



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, September 24, 2018

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

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

Absent 1 - Casey Lewis

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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:01 p.m. Mayor Cook called the executive session to order in the Council Conference room at 5:08 p.m. Mayor Cook adjourned the executive session at 6:54 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 City Charter Provisions for City Council Actions and/or Activities

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

Land Acquisition for Future Development (Addendum to Agenda)

Personnel Matters Pursuant to Section 551.074

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

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

Mayor Cook reconvened into regular business session at 7:01 p.m.

INVOCATION

Church on Rush Creek Pastor Scott Oldenburg 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 Short led the Texas Pledge.

PROCLAMATION

[18-2901](#)

National Fire Prevention Week

Mayor Cook proclaimed October 7-13, 2018 as National Fire Prevention Week and presented a proclamation to Mansfield Fire Department staff. Fire Chief Barry Bondurant made brief comments. Fire Marshal Clay Cawood invited everyone to the Fire Safety Palooza Event to be held at the Mansfield Center for the Performing Arts on Saturday, October 6, 2018 from 10 a.m. to 2 p.m.

CITIZEN COMMENTS

Ryan Ray - 3103 Longhorn Trail, Crowley - Mr. Ray spoke about his candidacy to Texas House District 96.

Stoney Short - 5 Calloway Court - Mr. Short thanked all the volunteers who helped build the Homes for Our Troops home. He stated a key ceremony would be taking place on Saturday, September 29, 2018 from 9-11 a.m. and the home would be turned over to Sergeant Omar Milan. He expressed his appreciation to everyone who supported the project and provided donations.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Recap of Recent City Awards and Achievements

City Manager Clayton Chandler gave a brief overview of the recent awards received by the city.

Business Services Department Report

[18-2898](#)

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

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA

[18-2843](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting the City of Mansfield, Texas Investment Policy; Approving Training of the City's Investment Officer; Approving Investment Pools; and Providing Qualified Broker Dealers and Investment Advisors for Engaging in Investment Transactions for the City

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
ADOPTING THE CITY'S INVESTMENT POLICY; APPROVING TRAINING FOR THE
CITY'S INVESTMENT OFFICER; APPROVING INVESTMENT POOLS; AND
APPROVING QUALIFIED BROKER DEALERS FOR ENGAGING IN INVESTMENT
TRANSACTIONS OF THE CITY**

(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: 0

Absent: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3503-18

[18-2888](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2018 Rate Review Mechanism Filings

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 NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHED A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

(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: 0

Absent: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3504-18

[18-2902](#)

Resolution - A Resolution to Consider Amending the Mansfield Park Facilities Development Corporation's Bylaws to Provide For Appointment and Removal of Alternate Board Members, Appointment of Board Secretary, and Amend Time For Budget Approval

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

A RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S BYLAWS; 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: 0

Absent: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3505-18

[18-2903](#)

Resolution - A Resolution to Consider Amending the Mansfield Park Facilities Development Corporation's Certificate of Formation to Provide For Appointment of Alternate Board Members

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

A RESOLUTION APPROVING AMENDMENTS TO THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S CERTIFICATE OF FORMATION; 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: 0

Absent: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3506-18

[18-2891](#)

Minutes - Approval of the September 11, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the September 11, 2018 Special City Council Meeting as presented. 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: 0

Absent: 1 - Casey Lewis

Abstain: 0

[18-2892](#)

Minutes - Approval of the September 12, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the September 12, 2018 Special City Council Meeting as presented. 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: 0

Absent: 1 - Casey Lewis

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[18-2890](#)

Minutes - Approval of the September 10, 2018 Regular City Council Meeting Minutes

Council Member Leyman removed this item from the consent agenda.

A motion was made by Council Member Leyman to approve the minutes of the September 10, 2018 Regular City Council Meeting with the following correction: Council Member Leyman stated the Mansfield Chamber of Commerce would be having a meet and greet with State Legislators on Thursday, September 13, 2018 from 5-7 p.m. at the Mansfield Chamber of Commerce and Thursday, September 18, 2018 from 8-9:30 a.m. at the Mansfield Center for the Performing Arts. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

END OF CONSENT AGENDA

NEW BUSINESS

[18-2879](#)

Ordinance - Public Hearing and First Reading of an Ordinance Granting a Permanent Access Easement In, Upon and Across City Owned Property On Lot 4, Blk 5, Original Town Of Mansfield (301 South Main Street), in the City of Mansfield, Tarrant County, Texas

City Secretary Tracy Norr read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions.

A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE GRANTING A PERMANENT ACCESS EASEMENT IN, UPON AND ACROSS CITY OWNED PROPERTY ON LOT 4, BLK 5, ORIGINAL TOWN OF MANSFIELD (301 SOUTH MAIN STREET), IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; 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; Terry Moore; Julie Short and Mike Leyman

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

[18-2897](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Hoffman Cabinets, Inc. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Interim Director of Economic Development Richard Nevins made brief comments.
Hoffman Cabinets Inc. owner John Hoffman made brief comments.*

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 AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND HOFFMAN CABINETS, INC. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; 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: 0

Absent: 1 - Casey Lewis

Abstain: 0

Enactment No: RE-3507-18

[18-2900](#)

Review and Consideration of Detailed Site Plans for Southpointe Phase 4, 5, 7, 8A and 8B on Approximately 206.54 Acres, Phase 8B Generally Located at the Southwest Corner of the Intersection of Matlock Road and the Union Pacific Railroad and Approximately 650 Feet West of S.H. 360; and Phases 4, 5, 7 and 8A Generally Located East of U.S. 287, West of S. Matlock Road,

Approximately 400 Feet South of Lone Star Road, and Approximately 1,100 Feet North of the Intersection of S. Matlock Road and S.H. 360; Ruby-07-SPMTGE, LLC (DS#18-004 through DS#18-008)

Interim Director of Planning Lisa Sudbury made brief comments. North Rock Real Estate representative David Branch and Graham and Associates representative Brian Avirett made brief comments and answered Council questions.

A motion was made by Council Member Broseh to approve the detailed site plans as presented. Seconded by Council Member Short. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

PUBLIC HEARING AND FIRST READING

18-2838

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Single-Family Attached Townhomes on Approximately 0.885 Acres out of Lot 4, Block 1, Cooper Square and Approximately 7.155 Acres out of the T.O. Harris Survey, Abstract No. 645, Totaling Approximately 8.05 Acres Located at 1400-1420 Turner Warnell Road; Felix Wong on Behalf of Hector Escamilla Jr. of Escamilla Capital Corp., General Partner of Mansfield Commercial Partners, and John R. Hardee of First Momentum Enterprises, LLC (Owners) and Mark J. Fueling of Turnkey Construction and Development Group (Developer) (ZC#18-011)

Tracy Norr read the caption into the record. Lisa Sudbury made brief comments and answered Council question. Applicant representative Felix Wong made brief comments and answered Council questions.

A motion was made by Council Member Broseh to table this agenda item to the October 22, 2018 Regular Meeting. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Larry Broseh; Brent Newsom; Julie Short and Mike Leyman

Nay: 1 - Terry Moore

Absent: 1 - Casey Lewis

Abstain: 0

18-2899

Ordinance - Public Hearing and First Reading of an Ordinance Changing the Speed Limits on Regency Parkway from East Broad Street to Heritage Parkway and Mouser Way from FM 157 to the US Hwy 287 Southbound Frontage Road.

Tracy Norr read the caption into the record. Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook opened the public hearing at 7:51 p.m.

The following person spoke:

Pete Shopp, Jr. - Opposed

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 7:53 p.m.

Mr. Shopp answered Council questions.

A main motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." Seconded by Council Member Short.

A motion to amend the main motion was made by Council Member Moore to keep the speed limit at 30 mph from Hwy 157 to House Road and increase to 40 mph east from House Road to the service road of Hwy 287. Seconded by Mayor Cook. The motion to amend CARRIED by the following vote:

Ayes: 5 - David Cook, Terry Moore, Brent Newsom, Julie Short, and Larry Broseh

Nays: 1 - Mike Leyman

The amended main motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[18-2861](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to OP Office Park District on Approximately 0.647 Acres out of the Joab Watson Survey, Abstract No. 1632, Located at 4451 E. Broad Street; Bob Blackwelder of HCC Contracting, Inc. on Behalf of Smart & Stella Ajayi of Harplet Marketing, LLC (ZC#18-019)

Lisa Sudbury made brief comments and answered Council questions. HCC Contracting representative Bob Blackwelder made brief comments and answered

Council questions. Mayor Cook continued the public hearing at 8:20 p.m. The following people spoke:

Brian Leddy - 1218 Bankston Lane - Opposed

Brandon Wade - 1402 Judy Lane - Opposed

Mayor Cook recognized the following non-speakers in opposition:

Quan Powe - 4509 Karen Drive

Tommy Traveler - 1412 Judy Lane

With no one else wishing to speak, Mayor Cook continued the public hearing at 8:28 p.m.

A motion was made by Council Member Leyman to table this agenda item to the Regular City Council Meeting of October 8, 2018. Seconded by Council Member Moore. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

ADJOURN

A motion was made by Council Member Broseh to adjourn the meeting at 8:28 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Casey Lewis

Abstain: 0

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary