

**City of Hurst
City Council Minutes
Tuesday, February 12, 2019**

On the 12th day of February 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
John F. Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Clayton Fulton	)	Executive Director of Strategic and Fiscal Services
Steve Bowden	)	Executive Director of Economic Development
Michelle Lazo	)	Executive Director of Planning and Community Development
Malaika Marion Farmer	)	Executive Director of Administration and Customer Service

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

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

Mayor Pro Tem Booe gave the Invocation.

The Pledge of Allegiance was given.

PRESENTATION(S)

1. Presentation of Flag flown in memory of former Traffic Safety Commission member Ronnie Martin. Mayor Wilson and Councilmember Kitchens presented the City of Hurst flag to Thelma Martin, wife of former Traffic Safety Commission member Ronnie Martin, in recognition of his service to the Hurst community. Ms. Martin thanked the Council for honoring Ronnie and stated the act of flying the flag at half-staff was a source of comfort.

CONSENT AGENDA

2. Considered approval of the minutes for the January 15 and 22, 2019 City Council meetings.
3. Considered Ordinance 2403, second reading, establishing distance separation between certain properties containing multi-family residential development in the Texas Highway 10 Multiuse District.
4. Considered canceling the March 12, 2019 City Council meeting.
5. Considered authorizing the city manager to approve the use of a U.S. Communities Contract with Amazon Business.
6. Considered authorizing the city manager to enter into a Professional Services Agreement with The Management Connection.
7. Considered Ordinance 2404, first reading, amending Chapter 9-Flood Hazard Prevention of the Code of Ordinances.

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)

8. Conducted a Public Hearing to consider Z-18-03 Pipeline Condos, a zoning change with a site plan from GB-PD to R3-PD for AR-1, Block 2, Continental Addition, being 1.16 acres located at 1040 West Pipeline Road.

Mayor Wilson announced a public hearing to consider Z-18-03 Pipeline Condos, a zoning change with a site plan from GB-PD to R3-PD for AR-1, Block 2, Continental Addition, being 1.16 acres located at 1040 West Pipeline Road, and recognized Executive Director of Planning and Community Development Michelle Lazo who reviewed the proposed case. Ms. Lazo stated the applicant is proposing to rezone from General Business Planned Development to Multi-family Planned Development to develop a condominium complex with two (2) buildings. The developer is proposing a two-story structure with covered parking, along the north property line, facing south, and a three-story structure adjacent to Pipeline Road, facing east. Ms. Lazo reviewed the emergency access from Pipeline Road, building elevations, and landscape and tree preservation plan. She stated all improvements will be maintained by an HOA. Ms. Lazo also noted the Planning and Zoning Commission recommended the rear building line be adjusted to 25 feet, the balconies be removed from the north elevation of the rear building, and opaque windows be utilized for privacy to the north.

Mayor Wilson recognized Don Williams, 1050 W. Pipeline Road, who stated his property is immediately west of this site. He stated he and his neighbors are against this project and high density residential development. He expressed concerns, regarding visibility of his building by west bound traffic and stated his neighbor, John Trabor, east of his lot, will have the same issue. Mr. Williams stated the City's notice of tonight's meeting did not arrive until 1:00 p.m. on Monday, due to an incorrect address and the developer did not address the visibility concerns as requested by the Planning and Zoning Commission. He also expressed concern for the variances requested by the applicant and the limited green space. Mr. Williams also indicated he received signatures of formal protest from 34.51% of property owners and requested the Council reject the application. Mayor Wilson noted the requirements for a petition stating they must be submitted to the City Secretary for verification.

Mayor Wilson recognized Michael Wright, MJ Wright Architects, who stated the proposed application meets all codes except the front building line. He stated the proposed project is designed utilizing elements of the City of Hurst revitalization plan, and comments from stakeholders regarding residential density. He stated the property meets all of the directives under the 2017 initiative plan.

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

In response to Councilmembers' questions, Mr. Williams explained the property was originally platted as one lot with a longer setback and stated signage is the large pole sign, and he did not receive notification for this meeting but did receive notification of the Planning and Zoning Commission meeting. Mr. Williams stated the same issues would exist with construction of a three or four story office building, but with less traffic. Mr. Wright stated the dumpster could be relocated, but it would be closer to Mr. Williams, the lighting requirements are met and the opaque windows could be deed restricted. Ms. Lazo explained the courtesy notice was misaddressed; the legal notice requirements were met for the Planning and Zoning Commission meeting. Councilmembers discussed the pros and cons of the proposed project.

Councilmember Booe moved to approve Z-18-03 Pipeline Condos. Motion seconded by Councilmember McKenzie. Motion failed by the following vote:

Ayes: Councilmember McLendon

No: Councilmembers Booe, Kitchens, McKenzie, Thompson, and Shepard

9. Considered Ordinance 2405, first reading, Z-18-03 Pipeline Condos, a zoning change with a site plan from GB-PD to R3-PD for AR-1, Block 2, Continental Addition, being 1.16 acres located at 1040 West Pipeline Road.

No additional action was taken.

10. Conducted a Public Hearing to consider SP-18-06 Service First Auto Center, a site plan for Lot 1, Block 1, Canaan Center Addition, being 2.35 acres located at 701 Grapevine Highway.

Mayor Wilson announced a public hearing to consider SP-18-06 Service First Auto Center, a site plan for Lot 1, Block 1, Canaan Center Addition, being 2.35 acres located at 701 Grapevine Highway, and recognized City Attorney John Boyle who explained this is a site plan case, not zoning case, so the City Council will only consider site plan requirements, not zoning requirements.

Executive Director of Planning and Community Development Michelle Lazo reviewed the proposed case noting the applicant is requesting the site plan in order to develop a new Service First Automotive Center with 10,729 square feet, 17 service bays, and a small dog park of customer pets. Ms. Lazo noted one access drive to Grapevine Highway, the addition of a gabion mattress to stabilize the sides of the drainage channel, a planning and zoning stipulation that the directional signs be lowered to 3 feet, and a 6 foot masonry screening wall be added on the top of the new retaining wall adjacent to the channel. She reviewed the landscape plan, lighting plan, elevations and signage.

Mayor Wilson recognized Developer Walt McMennamy, 4336 Marsh Ridge, Carrollton, Texas, who noted the irregular shaped lot. He stated there is a nice buffer from residents with the 13 – 14 foot screen and 70 foot separation. Mr. McMennamy reviewed Service First's business model, noting customer service, professionalism, family oriented facilities including coffee bar, living room for family and dog park. He reviewed types of services offered, with focus on tune-ups and battery replacements.

Mayor Wilson recognized the following individuals who expressed concerns of saturation of the automotive business market, the potential harm to their business, and does not support additional commerce for the City: Andy Dodson, 900 Grapevine Highway, Pitstop Express, Matthew Allen, 412 Grapevine Highway, and Cristopher Collings, 908 Grapevine Highway.

Mayor Wilson noted a comment card completed by Martin Collings, 908 Grapevine Highway expressing opposition.

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

Mayor Wilson reiterated this agenda item is only a site plan case. In response to Councilmembers questions' Mr. McMennamy stated the retention wall is 7 to 11 feet depending upon where the wall is in regards to the elevation of the home. He stated the wall is textured concrete, hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Saturday, most tools are electric and the dumpster location has a physical barrier. He explained an extensive demographics study was conducted, and this is a new business

model dealer focused, that will expand the customer base by 10 miles. Mr. McMennamy also reviewed the containment of the oil bay basement.

Councilmember Thompson moved to approve SP-18-06 Service First Automotive Center, with the stipulation that the directional signs be lowered to 3 ft. and that a 6 foot masonry screening wall be added on the top of the new retaining wall adjacent to the channel. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

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

11. Considered Ordinance 2406, first reading, SP-18-06 Service First Auto Center, a site plan for Lot 1, Block 1, Canaan Center Addition, being 2.35 acres located at 701 Grapevine Highway.

Councilmember Kitchens moved to Ordinance 2406. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

RESOLUTION(S)

12. Considered Resolution 1723 ordering a Bond Election to be held in the City of Hurst, May 4, 2019.

City Manager Caruthers noted staff has been diligently working with Tarrant County College (TCC) representatives to identify land for a potential animal shelter. He stated Council previously authorized a letter of intent with TCC for property that provides a unique opportunity for an animal shelter and potential dog park. He also stated the property is institutional and does not provide for significant private use development. Mr. Caruthers reviewed the gas well restrictive buffer and the City's environmental study process. He stated this item calls for a May bond election in which the voters will consider the animal shelter project. He explained the current animal shelter facility on Cannon Drive is a single story building, limited in space and designed for animal shelter service 20 to 30 years ago. Mr. Caruthers stated the new design is open and bright and has space for future pet owners and animals to interact. He stated the proposed facility will support the adoption process, separate animals, as necessary, and provide an opportunity to partner with the Humane Society. He stated the preliminary estimate is \$7.5 million and the goal is to work with the Construction Manager at Risk to reduce the cost. He stated the proposed resolution essentially meets state law in the timing of calling the election, but in no way commits the City to the animal shelter.

Councilmember Kitchens moved to approve Resolution 1723 ordering the May 4, 2019 bond Election to consider the issuance of \$7,500,000 million general obligation bonds for an Animal Control Center and the levying of a tax in payment therefor. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

13. Considered Resolution 1724 of the City of Hurst, Texas, in support of local control for the 86th Legislative Session.

Mayor Wilson provided an overview of the Legislature's attempt to limit the City's ability to provide services by limiting the City's control. He reviewed percentage of tax bills, noting local property tax is the lowest portion of the tax bill, with school taxes being the highest. He stated the resolution states the Council believes in local control, listens to the citizens and knows how to govern. Mayor Wilson reviewed how Hurst, from 1992 to present, generated an additional 10 million dollars a year for the State of Texas.

Councilmember Booe moved to approve Resolution 1724 in support of local control for the 86th Legislative Session. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

OTHER BUSINESS

14. Council reviewed the following board, commission and committee meeting minutes:
- Library Board
 - Parks and Recreation Board
 - Senior Citizens Advisory Board
15. Review of upcoming calendar items – City Manager Caruthers reviewed the following calendar items:
- Thursday, February 28, 2019, 6:00 p.m. – Town Hall Forum
 - March 10, 2019 – Daylight Savings Time
 - Saturday, April 6, 2019 – Bulk Trash Pickup North (items at curb prior to 7:00 am)
 - Saturday, April 13, 2019 – Bulk Trash Pickup South (items at curb prior to 7:00 am)
 - Saturday, April 13, 2019 – Household Hazardous Waste Collection
 - Saturday, April 13, 2019 - EGGstravaganza
16. City Council Reports - Items of Community Interest – Mayor Wilson noted he and City Manager Caruthers had a conference call with Texas Municipal League staff and regarding a bill filed to increase the disease presumption in firefighters from 3 to 20 years and TML is not going to oppose the proposed legislation.

Councilmember Shepard also noted the March 23, 2019 Pop Up Event, in Bellaire Shopping Center and encouraged local artists and local businesses to get involved. She stated the event is noon to 6:00 p.m. with food and entertainment. City Manager Caruthers noted the success of the fall Pop Up Event.

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 Section Code Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and Section 551.071, consultation with City Attorney regarding pending litigation in City of Hurst, Texas v. Baugus Properties, Inc., et. al and to reconvene in Open Session at the conclusion of the Executive Session.

Mayor Wilson recessed the meeting to Executive Session at 8:25 p.m. in compliance with the provisions of the Texas Open Meetings Law, authorized by Tex. Government Code Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the city and Section 551.071, consultation with City Attorney regarding pending litigation in City of Hurst, Texas v. Baugus Properties, Inc., et. al and reconvened Open Session at 9:00 p.m.

17. Take any and all action ensuing from Executive Session.

Councilmember Kitchens moved to approve Resolution 1725, with the addition to the 380 Agreement not be transferable without the permission of the City of Hurst. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

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

Councilmember Shepard moved to approve Resolution 1726 approving an Economic Development Agreement pursuant to Chapter 380 of the Texas Local Government Code with A & S Properties, Inc. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

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

Councilmember McKenzie moved to approve a Right of Entry Agreement, in the amount of \$40,000, with Baugus Properties, Inc. for part of the Pipeline Road Construction Project. 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 9:03 p.m.

APPROVED this the 26th day of February 2019.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor