



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, February 23, 2009

4:00 PM

Council Chambers

REGULAR MEETING

4:00 P.M. -DEDICATION OF FIRE STATION #4 - 1954 N. MAIN STREET

Council Members and members of staff attended the Dedication of Fire Station #4.

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

Mayor Cook called the meeting to order at 5:02 p.m. in the Multi-Purpose Room and announced the Council would go into a work session to discuss the proposed development agreement with South Pointe Land Partners, LP.

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

WORK SESSION

Staff Briefing and Discussion Regarding Proposed Development Agreement with South Pointe Land Partners, LP - South Pointe

City Manager Clayton Chandler made brief comments. Director of Planning Felix Wong made a powerpoint presentation on the South Pointe development and answered Council questions. Hallmark Homes representative David Branch answered Council questions. Assistant City Manager Chris Burkett answered Council questions. Rubloff Development Group Inc. representative Zack Knutson and Mark Robinson answered Council questions.

Mayor Cook adjourned the work session at 6:00 p.m.

RECESS INTO EXECUTIVE SESSION (IMMEDIATELY FOLLOWING WORK SESSION)

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 6:00 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:04 p.m. Mayor Cook recessed the executive session at 6:35 p.m.

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

Attorney Advice Regarding Law Enforcement Center Inmate Lawsuit / Wright and Potter vs. City of Mansfield

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

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

Development Agreement with South Pointe Land Partners, LP

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

Mayor Cook reconvened into regular business session at 7:02 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

INVOCATION

Kyle Walker of 4/12 Community Church in Mansfield led the Invocation.

PLEDGE OF ALLEGIANCE

Kyle Walker of 4/12 Community Church in Mansfield 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 Leyman led the Texas Pledge.

PROCLAMATION

09-1343 Red Cross Month

Mayor Cook proclaimed March 2009 as Red Cross Month in Mansfield. Gale Moericke, MISD Board of Trustees Member, accepted the proclamation.

09-1344 Texas Smartscape Month

Mayor Cook proclaimed March 2009 as Texas SmartScape Month. Stormwater Manager Howard Redfearn accepted the proclamation and gave information about the Texas SmartScape classes being offered at the Mansfield Activities Center.

CITIZEN COMMENTS

Irene Johnson - 2209 Lexington Drive - stated she has lived in Mansfield for 1 year. She mentioned she is concerned about her neighbors and all the vehicles they park on their street. Ms. Johnson stated that on any given day there can be anywhere from 9 to 14 cars parked by people who reside next door. She mentioned they park their vehicles in front of their mailbox and they have asked them to remove the vehicles and they refused to do so. She stated they have pictures of the offenses and asked for Council to do something about the issue.

Non-Speaker

Simon Davis - 2209 Lexington Drive - stood by Ms. Johnson during her comments.

Ronnie Thompson - 220 N. Wisteria Street - spoke about the naming of the Mansfield Public Safety Building. He mentioned the Council had voted on February 9, 2009 to place the name of Chief Steven Noonkester on the Public Safety Building after voting on December 8, 2008 not to place his name on the building. Mr. Thompson stated there is a memorial in front of Fire Station No. 1 honoring Volunteer Firemen Harry D. Blizzard and Sherry Copeland mentioning the memorial was paid for by the Fire Ladies Auxiliary. He stated that if the Council really wanted to honor Steven Noonkester then it should be paid by the Mansfield Police Officers Association and the Mansfield Fire Association.

COUNCIL ANNOUNCEMENTS

Council Member Kunasek announced that 695 people signed up for Code Red in response to the flyer in each households water bill. He encouraged everyone to sign up for Code Red.

Council Member Haynes thanked citizens for their letters and emails to their representatives in Austin regarding the straightening of utility poles.

Council Member Leyman had no announcements.

Council Member Hoffman had no announcements.

Council Member Rudnicki had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook read a letter from Sara McCombs thanking the Police and Fire Departments for the quick response during an accident she was involved in. He congratulated Elray Wilson from Bethlehem Baptist Church for being elected as the Man of the Year within the church.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

Mr. Chandler made comments regarding the stimulus package participation by the city. He stated he was pleased to hear about the letter read by Mayor Cook and also mentioned about the opening of Fire Station No. 4. Mr. Chandler advised the Council there would be a special meeting on Wednesday, March 4, 2009 to address strategic planning issues.

OLD BUSINESS**09-1317**

Resolution - Resolution Adopting Design Guidelines for Planned Development Districts for Residential Neighborhoods

Felix Wong made a brief presentation and answered Council questions. Mr. Chandler made comments. City Attorney Allen Taylor answered Council questions.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS ADOPTING DESIGN GUIDELINES FOR PLANNED DEVELOPMENT DISTRICTS FOR RESIDENTIAL NEIGHBORHOOD.

Seconded by Council Member Leyman. 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

Enactment No: RE-2494-09

PUBLIC HEARING AND FIRST READING

09-1350

Ordinance - Public Hearing and First Reading of an Ordinance Adopting "Standards of Care" for the Recreation Department's Summer Youth Program

City Secretary 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 7:47 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 7:47 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, 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 Council Member Hoffman. 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

CONSENT AGENDA

09-1346

Approval of the February 9, 2009 Regular City Council Meeting Minutes

A motion was made by Council Member Rudnicki to approve the February 9, 2009 Regular 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

09-1308

Ordinance - Third and Final Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 5.817 Acres, Generally Located East of Retta Road, Approximately 1,250 Feet North of West Broad Street, on Property at 491 Retta Road; Chesapeake Operating, Inc. (ZC#08-023)

Mayor Pro Tem Broseh removed this item from the consent agenda.

A motion was made by Mayor Pro Tem Broseh to table the third and final 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," to the next meeting. Seconded by Council Member Rudnicki. 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

09-1345

Resolution - A Resolution to Award a Contract for Construction of Broad Street crossing SH 360 Pavement and Signal Improvements to Austin Bridge and Road and Authorization of Funding for an Amount not to Exceed \$620,205.13 (Street Bond Fund)

Council Member Hoffman removed this item from the consent agenda. Director of Public Works Steve Freeman made a brief presentation and answered Council questions.

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

A RESOLUTION AWARDED A CONTRACT FOR THE BROAD STREET CROSSING SH360 PAVEMENT AND SIGNAL IMPROVEMENTS TO AUSTIN BRIDGE AND BRIDGE, APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS.

Seconded by Council Member Leyman. 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

Enactment No: RE-2495-09

END OF CONSENT AGENDA

NEW BUSINESS

09-1348

Resolution - Resolution Approving a Development Agreement with South Pointe Land Partners for Public Improvements to Property Within the Tax Increment Financing Reinvestment Zoned Number One

Felix Wong and Mr. Chandler made brief comments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH SOUTH POINTE LAND PARTNERS FOR PUBLIC IMPROVEMENTS TO PROPERTY WITHIN THE TAX INCREMENT FINANCING REINVESTMENT ZONED NUMBER ONE; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Council Member Rudnicki. 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

Enactment No: RE-2496-09

09-1337

Presentation of 2008 Racial Profiling Report

Police Chief Gary Fowler made a brief presentation and received Council feedback.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:05 p.m. Seconded by Council Member Haynes. 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 comment on tape in City Secretary's Office)

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary