



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, January 12, 2009

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. and announced pursuant to Chapter 551, Texas Government Code, the Council would be recessing into executive session. Mayor Cook recessed the meeting into executive session at 5:04 p.m.

Present 7 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

RECESS INTO EXECUTIVE SESSION

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In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 5:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Mayor Cook recessed the executive session at 7:25 p.m.

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

License Agreement between MPFDC and Barnett Gathering, LP for gas pipeline at 920 N. Holland Rd. and 3750 National Parkway

License Agreement between MPFDC and DFW Midstream, Inc. for a gas pipeline at 920 N. Holland Rd. and 3750 National Parkway

Memorandum of Understanding Agreement between MPFDC and XTO Energy for surface use at 920 N. Holland Rd.

City Attorney Briefing on Lawsuit Cause No. 352-230106-06 Valerie Mantos vs. City of Mansfield

City Attorney Briefing on Lawsuit Cause No. 06-41026-3 Daniel Jay Massey

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

Acquisition of Land for Potential Park Use 10-08-02

Water Treatment Plant Easement and Property Acquisitions (Addendum to the Agenda)

Personnel Matters Pursuant to Section 551.074

Resignation of Planning and Zoning Commission Board Member

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

Forest City Development Incentives

South Pointe Development Incentives

7:00 P.M. – RECONVENE INTO REGULAR BUSINESS SESSION

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Mayor Cook reconvened into regular business session at 7:33 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

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No action taken by the Council.

INVOCATION

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Mayor Pro Tem Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

[play video](#)

The City Secretary's Office staff led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Leyman led the Texas Pledge.

CITIZEN COMMENTS

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Mark Baysden - 777 Main St., Fort Worth - stated he was a representative for Jacobs Engineering and respectfully requested the Council to reconsider their action at the last meeting on agenda item 08-1234. He mentioned EOG Resources submitted a

letter to the city requesting reconsideration of the case. Mr. Baysden stated additional information had been provided to them regarding the case mentioning there are experts available to answer questions if Council has any.

ANNOUNCEMENTS

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Council Member Kunasek reminded citizens about a flyer in the water bill regarding the Code Red Program. He also advised everyone about Mansfield Cares 10th Annual Charity Ball on February 7, 2009.

Council Member Haynes thanked Bethlehem Baptist Church for putting together the Martin Luther King Celebration and encouraged everyone to attend next year.

Council Member Leyman had no announcements.

Council Member Hoffman had no announcements.

Council Member Rudnicki asked for support to place an item for reconsideration of EOG Resources specific use permit. He received support from Council Members Leyman and Kunasek. City Attorney Allen Taylor advised Council the item would be placed on the first available agenda. Council Member Rudnicki also encouraged everyone to participate in the Mansfield Cares Charity Ball.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

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City Manager Report or Authorized Representative

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Upcoming Meeting Notifications and Scheduling Priorities

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City Manager Clayton Chandler advised Council of upcoming meetings and priorities. He notified the Council of several invites they have received mentioning staff would be providing a listing of all the dates.

Hawaiian Falls Update

[play video](#)

Hawaiian Falls representative Dave Busch and Evan Barnett made a brief presentation on how the park did in it's first year of operation.

PUBLIC HEARING AND FIRST READING

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[09-1280](#)

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 51, Section 51.054 of the Code of Ordinances, City of Mansfield, Texas; so as to Revise and Change the Rates Charged for Sanitary Sewer Services Furnished by the City of Mansfield, Texas; Repealing Ordinance 1560 and other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

[play video](#)

Assistant City Secretary Susana Marin read the caption into the record. Director of Utility Operations Bud Ervin made a brief presentation and answered Council questions. Representatives from RW Beck Dan Lanning and Rob Jeffries made a power point presentation and answered Council questions. Director of Business Services Peter Phillis and Mr. Chandler made comments and answered Council questions. Mayor Cook opened the public hearing at 8:45 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:46 p.m.

A motion was made by Council Member Kunasek to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 51, SECTION 51.054 OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO REVISE AND CHANGE THE RATE STRUCTURE AND RATES TO BE CHARGED FOR SEWER SERVICE FURNISHED BY THE CITY; REPEALING ORDINANCE 1560 AND OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION THEREOF AND AN EFFECTIVE DATE" under the December scenario and continuing on out to the further years. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

[09-1298](#)

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 51, Section 51.052 of the Code of Ordinances, City of Mansfield, Texas; so as to Revise and Change the Rates Charged for Water Services Furnished by the City of Mansfield, Texas; Repealing Ordinance 1559 and Other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

[play video](#)

Susana Marin read the caption into the record. Bud Ervin made a brief presentation. Mayor Cook opened the public hearing at 8:47 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:47 p.m.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 51, SECTION 51.052 OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO REVISE AND CHANGE THE RATE STRUCTURE AND RATES TO BE CHARGED FOR WATER SERVICE FURNISHED BY THE CITY; REPEALING ORDINANCE 1559 AND OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION THEREOF AND AN

EFFECTIVE DATE" based on the December 8th proposal. Seconded by Council Member Kunasek. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

[09-1296](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 3.842 Acres, Generally Located North of East Debbie Lane and Approximately 2,300 Feet East of Matlock Road at 1700 and 1800 Mansfield Webb Road; Carrizo Oil & Gas, Inc. (ZC#08-018)

[play video](#)

Susana Marin read the caption into the record. Jacobs Engineering representative Shea Kirkman, 777 Main St., Fort Worth, made a brief presentation and answered Council questions. Mayor Pro Tem Broseh stated he would be handling the public hearing on this agenda item since the Mayor would be abstaining from the vote. Director of Planning Felix Wong answered Council questions. Carrizo Oil and Gas representative Scott Hudson, 1000 Louisiana St., answered Council questions. Director of Public Works Steve Freeman answered Council questions. Mayor Pro Tem Broseh opened the public hearing at 9:05 p.m. Mayor Pro Tem Broseh acknowledged the following non-speakers:

David and Andrea Ervin - 7308 Moon Ridge Court - 76113 - support

Sandra Ervin - 1700 Mansfield Webb Road - support

Jonathan Ragsdale - 777 Main Street - Fort Worth - support

Faye Ervin - 1719 Mansfield Webb Road - support

John W. Ervin and Louise McMillen - 1670 Mansfield Webb Road - support

Robert and Louise Ervin - 1624 Mansfield Webb Road - support

With no one wishing to speak, Mayor Pro Tem Broseh continued the public hearing at 9:06 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 THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT AN AMENDED SPECIFIC USE PERMIT FOR GAS WELL DRILLING AND PRODUCTION ON THE HEREINAFTER DESCRIBED PROPERTIES; 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" with the condition that any frac pond constructed on the site be removed; that the specific use permit expires within 5 years from the previous date (2/12/2012), and that trees be planted 30 foot on center as indicated on the western wall and be placed also on the southern and eastern walls. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 5 - Mike Leyman;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 1 - James Rudnicki

Abstain: 1 - David Cook

PUBLIC HEARING CONTINUATION AND SECOND READING

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08-1250

Ordinance- Public Hearing Continuation and Second Reading Regarding Amendments to the Current Smoking Ordinance

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Director of Development Services Richard Wright stated he had no presentation and was available to answer Council questions. Mayor Cook continued the public hearing at 9:09 p.m. The following people spoke during the public hearing:

*Joyce Hill - 1129 Wedgewood Drive - support
Joyce Kimball - 5 Inverness Court - support
Jeff Bresee - 207 Moss Court - support
Benjamin Walsh - 409 Chimney Hill Circle - support*

With no others wishing to speak, Mayor Cook continued the public hearing at 9:26 p.m.

Council Member Rudnicki asked for the motion made by Council Member Hoffman be amended to exclude sports bars from the ordinance. City Attorney Allen Taylor advised the Council staff could word the ordinance to read how the Council wanted. Council Member Kunasek requested a survey of all the restaurants who have spent money in the last twenty four months on ventilation requirements to comply with the smoking ordinance.

A motion was made by Council Member Haynes to table the existing ordinance until the State Legislature meets and they make their decision and at that time the Council will revisit the ordinance. Seconded by Council Member Leyman. The motion FAILED by the following vote:

Ayes: 3 - Mike Leyman; Greg Kunasek and Darryl Haynes

Nays: 4 - David Cook; Larry Broseh; Cory Hoffman and James Rudnicki

A motion was made by Council Member Hoffman to direct staff to change the proposed ordinance to eliminate smoking in all public places inside the City of Mansfield. Seconded by Mayor Cook. After discussion Council Member Hoffman amended his motion to no smoking in public places with the exception of restaurants who choose to allow smoking with an age restriction of 21 years and older with a posting on the door that the facility is a smoking facility.

Mayor Cook stated the Council would recess and allow Council Member Hoffman to look at the ordinance as it is and see if there is anything else he would like to delete from his motion. Mayor Cook recessed the meeting at 9:57 p.m. and reconvened at 10:15 p.m.

A motion was made by Council Member Hoffman to table the second reading of "AN ORDINANCE AMENDING CHAPTER IX. "HEALTH AND SANITATION" OF THE CODE OF THE CITY OF MANSFIELD BY AMENDING ARTICLE IV.,

REGULATION OF SMOKING IN ITS ENTIRETY TO READ AS HEREIN AFTER; PRESCRIBING THE PENALTY FOR THE VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE" to the next meeting giving specific direction to staff to come back at the next meeting with a second reading and the very next meeting with a third reading with specific instructions to eliminate and restrict smoking in all public places with the exception of jail cells which are marked and designated as a smoking area and retain in our current draft section 9.72 which addressed where smoking is not regulated and touches on private residence, hotel/motel rooms, retail tobacco shops, etc. and for staff to eliminate 9.72 (4)(B) (Council Member Hoffman read section 9.72) and with the exception that if a facility only admits people 21 years and older then they can allow smoking as long as there is appropriate signage on display. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 6 - Mike Leyman;David Cook;James Rudnicki;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 1 - Greg Kunasek

Abstain: 0

[08-1264](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 7.03 Acres, Generally Located South of the Intersection of Newt Patterson Road and the Union Pacific Railroad Track, on Property Addressed at 1671 Newt Patterson Road; XTO Energy, Inc. (ZC#08-022)

[play video](#)

Representative for XTO Energy Walter Dueease - 510 Houston St., Fort Worth - made a brief presentation. Mayor Cook continued the public hearing at 10:27 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:27 p.m.

A motion was made by Council Member Hoffman to approve the second 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 GRANT AN AMENDED SPECIFIC USE PERMIT FOR GAS WELL DRILLING AND PRODUCTION ON THE HEREINAFTER DESCRIBED PROPERTIES; 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 Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 6 - Mike Leyman;David Cook;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes

Nay: 1 - James Rudnicki

Abstain: 0

CONSENT AGENDA

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08-1235

Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change from SF-12/22 to OP on Approximately 2.96 Acres, Generally Located at 2001 Stephens Avenue and 1909 Lone Star Road; Energy Transfer Fuel, L.P. (ZC#08-021)

Susana Marin read the caption into the record.

A motion was made by Council Member Rudnicki to approve the following ordinance:

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 HERINAFTER DESCRIBED PROPERTIES TO OP, OFFICE PARK DISTRICT CLASSIFICATION, 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 Hoffman. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1731-09

08-1236

Ordinance - Third and Final Reading of an Ordinance to Amend Sections 4600.E and 5200.I.6 of the Zoning Ordinance to Regulate Pole-Mounted Electrical, Gas, Cable Television and Telephone Support Equipment (OA#08-006)

Susana Marin read the caption into the record.

A motion was made by Council Member Rudnicki to approve the following ordinance:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 4600.E AND 5200.I.6 OF SAID ORDINANCE REGARDING REGULATIONS FOR POLE-MOUNTED ELECTRICAL, GAS, CABLE TELEVISION AND TELEPHONE SUPPORT EQUIPMENT; 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 Hoffman. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1732-09

09-1278

Resolution - A Resolution Approving a Basic Engineering Services Agreement for the "Water Treatment Plant Phase IV Expansion to 45-MGD" Construction Project with Alan Plummer and Associates. These services will be Funded by the December 2008 Water and Sewer Revenue Bond Issue at a Cost not to Exceed One Million One Hundred Fifty Three Thousand Dollars

and No Cents (\$1,153,000.00)

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

A RESOLUTION AUTHORIZING AN ENGINEERING SERVICES AGREEMENT FOR NECESSARY PROFESSIONAL SERVICES RELATED TO THE WATER TREATMENT PLANT PHASE IV EXPANSION TO 45-MGD CONSTRUCTION PROJECT.

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

Enactment No: RE-2485-09

09-1294

Resolution - A Resolution Awarding a Contract for Construction of the FY 2007 & 2008 Community Development Block Grant Projects, for the 3rd Avenue, 4th Avenue, & Alvarado Street improvements to McClendon Construction Co., Inc. for an Amount not to Exceed \$429,188.24 (Street Bond Fund)

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

A RESOLUTION AWARDED A CONTRACT FOR THE FY 2007 & 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS FOR THE 3RD AVENUE, 4TH AVENUE, & ALVARADO STREET IMPROVEMENTS TO McCLENDON CONSTRUCTION CO., INC. AND APPROPRIATING FUNDS.

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

Enactment No: RE-2486-09

09-1295

Resolution - A Resolution Authorizing a Design Services Contract in the amount of \$114,500 with Kimley Horn And Associates and a Surveying Services Contract in the Amount of \$25,000 with Brittain & Crawford for the F.M. 1187 Utility Relocation & Construction Project (Utility Bond Fund)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH KIMLEY HORN & ASSOCIATES FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE F.M. 1187 UTILITY RELOCATION AND CONSTRUCTION PROJECT.

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

Enactment No: RE-2487-09

09-1288

Approval of the December 8, 2008 6:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Rudnicki to approve the December 8, 2008 6:00 p.m. Regular Meeting Minutes as presented. Seconded by Council

Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

[09-1289](#)

Approval of the December 8, 2008 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Rudnicki to approve the December 8, 2008 7:00 p.m. Regular Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

[09-1300](#)

Approval of the January 5, 2009 Special City Council Meeting Minutes

A motion was made by Council Member Rudnicki to approve the January 5, 2009 Special Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[09-1290](#)

Resolution - A Resolution to Approve the Memorandum of Understanding Between the MPFDC and XTO Energy, Inc. for Access for Natural Gas Drilling Including Engineering and Road Improvements at the Mansfield Sports Complex located at 920 N. Holland Road

[play video](#)

Council Member Hoffman removed this item from the consent agenda. Director of Parks and Community Services Shelly Lanners answered Council questions. Representative for XTO Energy Walter Duese, 510 Houston St., Fort Worth, answered Council questions.

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

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND XTO ENERGY, INC. FOR ACCESS FOR NATURAL GAS DRILLING INCLUDING ENGINEERING AND ROAD IMPROVEMENTS AT THE MANSFIELD SPORTS COMPLEX LOCATED AT 920 N. HOLLAND ROAD.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 6 - Mike Leyman; David Cook; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 1 - James Rudnicki

Abstain: 0

Enactment No: RE-2488-09

[09-1291](#)

Resolution - A Resolution to Approve the License Agreement Between MPFDC and Barnett Gathering, L.P. for Installation and Operation of a Natural Gas Pipeline at the Mansfield Sports Complex Located at 920 N. Holland Road and Mansfield National Golf Club Located at 3750 National Parkway

[play video](#)

Council Member Kunasek removed this item from the consent agenda. Shelly Lanners answered Council questions. Walter Dueease, representative for XTO Energy, 510 Houston St., Fort Worth, answered Council questions. Allen Taylor answered Council questions.

A motion was made by Council Member Kunasek to approve the following resolution with the addition of :

A RESOLUTION TO APPROVE THE LICENSE AGREEMENT BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND BARNETT GATHERING, L.P. FOR INSTALLATION AND OPERATION OF A NATURAL GAS PIPELINE AT THE MANSFIELD SPORTS COMPLEX LOCATED AT 920 N. HOLLAND ROAD AND MANSFIELD NATIONAL GOLF CLUB LOCATED AT 3750 NATIONAL PARKWAY.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 5 - Mike Leyman;David Cook;Greg Kunasek;Larry Broseh and Darryl Haynes

Nay: 2 - James Rudnicki and Cory Hoffman

Abstain: 0

Enactment No: RE-2489-09

[09-1292](#)

Resolution - A Resolution to Approve the License Agreement Between MPFDC and DFW Midstream, Inc. for Installation and Operation of a Natural Gas Pipeline at the Mansfield Sports Complex Located at 920 N. Holland Road and Mansfield National Golf Club Located at 3750 National Parkway

[play video](#)

Council Member Kunasek removed this item from the consent agenda.

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

A RESOLUTION TO APPROVE THE LICENSE AGREEMENT BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND DFW MIDSTREAM, INC. FOR INSTALLATION AND OPERATION OF A NATURAL GAS PIPELINE AT THE MANSFIELD SPORTS COMPLEX LOCATED AT 920 N. HOLLAND ROAD AND MANSFIELD NATIONAL GOLF CLUB LOCATED AT 3750 NATIONAL PARKWAY.

Seconded by Council Member Leyman. The motion CARRIED by the following vote:

Aye: 5 - Mike Leyman;David Cook;Greg Kunasek;Larry Broseh and Darryl Haynes

Nay: 2 - James Rudnicki and Cory Hoffman

Abstain: 0

Enactment No: RE-2490-09

END OF CONSENT AGENDA**NEW BUSINESS**[play video](#)**09-1293**

Approval of the December 3, 2008 Special City Council Meeting Minutes

[play video](#)

Council Member Leyman stated he would abstain from the vote due to his absence at the meeting.

A motion was made by Council Member Kunasek to approve the December 3, 2008 Special Meeting Minutes as presented. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 6 - David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 1 - Mike Leyman

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 11:04 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 11:05 p.m. Mayor Cook recessed the executive session at 12:23 a.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Rudnicki to direct the Mansfield Park Facilities Development Corporation to proceed with the acquisition of land. Seconded by Council Member Hoffman. The motion CARRIED with the following vote:

Ayes: 5 - Mike Leyman; James Rudnicki; Greg Kunasek; Cory Hoffman and Darryl Haynes

Nays: 2 - David Cook and Larry Broseh

ADJOURN[play video](#)

A motion was made by Council Member Hoffman to adjourn the meeting at 12:26 a.m. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 7 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

(All comments on tape in City Secretary's Office)

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary