



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, March 9, 2009

5:30 PM

Council Chambers

REGULAR MEETING

5:30 P.M. - CALL MEETING TO ORDER

Mayor Pro Tem Broseh called the meeting to order at 5:30 p.m.

Absent 1 - David Cook

Present 6 - Mike Leyman; James Rudnicki; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Pro Tem Broseh recessed the City Council into executive session at 5:33 p.m. Mayor Pro Tem Broseh called the executive session to order in the Council Conference Room at 5:34 p.m. Mayor Pro Tem Broseh recessed the executive session at 6:40 p.m.

Mayor Cook arrived at 6:08 p.m.

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

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

DFW Midstream License Agreement

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

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

Mayor Cook reconvened into regular business session at 7:00 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

INVOCATION

The Redeemed Christian Church of God Pastor Isaac K. Adeyemi led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Rudnicki 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.

PRESENTATIONS

Texas Recreation and Park Society Awards Presentation

Director of Parks and Community Services Shelly Lanners introduced Texas Recreation and Park Society Member Monica Walsh. Ms. Walsh presented citizen Tom Cochran with the TRAPS Volunteer of the Year Award and presented the Mansfield Park Facilities Development Corporation Board and the Parks Department staff with the TRAPS Gold Medal Award.

Parks and Recreation Promotional Video; Shelly Lanners

The Parks Department presented a promotional video.

CITIZEN COMMENTS

Pete Shryock - 1706 Clover Hill Road - stated he was with the Mansfield Masonic Lodge #331. He thanked the Council Members and the Emergency Services employee's and made an invitation to the Council, Police Department, Fire Department and City staff to attend the 24 hour feeding beginning at 6:00 p.m. on Friday, April 17, 2009 and ending at 6:00 p.m. on Saturday, April 18, 2009.

Bill Beard - 202 W. Oak Street - spoke about the allocation guidelines of the hotel/motel tax funds. He stated he is the President of the Mansfield Historical Society. Mr. Beard stated he was disappointed that the associations that applied for funds were not included in the preparation of the guidelines. He invited the Council to attend their meetings stating they meet the first Wednesday of the month. He asked that the associations that solely depend on the hotel/motel tax funds be included in the decision making.

Ronnie Thompson - 220 N. Wisteria Street - stated he obtained a City Council candidate packet on the first day they were available mentioning he ran for Council in

1986 and caused a run-off election. He mentioned he decided that due to his current health condition he would not be running for Council. Mr. Thompson stated he recently became a member of the Mansfield Historical Society and volunteers once a week at the Mansfield Nursing Home. He thanked the Council Members for the hard work they put into the city.

COUNCIL ANNOUNCEMENTS

Council Member Kunasek reminded everyone to contact their local representatives in the State Legislature and express their interest in Senate Bill 855 and House Bill 9 regarding the local option tax having to do with the transportation issue.

Council Member Haynes had no announcements.

Council Member Leyman commended Director of Public Safety Bill Lane and Police Chief Gary Fowler for the Police personnel assigned to a Gang Task Force Unit. He briefly commented on money being held in Austin for transportation issues.

Council Member Hoffman had no announcements.

Council Member Rudnicki had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook asked for everyone to keep Director of Planning Felix Wong in their prayer due to a recent loss of an immediate family member.

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

Skate Park Update; Shelly Lanners

Shelly Lanners made a brief presentation and answered Council questions regarding the building of the skate park.

Rockin' 4th of July Update; Shelly Lanners

Shelly Lanners gave a brief update on the Rockin' 4th of July celebration and answered Council questions.

Environmental Services Spring Calendar; Howard Redfearn

Stormwater Manager Howard Redfearn made a powerpoint presentation on the upcoming events going to be held by the Environmental Services Department this spring and answered Council questions. Mr. Chandler made comments.

Current/Future Agenda Items

Mr. Chandler provided notices to the Council for Habitat for Humanity, JPS Health Network and the Mansfield Independent School District Education Foundation. He advised the Council that the School Districts function would take place on the same day as a regular Council Meeting. Mr. Chandler made comments regarding the Mansfield Masonic Lodge #331 tax inquiries mentioning it would have to come back to the Council either as an ordinance or resolution. He stated there would be an item on the upcoming agenda regarding the hotel/motel tax fund allocation.

OLD BUSINESS**08-1124**

Ordinance- First Reading of an Ordinance Adopting the 2006 Edition of the International Fire Code and its Local Amendments

City Secretary Vicki Collins read the caption into the record. Fire Chief Barry Bondurant answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING VARIOUS SECTIONS OF ARTICLE IX OF CHAPTER 91 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, 91.01, 91.02, 91.03, 91.04, 91.05 AND ADOPTING THE 2006 INTERNATIONAL FIRE CODE SECTION 91.15; ADOPTING APPENDICES B, C, AND D; AMENDING SECTION 91.16 WHICH ESTABLISHES A FIRE PREVENTION DIVISION OF THE MANSFIELD FIRE DEPARTMENT; AMENDING SECTION 91.18 WHICH ESTABLISHES LIMITS FOR THE STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVEGROUND TANKS; AMENDING SECTION 91.19 TO ESTABLISH LIMITS FOR THE BULK STORAGE OF LIQUIFIED PETROLEUM GAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE" based on the fact that Section 511 and comments made by Chief Bondurant would be in effect on the third reading. 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

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)

Vicki Collins read the caption into the record.

A motion was made by Council Member Kunasek 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." 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

[09-1351](#)

Resolution - A Resolution Adopting Guidelines for the Allocation of Hotel/Motel Occupancy Funds

A motion was made by Mayor Cook to table the following resolution "A RESOLUTION OF THE MANSFIELD CITY COUNCIL ADOPTING GUIDELINES FOR THE ALLOCATION OF HOTEL/MOTEL OCCUPANCY FUNDS" and asked staff to provide a copy of the proposed resolution to each applicant who applied for the Hotel/Motel Tax funds in the last year. 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

PUBLIC HEARING CONTINUATION AND SECOND READING

[09-1350](#)

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

Mayor Cook continued 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 Mayor Pro Tem Broseh to approve the second 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 AN EFFECTIVE DATE." 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

CONSENT AGENDA

[09-1366](#)

Resolution - A Resolution Endorsing Legislative Changes to Enhance the Competitive Electric Market Supported by the Cities Aggregation Power Project, Inc. (CAPP)

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.

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

Enactment No: RE-2497-09

09-1370

Resolution - A Resolution Awarding a Contract for Construction of Sherman Drive for Sanitary Sewer and Pavement Improvements to McClendon Construction Co. for an Amount Not to Exceed \$284,961.95 (Street Bond Fund and Utility Revenue Bonds)

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

A RESOLUTION AWARDDING A CONTRACT FOR CONSTRUCTION OF SHERMAN DRIVE FOR SANITARY SEWER AND PAVEMENT IMPROVEMENTS TO MCCLENDON CONSTRUCTION CO., APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS.

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

Enactment No: RE-2498-09

09-1367

Approval of the February 23, 2009 Regular City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the February 23, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Haynes. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

09-1371

Resolution - A Resolution Authorizing a Contract with Elder Engineering, Inc. for Design Services for an Amount not to Exceed \$17,030.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$18,000.00 for the Ragland Road Extension Street Paving Improvements (Street Bond Fund)

Council Member Hoffman removed this item from the consent agenda. Director of Public Works Steve Freeman answered Council questions.

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

A RESOLUTION AUTHORIZING A CONTRACT WITH ELDER ENGINEERING, INC. FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE RAGLAND ROAD EXTENSION STREET PAVING IMPROVEMENTS.

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

Enactment No: RE-2499-09

END OF CONSENT AGENDA

NEW BUSINESS

09-1372

Board Appointment: Council Subcommittee to the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, plus the appointment of the Chair of the Board of Directors

Director of Planning Felix Wong made brief comments on the staffs recommendation. City Attorney Allen Taylor answered Council questions.

A motion was made by Council Member Haynes to reappoint Mayor Pro Tem Broseh and Council Members Hoffman, Haynes and Rudnicki to another 2 year term and appoint Council Member Hoffman as the Chair. Seconded by Council Member Leyman. The motion CARRIED with 7 ayes and 0 nays.

REQUESTS TO BE SCHEDULED FOR FUTURE CITY COUNCIL DISCUSSION AND POSSIBLE ACTION

09-1369

Request for Council Support to have Discussion on a Policy Concerning Memorials

Mayor Cook appointed a subcommittee consisting of Mayor Pro Tem Broseh, Council Members Rudnicki and Leyman, appointing Mayor Pro Tem Broseh as the Chairman. All council members appointed agreed to serve on the subcommittee. Mayor Cook asked the subcommittee, at the appropriate time, to bring back a proposed resolution and guidelines for memorials. Allen Taylor answered Council questions. Council Member Kunasek called for a point of order and during discussion asked the Mayor to poll the Council to see if there was enough support to place this item on the agenda.

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:38 p.m. 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

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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary