



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
mansfieldtexas.gov

Meeting Minutes

City Council

Monday, September 26, 2016

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 2 - Larry Broseh and Brent Newsom

Present 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Darryl Haynes

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. Council Member Newsom arrived at 5:10 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Council Member Lindsey left at 6:00 p.m. Mayor Cook adjourned executive session at 6:50 p.m.

Absent 2 - Stephen Lindsey and Larry Broseh

Present 5 - David Cook; Wendy Burgess; Cory Hoffman; 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 Public Improvement Districts

Seek Advice of City Attorney Regarding Development Agreement with Shops at Broad

Seek Advice of City Attorney Regarding TCEQ Notification #47053

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 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

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

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

INVOCATION

Christ Church Mansfield Pastor Chris Gensheer led the Invocation.

PLEDGE OF ALLEGIANCE

Pastor Gensheer 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.

PROCLAMATION

[16-2050](#)

National Fire Prevention Week

Mayor Cook proclaimed October 9-16, 2016 as National Fire Prevention Week and presented a proclamation to the Mansfield Fire Department. Fire Chief Barry Bondurant made brief comments. Assistant Fire Chief Clay Cawood invited everyone to the 4th Annual Fire Safety Palooza Event on Saturday, October 1, 2016 at the Mansfield Independent School District Center for the Performing Arts from 10:00 a.m. to 2:00 p.m. City Manager Clayton Chandler made brief comments.

[16-2051](#)

Mayor's Monarch Pledge Day

Mayor Cook proclaimed September 26, 2016 as Mayor's Monarch Pledge Day and presented a proclamation to the Parks and Recreation Department and volunteers from the Mansfield Garden Club. Recreation Superintendent Andy Binz made brief comments. Nature Education Supervisor Tiffany Gorrell made brief comments.

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

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

16-1978

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from OP, Office Park to SF-12/22, Single-Family Residential on Approximately 1.9 Acres Located at 828 S Holland Road; A Child's Growing Mind (ZC#16-009)

City Secretary Jeanne Heard read the caption into the record.

A motion was made by Council Member Newsom 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 SF-12/22 SINGLE FAMILY 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

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

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

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: OR-2020-16

[16-2024](#)

Ordinance - Second Reading of an Ordinance Amending Chapter 95, "Library," in the Code of Ordinances of the City of Mansfield, Texas

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 95, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

[16-2032](#)

Resolution - A Resolution Establishing the Fiscal Year 2016-2017 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 Newsom to approve the following resolution:

A RESOLUTION ESTABLISHING THE 2016-2017 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: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-3292-16

[16-2033](#)

Resolution - A Resolution Establishing the Fiscal Year 2016-2017 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 Newsom to approve the following resolution:

A RESOLUTION ESTABLISHING THE FISCAL YEAR 2016-2017 STATE ASSET FORFEITURE BUDGET FOR THE TRI-COUNTY AUTO BURGLARY AND THEFT PREVENTION TASK FORCE, A GRANT FUNDED ENTITY, FOR FUNDS RECEIVED FOR 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 PROCEDURES 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: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-3293-16

[16-2034](#)

Resolution - A Resolution Authorizing an Amended and Restated Interlocal Cooperation Agreement for Detention Services between the City of Fort Worth, Texas and the City of Mansfield, Texas

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT FOR DETENTION SERVICES BETWEEN THE CITY OF FORT WORTH, TEXAS AND THE CITY OF MANSFIELD; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT FOR SUCH PURPOSES; 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: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-3294-16

[16-2044](#)

Resolution - A Resolution Approving an Amendment to the Contract for Design Services with Jerry Parche Consulting Engineers for the Mouser Way Improvement Project for an Amount not to Exceed \$27,570.00 (Street Bond Fund)

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

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR DESIGN SERVICES WITH JERRY PARCHE CONSULTING ENGINEERS FOR THE MOUSER WAY IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$27,570.00

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

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

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-3295-16

[16-2057](#)

Resolution - A Resolution Amending the Construction Manager at Risk Agreement Between Pete Durant & Associates, Inc. and the City of Mansfield and Awarding a Contract Regarding the Rough Grading and Utilities for Mansfield StarCenter and Shops at Broad Project

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

A RESOLUTION AMENDING THE CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN PETE DURANT & ASSOCIATES, INC. AND THE CITY OF MANSFIELD AND AWARDING A CONTRACT REGARDING THE ROUGH GRADING AND UTILITIES FOR MANSFIELD STARCENTER AND SHOPS AT BROAD PROJECT

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

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

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-3296-16

16-2045

Minutes - Approval of the September 12, 2016 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the September 12, 2016 Regular City Council Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

16-2046

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to SF-7.5/18, SF-9.6/20 and SF-12/22, Single-Family Residential Districts on Approximately 187.85 Acres Generally Located West of Gertie Barrett Road and the End of Cancun Drive, North of Country Meadow Drive and Chimney Hill Circle; Alluvium Development (ZC#16-001)

Jeanne Heard read the caption into the record. Alluvium Development representative Terrance Jobe made a brief power point presentation and answered Council questions. City Attorney Allen Taylor answered Council questions. Mayor Cook opened the public hearing at 7:50 p.m. The following people spoke:

*Katie Hardy - 423 Meadow Creek Drive - Opposed
Renee Cumming - 251 Country Meadow Drive - Opposed
Pete Campbell - 432 Chimney Hill Circle - Opposed
Timothy Duchene - 420 Meadow Creek Drive - Opposed
Denis Duchene - 420 Meadow Creek Drive - Opposed
Jolene Mershon - 420 Chimney Hill Circle - Opposed
Susan Cannizzaro - 406 Meadow Creek Drive - Opposed
Lisa Key - 255 Country Meadow Drive - Opposed
Darryl Ward - 237 Wildwood Court - Opposed
James Mershon - 420 Chimney Hill Circle - Opposed
Steve Brown - 430 Chimney Hill Circle - Opposed*

Robert Hinkle - 419 Country Meadow Drive - Opposed
William Hodges - 258 Country Meadow Drive - Opposed
Mark Knappenberger - 400 Country Meadow Drive - Opposed
Sherri McCullough - 267 Country Meadow Drive - Opposed
Douglas Pickard - 307 Country Meadow Drive - Opposed
Kathy Pilson - 405 Landern Ridge Drive - Opposed

Mayor Cook acknowledged the following non-speakers in opposition of this agenda item:

Martha Milhime - 414 Meadow Creek Drive
Leonard Cummings - 251 Country Meadow Drive
Jerry Milhime - 414 Meadow Creek Drive
Nga Trinh - 420 Meadow Creek Drive
Anh Trinh - 420 Meadow Creek Drive
Thu Nguyen - 420 Meadow Creek Drive
Amanda Fowler - 427 Meadow Creek Drive
Tamara Carnagie - 427 Meadow Creek Drive
Josh Lee - 427 Meadow Creek Drive
Sara Trull - 427 Meadow Creek Drive
Chuck Carnagie - 427 Meadow Creek Drive
Charles W. Cranshaw - 405 Meadow Creek Drive
Debra Clemmons - 252 Country Meadow Drive
Jeremy Milhime - 302 Country Meadow Drive
Kevin M. Brown - 220 Country Meadow Drive
Christina Brown - 220 Country Meadow Drive
Diana/Frank Wolf - 408 Meadow Creek Drive
Robert Johnson - 406 Meadow Creek Drive
Cody Cummings - 251 Country Meadow Drive
James Lindemulder - 413 Country Meadow Drive
James Morris - 406 Chimney Hill Circle
Betty L. Morris - 406 Chimney Hill Circle
Malinda Knappenberger - 400 Country Meadow Drive
Eddie Smith - 266 Country Meadow Drive
Lisa Collins - 403 Lantern Ridge Drive
Cheryl Ward - 237 Wildwood Court
Mary McQuire - 340 Wildwood Court
Rita Baker - 1800 St. Nevis Drive
Deborah Merett - 410 Chimney Hill Circle
Ken Merett - 410 Chimney Hill Circle
Elaine McCullough - 267 Country Meadow Drive
Clemma Littlefield - 1024 Springfield
Steve Mitchell - 7542 Sharon Lee Drive
Arlene Nichols - 2341 N. Main Street
Shawn Ward - 209 Country Meadow Court
Euen Wickham - 253 Country Meadow Drive
Chris Webster - 264 Country Meadow Drive
Christine Taylor - 229 Oakwood Court
Linda Hightower - 290 Wildwood Court
David Hightower - 290 Wildwood Court
Tammy Cullers - 260 Country Meadow Drive
Kevin Cullers - 260 Country Meadow Drive
Jeanine Brazell - 262 Country Meadow Drive
Jessica Ng - 1910 Cancun Drive
Karla Hinkle - 419 Country Meadow Drive
Darcy Knapp Fricks - P.O. Box 2243

Tom Marshall - 414 Chimney Hill Circle

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 9:07 p.m.

Council Member Hoffman moved to suspend the rules for discussion.

A motion was made by Council Member Newsom to approve the first reading. Seconded by Council Member Haynes.

A motion to amend Council Member Newsom's motion and consider as a Planned Development was made by Council Member Hoffman. Council Member Hoffman's motion did not receive a second.

A motion was made by Mayor Cook to table this agenda item. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

[16-2048](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Specific Use Permit for Eating Place with Drive-Through Service on Approximately 1.1 Acres, Generally Located at the Southwest Corner of E. Broad Street and N. Holland Road; Muy Hamburger, LLC. (ZC#16-011)

Jeanne Heard read the caption into the record. Director of Planning Felix Wong made brief comments.

A motion was made by Mayor Cook to table this agenda item to the next regular scheduled meeting. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

[16-1932](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance of the City Council of the City of Mansfield, Texas, Designating a Certain Area as a Tax Abatement Reinvestment Zone for Commercial-Industrial Tax Abatement, to be Known as Reinvestment Zone No. 42; Establishing the Boundaries Thereof and Other Matters Related Thereto; Providing a Severability Clause; Providing a Cumulative Clause; and Providing for an Effective Date

Director of Economic Development Scott Welmaker made brief comments. Mayor

Cook continued the public hearing at 9:50 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:50 p.m.

A motion was made by Council Member Burgess to approve the second reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT, TO BE KNOWN AS REINVESTMENT ZONE NO. 42; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

16-2008

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Request to Amend The Reserve Planned Development District by Extending the South Pointe Expansion Subdistrict of The Reserve PD to Include Approximately 61.7 Acres Generally Located Between S. Matlock Road and SH 360 and South of Harmon Road; Jabez Development LP (ZC#16-010)

A motion was made by Council Member Burgess to table this agenda item to the next regular scheduled meeting. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

PRESENTATION

Presentation of 3CMA Savvy Awards to Communications & Marketing Department

Mayor Cook extended congratulations to the Communications & Marketing Department following the public hearings.

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: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary