



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, November 11, 2013

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:07 p.m.

City Manager Clayton Chandler recognized Assistant City Manager Chris Burkett for 30 years of service with the city. He mentioned Police Officer Mark Smouse and Assistant Fire Chief Eric Peterson are also celebrating their 30 years of service with the city.

Absent 1 - Brent Newsom

Present 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh and Darryl Haynes

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Council Member Newsom arrived at 5:37 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

BrandEra Branding/Marketing Initiative

Director of Parks and Community Services Shelly Lanners made brief comments on the process of branding the city. BrandEra representative Beth Owens made a power point presentation and answered Council questions. There was discussion regarding the tag lines "Great People Great Community Great Lifestyle" and "Minutes to Everything Second to None." There was discussion to use both tag lines and to use the department logos as presented.

Mayor Cook adjourned the work session at 6:07 p.m.

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed into executive session at 6:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:13 p.m. Mayor Cook adjourned 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

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

Consider Possible Purchase of Certain Properties for Future Development/Use

Property Acquisition - 651 Justice Ln.

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

Update on Economic Development Prospects

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

Mayor Cook reconvened into regular business session at 7:00 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Cub Scout Pack 703 led the Pledge of Allegiance.

TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Cub Scout Pack 703 led the Texas Pledge.

PROCLAMATION

[13-0739](#)

American Diabetes Month

Mayor Cook proclaimed November 2013 as American Diabetes Month.

CITIZEN COMMENTS

Yvonne Armour - 822 Yellowstone Drive - Mrs. Armour gave an update on the Bike Out Hunger event that took place during the weekend.

Richard Wilks - 501 S. Elm Street, Arlington - Mr. Wilks spoke about the need of bicycle lanes in Mansfield. He stated that even though he lives in Arlington, he bicycles here in Mansfield.

Paul Tate - 6600 Whister Crest Drive - Mr. Tate spoke about the need of bicycle lanes in Mansfield. He stated he rides his bike through Mansfield on a regular and he would like to see bike lanes in Mansfield.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey expressed his appreciation to all the Veterans. He remembered those he lost in the war.

Council Member Burgess honored the Veterans as well. She remembered her grandfather Master Sergeant Richard M. Trammell.

Council Member Broseh had no announcements.

Mayor Cook echoed the previous comments mentioning he attended a Veterans Day Parade earlier that day. He thanked Mayor Pro Tem Lindsey for his service.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Schedule Joint Meeting with Mansfield Independent School District in Month of January 2014

City Manager Clayton Chandler advised the Council there would be a joint meeting scheduled to meet with the Mansfield Independent School District in January 2014.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[13-0697](#)

Ordinance - Third and Final Reading on an Ordinance Approving Amendments of 5100C and 5100D of Freeway Overlay District Regulations of the Zoning Ordinance to Allow Paint and Body Shop as a Restricted Land Use with Specific Use Permit (OA#13-003)

City Secretary Vicki Collins read the caption into the record.

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

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 5100C AND 5100D OF THE FREEWAY OVERLAY DISTRICT REGULATIONS OF THE ZONING ORDINANCE PERTAINING TO PAINT AND BODY SHOP; 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 Hoffman. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1887-13

[13-0711](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2013 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions or Ordinances; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; Providing a Most Favored Nations Clause; and Requiring Delivery of This Ordinance to the Company and the Steering Committee's Legal Counsel

Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF

**THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE;
DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS
CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE
COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL**

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry
Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1888-13

[13-0734](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funds from Sam's Club/Walmart Local Giving Program in the Amount not to exceed \$2,500 (No City Match Required)

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

**A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY
MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE
AND EXPEND GRANT FUNDS FROM SAM'S CLUB/WALMART LOCAL GIVING
PROGRAM IN THE AMOUNT NOT TO EXCEED \$2,500 (NO CITY MATCH
REQUIRED)**

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry
Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2966-13

[13-0738](#)

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$240,000.00 and Approval of Contracts Including Halff Associates, Inc. for Engineering Design Services and Brittain and Crawford for Surveying Services for Improvements to Debbie Lane Between FM 157 and US Business Hwy 287 (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING AND APPROVING A CONTRACT WITH
HALFF ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR**

IMPROVEMENTS TO DEBBIE LANE FROM FM 157 TO US BUSINESS HWY 287

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2967-13

[13-0733](#)

Minutes - Approval of the October 28, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the October 28, 2013 Regular Meeting minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[13-0740](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the City of Mansfield and Methodist Mansfield Hospital and Authorizing its Execution by the Mayor and Providing and Effective Date

Council Member Hoffman removed this item from the consent agenda.

A motion was made by Council Member Hoffman to table this agenda item. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

END OF CONSENT AGENDA**PUBLIC HEARING AND FIRST READING**

13-0735

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from C-2 to PD for Mini Warehouses and Associated uses on Approximately 7.3 Acres, Generally Located South of Woodcrest Lane and west of West Ridge Drive; Sunbelt Storage, Ltd (ZC#13-008)

Vicki Collins read the caption into the record. Walter Nelson Associates representative Walter Nelson made a brief presentation and answered Council questions. Director of Planning Felix Wong answered Council questions. Mayor Cook opened the public hearing at 7:37 p.m.

The following people spoke during the public hearing:

*Greg Cuppett - 1411 Parkside Drive - Opposed
James Brown - 1508 Parkside Drive - Opposed
Ruth Haefner - 4207 Wildbriar Lane - Opposed
Chris Hamilton - 1415 Parkside Drive
Daniel Peters - 4304 Old Grove Drive - Opposed
Paul Blevins - 1300 Bramble Lane*

Mayor Cook recognized the following non-speakers:

*Ben Luedtke - 3001 Knox Street, Dallas - Support
Chris Haefner - 4207 Wildbriar Lane - Opposed
Judianne Brown - 1508 Parkside Drive - Opposed
Ginnie Bucek - 4210 Old Grove Drive - Opposed
Erika Uggen - 4313 Old Grove Drive - Opposed
Patrick Bucek - 4210 Old Grove Drive - Opposed
Walter Horton - 4208 Wildbriar Lane - Opposed
Scott Smith - 1419 Parkside Drive - Opposed
Sean Loughlin - 1305 West Ridge Drive - Opposed
Sharon Walker - 4210 Woodcrest Lane - Opposed*

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 7:58 p.m.

A motion to amend the main motion was made by Council Member Broseh to add that the PD require the same stipulations that C-2 does with regards to articulation to the roof line. Seconded by Council Member Haynes. The motion to amend CARRIED with 7 ayes and 0 nays.

A motion to amend the main motion was made by Council Member Newsom to require that all trees on the north and east elevation be planted in Phase 1. Seconded by Council Member Haynes. The motion to amend CARRIED with 7 ayes and 0 nays.

A motion to amend the main motion was made by Council Member Hoffman to eliminate number 10 on Exhibit B. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Mayor Cook 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 MINI-WAREHOUSE AND ASSOCIATED 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," with the requirement that an 8 foot masonry wall be constructed on the east perimeter of the property as required under C-2 and that all landscaping be installed pursuant to the C-2 ordinances, that the roof line be pursuant to C-2 ordinances for building B and R and that all trees on the north and east side of the proposed site be completed in Phase 1 and to delete note number 10 under Exhibit B as a request of deviation. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

[13-0736](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PD and Sf-7.5/16 to PD for Office, Warehouse & C-2 Uses on Approximately 47.920 Acres, Generally Located East of FM 157, South of Mouser Way and North of Reed Circle; Mouser Electronics (ZC#05-009A)

Vicki Collins read the caption into the record. Mouser Electronics representative Pete Shopp made a brief presentation and answered Council questions. Engineering representative Bill Baird answered Council questions. City Attorney Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 8:56 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:57 p.m. Mayor Cook encouraged the applicant to speak with the adjoining land owner about their preference of fencing.

A motion was made by Mayor Pro Tem Lindsey 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 OFFICE, WAREHOUSE AND COMMERCIAL USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE," as approved by the Planning and Zoning Commission. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

[13-0737](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR and SF-12/22 to PD for Multi-Family Residential and Certain Commercial Uses on Approximately 17.16 Acres East of The Villas di Lucca Between East Debbie Lane and Mansfield Webb Road; MR Development (ZC#13-009)

Vicki Collins read the caption into the record. MR Development representative Kim

McCaslin Schlieker made a brief presentation and answered Council questions. Carlton Residential representative Jeff Fulencheck made comments. Mayor Cook opened the public hearing at 9:10 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:10 p.m.

A motion was made by Mayor Pro Tem Lindsey 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 MULTI-FAMILY RESIDENTIAL AND CERTAIN COMMERCIAL USES EXCLUDING RESTAURANTS WITH DRIVE-THRU FACILITIES, 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 Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Larry Brose; Darryl Haynes and Brent Newsom

Nay: 1 - Cory Hoffman

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[13-0728](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City of Mansfield, Texas, Authorizing a Lease Agreement with Dallas MTA, L.P. d/b/a Verizon Wireless and Directing and Authorizing the City Manager to Execute the Necessary Lease Documents

Mayor Cook continued the public hearing at 9:11 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:11 p.m.

A motion was made by Council Member Brose to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH DALLAS MTA, L.P. d/b/a VERIZON WIRELESS AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY LEASE DOCUMENTS." Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Brose; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1889-13

NEW BUSINESS

[13-0732](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular Scheduled City Council Meeting of December 23, 2013 to December 9, 2013

A motion was made by Mayor Cook to approve this agenda item. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:12 p.m. Sseconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary