

**WORK SESSION AGENDA OF THE CITY COUNCIL OF
HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
THIRD FLOOR CONFERENCE ROOM
TUESDAY, AUGUST 11, 2020 – 5:45 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 5:45 p.m. on Tuesday, August 11, 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 829-9909-2652 followed by # when prompted. If prompted, the meeting password is 002541. 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**
- **Update and Discussion of local Economic Development Activity**

III. Discussion of Agenda Item(s) 2

Presentation of the Annual Report on the Storm Water Management Plan

IV. Discussion of Agenda Item(s) 3 and 4

Consider Resolution 1773 ordering a Special Election to be held November 3, 2020 to allow voters to consider voting for or against the legal sale of all alcoholic beverages for off premise consumption only

Consider Resolution 1774 ordering the General Election of Officers to be held November 3, 2020

V. Discussion of Agenda Item(s) 5

Consider authorizing the city manager to renew the current Contract with Cigna to provide stop-loss insurance for the health plans, third-party administration for the

health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective 10/1/2020 through 9/30/2021

VI. Discussion of Agenda Item(s) 6

Consider authorizing the city manager to purchase two HVAC units for the Hurst Conference Center

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 7th day of August 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, AUGUST 11, 2020**

AGENDA:

5:45 p.m. - Work Session (City Hall, Third Floor Conference Room)

6:30 p.m. - City Council Meeting (City Hall, Council Chamber)

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, August 11, 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 829-9909-2652 followed by # when prompted. If prompted, the meeting password is 002541. 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 Cindy Shepard)

CONSENT AGENDA

1. Consider approval of the minutes for the July 28, July 31 and August 1, 2020 City Council meetings

PRESENTATION(S)

2. Presentation of the Annual Report on the Storm Water Management Plan

RESOLUTION(S)

3. Consider Resolution 1773 ordering a Special Election to be held November 3, 2020 to allow voters to consider voting for or against the legal sale of all alcoholic beverages for off premise consumption only

4. Consider Resolution 1774 ordering the General Election of Officers to be held November 3, 2020

OTHER BUSINESS

5. Consider authorizing the city manager to renew the current Contract with Cigna to provide stop-loss insurance for the health plans, third-party administration for the health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective 10/1/2020 through 9/30/2021
6. Consider authorizing the city manager to purchase two HVAC units for the Hurst Conference Center
7. Review of upcoming calendar items
8. 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

9. Take any and all action ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 7th day of August 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, July 28, 2020**

On the 28th day of July 2020, at 5:33 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
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
Rita Frick	)	City Secretary
Rob Duncan	)	Information Technology Manager

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

I. Call to Order – The meeting was called to order at 5:33 p.m.

The work session items were discussed in the following order: Information items including calendar items and state and local reopening plans due to COVID-19, Work Session Items IV, V, VI and then informational item regarding public works infrastructure improvements. City Manager Clay Caruthers stated Work Session Item III will be reviewed in regular session.

II. Informational Items

- **Update and Discussion of upcoming Calendar Items** - No new calendar items were discussed.
- **Update and Discussion of State and Local reopening plans due to COVID-19** – City Manager Clay Caruthers provided an update on facility openings noting staff surveyed area cities and reported Senior Centers remain closed and staff believes it is prudent to remain closed. He stated the library is continuing curbside activity and to better meet the flow of activity, plan to move operating hours to 10 a.m. to 6 p.m. from 9 a.m. to 5 p.m. In response to Council questions, Executive Director of Community Services Kyle Gordon stated material usage is approximately 50 to 60 percent of normal activity.
- **Update Discussion of public works infrastructure improvements** – Executive Director of Public Works Greg Dickens provided Council an overview of upcoming street and drainage projects noting drainage work at Grapevine Highway and Norwood to repair sink holes, the Ha5 Program for the residential streets, and the annual mill and

asphalt overlay streets to be completed. Mr. Dickens also noted \$1.4 million is left for the projects from the \$2 million certificates of obligations sold last year.

III. Discussion of Agenda Item(s) 4 and 5

Conduct a Public Hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 and ending September 30, 2021

Consider Ordinance 2439, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 and ending September 30, 2021

IV. 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)

City Attorney Matthew Boyle provided a review of the Rule 11 Agreement with Dakota Place owner Charles Mercer, summarizing each of the required repairs for the Dakota Place Apartments. He noted that this agreement does not close out everything, but the identified are the highest priorities and what is believed needed to be addressed first. He stated pending the final completion of this plan, the law suit would be stayed. Mr. Boyle most specifically reviewed the required repairs to the roofs of the four buildings and the time line established for completion. He also noted that in addition to the roofs, the stairs and balconies are in need of repair and maintenance and this work must be completed by August 1, 2020. Mr. Boyle stated after the public hearing, he is requesting Council take no action this evening. In response to Councilmembers' questions, Mr. Boyle stated that he is pleased with the progress and scope of work and he shares Council's frustration in the amount of time to get to this point. He stated the agreement is not signed, but he believes it will be. Mr. Boyle stated Mr. Mercer will select his own licensed engineer and that the December 31, 2026 roof completion date for Building 1 is correct, in that this roof was completely redone in 2016 and has a 10-year warranty, so the serviceable life is 2026. Mr. Boyle stated inspections will be made and if there are deficiencies identified, Mr. Mercer is obligated to repair.

V. Discussion of Agenda Item(s) 7

Discussion and consideration of all matters incident and related to the issuance and sale of "City of Hurst, Texas, Public Property Finance Contractual Obligations, Series 2020", including the adoption of Ordinance 2440, first and final reading, authorizing the issuance of such obligations.

Mr. Caruthers briefed Council on the Public Property Finance Contractual Obligations to purchase a new fire truck to replace a 12-year-old truck that will go into reserve. He stated staff is limiting expenditures to the most essential needs, due to the impact of COVID-19, but both the Fire Chief and Fleet Manager agree it is time for replacement. He stated with Council's recommendation, staff moved forward with financing. Mr. Caruthers reviewed the financing mechanism, stated the City received a competitive bid on the interest of 1.24%

and it is a 7-year term with an anticipated truck life of 20 years. Also noted is the total issuance costs of approximately \$750,000. He stated First National Bank received the bid award and Frost Bank will handle the private placement. Mr. Caruthers also stated Hilltop Securities Vice President Adam LanCarte and Bond Counsel Bob Dransfield are present to answer any questions. In response to Councilmember questions, Chief Palla noted the new diesel motors are more reliable and probably more fuel efficient overall. Also reviewed were maintenance issues and warranties. Mr. Caruthers also noted the tax rate impact and debt ratio will stay within the City's policy.

VI. Discussion of Agenda Item(s) 8

Consider appointments to Boards, Commissions and Committees

Mayor Wilson suggested Council reappoint the board, commission and committee members who wish to be reappointed, and change the Senior Board from 8 regular members to 7 regular members and two alternates, as previously discussed by Council, and Council concurred. Mayor Wilson also noted the Mayor Pro Tem is automatically the Vice Chair on the Crime Control and Prevention Board.

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 was adjourned at 6:06 p.m.

APPROVED this the 11th day of August 2020.

ATTEST:

Rita Frick, City Secretary

APPROVED:

Henry Wilson, Mayor

City Council Minutes
Tuesday, July 28, 2020

On the 28th day of July 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
Rita Frick	)	City Secretary
Rob Duncan	)	Information Technology Manager

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.

Mayor Pro Tem McKenzie 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 July 14, 2020 City Council meetings
2. Consider Resolution 1771 ratifying the actions of the Hurst Crime Control and Prevention District Board
3. Consider Ordinance 2438, second reading, amending Chapter 24 by replacing Sections 24-115 and 24-127 to 24-129 Prohibiting Parking in Certain Areas

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

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

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

4. Conduct a Public Hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 and ending September 30, 2021

Mayor Wilson announced a public hearing to consider adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 and ending September 30, 2021 and recognized City Manager Clay Caruthers who reviewed the proposed budget. Mr. Caruthers reviewed the 2% makeup of the sales tax levy for the City, noting .5% is collected for Anti-Crime, .5% for Community Development and 1% for the General Fund. He stated the other 6.25% goes to the State of Texas. He stated the City has seen a substantial reduction in sales tax, which has impacted the General Fund directly and indirectly. That, generally speaking, 15 cents a year is saved on the property tax rate by the sales tax rate, but now it is only 12 cents. He stated staff is projecting \$1 million loss in revenue, in the Crime Fund than in the 2020 fiscal year. Mr. Caruthers stated this has resulted in substantial expenditure and service reductions. He stated service reductions include community outreach programs such as PALS and basketball camps but these reductions will not retract from the Officer's community type policing and reaching out to connect with the community. He stated other savings anticipated include the relocation of the Store Front, which is currently being analyzed to achieve savings. Other savings noted include training achieved through a new weapons system and ammunition costs. Mr. Caruthers noted the indirect transfer to the general fund and that based on COVID-19 it will be reduced by approximately \$800,000 to lower the budget. He stated the Anti-Crime budget will be balanced and maintain the same level of staffing but the General Fund will take the indirect transfer hit to maintain police service. Police Chief Steve Niekamp reiterated that even with cut backs police officers will connect with and build community relationships and continue training. Mr. Caruthers stated the total operation expenditure amount for the fiscal year 2020 crime budget is \$5.5 million and the recommendation for next year is a \$1 million overall reduction.

Mayor Wilson stated the City is not cutting back on financing police, it is a budget reduction due to sales tax loss. City Manager Caruthers noted the financial burden is shifting to the General Fund.

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

Councilmember Kitchens stated his appreciation for Mayor Wilson's comments and noted the City will probably look to restore cuts at a later date.

5. Consider Ordinance 2439, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 and ending September 30, 2021

Councilmember Booe moved to approve Ordinance 2439, first reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2020 ending September 30, 2021. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

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)

Mayor Wilson recognized City Attorney Matthew Boyle who provided a review of the signed agreement with Mr. Mercer, summarizing each of the required repairs for the Dakota Place Apartments in the Rule 11 Agreement. He stated that based on this progress staff is not recommending any action on this item tonight.

Mayor Wilson opened the public hearing and there being no one to speak, closed the public hearing.

ORDINANCE(S)

7. Discussion and consideration of all matters incident and related to the issuance and sale of "City of Hurst, Texas, Public Property Finance Contractual Obligations, Series 2020", including the adoption of Ordinance 2440, first and final reading, authorizing the issuance of such obligations.

Mayor Wilson recognized City Manager Clay Caruthers who stated this item is a private placement obligation issuance through First National Bank. He stated Hilltop Securities Vice President Adam LanCarte and Bond Counsel Bob Dransfield are present to answer any questions. Mr. Caruthers stated the issuance is for a fire truck to replace a 12-year-old truck that will go into reserve. He stated staff is being careful of the fire truck replacement due to the financial impact of COVID-19, but both the Fire Chief and Fleet Manager agree it is time for replacement. Mr. Caruthers stated the City received a competitive bid on the interest of 1.24% and it is a 7-year term with an anticipated life for the truck of 20 years. Mr. LanCarte reviewed the bids received and the issuance cost of 1.035%. Mr. LanCarte also reviewed the schedules for the debt service and about \$86,000 a year amortized over 7-years. Mr. Caruthers stated the \$86,000 equates to a very small fraction on the property tax of about 2 and one-half tenths of one cent.

Mayor Wilson asked for any public comments, no comments were made.

Councilmember Shepard moved to adopt Ordinance 2440, authorizing the issuance of “City of Hurst, Texas, Public Property Finance Contractual Obligations, Series 2020”; and the execution of Paying Agent/Registrar Agreement and a Purchase Agreement, and a Purchase Letter in relation to such obligations. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

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

OTHER BUSINESS

8. Consider appointments to Boards, Commissions and Committees

Councilmember Booe moved to approve the reappointments as presented by the City Secretary. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

9. Review of upcoming calendar items – City Manager Clay Caruthers reviewed upcoming calendar items noting the July 31 budget work session and August 1 Special City Council meeting. He noted a correction from the packet and instead of the July 31 and August 1 meeting being located at the Hurst Conference Center, they will be telephone dial-in meetings as tonight’s City Council meeting. He also noted the Wednesday, August 12 Special City Council meeting called for the budget public hearing, tax rate public hearing and consideration of the tax rate and budget. He stated city offices will be closed Monday, September 7 for the Labor Day holiday. City Manager Caruthers also advised City Flags are being flown at half-staff this week in honor of long time City Attorney John Boyle who has been a valuable and thoughtful advisor to the City.

10. City Council Reports - Items of Community Interest – Mayor and Council also expressed their appreciation for City Attorney John Boyle’s contribution to the City and thanked Matthew Boyle for his work on the Dakota Place Apartment issue. Councilmember Kitchens advised police officers rescued a white Labrador dog over the weekend and noted that their efforts were well beyond the call of duty. In response to Councilmember questions, Mr. Boyle stated he believed the Governor’s next order regarding the disaster declaration and open meetings will be August 1 or 2.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED – No one spoke.

Mayor Wilson did not recess to Executive Session.

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

11. Take any and all action ensuing from Executive Session

No action was taken.

ADJOURNMENT – The meeting adjourned at 6:50p.m.

APPROVED this the 11th day of August 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

Minutes
Hurst City Council
Work Session
Friday, July 31, 2020

On the 31st day of July 2020, at 2:00 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
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
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Michelle Lazo	)	Executive Director of Planning and Development
Greg Dickens	)	Executive Director of Public Works
Kyle Gordon	)	Executive Director of Community Services
Matia Messemer	)	Executive Director of Human Resources
Steve Bowden	)	Executive Director of Economic Development
David Palla	)	Fire Chief
Steve Niekamp	)	Police Chief
Sunny Patel	)	Information Technology Director

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

CALL TO ORDER - The meeting was called to order at 2:00 p.m.

1. Update and discussion of state and local reopening and operational plans due to COVID-19 including public safety operational update

City Manager Clay Caruthers provided Council an overview of discussions for today's work session and tomorrow's special meeting of the Council. He stated staff will provide an operational update and code related discussions for Council's policy guidance. Mr. Caruthers reviewed the COVID-19 impact to the work force and stated the social distancing, masks and other measures taken to keep employees safe is working. He stated part of the discussion today is fall event cancelations. Council discussed the possible postponement of the Senior Banquet to spring; a smaller Christmas Tree Lighting event; and cancellation of the Fall Festival and other events.

Police Chief Steve Niekamp provided an overview of the police departments policing activities and programs to connect to the community. In response to the recent request for a cite and release resolution, Chief Niekamp related the police department is already practicing the procedures as outlined by the speaker. He stated they do not arrest for marijuana unless necessary, have a mental health program to help people in crisis, and are trying to maintain a low jail population. He stated the report writing would not be a cost savings as suggested by the speaker and that the annual report numbers referred to were not just marijuana, they also include heroin and prescription drugs. Chief Niekamp reviewed arrest and citation information relating to marijuana. After Council discussion, Mayor Wilson requested Chief Niekamp call the speaker and provide statistical information. Chief Niekamp also provided Council an update on current police reform issues and reiterated that Hurst is already a model for mental health training and that what some cities are discussing on national basis, is already in place. He reviewed operational procedures regarding use of force and stated their reports go back over 30 years. He reviewed CLEA standards and Hurst accreditation, which helps make sure policies are up-to-date. Council discussed the importance of support and appreciation by the community for the police department and the community policing philosophy.

Fire Chief David Palla provided an overview of the fire department's emergency management activity during the pandemic noting the partnership between the police and fire department to ensure proper health care. He noted that in recent months everyone's operations have changed and that even before COVID-19 cases were reported, Hurst was prepared. He noted that even Ebola has never disappeared and that at one time Hurst had houses staged by the Tarrant County Public Health department to accept patients if necessary. Chief Palla stated even at that time, they really didn't have to start the process, they changed the questions being asked. He stated Hurst had stocked PPE before COVID-19 and was really ahead of the game. He noted the mental toll on the fire personnel and their families, employee testing and the fact that there will be more cases. He stated now, with additional data, employees seem more comfortable. Chief noted the rapidly changing information, misinformation, impact to employees, and developing policies and instead of writing and re-writing policies based on bad information, Hurst is basically following TEDEM guidelines. Chief reviewed Hurst COVID-19 cases, recoveries, deaths and demographics.

City Manager Caruthers stated the City put a lot of effort, energy and budget dollars into maintaining the Hurst Way. He noted the connection of staff that has been lost due to COVID-19 and his belief we are at our best when we do connect. He stated Executive Director of Human Resource Matia Messemer will provide insight to the current workforce situation and their resiliency. Ms. Messemer briefed Council on the need to reengage the employees and culture in a purposeful way. She noted Hurst's culture is based on the Code of Ideals and the Hurst Way decision model, which is financial sustainability, passion for delivery in public service and customer service. She stated the model guide is provided by the Mayor and Council and that staff takes it to heart and is intentional in planning based on Council's Strategic Plan. She reviewed the leadership and innovation component priorities and how it enhances customer service. Ms. Messemer noted that COVID-19 provided an opportunity to see innovation and customer service come together and reviewed the numerous actions taken by departments during the pandemic to meet the commitment of

Hurst's culture. She stated that although the professional training budget is reduced, there are still resources for culture and leadership development. Mayor Wilson noted an organization emulates its CEO and Hurst's culture is because of the Executive Team and City Manager and that makes Council's job much easier. He expressed his appreciation for how well the Council works together.

Mayor Wilson recessed the meeting at 3:18 p.m. and reconvened at 3:28 p.m.

2. Discussion of possible amendments to the Code of Ordinances regarding zoning regulations, special event permits and massage parlors

City Manager Caruthers stated this item is for policy discussions regarding outdoor events, noting many administrative decisions are being made during COVID-19. He stated during the review of codes, staff discovered language related to carnival activity that requires examination and consideration. He stated Assistant City Manager Malaika Marion Farmer and Executive Director of Planning and Development will provide background information for Council to discuss what types of ordinance updates to bring for future consideration.

Ms. Lazo reviewed current temporary outdoor sales regulations and proposed amendments including zoning districts, removal of acreage, additional permits and length of permit, merchandise to be sold and removal of tent restrictions. She stated the proposed amendments will allow additional allowances for the smaller businesses. In response to Councilmember's questions, Ms. Lazo stated food trucks and entertainment would be allowed. Mayor Wilson suggested Ms. Lazo move forward with drafting an ordinance. Ms. Lazo reviewed possible amendments to Chapter 12 of the Code, relating to flea markets, secondhand or junk dealers and carnivals and circuses. She reviewed possible avenues for Farmers Market by replacing the flea market section in the Code of Ordinances with a new ordinance which would a blanket permit for one year, establish operating hours, parking requirements, signage, site plan, and health regulations. Mayor Wilson requested Council provide any suggestions regarding farmers markets and zoning so staff may incorporate for future consideration. Staff noted carnivals are currently only allowed in the Town Hall zoning designation and would not be allowed in the proposed outdoor sales event or farmers market proposals. Ms. Marion stated the mall could still have events that include items sold in the mall. Councilmember Booe noted his agreement to getting more traffic to the mall to create more shopping. Ms. Lazo also briefed Council on proposed massage parlor regulations noting the City currently has several reputable operators, but also have a number coming in that are not as reputable. She stated one clean up item in an existing ordinance does not allow massage parlors and recommends adding a definition and a possible SUP process. After Council discussion, staff stated additional information will be provided at a future meeting for further discussion.

City Secretary Rita Frick updated Council on policy issues previously discussed including a legal review of the Code of Ordinances and Charter. Also reviewed were several Code updates already accomplished and additional policy discussion areas for Council in the future. City Manager Caruthers requested Council advise staff if there are other items they wished to address and Councilmember Shepard indicated an interest in discussing chicken regulations.

Assistant City Attorney Matthew Boyle left at 3:45 pm.

3. Discussion and update of property tax roll and preliminary Fiscal Year 2020-2021 budget

City Manager Clay Caruthers noted substantial changes in the budget process this year and believes everything has been done in good faith to follow and prescribe to the new state laws. He stated tomorrow will be action items for Council to consider, but today is for information and discussion. Mr. Caruthers reviewed the property taxes July Certified Value Summary and stated the purpose of the top section is to provide a general understanding of the certified rolls and discounts provided to tax payers. He stated there was a \$44 million or .98% market value gain with a net taxable value gain of 1.14% or \$39 million in growth. He stated the northeast Tarrant County areas had around 1.2% growth and noted the legislative appraisal cap of 10%. Mr. Caruthers also noted the amount of revenue that exceeded the 10% appraisal cap is \$605,000, which is 1.7 cents. Also reviewed were exemptions totaling \$5.3 million with an estimated protest loss of \$640,000, senior/disabled freeze of \$1.3 million or 3.8 cents. He stated these exemptions are 30% of the value leaving the tax levy approximately 70% of the market value.

Mr. Caruthers reviewed the tax rates for consideration including the current tax rate, no new revenue rate, voter approval rates at 3.5% and 8% and a preliminary balanced budget rate with reserve allocations. He explained the tax rate changes passed by the legislature with Senate Bill 2. Also reviewed was new language regarding the voter approval rate capability of 8% if a disaster occurs, which he included for Council consideration. Mr. Caruthers stated staff is recommending a budget balanced with a rate of .613582 combined with \$500,000 in savings, which he calls the 3 + 1 plan made up of 3% reductions and 1% reserve. He explained if Council stays with this year's current rate there will be a need for another \$580,000. If the no new revenue rate is adopted, then \$250,000 will be needed. If Council goes to the voter approval rate, it will add \$400,000 additional revenue, so only \$100,000 would be needed from savings. He explained if the disaster resolution is adopted, the voter approval rate could go to 8% and add an additional \$1.1 million revenue. Mr. Caruthers reviewed various pressures on the tax rate including revenue loss in sales tax adding 3.2 cents in the 4B Fund, 3.3 cents to support the anti-crime fund, so 6.5 cents loss due to economic conditions. He noted the senior and disabled freeze accounts for 7 tenths of a penny and the fire equipment replacement at 2.5 tenths of a penny. Also reviewed were the decreases in the budget of 3.14%, 1.4369 cents allocation of reserves and growth in values providing 1.0629 cents. He stated he hoped to present a flat tax rate, but with the pressures noted, and flat property values this is the proposal to provide acceptable services to the citizenry.

Mayor Wilson stated that Clay, Clayton and finance department staff have been diligently working on the budget for months and considering every option. He stated staff could provide additional information regarding the 8% disaster resolution tomorrow and he wants Council to have an overview and tax rate knowledge before tomorrow's meeting. In response to Councilmember questions, Mr. Caruthers stated staff did not include fee decisions in the budget, except the Tennis Center, which was done mid-year. Assistant City Manager Clayton Fulton advised Council of the budget public hearing to be published in the newspaper on Sunday to meet hearing guidelines. City Manager Caruthers noted in past

years the public hearings would be in August and September, but due to the legislative changes, Council will have the hearing and consider adopting on August 12. Mr. Fulton also advised of the new SB2 requirement for appraisal districts to create a website, for people to see their value and proposed taxes, which will go live tomorrow. Mr. Caruthers advised of some possible confusion due to timing of the populated information on the site. He stated tomorrow, staff will ask Council for a vote for the proposed tax rate for publication. He reiterated that this is not the vote on the tax rate, which will be at the public hearing.

4. Informational Items – Items of community interest and review of City Council calendar of meetings. No items were discussed.

ADJOURNMENT – The meeting was adjourned at 4:14 p.m.

APPROVED this the 11th day of August 2020.

ATTEST:

Rita Frick, City Secretary

APPROVED:

Henry Wilson, Mayor

**Minutes
Hurst City Council
Special Session
Saturday, August 1, 2020**

On the 1st day of August 2020, at 8:00 a.m., the City Council of the City of Hurst, Texas, convened in Special 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
Jon McKenzie	)	Mayor Pro Tem
David Booe	)	Councilmembers
Larry Kitchens)	
Cathy Thompson)	
Bill McLendon)	
Cindy Shepard)	
Clay Caruthers	)	City Manager
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Michelle Lazo	)	Executive Director of Planning and Development
Greg Dickens	)	Executive Director of Public Works
Kyle Gordon	)	Executive Director of Community Services
Matia Messemmer	)	Executive Director of Human Resources
Steve Bowden	)	Executive Director of Economic Development
David Palla	)	Fire Chief
Steve Niekamp	)	Police Chief
Sunny Patel	)	Information Technology Director
Chris Connolly	)	Hurst Conference Center Director

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

CALL TO ORDER - The meeting was called to order at 8:00 a.m.

1. Presentation and Discussion of FY 2020-2021 Proposed Budget and consider designation of time and place for a public hearing on the proposed budget

Mayor Wilson stated that he knows that the information being presented today was not prepared lightly and that a lot of work and thought was given to the proposed budget. City Manager Caruthers reviewed the agenda discussion and action items for the meeting and provided an overview of academia of budget preparation and budget philosophy. He explained that Council and staff were moving the City and organization in a particular direction and were rudely interrupted by COVID-19. He explained line item budgeting and programmatic budgeting. He noted the City basically utilized a line item budget, but

through the budget award process, has incorporated other methods, such as performance measures, and has most recently focused on department ties to the City Council's Strategic Plan. He stated without staff understanding the Strategic Plan, they cannot connect the plan with the budget. He explained with limited resources and legislative challenges, it is necessary for every department to own their budget and make sure the dollars are aimed at the Council priorities. He reviewed the similarity of Maslow's Hierarchy of Needs compared to a pyramid of City services. He explained the challenge for departments today is to keep the entire pyramid. Mr. Caruthers explained that you want to keep the civic engagement, town hall forums and community built on connection, so you try to keep as lean as possible and that is where staff was heading then COVID hit and accelerated that challenge. Council briefly discussed line item and programmatic budgeting expressing their appreciation for staff's efforts. Mr. Caruthers stated four funds, General, 4B, Enterprise and Anti-Crime comprise 80% of the full budget and that will be the primary focus this morning. He stated Hurst Conference Center Director Chris Connolly will also provide an overview of the center. He stated due to the level of financial information, he will review the summary information and if the Council has detailed questions, the Executive Directors are available.

Mr. Caruthers reviewed the General Fund preliminary expenditure summary noting the proposed 2020-21 general fund budget of \$36,327,774, a \$1,176,748 (-3.14%) decrease from the 2019-20 adopted budgeted. He reviewed key expenditure changes and explained that originally staff had the mindset of 5% reductions + 5% reserves would be necessary due to sales tax losses. He stated sales tax losses were not as severe, even though he cautioned those times may still be in front of us. He stated through the federal stimulus, unemployment benefits and other factors remapped the extent of sales tax loss so it was not so severe. He stated the proposed budget is a 3% reduction plus 1% of savings to balance the proposed budget. Mr. Caruthers stated that \$1.2 million of the decrease is \$667,000 in personnel. He stated a key point for the public and City Council to keep in mind is that city budgets are by and large personnel driven, the city basically provides services and it very people intensive. He stated another key item is that SB2 prohibits the City from reducing compensation and benefits for public safety this year, eliminating his ability from cutting or changing plan revisions. Mr. Caruthers reviewed the frozen position policy, which was implemented immediately when stay at home orders were issued, noting they took the position to freeze the vacancy and not lay off a person. He reviewed the other key expenditure change details and staff's ability to operate accordingly. Mr. Caruthers reviewed the general fund revenue summary noting a negative \$-1,176,748 in projected revenues, the largest decrease being \$1,011,797 in sales tax revenue, and a \$1 million decrease for the intergovernmental transfer in from the 4B, Anti-crime and Enterprise Funds. In response to Councilmembers' questions, Mr. Caruthers stated they could reduce the cybersecurity program, and that due to new mandated training, staff has software with PSA's that could be utilized to help educate the public. Also discussed were various trainings and conferences that will be held virtually lowering travel costs. Councilmembers discussed not knowing what the future will hold regarding the economy. Mr. Caruthers stated staff is looking long term and are ready to cut additional areas if necessary. He explained staff will come to Council with revised items either up or down and that he appreciates Council's understanding of these uncertain times. He noted the City's financial policies require 90 days operations in reserve and noted that when you decrease the budget you can decrease that reserve, which is about a \$300,000 decrease to help offset. But, also noted was when you bring the budget back up, you have to

set more to the side to bring back up.

Assistant City Manager Clayton Fulton provided a rate and budget overview for the Enterprise Fund noting the City had their consultant do an in-depth review approximately three years ago and Council decided to maintain the current rate structure. He stated every year the City looks at the total fund performance and consumption and determines a rate increase. And, the City has always utilized a rate smoothing policy to avoid the high and low increase and decrease to the customers. He stated this year staff is proposing to go against that policy and not increase water rates. That increase usage from new apartments and weather cycles the fund performing 8% over last year. Mr. Fulton noted a \$350,000 budget reduction and wholesale calculation, which are basically flat. He reviewed other expenditure changes to the fund and noted that based on an average usage of 7,000 gallons, the average water charges in Hurst is approximately \$53 and wastewater \$43 for a total under \$100. Mr. Fulton reviewed Hurst rates compared to area cities and explained Hurst has no control of the wholesale wastewater costs from the City by Fort Worth so the BOD and TSS are just passed through to the customer. Also noted is that TRA's rates are increasing as well as Fort Worth.

City Manager Caruthers noted the Crime Fund was already covered at the last Council meeting. He stated the 4B Fund is the fourth major fund and reviewed the proposed operating budget of \$4,193,767, which is a percentage decrease of 14.52%. He reviewed recent pay-as-you go activity and noted that on the TXDOT median project Council will notice a small section of median that will be skipped on the next phase as staff works out grant funding. Mr. Caruthers pointed out the proposed budget has no fiscal year 20-21 projects in pay-as-you-go. He stated this year the General Fund budget impact is .128 cents, when in the past it was about .15 cents. Staff also noted the multi-year projects and that over 5 years will be able to maintain \$1 million balance.

Hurst Conference Center Director Chris Connolly provided an update on the Hurst Conference Center noting a 5% reduction in the budget with reductions in electricity, marketing and most capital expenses excluding the internet upgrade. He noted \$700,000 in lost events due to COVID, but that most have moved until after September 30. He reviewed current operation changes due to need for social distancing and some of the innovative events staff is implementing to help generate revenue. He stated that with all of the canceled events they are projecting a quarter million loss this year and unfortunately be in the red for the first time in years. Council noted the great job staff has done to be creative in event planning.

Mayor recessed the meeting at 9:29 a.m. and reconvened at 9:39 a.m.

City Manager Caruthers noted staff introduced the tax rate yesterday, and provided a quick overview noting each tax rate for consideration. He stated the preliminary budget proposed tax rate is .613582 and a 1.6 cent increase higher than the no new revenue rate. He stated that since the preliminary rate is above the no new revenue rate means the Council has to vote on the proposed tax rate increase and direction to publish the notice of tax rate increase. He stated it would not be necessary if Council decided to have staff lower the rate to the no new revenue rate, which would be a \$250,000 impact. He stated the current tax rate would entail a reduction of \$558,000. Mr. Caruthers reiterated that due to the Cares Act funding

and ruling on how the City may use the funds, and sales tax being a little better than expected, if Council decides on the no new revenue rate, staff can make it work. He stated you will be in somewhat of a hole starting out in next year's budget especially if values continue to fall. Mr. Caruthers stated staff is strongly recommending not going to roll back this year. He again reviewed current state law and the allowance of 3.5% growth and also the ability under an emergency to go to 8% as outlined in the proposed resolution. Mr. Caruthers read the law allowing the voter approval rate to be calculated as a special taxing district and noted that though it is written in the law, the Governor, Lt. Governor and Attorney General have stated a pandemic is not the intent of this law for disaster. Mayor Wilson reviewed pros and cons to the adoption of the proposed Resolution 1772 and suggested the Council consider the 3.5% rate and not pass Resolution 1772. Council discussed the rates, uncertain future and economic times and the impact to the citizens. Mayor Wilson also requested staff place the budget presentation on the website for the public. Staff noted the public hearing notice for the budget reflects the proposed preliminary budget. Council discussed the pros and cons spending down reserves and to minimize extra funds coming from reserve. Staff noted that if Council moves from the preliminary rate to the voter approval rate the tax increase on an average home will go from 7% to 9% and be an extra \$20 dollars a year.

Councilmember Kitchens moved to hold a Public Hearing on the proposed budget on August 12, 2020, at 6:30 p.m. at City Hall, noting the meeting may be held virtually. Councilmember Thompson seconded the motion. Motion prevailed by the following vote:

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

2. Consider Resolution 1772 directing the City of Hurst designated officer to calculate the voter-approval tax rate in the manner provided for a special taxing unit pursuant to Sections 26.04(c-1), Texas Tax Code

Councilmember Kitchens moved to deny Resolution 1772. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

3. Consider vote on the proposed tax increase for Fiscal Year 2020-2021

Councilmember Kitchens moved that the City Council vote to place a proposal to adopt a tax rate of \$0.625159 per \$100 valuation on the agenda of the August 12, 2020 special meeting, and also call for a public hearing on the notice of tax increase on August 12, 2020. Motion seconded by Councilmember Thompson. Motion prevailed by the following vote:

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

4. Consider ordering the publication of the no-new-revenue and voter-approval tax rates,

including a proposed tax rate, to be published on August 7, 2020, in the “Fort Worth Star-Telegram” to comply with truth-in-taxation laws

City Manager Caruthers noted this item is to consider ordering the publication of the no-new-revenue and voter-approval tax rates, including a proposed tax rate, to be published on August 7, 2020.

Councilmember McKenzie moved that the no-new-revenue, voter-approval, and proposed tax rates, which includes the I&S rate of \$0.120973, be published on August 7, 2020 in the “Fort Worth Star-Telegram” to comply with truth-in-taxation laws. Motion seconded by Councilmember Thompson. City Manager Caruthers reiterated that based on the 3.5%, the numbers will change based on Council’s decision. Motion prevailed by the following vote:

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

No: None

City Manager Caruthers stated that part of the budget journey and pragmatic way of thinking is not only the program but the fees assessed for the programs. He stated that as noted the only fee increase in the proposed budget was Tennis Center. He stated that Executive Director of Community Services will bring Council up-to-date on the consultant hired to look at community services fees and programs and then Assistant City Manager Fulton will provide a few other areas staff will bring to Council for consideration. Mr. Gordon provided a detailed overview on the cost recovery project and fee adjustments reviewing the pyramid methodology philosophy and Model levels and filters. He reviewed the table top exercise and that participants developed a consensus for each service category looking at the true benefit of the service. Mr. Gordon noted the extensive time to complete the determination of cost recovery and explained the levels of community benefit and the spread from no recovery/full subsidy to revenue positive/enterprise fees. He reviewed various program changes for future Council discussion including the Tennis Center, Adult Softball, Recreation, Senior Center, Aquatics and Youth Athletics contract changes. City Manager Caruthers noted the detailed information provided by Kyle allows the Council to see the detail the executive team is using to look at service levels. He stated that government is different in that typically the service provided is for the public good and people understand the general tax dollars provide for government good. He stated over the years leagues have morphed into more of a private mentality and while the City has maintained a \$7-dollar fee, leagues have changed the landscape into an 18-billion-dollar industry. He stated the fields are better, lighting is better, stands, restrooms, etc. added and fees have not been adjusted. He stated staff will continue to work with the leagues, but will bring back changes with the understanding the City has to recover an acceptable amount of our costs. He explained the 4B Fund is where the City is subsidizing these programs and through a \$1 million dollar loss, the discussion will need to be accelerated. Assistant City Manager Fulton also noted other options for future Council discussion regarding credit card convenience fees, utility billing service based fees, CPI Options with Republic and the Storm Drainage Utility fees has not been adjusted since 2009. He also noted that some cities in Texas have a street maintenance fee, but none in the current area. Mayor Wilson commented on the enormous amount of work staff and Council put in on today’s discussions.

5. Informational Items – Items of community interest and review of City Council calendar of meetings – Mayor Wilson noted that from yesterday’s discussions he believes there is a much simpler way to address the issue and that if Council has no objections staff will allow the Farmers Market on Karla to continue every Saturday until Council can address this issue.

ADJOURNMENT – The meeting was adjourned at 11:03 a.m.

APPROVED this the 11th day of August 2020.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Staff Report

SUBJECT: Presentation of the Annual Report on the Storm Water Management Plan	
Supporting Documents:	
	Meeting Date: 8/11/2020 Department: Public Works Reviewed by: Greg Dickens City Manager Review:
Background/Analysis:	
This item provides for City Engineer Duane Hengst to present the annual report on the Storm Water Management Plan.	
Funding Sources and Community Sustainability:	
There is no fiscal impact.	
Recommendation:	
There is no staff recommendation.	



Storm Water Management Program (SWMP)

ANNUAL REPORT TO COUNCIL

City of Hurst, Texas

August, 2020



Courtesy NCDENR

What is a *SWMP*?

Description: A comprehensive program for addressing Federal and State regulatory and policy requirements for managing water quality impacts of storm water runoff and the City's natural surface waters to support their environmental quality.

Federal Clean Water Act:

Goal is to restore all waters of the states to their fishable and swimmable conditions.



Program Overview: The Texas Pollutant Discharge Elimination System (TPDES) is intended to improve the quality of the rivers, lakes, and streams by reducing pollution from *non-point sources*. TCEQ is the regulatory authority.

TCEQ



Regulatory authority over **discharges of pollutants to Texas surface water.**

- Three types of Storm Water Permits: Construction, Industrial and Municipal.
- Hurst is operator of a *Small Municipal Separate Storm Sewer System* or Small **MS4**.
- In Texas, the first MS4 General Permit was issued August 2007, an update issued in December 2013, and the most recent was issued in January 2019.
- The State's MS4 General Permit is issued for a period of five years.
- All MS4s are required to submit a new SWMP every five years to the TCEQ if they want to remain in compliance.

City of Hurst is an Authorized Small MS4 Operator



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System (MS4) General Permit

The Notice of Intent (NOI) for the Small MS4 listed below was received on June 10, 2014. The intent to discharge stormwater associated with the Small MS4 under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) Small MS4 General Permit TXR040000 is authorized. The MS4 Operator's TPDES Small MS4 general permit authorization number is:

TXR040039
Coverage Effective: 12/5/2008

TCEQ's Small MS4 General Permit requires certain stormwater pollution prevention and control measures, possible monitoring and reporting, and periodic inspections. Among the conditions and requirements of this permit, you must have prepared and implemented a stormwater management program (SWMP) that is tailored to your MS4. As an MS4 authorized to discharge under the Small MS4 General Permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:
RN105481196
CITY OF HURST MS4
AREA WITHIN THE CITY OF HURST CORPORATE LIMITS THAT IS
LOCATED IN THE DALLAS FORT WORTH ARLINGTON URBANIZED
AREA
HURST, TX 76054
TARRANT COUNTY

OPERATOR:
CN601349863
CITY OF HURST
1505 PRECINCT LINE RD
HURST, TX 76054-3302

This permit authorization expires on December 13, 2018, unless otherwise amended. For additional information, see the TCEQ web site at <http://www.tceq.texas.gov> or contact the Stormwater & Pretreatment Team at swgp@tceq.texas.gov or by telephone at (512) 239-4671. A copy of this document should be kept with your storm water management program.

Issued Date: 5/26/2015


FOR THE COMMISSION

- 2nd Texas MS4 General Permit issued 12/13/13
- Notice of Intent (NOI) & SWMP submitted by Hurst 6/10/14
- NOI published in the Star Telegram on 11/3/14
- Authorization to discharge under the *Small MS4 General Permit* issued to City of Hurst on 5/26/15

Coverage for City of Hurst

Effective: 12/5/2008

Expires: 12/13/2018

Annual Reporting Requirements for Small MS4s TPDES General Permit Number TXR040000

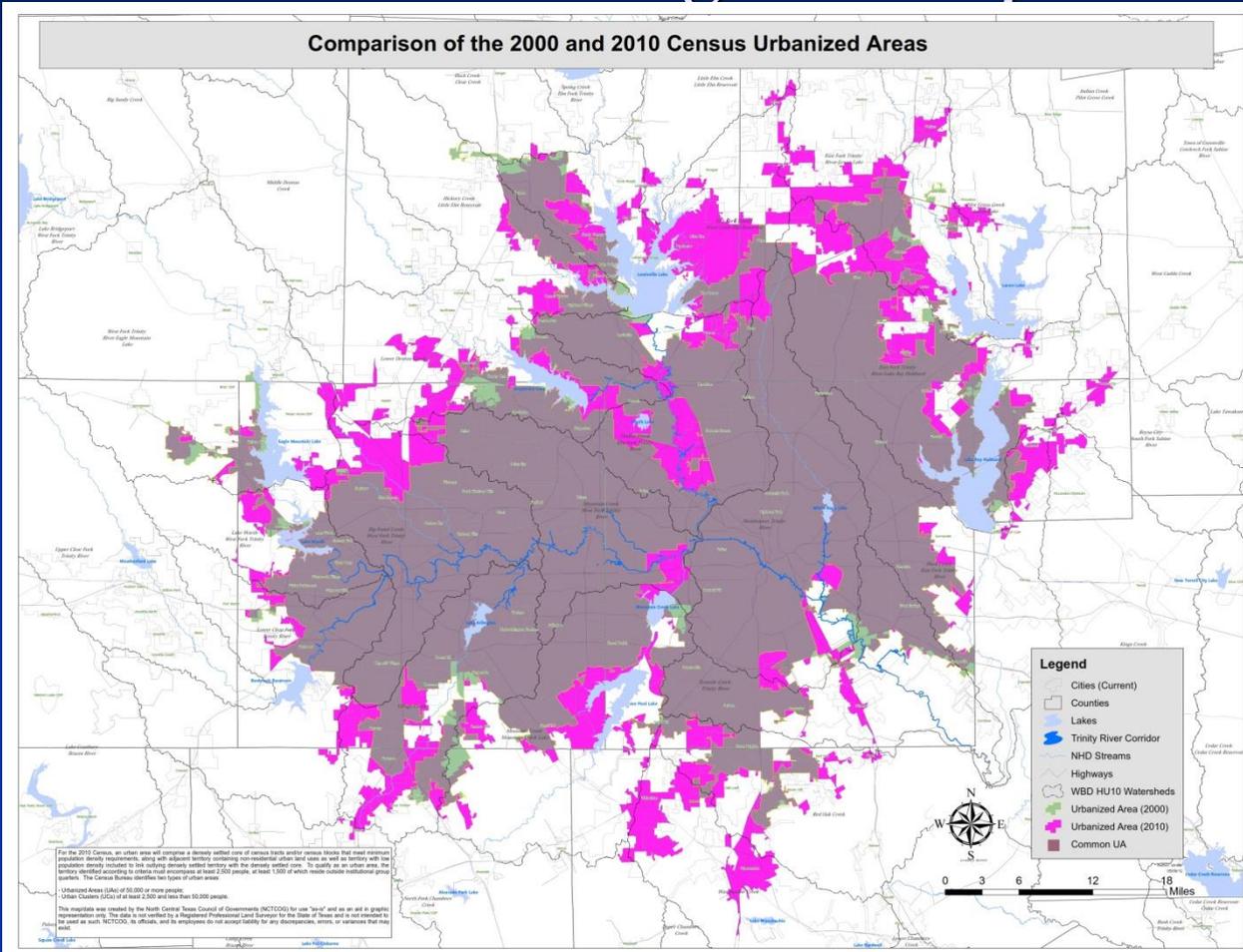
- 2013 General Permit requires the following to be included in Annual Reports:
 - An assessment of the success of each Measurable Goal
 - Evaluation of our selected Best Management Practices (BMPs) effectiveness* at reducing pollutants of concern.

**To the maximum extent practicable.*

Practicable - Able to be done or put into practice successfully.

- Report on BMP implementation: Annual Reports for each calendar year are due to TCEQ within 90 days of year-end (March, 31st).

US Census Urbanized Area Determines Small Regulated Operators (MS4s)



2014-2018 Categories of Regulated Operators

Level 1 <10,000

Level 2 10,000 to 39,000*

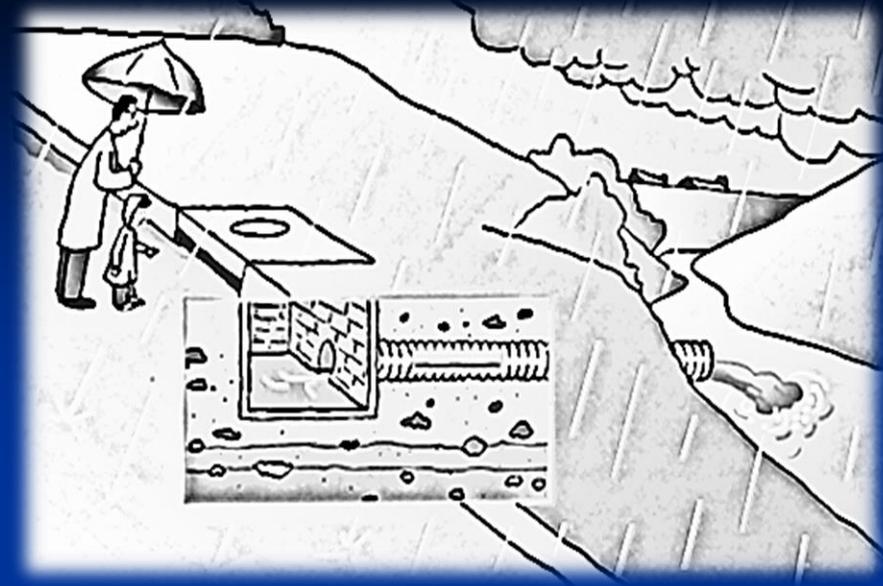
Level 3 40,000 to 100,000

Level 4 >100,000

Population determines which Minimum Control Measures (MCMs) must be addressed and program requirements.

City of Hurst
2014-2018

**Minimum Control Measures
(MCM)**



- 1. Public Education & Outreach**
- 2. Illicit Discharge Detection & Elimination**
- 3. Construction Site Storm Water Runoff Control**
- 4. Post-Construction Storm Water Management in New Development & Redevelopment**
- 5. Pollution Prevention & Good Housekeeping in Municipal Operations**

Best Management Practices

BMPs for 2014 through 2018 are:

- **Selected** specific to Hurst for each Minimum Control Measure.
- **Evaluated** annually for effectiveness.
- **Modified** and **Improved** as needed.
- **Focused** to address pollutants of concern as identified in an approved Implementation Plan for the West Fork of the Trinity River.

City of Hurst SWMP BMP's Dec 13, 2013 to December 31, 2018	
MCM #1 Public, Education, Outreach & Involvement	
1.1	NCTCOG Storm Water Public Education Task Force Participant
1.2	NCTCOG Cooperative Purchase and Outreach
1.3	Utility Bill Inserts
1.4	City Website page with Educational information and resources for all ages
1.5	Storm Drain Markings
1.6	Adopt a SPOT in Hurst
1.7	Storm Water Hotline
1.8	Yearly presentation to City Council
MCM #2 Illicit Discharge Detection & Elimination	
2.1	Storm Drain System Mapping
2.2	Dry Weather Screening
2.3	Illicit Discharge Ordinance
2.4	Illicit Discharge Investigations
2.5	Reduce Illegal Dumping
2.6	Reduce Sanitary Sewer Overflows
2.7	Pet Waste Reduction (pet waste stations)
2.8	Household Hazardous Waste Disposal
2.9	NCTCOG, IDDE Task Force
2.10	On-site procedures for responding to illicit discharges & spills
MCM#3 Construction Site Storm Water Runoff Control	
3.1	Erosion Control Site Plan Review
3.2	Pre-Construction Meeting Discussion
3.3	Implement ISWM (Adopted October 2012)
MCM#4 Post-Construction Storm Water Management in New Development and Redevelopment	
4.1	Implement ISWM (Adopted October 2012)
4.2	Channel/Inlet Maintenance & Inspection
4.3	Document & Maintain Records of Enforcement Actions
4.4	Long-Term Maintenance Program
MCM#5 Pollution Prevention and Good Housekeeping in Municipal Operations	
5.1	NCTCOG Pollution Prevention Training
5.2	BMP/SD Manual for City Facilities MODIFIED to NCTCOG Pollution Prevention Task Force
5.3	Roadway Cleaning
5.4	Vehicle Maintenance
5.5	Vehicle Washing
5.6	Vehicle Fueling
5.7	Materials Storage Controls
5.8	Purchase/Use De-chlorination Equipment
5.9	Licensed Applicators Pesticides/Fertilizers
5.10	Inventory of facilities& SW Controls owned/operated by the City
5.11	Structural Control Maintenance
MCM#6 Industrial Storm Water Sources	
City of Hurst is a Level 2 small MS4. N/A.	
MCM #7 Authorization for Municipal Construction	
Activities (Optional, not developed at this time)	



City of Hurst Participates in the NCTCOG Regional Storm Water Program

- Information about Regional Programs such as TX Smartscape and Doo The Right Thing
- Annual Cooperative Purchase
- Reference & Training Materials
- Task Force Meetings
 - Illicit Discharge Detection and Elimination,
 - Public Education,
 - Pollution Prevention for Municipal Operations





Benefits of participation in the Regional Storm Water Program

- NCTCOG hosts educational events at their offices and at locations throughout the region.
- Provides manuals that can be adapted for local use.
 - The Self Audit Guidebook Template for Municipal Operations
 - Regional Standard Operating Procedures (SOPs) for Municipal Operations
- Educational Videos
 - Freddy the Fish
- Summary of City of Hurst participation and specific activities, trainings, and meetings attended is used to achieve BMP's which is described in our Annual Report to the TCEQ.



City of Hurst Employee Website

Where We Work

One of the biggest challenges is to efficiently distribute information and resources to employees. The SWMP tab on the Where We Work website was created for this purpose.

- Employees can access just the information they need.
- Changes to the City of Hurst BMPs can be highlighted on the site.
- Training opportunities and reference materials can be easily shared. For example, links have recently been provided to these two new items:
 - Self Audit Guidebook Template for Municipal Operations, and
 - Regional Standard Operating Procedures (SOPs) for Municipal Operations.
- The webpage helps meet the challenge of implementing a 'living' document.

The screenshot shows the City of Hurst website interface. At the top, it says "CITY OF HURST TEXAS" and "Where We Work". Below this are three images: a meeting room, a building with flags, and another building. A navigation menu on the left lists various site sections, with "SWMP" highlighted. The main content area is titled "STORM WATER MANAGEMENT PLAN (SWMP)" and contains the following text:

The City of Hurst Storm Water Management Plan (2014 to 2015)

TCEQ approved a new General Permit on December 13, 2012. In accordance with approved General Permit, the City of Hurst updated its previous Storm Water Management Plan (SWMP). Please contact Greg Dickson, PE, CFM, City Engineer at extension 7050 with any questions or if you require additional information.

City of Hurst Storm Water Management Plan Reporting

Annual Report Template by TCEQ

2014-15 BMPs Documented Activities & Measurable Goals *	Annual Reports to TCEQ
December 14, 2013 to December 31, 2014	2014 Annual Report by March 31, 2015
January to December of 2015	by March 31, 2017
January to December of 2016	by March 31, 2018
January to December of 2017	by March 31, 2019
January to December of 2018	

* Per the General Permit, BMPs can be replaced and modified during the permit term.

Storm Water Pollution Prevention Training Videos for Municipal Employees

In an effort to keep you well informed we have posted all available training videos on the Intranet.

Additional Resources & Information

- NCTCOG Self Audit Guidebook Template for Municipal Operations
- Regional Standard Operating Procedures (SOPs) for Municipal Operations
- National Menu of Stormwater Best Management Practices (BMPs)
- **Shop Posters**
 - Fleet Maintenance
 - Land Disturbance
 - Materials Storage and Spill Cleanup
 - Parks and Grounds Maintenance
 - Solid Waste Operations
 - Streets and Drainage Maintenance
- Best Management Practices for Storm Water Management measurable goals, actions and documented activities
- **2014 SWMP Review**
 - 2014 BMP Review Worksheet
 - Memo to SWMP Responsible Authorities from Greg Dickson, City Engineer
 - Table of Contents
 - City of Hurst Phase II NPDES SWMP Timeline
 - Departments Contributing to the Review of the City of Hurst SWMP
 - 2014 Review Tips from TCEQ
 - Existing SWMP Responsible Authority (Department) by MCM
 - New 2013-2014 Minimum Control Measures
 - Abbreviations & Glossary of Storm Water Terms
 - Existing SWMP Responsible Authority (Department) Chart by BMP (11x17)
- 2008 Hurst SWMP
- 2008 Hurst SWMP Summary
- TCEQ, Jaye Zyman-Pensabek's presentation and a video of the presentation at NCTCOG on 1/4/14 can be found here: http://www.nctcog.org/cnvtr/5880c0an/stormwater/resources/rules-rags/MS4_permit.asp
- Webinar 1/15/14 Phase II Requirements: An Update for Those in the Know and Where to Start for the Newly Regulated [http://www.wcat.org/videos/PhaseIIWA\(2014-01-15\)-1024x558-554.wmv](http://www.wcat.org/videos/PhaseIIWA(2014-01-15)-1024x558-554.wmv)
- TCEQ General Permit TXRD40000 for Phase II (Small) MS4s http://www.tceq.texas.gov/permitting/stormwater/WQ_ms4_small_TXRD4.htm
- NCTCOG Regional Stormwater Management Program <http://www.nctcog.org/cnvtr/5a0c00an/stormwater/>

Departmental Involvement

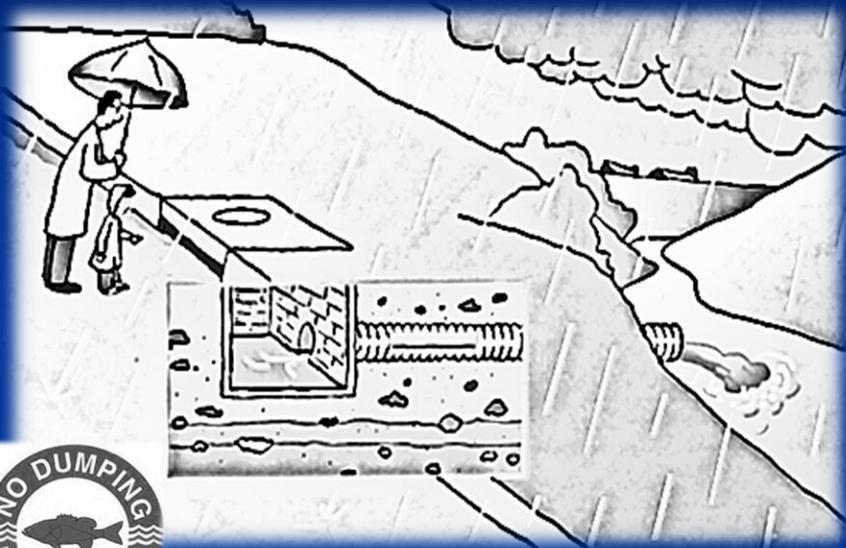
- Public Works has taken responsibility of administering the plan, but Public Works is not the only department involved with storm water management BMPs.
- Many other departments are involved with implementing and administering the storm water management plan.
 - For example Public Works, Parks & Animal Control all participate in helping people “Doo the Right Thing.”



Implementation Measures

- Household Hazardous Waste Event
- Staff participation and support for the NCTCOG Regional Stormwater Management Program
- Construction site inspection and enforcement
- Engineer design review
- Implement IDDE ordinance and maintain records of actions
- Promote Texas SmartScape educational Storm Water webpage
- Storm sewer system and structural control maintenance.
- Street sweeping
- Public Education at events like National Night Out & Dogtoberfest.

Questions?



ONLY RAIN DOWN THE DRAIN

City Council Staff Report

SUBJECT: Consider Resolution 1773 ordering a Special Election to be held November 3, 2020, to allow voters to consider voting for or against “the legal sale of all alcoholic beverages for off premise consumption only” and authorizing a Joint Election Agreement and Contract for Election Services with Tarrant County

Supporting Documents:

Resolution 1773 will be provided at the meeting

Meeting Date: 8/11/2020

Department: Legislative and Judicial Services

Reviewed by: Rita Frick

City Manager Review:

Background/Analysis:

The City of Hurst received a petition August 3, 2020 to allow the voters to consider voting for or against the following proposition: “the legal sale of all alcoholic beverages for off premise consumption only”.

The City contracted with Tarrant County Elections Administration to validate the petition. Staff will present the petition to the Council at the August 11, 2020 City Council meeting. If the petition meets the requirements of Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code, the proposed Resolution 1773 will order the election as prescribed by law.

The Main Early Voting location will be the Tarrant County Elections Center located at 2700 Premier Street, Fort Worth, Texas. There will be additional branch early voting locations throughout the County, as finalized in the Joint Agreement and Contract with the Tarrant County Elections Administrator.

The anticipated branch early voting locations within the City of Hurst includes Brookside Center, 1244 Brookside Drive and the Tarrant County Northeast Courthouse, 645 Grapevine Highway. The County will provide a final listing of all available branch sites at a future date. Hurst residents may vote at any early voting site in Tarrant County during the early voting by personal appearance process.

The Election Day polling sites, in Hurst, will be at the Hurst Public Library, 901 Precinct Line Road and Brookside Center, 1244 Brookside Drive. Tarrant County will provide a

final listing of all election day voting sites in Tarrant County and Hurst voters will be able to vote at any site on election day.

The proposed Resolution orders the election, authorizes a Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator.

Funding Sources and Community Sustainability:

Funding is provided in the Fiscal Year 2020-2021 budget. This item is representative of the **Council's vision and mission statements along with their goals and priorities.**

Recommendation:

Staff recommends the **City Council approve Resolution 1773 calling the November 3, 2020 Special Election.**

City Council Staff Report

SUBJECT: Consider Resolution 1774 ordering the City of Hurst November 3, 2020 General Election and authorizing a Joint Election Agreement and Contract for Election Services with Tarrant County

Supporting Documents:

Resolution 1774 will be provided at the meeting

Meeting Date: 8/11/2020

Department: Legislative and Judicial Services

Reviewed by: Rita Frick

City Manager Review:

Background/Analysis:

The City utilizes the May uniform election date for the City’s General Election of Officers. This year, due to the COVID-19 pandemic, City Council approved Resolution 1764 postponing the May 2, 2020 General Election of Officers to the November 3, 2020 uniform election date as authorized by the Governor of Texas.

The proposed Resolution will order the City’s General Election of Officers to be held November 3, 2020 and provides for the Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator.

The Main Early Voting location will be the Tarrant County Elections Center located at 2700 Premier Street, Fort Worth, Texas. There will be additional branch early voting locations throughout the County, as finalized in the joint agreement and contract with the Tarrant County Elections Administrator.

The anticipated branch early voting locations within the City of Hurst includes Brookside Center, 1244 Brookside Drive and the Tarrant County Northeast Courthouse, 645 Grapevine Highway. The County will provide a final listing of all available branch sites at a future date. Hurst residents may vote at any early voting site in Tarrant County during the early voting by personal appearance process.

The Election Day polling sites, in Hurst, will be at the Hurst Public Library, 901 Precinct Line Road and Brookside Center, 1244 Brookside Drive. Tarrant County will provide a final listing of all election day voting sites in Tarrant County and Hurst voters will be able to vote at any site on election day.

The proposed Resolution orders the election, authorizes a Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator.

Funding Sources and Community Sustainability:

Funding is provided in the Fiscal Year 2020-2021 budget. This item is representative of the **Council's vision and mission statements along with their goals and priorities.**

Recommendation:

Staff recommends the **City Council approve Resolution 1774 calling the November 3, 2020 General Election.**

City Council Staff Report

SUBJECT: Consider authorizing the city manager to renew the current contract with Cigna to provide stop-loss insurance for the health plans and third-party administration for the health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective 10/1/2020 through 9/30/2021

Supporting Documents:

City of Hurst Cigna Rate Confirmation
2020-2021

Meeting Date: 8/11/2020

Department: Human Resources

Reviewed by: Matia Messemer

City Manager Review:

Background/Analysis:

Health/Pharmacy Benefit Management (PBM) and Stop Loss Insurance

The City of Hurst's health plan has been self-funded since October 1, 1990. In an effort to responsibly control maximum possible liability, the City purchases specific and aggregate stop loss insurance on the medical and pharmacy benefits. The City issued a Request for Proposals (RFP) for stop loss insurance. This RFP process was coordinated and managed by the City's benefits consultant, HUB International, and resulted in several vendor proposals for services. There were three finalists.

After reviewing best and final offers, HUB recommended the City renew services with Cigna for stop loss insurance for plan year 2020-2021. The final negotiated renewal for stop loss insurance will result in a 1.2% increase in premium cost.

As part of the best and final offer for renewal, Cigna will provide a \$35,000 Health Improvement Fund, and provide an administration fee credit of one time \$25 per employee per month or \$108,000.

Employees currently share in the cost of the health coverage by contributing a portion of their annual salary plus a flat rate per month. Eligible retirees, not yet Medicare eligible, contribute a flat amount per month based on their years of service

immediately prior to retirement and their contribution will be increasing for the coming plan year.

Funding Sources and Community Sustainability:

Administrative Services Only for DPPO and Fully Insured DHMO Plan

Cigna provides third party administration for the City's self-funded dental ASO plan (DPPO). There is a 6.7% overall increase. The dental HMO plan is fully insured and premiums will increase by 2% with a two-year rate guarantee. The City and employees share in the cost of dental insurance.

The Hurst Way's **financial sustainability** component has provided the mindset and guideline for which employee and retiree health benefits are managed. Under City Council's strategic initiatives of **leadership** and **innovation**, staff continues to evaluate, plan, and implement cost containment measures while providing an attractive total rewards system for eligible full-time employees. The City partners with HUB International to benefit from market competition, industry expertise, and innovative solutions.

The costs for these benefits are incurred by the Loss Reserve Fund (Health fund). **Overall costs are shared between the city departmental budgets, employees, and retirees.** The expected annual funding total for medical and pharmacy benefits for the 2020-2021 plan/fiscal year is \$6,051,358, which is an overall 1.2% increase over the prior plan year. The expected annual funding total for the DPPO (self-funded dental) plan is \$276,102, which is an overall 5.66% increase over the prior plan year. The expected annual premium for the DHMO (fully-insured dental) plan is \$32,322.48.

Recommendation:

Staff recommends City Council **authorize the city manager to renew the current Contract with Cigna to provide stop-loss insurance for the health plans, third-party administration for the health plans and dental ASO plan, and fully insured dental HMO insurance for eligible full-time employees, retirees, and dependents effective 10/1/2020 through 9/30/2021.**

Ruben Parra
Senior Client Manager



1640 Dallas Parkway
Plano, TX 75093
(972) 863-5153

July 28, 2020

Ms. Matia Messemer
City of Hurst
1505 Precinct Line Road
Hurst, TX 76054

**RE: October 1, 2020 Renewal Confirmation--City of Hurst
Policy #3333697 (Medical and Dental)**

Dear Matia:

We are pleased to hear that City of Hurst will be renewing with CIGNA Healthcare for another plan year. This letter is to confirm our agreement on the final renewal fees/rates effective October 1, 2020.

ASO Medical Products and contracts to Policy Number 3333697.

~\$150,000 Individual Stop Loss

~120% Claims attachment.

~100% minimum attachment.

~Medical administrative fees, network access fees, and H.S.A. fees will remain the same and are guaranteed for 24 months(10-1-20 thru 9-30-22)

●RETIREE PLAN:

~No Benefit Changes

●H.S.A./HDHP PLAN:

~No Benefit Changes

●OAP PLAN:

~No Benefit Changes

●OTHER UPDATES:

~One Time \$25 PEPM or \$108K administration fee credit will be provided to The City of Hurst.

~\$35,000 Health Improvement fund.

●Dental:

~Fully Insured Dental Care (HMO network) renew with K1-09 patient charge schedule; 2% rate increase will apply

~ASO Dental Choice (Total Cigna DPPO network) with no change to benefits. ASO Fee pass

Please take the time to review the renewal rates attached. If you are in agreement with these figures, please sign and date at the bottom and return to my attention. I will forward to our Implementation Team so that they can update our system.

Sincerely,

Ruben Parra

Ruben Parra
Senior Client Manager
CIGNA Healthcare

"Cigna" is a registered service mark, and the "Tree of Life" logo is a service mark, of Cigna Intellectual Property, Inc., licensed for use by Cigna Corporation and its operating subsidiaries. All products and services are provided by or through such operating subsidiaries and not by Cigna Corporation. Such operating subsidiaries include Connecticut General Life Insurance Company, Cigna Health and Life Insurance Company, and HMO or service company subsidiaries of Cigna Health Corporation and Cigna Dental Health, Inc.

**City of Hurst
Plan No. 3333697
Rates Effective October 1, 2020**

MEDICAL PLAN	Medical Composite Factors			
	CONSUMER ADVANTAGE	RETIREEES	H.S.A./HDHP	OAPIN
FACTORS				
Administrative Fees (Fees guaranteed 10/1/2020-9/30/2022)	Removed Effective 10/1/19	\$32.20	\$36.70	\$32.20
Individual Stop Loss		\$228.56	\$228.56	\$228.56
Aggregate Stop Loss		\$4.52	\$4.52	\$4.52
Total Fixed Costs		\$265.28	\$269.78	\$265.28
Attachment Factor		\$1,305.12	\$1,049.12	\$1,455.18
Maximum Liability		\$1,570.40	\$1,318.90	\$1,720.46

(10/1/19 thru 9/30/20)	CIGNA FULLY INSURED DENTAL HMO			
	Employee	EMP+Spouse	EMP+Children	EMP+Family
Premium Rates	\$15.24	\$28.97	\$28.97	\$43.44
Claims Funding	\$0.00	\$0.00	\$0.00	\$0.00
Maximum Liability	\$15.24	\$28.97	\$28.97	\$43.44

CIGNA ASO-DENTAL PPO	
Guaranteed 10/1/20 - 09/30/2022	
Dental PPO Administrative Fee	\$2.00
Dental PPO Access Fee	\$0.70

Approved and Accepted this _____ Day of _____ 2020

Signature _____

Title: _____

SUBJECT: Consider authorizing the purchase of two HVAC units for the Hurst Conference Center (HCC)	
Supporting Documents:	
Contractor's Bid	<p>Meeting Date: 8/11/2020</p> <p>Department: Hurst Conference Center</p> <p>Reviewed by: Chris Connolly</p> <p>City Manager Review:</p>
Background/Analysis:	
<p>An HVAC unit that supplies half of the airflow for the Gallery area of the HCC and a second smaller unit that supplies air to a section of the ballroom must be replaced. The units are entering their 11th year of service and are no longer being manufactured. There are no suitable replacement parts for the larger unit. The repair cost of the smaller unit was very close to the price of a new unit. The new units will operate more efficiently and include Bi-Polar Ionization. Bi-Polar Ionization is the only tested method to eliminate COVID19 from the air stream. The vendor will be Johnson Controls (TIPS/TAPS)</p> <p>The cost of the removal and replacement of the units is \$82,877.</p>	
Funding and Sources and Community Sustainability:	
<p>Funds are available from Special Projects. \$16,000 of the costs may qualify for CARES Act funding for local government. Staff believes this purchase focuses on the public service and customer service aspects of the Hurst Way.</p>	
Recommendation:	
<p>Staff recommends the City Council authorize the purchase of the two HVAC units not to exceed \$84,000.</p>	

2020

Hurst Conference Center RTU Replacements



PRESENTED BY:

Jonathan Watts

Patrick Mooney

JOHNSON CONTROLS BUILDING EFFICIENCY

Thursday, July 11, 2019

Hurst Conference Center RTU Replacements

To: City of Hurst
 1601 Campus Dr.
 Hurst, Texas 76054

Date: Wednesday, June 17, 2020

Project Name: RTU Replacement

Attn: Chris Connolly

Proposal Ref # 08042020

JCI is proposing to the replace this with a 30 ton York unit with integratable controls to the existing Metasys system. The existing units have costly repairs required for proper long-term operation. JCI has been asked to provide a turnkey proposal for the replacement of these units.

PRICING SUMMARY

Scope	Price
Base Scope - Replace 1 (one) 30 ton Rooftop Unit and 1 (one) 3 ton Rooftop Unit	\$66,909.00
Add Alt 1 - Install Bi-Polar Ionization to 1 (one) 30 ton and 1 (one) 3 ton Rooftop Unit	\$15,978.00
Total Price	\$82,877.00

BASE SCOPE OF WORK – Per Unit

1. Coordinate and schedule work with facilities personnel.
2. Coordinate pre-construction with sub-contractors for safety and site requirements.
3. Coordinate staging areas for crane and equipment.
4. Lockout and tagout electrical to the unit.
5. Disconnect controls.
6. Inspect ductwork for any fasteners or screws attached to roof top unit frame.
7. Disconnect condensate piping and gas piping from units.
8. Stage crane in owner specified area for rigging and removal of roof top units as applicable.
9. Install new curb adapter where applicable
10. Rig and set new roof top unit on new roof supports.
11. Modify supply and return air ductwork for new roof top unit as needed
12. Seal all supply and return air ductwork with SMACNA approved outdoor sealer.
13. Install condensate piping roof supports as needed.
14. Install new Copper condensate drain piping and tie into existing drain piping.
15. Reroute and install new gas piping to the unit
16. Connect power and return power to the unit.
17. Reconnect control wiring.
18. Pull new units and points into the controls system.
19. Check phase rotation on roof top units as applicable.

Johnson Controls, Inc.
Building Efficiency
3021 West Bend Drive
Irving, Texas 75063
Phone: 866-656-9681
Fax: 972-869-9421



20. Perform start up and logging of roof top unit operation in cooling and heating.
21. Test proper operation from the controls front end.
22. Run test unit operation and clean-up work area.
23. Demobilize and remove all equipment and debris.

PROJECT INCLUSIONS

1. **JCI Roof Top Unit.**
 - a. One (1) 30-Ton Roof Top Unit
 - b. One (1) 3-Ton Roof Top Units
 - c. Hail guards
 - d. Curb Adapter Where Applicable
 - e. See submittal for full information
2. Copper Condensate Drain Piping
3. Crane and Rigging Estimated Full Day Lift Offload and Load
4. Straight Time Labor
5. Duct Work Addition
6. Controls Integration
7. Equipment Start Up Reports
8. Equipment Warranty Documents

PROJECT EXCLUSIONS

1. Existing System Conditions Not Specified in this Proposal
2. Fire Alarm System & Smoke Detectors
3. Structural modifications
4. State and Local Taxes
5. Payment or Performance Bond
6. Balancing or Box Adjustment
7. Over Time Labor or Holidays

We appreciate the opportunity to be of service. If you have any questions regarding this proposal, please contact me at 817-233-1349

This proposal is hereby accepted and York/JCI is authorized to proceed with the work; subject, however, to credit approval by York/JCI.

This proposal valid 30 days past:
8/4/2020

Alternate Numbers Accepted _____

Johnson Controls

Purchaser - Company Name

Signature

Signature

Name: _____

Name: Jonathan Watts

Title: _____

Title: Account Executive

Date: _____

Johnson Controls, Inc.
Building Efficiency
3021 West Bend Drive
Irving, Texas 75063
Phone: 866-656-9681
Fax: 972-869-9421



TERMS AND CONDITIONS

By accepting this proposal, Customer agrees to be bound by the following terms and conditions:

- 1. SCOPE OF WORK.** This proposal is based upon the use of straight time labor only. Plastering, patching, and painting are excluded. Disinfecting of chiller condenser and cooling tower water systems and components for biohazards, such as but not limited to Legionella, are excluded unless otherwise specifically stated in this agreement. In-line duct and piping devices, including, but not limited to valves, dampers, humidifiers, wells, taps, flow meters, orifices, etc., if required hereunder to be furnished by JCI, shall be distributed and installed by others under JCI's supervision but at no additional cost to JCI. Customer agrees to provide JCI with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. JCI agrees to keep the job site clean of debris arising out of its own operations. Customer shall not back charge JCI for any costs or expenses without JCI's written consent. Unless specifically noted in the statement of the scope of work or services undertaken by JCI under this agreement, JCI's obligations under this agreement expressly exclude any language or provision of the agreement elsewhere contained which may authorize or empower the Customer to change, modify, or alter the scope of work or services to be performed by JCI and shall not operate to compel JCI to perform any work relating to Hazards or Biohazards, such as but not limited to Legionella, without JCI's express written consent.
- 2. INVOICE AND PAYMENTS.** JCI may invoice Customer monthly for all materials delivered to the job site or to an off-site storage facility and for all work performed on-site and off-site. Customer shall pay JCI at the time Customer signs this agreement an advance payment equal to 10% of the contract price, which advance payment shall be credited against the final payment (but not any progress payment) due hereunder. Payment is due to JCI upon Customer's receipt of JCI's invoice and shall be paid by Customer within 30 days. Invoicing disputes must be identified by Customer in writing within 21 days of the date of the invoice. Payment of any disputed amounts are due and payable upon resolution of such dispute. All other amounts remain due within 30 days. Failure to make payments when due will give JCI, without prejudice to any other right or remedy, the right to: (i) stop performing any services, withhold deliveries of equipment and other materials, terminate or suspend any unpaid software licenses, and/or terminate this agreement; and (ii) charge Customer interest on the amounts unpaid at a rate equal to the lesser of one and one half (1.5) percent per month or the maximum rate permitted under applicable law, until payment is made in full. Customer will pay all of JCI's reasonable collection costs (including legal fees and expenses). In the event of Customer's default, the balance of any outstanding amounts will be immediately due and payable. Lien waivers will be furnished upon request, as the work progresses, to the extent payments are received.
- 3. MATERIALS.** If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of JCI, then in the case of such temporary unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, JCI shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute therefore.
- 4. EQUIPMENT WARRANTY.** JCI warrants that equipment manufactured or labeled by JCI shall be free from defects in material and workmanship arising from normal usage for a period of one year. Only if JCI installs or furnishes a piece of equipment under this agreement, and that equipment is covered by a warranty from a manufacturer other than JCI, JCI will transfer the benefits of that manufacturer's warranty to Customer. All transportation charges incurred in connection with the warranty for equipment and/or materials not installed by JCI shall be borne by Customer. These warranties shall not extend to any equipment that has been abused, altered, misused or repaired by Customer or third parties without the supervision of and prior written approval of JCI, or if JCI serial numbers or warranty date decals have been removed or altered. Customer must promptly report any failure of the equipment to JCI in writing.
- 5. LIMITED WARRANTY.** JCI warrants its workmanship or that of its agents (Technicians) in relation to installation of equipment for a period of ninety (90) days from date of installation. Customer shall bear all labor costs associated with replacement of failed equipment still under JCI's equipment warranty or the original manufacturer's warranty, but outside the terms of this express labor warranty. All warranty labor shall be executed on normal business days during JCI normal business hours. These warranties do not extend to any equipment which has been repaired by others, abused, altered, or misused in any way, or which has not been properly and reasonably maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE. UNDER NO CIRCUMSTANCES SHALL JCI BE LIABLE FOR ANY SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES ARISING FROM OR RELATING TO ANY DEFECT IN MATERIAL OR WORKMANSHIP OF EQUIPMENT OR THE PERFORMANCE OF SERVICES. JCI makes no and specifically disclaims all representations or warranties that the services, products, software or third party product or software will be secure from cyber threats, hacking or other similar malicious activity.
- 6. LIABILITY.** To the maximum extent permitted by law, in no event shall JCI and its affiliates and their respective personnel, suppliers and vendors ("JCI Parties") be liable to you or any third party under any cause of action or theory of liability even if advised of the possibility of such damages, for any: (a) special, incidental, consequential, punitive, or indirect damages; (b) lost profits, revenues, data, customer opportunities, business, anticipated savings, or goodwill; (c) business interruption; or (d) data loss or other losses arising from viruses, ransomware, cyber-attacks or failures or interruptions to network systems. In any case, the entire aggregate liability of the JCI Parties under this proposal for all damages, losses, and causes of action (whether in contract, tort (including negligence), or otherwise) shall be limited to the amounts payable to JCI hereunder.
- 7. TAXES.** The price of this proposal does not include duties, sales, use, excise, or other taxes, unless required by federal, state, or local law. Customer shall pay, in addition to the stated price, all taxes not legally required to be paid by JCI or, alternatively, shall provide JCI with acceptable tax exemption certificates. JCI shall provide Customer with any tax payment certificate upon request and after completion and acceptance of the work.
- 8. DELAYS.** JCI shall not be liable for any delay in the performance of the work resulting from or attributed to acts of circumstance beyond JCI's control, including but not limited to; acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Customer, Owner, or other Contractors or delays caused by suppliers or subcontractors of JCI, etc.
- 9. COMPLIANCE WITH LAWS.** JCI shall comply with all applicable federal, state, and local laws and regulations, and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits a permanent nature shall be procured and paid for by the Customer.
- 10. PRICING; PAYMENT.** JCI may increase prices upon notice to the Customer to reflect increases in material and labor costs. Customer shall pay all invoices when due in accordance with the payment terms provided for herein, and such payment is a condition precedent to JCI's obligation to provide products or perform services hereunder. In issuing any purchase order related to or arising out of this proposal and notwithstanding any language to the contrary therein, Customer acknowledges and agrees that any and all JCI invoices for an amount greater than \$25,000 shall be paid via wire transfer, check or money order, and that

Customer shall not make, nor will JCI accept, payment in excess of \$25,000 in the form of a credit card, debit card, or other similar payment device.

11. DISPUTES. All disputes involving more than \$15,000.00 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorneys' fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

12. INSURANCE. Insurance coverage in excess of JCI's standard limits will be furnished when requested and required. No credit will be given or premium paid by JCI for insurance afforded by others.

13. INDEMNITY. The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorney's fees which may arise in connection with the execution of the work herein specified and which are caused, by the negligent act or omission of the indemnifying Party.

14. CUSTOMER RESPONSIBILITIES. Customer is solely responsible for the establishment, operation, maintenance, access, security and other aspects of its computer network ("Network") and shall supply Johnson Controls secure Network access for providing its services. Products networked, connected to the internet, or otherwise connected to computers or other devices must be appropriately protected by Customer and/or end user against unauthorized access. Customer is responsible to take appropriate measures, including performing back-ups, to protect information, including without limit data, software, or files (collectively "Data") prior to receiving the service or products.

15. FORCE MAJEURE. JCI shall not be liable, nor in breach or default of its obligations under this proposal, for delays, interruption, failure to render services, or any other failure by JCI to perform an obligation under this proposal, where such delay, interruption or failure is caused, in whole or in part, directly or indirectly, by a Force Majeure Event. A "Force Majeure Event" is a condition or event that is beyond the reasonable control of JCI, whether foreseeable or unforeseeable, including, without limitation, acts of God, severe weather (including but not limited to hurricanes, tornados, severe snowstorms or severe rainstorms), wildfires, floods, earthquakes, seismic disturbances, or other natural disasters, acts or omissions of any governmental authority (including change of any applicable law or regulation), epidemics, pandemics, disease, viruses, quarantines, or other public health risks and/or responses thereto, condemnation, strikes, lock-outs, labor disputes, an increase of 5% or more in tariffs or other excise taxes for materials to be used on the project, fires, explosions or other casualties, thefts, vandalism, civil disturbances, insurrection, mob violence, riots, war or other armed conflict (or the serious threat of same), acts of terrorism, electrical power outages, interruptions or degradations in telecommunications, computer, network, or electronic communications systems, data breach, cyber-attacks, ransomware, unavailability or shortage of parts, materials, supplies, or transportation, or any other cause or casualty beyond the reasonable control of JCI. If JCI's performance of the work is delayed, impacted, or prevented by a Force Majeure Event or its continued effects, JCI shall be excused from performance under this proposal. Without limiting the generality of the foregoing, if JCI is delayed in achieving one or more of the scheduled milestones set forth in this proposal due to a Force Majeure Event, JCI will be entitled to extend the relevant completion date by the amount of time that JCI was delayed as a result of the Force Majeure Event, plus such additional time as may be reasonably necessary to overcome the effect of the delay. To the extent that the Force Majeure Event directly or indirectly increases JCI's cost to perform the services, Purchaser is obligated to reimburse JCI for such increased costs, including, without limitation, costs incurred by JCI for additional labor, inventory storage, expedited shipping fees, trailer and equipment rental fees, subcontractor fees or other costs and expenses incurred by JCI in connection with the Force Majeure Event.

16. OCCUPATIONAL SAFETY AND HEALTH. The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of the, Occupational Safety and Health Act relating in any way to the project or project site.

17. ONE-YEAR CLAIMS LIMITATION. No claim or cause of action, whether known or unknown, shall be brought against JCI more than one year after the claim first arose. Except as provided for herein, JCI's claims must also be brought within one year. Claims for unpaid contract amounts are not subject to the one-year limitation.

18. JCI CONNECTED EQUIPMENT SERVICES. Certain equipment sold hereunder includes by default JCI's Connected Equipment Services. Connected Equipment Services is a data-analytics and monitoring Software platform that uses a cellular or network connection to gather equipment performance data to assist JCI in advising Customer on (and Customer in better understanding) such equipment's health, performance or potential malfunction. If Customer's equipment includes Connected Equipment Services, such services will be on by default and the remote connection will continue to connect to Customer's Equipment through the full equipment lifecycle, unless Customer specifically requests in writing that JCI disable the remote connection or JCI discontinues or removes such remote connection. For more information on whether your particular equipment includes Connected Equipment Services, a subscription to such services and the cost, if any, of such subscription, please see your applicable order, quote, proposal, or purchase documentation or talk to your JCI sales representative. If Customer's equipment includes Connected Equipment Services, JCI will provide a cellular modem or other gateway device ("Gateway Device") owned by JCI or Customer will supply a network connection suitable to establish a remote connection with Customer's applicable equipment to permit JCI to use Connected Equipment Services to perform first-year and extended warranty services as well as other services, including troubleshooting, quarterly health reports, remote diagnostic and monitoring and aftermarket services. For certain subscriptions, Customer will be able to access equipment information from a mobile or smart device using Connected Equipment Service's mobile or web app. Any Gateway Devices provided hereunder shall remain JCI's property, and JCI may upon reasonable notice access and remove such Gateway Device and discontinue services in accordance with the Software Terms. If Customer does not permit JCI to connect via a connection validated by JCI for the equipment and a service representative must therefore be dispatched to the Customer site, then the Customer will pay JCI at JCI's then-current standard applicable contract regular time and/or overtime rate for services performed by the service representative. JCI disclaims any obligation to advise Customer of any possible equipment error or malfunction. Customer acknowledges that, while Connected Equipment Services generally improve equipment performance and services, Connected Equipment Services does not prevent all potential malfunction, insure against all loss or guarantee a certain level of performance and that JCI shall not be responsible for any injury, loss, or damage caused by any act or omission of JCI related to or arising from the monitoring of the equipment under Connected Equipment Services.

19. SOFTWARE AND DIGITAL SERVICES. Use, implementation, and deployment of the software and hosted software products ("Software") offered under these terms shall be subject to, and governed by, JCI's standard terms for such Software and Software related professional services in effect from time to time at <https://www.johnsoncontrols.com/techterms> (collectively, the "Software Terms"). Applicable Software Terms are incorporated herein by this reference. Other than the right to use the Software as set forth in the Software Terms, JCI and its licensors reserve all right, title, and interest (including all intellectual property rights) in and to the Software and improvements to the Software. The Software that is licensed hereunder is licensed subject to the Software Terms and not sold. If there is a conflict between the other terms herein and the Software Terms, the Software Terms shall take precedence and govern with respect to rights and responsibilities relating to the Software, its implementation and deployment and any improvements thereto.

20. ENTIRE AGREEMENT. This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.

21. CHANGES. No change or modification of any of the terms and conditions stated herein shall be binding upon JCI unless accepted by JCI in writing.

Future Event Calendar

August 11, 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.

<u>DATE AND TIME</u>	<u>ACTIVITY</u>
Wednesday, August 12, 2020 6:30 p.m.	Special City Council Meeting
Monday, September 7, 2020	City Offices Closed - Holiday