



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, January 23, 2012

4:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

4:00 P.M. - CALL MEETING/WORK SESSION TO ORDER

Mayor Pro Tem Broseh called the meeting to order at 4:08 p.m.

Absent 2 - David Cook and Brent Newsom

Present 5 - Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh and Darryl Haynes

COUNCIL WORK SESSION AS A SUBCOMMITTEE OF THE WHOLE - NO ACTION WILL BE TAKEN - IN MULTI-PURPOSE ROOM

Mayor Pro Tem Broseh called the work session to order at 4:08 p.m. and turned it over to City Manager Clayton Chandler. Council Member Newsom arrived at 4:41 p.m. Mayor Cook arrived at 5:00 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

2011 Bond Presentation

An overview of the 2011 Bond Presentation was given by Mr. Chandler, Assistant City Manager Chris Burkett and Director of Business Services Peter Phillis. Various members of staff made comments and answered Council questions. Mayor Cook adjourned the work session at 6:08 p.m.

RECESS INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING WORK 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 into executive session at 6:10 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:15 p.m. Mayor Cook adjourned executive session at 7:47 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 Current Contract with Republic Waste Services

Seek Advice of City Attorney Regarding Future Public/Private Partnerships

Seek Advice of City Attorney Regarding Collection of Mansfield Municipal Court Fees

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

Seek Advice of City Attorney Regarding Legal and Procedural Requirements and Restrictions for Opening Public Meetings

Seek Advice of City Attorney Regarding Procedural Requirements and Restrictions for Public Initiatives or Elections

Seek Advice of City Attorney Regarding Legal Requirements Relating to VDC Mansfield Reserve I, LLC

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

Economic Development Project #11-10: An Industrial Manufacturing Prospect Locating in Mansfield

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

Mayor Cook reconvened into regular business session at 7:50 p.m.

INVOCATION

Mayor Pro Tem 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 Hoffman led the Texas Pledge.

PRESENTATION

Recognition of Mansfield Police Officers for Meritorious Service and Life Saving Act

Chief of Police Gary Fowler recognized Police Officer Kevin Johnson and presented him with a Meritorious Conduct Award. Chief Fowler also recognized Police Officer Joe Alejandro and presented him with the Life Saving Award. Mayor Cook thanked the officers and made comments. Mr. Chandler made brief comments.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes spoke about the various volunteer boards the city has and thanked the citizens who volunteer on those boards. He asked if an Animal Control volunteer board could be created to help with promoting the animal shelter. He asked for support on placing the issue on a future agenda. Mayor Cook stated staff would advise the Animal Control Supervisor. Council Member Lindsey stated he would relay the discussion to the Animal Control Board on Wednesday. He stated "God Bless Policemen."

Council Member Hoffman echoed Council Member Haynes' last comment and thanked the Police organization.

Council Member Newsom echoes Council Member Hoffman's remarks.

Council Member Lindsey made comments on the Winter Walk event scheduled to take place on January 28, 2012.

Council Member Burgess continued the comments regarding Public Safety Officers saying thank you to them. She asked for a report on moving to an electronic version of the Council packets.

Mayor Pro Tem Broseh stated he appreciated the Public Safety officials.

Mayor Cook stated the board respects what the Police and Fire Departments do for the city.

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

Current/Future Agenda Items

Mr. Chandler stated staff was changing protocol in the way appreciation is recognized. He stated a report would be generated with suggestions from the work session.

Reschedule April 23, 2012 Regular City Council Meeting/MISD Academic Recognition Banquet

Mr. Chandler asked the Council for suggestions on rescheduling the April 23, 2012 Regular meeting to allow the Council to attend the Mansfield Independent School District Academic Recognition Banquet. City Secretary Vicki Collins will poll the Council.

Appointment of Assistant Fire Chief

Mr. Chandler recognized Roy McCleary as the Assistant Fire Chief. He stated Fire Chief Barry Bondurant made an outstanding selection when he appointed him for the position.

Winter Walk Update

Recreation Superintendent Andy Binz gave an update on the Winter Walk Event scheduled to take place on Saturday, January 28, 2012 at 10:00 a.m. at Katherine Rose Park.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

- 12-0025** Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas, Amending Ordinance No. 867, Providing for the Addition of Law Enforcement Duties to the Office of City Marshal; Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; and Providing for an Effective Date

Vicki Collins read the caption into the record.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING ORDINANCE NO. 867, PROVIDING FOR THE ADDITION OF LAW ENFORCEMENT DUTIES TO THE OFFICE OF CITY MARSHAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

12-0008

Resolution - A Resolution Calling the May 12, 2012 General Election for the City of Mansfield Council Places 3, 4 and 5

Resolución - Una Resolución Convocando una Elección General el día 12 de Mayo del 2012 para la Ciudad de Mansfield Lugares del Consejo 3, 4 y 5

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

A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 12, 2012; 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; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

RESOLUCION DE LA CIUDAD DE MANSFIELD ("CIUDAD"), TEXAS, CONVOCANDO UNA ELECCION GENERAL QUE SE LLEVARA ACABO EL 12 DE MAYO DEL 2012; DESIGNANDO LUGARES DE VOTACION, ESTABLECIENDO DISTRITOS ELECTORALES DENTRO DE LA CIUDAD; NOMBRANDO UN JUEZ ELECTORAL Y UN MAGISTRADO SUPLENTE; AUTORIZANDO A LA SECRETARIA DE LA CIUDAD HACER COMUNICACIONES CON EL DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS PARA APROBACION PREVIA AUTORIZADA; ESTABLECER OTROS PROCEDIMIENTOS DE REALIZACION DE ELECCION, ESTABLECER UNA FECHA PARA LA CAPTACION DE VOTOS ELECTORALES; ESTABLECER FECHA PARA UNA SEGUNDA VUELTA ELECTORAL, SI ES NECESARIO, Y PROPORCIONAR UNA FECHA DE VIGENCIA

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2762-12

12-0010

Resolution - A Resolution Approving a Bid from Pro Lawn Land Care for Citywide Median Irrigation Installation and Repair Services for an Amount not to Exceed \$120,000 to be Funded by the Tree Mitigation Fund

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

A RESOLUTION APPROVING A BID FROM PRO LAWN LAND CARE FOR CITYWIDE MEDIAN IRRIGATION INSTALLATION AND REPAIR SERVICES FOR AN AMOUNT NOT TO EXCEED \$120,000 TO BE FUNDED BY THE TREE MITIGATION FUND

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2763-12

12-0020 Resolution - A Resolution Approving the Joint Election Agreement Between the City of Mansfield and the Mansfield Independent School District for the May 12, 2012 General Election

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD JOINTLY WITH THE MANSFIELD INDEPENDENT SCHOOL DISTRICT ON MAY 12, 2012; 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; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2764-12

12-0021 Resolution - A Resolution Authorizing the City of Mansfield, Texas ("City") to Enter into a Lease Agreement with Johnson County for the Use of An AutoMark Voting Equipment to be Used in the May 12, 2012 General Election and Run-Off Election, If Necessary

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

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD ("CITY") TO ENTER INTO A LEASE AGREEMENT WITH JOHNSON COUNTY FOR THE USE OF AN AUTOMARK VOTING MACHINE TO BE USED IN THE MAY 12, 2012 GENERAL ELECTION AND RUN-OFF ELECTION, IF NECESSARY

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2765-12

12-0024 Resolution - A Resolution Approving an Interlocal Cooperative Agreement between the City of Mansfield and the City of Grand Prairie to Allow Placement of a Grand Prairie 12" Water Line Within Mansfield Right of Way Along the East Side of Day Miar Road

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

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE CITY OF GRAND PRAIRIE TO ALLOW PLACEMENT OF

A GRAND PRAIRIE 12" WATER LINE WITHIN MANSFIELD RIGHT-OF-WAY ALONG THE EAST SIDE OF DAY MIAR ROAD

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2766-12

12-0026

Resolution - A Resolution to Consider Amending Amendment Number Two to the Water Park Ground Lease and Operating Agreement with Mansfield Family Entertainment, LLC and the City of Mansfield for Expansion of the Hawaiian Falls Water Park Mansfield

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

A RESOLUTION TO CONSIDER AMENDING AMENDMENT NUMBER TWO TO THE WATER PARK GROUND LEASE AND OPERATING AGREEMENT BETWEEN MANSFIELD FAMILY ENTERTAINMENT, LLC AND THE CITY OF MANSFIELD FOR EXPANSION OF THE HAWAIIAN FALLS WATER PARK MANSFIELD

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2767-12

12-0028

Resolution - A Resolution Authorizing the Transfer of Files and Consulting Services from Vinson & Elkins LLP to Bracewell & Giuliani LLP (Addendum to Agenda)

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

A RESOLUTION AUTHORIZING THE TRANSFER OF FILES AND CONSULTING SERVICES FROM VINSON & ELKINS LLP TO BRACEWELL & GUILIANI LLP

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

Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2768-12

12-0009

Minutes - Approval of the January 9, 2012 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the January 9, 2012 Regular City Council Meeting Minutes. Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

12-0013 Resolution - A Resolution Authorizing the Permanent Closure of Seeton Road at the Union Pacific Railroad Crossing

Council Member Haynes removed this item from the consent agenda. Director of Public Works Steve Freeman answered Council questions. Mr. Chandler answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE PERMANENT CLOSURE OF SEETON ROAD AT THE UNION PACIFIC RAILROAD CROSSING

(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: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2769-12

END OF CONSENT AGENDA

NEW BUSINESS

11-2575 Consideration of a Request to Revise the Development Plan for Broad Street Medical, a Planned Development for Office, Medical Office, Retail, Assisted Living and Associated Land Uses, Generally Located at the Northeast Corner of the Intersection of Matlock Road and East Broad Street, Winkelmann & Associates (ZC#10-005A)

Winkelmann & Associates representative Maria Bonilla made a brief presentation and answered Council questions. Winkelmann & Associates representative George Sakakeeny answered Council questions. Director of Planning Felix Wong answered Council questions. Operator Richard Blaylock answered Council questions.

A motion was made by Council Member Hoffman to approve the request as a minor modification to ZC# 10-005A. 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

12-0018 Resolution - A Resolution of the City Council of the City of Mansfield, Texas,

Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Texas Refinery Corporation and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments. Texas Refinery Corporation representatives Jerry Hopkins and Joe Allen made comments and answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND TEXAS REFINERY CORPORATION AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; 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-2770-12

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:47 p.m. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary