



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, March 26, 2018

6:00 PM

Council Chambers

REGULAR 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; 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 6:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:04 p.m. Mayor Cook adjourned executive session at 7:00 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 Pending Litigation - Cause No. 3:18-CV-00473-G

Seek Advice of City Attorney Regarding Construction Codes Board of Adjustments and Appeals

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

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 7:05 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Library Advisory Board Member Kelvin Stroy 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**[18-2667](#)****Child Abuse Prevention Month**

Mayor Cook proclaimed April 2018 as Child Abuse Prevention Month and presented a proclamation to Alliance for Children representative Katia Gonzalez and Alliance for Children Board Member Sharon Mullarkey. Ms. Gonzalez and Ms. Mullarkey made brief comments.

[18-2668](#)**Mansfield Reads! Month**

Mayor Cook proclaimed April 2018 as Mansfield Reads! Month and presented a proclamation to Library Advisory Board Members, Library Staff, and Friends of the Mansfield Public Library. Friends of the Mansfield Public Library President Carol Ann Grantham gave a brief rundown of upcoming Library events.

CITIZEN COMMENTS

John Minyard - 633 Douglas - Mr. Minyard asked for an update regarding the Mansfield Starcenter project.

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 city staff for the Barks and Rec Event mentioning all

dogs in the event from Mansfield Animal Shelter were adopted.

Council Member Newsom congratulated the Pickle Parade for a great event.

Council Member Broseh had no announcements.

Mayor Cook asked for staff to provide a brief update under staff comments regarding the comments made during citizen comments. Mayor Cook recognized new City Secretary Tracy Norr and thanked Assistant City Secretary Susana Marin and Records Management Clerk Shelia Rhodes for a job well done in the interim. He recognized Deputy City Manager Joe Smolinski filling in during the absence of City Manager Clayton Chandler.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Deputy City Manager Joe Smolinski gave an update on the Shops at Broad Development and the Mansfield Starcenter.

Dog Park Project Update

Director of Parks and Recreation Matt Young gave a brief update on the proposed dog park.

Business Services Department Report

18-2675

Presentation of Monthly Financial Report for the Period Ending February 28, 2018

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Newsom to accept the resignation of Gary Shook from the Construction Codes Board of Adjustments and Appeals with the availability of future appointment should a position become available. 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

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[18-2644](#)

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas, Approving A Tariff Authorizing an Annual Rate Review Mechanism ("Rrm") as A Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") and The Steering Committee of Cities Served by Atmos; Requiring The Company to Reimburse Cities' Reasonable Ratemaking Expenses; Adopting A Savings Clause; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and Legal Counsel for the Steering Committee

City Secretary Tracy Norr read the caption into the record.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

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

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

Enactment No: OR-2082-18

[18-2659](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the Finance Department to Execute Documents for Registering and Ordering License Plates for Police and Task Force Vehicles; and Approving a Letter of Authorization to be Filed with the Texas Department of Motor Vehicles

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR THE EXEMPTION FROM INSCRIPTION REQUIREMENTS UNDER THE TEXAS STATE TRANSPORTATION CODE; AND AUTHORIZING THE CHIEF OF POLICE TO DESIGNATE THE FINANCE DEPARTMENT WITH THE AUTHORITY TO EXECUTE AND APPROVE FORMS NECESSARY FOR THE ACQUISITION OF LICENSE PLATES FOR EXEMPT VEHICLES REGISTERED UNDER AN ALIAS

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

Seconded by Mayor Pro Tem Hoffman. 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

Enactment No: RE-3455-18

[18-2664](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Lease Agreement with Ellis County for Automark Voting Equipment to be Used in the May 5, 2018 General Election and Run-Off Election, if Necessary

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH ELLIS COUNTY FOR AUTOMARK VOTING EQUIPMENT TO BE USED IN THE MAY 5, 2018 GENERAL ELECTION AND RUN-OFF ELECTION, IF NECESSARY

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

Seconded by Mayor Pro Tem Hoffman. 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

Enactment No: RE-3456-18

[18-2670](#)

Resolution - A Resolution to Consider Awarding an Annual Contract to Pro Lawn Commercial of Arlington, Texas in the Amount of \$73,000 for Irrigation Installation and Repair Services on Citywide Medians, Parks, and Municipal Sites

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

RESOLUTION TO CONSIDER AWARDING AN ANNUAL CONTRACT TO PRO

**LAWN COMMERCIAL, LLC IN THE AMOUNT OF \$73,000 FOR IRRIGATION
SYSTEM SERVICES OF CITYWIDE PARKS, MEDIANS, AND MUNICIPAL SITES**

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

**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

Enactment No: RE-3457-18

[18-2671](#)

Resolution - A Resolution to Consider Awarding a Construction Contract to North Central Construction of Allen, Texas in the Amount of \$116,500 for Landscaping and Irrigation of the Holland Road Medians Between Grand Meadow Boulevard and Miller Elementary School

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

**A RESOLUTION TO CONSIDER AWARDED A CONSTRUCTION CONTRACT TO
CENTRAL NORTH CONSTRUCTION, LLC IN THE AMOUNT OF \$116,50 FOR TREE
PLANTING AND IRRIGATION OF MEDIANS ON NORTH HOLLAND ROAD
BETWEEN GRAND MEADOWS BOULEVARD AND WATERFORD GLEN DRIVE**

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

**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

Enactment No: RE-3458-18

[18-2672](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$700,000.00 and Approval of Contracts, Including Design Services with Wier & Associates and Surveying Services with Brittain & Crawford, to Prepare Day Miar Rd. (East Broad St. to Seeton Rd.) for Public Bidding and Construction (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED
\$700,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES
WITH WEIR & ASSOCIATES AND SURVEYING SERVICES WITH BRITTAIN AND
CRAWFORD TO PREPARE DAY MIAR RD. (EAST BROAD ST. TO SEETON RD.)**

FOR PUBLIC BIDDING AND CONSTRUCTION (STREET BOND FUND)

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

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

Enactment No: RE-3459-18

[18-2656](#)

Minutes - Approval of the February 26, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the February 26, 2018 Regular City Council Meeting as presented. 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

[18-2657](#)

Minutes - Approval of the February 27, 2018 Special City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the February 27, 2018 Special City Council Meeting as presented. 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

[18-2658](#)

Minutes - Approval of the March 5, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Broseh to approve the minutes of the March 5, 2018 Regular City Council Meeting as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS[18-2669](#)

Resolution - A Resolution of the Mansfield City Council Approving the First Amended and Restated Development Agreement with RUBY-07-SPMTGE, LLC for Public Improvements to Property Within Reinvestment Zone Number 1, City of Mansfield; and Providing for an Effective Date

North Rock Real Estate representatives Zach Knutson and David Branch made brief comments and answered Council questions. Deputy City Manager Peter Phillis answered Council questions.

A motion was made by Mayor Pro Tem Hoffman to approve the following resolution:

A RESOLUTION OF THE MANSFIELD CITY COUNCIL APPROVING THE FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH RUBY-07-SPMTGE, LLC FOR PUBLIC IMPROVEMENTS TO PROPERTY WITHIN REINVESTMENT ZONE NUMBER 1, CITY OF MANSFIELD; AND PROVIDING FOR AN EFFECTIVE DATE

(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-3460-18

PUBLIC HEARING AND FIRST READING[18-2660](#)

Ordinance - Public Hearing and First Reading of an Ordinance to Consider the Voluntary Annexation of Approximately 36.144 Acres in Johnson County, Texas and Being a Tract of Land Situated in the Edward West Survey, Abstract No. 917, and the Seth M. Blair Survey, Abstract No. 72, Johnson County, Texas, Generally Located South of Ellis Street (CR 516) and West of Hardy Street (CR 623); Larry D. and Teresa Stagner (ZC#18-005)

A motion was made by Council Member Moore to table this agenda item to 90 days or sooner. 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

[18-2661](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a

Zoning Change from SF-7.5/12 to PD, Planned Development for Single-Family Residential Uses on Approximately 0.61 Acres Located 211 W. Dallas Street ; Felix Wong (ZC#18-003)

Tracy Norr read the caption into the record. Applicant representative Felix Wong gave a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:02 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:02 p.m.

A motion was made by Mayor Pro Tem Hoffman to approve the first 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 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

[18-2674](#)

Ordinance - Public Hearing and First Reading of an Ordinance to Consider Assigning PD Planned Development District Zoning for Single-Family Residential Uses to Approximately 34.149 Acres and PR Pre-Development District Zoning to Approximately 1.995 Acres, Altogether Totaling Approximately 36.144 Acres of Land Situated in the Edward West Survey, Abstract No. 917, and the Seth M. Blair Survey, Abstract No. 72, Johnson Co., TX, Generally Located South of Ellis Street (CR 516) and West of Hardy Street (CR 623); Ben Leudtke of Hanover Property Company on behalf of Larry D. and Teresa Stagner (ZC#18-005)

A motion was made by Council Member Moore to table this agenda item to the regular scheduled meeting of September 24, 2018 or sooner. 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

PUBLIC HEARING CONTINUATION AND SECOND READING

[18-2643](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning From C-2 Community Business District to PD Planned Development District for C-2 Uses on Approximately 1.252 Acres Located at 2000 FM 157; Christopher Tran, 2000 Walnut Plaza LLC (ZC#18-002)

2000 Walnut Plaza LLC representative Christopher Tran made brief comments and answered Council questions. Council requested the applicant bring back a detailed landscape plan and irrigation plan at the next meeting. Mayor Cook continued the second reading at 8:09 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:09 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 C-2 COMMUNITY BUSINESS DISTRICT 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," with a detailed landscape plan and irrigation plan to be brought back by the third and final reading. Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh and Brent Newsom

Nay: 2 - Darryl Haynes and Terry Moore

Abstain: 0

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:20 p.m. 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary