



Regular Session
Council Agenda Packet
August 3, 2023

CITY OF CROWLEY
CITY COUNCIL
Council Regular Session
August 3, 2023
ATTENDANCE SHEET

	<u>Worksession</u>	<u>Regular</u>
Council Member Johnny Shotwell, Place 1	_____	_____
Council Member Jerry Beck, Place 2	_____	_____
Council Member Jesse Johnson, Place 3	_____	_____
Council Member Jim Hirth, Place 4	_____	_____
Vacant, Place 5	_____	_____
Council Member Scott Gilbreath, Place 6	_____	_____
Mayor Billy Davis	_____	_____
Staff:		
Robert Loftin, City Manager	_____	_____
Lori Watson, Finance Director/Deputy City Mgr	_____	_____
Jack Thompson, EDC Director/Asst City Mgr	_____	_____
Rob Allibon, City Attorney	_____	_____
Carol Konhauser, City Secretary	_____	_____
Pleasant Brooks, Fire Chief	_____	_____
Kit Long, Chief of Police	_____	_____
Mike Rocamontes, Public Works Director	_____	_____
Matt Elgin, Direct of Projects & Utilities	_____	_____
Rachel Roberts, Planning & Comm Dev Director	_____	_____
Cristina Winner, Community Services Director	_____	_____
Lisa Hansen, HR Administrator	_____	_____
Julie Hepler, Special Event Coordinator .	_____	_____
Jay Hinton, Media Relations	_____	_____



**AGENDA
CROWLEY CITY COUNCIL
AUGUST 3, 2023
WORK SESSION - 6:30 p.m.**

**Crowley City Hall
201 E. Main Street
Crowley TX 76036**

Citizens may address the Council by filling out a blue "Citizen Participation" card to discuss any issue that is on the Agenda. Please turn in cards to the City Secretary. Speakers are limited to three minutes (if using a translator, the time limit will be doubled).

WORK SESSION - August 3, 2023 - 6:30 pm

I. CALL TO ORDER AND ROLL CALL

II. NON-ACTION ITEMS FOR DISCUSSION

1. Discuss SB 2476 prohibition on balance billing of patients for "out-of-network" EMS services at rates set by local governmental entities, and receive guidance from council regarding their desire to amend EMS fees to rates which match average medical service charges.

DISCUSSION OF ITEMS LISTED ON THE AGENDA

III. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Discuss and consider approving the minutes from the regular meeting held July 20, 2023.
2. Discuss and consider approval of Resolution No. R08-2023-393 designating the ACM/Finance Director as the officer/employee responsible for complying with Section 26.04 of the Texas Tax Code for the city and providing an effective date

IV. PUBLIC HEARINGS

1. None

V. CITY BUSINESS

1. Discuss and approve the second reading of Resolution R07-2023-390, a resolution of the City Council of the City of Crowley, Texas authorizing the Crowley Economic Development Corporation's to expend funds for Project No 2023-10, Purchase of Main Street Property, to promote, develop and expand business development; providing for two separate readings in compliance with Section 505.158, Texas Local Government Code; and providing an effective date.
2. Discuss and elect a Mayor Pro-Tempore pursuant to the City of Crowley Home Rule Charter, Section 3.03.
3. Discuss tax rate calculations, and establish the proposed tax rate (take a record vote).

VI. ADJOURNMENT



**AGENDA
CROWLEY CITY COUNCIL
AUGUST 3, 2023
REGULAR SESSION - 7:00 p.m.**

**Crowley City Hall
201 E. Main Street
Crowley TX 76028**

Citizens may address the Council by filling out a blue "Citizen Participation" card to discuss any issue that is on the Agenda. Please turn in cards to the City Secretary. Speakers are limited to three minutes (if using a translator, the time limit will be doubled).

REGULAR SESSION - August 3, 2023 - 7:00 pm

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION

III. PLEDGE TO ALLEGIANCE TO THE AMERICAN AND TEXAS FLAGS

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with Liberty and Justice for all."

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible."

IV. PRESENTATIONS/PROCLAMATIONS

1. None.

V. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Discuss and consider approving the minutes from the regular meeting held July 20, 2023.
2. Discuss and consider approval of Resolution No. R08-2023-393 designating the ACM/Finance Director as the officer/employee responsible for complying with Section 26.04 of the Texas Tax Code for the city and providing an effective date.

VI. PUBLIC HEARINGS

1. None

VII. CITY BUSINESS

1. Discuss and approve the second reading of Resolution R07-2023-390, a resolution of the City Council of the City of Crowley, Texas authorizing the Crowley Economic Development Corporation's to expend funds for Project No 2023-10, Purchase of Main Street Property, to promote, develop and expand business development; providing for two separate readings in compliance with Section 505.158, Texas Local Government Code; and providing an effective date.
2. Discuss and elect a Mayor Pro-Tempore pursuant to the City of Crowley Home Rule Charter, Section 3.03.
3. Discuss tax rate calculations, and establish the proposed tax rate (take a record vote).

VIII. ADVISORY BOARDS AND COMMISSIONS

1. Reports

None

2. Appointments/Reappointments

None

IX. PUBLIC COMMENT

If you wish to make a public comment or discuss subjects not listed on the agenda, please fill out a (yellow) Visitor's Participation card and submit to the City Secretary. There will be no formal actions taken on subjects presented during public comments.

****An agenda information packet is available for public inspection in the Crowley Library and on the City website, under Agenda Packets****

Please NOTE council may NOT address or converse with you regarding a NON-AGENDA ITEM. The public comment period will only allow members of the public to present ideas and information to the City Officials and Staff.

X. ITEMS OF COMMUNITY INTEREST

Items of community interest include expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees or citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety

XI. EXECUTIVE SESSION

Pursuant to Chapter 551, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item to receive advice from its attorney as permitted by law, or to discuss the following as permitted by Government Code:

- 1. Section 551.071 (Consultation with Attorney)**
- 2. Section 551.072 (Deliberations about Real Property)**
- 3. Section 551.074 (Personnel Matters)**
- 4. Section 551.087 (Business Prospect/Economic Development)**

XII. RECONVENE AND TAKE ACTION FROM EXECUTIVE SESSION

Reconvene into open session and take any necessary action resulting from items posted and legally discussed in Closed Session.

XIII. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Agenda of the City Council Meeting to be held on Thursday, August 3, 2023, of the governing body of the City of Crowley is a true and correct copy posted on _____, 20____ at _____ am/ pm to the City Website and at Crowley City Hall, a place convenient and readily accessible to the public at all times.

City of Crowley

Carol C. Konhauser, City Secretary

THE CITY COUNCIL RESERVES THE RIGHT OF THE FOLLOWING:

1. ITEMS DO NOT HAVE TO BE CONSIDERED IN THE SAME ORDER AS SHOWN ON THIS AGENDA;
 2. THE COUNCIL MAY CONTINUE OR RECESS ITS DELIBERATIONS TO THE NEXT CALENDAR DAY IF IT DEEMS IT NECESSARY.
- The Crowley City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (817) 297-2201 ext. 4000, or email ckonhauser@ci.crowley.tx.us for further information.

NOTICE: A quorum of the Crime Control and Prevention District Board of Directors and the Economic Development Board of Directors will be present at this meeting; however, neither Board will take action on any items on this posted agenda.



Crowley City Council

WORK SESSION REPORT

Meeting Date: August 03, 2023

Staff Contact: Pleasant Brooks

Agenda Item: II-1

E-mail: pbrooks@ci.crowley.tx.us

Phone: 817-297-1638 ext. 5250

SUBJECT:

Discuss SB 2476 prohibition on balance billing of patients for "out-of-network" EMS services at rates set by local governmental entities, and receive guidance from council regarding their desire to amend EMS fees to rates which match average medical service charges.

BACKGROUND/DISCUSSION

Throughout the years, EMS transports have been grappling with issues where about 85% of services are treated as "Out of Network." This predicament has inflicted harm on both patients and EMS agencies. These agencies often receive payments that are significantly lower than their invoiced amounts, and in some instances, they don't receive any payment whatsoever. Consequently, patients find themselves saddled with the responsibility of either paying the entire bill or the residual amount.

Governor Abbott has acted decisively by endorsing and ratifying the SB 2476. The goal of this legislation is to confront these challenges and bring a significant transformation to the EMS. SB 2476 brings forth a series of transformative modifications:

1. **Removing Patients from Billing Disputes:** This provision eliminates concerns about patients becoming collateral damage in billing disagreements. Under the new legislation, patients are freed from the responsibility of out-of-network fees, ensuring they get the necessary care without the strain of financial worries.
2. **Terminating Balance Billing for Patients:** Balance billing refers to the difference between the total EMS bill and what the insurance covers. The era of patients receiving unexpected invoices well after EMS services have been rendered is over. SB 2476 abolishes balance billing, providing patients with a sense of security, peace of mind and financial stability.
3. **Enhancing Financial Support for EMS Agencies:** This law acknowledges the indispensable role of EMS agencies and guarantees they get the just compensation they are due. By boosting funding, EMS agencies are equipped with the necessary resources to persist in delivering superior services to the community.
4. **Establishing a Comprehensive Database:** SB 2476 requires the Texas Department of Insurance to establish a database by January 1, 2024, of balance billing rates set by political subdivisions. Submission of these rates to TDI will be pivotal in recouping "out of network" and "non-network" emergency medical services provider payments.

5. Standardizing EMS Charges: The Insurance companies will utilize this comprehensive database to determine if the charges meet the standard rates for EMS services. This standardized approach will promote fairness and transparency in the billing process.

In light of escalating costs associated with delivering high-quality standard care, the anticipated revenue loss due to the discontinuation of balance billing, and the Texas Department of Insurance's intent to standardize rates based on current city charges, staff believes it is necessary to revise the EMS fee schedule.

With the passage of SB 2476, we're entering a new era of EMS services that prioritize patient care, fair compensation for agencies, and streamlined billing practices.

FINANCIAL IMPACT

Enhanced funding for EMS and the discontinuation of balance billing for our citizens are our new priorities. If we decide against raising our fees to align with neighboring agencies, we face the potential risk of a decline in EMS funding.

RECOMMENDATION

Staff requests councils' guidance and direction. If council elects to increase rates, staff will bring an Ordinance back to council for approval.

ATTACHMENTS

- SB 2476
- Proposed new fees
- Other Fee Schedules

AN ACT

relating to consumer protections against certain medical and health care billing by emergency medical services providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Insurance Code, is amended by adding Section 38.006 to read as follows:

Sec. 38.006. EMERGENCY MEDICAL SERVICES PROVIDER BALANCE BILLING RATE DATABASE. (a) A political subdivision may submit to the department, in the form and manner prescribed by the commissioner, a rate set, controlled, or regulated by the political subdivision for purposes of Section 1271.159, 1275.054, 1301.166, 1551.231, 1575.174, or 1579.112. The department shall establish and maintain on the department's Internet website a publicly accessible database for the rates.

(b) This section expires September 1, 2025.

SECTION 2. (a) Section 1271.008, Insurance Code, is amended to read as follows:

Sec. 1271.008. BALANCE BILLING PROHIBITION NOTICE. (a) A health maintenance organization shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or provider in connection with a health care service or supply or transport provided by a non-network physician or provider. The notice must include:

(1) a statement of the billing prohibition under Section 1271.155, 1271.157, ~~or~~ 1271.158, or 1271.159, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) A health maintenance organization shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the health maintenance organization makes a payment under Section 1271.155, 1271.157, ~~or~~ 1271.158, or 1271.159, as applicable.

(b) Effective September 1, 2025, Section 1271.008, Insurance Code, is amended to read as follows:

Sec. 1271.008. BALANCE BILLING PROHIBITION NOTICE. (a) A health maintenance organization shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or provider in connection with a health care service or supply provided by a non-network physician or provider. The notice must include:

(1) a statement of the billing prohibition under Section 1271.155, 1271.157, or 1271.158, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) A health maintenance organization shall provide the

explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the health maintenance organization makes a payment under Section 1271.155, 1271.157, or 1271.158, as applicable.

SECTION 3. Subchapter D, Chapter 1271, Insurance Code, is amended by adding Section 1271.159 to read as follows:

Sec. 1271.159. NON-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), a health maintenance organization shall pay for a covered health care service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by a non-network emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) A health maintenance organization shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The health maintenance organization shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the health maintenance organization receives an electronic clean claim as defined by Section 843.336 for those services that includes all information necessary for the health maintenance organization to pay the claim; or

(2) the 45th day after the date the health maintenance organization receives a nonelectronic clean claim as defined by Section 843.336 for those services that includes all information necessary for the health maintenance organization to pay the claim.

(e) A non-network emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health care plan that is based on:

(1) the amount initially determined payable by the health maintenance organization; or

(2) if applicable, a modified amount as determined under the health maintenance organization's internal appeal process.

(f) This section may not be construed to require the imposition of a penalty under Section 843.342.

(g) This section expires September 1, 2025.

SECTION 4. (a) Section 1275.003, Insurance Code, is amended to read as follows:

Sec. 1275.003. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a health benefit plan to which this chapter applies shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an

out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1275.051, 1275.052, ~~[or]~~ 1275.053, or 1275.054, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1275.051, 1275.052, ~~[or]~~ 1275.053, or 1275.054, as applicable.

(b) Effective September 1, 2025, Section 1275.003, Insurance Code, is amended to read as follows:

Sec. 1275.003. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a health benefit plan to which this chapter applies shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1275.051, 1275.052, or 1275.053, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1275.051, 1275.052, or 1275.053, as applicable.

SECTION 5. Subchapter B, Chapter 1275, Insurance Code, is amended by adding Section 1275.054 to read as follows:

Sec. 1275.054. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a health benefit plan to which this chapter applies shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health benefit plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 6. (a) Section 1301.0045(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Sections 1301.0052, 1301.0053, 1301.155, 1301.164, ~~and~~ 1301.165, ~~and 1301.166,~~ this chapter may not be construed to require an exclusive provider benefit plan to compensate a nonpreferred provider for services provided to an insured.

(b) Effective September 1, 2025, Section 1301.0045(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Sections 1301.0052, 1301.0053, 1301.155, 1301.164, and 1301.165, this chapter may not be construed to require an exclusive provider benefit plan to compensate a nonpreferred provider for services provided to an insured.

SECTION 7. (a) Section 1301.010, Insurance Code, is amended to read as follows:

Sec. 1301.010. BALANCE BILLING PROHIBITION NOTICE. (a) An insurer shall provide written notice in accordance with this section in an explanation of benefits provided to the insured and the physician or health care provider in connection with a medical care or health care service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1301.0053, 1301.155, 1301.164, ~~or~~ 1301.165, or 1301.166, as applicable;

(2) the total amount the physician or provider may bill the insured under the insured's preferred provider benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) An insurer shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the insurer makes a payment under Section 1301.0053, 1301.155, 1301.164, ~~or~~ 1301.165, or 1301.166, as applicable.

(b) Effective September 1, 2025, Section 1301.010, Insurance Code, is amended to read as follows:

Sec. 1301.010. BALANCE BILLING PROHIBITION NOTICE. (a) An

insurer shall provide written notice in accordance with this section in an explanation of benefits provided to the insured and the physician or health care provider in connection with a medical care or health care service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable;

(2) the total amount the physician or provider may bill the insured under the insured's preferred provider benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) An insurer shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the insurer makes a payment under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable.

SECTION 8. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.166 to read as follows:

Sec. 1301.166. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), an insurer shall pay for a covered medical care or health care service performed for, or a covered supply or covered transport related to that service provided to, an insured by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) An insurer shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The insurer shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic clean claim as defined by Section 1301.101 for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic clean claim as defined by Section 1301.101 for those services that includes all information necessary for the insurer to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured receiving a medical care or health care service or supply or transport described by Subsection (b) in, and the insured does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's preferred provider benefit plan that is based on:

(1) the amount initially determined payable by the

insurer; or

(2) if applicable, the modified amount as determined under the insurer's internal appeal process.

(f) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(g) This section expires September 1, 2025.

SECTION 9. (a) Section 1551.015, Insurance Code, is amended to read as follows:

Sec. 1551.015. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group benefits program shall provide written notice in accordance with this section in an explanation of benefits provided to the participant and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1551.228, 1551.229, ~~[or]~~ 1551.230, or 1551.231, as applicable;

(2) the total amount the physician or provider may bill the participant under the participant's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1551.228, 1551.229, ~~[or]~~ 1551.230, or 1551.231, as applicable.

(b) Effective September 1, 2025, Section 1551.015, Insurance Code, is amended to read as follows:

Sec. 1551.015. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group benefits program shall provide written notice in accordance with this section in an explanation of benefits provided to the participant and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1551.228, 1551.229, or 1551.230, as applicable;

(2) the total amount the physician or provider may bill the participant under the participant's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1551.228, 1551.229, or 1551.230, as applicable.

SECTION 10. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.231 to read as follows:

Sec. 1551.231. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under the group benefits program shall pay for a covered health care or medical service performed

for, or a covered supply or covered transport related to that service provided to, a participant by an out-of-network provider who is an emergency medical services provider at:

.(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

.(A) the service originated; or

.(B) the transport originated if transport is provided; or

.(2) if the political subdivision has not submitted the rate to the department, the lesser of:

.(A) the provider's billed charge; or

.(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

.(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

.(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

.(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

.(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

.(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill a participant receiving a health care or medical service or supply or transport described by Subsection (b) in, and the participant does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the participant's managed care plan that is based on:

.(1) the amount initially determined payable by the administrator; or

.(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

.(f) This section expires September 1, 2025.

SECTION 11. (a) Section 1575.009, Insurance Code, is amended to read as follows:

Sec. 1575.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group program shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1575.171, 1575.172, ~~[or]~~ 1575.173, or 1575.174, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1575.171, 1575.172, ~~[or]~~ 1575.173, or 1575.174, as applicable.

(b) Effective September 1, 2025, Section 1575.009,

Insurance Code, is amended to read as follows:

Sec. 1575.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group program shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

- (1) a statement of the billing prohibition under Section 1575.171, 1575.172, or 1575.173, as applicable;
- (2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and
- (3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1575.171, 1575.172, or 1575.173, as applicable.

SECTION 12. Subchapter D, Chapter 1575, Insurance Code, is amended by adding Section 1575.174 to read as follows:

Sec. 1575.174. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under the group program shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment.

coinsurance, and deductible under the enrollee's managed care plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 13. (a) Section 1579.009, Insurance Code, is amended to read as follows:

Sec. 1579.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under this chapter shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1579.109, 1579.110, ~~[or]~~ 1579.111, or 1579.112, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1579.109, 1579.110, ~~[or]~~ 1579.111, or 1579.112, as applicable.

(b) Effective September 1, 2025, Section 1579.009, Insurance Code, is amended to read as follows:

Sec. 1579.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under this chapter shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1579.109, 1579.110, or 1579.111, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1579.109, 1579.110, or 1579.111, as applicable.

SECTION 14. Subchapter C, Chapter 1579, Insurance Code, is amended by adding Section 1579.112 to read as follows:

Sec. 1579.112. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under this chapter shall pay for a

covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

.(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

.(A) the service originated; or

.(B) the transport originated if transport is provided; or

.(2) if the political subdivision has not submitted the rate to the department, the lesser of:

.(A) the provider's billed charge; or

.(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

.(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

.(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

.(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

.(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

.(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that is based on:

.(1) the amount initially determined payable by the administrator; or

.(2) if applicable, a modified amount as determined under the administrator's internal appeal process.

.(f) This section expires September 1, 2025.

SECTION 15. The changes in law made by this Act apply only to emergency medical services provided on or after January 1, 2024. Emergency medical services provided before January 1, 2024, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 16. The Texas Department of Insurance is not required to establish the database described by Section 38.006, Insurance Code, as added by this Act, before January 1, 2024.

SECTION 17. Except as otherwise provided by this Act, this Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2476 passed the Senate on May 2, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2476 passed the House, with amendment, on May 19, 2023, by the following vote: Yeas 139, Nays 4, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Proposed Emergency Medical Services (EMS) charges:

	Current	New
ALS-2	\$900.00	\$1,800.00
ALS-1 / ALS-E	\$855.00	\$1,700.00
ALS-None		\$1,700.00
BLS-Emergency / BLS-E	\$787.00	\$1,400.00
BLS-Non		\$1,400.00
ALS DISP		\$400.00
BLS DISP		\$200.00
O2 (Oxygen)		\$119.00
ALS/BLS mileage charge (per mile)	\$15.00 per mile	\$23.00 per mile
EMS Service no transport (AMA)	\$ 175.00 Plus cost of supplies	\$175.00

The proposed rates are the same as Burleson Fire Department since we provide mutual aid to them it would put all our fees in line with each other, and these rates also put us line with all the other services in this area. Having our rates in line with the other surrounding agencies benefits us when the Department of Insurance is comparing what are the fair and standard rates.

Comparison of Other Cities

	CROWLEY	RENDON	BURLESON	KEENE	EVERMAN	CLEBURNE	MIDLOTHIAN	KENNEDALE
ALS-2	\$900.00	\$1800.00	\$1800.00	\$1800.00	\$1700.50	\$1950.00	\$1600.00	\$1700.50
ALS-E	\$855.00	\$1600.00	\$1700.00	\$1600.00	\$1476.00	\$1500.00	\$1500.00	\$1397.50
ALS-NON	\$855.00	\$1600.00	\$1700.00	N/A	\$1476.57	\$1000.00	\$1400.00	\$1301.00
BLS-E	\$787.00	\$1400.00	\$1400.00	\$1400.00	\$1301.00	\$1100.00	\$1400.00	\$1301.00
BLS-NON	\$787.00	\$1400.00	\$1400.00	N/A	\$1100.97	\$850.00	\$1300.0	\$881.00
ALS DISP	\$450.00	\$400.00	\$400.00	\$400.00	\$400.00	\$175.00	\$400.00	\$310.50
BLS DISP	\$350.00	\$350.00	\$200.00	\$350.00	\$200.00	\$75.00	\$200.00	\$52.50
O2	\$125.00	\$150.00	\$119.00	\$150.00	\$119.00	\$50.00	\$119.00	\$119.00
MILEAGE	\$15.00	\$24.00	\$23.00	\$24.00	\$24.00	\$25.00	\$24.00	\$23.00
TNT	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	N/A	\$150.00	\$175.00



Crowley City Council

AGENDA REPORT

Meeting Date: August 3, 2023

Agenda Item: V-1

Staff Contact: Carol C. Konhauser
City Secretary

E-mail: ckonhauser@ci.crowley.tx.us

Phone: 817-297-2201-X 4000

SUBJECT: Discuss and consider approving the minutes from the regular meeting held July 20, 2023.

BACKGROUND/DISCUSSION

Consider approval of minutes as presented.

FINANCIAL IMPACT

None

RECOMMENDATION

Staff recommends approval of the minutes as presented; council consideration is respectfully requested.

ATTACHMENTS

- Minutes

MINUTES OF THE CITY COUNCIL WORK SESSION HELD JULY 20, 2023. The City Council of the City of Crowley, Texas met in Work Session on Thursday, July 20, 2023, at 6:30 pm in the City Council Chambers, 201 East Main Street, Crowley City Hall, Crowley, Texas.

Present were Mayor Billy P. Davis
Mayor Pro-Tem Johnny Shotwell, City Council Place 1
Council Member Jerry Beck, City Council Place 2
Council Member Jesse Johnson, City Council Place 3
Council Member Jim Hirth, City Council Place 4
Vacant, City Council Place 5

City staff included: City Manager Robert Loftin
Deputy City Mngr/Finance Director, Lori Watson
Asst City Mngr/EDC Director, Jack Thompson
City Attorney, Rob Allibon
City Secretary, Carol Konhauser
Fire Chief, Pleasant Brooks
Police Chief, Kit Long
Public Works Director, Mike Rocamontes
Director of Projects & Utilities, Matt Elgin
Planning and Comm Dev Director, Rachel Roberts
Community Services Director, Cristina Winner
HR Administrator, Lisa Hansen

Absent: Council Member Scott Gilbreath, City Council Place 6

CALL TO ORDER/ ROLL CALL

Mayor Billy Davis called the Work Session to order at 6:43 p.m. City Secretary Carol Konhauser called roll and noted a quorum was present.

DISCUSSION OF NON-ACTION ITEMS

1. Discuss need to increase water demand from the City of Fort Worth and the need for a third entry point.

Utilities Director Matt Elgin approached council to discuss the need to plan for additional water demand as the City continues to grow at such a rapid pace. He explained that Crowley, Burleson and Bethesda Water District have been discussing the need to increase water supply and expand the current system provided for by the City of Fort Worth. The City of FW authorized their water department the ability to discuss and execute an amendment for the expansion of the system which would provide the additional supply of water needed to Crowley, Burleson, and Bethesda. Staff discussed the funding issue with finance who recommended the preliminary engineering services could be taken from the 2016 CO Bond. The City would be responsible for participating in the construction costs necessary to provide this third entry point and additional water supply. The total project is estimated to cost about \$57 million with and Crowley's participation would be roughly \$13.9 million, but those costs are just preliminary estimates. Staff is requesting council's guidance; if council agrees that that staff should continue negotiations on this expansion project, we will bring back an engineering services contract for your review and approval.

Council agreed to they would like the Utilities Department to continue discussion with the City of Fort Worth.

ADJOURNMENT

Due to the substantial number of agenda items and limited amount of time left, the Mayor announced there would be no need to discuss the rest of the items on the agenda, and the work session was adjourned at 6:50 p.m.

MINUTES OF THE CITY COUNCIL REGULAR SESSION HELD JULY 20, 2023. The City Council of the City of Crowley, Texas met in Regular Session on Thursday, July 20, 2023, at 7:00 pm in the City Council Chambers, 201 East Main Street, Crowley City Hall, Crowley, Texas.

Present were Mayor Billy P. Davis
Mayor Pro-Tem Johnny Shotwell, City Council Place 1
Council Member Jerry Beck, City Council Place 2
Council Member Jesse Johnson, City Council Place 3
Council Member Jim Hirth, City Council Place 4
Vacant, City Council Place 5

City staff included: City Manager Robert Loftin
Deputy City Mngr/Finance Director, Lori Watson
Asst City Mngr/EDC Director, Jack Thompson
City Attorney, Rob Allibon
City Secretary, Carol Konhauser
Fire Chief, Pleasant Brooks
Police Chief, Kit Long
Public Works Director, Mike Rocamontes
Director of Projects & Utilities, Matt Elgin
Planning and Comm Dev Director, Rachel Roberts
Community Services Director, Cristina Winner
HR Administrator, Lisa Hansen

Absent: Council Member Scott Gilbreath, City Council Place 6

CALL TO ORDER/ ROLL CALL

Mayor Billy Davis called the Regular Session to order at 7:00 p.m. City Secretary Carol Konhauser called roll and noted a quorum was present.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Council Member Jesse Johnson followed by the Pledge of Allegiance to the American and Texas Flags.

PRESENTATIONS/PROCLAMATIONS

1. None

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Discuss and consider approving the minutes from the regular meeting held June 15, 2023.

Council Member Jim Hirth made the motion to approve the Consent Agenda item(s), second by Council Member Jerry Beck; council voted unanimously to approve the motion as presented. Motion carried 5-0.

PUBLIC HEARING

1. Hold a public hearing to discuss and consider approval of Ordinance # 07-2023-491, approving a zoning change from “R-3” Single Family Residential district to “R-2” Single Family Residential district for property located at 405 Bryan Dr, legal description of Quail Creek Addition-Crowley Block 16 Lot 3. Case # ZR-2023-001

Mayor Davis opened the Public Hearing at 7:05 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:06 p.m.

Council Member Jim Hirth made the motion to approve Ordinance 07-2023-491; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

2. **Hold a public hearing to discuss and consider Ordinance No. 07-2023-492 approving a zoning change from “R-2” Single Family Residential district to “R-3” Single Family Residential district for property located at 109 Midway Dr, legal description of Sylvester S Reynolds Survey Abstract 1316 Tract 3G. Case # ZR-2023-002**

Mayor Davis opened the Public Hearing at 7:06 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:07 p.m.

Council Member Jesse Johnson made the motion to approve Ordinance 07-2023-492; second by Council Member, Jim Hirth council voted unanimously to approve the motion as presented. Motion carried 5-0.

3. **Hold a public hearing to discuss and consider Ordinance No. 07-2023-493 approving a zoning change to “DT-G” Downtown General district for property located at 201 & 209 N Beverly, legal description of Sylvester S Reynolds Survey Abstract 1316 Tracts 10 & 10D (First Presbyterian Church). Case # ZR-2023-003**

Mayor Davis opened the Public Hearing at 7:07 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:07 p.m.

Council Member Jim Hirth made the motion to approve Ordinance 07-2023-493; second by Council Member Jesse Johnson, council voted unanimously to approve the motion as presented. Motion carried 5-0.

4. **Hold a public hearing to discuss and consider Ordinance No. 07-2023-494 approving a zoning change to “MR” Mixed Residential district for property located at 301 N Beverly, legal description of Sylvester S Reynolds Survey Abstract 1316 Tract 1A. Case # ZR-2023-004.**

Mayor Davis opened the Public Hearing at 7:08 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:08 p.m.

Council Member Jerry Beck made the motion to approve Ordinance 07-2023-494; second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

5. **Hold a public hearing to discuss and consider Ordinance No. 07-2023-495 approving a zoning change to “R-3” Single Family Residential district for property located at 2001 E Main St, Crowley, legal description of First Church of the Nazarene Block 1 Lot 1 (First Church of the Nazarene property). Case # ZR-2023-005**

Mayor Davis opened the Public Hearing at 7:09 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:09 p.m.

Council Member Jim Hirth made the motion to approve Ordinance 07-2023-495; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

6. **Hold a public hearing to discuss and consider Ordinance No. 07-2023-496 approving a zoning change to “GC” General Commercial district for property located at 860 W Rendon Crowley Rd, legal description of John Steele Survey Abstract 1381 Tract 2C02. Case # ZR-2023-006**

Mayor Davis opened the Public Hearing at 7:09 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:10 p.m.

Council Member Jim Hirth made the motion to approve Ordinance 07-2023-496; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 7. Hold a public hearing to discuss and consider Ordinance No. 07-2023-497 approving a zoning change from “R-2” Single Family Residential district to “GC” General Commercial district for property located at 720 S Hampton Rd, legal description of A B Fryear Survey Abstract 535 Tract 1E. Case # ZR-2023-007**

Mayor Davis opened the Public Hearing at 7:10 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:10 p.m.

Council Member Jesse Johnson made the motion to approve Ordinance 07-2023-497; second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 8. Hold a public hearing to discuss and consider Ordinance No. 07-2023-498 approving a zoning change from “GC” General Commercial district and “PD” Planned Development District to “GC” General Commercial district for a portion of the property located at the northeast corner of FM 1187 and Bus. FM 1187 (McCart), legal description of Mathew H Toler Survey Abstract 1547 Tract 1E1. Case # ZR-2023-008**

Mayor Davis opened the Public Hearing at 7:11 p.m. and asked if there was anyone wishing to speak. As there were no speakers, the Mayor closed the public hearing at 7:11 p.m.

Council Member Jerry Beck made the motion to approve Ordinance 07-2023-498; second by Council Member Jesse Johnson, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 9. Hold a public hearing to discuss and consider approval of Ordinance 07-2023-499 amending the planned development district amendment for Canoe Way planned development district, as requested by W Land Development, on an approximately 30.071 acre tract located at 970 S Hampton and 961, 1000, 1003, and 1011 W FM 1187, being two tracts of land located in the D. A. Kerr Survey Abstract 911 and the T. W. Toler Survey Abstract 1541, being those tracts described in a deed to Transcontinental Realty Investors, Inc., recorded in County Clerk's Filing Number D206224373, County Records, Tarrant County, Texas. ZCA-2023-004. None.**

Mayor Davis opened the Public Hearing at 7:11 p.m. and asked if there was anyone wishing to speak.

Community Development Director Rachel Roberts explained that the PD regulations require a minimum sq ft of 1,200 sq ft which is supposed to be on the 2nd and 3rd floors. This was intended for multifamily housing. In this development, which are townhomes, there will be floor plans that will include living space on the first floor and the developer is requesting to amend the PD to account for this. The townhomes will still have 1,200 sq ft of minimum living space.

As there were no other speakers, the Mayor closed the public hearing at 7:15 p.m.

Council Member Jim Hirth made the motion to approve Ordinance 07-2023-499; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

CITY BUSINESS

- 1. Discuss and consider approving Resolution R07-2023-388, a resolution approving a variance for an Alcoholic Beverage Permit Application submitted by Muzze & Co, for the business located at 122 S Tarrant St, known as Bread and Butter and; authorizing the City Secretary to certify the TABC permit application.**

Council Member Jim Hirth made the motion to approve Resolution R07-2023-388, second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

2. **Discuss and consider approving Ordinance 10-2022-474, granting to ATMOS Energy Corporation, its successors and assigns, a franchise to construct maintain, and operate pipelines and equipment in the City of Crowley, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing for an effective date, a term of said Franchise; and providing for the repeal of all previous Franchise Ordinances.**

Council Member Jim Hirth made the motion to approve Ordinance 10-2022-474; second by Council Member Johnny Shotwell, council voted unanimously to approve the motion as presented. Motion carried 5-0.

3. **Discuss and consider approval of Resolution R07-2023-391, amending the gas well permit for a pad site located at FM 1187 and Canoe Way and operated by Total, to change the driveway location from FM 1187 to Canoe Way.**

Council Member Jim Hirth made the motion to approve Resolution R07-2023-391; second by Council Member Johnny Shotwell, council voted unanimously to approve the motion as presented. Motion carried 5-0.

4. **Discuss and consider approving Ordinance 07-2023-490, amending Chapter 18 "Businesses", repealing Article V. "Door-to-Door Selling", and the provisions in Division 1 "Generally" and Division 2 "License" by replacing with a new Article V. Solicitation, Canvassing, and Handbill Distribution" in its entirety and establishing an effective date.**

Council Member Jesse Johnson made the motion to approve Ordinance 07-2023-490; second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

5. **Discuss and consider approval of the Developer Agreement for Hunter's Ridge Phase2 with Bloomfield Homes.**

Council Member Jim Hirth made the motion to approve the Developer's Agreement for Hunter's Ridge Phase 2 with Bloomfield Homes, second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

6. **Discuss and consider adoption of Ordinance 07-2023-488 an ordinance of the City Council of the City of Crowley, Texas, Ordering a Special Election to fill a vacancy to be held on September 23, 2023 for the purpose of electing a council member to Place 5 for the unexpired term ending May 2026; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for an early voting ballot board; providing for the posting and publication of notice; and providing an effective date and authorize the Mayor to execute the Notice of Election.**

Council Member Jesse Johnson made the motion to approve Ordinance 07-2023-488; second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

7. **Discuss and approve the first reading of Resolution R07-2023-390, a resolution of the City Council of the City of Crowley, Texas authorizing the Crowley Economic Development**

Corporation's to expend funds for Project No 2023-10, Purchase of Main Street Property, to promote, develop and expand business development; providing for two separate readings in compliance with Section 505.158, Texas Local Government Code; and providing an effective date.

Council Member Jesse Johnson made the motion to approve the first reading of Resolution R07-2023-390, second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 8. Discuss and consider approving an amendment to the City of Fort Worth Interlocal Agreement for participation in the Environmental Collection Center Household Hazardous Waste Program for a rate increase per household visit; and consider adoption of Ordinance 07-2023-489, an Ordinance of the City Council of the City of Crowley, Texas, amending Appendix A, Schedule of Rates, Fees, and Charges of the Code of Ordinances by adding a new section (19.1) Household Hazardous Waste Voucher; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing for publication; and providing an effective date.**

Council Member Jim Hirth made the motion to approve an amendment to the City of Fort Worth Interlocal Agreement for participation in the Environmental Collection Center Household Hazardous Waste Program, second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 9. Discuss and consider adoption of Resolution R07-2023-389, a resolution of the City of Crowley, Texas, finding that Oncor Electric Delivery Company LLC's application to amend its distribution cost recovery factor and update generation riders to increase distribution rates within the city should be denied; authorizing participation with the Steering Committee of Cities served by ONCOR; authorizing hiring of legal counsel; and finding that the city's reasonable rate case expenses shall be reimbursed by the company.**

Council Member Jesse Johnson made the motion to approve Resolution R07-2023-389; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 10. Discuss and consider Budget Amendment #3 for FY 2022-2023 Crime Control and Prevention District, and consider and approve the purchase of equipment and materials in the amount of \$282,786.00.**

Council Member Jim Hirth made the motion to approve Amendment #3 for FY 2022-23 Crime Control and Prevention District and to approve the purchase of equipment and materials in the amount of \$282,786.00, second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

- 11. Discuss and consider approving FY 2022-2023 Economic Development Corporation Budget Amendment #1 for purchase of equipment and materials in the amount of \$210,800.00; and Budget Amendment #2 for the property purchase of Project 2023-10 for \$1,030,000.00; and Budget Amendment #3 for economic incentive in the amount of \$60,000.00.**

Council Member Jesse Johnson made the motion to approve the FY 2022-23 EDC Budget Amendment #1 in the amount of \$210,800.00, Amendment #2 in the amount of \$1,030,000.00, and Amendment #3 in the amount of \$60,000.00, second by Council Member Jim Hirth, council voted unanimously to approve the motion as presented. Motion carried 5-0.

12. Discuss and consider approving an agreement with Magee Architects to carry out a design study and provide deliverables for the remodel of the old Fire Station #1 into additional office space.

Council Member Jim Hirth made the motion to approve the agreement with Magee Architects for the design study services and provide deliverables for the remodel of the old Fire Station; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

13. Discuss and consider approval of Resolution R07-2023-392, authorizing the city manager to sign a release of easement for a 13,509 square foot access easement abutting Archbury Rd on a tract of land situated within the J. Steele Survey, Abstract Number 1381, City of Crowley, Tarrant County, Texas, located and recorded in instrument number D216180828, Deed Records, Tarrant County.

Council Member Jim Hirth made the motion to approve Resolution R07-2023-392; second by Council Member Jerry Beck, council voted unanimously to approve the motion as presented. Motion carried 5-0.

ADVISORY BOARDS AND COMMISSIONS

Reports/appointments or reappointments.

1. Reports:
None
2. Appointments/Reappointments:
None.

PUBLIC COMMENT

Mayor Davis asked if there were any citizens or visitors wishing to speak.

Mr David Burnett from the Masonic Lodge came forward and donated funds raised to support the public safety department. He thanked both the Fire Department and Police Departments for all that they do.

ITEMS OF COMMUNITY INTEREST

Mayor Davis then asked if there were any community interest items.

As there was no further business, Mayor Billy Davis adjourned the meeting at 8:01 p.m.

ATTEST:

Billy Davis, Mayor

Carol C. Konhauser, City Secretary



Crowley City Council

AGENDA REPORT

Meeting Date: August 3, 2023

Agenda Item: V-2

Staff Contact: Robert Loftin
City Manager

E-mail: rloftin@ci.crowley.tx.us

Phone: 817-297-2201 ext 5290

SUBJECT: Discuss and consider approval of Resolution No. R08-2023-393 designating the ACM/Finance Director as the officer/employee responsible for complying with Section 26.04 of the Texas Tax Code for the city and providing an effective date.

BACKGROUND/DISCUSSION

Texas Tax Code §26.04 requires the governing body to formally designate an officer or employee to perform certain functions for the purpose of the tax rate adoption process. In previous years, the ACM/Finance Director Lori Watson has prepared the tax rate worksheets and information.

FINANCIAL IMPACT

None

RECOMMENDATION

Staff recommends adopting Resolution No. R08-2023-393

ATTACHMENTS

Resolution No. R08-2023-393

RESOLUTION NO. R08-2023-393

**A RESOLUTION OF THE CITY COUNCIL OF CROWLEY, TEXAS,
DESIGNATING THE OFFICER OR EMPLOYEE RESPONSIBLE FOR
COMPLYING WITH SECTION 26.04 OF THE TEXAS TAX CODE FOR
THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Crowley is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 26.04 of the Texas Tax Code requires an officer or employee designated by the governing body to perform certain functions for purpose of the tax rate adoption process.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF CROWLEY, TEXAS:**

SECTION 1.

That, in accordance with Section 26.04 of the Texas Tax Code, the City Council hereby designates the City Finance Director as the officer responsible for complying with Section 26.04.

SECTION 2.

That this resolution shall be effective immediately from and after its passage.

PASSED AND APPROVED at a regular meeting of the City Council of Crowley, Texas, on this the 3th day of August, 2023.

Billy P. Davis, Mayor

ATTEST:

Carol C. Konhauser, City Secretary



Crowley City Council

AGENDA REPORT

Meeting Date: August 3, 2023

Agenda Item: VII-1

Staff Contact: Carol C. Konhauser
City Secretary

E-mail: ckonhauser@ci.crowley.tx.us

Phone: 817-297-2201-X 4000

SUBJECT: Discuss and approve the second reading of Resolution R07-2023-390, a resolution of the City Council of the City of Crowley, Texas authorizing the Crowley Economic Development Corporation's to expend funds for Project No 2023-10, Purchase of Main Street Property, to promote, develop and expand business development; providing for two separate readings in compliance with Section 505.158, Texas Local Government Code; and providing an effective date.

BACKGROUND/DISCUSSION

Before the EDC can spend funds in excess of \$10,000, the governing body must have two readings of a resolution authorizing the project. The first reading of Resolution R07-2023-390 was conducted at the July 20, 2023 Regular City Council Meeting.

The EDC established Project 2023-10 to purchase property located at 326 E Main Steet and held a public hearing on June 15, 2023 in accordance with Texas Local Government Code Section 505.159. Notice was published in the Fort Worth Star Telegram on June 1, 2023, to allow for any citizen of the city to submit a petition requesting an election to vote on the project. Therefore, funds may not be expended until after July 31, 2023.

FINANCIAL IMPACT

None

RECOMMENDATION

Staff recommends approving the 2nd reading of Resolution R07-2023-390 authorizing expenditures on EDC project 2023-10.

ATTACHMENTS

- Resolution R07-2023-390

RESOLUTION NO. R07-2023-390

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CROWLEY, TEXAS AUTHORIZING THE CROWLEY ECONOMIC DEVELOPMENT CORPORATION TO EXPEND FUNDS FOR PROJECT NO 2023-10, PURCHASE OF MAIN STREET PROPERTY, TO PROMOTE, DEVELOP AND EXPAND BUSINESS DEVELOPMENT IN CROWLEY; PROVIDING FOR TWO SEPARATE READINGS IN COMPLIANCE WITH SECTION 505.158, TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Crowley Economic Development Corporation (CEDC) is a Type B Economic Development Corporation; and

WHEREAS, Section 505.158, Texas Local Government Code, provides that a Type B corporation in a city with a population of 20,000 or less may make an expenditure to promote new or expanded business development, provided that if such project requires an expenditure of more than \$10,000, the City Council must adopt a resolution authorizing the project after giving the Resolution at least two separate readings; and

WHEREAS, the CEDC Board has held a public hearing, and found that the proposed expenditure for the Purchase of property located at 326 E Main Street (the “Project”), will promote new or expanded business development in the City of Crowley; and

WHEREAS, the CEDC has found and determined that the Project will promote new or expanded business enterprises in the City of Crowley; and

WHEREAS, the City Council considered this Resolution on first reading on July 20, 2023 and on second reading on August 3, 2023; and

WHEREAS, the City Council desires to authorize the proposed expenditure by the CEDC as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROWLEY, TEXAS:

SECTION 1.

The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.

SECTION 2.

The City Council hereby authorizes the Project and authorizes the CEDC's expenditure for the Purchase of Property located at 326 E Main Street Project, to promote, develop and expand business development in Crowley, as requested.

SECTION 3.

This Resolution is read and adopted at meetings that were open to the public and notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 4.

This Resolution shall take effect after its second reading and adoption.

READ AND APPROVED ON FIRST READING this _____ day of _____, 2023.

READ AND ADOPTED ON SECOND READING this _____ day of _____, 2023.

CITY OF CROWLEY, TEXAS

Billy P. Davis, Mayor

ATTEST:

Carol Konhauser, City Secretary



Crowley City Council

AGENDA REPORT

Meeting Date: August 3, 2023

Agenda Item: VII-2

Staff

Contact:

E-mail:

Phone:

Carol C. Konhauser

City Secretary

ckonhauser@ci.crowley.tx.us

817-297-2201-X 4000

SUBJECT: Discuss and elect a Mayor Pro-Tempore pursuant to the City of Crowley Home Rule Charter, Section 3.03.

BACKGROUND/DISCUSSION

Pursuant to the City of Crowley Home Rule Charter, following the General Election date, Council had elected Jimmy McDonald to serve as Mayor Pro Tempore at the May 18, 2023 meeting. On June 16, 2023, Council Member Jimmy McDonald submitted his resignation because he was relocating outside the city limits and would no longer be qualified to serve. In accordance with Section 3.03 of the City Charter, Council shall elect another member to fill the remainder of the term ending May 2024, who shall act as Mayor during the absence or disability of the Mayor or during a time that the office is vacated.

May 2023-May 2024 Jimmy McDonald
May 2022-May 2023 Johnny Shotwell
May 2021-May 2022 Jesse Johnson
Jan 2021- May 2021 Carl Weber
May 2019-Jan 2021 Jerry Beck
May 2018-May 2019 Johnny Shotwell

Date Sworn-in

May 6, 2021 - Jim Hirth

May 20, 2021 - Scott Gilbreath

FINANCIAL IMPACT

None

RECOMMENDATION

Council action is required by nomination and voting for a Mayor Pro Tempore.

ATTACHMENTS

- None



Crowley City Council

AGENDA REPORT

Meeting Date: August 3, 2023

Agenda Item: VII-3

Staff Contact: Lori Watson
ACM/Finance Director

E-mail: lwatson@ci.crowley.tx.us

Phone: 817-297-2201 ext 4900

SUBJECT: Discuss tax rate calculations, and establish the proposed tax rate (take a record vote).

BACKGROUND/DISCUSSION

By August 7th or as soon thereafter as practicable, the designated officer or employee of a city must post notice on the city's website, in the form prescribed by the comptroller, the following: (1) the no-new-revenue tax rate and the voter-approval tax rate, along with an explanation of how they were calculated; (2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligations; and (3) a schedule of the city's debt obligations. Texas Tax Code §26.04(e).

FINANCIAL IMPACT

The rates for the upcoming year will be distributed at the meeting.

RECOMMENDATION

Staff recommendations will be presented at the meeting.

ATTACHMENTS

None