



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, April 14, 2014

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; 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Mayor Pro Tem Lindsey left at 6:45 p.m. Mayor Cook adjourned executive session at 7:05 p.m.*

**Absent** 1 - Stephen Lindsey

**Present** 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; 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 Agreement with Ruby 07 SPMTGE, LLC

#### **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**

#### **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**

*Council Member Broseh 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 Burgess led the Texas Pledge.*

**PROCLAMATION****14-0878** Child Abuse Prevention Month

*Mayor Cook proclaimed April 2014 as Child Abuse Prevention Month and presented the proclamation to Alliance for Children representative Shellie McMillion.*

**14-0879** National Public Safety Telecommunicators Week (April 13-19, 2014) -  
Mansfield Police Department

*Mayor Cook proclaimed April 13-19, 2014 as National Telecommunications Week. Present to accept the proclamation were Police Chief Gary Fowler, City Marshal Tracy Aaron, Fire Chief Barry Bondurant, Kennedale Chief of Police Tommy Williams, Kennedale Fire Chief Mike McMurray, Commander Kyle Lanier and Mansfield Law Enforcement Center Telecommunications Staff.*

**14-0883** Safe Digging Month

*Mayor Cook proclaimed April 2014 as Safe Digging Month and presented the proclamation to Assistant Director of Utilities Jeff Price, Atmos representatives Kelly Paceb, Tommy Nunns and Jerry Briggs and Texas 811 representative John Sparks.*

**14-0876** National Library Week

*Mayor Cook proclaimed the week of April 13-19, 2014 as National Library Week. He presented the proclamation to City Librarian Steve Standefer, Friends of the Library and Library Staff.*

**14-0877** National Library Worker's Day

*Mayor Cook proclaimed April 15, 2014 as National Library Worker's Day and presented the proclamation to City Librarian Steve Standefer and Library Staff.*

**14-0882** Mansfield Reads! Month

*Mayor Cook proclaimed April 2014 as Mansfield Reads! Month and presented the*

*proclamation to City Librarian Steve Standefer, Friends of the Library and Library Staff.*

### **CITIZEN COMMENTS**

*Jud Ladd - 1406 New Haven Drive - Mr. Ladd spoke on behalf of the Citizens Fire Alumni Association. He invited the Council to the Annual Boots & Bistro Event the Citizens Fire Academy will be holding on Thursday, April 24, 2014 at Aristide Event Center from 5:00 p.m. to 9:00 p.m. mentioning tickets were on sale for \$20.*

*Brandon Wade - 1402 Judy Lane - Mr. Wade spoke about an expansion of Charter Communications. He stated he and his wife run their separate businesses from home and would like to have high speed internet service.*

### **COUNCIL ANNOUNCEMENTS**

*Council Member Haynes encouraged the Council to attend the Boots and Bistro Event and asked if they didn't attend to donate \$20.00. He mentioned the Citizens Fire Academy are raising money for a hydration station. He stated he attended the dedication of the new St. Jude's Catholic Church.*

*Council Member Hoffman had no announcements.*

*Council Member Newsom had no announcements.*

*Mayor Pro Tem Lindsey was absent.*

*Council Member Burgess congratulated Mayor Cook for inviting 5 Chiefs to speak during the proclamation for National Public Safety Telecommunications Week. She thanked all 911 operators for their service.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **STAFF COMMENTS**

#### **City Manager Report or Authorized Representative**

##### **Current/Future Agenda Items**

*Assistant City Manager Chris Burkett advised the Council that Economic Development Director Scott Welmaker's mother passed away and expressed his condolences. He reminded the Council there would be two special meetings at 8:00 a.m. on Tuesday, April 15th and Wednesday, April 16th and reminded Council that the regular scheduled meeting of Monday, April 28th was moved to Tuesday, April 29th to accommodate attendance to the Mansfield Independent School District Annual Education Foundation Banquet.*

**Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal, Code Enforcement, Development Services**

*Chris stated staff was available for questions.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

A motion was made by Mayor Cook to direct staff to move forward with regard to the current development agreement with Ruby 07 SPMTGE, LLC, for the Council to consider matters discussed during executive session to be minor modifications and to be within the prior direction that the Council has given to the City Manager and his staff with regard to the negotiations regarding the development agreement. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

**CONSENT AGENDA****14-0842**

Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change from MF-2, PR, I-1 & 2F to SF-7.5/16, SF-8.4/18, SF-12/22, MF-2 and C-2 on Approximately 555 Acres, Generally Located at the Intersection of South 2nd Avenue and FM Road 917 and East of FM Road 917, West of South Main Street and North of English Trail; Setback Partners (ZC#14-001)

*City Secretary Vicki Collins read the caption into the record.*

A motion was made by Council Member Broseh 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO SF-7.5/16, SINGLE-FAMILY RESIDENTIAL; SF-8.4/18, SINGLE-FAMILY RESIDENTIAL; SF-12/22, SINGLE-FAMILY RESIDENTIAL; MF-2, MULTI-FAMILY RESIDENTIAL; AND C-2, COMMUNITY BUSINESS DISTRICT CLASSIFICATIONS, 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 Haynes. The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: OR-1906-14

**14-0844**

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 10.5 Acres, Generally Located at the Southeast Corner of E Debbie Lane and Matlock Road; Hijo, Ltd. (ZC#14-003)

*Vicki Collins read the caption into the record.*

**A motion was made by Council Member Broseh 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO C-2, COMMUNITY BUSINESS 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**

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

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

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: OR-1907-14

**14-0875**

Resolution - Resolution Providing Additional Funds for the Median Opening and Left Turn Lane on Heritage Parkway for Oldcastle Precast with JLB Contracting LLC in the Amount of \$7,830.14 (MEDC Funds)

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR JLB CONTRACTING LLC FOR THE MEDIAN OPENING AND LEFT TURN LANE IN THE 1100 BLOCK OF HERITAGE PARKWAY FOR OLDCASTLE PRECAST**

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

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

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: RE-3002-14

**14-0884**

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 City Secretary with the Authority to Execute and Approve Forms Necessary for Exempt Vehicles Registered Under Alias

**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 CITY SECRETARY 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 Council Member Haynes. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

Enactment No: RE-3003-14

**14-0868**

Minutes - Approval of the March 24, 2014 Regular City Council Meeting Minutes

**A motion was made by Council Member Broseh to approve the March 24, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Haynes. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

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

**14-0860**

Ordinance - Third and Final Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and "Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping Devices; Prohibiting Smoking at City Parks or Recreational Facilities; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

*Mayor Cook removed this item from the consent agenda.*

**A motion was made by Council Member Burgess to table this agenda item to the next regular scheduled meeting. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

**14-0867**

Minutes - Approval of the March 17, 2014 Regular City Council Meeting Minutes

*Council Member Broseh removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the March 17, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Burgess. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 1 - Larry Broseh

**END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING**

**14-0869**

Ordinance - Public Hearing and First Reading of an Ordinance Amending Sections 2200 and 4400.B of the Zoning Ordinance to Add a Definition of "Non-Traditional Smoking Related Businesses" and to Establish Permitted Use Regulations for Such Businesses (OA#14-004)

*Vicki Collins read the caption into the record. Director of Planning Felix Wong made comments and answered Council questions. Mayor Cook opened the public hearing at 7:58 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:58 p.m.*

**A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200 AND 4400.B OF SAID ORDINANCE TO ADD A DEFINITION FOR "NON-TRADITIONAL SMOKING RELATED BUSINESSES"; TO ESTABLISH PERMITTED USE REGULATIONS FOR SUCH BUSINESSES; 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 Hoffman. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

**14-0873**

**Ordinance - Public Hearing and First Reading to Consider Proposed Amendment of Section 7200.B of the Zoning Ordinance Regarding Construction Standards for Residential Driveways (OA#14-003)**

*Vicki Collins read the caption into the record. Felix Wong made brief comments and answered Council questions. Council requested that the same material be used to expand the existing driveway. Mayor Cook opened the public hearing at 8:06 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:06 p.m.*

**A motion was made by Council Member 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 7200.B.19 AND 20 OF SAID ORDINANCE REGARDING CONSTRUCTION STANDARDS FOR RESIDENTIAL DRIVEWAYS; 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 modification that paragraph 20.B. be modified to just indicate "circular driveways shall not exceed 16 feet" and to add a paragraph denoting the comment made regarding the expansion of a concrete driveway can be made with similar materials of the existing drive. Seconded by Council Member Haynes. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey



Abstain: 0

### **PUBLIC HEARING CONTINUATION AND SECOND READING**

**14-0845**

Ordinance - Public Hearing and Second Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

*Pretreatment Coordinator David Moulton answered Council questions. Staff was advised to place this item under Old Business at the next regular scheduled meeting. Mayor Cook continued the public hearing at 8:12 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:12 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 WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN." Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

### **ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:14 p.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Stephen Lindsey

**Abstain:** 0

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

ATTEST:

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Vicki Collins, City Secretary