

City Council Minutes
Tuesday, November 12, 2019

On the 12th day of November 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
Larry Kitchens	)	Mayor Pro Tem
David Booe	)	Councilmembers
Bill McLendon)	
Jon McKenzie)	
Cathy Thompson)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Robert Wallace	)	Building Official
Michelle Lazo	)	Executive Director Planning and Development
Kyle Gordon	)	Executive Director 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 Shepard gave the Invocation.

The Pledge of Allegiance was given. The Texas Pledge was given.

PRESENTATION(S) AND PROCLAMATION(S)

1. Proclamation recognizing Mary Jo Wood's 100th Birthday. Mayor Wilson stated that sadly Ms. Wood has passed away and that the proclamation will be given to her family.

CONSENT AGENDA

2. Considered approval of the minutes for the October 15, 22 and 28, 2019 City Council meetings.
3. Considered Ordinance 2456, second reading, amending Chapter 22, Section 22-1 Bingo Tax.

4. Considered Ordinance 2455, second reading, SP-19-08 Tompkins Townhomes, a site plan for Lot A, Block 1, Taylor Addition, being .784 acre located at 751 Pipeline Court.
5. Considered Ordinance 2457, second reading, providing for increased prior and current service annuities under the act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City of Hurst, and establishing an effective date for the ordinance.
6. Considered Ordinance 2458, second reading, amending Chapter 12 of the Hurst Code of Ordinances by amending and adding Article XIII, "Convenience Stores".
7. Considered authorizing the City Manager to purchase (6) six vehicles and (1) one piece of equipment from approved vendors.

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

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

No: None

PUBLIC HEARING(S) AND RELATED ITEM(S)

8. Conducted a public hearing to consider SP-19-11 Novak Motors, a site plan for signage only on Lot A1, Block 1, Oakwood Park Addition being .30 acre located at 160 W. Bedford Euless Road.

Mayor Wilson announced a public hearing to consider SP-19-11 Novak Motors, a site plan for signage only on Lot A1, Block 1, Oakwood Park Addition being .30 acre located at 160 W. Bedford Euless Road and recognized Executive Director of Development Michelle Lazo who reviewed the request for a 10 foot tall sign with 48 square feet of sign area, which includes a 16 square foot LED changeable message board. Ms. Lazo reviewed the limited visibility triangle at the intersection and stated a monument sign cannot be located on Bedford Euless Road due to easement encroachment.

Mayor Wilson recognized Novak Service Director Terry Collins who stated they are willing to accept the monument sign but it does obstruct the view.

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

9. Considered Ordinance 2430, first reading, SP-19-11 Novak Motors, a site plan for signage only on Lot A1, Block 1, Oakwood Park Addition being .30 acre located at 160 W. Bedford Euless Road.

Councilmember Thompson moved to approve SP-19-11 Novak Motors. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

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

Councilmember McKenzie moved to approve Ordinance 2430 on first reading. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

PLAT(S)

10. Considered P-19-03 Northeast Campus Addition, a replat of a portion of Tract A, to Tract D Northeast Campus Addition, being 7.40 acres located at 900 TCC Road.

Mayor Wilson recognized City Manager Clay Caruthers who reviewed P-19-03 Northeast Campus Addition, a replat of a portion of Tract A, to Tract D Northeast Campus Addition, being 7.40 acres located at 900 TCC Road. He noted this parcel is under contract with TCC Northeast and is associated with the voter approved bonds for the Animal Shelter. He stated the site is located next to the elevated water tank and is simply a plat to be able to move forward on the property closing.

Councilmember Shepard moved to approve P-19-03 Northeast Campus Addition. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

11. Considered P-19-06 Provision at Patriot Place, a final plat of Tract TR2A Gulaver Wilson Survey, Abstract 1626 to Lots 1 and 2, Block A Provision at Patriot Place Addition, being 9.49 acres located at 501 W. Hurst Boulevard.

Mayor Wilson recognized Executive Director of Development Michelle Lazo who reviewed the proposed plat of Tract TR2A Gulaver Wilson Survey, Abstract 1626 to Lots 1 and 2, Block A, Provision at Patriot Place Addition, being 9.49 acres located at 501 W. Hurst Boulevard noting the site is west of Kelly Moore Paint and is for an apartment complex to be built by Gardner Capital. She stated Lot 1 will be the apartment building and Lot 2 open retainage area for drainage. In response to Council questions, Executive Director of Engineering Greg Dickens stated engineering is in order.

Councilmember Shepard moved to approve P-19-06 Provision at Patriot Place Addition. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

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

OTHER BUSINESS

12. Considered ordering the repair, removal or demolition of property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments) and to consider the possible levying of civil penalties.

Mayor Wilson recognized City Manager Caruthers who stated the order previously issued by the Council stated there would be a meeting again tonight regarding the progress of repairs to the apartment. He stated staff has been working with the property owner and attorney to continue moving forward. Assistant City Attorney Matthew Boyle provided a brief update and status report noting the public hearing held in September regarding complaints that began in 2014, and continue through today. He stated the Council's previous order required completion by October 24, 2019, and as the City Manager clarified, tonight's meeting was established at that time. Mr. Boyle stated, since then, the owner recently submitted application and obtained an electrical permit. That during the inspection process inspectors examined roofs, which revealed the roofs on building 2 and building 3 showed substantial deterioration. Building Official Robert Wallace exhibited pictures of the deterioration including moisture leaking through decking and corrosion on the support for the decking. Mr. Boyle stated, based on electrical work and application for a roof permit, some progress can be reported, but it was not timely and not sufficient. During the public hearing on the 24th, roof, mold and environmental issues and housing compliance were noted, the most significant issue, being the roof, which is still not in compliance. Mr. Boyle stated the goal of City staff is compliance so the occupants have a safe place to live. He reiterated the owner did not comply with the ordinance or order. Mr. Boyle requested Council consider two motions. The first motion is to call a public hearing regarding the possible levying of civil penalties at the November 26, 2019 City Council meeting and the second motion is to authorize the city attorney to file a Chapter 54 lawsuit against the owner of the Dakota Place Apartments.

Mayor Wilson recognized Dale Williams, 509 Brown Trail, who stated he was not for or against this item, but wanted to speak of his experience in Modesto, California regarding a 312-unit apartment complex. Mr. Wilson explained through the action of the City of Modesto, repairs were made to uninhabitable units through CDBG Funding and information is available on the City of Modesto's website. He stated the improvements appeared to improve the quality of life for the residents and the community as whole.

Mayor Wilson recognized Charles Mercer, owner of Dakota Place Apartments, who stated there were no orders from staff in January, for a permit. He stated of the damage shown in the pictures, 99% of the panels are in good shape, not leaking on tenants. He stated there should have been more cooperation between officials and the owner of the property. He stated these issues were previously inspected and missed by the inspector. Mr. Mercer expressed concern regarding previous inspectors and reiterated that staff should work in cooperation with the owners.

Councilmember Thompson moved to call a public hearing regarding the possible levying of civil penalties, November 26, 2019. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

Councilmember Kitchens moved to authorize the filing of a Chapter 54 lawsuit against the owner of the Dakota Place Apartments. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

13. Considered authorizing the city manager to issue a "Notice to Proceed" to Prime Controls LP, a sole source provider for the Supervisory Control and Data Acquisition (SCADA) upgrade as proposed for the FY19-20 budget.

Mayor Wilson recognized Executive Director of Public Works Greg Dickens who reviewed the sole source contract. He stated the SCADA system is a network of computers and remote terminal units that monitor and control the entire water system and provide limited wastewater monitoring. He stated the system was last upgraded in 1999-2000 and replacement parts for this system are no longer available, creating a need to move forward with the upgrade.

Councilmember Thompson moved to authorize the city manager to issue a notice to proceed to Prime Controls, for the SCADA system upgrade, in an amount not to exceed \$85,000. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

14. Considered authorizing the city manager to proceed with the Phase II Post Oak - Parker Cemetery Fence Project.

Mayor Wilson recognized Executive Director of Community Services Kyle Gordon who reviewed the Phase II Post Oak – Parker Cemetery Fence Project noting the final design plan includes a six-foot wrought iron fence with stone columns along the remaining perimeter of the property; installing locking wrought iron gates for the service and pedestrian entrances; a metal archway with the full name "Post Oak – Parker Cemetery" above the pedestrian entrance; and ADA complaint walkway and enhanced stone entrance from Cardinal Drive; and embedding the Historic Texas Cemetery Medallion into a stone column by the entrance. He stated the project budget is \$143,550, which includes a 10% contingency, and reviewed the proposed timeline with an anticipated finish date of March 2020.

Mayor ProTem Kitchens thanked Kyle, staff and the Historical Committee for moving this project forward noting he and his wife, Carolyn's involvement in the cemetery restoration and the importance of preserving the history.

Councilmember Kitchens moved to authorize the city manager to proceed with the Phase II Post Oak – Parker Cemetery Fence Project, for an amount not to exceed \$143,550. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

15. Considered appointments to Boards, Commissions and Committees.

Councilmember Kitchens moved to appoint Larry Wilson to fill the vacant position on the Planning and Zoning Commission due to the recent death of Joe Fuchs. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

16. Council reviewed the following board, commission and committee meeting minutes:

- Library Board
- Parks and Recreation Board
- Planning and Zoning Commission
- Community Arts and Historic Landmark Committee

17. Review of upcoming calendar items - City Manager Caruthers reviewed calendar items noted in the packet including the November 16, 2019 Bellaire Pop-up event 9:00 a.m. to 4:00 p.m. this Saturday, the Senior Center Banquet, Saturday, December 14, 2019 which is a ticketed event and the City's office holiday hours.

18. City Council Reports - Items of Community Interest – Councilmember Shepard recognized Sirgio Santos and noted his involvement in revitalizing the Bellaire area and Central Arts Hurst, and encouraged people to stop by the 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.

Mayor Wilson recognized Cindy Ferguson, 1029 Black Street, who expressed her support for cats and NVR vaccination to help stop the wild animal cycle. Mayor Wilson also recognized TCC students in attendance.

EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by 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 to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (Dakota Place Apartments) to reconvene in Open Session at the conclusion of the Executive Session

Mayor Wilson did not recess to Executive Session noting it was held earlier during work session.

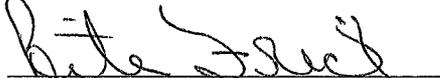
- 19. Take any and all action ensuing from Executive Session.

No action was taken.

ADJOURNMENT

APPROVED this the 26th day of November 2019.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor