



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Tuesday, April 24, 2012

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:25 p.m. and convened into the work session.

Absent 2 - Stephen Lindsey and Larry Broseh

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

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Follow Up Council/Staff Discussion Regarding Goals and Objectives for FY12/13 Budget

City Manager Clayton Chandler discussed the Goals and Objectives for FY12/13 Budget and answered Council questions.

Follow Up Council/Staff Discussion Regarding Capital Improvement Program/Bond Election

Mr. Chandler made comments regarding the Capital Improvement Program/Bond Election and answered Council questions.

Mayor Cook adjourned the work session at 6:45 p.m. and recessed into executive session.

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 6:45 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:50 p.m. Mayor Cook adjourned executive session at 7:00 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 Effect of Name Change of Parent Company for Mansfield National Golf

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

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

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

INVOCATION

Council Member Haynes 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 Hoffman led the Texas Pledge.

PROCLAMATION

12-0138 National Music Week

Mayor Cook proclaimed May 6, 2012 thru May 13, 2012 as National Music Week and presented a proclamation to Harriett Motter and her students.

12-0139 National Nurses Week

Mayor Cook proclaimed May 6, 2012 thru May 12, 2012 as National Nurses Week and presented a proclamation to the nurses of Mansfield Methodist Medical Center. Mr. Chandler made brief comments.

CITIZEN COMMENTS

Glenda Davis Tiller - 2317 Laura Elizabeth - Ms. Tiller spoke as the Chairman of the Mansfield Area Chamber of Commerce. She read a resolution opposing Civil Service for the Fire Department.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman reminded everyone that Early Voting will be held from 4/30/12 to 5/8/12 and Election Day is May 12, 2012.

Council Member Newsom had no announcements.

Council Member Lindsey was absent.

Council Member Burgess thanked the Mansfield Police Department for allowing her to view a commercial vehicle inspection. She welcomed the new Mansfield Area Chamber of Commerce President Amanda Miller. She made comments regarding Civil Service for the Fire Department.

Mayor Pro Tem Broseh was absent.

Mayor Cook echoed Council Member Burgess' comments regarding Civil Service. He also welcomed Amanda Miller. He stated there would be a presentation made during the Civil Service agenda item regarding budget alternatives.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Mr. Chandler welcomed new President of the Mansfield Area Chamber of Commerce, Amanda Miller.

Update on the Community Park on Matlock Road - Shelly Lanners

Mr. Chandler stated there would not be any comments regarding this agenda item.

Business Services Department

12-0111 Presentation of Monthly Financial Report for the Period Ending February 29, 2012

There were no comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

12-0088 Ordinance - Third and Final Reading on an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 3.46 Acres, Located at 840 S. Mitchell Road; XTO Energy, Inc. (ZC#12-001)

City Secretary Vicki Collins read the caption into the record.

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

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 THE SPECIFIC USE PERMIT FOR GAS WELL DRILLING AND PRODUCTION ON 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

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: OR-1834-12

12-0113 Resolution - A Resolution Awarding a Contract for Construction of the Hogpen Branch Linear Detention Facility - Pond B Drainage Improvements to 2L Construction, LLC, for an Amount Not to Exceed \$340,270.50 (Drainage Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF THE HOGPEN BRANCH LINEAR DETENTION FACILITY - POND B DRAINAGE IMPROVEMENTS TO 2L CONSTRUCTION, LLC, APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING 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: 5 - David Cook;Wendy Burgess;Cory Hoffman;Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2796-12

12-0120

Resolution - A Resolution Approving an Inter-local Agreement with Tarrant County for Construction of Parking Lot Improvements at Philip Thompson Soccer Complex in the Amount of \$15,000 and Approving the Purchase of Materials Through a Cooperative Purchasing Agreement with Tarrant County in the Amount of \$159,145

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

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT WITH TARRANT COUNTY FOR CONSTRUCTION OF PARKING LOT IMPROVEMENTS AT PHILIP THOMPSON SOCCER COMPLEX IN THE AMOUNT OF \$15,000 AND APPROVING THE PURCHASE OF MATERIALS THROUGH A COOPERATIVE PURCHASING AGREEMENT WITH TARRANT COUNTY IN THE AMOUNT OF \$159,145

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2797-12

12-0121

Resolution - A Resolution to Award a bid to CLLA Group LLC for Construction of a Parking Lot at Heritage Parkway and National Parkway in the amount of \$232,232.00

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

A RESOLUTION TO AWARD A BID TO CLLA GROUP LLC FOR CONSTRUCTION OF A PARKING LOT AT HERITAGE PARKWAY AND NATIONAL PARKWAY IN THE AMOUNT OF \$232,232.00

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2798-12

12-0122

Resolution - A Resolution to Award a bid to North Texas Hydromulching & Services for the Installation of Trees and Irrigation on E. Broad Street, N. Holland Road, and Matlock Road in the amount of \$249,300.00

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

A RESOLUTION TO AWARD A BID TO NORTH TEXAS HYDROMULCHING & SERVICES FOR THE INSTALLATION OF TREES AND IRRIGATION ON E. BROAD STREET, N. HOLLAND ROAD, AND MATLOCK ROAD IN THE AMOUNT OF \$249,300

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2799-12

12-0126

Resolution - A Resolution Authorizing an Amendment to the contract with Brittain & Crawford, LLC., not to Exceed \$25,000.00 for the Change in Scope of Surveying Services for the Callendar Road Improvement Project from Hwy 287 to Turner Warnell (Street Bond Fund)

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

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH BRITTAIN & CRAWFORD, LLC. (HWY 287 TO TURNER WARNELL)

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

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

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

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2806-12

12-0127

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for the Oak Street Reconstruction Improvement Project with McClendon Construction, Inc. in the amount of \$37,357.44 (Street Bond Fund, Utility Bond Fund and Tree Mitigation)

Mayor Cook asked for the amount to be corrected on the resolution to show \$34,357.44.

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

A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FROM THE OAK STREET RECONSTRUCTION IMPROVEMENTS WITH MCCLENDON CONSTRUCTION, INC.

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2800-12

12-0128

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 2013

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

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2801-12

12-0129

Resolution - A Resolution to Consider Request by Carrizo Oil & Gas, Inc. to Assign that Certain Gas Lease by and Between Carrizo Oil & Gas, Inc. and the City of Mansfield to ARP Barnett, LLC and Atlas Resource Partners, L.P. for City-owned property described as: 105 Walnut Street, 206 S. First Avenue, 602 Elizabeth Lane, 940 W. Broad Street, 103 S. First Avenue, 526 Patterson Drive, 740 W. Kimball Street, and 799 W. Broad Street

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

A RESOLUTION TO ASSIGN THAT CERTAIN GAS LEASE BETWEEN THE CITY OF MANSFIELD AND CARRIZO OIL & GAS, INC. TO ARP BARNETT, LLC AND ATLAS RESOURCE PARTNERS, L.P. FOR CITY-OWNED PROPERTY DESCRIBED AS: 105 WALNUT STREET, 206 S. FIRST AVENUE, 602 ELIZABETH LANE, 940 W. BROAD STREET, 103 S. FIRST AVENUE, 526 PATTERSON DRIVE, 740 W. KIMBALL STREET, AND 799 W. BROAD STREET

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2802-12

12-0131

Resolution - A Resolution to Assign that Certain Gas Lease By and Between Carrizo Oil & Gas, Inc. and the Mansfield Park Facilities Development Corporation (MPFDC) to ARP Barnett, LLC and Atlas Resource Partners, L.P. for MPFDC-owned property described as 1524 Moody Lane, 204 Alvarado Street, and 665 W. Broad Street

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

A RESOLUTION TO ASSIGN THAT CERTAIN GAS LEASE BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND CARRIZO OIL & GAS, INC. TO ARP BARNETT, LLC AND ATLAS RESOURCE PARTNERS, L.P. FOR CITY-OWNED PROPERTY DESCRIBED AS: 1524 MOODY LANE, 204 ALVARADO STREET, AND 665 W. BROAD STREET

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2803-12

12-0140

Resolution - A Resolution Amending Resolution Number RE-2762-12 Which Called for a General Election to be Held on May 12, 2012; By Appointing an Election Judge and Alternate Election Judge, Establishing a Date for Run-Off Election, if Necessary, Approving a Joint Election Agreement with Tarrant County Elections Administrator and by Amending Precinct Numbers within the City, and Providing an Effective Date

Resolución - Una Resolución Modificando Resolución No. RE-2762-12 que Convoco una Elección General que se llevara acabo el 12 de Mayo del 2012; Con la Designación de un Juez Electoral y Magistrados Suplentes, Estableciendo una Fecha para una Segunda Vuelta si es Necesario, Aprobando un Acuerdo Conjunto con el Administrador de Elecciones del Condado de Tarrant y Modificando Números de Distritos Electorales dentro de la Ciudad y Proporcionando una Fecha de Vigencia

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AMENDING RESOLUTION NO. RE-2762-12 WHICH CALLED FOR A GENERAL ELECTION TO BE HELD ON MAY 12, 2012; BY APPOINTING AN ELECTION JUDGE AND ALTERNATE ELECTION JUDGE, ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY, APPROVING A JOINT ELECTION AGREEMENT WITH TARRANT COUNTY ELECTIONS ADMINISTRATOR AND BY AMENDING PRECINCT NUMBERS WITHIN THE CITY, AND PROVIDING AN EFFECTIVE DATE

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2794-12

12-0141

Resolution - A Resolution Amending Resolution Number RE-2786-12 Which Called for a Special Election to be Held on May 12, 2012; By Appointing an Election Judge and Alternate Election Judge, Approving a Joint Election Agreement with Tarrant County Elections Administrator and by Amending Precinct Numbers within the City, and Providing an Effective Date

Resolucion - Una Resolucion Modificando Resolucion No. RE-2786-12 que Convoco una Eleccion Especial que le llevara acabo el 12 de Mayo del 2012; con la Designacion de un Juez Electoral y Magistrados Suplentes, Estableciendo una Fecha para una Segunda Vuelta, si es Necesario, Aprobando un Acuerdo Conjunto con el Administrador de Elecciones del Condado de Tarrant y Modificando Numeros de Distritos Electorales dentro de la Ciudad y Proporcionando una Fecha de Vigencia

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AMENDING RESOLUTION NO. RE-2786-12 WHICH CALLED FOR A SPECIAL ELECTION TO BE HELD ON MAY 12, 2012; BY APPOINTING AN ELECTION JUDGE AND ALTERNATE ELECTION JUDGE, APPROVING A JOINT ELECTION AGREEMENT WITH TARRANT COUNTY ELECTIONS ADMINISTRATOR AND BY AMENDING PRECINCT NUMBERS WITHIN THE CITY, AND PROVIDING AN EFFECTIVE DATE

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2795-12

12-0142

Resolution - A Resolution Amending Resolution Number RE-2764-12 Revising the Joint Election Agreement ("Exhibit A") of the Resolution Calling for a General Election to be Held Jointly with the Mansfield Independent School District on May 12, 2012

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AMENDING RESOLUTION NO. RE-2764-12 BY APPROVING A REVISED JOINT ELECTION AGREEMENT (EXHIBIT "A") WITH THE MANSFIELD INDEPENDENT SCHOOL DISTRICT ON MAY 12, 2012; AND PROVIDING AN EFFECTIVE DATE

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

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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2804-12

12-0110 Minutes - Approval of the April 9, 2012 Regular City Council Meeting Minutes

A motion was made by Council Member Newsom to approve the April 9, 2012 Regular 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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

12-0112 Ordinance - Public Hearing and First 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)

Vicki Collins read the caption into the record. Bloomfield Homes LP representative Charles Jowell made a brief presentation. Mayor Cook opened the public hearing at 7:40 p.m. The following person spoke during the Public Hearing:

Mark Sullivan - 1703 Fountainview Drive - Support

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 7:41 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 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 Haynes. The motion CARRIED by the following vote:

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

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

12-0114

Ordinance - Public Hearing and First 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

Vicki Collins read the caption into the record. Stormwater Manager Howard Redfearn made a presentation and answered Council questions. City Attorney Allen Taylor made comments. Mayor Cook opened the public hearing at 7:46 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:47 p.m.

A motion was made by Council Member Burgess to approve the first 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." 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: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

NEW BUSINESS**12-0123** Discussion and Possible Action for an Ordinance to Address Panhandling in the City of Mansfield

Council Member Newsom made comments regarding his concerns on panhandling. City In-House Attorney Craig Magnuson made comments. There was Council consensus to direct staff to draft an ordinance and place it on the agenda for the next meeting.

12-0133 Resolution - Council Resolution Regarding Civil Service for Mansfield Firefighters

Council Member Burgess made comments regarding the subcommittee meeting that was held. Mr. Chandler made a powerpoint presentation and answered Council questions. Council Member Burgess read the following email from Council Member Lindsey, stating Council Member Lindsey asked for it to be read into the record.

Mayor, Council, Staff and Mansfield Citizens,

Had I been present tonight I would have made this comment publicly, but have asked in my absence that it be read into the public record. Having been appointed to serve on the Fire Department Budget Sub-Committee and having had the opportunity to hear and review the facts of the Civil Service matter before our city, I would like to reiterate my earlier public statement that while not opposed to civil service opportunities, neither the set of circumstances facing our Fire Dept, nor this point in time in our City's growth, represent a situation that civil service would address. Again as I stated before this is an incorrect solution, as yet, a fully defined set of perceived concerns.

After hearing input from the recent fire department budget subcommittee meeting, I see no other solution at this point in time, than if the measure were to pass a public referendum in the upcoming election, to put forward a motion to raise the city's tax rate by approximately 3 cents to cover the increase in the current and future budget years that would be required in order to cover the costs of additional administrative requirements and benefit considerations of between \$750K and \$1.2M dollars.

The alternatives to address these additional costs that come with Civil Service mandates are to cut fire service, close stations or reduce staffing at stations - which I completely oppose given public safety considerations and fire and EMS coverage for our city. Or to cut other priorities from our budget like growth opportunities for our public park systems, roads or other city services. Or to reduce city headcount further, even though we are already operating with multiple open positions that have not been filled because of current budgetary considerations.

I, therefore, see no other alternative at this point in time, that if this measure were to pass a public vote, than to propose an immediate tax rate increase of approximately 3 cents to offset the mandated administrative and additional benefit requirements that our city would be forced to fund. I think it is important that all in our city be aware of the full implications of imposing additional government mandates to attempt to address local government considerations.

*Respectfully,
Stephen Lindsey*

Mayor Cook read the following comments into the record from Mayor Pro Tem Broseh :

From a business perspective in protecting our citizens' interest, I am totally convinced that civil service for our fire department is NOT what we need. Further, the majority of our firefighters oppose this ominous intrusion of their current rights as city employees. Larry Broseh-Mayor-Pro Tem.

Mayor Cook read into the record the following letter he had published in the Mansfield News-Mirror:

Dear Citizens of Mansfield:

First, let me say it is an honor and a privilege to serve as your Mayor. I am highly respectful of the responsibility I have to you the citizens in this capacity. Before I say anything else, let me state I am a strong supporter of our Mansfield Fire Department and believe it to be one of the finest departments in the state of Texas.

However, I am compelled to address an issue I believe has unprecedented impacts on our city. I am speaking of Proposition 1 on the May 12 ballot. You are being asked by a group within the Mansfield Firefighters Association-Local 3599, an independent organization of firefighters within the Mansfield Fire Department and an affiliated organization of the AFL-CIO National Union, headquartered in Washington, D.C. to vote for this proposition. Do not be misled by the campaign literature and signs that you are supporting your Mansfield firefighters. There are several key pieces of information I believe citizens should know in regard to Proposition 1.

Only 19 of the 76 (25 percent) eligible members of the Mansfield Firefighters Association voted to petition/support Proposition 1. Fire Chief Barry Bondurant does not support Proposition 1. The association president who presented Proposition 1 has since resigned and retired following debates on the issue.

Proposition 1 will not increase services to residents but it will increase taxes. Recent estimates by the city's finance director show it will take a 3.5 cent increase in the tax rate to fund the costs of the Civil Service program. That will certainly hinder our ability to improve city services in other areas.

Due to Civil Service mandates in the area of sick leave and vacation, additional personnel will be needed to cover absences. The cost of six additional firefighters (needed to provide one firefighter per 24/7 shift) is \$426,000, equal to one cent on the city tax roll. Cost to the city to cover the mandates for sick leave alone is \$615,000, and that does not include increased manpower.

Legal and administration costs have been estimated at \$200,000 annually by other cities currently under Civil Service. There will be costs for administering the Civil Service program, i.e. additional staff, costs related to maintaining separate files for Civil Service employees, and costs associated with the Civil Service Board.

All additional costs related to Civil Service will significantly impact the city's overall budget and our current needs. Today, we need a new ambulance (\$220,000) and a new fire engine (\$895,000); make no mistake about it, the costs that would be mandated by Civil Service would be taking available taxpayer dollars away from essential service from our citizens.

Implementation of Civil Service will turn control of one of the largest city departments

to an outside arbitrator or a non-elected board and out of the hands and track record of our proven, 28-plus year City Manager, Clayton Chandler.

I honestly believe all of these are compelling reasons, to vote "No" to Proposition 1. I prefer that we not unnecessarily increase the size of our municipal government, and instead, that we spend our tax dollars on direct benefits to our residents and not on a mandated, out-of-date, federal-initiated program that lowers productivity and raises taxes. It is important we maintain local control of our municipality and the decisions that govern it. The City of Mansfield currently has professional policies managing the city, including the areas of promotions to an outside arbitrator or a non-elected board should give every citizen grave concern.

The comments here represent my own personal views as a Mansfield citizen. I believe all residents have a right to know this important information. I respectfully encourage you to join me, every member of the Mansfield City Council, the Mansfield Police Officers Association and the Mansfield Area Chamber of Commerce in opposition to invoking Section 143, Civil Service, in Mansfield.

Keep local control, Vote "No" on Proposition 1 and to the new taxes that Civil Service would bring.

*David L. Cook
Mayor*

Each Council Member expressed their own position regarding civil service.

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

RESOLUTION OF THE CITY OF MANSFIELD OPPOSING CIVIL SERVICE FOR ITS FIRE DEPARTMENT

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

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

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

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

Enactment No: RE-2805-12

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:32 p.m. 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

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary