



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, June 25, 2018

5:00 PM

Council Chambers

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#### REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:05 p.m.*

**Present** 7 - David Cook; Larry Brose; 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 5:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:16 p.m. Mayor Cook adjourned the executive session at 6:51 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 M3 Ranch Development

#### **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**

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

*Mayor Cook reconvened into regular business session at 7:05 p.m.*

### **INVOCATION**

*St. John Lutheran Church Senior Pastor Jon Thomas gave the Invocation.*

### **PLEDGE OF ALLEGIANCE**

*Council Member Broseh 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.*

### **PRESENTATION**

Back the Blue - Mansfield Independent School District Presentation of the Back the Blue Support Plaque

*Mansfield Independent School District Director of Foundation Grants Lynn Wilkie presented a plaque to the Mansfield Police Department for their help in providing an armed Police Officer for every campus at the end of the school year.*

### **PROCLAMATION**

#### **[18-2778](#)**

#### **National Park and Recreation Month**

*Mayor Cook proclaimed July 2018 as National Parks and Recreation Month and presented a proclamation to Mansfield Park Facilities Development Corporation Members and Parks Department staff. MPFDC President Harold Bell introduced Board Members present and thanked Park Department staff for their hard work and dedication. Director of Parks and Recreation Matt Young introduced staff and spoke about upcoming events for the months of July and August. City Manager Clayton Chandler expressed his appreciation to Board Members and Park staff for their dedication to the city.*

### **CITIZEN COMMENTS**

*Rick Weintraub - 3310 Abbey Road - Mr. Weintraub spoke about the street lights.*

*Darryl Ward - 237 Wildwood Court - Mr. Ward spoke in opposition of agenda item 18-2728.*

*John Pressley - 1306 Brittany Lane - Mr. Pressley gave an update on the Pickle Parade and Palooza event for 2019.*

*Pat Senn - 301 Wildwood Court - Ms. Senn spoke in opposition of agenda item 18-2728.*

*Ernie Senn - 301 Wildwood Court - Mr. Senn spoke in opposition of agenda item 18-2728.*

*Robert Sherrill - 2789 Gertie Barrett Road - Mr. Sherrill spoke in support of agenda item 18-2728.*

*Richard Keffer - 153 Wildwood Court - Mr. Keffer spoke in opposition of agenda item 18-2728.*

*Lee Black - 389 Wildwood Court - Mr. Black spoke in support of agenda item 18-2728.*

*James Mershon - 420 Chimney Hill Circle - Mr. Mershon spoke in opposition of agenda item 18-2728.*

*Lisa Key - 255 Country Meadow Drive - Mrs. Key spoke in opposition of agenda item 18-2728.*

*Felix Wong - 2604 Aberdeen Drive - Mr. Wong spoke as the applicant of agenda item 18-2728. He gave a power point presentation and an update on the changes made to the proposed development.*

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

*Cheryl Ward - 237 Wildwood Court  
Linda Hightower - 290 Wildwood Court  
David Hightower - 290 Wildwood Court  
JoAnn Batts - 191 Wildwood Court  
Dwain Batts - 191 Wildwood Court  
Tom Marshall - 414 Chimney Hill Circle  
Don and Sheila Nelson - 200 Wildwood Court  
Doug Black - 418 Chimney Hill Circle  
Debbie Black - 418 Chimney Hill Circle  
Martha Milhime - 414 Meadow Creek Drive  
Jerry Milhime - 414 Meadow Creek Drive  
William Hodges - 258 Country Meadow Drive  
Patricia Morris - 276 Wildwood Court  
Mary McGuire - 240 Wildwood Court  
Toni Short - 154 Wildwood Court  
Leo Short - 154 Wildwood Court  
Tammy Cullers - 260 Country Meadow Drive  
Kevin M. Cullers - 260 Country Meadow Drive  
Celeste Smith - 2141 Gertie Barrett Road  
Rex and Mary Heflin - 2803 Gertie Barrett Road  
Tina and Kevin Brown - 220 Country Meadow Court*

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

*Cristal Sherrill - 2789 Gertie Barrett Road  
Kalee Sherrill - 2789 Gertie Barrett Road*

## **COUNCIL ANNOUNCEMENTS**

*Council Member Leyman encouraged residents to attend the Rockin' 4th of July Event.*

*Council Member Short had no announcements.*

*Council Member Lewis congratulated The Lot Downtown for their Spring Concert Series that just ended and encouraged residents to attend the upcoming Fall Concert Series.*

*Council Member Moore had no announcements.*

*Mayor Pro Tem Newsom had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

#### **Current/Future Agenda Items**

*Director of Public Works Bart VanAmburgh discussed the temporary closing of 5th Avenue for construction.*

## **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action was taken by the Council.**

## **CONSENT AGENDA**

### **[18-2746](#)**

Ordinance - Third and Final 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.

*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 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**

**(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-2087-18

[18-2771](#)

Resolution - A Resolution Approving an Amendment to the Contract for Design Services with CK Group, Inc. for Turner Warnell Rd. Improvements for an Amount not to Exceed \$49,031.00 (Street Bond Fund)

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

**A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR DESIGN SERVICES WITH CK GROUP, INC. FOR TURNER WARNELL RD. IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$49,031.00**

**(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-3475-18

[18-2772](#)

Resolution - A Resolution Awarding the Reyes Group Ltd. as the Low Bidder for Miscellaneous City Wide Asphalt Repairs (Street Department Maintenance Budget - General Fund)

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

**A RESOLUTION OF THE CITY OF MANSFIELD AWARDING MISCELLANEOUS CITY WIDE ASPHALT REPAIRS TO REYES GROUP, LTD.**

**(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-3476-18

[18-2768](#)

Minutes - Approval of the June 11, 2018 Regular City Council Meeting Minutes

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

[18-2775](#)

Minutes - Approval of the June 6, 2018 Special City Council Meeting Minutes

**A motion was made by Council Member Moore to approve the minutes of the June 6, 2018 Special 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**

[18-2774](#)

Resolution - A Resolution to Consider Approving Change Order #1 to the Construction Contract With Muckleroy & Falls in the Amount of \$81,635 for Additional Construction Items Related to the Parks and Recreation Administration Building

*Council Member Lewis removed this item from the consent agenda. Matt Young made brief comments and answered Council questions.*

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

**RESOLUTION TO CONSIDER APPROVING CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH MUCKLEROY & FALLS OF FORT WORTH, TEXAS IN THE AMOUNT OF \$81,635 FOR ADDITIONAL CONSTRUCTION ITEMS RELATED TO THE PARKS AND RECREATION ADMINISTRATION BUILDING**

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

**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: RE-3477-18

**END OF CONSENT AGENDA****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)

*Tracy Norr read the caption into the record. Interim Director of Planning Lisa Sudbury made brief comments and answered Council questions. Director of Public Works Bart VanAmburgh answered Council questions regarding the cut through street. Applicant representative Felix Wong answered Council questions. City Attorney Allen Taylor answered Council questions regarding zoning.*

**A motion was made by Council Member Short to approve this agenda item.  
The motion FAILED for lack of a second.**

**A motion was made by Council Member Leyman to deny this agenda item.  
The motion FAILED for lack of a second.**

**The Procedural Rules of Council were suspended for discussion.**

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

**Aye:** 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Mike Leyman and Casey Lewis

**Nay:** 1 - Julie Short

**Abstain:** 0

**PUBLIC HEARING AND FIRST READING****[18-2767](#)**

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 Attached Townhomes on Approximately 3.56 Acres Situated in the James Grimsley Survey, Abstract #578, Generally Located at 1802 Mansfield Webb Road; James Johnston of Black Ocean Dev Holdings, LLC (ZC#18-013)

*Tracy Norr read the caption into the record. Applicant representative Felix Wong gave a power point presentation and answered Council questions. Mayor Cook opened the public hearing at 9:09 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:10 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 ATTACHED TOWNHOMES, 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

### **PUBLIC HEARING CONTINUATION AND SECOND READING**

#### **18-2758**

Ordinance - Public Hearing Continuation and Second 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)

*Skorburg Company representatives Noah Flabiano and Adam Buczek gave a power point presentation and answered Council questions. Mayor Cook continued the public hearing at 9:39 p.m. The following person spoke:*

*Ronnie Nowell - 317 Bowles Court - Support*

*Mayor Cook recognized the following non-speakers in support:*

*Johnson Collins - 4831 Sunet Drive*

*Brenda Collins - 4831 Sunset Drive*

*With no others wishing to speak, Mayor Cook closed the public hearing at 9:42 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," with the inverted road plan provided to the Council during the meeting. Seconded by Council Member Newsom. 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

Enactment No: OR-2089-18

## **NEW BUSINESS**

### **18-2770**

Review and Consideration of the Detailed Site Plan for Texas Health Resources Hospital at SouthPointe by Texas Health Resources on Approximately 38.236 Acres, Generally Located East of U.S. Hwy 287 and South of Lone Star Road by Beck Architects (DS#18-003)

*Texas Health Resources representatives Levi Schmidt, Jennifer Cole, and Zach Miller gave a power point presentation and answered Council questions. Lisa Sudbury answered Council questions.*

**A motion was made by Mayor Cook to approve this agenda item striking the provision that proposes the delay of the tree plantings in the Southeast corner until residential development occurs in South Pointe and insert that the area of landscaping will be approved by the Landscape Administrator of the city in conformance with the landscape plan; and to allow staff to review and approve the signage plan or to be brought back to the Council if it can not be agreed upon. 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

## **WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM**

Discussion Regarding Service Waste Contract

*Republic Waste Services representative Vince Hrabal gave a power point presentation and answered Council questions. Mr. Chandler made brief comments. There was Council consensus to place an item regarding this issue on the first agenda in August.*

## **NEW BUSINESS**

### **18-2769**

Consideration of a Request for a Modification of the Approved Planned Development District Standards to Revise the Provisions Related to Accessory Buildings on Property Located at 307 W. Kimball Drive; Felix Wong (ZC#17-015A)

*Mayor Cook stated he would be abstaining from this agenda item and turned it over to Mayor Pro Tem Newsom. Applicant representative Felix Wong gave a presentation and answered Council questions.*

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

**Aye:** 5 - Larry Broseh; Brent Newsom; Terry Moore; Mike Leyman and Casey Lewis

**Nay:** 0

**Abstain:** 2 - David Cook and Julie Short

[18-2779](#)

Discussion of Potential Zoning Ordinance Change to Section 4600  
Community Guideline Standards Paragraph D Section 15

*Council Member Lewis made comments regarding the zoning ordinance. Lisa Sudbury made comments and answered Council questions. There was Council consensus to add this to the joint work session to be held with the Planning and Zoning Commission.*

**ADJOURN**

**A motion was made by Mayor Pro Tem Newsom to adjourn the meeting at 10:48 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

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Tracy Norr, City Secretary