



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Tuesday, May 26, 2009

5:00 PM

Council Chambers

REGULAR MEETING

5:00 P.M. ADMINISTER OATH OF OFFICE: GREG KUNASEK, DARRYL W. HAYNES AND CORY HOFFMAN

City Secretary Vicki Collins administered the Oath of Office to Council Member Place 3, Greg Kunasek, Council Member Place 4, Darryl W. Haynes and Council Member Place 5, Cory Hoffman.

5:15 P.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 5:10 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 5:12 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:13 p.m. Mayor cook recessed the executive session at 6:01 p.m.

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

City Attorney Briefing on Lawsuit Cause No. 352-230106-08 Valerie Mantos vs. City of Mansfield

City Attorney Briefing Regarding ZC#09-001

Receive or Seek Advice of the City Attorney Regarding Legislative Changes and Issues Related to Open Meetings / Open Records Requirements

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 6:05 p.m. and turned it over to City Manager Clayton Chandler.

Staff Council, Discussion Regarding Safety, Inspection and Enforcement at Gas Well Specific Use Permit's

Mr. Chandler made brief comments and turned the work session over to Planner Art Wright. Art made a presentation regarding the current drilling status in the city and advised the Council of new procedures staff uses to ensure compliance during the drilling period. The city's Gas Well Inspector Larry Hulsey was asked by the Council to advise them as to what he does. Mr. Hulsey gave the Council a brief description of what he does during each inspection and answered Council questions. Art answered Council questions. Fire Chief Barry Bondurant spoke about the Fire Code requirements and answered Council questions. Director of Public Safety Bill Lane made comments.

Mayor Cook recessed the work session at 6:58 p.m.

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

Mayor Cook reconvened into regular business session at 7:14 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 Leyman led the Texas Pledge.

PRESENTATION

Presentation by Habitat for Humanity

Habitat for Humanity representatives made brief comments and thanked the Council for all of their support. Habitat for Humanity representatives presented the Council with a hammer plaque to express their appreciation.

CITIZEN COMMENTS

Ronnie Thompson - 220 N. Wisteria Street - spoke about the traffic in the city. He suggested that city staff conduct a traffic study on N. Walnut Creek Drive and Magnolia St. mentioning the only exit from Katherine Rose Park was at that same intersection. Mr. Thompson stated he would like to see a traffic signal installed at that intersection as well as the intersection of E. Broad Street and Wisteria Street mentioning it would benefit the safety of all the citizens.

COUNCIL ANNOUNCEMENTS

Council Member Kunasek had no announcements.

Council Member Haynes thanked everyone who helped him get re-elected and mentioned it was a very clean race.

Council Member Leyman reminded the community about the Historic Mansfield Arts Festival taking place from June 5-7, 2009. He mentioned that if anyone would like to assist in the 4th of July celebration they could contact the Director of Parks and Community Services Shelly Lanners.

Council Member Hoffman had no announcements.

Council Member Rudnicki had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook congratulated Council Members Kunasek, Haynes and Hoffman for their recent re-election and wished all of them well.

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

Current/Future Agenda Items

Mr. Chandler informed the Council that staff would be getting back with them on the budget process.

ELECTION OF MAYOR PRO TEM

Mayor Cook explained the procedures for the election of Mayor Pro Tem. Ballots were provided to the Council by Vicki Collins. After the votes were tallied, Mayor

Cook advised there was a tie and the Council would be voting again.

New ballots were provided to the Council. After the votes were tallied, Mayor Cook announced there was not a majority vote and they would have to vote again.

New ballots were provided to the Council. After the votes were tallied, Mayor Cook announced there was still not a majority vote but they were down to just two candidates.

Mayor Cook announced that Council Member Hoffman was the newly elected Mayor Pro Tem.

PUBLIC HEARING CONTINUATION AND SECOND READING

09-1439

Ordinance - Public Hearing Continuation and Second 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; XTO Energy, Inc. (ZC#09-002)

XTO Energy representative Walter Dueuease made a brief presentation and answered Council questions. Mr. Dueuease asked the Council that they reconsider the masonry wall requirements stating XTO Energy would agree to any reasonable fencing and landscaping to the site.

Mayor Cook continued the public hearing at 7:46 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:46 p.m.

Director of Planning Felix Wong answered Council questions. Felix stated it was a standard requirement that if there was a proposed security fence or masonry wall to have landscaping and irrigation installed. He mentioned this would be added to the specific use permit for the next reading also mentioning the irrigation changes would be added in the staff report at the next meeting. Felix stated he would make a recommendation at the next meeting regarding XTO Energy's request to reconsider the masonry wall requirements.

A motion was made by Council Member Kunasek to approve the second reading and require that earth, berm and landscaping along the entirety of the east side and south side to be completed prior to the commencement of the drilling operations. Seconded by Council Member Rudnicki. The motion FAILED by the following vote:

Ayes: 2 - Greg Kunasek and James Rudnicki

Nays: 5 - Mike Leyman, David Cook, Darryl Haynes, Cory Hoffman and Larry Broseh

A motion was made by Mayor Pro Tem Hoffman 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 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," as presented. Seconded by Council Member Broseh. The

motion **CARRIED** by the following vote:

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

Nay: 1 - Greg Kunasek

Abstain: 0

[09-1440](#)

Ordinance - Public Hearing Continuation and Second 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)

Mayor Cook continued the public hearing at 8:21 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:21 p.m.

A motion was made by Mayor Pro Tem Hoffman 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 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 Mayor Cook. 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

[09-1447](#)

Ordinance - Second 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

A motion was made by Mayor Pro Tem Hoffman to approve the second reading of the following ordinance:

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 Kunasek. The motion **CARRIED with 7 ayes and 0 nays.**

[09-1462](#)

Resolution - A Resolution Approving an Interlocal Agreement with the Mansfield Independent School District (MISD) for the Installation, Operation

and Maintenance of a Traffic Signal at the Intersection of Debbie Lane/Ben Barber Career Academy

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

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE MANSFIELD INDEPENDENT SCHOOL DISTRICT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF DEBBIE LANE AND THE EAST DRIVEWAY OF BEN BARBER CAREER ACADEMY.

(Resolution in its entirety located in the City Secretary's Office)

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

Enactment No: RE-2525-09

09-1458

Request for Special Event Permit for the Historic Mansfield Art Festival to be held June 5th & 6th, 2009

A motion was made by Mayor Pro Tem Hoffman to approve the request for special event permit. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.

09-1459

Approval of the May 11, 2009 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the May 11, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

09-1461

Resolution - A Resolution to Award a Contract for Construction of a Traffic Signal at the Intersection of Debbie Lane and the East Driveway of Ben Barber Career Academy to Durable Specialties, Inc. for an Amount not to Exceed \$122,820.00 (Reimbursed by the Mansfield Independent School District)

Mayor Cook removed this item from the consent agenda. He thanked the Mansfield Independent School District, the city staff and the Council for all the work put into making this traffic signal a successful project.

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION AWARDED A CONTRACT FOR THE CONSTRUCTION OF SIGNAL IMPROVEMENTS AT THE INTERSECTION OF DEBBIE LANE AND EAST DRIVEWAY OF BEN BARBER CAREER ACADEMY TO DURABLE SPECIALTIES, INC. APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS.

(Resolution in its entirety located in the City Secretary's Office)

Seconded by Mayor Pro Tem 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-2526-09

END OF CONSENT AGENDA

NEW BUSINESS

[09-1467](#)

Designation of Official Voting Representative to North Central Texas Council of Governments

Mr. Chandler made brief comments. Council Member Haynes nominated Mayor Pro Tem Hoffman as the designated representative to North Central Texas Council of Governments.

Mayor Pro Tem Hoffman was designated as the Official Voting Representative to the North Central Texas Council of Governments.

STAFF COMMENTS (CONTINUED)

Presentation of the Trash Pick-up Results and Hazardous Household Waste Event - Howard Redfearn

City Engineer Bart VanAmburgh made a brief presentation on the trash pick-up results and advised that the Hazardous Household Waste Event would take place on Saturday, June 13, 2009 at City Hall beginning at 9:00 a.m. until around noon.

OLD BUSINESS

[09-1466](#)

Authorization to Settle Lawsuit Cause No. 06-41026-3 Daniel Jay Massey

Allen Taylor made brief comments regarding this issue.

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 8:31 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 8:33 p.m. Mayor Cook recessed the executive session at 9:35 p.m.

Mayor Cook reconvened back into regular business session at 9:38 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Rudnicki to table agenda item 09-1466. Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:

Ayes: 5 - David Cook, Darryl Haynes; Cory Hoffman; James Rudnicki and Larry Broseh

Nays: 0

Non Voting 2 - Mike Leyman and Greg Kunasek

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 9:39 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 5 - David Cook; James Rudnicki; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 0

Abstain: 0

Non-Voting: 2 - Mike Leyman and Greg Kunasek

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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary