



CITY OF MANSFIELD

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

Meeting Minutes - Final

City Council

Monday, April 9, 2018

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:03 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 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned executive session at 6:55 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 Project #17-22

Seek Advice of City Attorney Regarding Partial Assignment of Amended and Restated Development Agreement with Shops at Broad

Seek Advice of City Attorney Regarding HEB Zoning Case #18-008

Seek Advice of City Attorney Regarding Zoning Case #16-001

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

Right-of-way at 1420 and 1424 North Main Street for the Main Street/FM157 Connector Project

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 7:03 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"

Mayor Pro Tem Hoffman led the Texas Pledge.

PROCLAMATIONS

[18-2693](#)

National Library Week

Mayor Cook proclaimed April 8 through 14, 2018 as National Library Week and presented a proclamation to Library staff; Members of the Library Advisory Board; and Friends of the Library.

[18-2694](#)

National Library Worker's Day

Mayor Cook proclaimed April 10, 2018 as National Library Worker's Day and presented a proclamation to Library staff; Members of the Library Advisory Board; and Friends of the Library.

[18-2695](#)

Public Safety Telecommunications Week

Mayor Cook proclaimed April 8 through 14, 2018, as Public Safety Telecommunications Week and presented a proclamation to Police Department staff. Police Chief Tracy Aaron made brief comments.

[18-2697](#)

St. Paddy's Pickle Parade & Palooza

Mayor Cook recognized and honored the world's only St. Paddy's Pickle Parade and Palooza. Pickled Mansfield Society representative John Pressley gave an update on the event.

CITIZEN COMMENTS

James B. Mershon - 420 Chimney Hill Circle - Mr. Mershon spoke about health and environmental issues related to the railroad tracks and development along side the tracks.

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 had no announcements.

Council Member Broseh had no announcements.

Mayor Cook read the following letter from citizen Steve Nelson:

I've recently been reminded of the fleeting nature of life, and the fact that there'll come a time when thoughts that you wished you'd expressed are lost to time. With that in mind, I'd like to express my thanks to the past, current, and future city council and city staff.

The council elections are coming up, and I realize that some of you have elected not to run for re-election, while others will be facing a candidate for your seat on council.

I'd like to take this opportunity to express my thanks to each of you for taking on an often-thankless task - directing the future of our city.

It is my firm belief that in all your deliberations and decisions that you've placed the good of the city and its residents as the deciding factor. I may not have agreed with some or many of those decisions; but in my 67 years, I've realized that the only person I always agree with is myself (and even that's only 97% of the time).

So, whether you're re-elected or not, thank you for your dedication and sacrifice to the city of Mansfield.

To the council remaining, to those who will soon occupy these honored seats, and the city staff; I only ask that you continue to put the wellbeing of the citizens of this great city foremost in all your decisions.

Finally, I'd like to take this opportunity to publicly express my gratitude to Tyler Morris and the entire Geyer Morris development company for their donation to the Susan G. Komen foundation in honor of my wife Cheryl. In all my dealings with Geyer Morris and their partners, I've had the impression that they are trying to be the best neighbor possible. Their donation emphasizes that impression, and I wish to express my

heartfelt thanks.

*Thank you,
Steve Nelson*

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler made brief comments regarding the upcoming development report.

Development Updates

Deputy City Manager Joe Smolinski gave a power point presentation regarding the city's overall development. City Engineer Raymond Coffman gave an update on roadway projects and answered Council questions. Parks and Recreation Director Matt Young gave an update on the Linear Park System and answered Council questions. Deputy City Manager Peter Phillis gave a power point presentation regarding the Mansfield Starcenter funding.

Quarterly Reports: Mansfield Economic Development Corporation; Mansfield Park Facilities Development Corporation; Planning and Zoning; Public Works; Code Enforcement; Communications & Marketing; Library; Mansfields Convention and Visitors Bureau

There were no questions regarding the quarterly reports.

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 purchase negotiations along Business 287 property as discussed in executive session. 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

[18-2681](#)

Resolution - A Resolution of the City of Mansfield, Texas, Providing for the Appointment of Tracy B. Norr as Local Registrar of Births and Deaths for the City of Mansfield, Texas

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

resolution:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS PROVIDING FOR THE APPOINTMENT OF TRACY B. NORR AS LOCAL REGISTRAR OF BIRTHS AND DEATHS FOR THE CITY OF MANSFIELD, TEXAS

(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-3461-18

[18-2682](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with the Tarrant County Elections Administrator to Perform Election Services for the May 5, 2018 General Election; and Providing and Effective Date

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 5, 2018 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE

(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-3462-18

[18-2683](#)

A Resolution of the City of Mansfield Authorizing the City Manager to Enter into an Interlocal Agreement with Tarrant County for the Reconstruction of S. 5th Avenue from S. 4th Avenue to a Location Approximately 2,100 Feet South for a Cost Not to Exceed \$200,000.00 (Street Bond Fund).

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$200,000.00 AND AUTHORIZING THE CITY

MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR THE RECONSTRUCTION OF SOUTH 5TH AVENUE FROM SOUTH 4TH AVENUE TO A LOCATION APPROXIMATELY 2,100 FEET SOUTH

(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-3463-18

[18-2678](#)

Minutes - Approval of the March 26, 2018 Regular City Council Meeting Minutes

A motion was made by Council Member Moore to approve the minutes of the March 26, 2018 Regular City Council Meeting as presented. 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

[18-2699](#)

Request for special event permit:Mansfield HS Tiger Band Vendor Fair

A motion was made by Council Member Moore to approve the request for special event permit. 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

END OF CONSENT AGENDA

OLD BUSINESS

[18-2643](#)

Ordinance - Third and Final Reading of 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)

2000 Walnut Plaza, LLC representative Christopher Tran made brief comments and answered Council questions.

A motion was made by Council Member Broseh to approve the following ordinance with the condition that irrigation and landscaping be installed by March 31, 2019:

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

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

Seconded by Council Member Newsom. 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

Enactment No: OR-2083-18

[18-2689](#)

Discussion and Possible Action Regarding an Acknowledgment, Consent and Agreement between MEDC, City of Mansfield, Shops at Broad, LLC, and Mansfield NLA, LLC, to Approve a Partial Assignment Under the Second Amended and Restated Development and 380 Agreement Between MEDC, City of Mansfield and Shops at Broad, LLC.

City Attorney Allen Taylor made brief comments.

A motion was made by Council Member Moore to approve this agenda item. 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:

[18-2696](#)

Consideration of a Request by the Property Owner to Remove Item#16-2113 from the Table and Withdraw the Application Related to a Zoning Change from PR, Pre-Development to SF-7.5/18, SF-9.6/20 and SF-12/22, Single Family Residential Districts on Approximately 187.85 Acres, Generally Located West of Gertie Barrett Road and the End of Cancun Drive, North of Country Meadow Drive and Chimney Hill Circle; Bisbee Ranch, LLC (ZC#16-001)

Interim Director of Planning Lisa Sudbury made brief comments.

A motion was made by Mayor Pro Tem Hoffman to remove from the table item 16-2113 and remove from any future agenda items. 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

PUBLIC HEARING AND FIRST READING

18-2679

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from SF-7.5/12 to PD for Single-Family Residence Use on Approximately 0.41 Acres Being a Portion of Block 36A, Original Town of Mansfield, Located at 508 W. Kimball Street; Ben Hartman (ZC#18-006)

City Secretary Tracy Norr read the caption into the record. Property owner Ben Hartman made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:36 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:37 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 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." 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

18-2680

Ordinance - Public Hearing and First Reading on an Ordinance approving a change of zoning from PD, Planned Development District to PD, Planned Development District for retail and commercial uses for property known as Lot 1, Galloway Addition and approximately 30.7586 acres out of the H. Odele Survey, Abstract #1196 and John Robertson Survey, Abstract #1317, Tarrant County, TX, totaling approximately 33.7616 acres generally located at the southeast corner of US 287 and E. Broad Street and the west side of N. Mitchell Road; Randall P. Pogue of Westwood on behalf of Broad Street US 287 and HEB Grocery Co. (ZC#18-008)

Tracy Norr read the caption into the record. Westwood Development representative John Rose made brief comments and answered Council questions. Allen Taylor was asked to provide an update of the Specific Use Permit requirements at the next reading. 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 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 RETAIL AND COMMERCIAL 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 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

PUBLIC HEARING CONTINUATION AND SECOND READING

18-2661

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from SF-7.5/12 to PD, Planned Development for Single-Family Residential Uses on Approximately 0.61 Acres Located 211 W. Dallas Street ; Felix Wong (ZC#18-003)

Applicants representative Felix Wong made brief comments. Mayor Cook continued the public hearing through second reading at 8:38 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:38 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 SINGLE FAMILY LAND 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: 7 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes;Brent Newsom and Terry Moore

Nay: 0

Abstain: 0

Enactment No: OR-2084-18

NEW BUSINESS

18-2677

Resolution - A Resolution Authorizing the City Manager to Execute a Chapter

380 Development Agreement Between the City of Mansfield and Bethlehem's Pioneer Place, LP

Bethlehem's Pioneer Place, LP representative Michael Evans and Will Henderson made brief comments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A CHAPTER 380 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANSFIELD AND BETHLEHEM'S PIONEER PLACE, LP FOR A LOW INCOME SENIOR CITIZEN MULTI-FAMILY DEVELOPMENT LOCATED IN THE WEST BROAD CORRIDOR; AND PROVIDING AN EFFECTIVE DATE

(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-3464-18

[18-2686](#)

Review and Consideration of a Detailed Site Plan for a 3,477 sq. ft. restaurant with drive-thru on 0.86 acres located at 3131 E. Broad Street; Michael Martin, Bannister Engineering, LLC on behalf of Marc Semmelmann of CV Mansfield, LLC (DS#18-002)

Bannister Engineering, LLC representative Dennis Polley and Costa Vida Co-Owner Robby Stewart made brief comments. Lisa Sudbury answered Council questions.

A motion was made by Council Member Broseh to approve the detailed site plan as presented. Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh and Brent Newsom

Nay: 2 - Darryl Haynes and Terry Moore

Abstain: 0

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:58 p.m. 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

ATTEST: David L. Cook, Mayor

Tracy Norr, City Secretary