



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, July 27, 2020

8:30 AM

Council Chambers

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#### REGULAR MEETING AMENDED AGENDA

#### 8:30 A.M. - CALL MEETING TO ORDER

*Mayor Cook called the meeting to order at 8:33 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

#### INVOCATION

*Mayor Pro Tem Short gave the Invocation.*

#### PLEDGE OF ALLEGIANCE

*Council Member Broseh 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 Newsom led the Texas Pledge.*

#### WORK SESSION DISCUSSION ITEMS

Discussion and Possible Action Regarding Downtown Development Strategies

*Director of Planning Matt Jones made brief introductory comments. Halff Associates representative Matt Bucchin gave a brief overview of the Downtown Development Strategies. Halff representatives discussed with the Council their recommended eight short-term, high-impact strategies that would require minimal investment from the City.*

*The strategies included:*

*Development of a downtown zoning district*

*Gateways*

*Parking Awareness Campaign*

*Strategy for residential street parking during special events*  
*Downtown sub-district parking requirements*  
*Promote development of the city-owned, four-acre site*  
*Downtown coordinator position*  
*Coordination with downtown property owners and groups*  
*Interim City Manager Joe Smolinski said staff recommendation at this time was to keep the downtown coordinator position internal through the City Manager's Office. Assistant to the City Manager Nicolette Allen would assume the duties and provide downtown businesses and group with a dedicated liaison at the City. Council agreed with the staff recommendation.*

**A main motion was made by Council Member Lewis to approve the Downtown Development Strategies Plan as presented. Seconded by Council Member Newsom.**

**A motion to amend the main motion and add the sentence "If and when Commuter Rail comes to Mansfield, Texas, serious consideration will be given to including it to the Downtown Master Plan." Motion FAILED for lack of a second.**

**The main 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

#### Continue Preliminary Budget Discussion

*Joe Smolinski made brief comments and turned it over to Deputy City Manager Peter Phillis. Peter provided Council with updated revenue projections following tax roll information from the appraisal districts. He stated adjustments were being made to the proposed budget due to the elimination of the in-house legal department beginning in FY21 with the retirement of the In-House City Attorney. Any reductions in the cost of employee health insurance are also not yet reflected in the preliminary budget. The preliminary budget however does include not only the 10 percent homestead exemption for Mansfield homeowners but a tax rate reduction. Council indicated it supported a two-cent tax rate reduction from 71 cents per \$100 valuation to 69 cents. A final budget and tax rate will be formally adopted in early September.*

#### Continued Discussion Regarding Procedural Rules of Council

*Council continued their discussion regarding amendments to the Procedural Rules of Council. City Attorney Allen Taylor answered Council questions.*

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

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 11:38 a.m. Mayor Cook called the executive session to order in the Council Conference Room at 11:45 a.m. Mayor Cook adjourned executive session at 7:17 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 Claim Notice Letter

Seek Advice of City Attorney Regarding City Owned Public/Private Partnership Agreements

**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 #20-06

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

*Mayor Cook reconvened into regular business session at 7:26 p.m.*

**INVOCATION**

*TCAL Pastor Brian Swiggart 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 Leyman led the Texas Pledge.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

## **COUNCIL ANNOUNCEMENTS**

*There were no Council announcements.*

## **SUB-COMMITTEE REPORTS**

Public Memorials Sub-Committee Update - July 21, 2020 (Terry Moore, Chair; Larry Broseh; Mike Leyman)

*Council Member Moore provided an update of the Public Memorials Sub-Committee meeting held on July 21, 2020. He stated the sub-committee is continuing with the establishment of its non-profit status and LLC filing. He advised they are currently filing positions on the foundation.*

Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee Meeting Update - July 23, 2020 (Julie Short, Chair; Brent Newsom; Casey Lewis)

*Mayor Pro Tem Short gave an update of the Hotel/Motel Occupancy Tax Funds Policy and Allocation Sub-Committee meeting held on July 23, 2020. She stated the sub-committee members were continuing to evaluate the applications for funds distribution and would be making a report to the full Council in August.*

### **20-3645**

Minutes - Approval of the July 21, 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 July 21, 2020 Public Memorials Sub-Committee Meeting as presented. Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

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

## **STAFF COMMENTS**

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

Current/Future Agenda Items

*There were no staff comments.*

### **Business Services Department Report**

### **20-3631**

Presentation of Monthly Financial Report for the Period Ending May 31, 2020

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*Peter Phillis made brief comments and answered Council questions.*

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

No action taken by the Council.

### **CONSENT AGENDA**

#### **[20-3617](#)**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with Johnson County Elections Administrator to Perform Election Services for the November 3, 2020 General and Special Election; and Providing and Effective Date

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHROZING THE EXECUTION OF A CONTRACT WITH THE JOHNSON COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE NOVEMBER 3, 2020 GENERAL ELECTION AND SPECIAL ELECTION; 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-3662-20

#### **[20-3629](#)**

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Motor Vehicle Crime Prevention Authority to Continue a Multi-agency Task Force

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

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE CRIME PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE**

(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-3663-20

[20-3632](#)

Resolution - A Resolution Authorizing Funding in an Amount not to Exceed \$88,150 and Approval of Contract for Engineering Services with Halff Associates, Inc. to Complete Watson Branch Upper Reach Drainage Master Plan (Drainage Utility Fund)

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$88,150 AND APPROVAL OF CONTRACT FOR ENGINEERING SERVICES WITH HALFF ASSOCIATES, INC. TO COMPLETE WATSON BRANCH UPPER REACH DRAINAGE MASTER PLAN (DRAINAGE UTILITY FUND)**

**(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-3664-20

[20-3640](#)

Minutes - Approval of the July 13, 2020 Regular City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the minutes of the July 13, 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**

[20-3630](#)

Ordinance - First 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

*Council Member Lewis removed this item from the consent agenda. Allen Taylor*

*answered Council questions. There was consensus to revise wording for propositions B, E, and F.*

**A motion was made by Council Member Lewis to approve the second reading of "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," with the language as reviewed in reference to propositions B, E, and F. 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

#### 20-3639

Resolution - A Resolution Authorizing a Change Order to the Contract with Phoenix I Restoration and Construction, Ltd. for the Restoration of the Man House Residence

*Director of Building Services Wade McLaurin and Peter Phillis answered Council questions.*

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH PHOENIX I RESTORATION AND CONSTRUCTION, LTD. FOR THE RESTORATION OF THE MAN HOUSE RESIDENCE**

**(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-3665-20

### **END OF CONSENT AGENDA**

### **PUBLIC HEARING AND FIRST READING**

#### 20-3642

Ordinance - Public Hearing and First 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)

*Susana Marin read the caption into the record. Director of Planning Matt Jones made a brief presentation and answered Council questions. Property Owner Ben Hartman made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:19 p.m. The following people spoke:*

*Ryan Snowden - 909 Cope Street - Opposed*

*Tamara Gambrell - 916 Cope Street - Opposed*

*Kimberly Zips - 917 Noah Street - Opposed*

*With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 8:25 p.m. The Council requested Mr. Hartman to provide pictures of the current homes on the lots being considered for rezoning.*

**A motion was made by Mayor Pro Tem Short 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 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." 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

## **NEW BUSINESS**

### **[20-3647](#)**

Resolution - A Resolution Authorizing Publication of Notice of Intention to Repurpose the Use of Proceeds of the City's Combination Tax and Revenue Certificates of Obligation, Series 2020 and to Amend Ordinance No. 2162-20; and Providing for the Effective Date

*Peter Phillis made brief comments and answered Council questions.*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO REPURPOSE THE USE OF PROCEEDS OF THE CITY'S COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020 AND TO AMEND ORDINANCE NO. 2162-20; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF**

**(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-3666-20

[20-3651](#)

Ordinance - First 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 (Addendum to Agenda)

*Susana Marin read the caption into the record. Tracy Aaron and Allen Taylor made brief comments and answered Council questions. There was Council consensus to remove the bond requirement and add an additional hour to the soliciting times.*

**A motion was made by Council Member Newsom to approve the first 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," to amend the hours from 9 a.m to 6 p.m. during winter months and from 9 a.m. to 7 p.m. during daylight standard time; to remove the bond requirement; and to maintain the finger printing requirement. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 4 - Larry Broseh; Brent Newsom; Terry Moore and Mike Leyman

**Nay:** 3 - Julie Short; Casey Lewis and David Cook

**Abstain:** 0

[20-3652](#)

Discussion and Possible Action Regarding the Approval of a Parklet Application Located at 126 North Main Street (Addendum to Agenda)

*Matt Jones made a brief presentation and answered Council questions. Applicant Dave Goodwin made brief comments and answered Council questions. Matt discussed changing note 12 from the Mansfield Police Department to the Transportation Department and note 13 would change to using the barricade tape as approved by the Transportation Department.*

**A motion was made by Council Member Moore to approve this agenda items with the recommended changes as suggested by Matt Jones. 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

20-3641

Review and Consideration of a Detailed Site Plan for Apartments on 10.892 Acres out of the S.S. Callender Survey, Abstract No. 359, Located Approximately 200 Feet East of FM 157 and Approximately 750 Feet North of House Road; Spencer Long of Realty Capital Management, LP and Adam Brown of Trinsic Residential Group on behalf of Glenn Day, et. al. (DS#20-004)

*Matt Jones made a brief presentation and answered Council questions. Trinsic Residential Group representative Adam Brown made a brief presentation and answered Council questions. Realty Capital Management representative Spencer Long answered Council questions.*

**A motion was made by Council Member Lewis to approve this agenda item adding the canopies, including the 3D rendering as part of the detailed site plan, adding an enhanced pedestrian connectivity feature; a detailed site plan for the commercial portion of the development, and to include the amenities per the site plan presented. Seconded by Mayor Pro Tem Short, that this matter be Approved . 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

**RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 9:38 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 9:47 p.m. Mayor Cook adjourned executive session at 10:20 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 City Owned Public/Private Partnership Agreements

**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 #20-06

**ADJOURN**

**Mayor Cook adjourned the meeting at 10:20 p.m.**

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary