



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
www.mansfield-tx.gov

Meeting Minutes - Final City Council

Monday, May 14, 2012

4:00 PM

Council Chambers

REGULAR MEETING

4:00 P.M. TOUR OF THE MANSFIELD PERFORMING ARTS CENTER - 1110 W. DEBBIE LANE

Council and Staff attended the Tour of the Mansfield Performing Arts Center.

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

Mayor Cook called the meeting to order at 5:00 p.m.

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

RECESS INTO EXECUTIVE SESSION

Pursuant to Section 551.071 of the Texas Government Code, the Council reserves the right to convene into executive session(s) from time to time as deemed necessary during the meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:15 p.m. Mayor Cook adjourned executive session at 7:02 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 Extension of National Parkway

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

Property Acquisition Along Grand Meadows Boulevard and East Broad Street

Personnel Matters Pursuant to Section 551.074

Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087

Update on Mansfield Economic Development Corporation Projects

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

Mayor Cook reconvened into regular business session at 7:05 p.m.

INVOCATION

Mayor Pro Tem Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Police Chief Gary Fowler 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 Hoffman led the Texas Pledge.

PROCLAMATION

[12-0147](#) Motorcycle Safety and Awareness Month

Mayor Cook proclaimed May 2012 as Motorcycle Safety and Awareness Month.

[12-0151](#) National Police Week

Commander Kyle Lanier made brief comments and showed a brief video. Mayor Cook proclaimed May 13-19, 2012 as National Police Week and presented the proclamation to Police Chief Gary Fowler.

[12-0153](#) EMS Week 2012

Mayor Cook proclaimed May 21-25, 2012 as Emergency Medical Services Week and presented the proclamation to Fire Chief Barry Bondurant.

CITIZEN COMMENTS

Paul Smith - 741 Kensington - Mr. Smith spoke in support of the Mansfield Fire Department. He stated he was employed for the city in the Police and Fire Departments and has a son who is currently a firefighter. He stated it was time for understanding and healing for the Fire Department. He stated 21 percent of the voting public agreed with the Fire Department mentioning they have concerns about the department. Mr. Smith asked why the department was not staffed to the level it is authorized to be at mentioning the department was operating without the 13 percent of its assigned strength. He asked the Council and staff to use this as an opportunity to

move forward.

COUNCIL ANNOUNCEMENTS

Council Member Haynes thanked the citizens for voting.

Council Member Hoffman thanked the citizens for voting and advised there would be a run-off election on June 23, 2012.

Council Member Newsom had no announcements.

Council Member Lindsey had no announcements.

Council Member Burgess had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Notice of Intent Special Council Meeting May 21, 2012

Assistant City Manager Chris Burkett stated there would be a meeting on May 21, 2012 to canvass the votes of the May 12, 2012 election and to call a run-off election.

Business Services Department

[12-0146](#) Presentation of Monthly Financial Report for the Period Ending March 31, 2012

No action was taken.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

[12-0148](#) Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the American Society for the Prevention of Cruelty to Animals (ASPCA) in an Amount Not to Exceed \$16,200/No Cash Match

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDS FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA) FY 2012 GRANT PROGRAM

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2807-12

[12-0155](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Sodium Hydroxide (Caustic Soda) for an Amount not to Exceed \$518.90 / Dry Ton (Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID SODIUM HYDROXIDE (CAUSTIC SODA), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2808-12

[12-0156](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Aluminum Sulfate (ALUM) for an Amount not to Exceed \$183.50 / Dry Ton (Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID ALUMINUM SULFATE (ALUM), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2809-12

[12-0157](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid to Supply One Ton Chlorine Cylinders for an amount not to Exceed \$680.00 / Ton (Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF ONE TON CHLORINE CYLINDERS, FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2810-12

[12-0158](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Liquid Ammonium Sulfate (LAS), for an Amount not to Exceed \$212.00 / Wet Ton) Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF LIQUID AMMONIUM SULFATE (LAS), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2811-12

[12-0159](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid for the Supply of Fluoride, for an Amount not to Exceed \$700.00 / Dry Ton (Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF HYDROFLUOROSILICIC ACID 23% (FLUORIDE), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2812-12

[12-0160](#)

Resolution - A Proposed Resolution Awarding a One Year Renewable Contract to the Lowest and Best Bid to Supply Sodium Chloride (Salt) for an amount not to Exceed \$185.00 / Dry Ton (Utility Fund FY-2012, FY-2013 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR RENEWABLE CONTRACT TO THE LOWEST AND BEST BID FOR THE SUPPLY OF SODIUM CHLORIDE (SALT), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

(Resolution 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;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2813-12

[12-0163](#)

Resolution - A Resolution of the City of Mansfield Denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") Requested Rate Change; Requiring the Company to Reimburse the City's Reasonable Ratemaking Expenses

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

RESOLUTION OF THE CITY OF MANSFIELD DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2814-12

[12-0164](#)

Resolution - A Resolution to Accept a Land Donation from Arcadia Land Partners 28, Ltd. of Approximately 12 acres in the W.H. Harrell Survey, A-724, Tract 1F and A-659, Tracts 7C1, 1A3

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

A RESOLUTION TO ACCEPT A LAND DONATION FROM ARCADIA LAND PARTNERS 28, LTD. OF APPROXIMATELY 12 ACRES IN THE W.H. HARRELL SURVEY, A-724, TRACT 1 F AND A-659, TRACTS 7C1, 1A3

(Resolution 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; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2815-12

[12-0132](#)

Request for Special Event Permit; Farmers Market 2012; Applicant Rex Wenger

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

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

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[12-0145](#)

Minutes - Approval of the April 24, 2012 Regular City Council Meeting Minutes

Mayor Pro Tem Broseh removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the April 24, 2012 Regular City Council Meeting minutes as presented. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 2 - Stephen Lindsey and Larry Broseh

END OF CONSENT AGENDA

PUBLIC HEARING CONTINUATION AND SECOND READING

[12-0112](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from PR & C-2 to SF-7.5/16 on Approximately 42.306 Acres, Generally Located South of Cowtown Drive and East of Annette Perry Elementary School and South Main Street by Bloomfield Homes, L.P. (ZC#12-002)

Bloomfield Homes representative Charles Jowell made brief comments. Mayor Cook continued the public hearing at 7:52 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:53 p.m.

A motion was made by Council Member 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 SF-7.5/16, SINGLE FAMILY RESIDENTIAL DISTRICT CLASSIFICATION, 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 Burgess. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-1835-12

[12-0114](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Amending Chapter 50 of the Code of Ordinances of the City of Mansfield, Texas, Relating to the Collection of Solid Waste, Garbage and Refuse From Premises Within the City; Providing For Additional Regulations Governing the Physical Characteristics, Acquisition, Disturbance, Placement, Use and Storage of Waste and Recycling Containers Within the City; Providing That This Ordinance Shall Be Cumulative of All Ordinances; Providing a Penalty Clause for Violations; Providing a Severability Clause; Providing a Savings Clause; Providing for Publication; and Providing an Effective Date

Stormwater Manager Howard Redfearn made brief comments and answered Council questions. Mayor Cook continued the public hearing at 7:54 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:54 p.m.

A motion was made by Mayor Pro Tem Broseh to approve the second reading of "AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, RELATING TO THE COLLECTION OF SOLID WASTE, GARBAGE AND REFUSE FROM PREMISES WITHIN THE CITY; PROVIDING FOR ADDITIONAL REGULATIONS GOVERNING THE PHYSICAL CHARACTERISTICS, ACQUISITION, DISTURBANCE, PLACEMENT, USE AND STORAGE OF WASTE AND RECYCLING CONTAINERS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE," deleting the last sentence of Article 5, Section B, Paragraph A "The recycling containers shall be removed from the curb after collection by no later than 10 p.m. of the collection day" and also remove the sentence from Article 2, Section F, Paragraph A and also remove "30 gallon maximum" from Article 2, Section D. Seconded by Council Member Haynes.

Mayor Cook made a motion to amend the main motion to change the last sentence of Article 5, Section B, Paragraph A and Article 2, Section F, Paragraph A to "Recycling containers shall be removed from the curb after collection by no later than 12 p.m. the day following collection." Seconded by Council Member Haynes. The motion to amend CARRIED with 7 ayes and 0 nays.

The main motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-1836-12

NEW BUSINESS

12-0152

Ordinance - An Ordinance Amending Chapter 98 of the Code of Ordinances Prohibiting Aggressive Panhandling within the City of Mansfield, Texas

City Secretary Vicki Collins read the caption into the record. Council Member Newsom and Mayor Cook made brief comments. In-House Legal Counsel Craig Magnuson gave a brief update on the issuance of the ordinance and answered Council questions. City Attorney Allen Taylor made comments.

A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS; AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY ADDING A SUBSECTION; RELATING TO AGGRESSIVE PANHANDLING WITHIN THE CITY OF MANSFIELD, TEXAS; PROVIDING FOR LIMITATION ON THE MANOR AND PLACE IN WHICH PANHANDLING MAY BE CONDUCTED WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-1837-12

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:20 p.m. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary

