



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, November 24, 2014

5:00 PM

Council Chambers

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### 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:11 p.m. Mayor Cook adjourned the executive session at 6:57 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

#### **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 Wendy Burgess

#### **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**

#### **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

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

*Mayor Cook reconvened into regular business session at 7:10 p.m.*

**INVOCATION**

*Common Ground representative Phil Stover led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Phil Stover 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****[14-1151](#)****Small Business Saturday 2014 Proclamation**

*Mayor Cook proclaimed Saturday, November 24, 2014 as Small Business Saturday and presented the proclamation to the Downtown Merchants Group. The Downtown Merchants Group representative Daryle Perez made brief comments.*

**PRESENTATIONS****The Texas Recreation and Park Society North Region Award**

*Mayor Cook presented the Parks Department staff with the Texas Recreation and Park Society North Region Award.*

**The Greater Fort Worth Builders Association Spotlight Award**

*Mayor Cook presented City Manager Clayton Chandler with the Greater Fort Worth Builders Association Spotlight Award.*

**Texas Downtown Association Awards**

*Mayor Cook presented Director of Planning Felix Wong with the Texas Downtown Association Award.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Haynes had no announcements.*

*Council Member Hoffman had no announcements.*

*Council Member Newsom had no announcements.*

*Council Member Lindsey thanked Mr. Stover for a great Invocation.*

*Council Member Burgess had no announcements.*

*Mayor Pro Tem Brose had no announcements.*

*Mayor Cook had no announcements.*

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

#### Current/Future Agenda Items

*Mr. Chandler echoed Council Member Lindsey's comments regarding Mr. Stover as well as Mayor Cook's comments regarding former City Secretary and former Council Member Mary Ann Johnston. He reminded the Council about the Mayors' Council Banquet on Monday, December 1, 2014 as well as the Annual Employee Appreciation Banquet on Friday, December 12, 2014. He gave an update about the successful bond rating.*

#### Hometown Holidays Update; Andy Binz

*Recreation Superintendent Andy Binz gave an update on Hometown Holidays.*

## **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action taken by the Council.**

## **CONSENT AGENDA**

### **[14-1116](#)**

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas, Amending Chapter 94, "Food Establishments", of the City of Mansfield Code of Ordinances, As Amended, by Amending, Revising, and Modifying the Regulations for Food Establishments; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Savings Clause; Providing a Penalty Clause; Providing for Publication; and Providing an Effective Date

*City Secretary Vicki Collins 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 CHAPTER 94, "FOOD ESTABLISHMENTS", OF THE CITY OF MANSFIELD CODE OF ORDINANCES, AS AMENDED, BY AMENDING, REVISING, AND MODIFYING THE REGULATIONS FOR FOOD ESTABLISHMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A**

**SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**(Ordinance 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: OR-1928-14

[14-1117](#)

Ordinance - Third and Final Reading of an Ordinance of the City Council of the City of Mansfield, Texas for the Purpose of Amending the Permit Fees Found in City Code of Ordinances as They Relate to the Fees for Inspections Performed by the Tarrant County Health Department of Food Establishments, Public Pools, Spas, and Interactive Water Features within the City; Providing for the Repeal of all Ordinances or Parts of Ordinances in Conflict; Providing a Severability Clause; Providing for Publication; and Providing an Effective Date

*Vicki Collins read the caption into the record.*

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS FOR THE PURPOSE OF AMENDING THE PERMIT FEES FOUND IN CITY CODE OF ORDINANCES AS THEY RELATE TO THE FEES FOR INSPECTIONS PERFORMED BY THE TARRANT COUNTY HEALTH DEPARTMENT OF FOOD ESTABLISHMENTS, PUBLIC POOLS, SPAS, AND INTERACTIVE WATER FEATURES WITHIN THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**(Ordinance 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: OR-1929-14

[14-1118](#)

Ordinance - Third and Final Reading of an Ordinance of the City of

Mansfield, Texas, Amending Chapter 92, "Health and Sanitation", of the City of Mansfield Code of Ordinances, as Amended, by Amending, Revising, and Modifying the Regulations for Public Pools, Spas, and Interactive Water Features; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Savings Clause; Providing a Penalty Clause; Providing for Publication, and Providing an Effective Date

*Vicki Collins 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 CHAPTER 92, "HEALTH AND SANITATION," OF THE CITY OF MANSFIELD CODE OF ORDINANCES, AS AMENDED, BY AMENDING, REVISING, AND MODIFYING THE REGULATIONS FOR PUBLIC POOLS, SPAS, AND INTERACTIVE WATER FEATURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**(Ordinance 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: OR-1930-14

[14-1144](#)

Minutes - Approval of the November 10, 2014 Regular City Council Meeting Minutes

**A motion was made by Council Member Hoffman to approve the November 10, 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

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

[14-1142](#)

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 Texas Department of Transportation FY 2016 Selective Traffic Enforcement Program (STEP)

Grant Program in an Amount not to Exceed \$110,000 with a 20% In-Kind Match (\$22,000)

*Council Member Hoffman removed this item from the consent agenda. Chief of Police Tracy Aaron answered Council questions.*

**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 (MPD) TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FY 2016 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$110,000 WITH A 20% IN-KIND MATCH (\$22,000)**

**(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-3056-14

[14-1152](#)

Resolution - A Resolution Authorizing the City Manager and the City of Mansfield Fire Department to make Application and Receive Funds from the Department of Homeland Security Assistance to Firefighter Grant Program 2014 for an Air / Light Utility Truck not to Exceed \$450,000 with a Required City Cash Match of 10% Equal to \$45,000

*Council Member Hoffman removed this item from the consent agenda. Fire Chief Barry Bondurant answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION AND RECEIVE FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTER GRANT PROGRAM 2014 FOR AN AIR/LIGHT UTILITY TRUCK NOT TO EXCEED \$450,000 WITH A REQUIRED CITY CASH MATCH OF 10% EQUAL TO \$45,000**

**(Resolution 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: RE-3057-14

[14-1145](#)

Minutes - Approval of the November 11, 2014 Special City Council Meeting Minutes

*Council Member Burgess removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the November 11, 2014 Special Meeting Minutes as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - Wendy Burgess

[14-1146](#)

Minutes - Approval of the November 12, 2014 Special City Council Meeting Minutes

*Council Member Burgess removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the November 12, 2014 Special Meeting Minutes as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - Wendy Burgess

**END OF CONSENT AGENDA**

**OLD BUSINESS**

[14-1153](#)

Review and Consideration of a Resolution Dissolving the Moratorium on Restaurant or Food Service Operations with Drive Through Lanes

*Felix Wong made brief comments.*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DISSOLVING A MORATORIUM ON THE ISSUANCE OF CONSTRUCTION PERMITS AND/OR THE RECEIPT OF SITE PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WHOSE BUSINESS OPERATIONS TRADITIONALLY PROVIDE THAT MORE THAN TEN PERCENT OF THEIR BUSINESS IS DEVOTED TO DRIVE THROUGH LANE SERVICE DURING THE PREPARATION OF A STAFF STUDY TO DETERMINE WHAT, IF ANY, SAFEGUARDS AND PERFORMANCE STANDARDS SHOULD BE**

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**ESTABLISHED TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN  
THE ESTABLISHMENT AND OPERATION OF THESE FACILITIES**

**(Resolution 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: RE-3058-14

**14-1091**

Review and Consideration of a Request for Variance to the  
Moratorium on Restaurants or Food Service Operations where More  
than 10% of the Business Activities is Provided by Food Service  
Delivery to Drive Through Lanes; Raising Cane's

**A motion was made by Council Member Hoffman to remove this agenda item  
from the table. 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

**14-1098**

Review and Consideration of a Revised Request for Variance to the  
Moratorium on Restaurants or Food Service Operations where more than  
10% of the Business Activities is Provided by Food Service Delivery to  
Drive Through Lanes; Valley Bell Enterprises, LLC and Multifoods, Inc, a  
Taco Bell Franchisee

**A motion was made by Council Member Hoffman to remove this item from the  
table. 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 AND FIRST READING**

**14-1143**

Ordinance - Public Hearing and First 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)



*Vicki Collins read the caption into the record. Felix Wong made brief comments and answered Council questions. Mayor Cook opened the public hearing at 7:58 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:59 p.m.*

**A motion was made by Mayor Pro Tem 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 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 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

## **NEW BUSINESS**

### **14-1147**

Ordinance - First 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)

*Vicki Collins read the caption into the record. Director of Public Works Steve Freeman made brief comments.*

**A motion was made by Mayor Pro Tem Broseh to approve the first 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 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

### **14-1148**

Ordinance - First 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

*Vicki Collins read the caption into the record. Steve Freeman made brief comments and answered Council questions.*

**A motion was made by Council Member Hoffman to approve the first 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 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

#### 14-1149

Discussion and Action if Necessary to Address the Anonymous Correspondence Questioning the Qualifications of Council Member Wendy Burgess

*Mayor Cook read the anonymous correspondence and made brief comments. City Attorney Allen Taylor made comments regarding Council requirements and the alternative options the Council can take. Council Member Burgess made comments and answered Council questions. Council Member Lindsey called the question.*

**A motion was made by Council Member Lindsey to instruct the City Attorney to engage with an outside Counsel to come in and investigate the residency matters that were made and presented to the City regarding Wendy Burgess' place of residence and her qualifications for her City Council position. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook;Stephen Lindsey;Larry Broseh;Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 2 - Wendy Burgess and Cory Hoffman

#### ADJOURN

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:41 p.m. 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

\_\_\_\_\_ David L. Cook, Mayor

ATTEST:

\_\_\_\_\_ Vicki Collins, City Secretary