



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, September 23, 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 5:04 p.m.*

**Present** 7 - David Cook; Larry Brose; 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 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:11 p.m. Mayor Cook adjourned executive session at 6:54 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 VII, LLC

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

Right-of-Way Acquisition for Klein Tools Boulevard

Land Acquisition for Future Development

#### **Personnel Matters Pursuant to Section 551.074**

Board Appointments - CCBA

**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

Economic Development Project #19-04

**6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

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

*Mayor Cook reconvened into regular business session at 7:04 p.m.*

**INVOCATION**

*Community of Hope Church Pastor Beverly Connelly gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Eagle Scout Andrew Fowler led the Pledge of Allegiance.*

**TEXAS PLEDGE**

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

*Eagle Scout Andrew Fowler led the Texas Pledge.*

**PRESENTATIONS**

Eagle Scout - Andrew Fowler - Flag Box Presentation

*Council Member Moore made brief comments and introduced Eagle Scout Candidate from Troop 215 Andrew Fowler. Andrew explained his Flag Retirement Box project. He thanked Deputy City Manager Joe Smolinski and city staff who helped him build the boxes. Council Member Moore thanked Joe Smolinski and all city staff involved in the project for their help.*

South Central Membrane Association - Lifetime Achievement Award - Robby Isbell

*Mayor Cook introduced Water Treatment Plant Superintendent Robby Isbell and made brief comments. Director of Utilities Jeff Price made brief comments. South Central Membrane Association Board of Directors Member, Dr. Christopher Boyd presented the Distinguished Service Award and Lifetime Achievement Award to Robby Isbell. Dr.*

*Boyd stated the Robby Isbell Membrane Operator Training Fellowship Fund was created in honor of Robby. City Manager Clayton Chandler made brief comments.*

## **PROCLAMATION**

[19-3289](#)

Fire Prevention Week

*Mayor Cook proclaimed October 6-12, 2019 as Fire Prevention Week and presented a proclamation to Mansfield Fire Department Firefighters.*

## **CITIZEN COMMENTS**

*There were no citizen comments.*

## **COUNCIL ANNOUNCEMENTS**

*Council Member Leyman expressed his appreciation to Mayor Cook for reappointing him to the Regional Transportation Council.*

*Mayor Pro Tem Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore acknowledged the passing of former Mansfield Independent School District Coach Billy Smith.*

*Council Member Newsom had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

## **SUB-COMMITTEE REPORTS**

*There were no sub-committee reports.*

## **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 Broseh to authorize staff to proceed with the purchase contract as discussed in executive session. 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

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Mayor Pro Tem Short to appoint Roger Villarreal 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

### **CONSENT AGENDA**

#### **[19-3256](#)**

Resolution - A Resolution of the City Council of the City Of Mansfield, Texas, Approving A Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2019 Rate Review Mechanism Filing

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL**

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

**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

Enactment No: RE-3587-19

[19-3283](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the Fire Chief to Enter into an Interlocal Agreement Between the City of Mansfield and the City of Cedar Hill, Texas, for Participation in the First Responder Readiness Group

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE CITY OF CEDAR HILL, TEXAS, FOR PARTICIPATION IN THE FIRST RESPONDER READINESS GROUP**

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

**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

Enactment No: RE-3588-19

[19-3274](#)

Resolution - A Resolution Amending the Bylaws of the Mansfield Commission for the Arts

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

**A RESOLUTION AMENDING THE BYLAWS FOR MANSFIELD COMMISSION FOR THE ARTS**

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

**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

Enactment No: RE-3589-19

[19-3276](#)

Request for Special Event Permit: Mansfield Fire Rescue Safety Palooza

**A motion was made by Council Member Newsom to approve the request for special event permit. 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

[19-3280](#)

Minutes - Approval of the September 9, 2019 Regular City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the minutes of the September 9, 2019 Regular City Council Meeting as presented. 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

[19-3281](#)

Minutes - Approval of the September 10, 2019 Special City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the minutes of the September 10, 2019 Special City Council Meeting as presented. 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

[19-3282](#)

Minutes - Approval of the September 11, 2019 Special City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the minutes of the September 11, 2019 Special City Council Meeting as presented. 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

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

[19-3238](#)

Ordinance - Third and Final 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)

*Council Member Leyman removed this item from the consent agenda. Senior Planner Art Wright answered Council questions. City Secretary Susana Marin read the caption into the record.*

**A motion was made by Council Member Leyman 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 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**

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

**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

Enactment No: OR-2149-19

### **END OF CONSENT AGENDA**

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

#### **19-3255**

Ordinance - Public Hearing Continuation and Second 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)

*Planner Andrew Bogda gave a brief presentation and answered Council questions. Property Owner Ben Hartman answered Council questions. Mayor Cook continued the public hearing through second reading at 7:40 p.m. Mayor Cook acknowledged the following non-speakers in support of this agenda item:*

*Brooks and Loren Burris - 13 Enchanted Court*

*With no others wishing to speak, Mayor Cook closed the public hearing at 7:40 p.m.*

**A motion was made by Council Member Lewis 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 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 Broseh. The motion CARRIED by the following vote:

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

**Nay:** 0

**Abstain:** 1 - Julie Short

### **PUBLIC HEARING AND FIRST READING**

#### **19-3279**

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 Age-Restricted Single-Family Residential Uses on Approximately 33.495 Acres out of the S. Mitchell Survey, City of Mansfield, Abstract No. 593, Johnson County, TX and Abstract No. 1024, Tarrant County, TX, Located at the Northeast Corner of Mitchell and Mathis Roads; John Delin of Integrity Group, LLC, on Behalf of James Cornelius of Sowell Reserve Associates, L.P. and Bill Bryant (ZC#19-006)

*Susana Marin read the caption into the record. Andrew Bogda gave a brief presentation and answered Council questions. Art Wright answered Council questions. Integrity Group representative John Delin gave a brief presentation and answered Council questions. City Attorney Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 8:47 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:47 p.m.*

A motion was made by Council Member Newsom 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 AGE-RESTRICTED 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," with the minimum square footage of the homes being 1,500 sq. ft. 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



[19-3286](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Historic Landmark Overlay District Classification for the Property Located at 301 W. Broad Street; Art Wright, City Historic Preservation Officer on Behalf of Manuel and Elva Hernandez, Property Owners (ZC#19-013)

*Susana Marin read the caption into the record. Art Wright gave a brief presentation. Mayor Cook opened the public hearing at 8:52 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:52 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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 301 WEST BROAD STREET; 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 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

[19-3287](#)

Ordinance - Public Hearing and First Reading of an Ordinance Modifying the School Zone Limits for Lake Ridge High School on N. Day Miar Road

*Susana Marin read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:05 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:05 p.m.*

**A motion was made by Council Member Moore to approve the first 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," changing the speed limit from N. Day Miar Road to E. Seeton Road to 40 mph. 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

**NEW BUSINESS**[19-3288](#)

Discussion and Possible Action Regarding Republic Services Request for an Extraordinary Recycling Processing Rate Increase for the Ensuing Contract Year

*Deputy City Manager Peter Phillis made brief comments and answered Council questions. Republic Waste Services representative Vince Hrabal made brief comments and answered Council questions. Bart VanAmburgh made brief comments regarding the recycling program. Mr. Chandler made brief comments.*

**A motion was made by Mayor Pro Tem Short to approve the request for an extraordinary recycling processing rate increase. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Mike Leyman

**Nay:** 2 - David Cook and Casey Lewis

**Abstain:** 0

**ADJOURN**

**A motion was made by Council Member Lewis to adjourn the meeting at 9:34 p.m. 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

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary