



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 6, 2022**

The regular meeting of the Benbrook City Council was held on October 6, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor
Larry Marshall
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
Jessica James, EDC Director
Rick Overgaard, Finance Director
Craig Ross, Police Commander

Others:

Dana Addison
Bill Smith
Phyllis Harkins
David Stonecipher

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 Pastor Lynn Bullock with The Church of Benbrook
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve minutes of the regular meeting held September 15, 2022

Motion by Dr. Marshall, seconded by Mr. Tiner to approve the minutes of the regular meeting held September 15, 2022

Vote on the Motion

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

Noes: None

Motion carried unanimously.

V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2022-04 Adopt Ordinance approving the sale of 1.183 acres described as the Evans Addition, Lot 1, Block 1, generally known as 9005 Vista Way, City of Benbrook, Tarrant County, Texas and authorize the City Manager to enter into an Economic Development Agreement

Jessica James gave the following report: On February 4, 2016, the City of Benbrook (City) acquired a 1.183 acre tract of land described as the Evans Addition Lot 1 Block 1, generally known as 9005 Vista Way, from BBT Crossing, LTD (BBT). The land conveyance was the final step contained in Section III Development of Vista Way of the First Amendment to the Developer Participation Agreement for the competition of Vista Way. BBT did retain all mineral rights for the property.

Since then, the City has determined this is surplus property and has elected to sell the land. The City's goal is to promote quality development along Vista Way that is also supportive of the residential and other commercial properties in the area. It has been determined that a neighborhood service type of use with a proven track record within the Benbrook community, or similar community, fits into the Comprehensive Plan and will be a good fit for the area.

In accordance with Sections 253.008 and 272.001 of the Texas Local Government Code, the City did duly notice the general public of the offer of the land for sale by sealed bid within the legal section of the Fort Worth Star-Telegram on August 22, 2022, and August 24, 2022. The City held a public bid opening at 2 PM, September 7, 2022, in the City Council Chambers at City Hall. Ballard Family Investments, LLC did submit the sole bid of \$324,645.

Ballard Family Investments, LLC has agreed to enter into an Economic Development Performance Agreement with the City to purchase the land in order to build two 4,500 SF buildings. The ownership of the buildings will be maintained by Ballard, however one building will contain Ballard Family Dentistry and the

other building will be occupied by an orthodontist or a similar type of business use. By approving the sale of the land to Ballard Family Investments, LLC, the City Council will also be authorizing the City Manager to enter into an Economic Development Performance Agreement with the purchaser.

Motion by Mr. Tiner, seconded by Mr. Phillips to adopt Ordinance No. 1485 approving the sale of the 1.183 acre tract of land described as the Evans Addition Lot 1 Block 1, generally known as 9005 Vista Way, in Benbrook, Texas to Ballard Family Investments, LLC in the amount of \$324,645, and authorize the City Manager to enter into an Economic Development Performance Agreement.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1485 being **“AN ORDINANCE AUTHORIZING THE MAYOR OR CITY MANAGER OF THE CITY OF BENBROOK, TEXAS, TO EXECUTE A DEED WITHOUT WARRANTY SELLING THE PUBLIC INTEREST IN A 1.183 ACRE TRACT OF LAND DESCRIBED AS LOT 1, BLOCK 1 EVANS ADDITION, GENERALLY KNOWN AS 9005 VISTA WAY, CITY OF BENBROOK, TEXAS, PROVIDING FOR ENGROSSMENT AND ENROLLMENT AND PROVIDING AN EFFECTIVE DATE.”**

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2582 Deny Oncor Rate Change Application

Rick Overgaard gave the following report: On May 13, 2022, Oncor Electric Delivery Company LLC filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. The impact of this requested increase on an average residential customer using 1,300 kWh/month would be about \$6.02 per month.

In a prior City action, Oncor's rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Steering Committee of Cities Served by Oncor, to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of the experts engaged by the Steering Committee, Oncor's request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by Oncor. Once the Resolution is adopted, Oncor will have 30 days to

appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor's filing (i.e. PUC Docket No. 53601) currently pending at the Commission.

All cities with original jurisdiction will need to adopt the Resolution *prior to* October 30, 2022.

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Resolution Mo. 2022-07 denying the rate change application proposed by Oncor.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2022-07 being **"A RESOLUTION OF THE CITY OF BENBROOK, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" or "company") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL."**

B. CONTRACT

C-354 Award Employee Health Insurance to United Health Care

Rick Overgaard gave the following report: United Health Care (UHC) provides group health insurance coverage for full-time City employees and their eligible dependents through an Exclusive Provider Organization (EPO) plan. The City's group plan is available to City retirees (at their cost), Benbrook Library District (BLD) employees, and eligible dependents for these groups.

