



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, September 28, 2020

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:01 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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Mayor Cook adjourned executive session at 6:28 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. 4:19-CV-00944

Seek Advice of City Attorney Regarding Claim Notices

Seek Advice of City Attorney Regarding Contract Issues Related to Service Procurement

Seek Advice of City Attorney Regarding Legal Issues Relating to Lien Foreclosure

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 7:02 p.m.

INVOCATION

The Redeemed Christian Church of God Pastor Isaac Adeyemi 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 Leyman led the Texas Pledge.

PRESENTATIONS

Tarrant County College "State of the College" Presentation - Eugene V. Giovannini, Ed.D.

Tarrant County College Trustee Dr. Michael Evans introduced TCC Chancellor Eugene V. Giovannini. Dr. Giovannini addressed the Council for a "State of the College" presentation. He detailed the college's successes over the past several year and providing information on its enrollment and online classes since the start of the pandemic.

Mansfield City Council - Presidential Volunteer Service Award Gold Medal

City Manager Joe Smolinski presented the City Council with the Presidential Volunteer Service Award Gold Medal for the second year in a row. He honored the Council for their community service and volunteer work.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Mayor Pro Tem Short had no announcements.

Council Member Newsom recognized Megan Brian for the Alzheimer's Awareness Event "A Night to Remember" she held.

Council Member Moore had no announcements.

Council Member Broseh had no announcements.

Council Member Lewis had no announcements.

Mayor Cook welcomed back Amanda Kowalski as a the writer of the Mansfield Record. He stated she will be covering the news in Mansfield.

SUB-COMMITTEE REPORTS

Public Memorials Sub-Committee Meeting of September 15, 2020 Report (Terry Moore, Chair; Mike Leyman; Larry Broseh)

Sub-Committee Chairman Moore provided an update of the Public Memorials Sub-Committee meeting of September 15, 2020.

Revitalization of Historic Downtown Mansfield Sub-Committee Meeting of September 23, 2020 Report (Brent Newsom, Chair; David Cook; Casey Lewis)

Sub-Committee Chairman Newsom provided an update on the Revitalization of Historic Downtown Mansfield Sub-Committee meeting of September 23, 2020. Special Event Manager Angie Henley announced plans to move the annual Hometown Holidays Event tree lighting event to Historic Downtown Mansfield. Joe Smolinski made brief comments regarding the event.

[20-3794](#)

Minutes - Approval of the September 23, 2020 Revitalization of Historic Downtown Mansfield Sub-Committee

A motion was made by Council Member Newsom to approve the minutes of the September 23, 2020 Revitalization of Historic Downtown Sub-Committee Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 3 - Brent Newsom; Casey Lewis and David Cook

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh; Terry Moore; Julie Short and Mike Leyman

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

National Night Out Event Update

Assistant Police Chief Gary Fowler provided an update on the 2020 National Night Out Event.

Business Services Department Report

[20-3785](#)

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

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[20-3692](#)

Ordinance - Third and Final Reading of an Ordinance Extending the School Zone on East Debbie Lane that Serves Asa Low Intermediate School and Brooks Wester Middle School

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 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY

(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-2186-20

[20-3696](#)

Ordinance - Third and Final Reading to Consider a Historic Landmark Overlay District Classification for the 1924 High School and the 1940 Rock Gym at 605 E. Broad Street; Art Wright, City Historic Preservation Officer, on behalf of the Mansfield Independent School District, owner (ZC#20-011)

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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE 1924 HIGH SCHOOL AND 1940 ROCK GYM BUILDINGS LOCATED AT 605 E. BROAD STREET; 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: 7 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman; Casey Lewis and David Cook

Nay: 0

Abstain: 0

Enactment No: OR-2187-20

[20-3769](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with Ellis 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 Moore to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ELLIS 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-3687-20

[20-3772](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2020 Rate Review Mechanism Filing

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, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

(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-3688-20

[20-3781](#)

Resolution - A Resolution Selecting BelWave Communications, Inc. as Contractor for the Installation and Service Provider of Public WiFi; Delegating the Authority to the City Manager or Designee to Negotiate and Enter into a Contract with BelWave Communications, Inc. to Provide Infrastructure and

Service Agreement in the Amount of Four Hundred Fifteen Thousand Five Hundred and Seventy-Two Dollars (\$415,572.00)

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

A RESOLUTION SELECTING BELWAVE COMMUNICATIONS, INC. AS CONTRACTOR FOR THE INSTALLATION AND SERVICE PROVIDER OF PUBLIC WIFI; DELEGATING THE AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH BELWAVE COMMUNICATIONS, INC. TO PROVIDE INFRASTRUCTURE AND SERVICE AGREEMENT IN THE AMOUNT OF \$415,572.00

(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-3689-20

[20-3782](#)

Resolution - A Resolution Authorizing the Bank Depository Contract

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

A RESOLUTION ACCEPTING THE PROPOSAL FOR CITY DEPOSITORY AND BANKING SERVICES OF JPMORGAN CHASE DESIGNATING AS THE CITY DEPOSITORY; ADOPTING THE PROPOSAL, ATTACHED HERETO AS EXHIBIT "A" AND MADE PART HEREOF FOR ALL PURPOSES, AS THE CONTRACT FOR CITY DEPOSITORY AND BANKING SERVICES; PROVIDING A TERM OF THREE (3) YEARS WITH THE RIGHT TO RENEW FOR TWO (2) SUCCESSIVE YEARS; REQUIRING SIGNATURE OF AN OFFICER OF JPMORGAN CHASE TO ACCEPT THE TERMS HEREOF; 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-3690-20

[20-3784](#)

Resolution - A Resolution Amending the Bylaws of the Historic Preservation Advisory Board

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

A RESOLUTION AMENDING THE BYLAWS FOR HISTORIC PRESERVATION ADVISORY BOARD

(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-3691-20

[20-3787](#)

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

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, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT 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-3692-20

[20-3756](#)

Minutes - Approval of the September 11, 2020 Special City Council Meeting Minutes

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Approval of Minutes . 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

[20-3757](#)

Minutes - Approval of the September 14, 2020 Regular City Council Meeting Minutes

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Approval of Minutes . 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

[20-3758](#)

Minutes - Approval of the September 15, 2020 Special City Council Meeting Minutes

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Approval of Minutes . 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

[20-3759](#)

Minutes - Approval of the September 17, 2020 Special City Council Meeting Minutes

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Approval of Minutes . 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

[20-3783](#)

Request for Special Event Permit: Eubanks Snow Cones

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Approved . 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

20-3704

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-1, Neighborhood Business District to SF-7.5/18, Single-Family Residential District on Approximately 1.46 Acres Located at 1557 Speers Drive; Cristina Salinas, owner/developer (ZC#20-010)

Susana Marin read the caption into the record. Director of Planning Matt Jones made a brief presentation and answered Council questions. Property Owner Venesa Acosta answered Council questions.

A motion was made by Council Member Newsom to approve the following ordinance with the stipulation that fiberboard be confirmed as cementitious fiberboard; that the home on Lot 1 be a minimum of 2,200 sq. ft.; the home on Lot 2 be a minimum of 2,200 sq. ft. if the existing home is torn down; and, the home on Lot 3 be a minimum of 2,600 sq. ft.:

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

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

Nay: 0

Abstain: 0

Enactment No: OR-2188-20

PUBLIC HEARING AND FIRST READING

20-3768

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12 Single-Family Residential District to

PD Planned Development District for Single-family Residential and Accessory Dwelling Uses on Approximately 0.258 Acres Known as a Portion of Lot 1, Block 29, Original Town of Mansfield, Located at 106 S. 2nd Ave.; Sheri Bumgardner of SSB Designs, Inc. on behalf of Janell Pendergast and Brian Clettenberg (ZC#20-012)

Susana Marin read the caption into the record. Matt Jones made a brief presentation and answered Council questions. Property Owner Brian Clettenberg answered council questions. Joe Smolinski answered Council questions. Mayor Cook opened he public hearing at 8:19 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:19 p.m.

A motion was made by Council Member Lewis 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 AND ACCESSORY DWELLING 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 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

[20-3775](#)

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 Multi-family Residential Uses on Approximately 0.535 Acres Located at 505 W. Kimball Street; Ben Hartman, Owner/Developer (ZC#20-013)

Susana Marin read the caption into the record. 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 9:00 p.m. Mayor Cook recognized the following comments received:

*Krista Osmus - 508 W. Kimball Street - Support
Mike Osmus - 508 W. Kimball Street - Support*

With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 9:02 p.m.

A motion was made by Council Member Moore 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 MULTI-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 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

[20-3777](#)

Ordinance - Public Hearing and First Reading of an Ordinance Amending Sections 2200B, 4400.B Table G and 7800.B.38 of the Zoning Ordinance to Create a Body Art & Piercing Studio Use; to Permit Such Use in the I-1 and I-2 Zoning Districts; to Require a Specific Use Permit in C-2 and C-3 Zoning Districts; and to Establish Separation Criteria from Such Use from Certain Other Land Uses (OA#20-001)

Susana Marin read the caption into the record. Matt Jones made a brief presentation and answered Council questions. City Attorney Allen Taylor answered Council questions. Staff was instructed to bring back the definition of massage parlors at the next meeting. Mayor Cook opened the public hearing at 9:20 p.m. Mayor Cook recognized the following comment received:

Alonzo Gonzales - 215 N. Walnut Creek - Opposed

With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 9:21 p.m.

A motion was made by Council Member Lewis to approving the first reading including paragraph C as presented and to include an SUP for all zoning categories. Seconded by Council Member Broseh. The motion FAILED by the following vote:

Ayes: Larry Broseh, Casey Lewis, and Terry Moore

Nays: David Cook, Mike Leyman, Brent Newsom, and Julie Short

A motion was made by Council Member Moore to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200B, 4400.B TABLE G AND 7800.B.38 OF SAID ORDINANCE TO CREATE A BODY ART & PIERCING STUDIO USE; TO PERMIT SUCH USE IN THE PD ZONING DISTRICT; AND TO ESTABLISH SEPARATION CRITERIA FROM SUCH USE FROM CERTAIN OTHER LAND 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," making the creation of a body art and piercing studio a non-permitted use. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and David Cook

Nay: 1 - Casey Lewis

Abstain: 0

NEW BUSINESS

20-3755

Discussion and Possible Action Regarding Republic Services Request for an Extraordinary Recycling Processing Rate Increase for the Ensuing Contract Year

Deputy City Manager Peter Phillis made brief comments and answered Council questions. Republic Services representative Vince Hrabal answered Council questions.

A motion was made by Council Member Leyman to approve this agenda item. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and David Cook

Nay: 1 - Casey Lewis

Abstain: 0

PUBLIC HEARING AND FIRST READING

20-3778

Ordinance - Public Hearing and First Reading of an Ordinance Amending Sections 5100.E.7, 5100.F.19, 6100.D.8 and 6400.D.8 of the Zoning Ordinance to Revise the Submittal Requirements for Applications for Concept Plans, Planned Developments, Specific Use Permits and Industrial Use Permits (OA#20-002)

Susana Marin read the caption into the record. Matt Jones made brief comments. Mayor Cook opened the public hearing at 9:48 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:48 p.m.

A motion was made by Council Member Newsom, seconded by Council Member Moore, that this matter be Approved on First Reading . 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

20-3780

Ordinance - First Reading of an Ordinance Approving a Request to Abandon Certain Utility Easements and Drainage Easements Relating to the M3 Ranch Addition

Susana Marin read the caption into the record. Director of Public Works Bart

VanAmburgh made a brief presentation and answered Council questions.

A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE VACATING AND ABANDONING CERTAIN UTILITY EASEMENTS AND DRAINAGE EASEMENTS RELATING TO THE M3 RANCH ADDITION; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE QUITCLAIM DEEDS RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE." 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

[20-3797](#)

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 Section 111.22 "Time Restrictions"

Susana Marin read the caption into the record.

A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 111, "PEDDLERS AND SOLICITORS," OF THE CODE OF MANSFIELD, TEXAS BY AMENDING SECTION 111.22, "TIME RESTRICTIONS," ALLOWING COMMERCIAL HOME SOLICITATION AND HANDBILL DISTRIBUTION ON CERTAIN HOLIDAYS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." 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

[20-3766](#)

Consideration of a Request for a Minor Modification of the Planned Development Standards and Exhibits for Oaks Preserve to Reduce the Minimum Floor Area for Third-Acre Lots and Modify the Enhanced Entryway Plans, on Approximately 157.94 Acres Located South of Lillian Road and Approximately 2,000 Feet Southwest of the Intersection of W. Broad Street and Lillian Road; Felix Wong on Behalf of Adlai Pennington of MKP Associates, Inc. (Developer) (ZC#15-022C)

Matt Jones made a brief presentation and answered Council questions. MKP Associates, Inc. representative Felix Wong answered Council questions. Allen Taylor answered Council questions.

A motion was made by Mayor Cook to approve this agenda item with 20 percent of the lots be reduced to 2,600 sq. ft. so long as they are permitted within six month of today (9/28/20); should the lots not be permitted by that

date they will revert to the 3,000 sq. ft. currently in place; and that the landscaping request be handled in the same manner as it was originally intended to be taken care of by the Planning Director to the extent possible and if there is still no agreement that its a minor modification the Director can make that decision and he may bring it back to Council. Seconded by Council Member Leyman. The motion **FAILED** by the following vote:

Ayes: David Cook, Casey Lewis, and Mike Leyman

Nays: Larry Broseh, Terry Moore, Brent Newsom, and Julie Short

A motion was made by Council Member Lewis to approve this agenda item with 20 percent of the lots be reduced to 2,800 sq. ft. so long as they are permitted within six month of today (9/28/20); should the lots not be permitted by that date they will revert to the 3,000 sq. ft. currently in place; and that the landscaping request be handled in the same manner as it was originally intended to be taken care of by the Planning Director to the extent possible and if there is still no agreement that its a minor modification the Director can make that decision and he may bring it back to Council. Seconded by Mayor Pro Tem Short. The motion **CARRIED** by the following vote:

Aye: 4 - Brent Newsom; Julie Short; Casey Lewis and David Cook

Nay: 3 - Larry Broseh; Terry Moore and Mike Leyman

Abstain: 0

20-3795

Discussion and Possible Action Regarding Lease and Permit Options with the Pilot Parklet Program

Assistant to the City Manager Nicolette Allen made a brief presentation and answered Council questions. Allen Taylor made brief comments and answered Council questions.

A motion was made by Council Member Cook to extend the parklet program to December 31, 2021. Seconded by Council Member Newsom. The motion **CARRIED** by the following vote:

Aye: 6 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Casey Lewis and David Cook

Nay: 1 - Mike Leyman

Abstain: 0

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 10:55 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