

Meeting Minutes - Draft

City Council

Monday, May 22, 2017	5:00 PM	Council Chambers

REGULAR MEETING

5:00 P.M. - CALL MEETING TO ORDER

Mayor Pro Tem Broseh called the meeting to order at 5:00 p.m.

- Absent 2 David Cook and Stephen Lindsey
- Present 5 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 5:03 p.m. Mayor Pro Tem Broseh called the executive session to order in the Council Conference Room at 5:08 p.m. Mayor Cook arrived at 5:19 p.m. Mayor Cook adjourned executive session at 6:42 p.m.

- Absent 1 Stephen Lindsey
- Present 6 David Cook;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 Development on Hwy 287 and E. Broad Street

Seek Advice of City Attorney Regarding Property Management and Disposition

Seek Advice of City Attorney Regarding Project #17-09

Seek Advice of City Attorney Regarding Encroachment Issue

Seek Advice of City Attorney Regarding Senate Bill 4 (SB4)

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 regular business session at 7:00 p.m. Council Member Lindsey arrived at 7:00 p.m.

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

INVOCATION

Christ Church Mansfield Pastor Chris Gensheer gave 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 Haynes led the Texas Pledge.

PROCLAMATION

17-2304 National Poppy Day

Mayor Cook proclaimed May 26, 2017 as National Poppy Day in Mansfield and presented the proclamation to Bill Ray, a representative of the local American Legion.

CITIZEN COMMENTS

Brian Buckley - 1560 Broad Street - Mr. Buckley was not present in the Council Chambers when his name was called.

Tamera Bounds - 1009 Meriwether Street - Mrs. Bounds spoke in support of agenda item 17-2314 and asked the Council to require the applicant to provide an update within 45 days.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh reminded citizens of the upcoming runoff election and encouraged everyone to vote.

Mayor Cook announced the opening of Hobby Lobby thanking Mayor Pro Tem Broseh for attending the ribbon cutting ceremony. He echoed citizen comments made by Tamera Bounds in support of agenda item 17-2314 and thanked staff for their efforts to make gas well operations safer.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler reminded the Council of the 8:00 a.m. meetings scheduled for Tuesday, May 24th and Wednesday, May 25th. He thanked Fire chief Barry Bondurant, Police Chief Tracy Aaron, and Deputy City Managers Joe Smolinski, Shelly Lanners, and Peter Phillis for their assistance during the Legislative Session.

Street Maintenance Update - David Boski

Assistant Director of Public Works David Boski gave an update on current and upcoming street projects.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

17-2250Ordinance - Third and Final Reading of an Ordinance Approving a Request
to Abandon the Western Half of the Prescriptive Right-of-Way of Miller Rd.
(.413 Acres) North of Heritage Parkway to Heritage Town Center, LLC &
ECW Investments, LLC

City Secretary Jeanne Heard read the caption into the record.

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

AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY OF MILLER ROAD DESCRIBED HEREINAFTER, 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 INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE

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

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

Enactment No: OR-2048-17

<u>17-2206</u> Ordinance- First Reading of an Ordinance Deleting Section 011 of Chapter 150 of Title XV of the City Code of the City of Mansfield, As Amended, by Inserting Provisions Regarding Establishing Regulations Applicable to Dangerous and Substandard Buildings; Providing for the Repair, Demolition, Removal, Securing, and Vacation of Dangerous and Substandard Buildings; Providing that this Ordinance Shall be Cumulative of All Ordinances; Providing a Severability Clause; Providing for a Penalty for Violations Hereof; Providing a Savings Clause; Providing for Publication in the Official Newspaper; and Providing an Effective Date

Jeanne Heard read the caption into the record.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE DELETING SECTION 011 OF CHAPTER 150 OF TITLE XV OF THE CITY CODE OF THE CITY OF MANSFIELD, AS AMENDED, BY INSERTING PROVISIONS REGARDING ESTABLISHING REGULATIONS APPLICABLE TO DANGEROUS AND SUBSTANDARD BUILDINGS; PROVIDING FOR THE REPAIR, DEMOLITION, REMOVAL, SECURING, AND VACATION OF DANGEROUS AND SUBSTANDARD BUILDINGS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE." 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

<u>17-2295</u>

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Motor Vehicle Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force

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

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLES AUTO BURGLARY AND THEFT PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE

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

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

Enactment No: RE-3367-17

17-2298Resolution - A Resolution Awarding a Contract for Construction of the FY
2016 Community Development Block Grant Project for Tarrant Street Paving,
Drainage and Utility Improvements to McClendon Construction, LLC. for an
Amount Not to Exceed \$506,828.96 (Street Bond Fund and Utility Bond
Fund and 2016 Community Development Block Grant Program)

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

A RESOLUTION AWARDING A CONTRACT FOR THE FY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE TARRANT STREET PAVING, DRAINAGE AND UTILITY IMPROVEMENTS TO MCCLENDON CONSTRUCTION AND APPROPRIATING FUNDS

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

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

Enactment No: RE-3368-17

17-2310Resolution - A Resolution to Consider Executing a Consultant Agreement
with TRC Architects in the amount of \$97,700 for Design Development,
Construction Documents and Construction Administration Services for the

Parks Administration Building

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

A RESOLUTION TO CONSIDER EXECUTING A CONSULTANT AGREEMENT WITH TRC ARCHITECTS IN THE AMOUNT OF \$97,700 FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE PARKS ADMINISTRATION BUILDING

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

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

Enactment No: RE-3369-17

17-2312Resolution - A Resolution Awarding a Contract for the Construction of
Heritage Parkway Left Turn Lane and Price Road/Sentry Drive Realignment
to XIT Paving and Construction, Inc., and Appropriating Funding for an
Amount Not to Exceed \$600,000.00 (Street Bond Fund, MEDC)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF HERITAGE PARKWAY LEFT TURN LANE AND PRICE ROAD/SENTRY DRIVE REALIGNMENT TO XIT PAVING AND CONSTRUCTION, 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 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

Enactment No: RE-3370-17

<u>17-2317</u> Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$733,394.88 and Approval of Contracts, Including Design and Construction Services with Freese & Nichols, Inc., for Design, Site Acquisition and Construction Administration for the Southwest Elevated Storage Tank (Utility Bond Fund) A motion was made by Council Member Hoffman to approve the following resolution:

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$733,394.88 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN AND CONSTRUCTION SERVICES WITH FREESE & NICHOLS, INC., FOR DESIGN SITE ACQUISITION AND CONSTRUCTION ADMINISTRATION FOR THE SOUTHWEST ELEVATED STORAGE TANK

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

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

Enactment No: RE-3371-17

<u>17-2308</u> Minutes - Approval of the May 8, 2017 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes of the May 8, 2017 Regular City Council Meeting as presented. 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

<u>17-2322</u> Minutes - Approval of the May 16, 2017 Special City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the minutes of the May 16, 2017 Special City Council Meeting as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

<u>17-2316</u> Minutes - Approval of the May 2, 2017 Special City Council Meeting Minutes

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

A motion was made by Mayor Cook to approve the minutes of the May 2, 2017 Special City Council Meeting as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Larry Broseh

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

<u>17-2299</u> Ordinance - Public Hearing and First Reading on an Ordinance to Amend Section 7100, "Sign Standards," of the Zoning Ordinance to Establish New Regulations for Temporary Realtor Open House Directional Signs and Human Signs; (OA#17-001)

> Jeanne Heard read the caption into the record. Director of Planning Felix Wong gave an update on the recommendations made by the Planning and Zoning Commission and answered Council questions. Mayor Cook opened the public hearing at 7:30 p.m. Mayor Cook recognized the following non-speaker in support:

Casey Lewis - 1313 Waterwood Drive

With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:32 p.m.

A motion was made by Council Member Newsom 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 SECTION SECTION 7100, "SIGN STANDARDS," OF SAID ORDINANCE TO ESTABLISH NEW REGULATIONS FOR TEMPORARY REALTOR OPEN HOUSE DIRECTIONAL SIGNS AND HUMAN SIGNS; 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: 6 - David Cook;Stephen Lindsey;Wendy Burgess;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 1 - Cory Hoffman

<u>17-2305</u> Ordinance - Public Hearing and First Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Authorizing the City's Participation in the Texas Enterprise Zone Program Pursuant to the Texas Enterprise Zone Act, Chapter 2303 ("The Act"), Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties, and Nominating Mouser Electronics, Inc. to the Office of the Governor Economic Development & Tourism Through the Economic Development Bank as an Enterprise Project

Jeanne Heard read the caption into the record. Deputy City Manager Shelly Lanners gave an update regarding Mouser Electronics nomination as a Texas Enterprise Zone. Mayor Cook opened the public hearing at 7:33 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:33 p.m.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303 ("THE ACT"), TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATIONS WITH INTERESTED PARTIES, AND NOMINATING MOUSER ELECTRONICS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT." 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

<u>17-2311</u>	Resolution - A Resolution to Consider Awarding a Construction Contract to Morales Construction Services Inc. in the Amount of \$65,850 for Construction of the Mansfield Memorial Plaza		
	Director of Parks and Recreation Matt Young gave a brief update on the construction contract for the Mansfield Memorial Plaza and answered Council questions.		
	A motion was made by Council Member Burgess to approve the following resolution:		
	A RESOLUTION TO CONSIDER AWARDING A CONSTRUCTION CONTRACT TO MORALES CONSTRUCTION SERVICES, INC. IN THE AMOUNT OF \$65,850 FOR CONSTRUCTION OF THE MANSFIELD MEMORIAL PLAZA		
	(Resolution in its entirety located in the City Secretary's Office)		
	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		
	Enactment No: RE-3372-17		
17-2315	Ordinance - First Reading of an Ordinance of the City Council of the City of		

Mansfield, Texas, Approving a Negotiated Settlement Between the Atmos

Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2017 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be just and Reasonable and in the Public Interest; Requiring Reconciliation and Rate Adjustments if Federal Income Tax Rates Change; Terminating the RRM Process for 2018 Pending Renegotiation of RRM Terms and Conditions; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

Jeanne Heard read the caption into the record. Director of Utilities Jeff Price gave an update on the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division's 2017 Rate Review Mechanism Filings.

A motion was made by Council Member Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., **MID-TEX DIVISION REGARDING THE COMPANY'S 2017 RATE REVIEW** MECHANISM FILINGS: DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT: FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERM AND CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES: DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL." 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

Abstain: 0

17-2314Consideration of a Request for an Extension of a Variance to Chapter
114.13(B) of the Code of Ordinances, "Gas Well Drilling and Production" by
EagleRidge Operating, LLC, Related to Permanent Lift Compressors
(GW#13-004)

EagleRidge Operating, LLC, representative Mark Grawe gave a brief update on the purpose of the request for an extension and answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve this agenda with a requirement for the applicant to provide an update in 45 days. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Nay: 0

	Aye: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom
	Nay: 0
	Abstain: 0
<u>17-2321</u>	Consideration of a Request for a Minor Modification of the Planned Development Located at the SW Corner of Day Miar Rd and Grand Meadows Blvd; Darren McDougald (ZC#16-013A)
	Property owner Tonya Mc Dougald gave a brief update regarding the requested minor modification. Tricon representative Eric Nelson answered Council questions regarding the construction of the roof.
	A motion was made by Council Member Hoffman to approve the request for a minor modification. 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 7:46 p.m. 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
	David L. Cook, Mayor
	ATTEST:

Secretary

Jeanne Heard, City