CITY OF MANSFIELD

1200 E. Broad St.
Mansfield, TX 76063
mansfieldtexas.gov

Meeting Minutes - Draft

City Council

Monday, August 22, 2022 | **3:00 PM** | **Council Chambers**

REGULAR MEETING

3:00 P.M. - CALL MEETING TO ORDER

Mayor Evans called the meeting to order at 3:04 p.m.

Present 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

WORK SESSION

Discussion Regarding a Stillwater Development in The Reserve

Clay Roby, Managing Partner with Stillwater Capital, presented an update to the master plan for the proposed Stillwater development in The Reserve. He noted that he is looking for clarity on the Tax Increment Reinvestment Zone #1 request and the residential phase II site plan. Cole Henley, Stillwater Capital, presented a high-level overview of the TIRZ #1 request regarding the townhomes at The Reserve, which was previously approved by the TIRZ #1 Board. Mr. Roby answered Council questions. Assistant City Manager Matt Jones spoke on the proposed development and answered questions. Property owner Steven Lockwood made brief comments.

Discussion Regarding Future City Council Meeting Dates

Assistant City Secretary Keera Seiger discussed potential issues regarding the dates of future City Council Meetings, specifically those surrounding the Thanksgiving 2022 and Spring Break 2023 holidays. City Council directed staff to reschedule the City Council meeting of November 28, 2022 to November 14, 2022, and the meeting of March 13, 2023 to March 6, 2023.

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 4:18 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 4:32 p.m. Mayor Evans recessed the executive session at 7:01 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 - Cause No. 3:20-CV-2061-N-BK

Seek Advice of City Attorney Regarding Political Vending at City Events

Seek Advice of the City Attorney Regarding the Shops at Broad

Seek Advice of City Attorney Regarding Specific Use Permits for Gas Well Drilling and Production

Seek Advice of City Attorney Regarding Legal Issues Pertaining to Economic Development Projects Listed in Section 3.D of the Agenda

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

Land Acquisition for Future Development

Personnel Matters Pursuant to Section 551.074

Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087

Economic Development Project #21-01

Economic Development Project #21-10

Economic Development Project #21-28

6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Evans reconvened the meeting into regular business session at 7:10 p.m.

INVOCATION

Pastor Jon Thomas of St. John Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Leyman 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 Broseh led the Texas Pledge.

RECOGNITION

Recognition of Methodist Mansfield's Award Winning Downtown Mural Program

Downtown Coordinator Nicolette Ricciuti recognized Methodist Mansfield's downtown mural program.

PROCLAMATION

22-4849 National Payroll Week

Mayor Evans read the National Payroll Week proclamation.

22-4850 Mansfield Reads! 2022

Mayor Evans read and presented the Mansfield Reads! 2022 proclamation to Library staff and members of the Mansfield Library Board.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman spoke on the recent house fire and recognized the city's Fire Department on a job well done.

Council Member Bounds spoke on the Regional TML Meeting she attended.

There were no other Council announcements.

SUB-COMMITTEE REPORTS

22-4846 Minutes - Approval of the August 8, 2022 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Short (Chair), Evans, and Lewis)

A motion was made by Council Member Short to approve the minutes of the August 8, 2022 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 3 - Julie Short;Casey Lewis and Michael Evans

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh;Mike Leyman;Todd Tonore and Tamera Bounds

22-4847 Minutes - Approval of the August 9, 2022 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

A motion was made by Council Member Bounds to approve the minutes of the August 9, 2022 Housing Market Growth Strategy Sub-Committee Meeting as presented. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 3 - Julie Short;Casey Lewis and Tamera Bounds

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh;Mike Leyman;Todd Tonore and Michael Evans

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Director of Public Works Bart VanAmburgh spoke on street flooding and various road closures and answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Lewis to authorize the City Manager to negotiate, execute and purchase the property as discussed in executive session. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

CONSENT AGENDA

22-4838 Resolution - A Resolution Awarding a Contract for the Purchase of 1800 Feet of 16-Inch C-900 DR18 Water Pipe for the Extension of the S Main St Water Line to Fortiline Waterworks for an Amount not to Exceed $158,533.72 (Utility Fund)

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

resolution:

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF 1,800 FEET OF 16-INCH C-900 DR18 WATER PIPE FOR THE EXTENSION OF THE S MAIN ST WATER LINE TO FORTILINE WATERWORKS FOR AN AMOUNT OF $158,533.72 (UTILITY FUND)

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

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

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3892-22

22-4848 Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting the City of Mansfield, Texas Investment Policy; Approving Investment Pools; and Approving Qualified Broker Dealers and Investment Advisors for Engaging in Investment Transactions for the City

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS ADOPTING THE CITY'S INVESTMENT POLICY; APPROVING TRAINING FOR THE CITY'S INVESTMENT OFFICER; APPROVING INVESTMENT POOLS; AND APPROVING QUALIFIED BROKER DEALERS FOR ENGAGING IN INVESTMENT TRANSACTIONS OF THE CITY

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

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

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3893-22

22-4851 Resolution - A Resolution Authorizing a Change Order to the Contract with LandTec Engineers, LLC for Construction Materials Testing for the Public Safety Burn Tower Foundation and Skills Pad Project for an Amount Not to Exceed $42,000.00

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

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH LANDTEC ENGINEERS, LLC FOR CONSTRUCTION MATERIALS TESTING AT THE PUBLIC SAFETY BURN TOWER FOUNDATION AND SKILLS PAD PROJECT

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

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

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3894-22

22-4852 Resolution - A Resolution Awarding the Contract for the Purchase and Replacement of a Pathological Waste Incinerator to Therm-Tec, Inc. and FC Industries, Inc. for an Amount Not to Exceed $83,104.35

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

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND REPLACEMENT OF A PATHOLOGICAL WASTE INCINERATOR TO THERM-TEC, INC. AND FC INDUSTRIES, INC. FOR AN AMOUNT OF EIGHTY-THREE THOUSAND ONE HUNDRED AND FOUR DOLLARS ($83,104.35) AND THIRTY-FIVE CENTS

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

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

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3895-22

22-4844 Request for Special Event Permit: Freedom Fest Mansfield

A motion was made by Council Member Broseh to approve the special event permit. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

22-4834 Minutes - Approval of the August 8, 2022 Regular City Council Meeting

Minutes

A motion was made by Council Member Broseh to approve the minutes of the August 8, 2022 Regular City Council Meeting. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

22-4824 Resolution - A Resolution Approving a Development Agreement Between the City of Mansfield, The Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, and SW Mansfield Development, LLC; Authorizing the City Manager or His Designee to Execute the Development Agreement; and Providing an Effective Date

Assistant City Manager Matt Jones presented the item and answered Council questions.

A motion was made by Council Member Lewis to authorize the City Manager to negotiate, finalize, and execute a development agreement with several modifications to the proposal including up to $1.6 million for streetscapes which would also include that the developers put a six foot masonry screening wall and substantial conformity to the Ladera wall along Debbie Lane (for the Matlock side of the project), that the developers would also bury the overhead power lines that are in the right of way along Matlock, up to $900,000.00 for paving of the two east west roadways that connect to Broad and Matlock that are part of our road grid, up to $700,000.00 for a stormwater system, up to $400,000.00 for a traffic signal on E Broad, with a total of up to $3.6 million with three conditions placed on that: 1.) The TIRZ reimbursement be condition to receiving a CO or temporary CO for 30,000 square feet of non-residential uses south of Broad Street; 2.) That the public infrastructure that serves the urban core south of Broad Street has started; and 3.) That Council approval of a site plan layout for the commercial uses on the north side of Broad Street that are adjacent to the townhome development be approved.

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANSFIELD, THE BOARD OF DIRECTORS OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, AND SW MANSFIELD DEVELOPMENT, LLC; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE DEVELOPMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3896-22

PUBLIC HEARING

22-4836 Public Hearing - Public Hearing on the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof

Chief Financial Officer Troy Lestina presented the proposed FY 23 budget and answered questions.

Mayor Evans opened the public hearing at 8:20 p.m.

Tom Corbin, 1116 Concord Drive - Mr. Corbin asked for clarification on property tax revenue, assistance with tax calculations, and city debt due to bond issuance.

With no others wishing to speak, Mayor Evans closed the public hearing at 8:25 p.m.

No action was taken.

22-4837 Public Hearing - Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2023 at a Rate of $0.6800 per One Hundred Dollars ($100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2022, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest

Troy Lestina presented the proposed FY 23 tax rate.

Mayor Evans opened the public hearing at 8:20 p.m.

Tom Corbin, 1116 Concord Drive - Mr. Corbin asked for clarification on property tax revenue, assistance with tax calculations, and city debt due to bond issuance.

With no others wishing to speak, Mayor Evans closed the public hearing at 8:25 p.m.

No action was taken.

22-4839 Public Hearing - Public Hearing and Consideration of a Request for a Specific Use Permit (SUP) for Gas Well Drilling and Production on Approximately 5.58 Acres Located at 500 Mouser Way; GHA Barnett, LLC, Gas Well Operator, 498 Mouser Way LLC, Surface Owner, and MMA, Inc., Engineer/Planner (SUP#22-003)

Director of Planning Jason Alexander presented the item and answered Council

questions. Applicant Stephen Lindsey, GHA Barnett, answered Council questions.

Mayor Evans opened the public hearing at 9:07 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 9:08 p.m.

A motion was made by Council Member Lewis to approve the request for a specific use permit. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore and Michael Evans

Nay: 1 - Tamera Bounds

Abstain: 0

NEW BUSINESS

22-4853 Discussion and Possible Action Regarding Street Crossings, Roadways, Traffic Calming, and Solutions Near Mansfield ISD Schools

Council Member Lewis spoke on this item and mentioned the need for solutions regarding traffic and other issues surrounding MISD schools. He suggested a group of citizens, school board, school administration, police, city council, and city staff, and parents in the community come together to review potential issues and improvements at each school. School Board Member Keziah Farrar made brief comments and concurred with Council Member Lewis' comments. Executive Director of Student Operations at MISD, Dr. Paul Cash, spoke and answered questions.

No action was taken.

22-4842 Discussion and Possible Action Regarding FY 22/23 Hotel/Motel Tax Fund Allocation Recommendation

Council Member Short presented the recommended allocations of HOT Funds on behalf of the Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee. The recommended allocations are as follows:

Championship Basketball 2022 for the 65th Annual Whataburger Basketball Tournament: $10,000.00 (Stipulation that the scholarship must be awarded to a Mansfield resident and the organization is encouraged to purchase items utilized for the event from Mansfield businesses.)
Pickled Mansfield Society for the St. Paddy's Pickle Parade and Palooza: $73,200.00 (Up to $73,200.00 with the stipulation that the Pickled Mansfield Society Board of Directors work with city staff on the details of the event and have all of the details worked out by the end of 2022, which must be in writing and agreed to.)
Mansfield Commission for the Arts for Music Alley, Hometown Holidays, and Arts Week: $47,100.00
Historic Mansfield Performance Park - The LOT for 2022-2023 Programming: $150,000.00
Mansfield Historical Museum for Foundation and Building Repair: $250,000.00

A motion was made by Council Member Short to approve the FY 22/23 Hotel/Motel Tax Fund Allocation recommendations. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

22-4843 Discussion and Possible Action Regarding the Setup of the Annual Audit Committee

Troy Lestina presented this item and answered Council questions.

A motion was made by Council Member Lewis to approve the setup of the Annual Audit Committee with Council Member Broseh appointed as the third member of the Committee. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

22-4845 Review and Consideration of a Request to Approve Minor Modifications to the South Pointe Planned Development (PD) District Standards, Office Residential (OR) District; RUBY 07 SPMTGE LLC, developer (ZC#04-012C)

Jason Alexander stated that the developer was not able to attend the meeting; therefore, staff and the developer requested that Council table this item.

A motion was made by Council Member Lewis to table this item to the September 12, 2022 City Council Meeting. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

22-4854 Resolution - A Resolution Establishing a Policy for Political Vending at City Events

City Attorney Drew Larkin spoke on the proposed policy.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS ESTABLISHING A POLICY FOR POLITICAL VENDING AT CITY EVENTS

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

Seconded by Council Member Broseh. The motion CARRIED by the following

vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3897-22

ADJOURN

A motion was made by Council Member Lewis to adjourn the meeting at 9:36 p.m. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

_____ Michael Evans, Mayor

ATTEST:

_____ Susana Marin, City Secretary