

City Council Minutes
Tuesday, February 28, 2023

On the 28th day of February 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
John Miller)	
Cathy Brotherton)	
Gary N. Waldron)	
David Booe)	
Clay Caruthers		City Manager
Matthew Boyle	)	City Attorney
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning
Kyle Gordon	)	Executive Director of Community Services
Eric Starnes	)	Director of Facilities and Project Manager
Jesse Loucks	)	Library Director

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

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

Councilmember Brotherton gave the Invocation.

PROCLAMATION

1. Proclamation recognizing March 2023 as American Red Cross Month

Mayor Pro Tem Cindy Shepard presented the Proclamation recognizing March 2023 as American Red Cross month to American Red Cross, North Texas Region Executive Director Adolph Aguirre who thanked the Mayor and Council and expressed his pleasure in serving the community.

CONSENT AGENDA

2. Consider approval of the minutes for the February 14, 2023 City Council meeting
3. Consider Ordinance 2530, second reading, amending Chapter 13, "Municipal Court" by adding a fine for failure to appear or violation of promise to appear in the Hurst Municipal Court

4. Consider Ordinance 2531, second reading, to vacate and abandon a 3-foot wide strip of a 10-foot wide Utility Easement platted as part of Lot 13, Block D, of the Versailles Parc Addition
5. Consider authorizing the city manager to enter into an agreement for Citywide Aquatics Maintenance Services
6. Consider award of bid and authorize the city manager to enter into a contract with TJ's Sprinklers for citywide irrigation installation and repair services
7. Consider authorizing the city manager to proceed with the citywide irrigation controller upgrade project
8. Consider authorizing the city manager to enter into an annually renewing agreement with Gary Osier Presents, Inc
9. Consider authorizing the City Manager or his appointed representative to renew software and maintenance support for the Cities phone system with Mitel Networks Corporation
10. Consider authorizing the city manager to enter into agreements with Cingl Telecommunications and Cyson Technology Group for Citywide Data and Telecommunications cabling installation and repair services

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

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

No: None

PUBLIC HEARING(S)

11. Conduct a public hearing and consider Ordinance 2532, first reading, (Z-2022-00004 G.O. Electrical) a zoning change from R1 to GB-PD with a site plan for Tract 2A Handler Jones Estates Addition, being 2.33 acres located at 7208 Precinct Line Road

Mayor Wilson announced the public hearing to consider Ordinance 2532, first reading, (Z-2022-00004 G.O. Electrical) a zoning change from R1 to GB-PD with a site plan for Tract 2A Handler Jones Estates Addition, being 2.33 acres located at 7208 Precinct Line Road and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the proposed case. Ms. Lazo stated the applicant, G.O. Electrical is requesting the change to convert the existing home to an office with storage for their electrical contractor business. She reviewed the site plan noting they plan to keep the existing structure and add ADA accessibility to the home and parking. She stated the two (2) large metal storage barns in the rear of the property will be utilized for storage and noted planned modifications to the barn on the northern side of the property. Ms. Lazo also noted no proposed changes to the exterior the brick home and reviewed landscaping, and signage.

Mayor Wilson recognized Diana Gomez, one of the owners, who stated they are currently in

Carrollton, are a small family operated business providing services for new construction for custom homes, and not servicing the general public so they will not have foot traffic except employees.

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

In response to Council questions, Ms. Lazo stated the lighting plan shows zero footcandles at the property line, the business would have typical office hours, and reviewed the noise ordinance.

Councilmember Miller moved to approve Ordinance 2532, first reading, a zoning change with a site plan for G.O. Electrical. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

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

12. Conduct a public hearing and consider Ordinance 2533, first reading, (Site-2022-00014 Jamba Restaurant and Retail) a site plan for Lot 16, Block 1, Precinct Ridge Office Park Addition, being 1.56 acres located at 6100 Precinct Line Road

Mayor Wilson announced a public hearing to consider Ordinance 2533, first reading, (Site-2022-00014 Jamba Restaurant and Retail) a site plan for Lot 16, Block 1, Precinct Ridge Office Park Addition, being 1.56 acres located at 6100 Precinct Line Road and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the proposed case. Ms. Lazo reviewed the proposed site plan noting the developer is requesting the site plan in order to develop a new restaurant / retail center with 8,065 square feet and a single lane drive-thru on the northern end of the building. The developer plans to subdivide the building into lease spaces with a new Jamba Juice as the anchor. Ms. Lazo reviewed landscaping, elevations and signage.

Mayor Wilson recognized Civil Engineer Farman Shir, SD Collaborative, 1333 W. McDermott, Allen, Texas, who was present to answer questions.

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

Councilmember Waldron moved to approve Ordinance 2533, first reading, a site plan for the Jamba Restaurant and Retail. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

OTHER BUSINESS

13. Consider authorizing the city manager to enter into a contract with Excel 4 Construction, LLC, for the 2022 Miscellaneous Water Main Replacement Project

Executive Director of Public Works Greg Dickens reviewed the proposed project to replace deteriorating cast iron water mains with new plastic PVC water mains. He stated funding is combining three (3) years of funding to make one larger project. Mr. Dickens reviewed the proposed bid base and alternates noting the low bid was from Excel 4 Construction.

Councilmember Brotherton moved to authorize the city manager to enter into a Contract with Excel 4 Construction, LLC, for 2022 Miscellaneous Water Main Replacement Project, in the amount of \$1,743,702.00, with a contingency of \$56,298.00, for a total amount of \$1,800,000.00 and a construction contract duration of 235 calendar days. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

14. Consider award of bid for State Highway 10 Phase V Landscaping Project and authorize the City Manager to award the construction contracts to Central North Construction, LLC and City approved vendors

Director of Facilities and Project Manager Eric Starnes reviewed the proposed State Highway V Landscaping Project, including previous grant projects award by the Texas Department of Transportation beginning in 2019 to date. He stated the proposed project will include medians east of Bluebonnet Drive and ending at Lake Crest Lane. Mr. Starnes reviewed the bidding process noting five companies submitted sealed bids and Central North Construction submitted the lowest qualified bid. In response to Council questions, Mr. Starnes stated the refund payment was typically 30 days but they will not release final payment until an audit has been completed. He stated this phase will complete the Highway 10 project.

Councilmember McKenzie moved to authorize the city manager to award the Construction Contracts to Central North Construction, LLC and City approved vendors, for an amount not to exceed \$406,350. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

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

15. Consider authorizing the city manager to enter into an annual agreement with Arts Council of Northeast Tarrant County (ArtsNet)

Library Director Jesse Loucks reviewed the proposed Agreement reviewing the numerous program and attendee statistics. Mr. Loucks noted that prior to the pandemic, the Masterworks Concert Series, hosted by the Library in partnership with ArtsNet, attracted an average audience of 3,000+ annually providing a variety of quality, family-friendly performances. He stated since the recovery from the pandemic, the Library has not re-engaged the partnership until now and reviewed cost savings, staff time and funding available for the program. In response to Council questions, Mr. Loucks reviewed the performance selection process and noted the programs are generally spread evenly throughout the year, with an increase in the summer months.

Councilmember Shepard moved to authorize the city manager to enter into an annually

renewing agreement with Arts Council of Northeast Tarrant County. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

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

16. Consider approval of the Order of Cancellation of the May 6, 2023 General Election and declare each unopposed candidate elected

Mayor Wilson noted two current Councilmembers are unopposed and one candidate filing in Councilmember Booe's place who is retiring from Council. Mayor Wilson noted the wonderful contributions Councilmember Booe has provided during his tenure.

Councilmember McKenzie moved to approve the Order of Cancellation of the May 6, 2023 General election and declare each unopposed candidate elected. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

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

17. Board, Commission, and Committee Draft Minutes – Council reviewed the following minutes:
- Planning and Zoning Commission
18. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the future events calendar.
19. City Council Reports - Items of Community Interest – No reports were given.

Mayor Wilson next moved to Agenda Item 20 and then back to Public Invited to Be Heard.

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 Tarrant County College Professor Reginald's government class students.

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 Government Code, Section 551.071, Consultation with City Attorney to seek advice regarding pending or contemplated litigation or settlement offers (Cause No. 6:19-CV-345-ADA-DTG, City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, for Resolution of All Claims Associated with the Recovery of Unpaid Franchise Fees Owed to City of Hurst) and to reconvene in Open Session at the Conclusion of the Executive Session to consider and take any necessary action – Mayor Wilson did not recess to Executive Session due to meeting earlier during the work session.

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

City Attorney Matthew Boyle suggested the following motions for Council's consideration ensuing from Executive Session:

Motion to approve the resolution of all claims consistent with our discussion in Executive Session and authorize the City Manager to execute all associated documents and to take all other necessary action.

Councilmember Miller moved to approve the stated motion. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

Motion to authorize the City Manager to proceed with the proposed acquisition consistent with our discussion in Executive Session and authorize the City Manager to execute all associated documents and to take all other necessary action.

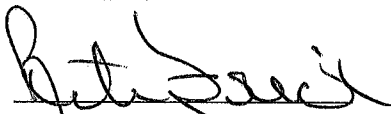
Councilmember Booe moved to approve the stated motion. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

ADJOURNMENT – The meeting adjourned at 7:16 p.m.

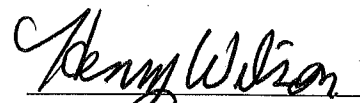
APPROVED this the 28th day of March 2023.

ATTEST:



Rita Frick, City Secretary

APPROVED:



Henry Wilson, Mayor