



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, May 14, 2018

5:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:00 p.m.

Present 10 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; 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 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:07 p.m. Mayor Cook adjourned executive session at 6:45 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

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

Staff Update and Council Discussion Regarding Request to Have Mayor Sign a Targeted Employment Area Designation Letter

Staff Update and Council Discussion Regarding Proposed Development Services Contract with United Properties Southwest

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 7:03 p.m.

INVOCATION

Living Church Pastor Truston Baba 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 Haynes led the Texas Pledge.

CANVASS ELECTION RETURNS**[18-2736](#)**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Canvassing the Returns of the General Election Held in the City of Mansfield, Texas on May 5, 2018, for the Purpose of Electing a Council Member, Place 3; Council Member, Place 4; and a Council Member, Place 5

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, CANVASSING THE RETURNS OF THE GENERAL ELECTION HELD IN THE CITY OF MANSFIELD, TEXAS ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER, PLACE 3; COUNCIL MEMBER, PLACE 4; AND A COUNCIL MEMBER, PLACE 5

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

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

Aye: 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Non-Voting: 3 - Julie Short; Mike Leyman and Casey Lewis

Enactment No: RE-3471-18

ACKNOWLEDGEMENT OF SERVICE

Stephen Lindsey

Council Member Lindsey made brief comments. Mayor Cook presented Council Member Lindsey with a plaque for 8 years of dedicated service on the Council.

Darryl W. Haynes

Council Member Haynes made brief comments. Mayor Cook presented Council Member Haynes with a plaque for 12 years of dedicated service on the Council.

Cory Hoffman

Council Member Hoffman made brief comments. Mayor Cook presented Council Member Hoffman with a plaque for 12 years of dedicated service on the Council.

OATH OF OFFICE: MIKE LEYMAN, CASEY LEWIS AND JULIE SHORT

City Secretary Tracy Norr administered the Oath of Office to Mike Leyman, Casey Lewis and Julie Short.

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

ELECTION OF MAYOR PRO TEM

Tracy Norr provided the Council with ballots to elect a new Mayor Pro Tem. Mayor Cook announced the new Mayor Pro Tem elected was Brent Newsom.

PROCLAMATION

[18-2725](#)

National Police Week

Mayor Cook proclaimed May 13-19, 2018 as National Police Week and presented a proclamation to the Mansfield Police Department. Police Chief Tracy Aaron made brief comments. City Manager Clayton Chandler made brief comments.

[18-2726](#)

Emergency Medical Services Week

Mayor Cook proclaimed May 20-26, 2018 as Emergency Medical Services Week and presented a proclamation to the Mansfield Fire Department. Fire Chief Barry Bondurant made brief comments. Mr. Chandler made brief comments.

PRESENTATIONS

Watermark Award – From Water Street to Water Legacy: 100 Years of Water in Mansfield

Director of Utilities Jeff Price made brief comments regarding the Watermark Award and showed a brief video. He stated the department would not have been able to

receive the award without the hard work of all the Water Department staff.

CITIZEN COMMENTS

James B. Mershon - 420 Chimney Hill Circle - Mr. Mershon spoke about the train noise as well as the construction of homes alongside of a railroad track.

Mike Slataper - 702 Glen Abbey - Mr. Slataper thanked the Council and staff for their dedication to the city. He spoke about the effects of growth in the community.

John Minyard - 633 Douglas - Mr. Minyard spoke about the homestead exemption, housing developments and high taxes.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Council Member Short stated she was happy to be on the Council.

Council Member Lewis had no announcements.

Council Member Moore welcomed the new Council Members.

Mayor Pro Tem Newsom stated he would miss the outgoing Council Members. He welcomed the new Council Members and stated he looked forward to working with them. He reminded everyone early voting had started for the Primary Election.

Council Member Broseh echoed Mayor Pro Tem Newsom's voting comments.

Mayor Cook thanked the outgoing Council Members and welcomed the new ones. He thanked city employees for all they do and thanked the Senior Management Team for their hard work and dedication to the city.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler stated he was celebrating his 34th year of service with the city. He acknowledged past Council Members and the new Council for being able to work along side with them to make Mansfield succeed.

Business Services Department Report

[18-2707](#)

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

Deputy City Manager Peter Phillis made brief comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Broseh to allow the City Manager to proceed with City Council's decision regarding the item discussed in executive session regarding potential acquisition of land. 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

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

18-2729

Resolution - A Resolution Rescinding Funding and Approval of Contract for Development Services with United Properties Southwest

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

A RESOLUTION RESCINDING FUNDING AND APPROVAL OF CONTRACT FOR DEVELOPMENT SERVICES WITH UNITED PROPERTIES SOUTHWEST, LLC.

(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-3468-18

18-2733

Resolution - A Resolution of the City of Mansfield, Texas Finding that Oncor Electric Delivery Company Llc's Application for Approval of a Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code § 25.243 to Increase Distribution Rates Within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE

DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

(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-3469-18

[18-2737](#)

Resolution - A Resolution Awarding a Contract for the Construction of Walnut Creek Drive Right Turn Lane Paving and Signal Improvements (Walnut Creek Drive at Pleasant Ridge Drive) to JLB Contracting, LLC and Authorizing Funding for an Amount Not to Exceed \$235,000.00 (Street Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF WALNUT CREEK DRIVE RIGHT TURN LANE PAVING AND SIGNAL IMPROVEMENTS (WALNUT CREEK DRIVE AT PLEASANT RIDGE DRIVE) TO JLB CONTRACTING, 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-3470-18

[18-2722](#)

Minutes - Approval of the April 23, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the April 23, 2018 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

OLD BUSINESS

18-2680

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PD, Planned Development District to PD, Planned Development District for Retail and Commercial Uses for Property Known as Lot 1, Galloway Addition and Approximately 30.7586 Acres Out of the H. Odele Survey, Abstract #1196 and John Robertson Survey, Abstract #1317, Tarrant County, TX, Totalling Approximately 33.7616 Acres Generally Located at the Southeast Corner of US 287 and E. Broad Street and the West Side of N. Mitchell Road; Randall P. Pogue of Westwood on behalf of Broad Street US 287 and HEB Grocery Co. (ZC#18-008)

City Secretary Tracy Norr read the caption into the record. Westwood representative Randy Pogue made brief comments and answered Council questions. Interim Director of Planning Lisa Sudbury made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions.

A main motion was made by Council Member Newsom to approve the following ordinance with the stipulation that lot 2 not permit a drive through within that area, however; still permit lots 3,4, and 5 as needed:

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 RETAIL 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.

A motion to amend the main motion was made by Mayor Cook to require the applicant to come before the Council with a Specific Use Permit if they want to place anything with a drive-through on lot 2. Seconded by Council Member Leyman. The motion to amend the main motion CARRIED unanimously.

The amended main 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

Enactment No: OR-2085-18

PUBLIC HEARING[18-2727](#)

Public Hearing and Review of a Concept Plan for a Change of Zoning from C-2 Community Business District to PD, Planned Development District for Single-family Detached and Attached Residential on Approximately 23.5 Acres out of the S Callender, Abstract 359, Addition, Tarrant Co., TX, Generally Located West of FM 157, 786 Feet North of House Road at 1300 FM 157 by Nexmetro Communities(ZC#18-012)

Nexmetro Communities representative Dixon Holman made brief presentation and answered Council questions. Mayor Cook opened the public hearing at 9:23 p.m. The following people spoke in opposition of this item:

*John Pressley - 1306 Brittany Lane
Alma Pressley - 1388 Fairhaven Drive*

Mayor Cook recognized the following non-speaker opposed to this item:

Cindy Pressley - 1306 Brittany Lane

With no other wishing to speak, Mayor Cook closed the public hearing at 9:28 p.m.

Mayor Cook recessed the meeting at 9:28 p.m. for a break. Mayor Cook reconvened into regular business session at 9:40 p.m.

PUBLIC HEARING AND FIRST READING[18-2728](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from PR, Pre-Development District and SF-12/22, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on Approximately 68.543 Acres out of the James McDonald Survey, Abstract No. 997, Tarrant County, Texas, Generally Located West of Gertie Barrett Road and North of Linda Jobe Middle School, on Property Addressed at 2789 Gertie Barrett Road; Felix Wong (ZC18-010)

Applicant representative Felix Wong gave a power point presentation and answered Council questions. Mayor Cook opened the public hearing at 10:21 p.m. The following people spoke in opposition:

*William Hodges - 258 Country Meadow Drive
Tamera Bounds - 1009 Meriwether Street
James B. Mershon - 420 Chimney Hill Circle
Darryl Ward - 237 Wildwood Court
Lisa Key - 255 Country Meadow*

Mayor Cook recognized the following non-speakers opposed to this item:

*Matha Milhime - 414 Meadow Creek Drive
Don Nelson - 200 Wildwood Court*

JoAnn Batts - 191 Wildwood Court
Ronnie Batts - 191 Wildwood Court
Sheila Nelson - 200 Wildwood Court
Ken and Karen Hermann - 301 Country Meadow Drive
Kevin Brown - 220 Country Meadow Court
Tina Brown - 220 Country Meadow Court
E. N. (Nate) Wickham - 253 Country Meadow Drive
Debbi Black - 418 Chimney Hill Circle
Doug Black - 418 Chimney Hill Circle
Jerry Milhime - 414 Meadow Creek Drive
Ernie Senn - 301 Wildwood Court
Patricia Senn - 301 Wildwood Court
Buddy and Rachel Roberts - 254 Country Meadow Drive
Linda Hightower - 290 Wildwood Court
David Hightower - 290 Wildwood Court
Cheryl Ward - 237 Wildwood Court
Leo Short - 154 Wildwood Court
Christine Taylor - 229 Oakwood Court

With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 10:45 p.m. The Council requested the following information by the second reading: a breakdown of square footage of the overall lots; that the applicant address the fencing on the north and south boundary of the property.

A motion was made by Council Member Leyman to deny. The motion failed for lack of a second.

A motion was made by Mayor Cook 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 USE, 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; Julie Short; Mike Leyman and Casey Lewis

Nay: 1 - Terry Moore

Abstain: 0

18-2730

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for C-2 Uses on Approximately 11.867 Acres Located at 1200 FM 157; Pete Shopp, Mouser Electronics (ZC#18-009)

Tracy Norr read the caption into the record. FRS Design Group representative Gary Riner made brief comments. Mayor Cook opened the public hearing at 10:59 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:59 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 C-2 COMMUNITY BUSINESS DISTRICT 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING

18-2704

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from SF-7.5/16, Single-Family Residential District, SF-8.4/18, Single-Family Residential District, SF-12/22, Single-Family Residential District and C-2, Community Business District, to PD, Planned Development District for Single-Family Residential, Townhouse and Commercial Uses or Some Intermediate Zoning Classification on Approximately 714.5 Acres, Generally Located East of FM 917, Approximately 1,200 Feet West of South Main Street, Approximately 350 Feet North of English Trail, West of FM 917, Being Northwest from the Intersection of FM 917 and Mesquite Drive, and East of Jessica Drive; Hanover Property Company (ZC#18-004)

Hanover Property Company representative Ben Luedtke made brief comments and answered Council questions. Mesa Design Group representative Aaron Duncan gave a power point presentation and answered Council questions. Mayor Cook continued the public hearing at 11:34 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 11:34 p.m.

A motion was made by Council Member Leyman 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, TOWNHOUSE, 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 Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

NEW BUSINESS

18-2731

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for Dolce Living Mansfield South (now called "Regalia Mansfield") Located at 300-350 N State Highway 360; Steve Thurber of Pace Realty Corporation on Behalf of Regalia South LLC (ZC#12-015A)

Regalia South, LLC representative Mark Mucasey gave a brief presentation and answered Council questions. Lisa Sudbury and Allen Taylor answered Council questions.

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

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 11:48 p.m. 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary