



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, May 11, 2020

5:00 PM

Council Chambers

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#### AMENDED AGENDA REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:05 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 Brose; 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 5:07 p.m. Mayor Cook called the executive session to order in the Multi-Purpose Room at 5:09 p.m. Mayor Cook adjourned executive session at 7:33 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 Legal Issues Related to Executive Session Documents and Materials

Seek Advice of City Attorney Regarding Legal Issues Interpreting a City of Burleson Contract

Seek Advice of City Attorney Regarding Proposed Changes to the Parks Chapter of the Code of Ordinance

Seek Advice of City Attorney Regarding Shops at Broad Development

Seek Advice of City Attorney Regarding Governor's Proclamation Allowing New Election Schedule

#### **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 7:42 p.m.*

**INVOCATION**

*Living Church Pastor Truston Baba 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 Lewis led the Pledge of Allegiance.*

**CITIZEN COMMENTS**

*Mayor Cook recognized the following people who provided comments:*

*The following people provided comments to the Council each in support of keeping the municipal elections in November:*

*Kathleen D'Agostino  
Angie Thor  
Lance Irwin  
Melissa Lawson  
Kristen Fleming-Wood  
Tracee Holloway  
Jolene Marchant  
Deena Walker  
Gary Walker  
Barbara Gallup  
Elizabeth Newsome  
Kevin and Vickie Dennis  
Lutisha Rogers  
Joe Rastatter  
Scot Bowman  
Aiden Worobey  
Shauna and Phillip Worobey*

Joyce Sunde

*The following person provided comments to the Council in support of a Homestead Exemption:*

Jolene Marchant

### **COUNCIL ANNOUNCEMENTS**

*Council Member Leyman had no announcements.*

*Mayor Pro Tem Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore thanked all the citizens for voicing their concerns and opinions.*

*Council Member Newsom thanked all the Nurses for all they are doing during this time in particular his wife, Michelle.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **SUB-COMMITTEE REPORTS**

### **STAFF COMMENTS**

#### **City Manager Report or Authorized Representative**

##### **Current/Future Agenda Items**

*City Manager Clayton Chandler thanked the all employees continuing to work on the front lines.*

##### **Special Event Update**

*Director of Parks and Recreation Matt Young gave a brief presentation regarding the Rockin' 4th of July event. He gave a brief overview of the event and explained the existing challenges, including overcrowding, parking and criminal elements. He discussed additional challenges due to COVID-19. Matt presented the Council with event options; no event or fireworks event only. He discussed the urgency of the decision as fireworks need to be ordered and notification must be given to the State. Matt answered Council questions. Mr. Chandler made brief comments regarding the current budget process. City Attorney Allen Taylor answered Council questions.*

**A motion was made by Council Member Leyman to cancel the Rockin' 4th of July event this year. Seconded by Mayor Pro Tem Short. The motion CARRIED unanimously.**

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

*Mr. Chandler made brief comments answered Council questions regarding the opening of certain city facilities.*

**A motion was made by Council Member Lewis to direct staff to follow Governor Greg Abbott's order, GA-21, finding ways to safely reopen the Library, Farr Best Theater, the Museum, the Mansfield Activity Center and those things included in the Governors with the safety protocols and occupancy percentages as recommended and for staff to move forward with opening those types of facilities in accordance to the schedule the Governor has issued. Seconded by Mayor Pro Tem Short. 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

### **CONSENT AGENDA**

#### **[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)

*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, 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**

**(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 Brose; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2176-20

[20-3552](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager to Enter into an Agreement with The Texas Department of Transportation - Fort Worth District for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality (Street Lights on FM 917)

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION - FORT WORTH DISTRICT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING SYSTEMS WITHIN A MUNICIPALITY (STREET LIGHTS ON FM 917)**

**(Resolution 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: RE-3650-20

[20-3553](#)

Resolution - A Resolution of the City of Mansfield, Texas Finding that Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code § 25.243 to Increase Distribution Rates Within the City Should be Denied

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL**

**(Resolution 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: RE-3651-20

[20-3554](#)

Resolution - A Resolution Awarding a Forty-Eight Month Contract for the Lease of Chlorine Dioxide Equipment, Services, and the Supply of Sodium Chlorite, for an Amount Not to Exceed \$0.706 / Wet Pound (Utility Funds FY-2020-2024 Operating Budget 25-8105-8401-01)

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

**A RESOLUTION AWARDING A FOUR YEAR CONTRACT, WITH GENERATION CONVERSION FROM A TWO CHEMICAL PROCESS TO A THREE CHEMICAL PROCESS, TO EVOQUA WATER TECHNOLOGIES FOR THE LEASE OF THREE CHEMICAL GENERATING CHLORINE DIOXIDE EQUIPMENT, SERVICES, AND THE SUPPLY OF SODIUM CHLORITE, FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT**

**(Resolution 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: RE-3652-20

[20-3551](#)

Suspending the Procedural Rules of Council to Reschedule the Regularly Scheduled City Council Meeting of May 25, 2020 to May 26, 2020

**A motion was made by Council Member Moore to approve this agenda item. 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

[20-3549](#)

Minutes - Approval of the April 27, 2020 Regular City Council Meeting Minutes

**A motion was made by Council Member Moore to approve the minutes of the April 27, 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**

[20-3556](#)

Resolution - A Resolution Approving the City of Mansfield's Participation in Tarrant County's Community Development Block Grant Program for the Three Program Year Period for Fiscal Year 2021 Through Fiscal Year 2023

*Council Member Leyman removed this item from the consent agenda. Director of Public Works Bart VanAmburgh answered Council questions.*

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

**RESOLUTION REGARDING CITY OF MANSFIELD PARTICIPATION IN TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT CONSORTIUM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR 2021 THROUGH FISCAL YEAR 2023**

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

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

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3653-20

### **END OF CONSENT AGENDA**

### **OLD BUSINESS**

[20-3545](#)

Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

*Deputy City Manager Joe Smolinski made brief comments and answered Council questions. Mr. Chandler made brief comments.*

**A motion was made by Mayor Cook to authorize an expenditure of up to \$100,000 regarding the burial of overhead electric utilities in order to support the Hoffman project. Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Larry Broseh; Brent Newsom; Terry Moore and Mike Leyman

**Nay:** 2 - Julie Short and Casey Lewis

**Abstain:** 0

**PUBLIC HEARING AND FIRST READING**[20-3550](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from PD, Planned Development District to PD, Planned Development District for C-2 Uses Including a Church and Eating Place with Drive-Through Service on Approximately 32.558 Acres, located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, Surveyor/Engineer and Living Church, Owner/Developer (ZC#19-023)

*Director of Planning Matt Jones made a brief presentation and answered Council questions. Living Church Pastor Truston Baba made a brief presentation and answered Council questions. Living Church representative Whitney Barth and Bannister Engineering representative Jeff Linder answered Council questions. Mayor Cook opened the public hearing at 10:15 p.m. The following person spoke:*

*Houston Mitchell - 605 St. Eric*

*With no other wishing to speak, Mayor Cook continued the public hearing through second reading at 10:16 p.m.*

**A motion was made by Council Member Newsom to approve the first 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 PD, PLANNED DEVELOPMENT DISTRICT FOR C-2 USES INCLUDING A CHURCH AND EATING PLACE WITH DRIVE-THROUGH SERVICE, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE."**

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

**Aye:** 6 - David Cook; Larry Broseh; Brent Newsom; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 1 - Terry Moore

**Abstain:** 0

**NEW BUSINESS**[20-3555](#)

Consider Supplemental Funding Request from the Hotel Occupancy Tax Fund for the Pickled Mansfield Society's World's Only St. Paddy's Pickle Parade & Palooza Event in the Amount of \$90,644.13 (Julie Short, Chair)

*Council Member Short, as Chairman of the Hotel/Motel Occupancy Funds Sub-Committee, made a brief presentation regarding the request made from the Pickled Mansfield Society for supplemental funds. Pickled Mansfield Society representatives John Pressley and Amanda Kowalski answered Council questions.*

**A motion was made by Council Member Moore to table this agenda item.**

**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

[20-3557](#)

Ordinance - First Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96 Parks and Recreation

*Matt Young made a brief presentation and answered Council questions.*

**A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 96, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY CREATING A NEW SECTION 96.26, "FISHING" AND PROHIBITING FISHING IN PARK LAND AREAS NOT DESIGNATED BY THE CITY; PROHIBITING THE USE OF CERTAIN FISHING METHODS; PROHIBITING THE CLEANING OF FISH WITHIN PARK LANDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE," revising paragraph A to state " it should be unlawful for any persons to fish in park land areas that have been designated as "No Fishing Zones" by the Mansfield Park Facilities Development Corporation" with paragraphs B and C remaining as written. Seconded by Council Member Newsom. 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

[20-3558](#)

Discuss, Consider, and Approve a Resolution Continuing Mayor Cook's Declaration of Public Health Emergency

*Mayor Cook made brief comments and answered Council questions regarding the amended declaration. Mayor Cook stated the resolution would be extended to May 19, 2020, to align with Governor Greg Abbott's order and explained the purpose was not to add restrictions but to be eligible for funding.*

**A motion was made by Mayor Cook to approve the following resolution extending the deadline to May 19, 2020:**

**CONTINUATION OF SIXTH AMENDED DECLARATION OF PUBLIC HEALTH EMERGENCY CITY OF MANSFIELD, TEXAS**

**(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 Brose; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3654-20

[20-3559](#)

**Discussion and Action as Appropriate Related to Governor's Proclamation Allowing New Election Schedule (Addendum to Agenda)**

*Council Member Leyman made brief comments regarding his intent to request support to place this item on the agenda. Council Members Lewis and Newsom made brief comments regarding their support of this item being placed on the agenda. Allen Taylor made brief comments explaining Governor Abbott's proclamation allowing cities to postpone elections to the November 3, 2020, and answered Council questions.*

**ADJOURN**

**A motion was made by Council Member Newsom to adjourn the meeting at 11:29 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

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Susana Marin, City Secretary