



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, July 10, 2017

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:04 p.m.

Absent 2 - Stephen Lindsey and Brent Newsom

Present 5 - David Cook; Cory Hoffman; Larry Brose; Darryl Haynes and Terry Moore

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Street Construction and Capital Improvement Project Follow-Up

City Manager Clayton Chandler made introductory comments regarding street projects and turned it over to Director of Public Works Bart VanAmburgh. Bart provided a brief update on the design making of South Main Street and turned it over to Kimley Horn & Associates representative Jeff Whitaker. Mr. Whitaker gave a powerpoint presentation on the design of South Main Street and an update on the Debbie Lane construction project. There was discussion between the Council and staff. Mr. Chandler gave an update on the bond issuance and bond rating.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 6:30 p.m. Mayor Cook called the executive session to order in the Multi-Purpose Room at 6:37 p.m. Mayor Cook adjourned executive session at 7:40 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 Board Adjustments and Appeals

Seek Advice of City Attorney Regarding Proposed Scrap Tire Facility Located on CR 510 West of HWY 157 in Johnson County

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

Discuss Property Management and Disposition

Project #15-02 - 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 #15-02 - Briefing and Update

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

Mayor Cook reconvened into regular business session at 7:46 p.m.

INVOCATION

Community of Hope Pastor Jay Frazee gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Brose led the Pledge of Allegiance.

TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Mayor Pro Tem Hoffman led the Texas Pledge.

PROCLAMATION

[17-2363](#)

Watch Your Car Month

Mayor Cook proclaimed July 2017 as Watch Your Car Month and presented the proclamation to the Tri-County Auto Burglary and Theft Prevention Task Force. Police Chief Tracy Aaron introduced the Task Force Administrator Stan Davis. Stan made brief comments about how the Task Force was formed; what the purpose of it is; and introduced Task Force staff.

CITIZEN COMMENTS

Dr. Deborah Sullivan - 2636 Goodnight Trail - Dr. Sullivan spoke about the Water

Quality Report and the amount of flouride in city water.

Randy Hasten - 640 W. Debbie Lane - Mr. Hasten spoke about the impact the road construction on Debbie Lane is having on his business.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey was absent.

Mayor Pro Tem Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Moore notified everyone on the passing of former Mansfield Independent School District Board Member John Washington. He gave a reminder of the need for volunteers for filling bags of food for Feed the Kids every Wednesday at 6:00 p.m. at the Mansfield Cares Food Bank facility.

Council Member Newsom was absent.

Council Member Broseh thanked staff for a great job on the Rockin' 4th event mentioning he had great time.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mr. Chandler commended staff on their hard work in making the Rockin' 4th event successful. He advised staff was available to answer questions regarding the quarterly report.

Rockin' 4th Update - Angie Henley

Director of Parks and Community Services Matt Young gave an update on the Rockin' 4th event.

Lucretia Mills Gazebo Dedication - Arianne Shipley

Environmental Specialist Arianne Shipley advised the Council of the Lucretia Mills Gazebo Dedication to be held on Saturday, July 15, 2017 at 10:00 a.m. She stated the dedication ceremony was being handled by the Mansfield Garden Club.

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[17-2293](#)

Ordinance - Third and Final 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.

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

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

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

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

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

Enactment No: OR-2053-17

[17-2362](#)

Minutes - Approval of the June 26, 2017 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the minutes of the June 26, 2017 Regular City Council Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

[17-2370](#)

Request for Special Event Permit: Music Alley

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

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING

[17-2369](#)

Public Hearing and Consideration of a Request for an Alternate Location for a Roof-mounted Solar Panel System under Section 7800.B.37.H of the Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 5005 Havenside Way; Elias Nkerbu (SP#17-002)

The applicant was not present. City Attorney Allen Taylor advised the Council they could proceed with the public hearing or they could table it for a future date. Mayor Cook opened the public hearing at 8:15 p.m. The following person spoke:

Gayle Lahiri - 5013 Havenside Way - Opposed

Mayor Cook acknowledged the following non-speakers in opposition of this item:

*Wanda Kotara - 5000 Havenside Way
Bonny Ray Kotara - 5000 Havenside Way
Shawn Bednasek - 5003 Havenside Way
Pamela Wood - 5207 Coolriver Court*

With no one else wishing to speak, Mayor Cook closed the public hearing at 8:17 p.m.

A motion was made by Council Member Haynes to deny this agenda item. Seconded by Mayor Pro Tem Hoffman. The motion received the following votes:

Ayes: David Cook, Darryl Haynes, Cory Hoffman

Nays: Terry Moore, Larry Broseh

A motion was made by Council Member Moore, seconded by Council Member Broseh, that this matter be Tabled. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

PUBLIC HEARING AND FIRST READING

17-2364

Ordinance - Public Hearing and First Reading on an Ordinance approving a zoning change from C-2, Community Business District to PD, Planned Development District for eating place with drive-through service and retail on approximately 2.063 acres out of the Jacob Back Survey, Tarrant Co., TX, generally located at the southwest corner of Holland Road and E Broad Street plus the removal of a specific use permit for eating place with drive-through service at Lot 2, Block 1, Jacob Back Addition located at 3550 E Broad Street; GP Holland Xing, LLC (ZC#17-004)

Jeanne Heard read the caption into the record. Shield Engineering Group representative Jon Kroehler made brief comments and answered Council questions. AIA Architect representative Don Sopranzi made brief comments. Mayor Cook opened the public hearing at 8:33 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:33 p.m.

A motion was made by Mayor Cook 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR PROPOSED LANDUSE, 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," striking all references to "retail," allowing for the 5200 square foot building to be a restaurant and require site plan approval when the restaurant has been determined. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

17-2365

Ordinance - Public Hearing and First Reading on an Ordinance approving a zoning change from PD, Planned Development District to PD for grocery store, office and retail, on approximately 11.01 acres, generally located at 3000 E Broad Street, 1,075 feet east of Miller Road and south of E. Broad Street; OSK Investments, LP (ZC#17-006)

Jeanne Heard read the caption into the record. Kimley Horn and Associates representative Kevin Gaskey gave a powerpoint presentation and answered Council questions. Mayor Cook opened the public hearing at 8:49 p.m. With no one wishing

to speak, Mayor Cook continued the public hearing through second reading at 8:49 p.m.

A motion was made by Mayor Cook 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 PROPOSED LANDUSE, 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 each future location subject to site plan approval. Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:

Aye: 4 - David Cook; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 1 - Terry Moore

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

17-2354

Ordinance - Public Hearing Continuation and Second 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; Skorborg Company (ZC#17-005)

Skorborg Company representatives Noah Flabiano and Adam Bucek gave a powerpoint presentation and answered Council questions. Mayor Cook continued the public hearing at 9:23 p.m. Mayor Cook recognized the following non-speaker:

Casey Lewis - 1313 Waterwood Drive - Support

With no one else wishing to speak, Mayor Cook closed the public hearing at 9:23 p.m.

Allen Taylor answered questions regarding the motions on the table.

A motion was made by Mayor Cook to approve the second reading of this agenda item. Seconded by Mayor Pro Tem Hoffman. The motion received the following votes:

Ayes: David Cook, Darryl Haynes, Cory Hoffman

Nays: Terry Moore, Larry Broseh

A motion was made by Mayor Pro Tem Hoffman to table this agenda item to the next scheduled meeting. Seconded by Mayor Cook. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Cory Hoffman; Larry Broseh; Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

[17-2355](#)

Ordinance - Public Hearing Continuation and Second 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)

Kimley Horn & Associates representative Kevin Gaskey gave a powerpoint presentation and answered Council questions. Allen Taylor answered Council questions. Council requested the applicant build a masonry wall of the same quality and materials as the Ladera Development. Mayor Cook continued the public hearing at 9:39 p.m. Mayor Cook recognized the following non-speaker:

Casey Lewis - 1313 Waterwood Drive - Support

With no one wishing to speak, Mayor Cook closed the public hearing at 9:40 p.m.

A motion was made by Mayor Pro Tem Hoffman 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 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." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 4 - David Cook; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 1 - Terry Moore

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

NEW BUSINESS

[17-2366](#)

Consideration of a Request to Revise the Development Standards for the 404 E. Broad Street Planned Development to Add the Use of Family Viewings and Visitation for the Deceased on Property Generally Located at the Southwest Corner of E. Broad Street and Waxahachie Street; Prestige Mortuary, LLC (ZC#02-008A)

Prestige Mortuary, LLC representative Johnathan Mitchell made brief comments and answered Council questions. Council requested that the applicant provide a copy of the State's Funeral Application as well as a floor plan of the facility.

A motion was made by Mayor Cook to table this agenda item to the next

scheduled meeting on July 24, 2017. Seconded by Council Member Moore.
The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

[17-2367](#)

Appointments to the Board of Directors of the Tax Increment Financing Reinvestment Zone No. 1 and Appointment of the Chair of the Board of Directors

Mayor Cook stated the recommendation was to appoint Terry Moore to the TIRZ#1 Board of Directors; to reappoint Mayor Pro Tem Cory Hoffman and Council Members Larry Broseh and Darryl Haynes; and to reappoint Mayor Pro Tem Hoffman as the Chair.

**A motion was made by Mayor Cook to approve the recommendation.
Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

[17-2368](#)

Appointments to the Board of Directors of the Tax Increment Financing Reinvestment Zone No. 2 and Appointment of the Chair of the Board of Directors

Mayor Cook stated the recommendation was to reappoint of Mayor Pro Tem Hoffman, Mayor Cook and Council Members Brent Newsom and Darryl Haynes to the TIRZ#2 Board of Directors; and to reappoint Mayor Pro Tem Hoffman as the Chair.

**A motion was made by Mayor Cook to approve the recommendation.
Seconded by Council Member Moore. The motion CARRIED by the following vote:**

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 10:15 p.m. Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Cory Hoffman;Larry Broseh;Darryl Haynes and Terry Moore

Nay: 0

Absent: 2 - Stephen Lindsey and Brent Newsom

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary