

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
TUESDAY, SEPTEMBER 12, 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 Jimmy Meeks)

PLEDGE OF ALLEGIANCE

PERSON(S) TO BE HEARD

1. Mr. Greg Garza requested to speak to request protection and safeguards for pedestrians from fast moving sport cyclists at Hurst Community Park

CONSENT AGENDA

2. Consider approval of the minutes for the August 22, 2023 City Council meetings
3. Consider ratifying the emergency expenditure for vegetation clearing located at 1848 Precinct Line Road
4. Consider authorizing the city manager to proceed with the Hurst Senior Activities Center Plumbing Repair Project
5. Consider authorizing the city manager to enter into a contract with CourTex Construction, Inc. for tennis and pickleball court resurfacing services
6. Consider authorizing the city manager to enter into a Professional Services Contract with Pyles Whatley Corporation for appraisal services for the West Pipeline Road Improvements, Phase 4 Project
7. Consider authorizing the city manager to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program
8. Consider Resolution 1841 authorizing the city manager to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles (TX DMV) Scofflaw

Program and any and all necessary agreements regarding the implementation of the Motor Vehicle Registration Refusal Program on behalf of the City

9. Consider Resolution 1842 appointing a voting member and an alternate member to the City of Fort Worth's Wholesale Water and Wastewater Customer Advisory Committee

PUBLIC HEARING(S) AND RELATED ITEM(S)

10. Conduct a public hearing and consider Ordinance 2549, first reading, Z-2023-00002 Events In Your Budget, a zoning change from GB to GB-PD with a site plan for Tract 12 A1 William Wallace Survey, A 1607, being .38 acre located at 1305 Yates Drive

PLAT(S)

11. Consider P-2023-00004 Chowdhry At Yates Addition, a final plat of Tract 12A1, William Wallace Survey A-1607 to Lot 1, Block 1 Chowdhry At Yates, being .36 acre located at 1305 Yates Drive
12. Consider P-2023-00005 McDaniel Addition, a replat of Lots A & B McDaniel Addition and Lot 11 Bellvue Addition to Lots A-R and B-R McDaniel Addition, being 2.77 acres located at 105 E. Pecan Street

RESOLUTION(S)

13. Consider Resolution 1843 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 rate review mechanism filing
14. Board, Commission, and Committee Minutes
 - Planning and Zoning

OTHER BUSINESS

15. Review of upcoming calendar items
16. 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

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

ADJOURNMENT

Posted by: _____

This 8th day of September 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: Greg Garza requested to speak to request protection and safeguards for pedestrians from fast moving sport cyclists at the Hurst Community Park

Supporting Documents:	
	Meeting Date: 9/12/2023 Department: Legislative and Judicial Services Reviewed by: Rita Frick City Manager Review:

Background/Analysis:

Request to speak from Greg Garza to request protection and safeguards for pedestrians from fast moving sport cyclists at the Hurst Community Park.

Funding and Sources and Community Sustainability:

There is no fiscal impact.

Recommendation:

There is no staff recommendation.

**Minutes
Hurst City Council
Work Session
Tuesday, August 22, 2023**

On the 22nd day of August 2023, at 5:30 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
Gary N. Waldron	)	Mayor Pro Tem
Cathy Brotherton	)	Councilmembers
Jon McKenzie)	
Cindy Shepard)	
John Miller)	
Jimmy Meeks)	
Clay Caruthers	)	City Manager
Sarah Walsh	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Development
Shelly Klein	)	Assistant to the City Manager

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

I. Call to Order – The meeting was called to order at 5:36 p.m.

II. Informational Items

- **Update and discussion of upcoming Calendar Items** – City Manager Clay Caruthers and staff reviewed upcoming calendar items.

III. Update and discussion of Regular Agenda Items

IV. Discussion of Agenda Item(s) 2

Consider authorizing the city manager or his designee to enter into a Discretionary Service Agreement with ONCOR Electric Delivery Company, for electrical line relocation work at the Mary Drive 0.75 MG Elevated Storage Tank site

Executive Director of Public Works Greg Dickens briefed Council on the Discretionary Service Agreement with ONCOR Electric Delivery Company noting the electrical line for the recreation center and Masonic Lodge runs through the site for the proposed Mary Drive Elevated Storage Tank site. Mr. Dickens stated the city's cost to move the line is \$33,375.20. He stated an easement will also be necessary and will come before the Council

at a future meeting.

V. Discussion of Agenda Item(s) 3, 4, 5 and 6

Consider Ordinance 2546 (a), second reading, adopting budget for fiscal year beginning October 1, 2023 and ending September 30, 2024

Consider Ordinance 2546 (b), second reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2023-2024 Budget

Consider Ordinance 2547, second reading, setting the tax rate for the 2023 tax year

Consider Ordinance 2548, second reading, adopting water and wastewater rates for Fiscal Year 2023-2024

City Manager Clay Caruthers stated the first reading of these items was at the last Council meeting and staff planned to have a quick summary of the items during regular session.

VI. Discussion of Agenda Item(s) 7

Consider Resolution 1839 adopting the City of Hurst Investment Policy

City Manager Clay Caruthers briefed Council on the proposed resolution adopting the City of Hurst Investment Policy noting annual adoption is required by state law.

VII. Discussion of Agenda Item(s) 8

Consider Resolution 1840 to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program

Executive Director of Planning and Development Michelle Lazo briefed Council on the proposed resolution to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program noting the city's match of \$60,000. Ms. Lazo also provided a brief overview of the program and in response to Council questions, stated 48 homes have been completed since 2007.

VIII. Discussion of Agenda Item(s) 9

Consider engagement with Forvis for Professional Auditing Services

Assistant City Manager Clayton Fulton briefed Council on the proposed engagement for auditing services noting the city has utilized Forvis the last few years after RCO and BKD were acquired and merged with Forvis. He noted a 5% increase in fees with the total contract not to exceed \$120,000, which also includes a single audit. He stated the audit provides a full comprehensive review of the city's financials.

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 (1848 Precinct Line Road) and to reconvene

in Open Session at the Conclusion of the Executive Session to consider and take any necessary action

Mayor Wilson recessed to Executive Session at 6:02 p.m. 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 (1848 Precinct Line Road) and reconvened to open session at 6:09 p.m.

IX. ADJOURNMENT – Mayor Wilson adjourned the work session at 6:11 p.m.

APPROVED this the 12th day of September 2023.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Minutes
Tuesday, August 22, 2023

On the 22nd day of August 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
Gary N. Waldron	)	Mayor Pro Tem
Cathy Brotherton	)	Councilmembers
Cindy Shepard)	
Jon McKenzie)	
John Miller)	
Jimmy Meeks)	
Clay Caruthers	)	City Manager
Sarah Walsh	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Michelle Lazo	)	Executive Director of Planning and Development
Shelly Klein	)	Assistant to the City Manager

With the following Councilmember 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 were given.

Mayor Henry Wilson gave the Invocation.

CONSENT AGENDA

1. Consider approval of the minutes for the August 15, 2023 City Council meeting
2. Consider authorizing the city manager or his designee to enter into a Discretionary Service Agreement with ONCOR Electric Delivery Company, for electrical line relocation work at the Mary Drive 0.75 MG Elevated Storage Tank site

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

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

BUDGET RELATED ITEM(S)

3. Consider Ordinance 2546 (a), second reading, adopting budget for fiscal year beginning October 1, 2023 and ending September 30, 2024

Assistant City Manager Clayton Fulton provided a summary of the proposed budget noting the public hearing and presentation at the August 15, 2023 City Council meeting. Mr. Fulton reviewed the General Fund budget of \$42,679,293, which is an increase of 5.17% over fiscal year 2022 budget. Mr. Fulton reviewed current tax rate of \$0.614043, a proposed rate of \$0.581150 being comprised of a maintenance and operation (M&O) rate of \$0.495572 and interest and sinking (I&S) rate of \$0.085578. Mr. Fulton reviewed the proposed Debt Service Fund budget of \$3,415,385 a -6.04% decrease over FY 23. He noted the proposed Enterprise Fund budget with revenues of \$24.5 million and an operating budget of \$23.8 million, with a proposed 4% increase in water/wastewater rates noting rising wholesale costs as the main driver for the increase. Mr. Fulton reviewed the Crime Control and Prevention District \$5.75 million operating budget, which was recently adopted by the Board and Council. The Community Services Half Cent Fund \$4.09 million operating budget and stated both of these funds together are a property tax equivalent of approximately \$0.28. City Manager Caruthers noted the proposed budget includes a special one-time payment for employees as discussed at the previous public hearing and reviewed the full budget process noting it starts with citizen input at the townhall forum. He stated the number one priority brought forward is public safety and is reflected in the budget along with several enhancements of services and Council priorities.

Councilmember Miller moved to approve Ordinance 2546 (a), second reading, adopting the budget for fiscal year October 1, 2023 through September 30, 2024. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

4. Consider Ordinance 2546 (b), second reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2023-2024 Budget

City Manager Caruthers stated this item is required by the truth and taxation laws in Texas, and explained if the proposed rate is higher than the no new revenue rate, then this item must come before Council. He noted the presentation at the last Council meeting with a comparative between area cities and explained the impact of being a built-out city compared to a city with a lot of new growth. He also noted the County's ability to lower their rate based on higher interest rates and amount of cash, which allowed them to increase revenue and offset the reduction. Mr. Caruthers stated staff has done everything they can to keep the rate a reasonable level.

Councilmember Shepard moved in compliance with the Local Government Code, adoption of Ordinance 2546 (b), second reading, will ratify the property tax revenue increase in the 2023 – 2024 fiscal year budget. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

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

5. Consider Ordinance 2547, second reading, setting the tax rate for the 2023 tax year

City Manager Caruthers stated this item was discussed with Agenda Item 4.

Councilmember McKenzie moved with the adoption of Ordinance 2547, "I move that the property tax rate be increased by the adoption of a tax rate of 0.581150 which is effectively a 1.66 percent increase in the tax rate." Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

6. Consider Ordinance 2548, second reading, adopting water and wastewater rates for Fiscal Year 2023-2024

Assistant City Manager Clayton Fulton noted the city is part of the Trinity River water system with wholesale water from the City of Fort Worth. He stated even though Hurst is currently built-out and consumption doesn't change a lot; as part of the consortium, the city still has the responsibility to make sure the system serves the public and with that comes the increases in wholesale charges. He stated wholesale charges are the vast majority of the increase and that this fund is largely infrastructure, and not personnel. Mr. Fulton stated staff is proposing a 4% rate increase as part of the rate smoothing policy.

Councilmember Meeks moved to approve Ordinance 2548, second reading, including the proposed Water and Wastewater rates effective October 1, 2023, to be included in all City utility bills processed on, or after, November 1, 2023. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

RESOLUTION(S)

7. Consider Resolution 1839 adopting the City of Hurst Investment Policy

City Manager Caruthers noted this item is routine in that state law requires this item be brought forward annually. He explained municipalities in the state must conform to specific rules, and the main goal for cities is not yield, but more about principles and investment safety for the community. Mr. Caruthers stated there are no major changes to policy.

Councilmember Brotherton moved to approve the City of Hurst Investment Policy by Resolution 1839, as required by Section 2256.005, Texas Government Code. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

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

8. Consider Resolution 1840 to meet match requirements for expenditures under the Tarrant County Home Investment Partnership Program

Executive Director of Planning and Development Michelle Lazo reviewed the proposed Resolution to meet the match requirements for expenditures under the Tarrant County Home Investment Partnership Program. She stated 48 homes have been completed since 2007 through this program and this year the city's match maximum is \$60,000. Ms. Lazo noted the funds must be used for major rehabs and primarily for senior and disabled citizens.

Councilmember Meeks moved to approve Resolution 1840 authorizing the city manager to allocate up to \$60,000, as matching funds for the HOME Program, administered by the Tarrant County Community Development and Housing Department for projects in Hurst. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

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

OTHER BUSINESS

9. Consider engagement with Forvis for Professional Auditing Services

City Manager Clay Caruthers reviewed the proposed engagement for auditing services noting the city has utilized Forvis the last few years after RCO and BKD were acquired and merged with Forvis. He noted a 5% increase in fees with the total contract not to exceed \$120,000, which also includes a single audit. He stated the audit provides a full comprehensive review of the city's financials.

Councilmember Shepard moved to engage the services of Forvis to audit the City's financial records for the fiscal year ending September 30, 2023 for an overall base, Single Audit and new accounting standards implementation fee not to exceed \$120,000. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

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

10. Board, Commission, and Committee Minutes – Council reviewed the following minutes:
- Library Board
 - Hurst Community Arts and Historic Landmark Preservation Committee
 - Parks and Recreation Board

11. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the future events calendar.
12. City Council Reports - Items of Community Interest – Councilmember Meeks noted the Mayor’s Birthday and thanked him for his many years of service. Councilmember McKenzie provided an overview of his recent TML Advisory Board meeting regarding ERCOT and the request for voluntary conservation during the current heat and to reduce energy consumption.

Mayor Wilson next moved to Agenda Item 13.

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 Michelle Wagner in attendance for her TCC Government class.

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 (1848 Precinct Line Road) and to reconvene in Open Session at the Conclusion of the Executive Session to consider and take any necessary action – Council met in Executive Session during the work session.

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

Councilmember Miller moved to authorize the city manager to take any and all actions necessary to acquire property at 1848 Precinct Line Road. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

ADJOURNMENT – The meeting adjourned at 7:00 p.m.

APPROVED this the 12th day of September 2023.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

SUBJECT: Consider approval of emergency purchase of vegetation clearing	
Supporting Documents:	
	Meeting Date: 9/12/2023 Department: Administration Reviewed by: Malaika Marion Famer City Manager Review:
Background/Analysis:	
<p>Recently, neighbors of the vacant and landlocked property at 1848 Precinct Line Road contacted the city manager with their concerns about the overgrowth of vegetation, snakes, and vermin from that property coming into their yards. Staff inspected the property and noticed the excessive vegetation overgrowth, debris, and vermin attracted to it could be a public health and safety issue. A church in Dallas owns the property but cannot maintain it and would like to convey the land to the City.</p> <p>Staff received quotes from city vendors and went with the lowest bid of \$38,216 from Nico’s Landscape, LLC. To mitigate the public health and safety risks, staff ordered the work to begin as soon as possible under Chapter 252 of the Texas Local Government Code, which provides purchasing exemptions for public health and safety. The contractor completed the work on September 1st.</p>	
Funding Sources and Community Sustainability:	
<p>Funding for this vegetation clearing is available within the Special Projects Fund.</p> <p>This project addresses the City Council's Strategic Priorities for Infrastructure, Public Safety, Community, and Economic Vitality.</p>	
Recommendation:	
<p>Staff recommends City Council move to ratify the emergency expenditure for vegetation clearing in the amount of \$38,216 with funding from the Special Projects Fund.</p>	

City Council Staff Report

SUBJECT: Consider approval of the Hurst Senior Activities Center Plumbing Repair Project	
Supporting Documents:	
	<p>Meeting Date: 9/12/2023 Department: Community Services Reviewed by: Kyle Gordon City Manager Review:</p>
Background/Analysis:	
<p>Since 2009, the Hurst Senior Activities Center has hosted tens of thousands of visitors, programs, classes, and events. Currently, its 1,400 members visit the center 6,000 times per month and enjoy ample opportunities to socialize and engage in any number of leisure pursuits.</p> <p>During the fall of 2022, staff recognized that the east portion of the building began to show signs of movement. The areas impacted include the multi-purpose room, café, commercial kitchen, and fitness center. Recently, the foundation repairs were completed with little interruption to the operations. Unfortunately, after the repairs were made, staff discovered that the shifting foundation damaged a section of the cast iron pipe for one of the sinks in the kitchen. A licensed plumbing company verified this through a pressurized leak test and a video of the line.</p> <p>Staff and the plumbing contractor coordinated closely with Falkenberg Construction Company, Inc. to develop a repair program, provide pricing allowances for the proposed plumbing work, and include pricing to repair cosmetic damage to the flooring that must be removed to get to the plumbing. As a result, staff received a quote in the amount of \$47,515 for the repairs. The City of Hurst utilizes an interlocal agreement with the City of Plano, which provides substantial cost savings for construction services from Falkenberg Construction Company, Inc. and allows the City to use them directly.</p>	
Funding Sources and Community Sustainability:	
<p>Funding in the amount of \$47,515 is available in the Special Projects Fund.</p> <p>In an effort to remain a vibrant community, this project addresses the City Council's Strategic Priorities for Infrastructure, Innovation, and Leadership by providing</p>	

an environment for all Senior Activities Center members to enjoy the pursuit of lifelong learning and engaging programming.

Recommendation:

Staff recommends City Council **authorize the city manager to proceed with the Hurst Senior Activities Center Plumbing Repair Project for an amount not to exceed \$47,515.**

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into an annual Agreement for tennis and pickleball court resurfacing with CourTex Construction, Inc.	
Supporting Documents:	
	Meeting Date: 9/12/2023 Department: Community Services Reviewed by: Kyle Gordon City Manager Review:
Background/Analysis:	
<p>Each year, the Tennis Center hosts over 19,000 participants, 6,500 court rentals, 7,300 league participants, 500 participants in the Junior Program, and five (5) major tournaments.</p> <p>To protect the life of the courts, routine maintenance must occur. The goal is to resurface all outdoor tennis and pickleball courts within a five to seven-year cycle. This upkeep ensures a flat and level playing surface is maintained and mitigates long-term damage from cracking caused by foundation settling and temperature fluctuation.</p> <p>Staff updated the contract specifications, and utilizing the standard procurement process, the City advertised and distributed bid documents to qualified companies in the area. As a result, four companies responded with a qualified sealed bid. After carefully evaluating references, experience, and pricing, CourTex Construction, Inc. is the qualified bidder. CourTex Construction, Inc. has previously provided similar services for other municipalities and school districts and has an excellent reputation for quality work.</p>	
Funding Sources and Community Sustainability:	
<p>It is estimated the Recreation Division will spend approximately \$25,000 per year for this service. Funding for this contract is available in the Recreation Division Operating Budget.</p>	

To remain a vibrant community, this contract addresses the City Council's Strategic Priority for **Infrastructure, Public Safety, and Leadership** by maintaining and providing the resources for the City to offer the public enjoyable and safe tennis and pickleball courts.

Recommendation:

Staff recommends City Council **authorize the city manager to enter into a contract with CourTex Construction, Inc. for tennis and pickleball court resurfacing services with an option for four (4) additional twelve (12) month renewals.**

City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a Professional Services Contract with Pyles Whatley Corporation for appraisal services for the West Pipeline Road Improvements, Phase 4 Project

Supporting Documents:	
Contract	Meeting Date: 9/12/2023 Department: Public Works Reviewed by: Greg Dickens City Manager Review:

Background/Analysis:

The next phase of Pipeline Road, after Phase 3, is Phase 4 from Harrison Lane to Brown Trail and the engineering design is 60% complete. The road alignment has been approved and the survey documents needed for acquiring additional street right-of-way are complete. Pyles Whatley Corporation (PWC) did the appraisals on Phase 2 and Phase 3 in a timely manner. Tarrant County and City staff are recommending PWC be utilized on Phase 4 to provide sixteen appraisals and two easements for a total amount of \$52,000.00.

Funding Sources and Community Sustainability:

Sufficient funds are available for this appraisal contract in the Pipeline Road, Phase 4 budget. This contract is directly representative of the Council’s goals of **Financial Sustainability** and **Infrastructure**.

Recommendation:

Staff recommends that City Council **authorize the city manager to enter into a professional services contract with Pyles Whatley Corporation for appraisal services for West Pipeline Road Improvements, Phase 4 in an amount not to exceed \$52,000.00.**

THE STATE OF TEXAS §

COUNTY OF TARRANT §

PROFESSIONAL SERVICES CONTRACT

WEST PIPELINE ROAD, PHASE 4

City of Hurst Project No. 6416-101

THIS CONTRACT, By and between the **CITY OF HURST**, a municipal corporation located in Tarrant County, Texas, hereinafter called "City", and Pyles-Whatley Corporation, professional real estate appraisers, hereinafter called "Professional", evidences the following:

WHEREAS, City desires the professional services for: Real Estate Appraisal Services

WHEREAS, Professional represents that it is qualified and capable of performing the professional services proposed herein and is willing to enter into this Contract with City to perform said services;

NOW, THEREFORE, the parties in consideration of the terms and conditions contained herein agreed as follows:

1. **EMPLOYMENT OF THE PROFESSIONAL**

Professional agrees to perform professional services as set forth in the following sections of this Contract, and City agrees to pay, and Professional agrees to accept fees as set forth in the following sections as full and final compensation for all services provided under this Contract.

2. **CONTRACT ADMINISTRATION**

This Contract shall be administered on behalf of the City by the Executive Director of Public Works or his designated representatives (hereinafter called "Executive Director"), and on behalf of the Professional by its duly authorized officials.

3. **CONSULTANT'S SERVICES**

The Professional agrees to render services as outlined in Exhibit A, Appraisal Proposal for Pipeline Road Phase 4, dated September 1, 2023.

4. **PAYMENT FOR SERVICES**

- A. Payment for services will be computed on a per parcel basis to determine the payment due for services.
- B. Professional shall submit an invoice on completion of each parcel for Services. City shall make payments in the amount shown by the Professional's invoice. Payments are due within 30 days. No interest shall ever be due on late payments.

- C. Total payments for expenses, costs, and professional services related to additional appraisals needed beyond those specifically listed in Exhibit A shall be at a rate as shown on Exhibit A.
- 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 Professional under this Contract, and other related items shall become the sole property of the 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 final documents 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.

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

Reference Exhibit A Proposal

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 Executive 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 of Hurst, 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 Hurst, to:

Gregory W. Dickens, P.E.
Contact Person

Executive Director of Public Works

Title

City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054
(817) 788-7080

If intended for Consultant, to:

Richard Mc Bride
Contact Person

Partner
Title

Pyles-Whatley Corporation
Firm Name

16910 Dallas Parkway Suite 100
Address

Dallas, TX 75248
City, State, Zip Code

(214) 340-5880
Telephone No.

18. INDEPENDENT CONTRACTOR

In performing services under this Contract, 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 defend, indemnify, and hold City whole and 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 Professional 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 will maintain the following insurance coverage with insurance companies that are acceptable to City and that are rated level "A" or better by A.M. Best. Professional will also provide City with certificates of insurance naming City as additional insured for all of the following insurance coverage, except the Texas Workers Compensation insurance:

1. Texas Workers Compensation Insurance – statutory amounts required by law

2. Commercial General Liability Insurance – combined single limit per occurrence \$1,000,000 - aggregate \$2,000,000
2. Business Automobile Liability Insurance – DO NOT OWN AUTOMOBILES.
3. Professional Umbrella Liability Insurance – \$1,000,000

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 of Texas 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.

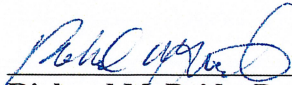
28. ENTIRE AGREEMENT

This Contract (pages 1 thru 7, and Exhibit A) 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 October, 2023.

PYLES WHATLEY COPORATION

CITY OF HURST



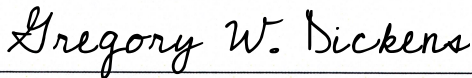
Richard McBride, Partner

Clay Caruthers, City Manager

16910 Dallas Parkway, Suite 100
Address

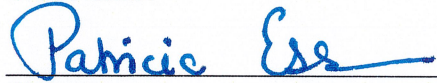
Recommended:

Dallas, Texas 75248
City, State, Zip Code


Executive Director of Public Works

WITNESS:

APPROVED AS TO FORM:



Signature

City Attorney

Patricia Esselborn

Printed Name

City Council Staff Report

<p>SUBJECT: Consider authorizing the city manager to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program</p>	
<p>Supporting Documents:</p>	<p>Meeting Date: 9/12/2023</p> <p>Department: Judicial</p> <p>Reviewed by: Rita Frick</p> <p>City Manager Review:</p>
<p>Background/Analysis:</p> <p>As permitted under Texas Transportation Code § 706.008, DPS contracts with a private vendor to provide and establish an automated FTA system that accurately stores information regarding violators subject to the provisions of the Texas Transportation Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry. The court has an obligation to provide a written warning that will notify person(s) their driver’s license can be withheld for failure to satisfy the courts judgments. This program has an additional cost to the defendant of \$10 per violation submitted and is subject to waiver (Texas Transportation Code §706.006) or dismissal by judicial order if the person has been found to be indigent. The initial contract is for 5 years unless written notice to vacate is given 30 days prior to termination.</p>	
<p>Funding Sources and Community Sustainability:</p> <p>The City retains \$4 of each \$10 paid for use in the courts general fund and the remaining \$6 is remitted to DPS. This action is consistent with Council’s strategic priority of Public Safety and Financial Sustainability to the citizens of Hurst.</p>	
<p>Recommendation:</p> <p>Staff recommends Council move to authorize city manager enter into an Interlocal Cooperation Contract with the Department of Public Safety for the Failure to Appear Program (FTA).</p>	

City Council Staff Report

<p>SUBJECT: Consider Resolution 1841 authorizing the city manager to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles (TX DMV) Scofflaw Program and any and all necessary agreements regarding the implementation of the Motor Vehicle Registration Refusal Program on behalf of the City</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1841</p>	<p>Meeting Date: 9/12/2023</p> <p>Department: Judicial</p> <p>Reviewed by: Rita Frick</p> <p>City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>As permitted under Texas Transportation Code § 702 (commonly known as Refusal to Register Motor Vehicle), Linebarger, Goggin, Blair and Sampson (LGBS) will work as a liaison between the City and the Texas Department of Motor Vehicles (TX DMV) for the collection of delinquent municipal court fines and fees. Additionally, LGBS will enhance collection efforts by implementing the motor vehicle registration refusal program. This program allows a city to submit data to the Technology Support Branch (TSB) of the TX DMV failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. Once the code is placed on the owner’s vehicle registration by the TX DMV, registration will not be permitted until the case is resolved. In accordance with Texas Government Code, Section 791, the City agrees to enter into the necessary contract with the TX DMV, subject to TX DMV approval. LGBS will provide the funds necessary to post the required bond with TX DMV and pay all costs associated with the file submissions required for inquiry, flagging for registration refusal and clearances after case resolution. LGBS will timely submit the appropriate files to the TX DMV to match the owner and the appropriate vehicle, to code the appropriate registration record and to clear the appropriate records. LGBS will provide the City with the information concerning the successful submissions to the TX DMV. This contract will remain in effect until LGBS is no longer collecting delinquent municipal fines and fees for the City or is given written notice of termination within 30 days of agreed termination of contract.</p>	

Funding Sources and Community Sustainability:

There is no financial impact to the City entering into this agreement. This action is consistent with Council's strategic priority of **Public Safety** and **Financial Sustainability** to the citizens of Hurst.

Recommendation:

Staff recommends City Council **move to approve Resolution 1841 authorizing the city manager to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles (TX DMV) Scofflaw Program and, any and all, necessary agreements regarding the implementation of the Motor Vehicle Registration Refusal Program on behalf of the City.**

RESOLUTION 1841

A resolution authorizing the city manager to sign an Interlocal Governmental Agreement by and between the City of Hurst and the Texas Department of Motor Vehicles relating to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HURST TEXAS:

Section 1.

That the city manager is hereby authorized to enter into an Interlocal Government Agreement between the City of Hurst and the Texas Department of Motor Vehicles, more specifically described as the “Scofflaw Services Contract for Marking Texas Motor Vehicle Registration Records,” relating to the collection of outstanding monies owed to the City of Hurst for unpaid moving traffic violations.

Section 2.

That this resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the 12th day of September, 2023 by a vote of _ to _.

Mayor

ATTEST:

City Secretary

City Council Staff Report

<p>SUBJECT: Consider Resolution 1842 appointing a voting member and an alternate member to the City of Fort Worth’s Wholesale Water and Wastewater Customer Advisory Committee</p>	
<p>Supporting Documents:</p>	
<p>Resolution 1842</p>	<p>Meeting Date: 9/12/2023</p> <p>Department: Public Works</p> <p>Reviewed by: Greg Dickens</p> <p>City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>Per the wholesale water and wastewater contract with the City of Fort Worth, the City of Hurst needs to annually appoint a voting member and an alternate member to the Wholesale Water and Wastewater Customer Advisory Committee. The attached resolution specifies those appointments.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>No funds are needed.</p> <p>Appointing representatives to this advisory committee is directly representative of the Council’s strategic priority of Financial Sustainability.</p>	
<p>Recommendation:</p>	
<p>Staff recommends City Council approve Resolution 1842 appointing a voting member and an alternate member to the City of Fort Worth’s Wholesale Water and Wastewater Customer Advisory Committee.</p>	

RESOLUTION 1842

A RESOLUTION AUTHORIZING CITY OF HURST APPOINTMENTS TO THE CITY OF FORT WORTH'S WHOLESALE WATER AND WASTEWATER CUSTOMER ADVISORY COMMITTEE

WHEREAS, the City of Hurst's wholesale contract with the City of Fort Worth calls for there to be an advisory committee; and

WHEREAS, the City Council of the City of Hurst, Texas desires to appoint staff members to serve on the Wholesale Water and Wastewater Customer Advisory Committee;

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

Section 1. **THAT** the City Council of the City of Hurst, Texas hereby appoints the following staff members to serve from October 1, 2023 through September 30, 2024 on the City of Fort Worth's Wholesale Water and Wastewater Customer Advisory Committee:

Voting Member - Gregory W. Dickens, Executive Director of Public Works
Alternate Voting Member - Duane Hengst, City Engineer

AND IT IS SO RESOLVED.

Approved this the 12th day of September 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

City Council Staff Report

SUBJECT: Z-2023-00002 Events In Your Budget, first reading, a zoning change from GB to GB-PD with a site plan for Tract 12 A1 William Wallace Survey, A 1607, being .38 acre located at 1305 Yates Drive

Supporting Documents:

Ordinance
Area map
Legal notice
Ownership data
Zoning Exhibit- Exhibit "A"
Site Plan – Exhibit "B"
Tree Preservation – Exhibit "C"
Landscape Plan – Exhibit "D"
Building Elevations – Exhibit "E-H"
Monument sign – Exhibit "I"

Meeting Date: 9/12/2023
Department: Development
Reviewed by: Michelle Lazo
City Manager Review:

Background/Analysis:

An application has been made by Amer Chowdhry with Events In Your Budget for a zoning change from GB (General Business) to GB-PD (General Business Planned Development) with a site plan for Tract 12A1 William Wallace A 1607, being .38 acre located at 1305 Yates Drive.

The applicant is requesting a zoning change with a site plan to convert the existing home to an office with storage for their event planning business. Events In Your Budget will be open to the public by appointment only.

The applicant will relocate the existing driveway and improve the turn radius on Yates Drive. Parking and a concrete driveway will be added and will extend to the rear of the property for access to a proposed storage building.

The applicant is planning on adding a metal storage building with 3,000 square feet on the rear of the property.

The applicant will paint the existing home white and update the porch columns. The interior will meet all ADA standards. A screening fence is not required adjacent to the surrounding properties.

The applicant will be removing 48 caliper inches of trees, but will mitigate on-site. They will be preserving many large Hackberry trees along the north side of the property.

The applicant will be adding two (2) Texas Redbud, one (1) Shumard Oak, three (3) Highrise Live Oak, three (3) Cedar Elm, 25 Dwarf Burford Holly, 15 Dwarf Yaupon Holly, Dwarf Wax Myrtle and Bermuda sod. All new plantings will be irrigated.

The applicant is not requesting building signs. They are requesting one single-tenant monument sign on Yates Dr. This sign will not exceed 4 ft. in height with 20 sq. ft. of sign area per face.

Funding Sources and Community Sustainability:

There is no fiscal impact. Council’s consideration of this item falls within the Strategic Priority of **Community & Economic Vitality**.

Recommendation:

Based on the Planning and Zoning Commission’s vote of 3-2, the recommendation is City Council **move to approve Ordinance 2549, first reading, a Zoning Change with a Site Plan for Events In Your Budget**.

ORDINANCE 2549

AN ORDINANCE ADOPTING A ZONING CHANGE FROM GB TO GB-PD WITH A SITE PLAN FOR TRACT 12 A1 WILLIAM WALLACE SURVEY, A 1607 BEING .38 ACRE LOCATED AT 1305 YATES DRIVE

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 zoning change with a site plan with Exhibits "A-I" for Tract 12 A1 William Wallace Survey, A 1607 being .38 acre located at 1305 Yates Drive.

AND IT IS SO ORDERED.

Passed on the first reading on the 12th day of September 2023 by a vote of _ to _.

Approved on the second reading on the 26th day of September 2023 by a vote of _ to _.

ATTEST:

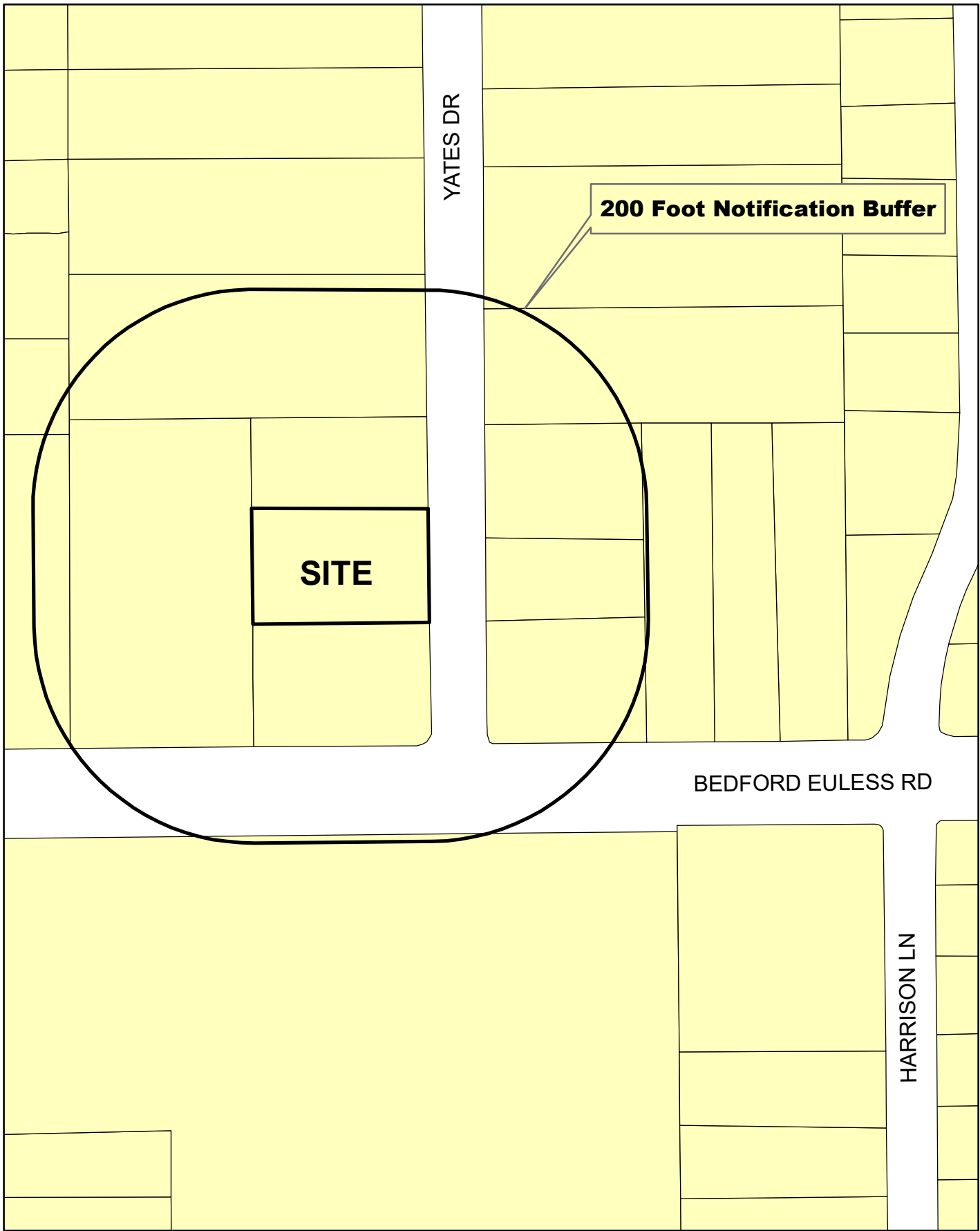
CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney



CASE NO:Z-2023-00002 Events In Your Budget	LEGAL DESCRIPTION: Tract 12A1, William Wallace Survey A-1607	AGENDA DATE: 9/12/2023
REQUESTED ACTION: Zoning change from GB- GB-PD	LOCATION: 1305 Yates Dr.	



Z-2023-00002

LEGAL NOTICE

A PUBLIC HEARING WILL BE HELD BY THE HURST CITY COUNCIL ON TUESDAY, SEPTEMBER 12, 2023 AT 6:30 P.M. AT THE HURST CITY HALL AT 1505 PRECINCT LINE ROAD. TO CONSIDER A ZONING CHANGE FROM GB TO GB-PD WITH A SITE PLAN FOR TRACT 12A1 WILLIAM WALLACE SURVEY, A 1607 BEING .38 ACRE LOCATED AT 1305 YATES DRIVE

Events in Your Budget



Z-2023-00002

**APPLICATION FOR SITE PLAN
OWNERSHIP DATA**

TO THE HURST PLANNING AND ZONING COMMISSION:

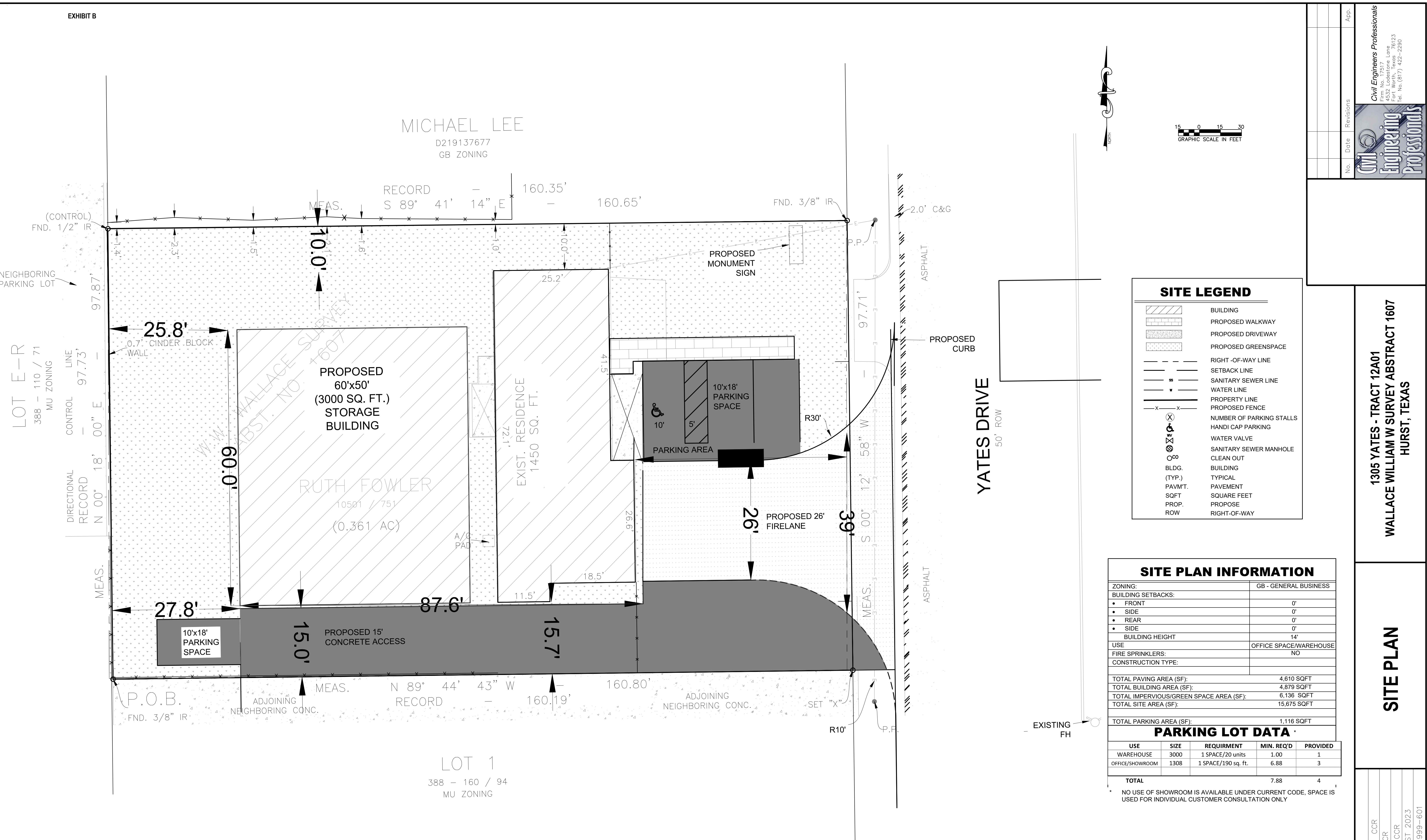
The following described real property is under application for approval of a zoning change with a site plan.

Events In Your Budget
A Zoning Change from GB to GB-PD with a Site Plan
Tract 12 A1 William Wallace Survey A 1607
1305 Yates Dr.

The following is a list of the property owners, legal description of their property, and mailing address of the owners of the property within 200 feet of the above-described property, which is under application for a zoning change with a site plan:

PROPERTY OWNER	LEGAL DESCRIPTION	ADDRESS
TRAMMEL, KATHERINE	YATES ADDITION BLOCK 12A3 LOT 1	1308 YATES DR. HURST, TX 76053
FRIENSEN, ELIZABETH	SHADY OAKS ADDITION BLOCK 16 LOT 6	1316 VALENTINE ST. HURST, TX 76053
HUTCHINSON, JEFFREY	YATES ADDITION BLOCK 12A3 LOT 2	2912 TANGLE OAKS BEDFORD, TX 76021
BECKER, JOSEPH	YATES ADDITION LOT 12A5	1458 W OAKLAWN DR. TERRELL, TX 75160
RODGERS, JOE	YATES ADDITION BLOCK 12A2 LOT 3	208 W BEDFORD EULESS RD. HURST, TX 76053
FLEIGLE, DANIEL	YATES ADDITION BLOCK 12A2 LOT 5	1300 YATES DR. HURST, TX 76053
LEE, MICHAEL	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A01A	3236 BUTTON BUSH DR. FORT WORTH, TX 76244
I3 INVESTMENTS INC	SHADY OAKS ADDITION BLOCK 16 LOT ER	641 MEMORIAL HILL WAY MURPHY, TX 75094
I3 INVESTMENTS INC	SHADY OAKS ADDITION BLOCK 16 LOT DR	PO BOX 1557 WYLIE, TX 75098
SUMMERS, I RUTH	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A01	PO BOX 2687 GRAPEVINE, TX 76099
FLEIGLE, DANIEL	YATES ADDITION BLOCK 12A2 LOT 5	1300 YATES DR. HURST, TX 76053
WILDGROVE RE LLC	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A02A1	6211 W NORTHWEST HWY STE C-250 DALLAS, TX 75225

SAI REED PROPERTIES INC	SHP-FARNELL TWO ADDITION BLOCK 1 LOT 1	PO BOX 541895 GRAND PRAIRIE, TX 75054
PROVISION AT NORTH VALENTINE LP	PROVISION AT N VALENTINE BLOCK A LOT 1	4803 SOUTH NATIONAL AVE SUITE 200 SPRINGFIELD, MO 65810
OCCUPANT	YATES ADDITION BLOCK 12A3 LOT 2	1310 YATES DR, HURST, TX 76053
OCCUPANT	YATES ADDITION LOT 12A5	1309 YATES DR .HURST, TX 76053
OCCUPANT	YATES ADDITION BLOCK 12A2 LOT 5	1304 YATES DR. HURST, TX 76053
OCCUPANT	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A01A	1307 YATES DR. HURST, TX 76053
OCCUPANT	SHADY OAKS ADDITION BLOCK 16 LOT ER	236 W BEDFORD EULESS RD. HURST, TX 76053
OCCUPANT	SHADY OAKS ADDITION BLOCK 16 LOT DR	240 W BEDFORD EULESS RD. HURST, TX 76053
OCCUPANT	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A01	1305 YATES DR. HURST, TX 76053
OCCUPANT	WALLACE, WILLIAM W SURVEY ABSTRACT 1607 TRACT 12A02A1	210 W BEDFORD EULESS RD. HURST, TX 76053
OCCUPANT	SHP-FARNELL TWO ADDITION BLOCK 1 LOT 1	212 W BEDFORD EULESS RD. HURST, TX 76053
OCCUPANT	PROVISION AT N VALENTINE BLOCK A LOT 1	225 W BEDFORD EULESS RD. HURST TX 76053



SITE LEGEND

	BUILDING
	PROPOSED WALKWAY
	PROPOSED DRIVEWAY
	PROPOSED GREENSPACE
	RIGHT-OF-WAY LINE
	SETBACK LINE
	SANITARY SEWER LINE
	WATER LINE
	PROPERTY LINE
	PROPOSED FENCE
	NUMBER OF PARKING STALLS
	HANDI CAP PARKING
	WATER VALVE
	SANITARY SEWER MANHOLE
	CLEAN OUT
	BUILDING
	TYPICAL
	PAVEMENT
	SQUARE FEET
	PROPOSE
	RIGHT-OF-WAY

SITE PLAN INFORMATION

ZONING:	GB - GENERAL BUSINESS
BUILDING SETBACKS:	
• FRONT	0'
• SIDE	0'
• REAR	0'
• SIDE	0'
BUILDING HEIGHT	14'
USE	OFFICE SPACE/WAREHOUSE
FIRE SPRINKLERS:	NO
CONSTRUCTION TYPE:	
TOTAL PAVING AREA (SF):	4,610 SQFT
TOTAL BUILDING AREA (SF):	4,879 SQFT
TOTAL IMPERVIOUS/GREEN SPACE AREA (SF):	6,136 SQFT
TOTAL SITE AREA (SF):	15,675 SQFT
TOTAL PARKING AREA (SF):	1,116 SQFT

PARKING LOT DATA

USE	SIZE	REQUIREMENT	MIN. REQ'D	PROVIDED
WAREHOUSE	3000	1 SPACE/20 units	1.00	1
OFFICE/SHOWROOM	1308	1 SPACE/190 sq. ft.	6.88	3
TOTAL			7.88	4

* NO USE OF SHOWROOM IS AVAILABLE UNDER CURRENT CODE, SPACE IS USED FOR INDIVIDUAL CUSTOMER CONSULTATION ONLY

THIS DOCUMENT IS FOR CITY REVIEW AND PERMIT PURPOSES ONLY, AND MAY BE USED FOR BIDDING PURPOSES. IT IS NOT INTENDED FOR THE RELEASE FOR CONSTRUCTION.

CORREEN ROBERTSON, P.E.
DATE: AUGUST 8, 2023
TX, P.E. REG.# 106494

ENGINEER
CIVIL ENGINEERING PROFESSIONALS, LLC
 4532 LODESTONE LANE
 FORT WORTH, TX 76123
 817.422.2290
 CORREEN C. ROBERTSON, P.E.

OWNER/DEVELOPER
RABEEA CHOWDHRY AND AMER CHOWDHRY
 940 N BELT LINE ROAD SUITE 125
 IRVING TX 75061
 PHONE: 214 436 3800

App. _____
 Revisions _____
 No. _____ Date _____

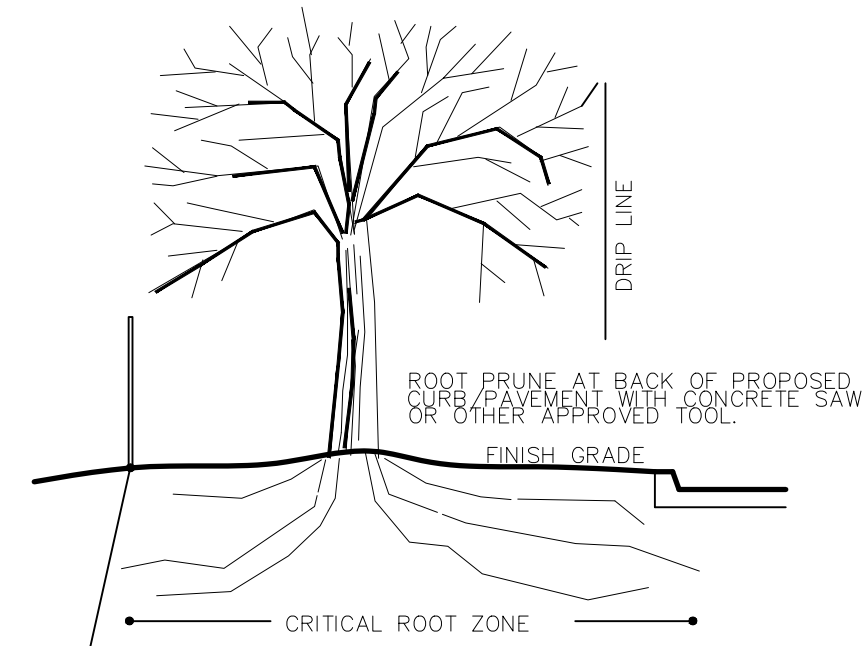
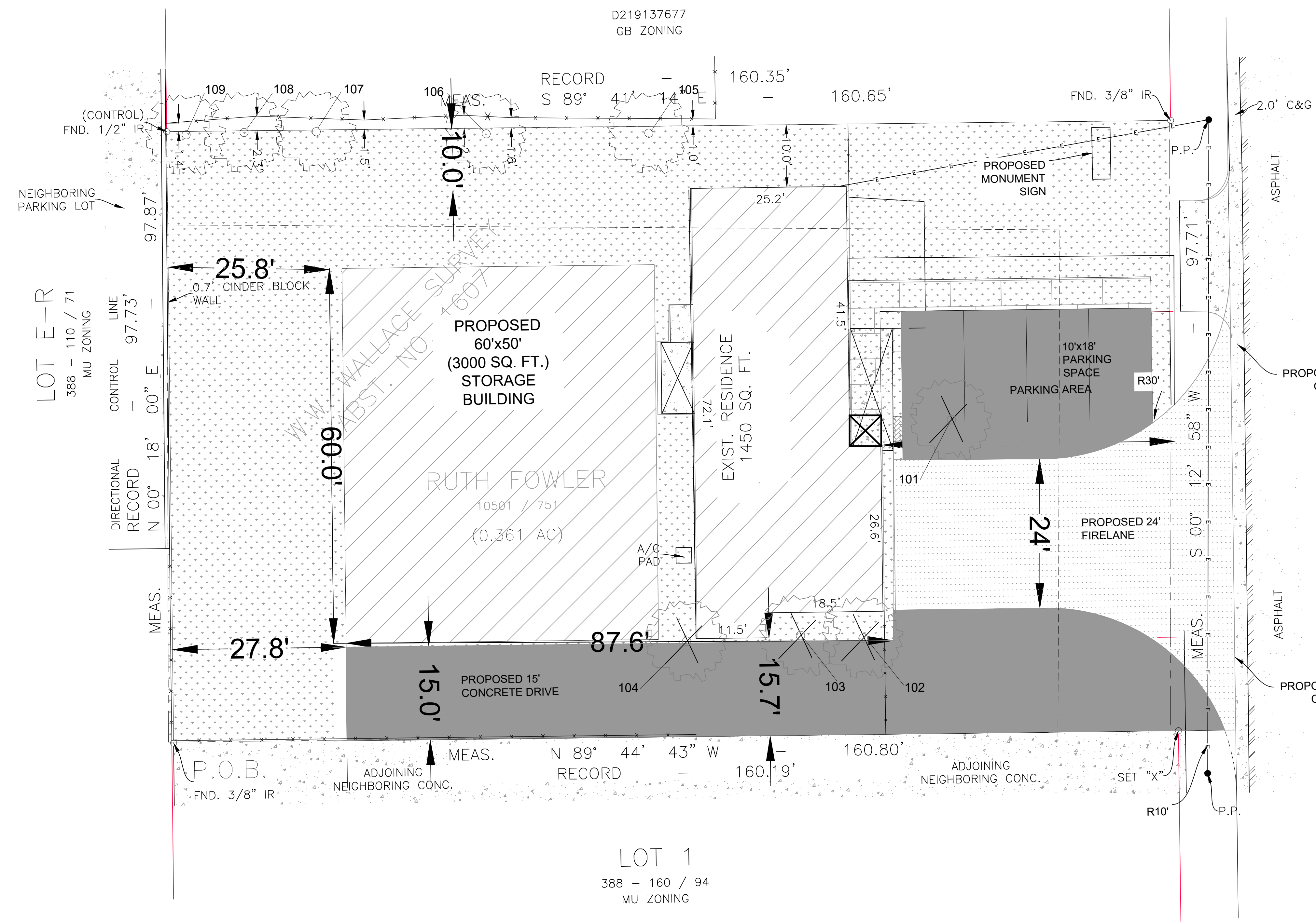
Civil Engineering Professionals
 Firm No. 7517
 4532 Lodestone Lane
 Fort Worth, TX 76123
 Tel. No. (817) 422-2290

1305 YATES - TRACT 12A01
WALLACE WILLIAM W SURVEY ABSTRACT 1607
HURST, TEXAS

SITE PLAN

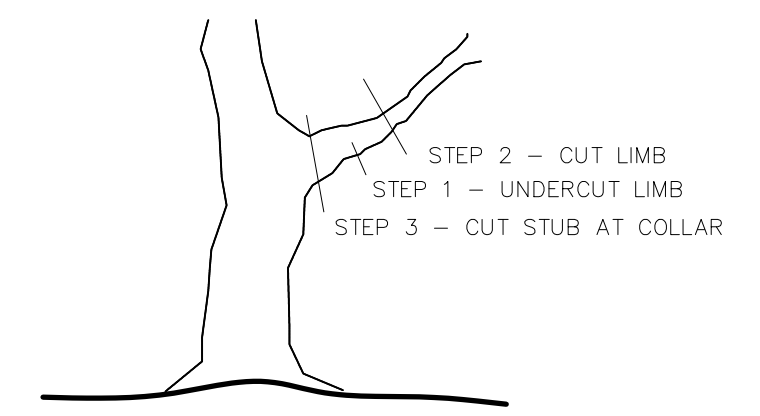
Scale: _____
 Designed by: CCR
 Drawn by: CCR
 Checked by: CCR
 Date: AUGUST 2023
 Project No. 999-601

EXHIBIT C

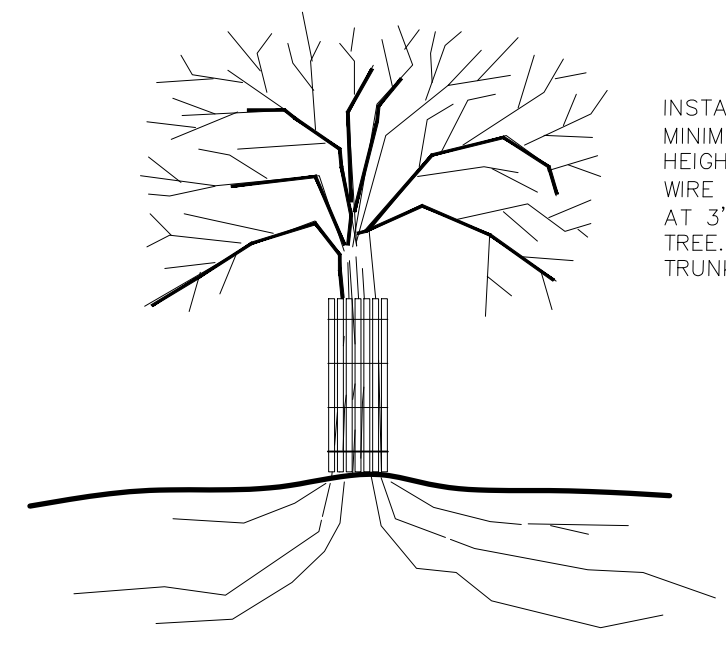


INSTALL 6 FT ORANGE VINYL PROTECTIVE FENCE AT DRIP LINE - ALL PROTECTED TREES
 DO NOT WASH OUT CONCRETE TRUCKS OR STORE ANY CONSTRUCTION MATERIALS BENEATH DRIP LINE.
 DO NOT MODIFY GRADE BENEATH DRIP LINE UNLESS APPROVED BY CITY ARBORIST

TREE PROTECTION FENCING/PRUNING
 SCALE: NONE

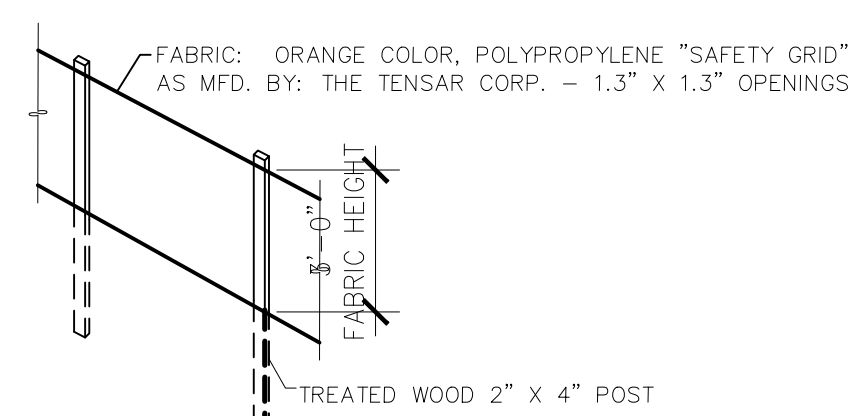


TREE PRUNING
 SCALE: NONE

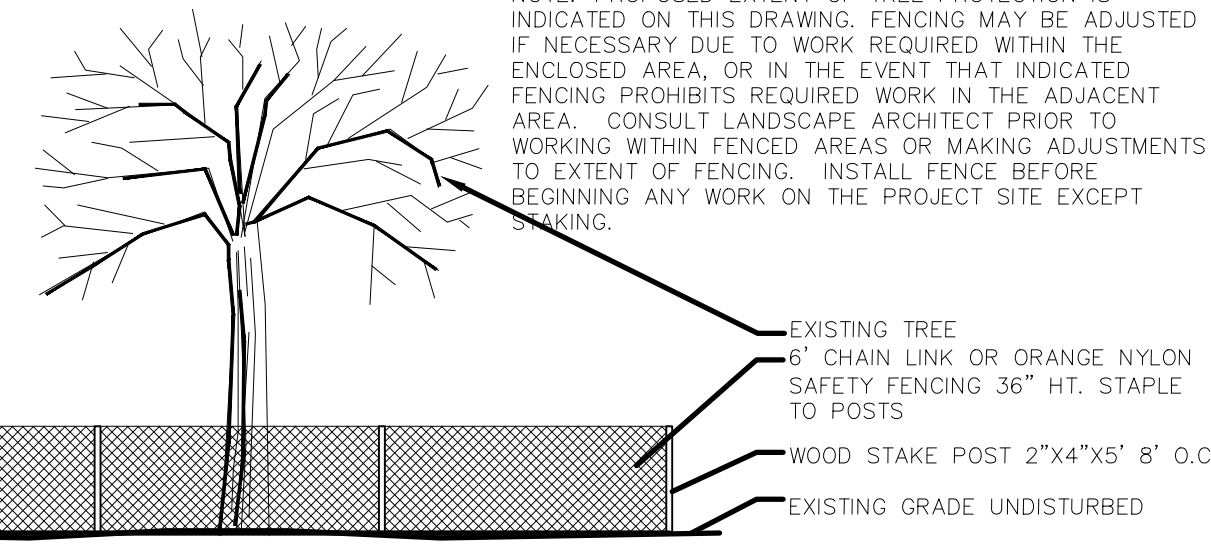


INSTALL 2X4'S @ 5" OC TO MINIMUM HEIGHT OF 10' OR TO HEIGHT OF BRANCHING. STAPLE WIRE CONNECTORS TO 2X4'S AT 3' OC. DO NOT ATTACH TO TREE. COMPLETELY ENIRCLE TRUNK.

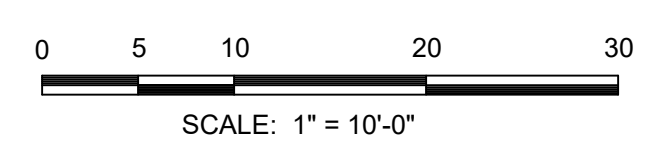
BARK PROTECTION
 SCALE: NONE



NOTE: PROPOSED EXTENT OF TREE PROTECTION IS INDICATED ON THIS DRAWING. FENCING MAY BE ADJUSTED IF NECESSARY DUE TO WORK REQUIRED WITHIN THE ENCLOSED AREA, OR IN THE EVENT THAT INDICATED FENCING PROHIBITS REQUIRED WORK IN THE ADJACENT AREA. CONSULT LANDSCAPE ARCHITECT PRIOR TO WORKING WITHIN FENCED AREAS OR MAKING ADJUSTMENTS TO EXTENT OF FENCING. INSTALL FENCE BEFORE BEGINNING ANY WORK ON THE PROJECT SITE EXCEPT STAKING.



TREE PROTECTIVE FENCING
 SCALE: NONE



TREE SURVEY

NUMBER	SPECIES	COMMENT
101	33" MULBERRY	- REMOVE EXEMPT POOR
102	22" LIVE OAK	- REMOVE EXEMPT
103	2" CRAPE MYRTLE	- REMOVE EXEMPT
104	10" HACKBERRY	- REMOVE EXEMPT
105	14" HACKBERRY	- PRESERVE
106	20" HACKBERRY	- PRESERVE
107	20" HACKBERRY	- PRESERVE
108	20" HACKBERRY	- PRESERVE
109	4" HACKBERRY	- PRESERVE

TREE PRESERVATION TOTALS

TOTAL CALIPER INCHES ON LOT	133"
TOTAL CALIPER INCHES PRESERVED/EXEMPT	133" (100%)
TOTAL CALIPER INCHES REMOVED	48" (10.9%)

MITIGATION REQUIRED: 0" CALIPER INCHES
 MITIGATION PROVIDED: 0 TREES @ 4" CAL = 0"
 TOTAL MITIGATION PROVIDED: 0" CALIPER INCHES

- LEGEND**
- EXISTING TREE TO BE PRESERVED/PROTECTED
 - EXISTING TREE TO BE REMOVED BY PERMIT
 - TREE PROTECTION FENCE

© FAN • CUPPET LANDSCAPE ARCHITECTS 2017. ALL RIGHTS RESERVED. THE LANDSCAPE ARCHITECTURE DESIGN, DETAIL AND IRRIGATION DRAWINGS FOR THIS PROJECT AND/OR OVERALL PROJECT ARE THE LEGAL PROPERTY OF FAN • CUPPET LANDSCAPE ARCHITECTS, LLC. THEIR USE FOR REPRODUCTION, CONSTRUCTION OR DISTRIBUTION IS PROHIBITED UNLESS AUTHORIZED IN WRITING BY FAN • CUPPET LANDSCAPE ARCHITECTS, LLC.

EXHIBIT E

1305 Yates Dr Hurst TX 76053

Existing Building Elevations

Front elevation



Front elevation 2



North side elevation



South side elevation



Rear elevation



Rear elevation 2



Storage Building Elevations

Corner view



Left Endwall

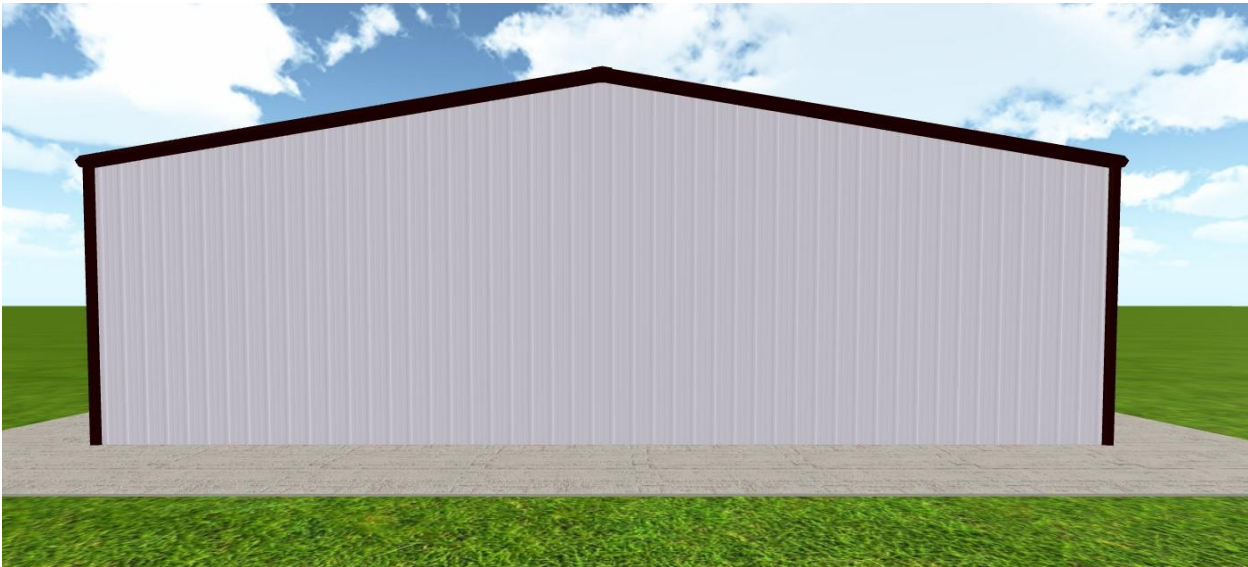


EXHIBIT G

Front sidewall



Right Endwall



Back Sidewall

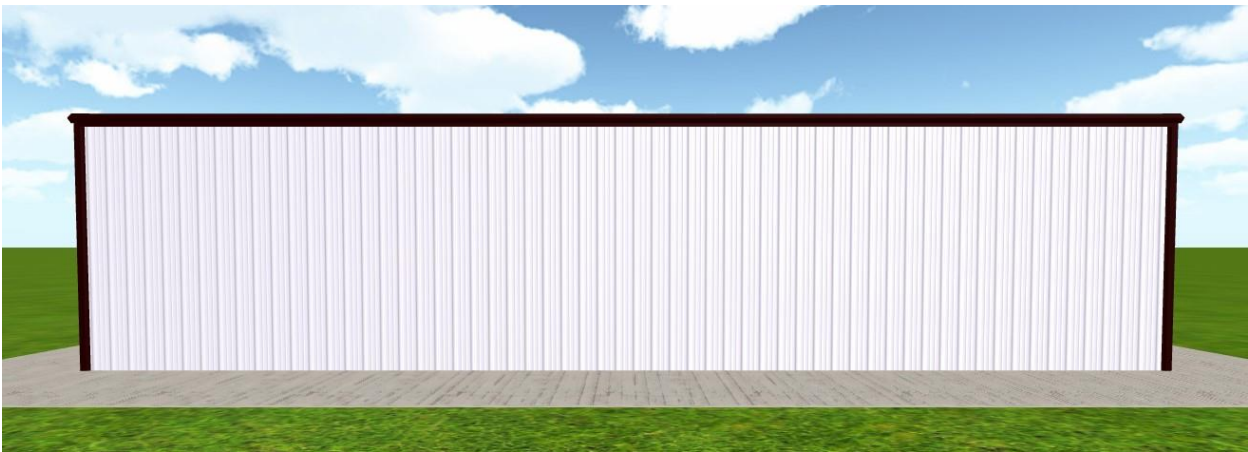
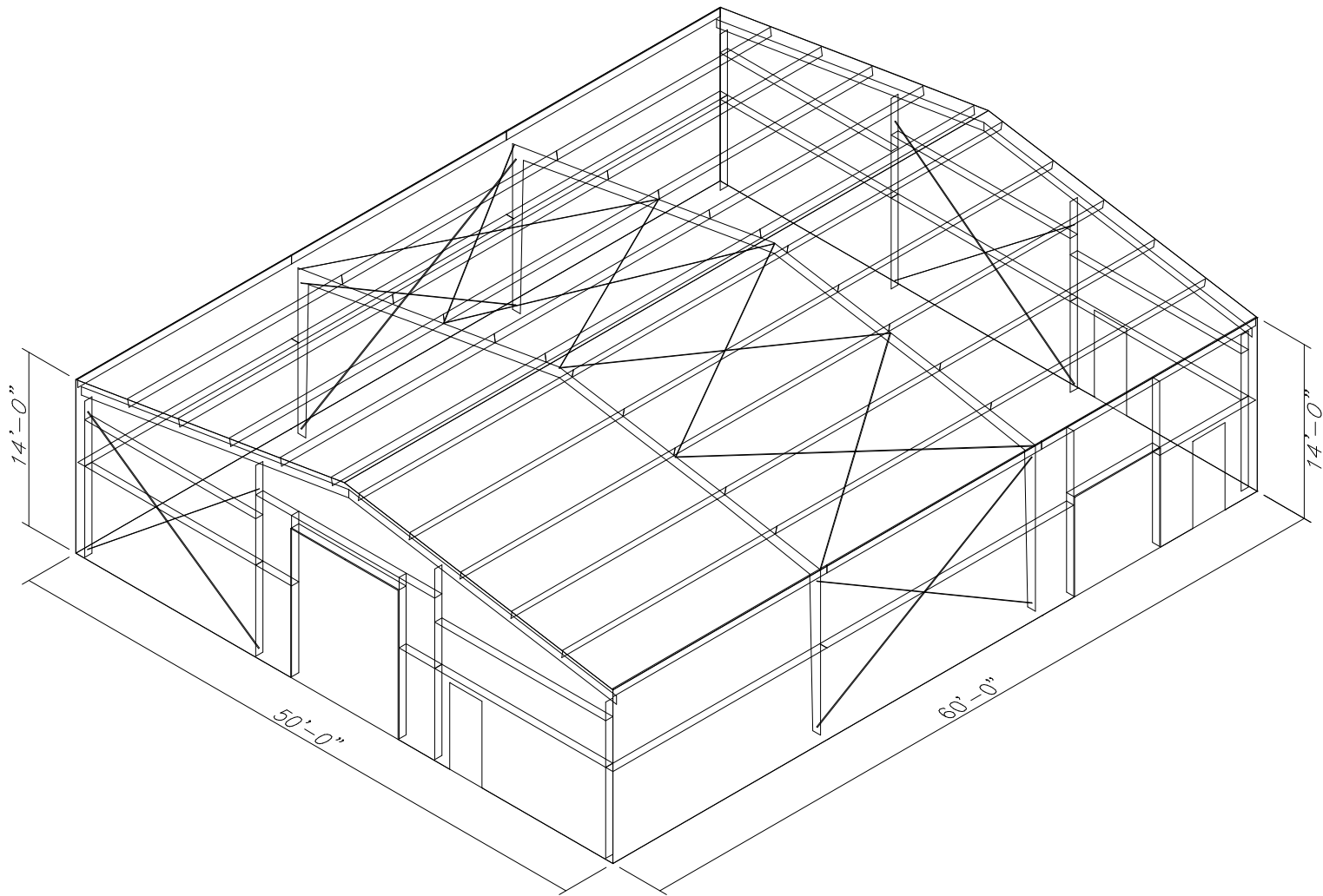
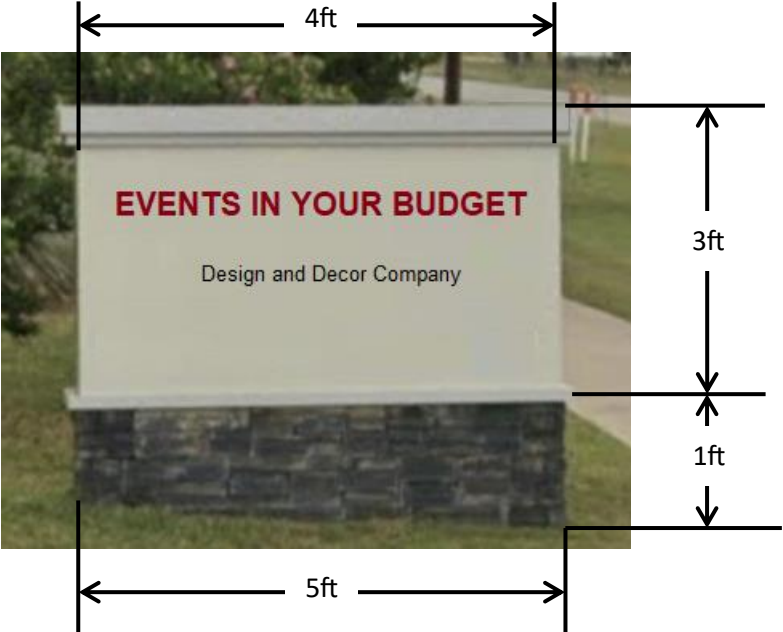


EXHIBIT H



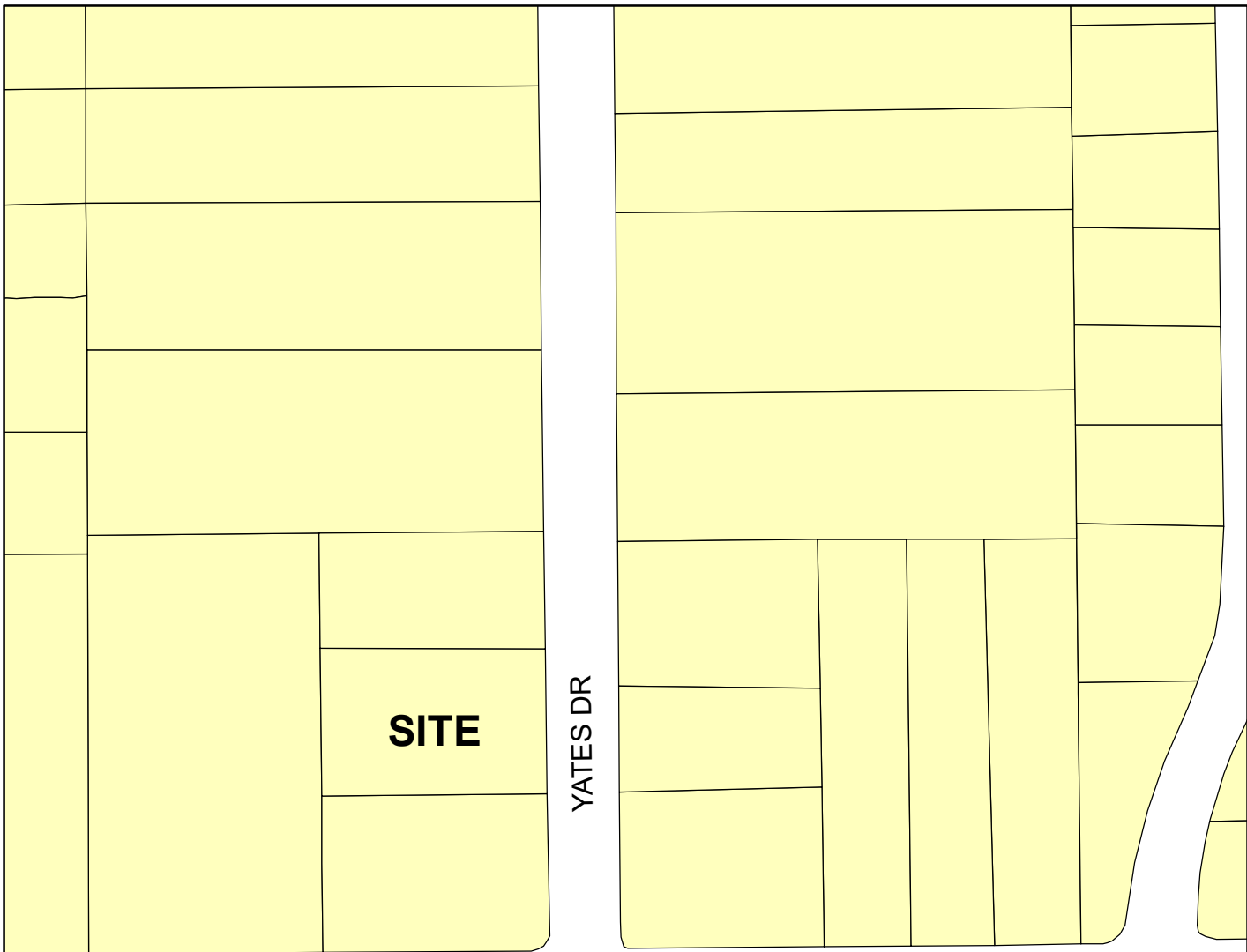
1305 Yates Dr Hurst TX 76053

Monument Sign Elevation



City Council Staff Report

<p>SUBJECT: P-2023-00004 Chowdhry At Yates Addition, a final plat of Tract 12A1, William Wallace Survey A-1607 to Lot 1, Block 1 Chowdhry At Yates, being .36 acre located at 1305 Yates Drive</p>	
<p>Supporting Documents:</p>	
<p>Area map Plat</p>	<p>Meeting Date: 9/12/2023 Department: Development Reviewed by: Michelle Lazo City Manager Review:</p>
<p>Background/Analysis:</p>	
<p>An application has been made by Rabea Chowdhry for a final plat of Tract 12A1, William Wallace Survey A-1607 to Lot 1, Block 1 Chowdhry At Yates, being .36 acre located at 1305 Yates Drive. The property is zoned GB (General Business).</p> <p>The owner is requesting the final plat to remodel an existing structure for an event planner and rental office.</p> <p>Engineering plans have been reviewed and accepted.</p>	
<p>Funding Sources and Community Sustainability:</p>	
<p>There is no fiscal impact. Council’s consideration of this item falls within the Strategic Priority of Community & Economic Vitality.</p>	
<p>Recommendation:</p>	
<p>Based on the Planning and Zoning Commission’s vote of 4-1, the recommendation is City Council move to approve P-2023-00004, a final plat of Lot 1, Block 1 Chowdhry At Yates Addition.</p>	



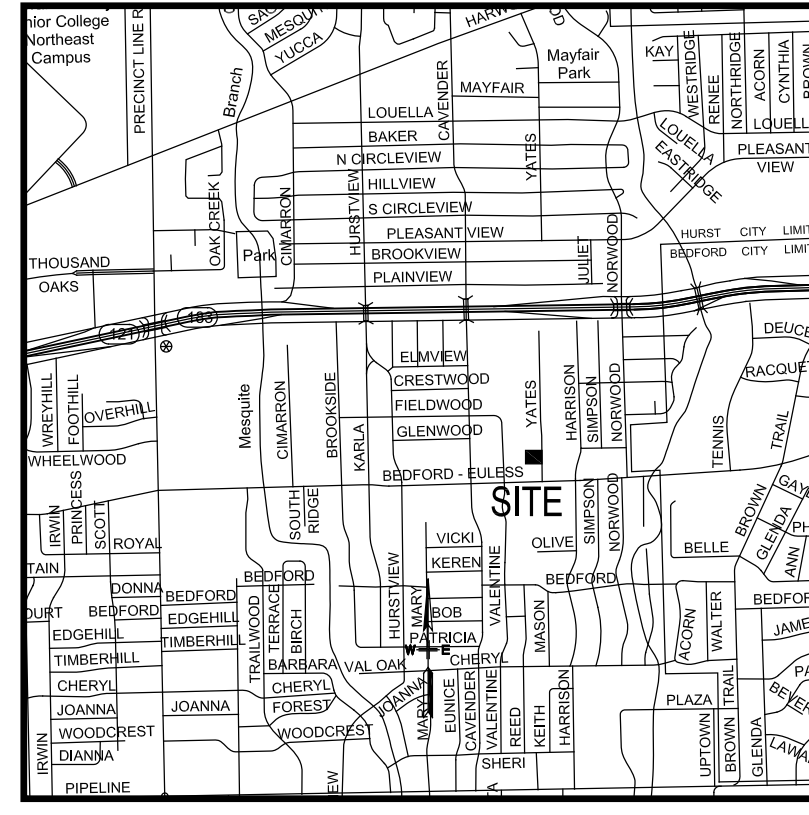
SITE

YATES DR

BEDFORD EULESS RD

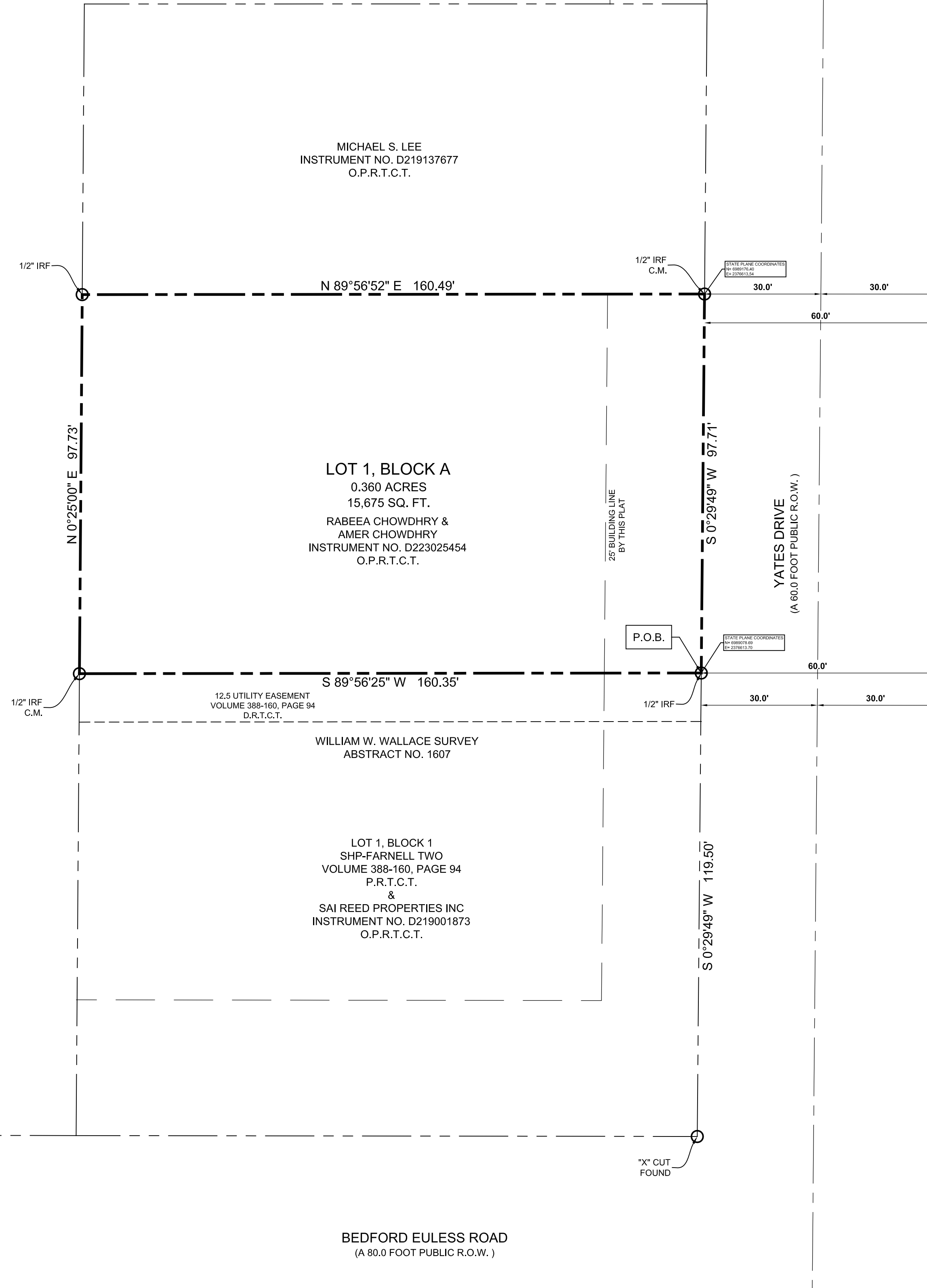
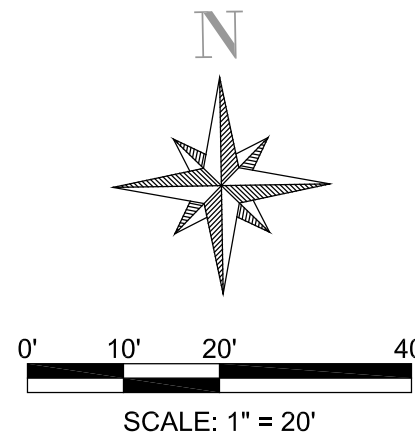
HARRISON LN

<p>CASE NO: P-2023-00004 Chowdhry At Yates</p>	<p>LEGAL DESCRIPTION: Tract 12A1, William Wallace Survey A-1607</p>	<p>AGENDA DATE: 9-12-2023</p>
<p>REQUESTED ACTION: Final Plat</p>	<p>LOCATION: 1305 Yates Dr.</p>	



LOCATION MAP
NTS

LOT E-R, BLOCK 16
SHADY OAKS ADDITION
VOLUME 388-110, PAGE 71
P.R.T.C.T.
&
I3 INVESTMENTS INC
INSTRUMENT NO. D219031803
O.P.R.T.C.T.



SURVEYOR'S CERTIFICATE

THIS is to certify that I, Larry Turman, a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

Larry Turman
Texas Registration No. 1740

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Larry Turman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2023.

Notary Public in and for
The State of Texas

My Commission expires: _____

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF HURST, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____ TO APPROVE THIS FINAL PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

WHEREAS THE CITY COUNCIL OF THE CITY OF HURST, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____ TO APPROVE THIS FINAL PLAT FOR FILING OF RECORD.

MAYOR, CITY OF HURST

ATTEST: SECRETARY, CITY OF HURST

LEGEND:

- IRF - IRON ROD FOUND
- IRFC - IRON ROD FOUND CAPPED
- R.O.W. - RIGHT-OF-WAY
- CM - CONTROLLING MONUMENT
- M.R.T.C.T. - MAP RECORDS, TARRANT COUNTY, TEXAS
- D.R.T.C.T. - DEED RECORDS, TARRANT COUNTY, TEXAS
- O.P.R.T.C.T. - OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS
- INST. NO. - INSTRUMENT NUMBER
- P.O.B. - POINT OF BEGINNING
- FND. - FOUND
- ESMT - EASEMENT
- VOL. - VOLUME
- PG. - PAGE

GENERAL NOTES:

1. BASIS OF BEARING - THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983
2. THE PURPOSE OF THIS PLAT IS TO CONVERT AN UNPLATTED LOT INTO 1 LOT SUBDIVISION.
3. COORDINATES SHOWN ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Tarrant County, Texas, the subject property Does Not lie within a Special Flood Hazard Area (100 Year Flood), Map date 09-25-2009 Community Panel No. 48439C0210K subject lot is located in Zone X.

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, Rabeea Chowdhry and Amer Chowdhry are the sole owners of a 0.360 acre tract of land out of the W.W. Wallace Survey, Abstract No. 1607 in the City of Hurst, Tarrant County, Texas, being that certain tracts of land conveyed to Rabeea Chowdhry by General Warranty Deed as recorded in Instrument No. D223025454, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of said Chowdhry tract, said point being the northeast corner of Lot 1, Block 1, SHP-Farnell Two Addition, an addition to the City of Hurst, according to the plat thereof recorded in Volume 388-160, Page 94, Plat Records, Tarrant County, Texas, same being the west right-of-way line of Yates Drive (a 60.0 foot width right-of-way);

THENCE South 89 degrees 56 minutes 25 seconds East, departing the west right-of-way line of said Yates Drive and the common line of said Chowdhry tract and said Lot 1, Block 1, a distance of 160.35 feet to a 1/2 inch iron rod found for corner, said point being the southwest corner of said Chowdhry tract, same point being the northwest corner of said Lot 1, Block 1, said point also being in the east line of Lot E-R, Block 16, Shady Oaks Addition, an addition to the City of Hurst, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-110, Page 71, Plat Records, Tarrant County, Texas;

THENCE North 00 degrees 25 minutes 00 seconds East, along the common line of said Chowdhry tract and said Lot E-R, Block 16, a distance of 97.73 feet to a 1/2 inch iron rod found for corner, said point being the northwest corner of said Chowdhry tract, same point being the southwest corner of that certain tract of land conveyed to Michael S. Lee by Warranty deed with Vendor's Lien as recorded in Instrument No. D219137677, Official Public Records, Tarrant County, Texas;

THENCE North 89 degrees 56 minutes 52 seconds East, along the common line of said Chowdhry and said Lee tract, a distance of 160.49 feet to a 1/2 inch iron rod found for corner, said point being at the southeast corner of said Lee tract, same point being in the west right-of-way line of said Yates Drive, said point also being the northeast corner of said Chowdhry tract;

THENCE South 00 degrees 29 minutes 49 seconds West, along the west right-of-way line of said Yates Drive, a distance of 97.71 feet to the POINT OF BEGINNING and containing 16,675 square feet and 0.360 acre of computed land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, We Rabeea Chowdhry and Amer Chowdhry, do hereby certify that we are the legal owners of the above described property to be known as LOT 1, BLOCK 1, CHOWDHRY AT YATES ADDITION, an addition to the City of Hurst, Tarrant County, Texas, and does hereby convey and dedicate to the public's use the easements, streets, alleys right-of-ways and any other public area shown on the plat.

Witness my hand this _____ day of _____, 2023

Rabeea Chowdhry, Owner

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Rabeea Chowdhry, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2023.

Notary Public in and for
The State of Texas

My Commission expires: _____

Amer Chowdhry, Owner

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Amer Chowdhry, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2023.

Notary Public in and for
The State of Texas

My Commission expires: _____

FINAL PLAT
LOT 1, BLOCK 1
CHOWDHRY AT YATES ADDITION
AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS
BEING 0.360 ACRES OF LAND
SITUATED IN THE
WILLIAM W. WALLACE SURVEY, ABSTRACT NO 1607
CITY OF HURST, TARRANT COUNTY, TEXAS

LEGEND			
	GAS METER		FIRE HYDRANT
	GAS VALVE		WATER METER
	TELEPHONE PEDESTAL		BOLLARD
	POWER POLE		WATER VALVE
	DOWN GUY		TRANSFORMER PAD
	S.S. MAN HOLE		ELECTRIC MANHOLE
	CLEAN OUT		STORM DRAIN MAN HOLE
	MONITORING WELL		TRAFFIC SIGNAL POLE
	TRAFFIC SIGNAL BOX		SWB MAN HOLE
	GAS LINE MARKER		VAULT
	TELEPHONE MANHOLE		SIGN
	LIGHT POLE		TYPICAL FENCE
	CONCRETE		TREE
	ELECTRIC BOX		

OWNER:

RABEEA CHOWDHRY
AMER CHOWDHRY
4107 WELLINGTON DRIVE
COLLEYVILLE, TEXAS 76034
PHONE: (214) 436-3800

NO.	DATE	REVISION
1.		
2.		
3.		

CENTRO RESOURCES, LLC TBPS No. 10193888	JOB NO.: 22----
	DATE: AUGUST 19, 2022
1475 HERITAGE PKWY., STE 217 MANSFIELD, TEXAS 76063	SCALE: #####
(817) 354-1445 (817) 798-4039 CELL surveygroup@att.net	DRAWN BY: RP

City Council Staff Report

SUBJECT: P-2023-00005 McDaniel Addition, a replat of Lots A & B McDaniel Addition and Lot 11 Bellvue Addition to Lots A-R and B-R McDaniel Addition, being 2.77 acres located at 105 E. Pecan Street

Supporting Documents:	
Area map Plat	Meeting Date: 9/12/2023 Department: Development Reviewed by: Michelle Lazo City Manager Review:

Background/Analysis:

An application has been made by Brown Trail Gospel Church for a replat of Lots A & B McDaniel Addition and Lot 11 Bellvue Addition to Lots A-R and B-R McDaniel Addition, being 2.77 acres located at 105 E. Pecan Street. The property is zoned R-1 (Single-Family Residential).

Brown Trail Gospel Church uses the existing home as a parsonage and is requesting the replat in order to increase the size of the residential lot located on 105 E. Pecan Street. There are no plans for any construction at this time. The church plans to sell the remaining vacant land.

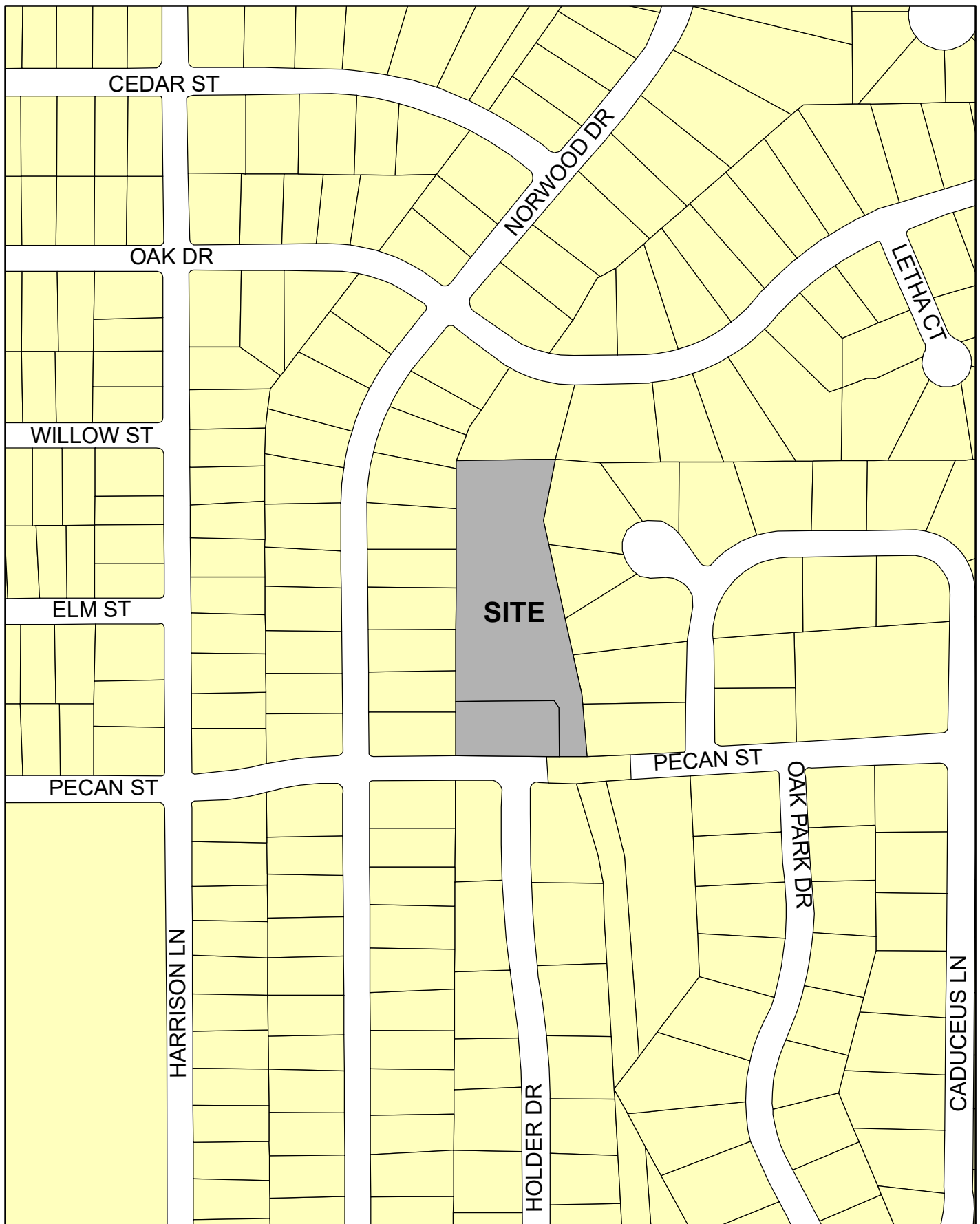
Engineering plans will be required with any future development.

Funding Sources and Community Sustainability:

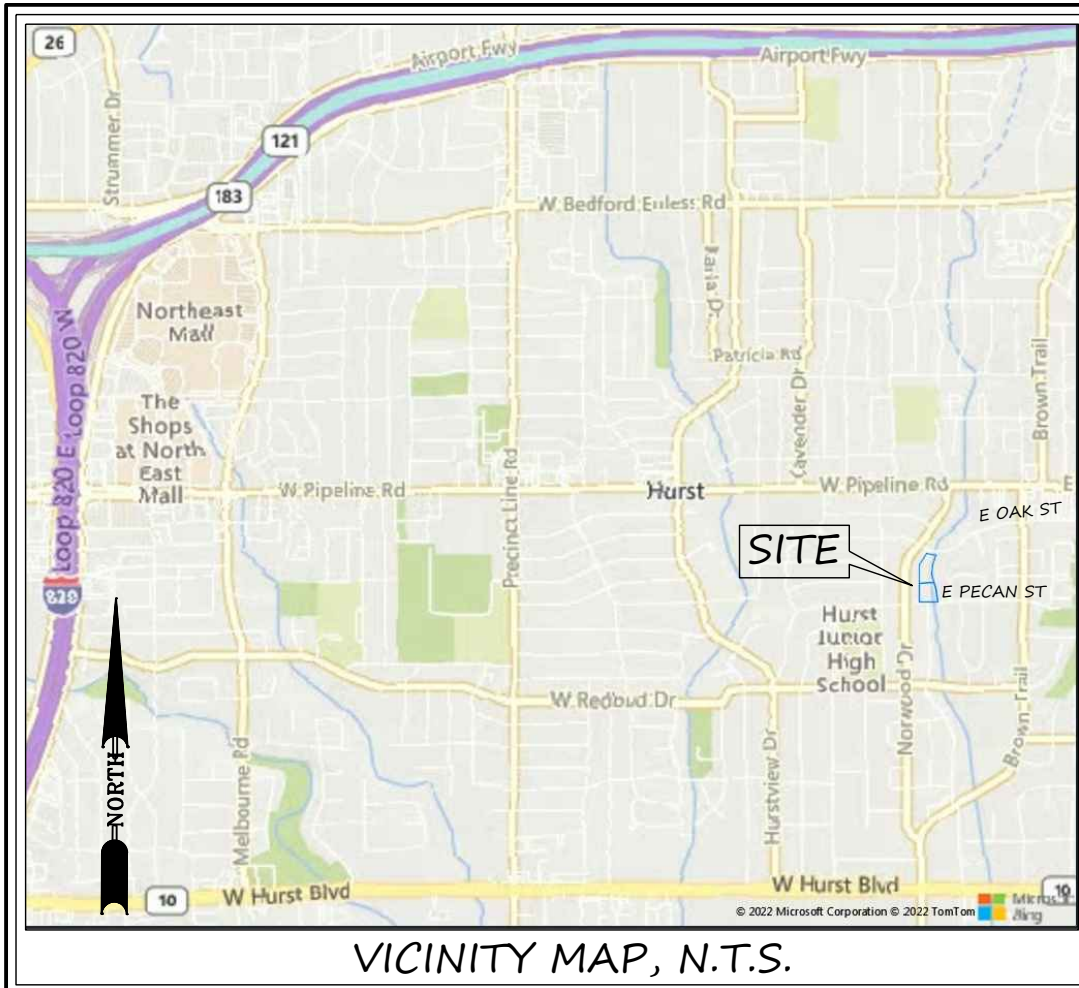
There is no fiscal impact. Council's consideration of this item falls within the Strategic Priority of **Community & Economic Vitality.**

Recommendation:

Based on the Planning and Zoning Commission's vote of 5-0, the recommendation is City Council **move to approve P-2023-00005, a replat Lots A-R and B-R McDaniel Addition.**



<p>CASE NO: P-2023-00005 McDaniel Addition</p>	<p>LEGAL DESCRIPTION: Replat of Lot A&B McDaniel and Lot 11, Block 11 Bellvue Addition</p>	<p>AGENDA DATE: 9/12/2023</p>
<p>REQUESTED ACTION: Replat</p>	<p>LOCATION: 105 E. Pecan St.</p>	

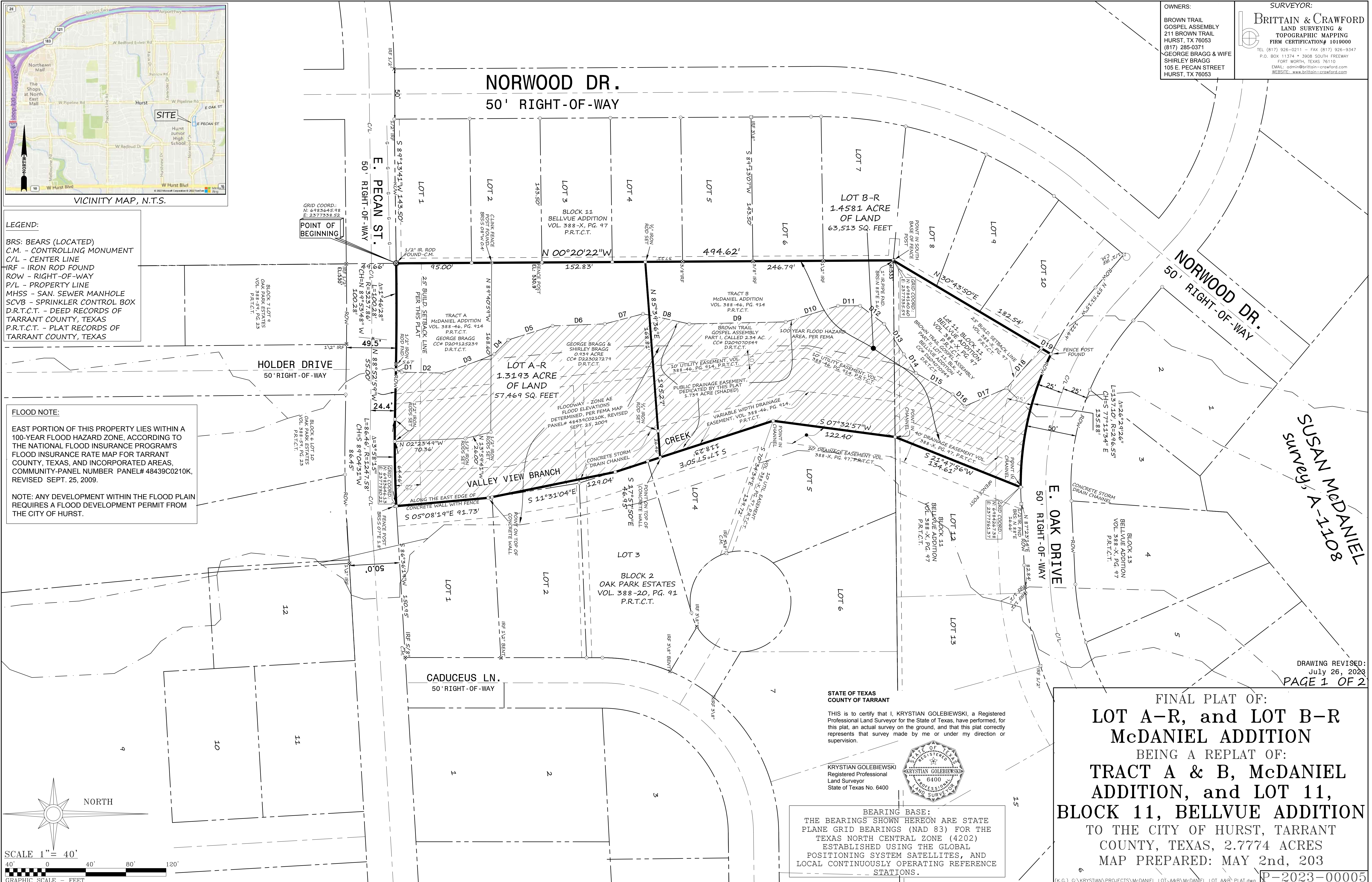
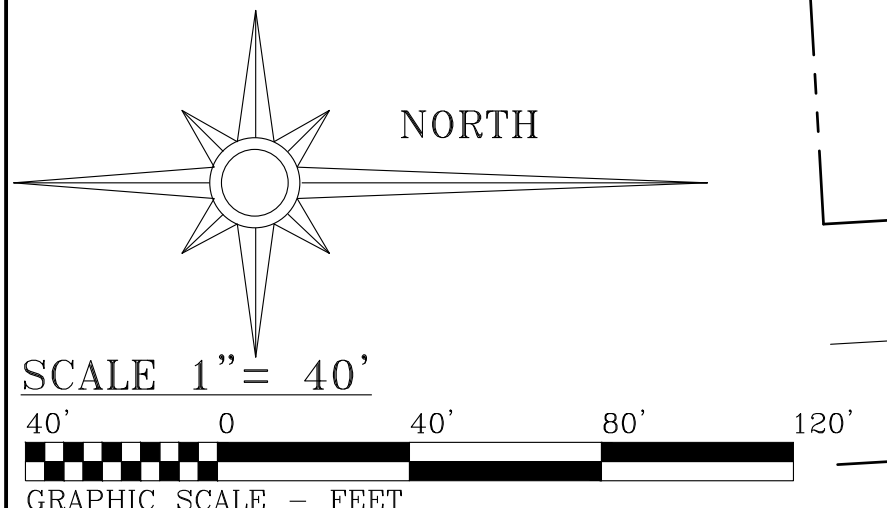


OWNERS:
 BROWN TRAIL GOSPEL ASSEMBLY
 211 BROWN TRAIL
 HURST, TX 76053
 (817) 285-0371
 GEORGE BRAGG & WIFE
 SHIRLEY BRAGG
 105 E. PECAN STREET
 HURST, TX 76053

SURVEYOR:
BRITTAIN & CRAWFORD
 LAND SURVEYING &
 TOPOGRAPHIC MAPPING
 FIRM CERTIFICATION# 1019000
 TEL (817) 926-0211 - FAX (817) 926-9347
 P.O. BOX 11374 • 3908 SOUTH FREEWAY
 FORT WORTH, TEXAS 76110
 EMAIL: sdb@brittain-crawford.com
 WEBSITE: www.brittain-crawford.com

LEGEND:
 BRS: BEARS (LOCATED)
 C.M. - CONTROLLING MONUMENT
 C/L - CENTER LINE
 IRF - IRON ROD FOUND
 ROW - RIGHT-OF-WAY
 P/L - PROPERTY LINE
 MHSS - SAN. SEWER MANHOLE
 SCVB - SPRINKLER CONTROL BOX
 D.R.T.C.T. - DEED RECORDS OF TARRANT COUNTY, TEXAS
 P.R.T.C.T. - PLAT RECORDS OF TARRANT COUNTY, TEXAS

FLOOD NOTE:
 EAST PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD HAZARD ZONE, ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY, TEXAS, AND INCORPORATED AREAS, COMMUNITY-PANEL NUMBER PANEL# 48439C0210K, REVISED SEPT. 25, 2009.
 NOTE: ANY DEVELOPMENT WITHIN THE FLOOD PLAIN REQUIRES A FLOOD DEVELOPMENT PERMIT FROM THE CITY OF HURST.



STATE OF TEXAS
 COUNTY OF TARRANT

THIS is to certify that I, KRYSYAN GOLEBIEWSKI, a Registered Professional Land Surveyor for the State of Texas, have performed, for this plat, an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction or supervision.

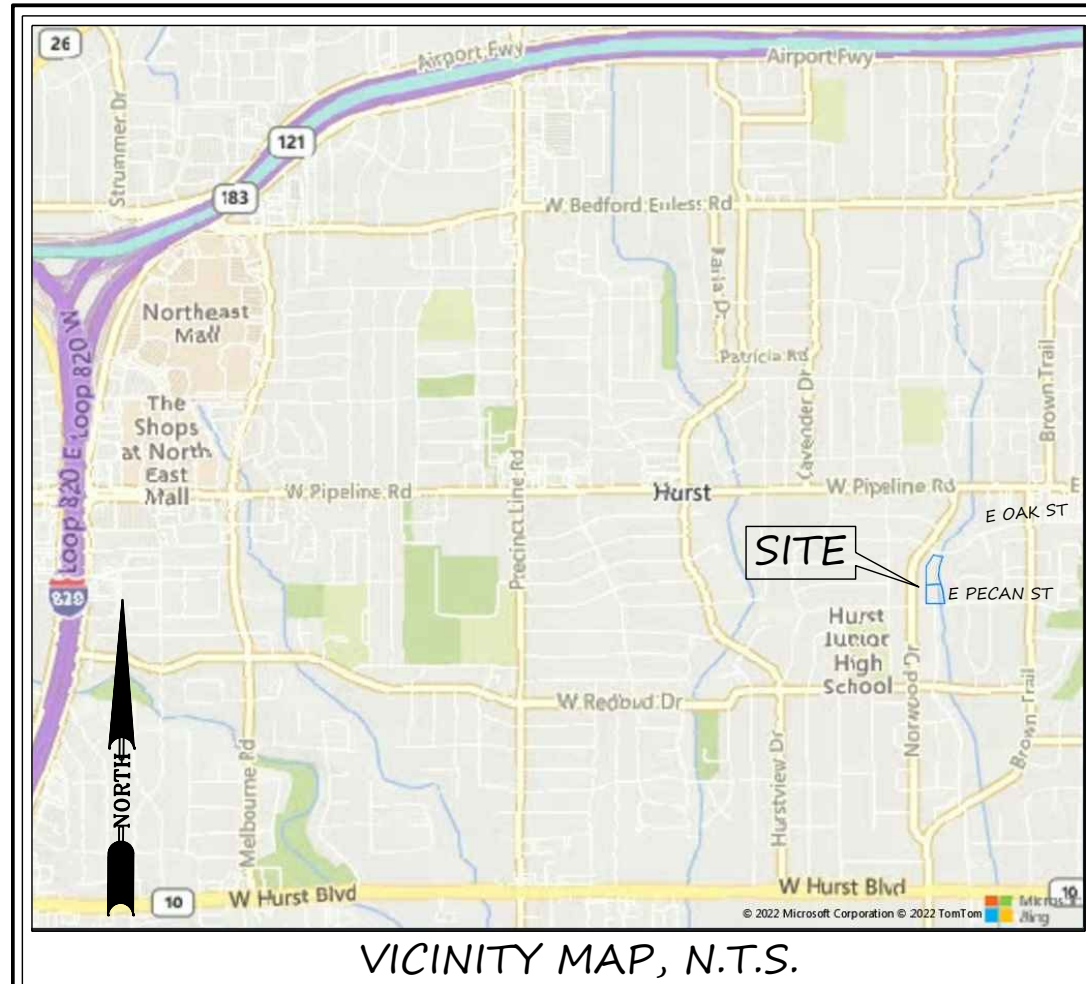


BEARING BASE:
 THE BEARINGS SHOWN HEREON ARE STATE PLANE GRID BEARINGS (NAD 83) FOR THE TEXAS NORTH CENTRAL ZONE (4202) ESTABLISHED USING THE GLOBAL POSITIONING SYSTEM SATELLITES, AND LOCAL CONTINUOUSLY OPERATING REFERENCE STATIONS.

FINAL PLAT OF:
**LOT A-R, and LOT B-R
 McDANIEL ADDITION**
 BEING A REPLAT OF:
**TRACT A & B, McDANIEL
 ADDITION, and LOT 11,
 BLOCK 11, BELLVUE ADDITION**
 TO THE CITY OF HURST, TARRANT
 COUNTY, TEXAS, 2.7774 ACRES
 MAP PREPARED: MAY 2nd, 203

DRAWING REVISED:
 July 26, 2023
 PAGE 1 OF 2

(K.G.) G:\KRYSYAN\PROJECTS\MCDANIEL LOT A&B\MCDANIEL LOT A&B-PLAT.dwg P-2023-00005



VICINITY MAP, N.T.S.

LEGEND:

- BRS: BEARS (LOCATED)
- C.M. - CONTROLLING MONUMENT
- C/L - CENTER LINEFH - FIREHYDRANT
- IRF - IRON ROD FOUND
- ROW - RIGHT-OF-WAY
- P/L - PROPERTY LINE
- MHSS - SAN. SEWER MANHOLE
- SCVB - SPRINKLER CONTROL BOX
- D.R.T.C.T. - DEED RECORDS OF TARRANT COUNTY, TEXAS
- P.R.T.C.T. - PLAT RECORDS OF TARRANT COUNTY, TEXAS

SURVEYORS NOTES:

1. ALL GENERAL NOTES AND ANY OTHER COVENANTS INCLUDED ON THE ORIGINAL PLAT OF McDANIEL ADDITION, RECORDED IN VOLUME 388-46, PAGE 914, and BELLVUE ADDITION, RECORDED IN VOLUME 388-X, PAGE 97, OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, REMAIN ENFORCED.
2. THE PURPOSE OF THIS RE-PLAT IS TO COMBINE EXISTING TRACT A, TRACT B, and LOT 11, AND DIVIDE INTO TWO SEPARATE LOTS.
3. BEARING BASE:

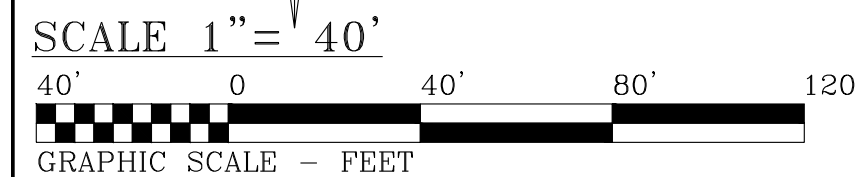
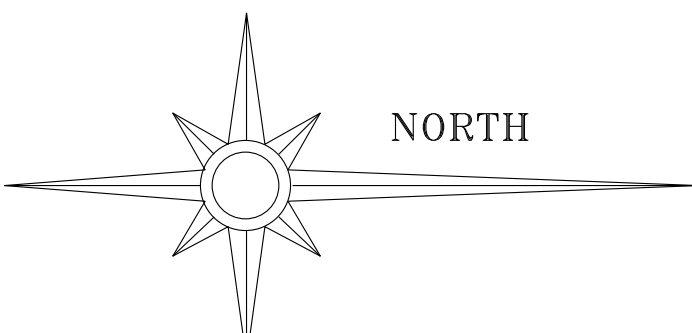
THE BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE NAD83 COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202.

FLOOD NOTE:

EAST PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD HAZARD ZONE, ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY, TEXAS, AND INCORPORATED AREAS, COMMUNITY-PANEL NUMBER PANEL# 48439C0210K, REVISED SEPT. 25, 2009.

BEARING BASE:

THE BEARINGS SHOWN HEREON ARE STATE PLANE GRID BEARINGS (NAD 83) FOR THE TEXAS NORTH CENTRAL ZONE (4202) ESTABLISHED USING THE GLOBAL POSITIONING SYSTEM SATELLITES, AND LOCAL CONTINUOUSLY OPERATING REFERENCE STATIONS.



DRAINAGE EASEMENT CALL TEABLE

CALL	Bearing	Distance
D1	N 22°02'06" E	6.35'
D2	N 01°18'46" E	41.99'
D3	N 20°46'06" W	53.49'
D4	N 45°13'38" W	19.84'
D5	N 17°34'21" W	46.20'
D6	N 02°12'01" W	52.04'
D7	N 14°45'29" W	39.29'
D8	N 12°16'48" E	47.13'
D9	N 01°11'14" W	95.94'
D10	N 17°06'24" W	54.41'
D11	N 00°03'14" W	22.02'
D12	N 36°53'49" E	30.03'
D13	N 57°13'31" E	35.95'
D14	N 57°08'51" E	22.27'
D15	N 29°59'31" E	42.14'
D16	N 45°11'16" E	16.92'
D17	N 23°20'46" W	45.52'
D18	N 49°00'47" W	52.58'
D19	N 30°43'50" E	11.24'

PUBLIC DRAINAGE EASEMENT MATES AND BOUNDS.

Beginning at a fence post found, at the Northwest corner of Lot 11, Block 11, BELLVUE ADDITION, according to the Plat recorded in Volume 388-X, Page 97, of the Plat Records, Tarrant County, Texas;

THENCE SOUTHEASTERLY 137.10 feet, with a curve to the left, having a radius of 296.53 feet, a central angle of 26° 29' 26", and a chord bearing S 77° 11' 34" E 135.88 feet, to a point at the end of said curve;

- THENCE S 21° 47' 56" W 134.61 feet, to a point;
- THENCE S 07° 32' 57" W 122.40 feet, to a point;
- THENCE S 17° 57' 50" E 165.18 feet, to a point;
- THENCE S 11° 31' 04" E 129.04 feet, to a point;
- THENCE S 05° 08' 19" E 91.73 feet, to a point;

THENCE SOUTHWESTERLY 86.46 feet, with a curve to the right, having a radius of 1,247.58 feet, a central angle of 03° 58' 15", and a chord bearing S 89° 04' 31" W 86.45 feet, to a point at the end of said curve;

- THENCE N 88° 52' 59" W 49.33 feet, to a point;
 - THENCE N 22° 02' 06" E 6.35 feet, to a point;
 - THENCE N 01° 18' 46" E 41.99 feet, to a point;
 - THENCE N 19° 53' 06" W 38.29 feet, to a point;
 - THENCE N 22° 59' 24" W 15.22 feet, to a point;
 - THENCE N 45° 13' 38" W 19.84 feet, to a point;
 - THENCE N 17° 34' 21" W 46.20 feet, to a point;
 - THENCE N 02° 12' 01" W 52.04 feet, to a point;
 - THENCE N 14° 45' 29" W 39.29 feet, to a point;
 - THENCE N 12° 16' 48" E 47.13 feet, to a point;
 - THENCE N 01° 11' 14" W 95.94 feet, to a point;
 - THENCE N 17° 06' 24" W 54.41 feet, to a point;
 - THENCE N 17° 06' 24" W 54.41 feet, to a point;
 - THENCE N 00° 03' 14" W 22.02 feet, to a point;
 - THENCE N 36° 53' 49" E 30.03 feet, to a point;
 - THENCE N 57° 13' 31" E 35.95 feet, to a point;
 - THENCE N 57° 08' 51" E 22.27 feet, to a point;
 - THENCE N 29° 59' 31" E 42.14 feet, to a point;
 - THENCE N 45° 11' 16" E 16.92 feet, to a point;
 - THENCE N 23° 20' 46" W 45.52 feet, to a point;
 - THENCE N 49° 00' 47" W 52.58 feet, to a point;
 - THENCE N 30° 43' 50" E 11.24 feet, to a point;
- to the Point of Beginning, containing 1.739 acres, (75,741 Square Feet), of land.

**STATE OF TEXAS
COUNTY OF TARRANT**

WHEREAS, **BROWN TRAIL GOSPEL ASSEMBLY**, acting by and through the undersigned, their duly authorized representative, and **GEORGE BRAGG and wife, SHIRLEY BRAGG**, are the owners of 2.7774 acres of land situated in the SUSAN McDANIEL SURVEY, Abstract No. 1108, City of Hurst, Tarrant County, Texas, according to their respective deeds recorded in County Clerk's File No.'s. D209070549 and D223027279, of the Official Public Records of Tarrant County, Texas.

LEGAL DESCRIPTION

BEING 2.7774 acres of land situated in the SUSAN McDANIEL SURVEY, Abstract No. 1108, City of Hurst, Tarrant County, Texas, and being all of Tract A and Tract B, McDaniel Addition, to the City of Hurst, Tarrant County, Texas, according to the plat recorded in Volume 388-46, Page 914, of the Plat Records of Tarrant County, Texas, and all of Lot 11, Block 11, Bellvue Addition, to the City of Hurst, Tarrant County, Texas, according to the plat recorded in Volume 388-X, Page 97, of the Plat Records of Tarrant County, Texas. Said 2.7774 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at the Southwest corner of said Tract A, of said McDaniel Addition, same point being the Southeast corner of Block 11, of said Bellvue Addition, and said POINT OF BEGINNING also lying in the North right-of-way line of East Pecan Street;

THENCE N 00° 20' 22" W 494.62 feet, along the West boundary line of aforesaid Tract A and Tract B, and the East boundary line of aforesaid Block 11, Bellvue Addition, to a point in the South base of a fence post, at the Northwest corner of said Tract B, same being the Northeast corner of Lot 7, of said Block 11, from which a 1" iron pipe found bears N 85° E 1.6 feet;

THENCE N 30° 43' 50" E 182.54 feet, along the West boundary line of said Lot 11, Block 11, Bellvue Addition, to a metal fence post found at the North corner of said Lot 11, same being the East corner of Lot 10, of said Block 11, Bellvue Addition, and said point also lying in the South right-of-way line of East Oak Drive (a 50 foot wide public right-of-way);

THENCE SOUTHEASTERLY 137.10 feet, along the South right-of-way line of said East Oak Drive and the North boundary line of said Lot 11, with a curve to the left, having a radius of 296.53 feet, a central angle of 26° 29' 26", and a chord bearing S 77° 11' 34" E 135.88 feet, to a point in the concrete drainage channel at the Northeast corner of said Lot 11, from which a ½" iron rod found bears N 88° E 16.66 feet;

THENCE S 21° 47' 56" W 134.61 feet, along the East boundary line of said Lot 11 and the West boundary line of Lot 12, of said Block 11, Bellvue Addition, to a point in the center of said drainage channel, lying at the Southeast corner of said Lot 11, the Southwest corner of said Lot 12, and the Northeast corner of aforesaid Tract B, also being the Northwest corner of Lot 5, Block 2, Oak Park Estates, an addition to the City of Hurst, Tarrant County, Texas, according to the plat recorded in Volume 388-20, Page 91, of the Plat Records of Tarrant County, Texas;

THENCE along the East boundary line of Tract B and the West boundary line of said Block 2, Oak Park Estates, as follows:

1. S 07° 32' 57" W 122.40 feet, to a point in the drainage channel, located at the Southwest corner of aforesaid Lot 5, and the Northwest corner of Lot 4;
2. S 17° 57' 50" E 118.23 feet, to a point on top of a concrete wall, on the east side of said drainage channel, from which a ½" iron rod marked "Brittain & Crawford" set on the West side of said drainage channel bears S 85° 39' 36" W 26.46 feet;
3. S 17° 57' 50" E 46.95 feet, to a point;
4. S 11° 31' 04" E 129.04 feet, to a point;
5. S 05° 08' 19" E 91.73 feet, to a point at the Southeast corner of aforesaid Tract B, lying in the North right-of-way line of East Pecan Street (a 50 foot wide public right-of-way), from which point a fence post found bears S 07° E 1.80 feet;

THENCE along the North right-of-way line of said East Pecan Street, and the South boundary line of aforesaid Tract B and Tract A, as follows:

1. SOUTHWESTERLY 96.46 feet, along a curve to the right, having a radius of 1,247.58 feet, a central angle of 03° 58' 15", and a chord bearing S 89° 04' 31" W 86.45 feet, to a ½" iron rod marked "Brittain & Crawford" set at the end of said curve;
2. N 88° 52' 59" W 55.00 feet, to a ½" iron rod found at the beginning of a curve to the left;
3. WESTERLY 100.28 feet, along said curve to the left, having a radius of 3,237.86 feet, a central angle of 01° 46' 28", and a chord bearing N 89° 53' 48" W 100.28 feet, to the POINT OF BEGINNING containing 2.7774 acres (120,981 Square Feet) of land.

WHEREAS the Planning and Zoning Commission of the City of Hurst, Texas voted affirmatively on this ____ day of _____, 2023, to approve this final plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

WHEREAS the City Council of the City of Hurst, Texas voted affirmatively on this ____ day of _____, 2023, to approve this plat for filing of record.

Mayor, City of Hurst

Attest: City Secretary

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **BROWN TRAIL GOSPEL ASSEMBLY, GEORGE BRAGG and WIFE, SHIRLEY BRAGG**, do hereby adopt this plat of **Lot A-R and Lot B-R, McDaniel Addition**, to the City of Hurst, Tarrant County, Texas, and do hereby dedicate to the Public's use, the easements shown hereon.

WITNESS MY HAND at Fort Worth, Tarrant County, Texas, this the ____ day of _____, 2023.

BROWN TRAIL GOSPEL ASSEMBLY

By: _____

**STATE OF TEXAS
COUNTY OF TARRANT**

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that s/he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2023.

Notary Public in and for the State of Texas

WITNESS OUR HANDS, at Fort Worth, Tarrant County, Texas, this the ____ day of _____, 2023.

GEORGE BRAGG

SHIRLEY BRAGG

**STATE OF TEXAS
COUNTY OF TARRANT**

BEFORE ME, the undersigned authority, a notary public in and for said County and State, on this day personally appeared **GEORGE BRAGG and wife, SHIRLEY BRAGG**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2023.

Notary Public in and for the State of Texas

**STATE OF TEXAS
COUNTY OF TARRANT**

THIS is to certify that I, **KRYSTIAN GOLEBIEWSKI**, a Registered Professional Land Surveyor for the State of Texas, have performed, for this plat, an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction or supervision.

KRYSTIAN GOLEBIEWSKI
Registered Professional
Land Surveyor
State of Texas No. 6400



DRAWING REVISED:
July 26, 2023

PAGE 2 OF 2

FINAL PLAT OF:
**TRACT A-R, and B-R
McDANIEL ADDITION**
BEING A RE-PLAT OF:
**TRACT A & B, McDANIEL
ADDITION, and LOT 11,
BLOCK 11, BELLVUE ADDITION**
TO THE CITY OF HURST, TARRANT
COUNTY, TEXAS, 2.7774 ACRES
MAP PREPARED: MAY 2nd, 203

(K.G.) G:\KRYSTIAN\PROJECTS\McDANIEL LOT A&B\McDANIEL LOT A&B_PLAT.dwg **P-2023-00005**

City Council Staff Report

SUBJECT: Consider Resolution 1843 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2023 rate review mechanism filing	
Supporting Documents:	
Resolution 1843	Meeting Date: 9/12/2023 Department: Fiscal and Strategic Services Reviewed by: Clayton Fulton City Manager Review:
Background/Analysis:	
<p>The City of Hurst, along with 181 other Mid-Texas Cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos”), is a member of the Steering Committee of Cities Served by Atmos (“ACSC”). In 2007, the ACSC and Atmos settled a rate application filed by the Atmos pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.</p> <p>The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2023, Atmos filed a rate request pursuant to the RRM Tariff adopted by ACSC members. Atmos claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$156.1 million. Application of the standards set forth in ACSC’s RRM Tariff reduced the request to \$130.9 million. After several meetings, the parties have agreed to settle the case at \$142 million, and reduction of \$24.9 million from the original request. The settlement also includes \$19.5 million for the securitization of regulatory assets related to Winter Storm Uri. This was previously approved by the Texas Legislature and the Railroad Commission.</p> <p>The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be \$24.72 or 5.19%. Atmos provided bill impact comparisons containing these figures.</p> <p>Given Atmos Mid-Tex’s claim that its historic cost of service should entitle it to recover \$165.9 million in additional system-wide revenues, the RRM settlement at \$142 million for ACSC members reflects substantial savings to ACSC cities.</p>	

Settlement at \$142 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urge all ACSC members to pass the resolution before September 30, 2023. New rates become effective October 1, 2023.

Funding Sources and Community Sustainability:

No funding is required for this item. We believe this item fits well within our **Strategic Priorities** and the **Hurst Way**. Through approving the RRM, the City will maintain its ability to influence the actions of Atmos and provide greater **public service** to our community by ensuring proposed rate changes get fully reviewed.

Recommendation:

Staff recommends City Council **move to adopt Resolution 1843 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division.**

RESOLUTION NO. 1843

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Hurst, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”)

process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 1, 2023, Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$142 million on a system-wide basis with an Effective Date of October 1, 2023; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications; and

WHEREAS, the RRM Tariff includes Securitization Interest Regulatory Asset amount of \$19.5 million;

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$142 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$142 on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2023 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after September 30, 2023.

Section 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HURST TEXAS, BY A VOTE OF __ TO __, ON THIS THE 12TH DAY OF SEPTEMBER, 2023.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 22.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 22.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.48567 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 72.00 per month
Rider CEE Surcharge	(\$ 0.02) per month ¹
Total Customer Charge	\$ 71.98 per month
Commodity Charge – All Ccf	\$ 0.18280 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7484 per MMBtu ¹
Next 3,500 MMBtu	\$ 0.5963 per MMBtu ¹
All MMBtu over 5,000 MMBtu	\$ 0.2693 per MMBtu ¹

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

¹ The tiered commodity charges include the base rate amounts of \$0.5684, \$0.4163, and \$0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.1800 per MMBtu until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.5684 per MMBtu
Next 3,500 MMBtu	\$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Post-Employment Benefit Plan	Supplemental Executive Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2023 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,434,339	\$ (518,336)	\$ 2,336,419	\$ (2,678,818)	\$ 267,917	
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	\$ 409,804
6							
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.63%	39.63%	11.00%	
8							
9	Summary of Costs to Approve (1):						
10	Total Pension Account Plan	\$ 506,464		\$ 729,006			\$ 1,235,469
11	Total Post-Employment Benefit Plan		\$ (183,024)		\$ (835,840)		(1,018,864)
12	Total Supplemental Executive Benefit Plan					\$ 29,471	29,471
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 29,471	\$ 246,076

MINUTES

**CITY OF HURST
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 5, 2023**

On the 5th day of September 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
Andrea Taylor)
Mark Cyrier)
Will Blackburn)
Larry Wilson)
Michelle Lazo	) Director, Planning and Development
Tina Powell	) Plans Examiner
Sharon Brown	) Planning and Zoning Assistant

With the following Board members absent: Howard Shotwell and Weldon Martin; 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 Ms. Taylor.

1. Mr. Wilson moved to approve the minutes for the June 19, 2023 meeting. Mr. Blackburn seconded the motion. The motion prevailed by a vote of 5-0.
2. Z-2023-00002 – Events in Your Budget, a zoning change from GB to GB-PD with a site plan, for Tract 12 A1 William Wallace Survey, A 1607 bging .38 acre located at 1305 Yates Dr.

Mrs. Rabeea Chowdhry, spoke about plans for the development.

Mr. Aman opened the Public Hearing for Z-2023-00002

The following persons attended the meeting and were in favor of the proposal: Rabeea Chowdhry, Amer Chowdhry, and Javed Chowdhry

Resident Janie McKenzie at 1324 Yates Drive spoke in opposition of the proposal. Ms. McKenzie mentioned that the City conducted a survey that shows an abundance of retail space in the city and asked why there is a need to move the business to a residential street. Ms. McKenzie also stated that if business fails their neighborhood would lose a single-family residence.

Resident Lisa Barley at 1320 Yates Dr., spoke in opposition of the proposal and spoke as the representative for the neighborhood. Ms. Barley stated that she did a quick survey of the City and that there are many other office locations for lease that

are not on a single-family street. Ms. Barley then gave a brief overview of office spaces for lease and amenities they offered.

Ms. Barley stated she has lived on Yates Dr. for over 20 years and that she does not feel this use is in the best interest of the neighborhood. Ms. Barley also mentioned concerns regarding the signage, parking, the negative impact on property values, and other businesses that could potentially operate at this location if this business fails.

Additional residents did not wish to speak, but wanted their opposition recorded:

Resident Bernadette Emery at 1311 Yates Dr.
Resident Jeff Hutchinson at 1310 Yates Dr.
Resident Joe Dickerson at 1317 Yates Dr.
Resident Maria and John Upton at 1316 Yates Dr.
Resident Billy Field at 1321 Yates Dr.
Resident John Upton at 1313 Yates Dr.
Resident John Upton at 1316 Yates Dr.
Resident Deann Harvey at 1327 Yates Dr.
Resident Kenneth Brown at 1329 Yates Dr.
Resident Anthony Cirrincione at 1325 Yates Dr.

The following person/persons were not in attendance at the meeting but submitted emails of opposition:

Residents Cindy Decker and Anita Brown at 1331 Yates Dr.
Resident Deann Harvey at 1327 Yates Dr.
Residents Kenneth and Mary Brown at 1329 Yates Dr.
Resident Joe Robertson at 1304 Yates Dr.

There being no one else to speak, Mr. Cyrier made a motion to close the public hearing. Mr. Blackburn seconded the motion. The motion prevails by vote of 5-0.

Mr. Blackburn asked staff what the property is zoned. Ms. Lazo stated that the property was zoned General Business.

Mr. Blackburn asked staff if the property would require rezoning to return to a single-family use. Ms. Lazo stated yes, and that the single-family use is currently legal non-conforming.

Ms. Taylor asked staff what size sign was permitted in this zoning district. Ms. Lazo stated that single tenant monument signs may not exceed 6 feet in height and are permitted 50 square feet of sign area per face.

Chairman Aman asked the applicant how many box trucks they owned. Mr. Chowdhry stated that we do not own any box trucks.

Mr. Chowdhry further explained that this is a small family business that sets-up events for customers. The majority of events are held at hotels.

Ms. Taylor asked applicant how many years they have operated. Mr. Chowdhry stated that they have been operating for 15 years and are currently leasing space in Irving, Texas.

Mr. Blackburn asked the applicant what the typical office hours are. Mr. Chowdhry stated they operate during the typical day time hours and that when they have an event they are normally at the location by noon.

Ms. Taylor asked the applicant what time they drop off supplies after an event. Mr. Chowdhry stated that they typically drop off supplies the next day.

Mr. Blackburn asked staff if residents do not agree with the Planning and Zoning Commission decision what are the resident's options. Ms. Lazo stated the case will go to City Council next Tuesday, September 12, 2023 at 6:30 p.m. and that residents are welcome to attend and will have an opportunity to speak.

Chairman Aman stated Planning and Zoning Commission is a recommending body to City Council.

There being no one else to speak, Mr. Cyrier made a motion to recommend denial of Z-2023-00002 Events in Your Budget, a zoning change from GB to GB-PD with a site plan, for Tract 12 A1 William Wallace Survey, a 1607 being .38 acre located at 1305 Yates Dr.

The motion failed due to the lack of a second.

Chairman Aman opened the floor for a secondary motion.

Ms. Taylor made a motion to recommend approval of Z-2023-00002 Events in Your Budget, a zoning change from GB to GB-PD with a site plan, for Tract 12 A1 William Wallace Survey, a 1607 being .38 acre located at 1305 Yates Dr.

Mr. Blackburn seconded he motion. The motion prevailed by a vote of 3-2 with Chairman Aman and Mr. Cyrier voting in opposition.

3. SP-2023-00008 – Rosa's Tortilla Factory, a site plan revision on Lot 3A, Block 1 Lowe's Addition, being 1.6 acres located at 2200 Precinct Line Rd.

Mr. Ken Taft, Architect presented the case.

Mr. Aman opened the Public Hearing for SP-2023-00008

There being no one to speak in favor or in opposition, Mr. Wilson made a motion to close the public hearing. Ms. Taylor seconded the motion. The motion prevailed by a vote of 5-0.

Chairman Aman asked the applicant if there are concerns regarding additional congestion in the parking lot. Mr. Taft stated the existing drive thru lane will remain the same and that the goal is to alleviate congestion.

Ms. Taylor asked the applicant how many cars may stack in the proposed drive-thru lane. Mr. Taft stated that five cars may stack in the proposed drive-thru lane prior to merging with the existing lane. Mr. Taft also mentioned that Rosa's increased the landscaping and is prepared to make a sizeable reinvestment on this property.

Mr. Blackburn asked if the applicant considered a double stacking lane from Precinct Line Rd. Mr. Taft stated that Rosa's has considered many options, but they chose the option with the least impact on the existing parking area.

Mr. Taft stated that cars will naturally merge in the drive-thru and that other locations have the same set-up with no merging issues.

There being no one else to speak, Mr. Blackburn made a motion to recommend approval of SP-2023-00008 Rosa's Tortilla Factory, a site plan revision on Lot 3A, Block 1 Lowe's Addition, being 1.6 acres located at 2200 Precinct Line Rd.

Mr. Wilson seconded the motion. Motion prevailed by vote of 5-0.

4. P-2022-00004 Chowdhry At Yates Addition, a final plat of Tract 12 A1 William Wallace Survey, A-1607 to Lot 1, Block 1, Chowdhry at Yates Addition being .36 acre located at 1305 Yates Dr.

Mr. Amer Chowdhry, applicant, spoke about the plat.

Ms. Taylor, asked staff if the property currently platted. Ms. Lazo stated that this lot is not platted.

Being no further discussion, Mr. Blackburn made a motion to recommend approval of P-2023-00004 Chowdhry at Yates Addition a final plat of Tract 12 A1 William Wallace Survey, A-1607 to Lot 1, Block 1, Chowdhry at Yates Addition being .36 acre located at 1305 Yates Dr.

Mr. Wilson, seconded the motion. Motion prevailed by a vote of 4 to 1 with Mr. Cyrier voting in opposition.

5. P-2023-00005 – McDaniel Addition a replat of Tract A & B McDaniel Addition and Lot 11, Bellvue Addition to Lots A-R & B-R McDaniel Addition, being 2.77 acres located at 105 E. Pecan Street.

Krystian Golebiewski, Land Surveyor, spoke about the plat.

Mr. Cyrier asked staff if there was enough area outside of the flood plain to build a structure. Ms. Lazo stated a flood plain permit and possible flood study may be required to develop the property.

Chairman Aman asked staff if the property is platted. Ms. Lazo stated that the property was platted.

Being no further discussion, Mr. Cyrier made a motion to recommend approval of P-2023-00005 McDaniel Addition a replat of Tract A & B McDaniel Addition and Lot 11, Bellvue Addition to Lots A-R and B-R McDaniel Addition, being 2.77 acres located at 105 E. Pecan St.

Ms. Taylor seconded the motion. The motion prevailed by vote of 5-0.

There being no further business, The Chair declared the meeting adjourned at 7:53 p.m.

APPROVED this the _____ day of _____, 2023

ATTEST:

**Charles Aman, Chair
Planning & Zoning Commission**

Recording Secretary

Future Events Calendar

September 12, 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>
Saturday, October 7, 2023	Extra Bulk Collection, Residents NORTH of HWY 121
Saturday, October 14, 2023	Extra Bulk Collection, Residents SOUTH of HWY 121
Saturday, October 14, 2023 8:00 a.m.	Household Hazardous Waste Event, Service Center