



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, January 28, 2019

4:00 PM

Council Chambers

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#### AMENDED AGENDA REGULAR MEETING

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

*Mayor Cook called the meeting to order at 4:00 p.m.*

**Absent** 1 - Casey Lewis

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

#### RECESS INTO EXECUTIVE SESSION

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 4:02 p.m. Council Member Lewis arrived at 4:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 4:04 p.m. Mayor Cook recessed executive session at 5:02 p.m. Mayor Cook reconvened into executive session at 5:09 p.m. Mayor Cook recessed executive session at 7:12 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 Matters Related to Human Resource Management

Seek Advice of City Attorney Regarding Potential Partnership with Mansfield Area Tennis Association

Seek Advice of City Attorney Regarding Contractual Agreements Related to Hotel/Motel Funds (Addendum to Agenda)

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

Land Acquisition for Future Development

**Personnel Matters Pursuant to Section 551.074**

Board Appointments

**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 7:18 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.*

**PRESENTATION**

Swearing In Ceremony - Fire Chief Mike Ross

*City Manager Clayton Chandler introduced recently appointed Fire Chief Mike Ross. Recently Retired Fire Chief Barry Bondurant officiated the Oath of Office to new Fire Chief Mike Ross. Chief Bondurant made brief comments and welcomed Chief Ross to the position. Fire Chief Ross made brief comments.*

Bethlehem Baptist Church Presentation

*Bethlehem Baptist Church Pastor Michael Evans presented the Historic West Mansfield Texas Community Development Corporation Community Champion Award to City of Mansfield Volunteer Coordinator Priscilla Sanchez. Priscilla was recognized for her contribution and faithful service to the community and the citizens of Mansfield,*

Texas.

## **NEW BUSINESS**

[19-3023](#)

Board Appointments: Historic Preservation Advisory Board

*Mayor Cook made brief comments.*

**A motion was made by Council Member Lewis to appoint the following people to the Historic Preservation Advisory Board: James Legg to a two year term expiring October 2021; Carol McKenna to a one year term expiring 2020; Connie McGough to a one year term expiring October 2020; Mike Leasor to a two year term expiring October 2021; Chris O'han to a two year term expiring October 2021; Marty Thomas to a two year term expiring October 2021; and Cindy Gardner to a one year term expiring October 2020. 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

## **CITIZEN COMMENTS**

*Adam McCain - 1516 Valerie, Cedar Hill - Mr. McCain spoke about a new Church, Church on the Hill, that will be opening in Mansfield on February 10, 2019. He invited everyone to attend the services on opening day. He showed a video of the events the Church holds. Mr. McCain expressed his excitement about joining the Mansfield community stating the Church was looking forward to serving the citizens of Mansfield.*

*Jamie McCain - 1516 Valerie, Cedar Hill - Mrs. McCain spoke about the new Church, Church on the Hill, that will soon open in Mansfield.*

*Jonathan Pena - 2016 Burnet Dr., Grand Prairie - Mr. Pena spoke about the new Church, Church on the Hill, that will soon open in Mansfield.*

## **COUNCIL ANNOUNCEMENTS**

*Council Member Leyman thanked city staff and Oncor for the signal at the Matlock and Ragland Road intersection.*

*Council Member Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore thanked Mansfield Activity Center Recreation Attendant Nick Lewis for his help in securing a place for a Cub Scout Cross Over Ceremony.*

*Mayor Pro Tem Newsom had no announcements.*

*Council Member Broseh welcomed Church on The Hill to Mansfield.*

*Mayor Cook welcomed Church on the Hill to Mansfield.*

**SUB-COMMITTEE REPORTS**

*There were no sub-committee reports.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Energy Contract Update - Jeff Price

*This item has been postponed to the February 11, 2019 agenda.*

Park Master Plan Update - Matt Young

*This item has been postponed to the February 11, 2019 agenda.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Council Member Lewis to appoint Tarrant County Commissioner Devan Allen to the Tax Increment Reinvestment Zone Number 1 and to the Tax Increment Reinvestment Zone Number 2 to replace outgoing Commissioner Andy Nguyen. 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

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Council Member Short to terminate the Hotel/Motel Occupancy Tax contract with Desert Love for the International Film Festival and allow the reprogramming of funds as discussed in executive session. 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

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

A motion was made by Council Member Broseh to move forward on the land transaction 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**

[19-3021](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the Fire Chief to Act as the City's Representative in all Matters Relating to the Mutual Aid Agreement with the Johnson County Emergency Services District No. 1

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE FIRE CHIEF TO ACT AS THE CITY'S REPRESENTATIVE IN ALL MATTERS RELATING TO THE MUTUAL AID AGREEMENT WITH THE JOHNSON COUNTY EMERGENCY SERVICES DISTRICT NO. 1**

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

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: RE-3537-19

[19-3022](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding from the Criminal Justice Department (CJD) of the Governor's office of the State of Texas to Upgrade the In-Car Video Equipment of the Following Police Divisions: Patrol, Traffic, Support Services, Commercial Vehicle Enforcement, and Community Resource

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE JUSTICE ASSISTANCE GRANT (JAG) OF THE GOVERNOR'S OFFICE OF TEXAS TO UPGRADE THE IN-CAR VIDEO EQUIPMENT OF POLICE**

**DEPARTMENT UNITS, THE AMOUNT OF THE AWARD WILL NOT EXCEED \$80,000 AND DOES NOT REQUIRE A MATCH**

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

**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: RE-3538-19

[19-3020](#)

Minutes - Approval of the January 14, 2019 Regular City Council Meeting Minutes

**A motion was made by Council Member Lewis to approve the minutes of the January 14, 2019 Regular City Council Meeting as presented. 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

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

[18-2986](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Bar, Eating Place, and Outdoor Entertainment Uses on Approximately 0.297 Acres Located at 101 E. Kimball Street.; Debi and Billy McGill of Crescent Moon Drink Café (ZC#18-027)

*City Secretary Susana Marin read the caption into the record. Council Member Leyman removed this item from the consent agenda. Interim Director of Planning Lisa Sudbury answered Council questions.*

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

**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 BAR, EATING PLACE, AND OUTDOOR ENTERTAINMENT 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 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-2116-19

**END OF CONSENT AGENDA**

**OLD BUSINESS**

[19-3009](#)

Resolution - A Resolution Awarding a Contract for Construction of the FY2017 & FY2018 Community Development Block Grant Project for North Street Paving, Drainage and Utility Improvements to Jackson Construction for Construction, and Authorizing Funding for an Amount Not to Exceed \$1,421,578.90 (Street Bond Fund, Utility Bond Fund and FY2017 & FY2018 Community Development Block Grant Program)

*Director of Public Works Bart VanAmburgh made brief comments and answered Council questions.*

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

**A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF THE FY2017 & FY2018 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR NORTH STREET PAVING, DRAINAGE AND UTILITY IMPROVEMENTS TO JACKSON 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 - Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

**Nay:** 1 - David Cook

**Abstain:** 0

Enactment No: RE-3539-19

**PUBLIC HEARING CONTINUATION AND FIRST READING**

[18-2743](#)

Ordinance - Public Hearing Continuation and First Reading of an Ordinance to Consider a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for

Single-Family Residential Uses on Approximately 52.1225 Acres Situated in the Esquire Hendricks Survey, Abstract #659 & the William H. Herrall Survey, Abstract #724 and Approximately 10.4597 Acres Situated in the Esquire Hendricks Survey, Abstract #659, Altogether Totaling Approximately 62.7195 Acres Generally Located on the West Side of Callender Road, North of the MISD Center for the Performing Arts, and Southeast of the Woodland Estates subdivision; Charles F. Dibrell III of Terra Associates on Behalf of Dolce Vita Development Group, LLC (developer) and ACCP, LP, Michael Balloun, and Urban Contractors (owners) (ZC#17-022)

*Susana Marin read the caption into the record.*

**A motion was made by Council Member Moore to remove this item from the agenda and request that staff request the applicant to submit any future consideration for this project to the Planning and Zoning Commission. 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 CONTINUATION AND SECOND READING**

### **18-2987**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for C-2 Uses with Additional Use for Campground or Recreational Vehicle Park on Approximately 15.115 Acres Known as Lot 1-R, Block 1, Eaton Estates Campground, Located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. d.b.a. Texan RV Resort (ZC#18-028)

**A motion was made by Council Member Broseh to table this agenda item to the first meeting in February. Seconded by Council Member 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

### **19-3005**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from C-2, Community Business District to PD, Planned Development District for Single-Family Residential Uses on Approximately 0.393 Acres, Generally Located at the Southeast Corner of the Intersection of North Street and Van Worth Street, on Property Addressed at 111 Van Worth Street; Daryle and Melisa Perez (ZC#18-033)

*Property owner Daryle Perez made brief comments. Mayor Cook continued the public hearing through second reading at 8:13 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:14 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 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

## **NEW BUSINESS**

### **18-3004**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and QRS Realty Investments, LLC and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Director of Economic Development Richard Nevins made brief comments and requested the Council table this agenda item until further notice. City Attorney Allen Taylor made brief comments.*

**A motion was made by Council Member Moore to table this agenda item until further request by the Mansfield Economic Development Corporation. 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

### **19-3024**

Resolution - A Resolution of the City of Mansfield, Texas, Initiating Annexation Proceedings, Setting Public Hearing Dates and Providing for the Preparation of a Service Plan for Approximately 25.02 acres in Johnson County, Texas Generally Located on the East Side of Lillian Road, Approximately 1,500 feet South of West Broad Street (ZC#18-031)

*Deputy City Manager Joe Smolinski gave a brief presentation. Allen Taylor made brief comments.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS TO BE HELD REGARDING PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF MANSFIELD, TEXAS; DIRECTING THAT NOTICE BE PROVIDED FOR THE PUBLIC HEARINGS; DIRECTING THAT A SERVICE PLAN FOR THE PROPERTY BE PREPARED; AND ESTABLISHING AN EFFECTIVE DATE**

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

**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: RE-3540-19

[19-3026](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 11, 2019

**A motion was made by Council Member Broseh to reschedule the regular City Council Meeting of March 11, 2019 to March 4, 2019. 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

**RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 8:23 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 8:30 p.m. Mayor Cook adjourned executive session at 9:19 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 Matters Related to Human Resource Management

**ADJOURN**

**Mayor Cook adjourned the meeting at 9:19 p.m.**

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary

