

**MINUTES  
HURST CITY COUNCIL  
TUESDAY, AUGUST 12, 2008**

On the 12th day of August, 2008 at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Nancy Welton	)	Mayor Pro Tem
Larry Kitchens	)	
Bill McLendon	)	
Charles Swearengen	)	Council Members
Anna Holzer	)	
Henry Wilson	)	
Allan Weegar	)	City Manager
Jeff Jones	)	Assistant City Manager
John Boyle	)	City Attorney
Ron Haynes	)	Director of Public Works
Anita Thetford	)	Director of Finance
Clay Caruthers	)	Assistant Director of Finance
Rita Frick	)	City Secretary
Michelle Lazo	)	City Planner

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

Larry Kitchens gave the invocation.

The Pledge of Allegiance was given.

**CONSENT AGENDA**

1. Considered approval of the Minutes for the July 8, 2008 Work Session and Regular City Council meeting.
2. Considered Ordinance No. 2064, on second reading, adopting Z-08-05, Beshears Body Works, a zoning change from OC to OC-PD with a site plan for Tract 3 and 4F of the Gulaver Wilson Survey, Abstract 1626, Being 1.40 acres located at 724 W. Hurst Boulevard and 196 Anderson Drive.
3. Considered Ordinance No. 2065, on second reading, adopting SP-08-06, Bank of America ATM, a site plan revision for Lot 2, Block 1 Lowe's Addition #1, being 17.16

acres located at 770 Grapevine Highway.

4. Considered Ordinance No. 2067, on first reading, abandoning right-of-way for Cardinal Road and Booth Street.
5. Considered Ordinance No. 2068, on first reading, dedicating a 10' utility easement on Lot 1, Block 1 The Boulders, located at 575 NE Loop 820.
6. Considered Resolution No. 1457, ratifying the actions of the Hurst Crime Control District Board.
7. Considered Authorizing the City Manager to enter into a contract for a Traffic Impact Analysis related to Heritage Village along Pipeline Road.
8. Considered authorizing the City Manager to enter into an agreement with MCS to install door access and other security equipment at Fire Station 2.
9. Considered authorizing the City Manager to enter into an agreement with Inter-Tel NGEA for telecommunications equipment at Fire Station 2.

Council Member Swearngen moved to approve the Consent Items 1-9. Council Member Welton seconded the motion. Council Member Holzer noted that the Resolution for Agenda Item No. 6, should read Hurst Crime Control Board instead of Hurst Community Services Board. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearngen, Welton, and Wilson  
No: None

#### **CERTIFICATES OF OBLIGATION RELATED ITEMS**

10. Director of Finance Anita Thetford reviewed the proposed Bond issue noting that the funds would be used to pay for the costs of water/sewer, street/drainage, hotel/motel and 4B Sales Tax Projects. She introduced the Senior Vice President and Financial Advisor Laura Alexander, First Southwest Company, who briefed Council on the bids received. Ms. Alexander noted that due to the city's strong financial performance the city was upgraded in their rating by Standard & Poor's from AA- to AA. She stated that she was pleased with the interest received from the 5 bids. Also present to answer questions was Bob Dransfield, Fulbright & Jaworski, L.L.P.

Council Member Holzer moved to accept the bid of Morgan Keegan & Company, Inc. and Associates for the purchase of \$16,105,000 "City of Hurst, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2008" at a true interest cost rate of 4.819707% and adopt the Ordinance authorizing the issuance of such certificates of obligation. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearengen, Welton, and Wilson  
No: None

11. City Manager Weegar reviewed Resolution No. 1456, relating to approving and authorizing the execution of a project contract with the Hurst Community Services Development Corporation in relation to constructing and equipping a convention center. Director of Finance Anita Thetford noted that the resolution approved the relations with the 4B Corporation and that the project contract would be included with the bond paperwork. The 4B Corporation will pay \$6,000,000 plus issuance costs of the Certificates of Obligation bonds.

Council Member Swearengen moved to approve adopting Resolution No. 1456 authorizing the execution of a project contract with the Hurst Community Services Development Corporation in relation to constructing and equipping a convention center. Motion seconded by Council Member Welton. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearengen, Welton, and Wilson  
No: None

**PUBLIC HEARING**

12. City Manager Allan Weegar stated a demolition permit for 204 W. Pipeline Road had been issued, therefore no action or public hearing to consider ordering the building substandard was necessary at this time.

**ORDINANCES AND RELATED ITEMS**

13. City Manager Allan Weegar reviewed Ordinance No. 2063, on second reading, SP-08-09 a site plan revision for signage only on Lot 1A, 1B, Block 1R, Lot 2, 3, 4, Block 1 North East Mall Addition, being 76 acres located at 1101 Melbourne Road. North East Mall Manager Steve Bowden along with Kelly Michaelson were present to answer any questions. Mr. Bowden reviewed the proposed signage and developer's agreement and requested Council consideration to amend the original request to allow off-premise advertising for the wallscapes. The original agreement only allows off-premise advertising on the marquee sign and tenant/merchandise advertising on the wallscapes. In response to Council Members' questions, Mr. Bowden stated off-premise advertising would probably include those that have merchandise in the mall, universities and hospitals. Council Members discussed the pros and cons to off-premise advertisement on the wallscapes and their preference to stay with the current agreement.
14. Considered authorizing the City Manager to enter into a Developer's Agreement with Simon Property Group.

Council Member Wilson moved to approve Ordinance No. 2063, on second reading, SP-08-09 a site plan revision for signage only on Lots 1A, 1B, Block 1R, Lots 2, 3, 4, Block 1 North East Mall Addition, being 76 acres located at 1101 Melbourne Road with

Developer's Agreement as originally presented with Ordinance No. 2063, and also to approve Agenda Item 14. Motion seconded by Council Member McLendon. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearingen, Welton, and Wilson  
No: None

**PLATS**

15. City Planner Michelle Lazo briefed Council Members regarding P-08-09 QuikTrip, a final plat for a portion of Tract 3D7, and 3B2 Hayworth Survey Abstract 710 to Lot 1, Block A QT 865 Addition, being 1.60 acres located at 1400 W. Hurst Boulevard. The plat shows the abandonment of Booth and Cardinal Road beginning just west of Cooper Street. In return for the requested right-of-way abandonment, Moritz is giving the City approximately one acre east of the planned QuikTrip and abutting the city maintained Parker Family Cemetery.

Council Member McLendon moved to approve P-08-09, QuikTrip, a final plat for a portion of Tract 3D7, and 3B2 Hayworth Survey Abstract 710 to Lot 1, Block A QT 865 Addition, being 1.60 acres located at 1400 W. Hurst Boulevard. Motion seconded by Council Member Kitchens. Council Member Kitchens noted that staff needed to plan for the use of the donated property and the cemetery with the Parks Department. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearingen, Welton, and Wilson  
No: None

16. City Planner Michelle Lazo briefed Council Members regarding P-08-10 North East Mall Addition, a replat of Lot 1, Block 3-A and Lot K-R, Block 3 to Lots 1-R and 2, Block 3-A Northeast Mall Addition, being 6.34 acres located at 1155 Cheryl Avenue and 901 Melbourne Road. The property is being platted to allow a 10' easement to be relocated.

Council Member McLendon moved to approve P-08-10 North East Mall Addition, a replat of Lot 1, Block 3-A and Lot K-R, Block 3 to Lots 1-R and 2, Block 3-A Northeast Mall Addition, being 6.34 acres located at 1155 Cheryl Avenue and 901 Melbourne Road. Motion seconded by Council Member Holzer. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearingen, Welton, and Wilson  
No: None

17. City Planner Michelle Lazo briefed Council Members regarding P-08-11 Moritz Kia, a final plat for Tract 3D8, 3C1, and 3B2 Hayworth Survey Abstract 710 to Lots 1 and 2, Block 1 Moritz Kia Addition, being 11.5 acres located at 120 NE Loop 820 and 1400 W. Hurst Boulevard. Mr. Tye Thompson with Dunaway and Associates represented the case.

Council Member McLendon moved to approve P-08-11 Moritz Kia, a final plat for Tract 3D8, 3C1, and 3B2 Hayworth Survey Abstract 710 to Lots 1 and 2, Block 1 Moritz Kia Addition, being 11.5 acres located at 120 NE Loop 820 and 1400 W. Hurst Boulevard. Motion seconded by Council Member Swearengen. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearengen, Welton, and Wilson  
No: None

### **BUDGET RELATED ITEMS**

18. Assistant Finance Director Clay Caruthers briefed Council Members regarding a vote on a proposed tax increase for Fiscal Year 2008-2009 to be placed as an action item for the September 9, 2008 City Council meeting, and schedule two (2) public hearings on August 26, 2008 and September 2, 2008 for this proposal. Mr. Caruthers presented a handout for Council review noting that the City's Annual Operating Budget for Fiscal Year 2008-2009 provides a tax rate of \$0.535 per \$100 valuation. This is the same rate as 2008, but it is over the 2008 effective tax rate calculation of \$0.5259426.

After discussion, Council Member Welton moved to place a proposal to adopt a tax rate of \$0.535 per \$100 valuation on the agenda, as an action item for the September 9, 2008 City Council meeting, and schedule two (2) public hearings on August 26, 2008 and September 2, 2008 for this proposal. Motion seconded by Council Member Swearengen. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swearengen, Welton, and Wilson  
No: None

19. Assistant Finance Director Clay Caruthers briefed Council Members regarding the publication of the effective and rollback tax rates including a debt rate to be published on August 16, 2008 in the "Fort Worth Star-Telegram" to comply with truth-in-taxation laws. Mr. Caruthers stated that this item did not require a vote and was informational only in accordance with the law requirements. Mr. Caruthers reviewed last year's tax rate of 0.535 per \$100, this year's effective tax rate of 0.5259426 per \$100 and this year's rollback tax rate of 0.564726 per \$100. Also noted were the maintenance and operation rates.

### **HEALTH CARE RELATED ITEMS**

Mayor Ward noted that staff would present the next four items together.

20. Considered authorizing the City Manager to contract with Great West to administer the City of Hurst health plans effective 10/1/2008.
21. Considered authorizing the City Manager to contract with Cigna to provide long term

disability coverage for eligible full-time employees.

22. Considered authorizing the City Manager to enter into contracts for Life Insurance for eligible full-time employees and retirees.
23. Considered authorizing the City Manager to contract with Safeguard for dental coverage for eligible full-time employees, eligible retirees, and their eligible dependents.

City Manager Allan Weegar briefed Council Members regarding the proposed employee health care related contracts. Randy Martel, 600 W Campbell Road, Richardson, Texas representing Randall R. Martell, HIA, MHP, of Hefner & Associates, Inc. presented a PowerPoint presentation outlining the employee health program and was present for any questions. Mr. Martell stated the city was doing a fantastic job with ongoing initiatives for employee wellness, noting the third year of the employee wellness program.

After discussion, Council Member Wilson moved to approve authorizing the City Manager to contract with Great West to administer the City of Hurst health plans effective 10/1/2008; to contract with Cigna to provide long term disability coverage for eligible full-time employees; contract for Life Insurance for eligible full-time employees and retirees; contract with Safeguard for dental coverage for eligible full-time employees, eligible retirees, and their eligible dependents. Motion seconded by Mr. Swarengen. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swarengen, Welton, and Wilson  
No: None

#### **ACTION ON STAFF RECOMMENDATIONS**

24. Director of Public Works Ron Haynes briefed Council regarding the proposed contract for the construction of the 33<sup>rd</sup> Community Development Block Grant (CDBG) for Tanglewood Drive from Brown Trail to Bellaire Park. He stated that 5 bids were received with the apparent low bid from McClendon Construction, Inc. In response to Council Members' questions, Mr. Haynes stated that the project should be completed in approximately 3 ½ months.

Council Member Wilson moved to approve a contract for the construction of the 33<sup>rd</sup> Community Development Block Grant (CDBG) for Tanglewood Drive from Brown Trail to Bellaire Park in collaboration with Tarrant County for an amount not to exceed \$431,348.00 plus a 10% contingency of \$43,134.00 for a total of \$474,482.00. Motion seconded by Council Member Swarengen. Motion prevailed by the following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swarengen, Welton, and Wilson  
No: None

**OTHER BUSINESS**

25. Council Member Wilson moved to make the following corrections to the last meetings board appointments: Zoning Board of Adjustment members: Deanna Bird to be Alternate Place 2, John Kelley would reside in Alternate Place 1 and Jeffrey Barnes to reside in Place 2. Motion seconded by Council Member Swarengen. Motion prevailed by following vote:

Aye: Council Members Holzer, Kitchens, McLendon, Swarengen, Welton, and Wilson

No: None

26. Informational Items - City Manager Allan Weegar noted the Budget work session is set for next Tuesday at 5:15 p.m.

27. Council Members reviewed the following Boards and Commissions Minutes:

- Planning and Zoning Commission Minutes
- Hurst Senior Citizens Advisory Minutes
- Parks and Recreation Board Minutes
- Library Board Minutes

28. Council Member Kitchens provided a handout regarding the National League of Cities Telecommunication Committee. As a member of the committee, Council Member Kitchens briefed Council on the committee's involvement with broadband and internet speed development. He stated that legislation has come before the Senate to help fund development of higher speed broadband in the United States. He stated the legislation has already been passed by the House of Representatives. Council Member Kitchens noted that the United States is ranked 15<sup>th</sup> in the world and far behind other countries in this technology. He encouraged everyone to contact their Senators to encourage funding for these programs.

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

**ADJOURNMENT**

No further matters were considered and the meeting adjourned at 7:50 p.m.

**APPROVED this the 26th day of August, 2008.**

**ATTEST:**

**APPROVED:**

---

City Secretary

---

Mayor