



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, May 12, 2014

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

Mayor Cook called the meeting to order at 5:10 p.m. Mayor Cook announced that City Manager Clayton Chandler was celebrating his 30 years of service with the city and thanked him for his hard work and dedication.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

WORK SESSION TO BE HELD IN MULTI-PURPOSE ROOM

Mayor Cook turned the work session over to Mr. Chandler. Director of Economic Development Scott Welmaker provided the Council with an article on Klein Tools. Mr. Chandler advised there would be information passed out at the next meeting regarding SH360.

* Proposed LED Sign at 206 Smith Street

Director of Planning Felix Wong made a presentation and answered Council questions. Staff was directed to move forward with the sign.

* Proposed Public Parking Lot at Walnut Street and West Broad Street

Park Planner James Fish made a brief presentation and answered Council questions. Assistant City Manager Chris Burkett made brief comments. Mr. Chandler made brief comments. James advised the Council staff would be soliciting bids and bringing back recommendations to the Council.

* Follow Up Downtown Study by Consultant

Felix Wong made a brief presentation. He stated the TIRZ Board of Directors would be meeting and bring back recommendations to the Council.

* New Municipal Separate Storm Sewer System Permitting Requirements

Stormwater Manager Howard Redfearn made a powerpoint presentation and answered Council questions.

Mayor Cook adjourned the work session at 6:30 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed

the meeting into executive session at 6:31 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:34 p.m. Mayor Cook adjourned executive session at 6:54 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 Application of Zoning Regulations Pertaining to Alcohol Sales (Addendum to Agenda)

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 7:03 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lindsey led the Pledge of Alleigance.

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

[14-0907](#)

National Police Week - Mansfield Police and Mansfield City Marshals Office

Mayor Cook proclaimed the week of May 11-17, 2014 as National Police Week and presented a proclamation to the Mansfield Police Department and the Mansfield Law Enforcement Center. Police Chief Gary Fowler and City Marshal Tracy Aaron made

brief comments.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes asked if there was Council support to add to a future agenda the possibility of inviting Pastors to lead the Invocation. City Attorney Allen Taylor made brief comments regarding the subject and answered questions. Mayor Cook made a policy statement asking that Pastors interested in leading the Invocation contact the City Secretary's Office.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey had no announcements.

Council Member Burgess made comments honoring National Police Officer's Week. She asked everyone to honor them throughout the year as well.

Council Member Broseh had no announcements.

Mayor Cook congratulated Council Members Burgess and Broseh as well as School Board Members Danny Baas and Courtney Wilson on their re-election.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler made comments regarding a meeting held about SH360. He recognized former Senator and House of Representative Chris Harris and North Central Texas Council of Governments representative Michael Morris mentioning he appreciated their work toward the project. Mayor Cook echoed Mr. Chandler's comments and also recognized Assistant City Manager Chris Burkett, Communications and Marketing Director Belinda Willis, Graphics Designer Rick Sales and Felix Wong for their presentation.

On-Street Bicycle Plan Update - James Fish and Bart VanAmburgh

Director of Parks and Community Services Shelly Lanners made brief comments and answered Council questions.

Business Services Department Report

[14-0906](#)

Presentation of Monthly Financial Report for the Period Ending March 31, 2014

No action was taken by the Council.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[14-0873](#)

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

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, 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

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1911-14

[14-0905](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Denying the Rate Increase Requested by Atmos Energy Corp., Mid-Tex Division Under the Company's 2014 Annual Rate Review Mechanism

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, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE

**RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM;
AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING
COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF
TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE
CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO
THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS
PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN
MEETING ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY
OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S
LEGAL COUNSEL**

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

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

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry
Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-3006-14

[14-0908](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to make Application to the Texas Department of State Health Services, Mental Health Substance Abuse Division (DSHS) and Receive Approximately \$3,900 in Grant Funding to conduct Tobacco Enforcement at Retail Outlets in the City of Mansfield for State Fiscal Year 2015 (No City Match Required)

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

**A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY
MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION TO THE
TEXAS SCHOOL SAFETY CENTER AT TEXAS STATE UNIVERSITY - SAN
MARCOS, TO RECEIVE AND EXPEND GRANT FUNDING OF APPROXIMATELY
\$3,900 FOR A TOBACCO ENFORCEMENT GRANT FOR FY2015 (NO CITY
MATCH REQUIRED)**

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

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

Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry
Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-3007-14

[14-0904](#)

Minutes - Approval of the April 29, 2014 Regular City Council Meeting

Minutes

A motion was made by Council Member Broseh to approve the April 29, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

END OF CONSENT AGENDA**PUBLIC HEARING CONTINUATION AND SECOND READING**[14-0881](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City of Mansfield, Texas, Amending "Curfew in Parks," Chapter 96.24, Parks and Recreation of the Code of Ordinances of the City of Mansfield, Texas; and Providing an Effective Date

Recreation Superintendent Andy Binz made a brief presentation on the changes made to the ordinance and answered Council questions. Mayor Cook continued the public hearing at 7:35 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:36 p.m.

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING "CURFEW IN PARKS," CHAPTER 96.24, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

NEW BUSINESS[14-0900](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Kroger, Texas L.P. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments and answered Council questions. Kroger, Texas L.P. representative Jim Freeman answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND KROGER, TEXAS L.P. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-3008-14

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 7:40 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary