



CITY OF MANSFIELD

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

Meeting Minutes - Draft - Draft City Council

Monday, June 10, 2013

6:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

Mayor Cook called the meeting to order at 6:00 p.m.

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

RECESS INTO EXECUTIVE SESSION

Pursuant to Section 551.071 of the Texas Government Code, the Council reserves the right to convene into executive session(s) from time to time as deemed necessary during the meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:02 p.m. Mayor Cook called executive session to order in the Council Conference Room at 6:05 p.m. Mayor Cook adjourned executive session at 6:53 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

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

Consider Possible Purchase of Certain Properties for Future Development/Use

Property Acquisition - 651 Justice Ln.

Personnel Matters Pursuant to Section 551.074

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

Update on Mansfield Economic Development Corporation Projects

**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

Former Council Member McClendon "Mac" Moody led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lindsey 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.

CITIZEN COMMENTS

Allison Arseneau – 1606 Arborcreek Trail – Ms. Arseneau spoke in opposition to the installation of the park bridge which will back up to her property.

Kelli Savering – 1613 Valleywood Trail – Mrs. Savering spoke in regards to the linear trail and bridge located behind the Estates of Creekwood. She asked the Council and Parks Department to consider her written comments.

Heather McGary – 4204 Aston Lane – Ms. McGary spoke about the urgency of widening East Broad Street between Holland and Day Miar.

Kari George – 208 Millington Trail – Ms. George asked the Council to consider expediting the time line of widening East Broad Street.

Steve Cosio – 4 Savoy Court – Mr. Cosio extended a personal invitation to the City Council to save the date, October 14 – 20, for Festival Week in Mansfield.

Daryle Perez – 907 Lasso Lane – Mr. Perez spoke in support of the 380 funding for the reinvestment zone for MaryLou's Sandwich Shoppe.

James Sinor – 4009 Orchid Lane – Mr. Sinor spoke about the critical need to widen East Broad Street and the necessity of Police Department presence in their neighborhood located off East Broad Street.

COUNCIL ANNOUNCEMENTS

Council Member Haynes – No announcements

Council Member Hoffman – No announcements

Council Member Newsom – No announcements

Mayor Pro Tem Lindsey – Mayor Pro Tem Lindsey mentioned the boating accident on Joe Pool Lake Saturday night as well as the wreck on East Broad Street. He expressed his thanks to Director of Community Services Shelly Lanners and the Parks Staff regarding improving the appearance of the city. He asked for Council support to advise the Parks Department to find possible links between McKnight Park and the Williams Park and bring back on a future agenda. Mayor Pro Tem Lindsey received unanimous support on his request.

Council Member Burgess – Council Member Burgess thanked the Fire Department for everything they do every day. She thanked Chief Barry Bondurant for allowing the Citizens Fire Academy in the city giving the citizens the opportunity to learn about the Fire Department. She thanked other members of the Fire Department for their involvement in the Citizens Fire Academy. She encouraged the citizens and other members of Council to attend the Citizens Fire Academy. She thanked the Fire Department for giving her the opportunity to participate in the program.

Council Member Broseh – Council Member Broseh thanked Mayor Cook for inviting former Council Member Mac Moody for 21 years to lead the invocation.

Mayor Cook – Mayor Cook stated he had returned the phone call he had received from a resident of the gated community in the Arbors. He stated he would be glad to meet with anyone regarding any matter. Mayor Cook also thanked Mr. Moody for the leadership he has provided to the city over the years.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mosquito Control Update: Howard Redfearn

Assistant City Manager Chris Burkett stated all tests regarding the West Nile Virus have come back negative and the city will continue to monitor it through Tarrant County.

Mansfield Rockin' 4th of July Update: Andy Binz

Special Event Supervisor Angie Henley reminded the Council that Rockin' 4th is scheduled for Wednesday, July 3rd at Big League Dreams from 7 p.m. to 10 p.m.

Senior Park Planner James Fish gave an update and answered questions related to the East Broad Street tree planting.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

CONSENT AGENDA

13-0537

Ordinance - Third and Final Reading of a Proposed Ordinance of The City Of Mansfield, Texas, ("City") Approving and Adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in Force in The City for a Period of Time as Specified in the Rate

Schedule; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and ACSC Legal Counsel

City Secretary Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL

(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-1875-13

13-0539

Ordinance - Third and Final Reading of an Ordinance to Abandon a Portion of Right-of-Way along the South Side of Cannon Drive East of Miller Road

Vicki Collins read the caption into the record.

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

AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY ALONG THE SOUTH SIDE OF CANNON DRIVE EAST OF MILLER ROAD 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 RIGHT-OF-WAY; 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-1876-13

13-0556

Resolution - A Resolution by the City of Mansfield, Texas Approving an Agreement with MaryLou's Sandwich Shoppe Pursuant to an Economic Development Program Established under Chapter 380 of the Texas Local Government Code to Promote Economic Development and Stimulate Business and Commercial Activity in the City

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH MARYLOU'S SANDWICH SHOPPE, PURSUANT TO A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE

(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-2916-13

13-0560

Resolution - A Resolution Supporting the Closure of North Main Street for Wurst Fest and Historic Mansfield Music & Arts Festival

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS IN SUPPORT OF CLOSING MAIN STREET FOR THE ANNUAL HISTORIC MANSFIELD FESTIVAL

(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-2917-13

13-0567

Resolution - A Resolution Authorizing a Contract Award for the Construction of Low Branch Lift Station and 30-inch Force Main to Bar Constructors, Inc. for an Amount not to Exceed \$ 4,461,644.25 (Utility Revenue Bond Fund)

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

A RESOLUTION AUTHORIZING A CONTRACT AWARD FOR THE CONSTRUCTION OF LOW BRANCH LIFT STATION AND 30-INCH FORCE MAIN TO BAR CONSTRUCTORS, INC., APPROPRIATING FUNDS, AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

(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-2918-13

13-0561

Request for Special Event Permit; Discover Historic Mansfield Music & Arts Festival

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

Nay: 0

Abstain: 0

13-0562

Request for Special Event Permit; Discover Historic Mansfield Wurst Festival, Friday October 18th

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

Nay: 0

Abstain: 0

13-0563

Request for Special Event Permit; Mansfield's Rockin' 4th of July

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

Nay: 0

Abstain: 0

13-0564 Request for Special Event Permit; Run with Heart 1/2 Marathon

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

Nay: 0

Abstain: 0

13-0566 Minutes - Approval of the May 28, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Burgess to approve the May 28, 2013 Regular 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

13-0568 Resolution - A Resolution to Award a Construction Contract for the East Broad Street from N. Holland Road to Day Miar Road Paving, Drainage and Traffic Signal Improvements to XIT Paving and Construction Inc. and Authorization of Funding for an Amount not to Exceed \$3,346,922.58 (Street Bond Fund and Utility Bond Fund)

Mayor Pro Tem Lindsey removed this item from the Consent Agenda. Director of Public Works Steve Freeman provided an update on the project and answered questions.

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

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR PAVING, DRAINAGE AND TRAFFIC SIGNAL IMPROVEMENTS FOR E. BROAD STREET BETWEEN N. HOLLAND ROAD AND DAY MIAR ROAD TO XIT PAVING AND CONSTRUCTION, INC., APPROPRIATING FUNDS; AND DIRECTING AND

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

Seconded by Mayor Pro Tem 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: RE-2919-13

END OF CONSENT AGENDA**PUBLIC HEARING AND FIRST READING****13-0558**

Ordinance - Public Hearing and First Reading of an Ordinance Approving Amendment of Section 7100, Sign Standards of the Zoning Ordinance, Specifically Table 7100D, Schedule of Sign Standards, Section 7100.I, General Provisions, Section 7100.J.7, Political Signs and Section 7100.M, Removal of Signs (OA#13-002)

Vicki Collins read the caption into the record. Director of Planning Felix Wong made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 7:50 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:50 p.m.

A motion was made by Council Member Broseh to approve the first 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 SECTION 7100, SIGN STANDARDS OF SAID ORDINANCE REGARDING POLITICAL SIGN REGULATIONS; 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 Newsom. 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

PUBLIC HEARING CONTINUATION AND SECOND READING**13-0540**

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96: Parks and Recreation

Recreation Superintendent Andy Binz made brief comments and answered Council

questions. Mayor Cook continued the public hearing at 7:59 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:59 p.m.

A motion was made by Mayor Pro Tem Lindsey to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 96: PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

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

Nay: 1 - Wendy Burgess

Abstain: 0

13-0555

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from an Existing PD for Single-Family Residential to a new PD for Single-Family Residential on Approximately 15 acres, located at 2001 and 2011 Callender Road; TCCI Land Development, Inc. (ZC#13-004)

City Planner Felix Wong made a brief presentation on the revisions made by the applicant regarding the proposed zoning change. Tommy Tabor, Tommy Tabor Consulting, Applicant, 614 Cool Creek, made a PowerPoint presentation on the proposed zoning change. Mr. Tabor answered Council questions. Tommy Cansler, TCCI Land Development, Inc., 3930 Glade Road, Colleyville, made comments and answered Council questions.

Mayor Cook continued the public hearing through second reading at 8:29 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:29 p.m.

After the motion and second, Felix Wong made comments and answered Council questions. Council directed staff to include the PowerPoint presentation as part of the Planned Development. After discussion, Mayor Cook called the question.

A motion was made by Mayor Pro Tem 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 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 Haynes. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 2 - Wendy Burgess and Larry Broseh

Abstain: 0

NEW BUSINESS

13-0569

Designation of Official Voting Representative to North Central Texas Council of Governments

Motion by Mayor Cook for Council Member Burgess to continue serving as the voting representative for the City of Mansfield.

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

Nay: 0

Abstain: 0

13-0570

Discussion and Possible Action Regarding Code Enforcement Sub-Committee Report

Mayor Pro Tem Lindsey, Chair of the Code Enforcement Sub-Committee, gave a brief history on the creation of the sub-committee. Mayor Pro Tem Lindsey stated the sub-committee has asked staff to look at three issues at this time: display of clothes/clothes lines in residential areas, line of sight for windows and doors in retail establishments and oversized vehicles (RVs, boats and trailers). Sub-Committee members Newsom and Hoffman were in agreement with the comments made by Mayor Pro Tem Lindsey.

Assistant City Manager Chris Burkett stated staff would continue to work with the sub-committee on proposed ordinance amendments related to the three issues addressed by the sub-committee. There was consensus from the Council for the sub-committee to continue to move forward.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:59 p.m. 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

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary