



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, April 13, 2009

5:30 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:30 p.m.

Present 7 - Mike Leyman; David Cook; 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 Cook recessed the City Council into executive session at 5:35 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:36 p.m. Mayor Cook recessed the executive session at 7:01 p.m.

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 Charter Communications

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

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

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

Certain Tax Foreclosure Property Held in Trust by the City

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

Proposed Amended Economic Development Agreement for Hunters Pointe

Proposed Amended Economic Development Agreement for Mansfield Pointe

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

Mayor Cook reconvened into regular business session at 7:15 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

INVOCATION

Council Member Kunasek led the Invocation.

PLEDGE OF ALLEGIANCE

Girl Scout Troop 2132 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.

PROCLAMATIONS

[09-1412](#)

National Library Week

Mayor Cook proclaimed April 12 - 18, 2009 as National Library Week.

[09-1413](#)

National Library Workers Day

Mayor Cook proclaimed April 14, 2009 as National Library Workers Day. City Librarian Steve Standefer introduced Library staff and Friends of the Library Members.

PRESENTATIONS

Adopt A Street Participant of the Year Award; Presented by Keep Mansfield Beautiful Commission

Stormwater Manager Howard Redfearn introduced the Keep Mansfield Beautiful Commission Members. Commission Member Lorrie Anderle presented the Adopt A Street Participant of the Year Award to Mark Kanady and Boy Scout Troop 1993.

Outstanding Volunteer Group of the Year Award, Presented by Keep Mansfield Beautiful Commission

The Keep Mansfield Beautiful Commission presented the Outstanding Volunteer Group of the Year Award to Girl Scout Troop 2132.

Business Leader of the Year Award, Presented by Keep Mansfield Beautiful Commission

The Keep Mansfield Beautiful Commission presented the Business Leader of the Year Award to EECU.

CITIZEN COMMENTS

Bill Beard - 202 W. Oak Street - thanked the Council for the opportunity to give input regarding the resolution on the guidelines for the allocation of the Hotel/Motel funds.

Tom Eastman - 704 Shady Creek, Kennedale - spoke about agenda item number 09-1414 regarding the resolution on the hotel/motel funds. He stated it was going to be money well spent to promote the tennis tournament.

COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Broseh had no announcements.

Council Member Rudnicki had no announcements.

Council Member Hoffman had no announcements.

Council Member Leyman had no announcements.

Council Member Haynes announced that House Bill 2216 regarding the maintenance of utility poles was being discussed by the State Legislature in Austin. He encouraged the citizens to continue to email and write their State Representatives to have this bill passed.

Council Member Kunasek stated the Council received a letter from Jody Short last month regarding the assistance she received from Detective Klein. Council Member Kunasek recognized Mr. Klein thanking him for going above and beyond in helping her resolve the situation. Council Member Kunasek stated that at the last meeting the Council received a report from KPMG regarding the city's annual audit. He thanked the Business Services Department for doing an extraordinary job during the audit.

Mayor Cook announced that Community Resources Officer Curtis Phillip at Legacy High School asked him to make an announcement to let everyone know that the Every 15 Minutes Program will be taking place on April 16, 2009 and April 17, 2009. He encouraged everyone to attend.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Assistant City Manager Chris Burkett advised the Council that it was staff's recommendation to schedule a work session on May 11, 2009 to discuss The Reserve Guidelines. He stated the work session would take place before a regular scheduled meeting. There was Council consensus to have the work session scheduled for that day.

Quarterly Reports - Planning and Zoning Commission, Mansfield Park Facilities Development Corporation, Mansfield Economic Development Corporation, Public Works, Legal

Chris Burkett stated the Council had received the quarterly reports mentioning staff was available to answer any questions.

Schedule Work Session Regarding Safety, Inspection and Enforcement of Gas Well SUP's

Chris Burkett stated it was staff's recommendation to schedule this work session for the May 26, 2009 Regular Meeting mentioning there would also be an item under new business on that agenda regarding discussion and possible action on this same issue.

Business Services Department

09-1395

Presentation of Monthly Financial Report for the Period Ending February 28, 2009

Director of Business Services Peter Phillis answered Council questions.

OLD BUSINESS

09-1351

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

Mayor Cook thanked Council Members Kunasek, Leyman and Haynes for serving on the Hotel/Motel Committee. Council Member Kunasek made a brief explanation of the guidelines parts.

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

A RESOLUTION OF THE MANSFIELD CITY COUNCIL ADOPTING GUIDELINES FOR THE ALLOCATION OF HOTEL/MOTEL OCCUPANCY FUNDS.

Seconded by Council Member Haynes.

A motion was made by Council Member Hoffman to amend the main motion and remove the first sentence under the eligibility and to take out the wording "local non-profit" in the first paragraph. Seconded by Council Member

Rudnicki. The motion to amend CARRIED with 7 ayes and 0 nays.

The main motion to approve the resolution as amended 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-2503-09

PUBLIC HEARING AND FIRST READING

09-1389

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas Amending the Code of Ordinances Section 51.011 (D) of Title V: Public Works, Chapter 51 Sewer and Water Service, by Changing the Molybdenum (Mo) Local Limit to 0.8 mg/L From 0.2 mg/L, Which Was Previously Established by Ordinance No. 1424

City Secretary Vicki Collins read the caption into the record. Pre-Treatment Coordinator Joe Smolinski made a brief presentation. Mayor Cook opened the public hearing at 8:02 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:03 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 CODE OF ORDINANCES SECTION 51.011 (D) OF TITLE V: PUBLIC WORKS, CHAPTER 51 SEWER AND WATER SERVICE, BY CHANGING THE MOLYBDENUM (Mo) LOCAL LIMIT TO 0.8 mg/L FROM 0.2 mg/L, WHICH WAS PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 1424." 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

CONSENT AGENDA

08-1124

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

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, 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 APPENDICIES 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) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: OR-1740-09

09-1388

Resolution - A Resolution Approving the Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator for the May 9, 2009 General Election

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, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 9, 2009 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2504-09

09-1390

Resolution - A Resolution Opposing the Adoption of House Bill 4441 by the Texas Legislature Relating to the Authority of the Texas Railroad Commission to Establish Standards Regarding Certain Pipelines and Appurtenant Facilities (OA#09-001)

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 OPPOSING THE ADOPTION OF HOUSING BILL 4441 RELATING TO THE AUTHORITY OF THE RAILROAD COMMISSION OF TEXAS TO ESTABLISH STANDARDS REGARDING CERTAIN PIPELINES AND APPURTENANT FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2505-09

09-1391

Resolution - A Resolution Authorizing a Contract with Bannister Engineering for Design Services for an amount not to Exceed \$74,500.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$35,700.00 for the Oak Street Paving and Utility Improvements (Street Bond Fund and

Utility Revenue Bonds)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH BANNISTER ENGINEERING, LLC. FOR DESIGN SERVICES AND WITH BRITAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE OAK STREET PAVING AND UTILITY IMPROVEMENTS.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2506-09

09-1392

Resolution - A Resolution Approving the Proposed Amended Economic Development Agreement for RC Hunter's Pointe (Hunter's Pointe)

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 AN AMENDED ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND RC HUNTERS POINTE L.L.C. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2507-09

09-1393

Resolution - A Resolution Approving the Proposed Amended Economic Development Agreement for Mansfield Pointe (Mansfield SEQ 287 and Debbie Ltd.)

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 AN AMENDED ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND MANSFIELD SEQ 287 AND DEBBIE, LTD. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2508-09

09-1410

Resolution - A Resolution Awarding Bids for Food for the Mansfield Law Enforcement Center

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

A RESOLUTION AWARDING BIDS FOR FOOD FOR THE MANSFIELD LAW ENFORCEMENT CENTER.

Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

Enactment No: RE-2509-09

09-1409

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

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

09-1387

Resolution - A Resolution Authorizing a Contract with Kimley Horn and Associates, Inc. For a Roadway Impact Fee Update Study for a Lump Sum Amount of \$56,500 (Roadway Impact Fee Fund)

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

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

A RESOLUTION AUTHORIZING A CONTRACT WITH KIMLEY HORN AND ASSOCIATES, INC FOR A ROADWAY IMPACT FEE UPDATE STUDY.

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-2510-09

09-1414

Resolution - A Resolution Amending the City's Annual Budget Regarding Hotel/Motel Funds

Council Member Kunasek removed this item from the consent agenda. Peter Phillis answered Council questions.

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

A RESOLUTION AMENDING THE CITY'S ANNUAL BUDGET REGARDING HOTEL/MOTEL FUNDS.

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-2511-09

09-1394

Resolution - Resolution Authorizing the City Manager and the Police Department to make Application Under the COPS Hiring Recovery Program (CHRP) for Funding for Four (4) Full-Time Police Officer Positions

Council Member Kunasek removed this item from the consent agenda. Police Chief Gary Fowler made a brief presentation and answered Council questions.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION FOR A U.S. DEPARTMENT OF JUSTICE GRANT UNDER THE COMMUNITY ORIENTED POLICING SERVICES' (COPS) COPS HIRING RECOVERY PROGRAM (CHRP).

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: RE-2512-09

END OF CONSENT AGENDA

NEW BUSINESS

09-1411

Resolution - A Resolution Awarding the Construction Manager At Risk (CMR) Contract for Improvements at the Mansfield Law Enforcement Center

Chris Burkett made a brief presentation.

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

A RESOLUTION OF THE CITY OF MANSFIELD AWARDING THE CONSTRUCTION MANAGER AT RISK CONTRACT TO PETE DURANT AND ASSOCIATES, INC. FOR IMPROVEMENTS AT THE MANSFIELD LAW ENFORCEMENT CENTER.

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: RE-2513-09

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:27 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