



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, August 26, 2024

2:00 PM

Council Chambers

REGULAR MEETING

2:00 P.M. - CALL MEETING TO ORDER

Mayor Evans called the meeting to order at 2:00 p.m.

Present 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

WORK SESSION

Discussion Regarding the August 26, 2024 Consent Agenda Items

There was no discussion.

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 2:01 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 2:04 p.m. Mayor Evans recessed the executive session at 5:43 p.m.

Consultation with City Attorney to Seek Advice About Pending or Contemplated Litigation, a Settlement Offer, or on a Matter in Which the Duty of the City Attorney to the City's Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with Chapter 551 of the Texas Government Code Pursuant to 551.071

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Legislative Priorities

Seek Advice of City Attorney Regarding Zoning Provisions for Retail Sales of Alcohol

Seek Advice of City Attorney Regarding Legal Issues Pertaining to Economic Development Projects Listed in Section 3.D of the Agenda

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

Land Acquisition for Future Development

Personnel Matters Pursuant to Section 551.074

Board Appointments

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 #21-23

Economic Development Project #21-33

Economic Development Project #22-12

Economic Development Project #23-14

Economic Development Project #23-15

Economic Development Project #24-08

6:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Evans reconvened the meeting into regular business session at 6:21 p.m.

INVOCATION

Johnny Sanchez, Children's Minister at Walnut Ridge Baptist Church, 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 Broseh led the Texas Pledge.

CITIZEN COMMENTS

Tammy Miller, 1348 Breckenridge Road - Ms. Miller spoke regarding budget considerations.

Non-speaker:

Gary Cardinale, 5 Velvet Court - Oppose agenda items 24-6154, 24-6111, and 24-5159

COUNCIL ANNOUNCEMENTS

Council Member Bounds recognized and thanked all City staff in the Council Chambers at the City Council meeting.

APPROVAL OF SUB-COMMITTEE MINUTES

[24-6145](#)

Minutes - Approval of the August 12, 2024 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Short (Chair), Newsom, and Bounds)

A motion was made by Council Member Short to approve the minutes of the August 12, 2024 Housing Market Growth Strategy Sub-Committee meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 3 - Tamera Bounds; Brent Newsom and Julie Short

Nay: 0

Abstain: 0

Non-Voting: 4 - Larry Broseh; Todd Tonore; Michael Evans and Juan Fresquez

[24-6146](#)

Minutes - Approval of the August 12, 2024 Local Transportation Issues Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Tonore (Chair), Bounds, and Fresquez)

Mayor Pro Tem Tonore gave a brief report of the meeting.

A motion was made by Mayor Pro Tem Tonore to approve the minutes of the August 12, 2024 Local Transportation Issues Sub-Committee meeting as presented. Seconded by Council Member Fresquez. The motion CARRIED by the following vote:

Aye: 4 - Todd Tonore; Michael Evans; Tamera Bounds and Juan Fresquez

Nay: 0

Abstain: 0

Non-Voting: 3 - Larry Broseh; Brent Newsom and Julie Short

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Joe Smolinski introduced a video which was shown, announcing the purchase of 100 acres of open land in West Mansfield for what will one day become the City's next nature preserve.

Trinity Metro Rideshare Update

Assistant City Manager Matt Jones presented the data of the first five weeks of the Trinity Metro ZipZone's Rideshare Program in Mansfield and answered Council questions.

Fiscal Year 2025 Budget Presentation

Deputy City Manager/Chief Financial Officer Troy Lestina presented the proposed Fiscal Year 2025 budget and answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Short to authorize the City Manager or his designee to negotiate, finalize, and execute contract documents for the deal points and land transaction concerning approximately 21.47 acres generally located off of Easy Drive and 7th Avenue with Super Studios Mansfield, LLC as discussed in executive session. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

CONSENT AGENDA

[24-6153](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Amendment to the Professional Services Contract with Peak Program Value, LLC Not to Exceed \$485,093.00 for the Program Control Services for the Construction Phase of the Expansion of the Service Center and Animal Shelter Project; Finding that the Meeting at which this Resolution is Passed is Open to the Public as Required by Law; and Declaring an Effective Date

A motion was made by Council Member Broseh to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH PEAK PROGRAM VALUE, LLC NOT TO EXCEED \$485,093.00 FOR THE PROGRAM CONTROL SERVICES FOR THE CONSTRUCTION PHASE OF THE

**EXPANSION OF THE SERVICE CENTER AND ANIMAL SHELTER PROJECT;
FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS
OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE
DATE**

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

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

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent
Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: RE-4239-24

[24-6159](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Approving an Agreement with NEMA 3 Electric, Inc. for the Retrofit of Existing Public Buildings with Energy Efficient Lighting within the Municipal Limits of the City of Mansfield, Texas Utilizing the Texas Buyboard Purchasing Cooperative for an Amount Not to Exceed One Hundred Eleven Thousand and Six Hundred and Thirty-Four dollars (\$111,634.00); Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; And Declaring an Effective Date (General Fund)

**A motion was made by Council Member Broseh to approve the following
resolution:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
APPROVING AN AGREEMENT WITH NEMA 3 ELECTRIC, INC. FOR THE
RETROFIT OF EXISTING PUBLIC BUILDINGS WITH ENERGY EFFICIENT
LIGHTING WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MANSFIELD, TEXAS
UTILIZING THE TEXAS BUYBOARD PURCHASING COOPERATIVE FOR AN
AMOUNT NOT TO EXCEED ONE HUNDRED ELEVEN THOUSAND AND SIX
HUNDRED AND THIRTY-FOUR DOLLARS (\$111,634.00); FINDING THAT THE
MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC
AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE (GENERAL
FUND)**

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

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

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent
Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: RE-4240-24

[24-6143](#)

Minutes - Approval of the August 12, 2024 Regular City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the August 12, 2024 Regular City Council Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST AND FINAL READING

[24-6155](#)

Ordinance - Public Hearing and First and Final Reading on an Ordinance Amending Title XV of the Mansfield, Texas Code of Ordinances, Entitled "Land Usage", Section 155.012 by Adding a Definition of Memory Care Facility and Subsection 155.054(B) to Revise Permitted Use Table E to Establish Memory Care Facility as a Permitted Use in the C-2, C-3, and PD Districts; Providing for the Repeal of all Ordinances in Conflict; Providing for 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 for an Effective Date (OA#24-008)

Assistant Director of Planning Arty Wheaton-Rodriguez presented the item.

Mayor Evans opened the public hearing at 7:09 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 7:09 p.m.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XV OF THE MANSFIELD, TEXAS CODE OF ORDINANCES, ENTITLED "LAND USAGE", BY AMENDING SECTION 155.012, "DEFINITIONS", BY ADDING A DEFINITION FOR MEMORY CARE FACILITY; BY AMENDING PARAGRAPH (B) OF SECTION 155.054, "PERMITTED USE TABLE", TO REVISE TABLE E, "EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES" TO ESTABLISH MEMORY CARE FACILITY AS A PERMITTED USE IN THE C-2, COMMUNITY BUSINESS, C-3, COMMERCIAL-MANUFACTURING, AND PD, PLANNED DEVELOPMENT ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR 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 FOR AN EFFECTIVE DATE

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

Seconded by Council Member Bounds. The motion CARRIED by the following

vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: OR-2376-24

[24-6156](#)

Ordinance - Public Hearing and First and Final Reading on an Ordinance Amending Title XV of the Mansfield, Texas Code of Ordinances, entitled "Land Usage", Section 155.072(B) by adding definitions of Boutique Hotel and Dooryard; Section 155.054(J)(4) Related to Principal Building Height in the D-3 and TOD zones; Section 155.072(K) Related to Standards for Boutique Hotels; Section 155.072(N) Related to Standards for Dooryards; Section 155.072, Building Function and Specific Use Table 3 to Add Boutique Hotel as a Permitted Use in the D-3 zone and TOD zone; and Section 155.072 by Adding a New Diagram No. 12 Related to Dooryards; Providing for 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 for an Effective Date (OA#24-005)

Arty Wheaton-Rodriguez presented the item. City Attorney Ashley Dierker answered a Council question.

Mayor Evans opened the public hearing at 7:15 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 7:15 p.m.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, AMENDING PROVISIONS OF THE D, DOWNTOWN DISTRICT TO PROVIDE FOR NEW DEFINITIONS FOR BOUTIQUE HOTEL AND DOORYARD; TO AMEND THE STANDARDS RELATED TO PRINCIPAL BUILDING HEIGHT IN THE D-3 ZONES AND THE TRANSIT OVERLAY DISTRICT (TOD); TO PROVIDE FOR NEW STANDARDS FOR DOORYARDS; TO AMEND THE BUILDING FUNCTION AND SPECIFIC USE TABLE TO ALLOW BOUTIQUE HOTEL AS A PERMITTED USE IN THE D-3 ZONES; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; TO PROVIDE A SEVERABILITY CLAUSE; TO PROVIDE A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND TO PROVIDE AN EFFECTIVE DATE

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

Seconded by Mayor Pro Tem Tonore. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: OR-2377-24

PUBLIC HEARING AND FIRST READING

24-6158

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning from PD, Planned Development District to S, South Mansfield Form-Based Development District on Approximately 9.48 Acres in the W Howard Survey Abstract No. 690, City of Mansfield, Tarrant County, TX on property addressed 620 S Cannon Drive and 400 N Miller Road.; Leon Capital Group, Applicant (ZC#24-002)

*Arty Wheaton-Rodriguez presented the item and answered Council questions.
Applicant Felix Saenz presented and answered Council questions.*

Mayor Evans opened the public hearing at 7:40 p.m. With no one wishing to speak, Mayor Evans continued the public hearing at 7:40 p.m.

A motion was made by Council Member Short to approve the first reading of 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 PROPERTY TO A S, SOUTH MANSFIELD FORM-BASED DEVELOPMENT DISTRICT; 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 Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Juan Fresquez and Julie Short

Nay: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-2382-24

NEW BUSINESS

24-6111

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Amendment to the Construction Manager at Risk Contract with Steele and Freeman for the Expansion of the Service Center and Animal Shelter Project for a Guaranteed Maximum Price of \$38,296,658.00; Finding that the Meeting at which this Resolution is Passed is Open to the Public as Required by Law; and Declaring an Effective Date (Certificates of Obligations

and Utility Fund)

Matt Jones presented the item and Joe Smolinski made brief comments. The City Council made comments.

A motion was made by Council Member Bounds to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH STEELE AND FREEMAN FOR THE EXPANSION OF THE SERVICE CENTER AND ANIMAL SHELTER PROJECT FOR A GUARANTEED MAXIMUM PRICE OF \$38,296,658.00; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE (CERTIFICATE OF OBLIGATIONS AND UTILITY FUND)

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

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

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: RE-4241-24

[24-6154](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Amendment to the Construction Manager at Risk Contract with Moss Construction for the Harvest Point Public Infrastructure Project for a Guaranteed Maximum Price of \$35,971,518.00; Finding that the Meeting at which this Resolution is Passed is Open to the Public as Required by Law; and Declaring an Effective Date (General Fund, TIRZ #4)

Executive Director of Economic Development Jason Moore presented the item and answered Council questions.

A motion was made by Council Member Fresquez to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK (CMAR) CONTRACT WITH MOSS CONSTRUCTION FOR THE HARVEST POINT PUBLIC INFRASTRUCTURE PROJECT FOR A GUARANTEED MAXIMUM PRICE OF \$35,971,518.00; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE (GENERAL FUND, TIRZ #4)

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

Seconded by Mayor Pro Tem Tonore. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

Enactment No: RE-4242-24

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 7:59 p.m. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Todd Tonore; Michael Evans; Tamera Bounds; Brent Newsom; Juan Fresquez and Julie Short

Nay: 0

Abstain: 0

ATTEST: Michael Evans, Mayor

Susana Marin, City Secretary