



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, July 22, 2013

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 p.m. and turned the work session over to City Manager Clayton W. Chandler.

Absent 1 - Cory Hoffman

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

WORK SESSION (TO BE HELD IN THE MULTI-PURPOSE ROOM)

Preliminary Discussion of FY2014 Budget and Service Program

Mr. Chandler gave a PowerPoint presentation on the FY2014 budget and service program. Discussion only. Mayor Cook adjourned the work session at 5:35 p.m.

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed into executive session at 5:37 p.m. Mayor Cook called executive session to order in the Council Conference Room at 5:45 p.m. Council Member Hoffman arrived at 5:45 p.m. Mayor Cook adjourned executive session at 7:02 p.m.

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

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

City Attorney Briefing Regarding Possible Development Agreement with South Pointe

Seek Advice of City Attorney Regarding Potential Interlocal Agreement with TxDOT and Tarrant County Regarding Proposed US 287/Debbie Lane Improvements

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 Lane

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 the meeting into regular business session at 7:07 p.m.

INVOCATION

Council Member 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 Newsom led the Texas Pledge.

PRESENTATION

Update on Status of FM 1187 TxDOT Project from Maribel Chavez, District Engineer and Lone Star Construction (Contractor)

Ms. Maribel Chavez, Texas Department of Transportation District Engineer, gave a brief update on the FM 1187 project and answered Council questions. Ms. Chavez indicated the following milestones have been incorporated into the contract: All intersection work at Cardinal and FM 1187 to be completed by August 25, 2013 and complete all main lane paving (including side streets and driveways) by November 25, 2013 with median work being completed afterwards. Ms. Chavez stated penalties will be applied if the deadlines are not met by the contractor. Ms. Chavez answered the concerns expressed by the Council. Bradley S. Missler, Vice President of Operations for Lone Star Civil Construction, answered Council questions.

CITIZEN COMMENTS

Lloyd Dicken, 5200 Little Natalie Lane #502, Fort Worth - introduced Senior Advisory Board Officers who were in attendance at the meeting. Mr. Dicken spoke about the importance of the senior community being involved at the Mansfield Activities Center. Mayor Cook mentioned the Council will be supporting their efforts and will present a

proclamation to them at the August 12th City Council meeting.

COUNCIL ANNOUNCEMENTS

Council Member Haynes - mentioned the Mansfield Christian Fellowship, located on Second Street, is in need of \$1,000.00.

Council Member Hoffman - No announcements

Council Member Newsom - No announcements

Mayor Pro Tem Lindsey - No announcements

Council Member Burgess - No announcements

Council Member Broseh - No announcements

Mayor Cook - No announcements

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

A YouTube video was shown regarding the Mansfield Animal Shelter. Animal Care and Control Center Supervisor Lori Rodriguez stated the video was made by The Music Place staff and girl participants from the theater summer camp.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[13-0583](#)

Ordinance - Third and Final Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and Chesapeake Exploration, LLC for City-Owned Property Located at 3100 East Broad Street

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 AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND CHESAPEAKE EXPLORATION, LLC FOR CITY-OWNED PROPERTY LOCATED AT 3100 EAST BROAD STREET

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

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

Enactment No: OR-1880-13

[13-0602](#)

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for the FY 2009 Community Development Block Grant Project for the 4th Avenue and West Oak Street Paving and Utility Improvements with McClendon Construction, Inc. in the amount of \$3,035.76 (Street Bond Fund)

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

A RESOLUTION AUTHORIZING CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR THE FY 2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE 4TH AVENUE AND WEST OAK STREET PAVING AND UTILITY IMPROVEMENTS WITH MCCLENDON CONSTRUCTION, INC.

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

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

Enactment No: RE-2931-13

[13-0610](#)

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for the Cannon Drive Paving, Traffic Signal and Sewer Improvements with SYB Construction Co. Inc. in the Amount of \$11,545.18 (Tax Increment Financing Funds)

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

A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR CANNON STREET PAVING, TRAFFIC SIGNAL AND SEWER IMPROVEMENTS WITH SYB CONSTRUCTION CO., INC.

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

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

Enactment No: RE-2932-13

[13-0611](#)

Resolution - A Resolution Authorizing a Contract between the City of Mansfield, Texas and Tarrant County and the County's Tax Assessor/Collector for the Collection of the City of Mansfield, Texas Tax Collection Services

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

A RESOLUTION RATIFYING, AND CONFIRMING, THAT THE CITY MANAGER OR HIS DESIGNEE OF THE CITY OF MANSFIELD, TEXAS IS AUTHORIZED TO ENTER INTO A CONTRACT BY AND BETWEEN RON WRIGHT, TARRANT COUNTY TAX ASSESSOR/COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE PROVISION OF TAX COLLECTION SERVICES FOR THE CITY OF MANSFIELD

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

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

Enactment No: RE-2933-13

[13-0614](#)

Resolution - A Resolution Determining the Best Value in Awarding the Construction Contract Regarding the New Mansfield Service Center, New Tactical Training Facility and the Renovation of the Mansfield Dispatch Office (Building Construction Fund)

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

A RESOLUTION DETERMINING THE BEST VALUE IN AWARDING THE CONSTRUCTION CONTRACT REGARDING THE NEW MANSFIELD SERVICE CENTER, NEW TACTICAL TRAINING FACILITY AND THE RENOVATION OF THE MANSFIELD DISPATCH OFFICE

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

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

Enactment No: RE-2934-13

[13-0617](#)

Special Event Permit; Request for Special Event Permit for Legacy HS March-A-Thon

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

[13-0613](#)

Minutes - Approval of the July 8, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the July 8, 2013 Regular City Council Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[13-0616](#)

Resolution - A Resolution Authorizing and Extending the City's Depository Contract for Banking Services with JPMorgan Chase for Two Years

Mayor Pro Tem Lindsey removed this item from the Consent Agenda. Director of Business Services Peter K. Phillis answered Council questions.

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

A RESOLUTION AUTHORIZING AND EXTENDING THE CITY'S DEPOSITORY CONTRACT FOR BANKING SERVICES WITH JPMORGAN CHASE FOR TWO YEARS

(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-2935-13

END OF CONSENT AGENDA

PUBLIC HEARING

[13-0609](#)

Public Hearing - Public Hearing on a Concept Plan for a Proposed Planned Development for The Villas di Lucca, Phase 2 on Approximately 16.12 Acres, Generally Located between East Debbie Lane and Mansfield Webb Road and East of The Villas di Lucca Phase 1; MR Development Corp (ZC#13-006)

Kim McCaslin Schlieker, MR Development, 4204 Woodcrest Lane, Mansfield, mentioned Neal Hilderbrant, Carlton Residential and Carlton Construction, was in attendance at the meeting. Ms. Schlieker made a presentation on Phase II of The Villas and Shoppes de Luca. Ms. Schlieker answered Council questions. Director of Public Works Steve Freeman answered Council questions. Director of Planning Felix Wong made comments. During discussion, the following suggestions were made by the Council: Gates to be placed at front and rear of development, sit down restaurant only, and amend the thoroughfare plan to eliminate Turner Warnell Road without a traffic study.

Mayor Cook opened the public hearing at 8:49 p.m.

The following spoke during the public hearing:

Bud Ervin, 1700 Mansfield Webb Road, Mansfield - spoke in support of the project.

James Young, 1109 Old Dominion Place, Mansfield - spoke in support of the project.

Non-Speaker:

Art Rolander, 2213 Forest Creek, Mansfield - in support of the project.

With no others wishing to speak, Mayor Cook closed the public hearing at 8:53 p.m.

PUBLIC HEARING AND FIRST READING

[13-0608](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from MF-2 & PD for Multi-family Residential Use to a New PD for Multi-family Residential Use on Approximately 17.2 Acres, Generally Located East of SH 360 and Approximately 400 Feet North of Heritage Parkway South; HP Civil Engineering, LLC. (ZC#13-002)

Vicki Collins read the caption into the record.

Jason Pyka, HP Civil Engineering, 5339 Alpha Road, Dallas, and Mark Mucasey, Mucasey and Associates, were in attendance at the meeting. Mr. Pyka made a brief presentation on the proposed zoning change and answered Council questions. Mr. Mucasey answered Council questions. Director of Community Services Shelly Lanners answered Council questions. The Council directed Shelly Lanners, by second reading, to speak with the Golf Course if netting is warranted. Peter Phillis answered Council questions. Mayor Cook asked that capital investment information be provided by the second reading.

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 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING

[13-0592](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Adopting School Zone on Holland Road for Judy K. Miller Elementary

Mayor Cook continued the public hearing at 9:21 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:21 p.m.

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.346 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 IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." 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-1881-13

NEW BUSINESS**13-0615**

Consideration of a Request to Revise the Development Plan for the Assisted Living Facility in Broad Street Medical Plaza located at the Northeast Corner of East Broad Street and Matlock Road (ZC#10-005B)

Cliff Holasek, three: Living Architecture, 4040 North Central Expressway, Dallas, made a presentation on the request to revise the development plan for the assisted living facility and answered Council questions. Felix Wong made comments and answered Council questions. George Sakakeeny, Colonial Square Ventures, 100 Colonial Square, Colleyville, answered Council questions.

A motion was made by Council Member Broseh to approve the request to revise the development plan. 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

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed into executive session at 9:43 p.m. Mayor Cook called executive session to order in the Council Conference Room at 9:50 p.m. Mayor Cook adjourned executive session at 10:48 p.m.

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

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

RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Cook reconvened the meeting into regular business session at 10:49 p.m.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:50 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:

_____ Vicki Collins, City Secretary