



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, July 27, 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.

Absent 1 - Cory Hoffman

Present 6 - David Cook; Stephen Lindsey; Wendy Burgess; Larry Brose; 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:06 p.m. Mayor Cook adjourned executive session at 6:35 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 Contract to Sell Water to The Oak Preserve and a Proposed Residential Development in the Southwest Quadrant of the City Limits and ETJ

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

Personnel Matters Pursuant to Section 551.074

Board Appointments

Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087

Project #15-02 - Business Prospect Briefing and Update

Project #14-14 - Entertainment Prospect Briefing and Update

Project #13-20 - Entertainment Prospect Briefing and Update

**Consider Placement or Deployment of Security Devices on Municipal Property
or Facilities Pursuant to Section 551.076**

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

Mayor Cook reconvened into regular business session at 7:00 p.m.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Newsom 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 Burgess led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

*Director of Planning Felix Wong made brief comments regarding an upcoming
agenda item amending an ordinance to not accept SF 7.5/16 zoning applications and
accepting SF 7.5/18 applications.*

Business Services Department Report

[15-1430](#)

Presentation of the Monthly Financial Report for the Period Ending June 30, 2015

There were no comments regarding the financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

[15-1378](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Specific Use Permit for Auto Repair on Approximately 0.9 Acres, Generally Located East of N. Holland Road and South of the Intersection with Hwy 360; Brhaco LLC (ZC#15-004)

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Burgess 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 GRANT A SPECIFIC USE PERMIT FOR AUTO REPAIR ON THE HEREINAFTER DESCRIBED PROPERTIES; 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 Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: OR-1953-15

[15-1386](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD for Age Restricted Single-Family Residential on Approximately 35.54 Acres, Generally Located South of E. Debbie Lane and North of Sandstone Court and Primrose Trail; Integrity Group, LLC (ZC#15-005)

Vicki Collins read the caption into the record.

A motion was made by Council Member Burgess 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 AGE-RESTRICTED 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

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: OR-1954-15

[15-1426](#)

Resolution - A Resolution Awarding a Contract for the Construction of South Mitchell Road to A&M Construction and Utilities, Inc., and authorizing funding for an Amount Not to Exceed \$480,000.00. (MEDC Funds, Utility Bond Fund)

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

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR SOUTH MITCHELL ROAD TO A&M CONSTRUCTION AND UTILITIES, INC, 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: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3133-15

[15-1431](#)

Resolution - A Resolution Authorizing a Contract Between the City of Mansfield, Texas and Tarrant County and the County's Tax

Assessor/Collector for the Collection of the City of Mansfield, Texas Tax Collection Services

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

A RESOLUTION RATIFYING, AND CONFIRMING, THAT THE CITY MANAGER OR HIS DESIGNEE OF THE CITY OF MANSFIELD, TEXAS IS AUTHORIZED TO ENTER INTO A CONTRACT BY AND BETWEEN RON WRIGHT, TARRANT COUNTY TAX ASSESSOR-COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE PROVISION OF TAX COLLECTION SERVICES FOR THE CITY OF MANSFIELD

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3134-15

[15-1432](#)

Resolution - A Resolution to Consider the Mansfield Park Facilities Development Corporation Purchasing 5.521 Acres of Property Located at 401 N. Walnut Creek Drive, Mansfield, Texas for \$64,684.60

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

A RESOLUTION TO APPROVE THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S PURCHASE 5.521 ACRES OF PROPERTY LOCATED AT 401 N. WALNUT CREEK DRIVE, MANSFIELD, TEXAS

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3135-15

[15-1433](#)

Resolution - A Resolution to Consider the Mansfield Park Facilities Development Corporation Purchasing 4.363 Acres Located at Lot 1, Block

7, Cramer Estates, 1850 Enchanted Lane in Mansfield, Texas for \$80,300

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

A RESOLUTION TO APPROVE THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S PURCHASE OF 4.363 ACRES OF PROPERTY LOCATED AT LOT 1, BLOCK 7, CRAMER ESTATES, 1850 ENCHANTED LANE, MANSFIELD, TEXAS

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3136-15

[15-1434](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department (MPD) to Receive and Expend Grant Funds from the FY2015 Homeland Security Grant Program (HSGP) in an Amount not to Exceed \$20,000 with no Local Match Required

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO RECEIVE AND EXPEND GRANT FUNDS FROM THE FY2015 HOMELAND SECURITY GRANT PROGRAM (HSGP) IN AN AMOUNT NOT TO EXCEED \$20,000 WITH NO LOCAL MATCH REQUIRED

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3137-15

[15-1418](#)

Minutes - Approval of the July 9, 2015 Special City Council Meeting

Minutes

A motion was made by Council Member Burgess to approve the July 9, 2015 Special City Council Meeting minutes as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[15-1420](#)

Minutes - Approval of the July 13, 2015 Regular City Council Meeting Minutes

Mayor Pro Tem Newsom removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the July 13, 2015 Regular City Council Meeting minutes as presented. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Wendy Burgess; Larry Broseh and Darryl Haynes

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 1 - Brent Newsom

END OF CONSENT AGENDA**OLD BUSINESS**[15-1393](#)

Ordinance - Third and Final Reading of an Ordinance Adopting Updated Land Use Assumptions, Roadway Capital Improvement Plans, and Updated Roadway Impact Fees

Vicki Collins read the caption into the record.

A motion was made by Mayor Pro Tem Newsom to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 153 OF THE MANSFIELD CODE OF ORDINANCES BY ADOPTING AMENDMENTS TO ROADWAY IMPACT FEES; ADOPTING UPDATED LAND USE ASSUMPTIONS AND UPDATED ROADWAY CAPITAL IMPROVEMENT PLAN; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: OR-1955-15

PUBLIC HEARING AND FIRST READING

15-1410

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendments of Sections 2200.S, 4400.B and 7800.B of Zoning Ordinance to Establish Regulations on Solar Panel Systems (OA#14-006)

Vicki Collins read the caption into the record. Felix Wong made a brief presentation and answered Council questions. City Attorney Allen Taylor made brief comments. Council requested for staff to provide pictures of homes that currently have solar panels by the next meeting as well as a red lined version of the ordinance with a variance option and special exception revisions. Mayor Cook opened the public hearing at 7:41 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:41 p.m.

A motion was made by Council Member Haynes to approve the first 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 SECTIONS 2200.S, 4400.B AND 7800.B OF SAID ORDINANCE REGARDING SOLAR PANEL SYSTEMS; 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 Burgess. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 1 - Stephen Lindsey

Absent: 1 - Cory Hoffman

Abstain: 0

15-1422

Ordinance - Public Hearing and First Reading on an Ordinance Approving Proposed Amendments of Sections 1300, 4400 and 7800, Table J in the Permitted Use Table and Article 6 of Zoning Ordinance to Create a New Industrial Use Permit, Require Specific Use Permit for Industries Not Elsewhere Listed, Delete Medical Waste Product Facility and Certain Industrial Uses from the Permitted Use Table and Delete Special Conditions on Medical Waste Product Facility (OA#15-006)

Vicki Collins read the caption into the record. Felix Wong made brief comments. Mayor Cook opened the public hearing at 7:47 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:47 p.m.

A motion was made by Council Member Haynes to approve the first 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 SECTIONS 1300, 4400 ARTICLE 6 AND 7800.B OF SAID ORDINANCE TO CREATE A NEW INDUSTRIAL USE PERMIT, REQUIRE SPECIFIC USE PERMIT FOR INDUSTRIES NOT ELSEWHERE LISTED, DELETE MEDICAL WASTE PRODUCT FACILITY AND CERTAIN INDUSTRIAL USES FROM THE PERMITTED USE TABLE AND DELETE SPECIAL CONDITIONS ON MEDICAL WASTE PRODUCT FACILITY; 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 Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

15-1404

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Changing the School Zone Time for Judy K. Miller Elementary School and Changing the Speed limit on a Section of South Holland Road

Director of Public Works Steve Freeman made brief comments. Mayor Cook continued the public hearing at 7:48 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:49 p.m. Council Member Broseh, Mayor Pro Tem Newsom and Mayor Cook agreed to place an item on the next agenda changing the speed limit on S. 6th Street from 35 mph to 40 mph.

A motion was made by Mayor Pro Tem Newsom to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.346 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." Seconded by Council Member Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

NEW BUSINESS

15-1423

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving a Land Sale and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Hoffman Cabinets, Inc., a Texas Corporation (Hoffman) 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.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A LAND SALE AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND HOFFMAN CABINETS, INC., A TEXAS CORPORATION (HOFFMAN) 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 Council Member Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

Enactment No: RE-3138-15

15-1427

Ordinance - First Reading of an Ordinance Approving a Request to Abandon a Portion of a 15-foot Utility Easement on Lot 1, Block 1, Villas di Lucca Addition, by Villagio, LP

Vicki Collins read the caption into the record. Steve Freeman made brief comments.

A motion was made by Mayor Pro Tem Newsom to approve the first reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT RELATING TO LOT 1, BLOCK 1, VILLAS DI LUCCA ADDITION, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO

EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP INTEREST OR CONTROL OF SAID UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

ADJOURN

A motion was made by Mayor Pro Tem Newsom to adjourn the meeting at 7:54 p.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Cory Hoffman

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary