



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, August 26, 2013

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.

Absent 1 - Cory Hoffman

Present 6 - David Cook; Stephen Lindsey; Wendy Burgess; Larry Brose; Darryl Haynes and Brent Newsom

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed 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. Council Member Hoffman arrived at 5:38 p.m. Mayor Cook adjourned the public hearing at 7:10 p.m.

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

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

Legal Consideration of Granting an Easement to Property Owners Along the Linear Trail

TxDOT; Transfer of State Highways Inside City

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

Consider Possible Purchase of Certain Properties for Future Development/Use

Property Acquisition - 651 Justice Ln.

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

Update on Economic Development Prospects

Present Proprietary Information Regarding a Request for Economic Development Incentive from Methodist Mansfield Medical Center

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

Mayor Cook reconvened into regular business session at 7:15 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 Newsom led the Texas Pledge.

PROCLAMATION

13-0647 Blood Cancer Awareness Month

Mayor Cook proclaimed September 2013 as Blood Cancer Awareness Month.

CITIZEN COMMENTS

Heather Wills - 404 S. Willow St. - Mrs. Wills spoke about the electrical issues she has in her home. She stated her electricity goes out at least once a week mentioning she has replaced the wiring in her home. She said she spoke to Oncor and they have done nothing to resolve her issue. She asked for Council's help with the situation.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey stated there were several grant programs in the state for City's to apply for and asked that staff look into taking advantage of these programs.

Council Member Burgess had no announcements.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

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 taken by the Council.

CONSENT AGENDA

13-0638 Minutes - Approval of the August 12, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the August 12, 2013 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

13-0608 Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from MF-2 & PD for Multi-family Residential Use to a New PD for Multi-family Residential Use on Approximately 17.2 Acres, Generally Located East of SH 360 and Approximately 400 Feet North of Heritage Parkway South; HP Civil Engineering, LLC. (ZC#13-002)

City Secretary Vicki Collins read the caption into the record. Mayor Pro Tem Lindsey removed this item from the consent agenda. HP Civil Engineering representative Jason Pyka made brief comments regarding the netting issue. He stated they met with Park Department staff and Mansfield National Golf Course staff mentioning it was recommended that netting be placed along most of hole 17 and the dog park up hole 16 will be netted as well. Director of Community Services Shelly Lanners made comments regarding the netting issues.

A motion was made by Mayor Pro Tem Lindsey 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 HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR MULTI-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

(Ordinance 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: OR-1882-13

13-0640

Resolution - A Resolution to Award a Construction Contract for the Seeton Road Paving Improvements from South Holland Road to Approximately 1400 feet to the East to JLB Contracting, LLC. and Authorization of Funding for an Amount not to Exceed \$442,409.15 (Street Bond Fund).

Mayor Pro Tem Lindsey 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 Mayor Pro Tem Lindsey to approve the following resolution:

A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR SEETON ROAD PAVING IMPROVEMENTS BETWEEN SOUTH HOLLAND ROAD TO APPROXIMATELY 1,400 FEET TO THE EAST TO JLB CONTRACTING, LLC., 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 Broseh. The motion CARRIED by the following vote:

Enactment No: RE-2940-13

13-0646

Resolution - A Resolution Authorizing the Director of Utilities to Enter Into an Agreement with WHECO Electric, Inc. for the Installation of Equipment, SCADA System Upgrades, and Programming Necessary to Communicate Water Quality and Metering Data to the Bud Ervin Water Treatment Plant's Data Management System from Multiple Stations in Mansfield, for an Amount Not to Exceed \$82,906.00 (Utility Bond Fund)

Council Member Broseh removed this item from the consent agenda. Utility Field Operations Supervisor Jeff Price answered Council questions.

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

A RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ENTER INTO AN AGREEMENT WITH WHECO ELECTRIC, INC. FOR THE INSTALLATION OF EQUIPMENT, SCADA SYSTEM UPGRADES, AND PROGRAMMING NECESSARY TO COMMUNICATE WATER QUALITY AND METERING DATA TO THE BUD ERVIN WATER TREATMENT PLANT'S DATA MANAGEMENT SYSTEM FROM MULTIPLE STATIONS IN MANSFIELD, FOR AN AMOUNT NO TO EXCEED \$82,906.00 (UTILITY BOND FUND)

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

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

Enactment No: RE-2941-13

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

13-0637

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from The Reserve PD to C-2 on Approximately 16.5 acres Generally Located at the Southwest Corner of East Broad Street and Cannon Drive South, Cann-Mansfield, Ltd. (ZC#13-007)

Vicki Collins read the caption into the record. Cann-Mansfield, Ltd. representative Max Thompson made a brief presentation and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor answered Council questions. Council directed Felix to work with the applicant and advise the Council in writing.

A motion was made by Mayor Cook to table this 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

PUBLIC HEARING CONTINUATION AND SECOND READING

13-0622

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from an Existing PD to a new PD for a Nursing & Rehabilitation Center on Approximately 6.6 acres, Generally Located at the Southeast Corner of Cannon Drive and North Miller Road; SCI Construction, Ltd. (ZC#13-005)

SCI Construction, Ltd. representative Larry Parker made a brief presentation and answered Council questions. Director of Public Works Steve Freeman answered

Council questions regarding traffic concerns. Council requested better renderings in color by the third reading. Mayor Cook continued the public hearing at 8:15 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:15 p.m.

A motion was made by Council Member Hoffman 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 A NURSING AND REHABILITATION 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." 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

PUBLIC HEARING

13-0643 Public Hearing - Public Hearing on the Tax Rate

City Manager Clayton Chandler made brief comments. Mayor Cook opened the public hearing at 8:23 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:23 p.m. Mayor Cook announced there would be a second public hearing held on September 3, 2013.

13-0644 Public Hearing - Public Hearing on the FY 2013/2014 Proposed Budget

Mr. Chandler made a power point presentation and answered Council questions. Director of Business Services Peter Phillis answered Council questions. Mayor Cook opened the public hearing at 8:42 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:42 p.m. Mayor Cook announced there would be a second public hearing held on September 3, 2013.

13-0645 Public Hearing - Use of Hotel/Motel Tax

Mayor Cook opened the public hearing at 8:44 p.m. The following people spoke during the public hearing:

*Marilyn Gerloff - 10621 CR 525 - Mansfield Historical Society
Delilah McMasters - 2805 Shady Lane South - Pickled Mansfield Society Parade
Allen Daniell - 1108 Danbury Drive - Pickled Mansfield Society Parade
Brenda Norwood - 677 West Broad Street - Juneteenth Celebration
Matthew Meadows - 3313 Sheffield Drive - Farr Best Theater
Scott Kissinger - 1119 Augusta Court - Kiwanis Club of Mansfield
Rachel Brackett - 3700 East Broad Street - MISD Athletics Booster Club
Steve Cosio - 4 Savoy Court - Discover Historic Mansfield Inc.
Scott Ferrell - 1557 East Broad Street - Mainstage Classic Theatre
Ernie Abraham - 1151 Country Club Drive - Futures of Mansfield
Angie Henley - 1200 East Broad Street - City of Mansfield*

Shelly Lanners - 1200 East Broad Street - City of Mansfield

Mayor Cook recognized the following non-speakers:

June Graves - 14520 CR 511 - Pickled Mansfield Society Parade, Farr Best Theater, Discover Historic Mansfield Inc., Mansfield Historical Society
Chuck Williams - 822 Monique Court - Pickled Mansfield Society Parade
Rhonda Williams - 822 Monique Court - Pickled Mansfield Society Parade
Rhonda and David Meadows - 3313 Sheffield Drive - Pickled Mansfield Society Parade, Farr Best Theater, Discover Historic Mansfield Inc., Mansfield Historical Society
Norman Norwood - 677 W. Broad Street - Juneteenth Celebration
Terrence L. Radzwon - 320 Queens Court N. #D - Pickled Mansfield Society Parade, Farr Best Theater, Discover Historic Mansfield Inc., Mansfield Historical Society
Ann Smith - 106 N. Wisteria - Discover Historic Mansfield Inc., Mansfield Historical Society, Farr Best Theater
Chad A. Nichols - 4111 Ping Drive - Mainstage Classic Theatre
Amanda Kowalski - 4 River Crest Court - Pickled Mansfield Society Parade
Pam Comeau - 2905 St. Jude Drive - Pickled Mansfield Society Parade
John Pressley - 1306 Brittany Lane - Pickled Mansfield Society Parade
Cindy Pressley - 1306 Brittany Lane - Pickled Mansfield Society Parade
Bob Kowalski - 4 River Crest Court - Pickled Mansfield Society Parade
Marilyn Gerloff - 10621 CR 525 - Pickled Mansfield Society Parade
Sheri Curb - 706 Ft. Worth Street - Pickled Mansfield Society Parade
Joe Kowalski - 4 River Crest Court - Pickled Mansfield Society Parade
Coleen Daniell - 1108 Danbury Drive - Pickled Mansfield Society Parade
Kathryn Howard - 204 Juniper Street - Mansfield Historical Society
Edna Phillips - 114 Juniper Street - Mansfield Historical Society
Doris Maxwell - 107 Cedar - Mansfield Historical Society
Mickey Gerloff - 10621 CR 525 - Mansfield Historical Society
Bill Beard - 202 West Oak Street - Mansfield Historical Society
Lyn Frank - P.O. Box 234 - Mansfield Historical Society
Faye Rydell - 202 West Oak Street - Mansfield Historical Society
Vern Raven - 4312 Old Grove - Mansfield Historical Society
Lisa Stewart - 1104 Spyglass Drive - Pickled Mansfield Society Parade

With no others wishing to speak, Mayor Cook closed the public hearing at 9:48 p.m. Council requested a current list of delinquent accounts by the next meeting.

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed into executive session at 9:50 p.m. Mayor Cook called the executive session to order at 9:52 p.m. Mayor Cook adjourned executive session at 11:20 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

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

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

RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Cook reconvened into regular business session at 11:18 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 11:19 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:

Vicki Collins, City Secretary