



# CITY OF MANSFIELD

1200 East. Broad St.  
Mansfield, TX 76063  
www.mansfield-tx.gov

## Meeting Minutes - Final City Council

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Monday, March 23, 2015

5:00 PM

Council Chambers

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### REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:08 p.m.*

**Absent** 1 - Stephen Lindsey

**Present** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes  
and Brent Newsom

#### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:10 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:13 p.m. Mayor Pro Tem Broseh stepped out of executive session at 6:15 p.m. and returned at 6:40 p.m. Mayor Cook adjourned the executive session at 6:53 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 Oak Reserve

Seek Advice of City Attorney Regarding the Ground Lease Agreement with Mansfield Family Entertainment

#### **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 Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087**

Project Updates:

#15-01 - Industrial Prospect Briefing and Update

#15-02 - Business Prospect Briefing and Update

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

*Mayor Cook reconvened into regular business session at 7:03 p.m.*

**INVOCATION**

*Mayor Pro Tem Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Burgess 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 Hoffman led the Texas Pledge.*

**PROCLAMATION****[15-1262](#)****Kiwanis One Day**

*Mayor Cook proclaimed April 11, 2015 as Kiwanis One Day and presented the proclamation to Greg Barbaree and Kiwanis Club Members. Mr. Barbaree made brief comments and invited everyone to attend their health fair at Katherine Rose Park on April 11, 2015.*

**[15-1263](#)****Mansfield Reads! Month**

*Mayor Cook proclaimed April 24, 2015 as Mansfield Reads! Month and presented a proclamation to the Friends of the Mansfield Library. A Friends of the Library representative made brief comments.*

**CITIZEN COMMENTS**

*Jenny Conrad - 1401 Norwegian Wood Court - Mrs. Conrad spoke about the Dr Pepper Star Center interested in coming to Mansfield.*

**COUNCIL ANNOUNCEMENTS**

*There were no Council announcements.*

**STAFF COMMENTS****City Manager Report or Authorized Representative**

## Current/Future Agenda Items

*There were no staff comments.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

A motion was made by Council Member Hoffman to send project number 15-01 back to the Mansfield Economic Development Corporation for review and consideration of other Economic Development incentives. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

**Aye:** 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 1 - Larry Broseh

**CONSENT AGENDA**[15-1264](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager and the Fire Department to Make Application and Receive Funds from the Assistance to Firefighter Grant Program Staffing for Adequate Fire & Emergency Response (SAFER) to fund Nine Firefighter Paramedics not to Exceed \$1,651,392 for a Performance Period of Two Years

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION AND RECEIVE FUNDS FROM THE ASSISTANCE TO FIREFIGHTER GRANT PROGRAM STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE (SAFER) TO FUND NINE FIREFIGHTER PARAMEDICS NOT TO EXCEED \$1,651,392 FOR A PERFORMANCE PERIOD OF TWO YEARS**

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

Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: RE-3084-15

[15-1250](#)

Request for Special Event Permit; Annette Perry Fun Run and Carnival

**A motion was made by Council Member Burgess to approve the request for special event permit. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

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

[15-1227](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from C-2 to PD for Single-Family Residential use on Approximately 0.46 Acres Located North of Alvarado Street Between S. 1st Avenue and S. 2nd Avenue; Mansfield Custom Homes (ZC#14-012)

*Council Member Newsom removed this item from the consent agenda. City Secretary Vicki Collins read the caption into the record.*

**A motion was made by Council Member Hoffman 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 USE, 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 Haynes. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 1 - Brent Newsom

Enactment No: OR-1941-15

### **END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING****15-1248**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to PD for Assisted Living and Associated Uses on Approximately 3.28 Acres, Generally Located Southwest of the Intersection of Callender Road and Oak Shadow Court; Arthur Girouard (ZC#14-011)

*Vicki Collins read the caption into the record. Arthur Girouard made brief comments and answered Council questions. Director of Planning Felix Wong answered Council questions. The applicant was asked to bring back at second reading information about ambulance service. Mayor Cook opened the public hearing at 7:59 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:59 p.m.*

*City Attorney Allen Taylor advised the Council this agenda item would be placed on the next regular meeting agenda to be considered as a first reading again without a public hearing.*

*A motion was made by Mayor Cook to re-open the public hearing. Seconded by Council Member Burgess. The motion CARRIED with 6 ayes and 0 nays.*

*Mayor Cook re-opened the public hearing and the following people spoke:*

*David Meister - 2301 Cathy Court - Opposed*

*Wayne Sekerke - 801 Oak Shadows Court - Opposed*

*With no one else wishing to speak, Mayor Cook continued the public hearing through second reading.*

**A motion was made by Mayor Pro Tem Broseh 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 ASSISTED LIVING, 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 Haynes. The motion TIED by the following vote:**

**Aye:** 3 - David Cook; Larry Broseh and Darryl Haynes

**Nay:** 3 - Wendy Burgess; Cory Hoffman and Brent Newsom

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

**15-1251**

Ordinance - Public Hearing and First Reading on an Ordinance Amending Section 7960.B.11 of the Zoning Ordinance Regarding the Time Limits and Extension of Time Limits for Gas Well Drilling and Production (OA#15-003)

*Vicki Collins read the caption into the record. Felix Wong made brief comments. Mayor Cook opened the public hearing at 8:04 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:05 p.m.*

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7960.B.11 OF SAID ORDINANCE REGARDING TIME LIMITS FOR GAS WELL DRILLING AND PRODUCTION; 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," adding "years" after the number five in paragraph B. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

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

#### **15-1247**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Amending Section 2.02 of the Subdivision Control Ordinance to Require a Note on Plats for Single-Family Residential Development Regarding the Proximity of Gas Well Drill Sites (OA#15-002)

*Felix Wong made brief comments. Mayor Cook continued the public hearing at 8:10 p.m. He acknowledged the following non-speaker:*

*Tammie Carson - 5400 Lansingford - Arlington - Opposed*

*With no one else wishing to speak, Mayor Cook closed the public hearing at 8:11 p.m.*

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 2.02 OF SAID ORDINANCE REGARDING PLATTING REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS IN THE PROXIMITY OF GAS WELL DRILL SITES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: OR-1943-15

**PUBLIC HEARING CONTINUATION THIRD AND FINAL READING****15-1240**

Ordinance - Public Hearing Continuation and Third and Final Reading on an Ordinance Amending Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production," Pertaining to Definitions, Requirements for Seismic Surveys, Submittal Requirements for Gas Well Permits, Expiration of Gas Well Permits, Hours of Operation, Notification, Requirements for Certain Reports, Variances, and Other Drilling, Operation, and Production Activities (OA#15-001)

*Vicki Collins read the caption into the record. Felix Wong stated he was available for questions. Mayor Cook continued the public hearing through third reading at 8:24 p.m. The following people spoke during the public hearing:*

*Silvia Duncan - 2109 Chrisman Trail - Support  
Lisa Stewart - 826 Muirfield Drive - Support  
Dee Davey - 1606 Meadow Crest - Support  
Jim Schermbeck - P.O. Box 763844 - Dallas - Opposed  
Stephen C. Lockwood - 20 Woodland Court - Support  
Mary Beaty - 908 Tremont Street - Opposed  
Lance Irwin - 1208 Killian Drive - Opposed  
Tamera Bounds - 1009 Meriwether Street - Opposed  
Danny Ray - 1831 E. Broad Street - Support  
Kathleen Rowland - 3014 Saint Martin Drive - Opposed  
Heather Dowell - 2604 Goodnight Trail - Opposed  
Jenny Conrad - 1401 Norwegian Wood Court - Support  
Eric Orsak - 906 Tremont Street - Opposed  
Lynda Gearheart - 100 Energy Way - Support  
Phillip Worobey - 13 Willow Stone Court - Opposed  
Julie Short - 5 Calloway Court - Support  
Dolores August - 2 Raintree Court - Opposed  
Robert August - 2 Raintree Court - Opposed  
Diana Decker - 903 Muirfield Drive - Opposed  
Ed Ireland - 777 Taylor Street - Fort Worth - Support  
Greg Kunasek - 405 Carlin Road - Support  
Kim Feil - 409 N. Elm - Arlington - Opposed  
Mark Sullivan - 1101 Pebble Beach Drive - Support  
Nicholas Papacharalambous - 4000 Brittan Road - Support*

*Mayor Cook recognized the following non-speakers:*

*Clay Wilkinson - 1103 Pinehurst - Support  
Rebecca Barksdale - Broad & Holland (Farm) - Support  
Steve Mitchell - 7542 Sharon Lee Drive - Arlington - Support  
Tom Ritter - 812 Riviera Drive - Support  
Shauna Friend - 13 Willowstone Court - Opposed  
Kim McCaslin Schlieker - 100 N. Mitchell Road - Support  
Larry Fabian - 1106 Fairway Court - Support  
Sam Morton - 1211 Tremont Street - Opposed  
Lynda Lotman - 1006 Tremont Street - Opposed  
Waymon Levell - 2331 Gus Thomasson - Dallas - Support  
Letatia Teykle - 1025 Master Drive - Support  
Larry Rowland - 3014 St. Martin Drive - Opposed  
Yolanda Curd - 1107 Tremont Street - Opposed  
Richard Fennell - 2417 Ravenwood Court - Opposed*

*Leslie Curd - 1107 Tremont Street - Opposed*  
*DeAnna Ayel - 2613 Goodnight Trail - Opposed*  
*Kim Barry - 2617 Goodnight Trail - Opposed*  
*Jason Conrad - 1401 Norwegian Wood Court - Support*  
*Stoney Short - 5 Calloway Court - Support*  
*Dan Massey - 4000 Britton Road - Support*

*With no others wishing to speak, Mayor Cook closed the public hearing at 9:30 p.m.*

*Mayor Cook and Mayor Pro Tem Broseh made brief comments.*

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO DEFINITIONS, REQUIREMENTS FOR SEISMIC SURVEYS, SUBMITTAL REQUIREMENTS FOR GAS WELL PERMITS, EXPIRATION OF GAS WELL PERMITS, HOURS OF OPERATION, NOTIFICATION, REQUIREMENTS FOR CERTAIN REPORTS, VARIANCES, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

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

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

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: OR-1942-15

## **ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 9:41 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0



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

ATTEST:

\_\_\_\_\_ Vicki Collins, City Secretary