



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, January 9, 2017

5:00 PM

Council Chambers

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#### REVISED AGENDA REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:05 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 5:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Mayor Cook adjourned executive session at 7:08 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 the Sales Contract for the Farr Best Theatre

Seek Advice of City Attorney Regarding Zoning Case #16-001

Seek Advice of City Attorney Regarding Special Event Applications

Seek Advice of City Attorney Regarding Development on Corner of Broad Street and Cannon Drive

Seek Advice of City Attorney Regarding a Marquee Sign for the Shops at Broad at the Intersection of US HWY 287 and E. Broad Street

Seek Advice of City Attorney Regarding Proposed Development on W. Broad Street

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

Deliberate the Purchase, Exchange, Lease or Value of Easements and Real Property for the Pond Branch Linear Trail Project

**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**

Project #16-18 - Business Prospect Briefing

Project #17-01 - Briefing

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

*Mayor Cook reconvened into regular business session at 7:14 p.m.*

**INVOCATION**

*Methodist Health Systems Vice President of Pastoral Services Reverend Ceasar Rentie 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.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Council Member Hoffman had no announcements.*

*Council Member Haynes had no announcements.*

*Council Member Burgess had no announcements.*

*Council Member Newsom had no announcements.*

*Mayor Pro Tem Broseh had no announcements.*

*Mayor Cook wished everyone a Happy New Year.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Winter Walk Update - Ann Beck

*Marketing and Communications Manager Ann Beck invited everyone to the Winter Walk Event to be held on Saturday, January 21, 2017 at Katherine Rose Park beginning at 9:00 a.m.*

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Code Enforcement, Development Services, Communications and Marketing, Library

*There were no questions regarding the quarterly reports.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action was taken by the Council.**

**CONSENT AGENDA**

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

[16-2121](#)

Ordinance - Third and Final Reading of an Ordinance Granting an Ingress-Egress and Access Easement In, Upon, and Across City Owned Property at 1004 Magnolia Street in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

*City Secretary Jeanne Heard read the caption into the record.*

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

**AN ORDINANCE GRANTING AN INGRESS-EGRESS AND ACCESS EASEMENT IN, UPON, AND ACROSS CITY OWNED PROPERTY AT 1004 MAGNOLIA STREET IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; 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-2029-17

[16-2128](#)

Resolution - A Resolution for Authorization of Funding in an Amount not to Exceed \$140,000.00 and Approval of a Contract with Dunaway Associates, L.P. for Design Services for the Magnolia Street Project (Street Bond Fund).

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$140,000.00 AND APPROVAL OF A CONTRACT WITH DUNAWAY ASSOCIATES, L.P. FOR DESIGN SERVICES FOR THE MAGNOLIA STREET PROJECT**

(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-3320-17

[16-2148](#)

Resolution - A Resolution Authorizing the City of Mansfield to Enter an Interlocal Agreement with Tarrant County for the Reconstruction of E. Kimball Street From Main Street to the Dead End and Construct a Temporary Roadway that will Connect the Public Parking Lot to E. Kimball Street for a Cost Not to Exceed \$60,000.00 (Downtown TIRZ and Street Maintenance Fund)

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$60,000.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR THE RECONSTRUCTION OF E. KIMBALL STREET FROM MAIN STREET TO THE EAST DEAD END AND CONSTRUCTION OF A TEMPORARY ROADWAY TO SERVE THE PUBLIC PARKING LOT AT 109 S. MAIN STREET**

(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-3321-17

[16-2150](#)

Resolution - A Resolution Authorizing the City of Mansfield, Texas to Enter into a Chapter 380 Agreement with Bloomfield Homes, L.P. for the Purpose of Promoting Economic Development within the City of Mansfield, Texas; and Approving Other Matters Related Thereto

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS TO ENTER INTO A CHAPTER 380 AGREEMENT WITH BLOOMFIELD HOMES, L.P. FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT WITHIN THE CITY OF MANSFIELD, TEXAS; AND APPROVING OTHER MATTERS RELATED THERETO**

**(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-3322-17

[16-2151](#)

Minutes - Approval of the December 12, 2016 - 6:00 p.m. Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Broseh to approve the minutes of the December 12, 2016 - 6:00 p.m. Regular City Council Meeting 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

[16-2152](#)

Minutes - Approval of the December 12, 2016 - 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Broseh to approve the minutes of the December 12, 2016 - 7:00 p.m. Regular City Council Meeting 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

**END OF CONSENT AGENDA**

**OLD BUSINESS**

[16-2115](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to Planned Development for Office/Retail Uses on Approximately 3.95 Acres Located at 1209 N Day Miar Road; HCC Contracting, Inc (ZC#16-013)

*Jeanne Heard read the caption into the record. HCC Contracting, Inc. representative Darren McDougald made a brief powerpoint presentation.*

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 OFFICE/RETAIL 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 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-2030-17

**PUBLIC HEARING**

[16-2142](#)

Public Hearing and Consideration of a Request for an Alternate Location for a Roof-Mounted Solar Panel System Under Section 7800.B.37.H of the

Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 405 Forestridge Drive; Steve Owusu-Ansah (SP#17-001)

*Solar City Company representative Jaime Thomas made brief comments and answered Council questions. Homeowner Steve Owusu-Ansah made brief comments. Mayor Cook opened the public hearing at 7:30 p.m. With no one wishing to speak, Mayor Cook closed the public hearing. Director of Planning Felix Wong answered Council questions.*

**A motion was made by Council Member Lindsey to approve the request. Seconded by Mayor Pro Tem Broseh. The motion FAILED by the following vote:**

**Aye:** 3 - Stephen Lindsey; Larry Broseh and Darryl Haynes

**Nay:** 4 - David Cook; Wendy Burgess; Cory Hoffman and Brent Newsom

**Abstain:** 0

### **PUBLIC HEARING AND FIRST READING**

#### **16-2146**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, Pre Development to PD, Planned Development for Office, Retail and Service Uses on Approximately 3.296 Acres Generally Located South of Mansfield-Webb Road and approximately 470 feet West of the City Limits; Mansfield-Webb, LLC (ZC#16-016)

*Jeanne Heard read the caption into the record. Macatee Engineering representative Dayton Macatee made a brief powerpoint presentation and answered Council questions. BQ Construction representative James Johnston answered Council questions. Council requested the applicant bring back at the second reading a drawing with windows in the rear of the buildings; and notation of where the air conditioning units will be and how they will be screened.*

**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, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR OFFICE, RETAIL AND SERVICE 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 Mayor Pro Tem Broseh. The motion CARRIED by the following vote:**

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

**Nay:** 1 - David Cook

**Abstain:** 0

#### **16-2149**

Ordinance - Public Hearing and First Reading of an Ordinance Changing the Speed Limit on US Highway 287 between Lone Star Road and South City Limits to a Regulatory Construction Speed of 55 MPH

*Jeanne Heard read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook opened the public hearing at 7:56 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:56 p.m*

**A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." 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

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

### **[16-2125](#)**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to I-1, Light Industrial District on Approximately 14.5 Acres Generally Located West of S. 7th Avenue and North of Hanks Drive; Mansfield Economic Development Corporation (ZC#16-021)

*Felix Wong made brief comments. Mayor Cook continued the public hearing at 7:57 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:57 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 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO I-1 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION, 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:** 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0



Abstain: 0

[16-2138](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD, Planned Development for Single Family Residential Use on Approximately 15.46 Acres Generally Located About 1,300' South of the Southeast Corner of N. Matlock Road and E. Debbie Lane; Skorburg Company (ZC#16-017)

*Skorburg Company representative Noah Flabiano made a brief powerpoint presentation and answered Council questions. Skorburg Company representative Adam Buczek answered Council questions. Mayor Cook continued the public hearing at 8:06 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:06 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 Council Member Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 1 - Brent Newsom

Abstain: 0

**NEW BUSINESS**

[16-2131](#)

Ordinance - First Reading of an Ordinance Amending the PCS Site Lease Agreement and First Amendment to PCS Site Lease Agreement for the City-Owned Property at James McKnight Park East in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

*Jeanne Heard read the caption into the record. Director of Parks and Community Services Matt Young made brief comments and answered Council questions.*

**A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE AMENDING THE PCS SITE LEASE AGREEMENT AND FIRST AMENDMENT TO PCS SITE AGREEMENT FOR THE CITY-OWNED PROPERTY AT JAMES MCKNIGHT PARK EAST, IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; 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

16-2145

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 Midwest Property, LLC and Authorizing Its Execution by the President of the MEDC;and Providing an Effective Date  
*Director of Economic Development Scott Welmaker made brief comments.*

**A motion was made by Council Member Newsom 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 MIDWEST PROPERTY, LLC 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 Mayor Cook. 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-3323-17

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:10 p.m. 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

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

ATTEST:

\_\_\_\_\_ Jeanne Heard, City Secretary