



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, February 11, 2019

5:00 PM

Council Chambers

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#### REGULAR MEETING

#### NORTH MAIN STREET TRAIL - RIBBON CUTTING AT 4:00 P.M. (N . MAIN & OAK ST.)

*Council and staff attended the North main Street Trail ribbon cutting.*

#### 5:00 P.M. - CALL MEETING TO ORDER

*Mayor Cook called the meeting to order at 5:00 p.m.*

**Present** 7 - David Cook; Larry Broseh; 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 5:01 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Mayor cook recessed executive session at 7:10 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 2020 Census - Complete Count Committee

Seek Advice of City Attorney Regarding Standard Sublease Agreement with DSE Hockey Centers, L.P.

#### **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**

**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 7:17 p.m.*

**INVOCATION**

*Council Member Broseh gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Mayor Pro Tem 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 Short led the Texas Pledge.*

**PRESENTATION**

Mansfield Independent School District Update

*Mansfield Independent School District Superintendent Dr. Jim Vaszauskas made brief introductory statements and turned the first half of the presentation to Associate Superintendent of Facilities and Bond Programs Jeff Brogden. Mr. Brogden spoke about enrollment; proposed new schools; high school field houses; playground renovations; and the school districts ten year forecast. Dr. Vaszauskas spoke about performance; financing; and the impact charter schools have on the district. He challenged the city to continue their support of the district, recognizing it is an economic driver for the city; sharing the equal funding message; and to consider each charter school request that is presented to the Council.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Leyman had no announcements.*

*Council Member Short had no announcements.*

*Council Member Lewis had no announcements.*

*Council Member Moore made comments regarding the dedication of the North Main Street Trail mentioning it was a great extension of the trail system.*

*Mayor Pro Tem Newsom had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **SUB-COMMITTEE REPORTS**

*Council Member Leyman advised the Council that the Budget Sub-Committee had met on January 29, 2019. He stated the next meeting is scheduled for March 25, 2019.*

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

**There was no Council action taken.**

### **CONSENT AGENDA**

#### **[19-3005](#)**

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 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)

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

**A motion was made by Council Member Newsom 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 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**

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

**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

Enactment No: OR-2117-19

[19-3029](#)

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a General Election to be Held on May 4, 2019; Designating Polling Places; Establishing Election Precincts Within the City; Appointing an Election Judge and Alternate Judge; Establishing Other Procedures for Conducting the Election; Establishing a Date for Canvassing Returns; Establishing a Date for Runoff Election, if Necessary; and Providing an Effective Date

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

**A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 4, 2019; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE**

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

**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

Enactment No: RE-3541-19

[19-3035](#)

Resolution - A Resolution Authorizing a Change Order to the Contract with Iron-T Construction, Inc. for the Construction of Kimberly Court Drainage Improvements and Authorizing Additional Funds in the Amount of \$11,880.00 (Drainage Utility Fund)

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH IRON-T CONSTRUCTION, INC. FOR THE CONSTRUCTION OF KIMBERLY COURT DRAINAGE IMPROVEMENTS**

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

**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

Enactment No: RE-3542-19

[19-3030](#)

Minutes - Approval of the January 28, 2019 Regular City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the minutes of the January 28, 2019 Regular City Council Meeting as presented. 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

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

[19-3034](#)

Resolution - A Resolution to Consider Awarding an Annual Contract to Earthworks, Inc. in the Amount of \$283,300 for Grounds Maintenance of Medians and Rights-of-Way

*Council Member Broseh removed this item from the consent agenda. Director of Parks and Recreation Matt Young answered Council questions.*

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

**RESOLUTION TO CONSIDER AWARDING AN ANNUAL CONTRACT TO EARTHWORKS, INC. IN THE AMOUNT OF \$283,300 FOR GROUNDS MAINTENANCE OF MEDIANS AND RIGHTS-OF-WAY**

**(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-3543-19

**END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING**[19-3028](#)

Ordinance - Public Hearing and First Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

*Susana Marin read the caption into the record. Recreation Superintendent Andy Binz made a brief presentation. Mayor Cook opened the public hearing at 8:01 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:01 p.m.*

**A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE."**

**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

**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)

*Senior Planner Art Wright made a brief presentation and answered Council questions. Texan RV Resort Craig Turner made a brief power point presentation and answered Council questions. Director of Public Works Bart VanAmburgh answered Council questions. Deputy City Manager Joe Smolinski made brief comments. City Attorney Allen Taylor answered Council questions. Mayor Cook continued the public hearing through second reading at 8:19 p.m.*

*Mayor Cook recognized the following non-speakers in support:*

*Vicki Eaton - 1438 S. Main Street  
Al Worn - 2027 Lone Star Road*

*With no one wishing to speak, Mayor Cook closed the public hearing at 8:20 p.m.*

**A motion was made by Council Member Short to approve this agenda item with the assurance that the PD shows two rows of the Arizona Cypress as recommended by staff. Seconded by Council Member Leyman. After discussion Council Member Short withdrew her motion.**

**A MAIN motion was made by Council Member Short to approve the second reading of the PD request minus the 2.177 acres plus or minus that front Business 287. Seconded by Council Member Leyman.**

**A motion was made by Council Member Broseh to grant a PD in the form requested by the applicant with the building facade under the same planned development conditions originally proposed for this section by the developers application. Seconded by Council Member Short. The motion was superceded by a motion to table by Council Member Leyman.**

**Council Member Leyman made a priveledged motion to table the 2.177 acres PD to the next meeting. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Ayes: 4 - Brent Newsom, Mike Leyman, Julie Short, Terry Moore**

**Nays: 3 - David Cook, Casey Lewis, Larry Broseh**

**Council Member Short's MAIN motion CARRIED by the following vote:**

**Aye: 5 - David Cook; Larry Broseh; Brent Newsom; Julie Short and Mike Leyman**

**Nay: 2 - Terry Moore and Casey Lewis**

**Abstain: 0**

## **STAFF COMMENTS**

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

Current/Future Agenda Items

Energy Contract Update - Jeff Price

*Director of Utilities Jeff Price made brief comments and introduced Five representative Chris Waston. Mr. Waston made a brief presentation on the energy advisory process.*

Park Master Plan Update - Matt Young

*Matt Young made a brief power point presentation on the Parks Master Plan and answered Council questions. Parks and Recreation Marketing and Communications Manager Ann Beck discussed the Parks Master plan process and timeline.*

Annual Storm Water Report - Howard Refearn

*Storm Water Manager Howard Redfearn gave a brief presentation on the Annual Storm Water Report.*

**Business Services Department Report**

[19-3036](#)

Presentation of the Monthly Financial Report for the Period Ending December 31, 2018

*Deputy City Manager Peter Phillis answered Council questions.*

**Police Department Report**

[19-3033](#)

Presentation of the Mansfield Police Department Annual Contact Report for 2018

*Assistant Police Chief Kyle Lanier made brief comments.*

**RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 9:15 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 9:21 p.m. Mayor cook adjourned executive session at 10:39 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 Related Human Resource Management

**ADJOURN**

**Mayor Cook adjourned the meeting at 10:39 p.m.**

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ATTEST: David L. Cook, Mayor

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Susana Marin, City Secretary