



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, February 22, 2010

5:00 PM

Council Chambers

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 - Greg Kunasek

Present 6 - Mike Leyman; David Cook; James Rudnicki; Cory Hoffman; Larry Broseh 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 5:15 p.m. in the Council Conference Room. Council Member Kunasek arrived at 5:17 p.m. Mayor Cook recessed executive session at 7:05 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 Regarding Shops at Broad Street Project Status - Legal Issues

City Attorney Briefing Regarding ETJ Agreements with Tarrant County

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

Economic Development Project # 08-11

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

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

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Mayor Cook reconvened into regular business session at 7:16 p.m.

INVOCATION

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Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

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Council Member Kunasek led the Pledge of Allegiance.

TEXAS PLEDGE

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"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State Under God; One and Indivisible"

Council Member Leyman led the Texas Pledge.

Mayor Cook advised that the following item would be moved up on the agenda.

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter K. Phillis

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Director of Business Services Peter K. Phillis made brief comments on the Comprehensive Annual Financial Report mentioning a representative from KPMG, LLP would be presenting the Comprehensive Annual Financial Report. KPMG, LLP Brett Hanselman made a brief presentation on the 2009 Comprehensive Annual Financial Report. City Manager Clayton Chandler recognized the Finance Department staff members that were present.

PUBLIC HEARING CONTINUATION AND SECOND READING[play video](#)**10-1733**

Ordinance - Continuation of Public Hearing and Second Reading of an Ordinance Approving a Zoning Change from PR, 2F, MF-2, C-2, I-1 and SF7.5/16 to PD for Mixed Use Development with Uses Including but not Limited to Single-Family Residential, Commercial, Industrial, Institutional, Multi-Family Residential, Professional Office and Civic on Approximately 821 Acres, Generally Located as Follows: 1) East Tract - Approximately 2,600 ft North of Bedford Street, East of F.M. 917, and Approximately 580 ft West of Concho Trail and Approximately 1,300 ft West of Flying L Lane.; 2) West Tract - West of F.M. 917, East of Jessica Drive, Approximately 2,200 ft South of Sentry Drive and Approximately 3,380 ft South of Hanks Drive; TBG Partners (ZC#09-009)

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Mayor Cook stated agenda item 10-1733 would not be discussed. Mayor Cook asked staff to make sure all property owners had been properly notified. City Attorney Allen Taylor advised the Council to continue the second reading and table the public hearing.

A motion was made by Council Member Broseh to continue the second public hearing and 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 A PD, PLANNED DEVELOPMENT DISTRICT FOR A MIXED USE DEVELOPMENT WITH USES INCLUDING BUT NOT LIMITED TO SINGLE FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, MULTI-FAMILY RESIDENTIAL, PROFESSIONAL OFFICE AND CIVIC, 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

PROCLAMATIONS[play video](#)

Census 2010

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Mayor Cook presented a proclamation to Census representative Jennifer Pope.

Jennifer Pope encouraged everyone to complete their census form which they will be receiving in the mail by mid March.

CITIZEN COMMENTS

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No citizen comments.

COUNCIL ANNOUNCEMENTS

[play video](#)

No Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

1. Presentations

[10-1768](#)

Presentation of the 2009 Racial Profiling Report

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Police Chief Gary Fowler made a brief presentation on the 2009 Racial Profiling Report.

This matter was Presented with no action taken by the Council.

2. Current/Future Agenda Items

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Mr. Chandler advised the Council that an item would be brought to them at a future meeting regarding the vacant kiosk signs throughout the city. He mentioned staff would come back with a recommendation as well as time limits. Fire Chief Barry Bondurant made brief comments regarding the Texas Commission on Environmental Quality mentioning the city's Emergency Management Coordinator Tom Legler attended a conference in Austin regarding gas wells and was informed that the Texas Commission on Environmental Quality was using the same Benzene detectors as the City of Mansfield to inspect gas wells as well as following some of the city's guidelines.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

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A motion was made by Council Member Kunasek to proceed with the settlement offer as discussed in executive session. Seconded by Council Member Rudnicki. The motion CARRIED by the following vote:

Ayes: 6 - David Cook; Mike Leyman; Larry Broseh; Greg Kunasek; Darryl

Haynes and James Rudnicki

Nays: 1 - Cory Hoffman

Mayor Cook advised the following item would be moved up on the agenda.

[10-1764](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from MF-1 and C-2 to PD for a Mausoleum and Cemetery with Associated uses on Approximately 2.05 acres, generally located at 500 S. 2nd Avenue; John B. Foster Investments (ZC#09-010)

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City Secretary Vicki Collins read the caption into the record. John B. Foster Investments representative Jim Stewart, 1005 Springfield, Mansfield, made a brief presentation. Director of Planning Felix Wong answered Council questions. Mayor Cook opened the public hearing at 7:38 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:38 p.m.

A motion was made by Council Member Leyman 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR A MAUSOLEUM AND CEMETERY WITH ASSOCIATED USES, 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 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

OLD BUSINESS

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[10-1748](#)

Ordinance - Public Hearing Continuation and First Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 5.99 Acres, the Drill Site Being Generally Located on the West Side of State Highway 360 Approximately 1,400 Feet South of E. Broad St. and the Fracture Pit being Generally Located on the West Side of State Highway 360 Approximately 1,700 Feet North of Heritage Parkway; Chesapeake Operating, Inc. (ZC#09-008)

[play video](#)

Vicki Collins read the caption into the record. Felix Wong advised the Council that the applicant had requested to table this agenda item.

A motion was made by Mayor Cook to to continue the public hearing and consideration 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 scheduled meeting. 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

PUBLIC HEARING AND RESOLUTION

[10-1773](#)

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2010 (36th year) Community Development Block Grant Project for North 2nd Avenue between West Broad Street & Oak Street

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Director of Public Works Steve Freeman made a brief presentation. Mayor Cook opened the public hearing at 7:42 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:42 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2010 (36TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

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

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

Enactment No: RE-2586-10

PUBLIC HEARING AND FIRST READING

[10-1775](#)

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas, Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

[play video](#)

Vicki Collins read the caption into the record. Recreation Superintendent Andy Binz made a brief presentation. Mayor Cook opened the public hearing at 7:44 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:44 p.m.

A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER

YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE." 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

CONSENT AGENDA

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10-1772

Resolution - A Resolution Awarding a Contract for Construction of Cardinal Road Water, Sanitary Sewer, Drainage and Pavement Improvements to JLB Contracting LLC for an Amount Not to Exceed \$1,720,030.86 (Street Bonds and Utility Revenue Bonds)

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF CARDINAL ROAD WATER, SANITARY SEWER, DRAINAGE AND PAVEMENT IMPROVEMENTS TO JLB CONTRACTING LLC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS

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

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

Enactment No: RE-2587-10

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

10-1770

Minutes - Approval of the February 8, 2010 Regular City Council Meeting Minutes

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Mayor Pro Tem Hoffman removed this item from the consent agenda. He asked that the minutes be corrected to show the vote on agenda item 10-1733 passed 6 - 1 with him voting against it.

A motion was made by Mayor Pro Tem Hoffman to approve the February 8, 2010 Regular Meeting minutes with the voting record on agenda item 10-1733 showing the item passed 6 - 1 with him voting against it. 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

[10-1769](#)

Resolution - A Resolution of The City Council of The City of Mansfield, Texas Approving a Contract of Sale and An Economic Development And Performance Agreement By And Between The Mansfield Economic Development Corporation ("MEDC") And Lonejack LLC And Authorizing its Execution By The President Of The MEDC And Providing An Effective Date

[play video](#)

Mayor Pro Tem Hoffman removed this item from the consent agenda.

A motion was made by Mayor Pro Tem Hoffman to table the following resolution to the next regular scheduled meeting:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND LONEJACK LLC AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE

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

END OF CONSENT AGENDA

ADJOURN

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A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 7:47 p.m. Seconded by Council Member 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary