



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, October 10, 2016

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:03 p.m.

Present 7 - David Cook; 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 Cook recessed the meeting into executive session at 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:07 p.m. Mayor Cook adjourned executive session at 7:22 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

Seek Advice of City Attorney Regarding TCEQ Notification #47053

Seek Advice of City Attorney Regarding Farr Best Theater Lease

Seek Advice of the City Attorney Regarding the Agreement with Historic Mansfield Performance Park

Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072

Project #16-07 - Consider Possible Purchase of Real Property

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 7:30 p.m.

INVOCATION

Community of Hope Pastor Jay Frazee led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom 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.

CITIZEN COMMENTS

Dee Lemser - 1602 Meadow Crest Lane - Ms. Lemser expressed her concerns about the lack of maintenance of a pond at the Walnut Creek Country Club. She stated there are rodents, snakes and mosquitoes. Ms. Lemser asked the city for help in addressing the situation.

Kimberly O'Neal - 1404 Meadow Crest Lane - Ms. O'Neal expressed her concerns about the lack of maintenance of a pond at the Walnut Creek Country Club. She presented pictures of how the pond used to look and of its current condition. Ms. O'Neal asked the city for help in addressing the situation.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

Quarterly Reports - Mansfield Economic Development Corporation; Mansfield Park Facilities Corporation; Planning and Zoning Commission; Public Works; Code Enforcement; Communications & Marketing; Library

There were no questions regarding the quarterly reports.

Business Services Department Report[16-2061](#)

Presentation of Monthly Financial Report for the Period Ending August 31, 2016

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to direct staff to move forward with the real estate transaction related to project 16-07 as discussed in executive session. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Hoffman to direct staff to move forward with action related to Historic Mansfield Performance Park as discussed in Executive Session. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Hoffman to direct staff to move forward with the real estate contract as discussed in executive session. Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

CONSENT AGENDA[16-1932](#)

Ordinance - Third and Final 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

City Secretary Jeanne Heard read the caption into the record.

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

AN ORDINANCE 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

(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-2021-16

[16-2024](#)

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

Jeanne Heard read the caption into the record.

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

AN ORDINANCE AMENDING CHAPTER 95, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; 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: 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-2022-16

[16-2060](#)

Resolution - A Resolution Awarding a Contract for the Construction of Fox Hollow Paving, Drainage and Utility Improvements to Pavecon Public Works, LP and Authorizing Funding for an Amount Not to Exceed \$885,157.52. (Street Bond, Utility Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF FOX HOLLOW PAVING, DRAINAGE AND UTILITY IMPROVEMENTS TO PAVECON PUBLIC WORKS, LP, 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 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-3297-16

[16-2062](#)

Resolution - A Resolution Authorizing the Fire Chief to Enter into a Mutual Aid Agreement with the Tarrant County Emergency Services District No. 1

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE FIRE CHIEF TO ACT AS THE CITY'S REPRESENTATIVE IN ALL MATTERS RELATING TO THE MUTUAL AID AGREEMENT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1

(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-3298-16

[16-2058](#)

Request for Special Event Permit: Legacy Bronco Band March A Thon

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[16-2059](#)

Minutes - Approval of the September 26, 2016 Regular 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 September 26, 2016 Regular City Council Meeting Minutes 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

[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. Linear Architecture representative Irma Reiner made brief comments and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. Shield Engineering Group representative Joel Hays answered Council questions. Mayor Cook opened the public hearing at 8:01 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:02 p.m.

A motion was made by Council Member Hoffman 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 GRANT A SPECIFIC USE PERMIT FOR EATING PLACE WITH DRIVE-THROUGH SERVICE ON 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." Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 4 - Stephen Lindsey; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 3 - David Cook; Wendy Burgess and Brent Newsom

Abstain: 0

NEW BUSINESS

[16-2063](#)

Resolution - A Resolution of The City Council of the City of Mansfield, Texas, Approving Tax Abatement Agreement By and Between the Mansfield Economic Development Corporation ("MEDC") and RMA Holdings, L.L.C., and Authorizing Its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments.

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, APPROVING A TAX ABATEMENT AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND RMA HOLDINGS, L.L.C., 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 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-3299-16

PUBLIC HEARING CONTINUATION AND SECOND READING**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)

Goodwin and Marshall, Inc. representative Matt Goodwin made a power point presentation and answered Council questions. History Maker Homes representative Nelson Mitchell made a power point presentation and answered Council questions. Mayor Cook continued the public hearing at 8:31 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:32 p.m.

A motion was made by Council Member Haynes to approve the second reading of this agenda item. Seconded by Council Member Newsom. The motion FAILED by the following vote:

Aye: 3 - Stephen Lindsey; Darryl Haynes and Brent Newsom**Nay:** 4 - David Cook; Wendy Burgess; Cory Hoffman and Larry Broseh**Abstain:** 0**NEW BUSINESS****16-1999**

Ordinance - First Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and GHA Barnett, LLC for City-Owned Property Located at 707 Pleasant Ridge Court

Jeanne Heard read the caption into the record. Deputy City Manager Shelly Lanners made brief comments and answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND GHA BARNETT, LLC FOR CITY-OWNED PROPERTY LOCATED AT 707 PLEASANT RIDGE COURT." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Stephen Lindsey

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:37 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:

_____ Jeanne Heard, City Secretary