



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, June 26, 2017

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:08 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 5:10 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:17 p.m. Mayor Cook adjourned executive session at 7:11 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 Case #17-C-30619 Easements and Real Property for Mountain Creek Sanitary Sewer Interceptor Project

Seek Advice of City Attorney Regarding Board of Adjustments and Appeals

Seek Advice of the City Attorney Regarding Signage and Graffiti Regulations

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

Project #15-02 - Briefing and Update

Acquisition of Right-of-way for Regency Parkway from three properties at 2441 Heritage Parkway, 240 Mitchell Road and 75 Regency Parkway

Discuss Property Management and Disposition

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 Incentive Updates

Project #15-02 - Briefing and Update

6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

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

Mayor Cook reconvened into regular business session at 7:19 p.m.

INVOCATION

St. Jude Catholic Church Priest Thu Nguyen 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 Burgess led the Texas Pledge.

ACKNOWLEDGEMENT OF SERVICE

Wendy Burgess

Mayor Cook presented a service plaque to outgoing Council Member Wendy Burgess. Wendy made brief comments. City Manager Clayton Chandler made brief comments.

Mayor Cook read two letters received from citizens recognizing Utility Billing employee Brandy Fernandez for her great customer service. Mr. Chandler thanked Brandy for always putting the citizens first.

PROCLAMATION[17-2356](#)**National Park and Recreation Month**

Mayor Cook proclaimed July 2017 as Parks and Recreation Month and presented the proclamation to members of the Mansfield Park Facilities Development Corporation and Parks Department employees. Board President Harold Bell, Parks and Community Services Director Matt Young and Mr. Chandler made brief comments.

OATH OF OFFICE: TERRY M. MOORE AND LARRY BROSEH

City Secretary Jeanne Heard administered the Oath of Office to Larry Broseh and Terry M. Moore.

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

ELECTION OF MAYOR PRO TEM

Jeanne Heard provided the Council with ballots to elect a new Mayor Pro Tem. Mayor Cook announced the new Mayor Pro Tem elected was Cory Hoffman.

CITIZEN COMMENTS

Houston Mitchell - 605 St. Eric - Mr. Mitchell spoke about issues he is having with his AT&T service. He asked the Council and staff for help with the issue.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey thanked Wendy for her service and welcomed Terry Moore to the Council.

Council Member Hoffman thanked Wendy for her service and welcomed Terry Moore to the Council.

Council Member Haynes thanked Wendy for her service and welcomed Terry Moore to the Council.

Council Member Moore thanked Wendy for her service and thanked Constable . He stated volunteers were needed for the Mansfield Cares Food Bank. He mentioned every Wednesday volunteers get together to fill bags with food for Feed the Kids. Council Member Moore advised citizens and civic organizations to contact him if they would like to have an event announced.

Council Member Newsom thanked Wendy for her service and welcomed Terry Moore to the Council.

Mayor Pro Tem Broseh thanked Wendy for her service and welcomed Terry Moore to the Council.

Mayor Cook echoed Council's comments and welcomed Terry Moore to the Council. He announced changes to subcommittee assignments.

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

Current/Future Agenda Items

Farr Best Theater Programming Updates - Rosie Gilbert

Cultural Arts Coordinator Rosie Gilbert gave a brief overview of the Mansfield Commission for the Arts and updated the Council on the Farr Best Theater programs.

Business Services Department Report

[17-2359](#)

Presentation of Monthly Financial Report for the Period Ending May 31, 2017

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Mayor Pro Tem Hoffman to direct staff to proceed with Right-of-Way acquisition as discussed in executive session. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

CONSENT AGENDA

[17-2315](#)

Ordinance - Third and Final 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

Jeanne Heard read the caption into the record.

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

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 TARRIFS 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

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

Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Enactment No: OR-2051-17

[17-2293](#)

Ordinance - Second 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

A motion was made by Council Member Newsom to approve the second 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 Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

[17-2334](#)

Request for Special Event Permit: Rockin 4th

A motion was made by Council Member Newsom to approve the request for special event permit. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

[17-2353](#)

Minutes - Approval of the June 12, 2017 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the minutes of the July 12, 2017 Regular City Council Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

[17-2360](#)

Minutes - Approval of the June 20, 2017 Special City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the minutes of the June 20, 2017 Special City Council Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[17-2299](#)

Ordinance - Third and Final 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)

Jeanne Heard read the caption into the record. Mayor Pro Tem Hoffman removed this item from the consent agenda.

A motion was made by Mayor Cook 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 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

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

Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 1 - Cory Hoffman

Enactment No: OR-2052-17

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[17-2354](#)

Ordinance - Public Hearing and First Reading of an Ordinance approving a zoning change from PD, Planned Development District to PD, Planned Development District for Single-Family Residential Attached Townhomes on approximately 16.13 acres out of the T.J. Hanks Survey, Abstract #644, Tarrant County, TX, generally located east of S. Main Street and Airport Drive; Skorburg Company (ZC#17-005)

Jeanne Heard read the caption into the record. Skorburg Company representative Noah Flabiano gave a powerpoint presentation and answered Council questions. Skorburg Company representative Adam Buczek answered Council questions. Council requested the applicant bring back Home Owners Association restrictions to include no rentals for more than 12 months; no more than 2 units per 1 owner; and to prohibit Air B&B. The applicant will bring back at second reading rear elevations, listing of trees to be planted, unit selling prices, and specifics on fencing. Mayor Cook opened the public hearing at 8:42 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:42 p.m.

A motion was made by Council Member Lindsey 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL ATTACHED TOWNHOMES, 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," with the applicant

providing all requested items by second reading. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 1 - Larry Broseh

Abstain: 0

17-2355

Ordinance - Public Hearing and First Reading of an Ordinance approving a zoning change from PD, Planned Development District to PD, Planned Development District for Retail on approximately 5.307 acres out of the James Grimsley Survey, Abstract #578, Tarrant County, TX, generally located south of E. Debbie Lane and approximately 1,300 feet east of Matlock Road; Kimley Horn (ZC#17-007)

Jeanne Heard read the caption into the record. Kimley Horn representative Sarah Beth White gave a powerpoint presentation and answered Council questions. Community of Hope Church representative Jay Frazee answered Council questions. Council requested the applicant to provide information about the grocer and to bring back more details on deviations by the next reading. Mayor Cook opened the public hearing at 8:59 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:59 p.m.

A motion was made by Council Member Newsom 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES, 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," with the details requested by the Council to be brought back prior to second reading. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

NEW BUSINESS

17-2357

Resolution - A Resolution Awarding a Contract for Construction of the Bud Ervin Water Treatment Plant Miscellaneous Improvements to Red River Construction Co. for an Amount Not to Exceed \$2,469,900.00 (Utility Construction Fund).

Director of Utilities Jeff Price gave a powerpoint presentation on the Bud Ervin Treatment Plant miscellaneous improvements and answered Council questions.

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

**A RESOLUTION AWARDING THE BID TO CONSTRUCT THE BUD ERVIN
WATER TREATMENT PLANT MISCELLANEOUS IMPROVEMENTS PROJECT TO
RED RIVER CONSTRUCTION CO. AT A COST NOT TO EXCEED \$2,469,900.00**

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

**Seconded by Council Member Haynes. The motion CARRIED by the following
vote:**

Aye: 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl
Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Enactment No: RE-3377-17

[17-2358](#)

Resolution - A Resolution Authorizing An Engineering Services Agreement
With Alan Plummer Associates Inc for Construction Administration Services
Relating to the Bud Ervin Water Treatment Plant Miscellaneous
Improvements Project for an Amount Not To Exceed \$151,900.00. (Utility
Construction Fund).

Jeff Price made brief comments.

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

**A RESOLUTION AUTHORIZING AN ENGINEERING SERVICE AGREEMENT
WITH ALAN PLUMMER ASSOCIATES INC., FOR CONSTRUCTION
ADMINISTRATION SERVICES RELATING TO THE BUD ERVIN WATER
TREATMENT PLANT MISCELLANEOUS IMPROVEMENTS PROJECT FOR AN
AMOUNT NOT TO EXCEED \$151,900.00**

(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; Cory Hoffman; Larry Broseh; Darryl
Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Enactment No: RE-3378-17

ADJOURN

**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 9:19
p.m. Seconded by Council Member Newsom. The motion CARRIED by the
following vote:**

Aye: 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl
Haynes; Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary