



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, October 12, 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** 2 - Greg Kunasek and Darryl Haynes

**Present** 5 - Mike Leyman; David Cook; James Rudnicki; Cory Hoffman and Larry Broseh

#### 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 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 Kunasek arrived at 5:20 p.m. and Council Member Haynes arrived at 6:56 p.m. Mayor Cook recessed executive session at 7:44 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**

Seek the Advice of City Attorney Regarding Revised Rental Policy of Public Facilities

Consideration of Possible Interlocal Agreement with Mansfield School District and Forest City for Development of Shops at Broad and the Proposed Event Center

Proposed Amendment to Water Park Ground Lease

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

City Attorney Briefing Re: Enforcement of City Safety Regulations applicable to the Range Resources Mansfield Partners South Drill Site (Addendum to Agenda)

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

Consideration of Possible Interlocal Agreement with Mansfield School District and Forest City for Development of Shops at Broad and the Proposed Event Center

**Personnel Matters Pursuant to Section 551.074**

Board Appointments; Zoning Board of Adjustments

**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 09-04

Forest City Incentives

Consideration of Possible Interlocal Agreement with Mansfield School District and Forest City for Development of Shops at Broad and the Proposed Event Center

**WORK SESSION (IMMEDIATELY FOLLOWING EXECUTIVE SESSION)**

Strategic Planning

*This agenda item was discussed during staff comments.*

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

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*Mayor Cook reconvened into regular business session at 7:50 p.m. and apologized for the lateness. He stated the work session would be discussed during staff comments.*

**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**

[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.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

*No action taken by the Council.*

**PROCLAMATION**

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**09-1642**

National Chamber of Commerce Week

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*Mayor Cook proclaimed October 19 - 23, 2009 as Chamber of Commerce Week and presented the proclamation to Chamber President Lucretia Mills and Chair Elect Wendy Burgess.*

**PRESENTATION**

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**09-1601**

2009 Excellence in Libraries Award

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*Director of Parks and Community Services Shelly Lanners made a brief presentation and presented the 2009 Excellence in Libraries Award to the City Council, City Manager and Library Staff.*

**09-1602**

2009 Best Friends Award to Friends of the Mansfield Public Library

[play video](#)

*City Librarian Steve Standefer made a brief presentation and presented the 2009 Best Friends Award to the Friends of the Mansfield Public Library Members. Steve introduced Graphics Designer Rick Sales as a member of the Friends of the Library.*

### 3CMA Savvy Award for Citizen Newsletter to Communications & Marketing Department

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*City Manager Clayton W. Chandler made a brief presentation and presented the 3CMA Savvy Award to the City. Director of Communications and Marketing Belinda Willis thanked the citizens for their feedback regarding the Citizens Newsletter.*

### **CITIZEN COMMENTS**

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*Tom Eastman, 704 Shady Creek, Kennedale, spoke about the Historic Music Festival. He provided the Council with a handout. Mr. Eastman gave details about the event. He introduced the Discover Historic Mansfield Board Members mentioning they do a great job volunteering their time. He gave information about the parking and shuttle service. Mr. Eastman informed the Council about their tote bag project stating they had delivered 100 tote bags to each hotel in the city. He stated the ribbon cutting for West Broad St. was moved back due to Oncor having electrical difficulties because of the rain.*

*Wade Mount, 5 Miterton Court, Mansfield, thanked the Council for what has been done about the parking issue on Clover Hill. He stated the Homeowners Association would like to ask to extend the no parking, no stopping or standing signs from Almond to Mallard.*

*Bill Beard, 202 West Oak Street, Mansfield, stated he was the immediate past President of the Mansfield Historical Society. He expressed his thanks and appreciation to the Council for their support. He thanked Assistant City Manager Chris Burkett for being their guest speaker at their annual luncheon and for all the information he provided. Mr. Beard also thanked Director of Business Services Peter Phillis and Accounting Supervisor Ellen Bell for helping them with their finances.*

### **COUNCIL ANNOUNCEMENTS**

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*Council Member Haynes had no announcements.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Leyman asked the Star-Telegran and the Mansfield News-Mirror to give proper attention to the Savvy Award awarded to the City.*

*Council Member Kunasek had no announcements.*

*Council Member Rudnicki had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook had no announcements.*

### **STAFF COMMENTS**

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

### Current/Future Agenda Items

*Mr. Chandler reminded everyone about the Future's of Mansfield Tennis Tournament. He also mention that the Playground Dedication would take place Tuesday, October 13, 2009.*

### Postings of signs prohibiting cell phone use in School Zones

*Mr. Chandler mentioned signs would be posted in the school zones.*

### Strategic Planning

*Mr. Chandler made a powerpoint presentation. Mayor Pro Tem Hoffman asked for the total dollar amount of the bond presentation to include the gas well revenues to be brought back to the Council.*

### Postponement of Ribbon Cutting for Improvements for West Broad Street

*No comments were made regarding this agenda item.*

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

*No comments were made regarding this agenda item.*

**Business Services Development**

[09-1639](#)

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

*No presentation was made.*

**OLD BUSINESS**

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[09-1616](#)

Resolution - A Resolution Approving An Economic Development Agreement for US Underwater Services

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*Director of Economic Development Scott Welmaker made a brief presentation. City Attorney Allen Taylor answered Council questions.*

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

**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 U.S. UNDERWATER SERVICES L.P. AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE**

**(Resolution 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; James Rudnicki; Greg Kunasek; Larry Broseh and Darryl Haynes

**Nay:** 1 - Cory Hoffman

**Abstain:** 0

Enactment No: RE-2554-09

**PUBLIC HEARING CONTINUATION AND SECOND READING**

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[09-1605](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Request for the Historic Landmark Overlay District

Zoning Classification for the Nugent Hart House on Approximately 0.47 Acres Located at 312 S. Waxahachie Street; St. Jude Catholic Church (ZC#09-007)

*Mayor Cook continued the public hearing at 8:45 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:45 p.m.*

**A motion was made by Council Member Broseh 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 THE HEREINAFTER DESCRIBED PROPERTY THE HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION, 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

## **CONSENT AGENDA**

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### **09-1638**

Approval of the September 28, 2009 Regular City Council Meeting Minutes

**A motion was made by Council Member Haynes to approve the September 28, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Leyman. The motion CARRIED with 7 ayes and 0 nays.**

### **09-1625**

Resolution authorizing the City Manager to submit a proposal in response to the Brownfields Assessment Grant Program FY 2010 call for proposals from the Environmental Protection Agency

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A PROPOSAL IN RESPONSE TO THE BROWNFIELDS ASSESSMENT GRANT PROGRAM FY 2010 CALL FOR PROPOSALS FROM THE ENVIRONMENTAL PROTECTION AGENCY**

**(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-2555-09

### **09-1641**

Resolution - A Resolution Authorizing a Design Services Contract in the amount of \$38,000 with Bannister Engineering, LLC and a Surveying

Services Contract in the amount of \$14,000 with Brittain & Crawford for the Antler Drive Paving and Utility Improvement Project (Utility Bond Fund).

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

**A RESOLUTION AUTHORIZING A CONTRACT WITH BANNISTER ENGINEERING, LLC FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE ANTLER DRIVE PAVING AND UTILITY IMPROVEMENTS; APPROPRIATING FUNDS AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS FOR SUCH DESIGN AND SURVEYING**

(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-2556-09

**END OF CONSENT AGENDA**

**NEW BUSINESS**

[play video](#)

**09-1643**

Board Appointment: Zoning Board of Adjustment

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**A motion was made by Council Member Broseh to appoint Joe Glover to the Zoning Board of Adjustment. 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

**ADJOURN**

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**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:47 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