

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MARCH 18, 2010
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. 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 – Associate Pastor Steve Reed with Restoration Family Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held March 4, 2010

IV. CITIZEN PRESENTATION

1. Larry Tubb, Cook Children’s Hospital and CCHAPS presentation on “The Decade of the Child: Healthy Children 2020”

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

- PZ-2010-01 Adopt amendment of Section 7 – Transportation of the Comprehensive Plan amending 7.3.4 Master Thoroughfare Plan to delete the extension of Vista Way from Mercedes Street to the I-20 frontage road. (Public Hearing) **WITHDRAWN BY APPLICANT**

VI. REPORTS OF CITY MANAGER

A. GENERAL

- G-1900 Accept financial report for month of February 2010
- G-1901 Adopt resolution endorsing legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas

B. CONTRACT

- C-257 Award Contract for Agent of Record Services (Employee Health, Dental and Life Insurance)

VII. 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 factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

VIII. ADJOURNMENT

WORKSESSION

Discuss Community Marketing



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY MARCH 4, 2010**

The regular meeting of the Benbrook City Council was held on Thursday March 4, 2010 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Charlie Anderson
Keith Bailey
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Donna Savage, Assistant to City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Public Services Director
Robert Rowley, City Engineer

Others Present:

Ed Gallagher, Planner
Tommy Davis Fire Chief
James Mills, Police Chief
Ron Rainey, EDC Executive Director
Debbie Watkins
Beverly Lewis, Meals on Wheels Representative
Jess Jordan
Will Higgins, EDC President
Tony Rutigliano

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Mark Washburn
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held February 18, 2010

Motion by Mr. Allison, seconded by Mr. Bailey to approve the minutes of the regular meeting held February 18, 2010 as presented.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – Poison Prevention Week

Mayor Dittrich read the Proclamation setting March 14 – 20, 2010 as Poison Prevention Week.

2. Proclamation – March for Meals Awareness Month

Mayor Dittrich presented Beverly Lewis, representative with Meals on Wheels the proclamation proclaiming March as March for Meals Awareness Month.

V. CITIZENS PRESENTATION

1. Debbie Watkins – Request for Hotel/Motel Tax Reimbursement

Debbie Watkins stated following the deadline for submittal of the Hotel/Motel Tax reimbursement, she discovered she had misplaced the paperwork for the Benbrook Area Chamber of Commerce and subsequently failed to submit. Ms. Watkins requested that City Council consider their request for reimbursement for the Welcome Packets.

Motion by Mr. Anderson, seconded by Mr. Sauma to approve the request for Hotel/Motel Tax Reimbursement.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2010-07 Appointment to Benbrook Economic Development Corporation Board of Directors

Motion by Mr. Wilson, seconded by Mr. Bailey to appoint Mr. Tony Rutigliano to Place 4 on the Benbrook Economic Development Board of Directors.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

VII. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2010-02 Request funding from PEG and/or General Funds for cost of video rebroadcast of regular Benbrook Economic Development Corporation meetings

Will Higgins, Benbrook Economic Development Board President requested funding for the rebroadcast video of the EDC regular meetings. Mr. Higgins requested consideration of funding from the PEG Fund and the City of Benbrook General Fund.

Motion by Mr. Allison, seconded by Mr. Wilson to approve funding from the PEG Fund and General Funds for the cost of video rebroadcast of regular BEDC meetings.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

EDC-2010-03 Presentation of BEDC 2010 Strategic Plan

Ron Rainey gave a presentation of BEDC 2010 Strategic Plan

Motion by Mr. Allison, seconded by Mr. Anderson to accept the EDC Strategic Plan and direct staff to incorporate the EDC plan with City's plans and goals for 2010.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

VIII. REPORTS OF CITY MANAGER

A. GENERAL

G-1898 Approve Interlocal Agreement with Tarrant County for Asphalt Overlay Project

Walter Shumac gave the following report. For a number of years, Tarrant County Precinct #1 has assisted the City of Benbrook with its annual street overlay program. Under this program, Tarrant County provides equipment and labor while the City pays for materials for a two-inch asphalt overlay on selected streets. Without this assistance, the overlay program would be significantly more expensive. For Fiscal Year 2009/2010, the Benbrook City Council approved \$235,000 to fund the program. The program is tentatively scheduled to begin in the spring.

The streets scheduled for this year are as follows:

- Cozby West (Childers Avenue to end of street)
- Jeaneta Avenue
- Johnson Street
- Judy Avenue
- Kane Street North
- La Jolla Court
- Mercedes Street (“eyebrow” in 1300 block)
- Old Benbrook Road
- Rio Grande Drive
- Schley Court
- Trinity Drive
- Vickery Loop East
- Vickery Loop West

Also budgeted this year is the reconstruction of the jogging track at Dutch Branch Park. The track reconstruction will include new subgrade material and asphalt.

Motion by Mr. Anderson, seconded by Mr. Sauma to approve the Interlocal Agreement with Tarrant County for the 2010 Asphalt Overlay Program.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

G-1899 Recommend Contractor for 35th year Community Development Block Grant Project

Robert Rowley gave the following report. The 35th Year Community Development Block Grant includes:

1. the construction of sidewalk and curb ramps along the east side of Usher Street from Childers Avenue to Cozby North Street and
2. paving the City alley between Mercedes Street and Cozby North Street from Wade Hampton Street to Warden Street.

Both projects are located within the City's CDBG Target Area in Benbrook Lakeside Addition.

The City was allotted \$80,751 in grant funds for the 35th Year project and an additional \$39,563.70 from the previous year's funds. The City also provided engineering services as its local match. Finally, the City agreed to pay for the portion of the sidewalk within the floodplain along Usher Street, since this was determined by the U.S. Department of Housing and Urban Development to be ineligible. This portion will cost approximately \$1,845.67.

Tarrant County opened bids on February 17th, 2010. Eight bids were received:

<u>Contractor</u>	<u>Bid Amount</u>
Klutz Construction, L.L.C.	\$79,721.25
Ken-Do Contracting LP	\$80,848.00
2L Construction, L.L.C.	\$90,385.00
Ed A. Wilson, Inc.	\$104,102.50
Advanced Paving Co.	\$107,316.75
Basecom Inc.	\$226,636.00

Two bidders were disqualified because of improper bid submittals.

Staff estimate for this project was \$84,058.

Staff has checked references for Klutz Construction and found them to be favorable.

The City's allocation of funds for the 35th year is \$80,751.00, plus \$39,563.70 in prior unexpended funds, for a total of \$120,314.70. The City provided in-house engineering for this project as the City's match. The City is responsible to pay the \$1,845.67 for the portion of the sidewalk located in the floodplain.

Motion by Mr. Anderson, seconded by Mr. Washburn to award the 35th year Community Development Block Grant Project to Klutz Construction, L.L.C. in the amount of \$79,721.25, and that the City is responsible for the approximately \$1,845 for the ineligible construction plus any City approved change orders or overruns.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Allison, Mayor Dittrich, Mr. Sauma, Mr. Washburn, Mr. Wilson, Mr. Bailey

Noes: None

Motion carries unanimously.

IX. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:05 P.M. followed by a worksession to discuss Police and Fire response times.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/18/10	REFERENCE NUMBER: G-1900	SUBJECT: Accept finance report for February 2010	PAGE: 1 of 1
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GENERAL FUND REVENUES

Revenues for the month of February totaled \$2,201,061. Most of this amount came from taxes (\$2,004,670), with the largest portion (85.71%) coming from property taxes. Current collections exceed prior year totals by \$490,819.

Sales tax collections have continued their poor showing throughout the current budget year. Total collections through February were down approximately 11.27% from the 2008/2009 budgeted amount. Please note that the budgeted revenue amount for this year is lower than actual total sales tax collections at the end of the last fiscal year, easing the impact of the decline. If this trend continues, the City's actual sales tax collections for 2009/2010 may be below the projected amount by \$135,000 to \$150,000. However, General Fund revenues are expected to meet or even exceed the budgeted amount due to higher-than expected collections in building permits and other fees. Staff is also continuing its traditional spending controls.

GENERAL FUND EXPENDITURES

February expenditures totaled \$1,007,048. Year-to-date expenditures amounted to \$5,462,721. Total revenues exceed total expenditures by \$4,849,499 at February 28, 2010.

INVESTMENTS

Investments were \$18,626,126 at February 28, 2010.

RECOMMENDATION

Staff recommends that City Council accept the monthly financial report for the month of February, 2010.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/18/10	REFERENCE NUMBER: G-1901	SUBJECT: Adopt resolution endorsing legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas	PAGE: 1 of 4
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PURPOSE

The City of Benbrook is a member of Cities Aggregation Power Project, Inc. (“CAPP”). The CAPP Board of Directors has voted to authorize certain legislative efforts pertaining to the Sunset Commission’s review of the Public Utility Commission (“PUC”) and the Electric Reliability Council of Texas (“ERCOT”). The Sunset agency’s recommendations pertaining to both organizations are expected to form the basis of bills during the 82nd Legislative Session in 2011. As such, CAPP will recommend legislative action related to the Sunset Commission’s examination of both the PUC and ERCOT. In addition, CAPP will offer all resolutions of its members during Sunset hearings to apprise lawmakers of CAPP Cities’ perspective on how to make the electric market more competitive and beneficial to consumers.

DISCUSSION

In 1999, Texas lawmakers adopted Senate Bill 7, the State’s electric deregulation law. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. Proponents of the legislation promised lower electric prices.

Unfortunately, the reality has been otherwise. Although Texans paid electric prices well below the national average during the decade before Senate Bill 7 was passed, customers in deregulated parts of the State now pay prices above the national average. In fact, even the lowest residential electric rates in deregulated areas of Texas typically exceed rates paid by **all residents** of neighboring states, such as those in Oklahoma and Louisiana.

CAPP believes that for deregulation to fulfill its promise, the market must become more competitive. Problems include the ability of some generators to exercise monopoly-like control in large swaths of the State, and the inability of many consumers to make informed choices because of confusion in the retail electricity market. Efforts to address market design issues by ERCOT also have been mismanaged, gone over budget and fallen behind schedule.

As an active market participant, CAPP is in the unique position to identify problems that have developed in the deregulated marketplace and to provide a consumer's perspective to legislators interested in fixing those problems.

Based upon this point of view, CAPP has formulated recommendations for the Sunset Advisory Commission as it conducts its PUC and ERCOT reviews. CAPP’s recommendations are intended

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CITY MANAGER		CITY SECRETARY
		DATE:

DATE: 03/18/10	REFERENCE NUMBER: G-1901	SUBJECT: Adopt resolution endorsing legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas	PAGE: 2 of 4
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to improve competition in the electric market place by making the PUC and ERCOT more accountable to consumers, by limiting market power, and by creating competitive options for all customers. CAPP's recommendations reflect the organization's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market — one where power remains affordable and reliable — will mean more economic development for Texas cities, and a better standard of living for our citizens.

Legislative change is necessary to better protect cities' budgets, enhance cities' ability to protect their citizens, and increase competition among retail providers. The following changes are proposed by the CAPP Board:

- All generators, regardless of size, should explicitly be barred from the unlawful exercise of market power.

Current PUC rules protect relatively small generation companies from prosecution for anti-competitive behavior. But generators that control a small portion of the wholesale electricity market can sometimes have a big impact on prices. For instance, a relatively small operator in Texas temporarily drove up overall spot market prices in 2007 by engaging in an energy bidding practice that the Wall Street Journal said was "reminiscent of one that played a role in the meltdown of California's electricity market."

- Entities such as municipalities, commercial customers or retail electric providers harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the PUC.

In 2007, the Texas Public Utility Commission initiated an enforcement proceeding against TXU for allegedly engaging in anti-competitive behavior. PUC staff found that improper actions by TXU during a short interval in 2005 had increased overall wholesale energy costs by more than \$50 million. However, Retail Electric Providers, municipalities and others harmed by these higher costs were barred from participating in the enforcement proceeding. Such entities can contribute resources and expertise to the often overburdened PUC.

- Fines should be increased for market abuses in such a way that the PUC can order full restitution to the market, market participants, or parties injured by the violation.

In the above case, TXU's improper behavior was found by the PUC staff to have caused more than \$50 million in harm to the wholesale energy market. However, the PUC fined the company only \$15 million — an amount not even equal to the extra revenue the PUC said TXU generated from its anti-competitive activities.

- Activities defined as market abuse by the Federal Energy Regulatory Commission should be prohibited.

DATE: 03/18/10	REFERENCE NUMBER: G-1901	SUBJECT: Adopt resolution endorsing legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas	PAGE: 3 of 4
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According to a 2007 Wall Street Journal report, a generation company operating in Texas has freely engaged in an activity that appears to be very similar to energy bidding practices associated with Enron in California. However, the activities are not expressly prohibited in Texas and as a consequence of the company's actions, it can collect \$157,000 an hour to run its plant — or more than 10 times the amount it would collect under more typical circumstances, according to the newspaper. The Federal Energy Regulatory Commission (FERC), with authority over most wholesale electricity markets in the U.S., has the ability to recognize, define and prohibit market power abuse. Texas should prohibit the type of market abuse that occurs elsewhere in the country, as prescribed by the FERC.

- The statutory purpose of the PUC should be modified to ensure that the agency harmonizes its pursuit of competition with the protection of electric consumers.

Leaders at the Texas Public Utility Commission are some of State government's most enthusiastic advocates for electric competition. However, in their zeal to promote the Texas deregulation law, leaders at the PUC have overlooked the higher electric prices paid by Texans relative to electric prices elsewhere. A slight adjustment of the Public Utility Regulatory Act would direct the agency to maintain its focus on consumer protection, even while it continues promoting electric competition.

- As a condition of conducting business in Texas, Retail Electric Providers ("REPs") should be required to include among their offers one standard electricity package that has PUC-approved terms and conditions. Such standard offer products will ensure that REPs compete based on price, not on customer confusion.

Comparing electric deals can be difficult. A quick review of the "[powertochoose](#)" website reveals a bewildering array of offers, each with difficult-to-comprehend fine print. Because the details of each offer vary, it is nearly impossible for consumers to make apples-to-apples comparisons when they shop for electricity. Requiring REPs to include among their offers a standard deal established by the Public Utility Commission would reduce confusion among residential electricity consumers. REPs would have the freedom to price such standard deals in any way they see fit.

- The number of consumer representatives on the ERCOT board should be increased from the current three members, to six.

The ERCOT board sets many important rules for the Texas wholesale electricity market. The board is comprised of men and women who represent electric generation companies, retail electric providers and others with a financial stake in the market. However, end-use consumers — that is, those who ultimately pay all costs associated with the market — have been historically under-represented. As a consequence, consumers have been unable to block or mitigate potentially expensive initiatives that

DATE: 03/18/10	REFERENCE NUMBER: G-1901	SUBJECT: Adopt resolution endorsing legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas	PAGE: 4 of 4
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may benefit those with a financial interest in higher electric prices, but which do not hold any clear benefit for end-use consumers.

- The Office of the Comptroller should be assigned a seat on the ERCOT board and on appropriate budget oversight panels within ERCOT. The Comptroller's office should be given access to all ERCOT contracting material and be charged with conducting a bi-annual performance review of ERCOT.

Mismanagement at ERCOT has led to cost overruns and even criminal convictions by top officials. In 2003, for instance, the PUC directed ERCOT to begin making important changes to its management system for the wholesale electricity market. These changes were estimated to cost no more than \$76.3 million and were expected to be in place by Oct. 1, 2006. Unfortunately, the project's costs have increased by at least 800 percent, and is now four years behind schedule. Comptroller oversight would help discourage such costly missteps in the future.

- The PUC should be required to provide prior approval of all debt financing by ERCOT.

Debt service costs at ERCOT has increased by more than 400 percent since the 2003 fiscal year. The organization also has increased its use of debt to finance capital projects in recent years, including at least one recent capital project that is 100 percent financed with debt. More PUC oversight is required to ensure that the organization does not meet its annual budget targets through the inappropriate use of debt to shift costs into the future.

The CAPP Board, made up exclusively of City representatives, requests that the City Council pass the attached resolution endorsing CAPP's legislative/Sunset agenda.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/18/10	REFERENCE NUMBER: C-257	SUBJECT: Award contract for Agent of Record for employee health, dental and life insurance	PAGE: 1 of 3
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BACKGROUND

Since May 1, 2004, the City of Benbrook has contracted with Aon Consulting (Aon) to serve as the City's agent of record for health, dental, and life insurance. The agent of record assists City staff with requesting proposals for insurance, negotiating rates and contracts, resolving claim issues, and providing updates on insurance related legislation and issues.

The City of Benbrook's contract with Aon is commission-based with Aon receiving a commission equal to five percent of health insurance premiums, ten percent of dental insurance premiums, and ten percent of life insurance. Estimated commissions paid in 2009 were \$52,000.

REQUESTS FOR PROPOSAL

The City last requested proposals for agent of record services in 2004. During the contract award process for health and dental insurance in October 2009, the City Council was informed by City staff that requests for proposal for an agent of record would be performed in the 2009-10 fiscal year.

In January 2010, requests for proposal (RFP) packets were distributed to seventeen insurance agents and brokers in the North Texas area; packets were mailed to the City's current agent of record, the City's previous agent, and fifteen other brokers including eleven companies listed in the Benbrook Area Chamber of Commerce Directory. The City advertised the RFP in the January 28 and February 4, 2010 editions of the *Benbrook News*. The City also advertised on the City's website at www.cityofbenbrook.com. The RFP and bid documents were available at City Hall and available on the City's website.

PROPOSAL REVIEW

Three proposals were received from: Aon Consulting; Wellspring Insurance Agency, Inc. (Wellspring); and Higginbotham & Associates (Higginbotham). The proposals were opened at 2:00 P. M. on Wednesday, February 10, 2010 in the City Council Chambers at Benbrook City Hall.

A committee of City employees was established to review the proposals and to interview the three companies. The committee consisted of representatives from the Police Department, the Fire Department, Public Services, and the Benbrook Economic Development Corporation. The City's Budget Director served as facilitator for the committee; she was not eligible to vote on the committee's recommendation unless required to break a tie.

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

DATE: 03/18/10	REFERENCE NUMBER: C-257	SUBJECT: Award contract for Agent of Record for employee health, dental and life insurance	PAGE: 2 of 3
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Aon Consulting

The City's current agent of record, Aon Consulting, proposed continuation of services at an annual rate of \$45,000. Aon's proposal included optional services for an additional cost of \$5,000. These additional services included two programs recently introduced by Aon: Health Advocate and SmartComm. Aon also proposed continuation of the commission-based compensation as an option.

Wellspring Insurance Agency, Inc.

Wellspring proposed serving as a consultant for the City's insurance programs at a cost of \$3,500 per month or \$42,000 per year with a guaranteed fee for six years.

Higginbotham & Associates

Higginbotham proposed serving as a broker and consultant at a cost of \$23.00 per subscriber per month; based on one-hundred ten full-time employees, the City's cost is estimated at \$2,530 per month or \$30,360 per year.

CHANGE IN PAYMENT STRUCTURE

The City's current contract with Aon Consulting compensates based upon commissions applied to premiums for health, dental, and life insurance. By switching from commission-based compensation to a fee for service, the City's monthly premiums for health, dental, and life insurance will be reduced by five to ten percent depending upon the current commission. The savings from the lowered premiums may be passed on to City employees with dependent coverage and retirees.

COMMITTEE RECOMMENDATION

The committee viewed presentations by each company and conducted interviews with the three companies from February 16 through February 18, 2010. After the third interview, the committee discussed the presentations and drafted a recommendation.

The four members of the committee agreed that any of the three candidates would be an excellent choice as the City's agent of record. However, Higginbotham & Associates was the unanimous recommendation of the committee. The committee's recommendation is based on:

- Fee structure proposed by Higginbotham & Associates on a per subscriber cost per month or approximately \$30,360 per year;
- Focus on "shrinking the health care cost balloon" by providing tools and support for healthcare consumers:
 - Price Transparency
 - Quality Comparisons
 - Consumer Advocate Support

DATE: 03/18/10	REFERENCE NUMBER: C-257	SUBJECT: Award contract for Agent of Record for employee health, dental and life insurance	PAGE: 3 of 3
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- Medical Director on staff available in Fort Worth area for advice and for claims resolution; and,
- Commitment of dedicated staff and availability of support through a variety of options (telephone, internet, person-to-person, and email).

The term of the agreement is for one year, with the option to extend annually by mutual consent of both parties.

FUNDING

Funds for health, dental, and life insurance for City employees and dependents are budgeted in account 5007 in each activity's 2009-10 Budget allocation. The current agent of record is compensated through commissions paid on the premiums for health, dental, and life insurance; these commissions are estimated at \$52,000 for 2009-10 or \$4,333 per month. By contracting with Higginbotham & Associates at an estimated monthly cost of \$2,530, savings of approximately \$1,803 per month are projected for the remaining six months of 2009-10 for total savings of \$10,818.

RECOMMENDATION

Staff recommends that the City Council award the contract for agent of record services to Higginbotham & Associates, based upon their proposal, effective April 1, 2010.