



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Tuesday, September 2, 2014

6:00 PM

Council Chambers

SPECIAL MEETING

6:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 6:00 p.m.

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

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.

CITIZEN COMMENTS

Jim Jamerson - 2650 Cedar Springs Road, Dallas - Mr. Jamerson spoke in opposition of the moratorium resolution.

Mike Stansberry - 101 E. Cherokee Street, Jacksonville TX - Mr. Stansberry spoke in opposition of the moratorium resolution.

Mayor Cook acknowledged the following non-speaker:

Stacy McVey - 7218 Lakewood, Dallas - Opposed to the moratorium resolution.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:16 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:18 p.m. Mayor Cook adjourned the executive session at 7:35 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 Issues & Enforcement of Development Restrictions, Screening and Landscaping Requirements

Seek Advice of City Attorney Regarding Redaway LLC's Application for a Municipality Solid Waste Permit Pending Before the TCEQ

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

Seek Advice of City Attorney Regarding Personnel Matters

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 into regular business session at 7:45 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

PUBLIC HEARING

14-1000

Public Hearing - Public Hearing on the Tax Rate

City Manager Clayton Chandler made brief comments. Mayor Cook opened the public hearing. With no one wishing to speak, Mayor Cook closed the public hearing at 7:48 p.m.

14-1001 Public Hearing - Public Hearing on the FY 2014/2015 Proposed Budget

Mayor Cook opened the public hearing at 7:50 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:51 p.m.

14-1002 Public Hearing - Use of Hotel/Motel Tax

Mayor Cook opened the public hearing at 7:52 p.m. The following person spoke during the public hearing:

Theresa Cohagen - City of Mansfield - Mansfield CVB Department

With on one else wishing to speak, Mayor Cook closed the public hearing at 8:05 p.m.

PUBLIC HEARING CONTINUATION AND SECOND READING

14-0997 Public Hearing Continuation and Second Reading of an Ordinance Amending the Code of Ordinances for Designated Truck/Commercial Delivery Routes

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 CODE OF ORDINANCES OF THE CITY OF MANSFIELD BY AMENDING CHAPTER 71, SECTION 71-20, SECTION 71-23, AND SECTION 71-28 CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; DESIGNATING CERTAIN STREETS AS TRUCK ROUTES OR COMMERCIAL DELIVERY ROUTES; TO PROVIDE A MAXIMUM SIZE OF CERTAIN TYPES OF MOTOR VEHICLES OPERATED ON PUBLIC STREETS WITHIN THE CITY; TO PROVIDE A MAXIMUM WEIGHT FOR CERTAIN VEHICLES OPERATED ON PUBLIC STREET WITHIN THE CITY; TO PROVIDE PERMIT REQUIREMENTS FOR OVERSIZE AND OVERWEIGHT VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) 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

OLD BUSINESS

14-1009 Consideration of a Request to Revise the Development Plan for the Villages of Park Hill Addition Park and Walking Trail Areas Located at 2001 and 2011

Callender Road (ZC#13-004A)

A motion was made by Mayor Cook to remove this item from the table and place it on the September 8, 2014 Regular City Council Meeting agenda. 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

14-1023

Resolution - Consider the Adoption of a Resolution Establishing a Moratorium on the Issuance of Permits for the Processing or Approval of Site Plan Applications for Restaurant and/or Food Service Establishments whose Business Model Provides that more than Ten Percent of their Projected Business is Directed at Providing Food Service to Customers in Drive Thru Lanes to Permit a Study to Determine what Performance Standards Might be Appropriate to Address Land Use Impacts on Adjoining Properties Created by these Business Operations

City Attorney Steve Wood made brief comments and answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF CONSTRUCTION PERMITS AND/OR THE RECEIPT OF SITE PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WHOSE BUSINESS OPERATIONS TRADITIONALLY PROVIDE THAT MORE THAN TEN PERCENT OF THEIR BUSINESS IS DEVOTED TO DRIVE THROUGH LANE SERVICES, SUCH MORATORIUM TO EXTEND FOR A PERIOD OF 120 DAYS DURING THE PREPARATION OF A STAFF STUDY TO DETERMINE WHAT, IF ANY, SAFEGUARDS AND PERFORMANCE STANDARDS SHOULD BE ESTABLISHED TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN THE ESTABLISHMENT AND OPERATION OF THESE FACILITIES, PROVIDING FOR A VARIANCE PROCESS IN THE EVENT OF HARDSHIP

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

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

Enactment No: RE-3034-14

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:15 p.m. 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

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary