



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, December 9, 2019

6:00 PM

Council Chambers

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#### REGULAR MEETING

#### 6:00 P.M. - CALL MEETING TO ORDER

*Mayor Cook called the meeting to order at 6:04 p.m.*

**Absent** 1 - Brent Newsom

**Present** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

#### CITIZEN COMMENTS

*There were no citizen comments.*

#### COUNCIL ANNOUNCEMENTS

*Council Member Leyman thanked staff and all those involved in putting together the Hometown Holidays event.*

*Mayor Pro Tem Short no announcements.*

*Council Member Lewis echoed Council Member Leyman's comments and wished everyone a Merry Christmas.*

*Council Member Moore thanked everyone who attended the Hometown Holidays event and commended city staff for a great event. He announced the Salvation Army Annual Mayoral Challenge will be taking place on Saturday, December 14, 2019.*

*Council Member Newsom was absent.*

*Council Member Broseh had no announcements.*

*Mayor Cook echoed Council's comments regarding the Hometown Holidays event and the Salvation Army Annual Mayoral Challenge. Mayor Cook announced he filed to run for House of Representatives District 96 which means it is an automatic resignation from his post as Mayor and he will serve until his successor is sworn in.*

*Council Member Leyman thanked Mayor Cook for his many years of service.*

#### SUB-COMMITTEE REPORTS

[19-3385](#)

Minutes - Approval of the November 25, 2019 TIF Reinvestment Zone Number

One Board of Directors Meeting (vote will be only by the members of the sub-committee)

*Chairman Broseh made brief comments.*

**A motion was made by Council Member Broseh to approve the minutes of the November 25, 2019 TIF Reinvestment Zone Number One as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:**

**Aye:** 4 - Larry Broseh; Terry Moore; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

**Non-Voting:** 2 - David Cook and Julie Short

### **STAFF COMMENTS**

#### **City Manager Report or Authorized Representative**

Current/Future Agenda Item

*City Manager Clayton Chandler thanked Mayor Cook for his many years of service and his contribution to the city. He thanked city staff for their hard work on the Hometown Holidays event.*

### **CONSENT AGENDA**

#### **[19-3350](#)**

Ordinance - Third Reading and Final Reading of an Ordinance Changing the Speed Limits and the School Zone on Main Street from North of Pleasant Ridge Drive to Heritage Parkway (FM 917)

*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 AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: OR-2160-19

[19-3312](#)

Resolution - A Resolution to Consider Amendment Number Four to the Water Park Ground Lease and Operating Agreement Between STORE Master Funding VIII, LLC, and the City of Mansfield to Allow for Expansion of the Hawaiian Falls Water Park Mansfield

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

**A RESOLUTION APPROVING AMENDMENT NUMBER FOUR TO THE WATER PARK GROUND LEASE AND OPERATING AGREEMENT BETWEEN STORE MASTER FUNDING VIII, LLC AND THE CITY OF MANSFIELD FOR EXPANSION OF THE HAWAIIAN FALLS WATER PARK**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3614-19

[19-3313](#)

Resolution - A Resolution Determining the Competitive Sealed Proposal Method as Providing the Best Value for Construction of the Hawaiian Falls 2019/2020 Capital Improvements; and Providing an Effective Date

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

**A RESOLUTION DETERMINING THE COMPETITIVE SEALED PROPOSAL METHOD AS PROVIDING THE BEST VALUE FOR CONSTRUCTION OF THE HAWAIIAN FALLS 2019/2020 CAPITAL IMPROVEMENTS EXPANSION PROJECT; DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO PREPARE A REQUEST FOR COMPETITIVE SEALED PROPOSALS, TO RECEIVE**

**AND PUBLICLY OPEN THE PROPOSALS, AND TO RANK AND EVALUATE EACH PROPOSAL; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3615-19

[19-3379](#)

Resolution - A Resolution Authorizing an Interlocal Agreement Between the City of Mansfield and the North Central Texas Council of Governments for the Purpose of Making State Solid Waste Grants Funds Available to the City

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

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3616-19

[19-3383](#)

Resolution - A Resolution Awarding a Contract for Construction of the 36' Upper-Pressure Plane Finish Water Line to SJ Louis Construction of Texas, LTD, and Authorizing Funding for an Amount Not to Exceed \$2,410,000.00. (Utility Construction Fund)

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

**A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF 36" UPPER PRESSURE PLANE FINISH WATER LINE TO S.J. LOUIS CONSTRUCTION OF TEXAS, LTD. APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING**

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**THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3617-19

[19-3384](#)

Resolution - A Resolution Awarding a Contract for Construction of the S.H. 360 Lift Station Rehabilitation Project to Dake Construction, and Authorizing Funding for an Amount Not to Exceed \$919,605.00. (Utility Bond Fund)

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

**A RESOLUTION AWARDED A CONTRACT FOR CONSTRUCTION OF S.H. 360 LIFT STATION REHABILITATION PROJECT TO DAKE CONSTRUCTION, APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3618-19

[19-3388](#)

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for South Main Street Improvements (Hunt St. to Broad St.) with McMahon Contracting, L.P.

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR SOUTH MAIN STREET IMPROVEMENTS (HUNT ST. TO BROAD ST.) WITH MCMAHON CONTRACTING, LP**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3620-19

[19-3377](#)

Minutes - Approval of the November 25, 2019 Regular City Council Meeting Minutes

**A motion was made by Council Member Moore to approve the minutes of the November 25, 2019 Regular City Council Meeting as presented. Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

**END OF CONSENT AGENDA**

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[19-3386](#)

Resolution - A Resolution Awarding Contracts for Construction of Mansfield International Business Park Drainage, Water, Sanitary Sewer and Road Improvements to Jackson Construction, LTD, to Brittain and Crawford, LLC, for Surveying and to Fugro Consultants, Inc, for Material Testing and Authorizing Funding for an Amount Not to Exceed \$7,162,417.36. (MEDC and Utility Bond Fund)

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

**A RESOLUTION AWARDING CONTRACTS FOR CONSTRUCTION OF MANSFIELD INTERNATIONAL BUSINESS PARK DRAINAGE, WATER, SANITARY SEWER AND ROAD IMPROVEMENTS TO JACKSON CONSTRUCTION, LTD., TO BRITAIN AND CRAWFORD, LLC., AND TO FUGRO CONSULTANTS, INC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

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

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

Enactment No: RE-3619-19

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

#### **19-3369**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance approving a Zoning Change from PR to PD, Planned Development for a Single-Family Residence with an Accessory Dwelling on approximately 1.02 acres located at 1505 Long and Winding Road; Dr. Jason and April Lowry (ZC#19-019)

*Mayor Cook continued the public hearing at 6:19 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 6:19 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 A SINGLE-FAMILY RESIDENCE WITH AN ACCESSORY DWELLING, 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:** 6 - David Cook; Larry Broseh; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 0

**Absent:** 1 - Brent Newsom

**Abstain:** 0

### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:21 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:28 p.m. Council Member Newsom arrived at 7:02 p.m. Mayor Cook adjourned executive session at 7:19 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 Current Litigation Update

**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**

Economic Development Project #19-02

Economic Development Project #19-07

**IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 7:22 p.m.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

No action was taken by the Council.

**ADJOURN**

A motion was made by Council Member Lewis to adjourn the meeting at 7:22 p.m. 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

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary