



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, September 23, 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 5:00 p.m.*

**Absent** 1 - Brent Newsom

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

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

*Mayor Cook recessed into executive session at 5:02 p.m. Council Member Newsom arrived at 5:12 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:15 p.m. Mayor Cook adjourned executive session at 7:26 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**

Seek Advice of City Attorney on Legal Issues Regarding Chemguard Inc. Request for a Municipal Setting Designation

Seek Advice of City Attorney on Legal Issues Regarding Zoning Regulations Applicable to Smoking Related Businesses

#### **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 Ln.

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

Board Interviews; Zoning Board of Adjustment

**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**

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

*Mayor Cook reconvened into regular business session at 7:32 p.m.*

**INVOCATION**

*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Haynes 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.*

**PROCLAMATION**

**13-0693            Fire Prevention Week**

*Fire Chief Barry Bondurant made brief comments and turned it over to Fire Marshal  
Clay Cawood. Clay invited everyone to the Fire Clown Safety Palooza that will take  
place on October 5, 2013 from 10:00 a.m. to 4:00 p.m. at the Performing Arts Center.  
Mayor Cook proclaimed October 6-12, 2013 as Fire Prevention Week and presented  
the proclamation to the Fire Department.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Broseh had no announcements.*

*Council Member Burgess had no announcements.*

*Mayor Pro Tem Lindsey had no announcements.*

*Council Member Newsom had no announcements.*

*Council Member Hoffman had no announcement.*

*Council Member Haynes advised National Night Out will be taking place on October*

1, 2013.

Mayor Cook read the following statement from KISS F.M.:

To City of Mansfield,

On behalf of KISS FM, we want to thank you for making Friday truly a special day. The loss of Kidd Kraddick was a tragedy for many, but by honoring his legacy and continuing to give to Kidd's Kids, we continue to keep his spirit alive. Thank you for granting the official proclamation of Kidd Kraddick Kidd's Kids Day 2013 and sharing in an AMAZING Day!

Signed, 106.1 KISS FM

### **STAFF COMMENTS**

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

##### Current/Future Agenda Items

Park Planner James Fish asked the Council if they would like to hold a work session with the Mansfield Park Facilities Development Corporation on October 28, 2013 at 5:00 p.m. to discuss the Bicycle Master Plan. There was Council consensus to hold the work session.

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

A motion was made by Council Member Hoffman to put a moratorium in effect on the acceptance, processing or issuance of permits for any activity related to new tobacco usage or electronic cigarette or nicotine delivery products while staff is preparing the proposed amendments to be presented to the Council thereby preserving the existing status quo until Council has had an opportunity to look at appropriate regulations. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

### **CONSENT AGENDA**

**13-0677**

Resolution - A Resolution Supporting the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA) and their Plan to Construct TOLLED Main lanes and Continuous Frontage Roads on SH 360 from E. Sublett/W. Camp Wisdom Road to US 287

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS, SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE NORTH TEXAS TOLLWAY AUTHORITY AND THEIR PLAN TO CONSTRUCT TOLLED MAINLANES AND CONTINUOUS FRONTAGE ROADS ON SH 360 FROM E. SUBLETT/W. CAMP WISDOM TO US 287; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE**

(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-2947-13

**13-0685**

Authorization of Funding for an Amount not to Exceed \$60,000.00 (Utility Fund) and Approval of Contracts to include Kimley-Horn, Inc. for Design Services and with Brittain and Crawford for Surveying Services for the South Holland Road Water Line (Eagle Dr. to Britton Rd.)

**A motion was made by Council Member Burgess to approve this agenda item. 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:

**13-0686**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting the City of Mansfield, Texas Investment Policy; Approving Training of the City's Investment Officer; Approving Investment Pools; and Providing Qualified Broker Dealers and Investment Advisors for Engaging in Investment Transactions for the City

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS  
ADOPTING THE CITY'S INVESTMENT POLICY; APPROVING TRAINING FOR  
THE CITY'S INVESTMENT OFFICER; APPROVING INVESTMENT POOLS; AND  
APPROVING QUALIFIED BROKER DEALERS FOR ENGAGING IN INVESTMENT  
TRANSACTIONS OF THE CITY**

(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-2948-13

**13-0687**

Resolution - A Resolution of the City of Mansfield, Texas, Nominating Candidates to Serve as Board Members for Ellis County Appraisal District for Calendar Years 2014 and 2015

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS. TO NOMINATE THE CANDIDATES TO THE CHIEF APPRAISER OF THE CENTRAL APPRAISAL DISTRICT OF ELLIS COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP**

**(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-2949-13

**13-0688**

Resolution - A Resolution of the City of Mansfield, Texas, Nominating Candidates to Serve as Board Members for Tarrant County Appraisal District for Calendar Years 2014 and 2015

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, TO NOMINATE THE CANDIDATES TO THE CHIEF APPRAISER OF THE TARRANT APPRAISAL DISTRICT OF TARRANT COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP**

**(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-2950-13

**13-0698**

Resolution - A Resolution of the City of Mansfield, Texas, Nominating Candidates to Serve as Board Members for Johnson County Appraisal

District for Calendar Years 2014 and 2015

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, TO NOMINATE THE CANDIDATES TO THE CHIEF APPRAISER OF THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP**

**(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-2951-13

**13-0696**

Approval of Revisions to Interlocal Agreement Providing Emergency Police-Fire-Medical Dispatch Services and Jail Services to the City of Kennedale

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

**13-0670**

Minutes - Approval of the September 3, 2013 Special City Council Meeting Minutes

**A motion was made by Council Member Burgess to approve the September 3, 2013 Special 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

**13-0671**

Minutes - Approval of the September 9, 2013 Regular City Council Meeting Minutes

**A motion was made by Council Member Burgess to approve the September 9, 2013 Regular 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**

**13-0672**

Minutes - Approval of the September 10, 2013 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 September 10, 2013 Special Meeting Minutes 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

**13-0673**

Minutes - Approval of the September 11, 2013 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 September 11, 2013 Special Meeting Minutes as presented. Seconded by Council Member Burgess. 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**

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

**13-0637**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from the Neighborhood Center 2 Sub-District of The Reserve PD to the Neighborhood Center 1 Sub-District of The Reserve PD on Approximately 16.5 acres Generally Located at the Southwest Corner of East Broad Street and Cannon Drive South, Cann-Mansfield, Ltd. (ZC#13-007)

*Schate Consulting Engineers representative Chisha Musenda stated he was available to answer questions. Director of Planning 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 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 NEIGHBORHOOD CENTER ONE SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT DISTRICT, 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

### **NEW BUSINESS**

#### **13-0678** Board Appointments; Zoning Board of Adjustment

**A motion was made by Council Member Hoffman to re-appoint Patrick Kelly Jones, Robyn Accipiter and Joe R. Glover to the Zoning Board of Adjustment to two year terms ending September 30, 2015 and appointing Donald Michael, Jr. and Alternate Jeff Redelfs to the Zoning Board of Adjustment to two year terms ending September 30, 2015. Seconded by Mayor Pro Tem 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

#### **13-0683** Board Appointments; Library Advisory Board

**A motion was made by Mayor Pro Tem Lindsey to re-appoint Cynthia Gray, Sherri Chambers and Bobby Quinten to the Library Advisory Board to a two year term ending September 30, 2015 and appointing Will McDaniel to the Library Advisory Board to a two year term ending September 30, 2015. 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

#### **13-0684** Board Appointments; Mansfield Park Facilities Development Corporation



**A motion was made by Council Member Burgess to re-appoint Wendy Collini, Dee Davey, Bob Kowalski and Wayne Lee to the Mansfield Park Facilities Development Corporation to a two year term ending September 30, 2015. 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

**13-0689**

Board Appointments; Mansfield Economic Development Corporation (MEDC)

**A motion was made by Council Member Newsom to re-appoint Jerry Heftler, Robert Putman, Larry Klos and Brian Fuller to the Mansfield Economic Development Corporation to two year terms ending September 30, 2015. 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

**13-0691**

Board Appointments; Historic Landmark Commission

**A motion was made by Council Member Haynes to re-appoint Dr. Robert Smith and Julie Short to the Historic Landmark Commission to two year terms ending September 30, 2015 and appoint Arnaldo Rivera to the Historic Landmark Commission to a two year term ending September 30, 2015. 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

**13-0692**

Board Appointments; Planning and Zoning Commission

**A motion was made by Council Member Broseh to re-appoint Wayne Wilshire, Ryan Dodson and Larry Hudson to the Planning and Zoning Commission for two year terms ending September 30, 2015. 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

**13-0695**

Board Appointments; Keep Mansfield Beautiful Commission

**A motion was made by Council Member Broseh to re-appoint Jane Hart, Kimberly Stratman and Lyn Frank to the Keep Mansfield Beautiful Commission for two year terms ending September 30, 2015. 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

**13-0694**

Discussion and Possible Action to Review and Possibly make Revisions to the Sprinkler System Requirements for Residential Construction Pertaining to Drip Irrigation

*Council Member Hoffman made brief comments and mentioned he would like to look at making modifications to the sprinkler system requirements regarding drip irrigation. Director of Utilities Joe Smolinski made comments regarding the landscape irrigation ordinance mentioning it was adopted in 2008 and represents the minimum state requirements. He stated drip irrigation is not required anywhere unless irrigation is going to be installed in a parkway between the sidewalk and the street and it's less than 48" wide because above ground emission devices can not be used.*

### **ADJOURN**

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

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Vicki Collins, City Secretary