



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, February 25, 2019

3:00 PM

Council Chambers

REGULAR MEETING

3:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 3:07 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 3:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 3:09 p.m. Mayor Cook recessed executive session at 5:33 p.m. Mayor Cook reconvened into executive session at 5:44 p.m. Mayor Pro Tem Newsom arrived at 6:31 p.m. Mayor Cook adjourned executive session at 6:58 p.m.

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

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 Matters Related to Human Resource Management

Seek Advice of City Attorney Regarding 2020 Census - Complete Count Committee

Seek Advice of City Attorney Regarding ZC#17-022

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

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

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

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 7:10 p.m.

INVOCATION

Church at Rush Creek Pastor Scott Oldenburg 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.

PROCLAMATION**[19-3040](#)****America and Military Saves Week**

Mayor Cook proclaimed February 25 through March 2 as America and Military Saves Week and presented the proclamation to area Personal Financial Counselors. Representative Josephine Maltsberger extended an invitation to the America Saves event to be held at the Mansfield Public Library on Tuesday, April 26, 2019 from 6:00 p.m. to 8:00 p.m. Director of Library Services made brief comments on how to register for the event.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Council Member Short congratulated Mansfield Cares for their successful charity ball held the past weekend. She stated the event was a great success.

Council Member Lewis congratulated the Mansfield Independent School District stating three Mansfield High Schools qualified to go the State tournament for academic decathlon.

Council Member Moore congratulated Mansfield Independent School District school Ben Barber for winning numerous gold, silver, and bronze medals in the Skills USA competition.

Mayor Pro Tem Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

SUB-COMMITTEE REPORTS**[19-3052](#)**

Discussion and Possible Action Regarding Selecting Julian Feild Park as the Location for the Veteran's Memorial

Council Member Moore as Chairman of the Public Memorials Sub-Committee gave a brief update on the work that has been done by the sub-committee and gave the recommendation to the Council to designate Julian Feild Park as the future site of the Veterans Memorial.

A motion was made by Council Member Moore to designate Julian Feild as the site for the Veteran's Memorial. 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

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA[19-3044](#)

Minutes - Approval of the January 31, 2019 Special City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the January 31, 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

[19-3045](#)

Minutes - Approval of the February 11, 2019 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the February 11, 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[19-3049](#)

Request for Special Event Permit: Pickle Parade & Run

Council Member Newsom removed this item from the consent agenda. Pickled Mansfield Society President John Pressley gave a brief update on the upcoming Pickle Parade and Run Event.

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

END OF CONSENT AGENDA

OLD BUSINESS**18-2987**

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for C-2 Uses with Additional Use for Campground or Recreational Vehicle Park on Approximately 12.938 Acres Known as Lot 1-R, Block 1, Eaton Estates Campground, Located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. d.b.a. Texan RV Resort (ZC#18-028)

City Secretary Susana Marin read the caption into the record. Interim Director of Planning Lisa Sudbury made brief comments and answered Council questions. Texan RV Resort representative Craig Turner made brief comments and answered Council questions.

A motion was made by Council Member 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 C-2 USES WITH ADDITIONAL USE FOR CAMPGROUND OR RECREATIONAL VEHICLE PARK, 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: 5 - David Cook; Larry Brose; Brent Newsom; Julie Short and Mike Leyman

Nay: 2 - Terry Moore and Casey Lewis

Abstain: 0

Enactment No: OR-2118-19

PUBLIC HEARING CONTINUATION AND SECOND READING**19-3048**

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 C-2 Uses with Additional Use for Campground or Recreational Vehicle Park on Approximately 2.177 Acres Being a Portion of Lot 1-R, Block 1, Eaton Estates Campground, Located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. d.b.a. Texan RV Resort (ZC#18-028A)

Lisa Sudbury gave a brief presentation and answered Council questions. Texan RV Resort representative Craig Turner answered Council questions. Mayor Cook continued the public hearing through second reading at 7:48 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:48 p.m.

A motion was made by Council Member Broseh to approve with a 14 foot maximum facade; with the agreement that the applicant follow staffs recommendation on changing the meets and bounds of the property line; and to require the applicant to meet TxDOT's requirement on the frontage entrance on Main Street. The motion failed for lack of a second.

A motion was made by Council Member Leyman to approve as presented by the applicant in regards to the height of the facade wall; with the agreement that the applicant follow staffs recommendations on changing the meets and bounds of the property line; and to require the applicant to meet TxDOT's requirement on the frontage entrance on Main Street. Seconded by Council Member Short. The motion FAILED by the following vote:

Aye: 3 - Larry Broseh; Julie Short and Mike Leyman

Nay: 4 - David Cook; Brent Newsom; Terry Moore and Casey Lewis

Abstain: 0

PUBLIC HEARING AND FIRST READING

19-3038

Ordinance - Public Hearing and First Reading of an Ordinance to Consider the Voluntary Annexation of Approximately 25.02 Acres in Johnson County, Texas and Being a Tract of Land out of the M.D. Dickey Survey, Abstract #195, Generally Located on the East Side of Lillian Road Approximately 1,500 Feet South of W. Broad Street; Micah and Bryan Adkinson (ZC#18-031)

Susana Marin read the caption into the record. Senior Planner Art Wright made a brief presentation. City Attorney Allen Taylor answered Council questions regarding annexation and disannexation. Deputy City Manager Joe Smolinski answered Council questions. BBCP Acquisitions representative Clayton Snodgrass made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:19 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:19 p.m.

A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF MANSFIELD OF APPROXIMATELY 25.02 ACRES SITUATED IN JOHNSON COUNTY DESCRIBED BELOW AND DEPICTED ON EXHIBIT "A", LOCATED WITHIN THE CURRENT EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANSFIELD, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF JOHNSON COUNTY AND WITH THE JOHNSON COUNTY APPRAISAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE." 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

[19-3039](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential and Commercial Uses on Approximately 91.7 Acres out of the M.D. Dickey Survey, Abstract #195 and T.J. Hanks Survey, Abstract #1109, Johnson County, and the M.D. Dickey Survey, Abstract #1986 and T.J. Hanks Survey, Abstract #644, Tarrant County, TX, Generally Located at the Southeast Corner of the Intersection of W. Broad Street and Lillian Road and South of the Intersection of Retta Road and W. Broad Street; BBCP Acquisitions (ZC#18-031)

Susana Marin read the caption into the record. Art Wright made a brief presentation and answered Council questions. BBCP Acquisitions representative Clayton Snodgrass made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:36 p.m. The following people spoke:

*James Leggs - 3011 Reese Park Drive - Support
Fonda Bonner - 808 Lillian Road - Opposed*

Mayor Cook recognized the following non-speaker:

Cynthia Bonner - 808 Lillian Road - Opposed

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 8:44 p.m.

A motion was made by Council Member 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 AND COMMERCIAL 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 Moore. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

[19-3046](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 27.86 Acres Situated in the A. N. Curry Survey, Abstract No. 332 & the Henry Brandenburg Survey, Abstract No. 129, Generally Located on the West Side of Day Miard Road and the South Side of Grand Meadow Boulevard; Noah Flabiano of Skorburg Company on behalf of Sunset Crossing SF, Ltd. and James & Yvonne Slack (ZC#18-030)

Susana Marin read the caption into the record. Planner Andrew Bogda made a brief

presentation. Skorburg Company Adam Buczek and Collier Bailey made brief presentations and answered Council questions. Director of Public Works Bart VanAmburgh answered Council questions. Mayor Cook opened the public hearing at 9:19 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:19 p.m.

A motion was made by Council Member Broseh 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 Moore, that this matter be Approved on First Reading . 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

19-3028

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Mayor Cook continued the public hearing through second reading at 9:21 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:21 p.m.

A motion was made by Council Member Short to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." 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: OR-2119-19

NEW BUSINESS

19-3047

Review and Consideration of a Detailed Site Plan for a 2,798 sq. ft. Restaurant with Drive-thru on 0.79 Acres Located at 3151 E. Broad St.; Everett Fields of PM Design Group on behalf of Will Tolliver of Leon Capital Group (DS#19-001)

Andrew Bogda made a brief presentation. Art Wright answered Council questions. Raising Cane's representative LuAron McCormack made brief comments and answered Council questions.

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

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 9:31 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

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary