



# CITY OF MANSFIELD

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

## Meeting Minutes - Final

### City Council

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Monday, March 5, 2018

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 5:07 p.m.*

**Present** 7 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; 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 5:08 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 6:29 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 Construction Codes Board of Adjustments and Appeals

#### **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**

#### **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 7:00 p.m.*

### **INVOCATION**

*Council Member Broseh gave the Invocation.*

### **PLEDGE OF ALLEGIANCE**

*Council Member Newsom 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**

*Wayne Wilshire - 1101 Pinehurst Court - Mr. Wilshire advised of the deadline changes to file your property tax protest. He advised residents who have not applied for a homestead exemption to do so as this is an exemption you have to request. Mr. Wilshire advised residents 65 and older to file for their over 65 exemption.*

### **COUNCIL ANNOUNCEMENTS**

*Council Member Lindsey had no announcements.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Haynes thanked former Mayor Wayne Wilshire for his announcement.*

*Council Member Moore stated Tuesday, March 6, 2018 was the final day to vote in the Primary Election.*

*Council Member Newsom congratulated the Timberview High School Girls Basketball team for making it to State even though they unfortunately did not win. He recognized them 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 advised the audio of the meeting was not going out on*

*the live feed.*

Barks and Rec 5K Update - Ann Beck

*Parks and Recreation Marketing and Communication Manager Ann Beck extended an invitation to the Mansfield Barks and Rec 5K to be held on Saturday, March 24, 2018 beginning at 9:00 a.m. at Katherine Rose Memorial Park and showed a video promoting the event.*

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

No action taken by the Council.

## **CONSENT AGENDA**

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

[18-2644](#)

Ordinance - Second 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

A motion was made by Council Member Lindsey to approve the second 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 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

[18-2645](#)

Resolution - A Resolution Awarding a Construction Contract for a Traffic

Signal at Ragland Road/Matlock Road to Durable Specialties, Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$320,000.00 (Street Bond Fund)

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

**A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF RAGLAND ROAD; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$320,000.00**

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

**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

Enactment No: RE-3449-18

[18-2649](#)

Resolution - A Resolution Authorizing Funding in an Amount not to Exceed \$462,000 and Approval of Contract for Development Services with United Properties Southwest, LLC to Prepare Construction Documents for Infrastructure to Serve the MEDC Owned 170 Acre Parcel on Easy Drive; and Approving Contract Between MEDC, United Properties Southwest, LLC, and Pacheco Koch for Engineering Services.

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

**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$462,000 AND APPROVAL OF CONTRACT FOR DEVELOPMENT SERVICES WITH UNITED PROPERTIES SOUTHWEST, LLC TO PREPARE CONSTRUCTION DOCUMENTS FOR INFRASTRUCTURE TO SERVE THE MEDC OWNED 170 ACRE PARCEL ON EASY DRIVE; AND APPROVING CONTRACT BETWEEN MEDC, UNITED PROPERTIES SOUTHWEST, LLC., AND PACHECO KOCH FOR ENGINEERING SERVICES**

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

**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

Enactment No: RE-3450-18

[18-2650](#)

Resolution - A Resolution Awarding a Contract for the Upgrade/Replacement of the City Hall HVAC Control System and Authorizing Funding for an Amount Not to Exceed \$80,590.00 (General Fund)

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

**A RESOLUTION AWARDING A CONTRACT FOR UPGRADE/REPLACEMENT OF THE CITY HALL HVAC CONTROL SYSTEM, 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 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

Enactment No: RE-3451-18

**END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING**

[18-2643](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Change of Zoning From C-2 Community Business District to PD Planned Development District for C-2 Uses on Approximately 1.252 Acres Located at 2000 FM 157; Christopher Tran, 2000 Walnut Plaza LLC (ZC#18-002)

*Acting City Secretary Susana Marin read the caption into the record. 2000 Walnut Plaza LLC representative Christopher Tran gave a brief presentation and answered Council questions. Interim Director of Planning Lisa Sudbury answered Council questions. Mayor Cook opened the public hearing at 7:21 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:21 p.m.*

**A motion was made by Mayor Pro Tem Hoffman 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 C-2 COMMUNITY BUSINESS DISTRICT 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:** 6 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 1 - Terry Moore

**Abstain:** 0

## **NEW BUSINESS**

### **18-2651**

Resolution - A Resolution of the City of Mansfield, Texas Authorizing the Execution of an Annexation and Development Agreement by and Between the City of Mansfield and Larry D. Stagner and Wife Teresa D. Stagner for the Development of a Residential Subdivision

*Hanover Property representative Ben Luedtke made brief comments and answered Council questions. Lisa Sudbury answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING THE EXECUTION OF AN ANNEXATION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MANSFIELD AND LARRY D. STAGNER AND WIFE TERESA D. STAGNER FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

**Nay:** 1 - Cory Hoffman

**Abstain:** 0

Enactment No: RE-3452-18

### **18-2646**

Resolution - A Resolution of the City of Mansfield, Texas, Initiating Annexation Proceedings, Setting Public Hearing Dates and Providing for the Preparation of a Service Plan for Approximately 36.144 Acres in Johnson County, Texas, Generally Located South of Ellis Street and East of Hardy Street; (ZC#18-005)

*Lisa Sudbury made brief comments and answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS TO BE HELD REGARDING PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF MANSFIELD, TEXAS; DIRECTING THAT NOTICE BE PROVIDED FOR THE PUBLIC HEARINGS; DIRECTING THAT A SERVICE PLAN FOR THE PROPERTY BE PREPARED; AND ESTABLISHING AN EFFECTIVE DATE**

(Resolution 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 Brose; Darryl Haynes; Brent Newsom and Terry Moore

**Nay:** 1 - Cory Hoffman

**Abstain:** 0

Enactment No: RE-3453-18

### **ADJOURN**

**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 7:29 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 0

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ATTEST: David L. Cook, Mayor

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Tracy Norr, City Secretary