



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, April 8, 2013

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 5:05 p.m. and turned the work session over to City Manager Clayton Chandler.*

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

#### **WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM**

##### **Moving Forward - The Next Step**

###### **\*Capital Projects**

*Mr. Chandler made a power point presentation and answered Council questions. Director of Public Works Steve Freeman answered Council questions regarding streets. Police Chief Gary Fowler and Fire Chief Barry Bondurant made comments and answered Council questions. There was discussion amongst the Council and staff. Mayor Cook assigned Council Members Cory Hoffman, Wendy Burgess and Darryl Haynes to the Local Transportation Subcommittee appointing Council Member Hoffman as the Chairman.*

###### **\*Financing Options**

*Mr. Chandler made a power point presentation during the previous item.*

##### **83rd Legislative Session - Follow Up**

*Mr. Chandler gave an update on the legislative session. City Attorney Allen Taylor made comments. Mayor Cook adjourned the work session at 6:15 p.m.*

#### **RECESS INTO EXECUTIVE SESSION**

*Pursuant to Section 551.071 of the Texas Government Code, the Council reserves the right to convene into executive session(s) from time to time as deemed necessary during the meeting for any posted agenda item, to receive advice from its attorney as permitted by law.*

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:18 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:23 p.m. Mayor Cook adjourned executive session at 7:10 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 Legal Responses Associated with Emergency Responses Regarding Mutual Aid Agreements

**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

**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 Mansfield Economic Development Corporation Projects

Economic Development Project #13-07

**Consider Placement or Deployment of Security Devices on Municipal Property or Facilities Pursuant to Section 551.076**

Security of Public Buildings

**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 Lindsey 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.*

**PROCLAMATION****13-0503** Child Abuse Prevention Month

*Mayor Cook proclaimed April 2013 as Child Abuse Prevention Month and presented a proclamation to Shellie McMillion. Shellie made brief comments.*

**CITIZEN COMMENTS**

*Mike Frazier - 8114 Storie Road - Arlington - Mr. Frazier spoke on behalf of the Fire Academy Alumni Association. He invited everyone to attend the second annual Boots and Bistro Event. He stated the event is a fundraiser for the Fire Department mentioning it will take place at Aristide on Thursday, April 25, 2013 from 5:00 p.m. to 9:00 p.m.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Haynes stated he was part of the Citizens Fire Association and he appreciated what the association does for the Fire Department. He stated he would donate \$100 to the association and asked for others to do the same.*

*Council Member Hoffman stated he would match Council Member Haynes' donation and thanked the Citizens Fire Association for their support.*

*Council Member Newsom had no announcements.*

*Council Member Lindsey had no announcements.*

*Council Member Burgess stated she had contributed to the Boots and Bistro event as well.*

*Mayor Pro Tem Brose had no announcements.*

*Mayor Cook stated his office had sponsored the Boots and Bistro event. He read an email he received commending the work of A.J. Platter and Brad Blan who work for the Water Department thanking them for their hard work and professionalism. He made comments regarding the fire in Johnson County commending our Fire Department for their service stating they do a great job.*

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

Current/Future Agenda Items

Mutual Aid Agreements Response and Backup for Emergency Services

*Mr. Chandler made comments in response to Mayor Cook's comments and commended the Fire Department and Police Department for their work and response to the fire in Johnson County.*

Mutual Aid Agreement Response 3/29/13 to 2644 Howell Drive/Fire and Emergency Services

*Fire Chief Barry Bondurant made comments regarding emergency services response to a fire in Johnson County. He stated he was proud of the fire fighters and appreciated the support of the Council.*

Update on Marketing and Branding Initiative - Shelly Lanners

*Parks and Community Services Director Shelly Lanners spoke about the Marketing and Branding Initiative.*

Quarterly Reports; Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning, Public Works, Legal

*There were no Council questions regarding the quarterly reports.*

**Business Services Department Report**

**13-0474** Presentation of Monthly Financial Report for the Period Ending January 31, 2013

**No action taken by the Council.**

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action taken by the Council.**

**CONSENT AGENDA**

**13-0480** Ordinance - Third and Final Reading of an Ordinance to Repeal and Replace OR-1754-09 and to Provide for Compliance with the National Flood Insurance Program as required by the Federal Emergency Management Agency

*City Secretary Vicki Collins read the caption into the record.*

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

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE OR-1754-09, OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD AND ANY OTHER ORDINANCES IN CONFLICT; ESTABLISHING REVISED REGULATIONS TO MINIMIZE FLOOD LOSSES AND REMAIN IN COMPLIANCE WITH FEMA REGULATIONS; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTION; 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-1871-13

**13-0491**

Ordinance - Third and Final Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Declaring the Unopposed Candidates for the Offices of Mayor and Council Member, Place Two (2) as Elected; Providing that the May 11, 2013 General Election is Canceled; that the Agreement with Johnson County for the Use of an AutoMark Voting Machine is Cancelled; that the Agreement to Conduct a Joint Election with the Mansfield ISD is Cancelled and Providing an Effective Date

*Ordenanza - Tercera y Ultima Lectura de una Ordenanza del Concejo Municipal de la Ciudad de Mansfield, Texas, Declarando los Candidatos sin Oposición para los Cargos de Alcalde y Concejal, Lugar Dos como elegidos; Proveendo que se Cancele la Eleccion General del 11 de mayo del 2013; que se Cancele el Acuerdo con el Condado de Johnson para el uso de la Máquina de Votación AutoMark; que se Cancele el Acuerdo para Llevar a cabo una Elección Conjunta con Mansfield ISD; y Proporcionar una Fecha Efectiva*

*Vicki Collins read the caption into the record.*

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR THE OFFICE OF MAYOR AND COUNCIL MEMBER, PLACE TWO (2) AS ELECTED; PROVIDING THAT THE MAY 11, 2013 GENERAL ELECTION IS CANCELLED; THAT THE AGREEMENT WITH JOHNSON COUNTY FOR THE USE OF AN AUTOMARK VOTING MACHINE IS CANCELLED; THAT THE AGREEMENT TO CONDUCT A JOINT ELECTION WITH THE MANSFIELD ISD IS CANCELLED; AND PROVIDING AN EFFECTIVE DATE**

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

**UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE MANSFIELD, TEXAS, DECLARANDO LOS CANDIDATOS SIN OPOSICION PARA LOS CARGOS DE ALCALDE Y CONCEJAL, LUGAR DOS COMO ELEGIDOS; PROVEENDO QUE SE CANCELE LA ELECCION GENERAL DEL 11 DE MAYO DEL 2013; QUE SE CANCELE EL ACUERDO CON EL CONDADO DE JOHNSON PARA EL USO DE LA MAQUINA DE VOTACION AUTOMARK; QUE SE CANCELE EL ACUERDO PARA LLEVA A CABO UNA ELECCION CONJUNTA CON MANSFIELD ISD; Y PROPORCIONAR UNA FECHA EFECTIVA**

(Ordenanza en su totalidad localizada en la oficina de la Secretaria de la Ciudad)

**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-1872-13

**13-0477**

Resolution - A Resoultion Authorizing the City Manager and the Animal Care & Control to Make Application, Receive and Expend Grant Funding from the Department of State Health Services Animal Friendly Grants in an Amount Not to Exceed \$10,000/No Cash Match

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

**A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE ANIMAL CARE AND CONTROL TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDS FROM THE DEPARTMENT OF STATE HEALTH SERVICES ANIMAL FRIENDLY GRANTS**

**(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-2891-13

**13-0500**

Resolution - A Resolution Awarding Bids for Food for the Mansfield Law Enforcement Center

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

**A RESOLUTION AWARDING BIDS FOR FOOD FOR THE MANSFIELD LAW ENFORCEMENT CENTER**

**(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-2892-13

**13-0504**

Resolution - A Resolution to Ratify MEDC Board's Approval of the Right of Way Acquisition for the Extention of Heritage Parkway

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE PURCHASE OF THE RIGHT OF WAY FOR THE HERITAGE PARKWAY OVERPASS PROJECT BY THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION**

**(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-2893-13

**13-0499**

Minutes - Approval of the March 25, 2013 Regular City Council Meeting Minutes

**A motion was made by Council Member Burgess to approve the March 25, 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**

**13-0498**

Minutes - Approval of the March 18, 2013 Regular City Council Meeting Minutes

*Mayor Pro Tem Broseh removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the March 18, 2013 Regular Meeting minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:**

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

Nay: 0

Abstain: 1 - Larry Broseh

**END OF CONSENT AGENDA**

**PUBLIC HEARING CONTINUATION AND SECOND READING**

**13-0483**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 12.115 Acres, Generally Located East of N. US 287 and South of Camelford Drive; Centergy Retail LLC (ZC#13-001)

*Mayor Cook continued the public hearing at 7:52 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:53 p.m.*

**A motion was made by Mayor Pro Tem Broseh 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 C-2, COMMUNITY BUSINESS 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 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-1873-13

**13-0488**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR and SF-12/22 to PD for Single-Family Residential on Approximately 14.65 Acres, Generally Located South of Cannon Drive, North of Chambray Lane and West of N. Miller Road; Skorborg Company (ZC#12-013)

*Skorborg Company representative Bobby Samuel and Adam Buceck made comments and answered Council questions.*

*Mayor Cook continued the public hearing at 8:00 p.m. The following people spoke during the public hearing:*

*Chris Allen - 2070 Cannon Drive  
Rick McGill - 883 N. Miller Road  
Gary Stevens - 3212 Abbey Road*

*With no one else wishing to speak, Mayor Cook closed the public hearing at 8:09 p.m.*



A motion was made by Council Member Lindsey 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, 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 noted changes: entry way, HOA maintenance of the common fence along the southern boundary, the number of designated lots be 51 and for the list price of the homes to meet or exceed an average of \$320,000 and the applicant to provide the example language used previously regarding the appraised value and how the metric will work out. 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: OR-1874-13

## **NEW BUSINESS**

**13-0489**

Review and Consideration of Detail Site Plan for Lot 3 of the Broad Street Medical Planned Development located at the northeast corner of East Broad Street and Matlock Road (DS#13-001)

*Felix Wong made brief comments and answered Council questions. Cantergy Retail LLC representative Gerald Boren made brief comments and answered Council questions.*

A motion was made by Mayor Cook to approve with the conditions that all future signage shall meet the sign regulations in the zoning ordinance without any extra monument signs or deviation from the regulations and the dumpster encloser, transformer, switch gears, air conditioners and other ground mounted equipment or utility function must be screened with evergreen plants that are six feet in height at the time of installation. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

**13-0501**

Resolution - Resolution Adopting an Updated Mansfield Mosquito Surveillance & Control Policy

*Stormwater Manager Howard Redfearn made a brief presentation.*

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

**A RESOLUTION UPDATING THE MANSFIELD MOSQUITO SURVEILLANCE AND CONTROL PROGRAM AS THE CITY'S OFFICIAL POLICY REGARDING MOSQUITO CONTROL**

(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-2894-13

### **ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:48 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:

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Vicki Collins, City Secretary