



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, March 16, 2015

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

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

Present 7 - David Cook; Stephen Lindsey; 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 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned the executive session at 7:13 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 TCEQ's Grant of Application #40272

Seek Advice of City Attorney Regarding Proposed Joint Use Agreement with Historic Mansfield Performance Park

Seek Advice of City Attorney Regarding Oak Preserve

Seek Advice of City Attorney Regarding the Ground Lease Agreement with Mansfield Family Entertainment (Addendum to Agenda)

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

Property #10-12-08

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:

#13-19 - Hospitality Prospect Briefing and Update

#15-02 - Business Prospect Briefing and Update

#15-03 - 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 7:20 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.

PRESENTATION

Comprehensive Annual Financial Report - KPMG, LLC and City Staff, Peter Phillis

KPMG, LLP representative Travis Hunter made a brief presentation on the Comprehensive Annual Financial Report. Director of Business Services Peter Phillis answered Council questions.

CITIZEN COMMENTS

Bob Kling - 1170 S. Highway 287 - Mr. Kling spoke on behalf of the Mansfield Masonic Lodge #331. He invited the Fire Department, Police Department, Members of the City Council and Military families to the 24 hour appreciation dinner, breakfast, lunch and dinner that will be held beginning Friday, March 20, 2015 at 6:00 p.m. and ending on Saturday, March 21, 2015 at 6:00 p.m. He mentioned that dispatchers are welcome to call in and have food delivered to their stations.

Ann Lott - 3301 Elm Street - Mrs. Lott spoke about the need for low income housing within the city. She asked for a resolution of support for the Palladium Plaza Development.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey gave a SH360 update.

Council Member Hoffman had no announcements.

Council Member Haynes made comments about how great the pickle parade was.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook appreciated the energy the Pickle Queens bring to the city and thanked the community for their support of the parade.

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

Current/Future Agenda Items

Director of Public Works Steve Freeman gave an update on the street repairs after the recent weather events and answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA**[15-1252](#)**

Resolution - A Resolution Authorizing the City of Mansfield, Texas ("City") to Enter into a Lease Agreement with Ellis County Elections Administrator for the Use of AutoMARK Voting Equipment to be Used in the May 9, 2015 General Election and Runoff, If Necessary

A motion was made by Mayor Pro Tem Broseh to approve the following resolution:

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS ("CITY") TO ENTER INTO A LEASE AGREEMENT WITH ELLIS COUNTY ELECTIONS ADMINISTRATION FOR THE USE OF AUTOMARK VOTING EQUIPMENT TO BE USED IN THE MAY 9, 2015 GENERAL ELECTION AND RUN-OFF ELECTION, IF NECESSARY

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

Seconded by Council Member Haynes. 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-3082-15

[15-1246](#)

Minutes - Approval of the February 23, 2015 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Broseh to approve the minutes of February 23, 2015 Regular Meeting as presented. Seconded by Council Member Haynes. 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

[15-1256](#)

Minutes - Approval of the March 6, 2015 Special City Council Meeting Minutes

Council Member Hoffman removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the minutes of the March 6, 2015 Special Meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Cory Hoffman

END OF CONSENT AGENDA

OLD BUSINESS

[15-1216](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR & SF-12/22 to PD for Multi-Family, Single-Family, Townhouse, Park and Limited Commercial Uses on Approximately 31.1 Acres, Generally Located East of North Street, South of Newt Patterson Road and West of N. Main Street; Realty Capital Management, LLC (ZC#14-013)

City Secretary Vicki Collins read the caption into the record. Realty Capital Management representative made brief comments and answered Council questions. He asked Council to postpone this item.

A motion was made by Council Member Lindsey to approve this agenda item. The motion failed for lack of a second.

A motion was made by Mayor Cook to postpone this agenda item to the next regular meeting. Seconded by Mayor Pro Tem 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

Enactment No: OR-1944-15

PUBLIC HEARING AND FIRST READING

15-1247

Ordinance - Public Hearing and First 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)

Vicki Collins read the caption into the record. Director of Planning Felix Wong made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 7:47 p.m. Mayor Cook recognized the following non-speaker:

Steve Mitchell - 7542 Sharon Lee Drive, Arlington - Support

With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 7:49 p.m.

A motion was made by Council Member Haynes to approve the first 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 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-1943-15

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)

Item representative Gary Grossman answered Council questions.

A motion was made by Council Member Lindsey to table this agenda item to the next regular scheduled meeting. Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Lindsey to table this agenda item to the next regular scheduled meeting and to continue the public hearing until that date. 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

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1227

Ordinance - Public Hearing Continuation and Second 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)

Felix Wong made brief comments. Mayor Cook continued the public hearing at 7:55 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:56 p.m.

A motion was made by Council Member Hoffman 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 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." Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Brent Newsom

Enactment No: OR-1941-15

NEW BUSINESS

14-1187

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

SENTRY LAND, L.P. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made a brief presentation and answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the following 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 SENTRY LAND, L.P. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Haynes. 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-3083-15

15-1238

Consideration of a Detailed Site Plan for Taco Bueno on Approximately 0.9 Acres Located at 3130 E. Broad Street; Schatz Consulting Engineers (DS#15-001)

Schatz Consulting Engineers representative Chisha Musenda made brief comments and answered Council questions. Steve Freeman answered Council questions.

A motion was made by Council Member Haynes to approve this agenda item.

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

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1240

Ordinance - Public Hearing Continuation and Second 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)

Council Member Lindsey gave a brief update. City Attorney Allen Taylor answered Council questions. Felix Wong made brief comments. Mayor Cook opened the public hearing at 8:17 p.m. The following people spoke during the public hearing:

*Ed Ireland - 777 Taylor Street - Support
Dolores August - 2 Raintree Court - Support
Richard Colleoni - 1100 Starleaf Drive - Oppose
Lance Irwin - 1208 Killian Drive - Support w/ increased setbacks
Tamera Bounds - 1109 Meriwether Street - Support
Kim McCaslin Schlieker - 100 N. Mitchell Road - Support
Zac Trahan - 4005 N. Hall Street, Dallas - Support
Diana Decker - 903 Muirfield Drive - Support
Heather Dowell - Mansfield, Texas - Support
Walter Dueease - 810 Houston Street - Support
Shauna Friend - 13 Willowstone Court - Support
Mary Beaty - 908 Tremont Street - Support*

Mayor Cook recognized the following non-speakers:

*Larry Fabian - 1106 Fairway Court - Support
Sonya Griffith - 605 Sunlight Drive - Support
Nancy Farrar - 5924 Forest Lane - Support
Lynda Gearheart - 100 Energy Way - Support
Leslie Curd, Jr. - 1107 Tremont Street - Support
Yolanda Curd - 1107 Tremont Street - Support
Phillip Worobey - 13 Willowstone Court - Support
Mark Sullivan - 1101 Pebble Beach Drive - Support
Waymon Levell - 2331 Gus Thomasson, Dallas - Support
Jennifer Conrad - 1401 Norwegian Wood Court - Support
Lisa Stewart - 826 Muirfield Drive - Support
Tom Ritter - 812 Riviera Drive - Support
Dee Davey - 1606 Meadow Crest - Support*

With no one else wishing to speak, Mayor Cook continued the public hearing at 9:05 p.m. Mayor Cook announced there would be a third public hearing at the next scheduled meeting. Council Member Lindsey made comments. Mayor Cook made comments.

A motion was made by Council Member Hoffman to approve the second reading of "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," with the correction to wording on the 5th page from the back of the document in the first highlighted paragraph to amend the language to read "the City may evaluate the complaint and may request additional analysis within such five year period as necessary," as well as on the following page in the second line. Seconded by Council Member 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

Enactment No: OR-1942-15

ADJOURN

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary