

# CITY OF MANSFIELD

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

# **Meeting Minutes - Final**

# **City Council**

Tuesday, May 29, 2018 5:00 PM Council Chambers

#### **REGULAR MEETING**

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

Mayor Cook called the meeting to order at 5:02 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 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 7:21 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

Receive a Briefing from the City Attorney on Land Use Regulatry Procedures

# 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

**Discussion Regarding Board Appointments** 

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 Project #18-02

Staff Update and Council Discussion Regarding Project #18-05

Staff Update and Council Discussion Regarding Project #18-08

Staff Update and Council Discussion Regarding Project #18-09

Staff Update and Council Discussion Regarding Project #18-10

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

Mayor Cook called the meeting to order at 7:27 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 Moore led the Texas Pledge.

### **PRESENTATION**

Mansfield Volunteer Program (MVP) - City of Mansfield Employee Organization, Lake Ridge High School Football Team, and Mansfield High School Football Team

Deputy City Manager Joe Smolinski gave a brief explanation about the Mansfield Volunteer Program and showed a video of the most recent volunteer project. He recognized the Lake Ridge High School Football Team, Mansfield High School Football Team and the City of Mansfield Employee Organization for their outstanding willingness to help the coach in need. Football coaches and players spoke about their volunteer experience with this project. Volunteer Coordinator Priscilla Sanchez spoke about her role in bringing volunteer projects together.

#### **CITIZEN COMMENTS**

Lance Irwin - 1208 Killian Drive - Mr. Irwin spoke about earthquakes due to gas well drilling.

Cathy Wallace - 3900 Teleport Road, Irving - Ms. Wallace spoke about earthquakes due to gas well drilling.

Mayor Cook recognized the following non-speaker:

Houston Mitchell - 605 Saint Eric Drive - Injection wells

# **COUNCIL ANNOUNCEMENTS**

Council Member Leyman asked for Council support to hold quarterly meeting with the Mansfield Independent School District.

Council Member Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore acknowledged former Council Members Cory Hoffman, Darryl Haynes, and Stephen Lindsey as they watch the meeting on the television.

Mayor Pro Tem Newsom was absent.

Council Member Broseh requested a meeting with the Planning and Zoning Commission in the near future.

Mayor Cook thanked Joe Smolinski for his leadership and thanked Priscilla Sanchez for all of her hard work around the city.

#### **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 Lewis to appoint Council Members Broseh, Moore, Leyman and Lewis; and Tarrant County Commissioner Andy Nguyen to the Tax Increment Reinvestment Zone No. 1 with Council Member Broseh being the Chairman and Council Member Moore being the Vice Chairman. Seconded by Council Member Moore. The motion CARRIED unanimously with Mayor Pro Tem Newsom not present.

A motion was made by Council Member Lewis to appoint Mayor Cook, Mayor Pro Tem Newsom, Council Members Lewis and Short; and Tarrant County Commissioner Andy Nguyen to the Tax Increment Reinvestment Zone No. 2 with Mayor Pro Tem Newsom being the Chairman. Seconded by Council Member Moore. The motion CARRIED unanimously with Mayor Pro Tem Newsom not present.

## **CONSENT AGENDA**

# ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

18-2747

Resolution - A Resolution Authorizing of Funding in an Amount Not to Exceed \$175,000.00 and Approval of a Contract with Freese and Nichols, Inc. for Engineering Design Services to Prepare Seeton Road Roadway and Embankment Improvements at Joe Pool Lake for Public Bidding and Construction (Street Bond Fund)

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$175,000.00 AND APPROVAL OF A CONTRACT WITH FREESE AND NICHOLS, INC. FOR ENGINEERING DESIGN SERVICES TO PREPARE SEETON ROAD ROADWAY AND EMBANKMENT IMPROVEMENTS AT JOE POOL LAKE FOR PUBLIC BIDDING AND CONSTRUCTION (STREET BOND FUND)

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

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

Aye: 6 - David Cook;Larry Broseh;Terry Moore;Julie Short;Mike Leyman and Casey

Lewis

Nay:

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: RE-3472-18

A motion was made by Council Member Moore to approve the minutes of the May 14, 2018 Regular City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 6 - David Cook;Larry Broseh;Terry Moore;Julie Short;Mike Leyman and Casey

Minutes - Approval of the May 14, 2018 Regular City Council Meeting Minutes

Lewis

**Nay**: 0

Absent: 1 - Brent Newsom

Abstain: 0

# **END OF CONSENT AGENDA**

18-2748

#### **OLD BUSINESS**

18-2704

Ordinance - Third and Final 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)

City Secretary Tracy Norr read the caption into the record.

A motion was made by Council Member Lewis to table this agenda item to the July 9, 2018 regular scheduled meeting. Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 5 - Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 1 - David Cook

Absent: 1 - Brent Newsom

Abstain: 0

# **PUBLIC HEARING AND FIRST READING**

18-2743

Ordinance - Public Hearing and First Reading of an Ordinance to Consider a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential Uses on Approximately 52.1225 Acres Situated in the Esquire Hendricks Survey, Abstract #659 & the William H. Herrall Survey, Abstract #724 and Approximately 10.4597 Acres Situated in the Esquire Hendricks Survey, Abstract #659, Altogether Totaling Approximately 62.7195 Acres Generally Located on the West Side of Callender Road, North of the MISD Center for the Performing Arts, and Southeast of the Woodland Estates subdivision; Charles F. Dibrell III of Terra Associates on Behalf of Dolce Vita Development Group, LLC (developer) and ACCP, LP, Michael Balloun, and Urban Contractors (owners) (ZC#17-022)

Tracy Norr read the caption into the record. Terra Associates representative Charles Dibrell gave a power point presentation and answered Council questions. Terra Associates consultant John Pierret made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:17 p.m. The following people spoke in opposition:

Lance Irwin - 1208 Killian Drive Thomas Crouch - 2031 Callender Road Donald D. Clark - 1205 Tremont Street Blake Axen - 2407 Denali Court Charles Marineau - 1206 Killian Drive Nicholas Romero - 1004 Tremont Street

Bill Glacken - 1111 Tremont Street

Christina Drauden - 1110 Meriwether Street

Laurie Flynn - 1827 Callender Hill Road

Chris Hamilton - 9800 Hillwood Parkway, Ste. 250, Fort Worth

Tamera J. Bounds - 1009 Meriwether Street

Susan Johnson - 1105 Tremont Street

Erik Orsak - 906 Tremont Street

Breana Chan - 1111 Meriwether Street

Steven Dill - 903 Killian Drive

Sarah Wilkinson - 1100 Meriwether Street

Mayor Cook recognized the following non-speakers in support of this agenda item:

Nick Smith - 1522 Piedmont Drive

Kevin Hess - 4361 Powers Branch

Max Aguilar - 3051 Matlock Road #12205

Keith Privett - 5416 Paloma Blanca

Chris Elwell - 22 Zachary Court

Mike Futrell - 1000 N. Main Street

Coby Kleinsan - 7153 Granville Drive

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

Rick Beaty - 908 Tremont Street

Samuel Jones - 2400 Cabrillo Lane

Sonya Jones - 2400 Cabrillo Lane

Kathy Cunningham - 405 Summer Trail

Robert Cunningham - 405 Summer Trail

Mark Mowcha - 1812 Callender Hill Road

Keertana Reddy - 1812 Callender Hill Road

Sandra Zachmeyer - 1203 Tremont Street

Paul M. Duncan - 900 Tremont Street

Dyann Campbell - 1206 Ravenna Street

Jane M. Lyon - 2508 Sedona Street

Gary Scott - 2405 Cabrillo Lane

Jan Duncan - 900 Tremont Street

Kevin Flvnn - 1827 Callender Hill Road

James Bounds - 1009 Meriwether Street

Jacqeline Rosckes - 1201 Killian Drive

Justin Okon - 1808 Callender Hill Road

Courtney Borg - 1106 Meriwether Street

Natalie Tims - 1104 Starleaf Drive

Dennis Stroer - 1108 Meriwether Street

Michelle Stoer - 1108 Meriwether Street

Jamel Dorsey - 703 Acadia Street

Keri Guerin - 1105 Meriwether Street

John Guerin - 1105 Meriwether Street

Sen Xu - 806 Bandelier Lane

Herlinda Flores - 1116 Starleaf Drive

Krystal Dorsey - 703 Acadia Street

Kala Schlaegel - 1002 Killian Drive

Todd Schlaegel - 1002 Killian Drive

Bailey Clough - 1109 Starleaf Drivve

Lori Doss - 2405 Denali Court

Larry Doss - 2405 Denali Court

Diane Lindsey - 1111 Tremont Street

Arnold Treadway - 2422 Ravenwood Court

Kevin Brown - 220 Country Meadow Court

Cephus Hill - 704 Bandelier Lane

William F. Daneke - 1204 Ravenna Street

Doris Daneke - 1204 Ravenna Street

Rosa Acevedo - 901 Tremont Street

Tina Brown - 220 Country Meadow Court

Debra Frizzell - 801 Acadia Street

Phillip Worobey - 13 Willowstone Court

Becky Brayton - 1823 Callender Hill Road

Aubrey Richardson - 807 Bandelier Lane

Candace Romero-Axen - 2407 Denali Court

Christie Miller - 807 Killian Drive

Dave and Aurdrey Mason - 806 Acadia Street

James C. Miller - 807 Killian Drive

Jerod and Brandi Parker - 1202 Ravenna Street

Diannia Brightbill - 1101 Meriwether Street

Jim Brightbill - 1101 Meriwether Street

James B. Mershon - 420 Chimney Hill Circle

Alison Britton - 1205 Killian Drive

Darryl Ward - 237 Wildwood Court

Jennifer Haynes - 2411 Denali Court

Joe Haynes - 2411 Denali Court

Angela Dill - 903 Killian Drive

Mark Britton - 1205 Killian Drive

Judy Clark - 1205 Tremont Street

Susan Cawley - 1804 Callender Hill Road

Debbie Black - 418 Chimney Hill Circle

Doug Black - 418 Chimney Hill Circle

Lynda Lotman - 1006 Tremont Street

Amberly Jones - 801 Killian Drive

Vanessa Chavarria - 903 Tremont Street

Jennifer Kendricks - 900 Killian Drive

Donna Mitchell - 605 St. Eric Drive

Joel Wetmore - 1102 Ravenna Street

Michael and Lisa Schuler - 1103 Tremont Street

Kadee Williams - 1007 Meriwether Street

Lindsay Figueroa - 1003 Killian Drive

Mary Ditore - 1102 Meriwether Street

Sam Morton and Kevin - 1211 Tremont Street

Tamara Bennett - 800 Acadia Street

Tyrone Bennett - 800 Acadia Street

Lisa Key - 255 Country Meadow Drive

Dan, Sue and Betsy Jurchenko - 1104 Meriwether Street

Lesha Hampton - 1201 Tremont Street

Myles Zachmeyer - 1203 Tremont Street

Stephen Dragoo - 810 Acadia Street

Krista Dragoo - 810 Acadia Street

Bertha and Felipe Holguin - 1861 Callender Road

Curtis Hendrick - 1207 Killian Drive

Jerrilynn Hendrick - 1207 Killian Drive

Mayor Cook continued the public hearing through second reading at 9:45 p.m. City Attorney Allen Taylor made comments regarding the zoning of the property being discussed.

Mayor Cook recessed the meeting for a break at 9:45 p.m. Mayor Cook reconvened into regular business session at 9:54 p.m.

A motion was made by Council Member Moore to table this agenda item for 60 days. Seconded by Council Member Leyman. The motion CARRIED by the following vote:

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

**Nay**: 0

Absent: 1 - Brent Newsom

Abstain: 0

# **NEW BUSINESS**

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for Pioneer Place PD (ZC#16-026A)

Pioneer Place representative Dr. Michael Evans made brief comments.

A motion was made by Council Member Broseh to approve this agenda item. Seconded by Council Member Short. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

18-2745 Request for Special Event Permit: Meat, Mugs & Music

The LOT Downtown representative Justin Gilmore made brief comments and answered Council questions.

A motion was made by Council Member Moore approved the request for special event permit. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

18-2746

Ordinance - First Reading of an Ordinance Approving a Request to Abandon a Portion of a Utility Easement Along North Main Street at 715 North Main Street to Main Street Lofts, L.P.

Tracy Norr read the caption into the record. City Engineer Raymond Coffman made brief comments and answered Council questions.

A motion was made by Council Member Moore to approve the first reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT RELATING TO MAIN STREET LOFTS ADDITION, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 6 - David Cook;Larry Broseh;Terry Moore;Julie Short;Mike Leyman and Casey

Lewis

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

18-2750 Request for Special Event Permit: Eubanks Snow Cones

Eubanks Snow Cones owner Will Eubanks made brief comments and answered Council questions. Allen Taylor made comments and answered Council questions related to food trucks.

A motion was made by Council Member Moore to approve the request for special event permit. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 6 - David Cook;Larry Broseh;Terry Moore;Julie Short;Mike Leyman and Casey

Lewis

**Nay**: 0

Absent: 1 - Brent Newsom

Abstain: 0

#### PUBLIC HEARING CONTINUATION AND SECOND READING

18-2728

Ordinance - Continuation of a Second 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 (ZC#18-010)

Applicant representative Felix Wong gave a brief presentation and answered Council questions. Allen Taylor made comments addressing sending this item back to the Planning and Zoning Commission for further review. Assistant Director of Public Works David Boski and Raymond Coffman answered Council questions regarding traffic along Gertie Barrett Rd. Mayor Cook continued the public hearing through second reading at 10:40 p.m. The following people spoke:

Darryl Ward - 237 Wildwood Court - Opposed Christine Taylor - 229 Oakwood Court - Opposed Pat Senn - 301 Wildwood Court - Opposed James Mershon - 420 Chimney Hill Circle - Opposed William Hodges - 258 Country Meadows Court - Opposed Lisa Key - 255 Country Meadow Court - Opposed Tina Brown - 220 Country Meadow Court - Opposed

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

Ronnie Batts - 191 Wildwood Court JoAnn Batts - 191 Wildwood Court Cheryl Ward - 237 Wildwood Court Christie Miller - 807 Killian Drive James C. Miller - 807 Killian Drive Kadee Williams - 1007 Meriwether Street Jerod and Brandi Parker - 1202 Ravenna Michael and Lisa Schuler - 1103 Tremont Street Lindsay Figueroa - 1003 Killian Drive Jason and Mary Ditore - 1102 Meriwether Street Lesha Hampton - 1201 Tremont Street Alison Britton - 1205 Killian Drive Larry Kincade - 1000 Tremont Street Mark Britton - 1205 Killian Drive Isaac and Richard Chan - 1111 Meriwether Street Martha Milhime - 414 Meadow Creek Drive Jerry Milhime - 414 Meadow Creek Drive Kevin Brown - 220 Country Meadow Court David Hightower - 290 Wildwood Court Linda Hightower - 290 Wildwood Court Todd Schlaegel - 1002 Killian Drive Kala Schlaegel - 1002 Killian Drive Debbie Black - 418 Chimney Hill Circle Doug Black - 418 Chimney Hill Circle

With no others wishing to speak, Mayor Cook closed the public hearing at 11:05 p.m.

A motion was made by Council Member Leyman to refer this item back to the Planning and Zoning Commission to review the revised plan. The motion FAILED for lack of a second.

A motion was made by Council Member Short 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 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 Mayor Cook. The motion TIED by the following vote:

Aye: 3 - David Cook; Larry Broseh and Julie Short

Nay: 3 - Terry Moore; Mike Leyman and Casey Lewis

Absent: 1 - Brent Newsom

Abstain: 0

# 18-2730

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 on Approximately 11.867 Acres Located at 1200 FM 157; Pete Shopp, Mouser Electronics (ZC#18-009)

Mayor Cook continued the public hearing at 11:21 p.m. Mayor Cook acknowledged the following non-speaker opposed to this agenda item:

Alfred Maldonado - 1821 Callender Road

With no one wishing to speak, Mayor Cook closed the public hearing at 11:21 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 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 Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

### **ADJOURN**

A motion was made by Council Member Lewis to adjourn the meeting at 11:22 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

**Nay**: 0

	Absent:	1 -	Brent Newsom	
	Abstain:	0		
ATTEST:				David L. Cook, Mayor
				Tracy Norr, City Secretary