The current monthly rates for the employee and employer combined are: \$733.95 for an employee, an additional \$880.75 for a spouse, an additional \$623.86 for children, and an additional \$1,614.71 for family coverage.

In August 2022, UHC proposed a renewal rate increase of 8.1 percent. Thereafter, the City's Agent of Record negotiated with UHC to secure a lower rate. As a result of the negotiations with UHC, there is no increase and no changes in services, benefits, co-payments, and deductibles. In fiscal year 2020-21 there was a 2% decrease, and in fiscal year 2021-22 there was an increase of 6%.

Monthly rates for the employee and employer combined are the same as last year.

The estimated cost to the City is \$1,889,759; this amount is below the 2022-23 Budget allocation by \$474,354.

Motion by Ms. Mackey, seconded by Mr. Addison to approve a one-year contract, effective November 1, 2022, with United Health Care for provision of the City of Benbrook's group health insurance.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

C-355 Award Employee Dental Insurance to United Health Care

Rick Overgaard gave the following report: The City contracts with United Health Care (UHC) to provide group dental insurance coverage for full-time City employees and their eligible dependents. The current rates are \$33.38 per month for employees, an additional \$38.22 for spouse coverage, \$39.75 for children coverage and \$75.97 for family coverage.

The City's group plan is also available to City retirees, Benbrook Library District (BLD) employees, and eligible dependents for these groups. The City pays no portion of these premiums.

For fiscal year 2022-23, there is no increase in the rates and no changes in services, benefits, co-payments, and deductibles.

The total estimated annual cost to the City is \$74,432 and is included in the FY 2022-23 Budget.

Motion by Mr. Tiner, seconded by Dr. Marshall to approve a one-year contract with United Health Care for provision of dental insurance to be effective November 1, 2022.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

C-356 Award Municipal Complex Construction Contract to JE Dunn Construction

Jim Hinderaker gave the following report: In May 2022, voters approved \$22.0 million of General Obligation Bonds for a new municipal complex. In August 2021, City Council approved an owner's representative contract with Broaddus and Associates to assist city staff with selection of a design/build team and contract negotiations.

In March 2022 City Council awarded the municipal complex design and pre-construction services to JE Dunn Construction and Randall Scott Architects as the design/build team. Since then, City staff and Broaddus representatives have been working with the design/build team to deliver the project.

As previously discussed with City Council, the total cost has escalated due to supply chain issues, material and worker shortages, and rampant inflation. By awarding the municipal complex construction contract to JE Dunn Construction, the Guaranteed Maximum construction cost are as follows:

Construction Cost	\$22,360,523
Construction Contingency	\$ 900,000
Furniture, Fixtures and Equipment	\$ 500,000
Guaranteed Maximum Cost	\$23,760,523

Motion by Ms. Mackey, seconded by Dr. Marshall to award the municipal complex construction contract to JE Dunn Construction for the Guaranteed Maximum Cost of \$23,760,523.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

C. PURCHASE

P-287 Purchase police vehicles

Craig Ross gave the following report: The 2022/2023 budget allocates \$148,440 for the purchase of four (4) police package patrol vehicles (2023 Ford Police Interceptor Utility). As in previous years, the budgeted amount was based on written quotes obtained by staff in May 2022 from the various cooperative purchasing entities. On September 16, 2022, staff reached out to these cooperative purchasing entities to confirm vehicle pricing. The cooperative purchasing entities all stated they had received unprecedented notification from the manufacturer that due to the supply chain issues and inflation, base pricing for a 2023 Ford Police Interceptor had unexpectedly increased by approximately \$8,000 per unit.

Through cooperative purchasing programs, the City received bids from Texas Buy Board, Tarrant County Cooperative Joint Venture, and Texas Smart Buy. The bids include all purchasing fees.

	<u>Make/Model</u>	<u>Cost/Unit</u>	<u>Total</u>
Texas Buy Board	Ford Police Interceptor Utility	\$44,875	\$179,500
Tarrant County Cooperative Joint Venture	Ford Police Interceptor Utility	\$44,915	\$179,660
Texas Smart Buy	Ford Police Interceptor Utility	\$46,380	\$185,520

Texas Buy Board provided the lowest bid, which is \$31,060 above the approved budget. There are sufficient funds in the General Fund to cover the overage.

Motion by Dr. Marshall, seconded by Mr. Phillips to approve the purchase of four (4) police package vehicles from the low bidder, Texas Buy Board, in the total amount of \$179,500.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. INFORMAL CITIZEN COMMENTS

Phyllis Harkins, David Stonecipher, and Pastor Lynn Bullock addressed City Council.

VIII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Gary Addison announced that Monday October 10, 2022 is Columbus Day and city hall will be closed for the holiday.

IX. ADJOURNMENT

Meeting adjourned at 7:55 p.m.

APPROVED: 

Jason Ward, Mayor

ATTEST:


Joanna King, City Secretary