



# CITY OF MANSFIELD

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

## Meeting Minutes - Final City Council

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Monday, November 23, 2009

5:00 PM

Council Chambers

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### REGULAR MEETING AMENDED AGENDA

#### **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 - James Rudnicki and Greg Kunasek

**Present** 5 - Mike Leyman; David Cook; 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 5:05 p.m. Mayor Cook called executive session to order at 5:10 p.m. in the Council Conference Room. Mayor Cook recessed executive session at 6:08 p.m.*

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

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

Naming of Public Facilities (Addendum)

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

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

Board Appointment; Zoning Board of Adjustment

**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

**WORK SESSION IMMEDIATELY FOLLOWING EXECUTIVE SESSION**

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*Mayor Cook called the work session to order at 6:15 p.m. and turned it over to City Manager Clayton W. Chandler.*

Follow-up Discussion Regarding Strategic Plan 2010/Proposed November 2010 Bond Election

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*Mr. Chandler made a presentation and provided information regarding the poll results, capital projects summary and debt curve to the Council. Police Chief Gary Fowler made comments regarding the communication system for the Police and Fire Departments. Mr. Chandler answered Council questions. Mayor Cook read an email from Council Member Rudnicki.*

Staff Briefing Regarding Proposed Interlocal Wastewater Contract with City of Arlington

*Mayor asked for this item to be discussed during staff comments.*

*Mayor Cook recessed the work session at 7:00 p.m.*

**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 7:10 p.m. Council Member Rudnicki arrived at 7:20 p.m.*

**Absent** 1 - Greg Kunasek

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

**INVOCATION**

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*Council Member Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

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*Salvation Army Captain Andy Miller 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.*

### **PRESENTATIONS**

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Texas Recreation and Parks Society Award Presentation

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*Mayor Cook along with Director of Parks and Community Services Shelly Lanners presented the Texas Recreation and Parks Society Award to Parks Superintendent Toby Fojtik.*

Salvation Army Red Kettle Kick-Off Presentation - Captain Andy Miller

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*Captain Andy Miller made a brief presentation regarding the Salvation Army Red Kettle Kick-Off. A clip of a City Council Meeting from the City of Arlington was played where Mayor Cluck challenged Mayor Cook that the City of Arlington could collect more money than the City of Mansfield. Mayor Cook made brief comments and challenged the Council to assist him in ringing the bell.*

Moritz Cadillac Presentation of Donation for the Hometown Holidays Event

[play video](#)

*Shelly Lanners, on behalf of Moritz Cadillac, presented a check to the City of help pay for the Hometown Holidays event.*

Methodist Mansfield Medical Center Presentation of Donation for the Hometown Holidays Parade

[play video](#)

*Methodist Mansfield Medical Center representative Angel Biasatti presented a check in the amount of \$5,000 to the city for the Hometown Holidays Parade.*

### **CITIZEN COMMENTS**

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*Norman Herrera - 100 Energy Way, Fort Worth - Chesapeake Energy representative Norman Herrera made comments regarding the meeting that was held between the*

*Gas Well Subcommittee and the gas industry operators. He thanked the Council for making that available to them. He made comments about as built drawings, cameras and dust mitigation. Mr. Herrera stated he believes that staff's rules do serve the balance of mineral development and quality of life.*

*Gary Mills - 1215 Brookfield, Mansfield - Mr. Mills spoke on behalf of the Mansfield Kiwanis Club. He advised that the Kiwanis Club would be holding a Breakfast with Santa on December 5, 2009, mentioning they use the profit from the breakfast for the Feed The Kids Summer Program. He stated they feed kids during the summer who during the school year eat free or reduced lunches. Mr. Mills asked the Council to participate at the Breakfast with Santa. He volunteered his wife Lucretia and himself to help ring the bell for the Red Kettle Kick-off.*

*Paul LeMoine - 1031 Bonanza Drive, Mansfield - Mr. LeMoine spoke about the gate at Asa Low Intermediate mentioning that the childrens safety was an issue. He asked that the gate be opened at least on a trial basis. Mr. LeMoine stated he lives about 4 miles from the school mentioning it takes 24 minutes to drop their children off at school.*

*Shea Kirkman - 777 Main St., Fort Worth - Jacobs Engineering representative Shea Kirkman thanked the Gas Well Subcommittee and the staff for their time and for allowing the gas well operators the opportunity to give their opinions.*

*Houston Mitchell - 605 St. Eric, Mansfield - Mr. Mitchell stated he would like for the Council and the citizens to know what great firefighters there are in the City of Mansfield. He mentioned there was a family father who went to Station 4 while the B Shift was working because he had no food or money to feed his children and the firefighters fed him and his family as well as gave him money out of their pockets.*

*Mayor Cook recognized the following non-speaker:*

*Christine LeMoine - 1031 Bonanza Drive, Mansfield - Mrs. LeMoine was in support of the Asa Low Intermediate gate being opened.*

## **COUNCIL ANNOUNCEMENTS**

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*Council Member Haynes stated he believed in what the Kiwanis Club of Mansfield is doing for the kids. He mentioned he would be there cooking and serving and challenged the Council to attend as well.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Leyman encouraged the community to go to the Christmas Parade.*

*Council Member Rudnicki thanked Director of Planning Felix Wong and Planner Art Wright for their time spent on the gas well meetings.*

*Council Member Broseh had no announcements.*

*Mayor Cook mentioned that there were other alternatives being looked at regarding the Asa Low gate issue.*

## **STAFF COMMENTS**

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## City Manager Report or Authorized Representative

Current/Future Agenda

Hometown Holidays and Holiday Parade on December 4-5, 2009

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*Recreation Superintendent Andy Binz made a brief presentation regarding the Hometown Holidays Event and the Holiday Parade.*

Ribbon Cutting for West Broad Street; December 14, 2009 at 4:00 p.m.

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*Mr. Chandler advised the West Broad Street Ribbon Cutting was going to be held on Monday, December 14, 2009 at 4:00 p.m.*

*Mr. Chandler asked Fire Chief Barry Bondurant to give an update on the Insurance Service Organization. Chief Bondurant stated the Fire Department has a new quint which was inspected by the insurance representative for the Mansfield area. He mentioned the representative stated he would recommend that the City's ISO rating be changed from a 4 to a 2, which means that the residents homeowners insurance rates should reduce by 10%. Chief Bondurant also mentioned the quint had a dedication to the firemen who lost their lives on 9/11/01. He gave an update on the H1N1 Clinic that was held on Saturday, November 21, 2009, and he gave an update as to what they were going to do with the left over shots. Assistant Director of Utility Operations Joe Smolinski made a brief presentation regarding the Proposed Interlocal Wastewater Contract with the City of Arlington. He answered Council questions.*

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

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**A motion was made by Mayor Pro Tem Hoffman to appoint James Ikey to the Zoning Board of Adjustments for a two year term. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

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

**Nays: 0**

**Abstain: 0**

**Absent: 1 - Greg Kunasek**

**OLD BUSINESS**[play video](#)**09-1657**

Ordinance -Third and Final Reading of an Ordinance Adopting Updated Land Use Assumptions, Roadway Capital Improvement Plans, and Revised Roadway Impact Fees

[play video](#)

*Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor and Mr. Chandler answered Council questions. Council Member Hoffman*

**A motion was made by Council Member Broseh to suspend the rules for discussion on this item. Seconded by Council Member Rudnicki. The motion CARRIED with 6 ayes and 0 nays.**

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 153 OF THE MANSFIELD CODE OF ORDINANCES BY ADOPTING AMENDMENTS TO ROADWAY IMPACT FEES; ADOPTING UPDATED LAND USE ASSUMPTIONS AND UPDATED ROADWAY CAPITAL IMPROVEMENTS PLAN; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE, to set the impact fee according to staffs recommendation and instruct staff to continue to collect at the current rates and for staff to bring the rates back in November 2010.**

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

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

**Nay:** 1 - Larry Broseh

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

Enactment No: OR-1757-09

**09-1680**

Ordinance - Public Hearing and First 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)

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*Mayor Cook advised this item would not be a public hearing.*

**A motion was made by Mayor Pro Tem Hoffman to approve the first reading of "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." 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

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

### **PUBLIC HEARING CONTINUATION AND SECOND READING**

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#### **09-1669**

Ordinance - Public Hearing and Second Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 51, Section 51.052 of the Code of Ordinances, City of Mansfield, Texas; so as to Revise and Change the Rates Charged for Water Services Furnished by the City of Mansfield, Texas; Repealing Ordinance 1735 and other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

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*Director of Utility Operations Bud Ervin answered Council questions. Mayor Cook continued the public hearing at 8:43 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:43 p.m.*

**A motion was made by Council Member Rudnicki to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 51, SECTION 51.052 OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO REVISE AND CHANGE THE RATE STRUCTURE AND RATES TO BE CHARGED FOR WATER SERVICE FURNISHED BY THE CITY; REPEALING ORDINANCE 1735 AND OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION THEREOF AND AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

[09-1670](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 51, Section 51.054 of the Code of Ordinances, City of Mansfield, Texas; so as to Revise and Change the Rates Charged for Sanitary Sewer Services Furnished by the City of Mansfield, Texas; Repealing Ordinance 1734 and other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

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*Mayor Cook continued the public hearing at 8:44 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:44 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 CHAPTER 51, SECTION 51.054 OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO REVISE AND CHANGE THE RATE STRUCTURE AND RATES TO BE CHARGED FOR SEWER SERVICE FURNISHED BY THE CITY; REPEALING ORDINANCE 1734 AND OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE PUBLICATION THEREOF AND AN EFFECTIVE DATE." 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

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

[09-1671](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance of the City of Mansfield, Texas Amending Chapter 51.073, 51.075, 51.076, 51.079, and 51.083 of the Code of Ordinances, City of Mansfield, Texas; so as to Revise Sections of the Chapter, as Established by Ordinance 763, which do not Correspond to House Bill 1979 Model Standards For a Grease Ordinance; Providing a Severability Clause; Providing for Publication and for an Effective Date

[play video](#)

*Mayor Cook continued the public hearing at 8:46 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:46 p.m.*

**A motion was made by Mayor Pro Tem Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 51, SECTION 51.073, 51.075, 51.076, 51.079, AND 51.083 OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS; SO AS TO REVISE SECTIONS OF THE CHAPTER, AS ESTABLISHED BY ORDINANCE 763, WHICH DO NOT CORRESPOND TO HOUSE BILL 1979 MODEL STANDARDS FOR A GREASE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION THEREOF AND AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

## **CONSENT AGENDA**

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### **09-1694**

Resolution - A Resolution by the City of Mansfield, Texas Affirming the Casting of Votes in the 2010-2011 Election of the Board of Directors for the Central Appraisal District of Johnson County, Texas

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

**RESOLUTION BY THE CITY OF MANSFIELD, TEXAS, AFFIRMING THE CASTING OF VOTES IN THE 2010-2011 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS**

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

Enactment No: RE-2561-09

### **09-1695**

Resolution - A Resolution by the City of Mansfield, Texas, Affirming the Casting of Votes in the 2010-2011 Election of the Board of Directors for the Tarrant Appraisal District of Tarrant County, Texas

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

**A RESOLUTION BY THE CITY OF MANSFIELD, TEXAS, AFFIRMING THE CASTING OF VOTES IN THE 2010-2011 ELECTION OF THE BOARD OF DIRECTORS FOR THE TARRANT APPRAISAL DISTRICT OF TARRANT COUNTY, TEXAS**

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

Enactment No: RE-2562-09

### **09-1696**

Resolution - A Resolution by the City of Mansfield, Texas Affirming the Casting of Votes in the 2010-2011 Election of the Board of Directors for the Ellis Appraisal District of Ellis County, Texas

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

**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2010-2011**

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

nays.

Enactment No: RE-2563-09

### **ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[09-1685](#)

Minutes - Approval of the November 9, 2009 Regular City Council Meeting Minutes

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*Council Member Leyman removed this item from the consent agenda. He stated he would be abstaining from the vote on this item.*

**A motion was made by Mayor Pro Tem Hoffman to approve the November 9, 2009 Regular City Council Meeting Minutes as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; James Rudnicki; Cory Hoffman; Larry Broseh and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Greg Kunasek

**Abstain:** 1 - Mike Leyman

[09-1686](#)

Minutes - Approval of the November 16, 2009 Special City Council Meeting Minutes

[play video](#)

*Mayor Cook removed this item from the consent agenda. Mayor Cook asked the vote show Council Member Leyman as abstaining instead of absent.*

**A motion was made by Mayor Pro Tem Hoffman to approve the November 16, 2009 Special Meeting Minutes as revised by Mayor Cook. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; James Rudnicki; Cory Hoffman; Larry Broseh and Darryl Haynes

**Nay:** 0

**Absent:** 1 - Greg Kunasek

**Abstain:** 1 - Mike Leyman

### **END OF CONSENT AGENDA**

### **ADJOURN**

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**A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:50 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Greg Kunasek

**Abstain:** 0

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

ATTEST:

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