



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, May 11, 2009

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:05 p.m.

Absent 1 - Greg Kunasek

Present 6 - Mike Leyman; David Cook; James Rudnicki; Cory Hoffman; Larry Broseh and Darryl Haynes

RECESS INTO EXECUTIVE SESSION

[play video](#)

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 5:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:08 p.m. Mayor Cook recessed the executive session at 6:48 p.m.

Council Member Kunasek arrived at 5:15 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 on Lawsuit Cause No. 06-41026-3 Daniel Jay Massey

Agreement for the Sale and Delivery of Treated Water; Johnson County Special Utility District

City Attorney Briefing Regarding ZC # 09-001

City Attorney Briefing Regarding ZC # 08-023

City Attorney Briefing Regarding US 287 Frontage Roads

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

WORK SESSION (IMMEDIATELY FOLLOWING EXECUTIVE SESSION)

Mayor Cook called the work session to order at 6:50 p.m. and turned it over to Director of Planning Felix Wong.

Review of Planned Development District Regulations and Design Standards for The Reserve at Mansfield

Felix Wong gave a brief presentation on The Reserve Planned Development and presented recommendations. He mentioned there had been no changes in The Reserve Planned Development District Regulations and Design Standards at this time.

Mayor Cook recessed the work session at 7:10 p.m.

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

[play video](#)

Mayor Cook reconvened into regular business session at 7:20 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

[play video](#)

No action taken by the Council.

INVOCATION

[play video](#)

Mayor Pro Tem Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

[play video](#)

Council Member Hoffman led the Pledge of Allegiance.

TEXAS PLEDGE

[play video](#)

"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

[play video](#)

[09-1455](#)

Feed the Kids for the Summer Program

[play video](#)

Mayor Cook recognized the Feed the Kids Summer Program and presented the proclamation to First United Methodist Church representative Susan Luttrell. Susan introduced the members involved in the program.

PRESENTATIONS

[play video](#)

Chesapeake Energy Presentation of Donation to Rockin' 4th of July Event

[play video](#)

Director of Parks and Community Services Shelly Lanners introduced Leah King, representative for Chesapeake Energy. Ms. King presented a \$25,000 donation to the City of Mansfield for the Rockin' 4th of July Event. Shelly presented Ms. King with a plaque.

Big League Dreams Update

[play video](#)

Shelly Lanners introduced Big League Dreams representative Steve Navarro. Mr. Navarro gave the Council an update on the Big League Dreams Park.

CITIZEN COMMENTS

[play video](#)

Randy Hague - 914 McCampbell Road - thanked City Manager Clayton Chandler and Felix Wong for the great job they do. He spoke about the construction projects on McCampbell Road and 4th Avenue. Mr. Hague stated Kevin Reed is the Construction Inspector for the McCampbell Road project mentioning he has been great to work with as well as the Construction Inspector Robert Mitchell for the 4th Avenue project.

Clarence Willis - 4208 Nicklaus Avenue - spoke about the train that runs through Mansfield National. He stated that the train goes by 17 times a night and blows its horn around 40 times a night. Mr. Willis stated it was very disturbing and he and his family were having a hard time adjusting. He asked the Council for their help in

establishing quiet zones in their neighborhood.

COUNCIL ANNOUNCEMENTS

[play video](#)

There were no Council announcements.

STAFF COMMENTS

[play video](#)

City Manager Report or Authorized Representative

[play video](#)

Current/ Future Agenda Items

Mr. Chandler gave an update on the quiet zones stating it has to be put on the next bond issue and gave an update on the budget process. He spoke about the frontage road island in front of Tom Thumb stating it was talked about with TxDot and the issue has been addressed. Mr. Chandler gave an update on the frontage roads on Hwy 287.

May 19th Special Meeting to Canvas Election Returns

Council was advised that there would be a special meeting on Tuesday, May 19, 2009 at 8:00 a.m. to canvass the election results and that there needs to be 2 Council Members present. Mayor Cook and Council Members Rudnicki and Leyman agreed to be present.

Business Services Department

[09-1453](#)

Presentation of Monthly Financial Report for the Period Ending March 31, 2009

This matter was presented with no action being taken by the Council.

OLD BUSINESS

[play video](#)

[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)

[play video](#)

City Secretary Vicki Collins read the caption into the record.

A motion was made by Council Member Kunasek to approve the third and final reading of the following ordinance:

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 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: OR-1741-09

PUBLIC HEARING AND FIRST READING

[play video](#)

09-1439

Ordinance - Public Hearing and First Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 5.772 Acres Located at 839 S. Mitchell Road; David Arrington Oil & Gas (ZC#09-002)

[play video](#)

Vicki Collins read the caption into the record. XTO Energy representative Walter Dueuease, 810 Houston Street, Fort Worth, made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 8:16 p.m. The following person spoke during the public hearing:

Bill Mathis - P.O. Box 156, Montalba, Tx - support

With no others wishing to speak, Mayor Cook continued the public hearing at 8:18 p.m.

Felix Wong answered Council questions. After much Council discussion Mayor Cook called the question with regard to Council Member Hoffman's amendment.

A motion was made by Mayor Pro Tem Broseh 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 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 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" with the stipulation of a 3 1/2 year sunset. Seconded by Council Member Rudnicki.

A motion was made by Council Member Hoffman to amend the main motion to require a masonry fence built on a berm, full landscaping and irrigation to be completed once drilling has ended, the sooner of the completion date of all the wells being drilled or the expiration of the specific use permit. Seconded by Council Member Rudnicki. The motion CARRIED by the following vote:

Ayes: 5 - Mike Leyman; Greg Kunasek; Cory Hoffman; James Rudnicki and Larry Broseh

Nays: 2 - David Cook and Darryl Haynes

The main motion CARRIED by the following vote:

Aye: 6 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman and Larry Broseh

Nay: 1 - Darryl Haynes

Abstain: 0

09-1440

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from PR, Pre-Development to C-2, Community Business on Approximately 3.391 Acres Located at 1675 N. Main Street; Valdar Properties No. 4 L.L.C. (ZC#09-003)

play video

Vicki Collins read the caption into the record. Applicant Randy Hague made a brief presentation. Mayor Cook opened the public hearing at 8:39 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:39 p.m.

A motion was made by Council Member Rudnicki to approve the first reading "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO C-2, COMMUNITY BUSINESS DISTRICT CLASSIFICATION, 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

CONSENT AGENDA

play video

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**09-1389**

Ordinance - Third and Final 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

Vicki Collins read the caption into the record.

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

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 ORDINANCES NO. 1424.

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

Enactment No: OR-1742-09

09-1441

Resolution - A Proposed Resolution Awarding a One Year Contract to the Lowest and Best Bid for the Supply of Liquid Ammonium Sulfate (LAS), for an Amount not to Exceed \$384.00 / Dry Ton (Utility Fund FY-2009, FY-2010 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDING A ONE YEAR CONTRACT TO THE BEST BID FOR THE SUPPLY OF LIQUID AMMONIUM SULFATE (LAS), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT.

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

Enactment No: RE-2517-09

09-1442

Resolution - A Proposed Resolution Awarding a One Year Contract to the Lowest and Best Bid for the Supply of Liquid Aluminum Sulfate (Alum) for an Amount not to Exceed \$229.00 / Dry Ton (Utility Fund Operating Budget FY-2009, FY-2010 25-8105-8401)

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

A RESOLUTION AWARDING ONE YEAR CONTRACT TO THE BEST BID FOR THE SUPPLY OF LIQUID ALUMINUM SULFATE (ALUM), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT.

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

nays.

Enactment No: RE-2518-09

09-1443

Resolution - A Proposed Resolution Awarding a One Year Contract to the Lowest and Best Bid to Supply One Ton Chlorine Cylinders for an amount not to Exceed \$463.00 / Ton (Utility Fund FY-2009, FY-2010 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDDING A ONE YEAR CONTRACT TO THE BEST BID FOR THE SUPPLY OF ONE TON CHLORINE CYLINDERS FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT.

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

Enactment No: RE-2519-09

09-1444

Resolution - A Proposed Resolution Awarding a One Year Contract to the Best Bid for the Supply of Liquid Sodium Hydroxide (Caustic Soda) for an Amount not to Exceed \$539.00 / Dry Ton (Utility Fund FY-2009, FY-2010 Operating Budget 25-8105-8401)

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

A RESOLUTION AWARDDING A ONE YEAR CONTRACT TO THE BEST BID FOR THE SUPPLY OF LIQUID SODIUM HYDROXIDE (CAUSTIC SODA), FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT.

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

Enactment No: RE-2520-09

09-1450

Resolution - A Resolution Authorizing a Contract with Wier and Associates, Inc. for Engineering Design Services for an amount not to Exceed \$196,500.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$61,200.00 for the East Broad Street from Holland Road to Day Miar Road Paving Improvements (Street Bond Fund and Utility Revenue Bonds)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH WIER AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE EAST BROAD STREET FROM HOLLAND ROAD TO DAY MIAR ROAD PAVING IMPROVEMENTS.

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

Enactment No: RE-2521-09

[09-1454](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Proclaiming the 2010 Census as a Top Priority for all Elected and Appointed Officials, and Encourage Full Support and Participation of this Community in Achieving an Accurate and Complete Count through the Formulation of a Complete Count Committee

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS RESOLVING THE 2010 CENSUS AS A TOP PRIORITY FOR ALL ELECTED AND APPOINTED OFFICIALS, AND ENCOURAGE FULL SUPPORT AND PARTICIPATION OF THIS COMMUNITY IN ACHIEVING AN ACCURATE AND COMPLETE COUNT THROUGH THE FORMULATION OF A COMPLETE COUNT COMMITTEE.

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

Enactment No: RE-2522-09

[09-1449](#)

Request for Special Event Permit; Mansfield's Rockin' 4th of July Celebration to be held July 4, 2009

A motion was made by Council Member Leyman to approve the requested special event permit. Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

[09-1446](#)

Approval of the April 28, 2009 Regular City Council Meeting Minutes

A motion was made by Council Member Leyman to approve the April 28, 2009 Regular Meeting Minutes as presented. Seconded by Mayor Pro Tem Broseh. The motion CARRIED with 7 ayes and 0 nays.

END OF CONSENT AGENDA

NEW BUSINESS

[play video](#)

[09-1447](#)

Ordinance - First Reading of An Ordinance Authorizing the City Manager to Execute a Contract of Sale to the Fort Worth Area Habitat for Humanity, Inc. to Construct New Affordable Single Family Housing

[play video](#)

Vicki Collins read the caption into the record.

A motion was made by Council Member Rudnicki to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE TO FORT WORTH AREA HABITAT FOR HUMANITY, INC. TO CONSTRUCT NEW AFFORDABLE SINGLE FAMILY HOUSING IN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY

CLAUSE; 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

[09-1438](#)

Resolution - A Resolution Approving an Agreement for the Sale and Delivery of Treated Water by Wholesale Customer Contract to Johnson County Special Utility District

[play video](#)

Director of Utility Operations Bud Ervin stated he was available to answer Council questions.

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

A RESOLUTION APPROVING AN AGREEMENT FOR THE SALE AND DELIVERY OF TREATED WATER TO A WHOLESALE CUSTOMER - JOHNSON COUNTY SPECIAL UTILITY DISTRICT.

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-2523-09

Mayor Cook recessed the meeting at 8:43 p.m. for a break and reconvened at 8:55 p.m.

PUBLIC HEARING CONTINUATION AND SECOND READING

[play video](#)

[09-1420](#)

Ordinance - Public Hearing Continuation and Second 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](#)

XTO Energy Representative Walter Dueease, 810 Houston Street, Fort Worth, made a brief powerpoint presentation and answered Council questions. Mayor Cook continued the public hearing at 9:06 p.m.

Mayor Cook recognized the following non-speakers:

*Bryan Davies - 713 Waterlane Drive - Oppose
Christina Davies - 713 Waterlane Drive - Oppose
Wayne Lee - 3 Manordale Court - Support
Clarence Willis - 4208 Nicklaus Avenue - Oppose
Stephanie Setzer - 4094 Water Park Circle - Oppose
Sandra Pastre - 3800 Travis Boulevard - Oppose
J.R. Frazier - 503 Waterlane Drive - Oppose
Morgan Guilford - 4100 Water Park Circle - Oppose
Debbie Visage - 4086 Water Park Circle - Oppose
Ann Lambert - 4100 Waterford Glen Drive - Oppose
Raymond Turcotte - 3908 Travis Boulevard - Oppose*

The following people spoke during the public hearing:

*Bill Visage - 4086 Water Park Circle - Oppose
Tim McCann - 1107 Country Club Court - Support
Jack Lambert - 4100 Waterford Glen - Oppose
Andy Gordon - 3800 Travis Boulevard - Oppose
Barry Dickey - 506 Marquis Lane - Oppose
Ben Walsh - 409 Chimney Hill Circle - Oppose
Pamela Dickey - 506 Marquis Lane - Oppose*

With no others wishing to speak, Mayor Cook closed the public hearing at 9:34 p.m.

Mayor Cook commented on XTO's effort over the last two weeks to look at all alternative routes. He commented on the involvement of Oncor and the School District in the project.

Planner Art Wright answered Council questions.

Mayor Cook recessed into executive session at 9:54 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 9:55 p.m. Mayor Cook recessed the executive session at 10:05 p.m. Mayor Cook reconvened back into regular business session at 10:15 p.m.

No action was taken pursuant to executive session.

City Attorney Allen Taylor addressed comments made by citizen Jack Lambert regarding an issue with Chapter 26, Regulation of the Parks and Wildlife Code. Shelly Lanners answered Council questions.

A motion was made by Council Member Kunasek to approve the second 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" with the additional condition that XTO Energy will make maximum use of all available sound suppression materials and techniques during the drilling process. Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 5 - Mike Leyman;David Cook;Greg Kunasek;Cory Hoffman and Larry Broseh

Nay: 2 - James Rudnicki and Darryl Haynes

Abstain: 0

ADJOURN

[play video](#)

A motion was made by Council Member Hoffman to adjourn the meeting at 10:24 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