

**WORK SESSION AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
FIRST FLOOR CONFERENCE ROOM
TUESDAY, JANUARY 28, 2020 – 5:30 P.M.**

I. Call to Order

II. Informational Items

-) Update and discussion of proposed dog park design
-) Update and discussion of Town Hall Forum

III. Discussion of Agenda Item(s) 5

Consider Resolution 1761 authorizing the city manager to accept the water line easement dedication for Lot 5, Block A, The Haven, First Installment Addition

Greg Dickens

IV. Discussion of Agenda Item(s) 6

Consider authorizing the city manager to enter into a Professional Services Agreement with The Management Connection

Clay Caruthers

V. Discussion of Agenda Item(s) 7 and 8

Consider designating Livingston Drive from West Pipeline Road to 629 Livingston Drive as the FY 2020 – 46th Year Community Development Block Grant (CDBG) Program project

Consider authorizing the city manager to enter into an Interlocal Agreement with Tarrant County for the 2020 Street Overlay Program

Greg Dickens

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) and to reconvene in Open Session at the conclusion of the Executive Session

ADJOURNMENT

Posted by: _____

This the 24th day of January 2020, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (817) 788-7041 or FAX (817) 788-7054, or call TDD 1-800-RELAY-TX (1-800-735-2989) for information or assistance.

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
TUESDAY, JANUARY 28, 2020**

AGENDA:

5:30 p.m. - Work Session (City Hall, First Floor Conference Room)

6:30 p.m. - City Council Meeting (City Hall, Council Chamber)

CALL TO ORDER

INVOCATION (Councilmember Jon McKenzie)

PLEDGE OF ALLEGIANCE

PRESENTATION(S) AND PERSON(S) TO BE HEARD

1. Presentation of City of Hurst Flag flown in memory of former Planning and Zoning Commissioner Joe Fuchs
2. Mid Cities Care Corps Executive Director Duane Buuck requested to speak to thank the Council for their support of Mid Cities Care Corps outreach programs

CONSENT AGENDA

3. Consider approval of the minutes for the January 14, 2020 City Council meetings
4. Consider Ordinance 2433, second reading, amending Chapter 13, Municipal Court, relevant to the assessment and collection of reimbursement fees and court costs
5. Consider Resolution 1761 authorizing the city manager to accept the water line easement dedication for Lot 5, Block A, The Haven, First Installment Addition
6. Consider authorizing the city manager to enter into a Professional Services Agreement with The Management Connection

OTHER BUSINESS

7. Consider designating Livingston Drive from West Pipeline Road to 629 Livingston Drive as the FY 2020 – 46th Year Community Development Block Grant (CDBG) Program project
8. Consider authorizing the city manager to enter into an Interlocal Agreement with Tarrant County for the 2020 Street Overlay Program

9. Review of upcoming calendar items
10. 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

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) and to reconvene in Open Session at the conclusion of the Executive Session

11. Take any and all action ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 24th day of January 2020, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 561.087 of the Texas Government Code.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (817) 788-7041 or FAX (817) 788-7054, or call TDD 1-800-RELAY-TX (1-800-735-2989) for information or assistance.

City Council Staff Report

SUBJECT: Presentation of Flag flown in memory of former Planning and Zoning Commission member Joe Fuchs	
Supporting Documents:	
	Meeting Date: 1/28/2020 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
This item provides for the presentation of a flag flown in memory of former Planning and Zoning Commission Member Joe Fuchs.	
Funding and Sources and Community Sustainability:	
N/A	
Recommendation:	
N/A	

City Council Staff Report

SUBJECT: Mid Cities Care Corps Executive Director Duane Buuck requested to speak to thank the Council for their support of their outreach programs

Supporting Documents:

Meeting Date: 1/28/2020
Department: City Secretary
Reviewed by: Rita Frick
City Manager Review:

Background/Analysis:

Mid Cities Care Corps Executive Director Duane Buuck requested to speak to thank the Council for their support of Mid Cities Care Corps outreach programs

Funding and Sources and Community Sustainability:

N/A

Recommendation:

N/A

**Minutes
Hurst City Council
Work Session
Tuesday, January 14, 2020**

On the 14th day of January 2020, at 5:30 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
David Booe)	
Cathy Thompson)	
Bill McLendon)	
Cindy Shepard)	
Jon McKenzie)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Kyle Gordon	)	Executive Director of Community Services
Michelle Lazo	)	Executive Director of Development
Greg Dickens	)	Executive Director of Public Works
David Palla	)	Fire Chief
Public Information Officer	)	Kara McKinney

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

I. Call to Order – the meeting was called to order at 5:30 p.m.

II. Informational Items

) **Discussion of upcoming calendar items** – City Manager Caruthers noted the National League of Cities Congressional Cities Conference upcoming in March and requested Council notify City Secretary Rita Frick if they have interest in attending.

Mayor Wilson moved the Executive Session to the next item of the Work Session.

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) and to reconvene in Open Session at the conclusion of the Executive Session.

Mayor Wilson recessed the work session to Executive Session at 5:30 p.m. 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) and reconvened Open Session at 6:21 p.m.

Mayor Wilson moved Work Session Item X to the next item.

X. Discussion of Agenda Item(s) 10

Consider Resolution 1758 calling the May 2, 2020 General Election.

City Secretary Rita Frick provided an amended Resolution 1758 calling the May 2, 2020 General Election, noting date changes from the resolution in the packet.

The following items were not discussed in work session.

III. Discussion of Agenda Item(s) 3

Consider Resolution 1760 supporting Application for Combined Crime Victims Coordinator Grant to the Office of the Governor for the cities of Hurst, Euless, and Bedford to operate the Combined Crime Victims Coordinator

IV. Discussion of Agenda Item(s) 4

Consider Ordinance 2433, first reading, amending Chapter 13, Municipal Court, relevant to the assessment and collection of reimbursement fees and court costs

V. Discussion of Agenda Item(s) 5

Consider Resolution 1757 adopting the Hart Verity Voting System

VI. Discussion of Agenda Item(s) 6

Consider Resolution 1759 adopting the 2020 Tarrant County Hazard Mitigation Action Plan

VII. Discussion of Agenda Item(s) 7

Consider authorizing the city manager to enter into a contract for network infrastructure maintenance

VIII. Discussion of Agenda Item(s) 8

Conduct a public hearing and consider the issue of levying civil penalties and status of the repairs for the property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments)

IX. Discussion of Agenda Item(s) 9

Conduct a Public Hearing for the Fiscal Year 2020 – 46th Year Community Development Block Grant Program

XI. Discussion of Agenda Item(s) 11

Consider authorizing the city manager to enter into a contract for construction of the Valley

View Drive Drainage Improvements (1148 Valley View)
Greg Dickens

Adjournment – The meeting adjourned at 6:25 p.m.

APPROVED this the 28th day of January 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Minutes
Tuesday, January 14, 2020

On the 14th day of January 2020, 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
David Palla	)	Fire Chief
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 Cathy Thompson gave the Invocation.

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

PRESENTATION(S)

1. Presentation of Award for the CPR/AED Save at the Hurst Athletic Center.

Fire Chief David Palla provided an overview of the lifesaving efforts by numerous individuals culminating in a life saved and a family being together on September 13, 2019. He noted the team actions and community involvement necessary for the treatment to be effective includes training, willingness to provide care and access to properly maintained equipment. Chief Palla recognized City of Hurst Facility Services representative Mike Watson, Battalion Chief / EMS Coordinator Wes Rippey, Firefighter Paramedic Luis Flores, participants Eric Lopez, Nicholas Hoover and Kelli Elliot, and

Medical City North Hills EMS Coordinator William Harn who spoke on behalf of the medical staff. He presented the City a plaque for the AED and thanked the City for recognizing AED equipment does save lives.

CONSENT AGENDA

2. Considered approval of the minutes for the December 10, 2019 City Council meetings.
3. Considered Resolution 1760 supporting Application for Combined Crime Victims Coordinator Grant to the Office of the Governor for the cities of Hurst, Euless, and Bedford to operate the Combined Crime Victims Coordinator.
4. Considered Ordinance 2433, first reading, amending Chapter 13, Municipal Court, relevant to the assessment and collection of reimbursement fees and court costs.
5. Considered Resolution 1757 adopting the Hart Verity Voting System.
6. Considered Resolution 1759 adopting the 2020 Tarrant County Hazard Mitigation Action Plan.
7. Considered authorizing the city manager to enter into a contract for network infrastructure maintenance.

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 and considered the issue of levying civil penalties and status of the repairs for the property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments).

Mayor Wilson announced a public hearing and consider the issue of levying civil penalties and status of the repairs for the property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments) and recognized Assistant City Attorney Matthew Boyle who stated this item is a follow up to prior orders issued to the Dakota Apartment complex. He stated the prior orders were issued September 24, 2019 and November 26, 2019. He stated that as part of the September 24, 2019 order, Council gave the owners of the Dakota Place Apartments until October 24, 2019, to complete all of the repairs of outstanding items necessary on the property. Mr. Boyle stated he is disappointed to report compliance has still not been achieved. Mr. Boyle explained the property owner applied for a building permit just prior to the close of business today for the roof repairs, deemed necessary since 2016. He

stated between November 26, 2019 and today, there have been 49 additional days of non-compliance. In addition, issues of the roofs remain and represent a serious threat to the health, safety, and welfare of the residents. Staff is asking your consideration in calling a public hearing to consider the possible revocation of the Certificate of Occupancy for the Dakota Place Apartments.

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

Councilmember Kitchens expressed concern that a Dakota Place Apartments representative is not present. He stated the Council's intent is not to bother Mr. Mercer or the occupants, but ensure the safety, welfare and health of the occupants. Councilmembers discussed occupancy, civil penalties and a February public hearing date.

Councilmember Thompson moved to approve an Order assessing conditional civil penalties against the owner(s) of the Dakota Place Apartments, in the amount of \$1,000.00 per day for a total amount of \$ \$49,000.00 and calling a public hearing for February 11, 2020, to consider additional civil penalties and the possible revocation of the Certificate of Occupancy for the Dakota Apartments. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

9. Conducted a Public Hearing for the Fiscal Year 2020 – 46th Year Community Development Block Grant Program.

Mayor Wilson announced a public hearing and recognized Executive Director of Public Works Greg Dickens who reviewed the process for the Community Development Block Grant Program. He explained Tarrant County receives the funds from H.U.D. and splits the funding between the cities in the consortium. Mr. Dickens reviewed past projects and noted tonight is to receive public input on possible projects.

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

Executive Director of Public Works Greg Dickens stated an item will be placed on a future City Council agenda for consideration. That staff is proposing a project on a portion of Livingston, based on eligible block areas and the existing paving conditions.

RESOLUTION(S)

10. Considered Resolution 1758 calling the May 2, 2020 General Election.

City Secretary Rita Frick reviewed the proposed resolution calling for the May 2, 2020 General Election.

Councilmember McKenzie moved to approve Resolution 1758 calling the May 2, 2020 General Election of Officers. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

OTHER BUSINESS

11. Considered authorizing the city manager to enter into a contract for construction of the Valley View Drive Drainage Improvements (1148 Valley View).

Executive Director of Public Works Greg Dickens reviewed the proposed contract for construction of Valley View Drive drainage improvements noting the natural ground of the rear yards of lots on Belle Street and Bedford Court East, falls toward the west including 1148 Valley View Drive. He explained flooding is occurring and the owners tried to control the overflow through landscaping improvements. Mr. Dickens reviewed plans for repair and stated GRod Construction is the successful low bidder. In response to Councilmember questions, Mr. Dickens stated the contractor has not worked for Hurst, but the results of the vetting process is part of the engineer's recommendation letter. He stated once the construction project begins it should be 50 calendar days for the project to be complete.

Councilmember McLendon moved to authorize the city manager to enter into a contract with GRod Construction, LLC, for Valley View Drive Drainage Improvements (1148 Valley View), in the amount of \$52,930.00, with a contingency of \$5,000.00, for a total amount of \$57,920.00 and a bid time of 50 calendar days. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

12. Council reviewed the following board, commission and committee meeting minutes:
- Ñ Library Board
 - Ñ Parks and Recreation Board
 - Ñ Hurst Senior Citizens Advisory Board

13. City Council Reports - Items of Community Interest

Assistant City Manager Malaika Marion Farmer reviewed upcoming calendar items.

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 Boy Scouts in attendance working on merit badges.

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

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) and to reconvene in Open Session at the conclusion of the Executive Session

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

Councilmember Thompson moved to approve an amendment to the Economic Development Agreement with Hurst One, LLC, as discussed in Executive Session and authorize the City Manager to execute same and to take all other necessary action. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

ADJOURNMENT – The meeting adjourned at 7:26 p.m.

APPROVED this the 28th day of January 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Staff Report

SUBJECT: Consider Ordinance 2433 amending Chapter 13, Municipal Court by amending and replacing sections relevant to the assessment and collection of reimbursement fees and court costs

Supporting Documents:

Ordinance 2433

Meeting Date: 1/14/2020

Department: Legislative and Judicial Services

Reviewed by: Rita Frick

City Manager Review:

Background/Analysis:

Senate Bill 346 of the 86th Legislature (SB 346) consolidated and allocated criminal court costs contained in current law and preempts several sections of Chapter 13 – Municipal Court of the Hurst Code of Ordinances. The proposed ordinances will bring the current chapter into compliance with state law and update language to reflect Court practice.

Funding Sources and Community Sustainability:

There is no funding source and staff anticipates the proposed consolidated and allocated criminal court costs will have a revenue neutral impact. This item is representative of the Council's vision and mission statements along with their strategic priorities of leadership and public safety.

Recommendation:

It is recommended City Council move to approve Ordinance 2433, second reading, amending Chapter 13, Municipal Court.

ORDINANCE 2433

AN ORDINANCE OF THE CITY OF HURST AMENDING CHAPTER 13, MUNICIPAL COURT BY AMENDING AND REPLACING SECTIONS 13-8, 13-9, 13-14, 13-15, 13-17 AND 13-18 RELEVANT TO THE ASSESSMENT AND COLLECTION OF REIMBURSEMENT FEES AND COURT COSTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Hurst (the “City”) is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City has created a Municipal Court of record, having concurrent jurisdiction with the justice court in criminal cases that arise in the City and that are punishable by fine only; and

WHEREAS, Senate Bill 346 of the 86th Legislature (“SB 346”) consolidated and allocated criminal court costs contained in current law; and

WHEREAS, SB 346 has a preemptive effect on ordinances adopted prior to its effective date of January 1, 2020; and

WHEREAS, the City Council finds and determines that the fees and costs adopted by this ordinance are in compliance with the provisions and intent of SB 346, and are thus, revenue neutral to the greatest extent possible; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That Chapter 13, Municipal Courts, Section 13-8 is amended and replaced, which shall read as follows:

Sec. 13-8. - Failure to appear; fee for warrant of arrest.

If any person fails to appear before the court, either in compliance with a personal bond or as directed by a notice of the municipal court clerk's officer, a warrant for the person’s arrest shall be issued, and a reimbursement fee of fifty dollars (\$50.00) shall be charged for the execution or processing by a peace officer of such warrant. The reimbursement fee shall be assessed on conviction, regardless of whether the defendant was arrested at the same time for another offense, and shall be assessed for each arrest of a defendant arising out of the offense for which the defendant has been convicted.

SECTION 3: That Chapter 13, Municipal Courts, Section 13-9 is hereby amended and replace, which shall read as follows:

Sec. 13-9. – Enforcement of judgment

The judgment of the municipal court shall be enforced in accordance with the Code of Criminal Procedure.

SECTION 4: That Chapter 13, Municipal Courts, Section 13-14 is amended and replaced, which shall read as follows:

Sec. 13-14. – Municipal Court technology fund

- (a) There is hereby created a Municipal Court technology fund.
- (b) The Municipal Court technology fund consists of money allocated to the funds under Texas Local Government Code Sections 134.103.
- (c) The money deposited in the Municipal Court technology fund may be used to the extent permissible under state law.

SECTION 5: That Chapter 13, Municipal Courts, Section 13-15 is amended and replaced, which shall read as follows:

Sec. 13-15. – Municipal Court building security fund

- (a) There is hereby created a Municipal Court building security fund.
- (b) The Municipal Court building fund consists of money allocated to the funds under Texas Local Government Code Sections 134.103.
- (c) The money deposited in the Municipal Court building security fund may be used to the extent permissible under state law.

SECTION 6: That Chapter 13, Municipal Courts, Section 13-17 is amended and replaced, which shall read as follows:

Sec. 13-17 – Juvenile case manager; local truancy prevention and diversion fund

- (a) The Municipal Court is authorized to employ one or more juvenile case managers who:
 - (1) shall assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases; and

(2) may provide prevention services to a child considered at-risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses.

- (b) There is hereby created a local truancy prevention and diversion fund.
- (c) The local truancy prevention and diversion fund consists of money allocated to the funds under Texas Local Government Code Sections 134.103.
- (d) A fund created under this section may be used to the extent permissible under state law.

SECTION 7: That Chapter 13, Municipal Court, is amended by adding Section 13-18, which shall read as follows:

Sec. 13-18 – Municipal jury fund

- (a) There is hereby created a municipal jury fund.
- (b) The Municipal jury fund consists of money allocated to the funds under Texas Local Government Code Sections 134.103.
- (c) The money deposited in the municipal jury fund may be used to the extent permissible under state law.

SECTION 8: That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed

SECTION 9: It is hereby declared to be the intention of the City Council of the City of Hurst, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council of the City of Hurst without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 10: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

AND IT IS SO ORDERED.

Passed on the first reading on the 14th day of January 2020 by a vote of 6 to 0.

Approved on the second reading on the 28th day of January 2020 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney

City Council Staff Report

SUBJECT: Consider approval of Resolution 1761 authorizing the city manager to accept the Water Line Easement Dedication on Lot 5, Block A, The Haven, First Installment Addition

Supporting Documents:

Resolution 1761
 Water Line Easement

Meeting Date: 1/28/2020
 Department: Public Works
 Reviewed by: Greg Dickens
 City Manager Review:

Background/Analysis:

As part of the design and construction of Sprouts Crossing improvements, an existing public water line, not previously located within a dedicated water line or utility easement, needed to be relocated to allow construction of a perimeter screen wall. The proposed easement for the relocated water line is 10-feet wide and centered on the new water pipeline alignment. The water pipeline in this easement provides potable and fire flow service to existing and new structures in the Sprouts Crossing Shopping Center.

Funding Sources and Community Sustainability:

The property owner is conveying the easement without cost. There is no fiscal impact.

The acceptance of this easement for water supply purposes is consistent with the City Council's goals of Redevelopment, Economic Vitality, and Infrastructure.

Recommendation:

Staff recommends City Council approve Resolution 1761 authorizing the city manager to accept the Water Line Easement Dedication on Lot 5, Block A, The Haven, First Installment Addition.

RESOLUTION 1761

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HURST AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEDICATION OF WATER LINE EASEMENT FOR THE PURPOSES OF CONSTRUCTING UNDERGROUND WATER DISTRIBUTION PIPE ON LOT 5, BLOCK A, THE HAVEN, FIRST INSTALLMENT ADDITION

WHEREAS, the site plan for Sprouts Crossing improvements has been approved by City Council; and

WHEREAS, the site contained a public water line that was not located in a public water line easement; and

WHEREAS, the waterline needed to be relocated for construction of the planned screening wall; and

WHEREAS, to ensure the water distribution pipeline is maintained to serve the various lots in the Spouts development, this water line easement needs to be dedicated to the City of Hurst.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

Section 1. THAT the City Council of the City of Hurst authorizes the city manager to accept the dedication of this water line easement for the purposes of operation and maintaining the underground water distribution pipeline on Lot 5, Block A, The Haven, First Installment Addition.

AND IT IS SO RESOLVED.

Approved this the 28th day of January 2020 by a vote of ____ to ____.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney

**CITY OF HURST, TEXAS
WATER LINE EASEMENT**

STATE OF TEXAS §
COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

GRANTOR: _EREPR SPROUTS CROSSING I, LLC_

GRANTOR'S MAILING ADDRESS (including County):

 515 Congress Avenue, Suite 1925

 Austin, Texas 78701

GRANTEE: CITY OF HURST, TEXAS

GRANTEE'S MAILING ADDRESS (including County):

1505 PRECINCT LINE ROAD
HURST, TARRANT COUNTY, TX 76056

CONSIDERATION: One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY DESCRIPTION:

Grantor, for the consideration paid to Grantor and other good and valuable consideration, hereby grants, sells, and conveys to Grantee, its successors and assigns, an exclusive, perpetual easement for the construction, operation, maintenance, replacement, upgrade, and repair of a Water Line Facility, hereafter referred to as "Facility". The Facility includes all incidental underground and aboveground attachments, equipment and appurtenances, including, but not limited to manholes, manhole vents, valves, fire hydrant, water meters, pipelines in, upon, under and across a portion of the Property and more fully described in Exhibit "A" and "B" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility.

In no event shall Grantor (1) use the Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (2) erect or permit to be erected a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit.

However, Grantor shall be permitted to maintain any existing concrete driveway or road on the Property. Grantee shall be obligated to restore the surface of the Property at Grantee's sole cost and expense, including the restoration of any sidewalks, driveways, or similar surface improvements located upon or adjacent to the Easement Tract which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the easement granted hereunder. Provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this Easement.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever; and Grantor does hereby bind itself and its successor and assigns to warrant and forever defend all and singular the easement unto Grantee, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED this 13 day of January, 2020.

GRANTOR: EREP Sprouts Crossing I, LLC GRANTEE: **City of Hurst, Texas**

BY: [Signature]

BY: _____

NAME: Jason Maddox

NAME: CLAY CARUTHERS

TITLE: Vice President

TITLE: CITY MANAGER

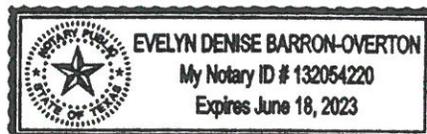
ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JASON MADDOX, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13 day of JANUARY, 2020.

Evelyn Denise Barron-Overton
Notary Public in and for the State of Texas



ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

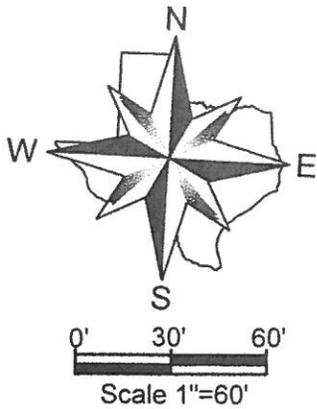
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Clay Caruthers, City Manager of the City of Hurst, Texas**, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 2020.

Notary Public in and for the State of Texas

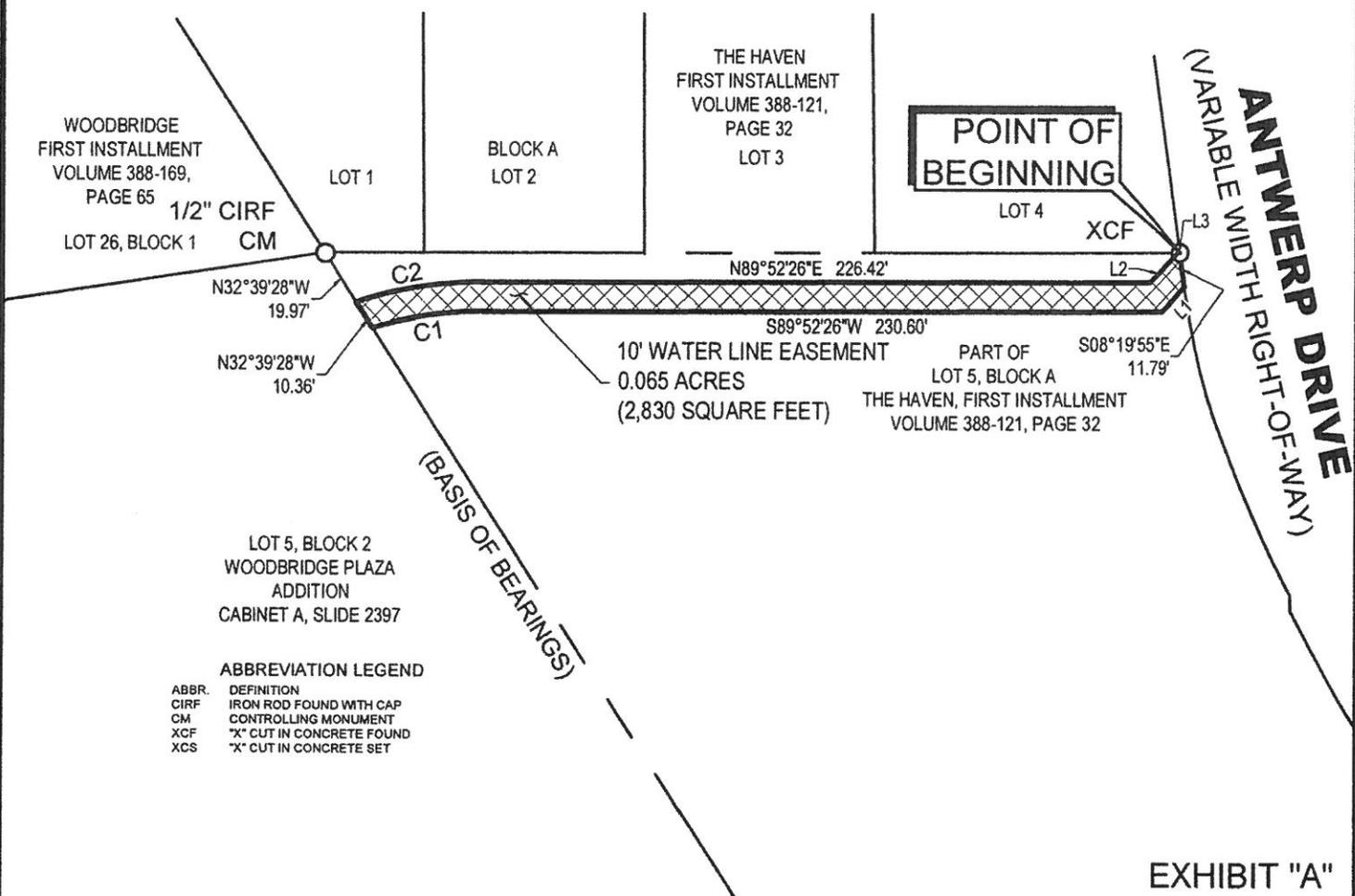
AFTER RECORDING PLEASE RETURN TO:

CITY OF HURST
ENGINEERING DEPARTMENT
1505 PRECINCT LINE ROAD
HURST, TARRANT COUNTY, TX, 76056



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S44°24'42"W	11.69'
L2	N44°24'42"E	14.03'
L3	N89°52'26"E	0.86'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	16°49'44"	130.00'	38.18'	38.05'	S81°27'34"W
C2	17°58'35"	140.00'	43.92'	43.74'	N80°53'09"E



ABBREVIATION LEGEND

ABBR. DEFINITION
 CIRF IRON ROD FOUND WITH CAP
 CM CONTROLLING MONUMENT
 XCF "X" CUT IN CONCRETE FOUND
 XCS "X" CUT IN CONCRETE SET

EXHIBIT "A"

Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS
 6750 HILLCREST PLAZA DRIVE, SUITE 215 DALLAS, TEXAS 75230
 Texas Engineers Registration No. 89
 Texas Surveyors No. 10088600 Expires 12-31-19
 COPYRIGHT © 2019, Winkelmann & Associates, Inc.

Scale : 1" = 60'
 Date : 10.14.19
 Dwg. File : 75001-WATER ESMT
 Project No. : 75001



10' WATER LINE EASEMENT EXHIBIT
 0.065 ACRES
 (2,830 SQ. FT.)

EPIC REAL ESTATE PARTNERS
 515 CONGRESS AVE., SUITE 1925
 AUSTIN, TEXAS 79701

SHEET
1
OF
2

10' WATER LINE EASEMENT DESCRIPTION

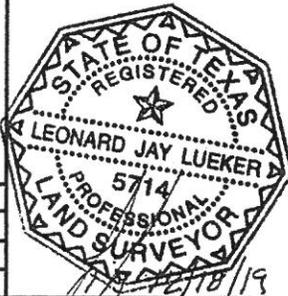
STATE OF TEXAS §
 COUNTY OF TARRANT §

BEING a tract of land situated in the JOHN H. DUNCAN SURVEY, ABSTRACT NO. 399, City of Hurst, Tarrant County, Texas and being a part of Lot 5, Block A, The Haven, First Installment, an addition to the City of Hurst, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-121, Page 32, Official Public Records, Tarrant County, Texas, and being part of a tract of land described in deed to EREP Sprouts Crossing I, LLC as recorded in County Clerk's Instrument No. D216219145, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a X-cut in concrete found for the Northeast corner of said Lot 5, Block A, and the Southeast corner of Lot 4, Block A, said The Haven First Installment, said X-cut being situated in the Westerly right-of-way of Antwerp Drive, a variable width right-of-way;
 THENCE South 08 deg 19 min 55 sec East, along the Easterly line of said Lot 5, Block A, and the Westerly right-of-way of said Antwerp Drive, a distance of 11.79 feet to a point for corner;
 THENCE departing the Westerly right-of-way of said Antwerp Drive and over and across said Lot 5, Block A, the following South 44 deg 24 min 42 sec West, a distance of 11.69 feet to a point for corner;
 THENCE South 89 deg 52 min 26 sec West, a distance of 230.60 feet to a point for corner and the beginning of a curve to the left having a radius of 130.00 feet, a central angle of 16 deg 49 min 44 sec, a chord bearing of South 81 deg 27 min 34 sec West and a chord length of 38.05 feet;
 THENCE continuing over and across said Lot 5, Block A and along said curve to the left, an arc distance of 38.18 feet to a point for corner said point being situated in the Westerly line of said Lot 5, Block A, and the Easterly line of Lot 5, Block 2, Woodbridge Plaza Addition, and Addition to the City of Hurst, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 2397, Official Public Records, Tarrant County, Texas;
 THENCE North 32 deg 39 min 28 sec West, along the Westerly line of said Lot 5, Block A, and the Easterly line of said Lot 5, Block 2, a distance of 10.36 feet to a point for corner, said point being the beginning of a non-tangent curve to the right having a radius of 140.00 feet, a central angle of 17 deg 58 min 35 sec, a chord bearing of North 80 deg 53 min 09 sec East and a chord length of 43.74 feet from which a 1/2-inch iron rod with cap found for the Northwest corner of said Lot 5, Block A, the Northeast corner of said Lot 5, Block 2, the Southeast corner of Lot 26, Block 1, Woodbridge First Installment, an addition to the City of Hurst, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-169, Page 65, Official Public Records, Tarrant County, Texas, and the Southwest corner of Lot 1, Block A, of said The Haven First Installment, bears North 32 deg 39 min 28 sec West, at a distance of 19.97 feet;
 THENCE departing the Easterly line of said Lot 5, Block 2 and continuing over and across said Lot 5, Block A the following:
 Along said curve to the right, an arc distance of 43.92 feet to a point for corner;
 North 89 deg 52 min 26 sec East, a distance of 226.42 feet to a point for corner;
 North 44 deg 24 min 42 sec East, a distance of 14.03 feet to a point for corner, said point being situated in the Northerly line of said Lot 5, Block A and the Southerly line of said Lot 4;
 THENCE North 89 deg 52 min 26 sec East, along the Southerly line of said Lot 4 and the Northerly line of said Lot 5, Block A, a distance of 0.86 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.065 acres or 2,830 square feet of land, more or less. Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 16th day of June, 2016, utilizing a GPS measurement (NAD 83) of North 32 deg 39 min 28 sec West (plat-North 32 deg 34 min 40 sec West), along the Southwesterly line of Lot 5, Block A, recorded in Volume 388-121, Page 32, Official Public Records, Tarrant County, Texas.

EXHIBIT "B"

 <p>Winkelmann & Associates, Inc.</p> <p>CONSULTING CIVIL ENGINEERS ■ SURVEYORS</p> <p>6750 HILLCREST PLAZA DRIVE, SUITE 215 DALLAS, TEXAS 75230</p> <p>Texas Engineers Registration No. 89 Texas Surveyors No. 10086600 Expires 12-31-19 COPYRIGHT © 2019, Winkelmann & Associates, Inc.</p>		10' WATER LINE EASEMENT EXHIBIT 0.065 ACRES (2,830 SQ. FT.)	SHEET 2 OF 2
		EPIC REAL ESTATE PARTNERS 515 CONGRESS AVE., SUITE 1925 AUSTIN, TEXAS 79701	
Scale : N/A Date : 10.14.19 Dwg. File : 75001-WATER ESMT Project No. : 75001			

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a professional services agreement with The Management Connection

Supporting Documents:

Meeting Date: 1/28/2020
 Department: Administration
 Reviewed by: Clay Caruthers
 City Manager Review:

Background/Analysis:

The Management Connection (TMC) was selected by City Council to provide professional facilitation services in 1999. The City initially partnered with TMC to develop a set of core values for the organization and to update the City's strategic plan. The development of the organization's core values, the Code of Ideals, jump-started efforts to enhance and maintain a positive organizational culture. Over the past twenty-one years, staff and City Council have carefully and purposefully shaped a culture that is now proudly referred to as the Hurst Way. TMC continues to play an instrumental role in the City's strategic planning efforts and cultural maintenance. And, the City expanded its partnership with TMC over time to include outsourced administrative services including, but not limited to, hiring and employee evaluation programs.

TMC's contract is up for renewal and staff is proposing a 3-year partnership with TMC. Proposed professional services to be provided by TMC include: independent facilitation of the annual strategic planning process, leadership development and professional education for staff, ongoing work with the executive management team to support the Hurst Way culture, and outsourced human resources activities that compliment services provided by the City's human resources staff. The City's partnership with TMC has resulted in adopted core values and ethical principles, successful internal promotions into key management positions, hiring "the right fit" candidates from outside the organization, sustained strategic planning that positively and purposefully guides the organization, and beneficial process improvement throughout the City.

Strategic planning, employee leadership development, and maintenance of an ethical and positive organizational culture provides organizational stability and operational efficiencies. The City remains committed to offering such a professional environment to residents, businesses, and guests. Staff is requesting to enter into a Professional

Facilitation Services Agreement with TMC in an amount of \$90,000 per year with two one-year renewals to be considered in the annual budget process. This represents approximately a 6% increase over the prior year's contract amount. TMC agreed to maintain the annual contract amount over the three-year period. All payments will be made to TMC only after services are provided and an invoice is submitted on a project basis. The city will also provide approved reimbursements including required travel.

Funding Sources and Community Sustainability:

Funding for FY 2019-2020 is included in the current budget. Future contract appropriations will be considered within the proposed FY 2020-2021 and FY 2021-2022 budgets. The proposed agreement is directly representative of the Council's vision and mission statements along with their goals and priorities. The facilitation and leadership provided through TMC, continues to build upon the Customer Service and Hurst Way Philosophy to meet the objectives of the City Council's Strategic Planning Process. TMC played a significant role in helping Council and staff create processes that continue to feed the organization's passion to provide valuable public and customer service to our residents, businesses and guests.

Recommendation:

Staff recommends that the City Council authorize the city manager to enter into a Professional Services Agreement with The Management Connection, in an amount not to exceed \$90,000 per year and approved reimbursements including travel expenses, with two one-year extensions to be considered as part of the City's annual budget preparation process.

City Council Staff Report

SUBJECT: Consider designating Livingston Drive from West Pipeline Road to 629 Livingston Drive as the FY 2020 – 46th Year Community Development Block Grant (CDBG) Program Project

Supporting Documents:

2020 CDBG Target Areas
 Vicinity Map
 Location Map
 Estimated Project Cost

Meeting Date: 1/28/2020
 Department: Public Works
 Reviewed by: Greg Dickens
 City Manager Review:

Background/Analysis:

Tarrant County will be receiving H.U.D. funding in 2020 for projects designed to upgrade low to moderate-income neighborhoods in the Community Development Block Grant (CDBG) area.

Pursuant to the requirement of amended Community Development Act of 1974, each city must hold at least one Public Hearing. The hearing was advertised December 22, 2019, and the Public Hearing was held January 14, 2020, at the regularly scheduled City Council meeting. No one from the public spoke at the public hearing.

Staff has reviewed the eligible areas in Hurst and recommends the reconstruction of Livingston Drive from West Pipeline Road to 629 Livingston Drive as the project for the 2020 CDBG Program. The reconstruction will include the replacement of the existing asphalt pavement with reinforced concrete, and the replacement of 635 linear feet of sanitary sewer pipeline.

The estimated cost of construction, including contingencies, is \$381,000. Staff estimates the City of Hurst will receive a CDBG grant amount of \$165,000 from Tarrant County. The City of Hurst will be responsible for all design costs estimated at \$50,000. Hurst will be responsible for all project construction costs above the CDBG grant amount, approximately \$216,000.

Funding Sources and Community Sustainability:

Construction funding will be provided in the FY 2020-2021 Budget when reimbursement to Tarrant County for the project is expected.

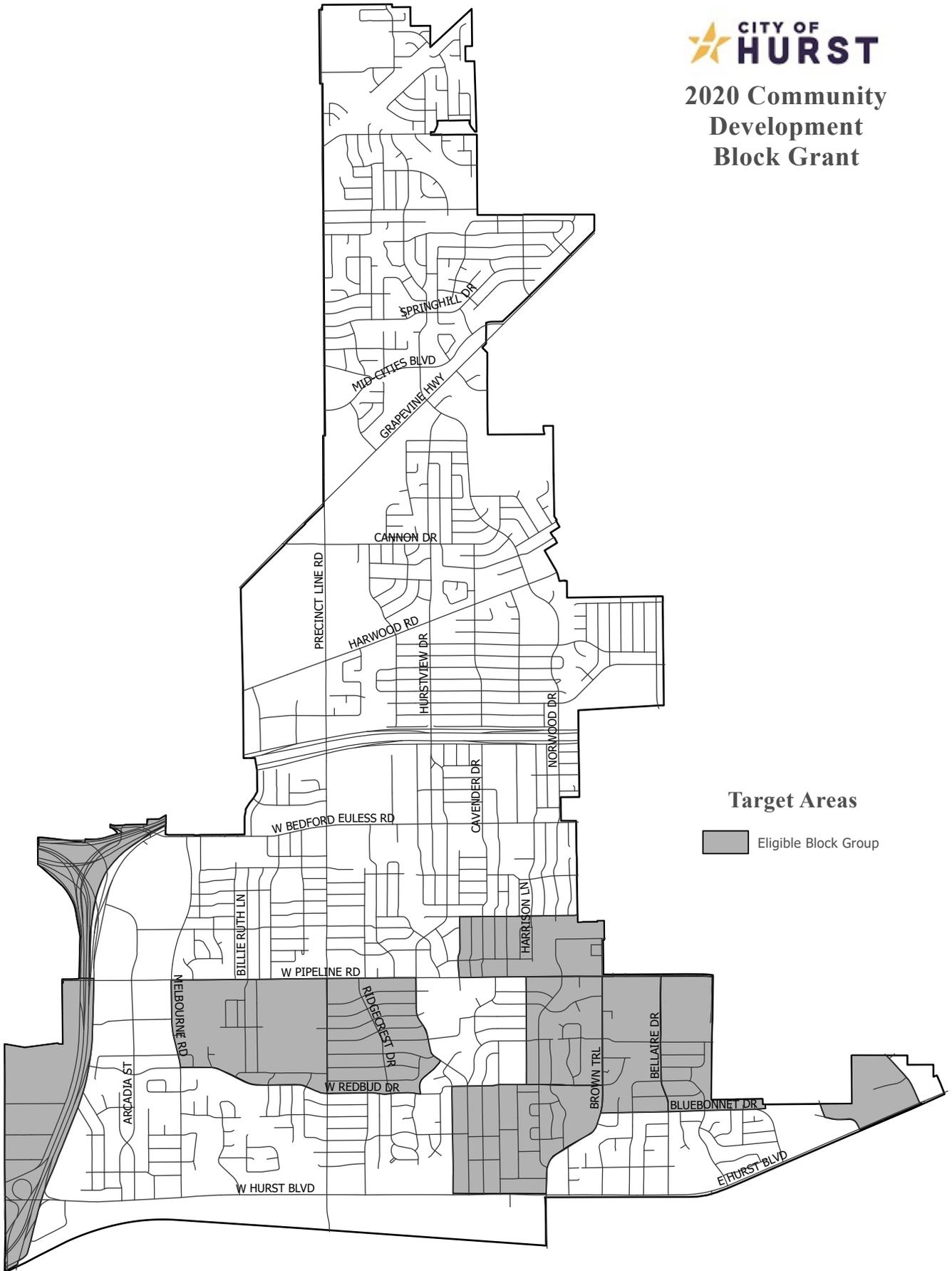
Participation in the CDBG program and funds granted to the City is directly representative of the Council's goals of Financial Sustainability and Infrastructure. The reconstruction of streets in older portions of the City will encourage Redevelopment in those areas.

Recommendation:

Staff recommends City Council designate the reconstruction of Livingston Drive from West Pipeline Road to 629 Livingston Drive as the FY 2020 – 46th Year Community Development Block Grant Program Project for the City of Hurst.



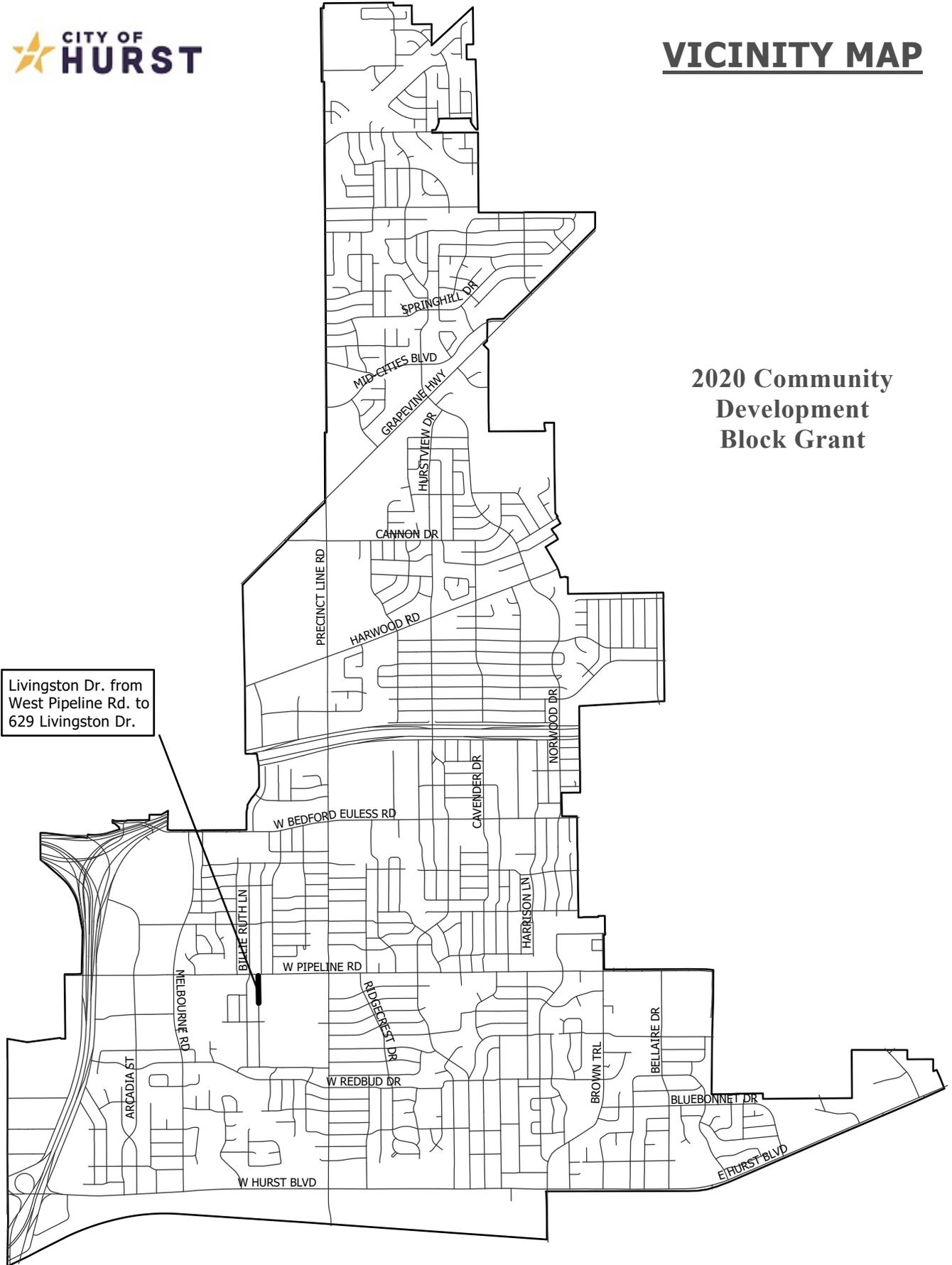
2020 Community Development Block Grant





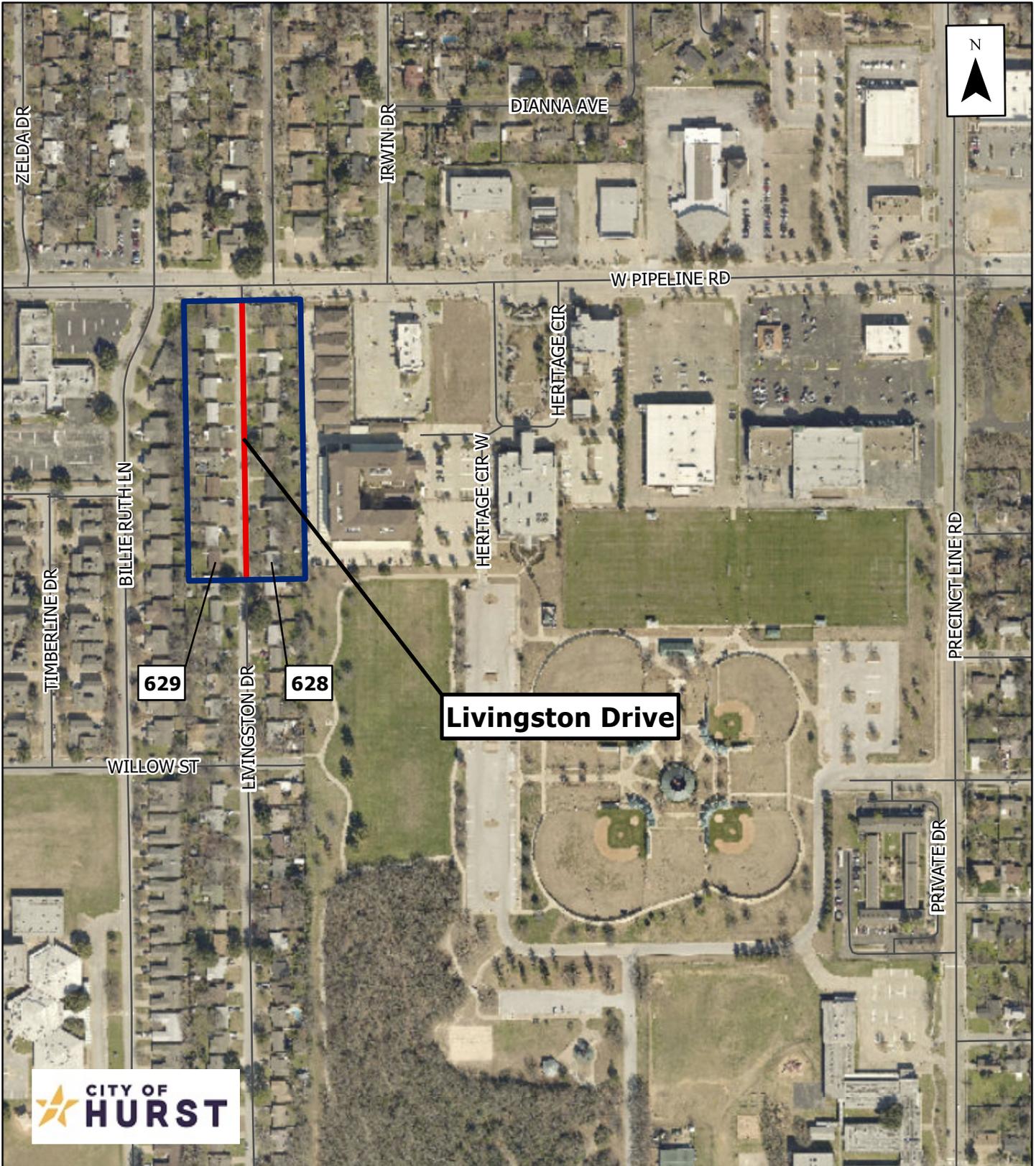
VICINITY MAP

2020 Community Development Block Grant



Livingston Dr. from
West Pipeline Rd. to
629 Livingston Dr.

LOCATION MAP



Tarrant County
Community Development Block Grant
2020

City Council Staff Report

SUBJECT: Consider approval of an Interlocal Agreement with Tarrant County for the 2020 Street Overlay Program

Supporting Documents:

Location Map
 Interlocal Agreement

Meeting Date: 1/28/2020
 Department: Public Works
 Reviewed by: Greg Dickens
 City Manager Review:

Background/Analysis:

The City of Hurst and Tarrant County have combined their efforts for many years to provide quality asphalt overlaid streets for the citizens of Hurst. City of Hurst Street Division staff will assist the County by preparing the streets for re-surfacing, handling traffic control, and replacing any street markings.

Three street segments on Hurstview Drive are proposed for rehabilitation this year. The three segments are (1) from Pipeline Road to 545 Hurstview Drive (approximately 1,800 linear feet), (2) from 545 Hurstview Drive to Redbud Drive (approximately 1,375 feet), and (3) from Redbud Drive to Hurst Boulevard (approximately 2,650 linear feet). These three segments will have the top two inches removed by milling and then two-inches of new asphalt pavement will be laid. These streets are listed in the attached Interlocal Agreement. Tarrant County Commissioners are scheduled to take action on the Interlocal Agreement after Council approval at their next regularly scheduled meeting.

The agreement is similar to previous years, with the County assisting in the milling process by providing additional trucks to haul-off the waste material. Tarrant County will also provide the equipment and labor for the placement of the asphalt overlays. The City of Hurst will be responsible for the cost of material, asphalt removal, traffic control, pavement markings, and storm water pollution prevention.

The total cost should not exceed \$297,000.00

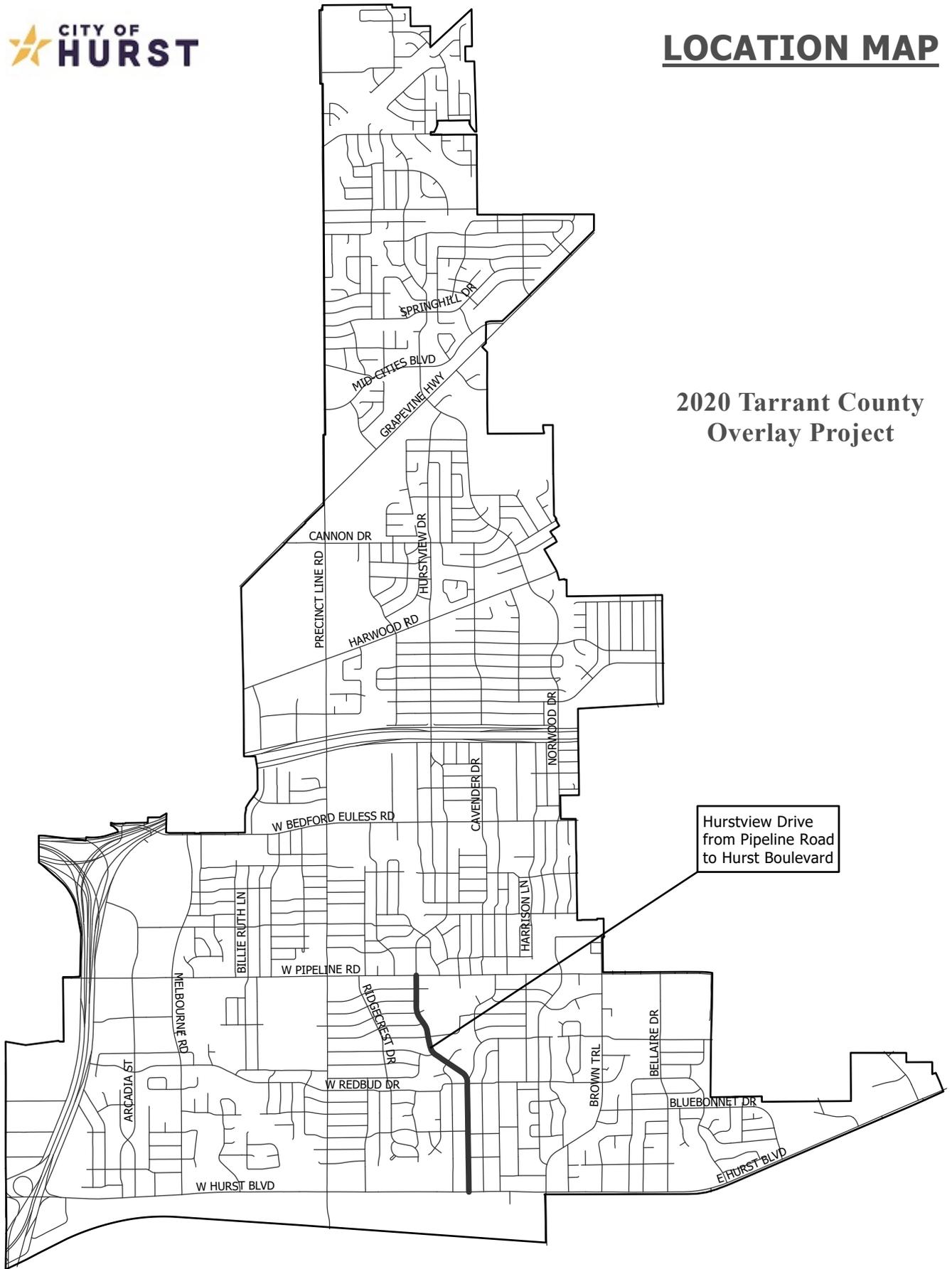
Funding Sources and Community Sustainability:

Sufficient funds have been budgeted in FY 2020 to cover the cost of this project. The participation in the Tarrant County Overlay Program each year is directly

representative of the Council's goals of Financial Sustainability and Infrastructure maintenance.

Recommendation:

Staff recommends the City Council authorize the city manager to enter into an Interlocal Agreement with Tarrant County, for the 2020 Street Overlay Program, for an amount not to exceed \$297,000.



**2020 Tarrant County
Overlay Project**

Hurstview Drive
from Pipeline Road
to Hurst Boulevard

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

This Interlocal Agreement is between Tarrant County, Texas (“COUNTY”), and the City of Hurst (“CITY”).

WHEREAS, the CITY is requesting the COUNTY’s assistance to:

-) Resurface Hurstview Drive (1) located within the City of Hurst from Pipeline Road to 545 Hurstview Drive (Approximately 1,800 linear feet).
-) Resurface Hurstview Drive (2) located within the City of Hurst from 545 Hurstview Drive to Redbud Drive (Approximately 1,375 linear feet).
-) Resurface Hurstview Drive (3) located within the City of Hurst from Redbud Drive to Hurst Boulevard (Approximately 2,650 linear feet).

Hereinafter, collectively referred to as the “**Project**”.

WHEREAS, the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code provides legal authority for the parties to enter into this Agreement; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions under this Agreement, the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, the Commissioners Court of the COUNTY and the City Council of the CITY each make the following findings:

- a. This Agreement serves the common interests of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and the COUNTY have authorized their representative to sign this Agreement.
- e. Both parties acknowledge that they are each a “governmental entity” and not a “business entity” as those terms are defined in Tex. Gov’t Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov’t Code Section 2252.908 is required.

NOW, THEREFORE, the COUNTY and the CITY agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

The COUNTY will furnish the labor and equipment to assist the CITY in completing the Project:

-) Hurstview Drive (1): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.
-) Hurstview Drive (2): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.
-) Hurstview Drive (3): Following any pavement repairs and removal of the existing hot mix asphaltic surface by the CITY, the COUNTY will place two inches of asphalt surface and clean the project jobsite.

2. CITY RESPONSIBILITY

- 2.1 The CITY will furnish and pay for the actual cost of the materials, including any delivery or freight cost. The CITY will provide a purchase order and will be billed directly by the material supplier. The COUNTY may accumulate and bill the CITY for incidental material cost.
- 2.2 The CITY will pay for one-half of the COUNTY's fuel used to construct this Project. The COUNTY will invoice the CITY for the fuel consumed at the conclusion of the Project.
- 2.3 The CITY will be responsible for all traffic control necessary to safely construct this project. This responsibility includes all advance notices, signage, barricades, pilot vehicles, and flagmen necessary to control traffic in and around the construction site. The CITY will be responsible for and provide portable message boards to supplement traffic control as needed.
- 2.4 The CITY will make all necessary repairs and preparations to the existing roadway prior to the COUNTY starting work.
- 2.5 The CITY will adjust all utilities, manholes and valve boxes for this Project.

- 2.6 The CITY will provide the COUNTY with a hydrant meter and all the water necessary for construction of the Project at no cost to the COUNTY.
- 2.7 The CITY will provide or pay for any engineering, survey, and laboratory testing required for this Project.
- 2.8 The CITY will furnish a nearby site for dumping all spoils and waste materials generated during construction of this Project.
- 2.9 The CITY will provide the material to backfill the pavement edges for this project.
- 2.10 If required, the CITY will be responsible for the design and development of a Storm Water Pollution Prevention Plan (SWPPP). The CITY further agrees to pay for all cost (including sub-contractor materials, labor and equipment) associated with the implementation of the plan. The COUNTY will be responsible for maintenance of the plan during the duration of the Project. Documentation and record keeping of the SWPPP will be the responsibility of the CITY.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this Project.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY no later than 30 days of the date of project completion.

4. NO WAIVER OF IMMUNITY

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by the CITY, the COUNTY will apply permanent striping coordinated through the Transportation Department. Application of striping by the COUNTY is limited to Project roadways. If the CITY desires permanent striping applied to any roadways or portions of roadways not covered by this Agreement, the CITY will need to enter into a separate agreement with the COUNTY for the provision of those services.

6. TIME PERIOD FOR COMPLETION

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

This contract shall not be interpreted to inure to the benefit of a third party not a party to this contract. This contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental and sovereign immunity, or any limitation of liability, responsibility, or damage of any party to this contract, party's agent, or party's employee, otherwise provided by law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. TERMINATION

This Agreement will automatically terminate on either September 30, 2020 or on the date the project is completed, whichever occurs first. Notwithstanding the foregoing, or any other language to the contrary, either party may terminate this Agreement without cause upon thirty (30) days' written notice to the other party prior to the intended date of termination. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except that the CITY remains liable to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the project, if any.

TARRANT COUNTY, TEXAS

CITY OF HURST

B. Glen Whitley
County Judge

Clay Caruthers
City Manager

Date: _____

Date: _____

Gary Fickes
Commissioner, Precinct 3

Greg Dickens, P.E.
Director of Public Works

Date: _____

Date: _____

Attest:

APPROVED AS TO FORM*

APPROVED AS TO FORM AND LEGALITY

Criminal District Attorney's Office*

City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

Future Event Calendar

January 28, 2020

Regular City Council meetings are held on the second and fourth Tuesday of each month. Following are additional meetings, canceled meetings and public event dates.

<u>DATE AND TIME</u>	<u>ACTIVITY</u>
Saturday, February 8, 2020 2:00 p.m. – 4:00 p.m.	Daddy Daughter Dance, Hurst Senior Center, 700 Heritage Circle (ticketed event)
Tuesday, February 11, 2020 6:30 p.m.	City Council Meeting Council Chambers, 1505 Precinct Line Road
Thursday, February 20, 2020 6:00 p.m.	Townhall Forum Hurst Conference Center, 1601 Campus Drive
Tuesday, February 25, 2020 6:30 p.m.	City Council Meeting Council Chambers, 1505 Precinct Line Road
Sunday, March 8, 2020	Daylight Savings Time Begins