



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, April 10, 2017

5:00 PM

Council Chambers

REGULAR MEETING

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

Absent 2 - Stephen Lindsey and Larry Broseh

Present 5 - David Cook; Wendy Burgess; Cory Hoffman; 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:08 p.m. Council Member Lindsey arrived at 5:17 p.m. Mayor Cook adjourned executive session at 7:07 p.m.

Absent 1 - Larry Broseh

Present 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; 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 Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Development on Hwy 287 and E. Broad Street

Seek Advice of City Attorney Regarding Property Management and Disposition

Seek Advice of City Attorney Regarding Public Hearing Process for Alcohol Variances

Seek Advice of City Attorney Regarding Farr Best Theatre Rental Policies

Seek Advice of City Attorney Regarding Acceptance of Development Proposals for City Property

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

Update on Project #17-07

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

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

Mayor Cook reconvened into regular business session at 7:15 p.m.

INVOCATION

Walnut Ridge Baptist Church Student Pastor Dustin Hibner provided the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Hoffman 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

[17-2251](#)

National Library Week

Mayor Cook proclaimed April 9-15, 2017 as National Library Week and presented the proclamation to the Library Advisory Board and Library staff. City Librarian Steve Standefer made brief comments. Library Advisory Board President Carol Ann Grantham invited everyone to the Mansfield Reads! Event to be held on April 28, 2017 at the Mansfield Library. City Manager Clayton Chandler recognized Steve and thanked him for his 25 years of service to the City of Mansfield.

[17-2252](#)

National Library Worker's Day

Mayor Cook proclaimed April 11, 2017 as National Library Worker's Day and presented the proclamation to Library staff.

[17-2253](#)

Public Safety Telecommunications Week

Mayor Cook proclaimed April 9-15, 2017 as Public Safety Telecommunications Week and presented the proclamation to Mansfield Police Department staff and telecommunicators. Assistant Police Chief Kyle Lanier made brief comments.

[17-2254](#)

Child Abuse Prevention Month

Mayor Cook proclaimed April 2017 as Child Abuse Prevention Month in Mansfield and presented the proclamation to Alliance for Children representatives and Mansfield Police Department CID employees. Alliance for Children representative Shellie McMillon made brief comments.

[17-2255](#)

Animal Care & Control Appreciation Week

Mayor Cook proclaimed April 9-15, 2017 as Animal Care and Control Appreciation Week and presented the proclamation to Animal Care and Control staff. Assistant Police Chief Gary Fowler made brief comments.

PRESENTATION

Texas Downtown Association Presidents Award Program - The LOT Downtown

Mayor Cook presented the Texas Downtown Association President's Award to The LOT Downtown Board of Directors.

CITIZEN COMMENTS

Roxene Brewer - 1005 Walnut Place - Ms. Brewer spoke about her discontent with Republic Waste Services and their customer service following the recent storm event. She asked the city for help cleaning up the brush in front of her house.

Al Lizarrago - 2007 Chrisman Trail - Mr. Lizarrago spoke about the visibility of recycle carts from the street. He asked if there was an ordinance preventing residents from placing the carts in front of their garage or in front of the house.

Paulette Fecunda - 2771 E. Broad Street - Ms. Fecunda spoke about The Raven A. Fecunda's Sunflowers of Destiny Foundation. She stated this foundation is based out of Mansfield and honors her 22 year old daughter who passed away of Sarcoma Cancer. Ms. Fecunda stated they would like to raise awareness and the foundation is working toward having July designated as National Sarcoma Awareness Month.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess thanked the Animal Control and Care Department for their services and encouraged citizens to adopt from the animal shelter.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh was absent.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler recognized Volunteer Coordinator Priscilla Sanchez and the team of UTA volunteers for cleaning the parks after the recent storms. He made comments regarding the way the city informs citizens on what needs to be done after a storm and about the requirements for debris removal from Republic Waste Services.

Stormwater Manager Howard Redfearn gave an update on the Environmental Collection Center's new hours of operation as well as year-to-date usage.

Business Services Department Report

[17-2266](#)

Presentation of Monthly Financial Report for the Period Ending February 28, 2017

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[17-2182](#)

Ordinance - Third and Final Reading of an Ordinance Granting to SiEnergy, L.P. a Franchise to Furnish and Supply Gas to the General Public in the City of Mansfield, Texas, for the Transporting, Delivery, Sale, and Distribution of Gas in, Out of, and Through Said Municipality for all Purposes; Providing for the Payment of a Fee or Charge for the Use of the Streets, Alleys, and Public Ways; Requiring Compliance with all Regulatory Ordinances of the City; and Providing for Other Provisions Related to the Subject Matter Hereof

City Secretary Jeanne Heard read the caption into the record.

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

AN ORDINANCE GRANTING TO SIENERGY, L.P. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF MANSFIELD, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF STREETS, ALLEYS, AND PUBLIC WAYS; REQUIRING COMPLIANCE WITH ALL

REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: OR-2042-17

[17-2219](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Request to Abandon a Portion of the Sentry Drive South Right-of-Way (.536 Acres) Along Proposed Antler Drive as Described in Abstract No. 571, Mansfield, Johnson County, Texas Sentry Drive South Vol. 388-95 Pg. 5, of the Plat Records of Tarrant County, Texas And Deed Record Volume 3809, Page 191, of Johnson County to Rin Co. Holdings, LP

Jeanne Heard read the caption into the record.

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

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SENTRY DRIVE SOUTH RIGHT-OF-WAY ALONG PROPOSED ANTLER DRIVE, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A DEED WITHOUT WARRANTY RELEASING PUBIC OWNERSHIP INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING FOR 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: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: OR-2043-17

[17-2246](#)

Ordinance - Second Reading of an Ordinance of the City of Mansfield, Texas, Amending Sections 51.010 Through 51.024, "Industrial Wastewater Regulations" of Chapter 51 of the Code Of Ordinances; Providing that this

Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Savings Clause; Providing a Penalty Clause; and Providing an Effective Date

A motion was made by Council Member Burgess to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTIONS 51.010 THROUGH 51.024, "INDUSTRIAL WASTEWATER REGULATIONS" OF CHAPTER 51 OF THE CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." 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

Absent: 1 - Larry Broseh

Abstain: 0

[17-2172](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with the Tarrant County Elections Administrator to Perform Election Services for the May 6, 2017 General Election; and Providing an Effective Date

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, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 6, 2017 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: RE-3352-17

[17-2249](#)

Resolution - A Resolution of the City of Mansfield Suspending the April 21, 2017, Effective Date of Oncor Electric Delivery Company's Requested Rate Change to Permit the City Time to Study the Request and to

Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by Oncor to Hire Legal and Consulting Services and to Negotiate with the Company and Direct Any Necessary Litigation and Appeals; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel for the Steering Committee

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

RESOLUTION OF THE CITY OF MANSFIELD, TEXAS SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: RE-3353-17

[17-2257](#)

Resolution - A Resolution Authorizing the City Manager and the City of Mansfield Fire Department to make Application and Receive Funds from the North Central Texas Trauma Regional Advisory Council on Local Projects Grant Program in the Amount up to \$10,000 Towards EMS Equipment and Supplies

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDING FROM THE NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL TO PROVIDE REIMBURSEMENT OF UP TO \$10,000 AFTER THE PURCHASE OF EMS EQUIPMENT AND SUPPLIES FOR THE MANSFIELD FIRE DEPARTMENT

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: RE-3354-17

[17-2261](#)

Resolution - A Resolution of the Mansfield City Council Adopting Amended Guidelines for the Allocation of City of Mansfield Hotel/Motel Occupancy Tax Funds

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

A RESOLUTION OF THE MANSFIELD CITY COUNCIL ADOPTING AMENDED GUIDELINES FOR THE ALLOCATION OF CITY OF MANSFIELD HOTEL/MOTEL OCCUPANCY TAX FUNDS

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: RE-3355-17

[17-2267](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to make Application, Receive, and Expend Grant Funding from the State Homeland Security Grant Program (SHSP) of the Governor's Office of the State of Texas for Specialized Equipment for the Mansfield Police Department SWAT Unit; the Amount of the Award will not Exceed \$50,000 and Will Not Require a Match

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

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE STATE HOMELAND SECURITY GRANT PROGRAM (SHSP) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR SPECIALIZED EQUIPMENT FOR THE MANSFIELD POLICE DEPARTMENT SWAT UNIT; THE AMOUNT OF THE AWARD WILL NOT EXCEED \$50,000 AND

WILL NOT REQUIRE A MATCH

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

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

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: RE-3356-17

[17-2247](#)

Request for Special Event Permit; Mansfield Farmers Market

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

Absent: 1 - Larry Broseh

Abstain: 0

[17-2248](#)

Minutes - Approval of the March 27, 2017 Regular City Council Meeting Minutes

A motion was made by Council Member Burgess to approve the minutes of the March 27, 2017 Regular City Council Meeting 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

Absent: 1 - Larry Broseh

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

[17-2211](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from a Planned Development to a new Planned Development for a Grocer and Other C-2 Uses on Approximately 10 Acres, Generally Located at the Northwest Corner of State Highway 360 and East Broad

Street; Stantec (ZC#16-024)

Jeanne Heard read the caption into the record. Landowner Charlie Anderson made brief comments. Santec representative Josh Milsap gave a powerpoint presentation and answered Council questions. Director of Planning Felix Wong answered Council questions.

A motion was made by Council Member Newsom to approve the following ordinance with the stipulation that the wall on the western section of sites 2-5 come back for approval during site plan approval prior to final development:

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 C-2 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

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

Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: OR-2044-17

[17-2212](#)

Ordinance - Third and Final Reading for an Ordinance Approving a Specific Use Permit for Hospital/Home/Center for Substance Addiction or Psychiatric Patients on Approximately 40.199 Acres, Generally Located North of the Intersection of Heritage Parkway and SH 360; Texas Health Resources (ZC#17-001)

Jeanne Heard read the caption into the record. Texas Health Resources Levi Schmidt made brief comments. The Beck Group representative Jennifer Cull gave a powerpoint presentation and answered Council questions.

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

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 HOSPITAL/HOME/CENTER FOR SUBSTANCE ADDICTION OR PSYCHIATRIC PATIENTS 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

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

Seconded by Council Member Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Larry Broseh

Abstain: 0

Enactment No: OR-2045-17

PUBLIC HEARING CONTINUATION AND SECOND READING**17-2226**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Self-Storage Warehouses on Approximately 5.36 Acres, Generally Located North of Commerce Drive and West of S US 287; Quine & Associates (ZC#16-014)

Peyco Southwest representative Jim Maibach gave a brief powerpoint presentation and answered Council questions. Mayor Cook continued the public hearing through second reading at 8:26 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:26 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 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR MINI-WAREHOUSE 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." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Larry Broseh

Abstain: 0

NEW BUSINESS**17-2258**

Discuss and Consider Initiating Action to Revise the Zoning Ordinance to Allow Signage for Model Homes and Open Houses

Felix Wong made brief comments and answered Council questions. Council provided feed back for staff to incorporate into the proposed ordinance.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:38 p.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Larry Broseh

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary