

Hurst Public Facility Corporation  
BOARD MEETING AGENDA

April 28, 2020

5:00 P.M.

*Hurst City Hall – Third Floor Conference Room  
1505 Precinct Line Road*

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**In accordance with order of the Office of the Governor issued March 16, 2020, the Hurst Public Facility Corporation will conduct its meeting scheduled at 5:00 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.**

- 1) Call to Order
- 2) Consider approval of the October 15, 2019 and December 10, 2019 Hurst Public Facilities Corporation minutes
- 3) Consider approving Resolution 1 of the Hurst Public Facility Corporation indicating the Board’s Awareness of its participation and identifying persons who may act on its behalf to the proposed Senior Housing in Hurst
- 4) Adjournment

Posted by: \_\_\_\_\_

This 24<sup>th</sup> 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.

**HURST PUBLIC FACILITY CORPORATION MINUTES  
TUESDAY, OCTOBER 15, 2019  
CITY HALL CONFERENCE ROOM**

Chair Wilson called the meeting to order at 4:30 p.m. with the following members present:

|                |   |               |
|----------------|---|---------------|
| Henry Wilson   | ) | Chairman      |
| Larry Kitchens | ) | Vice Chairman |
| Cathy Thompson | ) | Directors     |
| Cindy Shepard  | ) |               |
| Bill McLendon  | ) |               |
| David Booe     | ) |               |
| Jon McKenzie   | ) |               |

Others Present: Clay Caruthers, President  
John Boyle, Attorney  
Rita Frick, Secretary  
Clayton Fulton, Vice President/Treasurer

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

1. Call to Order - The meeting was called to order at 4:30 p.m.
2. Conduct an organizational meeting of the Hurst Public Facility Corporation to consider any and all preliminary business matters including but not limited to the following items:
  - a) acceptance of the certificate of formation
  - b) adoption of bylaws
  - c) confirmation of directors and officers
  - d) designation of a fiscal year to match the City's fiscal year
  - e) designation of a depository bank
  - f) engagement of legal counsel
  - g) and any and all similar matters pertaining to organizational matters of the Hurst Public Facility Corporation

President Clay Caruthers stated this is the necessary organizational meeting for the Corporation and reviewed the recommended motions.

Vice Chairman Kitchens moved to accept the Articles of Formation as filed with the Texas Secretary State. The motion was seconded by Director Jon McKenzie and carried unanimously.

Director Cathy Thompson moved to adopt the Bylaws as presented. The motion was seconded by Director David Booe and carried unanimously.

Director Bill McLendon moved to confirm the Board of Directors as Henry Wilson, Larry Kitchens,

Bill McLendon, David Booe, Cathy Thompson, Cindy Shepard and Jon McKenzie; to designate Clay Caruthers as President, Clayton Fulton as Vice President and Treasurer, and Rita Frick as Secretary of the Corporation. That the Mayor will serve as Chairman and Mayor Pro Tem will serve as Vice Chairman of the Board. The motion was seconded by Director Cindy Shepard and carried unanimously.

Director Jon McKenzie moved to designate the fiscal year for the Corporation as October 1, through September 30. The motion was seconded by Director Bill McLendon and carried unanimously.

Director Cindy Shepard moved to authorize the Treasurer to designate a depository bank. The motion was seconded by Director David Booe and carried unanimously.

Director David Booe moved to engage Boyle & Lowry L.L.P. and Norton Rose Fulbright US LLP as legal counsel to the Corporation. That Boyle & Lowry L.L.P. will serve as general counsel and Boyle and Lowry L.L.P. and Norton Rose Fulbright US LLP will serve as co-bond counsel. The motion was seconded by Director Cathy Thompson and carried unanimously.

**ADJOURNMENT**

The meeting was adjourned at 4:37 p.m.

**APPROVED** this the \_\_\_ day of \_\_\_\_\_ 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita L. Frick, City Secretary

\_\_\_\_\_  
Chairman Henry Wilson

**HURST PUBLIC FACILITY CORPORATION MINUTES  
TUESDAY, OCTOBER 15, 2019  
CITY HALL CONFERENCE ROOM**

Chair Wilson called the meeting to order at 4:55 p.m. with the following members present:

|                |   |               |
|----------------|---|---------------|
| Henry Wilson   | ) | Chairman      |
| Larry Kitchens | ) | Vice Chairman |
| Cathy Thompson | ) | Directors     |
| Cindy Shepard  | ) |               |
| Bill McLendon  | ) |               |
| David Booe     | ) |               |
| Jon McKenzie   | ) |               |

Others Present: Clay Caruthers, President  
John Boyle, Attorney  
Rita Frick, Secretary  
Clayton Fulton, Vice President/Treasurer

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

1. Call to Order - The meeting was called to order at 4:55 p.m.
2. Considered acceptance and approval of property transferred by the City of Hurst, Texas, described as Tract A. Richardson Addition, being a Tract out of E. Grant and S. McDaniel Surveys, (309 West Pipeline – Source: City of Hurst Graphical Information System) to the Hurst Public Facility Corporation.

Director Cindy Shepard moved to accept the property transfer. The motion was seconded by Director Jon McKenzie and carried unanimously.

3. Considered authorizing the Hurst Public Facility President to take any and all action necessary to induce bonds and submit volume allocation application to the Texas Bond Review Board for a proposed senior apartment complex (the “Project” to be located on an approximately 3.776+/- acre tract, described as Tract A. Richardson Addition, being a Tract out of E. Grant and S. McDaniel Surveys, (309 West Pipeline – Source: City of Hurst Graphical Information System) Hurst, Tarrant County, Texas (the “Land”) and declaration of expectation to reimburse expenditures with proceeds of future debt.

President Caruthers reviewed the inducement process, which is non-binding. He stated if financing is received, the bonds would be part of the project. He reviewed the bond issuance and noted specific items would be included in a future agreement, which the Council will have a future work session to discuss before the agreement.

Vice Chair Larry Kitchens moved to authorize Hurst Public Facility President to take any and all action necessary to induce bonds and submit volume allocation application to the Texas Bond Review Board for a proposed senior apartment complex (the “Project” to be located on an approximately 3.776+/- acre tract, described as Tract A. Richardson Addition, being a Tract out of E. Grant and S. McDaniel Surveys, (309 West Pipeline – Source: City of Hurst Graphical Information System) Hurst, Tarrant County, Texas (the “Land”) and declaration of expectation to reimburse expenditures with proceeds of future debt. The motion was seconded by Director David Booe and carried unanimously.

ADJOURNMENT - The meeting was adjourned at 5:02 p.m.

**APPROVED** this the \_\_\_ day of \_\_\_\_\_ 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita L. Frick, City Secretary

\_\_\_\_\_  
Chairman Henry Wilson

**HURST PUBLIC FACILITY CORPORATION MINUTES  
TUESDAY, DECEMBER 10, 2019  
CITY HALL CONFERENCE ROOM**

Chair Wilson called the meeting to order at 5:00 p.m. with the following members present:

|                |   |               |
|----------------|---|---------------|
| Henry Wilson   | ) | Chairman      |
| Larry Kitchens | ) | Vice Chairman |
| Cathy Thompson | ) | Directors     |
| Cindy Shepard  | ) |               |
| Bill McLendon  | ) |               |
| David Booe     | ) |               |
| Jon McKenzie   | ) |               |

Others Present: Clay Caruthers, President  
Matthew Boyle, Attorney  
Clayton Fulton, Vice President/Treasurer  
Rita Frick, Secretary

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

1. Call to Order - The meeting was called to order at 5:00 p.m.
2. Consider approval and authorize the Hurst Public Facility Corporation President to enter into a contract for ground lease between the Hurst Public Facility Corporation and Gala at Central Park, LP.

President Clay Caruthers briefed the Board Members on the proposed contract for ground lease between the Corporation and Gala at Central Park, L.P. noting this step will basically commit the movement forward on this project. He explained there will be a different partnership agreement for payment. City Attorney Matthew Boyle noted a few suggested changes, per his discussions with the City Manager, including language that the contract terminates if the tax credits are not issued and a right of refusal whereby the corporation does not lose land possession. Mr. Boyle recommended the Council consider a motion to approve the Contract for Ground Lease subject to the revisions of the City Manager and City Attorney and authorize the President to execute the same. Chair Wilson also noted language to amend the contract. City Manager Caruthers stated this project is based on Council's vision for Senior Apartments. Gardner Capital representative Ryan Combs stated the apartments are independent living and would have the same rent restrictions as the Provisions at North Valentine Apartments.

Director Bill McLendon moved to approve the Contract for Ground Lease subject to the revisions of the City Manager and City Attorney and authorize the President to executive the same. The motion was seconded by Director Cathy Thompson and carried unanimously.

3. ADJOURNMENT - The meeting was adjourned at 5:12 p.m.

**APPROVED** this the \_\_\_ day of \_\_\_\_\_ 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita Frick, City Secretary

\_\_\_\_\_  
Chairman Henry Wilson

Hurst Public Facility Corporation Staff Report

**SUBJECT:** Consider approving Resolution 1 of the Hurst Public Facility Corporation indicating the Board’s Awareness of its participation and identifying persons who may act on its behalf to the proposed Senior Housing in Hurst

**Supporting Documents:**

Resolution 1

**Meeting Date:** 4/28/2020

**Department:**

**Reviewed by:** Clay Caruthers

**City Manager Review:**

**Background/Analysis:**

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 has advised of the intent to submit an application to the TDHCA for the 2020 4% Housing Tax Credits for the Senior Project.

The Hurst Public Facilities Corporation was created and an organizational meeting was held October 15, 2019 and identified Clay Caruthers as President, Clayton Fulton as Vice President/Treasurer and Rita Frick as Secretary and also identified these individuals as being able to act on behalf of the Hurst Public Facility Corporation. Also on this date, the HPFC authorized the HPFC President to take any and all action necessary to induce bonds and submit volume allocation application to the Texas Bond review Board for a proposed senior apartment complex located at 309 West Pipeline and declaration of expectation to reimburse expenditures with proceeds of future debt.

On December 10, 2019 the HPFC approved the Contract for Ground Lease subject to the revisions of the City Manager and City Attorney and authorized the President to execute the contract. If the 4% housing tax credits are received a Memo of Understanding will be presented to the Board at a future date.

The Proposed Resolution provides for acknowledgement that the HPFC is aware of its participation as the General Partner in the Gala at Central Park, LP’s application to TDHC for 4% Housing Tax Credits. It also identifies the officers named as being able to act on behalf of the Hurst Public Facility Corporation.

**Funding Sources and Community Sustainability:**

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.

**Recommendation:**

Staff recommends the Hurst Public Facility Corporation **approve Resolution 1 indicating the Board's Awareness of its participation and identifying persons who may act on its behalf to the proposed Senior Housing in Hurst**

**RESOLUTION 1**

**A RESOLUTION OF THE HURST PUBLIC FACILITY CORPORATION OF THE CITY OF HURST, TEXAS, INDICATING THE BOARD'S AWARENESS OF ITS PARTICIPATION AND IDENTIFYING PERSONS WHO MAY ACT ON ITS BEHALF 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 HURST PUBLIC FACILITY CORPORATION OF THE CITY OF HURST, TEXAS, THAT:**

**SECTION 1.** The Board of the Hurst Public Facility Corporation is aware of its participation as the General Partner in the Gala at Central Park, LP's Application to TDHCA for 4% Housing Tax Credits.

**SECTION 2.** The Hurst Public Facility Corporation has identified Clay Caruthers as President, Clayton Fulton as Vice President and Rita Frick as Secretary and identifies them as being able to act on behalf of the Hurst Public Facility Corporation.

**CONSIDERED, PASSED AND ADOPTED** by the Hurst Public Facility Corporation at a regular meeting on the 28<sup>th</sup> day of April 2020 at which a quorum was present.

**APPROVED:**

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**ATTEST:**

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