



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Tuesday, May 29, 2012

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 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 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 5:10 p.m. Mayor Cook adjourned executive session at 6:30 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 Extension of National Parkway

Seek Advice of City Attorney Regarding Legal Issues to City Relationship to Employee Organizations

Seek Advice of City Attorney Regarding Legal Issues Associated with Election Signs in Public Right-of-Way and on Private Properties

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

Property Acquisition Along Grand Meadows Boulevard and East Broad Street

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

Economic Development Corporation Proposed Addition to Windstar Project

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.

Absent 1 - Stephen Lindsey

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

OATH OF OFFICE; DARRYL HAYNES AND STEPHEN LINDSEY

City Secretary Vicki Collins administered the Oath of Office to recently Re-Elected Council Member Haynes.

INVOCATION

Council Member Haynes led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom 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.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes thanked the citizens of Mansfield for re-electing him to serve another term on the Council.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Council Member Lindsey was absent.

Council Member Burgess had no announcements.

Mayor Pro Tem Broseh stated he appreciates the Utility Department for their work on E. Broad Street.

Mayor Cook echoed Mayor Pro Tem Broseh's comments. He read the following email and letter:

*(Email)
Mayor Cook,*

I have lived in the City of Mansfield for 10-12 years and I have received (mostly) good customer service when I have had interactions with the City of Mansfield Employees.

Today, I had the pleasure of speaking to Janet. I believe she is the receptionist at City Hall. She was serving as backup for the water department. She assisted me with wonderful service and appeared to really care about my issue -- she solved my problem.

Hats' off to Janet for her Great Customer Service.

Kindly pass my appreciation toward her, the City Manager, and her immediate supervisor.

James Weddle

*(Letter)
Mr. Mayor:*

I know you often hear when things go wrong in Mansfield, Texas, as you have from me on electrical service. But I thought I'd be one of those to also write and let you know when things go right.

First, I wanted to thank you for putting me in touch with Buddy Bridges from Oncor. He has been a great help. I also wanted to recount an incident that happened last week. Sue and I were in Nashville while work was being done at our house to add a gas generator. Of course, power had to be off during this process, and so our security system was on battery back-up. Extra batteries were brought in, but apparently a power fluctuation caused all the glass breaks to go off and the Mansfield Police were summoned by the security company.

It was, thank God, a false alarm, but the response time of the Mansfield Police made me glad I DID build in Mansfield. Plus, in every way, from the officers to the dispatcher who called me, their conduct was courteous, understanding and professional. I know many Arlington Police officers, but have met very few Mansfield Police officers. But my experience last week indicated to me that it must be a great organization.

*Sincerely,
Dr. Gene Lingerfelt*

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler stated Hawaiian Falls was already open and there would be two new rides dedicated Wednesday, May 30, 2012. He complimented the Council on their decision of installing artificial turf at Big League Dreams mentioning the hotels were full the past weekend due to a tournament being held there. He advised about staff's efforts to remedy the coyote issue stating the Department of Agriculture would be setting up traps at McKnight Park.

Stormwater Manager Howard Redfearn made brief comments regarding the recycling cart program and answered Council questions.

Library's Summer Reading Program - Steve Standefer

City Librarian Steve Standefer made brief comments regarding the summer reading activities stating the Library will be working with the Arlington Library and the Arlington and Mansfield Independent School Districts. He introduced the Youth Services Librarian Annette Webber. Annette made a brief presentation on the summer reading program.

Business Services Department[12-0177](#)

Presentation of Monthly Financial Report for the Period Ending April 30, 2012

No action was taken.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA[12-0112](#)

Ordinance - Third and Final 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.

A motion was made by Council Member Hoffman 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 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

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

Seconded by Mayor Pro Tem 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-1835-12

[12-0114](#)

Ordinance - Third and Final 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.

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

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

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

Seconded by Mayor Pro Tem 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-1836-12

[12-0152](#)

Ordinance - Second Reading of an Ordinance Amending Chapter 98 of the Code of Ordinances Prohibiting Aggressive Panhandling within the City of Mansfield, Texas

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS; AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY ADDING A SUBSECTION; RELATING TO AGGRESSIVE PANHANDLING WITHIN THE CITY OF MANSFIELD, TEXAS; PROVIDING FOR LIMITATION ON THE MANOR AND PLACE IN WHICH PANHANDLING MAY BE CONDUCTED 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 Mayor Pro Tem 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

[12-0154](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to make Application to the Texas Department of State Health Services, Mental Health Substance Abuse Division (DSHS) and Receive Approximately \$3,900 in Grant Funding to conduct Tobacco Enforcement at Retail Outlets in the City of Mansfield for State Fiscal Year 2013 (No City Match Required)

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

RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION TO THE TEXAS SCHOOL SAFETY CENTER AT TEXAS STATE UNIVERSITY - SAN MARCOS, TO RECEIVE AND EXPEND GRANT FUNDING FOR A TOBACCO ENFORCEMENT GRANT FOR FISCAL YEAR 2013

(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: 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-2818-12

[12-0178](#)

Minutes - Approval of the May 14, 2012 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the May 14, 2012 Regular City Council Meeting Minutes as presented. Seconded by Mayor Pro Tem 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[12-0173](#)

Resolution - A Resolution to Award a Construction Contract for the Debbie Lane Paving, Drainage and Signal Improvements to JLB Contracting, LLC and Authorization of Funding for an Amount not to Exceed \$753,189.13 (Street Bond Fund)

Council Member Hoffman removed this item from the consent agenda. Director of Public Works Steve Freeman made brief comments and answered Council questions.

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

A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR DEBBIE LANE PAVING, DRAINAGE AND SIGNAL IMPROVEMENTS BETWEEN FM 157 AND US HWY 287 TO JLB CONTRACTING, 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 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-2819-12

[12-0175](#)

Resolution - A Resolution Authorizing the City Attorney to Bring A Condemnation Action for the Purpose of Obtaining Right-of-Way and Easements for Use by the City for the East Broad Street Improvement Project, or for Other Public Purposes Permitted by Law

Council Member Hoffman removed this item from the consent agenda. Mayor Cook stated this agenda item had been resolved and needed no further action.

No action was taken on this agenda item.

[12-0176](#)

Resolution - A Resolution Authorizing the City Attorney to Bring A Condemnation Action for the Purpose of Obtaining Right-of-Way and Easements for Use by the City for the Grand Meadow Boulevard Improvement Project, or for Other Public Purposes Permitted by Law

Council Member Hoffman removed this item from the consent agenda. Mayor Cook stated this agenda item had been resolved and needed no further action.

No action was taken on this agenda item.

[12-0179](#)

Minutes - Approval of the May 21, 2012 Special City Council Meeting Minutes

Council Member Hoffman removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the May 21, 2012 Special City Council Meeting Minutes as presented. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 1 - Cory Hoffman

END OF CONSENT AGENDA

NEW BUSINESS

[12-0172](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Addendum to an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and MANSFIELD MATLOCK INVESTORS I, LTD. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Mayor Cook stated this item had been requested to be removed by the Mansfield Economic Development Corporation and would be referred back to them.

No action was taken on this agenda item.

[12-0180](#)

Discussion and Possible Action Authorizing a Study on the Economic Revitalization of Historic Mansfield, Potential Public Improvements, Zoning Amendments and Funding Mechanisms Including a Possible Tax Increment Reinvestment Zone

Director of Planning Felix Wong gave a brief overview of the study on the Economic

Revitalization of Historic Mansfield, Potential Public Improvements, Zoning Amendments and Funding Mechanisms Including a Possible Tax Increment Reinvestment Zone. Council Member Haynes made comments as Chairman of the subcommittee. Subcommittee member, Council Member Hoffman stated the consensus of what the subcommittee discussed was to study the plans to put in tree islands, connecting the linear park to the downtown area, and strategic land purchases stating it is the committee's recommendation to engage with a consultant to put together a plan. He stated all of this would be placed in a TIF to fund Historic Downtown Mansfield. Mayor Cook added that they would try to identify the parking options in the downtown area. Steve Freeman answered Council questions. Mansfield Business Association President Darryl Perez made brief comments.

A motion was made by Mayor Cook to direct staff to move forward and explore funding options for the purposes laid out by the subcommittee for staff to move forward with exploring consultant opportunities for recommendations regarding the recommendations of the subcommittee and for staff to move forward to identify potential land purchases. 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:02 p.m. Seconded by Mayor Pro Tem 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