



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Tuesday, May 28, 2013

5:00 PM

Council Chambers

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### REGULAR MEETING

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

*Mayor Cook called the meeting to order at 5:00 p.m.*

**Absent** 1 - Wendy Burgess

**Present** 6 - David Cook; Stephen Lindsey; 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 5:05 p.m. Mayor Cook adjourned executive session at 5:45 p.m. Council Member Burgess arrived at 6:02 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**

#### **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 Ln.

#### **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 Mansfield Economic Development Corporation Projects

**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 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.*

**OATH OF OFFICE: DAVID L. COOK, BRENT NEWSOM**

*City Secretary Vicki Collins administered the Office of Oath to Mayor David L. Cook  
and Council Member Place 2 Brent Newsom.*

**PRESENTATION**

Keep Mansfield Beautiful Commission - Certificates to Honorary Members 2012-2013

*Education Specialist Arianne Shipley presented certificates to the following volunteers  
who met the requirements necessary to be named as the 2012-2013 Keep Mansfield  
Beautiful Honorary Members:*

*Tony Nganga-Perry and Katrina Huynh with Girls Scout Troop 2101  
Employees of the Starbucks Store # 18402 at 360 and E. Broad Street  
Legacy High School Environmental Club  
Criminal Justice Program at Ben Barber Career Tech Academy*

*Mayor Cook made comments.*

**CITIZEN COMMENTS**

*Dee Davey - 1606 Meadow Crest - Mrs. Davey spoke about the excellent park  
system the City of Mansfield has.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Haynes had no announcements.*

*Council Member Hoffman had no announcements.*

*Council Member Newsom had no announcements.*

*Council Member Lindsey echoed comments made by Dee Davey during citizens comments.*

*Council Member Burgess thanked Dee Davey and Lucretia Mills for their years of service to the city.*

*Mayor Pro Tem Broseh echoed Council Member Burgess' comments.*

*Mayor Cook echoed Council Member Burgess' comments.*

### **STAFF COMMENTS**

#### **City Manager Report or Authorized Representative**

##### Current/Future Agenda Items

*City Manager Clayton Chandler echoed Council announcements and recognized the Parks Department staff as well as the Park board.*

##### Household Hazardous Waste Collection Day Update; Howard Redfearn

*Mr. Chandler stated this item would be moved to the next meeting due to Howard Redfearn's absence.*

##### U.S. Highway 287 Update

*Mr. Chandler gave an update on the U.S. Highway 287 project. He stated the contract issues were being debated mentioning there were two projects on the contract.*

##### Code Enforcement Program

*Mr. Chandler made brief comments regarding the Code Enforcement program. He stated staff was trying to get voluntary compliance from residents. He mentioned staff was taking pictures of properties.*

##### Mansfield Community Park Update; Shelly Lanners

*Park Planner Hillary Hodges gave an update on the Mansfield Community Park Phase I construction and answered Council questions.*

##### Big League Dreams Update

*Big League Dreams representative Brad Brewer gave an update on the attendance status at Big League Dreams.*

### Hawaiian Falls Update

*Hawaiian Falls representative Randall Hudson gave an update on Hawaiian Falls and answered Council questions.*

### Implementation of Stage 1 of the Drought Plan

*Director of Utilities Joe Smolinski gave an update on the implementation of Stage 1 of the drought plan. He stated inserts would be placed in the water bills with residential and commercial restrictions.*

*Non-Residential Customers may water Tuesday and Friday  
Residential Customers with addresses ending with EVEN numbers (0,2,4,6,8) may water Wednesday and Saturday  
Residential Customers with addressed ending with ODD numbers (1,3,5,7,9) may water Thursday and Sunday*

*Joe stated hand watering and line hose or soaker hose watering can still be done at any time. Joe answered Council questions.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action taken by the Council.**

### **CONSENT AGENDA**

**13-0537**

Ordinance - Second Reading of a Proposed Ordinance of The City Of Mansfield, Texas, ("City") Approving and Adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in Force in The City for a Period of Time as Specified in the Rate Schedule; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and ACSC Legal Counsel

**A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL." 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

**13-0539**

Ordinance - Second Reading of an Ordinance to Abandon a Portion of Right-of-Way along the South Side of Cannon Drive East of Miller Road

**A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY ALONG THE SOUTH SIDE OF CANNON DRIVE EAST OF MILLER ROAD DESCRIBED HEREINAFTER, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC INTEREST OR CONTROL OF SAID RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE." 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

**13-0547**

Resolution - A Resolution Authorizing the City Manager and the Mansfield Police Department to make Application, Receive and Expend Funds from the Target & BLUE Law Enforcement Grant Program 2013 (\$5,000 Maximum/No City Match)

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE MANSFIELD POLICE DEPARTMENT TO MAKE APPLICATION RECEIVE, AND EXPEND FUNDS FROM THE TARGET & BLUE LAW ENFORCEMENT GRANT PROGRAM FOR THE PURCHASE OF CRISIS NEGOTIATION TEAM EQUIPMENT AND UPGRADES AND TO PROVIDE THE CUSTOMER IN CRISIS PROGRAM. GRANT APPLICATION WILL NOT EXCEED \$5,000 AND NO CASH MATCH REQUIRED BY THE CITY**

**(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-2910-13

**13-0551**

Resolution - A Resolution to Award a Contract for Construction to CPS Civil for the National Parkway Phase 1 Paving and Drainage Improvements and Authorization of Funding for an Amount not to Exceed \$300,367.73 (Street Bond Fund)

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

**A RESOLUTION AWARDING A CONTRACT FOR NATIONAL PARKWAY PHASE I  
PAVING AND DRAINAGE IMPROVEMENTS TO CPS CIVIL 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 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-2911-13

**13-0553**

Resolution - A Resolution Amending the Surveying Services Contract with  
Brittain and Crawford for the West Broad Street Phase II (Cotton Dr. to Retta  
Rd.) Paving, Drainage, & Utility Improvements for an Amount not to Exceed  
\$30,000.00 (Street Bond Fund)

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

**RESOLUTION AMENDING THE CONTRACT WITH BRITTAIN AND CRAWFORD  
FOR SURVEYING SERVICES FOR THE WEST BROAD STREET PHASE II  
(COTTON DR. TO RETTA RD.) PAVING, DRAINAGE, & UTILITY IMPROVEMENTS**

(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-2912-13

**13-0559**

Resolution - A Resolution Authorizing the City Manager and the City of  
Mansfield Fire Department to make Application and Receive Funds from the  
Texas Department of State Health Services on Competitive RFP for EMS  
Local Projects Grant FY 2014 after the Purchase of an Ambulance and  
Cardiac Monitors

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE  
CITY MANAGER AND THE FIRE DEPARTMENT TO MAKE APPLICATION,  
RECEIVE AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF  
STATE HEALTH SERVICES TO PROVIDE FOR REIMBURSEMENT OF UP TO**

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**\$50,000 AFTER THE PURCHASE OF AN AMBULANCE AND CARDIAC MONITORS FOR MANSFIELD FIRE DEPARTMENT**

(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-2913-13

**13-0554**

Minutes - Approval of the May 13, 2013 Regular City Council Meeting Minutes

**A motion was made by Council Member Newsom to approve the May 13, 2013 Regular Meeting Minutes as presented. 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

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

**13-0538**

Resolution - A Resolution of the City of Mansfield, Texas Expressing the Intent of the City of Mansfield, Texas to Finance Capital Expenditures with the Proceeds of Future Debt Obligations for the Purpose of Funding Public Improvements including Streets, Public Safety Dispatch Facilities and a Public Safety Tactical Training Facility

*Council Member Hoffman removed this item from the consent agenda.*

**A motion was made by Council Member Hoffman to approve the following resolution adding \$70,000 for design and construction of the Animal Control expansion project:**

**REIMBURSEMENT RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED**

(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-2914-13

### **END OF CONSENT AGENDA**

#### **PUBLIC HEARING AND FIRST READING**

**13-0555**

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from an Existing PD for Single-Family Residential to a new PD for Single-Family Residential on Approximately 15 acres, located at 2001 and 2011 Callender Road; TCCI Land Development, Inc. (ZC#13-004)

*Vicki Collins read the caption into the record. TCCI Land Development Inc. representative Tommy Cansler made brief comments. Mayor Cook opened the public hearing at 7:53 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:53 p.m.*

*Mayor Cook recessed the meeting at 7:54 p.m. for a break. Mayor Cook reconvened into regular business session at 8:07 p.m.*

*TCCI Land Development Inc. representative Tommy Tabor made a powerpoint presentation. Tommy Cansler answered Council questions. Council asked the developer to bring back at the next meeting an average guaranteed price with a minimum average that the homes not go under as well as for the developer to compare this PD to the current PD in place and not the ordinance.*

**A motion was made by Council Member Hoffman to suspend the rules for discussion. Seconded by Council Member Burgess. The motion CARRIED with 7 ayes and 0 nays.**

**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 USE, 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," to include the Lions Gatte pamphlet attached as an exhibit to the PD. 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

**13-0540**

Ordinance - Public Hearing and First Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96: Parks and Recreation



*Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:35 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:35 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 CHAPTER 96: PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS." Seconded by Council Member Lindsey. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook; Stephen Lindsey; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 1 - Wendy Burgess

**Abstain:** 0

### **NEW BUSINESS**

**13-0550**

Resolution - A Resolution of the City of Mansfield, Texas Approving an Amendment to the Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and Lonejack LLC (Sellmark Corp.) and Authorizing its Execution by the President of the MEDC and Providing an Effective Date

*Director of Economic Development Scott Welmaker made brief comments.*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE "AMENDMENT 05/20/2013" BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION AND LONEJACK LLC**

**(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-2915-13

**13-0557**

Board Appointment; Keep Mansfield Beautiful Commission

*Arianne Shipley made brief comments.*

**A motion was made by Mayor Cook to reappoint Kimberly Stratman for her term to continue as it is and begin on September 1, 2013 and continue for 2 years. 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

### **ELECTION OF MAYOR PRO TEM**

*Council Member Haynes and Lindsey and Mayor Pro Tem Broseh made comments as to why they would like to be elected as Mayor Pro Tem.*

*Mayor Cook explained the procedures for the election of Mayor Pro Tem. Ballots were provided to the Council by Vicki Collins. After the votes were tallied, Mayor Cook advised there was a tie between Council Member Lindsey and current Mayor Pro Tem Broseh and the Council would be voting again.*

*New ballots were provided to the Council. Mayor Cook announced that Council Member Lindsey was the newly elected Mayor Pro Tem.*

### **ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 8:46 p.m. 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

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David L. Cook, Mayor

ATTEST:

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Vicki Collins, City Secretary