



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, February 23, 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 5:10 p.m. Mayor Cook adjourned the executive session at 7:00 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 Pending Application #40272

Seek Advice of City Attorney Regarding Legal Issues Involved with Proposed Improvements on Access Road to Brittain Cemetery

Seek Advice of City Attorney Regarding Legal Issues Involved in the City Accepting a Portion of Business 287 and a Portion of FM 157 from the State System

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

Property# 02-10-01

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 Updates:

- #14-14 - Entertainment Prospect
- #13-20 - Entertainment Prospect
- #13-19 - Business Prospect
- #15-02 - Business Prospect

**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

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**[15-1243](#)**

St. Paddy's Pickle Parade & Palooza

Mayor Cook proclaimed March 14, 2015 as Saint Paddy's Pickle Parade and Palooza Day and presented the proclamation to the Pickle Queens.

[15-1242](#)

Texas Smartscape Month

Mayor Cook proclaimed March 2015 as Texas Smartscape Month and presented a proclamation to Assistant Director of Utilities Jeff Price. Jeff made brief comments on the Texas Smartscape Classes that will be held at the Bud Ervin Water Treatment Plant in March on Tuesdays and Thursdays. He advised the registration information could be found on the city's website.

PRESENTATION

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter Phillis

This item was postponed to the next meeting due to inclement weather.

CITIZEN COMMENTS

Terry M. Moore - 3 Morningside Court - Mr. Moore spoke on behalf of the Go Away

Redaway group. He stated the groups opposition to Redaway coming to the city.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey gave an overview of the recent Code Enforcement subcommittee meeting.

Council Member Hoffman had no announcements.

Council Member Haynes thanked the Boy Scouts in attendance at the meeting.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook made comments regarding the Salvation Army Red Kettle Mayoral Challenge stating the trophy is back in Mansfield.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Attorney Allen Taylor made comments regarding the Redaway issue. He explained to the Council their options regarding the appeal process.

Update of: On-Street Bicycle Master Plan; Shelly Lanners

City Manager Clayton Chandler stated there was nothing to approve on this item.

Business Services Department Report

[15-1226](#)

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

Director of Business Services Peter Phillis made brief comments and advised he was available for questions.

Police Department Report

[15-1236](#)

Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2014

Chief of Police Tracy Aaron made brief comments and stated he was available for questions.

[15-1237](#)

Presentation of the Mansfield Marshal's Office Contact Report for 2014

Tracy Aaron made brief comments and stated he was available for questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA**15-1239**

Resolution - A Resolution Authorizing the City Manager to Enter Into a Contract with Johnson County Special Utility District for the Purchase of Certain Utility Assets within the City Limits of Mansfield

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHNSON COUNTY SPECIAL UTILITY DISTRICT FOR THE PURPOSE OF CERTAIN UTILITY ASSETS WITHIN THE CITY LIMITS OF MANSFIELD

(Resolution 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: RE-3079-15

15-1225

Minutes - Approval of the February 9, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the February 9, 2015 Regular City Council Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**15-1209**

Ordinance - Third and Final Reading on an Ordinance Approving a Development Agreement and Contract of Sale Conveying Certain Property Consisting of 0.463 Acres Located North of Alvarado Street Between 1st Ave. and 2nd Ave. to Posse Construction LLC d/b/a Mansfield Custom Homes

City Secretary Vicki Collins read the caption into the record. Council Member

Newsom removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, APPROVING A DEVELOPMENT AGREEMENT AND CONTRACT OF SALE AUTHORIZING THE CONVEYANCE OF 0.463 ACRES NORTH OF ALVARADO STREET BETWEEN 1ST AVENUE AND 2ND AVENUE TO POSSE CONSTRUCTION LLC D/B/A MANSFIELD CUSTOM HOMES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT AND DOCUMENTS NECESSARY TO TRANSFER PROPERTY; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Abstain: 1 - Brent Newsom

Enactment No: OR-1939-15

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[15-1227](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from C-2 to PD for Single-Family Residential use on Approximately 0.46 Acres Located North of Alvarado Street Between S. 1st Avenue and S. 2nd Avenue; Mansfield Custom Homes (ZC#14-012)

Vicki Collins read the caption into the record. Director of Planning Felix Wong made brief comments. Mayor Cook opened the public hearing at 7:29 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:30 p.m.

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 A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY RESIDENTIAL USE, 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 Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Brent Newsom

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1214

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Mayor Cook continued the public hearing at 7:31 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:31 p.m.

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONS STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." 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: OR-1940-15

15-1216

Ordinance - Public Hearing Continuation and Second 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)

Realty Capital Management, LLC representative Tim Coltart made a powerpoint presentation and answered Council questions. Director of Planning Felix Wong answered Council questions. Mayor Cook continued the public hearing at 7:48 p.m. The following people spoke:

*Daryle Perez - 907 Lasso Lane - Support
Cheyenne Hernandez - 408 North Street - Oppose
Kevin Parkins - 813 Yellowstone Drive - Support
Ann Smith - 106 N. Wisteria - Support*

*Sheri Bumgardner - 14 Red Bluff Court - Support
Robert A. Smith - 126 N. Main Street - Support
Kim Mullins - 370 N. State Hwy 360 #2210 - Support
Steve Cosio - 4 Savoy Court - Support
Mary Elizabeth Phillips - 6563 Teague Road - Support*

Mayor Cook acknowledged the following non-speakers:

*Pam Comeau - 2905 St. Jude Drive - Support
Eddie Phillips - 6563 Teague - Support
James N. Young - 1109 Old Dominion Place - Support*

With no one else wishing to speak, Mayor Cook closed the public hearing at 8:18 p.m.

Staff was directed to place the third reading of this item on the regular agenda and not under consent.

A motion was made by Council Member Lindsey 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 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." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 2 - Wendy Burgess and Cory Hoffman

Abstain: 0

PUBLIC HEARING AND RESOLUTION

[15-1228](#)

Resolution - Public Hearing and Resolution Approving and Endorsing the 2015 (41st year) Community Development Block Grant Project for Lake St. (Lake St between Waxahachie and Tarrant)

Director of Public Works Steve Freeman made brief comments. Mayor Cook opened the public hearing at 8:36 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:36 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2015 (41ST YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

(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-3080-15

PUBLIC HEARING AND FIRST READING

[15-1240](#)

Ordinance - Public Hearing and First Reading on an Ordinance Amending Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production," Pertaining to Definitions, Requirements for Seismic Surveys, Submittal Requirements for Gas Well Permits, Expiration of Gas Well Permits, Hours of Operation, Notification, Requirements for Certain Reports, Variances, and Other Drilling, Operation, and Production Activities (OA#15-001)

Vicki Collins read the caption into the record. Mayor Cook made brief comments. Council Member Lindsey made comments and explained the changes and the history of the draft ordinance. Director of Communications and Marketing Belinda Willis gave an overview of the gas well information on the city's website. Felix Wong made brief comments and advised he was available to answer questions. Allen Taylor made brief comments.

Mayor Cook opened the public hearing at 9:37 p.m. The following people spoke during the public hearing:

*Erik Orsak - 906 Tremont Street - Support
Richard Colleoni - 1100 Stapleaf Drive - Support
Lance Irwin - 1208 Killian - Support
Kim McCaslin Schlieker - 100 N. Mitchell Road - Support
Jeff Brogden - 4105 Calloway - Support
Tamera Bounds - 1009 Meriwether Street - Support
Robert August - 2 Raintree Court -
Nicholas Paracharalambous - 4000 Britton Road - Support*

Mayor Cook acknowledged the following non-speakers:

*Tom Ritter - 812 Riviera - Support
Clay Wilkenson - Pinehurst Court - Support
James Bound - 1009 Meriwether Street - Support
Mark Sullivan - 1101 Pebble Beach Drive - Support
James N. Young - 1109 Old Dominion Place - Support
Dan Massey - 4000 Britton Road - Support
Curtis Tanner - 2212 Hodges Place - Opposed
Sheri Bumgardner - 14 Red Bluff Court - Support
Randy Schlieker - 7225 Heritage Oaks Drive - Support
Stoney Short - 5 Calloway Court - Support
Julie Short - 5 Calloway Court - Support
Lisa Stewart - 826 Muirfield - Support
Roger Richardson - 880 N. Miller Road - Support*

*Larry Fabian - 1106 Fairway Court - Support
Danny Ray - 1831 E. Broad Street - Opposed*

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 10:09 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 CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO DEFINITIONS, REQUIREMENTS FOR SEISMIC SURVEYS, SUBMITTAL REQUIREMENTS FOR GAS WELL PERMITS, EXPIRATION OF GAS WELL PERMITS, HOURS OF OPERATION, NOTIFICATION, REQUIREMENTS FOR CERTAIN REPORTS, VARIANCES, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE." 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

ADJOURN

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