



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, February 24, 2014

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 5:00 p.m.*

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

#### **RECESS INTO EXECUTIVE SESSION**

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned the executive session at 7:05 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 on Competitive Bidding Requirements Related to the City's Wrecker Service Contract

Seek Advice of City Attorney Regarding Hotel-Motel Contract Review

Seek Advice of City Attorney Regarding Legal Issues Related to Past or Future Development Agreements with South Pointe

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

#### **Personnel Matters Pursuant to Section 551.074**

Board Interviews; Mansfield Economic Development Corporation

#### **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**

Project #13-20 - Entertainment Business Prospect

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

*Mayor Cook reconvened into regular business session at 7:15 p.m.*

**INVOCATION**

*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Burgess 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 Burgess led the Texas Pledge.*

**PROCLAMATION**

**14-0829** Texas SmartScape Month

*Mayor Cook proclaimed March 2014 as Texas SmartScape Month and presented the proclamation to Education Specialist and Keep Mansfield Beautiful Coordinator Arianne Shipley. Arianne spoke about the SmartScape classes and upcoming events.*

**14-0831** Best Maid St. Paddy's Pickle Parade & Palooza

*Mayor Cook proclaimed March 15, 2014 as Best Maid St. Paddy's Pickle Parade and Palooza and presented the proclamation to Best Maid owner Gary Dalton and the Pickle Queens. Mr. Dalton made brief comments.*

**PRESENTATION**

Presentation by State Representative Bill Zedler to City of Mansfield and Gary Dalton of Best Maid

*State Representative Bill Zedler presented a state resolution declaring Mansfield the Pickle Capital of Texas. He presented the state resolution to Gary Dalton. Mr. Dalton made comments. Mayor Cook made brief comments.*

Presentation of Plaque to Jane Hart; Former Keep Mansfield Beautiful Commission Member

*Mayor Cook, Arianne Shipley and City Manager Clayton Chandler presented a service plaque to Jane Hart for 18 years of volunteer service to the Keep Mansfield*

*Beautiful Commission.*

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

*City Manager Clayton Chandler made brief comments and turned it over to Director of Business Service Peter Phillis. Peter made brief comments and introduced KPMG, LLP representative Brett Hanselman. Brett made a brief presentation and introduced KPMG representative Travis Hunter. Mr. Hunter made brief comments about his background. Peter answered Council questions.*

### **CITIZEN COMMENTS**

*There were no citizen comments.*

### **COUNCIL ANNOUNCEMENTS**

*Council Member Haynes commended Peter Phillis and his department for a great job on the Comprehensive Annual Financial Report.*

*Council Member Hoffman had no announcements.*

*Council Member Newsom had no announcements.*

*Mayor Pro Tem Lindsey had no announcements.*

*Council Member Burgess had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **STAFF COMMENTS**

#### **City Manager Report or Authorized Representative**

Current/Future Agenda Items

On-Street Bicycle Plan - James Fish and Bart VanAmburgh

*Park Planner James Fish and City Engineer Bart VanAmburgh made a presentation on the On-Street Bicycle Master Plan and answered Council questions. There was Council consensus to hold a work session regarding the On-Street Bicycle Master Plan with the Mansfield Park Facilities Development Corporation at the next regular scheduled meeting of March 17, 2014.*

#### **Business Services Department Report**

**14-0826** Presentation of the Monthly Financial Report for the Period Ending December 31, 2013

*Peter Phillis stated he was available for questions.*

**Police Department Report**

- 14-0821** Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2013  
*Police Chief Gary Fowler made brief comments and stated he was available for questions.*
- 14-0835** Presentation of the Mansfield Marshal's Office Contact Report for 2013  
*City Marshal Tracy Aaron stated he was available for questions.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

No action taken by the Council.

**CONSENT AGENDA**

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

- 14-0794** Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth 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  
*City Secretary Vicki Collins read the caption into the record.*

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH 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 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

Enactment No: OR-1902-14

**14-0820**

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of the State of Texas for Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the FY2015 for an Amount not to Exceed \$145,000 with no Match Required

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR CRIMINAL JUSTICE PROJECTS THAT REDUCE CRIME AND IMPROVE THE CRIMINAL JUSTICE SYSTEM DURING THE FY2015 IN AN AMOUNT NOT TO EXCEED \$145,000 WITH NO MATCH REQUIRED**

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2991-14

**14-0832**

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase a New Graphic to be Placed on Recycling Carts; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$24,540 for Drainage Utility Fund, No Matching Funds Required

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

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF A NEW GRAPHIC STICKER TO BE PLACED ON THE LID OF RECYCLING CARTS**

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2992-14

**14-0833**

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase Equipment to be Used for Processing and/or Storing HHW; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$96,000 for Drainage Utility Fund, No Matching Funds Required

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

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF EQUIPMENT FOR STORING AND/OR PROCESSING HHW**

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2993-14

**14-0834**

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Construct an Enclosure for the Purpose of a Recycling Dropoff Center to be Located on the Property of the Service Center Facility; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$30,000 for Drainage Utility Fund, No Matching Funds Required

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

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE**

**GRANTS FUNDS AVAILABLE TO THE CITY FOR THE CONSTRUCTION OF A RECYCLING DROP OFF CENTER DUMPSTER ENCLOSURE**

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

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2994-14

**14-0830** Request for Special Event permit; Ride2Recovery

**A motion was made by Mayor Pro Tem Lindsey to approve the request for special event permit. Seconded by Council Member 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

**14-0823** Minutes - Approval of the February 10, 2014 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Lindsey to approve the minutes of the February 10, 2014 Regular City Council Meeting as presented. Seconded by Council Member 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

**END OF CONSENT AGENDA**

**PUBLIC HEARING AND FIRST READING**

**14-0817** Ordinance - Public Hearing and First Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of Mansfield (ZC#14-002)

*Vicki Collins read the caption into the record. Director of Planning Felix Wong made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:35 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:35 p.m.*

A motion was made by Council Member 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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE HEREINAFTER DESCRIBED PROPERTIES; 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 Mayor Pro Tem 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

**14-0818**

Ordinance - Public Hearing and First Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

*Vicki Collins read the caption into the record. Felix made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:48 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:48 p.m.*

A motion was made by Mayor Pro Tem Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7100C AND 7100D OF THE SIGN STANDARDS OF THE ZONING ORDINANCE PERTAINING TO WINDOW SIGN AND MESSAGE CENTER; 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," changing section 7100.C.2 (J) placing a period behind the word flash on the 4th sentence and deleting "or scroll. The minimum static display time is 20 seconds." 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

**PUBLIC HEARING AND RESOLUTION**

**14-0828**

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2014 (40th year) Community Development Block Grant Project for Short St. (East Dallas St. to East Kimball St.)

*Director of Public Works Steve Freeman made brief comments. Mayor Cook opened the public hearing at 8:51 p.m. With no one wishing to speak, Mayor Cook closed the*



*public hearing at 8:51 p.m.*

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

**A RESOLUTION APPROVING AND ENDORSING THE 2014 (40TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS**

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

**Seconded by Council Member Hoffman. 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-2995-14

## **NEW BUSINESS**

**14-0822**

Ordinance - First Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

*Vicki Collins read the caption into the record. Felix made a brief presentation and answered Council questions. In-House City Attorney Craig Magnuson answered Council questions.*

**A motion was made by Mayor Pro Tem Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO NOISE, HOURS OF OPERATION, NOTIFICATION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE." 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

**14-0824**

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 10, 2014 to March 17, 2014

**A motion was made by Mayor Cook to reschedule the March 10, 2014 Regular Scheduled meeting to March 17, 2014. Seconded by Council Member Hoffman. 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

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 9:05 p.m. 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

\_\_\_\_\_ David L. Cook, Mayor

ATTEST:

\_\_\_\_\_ Vicki Collins, City Secretary