

CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, April 27, 2015 4:00 PM Council Chambers

REGULAR MEETING

4:00 P.M. HERITAGE PKWY. RIBBON CUTTING (On Site at Bridge Overpass at UP Railroad)

Council and staff attended the Heritage Pkwy. ribbon cutting.

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

Mayor Cook called the meeting to order at 5:00 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 executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned the executive session at 6:58 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

Seek Advice of City Attorney Regarding TCEQ's Grant of Application #40272

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. D-1-GN-15-000999 & Settlement Discussion Related to that Action

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

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

Project #15-02 - Business 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 7:10 p.m.

INVOCATION

Bisbee Baptist Church Pastor Freddy Matthews 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 Hoffman led the Texas Pledge.

PROCLAMATIONS

Mayor Cook proclaimed May 10-16, 2015 as National Police Week and presented a proclamation to Mansfield Police Department personnel. Police Chief Tracy Aaron made brief comments.

<u>15-1307</u> National Correctional Officers and Employees Week

Mayor Cook proclaimed May 3-9, 2015 as National Correctional Officers and Employee's Week and presented a proclamation to the Mansfield Law Enforcement Center staff. Tracy Aaron made brief comments.

15-1308 Motorcycle Safety and Awareness Month

Mayor Cook proclaimed May 2015 as Motorcycle Safety and Awareness Month and presented a proclamation to a local motorcycle group.

CITIZEN COMMENTS

Leslie Waldson - 114 N. Main Street - Mrs. Waldson spoke about Leadercast 2015. She stated the event would take place on Friday, May 8, 2015 from 8:00 - 3:30 p.m. at Farr Best Theater. She encouraged everyone to attend.

Jeremy Smith - 715 Tophill Lane - Mr. Smith spoke about the services 6 Stones Mission Network offers. He thanked the Council for their attendance at a 6 Stones event.

Mayor Cook acknowledged the following non-speaker:

Mark Sullivan - 1101 Pebble Beach Drive - Support agenda item 15-1297

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman reminded everyone that early voting started and would go through Tuesday, May 5th. He stated election day is Saturday, May 9th and encouraged everyone to exercise their right to vote.

Council Member Haynes made comments regarding the 6 Stones Mission Network event.

Council Member Burgess thanked the Police Department, Fire Department, Mansfield Law Enforcement Center, Methodist Mansfield Hospital and Police Officer Richard Hash for the "Put it Down - Save a Life" event that took place. She expressed the importance of not texting and driving.

Council Member Newsom encouraged everyone to get out and vote.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook stated there was a green Volkswagen in the parking lot with the lights on. He announced the groundbreaking of The Lot on Thursday, May 7, 2015 from 5-8 p.m. He encouraged everyone to attend mentioning there would be live outdoor theater, music and local food vendors.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Bike Rodeo Follow-up; Angie Henley and Daniel Sherwin

Recreation Superintendent Andy Binz gave an update on the Bike Rodeo and Night on the Town Event that took place on Saturday, April 25, 2015. He also gave an update on share the road signage. City Manager Clayton Chandler made comments regarding the Bike Rodeo and Night on the Town Event thanking the employees who helped out with the event. He thanked the Parks Department and Police Department for their work with the event.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to instruct the City Attorney to complete negotiations regarding Cause No. D-1-GN-15-000999 in the related settlement discussion. 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

CONSENT AGENDA

15-1266

Resolution - A Resolution of the City of Mansfield authorizing the City Manager and the Mansfield Police Department to Make Application, Receive, and Expend Grant Gunds from the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force - Funds Requested will not Exceed \$550,000 with a 20% Cash Match of \$110,000 Required

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 MANSFIELD POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDS, FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE AUTO BURGLARY AND THEFT PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE. FUNDS REQUESTED WILL NOT EXCEED \$550,000 WITH A 20% CASH MATCH OF \$110,000

(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-3088-15

15-1287

Resolution - A Resolution of the City of Mansfield authorizing the City Manager, the Police Department, and the Law Enforcement Center to Make Application, Receive, and Expend Grant Funds from the FY2015 Bulletproof Vest Partnership Program Administered by the Office of Justice Programs, U.S. Department of Justice for an Amount not to Exceed \$20,000 with no Match Required

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER THE POLICE DEPARTMENT AND THE LAW ENFORCEMENT CENTER TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDS FROM THE FY2015 BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, FOR AN AMOUNT NOT TO EXCEED \$20,000 WITH NO MATCH REQUIRED

(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-3089-15

15-1290

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Police Department to Make Application to the Texas School Safety Center at Texas State University, San Marcos, on Behalf of the Department of State Health Service, Tobacco Prevention and Control Branch, to Receive, and Expend Grant Funding of Approximately \$3,900 for a Tobacco Enforcement Grant for FY2016 with no Match Required

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 POLICE DEPARTMENT TO MAKE APPLICATION TO THE TEXAS SCHOOL SAFETY CENTER AT TEXAS STATE UNIVERSITY - SAN MARCOS ON BEHALF OF THE DEPARTMENT OF STATE HEALTH SERVICES, TOBACCO PREVENTION AND CONTROL BRANCH, TO RECEIVE AND EXPEND GRANT FUNDING OF APPROXIMATELY \$3,900 FOR A TOBACCO ENFORCEMENT GRANT FOR FY2016 WITH NO CITY MATCH REQUIRED

(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-3090-15

15-1299

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$175,000.00 for the Construction of Left and Right Turns Lanes on E. Broad Street to Serve Mary Orr Intermediate School, Award of a Construction Contract to McClendon Construction Company, Inc. and Direct Staff to Execute all Necessary Contracts to Complete the Project (Street Bond Fund)

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$175,000 AND APPROVAL OF CONTRACTS INCLUDING AWARDING A CONSTRUCTION CONTRACT TO MCCLENDON CONSTRUCTION COMPANY INC. FOR CONSTRUCTION OF LEFT AND RIGHT TURN LANES ON E. BROAD

STREET TO SERVE MARY ORR INTERMEDIATE SCHOOL

(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-3091-15

15-1300

Resolution - A Resolution Authorizing Funding in an Amount not to Exceed \$177,000 and Approval of Contracts, Including Design Services with Neel-Schaffer, Inc., to Prepare the South Main Street Water Line Improvements Project for Construction (Utility Bond Fund)

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$177,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH NEEL-SCHAFFER, INC., TO PREPARE THE SOUTH MAIN STREET WATER LINE IMPROVEMENTS PROJECT FOR CONSTRUCTION

(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

Abstain: 0

Nay: 0

Enactment No: RE-3092-15

<u>15-1302</u>

Resolution - A Resolution Authorizing a Change Order to the Contract for South Holland Road Water Line (Eagle Dr. to Britton Rd.) with A&M Construction & Utilities, Inc., and Authorizing Additional Funds in the Amount of \$4,892.90 (Utility Bond Fund)

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

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT FOR SOUTH HOLLAND ROAD WATER LINE (EAGLE DR. TO BRITTON RD.) WITH A&M CONSTRUCTION & UTILITIES, INC., AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$4,892.90

(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-3093-15

15-1304

Resolution - A Resolution Authorization Funding in the Amount of \$153,000 and Approval of a Contract for Design Services With Graham Associates, Inc. to Prepare and Coordinate with the City of Mansfield and the Texas Department of Transportation for the Historic Mansfield Hike and Bike Trail Connection on North Main Street to the City Spine Trail System Project as Awarded from the Statewide Transportation Enhancement Program

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

A RESOLUTION AUTHORIZING FUNDING IN THE AMOUNT OF \$153,000 AND APPROVAL OF A CONTRACT DESIGN SERVICES WITH GRAHAM ASSOCIATES, INC. TO PREPARE AND COORDINATE WITH THE CITY OF MANSFIELD AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE HISTORIC MANSFIELD HIKE AND BIKE TRAIL CONNECTION ON NORTH MAIN STREET TO THE CITY SPINE TRAIL SYSTEM PROJECT AS AWARDED FROM THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM

(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-3094-15

15-1305

Resolution - Consider a Resolution to Approve Consent to a Transaction Allowing Source Horizon, LLC to Become the Controlling Owner of Horizon Family Holdings, LLC, Parent Company of Mansfield Family Entertainment, LLC, Operator of the Hawaiian Falls Water Park

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

CONSIDER A RESOLUTION TO APPROVE CONSENT TO A TRANSACTION ALLOWING SOURCE HORIZON, LLC TO BECOME THE CONTROLLING OWNER OF HORIZON FAMILY HOLDINGS, LLC, PARENT COMPANY OF MANSFIELD FAMILY ENTERTAINMENT, LLC, OPERATOR OF THE HAWAIIAN FALLS WATER PARK

(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-3095-15

15-1309

Review and Consideration of a Development Agreement with Ashton Holdings, Inc. Regarding the Development and Annexation of Approximately 158 Acres of Property Currently Located in the City's Extraterritorial Jurisdiction as Permitted under Section 212.172 of the Texas Local Government Code

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

<u>15-1292</u>

Request for Special Event Permit; MISD Student Athletic Trainers Cornhole Tournament

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

<u>15-1293</u>

Request for Special Event Permit; Mansfield Farmer's Market 2015

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

15-1294

Minutes - Approval of the April 13, 2015 Regular City Council Meeting

A motion was made by Council Member Burgess to approve the April 13, 2015 Regular City Council Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

15-1291

Request for Special Event Permit; Luminate Events evening 5K with after party at Hawaiian Falls

Council Member Burgess removed this item from the consent agenda. Director of Parks and Community Services Shelly Lanners answered Council questions.

A motion was made by Council Member Burgess to table this agenda item until the next regular meeting scheduled for May 11, 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

15-1295

Minutes - Approval of the April 14, 2015 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 April 14, 2015 Special City Council 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

15-1296

Minutes - Approval of the April 15, 2015 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 April 15, 2015 Special City Council 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

END OF CONSENT AGENDA

OLD BUSINESS

15-1251

Ordinance - Third and Final Reading on an Ordinance Amending Section 7960.B.11 of the Zoning Ordinance Regarding the Time Limits and Extension of Time Limits for Gas Well Drilling and Production (OA#15-003)

City Secretary Vicki Collins read the caption into the record. Director of Planning Felix Wong made brief comments.

A motion was made by Mayor Pro Tem Broseh to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7960.B.11 OF SAID ORDINANCE REGARDING TIME LIMITS FOR GAS WELL DRILLING AND PRODUCTION; 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 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-1946-15

15-1297

Ordinance - Second Reading on an Ordinance Approving a Zoning Change from PR, C-2 and C-3 to SF-7.5/16 on Approximately 35.5 Acres, Generally Located East of South Main, West of Willow Bend Court and Approximately 1,100 Feet South of Star Grass Drive; First Southwest Properties Management (ZC#14-014)

First Southwest Properties Management representative Waymon Levell made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions. Felix Wong made brief comments and answered Council questions.

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 SINGLE FAMILY 7.5/16 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," changing the zoning to SF-7.5/18. 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: 1 - Cory Hoffman

Abstain: 0

NEW BUSINESS

15-1298 Downtown Regional Dumpster Program

Stormwater Manager Howard Redfearn made brief comments and answered Council questions. Republic Services, Inc. representative Vince Hrabal made brief comments.

A motion was made by Council Member Lindsey to approve this agenda item. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes

and Brent Newsom

Nay: 1 - Wendy Burgess

Abstain: 0

Enactment No:

15-1301

Review and Consideration of a Detailed Site Plan on Lot 4 of Mansfield Medical Plaza on Approximately 1.27 Acres, Located North of E. Broad Street and Approximately 580 Feet East of N. Miller Road; Bannister Engineering (DS#15-002)

Bannister Engineering representative Cody Brooks made brief comments and answered Council questions. Citizen Jeremy Smith answered Council questions. Felix Wong answered Council questions. Director of Public Works Steve Freeman answered Council questions.

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

15-1303

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 25, 2015 to May 26, 2015

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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:37 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:	
	Vicki Collins City Secretary