



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, May 23, 2016

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Pro Tem Newsom called the meeting to order at 5:06 p.m.

Absent 1 - David Cook

Present 6 - Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Mayor Pro Tem Newsom turned the work session over to City Manager Clayton Chandler.

Bond Presentation Update

Mr. Chandler spoke about the strategic planning priorities and the bond presentation themes.

RECESS INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING WORK SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Pro Tem Newsom recessed the meeting into executive session at 5:41 p.m. Mayor Cook arrived at 5:42 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:45 p.m. Mayor Cook recessed the executive session at 6:55 p.m.

Present 7 - David Cook; Stephen Lindsey; 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 Recent State Law Changes Relating to Municipal Boundaries

Seek Advice of City Attorney Regarding Legal Matters Related to Agenda Item 16-1768

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

Consider Possible Purchase/Lease of Certain Properties for Future/Development Use

Consider Possible Purchase - Shannon Creek Addition Lot 10 Block 5 - 1416 Holley Creek

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**

Project #16-05 - Business Prospect Staff Update

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

Mayor Cook reconvened into regular business session at 7:04 p.m.

INVOCATION

Father George Foley, St. Jude Catholic Church, 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 Hoffman led the Texas Pledge.

OATH OF OFFICE: DAVID L. COOK AND BRENT NEWSOM

City Secretary Jeanne Heard administered the Oath of Office to Mayor David L. Cook and Council Member Brent Newsom.

ELECTION OF MAYOR PRO TEM

Jeanne Heard provided the Council with ballots to elect a new Mayor Pro Tem. Jeanne announced the new Mayor Pro Tem elected was Larry Broseh.

PRESENTATIONS

Texas Water Utilities Association Award for Outstanding New Professional - Jeff Price

Director of Utility Operations Jeff Price presented the Outstanding New Professional award to Eberardo Murillo.

Fort Worth Admin Awards' Rookie of the Year - Jeff Price

Jeff Price presented the Rookie of the Year award to Kayla Cardinale.

Texas Water Utilities Association Operator of the Year - Jeff Price

Jeff Price presented the Operator of the Year award to John Woodworth.

Texas Water Utilities Association Award for Heroism - Jeff Price

Jeff Price presented the Heroism award to Jesse Fernandez.

Texas Municipal Utility Association Outstanding Public Official - Jeff Price

Jeff Price presented the Outstanding Public Official Award to Deputy City Manager Joe Smolinski.

CITIZEN COMMENTS

Paul Blevins - 1300 Bramble Lane - Mr. Blevins spoke in opposition of agenda item 16-1807.

Mayor Cook recognized the following non-speakers in opposition of agenda item 16-1807:

*Lilian Navade - 1211 Westridge Drive
Bonface Navade - 1211 Westridge Drive
Ginnie Bucek - 4210 Old Grove Drive
Patrick Bucek - 4210 Old Grove Drive*

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess reminded everyone about the runoff election tomorrow, Tuesday, May 24, 2016 and encouraged everyone to get out and vote.

Mayor Pro Tem Newsom had no announcements.

Council Member Brosech thanked his colleagues for a vote of confidence in electing him as Mayor Pro Tem.

Mayor Cook congratulated Council Member Broseh and read the following comments he received from resident Wayne Sekerke into the record:

"I wanted to express my appreciation to two Mansfield City employees who went above and beyond to help me load mulch into my pickup on May 14th. John Grant and crew leader Brad shared that it was too wet to get vehicles into the mulch area. However, they were able to get one bucket full out for residents to shovel into their pickups. What impressed me about John and Brad is their willingness to help."

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Director of Public Works Steve Freeman gave an update on the closure of East Broad Street and Hwy 360 intersection. He stated the construction would last about nine months and explained the detour details. Steve answered Council questions.

Mr. Chandler commended the Mansfield Police Department for dedicating their time to the citizens during the Meet and Greet Event they held at City Hall on Saturday, May 14, 2016.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to authorize staff to present a full and final offer on property located on Holly Creek Lane as discussed in executive session with Legal Counsel. 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

CONSENT AGENDA

16-1851

Resolution - A Resolution Approving a Construction Contract Between the City of Mansfield and Valle Verde Systems for the Landscaping and Irrigation Project for the East Broad Street Medians Between South Holland Road and Day Miar Road in the Amount of \$262,845

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

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT BETWEEN THE CITY OF MANSFIELD AND VALLE VERDE SYSTEMS FOR THE LANDSCAPING AND IRRIGATION PROJECT OF THE EAST BROAD STREET MEDIANS BETWEEN SOUTH HOLLAND ROAD AND DAY MIAR ROAD IN THE AMOUNT OF \$262,845

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

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: RE-3248-16

[16-1852](#)

Minutes - Approval of the May 9, 2016 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes of the May 9, 2016 Regular City Council Meeting as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[16-1854](#)

Resolution - A Resolution Authorizing Additional Funding for an Amount not to Exceed \$39,126.43 for a Changes in Scope to the South Holland Rd Paving Improvements Project (Street Bond Fund)

Council Member Hoffman removed this item from the consent agenda. Steve Freeman answered Council questions.

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

A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR CHANGES IN SCOPE TO THE SOUTH HOLLAND RD CONTRACTS WITH FREESE AND NICHOLS AND BRITTAIN AND CRAWFORD

(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-3249-16

END OF CONSENT AGENDA**OLD BUSINESS****16-1807**

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change to Replace the Existing PD with a New PD for C-2 uses, Including a Day Care Center, on Approximately 7.3 Acres Generally Located South of Woodcrest Lane and West of Westridge Drive; Hanover Property Co. (ZC#16-002)

Jeanne Heard read the caption into the record. Hanover Property Company representative Ben Luedtke made brief comments and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor made brief comments and answered Council questions.

A motion was made by Council Member Hoffman to suspend the rules for discussion. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A main motion was made by Mayor Cook to approve the following ordinance without the variance requested, with the wall not being required until such time as a building permit is issued for the last substantial parcel on which a building could reasonably be constructed under the provisions of the building code and zoning ordinance regulations, and landscaping to be removed as requested by the Home Owners Association:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO REPLACE AN EXISTING PLANNED DEVELOPMENT DISTRICT WITH A NEW PLANNING DEVELOPMENT DISTRICT FOR C-2 USES, INCLUDING A DAY CARE CENTER, 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.

A motion to amend the main motion was made by Council Member Hoffman that the variance be denied, requiring the fence to be installed through the boundary of the day care as it is now and requiring the fence to be installed at this point. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

**4 ayes - Cory Hoffman, Stephen Lindsey, Darryl Haynes, Wendy Burgess
3 nays - David Cook, Brent Newsom, Larry Broseh**

The amended main motion CARRIED by the following vote:

Aye: 6 - Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 1 - David Cook

Abstain: 0

Enactment No: OR-2005-16

PUBLIC HEARING AND FIRST READING

16-1853

Ordinance - Public Hearing and First Reading of an Ordinance Amendment to a PD, Planned Development District for Walnut Ridge Baptist Church to Add a School Use on Approximately 49.592 Acres Located at 1201 N. SH 360 by Newman International Academy (ZC#05-019C)

Jeanne Heard read the caption into the record. Newman International Academy representative Randall Hudson made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:26 p.m. The following people spoke during the public hearing:

*Randy Weeaks - 1022 Brook Arbor Drive - Support
Sam Doyle - 11701 CR 528 - Support
Nathan Carriker - 1010 High Lake Trail - Opposed
Wayne Cassidy - 2211 Canterbury Drive - Support*

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

*Frank Gilstrap - 1400 W. Abram Street, Arlington
Skip Butler - 1115 Spyglass Drive
Kelly Brown - 2603 Dogwood Trail
Hunter Harvison - 1400 W. Abram Street, Arlington
Lynn Hampton - P.O. Box 422
Angie Hampton - P.O. Box 422
Madeline Doyle - 11701 CR 528
Jerry Ritchie - 1412 Wheeler Drive
Kodi Tanner - 609 St. Eric Drive
Jeremy Reece - 904 Skylark Drive
Rod Wilson - 7012 Playa, Grand Prairie
James Scarbrough - 3251 Matlock Road
Heather Benkendorfer - 737 Nightingale Circle
Jaron Barrington - 2306 Chaparral Trail
Dustin Hibner - 8316 Wesson Road
Tammy Sutton - 2406 Ravenwood Court
Ronnie Clanton - 4421 Sir Lancelot Circle
Jody Maxwell - 7672 Rendon New Hope
Steve Mitchell - 7542 Sharon Lee, Arlington
Keith Shull - 1225 Crooked Creek Court, Midlothian*

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 8:46 p.m.

A motion was made by Council Member Haynes 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 PLANNED DEVELOPMENT DISTRICT FOR WALNUT RIDGE BAPTIST CHURCH TO ADD SCHOOL USE ON THE HEREINAFTER DESCRIBED PROPERTY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE;

PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." 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: 1 - Stephen Lindsey

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

16-1768

Ordinance - Public Hearing Continuation and Second Reading to Consider Proposed Amendments of Section 4400B, Permitted Use Table of the Zoning Ordinance to Relabel "Hospital/Home/Center for Alcoholic or Psychiatric Patients" to "Hospital/Home/Center for Substance Addiction or Psychiatric Patients," and to Allow "Amusement, Commercial (Indoor)" in I-2 Heavy Industrial Zoning Upon Approval of an Industrial Use Permit; plus Amendment of Section 6 Permitted Uses of The Reserve Planned Development District Standards to Relabel the Same Aforementioned Use, Require Specific Use Permit for Certain Uses, Delete Certain Uses and Add Special Conditions to Certain Uses (OA#16-001)

Felix Wong made brief comments. Mayor Cook continued the public hearing at 8:50 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:50 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 SECTION 4400B "PERMITTED USE TABLE" OF THE ZONING ORDINANCE TO RELABEL "HOSPITAL/HOME/CENTER FOR ALCOHOLIC OR PSYCHIATRIC PATIENTS" AND TO ALLOW "AMUSEMENT, COMMERCIAL (INDOOR)" IN I-2 HEAVY INDUSTRIAL ZONING UPON APPROVAL OF AN INDUSTRIAL USE PERMIT AND AMENDING SECTION 6.2, "PERMITTED USE TABLE" OF THE RESERVE PLANNED DEVELOPMENT DISTRICT STANDARDS TO RELABEL THE SAME AFOREMENTIONED LAND USE, REQUIRE SPECIFIC USE PERMIT FOR CERTAIN LAND USES, DELETE CERTAIN LAND USES AND ADD SPECIAL CONDITIONS TO CERTAIN 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," with the change to The Reserve Planned Development District Standards table provided by staff to also require a specific use permit for all applicable neighborhoods on line eight (8) which is a hospital/home/center for substance abuse or psychiatric patients; related to the business campus category, that an exemption be provided to any conforming uses currently approved and under construction as of the date of the passing of this ordinance. Seconded by Mayor Pro Tem 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

Enactment No: OR-2006-16

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 8:52 p.m. Mayor Cook reconvened the executive session in the Council Conference Room at 9:00 p.m. Mayor Cook adjourned executive session at 10:02 p.m. Mayor Cook reconvened into regular business session at 10:05 p.m.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:06 p.m. 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

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary