



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, August 27, 2018

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.

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 5:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Mayor Cook recessed the executive session at 7:17 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 the Disposition of City Owned Property

Seek Advice of City Attorney Regarding Development at Hwy 287 and Broad Street

Seek Advice of City Attorney Regarding Assignment of Development Agreement for The View at the Reserve

Seek Advise of City Attorney Regarding Matters Related to Human Resource Management

Seek Advice of City Attorney Regarding Contract Issues with Service Provider

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

Personnel Matters Pursuant to Section 551.074

Board Interviews

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

Discussion Regarding Project #18-06 - New Office/Warehouse

Discussion Regarding Project #18-14 - Existing Industrial Expansion

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

Mayor Cook reconvened into regular business session at 7:23 p.m.

INVOCATION

Mansfield Methodist Pastor Caesar Rentie gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem 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 Short led the Texas Pledge.

CITIZEN COMMENTS

Mark Russell - 1505 Fair Haven Drive - Mr. Russell spoke on behalf of the Mansfield High School Hockey Team. He thanked everyone who made the Star Center possible.

COUNCIL ANNOUNCEMENTS

Council Member Leyman commended the Mansfield Police Department for a job well done solving a homicide case from over 30 years ago.

Council Member Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore acknowledged that the flags were at half staff due to the passing of Senator John McCain. He thanked Mr. Russell for his comments during citizen comments. He thanked the Mansfield Historical Society for a fundraiser held at Dirty Job Brewery to raise funds for the Man House.

Mayor Pro Tem Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook announced the birth of his first grandchild.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler congratulated Mayor Cook and his family for the new addition to the family.

Business Services Department Report

[18-2842](#)

Presentation of the Monthly Financial Report for the Period Ending July 31, 2018

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[18-2834](#)

Minutes - Approval of the August 6, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the August 6, 2018 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

[18-2835](#)

Minutes - Approval of the August 8, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the August 8, 2018 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

[18-2836](#)

Minutes - Approval of the August 13, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the August 13, 2018 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

[18-2833](#)

Request for Special Event Permit: Bike Out Hunger

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

[18-2844](#)

Request for Special Event Permit: Star Center Grand Opening

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[18-2788](#)

Ordinance - Third and Final Reading of an Ordinance Amending the Code of Ordinances for Designated Truck/Commercial Delivery Routes by Removing a Section of Main Street from the Truck Route, Adding W. Debbie Lane and FM 157 as Truck Routes and Adding Mouser Way, a Portion of S. Main Street, Industrial Boulevard and S. 2nd Avenue as Commercial Delivery Routes

Council Member Leyman removed this item from the consent agenda. City Secretary Tracy Norr read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions. City Attorney Allen Taylor made brief comments.

A motion was made by Council Member Leyman to approve the following

ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD BY AMENDING CHAPTER 71, SECTION 71-23, CITY OF MANSFIELD, TEXAS; DESIGNATED CERTAIN STREETS AS TRUCK ROUTES OR COMMERCIAL DELIVERY ROUTES, PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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-2092-18

[18-2845](#)

Resolution - A Resolution Approving and Authorizing the City Manager to Execute the Assignment of a Development Agreement Between the City, the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, and Sowell Reserve Associates, L.P. to Wilbow-Reserve, LLC; and Providing an Effective Date

Council Member Moore removed this item from the consent agenda and made brief comments. Council Member Broseh and Lewis made brief comments.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE ASSIGNMENT OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY, THE BOARD OF DIRECTORS OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE AND SOWELL RESERVE ASSOCIATES, L.P. TO WILBOW-RESERVE, LLC; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Leyman. 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-3494-18

[18-2841](#)

Resolution - A Resolution Authorizing the Purchase of Property Located at 210 E. Kimball Street in the Amount of \$10,000

Council Member Lewis removed this item from the consent agenda. He made brief comments regarding the land transaction.

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

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 210 E. KIMBALL STREET IN THE AMOUNT OF \$10,000

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

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

Enactment No: RE-3495-18

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

18-2838

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Single-Family Attached Townhomes on Approximately 0.885 Acres out of Lot 4, Block 1, Cooper Square and Approximately 7.155 Acres out of the T.O. Harris Survey, Abstract No. 645, Totaling Approximately 8.05 Acres Located at 1400-1420 Turner Warnell Road; Felix Wong on Behalf of Hector Escamilla Jr. of Escamilla Capital Corp., General Partner of Mansfield Commercial Partners, and John R. Hardee of First Momentum Enterprises, LLC (Owners) and Mark J. Fueling of Turnkey Construction and Development Group (Developer) (ZC#18-011)

A motion was made by Council Member Lewis to table this agenda item until the September 24, 2018 Regular City Council meeting. 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

PUBLIC HEARING CONTINUATION AND SECOND READING

18-2823

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Auto Parts or Accessory

Sales (Indoor) Uses on Approximately 0.982 Acres Located at 1597 FM157; David Tipton of CEI Engineering Associates Inc. on Behalf of Carolyn Thaemert of AutoZone, Inc. (ZC#18-017)

Interim Director of Planning Lisa Sudbury made a brief presentation and answered Council questions. CEI Engineering representative Brandon Waldrum made brief comments.

A motion was made by Council Member Moore 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 AUTO PARTS OR ACCESSORY SALES (INDOOR) 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 Leyman. 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

18-2807

Resolution - A Resolution of the City of Mansfield, Texas, Approving the Terms and Conditions of an Agreement With Texas Brew Works , LLC. Pursuant to a Program to Promote Economic Development and Stimulate Business and Commercial Activity In The City; Authorizing the City Manager to Execute Said Agreement For Such Purposes; and Providing an Effective Date

Interim Director of Economic Development Richard Nevins made a brief presentation and answered Council questions. Dirty Job Brewery owner Derek Hubenak made brief comments.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH TEXAS BREW WORKS, LLC, PURSUANT TO A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Mayor Pro Tem Newsom. 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

Enactment No: RE-3496-18

[18-2826](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$609,000 and Approval of Contracts for Design and Surveying Services with Evolving Texas, LP and Brittain and Crawford, LLC to Prepare Construction Documents for Infrastructure to Serve the MEDC Owned 170 Acre Parcel on Easy Drive

Richard Nevins made a brief presentation and answered Council questions.

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$609,000 AND APPROVAL OF CONTRACTS FOR DESIGN AND SURVEYING SERVICES WITH EVOLVING TEXAS, LP AND BRITTAIN AND CRAWFORD, LLC TO PREPARE CONSTRUCTION DOCUMENTS FOR INFRASTRUCTURE TO SERVE THE MEDC OWNED 170 ACRE PARCEL ON EASY DRIVE

(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 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3497-18

[18-2839](#)

Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Eating Place with Drive-Through Service, and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code, on Approximately 1.28 Acres Out of the Jacob Back Survey, Abstract No. 126, Generally Located on the North Side of E. Broad Street, the East Side of Cannon Drive, and the West Side of SH 360; Scott Brown of Hat Creek Burger Co. on Behalf of Charles W. Anderson of CWA Vistas, LP (ZC#18-018)

Lisa Sudbury made a brief presentation and answered Council questions. Allen Taylor answered Council questions. Hat Creek Burger Co. representative Scott Brown made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:20 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:20 p.m.

A motion was made by Council Member Lewis to approve this agenda item.

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

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

Nay: 2 - Terry Moore and Mike Leyman

Abstain: 0

PUBLIC HEARING

18-2813

Public Hearing - Second Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2019 at a Rate of \$0.7100 per One Hundred Dollars (\$100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2018, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest

Mr. Chandler made a power point presentation. Deputy City Manager Peter Phillis made brief comments and answered Council questions.

Mayor Cook recessed the meeting at 9:34 p.m. for a break. Mayor Cook reconvened into regular business session at 9:46 p.m.

Mayor Cook opened the public hearing at 9:46 p.m. The following people spoke:

Austin J. Crehan, Jr. - 2001 Cains Lane - Opposed

Tamera J. Bounds - 1009 Meriwether Street - Opposed

Mayor Cook acknowledged the following non-speakers in opposition:

Phillip Worobey - 13 Willowstone Court

Joshua Cook - 213 Forestridge Drive

Amber Roten - 1 Woodbridge Court

Lance Irwin - 1208 Killian Drive

Erin Arrivillaga - 3065 Willowstone Trail

Louis Arrivillaga - 3065 Willowstone Trail

Deena and Gary Walker - 1117 Saint Andrews Drive

Angela Martin - 1 Willowstone Court

Jerry Creamer - 4 Raintree Court

With no one else wishing to speak, Mayor Cook closed the public hearing at 10:03 p.m.

Mayor Cook advised there would be three readings on the budget and the tax rate to be held on September 10, 2018 at 7:00 p.m., September 11, and 12, 2018 at 8:00 a.m.

18-2814

Public Hearing - Second Public Hearing on the Budget for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof

This item was discussed during the previous agenda item. Mayor Cook opened the public hearing at 10:04 p.m. Mayor Cook recognized the following non-speakers opposed to this item:

*Phillip Worobey - 13 Willowstone Court
Lance Irwin - 1208 Killian Drive
Erin Arrivillaga - 3065 Willowstone Trail
Shauna Friend - 13 Willowstone Court
Louis Arrivillaga - 3065 Willowstone Trail
Deena and Gary Walker - 1117 Saint Andrews Drive
Angela Martin - 1 Willowstone Court
Jerry Creamer - 4 Raintree Court*

With no one wishing to speak, Mayor Cook closed the public hearing at 10:04 p.m.

Mayor Cook advised there would be three readings on the budget and the tax rate to be held on September 10, 2018 at 7:00 p.m., September 11, and 12, 2018 at 8:00 a.m.

18-2815

Public Hearing - Second Public Hearing on the Use of Hotel/Motel Tax for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019

Mayor Cook opened the public hearing at 10:06 p.m. The following people spoke:

*Kat Orsak - 605 Arbor Glen Court - The LOT Downtown
Phillip O'Neal - 3700 E. Broad Street - Mansfield Independent School District*

Mayor Cook recognized the following non-speaker:

Justin Gilmore - 2016 Royal Crest Drive - The LOT Downtown

With no others wishing to speak, Mayor Cook closed the public hearing at 10:17 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 10:18 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 10:22 p.m. Mayor Cook adjourned the executive session at 11:43 p.m.

ADJOURN

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary