

**WORK SESSION AGENDA OF THE CITY COUNCIL OF
HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
FIRST FLOOR CONFERENCE ROOM
TUESDAY, MAY 9, 2023 – 5:30 P.M.**

I. Call to Order

II. Informational Items

- Update and discussion of upcoming Calendar Items

III. Update and discussion of Regular Agenda Items

IV. Discussion of Agenda Item(s) 9

Consider authorizing the city manager to enter into a contract for stage, sound, and lighting services with the option to renew annually

V. Discussion of Agenda Item(s) 10

Consider authorizing the City Manager to proceed with the purchase of the landscape maintenance equipment

VI. Discussion of Agenda Item(s) 11

Consider authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth for water service to Trinity Lakes Station

VII. Discussion of Agenda Item(s) 12

Consider approval of Resolution 1836 casting votes for the Tarrant Appraisal District Board of Directors to replace a recalled member

VIII. Discussion of Agenda Item(s) 13

Consider authorizing additional funding for the purchase of thirteen (13) vehicles from approved vendors

IX. Discussion of Agenda Item(s) 14

Consider authorizing the City Manager to execute the Professional Services Contract with Freese and Nichols, Inc., for Lead and Copper Rule Revision Compliance Program

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Government Code, 551.072, deliberation of the purchase, exchange, lease, or value of real property (economic development/redevelopment) and to reconvene in Open Session at the Conclusion of the Executive Session to consider and take any necessary action

X. ADJOURNMENT

Posted By: _____

This the 5th day of May 2023, 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.

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
TUESDAY, MAY 9, 2023**

AGENDA:

5:30 p.m. - Work Session (City Hall, First Floor Conference Room)

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

CALL TO ORDER

INVOCATION (Councilmember John Miller)

PLEDGE OF ALLEGIANCE

PRESENTATION(S)

1. Presentation by Hurst United Soccer Association (HUSA)

INAUGURATION OF OFFICIALS

2. Presentation of Certificates of Election
3. Oath of Office for Elected Officials
4. Consider Election of Mayor Pro Tem

PRESENTATION(S)

5. Presentation of certificates of recognition for the 2023 City of Hurst 101 Citizen's Academy Class

CONSENT AGENDA

6. Consider approval of the minutes for the April 25, 2023 City Council meetings
7. Consider Ordinance 2536, second reading, (SP-2023-00003 Alice Bowie Tattoo), a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road
8. Consider Ordinance 2537, second reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the City Manager to sign an amended contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, for residential, commercial and industrial trash and residential recycling services

9. Consider authorizing the city manager to enter into a contract for stage, sound, and lighting services with the option to renew annually
10. Consider authorizing the City Manager to proceed with the purchase of the landscape maintenance equipment
11. Consider authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth for water service to Trinity Lakes Station

RESOLUTION(S)

12. Consider approval of Resolution 1836 casting votes for the Tarrant Appraisal District Board of Directors to replace a recalled member

OTHER BUSINESS

13. Consider authorizing additional funding for the purchase of thirteen (13) vehicles from approved vendors
14. Consider authorizing the city manager to execute the Professional Services Contract with Freese and Nichols, Inc., for Lead and Copper Rule Revision Compliance Program
15. Board, Commission and Committee Draft Minutes
 - Zoning Board of Adjustment
 - Economic Development and Advisory Committee
 - Planning and Zoning Commission
16. Review of upcoming calendar items
17. City Council Reports - Items of Community Interest

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED. CITIZEN COMMENTS ARE LIMITED TO A MAXIMUM OF 3 MINUTES PER SPEAKER

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, Authorized by Government Code, 551.072, deliberation of the purchase, exchange, lease, or value of real property (economic development/redevelopment) and to reconvene in Open Session at the Conclusion of the Executive Session to consider and take any necessary action

18. Take any and all action necessary ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 5th day of May 2023, 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.

City Council Staff Report

SUBJECT: Presentation by Hurst United Soccer Association (HUSA)	
Supporting Documents:	
	Meeting Date: 5/9/2023 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
A presentation by the Hurst United Soccer Association will be conducted during the May 9, 2023 City Council meeting.	
Funding Sources and Community Sustainability:	
There is no funding impact.	
Recommendation:	
There is no staff recommendation.	

City Council Staff Report

SUBJECT: Presentation of Certificates of Election to Candidates Certified as Unopposed in the May 6, 2023 General Election	
Supporting Documents:	
	Meeting Date: 5/9/2023 Department: Legislative and Judicial Services Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
<p>The City of Hurst cancelled the election scheduled to be held on May 6, 2023 in accordance with the Texas Election Code. The following candidates have been certified as unopposed:</p> <p>Councilmember Place 1 Jimmy Meeks Councilmember Place 2 John Miller Councilmember Place 6 Jon McKenzie</p> <p>Certificates of election are provided to each candidate certified as unopposed.</p>	
Funding Sources and Community Sustainability:	
There is no fiscal impact.	
Recommendation:	
Staff recommends the Mayor provide the Certificates of Election to Councilmembers Place 1, 2 and 6.	

City Council Staff Report

SUBJECT: Oath of Office	
Supporting Documents:	
	Meeting Date: 5/9/2023 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
<p>The City of Hurst canceled the election scheduled to be held May 6, 2023 in accordance with the Texas Election Code. The following candidates have been certified as unopposed:</p> <p>Councilmember Place 1 Jimmy Meeks Councilmember Place 2 John Miller Councilmember Place 6 Jon McKenzie</p> <p>The unopposed candidates must take the Official Oath of Office before conducting official business.</p>	
Funding Sources and Community Sustainability:	
There is no fiscal impact.	
Recommendation:	
There is no staff recommendation.	

City Council Staff Report

SUBJECT: Election of Mayor Pro Tem	
Supporting Documents:	
	Meeting Date: 5/9/2023 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
This item provides for the election of a Mayor Pro Tem.	
Funding and Sources:	
There is no fiscal impact.	
Recommendation:	
There is no staff recommendation.	

City Council Staff Report

SUBJECT: 2023 Hurst 101 Graduation Ceremony	
Supporting Documents:	
List of graduates	Meeting Date: 5/9/2023 Department: Administration Reviewed by: Malaika Farmer City Manager Review:
Background/Analysis:	
<p>This year, the Hurst 101 Academy is celebrating its tenth year. This program was created to provide citizens with a better understanding of the workings of local government and equip them with the knowledge needed to fully participate in the process of building Hurst's future. The Hurst 101 Academy covers a wide range of topics such as the strategic planning process, the development of the annual budget, how public safety resources are deployed, and what the City of Hurst does to promote and support the local economy. This year, there are 14 Hurst 101 Academy graduates.</p>	
Funding Sources and Community Sustainability:	
<p>There is no fiscal impact. The Hurst 101 Academy helps develop Community Awareness and Leadership.</p>	
Recommendation:	
<p>There is no staff recommendation.</p>	

HURST 101 GRADUATES

MILLARD (BUD) BAXLEY, SR.

MICHAEL BUDD

HUNTER CERNY

AMY FERGUSON

KATHLEEN FULTON

DARRELL GRIFFIN

CAROLYN HURD

KARANAE DUANE

KAREN KERSEY

CHARLES KLEPPELID

SYDNEY MCGYVER

MARIANA ROYER

JESSICA SHORT

TYCOM WRIGHT

**Minutes
Hurst City Council
Work Session
Tuesday, April 25, 2023**

On the 25th day of April 2023, at 5:08 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Cindy Shepard	)	Mayor Pro Tem
Jon McKenzie)	
Cathy Brotherton)	
Gary N. Waldron)	
David Booe)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Steve Niekamp	)	Police Chief
Duane Hengst	)	City Engineer
Michelle Lazo	)	Executive Director of Planning and Development
Kyle Gordon	)	Executive Director of Community Services

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

I. Call to Order – The meeting was called to order at 5:08 p.m.

II. Informational Items

- **Update and discussion of upcoming Calendar Items** – Executive Director of Community Services Kyle Gordon provided an overview of upcoming Heritage Village concert in the Park.
- **Update and discussion of aquatic center hours** – Executive Director of Community Services Kyle Gordon briefed Council on proposed operating hours for this season’s aquatic centers noting staff plans to open both pools this year with alternating hours due to staff shortages. He explained every attempt is being made to hire and have enough staff to operate both centers, and they hope that these proposed hours may be extended if additional staffing becomes available. Also noted was opening day, Saturday, May 27.
- **Update and discussion of code enforcement activity on Circleview Dr. S.** – City Manager Clay Caruthers briefed Council on code enforcement concerns in the Circleview Drive area noting some police activity in the past, but currently have no issues. He explained the suggestions received by a concerned citizen regarding regulations and investigations is not something the City could do legally and City Attorney Boyle confirmed the staff’s enforcement, policy and procedures.

The work session items were discussed in the following order: IX, XII, VIII, XIV, V, VI, VII and the remaining items were not discussed.

III. Update and discussion of Regular Agenda Items

IV. Discussion of Agenda Item(s) 3

Consider authorizing the city manager to execute Change Order 1 for the 2022 Miscellaneous Water Main Replacement Project

V. Discussion of Agenda Item(s) 4

Conduct a public hearing and consider Ordinance 2536, first reading, (SP-2023-00003 Alice Bowie Tattoo), a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road

Executive Director of Planning and Development Michelle Lazo briefed Council on the proposed SUP for Alice Bowie Tattoo and noted the applicant is requesting the SUP to add a tattoo studio within her vintage clothing store. She stated the tattoo services would be by appointment only and for clients in her store. She stated the store will not have new signage or new certificate of occupancy

VI. Discussion of Agenda Item(s) 5 and 6

Consider P-2021-00006 Norwood Plaza Addition, a replat for Lot 6, 7R, and 9, Block A, Norwood Addition to Lots 1 and 2, Block A, Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane

Consider authorizing the city manager to enter into a City/Developer Agreement with Norwood Plaza, LLC, allowing a municipal lien to be placed on Lot 1, Block A, Norwood Plaza Addition concerning street and sanitary sewer improvements

Executive Director of Planning and Development Michelle Lazo briefed Council on the proposed plat to replat Lots 6, 7R, and 9, Block A, Norwood Addition to Lots 1 and 2, Block A, Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane. She noted the zoning change and site plan was approved in 2022 and stated Lot 2 will remain the homestead of Richard Norwood and Lot 1 will be developed as Holloway Office Park. In response to Councilmember questions, City Manager Caruthers noted agenda item 6 is regarding engineering and the future street. He stated the agreement is to allow the applicant to move forward without escrow and lien the property if future access is necessary.

VII. Discussion of Agenda Item(s) 7

Consider approval of Ordinance 2537, first reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the City Manager to sign an amended contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, for residential, commercial and industrial trash and residential recycling services

Assistant City Manager Clayton Fulton briefed Council on the proposed contract noting the current contract with Republic Services is about to term out. Mr. Fulton noted key changes to the proposed contract amendment that includes a 7 year term; current service levels with rate adjustment until year-end of 2025; In 2025, convert to automated side load residential polycarts; determine a once or twice a week service; provide customers option to pay for an additional cart; adjust the annual rate from 3% to 4% with the first rate adjustment November 1, 2023; institute one-time rate increase of 6% in conversion year then revert to a 4% increase; maintain bulk collection and back door services. He noted staffed reviewed the municipal market and found Hurst has one of the lowest rates in Tarrant County. Republic Services representative Jeri Harwell reviewed area city services and industry changes to polycarts moving forward.

VIII. Discussion of Agenda Item(s) 8

Consider approval of Resolution 1834 authorizing the city manager to enter into a Primary Bank Depository Services Agreement

Assistant City Manager Clayton Fulton briefed Council on the Bank Depository Service Agreement noting the City's current bank depository services agreement with Wells Fargo will expire in July 2023. He introduced Valley View Consulting representative Tim Pinion who was hired due to the complexity of the agreement and noted a full presentation would be provided in regular session including their recommendation to enter into a contract with Wells Fargo bank.

IX. Discussion of Agenda Item(s) 9

Consider approval of Resolution 1835 supporting the TXDOT 2023 Transportation Alternatives Set-Aside (TA) call for projects to develop a Comprehensive Trails Master Plan

Executive Director of Community Services Kyle Gordon briefed Council on the proposed resolution supporting the grant application to develop a comprehensive trails master plan. Mr. Gordon explained the City has completed the first phase of the grant process and this is Phase 2, in which the City must support the project and commit to a local match of 20% of the total cost. He stated the estimated cost of the master plan document is \$85,000. City Manager Caruthers noted other grant projects, the expense of a comprehensive trail system, and consideration of the City's needs and resources.

X. Discussion of Agenda Item(s) 10

Consider authorizing the city manager to approve funding for CDBG – Cares Act CV - Round 3 Program: Brown Trail Water Main Replacement from Pipeline Road to Redbud Drive

XI. Discussion of Agenda Item(s) 11

Consider authorizing the city manager to enter into Agreements for Brookside Center Roof Replacement Project

XII. Discussion of Agenda Item(s) 12

Consider authorizing the city manager to enter into an Annual Contract for pyrotechnic services

Executive Director of Community Services Kyle Gordon briefed Council on the proposed contract for pyrotechnic services noting updated bid specifications with the intent to establish an annual, renewable agreement with a qualified contractor. Mr. Gordon noted that Pyro Shows of Texas, Inc. is the qualified bidder, and, has an excellent reputation working with the City and that the proposed agreement will be an annual renewal.

XIII. Discussion of Agenda Item(s) 13

Consider authorizing the city manager to enter into an Annual Contract for Citywide Fence Repair, Rental, and Construction Services

XIV. Discussion of Agenda Item(s) 14

Consider authorizing the city manager to purchase (1) one ambulance from approved vendors

City Manager Clay Caruthers briefed Council on the proposed request to purchase an ambulance noting Council previously authorized the purchase of a Ford ambulance, but the company was unable to provide an ambulance. He stated Frazer/Rush Truck Centers submitted a quote for an International CV515 ambulance that staff believes is suitable, but it is approximately \$10,000 more than the previously approved ambulance. Mr. Caruthers noted the current challenges with fleet purchases.

XV. ADJOURNMENT – Mayor Wilson adjourned the work session at 6:22 p.m.

APPROVED this the 9th day of May 2023.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Minutes
Tuesday, April 25, 2023

On the 25th day of April 2023, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in a regular meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Cindy Shepard	)	Mayor Pro Tem
Jon McKenzie	)	Councilmembers
Cathy Brotherton)	
Gary N. Waldron)	
David Booe)	
Clay Caruthers		City Manager
Matthew Boyle	)	City Attorney
Malaika Marion Farmer	)	Assistant City Manager
Clayton Fulton	)	Assistant City Manager
Rita Frick	)	City Secretary
Duane Hengst	)	City Engineer
Kyle Gordon	)	Executive Director of Community Services
Steve Niekamp	)	Police Chief

With the following Councilmembers absent: John Miller, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m. and the Pledge of Allegiance and Texas pledge was given.

Councilmember Gary Waldron gave the Invocation.

CONSENT AGENDA

1. Consider approval of the minutes for the April 11, 2023 City Council meetings
2. Consider Ordinance 2535, second reading, amending Chapter 24 by adding a sentence to Section 24-127; prohibiting parking in a certain area on Redbud Drive near Brown Trail
3. Consider authorizing the city manager to execute Change Order 1 for the 2022 Miscellaneous Water Main Replacement Project

Mayor Pro Tem Shepard moved to approve the consent agenda. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard
No: None

PUBLIC HEARING(S) AND RELATED ITEM(S)

4. Conduct a public hearing and consider Ordinance 2536, first reading, (SP-2023-00003 Alice Bowie Tattoo), a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road

Mayor Wilson announced the public hearing and consider Ordinance 2536, first reading, (SP-2023-00003 Alice Bowie Tattoo), a Special Use Permit for a portion of Lot 2R3, Block A, Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road and recognized Executive Director of Planning and Development Michelle Lazo who noted the applicant is requesting the SUP to add a tattoo studio within her vintage clothing store. She stated the tattoo services would be by appointment only and for clients in her store. Ms. Lazo also noted the lease space is 1,230 square feet and the applicant would like to operate 64 square feet with one chair for tattoo services including a sink and desk. She stated the applicant is not present, but she would try to answer any questions.

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

In response to Council questions, Ms. Lazo stated the City does not have density requirements regarding how many locations are in an area, Tarrant County Health Department will oversee health requirements and there will be no additional signage.

Councilmember McKenzie moved to approve Ordinance 2536, first reading, a Special Use Permit for Alice Bowie Tattoo with the stipulation the floor plan remains as presented. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

PLAT(S) AND RELATED ITEM(S)

5. Consider P-2021-00006 Norwood Plaza Addition, a replat for Lot 6, 7R, and 9, Block A, Norwood Addition to Lots 1 and 2, Block A, Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane

Executive Director of Planning and Development Michelle Lazo reviewed the proposed plat to replat Lots 6, 7R, and 9, Block A, Norwood Addition to Lots 1 and 2, Block A, Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane. She noted the zoning change and site plan was approved in 2022. She stated Lot 2 will remain the homestead of Richard Norwood and Lot 1 will be developed as Holloway Office Park. Ms. Lazo stated applicant Mark Cyrier is in attendance this evening.

Councilmember Brotherton moved to approve P-2021-00006, a replat for Lot 6, 7R, and 9, Block A, Norwood Addition to Lots 1 and 2, Block A, Norwood Plaza Addition. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

6. Consider authorizing the city manager to enter into a City/Developer Agreement with Norwood Plaza, LLC, allowing a municipal lien to be placed on Lot 1, Block A, Norwood Plaza Addition concerning street and sanitary sewer improvements

City Manager Clay Caruthers reviewed the proposed agreement with Norwood Plaza, LLC, noting this item is associated with the previous agenda item. He explained City policy is to require developers participate in new infrastructure improvements, but in this case the street will probably never continue through. He stated there will be a need for access so instead of escrowing the funds they are asking for the agreement and a lien to be placed on the property for future improvements, if needed.

Councilmember McKenzie moved to authorize the city manager to enter into a City/Developer Agreement with Norwood Plaza, LLC, allowing a municipal lien to be placed on Lot 1, Block A, Norwood Plaza Addition concerning street and sanitary sewer improvements. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

ORDINANCE(S)

7. Consider approval of Ordinance 2537, first reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the City Manager to sign an amended contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, for residential, commercial and industrial trash and residential recycling services

Assistant City Manager Clayton Fulton reviewed the proposed contract noting the current contract with Republic Services is about to term out. Mr. Fulton noted key changes to the proposed contract amendment that includes a 7 year term; current service levels, with rate adjustment, until year-end of 2025; in 2025, service will be converted to automated side load residential polycarts; consideration of a once or twice a week service; option for customers to pay for an additional cart; adjust the annual rate from 3% to 4% with the first rate adjustment November 1, 2023; include a one-time rate increase of 6% in conversion year then revert to a 4% increase; and maintain bulk collection and back door services. He noted staffed reviewed the municipal market and found Hurst has one of the lowest waste service rates in Tarrant County. In response to Councilmember questions, Republic Services representative Jeri Harwell reviewed the various sizes of polycarts available and stated the footprint of the various gallon carts are the same with the mechanical arm adjusting for size. She stated the carts are easier to handle than hauling trash bags to the curb.

Councilmember Waldron moved to approve Ordinance 2537, first reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the city manager to sign an Amended Contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, and a wholly owned subsidiary of Allied Waste Systems Inc., for residential, commercial and industrial trash and residential recycling services. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

RESOLUTION(S)

8. Consider approval of Resolution 1834 authorizing the city manager to enter into a Primary Bank Depository Services Agreement

Assistant City Manager Clayton Fulton noted the City's current bank depository services agreement with Wells Fargo will expire in July 2023 and a Request for Application (RFA) was distributed to prepare for a transition, if necessary. He explained the complexity of analysis necessary for the process and that the City enlisted Valley View Consulting, LLC, to assist in evaluating the applications. Mr. Fulton introduced Tim Pinion, Valley View Consulting who reviewed criteria, governing laws, financial institution applications received, summary financial comparison, and their recommendation to enter into a Contract with Wells Fargo bank.

Councilmember McKenzie moved to approve Resolution 1834 authorizing the city manager to enter into a Contract with Wells Fargo Bank, N.A. for Bank Depository Services for the period beginning August 1, 2023 and ending July 31, 2025, with the option to renew for three additional one-year periods. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

9. Consider approval of Resolution 1835 supporting the TXDOT 2023 Transportation Alternatives Set-Aside (TA) call for projects to develop a Comprehensive Trails Master Plan

Executive Director of Community Services Kyle Gordon reviewed the proposed resolution supporting the grant application to develop a comprehensive trails master plan. Mr. Gordon explained the City completed the first phase of the grant process and this is Phase 2, where the City must support the project and commit to the local match of 20% of the total cost. He stated the estimated cost of the master plan document is \$85,000.

Councilmember Shepard moved to approve Resolution 1835 supporting the TxDOT Transportation Alternatives Set-Aside (TA) call for projects. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

OTHER BUSINESS

10. Consider authorizing the city manager to approve funding for CDBG – Cares Act CV - Round 3 Program: Brown Trail Water Main Replacement from Pipeline Road to Redbud Drive

City Engineer Duane Hengst reviewed the CDBG – Cares Act CV - Round 3 Program: Brown Trail Water Main Replacement from Pipeline Road to Redbud Drive noting the City held a public hearing on May 10, 2022, to consider the application, bids were received and opened by Tarrant County with the lowest bid from 2R Construction Services, LLC. He reviewed the pricing and staff's recommendation. In response to Mayor Wilson's question regarding site prep, Mr. Hengst stated he would double check.

Councilmember Brotherton moved to recommend Tarrant County award the Contract for the CDBG – CV Round 3: Brown Trail Water Main Replacement, from Pipeline Road to Redbud Drive, to 2R Construction Services, LLC, in the amount of \$594,752.15 with a 10% contingency of \$59,247.85, for a total of \$654,000.00 with the City being responsible for all project costs over the County CDBG grant amount of \$200,000. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

11. Consider authorizing the city manager to enter into Agreements for Brookside Center Roof Replacement Project

Executive Director of Community Services Kyle Gordon reviewed the proposed Brookside Center Roof Replacement Project noting the facility has been experiencing intermittent leaks throughout the building since 2019. He explained after numerous attempts to patch the roof, staff partnered with an engineering firm to conduct investigative thermal imaging and infrared analysis. He stated the engineering firm recommended replacement of the entire roof, removal and replacement of the window sealant, and replacement of waterproofing components throughout the building. Mr. Gordon advised bids were solicited and staff recommends Supreme Roofing for the roof system and window sealant replacement and Falkenberg Construction Company, Inc., to make minor cosmetic repairs for a total cost of \$200,620. He stated work will be scheduled around the election cycle.

Councilmember Waldron moved to authorize the city manager to enter into the appropriate agreements to proceed with the Brookside Center Roof Replacement Project, for an amount not to exceed \$200,620. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

12. Consider authorizing the city manager to enter into an Annual Contract for pyrotechnic services

Executive Director of Community Services Kyle Gordon reviewed the proposed Contract for Pyrotechnic Services noting staff updated bid specifications with the intent to establish an annual, renewable agreement with a qualified contractor. After a full review, staff determined that Pyro Shows of Texas, Inc., is the qualified bidder, and has an excellent reputation working with the City and within the industry for delivering unique and dynamic firework shows.

Councilmember Brotherton moved to authorize the city manager to enter into a Contract with Pyro Shows of Texas, Inc. for pyrotechnic services with the option to renew annually. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

13. Consider authorizing the city manager to enter into an Annual Contract for Citywide Fence Repair, Rental, and Construction Services

Executive Director of Community Services Kyle Gordon reviewed the proposed contract for citywide fence repair, rental, and construction services noting the different fence components utilized throughout the City. He stated the City advertised and distributed bid documents to fencing businesses in the area, with one company responding. He stated Latham Fence, Inc. has been a contractor for many years, is very responsive and has a reputation for quality and timely workmanship. Mr. Gordon stated the current contract expires in May and costs are funded through operating and project budgets.

Councilmember Shepard moved to authorize the city manager to enter into an Annual Contract with Latham Fence, Inc. for fence repair, rental, and construction services throughout the City, with an option for four additional twelve-month renewals. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

14. Consider authorizing the city manager to purchase (1) one ambulance from approved vendors

Assistant City Manager Malaika Marion Farmer reviewed the proposed request to purchase an ambulance noting staff made a request in December, but the company was unable to provide an ambulance. She explained Frazer/Rush Truck Centers submitted a quote for an International CV515 ambulance that will meet the need, but it is approximately \$10,000 more than the previously approved ambulance.

Councilmember Waldron moved to authorize the city manager to purchase (1) one ambulance from approved vendors, in the amount of \$289,928. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Booe, McKenzie, Brotherton, Waldron and Shepard

No: None

- 15. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the future events calendar provided in the packet.
- 16. City Council Reports - Items of Community Interest

Mayor Wilson and Councilmember Cathy Brotherton reported on the success of the Hurst Giving Back Program, noting the Veteran homeowner expressed appreciation for assistance with his home repairs and lawn care.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED. CITIZEN COMMENTS ARE LIMITED TO A MAXIMUM OF 3 MINUTES PER SPEAKER

Mayor Wilson recognized TCC students from Ms. Reginald’s government class.

ADJOURNMENT – The meeting adjourned at 7:28 p.m.

APPROVED this the 9th day of May 2023.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Staff Report

<p>SUBJECT: SP-2023-00003 Alice Bowie Tattoo, second reading, a Special Use Permit for a portion of Lot 2R3, Block A, Shady Oaks Addition, being .49 acre located at 401 Bedford Eules Road</p>	
<p>Supporting Documents:</p>	
<p>Ordinance 2536</p>	<p>Meeting Date: 5/9/2023 Department: Development Reviewed by: Michelle Lazo City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>An application has been made by Elizabeth Tippit with Alice Bowie Vintage, for a Special Use Permit on a portion of Lot 2R3, Block A, Shady Oaks Addition, being .49 acre located at 401 Bedford Eules Road. The property is zoned MU-PD (Mixed Use Planned Development).</p> <p>The applicant is requesting the Special Use Permit in order to operate a tattoo studio within her vintage clothing store. The lease space is 1,230 sq. ft. and the applicant would like to remodel 64 sq. ft. to operate one chair for tattoo services.</p> <p>Ms. Tippit is a tattoo artist and the services will be by appointment only. There will be no signage or change to the business name.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>There is no fiscal impact. Consideration of the Site Plan Revision is a direct representation of Council’s goal for Economic Vitality.</p>	
<p>Recommendation:</p>	
<p>Based upon the Planning and Zoning Commission vote of 3-2, it is recommended City Council move to approve Ordinance 2536, second reading, a Special Use Permit for Alice Bowie Tattoo with the stipulation the floor plan remains as presented.</p>	

ORDINANCE 2536

AN ORDINANCE ADOPTING A SPECIAL USE PERMIT FOR TATTOO USE ON LOT 2R3, BLOCK A, SHADY OAKS ADDITION, BEING .49 ACRE LOCATED AT 401 BEDFORD EULESS ROAD

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

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

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

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

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

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

Section 1. **THAT** the Comprehensive Zoning Ordinance of the City of Hurst is hereby amended by adopting a Special Use Permit for tattoo use with Exhibits "A-C" for Lot 2R3, Block A, Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road.

AND IT IS SO ORDERED.

Passed on the first reading on the 25th day of April 2023 by a vote of 5 to 0.

Approved on the second reading on the 9th day of May 2023 by a vote of _ to _.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

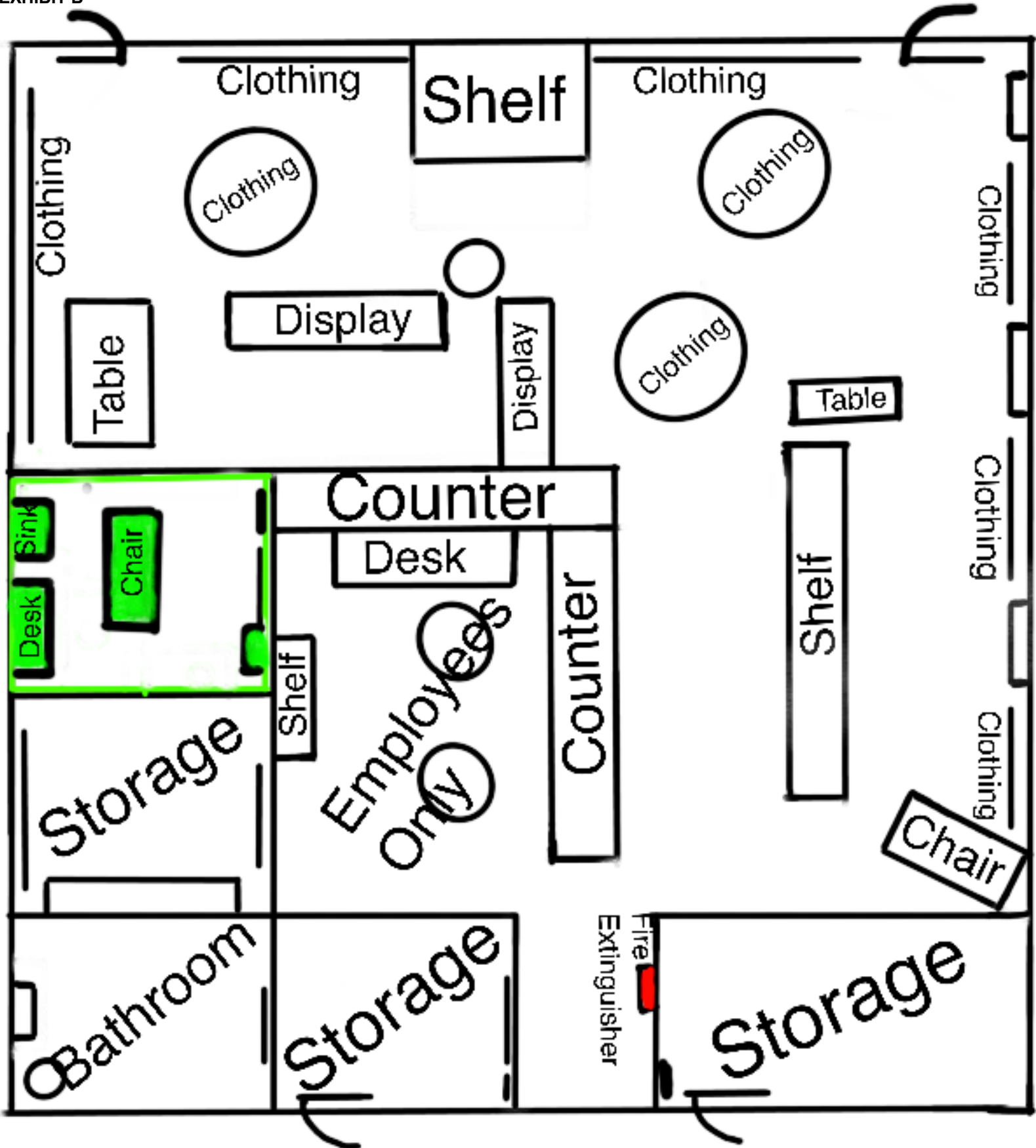
Henry Wilson, Mayor

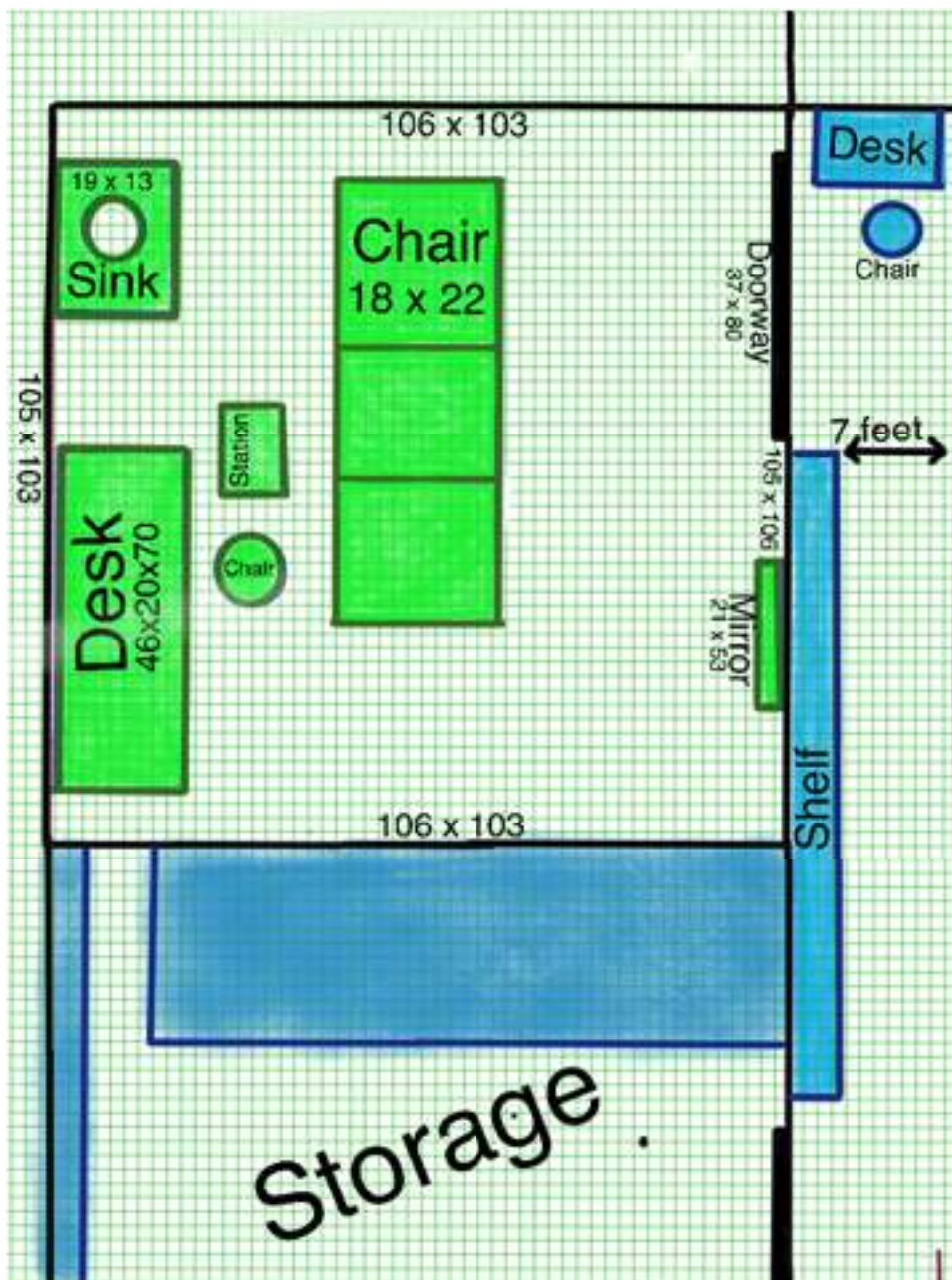
Approved as to form and legality:

City Attorney

EXHIBIT A







City Council Staff Report

SUBJECT: Consider approval of Ordinance 2537, second reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the city manager to sign an Amended Contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, and a wholly owned subsidiary of Allied Waste Systems Inc., for residential, commercial and industrial trash and residential recycling services

Supporting Documents:

Ordinance 2537

Meeting Date: 5/9/2023

Department: Administration

Reviewed by: Clayton Fulton

City Manager Review:

Background/Analysis:

The City of Hurst contracts with Allied Waste Services, Inc., dba Republic Services of Fort Worth (Republic Services), for the exclusive collection and disposal of residential, commercial, and industrial trash and residential recycling. This contract was competitively bid and awarded to Republic Services in 2003 and has been extended at various points over the last 20 years. The current contract began in June 2018 for a five-year period with renewal options. Based on an analysis of the market, citizen survey results, and that Republic Services continues to be a valued community partner, staff supports their proposed contract renewal.

Republic Services proposes an updated Contract for renewal that includes changes to their current business model including the following provisions:

- Proposed agreement includes a 7-year term
- Maintain current service levels, with rate adjustment, until year-end of 2025
- At year-end 2025, Republic will convert to automated side load (ASL) service requiring the use of residential polycarts
- The city has the option to provide polycart services beginning in 2025 as a once a week or twice a week service
- Customers will have the option to pay for an additional cart regardless of the number of times residential service occurs in a week
- Adjust the annual rate increase from % to 4% with the first-rate adjustment November 1, 2023
- Include a one-time rate increase of 6% in conversion year then revert to a 4% increase
- Maintain bulk collection services
- Maintain back door services

Hurst will not be the first City in Tarrant County to transition to residential polycart services. Several cities currently operate residential polycart service; however, industry trends and market forces are driving solid waste haulers in the area to begin converting to polycart residential services. Republic Services will be converting the City of Arlington to polycarts beginning on July 1, 2024. Republic Services representatives have also assured staff the mid-cities area will all convert to polycarts at approximately the same time.

The waste industry has been converting to polycarts for many years. Republic Services currently utilizes polycarts in approximately 90% of their service area. Solid waste haulers also struggle to attract and retain enough workers to manually collect trash. This job is extremely physical, the workers are exposed to extreme heat and cold, and the safety risks makes these jobs less desirable than other less physically demanding jobs that pay approximately the same.

Polycarts also aid in protecting the aesthetics of the City by keeping waste contained in a leak-proof cart and decreasing the animal and windblown litter throughout the neighborhoods.

Funding Sources and Community Sustainability:

There is no fiscal impact. The Contract with Republic Services of Fort Worth ensures we **best meet the needs of the community in a financially responsible manner** in support of **the Hurst Way**.

Recommendation:

It is recommended the City Council **approve Ordinance 2537, second reading, amending Chapter 9.5 of the Hurst Code of Ordinances and authorize the city manager to sign an Amended Contract with Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, and a wholly owned subsidiary of Allied Waste Systems Inc., for residential, commercial and industrial trash and residential recycling services.**

ORDINANCE 2537

AN ORDINANCE AMENDING CHAPTER 9.5 OF THE HURST CODE OF ORDINANCES, ENTITLED GARBAGE; 9.5-1 DEFINITIONS; 9.5-3 RESIDENTIAL COLLECTION; 9.5.5 CHARGES; 9.5-10 COLLECTION OF WASTE; CHARGES; 9.5-15 EXCLUSIVITY OF CONTRACT RIGHTS; REFLECTING AN AMENDED CONTRACT WITH ALLIED WASTE SERVICES OF FORT WORTH, LLC, DBA REPUBLIC SERVICES OF FORT WORTH; AND REFLECTING OTHER UPDATES DUE TO A NEW CONTRACT; ESTABLISHING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE

WHEREAS, Republic Services entered into a franchise services agreement beginning on June 1, 2018 with the City Hurst for solid waste services; and

WHEREAS, the City evaluates market conditions and fees for solid waste services to ensure competitive rates; and

WHEREAS, the annual citizen survey continues to show that citizens are satisfied with solid waste services in Hurst; and

WHEREAS, the current solid waste contract expires on May 31, 2023 and includes an option to renew; and

WHEREAS, upon request from Allied Waste Services of Fort Worth, LLC, a Texas Limited Liability Company, dba Republic Services of Fort Worth, and a wholly owned subsidiary of Allied Waste Systems, Inc., a for-profit Delaware corporation, and review of services and costs it is found that an amended contract with Allied Waste Services of Fort Worth, LLC serves the health, safety and general welfare of the public; and

WHEREAS, the City Council authorizes the City Manager to execute an amended 7-year contract for Citywide Solid Waste and Recycling Services with Allied Waste Services of Fort Worth, LLC, effective June 1, 2023 to May 31, 2030, with the option of one additional 5-year renewal, that shall supersede all previous contracts and agreements with Allied Waste Systems, Inc. and any of its subsidiaries or parent companies, if any.

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

Section 1: **THAT**, Section 9.5-1, Definitions, be amended as follows:

~~Consumer price index (CPI-DFW) means the revised consumer price index for the Dallas/Fort Worth Metropolitan Area (CPI-DFW), twelve month average for all items as published by the United States Department of Labor, Bureau of Labor Statistics, Region 6. In the event the U.S. Department of Labor Statistics ceases to publish the CPI, the parties hereto agree to substitute another equally authoritative measure of change in the purchasing power of the U.S. dollar as may then be available so as to carry out the intent of this provision.~~

Polycart means a wheeled receptacle with a maximum capacity of ninety-six (96) gallons constructed of plastic, metal and/or fiberglass, designed for automated or semi-automated solid waste collection systems, and having a tight-fitting lid capable of preventing entrance into the container by small animals. Ownership of Polycarts shall be retained by CONTRACTOR

Section 3: **THAT**, Section 9.5-3 Residential collection – Conditions and container placement, be amended in its entirety to read as follows:

- (a) All Residential Waste shall be placed in either securely closed plastic bags or in closed waterproof containers, plastic or metal containers or plastic or metal cans of no more than thirty-three (33) gallon capacity until the time of conversion then transition to CONTRACTOR provided polycarts. After the conversion, all waste shall be placed in the CONTRACTOR provided polycarts.
- (b) Containers shall be placed either at the curbside on the street bearing the customer's address or, for Backdoor Service, behind the building line must be visible from the side of the building facing the street and accessible without entering a gate. CITY must be notified prior to any change in acceptable locations.
- (c) Waste, excluding wet materials or material that will cause disagreeable smells, shall be placed at curbside on the street bearing the customer's address in disposable containers in such a manner as to prevent such it from being scattered.
- (d) Waste shall not be placed at curbside more than twelve (12) hours prior to the day of pickup. All containers shall be placed at the foregoing prescribed locations not later than 7:00 a.m. on the day of scheduled collection, if they are to be picked up.

- (e) All Waste mixed with water or other liquids shall be drained before being placed into a garbage or trash container.
- (f) If any Brush cannot be placed in disposable containers, it shall be cut in lengths not to exceed four (4) feet and shall be bundled and stacked at curbside to a height of not more than three (3) feet with the trunk or larger ends of the branches placed toward the street.
- (g) All vines and thorny bushes shall be placed in disposable containers, and no item shall weigh more than fifty (50) pounds. A customer may receive a special pickup upon request for an additional charge, depending on the quantity of material to be removed.

Section 4: **THAT**, Section 9.5.5 - Charges be amended in its entirety to read as follows:

9.5.5. – Charges and Collection - The City of Hurst offers Solid waste via franchise agreement under terms and conditions as approved by City Council on May 9, 2023, a copy of which is on file in the office of the city secretary.

- (a) Charges – all charges for garbage and recycling services shall be in accordance with the franchise agreement approved by City Council on May 9, 2023.
- (b) Collection – all collection of garbage and recycling shall be in accordance with the franchise agreement approved by City Council on May 9, 2023.

Section 4: **THAT**, Section 9.5.10 – Same – Collection of waste; charges is hereby deleted in its entirety.

Section 5: **THAT**, Section 9.5-15. Exclusivity of contract rights, be amended as follows:

The contractor shall at all times have the right of first refusal to the collection of dead animals and Hazardous Waste from Residential and Commercial ~~and Industrial~~ Premises.

Section 6: **THAT**, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision

thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole

Section 5: **THAT** this Ordinance shall be effective upon final passage and approval.

AND IT IS SO ORDERED.

Passed on the first reading on the 25th day of April 2023, by a vote of 5 to 0.

Approved on the second reading on the 9th day of May 2023, by a vote of _ to _.

ATTEST:

CITY OF HURST:

Rita Frick

Henry Wilson, Mayor

APPROVED AS TO FORM AND LEGALITY:

City Attorney

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into an Annual Contract for Stage, Sound, and Lighting Services

Supporting Documents:

Meeting Date: 5/9/2023

Department: Community Services

Reviewed by: Kyle Gordon

City Manager Review:

Background/Analysis:

Since 2002, the City has held its annual "Hurst Stars & Stripes" July 4th celebration at the Hurst Community Park. This family-oriented event features exciting live musical entertainment with high-quality stage, sound, and lighting to enhance the experience. The live shows have proven to be one of the most popular components of the annual event. Additionally, the annual Tree Lighting heavily utilizes sound and lighting production to transform the Conference Center into the north pole and turn Santa, Mayor, and Council into our rockstars for the evening.

The artistic elements of a pyrotechnic show involve synchronizing the fireworks portion to a carefully choreographed musical soundtrack played during the performances. This requires the selected audio/visual company to work closely with the City's Event Resource Committee and pyrotechnic vendor to review the song selections, musical choreography, firing patterns, and visual effects.

To ensure a qualified company was selected, a set of specifications were updated to meet the City's expectations with the intent to establish an annual, renewable agreement with a qualified contractor. The approved bid documents were advertised and distributed to stage, sound, and lighting businesses, and after a full review, it was determined that In Depth Events, Inc. is the qualified bidder. They have an excellent reputation working with other municipalities and within the industry for delivering unique and dynamic live shows.

Funding Sources and Community Sustainability:

The Recreation Division will spend approximately \$65,000 annually for this service. Funding is available in the Recreation Division FY22-23 operating budget and Special Projects Fund.

In an effort to remain a vibrant community, this project addresses the City Council's Strategic Priorities for **Innovation, Economic Vitality, and Leadership** by hosting excellent special events.

Recommendation:

It is recommended the City Council **authorize the city manager to enter into a contract with In Depth Events, Inc. for stage, sound, and lighting services with the option to renew annually.**

SUBJECT: Consider authorizing the city manager to purchase landscape maintenance equipment	
Supporting Documents:	
	<p>Meeting Date: 5/9/2023</p> <p>Department: Community Services</p> <p>Reviewed by: Kyle Gordon</p> <p>City Manager Review:</p>
Background/Analysis:	
<p>In the early 2000s, the Parks Department changed from performing its own “in-house” mowing and landscape maintenance to a contract model that places most of the maintenance responsibility for 120+ city sites on private commercial landscape contractors. In doing so, the City’s existing equipment was minimized. The remaining pieces were maintained to ensure they could operate, but only for infrequent use or emergency needs. However, with the persistent labor market shortages, the remaining twenty-five-year-old mowing equipment is being utilized more frequently by staff to offset the skipped mowing cycles by our contractor. Unfortunately, this causes more strain on the older equipment than it can endure, further hampering the City’s ability to respond quickly to complaints and issues regarding high grass.</p> <p>The need for newer, more efficient equipment with readily available parts has become a top priority to ensure that Parks Department personnel can quickly address urgent high grass and landscape maintenance issues. Therefore, staff worked closely with our preferred vendors to provide estimates for two Kubota ZD1200 series 72” side discharge mowers and a Turfco Torrent 2 Blower for a quoted price of \$50,000 (includes 10% contingency). The equipment vendors are members of the various purchase consortiums the City is authorized to utilize at prenegotiated prices.</p>	
Funding and Sources:	
<p>Funding in the amount of \$50,000 is available in the Parks Department Operating Budget annual contingency appropriation.</p> <p>In an effort to remain a vibrant community, this project addresses the City Council's Strategic Priorities for Leadership, Infrastructure, and Economic Vitality by maintaining City properties.</p>	

Recommendation:

It is recommended the City Council **authorize the city manager to proceed with the purchase of the landscape maintenance equipment, for an amount not to exceed \$50,000.**

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into an Interlocal Agreement with the City of Fort Worth for water service to Trinity Lakes Station	
Supporting Documents:	
	Meeting Date: 5/9/2023 Department: City Secretary Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
<p>Trinity Metro is constructing a new Trinity Railway Express (TRE) station partially within Hurst city limits. Certificate of Convenience and Necessity (CCN) requirements call for water to be provided by the City of Hurst. To provide water to the south side of the station, boring and easement expenditures are necessary. To avoid this project expense, Fort Worth is requesting an Interlocal Agreement allowing them to provide water within our CCN area. Staff will work with the city attorney to develop this agreement. We will ensure that future water needs on the north side of the station will be provided by the City of Hurst. We will also include language regarding future access to the station as it relates to possible future redevelopment in Hurst.</p>	
Funding Sources and Community Sustainability:	
There are no project costs to the City of Hurst at this time.	
Recommendation:	
Staff recommends City Council authorize the city manager to enter into an Interlocal Agreement with the City of Fort Worth for water service to Trinity Lakes Station within the City of Hurst CCN area.	

City Council Staff Report

SUBJECT: Approval of Resolution 1836 casting votes for a candidate for the Tarrant Appraisal District Board of Directors to replace a recalled member	
Supporting Documents:	
TAD Letter / Ballot	Meeting Date: 5/9/2023 Department: Legislative and Judicial Services Reviewed by: Rita Frick City Manager Review:
Background/Analysis:	
<p>The City of Hurst received a letter from the Tarrant Appraisal District providing a Ballot and the number of allocated votes the City is entitled to cast to fill the vacancy on the TAD Board resulting from the recall of Ms. Kathryn Wilemon.</p> <p>The Tarrant Appraisal District must receive the City’s Resolution ballot on or before May 16, 2023. The candidates are Mattie Peterson Compton, nominated by the City of North Richland Hills and Vince Puente, Sr., nominated by the City of Keller and Tarrant County Commissions Court.</p>	
Funding and Sources and Community Sustainability:	
There is no fiscal impact.	
Recommendation:	
Staff recommends the City Council approve Resolution 1836 casting votes for _____.	

SCANNED

RECEIVED

APR 28 2023

CITY SECRETARY'S OFFICE



April 27, 2023

Henry Wilson
Mayor
City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054

Re: Notice of Ballot for Board Member Recall

Dear Mr. Wilson:

As required by Section 6.033 of the Property Tax Code I am sending the enclosed Ballot to all of the following taxing units that are entitled to vote, along with the number of votes each governing body is entitled to cast, to fill the vacancy on the TAD Board resulting from the recall of Ms. Kathryn Wilemon:

Mansfield ISD	41
City of Grand Prairie	60
City of Hurst	10
City of Keller	4
City of Mansfield	50
City of North Richland Hills	35
Tarrant County College	154
TC Commissioner's Court	515

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Law", is written over a large, stylized, circular flourish.

Jeff Law
Executive Director/Chief Appraiser

JL:jw
Enclosures





BALLOT May 1, 2023

APPOINTMENT OF A NEW BOARD MEMBER
TO FILL VACANCY FROM RECALL OF MS. WILEMON

Below are the names of the candidates to fill the vacancy on Tarrant Appraisal District Board of Directors (TAD BOD) resulting from the recall of Ms. Kathryn Wilemon. As required by Section 6.033 (d) ¹ of the Texas Property Tax Code, these candidates listed below were nominated by resolutions adopted by the governing body of the taxing units listed and were timely submitted to the Chief Appraiser of TAD.

VOTES FOR	Candidates (See enclosed Bios)	Taxing Unit that Nominated
	Mattie Peterson Compton	City of North Richland Hills
	Vince Puente, Sr.	City of Keller & Tarrant County Commissioners Court

As provided by Section 6.033 (d), the following taxing units that cast any of its votes for appointment of Mrs. Wilemon to the TAD Board for the 2022-2023 term may now vote to fill the vacancy resulting from recalling him. Each such taxing unit is entitled to the following number of votes:

Mansfield ISD	41
City of Grand Prairie	60
City of Hurst	10
City of Keller	4
City of Mansfield	50
City of North Richland Hills	35
Tarrant County College	154
TC Commissioners Ct	<u>515</u>
	869

The candidate listed above who receives the largest vote total is appointed the new member of the TAD Board for the remainder of the term. If your taxing unit chooses to vote, it must do so by resolution adopted by its governing body and must submit the resolution to the Chief Appraiser of TAD on or before May 16, 2023. Please write your taxing units vote on this Ballot and attach it to a resolution. I have attached a sample resolution used by the City of Arlington in a prior recall election



for your convenience. You may adapt the sample form of resolution attached or use your own form. Deliver the resolution to the Chief Appraiser Jeff Law by email to jwooddell@tad.org or by USPS as follows:

Jeff Law, Chief Appraiser
Tarrant Appraisal District
PO Box 185579
Fort Worth, Texas 76181-0579

If your taxing unit chooses not to vote, it may consult its attorney about adopting a resolution waiving its right to vote and delivering such resolution to the Chief Appraiser as soon as possible.


Jeff Law, Chief Appraiser

1 Section 6.033 (d) provides:

If a vacancy occurs on the board of directors after the recall of a member of the board under this section, the taxing units that were entitled to vote in the recall election shall appoint a new board member. Each taxing unit is entitled to the same number of votes as it originally cast to appoint the recalled board member. Each taxing unit entitled to vote may nominate one candidate by resolution adopted by its governing body. The presiding officer of the governing body of the unit shall submit the name of the unit's nominee to the chief appraiser on or before the 30th day after the date it receives notification from the chief appraiser of the result of the recall election. On or before the 15th day after the last day provided for a nomination to be submitted, the chief appraiser shall prepare a ballot, listing the candidates nominated alphabetically according to each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote. On or before the 15th day after the date on which a taxing unit's ballot is delivered, the governing body of the taxing unit shall determine its vote by resolution and submit it to the chief appraiser. On or before the 15th day after the last day on which a taxing unit may vote, the chief appraiser shall count the votes, declare the candidate who received the largest vote total appointed, and submit the results to the presiding officer of the governing body of the appraisal district and of each taxing unit in the district and to the candidates. The chief appraiser shall resolve a tie vote by any method of chance. (emphasis added).



SUBJECT: Consider authorizing additional funding for the purchase of thirteen (13) vehicles from approved vendors

Supporting Documents:

Meeting Date: 5/9/2023

Department: Administration

Reviewed by: Malaika Marion Famer

City Manager Review:

Background/Analysis:

The Fleet Services Division is committed to maintaining, repairing, and replacing City vehicles and equipment in a timely and cost-effective manner to prevent interruptions in City services. The Fleet Services Division follows a replacement schedule to determine vehicle and equipment depreciation and estimate service life. During the vehicle's or equipment's service life, all parts, fuel, and repairs are tracked. Each year during the budget process, all vehicles and equipment are evaluated based on age, mileage, maintenance, and repair costs. Following this evaluation process, the necessary vehicles and equipment are budgeted to be replaced in the upcoming fiscal year. After vehicles are approved for replacement, Fleet Services staff examine them to determine if any equipment can be reused in an effort to lower costs.

Due to supply chain issues, staff could not replace vehicles in Fiscal Year (FY) 2022 and is attempting to catch up on purchases this year. In January, Council authorized the purchase of thirteen (13) vehicles: seven (7) Chevrolet Tahoe PPV Police Patrol vehicles, two (2) Chevrolet Equinox for Police COP vehicles, two (2) Chevrolet C-1500 trucks for Parks and Water Departments, one (1) Chevrolet C-2500 truck for Animal Services and one (1) K-5500 with service body for Fleet Services from approved vendors, for an amount not to exceed \$591,000. However, staff is still looking for available vehicles, and when they are available, the pricing is much higher than in the past. Recently, staff placed a purchase order for the seven Tahoe vehicles for \$339,132. This price was approximately 25% over our budgeted amount. Therefore, additional funds are needed to equip and decal the vehicles and purchase the remaining six. Staff conservatively estimates an additional \$84,000 is necessary for the post-purchase upgrades to the Police Tahoe vehicles, and an additional \$55,250 is needed to cover inflationary costs to purchase the remaining six vehicles.

Funding Sources and Community Sustainability:

The initial funding for these units was within the FY 2022 and FY 2023 Fleet Service Fund and Water Enterprise Fund. Additional funding has been identified within the Special Projects Fund.

The fleet replacement schedule is designed to be **fiscally responsible** while at the same time providing **excellent service** and addressing the City Council's Strategic Priorities for **Infrastructure and Public Safety**.

Recommendation:

It is recommended City Council **authorize additional funding, in the amount of \$139,250, from the Special Projects Fund for the purchase of thirteen (13) vehicles from approved vendors.**

City Council Staff Report

<p>SUBJECT: Consider authorizing the city manager to enter into a Professional Services Contract with Freese and Nichols, Inc., for professional engineering services for Lead and Copper Rule Revision Compliance Program</p>	
<p>Supporting Documents:</p>	
<p>Contract Agreement</p>	<p>Meeting Date: 5/9/2023</p> <p>Department: Public Works</p> <p>Reviewed by: Greg Dickens</p> <p>City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>The services provided in this contract are designed to comply with the new unfunded mandate by the U.S. Environmental Protection Agency (EPA) who released Lead and Copper Rule Revisions (LCRR) on January 15, 2021, setting new standards aimed at removing harmful levels of lead and copper from drinking water. The LCRR went into effect on December 16, 2021 with the compliance date of October 16, 2024. This revision will require cities and other water utilities to take significant action to protect customers from the health risks associated with lead and copper in order to comply with the LCRR.</p> <p>With the specifics on achieving the rule revisions, only recently being more clearly defined by the EPA, staff is recommending utilizing Freese and Nichols, Inc. (FNI) to help Hurst comply with the new rules in a timely manner. The attached contract spells out proposed tasks to be completed by FNI in assisting the City to meet the initial service line inventory by October 16, 2024, and help the City apply for initial funding from the Texas Water Development Board (TWDB) by May 23, 2023. The funding is through the TWDB Drinking Water State Revolving Fund loan program with financing made at the ratio of 51% principal forgiveness and 49% loan/bond. FNI will provide services per the contract for a fee of \$97,775.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>Sufficient funds are available for use from the Enterprise Depreciation Reserve Fund.</p> <p>This engineering services contract meets Council’s priorities and goals of Infrastructure and Public Safety.</p>	

Recommendation:

Staff recommends the City Council **authorize the city manager to execute the Professional Services Contract with Freese and Nichols, Inc., for Lead and Copper Rule Revision Compliance Program, for a total fee not to exceed \$97,775.00.**

- B. Professional shall submit itemized monthly statements for Services. City shall make payments in the amount shown by the Professional's statements.
- C. Total payments for direct non-labor expenses, costs, and professional services, described in Section 3 above and summarized in Exhibit B, for a lump sum fee of **\$97,775.00** for basic services and a lump sum fee of **\$33,676.00** for special services, with prior authorization from the City.
- D. Nothing contained in this article shall require City to pay for any work which is unsatisfactory as reasonably determined by the Director or which is not submitted in compliance with the terms of this Contract. City shall not be required to make any payments to the Professional when the Professional is in default under this Contract; nor shall this paragraph constitute a waiver of any right, at law or in equity, which City may have if the Professional is in default, including the right to bring legal action for damages or for specific performance of this Contract.

5. OWNERSHIP OF DOCUMENTS

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

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

6. SERVICES BY CITY

City shall provide the following services under this Contract:

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

7. **COMPLETION SCHEDULE**

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

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

8. **NOTICE TO PROCEED**

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

9. **TERMINATION OF CONTRACT**

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

10. **RESPONSIBILITY FOR CLAIMS AND LIABILITIES**

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

11. **EQUAL EMPLOYMENT OPPORTUNITY**

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

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

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

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

12. AMENDMENTS

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

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

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

14. RIGHT OF REVIEW

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

15. CONFLICT OF INTEREST

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

16. CONTRACT PERSONAL

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

17. NOTICES

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

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

If intended for City, to:

Gregory W. Dickens
Contact Person

Exec. Director of Public Works
Title

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

If intended for Professional, to:

Andrew Franko
Contact Person

Project Manager
Title

Freese and Nichols, Inc.
Firm Name

801 Cherry Lane, Suite 2800
Address

Fort Worth, TX 76102
City, State, Zip Code

817-735-7515
Telephone No.

18. INDEPENDENT CONTRACTOR

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

19. INDEMNITY

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

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

20. INSURANCE

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

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

21. VENUE

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

22. APPLICABLE LAWS

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

23. GOVERNING LAWS

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

24. LEGAL CONSTRUCTION

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

25. PUBLISHED MATERIAL

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

26. CAPTIONS

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

27. SUCCESSORS AND ASSIGNS

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

28. ENTIRE AGREEMENT

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

IN WITNESS WHEREOF, the parties hereby have executed this agreement in triplicate originals on this date, the _____ day of _____, 2023.

Freese and Nichols, Inc.

Firm Name

Trey Shanker

Signature

Vice President

Title

801 Cherry Street, Suite 2800

Address

Fort Worth, TX 76102

City, State, Zip Code

CITY OF HURST

City Manager

Executive Director of Public Works

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

City of Hurst Lead and Copper Rule Revision Compliance Program

PROJECT UNDERSTANDING

The U.S. Environmental Protection Agency (EPA) released Lead and Copper Rule Revisions (LCRR) on Jan. 15, 2021, setting new standards aimed at removing harmful levels of lead and copper from drinking water. The LCRR went into effect on December 16, 2021 with the compliance date of October 16, 2024. This revision will require cities and other water utilities to take significant action to protect customers from the health risks associated with lead and copper in order to comply with the LCRR.

Freese and Nichols, Inc. (FNI) recommends achieving compliance through a phased approach support the City of Hurst (City) in their compliance with the LCRR.

- Phase 1 – LCRR Effort Assessment
- Phase 2 – Initial Service Line Inventory Development
- Phase 3 – Service Line Inventory Completion by Field Inspections
- Phase 4 – Sample Plan Update, Preliminary Sampling, and Other Compliance Preparations
- Phase 5 – Lead Service Line Replacement Planning and Mitigation

The scope of Phase 1 and 2 services and related fee is proposed below. Based on the findings of Phase 1 and 2, the level of effort related to Phases 3 to 5 may be prepared as part of a future proposal if and when requested by the City.

Phases 1 & 2 of LCRR Compliance Preparation: The goals of Phases 1 and 2 are listed below:

- Collect and review content and quality of service line informational records: all available records listed in 40 CFR 141.84(a)(3).
- Develop an initial service line inventory based on the assessment of available records.
- Develop initial inventory of schools and childcare facilities.
- Assess water quality data to understand potential for lead detections above the LCRR trigger and action levels.
- Develop proposed schedule and level of effort for service line inventory completion, and the completion of other LCRR deliverables.

ARTICLE I

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

1.1.) Project Kickoff Meeting: FNI will conduct a kickoff meeting with key project stakeholders to discuss the project approach and data requested. FNI will develop and submit a data request technical memorandum prior to the Kickoff Meeting.

1.2.) Project Administration: Perform general administrative duties associated with the Project, including planning, progress monitoring and monthly progress reporting, scheduling, and invoicing for the Project. These duties include maintaining regular contact with the City to help meet the needs of the City in a timely manner and executing work in accordance with the work plan, budget, and schedule.

1.3.) Project Coordination Meetings: FNI will lead up to six (6), virtual, one-hour coordination meetings with the City's staff to facilitate the gathering of requested materials, discuss results and report the status of various tasks.

1.4.) Desktop Water Quality Assessment: FNI will review lead and copper sample results from Drinking Water Watch and current sampling plans to generally assess the proximity to future trigger and action levels. A preliminary desktop analysis of the corrosivity of the City's largest drinking water source will be performed based upon readily available water quality data and corrosivity studies. If no corrosion control studies are available or if supplemental analysis is required, the City may authorize FNI to conduct a corrosion control study as described below under Special Services. The results of the assessment will be presented to City Staff at a project coordination meeting.

1.5.) Service Line Data Availability Evaluation: Determine the availability and quality of records required to complete the Historical Records Review Section of the TCEQ inventory template. Records will be reviewed for information pertaining to service line age and materials to support a lead service line (LSL) inventory. FNI will review a small sample set from the available records to assess the quality of the data and the potential for identifying service main material and install date. The results of the evaluation will be presented to City Staff at a project coordination meeting.

1.6.) Identify Childcare and Schools to be Included in the City's Compliance Program: FNI will approximate the number of childcare facilities and schools that will need to be included in the City's LCRR outreach, education and sampling program.

1.7.) Perform Desktop Service Line Research: FNI will develop the initial inventory of the private and City-owned service lines. A desktop assessment, up to 80 hours, will be performed to determine the material type of service lines constructed before the EPA Lead Ban based on data collected during Task 1.5. If a material type cannot be identified, FNI will assign a material type of lead status unknown to service mains constructed prior to the EPA Lead Ban, per TCEQ guidance.

1.8.) Develop Initial LSL Inventory: FNI will develop an ESRI ArcGIS Online web map of the initial service line inventory based on the findings of Task 1.7. The web map will include information on the private and City-owned portion of each service line, where available. Information from the web map will be exported and utilized to populate the TCEQ service line inventory template. FNI will present the initial lead service line inventory to the City as part of a project coordination meeting.

1.9.) LCRR Funding Pre-Application Form Preparation: FNI will prepare the initial funding application form for submittal to Texas Water Development Board (TWDB). FNI will review the methodology and draft application from with the City at a project coordination meeting. FNI will finalize the application based on the City's feedback and submit to TWDB by the May 23rd 2023 deadline.

1.10.) LCRR Compliance Schedule and Budget Development: FNI will develop compliance schedule and planning level budget for consideration in the City’s budgeting process. The budget will include effort for developing the LSL replacement plan, LSL inventory verification, sampling plan update and public outreach. FNI will develop up to three (3) alternative compliance budgeting scenarios that consider varying inventory verification rates and activities. Recommendations for funding opportunities including grants, loans and traditional sources, will be identified. The compliance schedule and budget alternatives will be presented to City Staff at a project coordination meeting.

1.11.) Prepare and Submit Draft LCRR Compliance Plan TM: FNI will prepare a technical memorandum summarizing the assessment and initial LSL inventory development. The future compliance activities, budget, schedule, and funding opportunities necessary for the City to meet compliance will be summarized as well. FNI will submit the Draft LCRR Compliance Plan TM for City Staff’s review. The initial LSL inventory, in the TCEQ tabular template, will be included as an appendix to the TM.

1.12.) Finalize LCRR Compliance Plan TM: FNI will finalize the LCRR Compliance Plan TM based on feedback from City Staff. FNI will submit an electronic copy of the finalized technical memorandum to the City.

ARTICLE II

SPECIAL SERVICES: FNI shall render the following professional services, which are not included in the Basic Services described above, in connection with the development of the Project:

- **Service Line Material Field Investigation App:** FNI will develop an ESRI Survey123 data collection app to be utilized to record the findings of the field investigation pilot. The app will include drop down menus to record the material of the public and private portion of the service line.
- **Field Investigation Pilot:** FNI will perform a field investigation on up to 100 service line as part of a pilot to gain initial information across the system and establish a process for determining service line material type. The field investigations will consist of a visual inspection of the public and private portions of the service from within the meter box. Lead identification methods such as scratch and lead swab testing will be utilized as part of the field inspections.

ARTICLE III

ADDITIONAL SERVICES: Any services performed by FNI that are not included in the Basic Services or Special Services described above are Additional Services. N/A

ARTICLE IV

TIME OF COMPLETION: FNI shall complete the proposed professional services in connection with the development of the Project:

- The Draft LCRR Compliance Plan TM will be submitted to the City within six months of receiving the notice to proceed.
- The final draft will be completed within three weeks of receiving the City’s comments.

If FNI’s services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Client

or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement.

ARTICLE V

RESPONSIBILITIES OF CLIENT: Client shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Client recognizes and expects that change orders may be required to be issued during construction. The responsibility for the costs of change orders will be determined on the basis of applicable contractual obligations and professional liability standards. FNI will not be responsible for any change order costs due to unforeseen site conditions, changes made by or due to the Client or Contractor, or any change order costs not caused by the negligent errors or omissions of FNI. Nothing in this provision creates a presumption that, or changes the professional liability standard for determining if, FNI is liable for change order costs. It is recommended that the Client budget a minimum of 5% for new construction and a minimum of 10% for construction that includes refurbishing existing structures.
- B. Designate in writing a person to act as Client's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret and define Client's policies and decisions with respect to FNI's services for the Project.
- C. Provide all criteria and full information as to Client's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which Client will require to be included in the drawings and specifications.
- D. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.
- E. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- F. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as Client deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay, or cause rework in, the services of FNI.
- G. Client shall make or arrange to have made all subsurface investigations, including but not limited to borings, test pits, soil resistivity surveys, and other subsurface explorations. Client shall also make or arrange to have made the interpretations of data and reports resulting from such investigations. All costs associated with such investigations shall be paid by Client.
- H. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as Client may require or FNI may reasonably request with

regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as Client may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as Client may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.

- I. Give prompt written notice to FNI whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services, or any defect or nonconformance of the work of any Contractor.
- J. Furnish, or direct FNI to provide, Additional Services as stipulated in Attachment SC, Article III of this Agreement or other services as required.
- K. Bear all costs incident to compliance with the requirements of this Article V.

ARTICLE VI

DESIGNATED REPRESENTATIVES: FNI and Client designate the following representatives:

Client's Designated Representative – Gregory W. Dickens
Exec. Director of Public Works
City of Hurst
1505 Precinct Line Road
Hurst, TX 76054
817-788-7075

FNI's Designated Representative – Steven Rhodes, PE
9601 McAllister Freeway, Suite 1008
San Antonio, TX 78216
210-298-3815
sdr@freese.com

FNI's Accounting Representative – Jana Collier
801 Cherry Street, Suite 2800
Ft. Worth, TX 76102
817-735-7354
jvc@freese.com

EXHIBIT B

City of Hurst

Lead and Copper Rule Revision Compliance Program

TASK	FEE
General Project Management & Coordination Meetings (Tasks 1.1 - 1.3)	\$10,398
Data Collection and Assessment (Tasks 1.4 – 1.6)	\$22,150
Initial Desktop Inventory (Tasks 1.7 – 1.8)	\$42,324
LCRR Compliance Plan TM (Task 1.9– 1.12)	\$22,903
Basic Services Fee	\$97,775
Service Line Material Investigation App & Pilot	\$33,676
Special Services Fee	\$33,676
Total Fee	\$131,451

**MINUTES
CITY OF HURST
ZONING BOARD OF ADJUSTMENT
WORK SESSION
MONDAY, APRIL 10, 2023**

On the 10th day of April 2023 at 6:00 p.m., the Zoning Board of Adjustment of the City of Hurst, Texas, held a work session meeting at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members and staff present:

Jeffrey Barnes	) Chair
Richard Grantvedt	) Vice Chair
Mike Kelley	) Member
Darrell Griffin	) Alternate
Sarah Walsh	) City Attorney
Tanya Wilson	) Building Official
Jeanette Pine	) Permit Tech, ZBA Admin

A quorum was met. The following business was transacted:

Call to order: The meeting convened at 6:00 p.m.
Discussion

- I. ZBA-2023-00001 is a variance request, by the Hurst-Eules-Bedford Independent School District, located at 1601 Brown Trail, Hurst, TX 76054 and legally described as Lot 1, Block 1 of the L.D. Bell Addition, to the Zoning Board of Adjustment to reduce the twenty-five (25') building setback from the property line to three (3') of the property line.

Meeting adjourned at 6:23 p.m.

APPROVED this the _____ day of _____ 2023.

**Jeffrey Barnes – Chair
Zoning Board of Adjustment**

ATTEST:

Jeanette Pine, Recording Secretary

**MINUTES
CITY OF HURST
ZONING BOARD OF ADJUSTMENT
MONDAY, APRIL 10, 2023**

On the 10th day of April, 2023 at 6:30 p.m., the Zoning Board of Adjustment of the City of Hurst, Texas, held a meeting at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members and staff present:

Jeffrey Barnes	) Chair
Richard Grantvedt	) Vice Chair
Mike Kelley	) Member
Darrell Griffin	) Alternate
Sarah Walsh	) City Attorney
Tanya Wilson	) Building Official
Jeanette Pine	) Permit Tech, ZBA Admin

A quorum was met. The following business was transacted:

Call to order: The meeting convened at 6:28 p.m.

Jeffrey Barnes swore in anyone wanting to speak in front of the Zoning Board of Adjustment.

- I. Jeffrey Barnes moved to approve minutes for the August 08, 2022 meeting. Mike Kelley motions. Darrell Griffin seconded the motion. The motion prevailed by vote 4-0.

- II. ZBA-2023-00001 is a variance request, by the Hurst-Eules-Bedford Independent School District, located at 1601 Brown Trail, Hurst, TX 76054 and legally described as Lot 1, Block 1 of the L.D. Bell Addition, to the Zoning Board of Adjustment to reduce the twenty-five (25') building setback from the property line to three (3') of the property line.

Josh Miner from H-E-B ISD explains updating concession stand where it is presently. Nothing will be outside the fence line.

Gunther Straus spoke on being impacted by upgrades to baseball diamond, lighting, sound system, flying baseballs. Although he has no problem with the concession rebuild, he states the baseball field creates too much traffic.

Lori Forester asks if the netting will change.

Josh Miner answers, "No."

Mrs. Gunther Straus has complaints about the noise. She states she does not want more noise with the enhancements.

Mr. Gunther Straus states it is not the school playing on the field that is bothersome. It is the league play that creates all the noise and broken windows.

Jeff Barnes closes public hearing at 6:43 p.m.

Mike McClure states that we are not here because of noise and sound.

Jeff Barnes calls Josh Miner to the podium and asks if there are enhancements to make the bathrooms ADA compliant.

Josh Miner answers, "Yes."

Mike McClure states that maybe they could move the speakers.

Josh Miner states they are also looking at bleacher covers.

Jeff Barnes asks if anyone has a motion.

Darrell Griffin motions to vote on approval for the variance.

Mike McClure seconds the motion.

All were in favor.

Jeffrey Barnes polled the board the 4 questions required for the Zoning Board, as per the City Ordinance, to approve the variance.

"That the literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property?" All answered yes.

"That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district" All answered yes.

"That the relief sought will not injure the permitted use of adjacent conforming property" All answered yes.

"That the granting of the variance will be in harmony with the spirit and purposes of these regulations." All answered yes.

Jeffrey Barnes stated since the board answered affirmative to all, the variance is granted. Applicant is directed to have all paperwork submitted within 90 days. Jeff Barnes advised citizens to go speak to the school board about complaints.

Jeffrey Barnes reminded the room "This board reviews each and every case on its individual merits and does not, in any way, set a precedent for any future cases or considerations.

Richard Grantvedt made a motion to adjourn the meeting.
Darrell Griffin seconded the motion.
The motion passed by a vote of 4-0.

The meeting adjourned at 6:52 p.m.

APPROVED this the _____ day of _____ 2023.

**Jeffrey Barnes – Chair
Zoning Board of Adjustment**

ATTEST:

Jeanette Pine, Recording Secretary

City of Hurst §

County of Tarrant §

State of Texas §

On the 12th day of April 2023, at 11:45 a.m., a meeting of the Hurst Economic Development Advisory Committee was held at the Hurst Conference Center, 1601 Campus Drive, Hurst, Texas.

Members Present:

Shalyn Clark	§	Members
Michael Sinha	§	
Mike Soab	§	
Linda Caram	§	
David Medina	§	
Teri Dodson	§	

Absent:

Mark Cyrier	§
Ron Soucie	§
David Medina	§

Staff Members Present:

Steve Bowden, Executive Director of Economic Development

1. Vice Chairman Shalyn Clark opened the meeting and Linda Caram moved to approve the Minutes of the previous Economic Development Advisory Committee. Motion was seconded by Mike Soab and prevailed unanimously.
2. Steve Bowden shared an Economic Development Update that covered activities since the last time the committee had met. Discussion included new businesses and the positive impact the City has seen with 2022 being the first full year post pandemic in areas like commercial businesses, hotel and residential activity.
3. Steve outlined details of the City's redevelopment plans now with the purchase of Val Oaks Shopping Center, the Masonic Lodge building and two other

neighboring business parcels. The committee was encouraged by the positive impact this new redevelopment activity could create.

4. Steve shared the specific details of the recently completed Annual Hurst Citizen Survey. He distributed the pages specific to Economic Development and all were encouraged by the strong, positive results as well as overall results for the City.
5. Steve distributed the recent Hurst City Annual Report and Strategic Plan. He also shared his departmental memo and detailed the strategies for Economic Development for the upcoming year.
6. Steve shared a video that detailed a program for small businesses that will give business intelligence data to Hurst businesses called SizeUp LBI. Teri Dodson made a motion to support the program and Shalyn Clark seconded the motion and it prevailed unanimously.

There being no other business, the meeting adjourned after a motion to do such by Linda Caram and Mike Soab seconded at 1:20 p.m.

APPROVED this the _____ day of _____ 20XX.

APPROVED

Economic Development Advisory Committee

ATTEST:

Steve Bowden

**MINUTES
CITY OF HURST
PLANNING AND ZONING COMMISSION
WORK SESSION
MONDAY, APRIL 17, 2023**

On the 17th day of March 2023, at 6:30 p.m., the Planning and Zoning Commission of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Charles Aman	) Chair
Will Blackburn)
Weldon Martin)
Howard Shotwell)
Andrea Taylor)
Michelle Lazo	) Director Planning and Development
Erin Mills	) Support Analyst

With the following Board members absent: Mark Cyrier and Larry Wilson, constituting a quorum; at which time the following business was transacted:

I. Call to Order

II. Discussion:

SP-2023-00003 Alice Bowie Tattoo, a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Euless Road

SP-2023-00001 (Withdrawn) Katie's Car Wash, a Site Plan on Lot 1, Block 1 Sonic Drive-In Addition, being 1.08 acres located at 1461 W. Hurst Boulevard

P-2022-00006 Norwood Plaza Addition a replat of Lot 6, 7R, and 9, Block A Norwood Addition to Lots 1 and 2, Block A Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane

APPROVED this the _____ day of _____ 2023

ATTEST:

Planning & Zoning Commission

Recording Secretary

Charles Aman, Chairperson

MINUTES
CITY OF HURST
PLANNING AND ZONING COMMISSION
MONDAY, APRIL 17, 2023

On the 17th day of April 17, 2023, at 7:00 p.m., the Planning and Zoning Commission of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Charles Aman	) Chair
Weldon Martin)
Will Blackburn)
Howard Shotwell)
Andrea Taylor)
Michelle Lazo	) Director, Planning and Development
Erin Mills	) Support Analyst

With the following Board members absent: Mark Cyrier and Larry Wilson; constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 7:00 p.m. the Pledge of Allegiance was led by Mr. Martin.

1. Ms. Taylor moved to approve the minutes for the February 6, 2023 meeting. Mr. Martin seconded the motion and Mr. Shotwell sustained. The motion prevailed by a vote of 5-0.
2. SUP-2023-00003 Alice Bowie Tattoo, a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Eules Road.

Ms. Elizabeth Tippit, Alice Bowie Vintage business owner, spoke about the proposal.

Mr. Aman opened the public hearing.

Ms. Lazo, Development Director, read a letter of opposition from Mr. Norman Hoppenstein, with Shady Oaks Shopping Center. There being no one to speak Mr. Blackburn made a motion to close the public hearing, Mr. Shotwell seconded the motion. The motion prevailed by a vote of 4-0.

After additional discussion from the commission, Mr. Blackburn made a motion to recommend approval of SUP-2022-00003 Alice Bowie Tattoo, a Special Use Permit for a portion of Lot 2R3, Block A Shady Oaks Addition, being .49 acre located at 401 Bedford Eules Road, with the stipulation that the floor plan remain as presented. Ms. Taylor seconded the motion. The motion prevailed by a vote of 3-2.

3. SP-2023-00001 (Withdrawn) Katie's Car Wash, a Site Plan on Lot 1, Block 1 Sonic Drive-In Addition, being 1.08 acres located at 1461 W. Hurst Boulevard.

Ms. Lazo explained that the applicant withdrew the site plan request due to environmental contamination on the property.

Mr. Aman opened the public hearing.

There being no one to speak, Mr. Blackburn made a motion to close the public hearing, Mr. Shotwell seconded the motion. The motion prevailed by a vote of 4-0.

4. P-2022-00006 Norwood Plaza Addition a replat of Lot 6, 7R, and 9, Block A Norwood Addition to Lots 1 and 2, Block A Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane.

Mr. Jeff Cyrier with Norwood Plaza LLC., spoke about the final plat.

After additional discussion from the commission, Mr. Martin made a motion to recommend approval of P-2022-00006 Norwood Plaza Addition a replat of Lot 6, 7R, and 9, Block A Norwood Addition to Lots 1 and 2, Block A Norwood Plaza Addition, being 1.57 acres located at 100 Harrison Lane. Mr. Shotwell seconded the motion. The motion prevailed by a vote of 4-0.

There being no further business, the Chair declared the meeting adjourned at 7:18 p.m.

APPROVED this the _____ day of _____ 2023

ATTEST:

Recording Secretary

Charles Aman, Chair
Planning & Zoning Commission

Future Events Calendar

May 9, 2023

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>
Monday, May 29, 2023	City Hall Offices closed in observance of the Memorial Day Holiday