

CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, January 13, 2020 5:00 PM Council Chambers

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 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 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned executive session at 7:24 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 Project # 16-08

Seek Advice of City Attorney Regarding Legal Requirements Regarding a Special Election to fill a Council Vacancy

Current Litigtion Update

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

Personnel Matters Pursuant to Section 551.074

Board Appointments

- * P&Z Commission
- * TIRZ #1
- * TIRZ #2

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

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

Mayor Cook reconvened into regular business session at 7:30 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore 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.

PRESENTATIONS

Presentation of the Salvation Army Red Kettle Mayoral Challenge Trophy

Mayor Cook introduced Arlington-Mansfield Area Salvation Army Corps Lieutenant Timothy Israel. Lt. Israel thanked Mayor Cook, the Council and the Mansfield community for their continued participation in the Salvation Army Mayoral Red Kettle Challenge. He announced Mayor Cook as the winner of the 2019 Mayoral Red Kettle Challenge and presented the Golden Bell Trophy to him. Lt. Israel presented Mayor Cook with the Golden Kettle Trophy for his eight consecutive wins.

Presentation to Mansfield Garden Club

Mayor Cook presented a proclamation to the Mansfield Garden Club honoring them for their committment and service to the Mansfield community and presented a certificate of appreciation to each member.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman announced he attended the Regional Transportation Council meeting on January 9, 2020.

Mayor Pro Tem Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore thanked city staff for the Snowman Run Event.

Council Member Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

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

There was no action taken by the Council.

CONSENT AGENDA

20-3400

Resolution - A Resolution Authorizing an Amendment and Providing Additional Funds for the Clearwell No. 4 and Lower Pressure Plane High Service Pump Station Project with Felix Construction

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

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH FELIX CONSTRUCTION, FOR THE REPLACEMENT OF THE TUBE SETTLERS AS PART OF THE CLEARWELL NO. 4 AND LOWER PRESSURE PLANE HIGH SERVICE PUMP STATION IMPROVEMENT

(Resolution 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: RE-3621-20

<u>20-3403</u>

Resolution - A Resolution of the City of Mansfield Adopting the Tarrant County Hazard Mitigation Action Plan, January 2020

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

A RESOLUTION OF THE CITY OF MANSFIELD ADOPTING THE TARRANT COUNTY HAZARD MITIGATION ACTION PLAN, JANUARY 2020

(Resolution 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: RE-3622-20

20-3409

Resolution - A Resolution Awarding a Contract for Construction of Carlin Road Culvert Improvements to Barclays Premier Utility Services, LLC. and Authorizing Funding for an Amount Not to Exceed \$162,225.15 (Drainage Utility Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF CARLIN ROAD CULVERT IMPROVEMENTS TO BARCLAYS PREMIER UTILITY SERVICES, 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 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: RE-3623-20

19-3392 Minutes - Approval of the December 9, 2019 6:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the December 9, 2019 6:00 p.m. Regular City Council Meeting as presented. 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:

Abstain: 0

<u>19-3393</u> Minutes - Approval of the December 9, 2019 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the December 9, 2019 7:00 p.m. Regular City Council Meeting as presented. 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

END OF CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

20-3410

Resolution - Authorization of Funding in an Amount Not to Exceed \$132,530.00 and Approval of Contract for Design Services with Jerry Parche Consulting Engineers to Prepare Price Road Improvements (South Main Street to East Dallas Street) for Public Bidding and Construction (Street Bond

Fund)

Mayor Pro Tem Short removed this item from the consent agenda. Director of Public Works Bart VanAmburgh answered Council questions.

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$132,530.00 AND APPROVAL OF CONTRACT FOR DESIGN SERVICES WITH JERRY PARCHE CONSULTING ENGINEERS TO PREPARE PRICE ROAD IMPROVEMENTS (SOUTH MAIN STREET TO EAST DALLAS STREET) FOR PUBLIC BIDDING AND CONSTRUCTION (STREET BOND FUND)

(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-3624-20

PUBLIC HEARING

20-3401

Public Hearing and Consideration of a Request for a Specific Use Permit for Multi-Family Dwelling Units on Approximately 13.0164 Acres out of the William Howard Survey, Abstract No. 690 and the Richard Bratton Survey, Abstract No. 114, Tarrant County, Texas, located on the West Side of SH 360, a Quarter-mile South of Conifer Street; John R. Allums of Capstar Real Estate Advisors, on behalf of Kyle Sweeney of C.D. Sweeney, et.al.(ZC#19-009)

Director of Planning Matt Jones made a brief presentation and answered Council questions. Bart VanAmburgh answered Council questions. Dixon Holman Associates representative Dixon Holman made a brief presentation and answered Council questions. City Attorney Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 8:45 p.m. The following people spoke:

James Roach - 3212 Dove Valley Lane - Opposed Lucy Brody - 1315 Danbury Drive - Opposed

Mayor Cook recognized the following non-speakers:

Nikki Roach - 3212 Dove Valley Lane - Opposed Kristen Flemingwood - 2220 Walnut Manor Drive - Opposed Emily Shackelford - 360 Hwy 360 - Support Kyle W. Sweeney - 3959 Sarita Park, Fort Worth - Support Charles Sweeney - 360 Hwy 360 - Support Larry Fabian - 1106 Fairway Court - Support Laurie Fabian - 1106 Fairway Court - Support

With no other wishing to speak, Mayor Cook closed the public hearing at 8:53 p.m.

A motion was made by Mayor Pro Tem Short to suspend the rules for discussion. Seconded by Council Member Leyman. The motion CARRIED unanimously.

A motion was made by Mayor Pro Tem Short to approve this agenda item adding language that the developer will work with existing homeowners affected by the project in Rustic Meadows and add trees on the back of their property or in their back yard. Seconded by Council Member Leyman. The motion CARRIED by the following vote:

Aye: 4 - David Cook; Brent Newsom; Julie Short and Mike Leyman

Nay: 3 - Larry Broseh; Terry Moore and Casey Lewis

Abstain: 0

PUBLIC HEARING AND FIRST READING

20-3399

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Patterson-Rydell House located at 202 W. Oak Street; Art Wright, City Historic Preservation Officer, on behalf of Faye Rydell, Property Owner (ZC#19-021)

City Secretary Susana Marin read the caption into the record. Senior Planner Art Wright made a brief presentation. Mayor Cook opened the public hearing at 9:18 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:18 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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 202 WEST OAK 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 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

20-3402

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 0.528 Acres Known as Lot 1, Block 1, Bastian Addition, located at 607 W. Kimball Street; Hayden Dalley of Mansfield Custom Homes (ZC#19-018)

Susana Marin read the caption into the record. Matt Jones made a brief presentation. Mansfield Custom Homes representative Felix Wong made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 9:28 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:28 p.m.

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

David Cook; Larry Broseh; Brent Newsom; Terry Moore; Mike Leyman and

Casey Lewis

Nay: 0

Abstain: 1 - Julie Short

PUBLIC HEARING CONTINUATION AND SECOND READING

19-3343

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 30.001 Acres Out of the S. Mitchell Survey, Abstract No. 1024, Tarrant County, TX, and Abstract No. 593, Johnson County, TX, Located at 890 & 932 S. Mitchell Rd.; John Arnold of Skorburg Company on Behalf of Bobby F. & Mary A. Havens (ZC#19-012)

Matt Jones made a brief presentation and answered Council questions. Skorburg Company representative John Arnold made a brief presentation and answered Council questions. Director of Parks and Recreation Matt Young answered Council questions. Mayor Cook continued the public hearing at 10:05 p.m. Mayor Cook recognized the following non-speaker:

Mark Sullivan - 1703 Fountainview Drive - Support

With no others wishing to speak, Mayor Cook closed the public hearing at 10:06 p.m.

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

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

Nay: 0

Abstain: 0

NEW BUSINESS

19-3394

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for Vistas at Walnut Ridge located at 3311 E. Broad Street; Brad Lehman of MJ Thomas Engineering, LLC on behalf of Sonal Desai of Matlock Crossing, LIC (ZC#16-024A)

Matt Jones made brief comments. Planning Concepts representative Mark Priestner made a brief presentation and answered Council questions. Property owner Mike

Millinger answered Council questions. Allen Taylor answered Council questions.

A motion was made by Council Member Moore to table this agenda item to the January 27, 2020 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

20-3404

Ordinance - An Ordinance of the City of Mansfield, Texas, Authorizing the Issuance and Sale of City of Mansfield, Texas, General Obligation Refunding Bonds, Series 2020; Levying a Tax in Payment Thereof; Prescribing the Form of Said Bonds; Approving Execution and Delivery of an Escrow Agreement and a Bond Purchase Agreement; Approving the Official Statement and an Engagement Letter; and Enacting Other Provisions Relating to the Subject

Susana Marin read the caption into the record. City Manager Clayton Chandler and Deputy City Manager Peter Phillis made brief comments. Hilltop Securities Company representative Nick Bulaich made a brief presentation and answered Council questions.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,475,000.00; AWARDING THE SALE THEREOF; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT, A DEPOSIT ESCROW AGREEMENT AND A BOND COUNSEL ENGAGEMENT LETTER; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

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-2161-20

20-3405

Ordinance - Ordinance Authorizing the Issuance and Sale of City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020; Awarding the Sale Thereof; Levying a Tax in Payment Thereof; Prescribing the Form of Said Certificates; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and a Bond Counsel Engagement Letter;

Approving the Official Statement; and Enacting Other Provisions Relating Thereto

Susana Marin read the caption into the record.

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

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020; AWARDING THE SALE THEREOF; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT AND A BOND COUNSEL ENGAGEMENT LETTER; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

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

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

Lewis

Nay: 0

Absent: 1 - Mike Leyman

Abstain: 0

Enactment No: OR-2162-20

20-3412

Ordinance - First Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Designating a Certain Area as a Tax Abatement Reinvestment Zone For Commercial-Industrial Tax Abatement Within the City of Mansfield, Texas; Establishing the Boundaries Thereof and Other Matters Related Thereto; Providing a Severability Clause; and Providing for an Immediate Effective Date

Susana Marin read the caption into the record. Director of Economic Development Richard Nevins made brief comments and answered Council questions.

A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT WITHIN THE CITY OF MANSFIELD, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook;Larry Broseh;Brent Newsom;Julie Short;Mike Leyman and Casey Lewis

Nay: 1 - Terry Moore

Abstain: 0

20-3406

Discussion and Possible Action Regarding a Special Election to Fill a Vacancy

Allen Taylor answered Council questions regarding the filing period for both the General Election and the Special Election.

A motion was made by Council Member Lewis to call a Special Election to be held at the same time as the General Election on May 2, 2020 to fill the vacancy in the following seats: Mayor, Place 1 and Council Member, Place 2. 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

20-3407

Board Appointment: Appoint Chairman and Members of the Board of Directors of the Tax Increment Reinvestment Zone Number One (The Reserve)

A motion was made by Council Member Lewis to reappoint Council Members Broseh, Moore, Lewis and Leyman to the Tax Increment Reinvestment Zone Number One Board of Directors for the next year; and, appoint Council Member Broseh as the Chairman. 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

20-3408

Board Appointment: Appoint Chairman and Members of the Board of Directors of the Tax Increment Reinvestment Zone Number Two (Historic Mansfield)

A motion was made by Council Member Lewis to reappoint Mayor Cook and Council Members Newsom, Lewis, and Short to the Tax Increment Reinvestment Zone Number Two Board of Directors for the next year; and, appoint Council Member Newsom as the Chairman. 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

20-3417 Board Appointments: Planning & Zoning Commission

A motion was made by Council Member Lewis to appoint Robert Klenzendorf to the Planning and Zoning Commission for an unexpired term. 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

Leyman and Gasey

Abstain: 0

Nay: 0

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 11:00 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

	David L. Cook, iviayor
ATTEST:	
	Susana Marin, City Secretary