

**City Council Minutes**  
**Tuesday, March 24, 2020**

On the 24<sup>th</sup> 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 28<sup>th</sup> day of April 2020.

**ATTEST:**

  
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Rita Frick, City Secretary

**APPROVED:**

  
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Henry Wilson, Mayor