



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, January 11, 2010

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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*Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in executive session(s), from time to time as deemed necessary during the meeting for any posted agenda item, to receive advice from its attorney as permitted by law.*

*In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the Council into executive session at 5:02 p.m. Mayor Cook called executive session to order at 5:05 p.m. in the Council Conference Room. Council Member Broseh arrived at 5:05 p.m. Mayor Cook recessed executive session at 6:57 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 Regarding Enforcement of Gas Well Regulations

City Attorney Briefing on Lawsuit Cause No. 352-228421-08 Lance Ward and Hannah Ward vs. City of Mansfield

City Attorney Briefing on Lawsuit Cause No. 141-233920-08 Lance Levan vs. City of Mansfield

City Attorney Briefing Regarding Shops at Broad Street Project Status - Legal Issues

City Attorney Briefing Regarding Subdivider's Agreement between Arbors of Creekwood Joint Venture and City of Mansfield

Seek the Advice of City Attorney Regarding Public Liabilities in Public Rights-of-Way

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

City Attorney Briefing Regarding Shops at Broad Street Project Status - Legal Issues

**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**

Economic Development Project #09-03

Economic Development Project #09-09

City Attorney Briefing Regarding Shops at Broad Street Project Status - Legal Issues

**7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook called the meeting to order at 7:06 p.m.*

**INVOCATION**

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*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Kunasek 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.*

### **CITIZEN COMMENTS**

*No Citizen Comments.*

### **COUNCIL ANNOUNCEMENTS**

*Council Member Haynes had no announcements.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Leyman had no announcements.*

*Council Member Kunasek announced he would be resigning his seat on the Council in May. He stated he would be devoting more time to his family and to his career. He encouraged citizens to give more consideration to serving on the City Council.*

*Council Member Broseh had no announcements.*

*Council Member Rudnicki thanked the Mansfield Wind Symphony for inviting him to the Christmas concert and for putting on a great show.*

*Mayor Cook thanked Council Member Kunasek for his service.*

### **STAFF COMMENTS**

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

#### Current/Future Agenda Items

*City Manager Clayton W. Chandler stated Council Member Kunasek would be missed and thanked him for his service.*

#### Proposed Single-Family Housing Mortgage Financing Program through the Tarrant County Housing Finance Corporation - Boyd London, FirstSouthwest

*FirstSouthwest representative Boyd London introduced representative Robert Johnson. Mr. Johnson made a brief presentation regarding the proposed single-family housing mortgage program through the Tarrant County Housing Finance Corporation and answered Council questions. The Council directed staff to place an item regarding this issue on the agenda for the next regular scheduled meeting.*

#### Citizens on Patrol Project - Chief Gary Fowler

*Police Chief Gary Fowler made a brief presentation regarding the Citizens on Patrol Project. He mentioned there was a vehicle on display in front of City Hall, mentioning they had 2 fuel efficient vehicles. Chief Fowler stated this project has been funded by donated funds and volunteer work mentioning the program would start within the next 60 to 90 days.*

Permanent Closing of Mitchell Road Railroad Crossing Between East Broad Street and Heritage Parkway - Steve Freeman

*Director of Public Works Steve Freeman advised about the permanent closing of Mitchell Road Railroad Crossing on January 25, 2010 mentioning it would be published in the newspaper. Steve Freeman answered Council questions.*

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

*Mr. Chandler advised staff was available to answer questions the Council may have regarding the quarterly reports.*

Wholesale Water and Construction Agreements with the City of Grand Prairie - Bud Ervin

*Mr. Chandler advised that Assistant Director of Utility Operations Joe Smolinski would be taking the position of Director of Utility Operations when current Director Bud Ervin retires. Joe made a brief powerpoint presentation and answered Council questions. Mr. Chandler and Bud Ervin answered Council questions.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

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**No action taken by the Council.**

### **OLD BUSINESS**

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#### **09-1680**

Ordinance - Third and Final Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production," Pertaining to Definitions, Health and Safety, Signage, Hours of Operation, Maintenance, Completion and other Drilling, Operation and Production Activities (OA#09-005)

[play video](#)

*Assistant City Secretary Susana Marin read the caption into the record. Director of Planning Felix Wong made brief comments.*

**A motion was made by Mayor Pro Tem Hoffman to approve the third and final reading of the following ordinance:**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO DEFINITIONS, HEALTH AND SAFETY, SIGNAGE, HOURS OF OPERATION, MAINTENANCE, COMPLETION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR**

**VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

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

**Seconded by Council Member Rudnicki. 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-1762-10

[09-1712](#)

Resolution - A Resolution to Approve the Design Concept from AUI Contractors, Inc. (AUI) for the Skate Park to be Located at 1008 E. Broad Street

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*Director of Parks and Community Services Shelly Lanners made a brief presentation and answered Council questions. Mr. Chandler made comments.*

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

**A RESOLUTION TO APPROVE THE DESIGN CONCEPT FROM AUI CONTRACTORS, INC. (AUI) FOR THE SKATE PARK TO BE LOCATED AT 1008 E. BROAD STREET**

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

**Council directed staff to work with the Council to determine if there was a better location to build the skate park, for staff to bid the project when the Council was ready to move forward, and for staff to bring back an estimated cost to acquire the land next to the proposed site.**

**Seconded by Council Member Rudnicki. The motion CARRIED by the following vote:**

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

**Nay:** 1 - Cory Hoffman

**Abstain:** 0

Enactment No: RE-2567-10

[09-1715](#)

Resolution - A Resolution to Adopt the 2009 Parks, Recreation, Open Space and Trails Master Plan

[play video](#)

*Mr. Chandler made a brief presentation. He advised about a change that would be*

*made to the master plan on page 17. The first sentence under Policy Actions which states "In order to fully achieve the vision set forth in this master plan and ensure that Mansfield continues building on success" should read "The City may wish to consider an ordinance revision," as well as the next comment titled "Recommended Park Land Dedication Ordinance Revisions" should read "Possible Park Land Ordinance Revisions."*

**A motion was made by Council Member Kunasek to approve the following resolution with the re-wording as stated by Mr. Chandler.**

**A RESOLUTION TO ADOPT THE 2009 PARKS RECREATION, OPEN SPACE AND TRAILS MASTER PLAN**

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

**Seconded by Council Member Darryl Haynes. 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-2568-10

**CONSENT AGENDA**

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**10-1721**

Resolution - A Resolution Authorizing an Amendment to Schrickel, Rollins and Associates Inc. contract not to Exceed \$89,308.00 for Additional Services and a Change in Scope for Design Services for the US 287 Frontage Roads Improvements from Walnut Creek Drive to East Broad Street (Street Bond Fund)

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

**A RESOLUTION AMENDING THE CONTRACT WITH SCHRICKEL, ROLLINS AND ASSOCIATES INC. FOR ENGINEERING DESIGN SERVICES FOR THE US 287 FRONTAGE ROADS BETWEEN EAST BROAD STREET AND WALNUT CREEK DRIVE**

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

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

Enactment No: RE-2569-10

**09-1717**

Minutes - Approval of the December 14, 2009 6:00 p.m. Regular City Council Meeting Minutes

**A motion was made by Council Member Haynes to approve the December 14, 2009 6:00 p.m. Regular Meeting Minutes as presented. Seconded by Council**

Member Leyman. The motion CARRIED with 7 ayes and 0 nays.

[09-1718](#)

Minutes - Approval of the December 14, 2009 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Haynes to approve the December 14, 2009 7:00 p.m. Regular Meeting Minutes as presented. Seconded by Council Member Leyman. The motion CARRIED with 7 ayes and 0 nays.

**END OF CONSENT AGENDA**

**ADJOURN**

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A motion was made by Council Member Kunasek to adjourn the meeting at 8:09 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

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

ATTEST:

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