



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, August 22, 2022

3:00 PM

Council Chambers

REGULAR MEETING

1. **3:00 P.M. - CALL MEETING TO ORDER**

2. **WORK SESSION**

Discussion Regarding a Stillwater Development in The Reserve

Discussion Regarding Future City Council Meeting Dates

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 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

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

Land Acquisition for Future Development

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

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. **RECOGNITION**

Recognition of Methodist Mansfield's Award Winning Downtown Mural Program

10. **PROCLAMATION**

[22-4849](#) National Payroll Week

Attachments: [Payroll Week 2022 Proclamation](#)

[22-4850](#) Mansfield Reads! 2022

Attachments: [Mansfield Reads! 2022 Proclamation](#)

11. **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. Due to regulations of the Texas Open

Meetings Act, please do not expect a response from the Council as they are not able to do so. THIS WILL BE YOUR ONLY OPPORTUNITY TO SPEAK UNLESS YOU ARE SPEAKING ON A SCHEDULED PUBLIC HEARING ITEM. After the close of the citizen comments portion of the meeting only comments related to public hearings will be heard. All comments are limited to five (5) minutes.

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow card located at the entrance of the Council Chambers. Please present the card to the Assistant City Secretary prior to the start of the meeting.

12. COUNCIL ANNOUNCEMENTS

13. 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)

Presenters: Susana Marin

Attachments: [8-8-22 DRAFT Meeting Minutes](#)

[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)

Presenters: Susana Marin

Attachments: [8-9-22 DRAFT Housing Market Meeting Minutes](#)

[Future Land Use Plan Update Memo](#)

14. 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

15. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

16. 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

[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 Fortline Waterworks for an Amount not to Exceed \$158,533.72 (Utility Fund)

Presenters: Alex Whiteway

Attachments: [Resolution](#)

[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

Presenters: Troy Lestina and Bryan Rebel

Attachments: [Resolution](#)

[Investment Policy](#)

[2022 List of Investment Advisors](#)

[Certificate of Investor](#)

[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

Presenters: Wade McLaurin

Attachments: [Resolution](#)

[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

Presenters: Nicolette Ricciuti

Attachments: [Resolution](#)

[22-4844](#)

Request for Special Event Permit: Freedom Fest Mansfield

Presenters: Jason Alexander

Attachments: [Freedom Fest Special Event Permit](#)

[22-4834](#)

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

Presenters: Susana Marin

Attachments: [8-8-22 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

17. 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

Presenters: Matt Jones

Attachments: [Resolution](#)

[Development Agreement](#)

18. **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

Presenters: Troy Lestina

[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

Presenters: Troy Lestina

[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)

Presenters: Jason Alexander

Attachments: [Maps and Supporting Information](#)

[Exhibit A](#)

[Site Plan](#)

[Drill Site and Operation Site Details](#)

19. **NEW BUSINESS**

[22-4853](#) Discussion and Possible Action Regarding Street Crossings, Roadways, Traffic Calming, and Solutions Near Mansfield ISD Schools

Presenters: Mike Leyman, Michael Evans, Todd Tonore, Casey Lewis, Julie Short and Larry Broseh

[22-4842](#) Discussion and Possible Action Regarding FY 22/23 Hotel/Motel Tax Fund Allocation Recommendation

Presenters: Julie Short, Michael Evans and Casey Lewis

[22-4843](#) Discussion and Possible Action Regarding the Setup of the Annual Audit Committee

Presenters: Troy Lestina

Attachments: [Audit Committee Policy](#)

[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)

Presenters: Jason Alexander

Attachments: [Location Map](#)

[Site Plan](#)

[Prospective Townhome Renderings](#)

[Addendum to PD Standards](#)

[22-4854](#)

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

Presenters: Drew Larkin

Attachments: [Resolution](#)

20. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 22, 2022 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Thursday, August 18, 2022 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Susana Marin, City Secretary

Approved as to form:

City Attorney

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call (817) 473-0211 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE CELL PHONES WHILE THE CITY COUNCIL MEETING IS IN SESSION.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 22-4849

Agenda Date: 8/22/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Payroll Week

WHEREAS; the American Payroll Association and its more than 20,000 members have launched a nationwide public awareness campaign that pays tribute to the nearly 150 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS; payroll professionals in Mansfield, Texas play a key role in maintaining the economic health of Mansfield, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS; payroll departments collectively spend more than \$2.4 trillion annually complying with myriad federal and state wage and tax laws; and

WHEREAS; payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS; Payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS; payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

WHEREAS; the week in which Labor Day falls has been proclaimed National Payroll Week,

NOW, THEREFORE, I MICHAEL EVANS, MAYOR OF THE CITY OF MANSFIELD,
do hereby proclaim the first full week of September

NATIONAL PAYROLL WEEK

We thank and support the efforts of the people who work in the payroll profession in the City of Mansfield and beyond.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 22nd day of August, 2022.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 22-4850

Agenda Date: 8/22/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

Mansfield Reads! 2022

WHEREAS, the Friends of the Mansfield Public Library is joining with the library to celebrate books with the 19th annual “Mansfield Reads!” our own version of the “One City, One Book” program that has been embraced nationwide; and

WHEREAS, citizens are being asked to come together and read the same book in hopes of initiating discussions and reconnecting with reading and the books offered at the Mansfield Public Library; and

WHEREAS, this year’s selection is the gripping and lyrical novel “The Guide” by award-winning author Peter Heller, a long-time contributor to NPR, and former contributing editor at Outside Magazine, Men’s Journal, and National Geographic Adventure; and

WHEREAS, Mansfield residents are encouraged to register for Mansfield Reads! On September 9, and attend the many special events planned during October, including a lecture with the author October 7, at the Legacy High School Performing Arts Center; and

WHEREAS, the nationally award-winning Mansfield Reads! program offers the community an opportunity to continue an annual tradition that not only promotes literacy but inspires communication, creativity and cultural exchange among our citizens,

NOW, THEREFORE, I, Michael Evans, Mayor of the City of Mansfield, Texas, join with members of the City Council to hereby proclaim September 2022

MANSFIELD READS! MONTH

in the City of Mansfield and urge all citizens to participate in this event as a celebration of reading and the positive impact literacy has on people’s lives and on our community.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 22nd day of August, 2022.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 22-4846

Agenda Date: 8/22/2022

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

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)

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 August 8, 2022 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee 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, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

1200 E. Broad St.
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Meeting Minutes - Draft

City Council - Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee

Monday, August 8, 2022

2:00 PM

City Hall

CALL TO ORDER

Chair Short called the meeting to order at 2:00 p.m.

Staff present: Deputy City Manager Shelly Lanners, Chief Financial Officer Troy Lestina, Assistant Director of Finance Bryan Rebel, Director of Community Engagement Matt Young, City Secretary Susana Marin, Assistant City Secretary Keera Seiger

Present 3 - Julie Short; Casey Lewis and Michael Evans

CITIZEN COMMENTS

Amanda Kowalski, 4 River Crest Court - Ms. Kowalski spoke on the St. Paddy's Pickle Parade and Palooza, the support the City gives the event, the requests the Pickled Mansfield Society has of the City including keeping the location of the event in downtown Mansfield, police and park staff support, the special event permit, TABC letter, and communication.

DISCUSSION ITEMS

Discussion Regarding Hotel Compliance Audit Report

Chief Financial Officer Troy Lestina spoke on the hotel compliance audit report and answered questions. He explained that there are four hotels that owe additional tax liability and the City has been in communication with them, although there are no penalties currently being imposed. Troy also stated that this audit will be performed every three years.

Continued Review, Discussion and Possible Action Regarding Hotel/Motel Occupancy Tax Fund Applications Received and Potential Allocations

There was discussion regarding the Pickled Mansfield Society application which was tabled at the last sub-committee meeting. The sub-committee touched on the City's working relationship with the organization, what subsequent years look like for the Pickle Parade and Palooza, various requests included in the application such as funds for a stage for musical performances, and their recommended allocation of HOT Funds for this event.

ADJOURNMENT

Chair Short adjourned the meeting at 2:19 p.m.

ATTEST: Julie Short, Chair

Susana Marin, City Secretary



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STAFF REPORT

File Number: 22-4847

Agenda Date: 8/22/2022

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

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)

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 August 9, 2022 Housing Market Growth Strategy Sub-Committee 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, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

1200 E. Broad St.
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Meeting Minutes - Draft

City Council - Housing Market Growth Strategy Sub-Committee

Tuesday, August 9, 2022

1:30 PM

City Hall

CALL TO ORDER

Chair Lewis called the meeting to order at 1:30 p.m.

Staff present: City Manager Joe Smolinski, Director of Planning Jason Alexander, Assistant Director of Planning Arty Wheaton-Rodriguez, Assistant City Secretary Keera Seiger

Present 3 - Casey Lewis; Julie Short and Tamera Bounds

CITIZEN COMMENTS

There were no citizen comments.

DISCUSSION ITEMS

Continued Discussion Regarding Accessory Dwelling Units

Director of Planning Jason Alexander presented staff's recommended changes to the accessory dwelling unit ordinances for the D, Downtown District (Section 155.072) and the Special Conditions in Section 155.099 and answered questions. There was discussion regarding limiting accessory dwelling units to being 75% or smaller of the total square footage of the main dwelling in all districts where those units are allowed. Jason next reviewed proposed modifications of the general accessory dwelling language, which led to discussion regarding the number of attached and detached units allowed per main dwelling. City Manager Joe Smolinski and Assistant Director of Planning Arty Wheaton-Rodriguez made comments. There was additional discussion regarding impact fees, and special exceptions going directly to the City Council.

Continued Discussion Regarding Land Use Plan

Arty led discussion on the proposed structure and contexts of the future land use plan (FLUP). There was discussion on the timing for preparing and posting a request for proposal and engaging the residents in its design and implementation. Arty and Jason answered questions.

ADJOURNMENT

Chair Lewis adjourned the meeting at 2:48 p.m.

ATTEST: Casey Lewis, Chair

Susana Marin, City Secretary

MANAGEMENT AND COUNCIL COMMUNICATION

Date: 08-22-2022	Subject: FUTURE LAND USE PLAN UPDATE	Agenda Item #: N/A
Requested Action: N/A.		
Staff Recommendation: N/A.		
Description/History: <p>The Comprehensive Plan reflects the community's vision and goals for cultural, economic, and physical development of Mansfield. The Comprehensive Plan also reflects the strategic priorities of the City Council with respect to increasing opportunities for elevating art and culture; expanding revenues by expanding employment opportunities through the retention, expansion, and attraction of diverse businesses; and ensuring elevated standards for development that integrate contemporary placemaking practices and achieve attractive civic and open spaces of excellence.</p> <p>The Future Land Use Plan ("FLUP") is a component of the Comprehensive Plan. The purpose of the FLUP is to strategically balance intentional land use recommendations and decisions for the remaining 25 percent of undeveloped land with redevelopment opportunities. The FLUP will be the Mansfield's plan for sustainable growth for well over a decade; it is also a plan that will be inspired by the varied interests of residents, businesses, and other stakeholders of the community while delivering a specific set of land use policies and recommendations that will promote intelligent and visually harmonious development patterns, expand the tax base, and elevate the quality of life for all. More importantly, the FLUP will establish the foundation for zoning and other land development regulations while providing a basis for appropriate community bodies to make recommendations and decisions.</p> <p>The Housing Market Growth Strategy Sub-Committee met on July 26, 2022 and August 9, 2022 to discuss the potential timing, structure, and contents of the FLUP as well as a heightened focus on robust community participation in its implementation.</p> <p>It is anticipated that the timeline for preparing and completing the FLUP is as follows:</p> <ul style="list-style-type: none">• A request for proposal (RFP) will be prepared and posted in September 2022.• A consultant would be selected in November 2022.• The discovery period would run from December 2022 through February 2023.• The kick-off and public engagement would commence in March 2023.• A draft plan and an initial review would occur from May 2023 until July 2023.• Additional edits and review would occur in August 2023.• The City Council and Planning and Zoning Commission would jointly meet in October 2023.• The Planning and Zoning Commission would make a recommendation on the FLUP in November 2023.• The City Council would potentially adopt the FLUP in December 2023. <p>Justification (Benefit): The FLUP will articulate and organize Mansfield's vision for the future. It will also purposefully link the strategic priorities for the City Council across multiple organizational functions, including cultural arts, economic development, and parks and recreation.</p> <p>Funding Source: General Fund.</p> <p>Additional Information: N/A.</p>		

Prepared by:
Jason Alexander, Director of Planning 817.276.4244



CITY OF MANSFIELD

1200 E. Broad St.
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STAFF REPORT

File Number: 22-4838

Agenda Date: 8/22/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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)

Requested Action

Consider the resolution authorizing funds for an amount not to exceed One Hundred Fifty-Eight Thousand Five Hundred Thirty-Three Dollars and Seventy-Two Cents Cents \$158,533.72 and approval of a contract with Fortiline Waterworks for the Purchase of 1800 Feet of 16-Inch C-900 DR 18 Water Pipe.

Recommendation

Staff recommends approval

Description/History

Currently the 16-inch water line on S Main St ends 1800 feet from Lonestar Rd. System pressures have historically been low in this area.

Justification

Connecting both segments of 16-inch water line will allow the system to increase pressure for this area. This will also create a loop system that will give two different points of distribution.

Funding Source

Utility Operations Fund

Prepared By

Alex Whiteway., Assistant Director, Water Utilities Department
817-728-3615

RESOLUTION NO. _____**A RESOLUTION AWARDED 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)**

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids 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; and,

WHEREAS, all bids were received, opened and publicly read aloud on August 10, 2022; and,

WHEREAS, the funding source 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 will be from the Utility Fund; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that the purchase provided for herein be ordered at the earliest possible date to ensure necessary service and delivery; and,

WHEREAS, after review of all bids received, it is the recommendation and determination of Council that the “lowest and best” bid is that of Fortiline Waterworks.

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

SECTION 1.

The City Manager or his designee authorized to execute an agreement with Fortiline Waterworks for the purchase of 1800 feet of 16-inch C-900 DR18 water pipe for the extension of the S Main St water line for an amount of One Hundred Forty-Four Thousand One Hundred Twenty-One Dollars And Fifty-Six Cents (\$144,121.56).

SECTION 2.

Funding is hereby authorized to include a ten percent contingency for a total amount not to exceed One Hundred Fifty-Eight Thousand Five Hundred Thirty-Three Dollars And Seventy-Two Cents (\$158,533.72).

SECTION 3.

This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

1200 E. Broad St.
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STAFF REPORT

File Number: 22-4848

Agenda Date: 8/22/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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

Requested Action

Review the Investment Pools and Qualified Broker Dealers for the City of Mansfield, Texas.

Recommendation

Approve the investment pools and qualified broker dealers of the City's public funds.

Description/History

The State of Texas Legislature adopted the Public Funds Investment Act, which defines the strategy and management of the investment of public money. The Act outlines guidelines to protect and preserve the public's funds and has become widely accepted within the policies and practices of the investment community within the State of Texas. Moreover, it requires that Public entities have an investment policy that conforms to the principles established by the Act. The City of Mansfield, Texas Investment Policy complies with the State's Public Funds Investment Act.

Justification

The City's Investment Policy is a guideline to the investment officer and investment community of the City of Mansfield. It also serves as a guide for investment advisors as to the types of investments in which the City of Mansfield may invest its cash. This policy ensures the City's compliance with the State's investment laws about public money.
(Public Funds Investment Act, Government Code, Chapter 2256).

Funding Source

N/A

Prepared By

Troy Lestina, Chief Financial Officer; 817-276-4258

Bryan Rebel, Assistant Director of Finance; 817-276-4296

RESOLUTION NO. _____**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**

WHEREAS, Section 2256.005(e) of the Public Funds Investment Act (the "Act") directs the governing body of an investing entity to review its investment policy and investment strategies annually; and,

WHEREAS, Section 2256.008 of the Public Funds Investment Act (the "Act") directs the Chief Financial Officer or designee, to attend at least one training session from an independent source approved by the governing body; and,

WHEREAS, Section 2256.016 of the Public Funds Investment Act (the "Act") directs the governing body of an investing entity to authorize the investment pools the entity invests or engages in the investment of funds of the entity; and,

WHEREAS, Section 2256.025 of the Public Funds Investment Act (the "Act") directs the governing body of an investing entity to annually review, revise, and adopt a list of qualified brokers to engage in investment transactions with the entity.

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

SECTION 1.

That the City Council of the City of Mansfield, Texas has reviewed the Investment Policy and Investment Strategy and hereby adopts the Investment Policy as attached to this resolution.

SECTION 2.

That the City Council of the City of Mansfield, Texas acknowledges, approves, ratifies, and confirms the investment training provided to the City's Investment Officer from an independent source.

SECTION 3.

That the City Council of the City of Mansfield, Texas acknowledges, approves, ratifies, confirms and amends the investment pools for investing the funds of the City.

SECTION 4.

That the City Council of the City of Mansfield, Texas acknowledges, approves, ratifies, confirms and amends the list of qualified brokers/dealers/investment advisors for engaging in investment transactions of the City.

SECTION 5.

This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

INVESTMENT POLICY

I. INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Mansfield in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. The City Council of the City of Mansfield shall review its policy and investment strategies annually. This policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act, Texas Government Code, Chapter 2256, and the “Act”) to define, adopt and review a formal investment strategy and policy.

II. SCOPE

This investment policy applies to all financial assets of the City of Mansfield. These funds are accounted for in the City’s Comprehensive Annual Financial Report and include:

- Governmental Funds
- Proprietary Funds
- Fiduciary Funds

III. INVESTMENT OBJECTIVES & STRATEGIES

The City of Mansfield shall manage and invest the assets of all of its funds with the following objectives. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

A. Suitability of Investments

The City of Mansfield, Texas maintains a commingled pool of operating and non-operating funds for the purpose of obtaining economies of scale in investments and reduced transaction costs while providing separate investment accounting for its operating and non-operating funds. The City utilizes the specific investment strategy considerations designed to address the characteristics of its portfolio:

1. The City’s first investment strategy is to assure that anticipated cash flows are matched with adequate investment liquidity.
2. The second investment strategy is to create a portfolio structure that will experience minimal volatility during economic cycles (high quality paper, short-to-mid-term maturities, laddered or barbell maturity structures).
3. The third investment strategy is to maintain maximum dollar weighted average maturity of 365 days or less and will be calculated using the stated final maturity date of each security.

B. Safety

The primary objective of the City's investment activity in all funds is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they are from securities default or erosion of market value.

C. Liquidity

The City's investment portfolio for all funds shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

D. Yield

The City's cash management portfolio of all funds shall be designed with the objective of regularly exceeding the average rate of return on three-month U.S. Treasury Bills. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies. The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, State Statutes, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to insure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

A. Risk and Diversification

The City of Mansfield recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

1. Risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein.
2. Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average maturity of operating funds investments to one year, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury securities and insured or collateralized certificates of deposit.
3. Risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described in Section VII.

F. Marketability

The Chief Financial Officer or designee shall strive to ensure that the market value of each investment exceeds the book value. The City shall pursue an active versus a passive portfolio management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The Chief Financial Officer or designee will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

G. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of public trust. Investment officials shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

IV. RESPONSIBILITY AND CONTROL

A. Delegation of Authority and Training

Authority to manage the City's investment program is derived from resolution of the City Council. The Chief Financial Officer or designee is designated as investment officer of the City and is responsible for investment decisions and activities. Unless authorized by law, a person may not deposit, withdraw, transfer or manage in any other manner the funds of the City. The Chief Financial Officer or designee shall establish written procedures for the operation of the investment program, consistent with this investment policy. The Chief Financial Officer or designee shall attend at least one training session relating to the officer's responsibility under the Act within 12 months after assuming duties. Thereafter, the Chief Financial Officer or designee shall attend an investment training session not less than once every two years and receive not less than 8 hours of instruction relating to investment responsibilities from an independent source approved by the City Council.

B. Internal Controls

The Chief Financial Officer or designee is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation costs and benefits require estimates and judgments by management.

Accordingly, the Chief Financial Officer or designee shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

1. Control of collusion.
2. Separation of transaction authority from accounting and record keeping.
3. Custodial safekeeping.
4. Avoidance of physical delivery securities.
5. Clear delegation of authority to subordinate staff members.
6. Written confirmation for telephone (voice) transactions for investments and wire transfers.
7. Wire transfer arrangement with the depository bank or third party custodian.

C. Monitoring

The Chief Financial Officer or designee shall monitor the market price of investments by checking the Wall Street Journal on a daily basis and monitoring statements from financial institutions. The investment officer may seek a third party independent pricing source to determine the value of the portfolio.

D. Prudence

The standard of prudence to be applied by the Chief Financial Officer or designee shall be the “prudent investor” rule, which states: “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.” In determining whether the Chief Financial Officer or designee has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the City’s control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment.
2. Whether the investment decision was consistent with the written investment policy of the City.

The Chief Financial Officer or designee, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security’s credit risk or market price changes, providing that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

E. Ethics and Conflicts of Interest

City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. City staff shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. City staff shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

V. REPORTING

A. Monthly Reporting

The Chief Financial Officer or designee shall submit a signed monthly investment report that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent month, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the month in compliance with state law.

B. Annual Report

Within 180 days of the end of the fiscal year, the Chief Financial Officer or designee shall present an audited annual report on the investment program and investment activity. This report may be presented along with the Comprehensive Annual Financial Report to the City Manager and City Council.

C. Methods

The monthly investment report shall include management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last month. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be provided to the City Manager and City Council. The report will meet the requirements of Texas Government Code §2256.023(b) (4) and shall include the following:

1. A listing of individual securities held at the end of the reporting period.
2. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period.
3. Additions and changes to the market value during the period.
4. Average weighted yield to maturity of portfolio on entity of investments as compared to applicable benchmark.
5. Listing of investments by maturity date.
6. The percentage of the total portfolio which each type of investment represents.
7. Statement of compliance of the City's investment portfolio with state law and the investment strategy and policy approved by the City Council.
8. For a pooled fund group, the report must contain a statement prepared in accordance with generally accepted accounting principles which includes the fully accrued interest for the reporting period.

VI. AUTHORIZED INVESTMENTS

The City shall pursue an active versus a passive portfolio management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The investment officer will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

Investments

Assets of the City of Mansfield may be invested in the following instruments: provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized for investment under the Act, as the Act may from time to time be amended.

A. Authorized

1. Obligations of the United States of America, its agencies and instrumentalities.
2. Direct obligations of the State of Texas and agencies thereof.
3. Other obligations, the principal of and interest on which are unconditionally guaranteed by the State of Texas or the United States of America.

4. Obligations of the State, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than “A” or its equivalent.
5. Certificates of Deposit of state and national banks with a main office or branch in Texas, guaranteed or insured by the Federal Deposit Insurance or its successor or secured in compliance with the Public Funds Collateral Act and this investment policy.
6. Fully collateralized direct repurchase agreements with a defined termination date secured by obligations of the United States or its agencies and instrumentalities pledged with a third party, selected by the Chief Financial Officer, other than agency for the pledged obligation. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution with a main office or branch in Texas. A Master Repurchase Agreement, or similar agreement, must be signed by the institution/dealer prior to investment in a repurchase agreement. All repurchase agreement transactions will be on a delivery versus payment basis. Securities received for repurchase agreements must have a market value greater than or equal to 105 percent at the time funds are disbursed.
7. Investment pools which meet the requirements of TEX.GOV.CODE §2256.016, provided the City Council has approved the specific pool.
8. No-load money-market mutual funds that are registered and regulated by the Securities and Exchange Commission complies with Federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.). The fund must conform to the requirements relating to the eligibility of investment pools.
9. No-Load mutual funds that are registered with the Securities and Exchange Commission, having an average weighted maturity of less than two years and is invested or secured in obligations described in 1 through 4 above. The fund must conform to the requirements relating to the eligibility of investment pools.

B. Not Authorized

The City’s authorized investment options are more restrictive than those allowed by State law. State law specifically prohibits investments in the following investment securities:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
5. Commercial Paper, except that the City can invest in local government investment pools, and money market mutual funds that have commercial paper as authorized investments. These investment pools must meet the requirements of Article VI. Paragraph 7, 8, and 9.

C. Holding Period

The City of Mansfield intends to match the holding periods of investment funds with the liquidity needs of the City. In no case will the average maturity of investments of the City's funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years.

Investments in all funds shall be managed in such a way that the market price losses resulting from interest rate volatility would be offset by coupon income and current income received from the volume of the portfolio during a twelve month period.

VII. SELECTION OF BANKS AND DEALERS

A. Depository

At least every five years, a depository shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP). In selecting a depository, the credit worthiness of institutions shall be considered, and the Chief Financial Officer or designee shall conduct a comprehensive review of prospective depository's credit characteristics and financial history.

B. Certificates of Deposit

Banks seeking to establish eligibility for the City's competitive certificates of deposit purchase program shall submit for review annual financial statements, evidence of federal insurance and other information as required by the Chief Financial Officer or designee.

C. Securities Dealers

For brokers and dealers of government securities, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York also known as the "Primary Government Security Dealers", unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. Investment officials shall not knowingly conduct business with any firm with whom public entities have sustained losses on investments. All securities dealers shall provide the City with references from public entities which they are currently serving.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- audited financial statements;
- proof of Financial Industry Regulation Authority (FINRA) certification;
- proof of state registration;
- completed broker/dealer questionnaire;
- certification of having read the City's investment policy signed by a qualified representative of the organization as defined by the State Statute;
- acknowledgement that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization

The investment officers are precluded from purchasing an investment from a representative who has not delivered the written information.

An annual review of the financial condition and registration of qualified bidders will be conducted by the Chief Financial Officer or designee.

VIII. SAFEKEEPING AND CUSTODY

A. Insurance or Collateral

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or Agencies shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 105% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. Evidence of the pledged collateral shall be maintained by the Chief Financial Officer or designee or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the collateral pledge in each agreement. Collateral shall be reviewed monthly to assure that the market value of the pledge securities is adequate.

B. Safekeeping Agreement

Collateral pledged to secure deposits of the City shall be held by a safekeeping institution in accordance with a Safekeeping Agreement which clearly defines the procedural steps in gaining access to the collateral should the City of Mansfield determine that the City's funds are in jeopardy. The safekeeping institution, or Trustee, shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral. The safekeeping agreement shall include the signatures of authorized representatives of the City of Mansfield, the firm pledging the collateral, and the Trustee.

C. Collateral Defined

The City of Mansfield shall accept on the following as collateral:

1. FDIC.
2. A bond, certificate of indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States.
3. Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas.
4. A bond of the State of Texas or of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than “A” or its equivalent) by a nationally recognized rating agency with a remaining maturity of 10 years or less.
5. An irrevocable Federal Home Loan Bank Letter of Credit.

D. Subject to Audit

All collateral shall be subject to inspection and audit by the Chief Financial Officer or designee or the City’s independent auditors.

E. Delivery vs. Payment

Treasury Bills, Notes, Bonds and Government Agencies’ securities and all investments except investment pool funds and mutual funds shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the Trustee. The security shall be held in the name of the City or held on behalf of the City. The Trustee’s records shall assure the notation of the City’s ownership of or explicit claim on the securities. The original copy of all safekeeping receipt shall be delivered to the City.

IX. INVESTMENT POLICY ADOPTION AND REVIEW

The City of Mansfield investment policy shall be adopted by resolution of the City Council. The Policy shall be reviewed for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council.

2022 Amended List of Investment Advisors/Brokers/Dealers/Contacts

Ms. Julie Erickson
Vice President, Corporate Treasury
Bank of America Merrill Lynch
IL4-540-28-01
540 W Madison Avenue, 28th Floor
Chicago, IL 60661

Ms. Linda Callaway
Hilltop Securities
300 W. Sixth Street, Suite 1940
Austin, TX 78701

Mr. Colin Lamborn
INVESCO AIM Investment Services
11 Greenway Plaza, Suite 1000
Houston, TX 77046

Ms. Brett Harper
JP Morgan Chase
420 Throckmorton Street, Suite 400
Fort Worth, TX 76102

Ms. Brenda Roznowski
TexSTAR
1201 Elm Street, Suite 3500
Dallas, TX 75270

Mr. Greg Jebsen
American National Bank of Texas
102 West Moore Avenue
Terrell, TX 75160

Ms. Susan Anderson
Valley View Consulting, LLC
130 Pecan Creek Drive
Horseshoe Bay, Texas 78657

Mr. Greg Beckel
Mr. Cody Hundley
Frost Capital Markets
100 W. Houston Street, Suite 110
San Antonio, Texas 78205

Mr. Jordan Mayer
JP Morgan Chase
277 Park Avenue, Floor 03
New York, NY 10172

Ms. Karen Proctor
Texas CLASS
2435 N. Central Expressway, #1200
Richardson, TX 75080

Steven Friedman
TexPool
TexPool Prime
1001 Texas Ave., Suite 1150
Houston, TX 77002

Steve Neri
Mischler Financial Group
1111 Bayside Drive, Suite 100
Corona del Mar, CA 92625

Mr. Harrison Stenberg
Time Value Investments, Inc
9725 3rd Ave NE, Suite 610
Seattle, WA 98115

Ms. Mica Owens
LOGIC
717 N. Harwood St., Suite 3400
Dallas, TX 75201

CERTIFICATE OF INVESTOR OR
INVESTMENT POOL

1. The City of Mansfield has presented a copy of its Investment Policy to the undersigned.
2. The undersigned has received and reviewed the Investment Policy.
3. The undersigned has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the undersigned that are not authorized by the City's investment policy, except to the extent the authorization is dependent upon one analysis of the entire portfolio or requires an interpretation of subjective investment standards.

Signed this _____ day of _____, 2022

Organization

By: _____

Title: _____



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4851

Agenda Date: 8/22/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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

Requested Action

Approve a Resolution to Authorize a Change Order for an amount not to exceed \$42,000.00.

Recommendation

Approve Resolution

Description/History

On September 30, 2021, a professional services contract in the amount of \$24,720 to LandTec Engineers, LLC was approved for the construction materials testing at the new Public Safety Burn Tower Foundation and Skills Pad at 651 Justice Lane. This agreement was to provide testing for earthwork, paving subgrade, utility backfill, and concrete paving for the Skills Pad, as well as testing for piers, structural concrete and reinforcing steel for the Burn Tower Foundation. A defined number of on-site trips, on-site testing, lab testing and labor was included in the estimate for services.

Justification

As a result of the necessary additions and changes made to the Skills Pad portion of the project, including utility relocations and changes to the concrete layout and pouring schedule to insure that the finished product meets the training needs of Police and Fire, the materials testing scope of work was increased. This resulted in a significant increase in the number of on-site trips and testing hours for the project.

Prepared By

Wade McLaurin
Director of Building Services

RESOLUTION NO. _____**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**

WHEREAS, the City of Mansfield awarded a professional services contract for the construction materials testing services at the Public Safety Burn Tower Foundation and Skills Pad at 651 Justice Lane; and,

WHEREAS, the original professional services contract was in the amount of \$24,720 for construction materials testing of paving subgrade, backfill, concrete paving, structural concrete and piers; and,

WHEREAS, it has been necessary to ask for additional testing and scope to adequately address the needs of the amount of excavation, backfill and concrete associated with the Skills Pad portion of the project; 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 additional scope of work provided herein is justified to meet the unique needs of the project.

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

SECTION 1.

That the City Manager, or his designee, is hereby authorized and directed to execute a Change Order with LandTec Engineers, LLC for construction materials testing at the Public Safety Burn Tower Foundation and Skills Pad for an amount not to exceed Forty Two Thousand Dollars (\$42,000).

SECTION 2.

This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4852

Agenda Date: 8/22/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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

Requested Action

The authorization of funds in the amount of Eighty-Three Thousand One Hundred and Four Dollars (\$83,104.35) and Thirty-Five Cents and approval to execute a contract with Therm-Tec, Inc. & FC Industries, Inc. to purchase and install a replacement pathological waste incinerator for the Mansfield Animal Shelter.

Recommendation

Approval of resolution.

Description/History

The Mansfield Animal Control Shelter purchased and installed a pathological waste incinerator in 2004. Over time the equipment has been serviced with routine maintenance and other repairs. The asset's useful life has diminished and needs to be taken out of service and replaced. A bid for a replacement was received, opened, and publicly read aloud on August 17, 2022. The bid specifications were for an equipment replacement of the same design and specifications so an amendment to the Animal Shelter's current TCEQ permit is sufficient for continued operation. The bid was submitted with a price of Seventy-Nine Thousand One Hundred and Forty-Seven Dollars (\$79,147.00), and a resolution with a five (5%) contingency fund is recommended for a total approval not to exceed Eighty-Three Thousand One Hundred and Four Dollars (\$83,104.35) and Thirty-Five Cents.

Justification

The Animal Control Department is responsible for the disposal of pathological waste, and the replacement of the current incinerator will eliminate time spent loading, unloading, and driving to an off-site disposal facility.

Funding Source

FY22 General Fund

Prepared By

Nicolette Ricciuti, Director of Regulatory Compliance
Animal Care & Control Division

RESOLUTION NO. _____**A RESOLUTION AWARDDING 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**

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids for the purchase of a replacement pathological waste incineration unit for the Animal Control Shelter; and,

WHEREAS, all bids were received, opened, and publicly read aloud on August 17, 2022; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield to purchase a replacement pathological waste incinerator for the Animal Control Shelter; and,

WHEREAS, the original pathological waste incinerator was purchase was approved by the Mansfield City Council on October 11, 2004; and,

WHEREAS, the useful life of the asset has diminished and is now in need of replacement; and,

WHEREAS, after review of the bids received, it is the recommendation and determination of City Council that the “best” bid is that of Therm-Tec, Inc. & FC Industries, Inc.

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

SECTION 1.

The City Manager or his designee is hereby authorized to execute contractual documents with Therm-Tec, Inc. & FC Industries, Inc. for the purchase and installation of a pathological waste incinerator for the Animal Shelter for an amount not to exceed Seventy-Nine Thousand One Hundred and Forty-Seven Dollars (\$79,147.00).

SECTION 2.

Funding is hereby authorized to include a five (5%) percent contingency for a total amount not to exceed Eighty-Three Thousand One Hundred and Four Dollars (\$83,104.35) and Thirty-Five Cents.

SECTION 3.

This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4844

Agenda Date: 8/22/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event Permit: Freedom Fest Mansfield

Requested Action

Approval of the Special Event Permit for Freedom Fest Mansfield

Recommendation

Staff has reviewed the application and recommends approval with the following comment:

Police Department:

I am approving this, with the following notes/concerns, just to move this forward to the City Council Approval process.

I spoke to Ms. Perez regarding only the area on the south side of the MEDC building needing to be available to the Police Department operations in the event this permit is approved by City Council to move forward. She did revise the map.

I am available to contact if other questions arise. (Assistant Chief G.L. Fowler #105. Police Operations Bureau Chief).

Things to Consider:

1. Closing Main Street is always a concern. Could this event utilize Walnut Street just like Music Alley. Worked great and much safer and City personnel did an AWESOME job making this safe and staying off of Main Street.

2. If approved, applicants will need to work with David Boski to work out barricades (Crossroads) and prepare detour routes. Number of barricades and cost typically a sticking point with applicants if left too late in the process.

3. Spoke with Angie Henley regarding this event and the following items were discussed:

Street closure: Broad & Main and Main & (in front of the fire station). The road will need to be shut down at Main & Kimball so that traffic can be rerouted. The streets department really needs to meet with them first to work on a reroute plan. Crossroads is the company we use for the road closure (barricades). I have spoken with Boski briefly.

Need to provide a list of businesses with signatures to show that they have been told about the road closures and how they will be affected.

TABC line- I can't tell by the map where that is. My note is that it needs to be labeled well and they need to have staffing at exits to make sure people don't leave with alcohol.

4. Will the MEDC property still be under the control of the City at the time of this event?
5. Being this is not a city event, will the applicant be responsible for expenses for police officers for security at the event or is the city covering this?

Health Department:

All food vendors must have a health permit or a temporary event permit.

Environmental Department:

1. Adequate waste receptacles must be present to contain litter and food waste.
2. The event area shall be policed immediately after the event to collect any errant litter.
3. No surfaces discharges are permitted from the food vendors, to include hot bath water.

Public Works/Transportation Department:

1. Applicant to contract with Crossroads barricades for traffic control.
2. City to provide no parking signs along 1st Avenue.

Description/History

Freedom Fest Mansfield will be held on September 11, 2022 between 4:00 and 9:00pm in the Historic Downtown Mansfield. The event is to celebrate unity with the community of Mansfield, commemorate September 11th, and honor the bravery our first responders, police, fire and military face every day. We want to honor those who serve our community and nation. The event will include a performance by September Moon, Kate Watson, and Josh Weathers and the Police and Fire Honor Guard will present colors. There will be a kid zone, corn hole tournament, vendors, and food trucks.

Justification

N/A

Funding Source

N/A

Prepared By

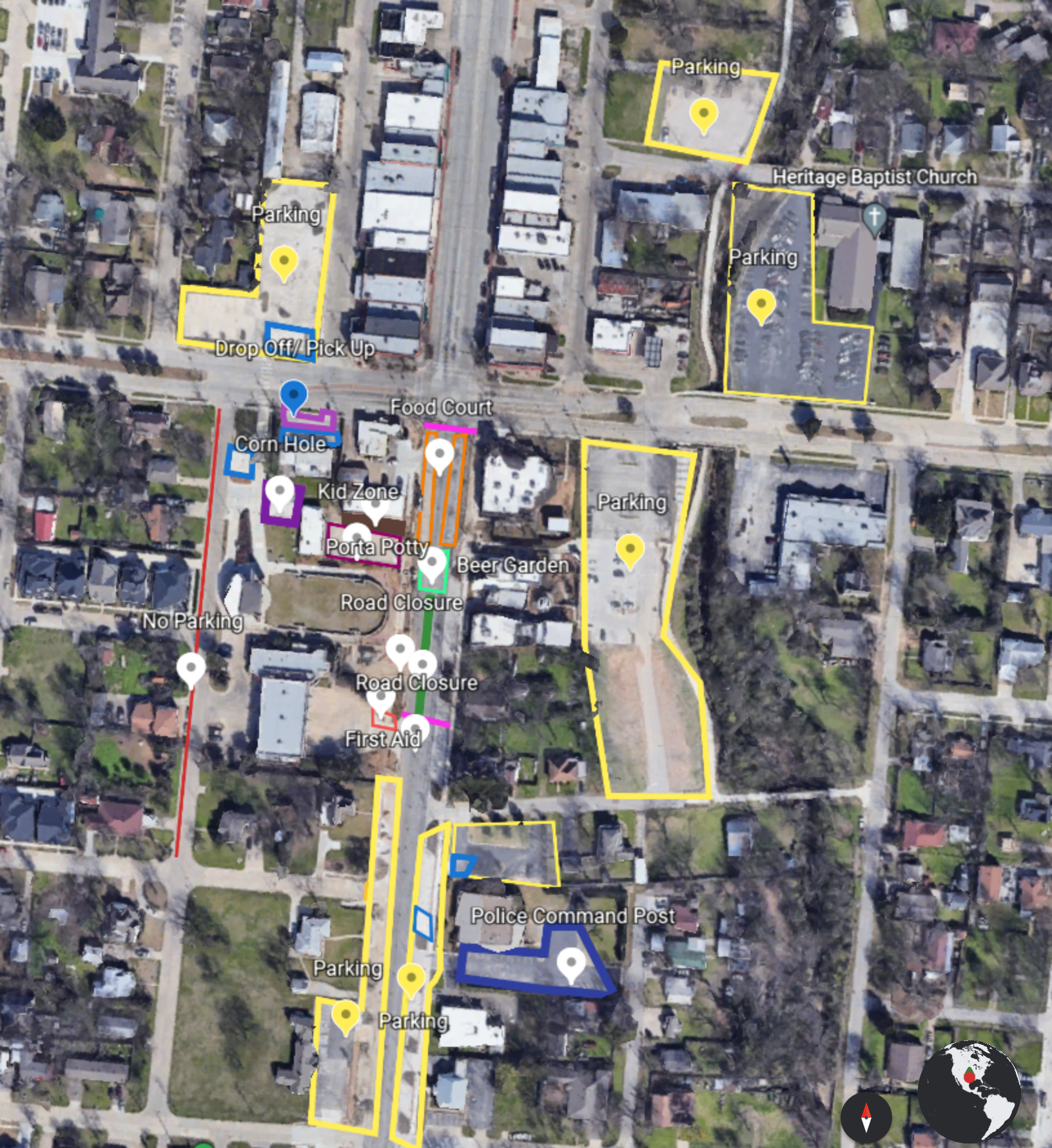
Shirley Emerson, Planner, Planning Department
817-276-4259



1200 East Broad Street, Mansfield, TX 76063
 www.mansfieldtexas.gov Email: jennifer.johnston@mansfieldtexas.gov

Special Event Application

Organization/Group: <u>Historic Mansfield Performance Park & HMBA</u>		Date of Submission: <u>8-1-2022</u>
Applicant: <u>Justin Gilmore, Daryle & Melisa Perez</u>		
Applicant's Address: <u>110 S. Main St.</u>		Phone No. <u>(817) 915-6932 (Melisa)</u>
Name of the Event: <u>Freedom Fest Mansfield</u>		Email: <u>melisa.perez73@gmail.com</u>
Address of Event: <u>110 S. Main St</u>		
Description & Activities: <u>Music Festival to honor 1st responders, vendors, kids act, Cornhole etc.</u>		
Date of Event: <u>9-11-2022</u>		Hours of Event: <u>4-9pm</u>
Public Invited or Private Party? <u>Public</u>		Estimated Number of Attendees <u>4,000 - 5,000</u>
Do you plan on having Food Trucks or carts? <u>yes</u>		*If yes, a separate permit is required.
Is the event in a Mansfield Park? <u>NO</u>		*If yes, Insurance is required
Do you plan to Temporarily Close a Public Street? <u>yes</u>		*If yes, Insurance is required
Is the event on Private Property other than your own?		*If yes, signed permission is required
Will there be any new or temporary electric lines installed? <u>No</u>		
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.		
Will you be using generators?		*If yes, show location on the site plan
Do you plan to have any Tents? <u>yes</u>		*If yes, a separate permit is required.
Do you plan to have any pop-up canopies? <u>yes</u>		
Do you plan to have any Promotional Signs? (banners, streamers, balloons) <u>NO</u>		*If yes, a separate permit is required
City of Mansfield Assistance Requested: <u>yes</u>		
Barricades/ Street Closure? <u>yes</u>		*If yes, show on site plan where you want to have barricades. A resident roster must be submitted for a block party.
Police/Traffic Control/Security? <u>yes, Tracy Aaron</u>		*If yes, attach an explanation and the name of the person you are working with
Please Read and Include the Following Information With This Application <ul style="list-style-type: none"> For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where <u>all items</u> will be located on the site plan. If Insurance is required, the City of Mansfield must be listed as "Additional Insured". All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event. 		
Applicant's Printed Name:		Applicant's Signature:
<u>Daryle Perez</u>		<u>[Signature]</u>



Google Earth

Imagery date: 12/4/...

100 m

Camera: 1,183 m

32°33'45"N 97°08'30"W

185 r



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4834

Agenda Date: 8/22/2022

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the August 8, 2022 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 August 8, 2022 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, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, August 8, 2022

3:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

Mayor Evans called the meeting to order at 3:00 p.m.

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

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 3:00 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 3:02 p.m. Mayor Evans recessed the executive session at 3:21 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 STORE Master Funding Agreement

Seek Advice of City Attorney Regarding Grand Prairie Boundary Adjustment

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 #21-09

Economic Development Project #21-27

Economic Development Project #21-33

Economic Development Project #22-04

Economic Development Project #22-12

Economic Development Project #22-14

Economic Development Project #22-19

Economic Development Project #22-23

Economic Development Project #22-24

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

Mayor Evans reconvened the meeting into regular business session at 3:23 p.m.

WORK SESSION

FY '23 Budget Work Session

City Manager Joe Smolinski began the work session by presenting the proposed balanced budget for FY '23. He reviewed the Mansfield Economic Development Corporation Fund, Mansfield Parks Facility Development Corporation Fund, Water and Sewer Fund, and the General Fund, and answered Council questions. There was discussion regarding the reserves of the MEDC and MPFDC funds, and Chief Financial Officer Troy Lestina and Director of Community Services Matt Young answered questions. Staff next reviewed the Revenues portion of the budget, specifically the certified tax rolls, sales tax, and fee schedule updates. Director of Building Services Wade McLaurin reviewed the proposed changes to the permit fees and answered Council questions. Director of Planning Jason Alexander reviewed the proposed changes to the planning fees. Director of Regulatory Compliance Nicolette Ricciuti reviewed multi-family rental inspection fees.

Staff next reviewed the expenditures portion of the FY '23 budget, and discussed other items for consideration including capital projects, equipment, and personnel. Joe discussed the debt issuance for the Police headquarters building, and other projects for funding consideration including a design for a new animal control building and service center expansion, and the expansion of the emergency operations center. Assistant Director of Public Works - City Engineer Raymond Coffman reviewed the 2023 Capital Improvement Projects and answered Council questions. Assistant Director of Public Works - Transportation David Boski reviewed the 2023 Street Maintenance projects and answered Council questions. Joe reviewed capital requests, personnel, proposed City events, future budget priorities, and answered additional Council questions.

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 4:59 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 5:11 p.m. Mayor Evans recessed the executive session at 7:22 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 STORE Master Funding Agreement

Seek Advice of City Attorney Regarding Grand Prairie Boundary Adjustment

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

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Economic Development Project #21-33

Economic Development Project #22-04

Economic Development Project #22-12

Economic Development Project #22-14

Economic Development Project #22-19

Economic Development Project #22-23

Economic Development Project #22-24

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 into regular business session at 7:29 p.m.

INVOCATION

Ron Thomas of First Baptist Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Broseh led the Pledge of Allegiance.

TEXAS PLEDGE

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

Mayor Pro Tem Tonore led the Texas Pledge.

PROCLAMATION

[22-4804](#)

Purple Heart Recognition Day Proclamation

Mayor Evans read and presented the proclamation to Mansfield Purple Heart Veteran Specialist Christopher Crosby.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Bounds commented on the Back-to-School Bash.

There were no other Council announcements.

SUB-COMMITTEE REPORTS**[22-4820](#)**

Minutes - Approval of the July 25, 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)

Council Member Short provided a report of the discussion held at the July 25, 2022 Hotel/Motel Tax Funds Policy and Allocation Sub-Committee Meeting.

A motion was made by Council Member Lewis to approve the minutes of the July 25, 2022 Hotel/Motel Occupancy Tax Funds and Allocation Sub-Committee Meeting. Seconded by Council Member Short. 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

[22-4821](#)

Minutes - Approval of the July 25, 2022 TIF Reinvestment Zone #1 Board Meeting Minutes (vote will be only by members of the sub-committee: Broseh (Chair), Leyman, Tonore, and Evans)

Council Member Broseh gave a report of the discussion held at the July 25, 2022 TIF Reinvestment Zone #1 Board Meeting.

A motion was made by Council Member Broseh to approve the minutes of the July 25, 2022 TIF Reinvestment Zone #1 Board Meeting. Seconded by Mayor Pro Tem Tonore. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Non-Voting: 3 - Julie Short; Casey Lewis and Tamera Bounds

[22-4827](#)

Minutes - Approval of the July 26, 2022 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

Council Member Lewis gave a report of the discussion held at the July 26, 2022

Housing Market Growth Strategy Sub-Committee Meeting.

A motion was made by Council Member Bounds to approve the minutes of the July 26, 2022 Housing Market Growth Strategy Sub-Committee Meeting. 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 Brose; Mike Leyman; Todd Tonore and Michael Evans

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Water Contingency Update - Alex Whiteway

Assistant Director of Water Utilities Alex Whiteway presented a water contingency update and spoke on the steps that would be taken if needed in order to conserve water.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken.

CONSENT AGENDA

[22-4816](#)

Resolution - A Resolution Awarding Street Maintenance Contracts for Miscellaneous City-Wide Concrete Repairs to Ken-Do Contracting, LP and GROD Construction, LLC (Street Department Maintenance Budget - General Fund)

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

A RESOLUTION OF THE CITY OF MANSFIELD AWARDING STREET MAINTENANCE CONTRACTS FOR MISCELLANEOUS CITY-WIDE CONCRETE REPAIRS TO KEN-DO CONTRACTING, L.P. AND GROD CONSTRUCTION, LLC

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3888-22

[22-4817](#)

Resolution - A Resolution Awarding a Construction Contract for Asphalt Overlays of East Broad Street (Matlock Road to Fire Station #3) and Mansfield Webb Road to Texas Bit, Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$450,000.00 (Street Operations Department Maintenance Budget - General Fund)

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

A RESOLUTION AWARDED A CONTRACT FOR ASPHALT OVERLAYS OF EAST BROAD STREET (MATLOCK ROAD TO FIRE STATION #3) AND MANSFIELD WEBB ROAD TO TEXAS BIT; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$450,000.00

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

Seconded by Mayor Pro Tem Tonore. 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-3889-22

[22-4823](#)

Resolution - A Resolution by the City Council of the City of Mansfield, Texas, Authorizing the City Manager to Enter into an Interlocal Agreement with the City of Waxahachie for the Purpose of Cooperative Purchase of Goods, Products, and/or Services

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF WAXAHACHIE, TEXAS, FOR THE PURPOSE OF COOPERATIVE PURCHASE OF GOODS, PRODUCTS AND/OR SERVICES

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

Seconded by Mayor Pro Tem Tonore. 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-3890-22

[22-4818](#)

Minutes - Approval of the August 2, 2022 Special Joint City Council and MISD Board Meeting Minutes

A motion was made by Council Member Bounds to approve the minutes of the August 2, 2022 Special Joint City Council and MISD Board Meeting Minutes as presented. Seconded by Mayor Pro Tem Tonore. 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

[22-4819](#)

Minutes - Approval of the July 25, 2022 Regular City Council Meeting Minutes

A motion was made by Council Member Bounds to approve the minutes of the July 25, 2022 Regular City Council Meeting Minutes as presented. Seconded by Mayor Pro Tem Tonore. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[22-4815](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas authorizing a contract between the City of Mansfield, Texas and Tarrant County and the County's Assessor/Collector for the Collection of the South Pointe Public Improvement District Assessment/Collection Services

Council Member Lewis removed this item from the consent agenda. Troy Lestina answered Council questions.

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

A RESOLUTION APPROVING, RATIFYING, AND CONFIRMING, THAT THE CITY MANAGER OR HIS DESIGNEE OF THE CITY OF MANSFIELD, TEXAS IS AUTHORIZED TO ENTER INTO A CONTRACT BY AND BETWEEN WENDY BURGESS, TARRANT COUNTY TAX ASSESSOR-COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT COLLECTION SERVICES OF THE CITY OF MANSFIELD

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

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

Enactment No: RE-3891-22

END OF CONSENT AGENDA

OLD BUSINESS

22-4825

Discussion - Continued Discussion and Possible Action Regarding Policy Direction from Council to Address Political Activities at City Events

City Attorney Drew Larkin stated that he is drafting an original policy regarding political activities at City events to present to Council at the August 22, 2022 City Council Meeting. No action was taken.

NEW BUSINESS

22-4813

Review and Consideration of a Detailed Site Plan at the Shops at Broad for a Restaurant (Eating Place without Drive-Through) Use on Approximately 2.12 Acres of Lot 12, Blk 1, The Shops at Broad Street at 645 N US 287; Development Engineering Consultants, LLC (engineer), and BoomerJack's, Proposed Tenant (DS#22-009)

Jason Alexander presented the item and answered Council questions. Representative for the applicant, Shawn Rockenbaugh, answered Council questions.

A motion was made by Council Member Leyman to approve the detailed site plan. Seconded by Mayor Pro Tem Tonore. 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

22-4814

Ordinance - Ordinance Authorizing the Issuance and Sale of City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022, in an Aggregate Principal Amount not to exceed \$9,915,000; Awarding the Sale Thereof; Levying a Tax in Payment Thereof; Prescribing the Form of Said Certificates; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and a

Bond Counsel Engagement Letter; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

Troy Lestina and Nick Bulaich, Hilltop Securities, presented the item and answered Council questions.

A motion was made by Council Member Lewis 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 2022, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9,360,000.00; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND A BOND COUNSEL ENGAGEMENT LETTER; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

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

Enactment No: OR-2268-22

[22-4822](#)

Consideration of a Community Activation Grant Application Made by the Historic Mansfield Performance Park and Historic Mansfield Business Association

Nicolette Ricciuti presented the item and answered Council questions.

A motion was made by Council Member Lewis to approve the community grant application up to \$61,045.00 with a maximum reimbursement that would cover up to \$20,000.00 profit over revenue minus expenses that has been reconciled with City staff, that the City gets access to the media collateral, and that the applicant includes any cancellation insurance as part of their reimbursement. 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

[22-4824](#)

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 Short to table the item until the next City Council meeting on August 22, 2022. 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

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 8:44 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 8:50 p.m. Mayor Evans recessed the executive session at 10:20 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 STORE Master Funding Agreement

Seek Advice of City Attorney Regarding Grand Prairie Boundary Adjustment

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 #21-09

Economic Development Project #21-27

Economic Development Project #21-33

Economic Development Project #22-04

Economic Development Project #22-12

Economic Development Project #22-14

Economic Development Project #22-19

Economic Development Project #22-23

Economic Development Project #22-24

**IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO
REGULAR BUSINESS SESSION**

Mayor Evans reconvened the meeting into regular business session at 10:23 p.m.

ADJOURN

Mayor Evans adjourned the meeting at 10:23 p.m.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4824

Agenda Date: 8/22/2022

Version: 1

Status: Old Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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

Requested Action

Consideration of the recommended participation and maximum funding amount provided by the Board of the Directors of TIRZ #1.

Recommendation

To approve the execution of the development agreement, not to exceed \$7,377,215.00, and providing only reimbursement based on actual ad valorem increment improvement value.

Description/History

On November 28, 2007, the Mansfield City Council approved Ordinance No. OR-1655-07 approving the Tax Increment Reinvestment Zone Project Plan and the Financing Plan. SW Mansfield Development, LLC made a presentation to the Board of Directors of the Tax Increment Reinvestment Zone Number One to request participation in funding public improvements related to their proposed 36 acre townhome development located near the intersection of Broad Street and Matlock Road. The Board of Directors provided a recommendation for approval of participation of funding amount not to exceed \$7,377,215.00.

Justification

The Agreement is in accordance with the purpose of the ordinance creating Tax Increment Reinvestment Zone Number One; and the Board of Directors of TIRZ #1 has recommended approval of and the expenditure of tax increment funds for the Agreement.

Funding Source

Tax Increment Reinvestment Zone Number One

Prepared By

Matt Jones

Assistant City Manager

RESOLUTION NO. _____**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**

WHEREAS, on December 10, 2012, in accordance with the provisions of the Tax Increment Financing Act, V.T.C.A. Tax Code, Chapter 311 (the “Act”), the Mansfield City Council approved Ordinance No. OR-1608, creating and designating Tax Increment Reinvestment Zone Number One (hereinafter called the “TIRZ #1”); and,

WHEREAS, on November 28, 2007, the Mansfield City Council approved Ordinance No. OR-1655-07 approving the Tax Increment Reinvestment Zone Project Plan and the Financing Plan; and,

WHEREAS, the Act authorizes the expenditure of tax increment funds derived within TIRZ #1 for the payment of expenditures and monetary obligations by a municipality consistent with the Tax Increment Financing Reinvestment Zone Project Plan; and,

WHEREAS, the City desires to approve an agreement with SW Mansfield Development, LLC, subject to the terms and conditions set forth in the proposed Development Agreement attached hereto as Exhibit “A” (the “Agreement”); and,

WHEREAS, the Agreement is in accordance with the purpose of the ordinance creating TIRZ #1; and,

WHEREAS, the Board of Directors of TIRZ #1 has recommended approval of and the expenditure of tax increment funds for the Agreement; and,

WHEREAS, upon full review and consideration of the recommendation of the Board of Directors of TIRZ #1, the City Council is of the opinion that the Agreement should be approved and the Agreement should be paid by the tax increment funds.

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

SECTION 1.

The Agreement attached hereto as Exhibit “A” is approved and the city manager, or his designee, is authorized to execute the Agreement.

SECTION 2.

This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED THIS THE 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

EXHIBIT A

The Agreement

**DEVELOPMENT AGREEMENT
SW MANSFIELD DEVELOPMENT, LLC FOR PUBLIC IMPROVEMENTS TO
PROPERTY WITHIN REINVESTMENT ZONE NUMBER 1, CITY OF MANSFIELD**

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the City of Mansfield, Texas, a Texas municipal corporation of Tarrant, Johnson, and Ellis Counties, Texas (hereinafter called the "City"), the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, City of Mansfield, Texas (hereinafter called the "Board"), and SW Mansfield Development, LLC, a Texas limited liability company (hereinafter called the "Owner"). The City, the Board, and the Owner may sometimes hereafter be referred to individually as a "party" or collectively as the "parties."

W I T N E S S E T H:

WHEREAS, the City and the Board recognize the importance of its continued role in local economic development; and

WHEREAS, in accordance with the provisions of the Tax Increment Financing Act, V.T.C.A. Tax Code, Chapter 311 (the "Act"), on December 13, 2006, the Mansfield City Council approved Ordinance No. 1608, creating, establishing and designating "Tax Increment Financing Reinvestment Zone Number One, City of Mansfield" (hereinafter called the "TIF District"); and

WHEREAS, the Owner owns certain real property situated within the TIF District and intends to develop the property for use as a high quality townhome development; and

WHEREAS, the Act authorizes the expenditure of funds derived within a reinvestment zone, whether from bond proceeds or other funds, for the payment of expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by a municipality consistent with the project plan of the reinvestment zone, which expenditures and monetary obligations constitute project costs, as defined in the Act; and

WHEREAS, on November 28, 2007, after approval of the Board, the Mansfield City Council approved Ordinance No. OR-1655-07 approving the Tax Increment Reinvestment Zone Financing and Project Plan for the TIF District; and

WHEREAS, the Board authorized the execution of this Agreement, for the construction of public improvements in accordance with the approved Project Plan and Financing Plan, and authorizing reimbursement to the Owner from the Tax Increment Fund for the construction of the Public Improvements under the conditions set forth herein; and

WHEREAS, on August 8, 2022, the City Council authorized the execution of this Agreement, for the construction of Public Improvements to facilitate development of the Property and the construction of the Private Improvements in accordance with the approved Project Plan and Financing Plan, and authorizing reimbursement to the Owner from the Tax Increment Fund for the construction of the Public Improvements under the conditions set forth herein; and

WHEREAS, the Public Improvements constructed within the TIF District boundaries, as set forth in this Agreement, are consistent with encouraging development of the TIF District in accordance with the purposes for its creation and are in compliance with the ordinance creating the TIF District adopted by the City and all applicable laws; and

WHEREAS, the City and Board agree to reimburse funds advanced by the Owner for the cost of making Public Improvements up to Seven Million Three Hundred Seventy-Seven Thousand Two Hundred Fifteen Dollars (\$7,377,215.00) as contemplated herein and as contemplated by the Act and is consistent with the Project Plan and Financing Plan;

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

SECTION 1. DEFINITIONS

In this Agreement, the following words shall have the meanings ascribed to them:

AVAILABLE TIF DISTRICT REVENUE means that portion of the TIF District Revenue generated by and attributable to the Property and Private Improvements after January 1, 2022 excluding ad valorem tax revenues attributable to the mineral estate (which includes but is not limited to oil and gas). The Available TIF District Revenue due in reimbursement to the Owner pursuant to this Agreement shall be excluded from and payment of same to Owner hereunder shall have priority over other payments of TIF district reimbursements due under development agreements in connection with the development of the Property.

CITY TAX INCREMENT means 65% of the difference between the City's ad valorem property taxes attributable to the TIF District for 2006 and the City's ad valorem property taxes attributable to the TIF District for each year following 2006.

CONSTRUCTION COSTS means all hard and soft costs incurred by the Owner, which shall include, without limitation, construction costs, construction equipment charges, the costs of construction materials, design fees (including landscape and architectural design) contractor fees, fees related to any bonding requirements (including those set forth in Section 2.B.3. of this Agreement), and subject to approval by the City, surveying and engineering costs and fees attributable to the construction of the Public

Improvements. Construction Costs does not include any acquisition costs of the Property, marketing, or City fees, including but not limited to inspection fees, impact fees and park development fees, related to the development of the Public Improvements.

COUNTY TAX INCREMENT means 30% of the difference between the County's ad valorem property taxes attributable to the TIF District for 2006 and the County's ad valorem property taxes attributable to the TIF District for each year following 2006.

EFFECTIVE DATE means the date all parties sign this Agreement.

EVENT OF BANKRUPTCY OR INSOLVENCY means the dissolution or termination of the Owner's existence as a going business, insolvency, appointment of receiver for any part of the Owner's property and such appointment is not terminated within 60 days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against the Owner and such proceeding is not dismissed within 60 days after the filing thereof.

OWNER REIMBURSEMENT means the Payments to the Owner of an amount not to exceed Seven Million Three Hundred Seventy-Seven Thousand Two Hundred Fifteen Dollars (\$7,377,215.00) paid pursuant to Section 3 of this Agreement.

PAYMENT(S) means the annual payment made to the Owner by the City pursuant to Section 3 of this Agreement from Available TIF District Revenue for the Owner Reimbursement.

PRIVATE IMPROVEMENTS mean a high quality, townhome development in substantial conformance with The Reserve Planned Development Standards existing as of the Effective Date and adopted via Ordinance No. OR-1859-12, as represented by the site plan, as described in Exhibit "A", attached hereto, incorporated herein, and approved by the City. It does not include the Public Improvements.

PROJECT PLAN AND FINANCING PLAN means the Tax Increment Financing Reinvestment Zone Project Plan and Financing Plan approved by Ordinance No. OR-1655-07 of the City of Mansfield.

PROPERTY means the approximately 21 acre tract upon which the Private Improvements will be constructed, as described in Exhibit "A", attached hereto and incorporated herein.

PUBLIC IMPROVEMENTS means the public streets, and public infrastructures and related public development to be constructed substantially as listed and depicted on Exhibits "B", attached hereto and incorporated herein, with final approval by the City of construction plans and specifications.

SUBSTANTIAL COMPLETION means with regard to the Public Improvements, the date the City issues a Letter of Acceptance for the Public Improvements, which issuance shall not be unreasonably withheld, conditioned or delayed.

TAX INCREMENT FUND means the Tax Increment Fund of Mansfield Tax Increment Financing Reinvestment Zone No. 1, excluding ad valorem tax revenues attributable to oil and gas revenues.

TIF DISTRICT means the district created by Ordinance No. 1608 comprising approximately 3100 acres of which the Property is a part.

TIF DISTRICT REVENUE means the total revenue collected and required by the TIF Act and Mansfield Ordinance No. 1608 to be deposited into the Tax Increment Fund from the City Tax Increment and the County Tax Increment, excluding revenues attributable to the mineral estate (which includes, but is not limited to oil and gas), and excluding revenue committed to another developer prior to the date of this Agreement.

SECTION 2. THE OWNER'S OBLIGATIONS

A. Generally. In conjunction with the long-term development plan for the TIF District, as described in the Project Plan, the Owner agrees to participate in the funding of the Public Improvements, and design and construct (or cause to be designed and constructed) the Private Improvements in various phases. The Public Improvements are located entirely within the limits of the City and within the TIF District and all Public Improvements shall be constructed within public property, public rights-of-way or easements. All public rights-of-way and easements necessary for the Public Improvements shall be dedicated to the City prior to commencement of construction of the Public Improvements.

B. Public Improvements.

1. Construction of Public Improvements. At its sole cost, the Owner shall design and construct the Public Improvements in compliance with this Agreement. Construction of the Public Improvements shall commence no later than twelve (12) months of the Effective Date of this Agreement and be substantially complete no later than twelve (12) months thereafter.
2. Construction Plans; Construction Schedule; Surveying. The Owner shall submit to the City for approval complete construction plans for the Public Improvements. The construction plans shall be prepared by a professional engineer licensed to practice in the State of Texas, at Owner's sole cost. Construction plans shall be in conformity with all state and local ordinances and regulations.

3. Bonds. Prior to initiating any construction of the Public Improvements, the Owner shall provide the City with one original and one quality copy of the following construction bonds:
- a. Payment Bond. A good and sufficient Payment Bond in an amount equal to one hundred percent (100%) of the total cost of the Public Improvements, guaranteeing payment for all labor, materials and equipment used in the construction of the Public Improvements.
 - b. Performance Bond. A good and sufficient Performance Bond in an amount equal to one hundred percent (100%) of the total cost of the Public Improvements, guaranteeing payment for all labor, materials and equipment used in the construction of the Public Improvements. the full and faithful execution of the work and performance of this Agreement and for the protection of the City against any improper execution of the work or the use of inferior materials. The Performance Bond shall guarantee completion of the Public Improvements within three (3) years of execution of this Agreement.
 - c. Maintenance Bond. A good and sufficient Maintenance Bond in an amount equal to one hundred percent (100%) of the total cost of the Public Improvements, guaranteeing the maintenance in good condition of the Public Improvements for a period of two (2) years from and after the date that a Letter of Acceptance is issued from the City indicating that the Public Improvements have been completed by the Owner and accepted by the City.

Each of the above bonds shall be in a form acceptable by the City. Any surety company through which a bond is written shall be duly authorized to do business in the State of Texas, and the City, through its City Manager, shall retain the right to reject any surety company for any work under this Agreement regardless of such company's authorization to do business in the State of Texas. Approval by the City shall not be unreasonably withheld or delayed.

4. Public Improvement Conveyance. Any Public Improvements constructed on the Property shall be conveyed to the City free and clear of all liens, encumbrances, assessments and restrictions other than as provided in this Agreement. At the time of conveyance the Owner shall deliver to the City releases from the contractors, subcontractors and suppliers of material who have provided labor

and materials for the Public Improvements showing they have paid for such labor and materials.

5. As Built Plans. Upon completion of construction of the Public Improvements required by this Agreement, the Owner shall deliver to the City a set of as-built construction plans of the Public Improvements, and satisfactory to the City Engineer.

C. Private Improvements.

1. In General. The Owner shall design and construct all phases of the Private Improvements so as to comprise a high quality, townhome development in full conformance with the ordinances and development standards of the City, and the site plan as set forth and depicted on Exhibit "A".
2. Regulations Regarding Building Products, Materials, or Methods. The parties hereto find that the area described herein constitutes an area of architectural importance and significance and the City Council of the City hereby designates it as an area of architectural importance and significance for purposes of Chapter 3000 of the Texas Gov't Code (the "Code"). In consideration for the mutual covenants and conditions contained herein and pursuant to §3000.002(d) of the Code, the Owner voluntarily consents to the application of all City rules, charter provisions, ordinances, orders, building codes, and other regulations existing as of the Effective Date hereof (the "Regulations") that govern the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building on the property, regardless of whether a different building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. In addition, the Owner voluntarily consents to the application of the Regulations that establish a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building, regardless of whether the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. The parties agree that: 1) the City will not issue any permits for the Property in violation of this section; 2) the covenants contained within this section constitute a material term of this Agreement; 3) the Owner's voluntary consent to the application of the Regulations to the Property, as described in this Section,

constitutes a material inducement for the City to authorize the Payments described herein; 4) the covenants contained herein shall run with the land and shall bind the Owner and all successors and assigns; and 5) this section shall survive termination or expiration of this Agreement.

D. No Alteration of Development Regulations. This Agreement is not intended to and does not waive or alter any development requirement imposed by City ordinances, City development regulations, or other law.

SECTION 3. CITY PARTICIPATION

A. Payment. In consideration of the Owner's agreement to construct the Public Improvements and Private Improvements and subject to the Owner's compliance with its duties and obligations in this Agreement, the City shall reimburse the Owner for the actually expended Construction Costs of the Public Improvements, up to an amount no greater than the principal sum of Seven Million Three Hundred Seventy-Seven Thousand Two Hundred Fifteen Dollars (\$7,377,215.00), upon the following terms:

1. Payment. Commencing October 1 after the Public Improvements achieve Substantial Completion, and on every October 1 thereafter throughout the term of this Agreement, the Owner shall receive an annual Payment comprised of One Hundred Percent (100%) of the Available TIF District Revenue as follows:
 - a. Payment shall only be made from the Available TIF District Revenue.
 - b. Available TIF District Revenue shall be paid to the Owner as partial reimbursement to the Owner for the Owner Reimbursement, and the remaining balance of the Owner Reimbursement shall be reduced by the amount of each annual Payment made to the Owner.
 - c. The amount of the Available TIF District Revenue shall be calculated annually on a fiscal year basis, with the Payment, if any, made within ninety (90) days after the end of the fiscal year.
 - d. The City's obligation to make the Payment shall terminate upon the earliest to occur of the following:
 - i. when the Owner Reimbursement is fully paid; or

- ii. at the expiration of ten (10) years after the Public Improvements are Substantially Complete, whichever is earlier.

B. Payment from TIF Increment Funds Only. Nothing in this Agreement shall obligate or require the City to make Payments from any source of City funds other than the Available TIF District Revenue, under the terms set forth in this Agreement.

C. Declaration of Necessity. The City declares that the reimbursement procedure outlined above is necessary to implement the Project Plan.

SECTION 4. TERM

The term of this Agreement shall begin on the Effective Date and shall terminate upon the earlier of: (a) the complete performance of all obligations and conditions precedent by parties to this Agreement, (b) on the date ten (10) years after the date the Public Improvements are Substantially Complete, whether or not Payment has been made in full; or (c) upon the City's termination of this Agreement pursuant to Section 6 hereof.

SECTION 5. AUTHORITY; COMPLIANCE WITH LAW

A. The Owner hereby represents and warrants to the City that it has full lawful right, power, and authority to execute and deliver and perform the terms and obligations of this Agreement and that the execution and delivery of this Agreement has been duly authorized by all necessary action by the Owner and this Agreement constitutes the legal, valid and binding obligation of the Owner, and is enforceable in accordance with its terms and provisions.

B. The Owner represents and warrants that to the best of its knowledge during the Owner's ownership of the Property (1) no landfill was deposited on or taken from the Property, (2) no construction debris or other debris (including, without limitation, rocks, stumps, and concrete) was buried upon the Property, and (3) no toxic waste or "hazardous substances" as that term is defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1988, or petroleum products and derivatives thereof, were deposited on the Property.

C. Notwithstanding any other provision of this Agreement, the Owner shall comply with all federal and state laws, and City ordinances in the development, construction and operation of the Property and the Private Improvements.

D. As required by Subchapter B of Chapter 2264 of the Texas Government Code, the Owner certifies that to the Owner's knowledge it does not and will not knowingly employ an undocumented worker. If after receiving the Payments set forth in this Agreement the Owner is convicted under 8 USC Section 1324(a)(6), it shall repay the

amount of the Payments (or portion that it has received) plus 10% interest not later than the 120th day after the date the City notifies the Owner of the violation.

SECTION 6. DEFAULT AND REMEDIES

A. In the event: (i) the Owner fails to comply with the terms of this Agreement; (ii) the Owner has delinquent ad valorem or sales taxes owed to the City (provided that the Owner retains the right to timely and properly protest and/or contest any such taxes); (iii) upon the occurrence of any Event of Bankruptcy or Insolvency by the Owner prior to substantially completion of the Public Improvements; or (iv) the Owner materially breaches any of the material terms and conditions of this Agreement, then the Owner after the expiration of the notice and cure periods described herein, shall be in default of this Agreement. In the event of such a default, City shall give the Owner written notice of such breach and/or default, and if the Owner has not cured such breach or default within thirty (30) days after receipt of such notice (or such longer period of time as may be necessary to effectuate a cure so long as the Owner is diligently pursuing same), the City may terminate this Agreement by written notice to the Owner, and the City shall have no further obligation to the Owner.

B. In the event: (i) the City fails to comply with the terms of this Agreement; or (ii) the City materially breaches any of the material terms and conditions of this Agreement, then the City after the expiration of the notice and cure periods described herein, shall be in default of this Agreement. In the event of such a default, the Owner shall give the City written notice of such breach and/or default, and if the City has not cured such breach or default within thirty (30) days after receipt of such notice (or such longer period of time as may be necessary to effectuate a cure so long as the City is diligently pursuing same), the Owner may pursue any and all rights against the City set forth herein.

C. If a default shall occur and continue, after thirty (30) days written notice to cure the default (or such longer period of time as may be necessary to effectuate a cure so long as the defaulting party is diligently pursuing same), the party not in default shall have the right to exercise any and all rights available to such party at law or in equity, including the right to seek equitable relief such as injunction or mandamus as to which the non-defaulting party may be entitled.

D. No waiver or any breach of any term or condition of this Agreement shall be construed to waive any subsequent breach of the same or any other term or condition of this Agreement. Any waiver of any term or condition of this Agreement must be in writing and approved by the City Council of Mansfield.

SECTION 7. RIGHT OF OFFSET

The City may, at its option, offset any amounts due and payable to the Owner under this Agreement against any debt (including taxes) lawfully due and payable to the City, or any other taxing unit participating in the Payments under this Agreement, from the Owner, regardless of whether the amount due arises pursuant to the terms of this

Agreement or otherwise, and regardless of whether or not the debt in question has been reduced to judgment by a court.

SECTION 8. DETERMINATION OF ROUGH PROPORTIONALITY

As additional consideration for the Payments received by Owner under this Agreement, Owner hereby agrees to donate the land necessary to construct the Public Improvements to the City as currently contemplated as of the Effective Date and Owner further agrees that such land is roughly proportional to the need for such land; provided, however, notwithstanding anything to the contrary contained herein, the foregoing land donation and representation shall only apply to the Public Improvements contemplated as of the Effective Date and shall not apply to any modifications arising after the Effective Date. Owner further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the Private Improvements. Owner waives and releases all claims against the City related to any and all rough proportionality and individual determination requirements mandated by Subchapter Z of Chapter 212, Texas Local Government Code, as well as other requirements of a nexus between development conditions and the projected impact of the Private Improvements.

SECTION 9. VENUE AND GOVERNING LAW

This Agreement is performable in Tarrant County, Texas and venue of any action arising out of this Agreement shall be exclusively in Tarrant County, Texas. This Agreement shall be governed and construed in accordance with the Charter, ordinances, and resolutions of the City of Mansfield, applicable federal and state laws, violation of which shall constitute a default of this Agreement. To the extent permitted by law, the laws of the State of Texas shall apply without regard to applicable principles of conflicts of law, and the parties submit to the jurisdiction of the state and federal courts in Mansfield, Tarrant County, Texas.

SECTION 10. FORCE MAJEURE

Performance of Owner's obligations under this Agreement shall be subject to extension due to delay by reason of events of force majeure, and Owner's obligations shall be abated during any period of force majeure. Force majeure shall include, without limitation, damage or destruction by fire or other casualty, condemnation, strike, lockout, civil disorder, war, issuance of any permit and/or legal authorization (including engineering approvals by any governmental entity), shortage or delay in shipment of materials or fuel occasioned by any event referenced herein, acts of God, adverse weather or wet soil conditions or other causes beyond the parties' reasonable control, including but not limited to, any court or judgment resulting from any litigation affecting the Property or this Agreement.

SECTION 11. GIFT TO PUBLIC SERVANT OR TO THE OWNER REPRESENTATIVE

A. No Benefit. Each party hereto represents to the other that it has not offered, conferred, or agreed to confer and that it will not offer, confer or agree to confer in the future any benefit upon an employee or official of the other party. For purposes of this section, "benefit" means anything reasonably regarded as economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

E. Right of Reimbursement. Notwithstanding any other legal remedies, City may obtain reimbursement for any expenditures made to the Owner as a result of the improper offer, agreement to confer, or conferring of a benefit to a City employee or official.

SECTION 12. BINDING AGREEMENT; ASSIGNMENT

A. The terms and conditions of this Agreement are binding upon the successors and assigns of the parties hereto. The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on the City and the Owner and each and every subsequent owner of all or any portion of the Property and shall be binding on all successors, heirs, and assigns of the Owner which acquire any right, title, or interest in or to the Property, or any part thereof.

B. Any assignment of this Agreement must be in writing executed by the assignor and assignee, and shall not be permitted without the express written consent of the City; provided that the assignment of this Agreement as may be necessary to a lender of Owner in connection with financing the Private or Public Improvements by the Owner shall be expressly permitted and no consent of the City to such assignment to a lender shall be required; and provided, further, that the assignment of this Agreement or a portion thereof by Owner in connection with the conveyance of any portion of the Property by Owner to a person in which at least ninety percent (90%) of the equity of which is directly or indirectly owned by Owner or the owner of Owner, shall not require the consent of the City if (i) the City is provided with current notice of such assignment and (ii) the transferee has agreed to assume applicable obligations under this Agreement with respect to the portion of the Property so conveyed. Any assignment shall be contingent upon the assignee's agreement to comply with the provisions of this Agreement.

SECTION 13. INDEMNIFICATION

A. THE OWNER EXPRESSLY AGREES TO FULLY AND COMPLETELY DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, AND ITS OFFICERS, AND EMPLOYEES, AGAINST ANY AND ALL CLAIMS, LAWSUITS, LIABILITIES, JUDGMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM, DAMAGES OR LIABILITY FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ANY NEGLIGENT,

GROSSLY NEGLIGENT, WRONGFUL, OR STRICTLY LIABLE ACT OR OMISSION OF THE OWNER, ITS AGENTS, EMPLOYEES, OR CONTRACTORS, ARISING OUT OF THE OWNER'S PERFORMANCE OF THIS AGREEMENT. Nothing in this paragraph may be construed as waiving any governmental immunity available to the City under state law. This provision is solely for the benefit of the Owner and the City and is not intended to create or grant any rights, contractual or otherwise, in or to any other person.

B. It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties. The City, their past, present and future officers, elected officials, directors, employees, and agents of the City do not assume any responsibility to any third party in connection with the Owner's construction of the Public Improvements.

SECTION 14. MISCELLANEOUS MATTERS

A. Time is of Essence. Time is of the essence in this Agreement. The parties hereto will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

B. Agreement Subject to Law. This Agreement is made subject to the provisions of the Mansfield Home Rule Charter and ordinances of City, as amended, and all applicable state and federal laws.

C. Interpretation. This Agreement shall not be construed against the drafting party.

D. Counterparts Deemed Original. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

E. Captions. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

F. Complete Agreement. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in the Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached and made a part of this Agreement.

G. Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore; (ii) sent by a nationally recognized overnight courier service; or (iii) delivered by United States certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the respective party at its

address set forth below, and shall be effective (a) upon receipt or refusal if delivered personally; (b) one business day after depositing, with such an overnight courier service or (c) two business days after deposit in the United States mails, if mailed. Any party hereto may change its address for receipt of notices by service of a notice of such change in accordance with this subsection.

If intended for Board, to:

Chair, Board of Directors
Tax Increment Financing Reinvestment Zone No. One
1200 E. Broad Street
Mansfield, Texas 76063

If intended for City, to:

City of Mansfield
1200 E. Broad Street
Mansfield, Texas 76063
Attn: City Manager
Facsimile: (817) 473-1342

With a copy to:

Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Attn: Drew Larkin
Facsimile: (817) 332-4740

If intended for the Owner, to:

SW Mansfield Development, LLC
4145 Travis St, Suite 300
Dallas, Texas 75204
Attn: Clay Roby
Email: clay.robby@stillwatercap.com

With a copy to:

Wick Phillips Gould & Martin LLP
3131 McKinney Ave, Suite 100
Dallas, Texas 75204
Attn: Chris Fuller
Email: chris.fuller@wickphillips.com

H. Amendment. This Agreement may only be amended by the mutual written agreement of the parties.

I. Severability. In the event any section, subsection, paragraph, subparagraph, sentence, phrase, or word herein is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable, and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, subparagraph, sentence, phrase, or word. In the event there shall be substituted for such deleted provision a provision as similar in terms and in effect to such deleted provision as may be valid, legal and enforceable.

J. Attorney's Fees. If any party employs an attorney or attorneys to enforce any of the provisions hereof, or to recover damages for the breach of this Agreement, the non-prevailing party in any final judgment or award agrees to pay the other party all reasonable costs, charges and expenses, including reasonable attorneys' fees, expended or incurred in connection therewith.

SECTION 15. EFFECTIVE DATE.

This Agreement shall become effective upon the last to occur of the execution of the Agreement by all parties.

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BOARD OF DIRECTORS OF THE TAX
INCREMENT FINANCING
REINVESTMENT ZONE NUMBER
ONE, CITY OF MANSFIELD, TEXAS

SW MANSFIELD DEVELOPMENT,
LLC, a Texas limited liability company

By: _____

Name: _____
Board Chairman

Date: _____

CITY OF MANSFIELD, TEXAS

By: _____

Robert A. Sherman
Manager/Director

Date: _____

By: _____

Joe Smolinski, City Manager

Date: _____

ATTEST:

By: _____

Susana Marin, City Secretary

APPROVED AS TO FORM AND
LEGALITY:

By: _____

Drew Larkin, City Attorney

Exhibit List

Exhibit A	Site Plan
Exhibit B	Public Improvements



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4836

Agenda Date: 8/22/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

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

Requested Action

Provide opportunity for the citizens of Mansfield to offer their ideas regarding the FY 2022/2023 proposed budget.

Recommendation

Receive citizen input regarding the FY 2022/2023 proposed budget.

Description/History

The public hearing regarding the proposed FY 2022/2023 budget to receive citizen input.

Please note that a vote to adopt the budget ordinance will be presented at the special Council meeting scheduled for September 12, 2022

Justification

Provide for the annual service program for the City of Mansfield, Texas for fiscal year 2023.

Funding Source

N/A

Prepared By

Troy Lestina, Chief Financial Officer
817-276-4258



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4837

Agenda Date: 8/22/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

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

Requested Action

Provide opportunity for the citizens of Mansfield, Texas to offer their ideas regarding the FY 2022/2023 tax rate.

Recommendation

Receive citizen input regarding the tax rate.

Description/History

The City of Mansfield, Texas has announced a tax rate of \$0.68 to support the budget for fiscal year 2023. The public hearing is to receive input from the public about the tax rate.

Justification

Provide for the annual service program to the City of Mansfield, Texas for fiscal year 2023.

Funding Source

N/A

Prepared By

Troy Lestina, Chief Financial Officer
817-276-4258



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4839

Agenda Date: 8/22/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

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)

..Request

To consider the request for a Specific Use Permit for Gas Well Drilling and Production

Recommendation

The Planning and Zoning Commission held a public hearing on August 1, 2022, and voted 5 to 2 to recommend approval with the condition that the gas well operator must provide continuous sound monitoring when the first home is built in Watson Branch.

Staff recommends approval, with the condition that the gas well operator must provide continuous sound monitoring from the nearest homes.

The recommendations are a product of public discourse regarding the preservation and protection of quality of life considerations (e.g., the number of gas well drill sites, the period of time for drilling, mitigating noise, and visually screening the site) and ensuring that future development will not be adversely impacted by drilling operations.

Description/History

Existing Use: Vacant and gas well drill site with frac pond

Existing Zoning: SF-12/22, Single-family Residential District

Surrounding Land Use & Zoning:

North - Single family residence/vacant; SF-12/22, Single-family Residential District
South - Single family residences; PD, Planned Development District
East - Vacant; PR, Pre-Development District
West - Commercial; C-2, Community Business District and 2F, Two-Family Residential District

Thoroughfare Plan Specification:

Mouser Way, 4-lane undivided collector

Justification

The original Specific Use Permit (SUP) for the Overstreet drill site was approved by the City Council on October 25, 2010. Pursuant to the provisions found in Section 155.102, City Council subsequently renewed the drilling authorization under the SUP for a further 5-year period on September 28, 2015.

Under the City's 5-year drilling provision in Section 155.102(E)(11)(b) of the Zoning Ordinance, the drilling authorization for this site ended on September 28, 2020. Drilling authorization under this Section means the gas well operator's ability to drill new wells. The SUP remains in effect for production operation and maintenance of wells drilled before the expiration of the 5-year period.

Because a renewal of a SUP must be done prior to the expiration of the 5-year period and drilling authority for this site expired in 2020, the applicant is requesting a new SUP under the provisions of Section 155.102 to obtain a 5-year extension for further gas well drilling and production.

As a new SUP request, consent is required from the owners of protected properties that are located within 600 feet of the drill site. The Overstreet Unit is within 600 feet of the Watson Branch single-family residential phase on the north side of Mouser Way. The new owner/developer of the single-family phase, Green Brick Partners, Inc., has provided consent to allow drilling operations less than 600 feet from their property line. Mouser Electronic recently purchased the property from the Overstreet Family and has consented to the drilling operations as well.

Drilling operations on this site are further subject to the gas well drilling and production regulations set forth in Chapter 114 of the Code of Ordinances. The regulations include the following provisions:

- The drilling rig must be powered by electricity;
- Site lighting must be shielded and directed away from streets and adjacent protected uses;
- Noise coming from the site during drilling and fracturing operations must be mitigated;
- Notice must be sent to the occupants of all residences within 1,000 feet of the drill site at least 10 days prior to the start of drilling operations;
- Drilling operations may take place over a 24-hour period on any day. Fracturing operations are restricted to hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays. Fracturing is prohibited on Sundays and city holidays.

The drilling regulations in Chapter 114 will be enforced by the City Gas Well Inspector.

The applicant is not proposing any changes from the original SUP other than the

extension of time. The following is a summary of the gas well operator's proposal:

- The maximum number of wells allowed at this site is 20. Three (3) of the wells have already been drilled under the preceding SUPs. No increase in the total number of wells is proposed. The applicant initially plans to seek permits for six (6) new wells if the SUP is approved.
- No change in the size or location of the existing drill site or frac pond is proposed.
- Water is purchased from the City and stored in an on-site frac pond.
- No line compressor is permitted at this site.
- The landscape plan reflects the existing screening and landscaping installed at the site.
- Vehicular traffic during drilling operations must come from US 287 to the drill site entrance on Mouser Way. Regular traffic for maintenance will continue to use FM 157 to Mouser Way to the drill site entrance.
- Noise must comply with Chapter 114 of the Code of Ordinances. Additionally, a 32-foot sound wall must be installed around the pad and 8-foot sound walls around the water pumps at the frac pond to mitigate noise.

The applicant expressed that GHA would consent to a requirement for air quality and leak detection and repair testing during drilling and completion operations.

Further details of the proposed operations are provided in the attached site plan.

Prepared By

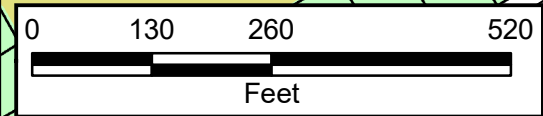
Art Wright, Senior Planner/Gas Well Coordinator
817-276-4226



SUP#22-003

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

7/18/2022



7/18/2022

Property Owner Notification SUP#22-003

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
WADDELL, F B SURVEY ABST 1658	TR 17A01 A 1658 TR 17A01 HS	MOUSER ELECTRONICS INC	1000 N MAIN ST	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK A	MANSFIELD HOMESPACE LLC	1903 PEYCO DR N	ARLINGTON, TX	76001
NORTH RIDGE SUB (MANSFIELD)	BLK A	KIU, WAI	6023 LAKEHURST CT	ARLINGTON, TX	76016-1025
NORTH RIDGE SUB (MANSFIELD)	BLK A	CHAPA, PRISCILLA	527 MOCKINGBIRD DR	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK A	STUPPLEBEEN, ROBERT	525 MOCKINGBIRD DR	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK A	SHEETS, WALTER	523 MOCKINGBIRD DR	MANSFIELD, TX	76063-1533
NORTH RIDGE SUB (MANSFIELD)	BLK A	TAH 2017-1 BORROWER LLC	PO BOX 15087	SANTA ANA, CA	92735-0087
NORTH RIDGE SUB (MANSFIELD)	BLK A	RAMOS, ERIC	519 MOCKINGBIRD DR	MANSFIELD, TX	76063-1533
NORTH RIDGE SUB (MANSFIELD)	BLK A	BAILEY, KARL	517 MOCKINGBIRD DR	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK A	GRIFFIN, VERA ALEXANDER	515 MOCKINGBIRD DR	MANSFIELD, TX	76063-1533
NORTH RIDGE SUB (MANSFIELD)	BLK A	FOSTER, CHRISTINE	513 MOCKINGBIRD DR	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK A	WALKER, MARTHA JANE	6700 THE OUTER AVE	LEANDER, TX	78641
NORTH RIDGE SUB (MANSFIELD)	BLK B	YENTIS FAMILY TRUST	2615 SIMONDALE DR	FORT WORTH, TX	76109
NORTH RIDGE SUB (MANSFIELD)	BLK B	SEJI, QAZIM	2102 HARVEST WAY	MANSFIELD, TX	76063-7678
NORTH RIDGE SUB (MANSFIELD)	BLK B	ISENBERG, SARAH	520 MOCKINGBIRD DR	MANSFIELD, TX	76063-1534
NORTH RIDGE SUB (MANSFIELD)	BLK B	JACKSON, KIM	7425 NOCONA DR	MANSFIELD, TX	76063
NORTH RIDGE SUB (MANSFIELD)	BLK B	DISTEFANO, JADE N	516 MOCKINGBIRD DR	MANSFIELD, TX	76063-1534
OVERSTREET ADDITION	BLK 1	498 MOUSER WAY LLC	1000 N MAIN ST	MANSFIELD, TX	76063

Monday, July 18, 2022

Page 1 of 1

EXHIBIT "A"
SUP#22-003

LEGAL DESCRIPTION OF
DRILL PAD SITE

Being a tract of land situated in the F. B. Waddell Survey, Abstract Number 1658, City of Mansfield, Tarrant County, Texas, and being a portion of Lot 1, Block 1, Overstreet Addition, an addition to the City of Mansfield as recorded in Cabinet B, Slide 1245, Plat Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at 5/8 inch iron rod with cap stamped "Jacobs" set at the southwest corner of said Lot 1, Block 1, and being the southeast corner of that tract of land described by deed to Danny R. Schmidt as recorded in County Clerk's Filing Number D206018738, County Records, Tarrant County, Texas from which a 1/2 inch iron rod bears N 60°05'04"E, 389.57 feet;

THENCE N 30°05'09"W, 894.00 feet with the west line of said Lot 1, Block 1;

THENCE N 60°05'04"E, 300.00 feet departing said west line to the **Point of Beginning**;

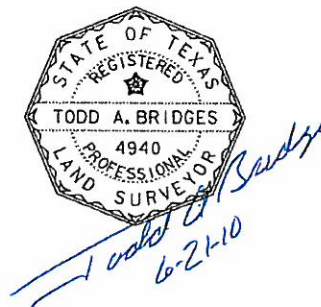
THENCE N 60°05'04"E, 260.66 feet;

THENCE S 46°33'40"E, 290.71 feet;

THENCE S 30°05'09"E, 15.47 feet;

THENCE S 60°05'04"W, 343.10 feet;

THENCE N 30°05'09"W, 294.00 feet to the **Point of Beginning** and containing 89,389 square feet or 2.052 acres of land, more or less.



**LEGAL DESCRIPTION OF
FRAC. POND**

BEING a tract of land situated in the F. B. Waddell Survey, Abstract Number 1658, City of Mansfield, Tarrant County, Texas, and being a portion of Lot 1, Block 1, Overstreet Addition, an addition to the City of Mansfield as recorded in Cabinet B, Slide 1245, Plat Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at 5/8 inch iron rod with cap stamped "Jacobs" set at the southwest corner of said Lot 1, Block 1, being in the north line of the Northridge Addition Third Section, an addition to the City of Mansfield recorded in Volume 388-217, Page 37, said Plat Records, and being the southeast corner of that tract of land described by deed to Danny R. Schmidt as recorded in County Clerk's Filing Number D206018738, County Records, Tarrant County, Texas;

THENCE N 60°05'04"E, 297.34 feet with the south line of said Lot 1, Block 1 to a point from which a 1/2 inch iron rod bears N 60°05'04"E, 229.19 feet;

THENCE N 29°55'56"W, 46.12 feet departing said south line to the **Point of Beginning**;

THENCE N 27°25'44"W, 247.23 feet;

THENCE N 78°07'56"W, 70.38 feet;

THENCE S 59°14'12"W, 67.41 feet;

THENCE N 28°49'09"W, 229.27 feet;

THENCE N 43°21'24"E, 110.34 feet;

THENCE N 60°05'04"E, 234.76 feet;

THENCE S 29°55'02"E, 85.74 feet;

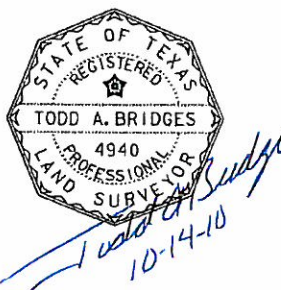
THENCE S 25°35'14"W, 61.53 feet;

THENCE S 29°54'56"E, 246.25 feet;

THENCE S 23°17'48"W, 49.47 feet;

THENCE S 27°35'23"E, 151.65 feet;

THENCE S 57°39'44"W, 139.31 feet to the **Point of Beginning** and containing 125,436 square feet or 2.880 acres of land more or less.



NOTE: BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, ZONE 4202 RELATED TO THE SOUTH LINE OF LOT 1, BLOCK 1, OVERSTREET ADDITION, AS RECORDED IN CABINET B, SLIDE 1245, PLAT RECORDS, TARRANT COUNTY, TEXAS, PLUS A ROTATION ANGLE OF 00°14'19".



0 100 200
GRAPHIC SCALE IN FEET

F.B. WADDELL SURVEY,
ABSTRACT NO. 1658

LOT 1, BLOCK 1
OVERSTREET ADDITION
CAB. B, SLD. 1245
P. R. T. C. T.

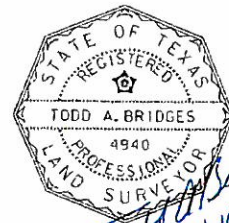
2.880 ACRES

POINT OF
BEGINNING

POINT OF
COMMENCING

MOCKINGBIRD DRIVE

NORTHBRIDGE ADDITION
THIRD SECTION
VOL. 388-217, PG. 37
P. R. T. C. T.



FRAC. POND EXHIBIT OF

SITUATED IN THE F.B. WADDELL SURVEY, ABSTRACT NO. 1658,
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS

JACOBS
777 MAIN STREET
FORT WORTH, TX 76102
(817) 735-6000

JOB # WFXJ7700.0449

DATE: 10-14-10

DRAWN: ATP

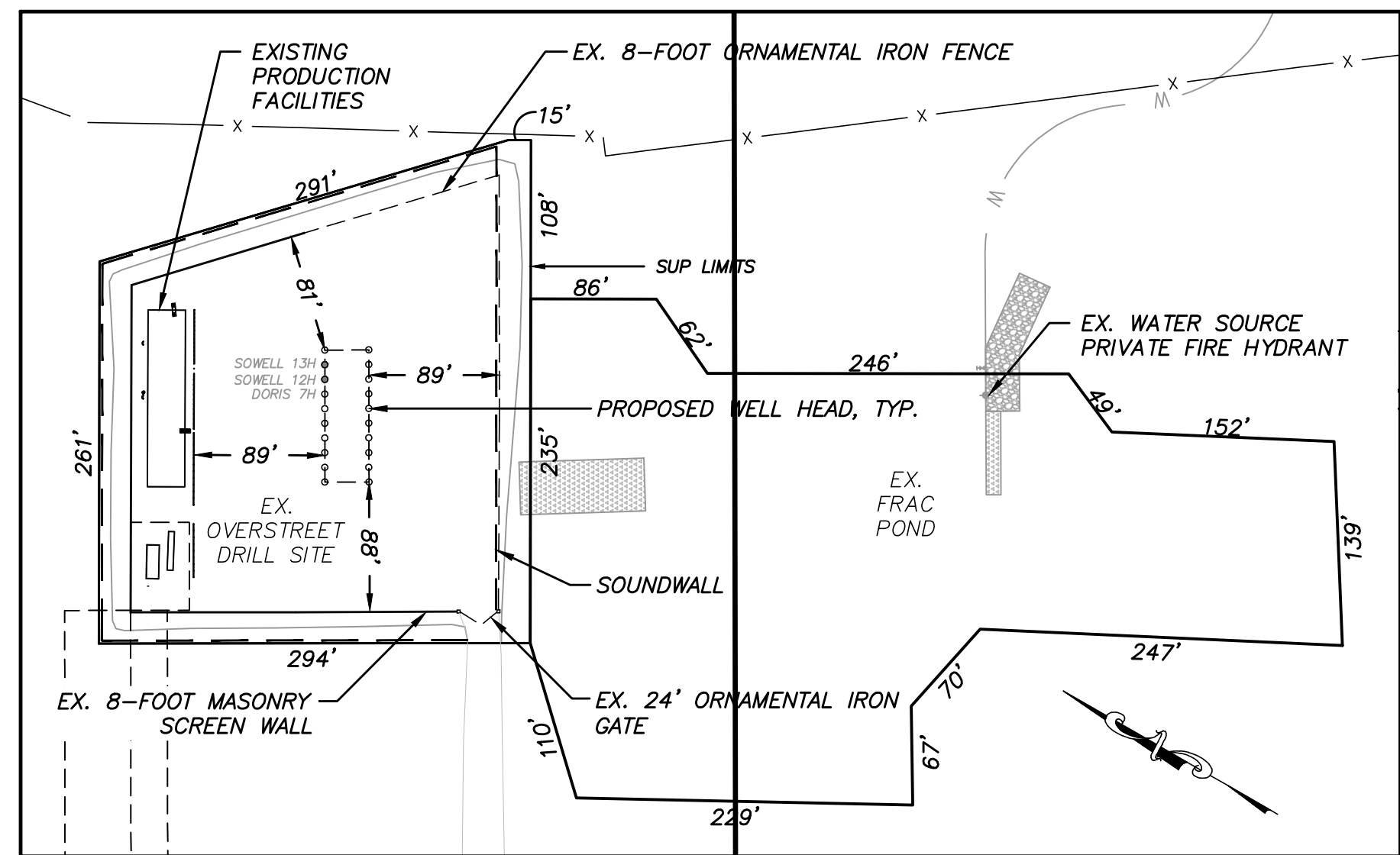
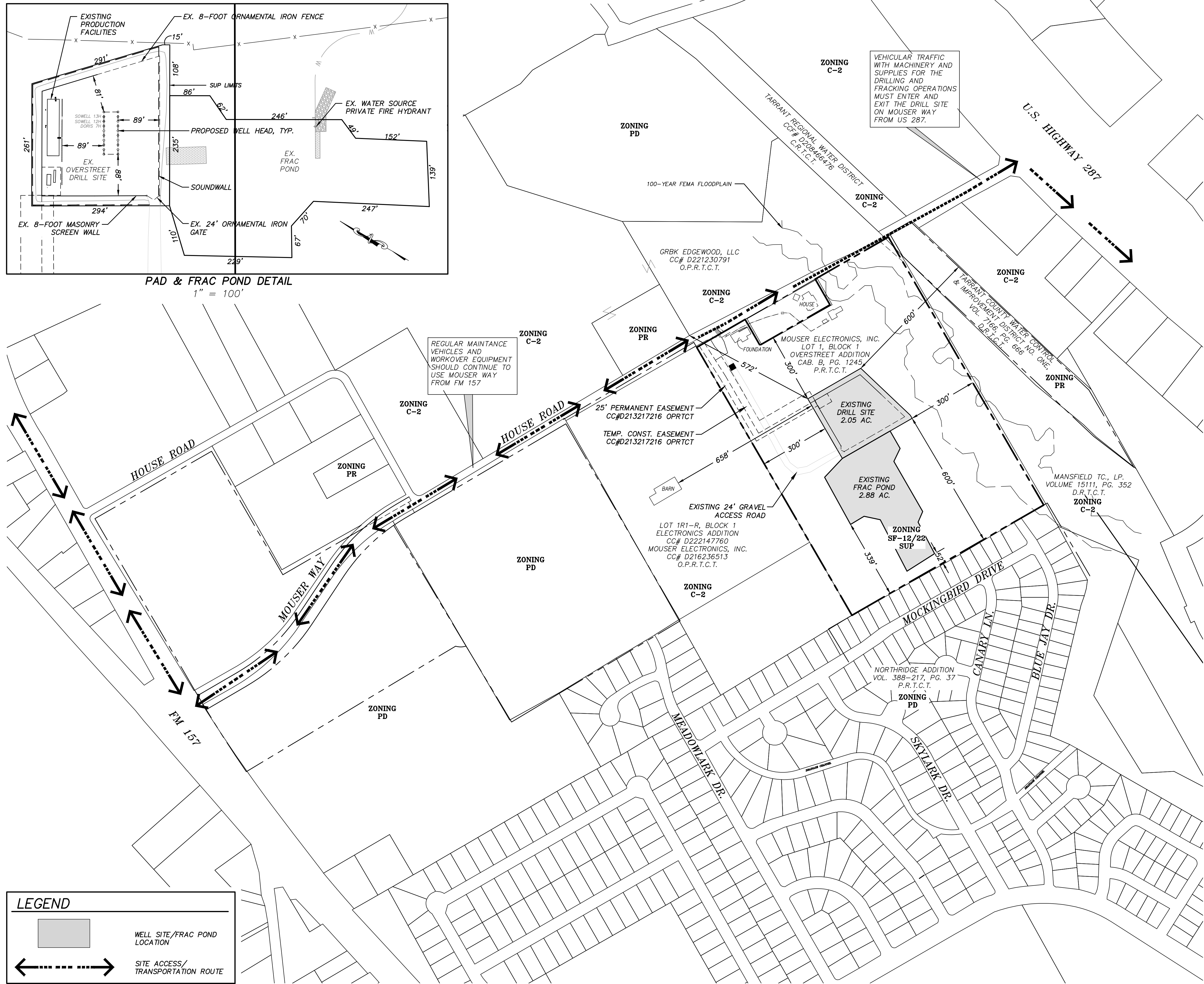
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SHT. NO.

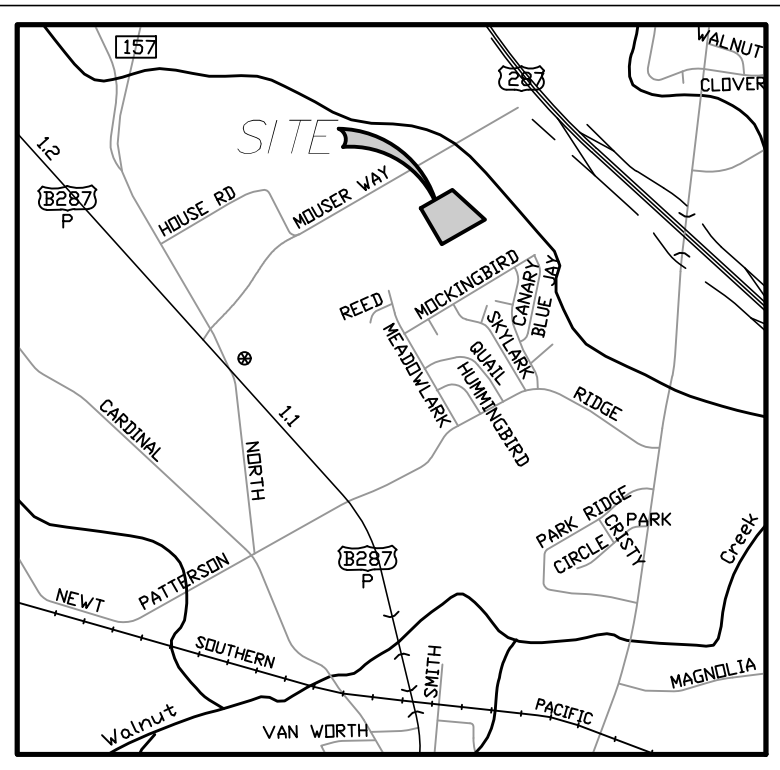
2 OF 2

J:\JOB\WFXJ7700\SUR\J7700_F46.DGN

DRILL SITE PLAN & TRANSPORTATION ROUTE

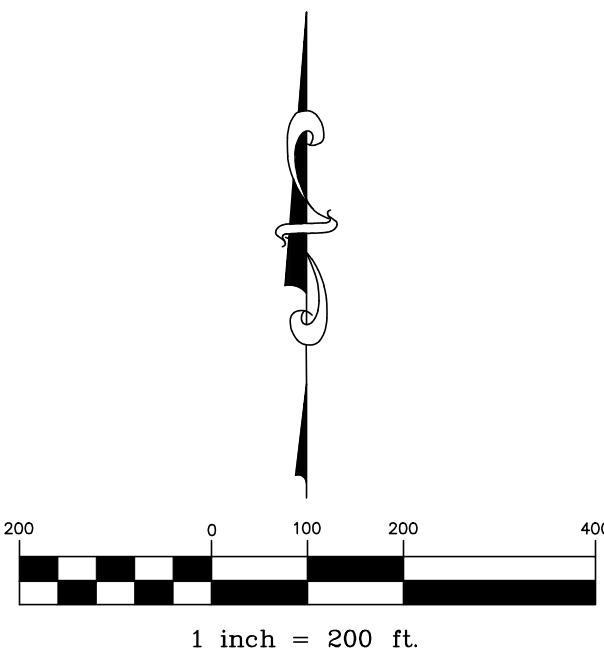


PAD & FRAC POND DETAIL
1" = 100'



VICINITY MAP
NTS

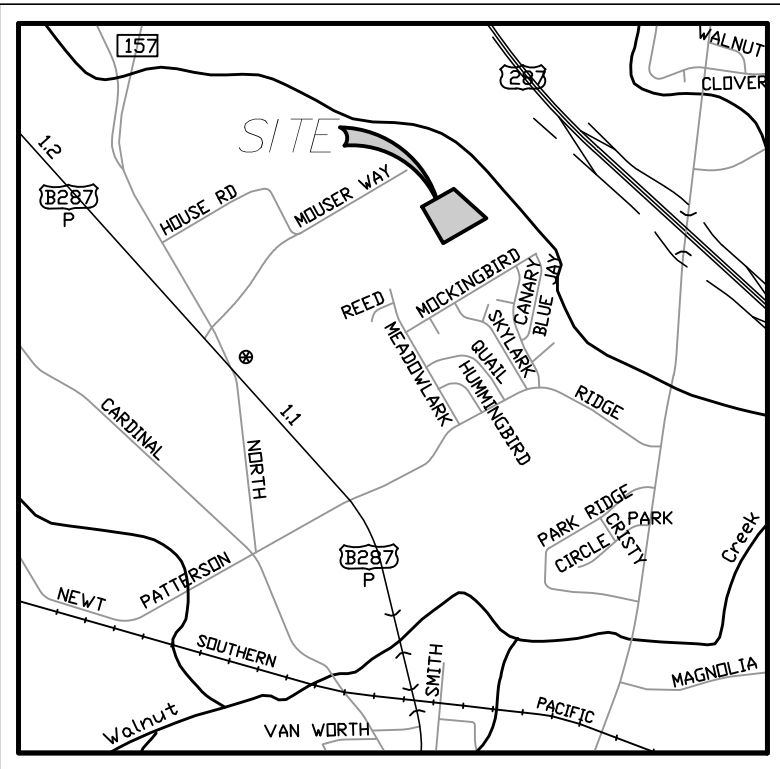
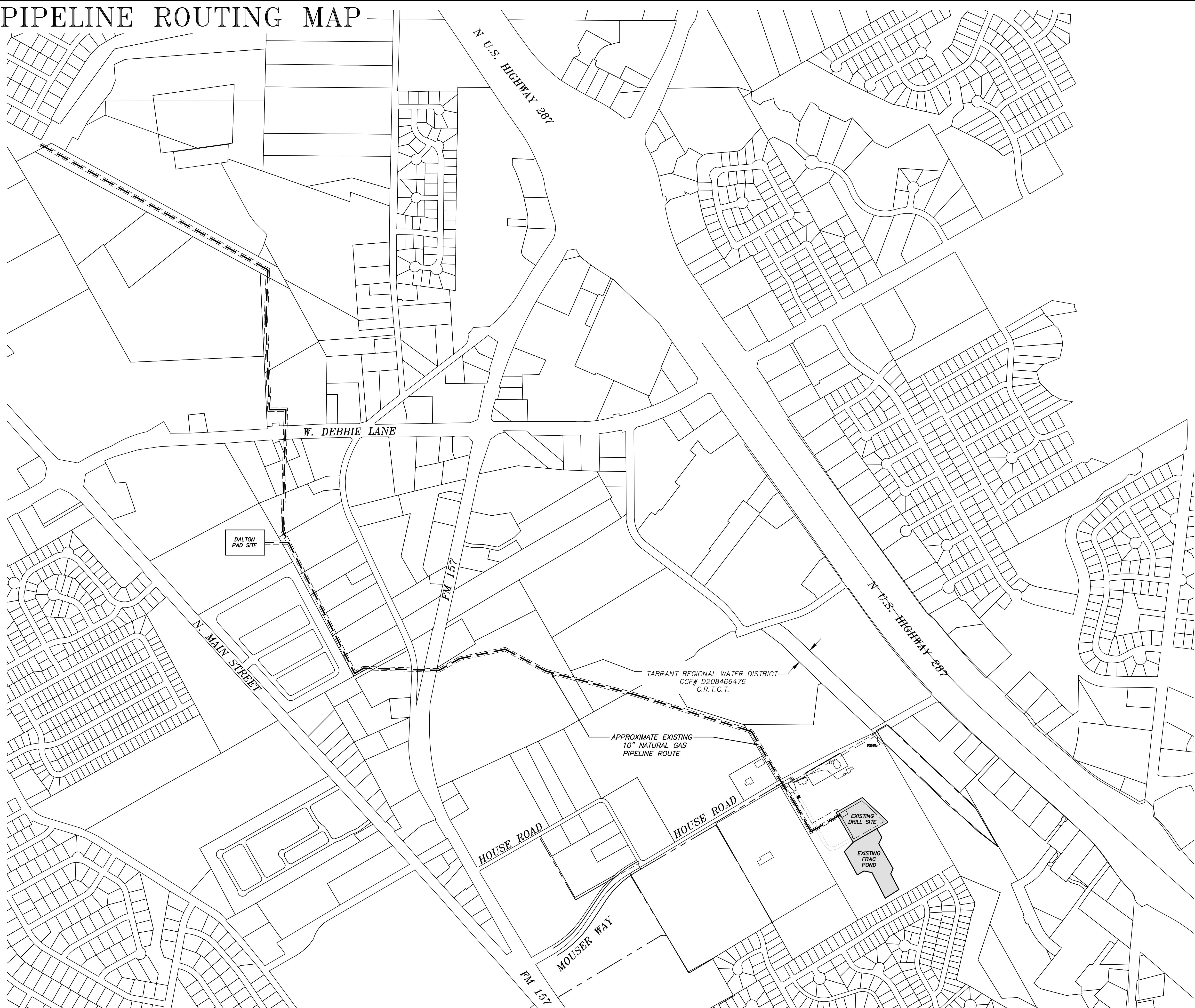
- NOTES:**
1. THERE ARE 3 EXISTING WELLS (SOWELL 12H, 13H & DORIS 7H) AT THIS SITE. GHA BARNETT, LLC. WILL DRILL UP TO 17 GAS WELLS ON THE OVERSTREET DRILL SITE FOR A TOTAL OF 20 WELLS ALLOWED UNDER THE PRECEDING SUP.
 2. DRILLING AND COMPLETION ACTIVITIES WILL COMPLY WITH THE REGULATIONS CONTAINED IN SECTION 155.102 OF THE MANSFIELD CODE OF ORDINANCES, CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, AND ALL APPLICABLE STATE AND FEDERAL REGULATIONS.
 3. VEHICULAR TRAFFIC WITH MACHINERY AND SUPPLIES FOR THE DRILLING AND FRACKING OPERATIONS MUST ENTER AND EXIT THE DRILL SITE ON MOUSER WAY FROM US 287. REGULAR MAINTENANCE VEHICLES AND WORKOVER EQUIPMENT SHOULD CONTINUE TO USE MOUSER WAY FROM FM 157 AS SHOWN ON THE TRANSPORTATION ROUTE SHEET.
 4. WATER FOR DRILLING AND COMPLETION OPERATIONS IS FROM THE EXISTING FRAC POND AS SHOWN. A PERMANENT IN GROUND WATER METER CONNECTION HAS BEEN MADE TO THE EXISTING 8-INCH WATER LINE IN BLUE JAY DRIVE. PER SURFACE OWNER REQUEST, THE FRAC POND WILL REMAIN ON SITE AFTER DRILLING OPERATIONS ARE COMPLETE.
 5. NO LINE COMPRESSORS ARE LOCATED AT THE PAD SITE. GAS LIFT COMPRESSORS ARE THE ONLY COMPRESSORS ALLOWED AT THIS SITE.
 6. IN ADDITION TO MEETING THE MINIMUM NOISE REQUIREMENTS OUTLINED BY CITY ORDINANCE, A 32-FOOT SOUND WALL WILL BE INSTALLED AT THE PERIMETER OF THE DRILL PAD SITE AND AN 8-FOOT SOUND WALL WILL BE INSTALLED AT THE PERIMETER OF POND PUMPS PRIOR TO ANY DRILLING OR FRACING OPERATIONS.
 7. THE LANDSCAPING AND SCREENING HAS BEEN INSTALLED AND WILL BE MAINTAINED AS SHOWN ON THE LANDSCAPE PLAN.
 8. THE EXISTING BERM BETWEEN THE NORTH RIDGE ADDITION AND THE EXISTING POND SHALL REMAIN.
 9. THE WATER FOR DRILLING AND COMPLETION OPERATIONS WILL BE ACCESSED VIA PRIVATE FIRE HYDRANT LOCATED AT THE FRAC POND, AND ADDITIONAL WATER POINT WILL BE UTILIZED FROM THE FIRE HYDRANT WHICH WAS INSTALLED NEAR THE ACCESS DRIVE WHEN MOUSER WAY WAS CONSTRUCTED.



SITE PLAN FOR SUP
FOR GAS WELL DRILLING AND PRODUCTION
GHA BARNETT, LLC.
OVERSTREET UNIT
BEING 5.58 ACRES OUT OF THE F.B. WADDELL SURVEY, ABSTRACT NO. 1658
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS
JUNE 16, 2022

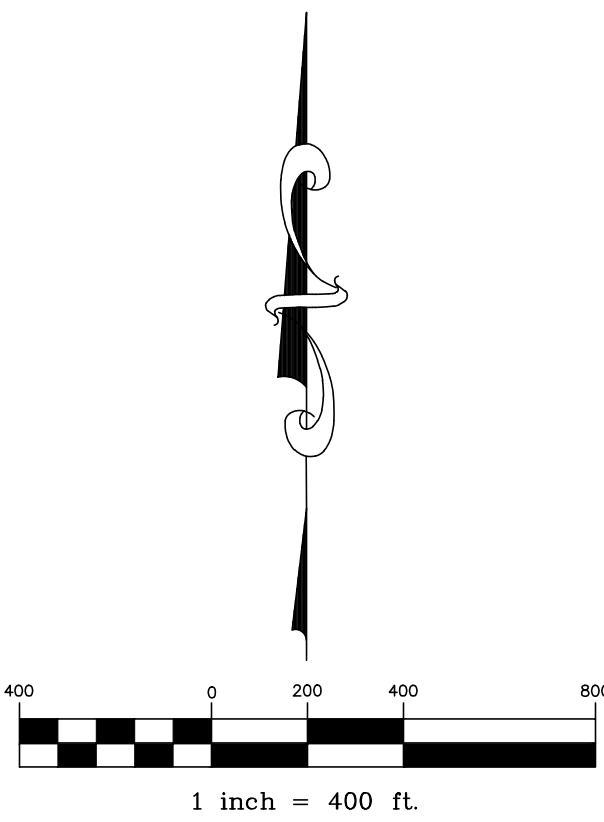
APPLICANT	PLANNER	SURFACE/MINERAL OWNER
GHA BARNETT, LLC. 1235 SOUTH MAIN STREET, SUITE 280 GRAPEVINE, TX 76051	MMA 519 EAST BORDER ARLINGTON, TX 76010	MOUSER ELECTRONICS 1000 N. MAIN STREET MANSFIELD, TX 76063
PROJECT NO.: 2606-00-01	DRAWN BY: SEK	APPROVED BY: JWS
REVISION DATE: JUNE 16, 2022	CASE: SUP#22-003	PAD NO. 55

PIPELINE ROUTING MAP



VICINITY MAP
NTS

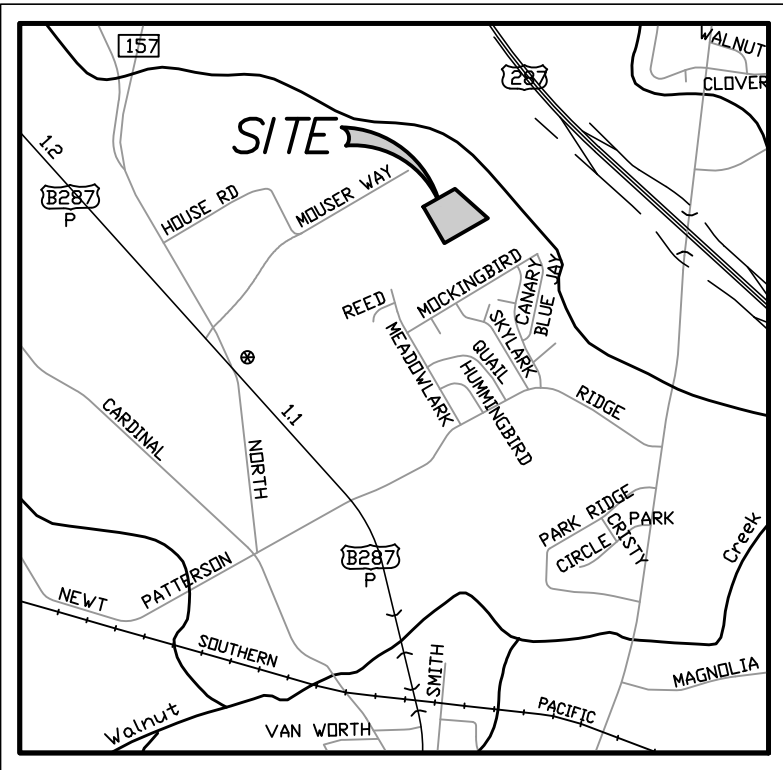
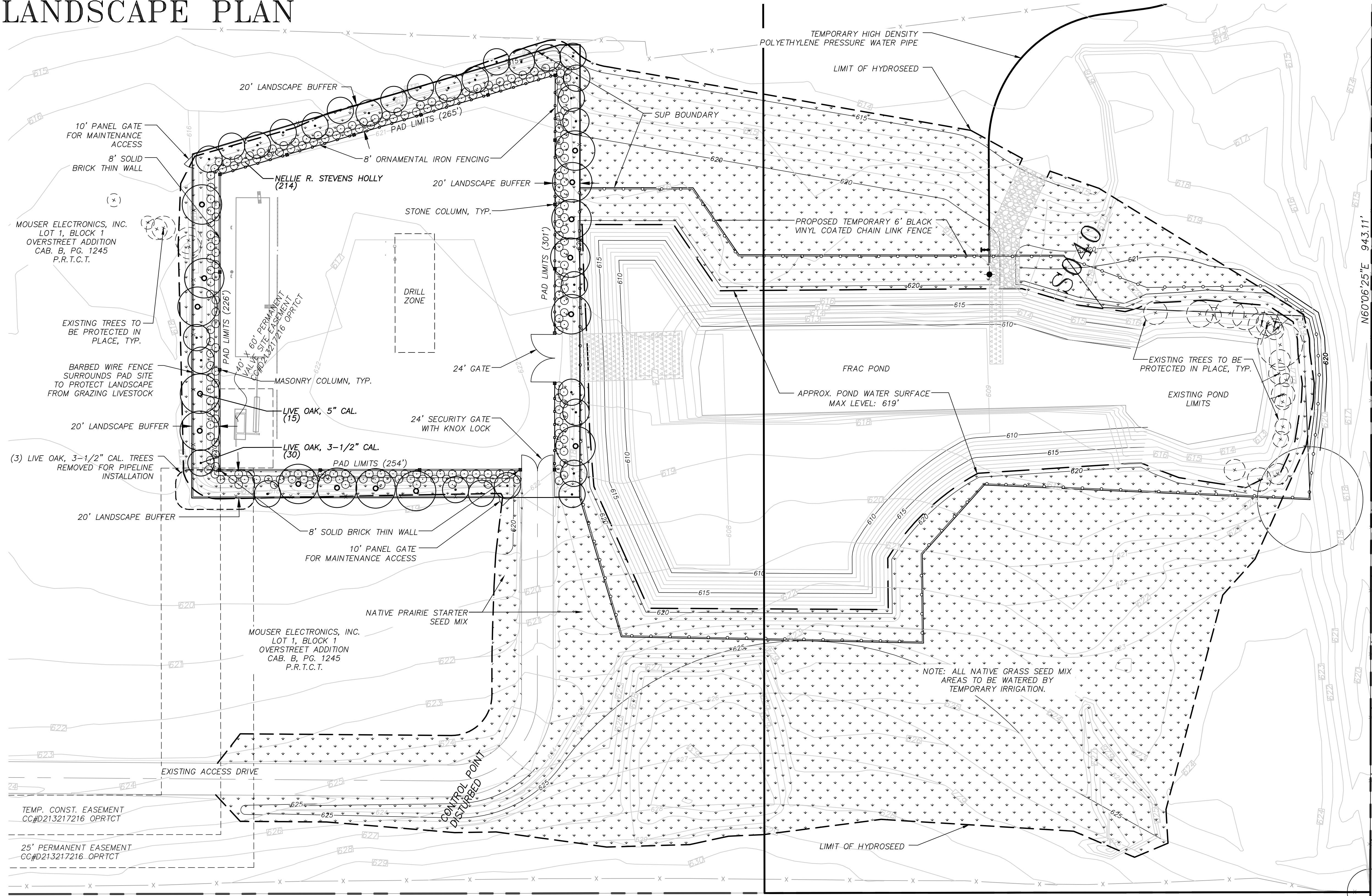
- NOTES:**
1. GAS PIPELINE ROUTE BASED ON AS-BUILT PLANS PREPARED BY TEXAS ENERGY MIDSTREAM.
 2. THE GAS PIPELINE WAS REROUTED INTO THE BARNETT GATHERING (XTO) PIPELINE IN A PROJECT THAT DECOMMISSIONED THE DFW MIDSTREAM COMPRESSOR STATION BEHIND THE MANSFIELD SD PAC.
 3. THE OVERSTREET PIPELINE NOW TIES INTO THE DALTON PAD SITE PIPELINE AT THE DALTON PADSITE.



SITE PLAN FOR SUP
FOR GAS WELL DRILLING AND PRODUCTION
GHA BARNETT, LLC.
OVERSTREET UNIT
BEING 5.58 ACRES OUT OF THE F.B. WADDELL SURVEY, ABSTRACT NO. 1658
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS
JUNE 16, 2022

APPLICANT		PLANNER	SURFACE/MINERAL OWNER	
GHA BARNETT, LLC. 1235 SOUTH MAIN STREET, SUITE 280 GRAPEVINE, TX 76051		MMA 519 EAST BORDER ARLINGTON, TX 76010	MOUSER ELECTRONICS 1000 N. MAIN STREET MANSFIELD, TX 76063	
PROJECT NO.: 2606-00-01	DRAWN BY: SEK	APPROVED BY: JWS		
REVISION DATE: JUNE 16, 2022		CASE: SUP#22-003	PAD NO. 55	

LANDSCAPE PLAN



VICINITY MAP
NTS

- NOTES:**
1. THE LANDSCAPE HAS BEEN INSTALLED ACCORDING TO THE CITY OF MANSFIELD'S LANDSCAPE ORDINANCE AND ALL STATE LAWS FOR IRRIGATION.
 2. (3) 3-1/2" CAL. LIVE OAK TREES HAVE BEEN REMOVED FOR THE INSTALLATION OF THE DRILL SITE PIPELINE.
 3. (22) NELLIE R. STEVENS HOLLY SHRUBS HAVE DIED AND HAVE BEEN REMOVED, AS APPROVED BY THE CITY OF MANSFIELD LANDSCAPE ADMINISTRATOR.
 4. ALL LANDSCAPE PLANTINGS PROPOSED IN THIS PLAN ARE IRRIGATED WITH A PERMANENT, AUTOMATIC, UNDERGROUND, IRRIGATION SYSTEM.
 5. IRRIGATION SYSTEM MEETS ALL REQUIREMENTS OF THE CITY OF MANSFIELD, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, AND ALL APPLICABLE PLUMBING CODES.

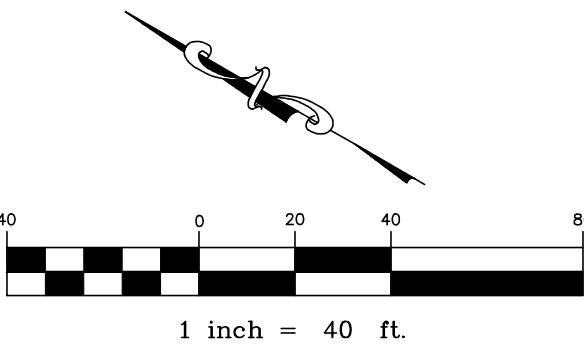


ORNAMENTAL IRON FENCE, TYP.
(NOT TO SCALE)



MASONRY WALL, TYP.
(NOT TO SCALE)

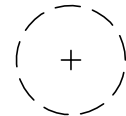
THIS DOCUMENT IS RELEASED FOR SPECIFIC USE PERMIT APPROVAL BY THE CITY OF MANSFIELD AND IS NOT INTENDED FOR BIDDING OR CONSTRUCTION PURPOSES.



SITE PLAN FOR SUP
FOR GAS WELL DRILLING AND PRODUCTION
GHA BARNETT, LLC.
OVERSTREET UNIT
BEING 5.58 ACRES OUT OF THE F.B. WADDELL SURVEY, ABSTRACT NO. 1658
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS
JUNE 16, 2022

PLANT SCHEDULE					
TREES	QTY	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE
	30	LIVE OAK, 3-1/2" CAL. / QUERCUS VIRGINIANA	CONTAINER	3-1/2" CAL.	9'-10' HT.
	15	LIVE OAK, 5" CAL. / QUERCUS VIRGINIANA	CONTAINER	5" CAL.	12'-14' HT.
SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	CONT		
	214	NELLIE R. STEVENS HOLLY / ILEX X 'NELLIE R STEVENS' MINIMUM 8' TALL AT PLANTING	45 GAL.		
GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT		
	182,727 SF	PRAIRIE STARTER SEED MIX	HYDROSEED		

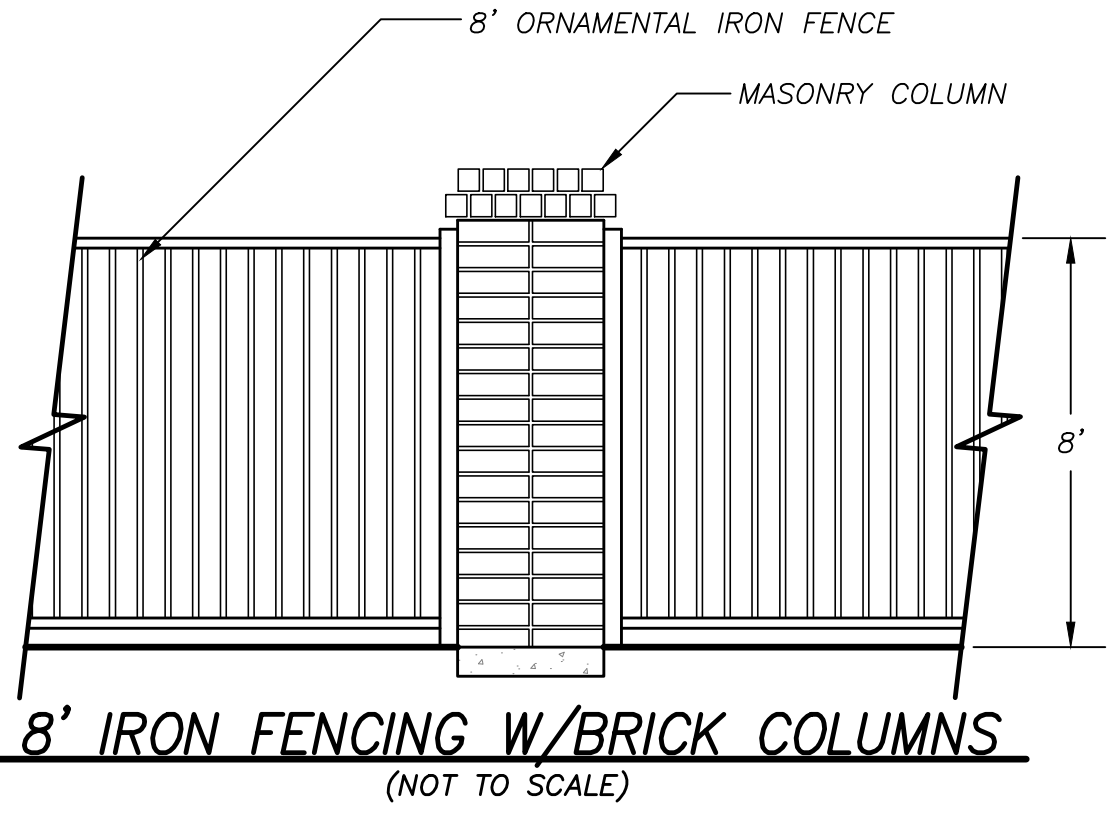
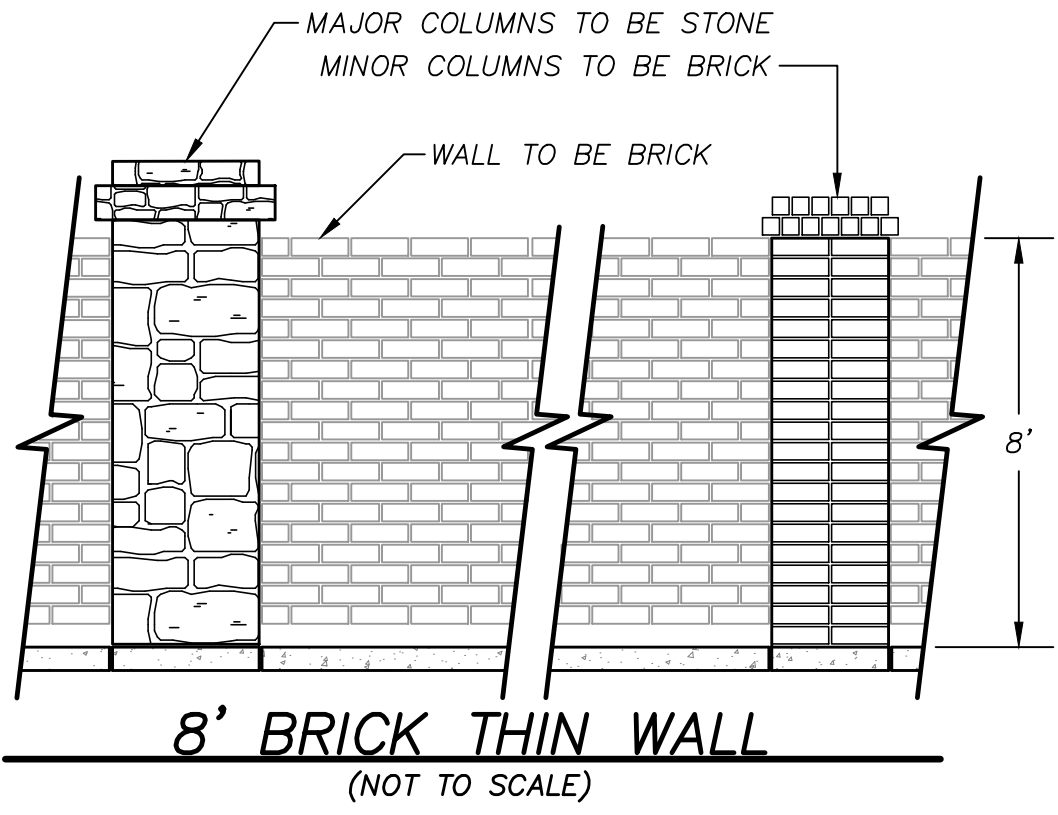
LEGEND



EXISTING TREE TO BE PRESERVED

LANDSCAPE TABLE

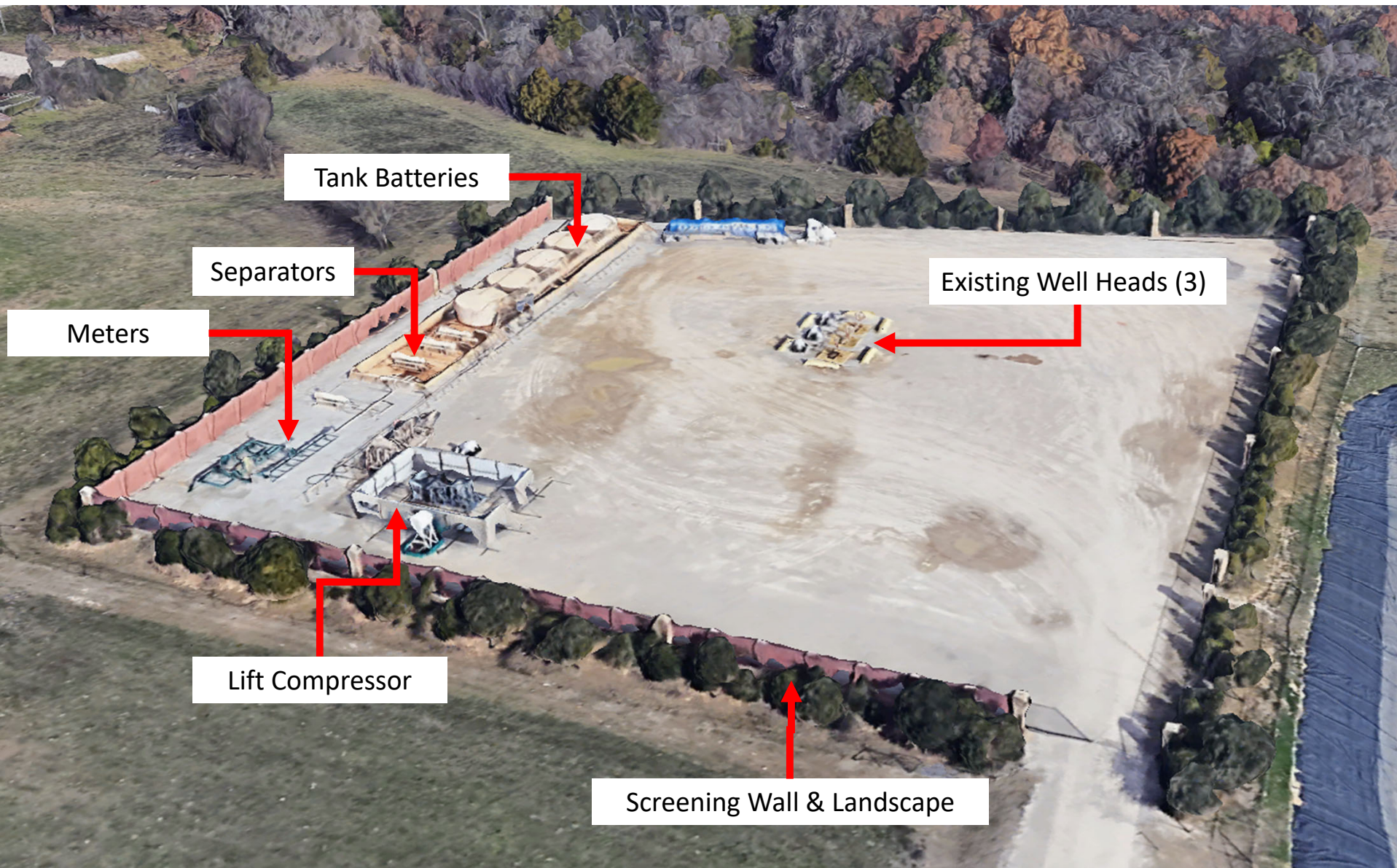
1. LANDSCAPE BUFFER REQUIRED	20'
LANDSCAPE BUFFER PROVIDED:	20'
2. REQUIRED TREES	
1 TREE / 25 LF	1046 LF / 25 LF = 42 TREES
PROVIDED TREES	45 TREES
3. CALIPER REQUIREMENTS	
MAX. 70% SHALL BE 3.5 CAL INCHES	= 29.4 TREES
MIN. 30% SHALL BE 5 CAL. INCHES	= 12.6 TREES
PROVIDED 3.5" CAL. TREES	30 TREES
PROVIDED 5" CAL. TREES	15 TREES



APPLICANT	PLANNER	SURFACE/MINERAL OWNER	
GHA BARNETT, LLC. 1235 SOUTH MAIN STREET, SUITE 280 GRAPEVINE, TX 76051	MMA 519 EAST BORDER ARLINGTON, TX 76010	MOUSER ELECTRONICS 1000 N. MAIN STREET MANSFIELD, TX 76063	
PROJECT NO.: 2606-00-01	DRAWN BY: SEK	APPROVED BY: JWS	
REVISION DATE: JUNE 16, 2022	CASE: SUP#22-003	PAD NO. 55	

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SHEET 3 OF 3



OVERSTREET DRILL SITE
GHA BARNETT, LLC.
 DRILL SITE PLAN
 MANSFIELD, TEXAS

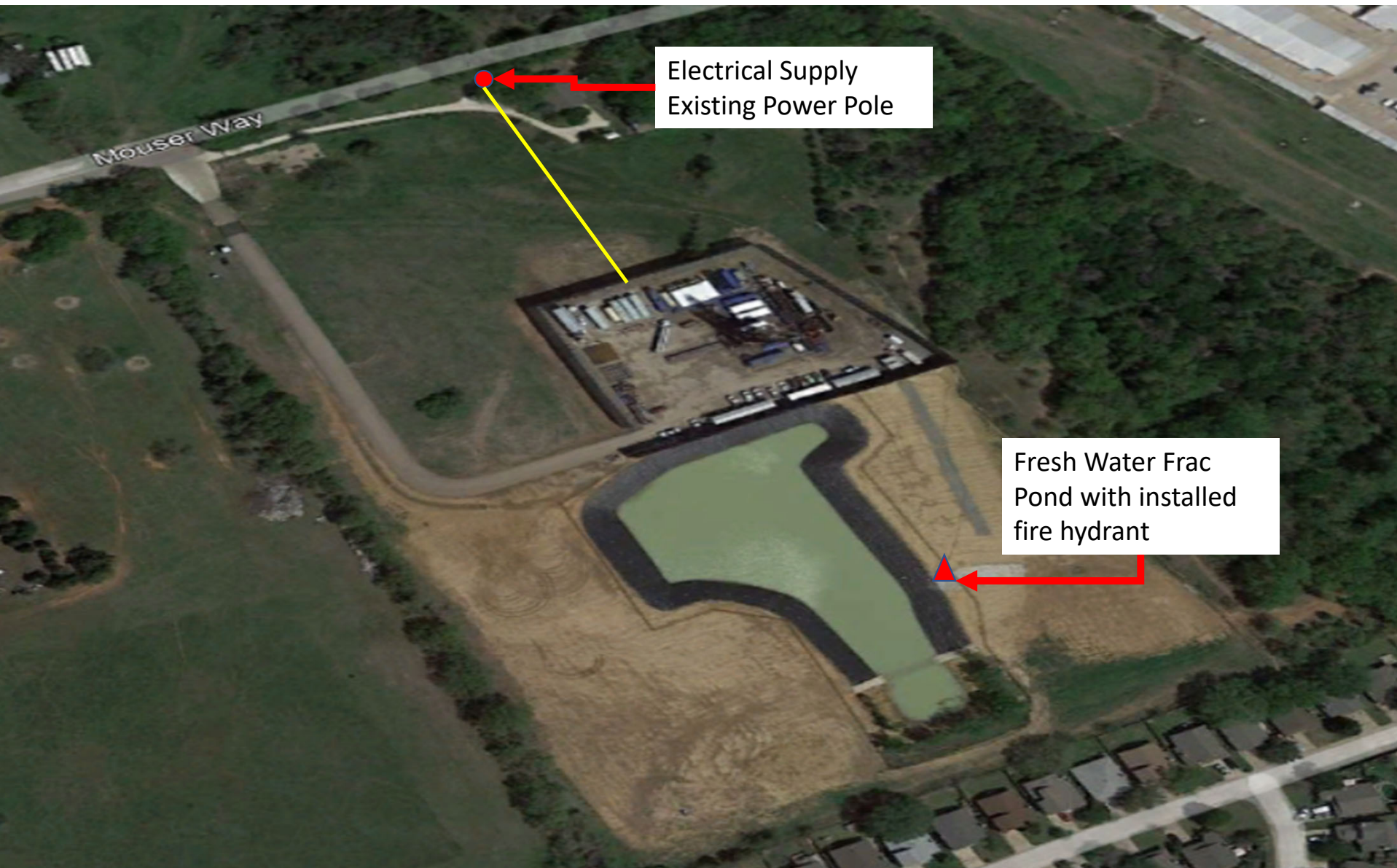
PROJECT TITLE:
 OVERSTREET DRILL SITE
 GHA BARNETT, LLC.

m|ma
an independent member firm of the
McGraw-Hill Construction Information Group
 1221 Avenue of the Americas, New York, NY 10020
 Tel: 212-512-2000 Fax: 212-512-2001
 www.mhfi.com

PROJECT NUMBER:	2008-00-18
PROJECT MANAGER:	A. BARNETT
DESIGNED BY:	M. HARRIS
CHECKED BY:	A. BARNETT
DATE:	12/12/08

REV.	DATE	DESCRIPTION	BY

SHEET NO. **1**
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Electrical Supply
Existing Power Pole

Fresh Water Frac
Pond with installed
fire hydrant

OVERSTREET DRILL SITE
GHA BARNETT, LLC.
 DRILL SITE PLAN
 MANSFIELD, TEXAS

PROJECT TITLE:
 OVERSTREET DRILL SITE
 GHA BARNETT, LLC.

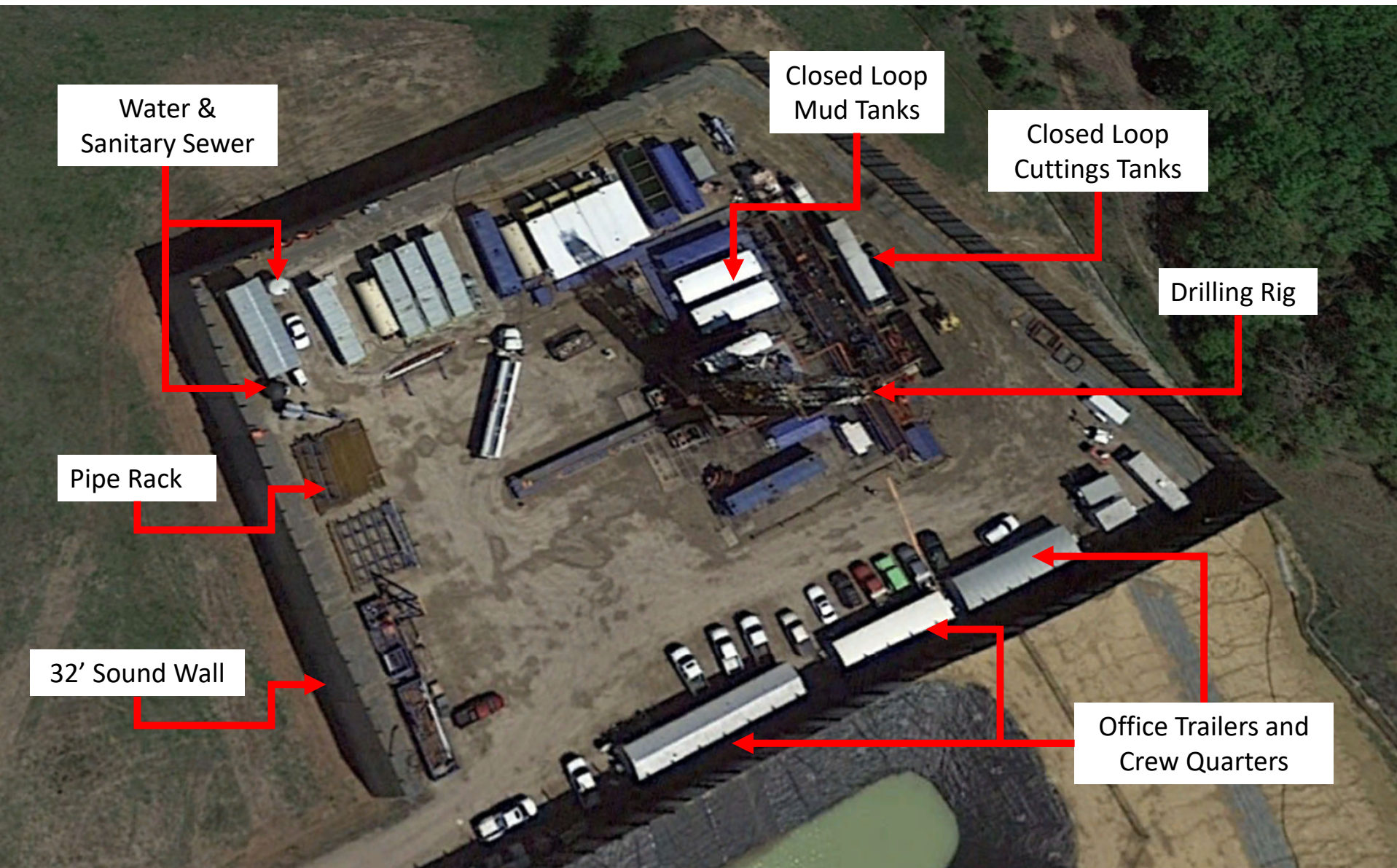
m|ma
 8714 W. Loop West, Suite 100, Houston, TX 77036
 Tel: 281-460-1000 Fax: 281-460-1001
 www.mma.com

PROJECT NUMBER:	2008-00-18
PROJECT MANAGER:	A. SUMPTON
DESIGNED BY:	M. YOUNG
CHECKED BY:	A. SUMPTON
DATE:	12/13/2008

REV.	DATE	DESCRIPTION	BY

SHEET NO. **1**

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OVERSTREET DRILL SITE
GHA BARNETT, LLC.
 DRILL SITE PLAN
 MANSFIELD, TEXAS

PROJECT TITLE:
 OVERSTREET DRILL SITE
 GHA BARNETT, LLC.

m|ma
 8710 West Loop West, Suite 1000
 Houston, Texas 77036
 Tel: 281-416-1000
 Fax: 281-416-1001
 www.mma.com

PROJECT NUMBER:	0000-00-00
PROJECT MANAGER:	A. SAMPSON
DESIGNED BY:	M. YOUNG
CHECKED BY:	A. SAMPSON
DATE:	12/13/2012

REV.	DATE	DESCRIPTION	BY

SHEET NO. **1**

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CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4853

Agenda Date: 8/22/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

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

Requested Action

Defer to Council.

Recommendation

Defer to Council.

Description/History

Council Member Lewis requested this item be placed on the agenda for discussion. Support was received from Mayor Evans, Mayor Pro Tem Tonore, and Council Members Leyman, Short, and Broseh.

Funding Source

N/A

Prepared By

Susana Marin, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4842

Agenda Date: 8/22/2022

Version: 1

Status: Consideration

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

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

Requested Action

Approve recommendation made by Hotel/Motel Occupancy Tax Fund Sub-Committee.

Recommendation

Approve proposed allocations and stipulations discussed.

Description/History

The City of Mansfield accepts proposals for tourism-related projects that are designed to attract overnight visitors. The City accepts applications from organizations seeking funds to be used in development and promotion of tourism-related activities every year. As required by state statute all projects must encourage and promote use of Mansfield hotels and motels through the enhancement and promotion of tourism, convention and the hotel industry. Applicants are required to attend a mandatory pre-application training to learn about the optimal use of the funding, timelines and legal requirements for use of the funds.

The Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee (members: Julie Short, Chair; Michael Evans; Casey Lewis) received five (5) applications from organizations requesting allocation of funds. The sub-committee met on July 25, 2022 and August 8, 2022 to review the applications received and discuss allocations and stipulations. Chairwoman Short will provide a report on recommended sub-committee allocations during the regular City Council meeting on Monday, August 22, 2022.

Justification

N/A

Funding Source

2022/2023 Hotel/Motel Occupancy Tax Funds

Prepared By

Susana Marin, City Secretary
817-276-4203



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4843

Agenda Date: 8/22/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Discussion and Possible Action Regarding the Setup of the Annual Audit Committee

Requested Action

Creation of an Audit Committee

Recommendation

Staff recommends that the City Council of the City of Mansfield, Texas create an audit committee that would consist of the Mayor, Mayor Pro-Tem, and a rotating third member of the City Council.

Description/History

The audit committee would serve as a communication link between the City's external auditors and the City Council. The audit committee would also provide an independent audit reporting structure along with additional insight and transparency.

Justification

The audit committee would provide members of City Council to discuss any issues with the external auditors without the constraints of a public meeting.

Funding Source

N/A

Prepared By

Troy Lestina, Chief Financial Officer
817-276-4258

CITY OF MANSFIELD
AUDIT COMMITTEE POLICY

1. Primary Audit Committee Responsibilities:

- A. To serve as a communications link between the City's external auditors and the City Council.
- B. To meet as needed with the external auditors to establish the scope of the annual audit, complete the annual audit and plan for subsequent annual audits.
- C. To ensure the external auditors are provided an independent reporting structure.
- D. To ensure that the City utilizes the services of auditors that are both independent and have strong governmental audit competency through the selection of an external audit firm through the request for proposal process and subsequent annual audits.
- E. To review the final draft of the audit report and the Statement of Auditing Standards 114 Letter: The Auditor's Communication with Those Charged with Governance with the external auditors and staff prior to the presentation to City Council.
- E. To examine carefully the material control weaknesses and/or control deficiencies reported in the Statement of Auditing Standards 115 Letter: Communicating Internal C Related Matters Identified in an Audit, and to satisfy itself that management has taken appropriate action to correct any control weaknesses and/or deficiencies discovered during the audit.

2. Audit Committee Member Selection and Term Length:

- A. The Mayor, Mayor Pro-Tem, a rotating City Council Member and the City Manager will make up the membership of the Committee.
- B. The Mayor shall be appointed as Chairperson of the Audit Committee.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4845

Agenda Date: 8/22/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

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)

Requested Action

To review and consider proposed text revisions to the development standards for the South Pointe PD District concerning removing the requirement for a minimum of 50 acres to be developed as office in the OR District and to reduce the minimum lot area for townhomes in the OR District from 2,000 square feet to 1,760 square feet.

Recommendation

Staff recommends denial of the request to remove the requirement for a minimum of 50 acres to be developed as office in the OR District in accordance with the provisions of Section 5 of the South Pointe PD District Standards.

Staff recommends approval of the request to reduce the minimum lot area for townhomes in the OR District from 2,000 square feet to 1,760 square feet with the following development considerations:

1. Each townhome be provided with a dooryard, a terrace, or a stoop frontage as set forth in Section 155.073 (K) of the S, South Mansfield Form-based Development District.
2. Each townhome, where the provisions of the South Pointe PD District Standards are silent, be designed and constructed in accordance with the architectural standards as set forth in Section 155.073 (Q) of the S, South Mansfield Form-based Development District.

Description/History

As envisioned, South Pointe is to be developed as and to exist as a “mixed-use community purposefully designed to facilitate quality development and livability” that is worthy of emulation.

The South Pointe PD District standards are administered to and applied across nine (9) different residential product types and a wide range of non-residential projects. The various residential product types include townhomes, with the considerations that townhomes are “appropriate as a transition from residential areas to nonresidential areas and along arterial or collector streets” and that “no more than six (6) attached dwelling

units can be included in a single building”.

The South Pointe PD District standards are further administered to and applied across five (5) different districts, including the OR District. As shown in Section 6 of the South Pointe PD District, the intent of the OR District is to “provide a location for offices, office flex, residential and related uses”.

Of the developed land within the OR District, some 45.03 acres of land are dedicated to the Charlene McKinzey Middle School; and another 33.44 acres of land are anticipated to deliver 92 detached single-family residences to the market (i.e., Phase 8B). This leaves a balance of approximately 29 acres of undeveloped land remaining in the OR District.

The text revision requests may be reviewed with regards to the following considerations:

- Presently, the remaining vacant land assigned to the OR District is generally located north of the Tarrant County Water Containment & Improvement District No. 1 Easement and south of the Union Pacific Railroad. It is bounded to the west by Matlock Road and to the east by State Highway 360.
- The OR District still affords substantial opportunities to integrate office uses into the existing and proposed development patterns in South Pointe and the surrounding environs, including proposed projects to the north of the Union Pacific Railroad and to the east of State Highway 360.
- Reducing the minimum lot area for townhomes will not only improve land use efficiency, but it will also increase opportunities for the application of elevated standards for architecture and urban design. Further mandating dooryard, terrace, or stoop frontages will stimulate visual interest while enhancing visual harmony with existing and future residential development. Standards for dooryard, terrace, and stoop frontages should be derived from and inspired by the S, South Mansfield Form-based Development District. Further, the S, South Mansfield Form-based Development District should inspire the architectural considerations for townhomes within the community, as there are limited provisions for architecture within the South Pointe PD District for townhomes.
- With the remaining amount of vacant land dwindling within the municipal limits of Mansfield, the purposeful integration of employment, commercial, and civic uses into primarily residential areas will help create complete neighborhoods while expanding the tax base.
- The development standards for the South Pointe PD District contemplate a rich and balanced mix of uses that sustain each other in whole and in part.

Summarily, in removing the requirement that a minimum of 50 acres be dedicated to office diminishes the potential of South Pointe to develop and to exist as an exemplary mixed-use development. The preservation of development patterns in South Pointe that are efficient and reinforce a balanced mix of uses should be reinforced.

Further, reducing the minimum lot area for the townhome residential product will not adversely impact development patterns; rather, it will provide a rather suitable transition in land use intensity for future projects and improve land use efficiency and site design.

Prepared By

Art Wright, Senior Planner
817-276-4226





SITE AREA
36.08 AC

PLAN COUNT
187 UNITS

TH COLOR/
PLAN LEGEND

#2240

#2242

SOUTH POINTE TOWNHOMES

0 50' 100' 200'

SCALE IN FEET

GRENADIER
HOMES







2220
SOUTH POINTE

**ADDENDUM TO SOUTH POINTE
PLANNED DEVELOPMENT DISTRICT STANDARDS
MANSFIELD, TEXAS**

August ___, 2022

WHEREAS, the City of Mansfield, Texas (the “City”), approved that certain South Pointe Planned Development District Standards Mansfield, Texas dated February 16, 2005, as revised on July 11, 2016, and as further revised on April 24, 2017 (as revised, the “PD Standards”); and

WHEREAS, the City, by action of the City Council on August ___, 2022, has approved certain amendments and modifications to the PD Standards.

NOW, THEREFORE, the PD Standards are hereby amended and modified as follows:

Modifying the Minimum Lot Area for Townhouse – Office Residential. The PD Standards are hereby modified and amended by reducing the minimum lot area for Townhouse – Office Residential to 1,760 square feet as set forth in Section 8 of the PD Standards.

Modifying and Amending the Residential Townhouse Product (TH). The PD Standards are hereby modified and amended by adding the following language at the end of the last sentence in Section 3, Paragraph 6, of the PD Standards:

“Each townhouse shall provide a dooryard, a terrace, or a stoop at the principal entrance into the dwelling in accordance with the provisions of Section 155.073 (K) the S, South Mansfield Form-based Development District. Each townhouse, where the provisions of these South Pointe Planned Development District Standards are silent, shall be designed and constructed in accordance with the provisions of Section 155.073 (Q) of the S, South Mansfield Form-based Development District. Otherwise, the provisions of these South Pointe Planned Development District Standards shall control.”

This Addendum to the PD Standards is approved by action of the City Council of the City on August ___, 2022.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4854

Agenda Date: 8/22/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

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

Requested Action

Approve the Resolution.

Recommendation

Staff recommends that the City Council approve the Resolution.

Description/History

The City Council has expressed a desire to create a policy to address political vendors at city events. The proposed resolution prohibits political vending at city events. "Political Vending" is limited to vendors who, through a booth or sponsorship, want to promote a political campaign, political affiliation, or political position. The purpose of the policy is to reaffirm the city's position in remaining impartial to any political viewpoints during events that are organized by the city. This policy only restricts political vendors from using a booth at a city event or sponsoring a city event-it does not apply to third-party special events in the city, nor does it restrict any person's right to political speech outside the scope of a booth or sponsorship at a city event.

Prepared By

Drew Larkin, City Attorney

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
ESTABLISHING A POLICY FOR POLITICAL VENDING AT CITY EVENTS**

WHEREAS, the City of Mansfield, Texas (“City”) is a home-rule municipality created in accordance with the provisions of Chapter 9 of the Texas Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City desires to establish a policy regarding certain political activities at city events.

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

SECTION 1.

For purposes of this resolution, the following words have the following meanings:

“City Events” means special events organized by the City, including events that may be jointly organized with community organizations or with external sponsors, including, but not limited to, Barks & Rec 5k, Haunted Mansfield, Hometown Holidays, Juneteenth Celebration, Mansfield Rocks, Music Alley Music & Arts Festival, Rockin Kids Tri, Snowman Run, Veterans Day Parade and Salute.

“Political Vending” means a person or entity’s participation, through the use of a booth or by sponsorship, in a City Event as a method to promote a political campaign, political affiliation, or political position.

SECTION 2.

The City routinely organizes City Events which have been an avenue for the City, through its funding, image, and branding, to provide events which not only provide entertainment, but also promote an underlying message of community, unity, and local and regional pride. The City Council recognizes that the public trust and perception of the City’s impartiality may be damaged by sponsorships or events that could be perceived as being politically oriented, and that when the City loses public trust and public perception of impartiality, it loses its ability to govern effectively in the interests of its citizens, and the benefits of the City Events become diminished. The purpose of this resolution is to create a policy to limit Political Vending at City Events in order to reaffirm the City’s position in remaining impartial to any political viewpoints, and to avoid any action which could be construed as political advertising, as that term is defined in the Texas Election Code.

SECTION 3.

It is the City's policy that Political Vending may not take place at City Events. City staff is authorized to implement this policy in writing on applications or other policies regulating City Events, as applicable.

SECTION 4.

This resolution and policy shall not be implemented to prohibit members of the public from exercising any rights protected by First and Fourteenth Amendments to the United States Constitution.

SECTION 5.

This resolution shall become effective from and after its passage.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary