



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, February 24, 2020

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

Mayor Cook called the meeting to order at 5:03 p.m.

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 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:07 p.m. Mayor Cook adjourned executive session at 7:31 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 a City's Authority to Regulate Short-Term Rentals

Seek Advice of City Attorney Regarding Project #19-06

Seek Advice of City Attorney Regarding Procedures Related to Sub-Committee Meetings
(Addendum to Agenda)

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

Personnel Matters Pursuant to Section 551.074

Board Appointments: Planning and Zoning Commission

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 #19-02

Consider Placement or Deployment of Security Devices and/or Security Plans on Municipal Property or Facilities Pursuant to Section 551.076

Discussion on Public Safety Security Planning

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

Mayor Cook reconvened into regular business session at 7:40 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore 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 Short led the Texas Pledge.

PRESENTATION

Presentation to Mansfield Commission for the Arts

Mayor Cook presented a proclamation to the Mansfield Commission for the Arts members honoring them for their commitment and service to the Mansfield community and expressed his appreciation for their service.

Presentation of Governmental Financial Awards

City Manager Clayton Chandler made brief comments regarding the Government Financial Awards. Deputy City Manager Peter Phillis introduced Chief Accountant Bryan Rebel, Director of Budget and Purchasing Gary Cardinale, and Assistant Director of Budget and Purchasing Jennifer Goldthwaite. Mayor Cook expressed his appreciation to the group and thanked them for their dedication to the city.

Presentation to Mansfield Census 2020 Complete Count Committee

Mayor Cook presented a proclamation to the Mansfield Census 2020 Complete Count Committee members honoring them for their commitment and service to the Mansfield community and expressed his appreciation for their service.

Update on 2020 Census

US Census Bureau representative Cynthia Cruz made a brief presentation on the importance for everyone in Mansfield to be counted in the 2020 Census. She provided key dates to remember and touched on the four ways available to respond. She advised there would be toll free phone assistance in 13 different languages. Ms. Cruz provided online resources already available for Mansfield residents. She provided details on what the Census will not ask for in an effort to help avoid scams and fraud. She thanked the city and the Complete Count Committee for their involvement in the 2020 Census. Ms. Cruz recognized the efforts of Director of Communications and Marketing Belinda Willis for her continued expertise on this matter.

CITIZEN COMMENTS

Mike Minter - 809 Riviera Drive - Mr. Minter spoke in opposition of short-term rentals.

Carmelynn Bragiel - 1417 Danbury Drive - Ms. Bragiel spoke in opposition of short-term rentals.

Larry C. Bennington - 1408 Danbury Drive - Mr. Bennington spoke in opposition of short-term rentals.

Roger Tudor - 2705 Ursula Court - Mr. Tudor spoke in opposition of agenda item 20-3421.

Rose Ann Avery - 2709 Ursula Court - Ms. Avery spoke in opposition of agenda item 20-3421.

Mayor Cook recognized the following non-speakers:

David Goodwin - 904 Dayton Road - Support of agenda item 20-3465

Amy Brothers - 8417 FM 2738, Burleson - Support of agenda item 20-3465

Ann Smith - 106 N. Wisteria Street - Support of agenda item 20-3465

Sheri Bumgardner - 9745 CR 528, Burleson - Support of agenda item 20-3465

Judy Jones - 811 Riviera Drive - Opposed to short-term rentals

Larry Jones - 811 Riviera Drive - Opposed to short-term rentals

Tom Avery - 2709 Ursula Court - Opposed to agenda item 20-3421

Pamela Gothard - 2704 Ursula Court - Opposed to agenda item 20-3421

Lori Tudor - 2705 Ursula Court - Opposed to agenda item 20-3421

Chris Puempel - 850 N. Miller Road - Support of agenda item 20-3421

Stephanie Petters - 1200 Swiney Hieff Road - Support of agenda item 20-3421

Paula Sutton - Miller Road - Support of agenda item 20-3421

Paul Sutton - Miller Road - Support of agenda item 20-3421

Gayla Kimbrough - 850 N. Miller Road - Support of agenda item 20-3421

COUNCIL ANNOUNCEMENTS

Council Member Leyman stated he, Mayor Pro Tem Short and Council Member Moore attended the Southeast Tarrant Regional Committee Meeting at the Arlington Board of Realtors.

Mayor Pro Tem Short gave a brief summary of the topics of discussion at the SETT meeting to include: autonomous vehicles, an autonomous pod transport currently being worked on by Bell Helicopter, an induction loop to allow for charging of electronic vehicles as they are driving down the road, the high speed train from Houston to Dallas, and an update of different TxDOT projects. She spoke in detail about the the southeast connector where 287 and 820 connect stating funding has been set aside for the project and construction should be starting in the summer of 2022 with a construction time frame of five to six years.

Council Member Lewis had no announcements.

Council Member Moore stated he attended the Mansfield Cares Annual Ball. He stated the Mansfield Cares Organization provides services at the Caring Place Clinic and the HIM Food Bank as well as donating millions of dollars to charitable organizations within the city. He congratulated them for another great job done this year and extended his appreciation for everything they do for the community.

Council Member Newsom echoed Council Member Moore's comments regarding the Mansfield Cares Annual Ball mentioning it is a great event.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

SUB-COMMITTEE REPORTS**Public Memorials Sub-Committee Meeting Update**

Council Member Moore, as chairman of the sub-committee, gave a brief update on the sub-committee held on February 18, 2020.

Revitalization of Historic Downtown Mansfield Sub-Committee Meeting Update

Council Member Newsom, as chairman of the sub-committee, gave a brief update on the sub-committee held on February 20, 2020.

[20-3438](#)

Minutes - Approval of the January 28, 2020 Public Memorials Sub-Committee Meeting Minutes (vote will be only by the members of the sub-committee)

A motion was made by Council Member Moore to approve the minutes of the Public Memorials Sub-Committee meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 3 - Larry Broseh; Terry Moore and Mike Leyman

Nay: 0

Abstain: 0

Non-Voting: 4 - David Cook; Brent Newsom; Julie Short and Casey Lewis

[20-3462](#)

Minutes - Approval of the February 10, 2020 TIF Reinvestment Zone Number Two Board of Directors Meeting Minutes (vote will be only by the members of the sub-committee)

A motion was made by Council Member Newsom to approve the minutes of the February 10, 2020 TIF Reinvestment Zone Number Two Board of Directors meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 4 - David Cook; Brent Newsom; Julie Short and Casey Lewis

Nay: 0

Abstain: 0

Non-Voting: 3 - Larry Broseh; Terry Moore and Mike Leyman

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

Business Services Department Report

[20-3467](#)

Presentation of Monthly Financial Report for the Period Ending December 31, 2019

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[19-3395](#)

Ordinance - Second Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 111 "Peddlers and Solicitors", of the Code of Ordinances of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

A motion was made by Council Member Moore to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 111 "PEDDLERS AND SOLICITORS" OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY; AMENDING FEES; AMENDING ISSUANCE OF PERMITS; AMENDING DISPLAY OF PERMIT REQUIREMENTS; ADDING PERMIT EXPIRATION DATES; ADDING PERMIT TIME RESTRICTIONS; AND PROVIDING EXEMPTIONS TO PERMITTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE."

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

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

Nay: 0

Abstain: 0

20-3423

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

City Secretary Susana Marin read the caption into the record.

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

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

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

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

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

Nay: 0

Abstain: 0

Enactment No: OR-2166-20

[20-3430](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Lease of the North Main Street Water Tower to BelWave Communications; 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 Council Member Moore to approve the following ordinance:

AN ORDINANCE APPROVING A LEASE OF THE NORTH MAIN STREET WATER TOWER TO BELWAVE COMMUNICATIONS; 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 Leyman. 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-2167-20

[20-3431](#)

Ordinance - Third and Final Reading of an Ordinance Approving the Lease of the East Broad Water Tower to Belwave Communications; 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 Council Member Moore to approve the following ordinance:

AN ORDINANCE APPROVING THE LEASE OF THE EAST BROAD WATER TOWER TO BELWAVE COMMUNICATIONS; 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 Leyman. 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-2168-20

[20-3466](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing an Addendum to the Service Agreement with Emergicon, LLC to Assist the Fire Department with the Collection of Ambulance Transport Fees, and Authorizing and Directing the City Manager to Execute Contract Documents

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

A RESOLUTION TO THE CITY OF MANSFIELD, TEXAS, AUTHORIZING AN ADDENDUM TO THE SERVICE AGREEMENT WITH EMERGICON, LLC TO ASSIST THE FIRE DEPARTMENT WITH THE COLLECTION OF AMBULANCE TRANSPORT FEES, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ADDENDUM DOCUMENTS

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

Seconded by Council Member Leyman. 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-3633-20

[20-3454](#)

Request for Special Event Permit: Lake Ridge Band Boosters Carnival

A motion was made by Council Member Moore to approve the request for special event permit. Seconded by Council Member Leyman. 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

[20-3463](#)

Minutes - Approval of the February 10, 2020 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the February 10, 2020 Regular City Council Meeting as presented. Seconded by Council Member Leyman. 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

END OF CONSENT AGENDA**OLD BUSINESS****20-3421**

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 9.612 Acres out of the William Howard Survey, Abstract No. 690, Tarrant County, TX, Located on the East Side of Miller Road, Approximately 480 feet South of Cannon Drive; John Arnold of Skorburg Company on behalf of Paul A. & Paula Sutton, Marilyn G. Richardson, and Christopher Puempel (ZC#19-020)

Susana Marin read the caption into the record. Director of Planning Matt Jones made a brief presentation and answered Council questions. Skorburg Company representative Adam Buczek made a brief presentation and answered Council questions. Windsor Homes representative Rochelle Lalas answered Council questions.

A motion was made by Council Member Lewis to approve the following ordinance moving forward with option B with the following modifications: adding the extra lot requested by the developer with a 20 ft. garage setback; brick front porches; the HOA will maintain the front yard of all the 40 ft. product; the HOA to install security cameras for the alley way; all homes on the 50 and 60 sq. ft. lots will be 2,400 sq. ft. minimum; eight (8) of the 40 ft. product which can be as small as 1,800 sq. ft. with the remainder of the 40 sq. ft. lots being a minimum of 2,200 sq. ft.; the eight ft. (8) board on board fence along the southern edge of the property be replaced by the developer with the rail side facing the developer side and the pretty side of the fence facing the Ursula Court side:

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 SINGLE-FAMILY RESIDENTIAL 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

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

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

Aye: 4 - David Cook; Brent Newsom; Julie Short and Casey Lewis

Nay: 3 - Larry Broseh; Terry Moore and Mike Leyman

Abstain: 0

Enactment No: OR-2169-20

[20-3448](#)

Resolution - A Resolution of the City of Mansfield, Texas Awarding a Contract for Architectural Services for the Police Headquarters

A motion was made by Council Member Lewis to table this agenda item until such time staff places this item back on the agenda. 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

PUBLIC HEARING AND RESOLUTION

[20-3464](#)

Resolution - Public Hearing and Resolution Approving and Endorsing the 2020 (46th year) Community Development Block Grant Project for Lake St. (Pond St. to Tarrant St.)

Director of Public Work Bart VanAmburgh made brief comments. Mayor Cook opened the public hearing at 9:50 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:50 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2020 (46TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

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

Seconded by Council Member Leyman. 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-3634-20

PUBLIC HEARING CONTINUATION AND SECOND READING

[20-3442](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Changing the Speed Limits on the US Hwy 287 Northbound and Southbound Frontage Roads from 40 MPH to 45

Bart VanAmburgh made brief comments. Mayor Cook continued the public hearing at 9:51 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:51 p.m.

A motion was made by Council Member Broseh to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF

ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SERVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." 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

NEW BUSINESS

20-3434

Discussion and Possible Action Regarding Short Term Rentals

Council Member Moore made brief comments regarding his intent to have this item placed on the agenda. Mayor Pro Tem Short gave her support for this item to be placed on the agenda and asked for City Attorney Allen Taylor to touch on what a city can do to regulate short-term rentals. Allen gave a brief overview of the city's limitation and how the courts have ruled on cases related to short-term rentals. Allen advised that any resident can report an issue to the Police Department and Code Compliance personnel so they may follow up and ensure codes are enforced and nuisance is abated.

20-3465

Discussion and Possible Action Regarding Downtown Mansfield Re-Lighting Project

Council Member Newsom made brief comments regarding his intent to have this item placed on the agenda.

A motion was made by Mayor Cook to approve the Downtown Mansfield Re-Lighting project; for funding to contain the \$20,000 previously allocated from Hotel/Motel Funds and the remainder from the general fund; and for staff to work out the details as far as insurance and liability, etc. 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

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at

10:15 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