



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, October 23, 2017

4:45 PM

Council Chambers

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#### REGULAR MEETING

#### 4:45 P.M. - CALL MEETING TO ORDER

*Mayor Cook called the meeting to order at 4:49 p.m.*

**Absent** 2 - Stephen Lindsey and Darryl Haynes

**Present** 5 - David Cook;Cory Hoffman;Larry Broseh;Brent Newsom and Terry Moore

#### RECESS INTO EXECUTIVE SESSION

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 4:51 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 4:56 p.m. Mayor Cook adjourned the executive session at 8:12 p.m.*

**Absent** 1 - Darryl Haynes

**Present** 6 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Brent Newsom and Terry Moore

#### **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 Amendments to the Shops at Broad Development Agreement

Seek Advice of City Attorney Regarding Annexation

Seek Advice of City Attorney Regarding Proposed Scrap Tire Facility Located on CR510 West of Highway 157 in Johnson County

Seek Advice of City Attorney Regarding Update on Stars Development Agreement

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

Discussion Regarding Project #17-18

**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**

**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 8:16 p.m.*

**INVOCATION**

*The Caring Place Clinic representative Theresa Washington gave the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Moore led the Pledge of Allegiance.*

**TEXAS PLEDGE**

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

*Mayor Pro Tem Hoffman led the Texas Pledge.*

**CITIZEN COMMENTS**

*Jason Arntz - 7 Richmond Court - Mr. Arntz thanked the Council and staff for their work on agenda item 17-2488. He stated he was in support of the proposed changes.*

*Denis Duchene - 420 Meadow Creek Drive - Mr. Duchene thanked the Council for taking residents comments into consideration on agenda item 17-2488. He stated he was in support of most of the changes. Mr. Duchene asked the Council to change the word asphalt and replace it with cement.*

*Mayor Cook recognized the following non-speaker:*

*Wayne Burgdorf - 255 N. Center Dr., Arlington - Support of agenda item 17-2540*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey thanked staff for their work on agenda item 17-2488.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Haynes was absent.*

*Council Member Moore advised volunteers were needed on Wednesday evenings at the Mansfield Cares Food Bank to prepare food for the Feed the Kids program.*

*Council Member Newsom had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook congratulated the Mansfield Independent School District's high schools football teams for going 5-0.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

*There were no staff comments.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action was taken by the Council.**

**CONSENT AGENDA**

[17-2504](#)

Ordinance - Third and Final Reading of an Ordinance of the City Council of the City of Mansfield, Texas Approving the Annual Plan of Service and Budget of the South Pointe Public Improvement District

*City Secretary Jeanne Heard read the caption into the record.*

**A motion was made by Mayor Pro Tem Hoffman to approve the following ordinance:**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS APPROVING THE FISCAL YEAR 2017/2018 SERVICES AND ASSESSMENT PLAN FOR THE SOUTH POINTE PUBLIC IMPROVEMENT DISTRICT ("PID"); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: OR-2068-17

[17-2491](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Specific Use Permit for Liquid Waste Processing on Approximately 2.498 Acres Known as Lot 2R1, Block 2 of Mansfield Industrial Park, Generally Located at 525 S. 6th Avenue; SouthWaste Disposal (ZC#17-013)

*Jeanne Heard read the caption into the record.*

**A motion was made by Mayor Pro Tem 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 GRANT A SPECIFIC USE PERMIT FOR LIQUID WASTE PROCESSING ON THE HEREIN AFTER DESCRIBED PROPERTIES; 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 Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: OR-2069-17

[17-2499](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from C-2, Community Business District and PR, Pre-Development District to SF-7.5/18 Single-Family Residential District on Approximately 30.09 Acres Generally Located on the West Side of S. Main Street, Approximately 1,086 Feet South of FM 917 on Property Located at 1200 S. Main Street; Crystal Lake Development, LLC (ZC#17-014)

*Jeanne Heard read the caption into the record.*

**A motion was made by Mayor Pro Tem 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 HERINAFTER DESCRIBED PROPERTIES TO SF-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 Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: OR-2070-17

[17-2545](#)

Resolution - A Resolution Awarding a Contract for Street Sweeping Services for FY 2018 to Sweeping Services of Texas - Operating L.P. for an Amount Not to Exceed \$113,319.40 (Drainage Utility Fund)

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

**A RESOLUTION AWARDING A CONTRACT FOR STREET SWEEPING SERVICES FOR FY2018 TO SWEEPING SERVICES OF TEXAS - OPERATING 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 Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: RE-3420-17

[17-2546](#)

Resolution - A Resolution Relating to the Giving of Notice of Intention to Issue City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation; Declaring Intent to Reimburse Certain Prior Capital Costs and Approving Other Matters Related Thereto

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

**A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES**

**OF OBLIGATION; DECLARING INTENT TO REIMBURSE CERTAIN PRIOR CAPITAL COSTS AND APPROVING OTHER MATTERS RELATED THERETO**

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

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

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: RE-3421-17

[17-2527](#)

Request for Special Event Permit: MISD Toys for Tots

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

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No:

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

[17-2538](#)

Minutes - Approval of the October 9, 2017 Regular City Council Meeting Minutes

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

**A motion was made by Council Member Moore to show in the minutes presented that he made a motion to amend the main motion on item 17-2488. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

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**END OF CONSENT AGENDA****OLD BUSINESS****17-2365**

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PD, Planned Development District to PD for Grocery Store, Office and Retail, on Approximately 11.01 Acres, Generally Located at 3000 E Broad Street, 1075 Feet East of Miller Road and South of E Broad Street, OSK Investments, LP (ZC#17-006)

*Jeanne Heard read the caption into the record.*

**A motion was made by Council Member Lindsey to table this agenda item to the December 11, 2017 Regular City Council Meeting. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

**17-2502**

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from 2F Two Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.505 Acres Known as Lots 11 & 12 and a Portion of Lot 10, Block 31, Original Town of Mansfield, Tarrant County, TX, Generally Located at 305 & 307 W. Kimball Sreet. and 304 S. Second Avenue; Mansfield Custom Homes (ZC#17-015)

*Mayor Cook recused himself from this agenda item. Jeanne Heard read the caption into the record. Applicant representative Felix Wong made brief comments and answered Council questions. Interim Director of Planning Lisa Sudbury answered Council questions.*

**A motion was made by Council Member Lindsey to approve the following ordinance with the addition of a 35 feet height requirement and 20/80 percent masonry:**

**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 LAND USES, 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 Moore. The motion CARRIED by the following**

**vote:****Aye:** 5 - Stephen Lindsey;Cory Hoffman;Larry Broseh;Brent Newsom and Terry Moore**Nay:** 0**Absent:** 1 - Darryl Haynes**Abstain:** 1 - David Cook

Enactment No: OR-2071-17

[17-2488](#)

Ordinance -Third and Final Reading on Proposed Amendments of Section 7200.B of the Zoning Ordinance Related to the Parking of Vehicles Such as Boats, Motor Homes, Recreational Vehicles, Campers, Trailers, and Other Vehicles on Properties with a Single-Family Dwelling, Two-Family Dwelling or Townhouse, and to Provide an Exemption to Such Parking Restrictions Applicable to Certain Vehicles in Existence Before March 2006; (OA#16-002)

*Jeanne Heard read the caption into the record. City Planner Art Wright gave a powerpoint presentation and answered Council questions. City Attorney Allen Taylor answered Council questions.*

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

**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 7200.B OF SAID ORDINANCE RELATED TO THE PARKING OF VEHICLES SUCH AS BOATS, MOTOR HOMES, RECREATIONAL VEHICLES, CAMPERS, TRAILERS, AND OTHER VEHICLES ON PROPERTIES WITH A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING OR TOWNHOUSE; PROVIDING AN EXEMPTION TO SUCH PARKING RESTRICTIONS APPLICABLE TO CERTAIN VEHICLES IN EXISTENCE BEFORE MARCH 2006; 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 Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Brent Newsom and Terry Moore**Nay:** 0**Absent:** 1 - Darryl Haynes**Abstain:** 0

Enactment No: OR-2072-17

[17-2492](#)

Ordinance - Third and Final Reading on an Ordinance Amending Sections 7100, 7100.C.2, 7100.D.2 "Temporary Signs Table", and 7100.K of the Zoning



Ordinance Revising Certain Sign Definitions, Revising the Regulations for Promotional Signage Displays as to Quantity and Placement of Such Signs, and Revising the Regulations for Real Estate Signs (OA#17-004)

*Jeanne Heard read the caption into the record.*

**A motion was made by Council Member 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 BY AMENDING SECTIONS 7100, 7100.C.2, 7100.D.2 "TEMPORARY SIGNS TABLE" AND 7100.K.2 OF SAID ORDINANCE REVISING CERTAIN SIGN DEFINITIONS; REVISING THE REGULATIONS FOR PROMOTIONAL SIGNAGE DISPLAYS AS TO QUANTITY AND PLACEMENT OF SUCH SIGNS; REVISING THE REGULATIONS FOR REAL ESTATE SIGNS; 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 Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

Enactment No: OR-2073-17

## **PUBLIC HEARING AND FIRST READING**

### **[17-2541](#)**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning from 2F Two Family Residential District to PD Planned Development District for Single-Family Residential Uses on Approximately 0.316 Acres Being a Portion of Block 31, Original Town of Mansfield, Tarrant Co., TX, Located at 300 S. 2nd Ave. (ZC#17-017)

*Jeanne Heard read the caption into the record. Applicant representative Felix Wong gave a powerpoint presentation and answered Council questions. Interim Director of Planning Lisa Sudbury answered Council questions. Council requested the applicant find a way to save the tree on the W. Kimball side of the property. Mayor Cook opened the public hearing at 9:05 p.m. Mayor Cook recognized the following speaker:*

*Sherry Bumgardner - 14 Redbluff Court - Support*

*With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 9:06 p.m.*

A motion was made by Council Member Lindsey 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 LAND USES, 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; Cory Hoffman; Larry Broseh; Brent Newsom and Terry Moore

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

[17-2542](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Specific Use Permit for Auto Repair Garage on Approximately 1.629 Acres Known as Lot 8, Block 1 of Walnut Creek Village, Phase 2, Tarrant Co., TX, Generally Located at 1501 N. U.S. 287 (ZC#17-019)

*Jeanne Heard read the caption into the record. Peyco Southwest Realty representative Jim Maibach gave a powerpoint presentation and answered Council questions. Service Pros owner Bruce Moore made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:28 p.m. Mayor Cook recognized the following non-speakers in support:*

*Tammy Moore - 7815 Pirate Point Circle  
Edward Arshouk - 105 E. Oak Street*

*With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:28 p.m.*

A motion was made by Mayor Pro Tem 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 GRANT A SPECIFIC USE PERMIT FOR AUTO REPAIR GARAGE ON THE HEREINAFTER DESCRIBED PROPERTIES, 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 Moore. The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

[17-2543](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Eating Place Without Drive-Through Service on Approximately 2.069 Acres Located at 1768 & 1770 N. U.S. 287 (ZC#17-021)

*Jeanne Heard read the caption into the record. Foremark representative Daniel Smith gave a powerpoint presentation and answered Council questions. Lisa Sudbury and Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 9:47 p.m. The following people spoke:*

*German Galaso - 2408 Forest Park Circle - Opposed  
Audrey, Sara, & Sage Galaso - 2408 Forst Park Circle - Opposed*

*Mayor Cook recognized the following non-speakers:*

*Samuel McKeel - 2412 Forsest Park Circle - Card did not specity support/opposed  
Larry E. Jones - 2414 Forest Park Circle - Opposed  
Karen Jones - 2414 Forest Park Circle - Opposed  
Wayne Burgdorf - 255 N. Center Street, Arlington - Support*

*With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 9:56 p.m.*

**A motion was made by Council Member Lindsey 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 HERINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR EATING PLACE WITHOUT DRIVE-THROUGH SERVICE, 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 that the applicant provide a follow-up addressing concerns raised by residents; specifically the hours of operation; smell mitigation; existing tree line on the back of the property; consider revising the landscape plan to keep trees as much as possible and augment the back property line; evaluate the need for parking in the back of the property and potential to offset some parking with additional buffer; address the screening wall; and timing on dumpster pickup. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

**NEW BUSINESS**[17-2540](#)

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for The Backyard PD (ZC#16-003A)

*The Backyard representative Jason Boso made brief comments and answered Council questions.*

**A motion was made by Mayor Pro Tem Hoffman to approve the request for minor modification. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh and Brent Newsom

**Nay:** 1 - Terry Moore

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

[17-2547](#)

Discussion and Possible Action Regarding Amendments to Shops at Broad Development Agreement

**A motion was made by Mayor Pro Tem Hoffman to direct staff to move forward with additional negotiations regarding the development agreement for the Shops at Broad. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

**ADJOURN**

**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 10:15 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Darryl Haynes

**Abstain:** 0

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

ATTEST:

\_\_\_\_\_ Jeanne Heard, City Secretary