



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, March 4, 2019

5:00 PM

Council Chambers

AMENDED AGENDA 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 Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Discuss Agenda Related Development Issues Regarding ZC#18-031 (Addendum to Agenda)

City Manager Clayton Chandler made brief comments and turned the work session over to Deputy City Manager Joe Smolinski. Joe made comments regarding the request from the Silver Oaks Developer to approve a development agreement before the annexation of the property being discussed. BBCP Acquisitions representative Clayton Snodgrass spoke about the reasoning of requesting that a development agreement be approved prior to the annexation. He explained that the agreement would provide a deannexation clause to protect the property owner. City Attorney Ashley Dierker made comments regarding the development agreement. There was discussion regarding impact fee reimbursement and roadway and utility improvements. Joe Smolinski answered Council questions regarding impact fees. Developer representative Felix Wong made brief comments regarding the property owners concerns regarding zoning.

Mayor Cook recessed the work session at 5:57 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:58 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:03 p.m. Mayor Cook recessed executive session at 6:58 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 Naming of Roadways in the Industrial Area

Seek Advice of City Attorney Regarding Texas Commission on Environmental Quality Permit Application No. 152013

Seek Advice of City Attorney Regarding ZC#17-022 (Addendum to Agenda)

Seek Advice of City Attorney Regarding the Development Agreement for the View at the Reserve (Addendum to Agenda)

Seek Advice of City Attorney Regarding Proposed Development on W. Broad Street (Addendum to Agenda)

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 7:08 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 Lewis led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman encouraged everyone to participate in the Pickle Parade weekend events.

Council Member Short had no announcements.

Council Member Lewis echoed Council Member Leyman's comments.

Council Member Moore had no announcements.

Mayor Pro Tem Newsom advised the Mansfield Independent School Districts boys basketball team from Timberview will be playing in the State playoff's starting Thursday, March 7, 2019.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

SUB-COMMITTEE REPORTS**STAFF COMMENTS****City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

Business Services Department Report

[19-3055](#)

Presentation of the Monthly Financial Report for the Period Ending January 31, 2019

There were no comments/questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[19-3028](#)

Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a

Severability Clause; Providing for an Effective Date

City Secretary Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

(Ordinance 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: OR-2119-19

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[19-3054](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving a Joint Election Agreement Between the City of Mansfield and the Mansfield Independent School District for a Joint Election to be Held on May, 4, 2019; Providing for Early Voting and Election Day Procedures

Council Member Leyman removed this item from the consent agenda. Susana Marin answered questions regarding the early voting schedule.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF MANSFIELD, TEXAS AND MANSFIELD INDEPENDENT SCHOOL DISTRICT FOR A JOINT ELECTION TO BE HELD MAY 4, 2019; PROVIDING FOR EARLY VOTING AND ELECTION DAY PROCEDURES; AND, PROVIDING FOR CANCELLATION DUE TO UNOPPOSED CANDIDATES

(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-3544-19

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

19-3053

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas Amending the Water Conservation and Drought Contingency Sections of the Water Demand Management / Drought Contingency Plan

Susana Marin read the caption into the record. Director of Utilities Jeff Price made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 7:30 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:30 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 WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN." 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

PUBLIC HEARING CONTINUATION AND SECOND READING

19-3038

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance to Consider the Voluntary Annexation of Approximately 25.02 Acres in Johnson County, Texas and Being a Tract of Land out of the M.D. Dickey Survey, Abstract #195, Generally Located on the East Side of Lillian Road Approximately 1,500 Feet South of W. Broad Street; Micah and Bryan Adkinson (ZC#18-031)

BBCP Acquisitions representative Clayton Snodgrass made brief comments. Mayor Cook continued the public hearing through second reading at 7:31 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:31 p.m.

A motion was made by Council Member Moore to approve the second reading of "AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF MANSFIELD OF APPROXIMATELY 25.02 ACRES SITUATED IN JOHNSON COUNTY DESCRIBED BELOW AND DEPICTED ON EXHIBIT "A", LOCATED WITHIN THE CURRENT EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANSFIELD, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE

PLAN FOR SUCH TERRITORY; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF JOHNSON COUNTY AND WITH THE JOHNSON COUNTY APPRAISAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE." 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-2120-19

[19-3039](#)

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 and Commercial Uses on Approximately 91.7 Acres out of the M.D. Dickey Survey, Abstract #195 and T.J. Hanks Survey, Abstract #1109, Johnson County, and the M.D. Dickey Survey, Abstract #1986 and T.J. Hanks Survey, Abstract #644, Tarrant County, TX, Generally Located at the Southeast Corner of the Intersection of W. Broad Street and Lillian Road and South of the Intersection of Retta Road and W. Broad Street; BBCP Acquisitions (ZC#18-031)

Senior Planner Art Wright made a brief presentation and answered Council questions. BBCP Acquisitions representative Clayton Snodgrass made brief comments and answered Council questions. Developer representative Felix Wong made brief comments and answered Council questions. Mayor Cook continued the public hearing through second reading at 7:58 p.m. The following person spoke:

Joy Keller - 4771 S. FM 56, Glen Rose - Support

Mayor Cook recognized the following non-speaker:

Michael Mainer - 4901 Havenside Way - Support

With no others wishing to speak, Mayor Cook closed the public hearing at 8:00 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 SINGLE-FAMILY RESIDENTIAL 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." 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

Enactment No: OR-2121-19

19-3046

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 27.86 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 Sunset Crossing SF, Ltd. and James & Yvonne Slack (ZC#18-030)

Planner Andrew Bogda made a brief presentation and answered Council questions. Skorburg Company representative Collier Bailey and Adam Buczek made a brief presentation and answered Council questions. Mayor Cook continued the public hearing through second reading at 8:45 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:45 p.m.

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 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 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-2122-19

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 8:45 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

Susana Marin, City Secretary