



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, September 9, 2013

5:00 PM

Council Chambers

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### 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**

*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 5:13 p.m. Mayor Cook adjourned 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**

City Attorney Briefing Regarding Possible Development Agreement with South Pointe

#### **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**

Board Appointments

#### **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

#### **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**

*Mayor Pro Tem Lindsey 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**

*There were no citizens comments.*

### **COUNCIL ANNOUNCEMENTS**

*There were no Council announcements.*

### **STAFF COMMENTS**

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

Current/Future Agenda Items

*City Manager Clayton Chandler and Director of Business Services Peter Phillis provided Council with a copy of a grant report showing grants the City has received in the past five years. Director of Planning Felix Wong gave an update about the Tax Increment Reinvestment Zone. He stated the consultant Gateway Planning Consultants was near to presenting a final report to the Council with their findings. He stated the consultants would be holding a public meeting with staff and stakeholders of Historic Mansfield on Wednesday, September 18, 2013 at 6:30 p.m. to get feedback from stakeholders to further refine the report before presenting a final report to the Council.*

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

**A motion was made by Council Member Hoffman to direct staff to proceed with the purchase of property located at 604 West Broad Street. 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

### **CONSENT AGENDA**

**13-0622**

Ordinance - Third and Final 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)

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

**A motion was made by Council Member Broseh 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 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**

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

**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

Enactment No: OR-1883-13

**13-0656**

Resolution - A Resolution Establishing the Fiscal Year 2013-2014 State Asset Forfeiture Budget for the Mansfield Police Department for Funds Received from the Sale of Assets Seized and Cash Seized in Certain Law Enforcement Activities in which the Department has Participated Solely or Assisted State Law Enforcement Agencies and which a Budget is now Required by Chapter 59 of the Texas Code of Criminal Procedure to be Adopted by the Governing Body of the Police Department

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

**A RESOLUTION ESTABLISHING THE 2013-2014 FISCAL YEAR STATE ASSET FORFEITURE BUDGET FOR THE MANSFIELD POLICE DEPARTMENT FOR FUNDS RECEIVED FROM THE SALE OF ASSETS SEIZED AND CASH SEIZED IN**

**CERTAIN LAW ENFORCEMENT ACTIVITIES IN WHICH THE DEPARTMENT HAS ASSISTED STATE LAW ENFORCEMENT AGENCIES AND WHICH A BUDGET IS NOW REQUIRED BY CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE TO BE ADOPTED BY THE GOVERNING BODY OF THE POLICE DEPARTMENT**

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

**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

Enactment No: RE-2942-13

**13-0657**

Resolution - A Resolution Establishing the Fiscal Year 2013-2014 State Asset Forfeiture Budget for the Tri-County Auto Burglary and Theft Prevention Task Force, a Grant Funded Entity, for Funds Received from the Sale of Assets Seized and Cash Seized in Certain Law Enforcement Activities in which the Task Force has Participated Solely or Assisted State Law Enforcement Agencies and which a Budget is now Required by Chapter 59 of the Texas Code of Criminal Procedure to be Adopted by the Governing Body of the Grant Managing Agency (City of Mansfield) and the Board of Governors of the Tri-County Auto Burglary and Theft Prevention Task Force

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

**A RESOLUTION ESTABLISHING THE FISCAL YEAR 2013-2014 STATE ASSET FORFEITURE BUDGET FOR THE TRI-COUNTY AUTO BURGLARY AND THEFT PREVENTION TASK FORCE, A GRANT FUNDED ENTITY, FOR FUNDS RECEIVED FROM THE SALE OF ASSETS SEIZED AND CASH SEIZED IN CERTAIN LAW ENFORCEMENT ACTIVITIES IN WHICH THE TASK FORCE HAS PARTICIPATED SOLELY OR ASSISTED STATE LAW ENFORCEMENT AGENCIES AND WHICH A BUDGET IS NOW REQUIRED BY CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE TO BE ADOPTED BY THE GOVERNING BODY OF THE GRANT MANAGING AGENCY (CITY OF MANSFIELD) AND THE BOARD OF GOVERNORS OF THE TRI-COUNTY AUTO BURGLARY AND THEFT PREVENTION TASK FORCE**

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

**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

Enactment No: RE-2943-13

**13-0658**

Interlocal Agreement Authorizing the City Manager and the City of Mansfield to Provide Emergency Police-Fire-Medical Dispatch Services and Jail Services to the City of Kennedale

**A motion was made by Council Member Broseh to approve the interlocal 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

Enactment No:

**13-0659**

Resolution - A Resolution Authorizing an Amendment to the Contract with Brittain & Crawford, LLC., not to Exceed \$20,000.00 for Additional Surveying Services for the E. Broad Street Project from Holland Road to Day Miar Road (Street Bond Funds)

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

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BRITTAIN & CRAWFORD, LLC., FOR ADDITIONAL CONSTRUCTION STAKING FOR E. BROAD STREET FROM HOLLAND ROAD TO DAY MIAR ROAD**

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

**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

Enactment No: RE-2944-13

**13-0661**

Developer Agreement between City of Mansfield and Mansfield Development LLC for Cost Participation on Public Utilities in the Bower Ranch Subdivision for an amount not to exceed \$95,942.00 (Utility Revenue Bond Fund)

**A motion was made by Council Member Broseh to approve the developers 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

Enactment No:

**13-0668**

Resolution - A Resolution Awarding Bid for Complete Meal Preparation and Kitchen Responsibilities for the Mansfield Law Enforcement Center

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

**A RESOLUTION AWARDING BIDS FOR FOOD FOR THE MANSFIELD LAW ENFORCEMENT CENTER**

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

**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

Enactment No: RE-2945-13

**13-0649**

Request for Special Event Permit; Cystic Fibrosis Cycling Event 2013

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

**13-0655**

Minutes - Approval of the August 26, 2013 Regular City Council Meeting Minutes

**A motion was made by Council Member Broseh to approve the August 26, 2013 Regular Meeting Minutes as presented. 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

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

**13-0660**

Resolution - A Resolution Awarding a Contract for the Construction of Heritage Parkway (Matlock Road to Mitchell Road) to Ed Bell Construction Company, in the Amount of \$9,970,614.00, and Authorizing Funding (MEDC

Bond Fund, MEDC Operating Fund, Street Bond Fund and the Utility Revenue Bond Fund).

*Director of Public Works Steve Freeman made brief comments regarding the project and answered Council questions.*

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

**A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF HERITAGE PARKWAY (MATLOCK ROAD TO MITCHELL ROAD) TO ED BELL CONSTRUCTION COMPANY; APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING 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:**

**Aye:** 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2946-13

### **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. Felix Wong made brief comments and answered Council questions. Cann-Mansfield, Ltd. representative Max Thompson answered Council questions. Mayor Cook opened the public hearing at 7:45 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 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 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, " with the existing tree line to be maintained and to change the zoning to Neighborhood Center 1. 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

## **NEW BUSINESS**

**13-0662**

Ordinance - First Reading of an Ordinance Adopting a Budget for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014

*Vicki Collins read the caption into the record. Council Member Haynes, Hotel/Motel Subcommittee Chairman, made a report on the allocations the subcommittee was proposing.*

*Historical Society - \$30,000 - Salary of Vern Raven, computer supplies and office supplies will be moved to the General Fund*

*Farr Best Theater - Christmas Performances \$3,000 - Winter/Spring Performances \$5,000*

*Kiwanis - \$3,500*

*Mansfield Rotary - \$25,000*

*Futures of Mansfield Tennessees - \$18,000*

*Discover Historic Mansfield - Music & Arts Festival \$34,500 - Painted Pianos \$1,500 - Wurst Fest \$13,115*

*Rockin' 4th of July - \$34,500*

*Mansfield Tourism - \$203,608.00*

*Mainstage Classic Theatre - \$5,000*

*Mansfield Juneteenth Celebration - \$2,000*

*Sunrise Rotary - \$15,000*

*Pickled Mansfield Society - \$34,500*

*MISD Athletic Booster Club - \$1,500*

*Reserve - \$79,297*

*Music & Arts Festival - \$10,000 will be allocated to Police OT. \$10,000 to be spent on outside advertising (75% greater than 75 miles from Mansfield. Outside advertising to be pre-approved by the Tourism Department and \$2,500 to be spent on marketing the Wurst Fest)*

*Wurst Fest - \$3,127 will be allocated to Police OT. \$2,500 to be spent on outside advertising (pre-approved by the Tourism Department)*

*Pickled Mansfield Society - \$10,000 will be allocated to Police OT. 75% of remaining balance (\$18,375) to be spent on outside advertising (pre-approved by the Tourism Department)*

*Rockin' 4th of July - To be used for fireworks, advertising and entertainment*

*Subcommittee members made brief comments.*

**A motion was made by Council Member Haynes to approve the first reading of "AN ORDINANCE OF ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MANSFIELD, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith;**



PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE," approving the entire budget and the subcommittee recommendations on hotel/motel funds. 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

**13-0663**

Ordinance - First Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2014 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property

*Vicki Collins read the caption into the record.*

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE FISCAL YEAR 2014 AT A RATE OF \$0.71000 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2013, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENDITURES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; THIS TAX WILL RAISE MORE TAXES FOR THE MAINTENANCE AND OPERATIONS THAN LAST YEARS TAX RATE; THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.39% AND WILL RAISE TAXES FOR THE MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$19.48; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND DECLARING 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

## **ADJOURN**

A motion was made by Council Member Hoffman to adjourn the meeting at 8:00 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