



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, November 28, 2016

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:08 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 5:10 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:15 p.m. Mayor Cook adjourned executive session at 6:20 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 Pond Branch Design/Construction Contract

Seek Advice of City Attorney Regarding the Sales Contract for the Farr Best Theater

Seek Advice of City Attorney Regarding the City's Authority to Grant Variance to Regulations Enacted Under Subsection (a) of Section 109.33 of the Alcoholic Beverage Code

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

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

Mayor Cook reconvened into regular business session at 7:00 p.m.

INVOCATION

Mayor Pro Tem Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Alpha International Ministries Pastor Manuel Acevedo led the Pledge of Allegiance. Mr. Acevedo made brief comments on the work of Alpha International Ministries.

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.

CITIZEN COMMENTS

Maurice Korsmo - 6410 Brook Haven Trail, Arlington - Mr. Korsmo spoke about the need of a Soldiers' Home in the City of Mansfield.

Jim Moll - P.O. Box 270668 - Mr. Moll spoke as a representative of MUY Hamburgers (Wendy's). He stated Wendy's is very involved and committed to the communities where they have restaurants. He stated they felt they met all requirements asked of them during their previous agenda item.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh requested the contact information for citizen comments speaker Jim Moll.

Mayor Cook congratulated the Mansfield High Schools football teams for a successful football season. He recognized the coaches for their hard work.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Hometown Holidays Event Update - Angie Henley

Special Events Coordinator Angie Henley invited everyone to attend the Hometown Holiday Event to be held on Friday, December 2, 2016 from 5:00 p.m. to 9:00 p.m. at City Hall and the Hometown Holiday Parade on Saturday, December 3, 2016 at 2:30 p.m. She invited everyone to the Farr Best Theater Friday, December 2, 2016 at 8:00 p.m. where the Mansfield Commission for the Arts will be presenting Eddie Irving and the Classic Swings Band Annual Christmas Show.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action take by the Council.

CONSENT AGENDA**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**[16-2100](#)

Resolution- A Resolution of the City of Mansfield Authorizing the City Manager and the Police Department to Apply, Receive and Expend Grant Funds from the Walmart Community Grant Program, the Total Grant Award will not Exceed \$2,500 with no Match Required from the City

A motion was made by Council Member Hoffman 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 WALMART COMMUNITY GRANT PROGRAM TO SPONSOR THE (CERT TEAM) CITIZEN EMERGENCY RESPONSE TEAM, THE AMOUNT, IF AWARDED, WILL NOT EXCEED \$2500.00 AND WILL NOT REQUIRE A MATCH FROM THE CITY

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

Seconded by Council Member Burgess. 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-3310-16

[16-2119](#)

Resolution - A Resolution Authorizing the Purchase of Properties Located at 1405 Palm Street and 300 N. Wisteria Street in the Amount of \$20,000 by the Mansfield Park Facilities Development Corporation (MPFDC)

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

A RESOLUTION AUTHORIZING THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S (MPFDC) PURCHASE OF PROPERTIES LOCATED AT 1405 PALM STREET AND 300 N. WISTERIA STREET IN THE AMOUNT OF \$20,000

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

Seconded by Council Member Burgess. 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-3311-16

[16-2120](#)

Resolution - A Resolution to Reject All Bids Received for Paving, Drainage, Structures and Sanitary Sewer Improvements for the Pond Branch Corridor

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

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR PAVING, DRAINAGE, STRUCTURES AND SANITARY SEWER IMPROVEMENTS FOR THE POND BRANCH CORRIDOR

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

Seconded by Council Member Burgess. 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-3312-16

[16-2105](#)

Request for Special Event Permit: Hometown Holidays & Parade

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

[16-2112](#)

Minutes - Approval of the November 14, 2016 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes of November 14, 2016 Regular City Council Meeting as presented. Seconded by Council Member Burgess. 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

OLD BUSINESS

[16-2095](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development District and C-2, Community Business District to PD for Single-Family Residential Development on Approximately 61.7 Acres Generally Located South of Harmon Road, Between SH 360 and the Future Extension of S. Matlock Road; Jabez Development LP (ZC#16-010)

Rendition Homes representative Nelson Mitchell made brief presentation and answered Council questions. Director of Planning Felix Wong answered Council questions. Goodwin and Marshall, Inc. representative Matt Goodwin answered Council questions.

A motion was made by Mayor Cook to approve the following ordinance with the stipulation that the minimum square foot home be 2,000 sq ft.; that the builder strive to have an average of 2,400 square foot size homes; the wrought iron fence be erected on each end of the park; the blue line on the exhibit shown eliminate the wooden fence and be replaced with a masonry wall; the language in the PD be clear that the wall be consistent with the make and design of the wall for the Ladera project on Debbie Lane located in the City of Mansfield and reflect that the developer present has agreed to build the fence in that same manner; and with a total count of lots being 187 with additional nine lots being deducted from the 55' wide lots:

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

Nay: 0

Abstain: 0

Enactment No: OR-2024-16

PUBLIC HEARING AND FIRST READING**[16-2113](#)**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to SF-7.5/18, SF-9.6/20 and SF-12/22, Single-Family Residential Districts on Approximately 187.85 Acres Generally Located West of Gertie Barrett Road and the End of Cancun Drive, North of Country Meadow Drive and Chimney Hill Circle; Alluvium Development (ZC#16-001)

City Secretary Jeanne Heard read the caption into the record. Alluvium Development representative Terry Jobe made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:39 p.m. The following people spoke:

*James Mershon - 420 Chimney Hill Circle - Opposed
Jolene Mershon - 420 Chimney Hill Circle - Opposed
Denis Duchene - 420 Meadow Creek Drive - Opposed
Robert Hinkle - 419 Country Meadow Drive - Opposed
Stephen Hardy - 423 Meadow Creek Drive - Opposed
Nate Wickham - 253 Country Meadow Drive - Opposed
Pete Campbell - 432 Chimney Hill Circle - Opposed
Robert Sherrill - 2789 Gertie Barrett Road - Support
Tom Marshall - 414 Chimney Hill Circle - Opposed*

Mayor Cook recognized the following non-speakers in opposition of this agenda item:

*William Hodges - 258 Country Meadow Drive
Doug Pickard - 307 Country Meadow Drive
James Lindemulder - 413 Country Meadow Drive
Jimmy Johnson - 412 Country Meadow Drive
Trudy Johnson - 412 Country Meadow Drive
Christina Brown - 220 Country Meadow Court
Kevin Brown - 220 Country Meadow Court
Amanda Fowler - 427 Meadow Creek Drive
Lisa Key - 255 Country Meadow Circle
Elaine McCullough - 267 Country Meadow Drive
Sherri McCullough - 267 Country Meadow Drive*

Mayor Cook recognized the following non-speaker in support of this agenda item:

Steve Mitchell - 7542 Sharon Lee Drive

With no one else wishing to speak, Mayor Cook continued the public hearing at 9:27 p.m.

Director of Public Works Bart VanAmburgh and City Attorney Allen Taylor answered Council questions. Council requested that the applicant hold two meetings with the

neighbors before the next regular scheduled City Council meeting.

A motion was made by Council Member Hoffman to approve and have the item come back as a PD and not a zoning change request; reducing the number of lots to 250 homes with whatever makeup size the developer prefers; eliminating the dog leg from residential construction and it be dedicated as a park area for the community and have connectivity to future parks; and the buffer for the remainder of the site as laid out in the exhibits stay the same. Seconded by Council Member Burgess. The motion FAILED by the following vote:

Ayes: Cory Hoffman; Stephen Lindsey; Wendy Burgess

Nays: David Cook, Brent Newsom; Darryl Haynes; Larry Broseh

A motion was made by Mayor Pro Tem Broseh 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 SF-7.5/18, SF-9.6/20 & SF-12/22 SINGLE FAMILY 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," as a PD based on the diagram provided tonight making changes to the dog leg portion to remain as green space with connectivity to nearby city property; an amicable agreement with the Council, the developer and the citizens. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 2 - Wendy Burgess and Cory Hoffman

Abstain: 0

[16-2115](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to Planned Development for Office/Retail Uses on Approximately 3.95 Acres Located at 1209 N Day Miar Road; HCC Contracting, Inc (ZC#16-013)

Jeanne Heard read the caption into the record. HCC Contracting, Inc. representative Bob Blackwelder made brief comments and answered Council questions. Mayor Cook opened the public hearing at 10:21 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 10:22 p.m. The Council requested the applicant explain the dumpster situation by the next reading.

A motion to amend the main motion was made by Mayor Pro Tem Broseh to add an 8/12 roof pitch. Seconded by Mayor Cook. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Mayor Cook 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 OFFICE/RETAIL 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 the developer coming back with specific uses of all four phases. Seconded by Council Member Newsom. The motion was amended to require 8/12 roof pitch. The amended 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

PUBLIC HEARING CONTINUATION AND SECOND READING

16-2093

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development District to C-2, Community Business District on Approximately 30 Acres Generally Located at the Southeast Corner of East Debbie Lane and North Matlock Road; Reilly Brothers (ZC#16-015)

Reilly Brothers representative Tommy Reilly made brief comments. Mayor Cook continued the public hearing at 10:07 p.m. Mayor Cook acknowledged the following non-speakers in support of this agenda item:

*James A. Weatherford - 4704 Barkridge Trail, Fort Worth
Morreta A. Weatherford - 4704 Barkridge Trail, Fort Worth*

With no one wishing to speak, Mayor Cook closed the public hearing at 10:08 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 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; 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 Mayor Pro Tem Broseh. 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-2025-16

16-2094

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Historic Landmark Overlay District for the Property Located at 114 N. Main Street; City Staff (ZC#16-020)

Director of Planning Felix Wong made brief comments. Mayor Cook continued the public hearing at 10:27 p.m. With no one wishing to speak, Mayor Cook continued

the public hearing through third reading at 10:27 p.m.

A motion was made by Mayor Cook 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 HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 114 NORTH MAIN STREET; 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 Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-2027-16

16-2096

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Retail and Service Establishments Not Elsewhere Listed (Brewery) in the Existing Building at 117 N. Main Street; Dirty Job Brewing (ZC#16-019)

Dirty Job Brewing representative Derek Hubanek made brief comments. Mayor Cook continued the public hearing at 10:29 p.m. Mayor Cook recognized the following non-speaker in support:

Sheri Bumgardner - 14 Red Bluff Court

With no one wishing to speak, Mayor Cook closed the public hearing at 10:29 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 A RETAIL AND SERVICE ESTABLISHMENTS NOT ELSEWHERE LISTED (BREWERY) 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 Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-2026-16

NEW BUSINESS

[16-2121](#)

Ordinance - First Reading of an Ordinance Granting an Ingress-Egress and Access Easement In, Upon, and Across City Owned Property at 1004 Magnolia Street in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

Jeanne Heard read the caption into the record. Director of Parks and Community Services Matt Young made brief comments.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE GRANTING AN INGRESS – EGRESS AND ACCESS EASEMENT IN, UPON, AND ACROSS CITY OWNED PROPERTY AT 1004 MAGNOLIA STREET IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Broseh. 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:

[16-2122](#)

Consideration of a Request for an Extension of a Variance to Chapter 114.13(B) of the Code of Ordinances, "Gas Well Drilling and Production" by EagleRidge Operating, LLC, Related to Permanent Lift Compressors (GW#13-004)

EagleRidge Operating, LLC representative Mark Graw made brief comments and answered Council questions. Council requested an update from staff in three months.

A motion was made by Council Member Lindsey to approve the request for 6 months with a status update in 3 months. Seconded by Council Member Burgess. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:41 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:

_____ Jeanne Heard, City Secretary