



CITY OF MANSFIELD

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

Meeting Minutes City Council

Monday, July 8, 2013

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:10 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, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this 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 into executive session at 5:11 p.m. Mayor Cook called executive session to order in the Council Conference Room at 5:17 p.m. Mayor Cook adjourned executive session at 7:07 p.m.

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

City Attorney Briefing Regarding Possible Development Agreement with South Pointe

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 Lane

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 Economic Development Prospects

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

Mayor Cook reconvened into regular business session at 7:13 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.

PRESENTATION

Mansfield Police Department and Mansfield Fire Department Personnel Recognized for Life Saving Act; Randy Jordan and Donald Jordan

Police Chief Gary Fowler introduced Mr. Randy Jordan and his father Donald Jordan. Randy Jordan expressed his heartfelt thanks to Officer Rinehart, the Police Department and Fire Department for their valiant act in saving the life of his father on Saturday, April 6. Officer Rinehart was presented the Life Saving Act Award from Chief Fowler. Fire Chief Barry Bondurant recognized Engine 1 Crew (Stacy Ables, Michael Tidwell and Jason Horne) and EMS Crew (Trey Wells and Jonathan Rowland) who treated Mr. Jordan. Mayor Cook, on behalf of the City Council, Constituents and residents of the City of Mansfield, thanked the Police and Fire Departments for what they do on a daily basis.

CITIZEN COMMENTS

Nancy Morris, 1342 N. Hyview, Mansfield – Ms. Morris spoke about dogs attacking her goats and asked for guidance from Chief Fowler. Ms. Morris mentioned animal ordinance violations that are occurring in the city.

Non-Speakers:

William Ducksworth, 400 North State Highway 360 – Qualifying for first home in Mansfield, Texas

COUNCIL ANNOUNCEMENTS

Council Member Haynes – No announcements

Council Member Hoffman – No announcements

Council Member Newsom – No announcements

Mayor Pro Tem Lindsey – Mayor Pro Tem Lindsey provided an update on the meeting that was held earlier today by the Code Enforcement Subcommittee.

Council Member Burgess – Council Member Burgess expressed her condolences to the family of Dr. John Schmidt and has his family in her thoughts and prayers.

Council Member Broseh – No announcements

Mayor Cook – Mayor Cook thanked Maribel Chavez for working with city staff in coming up with a viable solution in rectifying the problem with the completion of FM 1187.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton W. Chandler stated Ms. Maribel Chavez will be in attendance at the July 22 meeting to answer any questions related to FM 1187. He mentioned the efforts that have taken place to clean up the litter on 287 and 360. He thanked Director of Community Services Shelly Lanners and her staff for the work they did to clean up the highways. He thanked everyone involved for the fantastic fireworks show.

Staff Update on FM 1187 TxDOT Project

Director of Public Works Steve Freeman stated a change order has been re-negotiated with the contractor on the construction of FM 1187. He mentioned Cardinal Road at FM 1187 will be closed beginning Friday, July 12 and through Tuesday, July 16.

Steve announced the heater scarification process on Walnut Creek Drive from Debbie Lane to Pleasant Ridge will begin on July 22.

Quarterly Reports; Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal

No discussion on this item.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

13-0558

Ordinance - Third and Final Reading of an Ordinance Approving Amendment of Section 7100, Sign Standards of the Zoning Ordinance, Specifically Table 7100D, Schedule of Sign Standards, Section 7100.I, General Provisions, Section 7100.J.7, Political Signs and Section 7100.M, Removal of Signs (OA#13-002)

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, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7100, SIGN STANDARDS OF SAID ORDINANCE REGARDING POLITICAL SIGN REGULATIONS; 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 (42,000.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member 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-1879-13

13-0583

Ordinance - Second Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and Chesapeake Exploration, LLC for City-Owned Property Located at 3100 East Broad Street

A motion was made by Mayor Pro Tem Lindsey to approve the second reading of "AN ORDINANCE AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND CHESAPEAKE EXPLORATION, LLC FOR CITY-OWNED PROPERTY LOCATED AT 3100 EAST BROAD STREET." 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

13-0586

Resolution - A Resolution Awarding a Contract for Construction of Pond Branch Tributary Improvements to Nu-Way Construction LLC, for an Amount Not to Exceed \$125,696.13 (Utility Bond Program and Drainage Bond Program)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF POND BRANCH TRIBUTARY IMPROVEMENTS TO NU-WAY CONSTRUCTION LLC.,

**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 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-2922-13

13-0589

Resolution - A Resolution to Approve the Mansfield Park Facilities
Development Corporation's Purchase of 8.6 Acres Located on Matlock Road
(Half-Cent Sales Tax)

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

**A RESOLUTION TO APPROVE THE MANSFIELD PARK FACILITIES
DEVELOPMENT CORPORATION'S PURCHASE OF 8.6 ACRES LOCATED ON
MATLOCK ROAD**

(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-2923-13

13-0591

Resolution - A Resolution to Award a Mowing Contract to VMC Landscape
Services for City-Wide Mowing of Medians, Parks, Rights-of-Way and Open
Spaces in the Amount of \$264,079 (General Fund and Half-Cent Sales Tax)

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

**A RESOLUTION TO CONSIDER AWARDING A MOWING CONTRACT TO VMC
LANDSCAPE SERVICES FOR CITY-WIDE MOWING OF MEDIANS, PARKS,
RIGHTS-OF-WAY, AND OPEN SPACES IN THE AMOUNT OF \$264,079**

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

Seconded by Council Member Broseh. The motion CARRIED by 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-2924-13

13-0596

Resolution - A Resolution Authorizing an Amendment to the Contract with Teague Nall and Perkins not to Exceed \$54,100.00 for a Change in Scope of Design Services and with Brittain & Crawford, LLC., not to Exceed \$40,000.00 for a Change in Scope of Surveying Services for the Heritage Parkway Project from Mitchell Road to Matlock Road (MEDC Construction Bond Fund)

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

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACTS WITH TEAGUE NALL AND PERKINS AND BRITTAIN & CRAWFORD, LLC

(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-2925-13

13-0597

Resolution - A Resolution Awarding a Contract for the Construction of Paving and Traffic Signal Improvements for Broad Street and Miller Road Intersection to XIT Paving and Construction Inc., for an Amount Not to Exceed \$361,349.15 (Street Bond Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF PAVING AND TRAFFIC SIGNAL IMPROVEMENTS FOR BROAD STREET AND MILLER ROAD INTERSECTION TO XIT PAVING AND CONSTRUCTION INC., 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 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-2926-13

13-0600

Resolution - A Resolution of the City of Mansfield Awarding an Annual Contract for the Janitorial Services of City Owned Buildings and Authorization of Funding for an Amount Not to Exceed \$64,236.00 (General Fund)

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

A RESOLUTION OF THE CITY OF MANSFIELD AWARDING AN ANNUAL CONTRACT FOR THE JANITORIAL SERVICES OF CITY OWNED BUILDINGS AND AUTHORIZATION OF FUNDING FOR AN AMOUNT NOT TO EXCEED \$64,236.00 (GENERAL FUND)

(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-2927-13

13-0601

Resolution - A Resolution of the City of Mansfield, Texas Expressing Intent of the City of Mansfield, Texas to Reimburse Expenditures for the Purpose of Funding Public Safety Equipment with the Proceeds of Future Debt Obligations (General Fund Property Taxes)

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS EXPRESSING INTENT OF THE CITY OF MANSFIELD, TEXAS TO REIMBURSE EXPENDITURES FOR THE PURPOSE OF FUNDING EQUIPMENT IN PUBLIC SAFETY WITH THE PROCEEDS OF FUTURE DEBT OBLIGATIONS

(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-2928-13

13-0594

Minutes - Approval of the June 24, 2013 Regular City Council Meeting Minutes

A motion by Mayor Pro Tem Lindsey to approve the June 24, 2013 Regular City Council Meeting Minutes 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

Enactment No:

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

13-0590

Resolution - A Resolution to Award a Professional Services Contract to Kimley-Horn and Associates in the Amount of \$65,000 for Preparation of an On-Street Bicycle Master Plan (Half-Cent Sales Tax)

Council Member Hoffman removed this item from the Consent Agenda. Sr. Park Planner James Fish made comments and answered Council questions. Clayton W. Chandler made comments. Jeff Wittaker, representative with Kimley-Horn and Associates, answered Council questions.

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

A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES IN THE AMOUNT OF \$65,000 FOR PREPARATION OF AN ON-STREET BICYCLE MASTER PLAN

(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; Stephen Lindsey; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 2 - Wendy Burgess and Cory Hoffman

Abstain: 0

Enactment No: RE-2929-13

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

13-0592

Ordinance - Public Hearing and First Reading of an Ordinance Adopting

School Zone on Holland Road for Judy K. Miller Elementary

Vicki Collins read the caption into the record. Steve Freeman made comments related to the proposed school zone to be placed at Judy Miller Elementary School and answered questions.

Mayor Cook opened the public hearing at 8:16 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:16 p.m.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.346 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." 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

NEW BUSINESS

13-0588

Resolution - A Resolution to Consider Naming the New Community Park on Matlock Road the "Elmer W. Oliver Nature Park"

Shelly Lanners made comments and answered questions regarding the proposed naming of the new community park.

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

A RESOLUTION TO NAME THE NEW COMMUNITY PARK LOCATED AT 1650 MATLOCK ROAD, "ELMER W. OLIVER NATURE PARK"

(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-2930-13

RECESS INTO EXECUTIVE SESSION

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this 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 into executive session at 8:20 p.m. Mayor Cook called executive session to order in the Council Conference Room at 8:23 p.m. Mayor Cook adjourned executive session at 9:03 p.m.

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**RECONVENE INTO REGULAR BUSINESS SESSION**

Mayor Cook reconvened into regular business session at 9:03 p.m.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:03 p.m. Seconded by Council Member Broseh. The motion CARRIED with 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