



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, August 23, 2021

4:30 PM

Council Chambers

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#### REGULAR MEETING AMENDED AGENDA

#### 4:30 P.M. - CALL MEETING TO ORDER

*Mayor Evans called the meeting to order at 4:30 p.m.*

**Present** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

#### RECESS INTO EXECUTIVE SESSION

*In accordance with Texas Government Code, Chapter 552, Mayor Evans recessed the meeting into executive session at 4:33 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 4:33 p.m. Mayor Evans adjourned the executive session at 6:29 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 Pending Litigation - Cause No. DC-20-16161

Seek Advice of City Attorney Regarding the American Rescue Plan

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

Land Acquisition for Future Development

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

Board Appointments

**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 #21-26

Economic Development Project #21-28

**6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

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

*Mayor Evans reconvened the meeting into regular business session at 7:00 p.m.*

**INVOCATION**

*Pastor Steve Pixler of Freedom Life Church 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"

*Council Member Bounds led the Texas Pledge.*

**RECOGNITION**

Recognition of 2021 Parks and Recreation Brand Reps

*Ann Beck, Communications and Marketing Manager for the Mansfield Parks and Recreation Department, recognized the 2021 Parks and Recreation Brand Reps. The Brand Reps were presented with a certificate by Director of Community Services Matt Young.*

**CITIZEN COMMENTS**

*Mark Hayes, 1510 Valleywood Trail - Mr. Hayes spoke regarding city park safety.*

*Stoney Short, 304 W Kimball Street - Mr. Short spoke regarding the city's homeless population.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Leyman had no announcement.*

*Council Member Short had no announcements.*

*Council Member Lewis stated the City's communications team is doing an outstanding job of making citizens aware of events around the city, and wished Mansfield a Happy 131st Birthday.*

*Mayor Pro Tem Tonore had no announcements.*

*Council Member Bounds had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Evans had no announcements.*

**STAFF COMMENTS****City Manager Report or Authorized Representative****Current/Future Agenda Items**

*Deputy City Manager Shelly Lanners announced the Flag Football World Championship Tour Dallas Regional Qualifier will be located in Mansfield at the Skinner Sports Complex December 11-12, 2021. Director of Communications and Outreach Bernadette McCranie provided an update on the second My Mansfield Muni-Versity class beginning August 25th. Director of Planning Jason Alexander provided an update regarding the D, Downtown Zoning Meetings.*

**COVID-19 Update**

*Juan Fresquez, President of Methodist Mansfield Medical Center, and Kenneth Rose, President of Texas Health Hospital Mansfield, provided an update regarding COVID-19 and the affect it has had on hospitals and medical staff.*

**Business Services Department Report****[21-4237](#)**

Presentation of the Monthly Financial Report for the Period Ending July 31, 2021

*Chief Financial Officer Troy Lestina was available for questions.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Council Member Short to authorize the City Manager or his designee to proceed with the execution of a 380 Agreement as discussed in executive session for land acquisition relating to Economic Development Project #21-24.**

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 1 - Mike Leyman

**Abstain:** 0

## **CONSENT AGENDA**

### **21-4234**

Minutes - Approval of the August 9, 2021 Regular City Council Meeting Minutes

**A motion was made by Council Member Lewis to approve the minutes of the August 9, 2021 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem Tonore. The motion CARRIED by the following vote:**

**Aye:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

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

### **21-4236**

Resolution - A Resolution Authorizing an Agreement with NanoStone Water, Inc., for Vendor Services and Appropriating Funds Related to the Membrane Pilot Study

*Council Member Broseh removed this item from the consent agenda. Director of Water Utilities Jeff Price explained the Membrane Pilot Study and answered questions.*

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

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH NANOSTONE WATER, INC., FOR VENDOR SERVICES AND APPROPRIATING FUNDS RELATED TO THE MEMBRANE FILTER PILOT STUDY**

**(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; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3773-21

### **21-4239**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas

Calling Certain Outstanding Obligations for Redemption and Defeasance;  
Authorizing the Deposit of Funds with the Paying Agent/Registrar; and  
Resolving Other Matters Related Thereto

*Council Member Leyman removed this item from the consent agenda. Troy Lestina explained the resolution and answered questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS CALLING CERTAIN  
OUTSTANDING OBLIGATIONS FOR REDEMPTION AND DEFEASANCE;  
AUTHORIZING THE DEPOSIT OF FUNDS WITH THE PAYING AGENT/REGISTRAR;  
AND RESOLVING OTHER MATTERS RELATED THERETO**

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

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

**Aye:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3774-21

### **END OF CONSENT AGENDA**

### **PUBLIC HEARING**

#### **[21-4231](#)**

Public Hearing - Public Hearing and Consideration of a Request for a Specific Use Permit for a Center for Substance Abuse Patients on Approximately 3.69 Acres Known as Lot 4R3-2, Block 1 of Mansfield Hospital, Located at 1776 N US 287; Pat Norris of Norris Development, Inc. (Project Manager) and Doug Weiss of Gallus Medical (Developer/Business Operator) on Behalf of Robert Milligan and Shontea Price of Healthcare Trust of America, Inc. (owner) (SUP#21-003)

*Jason Alexander presented the request and answered Council questions. Applicant Doug Weiss, President and CEO of Gallus Medical Detox Centers, also presented and answered Council questions.*

*Mayor Evans opened the public hearing at 8:07 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 8:07 p.m.*

**A motion was made by Council Member Lewis to approve the request for a specific use permit to include the recommendations of staff and the Planning and Zoning Commission, and the additional requirement that the property be brought up to code in regard to landscaping, prior to the issuance of a certificate of occupancy. Seconded by Council Member Short. The motion**

**CARRIED by the following vote:**

**Aye:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**21-4238**

Public Hearing - Public Hearing on the Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof

*City Manager Joe Smolinski presented the Fiscal Year 2021-2022 budget and answered Council questions.*

*Mayor Evans opened the public hearing at 9:07 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 9:07 p.m.*

**21-4241**

Public Hearing - Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2022 at a Rate of \$0.6900 per One Hundred Dollars (\$100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2021, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest

*Chief Financial Officer Troy Lestina presented the Fiscal Year 2021-2022 tax rate and answered Council questions.*

*Mayor Evans opened the public hearing at 9:07 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 9:07 p.m.*

**PUBLIC HEARING AND FIRST READING****21-4230**

Ordinance - Public Hearing and First Reading of an Ordinance to Consider a Proposed Amendment of Sections 155.012, 155.054(B), Table F, Line 17 and 24, and 155.099 (B) (39) of the Mansfield Code of Ordinances Regarding Non-Traditional Smoking Related Businesses and Tobacco Products Store

*Jason Alexander presented the item and answered Council questions. City Attorney Allen Taylor answered Council questions.*

*Mayor Evans opened the public hearing at 9:22 p.m. With no one wishing to speak, Mayor Evans continued the public hearing through second reading at 9:22 p.m.*

**A motion was made by Council Member Broseh to approve the first reading of the following ordinance to include staff's recommendation of removing section 4c:**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, ZONING, BY DELETING THE DEFINITION FOR NON-TRADITIONAL SMOKING RELATED BUSINESS IN SECTION 155.012; ADDING A NEW DEFINITION FOR**

TOBACCO PRODUCTS STORE IN SECTION 155.012; DELETING THE REQUIREMENT IN SECTION 155.054 (B), TABLE F, FOR A SPECIFIC USE PERMIT FOR NON-TRADITIONAL SMOKING RELATED BUSINESS IN THE C-3, I-1, AND I-2 ZONING DISTRICTS AND ADDING THE REQUIREMENT FOR A PD DISTRICT IN SAID SECTION FOR TOBACCO PRODUCTS STORE; ADDING THE SPECIAL CONDITIONS IN SECTION 155.099 FOR TOBACCO PRODUCTS STORES; 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:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

## **NEW BUSINESS**

### **21-4240**

Discussion and Possible Action Considering the Approval of a Community Activation Grant Application made by Dirty Job Brewing (Addendum to Agenda)

*Community and Organization Development Officer Nicolette Allen presented the application for a community activation grant and answered Council questions. Applicant Derek Hubenak of Dirty Job Brewing answered Council questions. Troy Lestina answered Council questions.*

A motion was made by Council Member Lewis to approve the community activation grant application for a reimbursement of up to \$42,482 out of the FY 2021-2022 Community Activation Grant budget with the stipulation that the applicant work with the City's special event planning staff to plan the event and that 40% of net profits come back to the City of Mansfield, either through a check or less the reimbursement back to Dirty Job Brewing. Seconded by Council Member Short. The motion CARRIED by the following vote:

**Aye:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

## **ADJOURN**

A motion was made by Council Member Short to adjourn the meeting at 9:54 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

**Aye:** 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

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ATTEST: Michael Evans, Mayor

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Susana Marin, City Secretary