

**City Council Minutes**  
**Tuesday, June 23, 2020**

On the 23rd day of June 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
Jon McKenzie	)	Mayor Pro Tem
David Booe	)	Councilmembers
Larry Kitchens	)	
Cathy Thompson	)	
Bill McLendon	)	
Cindy Shepard	)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	Assistant City Attorney
Clayton Fulton	)	Assistant City Manager
Rita Frick	)	City Secretary
Sunny Patel	)	Information Technology Manager
David Palla	)	Fire Chief
Michelle Lazo	)	Executive Director of Planning and Development
Steve Bowden	)	Executive Director of Economic Development

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

The meeting was called to order at 6:30 p.m.

Councilmember Booe 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.

**PROCLAMATION**

1. Proclamation recognizing Parks and Recreation Month. Councilmember Larry Kitchens read the proclamation recognizing Parks and Recreation month. Executive Director of Community Services Kyle Gordon thanked the Mayor and Council for their support and noted several ways the department plans to celebrate the month while staying safe and playing safe, including virtual programs. Also noted was that the Chisholm Park pond is still being stocked and a great way to enjoy the park. He stated you can share your catch with #shareyourcatch.

**CONSENT AGENDA**

2. Consider approval of the minutes for the June 9, 2020 City Council meetings

Councilmember McKenzie moved to approve the consent agenda. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

**PUBLIC HEARING(S) AND RELATED ITEM(S)**

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

Mayor Wilson announced a public hearing and considered the issue of levying civil penalties, possible revocation of the Certificate of Occupancy and status of the repairs for the property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments) and recognized City Attorney Matthew Boyle who reviewed a PowerPoint presentation. Mr. Boyle noted the current status of roof repairs on Building 2 were undertaken without the oversight of a certified engineer, as required by the building permit; 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 to properly fix the stairways and balconies; and the tenant in Building 3, unit 105, was displaced because of mold. He reviewed the timeline of this case noting the original complaint was June 30, 2014, with complaints of leaking AC's causing mold and odors, then a couple of years later the order of the Building Official and Code Appeals and Advisory Board, he was ordered to replace all the roofs on all four buildings. He noted that later that same summer, the owner's engineer recommended a unified unit inspection of all 2<sup>nd</sup> story roof units followed by a year later, the owner's lawyer suggested the City engage its own third party to inspect the conditions at the complex at a significant financial investment on the City's part. The City obtained services of Bureau Veritas who joined with Farmers Environmental and Childress Engineering to do independent inspections as requested by the lawyer. The results of that inspection was a compilation of hundreds and hundreds of outstanding violations and the conclusion of Childress Engineering is the roofs on all four buildings were at or near the end of their serviceable life and needed to be replaced in the very near future. The conclusion was based on a significant amount of water penetration and saturation on Building 2. Building 2 roofs need to be repaired and replaced imminently. As a result, it has been a hopscotch of permit applications and permit approvals, based on the ineptitude of the owner and/or contractors. Based on the deadlines initially established by the Council in September 2019, and the fact that today, every single one of those deadlines have passed, the Council has previously set an accumulative amount of civil penalties of \$200,000. He noted the pictures of Building 3 and Unit 105 and stated, keep in mind, there has not been

a single effort to replace the roof on Building #3, so the unacceptable and deplorable conditions in Building #3 will continue to get worse as there has been no effort to pull a permit to initiate the required repairs and replacement of the roof. He noted Slide 8 shows ceiling stains in Unit 105 and reviewed the next several slides showing cabinets that had to be replaced and mold in the unit, proven through inspections. He stated the apartment's standard operating procedure, if they see mold, is to only spray it, hence perpetual reappearance of mold made it uninhabitable. Mr. Boyle stated that what remains the same is that the Council's initial order that the complex be brought into full compliance has not been achieved. Mr. Boyle reviewed the status of the permits issued and incomplete work and stated, on that basis, he requests that after the public hearing closes, the adoption of additional civil penalties order.

Mayor Wilson recognized Latisha Osborne, 450 E. Hurst Blvd. Unit 221, Hurst, Texas, who stated she is the daughter of the tenant in Unit 105. She expressed her concerns regarding the temperature in the unit during the winter and summer months, the bathroom sink being backed up, repairs to the water lines not being completed and the ceiling in their bathroom has collapsed on them. An additional concern is they have never seen the owner, do not who he is, the leasing lady is not on the property and she doesn't feel this is a safe place. She indicated her mother has been living in a hotel since April, the property owner refused to repair her apartment and she had a kidney transplant. Ms. Osborne stated the place is not safe for anyone, mold is everywhere, the apartments have bats, and the people have nowhere else to live. She further stated there are a whole lot of other tenants in the complex that feel the same way, but they are afraid to speak because they do not want to be put out because they have nowhere else to stay.

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

Councilmember Kitchens noted the testimony and time line and that the City has been working with Mr. Mercer for six years and has been more than patient. He stated anything the City can do to move forward for the health, safety, and welfare of the tenants and the reputation of the City of Hurst is long overdue. He encouraged the Council to support the order presented.

Councilmember Kitchens moved to approve an Order to assessing additional civil penalties against Charles Mercer and the owners of the Dakota Place Apartments. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

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

4. Review of upcoming calendar items – Mayor Wilson noted Friday, June 26, 2020, the Hurst Conference Center will have an outdoor movie showing the *Raiders of the Lost Ark*. Tickets can be purchased at [showtix4u.com](http://showtix4u.com). City Manager Caruthers stated the

document shredding service is scheduled for the Household Hazardous Waste event, unless a Covid-19 related issue prevents the company from attending.

5. City Council Reports - Items of Community Interest – Mayor Wilson noted the Farmers Market on Karla was mentioned on Channel 5 news for their fund raiser for Mission Central. He also noted how nice the produce is at the market. He stated his desire for the Council is to discuss a possible Farmers Market zoning that will allow certain areas to have a continuous Farmers Market.

**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 Karina Quintana, 412 Charleston Court, Hurst, Texas, who stated they wanted to say hello, that she has been a resident of Hurst for about a year and that she loves it here.

Mayor Wilson did not recess to Executive Session.

**EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, authorized by Government Code, Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (Dakota Place Apartments) and to reconvene in Open Session at the conclusion of the Executive Session**

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

**ADJOURNMENT** – The meeting adjourned at 6:59 p.m.

**APPROVED** this the 14<sup>th</sup> day of July 2020.

**ATTEST:**

  
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Rita Frick, City Secretary

**APPROVED:**

  
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Henry Wilson, Mayor