



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, February 27, 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 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Council Member Hoffman arrived at 5:10 p.m. and Council Member Lindsey arrived at 5:40 p.m. Mayor Cook adjourned executive session at 6:56 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 Current Contract with Republic Waste Services

Seek Advice of City Attorney Regarding Initiative Petition Relating to Adoption of the Fire Fighters' and Police Officers' Civil Service Law for the Mansfield Fire Department

Seek Advice of City Attorney Regarding Current Maintenance and Operations Agreement with Big League Dreams Mansfield, L.P.

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

Personnel Matters Pursuant to Section 551.074

Board Appointment Interviews: Planning and Zoning Commission

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.

PROCLAMATION

12-0068 Women Veterans Month

Mayor Cook proclaimed March as Women Veterans Month and presented the proclamation to Stacy Keyte. Ms. Keyte made brief comments.

PRESENTATION

12-0038 Presentation: Presentation of the Mansfield Police Department Annual Traffic Contact Report for 2011

Chief of Police Gary Fowler made brief comments and stated he was available to answer questions.

12-0039 Presentation: Presentation of the Mansfield Marshal's Office Traffic Contact Report for 2011

City Marshal Tracy Aaron made brief comments and stated he was available to answer questions.

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter K. Phillis

Director of Business Services Peter K. Phillis made brief comments on the Comprehensive Annual Financial Report mentioning a representative from KPMG, LLP would be making a presentation. KPMG, LLP Representative Brett Hanselman made a brief presentation on the Comprehensive Annual Financial Report.

CITIZEN COMMENTS

Johnny Williams - 1104 Pebble Beach Drive - Mr. Williams spoke about the coyote issue. He stated that advice on how to deal with wild life was not enough. He stated the coyote problem is the city's responsibility. Mr. Williams gave a couple of coyote facts and spoke about a situation in the city where a coyote attacked a citizens pet. He stated it was time to be proactive and not reactive.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman thanked the city staff for a great job running the city.

Council Member Newsom echoed Council Member Hoffman's comments.

Council Member Lindsey echoed the previous comments made by Council Member's Hoffman and Newsom.

Council Member Burgess congratulated the Mansfield Cares organization for a fantastic ball they held.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler stated there would be a work session scheduled for March 5, 2012 to discuss goals and objectives and to present an update on street repairs. He gave an update on the frontage road repairs and stated E. Broad Street is under repair as well.

Citizens Police Academy - Brandi Howard

Police Officer Brandi Howard made a presentation on the Every 15 Minutes program mentioning it will take place on February 28th, March 8th and March 9th at 9:00 a.m.

at every high school in Mansfield. She invited everyone to participate in the Citizens Police Academy which is scheduled to begin on March 18, 2012.

Staff Update; Coyotes - Lori Rodriguez, Animal Care and Control Manager

Animal Control Manager Lori Rodriguez gave an update on the coyote issue. She stated there was a public forum scheduled for March 27, 2012 from 6:00 p.m. to 8:00 p.m. in the Multi-Purpose room at City Hall. Council Member Stephen Lindsey made brief comments. Lori answered Council questions. Police Chief Gary Fowler made comments and answered Council questions. Staff was directed to schedule a public forum for an earlier date.

Staff Update; Animal Care Volunteer Program - Lori Rodriguez, Animal Care and Control Manager

Lori Rodriguez made a brief presentation and answered Council questions. Council Member Lindsey made brief comments. City Attorney Allen Taylor will provide information to the Council regarding the statues of advisory committee's.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to appoint Cory Smithee to the Planning and Zoning Commission to serve until September 30, 2012. Seconded by Council Member Burgess. The motion CARRIED with 7 ayes and 0 nays.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

12-0025

Ordinance - Third and Final 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

City Secretary Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING ORDINANCE NO. 867, PROVIDING FOR THE ADDITION OF LAW ENFORCEMENT DUTIES OF THE OFFICE OF CITY MARSHAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

Enactment No: OR-1831-12

12-0064

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of The Great State of Texas for Projects that Promote a Coordinated, Multi-Disciplinary Approach to Improving the Criminal Justice System's Response to Violent Crimes Against Women During the State Fiscal Year 2013 Grant Cycle

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

A RESOLUTION OF THE CITY OF MANSFIELD AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE AND EXPEND GRANT FUNDS FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE OF THE GREAT STATE OF TEXAS AS PART OF THE STATE FISCAL YEAR 2013 GRANT CYCLE FOR PROJECTS THAT PROMOTE A COORDINATED, MULTI-DISCIPLINARY APPROACH TO IMPROVING THE CRIMINAL JUSTICE SYSTEM'S RESPONSE TO VIOLENT CRIMES AGAINST WOMEN

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

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

Enactment No: RE-2779-12

12-0066

Resolution - A Resolution of the City of Mansfield Suspending the March 6, 2012, Effective Date of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex") Requested Rate Change to Permit the City time to Study the Request and to Establish Reasonable Rates

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

RESOLUTION OF THE CITY OF MANSFIELD SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE ("ACSC") AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND

CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICES OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

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

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

Enactment No: RE-2780-12

12-0069

Resolution - A Resolution Authorizing a Contract with Elder Engineering, Inc. for Design Services for an amount not to exceed \$35,900.00 and a Contract with Brittain and Crawford for Surveying Services for an amount not to exceed \$28,000.00 for the Live Oak Street Paving & Utility Improvements from Dayton Street to East Dallas Street (Street Bond Fund)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH ELDER ENGINEERING, INC. FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE LIVE OAK STREET PAVING & UTILITY IMPROVEMENTS FROM DAYTON STREET TO EAST DALLAS STREET

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

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

Enactment No: RE-2781-12

12-0071

Resolution - A Resolution Awarding a Contract for Street Sweeping Services for FY 2012 to Flagship Sweeping Services for an Amount not to Exceed \$21,547.22 (Drainage Utility Fund)

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

A RESOLUTION AWARDING A CONTRACT FOR STREET SWEEPING SERVICES

**FOR FY2012 TO FLAGSHIP SWEEPING SERVICES; 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 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

Enactment No: RE-2782-12

12-0061 Request for Special Event Permit; First United Methodist Church Son Run

**A motion was made by Mayor Pro Tem Broseh to approve the special event
permit for the First United Methodist Church Son Run. 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

12-0065 Minutes - Approval of the February 13, 2012 Regular City Council Meeting
Minutes

**A motion was made by Mayor Pro Tem Broseh to approve the February 13,
2012 Regular Meeting Minutes as presented. 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

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

12-0040 Ordinance - Public Hearing and First 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

Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made brief comments. Mayor Cook opened the public hearing at 8:00 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:00 p.m.

A motion was made by Council Member Hoffman to approve the first 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

NEW BUSINESS

12-0073 Appointment of a Sub-Committee of the Whole Regarding the 2012 Land Use Plan

Mayor Cook appointed Council Member Hoffman as the Chairman and Council Members Newsom and Burgess as sub-committee members.

12-0077 Appointment of a Sub-Committee of the Whole to Study Housing Market Growth Strategies

Mayor Cook appointed Mayor Pro Tem Broseh as Chairman and Council Member Lindsey and himself to the sub-committee

12-0072 Presentation, Discussion and Possible Action on an Initiative Petition to the City Council Relating to the Adoption of the Fire Fighters' and Police Officers' Civil Service Law for the Mansfield Fire Department

Lynn Ross Smith & Gannaway, LLP representative Bettye Lynn made a powerpoint presentation regarding Civil Service and answered Council questions. Vicki Collins gave a report on the petition verification. Allen Taylor answered Council questions. Mr. Chandler made comments. Director of Human Resources Alison Smith answered Council questions. Director of Business Services Peter Phillis made comments.

Mayor Cook recessed the meeting at 9:13 p.m. for a break and reconvened the meeting at 9:24 p.m.

President of the Mansfield Fire Fighters Association John Watson and Vice President Stephen Baker answered Council questions.

Mayor Cook recessed the meeting into executive session at 10:24 p.m. Mayor Cook reconvened into regular business session at 10:48 p.m.

Allen Taylor gave clarification regarding Local Option. He stated the last day to call an election was March 5, 2012.

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

A motion was made by Mayor Cook to table the following resolution to the March 5, 2012 Regular Meeting

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 SUBMISSION 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.

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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 10:53 p.m. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary