

City Council Minutes
Tuesday, March 26, 2019

On the 26th day of March 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:

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
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Steven Niekamp	)	Police Chief
Greg Dickens	)	Executive Director of Public Works
Steve Bowden	)	Executive Director of Economic Development
Michelle Lazo	)	Executive Director of Planning and Community Development

With the following Councilmembers absent: Mayor Wilson, constituting a quorum; at which time, the following business was transacted:

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

Mayor Pro Tem David Booe gave the Invocation.

The Pledge of Allegiance was given.

PRESENTATION(S)

1. Presentation and acceptance of Comprehensive Annual Financial Report (CAFR) by BKD CPAs & Advisors.

Assistant City Manager Clayton Fulton thanked Managing Director of Fiscal Services Paul Brown and his staff for their work through the auditing process, and noted the City's recent award of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2016-2017. The City has received the award for over 40 years. He introduced BKD Auditor David Coleman who reviewed the Comprehensive Annual Financial Report Year Ended September 30,

2018. Mr. Coleman stated the City is receiving a clean and unmodified opinion. He explained new accounting standards, GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions, resulted in an adjustment to beginning net position of 2018. He explained that this is nothing new for the City but is being restated per new accounting rules. Mr. Coleman noted the City created a trust fund several years ago, which can only be used for retiree healthcare, and actually lowers the City's liability. Mr. Coleman noted governmental funds exceed the established 90-day balance requirement and commended the City on balancing the budget. Also reviewed were proprietary funds and their operations and Texas Municipal Retirement System disclosures. Mr. Coleman stated transitioning to a new audit firm can be challenging, and he appreciated everyone who helped through the process.

Councilmember McKenzie moved to accept the Comprehensive Annual Financial Report. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

CONSENT AGENDA

2. Considered approval of the minutes for the February 26 and March 2, 2019 City Council meetings.
3. Considered Ordinance 2407, second reading, allowing for the mobile fueling of Type IB liquids.

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

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

PUBLIC HEARING(S) AND RELATED ITEMS(S)

4. Conducted a public hearing to consider Z-18-02 Hearthstone, a zoning change with a site plan from GB-PD to R1-PD for Lot 6 and a portion of Lot 5R, Block 2, Prestondale Estates, being 1.83 acres located at 741 Regency Drive.

Mayor Pro Tem David Booe announced a public hearing to consider Z-18-02 and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the case noting the applicant, Bruce Strum with Acala Ventures applied for a zoning change with a site plan from GB-PD (General Business Planned Development) to R-1 PD (Single-Family Planned Development). She stated the original proposal presented to the Planning and Zoning Commission was denied. The applicant reduced the

number of lots from 17 to 12, changed from hardy plank to masonry, and increased the fence height from 6' to 8'. She stated the applicant is proposing two story homes on the west and one story on the east side of a dedicated public street connecting Regency Drive and Martin Drive. Ms. Lazo stated the residences will have two car garages and an active Home Owners Association. She reviewed the proposed landscaping and stated sidewalks will not be installed.

Mayor Pro Tem Booe recognized applicant Bruce Strum, Acala Ventures, 2161 Idlewood Drive, Grapevine, Texas, who reviewed the history of their family business, including construction of residential homes, remodeling projects, and the construction of the first EPA Energy Star Certified nursing home. Mr. Strum reviewed the current zoning GB-PD and the various commercial businesses that could be developed with the current designation. He stated the area should be a residential development based on a number factors, including the proximity to the established Prestondale Estates neighborhood. Mr. Strum reviewed traffic count data from the North Central Texas Council of Government, and steps taken to address resident concerns, including lowering the density from 17 to 12 lots, increasing the height of the fence and adding a one story home design. Mr. Strum reviewed the proposed project including square footage and design plans and reiterated that residential is the highest and best use of the property and is consistent with Hurst's needs and values.

Mayor Pro Tem Booe recognized the following individuals who expressed their support for the development noting the changes made to address resident's concern regarding density and traffic, the need for smaller homes, and that a residential development is better for the area than commercial.

Drew Donosky, Claymore Engineering, 1903 Central Drive, Suite 406; Janice Pekema, 401 W. Glade; Jackie Hamen, 6908 Post Oak, Prestondale Hills Estates, and Brian Lunsford, 2529 Northwood Drive.

Mayor Pro Tem Booe recognized the following individuals who expressed their opposition to the proposed development noting smaller square footage homes may decrease existing home values: traffic and safety concerns on Regency Drive and Precinct Line Road; lower density is not in keeping with character of area; potential drainage issues; lack of a buffer; no backyards; and increased noise and light congestion.

Sherry Spinner, 704 Springwood Drive; Bill Krobe, 725 Springhill Drive; Matt Reed, 2704 Springbrooke Drive; L. Nichols, 2708 Springbrooke; Tony Zahn, 709 Regency Drive; Cheri Moore, 2708 Springbrooke; Amber Frandsen, 748 Regency Drive; Stacey Moore, 721 Regency Drive; Trudy Zahn, 709 Regency Drive; Charlotte McGrew, 744 Regency Drive; Gean Hyles, 732 Regency Drive; Cindy Sterling, 752 SpringValley; Angela Hardy, 663 Regency Drive;

The following individuals did not speak, but expressed opposition through a speakers card:

Sandy Zimmerman, 740 Regency Drive; Debby Elayne Shipp, 736 Regency Drive; Allen Spinner, 704 Springwood Drive; Horace Hiles, 2713 Springbrooke Drive; Cheryl Hiles, 2713 Springbrooke Drive; Victoria Grobe, 425 Springhill Drive.

Mayor Pro Tem Booe closed the public hearing.

In response to Councilmembers' questions, Executive Director of Public Works Greg Dickens explained the plans submitted have 50% of drainage toward Martin and the remaining north, but will require platting. He did not anticipate an issue with the drainage going into the home at the end of the new street on Regency. Mr. Strum reviewed the footprint of the homes, noting the 2,000 square foot home could be larger, and stay within the footprint, which includes patios, driveways and garages. Executive Director of Planning and Development Michelle Lazo explained the discrepancies are a result of the staff report being written prior to the recent changes. City Manager Caruthers stated changes could be made prior to second reading. Mr. Dickens reiterated discussions regarding drainage and a possible hammerhead (cul-de-sac) and that either alternative could work, if all criteria is met including fire department approval. Mr. Strum stated there is a market for this type of home, and the fencing between the homes would be up to the homeowners. Ms. Lazo reviewed the types of commercial businesses that could be developed with the current zoning. Mr. Strum reviewed square footage, traffic study content, and stated he could develop commercial businesses on the property. Ms. Lazo stated the developer addressed the issues discussed at the Planning and Zoning Commission.

Councilmember Kitchens stated he still has concerns with the cut through street emptying onto Regency; drainage running into homes, he is in favor of a cul-de-sac, and did not have concerns regarding increased traffic. He stated he would like to see a more refined proposal. Councilmember Shepard questioned if they could look at a cul-de-sac and take it back to the Planning and Zoning Commission.

5. Considered Ordinance 2411, first reading, Z-18-02 Hearthstone, a zoning change with a site plan from GB-PD to R1-PD for Lot 6 and a portion of Lot 5R, Block 2, Prestondale Estates, being 1.83 acres located at 741 Regency Drive.

Councilmember Kitchens moved to deny recommendations for new site plan, Hearthstone, Z-18-02, perhaps remand back to the Planning and Zoning Commission for changes to address concerns of density, as well as traffic, particularly the cul-de-sac. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

ORDINANCE(S)

6. Considered Ordinance 2409, first reading, amending Section 26-49 Water Conservation Plan of the Code of Ordinances.

Executive Director of Public Works Greg Dickens reviewed the proposed ordinance amending the water conservation plan, which was implemented in 1999 by the Texas Commission on Environmental Quality (TCEQ). He reviewed the City's conservation plan, noting the requirement to be compliant with the City of Fort Worth, our wholesale provider and stated the City has surpassed City established goals of water conservation.

Councilmember McKenzie moved to approve Ordinance 2409 amending Section 26-49 Water Conservation Plan of the Code of Ordinances. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

7. Considered Ordinance 2410, first reading, amending Section 26-36 Drought Contingency Plan of the Code of Ordinances.

Executive Director of Public Works Greg Dickens stated this plan identifies the current drought stage the City is in and the management plans implemented during periods of water shortages or supply systems emergencies. As with the last item, this plan is also required to be updated every five years.

Councilmember Thompson moved to approve Ordinance 2410 amending Section 26-36 – drought Contingency Plan of the Code of Ordinances. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

RESOLUTION(S)

8. Consider Resolution 1730, revising the signatory authority of the TexPool's list of authorized representatives

Managing Director of Finance Paul Brown reviewed necessary changes to the signatory authority of TexPool's list of authorized representatives.

Councilmember Shepard moved to approve Resolution 1730, which removes Allan Heindel and adds Clayton Fulton to TexPool's list of authorized representatives. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

OTHER BUSINESS

9. Consider authorizing the city manager to approve funding for the 44th Year Community Development Block Grant (CDBG) project Sheri Lane Paving, Water, and Sewer Improvements

Executive Director of Public Works Greg Dickens reviewed the Community Development Block Grant (CDBG) Program requirements and stated Sheri Lane from Reed Street to Cavender Drive was previously approved by Council as the City's project for the 44th Year CDBG Program with Tarrant County. He explained the County bid and award process through the CDBG Program and of the three (3) bids received, McClendon Construction Co., Inc., submitted the lowest bid of \$451,510.50. He recommended a 10% contingency of \$45,000, not included in the bid amount. City Manager Caruthers noted approximately 37% of the total project is grant funded and clarified that the streets selected have to fall within the CDBG designated criteria map.

Councilmember McLendon moved to recommend Tarrant County award the contract for the 44th Year CDBG Sheri Lane Paving, Water, and Sewer Improvements Project to McClendon Construction Co. Inc., in the amount of \$451,510.50, with a 10% contingency of \$45,000, for a total of \$496,510.50, and authorize the city manager to approve funding for all project costs over the County grant amount of \$165,000. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

10. Considered authorizing the city manager to enter into a Purchase Agreement with WatchGuard to purchase in-car cameras and digital video recorders.

Police Chief Steven Niekamp reviewed the proposed purchase agreement noting the current in-car cameras and digital video records have reached their end-of-life and will no longer be warrantied by the manufacturer. He stated the request is for 25 WatchGuard in-car cameras and digital video records, which is the most cost effective method of purchasing. Chief Niekamp stated red light camera funds will be utilized to purchase the equipment.

Councilmember McKenzie moved to authorize the city manager to enter into a Purchase Agreement with WatchGuard for the purchase of in-car cameras and digital video recorders, for a total amount not exceed \$131,268.50. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

11. Council reviewed the following board, commission and committee meeting minutes:
 - Library Board
 - Parks and Recreation Board
 - Senior Citizens Advisory Board
12. Review of upcoming calendar items – City Manager Caruthers reviewed the calendar items noted in the agenda packet. Deputy City Manager Heindel noted the April 13, 2019, 10:00 a.m. Smith-Barfield Park Dedication. Councilmember Thompson noted tickets are available to purchase for the HEB Teen Court Scholarship Gala, Thursday, April 11, 2019 at the Texas Star in Euless.
13. City Council Reports - Items of Community Interest – Councilmember Kitchens provided a brief report on the recent National League of Cities (NLC) Conference and Information Technology Committee meetings, noting many of the items dealt with local control. He noted the recent Federal Communications Commission's (FCC) decision to allow the use of municipal right-of-way and proposing to reduce the cable franchise fee and benefits. He also noted the need to rewrite the communication act. Another item noted was that Centennial Colorado is completely wiring the city with fiber and considering a broadband infrastructure. Councilmember Kitchens also stressed the importance for cities to participate in the 2020 Census. City Manager Caruthers noted staff had reached out to the City's Attorney regarding amendments to the telecommunication ordinance and that staff also has a meeting scheduled with the Census Bureau next week.

City Manager Caruthers noted the upcoming retirement event for Deputy City Manager Allan Heindel, April 2, and that tonight is Allan's last official Council meeting. He stated he wanted to publicly state how much he appreciates Allan's dedication and years of service and that his support and knowledge has been invaluable. He stated Allan has been a wonderful ambassador for the City. Allan stated it has been a real pleasure working for the Council and City Manager. Mayor Pro Tem Booe noted the 28 years he had worked with Allan, and that he will be missed.

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

ADJOURNMENT

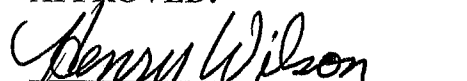
The meeting adjourned at 9:19 p.m.

APPROVED this the 9th day of April 2019.

ATTEST:


Rita Frick, City Secretary

APPROVED:


Henry Wilson, Mayor