



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, February 26, 2018

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:02 p.m.

Absent 1 - Larry Broseh

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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Council Member Broseh arrived at 5:21 p.m. Mayor Cook adjourned executive session at 6:50 p.m.

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

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

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

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

Discussion and Possible Consideration of a Request of a Tax Abatement for Pioneer Place a Senior Residential Project

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

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

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore 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

[18-2641](#)

Send a Kid to Camp Day

This proclamation was not presented.

PRESENTATION

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter Phillis

Deputy City Manager Peter Phillis made brief comments and introduced KPMG, LLP representatives Travis Hunter and Suzanne Renke. Travis Hunter gave a presentation on the Comprehensive Annual Financial Report.

CITIZEN COMMENTS

Steve Nelson - 257 Carlin Rd. - Mr. Nelson thanked the Council and staff for striping on Carlin Road. He requested that an agenda item be placed on every agenda to update citizens on all major projects.

Retired Col. Andrew W. Papp - 1107 McKenzie Dr. - Col. Papp spoke as the President of the Twin Creeks Subdivision Home Owners Association. He addressed citizens concerns regarding drainage and traffic issues.

Brian Butcher - 830 Columbia Ct. - Mr. Butcher spoke in opposition of agenda item 18-2602.

Alison Goodson - 850 Newt Patterson Rd. - Ms. Goodson spoke in opposition of agenda item 18-2602.

Mayor Cook recognized the following non-speakers in support of agenda item 18-2602:

*Michael Gibson - 203 S. Main St.
Aline Blacklock - 1141 Cardinal Rd.
Sandra Myrow - 216 N. Willow St.
Bill Myrow - 216 N. Willow St.*

Mayor Cook recognized the following non-speakers in opposition of agenda item 18-2602:

*George and Jeannine Spaulding - 812 Sabine Tr.
Laurie McGee - 898 Newt Patterson Rd.
Jo Elder - 874 Newt Patterson Rd.
Eva Long - 859 Newt Patterson Rd.
Bethany Long - 859 Newt Patterson Rd.
Sherri Fieldberg - 7417 Nocona Dr.
Ellenore Marsh - 1100 Hudson Dr.
Huong Ho - 900 Yukon Dr.
Joyce Sunde - 802 Yukon Dr.
Amy Wynkoop - 804 Sabine Tr.
Joseph and Zelma Shannon - 827 Sabine Tr.
Darrell and Shirley Newcomer - 833 Sabine Tr.
Pam Weisbarth - 808 Sabine Tr.
Richard Weisbarth - 808 Sabine Tr.
Jimmy R. Scott - 816 Sabine Tr.
Patty Scott - 816 Sabine Tr.
John Potestio - 809 Sabine Tr.
Shirley Potestio - 809 Sabine Tr.
James Esters - 800 Sabine Tr.
Jennifer Dodd - 824 Pecos Ct.
Chris Dodd - 824 Pecos Ct.
Heather Faller - 831 Columbia Ct.
Trevor Beggett - 1437 New Haven Dr.
Mike Serben - 820 Sabine Tr.*

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Mayor Pro Tem Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Moore had no announcements.

Council Member Newsom congratulated the boys and girls basketball teams from Timberview High School and Summit High School for a job well done.

Council Member 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 made comments regarding social media postings being made regarding the closing of the bridge at Elmer W. Oliver Nature Park and the current litigation. He advised the City would be posting a full version of the ongoing litigation case to provide citizens with factual information. Mr. Chandler advised a correction would be published on a story in the Mansfield News-Mirror regarding Pond Branch. Director of Parks and Recreation Matt Young gave background on the Pond Branch Linear Park construction and issues associated with the project and one of the abutting property owners.

Police Department Report[18-2629](#)

Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2017

There were no questions regarding the Mansfield Police Department Annual Contact Report.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Newsom to direct staff to prepare documents related to the incentive agreement with Pioneer Place. Seconded by Council Member Moore. 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**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**[17-2591](#)

Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

Acting City Secretary Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Enactment No: OR-2080-18

18-2639

Minutes - Approval of the February 12, 2018 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the minutes of the February 12, 2018 Regular City Council meeting as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS

18-2602

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential Use on Approximately 15.598 Acres, Generally Located East of Newt Patterson Road and South of Sabine Trail, Peycos Court and Columbia Court; Bloomfield Homes (ZC#16-022)

Susana Marin read the caption into the record. Bloomfield Homes representative Charles Jowell made brief comments and answered Council questions. Director of Public Works Bart VanAmburgh answered Council questions regarding drainage issues brought forth by residents. City Attorney Allen Taylor and Interim Director of Planning Lisa Sudbury answered Council questions. Twin Creeks Homeowners Association President Col. Andrew Papp answered Council questions.

A main motion was made by Council Member Lindsey 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL USE, 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 Mayor Pro Tem Hoffman.

A motion to amend the main motion was made by Council Member Broseh to require each home to be a minimum of 2,400 sq ft. Seconded by Mayor Pro Tem Hoffman. The motion **CARRIED** with 7 ayes and 0 nays.

A motion to table this agenda item until the next regularly scheduled meeting was made by Council Member Moore. The motion **FAILED** for lack of a second.

The main amended motion **CARRIED** by the following vote:

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

Nay: 1 - Terry Moore

Abstain: 0

Enactment No: OR-2081-18

NEW BUSINESS

18-2638

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 12, 2018 to March 5, 2018

A motion was made by Council Member Lindsey to suspend the procedural rules of Council. Seconded by Mayor Pro Tem Hoffman. 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

18-2640

Resolution - A Resolution Authorizing the Purchase of Property Located at 119 Magnolia Street in the Amount of \$135,000

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

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 119 MAGNOLIA STREET IN THE AMOUNT OF \$135,000

(Resolution 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: RE-3448-18

[18-2642](#)

Consideration of a Request to Extend the Use of Family Viewings and Visitation for the Deceased on Property Located at 404 E. Broad Street for a Period of Twelve (12) Months; Jonathan Mitchell, Prestige Mortuary, LLC (ZC#02-008A)

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

Aye: 5 - David Cook; Stephen Lindsey; Larry Broseh; Darryl Haynes and Terry Moore

Nay: 2 - Cory Hoffman and Brent Newsom

Abstain: 0

[18-2644](#)

Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas, Approving A Tariff Authorizing an Annual Rate Review Mechanism ("Rrm") as A Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") and The Steering Committee of Cities Served by Atmos; Requiring The Company to Reimburse Cities' Reasonable Ratemaking Expenses; Adopting A Savings Clause; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and Legal Counsel for the Steering Committee

Susana Marin read the caption into the record. Director of Utilities Jeff Price made brief comments.

A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A

SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE." 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

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:40 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary