

City Council Minutes
Tuesday, December 10, 2019

On the 10th day of December 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
Cathy Thompson)	
Bill McLendon)	
Jon McKenzie)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Michelle Lazo	)	Executive Director Planning and Development
Kyle Gordon	)	Executive Director Community Services
Greg Dickens	)	Executive Director of Public Works
Kara McKinney	)	Public Information Officer

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 David Booe gave the Invocation.

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

PRESENTATION(S)

1. Presentation of the Ellis & Associates Gold International Aquatic Safety Award and the 2019 Texas Recreation and Parks Society Horizons Award.

Mayor Wilson recognized Recreation Director Chris Watson who reviewed the Gold International Aquatic Safety Award presented to Recreation Coordinator Madison Seil by Ellis & Associates for excelling in lifeguard professionalism. Madison was also recognized by the Texas Recreation and Park Society with the Horizons Award, which recognizes an outstanding professional with less than five years of experience in the field of parks or recreation. Mr. Watson recognized Parks Director Kristi Weaver for successfully managing the department.

CONSENT AGENDA

2. Considered approval of the minutes for the November 26, 2019 City Council meetings.
3. Considered Resolution 1756 authorizing the city manager to accept the Drainage Easement Dedication on Tract BR of Lucas Estates Addition.
4. Considered authorizing the city manager to proceed with the Library Lighting Modernization Project.

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)

5. Conducted a Public Hearing and considered Ordinance 2432, first reading, approving SUP-19-12, Rewind Smoke Shop, a Special Use Permit to open an e-cigarette/vape store on a portion of Lot B, Block 32, Valentine Oaks Addition, being 4.87 acres located at 621 Bedford Eules Road.

Mayor Wilson announced a public hearing and to consider Ordinance 2432, first reading, approving SUP-19-12, Rewind Smoke Shop, a Special Use Permit to open an e-cigarette/vape store on a portion of Lot B, Block 32, Valentine Oaks Addition, being 4.87 acres located at 621 Bedford Eules Road and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the proposed application. Ms. Lazo noted the parcel address is 621 Bedford Eules Road and 637 is the suite number. She reviewed the proposed 2,200 square foot e-cigarette/smoke shop and showed pictures of vinyl window signs that will not exceed 25% of each window area and interior pictures of shelving. Ms. Lazo explained the Council adopted the Special Use Permit requirement for e-cigarette stores in 2016.

Mayor Wilson recognized applicant, Christopher Wyatt, 5105 Nancy Lane, North Richland Hills, Texas, who explained 637 W. Bedford Eules Road was chosen because it is not close to schools and the next competitor is over one-half mile away. He expressed a passion for the local smoke shop business and is confident the business will be successful. He provided estimated tax benefit to the City and views the business as a positive for the City. Mr. Wyatt stated this business is different as it will focus on glass arts produced by local artists. Mr. Wyatt also noted additional products including exotic tobaccos, pipe tobacco, ashtrays, lighters, and humidors, among other items will be sold. He stated store hours would be Monday – Thursday 10:00 a.m. to 10:00 p.m. and Friday and Saturday, 10:00 a.m. to 11:00 p.m. and closed on Sundays.

Mayor Wilson recognized the following individuals who spoke in support of the Special Use Permit, the good character, professionalism, work and business ethic of Mr. Wyatt

and the need for variety and choice of store options: Debra Wyatt, 741 S. John Douglas Road, VanAlstne, Texas; Kolleen Tussey, 1621 Martha Drive, Bedford, Texas; Nathan Putman, 1621 Martha Drive, Bedford, Texas; Cassie Gonzalez, 201 Westwood Drive, Eules, Texas; Kristina Hurtado, 5105 Nancy Lane, North Richland Hills, Texas; David Edward Geyer, 902 Tulane Drive, Arlington, Texas; Guillermo Ponee, 1708 W 2nd Street, Arlington, Texas.

Mayor Wilson recognized the following individuals who spoke against the Special Use Permit, noting the current number of smoke shops within the City, a smoke shop application was denied within the last two years at this location and another location is only a half mile from this location, and a desire for a family friendly business: Denean Clark, 1212 Trailwood Drive, Hurst; Gary Horton, 1262 Trailwood, Hurst.

The following individuals did not speak, but completed speaker cards in opposition: Pat Marnefka, 621 Pine St, Hurst; Emily Clark, 1212 Trailwood Drive, Hurst, and Malory Clark, 905 Forest Hollow Drive, Hurst.

In response to Councilmembers' questions, Ms. Lazo stated a Special Use Permit is necessary for this type of business due to Council passing a Special Use Permit requirement for e-cig and vape shops in 2016 based on the proliferation of this type of business. She stated the Planning and Zoning Commission denied this request as the e-cig and vape shop is not the best use of the property. Mr. Wyatt stated he chose his hours based upon the business next door, Lisa Chickens. He stated it is a young industry and he cannot speak about the overall health issues, but the product helped him stop smoking and vaping. Mr. Wyatt stated he plans to have a good relationship with the police department to prevent any issues.

Councilmember Kitchens moved to deny Ordinance 2432. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

Councilmember Thompson left the meeting at 7:03 p.m.

RESOLUTION(S)

6. Considered approval of Resolution 1754 casting votes for candidates to the Tarrant Appraisal District (TAD) Board of Directors.

Councilmember Shepard moved to approve Resolution 1754 casting 20 votes for Kathryn Wilmon. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

7. Considered approval of Resolution 1755 continuing support and participation in the Community Powered Revitalization Program and agreeing to expenditures allowed under the Texas Local Government Code Chapter 380 for the promotion of economic development.

Mayor Wilson recognized Director of CPR 6Stones Teresa Grady who provided program highlights for the year. Ms. Grady reviewed the number of cities involved, projects, occupants, volunteers and total volunteer hours given to the program, and recognized the various groups and businesses involved in the Hurst projects. She reviewed future projects and noted 6Stones will move locations in 18 months. She expressed her desire to continue the relationship with the City. City Manager Caruthers thanked Teresa and expressed his appreciation for 6Stones' willingness to support Hurst's request for a quality product and not quantity and for assisting a Hurst resident with the Egret cleanup.

Councilmember Booe expressed his appreciation for the remarkable work 6Stones has provided the community.

Councilmember Booe moved to approve Resolution 1755 supporting the Community Powered Revitalization Program and authorizing the city manager to make payments to 6Stones, as allowed under the Texas Local Government Code Chapter 380, based on projects completed, in an amount not to exceed \$25,000, and a one-time lump sum payment of \$25,000 to support CPR staff. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

No: None

OTHER BUSINESS

8. Considered authorizing the city manager to enter into a Contract for print services with Digital Press (Stone Shield Investments, LLC).

Mayor Wilson recognized Public Information Officer Kara McKinney who reviewed the proposed contract for print services noting six vendors submitted qualified bids and Digital Press submitted the lowest qualified bid. She stated Digital Press has a reputation for quality customer services, staff estimates savings of approximately 20% for printing costs, and anticipates spending approximately \$50,000 to \$80,000 per year on print services. Ms. McKinney stated staff is also looking at additional cost savings and increased services.

Councilmember Shepard moved to authorize the city manager to enter into a contract with Digital Press (Stone Shield Investments, LLC) with the option to renew for four additional twelve-month periods. Motion seconded by Councilmember Kitchens.

Motion prevailed by the following vote:

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

No: None

9. Considered authorizing the city manager to enter into an Agreement with Greenplay, LLC to produce a Cost Recovery and Resource Analysis.

Mayor Wilson recognized City Manager Clay Caruthers who stated he asked department heads to focus on operational planning and to revisit core services and cost recovery. He stated the proposed contract is part of the overall vision, which is largely shaped by measures from the legislative session limiting tax revenue recovery. He stated staff needs to frame things programmatically for future budget discussions. Parks Director Kristie Weaver reviewed the proposed agreement, which will aid in determining financial needs and strategies to fund programs. She stated the investment will not only provide a new foundation for decision making that is fair and equitable to the community, but also incorporate the necessary tools to ensure fiscally sustainable and responsible methods are utilized to determine subsidy levels in all areas of programming. Ms. Weaver reviewed the scope of work, methodology for cost recovery and resource analysis. She stated the final product would be a fluid document that adapts, as the community changes. She stated the bulk of the work would be done in four months with the final presentation to City Council in May 2020.

Councilmember Kitchens stated many citizens do not understand the fees they pay for various services and it is not really covering the cost. He stated this study should guide staff and Council in making fair decisions. City Manager Caruthers stated the goal is more education, not necessarily change driven.

Councilmember McKenzie moved to authorize the city manager to proceed with the Cost Recovery and Resource Analysis with GreenPlay, LLC, for \$46,310. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

No: None

10. Considered appointments to Boards, Commissions and Committees.

Councilmember Kitchens moved that Jessica Martin be moved to Place 3, Leah Smith to Alternate Place 2 and Will Blackburn to Alternate Place 1 on the Parks and Recreation Board. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

No: None

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

- Transportation Infrastructure and Safety Committee
 - Planning and Zoning Commission
12. Review of upcoming calendar items – City Manager Caruthers reviewed calendar items noted in the packet including Holiday Hours and the January 11, 2020 Household Hazardous Waste event.
 13. City Council Reports - Items of Community Interest – Councilmember McKenzie stated he recently completed the Citizen Prosecutor Academy through the County Criminal District Attorney office, which was a great opportunity to learn about the work being done. He stated District Attorney Sharen Wilson shared her objectives, and he appreciated their efforts to prevent crime and enforce laws. He reviewed information learned during the academy and stated it is open to any resident, with March 5, 2020 being the next application opportunity. Councilmember McKenzie also noted Ms. Wilson had great things to say about the Hurst Police Department.

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 Government Code, Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (City of Hurst v. Carl A. Robinson Properties, Ltd) and to reconvene in Open Session at the conclusion of the Executive Session

Mayor Wilson did not adjourn to Executive Session noting discussion was completed early.

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

Councilmember Kitchens moved to approve the resolution of Hurst v. Robinson et al. consistent with the parameters discussed in executive session and authorize the City Manager and City Attorney to execute all associated documents and to take all other necessary action. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

ADJOURNMENT – The meeting adjourned at 7:38 p.m.

APPROVED this the 14th day of January 2020.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor