



CITY OF MANSFIELD

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

Meeting Minutes City Council

Tuesday, May 26, 2015

5:00 PM

Council Chambers

REGULAR MEETING

1. 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 5:05 p.m. Mayor Cook adjourned executive session at 5:40 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 Pending Litigation - Cause No. D-1-GN-15-000999 and Settlement Discussion Related to that Action

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 Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087

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.

OATH OF OFFICE: STEPHEN LINDSEY, DARRY W. HAYNES, AND CORY HOFFMAN

City Secretary Vicki Collins administered the Oath of Office to Council members Stephen Lindsey, Darryl W. Haynes and Cory Hoffman.

ELECTION OF MAYOR PRO TEM

Vicki Collins provided the Council with ballots to elect a Mayor Pro Tem. Mrs. Collins announced that Brent Newsom had been elected as Mayor Pro Tem.

INVOCATION

Council member Larry 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 Hoffman led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council member Lindsey had no announcements.

Council member Hoffman thanked everyone who supported him during his re-election campaign and stated he will continue to work hard the next 3 years. He wished a Happy 12th Birthday to Conal, his girlfriend's son.

Council member Haynes thanked his supporters and congratulated Council member Brent Newsom as being elected Mayor Pro Tem.

Council member Burgess thanked the Fire Department and Police Department for ensuring the safety of our citizens during some of the recent high rains we have experienced.

Mayor Pro Tem Newsom thanked his fellow council members for appointing him Mayor Pro Tem and stated he will continue to work hard for the City of Mansfield and the City Council in that capacity. He recognized his wife, Michelle Newsom, who is being sworn in as an MISD trustee this evening. He expressed his appreciation to everyone who helped in her election. He asked everyone to keep the City of Wimberly in their prayers.

Council member Broseh had no announcements.

Mayor Cook thanked Council member Broseh for the years he has served as Mayor Pro Tem and as a Council member and expressed his appreciation for everything he has done for the City of Mansfield.

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

Current/Future Agenda Items

Fire Chief Barry Bondurant gave a brief update on the recent flooding event. He thanked the Parks Department, Street Department and Water Department for their assistance during this time.

City Manager Clayton W. Chandler thanked Fire Chief Bondurant for being an outstanding Chief and doing his part.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

Motion by Council member Hoffman to instruct the City Attorney to proceed with the implementation of a settlement regarding Cause No. D-1-GN-15-000999 as discussed in executive session. Seconded by Mayor Pro Tem Newsom. The motion CARRIED by a vote of 7 ayes and 0 nays.

CONSENT AGENDA**[15-1323](#)**

Ordinance - Second Reading of an Ordinance Approving a Request to Abandon Part of a Drainage Easement in the D. Delay Survey, Abstract No. 209 by Plainco Properties, LP.

A motion was made by Council member Burgess to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A DRAINAGE EASEMENT RELATING TO PLAINCO PROPERTIES, L.P., 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 DRAINAGE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

[15-1330](#)

Resolution - A Resolution Approving a Negotiated Settlement Between the ATMOS Cities Steering Committee ("ACSC") and ATMOS Energy Corp., Mid-Tex Division ("Company") Regarding the Company's 2014 and 2015 Rate Review Mechanism Filings

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

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED

SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3102-15

[15-1336](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Chief of Police to Act as the City's Representative in all Matters Relating to the Regional Law Enforcement Mutual Aid Task Force Agreement With Other Area Law Enforcement Agencies for the Purpose of Providing and Receiving Law Enforcement Assistance

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD
AUTHORIZING THE CHIEF OF POLICE TO ACT AS THE CITY'S
REPRESENTATIVE IN ALL MATTERS RELATING TO THE REGIONAL LAW
ENFORCEMENT MUTUAL AID TASK FORCE AGREEMENT WITH OTHER AREA
LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF PROVIDING AND
RECEIVING LAW ENFORCEMENT ASSISTANCE**

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3103-15

[15-1337](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Chief of Police to Act as the City's Representative in all Matters Relating to the Inter-Jurisdictional Pursuit Policy Agreement

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD
AUTHORIZING THE CHIEF OF POLICE TO ACT AS THE CITY'S
REPRESENTATIVE IN ALL MATTERS RELATING TO THE
INTER-JURISDICTIONAL PURSUIT POLICY AGREEMENT**

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3104-15

[15-1338](#)

Resolution - A Resolution Awarding a Bid to Morales Construction Services in the Amount of \$67,500 for the Front Counter Expansion Improvements at the Mansfield Activities Center

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

A RESOLUTION AWARDING A BID TO MORALES CONSTRUCTION SERVICES IN THE AMOUNT OF \$67,500 FOR THE FRONT COUNTER IMPROVEMENTS AT THE MANSFIELD ACTIVITIES CENTER

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3105-15

[15-1341](#)

Resolution - A Resolution to Award a Contract for Construction to McMahon Contracting, L.P. for the National Parkway Phase 2 Paving, Drainage, Water and Sewer Improvements and Authorization of Funding in the Amount of \$1,347,730.72 (Street Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR NATIONAL PARKWAY PHASE 2 PAVING DRAINAGE WATER AND SEWER IMPROVEMENTS TO MCMAHON CONTRACTING, L.P. 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 a vote of 7 ayes and 0 nays.

Enactment No: RE-3106-15

[15-1342](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid to Supply Sodium Chloride (Salt) for an Amount Not to Exceed \$183.80 / Dry Ton (Utility Fund FY-2015, FY-2016 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF SODIUM CHLORIDE (SALT), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3107-15

[15-1343](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid to Supply One Ton Chlorine Cylinders for an Amount not to Exceed \$684.00 / Wet Ton (Utility Fund FY-2015, FY-2016 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF ONE TON CHLORINE CYLINDERS, FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3108-15

[15-1344](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Poly-Aluminum Chloride (PACL) for an Amount not to Exceed \$410.00 / Wet Ton (Utility Fund FY-2015, FY-2016 Operating Budget 25-8501-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE BEST BID FOR THE SUPPLY OF POLY-ALUMINUM CHLORIDE (PACL), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3109-15

[15-1345](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Sodium Hydroxide (Caustic Soda) for an Amount not to Exceed \$405.78 / Dry Ton (Utility Fund FY-2015, FY2016 Operating Budget 25-8501-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID SODIUM HYDROXIDE (CAUSTIC SODA), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3110-15

[15-1346](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Aluminum Sulfate (Alum) for an Amount not to Exceed \$205.00 / Dry Ton (Utility Fund FY-2015, FY-2016 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDED A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID ALUMINUM SULFATE (ALUM), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3111-15

[15-1347](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Ammonium Sulfate (LAS), for an Amount not to Exceed \$191.98 / Wet Ton (Utility Fund FY-2015, FY-2015 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDED A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID AMMONIUM SULFATE (LAS), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3112-15

[15-1348](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Fluoride, for an Amount not to Exceed \$535.00 / Wet Ton (Utility Fund FY-2015, FY-2016 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDED A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF HYDROFLUOROSILICIC ACID 23% (FLUORIDE), FOR THE BUD ERVIN WATER TREATMENT PLANT

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3113-15

[15-1358](#)

Resolution - Contract Award For The Construction Of Offsite Wastewater Improvements Including Lift Station and Force Main to Serve the Southpointe Development, To Mountain Cascade of Texas, LLC.

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

A RESOLUTION AWARDDING A CONTRACT FOR THE CONSTRUCTION OF OFFSITE WASTEWATER IMPROVEMENTS INCLUDING LIFTSTATION AND FORCE MAIN TO SERVE THE SOUTHPOINTE DEVELOPMENT TO MOUNTAIN CASCADE OF TEXAS, LLC, 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 a vote of 7 ayes and 0 nays.

Enactment No: RE-3114-15

[15-1359](#)

Resolution - A Resolution of the Mansfield City Council Adopting the Amended Guidelines for the Allocation of City of Mansfield Hotel/Motel Occupancy Tax Funds

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

A RESOLUTION OF THE MANSFIELD CITY COUNCIL ADOPTING THE AMENDED GUIDELINES FOR THE ALLOCATION OF CITY OF MANSFIELD HOTEL/MOTEL OCCUPANCY TAX FUNDS

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

Seconded by Council member Broseh. The motion CARRIED by a vote of 7 ayes and 0 nays.

Enactment No: RE-3115-15

[15-1349](#)

Minutes - Approval of the May 11, 2015 Regular City Council Meeting Minutes

A motion was made by Council member Burgess to approve the May 11, 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

[15-1350](#)

Minutes - Approval of the May 16, 2015 Special City Council Meeting Minutes

A motion was made by Council member Burgess to approve the May 16, 2015 Special 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

15-1355

Special Event Permit - Request for Special Event Permit; Mansfield Soccer Association Revolution Watch Party

Mayor Cook removed this item from the consent agenda. Tim McCann, President of Mansfield Soccer Association, 1313 Spyglass, Mansfield, made brief comments and answered questions regarding the special event permit. Ms. Jennifer Drago, Mansfield Revolution Executive Director, answered questions regarding the special event permit.

A motion was made by Mayor Cook to approve the special event permit. Seconded by Council member Hoffman. The motion CARRIED by a vote of 7 ayes and 0 nays.

15-1351

Minutes - Approval of the May 19, 2015 Special City Council Meeting Minutes

Council member Hoffman removed this item from the consent agenda. A motion was made by Mayor Cook to approve the May 19, 2015 Special City Council Meeting Minutes as presented. 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: 0

Abstain: 1 - Cory Hoffman

END OF CONSENT AGENDA

OLD BUSINESS

15-1325

Review and Consideration of Proposed Amendments of Section 4400.B, Table J in the Permitted Use Table of the Zoning Ordinance Requiring a Specific Use Permit for Industries Not Elsewhere Listed and Eliminating Certain Permitted Uses in the I-1 and I-2 Zoning Districts (OA#15-006)

A motion was made by Mayor Cook to table this agenda item until the June 8, 2015 Regular City Council meeting. 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

PUBLIC HEARING AND FIRST READING

15-1331

Ordinance - Public Hearing and First Reading on an Ordinance approving a zoning change from OP, Office Park to PD for Single-Family Residential on approximately 0.39 acres, generally located at 502 E. Broad Street; Valerie Crowe (ZC#15-003)

Valerie Crowe, 25 Forest Drive, Mansfield, made a brief presentation and answered questions. Mayor Cook opened the public hearing at 7:26 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:26 p.m.

A motion was made by Mayor Pro Tem Newsom 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 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1311

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR and C-2 to SF-7.5/18 on Approximately 12.4 Acres, Generally Located West of S. Main Street and East of Chase Trail; Vintage Development (ZC#15-002)

Charles Jowell, 1812 Woodridge Drive, Arlington, Applicant, was available to answer questions.

Mayor Cook continued the public hearing through second reading at 7:27 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:27 p.m.

A motion was made by Council member Hoffman 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 SF-7.5/18 SINGLE FAMILY

RESIDENTIAL DISTRICT CLASSIFICATION, 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 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

ADJOURN

A motion was made by Council member Hoffman to adjourn the meeting at 7:28 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