



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, December 14, 2009

7:00 PM

Council Chambers

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### REGULAR

#### **7:00 P.M. - CALL MEETING TO ORDER**

*Mayor Cook called the meeting to order at 7:51 p.m.*

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

#### **INVOCATION**

*Council Member Broseh led the Invocation at the 6:00 p.m. meeting.*

#### **PLEDGE OF ALLEGIANCE**

*Council Member Rudnicki led the Pledge of Allegiance at the 6:00 p.m. meeting.*

#### **TEXAS PLEDGE**

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

*Council Member Leyman led the Texas Pledge at the 6:00 p.m. meeting.*

#### **PRESENTATIONS**

Presentation to 2009 Hometown Holidays Parade Winners

*Recreation Superintendent Andy Binz made a brief presentation stating they were going to recognize the organizations who won awards.*

Presentation to Hometown Holidays Grand Marshal

*Andy Binz announced the Grand Marshals were the Mansfield Citizens Police Academy Alumni Association. Mayor Cook presented a plaque to the Grand Marshals and each of the winners. The Grand Marshals Award winners were the Texas Red Bonnets. The Most Holiday Spirit Award went to the Alice Ponder PTA. The Most Creative Award went to the Mansfield Home Childcare Association.*

Presentation to Hometown Holidays Tree Challenge Winner

*The Holiday Tree Challenge Winner went to Mansfield Community Bank.*

**CITIZEN COMMENTS**

*Richard Littell - 2603 Woodbridge Trail, Mansfield - Mr. Littell spoke about the incentives the City offered the Mansfield Independent School District to build the event center at the Shops at Broad Street location. He stated the City offered a location that the Mansfield Independent School District could not afford as well as a land swap that would be in their favor. Mr. Littell asked for the city to consider that the location of the event center has limited access to Debbie Lane and Hwy 287 which would require possible road construction, road engineering and traffic signal lights. He mentioned the event center could hold crowds of up to 5,000 people and it would be used not only by the Mansfield Independent School District for graduations but it would be rented out to other school districts to hold their graduations. Mr. Littell asked that the City make the Mansfield Independent School District responsible for security, engineering, road construction, parking, roadway re-design, traffic lights and any other cost created by this facility.*

*Norman Herrera - 100 Energy Way, Fort Worth - Chesapeake representative Norman Herrera spoke about the gas well ordinance amendments. He spoke about the explosive charges in the gas well amendments stating there was redundant information. He asked there be a provisional permit or something for the operators to have an idea of what kind of devices are going to be used as explosives and if there is any notification required then the operator provide it to the Fire Chief and city staff within 72 hours that way they are aware what is inside each drill site. Mr. Herrera advised the operators were going to have a meeting with the Fire Chief to review the amendments and answer any questions.*

*Houston Mitchell - 605 St. Eric, Mansfield - Vice President of the Citizens Fire Alumni Association Houston Mitchell announced that the Citizens Fire Alumni Association was going to hold their 1st Annual Chili Cook-off on February 27, 2010 at Walnut Ridge Church. He mentioned the Association would be inviting other Fire Departments within the State of Texas as well as out of the State departments. Mr. Mitchell advised more information would be coming to the Council at the first meeting in January.*

**COUNCIL ANNOUNCEMENTS**

*Council Member Haynes made an announcement about the chili cook-off and asked for volunteers.*

*Mayor Pro Tem Hoffman had no announcements.*

*Council Member Leyman had no announcements.*

*Council Member Kunasek made an announcement about the West Broad Street Ribbon Cutting and thanked Discover Historic Mansfield, Inc. for their participation. He stated there were descendants of the Julian Field family present for the ribbon cutting.*

*Council Member Rudnicki had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook reminded everyone about the Salvation Army Red Kettle challenge from the City of Arlington.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

*No comments were made by staff.*

Fire Department Toy Drive

*Fire Chief Barry Bondurant advised the upcoming week was the last week to donate toys for the toy drive mentioning they are accepting toys at all Fire Stations. He mentioned the Fire Stations were having a Christmas light contest and invited everyone to drive by the closest station to them and enjoy the lights.*

**OLD BUSINESS**

**09-1680** Ordinance - Second 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)

*Director of Planning Felix Wong made brief comments and answered Council questions. City Attorney Allen Taylor and Barry Bondurant answered Council questions.*

**A motion was made by Council Member Broseh to approve the second reading with the**

**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 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 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

**09-1712** Resolution - A Resolution to Approve the Design Concept from AUI Contractors, Inc. (AUI) for the Skate Park to be Located at 1008 E. Broad Street

*Park Planner Hillary Hodges made a brief presentation and answered Council questions. AUI Contractors, Inc. representative Patrick Murphey made a brief power point presentation and answered Council questions. Mansfield Park Facilities Development Corporation Board Member Harold Bell made comments.*

**A motion was made by Mayor Cook to table the following resolution to the next regular scheduled meeting:**

**A RESOLUTION TO APPROVE THE DESIGN CONCEPT FROM AUI CONTRACTORS, INC. (AUI) FOR THE SKATE PARK TO BE LOCATED AT 1008 E. BROAD STREET**

**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

**09-1713**

Resolution - A Resolution to Award Part II of the Design/Build Contract Between the Mansfield Park Facilities Development Corporation (MPFDC) and AUI Contractors, Inc. (AUI) for Construction of the Skate Park to be Located at 1008 E. Broad Street for a Guaranteed Maximum Price (GMP) of \$497,562

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

**A RESOLUTION TO AWARD PART II OF THE DESIGN/BUILD CONTRACT BETWEEN THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION (MPFDC) AND AUI CONTRACTORS, INC. (AUI) FOR THE CONSTRUCTION OF THE SKATE PARK TO BE LOCATED AT 1008 E. BROAD STREET FOR A GUARANTEED MAXIMUM PRICE OF \$497,562**

**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

**09-1715**

Resolution - A Resolution to Adopt the 2009 Parks, Recreation, Open Space and Trails Master Plan

*Director of Parks and Community Services Shelly Lanners made a brief presentation and answered Council questions. Half Associates representatives Francois de Cock and Adam Woods made brief presentations and answered Council questions. Director of Business Services Peter Phillis answered Council questions.*

**A motion was made by Council Member Rudnicki to adopt the resolution with the following changes: not to place a time frame on the total expenditures of any kind other than the Council is adopting this plan without a deadline of 2014**

and in addition not to adopt the increases in the park fees and park dedication requirements until this Council or some Council in the future decides to change that plan. Seconded by Council Member Leyman. During discussion Council Member Rudnicki withdrew his motion.

A motion was made by Mayor Pro Tem Hoffman to table the following resolution to the next scheduled meeting and asked that staff change the title to build out plan and change all the dates in it as well as come back with a realistic 10 year plan that is prioritized based upon what is included in the plan.

**A RESOLUTION TO ADOPT THE 2009 PARKS, RECREATION, OPEN SPACE AND TRAILS MASTER PLAN**

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

**CONSENT AGENDA**

**09-1669** Ordinance - Third and Final 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

*City Secretary 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 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**

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

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

Enactment No: OR-1758-09

**09-1670** Ordinance - Third and Final 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

*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 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**

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

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

Enactment No: OR-1759-09

**09-1671**

Ordinance - Third and Final 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

*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 CHAPTER 51, SECTIONS 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**

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

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

Enactment No: OR-1760-09

**09-1707**

Resolution - A Resolution of the City of Mansfield, Texas Approving the Interlocal Wastewater Contract Between the City of Mansfield, Texas and the City of Arlington, Texas

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MANSFIELD, TEXAS AND THE CITY OF ARLINGTON, TEXAS PROVIDING WASTEWATER TRANSPORTATION AND DISPOSAL**

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

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

Enactment No: RE-2564-09

09-1714

Resolution - Authorizing the City Manager to Execute a Master Municipal Maintenance Agreement with the Texas Department of Transportation for the Maintenance and Operation of State highways Through the City

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

**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD TO ENTER A MUNICIPAL MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF MANSFIELD**

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

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

Enactment No: RE-2565-09

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

09-1709

Resolution - A Resolution Amending The Design Services Contract With Kimley Horn And Associates for the F.M. 1187 Utility Relocation & Construction Project for an amount not to exceed \$30,000.00 (Utility Bond Fund)

*Council Member Leyman removed this item from the consent agenda. Director of Public Works Steve Freeman answered Council questions.*

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

**A RESOLUTION AMENDING THE CONTRACT WITH KIMLEY HORN AND ASSOCIATES FOR DESIGN SERVICES OF THE F.M. 1187 UTILITY RELOCATION & CONSTRUCTION PROJECT**

(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-2566-09

**END OF CONSENT AGENDA**

**NEW BUSINESS**

09-1706

CONSIDER AND TAKE ACTION ON AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2009; IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,500,000; PROVIDING FOR THE SECURITY FOR AN PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

*Vicki Collins read the caption into the record. Peter Phillis made brief comments and answered Council questions. FirstSouthwest representatives Nick Gulash and Boyd London made a brief presentation and answered Council questions.*

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2009, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,585,000; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO**

**(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-1761-09

**09-1708** Consideration of a Request to Revise the Development Plan for The Tuscan Conference and Reception Center, a Planned Development for Office Park uses, a banquet facility, conference center and associated uses, located at 570 N. Walnut Creek Drive; Gary Grossman Architect/Construction Inc. (ZC#08-006A)

*Felix Wong made a brief presentation. Representative Larry Nix answered Council questions.*

**A motion was made by Council Member Rudnicki to revise the Development Plan for The Tuscan Conference and Reception Center. 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

**09-1710** Approval of the November 23, 2009 Regular City Council Meeting Minutes

**A motion was made by Mayor Pro Tem Hoffman to approve the November 23, 2009 Regular Meeting Minutes as presented. 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

**Abstain:** 1 - Greg Kunasek

### **RECESS INTO EXECUTIVE SESSION**

*The Council did not recess into executive session.*

### **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

City Attorney Briefing Regarding Enforcement of Gas Well Regulations

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

### **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

**RECONVENE INTO REGULAR BUSINESS SESSION**

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

No action was taken by the Council.

**ADJOURN**

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 10:29 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

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

ATTEST:

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