



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, March 5, 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.

Absent 2 - Stephen Lindsey and Cory Hoffman

Present 5 - David Cook; Wendy Burgess; 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 5:01 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Council Member Lindsey arrived at 5:08 p.m. and Council Member Hoffman arrived at 5:20 p.m. Mayor Cook adjourned executive session at 6:52 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

Seek Advice of City Attorney Regarding Amending the Water Park Ground Lease with Mansfield Family Entertainment, LLC

Seek Advice of City Attorney Regarding the Proposed Amendment to Current Contract with Republic Waste Services

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 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 Lindsey 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.

PRESENTATION

"Name that Toon" Contest Winner - Joe Smolinski

Director of Utility Operations Joe Smolinski introduced the Water Departments new mascot, H2 Owen. He stated there was a contest to name the mascot and Tara and Makayla Cook submitted the winning name.

Staff Update Regarding Public Meetings on Coyote Issues - Police Chief Gary Fowler

Police Chief Gary Fowler gave a brief update on the Public Forum scheduled for March 14, 2012 from 6:00 p.m. to 8:00 p.m. regarding the coyote issue. He stated there was information placed on the website regarding this issue and mentioned there would be a second public forum scheduled for March 27, 2012 from 6:00 p.m. to 8:00 p.m. Chief Fowler answered Council questions.

Robotics Demonstration - Ben Barber CTA/Mansfield ISD

Ben Barber Career Tech Academy representatives Susan Sevier and Robert Goodson made a brief presentation on robotics. Students explained the program and gave a demonstration of their robots.

CITIZEN COMMENTS

Joe Singer - 627 Radam Lane, Austin - Mr. Singer stated he was with the Texas State Association of Fire Fighters. He stated he was going to address some issues regarding the Texas Local Government Code Chapter 143. He stated there are 75 cities in the State of Texas who currently have Civil Service for the Fire Department stating none of those cities had to have a tax increase when adopting Civil Service. He mentioned the Civil Service Commission is not paid. Mr. Singer stated the cities who have adopted Civil Service have never had a problem with it.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff 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

12-0079

Resolution - A Resolution Authorizing a Contract with Schrickel, Rollins and Associates, Inc. for Design Services for an amount not to Exceed \$209,789.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$110,500.00 for the Debbie Lane Road Improvements (Bond Fund) (From Matlock Rd. to the City Limits)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH SCHRICKEL, ROLLINS AND ASSOCIATES, INC. FOR DESIGN SERVICES WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE DEBBIE LANE IMPROVEMENTS

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

Seconded by Council Member Lindsey. 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-2783-12

12-0080

Resolution - A Resolution Authorizing the City Manager and the Police Department to make Application Under the Fiscal Year 2012 Community Oriented Policing Services (COPS) Hiring Program (CHP) for Funding for Four (4) Full-Time Police Officer Positions (25% Cash Match)

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION FOR A U.S. DEPARTMENT OF JUSTICE GRANT UNDER THE COMMUNITY ORIENTED POLICING SERVICES (COPS) FISCAL YEAR 2012 COPS HIRING RECOVERY PROGRAM (CHP)

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

Seconded by Council Member Lindsey. 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-2784-12

12-0086

Resolution - A Resolution for Approval of Amendment Number Three to the Water Park Ground Lease and Operating Agreement Between Mansfield Family Entertainment, LLC (MFE) and the City of Mansfield for the Hawaiian Falls Water Park

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

A RESOLUTION FOR APPROVAL OF AMENDMENT NUMBER THREE TO THE WATER PARK GROUND LEASE AND OPERATING AGREEMENT BETWEEN MANSFIELD FAMILY ENTERTAINMENT, LLC (MFE) AND THE CITY OF MANSFIELD FOR THE HAWAIIAN FALLS WATER PARK

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

Seconded by Council Member Lindsey. 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-2785-12

END OF CONSENT AGENDA

OLD BUSINESS

12-0074 Resolution - Discussion and Consideration of a Resolution of the City of Mansfield, Texas, Calling for a Special Election to be Held on May 12, 2012 Regarding Whether to Adopt Civil Service for the Mansfield Fire Department
Resolución - Una Resolución de la Ciudad de Mansfield, Texas, Convocando una Elección Especial que se Llevara Acabo el 12 de Mayo del 2012 Respecto a Adoptar Servicio Civil para el Departamento de Bomberos de Mansfield

City Attorney Allen Taylor made brief comments regarding the options of the Council in regards to calling the election. Mayor Cook made brief comments on his status regarding this issue. Council Member Hoffman made comments.

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 12, 2012 REGARDING WHETHER TO ADOPT CIVIL SERVICE FOR THE MANSFIELD FIRE DEPARTMENT; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; AUTHORIZING THE CITY SECRETARY TO MAKE SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT FOR PRE-CLEARANCE APPROVAL; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE

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

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

Enactment No: RE-2786-12

PUBLIC HEARING AND FIRST READING

12-0076 Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to PD for Single-Family Residential on Approximately 23.84 Acres, Generally Located at the Northwest Corner of Newt Patterson

Road and Cardinal Road by Tipton Engineering (ZC#11-010)

City Secretary Vicki Collins read the caption into the record. Bloomfield Homes representative Charles Jowell and Don Dykstra made a brief presentation and answered Council questions. Director of Public Works Steve Freeman answered Council questions. Tipton Engineering representative Richard Hovas answered Council questions.

Mayor Cook opened the public hearing at 7:48 p.m. The following people spoke during the public hearing:

*Jon Hoffman - 204 Sentry Drive - Support
William Rhodes - 907 Amanda - Support
Alison Goodson - 850 Newt Patterson Road - Opposed
Delane Herzog - 7117 CR 526 - Support*

With no one else wishing to speak, Mayor Cook continued the public hearing through second reading at 7:58 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 A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY RESIDENTIAL, 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: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

12-0087

Ordinance - Public Hearing and First Reading of an Ordinance Amending "Exhibit A" - Non Exclusive Contract and Franchise By and Between the City of Mansfield, Texas and Republic Waste Services of Texas, LTD. Doing Business as - Duncan Disposal

Vicki Collins read the caption into the record. Director of Business Services Peter Phillis made brief comments and answered Council questions. Mr. Chandler made comments. Mayor Cook opened the public hearing at 8:15 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:15 p.m.

A motion was made by Council Member Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING ORDINANCE NUMBER 1443 OF THE CITY OF MANSFIELD, TEXAS, AS HERETOFORE AMENDED BY ORDINANCE NUMBER 1582 AND ORDINANCE NUMBER OR-1705-08, GRANTING A CONTRACT RENEWAL WITH DUNCAN DISPOSAL AND APPROVING A RATE INCREASE AND CONTRACT EXTENSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A SEVERABILITY CLAUSE."

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

PUBLIC HEARING CONTINUATION AND SECOND READING

12-0040 Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

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

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:16 p.m. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary