



# CITY OF MANSFIELD

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

## Meeting Minutes City Council

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Monday, May 11, 2015

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 5:05 p.m. Mayor Cook adjourned executive session at 5:58 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 & 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 the meeting into regular business session at 7:00 p.m.*

#### **INVOCATION**

*Mayor Pro Tem Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Fire Chief Barry Bondurant 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**

[15-1322](#)

EMS Week

*Mayor Cook proclaimed May 17-23, 2015 as Emergency Medical Services Week and presented the proclamation to Mansfield Fire Department personnel. Fire Chief Barry Bondurant and City Manager Clayton w. Chandler made brief comments.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*Council member Lindsey had no announcements.*

*Council Member Hoffman thanked his many supporters who worked hard during his re-election campaign.*

*Council member Haynes mentioned he was re-elected and was an unopposed candidate.*

*Council member Burgess mentioned she is looking forward to continue working with the team.*

*Council member Newsom thanked everyone who supported his wife during her election campaign and mentioned she was elected as MISD Trustee, Place 1.*

*Mayor Pro Tem Broseh thanked the citizens who voted during the election and believes the citizens are proud of what's going on in the city and realizes the city is doing great things.*

*Mayor Cook congratulated Council Members Lindsey, Haynes and Hoffman on their re-election and stated he is looking forward to working with everyone. Mayor Cook agreed with the comments made by Mayor Pro Tem Broseh.*

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

## Current/Future Agenda Items

*City Manager Clayton W. Chandler congratulated Council members Lindsey, Haynes and Hoffman on their re-election and agreed with the comments made by Mayor Cook and Mayor Pro Tem Broseh.*

**Business Services Department Report**[15-1324](#)

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

*Director of Business Services Peter K. Phillis answered questions regarding refunding on current debt obligations.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

*No action taken.*

**CONSENT AGENDA****ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**[15-1316](#)

Resolution - A Resolution Authorizing the City Manager and the City of Mansfield Fire Department to make Application and Receive Funds from the Texas Department of State Health Services on Competitive RFP for EMS Local Projects Grant FY 2016 after the Purchase of an Ambulance

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO PROVIDE FOR REIMBURSEMENT OF UP TO \$50,000 AFTER THE PURCHASE OF AN AMBULANCE FOR THE MANSFIELD FIRE DEPARTMENT**

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

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

Enactment No: RE-3096-15

[15-1318](#)

Resolution - A Resolution Authorizing the Funding in an Amount not to Exceed \$475,000.00 and Approval of Contracts, including Design Services with The CK Group, Inc. to Prepare Turner Warnell Road Between Callender Road and Wayland Court for Construction (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$475,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH THE CK GROUP, INC. TO PREPARE TURNER WARNELL ROAD BETWEEN CALLENDAR ROAD AND WAYLAND COURT FOR CONSTRUCTION**

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

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

Enactment No: RE-3097-15

**15-1319**

Resolution - A Resolution Authorizing the Director of Utilities to Enter into an Agreement with Wheco Electric, Inc. for the Installation of SCADA Equipment at Thirteen Waste-Water Lift Stations in Mansfield

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

**A RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ENTER INTO AN AGREEMENT WITH WHELCO ELECTRIC, INC. FOR THE INSTALLATION OF SCADA EQUIPMENT, AND PROGRAMMING NECESSARY TO COMMUNICATE WASTE-WATER LIFT STATION DATA AND LEVELS TO THE BUD ERVIN WATER TREATMENT PLANT'S DATA-MANAGEMENT SYSTEM FROM THIRTEEN WASTE WATER LIFT STATIONS IN MANSFIELD**

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

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

Enactment No: RE-3098-15

**15-1321**

Resolution - Resolution to Establish a Date for the Public Hearing to Consider the Proposed Amendment of Land Use Assumptions, Capital Improvements Plan for Roadway Impact Fees, and the Imposition of Updated Roadway Impact Fees

**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, ESTABLISHING A DATE FOR PUBLIC HEARING TO CONSIDER THE AMENDMENT OF LAND USE ASSUMPTIONS, ROADWAY CAPITAL IMPROVEMENTS PLAN, AND THE IMPOSITION OF UPDATED ROADWAY IMPACT FEES; AND PROVIDING FOR AN EFFECTIVE DATE**

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

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

Enactment No: RE-3099-15

**15-1310**

Request for Special Event Permit; Bike Out Hunger 2015

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

[15-1312](#)

Minutes - Approval of the April 20, 2015 Special City Council Meeting Minutes

A motion was made by Council member Burgess to approve the April 20, 2015 Special City Council 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

**END OF CONSENT AGENDA**

[15-1297](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, C-2 and C-3 to SF-7.5/18 on Approximately 35.5 Acres, Generally Located East of South Main, West of Willow Bend Court and Approximately 1,100 Feet South of Star Grass Drive; First Southwest Properties Management (ZC#14-014)

*Council member Hoffman removed this item from the consent agenda. City Secretary Vicki Collins read the caption into the record. Director of Planning Felix Wong answered questions.*

A motion was made by Mayor Pro Tem Broseh 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 SINGLE FAMILY 7.5/18 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**

**(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-1947-15

[15-1313](#)

Minutes - Approval of the April 27, 2015 Regular City Council Meeting Minutes

*Mayor Pro Tem Broseh removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the April 27, 2015 Regular City Council meeting minutes as presented. 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:** 0

**Abstain:** 1 - Larry Broseh

[15-1314](#)

Minutes - Approval of the April 28, 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 April 28, 2015 Special City Council Meeting Minutes as presented. Seconded by Council member Burgess. 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

## **OLD BUSINESS**

[15-1291](#)

Request for Special Event Permit; Luminate Events evening 5K with after party at Hawaiian Falls

*Daniel Kao, President, Luminate Events, 4317 Joker Drive, Plano, made a brief presentation and answered questions regarding the special event.*

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

[14-1158](#)

Ordinance - Third and Final Reading on an Ordinance to Extend the Time Limit for Gas Well Drilling and Production Activities Under Specific Use Permit Ordinance No. 1709-08 at the Debbie Lane Unit Drill Site; Edge Resources (ZC#08-015R)

*City Secretary Vicki Collins read the caption into the record.*

*Aric Head, Peleton Land Solutions, 5751 Kroger Drive, Keller, made a brief presentation. Director of Planning Felix Wong and City Attorney Allen Taylor answered questions.*

**A motion was made by Council member Lindsey to approve the following ordinance:**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR AN EXTENSION OF TIME TO CONTINUE GAS WELL DRILLING AND PRODUCTION ACTIVITIES PURSUANT TO SPECIFIC USE PERMIT ORDINANCE NO. 1709-08; PROVIDING FOR SUPPLEMENTAL CONDITIONS TO THE EXTENSION OF TIME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; 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 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: OR-1948-15

## **PUBLIC HEARING**

### **15-1317**

Public Hearing for a Concept Plan for Proposed Zoning Change from C-2 & PR to Planned Development for Single-Family Residential on Approximately 20.78 Acres, Generally Located Approximately 280 Feet East of Blue Jay Drive and Approximately 1,000 Feet West of N. Walnut Creek Drive; Provident Realty Advisors (ZC#15-001)

*Richard Byrd, Provident Realty Advisors, 5619 Stanford Avenue, Dallas, made a brief presentation and answered questions. The Council made comments regarding the concept plan. Director of Planning Felix Wong answered questions and advised a PD would be the next step in the process. Mayor Cook opened the public hearing at 8:06 p.m. With on one wishing to speak, Mayor Cook closed the public hearing at 8:06 p.m.*

*No action was taken on this item.*

## **PUBLIC HEARING AND FIRST READING**

### **15-1311**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR and C-2 to SF-7.5/16 on Approximately 12.4 Acres, Generally Located West of S. Main Street and East of Chase Trail; Vintage Development (ZC#15-002)

*Vicki Collins read the caption into the record.*

*Charles Jowell, Broomfield Homes, 1812 Woodridge Drive, Arlington, made a presentation and answered questions. During discussion, Mr. Jowell was in agreement to change the zoning to SF-7-5/18. Director of Planning Felix Wong answered questions.*

*Mayor Cook opened the public hearing at 8:11 p.m.*

*The following were non-speakers:*

*Mark Sullivan, 1101 Pebble Beach Drive, Mansfield – support*

*With no others wishing to speak, Mayor Cook continued the public hearing through second reading at 8:12 p.m.*

**A motion was made by Council member Haynes 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 SF-7.5/16 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 with the stipulation to change the zoning to SF 7.5/18."**

**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-1949-15

## **NEW BUSINESS**

### **15-1315**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and CAM-TECH MANUFACTURING, L.P. ("Cam-Tech"), and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Director of Economic Development Scott Welmaker made a brief presentation and answered questions.*

**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, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND CAM-TECH MANUFACTURING, L.P. ("CAM-TECH"), AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE**

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

**Seconded by Council member Lindsey. The motion CARRED by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - Larry Broseh

Enactment No: RE-3100-15

[15-1323](#)

Ordinance - First 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.

*City Secretary Vicki Collins read the caption into the record. City Engineer Bart VanAmburgh was available to answer questions.*

**A motion was made by Council member Lindsey to approve the first 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 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: OR-1950-15

[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)

*Director of Planning Felix Wong made brief comments and answered questions. City Attorney Allen Taylor answered questions. Felix Wong received input from the Council.  
No action taken on this item.*

[15-1327](#)

Resolution - A Resolution Approving a Development Agreement with and Authorizing the City Manager to Execute the Agreement for Public and Private Improvements Related to a Development Known as Main Street Lofts within the Boundary of Tax Increment Reinvestment Zone No. 2, Generally Located West of N. Main Street and South of Newt Patterson Road

**A motion was made by Mayor Cook to table the following resolution until the May 26, 2015 Regular City Council meeting.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A DEVELOPEMNT AGREEMENT WITH RCM NRP MANSFIELD LP FOR IMPROVEMENTS WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONED NUMBER TWO; 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

Enactment No: RE-3121-15

## **ADJOURN**

**A motion was made by Council member Burgess to adjourn the meeting at 8:27 p.m. 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

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*David L. Cook, Mayor*

ATTEST:

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*Vicki Collins, City Secretary*