



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, April 25, 2016

6:00 PM

Council Chambers

REGULAR MEETING

6:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 6:05 p.m.

Absent 2 - Stephen Lindsey and Wendy Burgess

Present 5 - David Cook; 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 6:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:10 p.m. Mayor Cook adjourned executive session at 6:56 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 Upcoming Legislative Issues Affecting the Legal Authority of Municipal Governments

Seek Advice of City Attorney Regarding the Enforcement of Gas Well Drilling and Operation Requirements in Chapter 114 of the Code of Ordinances

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

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 #16-04 - 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 7:00 p.m.

INVOCATION

First Baptist Church Pastor Don Miller 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 Hoffman led the Texas Pledge.

PROCLAMATION**[16-1821](#)****Motorcycle Safety Awareness Month**

Mayor Cook proclaimed May 2016 as Motorcycle Safety and Awareness Month and presented a proclamation to local Motorcycle Club members.

[16-1822](#)**National Correctional Officers and Employees Week**

Mayor Cook proclaimed May 1-7, 2016 as National Correctional Officers and Employees Week and presented a proclamation to Mansfield Law Enforcement Center staff. Captain Kerry Robinson made brief comments.

CITIZEN COMMENTS

Erick McCallum - 7904 Storie Rd. - Mr. McCallum as a representative for CG Environmental and James Bennett representative from Beards Wrecker Service presented the Mansfield Police Department with a painted portrait of St. Michael in dedication to their hard work.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey was absent.

Council Member Hoffman announced his wedding date had been scheduled for the first week of June.

Council Member Haynes congratulated Council Member Hoffman. He stated he supports the Mansfield Historical Society and Kroger rewards gives donations to the Historical Society and Mansfield if you designate them when using your rewards cards. He reminded everyone about the Mansfield Reads! Event to be held on

Friday, April 29, 2016 and the LOT ground breaking to be held on Saturday, April 30, 2016.

Council Member Burgess was absent.

Mayor Pro Tem Newsom had no announcements.

Council Member Broseh had no announcements.

Mayor Cook reminded everyone about the National Day of Prayer Event scheduled for Thursday, May 5, 2016. He mentioned the event will be held 8:00 a.m. to 5:00 p.m. with prayer every 30 minutes and ending with a prayer celebration at the Mansfield Center for the Performing Arts at 6:00 p.m. He encouraged everyone to attend. Mayor Cook asked The LOT representative Kim McCaslin Schlieker to make an announcement regarding the grand opening of the LOT. Mrs. Schlieker invited everyone to attend the grand opening on Saturday, April 30, 2016 at 5:00 p.m.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mansfield Reads! Update - Steve Standefer

City Librarian Steve Standefer gave an update on the upcoming Mansfield Reads! Event to be held on Friday, April 29, 2016 at 6:00 p.m. at the Mansfield Public Library and encouraged everyone to attend.

Business Services Department Report

16-1811

Presentation of the Monthly Financial Report for the Period Ending February 29, 2016

There were no questions regarding the financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

16-1759

Ordinance - Third and Final Reading of an Ordinance Making Certain Findings in Connection with the South Pointe Public Improvement District; Accepting a Service and Assessment Plan for the District; Levying Special Assessments Against Property Within the District and Establishing a Lien on Such Property; Providing for a Method of Assessment and Payment of the Assessments; Providing Penalties and Interest on Delinquent Assessments

City Secretary Jeanne Heard read the caption into the record.

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

ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT WITH THE CITY OF MANSFIELD; ACCEPTING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENT, PROVIDING FOR SEVERABILITY, 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: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: OR-2003-16

[16-1760](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from C-2 to PD, Planned Development for Restaurants on Approximately 1.2 Acres Located at 109 S Main Street; M R Development (ZC#16-003)

Jeanne Heard read the caption into the record.

A motion was made by Council Member Hoffman 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 A PD, PLANNED DEVELOPMENT DISTRICT FOR RESTAURANTS, 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: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: OR-2004-16

[16-1816](#)

Resolution - A Resolution Authorizing the City Manager to Execute a Lease-Purchase Agreement with Motorola for the Purchase of Public Safety Equipment

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH MOTOROLA FOR THE PURCHASE OF PUBLIC SAFETY EQUIPMENT

(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: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3235-16

[16-1817](#)

Resolution - A Resolution Awarding a Contract for the Construction of Mouser Way Phase 1 Water, Storm Drainage and Pavement Improvements to Stabile & Winn, Inc., and authorizing funding for an Amount Not to Exceed \$470,918.43 (MEDC, Utility Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF MOUSER WAY PHASE 1 WATER, STORM DRAINAGE AND PAVEMENT IMPROVEMENTS TO STABLE & WINN, INC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

(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: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3236-16

[16-1818](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department (MPD) to Make Application, Receive, and Expend Grant Funds from the FY2016 Bulletproof Vest Partnership Program Administered by the Office of Justice Programs, U.S. Department of Justice. MPD will have (approximately) \$40,000 of Eligible Expenses for FY's 16-17/17-18. If Awarded, this Grant will Provide a 50% Reimbursement of Actual Expenses for Bulletproof Vest Purchases (\$20,000)

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDS FROM THE FY2016 BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE. IF AWARDED, THIS GRANT WILL PROVIDE A 50% REIMBURSEMENT OF ACTUAL EXPENSES FOR BULLETPROOF VEST PURCHASES (\$20,000)

(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: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3237-16

[16-1819](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Police Department to Receive and Expend Grant Funds from the Texas Department of Motor Vehicle Auto Burglary and Theft Prevention Authority (ABTPA) to Continue a Multi-agency Task Force. The Total Grant Award for FY16-17 is \$394,341 with a 20% Cash Match Required. The participating agencies include City of Burleson, City of Kennedale, Johnson County Sheriff's Office and Tarrant County Constable Pct. 7. The Cash Match will be Shared with Each Participating Agency Receiving Grant Funds

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY

MANAGER AND THE POLICE DEPARTMENT TO RECEIVE AND EXPEND GRANT FUNDS FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE AUTO BURGLARY AND THEFT PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE. GRANT AWARDED IS \$394,341 AND REQUIRES A 20% CASH MATCH WHICH WILL BE SHARED WITH EACH PARTICIPATING AGENCY RECEIVING A PORTION OF FUNDING

(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: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3238-16

[16-1825](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Police Department to Make Application to the Texas School Safety Center at Texas State University, on Behalf of The Department of State Health Service, Tobacco Prevention and Control Branch, to Receive and Expend Grant Funding of Approximately \$3,900 for a Tobacco Enforcement Grant for FY2016 with no City Match Required

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDS FROM THE FY2016 TEXAS SCHOOL SAFETY CENTER AT TEXAS STATE UNIVERSITY, ON BEHALF OF THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS), TOBACCO PREVENTION AND CONTROL BRANCH, FOR APPROXIMATELY \$3,900 FOR A TOBACCO ENFORCEMENT COMPLIANCE PROGRAM WITH NO CITY MATCH REQUIRED

(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: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3239-16

[16-1801](#)

Request for Special Event Permit: Mansfield Farmers Market

A motion was made by Council Member Hoffman to approve the request for special event permit. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

[16-1810](#)

Minutes - Approval of the April 11, 2016 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes of the April 11, 2016 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[16-1813](#)

Resolution - A Resolution Directing ONCOR Electric Delivery Company, LLC to File Certain Information with the City of Mansfield; Setting a Procedural Schedule for the Gathering and Review of Necessary Information in Connection Therewith; Setting Dates for the Filing of the City's Analysis of the Company's Filing and the Company's Rebuttal to Such Analysis; Ratifying the Hiring of Legal Counsel and Consultants; Reserving the Right to Require the Reimbursement of the City of Mansfield's Rate Case Expenses; Setting a Public Hearing for the Purposes of Determining if the Existing Rates of ONCOR Electric Delivery Company are Unreasonable or in Any Way in Violation of Any Provision of Law and the Determination by the City of Mansfield of Just and Reasonable Rates to be Charged by ONCOR Electric Delivery Company, LLC.

Council Member Newsom removed this item from the consent agenda. Deputy City Manager Joe Smolinski made brief comments.

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

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE CITY OF MANSFIELD; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY

INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF MANSFIELD'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF MANSFIELD OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC

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

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

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: RE-3240-16

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

16-1807

Ordinance - Public Hearing and First 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 John Carter made brief comments and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. Council requested the applicant bring back the roof plan and concept plan by the next reading. Mayor Cook opened the public hearing at 7:40 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:40 p.m.

A motion was made by Council Member Hoffman 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 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." Seconded by Council Member Broseh.

The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

Enactment No: OR-2005-16

NEW BUSINESS**16-1820**

Review and Approval of the Management and Improvement Services Agreement for the South Pointe Public Improvement District between the City of Mansfield and FirstService Residential

A motion was made by Council Member Hoffman to approve this agenda item. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 7:42 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 7:45 p.m. Mayor Cook adjourned executive session at 8:27 p.m.

Mayor Cook reconvened into regular business session at 8:30 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:30 p.m. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Wendy Burgess

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary