

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

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Hurst City Council will conduct its meeting scheduled at 5:30 p.m. on Tuesday, April 28, 2020, at Hurst City Hall by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19). There will be no public access to the location described above. The agenda packet and meeting information are posted online at <https://www.hursttx.gov/about-us/agendas-and-minutes/agendas-and-minutes-2020>. The public dial-in number to participate in the telephonic meeting is (877) 853-5247 (Toll Free) or (888)788-0099 (Toll Free) and entering Meeting ID 821 976 722 followed by # when prompted. If prompted, the meeting password is 851367. The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

I. Call to Order

II. Informational Items

- **Update and Discussion of upcoming Calendar Items**
- **Update and Discussion of State and Local reopening plans due to COVID-19**

III. Discussion of Agenda Item(s) 2

Consider Resolution 1767 authorizing the city manager to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program

IV. Discussion of Agenda Item(s) 3

Consider Resolution 1768 regarding the City of Hurst continued participation in Tarrant County’s Community Block Grant, Home Investment Partnership, and Emergency Solutions Grant Consortium for fiscal years 2021 – 2023

V. Discussion of Agenda Item(s) 4

Consider authorizing the city manager to enter into an Engineering Services Contract with Freese and Nichols, Inc. for engineering services for 2021 Water and Wastewater Impact Fee Update Study

VI. Discussion of Agenda Item(s) 5

Consider authorizing the city manager to enter into a contract for professional services to develop a Risk and Resilience Assessment and Emergency Response Plan in accordance with the American's Water Infrastructure of 2018

VII. Discussion of Agenda Item(s) 6

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)

VIII. Discussion of Agenda Item(s) 7

Conduct a public hearing and consider Ordinance 2436, first reading, for SP-19-13 (Urban Infrasconstruction), a site plan for Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive

IX. Discussion of Agenda Item(s) 8

Conduct a public hearing and consider Ordinance 2437, first reading, for SUP-19-09 (Heman Convenience Store), a special use permit for Lot 2, Block A, Oakwood Park East Addition, being .46 acre located at 116 W. Bedford Eules Road

X. Discussion of Agenda Item(s) 9

Conduct a public hearing and consider Resolution 1765 providing for a declaration of Non Objection to the Property Senior Housing (Gala at Central Park) in the City of Hurst

XI. Discussion of Agenda Item(s) 10

Consider P-19-08 Central Park Northeast Addition, a final plat of Tracts 5D2B and 5D2C Hamilton Bennett Survey Abstract 138 to Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive

XII. Discussion of Agenda Item(s) 11

Consider P-20-02 Stem Place Addition, a final plat of Tract 24B1 William Wallace Survey Abstract 1607 to Lot 2, Block 1 Stem Place Addition, being .37 acre located at 808 Reed Street

XIII. Discussion of Agenda Item(s) 12

Consider Resolution 1766 authorizing the City of Hurst's application to the Regional Transportation 2020 Safe Routes to School – Infrastructure (SRTS) call for projects

XIV. Discussion of Agenda Item(s) 13

Consider Resolution 1769 denying Oncor Electric Delivery Company LLC's Application for Approval of a Distribution Cost Recovery Factor (DCRF)

XV. Discussion of Agenda Item(s) 14

Consider authorizing the city manager to take any and all action necessary regarding the closing and rescheduling of city events, programs and facilities

XVI. Discussion of Agenda Item(s) 15

Consider authorizing the city manager to enter into a contract for construction of the Valley View Branch Channel Repairs from East Pipeline Road to Plaza Boulevard

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

ADJOURNMENT

Posted by: _____

This the 24th day of April 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, APRIL 28, 2020**

AGENDA:

5:30 p.m. - Work Session (Third Floor Conference Room)

6:30 p.m. - City Council Meeting (Third Floor Conference Room)

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Hurst City Council will conduct its meeting scheduled at 6:30 p.m. on Tuesday, April 28, 2020, at Hurst City Hall by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19). There will be no public access to the location described above. The agenda packet and meeting information are posted online at <https://www.hursttx.gov/about-us/agendas-and-minutes/agendas-and-minutes-2020>. The public dial-in number to participate in the telephonic meeting is (877) 853-5247 (Toll Free) or (888)788-0099 (Toll Free) and entering Meeting ID 821 976 722 followed by # when prompted. If prompted, the meeting password is 851367. The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

CALL TO ORDER

INVOCATION (Councilmember Jon McKenzie)

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

1. Consider approval of the minutes for the March 24, 2020 and April 16, 2020 City Council meetings
2. Consider Resolution 1767 authorizing the city manager to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program
3. Consider Resolution 1768 regarding the City of Hurst continued participation in Tarrant County’s Community Block Grant, Home Investment Partnership, and Emergency Solutions Grant Consortium for fiscal years 2021 – 2023
4. Consider authorizing the city manager to enter into an Engineering Services Contract with Freese and Nichols, Inc. for engineering services for 2021 Water and Wastewater Impact Fee Update Study

5. Consider authorizing the city manager to enter into a contract for professional services to develop a Risk and Resilience Assessment and Emergency Response Plan in accordance with the America's Water Infrastructure Act of 2018

PUBLIC HEARING(S) AND RELATED ITEM(S)

6. 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)
7. Conduct a public hearing and consider Ordinance 2436, first reading, for SP-19-13 (Urban Infrasconstruction), a site plan for Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive
8. Conduct a public hearing and consider Ordinance 2437, first reading, for SUP-19-09 (Heman Convenience Store), a special use permit for Lot 2, Block A, Oakwood Park East Addition, being .46 acre located at 116 W. Bedford Euless Road
9. Conduct a public hearing and consider Resolution 1765 providing for a declaration of Non Objection to the Property Senior Housing (Gala at Central Park) in the City of Hurst

PLAT(S)

10. Consider P-19-08 Central Park Northeast Addition, a final plat of Tracts 5D2B and 5D2C Hamilton Bennett Survey Abstract 138 to Lot 1, Block 1 Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive
11. Consider P-20-02 Stem Place Addition, a final plat of Tract 24B1 William Wallace Survey Abstract 1607 to Lot 2, Block 1 Stem Place Addition, being .37 acre located at 808 Reed Street

RESOLUTION(S)

12. Consider Resolution 1766 authorizing the City of Hurst's application to the Regional Transportation 2020 Safe Routes to School – Infrastructure (SRTS) call for projects
13. Consider Resolution 1769 denying Oncor Electric Delivery Company LLC's Application for Approval of a Distribution Cost Recovery Factor (DCRF)

OTHER BUSINESS

14. Consider authorizing the city manager to take any and all action necessary regarding the closing and rescheduling of city events, programs and facilities
15. Consider authorizing the city manager to enter into a contract for construction of the Valley View Branch Channel Repairs from East Pipeline Road to Plaza Boulevard
16. Review of upcoming calendar items
17. 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 551.071, 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

18. Take any and all action ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 24th day of April 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.

**Minutes
Hurst City Council
Work Session
Tuesday, March 24, 2020**

On the 24th day of March 2020, at 6:00 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, by telephone conference to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19) with the following members present:

Henry Wilson	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
David Booe)	
Cathy Thompson)	
Bill McLendon)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Sunny Patel	)	Director of Information Technology
Greg Dickens	)	Executive Director of Public Works
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager

With the following Councilmembers absent: Jon McKenzie, constituting a quorum, at which time, the following business was transacted:

I. Call to Order – the meeting was called to order at 6:00 p.m.

Mayor Wilson provided rules of procedure for the telephone conference meeting and thanked Director of Information Technology Sunny Patel and staff for implementing the technology for the telephone meeting.

II. Informational Items

- **Staff Update of Upcoming Calendar Items** – City Manager Caruthers noted most calendar events are canceled due to COVID-19. He stated the bulk trash pickup is still scheduled, but may not occur. Mayor Wilson also noted the plan to cancel the first regular meeting of April 2020.

III. Discussion of Agenda Item(s) 3

Consider Resolution 1763 ratifying and extending the Declaration of Local Disaster Due to Public Health Emergency (COVID-19 Pandemic).

Mayor Wilson reviewed his Declaration of Local Disaster Due to Public Health Emergency (COCVID-19) and explained the Council has seven days to ratify the action for continuance.

He explained the City's declaration adheres to the County Declaration and as it changes, the City automatically follows.

IV. Discussion of Agenda Item(s) 4

Consider the postponement of the May 2, 2020 General Election as allowed by the Texas Governor and any resolution related thereto.

Mayor Wilson briefed Council on the probability Tarrant County may not conduct the May General Election due to the pandemic. He noted the consensus of most area Mayors is to postpone the election. He advised state law only allows the General Election to be held on a uniform election date and the Governor issued a proclamation allowing the General Election to move to the November 3, 2020 uniform election date. He stated the desire of several cities is to move the General Election to the primary runoff date or another date if allowed by the Governor. The proposed Resolution moves the May 2, 2020 General Election to the November 3, 2020 uniform election date unless an earlier date is authorized.

V. Discussion of Agenda Item(s) 5

Consider authorizing the city manager to enter into the appropriate contracts for the construction of the Animal Shelter and Adoption Center.

City Manager Caruthers briefed Council on the proposed authorization to contract for the construction of the Animal Shelter and Adoption Center and the effect of the COVID-19 Pandemic on the ability to move forward. He spoke regarding construction material pricing and contractor issues, that the City is paying interest on voter approved bonds and stated he is working with the attorney and the contractor to address the challenges and move forward as soon as possible. In response to Council questions, Mr. Caruthers stated the construction project is scheduled in phases and staff cannot ensure the COVID-19 pandemic will not impact the project timeline. Mr. Caruthers also reviewed the construction project contingency amounts and noted the amounts are sufficient at this time. Council discussed the contingency amounts and difficulties the COVID-19 s impact could cause to the project.

VI. Discussion of Agenda Item(s) 6

Consider authorizing the city manager to enter into a 10-year Sanitary Sewer Overflow Agreement with the Texas Commission on Environmental Quality (TCEQ).

City Manager Caruthers briefed Council on the 10-year Sanitary Sewer Overflow Agreement with the Texas Commission on Environmental Quality (TCEQ) and noted the established goal of 6,000 linear feet per year of infrastructure maintenance. Mr. Caruthers also noted the recent Valley View Branch improvements, which will count toward the outcome goals.

Mayor Wilson did not recess the meeting 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 to reconvene in Open Session at the conclusion of the Executive Session

Adjournment – The meeting adjourned at 6:26 p.m.

APPROVED this the 28th day of April 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Minutes
Tuesday, March 24, 2020

On the 24th day of March 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, by telephone conference to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19) with the following members present:

Henry Wilson	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
David Booe	)	Councilmembers
Cathy Thompson)	
Bill McLendon)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Sunny Patel	)	Director of Information Technology

With the following Councilmembers absent: Jon McKenzie, 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.

Mayor Wilson noted the telephonic meeting due to the COVID-19 pandemic and suspended the Pledge of Allegiance for the meeting. Mayor Wilson provided rules of procedure for the telephone conference meeting.

CONSENT AGENDA

1. Consider approval of the minutes for the March 10 and 13, 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, 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) [**This public hearing and item are hereby continued to the April 28, 2020, meeting of the City Council at 6:30 p.m.**]

Mayor Wilson announced the public hearing and requested a motion for continuance.

Councilmember Shepard moved to continue the public hearing and any associated action to the City Council April 28, 2020 meeting at 6:30 p.m. Motion seconded by Councilmember McLendon.

Mayor Wilson recognized Gary Waldron, 1905 Hurstview Drive, Hurst, Texas, who asked if action should be taken prior to the April 28, 2020 City Council meeting, for safety reasons. City Attorney Matthew Boyle advised the City has aggressively pursued the correction of substandard and dangerous conditions at Dakota Place Apartments, including but not limited to, issuing citations to the property owner, suing them in civil district court and the pursuit of a temporary injunction and permanent injunction, through the orders of the City Council. To date, the City Council has levied a significant amount of civil penalties against the property owner due to their continued failure to comply and filed liens against the property to secure those levied civil penalties. The proposed action to continue for one month, gives the property owner a slight extended window to prove some ability or interest to take corrective action, which has been necessary for years. Continuing the public hearing to April 28, 2020, does not provide any relief to the municipal courts citation, any relief from the pending civil law suit against them, nor any relief from any of the prior filed civil action, nor does it forestall the City Council's ability to levy additional civil penalties at the April meeting.

In response to Council questions' Mr. Boyle advised that with the current disaster declarations, Courts are not providing any opportunities for in person hearings. He further stated the goal, in the spirit of having fair and public hearings, is to test the virtual meeting process to provide a public hearing process.

Motion prevailed by the following vote:

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

No: None

RESOLUTION(S)

3. Consider Resolution 1763 ratifying and extending the Declaration of Local Disaster Due to Public Health Emergency (COVID-19 Pandemic).

Mayor Wilson stated he issued an emergency declaration due to the COVID-19 Pandemic and the Council has seven days to ratify the action for continuance. He explained the City's declaration adheres to the County's Executive Order and as it changes, the City follows.

Councilmember Booe moved to approve Resolution 1763 Ratifying and Extending the Declaration of Local Disaster Due to the Public Health Emergency (COVID-19). Motion seconded by Councilmember Thompson.

Mayor Wilson asked for any audience comments. No comments were made.

Motion prevailed by the following vote:

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

No: None

4. Consider the postponement of the May 2, 2020 General Election as allowed by the Texas Governor and any resolution related thereto.

Mayor Wilson explained the County may not support and conduct the May General Election due to the COVID-19 Pandemic. He noted the consensus of area Mayors is to postpone the General Election. He advised state law only allows the General Election be held on a uniform election date and the Governor issued a Proclamation allowing the General Election be moved to the November 3, 2020 uniform election date. Mayor Wilson stated several cities expressed a desire to move the General Election to the primary runoff date or another date if allowed by the Governor. The Mayor stated the proposed Resolution moves the May 2, 2020 General Election to the November 3, 2020 uniform election date unless an earlier date is authorized.

Councilmember Kitchens moved to approve Resolution 1764 postponing the May 2, 2020 General Election. Motion seconded by Councilmember Booe.

Mayor Wilson asked for any audience comments. No comments were provided.

Motion prevailed by the following vote:

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

No: None

OTHER BUSINESS

5. Consider authorizing the city manager to enter into the appropriate contracts for the construction of the Animal Shelter and Adoption Center.

City Manager Caruthers stated that, as discussed in work session, the City is challenged with the COVID-19 Pandemic disaster in many ways. This item provides for determining the appropriate construction timeline and availability of contractors and materials for the Animal Shelter and Adoption Center project. Mr. Caruthers stated this item provides for the city manager to have the authority to execute the Contract with Steel and Freeman upon review and approval by the city attorney, in an amount not to exceed is \$7,692,834. Mr. Caruthers also noted due to the interest costs on the voter approved bonds staff is trying to move forward as quickly as possible. He stated although COVID-19 Pandemic is presenting unanticipated challenges, Steel and Freeman, Inc. is optimistic the project will move forward and the current pricing is in effect through April 14, 2020. In response to discussions in the work session, regarding the contingency amount, Mr. Caruthers stated it is anticipated the 3% in the agreement and 2% in City reserves is sufficient but, if not, an item will be placed on a future agenda for Council consideration. He stated although the COVID-19 Pandemic outcome is unknown the best action is to deliver services if feasible.

Councilmember Shepard moved to authorize the city manager to execute the contracts for the construction of the Animal Shelter and Adoption Center subject to the final review and approval of the City Attorney, and authorizing the city manager to execute all associated documents and to take all other necessary action. Motion seconded by Councilmember Thompson.

Mayor Wilson asked for citizen comments and recognized Gary Waldron, 1905 Hurstview Drive, Hurst, Texas, and in response to his questions, Mayor Wilson stated the County declaration allows for the continuance of all residential and commercial construction.

Motion prevailed by the following vote:

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

No: None

6. Consider authorizing the city manager to enter into a 10-year Sanitary Sewer Overflow Agreement with the Texas Commission on Environmental Quality (TCEQ).

City Manager Caruthers stated this 10-year sanitary sewer overflow agreement with the Texas Commission on Environmental Quality (TCEQ) follows a previous 10-year agreement. He stated the goal is to maintain the infrastructure with an annual plan of

replacement of sewer mains averaging 6,000 linear feet per year. He stated although the City may not always reach the goal, after review of available resources and current condition of the sanitary sewer system, staff will continue to remain dedicated to the goal even in financially challenging times. He explained the agreement facilitates work with the TCEQ to protect the environment. Mr. Caruthers noted previous sanitary sewer overflow issues on Valley View Branch and stated a project on this outfall was recently completed satisfactorily.

Councilmember Thompson moved to authorize the city manager to enter into a Sanitary Sewer Overflow Agreement with the TCEQ scheduled to terminate on April 30, 2029. Motion seconded by Councilmember Booe.

Mayor Wilson asked for any audience comments. No comments were provided.

Motion prevailed by the following vote:

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

No: None

7. Review of board, commission and committee meeting minutes:
 - Library Board
 - Hurst Senior Citizens Advisory Board
8. Review of upcoming calendar items – City Manager Caruthers noted no calendar items due to COVID-19 and he will work with the city attorney regarding Planning and Zoning Commission meetings to proceed with construction projects as allowed in the County’s declaration. He stated the Planning and Zoning Commission will address the cases and may use telephonic meetings to take action. He stated all other Board, Commission and Committee meetings are on an as needed basis.
9. City Council Reports - Items of Community Interest – City Manager Caruthers also noted a recent phone conference he and the Mayor participated in regarding school activities and noted several actions the HEB ISD is considering regarding online learning to limit face-to-face instruction. He noted each school district will handle their districts independently. Mayor Wilson noted the Governor’s Declaration and the weekly review that provides for extensions.

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 Gary Waldron, 1905 Hurstview Drive, who provided information he heard regarding the Texas Department of Insurance possibly delaying premium payments for some relief.

The Mayor 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 to reconvene in Open Session at the conclusion of the Executive Session

10. Take any and all action ensuing from Executive Session. No action taken.

ADJOURNMENT – The meeting adjourned at 7:03 p.m.

APPROVED this the 28th day of April 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

**MINUTES
HURST CITY COUNCIL
WORK SESSION
THURSDAY, APRIL 16, 2020**

On the 16th day of April 2020, at 4:30 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, by telephone conference to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19) with the following members present:

Henry Wilson	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
David Booe)	
Cindy Shepard)	
Cathy Thompson)	
Jon McKenzie)	
Bill McLendon)	
Clay Caruthers	)	City Manager
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Sunny Patel	)	Director of Information Services
David Palla	)	Fire Chief
Steve Niekamp	)	Police Chief
Steve Bowden	)	Executive Director of Economic Development
Matia Messemer	)	Executive Director of Human Resources
Kyle Gordon	)	Executive Director of Community Services

with the following members absent: none, constituting a quorum; at which time, the following business was transacted:

- I. Call to Order** – Mayor Wilson called the meeting to order at 4:33 p.m.

- II. Informational Items**
Staff Update of upcoming Calendar Items – no update was given.

- III. Discussion of city scheduling of Community Events and Programs** – City Manager Clay Caruthers stated the primary purpose of this meeting is to discuss community events and programs. First, he provided an economic overview of the impact of the COVID-19 pandemic and emergency declarations by federal, state and local officials, including stay at home orders. He stated with the various declarations and orders, the City has closed facilities and began remote public and staff meetings. That essential City services are

provided with modifications to work space and employee work schedules. Mr. Caruthers noted the Community as whole is also sharing in efforts to address COVID-19 including social distancing. The efforts have resulted in 22 positive cases in Hurst, 3 recoveries, and 1 death involving underlying health issues. He advised the statistics can be viewed on the Tarrant County website. Mr. Caruthers also stated, that even with the actions taken, most officials agree the virus has not peaked. He explained that County Commissioner Glen Whitley and Tarrant County officials plan to form a task force to develop guidelines for resuming a normal business and social climate. He explained that he and Mayor Wilson participate in weekly conference call briefings with area officials regarding the development of the COVID situation, and includes a call with Governor Abbott on April 17, 2020.

City Manager Caruthers reviewed the economic impact of COVID-19 noting that, as with other cities in the nation, Hurst has been substantially impacted. He stated a fully functioning economy is necessary to fund basic City service levels. He stated the impact to the property taxes is expected to be limited this year. Mr. Caruthers explained that property taxes only cover 40% of General Fund operations; public safety expenses represent 53% of the General Fund operations; and property taxes are \$5 million shy of covering public safety costs in the General Fund, which reflect the importance of sales tax and impact of revenue losses. Mr. Caruthers stated staff's focus has been on the five major funds, General, Community Development Corporation, Anti-Crime, Hurst Conference Center, and Hotel/Motel Funds, which have been impacted the most. He reiterated the numbers being provided are only estimates, that if things change, the numbers will change. He stated currently the City is losing \$1.2 million per month in the five key funds and to address the loss a hiring, travel and capital expenditure freeze was implemented, reduced employee compensation in benefits and hours worked along with reduced expenditures for March through September 2020. He stated the anticipated revenue loss for year ending is \$7 million and cancellation of the programs speaking about tonight, will generate approximately \$2 million in savings. Even with the canceled programs there is about a \$5-million-dollar gap between estimated program and event changes. Mr. Caruthers noted the City Council wisely established budget policies that provide reserves for emergencies, but staff is focused on cutting costs to protect the reserves. He noted that, at this time, cities, the size of Hurst, are not included in federal aid. He noted an Attorney General's Opinion clarifying property taxes and a declaration of emergency would not be eligible to claim a 15% reduction due to economic disaster. Mr. Caruthers stated at this time, staff has no plans to propose a property tax increase to a point detrimental to property owners, but probably some increase, within the 3.5% cap levied by the legislature, could be proposed as staff evaluates the budget. He stated it is anticipated the economy will recover very slowly and, as a result, is recommending the cancellation of summer programs and focus on the fall schedule. He further stated health officials determined that canceling recreational programming such as the Stars & Stripes event and Aquatics helps curtail the spread of COVID-19. Mr. Caruthers stated Brookside rentals have been canceled through June 30 and the Hurst Conference Center is strictly following health guidelines. He stressed the level of uncertainty during the COVID-19 recovery period and that the budget process will be challenging. That his current plan is adopting a not to exceed budget knowing adjustments will need to be made and services will be abbreviated moving forward.

Mayor Wilson reviewed the discussion he had with the city manager regarding City events and financing considerations. He explained the need for planning for the big ticket items such as the Stars and Stripes event and the aquatics season, and weighing the financial costs and personal safety of citizens if allowed to hold events with large gatherings of people.

In response to Councilmembers' questions, Mr. Caruthers stated that as long as the Senior Center, Library and Recreation Center, are closed, the programs are also canceled and when the centers and library reopen, budgetary considerations may prevent offering full scale programs. He stated the annual cost for the Senior Center operation is approximately \$600,000 and is a tax subsidized program of approximately \$450,000 a year and there has been no discussion of permanently closing the senior center, only reducing programs. Staff advised perishable items at any of the facilities have been distributed. Mr. Caruthers also advised the library operations are approximately \$1.7 million with revenue of \$20,000 and the Recreation Center operations are \$1.4 million with \$100,000 in revenues. He noted that prior to COVID-19 the City started the process of reviewing core programs and Council approved a costs study to determine whether programs should be subsidized or supported with user fees. He stated the study will be very important moving forward. Executive Director of Community Services Kyle Gordon stated it is anticipated the study will be presented to Council in June. City Manager Caruthers also noted the impact of COVID-19 to the operation of the Hurst Conference Center including the furlough of employees. and stated additional decisions regarding the City's financial position will be made this month.

Mayor Wilson noted the recession in the 1980's and the creation of reserve funds, which is similar to an insurance policy. He stated the City programs and facilities are key to citizens and plans include restoring services and opening facilities in consideration of the health, welfare and safety of citizens. Mayor Wilson stated that although it may be necessary to utilize reserve funds, the account would be replenished. City Manager Caruthers stated reserves allows for surgical financial moves going forward, but programs and services may not look the same in the future. That, the City will provide core services and increase service levels as conditions improve.

Mr. Caruthers explained staff is evaluating compensatory items, work schedules and materials and service levels until there is a full functioning economy to uphold services. He stated the reserves will allow the city to patiently make decisions based on the health of the economy. Councilmembers discussed the cancelation of various programs and events such as the Stars and Stripes event and aquatic programs. Mr. Caruthers reiterated the estimated \$5 million shortfall, in this year's fiscal budget, is based on estimates. He stated his current plan is to adopt the budget and then start reducing, as necessary, which will allow the City the freedom to rebuild as things get better. He stated he has currently asked staff to keep their budget flat and to provide realistic opportunities for program and cost reductions.

Mayor Wilson stated the city manager will put together a request of areas for Council to take action at the next meeting regarding the various programs and events. Council discussed the difficult decisions to be made, the economic impact of the COVID-19 and the health and safety of the citizens. Discussed were the many unknowns facing the city and citizens regarding layoffs, finances and safety for workers and businesses.

ADJOURNMENT

The meeting was adjourned at 5:30 p.m.

APPROVED this the 28th day of April 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Staff Report

SUBJECT: Approval of Resolution 1767 to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program	
Supporting Documents:	
Resolution 1767	<p>Meeting Date: 4/28/2020</p> <p>Department: Development</p> <p>Reviewed by: Michelle Lazo</p> <p>City Manager Review:</p>
Background/Analysis:	
<p>Department of Housing and Urban Development (HUD) appropriates funds to entitlement communities through the HOME Investment Partnership Grant (HOME) Program. These funds are targeted to benefit low to moderate income persons. Funds for 2020 will be used for homeowner rehabilitation only.</p> <p>The applicant must agree to a 10-year mechanical lien on the property for Homeowner Rehabilitation. The maximum amount available per unit is \$28,000. The average construction budget per unit is between \$18,000 and \$23,000.</p> <p>The City Council has approved the matching funds since 2007, and 40 homes have been completed to this date, with a total cost to the City of \$273,000 or just over \$7,800 per home from City funds. There are applications pending approval from residents, in the City of Hurst, about 80 percent of those from senior citizens. The County cannot approve the applications without matching funds from the City.</p> <p>This year HUD is requiring 30% matching funds on all HOME expenditures. This match can be generated by City funds, permit fee waivers, impact fee waivers and other ways that must be approved by County staff. The matching funds do not have to be paid until each project is approved and the County funds are allocated.</p> <p>The funds must be used to repair major system failures, such as roof, structure including exterior wall surfaces, if necessary, foundation, plumbing, HVAC, or electrical. These funds are not used for remodeling or aesthetics alone.</p> <p>In March 2020, the City applied for the HOME Program Grant. The City of Hurst request is for \$200,000 in HOME funding to be expended on HOME eligible activities within the</p>	

City's jurisdiction. The City must commit \$60,000 in match contribution, including eligible in-kind contributions and fee waivers to affordable housing for all activities undertaken through the HOME Program even though the full amount is unlikely to be drawn down.

If a portion of the grant funds are not utilized, the City is not liable for payment. The County will administer all aspects of the program, but construction work done in Hurst will be permitted and inspected by the City.

Funding and Sources:

This program is funded through Special Projects. This site plan is a direct representation of Council's goal for **Economic Vitality**.

Recommendation:

Staff recommends the City Council **approve Resolution 1767 authorizing the city manager to allocate up to \$60,000, as matching funds for the HOME Program, administered by the Tarrant County Community Development and Housing Department for projects in Hurst.**

RESOLUTION 1767

A RESOLUTION AGREEING TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIP PROGRAM YEAR 2020

WHEREAS, the Home Program was created by the National Affordable Housing Act of 1990 (NAHA) and is intended to provide decent affordable housing to lower income households; expand the capacity of non-profit housing providers; strengthen the ability of state and local government to provide housing and leverage private section participation; and

WHEREAS, Tarrant County is a participating jurisdiction in the Home Investment Program in accordance with §92.105; and

WHEREAS, the City of Hurst is a member of the Tarrant County Urban County Development Community Development/Home Consortium and is eligible to participate in the Home Program; and

WHEREAS, the City of Hurst has requested \$200,000 in Home Funding to be expended on home eligible activities within the City's jurisdiction and has agreed to provide a 30% matching contribution for all of the Home Funds expended within the City of Hurst in accordance with. §92.218,: §92.219; and §92.220.

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 hereby agrees to commit \$60,000 in matching contribution, including eligible non-cash in-kind contributions and fee waivers to affordable housing for all activities undertaken through the Home Program.

AND IT IS SO RESOLVED.

Approved this the 28th day of April 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

<p>SUBJECT: Consider Resolution 1768 regarding the City of Hurst continued participation in Tarrant County’s Community Block Grant, Home Investment Partnership, and Emergency Solutions Grant Consortium for fiscal years 2021 - 2023</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1768</p>	<p>Meeting Date: 4/28/2020</p> <p>Department: Public Works</p> <p>Reviewed by: Greg Dickens</p> <p>City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>Tarrant County has been designated an “Urban County” by the Department of Housing and Urban Development entitled to a formula share of Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Solutions Grant (ESG) program funds. The City of Hurst has participated in the Department of Housing and Urban Development’s CDBG program since its beginning in 1974. Every three years, CDBG recipient cities must acknowledge their intent to remain in these programs and agree to grant Tarrant County the authority to conduct activities concerning the annual CDBG, HOME, and ESG programs for the next three fiscal years. The resolution makes Tarrant County responsible for ensuring the grant program funds are used in accordance with all program requirements.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>There is no fiscal impact</p> <p>Resolution 1768 promotes Council’s priorities and goals of Infrastructure and Financial Sustainability.</p>	
<p>Recommendation:</p>	
<p>Staff recommends City Council approve Resolution 1768 and the City of Hurst’s participation in the Community Block Grant, Home Investment Partnership, and Emergency Solutions Grant Consortium for fiscal years 2021 – 2023.</p>	

RESOLUTION 1768

RESOLUTION REGARDING CITY OF HURST PARTICIPATION IN TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT CONSORTIUM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR 2021 THROUGH FISCAL YEAR 2023

WHEREAS, Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992, establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for persons of low and moderate income, and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, establishes the HOME Investment Partnership Act to expand the supply of decent, safe, sanitary and affordable housing for very low-income and low-income Americans, and

WHEREAS, Tarrant County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) program funds provided said County has a combined population of 200,000 persons in its unincorporated areas and units of general local government with which it has entered into cooperative agreements, and

WHEREAS, Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities, and

WHEREAS, the City of Hurst may not apply for grants under the State CDBG Program from appropriations for fiscal years during the period in which it is participating in Tarrant County's CDBG program, and

WHEREAS, the City of Hurst shall not participate in a HOME consortium except through Tarrant County; however, does not preclude Tarrant County or the City of Hurst from applying to the State for HOME Investment Partnership (HOME) funds, if the State allows, and

WHEREAS, City of Hurst may receive Emergency Solutions Grant (ESG) programming through Tarrant County; however, does not preclude Tarrant County or the City of Hurst from applying to the State for Emergency Solutions Grant (ESG) funds, if the State allows, and

WHEREAS, through cooperative agreements Tarrant County has authority to carry out activities funded from annual Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Program Allocation from Federal Fiscal Years 2021, 2022, and 2023, from any program income generated from the expenditure of such funds and any successive qualification periods under automatic renewal, and

WHEREAS, this cooperative agreement covers Federal Fiscal Years 2021, 2022, and 2023, it will automatically be renewed for participation in successive three-year qualification periods, unless the County or the City of Hurst informs HUD with written notice to elect to not participate in a new qualification period, and

WHEREAS, the cooperative agreement will be automatically renewed by the date specified in HUD's urban county qualification notice for the next qualification period, Tarrant County will notify City of Hurst in writing of its right not to participate, and

WHEREAS, with automatic renewal, Tarrant County and City of Hurst will be required to adopt and submit to HUD any amendment to the agreement incorporating changes necessary to meet the requirements set forth in an Urban County Qualification Notice, and

WHEREAS, Tarrant County and the City of Hurst agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, and

WHEREAS, Tarrant County and City of Hurst will take all actions necessary to assure compliance under section 104(b) of Title I of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and

WHEREAS, Tarrant County will not fund activities in, or in support of City of Hurst that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification, and

WHEREAS, Tarrant County and City of Hurst will comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, of Title II of the Americans with Disabilities Act, Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws, and

WHEREAS, the City of Hurst has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and

WHEREAS, the City of Hurst has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility

or location which is the subject of such non-violent civil rights demonstrations within jurisdictions, and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County is responsible for ensuring that CDBG, HOME and ESG funds are used in accordance with all program requirements, including monitoring and reporting to U.S. Department of Housing and Urban Development, on the use of program income, and

WHEREAS, pursuant to 24 CFR 570.501(b), the City of Hurst is subject to the same requirements applicable to sub recipients, including the requirement of a written agreement as described in 24 CFR 570.503, and

WHEREAS, Tarrant County and City of Hurst may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

NOW, THEREFORE, BE IT RESOLVED, by the City of Hurst, that the City Council of Hurst, Texas supports the application of Tarrant County for funding from Housing and Community Development Act of 1974, as amended, and Cranston-Gonzalez National Affordable Housing Act, as amended, and asks that its population be included for three successive years with that of Tarrant County, Texas to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and Affordable Housing activities under Public Law 101-625, and authorizes the Mayor of Hurst, Texas to sign such additional forms as requested by the Department of Housing and Urban Development pursuant to the purposes of the Resolution, and further that the City of Hurst, Texas understands that Tarrant County will have final responsibility for selecting projects and filing annual grant requests.

BE IT FURTHER RESOLVED, this cooperative agreement will automatically be renewed for participation in successive three-year qualification periods, unless Tarrant County or the City of Hurst provides written notice it elects not to participate in a new qualification period. Tarrant County will notify the City of Hurst in writing of its right to make to such election on the date specified by the U.S. Department of Housing and Urban Development in HUD's urban county qualification notice for the next qualification period. Any amendments or changes contained within the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period must be adopted by Tarrant County and the City of Hurst, and submitted to HUD. Failure by either party to adopt such an amendment to the agreement will void the automatic renewal of this agreement.

This agreement remains in effect until CDBG, HOME, ESG funds and income received to the fiscal 2021, 2022, 2023 programs, and to any successive qualification periods provided

through the automatic renewal of this agreement, are expended and the funded activities completed, neither Tarrant County nor the City of Hurst may terminate or withdraw from the agreement while the agreement remains in effect.

Official notice of amendments or changes applicable for a subsequent three-year urban county agreement shall be in writing and be mailed by certified mail to the City Secretary of the City of Hurst. Any notice of changes or amendments to this agreement by the City of Hurst to Tarrant County shall be in writing to the Tarrant County Community Development Division Director.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

PASSED AND APPROVED THIS _____ day of _____ 2020

Commissioners Court Clerk

County Judge

PASSED AND APPROVED THIS _____ day of _____, 2020
Approval Form for District Attorney

Approved as to Form*

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

City Council Staff Report

<p>SUBJECT: Consider authorizing the city manager to enter into an Engineering Services Contract with Freese and Nichols, Inc., for engineering services for 2021 Water and Wastewater Impact Fee Update Study</p>	
<p>Supporting Documents:</p>	
<p>Contract Agreement</p>	<p>Meeting Date: 4/28/2020 Department: Public Works Reviewed by: Greg Dickens City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The City of Hurst last updated the Impact Fee Study with the Capital Improvement Plan for the Water and Wastewater Systems in 2016. The state Local Government Code in Section 395.052 requires this study to be updated every five years. Staff is recommending the City retain Freese and Nichols, Inc. (FNI) to do the update since they did the last three update studies in 2004, 2009, and 2016, and has all of the history concerning the City’s Impact Fee Program. With this update study, staff requested the Capital Improvement Plan for the water system involve a detailed system analysis, with emphasis on the capacity of the system, with reference to the recent development and expected future development. The cost for the update to the Impact Fee Study is \$147,500.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>Sufficient funds are available for use from the Water and Sewer Impact Fee fund. The use of the impact fees collected for engineering services concerning the study update is a legal use of the fees.</p> <p>This engineering services contract meets Council’s priorities and goals of Infrastructure and Financial Sustainability</p>	
<p>Recommendation:</p>	
<p>Staff recommends that City Council authorize the city manager to execute the Engineering Services Contract with Freese and Nichols, Inc., for 2021 Water and Wastewater Impact Fee Update Study, for a total fee not to exceed \$147,500.00.</p>	

- C. Total payments for direct non-labor expenses, costs, and professional services, described in Section 3 above, shall not exceed **\$147,500**.
- D. Nothing contained in this article shall require City to pay for any work which is unsatisfactory as reasonably determined by the Director or which is not submitted in compliance with the terms of this Contract. City shall not be required to make any payments to the Professional when the Professional is in default under this Contract; nor shall this paragraph constitute a waiver of any right, at law or in equity, which City may have if the Professional is in default, including the right to bring legal action for damages or for specific performance of this Contract.

5. OWNERSHIP OF DOCUMENTS

All information and other data given to, prepared, or assembled by Engineer under this Contract, and other related items shall become the sole property of City and shall be delivered to City, without restriction on future use. Professional may make copies of any and all documents and items for its files. A set of mylar reproducible plans shall be filed with the City prior to final payment. Professional shall have no liability for changes made to or use of the drawings, specifications, and other documents by anyone subsequent to the completion of the Project.

City shall require that any such change or other use shall be sealed by the Professional/Engineer making that change or use and shall be appropriately marked to reflect what was changed or modified.

6. SERVICES BY CITY

City shall provide the following services under this Contract:

- A. Provide available criteria and information to the Professional as City's requirements for each assignment related to the Contract.
- B. Provide all available City of Hurst drawings, maps, and notes relating to existing public facilities within the scope of each Contract assignment.
- C. Provide all subdivision ordinance material and related booklets/studies necessary for the proper review of proposed water, sanitary sewer, storm drainage, and paving facilities.

7. **COMPLETION SCHEDULE**

The completion schedule will be in accordance with the information shown in Exhibit B.

For the purposes of this Contract, a month is defined as thirty (30) calendar days and a week as seven (7) calendar days. If any of the following submissions fall on a City non-working day, then the submission shall be due the following City working day.

8. **NOTICE TO PROCEED**

City shall have complete control of the services to be rendered and no work shall be done under this Contract until the Professional is instructed in writing to proceed.

9. **TERMINATION OF CONTRACT**

City may indefinitely suspend further work hereunder or terminate this Contract or any phase of this Contract upon five (5) days prior written notice to the Professional with the understanding that immediately upon the receipt of such notice all work and labor being performed under this Contract shall cease immediately. Before the end of the five (5) day period, Professional shall invoice the City for all work accomplished by him prior to the receipt of such notice. No amount shall be due for lost or anticipated profits. All data related to the Contract shall become property of City upon termination of the Contract and shall be promptly delivered to City in a reasonably organized form without restriction on future use. Should City subsequently contract with a new consultant for continuation of services on the Contract, Professional shall cooperate in providing information.

10. **RESPONSIBILITY FOR CLAIMS AND LIABILITIES**

Approval by City shall not constitute nor be deemed a release of the responsibility and liability of the Professional, its employees, associates, agents, and consultants for the accuracy and competency of their work.

11. **EQUAL EMPLOYMENT OPPORTUNITY**

A. The Professional shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, or place of birth. The Professional shall take affirmative action to insure that applicants are employed and that employees are treated during their employment without regard to their race, age, color, religion, sex, ancestry, national origin, or place of birth.

B. If the Professional fails to comply with the Federal Laws relating to Equal Employment Opportunity, it is agreed that the City at its option may do either or both of the following:

- 1) Cancel, terminate, or suspend the contract in whole or in part;

- 2) Declare the Professional ineligible for further City Contracts until he is determined to be in compliance.

12. AMENDMENTS

This Contract may be amended or supplemented in any particular only by written instrument and only as approved by resolution of City Council or the City Manager, except for termination under Section 9, Termination of Contract, which may be accomplished by the Director or his designated representative as identified in Section 9, Termination of Contract.

13. COMPLIANCE WITH LAWS, CHARTERS, AND ORDINANCES, ETC.

The Professional shall comply with applicable Federal and State Laws, the Charter and Ordinances of the City, and with applicable rules and regulations promulgated by local, state, and national boards, bureaus, and agencies existing and published before date of this Contract.

14. RIGHT OF REVIEW

Professional agrees that City may review any and all of the work performed by Professional under this Contract. City is hereby granted the right to audit at City's election, all of the Professional's records and billings related to the performance of this contract. Professional agrees to retain such records for a minimum of three (3) years following completion of this contract.

15. CONFLICT OF INTEREST

No officer or employee shall have any financial interest, direct or indirect, in any contract with the City or be financially interested, directly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position with the City. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City shall render the Contract involved voidable by the City Manager or the City Council.

16. CONTRACT PERSONAL

This Contract is for personal and professional services; and the Professional shall not assign this Contract, in whole or in part, without the prior written consent of the City.

17. NOTICES

All notices, communications, and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing the same in the United States Mail at the address shown below unless and until either party is otherwise notified in

writing by the other party at the following addresses. Mailed notices shall be deemed communicated after five days.

If intended for City, to:

Gregory W. Dickens
Contact Person

Exec. Director of Public Works
Title

City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054
(817) 788-7075

If intended for Professional, to:

Andrew Franko
Contact Person

Project Manager
Title

Freese and Nichols, Inc.
Firm Name

4055 International Plaza, Suite 200
Address

Fort Worth, TX 76109
City, State, Zip Code

817-735-7515
Telephone No.

18. INDEPENDENT CONTRACTOR

In performing services under this Contract, the Professional is performing services of the type performed prior to this contract; and Professional by the execution of this contract does not change the independent status of the Professional. No term, or provision hereof, or act of Professional in the performance of this Contract shall be construed as making Professional the agent, servant, or employee of Hurst.

19. INDEMNITY

Professional agrees to indemnify, and hold City harmless against claims for damages, costs, and expenses of persons or property that may arise out of, or be occasioned by, or from any negligent act, error or omission of Professional, or any agent, servant, or employee of the Professional is legally liable in the execution or performance of this Contract, without regard to whether such persons are under the direction of City agents or employees.

This provision shall not be deemed to apply to liability for damage that is caused by or results from the negligence of the City of Hurst or its employees or other agents.

20. INSURANCE

Professional agrees to maintain workers' compensation insurance to cover all of its own personnel engaged in performing services for client under this agreement. Professional also agrees to maintain professional liability insurance and commercial general liability coverage in the amounts listed below:

Professional Liability Insurance - \$1 Million per claim/aggregate
Commercial General Liability Insurance - \$1 Million per claim/aggregate
Workers Compensation – Statutory

21. VENUE

The obligations of the parties to this Contract are performable in Tarrant County, Texas; and if legal action is necessary to enforce it, exclusive venue shall lie in Tarrant County, Texas.

22. APPLICABLE LAWS

This Contract is made subject to the provisions of the Hurst Code, other City Ordinances, Standards, Hurst Specifications for materials and construction, as amended, and all State and Federal Laws.

23. GOVERNING LAWS

This contract shall be governed by and construed in accordance with the laws and decisions of the State of Texas.

24. LEGAL CONSTRUCTION

In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof; and this Contract shall be considered as if such invalid, illegal or unenforceable provision had never been contained in this Contract.

25. PUBLISHED MATERIAL

Professional agrees that the City shall review and approve any written material about City projects and/or activities prior to being published by the Professional.

26. CAPTIONS

The captions to the various clauses of this Contract are for informational purposes only and shall not alter any substance of the terms and conditions of this Contract.

27. SUCCESSORS AND ASSIGNS

This Contract shall be binding upon and insure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and, except as otherwise provided in this Contract, their assigns.

28. ENTIRE AGREEMENT

This Contract (pages 1 thru 7 and Exhibits A and B) embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Contract, and except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Contract.

IN WITNESS WHEREOF, the parties hereby have executed this agreement in triplicate originals on this date, the _____ day of _____, 2020.

Freese and Nichols, Inc.

CITY OF HURST

Firm Name

Thomas Haster

Signature

Senior Vice President

Title

4055 International Plaza, Suite 200

Address

Fort Worth, TX 76109

City, State, Zip Code

City Manager

Gregory A. Wilkins

Executive Director of Public Works

APPROVED AS TO FORM:

City Attorney

EXHIBIT A - City of Hurst
2021 Water and Wastewater Impact Fee Update Study
Scope of Services

PROJECT UNDERSTANDING

Freese and Nichols, Inc. (FNI) understands that the City of Hurst (City) is interested in performing an update to its existing impact fee program. This project will also involve engineering assistance related to the evaluation of its water distribution system. The project consists of updating to an all-pipes hydraulic model and evaluating the impact of short-term multi-family growth on the water system. The updated all-pipes model will enable the City to perform additional analyses and evaluations for future operations, CIP decisions, and the impact fee study. This study will also evaluate sites for potential additional elevated storage in the South Pressure Plane, and options for increased redundancy/ resiliency for water supply into the North Pressure Plane. FNI will summarize and combine the results and recommendations of the study into a Water System Analysis Report and update to the Impact Fee program.

PHASE A – WATER SYSTEM ANALYSIS

Task A. Project Kick-Off & Management

- A.1 Project Kick-Off Meeting: FNI will meet with the City to review scope, project team and schedule of the project. FNI will also present a memorandum outlining data needed for the water and wastewater impact fee study.
- A.2 Data Collection: FNI will compile information needed for demand projections and model development from the City including updated GIS files, as-built drawings, pump station layouts, pump curves, storage tank facility layouts, tank volume curves, recently completed water system improvements, water production data, utility billing data, future land use data and population projections.
- A.3 Project Management: FNI will perform project management duties including preparing and updating project schedule, monthly invoicing, development of monthly progress reports, written summaries of meetings (minutes), and any informal project collaboration.

Task B. Population & Water Demand Projections

- B.1 Meet with City's Planning Department to Discuss Existing & Future Land Use: FNI will present a memorandum outlining data needed for the water and wastewater impact fee study. FNI will meet with the City's Planning Department to discuss existing and future land use to utilize in developing land use assumptions.
- B.2 Review and Evaluate Historical Water Usage Data: FNI will review and evaluate historical water usage overall and by single family residential, multi-family residential, commercial/ industrial and selected large users.
- B.3 Develop Design Criteria for Water Demand Projections: Based on the review of historical data, FNI will update the design criteria for water demand projections including per-capita consumption

rates, non-residential usage factors, maximum day to average day peaking factor, and maximum hour to maximum day peaking factor.

- B.4 Develop and Distribute Existing Demands: FNI will utilize data from the City's billing system database to geocode and allocate existing demands throughout the City. The data will consist of metered usage fields for each customer account. Demands will be distributed for average day and maximum day conditions.
- B.5 Develop Population and Non-residential Growth Projections: FNI will utilize available information from the City's Planning Department and Comprehensive Plan to develop updated population and non-residential growth projections. The growth projections will also take into account information on short-term multi-family developments which will impact the projected water demands.
- B.6 Develop Water Demand Projections: Utilizing selected design criteria and land use assumptions, FNI will develop projected average day, maximum day, and peak hour demands.
- B.7 Allocate Future Water Demands throughout the City: FNI will distribute projected water demands for average day and maximum day by pressure plane and by smaller planning areas. Large water users will be distributed as point loads.

Task C. Water Model Development, Field Testing & Calibration

- C.1 Evaluate and Review Water System GIS for Developing All-Pipes Water Model: FNI will analyze water system GIS information and historical mapping data to determine additional pipeline attribute data needs or connectivity corrections needed for the water model update including recently constructed lines that may not appear in the GIS.
- C.2 Update to All-Pipes Water System Model using GIS Data: FNI will update the model to an all-pipes hydraulic water model using GIS and as-builts of pumping and storage facilities.
- C.3 Review & Delineate Pressure Plane Boundaries in Water Model: FNI will work with City staff to verify and update the current location of pressure plane divider valves that create the pressure plane boundaries throughout the water distribution system.
- C.4 Obtain and Evaluate SCADA Data: Obtain SCADA data for field testing period and two weeks of typical average day and peak summer usage. SCADA data will be used for model development, development of diurnal curves and model calibration.
- C.5 Develop Summer Diurnal Demand Curves from SCADA Data: FNI will utilize the SCADA data to develop diurnal curves representing existing 24-hour peak summer water usage patterns.
- C.6 Identify and Map Pressure Recorder Locations: FNI will meet with the City to identify up to ten (10) locations in the North and South Pressure Planes for field testing based on model calibration needs and areas of concern from City. Pressure testing recorders will be furnished by FNI.
- C.7 Conduct Pressure Testing: FNI will assist and coordinate with the City in performing pressure testing. Testing will consist of recording pressure readings for a two-week time period at up to

ten (10) locations along with needed SCADA data during field testing. FNI will prepare procedures for field testing showing proposed location of testing, duration of testing, required SCADA data during testing period, and assistance from water utility department. FNI will set up the pressure recorders for the desired recording interval and download and process the field testing data. The City will install and remove the pressure recorders on the designated fire hydrants.

- C.8 Conduct EPS Model Calibration: FNI will conduct a 24-hour extended period simulation model calibration by adjusting c-factors, peaking factors, diurnal curves, and demand distribution until modeling results match the field pressure measurements and pump/tank operation. FNI will provide comparison graphs and mapping to document model calibration results.
- C.9 Meet with City to Review Water Demands and Water Model Calibration Results: FNI will meet with City staff to review the demands to be used in the hydraulic analysis and model calibration. FNI will prepare mapping showing comparison of water pressure testing results and SCADA data vs. model pressure results for water model calibration and meet with the City to demonstrate results.

Task D. Water System Hydraulic Analysis

- D.1 Perform Maximum Day EPS Modeling of Existing System with Added Multi-family Units: FNI will utilize SCADA data from typical maximum day demand system operation to develop an existing system maximum day EPS simulation. This scenario will include the maximum hour demand condition. FNI will conduct EPS modeling of the existing water system for maximum day operating conditions to evaluate tank cycling, system pressures, and deficiencies within the existing water system with short-term anticipated growth added. FNI will prepare graphs that document system operations and mapping that depicts system pressures for the existing system maximum day EPS scenario.
- D.2 Conduct Fire Flow Analysis for Existing System with Added Multi-family Units: Utilize water system model to conduct fire flow analysis under existing maximum day demands to identify areas with less than adequate fire flow capacity. A minimum fire flow of 1,000 gpm will be used for analysis. The City will provide fire flow requirements for customers with required fire flows greater than 2,000 gpm, where available. Mapping of available fire flows will be overlaid on the existing water system mapping.
- D.3 Evaluate TCEQ Capacity Requirements Compliance: FNI will evaluate the system by pressure plane for compliance with the TCEQ Chapter 290 water system capacity requirements. FNI will analyze production capacity, pumping capacity, elevated storage capacity, and total storage capacity by pressure plane to determine if any deficiencies exist.
- D.4 Evaluation of Elevated Storage Tank Locations: FNI will utilize the hydraulic model to evaluate up to three (3) locations in the South Pressure Plane for a potential elevated storage tank. FNI will evaluate system pressures and operational fill/drain rates to determine a hydraulic solution for future operations.
- D.5 Meet with City to Present Results of Existing System Modeling, TCEQ Regulatory Compliance and Elevated Storage Tank Locations: FNI will meet with City staff to present and discuss the results

of the existing system modeling and identified deficiencies. FNI will also present the results of the TCEQ regulatory compliance evaluation and potential added elevated storage options.

- D.6 Perform Maximum Day EPS Modeling of Future System: FNI will conduct EPS modeling of the future water system for projected maximum day operating conditions to evaluate tank cycling, system pressures, and deficiencies within the water distribution system with short-term anticipated growth added. FNI will prepare graphs that document system operations and mapping that depicts system pressures for the future system maximum day EPS scenario.
- D.7 Utilize Water System Model to Evaluate System Reliability: FNI and the City will jointly identify up to two (2) outage scenarios, the desired level of service and system criteria for the system reliability analysis. FNI will utilize the water model to determine system capacity for selected major outage conditions, such as an outage at Pump Station #5 or losing the Valentine EST. FNI will present reliability modeling results to the City and make adjustments to the proposed system improvements as needed to reduce the water system vulnerability to system outages.
- D.8 Meet with City to Present Results of Future System and Reliability Analyses: FNI will meet with the City to discuss results of the future water system modeling and reliability analysis.

Task E. Water System Analysis Report

- E.1 Develop Water System Recommended Improvements: FNI will develop a series of recommended improvements from the various analyses performed in Task D. These improvements include operational recommendations, tank improvements, piping projects, and other associated infrastructure related to the water distribution system. The recommended improvements will be prioritized and include engineer estimated opinions of probable cost.
- E.2 Prepare Draft Water System Analysis Report: FNI will prepare a draft Water System Analysis Report discussing assumptions, methodologies and findings for population and water demand projections, field testing and model calibration, water system hydraulic analyses, and recommended improvements including schedule and costs of recommendations. FNI will deliver 5 copies of the draft report to City for review.
- E.3 Meet with City to Review Draft Water System Analysis Report and Finalize: FNI will meet with City staff to discuss the draft Water System Analysis Report. FNI will revise the report based on City's comments and submit 5 final hard copies and an electronic copy in PDF format of the Water System Analysis Report to the City.
- E.4 Deliver GIS Mapping and Modeling Files to the City: FNI will deliver the water model and GIS files to the City.

PHASE B – WATER & WASTEWATER IMPACT FEE UPDATE STUDY

Task F. Develop Land Use Assumptions and Impact Fee Capital Improvement Plan

- F.1 Develop Impact Fee Land Use Assumptions: FNI will meet with the City to discuss the current and projected NCTCOG population and employment projections by traffic survey zone (TSZ) and update as necessary for 10-year conditions. FNI will use data developed by the City and ongoing developments to develop land use assumptions. FNI will incorporate the projections from the Phase A Water System Analysis for the impact fee Land Use Assumptions.
- F.2 Water Demands and Wastewater Flows: FNI will obtain and evaluate historical wastewater flow data for the last five years to develop trends and update per-capita consumption volumes and peaking factors. FNI will develop wastewater flow projections for existing and 10-year conditions using the land use assumptions, population projections, selected per-capita rates, and peaking factors. The water demand projections from the Phase A Water System Analysis will be utilized for this portion of the study.
- F.3 Identify Existing Water & Wastewater Improvements Eligible for Impact Fees: FNI will review recently completed water and wastewater improvements over the last 5 years and determine which projects are eligible for future cost recovery from growth.
- F.4 Identify Proposed Water & Wastewater Improvements Eligible for Impact Fees: FNI will review the City's available studies to determine impact fee eligible projects. CIP costs will be updated to current year dollars. Maps will be prepared showing the existing and proposed water and wastewater capital improvement plan projects included in the impact fee calculation.
- F.5 Meet with Hurst to Review Existing & Proposed Water and Wastewater Projects Eligible for Impact Fee Analysis: FNI will meet with the City to review existing and proposed water and wastewater system improvements identified to be included in the impact fee analysis.

Task G. Water and Wastewater Impact Fee Analysis

- G.1 Conduct Water and Wastewater Impact Fee Capacity Analysis for Existing Recently Completed Capital Improvement Projects for 10-year Projected Growth: FNI will evaluate existing completed projects for remaining capacity for impact fee cost recovery for 10-year projected growth.
- G.2 Conduct Water and Wastewater Impact Fee Capacity Analysis for New Capital Improvement Projects: FNI will evaluate new water and wastewater improvements for eligible capacity for impact fee cost recovery for 10-year projected growth.
- G.3 Calculate Water and Wastewater Costs Eligible for Impact Fee Cost Recovery: FNI will utilize the capacity analysis and capital project costs to calculate percentage of project cost eligible for impact fee cost recovery.
- G.4 Conduct Financial Analysis of Water and Wastewater Capital Improvement Plans to Determine Eligible Financing Costs for Inclusion into Impact Fee Calculations: FNI will project financing costs for Water and Wastewater Capital Improvement Plans based on proposed phasing program that are eligible for inclusion into impact fee calculations.

- G.5 Develop Service Unit Equivalent (SUEs) for Water and Wastewater Systems: FNI will utilize equivalent capacity of water and wastewater meters to establish the service unit equivalents (SUEs) required in Chapter 395 of the Local Government Code for both existing and 10-year growth conditions.
- G.6 Calculate Maximum Allowable Water and Wastewater Impact Fees: FNI will develop maximum allowable water and wastewater impact fees using existing and proposed capital improvement costs to support 10-year growth based on projected increase in SUEs. FNI will assume a 50% credit in lieu of performing a credit analysis for calculating the maximum allowable impact fee. FNI will not perform any credit calculations other than the 50% credit.
- G.7 Develop Draft Water and Wastewater Impact Fee Report and Meet with City to Present Results: FNI will prepare a Draft Water and Wastewater Impact Fee Report showing land use assumptions, water and wastewater impact fee eligible capital improvement costs, and maximum allowable water and wastewater impact fees and meet with City Staff to review results. FNI will provide up to three (3) hardcopies and one (1) electronic PDF copy of the draft report for the City's review. FNI will prepare up to twenty (20) hardcopies of the revised draft report for submittal to the Advisory Committee and City Council.
- G.8 Prepare Presentation for Advisory Committee on LUA, CIP & Impact Fees: FNI will prepare a draft presentation for the Advisory Committee reviewing land use assumptions, the water and wastewater impact fee capital improvement plans and the impact fee calculations. FNI will submit a PowerPoint electronic version of the presentation to the City for comment. The City shall provide comments to FNI, and FNI will submit the final presentation to the City in a PowerPoint electronic file.
- G.9 Additional Meetings: FNI will attend up to two (2) Advisory Committee meetings and one (1) City Council meeting. FNI will present LUA, CIP and Impact Fee Analysis to the Advisory Committee and at the public hearing with City Council.
- G.10 Finalize Impact Fee Study: FNI will prepare a final Water and Wastewater Impact Fee Study Report and deliver ten (10) hardcopies to the City. FNI will also provide to the City the electronic files for the impact fee calculations (percent utilization tables in Excel format), the Word file of the report and one electronic PDF copy of the final Impact Fee Study report.

EXHIBIT B - City of Hurst
2021 Water and Wastewater Impact Fee Update Study
Fee Summary by Task

Task	Task Name	Total Hours	Total Labor Effort	Total Expense Effort*	Total Sub Effort	Total Effort
A	Project Kick-Off & Management	35	\$5,631	\$422	\$0	\$6,053
B	Population & Water Demand Projections	99	\$12,873	\$1,037	\$0	\$13,910
C	Water Model Development, Field Testing & Calibration	139	\$18,208	\$7,052	\$0	\$25,259
D	Water System Hydraulic Analysis	180	\$25,911	\$2,270	\$0	\$28,181
E	Water System Analysis Report & Presentation	131	\$19,545	\$2,052	\$0	\$21,598
F	Develop Land Use Assumptions and Impact Fee Capital Improvement Plan	92	\$12,493	\$1,152	\$0	\$13,645
G	Water and Wastewater Impact Fee Analysis	246	\$34,827	\$4,029	\$0	\$38,856
GRAND TOTAL		922	\$129,487	\$18,013	\$0	\$147,500

*Total Expenses includes field testing, printing, binding, plotting, mileage, etc.

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a Contract for Professional Services to develop a Risk and Resilience Assessment and Emergency Response Plan in accordance with the America’s Water Infrastructure Act of 2018

Supporting Documents:

Contract

Meeting Date: 4/28/2020

Department: Public Works

Reviewed by: Greg Dickens

City Manager Review:

Background/Analysis:

The America’s Water Infrastructure Act (AWIA) of 2018 requires all community and wholesale water systems serving a population of greater than 3,300 to comply with Environmental Protection Agency (EPA) requirements for risk and resilience assessments (RRA) and emergency response plans (ERP) (unfunded mandate). The deadlines for a water system Hurst’s size is June 30, 2021 for the RRA and December 30, 2021 for the ERP. The RRA includes evaluation of risks to the water system from malevolent acts and natural hazards, resilience of infrastructure, monitoring practices of the system, financial infrastructure of the system, use/storage/handling of various chemicals, operation and maintenance of the system, and locally driven evaluation of capital and operational solutions to improve the resiliency of the system. The ERP includes strategies and resources to improve the physical security and the cybersecurity of the system, plans and procedures that can be followed in the event of a malevolent act or natural disaster, actions / procedures /equipment that can lessen the impacts of malevolent acts and natural disasters, and strategies that can be used to aid in detection of malevolent acts or natural disasters that threaten the security of the system.

Half Associates, Inc. has experience in developing these type of assessments and emergency response plans. The contract is for development of both for a total amount of \$74,400. Staff is recommending a \$5,600 contingency be included for a total amount not to exceed \$80,000.

Funding Sources and Community Sustainability:

Sufficient funds are available in the current budget.

This Professional Services Contract meets Council’s priorities and goals of **Infrastructure** and **Financial Sustainability**.

Recommendation:

Staff recommends City Council **authorize the city manager to enter into a Contract for Professional Services with Halff Associates, Inc., for a Risk and Resilience Assessment and Emergency Response Plan, in accordance with the America's Water Infrastructure Act of 2018, for an amount not to exceed \$80,000.**

THE STATE OF TEXAS '
COUNTY OF TARRANT '

PROFESSIONAL SERVICES CONTRACT

RISK & RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN
PROJECT NO. 6820-203

THIS CONTRACT, By and between the CITY OF HURST, a municipal corporation located in Tarrant County, Texas, hereinafter called "City", and Halff Associates, Inc., a professional services firm, hereinafter called "Professional", evidences the following:

WHEREAS, City desires the professional services for a Risk and Resilience Assessment and Emergency Response Plan in compliance with America's Water Infrastructure Act of 2018.

WHEREAS, Professional represents that it is qualified and capable of performing the professional services proposed herein and is willing to enter into this Contract with City to perform said services;

NOW, THEREFORE, the parties in consideration of the terms and conditions contained herein agreed as follows:

1. EMPLOYMENT OF THE PROFESSIONAL

Professional agrees to perform professional services as set forth in the following sections of this Contract, and City agrees to pay, and Professional agrees to accept fees as set forth in the following sections as full and final compensation for all services provided under this Contract.

2. CONTRACT ADMINISTRATION

This Contract shall be administered on behalf of the City by the Executive Director of Public Works or his designated representatives (hereinafter called "Director"), and on behalf of the Professional by its duly authorized officials.

3. PROFESSIONAL'S SERVICES

The Professional agrees to render services necessary for the development of the Project as outlined on Exhibit A.

4. PAYMENT FOR SERVICES

- A. Payment for services will be computed on the man-hours worked on the project at the appropriate rate and expenses incurred to determine the payment due for services.
B. Professional shall submit itemized monthly statements for Services. City shall make payments in the amount shown by the Professional's statements.

- C. Total payments for direct non-labor expenses, costs, and professional services, described in Section 3 above, shall not exceed \$74,400.
- D. Nothing contained in this article shall require City to pay for any work which is unsatisfactory as reasonably determined by the Director or which is not submitted in compliance with the terms of this Contract. City shall not be required to make any payments to the Professional when the Professional is in default under this Contract; nor shall this paragraph constitute a waiver of any right, at law or in equity, which City may have if the Professional is in default, including the right to bring legal action for damages or for specific performance of this Contract.

5. OWNERSHIP OF DOCUMENTS

All information and other data given to, prepared, or assembled by Engineer under this Contract, and other related items shall become the sole property of City and shall be delivered to City, without restriction on future use. Professional may make copies of any and all documents and items for its files. A set of mylar reproducible plans shall be filed with the City prior to final payment. Professional shall have no liability for changes made to or use of the drawings, specifications, and other documents by anyone subsequent to the completion of the Project.

City shall require that any such change or other use shall be sealed by the Professional/Engineer making that change or use and shall be appropriately marked to reflect what was changed or modified.

6. SERVICES BY CITY

City shall provide the following services under this Contract:

- A. Provide available criteria and information to the Professional as City's requirements for each assignment related to the Contract.
- B. Provide all available City of Hurst drawings, maps, and notes relating to existing public facilities within the scope of each Contract assignment.
- C. Provide all subdivision ordinance material and related booklets/studies necessary for the proper review of proposed water, sanitary sewer, storm drainage, and paving facilities.

7. COMPLETION SCHEDULE

The completion schedule will be in accordance with the information shown in Exhibit B.

For the purposes of this Contract, a month is defined as thirty (30) calendar days and a week as seven (7) calendar days. If any of the following submissions fall on a City non-working day, then the submission shall be due the following City working day.

8. NOTICE TO PROCEED

City shall have complete control of the services to be rendered and no work shall be done under this Contract until the Professional is instructed in writing to proceed.

9. TERMINATION OF CONTRACT

City may indefinitely suspend further work hereunder or terminate this Contract or any phase of this Contract upon five (5) days prior written notice to the Professional with the understanding that immediately upon the receipt of such notice all work and labor being performed under this Contract shall cease immediately. Before the end of the five (5) day period, Professional shall invoice the City for all work accomplished by him prior to the receipt of such notice. No amount shall be due for lost or anticipated profits. All data related to the Contract shall become property of City upon termination of the Contract and shall be promptly delivered to City in a reasonably organized form without restriction on future use. Should City subsequently contract with a new consultant for continuation of services on the Contract, Professional shall cooperate in providing information.

10. RESPONSIBILITY FOR CLAIMS AND LIABILITIES

Approval by City shall not constitute nor be deemed a release of the responsibility and liability of the Professional, its employees, associates, agents, and consultants for the accuracy and competency of their work.

11. EQUAL EMPLOYMENT OPPORTUNITY

- A. The Professional shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, or place of birth. The Professional shall take affirmative action to insure that applicants are employed and that employees are treated during their employment without regard to their race, age, color, religion, sex, ancestry, national origin, or place of birth.
- B. If the Professional fails to comply with the Federal Laws relating to Equal Employment Opportunity, it is agreed that the City at its option may do either or both of the following:
 - 1) Cancel, terminate, or suspend the contract in whole or in part;
 - 2) Declare the Professional ineligible for further City Contracts until he is determined to be in compliance.

12. AMENDMENTS

This Contract may be amended or supplemented in any particular only by written instrument and only as approved by resolution of City Council or the City Manager, except for termination under Section 9, Termination of Contract, which may be accomplished by the Director or his designated representative as identified in Section 9, Termination of Contract.

13. COMPLIANCE WITH LAWS, CHARTERS, AND ORDINANCES, ETC.

The Professional shall comply with applicable Federal and State Laws, the Charter and Ordinances of the City, and with applicable rules and regulations promulgated by local, state, and national boards, bureaus, and agencies existing and published before date of this Contract.

14. RIGHT OF REVIEW

Professional agrees that City may review any and all of the work performed by Professional under this Contract. City is hereby granted the right to audit at City's election, all of the Professional's records and billings related to the performance of this contract. Professional agrees to retain such records for a minimum of three (3) years following completion of this contract.

15. CONFLICT OF INTEREST

No officer or employee shall have any financial interest, direct or indirect, in any contract with the City or be financially interested, directly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position with the City. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City shall render the Contract involved voidable by the City Manager or the City Council.

16. CONTRACT PERSONAL

This Contract is for personal and professional services; and the Professional shall not assign this Contract, in whole or in part, without the prior written consent of the City.

17. NOTICES

All notices, communications, and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing the same in the United States Mail at the address shown below unless and until either party is otherwise notified in writing by the other party at the following addresses. Mailed notices shall be deemed communicated after five days.

If intended for City, to:

Gregory W. Dickens
Contact Person

Exec. Director of Public Works
Title

City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054
(817) 788-7075

If intended for Professional, to:

Kimberly M. Miller, AICP
Contact Person

Principal Planner
Title

Half Associates, Inc.
Firm Name

4000 Fossil Creek Blvd.
Address

Fort Worth, Texas 76137
City, State, Zip Code

(817) 764-7509
Telephone No.

18. INDEPENDENT CONTRACTOR

In performing services under this Contract, the Professional is performing services of the type performed prior to this contract; and Professional by the execution of this contract does not change the independent status of the Professional. No term, or provision hereof, or act of Professional in the performance of this Contract shall be construed as making Professional the agent, servant, or employee of Hurst.

19. INDEMNITY

Professional agrees to indemnify, and hold City harmless against claims for damages, costs, and expenses in proportion to Professional's liability of persons or property to the extent arising out of the negligent act, error or omission of Professional, or any agent, servant, or employee of whom the Professional is legally liable in the execution or performance of this Contract, without regard to whether such persons are under the direction of City agents or employees.

This provision shall not be deemed to apply to liability for damage that is caused by or results from the negligence of the City of Hurst or its employees or other agents.

20. INSURANCE

Professional agrees to maintain workers' compensation insurance to cover all of its own personnel engaged in performing services for client under this agreement. Professional also agrees to maintain professional liability insurance and commercial general liability coverage in the amounts listed below:

Professional Liability Insurance - \$1 Million per claim/aggregate
Commercial General Liability Insurance - \$1 Million per claim/aggregate
Workers Compensation – Statutory

21. VENUE

The obligations of the parties to this Contract are performable in Tarrant County, Texas; and if legal action is necessary to enforce it, exclusive venue shall lie in Tarrant County, Texas.

22. APPLICABLE LAWS

This Contract is made subject to the provisions of the Hurst Code, other City Ordinances, Standards, Hurst Specifications for materials and construction, as amended, and all State and Federal Laws.

23. GOVERNING LAWS

This contract shall be governed by and construed in accordance with the laws and decisions of the State of Texas.

24. LEGAL CONSTRUCTION

In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof; and this Contract shall be considered as if such invalid, illegal or unenforceable provision had never been contained in this Contract.

25. PUBLISHED MATERIAL

Professional agrees that the City shall review and approve any written material about City projects and/or activities prior to being published by the Professional.

26. CAPTIONS

The captions to the various clauses of this Contract are for informational purposes only and shall not alter any substance of the terms and conditions of this Contract.

27. SUCCESSORS AND ASSIGNS

This Contract shall be binding upon and insure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and, except as otherwise provided in this Contract, their assigns.

28. ENTIRE AGREEMENT

This Contract (pages 1 thru 7, and Exhibits "A" and "B") embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Contract, and except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Contract.

IN WITNESS WHEREOF, the parties hereby have executed this agreement in triplicate originals on this date, the ____ day of _____, 2020.

Half Associates, Inc.
Firm Name

CITY OF HURST

[Handwritten Signature]
Signature

[Handwritten Signature]
City Manager
Executive Director of Public Works

Vice President
Title

APPROVED AS TO FORM:

4000 Fossil Creek Blvd.
Address

[Handwritten Signature]
City Attorney

Fort Worth, Texas 76137
City, State, Zip Code

EXHIBIT A



February 28, 2020

Mr. Gregory W. Dickens, P.E.
Exec. Director of Public Works
City of Hurst
1505 Precinct Line Rd.
Hurst, Texas 76054

RE: Risk and Resilience Assessment and Emergency Response Plan

Dear Mr. Dickens:

HALFF ASSOCIATES, INC. (HALFF) is pleased to submit this proposal to the City of Hurst to assist the City in meeting the new EPA AWIA (America's Water Infrastructure Act) mandate to prepare a Risk & Resiliency Assessment (RRA) and a new Emergency Response Plan (ERP). The team we have assembled for this project offers expertise in the following areas:

- First-hand knowledge of the challenges of operating a water system
- Expertise in the AWWA J100 standard
- Expertise in assisting communities with the development of mitigation priorities for natural and man-made hazards
- Asset management experience in above- and below-ground assets
- GIS expertise

Background:

In October 2018, the passage of the AWIA established the requirement that all community water systems serving a population of greater than 3,300 must comply with Environmental Protection Agency (EPA) requirements for risk and resilience assessments and emergency response plans. The AWIA also requires all drinking water system providers who serve a population greater than 3,300 to prepare or revise their Emergency Response Plans (ERPs) to incorporate the findings of each risk and resilience assessment.

Scope of Work:

We will prepare both an RRA and ERP for the City of Hurst that will enhance the City's ability to withstand a wide variety of threats and streamline the preparation of these plans by building on our experience with the City's water utility in order to certify completion by June 30, 2021. By the EPA deadline of December 30, 2021, we will provide the City with an ERP that clearly identifies emergency response needs and procedures and can be maintained as a living document. Additionally, we will provide the CITY with an action plan and CIP (if authorized) based upon the improvements identified to increase resilience of the water system, by June 30, 2021.

PHASE I: Risk & Resilience Assessment***Task 1: Identify Critical Assets and Threat Scenarios***

The first task will be to evaluate the threats to the City's existing water assets and partner systems based on metrics associated with potential loss of life or serious injury; economic disruption; loss of confidence in the utility; and impacts to the environment. To expedite this task, the Halff Team will consult with utility staff to eliminate non-critical assets from any further assessment. We will develop and distribute a survey to gather information from a specific group of stakeholders formed as a committee, the Stakeholders Advisory Committee (SAC) to assist at key points in this project. Assets to be evaluated may include:

- Pipes for potable water transmission and distribution
- Storage and distribution facilities
- Water system related electronic computer and other automated systems
- Other critical assets as identified by the City

Task 2: Consequence and Vulnerability Analysis to Determine Threat Likelihood

In this stage of the RRA, we will perform a quantitative ranking of the most severe consequences that may result from specific threats to Hurst's critical water assets. Consequences to consider include:

- Service interruption
- Financial loss
- Serious injury or fatalities
- Economic impact to the City and the customers in its service area
- Vulnerability of shared systems and connections.

Vulnerabilities will be identified through site inspection reports, the evaluation of existing asset data, the survey responses obtained from the SAC, examination of existing system and partner mitigation plans, the Utility's operating procedures and financial management infrastructure. To determine relevant threats from natural hazards, we will analyze historical natural hazards data to identify threats of concern.

Task 3: Risk & Resilience Assessment

The primary task completed in this phase will be the Risk and Resilience Assessment of all identified Utility risks, resulting in a ranking of the threat-asset pairs that identifies the greatest vulnerabilities to the water utility.

The baseline calculation of risk for each threat scenario will result in a full accounting of risks and projected financial impact for a broad range of hazards. We will review the results of the baseline RRA and potential countermeasures with staff. To prepare the final RRA, we will reconvene the SAC in a workshop to identify and prioritize operational and financial resiliency strategies that provide the City with the greatest human and financial benefits. The outcome of this final meeting will be an actionable plan of risk reduction alternatives.

Task 4: EPA Certification of RRA

Halff will prepare and submit a Certification of Completion to the EPA Administrator by June 30, 2021 to certify that the City of Hurst has complied with the requirements of AWIA to “conduct an assessment of the risks to and resilience of its system.”

Task 5: Risk & Resilience Action Plan

This task will build upon the assessment conducted in Task 3. We will identify preliminary options to promote resilience associated with the threats, vulnerabilities and their potential costs as identified in Task 2. A cost benefit analysis will be conducted in order to vet the preliminary options into an action plan. Based upon that analysis, recommendations will be made for the City to include in their CIP.

PHASE II: Emergency Response Plan

This project will update the City of Hurst’s existing ERP to respond to Hurst’s current emergency response needs and meets requirements of AWIA. An effective emergency response takes more than a plan. An ERP provides the greatest value if it is maintained as a living document and understood by everyone in the organization. The Halff Team will develop a City of Hurst Water Utilities’ ERP according to AWWA M19 guidance standards that will meet all EPA requirements, while establishing methods to help employees understand their roles and responsibilities in mitigating threats and responding to incidents.

Task 1: Review of Hurst’s current ERP

The planning process will build upon the findings of the RRA to engage utility personnel and other partners in Hurst’s water supply and delivery system through the SAC. The Halff Team will help the City to define each partner’s role in emergency response. Our cybersecurity team will meet with Hurst IT personnel and identified stakeholders to develop a map of connectivity among these partner systems and identify potential risks and responses for process control systems and enterprise systems.

Task 2: Prepare Draft Emergency Response Plan (ERP)

Once these roles and interdependencies are defined, the Halff Team will convene the SAC to facilitate a half-day of cross-functional planning sessions and tabletop workshops that address both physical security and cybersecurity. The planning exercises will consider natural hazards, threats arising from malevolent acts, cyber threats and other risks identified in the RRA. The workshops will identify procedures, equipment and actions to detect, deter and mitigate threats, thereby improving the resilience of the system and protecting the general public, personnel, property and equipment. The outcomes of these sessions will be hazard-specific plans that consider:

- emergency interconnects options for temporary source disruption
- alternative water sources
- construction of flood protection barriers
- operations and maintenance procedures
- chemical storage and handling
- asset management procedures
- financial readiness

Based on the specific actions defined in the plan, the Halff Team will recommend role-based training

and communication activities for appropriate employees and procedures for ongoing plan review and maintenance, emergency drills and training to establish and maintain a culture of preparedness. To conclude the planning process, the Halff Team will incorporate the work session proceedings and recommendations into a draft plan document according to AWWA’s M19 guidance for review.

Task 3: Finalize Emergency Response Plan

The team will then facilitate a plan review session with the SAC to finalize the document. The resulting ERP will be revised according to City specifications. When implemented, it will improve the safety and reliability of Hurst’s water supply.

Task 4: EPA Certification of ERP

Make final revisions as necessary and certify completion of ERP to EPA Administrator.

Deliverables:

	Deliverable	Budget
Phase I		
<i>Task 1: Identify Critical Assets and Threat Scenarios</i>	Kick-off meeting. Establish & meet with Stakeholder Advisory Committee (SAC) Survey of utility stakeholders	\$17,700
<i>Task 2: Consequence and Vulnerability Analysis to Determine Threat Likelihood</i>	Report on consequences of multiple threat scenarios. Database of interdependency and proximity threats.	\$7,200
<i>Task 3: Risk & Resilience Assessment</i>	RRA draft Risk & Resiliency Assessment Report	\$5,800
<i>Task 4: EPA Certification of RRA</i>	Certification of Completion to EPA Administrator	\$1,000
<i>Task 5: Risk & Resilience Action Plan (if authorized by the City)</i>	SAC priority-setting workshop Action Plan and CIP (to become Appendix to RRA Report)	\$22,700
<i>Subtotal:</i>		\$54,400
Phase II		
<i>Task 1: Review Current ERP and Emergency Response Planning Documents</i>	Report recommendations for updates to the ERP and/or related documents Connectivity report of automated systems.	\$3,000
<i>Task 2: Prepare Draft Emergency Response Plan (ERP)</i>	Meeting with SAC Identification of Critical Risks Prepare Draft ERP	\$10,000
<i>Task 3: Finalize Emergency Response Plan</i>	Meeting with SAC to review draft Preparation of final ERP	\$4,500
<i>Task 4: EPA Certification of ERP</i>	Certification of Completion to EPA Administrator	\$2,500
<i>Subtotal:</i>		\$20,000
Total:		\$74,400



Schedule:

The schedule below would meet the EPA deadlines as stated in the AWIA.

	Feb.	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Phase I													
Task 1													
Task 2													
Task 3													
Task 4													
Task 5													
Phase II													
Task 1													
Task 2													
Task 3													
Task 4													

Sincerely,

HALFF ASSOCIATES, INC.

Kimberly M. Miller, AICP
 Principal Planner

C: Mr. Ben Pylant, P.E.
 Mr. Preston Dillard, P.E.

City of Hurst
R&T Assessment and ERP
H&T Associates AVO xxxxx

Task	(U)										(B)		Subtotal	Total
	Director	Tech Advisor	Sr. Project Manager	Project Manager	EIT	GIS Specialist	CADD	Clerical	Total Hours	Total Project	Travel, Materials & Supplies	Total		
Task 1 - Basic Fire Services														
Phase 1: Risk and Resilience Assessment														
1. Identify Critical Assets and Threat Scenarios														
a. Kickoff meeting	4.0		4.0	4.0	8.0			2.0	22.0	\$3,657.00	\$100.00	\$3,757.00	\$3,800.00	
b. Identify critical assets		4.0	6.0	2.0	12.0				24.0	\$3,305.10		\$3,305.10	\$3,300.00	
c. Determine threats		4.0	2.0	8.0	8.0			2.0	22.0	\$2,670.30	\$4,000.00	\$6,670.30	\$6,700.00	
d. Form Stakeholders Advisory Committee (SAC), conduct survey, and hold first workshop			4.0	8.0	12.0				26.0	\$3,808.80	\$100.00	\$3,908.80	\$3,900.00	
2. Consequence and Vulnerability Analysis to Determine Threat Likelihood														
a. Anticipate consequences			2.0	6.0	8.0				16.0	\$2,366.70		\$2,366.70	\$2,400.00	
b. Identify vulnerabilities			2.0	6.0	8.0				16.0	\$2,366.70		\$2,366.70	\$2,400.00	
c. Understand the threat possibility		4.0	2.0	6.0	8.0				20.0	\$2,366.70		\$2,366.70	\$2,400.00	
3. Risk & Resilience Assessment														
a. Conduct baseline risk and resilience analysis			2.0	4.0	8.0				14.0	\$2,063.10		\$2,063.10	\$2,100.00	
d. Draft TM	1.0		2.0	6.0	10.0	4.0	4.0	1.0	29.0	\$3,650.10		\$3,650.10	\$3,700.00	
4. EPA Certification of RRA														
a. Prepare certification letter				2.0	5.0			2.0	9.0	\$1,010.85		\$1,010.85	\$1,000.00	
5. Risk & Resilience Action Plan														
a. Account for mitigation		4.0	4.0	8.0	24.0				40.0	\$5,037.00	\$6,000.00	\$11,037.00	\$11,000.00	
b. Hold second SAC workshop			4.0	8.0	10.0			2.0	24.0	\$3,581.10	\$100.00	\$3,681.10	\$3,700.00	
c. Draft Action Plan and CIP		3.0	4.0	8.0	24.0		12.0	3.0	68.0	\$7,076.40		\$7,076.40	\$8,000.00	
1. Review Tyler's current ERP														
a. Identify critical assets			1.0	6.0	13.0				22.0	\$2,967.00		\$2,967.00	\$3,000.00	
2. Prepare Draft Emergency Response Plan														
a. Identify critical assets			1.0	26.0	48.0				77.0	\$9,987.75		\$9,987.75	\$10,000.00	
3. Finalize Emergency Response Plan														
a. Identify critical assets			2.0	12.0	19.0				33.0	\$4,529.85		\$4,529.85	\$4,500.00	
4. EPA Certification of ERP														
a. Prepare certification letter			1.0	4.0	14.0				19.0	\$2,473.65		\$2,473.65	\$2,500.00	
SUBTOTAL - Basic Services	7.0	20.0	43.0	128.0	239.0	16.0	16.0	12.0	481.0	63818.1	10300.0	74118.1	\$74,400.00	
SUBTOTAL - Special Services														
TOTAL PROJECT	7.0	20.0	43.0	128.0	239.0	16.0	16.0	12.0	481.0	\$63,818.10	\$10,300.00	\$74,118.10	\$74,400.00	

EXHIBIT B

City Council Staff Report

SUBJECT: 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)

Supporting Documents:

Meeting Date: 4/28/2020
Department: Planning and Development
Reviewed by: Michelle Lazo
City Manager Review:

Background/Analysis:

On February 11, 2020, the City Council held a public hearing and ordered the conditional assessment of civil penalties against the owners of the Dakota Apartment Complex.

On March 24, 2020, the City Council continued the Public Hearing and any associated action to the City Council's April 28 meeting date at 6:30 p.m.

Staff will provide an update regarding the status of the repairs to the complex and the owner's compliance with the applicable City Council Orders.

Funding Sources and Community Sustainability:

There is no funding impact.

Recommendation:

Recommendation will be presented at the meeting.



Dakota Place Apartments - 450 E. Hurst Blvd

Code Requirements

Conditions that endanger the life, limb, health, property, safety, or welfare of the public or occupants shall be declared substandard

Sect. 5-294



Dakota Place Apartments

Review of February 2019 Studies and Reports

- **Childress Roof and Structural Assessment:** All four building roofs are near the end of their serviceable life
- **Farmer Environmental Group:** Water damage present and the air quality is generally unclean.
- **Bureau Veritas:** All units have violation including but not limited to, exposed wiring, pests, and improper electrical junctions.



Current Status

- The roof repairs on building 2 remain incomplete. The repair efforts were undertaken without the oversight of a certified engineer and the roof still has leakage issues.
- There has been no application for a Building Permit to begin repairing the roofs on building 1, 3, and 4.
- After a Stop Work Order was issued for conducting work without a permit more than once, a Building Permit was finally applied for and granted in order to properly fix the stairways.
- Work has commenced on the stairways for all the buildings except for Building 1.



Review of Timeline

- Original complaint June 30, 2014- leaking AC's causing mold and “dank smell”
- Other issues over the years-
 - September 29, 2015- sewage backup in bathroom
 - November 26, 2015- roof leaks
 - December 13, 2015- roof leaking in numerous units
 - January 2, 2016- roof leaks entire building-(“massive floods”)
 - January 21, 2016- multiple roof leaks in Building 2
 - May 12, 2016- Large hole in roof system of Building 2
 - May 13, 2016- Owner ordered in writing to replace all roofs
 - June 27, 2016- appeal to Code Appeals and Advisory Board re: roof
 - July 8, 2016- appeal denied
 - July 11, 2016- **Owner ordered to replace all roofs**



Review of Timeline Continued

- Other issues over the years-

August 15, 2016- Owner's engineer recommends a unit by unit inspection of ALL 2nd story units regarding the roofs

October 11, 2016 – permit to repair roof decking denied

April 25, 2017 – Property owner reports results of limited load test, asserts no more test are necessary, and invites the City to conduct additional testing of its own if so desired

March 20, 2018- complaint of water leak

December 20, 2018 – City engages Bureau Veritas to inspect conditions at the complex as requested by counsel for the owners



Dakota Place Apartments

Updated Events

September 24, 2019 – City Council declared the Property to be substandard and ordered that the structures on the Property be repaired, removed, or demolished.

September 24, 2019 – City conducted inspection and many violations continued to exist including the dangerous conditions of the stairs, balconies and roof assemblies.

November 1, 2019 – City conducted inspection and many violations continued to exist including the dangerous conditions of the stairs, balconies and roof assemblies.

November 26, 2019 – City Council assessed additional civil penalties in the amount of \$16,500.

December 1, 2019 – City conducted inspection and many violations continued to exist including the dangerous conditions of the stairs, balconies and roof assemblies.

January 14, 2020 – City Council assessed additional civil penalties against the property owner in the amount of \$49,000.



Dakota Place Apartments

Updated Events

January 16, 2020 – Permit issued to property owner to fix roof on Building 2. The Permit required that an engineer be present and inspect the work as it commenced.

February 3, 2020 – A Stop Work Order was issued because it was observed that the stairways of the property were being worked on without a Permit. Work continued even after the Stop Work Order was issued.

February 11, 2020 – City Council assessed additionally penalties in the amount of \$28,000 against the property owner.

February 25, 2020 – Permit for repairing stairways on the property were approved.

March 16, 2020 – Letter received from Falkofske Engineering which stated that the roof was repaired without the oversight of an engineer and that further work was required in order for the roof to be in compliance with the engineer plans.

March 20, 2020 – Permits were issued to the property owner and work commenced on the stairways on all the Buildings except Building 1.

March 25, 2020 – Inspection by City determined that the ceiling on Building 2 had mold, moisture, failing decking, and unapproved roofing materials.

April 15, 2020 – Charles Mercer applied for a Building permit for the roof of Building 2.



Dakota Place Apartments

New Roof



Dakota Place Apartments

New Roof



Dakota Place Apartments

New Roof



Dakota Place Apartments

New Roof



Dakota Place Apartments

New Roof



Dakota Place Apartments

New Roof



Dakota Place Apartments

Recommendation

Consider and approve an Order to assessing additional civil penalties against Charles Mercer.



HURST – DAKOTA PLACE – ABBREVIATED – TIMELINE

DATE	EVENT	DESCRIPTION	DOCUMENT
May 12, 2016	Inspection and written notice	Large hole in roof system of building 2. Observed roof materials damaged due to water infiltration and lack of maintenance. Written notice that building official is requiring “full rehab/replacement” of the roof assembly.	783
May 13, 2016	Email to Property Owner	Email to Charles Mercer advising that a full roof replacement is required	785
May 14, 2016	Inspection	Follow-up Inspection observed leaks in temporary repair	
Jun 27, 2016	Appeal	Appeal to Code Appeals and Advisory Board	762-776
Jul 8, 2016	Appeal Result	Letter from Vince King to Mercer advising that the Advisory Board rejected appeal	834
Jul 11, 2016	Letter	Letter to Charles Mercer ordering replacement of all four roofs.	847

Mar 20, 2018	Complaint	Written complaint from tenant of 219 re: water leak	03054-64
Mar 22, 2018	Notice of Violation	1 st Notice to Mercer regarding leak in unit 219	02938
Apr 16, 2018	Complaint	Complaint from tenant in 219	03065, 03089-93
Jun 5, 2018	Complaint	Complaint from 219 tenant – provided copy of “notice to vacate”	03067-03069

Jan 21-22, 2019	Childress Engineering Field Observation	See Feb. 8 report.	03321
Jan. 21-24, 2019	BV Building Inspection	See report.	03277
Feb. 8, 2019	<i>Roof and Structural Assessment</i>	Assessment report from Childress Engineering Services, Inc. on the roof and structural conditions on all four apartment buildings’ roof systems.	03321
Feb 12, 2019	Report	BV Inspection Report – Violations in every unity	03277
Mar. 19, 2019	Demand Letter from B&L	Letter to Caleb Moore demanding repairs by April 19 as identified by the 1) air quality report; 2) the roof and structural assessment; and 3) comprehensive building code compliance.	04802
Jun 4, 2019	2 nd Inspection	The inspection revealed a number of violations continued to exist without remedy. This includes the dangerous condition of the stairs, balconies, and roof assemblies.	03339
Jul. 23-24, 2019	3 rd Inspection	The inspection report highlighted a number of violations that continued to exist,	

		including the unchanged dangerous conditions of the stairs, balconies, and roofs.	
Aug. 6, 2019	Email from B&L to Property Owner's attorney	Email to Caleb Moore with the Jul. 31, 2019 internal memo attached – providing notice of violations	
Aug. 7, 2019	Notice of substandard building	Written notice to Charles Mercer of the Building Official's determination that the property is substandard based on 1) BV report; 2) Childress report; and 3) Farmer air quality report. Sent CMRRR and 1 st class. Copied to lienholder, Caleb Moore, and second known address of property owner via CMRRR and 1 st class.	04800
Aug 29, 2019	Notice of hearing	Written notice of 9-24 hearing to Mercer sent via CMRRR and 1 st class. Copied to lienholder, Caleb Moore, and second known address of property owner via CMRRR and 1 st class.	04798
Aug. 29, 2019	Notice of hearing	Notice filed with Tarrant County Property Records. Instr. No. D219195674	04796
Sept. 24, 2019	Order	Council declared the Property to be substandard and ordered that the structures on the Property be repaired, removed, or demolished. Order provided notice that the City Council would consider levying Civil Penalties for non-compliance with that Order. (The deadline to comply was October 24, 2019.)	
Sept. 24, 2019	4 th Inspection	Some of the violations that had been noted in the previous three inspections had been remedied, the vast majority of violations still existed. Particularly, the dangerous conditions of the stairs, balconies, and roofs continued to exist.	
Nov. 1, 2019	5 th Inspection	A number of violations continued to exist including the dangerous conditions of the stairs, balconies, and roofs.	
Nov. 26, 2019	Order	Owner had failed to timely bring the property into full compliance and the Council assessed conditional civil penalties in the amount of \$16,500. That Order was not appealed and is now final and non-appealable.	
Dec. 1, 2019	6 th Inspection	The inspection revealed that a number of violations continued to exist including the dangerous conditions of the stairs, balconies, and roofs. In fact the tenant of apartment 237 had to be relocated due to a severe mold issue throughout the ceilings in that apartment.	
Jan. 14, 2020	Order	Owner had still failed to timely bring the property into full compliance and the City Council assessed conditional civil penalties	

		in the amount of \$49,000. That Order was not appealed and is now final and non-appealable	
Jan. 16, 2020	Building Permit	A Building Permit was issued to the property owner in order to fix the roof of Building 2. The permit required that an engineer oversee the repairs as they were made. (This was not done-See March 16, 2020, Falkofske Letter.)	
Feb. 3, 2020	Stop Work Order was Issued	A Stop Work Order was issued because the stairways were being worked on without a Permit. Work continued even after the Stop Work Order was issued.	
Feb. 11, 2020	Order	City Council assessed conditional civil penalties of \$28,000 and Mercer failed bring property in full compliance. (This Order was not appealed by a verified petition setting forth that the decision was illegal and specifying the grounds of illegality, and is therefore, final and non-appealable.	
Feb. 25, 2020	Permit Approved	Permits were approved on this date in order for work to begin on repairing the stairways.	
Mar. 16, 2020	Letter from Falkofske engineering	This letter confirms that replacement of the roof remains incomplete and that further repair work would be required. (This letter reveals that the roof repair work was done without the oversight of a certified engineer.)	
Mar. 20, 2020	Permits Issued	Permits were issued and work commenced on the stairways on all the Buildings except for Building 1.	
Mar. 25, 2020	Inspection	During this inspection it was revealed that the ceiling on Building 2 still had mold, moisture, failing decking, and unapproved roofing materials.	
Apr. 15, 2020	Permit Application	Charles Mercer applied for a Building Permit for the roof of Building 2. (This includes his engineers new plans because of failure to inspect the work performed under original permit.)	

SUBJECT: SP-19-13 Urban Infraconstruction, a site plan for Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive

Supporting Documents:

Ordinance 2436
Area map
Legal notice
Ownership data
Aerial – Exhibit "A"
Site plan – Exhibit "B"
Tree exemption area – Exhibit "C"
Tree mitigation – Exhibit "D"
Landscape plan – Exhibit "E"
Building elevations – Exhibit "F"
Color Elevation – "Exhibit "G"
Sign elevations – Exhibit "H"

Meeting Date: 4/28/2020
Department: Development
Reviewed by: Michelle Lazo
City Manager Review:

Background/Analysis:

An application has been made by Anup Tamrakar with Urban Infraconstruction for a site plan approval on Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive.

The property is zoned TX-10 (Texas Hwy.10 Multi-Use District). The TX-10 Multi-Use District permits professional offices with outside storage of vehicles and materials. A final plat is also on this agenda.

The applicant is planning to construct an office building with 3,952 square feet and a separate warehouse with 2,000 square feet. The business will also have a large secured storage yard for vehicles and equipment. Urban Infraconstruction specializes in building bridges, concrete structures, storm structures, and a variety of concrete work across the country.

The site plan indicates a new driveway entrance on Central Park Drive and a shared driveway with the existing Sonic to the signal on Hurst Boulevard. Due to the large number of utility easements across this property, the buildings and equipment storage

will be constructed south of the Sonic location. The development also requires a large detention pond adjacent to the TRE rail corridor.

The building elevation indicates a light buff stone veneer and zinc grey ribbed metal exterior with concrete columns and a standing seam metal canopy. The warehouse will have ribbed metal walls in zinc grey and large bay doors.

The property is covered with a large variety of trees that are not required to be mitigated due to the grading and detention area. The developer will remove 1,057 caliper inches, but intends to preserve all of the trees along the railroad to enhance the landscape buffer.

The applicant is also limited on where new landscaping may be planted. They are providing four (4) Live Oaks, Dwarf Yaupons, Dwarf Heavenly Bamboo, Asian Jasmine, and Bermuda sod.

The applicant is requesting building signs on the north, east, and west elevation with 38 sq. ft of sign area. They are also requesting a monument sign on Hurst Boulevard that is 6.10 ft. tall with 28 square feet of sign area per face.

Funding Sources and Community Sustainability:

There is no fiscal impact.

This site plan is a direct representation of Council’s goal for **Redevelopment**.

Recommendation:

Based upon the Planning and Zoning Commission vote of 7-0, the recommendation is City Council **move to approve SP-19-13 Urban Infraconstruction with the stipulation the new monument sign location be provided on the site plan for City Council and Ordinance 2436 on first reading.**

ORDINANCE 2436

AN ORDINANCE ADOPTING A SITE PLAN FOR SIGNAGE ONLY ON LOT 1, BLOCK 1, CENTRAL PARK NORTHEAST ADDITION, BEING 5.05 ACRES LOCATED AT 110 CENTRAL PARK DRIVE

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Hurst at least 15 days before such hearing; and

WHEREAS, notices were posted on the subject land as provided by the Zoning Ordinance; and

WHEREAS, public hearings to change the site plan on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the site plan change; and

WHEREAS, the City Council is of the opinion that the site plan herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Hurst.

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

Section 1. **THAT** the Comprehensive Zoning Ordinance of the City of Hurst is hereby amended by adopting a site plan with Exhibits "A-H" for Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive

AND IT IS SO ORDERED.

Passed on the first reading on the 28th day of April 2020 by a vote of _ to _.

Approved on the second reading on the 26th day of May 2020 by a vote of _ to _.

ATTEST:

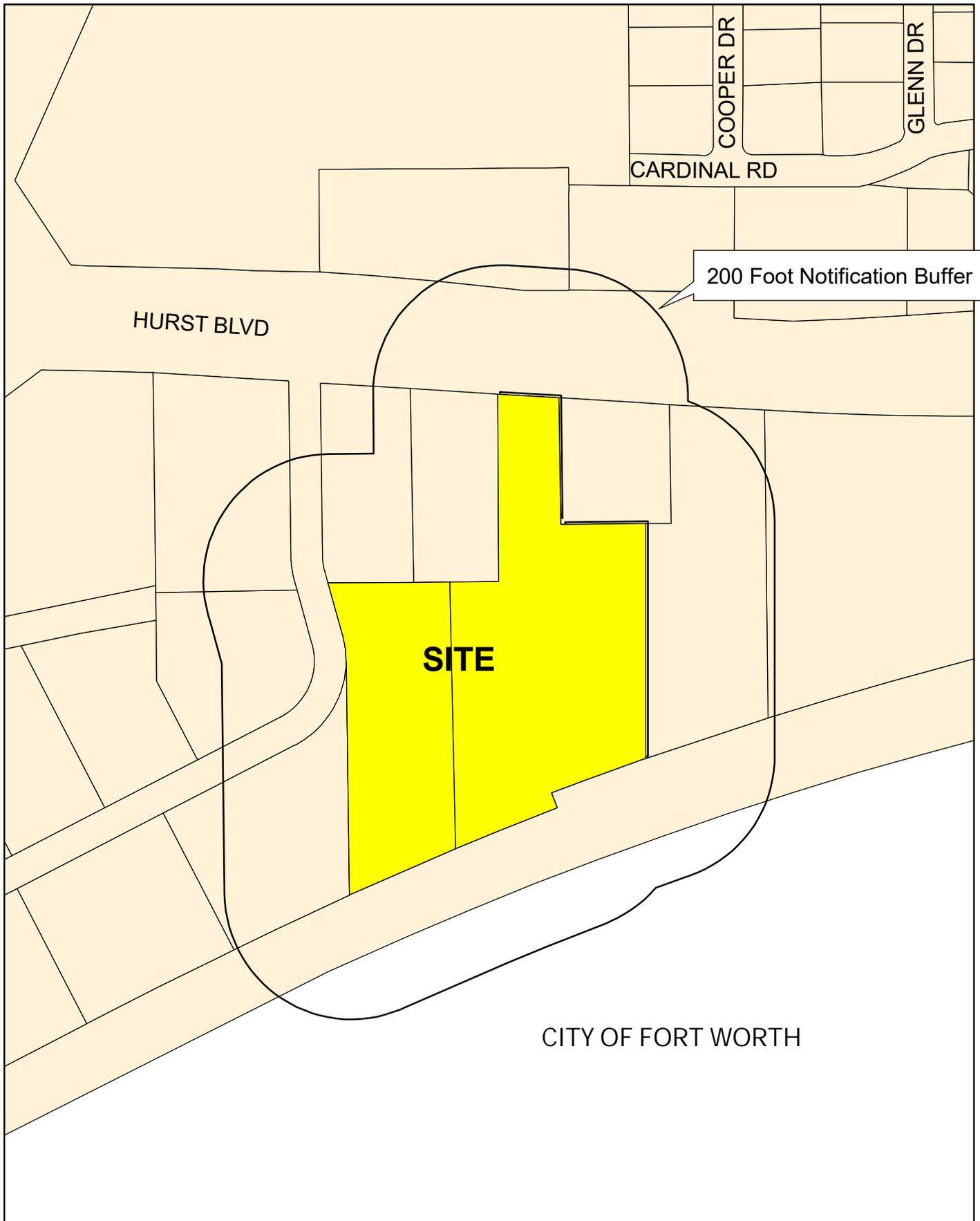
CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney



<p>CASE NO: SP-19-13 URBAN INFRACONSTRUCTION</p>	<p>LEGAL DESCRIPTION: LOT 1 BLOCK 1 CENTRAL PARK NORTHEAST ADDITION</p>	<p>AGENDA DATE: 04/28/2020</p>
<p>REQUESTED ACTION: SITE PLAN</p>	<p>LOCATION: 110 CENTRAL PARK DR</p>	



SP-19-13

LEGAL NOTICE

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Hurst City Council will conduct its meeting scheduled at 6:30 p.m. on Tuesday, April 28, 2020, at Hurst City Hall by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19). There will be no public access to the location described above. The agenda packet and meeting information are posted online at <https://www.hursttx.gov/about-us/agendas-and-minutes/agendas-and-minutes-2020>.

The public dial-in number to participate in the telephonic meeting is (877) 853-5247 (Toll Free) or (888)788-0099 (Toll Free) and entering Meeting ID 821-976-722 followed by # when prompted. The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

URBAN INFRACONSTRUCTION

Lot 1, Block 1 Central Park Northeast Addition
110 Central Park Drive.



SP-19-13

**APPLICATION FOR SITE PLAN
OWNERSHIP DATA**

TO THE HURST PLANNING AND ZONING COMMISSION:

The following described real property is under application for approval of a Site Plan:

Urban Infraconstruction
Lot 1, Block 1, Central Park Northeast Addition
110 Central Park Drive.

The following is a list of the property owners, legal description of their property, and mailing address of the owners of the property within 200 feet of the above-described property, which is under application for a special use permit:

PROPERTY OWNER	LOT	BLK	ADDITION	ADDRESS
AA ADAM'S INC	2	BLK 1	CENTRAL PARK EAST	6665 RANDOL MILL RD FORT WORTH TX 76112
JACINTO, DAVID			TR 5D2 BENNETT, HAMILTON SURVEY	PO BOX 162195 FORT WORTH TX 76161
WOODGREEN II JV	FR	BLK 1	PAYTON	6252 KLAMATH RD FORT WORTH TX 76116
HURST, CITY OF	2	1	MORITZ KIA	1505 PRECINCT LINE RD HURST TX 76054
LJL ENTERPRISES LTD	1	BLK 1	CENTRAL PARK NORTH	5829 CONVEYOR DR CLEBURNE TX 76031
GOOLSBY, STEVE			TR 5D2B BENNETT, HAMILTON SURVEY	3228 BROKEN ARROW RD DENTON TX 76209
GOOLSBY, STEVE			TR 5D2C BENNETT, HAMILTON SURVEY	3228 BROKEN ARROW RD DENTON TX 76209
OUTLOOK TEXAS LP	2	BLK 1	CENTRAL PARK NORTH	1500 CENTRAL PARK DR HURST TX 76053
ROSA CLARA ENTERPRISES LLC	3	BLK 1	CENTRAL PARK NORTH	3501 WINDSOR CT COLLEYVILLE TX 76034
SHEMWELL-CARTER RESTAURANTS	1	1	SONIC DRVIE-IN HWY 10	PO BOX 177 KELLER TX 76244
SHEMWELL-CARTER RESTAURANTS	2	1	SONIC DRVIE-IN HWY 10	PO BOX 177 KELLER TX 76244
DAKHIL FAMILY LLC	1	A	QT865	1420 N LINDEN CIR WICHITA KS 67206
OCCUPANT	2	BLK 1	CENTRAL PARK EAST	1401 W HURST BLVD HURST, TX 76053
OCCUPANT			TR 5D2 BENNETT, HAMILTON SURVEY	1351 W HURST BLVD HURST, TX 76053
OCCUPANT	FR	BLK 1	PAYTON	1347 W HURST BLVD HURST, TX 76053
OCCUPANT	2	1	MORITZ KIA	1390 W HURST BLVD HURST, TX 76053

OCCUPANT	1	BLK 1	CENTRAL PARK NORTH	1501 W HURST BLVD HURST, TX 76053
OCCUPANT			TR 5D2B BENNETT, HAMILTON SURVEY	110 CENTRAL PARK DR HURST, TX 76053
OCCUPANT			TR 5D2C BENNETT, HAMILTON SURVEY	1451 W HURST BLVD HURST, TX 76053
OCCUPANT	2	BLK 1	CENTRAL PARK NORTH	1451 W HURST BLVD HURST, TX 76053
OCCUPANT	3	BLK 1	CENTRAL PARK NORTH	1500 CENTRAL PARK DR HURST, TX 76053
OCCUPANT	1	1	SONIC DRVIE-IN HWY 10	1501 CENTRAL PARK DR HURST, TX 76053
OCCUPANT	2	1	SONIC DRVIE-IN HWY 10	1461 W HURST BLVD HURST, TX 76053
OCCUPANT	1	A	QT865	1451 W HURST BLVD HURST, TX 76053

EXHIBIT A

PROPOSED SITE SP-19-13



EXHIBIT B

REVISIONS:

1	03/04/2020	Hurst Public Works
---	------------	--------------------

SITE ACCESSIBILITY NOTES:

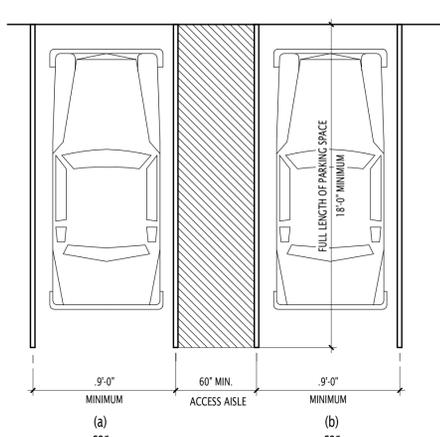
- REFER TO FINAL CIVIL SITE PLANS FOR THE EXACT LOCATIONS OF HANDICAPPED PARKING, WALKWAYS, CURB CUTS AND RAMPS.
- ALL WALKWAYS, CURB CUTS, RAMPS AND HANDICAP PARKING SIGNAGE, ETC. SHALL MEET THE MOST STRINGENT OF ALL APPROVED TEXAS ACCESSIBILITY CODES.
- ALL WALKING SURFACES TO COMPLY WITH THE MOST STRINGENT OF ALL APPROVED TEXAS ACCESSIBILITY STANDARDS (TAS), AMERICANS WITH DISABILITY ACT (ADA), AND LOCAL ACCESSIBILITY CODES AND ORDINANCES.
- FINISH GRADES OF PAVEMENT IN ACCESSIBLE PARKING AND ACCESSIBILITY AISLE SHALL NOT EXCEED 1:50 SLOPE IN ANY DIRECTION AND SHALL COMPLY WITH THE MOST STRINGENT OF ALL APPROVED TEXAS ACCESSIBILITY STANDARDS (TAS), AMERICANS WITH DISABILITY ACT (ADA), AND LOCAL ACCESSIBILITY CODES AND ORDINANCES.

SITE DRAWING NOTES:

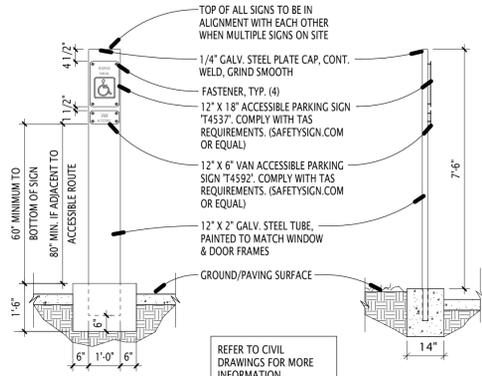
REFER TO FINAL CIVIL SITE PLANS FOR:

- FINAL SITE INFORMATION AND CONFIGURATION
- PROPERTY LINE INFORMATION
- SETBACK INFORMATION
- FINAL ACCESSIBLE PARKING LOCATIONS AND LAYOUT
- SITE EGRESS PATHS
- FIRE LANES
- PAVING LAYOUT
- PARKING LOT LIGHTING LAYOUT
- PROJECT SIGN LOCATIONS
- RETAINING WALL DESIGN
- SITE AMENITIES DESIGN (SIDEWALKS, PATIOS, SITE STAIRS)

REFER TO OWNER SIGN PACKAGE FOR PROJECT SIGNAGE INFORMATION, IF REQUIRED.

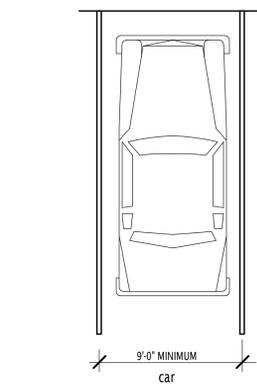


Vehicle Parking Spaces



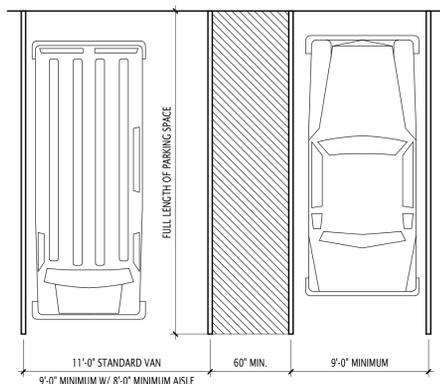
IDENTIFICATION SIGNAGE

REFER TO T.A.S. SECTIONS 216 SIGNS AND 502 PARKING SPACES (COMPLY WITH LOCAL JURISDICTION REQUIREMENTS)



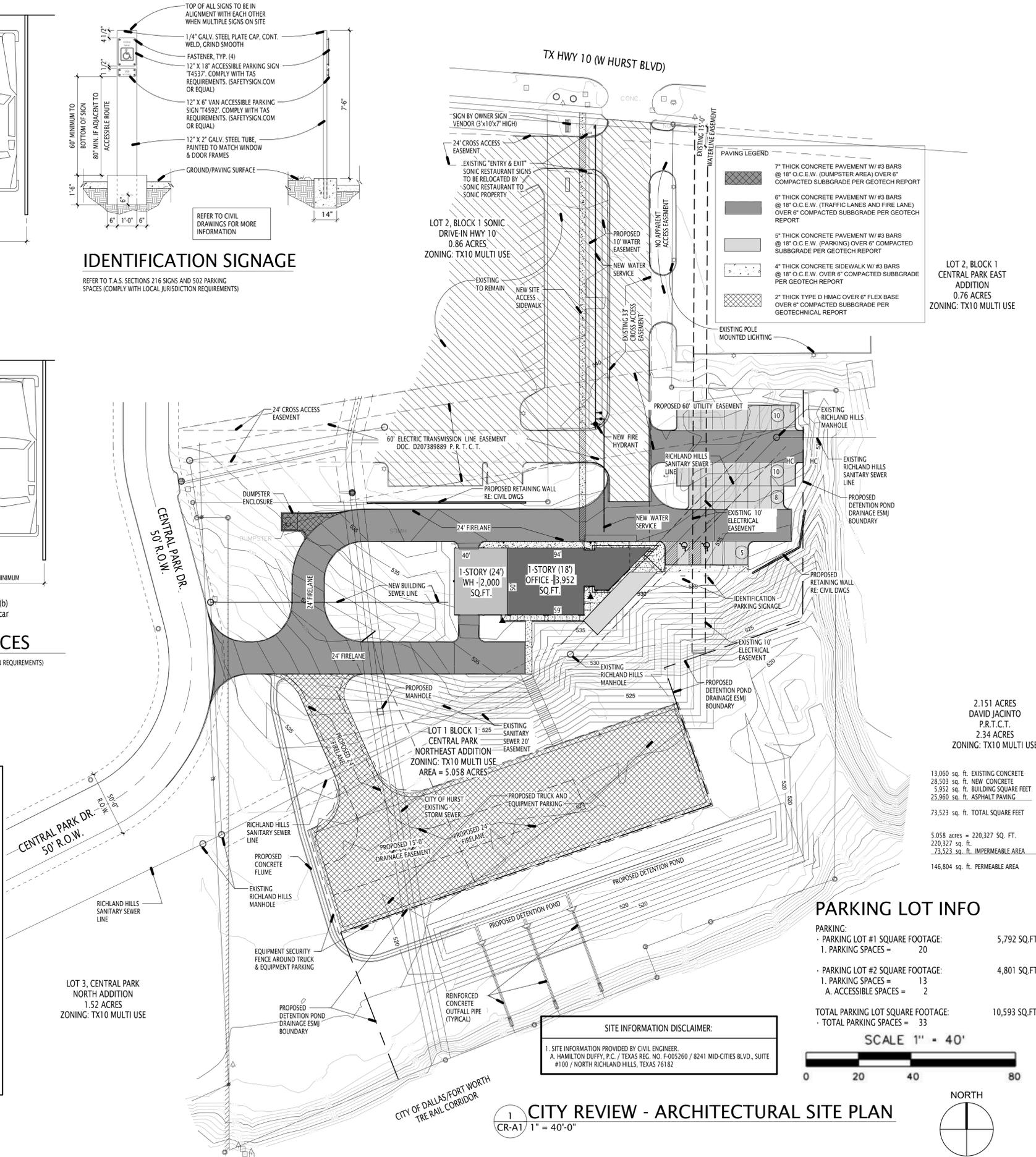
STANDARD PARKING SPACE

COMPLY WITH LOCAL JURISDICTION REQUIREMENTS



ACCESSIBLE PARKING SPACES

REFER TO T.A.S. SECTION 502 PARKING SPACES (COMPLY WITH LOCAL JURISDICTION REQUIREMENTS)



CITY OF HURST, TX
DRC-PDC-CC
REVIEW

CITY APPROVAL PROCESS

URBAN INFRACONSTRUCTION

110 CENTRAL PARK DRIVE
HURST, TEXAS 76053

URBAN INFRACONSTRUCTION

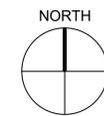
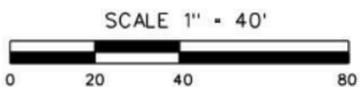
2512 GRAVEL DRIVE
FORT WORTH, TEXAS 76118

OWNER PROJECT NO.: 2019-030-00
ISSUED DATE: MARCH 1, 2020

SITE PLAN

PARKING LOT INFO

PARKING:		
PARKING LOT #1 SQUARE FOOTAGE:	5,792 SQ.FT.	
1. PARKING SPACES =	20	
PARKING LOT #2 SQUARE FOOTAGE:	4,801 SQ.FT.	
1. PARKING SPACES =	13	
A. ACCESSIBLE SPACES =	2	
TOTAL PARKING LOT SQUARE FOOTAGE:	10,593 SQ.FT.	
TOTAL PARKING SPACES =	33	



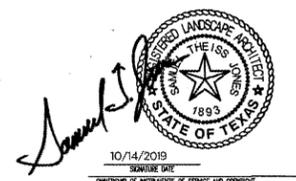
1 CR-A1 CITY REVIEW - ARCHITECTURAL SITE PLAN
1" = 40'-0"

EXHIBIT C

LEGEND

-  EXEMPT - REQUIRED GRADING
-  EXEMPT - EASEMENTS
-  PROTECTED TREE
-  REMOVED TREE

REVISIONS:



10/14/2019
ISSUANCE DATE
DISCLAIMER: THE INFORMATION ON THESE PLANS IS THE PROPERTY OF GSBS ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GSBS ARCHITECTS.



CITY OF HURST, TX
DRC-PDC-CC
REVIEW



NORTH

City Approval Process
URBAN
INFRACONSTRUCTION

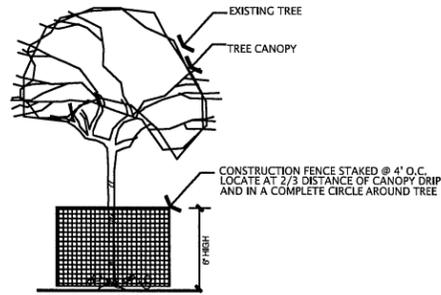
110 CENTRAL PARK DRIVE
HURST, TX 76053

Urban
Infraconstruction

2512 GRAVEL DRIVE
FORT WORTH, TX 76118

GSBS PROJECT NO.: 2019-030-00
ISSUED DATE: 10/14/2019
EXEMPTED AREAS PLAN

EXHIBIT D



1 TREE PROTECTION NTS

TREE PRESERVATION NOTES

- Trees called out for preservation shall be fenced at the dripline. Fencing may occur at the combined driplines of trees to be preserved.
- Fencing shall be 6-foot tall chain link fencing with steel posts embedded in the ground.
- No grading shall occur within the driplines / fenced area of existing trees.
- No construction materials or construction vehicles may be stored within the driplines / fenced areas of existing trees.
- Construction vehicles or machinery may not pass between two or more existing trees identified for preservation if their canopies are within 10 feet of touching.
- Tree preservation measures must be in place before construction, demolition and /or grading activities commence.
- The contractor is required to have an arborist certified by the International Society of Arboriculture (ISA) on site, if site construction efforts require removal of existing roots or branch pruning. A certified arborist shall be on site and monitor all root pruning and branch pruning of existing trees.
- Unauthorized tree removal is subject to in-kind replacement as referenced in the City's tree mitigation ordinance.
- The Contractor is required to water, fertilize and attend to other maintenance needs of existing trees as needed to maintain healthy growth throughout the construction period. Six feet diameter, minimum, by six-inch tall earth berms shall be constructed at the base of each tree to function as temporary watering basins during the construction period. Trees shall be watered according to weather and tree requirements.

PROJ-IN-LIUC-38

NOTES:

- All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
 - Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - Critical root zone disturbances due to grade changes greater than two (2) inches cut or fill, or boring which was not authorized by the city.
 - Wounds, to the trunk, limbs or exposed roots by mechanical equipment.
 - Other activities detrimental to trees such as chemical storage, cement trunk cleaning, and fires.
- In cases of area constraints where the protective fence is closer to the trunk than four (4) feet, the trunk must be protected with strapped-on planking to a height of eight (8) feet or to the limits of the lower branching.
- All grading within critical root zones of specimen trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two (2) feet behind the grade change area.
- Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
- Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
- Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

TREE MITIGATION CALCULATIONS

	METHOD OF ASSESSMENT	TOT. CAL. INCHES	OFF PROPERTY	TOT. CAL. INCHES REMOVED	TOT. CAL. INCHES PROTECTED
6" TREES	SURVEY	1603	166	1057	380
EXEMPT				1057	
NONEXEMPT				0	
3"-6" TREES	AERIAL + SAMPLING	603	0	559	44
EXEMPT				559	
NONEXEMPT				0	
TOTAL CAL INCHES TO BE MITIGATED (NON-EXEMPT REMOVED)					0
TOT. CAL. INCHES IN LIEU OF FEE		\$60/CAL. INCH		0	\$ -
TOT. CAL. INCHES TO BE REPLACED W/ 3" CAL. TREES				0	0

TREE ASSESSMENT

TREE #	CAL	SPECIES	STATUS	UNDESIRABLE	EXEMPT	REASON
5544	7	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5545	7	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5546	11	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5548	2X6	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5549	12	WILLOW	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5574	7	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5575	2X8	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5580	12	CEDAR	REMOVE	EXEMPT	REQUIRED GRADING	
5581	11	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5631	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5632	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5633	6	ASH	REMOVE	EXEMPT	EASEMENT	
5642	9	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5643	2X12	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5644	3X9	BRADFORD PEAR	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5645	10	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5646	2X6	BRADFORD PEAR	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5668	14	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5706	24 + 14	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5712	10	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5713	2X14	ELM	REMOVE	EXEMPT	REQUIRED GRADING	
5743	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5744	6	ASH	REMOVE	EXEMPT	REQUIRED GRADING	
5745	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5746	10	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5747	10	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5748	6	ELM	REMAIN		NONEXEMPT	
5760	6	HACKBERRY	OFF PROPERTY			
5761	6	ELM	OFF PROPERTY			
5762	20	ELM	OFF PROPERTY			
5764	18	COTTONWOOD	OFF PROPERTY			
5772	2X8	HACKBERRY	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
5773	6	ELM	REMAIN		NONEXEMPT	
5776	8	HACKBERRY	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
5777	8	HACKBERRY	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
5778	24	ELM	OFF PROPERTY			
5781	8	HACKBERRY	OFF PROPERTY			
5782	6	ELM	OFF PROPERTY			
5785	2X10	HACKBERRY	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
5790	15	ELM	REMAIN		NONEXEMPT	
5791	24	ELM	REMAIN		NONEXEMPT	
5811	3X8	ELM	REMAIN		NONEXEMPT	
5813	10	ELM	REMAIN		NONEXEMPT	
5815	17	ELM	REMAIN		NONEXEMPT	
5819	3X12	ELM	REMAIN		NONEXEMPT	
5821	3X7	ELM	REMAIN		NONEXEMPT	
5822	18	COTTONWOOD	REMAIN			
5823	14	COTTONWOOD	REMAIN	UNDESIRABLE		
5824	18	COTTONWOOD	REMAIN	UNDESIRABLE		
5825	2X8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5826	10	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5827	8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5828	3X14	ELM	REMAIN			
5829	6	HACKBERRY	REMAIN	UNDESIRABLE		
5830	6	HACKBERRY	REMAIN	UNDESIRABLE		
5843	2X8	ELM	REMAIN		NONEXEMPT	
5844	14	ELM	REMAIN		NONEXEMPT	
5845	2X6	HACKBERRY	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
5846	10	ELM	REMAIN		NONEXEMPT	
5849	6	HACKBERRY	OFF PROPERTY			
5850	6	HACKBERRY	OFF PROPERTY			
5851	12	HACKBERRY	OFF PROPERTY			
5870	12	ELM	OFF PROPERTY			
5871	12	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5872	12	ELM	OFF PROPERTY			
5873	5X10	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5875	9	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5876	9	HACKBERRY	OFF PROPERTY			
5877	7	ELM	OFF PROPERTY			
5878	7	ELM	OFF PROPERTY			
5879	7	MESQUITE	REMOVE		EXEMPT	REQUIRED GRADING
5880	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5889	7	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5893	8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5894	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5897	4X12	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5899	2X18	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5900	6	CEDAR	REMOVE		EXEMPT	REQUIRED GRADING
5904	7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5906	8	CEDAR	REMOVE		EXEMPT	REQUIRED GRADING
5907	2X12	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5908	12	CEDAR	REMOVE		EXEMPT	REQUIRED GRADING
5910	10	CEDAR	REMOVE		EXEMPT	REQUIRED GRADING
5911	8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5916	3X11	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5919	8	ELM	REMOVE		EXEMPT	REQUIRED GRADING

TREE ASSESSMENT

TREE #	CAL	SPECIES	STATUS	UNDESIRABLE	EXEMPT	REASON
5922	8	HACKBERRY	REMOVE	UNDESIRABLE		SPECIES
5923	7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5923	7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5923	2X8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5927	14	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5928	8	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5928	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5931	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5932	12	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5933	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5933	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5936	12	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5967	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5968	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5969	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5981	2X7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5981	12	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5982	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5981	2X11	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5981	11	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5985	9	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5986	9	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5987	9	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5988	7	BRADFORD PEAR	OFF PROPERTY			
5988	16	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5991	20	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5982	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
5996	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5997	20	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5991	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
5999	6	CHINABERRY	REMOVE		EXEMPT	REQUIRED GRADING
6000	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6000	7	CEDAR	REMOVE		EXEMPT	REQUIRED GRADING
6016	6	BRADFORD PEAR	REMAIN	UNDESIRABLE		
6007	11	BRADFORD PEAR	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6008	8	COTTONWOOD	REMAIN	UNDESIRABLE		
6009	16	COTTONWOOD	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
6016	18	COTTONWOOD	REMAIN	UNDESIRABLE		
6011	11	COTTONWOOD	REMAIN	UNDESIRABLE	EXEMPT	SPECIES
6012	11	ELM	REMAIN		NONEXEMPT	
6013	16	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6013	3X10	BRADFORD PEAR	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6016	7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6016	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6025	7	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6025	8	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6025	13	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6028	6	ELM	REMOVE		EXEMPT	REQUIRED GRADING
6025	6	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6033	7	HACKBERRY	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6011	2X11 + 14	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6014	3X10	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6016	13	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES
6008	11	COTTONWOOD	REMOVE	UNDESIRABLE	EXEMPT	SPECIES

REVISIONS:



CITY OF HURST, TX DRC-PDC-CC REVIEW

City Approval Process
URBAN
INFRACONSTRUCTION

110 CENTRAL PARK DRIVE
HURST, TX 76053

Urban
Infraconstruction

2512 GRAVEL DRIVE
FORT WORTH, TX 76118

GSBS PROJECT NO.: 2019-030-00
ISSUED DATE: 10/14/2019

TREE MITIGATION

EXHIBIT E

PLANT SCHEDULE

SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	SPACING
	NAN HAR	Nandina domestica 'Harbour Dwarf' / Dwarf Heavenly Bamboo	5 gal	30" o.c.
SMALL SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	SPACING
	ILE NAN	Ilex vomitoria 'Nana' / Dwarf Yaupon 3' HT. MIN	5 gal	36" o.c.
GROUND COVERS	CODE	BOTANICAL / COMMON NAME	CONT	SPACING
	CYN DA2	Cynodon dactylon / Bermuda Grass	hydromulch	
	EXI TUR	Existing turf / Existing Turf	existing	
	TRA ASI	Trachelospermum asiaticum / Asian Jasmine	1 gal	15" o.c.
	NATIVE SEED MIX Bouteloua curtipendula / Side Oats Grama Bouteloua dactyloides / Buffalo Grass Bouteloua gracilis / Blue Grama Grass Cynodon dactylon / Bermuda Grass Desmanthus illinoensis / Illinois Bundle Flower Hilaria rigida / Big Gaketa Leptochloa dubia / Green Sprangletop Lolium multiflorum / Italian Ryegrass Schizachyrium scoparium / Little Bluestem Grass REF. SHEET LP602 FOR NATIVE SEED SELECTION SCHEDULE.			

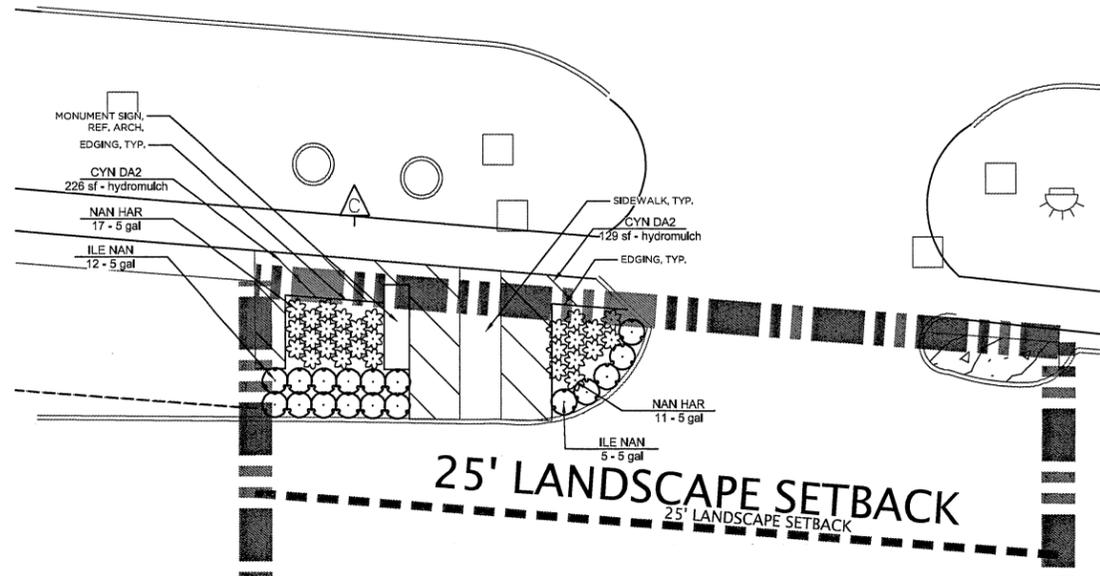
NOTE:

ASSUMED LIMIT OF DISTURBANCE SHOWN.

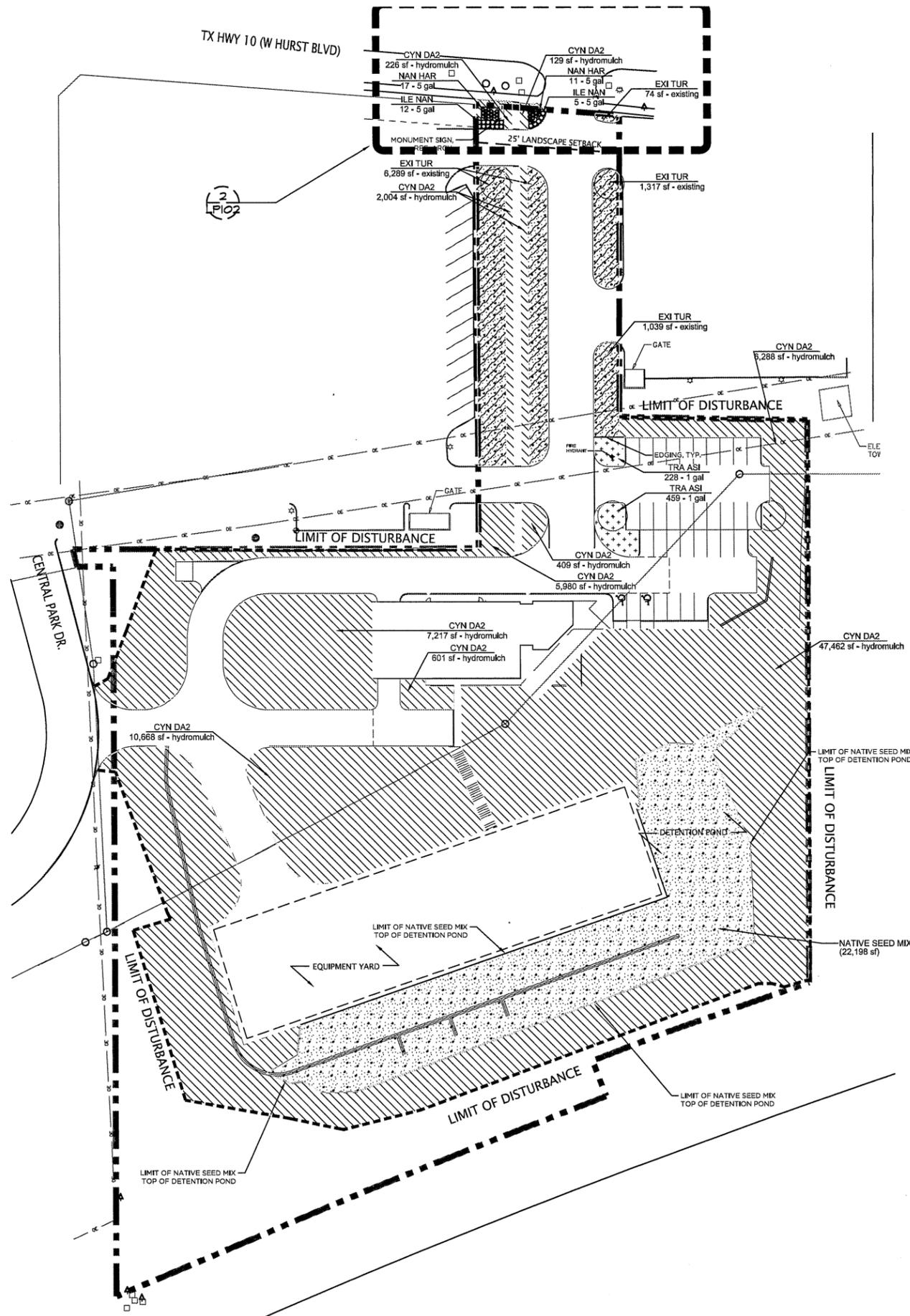
CONTRACTOR RESPONSIBLE FOR REVEGETATING TO ACTUAL LIMIT AND IN ALL DISTURBED AREAS WITH HYDROMULCH.

ANY OTHER AREA NOT DESIGNATED TO RECEIVE NEW PLANT MATERIAL IS CONSIDERED TO BE TURF.

NEW TREES SHALL NOT BE PLANTED IN EASEMENTS.



PLANTING PLAN 2
SCALE: 1" = 10' LP102



PLANTING PLAN 1
SCALE: 1" = 40' LP102

REVISIONS:



10/14/2019
 I AM A LICENSED LANDSCAPE ARCHITECT
 UNDER THE STATE OF TEXAS
 ALL REVISIONS, PLANS, SPECIFICATIONS, CONTRACTS, FIELD NOTES, MEETINGS AND OTHER DOCUMENTS ARE HEREBY APPROVED BY THE SIGNATURE AND ALL INSTRUMENTS OF SERVICE SHALL REMAIN THE PROPERTY OF GSBS ARCHITECTS, P.C. UNLESS ALL CHANGES ARE APPROVED AND OTHER REVISIONS BEING RE-APPROVED. ANY PARTIAL CANCELLATION OR DESTRUCTION OF THIS DRAWING IS PROHIBITED WITHOUT THE WRITTEN AUTHORIZATION OF GSBS ARCHITECTS, P.C.

CITY OF HURST, TX
DRC-PDC-CC
REVIEW

NORTH

City Approval Process
 URBAN
 INFRACONSTRUCTION

110 CENTRAL PARK DRIVE
 HURST, TX 76053

Urban
 Infraconstruction

2512 GRAVEL DRIVE
 FORT WORTH, TX 76118

GSBS PROJECT NO.: 2019-030-00
 ISSUED DATE: 10/14/2019

PLANTING PLAN

EXHIBIT F



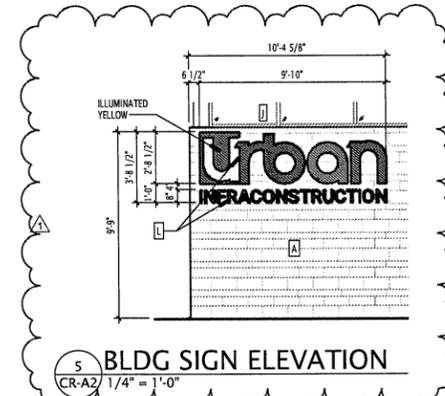
7921 GLENVIEW DRIVE
FORT WORTH, TX 76180
P 817.589.1722
F 817.595.2916
www.gsbsarchitects.com

REVISIONS:

1	03/04/2020	City DRC comments



SCALE DATE
DESIGNED BY: GREGORY A. PLUMB
 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF GSBS ARCHITECTS. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



PAINT SCHEDULE

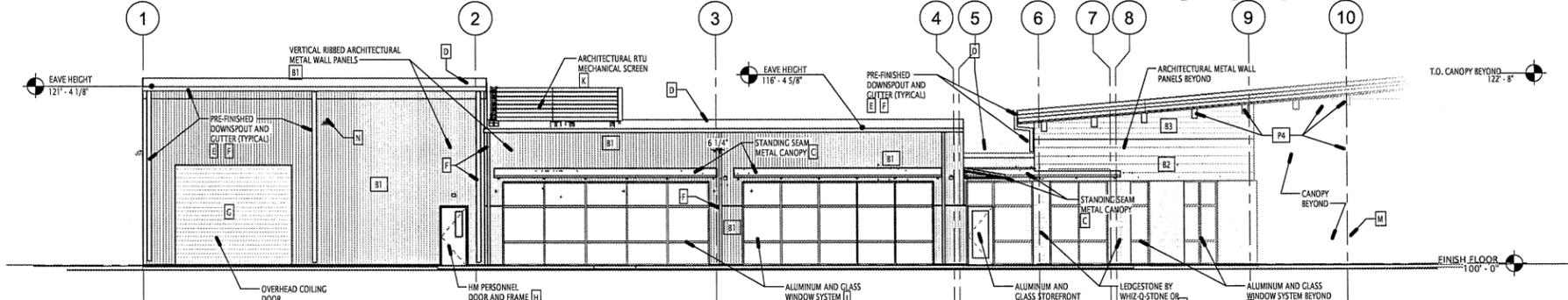
NOT ALL PAINT COLORS USED ON EXTERIOR
 PAINT & MANUFACTURER

P1 - GENERAL PAINT MANUF.: SHERWIN WILLIAMS SW7105 *PAPERWHITE; EGGSHELL/SATIN
P2 - INTERIOR ACCENT PAINT MANUF.: SHERWIN WILLIAMS SW6255 *MORNING FOG; EGGSHELL/SATIN
P3 - INTERIOR ACCENT PAINT MANUF.: SHERWIN WILLIAMS SW9033 *CHEERFUL; EGGSHELL/SATIN
P4 - INTERIOR/EXTERIOR ACCENT PAINT MANUF.: SHERWIN WILLIAMS SW9139 *DEBONAIR; SEMI-GLOSS
P5 - INTERIOR/EXTERIOR ACCENT PAINT MANUF.: SHERWIN WILLIAMS SW7644 *STEELY GRAY; MATTE
P6 - EXTERIOR SOFFITS MANUF.: SHERWIN WILLIAMS SW6907 *FORSYTHIA; MATTE
P7 - EXTERIOR PAINTED CONCRETE MANUF.: SHERWIN WILLIAMS SW6142 *MACADAMIA; MATTE

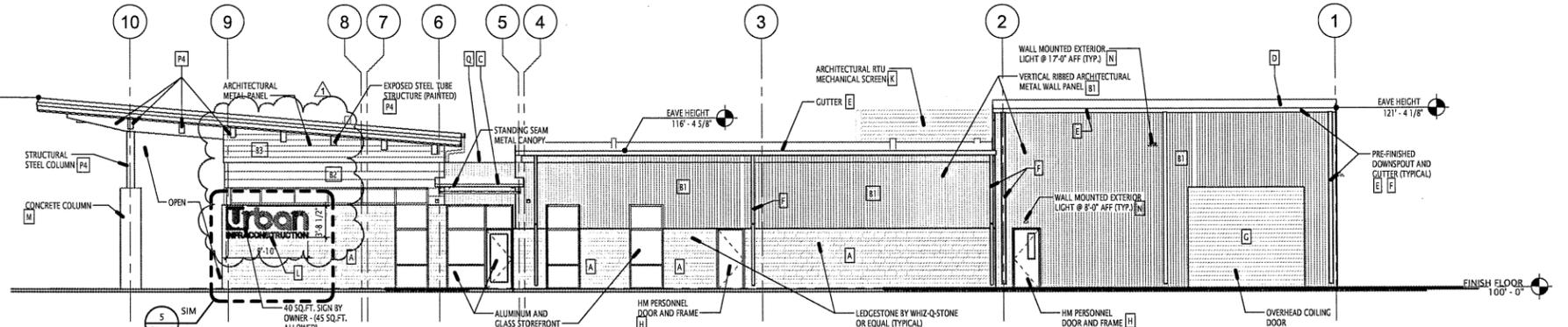
EXTERIOR ELEVATION LEGEND

A	LIEDERS "ROUCHBACK" STONE VENER ASHLAR 8" x 6" x 4" STACKED COURSING, RANDOM WIDTHS GRAOUT COLOR: TEC ACCUCOLOR #945 "LIGHT BUFF"
B1	BERRIDGE 1/2" x 1/2" (VERTICAL) ZINC GREY
B2	BERRIDGE 1/2" x 1/2" (HORIZONTAL) ZINC GREY
B3	BERRIDGE 1/2" x 1/2" (HORIZONTAL) ZINC GREY
C	BERRIDGE ZEE-LOCK STANDING SEAM METAL PANEL EYEBROW CANOPY - ZINC GREY
D	MEMBRANE ROOF
E	PRE-FINISHED METAL GUTTER SHERWIN WILLIAMS SW7067 "CITYSCAPE"
F	PRE-FINISHED METAL DOWNSPOUT SHERWIN WILLIAMS SW7067 "CITYSCAPE"
G	OVERHEAD DOOR
H	HOLLOW METAL DOOR PAINT P4
J	STOREFRONT WINDOW SYSTEM
K	PRE-FINISHED METAL ROOF SCREEN
L	SIGNAGE BY VENDOR - ILLUMINATED CHANNEL LETTERS ON MASONRY VENER
M	ARCHITECTURALLY FINISHED CONCRETE COLUMN PAINT P5
N	EXTERIOR LIGHT
P	ARCHITECTURALLY EXPOSED STEEL STRUCTURE, PAINT P4
Q	PRE-FINISHED METAL CAP COPING
R	MECHANICAL EQUIPMENT, SEE MECHANICAL

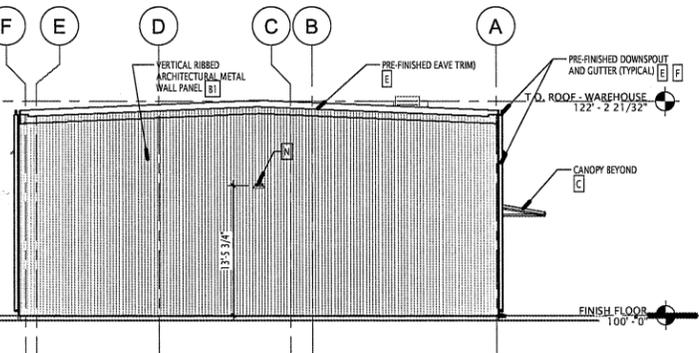
NOTE:
1. REFER TO FINISH LEGEND FOR EXTERIOR PAINT
TYPES AND COLORS.



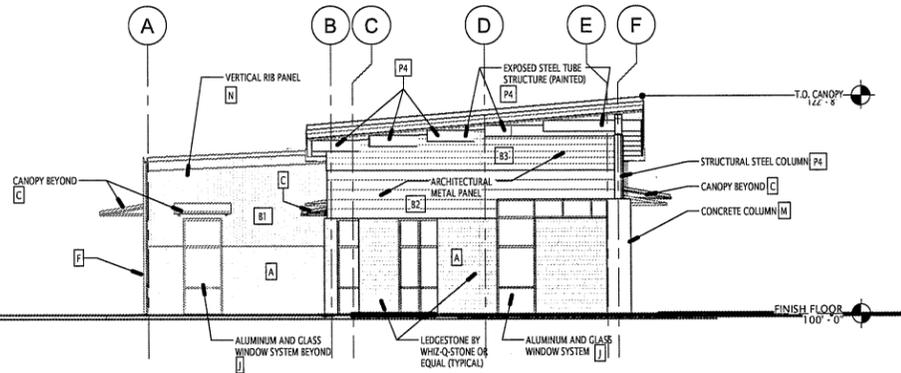
4 CITY REVIEW - SOUTH ELEVATION
 CR-A2 1/8" = 1'-0"



3 CITY REVIEW - NORTH ELEVATION
 CR-A2 1/8" = 1'-0"



2 CITY REVIEW - WEST ELEVATION
 CR-A2 1/8" = 1'-0"



1 CITY REVIEW - EAST ELEVATION
 CR-A2 1/8" = 1'-0"

CITY OF HURST, TX
 DRC-PDC-CC
 REVIEW

CITY APPROVAL PROCESS
 URBAN
 INFRACONSTRUCTION

110 CENTRAL PARK DRIVE
 HURST, TEXAS 76053

URBAN
 INFRACONSTRUCTION

2512 GRAVEL DRIVE
 FORT WORTH, TEXAS 76118
 OWNER PROJECT NO.: 2019-030-00
 GSBS PROJECT NO.: 2019-030-00
 ISSUED DATE: MARCH 1, 2020

EXTERIOR ELEVATIONS



EXHIBIT H



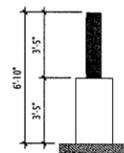
7921 GLENVIEW DRIVE
FORT WORTH, TX 76180
P 817.589.1722
F 817.595.2916
www.gsbsarchitects.com

REVISIONS:

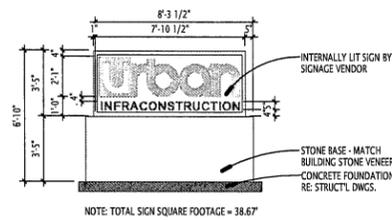


DISCLAIMER: THE CONSULTANT HAS PREPARED THESE PLANS AND SPECIFICATIONS TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CONSULTANT MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION PROVIDED HEREON. THE CONSULTANT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS AND SPECIFICATIONS, OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THESE PLANS AND SPECIFICATIONS. THE CONSULTANT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM OR HER. THIS AGREEMENT IS SUBJECT TO THE STANDARD AND SUPPLEMENTARY CONDITIONS OF CONTRACT FOR ARCHITECTURAL SERVICES, WHICH ARE INCORPORATED BY REFERENCE INTO THESE PLANS AND SPECIFICATIONS.

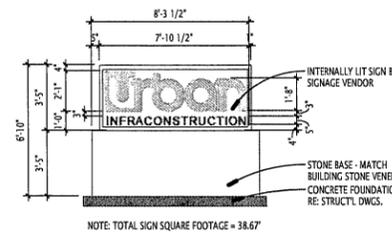
CITY OF HURST, TX DRC-PDC-CC REVIEW



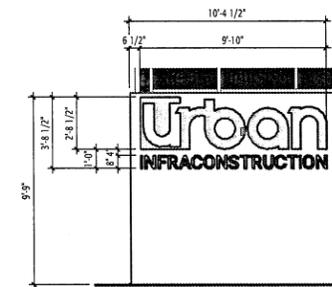
4 NORTH/SOUTH ELEVATION
CR-A3 1/4" = 1'-0"



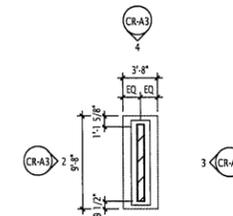
3 EAST SIGN ELEVATION
CR-A3 1/4" = 1'-0"



2 WEST SIGN ELEVATION
CR-A3 1/4" = 1'-0"



5 BUILDING SIGN ELEVATION
CR-A3 1/4" = 1'-0"



1 MONUMENT SIGN PLAN
CR-A3 1/8" = 1'-0"

CITY APPROVAL PROCESS URBAN INFRACONSTRUCTION

110 CENTRAL PARK DRIVE
HURST, TEXAS 76053

URBAN INFRACONSTRUCTION

2512 GRAVEL DRIVE
FORT WORTH, TEXAS 76118

OWNER PROJECT NO.: 2019-030-00
GSBS PROJECT NO.: MARCH 1, 2020
ISSUED DATE:

PROJECT SIGNAGE

CR-A3 | REV

City Council Staff Report

SUBJECT: SUP-19-09 Heman Convenience Store, a Special Use Permit for Lot 2, Block A, Oakwood Park East Addition, being .46 acre located at 116 West Bedford Euless Road

Supporting Documents:

Ordinance 2437
Area map
Legal notice
Ownership data
Aerial – Exhibit "A"
Site plan – Exhibit "B"
Tree survey – Exhibit "C"
Landscape plan – Exhibit "D"
Building/Sign elevations – Exhibit "E"

Meeting Date: 4/28/2020
Department: Development
Reviewed by: Michelle Lazo
City Manager Review:

Background/Analysis:

An application has been made by Heman Venture Inc. for a Special Use Permit on Lot 2, Block A, Oakwood Park East Addition, being .46 acre located at 116 West Bedford Euless Road.

The property is zoned MU-PD (Mixed Use Planned Development). The Mixed Use overlay does not permit outside gas stations, but does permit gas sales as an accessory to the primary use with site plan approval.

The applicant is requesting the site plan in order to construct a new convenience store with 3,040 square feet and three (3) fuel pumps.

The site plan indicates a masonry veneer building with parking on the south and east side of the building and a fuel canopy facing Norwood Drive. The eastern driveway on Bedford Euless Road will be closed and the driveway on Norwood Drive will be moved further north.

The building elevations indicate a brown brick veneer structure with tan stucco and stone veneer accents around the base. The storefront glass will also have standing seam metal awnings around the perimeter. The gas canopy columns will be clad with

brick veneer and stone accents. The canopy will have a standing seam metal roof to match the building.

The applicant will be preserving 25 caliper inches and mitigating 88 caliper inches into the City's tree mitigation fund. The landscape plan shows four (4) Chinese Pistache, 91 Nellie R. Stevens, 15 Dwarf Crape Myrtles, Purple Winter Creeper, and Bermuda sod.

The applicant is requesting building signage on the front elevation of the building and the south and east side of the gas canopy. All signage will meet the zoning regulations.

The applicant is proposing a new monument sign on the corner of Bedford Euless Road and Norwood Drive that is seven (7) ft. in height with 50 sq. ft. of sign area per face.

Funding Sources and Community Sustainability:

There is no fiscal impact. Reviewing the site plan is a direct representation of Council's goal for **Redevelopment**.

Recommendation:

Based upon the Planning and Zoning Commission vote of 7-0 the recommendation is that City Council **move to approve SUP-19-09 Heman Convenience Store, with the stipulation the city attorney verifies the legality of not permitting 8-liner gaming machines in the store and Ordinance 2437 on first reading.**

ORDINANCE 2437

AN ORDINANCE ADOPTING A SPECIAL USE PERMIT ON LOT 2, BLOCK A, OAKWOOD PARK EAST ADDITION, BEING .46 ACRE LOCATED AT 116 WEST BEDFORD EULESS ROAD

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Hurst at least 15 days before such hearing; and

WHEREAS, notices were posted on the subject land as provided by the Zoning Ordinance; and

WHEREAS, public hearings to change the site plan on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the site plan change; and

WHEREAS, the City Council is of the opinion that the special use permit herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Hurst.

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

Section 1. **THAT** the Comprehensive Zoning Ordinance of the City of Hurst is hereby amended by adopting a Special Use Permit with Exhibits "A-D" for Lot 2, Block A, Oakwood Park East Addition, being .46 acre located at 116 West Bedford Euleless Road.

AND IT IS SO ORDERED.

Passed on the first reading on the 28th day of April 2020 by a vote of _ to _.

Approved on the second reading on the 26th day of May 2020 by a vote of _ to _.

ATTEST:

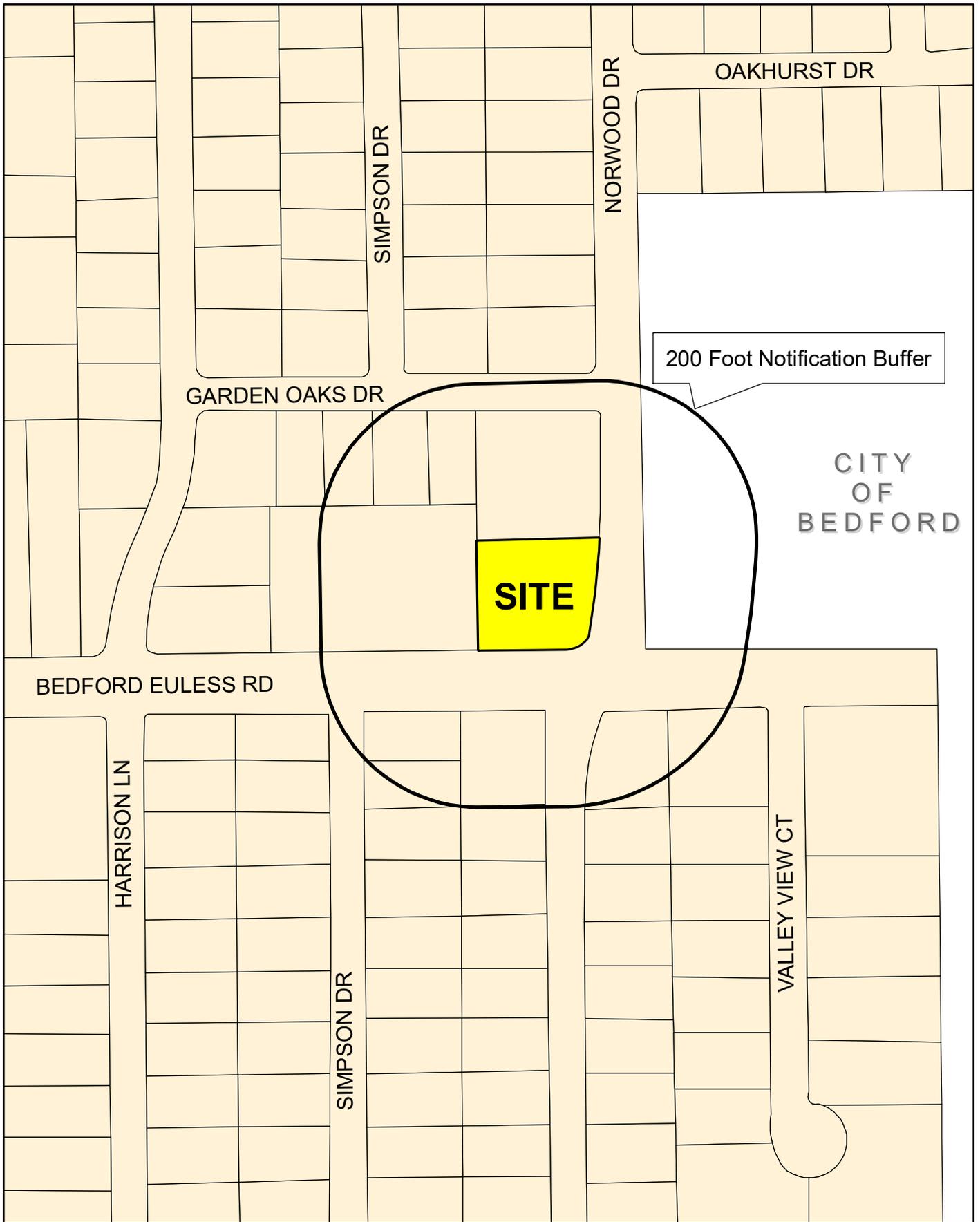
CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney



<p>CASE NO: SUP-19-09 CONVENIENCE STORE</p>	<p>LEGAL DESCRIPTION: LOT 2 BLOCK A OAKWOOD PARK EAST ADDITION</p>	<p>AGENDA DATE: 04/28/2020</p>
<p>REQUESTED ACTION: SPECIAL USE PERMIT</p>	<p>LOCATION: 116 W. BEDFORD EULESS RD</p>	



SUP-19-09

**APPLICATION FOR SITE PLAN
OWNERSHIP DATA**

TO THE HURST PLANNING AND ZONING COMMISSION:

The following described real property is under application for approval of a Special Use Permit:

Heman Convenience Store
Lot 2, Block A, Oakwood Park East Addition
116 W. Bedford Eules Rd.

The following is a list of the property owners, legal description of their property, and mailing address of the owners of the property within 200 feet of the above-described property, which is under application for a special use permit:

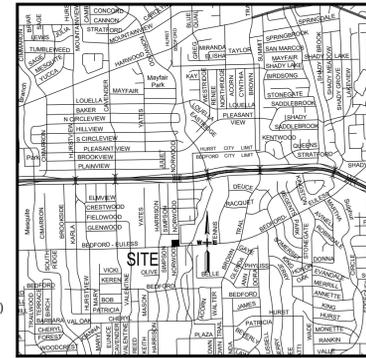
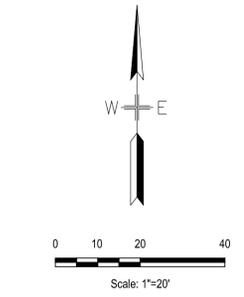
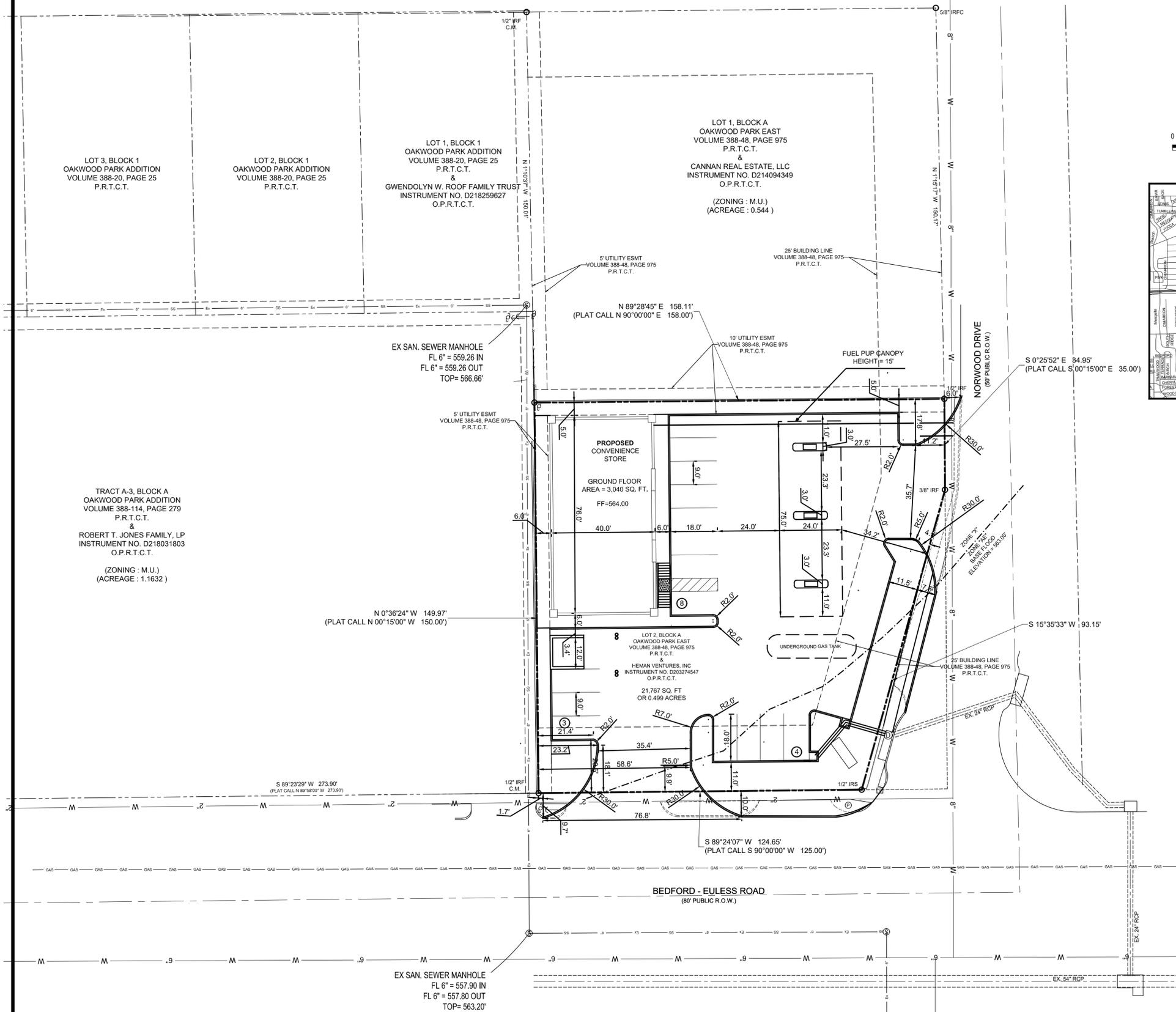
PROPERTY OWNER	LOT	BLK	ADDITION	ADDRESS
NOONAN ST. CYR, MARY	13	BLK 3	SIMPSON PARK	1229 NORWOOD DR HURST TX 76053
BONTRAGER, YVETT	4	BLK 1	OAKWOOD PARK	117 GARDEN OAKS DR HURST TX 76053
PATTERSON, PAULA G	3	BLK 1	OAKWOOD PARK	113 GARDEN OAKS DR HURST TX 76053
WOOD, WANDA	2	BLK 1	OAKWOOD PARK	109 GARDEN OAKS DR HURST TX 76053
NAYLOR, BEVERLY S	1	BLK 1	OAKWOOD PARK	105 GARDEN OAKS DR HURST TX 76053
CANNAN REAL ESTATE LLC	1	BLK A	OAKWOOD PARK EAST	10733 BREEZEWOOD DR FRISCO TX 75033
B3 INVESTMENTS INC	A3	BLK 1	OAKWOOD PARK	120 W BEDFRD EULES RD HURST TX 76053
HEMAN VENTURES INC	2	BLK A	OAKWOOD PARK EAST	1507 KINGSWOOD LN COLLEYVILLE TX 76034
BARNEY HOLLAND OIL	B	BLK 4	SIMPSON PARK	306 W 7TH STE 500 FORT WORTH TX 76102
STILLMAN, GARY	B1	BLK 4	SIMPSON PARK	3816 ASHBURY LN BEDFORD TX 76102
LESLIE'S POOLMART	A	BLK 3	SIMPSON PARK	2005 E INDIAN SCHOOL RD PHOENIX AZ 85016
L P ACQUISITION CORP	10	BLK 3	SIMPSON PARK	3925 E BROADWAY RD STE 100 PHOENIX AZ 85040
MCFADDEN, JOLAYNE	9	BLK 3	SIMPSON PARK	1233 SIMPSON DR HURST TX 76053
CITY OF BEDFORD				2000 FOREST RIDGE DR, BEDFORD TX 76021
OCCUPANT	1	BLK A	OAKWOOD PARK EAST	1309 NORWOOD DR HURST TX 76053
OCCUPANT	2	BLK A	OAKWOOD PARK EAST	116 W BEDFORD EULESS RD HURST TX 76053
OCCUPANT	B	BLK 4	SIMPSON PARK	117 E BEDFORD EULESS RD HURST TX 76053
OCCUPANT	B1	BLK 4	SIMPSON PARK	100 E BEDFORD EULESS RD HURST TX 76053
OCCUPANT	A	BLK 3	SIMPSON PARK	101 W BEDFORD EULESS RD HURST TX 76053

EXHIBIT A

PROPOSED SITE SUP-19-09



EXHIBIT B



LOCATION MAP
NTS

GENERAL NOTES

- PRIOR TO ANY CONSTRUCTION THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE CONTRACT DOCUMENTS AND SPECIFICATIONS, THE PLANS INCLUDING ALL NOTES, THE CITY OF HURST SPECIFICATIONS AND ANY OTHER APPLICABLE STANDARDS OR SPECIFICATIONS RELEVANT TO THE PROPER COMPLETION OF THE WORK SPECIFIED. FAILURE ON THE PART OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL STANDARDS OR SPECIFICATIONS PERTAINING TO THIS WORK SHALL IN NO WAY RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR PERFORMING THE WORK IN ACCORDANCE WITH ALL SUCH APPLICABLE STANDARDS AND SPECIFICATIONS.
- CONTRACTOR SHALL HAVE IN HIS POSSESSION, PRIOR TO CONSTRUCTION, ALL NECESSARY PERMITS, LICENSES, ETC. CONTRACTOR SHALL HAVE AT LEAST ONE SET OF APPROVED ENGINEERING PLANS AND SPECIFICATIONS ON-SITE AT ALL TIMES.
- ALL WORK SHALL CONFORM TO THE CITY OF HURST, SPECIFICATIONS, STANDARDS AND DETAILS.
- IF UNFORESEEN PROBLEMS OR CONFLICTS ARE ENCOUNTERED IN THE CONSTRUCTION, FOR WHICH AN IMMEDIATE SOLUTION IS NOT APPARENT, THE ENGINEER AND OWNER SHALL BE NOTIFIED IMMEDIATELY.
- IT WILL BE THE RESPONSIBILITY OF EACH CONTRACTOR TO PROTECT ALL EXISTING PUBLIC AND PRIVATE UTILITIES THROUGHOUT THE CONSTRUCTION OF THIS PROJECT. CONTACT UTILITY COMPANIES FOR LINE LOCATIONS, PRIOR TO COMMENCEMENT OF CONSTRUCTION AND CONTRACTOR SHALL ASSUME FULL LIABILITY TO THOSE COMPANIES FOR ANY DAMAGES CAUSED TO THEIR FACILITIES.
- CONTRACTORS SHALL BE RESPONSIBLE FOR FIELD LOCATING EXISTING UTILITIES AND IMPROVEMENTS PRIOR TO CONSTRUCTION.
- STRIPING AND SIGNAGE DIMENSIONS ARE FROM FACE OF CURB
- ALL FIRE LANES, PARKING STRIPING, HANDICAP PARKING STRIPING AND SIGNAGE ARE TO BE IN ACCORDANCE WITH CITY OF HURST REQUIREMENTS, TYP.
- THE SANITATION CONTAINER SCREENING WALLS WILL BE THE SAME COLOR, MATERIAL, AND TEXTURE AS THE EXTERIOR WALLS OF THE PROPOSED BUILDING, INCLUDING A METAL GATE, PRIMED AND PAINTED, SUBJECT TO REVIEW AND APPROVAL BY THE CITY PLANNER.
- THE SANITATION CONTAINER SCREENING WALLS, GATE AND PAD SITE TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF HURST DESIGN SPECIFICATIONS, SUBJECT TO REVIEW AND APPROVAL BY THE SANITATION COORDINATOR.
- THE PROPOSED LIGHTING FOR THE SUBJECT PROPERTY SHALL BE IN CONFORMANCE WITH THE LIGHTING AND GLARE REGULATIONS AS SPECIFIED BY THE CITY OF HURST CODE OF ORDINANCES.
- THE SITE SHALL CONFORM TO THE CITY OF HURST STORM WATER MANAGEMENT ORDINANCE.
- ANY PAVEMENT DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY CONTRACTOR TO MEET OR EXCEED EXISTING CONDITIONS.
- ALL OTHER RADII UNLESS OTHERWISE NOTED ARE 2 FOOT.
- THE FIRE LANE SHALL BE CONSTRUCTED OF A CONCRETE OR ASPHALT SURFACE TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES AND SHALL SUPPORT AN 80,000 POUND VEHICLE
- PROPOSED BUILDING TYPE IS IIB AND NONE SPRINKLED.
- ALL ON-SITE PLUMBING WORK MUST BE PERFORMED BY A TEXAS STATE LICENSED PLUMBING AND CONFORM TO THE 2015 I CODES AND/OR APPLICABLE CODES

SITE AND DESIGN DATA

SITE SQ. FT.	21,767 S.F. OR 0.499 ACRES
EXISTING ZONING	M.U.
PARKING AREA	2,430 S.F.
TOTAL PARKING SPACES REQUIRED	15 SPACES (1PARKING SPACE PER 200 SQ. FT.)
PARKING PROVIDED	15 SPACES INCLUDING 1 HANDICAP SPACE
BUILDING COVERAGE	3,040 S.F. OR 14%
BUILDING HEIGHT	20' 0"
MAX. BUILDING HEIGHT	30 FT. - PER ORDINANCE
IMPERVIOUS AREA ON SITE	18368.2 SQ. FT.

ADTM ENGINEERING & CONSTRUCTION CORP.
 1475 HERITAGE PARKWAY, SUITE 217
 MANSFIELD, TEXAS 76063
 CONTACT PERSON: MIKE ALTURK, P.E.
 PHONE: 817-271-9066
 TEXAS REGISTRATION NUMBER: F-16984



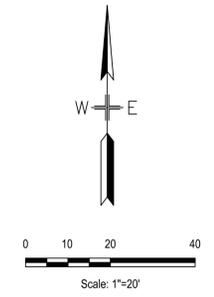
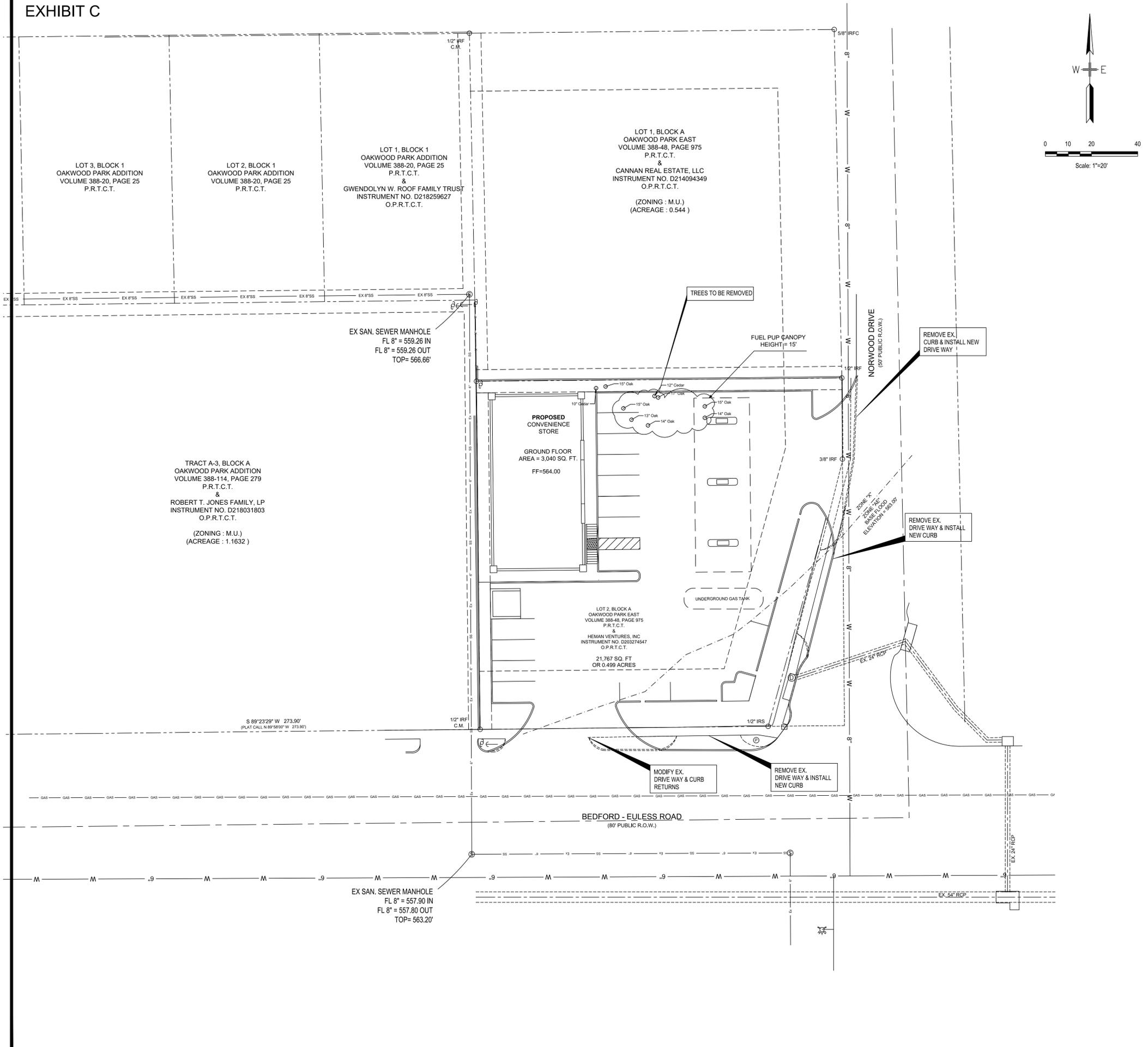
116 W. BEDFORD-
 EULESS ROAD
 LOT 2, BLOCK A
 OAKWOOD PARK EAST
 CITY OF HURST
 TARRANT COUNTY, TEXAS

SITE PLAN

Design: R.M.
 Drawn: R.M.
 Checked By: M.A.
 Date: 03-03-2020

No.	Date:	Revisions

EXHIBIT C



DEMOLITION NOTES

- CONTRACTOR SHALL CONSULT ALL UTILITY COMPANIES AND VERIFY LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO DEMOLITION. REMOVAL AND RELOCATION OF ALL UTILITY LINES, METERS, VALVES, ETC. SHALL BE PERFORMED PER REQUIREMENTS OF THE CITY OF HURST & UTILITY COMPANIES. ANY DAMAGE TO PUBLIC UTILITIES SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO CORRECT.
- ALL DEMOLITION AND CONSTRUCTION TO BE KEPT WITHIN THE BOUNDARIES OF THE SITE OR AS DESIGNATED BY CONSTRUCTION ENGINEER. ANY DAMAGE BY CONTRACTOR TO ADJOINING PROPERTIES OR ITEMS NOT IN THE DESIGNATED DEMOLITION AREA SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO CORRECT.
- REMOVE ALL EXISTING UNDERGROUND UTILITIES, CAP AS REQUIRED, BACK FILL AND COMPACT PER CITY OF HURST SPECIFICATIONS.
- REMOVE SURFACE PAVING AS NEEDED TO COMPLETE PAVING PLAN.
- REMOVE EXISTING SIGNAGE, INCLUDING POSTS AND FOUNDATIONS.
- REMOVE ANY OTHER ITEMS NOT INDICATED ABOVE BUT WHICH MUST BE DEMOLISHED TO COMPLETE PROJECT AS DESIGNATED BY SITE PLAN.
- CONTRACTOR MUST SUBMIT A TRAFFIC CONTROL PLAN AND HAS TO BE APPROVED BY THE CITY OF HURST FOR ANY CONSTRUCTION WITHIN PUBLIC STREET RIGHT-OF-WAY.
- CONTRACTOR SHALL CONSTRUCT DRIVEWAY AND CURB IN ACCORDANCE WITH CITY OF HURST STANDARDS AND DETAILS.

TREES TO BE REMOVED	CALIPER	# OF TREES TO BE REMOVED
LIVE OAK	15"	2
LIVE OAK	13"	1
LIVE OAK	14"	2
LIVE OAK	17"	1
CEDAR	12"	1

LEGEND

- EXISTING**
- IRF = IRON ROD FOUND
 - IRS = IRON ROD SET
 - CM = CONTROLLING MONUMENT
 - X = EXISTING CHAIN LINK FENCE
 - = EXISTING WOOD FENCE
 - OHE = OVERHEAD ELECTRIC
 - W = EXISTING WATER
 - SS = EXISTING SANITARY SEWER
 - G = EXISTING GAS LINE
 - T = EXISTING TELEPHONE LINE
 - = EXISTING STORM SEWER
 - = EXISTING CURB & GUTTER
 - = EXISTING PROPERTY LINE
 - - - = EXISTING EASEMENT
 - ⊙ = EXISTING FIRE HYDRANT
 - M = EXISTING WATER VALVE
 - WM = EXISTING WATER METER
 - ⊙ = EXISTING SANITARY SEWER CLEANOUT
 - ⊙ = EXISTING SANITARY SEWER MANHOLE
 - ⊙ = EXISTING LIGHT POLE
 - ⊙ = EXISTING TELEPHONE RISER
 - ⊙ = EXISTING GAS METER
 - ⊙ = EXISTING POWER POLE
 - ⊙ = EXISTING GUY WIRE
 - ⊙ = EXISTING TELEPHONE MANHOLE
- PROPOSED**
- FF=642.20 = PROPOSED FINISH FLOOR
 - = PROPOSED WATER
 - = PROPOSED FIRE HYDRANT
 - = PROPOSED WATER VALVE
 - = PROPOSED SANITARY SEWER
 - = PROPOSED SANITARY SEWER MANHOLE
 - = PROPOSED STORM SEWER
 - = PROPOSED CURB INLET
 - ⊙ = PROPOSED LIGHT POLE

ADTM ENGINEERING & CONSTRUCTION CORP.
 1475 HERITAGE PARKWAY, SUITE 217
 MANSFIELD, TEXAS 76063
 CONTACT PERSON: MIKE ALTURK, P.E.
 PHONE: 817-271-9066
 TEXAS REGISTRATION NUMBER: F-16984



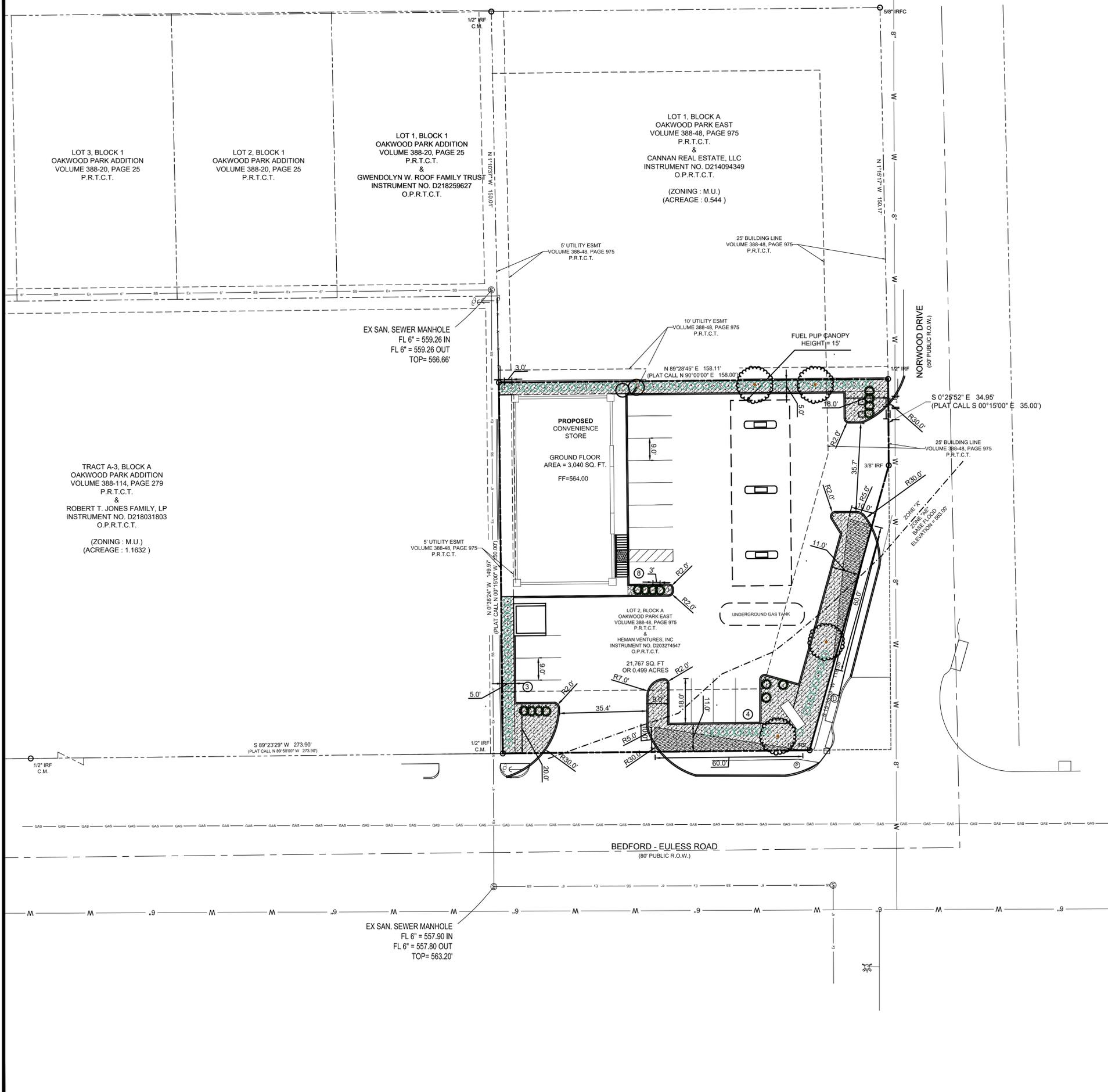
116 W. BEDFORD-
 EULESS ROAD
 LOT 2, BLOCK A
 OAKWOOD PARK EAST
 CITY OF HURST
 TARRANT COUNTY, TEXAS

DEMOLITION PLAN

Design: I.D.
 Drawn: I.D.
 Checked By: M.A.
 Date: 10-21-19

No.	Date:	Revisions

EXHIBIT D



PLANT SCHEDULE

TREES	QTY	COMMON NAME	BOTANICAL NAME	CONT	CAL	SIZE
	4	Chinese Pistache	Pistacia chinensis	45 gal	3' Cal	10' HT
	1	Live Oak	Quercus Virginiana	65 gal	15' Cal	20' HT
	1	Cedar	Cedrus	60 gal	10' Cal	14' HT

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	CONT	SIZE
	91	Nellie R. Stevens Holly	Ilex cv. (Nellie R. Stevens)	5 gal	3' HT
	15	Dwarf Grape Myrtle	Lagerstroemia indica (dwarf cultivars)	5 gal	2' HT

GROUND COVERS	QTY	COMMON NAME	BOTANICAL NAME	CONT	SIZE
	3,328.3 sf	Purple-leaf Winter Creeper	Euonymus fortunei 'Colorata'	4'pot	12" o.c.

NOTE:

SCREENING SHRUBS SHALL BE 30" TALL AT TIME OF INSTALL

NOTE : ALL LANDSCAPE AREAS WILL BE IRRIGATED WITH AN IRRIGATION SYSTEM INCLUDING RAIN AND FREEZE SENSOR CONTROLS.

TOTAL LOT AREA	21767 S.F. OR 0.499 ACRES
BUILDING SQ. FT.	3043.17 S.F.
REQUIRED LANDSCAPE AREA	15% OF LOT AREA (3265.05 SQ. FT.)
PROVIDED LANDSCAPE AREA	15.3% OF LOT AREA (3328.3 SQ. FT.)
SQ. FT. OF IMPERVIOUS AREA ON SITE	18368.2 SQ. FT.

ADTM ENGINEERING & CONSTRUCTION CORP.
1475 HERITAGE PARKWAY, SUITE 217
MANSFIELD, TEXAS 76063
CONTACT PERSON: MIKE ALTURK, P.E.
PHONE: 817-271-9066
TEXAS REGISTRATION NUMBER: F-16984



116 W. BEDFORD
EULESS ROAD
LOT 2, BLOCK A
OAKWOOD PARK EAST
CITY OF HURST
TARRANT COUNTY, TEXAS

LANDSCAPE PLAN

Design: I.D.
Drawn: I.D.
Checked By: M.A.
Date: 09-05-19

Revisions	No.	Date:

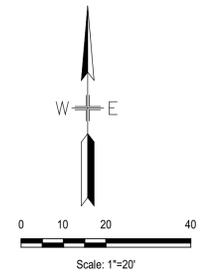
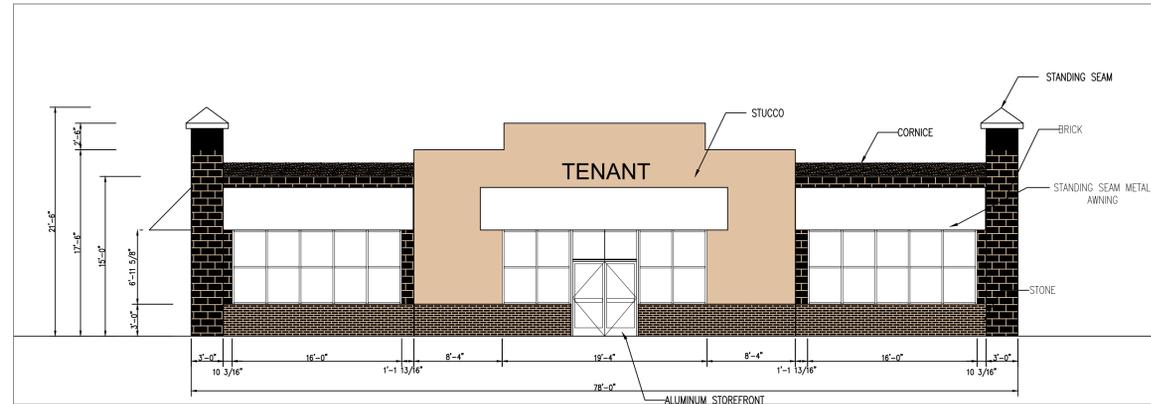


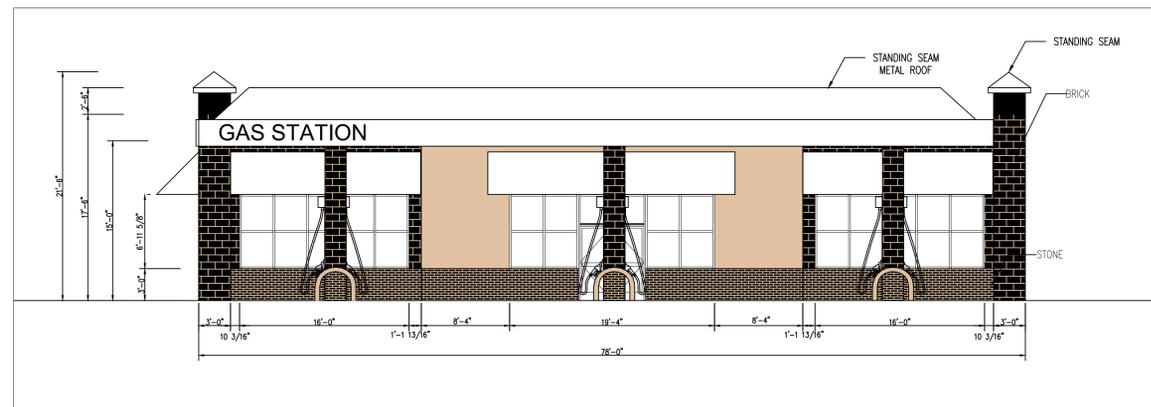
EXHIBIT E



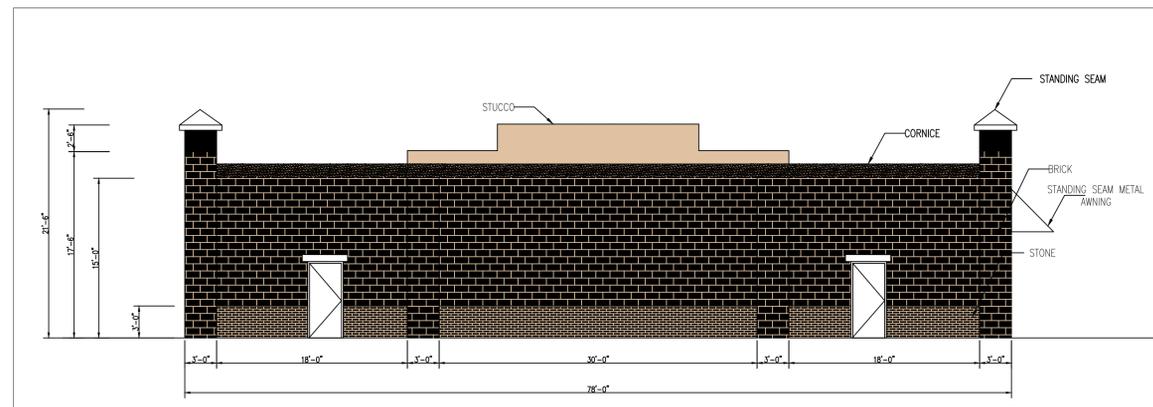
1 EAST ELEVATION
SCALE: 1/8"=1'-0"



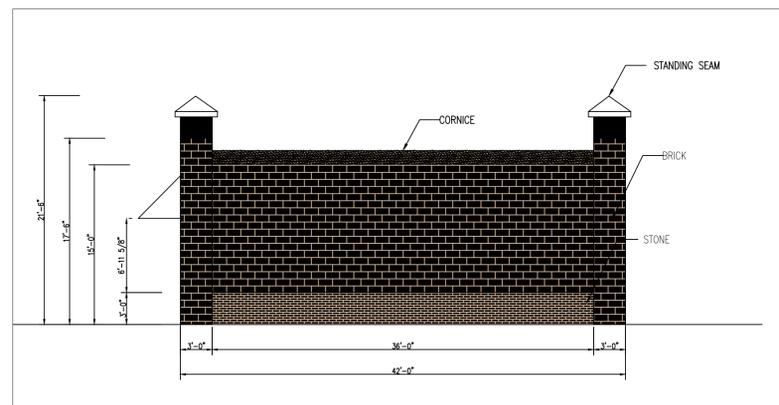
3D ILLUSTRATION



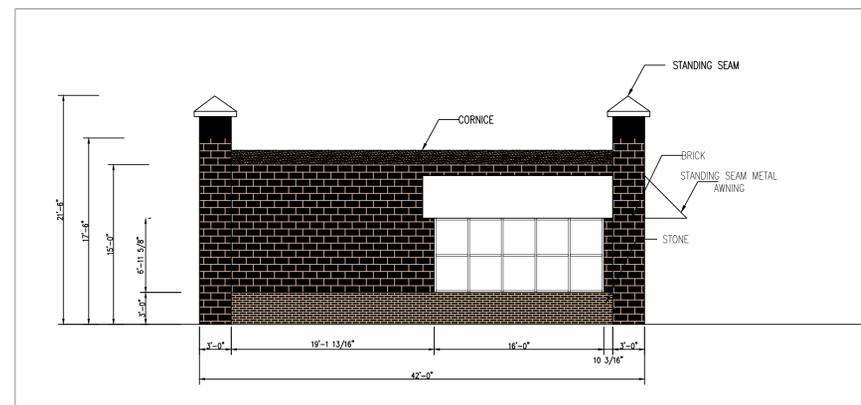
1 EAST ELEVATION WITH CANOPY
SCALE: 1/8"=1'-0"



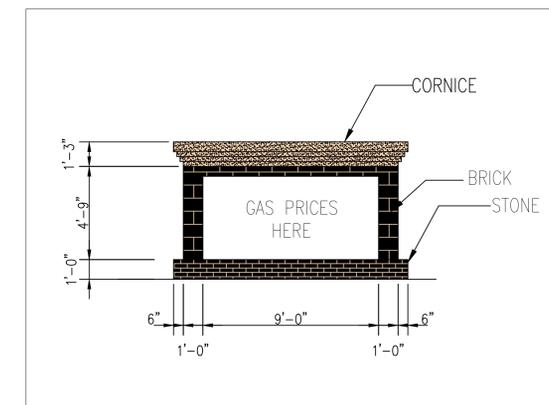
2 WEST ELEVATION
SCALE: 1/8"=1'-0"



4 NORTH ELEVATION
SCALE: 1/8"=1'-0"



3 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



5 MONUMENT SIGN ELEVATION
N.T.S.

ADTM ENGINEERING & CONSTRUCTION, CORP.
1475 HERITAGE PARKWAY, SUITE 217
MANSFIELD, TEXAS 76063
CONTACT PERSON: MIKE ALTURK, P.E.
PHONE: 817-271-9066
TEXAS REGISTRATION NUMBER: F-16984



116 W. BEDFORD
EULESS ROAD
LOT 2, BLOCK A
OAKWOOD PARK EAST
CITY OF HURST
TARRANT COUNTY, TEXAS

ELEVATIONS

Design: I.D.
Drawn: I.D.
Checked By: M.A.
Date: 01-29-20

No.	Date	Revisions

Sheet
A1
of Sheets

City Council Staff Report

<p>SUBJECT: Consider approving Resolution 1765 in support for the proposed "Gala At Central Park" declaring non objection to the proposed senior housing</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1765</p>	<p>Meeting Date: 4/28/2020 Department: Administration Reviewed by: Clay Caruthers City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>In December, 2018 the City Council passed Resolution 1719 supporting Gala at Central Park, LP's proposed development for an age restricted (55+) apartment home community located at 309 W. Pipeline Road to be named "Gala at Central Park". Gala at Central Park, LP submitted application to the Texas Department of Housing and Community Affairs (TDHCA) for the 2019 Competitive 9% Housing Tax Credits for Gala at Central Park. That application was denied, but Gala at Central Park, LP has advised of the intent to submit an application to the TDHCA for the 2020 4% Housing Tax Credits for the Senior Project. The proposed resolution is part of the application process to obtain public input and Council's consideration for the project.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>This Item is a direct representation of Council's Strategic Priorities of Redevelopment and Economic Vitality by identifying potential City involvement and focusing on neighborhood and commercial revitalization and identifying external and internal influences on the financial condition of the City.</p>	
<p>Recommendation:</p>	
<p>Staff recommends the City Council approve Resolution 1765 in support for the proposed "Gala At Central Park" age restricted (55+) apartment home development.</p>	

RESOLUTION 1765

RESOLUTION 1765 OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, PROVIDING FOR A DECLARATION OF NON OBJECTION TO THE PROPOSED SENIOR HOUSING IN HURST; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Gala at Central Park, LP has proposed a development of 94 units for senior rental housing on approximately 3.776 +/- acres of land located approximately the south side of W. Pipeline Road and west of Buena Vista Drive in the City of Hurst, Tarrant County, Texas, to be commonly known as Gala at Central Park ("Senior Project"); and

WHEREAS, Gala at Central Park, LP ("Applicant") has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2020 Housing Tax Credits for the Senior Project.

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

SECTION 1. Notice has been provided by Applicant to the City Council of the City of Hurst in accordance with Texas Government Code, §2306.67071(a).

SECTION 2. The City Council of the City of Hurst has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the Senior Project.

SECTION 3. The City Council of the City of Hurst has held a hearing on April 28, 2020, at which public comment was allowed be made on the application for the Senior Project in accordance with Texas Government Code §2306.67071(b).

SECTION 4. After due consideration of the information provided by the Applicant and public comment, the City Council of the City of Hurst does not object to the proposed application for the Senior Project.

SECTION 5. The City Secretary of the City of Hurst is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

CONSIDERED PASSED AND ADOPTED by the City Council of Hurst at a regular meeting on the 28th day of April 2020 at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

ATTEST:

APPROVED:

City Secretary

Mayor Henry Wilson

Approved as to form and legality:

City Attorney

City Council Staff Report

SUBJECT: P-19-08 Central Park Northeast Addition, a final plat of Tracts 5D2B and 5D2C Hamilton Bennett Survey Abstract 138 to Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive

Supporting Documents:

Area map
Plat

Meeting Date: 4/28/2020

Department: Development

Reviewed by: Michelle Lazo

City Manager Review:

Background/Analysis:

An application has been made by 110 Central Park LLC, for a final plat of Tract 5D2B and 5D2C Hamilton Bennett Survey, Abstract 138 to Lot 1, Block 1, Central Park Northeast Addition, being 5.05 acres located at 110 Central Park Drive.

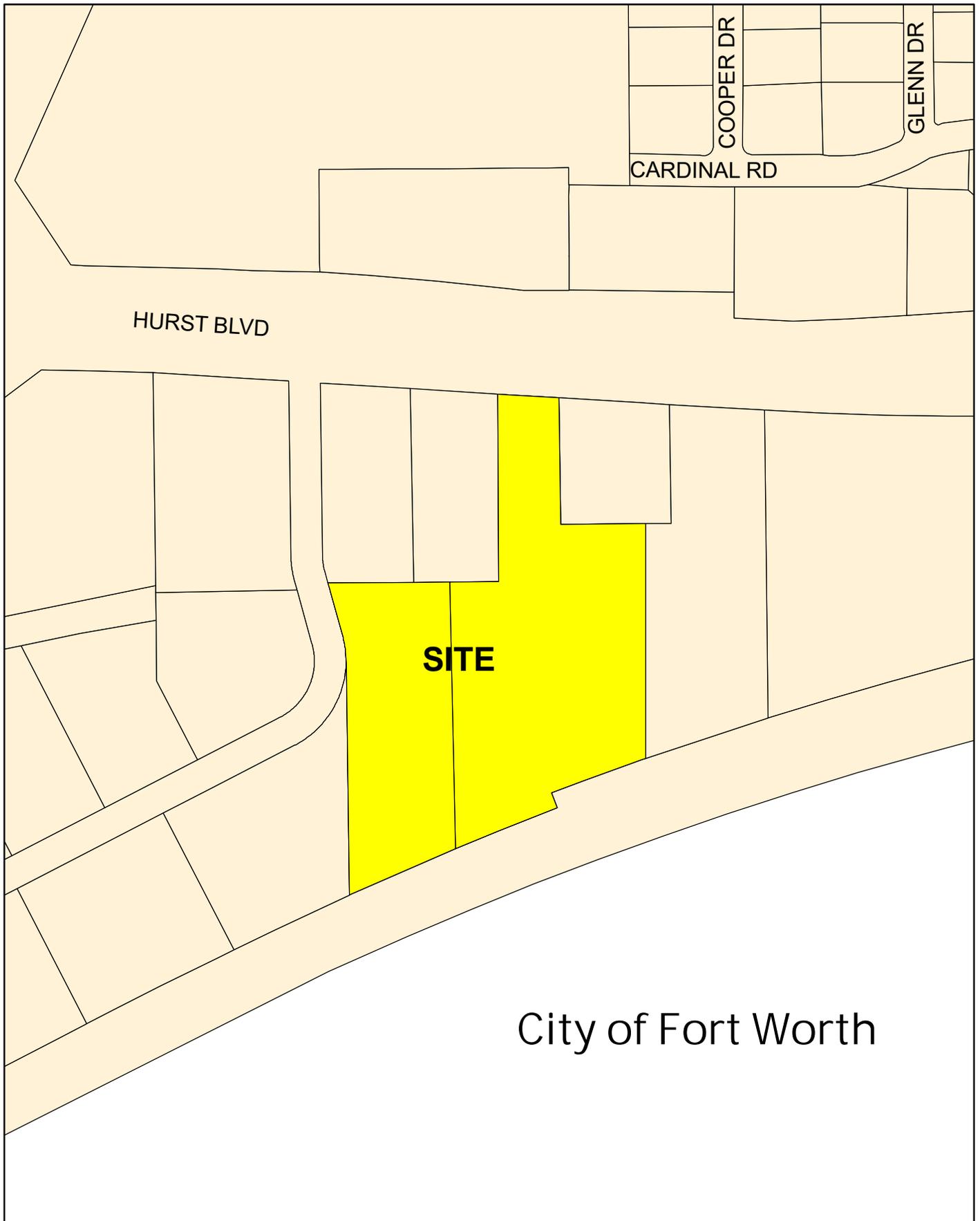
The developer is requesting the final plat to develop a new construction office with heavy equipment storage. Engineering plans have been reviewed and accepted.

Funding Sources and Community Sustainability:

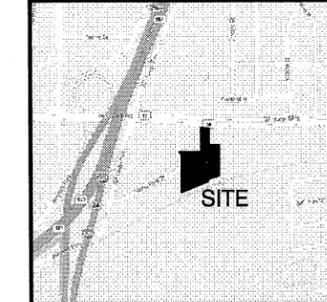
There is no fiscal impact. The final plat is a direct representation of the Council's goal of **Redevelopment**.

Recommendation:

Based upon the Planning and Zoning Commission 7-0 vote the recommendation is City Council **move to approve P-19-08 Central Park Northeast Addition**.



<p>CASE NO: P-19-08</p>	<p>LEGAL DESCRIPTION: LOT 1 BLOCK 1 CENTRAL PARK NORTHEAST ADDITION</p>	<p>AGENDA DATE: 04/28/2020</p>
<p>REQUESTED ACTION: PLAT</p>	<p>LOCATION: 110 CENTRAL PARK DR</p>	

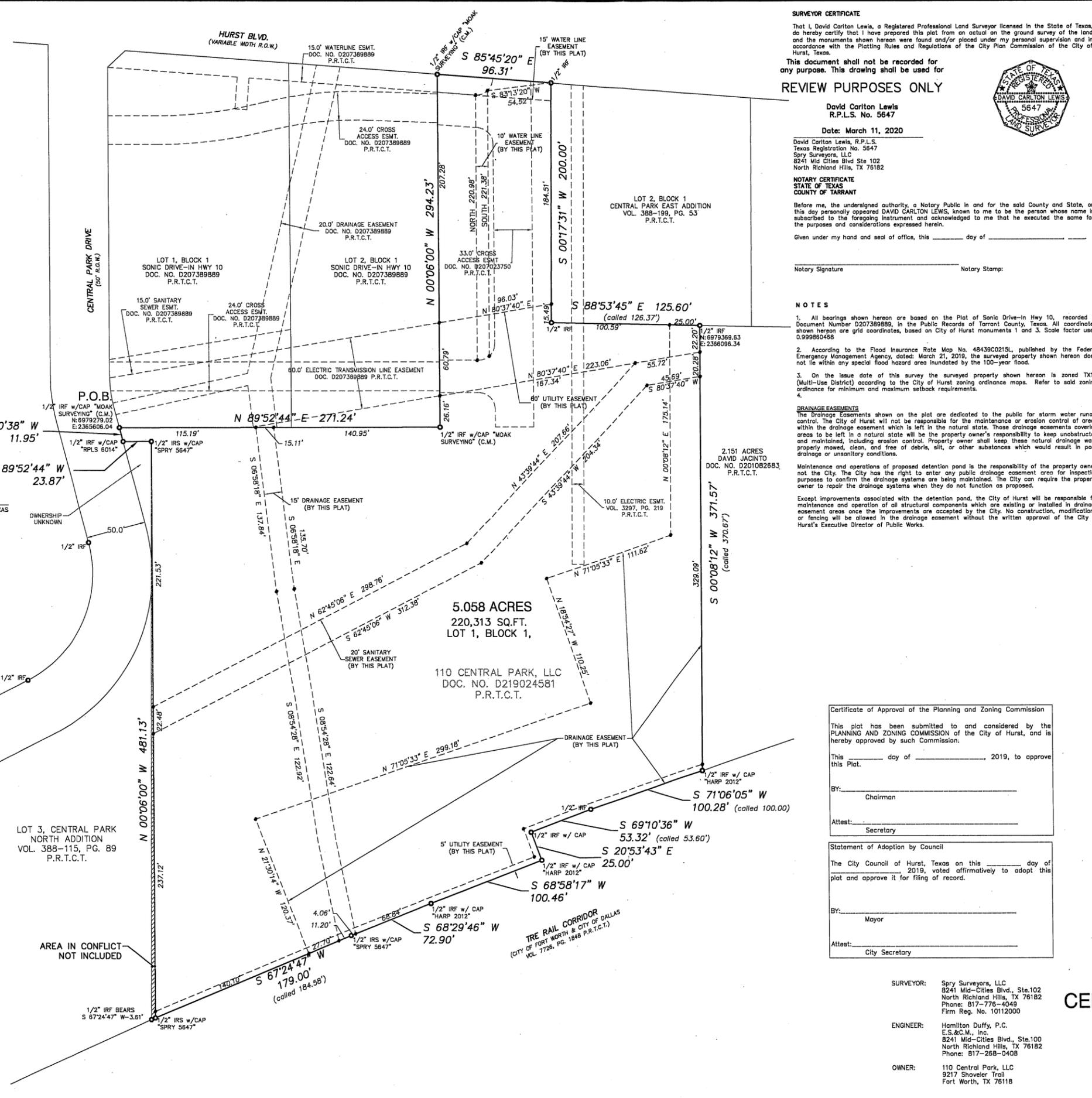


VICINITY MAP
NOT TO SCALE



Graphic Scale in Feet
0 40 80 120
SCALE: 1"=40'

ABBREVIATIONS
P.R.T.C.T. PUBLIC RECORDS OF TARRANT COUNTY, TEXAS
VOL. VOLUME
PG. PAGE
DOC. NO. DOCUMENT NUMBER
C.M. CONTROLLING MONUMENT
IRF IRON ROD FOUND
R.O.W. RIGHT-OF-WAY
LEGEND
NOT TO SCALE
● BOUNDARY CORNER



SURVEYOR CERTIFICATE
That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision and in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Hurst, Texas.
This document shall not be recorded for any purpose. This drawing shall be used for
REVIEW PURPOSES ONLY



David Carlton Lewis
R.P.L.S. No. 5647
Date: March 11, 2020
David Carlton Lewis, R.P.L.S.
Texas Registration No. 5647
Spry Surveyors, LLC
8241 Mid-Cities Blvd Ste 102
North Richland Hills, TX 76182

NOTARY CERTIFICATE
STATE OF TEXAS
COUNTY OF TARRANT
Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared DAVID CARLTON LEWIS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations expressed herein.
Given under my hand and seal of office, this _____ day of _____, 2020.

Notary Signature _____ Notary Stamp: _____

NOTES
1. All bearings shown hereon are based on the Plat of Sonic Drive-In Hwy 10, recorded in Document Number D207389889, in the Public Records of Tarrant County, Texas. All coordinates shown hereon are grid coordinates, based on City of Hurst monuments 1 and 3. Scale factor used 0.999880468.
2. According to the Flood Insurance Rate Map No. 48439C0215L, published by the Federal Emergency Management Agency, dated March 21, 2019, the surveyed property shown hereon does not lie within any special flood hazard area inundated by the 100-year flood.
3. On the issue date of this survey the surveyed property shown hereon is zoned TX10 (Multi-Use District) according to the City of Hurst zoning ordinance maps. Refer to said zoning ordinance for minimum and maximum setback requirements.
4.

DRAINAGE EASEMENTS
The Drainage Easements shown on the plat are dedicated to the public for storm water runoff control. The City of Hurst will not be responsible for the maintenance or erosion control of areas within the drainage easement which is left in the natural state. Those drainage easements covering areas to be left in a natural state will be the property owner's responsibility to keep unobstructed and maintained, including erosion control. Property owner shall keep these natural drainage ways properly mowed, clear, and free of debris, silt, or other substances which would result in poor drainage or unsanitary conditions.

Maintenance and operations of proposed detention pond is the responsibility of the property owner, not the City. The City has the right to enter any public drainage easement area for inspection purposes to confirm the drainage systems are being maintained. The City can require the property owner to repair the drainage systems when they do not function as proposed.

Except improvements associated with the detention pond, the City of Hurst will be responsible for maintenance and operation of all structural components which are existing or installed in drainage easement areas once the improvements are accepted by the City. No construction, modifications, or fencing will be allowed in the drainage easement without the written approval of the City of Hurst's Executive Director of Public Works.

OWNER'S DEDICATION
STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, 110 Central Park, LLC, is the owners of all that certain 5.058 acres of land, as described in the deed recorded in Document Number D219024581 in the Public Records of Tarrant County, Texas (P.R.T.C.T.), in the H. Bennett Survey, A-138, City of Hurst, Tarrant County, Texas, and more particularly described by the metes and bounds as follows: (all bearings shown hereon are based on the plat of Sonic Drive-In Hwy 10, recorded in Document Number D207389889 P.R.T.C.T.)

BEGINNING at a 1/2" iron rod with a cap stamped "MOAK SURVEYING" found for the southwest corner of Lot 1, Block 1, of said Sonic Drive-In Hwy 10, common to the western most northwest corner of the herein described tract, in the east right-of-way line of Central Park Drive (50' Right-of-Way);
THENCE North 89° 52' 44" East - 271.24' to a 1/2" iron rod with a cap stamped "MOAK SURVEYING" found for the southeast corner of Lot 2, of said Block 1, Sonic Drive-In Hwy 10, common to a point for corner of the herein described tract;
THENCE North 00° 06' 00" West - 294.23' along the east line of said Lot 2, Block 1, Sonic Drive-In Hwy 10, to a 1/2" iron rod with a cap stamped "MOAK SURVEYING" found for the northern most northwest corner of the herein described tract, in the south right-of-way line of Hurst Boulevard (Variable Width Right-Of-Way);
THENCE South 85° 45' 20" East - 96.31' along the south right-of-way line of said Hurst Boulevard, to a 1/2" iron rod found for the northwest corner of Lot 2, Block 1, Central Park East Addition, recorded in Volume 388-199, Page 53 P.R.T.C.T., common to the northern most northeast corner of the herein described tract;
THENCE South 00° 17' 31" West - 200.00' to a 1/2" iron rod found for the southwest corner of said Lot 2, Block 1, Central Park Addition, common to corner of the herein described tract;
THENCE South 88° 53' 45" East - 125.60' (called 126.37') along the south line of said Lot 2, Block 1, Central Park East Addition, to a 1/2" iron rod found for the northwest corner of the herein described tract, in the north right-of-way line of the TRE Rail Corridor (City of Fort Worth & City of Dallas, recorded in Volume 7726, Page 1848);
THENCE along the north right-of-way line of said TRE Rail Corridor the following bearings and distances:
South 71° 06' 05" West - 100.28' (called 100.00') to a 1/2" iron rod found for a point for corner of the herein described tract;
South 59° 10' 36" West - 53.32' (called 53.60') to a 1/2" iron rod with a cap found for a point for corner of the herein described tract;
South 20° 53' 43" East - 25.00' to a 1/2" iron rod with a cap stamped "HARP 2012" found for a point for corner of the herein described tract;
South 88° 58' 17" West - 100.46' to a 1/2" iron rod with a cap stamped "HARP 2012" found for a point for corner of the herein described tract;
South 88° 29' 46" West - 72.90' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for a point for corner of the herein described tract;
South 67° 24' 47" West - 179.00' (called 184.58') to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the southwest corner of the herein described tract, common to the southeast corner of Lot 3, Central Park North Addition, recorded in Volume 388-115, Page 89 P.R.T.C.T., from which a found 1/2" iron rod bears South 67° 24' 47" West - 3.61';
THENCE North 00° 06' 00" West - 481.13' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for a point for corner of the herein described tract;
THENCE South 89° 52' 44" West - 23.87' to a 1/2" iron rod with a cap stamped "RPLS 6014" found for a point for corner of the herein described tract, in the east right-of-way line of said Central Park Drive;
THENCE North 14° 50' 38" West - 11.95' along the east right-of-way line of said Central Park Drive, to the POINT OF BEGINNING and containing 5.058 acres of land.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:
That 110 Central Park, LLC, the Owner, does hereby adopt this plat designating the herein before described property as LOT 1, BLOCK 1, CENTRAL PARK NORTHEAST ADDITION, an addition to the City of Hurst, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever any streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way easement interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity of any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Hurst, Texas.

Witness our hands this _____ day of _____, 2020.
110 Central Park, LLC. Name - Printed Title _____

Certificate of Approval of the Planning and Zoning Commission
This plat has been submitted to and considered by the PLANNING AND ZONING COMMISSION of the City of Hurst, and is hereby approved by such Commission.

This _____ day of _____, 2019, to approve this Plat.
By: _____
Chairman
Attest: _____
Secretary

Statement of Adoption by Council
The City Council of Hurst, Texas on this _____ day of _____, 2019, voted affirmatively to adopt this plat and approve it for filing of record.
By: _____
Mayor
Attest: _____
City Secretary

NOTARY CERTIFICATE
STATE OF TEXAS
COUNTY OF TARRANT

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations expressed herein.
Given under my hand and seal of office, this _____ day of _____, 2019.

Notary Signature _____ Notary Stamp: _____

PURPOSE OF REPLAT
The Purpose of this plat is to create one lot.

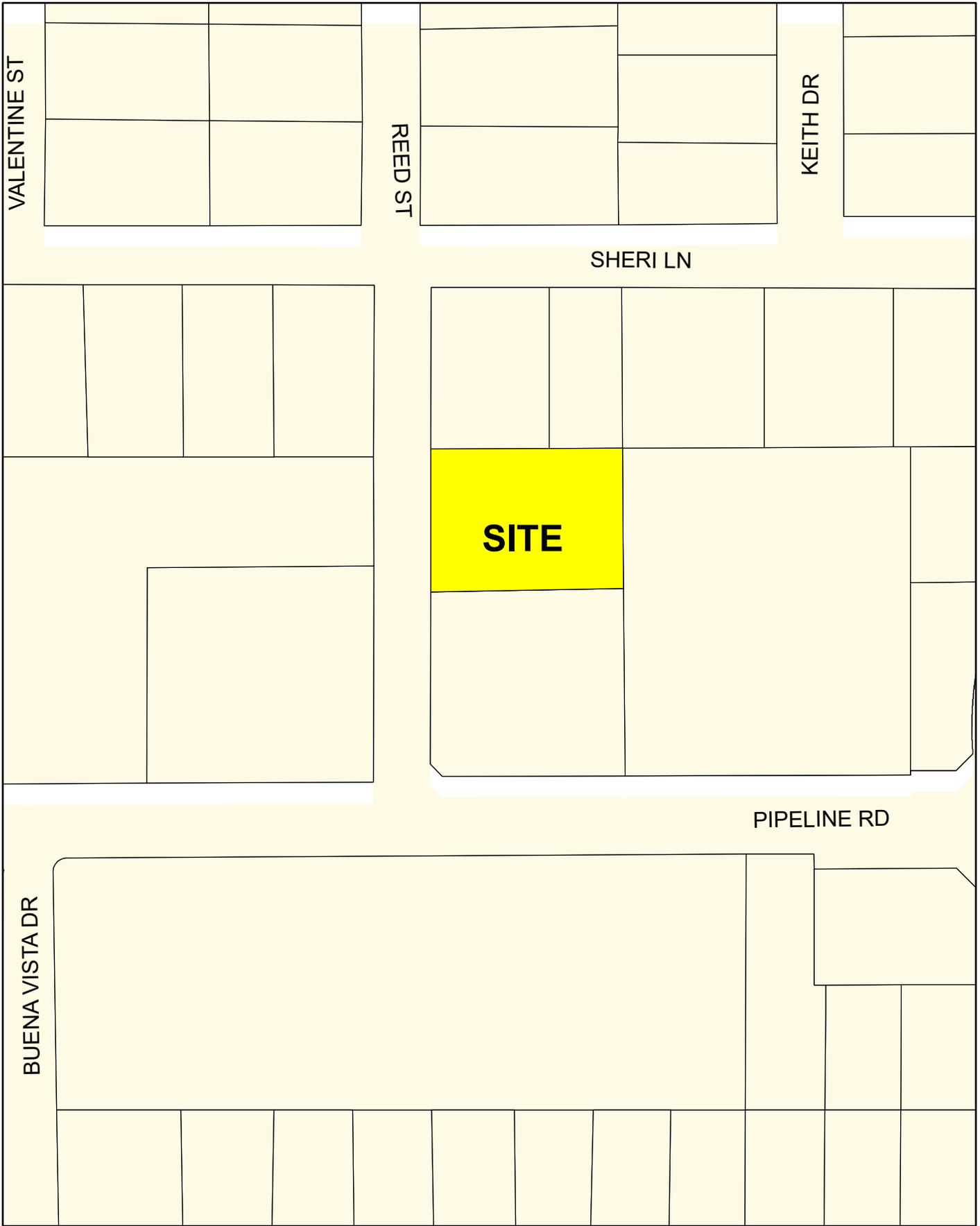
A FINAL PLAT OF
LOT 1, BLOCK 1
CENTRAL PARK NORTHEAST ADDITION

AN ADDITION TO THE CITY OF HURST, BEING A TRACT OF LAND DESCRIBED IN THE DEED TO 110 CENTRAL PARK, LLC, RECORDED IN DOCUMENT NUMBER D219024581, IN THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, WHICH IS 5.058 ACRES IN THE H. BENNETT SURVEY, A - 138 CITY OF HURST, TARRANT COUNTY, TEXAS

SURVEYOR: Spry Surveyors, LLC
8241 Mid-Cities Blvd., Ste.102
North Richland Hills, TX 76182
Phone: 817-776-4049
Firm Reg. No. 10112000
ENGINEER: Hamilton Duffy, P.C.
E.S.&C.M., Inc.
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-268-0408
OWNER: 110 Central Park, LLC
9217 Shawnee Trail
Fort Worth, TX 76118

City Council Staff Report

SUBJECT: P-20-02 Stem Place Addition, a final plat of Tract 24B1 William Wallace Survey Abstract 1607 to Lot 2, Block 1, Stem Place Addition, being .37 acre located at 808 Reed Street	
Supporting Documents:	
Area map Plat	Meeting Date: 4/28/2020 Department: Development Reviewed by: Michelle Lazo City Manager Review:
Background/Analysis:	
<p>An application has been made by Fuente de Vida IP for a final plat of Tract 24B1 William Wallace Survey Abstract 1607 to Lot 2, Block 1 Stem Place Addition, being .37 acre located at 808 Reed Street.</p> <p>The pastor of the church is requesting the final plat in order to add a rear patio area for his congregation. There are no engineering plans required for this plat.</p>	
Funding and Sources and Community Sustainability:	
There is no fiscal impact. The final plat is a direct representation of the Council's goal of Redevelopment .	
Recommendation:	
Based upon the Planning and Zoning Commission 7-0 vote the recommendation is City Council move to approve P-20-02 Stem Place Addition.	



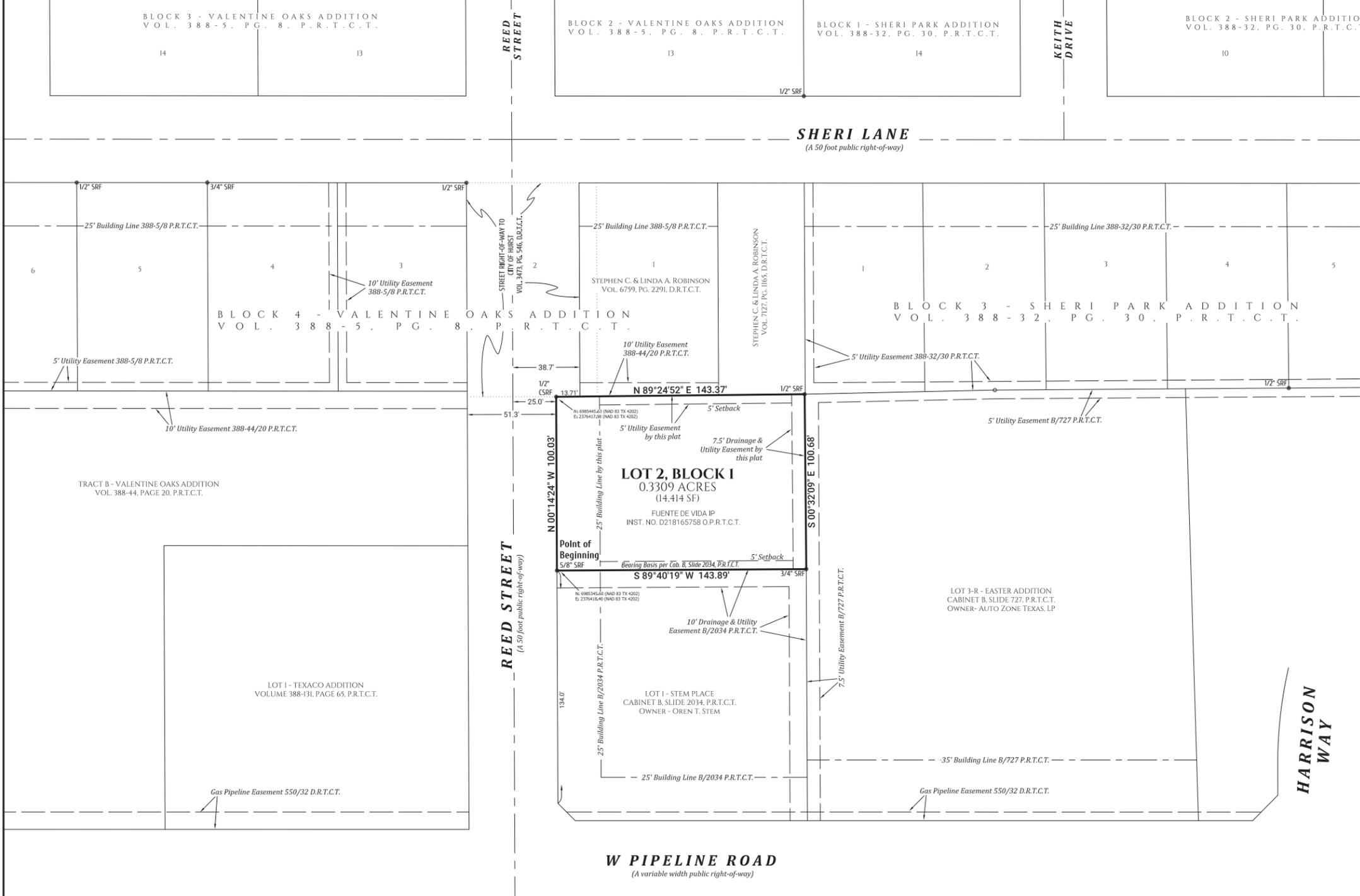
CASE NO:
P-20-02

LEGAL DESCRIPTION:
LOT 2 BLOCK 1
STEM PLACE ADDITION

AGENDA DATE:
04/28/2020

REQUESTED ACTION:
PLAT

LOCATION: 808 REED STREET



STATE OF TEXAS
COUNTY OF TARRANT

Whereas Fuente de Vida, IP are the sole owners of a tract of land out of the William W. Wallace Survey, Abstract No. 1607 and situated in the City of Hurst, Tarrant County, Texas, said tract being the same tract of land described to Fuente de Vida IP recorded as Instrument No. D218165758 of the Official Public Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel rod found for the southwest corner of said Fuente tract, said rod being the northwest corner of Lot 1, Stem Place, an addition to the City of Hurst, Texas according to the plat thereof recorded in Cabinet B, Slide 2034 of the Plat Records of said County and also being in the easterly right-of-way line of Reed Street;

Thence North 00 degrees 14 minutes 24 seconds West with the westerly boundary line of said Fuente tract and with said easterly right-of-way line a distance of 100.03 feet to a 1/2 inch capped steel rod found for the northwest corner of said Fuente tract;

Thence North 89 degrees 24 minutes 52 seconds East with the northerly boundary line of said Fuente tract, passing at 13.71 feet the southwest corner of the same tract of land described in the deed to Stephen C. & Linda A. Robinson recorded in Volume 6759, Page 2291 of the Deed Records of said County and continuing with said northerly boundary line a total distance of 143.37 feet to a 1/2 inch steel rod found for the northeast corner of said Fuente tract, said rod being the northwest corner of Lot 3R, Easter Addition, an addition to the City of Hurst, Texas according to the plat thereof recorded in Cabinet B, Slide 727 of said Plat Records;

Thence South 00 degrees 32 minutes 09 seconds East with the easterly boundary line of said Fuente tract and the westerly boundary line of said Lot 3-R a distance of 100.68 feet to a 3/4 inch steel rod found for the southeast corner of said Fuente tract, said rod being the northeast corner of said Lot 1, Stem Addition;

Thence South 89 degrees 40 minutes 19 seconds West with the southerly boundary line of said Fuente tract and the northerly boundary line of said Lot 1 a distance of 143.89 feet to the point of beginning and containing 0.3309 acre of land, more or less.

OWNERS DEDICATION

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS:

THAT Fuente de Vida, IP, Owners, do hereby adopt this plat designating the hereinabove described property as **LOT 2, BLOCK 1, STEM PLACE**, an addition to the City of Hurst, Tarrant County, Texas, and do hereby dedicate to the public's use the easements and rights-of-way shown hereon.

FUENTE DE VIDA, IP

Printed Name: _____

Title: _____

STATE OF TEXAS
COUNTY OF TARRANT

Before me, the undersigned Notary Public in and for said county and state on this day personally appeared _____ of Fuente de Vida, IP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein express, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 20__.

Notary Public, State of Texas

OWNER/APPLICANT

Fuente de Vida, IP
808 Reed Street
Hurst, Texas 76053
817-689-5946

This is to certify that I, Jason B. Rawlings, a Registered Professional Land Surveyor in the State of Texas, have plotted the above subdivision from an actual survey made on the ground in July 2017, and that all lot corners, angle points, and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made under my supervision.

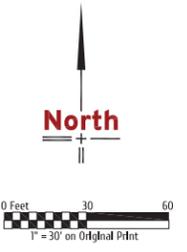


Jason B. Rawlings
Texas RPLS 5665

- LEGEND:**
- Vol., Pg. = Volume, Page
 - P.R.T.C.T. = Plat Records of Tarrant County, Texas
 - D.R.T.C.T. = Deed Records of Tarrant County, Texas
 - O.P.R.T.C.T. = Official Public Records of Tarrant County, Texas
 - SRF = Steel Rod Found
 - CSRf = Capped Steel Rod Found



FLOOD STATEMENT: Based on scaling the surveyed tract onto the current online FEMA public data, said tract lies within FEMA Zone X and does not lie within the FEMA designated 100-year flood plain. Miller Surveying, Inc. makes no statement as to the likelihood of the actual flooding of said surveyed tract.



WHEREAS the Planning and Zoning Commission of the City of Hurst, Texas voted affirmatively on this ____ day of _____, 20__ to approve this final plat.

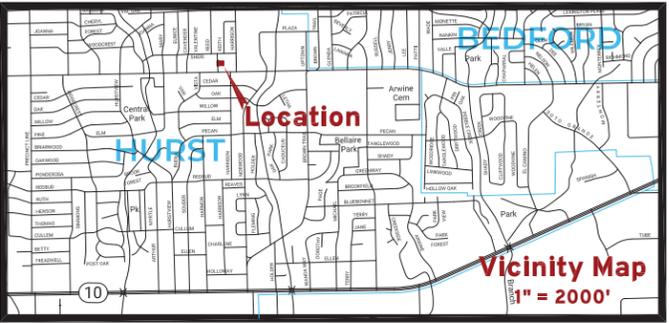
Chairman, Planning and Zoning Commission

Attest, Secretary, Planning and Zoning Commission

WHEREAS the City Council of the City of Hurst, Texas voted affirmatively on this ____ day of _____, 20__ to approve this plat for filing of record.

Mayor, City of Hurst

Attest, City Secretary



FINAL PLAT
STEM PLACE
LOT 2, BLOCK 1
AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS
BEING 0.3309 ACRES OUT OF THE
W. W. WALLACE SURVEY ABSTRACT NO. 1607
SURVEYED IN MARCH OF 2020

City Council Staff Report

SUBJECT: Consider Resolution 1766 authorizing the City of Hurst’s application to the Regional Transportation 2020 Safe Routes to School – Infrastructure (SRTS) call for projects

Supporting Documents:

Resolution 1766
Location Maps

Meeting Date: 4/28/2020

Department: Public Works

Reviewed by: Greg Dickens

City Manager Review:

Background/Analysis:

Staff was notified of Transportation Alternatives (TA) Call for Projects by the North Central Texas Council of Governments (NCTCOG) in early March. The TA Call for Projects includes funds for Safe Routes to School Projects at an 80/20 percentage funding (80% federal/state and 20% city). We plan to submit a proposed project before the deadline of May 15, 2020. This item provides for a resolution approved by City Council, which is part of the application process.

The proposed project is titled “SRTS Sidewalk Project for Shady Oaks, Donna Park, and Hurst Hills Elementary Schools” and consists of approximately 7,600 linear feet of 5-foot wide sidewalk within a half mile of three elementary schools, located in the Hurst city limits for school children and pedestrians to utilize. Also included will be 12 new school zone speed limit solar powered flashing beacons on streets near the three schools to help alert motorists to slow down in the school zones. Total estimated engineering and construction costs is \$1,108,000. All engineering/environmental costs as well as 20% of the construction costs would need to be paid for by the City and is estimated at a total of \$365,600. The 80% match by federal/state is provided on a reimbursement basis.

Funding Sources and Community Sustainability:

Sufficient funds are available in Special Projects to cover the City’s cost.

Adding sidewalks in the City near schools is directly representative of the Council’s strategic priorities of **Public Safety**.

Recommendation:

Staff recommends City Council **approve Resolution 1766 authorizing the City of Hurst to make application to the North Central Texas Council of Governments 2020 Transportation Alternatives / Safe Routes to School (SRTS) Call for Projects.**

RESOLUTION 1766

A RESOLUTION IN SUPPORT OF THE SRTS SIDEWALK PROJECT FOR SHADY OAKS, DONNA PARK, AND HURST HILLS ELEMENTARY SCHOOLS TRANSPORTATION ALTERNATIVES PROJECT

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments and the regional forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council will award funding on September 10, 2020 for Active Transportation and Safe Routes to School projects through the Transportation Alternatives Call for Projects; and

WHEREAS, the City of Hurst intends to submit a Transportation Alternatives project application for the SRTS Sidewalk Project for Shady Oaks, Donna Park, and Hurst Hills Elementary Schools project to the North Central Texas Council of Governments prior to the May 15, 2020 deadline; and

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Call for Projects application submission.

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

- Section 1.** **THAT** the City of Hurst) supports the SRTS Sidewalk Project for Shady Oaks, Donna Park, and Hurst Hills Elementary Schools as applied for in the 2020 Transportation Alternatives Call for Projects application.
- Section 2.** **THAT** the City of Hurst will serve as the Project Sponsor and lead project contact on this project. The City of Hurst agrees to designate a single point of contact for the project.
- Section 3.** **THAT** the City of Hurst commits to fund or pass through funds from other sources for a minimum local match of 20% of the construction costs.
- Section 4.** **THAT** the City of Hurst confirms that the City of Hurst, not the Regional Transportation Council, will be responsible for any cost overruns.
- Section 5.** **THAT** the City of Hurst understands and acknowledges that all awarded funding is provided on a reimbursement basis.

Section 6. **THAT** the City of Hurst confirms the project timeline is realistic and commits that if the project is selected for funding, an agreement with TxDOT will be executed within one year of project selection (by September 2021) and will obligate funds by the end of Fiscal Year 2023.

AND IT IS SO RESOLVED.

Approved this the 28th day of April 2020 by a vote of ___ to ___.

ATTEST:

CITY OF HURST

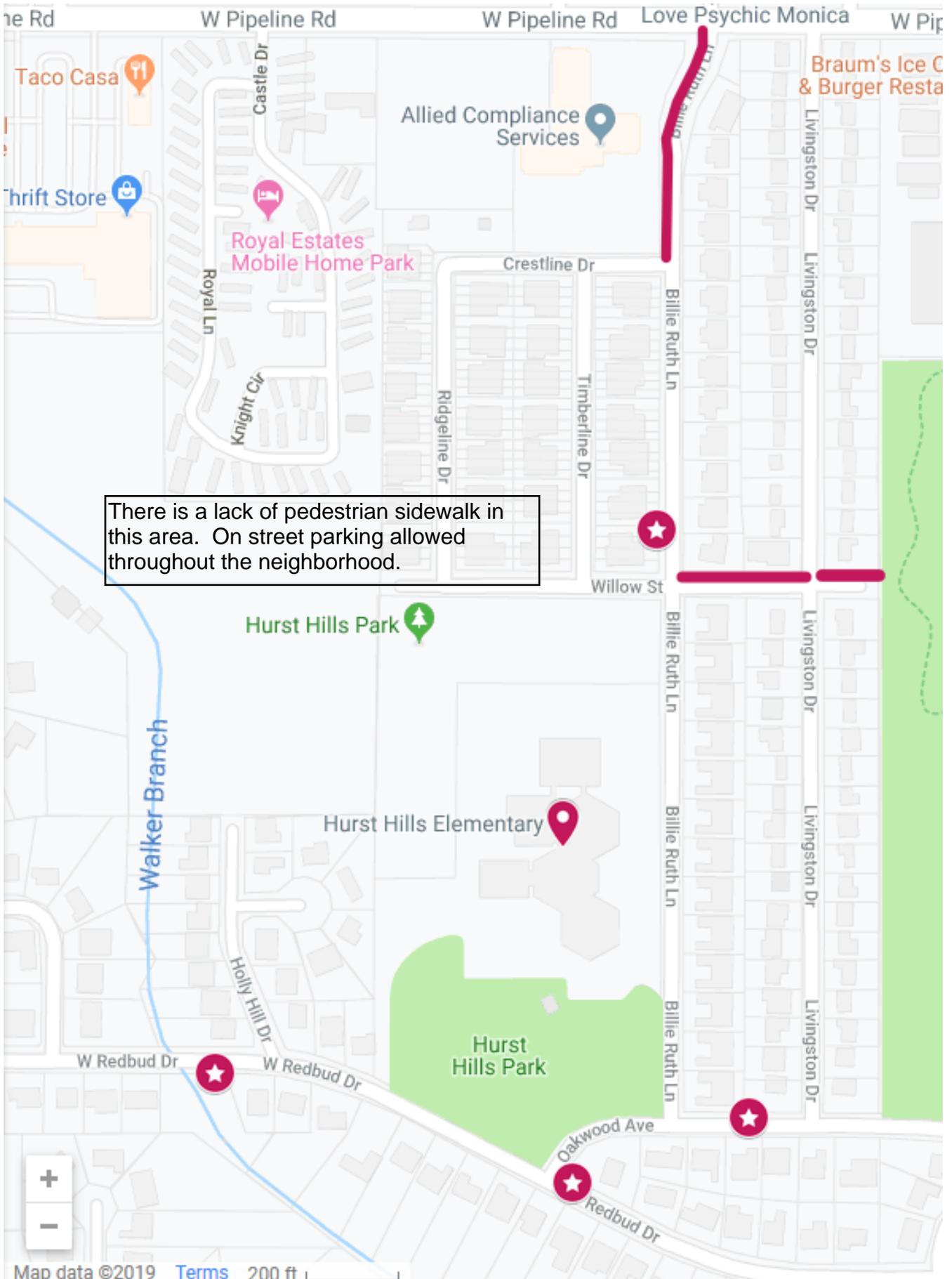
Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney

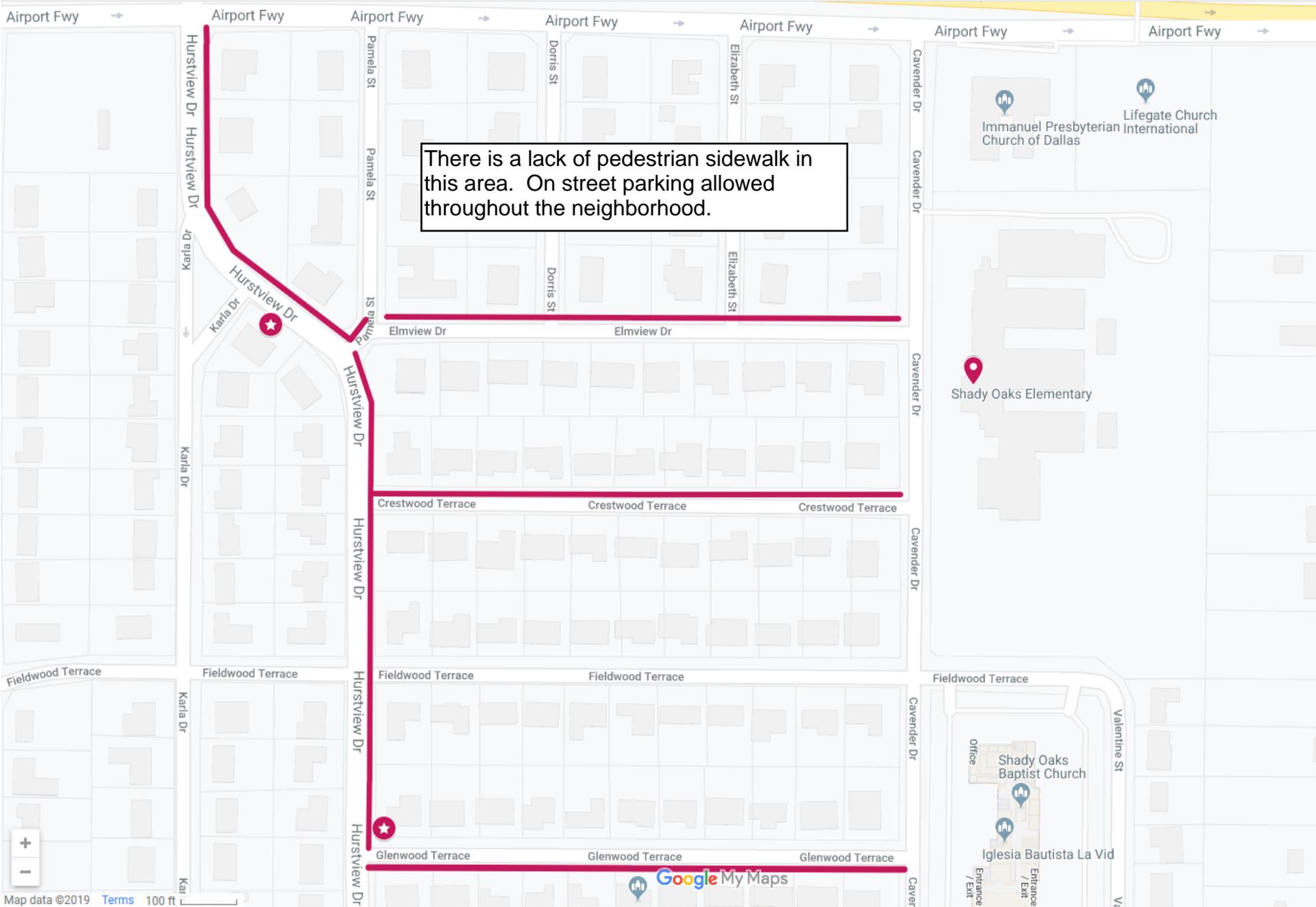
HURST HILLS ELEMENTARY SCHOOL



There is a lack of pedestrian sidewalk in this area. On street parking allowed throughout the neighborhood.



SHADY OAKS ELEMENTARY SCHOOL



There is a lack of pedestrian sidewalk in this area. On street parking allowed throughout the neighborhood.

City Council Staff Report

<p>SUBJECT: Consider Resolution 1769 denying Oncor Electric Delivery Company LLC’s Application for Approval of a Distribution Cost Recovery Factor (DCRF)</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1769</p>	<p>Meeting Date: 4/28/2020 Department: Fiscal Services Reviewed by: Clayton Fulton City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>On April 3, 2020, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$75,889,531. This equals an approximate increase of \$0.88 to the average residential customers’ bill.</p> <p>The resolution denies the DCRF application proposed by Oncor. Additionally, the resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.</p> <p>The OCSC is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area in matters before the Public Utility Commission and the courts. The City of Hurst is a regular participant with the OCSC.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>There is no fiscal impact.</p> <p>The resolution presented for consideration is consistent with Council’s strategic plan and the Hurst Way, specifically Customer Service. Hurst has retained original</p>	

jurisdiction over utility rate requests, in so doing, we are able to provide greater customer service by having a voice in the negotiations related to utility rate requests.

Recommendation:

Staff recommends City Council **approve Resolution 1769 denying Oncor Electric Delivery Company, LLC's Distribution Cost Recovery Factor application.**

RESOLUTION 1769

A RESOLUTION OF THE CITY OF HURST, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, the City of Hurst, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Hurst will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members deny Oncor's DCRF.

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 50734.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Hurst hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor’s DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City’s reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

AND IT IS SO RESOLVED.

Approved this the 28th day of April 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 authorizing the city manager to take any and all action necessary regarding the closing and rescheduling of city events, programs and facilities

Supporting Documents:

Meeting Date: 4/28/2020

Department: Administration

Reviewed by: Clay Caruthers

City Manager Review:

Background/Analysis:

On March 13, 2020, the City Council held an emergency meeting regarding the closure and rescheduling of City events, programs and facilities and actions necessary to address the health, safety and welfare of the citizens of Hurst due to the COVID-19 pandemic. At that time, declarations of disaster had been declared at the federal, state, county and municipal levels. The City Council discussed the immediate necessity to close the Senior Center, cancel all public events, and cancel programs and league play at the Recreation Center and Library until April 20, 2020, and revisit after that time.

The COVID-19 pandemic has accelerated concerns for public health and has been the impetus for unprecedented economic loss and financial instability. Although discussions are ensuing to begin opening some businesses in the near future, it is anticipated that a full functioning economy will not resume this fiscal year, and perhaps well into the FY 20/21. As such, staff prepared a list of programs and events for Council’s consideration that was presented and discussed at the April 16, 2020 City Council Work Session. The operation adjustments address both the health and safety of our citizens and the revenue loss associated with the economic impact of the COVID-19 pandemic. The proposed items included all summer programming at the Senior Center, Library, and Recreation Center, including the 4th of July Stars and Stripes event and the aquatics season. As discussed at the work session, staff is recommending all summer programs and activities presented be canceled. If official declarations allow facilities to open in the immediate future, only core services will be provided until reevaluated in the fall and FY 20/21 budget process.

Funding Sources and Community Sustainability:

This item is reflective of the Council’s Mission Statement and the **Hurst Way priority of Financial Sustainability** identifying external and internal influences on the financial condition of the City. Funding for this action is not budgeted.

Recommendation:

Staff recommends the City Council **authorize the city manager to take any and all action necessary regarding the closing and rescheduling of city events, programs and facilities.**

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a contract for construction of the Valley View Branch Channel Repairs from East Pipeline Road to Plaza Boulevard

Supporting Documents:

Location Map
 Bid Summary
 Letter of Recommendation

Meeting Date: 4/28/2020
Department: Public Works
Reviewed by: Greg Dickens
City Manager Review:

Background/Analysis:

The Valley View Branch concrete channel liner between Plaza Boulevard upstream and Pipeline Road downstream has failed in several places. One place in particular cracked and opened up to let runoff water get behind the channel liner in August of 2018. Staff made immediate temporary repairs to try to stabilize the situation and not let it get any worse. We hired Halff Associates to review the condition of this reach of channel and design the necessary repairs.

Bids were received on Wednesday, February 19, 2020, at 2:00 p.m., at City Hall for the subject project. Three bids were submitted with one bid being withdrawn. The lowest responsive bid was by Klutz Construction, LLC for \$339,984 base bid. There were four additive alternate bids besides the base bid. The base bid covers the items that must be repaired, while the additive alternate items have been prioritized and cover items needing repair as well. Funding available for this project is from the \$2,000,000 in certificates of obligation sold in 2019 for street and drainage improvements. Staff is recommending the Base Bid (\$339,984) along with Additive Alternate A (\$250,530) be awarded for a total amount of \$590,514, plus a contingency amount of \$9,486, be approved bringing the total budget amount to \$600,000.

Funding Sources and Community Sustainability:

Sufficient funds are available in the construction budget for this project.

This construction contract meets Council’s priorities and goals of **Infrastructure** and **Financial Sustainability**.

Recommendation:

Staff recommends City Council **authorize the city manager to enter into a Contract with Klutz Construction, LLC, for the Valley View Branch Channel Repairs from East Pipeline Road to Plaza Boulevard in the amount of \$590,514.00 which includes the base bid plus the additive alternate A, with a contingency of \$9,486.00, for a total amount not to exceed \$600,000.00.**



Harrison Lane Elementary

Nursing & Rehab

E Plaza Blvd Plaza Blvd

Valley Oaks Apartments

Valley View Branch Channel

The Bristols Apartments

New Life Assembly of God Hurst

Faith Christian Baptist Church

Norwood Dr

Liberty Cir

Papa John's Pizza

Cooper's Florist

Wells Fargo Bank

CVS

W Pipeline Rd W Pipeline Rd E Pipeline Rd E Pipeline Rd

Google

Impact Mission Church

Pipeline Pharmacy



March 19, 2020
AVO 35243

Mr. Greg Dickens, P.E.
Executive Director of Public Works
City of Hurst
1505 Precinct Line Rd
Hurst, Texas 76054

Re: Valley View Branch Channel Repairs from east Pipeline Road to Plaza Boulevard
Project No. 6419-303

Dear Mr. Dickens,

Bids were opened on the above-referenced project on Wednesday, February 19, 2020, 2:00 pm at the City of Hurst. Three (3) bids were received. However, the bid from Atkins Bros. Equip. Co., Inc. was withdrawn at their request. The remaining two bids ranged from a low total bid of \$892,192 to a high bid of \$936,567. Klutz Construction, LLC submitted the low bid, and McMahon, Inc. was second with the high bid.

We contacted the following references to verify Klutz Construction qualifications to complete the required work: Michael Welbaum,, City of Fort Worth, Chad Marbut, City of Weatherford, and Lee Jeffrey City of Arlington.

Each of the above references stated Klutz Construction has performed well on their projects. None of the references had any major issues or construction concerns with Klutz Construction.

Michael Welbaum was very complimentary of the work by Klutz and said that the construction went well on their project.

Lee Jeffrey directly managed Klutz Construction on the Park Row Channel project and had no reservations in recommending them for future channel construction work.

Chad Marbut managed Klutz Construction on the Holland Lake Channel Improvements and said they did a good job on the project and kept construction moving at a good pace.

In conclusion, we did not receive any report that leads us to believe Klutz Construction, LLC cannot successfully complete the project. Based on our research, it is the opinion of Halff Associates, Inc. that there is no apparent reason to disqualify the bid proposal of Klutz Construction, LLC for the Valley View Branch Channel Repairs Project.

Included with this letter are the Klutz Statement of Qualifications, Statement of Surety Bonds, and the Bid Tabulations.



Please feel free to call me at (817) 847-1422 if you have any questions or comments.

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Ben B. Pylant". The signature is written in a cursive style with a horizontal line under the first name.

Benjamin B. Pylant, PE, CFM
Director of Water Resources, N TX
Vice-President

Future Event Calendar

April 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.

All City events are canceled until further notice. Please check the City website, www.hursttx.gov, for updated information.

--	--