



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, June 8, 2020

5:00 PM

Council Chambers

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#### REGULAR MEETING AMENDED AGENDA

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

#### **WORK SESSION**

Discussion Regarding Homestead Exemption

*City Manager Clayton Chandler made brief comments and turned the work session over to Deputy City Manager Peter Phillis. Peter gave a brief overview of homestead exemption amount and answered Council questions. There was discussion regarding the debt service amounts. There was Council consensus to place an item on the next agenda for discussion and possible action on a homestead exemption.*

#### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:19 p.m. Mayor Cook recessed executive session at 7:04 p.m.*

**Pending or Contemplated Litigation or to Seek the Advice of the City Attorney  
Pursuant to Section 551.071**

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

**Personnel Matters Pursuant to Section 551.074**

Discuss and Consider the Status of the City Manager

**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 7:14 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 Lewis led the Texas Pledge.*

**CITIZEN COMMENTS**

*Enrique Nava - 2811 Saint Mark Drive - Mr. Nava spoke in support of agenda item 20-3550.*

*Houston Mitchell - 605 St. Eric Drive - Mr. Mitchell spoke in opposition of agenda item 20-3550.*

*Dan Banks - 3318 Abbey Road - Mr. Banks spoke in support of agenda item 20-3550.*

*Karen Hoenig - 2206 Laura Elizabeth Trail - Ms. Hoenig spoke in opposition of agenda item 20-3550.*

*Randall Hoenig - 2206 Laura Elizabeth Trail - Mr. Hoenig spoke in opposition of agenda item 20-3550.*

*Brandy Fernandez - 1101 Fairhaven Drive - Ms. Fernandez spoke in support of agenda item 20-3550.*

*Timm Horton - 1108 Meadow Crest Lane - Mr. Horton spoke in support of agenda item 20-3550.*

*Mayor Cook recognized the following non-speakers:*

Amanda Stukey - 333 Carlin Road - Support of agenda item 20-3550  
Lance Irwin - 1205 Killian Drive - Opposed to agenda item 20-3550  
Brandon Randall - 2602 Wood River Parkway - Opposed to agenda item 20-3550  
Karen Self - 1600 Piccadilly Court - Support of agenda item 20-3550  
Deena Walker - 1117 Saint Andrews Drive - Opposed to agenda item 20-3550  
Gary Walker - 1117 Saint Andrews Drive - Opposed to agenda item 20-3550  
Jolene Marchant - 2633 Morgan Ann Avenue - Opposed to agenda item 20-3550  
Mary Ann Knight - 3112 Rustic Meadow Trail - Opposed to agenda item 20-3550

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

A motion was made by Council Member Broseh to accept the retirement agreement of the City Manager and authorized the Mayor to sign the same. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

**Nay:** 1 - Terry Moore

**Abstain:** 0

### **STAFF COMMENTS**

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

##### Current/Future Agenda Items

*City Manager Clayton Chandler announced his retirement and expressed his appreciation to all city employees. He thanked the many Councils he has worked with and touched on a couple of accomplishments.*

### **COUNCIL ANNOUNCEMENTS**

*Mayor Cook thanked Mr. Chandler for his many years of dedicated service to the city. He expressed his appreciation to Mr. Chandler's family for being so giving of his time and understanding the commitment he had to this city.*

*Council Member Leyman thanked Mr. Chandler for his service.*

*Mayor Pro Tem Short thanked Mr. Chandler for his service.*

*Council Member Lewis thanked Mr. Chandler for his service.*

*Council Member Moore thanked Mr. Chandler for his service.*

*Council Member Newsom thanked Mr. Chandler for his service.*

*Council Member Broseh thanked Mr. Chandler for his service.*

### **STAFF COMMENTS**

**Business Services Department Report**

[20-3581](#) Presentation of Monthly Financial Report for the Period Ending March 31, 2020

*There were no comments regarding the monthly financial.*

**SUB-COMMITTEE REPORTS**

[20-3580](#) Minutes - Approval of the May 18, 2020 Budget 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 Budget Sub-Committee Meeting as presented. Seconded by Council Member. The motion CARRIED by the following vote:**

**Aye:** 3 - Brent Newsom; Terry Moore and Casey Lewis

**Nay:** 0

**Abstain:** 0

**Non-Voting:** 4 - Larry Broseh; Julie Short; Mike Leyman and David Cook

**CONSENT AGENDA****ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[20-3557](#) Ordinance - Third and Final Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96 Parks and Recreation

*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 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**

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

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

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

Nay: 0

Abstain: 0

Enactment No: OR-2177-20

[20-3579](#)

Minutes - Approval of the May 26, 2020 Regular City Council Meeting Minutes

**A motion was made by Council Member Moore to approve the minutes of the May 26, 2020 Regular City Council Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

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

Nay: 0

Abstain: 0

**END OF CONSENT AGENDA**

**OLD BUSINESS**

[20-3550](#)

Ordinance - Third and Final 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)

*Susana Marin read the caption into the record. Director of Planning Matt Jones made a brief presentation and answered Council questions. Living Church Pastor Triston Baba made brief comments and answered Council questions. Living Church representative Whitney Barth answered Council questions. Bannister Engineering representative Jeff Linder answered Council questions.*

**A motion was made by Mayor Pro Tem Short to suspend the rules for discussion. Seconded by Council Member Newsom. The motion CARRIED unanimously.**

**A motion was made by Mayor Pro Tem Short to approve the following ordinance with the following amendments: 70% masonry allowed to include glass and corten steel in that figure, excluding the west side; the 60 foot cross allowed to be built 200 feet from the property line at groundbreaking of Phase 2; the 15x13 sign with LED be 100 square feet; and, the base of the sign be allowed to be 16 feet:**

**A motion was made by Council Member Newsom to amend the main motion and reduce the height of the cross to 50 feet. Seconded by Council Member Lewis. The motion FAILED by the following vote:**

**Ayes:** Brent Newsom, Casey Lewis, and Julie Short

**Nays:** David Cook, Larry Broseh, Mike Leyman, and Terry Moore

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 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

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

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

**Aye:** 5 - Larry Broseh; Brent Newsom; Julie Short; Casey Lewis and David Cook

**Nay:** 2 - Terry Moore and Mike Leyman

**Abstain:** 0

Enactment No: OR-2178-20

## **NEW BUSINESS**

### **20-3572**

Review and Consideration of a Detailed Site Plan for Active Adult Living (Senior Apartments) on 6.36 acres of the S.S. Callander Survey located at FM 157, North of House Road; Joe Lehman of Kimley-Horn & Associates on behalf of Graystar (DS#20-002)

*Matt Jones made a brief presentation and answered Council questions. Greystar representative Andrew Ord made a brief presentation and answered Council questions.*

**A motion was made by Mayor Pro Tem Short to suspend the rules for discussion. Seconded by Council Member Lewis. The motion CARRIED unanimously.**

**A motion was made by Council Member Lewis to approve contingent on following the PD requirements previously, specifically regarding the Zone 2 commercial store frontage language along the spine road. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

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

**Nay:** 1 - Terry Moore

**Abstain:** 0

### **20-3582**

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

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

**CONTINUATION OF EIGHTH 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 Lewis. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3658-20

### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 10:22 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 10:31 p.m. Mayor Cook recessed executive session at 10:57 p.m.*

### **Personnel Matters Pursuant to Section 551.074**

Discuss and Consider the Status of the City Manager

### **RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 11:10 p.m.*

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

*Mayor Cook made brief comments regarding the Council's goal on the City Manager hiring process.*

**A motion was made by Council Member Lewis to appoint Joe Smolinski as the Interim City Manager. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

### **ADJOURN**

**A motion was made by Council Member Newsom to adjourn the meeting at 11:13 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary