



CITY OF MANSFIELD

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

Meeting Minutes - Final City Council

Monday, October 26, 2009

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.

Present 7 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; 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 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 5:10 p.m. in the Council Conference Room. Mayor Cook recessed executive session at 7:28 p.m.

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

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

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

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

Update City Council on On-going Negotiations, Enforcement and Operation Issues Related to Oil and Gas Drilling Activities

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

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

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

Forest City Incentives

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

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

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Mayor Cook reconvened into regular business session at 7:33 p.m. Mayor Cook apologized for the lateness and stated that the work session would be held at the end of the meeting.

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.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

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No action was taken by the Council.

PRESENTATION

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Recognition of Former Board and Commission Members

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Mayor Cook presented recognition plaques to Cheryl Litke who served as Chair of the Planning and Zoning Commission, Ken Adair who served as Vice Chair on the Planning and Zoning Commission, Pam Holland who served as a member on the Historic Landmark Commission, Barbara Holland who served as a member on the Keep Mansfield Beautiful Commission and Jason Miller who served as a member on the Library Advisory Board. He recognized Rene Olivier who served on the Zoning Board of Adjustment and Matt Crocker who served on the Historic Landmark Commission. Mayor Cook thanked the volunteers who serve on City boards and encouraged the citizens to volunteer.

Wrap-up of Historic Mansfield Music Festival; Tom Eastman

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Mayor Cook thanked the volunteers who helped with the Historic Mansfield Music Festival. Tom Eastman introduced the festival volunteers and made a powerpoint presentation. Volunteer Lisa Drake also made comments regarding the festival turnout.

CITIZEN COMMENTS

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Halle Garret, 9 Bryan Court, Mansfield, spoke as the President of the Builders Club and was accompanied by other Builders Club Members. She introduced their Teacher, Principal and their Advisor. She mentioned that their school and builders club were new and they needed hall passes to be in the hall. Ms. Halle stated they asked their Advisor Cheryl Litke to help find lanyards to attach the hall passes on and she referred them to Fire Marshal Ed Henderson. They presented a thank you poster to Chief Henderson and thanked him for supporting their club.

COUNCIL ANNOUNCEMENTS

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Council Member Haynes welcomed the Boy Scouts who were in the audience. He thanked Cotton Patch for donating 100% of their profit for a day to support the Kiwanis Feed the Children Summer Campaign.

Mayor Pro Tem Hoffman had no announcements.

Council Member Leyman had no announcements.

Council Member Kunasek recognized his mother, father and son who were in the audience.

Council Member Rudnicki thanked all of the Historic Mansfield Festival volunteers and mentioned that there was a great turn out at the festival and the attendance was larger this year.

Council Member Broseh announced that the tennis tournament wanted to express their appreciation to the Council for the hotel/motel funding.

Mayor Cook stated he saw a good article in the Star-Telegram regarding the tennis tournament. He agreed that it was a big success.

STAFF COMMENTS

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City Manager Report or Authorized Representative

Current/Future Agenda Items

Hawaiian Falls Citizen Season Pass Discount

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Director of Parks and Community Services Shelly Lanners made brief comments regarding the Hawaiian Falls Citizens Season Passes.

OLD BUSINESS

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09-1656

Discussion and Possible Action on a Request to Allow Revisions to the Approved Development Plan for the Planned Development for the Dalton Best Maid Pickle Plant Located at 1101 W. Debbie Lane; Dalton Best Maid Product Inc. (ZC#96-021A)

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Applicant representative Jim Schell, 901 Ft. Worth Club Bldg, Fort Worth, made a brief presentation and answered Council questions. City Attorney Allen Taylor and Director of Planning Felix Wong answered Council questions.

A motion was made by Mayor Pro Tem Hoffman to approve only the extension of time to January 31, 2010. Seconded by Council Member Haynes.

A motion to amend the main motion was made by Mayor Cook to allow the panel appearance; require that the plans be engineered and provided to staff and that the applicant maintain the appearance of the fence. Seconded by Council Member Leyman. The motion to amend FAILED by the following vote:

Ayes: 3 - David Cook; Mike Leyman and Larry Broseh

Nays: 4 - Darryl Haynes; Cory Hoffman; Greg Kunasek and

James Rudnicki

The main motion **CARRIED** with 7 ayes and 0 nays.

PUBLIC HEARING AND FIRST READING

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09-1657

Ordinance - Public Hearing and First Reading of an Ordinance Adopting Updated Land Use Assumptions, Roadway Capital Improvement Plans, and Revised Roadway Impact Fees

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City Secretary Vicki Collins read the caption into the record. Kimley Horn and Associates representative Jeff Whiteacre made a powerpoint presentation and answered Council questions. Director of Public Works Steve Freeman and Transportation Engineer David Boski answered Council questions. Mayor Cook opened the public hearing at 9:07 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 9:07 p.m.

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 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" as presented. Seconded by Council Member Kunasek. During Council discussion Mayor Cook called the question. The motion **CARRIED by the following vote:**

Aye: 6 - Mike Leyman; David Cook; James Rudnicki; Greg Kunasek; Cory Hoffman and Darryl Haynes

Nay: 1 - Larry Broseh

Abstain: 0

CONSENT AGENDA

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09-1605

Ordinance - Third and Final Reading of 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)

Vicki Collins read the caption into the record.

A motion was made by Mayor Pro Tem Hoffman to approve 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 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.

(Ordinance 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: OR-1756-09

[09-1654](#)

Minutes - Approval of the October 12, 2009 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the October 12, 2009 Regular Meeting Minutes as presented. Seconded by Council Member Broseh. The motion CARRIED with 7 ayes and 0 nays.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[09-1652](#)

Resolution - A Resolution Authorizing an Amendment to Schrickel, Rollins and Associates Inc. Contract not to Exceed \$23,602.00 for a Change in Scope of Design Services for the Callendar Road Improvements (Street Bond Fund and MPFDC)

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Mayor Pro Tem Hoffman removed this item from the consent agenda. Steve Freeman answered Council questions.

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION AMENDING THE CONTRACT WITH SCHRICKEL, ROLLINS AND ASSOCIATES INC. FOR THE DESIGN SERVICES FOR CALLENDER ROAD (FROM TURNER WARNELL TO HWY. 287)

(Resolution in its entirety 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: RE-2557-09

[09-1658](#)

Resolution - A Resolution to Consider an Addendum to the Water Park

Ground Lease with Mansfield Family Entertainment, LLC to Allow for the Construction of Additional Infrastructure at Hawaiian Falls Water Park Mansfield

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Council Member Leyman removed this item from the consent agenda.

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

A RESOLUTION TO CONSIDER AN ADDENDUM TO THE WATER PARK GROUND LEASE WITH MANSFIELD FAMILY ENTERTAINMENT, LLC TO ALLOW FOR THE CONSTRUCTION OF ADDITIONAL INFRASTRUCTURE AT HAWAIIAN FALLS WATER PARK MANSFIELD

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

Seconded by Council Member Broseh. 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-2558-09

[09-1660](#)

Resolution - A Resolution to Consider the First Amendment to the Revocable Pipeline License Agreement with DFW Midstream Services, LLC at the Mansfield Sports Complex Located at 920 N. Holland Road

[play video](#)

Council Member Rudnicki removed this item from the consent agenda. Shelly Lanners and Felix Wong answered Council questions.

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION TO CONSIDER THE FIRST AMENDMENT TO THE REVOCABLE PIPELINE LICENSE AGREEMENT WITH DFW MIDSTREAM SERVICES, LLC AT THE MANSFIELD SPORTS COMPLEX LOCATED AT 920 N. HOLLAND ROAD

(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-2559-09

END OF CONSENT AGENDA

NEW BUSINESS

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09-1653 Board Appointments: Keep Mansfield Beautiful Commission (KMBC)

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A motion was made by Mayor Cook to reappoint Jane Hart to the Keep Mansfield Beautiful Commission. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.

09-1661 Resolution - A Resolution of the City Council of the City of Mansfield, Texas Supporting Statewide Proposition 1 Allowing a Municipality or a County to Issue Bonds and Notes to Finance the Purchase of Buffer Areas or Open Spaces Adjacent to Military Installation Areas

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Assistant City Manager Chris Burkett made a brief presentation and answered Council questions.

A motion was made by Mayor Cook to approve the following resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS SUPPORTING STATEWIDE PROPOSITION 1 ON THE CONSTITUTIONAL AMENDMENT NOVEMBER 3, 2009 ELECTION BALLOT TO ALLOW A MUNICIPALITY OR A COUNTY TO ISSUE BONDS AND NOTES TO FINANCE THE PURCHASE OF BUFFER AREAS OR OPEN SPACES ADJACENT TO MILITARY INSTALLATION AREAS

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

Aye: 2 - Mike Leyman and David Cook

Nay: 5 - James Rudnicki;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes

Abstain: 0

WORK SESSION (IMMEDIATELY FOLLOWING EXECUTIVE SESSION)

Strategic Planning 2010/Staff Briefing/Discussion Regarding Posposed Water and Sewer Revenue Bond Issuance

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Mr. Chander made a powerpoint presentation and answered Council questions. Chris Burkett, Director of Utility Operations Bud Ervin and Steve Freeman made brief presentations and answered Council questions. Director of Business Services Peter Phillis answered Council questions. Council provided feedback to staff regarding the Strategic Planning presentation and the Proposed Water and Sewer Revenue Bond Issuance.

ADJOURN

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A motion was made by Council Member Kunasek to adjourn the meeting at 10:57 p.m. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary