



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, March 23, 2009

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Pro Tem Broseh called the meeting to order at 5:05 p.m.

Absent 2 - David Cook and Cory Hoffman

Present 5 - Mike Leyman; James Rudnicki; Greg Kunasek; 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 5:06 p.m. Mayor Pro Tem Broseh called the executive session to order in the Council Conference Room at 5:25 p.m. Council Member Hoffman arrived at 5:25 p.m. Mayor Cook arrived at 5:59 p.m. Mayor Cook recessed the executive session at 6:30 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

City Attorney Briefing Regarding ZC#08-023

City Attorney Briefing Regarding Maintenance and Operation Agreement with Big League Dreams

Potential Risks and Liabilities Associated with Gas Wells and Public Water Systems (Addendum to the Agenda)

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 7:05 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

INVOCATION

Mayor Pro Tem Broseh 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 Hoffman led the Texas Pledge.

PRESENTATION

[09-1354](#)

Presentation of the Comprehensive Annual Financial Report as Presented by KPMG, LLP and City Staff

Director of Business Services Peter Phillis made brief comments and introduced Dee Niles, representative for KPMG, LLP. Ms. Niles made a presentation on the Comprehensive Annual Financial Report and answered Council questions. City Manager Clayton Chandler complimented the Business Services Department staff for a great job done.

PROCLAMATION

[09-1386](#)

Mansfield Reads! Month

Each member of the Friends of the Library introduced themselves. Mayor Cook proclaimed April 2009 as Mansfield Reads! Month.

CITIZEN COMMENTS

Pete Shryock - 1706 Clover Hill Road - stated he was representing the Mansfield Masonic Lodge #331. He thanked the Council for their consideration on the request from the lodge to be exempt from property taxes.

COUNCIL ANNOUNCEMENTS

Council Member Kunasek made comments regarding the local option tax and gave clarification to a comment he made at the previous meeting regarding the 25% of funds in Austin concerning the local option tax.

Council Member Haynes thanked Mayor Cook for allowing him to play Mayor for the day on March 18, 2009 while delivering for Meals-on-Wheels and for allowing him to read a proclamation for Lance Winter with the Star-Telegram later that day.

Council Member Leyman had no comments.

Council Member Hoffman had no comments.

Council Member Rudnicki had no comments.

Mayor Pro Tem Broseh had no comments.

Mayor Cook had no comments.

STAFF COMMENTS

Current/Future Agenda Items

There were no staff comments.

CONSENT AGENDA**[08-1124](#)**

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

A motion was made by Council Member Hoffman to approve the second reading of the following ordinance:

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 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

[09-1350](#)

Ordinance - Third and Final 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.

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

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 Haynes. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1738-09

[09-1380](#)

Resolution - A Resolution Authorizing the Substitution of Lessee Under that Certain Oil, Gas and Mineral Lease by and Between the City of Mansfield and Range Resources for Property Located at 1090 Country Club Drive; and Providing an Effective Date

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE SUBSTITUTION OF LESSEE UNDER THAT CERTAIN OIL, GAS AND MINERAL LEASE BY AND BETWEEN THE CITY OF MANSFIELD AND RANGE RESOURCES FOR PROPERTY LOCATED AT 1090 COUNTRY CLUB DRIVE; AND PROVIDING AN EFFECTIVE DATE.

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

Enactment No: RE-2500-09

[09-1382](#)

Approval of the March 4, 2009 Special City Council Meeting Minutes

A motion was made by Council Member Hoffman to approve the March 4, 2009 Special Meeting Minutes as presented. Seconded by Council Member Haynes. The motion CARRIED with 7 ayes and 0 nays.

[09-1383](#)

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

A motion was made by Council Member Hoffman to approve the March 9, 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

09-1374

Resolution - A Resolution Allowing the Mansfield Masonic Lodge #331 a Charitable Organization Property Tax Exemption from City Property Taxes on their Lodge Located on South US Highway 287 in Mansfield, Texas

Council Member Hoffman removed this item from the consent agenda. Mr. Chandler and Peter Phillis answered Council questions. City Attorney Allen Taylor answered Council questions and made comments regarding tax exemptions. Pete Shryock answered Council questions.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING A REQUEST FROM THE MANSFIELD MASONIC LODGE #331 FOR AN EXEMPTION OF CITY OF MANSFIELD PROPERTY TAXES.

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-2501-09

09-1381

Resolution - A Resolution Determining the Best Value in Awarding a Construction Contract for Improvements to the Mansfield Law Enforcement Center at 1601 Heritage Parkway

Mayor Pro Tem Broseh removed this item from the consent agenda. Assistant City Manager Chris Burkett answered Council questions.

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

A RESOLUTION OF THE CITY OF MANSFIELD DETERMINING THE CONSTRUCTION MANAGER-AT-RISK METHOD AS THE BEST VALUE FOR PROPOSED IMPROVEMENTS AT THE MANSFIELD LAW ENFORCEMENT CENTER AT 1601 HERITAGE PARKWAY.

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

Enactment No: RE-2502-09

NEW BUSINESS

[09-1377](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of April 27, 2009 to April 28, 2009

A motion was made by Council Member Hoffman to reschedule the regular scheduled meeting of Monday, April 27, 2009 to Tuesday, April 28, 2009. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.

[09-1379](#)

Discussion and Possible Action on a Request for a Minor Modification of the Development Standards for the Pyles-Hubbard House, a Planned Development District for Office and Other Limited Uses, and a Historic Landmark at 309 E. Broad Street; Chris Harris (ZC#08-008B)

Mayor Cook asked Mayor Pro Tem Broseh to take over this agenda item since he would be abstaining from the vote.

A motion was made by Council Member Hoffman to approve this request as a minor modification. Seconded by Council Member Kunasek. The motion CARRIED by the following vote:

Ayes: 6 - Mike Leyman, Greg Kunasek, Darryl Haynes, Cory Hoffman, James Rudnicki and Larry Broseh

Nays: 0

Abstain: 1 - David Cook

[09-1385](#)

Ordinance - An Ordinance of the City of Mansfield, Texas, Authorizing the Issuance and Sale of City of Mansfield, Texas General Obligation Refunding Bonds, Series 2009

Vicki Collins read the caption into the record. Peter Phillis made a brief presentation.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, IN ACCORDANCE WITH SPECIFIED PARAMETERS IN THE NOT TO EXCEED AGGREGATE PRINCIPAL AMOUNT OF \$12,000,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT AND A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

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

Enactment No: OR-1739-09

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 7:59 p.m. 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

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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary