



# CITY OF MANSFIELD

1200 East. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## Meeting Minutes - Final

### City Council

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Monday, November 13, 2017

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.*

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

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

Parks Projects Update

*The work session was rescheduled for the next regular scheduled meeting on November 27, 2017.*

#### **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 recessed the executive session at 7:03 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 the Disposition of Property

Seek Advice of City Attorney Regarding Possible Annexations

Seek Advice of City Attorney Regarding the Shops at Broad Development Agreement

#### **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 Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087**

Discussion Regarding Project #17-20

Staff Update and Council Discussion Regarding MEDC-Owned Property on Easy Drive

**6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

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

*Mayor Cook reconvened into regular business session at 7:09 p.m.*

**INVOCATION**

*The Wesley Mission Center Executive Director Carmin MacMillan gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Broseh led the Pledge of Allegiance.*

**TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

*Mayor Pro Tem Hoffman led the Texas Pledge.*

**PROCLAMATION**

[17-2563](#)

Small Business Saturday

*Mayor Cook proclaimed Saturday, November 25, 2017 as Small Business Saturday and presented the proclamation to Small Business Owners.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Haynes had no announcements.*

*Council Member Moore thanked everyone who worked on the Veterans Parade.*

*Council Member Newsom congratulated all four Mansfield Independent School District High Schools Football teams for making it to the State Championship games.*

*Council Member Broseh had no announcements.*

*Mayor Cook expressed his appreciation to everyone who made the Veterans Parade possible. He complimented city staff for their hard work on the Veterans Parade.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

*City Manager Clayton Chandler echoed Council announcements.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

*City Attorney Allen Taylor made comments regarding the Shops at Broad development.*

**A motion was made by Council Member Broseh to authorize the City Manager to execute the amended Development Agreement and the restated Chapter 380 Economic Development Incentive Agreement for the Shops at Broad with the marketplace/lifestyle promenade taking place in Phase 1A with a completion date of August 31, 2019. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**A motion was made by Mayor Pro Tem Hoffman to direct staff to move forward with the disposition of properties as discussed in executive session. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

**CONSENT AGENDA**

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[17-2556](#)

Resolution - A Resolution by the City of Mansfield, Texas Affirming the Casting of Votes in the 2018-2019 Election of the Board of Directors for the Central Appraisal District of Tarrant County

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

**RESOLUTION BY THE CITY COUNCIL OF MANSFIELD, TEXAS, AFFIRMING THE CASTING OF VOTES IN THE 2018-2019 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF TARRANT COUNTY, TEXAS**

**(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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3422-17

[17-2557](#)

Resolution - A Resolution by the City of Mansfield, Texas Affirming the Casting of Votes in the 2018-2019 Election of the Board of Directors for the Central Appraisal District of Johnson County

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

**RESOLUTION BY THE CITY OF MANSFIELD, TEXAS, AFFIRMING THE CASTING OF VOTES IN THE 2018-2019 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS**

**(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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3423-17

[17-2558](#)

Resolution - A Resolution by the City of Mansfield, Texas Affirming the Casting of Votes in the 2018-2019 Election of the Board of Directors for the Central Appraisal District of Ellis County

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

**RESOLUTION BY THE CITY OF MANSFIELD, TEXAS, AFFIRMING THE CASTING OF VOTES IN THE 2018-2019 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF ELLIS COUNTY, TEXAS**

(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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3424-17

[17-2561](#)

Resolution - A Resolution Authorizing Funding in an Amount not to Exceed \$140,000.00 and Approval of a Contract, Including Halff Associates, Inc. for Preliminary Engineering Design Services for the Major Collector Roadway Between N. Main Street (US Business Hwy 287) and FM 157 (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$140,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH HALFF ASSOCIATES, INC. FOR PRELIMINARY ENGINEERING DESIGN FOR THE MAIN/157 CONNECTOR ROADWAY BETWEEN N. MAIN STREET (US BUSINESS HWY 287) AND FM 157, (STREET BOND FUND)**

(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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3425-17

[17-2548](#)

Minutes - Approval of the October 23, 2017 Regular City Council Meeting Minutes

**A motion was made by Council Member Moore to approve the minutes for the October 23, 2017 Regular City Council Meeting as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2549](#)

Request for Special Event Permit: Miles for Meredith

**A motion was made by Council Member Moore 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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2550](#)

Request for Special Event Permit: Hometown Holidays & Parade

**A motion was made by Council Member Moore 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; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

**END OF CONSENT AGENDA**

**PUBLIC HEARING CONTINUATION AND SECOND READING**

[17-2541](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Change of Zoning from 2F Two Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.316 Acres Being a Portion of Block 31, Original Town of Mansfield, Tarrant Co., TX, Located at 300 S. 2nd Ave; Jacqueline Hughes (ZC#17-017)

*Applicant representative Felix Wong made brief comments. Mayor Cook continued the public hearing at 7:30 p.m. Mayor Cook recognized the following non-speaker:*

*Lisa Stewart - 826 Muirfield - Support*

*With no one wishing to speak, Mayor Cook closed the public hearing at 7:31 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 A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY LAND USES, 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 Moore. After clarifying that the developer has the flexibility to maintain or remove the tree the motion CARRIED by the following vote:

**Aye:** 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2542](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Auto Repair Garage on Approximately 1.629 Acres Known as Lot 8, Block 1 of Walnut Creek Village, Phase 2, Tarrant Co., TX, Generally Located at 1501 N. U.S. 287; Bruce Moore, Service Pro (ZC#17-019)

*Applicant representative Larry Wallace made brief comments and addressed overnight parking. Mayor Cook continued the public hearing at 7:32 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:34 p.m.*

A motion was made by Council Member Moore 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 GRANT A SPECIFIC USE PERMIT FOR AUTO REPAIR GARAGE ON THE HEREINAFTER DESCRIBED PROPERTIES, 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," contingent upon overnight parking with exception of after hours drop-offs. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

**Aye:** 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2543](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Eating Place Without Drive-Through Service on Approximately 2.069 Acres Located at 1768 & 1770 N. US 287; Daniel Smith of Foremark, on behalf of Robert Mahoney of TYL Energy, LTD (ZC#17-021)

*Saltgrass representative Daniel Smith gave a powerpoint presentation and answered*

*Council questions. Kimley Horn representative Jennifer Moore answered Council questions. Mayor Cook opened the public hearing at 8:13 p.m. The following people spoke during the public hearing:*

*German Galaso - 2408 Forest Park Circle - Opposed  
Sara Galaso - 2408 Forest Park Circle - Opposed  
Larry E. Jones - 2414 Forest Park Circle - Opposed  
Karen Jones - 2414 Forest Park Circle - Opposed  
Wayne Burgdorf - 255 N. Center - Opposed  
Michael Layne - 2410 Forest Park Circle - Opposed  
Robert Mahoney - 4113 Shady Valley - Opposed*

*With no one else wishing to speak, Mayor Cook closed the public hearing at 8:48 p.m.*

*The Council requested the applicant provide a written contract with the delivery company and trash service company by the third reading.*

**A motion was made by Council Member Newsom 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 EATING PLACE WITHOUT DRIVE-THROUGH SERVICE, 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," asking the applicant to meet with the residents before the third and final reading. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 1 - Terry Moore

**Abstain:** 0

## **NEW BUSINESS**

### **[17-2553](#)**

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular Scheduled City Council Meeting of December 25, 2017 to December 11, 2017

**A motion was made by Mayor Cook to approve the rescheduling of the December 25, 2017 regular meeting to December 11, 2017. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

### **[17-2554](#)**

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for The Center for the Performing Arts PD (ZC#10-012A)



*Mansfield Independent School District representative Jeff Brogden gave a powerpoint presentation and answered Council questions.*

**A motion was made by Mayor Cook to approve the request for minor modification. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2560](#)

Review and Consideration of a Detailed Site Plan for Zoe's Kitchen and Retail at --Broad Street Marketplace-Pad D, on Approximately 1 acre, Generally Located West of Cannon Drive and North of E. Broad Street; LG Broad Cannon, LLC (DS#17-004)

*Leon Capital representative Matt Bloomfield answered Council questions. Interim Director of Planning Lisa Sudbury answered Council questions.*

**A motion was made by Council Member Broseh to approve the detailed site plan. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

[17-2559](#)

Board Appointments: Construction Code Board of Adjustments and Appeals

**A motion was made by Council Member Newsom to appoint the following individuals to the Construction Code Board of Appeals: John Ross to Place 10 with a term to expire in 2018; Nathan Stroder to Place 11 with a term to expire in 2019; and John Patterson to Place 14 with a term to expire in 2018. Seconded by Council Member Moore. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 0

**Abstain:** 0

**RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 9:12 p.m. Mayor Cook reconvened into executive session in the Council Conference Room at 9:15 p.m. Mayor Cook adjourned executive session at 10:43 p.m.*

**ADJOURN**

**Mayor Cook adjourned the meeting at 10:43 p.m.**

\_\_\_\_\_ David L. Cook, Mayor

ATTEST:

\_\_\_\_\_ Jeanne Heard, City Secretary