



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, June 11, 2018

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:15 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:17 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:22 p.m. Mayor Cook adjourned executive session at 7:34 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 Republic Waste Services Contract Proposal

Seek Advice of City Attorney Regarding HB40

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 7:42 p.m.

INVOCATION

Mansfield House of Prayer representative Grace Abbey 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.

CITIZEN COMMENTS

Darryl Ward - 237 Wildwood Court - Spoke in opposition of agenda item 18-2728.

Richard Keffer - 153 Wildwood Court - Spoke in opposition of agenda item 18-2728.

James Mershon - 420 Chimney Hill Circle - Spoke in opposition of agenda item 18-2728.

Lisa Key - 255 Country Meadow Court - Spoke in opposition of agenda item 18-2728.

Leo Short - 154 Wildwood Court - Spoke in opposition of agenda item 18-2728.

Mayor Cook recognized the following non-speakers in opposition of agenda item 18-2728:

*Tina and Kevin Brown - 220 Country Meadow Court
Sherri McCullough - 267 Country Meadow Drive
Kathryn E. McCullough - 267 Country Meadow Drive
Mr. and Mrs. Don Nelson - 200 Wildwood Court
David Hightower - 290 Wildwood Court
Linda Hightower - 290 Wildwood Court
Cheryl Wood - 237 Wildwood Court
Kathy Pilson - 405 Lantern Ridge Drive
Martha Milhime - 414 Meadow Creek Drive
Dwain Batts - 191 Wildwood Court
JoAnn Batts - 191 Wildwood Court
Ernie Senn - 301 Wildwood Court
Pat Senn - 301 Wildwood Court
Toni Short - 154 Wildwood Court
Ken Merett - 410 Chimney Hill Circle*

*Deborah Merett - 410 Chimney Hill Circle
Mary McGuire - 340 Wildwood Court
Patricia Morris - 276 Wildwood Court
Jeanine Brazell - 262 Country Meadow Drive
Scott Morris - 251 Wildwood Court
Kevin Cullers - 260 Country Meadow Drive
Eddie Smith - 266 Country Meadow Drive
Vicky Perdue - 420 Country Meadow Drive*

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Council Member Short had no announcements.

Council Member Lewis thanked the citizens for their patience in getting the meeting started late. He thanked city staff for making arrangements to record the work session held on June 6, 2018 and for making it available to the public.

Council Member Moore echoed Council Member Lewis' comments.

Mayor Pro Tem Newsom had no announcements.

Council Member Brose had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Rockin' 4th of July Update – Ann Beck

Parks and Recreation Marketing and Communications Manager Ann Beck extended an invitation for the 11th Annual Rockin' 4th of July Event to be held on Tuesday, July 3, 2018 at Big League Dreams from 7:00 p.m. to 10:00 p.m. City Manager Clayton Chandler thanked the School District for their participation in providing school buses for this event.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[18-2730](#)

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

City Secretary Tracy Norr read the caption into the record.

A motion was made by Council Member Moore 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 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

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

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

Enactment No: OR-2086-18

[18-2746](#)

Ordinance - Second 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.

A motion was made by Council Member Moore to approve the second 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: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2087-18

[18-2753](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Motor Vehicle Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force

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

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLES AUTO BURGLARY AND THEFT PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE

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

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

Enactment No: RE-3473-18

[18-2755](#)

Minutes - Approval of the May 29, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the May 29, 2018 Regular City Council Meeting as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[18-2760](#)

Resolution - A Resolution Awarding a Contract for the Construction of South Main St. 12" & 8" Water Line Improvements (South Main St., Hunt St. and South 2nd Ave.) to A&M Construction and Utilities, Inc., for Construction and Authorizing Funding for an Amount Not to Exceed \$1,162,131.08 (Utility Bond Fund)

Mayor Cook removed this item from the consent agenda. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions.

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

A RESOLUTION AWARDED A CONTRACT FOR THE CONSTRUCTION OF SOUTH MAIN ST. 12" & 8" WATER LINE IMPROVEMENTS (SOUTH MAIN ST., HUNT ST. AND SOUTH 2ND AVE.) TO A&M CONSTRUCTION AND UTILITIES, INC., 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-3474-18

[18-2754](#)

Request for Special Event Permit: Rockin' 4th of July

Council Member Leyman removed this item from the consent agenda. He commended staff and Council for their this event.

A motion was made by Council Member Leyman 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

END OF CONSENT AGENDA

OLD BUSINESS

[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 power point presentation and answered Council questions. Director of Public Works Bart VanAmburgh answered questions regarding the cut through street. Mayor Cook recessed the discussion on this agenda item to be brought back after the following agenda item to give the applicant time to consider postponement of this item for 30 days.

PUBLIC HEARING AND FIRST READING

[18-2758](#)

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 Uses on Approximately 15.08 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 Miar Road and the South Side of Grand Meadow Boulevard.; Noah Flabiano of Skorburg Company on behalf of Patricia A. Albright and Johnson Collins (ZC#18-014)

Tracy Norr read the caption into the record. Skorburg Company representative Noah Flabiano gave a power point presentation and answered Council questions. Interim Director of Planning Lisa Sudbury answered Council questions. Skorburg Company representative Adam Buczek answered Council questions. Mayor Cook opened the public hearing at 9:19 p.m. The following person spoke:

Johnson Collins - 4831 Sunset Drive - Support

With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:20 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 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:

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

Nay: 2 - Terry Moore and Mike Leyman

Abstain: 0

OLD BUSINESS

18-2728

Ordinance -Third and Final 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 stated postponement was not an option. Director of Parks and Recreation Matt Young answered questions regarding the bike route and signage.

A motion was made by Council Member Newsom 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," with the stipulation that approval be acquired from TxDOT for the cut through street between Gertie Barrett Road and Business 287 prior to the construction of any internal roads of the proposed project. Seconded by Council Member Short.

A motion to amend the main motion was made by Council Member Broseh that the PD still be contingent upon TxDOT approval; that the northern most lots sizes remain as shown in the current PD plan as well as the single story homes; and that the remainder lots be a minimum of 9,000 sq. ft. with a minimum of 2,400 sq. ft. home size. Seconded by Mayor Pro Tem 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

The amended main motion CARRIED by the following vote:

Aye: 4 - David Cook; Larry Broseh; Brent Newsom and Julie Short

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

Abstain: 0

Mayor Cook recessed the meeting for a break at 9:43 p.m. Mayor Cook reconvened into regular business session at 9:49 p.m.

PUBLIC HEARING AND FIRST READING

18-2759

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 Senior Living Uses on Property Known as Lots 6 - 9, Block 1, Matlock Center Addition and Approximately 4.15 Acres out of the Henry McGhee Survey, Abstract No. 998, Totaling 6.56 Acres Located at 1107-1110 Alexis Court, 1701 Country Club Drive, and 2273 Matlock Road; Felix Wong on behalf of Kingdom Work Foundation (ZC#18-015)

Applicant representative Felix Wong gave a brief power point presentation and answered Council questions. Arrive Architecture Group representative Marc Tolson gave a brief power point presentation and answered Council questions. Lisa Sudbury answered Council questions. Mayor Cook opened the public hearing at 10:15 p.m. The following people spoke:

*Dr. Melody Huffman - 1301 Wren Drive - opposed
Malorie Dawson - 1700 Hastings Drive - opposed
Truston Baba - 1801 Callendar Hill
Andrew Hudson - 1702 Hastings Drive - opposed*

Mayor Cook acknowledged the following non-speaker:

Marino Serrano - 1208 Chapel Hill Drive - opposed

With no others wishing to speak, Mayor Cook continued the public hearing at 10:26 p.m.

A motion was made by Council Member Leyman 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 SENIOR LIVING 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 Short. The motion FAILED by the following vote:

Aye: 2 - Julie Short and Mike Leyman

Nay: 5 - David Cook; Larry Broseh; Brent Newsom; Terry Moore and Casey Lewis

Abstain: 0

NEW BUSINESS

18-2757

Consideration of a request to revise the Development Standards for Mill Valley to eliminate the minimum front facing attached garage setback requirement for property generally located between S. Matlock Road and SH 360, and south of Harmon Road; Jabez Development (ZC#16-010A)

Rendition Homes representative Bruce French made brief comments and answered Council questions. Lisa Sudbury answered Council questions. City Manager Clayton Chandler made brief comments.

A motion was made by Council Member Moore to approve with the minimum floor area of the Village product be 2,000 sq. ft.; minimum Township product be 2,000 sq. ft.; and the minimum Manor product be 2,200 sq. ft. 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: 1 - Brent Newsom

Abstain: 0

18-2761

Discussion and Possible Action Regarding Quarterly Meetings with Mansfield Independent School District

A motion was made by Mayor Cook to appoint Council Member Leyman, Mayor Pro Tem Newsom, and Council Member Terry Moore to a subcommittee to meet with a three member subcommittee of the Mansfield Independent School Board at a time when City Manager Clayton Chandler and MISD Superintendent Dr. Vaszauskas deem appropriate for discussions to be had regarding the planning of agendas. 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

ADJOURN

A motion was made by Council Member Broseh to adjourn the meeting at 10:58 p.m. 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary