



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, January 12, 2015

5:00 PM

Council Chambers

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 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:08 p.m. Council Member Burgess stepped out of executive session at 6:43 p.m. Mayor Cook adjourned the executive session at 6:58 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 Considering Possible Purchase of a Portion of Johnson County Special Utility District's Water Distribution System Within City Limits

Seek Advice of City Attorney Considering Possible Purchase of Sewer Capacity from Grand Prairie

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

Personnel Matters Pursuant to Section 551.074

Receipt and Review of Attorney Consultants Investigative Report on Council Member Wendy Burgess' Residency Qualifications

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 7:05 p.m.

INVOCATION

First United Methodist Church Pastor Mike Ramsdell 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

15-1193

Mansfield 125

Mayor Cook proclaimed 2015 as the year of Mansfield 125 and presented the proclamation to the steering and action committee. Director of Communications and Marketing Belinda Willis introduced the members of the steering committee and made brief comments regarding upcoming events.

PRESENTATION

Presentation of the Salvation Army Mayoral Challenge Trophy to Mayor David L. Cook by Lt. Patrick Jones

Salvation Army Lt. Patrick Jones presented Mayor Cook with the Salvation Army Mayoral Challenge Trophy. Mayor Cook thanked everyone who dedicated their time volunteering to make the win a success.

Industry Sector Outreach Award

Mayor Cook presented the Industry Sector Outreach Award to representatives of the Ben Barber Career Tech Academy. Workforce Solutions representatives Amber Gosser made brief comments.

CITIZEN COMMENTS

Craig Magnuson - 1240 Southridge Court, Hurst - Mr. Magnuson thanked the Council and the citizens for giving him the opportunity to serve the city for 29 years.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess made comments regarding Ben Barber Career Technology Academy.

Council Member Newsom 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

Winter Walk Update; Angie Henley

Special Events Coordinator Angie Henley gave an update on the Winter Walk event and invited everyone to attend the event on Saturday, January 24, 2015 at 9:00 a.m. beginning at Rose Park finishing at Town Park.

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal, Code Enforcement, Development Services, Communications and Marketing

Staff was available to answer questions regarding the quarterly reports.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken by the Council.

CONSENT AGENDA

14-1188

Resolution - Authorization of Funding for an Amount not to Exceed \$260,000.00 for the Construction of a Traffic Signal and Curb Ramps at the Intersection of E. Debbie Lane and Towne Crossing Boulevard, Award of a Construction Contract to Roadway Solutions, Inc. and Direct Staff to Execute All Necessary Contracts to Complete the Project (Street Bond Fund)

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

A RESOLUTION AUTHORIZING FUNDING AND AWARDING A CONTRACT FOR CONSTRUCTION OF A TRAFFIC SIGNAL AT THE E. DEBBIE LANE/TOWNE CROSSING BOULEVARD INTERSECTION TO ROADWAY SOLUTIONS, INC. AND DIRECTING STAFF TO EXECUTE ALL NECESSARY CONTRACTS TO COMPLETE THE PROJECT

(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-3066-15

[14-1189](#)

Resolution - A Resolution to Approve the Mansfield Park Facilities Development Corporation's Purchase of Property Located at Lot 11, Block B, Lakeview Country Estates, 18016 Fox Hollow Drive, Mansfield, Texas

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

A RESOLUTION TO APPROVE THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S PURCHASE OF PROPERTY LOCATED AT LOT 11, BLOCK B, LAKEVIEW COUNTRY ESTATES, 18016 FOX HOLLOW DRIVE, MANSFIELD, TEXAS

(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-3067-15

[15-1191](#)

Minutes - Approval of the December 3, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the December 3, 2014 Special City Council Meeting minutes as presented. 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

[14-1182](#)

Minutes - Approval of the December 8, 2014 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the December 8, 2014 Regular City Council Meeting Minutes as presented. 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

[14-1184](#)

Minutes - Approval of the December 10, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the December 10, 2014 Special City Council Meeting Minutes as presented. 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

[14-1185](#)

Minutes - Approval of the December 17, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the December 17, 2014 Special City Council Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[15-1197](#)

Minutes - Approval of the December 9, 2014 Regular City Council Meeting Minutes

Council Member Hoffman removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the December 9, 2014 Regular 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

END OF CONSENT AGENDA

OLD BUSINESS[15-1192](#)

Discussion, Consideration and Action As Necessary Regarding Council Member Wendy Burgess' Residency Qualifications

City Attorney Allen Taylor made comments regarding the final report regarding the investigation on Council Member Burgess' residency qualifications.

A motion was made by Council Member Haynes that Council Member Wendy Burgess meets the residency qualifications subsequent to the recommendation of the appointed investigator and based upon the report that was presented tonight. Seconded by Council Member Lindsey. 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

PUBLIC HEARING AND FIRST READING[14-1180](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, C-2 and C-3 to SF-7.5/16 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)

Assistant City Secretary Susana Marin read the caption into the record. First Southwest Properties Management representative David Schnurbusch made brief comments and answered Council questions. Council requested the applicant provide a rendering to include the number of lots as well as lot sizes and a list of prices of what homes will sell for by second reading. Mayor Cook opened the public hearing at 7:44 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:45 p.m.

A motion was made by Mayor Pro Tem Broseh to suspend the rules for discussion. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

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, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO SINGLE FAMILY 7.5/16 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 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

[14-1181](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 31.1 Acres, Generally Located East of Hardy Street, North of St Paul Road and West of S US 287; Hanover Property Company (ZC#14-016)

Susana Marin read the caption into the record. Hanover Property Company representative Richard LeBlanc made a brief presentation. Mayor Cook opened the public hearing at 8:00 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:00 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 C-2 COMMUNITY BUSINESS 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 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

[14-1158](#)

Ordinance - Public Hearing Continuation and Second 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)

Peloton Land Solutions representative Aric Head made a brief presentation and answered Council questions. Director of Planning Felix Wong answered Council questions. Evercon representative Suresh Raja made brief comments and answered Council questions. Director of Public Works Steve Freeman answered Council questions. Edge Resources Mike Martinez answered Council questions. Mayor Cook continued the public hearing at 8:30 p.m. The following people spoke:

Tamera Bounds - 1009 Meriwether St. - Opposed

Lance Irwin - 1208 Killian St. - Opposed

Erik Orsak - 906 Tremont St. - Opposed

Jim Schermbeck - P.O. Box 763844 - Opposed

Craig Gibson - 724 Dover Park Trail - Opposed

Mayor Cook recognized the following non-speakers:

Steve Dunkle - 150 Squirrel Ln. - Pottsboro - Support

Mary Beaty - 908 Tremont St. - Opposed
James Bounds - 1009 Meriwether St. - Opposed
Bryan Black - 2708 Ferncrest Tr. - Opposed
Kelly Black - 2708 Ferncrest Tr. - Opposed
Roger Bourassa - 5650 Rendon Est. Rd. - Opposed

With no one else wishing to speak, Mayor Cook closed the public hearing at 8:30 p.m.

Mayor Cook recessed the meeting into executive session at 9:20 p.m. Mayor Cook reconvened into regular business session at 9:42 p.m.

A motion was made by Council Member Lindsey to suspend the rules for discussion. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Lindsey to approve the second reading of "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." Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh and Brent Newsom

Nay: 1 - Darryl Haynes

Abstain: 0

NEW BUSINESS

[14-1186](#)

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 Carlos Coll, and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments. Sofia Coll answered Council questions. Carlos Coll made brief comments.

A motion was made by Council Member Haynes 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 CARLOS COLL, 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 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-3068-15

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:06 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

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary