



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, January 14, 2019

4:00 PM

Council Chambers

REGULAR MEETING

4:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 4:00 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 4:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 4:05 p.m. Council Member Lewis arrived at 4:45 p.m. Mayor Cook recessed executive session at 4:55 p.m. Mayor Cook reconvened into executive session at 5:03 p.m. Mayor Cook adjourned executive session at 7:24 p.m.

Present 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

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 Pending Litigation - Cause No. 97471

Seek Advice of City Attorney Regarding Current Litigation Updates

Seek Advice of City Attorney Regarding the Legality of Fee Abatements

Seek Advice of City Attorney Regarding the Voluntary Annexation Process

Seek Advice of City Attorney Regarding Franchise Utility Relocations

Seek Advice of City Attorney Regarding Matters Related to Human Resource Management

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

Seek Advice of City Attorney Regarding the Disposition of City Property on Stell Avenue and McKown Drive

Land Acquisition for Future Development

Personnel Matters Pursuant to Section 551.074

Discussion Regarding Appointments

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

Discussion Regarding Project #18-04

Discussion Regarding Project #18-19

Discussion Regarding Project #18-20

Possible Revision of Economic Development Agreements with Klein Tools

Economic Development Projects Update

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 7:32 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 Short led the Texas Pledge.

PROCLAMATION

[19-3017](#)

School Board Recognition Month

Mayor Cook proclaimed January 2019 as School Board Recognition Month and presented a proclamation to Members of the Mansfield Independent School District Board and school staff. Mayor Cook thanked the district for their commitment to a great education for all Mansfield students.

CITIZEN COMMENTS

Jerry Sweeney - 1726 Wren Drive - Mr. Sweeney made comments regarding property taxes. He made comments regarding an issue he had with his pets and Animal Control.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Council Member Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore had no announcements.

Mayor Pro Tem Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook wished everyone a Happy New Year stating he looked forward to working with everyone in the coming year. He read a letter from resident Ann B. Smith commending the work of Deputy City Manager Shelly Lanners, Director of Parks and Recreation Matt Young, and Director of Communications and Marketing Belinda Willis during the nominations for the Texas Downtown Association President's Award. He expressed his appreciation for members of staff.

SUB-COMMITTEE REPORTS

There were no sub-committee report updates.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Director of Public Works Bart VanAmburgh gave an update on the improvements to E. Broad Street, and North and South Main Street. He stated E. Broad Street is scheduled for completion by mid March 2019; North Main Street is scheduled for completion by the end of January; and South Main is scheduled for completion by November 2019. Bart gave an update on the Union Pacific Railroad crossings in Mansfield. He stated the Broad Street crossing is scheduled to be closed on Saturday, January 19, 2019 from 7:00 a.m. to 5:00 p.m. for reconstruction and the crossing at Williams Court and FM 1187 are scheduled to be closed on Sunday, January 20, 2019 from 7:00 a.m. to 5:00 p.m.

Director of Utilities Jeff Price made comments regarding a credit on Atmos customers upcoming statement. He stated the credit was due to a reduced corporate tax rate.

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 were no questions regarding the quarterly reports.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Short to direct staff to enter into a revised economic development agreement with Klein Tools to accommodate staffing changes as discussed in executive session. 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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Lewis to authorize staff to proceed with the land acquisition offer from Mansfield Parks Development as discussed in executive session. 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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Newsom to direct Mansfield Economic Development Corporation to move forward with project #18-20 as related to

land negotiations. 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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Broseh to authorize the City Attorney to proceed with the Kilchenstein settlement as discussed in executive session. Seconded by Council Member Short. 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

CONSENT AGENDA

18-2975

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for a Church and Associated Uses on Approximately 7.59 Acres Known as Lot 6R, Block 4, Hillcrest West Addition and Approximately 4.74 Acres out of the W.C. Price Survey, Abstract No. 1240, Tarrant County, TX, Totalling Approximately 12.33 Acres Located at 500 & 600 E. Dallas St., 310 Graves St., and 303 & 305 S. Waxahachie St.; Justin S. Gilmore of Level 5 Design Group, on behalf of Pastor Thu Nguyen of St. Jude Catholic Church (ZC#18-026)

City Secretary Susana Marin read the caption into the record.

A motion was made by Council Member Newsom 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 A CHURCH AND ASSOCIATED 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 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

Enactment No: OR-2112-19

[18-2977](#)

Ordinance - Third and Final Reading of an Ordinance Amending Section 4500.B of the Zoning Ordinance to Increase the Minimum Floor Area for Houses in the SF-12/22, PR, SF-9.6/20 and SF-8.4/18 Zoning Districts (OA#18-002A)

Susana Marin read the caption into the record.

A motion was made by Council Member Newsom to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED, BY AMENDING SECTION 4500.B, "AREA AND HEIGHT REGULATIONS," TABLE 1, "RESIDENTIAL DISTRICTS" OF SAID ORDINANCE TO INCREASE THE MINIMUM FLOOR AREA FOR HOUSES IN THE SF-12/22, SF-9.6/20, AND SF-8.4/18, SINGLE FAMILY RESIDENTIAL DISTRICTS; 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 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

Enactment No: OR-2113-19

[18-2978](#)

Ordinance - Third and Final Reading of an Ordinance Amending Section 4600.D.15 of the Zoning Ordinance to Revise the Regulations on Reduced Size Lots (OA#18-002B)

Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 4600.D.15 OF SAID

ORDINANCE TO REVISE THE REGULATIONS RELATED TO REDUCED SIZE LOTS; 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 Lewis. 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-2114-19

[18-2979](#)

Ordinance - Third and Final Reading of an Ordinance Amending Section 6300.E.6 of the Zoning Ordinance to Revise the Criteria for a Special Exception to Allow an Increase in the Maximum Allowable Area or Height, or a Reduction of the Minimum Setback Requirements for Accessory Buildings or Structures on Lots of 12,000 Square Feet or Larger (OA#18-003)

Susana Marin read the caption into the record.

A motion was made by Council Member Newsom to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 6300.E.6 OF SAID ORDINANCE TO REVISE THE CRITERIA FOR A SPECIAL EXCEPTION TO ALLOW AN INCREASE IN THE MAXIMUM ALLOWABLE AREA OR HEIGHT, OR A REDUCTION OF THE MINIMUM SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS OR STRUCTURES ON LOTS OF 12,000 SQUARE FEET OR LARGER; 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 Lewis. 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-2115-19

[19-3008](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the City Manager or His Designee to Negotiate and Execute an Electric Supply Agreement with a Retail Electric Provider or Broker for Deliveries of Electricity Effective January 1, 2027

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN ELECTRIC SUPPLY AGREEMENT WITH A RETAIL ELECTRIC PROVIDER OR BROKER FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2027

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

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

Enactment No: RE-3536-19

[18-3001](#)

Minutes - Approval of the December 10, 2018 - 6:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the minutes of the December 10, 2018 6:00 p.m. Regular City Council Meeting as presented.

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

[18-3002](#)

Minutes - Approval of the December 10, 2018 - 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the minutes of the December 10, 2018 7:00 p.m. Regular City Council Meeting as presented.

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[19-3009](#)

Resolution - A Resolution Awarding a Contract for Construction of the FY2017 & FY2018 Community Development Block Grant Project for North Street Paving, Drainage and Utility Improvements to Jackson Construction for Construction, and Authorizing Funding for an Amount Not to Exceed \$1,421,578.90 (Street Bond Fund, Utility Bond Fund and FY2017 & FY2018 Community Development Block Grant Program)

Council Member Lewis removed this item from the consent agenda. Bart VanAmburgh answered Council questions regarding the Community Development Block Grant Program.

A motion was made by Mayor Cook to table this agenda item to the January 28, 2018 Regular City Council Meeting. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Larry Brose; Brent Newsom; Terry Moore; Julie Short and Casey Lewis

Nay: 1 - Mike Leyman

Abstain: 0

END OF CONSENT AGENDA**PUBLIC HEARING AND FIRST READING**[19-3005](#)

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 Single-Family Residential Uses on Approximately 0.393 Acres, Generally Located at the Southeast Corner of the Intersection of North Street and Van Worth Street, on Property Addressed at 111 Van Worth Street; Daryle and Melisa Perez (ZC#18-033)

Susana Marin read the caption into the record. Deputy City Manager Joe Smolinski made brief comments. Property owner Daryle Perez made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:23 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:24 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 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING

18-2986

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 Bar, Eating Place, and Outdoor Entertainment Uses on Approximately 0.297 Acres Located at 101 E. Kimball Street.; Debi and Billy McGill of Crescent Moon Drink Café (ZC#18-027)

Joe Smolinski made brief comments. Level 5 Design Group representative Justin Gilmore made brief comments. Mayor Cook continued the public hearing at 8:27 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:27 p.m.

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 BAR, EATING PLACE, AND OUTDOOR ENTERTAINMENT 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: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

18-2987

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 with Additional Use for Campground or Recreational Vehicle Park on Approximately 15.115 Acres Known as Lot 1-R, Block 1, Eaton Estates Campground, Located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. d.b.a. Texan RV Resort (ZC#18-028)

Joe Smolinski made brief comments and answered Council questions.

A motion was made by Council Member Moore to table this agenda item to the next regular scheduled meeting of January 28, 2019. 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

NEW BUSINESS

18-3004

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 QRS Realty Investments, LLC and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

A motion was made by Mayor Cook to table this agenda item to the next regular scheduled meeting of January 28, 2019. Seconded by Council Member Short. 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

19-3006

Consideration of a Request to Revise the Planned Development District Standards and Exhibits for M3 Ranch to Eliminate Certain Alleys Within the Development and to Install Slip Streets to Serve Single-Family Residential Lots on Property with 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 Tr., West of FM 917, Being Northwest from the Intersection of FM 917 and Mesquite Dr., and East of Jessica Dr.; Hanover Property Company (ZC#18-004A)

Hanover Property Company representative Ben Luedtke made brief comments and answered Council questions. Mesa Design Group representative Aaron Duncan gave a brief presentation and answered Council questions.

A motion was made by Council Member Lewis to approve this agenda item adding stone columns on the wooden perimeter fencing every 150 feet and a stipulation that the J swing garage in the section being considered for revision not change the overall J swing percentage of the neighborhood. 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

19-3007

Consideration of a Request to Revise the Development Standards for Mill Valley to Replace the 20-foot Front Build-To Line with a 20-foot Minimum Front Yard Setback for Property Generally Located Between S. Matlock Road and SH 360, and South of Harmon Road; Jabez Development (ZC#16-010B)

Jabez Development representative Bruce French made brief comments.

A motion was made by Council Member Short to approve this agenda item. Seconded by Council Member Leyman. 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

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 8:57 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