



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, July 13, 2015

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:10 p.m.

Absent 1 - Brent Newsom

Present 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh and Darryl Haynes

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:13 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:20 p.m. Mayor Cook adjourned executive session at 6:25 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 Gas Well Regulations

City Attorney Briefing Regarding Legal Consideration in the Enforcement of Code Compliance Issues

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

Property #03-14-05

Property #12-13-10

Property #11-13-09

Property #07-15-02

Personnel Matters Pursuant to Section 551.074

Consider Legal Requirements for Code Enforcement Management and Staffing

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 # 15-02 - Business Prospect Briefing and Update

Project #14-14 - Entertainment Prospect Briefing and Update

Project # 13-20 - Entertainment Prospect Briefing and Update

Consider Placement or Deployment of Security Devices on Municipal Property or Facilities Pursuant to Section 551.076

6:00 P.M. - JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (TO BE HELD IN THE MULTI-PURPOSE ROOM)

Mayor Cook called the work session to order in the Multi-Purpose Room at 6:30 p.m. Mansfield Park Facilities Development Corporation President Harold Bell called the work session to order at 6:31 p.m.

In accordance with the Texas Government Code, Chapter 551, Mayor Cook called the joint executive session with Mansfield Park Facilities Development Corporation to order in the Multi-Purpose Room at 6:33 p.m. Mayor Cook adjourned executive session at 7:25 p.m.

Mayor Cook adjourned the work session at 7:25 p.m. Mansfield Park Facilities Development Corporation President Harold Bell adjourned the work session at 7:25 p.m.

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

Mayor Cook reconvened into regular business session at 7:32 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 Hoffman led the Texas Pledge.

PROCLAMATION

[15-1417](#)

Mansfield Move 125

Mayor Cook presented a proclamation to Mansfield Methodist Hospital President John Phillips recognizing and supporting Mansfield Move 125. Mr. Phillips made brief comments. City Manager Clayton Chandler made brief comments.

PRESENTATION

Presentation of Bullet Proof Vests to K-9 Dogs by Camryn Samuel

Police Chief Tracy Aaron made brief comments and introduced Mansfield resident Camryn Samuel. Camryn spoke about her efforts in providing bullet proof vests for K-9 dogs. Mayor Cook presented a proclamation to Camryn.

CITIZEN COMMENTS

Lance Irwin - 1208 Killian - Mr. Irwin spoke about HB40 and gas well setbacks.

Tamera Bounds - 1009 Meriwether Street - Mrs. Bounds spoke about gas well issues. She gave recommendations pertaining to new development and how close they are to gas wells.

Heather Dowell - 2604 Goodnight Trail - Mrs. Dowell spoke about gas well issues and their proximity to residential areas.

Mayor Cook acknowledged the following non-speakers:

*Mary Beaty - 908 Tremont Street - Gas Wells
Leslie Curd - 1107 Tremont Street - Gas Wells
Angela Clark - 4403 Holly Hock Court, Arlington - Gas Wells
Lynda Lotman - 1006 Tremont Street - Gas Wells
Sam Morton - 1211 Tremont Street - Gas Wells
Dr. Robert August - 2 Raintree Court - Gas Wells
Phillip Worobey - 13 Willowstone Court - Gas Wells*

COUNCIL ANNOUNCEMENTS

Council Member Lindsey gave an update on the Code Enforcement Subcommittee Meeting, the Public Memorials Subcommittee Meeting and the Regional Transportation Council Meeting.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess made comments regarding the presentation of bulletproof

vests to the Police Departments K-9 dogs by Camryn Samuel.

Mayor Pro Tem Newsom was absent.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

- **Current/Future Agenda Items**

- **Report on May 16th Code Enforcement Bus Tour (Richard Wright)**

Council Member Lindsey made comments regarding this agenda item during Council announcements.

- **Quarterly Reports**

There were no questions regarding the quarterly reports.

Mansfield Economic Development Corporation; Mansfield Park Facilities Development Corporation; Planning and Zoning; Public Works; Legal, Code Enforcement; Development Services; Communications and Marketing

- **Business Services Department Report**

- **Preliminary Budget Presentation (Sponsors: Clayton Chandler and Peter Phillis)**

Mr. Chandler made a brief powerpoint presentation. Director of Business Services Peter Phillis made a brief powerpoint presentation and answered Council questions.

- [15-1409](#)

Presentation of Monthly Financial Report for the Period Ending May 31, 2015

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

- [15-1403](#)

Resolution - A Resolution Awarding a Contract for Construction of the FY

2014 Community Development Block Grant Project for Short St. Paving and Utility Improvements to McClendon Construction for an Amount not to Exceed \$502,192.43 (Street Bond Fund and Utility Bond Fund and 2014 Community Development Block Grant program)

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

A RESOLUTION AWARDING A CONTRACT FOR THE FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE SHORT STREET PAVING AND UTILITY IMPROVEMENTS TO MCCLENDON CONSTRUCTION AND APPROPRIATING FUNDS

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

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

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: RE-3131-15

[15-1402](#)

Request for Special Event Permit for MHS Tiger Trek 2015

A motion was made by Council Member Burgess to approve the request for special event permit. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

[15-1405](#)

Minutes - Approval of the June 22, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Burgess to approve the June 22, 2015 Regular City Council Meeting minutes as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

[15-1406](#)

Minutes - Approval of the June 30, 2015 Special City Council Meeting Minutes

A motion was made by Council Member Burgess to approve the June 30, 2015 Special City Council Meeting Minutes as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

[15-1325](#)

Review and Consideration of Proposed Amendment of Sections 1300, 4400 and 7800, Table J in the Permitted Use Table and Article 6 of Zoning Ordinance to Create a New Industrial Use Permit, Require Specific Use Permit for Industries Not Elsewhere Listed, Delete Medical Waste Product Facility and Certain Industrial Uses from the Permitted Use Table and Delete Special Conditions on Medical Waste Product Facility (OA#15-006)

Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor made comments.

PUBLIC HEARING AND FIRST READING

[15-1404](#)

Ordinance - Public Hearing and First Reading of an Ordinance Changing the School Zone Time for Judy K. Miller Elementary School and Changing the Speed Limit on a Section of South Holland Road

City Secretary Vicki Collins read the caption into the record. City Engineer Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:45 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:45 p.m.

A motion was made by Council Member Haynes to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.346 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES

OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." Seconded by Council Member Hoffman.

The motion **CARRIED** by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1378

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Auto Repair on Approximately 0.9 Acres, Generally Located East of N. Holland Road and South of the Intersection with Hwy 360; Brhaco LLC (ZC#15-004)

Brhaco, LLC representative Mike Daniel made brief comments and answered Council questions. Bart VanAmburgh answered Council questions. Mayor Cook continued the public hearing at 8:51 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:51 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 AUTO REPAIR 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 Lindsey. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-1953-15

15-1386

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD for Age Restricted Single-Family Residential on Approximately 35.54 Acres, Generally Located South of E. Debbie Lane and North of Sandstone Court and Primrose Trail; Integrity Group, LLC (ZC#15-005)

Integrity Group representative John Delin made a brief powerpoint presentation and answered Council questions. Bart VanAmburgh answered Council questions. Mayor Cook continued the public hearing at 9:00 p.m. Mayor Cook recognized the following non-speaker:

Tom Ritter - 812 Riviera Drive - Support

With no one else wishing to speak, Mayor Cook closed the public hearing at 9:01 p.m.

A motion was made by Council Member Haynes 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 AGE-RESTRICTED SINGLE-FAMILY RESIDENTIAL USE, 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 Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-1954-15

[15-1393](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Adopting Updated Land Use Assumptions, Roadway Capital Improvement Plans, and Updated Roadway Impact Fees

Bart VanAmburgh made brief comments. Kimley Horn and Associates representative Jeff Whitaker made a brief powerpoint presentation and answered Council questions. Council requested for staff to consider a separate district for Downtown Historic Mansfield. Mayor Cook continued the public hearing at 9:09 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:10 p.m.

A motion was made by Council Member Haynes to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 153 OF THE MANSFIELD CODE OF ORDINANCES BY ADOPTING AMENDMENTS TO ROADWAY IMPACT FEES; ADOPTING UPDATED LAND USE ASSUMPTIONS AND UPDATED ROADWAY CAPITAL IMPROVEMENTS PLAN; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: OR-1955-15

NEW BUSINESS**15-1407**

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 Hoffman Cabinets, Inc., a Texas Corporation (Hoffman) and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments. Hoffman Cabinets representative John Hoffman made brief comments and answered Council questions.

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, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND HOFFMAN CABINETS, INC., A TEXAS CORPORATION (HOFFMAN) 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 Council Member Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

Enactment No: RE-3132-15

15-1408

Discussion and Possible Action Regarding Mansfield Area Chamber of Commerce Leadership and Ongoing Perception of the Chamber

Council Member Lindsey made comments. Council requested for Scott Welmaker to look into how the City can continue to support the Chamber and help it grow.

STAFF COMMENTS

Current/Future Agenda Items

Felix Wong made brief comments regarding solar panels and advised the Council there would be an agenda item on the next agenda pertaining to the issue. Felix and Allen Taylor answered Council questions.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:30 p.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Brent Newsom

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary