



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, October 26, 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 5:03 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 5:03 p.m. Mayor Cook called the meeting to order in the Council Conference Room at 5:15 p.m. Mayor Cook adjourned executive session at 7:05 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

Proposed Structure Changes Regarding Management of Certain Service Areas

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

Land Update for Linear Trail - Property #03-14-05

#### **Personnel Matters Pursuant to Section 551.074**

Proposed Structure Changes Regarding Management of Certain Service Areas

#### **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 #14-06 - Industrial Prospect Briefing and Update

Project #15-16 - Industrial 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 7:14 p.m.*

**INVOCATION**

*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Mayor Pro Tem 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 Lindsey led the Texas Pledge.*

**PROCLAMATION**

**[15-1564](#)**

Breast Cancer Awareness Month

*Mayor Cook proclaimed October 2015 as Breast Cancer Awareness Month and presented a proclamation to Lisa Hudgins and Winkie's Warriors. Lisa Hudgins made brief comments.*

**[15-1563](#)**

Arbor Day

*Mayor Cook proclaimed Friday, November 6, 2015 as Arbor Day and presented a proclamation to Landscape Administrator Stevon Smith. Stevon made brief comments.*

**PRESENTATION**

Tree City USA Recognition - Landscape Administrator Stevon Smith

*Stevon Smith presented the City with the Tree City USA Award and made brief comments. City Manager Clayton Chandler thanked Stevon for his hard work and dedication to the City.*

Historic Landmark Medallions Presentation to Matt Crocker

*President of the Historic Landmark Commission Dr. Robert Smith introduced Matt and Barbara Crocker. Dr. Smith presented Mr. and Mrs. Crocker with three Historic Landmark Medallions for properties they own located at 125 N. Main Street, 107 N.*

*Main Street and 124 N. Main Street. Mr. Chandler made brief comments.*

#### 2015 3CMA Savvy Awards to Communications & Marketing Department and Utilities Division

*Mayor Cook presented the 2015 3CMA Savvy Awards to Director of Communications and Marketing Belinda Willis, Graphics Designer Rick Sales, Assistant Director of Utilities Jeff Price, Education Specialist Arianne Shipley and Deputy City Manager Joe Smolinski. Mr. Chandler expressed his appreciation to them for their hard work and dedication.*

### **CITIZEN COMMENTS**

*Joe Paul Williams - 93 Forest Glen - Mr. Williams spoke in opposition of the garage sale ordinance.*

*Paul Champion - 123 Cedar Street - Mr. Champion spoke in opposition of the garage sale ordinance.*

*Rod Morris - 123 Cedar Street - Mr. Morris spoke in opposition of the garage sale ordinance.*

*Karla Hinkle - 419 Country Meadow Drive - Ms. Hinkle spoke in opposition of the garage sale ordinance.*

*Ruth Brinkmann - 2706 St. Kitts - Ms. Brinkmann spoke in opposition of the garage sale ordinance.*

*Donna Pauli - 9013 N. Monterrey Drive, Alvarado, TX - Ms. Pauli spoke in opposition of the garage sale ordinance.*

*Valerie Crowe - 25 Forest - Ms. Crowe spoke in opposition of the garage sale ordinance.*

*Ron and Sally Thorson - 1802 New Castle Drive - Mr. and Mrs. Thorson spoke in opposition of the garage sale ordinance.*

*Mayor Cook recognized the following non-speakers in opposition of the garage sale ordinance:*

*Marsha Smith - 804 St. Matthew Dr.*

*Charles Taylor - 501 A W. Kimball St.*

*George Ann Powell - 920 N. Main St.*

*Billy J. Anderson - 920 N. Main St.*

*Shirley L. Anderson - 920 N. Main St.*

*Beverly Vinson - 9 Kimberly Ct.*

*Linda Mansky - 1114 Shady Oak Tr.*

*Sandy Gardner - 6 Circle Park Ct.*

*Elisa Cole - 7424 Nocona Dr.*

*David Fankhauser - 1209 Danbury Dr.*

*Sandy Jeffries - 1209 Danbury Dr.*

### **COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey stated there were good comments received from the citizens.*

*Council Member Hoffman thanked citizens for their comments.*

*Council Member Haynes stated he was proud of the citizens for speaking.*

*Council Member Burgess stated National Night Out is a great opportunity to socialize and network among your neighbors.*

*Mayor Pro Tem Newsom had no announcements.*

*Council Member Broseh thanked the citizens for their feedback.*

*Mayor Cook had no announcements.*

## **STAFF COMMENTS**

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

#### Current/Future Agenda Items

*Mr. Chandler made comments regarding the SH 360 Groundbreaking. He stated several people were recognized for their hard work in the SH 360 project. He recognized Assistant City Manager Chris Burkett and Director of Planning Felix Wong for their hard work in making the project successful.*

#### Joint Trail Program with Sellmark

*Deputy City Manager Shelly Lanners gave an update regarding the Joint Trail Program with Sellmark. She stated that employees at Sellmark along with the Mansfield Economic Development Corporation and the Parks and Recreation Department will be working together to complete the project. Mayor Cook thanked Sellmark for the contribution they are making to the community and our park system.*

#### Monarch Butterfly Program

*Shelly Lanners advised the Council that the City has signed up for the Mayors' Monarch Pledge. She stated the city is currently doing five out of the 25 items on the pledge list.*

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

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

## **CONSENT AGENDA**

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

#### **[15-1520](#)**

Ordinance - Third and Final Reading on an Ordinance Approving a Specific Use Permit for Restaurant with Drive-thru Service on Approximately 1.04 Acres Located at 1571 E. Debbie Lane; KMSP-Luna Grill Restaurants (ZC#15-011)

*Acting City Secretary Susana Marin 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 RETAIL USES & RESTAURANT WITH DRIVE-THROUGH FACILITY, 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 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

Enactment No: OR-1971-15

[15-1523](#)

Ordinance - Third Reading on an Ordinance Amending the Development Fee Schedule to Revise the Fees for Applications Related to Zoning Changes, Plats, Site Plans and Development Documents and Road Damage Remediation (OA#15-009)

*Susana Marin 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 DEVELOPMENT FEE SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

**Seconded 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

Enactment No: OR-1972-15

[15-1428](#)

Resolution - A Resolution Awarding a Contract to Ford Audio-Visual

Systems, LLC (Ford AV) in the Amount of \$208,023.54 for the Purchase and Installation of Audio and Visual Equipment in the City Hall Council Chambers

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

**A RESOLUTION AWARDING A CONTRACT TO FORD AUDIO-VISUAL SYSTEMS, LLC, IN THE AMOUNT OF \$208,023.54 FOR THE PURCHASE AND INSTALLATION OF AUDIO VISUAL AND LIGHTING EQUIPMENT IN THE CITY HALL COUNCIL CHAMBERS**

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

**Seconded 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

Enactment No: RE-3163-15

[15-1557](#)

Resolution - A Resolution Awarding a Contract for the Construction of Main Street & Gertie Barrett Road Water Line Improvements to Jackson Construction LTD., and authorizing funding for an Amount Not to Exceed \$847,952.00. (Utility Bond Fund)

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

**A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF MAIN STREET & GERTIE BARRETT ROAD WATER LINE IMPROVEMENTS TO JACKSON CONSTRUCTION LTD. APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

**Seconded 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

Enactment No: RE-3164-15

[15-1566](#)

Resolution - A Resolution Authorizing the City of Mansfield, Texas to Enter into a Chapter 380 Agreement with First Texas Homes, Inc. for the Purpose of Promoting Economic Development within the City of Mansfield, Texas; and

Approving Other Matters Related Thereto

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS TO ENTER INTO A CHAPTER 380 AGREEMENT WITH FIRST TEXAS HOMES, INC 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 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

Enactment No: RE-3165-15

[15-1568](#)

Resolution - A Resolution Awarding a Contract Regarding the Offsite Infrastructure for Mansfield Fieldhouse USA Project

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

**A RESOLUTION AWARDDING A CONTRACT REGARDING THE OFFSITE INFRASTRUCTURE FOR MANSFIELD FIELDHOUSE USA PROJECT**

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

**Seconded 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

Enactment No: RE-3166-15

[15-1569](#)

Resolution - A Resolution Awarding a Contract Regarding the Sitework for Mansfield Fieldhouse USA Project

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

**A RESOLUTION AWARDDING A CONTRACT REGARDING THE SITEWORK FOR MANSFIELD FIELDHOUSE USA PROJECT**

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

**Seconded 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

Enactment No: RE-3167-15

[15-1538](#)

Request for Special Event Permit; Mansfield Turkey Trot

**A motion was made by Council Member Hoffman to approve the request for special event permit. Seconded 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

[15-1545](#)

Request for Special Event Permit; Meredith Hatch 5K Fun Run

**A motion was made by Council Member Hoffman to approve the request for special event permit. Seconded 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

[15-1552](#)

Minutes - Approval of the October 12, 2015 Regular City Council Meeting Minutes

**A motion was made by Council Member Hoffman to approve the minutes for the October 12, 2015 Regular City Council Meeting as presented. Seconded 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

**END OF CONSENT AGENDA**

**OLD BUSINESS**

[15-1525](#)

Ordinance - Third and Final Reading of an Ordinance of the City of

Mansfield, Texas Amending Ordinance No. Or-1799-11, Amending the Schedule of Drainage Charges for the Mansfield Municipal Drainage Utility System Against all Real Properties within the City and Clarifying Certain Exemptions from said Charges and the Rights and Duties of Land Owners, Pursuant to the City's Authority Under Subchapter C of Chapter 552 of The Texas Local Government Code; Providing a Severability Clause and an Effective Date

*Susana Marin read the caption into the record. Stormwater Manager Howard Redfearn gave an update and answered Council questions.*

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING ORDINANCE NO., OR-1799-11, TO REVISE THE SCHEDULE OF DRAINAGE CHARGES FOR THE MANSFIELD MUNICIPAL DRAINAGE UTILITY SYSTEM AGAINST ALL REAL PROPERTIES WITHIN THE CITY PURSUANT TO THE CITY'S AUTHORITY UNDER SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE**

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

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

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

**Nay:** 1 - Larry Broseh

**Abstain:** 0

Enactment No: OR-1973-15

[15-1544](#)

Ordinance - Second Reading of an Ordinance Amending the Regulations Pertaining to Garage Sales in Chapter 98 of the Mansfield Code of Ordinances (OA#15-011)

*Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions. Director of Development Services Richard Wright made comments and answered Council questions. Council Member Lindsey, as the Chairman of the Code Enforcement Subcommittee, stated the garage sale issue did not originate from the subcommittee mentioning it was added subsequently through Council discussion. Staff and Legal Counsel were instructed to work on including hardship variance wording. Council requested a redline version of the changes by third reading.*

**A main motion was made by Council Member Haynes to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS PERTAINING TO GARAGE SALES IN CHAPTER 98 OF THE MANSFIELD CODE OF ORDINANCES; 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," removing the limitation of May and October; leaving it at three sales per year and including a**

hardship variance in the event of an estate sale. Seconded by Mayor Pro Tem Newsom.

Council Member Broseh amended the main motion to restrict the sales to two per year plus an estate sale. Seconded by Mayor Cook. The motion CARRIED with 6 ayes and 1 nay. Council Member Lindsey voted nay.

The main 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 AND FIRST READING**

#### **15-1551**

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendment of the Definition of Window Signs in Section 7100.C.2 of the Zoning Ordinance (OA#15-013)

*Susana Marin read the caption into the record. Felix Wong made brief comments. Code Enforcement Subcommittee Chairman Lindsey made brief comments and answered Council questions. Mayor Cook opened the public hearing. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:21 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 SUBSECTION 2 OF SUBSECTION C "SIGN CLASSIFICATIONS AND DEFINITIONS" OF SECTION 7100 "SIGN STANDARDS" TO REVISE THE DEFINITION OF WINDOW SIGNS; 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:** 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 0

#### **15-1553**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Property Located at 103 Van Worth Street; City of Mansfield (ZC#15-015)

*Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 9:36 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:36 p.m.*

**A motion was made by Council Member 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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 103 VAN WORTH STREET; 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 stipulation that staff return with answers to specific questions that have been posed by the Council regarding redevelopment. Seconded by Mayor Pro Tem 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

[15-1554](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Property Located at 118 N Main Street; City of Mansfield (ZC#15-016)

*Susana Marin read the caption into the record. Felix Wong answered Council questions. Mayor Cook opened the public hearing at 9:38 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:38 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, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 118 NORTH MAIN STREET; 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 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

[15-1556](#)

Ordinance - Public Hearing and First Reading of an Ordinance Amending the Code of Ordinances for Designated Truck/Commercial Delivery Routes by Removing a Section of US Business Hwy 287 (Main Street) from the Truck Route and Designating it as a Delivery Route

*Susana Marin read the caption into the record. Transportation Engineer David Boski made brief comments.*

A motion was made by Council Member Lindsey to table this agenda item to the next regular scheduled meeting. 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

[15-1558](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendment of Section 7500, Open Storage and Screening Regulations of the Zoning Ordinance to Prohibit Outside Storage or Display in C-1 Zoning, Require Outside Storage or Display in C-3, I-1 and I-2 Zoning to be on a Gravel, Asphalt or Concrete Surface when within 30' of the Street Right-of-Way or not Screened by an Opaque Fence (OA#15-014)

*Susana Marin read the caption into the record. Felix Wong made brief comments. Mayor Cook opened the public hearing at 9:47 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:48 p.m.*

**A motion was made by Council Member Burgess 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 SUBSECTION C OF SECTION 7500 "OPEN STORAGE AND SCREENING REGULATIONS" TO PROHIBIT OPEN STORAGE OR DISPLAY IN C-1 ZONING DISTRICT AND BY INSERTING A NEW SUBSECTION E TO SECTION 7500 REGARDING OPEN STORAGE AND DISPLAY IN C-3, I-1 AND I-2 ZONING DISTRICTS; 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 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

[15-1559](#)

Ordinance - Public Hearing and First Reading on an Ordinance Amending Subsection B, Section 7200, Off-Street Parking and Loading Standards of the Zoning Ordinance to Prohibit the Parking of all Other Vehicles Such as Boats, Motor Homes, Recreational Vehicles, Campers, Trailers, Buses, All-Terrain and Other Non-Passenger Vehicles Between the Street Right-of-Way and the Caçade of a Single-Family Dwelling, Two-Family Dwelling or Townhouse, and to Remove the Exemption to Such Parking Restrictions Applicable to Vehicles in Existence Before March 28, 2006 (OA#15-005)

*Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions. Richard Wright made brief comments. Legal Counsel was directed to bring back at the second reading a clear definition of the grandfather clause. Staff was asked to add provisions to the ordinance in regards to a 24 hour provision for loading and unloading. Mayor Cook opened the public hearing at 10:07 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:07 p.m.*

*Mayor Cook asked that staff or Legal Counsel look into sending Charter Spectrum a*

*demand letter in regards to a cable that is running along Debbie Lane as well as a low laying cable running across the creek on Country Club behind Mansfield Chiropractic. He also asked for staff to reach out to the utility providers regarding low power lines and leaning poles on Miller Street.*

**A motion was made by Council Member 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SUBSECTION 23 AND 25 OF SUBSECTION B "GENERAL PROVISIONS" OF SECTION 7200 "OFF-STREET PARKING AND LOADING STANDARDS" REGARDING THE PARKING STANDARDS OF OTHER VEHICLES AND REMOVING THE EXEMPTION OF CERTAIN VEHICLES FROM THE PARKING STANDARDS; 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 stipulation that staff and Legal Counsel return with comments to answer questions and drafting some of the language components discussed so they can be reviewed at the second reading. Seconded by Mayor Pro Tem 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

[15-1560](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendment of Section 7100, Sign Standards of the Zoning Ordinance to Establish Definition and Regulations for Electronic Message Center and Replace Definition and Regulations for Message Centers (OA#15-012)

*Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions. Staff was asked to prepare a list of current electronic message signs in the city and provide it to the Council. Mayor Cook opened the public hearing at 10:28 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:28 p.m. Council requested staff purchase a light meter and take measurements and provide the light meter readings to the Council so they can compare lighting.*

**A motion was made by Council Member 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SUBSECTION C "SIGN CLASSIFICATIONS AND DEFINITIONS" OF SECTION 7100 "SIGN STANDARDS" TO CREATE A DEFINITION FOR ELECTRONIC MESSAGE CENTER, AMENDING TABLE 7100D "SCHEDULE OF SIGN STANDARDS" AND INSERTING A NEW SUBSECTION I "SPECIAL SIGN STANDARDS FOR ELECTRONIC MESSAGE CENTER"; 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 stipulation that staff investigate the questions posed by Council regarding the electronic**

messaging signs and distribute that to the Council in advance of the next meeting so changes or additions can be incorporated into a subsequent second reading. **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

[15-1561](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendment of Section 7100, Sign Standards of the Zoning Ordinance to Revise the Regulations Under Which Signs on Vehicles may be Displayed (OA#15-004)

*Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Mayor Cook opened the public hearing at 10:43 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:43 p.m.*

*Staff was asked to look at an ordinance revision to address the 18 wheeler trucks parking on SH360 and future Mouser Way.*

**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 SUBSECTION 8 "SIGNS ON VEHICLES" OF SUBSECTION J "SIGNS PERMITTED IN ALL ZONING DISTRICTS" OF SECTION 7100 "SIGN STANDARDS" TO REVISE REGULATIONS RELATED TO SIGNS ON VEHICLES; 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 Newsom. The motion FAILED by the following vote:**

**Aye:** 3 - Stephen Lindsey; Cory Hoffman and Brent Newsom

**Nay:** 4 - David Cook; Wendy Burgess; Larry Broseh and Darryl Haynes

**Abstain:** 0

[15-1562](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendment of Section 7100, Sign Standards of the Zoning Ordinance to Establish New Definition and Regulations for Promotional Signs and Revise Regulations on Garage Sale Signs (OA#15-007)

*Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions. Staff was asked to draft language to address oversized/inflatable signs. Mayor Cook opened the public hearing at 11:01 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 11:01 p.m.*

**A motion was made by Council Member 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, TEXAS**

AS HERETOFORE AMENDED BY AMENDING SUBSECTION C "SIGN CLASSIFICATIONS AND DEFINITIONS" OF SECTION 7100 "SIGN STANDARDS" TO CREATE A DEFINITION FOR PROMOTIONAL SIGN, DELETE THE DEFINITION FOR WIND SIGN, AND BY AMENDING SUBSECTIONS 2 AND 3 OF SUBSECTION J "SIGNS PERMITTED IN ALL ZONING DISTRICTS" OF SECTION 7100 REGARDING REGULATIONS ON PROMOTIONAL SIGNS AND GARAGE SALE SIGNS; 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," striking the provision of 90-120 days to allow flexibility to advertise at will and maintaining the frequency at three. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

## **NEW BUSINESS**

### **[15-1567](#)**

Resolution - Resolution Initiating Annexation Proceedings, Setting Public Hearing Dates and Providing for the Preparation of a Service Plan for Approximately 158 Acres in Johnson County General Located South of Lillian Road and Approximately 2,000' Southwesterly of the Intersection of Lillian Road and W. Broad Street

*Felix Wong made brief comments. Council requested staff to provide an economic impact burden, the economic positive impact as well as the requirements the city will have for this annexation.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS TO BE HELD REGARDING PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF MANSFIELD, TEXAS; DIRECTING THAT NOTICE BE PROVIDED FOR THE PUBLIC HEARINGS; DIRECTING THAT A SERVICE PLAN FOR THE PROPERTY BE PREPARED; AND ESTABLISHING 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-3168-15

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 11:15 p.m. 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

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

ATTEST:

\_\_\_\_\_ Susana Marin, Acting City Secretary