



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, June 22, 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 Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 5:03 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 6:25 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

Exchange of Property with St. Judes Catholic Church

Potential Interlocal Agreement with Mansfield Independent School District and Other Agencies

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

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

Exchange of Property with St. Judes Catholic Church

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

Personnel Matters Pursuant to Section 551.074

Board Appointment; Planning & Zoning Commission

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)

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Mayor Cook called the work session to order at 6:35 p.m. and turned it over to Director of Planning Felix Wong. Felix turned it over to City Engineer Bart VanAmburgh.

Joint Meeting with Planning and Zoning Commission - Roadway Impact Fees

[play video](#)

Bart VanAmburgh introduced Kimley Horn representative Aaron Nathan. Erin made a presentation on the roadway impact fees and answered Council questions. City Manager Clayton Chandler made comments. Bart answered Council questions. Staff was asked to include Fort Worth in the fee comparison cities information.

Mayor Cook recessed the work session at 6:50 p.m.

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

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Mayor Cook reconvened into regular business session at 7:05 p.m.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

[play video](#)

No action was taken by the Council.

INVOCATION

[play video](#)

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

[play video](#)

Citizen Richard Littell 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](#)

09-1493

National Recreation and Parks Month

Mayor Cook proclaimed July 2009 as National Recreation and Parks Month. Director of Parks and Community Services Shelly Lanners and Recreation Superintendent Andy Binz received the proclamation. Shelly Lanners spoke about the park system and encouraged citizens to get out and use the park facilities.

CITIZEN COMMENTS

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Houston Mitchell - 605 St. Eric - spoke about the quiet zones. He read a letter that was published in the Mansfield News-Mirror newspaper. He read another article about a 5 year old boy who was killed in a quiet zone in Texas. Mr. Mitchell stated the city did not need quiet zones because they were dangerous and had a lot of liability.

Mike Chrusciel - 300 Victory Lane - spoke about the quiet zones. He stated he was the president of the Mansfield National Homeowners Association. He mentioned he receives numerous complaints about the train noise in his neighborhood. Mr. Chrusciel stated the locomotive horns depreciate the quality of life. He asked that this be a priority in Mansfield stating it would increase the quality of life.

Ronnie Thompson - 220 N. Wisteria Street - spoke about the quiet zones. He stated he was opposed to quiet zones and urged the Council to look at safety first. Mr. Thompson said the Council would take away a piece of history if they installed quiet zones. He mentioned his father and his grand father retired from the railroad. He asked for the Homeowners Association to pay for quiet zones and not the tax payer's.

Richard Littell - 2603 Woodbridge Trail - spoke about the quiet zones. He asked why the Council was even considering this issue before they knew the condition of the upcoming years budget. He stated that if this was such a hardship on people's quality of life then the people who have been living with the noise for the longest time get the highest priority. Mr. Littell stated that city departments had been asked to cut their budgets by 3% and mentioned it was not fair for city employees to have to take the burden of paying for the quiet zones. He mentioned there were several locations around town that were in need of traffic signals which is a public safety issue and not a quality of life issue. He stated that any decision regarding quiet zones should be placed before the voters for them to decide if they want them or not.

Tim Snyder - 4508 Ashbury Lane - spoke about the quiet zones. He stated he was in support of the quiet zones mentioning he lives 300 feet away from the railroad. He mentioned he did not want a quiet zone at all times, just between the hours of 10:00

p.m. and 6:00 a.m. Mr. Snyder stated the city would get higher property values; better quality of life for residents and more people would then move into the city.

Jeff Newberry - 464 Newt Patterson - spoke about the quiet zones. He asked the Council why they were discussing the quiet zone issue if the city was facing a \$1.5 million budget deficit. He stated city staff was already facing hiring freezes, wage freezes and equipment freezes and that the city would continue to grow. Mr. Newberry stated the city should never prioritize one neighborhood over another. He stated he wrote a letter to the editor and clarified some erroneous facts. He suggested that the homeowners associations pay for the quiet zones if they want them in their neighborhood. He respectfully requested that the Council put this issue to a public vote next May and let the entire community decide on whether to buy quiet zone crossings or more police vehicles.

Kenneth Seeton - 713 E. Dallas Street - spoke about the quiet zones. He stated he grew up here as a kid mentioning the train track was his favorite. He mentioned he lived close to the train track. Mr. Seeton stated he has friends who have quiet zones in their neighborhood and they don't like them.

Mayor Cook acknowledged the following non-speakers who were all in support of the quiet zones:

*Hal and Sandy Morton - 4206 Nicklaus Avenue
Chantella Willis - 4208 Nicklaus Avenue
Angie Burris - 711 Player Avenue
Stoney and Julie Short - 5 Calloway Court*

COUNCIL ANNOUNCEMENTS

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Council Member Kunasek thanked City of Arlington Mayor Cluck and all the local officials who have taken interest in air quality.

Council Member Haynes had no announcements.

Council Member Leyman made comments about last years 4th of July celebration. He invited everyone to attend the 4th of July celebration this year.

Mayor Pro Tem Hoffman wished his son Zachary a happy 14th birthday.

Council Member Rudnicki had no announcements.

Council Member Broseh had no announcements.

Mayor Cook also invited everyone to attend the 4th of July celebration.

STAFF COMMENTS

City Manager Report or Authorized Representative

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Current/Future Agenda Items

Mansfield's Rockin 4th of July

[play video](#)

Shelly Lanners made a brief presentation and invited everyone to attend the celebration. She thanked Chesapeake Energy and all sponsors for their donations.

Recent Storms and Power Outages Update

[play video](#)

Oncor representative Steve Taylor made a brief presentation regarding the recent storms and power outages and answered Council questions. Fire Chief Barry Bondurant commented on how the Fire Department assisted in the power outages during the storms.

Business Services Department[09-1495](#)

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

[play video](#)

Council Member Kunasek asked about the Big League Dreams Report. Mr. Chandler stated the report was forwarded to City Attorney Allen Taylor for review.

OLD BUSINESS[play video](#)[09-1466](#)

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

[play video](#)

Mr. Chandler made comments.

A motion was made by Council Member Rudnicki to table this item indefinitely until resolution is recommended back by staff. 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

[09-1488](#)

Follow - Up Discussion and Possible Action of Quiet Zones at Holland Road, Seeton Road and South Heritage Parkway

[play video](#)

Bart VanAmburgh made a presentation regarding the quiet zones and answered Council questions. Mr. Chandler made comments and answered Council questions regarding placing this item on a bond election. Every member of Council expressed their thoughts regarding this issue.

PUBLIC HEARING CONTINUATION AND SECOND READING

[play video](#)

09-1471

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 4.64 Acres, Located on Property at 1650 N. Main Street and 1151 W. Debbie Lane; XTO Energy, Inc. (ZC#09-004)

[play video](#)

XTO Energy representative Walter Dueease made a brief presentation and asked the Council to reconsider the building of the masonry wall until the first well was completed. Felix Wong and City Attorney Bryn Meredith answered Council questions. Council Member Rudnicki requested for this agenda item to not be placed on the consent agenda for the third and final reading and for XTO Energy to come back with more aggressive sound proofing on the South side. Mayor Cook continued the public hearing at 9:01 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:02 p.m.

A motion was made by Council Member Rudnicki 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 following changes from the first reading: 1.) that approval of this specific use permit is conditioned upon compliance with the existing PD on the surface as to the brick fence, the trees and the irrigation that were discussed; 2.) granting the accommodation requested by XTO Energy that the Western fence only be allowed to be chain link and for the masonry wall on the West side only to be completed within three months (3) after completion of the first well. 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

CONSENT AGENDA

[play video](#)

09-1484

Resolution - Resolution Authorizing the City Manager and the Police

Department to Make Application for Approximately \$7,000.00 in Available Federal Funds from the FY 2009 Bulletproof Vest Partnership Program
Commander Kyle Lanier answered Council questions.

A motion was made by Mayor Pro Tem Hoffman 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 AVAILABLE FEDERAL FUNDS IN THE FY 2009 BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE.

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

Enactment No: RE-2529-09

09-1486

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application and Receive \$9,340.80 in Funding Under the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: FY 2009 Local Solicitation

A motion was made by Mayor Pro Tem Hoffman 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 AVAILABLE FEDERAL FUNDS UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM: FY 2009 LOCAL SOLICITATION

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

Enactment No: RE-2530-09

09-1489

Resolution - A Resolution Authorizing a Design Services Contract in the Amount of \$68,000 with Teague, Nall & Perkins and a Surveying Services Contract in the Amount of \$30,700 with Brittain & Crawford for the 2009 35th Year CDBG Project, for West Kimball Street to be funded from the Street Bond Fund

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

A RESOLUTION AUTHORIZING A CONTRACT WITH TEAGUE NALL & PERKINS FOR DESIGN SERVICES AND WITH BRITTAİN & CRAWFORD FOR SURVEYING SERVICES FOR THE 2009 35TH YEAR CDBG PROJECT, WEST KIMBALL STREET PAVING, DRAINAGE AND UTILITY IMPROVEMENTS; APPROPRIATING FUNDS AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS FOR SUCH DESIGN AND SURVEYING.

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

Enactment No: RE-2531-09

[09-1490](#)

Resolution - A Resolution to Award a Contract for Construction of the Water, Sewer and Erosion Control Improvements at 3 Separate Locations:

1. Water, Sewer and Erosion Control Improvements at E. Kimball and Pond St.
2. Water and Erosion Control Improvements at Hogpen Branch Creek and Walnut Creek Dr.
3. Sewer Extension from Kroger Lift Station Across Matlock to Lifetime Fitness and Authorization of Funding for an Amount not to Exceed \$190,729.35 (Utility Bond Fund)

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

A RESOLUTION AWARDED A CONTRACT FOR WATER, SEWER AND EROSION CONTROL IMPROVEMENTS AT 3 SEPARATE LOCATIONS: 1.) WATER, SEWER AND EROSION CONTROL IMPROVEMENTS AT E. KIMBALL AND POND STREET. 2.) WATER AND EROSION CONTROL IMPROVEMENTS AT HOGPEN BRANCH AND WALNUT CREEK DR. 3.) SEWER EXTENSION FROM KROGER LIFT STATION ACROSS MATLOCK TO LIFETIME FITNESS. TO AUI CONTRACTORS INC. APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS.

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

Enactment No: RE-2532-09

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[09-1485](#)

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application and Receive \$38,400.00 in Funding Under the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation

[play video](#)

Council Member Kunasek removed this item from the consent agenda. Director of Public Safety Bill Lane and his Legal Assistant Alma Roden answered Council questions. Mr. Chandler made comments.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION FOR AVAILABLE FEDERAL FUNDS IN THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM: LOCAL SOLICITATION

Seconded by Council Member Broseh. Mayor Cook called the question during Council discussion. The motion CARRIED by the following vote:

Aye: 4 - Mike Leyman;Greg Kunasek;Cory Hoffman and Larry Broseh

Nay: 3 - David Cook; James Rudnicki and Darryl Haynes

Abstain: 0

[09-1491](#)

Approval of the June 8, 2009 Regular City Council Meeting Minutes

[play video](#)

Council Member Broseh removed this item from the consent agenda. Council Member Leyman was absent at the previous meeting so he would be abstaining from the vote.

A motion was made by Mayor Pro Tem Hoffman to approve the June 8, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Kunasek. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 1 - Mike Leyman

END OF CONSENT AGENDA

NEW BUSINESS

[play video](#)

[09-1487](#)

Presentation and Discussion of the Possible Abandonment of East Dallas Street between Waxahachie Street and Graves Street

[play video](#)

Bart VanAmburgh made a brief presentation and answered Council questions. Ray O'Connor, representative for OA & ID Architects, made a brief presentation and shared with the Council a conceptual plan of St. Jude's Catholic Church property. Traffic Engineer Jeff Whitaker made a presentation and answered Council questions. Director of Finance and Business Services for the Catholic Diocese Peter Flynn also made a presentation. Bryn Meredith made brief comments. There was a consensus amongst the Council for staff to negotiate with the church and bring the item back to the Council.

ADJOURN

[play video](#)

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 9:45 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