



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, February 22, 2016

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 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 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Council Member Lindsey exited executive session at 6:15 p.m. and returned at 6:55 p.m. Mayor Cook adjourned executive session at 7:25 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 City's Ethics Ordinance and Possible Update

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

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

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 #14-14 - Entertainment Prospect Briefing and Update

Project #15-02 - Business Prospect Briefing and Update

Project #15-20 - Business Prospect Briefing and Update

Project #15-16 - Industrial Prospect Briefing and Update

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

Mayor Cook reconvened into regular business session at 7:35 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Newsom 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 Lindsey led the Texas Pledge.

PROCLAMATION

[16-1724](#)

Don't Die of Doubt Day

Mayor Cook proclaimed February 22, 2016 as Don't Die of Doubt Day in Mansfield and presented a proclamation to American Heart Association representative Erica Morris. Ms. Morris made brief comments. EMS Captain Kevin Sandifer made brief comments.

PRESENTATION

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter Phillis

Deputy City Manager Peter Phillis made brief comments. KPMG, LLP representative Travis Hunter made a brief presentation regarding the Comprehensive Annual Financial Report.

CITIZEN COMMENTS

Jason Arntz - 7 Richmond Court - Mr. Arntz spoke in opposition of the new parking regulations.

John Pressley - 1306 Brittany Lane - Mr. Pressley spoke about the annual Pickle Parade. He invited everyone to attend the event to be held on Friday March 11, 2016 and Saturday, March 12, 2016.

Chris Webster - 264 Country Meadow Drive - Mr. Webster spoke in opposition of the new parking regulations.

Mayor Cook recognized the following non-speaker:

Brandy Arntz - 7 Richmond Court - Opposed to the new parking regulations.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey stated there would be a Code Enforcement Subcommittee Meeting to further discuss parking regulations. He stated the meeting will be held on Wednesday, February 24, 2016 at 6:00 p.m. in the Multi-Purpose Room at City Hall for those interested to attend.

Council Member Hoffman had no announcements.

Council Member Haynes thanked citizen John Pressley for the invitation to the Pickle Parade and encouraged citizens to attend the free movie.

Council Member Burgess reminded everyone the Primary Election early voting is going on and encouraged citizens to vote.

Mayor Pro Tem Newsom had no announcements.

Council Member Brose had no announcements.

Mayor Cook thanked the Finance staff for their hard work. Peter Phillis recognized and thanked Assistant Director of Business Services Troy Lestina for his hard work.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

SH360 Public Information Meeting Update - Belinda Willis

Director of Communications and Marketing Belinda Willis announced there would be a public meeting held on March 8, 2016 at the Community Room at Newsom Stadium from 5:30 p.m. to 7:30 p.m.

Business Services Department Report

[16-1726](#)

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

There were no questions regarding the Monthly Financial Report.

Police Department Report[16-1717](#)

Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2015

There were no questions regarding the Annual Contact Report for 2015.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to reconsider the action taken at the last Council meeting regarding the Stars Ice Center and Mansfield Independent School District participation. Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Hoffman to suspend further action on the developer agreement and the lease and operating agreement between the City of Mansfield and the Dallas Stars Organization and also with regard to the request from the Mansfield Independent School District. Seconded by Mayor Pro Tem Newsom. The motion CARRIED with 7 ayes and 0 nays.

CONSENT AGENDA[16-1687](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from MF-2 to SF-12/22 on Approximately 2.056 Acres Generally Located at 101 E. Debbie Lane; Simranjit Chatha (ZC#15-026)

City Secretary Jeanne Heard read the caption into the record.

A motion was made by Mayor Cook to approve the following ordinance:

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-12/22 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 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-1998-16

[16-1735](#)

Resolution - A Resolution of the City of Mansfield, Texas, Providing for an Agreement Between North Central Texas Trauma Regional Advisory Council and Mansfield Fire Rescue to Establish a Contractual Relationship that will Provide a Regional Registry of Healthcare Data in Order to Improve Trauma Care within the North Central Texas Area as well as Patient Tracking and Other Related Programs

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR AN AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL AND MANSFIELD FIRE RESCUE TO ESTABLISH A CONTRACTUAL RELATIONSHIP THAT PROVIDE A REGIONAL REGISTRY OF HEALTHCARE DATA IN ORDER TO IMPROVE TRAUMA CARE WITHIN THE NORTH CENTRAL TEXAS AREA AS WELL AS PATIENT TRACKING AND OTHER RELATED PROGRAMS

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

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: RE-3210-16

[16-1738](#)

Resolution - A Resolution to Award a Construction Contract to Cole Construction, LLC in the Amount of \$67,120 for Site Improvements to Julian Feild Park

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT BETWEEN COLE CONSTRUCTION, LLC, AND THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION IN THE AMOUNT OF \$67,120 FOR SITE IMPROVEMENTS TO JULIAN FEILD PARK

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

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: RE-3211-16

[16-1739](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to

Negotiate an Electric Supply Agreement for Five Years for Deliveries of Electricity Effective January 1, 2018; Authorizing TCAP to Act as an Agent on Behalf of the City to Enter into a Contract for Electricity; Authorizing Deputy City Manager, Joe Smolinski or Deputy City Manager, Peter Phillis to Execute an Electric Supply Agreement for Deliveries of Electricity Effective January 1, 2018 and Committing to Budget for Energy Purchases in 2018 through 2022 and to Honor the City's Commitments to Purchase Power for its Electrical Needs in 2018 through 2022 through TCAP

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING DEPUTY CITY MANAGER, JOE SMOLINSKI or DEPUTY CITY MANAGER, PETER PHILLIS TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP

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

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: RE-3212-16

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

16-1731

Resolution - A Resolution of the City of Mansfield, Texas, Approving a Joint Election Agreement Between the City of Mansfield and Mansfield Independent School District for a Joint Election to be Held May 7, 2016; Providing for Early Voting Procedures; and Providing for Early Voting and Election Day Polling Locations in the Event of Cancellation Due to Unopposed Candidates.

Mayor Cook removed this item from the agenda.

No action was taken on this agenda item.

16-1727

Minutes - Approval of the February 8, 2016 Regular City Council Meeting Minutes

Mayor Pro Tem Broseh removed this item from the agenda.

A motion was made by Mayor Cook to approve the minutes of the February 8, 2016 Regular City Council meeting as presented. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Larry Broseh

END OF CONSENT AGENDA

OLD BUSINESS

15-1605

Ordinance - Third and Final Reading on an Ordinance Approving a Revision to an Existing Planned Development to Allow a Church, Day Care, Retail and Eating Place with Drive-through Services on Approximately 17 Acres Located at 1800 E. Debbie Lane, Masterplan Inc (ZC#15-014)

Jeanne Heard read the caption into the record. Masterplan Inc. representative Santos Martinez made brief comments. Mr. Martinez stated there would be a 25 foot public right-of-way dedicated on the western portion of the property.

A motion was made by Mayor Cook to approve the following ordinance with the stipulation based upon the agreement of the current land owner who is also representing the church which is the former owner of the property, that the right-of-way will start at Debbie Lane and will terminate going southward down to the Ervin tract with the dedication being a 25 foot wide access point beginning on the western boundary of the subject property and running in a southern direction to the Ervin tract:

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 CHURCH, DAY CARE, RETAIL AND EATING PLACE WITH DRIVE-THROUGH SERVICES, 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 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-1999-16

[16-1705](#)

Discussion and Possible Action Regarding TCEQ Permit #2256A Filed December 21, 2015 by Southwaste Disposal

Deputy City Manager Joe Smolinski made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions.

A motion was made by Council Member Hoffman to direct staff to bring forward at the next regular scheduled meeting a proposed resolution expressing opposition to the TCEQ permit. 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

PUBLIC HEARING AND RESOLUTION

[16-1732](#)

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2016 (42nd year) Community Development Block Grant Project for Tarrant St. (East Dallas St. to East Kimball St.)

Director of Public Works Steve Freeman made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:20 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:20 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2016 (42ND YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

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

Seconded by Council Member 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-3213-16

PUBLIC HEARING AND FIRST READING

[16-1725](#)

Public Hearing and First Reading on an Ordinance approving a proposed amendment of The Village off Broadway Planned Development to include a PD for SpringHill Suites Marriott on 2.19 acres, generally located north of Scenic Glen Drive, west of Conifer Street and approximately 311' south of E. Broad Street, Countrywide Hospitality (ZC#15-027)

Jeanne Heard read the caption into the record. Countrywide Hospitality representative Amar Patel made a powerpoint presentation and answered Council questions. Director of Planning Felix Wong answered Council questions. Steve Freeman answered Council questions. Council requested the applicant provide details regarding the building materials for the parapet wall by second reading as well as the average length of stay. Mayor Cook opened the public hearing at 8:41 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:41 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 ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR A HOTEL AND ASSOCIATED 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," and to bring back proposed building materials and what the exact plan would be with regard to the structure on the roof as well as a rendering from street view by second reading. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 1 - Cory Hoffman

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

16-1709

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR to PD for Office and Boat/RV Storage on Approximately 4.977 Acres, Generally Located West of Russell Lane and Approximately 700 Feet Southwest of the Intersection of E. Debbie Lane and Russell Lane; Bannister Engineering (ZC#15-013)

Applicant Hal Mueller made brief comments and answered Council questions. Mayor Cook continued the public hearing at 8:44 p.m. Mayor Cook recognized the following non-speakers:

Cody Brooks - 240 N. Mitchell - Support

Mark Sullivan - 1101 Pebble Beach Drive - Support

With no one wishing to speak, Mayor Cook closed the public hearing at 8:45 p.m.

A motion was made by Council Member Burgess 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 OFFICE AND BOAT AND RECREATIONAL VEHICLE STORAGE, 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 Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-2000-16

NEW BUSINESS

16-1737

Resolution - A Resolution of the City of Mansfield Making Certain Findings Required by Chapter 372 of the Texas Local Government Code and Creating the South Pointe Public Improvement District, Containing Approximately 873.29 Acres Between US 287 and SH 360, South of Mathis Road and the Railroad

Felix Wong made brief comments and answered Council questions. South Pointe Development representative David Branch made brief comments and answered Council questions. DPGF, Inc. representative Rick Rosenberg made brief comments and answered Council questions. City Manager Clayton Chandler made brief comments.

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

RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING AND CREATING THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT WITH THE CITY OF MANSFIELD PURSUANT TO CHAPTER 372 TEXAS LOCAL GOVERNMENT CODE

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

Seconded by Mayor Cook. 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-3214-16

Mr. Chandler recognized Deputy City Manager Shelly Lanners and her crew for the new upholstery of the chairs in the Council Chambers.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:55 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