



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, August 12, 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.

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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:08 p.m. Mayor Cook adjourned executive session at 7:25 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

City Attorney Briefing Regarding Legal Requirements for a Response to Public Information Act Requests

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

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

Security of Public Buildings

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

Mayor Cook reconvened into regular business session at 7:29 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 Newsom led the Texas Pledge.

PROCLAMATION

13-0634 Senior Citizen Day

Mayor Cook proclaimed August 21, 2013 as Senior Citizen Day and presented a proclamation to a group of Senior Citizens of Mansfield.

CITIZEN COMMENTS

There were no comments.

COUNCIL ANNOUNCEMENTS

There were no comments.

STAFF COMMENTS

City Manager Report or Authorized Representative

2014 Preliminary Budget Presentation

City Manager Clayton Chandler made a brief powerpoint presentation on the 2013-2014 preliminary budget and answered Council questions. Director of Business Services Peter Phillis answered Council questions. Mr. Chandler advised the Council that public hearings for the Hotel/Motel Tax funds, budget and tax rate would be

scheduled for August 26th and September 3rd and the three readings would be scheduled for September 9th, 10th and 11th.

Current/Future Agenda Items

Mr. Chandler advised the Council about the closing of Broad St. between Matlock Road and Miller Road. He stated east bound lanes would be closed on Tuesday, August 13th and west bound lanes would be closed Wednesday, August 14th. Director of Public Works Steve Freeman answered Council questions.

Business Services Department Report

[13-0635](#)

Presentation of Monthly Financial Report for the Period Ending June 30, 2013

There were no comments or questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[13-0592](#)

Ordinance - Third and Final Reading of an Ordinance Adopting School Zone on Holland Road for Judy K. Miller Elementary

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Haynes to approve the following ordinance:

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

(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-1881-13

[13-0621](#)

Resolution - A Resolution Recognizing that the City Council of the City of Mansfield, Texas is Proposing to Adopt a Tax Rate on a Future Agenda

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

A RESOLUTION RECOGNIZING THAT THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS IS PROPOSING TO ADOPT A TAX RATE ON A FUTURE AGENDA, THE PROPOSED TAX RATE ON THE FUTURE AGENDA IS CURRENTLY EXPECTED TO BE 71 CENTS PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2013. THE CITY COUNCIL WILL HAVE PUBLIC HEARINGS ON THE EXPECTED TAX RATE OF 71 CENTS PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION AT THE NEXT REGULARLY SCHEDULED MEETING AND A SPECIAL MEETING BEFORE THE ADOPTION OF A TAX RATE

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

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

Enactment No: RE-2936-13

[13-0627](#)

Resolution - A Resolution Authorizing a Contract Amendment with Freese and Nichols, Inc. for Design and Construction Management and Inspection Services in the Amount of \$247,500.00 (Utility Fund) for the Low Branch Lift Station and 30" Force Main

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

RESOLUTION AUTHORIZING A CONTRACT AMENDMENT WITH FREESE AND NICHOLS, INC. FOR DESIGN AND CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES IN THE AMOUNT OF \$247,500.00 (UTILITY FUND) FOR THE LOW BRANCH LIFT STATION AND 30" FORCE MAIN

(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-2937-13

[13-0636](#)

Resolution - A Resolution Awarding the Construction Manager at Risk Contract for the new Mansfield Service Center, New Tactical Training Facility and the Renovation of the Mansfield Dispatch Office

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

A RESOLUTION OF THE CITY OF MANSFIELD AWARDING THE CONSTRUCTION MANAGER AT RISK CONTRACT TO PETE DURANT & ASSOCIATES FOR THE NEW MANSFIELD SERVICE CENTER, NEW TACTICAL TRAINING FACILITY AND THE RENOVATION OF THE MANSFIELD DISPATCH OFFICE

(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-2938-13

[13-0620](#)

Minutes - Approval of the July 22, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Haynes to approve the July 22, 2013 Regular City Council 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

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[13-0622](#)

Ordinance - Public Hearing and First 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)

Vicki Collins read the caption into the record. SCI Construction Ltd. representative Larry Parker made brief comments and answered Council questions. Land owner Roger Richardson answered Council questions. Director of Planning Felix Wong and

City Attorney Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 8:34 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:34 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 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," requesting that the applicant bring back color renderings by the second reading. 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 CONTINUATION AND SECOND READING

13-0608

Ordinance - Public Hearing Continuation and Second 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)

HP Civil Engineering, LLC representative Jason Pyka made a brief presentation and answered Council questions. Mucasey and Associates representative Mark Mucasey answered Council questions. Director of Community Services Shelly Lanners made comments regarding the golf course netting issue. Council asked that the applicant and the Parks Department meet with the golf course before the next meeting to discuss where netting should be placed. Mayor Cook continued the public hearing at 8:51 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:51 p.m.

A motion was made by Council Member Broseh 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 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," with the netting requirement as recommended by Mansfield National Golf Course and the Parks Department. 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

NEW BUSINESS

13-0625

Review and Consideration of a Detailed Site Plan for Lot 1 of the Broad Street Medical Planned Development located at the northeast corner of East Broad Street and Matlock Road (DS#13-002)

Ascension Group Architects LLP representative Chad Duren made brief comments and answered Council questions. Allen Taylor answered Council questions.

A motion was made by Council Member Hoffman to approve the site plan. 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

13-0626

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 Hub-Tech LTD 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 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 HUB-TECH LTD. ("HUB-TECH") 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 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: RE-2939-13

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:02 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