



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Tuesday, April 29, 2014

5:00 PM

Council Chambers

REGULAR MEETING ADDENDUM TO AGENDA

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

Mayor Cook called the meeting to order at 5:05 p.m.

Absent 1 - Stephen Lindsey

Present 6 - David Cook; 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 5:08 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 6:56 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

Discussion Regarding Requirements Regarding Minute Order Dated March 24, 2008 (Addendum to Agenda)

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 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 #13-19 - Hospitality Project Briefing and Update

Project #13-20 - Entertainment Business Prospect

Project #14-08 - Retail Business Prospect

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

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 Newsom led the Texas Pledge.

PROCLAMATION

14-0898 National Music Week

Mayor Cook proclaimed May 4-11, 2014 as National Music Week and presented the proclamation to Music Teacher Harriett Motter and students.

14-0897 Motorcycle Safety and Awareness Month

Mayor Cook proclaimed May 2014 as Motorcycle Safety and Awareness Month and presented the proclamation to area bikers.

14-0899 National Correctional Officers and Employees Week

Mayor Cook proclaimed May 4-10, 2014 as National Correctional Officers and Employees Week and presented the proclamation to Mansfield Law Enforcement Employees. City Marshal Tracy Aaron made brief comments.

CITIZEN COMMENTS

There were no citizen comments.

PRESENTATION

Keep Mansfield Beautiful Certificates; Arianne Shipley

Mayor Cook and Education Specialist Arianne Shipley presented certificates to the Mansfield Independent School District Nutrition Group for always providing their services during city clean up events and to the Asa Low Intermediate Builders Club

for their participation in keeping the city clean.

Life Saving Award - Lifetime Fitness Staff and Mansfield Fire Department Staff

Mayor Cook presented certificates of Life Saving Recognition to staff from Lifetime Fitness and the Mansfield Fire Department for their quick action in stabilizing a gentleman who suffered a cardiac arrest during a spin class at Lifetime Fitness.

2014 Texas Section American Water Works Association "Watermark" Award - City of Mansfield Water Utilities and Communications & Marketing Departments

Mayor Cook presented the Utility Division and Communications and Marketing Department with the Watermark Award received from the Texas Section of the American Water Works Association.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman advised his 16 year old daughter is now driving.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey was absent.

Council Member Burgess stated the previous presentations speak of the greatness of the city.

Council Member Broseh had no announcements.

Mayor Cook read a letter from Senator John Cornyn regarding National Day of Prayer.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Mansfield Reads! Update; Steve Standefer

City Librarian Steve Standefer made brief comments and invited everyone to the Mansfield Reads! Event to be held Friday, May 2, 2014 at 6:00 p.m. at the Mansfield Public Library.

Canvass May 10, 2014 General Election Returns; May 19, 2014 at 8:00 a.m.

City Secretary Vicki Collins stated there would be a Special Meeting on May 19, 2014 to canvass the Election returns. She stated she needed two Council Members present for a quorum. Council Members Hoffman and Newsom stated they would be available that day to attend.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

14-0872 Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department to Make Application , Receive, and Expend Grant Funds from the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force Funds Requested will not Exceed \$450,000 with a 20% Cash Match of \$90,000 Required

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE MANSFIELD POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDS FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE AUTO BURGLARY AND THEFT PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE. FUNDS REQUESTED WILL NOT EXCEED \$450,000 WITH A 20% MATCH OF \$90,000 REQUIRED

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: RE-3004-14

14-0895 Resolution - A Resolution Approving the Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator for the May 10, 2014 General Election

A motion was made by Council Member Hoffman 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 10, 2014 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: RE-3005-14

14-0891 Minutes - Approval of the April 14, 2014 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the April 14, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

14-0893 Minutes - Approval of the April 16, 2014 Special City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the April 16, 2014 Special Meeting Minutes as presented. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

14-0874 Request for Special Event Permit; Mansfield Farmer's Market 2014

Mayor Cook removed this item from the consent agenda. He encouraged everyone to support the Farmers Market which will take place every Saturday from 8-1 beginning May 17, 2014 and ending October 11, 2014 at the intersection of Oak Street and Smith Street.

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

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

14-0892 Minutes - Approval of the April 15, 2014 Special City Council Meeting Minutes

Council Member Broseh removed this item from the consent agenda mentioning he would be abstaining from the vote due to his absence.

A motion was made by Mayor Cook to approve the April 15, 2014 Special Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 1 - Larry Broseh

END OF CONSENT AGENDA

OLD BUSINESS

14-0845 Ordinance - Third and Final Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

Vicki Collins read the caption into the record. Director of Utilities Joe Smolinski made brief comments.

A motion was made by Council Member Hoffman to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: OR-1909-14

14-0860

Ordinance - Third and Final Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and "Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping Devices; Prohibiting Smoking at City Parks or Recreational Facilities; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

Vicki Collins read the caption into the record. Assistant Director of Planning Lisa Sudbury made brief comments. Mayor Cook made brief comments.

A motion was made by Council Member Burgess to remove the item from the table. Seconded by Council Member Broseh. The motion CARRIED with 6 ayes and 0 nays.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS OF SMOKING IN CHAPTER 92, HEALTH AND SANITATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY ADDING DEFINITIONS FOR "ELECTRONIC VAPING DEVICE" AND "LIQUID NICOTINE;" AMENDING THE DEFINITION OF "SMOKING" TO INCLUDE ELECTRONIC VAPING DEVICES; PROHIBITING SMOKING AT CITY PARKS AND RECREATIONAL FACILITIES; PROHIBITING THE SALE AND DISTRIBUTION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE TO MINORS; AND PROHIBITING THE POSSESSION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE BY MINORS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: OR-1910-14

PUBLIC HEARING AND FIRST READING

14-0881

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas, Amending "Curfew in Parks," Chapter 96.24, Parks and

Recreation of the Code of Ordinances of the City of Mansfield, Texas; and Providing an Effective Date

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 7:54 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:55 p.m. There was Council consensus to bring back at second reading more description on lit vs. unlit and closing parks 30 minutes past sundown.

A motion was made by Mayor Cook to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING "CURFEW IN PARKS," CHAPTER 96.24, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

14-0873

Ordinance - Public Hearing Continuation and Second Reading to Consider Proposed Amendment of Section 7200.B of the Zoning Ordinance Regarding Construction Standards for Residential Driveways (OA#14-003)

Lisa Sudbury made brief comments. Mayor Cook continued the public hearing at 8:00 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:00 p.m.

A motion was made by Council Member Broseh to approve the second 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 SECTIONS 7200.B.19 AND 20 OF SAID ORDINANCE REGARDING CONSTRUCTION STANDARDS FOR RESIDENTIAL DRIVEWAYS; 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: 6 - David Cook;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

NEW BUSINESS

14-0894 Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 26, 2014 to May 27, 2014

A motion was made by Mayor Cook to suspend the procedural rules of Council. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:02 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary