



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, August 17, 2020

5:00 PM

Council Chambers

SPECIAL MEETING

THIS MEETING WILL BE HELD BY VIDEO CONFERENCING. To participate, please register at

https://mansfieldtexas.zoom.us/webinar/register/WN_E9bimc4vSx2zISFDSxZcVw by 5:00 p.m. on Monday, August 17, 2020 or join by telephone at 1-888-788-0099 (Toll Free). If joining by phone, please provide the Webinar ID number and password below:

Webinar ID: 958-4719-5062

Passcode: 1234567

Citizen comments and public hearing comments may also be submitted through the city's website www.mansfieldtexas.gov or by sending an email to susana.marin@mansfieldtexas.gov. All comments must be submitted by 5:00 p.m. Monday, August 17, 2020. Comments received will be read into the record by the Mayor or the City Secretary.

1. 5:00 P.M. - CALL MEETING TO ORDER

2. RECESS INTO EXECUTIVE SESSION

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

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

C. Personnel Matters Pursuant to Section 551.074

Discussion Regarding Boards and Commissions Appointments

City Manager Contract Discussion

- D. **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**

3. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

8. **CITIZEN COMMENTS**

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Due to regulations of the Texas Open Meetings Act, please do not expect a response from the Council as they are not able to do so. THIS WILL BE YOUR ONLY OPPORTUNITY TO SPEAK UNLESS YOU ARE SPEAKING ON A SCHEDULED PUBLIC HEARING ITEM. After the close of the citizen comments portion of the meeting only comments related to public hearings will be heard. All comments are limited to five (5) minutes.

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow card located at the Assistant City Secretary's seating place. Please present the card to the Assistant City Secretary prior to the start of the meeting.

9. **COUNCIL ANNOUNCEMENTS**

10. **SUB-COMMITTEE REPORTS**

Public Memorials Sub-Committee Meeting Update - August 11, 2020 (Terry Moore, Chair; Larry Broseh; Mike Leyman)

[20-3699](#)

Minutes - Approval of the August 11, 2020 Public Memorials Sub-Committee Meeting Minutes (vote will be only by the members of the sub-committee)

Presenters: Shelly Lanners and Susana Marin

Attachments: [8-11-20 DRAFT Public Memorials Sub-Committee Minutes](#)

11. STAFF COMMENTS

In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.

A. City Manager Report or Authorized Representative

Current/Agenda Items

12. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**13. WORK SESSION DISCUSSION ITEM**

Continue Preliminary Budget Discussion

Internet Service at City Facilities

14. OLD BUSINESS

[20-3651](#)

Ordinance - Third and Final 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

Presenters: Joe Smolinski and Tracy Aaron

Attachments: [Proposed Ordinance](#)

[Previous Ordinance](#)

15. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 17, 2020 Special City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Thursday, August 13, 2020 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Susana Marin, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call (817) 473-0211 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3699

Agenda Date: 8/17/2020

Version: 1

Status: Approval of Minutes

In Control: City Council - Public Memorials Sub-Committee

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the August 11, 2020 Public Memorials Sub-Committee Meeting Minutes
(vote will be only by the members of the sub-committee)

Requested Action

Action to be taken by Sub-Committee to approve the minutes.

Recommendation

Approval of minutes by the Sub-Committee.

Description/History

The minutes of the August 11, 2020 Public Memorials Sub-Committee Meeting are in DRAFT form and will not become effective until approval by the Sub-Committee at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council - Public Memorials Sub-Committee

Tuesday, August 11, 2020

3:00 PM

City Hall

CALL TO ORDER

Chairman Moore called the meeting to order at 3:00pm.

Staff present: Director of Communications and Marketing, Belinda Willis; Graphic Designer, Rick Sales; Executive Secretary, Sara Bench

Absent 1 - Larry Broseh

Present 2 - Mike Leyman and Terry Moore

CITIZEN COMMENTS

No citizen comments.

DISCUSSION ITEMS

Discuss and Review of Foundation Set-up Efforts

The LLC paperwork has been filed and is pending approval by the state.

Discuss and Review of Potential Foundation Members

Gary Grossman, architect, is interested in joining the foundation. Potential member Don Gonzales is interested in fundraising but not joining the foundation.

Discuss and Plan of Steps to Follow

The sub-committee discussed scheduling a foundation meeting on August 25, 2022 to start the design of the trifold brochure and website. Chairman Moore has established someone to build the website and QR code to receive donations. City Staff, Belinda Willis and Rick Sales, will design the foundation logo and trifold brochure. Chairman Moore has enlisted Allen Hudson to capture drone footage of the park and the memorial renderings.

ADJOURNMENT

Chairman Moore adjourned the meeting at 3:39pm.

_____ Terry Moore, Chairman
ATTEST:

_____ Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3651

Agenda Date: 8/17/2020

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Third and Final 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

Requested Action

Approval of ordinance.

Recommendation

Approval of ordinance.

Description/History

There is desire to change the times and specific language within the current ordinance.

Justification

N/A

Funding Source

N/A

Prepared By

Tracy Aaron, Police Chief
817-804-5782

ORDINANCE NO. _____

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.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Mansfield has previously adopted regulations governing Peddlers and Solicitors; and,

WHEREAS, the City Council has determined that the amendments to the Code of Ordinances as set out herein are in the best interest of the health, safety and general welfare of the citizens of Mansfield and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THAT:

SECTION 1.

Section 111.16 "Bond" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be removed in its entirety.

SECTION 2.

Section 111.22 "Time Restrictions" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

- “(a) No person may conduct commercial home solicitations or handbill distributions before 9:00 a.m.; or,
- (b) After 6:00 p.m. Central Standard Time and after 7:00 p.m. during Daylight Saving Time; or,
- (c) Sunday; or,
- (d) Any of the following holidays: New Year’s Day; Martin Luther King’s Birthday;
- Presidents’ Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day.”

**SECTION 3.
CUMULATIVE CLAUSE**

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

**SECTION 4.
SEVERABILITY CLAUSE**

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

**SECTION 5.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.
SAVINGS CLAUSE**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
PUBLICATION**

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

**SECTION 8.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on the first reading this 27th day of July, 2020.

PASSED AND APPROVED on the second reading this ____ day of _____, 2020.

PASSED AND ADOPTED on the third and final reading by the City Council of the City of Mansfield, Texas this the ____ day of _____, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY”

Allen Taylor, City Attorney

ORDINANCE NO. OR-2170-20

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 FEES; AMENDING ISSUANCE OF PERMITS; AMENDING DISPLAY OF PERMIT REQUIREMENTS; ADDING PERMIT EXPIRATION DATES; ADDING PERMIT TIME RESTRICTIONS; AND PROVIDING EXEMPTIONS TO PERMITTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Mansfield has previously adopted regulations governing Peddlers and Solicitors; and,

WHEREAS, the City Council has determined that the amendments and additions to the Code of Ordinances as set out herein are in the best interest of the health, safety and general welfare of the citizens of Mansfield and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THAT:

SECTION 1.

Section 111.17 "Fee" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be amended by amending the fee the applicant pays to the city to read as follows:

"\$100"

"\$100 shall be charged for each individual agent."

SECTION 2.

Section 111.18 "Issuance of Permit" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (A) to read as follows:

"(A) Within ten days after the applicant has fully complied with the provisions of this chapter, the Police Chief shall issue to the applicant a permit to engage in the activities named in § 111.01. Provided, however, no permit shall be issued to an applicant

whose application contains one or more statements or answers which are false in whole or in part, nor shall a permit be issued to any applicant who has been convicted of a felony or a crime involving moral turpitude.”

SECTION 3.

Section 111.20 “Display of Permit” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsections (A) and (B) to read as follows:

“(A) When engaged in door to door solicitation, each solicitor shall wear a high visibility vest provided by the City displaying the current year.”

“(B) Each permit shall be affixed to the vest at all times while conducting door to door sales.”

SECTION 4.

Section 111.21 “Permit Expiration” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“Permits issued under the provisions of this chapter shall expire on December 31st of the year of its issuance regardless of the date it is issued.”

SECTION 5.

Section 111.22 “Time Restrictions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“(A) No person may conduct commercial home solicitations or handbill distributions before 9:00 A.M.; or,

(B) After 7:00 P.M.; or,

(C) Sunday; or,

(D) Any of the following holidays: New Year’s Day; Martin Luther King’s Birthday; President’s Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day.”

SECTION 6.

Section 111.23 “Exemptions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“(A) Solicitations related to children's activities involving a charitable purpose, including, but not limited to: Mansfield Independent School District, Girl Scouts, Boy Scouts, and Big Brothers and Sisters. Children under the age of 17 may participate in such activities to

the extent they are actively supervised by a parent, guardian or other adult person, at least 18 years of age, who is responsible for the well-being of the child.”

“(B) Religious, political or nonprofit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public. A donation received from the distribution of handbills does not affect this exemption.”

SECTION 7.

CUMULATIVE

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 8.

SEVERABILITY

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

SECTION 9.

PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

SAVINGS

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation,

both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

PUBLICATION

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

SECTION 12.

EFFECTIVE DATE

This Ordinance shall take effect as specified in the above sections after its passage on third and final reading and publication as required by law.

FIRST READING APPROVED ON THE 10TH DAY OF FEBRUARY, 2020.

SECOND READING APPROVED ON THE 24TH DAY OF FEBRUARY, 2020.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 2ND DAY OF MARCH, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney