



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Tuesday, April 28, 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.

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 5:02 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 6:40 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 on Lawsuit Cause No. 06-41026-3 Daniel Jay Massey

Exchange of Property to the Fort Worth Area Habitat for Humanity, Inc.

City Attorney Briefing on Enforcement of Stormwater Protection Ordinance

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

Forest City Development Incentives

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

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No action taken by the Council.

INVOCATION

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Pastor Gary Whetzel with the Living Word Church led the Invocation.

PLEDGE OF ALLEGIANCE

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Council Member Rudnicki 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.

PROCLAMATION

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09-1424

Municipal Clerks Week

[play video](#)

Mayor Cook proclaimed May 2 - 9, 2009 as Municipal Clerks Week. City Secretary Vicki Collins introduced the City Secretary's Office staff.

09-1425

Motorcycle Safety and Awareness Month

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Mayor Cook proclaimed May 2009 as Motorcycle Safety and Awareness Month. Benny Onza along with the PHX Motorcycle Club received the proclamation.

[09-1428](#)

National Music Week

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Mayor Cook proclaimed May 3-10, 2009 as National Music Week in Mansfield. Mickey Legg and students received the proclamation as well as Harriett Motter and her students.

PRESENTATION

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Parks and Recreation Department's PARD'ners Volunteer of the Year Award Presentation

[play video](#)

Mayor Cook presented the Parks and Recreation Department's PARD'ners Volunteer of the Year Award to John Austin with the Mansfield Girl's Softball Association.

CITIZEN COMMENTS

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Sandy Escobar - 1017 Birchwood Lane - spoke about the seismic boom boxes that have been seen around town. She mentioned the newspaper stated they are measuring the seismic activity for future drilling. Ms. Escobar mentioned there were earthquakes reported in Irving and Grand Prairie resulting from gas drilling. She asked why they were doing this.

COUNCIL ANNOUNCEMENTS

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Council Member Kunasek thanked everyone who serves on the Friends of the Library Board. He mentioned that the Mansfield Reads! Program had a great turnout and it was a great success.

Council Member Haynes thanked Mayor Cook for allowing him to present the key to the city to the author at Mansfield Reads!

Council Member Leyman had no announcements.

Council Member Hoffman reminded citizens that the election is Saturday, May 9, 2009.

Council Member Rudnicki announced that early voting has started.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

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City Manager Report or Authorized Representative

Current/ Future Agenda Items

Director of Public Works Steve Freeman spoke on the comments made by citizen Sandy Escobar regarding the seismic boxes around town.

Status - G.O. Refunding Bond Issuance

[play video](#)

First Southwest Company Representative Boyd London made a brief presentation on the G.O. Refunding Bond Issuance and answered Council questions.

PUBLIC HEARING CONTINUATION AND SECOND READING

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[09-1389](#)

Ordinance - Public Hearing and Second 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

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Mayor Cook continued the public hearing at 7:29 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:30 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 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

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ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[09-1421](#)

Resolution - A Resolution Authorizing a Contract between Tarrant County Tax Assessor-Collector and the City of Mansfield for the Tax Collection Services for the City of Mansfield

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

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF MANSFIELD, TEXAS TO ENTER INTO A CONTRACT BY AND BETWEEN BETSY PRICE, TARRANT COUNTY TAX ASSESSOR-COLLECTOR, TARRANT COUNTY AND THE CITY OF MANSFIELD FOR THE PROVISION OF TAX COLLECTION SERVICES FOR THE CITY OF MANSFIELD.

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

Enactment No: RE-2514-09

[09-1426](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to make Application to the Texas Comptroller's Office for a Tobacco Enforcement and Education Grant

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

RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION TO THE TEXAS COMPTROLLER'S OFFICE FOR A TOBACCO ENFORCEMENT AND EDUCATION GRANT.

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

Enactment No: RE-2515-09

[09-1419](#)

Resolution - A Resolution Amending the Bylaws for the Keep Mansfield Beautiful Commission

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

A RESOLUTION AMENDING THE BYLAWS FOR THE KEEP MANSFIELD BEAUTIFUL COMMISSION.

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

Enactment No: RE-2516-09

[09-1422](#)

Approval of the April 13, 2009 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Broseh to approve the April 13, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.

END OF CONSENT AGENDA

NEW BUSINESS

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[09-1418](#)

Request for Special Event Permit for the "Mansfield Farmer's Market"

[play video](#)

Rex Wenger, applicant, made a brief presentation and answered Council questions. Director of Development Services Richard Wright answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the request for the special event permit with the following stipulations:

1. The Farmer's Market will be primarily used for fresh processed food, locally grown fruits and vegetables, plants and flowers. No more than 25% of the stalls will be used for sale of arts and crafts that are hand-made and not imported. The sale of used merchandise will not be permitted.
2. For any food products, a permit must be obtained by the Tarrant County

Health Department, if required.

3. The property must be utilized as shown on the site plan submitted. Only the 21 parking spaces on the right side of the lot can be used for vendors. The 21 parking spaces on the left are for customer parking only.

4. Meat will not be allowed to be sold.

Seconded by Mayor Cook taking out stipulation number four (4). The motion CARRIED with 7 ayes and 0 nays.

[09-1427](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 25, 2009 to May 26, 2009

[play video](#)

A motion was made by Council Member Hoffman to suspend the Procedural Rules of Council and reschedule the regular scheduled City Council Meeting of May 25, 2009 to May 26, 2009. 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

PUBLIC HEARING AND FIRST READING

[play video](#)

[09-1420](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 12.726 Acres Located at the Mansfield Sports Complex at 920 N. Holland Road; XTO Energy, Inc. (ZC#09-001)

[play video](#)

Vicki Collins read the caption into the record. XTO Representative Walter Dueease made a powerpoint presentation. Mayor Cook opened the public hearing at 7:55 p.m.

He recognized the following non-speakers:

*K.N. Kelley - 707 Boone Trail - Oppose
Bryan Davies - 713 Waterlane Drive - Oppose
Eddie Barnes - 403 Waterlane Drive - Oppose
Giovanna Phillips - 3818 Travis Boulevard - Support
Tony Gamez - 702 Dickerson Lane - Oppose
Jeff Tittsworth - 703 San Antonio Trail - Oppose
Kelley Tittsworth - 703 San Antonio Trail - Oppose*

The following people spoke during the public hearing:

Andy Gordon - 3800 Travis Boulevard - Oppose

Tim McCann - 1107 Country Club Court - Support
Christina Davies - 713 Waterlane Drive - Oppose
Pamela Dickey - 506 Marquis Lane - Oppose
Terrence Gerda - 709 Dickerson Lane - Oppose
Barry Dickey - 506 Marquis Lane - Oppose
Mark Morgan - 4017 Alamo Drive - Oppose
Harold M. Bell - 1001 Westminster Lane - Support
Jeff Setzer - 4094 Water Park Circle - Oppose
Bill Visage - 4086 Water Park Circle - Oppose
Jack Lambert - 4100 Waterford Glen Drive - Oppose
Ray Turcotte - 3908 Travis Boulevard - Oppose
Ben Walsh - 409 Chimney Hill Circle - Oppose
Will Womble - 410 Waterlane Drive - Oppose
Wayne Lee - 3 Manordale Court - Support

With no others wishing to speak, Mayor Cook continued the public hearing at 8:56 p.m.

Citizen Tim McCann answered Council questions. City Attorney Allen Taylor answered Council questions. Walter Dueeese answered Council questions. Mayor Cook asked Mr. Dueeese to meet with city staff, TXU and Mansfield Independent School District to resolve the access issue. Jacobs Carter Burgess Representative Aric Head answered Council questions. Council Member Kunasek asked for XTO Energy to meet with the Holland Estates Home Owner's Association to discuss their landscape concerns. Steve Freeman answered Council questions and was requested to do a traffic count at the entrance of the Mansfield Sports Complex Monday thru Friday from 7:00 a.m. to 7:00 p.m. Council Member Hoffman asked Walter Dueeese to study the time frame to try to make it 4 years instead of 5 years. Council asked that all information requested to be brought back at the next regular meeting.

A motion was made by Council Member Hoffman to suspend the rules for discussion. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Kunasek 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 A 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

ADJOURN

[play video](#)

A motion was made by Council Member Hoffman to adjourn the meeting at 10:04 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