

City Council Minutes
Tuesday, February 11, 2020

On the 11th day of February 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 of Planning and Development
Steve Bowden	)	Executive Director of Economic Development
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 Cindy Shepard gave the Invocation.

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

CONSENT AGENDA

1. Consider approval of the minutes for the January 28, 2020 City Council meetings.

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

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

PUBLIC HEARING(S) AND RELATED ITEM(S)

2. Conduct a public hearing and consider the issue of levying civil penalties, possible revocation of the Certificate of Occupancy, 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, possible revocation of the Certificate of Occupancy, 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 City Attorney Matthew Boyle who called Executive Director of Planning and Development Michelle Lazo forward to provide an update to the Council. Ms. Lazo reviewed a presentation relative to the Dakota Place Apartments, noting code requirements for the health and safety of residents; pictures of the roof structures provided by Childress Engineering and mold inspection by Farmer Environmental Group. Also shown were damages to two stairwells on Buildings 2 and 4. She explained Dakota Place Apartment representatives applied for a permit, which was denied due to engineering deficiencies. Ms. Lazo also noted additional damages to the stairwell on Building 1. She reviewed several dates related to the status of permits, inspections and violations. In response to Mr. Boyle's questions, Ms. Lazo stated Mr. Mercer owes \$11,000 in reinspection fees, and work has not been performed since the original order in July 2016. Ms. Lazo stated staff received an anonymous report of a leak in a unit. The inspectors discovered the wall between a unit and the boiler room was compromised and ordered the evacuation of that unit. Further investigation revealed several repairs to the gas lines and valves replaced without a plumbing permit. She stated the owner has been given 24 hours to repair, pull permits and be inspected. In response to additional questions, Ms. Lazo stated Childress Engineering reported Building 2 merited an immediate reroof due to trapping water.

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

Mr. Boyle stated it has been 28 days since the last meeting and the order has not been completed and the Council has the discretion to level additional civil penalties up to \$1,000 a day. Additionally, given the lack of progress on the four year old obligation to replace the roofs on all four buildings, and given the perilous nature and condition of the roof on Building 2, the Council may give some consideration as to the Certificate of Occupancy on Building 2.

In response to Councilmember's questions, Mr. Boyle stated a permit was pulled for the roof on Building 2 but work was not initiated, no materials are on site and there is confirmation the materials may be a week out from delivery. Mayor Wilson noted that Building 2 units are two-story studios and it will be necessary to vacate the building to replace the roof.

Councilmember Kitchens commented he has stated numerous times regarding this issue, the Council does not want to tear down or remove citizens in the complex, but it is our responsibility to protect the health, safety and welfare of the citizens, if the owner will not take responsibility. He stated, currently Council is pressing for Building 2 roof repairs, an issue on going on four years and continues to worsen. I would feel guilty if the roof collapsed. There are also issues with Buildings 1, 3, and 4 that have not been addressed.

Councilmember Kitchens moved to approve an order conditionally levying civil penalties in the amount of \$1,000 per day for 28 days for a total amount of \$28,000, declaring that the Certificate of Occupancy for Building 2 at the property will be revoked effective March 25, 2020, unless the roof of Building 2 has been brought into full compliance by that date, and calling a public hearing for March 24, 2020, at 6:30 p.m. to consider levying additional civil penalties, possible revocation of the Certificate of Occupancy for the buildings at the property, and possible additional action. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

OTHER BUSINESS

3. Review of upcoming calendar items – City Manager Clay Caruthers reviewed calendar items.
4. City Council Reports - Items of Community Interest – No reports were given.

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.

Mayor Wilson did not recess to Executive Session.

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 (Dakota Place Apartments) and 551.071-551.072 consultation with and legal advice from the City Attorney regarding pending litigation and deliberation regarding the purchase or value of real property- Hurst v. Navarro Texas Properties (233 West Pipeline Road) and to reconvene in Open Session at the conclusion of the Executive Session

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

No action was taken.

ADJOURNMENT – The meeting adjourned at 6:46 p.m.

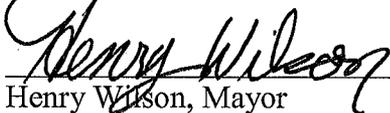
APPROVED this the 25th day of February 2020.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor