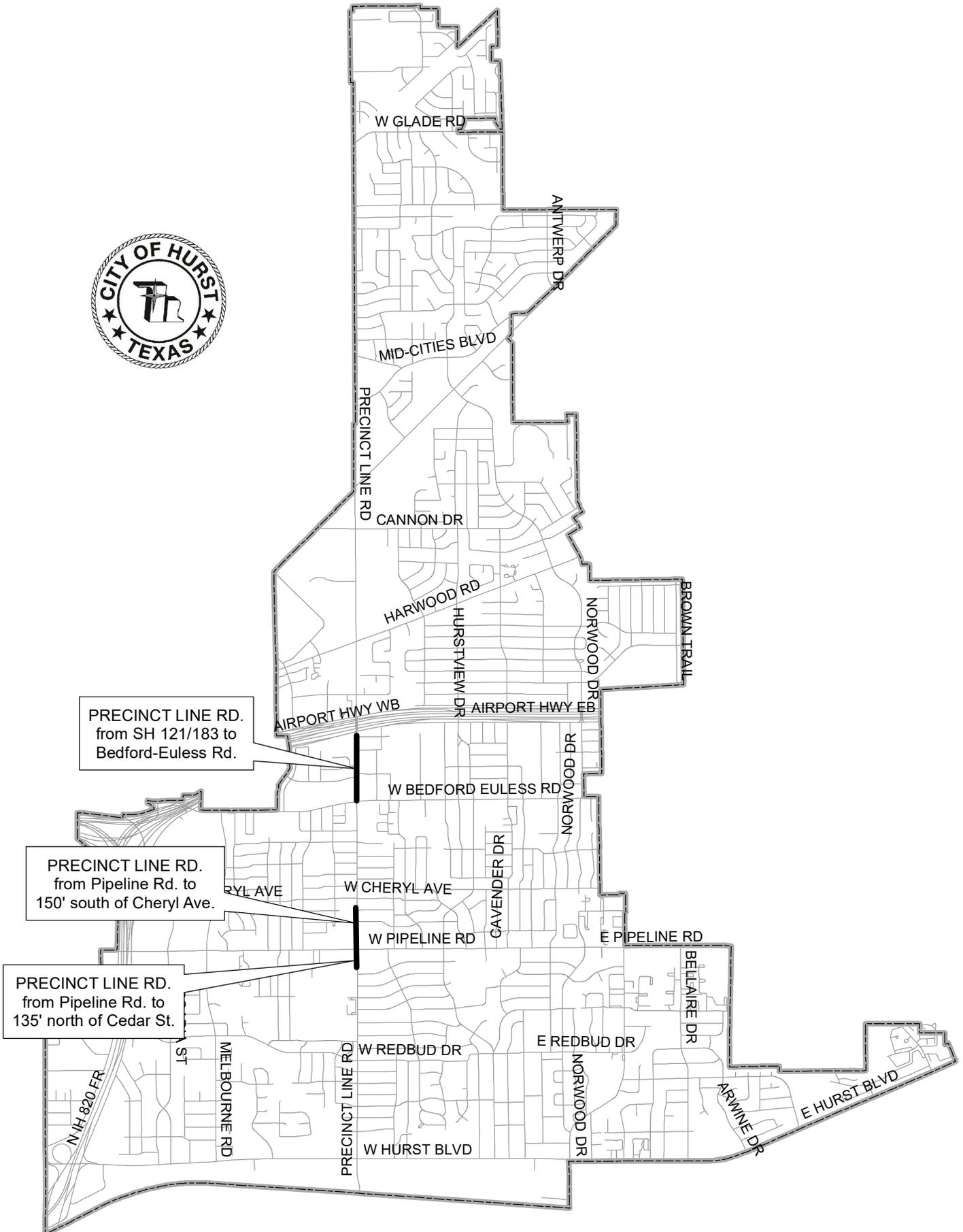
\_\_\_\_\_  
Criminal District Attorney's Office\*

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

\* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

# Location Map

## 2019 Street Overlay Program



City Council Staff Report

SUBJECT: Consider approval of the Vivagene Copeland Basketball Court Improvements Project.

Supporting Documents:

Meeting Date: 1/22/2019  
 Department: Community Services  
 Reviewed by: Allan Heindel  
 City Manager Review:

Background/Analysis:

Vivagene Copeland Park is one of three parks in the City that has lighted basketball courts. Vivagene is unique in that it offers two half-size courts and two full size courts. This amenity remains a very popular feature for the neighborhood and organized community outreach programs, which includes a weekly program by First Baptist Church and the City's annual National Night Out program hosted by the Police and Planning and Community Development Departments.

In November of 2018, representatives on behalf of Nancy Lieberman Charities approached the City to form a partnership to construct a Dream Court at Vivagene Copeland that includes a significant donation on their part. The project includes overlaying an existing full sized basketball court with rubberized tiles that enhance the players experience by adding more grip and less stress on body. These tiles, securely anchored to the concrete, are low maintenance, and include UV protection. In addition, Nancy Lieberman Charities is also donating two new basketball stanchions to match the look of the new surfacing material.

The Parks and Recreation Advisory Board reviewed the project at the January 17<sup>th</sup>, 2019 meeting.

Funding Sources and Community Sustainability:

Nancy Lieberman Charities donation is valued at \$35,000.

The City will provided funding in the amount of \$20,000 and is identified within the Park Donation Fund FY2018 Vivagene Copeland Improvements Project with \$5,000 funded through the Barfield Family Foundation.

In an effort to remain a vibrant community this project addresses the City Council's Strategic Priorities for Redevelopment and Infrastructure by dramatically improving the City's parks system.

Recommendation:

It is recommended that the City Council authorize the city manager to proceed with the Vivagene Copeland Park basketball court improvements for an amount not to exceed \$20,000.

On the 16<sup>th</sup> day of January, 2019, at 12 p.m., the Animal Services Advisory Committee for the City of Hurst convened at the Hurst Library located at 901 Precinct Line Road in Hurst, Texas.

The following members were present:

Assistant Chief Billy Keadle – City of Hurst  
Animal Services Supervisor Chris Chenevert – City of Hurst  
Animal Services Supervisor Michelle Watson – City of Keller  
Veterinarian Dr. Jason Risley  
Citizen Member Kim Leach

Hurst PSO Supervisor Bobbi Parker took notes.

There were no members of the public present.

A quorum was present.

Assistant Chief Billy Keadle called the meeting to order at 12:03 p.m., and conducted the following business:

#### Consent Agenda

1. Assistant Chief Billy Keadle entertained a motion to approve minutes from the previous meeting held August 29, 2018. Michelle Watson moved to approve the minutes. Kim Leach seconded. The motion prevailed.

#### Discussion Items

1. Chris Chenevert gave an update on shelter staffing, noting that an oral board was held for the full time Animal Services Officer position. The background investigation is in progress. The Part-time Kennel Tech position is still open.
2. Chris Chenevert gave an update on shelter statistics for 2018, as well as provided a spreadsheet to each of the board members. A total of 824 dogs and 386 cats were impounded for the year. November and December saw a decrease in the live release rate, due to sick cats and non-adoptable cats. There was an increase in cat population due to several cats that were brought in from a business. He noted an issue with feral cats and the trap and release program, in that many residents do not want the cats returned to their neighborhood. The shelter staff continue to recommend the trap and release program.
3. Chief Steve Niekamp gave an update on the shelter project. He advised that the land deal had been approved. It was delayed due to the need for a land study, however, the deal was signed yesterday. There was a meeting being held for the project as this meeting was being held. The meeting was to discuss initial cost estimates and the bond election in May. He advised if the bond passes, the project will move forward. If the bond does not pass, they will have to explore

other land options and the process starts over. The current proposed location is at TCC by the water tower. If the bond passes, construction would begin around September.

4. There were no public comments
5. Assistant Chief Billy Keadle set the date of the next meeting for Wednesday, May 15, 2019 at 12 p.m.

Adjournment

Assistant Chief Billy Keadle entertained a motion to adjourn the meeting. Kim Leach made the motion. Dr. Jason Risley seconded. The meeting adjourned at 12:19 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Approved:

\_\_\_\_\_  
Billy Keadle, Assistant Chief of Police

## Future Event Calendar

January 22, 2019

*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>
Thursday, February 28, 2019 6:00 p.m.	Town Hall Forum Hurst Conference Center