



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, October 12, 2015

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 p.m.

Absent 2 - Stephen Lindsey and Brent Newsom

Present 5 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh and Darryl Haynes

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM - FOLLOWING EXECUTIVE SESSION

Mayor Cook called the work session to order in the Council Conference Room at 5:10 p.m. Council Member Lindsey arrived at 5:19 p.m. Mayor Pro Tem Newsom arrived at 5:27 p.m.

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

Oaks Preserve Subdivision - Adlai Pennington, Developer

MKP Associates representative Adlai Pennington made a brief presentation and answered Council questions. City Engineer Bart VanAmburgh made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions regarding the annexation process. Director of Planning Felix Wong answered Council questions.

Chandler Park Design Update - James Fish

Senior Park Planner James Fish made brief comments and answered Council questions. Director of Community Services made brief comments. Staff advised the Council this item would be presented to the Mansfield Park Facilities Development Corporation in November and construction would commence in early June of 2016. Council advised staff to look at adding additional parking.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:00 p.m. Mayor Cook adjourned executive session at 7:20 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

Proposed Structure Changes Regarding Management of Certain Service Areas

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

Personnel Matters Pursuant to Section 551.074

Proposed Structure Changes Regarding Management of Certain Service Areas

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 #14-06 - Industrial Prospect Briefing and Update

Project #15-16 - Industrial Prospect Briefing and Update

Project #15-18 - Business Prospect Briefing and Update

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

Mayor Cook reconvened into regular business session at 7:25 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.

PRESENTATION

Historic Landmark Medallions Presentation to Matt Crocker

This item was postponed to the next regular meeting.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Mr. Chandler advised staff was available to answer questions regarding the Quarterly Reports and the Monthly Financial.

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Code Enforcement, Development Services, Communications and Marketing

There were no questions regarding the Quarterly Reports.

Business Services Department Report

[15-1550](#)

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

There were no questions regarding the financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[15-1498](#)

Ordinance - Third and Final Reading of an Ordinance Changing the School Zone Times From Specific Times to "When Flashing" For All School Zones with Flashers and Establishing a School Zone on Cutting Horse Drive

Acting City Secretary Susana Marin read the caption into the record.

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

AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 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 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

(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-1970-15

[15-1523](#)

Ordinance - Second Reading on an Ordinance Amending the Development Fee Schedule to Revise the Fees for Applications Related to Zoning Changes, Plats, Site Plans and Development Documents and Road Damage Remediation (OA#15-009)

A motion was made by Council Member Burgess to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE DEVELOPMENT FEE SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." 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

[15-1541](#)

Resolution - A Resolution Relating to the City's Notice of Intention to Issue City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation

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

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS RELATED THERETO

(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-3157-15

[15-1543](#)

Resolution - A Resolution of the City of Mansfield, Texas, Nominating Candidates to Serve as Board Members for Ellis County Appraisal District for Calendar Years 2016 and 2017

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

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, TO NOMINATE THE CANDIDATES TO THE CHIEF APPRAISER OF THE CENTRAL APPRAISAL DISTRICT OF ELLIS COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP

(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-3158-15

[15-1546](#)

Resolution - A Resolution of the City of Mansfield, Texas, Nominating Candidates to Serve as Board Members for Johnson County Appraisal District for Calendar Years 2016 and 2017

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

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE

CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, TO NOMINATE THE CANDIDATES TO THE CHIEF APPRAISER OF THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP

(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-3159-15

[15-1547](#)

Resolution - A Resolution Approving a Change Order to the National Parkway Contract for Additional Work Required to Cross Two Existing Gas Transmission Mains for an Amount not to Exceed \$161,514.67 (Street Bond Fund)

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

A RESOLUTION APPROVING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR THE NATIONAL PARKWAY PAVING, DRAINAGE, WATER AND SEWER CONTRACT, WITH MCMAHON CONTRACT LP

(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-3160-15

[15-1548](#)

Resolution - A Resolution Awarding a Contract for Debris Removal and Haul off to Hendrixsons Tree Service, for an Amount Not to Exceed \$23,600.00

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

A RESOLUTION AWARDING A CONTRACT FOR DEBRIS REMOVAL AND HAUL OFF TO HENDRIXSONS TREE SERVICE, FOR AN AMOUNT NOT TO EXCEED \$23,600.00

(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-3161-15

[15-1537](#)

Minutes - Approval of the September 28, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Burgess to approve the September 28, 2015 Regular City Council Meeting Minutes as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS

[15-1542](#)

Resolution - A Resolution of the City of Mansfield, Texas, Nominating a Candidate to be Nominated to Serve as a Board Member for Tarrant County Appraisal District for Calendar Years 2016 and 2017

Mr. Chandler made brief comments. Director of Business Service Peter Phillis made brief comments.

A motion was made by Council Member Hoffman to approve the following resolution nominating Terry Moore to serve as a Board Member for the Tarrant County Appraisal District:

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, TO NOMINATE A CANDIDATE TO THE CHIEF APPRAISER OF THE CENTRAL APPRAISAL DISTRICT OF TARRANT COUNTY FOR THE APPOINTMENT OF BOARD MEMBERSHIP

(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-3162-15**PUBLIC HEARING AND FIRST READING****15-1459**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from C-2, Community Business District to SF-7.5/18, Single-Family Residential District on Approximately 24.8 Acres Located Approximately 280 Feet East of Blue Jay Drive and Approximately 1,000 Feet West of N Walnut Creek Drive Mansfield TC LP (ZC#15-010)

Susana Marin read the caption into the record. Felix Wong made brief comments and advised Council the applicant requested to withdraw their application.

No action to be taken by the Council.

PUBLIC HEARING CONTINUATION AND SECOND READING**15-1520**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Restaurant with Drive-thru Service on Approximately 1.04 Acres Located at 1571 E. Debbie Lane; KMSP-Luna Grill Restaurants (ZC#15-011)

Felix Wong made brief comments. Mayor Cook continued the public hearing at 7:41 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:41 p.m.

A motion was made by Council Member Lindsey 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 RETAIL USES & RESTAURANT WITH DRIVE-THROUGH FACILITY, 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 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

15-1525

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City of Mansfield, Texas Amending Ordinance No. Or-1799-11, Amending the Schedule of Drainage Charges for the Mansfield Municipal Drainage Utility System Against all Real Properties within the City and Clarifying Certain Exemptions from said Charges and the Rights and Duties of Land Owners, Pursuant to the City's Authority Under Subchapter C of Chapter 552 of The Texas Local Government Code; Providing a Severability Clause and an Effective Date

Stormwater Manager Howard Redfearn made brief comments and answered Council questions. City Engineer Bart VanAmburgh made brief comments and answered

Council questions. Mr. Chandler made brief comments. Mayor Cook continued the public hearing at 7:55 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:55 p.m.

A motion was made by Mayor Pro Tem Newsom to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING ORDINANCE NO. OR-1799-11, AMENDING THE SCHEDULE OF DRAINAGE CHARGES FOR THE MANSFIELD MUNICIPAL DRAINAGE UTILITY SYSTEM AGAINST ALL REAL PROPERTIES WITHIN THE CITY AND CLARIFYING CERTAIN EXEMPTIONS FROM SAID CHARGES AND THE RIGHTS AND DUTIES OF LAND OWNERS, PURSUANT TO THE CITY'S AUTHORITY UNDER SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE AND 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; Darryl Haynes and Brent Newsom

Nay: 1 - Larry Broseh

Abstain: 0

NEW BUSINESS

15-1544

Ordinance - First Reading of an Ordinance Amending the Regulations Pertaining to Garage Sales in Chapter 98 of the Mansfield Code of Ordinances (OA#15-011)

Susana Marin read the caption into the record. Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions.

A motion was made by Council Member Lindsey to approve the second reading of the ordinance. The motion failed for lack of a second.

A main motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS PERTAINING TO GARAGE SALES IN CHAPTER 98 OF THE MANSFIELD CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE," modifying the ordinance as written and limit the number of garage sales to two per year; one in May and one in October. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Brent Newsom

Nay: 2 - Larry Broseh and Darryl Haynes

Abstain: 0

15-1549

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for Mansfield Bible Church and Pantego Christian Academy to Add a Sixth Grade at Property Located at 2351 Country Club

Drive (ZC#07-020A)

Felix Wong made brief comments.

A motion was made by Mayor Pro Tem Newsom to approve this agenda item. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:09 p.m. 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

David L. Cook, Mayor

ATTEST:

Susana Marin, Acting City Secretary