



# DRAFT

## CITY OF MANSFIELD

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

### Meeting Minutes City Council

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Monday, September 14, 2009

4:00 PM

Council Chambers

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#### REGULAR MEETING

#### **4:00 P.M. - CALL MEETING TO ORDER**

*Mayor Cook called the meeting to order at 4:00 p.m.*

**Present** 7 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman; Larry Broseh and Darryl Haynes

#### **RECESS INTO EXECUTIVE SESSION**

*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 this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.*

*In accordance with Texas Government Code, Chapter 551, Mayor Cook recessed the Council into executive session at 4:02 p.m. Mayor Cook called executive session to order at 4:04 p.m. in the Council Conference Room. Mayor Cook recessed executive session at 7:05 p.m.*

*Council Member Rudnicki left executive session at 5:00 p.m. and returned at 5:14 p.m.*

#### **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 Amendment of PD - South Pointe Development

City Attorney Briefing Regarding ZC# 09-001

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

#### **Personnel Matters Pursuant to Section 551.074**

Board Interviews; Planning and Zoning Commission, Mansfield Economic Development Corporation and Mansfield Park Facilities Development Corporation

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*Council Member Broseh left executive session for a portion of this discussion at 6:15 p.m. and returned at 6:25 p.m.*

## **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**

Update on MEDC Project 09-03

Forest City Incentives

### **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

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

*Mayor Cook reconvened into regular business session at 7:17 p.m.*

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

**A motion was made by Council Member Haynes to appoint Victoria Dodd to the Planning and Zoning Commission effective October 1, 2009. Seconded by Council Member Kunasek, the motion carried with 7 ayes and 0 nays.**

**A motion was made by Council Member Kunasek to appoint Robert Kowalski to the Mansfield Park Facilities Development Corporation for a two-year term beginning October 1, 2009. Seconded by Mayor Pro Tem Hoffman, the motion carried with 7 ayes and 0 nays.**

### **INVOCATION**

*Council Member Haynes led the Invocation.*

### **PLEDGE OF ALLEGIANCE**

*Council Member Kunasek led the Pledge of Allegiance.*

### **TEXAS PLEDGE**

*Council Member Leyman led the Texas Pledge.*

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

### **CITIZEN COMMENTS**

*Pete Shryock, 1706 Clover Hill Road, Mansfield, stated he is the President of the Walnut Creek North HOA. He stated he wanted to speak to the Council about the opening of the entrance for the Low Intermediate School on Clover Hill, the current*

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traffic issues and the safety of the children on Clover Hill. Mr. Shryock stated prior to the opening of the Intermediate School he attended a MISD school board meeting where it was said the entrance to the school on Clover Hill would only be used for emergencies and the children would not be entering or exiting that location. He stated since the opening of the school the entrance has been used by parents to drop off and pick up their children. He stated this entrance should not be used by the children and stated cars are being parked on both sides of Clover Hill. He indicated school zone signs were put up prior to entering the school zone but there weren't any signs indicated where the school zone ended. He stated the entrance needs to be completely closed to students entering and exiting and the MISD needs to comply with what they prior to the school being built. He stated signs are needed to indicate where the school zone ends, No Parking signs or Stopping during the periods immediately prior to school opening and going to 30 minutes after the school lets out. Mr. Shryock read a letter from a homeowner expressing their concerns of opening the entrance on Clover Hill.

Wade Mount, 5 Miterton Court, Mansfield, stated he is a member of the Walnut Creek North HOA. He stated the school board met with the HOA prior to the Asa Low school being put in and they were told there would be no way the school board would ever use Clover Hill for an entrance or exit for the school. He stated they were advised by the school board that No Stopping, No Standing, No Parking signs would be put up before the school opened. He stated the signs were not put up and there is obviously a traffic problem. He stated if the City Council allows Clover Hill to become an entrance it is going to be a disaster. He mentioned cars are parked on both sides of the street and children are going both ways. He stated all they are asking for is what they were told at the very beginning; No Stopping, No Standing, No dropping off children along that area and it will strictly be used as an emergency entrance and exit.

Kevin McCormack, 1909 Yarmouth Court, Mansfield, stated he is a board member for the Walnut Creek North subdivision. He stated the HOA was told by the MISD that the entrance on Clover Hill would be closed to the children entering and exiting the school. He stated the access point is a safety hazard for anyone traveling in that area. Mr. McCormack stated he is a runner and has experienced the safety problem firsthand. He stated he is very concerned about his safety as a runner and is very concerned about the safety of his children and everyone else's children. He stated this is a neighborhood and it wasn't intended to be an access for a school. He stated the entrance needs to be completely closed off.

Mayor Cook acknowledged the following non-speakers:

Judy Chaney, 509 Waterlane Drive, Mansfield - opposed to drilling in the sports complex

Morgan Guilford, 4100 Water Park Circle, Mansfield - support of drilling in the sports complex

(Note: After the Council meeting, Mr. Guilford corrected his card to read opposed to drilling in the sports complex)

Debbie Visage, 4086 Water Park Circle, Mansfield - did not indicate in support or opposition to drilling in the sports complex

Christina Davies, 713 Waterlane Drive, Mansfield - opposed to 09-1420

Bryan Davies, 713 Water Lane Drive, Mansfield - opposed to 09-1420

Barry and Pamela Dickey 506 Marquis Lane, Mansfield - regarding 09-1420

Wayne Lee, 3 Manordale Court, Mansfield - support of 09-1420

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## **COUNCIL ANNOUNCEMENTS**

*Council Member Haynes made no announcements.  
Mayor Pro Tem Hoffman made no announcements.  
Council Member Leyman made no announcements.  
Council Member Kunasek made no announcements.  
Council Member Rudnicki mentioned the art work displayed in the foyer of city hall and stated his mother had won Best of Show in the art show. He congratulated his mother and mentioned the art class at the Mansfield Activities Center.  
Council Member Broseh made no announcements.  
Mayor Cook made no announcements.*

## **STAFF COMMENTS**

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

#### Current/Future Agenda Items

*City Manager Clayton W. Chandler reminded the Council of the West Broad ribbon cutting scheduled for November 9th to open up West Broad. He stated a request had been made by Discover Historic Mansfield to open up Main Street to head in parking but a recent consultant report did not recommend head in parking. Assistant City Manager Chris Burkett stated the Council would be receiving additional information.*

#### 4th Annual Creekside Cleanup and Cookout - Howard Redfern

*Stormwater Manager Howard Redfern made a presentation on the 4th Annual Creekside Cleanup and Cookout, Fall SmartScape Class Series and Fall Household Hazardous Waste Collection Day being held in October.*

#### Rose Park Playground Ribbon Cutting - Wednesday, September 23, 2009 at 6:00 pm

*Director of Parks and Community Services Shelly Lanners advised they are still trying to make the ribbon cutting on Wednesday, September 23rd and stated everyone would be notified if the date changed.*

### **Business Services Department**

**09-1603** Presentation of Monthly Financial Report for the Period Ending July 31, 2009

*Director of Business Services Peter K. Phillis made a presentation on the July financial report.*

### **OLD BUSINESS**

**09-1593** Resolution - A Resolution Approving an Amendment to the Memorandum of Understanding Between the Mansfield Park Facilities Development Corporation (MPFDC) and XTO Energy, Inc. for Access for Natural Gas Drilling Including Engineering and Road Improvements at the Mansfield Sports Complex Located at 920 N. Holland Road.

*Shelly Lanners made a presentation and stated the item before the Council is the Memorandum of Use with the Mansfield Park Facilities Development Corporation and*

XTO Energy. She stated the Mansfield Park Facilities Development Corporation approved the amendment to the Memorandum of Understanding on Monday, September 10th. She stated action needed to be taken on the Memorandum of Understanding before taking action on the third and final reading of the SUP. Ms. Lanners answered Council questions.

Walter Dueease, XTO representative, 810 Houston Street, Fort Worth, answered Council questions. City Attorney Allen Taylor made comments regarding proposed changes to the Memorandum of Understanding. Mayor Cook proposed Paragraph 3 of the Memorandum of Understanding to read as "3. ...provided, however, that if Grantee is prevented from accessing..." instead of "is unable for any reason to access." Mayor Cook summarized the Memorandum of Understanding for the Council.

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

**A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND XTO ENERGY, INC. FOR ACCESS FOR NATURAL GAS DRILLING INCLUDING ENGINEERING AND ROAD IMPROVEMENTS AT THE MANSFIELD SPORTS COMPLEX LOCATED AT 920 N. HOLLAND ROAD removing the words "unable for any reason to access" and insert "preventing from accessing."**

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

**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

Enactment No: RE-2545-09

**09-1420**

Ordinance - Third and Final Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 12.726 Acres Located at the Mansfield Sports Complex at 920 N. Holland Road; XTO Energy, Inc. (ZC#09-001)

*City Secretary Vicki Collins read the caption into the record.*

*Walter Dueease, XTO representative, 810 Houston Street, Fort Worth, made a presentation and requested permission to use the primary entrance on South Holland Road to construct the frac pond and occasionally access the frac pond for monitoring with lightweight vehicles. Mr. Dueease answered Council questions. Mr. Dueease stated for the record if there was a problem with asphalt mix XTO Energy would rectify the problem. Shelly Lanners answered Council questions. City Engineer Bart VanAmburgh made comments and answered Council questions. Mansfield Park Facilities Development Corporation President Harold Bell and Board Member Wayne Lee were given the opportunity to comment on the height of the fence at the proposed drill site.*

**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 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 include the following additions: trees will be added at the approval and direction of the Parks staff around the drilling site on all 3 sides, fencing will be added prior to drilling, the phrase "to the extent possible" will be stricken from all sentences in items #13 and #15 on the SUP, and the passage of the SUP will be subject to the execution of the MISD agreements.

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

Seconded by Council Member Broseh, the motion CARRIED by the following vote:

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

**Nay:** 1 - James Rudnicki

**Abstain:** 0

Enactment No: OR-1755-09

## CONSENT AGENDA

### ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

*No items were removed from the consent agenda.*

**09-1531**

Ordinance - Third and Final Reading of an Ordinance of the City of Mansfield, Texas, Amending Chapter 90 "Animal Control", of the Code of Ordinances of the City of Mansfield, Texas as Heretofore Amended by Ordinance Number 1405, Prohibiting the Sale of Animals Without a Valid Certificate of Occupancy Allowing for Such Sales; Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

*Vicki Collins read the caption into the record.*

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 90 "ANIMAL CONTROL", OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY ORDINANCE NUMBER 1405, PROHIBITING THE SALE OF ANIMALS WITHOUT A VALID CERTIFICATE OF OCCUPANCY ALLOWING FOR SUCH SALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR

**AN EFFECTIVE DATE.**

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

**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

Enactment No: OR-1753-09

**09-1535**

Ordinance - Third and Final Reading of an Ordinance to Amend the Existing Flood Damage Prevention Ordinance and to Provide for Compliance with the National Flood Insurance Program as required by the Federal Emergency Management Agency

*Vicki Collins read the caption into the record.*

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

**AN ORDINANCE TO AMEND ORDINANCE NO. 1090, CHAPTER 151, OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD AND ANY OTHER ORDINANCES IN CONFLICT; ESTABLISHING REVISED REGULATIONS TO MINIMIZE FLOOD LOSSES AND REMAIN IN COMPLIANCE WITH FEMA REGULATIONS; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTION; AND PROVIDING AN EFFECTIVE DATE.**

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

**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

Enactment No: OR-1754-09

**09-1573**

Request for Special Event Permit for "Hometown Holidays" at the Mansfield Activities Center for Friday, December 4, 2009

**A motion was made by Mayor Pro Tem Hoffman to approve the special event permit. 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

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Nay: 0

Abstain: 0

**09-1574** Request for Special Event Permit for Legacy High School Band Boosters Parade to be held Saturday, September 19, 2009

**A motion was made by Mayor Pro Tem Hoffman to approve the special event permit. 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

**09-1575** Resolution - A Resolution Authorizing a Contract with William M. Smith and Associates, Ltd. for Design Services for an amount not to Exceed \$33,000.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$23,800.00 for the Newport Drive Paving, Sewer and Drainage Improvements (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING A CONTRACT WITH WILLIAM M. SMITH AND ASSOCIATES, LTD. FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE NEWPORT DRIVE PAVING, SEWER AND DRAINAGE IMPROVEMENTS.**

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

**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

Enactment No: RE-2546-09

**09-1589** Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting the City of Mansfield Investment Policy; Approving Training of the City's Investment Officer; and Approving the Qualified Broker Dealers and Investment Advisors for Engaging in Investments Transactions of the City.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ADOPTING THE CITY OF MANSFIELD INVESTMENT POLICY; APPROVING TRAINING FOR THE CITY'S INVESTMENT OFFICER; AND APPROVING THE**

**QUALIFIED BROKER DEALERS FOR ENGAGING IN INVESTMENTS  
TRANSACTIONS OF THE CITY.**

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

**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

Enactment No: RE-2547-09

**09-1591** Request for Special Event for Historic Mansfield Music Festival to be held  
on Friday, October 16th and Saturday, October 17th

**A motion was made by Mayor Pro Tem Hoffman to approve the special event  
permit. 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

**09-1594** Request for Special Event permit for the Pecan Festival to be held on  
September 25th and 26th

**A motion was made by Mayor Pro Tem Hoffman to approve the special event  
permit. 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

**09-1600** Resolution to establish a date for public hearing to consider the proposed  
amendment of Land Use Assumptions, Capital Improvements Plan for  
Roadway Impact Fees, and the imposition of updated roadway impact  
fees

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS,  
ESTABLISHING A DATE FOR PUBLIC HEARING TO CONSIDER THE  
AMENDMENT OF LAND USE ASSUMPTIONS, ROADWAY CAPITAL  
IMPROVEMENTS PLAN, AND THE IMPOSITION OF UPDATED ROADWAY  
IMPACT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**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

Enactment No: RE-2548-09

**09-1599** Approval of the August 24, 2009 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Hoffman to approve the August 24, 2009 regular City Council meeting minutes as presented. 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

## END OF CONSENT AGENDA

### NEW BUSINESS

**09-1604** Discussion and Possible Action Regarding Request from Mansfield Independent School District to Open the Clover Hill Gate located on the East side of Asa E. Low, Jr. Intermediate School

*Bart VanAmburgh spoke on this item and stated staff will evaluate the flow of traffic, safety of pedestrians, evaluate the signage as it exists today and will evaluate signage and how flow is regulated if the gate is opened. Mr. VanAmburgh answered Council questions.*

**A motion was made by Mayor Cook to table this item until staff brings back a recommendation to the Council. Seconded by Council Member Leyman, the motion CARRIED with the following vote:**

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

**Nay:** 1 - Cory Hoffman

**Abstain:** 0

*After the vote was taken, Mayor Cook expressed his apologies to Bill Visage for not giving him the opportunity to speak earlier in the meeting and invited Mr. Visage to*

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*Speak at this time.*

*Bill Visage, 4086 Water Park Circle, Mansfield, stated it was his understanding the SUP had passed. He stated he would put his notes in an email to Mayor Cook for the record. He stated he had some concerns he wanted to bring up before the vote but he would like to have them on record. Mayor Cook asked Mr. Visage to send his comments and he would make sure they were part of the record. Mr. Visage publicly thanked Mayor Cook for his efforts in getting an alternative access road.*

**09-1596** Approval of the August 31, 2009 Special City Council Meeting Minutes

**(Affidavit for Council Member Kunasek on file in the City Secretary's Office)**

**A motion was made by Council Member Broseh to approve the August 31, 2009 special City Council Meeting minutes as presented. Seconded by Council Member Rudnicki, the motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - Greg Kunasek

**09-1597** Approval of the September 1, 2009 Special City Council Meeting Minutes

**(Affidavit for Mayor Cook on file in the City Secretary's Office)**

**(Affidavit for Council Member Kunasek on file in the City Secretary's Office)**

**A motion was made by Council Member Broseh to approve the September 1, 2009 special city council meeting minutes as presented. Seconded by Council Member Haynes, the motion CARRIED by the following vote:**

**Aye:** 5 - Mike Leyman;James Rudnicki;Cory Hoffman;Larry Broseh and Darryl Haynes

**Nay:** 0

**Abstain:** 2 - David Cook and Greg Kunasek

**09-1598** Approval of the September 2, 2009 Special City Council Meeting Minutes

**(Affidavit for Council Member Rudnicki on file in the City Secretary's Office)**

**A motion was made by Council Member Haynes to approve the September 2, 2009 special City Council Meeting Minutes as presented. Seconded by Council Member Leyman, the motion CARRIED by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - James Rudnicki

## **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 this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.*

*In accordance with Texas Government Code, Chapter 551, Mayor Cook recessed the City Council into executive session at 9:15 p.m. Mayor Cook reconvened the Council into executive session in the Council Conference Room at 9:24 p.m. Mayor Cook adjourned executive session at 10:41 p.m.*

## **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 Amendment of PD - South Pointe Development

City Attorney Briefing Regarding ZC# 09-001

## **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**

Update on MEDC Project 09-03

Forest City Incentives

## **RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 10:42 p.m.*

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

*No action taken by the Council.*

## **ADJOURN**

**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 10:42 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

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

ATTEST:

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