



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, November 25, 2019

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:06 p.m.

Absent 1 - Brent Newsom

Present 6 - David Cook;Larry Broseh;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:16 p.m. Mayor Cook adjourned executive session at 7:15 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 Possible Amendment to the Ground Lease and Operating Agreement with STORE Master Funding VIII, LLC

Seek Advice of City Attorney Regarding Bids for North Main Bridge LED Lighting

Seek Advice of City Attorney Regarding Development in Extraterritorial Jurisdiction

Seek Advice from City Attorney Regarding Legal Interpretation of Zoning Ordinance Related to Parking Regulations

Seek Advice from City Attorney Regarding Development Agreement Tax Increment Reinvestment Zone No 1

Seek Advice of City Attorney Regarding Current Litigation Updates

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

Personnel Matters Pursuant to Section 551.074

Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087

Economic Development Project #19-02

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

Mayor Cook reconvened into regular business session at 7:21 p.m.

INVOCATION

Council Member Leyman gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore 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 Lewis led the Texas Pledge.

PRESENTATION

Presentation of Awards to Veterans Day Parade Winners

Mansfield High School JROTC Sergeant Daniel Kinnel thanked and recognized all those who made the Third Annual Veterans Day Parade Event possible. He presented trophies to the following:

*Active Duty Units:
First Place - University of Arlington*

*JROTC Units:
First Place - Lake Ridge High School JROTC
Second Place - Summit High School JROTC
Third Place - Legacy High School JROTC*

*Floats:
First Place - American Legion Post 624 Trolley*

*Second Place - Care of Excellence
Third Place - America Legion Post 624 Riders*

CITIZEN COMMENTS

Ben Hartman - 500 Alvarado Street - Mr. Hartman requested the Council look in to amending the development fee schedule for planned developments for smaller developments. He provided comparisons from various surrounding cities and mentioned Mansfield has the highest fees.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Mayor Pro Tem Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore recognized the local businesses that recently opened in the Shops at Broad.

Council Member Newsom was absent.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Hometown Holidays/Parade Update - Ann Beck

Parks Department Marketing and Communications Manager Ann Beck extended an invitation to the Hometown Holidays Events scheduled to take place Friday, December 6, 2019 and Saturday, December 7, 2019. The Hometown Holidays Event on Friday will be held at City Hall from 5 p.m. to 9 p.m. The Hometown Holidays Parade on Saturday will begin at 2:00 p.m. in Historic Downtown Mansfield.

Main Street Update - Bart VanAmburgh

Director of Public Works Bart VanAmburgh gave an update on the completion of the construction on Main Street.

SUB-COMMITTEE REPORTS

19-3364

Minutes - Approval of the November 12, 2019 Public Memorial Sub-Committee Meeting (vote will be only by members of the sub-committee)

Public Memorials Sub-Committee Chairman Moore introduced the members of the

sub-committee. He made brief comments regarding the discussion held during the meeting.

A motion was made by Council Member Moore to approve the minutes of the November 12, 2019 Public Memorials Sub-Committee Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Non-Voting: 3 - David Cook;Julie Short and Casey Lewis

19-3370

Discussion and Possible Action Regarding Hotel/Motel Allocations to Mansfield International Film Festival

Hotel/Motel Occupancy Tax Fund Sub-Committee Chairman Short made brief comments regarding the request made by Mansfield International Film Festival to have their 2019/2020 Hotel/Motel Occupancy Tax Funds allocation routed through the Mansfield Convention and Visitors Bureau.

A motion was made by Mayor Pro Tem Short to approve the request to reroute 2019/2020 Hotel/Motel Occupancy Tax Funds received by the Mansfield International Film Festival through the Mansfield Convention and Visitors Bureau. Seconded by Mayor Cook. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

19-3373

Discussion and Possible Action Regarding Agenda Items From the November 25, 2019, Meeting of Tax Increment Reinvestment Zone Number 1 Board

Tax Increment Reinvestment Zone Number One Board of Directors Chairman Broseh gave a brief update on the discussion during the TIRZ Number One meeting. Deputy City Manager Joe Smolinski made brief comments regarding a potential request that will be coming forward at a future date.

A motion was made by Council Member Lewis to direct staff to put together the development agreement for the infrastructure the TIRZ No. 1 Board of Directors approved and that the appropriate parties execute the agreement. Seconded by Council Member Moore. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Mayor Pro Tem Short to direct staff to move forward as set forth in the term sheet discussed in executive session for Economic Development Project #19-02. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

19-3323

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 50, Solid Waste Management, of the Code of Ordinances, Mansfield, Texas; Amending the Regulations Related to the Collection of Garbage, Trash and Recyclable Materials in Certain Circumstances; Providing That This Ordinance Shall Be Cumulative of All Ordinances; Providing a Penalty Clause for Violations; Providing a Severability Clause; Providing a Savings Clause; Providing for Publication; and Providing an Effective Date

City Secretary Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 50, "SOLID WASTE MANAGEMENT" OF THE CODE OF ORDINANCES, MANSFIELD, TEXAS; AMENDING THE REGULATIONS RELATED TO THE COLLECTION OF GARBAGE, TRASH AND RECYCLABLE MATERIALS IN CERTAIN CIRCUMSTANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-2155-19

19-3325

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 52, Stormwater Quality Protection, of the Code of Ordinances, Mansfield, Texas; Amending the Regulations Related to the Performance Standards to Control Stormwater Quality; Providing That This Ordinance Shall Be Cumulative of All Ordinances; Providing a Penalty Clause for Violations; Providing a Severability Clause; Providing a Savings Clause; Providing for Publication; and Providing an Effective Date

Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 52, "STORMWATER QUALITY PROTECTION" OF THE CODE OF MANSFIELD, TEXAS; AMENDING THE REGULATIONS RELATED TO THE PERFORMANCE STANDARDS TO CONTROL STORMWATER QUALITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-2156-19

19-3329

Ordinance - Third and Final Reading of an Ordinance Approving the Conveyance of Certain Real Property in Fee Simple as a Metering Station Site and the Assignment of a Certain Utility Easement and Access Easement to the Trinity River Authority for the Maintenance and Operation of Regional Wastewater Facilities

Susana Marin read the caption into the record.

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

AN ORDINANCE APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN FEE SIMPLE AS A METERING STATION SITE AND THE ASSIGNMENT OF A

**CERTAIN UTILITY EASEMENT AND ACCESS EASEMENT TO TRINITY RIVER
AUTHORITY FOR THE MAINTENANCE AND OPERATION OF REGIONAL
WASTEWATER FACILITIES**

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

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

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-2157-19

19-3372

Resolution - A Resolution Authorizing the Chair of Tax Increment Reinvestment Zone Number One and the City Manager to Execute the First Amended Development Agreement With Sowell Reserve Associates, L.P., for Public Improvements to Property Within Tax Increment Reinvestment Zone Number One

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH SOWELL RESERVE ASSOCIATES, L.P., FOR PUBLIC IMPROVEMENTS TO PROPERTY WITHIN TAX INCREMENT REINVESTMENT ZONE NUMBER 1, CITY OF MANSFIELD; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: RE-3612-19

19-3367

Request for Special Event Permit: Hometown Holidays

A motion was made by Mayor Pro Tem Short to approve the request for special event permit. Seconded by Council Member Moore. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

19-3365 Minutes - Approval of the November 11, 2019 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the November 11, 2019 Regular City Council Meeting as presented. Seconded by Council Member Moore. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

19-3328

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from 2F,Two-Family Residential District and SF-7.5/12, Single-Family Residential District to PD Planned Development District for Two-Family Residential Uses on Approximately 0.25 Acres Being a Portion of Block 26, Original Town of Mansfield, Located at 203 W. Kimball Street; Sheri Bumgardner of SSB Designs on behalf of David Cook of Altar Holdings, LLC (ZC#19-016)

Susana Marin read the caption into the record. Mayor Cook recused himself from this agenda item and turned it over to Council Member Broseh.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR TWO-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 Leyman. The motion CARRIED by the following vote:

Aye: 4 - Larry Broseh; Terry Moore; Mike Leyman and Casey Lewis

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 2 - David Cook and Julie Short

Enactment No: OR-2158-19

PUBLIC HEARING AND FIRST READING

[19-3343](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 30.001 Acres Out of the S. Mitchell Survey, Abstract No. 1024, Tarrant County, TX, and Abstract No. 593, Johnson County, TX, Located at 890 & 932 S. Mitchell Rd.; John Arnold of Skorburg Company on Behalf of Bobby F. & Mary A. Havens (ZC#19-012)

Susana Marin read the caption into the record. Director of Planning and Development Services Matt Jones made a brief presentation and answered Council questions. Senior Planner Art Wright answered Council questions. Skorburg Company representative John Arnold made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:56 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:56 p.m.

A motion was made by Mayor Pro Tem Short 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." Seconded by Mayor Cook. The motion CARRIED by the following vote:

Aye: 4 - David Cook; Larry Broseh; Julie Short and Mike Leyman

Nay: 2 - Terry Moore and Casey Lewis

Absent: 1 - Brent Newsom

Abstain: 0

[19-3369](#)

Ordinance - Public Hearing and First Reading of an Ordinance approving a Zoning Change from PR to PD, Planned Development for a Single-Family Residence with an Accessory Dwelling on approximately 1.02 acres located at 1505 Long and Winding Road; Dr. Jason and April Lowry (ZC#19-019)

Susana Marin read the caption into the record. Art Wright made a brief presentation and answered Council questions. Fred Parker Company representative Ron Parker

made a brief presentation and answered Council questions. Dr. Jason Lowry answered Council questions. Mayor Cook opened the public hearing at 9:12 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:12 p.m.

A motion was made by Council Member Moore to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR A SINGLE-FAMILY RESIDENCE WITH AN ACCESSORY DWELLING, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[19-3350](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Changing the Speed Limits and the School Zone on Main Street from North of Pleasant Ridge Drive to Heritage Parkway (FM 917)

Assistant Director of Public Works David Boski made brief comments and answered Council questions. Mayor Cook continued the public hearing through second reading at 9:16 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:16 p.m.

A motion was made by Council Member Moore to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SERVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

ADJOURN

A motion was made by Council Member Lewis to adjourn the meeting at 9:16 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary