

AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This agreement is made and entered into this 18th day of July, 2022, by and between the COUNTY OF TARRANT (hereinafter referred to as "OWNER"), acting by and through its duly authorized officer, and Blackrock Construction, LLC of the City of Mansfield, County of Tarrant, and State of Texas (hereinafter referred to as "CONTRACTOR").

WITNESSETH: In consideration of the payments and agreements mentioned below, the CONTRACTOR agrees with the OWNER to commence and complete the construction of certain improvements described as follows:

875 linear feet of variable curb for sidewalk and 1,500 square yards of block sodding located in the City of Benbrook, Texas (hereinafter referred to as the "Project")

and all extra work in connection with the improvements as noted in the terms of both the General Conditions and the Special Conditions of the Agreement. The materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and all other accessories and services necessary to complete the construction shall be at the CONTRACTOR'S own expense. The construction shall be in accordance with the NOTICE TO BIDDERS, CONTRACTOR/SUBCONTRACTOR INFORMATION, PROPOSAL, PERFORMANCE BOND, PAYMENT BOND, MAINTENANCE BOND, CERTIFICATION OF INSURANCE, GENERAL CONDITIONS OF AGREEMENT, SPECIAL CONDITIONS, FEDERAL LABOR STANDARDS, WAGE DECISIONS, LABOR STANDARD AND WAGE DECISION CERTIFICATION, EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION, HUD HANDBOOK NO. 1300.17, TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH

ASSISTED PROJECTS, COPELAND ANTI-KICKBACK ACT, SPECIAL SPECIFICATIONS, SPECIAL MATERIAL AND/OR EQUIPMENT SPECIFICATIONS, E-VERIFY, and the drawings and blueprints as prepared by the OWNER'S engineer; all of which are made a part hereof and collectively evidence and constitute the entire contract (hereinafter "the Contract").

The CONTRACTOR agrees to commence work within ten (10) days from the date agreed to and specified in the "Notice-to-Proceed," and to substantially complete the work within one hundred (100) calendar days after the date specified in the "Notice-to-Proceed" with construction, subject to such extensions of time as are provided in the General and Special Conditions.

The OWNER agrees to pay the CONTRACTOR the amount shown in the PROPOSAL, which forms a part of this Contract, with such payments subject to the General and Special Conditions of the contract. Attachment A. Commissioners Court Communication attached hereto states the funding amount available from all sources.

The CONTRACTOR acknowledges and agrees that it has fully, accurately, and completely disclosed all interested parties in the attached Form 1295, and has acknowledged the completeness of this disclosure by filing the Form 1295, attached as Exhibit A, with the Texas Ethics Commission as required by law.

The CONTRACTOR verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. The term "boycott Israel" is as defined by Texas Government Code Section 808.001, effective September 1, 2017.

This contract shall not be interpreted to inure to the benefit of a third party not a party to this contract. This contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental immunity, or any limitation of liability, responsibility, or damage of any party to this contract, party's agent, or party's employee, otherwise provided by law.

This Contract shall be interpreted under the laws of the State of Texas. The venue for any lawsuit arising out of this Agreement will be the Fort Worth Division of the Northern District of Texas if the lawsuit arises in Federal Court or Tarrant County, Texas if the matter arises in state court.

Both OWNER and CONTRACTOR agree to abide by all state and federal laws, statutes, and regulations applicable to the completion of the project described.

EXECUTED THIS _____ DAY OF _____, 2022.

TARRANT COUNTY, TEXAS
(OWNER)

BLACKROCK CONSTRUCTION
(CONTRACTOR)

BY: _____
COUNTY JUDGE OR
PRESIDING OFFICER

BY:  _____

ATTEST: _____

ATTEST:  _____

FUNDS CERTIFIED AVAILABLE BY:

TARRANT COUNTY AUDITOR

APPROVED AS TO FORM:

CRIMINAL DISTRICT ATTORNEY'S OFFICE*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:

2022-918669

Date Filed:

08/04/2022

Date Acknowledged:

08/04/2022

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

BRCT LLC dba Blackrock Construction
MANSFIELD, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

CITY OF BENBROOK

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

B-21-UC-48-0001-13-70

B-21-UC-48-0001-13-70 CITY OF BENBROOK PROJECT NO. B-21-UC-48-0001-13-70 BELLAIRE DRIVE, SIDEWALK IMPROVEMENTS

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is Danny Gamblin, and my date of birth is 09-30-1975.

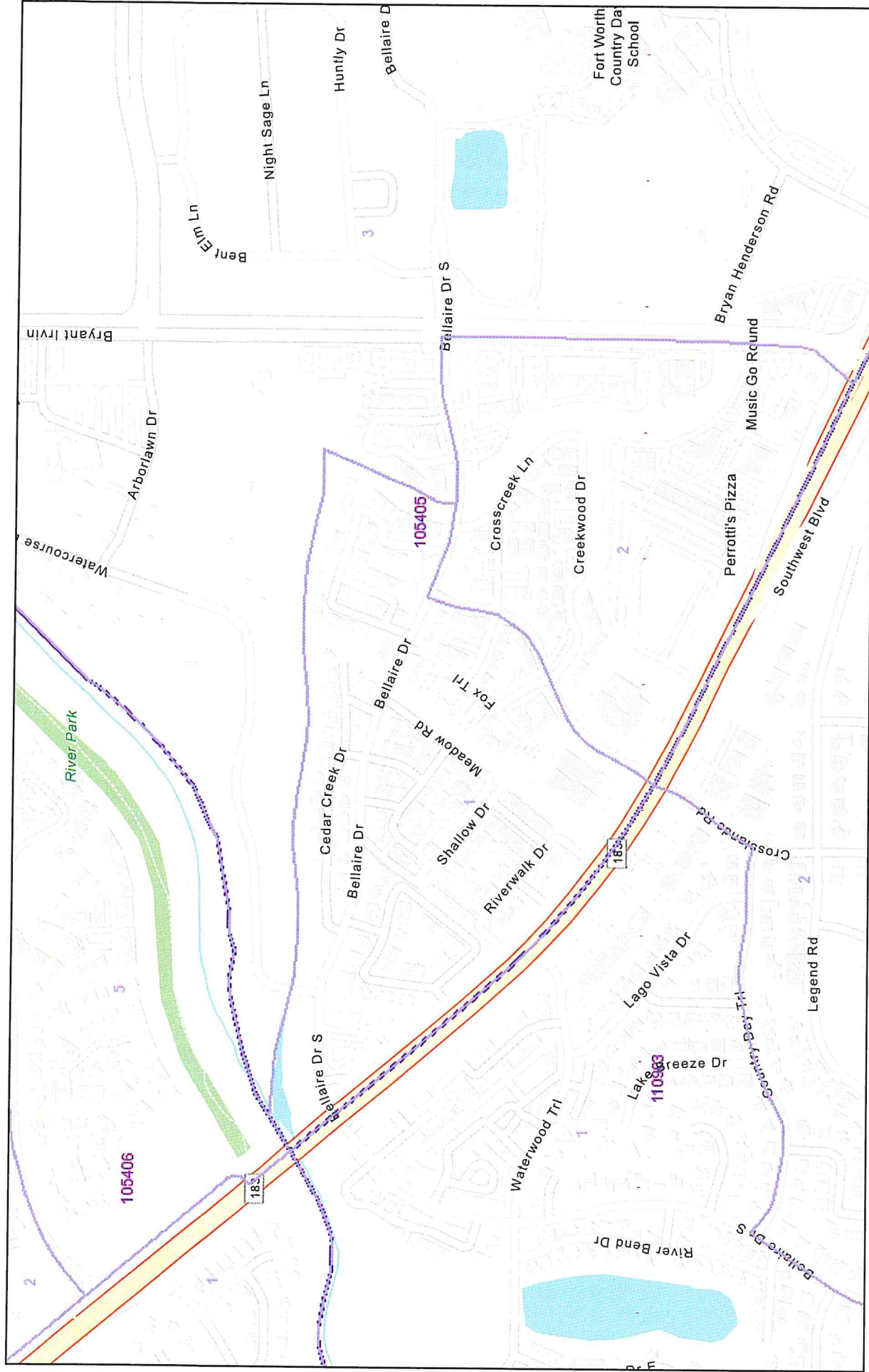
My address is 1475 Heritage Pkwy #113, Mansfield, TX, 76063, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 4 day of August, 2022.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

Benbrook_CDBG2021



January 29, 2021

Counties

2010 Census Tracts

2010 Census Block Groups

THE STATE OF TEXAS)(

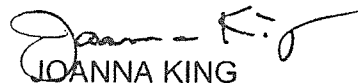
COUNTY OF TARRANT)(

CERTIFICATION

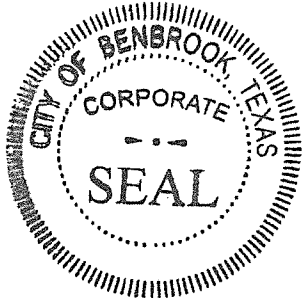
I, Joanna King, City Secretary for the City of Benbrook, Tarrant County, Texas do hereby certify that I am the custodian of the records of the City of Benbrook, Tarrant County, Texas, and that the attached is a true and correct copy of the draft minutes of City of Benbrook Regular City Council meeting held June 16, 2022. The minutes will be presented to the Benbrook City Council for approval at their July 7, 2022 regular meeting.

WITNESS MY HAND and OFFICIAL SEAL of the City of Benbrook, Tarrant County, Texas, this 20th day of June 2022.

SIGNED:



JOANNA KING
CITY SECRETARY
CITY OF BENBROOK
TARRANT COUNTY, TEXAS





**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 16, 2022**

The regular meeting of the Benbrook City Council was held on June 16, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor
Renee Franklin
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

Others:

Bill Smith
Janice Howe
Josh Harville
Donna Addison
Greg Clem
Terry Roach
and 11 other citizens

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 Dr. Larry Marshall.
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve minutes of the regular meeting held June 2, 2022

Motion by Dr. Marshall, seconded by Mr. Addison to approve the minutes of the regular meeting held June 2, 2022.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

V. CITIZEN PRESENTATION

1. Ava Missel – Girl Scout Leadership Program

Ava Missel with Girl Scout Troop 2504 gave presentation on the Leadership Program she is working on as her Gold Project. The project is to involve our youth in becoming tomorrow's leaders.

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2022-04 Appointment to Regional Transportation Council (RTC)

Motion by Ms. Mackey, seconded by Mr. Tiner that Councilmember Renee Franklin be recommended to the Cities of Mansfield, Forest Hill, Crowley, Everman and Kennedale as the alternate representative to the North Central Texas Council of Governments Regional Transportation Council.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

VII. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2022-02 Z-2022-01

Adopt Ordinance rezoning 0.27 acres of land, legally described as Lot 4, Block 2 Benbrook Estates Addition from "B" One-Family District to "CR" Multiple-Family Restricted District (207 San Angelo Avenue located south of the intersection of SW Loop 820 and San Angelo Avenue)

Jim Hinderaker gave the following presentation: The applicant is requesting to rezone 207 San Angelo Ave., legally described as Lot 4, Block 2, Benbrook Estates Addition, from "B" One-Family District to "CR" Multiple-Family Restricted District.

Subject to approval, the applicant plans to raze the existing single-family dwelling and construct an attached two-family dwelling.

Lot 4, Block 2 was platted as part of the Benbrook Estates Addition in 1946 and, according to the Tarrant County Appraisal District, the existing single-family home was built in 1940.

Since adoption of the Comprehensive Plan supporting medium density within the Benbrook Estates subdivision, City Council has approved 12 rezoning requests to the "CR" District with the intent of building two-family dwellings. The request is consistent with the City's Comprehensive Plan.

The Future Land Use Map (FLUM) designates this area for Medium-Density Residential (MDR), which provides for densities between 6.25 and 12.5 dwelling units per acre. The "CR" District is consistent with the MDR designation.

Mayor Ward opened the public hearing at 7:43 p.m. No one spoke to the item.

Mayor Ward closed the public hearing at 7:44 p.m.

Motion by Ms. Franklin, seconded by Mr. Phillips to adopt Ordinance No. 1480 rezoning 0.27 acres of land, legally described as Lot 4, Block 2 Benbrook Estates Addition from "B" One-Family District to "CR" Multiple-Family Restricted District.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

Ordinance No. 1480 being "AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REZONING 0.27 ACRES LEGALLY DESCRIBED AS LOT 4, BLOCK 2, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM "B" ONE-FAMILY DISTRICT TO "CR" MULTIPLE-FAMILY

RESTRICTED DISTRICT, AND BY AMENDING THE OFFICIAL ZONING USE MAP TO REFLECT THE CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”

SECTION 5 PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained

VIII. REPORTS FROM CITY MANAGER

A. GENERAL

G-2563 Recommend contractor for 47th Year Community Development Block Grant Program (CDBG)

Jim Hinderaker gave the following report: As part of the 2022 Five-Year Capital Improvement Program (CIP) approved by City Council in December 2021, the 47th Year Community Development Block Grant (CDBG) Project is designated for the installation of sidewalks along the north side of the 5600 and 5700 blocks of Bellaire Drive and the east side of the 3900 block of Crosslands Road in northeast Benbrook in the Country Day Meadows Addition in Benbrook’s CDBG target area. The portion of sidewalk along Crosslands Road will complete the sidewalk between Bellaire Drive and SH-183 that was not completed during the 45th Year CDBG project due to funding deficiencies.

Tarrant County opened bids on April 27, 2022. Two bids were received:

Blackrock Construction	\$231,717.00
Excel 4 Construction, L.L.C.	\$350,962.00

The CDBG budget allocation for this project is \$172,617. Per the approved CIP, the City had estimated a cost share of \$65,000, sufficient to cover the actual cost share of \$59,100.

Motion by Dr. Marshall, seconded by Mr. Addison to recommend that Tarrant County award the 47th year Community Development Block Grant Project to Blackrock Construction in the amount of \$231,717 and allocate \$59,100 from the Capital Projects Fund to cover the City's cost share.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

IX. INFORMAL CITIZEN COMMENTS

Greg Clem, Terry Roach and Carolina Rodriguez address City Council.

X. COUNCIL MEMBER AND STAFF COMMENTS

Mr. Franklin recognized Benbrook resident Vincent Hancock, Olympic Gold Medalist in Men's Skeet Shooting for winner for his recent gold medal in the World Cup.

Ms. Mackey wished all Fathers a Happy Father's Day.

XI. ADJOURNMENT

Meeting adjourned at 7:58 p.m. followed by a Worksession to receive Municipal Complex Update.

APPROVED:

Jason Ward, Mayor

ATTEST:

Joanna King, City Secretary

TAKINGS IMPACT ASSESSMENT CHECKLIST

Complete this form for any count

Project/Regulation Name: BENBROOK B-21-UC-48-0001-13-70

County Department: TARRANT COUNTY COMMUNITY DEVELOPMENT

Contact Person: BRAD HEARNE

Phone Number for Contact Person: 817/850-7961

Type of TIA Performed: SHORT TIA or FULL TIA. Circle one after answering the questions in Sections II and III below.

I. Stated Purpose

Attached to this checklist an explanation of the purpose of the regulation, policy, guideline, court resolution or order.

Note: The remainder of this Takings Impact Assessment Checklist should be completed in consultation with the Criminal District Attorney's Office.

II. Potential Effect on Private Real Property

1. Does the county action require a physical invasion, occupation or dedication of real property?

Yes ☐ No ☒

2. Does the county action limit or restrict a real property right, even partially or temporarily?

Yes ☐ No ☒

If you answer yes to either question, go to Section III. If you answer no to both, STOP HERE and circle SHORT TIA at the top of the form.

TAKINGS IMPACT ASSESSMENT (TIA) CHECKLIST

Attached is the TIA Checklist as preliminarily approved by the District Attorney's Office. Due to both timeliness regulations governing CDBG programs and the problems associated with undertaking public works project in the colder winter months, a completed preliminary checklist is being submitted to Commissioners Court for approval for this contract. Once the Commissioners Court has approved a written policy, additional documentation will be submitted for the CITY OF BENBROOK, 47th YEAR CDBG Project. This project is located entirely within city-owned property (under a dedicated public street).