



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

---

Monday, August 12, 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.*

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

#### PUBLIC WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

- A. Proposed 5-year Capital Improvement and Strategic Plan Follow-up
- B. 2020 Service Program and Funding

*City Manager Clayton Chandler gave a brief overview of the topics of discussion for the work session and discussed the two types of government describing the difference between both. He gave insight on managements approach to key issues. He discussed employee cost issues to include: equity adjustments, increase in police response capacity, continued staffing for Fire Station No. 5, increase building safety inspection capacity, and filling of key staff positions. He discussed the health insurance process and how to understand the costs. There was discussion regarding health insurance costs amongst the Council and staff. Frost Insurance representative Jeff Anderson gave a medical plan and cost executive summary for FY 2018/2019 and answered Council questions regarding health insurance. Director of Human Resources Shelley Everhart answered Council questions. Deputy City Manager Peter Phillis discussed the health insurance amounts paid by the city per employee.*

*There was Council consensus to hold a special meeting on Tuesday, August 20, 2019 at 5:00 p.m. to continue discussion regarding the Capital Improvement and Strategic Plan Follow-up.*

#### RECESS INTO EXECUTIVE SESSION

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:27 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:37 p.m. Mayor Cook adjourned executive session at 8:00 p.m.*

**Pending or Contemplated Litigation or to Seek the Advice of the City Attorney  
Pursuant to Section 551.071**

- A1. Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14
- A2. Seek Advice of City Attorney Regarding Recent Legislative Enactment Relating to Development Regulations by Local Government
- A3. Seek Advice of City Attorney Regarding Recent Legislative Enactment Relating to Public Meetings of the Governing Body
- A4. Seek Advice of City Attorney Regarding Open Meetings Act Requirements

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

- B1. Land Acquisition for Future Development

**Personnel Matters Pursuant to Section 551.074**

- C1. Board Appointments Relating to the Process and Review of Applications

**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 8:09 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**

*Michael Butler - 104 Willow Creek Circle - Mr. Butler spoke in opposition of the proposed concrete batch plant on Gibson Cemetery Road.*

*Vicki Polson - 7293 Gibson Cemetery Road - Ms. Polson spoke in opposition of the proposed concrete batch plant on Gibson Cemetery Road.*

*Charles Crook - 7716 Gibson Cemetery Road - Mr. Crook spoke in opposition of the proposed concrete batch plant on Gibson Cemetery Road.*

*Jan Hurlbut - 7501 Bent Trail - Ms. Hurlbut spoke in opposition of the proposed concrete batch plant on Gibson Cemetery Road.*

*Mayor Cook recognized the following non-speakers in opposition of the proposed concrete batch plan on Gibson Cemetery Road:*

*Teri Berbel - 7505 Bent Trail*

*Sherri Butler - 104 Willow Creek Circle*

*Patricia Baines - 7227 Gibson Cemetery Road*

*Misty & Larry Smitherman - 7327 Gibson Cemetery Road*

**COUNCIL ANNOUNCEMENTS**

*Council Member Leyman had no announcements.*

*Mayor Pro Tem Short stated she attended Mansfield Independent School Districts Convocation and wished all MISD employees and students great school year.*

*Council Member Lewis had no announcements.*

*Council Member Moore expressed his appreciation to all the residents who spoke in opposition of the concrete batch plant. He advised there would be a contested case hearing held at City Hall regarding that issue on September 30, 2019.*

*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 advised there was a new employee in training; therefore, City Attorney Allen Taylor was sitting at the dais.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Council Member Lewis to authorize staff to make an offer to purchase property as discussed in executive session. 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

### **CONSENT AGENDA**

#### **19-3195**

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

*City Secretary Susana Marin read the caption into the record.*

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

**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**

**(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-2142-19

#### **19-3211**

Ordinance - Second Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 90 "Animal Control", of the Code of Ordinances (OR-1787-10) of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

**A motion was made by Council Member Moore to approve the second reading**

of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 90 "ANIMAL CONTROL" OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY PROVIDING NEW DEFINITIONS FOR FOWL, POTBELLIED PIG, AND TETHER; EXTENDING TIME FOR AN OWNER TO APPEAL A DANGEROUS DOG DETERMINATION; AMENDING REGULATIONS FOR IMPOUNDED ANIMALS; AMENDING THE FEE SCHEDULE; PROVIDING REGULATIONS FOR TETHERING OF ANIMALS; CLARIFYING LICENSING REQUIREMENTS AND ADMINISTRATIVE OVERSIGHT AND ENFORCEMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE."

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-2143-19

[19-3227](#)

Resolution - A Resolution Awarding a Construction Contract for a Traffic Signal at the Intersection of East Broad Street/Mitchell Road to Roadway Solutions, Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$255,000.00 (Street Bond Fund)

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

**A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROADWAY SOLUTIONS, INC. FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF EAST BROAD STREET/MITCHELL ROAD; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND APPROPRIATING FUNDS FOR AN AMOUNT NOT TO EXCEED \$255,000.00**

(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-3581-19

[19-3223](#)

Minutes - Approval of the July 22, 2019 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the July 22, 2019 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**

#### **19-3234**

Resolution - A Resolution Rejecting All Bids for Construction of the Industrial Elevated Storage Tank

*Council Member Newsom removed this item from the consent agenda.*

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

**A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE INDUSTRIAL ELEVATED STORAGE TANK RECEIVED THROUGH A PUBLIC BID OPENING**

**(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-3582-19

### **END OF CONSENT AGENDA**

### **PUBLIC HEARING**

#### **19-3220**

Public Hearing - First Public Hearing on the Tax Rate, Levying the Ad Valorem Taxes for the Fiscal Year 2020 at a Rate of \$0.7100 per One Hundred Dollars (\$100.00) Assessed Valuation on all Taxable Property Within the Corporate Limits of the City as of January 1, 2019, to Provide Revenues for the Payment of Current Expenditures and to Provide an Interest and Sinking Fund on all Outstanding Debts of the City, and Providing for Due and Delinquent Dates Together With Penalties and Interest

*Mr. Chandler made brief comments and showed a budget video. After the video he gave an overview of the proposed budget. Mayor Cook opened the public hearing at 9:02 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:02 p.m.*

#### **19-3221**

Public Hearing - First Public Hearing on the Budget for the Fiscal Year

Beginning October 1, 2019 and Ending September 30, 2020, in Accordance with the Charter of the City of Mansfield, and the Appropriation of Various Amounts Thereof

*Mayor Cook opened the public hearing at 9:03 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:03 p.m.*

[19-3222](#)

Public Hearing - First Public Hearing on the Use of Hotel/Motel Tax for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020

*Peter Phillis made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:07 p.m. The following person spoke:*

*John Pressley - 1306 Brittany Lane - Mr. Pressley spoke on behalf of Pickled Mansfield Society.*

*Mayor Cook recognized the following non-speakers:*

*Amanda Kowalski - 4 River Crest Court - Pickled Mansfield Society*

*Bob Kowalski - 4 River Crest Court - Pickled Mansfield Society*

*Cindy Pressley - 1306 Brittany Lane - Pickled Mansfield Society*

*With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 9:11 p.m.*

[19-3228](#)

Public Hearing - Public Hearing and Consideration of a Request for an Alternate Location for a Roof-Mounted Solar Panel System under Section 7800.B.37.H of the Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 5 Altman Court; Mr. and Mrs. F. A. Simon (SP#19-002)

*Senior Planner Art Wright made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:17 p.m. Mayor Cook recognized the following non-speaker:*

*Kris Winiger - 4808 Spring Lake Parkway - opposed*

*With no others wishing to speak, Mayor Cook closed the public hearing at 9:18 p.m.*

**A motion was made by Council Member Newsom to deny this agenda item. 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

**PUBLIC HEARING AND FIRST READING**

[19-3225](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12 Single-Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.475 Acres Being a Portion of Lot 6, Block 2 of the Original

Town of Britton, Generally Located at 924 Cope St.; Ben Hartman (ZC#19-008)

*Susana Marin read the caption into the record. Planner Andrew Bogda made a brief presentation and answered Council questions. Property owner Ben Hartman made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 9:29 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:29 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," with the minimum square footage of the homes being 1,800 sq. ft. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Larry Broseh; Brent Newsom; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 1 - Terry Moore

**Abstain:** 0

### **PUBLIC HEARING CONTINUATION AND SECOND READING**

#### **19-3193**

Ordinance - Public Hearing Continuation and Second 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)

*Andrew Bogda made a brief presentation. Realty Capital Management, LLC representative Tim Coltart and Spencer Long made brief comments and answered Council questions. Greystar representative Andrew Ord made a brief presentation and answered Council questions. Roaring Brook Development Co. representative Dan Quinto answered Council questions. Mayor Cook continued the public hearing through second reading at 11:06 p.m. Mayor Cook recognized the following non-speakers in support:*

*John Pressley - 1306 Brittany Lane  
Cindy Pressley - 1306 Brittany Lane*

*With no others wishing to speak, Mayor Cook closed the public hearing at 11:06 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, 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," with the stipulation that five percent (5%) of the units in Zone 1 can be up to three bedroom units. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

**Aye:** 4 - David Cook; Brent Newsom; Julie Short and Casey Lewis

**Nay:** 3 - Larry Brose; Terry Moore and Mike Leyman

**Abstain:** 0

Enactment No: OR-2144-19

## **NEW BUSINESS**

### **19-3229**

Ordinance - First Reading of an Ordinance Amending Chapter 38 of the Mansfield Code of Ordinances to Establish a Historic Preservation Tax Exemption Program for the City of Mansfield (HLC#19-002)

*Art Wright made brief comments and answered Council questions.*

A motion was made by Council Member Moore to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 38 OF THE MANSFIELD CODE OF ORDINANCES, "TAXATION AND FINANCE," TO ESTABLISH A HISTORIC PRESERVATION TAX EXEMPTION PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Short. 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

## **ADJOURN**

A motion was made by Council Member Newsom to adjourn the meeting at 11:15 p.m. 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

\_\_\_\_\_  
ATTEST: David L. Cook, Mayor

\_\_\_\_\_  
Susana Marin, City Secretary