



# CITY OF MANSFIELD

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

## Meeting Minutes City Council

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Monday, July 13, 2009

5:00 PM

Council Chambers

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### REGULAR MEETING

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

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*Mayor Cook called the meeting to order at 5:00 p.m.*

**Absent** 1 - Larry Broseh

**Present** 6 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman 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 5:02 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 5:35 p.m.*

#### **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

Exchange of Property with St. Judes Catholic Church

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

#### **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 Appointments; 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 5:35 p.m. and turned it over to Director of Parks and Community Services Shelly Lanners.*

Joint Meeting with Mansfield Park Facilities Development Corporation and Planning and Zoning Commission - Parks Master Plan Update

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*Shelly Lanners explained the process used to obtain information for the Parks Master plan. She stated that Halff Associates representatives would be making a presentation on the draft executive summary and introduced representatives Lenny Hughes and Adam Wood. Mr. Hughes and Mr. Wood made a brief presentation and answered Council questions. There was a question and answer session between the Mansfield Park Facilities Development Corporation, Planning and Zoning Commission and the Council. Director of Planning Felix Wong and Shelly Lanners answered Council questions.*

*Mayor Cook recessed the work session at 6:38 p.m. and recessed into executive session. Mayor Cook recessed into executive session at 6:41 p.m. in the Council Conference Room. Mayor Cook recessed the executive session at 7:14 p.m.*

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

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*Mayor Cook reconvened into regular business session at 7:24 p.m.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

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**No action was taken by the Council.**

**INVOCATION**

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*Council Member Kunasek led the Invocation*

**PLEDGE OF ALLEGIANCE**

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*Council Member Haynes 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"

*Mayor Pro Tem Hoffman led the Texas Pledge.*

**PRESENTATIONS**

[play video](#)

Presentation to John Woodworth for Exceptional Performance in the Drinking Water Quality Laboratory

[play video](#)

*Mayor Cook presented a certificate of achievement to John Woodworth for exceptional performance in the drinking water quality laboratory.*

Award winner for the Parks and Recreation Month Poster Contest

*Recreation Supervisor Andy Binz made a brief presentation on the Parks and Recreation Month Poster Contest. He announced and presented gift baskets to Savannah Damron as the winner of the 4-6 age group, Sierra Braden as the winner of the 7-9 age group and Austin Ruckle as the 10-12 age group.*

**CITIZEN COMMENTS**

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*Hal Morton - 4206 Nicklaus Avenue - spoke about quiet zones. He stated the quiet zone was a legitimate issue in Mansfield and they were not dangerous. Mr. Morton stated that Mansfield National residents are reasonable people and establishing a quiet zone is important to them. He mentioned that a bond was one method to fund a quiet zone but he was sure there were others. He stated the Mansfield National residents are willing to work with the city to find funding sources for quiet zones.*

*Clarence Willis - 4208 Nicklaus Avenue - spoke about quiet zones. He stated there were other ways to fund quiet zones such as getting the private sector to help. He mentioned that the residential builders could help pay and that would lessen the burden on the tax payers. Mr. Willis stated quiet zones make areas safer.*

*Thad Penkala - 1301 E. Debbie Lane #110 - spoke on behalf of the Mansfield Police Officers Association. He thanked Mayor Cook for calling the emergency meeting that*

was held on Tuesday, June 23, 2009 to discuss grant money that was voted down the previous night. He asked Council to support the grant that was being presented to them to night. Mr. Penkala stated there were officers in attendance at the June 23, 2009 meeting because they supported the issue and care about citizen safety.

Dale Boyko - 1201 Westridge Drive - spoke about tree supports. He provided pictures for the Council to view. He mentioned he and his family attended the firework show the city provided for citizens. Mr. Boyko stated they rode the shuttle back from the firework show to the Mansfield ISD Stadium. His son and a friend ran to the car, which was parked by the curb where a tree was planted. He mentioned his son was clothes lined by a tree support. He described each picture he presented to the Council. He asked for something to be done regarding tree supports.

Mayor Cook recognized the following non-speaker:

Sandy Morton - 4206 Nicklaus Avenue - in support of quiet zones

## **COUNCIL ANNOUNCEMENTS**

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Council Member Leyman thanked the city staff who gave up their 4th of July holiday to make the Rockin' 4th a successfull event. He mentioned several people commented on what a great time they had.

Council Member Haynes had no announcements.

Council Member Kunasek had no announcements.

Council Member Rudnicki had no announcements.

Mayor Pro Tem Hoffman had no announcements.

Mayor Cook announced that Mansfield was rated as one of the best places to live in the United States mentioning it was number 24 out of 100 in Money Magazine. He also mentioned that Mansfield was "One of the Great 8" in Fort Worth, Texas Magazine.

## **STAFF COMMENTS**

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### **City Manager Report or Authorized Representative**

Preliminary Budget Presentation; Clayton W. Chandler, City Manager

*City Manager Clayton Chandler made a powerpoint presentation on the preliminary budget and answered Council questions. Police Chief Gary Fowler and Director of Business Services Peter Phillis answered Council questions.*

Current/Future Agenda Items

*No presentation was made by staff.*

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

*No presentation was made by staff.*

## **OLD BUSINESS**

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**09-1471**

Ordinance - Third and Final 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](#)

*City Secretary Vicki Collins read the caption into the record. XTO Energy Representative Walter Dueeese made a brief presentation and answered Council questions. Mike Fann & Associates representative Mike Fann made a brief presentation and answered Council questions. Jacobs Engineering answered Council questions. Felix Wong and City Attorney Allen Taylor answered Council questions.*

*Mayor Cook recessed into executive session at 9:37 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 9:40 p.m. Mayor Cook recessed the executive session at 9:52 p.m. Mayor Cook reconvened into regular business session at 9:53 p.m.*

**A motion was made by Mayor Pro Tem Hoffman to table the third and final 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 to the next meeting. Seconded by Council Member Kunasek. The motion CARRIED by the following vote:**

**Aye:** 6 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Larry Broseh

**Abstain:** 0

## **CONSENT AGENDA**

**NO ITEMS WERE REMOVED FROM THE CONSENT AGENDA**

[09-1512](#)

Approval of the June 22, 2009 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Hoffman to approve the June 22, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Leyman. The motion CARRIED with 6 ayes and 0 nays.**

[09-1501](#)

Resolution - Resolution to Ratify the Reconsideration of Staff Report 09-1485

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, RATIFYING THE RECONSIDERATION OF STAFF REPORT 09-1485 AND PASSAGE OF RESOLUTION RE-2533-09 ON JUNE 22, 2009**

**Seconded by Council Member Leyman. The motion CARRIED with 6 ayes and 0 nays.**

Enactment No: RE-2534-09

[09-1517](#)

Resolution - Resolution authorizing the City Manager and the Police Department to make application and receive funding from the Criminal Justice Division (CJD) of the Governor's Office as part of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Mobile/Handheld Radio Purchases, Upgrades/Replacements totaling \$281,950.

**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 AND RECEIVE FUNDS FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE AS PART OF THE RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR MOBILE/HANDHELD RADIO PURCHASES, UPGRADES AND REPLACEMENTS**

**Seconded by Council Member Leyman. The motion CARRIED with 6 ayes and 0 nays.**

Enactment No: RE-2535-09

### **END OF CONSENT AGENDA**

### **NEW BUSINESS**

[09-1513](#)

Approval of the June 23, 2009 Emergency City Council Meeting Minutes

**A motion was made by Council Member Haynes to approve the June 23, 2009 Emergency City Council Meeting Minutes as presented. Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:**

**Aye:** 5 - Mike Leyman;David Cook;James Rudnicki;Cory Hoffman and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Larry Broseh

**Abstain:** 1 - Greg Kunasek

**09-1516**

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

*Vicki Collins read the caption into the record.*

**A motion was made by Mayor Pro Tem Hoffman 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 Kunasek. The motion CARRIED by the following vote:**

**Aye:** 6 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Larry Broseh

**Abstain:** 0

**ADJOURN**

[play video](#)

**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 9:57 p.m. Seconded by Council Member Leyman. The motion CARRIED by the following vote:**

**Aye:** 6 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Larry Broseh

**Abstain:** 0

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

\_\_\_\_\_ David L. Cook, Mayor

ATTEST:

\_\_\_\_\_ Vicki Collins, City Secretary