



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, April 13, 2015

5:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:03 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 5:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned the executive session at 7:05 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 TCEQ's Grant of Application #40272

Seek Advice of City Attorney Regarding Oak Reserve

Seek Advice of City Attorney Regarding the Ground Lease Agreement with Mansfield Family Entertainment

Seek Advice of City Attorney Regarding Legal Ramifications of Current Legislative Issues Relating to House Bill 40

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

Project Update #14-14 - Entertainment Business Prospect

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

Mayor Cook reconvened into regular business session at 7:12 p.m.

INVOCATION

Mayor Pro Tem 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**[15-1274](#)****National Library Week**

Mayor Cook proclaimed April 12-18, 2015 as National Library Week and presented the proclamation to Library Staff and the Library Advisory Board. Library Advisory Board Member Kelvin Stroy made brief comments.

[15-1275](#)**National Library Worker's Day**

Mayor Cook proclaimed April 14, 2015 as National Library Worker's Day and presented the proclamation to Library Staff.

[15-1280](#)**Public Safety Telecommunications Week**

Mayor Cook proclaimed April 12-18, 2015 as Public Safety Telecommunications Week and presented the proclamation to Police Department Communications Staff. Sergeant Richard Hash made brief comments.

PRESENTATION**TML - Achievement of Excellence in Libraries Award**

Director of Parks and Community Services Shelly Lanners made brief comments. Assistant City Manager Chris Burkett presented the TML Achievement of Excellence in Libraries Award to the Library Staff, Friends of the Library and Library Advisory Board.

CITIZEN COMMENTS

Wayne Sekerke - 801 Oak Shadows Court - Mr. Sekerke spoke on an agenda item under old business. He expressed his opposition to the proposed assisted living project.

Mayor Cook recognized the following non-speakers:

Mike Neesen - 2463 Callender Road - Opposed 15-1248
Donna Crowl - 809 Oak Shadows Court - Opposed 15-1248
Larry Crowl - 809 Oak Shadows Court - Opposed 15-1248
David Littlefield - 1410 Lowes Farm Pkwy - Support 15-1216
Randy Gillis - 600 North Street - Support 15-1216
Mary Gillis - 600 North Street - Support 15-1216
Charles Nichols - 508 E. Broad Street - Support 15-1216
James Young - 1109 Old Dominion Pl. - Support 15-1216
Mark Walker - 305 W. Broad Street - Support 15-1216
Ann Smith - 106 N. Wisteria Street - Support 15-1216
Ross O'Brian - 2605 Landmark Court - Support 15-1216
Debbie Hobbs - 2331 Gus Thomasson - Dallas - Support 15-1281
Mark Sullivan - 1101 Pebble Beach Drive - Support 15-1281

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Bike Rodeo Update; Angie Henley and Daniel Sherwin

Police Officer Daniel Sherwin and Special Events Coordinator Angie Henley gave an update on the Bike Rodeo which will take place on Saturday, April 25, 2015 at Katherine Rose Park and following the Bike Rodeo will be the Night on the Town Event.

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

There were no questions or comments regarding the quarterly reports.

Business Services Department Report

[15-1279](#)

Presentation of the Monthly Financial Report for the Period Ending February 28, 2015

There were no questions or comments regarding the financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

15-1267

Resolution - A Resolution Authorizing the Execution of a Contract with the Tarrant County Elections Administrator to Perform Election Services for the May 9, 2015 General Election; and Providing an Effective Date

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, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 9, 2015 GENERAL ELECTION; 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-3085-15

15-1268

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a General Election to be held Jointly with the Mansfield Independent School District on May 9, 2015; Designating Polling Places; Establishing Election Precincts within the City; Appointing an Election Judge and an Alternate Judge; Establishing Other Procedures for Conduct of the Election; Establishing a Date for Canvassing Returns; Establishing a Date for Runoff Election, if Necessary; and Providing an Effective Date

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD JOINTLY WITH THE MANSFIELD INDEPENDENT SCHOOL DISTRICT ON MAY 9, 2015; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; 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-3086-15

[15-1269](#)

Request for Special Event Permit: Cancer Society Relay for Life

A motion was made by Council Member Hoffman to approve the request for special event permit. 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

[15-1271](#)

Minutes - Approval of the March 16, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the March 16, 2015 Regular Meeting Minutes as presented. Sseconded 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

[15-1272](#)

Minutes - Approval of the March 23, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the March 23, 2015 Regular Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[15-1284](#)

Resolution - Authorization of Funding in an Amount not to exceed \$260,000.00 and Approval of Contracts, Including Design Services with Jerry Parche Consulting Engineers, to Prepare the Mouser Way Improvements Project for Construction (Street Bond Fund)

Council Member Hofmman removed this item from the consent agenda. Director of Public Works Steve Freeman made brief comments and answered Council questions.

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

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$260,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH JERRY PARCHE CONSULTING ENGINEERS, TO PREPARE FOR MOUSER WAY IMPROVEMENTS PROJECT FOR CONSTRUCTION

(Resolution 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: RE-3087-15

[15-1247](#)

Ordinance - Third and Final Reading of an Ordinance Amending Section 2.02 of the Subdivision Control Ordinance to Require a Note on Plats for Single-Family Residential Development Regarding the Proximity of Gas Well Drill Sites (OA#15-002)

Council Member Lindsey removed this item from the consent agenda. City Secretary Vicki Collins read the caption into the record. City Attorney Allen Taylor answered Council questions.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 2.02 OF SAID ORDINANCE REGARDING PLATTING REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS IN THE PROXIMITY OF GAS WELL DRILL SITES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1943-15

END OF CONSENT AGENDA

NEW BUSINESS

15-1276

Ordinance - First Reading of an Ordinance to Consider Lease and Joint-Use Operating Agreement Between the City of Mansfield and the Historic Mansfield Performance Park, a Non-Profit Organization

Vicki Collins read the caption into the record. Director of Parks and Community Services Shelly Lanners made brief comments and answered Council questions.

A motion was made by Council Member Haynes to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY LOCATED AT 110 S. MAIN STREET AND AT 109 W. BROAD STREET TO THE HISTORIC MANSFIELD PERFORMANCE PARK FOR THE PURPOSE OF CONSTRUCTING AND OPERATING AN OUTDOOR AMPHITHEATER, AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AND JOINT-USE OPERATING AGREEMENT." 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

15-1281

Reconsideration of Second 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)

Mayor Pro Tem Broseh asked for this item to be reconsidered as is. This agenda item will be placed on the April 27, 2015 Regular City Council agenda for second reading.

A motion was made by Mayor Pro Tem Broseh to approve this agenda item. 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

15-1286

Review and Consideration of the Terms of Development Agreement for Proposed 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

Director of Planning Felix Wong made brief comments and answered Council questions. Realty Capital Management representative Tim Coltart made a powerpoint presentation and answered Council questions. Allen Taylor answered Council questions.

A motion was made by Council Member Hoffman to approve this agenda item. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 1 - Wendy Burgess

Abstain: 0

OLD BUSINESS

15-1216

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR & SF-12/22 to PD for Multi-Family, Single-Family, Townhouse, Park and Limited Commercial Uses on Approximately 31.1 Acres, Generally Located East of North Street, South of Newt Patterson Road and West of N. Main Street; Realty Capital Management, LLC (ZC#14-013)

Vicki Collins read the caption into the record. Realty Capital Management representative Tim Coltart made brief comments and answered Council questions. Allen Taylor made brief comments.

A motion was made by Mayor Cook to approve the following ordinance as proposed with the following revisions: that example C not be included, proposing that on page 16 in table 3.1 that the P under residential uses be removed and under category 1.5 and 3.3 for zero lot dwellings and town houses be removed so the only thing that would be permitted be single family dwellings; and on page 18 that the sum of all dwelling units in zones 1.5, 1.6 and 3.3 shall not exceed 80 dwelling units instead of 150:

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, MULTI-FAMILY AND TOWNHOUSE RESIDENTIAL USES, PARK AND COMMERCIAL 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 Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 1 - Wendy Burgess

Abstain: 1 - Stephen Lindsey

Enactment No: OR-1944-15

[15-1248](#)

Ordinance - First Reading on an Ordinance Approving a Zoning Change from PR to PD for Assisted Living and Associated Uses on Approximately 3.28 Acres, Generally Located Southwest of the Intersection of Callender Road and Oak Shadow Court; Arthur Girouard (ZC#14-011)

Vicki Collins read the caption into the record. Applicant Arthur Girouard made brief comments and answered Council questions. Engineer Gary Grossman answered Council questions. Felix Wong answered Council questions. Allen Taylor answered Council questions. Applicant Picky Hayes answered Council questions.

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

Aye: 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Darryl Haynes

Nay: 2 - Larry Broseh and Brent Newsom

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[15-1251](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Amending Section 7960.B.11 of the Zoning Ordinance Regarding the Time Limits and Extension of Time Limits for Gas Well Drilling and Production (OA#15-003)

Felix Wong made brief comments and answered Council questions. Allen Taylor answered Council questions. Mayor Cook continued the public hearing through second reading at 9:40 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:40 p.m.

A 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7960.B.11 OF SAID ORDINANCE REGARDING TIME LIMIT FOR GAS WELL DRILLING AND PRODUCTION; 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," revising Exhibit A, paragraph 3 to strike the second sentence of paragraph 3 and insert language to the effect that if more than a minor modification is requested by the applicant as determined by the City Manager or his designee then that matter will be brought to the City Council for consideration. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:42 p.m. 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

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary