



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, October 24, 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 1 - Wendy Burgess

Present 6 - David Cook; Stephen Lindsey; 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:11 p.m. Mayor Cook adjourned executive session at 7:10 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 the Pond Branch Design/Construction Contract

Seek Advice of City Attorney Regarding Zoning Case ZC#16-001

Seek Advice of City Attorney Regarding Zoning Case ZC#16-010

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

Discussion Regarding Possible Purchase of the Farr Best Theater

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 7:20 p.m.

INVOCATION

Hope Village Pastor Shane Whisler 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.

PROCLAMATION

[16-2078](#)

Arbor Day and Tree City USA Recognition

Mayor Cook proclaimed November 4, 2016 as Arbor Day and presented a proclamation to Landscape Administrator Stevon Smith. Texas A&M Forest Service representative Courtney Blevins made brief comments.

[16-2079](#)

Municipal Court Week

Mayor Cook mentioned the Municipal Court Week proclamation would be presented at the meeting on November 14, 2016.

PRESENTATIONS

Scenic City Certification Program - Presentation of Distinguished Gold Award to City Council; Presented by City Manager Clayton Chandler

City Manager Clayton Chandler presented the Distinguished Gold Award to the City Council.

National Association of Government Web Professionals 2016 Sponsor Award to Glenn McLelland, Web Master, Information Technology Department; Presented by City Manager Clayton Chandler

Mayor Cook presented the National Association of Government Web Professionals Award to Web Master Glenn McLelland.

3CMA Savvy Awards - Presentation to City Council; Presented by City Manager Clayton Chandler

Award of Excellence for Graphic Design to Rick Sales (3rd Nationally)

Mayor Cook presented the Award of Excellence to Graphic Designer Rick Sales.

Award of Excellence for Graphic Design - Mansfield 125 Logo to Rick Sales (3rd Nationally)

Mayor Cook presented the Award of Excellence to Rick Sales.

Award of Excellence for Graphic Design - History of Mansfield, Texas Coloring & Activity Book to Rick Sales (3rd Nationally)

Mayor Cook presented the Award of Excellence to Rick Sales.

Award of Excellence for Special Events - Mansfield 125 (3rd Nationally)

Mayor Cook presented the Award of Excellence to Rick Sales.

Silver Circle Award for Aerial Map by Economic Development to Scott Welmaker, Rick Sales

Mayor Cook presented the Award of Excellence to Rick Sales.

CITIZEN COMMENTS

Dave Goodwin - 904 Dayton - Mr. Goodwin spoke as a representative of Discover Historic Mansfield. He asked the Council to approve the Hotel/Motel fund reimbursement request for Third Thursdays and Painted Pianos.

Nelson Mitchell - 9001 Airport Freeway, North Richland Hills - Mr. Mitchell spoke on behalf of Jabez Development. Mr. Mitchell asked the Council to reconsider the previous motion regarding ZC#16-010. He updated the Council on some changes made by the developer.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess reminded everyone that early voting had started and encouraged everyone to go vote.

Council Member Newsom had no announcements.

Mayor Pro Tem 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

City Attorney Allen Taylor made brief comments and answered Council questions.

A motion was made by Council Member Burgess to allow reconsideration based on meaningful changes provided by the applicant on ZC#16-010. Seconded by Mayor Cook. The motion CARRIED by the following vote:

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

Nay: 1 - Larry Broseh

Abstain: 0

CONSENT AGENDA

[16-2073](#)

Resolution - A Resolution Awarding a Construction Contract for Antler Dr. Paving, Drainage and Sewer Improvements to McClendon Construction Co., Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$1,629,364.19 (MEDC and Utility Bond Fund)

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

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR ANTLER DR. PAVING, DRAINAGE AND SEWER IMPROVEMENTS TO MCCLENDON CONSTRUCTION CO., INC.; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; 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-3300-16

[16-2075](#)

Resolution - A Resolution Authorizing a Contract with Trinity River Authority for Industrial Sampling and Analytical Services

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

A RESOLUTION AUTHORIZING A CONTRACT WITH THE TRINITY RIVER AUTHORITY FOR INDUSTRIAL SAMPLING, INSPECTIONS, AND ANALYTICAL SERVICES

(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-3301-16

[16-2080](#)

Resolution - Approve Resolution to Award a Contract for a Construction Manager at Risk to Pete Durant and Associates for the Construction of the Mansfield StarCenter Project for a Guaranteed Maximum Price in the Amount of \$13,129,749.00

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

A RESOLUTION AWARDED A CONSTRUCTION MANAGER AT RISK CONTRACT TO PETE DURANT & ASSOCIATES FOR CONSTRUCTION OF THE MANSFIELD STARCENTER USA PROJECT FOR A GUARANTEED MAXIMUM COST IN THE AMOUNT OF \$13,129,749.00

(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-3302-16

[16-2082](#)

Resolution - A Resolution Relating to the City's Notice of Intention to Issue City

of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation

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

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER MATTERS RELATED THERETO

(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-3303-16

[16-2085](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Crutchfield Coring and Concrete Cutting, Inc. for an Amount not to Exceed \$232,387.10; and Providing an Effective Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING PAYMENT TO CRUTCHFIELD CORING AND CONCRETE CUTTING, INC. FOR AN AMOUNT NOT TO EXCEED \$232,387.10; AND PROVIDING AN EFFECTIVE DATE

(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-3304-16

[16-2086](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Reynolds Asphalt and Construction Company for an Amount not to Exceed \$383,332.18; and Providing an Effective Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING PAYMENT TO REYNOLDS ASPHALT AND CONSTRUCTION

COMPANY FOR AN AMOUNT NOT TO EXCEED \$383,332.15; AND PROVIDING AN EFFECTIVE DATE

(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-3305-16

[16-2081](#)

Approval of Discover Historic Mansfield's Reimbursement Request of Hotel/Motel 2015-2016 Funds

A motion was made by Council Member Hoffman to approve this agenda item. 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

[16-2064](#)

Minutes - Approval of the October 10, 2016 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the October 10, 2016 Regular City Council Meeting Minutes 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

[16-2074](#)

Resolution - A Resolution Approving Award of a Construction Contract Between Mansfield Park Facilities Development Corporation to Morales Construction Services, Inc. in the Amount of \$266,300 for the Construction of a Restroom Building at the Michael L. Skinner Sports Complex

Council Member Hoffman removed this item from the consent agenda. Director of Parks and Community Services Matt Young answered Council questions. City Manager Clayton Chandler and Deputy City Manager Shelly Lanners answered Council questions.

A motion was made by Council Member Hoffman to table this agenda item

until a study can be provided for a portable restroom solution. **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

END OF CONSENT AGENDA

OLD BUSINESS

16-1999

Ordinance - Second 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

A motion was made by Council Member Hoffman to approve the second 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 Mayor Pro Tem Broseh. 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

Enactment No: OR-2023-16

16-2113

Consideration of a Request to Remove from the Table Agenda Item Number 16-2046 for the Continuation of Public Hearing and First Reading on November 28, 2016, of an Ordinance for Zoning Change from PR to SF-7.5/18, SF-9.6/20 and SF-12/22 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)

Denis Duchene - 420 Meadow Creek Drive - Mr. Duchene spoke about his opposition to this agenda item. He asked the Council to consider developing the property as a Planned Development.

Allen Taylor answered Council questions.

No action was taken by the Council.

PUBLIC HEARING CONTINUATION AND SECOND READING

16-2048

Ordinance - Public Hearing Continuation and Second 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)

Linear Architecture representative Irma Reiner made brief comments and answered Council questions. Belle Firma representative Kori Haug answered Council questions. Mayor Cook continued the public hearing through second reading at 8:19 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:19 p.m.

A motion was made by Mayor Pro Tem Broseh 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 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 Council Member Hoffman. 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

16-1998

Resolution - A Resolution Authorizing the Contract of Sale for the Farr Best Theater and Authorizing the Supplemental Disbursement of Hotel Occupancy Tax Funds to the Mansfield Convention and Visitors Bureau to Purchase the Historic Farr Best Theatre and Make Aesthetic and Operational Improvements

Shelly Lanners made brief comments and answered Council questions.

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

A RESOLUTION APPROVING A CONTRACT OF SALE AND A SUPPLEMENTAL DISBURSEMENT OF HOTEL OCCUPANCY TAX FUNDS FOR THE PURCHASE OF THE HISTORIC FARR BEST THEATER AND TO MAKE AESTHETIC AND OPERATIONAL IMPROVEMENTS

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

Nay: 0

Abstain: 1 - Stephen Lindsey

Enactment No: RE-3306-16

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:22 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:

_____ Jeanne Heard, City Secretary