



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, April 26, 2021

3:00 PM

Council Chambers

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#### REGULAR MEETING

#### 3:00 P.M. - CALL MEETING TO ORDER

*Mayor Evans called the meeting to order at 3:00 p.m.*

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

#### WORKSESSION

Update from City Manager on FY 2022 Budget Preparation

*City Manager Joe Smolinski gave a brief presentation regarding the FY 2022 budget preparation including a budget submission update and discussed the possibility and schedule of events for a November bond election. City Attorney Allen Taylor answered staff questions regarding the information provided to the public surrounding the bond election. Joe also discussed debt issuance, and along with Director of Finance Troy Lestina, answered questions. Council indicated support for a resolution on the next City Council Meeting agenda approving the issuance of the debt.*

Discussion Regarding Ambulance Services Rate Schedule

*Fire Chief Mike Ross gave a presentation on ambulance rates and fees and proposed a rate increase, noting the city's ambulance rate structure has not been adjusted since 2012. Emergency Medical Services Chief Kevin Sandifer spoke regarding ambulance services and answered Council questions. Troy Lestina and Chief Ross answered questions. The Council indicated their support for an increase in ambulance rates and fees.*

Follow-up Discussion Regarding Capital Improvement Projects

*Joe Smolinski presented future capital projects and a recap of the capital projects discussed at the April 12, 2021 City Council Worksession discussion, including debt issuance and the schedule of events. The City Council directed staff to prepare a resolution for the issuance of debt.*

#### RECESS INTO EXECUTIVE SESSION

*In accordance with the Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 4:12 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 4:20 p.m. Mayor Evans adjourned the executive session at 7:09 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-C202100171

Seek Advice of City Attorney Regarding Legal Issues Relating to the Operation of the Security Alarm Ordinance

Seek Advice of City Attorney Regarding Preliminary Legislative Legal Update and Possible Impacts

Seek Advice of City Attorney Regarding Possible Uses of Economic Development Incentive Programs

Seek Advice of City Attorney Regarding Issues Relating to Regulation of Signs by Municipalities

Seek Advice of City Attorney Regarding Public Information Act Requirements Relating to Social Media Usage

**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**

**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 #21-01

**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 7:17 p.m.*

**INVOCATION**

*Mansfield Bible Church Pastor Greg Lingle gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Mayor Pro Tem Leyman 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.*

**PROCLAMATION****[21-4043](#)****Historic Preservation Month**

*Planner II Art Wright announced May 2021 as Historic Preservation Month, gave a brief overview of historic downtown Mansfield and invited the public to visit the city's historical landmarks and attend various special events held during May at the Mansfield Historical Museum and Man House. Mayor Evans read and presented the proclamation.*

**[21-4044](#)****National Corrections Officers and Employees Appreciation Week**

*Mayor Evans read and presented the National Corrections Officers and Employees Week proclamation to Police Chief Tracy Aaron and two Mansfield Corrections Officers, Sergeant Driver and Officer Lopez.*

*Mayor Evans also read and presented the School Lunch Hero Day proclamation to Mansfield ISD Student Nutrition Services Staff.*

**CITIZEN COMMENTS**

*Shelia Favor, 503 Titleist Drive - Ms. Favor spoke regarding social media usage for elected officials.*

*Brandon Frizzell, 2301 Erin Lane - Mr. Frizzell spoke regarding social media usage for elected officials.*

*Myra Miller, 119 N Main Street - Ms. Miller spoke regarding social media usage for elected officials.*

*Al Green, 99 Regency Parkway - Mr. Green spoke regarding the uniqueness of Mansfield and thanked Mayor Evans for his leadership.*

**COUNCIL ANNOUNCEMENTS**

*Mayor Pro Tem Leyman had no announcements.*

*Council Member Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Tonore had no announcements.*

*Council Member Bounds spoke regarding the concept of Mansfield's "True North" and used a review the city parks received as an example of how the city practices this philosophy everyday.*

*Council Member Broseh announced that at least three Mansfield churches will be serving the community instead of having services this weekend.*

*Mayor Evans invited the community to be a part of the Joint Mansfield Independent School Board and Mansfield City Council Meeting on Thursday, April 29, 2021 at 6:00 p.m. at the Performing Arts Center. Mayor Evans also recognized Belinda Willis on her retirement from the City after 20 years of dedicated public service.*

## **SUB-COMMITTEE REPORTS**

### **21-4050**

Minutes - Approval of the April 13, 2021 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee) (Bounds, Lewis, Short)

*Chairman Lewis reported the Sub-Committee discussed the tools available to them and they began looking at the land use planning process during this meeting.*

**A motion was made by Council Member Short to approve the minutes of the April 13, 2021 Housing Market Growth Strategy Sub-Committee Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:**

**Aye:** 3 - Julie Short; Casey Lewis and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**Non-Voting:** 4 - Larry Broseh; Mike Leyman; Todd Tonore and Michael Evans

## **STAFF COMMENTS**

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

Current/Future Agenda Items

*Chief Ross announced the City of Mansfield will be opening a COVID-19 Vaccination Clinic, starting the week of May 3, 2021. The City has 4,000 doses of the Moderna vaccine to administer.*

Clues in The Creek Video Summary - Rebecca Sales

*Public Education Specialist Rebecca Sales presented a short clip of the "Clues in the Creek" video created in collaboration with TRWD and Erma Nash Elementary School. Rebecca also announced the City has received one of ten Governor's Community Achievement Awards for outstanding community improvement.*

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

**Council Member Short made a motion to authorize the City Manager to execute a Chapter 380 Agreement as discussed in Executive Session for Economic Development Project #21-01. Seconded by Mayor Pro Tem 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

**Council Member Lewis made a motion to direct the City Manager to move forward with negotiations in securing a contract for the properties as discussed in Executive Session.**

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

**Nay:** 0

**Abstain:** 0

### **CONSENT AGENDA**

#### **[21-4051](#)**

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$874,571.50 and Approval of Contracts, Including Survey and Design Services with Dunaway Associates, LLC, to Prepare West Walnut Creek Sanitary Sewer Interceptor and Waterline Improvements (Cotton Dr. and Billingslea Dr.) for Public Bidding and Construction (Utility Fund)

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$874,571.50 AND APPROVAL OF CONTRACTS, INCLUDING SURVEY AND DESIGN SERVICES WITH DUNAWAY ASSOCIATES, LLC, TO PREPARE WEST WALNUT CREEK SANITARY SEWER INTERCEPTOR AND WATERLINE IMPROVEMENTS (COTTON DR. AND BILLINGSLEA DR.) FOR PUBLIC BIDDING AND CONSTRUCTION (UTILITY FUND)**

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

**Seconded by Council Member 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

Enactment No: RE-3743-21

[21-4052](#)

Resolution - A Resolution of The City of Mansfield, Texas Finding That Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code § 25.243 to Increase Distribution Rates Within the City Should be Denied

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL**

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

**Seconded by Council Member 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

Enactment No: RE-3744-21

[21-4049](#)

Minutes - Approval of the April 12, 2021 Regular City Council Meeting Minutes

**A motion was made by Council Member Lewis to approve the minutes of the April 12, 2021 Regular City Council Meeting as presented. Seconded by Council Member 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

**END OF CONSENT AGENDA**

**PUBLIC HEARING**[21-4045](#)

Public Hearing and Consideration of a Request for a Specific Use Permit for Apartments on Approximately 12.869 Acres out of the E. Mcanear Survey, Abstract No. 1005, Tarrant County, TX, Located at the Southeast Corner of Regency Pkwy. and Nahvi Rd.; Ryan Conway of JLB Partners (Developer) on Behalf of Mike Sellers of First Baptist Church, Michael P. Collini, and John C. Arnold of Fifteen Oaks Mansfield, L.P. (Owners) (SUP#21-001)

*Assistant City Manager Matt Jones presented the request, gave an overview of The Reserve District, and answered Council questions. Allen Taylor answered Council questions. Applicant Britton Church, JLB Partners, 3970 Cobblestone Circle, Dallas, gave a presentation regarding the request and answered Council questions.*

*Mayor Evans opened the public hearing at 8:54 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 8:55 p.m.*

**A motion was made by Council Member Bounds to table the item to the next regular City Council Meeting of May 10, 2021 to let staff and the applicant talk through a Public Improvement District. Seconded by Mayor Pro Tem 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

**PUBLIC HEARING AND FIRST READING**[21-4046](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 4 Acres out of The Ray Grevious Survey, Abstract No. 1307, Tarrant County, TX, Located at 2349 N. Holland Rd.; Jeff Linder of Bannister Engineering (Engineer) on Behalf of Mouaz Allababidi of Allababidi Foundation, LLC (Owner) (ZC#21-003)

*Matt Jones gave a brief presentation and answered Council questions. Applicant Jeff Linder, Bannister Engineering, 240 N Mitchell Drive, spoke regarding the development and answered Council questions.*

*Mayor Evans opened the public hearing at 9:32 p.m.*

*Al Bastina, 1800 Rim Rock Trail - Mr. Bastina spoke in opposition to the zoning case, citing concerns of road congestion and traffic.*

*Ken Boland, 1810 Rim Rock Trail - Mr. Boland read a letter written by his neighbor stating their opposition to the zoning case, citing concerns of drainage, utilities, and traffic capacity.*

*Selim Fiagome, 3120 Ridge Trace Circle - Mr. Fiagome spoke in opposition to the zoning case, citing concerns of density and congestion.*

*Lance Vonhollen, 3215 Ridge Trace Circle - Mr. Vonhollen spoke in opposition to the zoning case, citing concerns of density.*

*Sarah Ewart, 3123 Ridge Trace Circle - Ms. Ewart spoke in opposition to the zoning case, citing concerns of building setbacks.*

*With no one else wishing to speak, Mayor Evans closed the public hearing at 9:51 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 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 conditions that there are no front facing garages except for on lots 6, 7, and 8, but rear entry garages are encouraged across all lots, a 3,000 square foot minimum home size, an 8 foot board on board fence around the residential perimeter, only two of the lots are allowed to have 100% stucco requested, and there be barrel tile roofs.**

**Seconded by Council Member Short. 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

Enactment No: OR-2207-21

### **PUBLIC HEARING CONTINUATION AND SECOND AND FINAL READING**

#### **[21-4027](#)**

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to PD Planned Development for Retail Plant Nursery, Wholesale Plant Nursery, and Single-Family Residential Uses on Approximately 5.15 Acres out of the Margaret Rockerfellow Survey, Abstract No. 1267, Tarrant County, TX, Located at 1573 Newt Patterson Rd.; Michael Wilson of Bannister Engineering (Landscape Architect) on Behalf of Magdaleno I. Pacheco of Leno's Plant Farm (Owner/Developer) (ZC#21-001)

*Matt Jones gave a brief presentation. Mayor Evans opened the public hearing at 10:05*



*p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 10:05 p.m.*

**A motion was made by Council Member Broseh to approve the second and final reading of 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR RETAIL PLANT NURSERY, WHOLESALE PLANT NURSERY, AND 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 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

Enactment No: OR-2205-21

## **NEW BUSINESS**

### **[21-3991](#)**

Ordinance - Approval of an Ordinance of the City of Mansfield, Texas Amending Chapter 97 "Alarm Systems" of the Code of Ordinances by Amending Alarm System Fee Schedules, Duties and Authority of the Alarm Administrator; and the Definition of False Alarm Notification

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

**A motion was made by Mayor Pro Tem Leyman to approve the following ordinance:**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 97 "ALARM SYSTEMS" OF THE CITY OF MANSFIELD, TEXAS, CODE OF ORDINANCES BY; AMENDING ALARM SYSTEM FEE SCHEDULES, DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR; AND THE DEFINITION OF FALSE ALARM NOTIFICATION; 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**

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

**Seconded by Council Member Bounds.**

**A motion to amend the main motion was made by Council Member Lewis to**

waive any delinquent accounts that are part of the current alarm program and give the City Manager or his designee the authority to work through resolutions on negotiations with any delinquent accounts. Seconded by Council Member Short. The motion to amend was approved unanimously.

The amended main 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: OR-2206-21

#### 21-4048

Resolution - A Resolution of the City Of Mansfield, Texas, Authorizing the City Manager to Negotiate and Execute on Behalf of the City an Agreement by and Between The City of Mansfield, Texas, and iChoosr, LLC

*Director of Water Utilities Jeff Price presented an overview of the item and answered Council questions. Kelle Balch and J.P. Harper, iChooser, LLC, gave a brief presentation and answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BY AND BETWEEN THE CITY OF MANSFIELD, TEXAS, AND ICHOOSR, LLC**

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

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

**Aye:** 5 - Larry Broseh; Julie Short; Mike Leyman; Todd Tonore and Tamera Bounds

**Nay:** 2 - Casey Lewis and Michael Evans

**Abstain:** 0

Enactment No: RE-3745-21

#### ADJOURN

**A motion was made by Council Member Lewis to adjourn the meeting at 10:40 p.m. 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

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ATTEST: Michael Evans, Mayor

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Susana Marin, City Secretary