



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, February 9, 2015

5:00 PM

Council Chambers

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### REGULAR MEETING ADDENDUM TO AGENDA JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION

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

*Mayor Cook called the meeting to order at 5:02 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 at 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Mayor Cook adjourned the executive session at 6:03 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 Related to Gas Well Regulations

#### **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**

#### **6:00 P.M. - JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION TO BE HELD IN THE MULTI-PURPOSE ROOM**

*Mayor Cook called the work session to order at 6:05 p.m.*

*Mansfield Park Facilities Development Corporation President Harold Bell called the work session to order at 6:06 p.m.*

#### Chandler Park and Pond Branch Linear Trail Improvements

*Senior Planner James Fish provided a brief history on the Chandler Park project. LaTerra Studios representative Michael Black made a powerpoint presentation and answered Council questions. There was discussion between the Council, Mansfield Park Facilities Development Corporation and staff.*

*James provided a brief history on the Pond Branch Linear Trail Improvements. Graham and Associates representative Jeff Williams made a brief presentation. Fain Cuppet Landscape Architect LLC representative John Fain made brief comments.*

*Mayor Cook adjourned the work session at 7:05 p.m.  
Mansfield Park Facilities Development Corporation President Harold Bell adjourned the work session at 7:06 p.m.*

#### **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**

*Common Ground Pastor Tina Schramme led the Invocation.*

#### **PLEDGE OF ALLEGIANCE**

*Council Member Haynes 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.*

#### **CITIZEN COMMENTS**

*Joe Bruce - 1210 Saint Andrews Dr. - Mr. Bruce spoke about a code compliance issue he was having with a neighbor of one of his properties.*

#### **COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey addressed the code compliance issue Mr. Bruce spoke about during citizen comments. He provided Mr. Bruce with his contact information and assured him someone would be in contact with him.*

*Council Member Hoffman addressed the issue Mr. Bruce spoke about during citizen comments. He asked Mr. Bruce to provide the Council with dates the pictures he presented were taken.*

*Council Member Haynes had no announcements.*

*Council Member Burgess thanked Mr. Bruce for his comments.*

*Council Member Newsom made comments regarding the code compliance issue brought before the Council during citizen comments.*

*Mayor Pro Tem Broseh had no announcements.*

*Mayor Cook made comments regarding Mr. Bruce's comments. He asked the Code Compliance subcommittee to get together and discuss the issue and bring back recommendations to the Council.*

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

#### **Current/Future Agenda Items**

*Assistant City Manager Chris Burkett made comments regarding the code compliance issue presented to the Council during citizen comments.*

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

**No action was taken by the Council.**

## **CONSENT AGENDA**

### **[14-1181](#)**

Ordinance - Third and Final 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)

*City Secretary Vicki Collins read the caption into the record.*

**A motion was made by Council Member 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 C-2 COMMUNITY BUSINESS DISTRICT CLASSIFICATION, PROVIDING FOR THE REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING A SEVERABILITY CAUSE; 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-1938-15

[15-1209](#)

Ordinance - Second 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

**A motion was made by Council Member Lindsey to approve the second reading of "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." 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

[15-1212](#)

Resolution - A Resolution Rejecting all Bids for the Construction of National Parkway Phase 2

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

**A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF NATIONAL PARKWAY PHASE 2 RECEIVED THROUGH A PUBLIC BID OPENING**

**(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-3072-15

[15-1213](#)

Resolution - A Resolution Authorizing a Change Order to the Contract for Paving, Water and Drainage Improvements to Stell Avenue and Waxahachie

Street with McClendon Construction Company, Inc., and Authorizing Additional Funds in the Amount of \$140,000.00 (Street Bond Fund, Utility Bond Fund)

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT FOR PAVING, WATER AND DRAINAGE IMPROVEMENTS TO STELL AVENUE AND WAXAHACHIE STREET WITH MCCLENDON CONSTRUCTION COMPANY, INC., AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$140,000**

**(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-3073-15

[15-1218](#)

Resolution - A Resolution Calling for a General Election to be Held 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 Lindsey to approve the following resolution:**

**A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD 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-3074-15

[15-1219](#)

Resolution - Resolution Authorizing the City Manager and the Police Department to make Application(s), Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of the State of Texas for Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the FY2016 for an Amount not to Exceed \$240,000 with no Match Required

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION(S), RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR CRIMINAL JUSTICE PROJECTS THAT REDUCE CRIME AND IMPROVE THE CRIMINAL JUSTICE SYSTEM DURING THE FY2016 IN AN AMOUNT NOT TO EXCEED \$240,000 WITH NO MATCH REQUIRED**

**(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-3075-15

[15-1220](#)

Resolution - A Resolution Authorizing the City of Mansfield to Enter into an Interlocal Agreement with Tarrant County for the Reconstruction of Newt Patterson Road from Cardinal Road to the City Limits

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR THE RECONSTRUCTION OF NEWT PATTERSON ROAD**

**(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-3076-15

[15-1223](#)

Approve Assignment of the Development Agreement with Ruby-07-SPMTGE, LLC for Public Improvements to Property Within Reinvestment Zone Number 1, City of Mansfield

**A motion was made by Council Member Lindsey to approve this agenda item. 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

[15-1210](#)

Minutes - Approval of the January 26, 2015 Regular City Council Meeting Minutes

**A motion was made by Council Member Lindsey to approve the January 26, 2015 Regular City Council 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**

[15-1217](#)

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$205,000.00 for Sight Line Improvements to US 287 at East Broad Street, Award of a Construction Contract to Nu-Way Construction LLC and Direct Staff to Execute All Necessary Contracts to Complete the Project (Street Bond Fund)

*Council Member Hoffman removed this item from the consent agenda. Director of Public Works Steve Freeman answered Council questions.*

**A motion was made by Mayor Cook to deny this resolution. 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

[15-1221](#)

Resolution - A Resolution Approving the Design-Build Services Contract with Speed Fab-Crete for the Addition and Renovations to the City of Mansfield Animal Care and Control Facility for an Amount not to Exceed \$803,338.00

*Council Member Hoffman removed this item from the consent agenda. Director of Development Services Richard Wright made a brief presentation on the project.*

A motion was made by Council Member Hoffman to approve the following resolution subject to legal approval of the contract:

**A RESOLUTION APPROVING A DESIGN-BUILD SERVICES CONTRACT WITH SPEED FAB-CRETE FOR THE ADDITION AND RENOVATIONS TO THE CITY OF MANSFIELD ANIMAL CARE AND CONTROL FACILITY FOR AN AMOUNT NOT TO EXCEED \$803,338.00; 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 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-3077-15

### **END OF CONSENT AGENDA**

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

#### **15-1214**

Ordinance - Public Hearing and First 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

*Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made brief comments. Mayor Cook opened the public hearing at 7:43 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:43 p.m.*

**A motion was made by Council Member Haynes to approve the first 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 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." 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

[15-1216](#)

Ordinance - Public Hearing and First 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, LLC representative Tim Coltart made a powerpoint presentation and answered Council questions. Roaring Brook Development Company representative Dan Quinto made brief comments and answered Council questions. GSR Andrade Architects representative made brief comments. NRP Group representative Mark Johnson answered Council questions. Director of Planning Felix Wong answered Council questions.*

*Mayor Cook recessed this item and moved to New Business.*

**NEW BUSINESS**

[15-1211](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 9, 2015 to March 16, 2015 (Addendum to Agenda)

**A motion was made by Mayor Cook to approve this agenda item. 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

[15-1215](#)

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 The American National Bank of Texas, 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. American National Bank representative Jake Harden answered Council questions.*

**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 THE AMERICAN NATIONAL BANK OF TEXAS, 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-3078-15

## **PUBLIC HEARING AND FIRST READING**

### **15-1216**

Ordinance - Public Hearing and First 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)

*Mayor Cook opened the public hearing at 9:27 p.m. The following people spoke during the public hearing:*

*David Littlefield - 1410 Lowes Farm Parkway - Support*

*Ann Smith - 106 N. Wisteria - Support*

*Jim Truitt - 210 Newt Patterson - Opposed*

*Cory Smithee - 1607 Coastline Lane - Support*

*Mayor Cook acknowledged the following non-speakers:*

*April Ragsdale - 612 Jamie - Support*

*Randy Gillis - 600 North St. - Support*

*Melissa Hernandez - 408 North St. - Opposed*

*Charles Nichols - 508 E. Broad St. - Support*

*James Young - 1109 Old Dominion - Support*

*Stoney Short - 5 Calloway Ct. - Support*

*Lisa Stewart - 826 Muirfield Dr. - Support*

*Julie Short - 5 Calloway Ct. - Support*

*Steve Cosio - 4 Savoy Ct. - Support*

*With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 9:42 p.m. Felix Wong answered Council questions.*

**A motion was made by Council Member Lindsey 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 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," with the request that the appropriate documentation be provided between first and second reading to further inform the City Council in regards to specific items that will be developed on the property. 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 9:52 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:

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Vicki Collins, City Secretary