



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, April 24, 2017

5:00 PM

Council Chambers

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#### REGULAR MEETING

#### **4:00 P.M. - POND BRANCH GROUND BREAKING - 301 S. MAIN STREET**

*Council Members and staff attended the Pond Branch ground breaking.*

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

*Mayor Cook called the meeting to order at 5:00 p.m.*

**Absent** 1 - Stephen Lindsey

**Present** 6 - David Cook; 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 5:02 p.m. Council Member Lindsey arrived at 5:06 p.m. Mayor Cook called the executive session to order at 5:12 p.m. Mayor Cook recessed executive session at 7:04 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 Development on Hwy 287 and E. Broad Street

Seek Advice of City Attorney Regarding Property Management and Disposition

Seek Advice of City Attorney Regarding Construction Documents/Contract for Parks Administration Building

Seek Advice of City Attorney Regarding the Construction of Pond Branch

Seek Advice of City Attorney Regarding Encroachment Issue

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

Project #17-08 - Discussion Regarding Possible Sale to an Industrial Prospect

**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 7:10 p.m.*

**INVOCATION**

*Mayor Pro Tem Broseh 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"

*The City Council led the Texas Pledge.*

**PROCLAMATION****[17-2278](#)****National Day of Prayer**

*Mayor Cook proclaimed May 4, 2017 as National Day of Prayer and presented the proclamation to Community Pastors. Mayor Cook spoke about Mansfield Churches for The City and their efforts in praying for the city and the community. He invited everyone to attend the Mansfield National Day of Prayer event to be held on May 4, 2017 starting at 8:00 a.m. at City Hall with prayer every 30 minutes around the flag pole and ending with a prayer service at the Center for Performing Arts at 6:30 p.m.*

**[17-2279](#)****Motorcycle Safety Awareness Month**

*Mayor Cook proclaimed May 2017 as Motorcycle Safety and Awareness Month and presented a proclamation to local Motorcycle Club members.*

[17-2281](#)

## Timberview Boys Basketball State Championship

*Mayor Cook proclaimed April 24, 2017 as Timberview Boys Basketball State Championship Day and presented the proclamation to the Timberview Boys Basketball Team.*

[17-2282](#)

## Timberview Girls Basketball State Runner-Up

*Mayor Cook proclaimed April 24, 2017 as Timberview Girls Basketball State Runner-Up Day and presented the proclamation to the Timberview Girls Basketball Team.*

**PRESENTATION**

## Presentation of the Texas Water Development Board's Blue Legacy Award

*Director of Utilities Jeff Price made brief comments about the award and played a video. He presented the Texas Water Development Board's Blue Legacy Award to Mayor Pro Tem Broseh and the Water Utilities Department staff.*

**CITIZEN COMMENTS**

*Lori Williams - 1104 Pebble Beach Drive - Mrs. Williams spoke as the President of the Mansfield Area Chamber of Commerce. She presented the Council with a Resolution from The Texas House of Representatives of the 85th Texas Legislature issued to the Mansfield Area Chamber of Commerce recognizing their efforts in promoting and encouraging economic development in the community.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Council Member Hoffman encouraged everyone to participate in early voting.*

*Council Member Haynes echoed Council Member Hoffman's comments.*

*Council Member Burgess recognized the motorcyclists and encouraged everyone to share the road.*

*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

*City Manager Clayton Chandler invited everyone to the Mansfield Sports Complex*

*dedication on Saturday, April 29, 2017 at 10:00 a.m.*

#### Update on Mansfield Volunteer Program (MVP) & Storm Cleanup Efforts

*Jeff Price made brief comments about the Earth Day Mansfield Event events beginning at 10:00 a.m. on April 29, 2017 at the Chris W. Burkett Service Center. Jeff recognized Volunteer Coordinator Priscilla Sanchez for her hard work and dedication in coordinating volunteer groups to clean up the city after recent storms. Priscilla recognized the various volunteer church groups that help her. Mayor Cook also recognized the church groups mentioning they hold several volunteer clean ups around the city throughout the year.*

#### Pond Branch Linear Trail Update - Matt Young

*Director of Parks and Recreation Matt Young gave a brief powerpoint presentation on the Pond Branch Linear Trail.*

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

*There were no questions regarding the quarterly reports.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action was taken by the Council.**

### **CONSENT AGENDA**

#### **17-2226**

Ordinance - Third and Final Reading on an Ordinance Approving a Specific Use Permit for Self-Storage Warehouses on Approximately 5.36 Acres, Generally Located North of Commerce Drive and West of S US 287; Quine & Associates (ZC#16-014)

*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 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 MINI-WAREHOUSE 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**

**(Ordinance 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: OR-2046-17

[17-2246](#)

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas, Amending Sections 51.010 Through 51.024, "Industrial Wastewater Regulations" of Chapter 51 of the Code Of Ordinances; Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Savings Clause; Providing a Penalty Clause; and Providing an Effective Date

*Jeanne Heard 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 SECTIONS 51.010 THROUGH 51.024, "INDUSTRIAL WASTEWATER REGULATIONS" OF CHAPTER 51 OF THE CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**(Ordinance 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: OR-2047-17

[17-2273](#)

Resolution - A Resolution to Consider Approving Change Order #1 to the Purchase Order With Nema 3 Electric for Additional Electrical Service Boring at Elmer W. Oliver Nature Park

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

**A RESOLUTION TO CONSIDER APPROVING CHANGE ORDER #1 TO THE PURCHASE ORDER WITH NEMA 3 ELECTRIC FOR ADDITIONAL ELECTRICAL SERVICE BORING AT ELMER W. OLIVER NATURE PARK**

**(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-3357-17

[17-2274](#)

Resolution - 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 AWARDED 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 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-3358-17

[17-2275](#)

Resolution - A Resolution Awarding a Construction Contract for Reconstruction of the Residential Streets of Laurel Street, Palm Street, Cedar Street and N. Wisteria Street to Reynolds Asphalt and Construction Company and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$550,000.00 (Street Bond Fund)

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

**A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR RECONSTRUCTION OF LAUREL STREET, PALM STREET, CEDAR STREET, AND N. WISTERIA STREET TO REYNOLDS ASPHALT AND CONSTRUCTION COMPANY; 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 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-3359-17

[17-2276](#)

Resolution - A Resolution Awarding a Contract for the Construction of Mouser Way Phase 2 Paving, Drainage and Water Line Improvements to McClendon Construction, LLC. and Authorizing Funding for an Amount Not to Exceed \$2,102,509.89 (Street Bond Fund, Utility Bond Fund)

*Director of Public Works Bart VanAmburgh answered Council questions.*

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

**A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF MOUSER WAY PHASE-2 PAVING, DRAINAGE AND WATER LINE IMPROVEMENTS TO MCCLENDON CONSTRUCTION, LLC., 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 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-3360-17

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[17-2272](#)

Minutes - Approval of the April 10, 2017 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 minutes of the April 10, 2017 Regular City Council Meeting as presented. Seconded by Council Member Newsom. 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

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**END OF CONSENT AGENDA****NEW BUSINESS****17-2250**

Ordinance - First 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.

*Jeanne Heard read the caption into the record. Bart VanAmburgh made brief comments.*

**A motion was made by Mayor Pro Tem Broseh to approve the first reading of "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 FOR AN EFFECTIVE DATE." 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

**17-2264**

Consideration of a Request for a Minor Modification of the Entrance Sign for Ladera Mansfield Planned Development Located at 1900 E Debbie Lane; Integrity Group, LLC (ZC#15-005B)

*Director of Planning Felix Wong made brief comments and answered Council questions.*

**A motion was made by Council Member Hoffman to approve the request for minor modification. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh and Brent Newsom

**Nay:** 1 - Darryl Haynes

**Abstain:** 0

**17-2277**

Consideration of a Request for a Minor Modification to Reduce the 25' Front Build-to Lines for Certain Lots in the South Pointe Planned Development Generally Located Between Hwy 287 and Hwy 360 and North of Lone Star Road (ZC#04-012B)

**A motion was made by Council Member Newsom to approve the request for minor modification. 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

[17-2284](#)

Appointment of Associate Judge to Mansfield Municipal Court

**A motion was made by Mayor Cook to appoint David McClelland as the Associate Judge to Mansfield Municipal Court. 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

[17-2285](#)

Discuss and Consider Possible Action Regarding Requests for Development Proposals on Approximately 4 Acres of City Owned Property on Smith Street

*Deputy City Manager Shelly Lanners made brief comments regarding the proposed Request For Proposals for the development of city property located on Smith Street. Historic Downtown Subcommittee Chairman Hoffman made brief comments regarding the subcommittee's development vision. Mayor Cook stated his intent to appoint three members of the community to the subcommittee to review proposals.*

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

**RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 8:09 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 8:12 p.m. Mayor Cook adjourned executive session at 8:31 p.m.*

**RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 8:33 p.m.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action was taken by the Council.**

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:33 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 Brose; Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 0

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David L. Cook, Mayor

ATTEST:

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Jeanne Heard, City Secretary