

**City Council Minutes  
Tuesday, August 27, 2024**

On the 27<sup>th</sup> day of August 2024, 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
John Miller	)	Mayor Pro Tem
Cathy Brotherton	)	Councilmembers
Cindy Shepard	)	
Jon McKenzie	)	
Gary N. Waldron	)	
Jimmy Meeks	)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Rita Frick	)	City Secretary
Chris Connolly	)	Executive Director of Economic Development
Greg Dickens	)	Executive Director of Public Works
Duane Hengst	)	City Engineer

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

The meeting was called to order at 6:30 p.m. and Councilmember Gary Waldron gave the Invocation.

The Pledge of Allegiance and Texas Pledge were given.

**PRESENTATION(S)**

1. Presentation of City of Hurst Flag flown in memory of former Councilmember David Booe

Mayor Wilson presented the flag flown at half-staff in memory of former Councilmember David Booe to his wife Joy Booe noting David’s contribution to the community.

Presentation of Annual Report on the Storm Water Management Plan

City Engineer Duane Hengst provided a presentation of the Annual Storm Water Management Plan noting it is a requirement under the Federal Clean Water Act. Mr. Hengst reviewed the regulations, permit and reporting requirements and best management practices implemented for achievement.

**CONSENT AGENDA**

2. Consider approval of the minutes for the August 13, 2024 Council meetings

3. Consider Ordinance 2576, second reading, amending Chapter 26 by modifying Section 26-56 and Section 26-62 concerning wastewater pretreatment standards
4. Consider Ordinance 2581, second reading, to consider SITE-2024-00023 McDonald's, a Special Use Permit on Lot 3B, Block 1 Uptown Business and Professional Center Addition, being 2.75 acres located at 201 E. Pipeline Road
5. Consider Resolution 1866 appointing a voting member and an alternate member to the City of Fort Worth's Wholesale Water and Wastewater Customer Advisory Committee

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

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

#### **BUDGET RELATED ITEMS(S)**

6. Consider Ordinance 2577, second reading, adopting the Crime Control and Prevention District budget for fiscal year beginning October 1, 2024 and ending September 30, 2025

Mayor Pro Tem Miller moved to approve Ordinance 2577, second reading, adopting Fiscal Year 2024-2025 Crime Control Budget. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

7. Consider Ordinance 2578 (a), second reading, adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025

Councilmember McKenzie moved to approve Ordinance 2578 (a), second reading, adopting the budget for fiscal year beginning October 1, 2024 and ending September 30, 2025. Motion seconded by Councilmember Meeks. Motion prevailed by the following vote:

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

8. Consider Ordinance 2578 (b), second reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2024-2025 Budget

Councilmember Shepard moved in compliance with the Local Government Code, adoption of Ordinance 2578 (b), second reading, will ratify the Property Tax Revenue Increase in the Fiscal Year 2024-2025 Budget. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

9. Consider Ordinance 2579, second reading, setting the tax rate for the 2024 tax year

Councilmember Shepard moved with the adoption of Ordinance 2579, "I move that the property tax rate be increased by the adoption of a tax rate of 0.591324 which is effectively a 2.6 percent increase in the tax rate." Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

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

10. Consider Ordinance 2580, second reading, adopting water and wastewater rates for Fiscal Year 2024-2025

Councilmember Brotherton moved to approve Ordinance 2580, second reading, including the proposed Water and Wastewater rates effective October 1, 2024, to be included in all City utility bills processed on, or after, November 1, 2024. Motion seconded by Councilmember Meeks. Motion prevailed by the following vote:

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

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

11. Conduct a Public Hearing and consider Ordinance 2583, first and final reading, for SITE-2024-00025, Ryan Wayne Salon, a Site Plan Revision for wall materials on Lot AR, Block 44 Shady Oaks Addition, being .96 acre located at 450 Harwood Road

Mayor Wilson announced the public hearing to consider Ordinance 2583, first and final reading for SITE-2024-00025, Ryan Wayne Salon, a Site Plan Revision for wall materials on Lot AR, Block 44 Shady Oaks Addition and recognized City Manager Clay Caruthers who reviewed the proposed site plan revision. Mr. Caruthers noted the fencing requirements and materials on the original application, which was amended to allow a CMU decorative split face. He stated staff received a call from a resident informing them the new fence being constructed was single side split face towards the residents. He stated staff visited with the owner and found a mistake had been made with the order and advised a new site plan amendment would need to be considered. He stated the Planning and Zoning Commission heard the amendment last night and voted 4 to 1 to allow the single sided split face CMU with the decorative side facing the residents. Mr. Caruthers also noted various Planning and Zoning Commission comments regarding the color and durability and that staff indicated the fence did meet all other regulations.

Mayor Wilson recognized owner, Joseph Hughes, 450 W. Harwood Road who stated he had every intention to follow through with the double-sided split face fence, but unfortunately there was mishap and when it was discovered it was too late, already ordered and delivered and the cost to correct the issue would be thousands of dollars. He stated they are happy to give the residents the decorative side and they are happy with the smooth side on their side, noting it is basically invisible to Harwood Road. He indicated his belief this is very fair and is the same strength and durability.

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

Councilmember McKenzie moved to approve Ordinance 2583, first and final reading, for SITE-2024-00025, Ryan Wayne Salon, a Site Plan Revision for wall materials on Lot AR, Block 44 Shady Oaks Addition, being .96 acre located at 450 Harwood Road with the stipulation the decorative side face the residents. Motion seconded by Mayor Pro Tem Miller. Motion prevailed by the following vote:

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

### **RESOLUTION(S)**

12. Consider Resolution 1865 adopting the City of Hurst Investment Policy

Assistant City Manager Clayton Fulton reviewed the proposed Investment Policy noting no proposed changes and that the main focus of the policy is to ensure safety, liquidity, diversification, yield and public trust.

Mayor Pro Tem Miller moved to approve the City of Hurst Investment Policy by Resolution 1865, as required by Section 2256.005, Texas Government Code. Motion seconded by Councilmember McKenzie. Motion prevailed by the following vote:

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

### **OTHER BUSINESS**

13. Consider authorizing the city manager to enter into a performance contract with Ameresco for implementation of an automatic metering infrastructure system for the City of Hurst

Assistant City Manager Clayton Fulton reviewed the proposed contract with Ameresco for implementation of an automatic metering infrastructure system noting this project will replace every meter in the City. He noted cities have been moving to these systems for a number of years and that the City's system has become antiquated and reached a point where the meters already have this type capability. He reviewed the benefits of smart meters noting enhanced customer service while also providing system information to assist managing the water delivery system. He stated the initial audit by Ameresco indicated an approximate \$250,000 added revenue with the increased accuracy of the meter, which is approximately \$1.60 per month per customer. He also noted staff's intent to minimize the impact on water rates on the customer. He reviewed the four main pieces of the system including Diehl meters for residential, Neptune meters for commercial, Aclara for the data collection, and SEW for the customer portal, noting this combination provides the greatest flexibility for the future, and the project cost is a little over \$9.9 million or about \$800 per connection. Also included in the project is a component for compliance with the recent mandate of a lead and copper survey. Mr. Fulton stated funding is in reserve and is not debt funded. In response to Council questions, Mr. Fulton reviewed the time line noting mapping and GPS surveys to start quickly and meter implantation to start as early as February. He stated the total project time is projected to be 14–17 months. Executive Director of Public Works Greg Dickens

stated staff has no expectation they will find any lead pipes and briefly reviewed federal requirements.

Councilmember McKenzie moved to authorize the city manager to enter into a performance contract with Ameresco for implementation of an automatic metering infrastructure system for the City of Hurst. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

14. Consider authorizing the city manager to enter into a contract with Bernal Commercial Construction, Co. for the Lorean Branch Repair and Bank Stabilization upstream of Cannon Drive

Executive Director of Public Works Greg Dickens reviewed the proposed contract noting preliminary study of area drainage ditches and erosion, and the seemingly rapid erosion in this area. He stated he is recommending utilizing Scourlok, Flexamat, and Armormax to repair the bank slope on the west side of the creek just upstream of Cannon Drive. Mr. Dickens stated bids were received and Bernal Commercial Construction is the low bidder and right in line with the engineer's estimate.

Councilmember Waldron moved to authorize the city manager to enter into a contract with Bernal Commercial Construction, Co. for the Lorean Branch Repair and Bank Stabilization upstream of Cannon Drive, in the amount of \$282,565.00 with a contingency of \$17,435.00 for a total budget amount of \$300,000.00 and a construction contract duration of 60 calendar days. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

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

15. Consider engagement with Forvis Mazars for Professional Auditing Services

Assistant City Manager Clayton Fulton reviewed the proposed engagement with Forvis Mazars for professional auditing services noting a new five-year fee proposal and introduced Partner and Market Industry leader Rachel Ormsby who noted the name of Forvis Mazars but that it will still be the same team. Also noted was the 5% reduction in pricing.

Councilmember McKenzie moved to engage the services of Forvis Mazars to audit the City's financial records for the fiscal year ending September 30, 2024 for an overall base and Single Audit fee not to exceed \$100,000. Motion seconded by Councilmember Meeks. Motion prevailed by the following vote:

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

16. Consider casting vote for the election of Region 8 director of the TML Board of Directors

Mayor Wilson recommended Jon McKenzie for the City's votes for the Region 8 Director of the TML Board of Directors.

Councilmember Brotherton moved to cast all City votes for Jon McKenzie. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

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

17. Consider casting votes for candidates to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

Mayor Wilson recommended the following for the City's votes for candidates to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees: Place 11 – Randy Criswell, Place 12 – Allison Heyward, Place 13 – Harlan Jefferson, Place 14 – Mike Land

Councilmember Waldron moved to cast votes as recommended by Mayor Wilson. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

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

18. Consider Order of Cancellation of the November 5, 2024 Special Election and declare each unopposed candidate elected

Mayor Wilson congratulated and welcomed Trasa Cobern back to the dais and noted she will take office after the November 5, 2024 election.

Councilmember Meeks moved to approve the Order of Cancellation of the November 5, 2024 Special Election and declare each unopposed candidate elected. Motion seconded by Mayor Pro Tem Miller. Motion prevailed by the following vote:

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

19. Board, Commission, and Committee Minutes – Council reviewed the following minutes:

- Library Board
- Parks and Recreation Board
- Hurst Community Arts and Historic Landmark Preservation Committee

20. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the Future Events Calendar.

21. City Council Reports - Items of Community Interest – no reports given.

**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** – No one spoke.

**EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, authorized by Tex. Government Code Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and Section 551.072, deliberation of the purchase, exchange, lease, or value of real property (Pipeline Road Project) to reconvene in Open Session at the conclusion of the Executive Session. Mayor Wilson did not recess to Executive Session.**

- 22. Take any and all action necessary ensuing from Executive Session – No action was taken

**ADJOURNMENT**

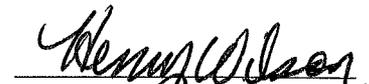
The meeting was adjourned at 7:35 p.m.

**APPROVED** this the 10<sup>th</sup> day of September 2024.

**ATTEST:**

  
Rita Frick, City Secretary

**APPROVED:**

  
Henry Wilson, Mayor