



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, August 10, 2020

9:00 AM

Council Chambers

REGULAR MEETING AMENDED AGENDA

9:00 A.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 9:03 a.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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 9:05 a.m. Mayor Cook called the executive session to order in the Council Chambers at 9:38 a.m. Mayor Cook recessed executive session at 12:16 p.m. Mayor Cook reconvened into executive session at 12:58 p.m. Mayor Cook adjourned executive session at 7:32 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 Project #19-06

Seek Advice of City Attorney Regarding Legal Issues Related to Insurance Programs and Claims

Seek Advice of City Attorney Regarding an Employment Law Issue

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

Personnel Matters Pursuant to Section 551.074

City Manager Interviews

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 #20-05

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

Mansfield House of Prayer Pastor Grace Abbey gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Lewis 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 Short led the Texas Pledge.

WORK SESSION DISCUSSION ITEMS

Continue Preliminary Budget Discussion

Interim City Manager Joe Smolinski made brief comments and turned it over to Deputy City Manager Peter Phillis. Peter gave an update on the FY21 preliminary budget. He pointed out the budget included a 10 percent homestead exemption and a two-cent tax rate reduction to 69 cents per \$100 valuation. There was discussion regarding employee merit increases, employee benefits, health insurance, and potential community programs. Joe and Peter answered Council questions.

CITIZEN COMMENTS

Carolyn Trimmer - 3402 Egerton Lane - Ms. Trimmer requested the Mosquito Control Policy be postponed.

Larry McFarland - 1106 Almond Drive - Mr. McFarland requested the Mosquito Control Policy be postponed.

Karen McFarland - 1106 Almond Drive - Mrs. McFarland requested the Mosquito Control Policy be postponed.

Susie Nichols - 1517 Stratford Drive - Ms. Nichols requested the Mosquito Control Policy be postponed.

Julie Young - 1501 Meadowcrest Lane - Ms. Young requested the Mosquito Control Policy be postponed.

Emily Bunce - 1501 Brighton Drive - Ms. Bunce requested the Mosquito Control Policy be postponed.

COUNCIL ANNOUNCEMENTS

Council Member Leyman commended the Council for their hard work in the last couple of weeks.

Mayor Pro Tem Short had no announcements.

Council Member Moore welcomed a new business on Main Street, The Local Farmer. He encouraged everyone to support their business.

Council Member Lewis had no announcements.

Council Member Broseh had no announcements.

Council Member Newsom echoed Council Member Moore's comments.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Director of Public Works Bart VanAmburgh advised the Council school flashers would start flashing on Wednesday, August 12, 2020, to take care of the group of students starting school on Wednesday.

SUB-COMMITTEE REPORTS

Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting Update - July 29, 2020 (Julie Short, Chair; Brent Newsom; Casey Lewis)

[20-3672](#)

Minutes - Approval of the July 23, 2020 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting Minutes (vote will be only by the members of the sub-committee)

A motion was made by Mayor Pro Tem Short to approve the minutes of the July 23, 2020 Hotel/Motel Occupancy Tax Funds Policy and Allocation

**Sub-Committee Meeting as presented. Seconded by Council Member Lewis.
The motion CARRIED by the following vote:**

Aye: 3 - Brent Newsom; Julie Short and Casey Lewis

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh; Terry Moore; Mike Leyman and David Cook

[20-3673](#)

Minutes - Approval of the July 29, 2020 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting Minutes (vote will be only by the members of the sub-committee)

**A motion was made by Mayor Pro Tem Short to approve the minutes of the July 29, 2020 Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting as presented. Seconded by Council Member Lewis.
The motion CARRIED by the following vote:**

Aye: 3 - Brent Newsom; Julie Short and Casey Lewis

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh; Terry Moore; Mike Leyman and David Cook

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Lewis to appoint Joe Smolinski as the City Manager of the City of Mansfield, Texas. Seconded by Council Member Moore. 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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Moore to direct staff to begin an open enrollment process for employee insurance plan with the same benefits and the same cost for employees, for a period of September 1, 2020 to December 31, 2020. 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

CONSENT AGENDA

[20-3666](#)

Minutes - Approval of the July 20, 2020 Special City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the July 20, 2020 Special 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

[20-3667](#)

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

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[20-3677](#)

Resolution - A Resolution of the City of Mansfield, Texas, Amending Resolution No. RE-3627-20; and Calling for a General and Special Election to be Held on November 3, 2020; Establishing Procedures for the Election; and Providing an Effective Date

Council Member Leyman removed this item from the consent agenda. Susana Marin clarified the Runoff Election date. Council Member Lewis made comments regarding the Runoff Election and when the Oath of Office for new members would take place.

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

A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, AMENDING RESOLUTION NO. RE-3627-20; AND CALLING FOR A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; ESTABLISHING PROCEDURES FOR THE ELECTION; 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 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman; Casey Lewis and David Cook

Nay: 0

Abstain: 0

Enactment No: RE-3667-20

[20-3669](#)

Resolution - A Resolution Designating Areas as No Fishing Zones and Establishing Hours for Public Fishing at 1164 Matlock Road in Accordance with Chapter 96 of the Code of Ordinances of the City of Mansfield, Texas

Council Member Moore removed this item from the consent agenda. Director of Parks and Recreation Matt Young answered Council questions.

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

RESOLUTION DESIGNATING AREAS AS NO FISHING ZONES AND ESTABLISHING HOURS FOR PUBLIC FISHING AT 1164 MATLOCK ROAD IN ACCORDANCE WITH CHAPTER 96 OF THE CODE OF ORDINANCES OF 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 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman; Casey Lewis and David Cook

Nay: 0

Abstain: 0

Enactment No: RE-3668-20

[20-3670](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$140,000.00 and Approval of Contract for Design Services with Wier & Associates, to Prepare Heritage Parkway (S. Main St. to Commerce Dr.) Westbound Lane Reconstruction for Public Bidding and Construction (Street Bond Fund)

Council Member Broseh removed this item from the consent agenda. Bart VanAmburgh answered Council questions.

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$140,000 AND APPROVAL OF CONTRACT FOR DESIGN SERVICES WITH WIER & ASSOCIATES FOR THE HERITAGE PARKWAY (S. MAIN ST. TO COMMERCE DR.) WESTBOUND LANE RECONSTRUCTION PROJECT

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

Nay: 0

Abstain: 0

Enactment No: RE-3669-20

END OF CONSENT AGENDA

OLD BUSINESS

20-3630

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas, Calling a Special Election for November 3, 2020 for the Purpose of Amending the City Charter

Susana Marin read the caption into the record. There was Council discussion regarding Proposition D. The Council discussed dividing the proposition into two separate propositions to allow voters to cast separate votes for amending the City Manager removal process and to allow the Council to appoint the City Secretary and the City Attorney. There will be seven (7) propositions on the ballot; Propositions A - G. City Attorney Allen Taylor answered Council questions.

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

A motion was made by Council Member Lewis to approve the following ordinance separating Proposition D in to two separate propositions and that the City Attorney confirm sections for correctness:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, CALLING A SPECIAL ELECTION FOR TUESDAY, NOVEMBER 3, 2020 FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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-2179-20

20-3651

Ordinance - 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 Permit Time Restrictions; and Removing Bond Requirements

Police Chief Tracy Aaron made brief comments and answered Council questions. Allen Taylor answered Council questions.

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 PERMIT TIME RESTRICTIONS; AND REMOVING BOND REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

Aye: 5 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Mike Leyman

Nay: 2 - Casey Lewis and David Cook

Abstain: 0

Enactment No: OR-2180-20

PUBLIC HEARING CONTINUATION AND SECOND READING

20-3642

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from SF-7.5/12 Single-Family Residential District to PD, Planned Development District for Single-family Residential Uses on Approximately 0.547 Acres Located at 911 Noah Street and 906 Cope Street; Ben Hartman, owner/developer (ZC#20-007)

Director of Planning Matt Jones made a brief presentation and answered Council questions. Property Owner Ben Hartman answered Council questions. Mayor Cook continued the public hearing through second reading at 9:18 p.m. Mayor Cook read comments into the records from:

Kenneth Warner - 4300 Dollar Street - Opposed

Daniel and Tamara Gambrell - 916 Cope Street - Opposed

With no others wishing to speak, Mayor Cook closed the public hearing at 9:23 p.m.

Mr. Hartman agreed to place a six foot wood fence with metal post on both properties.

A motion was made by Council Member Broseh 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 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," with the requirement that a fence be added on both properties as agreed to by the owner. Seconded by Mayor Pro Tem Short. 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

NEW BUSINESS

20-3646

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Nominating Mouser Electronics, Inc. as an Enterprise Zone Project Under the Texas Enterprise Zone Act; and Providing an Effective Date

Director of Economic Development Richard Nevins made brief comments and answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, NOMINATING MOUSER ELECTRONICS, INC. AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE ACT; AND PROVIDING AN EFFECTIVE DATE

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

Nay: 0

Abstain: 0

Enactment No: RE-3670-20

20-3668

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Nominating Klein Tools, Inc. as an Enterprise Zone Project Under the Texas Enterprise Zone Act; and Providing an Effective Date

Richard Nevins made brief comments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, NOMINATING KLEIN TOOLS, INC. AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE ACT; AND PROVIDING AN EFFECTIVE DATE

(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-3671-20

[20-3674](#)

Resolution - A Resolution Adopting a New Updated Mansfield Mosquito Surveillance and Control Policy

Stormwater Manager Howard Redfearn made a brief presentation and answered Council questions. Bart VanAmburgh made brief comments and answered Council questions. The Council requested a redlined version of the amended policy.

A motion was made by Council Member Moore to table this agenda item until such time that the City Manager places it back on an agenda but not later than 30 days. Seconded by Council Member Leyman. 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

[20-3675](#)

Resolution - A Resolution of the City of Mansfield, Texas Amending Section 1.02, "General Rules", Section 1.03, "Meetings", Section 1.05, "Order of Business", Section 1.06, "Consideration of Ordinances, Resolutions and Motions", Section 1.07, "Votes Required", and Section 1.08, "Creation of Committees, Boards and Commissions and Election of Mayor Pro Tem" of the Procedural Rules of Council by Which the City Council of Mansfield Conducts its Meetings

A motion was made by Council Member Moore to table this item until such time the attachments are attached to the document and the document reads complete. Seconded by Council Member Leyman. The motion FAILED by the following vote:

Ayes: Terry Moore and Mike Leyman

Nays: Brent Newsom, Casey Lewis, David Cook, Julie Short and Larry Broseh

A motion was made by Council Member Newsom to approve the following resolution with the attachments provided by the City Secretary:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTION 1.02, "GENERAL RULES", SECTION 1.03 "MEETINGS", SECTION 1.05, "ORDER OF BUSINESS", SECTION 1.06, "CONSIDERATION OF ORDINANCES, RESOLUTIONS AND MOTIONS", SECTION 1.07, "VOTES REQUIRED", AND SECTION 1.08, "CREATION OF COMMITTEES, BOARDS AND COMMISSIONS AND ELECTION OF MAYOR PRO TEM", OF THE PROCEDURES OF COUNCIL BY WHICH THE CITY COUNCIL OF MANSFIELD CONDUCTS ITS MEETINGS

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

Seconded by Council Member Lewis. 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: RE-3672-20

[20-3679](#)

Discussion and Possible Action for a Potential Interlocal Cooperation Agreement with Mansfield Independent School District (MISD)

Joe Smolinski made brief comments and answered Council questions.

A motion was made by Council Member Moore to suspend the rules for discussion. Seconded by Council Member Broseh. The motion CARRIED unanimously.

A motion was made by Council Member Lewis to approve the expenditure of up to \$500,000 for providing high speed internet access in cooperation with the Mansfield Independent School District. Seconded by Council Member Moore. 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

[20-3680](#)

Ordinance - First Reading of an Ordinance Amending Ordinance Chapter 30, "Personnel" of the Code of Mansfield, Texas by Amending the Code of Ethics and Conduct for City Elected Officials and Board and Committee Members

Susana Marin read the caption into the record. Allen Taylor made brief comments regarding the proposed changes to the ordinance and answered Council questions.

A motion was made by Mayor Pro Tem Short to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 30, "PERSONNEL" OF THE CODE OF MANSFIELD, TEXAS BY AMENDING THE CODE OF ETHICS AND CONDUCT FOR CITY ELECTED OFFICIALS AND BOARD AND COMMITTEE MEMBERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." 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

[20-3684](#)

Discussion and Possible Action Regarding Options Related to Tattoo Parlor Zoning, Specific Use Permits, and Commercial Leases (Addendum to Agenda)

Council Member Lewis discussed the reason he requested this item be placed on the

agenda. Allen Taylor advised the Council on placing a moratorium while considering a change in use of property.

A motion was made by Council Member Cook to place a moratorium on any further issuance of Certificates of Occupancy for Tattoo Parlors within the TIRZ No. 2 boundaries after today until such time that staff has had an opportunity to study and deliver to Council a report with recommendations regarding any Specific Use Permit process. Seconded by Council Member Moore. 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 10:40 p.m. 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

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary