



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, March 24, 2014

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:10 p.m.

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

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Utility Department Presentation - Joe Smolinski

Mayor Cook turned the work session over to City Manager Clayton Chandler. Mr. Chandler made brief comments and turned it over to Director of Utilities Joe Smolinski. Joe made a powerpoint presentation on the Utility Department's operations and Water Demand / Water Drought and answered Council questions.

Mayor Cook adjourned the work session at 6:05 p.m.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:10 p.m. Mayor Cook adjourned the executive session at 7:20 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

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; Mansfield Economic Development Corporation

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

Project #13-19 - Hospitality Project Briefing and Update

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

Mayor Cook reconvened into regular business session at 7:25 p.m.

INVOCATION

Methodist Mansfield Community Advisory Board of Directors Chairman Randall Canedy led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Broseh 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.

PRESENTATIONS

Methodist Health System - Dr. Steve Mansfield, CEO

Methodist Mansfield Community Advisory Board of Directors Chairman Randall Canedy, Mansfield Health System Chief Operating Officer, Executive Vice President Pam Stayanoff, Methodist Health System President and CEO Steve Mansfield and Methodist Mansfield Medical Center President John Phillips made brief comments. Mr. Phillips invited everyone to the new expansion ground breaking to be held on Friday, March 28, 2014 at 10:00 a.m.

CITIZEN COMMENTS

Mark Metcalf - 7117 Forest Mist Drive - Mr. Metcalf spoke in support of the On-Street Bicycle Master Plan.

Dr. Ross O'Brien - 2605 Landmark Court - Mr. O'Brien spoke in support of the On-Street Bicycle Master Plan.

David Shuford - Mr. Shuford spoke in support of the On-Street Bicycle Master Plan.

Patrick Fahey - 719 Glen Abbey Drive - Mr. Fahey spoke in support of the On-Street Bicycle Plan.

Cindy Caruthers - 17 S. Holland Road - Mrs. Caruthers spoke in support of the On-Street Bicycle Plan.

Erik Orsak - 906 Tremont Street - Mr. Orsak spoke in support of the gas well drilling ordinance.

Yvonne Armour - 822 Yellowstone Drive - Mrs. Armour spoke in support of the On-Street Bicycle Plan.

Dr. Silvia Duncan - 3317 Scenic Glen - Mrs. Duncan spoke in support of the On-Street Bicycle Plan.

Rand Jenkins - 918 Muirfield Drive - Mr. Jenkins spoke in support of the On-Street Bicycle Plan.

Mayor Cook recognized the following non-speakers:

*Richard Fennell - 2417 Ravenwood Court - In support of Gas Well Ordinance
Debra Metcalf - 7117 Forest Mist Drive - On-Street Bicycle Master Plan
Rick and Mary Beaty - 908 Tremont Street - In support of Gas Well Ordinance
Leslie and Yolanda Curd - 1107 Tremont Street - In support of Gas Well Ordinance
Tamera Bounds - 1009 Meriwether Street - In support of Gas Well Ordinance
Teresa Schmidt - 907 Tremont Street - In support of Gas Well Ordinance
Michael Williams - 907 Manchester Drive - In support of Gas Well Ordinance
Georgie Stribling - 2419 Ravenwood Court - In support of Gas Well Ordinance
Christine Fernandez - 2823 Quail Lane - On-Street Bicycle Master Plan
Jolenna Cullum - 522 Mockingbird Drive - On-Street Bicycle Master Plan
Cathy Bartle - 704 Tee Box Court - On-Street Bicycle Master Plan
Mike Shelman - 524 Berryhill Drive - On-Street Bicycle Master Plan
Richard Cahill - 1438 Ravenwood Drive - On-Street Bicycle Master Plan
Ron Albertson - 2600 Logan Drive - On-Street Bicycle Master Plan*

COUNCIL ANNOUNCEMENTS

Council Member Haynes thanked the cyclists for coming out and expressing their opinion.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey had no announcements.

Council Member Burgess acknowledged Assistant Fire Chief Roy McCleary on 29 years of service and his retirement.

Council Member Broseh had no announcements.

Mayor Cook had no 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 taken by the Council.

CONSENT AGENDA

[14-0817](#)

Ordinance - Third and Final Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of Mansfield (ZC#14-002)

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Hoffman 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 HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 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 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-1903-14

[14-0818](#)

Ordinance - Third and Final Reading on an Ordinance Approving Amendment of Section 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Signs (OA#14-001)

Vicki Collins read the caption into the record.

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

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 7100D OF THE SIGN STANDARDS OF THE ZONING ORDINANCE PERTAINING TO WINDOW 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

(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-1904-14

[14-0850](#)

Resolution - Authorization of Funding for an Amount not to Exceed \$106,000 and Approval of Contracts, to include Bannister Engineering, for Design Services for Antler Drive Improvements (MEDC)

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

A RESOLUTION AUTHORIZING FUNDING AND APPROVING A CONTRACT WITH BANNISTER ENGINEERING FOR DESIGN SERVICES FOR ANTLER DRIVE IMPROVEMENTS

(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-3000-14

[14-0851](#)

Resolution - Authorization of Funding for an Amount not to Exceed \$50,000 and Approval of Contracts to include Charles Crook Consulting for Design Services for the Mitchell Road Improvements (MEDC)

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

A RESOLUTION AUTHORIZING FUNDING AND APPROVING A CONTRACT WITH CHARLES CROOK CONSULTING FOR DESIGN SERVICES FOR MITCHELL

DRIVE IMPROVEMENTS

(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-3001-14

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[14-0822](#)

Ordinance - Third and Final Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Mayor Pro Tem Lindsey removed this item from the consent agenda. Vicki Collins read the caption into the record. Director of Planning Felix Wong answered Council questions.

A motion was made by Mayor Cook to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO NOISE, HOURS OF OPERATION, NOTIFICATION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Mayor Pro Tem Lindsey. 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-1905-14

[14-0860](#)

Ordinance - Second Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and "Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping

Devices; Prohibiting Smoking at City Parks or Recreational Facilities; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

Mayor Pro Tem Lindsey removed this item from the consent agenda. Felix Wong answered Council questions.

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS OF SMOKING IN CHAPTER 92, HEALTH AND SANITATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY ADDING DEFINITIONS FOR "ELECTRONIC VAPING DEVICES" AND "LIQUID NICOTINE;" AMENDING THE DEFINITION OF "SMOKING" TO INCLUDE ELECTRONIC VAPING DEVICES; PROHIBITING SMOKING AT CITY PARKS AND RECREATIONAL FACILITIES; PROHIBITING THE SALE AND DISTRIBUTION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE TO MINORS; AND PROHIBITING THE POSSESSION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE TO MINORS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." 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

END OF CONSENT AGENDA

PUBLIC HEARING CONTINUATION AND SECOND READING

[14-0842](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from MF-2, PR, I-1 & 2F to SF-7.5/16, SF-8.4/18, SF-12/22, MF-2 and C-2 on Approximately 555 Acres, Generally Located at the Intersection of South 2nd Avenue and FM Road 917 and East of FM Road 917, West of South Main Street and North of English Trail; Setback Partners (ZC#14-001)

MR Development representative Bob McCaslin made brief comments. Mayor Cook continued the public hearing at 8:38 p.m. The following person spoke during the public hearing:

Richard White - 509 English Trail, Venus - Water Drainage Issues

Mayor Cook recognized the following non-speaker:

Cynthia English - 509 English Trail, Venus - Water Drainage Issues

With no one else wishing to speak, Mayor Cook closed the public hearing at 8:40 p.m.

A motion was made by Council Member Newsom 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 SF-7.5/16, SINGLE-FAMILY RESIDENTIAL; SF-8.4/18, SINGLE-FAMILY RESIDENTIAL; SF-12/22, SINGLE FAMILY RESIDENTIAL; MF-2, MULTI-FAMILY RESIDENTIAL; AND 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 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

[14-0844](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 10.5 Acres, Generally Located at the Southeast Corner of E Debbie Lane and Matlock Road; Hijo, Ltd. (ZC#14-003)

Mayor Cook continued the public hearing at 8:40 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:40 p.m.

A motion was made by Council Member Hoffman 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 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

NEW BUSINESS

[14-0864](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of April 28, 2014 to April 29, 2014

A motion was made by Mayor Cook to reschedule the April 28, 2014 Regular City Council Meeting to April 29, 2014. 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

PUBLIC HEARING AND FIRST READING

[14-0845](#)

Ordinance - Public Hearing and First Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

Vicki Collins read the caption into the record. Joe Smolinski made brief comments. Mayor Cook opened the public hearing at 8:43 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:45 p.m.

A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN."

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

NEW BUSINESS

[14-0866](#)

Board Appointment; Mansfield Economic Development Corporation (MEDC)

A motion was made by Council Member Newsom to appoint Dr. Randy Hamilton to the Mansfield Economic Development Corporation. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:46 p.m. Seconded by Mayor Pro Tem Lindsey. 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