



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Tuesday, May 28, 2013

5:00 PM

Council Chambers

REGULAR MEETING

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

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

Absent 1 - Wendy Burgess

Present 6 - David Cook; Stephen Lindsey; 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 5:05 p.m. Mayor Cook adjourned executive session at 5:45 p.m. Council Member Burgess arrived at 6:02 p.m.

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

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

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

Consider Possible Purchase of Certain Properties for Future Development/Use

Property Acquisition - 651 Justice Ln.

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 7:00 p.m.

INVOCATION

Mayor Pro Tem 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 Newsom led the Texas Pledge.

OATH OF OFFICE: DAVID L. COOK, BRENT NEWSOM

City Secretary Vicki Collins administered the Office of Oath to Mayor David L. Cook and Council Member Place 2 Brent Newsom.

PRESENTATION

Keep Mansfield Beautiful Commission - Certificates to Honorary Members 2012-2013

Education Specialist Arianne Shipley presented certificates to the following volunteers who met the requirements necessary to be named as the 2012-2013 Keep Mansfield Beautiful Honorary Members:

*Tony Nganga-Perry and Katrina Huynh with Girls Scout Troop 2101
Employees of the Starbucks Store # 18402 at 360 and E. Broad Street
Legacy High School Environmental Club
Criminal Justice Program at Ben Barber Career Tech Academy*

Mayor Cook made comments.

CITIZEN COMMENTS

Dee Davey - 1606 Meadow Crest - Mrs. Davey spoke about the excellent park system the City of Mansfield has.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Council Member Lindsey echoed comments made by Dee Davey during citizens comments.

Council Member Burgess thanked Dee Davey and Lucretia Mills for their years of service to the city.

Mayor Pro Tem Broseh echoed Council Member Burgess' comments.

Mayor Cook echoed Council Member Burgess' comments.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler echoed Council announcements and recognized the Parks Department staff as well as the Park board.

Household Hazardous Waste Collection Day Update; Howard Redfearn

Mr. Chandler stated this item would be moved to the next meeting due to Howard Redfearn's absence.

U.S. Highway 287 Update

Mr. Chandler gave an update on the U.S. Highway 287 project. He stated the contract issues were being debated mentioning there were two projects on the contract.

Code Enforcement Program

Mr. Chandler made brief comments regarding the Code Enforcement program. He stated staff was trying to get voluntary compliance from residents. He mentioned staff was taking pictures of properties.

Mansfield Community Park Update; Shelly Lanners

Park Planner Hillary Hodges gave an update on the Mansfield Community Park Phase I construction and answered Council questions.

Big League Dreams Update

Big League Dreams representative Brad Brewer gave an update on the attendance status at Big League Dreams.

Hawaiian Falls Update

Hawaiian Falls representative Randall Hudson gave an update on Hawaiian Falls and answered Council questions.

Implementation of Stage 1 of the Drought Plan

Director of Utilities Joe Smolinski gave an update on the implementation of Stage 1 of the drought plan. He stated inserts would be placed in the water bills with residential and commercial restrictions.

*Non-Residential Customers may water Tuesday and Friday
Residential Customers with addresses ending with EVEN numbers (0,2,4,6,8) may water Wednesday and Saturday
Residential Customers with addressed ending with ODD numbers (1,3,5,7,9) may water Thursday and Sunday*

Joe stated hand watering and line hose or soaker hose watering can still be done at any time. Joe answered Council questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

[13-0537](#)

Ordinance - Second Reading of a Proposed Ordinance of The City Of Mansfield, Texas, ("City") Approving and Adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in Force in The City for a Period of Time as Specified in the Rate Schedule; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and ACSC Legal Counsel

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL." 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

[13-0539](#)

Ordinance - Second Reading of an Ordinance to Abandon a Portion of Right-of-Way along the South Side of Cannon Drive East of Miller Road

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY ALONG THE SOUTH SIDE OF CANNON DRIVE EAST OF MILLER ROAD DESCRIBED HEREINAFTER, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE." 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

[13-0547](#)

Resolution - A Resolution Authorizing the City Manager and the Mansfield Police Department to make Application, Receive and Expend Funds from the Target & BLUE Law Enforcement Grant Program 2013 (\$5,000 Maximum/No City Match)

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE MANSFIELD POLICE DEPARTMENT TO MAKE APPLICATION RECEIVE, AND EXPEND FUNDS FROM THE TARGET & BLUE LAW ENFORCEMENT GRANT PROGRAM FOR THE PURCHASE OF CRISIS NEGOTIATION TEAM EQUIPMENT AND UPGRADES AND TO PROVIDE THE CUSTOMER IN CRISIS PROGRAM. GRANT APPLICATION WILL NOT EXCEED \$5,000 AND NO CASH MATCH REQUIRED BY THE CITY

(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-2910-13

[13-0551](#)

Resolution - A Resolution to Award a Contract for Construction to CPS Civil for the National Parkway Phase 1 Paving and Drainage Improvements and Authorization of Funding for an Amount not to Exceed \$300,367.73 (Street Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR NATIONAL PARKWAY PHASE I PAVING AND DRAINAGE IMPROVEMENTS TO CPS CIVIL APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

(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-2911-13

[13-0553](#)

Resolution - A Resolution Amending the Surveying Services Contract with Brittain and Crawford for the West Broad Street Phase II (Cotton Dr. to Retta Rd.) Paving, Drainage, & Utility Improvements for an Amount not to Exceed \$30,000.00 (Street Bond Fund)

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

RESOLUTION AMENDING THE CONTRACT WITH BRITTAIN AND CRAWFORD FOR SURVEYING SERVICES FOR THE WEST BROAD STREET PHASE II (COTTON DR. TO RETTA RD.) PAVING, DRAINAGE, & UTILITY IMPROVEMENTS

(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-2912-13

[13-0559](#)

Resolution - A Resolution Authorizing the City Manager and the City of Mansfield Fire Department to make Application and Receive Funds from the Texas Department of State Health Services on Competitive RFP for EMS Local Projects Grant FY 2014 after the Purchase of an Ambulance and Cardiac Monitors

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO PROVIDE FOR REIMBURSEMENT OF UP TO

\$50,000 AFTER THE PURCHASE OF AN AMBULANCE AND CARDIAC MONITORS FOR MANSFIELD FIRE DEPARTMENT

(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-2913-13

[13-0554](#)

Minutes - Approval of the May 13, 2013 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the May 13, 2013 Regular Meeting Minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[13-0538](#)

Resolution - A Resolution of the City of Mansfield, Texas Expressing the Intent of the City of Mansfield, Texas to Finance Capital Expenditures with the Proceeds of Future Debt Obligations for the Purpose of Funding Public Improvements including Streets, Public Safety Dispatch Facilities and a Public Safety Tactical Training Facility

Council Member Hoffman removed this item from the consent agenda.

A motion was made by Council Member Hoffman to approve the following resolution adding \$70,000 for design and construction of the Animal Control expansion project:

REIMBURSEMENT RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED

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

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

Enactment No: RE-2914-13

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

13-0555

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from an Existing PD for Single-Family Residential to a new PD for Single-Family Residential on Approximately 15 acres, located at 2001 and 2011 Callender Road; TCCI Land Development, Inc. (ZC#13-004)

Vicki Collins read the caption into the record. TCCI Land Development Inc. representative Tommy Cansler made brief comments. Mayor Cook opened the public hearing at 7:53 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:53 p.m.

Mayor Cook recessed the meeting at 7:54 p.m. for a break. Mayor Cook reconvened into regular business session at 8:07 p.m.

TCCI Land Development Inc. representative Tommy Tabor made a powerpoint presentation. Tommy Cansler answered Council questions. Council asked the developer to bring back at the next meeting an average guaranteed price with a minimum average that the homes not go under as well as for the developer to compare this PD to the current PD in place and not the ordinance.

A motion was made by Council Member Hoffman to suspend the rules for discussion. Seconded by Council Member Burgess. The motion CARRIED with 7 ayes and 0 nays.

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 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," to include the Lions Gatte pamphlet attached as an exhibit to the PD. 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

13-0540

Ordinance - Public Hearing and First Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96: Parks and Recreation

Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made a brief presentation 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 CHAPTER 96: PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS." Seconded by Council Member Lindsey. The motion CARRIED by the following vote:

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

Nay: 1 - Wendy Burgess

Abstain: 0

NEW BUSINESS

13-0550

Resolution - A Resolution of the City of Mansfield, Texas Approving an Amendment to the Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Lonejack LLC (Sellmark Corp.) and Authorizing its Execution by the President of the MEDC and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE "AMENDMENT 05/20/2013" BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION AND LONEJACK LLC

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

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

Enactment No: RE-2915-13

13-0557

Board Appointment; Keep Mansfield Beautiful Commission

Arianne Shipley made brief comments.

A motion was made by Mayor Cook to reappoint Kimberly Stratman for her term to continue as it is and begin on September 1, 2013 and continue for 2 years. Seconded by Council Member Haynes. 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

ELECTION OF MAYOR PRO TEM

Council Member Haynes and Lindsey and Mayor Pro Tem Broseh made comments as to why they would like to be elected as Mayor Pro Tem.

Mayor Cook explained the procedures for the election of Mayor Pro Tem. Ballots were provided to the Council by Vicki Collins. After the votes were tallied, Mayor Cook advised there was a tie between Council Member Lindsey and current Mayor Pro Tem Broseh and the Council would be voting again.

New ballots were provided to the Council. Mayor Cook announced that Council Member Lindsey was the newly elected Mayor Pro Tem.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:46 p.m. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary