



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, February 12, 2018

5:00 PM

Council Chambers

REGULAR MEETING

4:00 P.M. - RIBBON CUTTING CEREMONY - POND BRANCH LINEAR PARK - 199 E. BROAD ST.

Council Members and staff attended the ribbon cutting ceremony.

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

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 5:06 p.m. Mayor Cook adjourned executive session at 6:15 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 Development at Hwy 287 and Broad Street

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

Discussion Regarding Utility Capital Improvement Projects

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

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 6:31 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore 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 Haynes led the Texas Pledge.

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 made comments regarding the dedication of the Pond Branch Linear Park.

Council Member Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook made comments regarding the rescheduling of the March 12, 2018 Regular City Council Meeting to March 5, 2018 due to spring break.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Stormwater Annual Report - Howard Redfearn

Stormwater Manager Howard Redfearn presented the Stormwater Annual Report and answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was take by the Council.

CONSENT AGENDA**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA****[18-2617](#)**

Resolution - A Resolution Authorizing Participation in the Texas Association of School Boards Inter-local Agreement for the Purpose of Participating in the Energy Cooperative/Fuel Contract

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

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS TO JOIN THE TASB ENERGY COOPERATIVE IN ORDER TO PARTICIPATE IN A LOCAL GOVERNMENT COOPERATIVE PROCUREMENT PROGRAM PURSUANT TO THE AUTHORITY GRANTED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE, THE INTERLOCAL COOPERATION ACT AND SECTION 271.101 OF THE TEXAS GOVERNMENT CODE

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

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

Enactment No: RE-3442-18

[18-2621](#)

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a General Election to be Held on May 5, 2018; Designating Polling Places; Establishing Election Precincts Within the City; Appointing an Election Judge and Alternate

Judge; Establishing Other Procedures for Conducting the Election; Establishing a Date for Canvassing Returns; Establishing a Date for Runoff Election, if Necessary; and Providing an Effective Date

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

A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 5, 2018; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

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

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

Enactment No: RE-3443-18

[18-2622](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving a Joint Election Agreement Between the City of Mansfield and the Mansfield Independent School District for a Joint Election to be Held on May, 5, 2018; Providing for Early Voting and Election Day Procedures; and, Providing for Cancellation Due to Unopposed Candidates

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF MANSFIELD, TEXAS AND MANSFIELD INDEPENDENT SCHOOL DISTRICT FOR A JOINT ELECTION TO BE HELD, MAY 5, 2018; PROVIDING FOR EARLY VOTING AND ELECTION DAY PROCEDURES; AND, PROVIDING FOR CANCELLATION DUE TO UNOPPOSED CANDIDATES

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

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

Enactment No: RE-3444-18

[18-2625](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager and the Fire Department to Make Application, Receive, and Expend Funds from the Department of Homeland Security Assistance Firefighter Grant Program 2017 for Personal Protective Clothing Equipment and a Power Load Safety System not to Exceed \$95,234 with a Required City Match of 10% Equal to \$9,523

A motion was made by Council Member Newsom 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 FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY ASSISTANCE FIREFIGHTER GRANT PROGRAM 2017 FOR PERSONAL PROTECTIVE CLOTHING EQUIPMENT AND A POWER LOAD SAFETY SYSTEM NOT TO EXCEED \$95,234 WITH A REQUIRED CITY MATCH OF 10% EQUAL TO \$9,523

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

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

Enactment No: RE-3445-18

[18-2626](#)

Resolution - A Resolution Awarding a Contract for the Construction of Hogpen Branch Erosion Repair Streambank Stabilization Behind Houses on Brookfield Lane to RLM Earthco for Construction and Authorizing Funding for an Amount Not to Exceed \$530,000 (Drainage Utility Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF HOGPEN BRANCH EROSION REPAIR STREAMBANK STABILIZATION BEHIND HOUSES ON BROOKFIELD LANE TO RLM EARTHCO, APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

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

Enactment No: RE-3446-18

[18-2628](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding from the Justice Assistance Grant (JAG) of the Governor's office of the State of Texas for a SWAT Rapid Deployment Vehicle; the Amount of the Award will not Exceed \$80,000 and Does Not Require a Match

A motion was made by Council Member Newsom 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 JUSTICE ASSISTANCE GRANT (JAG) OF THE GOVERNOR'S OFFICE OF TEXAS FOR A SWAT RAPID DEPLOYMENT VEHICLE, THE AMOUNT OF THE AWARD WILL NOT EXCEED \$80,000 AND DOES NOT REQUIRE A MATCH

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

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

Enactment No: RE-3447-18

[18-2618](#)

Minutes - Approval of the January 22, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the minutes of the January 22, 2018 Regular City Council Meeting as presented. 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

END OF CONSENT AGENDA

PUBLIC HEARING CONTINUATION AND SECOND READING

[17-2591](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation

Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Mayor Cook continued the public hearing through second reading at 7:02 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:02 p.m.

A motion was made by Council Member Broseh to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE."

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

18-2602

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential Use on Approximately 15.598 Acres, Generally Located East of Newt Patterson Road and South of Sabine Trail, Peycos Court and Columbia Court; Bloomfield Homes (ZC#16-022)

Goodwin and Marshall, Inc. representative Matt Goodwin made brief comments and answered Council questions. Mayor Cook continued the public hearing at 7:04 p.m. The following people spoke:

Brian Butcher - 830 Columbia Court - Opposed

Mark Sullivan - 1101 Pebble Beach Court - Support

With no one else wishing to speak, Mayor Cook closed the public hearing at 7:11 p.m.

A motion was made by Council Member Lindsey 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 RESIDENTIAL USE, 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," with the stipulation that the developer meet with residents who raised concerns during the meeting. Seconded by Mayor Pro Tem

Hoffman. 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

NEW BUSINESS

18-2624

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for The Backyard PD (ZC#16-003B)

A motion was made by Council Member Lindsey to approve the request for minor modification. 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

18-2620

Review and Consideration of a Detailed Site Plan for a 9,572 sq ft Retail/Restaurant Building on 1.398 Acres in the Vistas of Walnut Ridge, Generally Located at the Northwest Corner of SH 360 and Broad Street; CWA Vistas, LP (DS#18-001)

The applicant representative Felix Wong gave a brief presentation and answered Council questions.

A main motion was made by Council Member Lindsey to approve. Seconded by Mayor Pro Tem Hoffman.

A motion to amend the main motion was made by Council Member Haynes to make the southern drive into Walnut Ridge Baptist Church a right out only from the Vistas at Walnut Ridge. The motion FAILED for lack of a second.

A motion to amend the main motion was made by Council Member Broseh to place a sign reading "No Thru Traffic" to the left. Seconded by Council Member Haynes. The motion to amend the main motion CARRIED by the following vote:

Ayes: 5 - David Cook; Brent Newsom; Darryl Haynes; Terry Moore; and Larry Broseh

Nays: 2 - Stephen Lindsey; and Cory Hoffman

A motion to amend the amended motion was made by Council Member Newsom to prohibit continual changing of the lights on the building. Seconded by Council Member Moore. The motion FAILED by the following vote:

Ayes: 2 - Brent Newsom; Darryl Haynes

Nays: 5 - David Cook; Stephen Lindsey; Cory Hoffman; Terry Moore; and Larry Broseh

The main motion as amended **CARRIED** by the following vote:

Aye: 5 - David Cook; Larry Brose; Darryl Haynes; Brent Newsom and Terry Moore

Nay: 2 - Stephen Lindsey and Cory Hoffman

Abstain: 0

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 7:45 p.m. Seconded by Council Member Moore. The motion **CARRIED** by the following vote:

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

Nay: 0

Abstain: 0

ATTEST: David L. Cook, Mayor

Susana Marin, Acting City Secretary