



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, June 12, 2017

5:00 PM

Council Chambers

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#### REGULAR MEETING

#### **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 5:03 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 7:22 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 Certain Zoning Matters

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

Project #17-05 - Briefing and Update

Project #17-07 - Briefing and Update

Project #17-12 Briefing and Update

#### **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**

Project #14-06 - Briefing and Update

Project #16-08 - Briefing and Update

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

*Mayor Cook reconvened into the regular business session at 7:27 p.m.*

**INVOCATION**

*Mansfield House of Prayer Support Ministry Leader Angela Martin 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 Lindsey led the Texas Pledge.*

**CITIZEN COMMENTS**

*Tim Mebane - 2112 Castle View Rd. - Mr. Mebane spoke about a general contractor who defrauded him and his family. He asked the city to require contractors license and insurance when applying for permits.*

*Bill Dasch - 2503 Pepper Mill Tr. - Mr. Dasch spoke in support of citizen Tim Mebane.*

*Yu-san Lee - 2112 Castle View Rd. - Ms. Lee spoke in support of her husband Tim Mebane regarding the contractor who defrauded their family.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Council Member Hoffman had no announcements.*

*Council Member Haynes congratulated Mayor Pro Tem Broseh on his re-election to the Council and incoming member Terry Moore for his election to Place 6.*

*Council Member Burgess congratulated the Mansfield Police Department Explorers for a great event held with other cities Police Department Explorers.*

*Council Member Newsom had no announcements.*

*Mayor Pro Tem Broseh thanked the citizens of Mansfield for allowing him to serve another 3 year term.*

*Mayor Cook echoed Council Member Burgess' comments. He advised there would be a special meeting held on June 20, 2017 at 8:00 a.m. to canvass the runoff election returns. He stated the Oath of Office of Mayor Pro Tem Broseh and Terry Moore would be held at the regular scheduled meeting of June 26, 2017. Mayor Cook asked the Council their availability for June 20, 2017 at 8:00 a.m. Council Members Newsom and Haynes stated they would be available to attend the meeting.*

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

Current/Future Agenda Items

Rockin' 4th of July Event Update - Angie Henley

*Special Event Coordinator Angie Henley invited everyone to the Rockin Kids Triathlon on July 2, 2017 at Hawaiian Falls and the Rockin' 4th of July Event on July 3, 2017 at Big League Dreams.*

### **Business Services Department Report**

[17-2329](#)

Presentation of Monthly Financial Report for the Period Ending April 30, 2017

*There were no questions regarding the financial.*

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

**A motion was made by Council Member Hoffman to direct staff to proceed with the acquisition of land related to project 17-07 as discussed in executive session. 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

## **CONSENT AGENDA**

[17-2315](#)

Ordinance - Second 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

**A motion was made by Mayor Pro Tem Broseh to approve the second 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."**

**Seconded by Council Member 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

[17-2330](#)

Resolution - A Resolution Approving the City of Mansfield's Participation in Tarrant County's Community Development Block Grant Program for the Three Program Year Period for Fiscal Year 2018 Through Fiscal Year 2020

**A motion was made by Mayor Pro Tem Broseh to approve the following resolution:**

**RESOLUTION REGARDING CITY OF MANSFIELD PARTICIPATION IN TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT CONSORTIUM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR 2018 THROUGH FISCAL YEAR 2020**

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

**Seconded by Council Member 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: RE-3373-17

[17-2331](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department to Make Application, Receive, and Expend Grant Funds from the FY2018 Bulletproof Vest Partnership Administered by the Office of Justice Programs, U.S. Department of Justice; the Police Department will have Approximately \$34,000 of Eligible Expenses for FY2018 and 2019; if Awarded, this Grant will Provide a 50% Reimbursement of Actual Expenses for Bulletproof Vest Purchases (\$17,000)

**A motion was made by Mayor Pro Tem Broseh 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 FY2018 BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE OFFICE OF JUSTICE PROGRAM, U.S. DEPARTMENT OF JUSTICE; IF AWARDED, THIS GRANT WILL PROVIDE A 50% REIMBURSEMENT OF ACTUAL EXPENSES FOR BULLETPROOF VEST PURCHASES (\$17,000)**

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

**Seconded by Council Member 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: RE-3374-17

[17-2335](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$375,000.00 and Approval of Contracts, Including Design Services with Kimley-Horn and Associates, Inc., to Prepare South Main St. (Broad St. to Hunt St.) for Public Bidding and Construction (Street Bond Fund)

**A motion was made by Mayor Pro Tem Broseh to approve the following resolution:**

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED**

**\$375,000.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PREPARE SOUTH MAIN ST. (BROAD ST. TO HUNT ST.) FOR PUBLIC BIDDING AND CONSTRUCTION (STREET BOND FUND)**

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

**Seconded by Council Member 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: RE-3375-17

[17-2336](#)

Request for Special Event Permit: Rockin Tri

**A motion was made by Mayor Pro Tem Broseh to approve the request for special event permit. Seconded by Council Member 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

[17-2325](#)

Minutes - Approval of the May 22, 2017 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Broseh to approve the minutes of the May 22, 2017 Regular City Council Meeting as presented. Seconded by Council Member 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

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

[17-2326](#)

Minutes - Approval of the May 23, 2017 Special City Council Meeting Minutes

*Council Member Hoffman removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the minutes of the May 23, 2017 Special City Council Meeting as presented. Seconded by Council Member Lindsey. 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

[17-2327](#)

Minutes - Approval of the May 24, 2017 Special City Council Meeting Minutes

*Council Member Hoffman removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the minutes of the May 24, 2017 Special City Council Meeting as presented. Seconded by Council Member Lindsey. 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

**END OF CONSENT AGENDA**

**PUBLIC HEARING CONTINUATION AND SECOND READING**

[17-2299](#)

Ordinance - Public Hearing Continuation and Second 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)

*Acting Director of Planning Lisa Sudbury gave a brief update regarding the sign standard amendments. Mayor Cook continued the public hearing at 7:45 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:45 p.m.*

**A motion was made by Council Member Haynes to approve the second 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 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

**NEW BUSINESS****17-2293**

Ordinance - First Reading of an Ordinance Approving a Request to Abandon a Portion of the Former South 2nd Avenue Right-of-Way (5.847Acres) as Described in Abstract No. 311, Mansfield, Johnson County, as Being a Portion of the Former ROW area for FM Highway 917 (South 2nd Avenue) to Set Back Partners and to Johnson County Electric Cooperative (the abutting property owners) and Reserving a Permanent Utility Easement and Permanent Drainage Easement in such Vacated and Abandoned Property

*City Secretary Jeanne Heard read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments.*

**A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY OF THE FORMER SOUTH 2ND AVENUE, AND RESERVING A PERMANENT UTILITY EASEMENT AND PERMANENT DRAINAGE EASEMENT IN SUCH VACATED AND ABANDONED PROPERTY; 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 OWNERSHIP INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE." Seconded by Council Member 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

**17-2328**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and RF HERITAGE INVESTMENTS, L.L.C. ("RF Heritage") and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Economic Development Director Scott Welmaker made brief comments.*

**A motion was made by Council Member Hoffman to send this item back to the Mansfield Economic Development Corporation and reconsider the resolution to include both parcels owned by RF Heritage Investments, LLC and the ultimate development of both parcels as one project. 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 7:52 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