



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, August 26, 2019

4:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 4:01 p.m.

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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 4:03 p.m. Mayor Cook called the executive session to order at 4:04 p.m. Mayor Cook recessed executive session at 6:25 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 Recent Legislative Enactment Relating to Public Meetings of the Governing Body

Seek Advice of the City Attorney Regarding the Assignment of a Development Agreement Between the City of Mansfield and BBCC Acquisitions, LLC

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

Personnel Matters Pursuant to Section 551.074

Board Interviews

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

Economic Development Project #19-02

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Skorburg Company Proposed Development

Mayor Cook opened the work session at 6:27 p.m. and turned it over to Skorburg Company representative John Arnold. Mr. Arnold gave a brief overview of their proposed development as well as all the Skorburg Company developments already in Mansfield. He discussed the current zoning of the property and what their zoning request is. He stated their company was looking for feedback from the Council. The Council discussed their likes and dislikes of the projects and provided feedback to the developer on how to change the proposed plan.

Update on Graphical Information System and Website Development Page

Director of Public Works Bart VanAmburgh gave a brief update on the Graphical Information System (GIS) and website development page. GIS Manager Kelly Klose showed an example of how the GIS system would work and how it would benefit Mansfield residents. He explained that the system would allow residents to view current projects being developed in the city. Deputy City Manager Joe Smolinski made brief comments and answered Council questions. Council provided feedback and were in agreement that this would be a great tool for residents.

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

Mayor Cook reconvened into regular business session at 7:24 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"

Mayor Pro Tem Short led the Texas Pledge.

PROCLAMATION

[19-3240](#)

Troy Dorsey Week

Mayor Cook proclaimed August 25-35, 2019 as Troy Dorsey week and presented a

proclamation to Troy Dorsey. Mr. Dorsey made brief comments.

CITIZEN COMMENTS

David Goodwin - 904 Dayton - Mr. Goodwin spoke in support of agenda item 19-3193.

Houston Mitchell - 605 St. Eric - Mr. Mitchell spoke in opposition of agenda item 19-3193.

Angie Thor - 1421 Danbury Drive - Ms. Thor spoke in opposition of agenda item 19-3193.

Mayor Cook recognized the following non-speakers in support of agenda item 19-3193:

Dan Quinto - 602 Norwood Trail, Southlake - Support

Mary A. Englert - 151 Russell Lane - Support

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

SUB-COMMITTEE REPORTS

Hotel/Motel Occupancy Tax Funds Sub-Committee Update

Hotel/Motel Occupancy Tax Fund Sub-Committee Chair Julie Short stated an update would be given at the next Council meeting.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Business Services Department Report

[19-3243](#)

Presentation of Monthly Financial Report for the Period Ending June 30, 2019

Deputy City Manager Peter Phillis answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[19-3211](#)

Ordinance - Third and Final 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

City Secretary Susana Marin read the caption into the record.

A motion was made by Mayor Pro Tem Short to approve the following ordinance:

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

(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-2143-19

[19-3229](#)

Ordinance - Second 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)

A motion was made by Mayor Pro Tem Short to approve the second 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 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-2146-19

[19-3239](#)

Resolution - A Resolution Awarding a Contract for the Construction of 24" Water Line Improvements (Easy Drive & Hanks Drive) to Whitewater Construction, Inc., and Authorizing Funding for an Amount Not to Exceed \$730,000.00 (Utility Bond Fund)

A motion was made by Mayor Pro Tem Short to approve the following resolution:

A RESOLUTION AWARDED A CONTRACT FOR THE CONSTRUCTION OF 24" WATER LINE IMPROVEMENTS (EASY DRIVE & HANK DRIVE) TO WHITEWATER CONSTRUCTION, INC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONSTRUCTION DOCUMENTS

(Resolution 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: RE-3583-19

[19-3241](#)

Resolution - Authorization of Funding in an Amount Not to Exceed \$600,000.00 and Approval of Contracts, Including Design Services with Freese and Nichols, Inc. and Surveying Services with Brittain & Crawford, LLC, to Prepare Aerial Sanitary Sewer Repairs 2019 for Public Bidding and Construction (Utility Bond Fund)

A motion was made by Mayor Pro Tem Short to approve the following resolution:

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$600,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH FREESE AND NICHOLS, INC. AND SURVEYING SERVICES WITH BRITTAIN AND CRAWFORD, LLC TO PREPARE AERIAL SANITARY SEWER REPAIRS 2019 FOR PUBLIC BIDDING AND CONSTRUCTION (UTILITY BOND)

(Resolution 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: RE-3584-19

19-3242

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 Mayor Pro Tem Short 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 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: RE-3585-19

19-3235

Request for Special Event Permit: St. Jude Annual Church Festival

A motion was made by Mayor Pro Tem Short to approve the request for special event permit. 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

19-3236

Minutes - Approval of the August 5, 2019 Special City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the August 5, 2019 Regular City Council Meeting as presented. 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

[19-3237](#)

Minutes - Approval of the August 12, 2019 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the August 12, 2019 Regular City Council Meeting as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS

[19-3193](#)

Ordinance -Third and Final 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)

Susana Marin read the caption into the record. Realty Capital Management, LLC representative Tim Coltart made a presentation and answered Council questions. Roaring Brook Development Co. representative Dan Quinot and Greystar representative Andrew Ord answered Council questions. Planner Andrew Bogda answered Council questions. City Attorney Allen Taylor answered Council questions.

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

Zone 1

Area north of the creek to become part of Zone 3.

Zone 1

Maximum 350 market rate units. Required 2 restaurants.

Remove the fried chicken language, delete 3.1(g)iii, and focus on what can request an SUP rather than exclusions. 3,000 sq. ft. of the 8,000 sq. ft minimum for commercial to be restaurant.

Market Rate unit size square footage: 1,000 sq. ft. average.

Commercial storefront appearance such as awnings on 50% of linear footage on all buildings along the spine road.

Zone 2

Minimum square footage for senior adult unit: 700 sq. ft.

Commercial storefront appearance such as awnings on 50% of linear footage

on all buildings along the spine road.

Zone 3

HOA to maintain all common areas and lawn maintenance for 30ft, 35ft. lots and townhome lots.

Allow for mixed material use on 30 ft. and 35 ft. product, such as craftsman style, hardiboard with masonry lower third, stucco, brick, etc.

Park built as part of Phase 1.

Minimum square footage mix. 20% of 45ft., 50ft. & 60ft. lots = 1,800 sq. ft.

minimum. 80% of 45ft., 50ft., & 60ft. lots = 2,200 sq. ft. minimum.

30 ft. lots = 20% minimum 1,800 sq. ft. 80% = minimum 2,000 sq. ft.

Townhome lots = 25% minimum 1,800 sq. ft., 75% minimum 2,000 sq. ft.

Lot Mix – minimum 15% of lots to be 30ft. or 35ft lots. Maximum combined townhome and 30ft. and 35ft. lots = 30% of total lots.

Minimum of 20% of lots to be 50ft or 60ft lots. Maximum of 50% of the lots to be 45ft. lots.

Townhome lots and 30ft. and 35 ft. lots to be located within 1,000 feet of Zone 1 with the exception of up to 3 models

Zone 4

Moved into Zone 3.

Require Phase 1 to include a detailed site plan for Zone 3 with 80 lot minimum prior to building permit approval for zone 1. Realty Capital must be an applicant on both Zone 1 and Zone 3 site plans.

The motion is to Include staff's recommendations.

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

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

Seconded by Council Member Newsom. The motion **CARRIED** by the following vote:

Aye: 5 - David Cook; Larry Brose; Brent Newsom; Julie Short and Casey Lewis

Nay: 2 - Terry Moore and Mike Leyman

Abstain: 0

Enactment No: OR-2144-19

PUBLIC HEARING

[19-3220](#)

Public Hearing - Second 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

City Manager Clayton Chandler made a brief presentation and answered Council questions. Deputy City Manager Peter Phillis answered Council question. Mayor Cook opened the public hearing at 10:43 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:44 p.m.

[19-3221](#)

Public Hearing - Second 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 10:44 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:44 p.m.

[19-3222](#)

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

Mayor Cook opened the public hearing at 10:44 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:45 p.m.

PUBLIC HEARING AND FIRST READING

[19-3238](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development for Professional Office Uses on Approximately 0.608 Acres Located at 1089 Matlock Road; Adam Rope on behalf of A. Rope Investments, LLC (ZC#19-010)

Susana Marin read the caption into the record. Senior Planner Art Wright made a brief presentation and answered Council questions. Property owner Adam Rope made brief comments and answered Council questions. Mayor Cook opened the public hearing at 10:57 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:57 p.m.

A motion was made by Mayor Pro Tem Short 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 PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL OFFICE 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," to include that all fences on the property are removed. Seconded by Council Member Newsom. 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

[19-3225](#)

Ordinance - Public Hearing Continuation and Second 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)

Andrew Bogda made brief comments and answered Council questions. Property owner Ben Hartman made brief comments. Mayor Cook continued the public hearing through second reading at 11:00 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 11:00 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 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 Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2145-19

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 11:03 p.m. Mayor Cook called the executive session to order at 11:06 p.m. Mayor Cook recessed executive session at 11:25 p.m.

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

Seek Advice of the City Attorney Regarding the Assignment of a Development Agreement Between the City of Mansfield and BBGP Acquisitions, LLC

ADJOURN

Mayor Cook adjourned the meeting at 11:25 p.m.

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary