



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, July 8, 2019

4:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Pro Tem Short called the meeting to order at 4:07 p.m.

Absent 1 - David Cook

Present 6 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

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

The View at the Reserve

City Manager Clayton Chandler made brief introductory comments and turned the work session over to Hines Company representative Jeff Kennemer. Mr. Kennemer provided plans for the proposed View at the Reserve and discussed the differences between the current plan and the plan provided at the previous work session. He advised they were in receipt of staffs comments regarding the current plan and changes will be made accordingly once the comments were reviewed. There was extensive discussion between the developer and Council regarding lot sizes and the overall density of the current proposed plan. Sowell Company representative Jamie Cornelius answered Council questions regarding open space. Integrity Group representative John Delane made comments regarding lot sizes, in particular larger lots. Mr. Kennemer discussed consumer affordability of the proposed product and gave an update on the timeline of the project. Some members of Council expressed concern regarding the amount of small lots versus larger lots in the project.

Mr. Chandler made comments regarding staffs role in bringing developments before the Council. City Attorney Allen Taylor explained the rights of the Council to make comments regarding their position on the topic being discussed. Each member of Council expressed their position on the proposed plan.

Mayor Cook arrived at 4:40 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:12 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:20 p.m. Mayor Cook adjourned

the executive session at 7:12 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 Matters Related to Human Resource Management

Seek Advice of City Attorney Regarding Development and Technological Implementations/Agreements Regarding Online Permitting Process

Seek Advice of City Attorney Regarding Preliminary Legislative Legal Update and Possible Impacts

Seek Advice of City Attorney Regarding Animal Control Ordinance Revisions

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

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

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 7:22 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member 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 Leyman led the Texas Pledge.

CITIZEN COMMENTS

Gary Crary - 7101 Diamond Oaks Drive - Mr. Crary made a presentation and briefly discussed the Mansfield Art Association. He expressed the need for a meeting space for the association in the City of Mansfield.

COUNCIL ANNOUNCEMENTS

Council Member Leyman commended city staff and volunteers who were involved in making the Rockin' 4th of July event possible.

Mayor Pro Tem Short made comments appreciating city staff for their hard work on the Rockin' 4th of July event as well as Living Church for their involvement. She congratulated Bethlehem Baptist Church for the grand opening of Pioneer Place.

Council Member Lewis echoed Council Member Leyman and Mayor Pro Tem Short's comments.

Council Member Moore congratulated Bethlehem Baptist Church for the grand opening of Pioneer Place. He thanked city staff and Living Church for the hard work on the Rockin' 4th of July event. He thanked Mr. Crary for his presentation during citizen comments mentioning he was in a restaurant that displayed a piece of art from Mansfield Arts Association.

Council Member Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

SUB-COMMITTEE REPORTS

There were no sub-committee reports

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler expressed his appreciation to staff involved with the Rockin' 4th of July event and thanked them for their hard work.

Road Transportation Update - David Boski

Assistant Director of Public Works David Boski gave a road transportation update. He

discussed and answered questions regarding the following road projects: completed projects, projects currently under construction, projects currently under design, road construction projects that will start soon, and future projects. He advised of an upcoming Texas Department of Transportation public meeting to discuss the US 287 Service Roads south of the railroad tracks to Lonestar Road to be held on Tuesday, July 16, 2019 at R.L. Anderson Building Meeting Room from 6 - 8 p.m.

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

There were no questions regarding the quarterly reports.

Business Services Department Report

[19-3200](#)

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

Deputy City Manager Peter Phillis answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA

[19-3197](#)

Resolution - A Resolution Approving the Purchase and Implementation of an Electronic Plan Review and Submittal System for an Amount Not to Exceed \$320,000, and; Authorize the City Manager to Execute an Agreement with Avolve Software on Behalf of the City, Subject to Final Review and Approval by the City Attorney

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

RESOLUTION APPROVING THE PURCHASE AND IMPLEMENTATION OF AN ELECTRONIC PLAN REVIEW AND SUBMITTAL SYSTEM FOR AN AMOUNT NOT TO EXCEED \$320,000, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AVOLVE SOFTWARE ON BEHALF OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

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

Seconded by Mayor Pro Tem 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: RE-3574-19

[19-3191](#)

Minutes - Approval of the June 24, 2019 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the June 24, 2019 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[19-3198](#)

Resolution - A Resolution Adopting the Updated Stormwater Management Program and Authorizing the City Manager to Sign the Notice of Intent and Complete Other Forms for the Texas Commission on Environmental Quality

Council Member Broseh removed this item from the consent agenda. Director of Public Works Bart VanAmburgh and Stormwater Manager Howard Redfearn made brief comments and answered Council questions.

A motion was made by Council Member Broseh to table this agenda item to the next meeting. Seconded by Mayor Pro Tem 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

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[19-3193](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential, Multi-Family Residential, Senior Living, and C-2 Community Business Uses on Approximately 76.734 Acres out of the S. S. Callender Survey, Abstract No. 359, Tarrant County, TX, Generally Located on the East Sides of FM 157 and House Road, the North Side of Mouser Way, and West of Towne Crossing and Cedar Point; Tim Coltart of Realty Capital Management, LLC on Behalf of Glenn Day, et al and Sowell Property Partners - Mansfield, LP (ZC#19-005)

City Secretary Susana Marin read the caption into the record. Planner Andrew Bogda made a brief presentation and answered Council questions. Realty Capital Management, LLC representative Tim Coltart and Roaring Brook Development Co. representative Dan Quinto made a presentation and answered Council questions.

Mayor Cook recessed the meeting for a break at 9:47 p.m. Mayor Cook reconvened into regular business session at 9:57 p.m.

Additional questions were answered by the developer. Mayor Cook opened the public hearing at 10:13 p.m. The following people spoke:

Sheri Bumgardner - 14 Red Bluff Court - Support

Dave Goodwin - 904 Dayton Road - Support - Mr. Goodwin presented a list of downtown business owners in support of this agenda item.

Mayor Cook recognized the following non-speakers in support:

Amy Brothers - 8417 FM 2738 - Support

John Pressley - 1306 Brittany Lane - Support

Derek Hubenak - 117 N. Main Street - Support

Robert Goodson - 4324 Willow Bend Drive, Arlington - Support

Alma Pressley - 1388 Fairhaven Drive - Support

With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 10:17 p.m.

A motion was made by Council Member Newsom 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, MULTI-FAMILY RESIDENTIAL, SENIOR LIVING, AND C-2 COMMUNITY BUSINESS 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 Mayor Pro Tem Short. The motion CARRIED by the following vote:

Aye: 4 - Larry Brose; Brent Newsom; Julie Short and Casey Lewis

Nay: 3 - David Cook; Terry Moore and Mike Leyman

Abstain: 0

19-3194

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Retail, Restaurant, and Other Commercial Uses, to also Include an Auto Repair Garage on Approximately 0.71 Acres Located at 3121 E. Broad Street; John Davis of Brakes Plus on Behalf of Will Tolliver of LG Broad Cannon LLC (ZC#19-007)

Susana Marin read the caption into the record. Andrew Bogda made a brief presentation and answered Council questions. Brakes Plus representative John Davis made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 10:35 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:35 p.m.

A motion was made by Mayor Cook 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 AUTO REPAIR GARAGE 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 stipulation that the building have one wall sign on the south portion of the building and a monument sign similar to the Costa Vida restaurant next door as opposed to two wall signs; and, for the developer to meet with staff on flipping the building so the bays are on the west side of the building between now and the second reading. Seconded by Mayor Pro Tem Short. The motion **FAILED** by the following vote:

Aye: 3 - David Cook; Julie Short and Mike Leyman

Nay: 4 - Larry Broseh; Brent Newsom; Terry Moore and Casey Lewis

Abstain: 0

19-3195

Ordinance - Public Hearing and First Reading of an Ordinance Adopting Amended Land Use Assumptions, Capital Improvement Plans for Water and Sewer, and Revised Water and Sewer Impact Fees

Susana Marin read the caption into the record. Director of Public Works Bart VanAmburgh introduced Freese & Nichols representative Jessica Brown and turned the presentation over to her. Jessica made a brief presentation and answered Council questions. Bart answered Council questions. Mayor Cook opened the public hearing at 11:04 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 11:04 p.m.

A motion was made by Mayor Cook to approve the first reading of "AN ORDINANCE ADOPTING UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER, AND REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; AMENDING CHAPTER 51 OF TITLE V OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, AS AMENDED, TO REVISE THE IMPACT FEES THEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE," with the impact fees staying at the current amount. 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

NEW BUSINESS

19-3196

Discussion and Possible Action to Modify Ordinance 90.07 to Allow Potbelly Pigs as Household Pets

Council Member Lewis made brief comments regarding his intent with placing this item on the agenda. Police Chief Tracy Aaron made brief comments regarding the current

animal control ordinance and the need for it to be updated.

A motion was made by Council Member Lewis to direct staff to prepare an ordinance to modify the animal control ordinance and include potbelly pigs as household pets. 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

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 11:07 p.m. 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

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary