

AGENDA

**BENBROOK CITY COUNCIL
THURSDAY, NOVEMBER 17, 2022
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:15 P.M.**

Review and discuss agenda items for regular meeting.

REGULAR MEETING 7:30 P.M.

COUNCIL CHAMBERS

ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

I. CALL TO ORDER

II. INVOCATION

PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS ON ANY AGENDA ITEM (Citizen Comments Are Limited To 3 Minutes)

IV. MINUTES

1. Approve Minutes Of The Regular Meeting Held November 3, 2022

Documents:

[CC MINUTES-11-03-22.PDF](#)

V. OATH OF OFFICE TO NEWLY ELECTED MEMBERS OF CITY COUNCIL

VI. SELECTION OF MAYOR PRO-TEM

VII. REPORTS FROM CITY MANAGER

A. GENERAL

G-2587 Approve Finance Report For Period Ending October 31, 2022

Documents:

[G-2587 FINANCE REPORT - OCT 22.PDF](#)
[G-2587 REVENUE CHART - OCT 22.PDF](#)
[G-2587 EXPENDITURE CHART - OCT 22.PDF](#)
[G-2587 SALES TAX COMPARISON - OCT 22.PDF](#)

G-2588 Approve Hotel/Motel Occupancy Tax Distribution For FY 2022/2023

Documents:

[G-2588 HMOT DISTRIBUTION FOR FY 2022-23.PDF](#)
[G-2588 MOTEL 6 - FY 2022-23 HMOT FUNDING APPLICATION.PDF](#)

G-2589 Receive Applications For Boards And Commission

Documents:

B. CONTRACT

C-358 Approve Tarrant County Fire/EMS Contract

Documents:

[C-358 TARRANT COUNTY FIRE EMS CONTRACT REPORT.PDF](#)

[C-358 TARRANT COUNTY FIRE-EMS CONTRACT.PDF](#)

VIII. INFORMAL CITIZEN COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in informal citizen comments. City Council may only make a statement of specific information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting. The exception to informal comments is that once an election date has been set by City Council comments relative to elections will not be broadcast on the City's cable channel. However, a copy of the tape containing citizens' comments will be available at city hall for review or purchase by interested citizens.

(Citizen comments are limited to 3 minutes)

IX. COUNCIL MEMBER AND STAFF COMMENTS

Pursuant to the Texas Government Code, Chapter 551, Open Meetings, Section 551.0415, announcements from City Councilmembers and City Staff are limited to expressions of thanks; congratulations; condolences; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

X. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, NOVEMBER 3, 2022**

The regular meeting of the Benbrook City Council was held on November 3, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor
Renee Franklin
Dustin Phillips
Gary Addison
Laura Mackey
Keith Tiner

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Beth Fischer, Deputy City Secretary
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director

Others:

Bill Smith
Phyllis Harkins
Josh Harville
Reverend Fr. Kenneth M. Bolin
Boy Scout from Troop 17
Terry Roach

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Ward

II. INVOCATION/PLEDGE OF ALEGIANCE

Invocation was given by Reverend Fr. Kenneth M. Bolin with St. Thomas Becket Catholic Church.
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve minutes of the regular meeting held October 20, 2022

Motion by Mr. Tiner, seconded by Mr. Phillips to approve the minutes of the regular meeting held October 20, 2022

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2584 Approve finance report for period ending September 30, 2022

Rick Overgaard gave the following report: The September 30, 2022, monthly finance report represents the unaudited 2021-22 fiscal year end statement. Adjustments (including accruals) will be made by the auditors and staff when the Annual Comprehensive Financial Report (ACFR) is prepared.

General Fund revenues for the month of September were \$641,007. Major revenues collected for the month include Property taxes of \$13,927, Franchise taxes of \$9,167, Permits of \$60,947, Fines and Forfeitures of \$40,472, Other Agencies of \$49,605, and Charges for Services of \$141,581. Sales tax collected and recognized as revenue in September was \$319,004. Fiscal year to date sales tax is \$3,828,029, an increase of 13.96% over last year at this time. General Fund revenues collected through the end of September were \$22,397,978 and 104.9% of the budget.

General Fund expenditures for the month of September were \$1,319,470. The increase in expenditures compared to the prior year is due to the street overlay project. Fiscal year to date expenditures were \$19,039,551 and 89.2% of the adopted budget.

Total General Fund revenues of \$22,397,978 were more than total General Fund expenditures of \$19,039,551 by \$3,358,427.

Debt Service revenues for the month of September totaled \$893 and were all from property tax. There were no expenditures in September. The next debt service payments are due February 1, 2023.

EDC revenues through September were \$2,042,132. EDC expenditures through the end of September were \$1,135,716. Total revenues exceeded total expenditures by \$906,416.

Total revenues received through September were \$3,499,732 from stormwater utility fees, mineral lease revenue, TIF income, and interest earnings. Total expenditures for the Capital Projects Fund were \$3,245,311 through the end of September. September expenditures included the following projects: Two-Way Conversion, Westerly and Dawn Drainage, and Storm Drainage Assessment. Total revenues exceeded total expenditures by \$254,421. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On September 30, 2022, the City had \$49,089,692 invested at varying interest rates; the EDC had \$6,334,976 available.

Motion by Mr. Phillips, seconded by Mr. Addison to accept the finance report for the period ending September 30, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously

**G-2585 Accept Quarterly Investment Report for period ending
September 30, 2022**

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on October 25, 2022, to review the report and ensure compliance with the City's investment policy. The Investment Report highlights are presented below.

- The total portfolio for the City and EDC on September 30, 2022 is \$55,424,667, with 88.6% or \$49,089,692 belonging to the City, and 11.4% or \$6,334,976 to the EDC.
- 55.9% of the combined portfolio is in bank accounts, with 33.1% in local government investment pools, 9.7% in certificates of deposit, 0.9% in agency notes, and 0.4% in treasury notes.
- The weighted average maturity on the combined portfolio is 55 days with a 1.15% average yield to maturity. In comparison, the 90 day T-Bill benchmark rate is 3.33% due to rising interest rates.

As interest rates rise the average yield on the City's portfolio will slowly rise as well but will lag the market. Interest rates are forecast to continue to increase into 2023 and the City is in a good position to take advantage of these rising rates.

Motion by Ms. Franklin, seconded by Mr. Tiner to accept the Investment Report for the quarter ending September 30, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously

G-2586 Approve Administrative Regulation F5 – Investment Policy

Rick Overgaard gave the following report: Section 2256.005 (e) of the Public Funds Investment Act requires the governing body of an investing entity to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy, investment strategies and broker/dealers; and record any changes. The City of Benbrook’s Investment Policy was first adopted by the Benbrook City Council in 1988. The Investment Policy is included in the Finance Section of the City’s Administrative Regulations, F-5. The Investment Policy was last reviewed by City Council in October 2021, as per State Law.

The Finance Department has reviewed the Investment Policy to ensure compliance with State Law and with the Public Funds Investment Act.

Pursuant to this review, the Finance Department has determined no changes are necessary to the policy and strategies. In addition, there were no changes to the approved list of broker/dealers.

Staff has prepared a Resolution stating that the Benbrook City Council has reviewed the City’s Investment Policy.

Motion by Ms. Mackey, seconded by Ms. Franklin to adopt Resolution No. 2022-08 stating that the City Council has reviewed and accepts Administrative Regulation F-5, the City of Benbrook’s Investment Policy.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously

Resolution No. 2022-08 being **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS STATING THAT THE CITY COUNCIL HAS REVIEWED THE CITY’S WRITTEN INVESTMENT POLICY.”**

B. CONTRACT

C-357 Award Paving Contract to Texas Bit

Bennett Howell gave the following report: For many years, the City of Benbrook has collaborated with Tarrant County to complete the City's annual asphalt street overlay program (Program). While the annual Program is a great benefit to the City, Tarrant County was unable to complete any of Benbrook's asphalt street overlay work in fiscal year 2020-2021 and only completed 1.2 miles of asphalt street overlay work in fiscal year 2021-2022.

For fiscal year 2022-2023, \$1,985,000 is budgeted for the Program.

The City has submitted approximately 2.3 miles of Program work to Tarrant County for approval. Rather than reduce the number streets in the City's current Program, the City seeks to again contract with Texas Bit via the Interlocal Agreement with Ellis County.

Texas Bit was awarded all Program work not accepted by Tarrant County in FY2020-21 and FY2021-22. If Tarrant County is unable to complete the balance of the program this year, the City will likely contract with Texas Bit to complete a portion of the remaining streets later this fiscal year.

Reclaimed Streets include:

Crosslands Road from SH-183 to Windward Road
Legend Road from Bellaire Drive to Mont Del Drive
Country Day Lane from Bellaire Drive to Crosslands Road
Bellaire Drive from IH-20 to Crosscreek Lane
Dutch Branch Park Parking lot – small area behind YMCA

The paving contract is funded by the Public Works operating budget.

Motion by Mr. Tiner, seconded by Mr. Phillips to approve the paving contract with Texas Bit for \$1,275,304.23.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously

VI. INFORMAL CITIZEN COMMENTS

Terry Roach addressed City Council.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Renee Franklin reminded citizens of the Artisans and Farmers Market being held Sunday, November 6, 2022 from 10:00 a.m. to 3:00 p.m. at Dutch Branch Park. She also announced the Tarrant County Veteran's Day Parade will be held Friday, November 11, 2022 starting at 11:00 a.m. at the Fort Worth Panther Island Pavilion and traveling north on Forest Park Blvd.

VIII. ADJOURNMENT

Meeting adjourned at 7:48 p.m.

APPROVED:

Jason Ward, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/17/22	REFERENCE NUMBER: G-2587	SUBJECT: Accept finance report for period ending October 31, 2022	PAGE: 1 of 2
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GENERAL FUND

General Fund revenues for the month of October were \$907,703. Major revenues collected for the month include Property taxes of \$328,158, Permits of \$40,199, Fines and Forfeitures of \$27,190, Other Agencies of \$33,500, and Charges for Services of \$58,682. Sales tax collected and recognized as revenue in October was \$401,802. Fiscal year to date sales tax is \$401,802, an increase of 19.85% over last year at this time. A separate summary of sales tax revenue collections is provided for comparative purposes. General Fund revenues collected through the end of October were 3.8% of the budget.

General Fund expenditures for the month of October were \$1,345,892 and 5.6% of the adopted budget.

Total General Fund revenues of \$907,703 were less than total General Fund expenditures of \$1,345,892 by \$438,189.

DEBT SERVICE

Debt Service revenues for the month of October totaled \$12,027 and were all from property tax. There were no expenditures in October. The next debt service payments are due February 1, 2023.

ECONOMIC DEVELOPMENT CORPORATION (EDC)

EDC revenues through October were \$214,433. EDC expenditures through the end of October were \$99,595. Total revenues exceeded total expenditures by \$114,838.

CAPITAL PROJECTS

Total revenues received through October were \$15,340 from stormwater utility fees and interest earnings. Total expenditures for the Capital Projects Fund were \$3,400 through the end of October. October expenditures included the Floodplain Study. Total revenues exceeded total expenditures by \$11,940. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE: 11/17/22	REFERENCE NUMBER: G-2587	SUBJECT: Accept finance report for period ending October 31, 2022	PAGE: 2 of 2
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CASH & INVESTMENTS

On October 31, 2022, the City had \$48,274,264 invested at varying interest rates; the EDC had \$6,283,864 available.

RECOMMENDATION

Staff recommends that City Council accept the finance report for the period ending October 31, 2022.

**City of Benbrook
Sales Tax Analysis
October 31, 2022**

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 212,494	\$ 212,494	\$ 161,967	\$ 160,492	\$ 199,141	\$ 190,084	\$ 143,760	\$ 245,116	\$ 223,000	\$ 181,216	\$ 229,160	\$ 196,711	\$ 175,140	\$ 2,318,281
2011-12	218,564	218,564	161,430	186,638	251,517	168,551	171,053	236,986	178,165	188,604	218,557	178,708	161,070	2,319,841
2012-13	215,752	215,752	184,452	181,368	222,555	170,084	174,164	201,241	164,765	202,525	211,491	178,411	170,324	2,277,131
2013-14	215,869	215,869	177,403	161,342	234,503	154,780	155,432	229,367	176,980	175,792	217,955	199,305	187,172	2,285,899
2014-15	215,101	215,101	207,526	173,580	236,852	149,782	162,730	219,751	181,230	163,667	213,300	189,185	164,742	2,277,446
2015-16	216,144	216,144	177,560	175,150	202,909	149,580	153,523	222,661	158,987	177,732	210,000	154,708	182,656	2,181,609
2016-17	204,261	204,261	175,885	172,554	240,121	171,805	163,151	226,550	184,775	200,138	206,455	175,522	176,026	2,297,243
2017-18	218,480	218,480	168,272	178,150	230,346	169,346	147,291	240,071	197,667	204,243	245,717	244,494	160,148	2,404,224
2018-19	259,437	259,437	224,991	216,094	264,926	205,387	193,520	261,099	227,863	235,611	250,363	253,206	253,500	2,845,995
2019-20	303,508	303,508	251,579	243,434	318,986	241,710	315,310	304,877	268,174	264,380	304,404	242,843	249,696	3,308,900
2020-21	301,658	301,658	251,886	256,790	358,452	232,781	210,428	351,076	275,930	245,557	323,619	271,753	279,139	3,359,068
2021-22	335,246	335,246	280,571	294,726	376,366	275,285	208,543	352,480	327,969	331,827	412,553	313,457	319,004	3,828,029
2022-23	401,802	401,802												401,802

Fiscal Years	% Change
2010-11 to 2011-12	2.86%
2011-12 to 2012-13	-1.29%
2012-13 to 2013-14	0.05%
2013-14 to 2014-15	-0.36%
2014-15 to 2015-16	0.48%
2015-16 to 2016-17	-5.50%
2016-17 to 2017-18	6.96%
2017-18 to 2018-19	18.75%
2018-19 to 2019-20	16.99%
2019-20 to 2020-21	-0.61%
2020-21 to 2021-22	11.13%



Budget 2022-23	\$ 3,500,000
Projected 2022-23	3,500,000
Variance from Budget	\$ -



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/17/22	REFERENCE NUMBER: G-2588	SUBJECT: Approve Hotel/Motel Occupancy Tax Distributions for FY 2022-23	PAGE: 1 of 1
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City Staff received applications for the FY 2022-23 Hotel/Motel Occupancy Tax budget distributions. Upon review of all requests, Staff has compiled the following list.

<u>Organization</u>	<u>Program</u>	<u>Description</u>	<u>Amount</u>
City of Benbrook	Visitor Center	Promotion of Benbrook	\$ 100,926
City of Benbrook	Heritage Fest	Festival for Benbrook	33,549
City of Benbrook	Christmas Light Exhibit	Holiday Light Display	15,000
TOTAL REQUESTS			\$ 149,475
Required Advertising Budget		Statutory Requirement	22,037
TOTAL HMOT BUDGET			\$ 171,512

RECOMMENDATION

Staff recommends that City Council approve the requests as proposed for the Hotel/Motel Occupancy Tax Budget for the 2022-23 fiscal year.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
CITY MANAGER		CITY SECRETARY
		DATE:

CITY OF BENBROOK TEXAS

HOTEL MOTEL OCCUPANCY TAX USE GUIDELINES

FUNDING APPLICATION FORM

The City of Benbrook collects Hotel Motel Occupancy Tax (HMOT) from hotels and motels in Benbrook. Under state law, the revenue from the HMOT may be used to directly promote tourism and hotel industry. Chapter 352 of the Tax Codes states that the use of HMOT funds is limited to:

1. **Convention Center and Visitor Information Centers:** the acquisition of sites for the construction, improvements, enlargement, equipping, repairing, operation and maintenance of a convention facility or a visitor information center, or both.
2. **Advertising, Solicitations and Promotions the Directly Promote Tourism and the Hotel Industry:** advertising and conducting solicitations and promotional programs to attract tourists to the municipality or its vicinity.
3. **Promotions of the Arts that Directly Promote Tourism and the Hotel Industry:** the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
4. **Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourist to visit historic sites and museums.

The City of Benbrook accepts applications from groups whose programs fit into one or more of the above categories. All requests for funds should be submitted with this application by 5 p.m. October 14, of the current year. The applications will be reviewed by staff and submitted to City Council for funding approval at the earliest possible regularly scheduled City Council meeting. Applicants may be asked to attend the meeting of the City Council meeting to answer any questions regarding your application. Applicants will be notified prior to the meeting of the time and location of the meeting.

Eligibility and Funding: Priority will be given to those events and entities based on their ability to generate overnight visitors to Benbrook. Events and entities can prove their potential to generate overnight visitors by:

1. Historic information on the number of room nights used during the previous years events;
2. Current information on the size of room blocks that have been reserved at area hotels to accommodate anticipated overnight guest attending the event requesting funding and:
3. Examples of marketing of the programs and activities that are likely to generate and encourage overnight visitors at area hotels.

Grants will now be awarded on a reimbursement basis only. Applicants can submit requests for reimbursement on a monthly, quarterly, or annual basis. However, all requests must be received before September 15, 2023 to ensure funding. During submittals, recipients are required to provide proof of payment of funds (copies of paid receipts, bank statements, or credit card statements) showing the City dollars were properly spent according to the approved application and state law.

Use of Local Vendors: The City encourages all entities and event organizers to patronize Benbrook area businesses for food, printing, supplies and materials where available.

Use of Revenue: Revenues generated from any event or project receiving HMOT funding should be used to defray the cost of the event or returned to the City for future HMOT projects or events.

SUBMIT COMPLETED APPLICATION BY 5 P.M. OCTOBER 14 TO:

Rick Overgaard, Finance Director
City of Benbrook
911 Winscott Road, PO Box 26569
Benbrook, Texas 76126

APPLICATION FOR HOTEL MOTEL OCCUPANCY TAX FUNDING

Name of Organization: RNDV Properties LLC - DBA: Motel 6 #4051

Address: 8601 Benbrook Blvd

City, State, Zip: Benbrook TX 76126

Contact Name: R C Patel

Contact E-Mail and phone number: rcpatel8885@yahoo.com

Tax ID Number: 75-2688212

Purpose of Your Organization:

To Provide Accomodations to visitors to the City of Benbrook

Name of Event or Project: _____

Date of Event or Project: _____

Primary Location or Event or Project: City of Benbrook

Amount Requested: \$ 6,585.00

How will the Funds be used:

Funds will be used for More Promotions of the City through Local Marketing / Advertising efforts

Primary Purpose of Funded Activity or Facility:

Providing Accomodations to visitors to the City of Benbrook

Percentage if Hotel Motel Occupancy Tax Support of Related Costs

_____ Percentage of Total Event Costs Covered by HMOT Funding

_____ Percentage of Total Facility Costs Covered by HMOT Funding

Check Which Categories Apply to Your Funding Request

_____ 1. Visitor Information Center/Convention Center

_____ Percentage of Staff Costs Covered by HMOT Funding

If staff costs are covered, estimate the percentage of time staff spends annually on the funded

event or activity compared to all other activities _____

X 2. Advertising, Solicitation & Promotions that Directly Promote Tourism & the Hotel Industry

_____ 3. Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry

_____ 4. Historical Restoration & Preservation Activities that Directly Promote Tourism & the Hotel Industry

Please Provide a Brief Description of Your Proposal

To Further Promote visitors

FOR EVENTS ONLY

_____ Expected Attendance

_____ How Many Will Stay Overnight

How Will You Measure the Impact of this Event

PLEASE SUBMIT A DETAILED LISTING OF YOUR EXPENSES



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/17/2022	REFERENCE NUMBER: G-2589	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 1 of 2
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Noted below is a summary of terms expiring and current members serving on the various City Boards and Commissions. These terms expire on December 30, 2022.

Planning and Zoning Commission

Place 2 John Logan
Place 4 Brandon Ellison
Place 6 Jon Craver
Place 8 Leah Rodriguez

Zoning Board of Adjustment/Board of Appeals

Place 2 Ghias Dean
Place 4 Tiffany Ryan
Alternate B Carol Stacy
Alternate D Vacant

Parks and Recreation Board

Place 2 William Dean
Place 4 Frank Rike
Place 6 Lizzy Sutton

Benbrook Economic Development Corporation

Place 2 Dr. Danyelle Ackall
Place 4 Thomas Casey
Place 6 Gary Crowell
Place 3 Vacant – 1 year unexpired term

Tax Increment Financing Board (Note: The TIF Board will terminate in 2023)

Place 2 Jeremiah Smith
Place 4 David Eason

The City advertised a formal notice to accept applications for Boards and Commission appointments in the Benbrook News and Fort Worth Star Telegram. The announcement was also placed on the City’s Communications Channel, City Home Page, City’s Facebook Page, Twitter and the quarterly

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 11/17/22	REFERENCE NUMBER: G-2589	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 2 of 2
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Newsletter. The deadline for receiving applications was November 8, 2022 but has been extended to November 14, 2022.

A listing of the applications received will be presented to City Council at the November 17, 2022 meeting.

RECOMMENDATION

Staff recommends that City Council determine the process for application evaluations and schedule that process.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 11/17/22	REFERENCE NUMBER: C-358	SUBJECT: Approve Tarrant County Emergency Services District #1 Fire/EMS Services Contract	PAGE: 1 of 1
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For several years, Tarrant County has engaged (via contract) the Benbrook Fire Department to provide fire and EMS services to portions of unincorporated Tarrant County.

The City last renewed the annual fire and EMS services agreement with Tarrant County in December of 2021.

Contract continuation is beneficial to Benbrook for the following reasons:

- The 2022/23 rate of compensation (\$148,000) compensates the City for services rendered.
- Provisions of the County provided tanker and brush truck precludes the purchase of this apparatus by Benbrook citizens.
- The 2022/23 rate of compensation from points is estimated to be \$260,000.
- The 2022/23 contract includes a grant from the district of \$25,000 for the purchase and replacement of firefighting equipment.
- Additionally, we will be receiving \$1.7 million in funds through the ARPA agreement towards 3 ambulance replacements.
- The total current fiscal year cash reimbursement from Tarrant County to the City would be approximately \$433,000.

As a standard for Tarrant County, they do not provide new contracts until after the new fiscal year has begun. The term of this contract is for one year, from October 1, 2022 to September 30, 2023.

Recommendation

Staff recommends that City Council approve the proposed contract for fire and EMS services for the assigned area of Tarrant County Emergency Services District #1 for fiscal year 2022-2023.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

THE STATE OF TEXAS §
§
§
§
COUNTY OF TARRANT §

City of Benbrook, Texas
Fire Service
Emergency Medical Services
Equipment
Grant

The TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. ONE, acting by and through its Board of Emergency Commissioners, hereafter referred to as DISTRICT, and the CITY OF BENBROOK, TEXAS, hereafter referred to as CITY, enter into the following Agreement:

Section 1: Authority and Services

CITY has a volunteer fire department recognized by the Insurance Commission of the State of Texas or a full-time professional fire department, and is, by an order or resolution of its governing body, authorized to enter into this Agreement with DISTRICT for the use of the personnel and equipment of CITY for the purpose of providing fire protection to real and personal property and emergency medical services (EMS) located outside the boundaries of CITY and within such distance as the CITY may be reasonably expected to render service in case of emergency service needs. Said service area(s) is highlighted on the attached Exhibit "A." The equipment and personnel of the CITY shall be under the control and supervision of CITY employees during a fire or emergency medical response pursuant to this Agreement. In accordance with Section 418.109(d) of the Texas Government Code or Section 791.027 of the Texas Government Code, it is also understood and agreed that the existence of this Agreement does not prevent the CITY from providing mutual aid assistance on request from another municipality, county, emergency services district, fire protection agency, organized volunteer group or other emergency service entity, and shall not be obligated to respond, when in the sole judgment of the CITY, such response would leave insufficient protection for the CITY.

Section 2: Fire Services Provided

CITY and DISTRICT hereby agree that for and in consideration of the monies to be paid by DISTRICT to CITY, the CITY will provide, through its fire department, fire protection services to the area described. These services include fire protection, fire rescue and first response for emergency medical services. In the event that the CITY resources are unavailable at the time of the request for services, the CITY will take reasonable efforts to make the resources available as soon as reasonably possible.

Section 3: Fire Service Compensation

DISTRICT agrees to pay to CITY the total sum of ONE HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$148,000.00) during this contract year by making equal quarterly payments during the months of January 2023, April 2023, July 2023 and October 2023 for fire protection services in the service area outlined in Exhibit "A."

Section 4: EMS Compensation

For EMS, if provided by CITY under this Agreement, the DISTRICT agrees to pay to CITY an amount based upon the CITY's proportionate per run share determined by dividing the sum of TWO MILLION DOLLARS (\$2,000,000.00), the amount anticipated being available for such payments, by the total points per service run as established by the 1998-1999 Rules and Regulations adopted by DISTRICT, a copy of which is attached hereto and marked as Exhibit "B," for all EMS runs made in the areas served by the DISTRICT and multiplying that quotient by the total number of points accrued by CITY for that quarter of the service year. DISTRICT will make quarterly payments of the amount due the CITY during the months of February 2023, May 2023, August 2023 and November 2023.

Section 5: EMS Reports

CITY will deliver reports of EMS calls to the DISTRICT at its offices at 2750 Premier Street, Fort Worth, Texas, no later than the 15th day of the month following the month in which a service run was made by CITY in order to be eligible for payment and the CITY agrees that the determination by DISTRICT will be final regarding the allocation of service run points.

Section 6: Equipment

During the period of this Agreement the DISTRICT will provide an engine tanker truck and a brush truck for the CITY's use. Title to such trucks shall remain with the DISTRICT and the CITY shall return the trucks to the DISTRICT upon expiration or termination of this Agreement, ordinary wear and tear excepted. By housing the equipment, the CITY agrees to use the equipment for calls beyond its service area in the event that conditions warrant its use. The parties to this Agreement agree that the County Fire Marshal will have the discretion to make decisions governing its use. CITY agrees to provide manpower to operate the equipment. CITY agrees to provide routine maintenance for this truck, including, but not limited to, fuel, tires, oil, transmission fluid, and spark plugs. DISTRICT will provide insurance against damage to the truck and damage, if any, for liability for the use of the equipment. The equipment may not be used as a first responder (EMS) unless necessary, for example, other vehicles are already dispatched in emergency response. Additionally, the CITY will comply with the Tarrant County ESD Equipment Policy which is attached hereto as Exhibit "C" for the usage of the equipment.

Other than property described in the previous paragraph, DISTRICT is under no obligation with respect to providing firefighting equipment or ambulance vehicles or supplies, or any other expenses incidental to the carrying out of this Agreement, and will have no right, title or interest in and to vehicles and equipment belonging to or contracted for by CITY.

Section 7: Term

Regarding payment, this Agreement will be in full force and effect for and during the period beginning October 1, 2022 and ending September 30, 2023. Regarding response purposes, this Agreement will remain in force until the 2023-24 DISTRICT budget is approved by the Commissioners and a new Agreement is executed retroactive to October 1, 2023 under the same terms and conditions.

Section 8: Payment of Funds

The DISTRICT will use its general fund to pay for the services supplied by the CITY pursuant to this Agreement. Payment pursuant to this Agreement will be in accord with the Rules and Regulations promulgated by the Commissioners. Said payments will be made as funds are available to DISTRICT.

Section 9: Emergency Scene Control

Whenever CITY responds to a call outside its normal jurisdictional limits, it will operate under the Fire Code in effect within the CITY limits of such cities or fire department primarily responsible for service to the area being served by CITY. Any fire investigators or other personnel who respond from DISTRICT to a fire or emergency scene which is under the control of CITY will be governed by the Fire Code of the CITY within whose limits the CITY normally operates. CITY personnel agree to fully cooperate with DISTRICT personnel.

Section 10: Inspection of Equipment

The DISTRICT or its agent has the right to inspect the equipment of the CITY that the CITY operates in its performance under this Agreement. The parties acknowledge that the nature of the CITY's equipment determines the consideration paid under this Agreement. In the event that the inspection reveals that the equipment is not in operating condition and in compliance with the Insurance Services Office (ISO) and the Texas Department of State Health Services (TDSHS) requirements for a department of its size, the CITY will authorize a re-inspection by the DISTRICT within fifteen (15) days. In the event the equipment is not in operating condition or in compliance with the ISO and TDSHS requirements for a department of its size during the re-inspection, all payments by the DISTRICT to the CITY will cease until the problem is corrected as certified by the DISTRICT.

Section 11: Monthly Reporting Required

All monthly reports, fire or ambulance, shall be turned in to the Fire Marshal's office no later than fifteen (15) days after the end of the applicable month. The failure to timely file the monthly report shall excuse the DISTRICT from payment for that applicable month resulting in a reduction of one-third of the quarterly payment to the CITY for each applicable month.

Section 12: Workers' Compensation Coverage

The CITY shall maintain statutory workers' compensation coverage for its employees, officers and volunteers regarding the CITY's performance under this contract. The CITY recognizes that the DISTRICT has no responsibility to furnish this coverage and CITY waives any right to pursue the DISTRICT for liability regarding payments for this coverage or for liability regarding payments for claims filed against this coverage.

Section 13: Line of Duty

When an employee or volunteer of the responding CITY is performing duties under the terms of this Agreement, that person is considered to be acting in the line of duty for the CITY for the purposes of 42 U.S.C.A., Section 3796; is considered to be in performance of duties for the CITY within the applicable provisions of Chapter 615 of the Texas Government Code, and of Chapter 142, Texas Local Government Code; and shall be entitled to any other benefits which accrue under law as a result of injury, death or loss which occurs while in the line of duty for the CITY under this Agreement. This section does not increase the DISTRICT's liability under this Agreement.

Section 14: Assignment of Liability

The assisting party (CITY) shall be responsible for any civil liability or costs that may arise from the fire protection, fire rescue and first response for emergency medical services that the assisting party provides to the requesting party (DISTRICT) under this Agreement. The parties agree pursuant to Section 791.006 (a-1) of the Texas Government Code that assignment of liability provided by this Agreement is intended to be different than liability otherwise assigned under Section 791.006 (a) of the Texas Government Code, which provides that "the governmental unit that would have been responsible for furnishing the services in the absence of the contract is responsible for any civil liability that arises from the furnishing of those services." The parties also agree that pursuant to Section 775.0366 (e) of the Texas Health and Safety Code that assignment of liability provided by this Agreement is intended to be different than liability otherwise assigned under Section 775.0366 (d), which provides that the "district is responsible for any civil liability that arises from furnishing those services if the district would have been responsible for furnishing the services in the absence of the contract." It is expressly understood and agreed, however, that in the execution of this Agreement, neither the CITY nor the DISTRICT waives, nor shall be deemed to waive, any immunity or defenses that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, including the liability limits and immunities for a governmental unit provided by the Texas Tort Claims Act, Chapter 101, Civil Practice and Remedies Code, or other law.

Section 15: Implied Rights; Employees

By entering into this Agreement the parties do not intend to create any obligations expressed or implied other than those specifically set forth herein and this Agreement will not create rights in parties not signatories hereto. The employees of the CITY are not employees or agents of the DISTRICT by virtue of this Agreement. The employees of the DISTRICT are not employees or agents of the CITY by virtue of this Agreement.

Section 16: Conferring of Rights

This Agreement does not confer any rights on third parties who are not signatories to this Agreement, therefore no person may bring suit against CITY or DISTRICT regarding the performance of this Agreement as a third party beneficiary of this Agreement.

Section 17: Cancellation

DISTRICT and CITY retain the right to cancel without cause this Agreement on thirty (30) days written notice to the non-canceling party. In the event of cancellation, DISTRICT will pay a prorated share of the monies due for the remainder of that quarter only if the CITY provides services as required in the Agreement during the period of time leading up to the termination date. However, in the event that CITY exercises this right of cancellation, CITY must repay to DISTRICT all money paid CITY by DISTRICT for personal property, if any, purchased by the CITY with funds from the DISTRICT.

Section 18: Form 1295 Acknowledgement

CITY acknowledges that it is a governmental entity and not a business entity as those terms are defined in Section 2252.908 of the Texas Government Code, and therefore, no disclosure of interested parties pursuant to Section 2252.908 of the Texas Government Code is required.

Section 19: Grant from District

During the DISTRICT's 2023 fiscal year, the CITY may request reimbursement for expenses related to the item(s) listed in Exhibit "D". Reimbursement shall not exceed the amounts or quantities listed unless specifically authorized by the DISTRICT through an action of its Commissioners. Reimbursement requests must be received by the DISTRICT on or before June 30, 2023. Reimbursements will be considered based on proper documentation being submitted by the CITY including, but not limited to, an itemized invoice(s) and proof of payment(s) by the CITY.

WITNESS the signatures of the respective parties hereto this the _____ day of _____, _____.

TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1

CITY OF BENBROOK, TEXAS

President

Authorized Official

ATTEST:

ATTEST:

Secretary/Treasurer

Secretary

Exhibit “D”

GRANT FROM DISTRICT

City of Benbrook

(Items included in the categories below are based on the agency’s itemized request and will be reimbursed in strict compliance with the agency’s grant submission.)

Grant Purpose	Amount
Extrication equipment	\$25,000.00