

## REGULAR COUNCIL MEETING May 21, 2019

The second monthly meeting of Mansfield City Council met on Tuesday, May 21st, 2019 at 7:00 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Lawrence led the audience in prayer.

**ROLL CALL:** The following answered present at roll call: Falquette, Rock, Van Harlingen, Jefferson, Lawrence, Taddie, Bryant, Mears and Scott.

There being no objections, the reading of the Journal and Correspondence was dispensed with.

### **Public Comment:**

**Mr. Dan Mapes:** Good evening. If I'm understanding it right, what's uh, trying to take place here is that there is supposed to be a part-time personnel in Codes and Permits for the purpose of, uh, Housing Inspector. There's two vacancies there now. I'm pretty sure that, that would be against Contract language and I don't even know if it's permitted by law to have a personnel from one department to be paid from another. Man, I think we went through this back years ago before we went into fiscal emergency. So, I think , I think uh, the effort might be on the up and up , but I don't think this should go through, because, like I say, we need help in Codes and Permits, but again we have two vacancies there and I'm not quite understanding why we would want to put part-time personnel in there. I'm hoping that there's a lot of thought process that goes with this and this doesn't clear Council. Oh, and again, I am quite sure that we have Contract Language that says differently. I appreciate it.

**PRESIDENT SCOTT:** Any Council wish to make a follow-up comment?

**MS. TADDIE:** Just that, um, last Monday when we had this conversation, it was discussed that some of us, myself included, feel we need a full-time person in that position and that this money could be used to help pay that full-time position. Um, what I heard from the Director, um, is that there is conversation and that nothing had been set in stone with the Codes and Permits Department, but, um, frankly I think that it's a priority, for, and some of us feel that it's a priority, that we do ramp up our Inspectors; and that I feel a apart-time Inspector would be not only potentially problematic, but also, not effective. We would need someone with real talent and you'd have a hard time attracting someone at that rate and for that length of pay, uh, so even though there's money going to that it does not lock us into a part time position there.

**PRESIDENT SCOTT:** Any other follow-up? Okay. Moving on then.

**MONDAY DEADLINE**

**\*NO LATE BILLS\***

**SUSPEND RULES**

**MS. TADDIE:** I move with respect to all bills that come before Council this evening that the rule requiring reading on three different days be suspended and that each bill be read one time by title only, seconded by Mr. Rock. The vote was taken and resulted as follows: 8-0

**LEGISLATION**

**ENTER INTO AGREEMENT W/ UTILITY SERVICES - WATER METER PROJECT**

**BY: MR LAWRENCE**

**ORD # 19-053**

**BILL 19-053**

Authorizing the Public Works Director to enter into an agreement with Utility Service Co., Inc. for the replacement of the City's water meter system, and declaring an emergency.

**Mr. Lawrence:** Mr. President I move that Bill 19-053 be read and placed upon the floor for discussion.

Second: Jeff Rock

Upon motion by Mr. Lawrence that Bill 19-053 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION:**

**PRESIDENT SCOTT:** Is there any discussion?

**MR. VAN HARLINGEN:** Thank you Mr. President. I'm just wondering if it would not be proper at this time, since we earlier discussed between Utilities and the Finance Committee Meeting. This bill originally was intended to cover both contractual and finance. Would it not be proper to reduce this eighteen thousand dollars... and or...remove it...

**MURRMERS:** ( Lawrence and Jefferson): Eighteen million...

**MR. VAN HARLINGEN:** Or eighteen million, excuse me. Eighteen *million*, uh, and still authorize Public Works Director inter into an agreement, like we would on any other engineering type project? I'm just thinking that down the road we got two pieces of Legislation here, one for \$13,300,000.00 and basically the same project and then we're looking at another bill for \$18,000,000.00. Wouldn't it be a little cleaner, a little tidier if we kinda maybe,

**CLERK, AMY:** So get rid of that whole...

**MR. VANHARLINGEN:** ...To consideration uh this \$18,000,000.00 one this first piece of Legislation.

**CLERK, AMY:** Just take the amount out of the Legislation. Is that what you're saying?

**MR. VAN HARLINGEN:** Well, 'er, maybe even mirror the \$13,300,000.00 and reduce it. I, what, what would probably be the best way? Mr. Bianchi, would you have any thoughts or comments on this? It's kinda.. ( Mr. Lawrence.. It's Legal question..) ten years down the road if somebody pulls these, this legislation out on this meter project- it's confusing.

**MR. BIANCHI:** I would think specifically because of section one talks specifically about entering into a contract with Utility Services, the contract amount is \$13,295,000.00.

**MR. VANHARLINGEN:** Well \$13,300,000.00, is our finance for the Bond.

**MR. BIANCHI:** So I think it would make more sense to make It...\$13,300,000.00.

**MR. VANHARLINGEN:** SO just change it...okay, okay... Mr. Lawrence, you're the sponsor here, do you think maybe this would be appropriate?

**MR. LAWRENCE:** Sure. I mean, yeah, I mean, the language says not to exceed, so I think it's anything under that amount. I mean if you feel that...

**MR. VANHARLINGEN:** Okay. So, would you like a motion? I'd be glad to make a motion....

(Inaudible)

**PRESIDENT SCOTT:** I would think we should a motion to *amend* this Legislation to whatever you...

**MR. LAWRENCE:** Ok.

**MR. JEFFERSON:** Make the motion.

**MR. VANHARLINGEN:** Mr. President I would like to make a motion...

**MR. JEFFERSON:** ...Other discussion...

**PRESIDENT SCOTT:** Just one second, I think the Law Director has something...

**LAW DIRECTOR SPON:** Just perchance; what happens if the cost exceeds the number you're putting in?

**MR. VANHARLINGEN:** I'm sorry. Hit me with that again Law Director.

**LAW DIRECTOR SPON:** If the number exceeds the thirteen point that we're currently projecting, then we would have Legislation only authorizing the contract that involves the "cost not to exceed", but then we'd have a practical problem. I think that your point is well taken there should be some consistency, but I would leave a little breathing room.

**MR. VAN HARLINGEN:** Well, keep in mind, we're BILL #19-108 for authorizing the Bonds as a maximum of thirteen point three million, so we can't exceed that.

**PRESIDENT SCOTT:** And if we, some reason, would exceed that I'm just saying a hypothetical, it would have to come back to Council anyways, so...

**MR. VAN HARLINGEN:** That's how I would understand it.

**MR. JEFFERSON:** Does Mr. Bianchi have somethin' he wanted to say?

**MR BIANCHI:** If it would...if it would exceed \$13,300,000.00, we, we could pay could pay for the, that whatever that amount is out of Water and Sewer Funds, but it would require Council...

**MR. VANHARLINGEN:** Appropriations.

**MR. BIANCHI:** If we somehow got in a situation where we're at the end of the con... end of the term of the contract of the construction and needed the quick action; otherwise we need Council authorization to authorize that, that amount. We couldn't really do the construction until that amount was authorized. Worst case scenario, I guess, we would and a THEN & NOW certificate.

**MR. VAN HARLINGEN:** Mhmm.

**MR. BIANCHI:** Um, so I guess a long story short, we would just come back to Council. So...

**MR. VAN HARLINGEN:** It just, it just kinda seems a little confusing when we got one piece sayin' it's; we're gonna spend eighteen million and then we got another piece sayin' thirteen point three and it's the same project.

**PRESIDENT SCOTT:** I think, I think point well taken, Van Harlingen, but I'm still waiting on a motion.

**MR. VAN HARLINGEN:** Okay. Uh, Mr. President I would like to make a motion that on BILL # 19-053 we would amend the dollar amount of \$18,000,000.00 , change that dollar amount to \$13,300,000.00, which will also match BILL #19-108.

**MR. LAWRENCE:** Second

**PRESIDENT SCOTT:** It's been moved and seconded, that we amend BILL #19-053; amend the amount to \$13,300,000.00 to coincide with Bill #19-108. Is there any discussion on the motion?

**NONE**

**AMEND TRAFFIC CODE – REMOVE ONE WAY MULBERRY**

**BY: JEFFERSON**

**ORD # 19-079**

**BILL 19-072**

Amending Schedule I, Section A and B of the Mansfield Traffic Schedules One-Way Streets to remove the one-way traffic restriction for Mulberry Street from Second Street to Fifth Street, and declaring an emergency.

**DISCUSSION:**

**MR. JEFFERSON:** Mr. President I don't have any discussion, uh when this was first brought up, I know it's in my name, but I was out of the State then, I did have a conversation with Mr. Bianchi, but, the thing I wanted to know was, these Streets changin' are all the people, the majority, that's gonna be affected by this are they...they want these streets changed? So, the majority rules on that?

Inaudibles

**PRESIDENT SCOTT:** Mr. Mayor.

**MAYOR THEAKER:** It's unanimous. Not the majority, there is a... it's almost unanimous... there a a very few individual that have some expressed some concerns, but Mr. Bianchi has reached out an spent a lot of time in working with anybody that had some questions to, try to eliminate or try to elevate some of their questions.

**PRESIDENT SCOTT:** Any other questions?

**MR. JEFFERSON:** I guess that answers my question, but that's what I was sayin' , I mean if it was thirty businesses it was twenty-eight, that wanted it and two against, somethin' that..so the majority rules in that case. Alright, I just wanted to see how close that vote was. Unfortunately I wans't here.

**PRESIDENT SCOTT:** Mr. Bryant.

**MR. BRYANT:** Would that be three lanes or two?

**MR. BIANCHI:** That would be three lanes.

Upon motion by Mr. Jefferson, that Bill 19-072 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

#### **APPROPRIATING FUNDS \$18,000 TO DOWNTOWN IMPROVEMENT OPS**

**BY: VAN HARLINGEN**

**ORDINANCE 19-080**

#### **BILL 19-079**

Appropriating the sum of eighteen thousand dollars (\$18,000) from the unappropriated General Fund (101) to the Downtown Improvement Operations for the purpose of downtown improvements, and declaring an emergency.

#### **DISCUSSION:**

**PRESIDENT SCOTT:** Any discussion?

**MR. MEARS:** Could someone refresh my memory, this is, I believe for signage related to the one way, or the two way passage. Is that correct?

**MR. BIANCHI:** That's correct. Signage and signals.

**MR. MEARS:** Signage and signals. Thank you.

**PRESIDENT SCOTT:** Any other questions/ discussion?

**NONE**

Upon motion by Mr. Van Harlingen that Bill 19-079 be read and placed upon the floor for discussion, seconded by Mr. Rock.

Upon motion by Mr. Van Harlingen, that Bill 19-079 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**AMENDING ORDINANCE FOR PAY RAISE**

**BY: MS. TADDIE**

**ORDINANCE 19-097**

**BILL 19-102**

Amending Section 18 of Ordinance #19-008 (Personnel Ordinance) to raise the pay grade of a certain position within the Municipal Court- Personnel, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-102 be read and placed upon the floor for discussion, seconded by Mr. Rock.

Upon motion by Mr. Van Harlingen, that Bill 19-102 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 1 (Mr. Mears)

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**DONATIONS: ALPHA & OMEGA REAL ESTATE; MOVIES IN THE PARK**

**BY: MR. JEFFERSON**

**ORDINANCE 19-098**

**BILL 19-103**

Authorizing the Public Works Director to accept and appropriate donations from Alpha and Omega Real Estate Group in the amount of seventy-five dollars (\$75.00) to be used for the City's Parks and Recreation Department for purchasing a license for Movies in the Park.

Accept and appropriate Honor Guard Donation in the amount of eight hundred dollars (\$800), to be used for expenses for the Honor Guard Program, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 19-103 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**DEMOLITION**

**BY: MR. JEFFERSON**

**ORDINANCE 19-099**

**BILL 19-104**

Authorizing the Public Works Director to accept and appropriate donations from Gabe and Stephanie Zader in the amount of five hundred dollars (\$500) to be used for the City's Parks and Recreation Department for purchasing a license for Movies in the Park.

Upon motion by Mr. Jefferson that Bill 19-104 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION:**



**MR. MEARS:** Thank you Gabe and Stephanie.

**PRESIDENT SCOTT:** Any other discussion?

**MS.TADDIE:** Ditto that.

**DONATIONS: RICHLAND NEWHOPE: MOVIES IN THE PARK**

**BY: MR. JEFFERSON**

**ORDINANCE 19-100**

**BILL 19-105**

Authorizing the Public Works Director to accept and appropriate donations from Richland Newhope Industries in the amount of three hundred dollars (\$300) to be used for the City's Parks and Recreation Department for the Parks and Recreations Summer Fun Program.

Upon motion by Mr. Jefferson that Bill 19-105 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**APPROPRIATION: SAFETY TOWN/POLICE**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 19-101**

**BILL 19-106**

Appropriating the sum of one thousand five hundred dollars (\$1,500) from the unappropriated Safety Town Fund (#708) to the Police Operations (708.15.01) Supplies and Materials Classification, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-106 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**APPROPRIATIONS: LAW ENFORCEMENT FUND/ POLICE**

**BY: MR. LAWRENCE**

**ORDINANCE 19-102**

**BILL 19-107**

Appropriating the sum of seven thousand dollars (\$7,000) from the unappropriated Law Enforcement Fund (#211) Police Operations (211.15.01) Other Charges Classification, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-107 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**WATER METERS: BONDS \$13,000,000.00**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 19-103**

**BILL 19-108**

Authorizing the issuance of bonds in the amount of not to exceed \$13,300,000 for the purpose of acquiring and installing water meters for the City’s water system and authorizing and approving related matters; and declaring an emergency

Upon motion by Mr. Van Harlingen that Bill 19-108 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**RENEWAL: MEDICOUNT MANAGEMENT**

**BY: MR. BRYANT**

**ORDINANCE 19-104**

**BILL 19-109**

Authorizing the Safety-Service Director to renew a professional services contract with Medicount Management, Inc. formerly known as, MBI Solutions, Inc., without competitive bidding, to be the third party billing agent for the City of Mansfield for emergency medical services performed by the Mansfield Fire Department, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 19-109 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

**CONSOLIDATED/ANNUAL ACTION PLAN FY 2019-2023- CDBG**

**BY: MR. LAWRENCE**

**ORDINANCE 19-105**

**BILL 19-110**

Authorizing the Mayor to submit the City of Mansfield's Consolidated Plan/Annual Action Plan for FY 2019 to the U.S. Department of Housing and Urban Development indicating proposed

uses for the City's 2019-2023 Community Development Block Grant Funds (CDBG) under the provisions of Public Law 93-383, as amended, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 19-110 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**DISCUSSION: NONE**

### **HOME FUNDS – PLAN/ANNUAL ACTION PLAN FY 2019**

**BY: MR. LAWRENCE**

**ORDINANCE 19-106**

### **BILL 19-111**

Authorizing the Mayor to submit the City of Mansfield's Consolidated Plan/Annual Action Plan for FY 2019 to the U.S. Department of Housing and Urban Development indicating proposed uses for the City's 2019-2023 Home Investment Partnership Program Funds, under the provisions of Public Law 93-383, as amended, and declaring an emergency.

**PRESIDENT SCOTT:** Discussion?

**MR. FALQUETTE:** Mr. President, just real quick, I wanted to appreciate, uh, Tracy Bond for the effort that she puts into this; and thank you very much.

**PRESIDENT SCOTT:** Yep. Very good.

Upon motion by Mr. Lawrence that Bill 19-111 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.  
The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

### **PWD AGREEMENT – LEASE WITH CULLIVER READINGCENTER JAN 1, 2019**

**BY: MR. JEFFERSON**

**ORDINANCE 19-107**

### **BILL 19-112**

Authorizing the Public Works Director to enter into a lease with the Culliver Reading Center for the use of certain portions of the City-owned building known as 445 Bowman Street, for a term of one (1) year commencing January 1, 2019, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 19-112 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**President Scott:** Discussion?

**NONE**

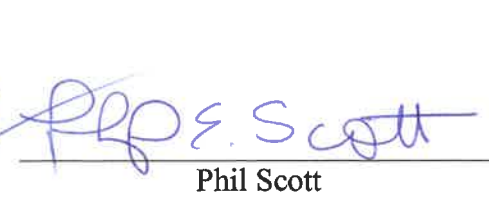
**PRESIDENT SCOTT:** Before we adjourn, I'd like to apologize for my few little, uh flub-ups tonight...

**DIRECTOR SPON:** You may misspeak, but you never err, you're honor.

**AUDIENCE/COUNCIL:** Chuckles.

**PRESIDENT SCOTT:** ...And we made it really close to eight o'clock!

**ADJOURN:** Upon motion by Mr. Falquette, seconded by Mr. Rock, and passed by voice vote, the meeting was adjourned.

 _____ Amy Yockey Clerk of Council	 _____ Phil Scott President
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