



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, July 9, 2018

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:03 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Mayor Cook adjourned the executive session at 7:09 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 and 380 Agreement

Seek Advice of City Attorney Regarding Procedural Processes Related to the Issuing of Financial Obligations

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

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 7:15 p.m.

INVOCATION

Living Church Pastor Whitney Barth gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Newsom 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

Mansfield Commission for the Arts Grant Award Recipients - The Lot Downtown, Legacy High School Theatre, and Mainstage Classic Theatre

Cultural Arts Supervisor Rosalie Gilbert gave a brief update on the Mansfield Commission for the Arts efforts to raise money to provide grants. She recognized current and past board members thanking them for their hard work and dedication putting grant policies and procedures together. She introduced the Board President Robert Putman, and Board Members Christopher Bryant and Danielle Phillips, and a member of the Grant Review Committee Emilie Buske. Robert Putman and Board Members presented the following grants:

*The LOT Downtown - \$2,162
Legacy High School Theatre - \$1,350
Mainstage Classic Theatre - \$3,500*

Mayor Cook thanked the Commission for exceeding Council's expectation in representing the Arts in Mansfield.

Special Recognition

Fire Chief Barry Bondurant recognized Chief Eric Peterson for 35 years of dedicated service to the city. Mayor Cook proclaimed July 31, 2018 as Chief Eric Peterson Day in Mansfield and presented a proclamation to Chief Peterson. City Manager Clayton Chandler thanked Chief Peterson for his service and dedication. Chief Peterson made brief comments.

Mayor Cook thanked Mr. Chandler for his dedication and hard work in making the SH360 corridor possible. He presented a replica of the plaque dedicated to late Senator Chris Harris which sits on the Broad Street overpass.

CITIZEN COMMENTS

Truston Baba - 1801 Callender Hill Road - Living Church Pastor Truston Baba thanked city staff for the Rockin' 4th of July Event held on July 3, 2018.

Steve Nelson - 257 Carlin Road - Mr. Nelson made comments regarding the Shops at Broad Development. He requested an update from staff.

COUNCIL ANNOUNCEMENTS

Council Member Leyman made comments regarding his attendance at the Historic Mansfield Business Association. He stated the association will be having an event in August and are looking for volunteers to sit in the dunking booth.

Council Member Short thanked Pastor Truston Baba for their volunteer participation in the Rockin' 4th of July Event.

Council Member Lewis had no announcements.

Council Member Moore thanked Council Member Leyman for volunteering to sit in the dunking booth.

Mayor Pro Tem Newsom complimented Director of Utilities Jeff Price and his staff for the Water Quality Report. He expressed his appreciation for staff and all their hard work putting the report together.

Council Member Broseh had no announcements.

Mayor Cook asked staff to reach out to Steve Nelson and address any concerns he may have.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler addressed comments made during citizen comments regarding the Shops at Broad stating staff will make sure the developer complies with the Planned Development Standards. He expressed appreciation to Park Superintendent Toby Fojtik and the park crews, and Big League Dreams staff for their hard work cleaning the fields after the event.

Deputy City Manager Joe Smolinski gave an update on the Shops at Broad development mentioning Academy Sports was scheduled to open in September as well as At Home. He mentioned the Mansfield Starcenter had been turned over to the Dallas Stars on July 1, 2018 and made brief comments regarding the marquee sign. He gave an update on Broad Street construction.

Staff Update Regarding Water Quality Report - Joe Smolinski and Jeff Price

Joe Smolinski gave an update on the Texas Commission on Environmental Quality's regulatory requirement of cities to provide an annual Water Quality Report. He spoke in detail about the requirements of the report as well as other topics put in the report as extra. He acknowledged staffs commitment to putting out as much information as possible to inform residents. He discussed the cost of printing the report and answered Council questions.

Staff Update Regarding Citizen Survey Related to Trash Service Proposals

Deputy City Manager Peter Phillis provided a brief update on the citizen survey regarding the trash service proposals. He stated the survey would be available on July 10, 2018 and end on August 6, 2018 stating it was available on the city's website. He asked Council to direct any questions they receive to staff. Staff answered Council questions regarding previous waste providers.

Staff Update and Invitation for Texas Firefighters Games - July 15-20, 2018 - Barry Bondurant and Theresa Cohagen

Barry Bondurant briefly discussed and extended an invitation to the Texas Firefighters Games which will be hosted in Mansfield for the second time. The games will take place from July 15-20, 2018 with an opening ceremony taking place on Sunday, July 15, 2018 at 11:00 a.m. at the Big League Dreams Soccer pavilion. Barry gave brief history on how the games began and provided details on the events that will take place.

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Code Enforcement, Communications and Marketing, Library, Mansfield Convention and Visitors Bureau

There was no discussion regarding the quarterly reports.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[18-2787](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$778,890.00 and Approval of Contracts, Including Design Services with Freese and Nichols, Inc., and Surveying Services with Brittain & Crawford, to Prepare Holland Road Improvements (Stonebriar Trail to Garden Path Lane) for Public Bidding and Construction (Street Bond Fund)

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$778,890.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH FREESE AND NICHOLS, INC. AND SURVEYING SERVICES WITH BRITTAIN AND CRAWFORD TO PREPARE HOLLAND ROAD IMPROVEMENTS (STONEBRIAR TRAIL TO GARDEN PATH LANE) FOR PUBLIC BIDDING AND CONSTRUCTION (STREET BOND FUND)

(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-3478-18

[18-2789](#)

Resolution- A Resolution Authorizing an Engineering Services Agreement with Alan Plummer Associates Inc for Construction Administration Services Relating to the 3.5 Million Gallon Clearwell Project and for Design and Construction Administration Services for the 36" Upper-Pressure Plane Finished Water Pipeline Project for an Amount Not to Exceed \$998,502.00 (Utility Fund)

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

A RESOLUTION AUTHORIZING AN ENGINEERING SERVICES AGREEMENT WITH ALAN PLUMMER ASSOCIATES INC. FOR CONSTRUCTION ADMINISTRATION SERVICES RELATING TO THE 3.5 MILLION GALLON CLEARWELL PROJECT AND FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE 36" UPPER PRESSURE PLANE FINISHED WATER PIPELINE PROJECT FOR AN AMOUNT NOT TO EXCEED \$998,502.00

(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-3479-18

[18-2780](#)

Minutes - Approval of the June 25, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Leyman to approve the minutes of the June 25, 2018 Regular City Council Meeting as presented. 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

[18-2791](#)

Minutes - Approval of the June 27, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Leyman to approve the minutes of the June 27, Special City Council meeting as presented. 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

[18-2790](#)

Request for Special Event Permit: Texas Firefighter Games and Concert

A motion was made by Council Member Leyman to approve the request for special event permit. 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

END OF CONSENT AGENDA

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. Interim Director of Planning Lisa Sudbury gave a brief presentation and answered Council questions. Hanover Property Company representative Ben Luedtke gave a powerpoint presentation and answered Council questions. City Attorney Allen Taylor answered Council questions.

Mayor Cook recessed the meeting at 9:38 p.m. for a break. Mayor Cook reconvened into regular business session at 9:47 p.m.

Mesa Design Group representative Aaron Duncan made comments and answered Council questions. Director of Public Works answered Council questions.

A main motion was made by Council Member Moore to approve the following ordinance with the following requirements: a 6/12 roof pitch on the town homes; three trees instead of two be placed on 1A lots with the tree being as

specified by the developer but being the responsibility of the builder and to the extent that it is approved by staff; that there be ownership limitations and leasing limitations on the town homes; the alley be a minimum of 12 feet wide; developer to install and maintain ingress/egress cameras in the alleys; and that no house shall be closer than 250 feet from well heads:

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

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

Seconded by Council Member Leyman.

A motion to amend the main motion was made by Council Member Lewis to replace the board on board fencing with masonry along the road south of the amenity center down to the town homes and out of the neighborhood.

Seconded by Council Member Leyman. The motion to amend the main motion CARRIED by the following vote:

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

Nay: 1 - Brent Newsom

The amended main 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-2088-18

[18-2758](#)

Ordinance - Third and Final 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 Skoburg Company on behalf of Patricia A. Albright and Johnson Collins (ZC#18-014)

Tracy Norr read the caption into the record. Lisa Sudbury made brief comments. Skoburg Company representative Noah Flabiano gave a brief presentation and answered Council questions.

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 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

(Ordinance 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: OR-2089-18

PUBLIC HEARING AND FIRST READING

18-2786

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from I-1 Light Industrial District to PD Planned Development District for Office and Mini-Warehouse Uses on Approximately 4.36 Acres Situated in the Samuel C. Neill Survey, Abstract No. 1159, Generally Located at 4101 Britton Road; Steven R. Homeyer of Homeyer Engineering, Inc. on Behalf of Kevin Butler of Butler & Butler Construction, LLC (ZC#18-016)

Tracy Norr read the caption into the record. Lisa Sudbury made a brief presentation. Homeyer Engineering, Inc. representative Steven Homeyer made brief comments and answered Council questions. APDG Architect representative Trent Clark answered Council questions. Mayor Cook opened the public hearing at 10:26 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:26 p.m.

A motion was made by Council Member Short 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 OFFICE AND MINI-WAREHOUSE 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 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 1 - David Cook

Abstain: 0

Enactment No: OR-2091-18

PUBLIC HEARING CONTINUATION AND SECOND READING

18-2767

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 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)

Lisa Sudbury gave a brief presentation. Applicant representative Felix Wong gave a brief presentation and answered council questions. City Attorney Allen Taylor answered Council questions. Mayor Cook continued the public hearing through second reading at 10:47 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:47 p.m.

A motion was made by Council Member Lewis 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 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 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-2090-18

NEW BUSINESS

18-2784

Propose Discussion Between Mayor, Council Members and Staff Mgmt. to Determine if Existing Zoning Plans in Place are Adequate to our Transitioning City and Whether it is Prudent to Adapt New Specifications

Council directed staff to coordinate a calendar invite for a joint work session between the Council and the Planning and Zoning Commission to discussion planning and zoning issues.

18-2792

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Approving a Chapter 380 Economic Development Agreement with M-3 Ranch Development, Inc. for Infrastructures and Improvements Within and Related to

a M-3 Ranch Development; and Providing an Effective Date

Peter Phillis made brief comments and answered Council questions.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH
M-3 RANCH DEVELOPMENT, INC. FOR INFRASTRUCTURES AND
IMPROVEMENTS WITHIN AND RELATED TO A M-3 RANCH DEVELOPMENT; AND
PROVIDING AN EFFECTIVE DATE**

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

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

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

Nay: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3480-18

ADJOURN

A motion was made by Council Member Lewis to adjourn the meeting at 11:08 p.m. 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary