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CITY OF MANSFIELD

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

Meeting Minutes City Council

Monday, September 28, 2009

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 pm.

Present 7 - Mike Leyman; David Cook; James Rudnicki; 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 pm. Mayor Cook called executive session to order at 5:05 pm in the Council Conference Room and recessed executive session at 7:26 pm.

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. 141-233920-08 Lance Levan vs. City of Mansfield

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

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

City Attorney Briefing on Litigation with Range Resources (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 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

Economic Development Project 09-04

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

6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

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

Mayor Cook reconvened into regular business session at 7:33 pm.

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Kunasek led the Pledge of Allegiance.

TEXAS PLEDGE

Council Member Leyman led the Texas Pledge.

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

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

PRESENTATION

Texas House of Representatives Resolution from Rep. Chris Turner and Rep. Paula Pierson
Congratulating the City of Mansfield for 24th Best Places to Live

A resolution congratulating the City of Mansfield for being named in the top 25 best places to live in America by MONEY Magazine was presented to the Council by Representative Chris Turner and Representative Paula Pierson.

American Red Cross

Director of Communications and Government Relations Emily Getzschman briefly spoke about the services offered by the American Red Cross.

PROCLAMATION

09-1620

Fire Prevention Week

Mayor Cook proclaimed October 4-10, 2009 as "Fire Prevention Week." Mayor Cook presented the proclamation to Fire Chief Barry Bondurant and Fire Department staff. Fire Marshal Ed Henderson announced open house would be held at Fire Station #3 located at 3100 East Broad Street on Saturday, October 3, 2009 from 10 am until 2:00 pm.

CITIZEN COMMENTS

Tom Eastman, 704 Shady Creek, Kennedale, spoke on behalf of Discover Historic Mansfield, Inc. Mr. Eastman presented web traffic update information to the Council. He commented on the restaurants, wine tasting venues and other activities that would be taking place during the Music Festival. Mr. Eastman commented the ribbon cutting for West Broad Street has been scheduled for November 9th. Mr. Eastman commented on the study regarding head-in parking in the downtown area.

Joe Bruce, 1210 Saint Andrews Drive, Mansfield, commented that Fields #8 and #9 in the Sports Complex are not being maintained. He stated ant hills, holes in the fields and mosquitoes are a problem. Mayor Cook recommended Mr. Bruce speak to Director of Parks and Community Services Shelly Lanners.

Scott Long, 1910 Yarmouth Court, Mansfield, a resident of Walnut Creek North subdivision spoke regarding the dangerous traffic on Clover Hill due to the recent completion of Asa Low, Jr. Intermediate School. He stated prior to completion of the school, the Walnut Creek North subdivision board was advised by the school district that the entrance would only be used for emergencies and children would not be entering or exiting that entrance. He stated the entrance is being used by parents to drop off and pick up their children on Clover Hill and has caused traffic problems on Clover Hill Road and a safety issue for the children. Mr. Long expressed his appreciation to the city for the placement of school zone signs, No Parking signs, and the Mansfield Police Department enforcing the signs. Mr. Bruce asked to keep the entrance closed to traffic entering and exiting to pick up their children and recommended the school district look at alternatives such as constructing an additional drive to Walnut Creek Drive.

Pete Shryock, 1706 Clover Hill Road, Mansfield, President of the Walnut Creek North

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HOA, spoke about the Asa Low entrance on Clover Hill Road. Mr. Shryock thanked the city for having the police officers at the school today but commented the city cannot afford to have 3 or 4 officers at the school everyday. He stated the issues being faced at this time are the safety of the children entering and exiting the entrance at the school, traffic on Clover Hill Road and the depreciation of property values of the homes on Clover Hill. Mr. Shryock stated they were told by the MISD that the gate would not be used for an entrance or exit. He stated it was the MISD's intention all along to use the gate as an entrance and exit.

Kevin McCormack, 1909 Yarmouth Court, Mansfield, a resident of the Walnut Creek North subdivision, spoke about the issues on Clover Hill Road and the entrance to the Asa Low Intermediate School on Clover Hill. He stated they were told at the beginning the gate entrance only be used for emergencies. Mr. McCormack stated Clover Hill was never intended to accommodate a school entrance. He stated the traffic is going to increase if the entrance is opened and there is already a speeding problem on Clover Hill.

Wade Mount, 5 Miterton Court, Mansfield, spoke on the Clover Hill issue. He expressed his thanks to the city for realizing there is a problem and having police officers at the location and placing No Parking, No Stopping signs on one side of the street. He stated the best way to resolve the problem is to put No Parking, No Stopping, No Standing signs all the way from Mallard all the way down 2 blocks past Almond and at the 4-way intersection of Almond and Clover Hill on both sides of the street.

Dennis Bowden, 1612 Clover Hill Road, Mansfield, a resident of Walnut Creek North HOA stated he opposed opening the gate for any kind of entrance and stated it will become a safety hazard for the pedestrians and residents on Clover Hill. He stated he along with the other residents will be affected by the No Parking signs. He stated safety, the traffic flow and another entrance should have been considered during the design of the school. Mr. Bowden spoke about the number of signs from the corner of Almond to his residence.

Mayor Cook recognized the following non-speakers opposed to the Asa Low gate :

Pamela Bowden, 1612 Clover Hill Road, Mansfield
Don Ryan, 1701 Clover Hill Road, Mansfield
Jocalyn Briggs, 1604 Clover Hill Road, Mansfield

COUNCIL ANNOUNCEMENTS

Council Member Haynes congratulated the Pecan Festival organizers and the Chamber of Commerce for a great festival this year. Council Member Haynes encouraged everyone to be a part of the upcoming Music Festival.

Mayor Pro Tem Hoffman agreed with the comments made by Council Member Haynes regarding the Pecan Festival. He felt it was the biggest and best event the city has had and thanked everyone for their hard work.

Council Member Leyman agreed with the comments made by Mayor Pro Tem Hoffman and Council Member Haynes and thanked everyone for a fantastic job and stated he was looking forward the the Music Festival.

Council Member Kunasek gave an update on the future water supply. He stated the Tarrant Water District and the Dallas Water District are working together to build a joint use pipeline to bring the water supply to the metroplex.

Council Member Rudnicki had no comments.

Council Member Broseh expressed his appreciation to the citizens for their comments. He encouraged the citizens to make their comments known to the school board.

Mayor Cook stated he agreed with the other comments made by the Council regarding the Pecan Festival. He stated it was a good project and applauded the efforts of the Mansfield Area Chamber of Commerce. Mayor Cook suggested that maybe someday the Music Festival and the Pecan Festival could take place on the same weekend.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton W. Chandler thanked everyone involved in the Pecan Festival.

Regarding the opening behind Asa Low Intermediate School, Mr. Chandler stated staff is still researching information and will not have a recommendation at tonight's meeting.

Potential Nominees for Ellis, Johnson and Tarrant County Appraisal Boards

Mr. Chandler stated council members should call his office if they have any nominations for the Tarrant, Johnson and Ellis County Appraisal Boards.

Kiosk Sign Policy

Mr. Chandler stated the City has received a lot of interest from other entities in the City regarding the kiosk signs. He stated staff will be re-examining the policy and any ideas are welcome.

Mr. Chandler stated staff will report back to the Council at a later date regarding the study for head-in parking in the downtown area.

Mr. Chandler commented he is assured the comments made regarding fields #8 and #9 have been noted by Ms. Lanners. Mr. Chandler stated the city by policy does not mosquito spray unless a special event requires it.

Mr. Chandler asked Director of Communications and Marketing Belinda Willis to speak on the award the city received for the newsletter. Ms. Willis stated the Mansfield Citizen newsletter won the first place SAVVY Award winner for cities with a population of 60,000 and up.

OLD BUSINESS

09-1624

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

Mayor Cook stated there would not be any action taken on this item. Staff was asked to bring this item back at a time when they had a recommendation on how to handle the rear entrance at the Asa Low Intermediate School.

PUBLIC HEARING AND FIRST READING

09-1605 Ordinance - Public Hearing and First 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)

City Secretary Vicki Collins read the caption into the record.

Mayor Cook opened the public hearing at 8:29 pm. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:29 pm.

A motion was made by Council Member Haynes to approve the first reading on "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 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

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

09-1619 Approval of the September 14, 2009 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the September 14, 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

09-1621 Approval of the September 21, 2009 Special City Council Meeting Minutes

A motion was made by Mayor Pro Tem Hoffman to approve the September 21, 2009 special 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

09-1609

Resolution - Resolution Supporting the Closure of North Main Street for the Historic Mansfield Music Festival

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
IN SUPPORT OF CLOSING MAIN STREET FOR THE ANNUAL HISTORIC
MANSFIELD MUSIC FESTIVAL**

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

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

Enactment No: RE-2549-09

09-1611

Resolution - A Resolution Authorizing an Interlocal Agreement between the City of Mansfield and the North Central Texas Council of Governments to Retain a Consultant to Analyze Current HHW Services and Make Recommendations for Improving HHW Services

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

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE
CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS TO RETAIN A CONSULTANT TO ANALYZE CURRENT HHW
SERVICES AND MAKE RECOMMENDATIONS FOR IMPROVING HHW
SERVICES**

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

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

Enactment No: RE-2550-09

09-1617

Resolution - A Resolution Awarding Bids for Food for the Mansfield Law Enforcement Center

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

A RESOLUTION AWARDED BIDS FOR FOOD FOR THE MANSFIELD LAW ENFORCEMENT CENTER

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

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

Enactment No: RE-2551-09

ITEMS REMOVED FROM THE CONSENT AGENDA

09-1616

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

Mayor Pro Tem Hoffman removed this item from the consent agenda.

A motion was made by Mayor Pro Tem Hoffman to table this agenda item until the next meeting. 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: 1 - Greg Kunasek

Abstain: 0

09-1612

Resolution - A Resolution Authorizing an Interlocal Agreement between the City of Mansfield and the North Central Texas Council of Governments to Retain a Consultant to Analyze Current Efforts for Recycling in Municipal Facilities and Make Recommendations for Improving the Existing Efforts and to Create a Sustainable Products Procurement System

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 AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE

CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TO RETAIN A CONSULTANT TO ANALYZE CURRENT EFFORTS FOR RECYCLING IN MUNICIPAL FACILITIES AND MAKE RECOMMENDATIONS FOR IMPROVING THE EXISTING EFFORTS AND TO CREATE A SUSTAINABLE PRODUCTS PROCUREMENT SYSTEM

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

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

Enactment No: RE-2553-09

09-1610

Resolution - A Resolution Authorizing an Interlocal Agreement between the City of Mansfield and the North Central Texas Council of Governments for the Purpose of Making State Solid Waste Grants Funds Available to the City for the Purchase of a Truck and Trailer to Expand HHW Services and Address Other Waste Related Issues

Council Member Broseh removed this item from the consent agenda. Steve Freeman answered Council questions.

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

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF A TRUCK AND TRAILER TO EXPAND HHW SERVICES AND ADDRESS OTHER WASTE RELATED ISSUES

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

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

Enactment No: RE-2552-09

END OF CONSENT AGENDA

NEW BUSINESS

09-1592 Board Appointment(s); Mansfield Park Facilities Development Corporation

A motion was made by Council Member Kunasek to reappoint Wayne Lee, Wendy Collini, and Giovanna Phillips to the Mansfield Park Facilities Development Corporation for an additional 2-year term beginning October 2009. 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

09-1613 Board Appointment(s); Planning and Zoning Commission

A motion was made by Council Member Leyman to reappoint Wayne Wilshire to the Planning and Zoning Commission for a 2 year term. 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

09-1614 Board Appointment(s); Zoning Board of Adjustment

A motion was made by Mayor Pro Tem Hoffman to reappoint Patrick Jones, Robyn Accipiter and Diane Bachlinger to the Zoning Board of Adjustment for a 2-year term. 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

09-1615 Board Appointment(s); Historic Landmark Commission

A motion was made by Council Member Leyman to reappoint Dr. Robert Smith and Kathryn Howard, appoint JoAnn Harris and Ronnie Thompson and appoint Toni Grisham as an alternate to the Historic Landmark Commission for 2-year terms. 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

DRAFT

Nay: 0

Abstain: 0

09-1622 Board Appointment(s); Library Advisory Board

A motion was made by Council Member Haynes to reappoint Cindy Gray, Judy Lee, and Sherri Chambers and appoint Bobby Quinten to the Library Advisory Board for a 2-year term beginning October 1, 2009 and ending September 30, 2011. 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

09-1623 Board Appointment(s); Mansfield Economic Development Corporation

A motion was made by Council Member Rudnicki to reappoint Jerry Heftler and Charles Williams to the Mansfield Economic Development Corporation for a 2-year term. 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

ADJOURN

A motion was made by Mayor Pro Tem Hoffman to adjourn the meeting at 8:48 pm. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Vicki Collins, City Secretary