

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

On the 11<sup>th</sup> day of December 2018, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
David Booe	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Larry Kitchens	)	
Jon McKenzie	)	
Cathy Thompson	)	
Cindy Shepard	)	
Clay Caruthers	)	City Manager
Allan Heindel	)	Deputy City Manager
Matthew Boyle	)	City Attorney
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Community Development
Steve Bowden	)	Executive Director of Economic Development
Gini Connolly	)	Director of Community Development and GIS Services
Eric Starnes	)	Director of Facilities and Project Management
Kyle Gordan	)	Managing Director of Community Services

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 Jon McKenzie gave the Invocation.

The Pledge of Allegiance was given.

**PERSON(S) TO BE HEARD**

1. Ms. Cathy Rodgers, 2036 Hurstview Drive, Hurst, Texas, requested to speak regarding the broken water main and related flooding of the home located at 2036 Hurstview Drive.

Mayor Wilson stated Ms. Rodgers requested to be withdrawn from the agenda.

and concepts including new investment zones, both commercial and residential, for revitalization by creating overlay districts for zoning and financing. Mr. Palmer explained new market tax credits and reviewed a concept for a proposed 90 unit community workforce housing project focused on veterans and a proposed 94 unit gated senior housing facility near the Hurst Community Center. He stated the new market tax credit is a financial tool that can be leveraged as a catalyst to kick-start these areas, with the goal to stimulate other development. Mayor Wilson noted that Mr. Palmer's presentation covered Agenda Items 9, 10 and 11.

In response to Councilmembers questions, Mr. Palmer explained the proposed veterans units are open to others, but marketing is directed to veterans. He explained the tax credits funding mechanism and how they are able to build Class A multi-family in areas where rents can't support the nicer units. He noted the income calculation is not by zip code, but rather Tarrant County Metropolitan Statistical Areas (MSA). Mr. Palmer noted discussions with Bell and Oncor and their interest in area development. He stated there is not a required number of veteran units for the complex. Mr. Palmer stated it is important to note Gardner Capital is a build and hold company and always wants a market rate component. Gardner Capital Senior Vice President Ryan Combs further reviewed the tax credit application process. Also reviewed were federal and state rules regarding proposed senior housing, number of bedrooms, and amenities for the proposed veterans and senior complexes.

Councilmember Shepard moved to approve Resolution 1718 in support for the proposed "Provision At Patriot Place" apartment home development. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

10. Considered Resolution 1719 approving support for the proposed "Gala At Central Park" age restricted (55+) apartment home development.

Councilmember Thompson moved to approve Resolution 1719 in support for the proposed "Gala At Central Park" age restricted (55+) apartment home development. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

11. Considered Resolution 1720 approving an Economic Development Program Agreement, and Earnest Money Contract and Purchase and Sale Agreement for Real Estate pursuant to Chapter 380 of the Texas Local Government Code with Gardner Capital Investment Fund, LLC.

City Manager Clay Caruthers stated one piece of information to add is the transaction amount. He stated the property is valued at \$825,000 and Mr. Palmer requested the proceeds be used as part of a revitalization reserve for future redevelopment. In response to Councilmembers' questions, City Attorney Matthew Boyle stated nothing in the current agreement would make the request binding; that it is subject to the Council's prerogative. Council discussed the land agreement and its utilization for senior housing.

Councilmember Shepard moved to approve Resolution 1720, approving an Economic Development Program Agreement, and Earnest Money Contract and Purchase and Sale Agreement for real estate pursuant to Chapter 380 of the Texas Local Government Code with Gardner Capital investment Fund, LLC and the land cost of \$825,000 be added to the agreement. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

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

12. Considered Resolution 1721 establishing a non-binding partnership with Gardner Capital to explore Economic Development Initiatives.

City Manager Caruthers stated staff, at the request of Councilmember Kitchens, drafted this item at a previous work session. He stated staff intends to come to Council January 5, 2019 for further discussions regarding the redevelopment program and overlay districts. Mr. Caruthers stated the Resolution is simply to assist Council in their efforts to develop futuristic master planning. Councilmember Kitchens noted the Catalyst Report and questioned what we want to be happening in Hurst in five to twenty-five years. He expressed his desire to seek input from Gardner Capital, other developers and citizens to determine the vision for the City.

Councilmember Kitchens moved to approve Resolution 1721 establishing a non-binding partnership with Gardner Capital to explore economic development initiatives through discussions of possible overlay district and/or design standards throughout various areas in the City. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

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

13. Considered authorizing the city manager to purchase replacement playground equipment for Smith Barfield Park.

Managing Director of Community Services Kyle Gordan reviewed the condition of the 20-year-old equipment and the proposed replacement playground equipment and new features including ADA accessible units. He reviewed the project timeline with a projected completion date in late March or April. Mr. Gordan stated this item was included in the Fiscal Year 2018-2019 budget.

Councilmember Booe moved to purchase the required equipment and enter into the appropriate agreements to proceed with the replacement of the Smith Barfield Park Playground, for an amount not to exceed \$310,000. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

14. Considered authorizing the city manager to purchase EnerGov Software and a Maintenance Agreement with Tyler Technologies.

City Manager Clay Caruthers noted the need for a new software system, due to the current archaic system that no longer has technical support. He stated staff, prior to considering a new software, considered the Strategic Plan and the Council's priorities of innovation and leadership, and the redevelopment and sustainability plan for the ability to monitor development. He stated Director of Community Development and GIS Services Gini Connolly has joined the Planning and Community Development team and will utilize mapping skills and knowledge in planning to implement the software. He stated the system will look at mirroring crime statistics, code statistics, and master planning. Ms. Connolly reviewed the functions of the Planning and Zoning, Code Enforcement and Building Inspections Departments and the need to ensure the software could meet all of their requirements. She stated Tyler's EnerGov Software was the only company and software that had the experience and could technically meet the requirements. Ms. Connolly reviewed project cost of \$525,144. City Manager Caruthers stated this item is an example of Councils' Strategic Priority of innovation and will increase staff efficiencies.

Councilmember McLendon moved to authorize the city manager to purchase the required equipment and enter into the appropriate agreements to implement the EnerGov Software, for an amount not to exceed \$525,144, with funding from the Special Projects Fund, and an annual Software Maintenance Agreement with Tyler Technologies for \$31,000 with a 5% annual increase. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

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

15. Considered authorizing the city manager to enter into Design and Engineering Service Contracts for the new Animal Shelter and Adoption Center Project.

City Manager Caruthers stated the City and Tarrant County College entered into a letter of intent for the City to purchase land located on the northeast side of the campus to construct an Animal Services Adoption Center. He stated the need for the facility and that it will go to the voters in May for consideration. He stated the agreement will carry the design and engineering services contract through completion, if approved by voters, but will phase out if not approved. Deputy City Manager Allan Heindel reviewed the proposed contracts noting, the original contract with Ron Hobbs entered into in 2016 for renovation of the existing animal services building, will terminate and the City will enter into a new contract that is not an American Institute of Architects (AIA) Contract, which will protect the City. He stated the new contract is a fixed fee, including all engineering services, interior design and protections to the City. He stated the project design is a lump sum fee of \$539,420, and will void the prior agreement to improve and renovate the old facility. He stated staff is requesting a 10% contingency for a total project amount of \$596,442. In addition, the City will contract with Geotel Engineering, Inc., to provide subsurface exploration services and design recommendations for \$2,800.

Councilmember McLendon moved to authorize the city manager to enter into the appropriate agreements to proceed with the Animal Shelter and Adoption Center design and engineering services, for an amount not to exceed \$596,442. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

16. Considered authorizing the city manager to enter into a Preconstruction Services Contract for the Animal Shelter and Adoption Center.

Deputy City Manager Allan Heindel noted this item goes hand-in-hand with the previous item. He stated, in the Fall of 2017, the City solicited bids for the Construction Manager at Risk (CMAR) Contract to coincide with the design of the new animal facility. He stated eight firms responded and a staff committee selected Steele & Freeman, Inc., as the leading firm.

Councilmember Thompson moved to authorize the city manager to enter into a Preconstruction Services Contract for the Animal Shelter and Adoption Center. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

17. Considered authorizing the city manager to enter into Contracts for the City Hall Roof and Associated Repairs.

City Manager Caruthers noted the Council meeting is at the Library due to the Council Chamber being remodeled. He stated the City wants to prevent future water damage, from a roof that is nearing its useful life, to the remodeled areas of City Hall. Director of Facilities and Project Management Eric Starnes provided an overview of the roof project noting leaks throughout the building. He explained the twenty-year-old roof requires numerous patches and repairs to the interior of the building and the roof and window systems are beyond patching and need replacement. Mr. Starnes reviewed the bids received and the recommendation to utilize Supreme Roofing members of the Interlocal Purchasing System purchasing consortium, for the roof system and window sealant. He stated the total project amount, including 10% contingency, is \$1,167,132 and is budgeted. Mr. Starnes reviewed the project timeline stating the flat roofing construction would begin next fall. City Manager Caruthers stated he and Executive Director of Fiscal and Strategic Services Clayton Fulton looked at potential Certificate of Obligations but concluded it is better to spend cash for this project.

Councilmember Kitchens moved to authorize the city manager to enter into the appropriate Agreements to proceed with the City Hall Roof and Associated repairs project, for an amount not to exceed \$1,167,132, with funding from the Special Projects Fund. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

18. Considered authorizing the city manager to award the bid, sign the contract documents, and give the notice to proceed to the successful bidder for the North Precinct Line Elevated Storage Tank 36" Riser Repairs.

City Manager Caruthers stated Agenda Items 17 and 18 are necessary to service facilities and infrastructure. He stated during maintenance, staff found a leak in the wet riser. The proposed item will provide the authority to enter into future agreements moving forward. Executive Director of Public Works Greg Dickens reviewed the tank leak at the wet riser and explained due to the vital part the tank plays in maintaining water system pressure and supply in the north part of town, staff is requesting authorization to proceed so the bidding process will not delay the project. He stated the million gallon tank is needed during the spring and summer months.

Councilmember Thompson moved to authorize the city manager to award the bid, sign the contract documents, and give the notice to proceed to the successful bidder for the North Precinct Line Elevated Storage Tank 36" Riser Repairs, in an amount not to exceed \$100,000. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

19. Considered appointments to board, committee and commissions.

Councilmember McKenzie moved to rescind the appointment of Barbara Albright to the Library Board, restating her appointment to the Senior Board, Place 8. Reset the place numbers shifting places 4 through 9 to Places 3 through 8 with the members current term expiration remaining the same. To rescind the appointment of Roger Marsh to the Codes, Appeals and Advisory Board Alternate Place 2 and appoint him to the Transportation Infrastructure and Safety Committee Place 7 with a term expiring 2019. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

### **OTHER BUSINESS**

20. Review of upcoming calendar items – City Manager Caruthers reviewed the following calendar items:
- Friday, December 21, 2018, City Hall Closes at noon for Christmas Holiday
  - Monday and Tuesday, December 24 and 25, 2018, City Hall closed for Christmas Holiday
  - Tuesday, December 25, 2018, Regular City Council Meeting canceled
  - Tuesday, January 1, 2019, City Hall closed for New Year's Day
21. 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 the following individuals: David Wagner, 109 Circleview Drive, Hurst, Texas; Steve Tapper, 713 West Glade Road, Hurst, Texas and Terry Lekies, 784 W. Redbud, Hurst, Texas who expressed concerns regarding the recently passed Ordinance 2401 regulating short-term rentals noting Air B&B has positive elements; a system is already in place to regulate by utilizing the police and code enforcement departments for complaints; Air B&B supports local and small business owners and Air B&B owners maintain the property and there is a professional vetting process.

**EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Tex. Government Code Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation (water damage Hurstview Drive and Yucca Trail) and 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and to reconvene in Open Session at the conclusion of the Executive Session**

Mayor Wilson did not recess the meeting to Executive Session

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

**ADJOURNMENT**

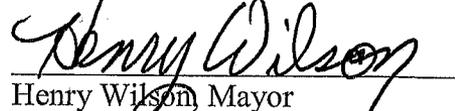
The meeting adjourned at 8:30 p.m.

**APPROVED** this the 8<sup>th</sup> day of January 2019.

**ATTEST:**

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

**APPROVED:**

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