



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, September 9, 2019

5:00 PM

Council Chambers

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#### REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:05 p.m.*

**Present** 7 - David Cook; Larry Broseh; Brent Newsom; 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 5:07 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:09 p.m. Mayor Cook adjourned executive session at 7:19 p.m.*

#### **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

- A1. Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14
- A2. Seek Advice of City Attorney Regarding Legislative Updates
- A3. Seek Advice of City Attorney Regarding View at The Reserve
- A4. Seek Advice of City Attorney Regarding Possible Amendment to the Ground Lease and Operating Agreement with STORE Master Funding VII, LLC
- A5. Seek Advice of City Attorney Regarding Informational Technologies and Security Related Thereto

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

- B1. Right-of-Way Acquisition for Klein Tools Boulevard

#### **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**

D1. Staff Update and Council Discussion Regarding Request to Have Mayor Sign a Targeted Employment Area Designation Letter

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

*Mayor Cook reconvened into regular business session at 7:28 p.m.*

**INVOCATION**

*Freedom Life Church Pastor Steve Pixler gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Newsom 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.*

**CITIZEN COMMENTS**

*Selina Smedley - 249 Cotton Drive - Ms. Smedley expressed her appreciation to the Council for changing the animal control ordinance to allow pot bellied pigs.*

*Mayor Cook recognized the following non-speakers:*

*Brooks & Loren Burris - 13 Enchanted Court - Support of agenda item 19-3225*

**COUNCIL ANNOUNCEMENTS**

*Council Member Leyman expressed his appreciation to citizen comments speaker Ms. Smedley.*

*Mayor Pro Tem Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore had no announcements.*

*Council Member Newsom had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **SUB-COMMITTEE REPORTS**

#### **[19-3273](#)**

Minutes - Approval of the September 4, 2019 Sub-Committee Meeting for Hotel/Motel Occupancy Tax Allocation (vote will be only by members of the sub-committee)

**A motion was made by Mayor Cook to approve the minutes of the September 4, 2019 Hotel/Motel Occupancy Tax Fund Meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 3 - David Cook; Brent Newsom and Julie Short

**Nay:** 0

**Abstain:** 0

**Non-Voting:** 4 - Larry Broseh; Terry Moore; Mike Leyman and Casey Lewis

#### Hotel/Motel Occupancy Tax Funds Sub-Committee Update

*Hotel/Motel Occupancy Tax Funds Sub-Committee Chair Julie Short gave a brief overview of the applications received and the total amount requested. She explained the factors considered when reviewing the applications.*

*Chair Short read the following recommendations made by the sub-committee:*

*Man House Museum - \$50,000*

*Mansfield Invitational, Inc. - Boys Tournament - \$20,000*

*Mansfield Invitational, Inc. - Girls Tournament - \$20,000*

*Mansfield Invitational, Inc. - Mansfield Methodist Volleyball Tournament - \$15,000*

*Mansfield CVB - \$390,000*

*Pickled Mansfield Society - \$36,000 (to be used for shuttle buses until conclusion of all events, billboards and barricades)*

*The LOT Downtown - \$75,000 (to be used for entertainment fees, equipment and portable toilets as stated in the application)*

*Mansfield Commission for the Arts - \$40,000*

*The Tommy King Foundation - \$30,000 (\$15,000 for advertising; \$15,000 for a celebrity to promote the event)*

*Historical Landmark Commission - \$10,000*

*Mansfield Sister Cities - \$10,000*

*Friends of the Mansfield Public Library - \$5,000*

*Mansfield Police Department Explorers Post 1601 - \$10,000*

*Sub-committee members answered Council questions.*

### **STAFF COMMENTS**

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

Current/Future Agenda Items

*There were no staff comments.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Council Member Lewis for staff to move forward with the right-of-way agreement as discussed in executive session. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

**CONSENT AGENDA**

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[19-3225](#)

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12 Single-Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.475 Acres Being a Portion of Lot 6, Block 2 of the Original Town of Britton, Generally Located at 924 Cope St.; Ben Hartman (ZC#19-008)

*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 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**

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

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

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2145-19

[19-3229](#)

Ordinance - Third and Final Reading of an Ordinance Amending Chapter 38 of the Mansfield Code of Ordinances to Establish a Historic Preservation Tax Exemption Program for the City of Mansfield (HLC#19-002)

*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 38 OF THE MANSFIELD CODE OF ORDINANCES, "TAXATION AND FINANCE," TO ESTABLISH A HISTORIC PRESERVATION TAX EXEMPTION PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2146-19

[19-3246](#)

Resolution - A Resolution Awarding Contracts for the Construction of Turner Warnell Road Extension (Callender Road to Wayland Court) to McClendon Construction Company, Inc., to Brittain and Crawford, LLC, for Surveying and Authorizing Funding for an Amount Not to Exceed \$2,575,000.00 (Street Bond Fund and Utility Bond Fund)

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

**A RESOLUTION AWARDING CONTRACTS FOR THE CONSTRUCTION OF TURNER WARNELL ROAD EXTENSION (CALLENDER ROAD TO WAYLAND COURT) TO MCCLENDON CONSTRUCTION COMPANY, INC., TO BRITTAIN AND CRAWFORD, LLC, APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3586-19

[19-3268](#)

Minutes - Approval of the August 20, 2019 Special City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Short to approve the minutes of the August 20, 2019 Special City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3258](#)

Minutes - Approval of the August 26, 2019 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Short to approve the minutes of the August 26, 2019 Regular City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

**END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING**

[19-3255](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on Approximately 0.62 Acres Being a Portion of Blocks 36 and 36A of the Original Town of Mansfield, Generally Located at 506-508 Kimball Street; Ben Hartman (ZC#19-011)

*Susana Marin read the caption into the record. Planner Andrew Bogda made a brief presentation and answered Council questions. Applicant representative Julie Hartman made brief comments and answered Council questions. Director of Public Works Bart VanAmburgh answered Council questions. Mayor Cook opened the public hearing at 8:02 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:02 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 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 Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

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

### **19-3238**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development for Professional Office Uses on Approximately 0.608 Acres Located at 1089 Matlock Road; Adam Rope on behalf of A. Rope Investments, LLC (ZC#19-010)

*Senior Planner Art Wright made brief comments and answered Council questions. Property owner Adam Rope answered Council questions. Mayor Cook continued the public hearing at 8:09 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:09 p.m.*

**A motion was made by Council Member Broseh to approve the second 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 PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL OFFICE 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 Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2149-19

## **NEW BUSINESS**

### **19-3249**

Ordinance - First Reading of an Ordinance Considering Approval of an Ordinance Adopting the Budget for the Fiscal Year Beginning on October 1, 2019, and Ending on September 30, 2020, and Making Appropriations for Each Fund and Department

*Susana Marin read the caption into the record. City Manager Clayton Chandler made*

*brief comments and answered Council questions. Deputy City Manager Peter Phillis gave a presentation regarding how SB 2 affects the tax rate if less debt was issued and answered Council questions. Bart VanAmburgh and Police Chief Tracy Aaron answered Council questions regarding the school zone on Day Miar Road around Lake Ridge High School.*

**A motion was made by Mayor Pro Tem Short for the Council to accept the recommendation made by the Hotel/Motel Occupancy Funds Sub-Committee and to be included as part of the motion for 19-3249. Seconded by Council Member Newsom. The motion CARRIED unanimously.**

**A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MANSFIELD, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Mike Leyman

**Nay:** 1 - Casey Lewis

**Abstain:** 0

[19-3252](#)

Ordinance - First Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2020 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property

*Susana Marin read the caption into the record. Mr. Chandler made brief comments.*

**A motion was made by Council Member Leyman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE FISCAL YEAR 2020 AT A RATE OF \$0.71000 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2019, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENDITURES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND DECLARING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Mike Leyman

**Nay:** 1 - Casey Lewis

**Abstain:** 0

[19-3259](#)

Board Appointments: Planning & Zoning Commission

**A motion was made by Council Member Lewis to reappoint Wayne Wilshire for a two year term; and appoint Blake Axen and Stephen Groll for a two year term on the Planning and Zoning Commission. Seconded by Mayor Pro Tem**

**Short.** The motion **CARRIED** by the following vote:

**Aye:** 5 - David Cook;Larry Broseh;Brent Newsom;Julie Short and Casey Lewis

**Nay:** 2 - Terry Moore and Mike Leyman

**Abstain:** 0

[19-3260](#)

Board Appointments: Zoning Board of Adjustment

**A motion was made by Council Member Leyman to reappoint Robyn Accipiter, Joe Glover, Michael Aguillard and Kelly Jones for a two year term; and appoint Darryl Haynes as an Alternate for a two year term to the Zoning Board of Adjustment. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3261](#)

Board Appointments: Mansfield Economic Development Corporation (MEDC)

**A motion was made by Council Member Moore to reappoint Brian Fuller and Larry Klos for a two year term; appoint Jason Jacobus and Timothy Schipper for a two year term; and appoint William Vivoni to fill an unexpired term expiring October 1, 2020 to the Mansfield Economic Development Corporation. Seconded by Council Member Lewis. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3262](#)

Board Appointments: Mansfield Park Facilities Development Corporation (MPFDC)

**A motion was made by Council Member Newsom to reappoint Wendy Collini, Lindsey Cadenhead and Bob Kowalski for a two year term; appoint Scot Bowman for a two year term; and appoint Sean Turner as an Alternate to fill an unexpired term, expiring October 1, 2020 to the Mansfield Park Facilities Development Corporation. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook;Larry Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3263](#)

Board Appointments: Library Advisory Board

**A motion was made by Mayor Pro Tem Short to reappoint Cynthia Gray, Debra Collins, Richard Ajenikoko and Bobby Quinten for a two year term to the Library Advisory Board. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3264](#)

Board Appointments: Historic Landmark Commission

**A motion was made by Council Member Broseh to reappoint Lynda Pressley and Robert Smith for a two year term; appoint Bob Klenzendorf for a two year term; and appoint Amanda Kowalski as an Alternate for a two year term to the Historic Landmark Commission. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3265](#)

Board Appointments: Keep Mansfield Beautiful

**A motion was made by Council Member Moore to reappoint Sarah Zink, Gordon McMinn and Leon Williams for a two year term; and appoint Kenneth Chalk for a two year term to the Keep Mansfield Beautiful Commission. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3266](#)

Board Appointments: Mansfield Commission for the Arts

**A motion was made by Mayor Pro Tem Short to reappoint Christopher Bryant, Claude Cunningham and Sheri Wolf for a two year term to the Mansfield Commission for the Arts. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

[19-3267](#)

Board Appointments: Construction Codes Board of Adjustment & Appeals

A motion was made by Council Member Lewis to reappoint Justin Gilmore as an Architect, Wayne Lee as an Engineer, Derrick Mason as an At Large Member and Bobby Tutor as an Electrician for a two year term; appoint Blake Axen as an Engineer; to increase the board members to two (2) Engineers; and appoint David Blair and Kenneth Mott as Plumbers for a two year term to the Construction Codes Board of Adjustment and Appeals. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

**ADJOURN**

A motion was made by Council Member Newsom to adjourn the meeting at 9:52 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

**Aye:** 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 0

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David L. Cook, Mayor

ATTEST:

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Susana Marin, City Secretary