



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, January 26, 2015

6:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. - LEADERSHIP MANSFIELD CLASS DINNER WITH COUNCIL

City Council and staff had dinner with the 2014 Leadership Mansfield Class.

6:00 P.M. - CALL MEETING TO ORDER OR IMMEDIATELY FOLLOWING LEADERSHIP MANSFIELD CLASS DINNER

Mayor Pro Tem Broseh called the meeting to order at 6:02 p.m.

Absent 1 - David Cook

Present 6 - 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 Pro Tem Broseh recessed the meeting into executive session at 6:04 p.m. Mayor Pro Tem Broseh called the executive session to order in the Council Conference Room at 6:08 p.m. Mayor Cook arrived at 6:20 p.m. Mayor Cook adjourned the executive session at 7:35 p.m.

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

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 Possible Lease of Private Parking Lot

Seek Advice of City Attorney Regarding TCEQ Pending Application #40272

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

Project #13-20 - Entertainment Business Prospect

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

Mayor Cook reconvened into regular business session at 7:39 p.m.

INVOCATION

Bethlehem Baptist Church Pastor Michael Evans 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 Hoffman led the Texas Pledge.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Attorney Allen Taylor made comments regarding the medical waste facility. He explained to the Council their options if the Texas Commission on Environmental Quality approved the permit application for Redaway.

Director of Parks and Community Services Shelly Lanners gave an update on the Winter Walk Event.

City Manager Clayton Chandler advised residents to contact their legislative representative to express their opposition to the medical waste facility.

CITIZEN COMMENTS

Michael Evans - 1188 W. Broad St. - Expressed his opposition to the medical waste facility.

Demond Lee - Expressed his opposition to the medical waste facility.

Kristina Turner - 600 Arbor Glen Ct. - Expressed her opposition to the medical waste facility.

Ronald Roberson - 109 Londonberry - Expressed his opposition to the medical waste

facility.

Terry M. Moore - 3 Morningside Ct. - Expressed his opposition to the medical waste facility.

Houston Mitchell - 605 St. Eric - Expressed his opposition to the medical waste facility.

Heather Dowell - 2604 Goodnight Tr. - Expressed her opposition to the gas well extension permit.

Erik Orsak - 906 Tremont St. - Expressed his opposition to the gas well extension permit.

Lance Irwin - 1208 Killian - Expressed his opposition to the gas well extension permit.

Robert August - 2 Raintree Ct. - Expressed his opposition to the gas well extension permit.

Jim Schermbeck - Expressed his opposition to the gas well extension permit.

Tamera Bounds - 1009 Meriwether - Expressed her opposition to the gas well extension permit.

Craig Gibson - 724 Dover Park Tr. - Expressed his opposition to the gas well extension permit.

Kelly Black - 2708 Ferncrest Dr. - Expressed her opposition to the gas well extension permit.

Lloyd Dicken - 6301 Granbury Ct. - Mr. Dicken made comments regarding a senior lifestyle center.

Cheryl Litke - 1331 Breckenridge Rd. - Mrs. Litke spoke about the sign ordinance needing revisions. She stated she supported the renewal of Edge Resources drilling permit.

Don Miller - 1503 Mallard Cr. - Mr. Miller spoke about the property located behind the First Baptist Church.

Danny Ray - 11317 CR 525 - Mr. Ray spoke about the property located behind the First Baptist Church. He expressed his support for the gas well extension permit.

Johnny Dickerson - 1003 Walnut Falls Cr. - Mr. Dickerson spoke about the property located behind the First Baptist Church.

Mayor Cook acknowledged the following non-speakers:

Avery Steward - 800 W. Broad St. - Opposed to the medical waste facility.

JoAnn Steward - 350 Cotton Dr. - Opposed to the medical waste facility.

Jean Sampson - 2000 Walnut Hills Ln. - Opposed to the medical waste facility.

Barbara Hicks - 4364 Carolina St. - Opposed to the medical waste facility.

John Hicks - 4364 Carolina St. - Opposed to the medical waste facility.

Darrell Carmon - Opposed to the medical waste facility.

Phillip Tarkington - 4823 Slide Rock Ct. - Opposed to the medical waste facility.

Barbara Pipkins - 1202 Brook Arbor Dr. - Opposed to the medical waste facility.

Dana Roberson - 109 Londonberry Ln. - Opposed to the medical waste facility.

Charles E. Murphy - 1216 Bankston Ln. - Opposed to the medical waste facility.

Sylvia Green - 707 Walnut Bend Dr. - Opposed to the medical waste facility.

Edna Nicholson Lewis - Opposed to the medical waste facility.

Margarette White - Opposed to the medical waste facility.

Hallie Kates-Calloway - 2107 Boulder Ridge Tr. - Opposed to the medical waste facility.

Charles E. Caldwell - 3222 Essex Dr. - Opposed to the medical waste facility.

Bruce Bennett - 7800 Raton Ridge Ln. - Opposed to the medical waste facility.

Cynthia Bennett - 7800 Raton Ridge Ln. - Opposed to the medical waste facility.

Tina J. Green - 608 Squaw Creek Ct. - Opposed to the medical waste facility.

Darrell Carmon, II - 788 W. Broad St. - Opposed to the medical waste facility.

Terrence Crayton - 1188 W. Broad St. - Opposed to the medical waste facility.

Victoria Steiner Dodd - 2019 Enchanted Ln. - Opposed to the medical waste facility.

Deborah Watson - Opposed to the medical waste facility.

Kevin Dean - 115 Industrial Blvd. - Opposed to the medical waste facility.
Pamela Smith-Carmon - 788 W. Broad St. - Opposed to the medical waste facility.
Shannon Perkins - 1610 W. Broad St. - Opposed to the medical waste facility.
Drew Perkins - 1610 W. Broad St. - Opposed to the medical waste facility.
Norman & Brenda Norwood - 677 W. Broad St. - Opposed to the medical waste facility.
Andrea Smith - 1188 W. Broad St. - Opposed to the medical waste facility.
Lesure Family - 3908 Calloway Dr. - Opposed to the medical waste facility.
Cleveland Mayo - 1004 Brenner Ct. - Opposed to the medical waste facility.
Patricia Mayo - 1004 Brenner Ct. - Opposed to the medical waste facility.
Evelyn Nickerson - 8118 La Frontera Tr. - Opposed to the medical waste facility.
Lenner Jones - 9123 Post Oak Ct. - Opposed to the medical waste facility.
James Scales - 7901 Cooper Canyon Dr. - Opposed to the medical waste facility.
Clytemnestra Moss Parker - 5117 Willow Chase Dr. - Opposed to the medical waste facility.
Bill Blacken - 1111 Tremont St. - Opposed to the gas well extension permit.
Diane Lindsey - 1111 Tremont St. - Opposed to the gas well extension permit.
Drew Perkins - 1610 W. Broad St. - Opposed to the gas well extension permit.
Shannon Perkin - 1610 W. Broad St. - Opposed to the gas well extension permit.
Bryan Black - 2708 Ferncrest Tr. - Opposed to the gas well extension permit.
Shauna Friend - 13 Willowstone Ct. - Opposed to the gas well extension permit.
Phillip Worobey - 13 Willowstone Ct. - Opposed to the gas well extension permit.
Patrick Olliva - 1405 Brighton Dr. - Opposed to the gas well extension permit.
Alicia Olliva - 1405 Brighton Dr. - Opposed to the gas well extension permit.
Stephen Sitton - 3174 Kingswood Ct. - Opposed to the gas well extension permit.
Arthur Proulx - 1106 Killian Dr. - Opposed to the gas well extension permit.
Allison Proulx - 1106 Killian Dr. - Opposed to the gas well extension permit.
Teresa P. Schmidt - 907 Tremont St. - Opposed to the gas well extension permit.
Steve Schmidt - 907 Tremont St. - Opposed to the gas well extension permit.
Kristin Irwin - 1208 Killian Dr. - Opposed to the gas well extension permit.
Lynda Lotman - 1006 Tremont St. - Opposed to the gas well extension permit.
Elizabeth Hart - 1506 Inverness Rd. - Opposed to the gas well extension permit.
Robin R. Dickey - 1506 Inverness Rd. - Opposed to the gas well extension permit.
Dolores August - 2 Raintree Ct. - Opposed to the gas well extension permit.
Danny Ray - 11317 CR 525 - Supports the gas well extension permit.
Aaron Robertson - 910 Killian Dr. - Opposed to the gas well extension permit.
Jennifer Robertson - 910 Killian Dr. - Opposed to the gas well extension permit.
Mary Beaty - 908 Tremont St. - Opposed to the gas well extension permit.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey stated he would be running for re-election mentioning if elected this would be his last term. He stated he has considered running for higher office in Austin.

Council Member Hoffman had no announcements.

Council Member Haynes stated the Martin Luther King Jr. celebration that was held at Bethlehem Baptist Church was wonderful.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Brose had no announcements.

Mayor Cook stated the City of Mansfield had been recognized as the 13th Best Small City to raise a family.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

15-1202

Resolution - A Resolution Supporting the Closure of Main Street for the Annual St. Paddy's Pickle Parade

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
IN SUPPORT OF CLOSING MAIN STREET FOR THE ANNUAL ST. PADDY'S
PICKLE PARADE**

(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-3069-15

15-1205

Contract Award For The Construction Of Lonestar Parkway, Mitchell Road and Matlock Road with Water and Sewer Improvements to Serve the Southpointe Development, To RKM Utility Services, Inc.

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

**A RESOLUTION AWARDED A CONTRACT FOR THE CONSTRUCTION OF
LONESTAR PARKWAY, MITCHELL ROAD AND MATLOCK ROAD WITH WATER
AND SEWER IMPROVEMENTS TO SERVE THE SOUTHPOINTE DEVELOPMENT
TO RKM UTILITY SERVICES, INC., 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 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-3070-15

[15-1206](#)

Resolution - A Resolution to Consider Requesting the Members of the 84th Legislative Session of the State of Texas to Support Legislation that Increases Funding for Texas Recreation and Parks Account and Large County and Municipality Recreation and Parks Account Local Park Grant Programs and the Texas State Park System

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

A RESOLUTION OF THE CITY OF MANSFIELD CITY COUNCIL REQUESTING THE MEMBERS OF THE 84TH LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION & PARKS ACCOUNT AND LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAMS, AND THE TEXAS STATE PARK SYSTEM

(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-3071-15

[15-1200](#)

Request for Special Event Permit: Pickle Parade 2015 with 5K & 10K event

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

[15-1204](#)

Minutes - Approval of the January 12, 2015 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the January 12, 2015 Regular City Council Meeting Minutes as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS

14-1158

Ordinance - Third and Final Reading on an Ordinance to Extend the Time Limit for Gas Well Drilling and Production Activities Under Specific Use Permit Ordinance No. 1709-08 at the Debbie Lane Unit Drill Site; Edge Resources (ZC#08-015R)

City Secretary Vicki Collins read the caption into the record. Edge Resources representative Mike Martinez made brief comments and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. City Attorney Betsy Elam answered Council questions.

Mayor Cook recessed this agenda item and moved to the New Business item.

NEW BUSINESS

15-1209

Ordinance - First 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

Vicki Collins read the caption into the record. Felix Wong made brief comments.

A motion was made by Mayor Cook to approve the first 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 Mayor Pro Tem Broseh. 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

Mayor Cook recessed into executive session at 9:28 p.m. Mayor Cook reconvened into regular business session at 10:10 p.m.

PUBLIC HEARING CONTINUATION AND SECOND READING

14-1181

Ordinance - Public Hearing Continuation and Second 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)

Hanover Property Company representative Richard LeBlanc made brief comments. Mayor Cook continued the public hearing through second reading at 10:13 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:13 p.m.

A motion was made by Council Member Haynes 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 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." 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-1938-15

14-1180

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, C-2 and C-3 to SF-7.5/16 on Approximately 35.5 Acres, Generally Located East of South Main, West of Willow Bend Court and Approximately 1,100 Feet South of Star Grass Drive; First Southwest Properties Management (ZC#14-014)

First Southwest Properties Management representative Waymon Levell made brief comments. Mayor Cook continued the public hearing through second reading at 10:18 p.m. Mayor Cook acknowledged the following non-speaker:

Mark Sullivan - 1101 Pebblebeach Drive - Support

With no one wishing to speak, Mayor Cook closed the public hearing at 10:19 p.m.

A motion was made by Council Member Haynes to approve this agenda item. The motion failed for lack of a second.

A motion was made by Council Member Lindsey to deny this agenda item. 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 Brent Newsom

Nay: 1 - Darryl Haynes

Abstain: 0

NEW BUSINESS

[14-1158](#)

Ordinance - Third and Final Reading on an Ordinance to Extend the Time Limit for Gas Well Drilling and Production Activities Under Specific Use Permit Ordinance No. 1709-08 at the Debbie Lane Unit Drill Site; Edge Resources (ZC#08-015R)

A motion was made by Mayor Cook to table this agenda item until such time the City Council has amended the ordinance. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:25 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:

Vicki Collins, City Secretary