



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, November 9, 2009

5:00 PM

Council Chambers

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### REGULAR MEETING

#### **5:00 P.M. - CALL MEETING TO ORDER**

*Mayor Cook called the meeting to order at 5:00 p.m.*

**Absent** 1 - James Rudnicki

**Present** 6 - Mike Leyman; David Cook; 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 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 Rudnicki arrived at 7:05 p.m. Mayor Cook recessed executive session at 7:50 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**

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

*Council Member Leyman was not present in executive session during the discussion of this item.*

#### **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

*Council Member Leyman was not present in executive session during the discussion of this item.*

**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

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

*Council Member Leyman was not present in executive session during the discussion of this item.*

*Council Member Leyman returned to executive session at 7:31 p.m.*

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

*Mayor Cook reconvened into regular business session at 7:56 p.m. He apologized for being late stating there was a joint meeting going on with the Mansfield Economic Development Corporation Board.*

**INVOCATION**

*Community on Lake Ridge Church Pastor Paul Mints led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Pastor Paul Mints led the Pledge of Allegiance.*

**TEXAS PLEDGE**

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

*Council Member Haynes led the Texas Pledge.*

## PRESENTATION

Joint Meeting with Mansfield Economic Development Corporation Board to Receive Public Input and Discussion Regarding the Proposed Mansfield Independent School District Performing Arts Center on the Proposed Shops at Broad Street Development

*City Manager Clayton Chandler made brief comments regarding the purpose of the joint meeting with the Mansfield Economic Development Corporation Board. Mayor Cook recognized the Mansfield Economic Development Corporation Board Members in attendance, President Ben King and Board Members Heather Beagles and Charles Williams, as well members of staff, Director of Economic Development Scott Welmaker, Assistant Director of Economic Development Richard Nevins and Secretary Tammy Taylor.*

*The following people spoke:*

*Tom Eastman - 704 Shady Creek, Kennedale  
Karen Pope - 108 Carlin Road, Mansfield  
Mike Doris - 4101 W. Green Oaks Blvd. # 199, Arlington  
Linda Gooch - 240 Carlin Road, Mansfield*

*The following people presented non-speaker cards:*

*Robert Hinkle - 419 Country Meadow Drive, Mansfield - support  
Chuck Wilson - 3405 Forest Shire Court, Arlington - support  
Terry Moore - 3 Morningside Court, Mansfield - support  
Jane Grizzle - 1875 Paul Street, Mansfield - opposed  
Lisa Drake - 2401 Aramic Court, Mansfield - support*

*A motion was made by Mansfield Economic Development Corporation Board Member Charles Williams to adjourn the joint meeting at 8:25 p.m. Seconded by Mansfield Economic Development Corporation Board Member Heather Beagles. The motion CARRIED with 3 ayes and 0 nays.*

## CITIZEN COMMENTS

*Pete Shryock, 1706 Clover Hill Road, Mansfield, stated he was the president of the Walnut Creek Home Owners Association. He thanked the Council for the opportunity to speak. Mr. Shryock spoke in opposition of the opening of the gate at Asa E. Low, Jr. Intermediate School. He stated the traffic has slowed down because no parking signs were put up. He asked the Council not to allow the gate to be open, mentioning their property values would decrease and residents who live on Clover Hill would not be able to get in and out of their drive ways.*

*Wade Mount, 3 Miterton Court, Mansfield, stated he was a member of the Walnut Creek North Home Owners Association. He stated the traffic in the subdivision was going to increase immeasurably mentioning a speed study that was done in the past years. He stated that for the safety of the children it would be best for the gate not to be opened.*

*Walter Dueease, 810 Houston Street, Fort Worth, spoke about the amendments to the proposed gas well ordinance. He spoke about the explosive requirements in the proposed ordinance mentioning their requirements would have a delay on the continuous drilling operation. Mr. Dueease stated he hoped that the intent to*

*maintain an operation site does not exceed the perimeter pad site fence line into property that is not owned, maintained or subject to the surface use agreement. He mentioned that the stipulation seemed to target the oil and gas industry with unnecessary cost, potential delays and expensive operations and asked that the stipulations be openly discussed between operator and task force in order for a more balanced amendment.*

*Johnathan Ragsdale, 777 Main Street, Fort Worth, spoke about the proposed amendments to the gas well drilling ordinance. He spoke about the paving of the access roads, distance set and security cameras. He mentioned that if the city wanted to employ a technical advisor the fee should not be in addition to the fees that the operator has already paid.*

*Brandon McKinley, 100 Energy Way, Fort Worth, spoke about the proposed amendments to the gas well drilling ordinance. He asked that prior to the second reading the Council allow for operator input.*

*Norman Herrera, 100 Energy Way, Fort Worth, spoke about the proposed amendments to the gas well drilling ordinance. He stated that he thought a work session environment would be the best way to approach this issue. Mr. Herrera mentioned that anytime there are significant changes to an ordinance there should be an opportunity for conversation. He spoke about the as-built requirements, future submittal, right-of-way improvements, security cameras, dust mitigation and the technical advisor.*

*Mayor Cook recognized the following non-speakers:*

*Tammy Decker, 815 Twin Creek, Mansfield - support Asa Low gate opening  
Lisa Hudgins, 4 Morningside Court, Mansfield - support Asa Low gate opening  
Shauna Hoffman, 5 Losana Court, Mansfield - oppose Asa Low gate opening  
Anita Moore, 3 Morningside Court, Mansfield - support Asa Low gate opening*

## **COUNCIL ANNOUNCEMENTS**

*No member of Council had announcements.*

## **STAFF COMMENTS**

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

#### Current/Future Agenda Items

*Mr. Chandler stated that there would be a follow-up on Strategic Planning at the next regular scheduled meeting.*

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

*No action taken by the Council.*

## **OLD BUSINESS**

**09-1681** Follow up Discussion and Possible Action Regarding MISD Request to Open Gate Access at Asa E. Low, Jr. Intermediate School on Clover Hill Drive

*Transportation Engineer David Boski made brief comments and answered Council questions. Council Member Leyman stated he would be abstaining from any vote on this agenda item and mentioned he would make comments and answer questions as an employee of the Mansfield Independent School District. City Attorney Allen Taylor explained to the Council that Council Member Leyman could do so. Council Member Leyman spoke on the items as an employee of the Mansfield Independent School District.*

**No action taken by the Council.**

Mayor Cook stated that agenda item 09-1683 would be moved up in the agenda.

**09-1683** Resolution - A Resolution of the City of Mansfield, Texas, Declaring Support for the Mansfield Pioneer Place-Senior Independent Living Facility Development, a Joint Tax Credit and Home Investment Partnership Program Application to the Texas Department of Housing and Community Affairs for the Application Year 2010

*Bethlehem Baptist Church Pastor Michael Evans and The Youngs Company representative Don Youngs made brief presentations. Allen Taylor answered Council questions regarding the legality of the resolution.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, DECLARING SUPPORT FOR THE MANSFIELD PIONEER PLACE - SENIOR INDEPENDENT LIVING FACILITY DEVELOPMENT, A JOINT TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE APPLICATION YEAR 2010**

**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-2560-09

## **PUBLIC HEARING AND FIRST READING**

**09-1669** Ordinance - Public Hearing and First 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

*Director of Utility Operations Bud Ervin made a brief powerpoint presentation and answered Council questions. Mayor Cook opened the public hearing at 9:42 p.m.*

*The following person spoke during the public hearing:*

*Richard Littell - 2603 Woodbridge Trail - support*

*With no one else wishing to speak, Mayor Cook continued the public hearing at 9:54 p.m.*

**A motion was made by Council Member Broseh to approve the first 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 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

**09-1670**

Ordinance - Public Hearing and First 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

*Bud Ervin made a brief presentation. Mayor Cook opened the public hearing at 9:55 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 9:56 p.m.*

**A motion was made by Council Member Kunasek to approve the first 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 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

**09-1671**

Ordinance - Public Hearing and First 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

*Pre-Treatment Coordinator John Woodworth made a brief presentation and answered Council questions. Mayor Cook opened the public hearing at 9:58 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 9:58 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 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." 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

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

**09-1657**

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

*Director of Planning Felix Wong and David Boski made brief comments. Mayor Cook continued the public hearing at 10:01 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 10:01 p.m.*

**A motion was made by Council Member Broseh to suspend to rules for discussion. Seconded by Council Member Kunasek. The motion CARRIED with 7 ayes and 0 nays.**

**A motion was made by Mayor Cook to approve the second 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 ASSUMPTION 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," with instructions for staff to bring back Council Member Broseh's impact fee's calculated into the table at the next meeting. Seconded by Mayor Pro Tem Hoffman. The motion CARRIED by the following vote:**

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

**Nay:** 1 - Mike Leyman

**Abstain:** 0

**NEW BUSINESS**

- 09-1667** Minutes - Approval of the October 26, 2009 Regular City Council Meeting Minutes
- A motion was made by Mayor Pro Tem Hoffman to approve the October 26, 2009 Regular City Council Meeting Minutes as presented. 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
- 09-1662** Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular Scheduled City Council Meeting of December 28, 2009 to December 14, 2009
- A motion was made by Council Member Broseh to approve the suspension of the Procedural Rules of Council and reschedule the regular scheduled City Council Meeting of December 28, 2009 to December 14, 2009. Seconded by Council Member Haynes. The motion CARRIED with 7 ayes and 0 nays.**
- Aye:** 7 - Mike Leyman;David Cook;James Rudnicki;Greg Kunasek;Cory Hoffman;Larry Broseh and Darryl Haynes
- Nay:** 0
- Abstain:** 0
- 09-1672** Consideration of a Request to Revise the Development Plan for The Enclave, a Planned Development for Professional and Medical Offices Located at 103 E. Debbie Lane; MA Engineering and Construction (ZC#06-009C)
- MA Engineering and Construction representative Edward Arshouk made brief comments and answered Council questions. Felix Wong answered Council questions.*
- A motion was made by Mayor Pro Tem Hoffman to approve the request to revise the development plan for The Enclave project. Seconded by Council Member Haynes. The motion CARRIED with 7 ayes and 0 nays.**
- 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)
- Felix Wong made brief comments and answered Council questions.*
- A motion was made by Council Member Kunasek to table 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" to the next regular scheduled meeting of November 23, 2009 and have the subcommittee meet with the oil and gas industry. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 4 - Mike Leyman;Greg Kunasek;Cory Hoffman and Larry Broseh

**Nay:** 3 - David Cook;James Rudnicki and Darryl Haynes

**Abstain:** 0

**ADJOURN**

**A motion was made by Council Member Kunasek to adjourn the meeting at 10:49 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