



CITY OF MANSFIELD

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

Meeting Minutes City Council

Monday, February 13, 2012

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:05 p.m.

Absent 1 - Stephen Lindsey

Present 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Council Member Lindsey arrived at 5:25 p.m.

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

Upcoming February 27, 2012 Work Session - Goals and Objectives for 2013
Budget - Clayton Chandler, City Manager

City Manager Clayton Chandler made brief comments and provided the Council with a City Manager's Report and a Needs Survey for Goals and Objectives for the 2013 Budget along with a copy of a preliminary draft of the budget calendar. He asked for the Council to return the survey to City Secretary Vicki Collins or Executive Secretary Karen Welborn.

Annual Staff Presentation of Legal Requirements Regarding Open Meetings,
Open Records and the Roles and Responsibilities of Council - By Allen Taylor,
City Attorney and Clayton Chandler, City Manager

City Attorney Allen Taylor made a presentation on the legal requirements regarding open meetings, open records and roles and responsibilities of the Council.

Staff Presentation of the Draft 2012 Land Use Plan - by Felix Wong, City Planner
and Lisa Sudbury, Assistant City Planner

Director of Planning Felix Wong made a presentation on the DRAFT 2012 Land Use Plan and provided the Council with documents.

Staff Briefing Regarding Status of Electronic Agendas - Clayton Chandler, City
Manager and Todd Williams, IT Director

Director of Information Technology Todd Williams demonstrated the electronic agenda on an iPad and answered Council questions.

Mayor Cook adjourned the work session at 6:02 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 6:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:10 p.m. Mayor Cook adjourned executive session at 7:32 p.m.

Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

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

City Attorney Briefing on Lawsuit Cause No. 352-230106-08 Valerie Mantos vs. City of Mansfield and Other Litigation

Seek Advice of City Attorney Regarding Contract Operations at the Law Enforcement Center

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

Possible Future Linear Park Acreage

Personnel Matters Pursuant to Section 551.074

Board Appointments: Planning and Zoning Commission

Board Appointment: Tax Increment Financing Reinvestment Zone Number One

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 7:37 p.m.

INVOCATION

Council Member Haynes led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Lindsey led the Pledge of Allegiance.

TEXAS PLEDGE

Council Member Hoffman led the Texas Pledge.

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

PROCLAMATION

12-0050 Mansfield Reads! 2012

Mayor Cook proclaimed February 2012 as Mansfield Reads! Month. Mansfield Reads! Vice President Jenny Elliot made comments.

CITIZEN COMMENTS

Cheryl Litke - 1331 Breckenridge Rd. - Ms. Litke spoke about the residential zoning ordinance. She stated there was no residential development going on in the city.

Steven Cosio - 4 Savoy Court - Mr. Cosio spoke on behalf of Discover Historic Mansfield, Inc. He spoke in regards to agenda item 12-0055. Mr. Cosio spoke about the upcoming Pickle Parade and acknowledged all the supporters in the audience. He asked for Council's approval of the additional funds from the Hotel/Motel Tax Fund to fund the parade.

COUNCIL ANNOUNCEMENTS

Council Member Haynes had no announcements.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Council Member Lindsey stated he was in support of the activities that come to Mansfield.

Council Member Burgess thanked her family for the flowers.

Mayor Pro Tem Broseh made comments about a Robotics Event that took place at

Ben Barber Career and Technology Center and showed a video.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Hawaiian Falls Staff Update

Director of Parks and Community Services Shelly Lanners acknowledged Hawaiian Falls President Dave Busch. Mr. Busch made comments and introduced the newest members of their staff.

Business Services Department

12-0032 Presentation of Monthly Financial Report for the Period Ending December 31, 2011

This matter was presented with no action being taken by the Council.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action by the Council.

CONSENT AGENDA

12-0025 Ordinance - Second 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

A motion was made by Council Member Lindsey to approve the second 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 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

12-0034 Resolution - A Resolution Awarding a Contract for Mowing of Drainage Areas

for FY 2012 to CP Landscape Inc. for an Amount not to Exceed \$31,400.00 the funding source will be the Drainage Utility Account

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

A RESOLUTION AWARDDING A CONTRACT FOR MOWING OF DRAINAGE AREAS FOR FY2012 TO CP LANDSCAPE 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 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-2771-12

12-0037

Resolution - A 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 Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the State Fiscal Year 2013 Grant Cycle (No Matching Funds Required)

A motion was made by Council Member Lindsey 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 CRIMINAL JUSTICE PROJECTS THAT REDUCE CRIME AND IMPROVE THE CRIMINAL JUSTICE SYSTEM

(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-2772-12

12-0045 Resolution - A Resolution Selecting Mansfield Family Entertainment, LLC as Contractor for the Hawaiian Falls Water Park Mansfield 2012 Expansion Project for an Amount not to Exceed \$2,890,892; Delegating Authority to the City Manager or his Designee to Negotiate and Enter into a Contract With Mansfield Family Entertainment, LLC; and Providing an Effective Date

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

A RESOLUTION SELECTING MANSFIELD FAMILY ENTERTAINMENT, LLC AS CONTRACTOR FOR THE HAWAIIAN FALLS WATER PARK MANSFIELD 2012 EXPANSION PROJECT FOR AN AMOUNT NOT TO EXCEED \$2,890,892; DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH MANSFIELD FAMILY ENTERTAINMENT, LLC; AND PROVIDING AN EFFECTIVE DATE

(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-2773-12

12-0048 Resolution - A Resolution Amending the Contract with Brittain & Crawford for Surveying Services for the 2009 35th Year CDBG Project, for West Kimball Street for an Amount not to Exceed \$9,600.00 to be Funded from the Street Bond Fund

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

RESOLUTION AMENDING THE CONTRACT WITH BRITTAİN & CRAWFORD FOR SURVEYING SERVICES FOR THE 2009 35TH YEAR CDBG PROJECT, FOR WEST KIMBALL STREET

(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-2774-12

12-0052 Resolution - A Resolution Authorizing a Contract with Freese and Nichols,

Inc., for Design Services for an amount not to Exceed \$120,840.00 for the Walnut Creek Country Club (WCCC) Sewer Repair (Utility Bonds)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH FREESE & NICHOLS, INC. FOR DESIGN SERVICES FOR THE WALNUT CREEK COUNTRY CLUB SEWER REPAIRS

(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-2775-12

12-0053

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Transportation for Selective Traffic Enforcement Program (STEP) Grant Projects for FY 2013 (Eligible for \$110,000/Match: 10% or \$11,000)

A motion was made by Council Member Lindsey 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 TEXAS DEPARTMENT OF TRANSPORTATION FY 2013 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM

(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-2776-12

12-0027

Request for Special Event permit; Prairie Man Half Iron Triathlon

A motion was made by Council Member Lindsey to approve the request for special event for the Prairie Man Half Iron Triathlon. 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

12-0029 Request for Special Event permit; Ironhead Woman's Sprint Triathlon

A motion was made by Council Member Lindsey to approve the special event for Ironhead Woman's Sprint Triathlon. 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

12-0030 Request for Special Event permit; Kids and Adult Triathlon

A motion was made by Council Member Lindsey to approve the special event for Kids and Adult Triathlon. 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

12-0046 Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 12, 2012 to March 5, 2012

A motion was made by Council Member Lindsey to approve reschedule the March 12, 2012 Regular City Council Meeting to March 5, 2012. 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

12-0047 Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of April 23, 2012 to April 24, 2012

A motion was made by Council Member Lindsey to reschedule the April 23, 2012 Regular City Council Meeting to April 24, 2012. 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

12-0057 Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 28, 2012 to May 29, 2012

A motion was made by Council Member Lindsey to reschedule the May 28, 2012 Regular City Council Meeting to May 29, 2012. 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

12-0033 Minutes - Approval of the January 23, 2012 Regular City Council Meeting Minutes

A motion was made by Council Member Lindsey to approve the January 23, 2012 Meeting minutes as presented. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

12-0031 Request for Special Event permit; Pickle Parade and 5K

Mayor Cook removed this item from the consent agenda. Pickle Queen Amanda Rogers made brief comments.

A motion was made by Mayor Cook to approve the special event for Pickle Parade and 5K. 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

12-0055 Resolution - A Resolution Approving the Request for Supplemental Fund Allocation from Hotel Occupancy Tax by Discover Historic Mansfield, Inc.

Mayor Cook removed this item from the consent agenda. Steve Cosio made a presentation and answered Council questions. Felix Wong, Director of Business Services Peter Phillis and Police Chief Gary Fowler answered Council questions.

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

A RESOLUTION AMENDING THE CITY OF MANSFIELD'S BUDGET FOR FISCAL YEAR 2011-2012 REGARDING HOTEL/MOTEL TAX FUND

(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-2777-12

END OF CONSENT AGENDA

PUBLIC HEARING AND RESOLUTION

12-0049 A Public Hearing and Resolution Approving and Endorsing the 2012 (38th year) Community Development Block Grant Project for South 3rd Avenue, Phillips Court, and Kemp Court.

Mayor Cook opened the public hearing at 8:22 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:22 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2012 (38TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

(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-2778-12

NEW BUSINESS

12-0058 Board Appointment; Appoint Chairman of the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, Plus a New Board Member to Replace Former Councilman James Rudnicki

Mayor Cook re-appointed Council Member Hoffman as the Chairman and appointed Council Member Burgess to replace former Council Member Rudnicki.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:23 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