



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Friday, November 13, 2020

11:00 AM

Council Chambers

SPECIAL MEETING

THIS MEETING WILL BE HELD BY VIDEO CONFERENCING. To participate, please register at https://mansfieldtexas.zoom.us/webinar/register/WN_ugRsdMhdQiOh_cpy9Blm1g by 11:00 a.m. on Friday, November 13, 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: 925-6871-8519

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 11:00 a.m. Friday, November 13, 2020. Comments received will be read into the record by the Mayor or the City Secretary.

1. **11:00 A.M. - CALL MEETING TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **TEXAS PLEDGE**

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

5. **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.

6. COUNCIL ANNOUNCEMENTS

7. 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/Future Agenda Items

8. NEW BUSINESS

[20-3869](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Canvassing the Returns of the November 3, 2020 General and Special Elections and Declaring that the Amendments to the Charter are Adopted; and Providing an Effective Date

Presenters: Shelly Lanners and Susana Marin

Attachments: [Resolution](#)

[Unofficial Tabulation](#)

[20-3870](#)

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a Runoff Election to be held on December 8, 2020; Designating Polling Places; Establishing Election Precincts Within the City; Appointing an Election Judge and an Alternate Judge; Establishing Other Procedures for Conduct of the Election; and Providing an Effective Date

Presenters: Shelly Lanners and Susana Marin

Attachments: [Resolution](#)

9. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the November 13, 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 Tuesday, November 10, 2020 prior to 11:00 a.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
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STAFF REPORT

File Number: 20-3869

Agenda Date: 11/13/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Canvassing the Returns of the November 3, 2020 General and Special Elections and Declaring that the Amendments to the Charter are Adopted; and Providing an Effective Date

Requested Action

Review resolution

Recommendation

Approve resolution canvassing returns of November 3, 2020 General and Special Elections.

Description/History

A general and special election was held on Tuesday, November 3, 2020 for the purpose of electing a Council Member, Place 6; Council Member, Place 7; Mayor, Place 1; Council Member, Place 2; and to vote on proposes propositions for Charter Amendments. Unofficial results were provided after the polls closed; however, election results can not be canvassed until provisional and overseas ballots are evaluated and counted. Final election results are expected to be received no later than the evening of Wednesday, November 11, 2020. The final tabulation will be presented at this meeting.

Since no candidate in the race for Mayor, Place 1 and Council Member, Place 2 received the majority of the votes cast, a runoff election will be required. The runoff election will be held December 8, 2020.

Justification

Pursuant to Sections 67.002 and 67.003 of the Election Code, the City Council must canvass the election returns no later than Tuesday, November 17, 2020.

Funding Source

N/A

Prepared By

Susana Marin, TRMC, City Secretary's Office
817-276-4203

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION HELD IN THE CITY OF MANSFIELD, TEXAS ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER, PLACE 6; AND A COUNCIL MEMBER, PLACE 7; AND CANVASSING THE RETURNS OF THE SPECIAL ELECTION HELD FOR THE PURPOSE OF ELECTING A MAYOR, PLACE 1; AND A COUNCIL MEMBER, PLACE 2 AND DECLARING THAT THE AMENDMENTS TO THE CHARTER ARE ADOPTED; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on January 27, 2020, the City Council of the City of Mansfield, Texas, (the “City Council”), duly called a general and special election to be held on May 2, 2020; and,

WHEREAS, on March 18, 2020, Governor Greg Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general elections for 2020 to November 3, 2020, due to public health and safety concerns related to the novel coronavirus (COVID-19); and,

WHEREAS, on March 23, 2020, the City Council of the City of Mansfield, adopted Resolution No. RE-3640-20 to postpone the May 2, 2020, General and Special Elections to November 3, 2020, in order to protect the health and safety of the citizens of the City of Mansfield; and,

WHEREAS, on August 10, 2020, the City Council of the City of Mansfield, Texas, (the “City Council”), duly called a special election to be held on November 3, 2020, for the purpose of amending the City Charter; and,

WHEREAS, the election returns of the ballots cast in said general and special elections are hereby canvassed for the positions of Council Member, Place 6; Council Member, Place 7; Mayor, Place 1 (unexpired term); Council Member, Place 2 (unexpired term); and the proposed City Charter propositions; and,

WHEREAS, after duly canvassing said returns from each precinct, the City Council finds that the total votes cast at said elections for the candidates for said offices and the proposed City Charter propositions are as follows:

<u>COUNCIL MEMBER, PLACE 6</u>	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
Philip DeGroat	11,343	49.20%
Todd Tonore	11,710	50.80%

<u>COUNCIL MEMBER, PLACE 7</u>	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
Larry Broseh	20,418	100.00%

<u>MAYOR, PLACE 1</u>	<u>Number of</u>	<u>Percentage of</u>
<i>(Unexpired Term)</i>	<u>Votes Received</u>	<u>Votes Received</u>

George Fassett	4,440	15.65%
Brent Newsom	8,532	30.07%
Terry Moore	4,211	14.84%
Michael Evans	11,187	39.43%

<u>COUNCIL MEMBER, PLACE 2</u>	<u>Number of</u>	<u>Percentage of</u>
<i>(Unexpired Term)</i>	<u>Votes Received</u>	<u>Votes Received</u>

Skeeter Pressley	6,308	25.24%
Tamera J. Bounds	10,801	43.21%
Scot Bowman	7,887	31.55%

PROPOSITION A

Shall the Mansfield Home Rule Charter be amended to delete matters contrary to or superseded by state law with regard to qualifications for candidates for City Council, the Department of Taxation and amending the Charter by deleting Subsection 3.02(c) and Section 9.15 and revising Section 12.12?

	<u>Number of</u>	<u>Percentage of</u>
	<u>Votes Received</u>	<u>Votes Received</u>
For	16,177	64.37%
Against	8,956	35.63%

PROPOSITION B

Shall the Mansfield Home Rule Charter be amended to delete the procedure for appointing the Mayor Pro Tem, thereby allowing the Council to establish the procedure by revising Subsection 3.06(b)?

	<u>Number of</u>	<u>Percentage of</u>
	<u>Votes Received</u>	<u>Votes Received</u>
For	14,115	56.51%
Against	10,861	43.49%

PROPOSITION C

Shall the Mansfield Home Rule Charter be amended to require one reading for the approval of all ordinances save and except ordinances changing a zoning classification or approving a planned

development zoning, which shall require at least two readings by revising Section 3.13(c)?

	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
For	16,471	64.97%
Against	8,881	35.03%

PROPOSITION D

Shall the Mansfield Home Rule Charter be amended to provide that the City Manager may be removed by an affirmative vote of four (4) members of the City Council instead of five (5) by revising Subsection 6.01(b)?

	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
For	14,571	56.82%
Against	11,073	43.18%

PROPOSITION E

Shall the Mansfield Home Rule Charter be amended to establish the duties of the City Secretary, provide that the City Council appoint the City Attorney and the City Secretary, and may remove each by an affirmative vote of four (4) members by adding Section 6.03 and revising Section 8.05?

	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
For	16,939	68.33%
Against	7,851	31.67%

PROPOSITION F

Shall the Mansfield Home Rule Charter be amended to require members of the Planning and Zoning Commission be residents, but need not own property in Mansfield and to delete the requirement that a member resign their position before running for City Council by revising Section 10.01?

	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
For	14,108	55.46%
Against	11,332	44.54%

PROPOSITION G

Shall the Mansfield Home Rule Charter be amended to provide that a quorum of the City Council shall be four (4) Council Members, that three (3) members shall be required to call a special meeting or to approve an emergency ordinance by revising Sections 3.09 and 3.14?

	<u>Number of Votes Received</u>	<u>Percentage of Votes Received</u>
For	17,888	71.98%
Against	6,964	28.02%

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

SECTION 1.

The City Council finds that the results of the general and special election as set forth above are true and correct and the canvass of votes is hereby approved.

SECTION 2.

A tabulation of the results for each election precinct within the City of Mansfield, Texas, for said election is attached as Exhibit "A" and made a part hereof.

SECTION 3.

It is hereby determined that in the race of Council Member, Place 6, Todd Tonore received the majority of votes and is hereby declared elected to such office.

SECTION 4.

It is hereby determined that in the race of Council Member, Place 7, Larry Broseh was an unopposed candidate and is hereby declared elected to such office.

SECTION 5.

It is hereby determined that in the race of Mayor, Place 1, no candidate received a majority of votes cast for the position, and that a runoff election is required between the two candidates receiving the highest number of votes, Brent Newsom and Michael Evans.

SECTION 6.

It is hereby determined that in the race of Council Member, Place 2, no candidate received a majority of votes cast for the position, and that a runoff election is required between the two candidates receiving the highest number of votes, Tamera J. Bounds and Scot Bowman.

SECTION 7.

DECLARATION FOR AMENDMENTS TO THE HOME RULE CHARTER

The City Council of the City of Mansfield hereby declares that the following amendments to the Home Rule Charter are adopted:

Proposition A

Section 3.02 – Qualifications, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 3.02. QUALIFICATIONS.

The Mayor and each member of the City Council shall be:

(a) A resident citizen of the City of Mansfield for a period of not less than twelve (12) months immediately preceding his election of a resident of any of the territory not formerly within the corporate limits of the City but which is annexed under the provisions of this Charter for twelve (12) months preceding his election;

(b) A qualified voter of the State of Texas.

If the Mayor or any Councilman fails to maintain the foregoing qualification, shall be absent without valid excuse from three (3) consecutive regularly scheduled meetings, or shall fail to maintain an eighty (80) percent attendance record for each elected year without valid excuse, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

Section 9.15 – Department of Taxation, of the Home Rule Charter of the City of Mansfield is hereby deleted.

Section 12.12 – Amending the Charter, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 12.12. AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Texas Local Government Code, as now or hereafter amended.

Proposition B

Section 3.06 – Mayor and Mayor Pro Tem, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 3.06. MAYOR AND MAYOR PRO TEM.

(a) *Mayor*: The Mayor shall preside at meetings of the Council, shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties.

(b) *Mayor Pro Tem*: There shall be appointed a Mayor Pro Tem who shall perform all the duties of the Mayor in the absence or disability of the Mayor.

(c) *Emergency powers of the Mayor:* The emergency powers of the Mayor shall be set forth by State law and local ordinances.

Proposition C

Section 3.13 – Ordinances in General, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 3.13. ORDINANCES IN GENERAL.

(a) *Action requiring an ordinance:* In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance.

(1) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VII;

(2) Levy taxes;

(3) Regulate the rates charged for its services by a public utility;

(4) Convey, lease or authorize the conveyance or lease of any lands of the City;

(5) Authorize the borrowing of money;

(6) Adopt, with or without amendment, ordinances proposed under the initiative power;

(7) Grant, renew, extend or abolish a franchise. Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution; and,

(8) Fees and all other charges shall be passed by ordinance.

(b) *Form:* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Mansfield..." The subject of any ordinance shall be clearly stated in its title. Any ordinance which repeals or amends an existing ordinance shall state sections and subsections to be amended or repealed.

(c) *Procedure for adoption:* An ordinance may be introduced at any regular or special meeting of the Council in accordance with rules established by the Council. No ordinance shall be introduced for action except as provided in Section 3.14 (Emergency Ordinances) unless such ordinance has been posted by title on the agenda for which action is to occur in accordance with State law. Ordinances shall be considered and approved on one reading by the City Council save and except ordinances changing a zoning classification or approving a planned development zoning classification. Ordinances changing a zoning classification or approving a planned development zoning classification shall be considered and approved on two separate readings. The City Attorney shall approve all ordinances adopted by the Council as to legality thereof or shall file with the City

Secretary written legal objections thereto. Every ordinance shall be authenticated by the signature of the Mayor or Mayor Pro Tem and the City Secretary.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published by causing the said ordinance, or its caption and penalty, to be published at least one (1) time within ten (10) days after final passage thereof in a weekly or daily newspaper in general circulation in the City of Mansfield. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts. Such ordinances shall take effect ten (10) days after the date of such publication provided that any penal ordinance shall take effect immediately upon its publication except as provided in Section 3.14.

A copy of every ordinance and resolution as codified shall be maintained and available for free reference in the office of the City Secretary.

Proposition D

Section 6.01 – City Manager, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 6.01. CITY MANAGER.

(a) *Appointment and qualification:* The Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the Council for the administration of all the affairs of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, experience, ability and character, and need not when appointed, be a resident of the City. However, he shall become a resident of the City within six (6) months after appointment unless otherwise specifically excused by the Council.

(b) *Term and salary:* The City Manager shall serve at the will and pleasure of the Council and may be removed from office in accordance with the following procedures:

(1) The Council may by the affirmative vote of four (4) members suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five (5) days after a copy of the resolution is delivered to the manager, he may file with the Council a written request for a public hearing. This hearing shall be held at the Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the Council a written reply not later than five (5) days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four (4) at any time after five (5) days from the

date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council.

(c) *Powers and duties:* The powers herein conferred upon the City Manager shall include but shall not be limited to the following:

- (1) To appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter.
- (2) Prepare and submit the annual budget and a five (5) year capital improvement program to the Council.
- (3) Submit to the Council monthly a report on the finances and administrative activities of the City and a complete report as of the end of each fiscal year.
- (4) Provide each Department Head with a financial report of his department monthly.
- (5) Attend all meetings of the Council except when excused by Council.
- (6) To perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with provisions of this Charter.

Proposition E

Section 6.03 – City Secretary, of the Home Rule Charter of the City of Mansfield is hereby added:

SEC. 6.03. CITY SECRETARY

(a) *Selection.* The city council shall appoint a person who is an officer of the city and who shall have the title of city secretary. The city secretary holds office at the will and pleasure of the city council and the city council has sole authority to remove the city secretary.

(b) *Responsibilities.* The city secretary shall:

- (1) give notices of city council meetings;
- (2) keep the journal of the city council's proceedings;

(3) authenticate by the city secretary's signature, record in full, and index all ordinances and resolutions; and

(4) perform such other duties as the city council assigns, as provided for elsewhere in this Charter, and as established by state law.

Section 8.05 – City Attorney, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 8.05. CITY ATTORNEY.

The City Council shall appoint a competent and duly qualified and licensed attorney in the State of Texas who shall serve as the City Attorney.

(a) The City Attorney shall be required to:

(1) Serve as the legal advisor to the Council and to the City Manager;

(2) Represent the City in litigation and legal proceedings;

(3) Review and provide opinions as requested by the Council or by the City Manager on contracts, legal instruments, and ordinances of the City.

(b) *Limitation:* This Section shall not be a constraint upon the right of the Council to retain special counsel at any time that the Council may deem necessary and appropriate.

(c) *Compensation:* Compensation shall be fixed by contract with approval of Council or by appointment subject to the approval of Council.

Proposition F

Section 10.01 – Planning and Zoning, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 10.01. THE PLANNING AND ZONING COMMISSION.

There shall be established a Planning and Zoning Commission, which shall consist of seven (7) residents from the City of Mansfield. The members of said Commission shall be appointed by the Council for a term of two (2) years. Three (3) members of the Planning and Zoning Commission shall be so appointed each odd-numbered year and for (4) members shall be appointed each even-numbered year. The Commission shall elect a chairman from among its membership and shall meet not less than once each month. Vacancies and unexpired terms shall be filled by the Council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the Commission may be removed with the consent of a majority of the Council and for cause set forth in writing. A member may request a public hearing within five (5) days of notice of removal by the

Council, said hearing to be scheduled not less than ten (10) nor more than thirty (30) days after said notice.

The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

Proposition G

Section 3.09 – Meetings and Procedures, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 3.09. MEETINGS AND PROCEDURE.

(a) *Meetings:* Council meetings shall be held at City Hall unless justification is announced and posted as required herein and the Council shall meet regularly at least twice in every month at such time as the Council may prescribe by rule. Meetings may be held on the call of the Mayor or three (3) members and whenever practicable, upon no less than seventy-two (72) hours notice to each member except that emergency meetings may be called by the Mayor or Mayor Pro Tem in the Mayor's absence or three (3) members after notice has been posted two (2) hours, or as otherwise required by law, provided, however, that all meetings shall be open to the public and public notice thereof given as required by the statutes of Texas, as now or hereafter amended.

(b) *Minutes and rules:* The Council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings in accordance with State law. The minutes shall be a public record.

(c) *Voting:* Every Councilperson and the Mayor must vote on all issues unless there is a declared and recorded conflict of interest. The minutes shall record those voting aye, those voting nay and those abstaining. Four (4) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. In case of a 3-2 vote with five (5) people on any issue, item would automatically be scheduled for re-consideration for the next Council meeting. No action by the Council can be passed or failed unless four (4) of the Council members present at the meeting vote for its passage or failure.

Section 3.14 – Emergency Ordinances, of the Home Rule Charter of the City of Mansfield is amended to read as follows:

SEC. 3.14. EMERGENCY ORDINANCES.

The Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace in accordance with State law. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article IX. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designed in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists

and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of three (3) members of the Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances, but may become effective immediately upon enactment.

SECTION 8.

The official returns shall be delivered to the City Secretary, who is hereby directed to enter into the election register the tabulations of the votes cast for each candidate to preserve such tabulations as required by law.

SECTION 9.

The City Secretary is hereby ordered to place a copy of this resolution in the records of the City, as soon as practicable thereafter, the Mayor or the City Manager shall certify to the Secretary of State an authenticated copy of the charter or amendments under the city's seal showing the approval of the voters.

SECTION 10.

This resolution shall be effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD THIS 13th DAY OF NOVEMBER, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

UNOFFICIAL TABULATION
CITY OF MANSFIELD
GENERAL AND SPECIAL ELECTION
November 3, 2020

RACE/CANDIDATE	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
COUNCIL MEMBER, PLACE 6														
Philip DeGroat	939	8648	1309	10896	23	316	37	376	3	56	12	71	11,343	49.20%
Todd Tonore	951	9159	1098	11208	31	381	36	448	1	45	8	54	11,710	50.80%
TOTAL	1890	17807	2407	22104	54	697	73	824	4	101	20	125	23,053	
COUNCIL MEMBER, PLACE 7														
Larry Broseh	1575	15,845	2,227	19,647	39	546	63	648	1	102	20	123	20,418	100.00%
TOTAL	1575	15,845	2,227	19,647	39	546	63	648	1	102	20	123	20,418	100.00%

RACE/CANDIDATE	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
MAYOR, PLACE 1														
George Fassett	349	3,478	488	4315	8	87	11	106	2	14	3	19	4,440	15.65%
Brent Newsom	734	6,653	904	8291	17	171	22	210	1	26	4	31	8,532	30.07%
Terry Moore	328	3,337	445	4110	9	64	8	81	0	19	1	20	4,211	14.84%
Michael Evans	773	8,704	1092	10569	31	484	41	556	4	45	13	62	11,187	39.43%
TOTAL	2184	22172	2929	27285	65	806	82	953	7	104	21	132	28,370	
COUNCIL MEMBER, PLACE 2														
Skeeter Pressley	570	4,762	764	6,096	14	146	17	177	2	26	7	35	6,308	25.24%
Tamera J. Bounds	770	8,514	1,006	10,290	29	367	41	437	4	60	10	74	10,801	43.21%
Scot Bowman	650	6,193	763	7,606	12	233	17	262	1	15	3	19	7,887	31.55%
TOTAL	1990	19469	2533	23992	55	746	75	876	7	101	20	128	24,996	

Proposition A

Shall the Mansfield Home Rule Charter be amended to delete matters contrary to or superseded by state law with regard to qualifications for City Council, the Department of Taxation and amending the Charter by deleting Subsection 3.02(c) and Section 9.15 and revising Section 12.12?

VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
For	1397	12535	1615	15547	37	458	51	546	2	70	12	84	16,177	64.37%
Against	672	6975	922	8569	26	282	24	332	3	44	8	55	8,956	35.63%
TOTAL	2069	19510	2537	24116	63	740	75	878	5	114	20	139	25,133	

Proposition B

Shall the Mansfield Home Rule Charter be amended to delete the procedure for appointing the Mayor Pro Tem, thereby allowing the Council to establish the procedure by revising Subsection 3.06(b)?

VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
For	1177	10999	1417	13593	33	385	38	456	1	54	11	66	14,115	56.51%
Against	884	8398	1084	10366	29	360	36	425	4	57	9	70	10,861	43.49%
TOTAL	2061	19397	2501	23959	62	745	74	881	5	111	20	136	24,976	

Proposition C

Shall the Mansfield Home Rule Charter be amended to require one reading for the approval of all ordinances save and except ordinances changing a zoning classification or approving a planned development zoning, which shall require at least two readings by revising Section 3.13(c)?

VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
For	1297	12762	1745	15804	27	506	53	586	1	64	16	81	16,471	64.97%
Against	798	6931	786	8515	36	251	21	308	3	49	6	58	8,881	35.03%
TOTAL	2095	19693	2531	24319	63	757	74	894	4	113	22	139	25,352	

Proposition D

Shall the Mansfield Home Rule Charter be amended to provide that the City Manager may be removed by an affirmative vote of four (4) members of the City Council instead of five (5) by revising Subsection 6.01(b)?

VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL	
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%
For	1105	11305	1556	13966	36	437	49	522	1	71	11	83	14,571	56.82%
Against	978	8657	1002	10637	25	328	25	378	4	43	11	58	11,073	43.18%
TOTAL	2083	19962	2558	24603	61	765	74	900	5	114	22	141	25,644	

Proposition E															
Shall the Mansfield Home Rule Charter be amended to establish the duties of the City Secretary, provide that the City Council appoint the City Attorney and the City Secretary, and may remove each by an affirmative vote of four (4) members by adding Section 6.03 and revising Section 8.05?															
VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL		
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%	
For	1388	13,151	1715	16254	49	486	52	587	3	82	13	98	16,939	68.33%	
Against	673	6,127	752	7552	13	229	17	259	1	30	9	40	7,851	31.67%	
TOTAL	2061	19278	2467	23806	62	715	69	846	4	112	22	138	24,790		

Proposition F															
Shall the Mansfield Home Rule Charter be amended to require members of the Planning and Zoning Commission be residents, but need not own property in Mansfield and to delete the requirement that a member resign their position before running for City Council by revising Section 10.01?															
VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL		
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%	
For	1179	10,941	1468	13588	30	370	41	441	5	62	12	79	14,108	55.46%	
Against	917	8,878	1054	10849	33	355	35	423	0	51	9	60	11,332	44.54%	
TOTAL	2096	19819	2522	24437	63	725	76	864	5	113	21	139	25,440		

Proposition G															
Shall the Mansfield Home Rule Charter be amended to provide that a quorum of the City Council shall be four (4) Council Members, that three (3) members shall be required to call a special meeting or to approve an emergency ordinance by revising Sections 3.09 and 3.14?															
VOTING OPTIONS	Tarrant County				Johnson County				Ellis County				TOTAL		
	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	Absentee	Early Voting	Election Day	Subtotal	VOTES	%	
For	1427	13,939	1819	17185	43	503	61	607	2	78	16	96	17,888	71.98%	
Against	640	5,408	622	6670	20	220	12	252	3	34	5	42	6,964	28.02%	
TOTAL	2067	19347	2441	23855	63	723	73	859	5	112	21	138	24,852		

Please Note: This is an Unofficial Tabulation of the Election results.

Susana Marin, TRMC
City Secretary
City of Mansfield, Texas



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3870

Agenda Date: 11/13/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a Runoff Election to be held on December 8, 2020; Designating Polling Places; Establishing Election Precincts Within the City; Appointing an Election Judge and an Alternate Judge; Establishing Other Procedures for Conduct of the Election; and Providing an Effective Date

Requested Action

City Council action approving the resolution calling a runoff election to be held December 8, 2020 is requested.

Recommendation

Staff recommends approval of the resolution.

Description/History

A general and special election was held on November 3, 2020 for the purpose of electing Council Member, Place 6 and Council Member, Place 7 for three-year terms; and unexpired terms for a Mayor, Place 1; and Council Member, Place 2. Since no candidate in either race for Mayor, Place 1 and Council Member, Place 2 received a majority of the votes cast, a runoff election must be held between the two candidates receiving the highest number of votes cast in each race. The two candidates receiving the highest number of votes in the race for Mayor, Place 1 were Brent Newsom and Michael Evans. The two candidates receiving the highest number of votes in the race for Council Member, Place 2 were Tamera J. Bounds and Scot Bowman.

The runoff election will be held in a similar manner as the general election. Early voting will be conducted Monday, November 23, 2020 through Friday, December 4, 2020. City of Mansfield registered voters residing in Tarrant County will be conducted at the Mansfield Subcourthouse and the Mansfield ISD Sports Complex as well as other locations in Tarrant County. Early voting for registered voters residing in Ellis County will be conducted at the Midlothain Conference Center. Early voting for registered voters residing in Johnson County will be conducted at the Precinct 3 Maintenance Building. On Election Day, voting will be conducted at Mansfield Subcourthouse, Donna Shepard Intermediate School, J.L. Boren Elementary School, and the Mansfield ISD Sports Complex for Tarrant County residents. Election Day voting for Ellis County will be at the Midlothian Conference Center and the Farley Street Baptist Church. Election Day voting for Johnson County will be at the Precinct 3 Maintenance Building.

Justification

Section 4.04(b) of the City Charter requires a majority vote for election to the City Council. In the event that no candidate for a designated office receives a majority of the votes cast for the place, a runoff election is required between the candidates who received the two (2) greatest number of votes for such place.

Funding Source

Funds are allocated in the City Council budget (001-8806-11-01) for this expenditure.

Prepared By

Susana Marin, TRMC, City Secretary's Office
817-276-4203

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A RUNOFF ELECTION TO BE HELD ON DECEMBER 8, 2020; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a resolution canvassing the returns and declaring the results of a General and Special Election held on November 3, 2020, was passed by the City Council on November 13, 2020; and,

WHEREAS, that resolution declared no candidates received a majority of the votes cast in the race for Mayor, Place 1 and the race for Council Member, Place 2; and,

WHEREAS, pursuant to the provisions of Section 4.04(b) of the City Charter, a runoff election must be held between the two candidates receiving the highest number of votes cast for such office; and,

WHEREAS, the two candidates receiving the highest number of votes in the race for Mayor, Place 1 were Brent Newsom and Michael Evans; and,

WHEREAS, the two candidates receiving the highest number of votes in the race for Council Member, Place 2 were Tamera J. Bounds and Scot Bowman.

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

SECTION 1.

RUNOFF ELECTION ORDERED: A run-off election is hereby ordered for the City of Mansfield, and is hereby called and set for the 8th day of December, 2020. At such election, there shall be elected one Mayor, Place 1 and one Council Member, Place 2.

SECTION 2.

TERMS OF OFFICE: In accordance with the City Charter, the candidate for each office to be filled in the runoff election receiving the majority of votes for such office shall be elected to an unexpired three (3) year term beginning December 2020 and ending May 2022, or until a successor is duly elected and qualified.

SECTION 3.

AGREEMENT WITH TARRANT COUNTY: Pursuant to Resolution No. RE-3692-20, the City entered into an agreement for election services with Tarrant County (the "Agreement").

SECTION 4.

- (a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The main polling places for Election Day in Tarrant County shall be as follows, with additional locations provided for in the Agreement:

Donna Shepard Intermediate School (Gym 1)
1280 FM 1187
Mansfield, Texas 76063

J.L. Boren Elementary School (Library)
1401 Country Club Drive
Mansfield, Texas 76063

Mansfield Sub-Courthouse (Conference Room)
1100 East Broad Street
Mansfield, Texas 76063

Mansfield I.S.D. Multi-Purpose Complex (Community Room)
3700 E. Broad Street
Mansfield, TX 76063

- (b) **ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling places for Election Day in Johnson County shall be as follows:

Pct. 3 Maintenance Facility
10420 E. FM 917
Alvarado, TX 76009

- (c) **ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling places for Election Day in Ellis County shall be as follows:

Midlothian Conference Center (Ballroom/Foyer)
1 Community Circle Drive
Midlothian, TX 76065

Farley Street Baptist Church (Gym)
1116 Brown Street
Waxahachie, TX 75165

SECTION 6.

APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES – TARRANT COUNTY, JOHNSON COUNTY AND ELLIS COUNTY: Election judges for the general election shall be appointed by Tarrant County, Johnson County, and Ellis County as authorized by Chapter 271, of the Texas Election Code.

SECTION 7.

- (a) **EARLY VOTING – TARRANT COUNTY:** Heider Garcia, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on November 23, 2020 and continuing through December 4, 2020 in Mansfield at the Mansfield Sub-Courthouse (Conference Room), 1100 East Broad Street, Mansfield, Texas 76063 and the Mansfield I.S.D. Multi-Purpose Complex (Community Room), 3700 E. Broad Street, Mansfield, Texas 76063, at the following times:

Monday, November 23, 2020	8:00 a.m. – 5:00 p.m.
Tuesday, November 24, 2020	8:00 a.m. – 5:00 p.m.
Wednesday, November 25, 2020	8:00 a.m. – 5:00 p.m.
Saturday, November 28, 2020	7:00 a.m. – 7:00 p.m.
Sunday, November 29, 2020	11:00 a.m. – 4:00 p.m.
Monday, November 30, 2020	7:00 a.m. – 7:00 p.m.
Tuesday, December 1, 2020	7:00 a.m. – 7:00 p.m.
Wednesday, December 2, 2020	7:00 a.m. – 7:00 p.m.
Thursday, December 3, 2020	7:00 a.m. – 7:00 p.m.
Friday, December 4, 2020	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted throughout Tarrant County as established by the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

- (b) **EARLY VOTING – JOHNSON COUNTY:** Patty Bourgeois, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on November 23, 2020 and continuing through December 4, 2020 in Alvarado at the Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 at the following times:

Monday, November 23, 2020	8:00 a.m. – 5:00 p.m.
Tuesday, November 24, 2020	8:00 a.m. – 5:00 p.m.
Wednesday, November 25, 2020	8:00 a.m. – 5:00 p.m.
Monday, November 30, 2020	8:00 a.m. – 5:00 p.m.
Tuesday, December 1, 2020	8:00 a.m. – 5:00 p.m.
Wednesday, December 2, 2020	8:00 a.m. – 5:00 p.m.
Thursday, December 3, 2020	7:00 a.m. – 7:00 p.m.

Friday, December 4, 2020

7:00 a.m. – 7:00 p.m.

- (c) **EARLY VOTING – ELLIS COUNTY:** Jana Onyon, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on November 23, 2020 and continuing through December 4, 2020 in Midlothian at the Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Dr., Midlothian, TX 76065 at the following times:

Monday, November 23, 2020 8:00 a.m. – 5:00 p.m.

Tuesday, November 24, 2020 8:00 a.m. – 5:00 p.m.

Wednesday, November 25, 2020 8:00 a.m. – 5:00 p.m.

Monday, November 30, 2020 8:00 a.m. – 5:00 p.m.

Tuesday, December 1, 2020 8:00 a.m. – 5:00 p.m.

Wednesday, December 2, 2020 8:00 a.m. – 5:00 p.m.

Thursday, December 3, 2020 7:00 a.m. – 7:00 p.m.

Friday, December 4, 2020 7:00 a.m. – 7:00 p.m.

- (d) Applications for early voting by mail may be delivered to the Early Voting Clerk for each county no later than the close of business on November 25, 2020. Early Voting ballots for Tarrant County shall be mailed to Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the Agreement. Early Voting ballots for Johnson County shall be mailed to Patty Bourgeois, Early Voting Clerk, P.O. Box 895, Cleburne, Texas 76033. Early Voting ballots for Ellis County shall be mailed to Jana Onyon, Early Voting Clerk, 204 E. Jefferson Street, Waxahachie, TX 75165.

- (e) Early voting both by personal appearance and by mail for Tarrant County shall be by electronic voting machines and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Johnson County shall be by paper ballot and an ES&S AutoMark approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other

election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an ES&S Express Vote Marking Device approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

SECTION 8.

METHOD OF VOTING: The Hart InterCivic Verity System v. 2.3.1 shall be used for voting by personal appearance on Election Day and the Hart InterCivic Verity System v. 2.3.1 for early voting by personal appearance and Election for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic Verity System v. 2.3.1 for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

The ES&S AutoMark shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Johnson County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

The ES&S Express Vote Marking Device shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Ellis County portion of the election. The City Council hereby adopts the ES&S Express Vote Marking Device for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

SECTION 9.

GOVERNING LAW AND QUALIFIED VOTERS: The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

SECTION 10.

PUBLICATION AND POSTING OF NOTICE OF ELECTION: Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

SECTION 11.

NECESSARY ACTIONS: The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 12.

PASSED, APPROVED AND EFFECTIVE on this 13th day of November, 2020.

David L. Cook, Mayor on behalf of City Council

ATTEST:

Susana Marin, City Secretary