



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, April 27, 2020

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:02 p.m.

Mayor Cook advised the public they could participate during the meeting by registering through the link provided on the posted agenda or by phone. He also advised the public could address the Council by submitting an online speaker card through the city's website or by direct email to City Secretary Susana Marin.

Present 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:06 p.m. Mayor Cook adjourned executive session at 6:59 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 Options for Use of Hotel/Motel Occupancy Funds

Seek Advice of City Attorney Regarding Wholesale Water Contract - Mountain Peak Special Utility District

Seek Advice of City Attorney Regarding Shops at Broad Development

Seek Advice of City Attorney Regarding Legal Issues Related to Executive Session Documents and Materials

Seek Advice of City Attorney Regarding Hawaiian Falls 2020 Improvement Project, Bidding, and Existing and Future Contracts

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

Personnel Matters Pursuant to Section 551.074

Deliberation Regarding 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

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

Mayor Cook reconvened into regular business session at 7:21 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Moore led the Texas Pledge.

CITIZEN COMMENTS

Tamera Bounds - 1000 Meriwether Street - Ms. Bounds spoke in support of agenda item 20-3544.

Sim Chatha - 1503 Breckenridge Road - Mr. Chatha spoke on behalf of the hoteliers in the city. He asked for a deferment of Hotel/Motel Occupancy Tax due to the city. (Attended virtually)

Scott Joslove - 1701 West Avenue, Austin - Mr. Joslove spoke on behalf of the hoteliers in the city. He stated the hotels need economic relief during this difficult time. He stated he was available for any questions the city may have regarding hotel/motel tax funds. (Attended virtually)

Mayor Cook recognized the following non-speakers:

*Zan Patel - 775 N. Hwy 287 - Hotel/Motel Occupancy Tax relief
Kim Chong - 201 Hwy 287 N. - Hotel/Motel Occupancy Tax relief
Rohit Dahya - 175 Hwy 287 N - Hotel/Motel Occupancy Tax relief
Chris Patel - 175 Hwy 287 N - Hotel/Motel Occupancy Tax relief
Amar Patel - 3126 E. Broad Street - Hotel/Motel Occupancy Tax relief
Jolene Marchant - 2633 Morgan Ann Avenue - Ms. Marchant asked the city to enforce the sign ordinance in regards to political signs.*

COUNCIL ANNOUNCEMENTS

Council Member Leyman asked about the possibility of appealing to the Governor to allow the city to hold the city's elections in July. Mayor Cook stated the Council approved a resolution to hold the elections on the first available date approved by the Governor. He mentioned a request made to the Governor. Council Member Leyman stated the Regional Transportation Council requested cities pass a resolution regarding fund distribution. Mayor Cook advised him to submit a request for support to be placed on a future agenda.

Mayor Pro Tem Short had no announcements.

Council Member Lewis thanked the Mayor and staff for the time and dedication the last couple of weeks in dealing with the current situation.

Council Member Moore echoed Council Member Lewis' comments. He recognized the Mansfield Rotary Clubs along with other volunteers who surrounded Methodist Mansfield Hospital with U.S. flags. He thanked the many volunteers within the city for all they have been doing.

Council Member Newsom stated he accompanied Council Member Moore and Mayor Cook along with other volunteers in placing the flags around the hospital. He advised he would be working on removing his campaign signs.

Council Member Broseh had no announcements.

Mayor Cook recognized Chaplain Richard Stogland for reaching out to him regarding the flag program. He thanked Council Members Newsom and Moore for heading the volunteer group in placing the flags in front of the hospital. He made comments regarding Governor Greg Abbott's Executive Order which will begin on Friday, May 1 2020. He mentioned he did not feel a need for the city to have a separate declaration as the Governor's order expired May 18, 2020. He emphasized the importance of social distancing. He expressed his appreciation to Governor Abbott everything he has done for the state.

SUB-COMMITTEE REPORTS

There were no sub-committee reports.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

CONSENT AGENDA

[20-3472](#)

Ordinance - Third and Final Reading of an Ordinance Approving an

Agricultural Lease with Mathis Farm, LLC; Authorizing the City Manager to Execute the Same and All Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Susana Marin read the caption into the record.

A motion was made by Mayor Pro Tem Short to approve the following ordinance:

AN ORDINANCE APPROVING AN AGRICULTURAL LEASE WITH MATHIS FARM, LLC; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2173-20

20-3500

Ordinance - Third and Final Reading of an Ordinance Approving the Conveyance of an Easement and Right of Way to Oncor Electric Delivery Company Llc for the Construction Maintenance and Operation of Electric Supply and Communications Facilities

Susana Marin read the caption into the record.

A motion was made by Mayor Pro Tem Short to approve the following ordinance:

AN ORDINANCE APPROVING THE CONVEYANCE OF EASEMENT AND RIGHT OF WAY TO ONCOR ELECTRIC DELIVERY COMPANY LLC FOR THE CONSTRUCTION MAINTENANCE AND OPERATION OF ELECTRIC SUPPLY AND COMMUNICATIONS FACILITIES

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2174-20

20-3483

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Historic Landmark Overlay District Classification for the Ralph S. Man Homestead Located at 604 W. Broad Street; Art Wright, City Historic Preservation Officer, on Behalf of the City of Mansfield, Property Owner (ZC#20-002)

Susana Marin read the caption into the record.

A motion was made by Mayor Pro Tem Short to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE RALPH S. MAN HOMESTEAD LOCATED AT 604 W. BROAD STREET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2175-20

20-3540

Minutes - Approval of the April 13, 2020 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the April 13, 2020 Regular City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

20-3546

Resolution - A Resolution to Approve the City Manager or his Designee to Execute a 3rd Amendment to the Chapter 380 Economic Development Agreement for the Shops at Broad, LLC

Council Member Lewis removed this item from the consent agenda. Deputy City Manager Joe Smolinski made brief comments and answered Council questions.

A motion was made by Council Member Lewis to approve the following resolution with the following stipulations: release of \$500,000 now, \$500,000 upon the building permit for the promenade area of the development, \$500,000 upon issuance of certificate of occupancy for that section of the development, and, hold on to \$500,000 for the future Carlin Road trail infrastructure; allowing for dates requested by the developer; and to leave the hotel site as is and have the developer come before the Council for site plan approval:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN AMENDED AND RESTATED 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH SHOPS AT BROAD, LLC.; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CONTINUE NEGOTIATIONS AND EXECUTE A REVISED AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3648-20

20-3543

Resolution - A Resolution Selecting Sandler's Gold Medal Pools as Contractor for the Hawaiian Falls Water Park Mansfield 2020 Expansion Project; Delegating Authority to the City Manager or his Designee to Negotiate and Enter Into a Contract With Sandler's Gold Medal Pools; and Providing an Effective Date

Council Member Leyman removed this item from the consent agenda.

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

A RESOLUTION SELECTING SANDLER'S GOLD MEDAL POOLS AS CONTRACTOR FOR THE HAWAIIAN FALLS WATER PARK MANSFIELD 2020 EXPANSION PROJECT; DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH SANDLER'S GOLD MEDAL POOLS; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3647-20

END OF CONSENT AGENDA

PUBLIC HEARING CONTINUATION AND SECOND READING

20-3513

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning From SF-8.4/16, Single-Family Residential District to PD, Planned Development District for Professional and Medical Office Uses, Botique Retail Shops and Artist Studio Uses on Approximately 0.376 Acres Known as a Portion of Block 10, Original Town of Mansfield, Located at 310 East Broad Street; Ernst Realty Investment (ZC#20-003)

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

A motion was made by Council Member Lewis to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL AND MEDICAL OFFICE USES, RETAIL USES, PERSONAL SERVICE USES, AND ARTIST/MUSICIAN/PHOTOGRAPHY STUDIO USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Broseh to authorize staff to negotiate a contract with Mountain Peak Special Utility District for a wholesale water agreement. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

NEW BUSINESS

20-3544

Resolution - A Resolution Agreeing to Meet All Match Contribution Requirements for the Expenditures under the Tarrant County HOME

Investment Partnerships Program for Program Year 2020

Joe Smolinski answered Council questions.

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

A RESOLUTION BETWEEN THE CITY OF MANSFIELD AND TARRANT COUNTY AUTHORIZING AN AGREEMENT TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIPS PROGRAM FOR PROGRAM YEAR 2020

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

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

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3649-20

20-3545

Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

Joe Smolinski made brief comments and answered Council questions.

A motion was made by Mayor Cook to table this agenda item to the next available agenda. Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 8:28 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ATTEST: _____ David L. Cook, Mayor

Susana Marin, City Secretary