



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Agenda City Council

Monday, February 10, 2014

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

1. **5:00 P.M. - CALL MEETING TO ORDER**
2. **WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM**

Bond Presentation

3. **RECESS INTO EXECUTIVE SESSION**

Pursuant to Section 551.071, 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.

- A. **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

Seek Advice of City Attorney Regarding Legal Issues Related to Gas Well Regulations

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding City of Mansfield vs. Martinez Family Limited - Cause No. 2013-007537-1

Seek Advice of the City Attorney Regarding Legal Issues Related to Past or Future Development Agreements with South Pointe (Addendum to Agenda)

- B. **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**

- C. **Personnel Matters Pursuant to Section 551.074**

Board Appointments; Mansfield Economic Development Corporation

- D. **Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087**

Project #13-20 - Entertainment Business Prospect

4. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**
5. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**
6. **INVOCATION**
7. **PLEDGE OF ALLEGIANCE**
8. **TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

9. **CITIZEN COMMENTS**

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from "personal criticisms."

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow "Appearance Card" located at the entry to the City Council Chamber and present it to the City Secretary.

10. **COUNCIL ANNOUNCEMENTS**

11. **STAFF COMMENTS**

In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.

A. **City Manager Report or Authorized Representative**

Current/Future Agenda Items

America Water Works Association's Public Communications Achievement Award - Mansfield Water Utility - Joe Smolinski

12. **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

13. **CONSENT AGENDA**

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Manager to

implement each item in accordance with staff's recommendation.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[14-0809](#) Resolution - Authorization of a Change Order and Providing Additional Funds for the Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection with XIT Paving and Construction, Inc. in the amount of \$23,572.52 (Street Bond Fund)

Sponsors: Steve Freeman

Attachments: [Resolution](#)

[14-0807](#) Minutes - Approval of the January 23, 2014 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [1-23-14 DRAFT Meeting Minutes](#)

[14-0808](#) Minutes - Approval of the January 27, 2014 Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [1-27-14 DRAFT Meeting Minutes](#)

[14-0812](#) Minutes - Approval of the January 28, 2014 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [1-28-14 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

14. PUBLIC HEARING CONTINUATION AND SECOND READING

[14-0794](#) Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Sponsors: Andy Binz

Attachments: [Senate Bill 212](#)

[Ordinance](#)

[Exhibit "A" Standards of Care](#)

15. ADJOURN

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin board next to the main entrance of the City Hall, 1200 East Broad Street, of the City of Mansfield, Texas, in a place convenient and readily accessible to the general public at all times and said Agenda was posted on the following date and time: Friday, February 7, 2014 by 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Vicki Collins, City Secretary

Approved as to form:

Craig Magnuson, Attorney, City of Mansfield

1. This building is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. To make arrangements, call (817) 473-0211 or (TDD) 1-800-RELAY TX, 1-800-735-2989.

2. In deciding a zoning change application, the Planning and Zoning required to determine the highest and best use of the property in question. The Planning and Zoning Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every district up to the intensity set forth in the zoning change application.

This public notice was removed from the official posting location at the Mansfield City Hall on the following date and time:

By: _____
City Secretary's Office



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 14-0809

Agenda Date: 2/10/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - Authorization of a Change Order and Providing Additional Funds for the Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection with XIT Paving and Construction, Inc. in the amount of \$23,572.52 (Street Bond Fund)

Requested Action

Approval of the change order to the contract with XIT Paving and Construction, Inc.

Recommendation

The Engineering Staff recommends the approval of the change order to the contract with XIT Paving and Construction, Inc.

Description/History

The project was awarded by Resolution 2926-13 to XIT Paving and Construction, Inc., for an amount not to exceed \$361,349.15. The change order represents 6.52% in addition to the resolution.

The contract award amount was exceeded due to additional work beyond the scope of the contract. Prior to construction, during the bidding process, it was decided some additional street panel repairs were needed near the project. Normally this is handled by the street department but since this project was already set up for traffic control and lane closures, it was more feasible to allow the contractor make the street repairs.

Justification

The additional work was beyond the scope of the contract.

The Public Works Director will be in attendance at the meeting to answer Council's questions regarding the proposed change order. A Resolution is attached for Council's consideration.

Prepared By

Gus Chavarria, Project Manager, Engineering Department
817-276-4235

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A CHANGE
ORDER AND PROVIDING ADDITIONAL FUNDS
FOR THE PAVING AND TRAFFIC SIGNAL
IMPROVEMENTS FOR BROAD STREET AND
MILLER ROAD INTERSECTION WITH XIT
PAVING AND CONSTRUCTION, INC.**

WHEREAS, the City of Mansfield has awarded a contract for the Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection with XIT Paving and Construction, Inc. per Resolution No. 2926-13 and,

WHEREAS, it is necessary to add other needed improvements, and,

WHEREAS, the funding for the additional improvements stated herein will be secured from the Street Bond Fund and,

WHEREAS, after careful study of all facts, the City Council of Mansfield recognizes that it is in the best interest of the citizens of the City of Mansfield that the construction of the additional improvements and additional quantities provided herein is justified and be started at the earliest possible date to insure necessary service and delivery.

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

Section 1.

The City Manager is hereby authorized and directed to execute a Change Order with XIT Paving and Construction, Inc. for the Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection for an amount not to exceed Twenty Three Thousand Five Hundred Seventy Two and 52/100 Dollars (\$23,572.52)

PASSED AND APPROVED THIS THE 27th DAY OF JANUARY 2014

Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

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STAFF REPORT

File Number: 14-0807

Agenda Date: 2/10/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 23, 2014 Special City Council Meeting Minutes

Requested Action

Action to be taken by the Council.

Recommendation

Approval of minutes by the Council.

Description/History

The minutes of the January 23, 2014 Special City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, Assistant City Secretary, City Secretary's Office
817-276-4203



CITY OF MANSFIELD

1200 East. Broad St.
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Meeting Minutes - Draft City Council

Thursday, January 23, 2014

6:00 PM

Center for the Performing Arts
1110 W. Debbie Lane
Mansfield, TX 76063

SPECIAL WORK SESSION BETWEEN CITY OF MANSFIELD AND MANSFIELD INDEPENDENT SCHOOL DISTRICT

CALL MEETING TO ORDER

Board President Beth Light called the special work session of the Mansfield ISD to order at 6:00 p.m. Mayor David L. Cook called the special work session of the City Council to order at 6:02 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Brose; Darryl Haynes and Brent Newsom

ROLL CALL

Board President Light announced all MISD board members were present at the joint work session. Mayor Cook announced all City Council members were present at the joint work session.

INVOCATION

Dr. Michael Evans, School Board Trustee, led the Invocation.

PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Terry Moore, School Board Trustee, led the Pledge of Allegiance and Texas Pledge.

DINNER

The City Council, MISD Board and staff gathered informally for dinner prior to the beginning of the joint work session.

JOINT WORK SESSION WITH MANSFIELD INDEPENDENT SCHOOL DISTRICT

State of the City of Mansfield - Clayton W. Chandler

City Manager Clayton W. Chandler made opening comments and gave a PowerPoint presentation on the State of the City of Mansfield.

State of the Mansfield ISD - Dr. Jim Vaszauskas

MISD Superintendent Dr. Vaszauskas made opening comments and gave a PowerPoint presentation on the State of the Mansfield ISD.

Discussion on Opportunities for Future Collaboration Between the City and the District

Discussion was held between the City and District related to keeping the lines of communication open between both entities. It was a consensus that the City and District should continue to conduct these types of meetings in the future.

ADJOURN

Board President Light adjourned the joint work session of the Mansfield ISD at 7:35 p.m. Mayor Cook adjourned the joint work session of the City Council at 7:30 p.m.

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary



CITY OF MANSFIELD

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STAFF REPORT

File Number: 14-0808

Agenda Date: 2/10/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Title

Minutes - Approval of the January 27, 2014 Regular City Council Meeting Minutes

Requested Action

Action to be taken by the Council to approve the minutes.

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the January 27, 2014 Regular City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, Assistant City Secretary, City Secretary's Office
817-276-4203



CITY OF MANSFIELD

1200 East. Broad St.
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Meeting Minutes - Draft City Council

Monday, January 27, 2014

5:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:10 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION

Mayor Cook called the joint work session to order at 5:10 p.m.

Mansfield Park Facilities Development Corporation Vice President Wendi Collini called the joint work session to order at 5:10 p.m.

On Street Bicycle Master Plan

Director of Parks and Community Services Shelly Lanners made opening comments and gave the history of the Bike Lane Study by the Mansfield Park Facilities Development Corporation. She introduced Jeff Whitaker with Kimley Horn and Associates. Mr. Whitaker made a power point presentation and answered Council questions. There was discussion between staff, MPFDC Board and Council. Staff answered questions.

*Mayor Cook adjourned the work session at 6:35 p.m.
Wendi Collini adjourned the work session at 6:35 p.m.*

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:36 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:40 p.m. Mayor Cook adjourned the executive session at 7:17 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

Seek Advice of City Attorney Regarding Pending Litigation/Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Pending Litigation/Sanders vs. City of Mansfield, 'etal

Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

Personnel Matters Pursuant to Section 551.074**Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087****7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

Mayor Cook reconvened into regular business session at 7:22 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Cub Scout Den 8 from Pack 1993 led the Pledge of Allegiance.

TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Cub Scout Den 8 from Pack 1993 led the Texas Pledge.

CITIZEN COMMENTS

Houston Mitchell - 605 St. Eric - Mr. Mitchell spoke in opposition of the Bicycle Lanes. He stated the city streets were already congested enough and bike lanes were not necessary.

Mary Elizabeth Phillips - 6563 Teague Road - Mrs. Phillips spoke in support of the Bicycle Lanes. She spoke about the benefits bike lanes would bring to the city.

John R. Swanson - 2218 Canterbury Drive - Mr. Swanson spoke in support of the Bicycle Lanes. He stated he would like to encourage the Council to continue the discussion about the bike lanes.

Rick Rose - 3801 Autumn Glen Court - Arlington - Mr. Rose spoke in opposition of the Bicycle Lanes.

Yvonne Armour - 822 Yellowstone Drive - Mrs. Armour spoke in support of the Bicycle Lanes. She provided the Council with a copy of a bicycle survey from the Bicycle Transportation Association. She thanked the Council for all the hours they have given and are going to keep giving to discuss bicycle inclusion.

Jack Muhlbeier - 1604 Arborcreek Trail - Mr. Muhlbeier stated he was directly affected by the opening of the new park.

Allison Arseneau - 1606 Arborcreek Trail - Mrs. Arseneau stated for the record that

on May 23, 2013 she contacted Mayor Cook's office and spoke to the City Secretary leaving her contact information. She stated she emailed Mayor Cook with her contact information and to discuss the park and land title issues. Mrs. Arseneau stated she did not receive a call back or an email. She asked that Mayor Cook and the Council to do their best to respond and assist in resolving issues when they are contacted by the public. She questioned Council Member Broseh's conflict of interest disclosures regarding Knightsbridge Estates. Mrs. Arseneau stated she still has a lot of unanswered questions regarding missing and questionable documents.

Kelli Saverling - 1613 Valleywood Trail - Mrs. Saverling spoke in opposition of the bridge that was placed at the Elmer Oliver Nature Park. She stated her neighborhoods privacy, security, peace of mind and home value are now gone with the opening of the bridge. She stated her daughter had to help people get out of their gated neighborhood because they were lost after exiting the trail.

Jolenna Cullum - 522 Mockingbird Drive - Mrs. Cullum spoke in support of the Bicycle Lanes. She stated she started biking 4 years ago and has lived in Mansfield for 10 years.

Mayor Cook recognized the following Non-Speaker:

Eddie Phillips - 6563 Teague Road - Support of Bicycle Inclusion

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman spoke about the opening of the new Nature Park and encouraged citizens go out and enjoy the park.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey spoke about the opening of the new park. He asked for there to be more signs along the trail system to educate the public, more bike racks, dog bag station and a water station toward the back of the property. He spoke about the parking at the park stating overall the opening was a success.

Council Member Burgess congratulated City Secretary Vicki Collins for her recent Texas Municipal Clerk Certification.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler stated there was outstanding coverage from Channel 8 and 11 on the opening of the new park and apologized to the Mansfield News-Mirror for not thanking them for their coverage at the grand opening celebration of the new park. He thanked all of staff involved in the preparation for the opening.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA****14-0795**

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$107,000.00 and Approval of [Contracts to Include](#) Jerry Parche Consulting Engineers for Design Services for the South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements (Street Bond Fund)

A motion was made by Mayor Pro Tem Lindsey to approve the following resolution:

A RESOLUTION AUTHORIZING FUNDING AND APPROVING A CONTRACT WITH JERRY PARCHE CONSULTING ENGINEERS FOR DESIGN SERVICES FOR THE SOUTH WAXAHACHIE STREET AND PRAIRIE VIEW DRIVE PAVING AND WATER LINE IMPROVEMENTS

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2984-14

14-0797

Resolution - A Resolution Supporting the Closure of Main Street for the Annual St. Paddy's Pickle Parade

A motion was made by Mayor Pro Tem Lindsey to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS IN SUPPORT OF CLOSING NORTH MAIN STREET FOR THE ANNUAL ST. PADDY'S PICKLE PARADE

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2985-14

14-0802

Resolution - A Resolution Calling the May 10, 2014 General Election for the City of Mansfield, Council Member, Place 6 and Council Member, Place 7

A motion was made by Mayor Pro Tem Lindsey to approve the following resolution:

A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 10, 2014; DESIGNATING POLLING PLACES, ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2986-14

14-0796

Request for Special Event Permit; Mansfield Pickle Parade and 5K & 10K races

A motion was made by Mayor Pro Tem Lindsey to approve the request for special event permit. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0798

Minutes - Approval of the January 13, 2014 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Lindsey to approve the January 13, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

13-0741

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from SF-12/22 & PR to SF-8.4/18 & SF 9.6/20 on Approximately 67.48 Acres, Generally Located South of Grand Meadow Blvd, East of Winding Glen Lane, and West of Sunset Drive and N. Day Miar Road.; Alluvium Development (ZC#13-011)

Vicki Collins read the caption into the record. The Texas Mortgage Group representative Terrance Jobe made a brief presentation and answered Council questions. Director of Planning Felix Wong answered Council questions.

A motion was made by Mayor Cook to remove the item from the table. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Broseh to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO PD, PLANNED DEVELOPMENT FOR SF-8.4/18 AND SF-9.6/20 SINGLE-FAMILY RESIDENTIAL LOTS, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1898-14

PUBLIC HEARING AND FIRST READING

14-0794

Ordinance - First Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for

the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made brief comments. Mayor Cook opened the public hearing at 8:06 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:06 p.m.

A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

13-0777

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving Amendment of Section 6.2, Permitted Use Table of The Reserve Planned Development District Standards to Allow Drive-In Banking Facilities in the Central Sub-District of The Reserve Planned Development (OA#13-004)

Mayor Cook continued the public hearing at 8:08 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:08 p.m.

A motion was made by Council Member Haynes to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE RESERVE PLANNED DEVELOPMENT DISTRICT STANDARDS TO PERMIT DRIVE-IN BANKING FACILITIES AS A PERMITTED USES IN THE CENTRAL SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

NEW BUSINESS

14-0801

Ordinance - An Ordinance Of The City Of Mansfield, Texas, Authorizing The Issuance And Sale Of City Of Mansfield, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2014A; Levying A Tax In Payment Thereof; Prescribing The Form Of Said Certificates; Approving A Purchase Agreement; Approving The Official Statement; And Enacting Other Provisions Relating To Thereto

Vicki Collins read the caption into the record. Director of Business Services Peter Phillis made brief comments and turned it over to First SouthWest representative Boyd London. Mr. London made brief comments and advised he was available for questions.

A motion was made by Council Member Hoffman to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,255,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING A PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1899-14

14-0788

Ordinance - Second Reading of an Ordinance Vacating and Abandoning a Portion of Hospital Drive in the City of Mansfield, Tarrant County, Texas

City Attorney Allen Taylor made brief comments. Mayor Cook mentioned the third and final reading for this item and 13-0777 is scheduled for January 28, 2014 at 8:00 a.m.

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF HOSPITAL DRIVE IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; RETAINING A PUBLIC UTILITY EASEMENT; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF THIS

RIGHT-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

13-0778

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Stepp /WCJ Investments, LLC. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments.

A motion was made by Mayor Pro Tem Lindsey to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND STEPP /WCJ INVESTMENTS, LLC, AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh and Brent Newsom

Nay: 1 - Darryl Haynes

Abstain: 0

Enactment No: RE-2987-14

14-0804

Resolution - A Resolution Awarding a Contract Regarding the New Tactical Training Facility and the Renovation of the Mansfield Dispatch Office

Director of Development Services Richard Wright made brief comments and answered Council questions. Police Chief Gary Fowler answered Council questions.

A motion was made by Council Member Hoffman to approve the following resolution:

A RESOLUTION AWARDING A CONTRACT REGARDING THE NEW TACTICAL TRAINING FACILITY AND THE RENOVATION OF THE MANSFIELD DISPATCH OFFICE

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2988-14

14-0805

Resolution - A Resolution Awarding a Contract Regarding the New Mansfield Service Center

Richard Wright made brief comments and answered Council questions. Director of Utility Operations Joe Smolinski answered Council questions.

A motion was made by Council Member Broseh to approve the following resolution:

A RESOLUTION AWARDING A CONTRACT REGARDING THE NEW MANSFIELD SERVICE CENTER

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2989-14

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:26 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0812

Agenda Date: 2/10/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 28, 2014 Special City Council Meeting Minutes

Requested Action

Action to be taken by the Council to approve the minutes.

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the January 28, 2014 Special City Council meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, Assistant City Secretary, City Secretary's Office
817-276-4203



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Minutes - Draft City Council

Tuesday, January 28, 2014

8:00 AM

Council Chambers

SPECIAL MEETING

8:00 A.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 8:00 a.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

RECESS INTO EXECUTIVE SESSION

The Council did not recess into executive session.

**Pending or Contemplated Litigation or to Seek the Advice of the City Attorney
Pursuant to Section 551.071**

**Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real
Property Pursuant to Section 551.072**

Personnel Matters Pursuant to Section 551.074

**Deliberation Regarding Negotiations of the Industrial Development Corporation
of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant
to Section 551.087**

RECONVENE INTO REGULAR BUSINESS SESSION

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Burgess led the Pledge of Allegiance.

TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God;
One and Indivisible"

Council Member Hoffman led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

14-0799

Ordinance - Third and Final Reading of an Ordinance Vacating and Abandoning a Portion of Hospital Drive in the City of Mansfield, Tarrant County, Texas

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Haynes to approve the following ordinance:

AN ORDINANCE VACATING AND ABANDONING A PORTION OF HOSPITAL DRIVE IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; RETAINING A PUBLIC UTILITY EASEMENT; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF THIS RIGHT-OF-WAY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1900-14

14-0800

Ordinance - Third and Final Reading on an Ordinance Approving Amendment of Section 6.2, Permitted Use Table of The Reserve Planned Development District Standards to Allow Drive-In Banking Facilities in the Central Sub-District of The Reserve Planned Development (OA#13-004)

Vicki Collins read the caption into the record.

A motion was made by Council Member Haynes to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE RESERVE PLANNED DEVELOPMENT DISTRICT STANDARDS TO PERMIT DRIVE-IN BANKING FACILITIES AS A PERMITTED USES IN THE CENTRAL SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

(Ordinance in its entirety located in the City Secretary's Office)

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1901-14

END OF CONSENT AGENDA

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:02 a.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0794

Agenda Date: 2/10/2014

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Requested Action

Approve Ordinance Adopting the "Standards of Care"

Recommendation

Adopt Ordinance establishing the "Standards of Care" that will allow the Recreation Department to offer a summer day camp program, Monday through Friday, 8 am to 6 pm for youth ages 6-11 years at the Mansfield Activities Center

Description/History

In 1995, during the 74th State Legislation Session, Senate Bill 212 was passed. This Bill exempts certain youth programs from child-care licensing requirements including elementary-age (ages 5-13) recreation programs operated by a municipality.

The governing body of the municipality must annually adopt "Standards of Care" by ordinance after a public hearing. The ordinance shall include staffing ratios, staff qualifications, facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provide that parents be informed that the program is not licensed by the State and the program may not be advertised as a child-care facility.

Justification

The Recreation Department will be able to offer structured and staff-supervised summer day camp activities for youth ages 6-11. This program will consist of indoor and outdoor activities that will help build self-esteem, develop creativity, encourage teamwork and promote good sportsmanship.

Funding Source

N/A

Prepared By

Andrew Binz, Recreation Superintendent, Community Services
andrew.binz@mansfield-tx.gov
817-804-5795

S.B. No. 212

AN ACT

1-1 relating to exempting certain youth programs from child-care
1-2 licensing requirements.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subsection (b), Section 42.041, Human Resources
1-5 Code, is amended to read as follows:

1-6 (b) This section does not apply to:

1-7 (1) a state-operated facility;

1-8 (2) an agency home;

1-9 (3) a facility that is operated in connection with a
1-10 shopping center, business, religious organization, or establishment
1-11 where children are cared for during short periods while parents or
1-12 persons responsible for the children are attending religious
1-13 services, shopping, or engaging in other activities on or near the
1-14 premises, including but not limited to retreats or classes for
1-15 religious instruction;

1-16 (4) a school or class for religious instruction that
1-17 does not last longer than two weeks and is conducted by a religious
1-18 organization during the summer months;

1-19 (5) a youth camp licensed by the Texas Department of
1-20 Health;

1-21 (6) a hospital licensed by the Texas Department of
1-22 Mental Health and Mental Retardation or the Texas Department of
1-23 Health;

1-24 (7) an educational facility accredited by the Central
2-1 Education Agency or the Southern Association of Colleges and
2-2 Schools that operates primarily for educational purposes in grades
2-3 kindergarten and above;

2-4 (8) an educational facility that operates solely for
2-5 educational purposes in grades kindergarten through at least grade
2-6 two, that does not provide custodial care for more than one hour
2-7 during the hours before or after the customary school day, and that
2-8 is a member of an organization that promulgates, publishes, and
2-9 requires compliance with health, safety, fire, and sanitation
2-10 standards equal to standards required by state, municipal, and
2-11 county codes;

2-12 (9) a kindergarten or preschool educational program
2-13 that is operated as part of a public school or a private school
2-14 accredited by the Central Education Agency, that offers educational
2-15 programs through grade six, and that does not provide custodial
2-16 care during the hours before or after the customary school day;

2-17 (10) a family home, whether registered or not;

2-18 (11) an educational facility that is integral to and
2-19 inseparable from its sponsoring religious organization or an
2-20 educational facility both of which do not provide custodial care
2-21 for more than two hours maximum per day, and that offers
2-22 educational programs for children age five and above in one or more
2-23 of the following: kindergarten through at least grade three,
2-24 elementary, or secondary grades; ~~<or>~~

2-25 (12) an agency group home; ~~<or>~~

2-26 (13) ~~<12>~~ an emergency shelter facility providing
2-27 shelter to minor mothers who are the sole support of their natural
3-1 children under Section 35.05, Family Code, unless the facility
3-2 would otherwise require a license as a child-care facility under
3-3 this section;

3-4 (14) an elementary-age (ages 5-13) recreation program
3-5 operated by a municipality provided the governing body of the
3-6 municipality annually adopts standards of care by ordinance after a
3-7 public hearing for such programs, that such standards are provided

3-8 to the parents of each program participant, and that the ordinances
3-9 shall include, at a minimum, staffing ratios, minimum staff
3-10 qualifications, minimum facility, health, and safety standards, and
3-11 mechanisms for monitoring and enforcing the adopted local
3-12 standards; and further provided that parents be informed that the
3-13 program is not licensed by the state and the program may not be
3-14 advertised as a child-care facility; or

3-15 (15) an annual youth camp held in a municipality with
3-16 a population of more than 1.5 million that operates for not more
3-17 than three months and that has been operated for at least 10 years
3-18 by a nonprofit organization that provides care for the homeless.

3-19 SECTION 2. This Act takes effect September 1, 1995.

3-20 SECTION 3. The importance of this legislation and the
3-21 crowded condition of the calendars in both houses create an
3-22 emergency and an imperative public necessity that the
3-23 constitutional rule requiring bills to be read on three several
3-24 days in each house be suspended, and this rule is hereby suspended.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas, (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, a home rule municipality may exercise its police power authority to safeguard the health, comfort and general welfare of its citizens, and may regulate the standards of care for the City's summer youth program; and

WHEREAS, Section 42.041 (b)(14) of the Texas Human Resources Code provides an exception for a municipality from the requirements of obtaining a license to operate an elementary-age recreation program provided the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council desires to adopt "Standards of Care" for the City's Recreation Department's Summer Youth Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

These Standards of Care as referenced herein as "Exhibit A" are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Youth Kid Zone Programs. The programs operated by the City are recreational in nature and are not day care programs. The following Standards of Care are hereby adopted by the City Council of the City of Mansfield, Texas in order to comply with Section 42.041 (b)(14) of the Texas Human Resources Code.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

DULY PASSED AND ADOPTED on first reading the 27th day of February, 2014.

DULY PASSED AND ADOPTED on second reading the 10th day of March, 2014.

DULY PASSED AND ADOPTED on third and final reading the 24th day of March, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit "A"

CITY OF MANSFIELD YOUTH PROGRAM - KIDS ZONE 2014 STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Mansfield, Texas in order to comply with Senate Bill 212 as approved by the Texas Legislature during the 74th legislative session. The Standards of Care are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Youth Kids Zone Program. **The programs operated by the City are recreational in nature and are not day care programs.**

GENERAL ADMINISTRATION

1. Organization

- A. The governing body of the City of Mansfield Youth Program is the Mansfield City Council.
- B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Department Supervisor and Departmental employees.
- C. Youth Program ("Program") to which these Standards of Care will apply is the Kids Zone Program.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will have access to a current copy of the Standards of Care during the registration process.
- F. Criminal background checks will be conducted on prospective Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude;
 - (5) any offense that would potentially put youth participants or the City of Mansfield at risk.

2. Definitions

- A. City: City of Mansfield
- B. City Council: City Council of the City of Mansfield
- C. Department: Parks and Recreation Department of the City of Mansfield

- D. Youth Program or Program: City of Mansfield's Kids Zone Program
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Mansfield's Youth Program
- F. Supervisor: City of Mansfield's Activities Center Supervisor or his or her designee
- G. Recreation Coordinator: City of Mansfield Parks and Recreation Department full-time Coordinator who has been assigned administrative responsibility for the Youth Program
- H. Program Site: Area and facilities where the Youth Program is held
- I. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for the Youth Program
- J. Parent(s)/Guardian(s): This term will be used to represent one or both parent or adults who have legal custody and authority to enroll their child(ren) in the Youth Program
- K. Program Employee(s): Term used to describe people who have been hired to work for the City of Mansfield and have been assigned responsibility for managing, administering, or implementing some portions of the Youth Program

3. Inspections/Monitoring/Enforcement

- A. A monthly inspection report will be initiated by the Recreation Coordinator during the summer to confirm that the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Activities Center Supervisor for review and kept on record for at least two years.
 - (2) The Activities Center Supervisor will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Activities Center Supervisor will make visual inspections of the Program based on the following schedule:
 - (1) The Summer Kids Zone Program will be inspected twice during its summer schedule.
 - (2) The Holiday Kids Zone Program will be inspected once during the winter break and once during the spring break.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible to take the necessary steps to resolve the problems. The Recreation Coordinator will record complaints regarding enforcement of the Standards of Care and their resolution. The Activities Center Supervisor will address serious complaints regarding enforcement of the Standards of Care, and the complaint and its resolution will be noted.
- D. An annual report will be made and presented to City Council or the Mansfield Park Facilities Development Corporation on the overall status of the Youth Program and their operation

relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. Before a child can be enrolled, a parent(s)/guardian(s) must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parent(s)/guardian(s) and telephone number during Program hours;
 - (3) the names and telephone numbers of people to whom the child may be released;
 - (4) a statement of the child's special physical, emotional or medical needs;
 - (5) emergency medical authorization;
 - (6) proof of residency when appropriate; and
 - (7) a liability waiver.

5. Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Activities Center Supervisor. The Activities Center Supervisor will immediately notify the Police Department and any other agency as may be appropriate.

Texas state law requires the staff of these youth programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

6. Recreation Coordinator Qualifications

- A. The Recreation Coordinator will be a full-time, professional employee of the Mansfield Parks and Recreation Department and will be required to have all Program Employee qualifications as outlined in Section 8 of this document.
- B. The Recreation Coordinator must be at least 21 years old.
- C. The Recreation Coordinator must have a bachelor's degree from an accredited college or university. Acceptable degrees include:
 - (1) Recreation Administration or General Recreation
 - (2) Physical Education

- (3) Any other comparable degree plan that would lend itself to working in a public recreation environment
- D. The Recreation Coordinator must have two years experience planning and implementing recreational activities.
- E. The Recreation Coordinator must pass a background investigation including testing for illegal substances.
- F. The Recreation Coordinator must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) based on either American Heart Association or American Red Cross standards.

7. Recreation Coordinator's Responsibilities

- A. The Recreation Coordinator is responsible for administering the Programs' daily operations in compliance with the adopted Standards of Care.
- B. The Recreation Coordinator is responsible for recommending for hiring, supervising, and evaluating Program Employees.
- C. The Recreation Coordinator is responsible for planning, implementing, and evaluating programs.

8. Program Employee Qualifications

- A. Program employees will be part-time or temporary employees of the Parks and Recreation Department.
- B. Program employees working with children must be 18 years or older.
- C. Program employees should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Program employees must relate to children with courtesy, respect, tolerance, and patience.
- E. Program employees must have successfully completed a course in first aid and CPR/AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR/AED course within four weeks of starting work.
- F. Program employees must pass a background investigation including testing for illegal substances.

9. Program Employees' Responsibilities

- A. Program Employees will be responsible for providing participants with an environment in which they may feel safe, may enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.

- B. Program Employees will be responsible for knowing and following all City, Departmental, and Program standards, policies and procedures that apply to the Mansfield Youth Program.
- C. Program Employees must ensure that participants are released only to a parent or an adult designated by the parent(s)/guardian(s). All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Program Employee.

10. Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.
- B. Program employees must be familiar with the Standards of Care for the Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

11. Staff-Participant Ratio

- A. In a Mansfield Youth Program, the standard ratio of participants to staff will be 12 to 1. In the event a staff member is unable to report to the Program site, a qualified replacement will be assigned.

12. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel, harsh or corporal punishment or treatment.
- C. Program employees may use brief, supervised separation from the group, if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s)/guardian(s) of participants. Parent(s)/guardian(s) will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a participant being suspended from the Program.

- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program immediately.

13. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide that indoor and outdoor time periods include:
 - (1) alternating active and passive activities;
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day, weather permitting.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
 - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

14. Communication

- A. Each Program site will have access to a telephone for use in contacting the Mansfield Activities Center or making emergency calls.
- B. The Recreation Coordinator will make accessible the following telephone numbers to all Program employees:
 - (1) Mansfield ambulance or emergency medical services;
 - (2) Mansfield Police Department;
 - (3) Mansfield Fire Department;
 - (4) Mansfield Activities Center;
 - (5) Numbers at which parent(s)/guardian(s) may be reached.

15. Transportation

- A. Before a participant may be transported to and from city-sponsored activities, a medical form and waiver, completed by the parent of the participant, must be filed with the Recreation Coordinator.
- B. Before a program employee can drive a 15-passenger van that is transporting children, they must:
 - (1) be at least 21 years of age with a valid Texas driver's license;
 - (2) successfully pass a background check and drug test every 2 years;
 - (3) complete an online 15- passenger van safety training and online defensive driving course;
 - (4) complete one (1) hour of supervised driving time with a supervisor;
 - (5) read the Mansfield Parks & Recreation Transportation Guide;
 - (6) complete department required training.
- C. First aid supplies, a first aid and emergency care guide, and a working cell phone will be available in all Program vehicles that transport children.
- D. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and must be accessible to the adult occupants.

FACILITY STANDARDS

16. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participants' use.
- D. Program employees must have first aid supplies readily available at each site, during transportation to an off-site activity, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.

- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.

17. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the local Fire Department personnel, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Activities Center Supervisor who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshal readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Coordinator, and a monthly report will be forwarded to the Activities Center Supervisor who will keep the report on file for a minimum of two years. All Program employees will be trained in the proper use of fire extinguishers.
- D. Fire drills will be initiated at Program sites based on the following schedule:
 - (1) Kids Zone Program: A fire drill twice during the summer.

18. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to the Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
 - (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.
 - (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.
- B. Program employees will administer medication only if:
 - (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.

- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. Program employees will administer it only according to label directions.
- (4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program facilities must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from buildings daily.

Reviewed 1/14/13