



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, October 28, 2013

5:00 PM

Council Chambers

REGULAR MEETING JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION

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

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

JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (TO BE HELD IN THE MULTI-PURPOSE ROOM)

Mayor Cook called the work session to order at 5:10 p.m.

Mansfield Park Facilities Development Corporation President Harold Bell called the work session to order at 5:11 p.m.

Bicycle Master Plan

Park Planner James Fish made brief comments and introduced Kimley Horn and Associates representatives Jeff Whitacre and Drew Braun. He reminded there was a public meeting scheduled for the following night, Tuesday, October 29, 2013. He turned the meeting over to Jeff Whitacre. Mr. Whitacre made a powerpoint presentation on the street bicycle plan and answered Council questions. James Fish answered Council questions. Staff and representatives received input from the City Council and the Mansfield Park Facilities Development Corporation. James advised they would come back with a preliminary draft plan in mid to late November and there would be another public meeting to let citizens see the draft plan. He stated it would be presented to the Council sometime in December and considered adoption of the Bicycle Master Plan would be in January or February of 2014.

Mayor Cook adjourned the work session at 5:55 p.m. Mansfield Park Facilities Development Corporation President Harold Bell adjourned the work session at 5:55 p.m.

RECESS INTO EXECUTIVE SESSION

Mayor Cook recessed into executive session at 5:56 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:00 p.m. Mayor Cook adjourned executive session at 6:36 p.m.

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 Economic Development Prospects

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

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem 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 Newsom led the Texas Pledge.

PROCLAMATIONS**13-0730** Municipal Court Week

Mayor Cook proclaimed November 4-8, 2013 as Municipal Court Week and presented the proclamation to Juvenile Case Manager Karen McGee, Court Administrator Leisa Hardin and Judge Erin Bakker.

13-0729 Arbor Day

Mayor Cook proclaimed Friday, November 1, 2013 as Arbor Day. Tree City USA representative Courtney Blevins made comments and presented the Tree City USA Flag to the City. City Manager Clayton Chandler made comments. Landscape

Administrator Stevon Smith advised there would be an Arbor Day Celebration on Friday, November 15, 2013 at 4:30 p.m. at McClendon Park West.

PRESENTATION

Recognition of Outgoing Board Members

Director of Planning Felix Wong presented a plaque to outgoing Historic Landmark Commission Board Member Kathryn Howard. Mr. Chandler and Mayor Cook made brief comments.

City Librarian Steve Standefer presented a plaque to outgoing Library Advisory Board Members Judith Lee and Kelly Campbell. Mayor Cook made brief comments.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey made comments regarding the alarm permits issued by the Police Department mentioning they now take credit cards. He made comments about e-cigarettes. He gave an update on the Code Enforcement Subcommittee meeting. He spoke about the impact of the bike lanes to the city.

Council Member Burgess thanked the outgoing board members for their time and committed service as well as the current board members.

Council Member Broseh had no announcements.

Mayor Cook read a comment from a citizen: "Mr. Garrett," Band Director from "Lake Ridge High School," led the band in competition to 1st place. Over the weekend, they were in competition in the City of Bedford. They will now compete at the "State Level Competition."

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Agenda Meeting

Texas Firefighter Games Hosted in July - Chief Bondurant

Fire Chief Barry Bondurant made comments regarding the Texas Firefighter Games to be hosted in Mansfield in July 2014. He stated the week of July 20-25, 2014 there would be firefighters from all over the State of Texas coming to Mansfield. He

thanked Tourism Manager Theresa Cohagen for such a great job in the presentation she made to help the Texas Firefighter Games Board decide on Mansfield. Mr. Chandler made brief comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

CONSENT AGENDA

- 13-0723** Resolution - A Resolution Awarding a Contract for Street Sweeping Services for FY 2014 to Flagship Sweeping Services, Inc. for an Amount not to Exceed \$53,775.21 (funding source - Drainage Utility Account)

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

A RESOLUTION AWARDED A CONTRACT FOR STREET SWEEPING SERVICES FOR FY2014 TO FLAGSHIP SWEEPING SERVICES, INC; 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 Mayor Pro Tem 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-2961-13

- 13-0731** Resolution - A Resolution Granting a Permanent Electrical Easement to Oncor Electric Delivery, LLC, Through Elmer W. Oliver Nature Park Located at 1650 Matlock Road

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

A RESOLUTION GRANTING A PERMANENT ELECTRICAL EASEMENT TO ONCOR ELECTRIC DELIVERY, LLC THROUGH ELMER W. OLIVER NATURE PARK LOCATED AT 1650 MATLOCK ROAD

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

Seconded by Mayor Pro Tem 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-2962-13

13-0720

Request Special Event Permit; Hometown Holidays 2013

A motion was made by Council Member Hoffman to approve the request for special event. Seconded by Mayor Pro Tem 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

13-0722

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$2,600,000.00 for the Construction of Grand Meadow Boulevard, Award of a Contract to Ed Bell Construction Company and Direct Staff to Execute all Necessary Contracts to Complete the Project (Street Bond and Utility Revenue Bond Fund)

Council Member Burgess removed this item from the consent agenda. Director of Public Works Steve Freeman made brief comments regarding the project and answered Council questions. City Attorney Allen Taylor and Director of Business Services Peter Phillis made brief comments.

A motion was made by Mayor Cook to approve the following resolution amending the amount in Section with the last item being revised to a total not to exceed \$2,025,000 to be paid from city funds and the remaining obligation to be paid from the \$575,000 that has been paid into escrow by Edge Resources:

A RESOLUTION AUTHORIZING FUNDING AND AWARDING A CONTRACT FOR CONSTRUCTION OF GRAND MEADOW BOULEVARD TO ED BELL CONSTRUCTION COMPANY AND DIRECTING STAFF TO EXECUTE ALL NECESSARY CONTRACTS TO COMPLETE THE PROJECT

(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-2963-13

13-0725

Request for Special Event permit; Bike Out Hunger

Mayor Pro Tem Lindsey removed this item from the consent agenda. Applicant Rand Jenkins made comments regarding the event and answered Council questions.

A motion was made by Mayor Cook to approve the request for special event. 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

13-0721

Minutes - Approval of the October 14, 2013 Regular City Council Meeting Minutes

Council Member Newsom removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the October 14, 2013 Regular Meeting Minutes as presented. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

Nay: 0

Abstain: 2 - Darryl Haynes and Brent Newsom

END OF CONSENT AGENDA

OLD BUSINESS

13-0709

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting and Approving an Updated Strategic Plan for Fiscal Years 2014 through 2023

Mayor Pro Tem Lindsey made brief comments.

A motion was made by Mayor Cook to removed this item from the table. Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ADOPTING AND APPROVING AN UPDATED STRATEGIC PLAN FOR FY 2014-2023

(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-2964-13

PUBLIC HEARING CONTINUATION AND SECOND READING

13-0697

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving Amendments of 5100C and 5100D of Freeway Overlay District Regulations of the Zoning Ordinance to Allow Paint and Body Shop as a Restricted Land Use with Specific Use Permit (OA#13-003)

Mayor Cook continued the public hearing through second reading at 7:45 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:45 p.m.

A motion was made by Mayor Pro Tem Lindsey to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 5100C AND 5100D OF THE FREEWAY OVERLAY DISTRICT REGULATIONS OF THE ZONING ORDINANCE PERTAINING TO PAINT AND BODY SHOP; 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 Newsom. 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

13-0711

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2013 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions or Ordinances; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; Providing a Most Favored Nations Clause; and Requiring Delivery of This Ordinance to the Company and the Steering Committee's Legal Counsel

Mayor Cook continued the public hearing through second reading at 7:47 p.m. With

no one wishing to speak, Mayor Cook closed the public hearing at 7:47 p.m.

A motion was made by Council Member Burgess to approve the second reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE REASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S 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

NEW BUSINESS

13-0718

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 Peyco Southwest Realty, Inc. and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made a brief presentation and answered Council questions.

A motion was made by Council Member 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 PEYCO SOUTHWEST REALTY, INC. 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 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-2965-13

13-0728

Ordinance - First Reading and Public Hearing of an Ordinance of the City of Mansfield, Texas, Authorizing a Lease Agreement with Dallas MTA, L.P. d/b/a Verizon Wireless and Directing and Authorizing the City Manager to Execute the Necessary Lease Documents

City Secretary Vicki Collins read the caption into the record. Director of Utility Operations Joe Smolinski made brief comments and answered Council questions. Peter Phillis answered Council questions.

A motion was made by Mayor Pro Tem Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH DALLAS MTA, L.P. d/b/a VERIZON WIRELESS AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY LEASE DOCUMENTS." 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

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 7:55 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