



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, May 9, 2016

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.*

**Absent** 2 - Stephen Lindsey and Wendy Burgess

**Present** 5 - David Cook; 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. Council Member Lindsey arrived at 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:15 p.m. Council Member Burgess arrived at 6:15 p.m. Mayor Cook adjourned executive session at 7:13 p.m.*

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

#### **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**

#### **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**

Project #15-16 - Industrial Prospect Briefing and Update

Project #15-21 - Existing Industrial Company Considering Expansion

Project #16-05 - Business Prospect Briefing and Update

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

*Mayor Cook reconvened into regular business session at 7:21 p.m.*

**INVOCATION**

*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Burgess 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**

**16-1834**

**National Hospital Week**

*Mayor Cook proclaimed May 8-14, 2016 as National Hospital Week and presented a proclamation to Methodist Mansfield Hospital staff. Methodist Mansfield Hospital President John Phillips made brief comments.*

**16-1836**

**National Police Week**

*Mayor Cook proclaimed May 15-21, 2016 as National Police Week and presented a proclamation to the Mansfield Police Department. Police Chief Tracy Aaron made brief comments.*

**16-1835**

**National EMS Week**

*Mayor Cook proclaimed May 15-21, 2016 as National EMS Week and presented the proclamation to the Mansfield Fire Department. Fire Chief Barry Bondurant made brief comments and invited everyone to a cookout they will be holding at the Methodist Mansfield Hospital Emergency Room on May 18th, 19th and 20th from 11:00 a.m. to 2:00 p.m. for all the ambulance services dropping off patients. City Manager Clayton Chandler made brief comments.*

**16-1837**

**Lupus Foundation of America Put On Purple Day**

*Mayor Cook proclaimed May 20, 2016 as Lupus Foundation of America Put on Purple Day and presented a proclamation to Lupus Foundation of America representative Tessie Holloway. Ms. Holloway made brief comments.*

**CITIZEN COMMENTS**

*Shawnah Shelton - 1913 Pioneer Dr., Allen - Ms. Shelton spoke about a free medical/dental/vision clinic to be held on June 17 and 19, 2016 at the Mansfield Seventh Day Adventist Church. She invited everyone who is in need of these services to attend.*

*Lance Irwin - 1208 Killian Drive - Mr. Irwin spoke about his opposition on agenda item 16-1824.*

*Tamera Bounds - 1009 Meriwether Street - Mrs. Bounds spoke about her opposition on agenda item 16-1824.*

*Mayor Cook acknowledged the following non-speakers:*

*James Bounds - 1009 Meriwether Street - Opposed to agenda item 16-1824  
Jim & Diannia Brightbill - 1101 Meriwether Street - Opposed to agenda item 16-1824  
Jim Hampton - 1201 Tremont Street - Opposed to agenda item 16-1824  
Samantha Morton - 1211 Tremont Street - Opposed to agenda item 16-1824  
Lynda Lotman - 1006 Tremont Street - Opposed to agenda item 16-1824  
Erik Orsak - 906 Tremont Street - Opposed to agenda item 16-1824  
Yolanda Curd - 1107 Tremont Street - Opposed to agenda item 16-1824  
Art Proulx - 1106 Killian Drive - Opposed to agenda item 16-1824  
Phillip Worobey - 13 Willowstone Court - Opposed to agenda item 16-1824  
Patrick Olliva - 1405 Brighton Drive - Opposed to agenda item 16-1824  
Anthony Gonzalez - 1505 Brighton Drive - Opposed to agenda item 16-1824  
Leslie Curd - 11047 Tremont Street - Opposed to agenda item 16-1824*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Council Member Hoffman had no announcements.*

*Council Member Haynes stated what a great job was done on the Mansfield National Day of Prayer.*

*Council Member Burgess had no announcements.*

*Mayor Pro Tem Newsom had no announcements.*

*Council Member Broseh congratulated Mayor Cook on a great job done with starting Mansfield National Day of Prayer.*

*Mayor Cook expanded on the history of the National Day of Prayer. He stated this would be an annual event held on the first Thursday of May and commented on the organization of Mansfield Churches FOR The City.*

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

Current/Future Agenda Items

*Director of Public Works Steve Freeman advised about the closure of Seeton Road south of National Parkway mentioning it will be closed for one month beginning Monday, May 16, 2016 to install a box culvert.*

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

**A motion was made by Council Member Hoffman regarding project #15-21 to approve the revised development schedule presented to the Council regarding the Southern Champion Tray expansion. 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

### **CONSENT AGENDA**

#### **16-1838**

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager to Enter into an Interlocal Cooperative Waste Water Transportation Agreement Between the City of Mansfield, Texas and the City of Grand Prairie, Texas

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATIVE WASTE WATER TRANSPORTATION AGREEMENT BETWEEN THE CITY OF MANSFIELD, TEXAS AND THE CITY OF GRAND PRAIRIE, TEXAS**

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

**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

Enactment No: RE-3241-16

#### **16-1839**

Resolution - A Resolution Authorizing a Contract with Freese & Nichols, Inc. for the Water and Wastewater Master Plan and Impact Fee Update for an Amount not to Exceed \$272,000

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

**A RESOLUTION AUTHORIZING A CONTRACT WITH FREESE & NICHOLS, INC. FOR THE WATER AND WASTEWATER MASTER PLAN AND IMPACT FEE UPDATE FOR AN AMOUNT NOT TO EXCEED \$272,000.00**

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

**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

Enactment No: RE-3242-16

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

#### **16-1833**

Minutes - Approval of the April 25, 2016 Regular City Council Meeting Minutes

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

**A motion was made by Mayor Cook to approve the minutes for the April 25, 2016 Regular City Council Meeting as presented. Seconded by Mayor Pro Tem 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**

### **PUBLIC HEARING AND FIRST READING**

#### **16-1768**

Ordinance - Public Hearing and First Reading to Consider Proposed Amendments of Section 4400B, Permitted Use Table of the Zoning Ordinance to Relabel "Hospital/Home/Center for Alcoholic or Psychiatric Patients" to "Hospital/Home/Center for Substance Addiction or Psychiatric Patients," and to Allow "Amusement, Commercial (Indoor)" in I-2 Heavy Industrial Zoning Upon Approval of an Industrial Use Permit; plus Amendment of Section 6 Permitted Uses of The Reserve Planned Development District Standards to Relabel the Same Aforementioned Use, Require Specific Use Permit for Certain Uses, Delete Certain Uses and Add Special Conditions to Certain Uses (OA#16-001)

*City Secretary Jeanne Heard read the caption into the record. Director of Planning Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor made brief comments. Staff was directed to work with the City Attorney to bring back specifics about substance abuse specific use permits by the next reading. Mayor Cook opened the public hearing at 8:07 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:07 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 SECTION 4400B "PERMITTED USE TABLE" OF THE ZONING ORDINANCE TO RELABEL "HOSPITAL/HOME/CENTER FOR ALCOHOLIC OR PSYCHIATRIC PATIENTS" AND TO ALLOW "AMUSEMENT, COMMERCIAL (INDOOR)" IN I-2 HEAVY INDUSTRIAL ZONING UPON APPROVAL OF AN INDUSTRIAL USE PERMIT AND AMENDING SECTION 6.2, "PERMITTED USE TABLE" OF THE RESERVE PLANNED DEVELOPMENT DISTRICT STANDARDS TO RELABEL THE SAME AFOREMENTIONED LAND USE, REQUIRE SPECIFIC USE PERMIT FOR CERTAIN LAND USES, DELETE CERTAIN LAND USES AND ADD SPECIAL CONDITIONS TO CERTAIN 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 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**

#### **16-1807**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change to Replace the Existing PD with a New PD for C-2 uses, Including a Day Care Center, on Approximately 7.3 Acres Generally Located South of Woodcrest Lane and West of Westridge Drive; Hanover Property Co. (ZC#16-002)

*Hanover Property Company representative John Carter and Ben Luedtke made brief comments and answered Council questions. Mayor Cook continued the public hearing at 8:38 p.m. The following people spoke during the public hearing:*

*Sean Loughlin - 1305 Westridge Drive - Opposed*

*Paul Blevins - 1300 Bramble Lane - Opposed*

*Mayor Cook recognized the following non-speakers:*

*Bonface Navade - 1211 Westridge Drive - Opposed*

*Ginnie Bucek - 4210 Old Grove Drive - Opposed*

*Roshonda McInnis - 1303 Westridge Drive - Opposed*

*With no one else wishing to speak, Mayor Cook closed the public hearing at 8:44 p.m.*

A motion was made by Council Member Haynes to approve this agenda item with a masonry screening wall. The motion FAILED for lack of a second.

A motion to amend the main motion was made by Council Member Hoffman to require the applicant to construct a brick screening wall as outlined in the existing PD. Seconded by Council Member Lindsey. The motion CARRIED with 4 ayes and 3 nays:

**Ayes:** Cook, Haynes, Hoffman, Burgess  
**Nays:** Lindsey, Newsom, Broseh

A main motion was made by Mayor Cook 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 REPLACE AN EXISTING PLANNED DEVELOPMENT DISTRICT WITH A NEW PLANNING DEVELOPMENT DISTRICT FOR C-2 USES, INCLUDING A DAY CARE CENTER, 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," without the screening wall. Seconded by Mayor Pro Tem Newsom. The amended motion CARRIED by the following vote:

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

**Nay:** 1 - Stephen Lindsey

**Abstain:** 0

## **NEW BUSINESS**

### **16-1844**

Resolution - A Resolution by the City of Mansfield, Texas Approving an Agreement with Big D Barbecue LLC 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

*Felix Wong made brief comments. Big D Barbecue representative Jordy Jordan answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH BIG D BARBECUE LLC, 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-3243-16

[16-1845](#)

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 Hightower Salon Suites and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Director of Economic Development Scott Welmaker made brief comments and answered Council questions. Turnkey Development representative Mark Feuling made brief comments and answered Council questions.*

**A motion was made by Council Member Hoffman 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 HIGHTOWER SALON SUITES 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 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-3244-16

[16-1848](#)

Resolution - A Resolution of the City of Mansfield, Texas Electing to be Eligible to Participate in Tax Abatement and Expressing Intent to Negotiate the Grant of a Tax Abatement to BP Holdings; and Providing an Effective Date

*Scott Welmaker made brief comments and answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS ELECTING TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT AND EXPRESSING INTENT TO NEGOTIATE THE GRANT OF A TAX ABATEMENT TO BP HOLDINGS; 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-3245-16

[16-1849](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving the Terms and Conditions of a Term Sheet with BP Holdings, Pursuant to a Program to Promote Economic Development and Stimulate Business and Commercial Activity in the City; Authorizing the City Manager to Execute Said Term Sheet for Such Purposes; and Providing an Effective Date

*Scott Welmaker made brief comments and answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A TERM SHEET WITH BP HOLDINGS, PURSUANT TO A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID TERM SHEET FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE**

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

**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

Enactment No: RE-3246-16

[16-1850](#)

Resolution - A Resolution Authorizing a Financial Commitment by the Mansfield Economic Development Corporation to Participate in the Funding for Construction of Antler Drive in an Amount not to Exceed \$1.5 Million

*Scott Welmaker made brief comments and answered Council questions.*

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

**A RESOLUTION AUTHORIZING FUNDING FOR CONSTRUCTION OF ANTLER DRIVE IMPROVEMENTS**

**(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-3247-16

16-1824

Consideration of a Request for a Variance to Chapter 114.13(B) of the Code of Ordinances, "Gas Well Drilling and Production" by EagleRidge Operating, LLC, to Allow an Extension of Time Related to Permanent Lift Compressors (GW#13-004)

*Eagleridge Energy, LLC representative Mark Grawe made brief comments and answered Council questions. Mr. Grawe presented the Council with a sound study. Gas Well Inspector David Nicholson made brief comments. Allen Taylor answered Council questions.*

**A motion to amend the main motion was made by Mayor Cook to have a continuous sound study monitoring location as depicted on the documents provided to the Council, being a sound study done by Absolute Noise Control, that a continuous sound monitoring location be in place 24/7 during the time period if the variance is granted and that the continuous sound monitoring location be in place at all times during the variance time period. Seconded by Council Member Lindsey. The motion to amend CARRIED with 7 ayes and 0 nays.**

**A motion was made by Council Member Lindsey to approve this agenda item. Seconded by Council Member Burgess. The amended motion CARRIED by the following vote:**

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

**Nay:** 1 - David Cook

**Abstain:** 0

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 9:47 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:

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Jeanne Heard, City Secretary

