



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, December 8, 2014

5:30 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

4:00 P.M. RE-DEDICATION OF FIRE STATION NO. 2 - 1711 COUNTRY CLUB DRIVE

5:00 P.M. COUNCIL AND STAFF HOLIDAY DINNER

5:30 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:30 p.m.

Absent 1 - Wendy Burgess

Present 6 - David Cook; Stephen Lindsey; 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 5:32 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:35 p.m. Council Member Burgess arrived at 5:39 p.m. Mayor Cook adjourned 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 Contract to Sell Water to The Oak Preserve

Seek Advice of City Attorney Regarding Possible Lease of Private Parking Lot

Seek Advice of City Attorney Regarding Assignment of Lease with Mansfield Family Entertainment, LLC

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

Personnel Matters Pursuant to Section 551.074

Discussion Regarding the Anonymous Correspondence Questioning the Qualifications of Council Member Stephen Lindsey (Addendum to Agenda)

Appointment of Municipal Court Associate Judge

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 7:05 p.m.

INVOCATION

Salvation Army Lt. Patrick Jones 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.

PRESENTATION

Hometown Holiday Awards - Andy Binz

Recreation Superintendent Andy Binz gave a special thanks to Methodist Mansfield Medical Center for being the title sponsor of the parade and to Jeff Jamison and Theresa Cohagen for announcing this years parade. He presented the following awards:

Downtown Mansfield Window Display Contest

3rd Place - Mansfield Historical Museum & Heritage Center

2nd Place - Frosted Pink

1st Place - Mansfield Boot and Shoe Repair

Hometown Holidays Parade Award Winners

Most Holiday Spirit - Mansfield Citizens Police Academy Alumni Association

*Most Creative Award - Mansfield Sand and Twisted S Services
Grand Marshal Award - Mansfield Girls Softball Association
Grand Marshal - Common Ground Network*

Salvation Army Red Kettle Kick-Off Presentation - December 13, 2014

Lt. Patrick Jones made brief comments regarding the Salvation Army Red Kettle Mayoral Challenge and announced the challenge will be held on Saturday, December 13, 2014 at Wal-Mart and Sam's.

CITIZEN COMMENTS

Mark Hayes - 1021 Pebble Beach Drive - Mr. Hayes shared his support for Council members. He spoke about the residency issues the Council discussed at the previous meeting.

COUNCIL ANNOUNCEMENTS

Council Member Haynes made comments regarding the Hometown Holidays Parade.

Council Member Hoffman had no announcements.

Council Member Newsom echoed Council Member Haynes comments.

Council Member Lindsey had no announcements.

Council Member Burgess had no announcements.

Mayor Pro Tem Broseh made comments regarding the Salvation Army Red Kettle Mayoral Challenge.

Mayor Cook asked everyone to come out and support the Salvation Army Red Kettle Mayoral Challenge.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Domestic and Wildlife Activity Update - Lori Strittmatter

Animal Care and Control Manager Lori Strittmatter gave an update on the domestic and wildlife activity and answered questions. Texas Wildlife Services representative Adam Henry answered Council questions. Council Member Lindsey made brief comments.

Mayor Cook moved the following agenda item up on the agenda.

[14-1172](#)

Appointment of Municipal Court Associate Judge

A motion was made by Mayor Cook to appoint Terri Wilson as the Municipal Court Associate Judge. 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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[14-1147](#)

Ordinance - Second Reading of an Ordinance Vacating and Abandoning a Portion of a Drainage Easement Dedicated to the City of Mansfield by H.A. and Roberta Hott (Now Known as the Hott Family Limited Partnership)

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF DRAINAGE EASEMENT NORTH OF NATIONAL PARKWAY AND EAST OF S. HOLLAND RD. DESCRIBED HEREINAFTER, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC INTEREST OR CONTROL OF SAID DRAINAGE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE." 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

[14-1148](#)

Ordinance -Second Reading of an Ordinance Approving a Request to Abandon Part of a 7.5-foot Utility Easement in Lot 7, Block 5, Twin Creeks Addition, Phase Five, by Thomas A. Roman and Wife, Linda Lou Roman

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT RELATING TO LOT 7, BLOCK 5, TWIN CREEKS ADDITION, PHASE FIVE, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE." 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

[14-1109](#)

Resolution - Consider a Resolution to Approve an Agreement of Consent to Assignment of Waterpark Ground Lease and Operating Agreement with Mansfield Family Entertainment, LLC

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

A RESOLUTION TO APPROVE AN AGREEMENT OF CONSENT TO ASSIGNMENT OF WATERPARK GROUND LEASE AND OPERATING AGREEMENT WITH MANSFIELD FAMILY ENTERTAINMENT, LLC

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

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

Enactment No: RE-3059-14

[14-1163](#)

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

A motion was made by Council Member Hoffman to approve the November 24, 2014 Regular Meeting minutes as presented. 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

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[14-1158](#)

Ordinance - Public Hearing and First Reading on an Ordinance to Extend the Time Limit for Gas Well Drilling and Production Activities Under Specific Use Permit Ordinance No. 1709-08 at the Debbie Lane Unit Drill Site; Edge Resources (ZC#08-015R)

City Secretary Vicki Collins read the caption into the record. Peleton Land Solutions

representative Aric Head made a brief presentation and answered Council questions. City Attorney Bryn Meredith answered Council questions. Edge Resources representative Mike Martinez answered Council questions. Director of Planning Felix Wong and Planner Art Wright answered Council questions. Mayor Cook opened the public hearing at 8:30 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:30 p.m.

A motion was made by Council Member Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR AN EXTENSION OF TIME TO CONTINUE GAS WELL DRILLING AND PRODUCTION ACTIVITIES PURSUANT TO SPECIFIC USE PERMIT ORDINANCE NO. 1709-08; PROVIDING FOR SUPPLEMENTAL CONDITIONS TO THE EXTENSION OF TIME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE," with a fee simple dedication of 15 acres already identified on the tendered exhibits with an appropriate grandfather provision that does not negatively impact any current or future drilling operations by the applicant and also a fee simple dedication of a 30 foot wide dedication along the southern boundary of the subject property. Seconded by Mayor Cook. The motion CARRIED by the following vote:

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

Nay: 1 - Darryl Haynes

Abstain: 0

[14-1160](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Specific Use Permit for Eating Places with Drive-Through Service on Approximately 1.38 Acres Located at 1720 FM 157; Raising Cane's Restaurant, LLC (ZC#14-015)

Vicki Collins read the caption into the record. Raising Cane's Restaurant, LLC representative Robert Montgomery made a brief presentation 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 Burgess 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 GRANT A SPECIFIC USE PERMIT FOR EATING PLACE WITH DRIVE THROUGH SERVICE 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING[14-1143](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving Proposed Amendments of Sections 2200, 4400 and 7800 of the Zoning Ordinance Regarding Definitions; Zoning Classification and Permitted Use Regulations; Specific Use Permit Requirements; and Special Conditions Applicable to Medical Waste Product Facilities (OA #14-012)

Mayor Cook continued the public hearing at 8:46 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:47 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200, 4400, AND 7800 OF SAID ORDINANCE REGARDING DEFINITIONS, ZONING CLASSIFICATION AND PERMITTED USE REGULATIONS, SPECIFIC USE PERMIT REQUIREMENTS, OFF STREET PARKING AND LOADING STANDARDS, AND SPECIAL CONDITIONS APPLICABLE TO MEDICAL WASTE PRODUCT FACILITIES; 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

NEW BUSINESS[14-1133](#)

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 Bannister Engineering, and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made a brief presentation and answered Council questions. Bannister Engineering representative Jason Bannister 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 BANNISTER ENGINEERING , 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: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-3060-14

[14-1166](#)

Ordinance - An Ordinance of the City of Mansfield, Texas, Authorizing the Issuance and Sale of City of Mansfield, Texas, General Obligation Refunding Bonds, Series 2015; Levying a Tax in Payment Thereof; Prescribing the Form of Said Bonds; Approving Execution and Delivery of an Escrow Agreement and a Bond Purchase Agreement; Approving the Official Statement and an Engagement Letter; and Enacting Other Provisions Relating to the Subject

Vicki Collins read the caption into the record. Director of Business Services Peter Phillis made brief presentation. First Southwest representatives Nick Bulaich and Boyd London made brief presentations and answered Council questions.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$11,700,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT AND A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

Seconded by Council Member 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: OR-1931-14

[14-1167](#)

Ordinance - An Ordinance Of The City Of Mansfield, Texas, Authorizing The Issuance And Sale Of City Of Mansfield, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2015; Levying A Tax In Payment Thereof; Prescribing The Form Of Said Certificates; Approving A Purchase

Agreement; Approving The Official Statement; And Enacting Other Provisions Relating To Thereto

Vicki Collins read the caption into the record.

A motion was made by Council Member Haynes to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$15,870,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER; AND ENACTING OTHER PROVISIONS RELATING THERETO

(Ordinance 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: OR-1932-14

[14-1168](#)

Ordinance - An Ordinance of the City of Mansfield, Texas, Authorizing the Issuance and Sale of City of Mansfield, Texas Waterworks and Sewer Revenue Refunding Bonds, Series 2015; Providing for the Security and Payment of Said Bonds; Prescribing Form of Said Bonds; Approving Execution and Delivery of an Escrow Agreement and a Bond Purchase Agreement; Approving the Official Statement; Approving an Engagement Letter; and Enacting Other Provisions Relating Thereto

Vicki Collins read the caption into the record.

A motion was made by Council Member Newsom to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9,540,000; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT AND A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER; AND ENACTING OTHER PROVISIONS RELATING THERETO

(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-1933-14

[14-1169](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving Resolutions Adopted by the Board of Directors of the Mansfield Economic Development Corporation Authorizing the Issuance of Mansfield Economic Development Corporation Sales Tax Revenue Refunding Bonds, New Series 2015 and Mansfield Economic Development Corporation New Sales Tax Revenue Refunding Bonds, Taxable New Series 2015; Approving the Issuance of the Bonds and the Plans of Financing Authorized Thereby and the Financing Documents

A motion was made by Mayor Pro Tem Broseh to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF MANSFIELD ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE REFUNDING BONDS, NEW SERIES 2015 AND MANSFIELD ECONOMIC DEVELOPMENT CORPORATION NEW SALES TAX REVENUE REFUNDING BONDS, TAXABLE NEW SERIES 2015; APPROVING THE ISSUANCE OF THE BONDS AND THE PLANS OF FINANCING AUTHORIZED THEREBY AND THE FINANCING DOCUMENTS

(Resolution 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: RE-3061-14

[14-1173](#)

Discussion and Action if Necessary to Address the Anonymous Correspondence Questioning the Qualifications of Council Member Stephen Lindsey (Addendum to Agenda)

Mayor Cook read the anonymous letter. Mayor Cook made comments regarding the issue in the letter relating to him. Council Member Lindsey made comments and responded to the issues stated in the letter.

A motion was made by Council Member Burgess to take Council Member Lindsey's documentation provided at face value and there is no further investigation that needs to happen and that Council Member Lindsey meeting

the qualifications of service of the city Charter. 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

Abstain: 1 - Stephen Lindsey

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:40 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