



CITY OF MANSFIELD

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

Meeting Agenda City Council

Monday, January 12, 2009

5:00 PM

Council Chambers

REGULAR MEETING

1. 5:00 P.M. - CALL MEETING TO ORDER

2. 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 this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

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

License Agreement between MPFDC and Barnett Gathering, LP for gas pipeline at 920 N. Holland Rd. and 3750 National Parkway

License Agreement between MPFDC and DFW Midstream, Inc. for a gas pipeline at 920 N. Holland Rd. and 3750 National Parkway

Memorandum of Understanding Agreement between MPFDC and XTO Energy for surface use at 920 N. Holland Rd.

City Attorney Briefing on Lawsuit Cause No. 352-230106-06 Valerie Mantos vs. City of Mansfield

City Attorney Briefing on Lawsuit Cause No. 06-41026-3 Daniel Jay Massey

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

Acquisition of Land for Potential Park Use 10-08-02

C. Personnel Matters Pursuant to Section 551.074

Resignation of Planning and Zoning Commission Board Member

D. 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

Forest City Development Incentives

South Pointe Development Incentives

3. 6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

4. 7:00 P.M. – RECONVENE INTO REGULAR BUSINESS SESSION

5. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

6. INVOCATION

7. PLEDGE OF ALLEGIANCE

8. TEXAS PLEDGE

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

9. CITIZEN COMMENTS

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from "personal criticisms."

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow "Appearance Card" located at the entry to the City Council Chamber and present it to the City Secretary.

10. ANNOUNCEMENTS

11. STAFF COMMENTS

In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.

A. City Manager Report or Authorized Representative

Upcoming Meeting Notifications and Scheduling Priorities

Hawaiian Falls Update

12. PUBLIC HEARING AND FIRST READING

09-1280

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 1560 and other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

Sponsors: Bud Ervin

Attachments: [Proposed 2009 Sewer Rate Ordinance](#)
[2009 Public Hearing Notice](#)

09-1298

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 1559 and Other Ordinances in Conflict Herewith; Providing a Severability Clause; Providing for Publication and for an Effective Date

Sponsors: Bud Ervin

Attachments: [Proposed 2009 Water Rate Ordinance](#)
[2009 Public Hearing Notice](#)

09-1296

Ordinance - Public Hearing and First Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 3.842 Acres, Generally Located North of East Debbie Lane and Approximately 2,300 Feet East of Matlock Road at 1700 and 1800 Mansfield Webb Road; Carrizo Oil & Gas, Inc. (ZC#08-018)

Sponsors: Felix Wong

Attachments: [Maps and Supporting Information](#)
[Ordinance with Exhibits A and B](#)

13. PUBLIC HEARING CONTINUATION AND SECOND READING

08-1250

Ordinance- Public Hearing Continuation and Second Reading Regarding Amendments to the Current Smoking Ordinance

Sponsors: Richard Wright

Attachments: [Smoking Ord Amended 08](#)

08-1264

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Specific Use Permit for Gas Well Drilling and Production on Approximately 7.03 Acres, Generally Located South of the Intersection of Newt Patterson Road and the Union Pacific Railroad Track, on Property Addressed at 1671 Newt Patterson Road; XTO Energy, Inc. (ZC#08-022)

Sponsors: Felix Wong

Attachments: [Maps and Supporting Information](#)
[Ordinance with Exhibits A and B](#)

14. CONSENT AGENDA

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff's recommendation.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**08-1235**

Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change from SF-12/22 to OP on Approximately 2.96 Acres, Generally Located at 2001 Stephens Avenue and 1909 Lone Star Road; Energy Transfer Fuel, L.P. (ZC#08-021)

Sponsors: Felix Wong

Attachments: [Maps and Supporting Information](#)

[Ordinance](#)

[Dillard Letter](#)

08-1236

Ordinance - Third and Final Reading of an Ordinance to Amend Sections 4600.E and 5200.I.6 of the Zoning Ordinance to Regulate Pole-Mounted Electrical, Gas, Cable Television and Telephone Support Equipment (OA#08-006)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[Photographs of Pole-Mounted Equipment](#)

[Redlined Sec 4600 and 5200](#)

09-1278

Resolution - A Resolution Approving a Basic Engineering Services Agreement for the "Water Treatment Plant Phase IV Expansion to 45-MGD" Construction Project with Alan Plummer and Associates. These services will be Funded by the December 2008 Water and Sewer Revenue Bond Issue at a Cost not to Exceed One Million One Hundred Fifty Three Thousand Dollars and No Cents (\$1,153,000.00)

Sponsors: Bud Ervin

Attachments: [Engineering Services Agreement](#)

[Resolution](#)

09-1290

Resolution - A Resolution to Approve the Memorandum of Understanding Between the MPFDC and XTO Energy, Inc. for Access for Natural Gas Drilling Including Engineering and Road Improvements at the Mansfield Sports Complex located at 920 N. Holland Road

Sponsors: Shelly Lanners

Attachments: [Resolution](#)

[Site Plan](#)

[Aerial Map of Proposed Pad Site, Frac Pond, Access Road](#)

09-1291

Resolution - A Resolution to Approve the License Agreement Between MPFDC and Barnett Gathering, L.P. for Installation and Operation of a Natural Gas Pipeline at the

Mansfield Sports Complex Located at 920 N. Holland Road and Mansfield National Golf Club Located at 3750 National Parkway

Sponsors: Shelly Lanners

Attachments: [Resolution](#)
[Aerial Map of Pipeline Alignment](#)

09-1292

Resolution - A Resolution to Approve the License Agreement Between MPFDC and DFW Midstream, Inc. for Installation and Operation of a Natural Gas Pipeline at the Mansfield Sports Complex Located at 920 N. Holland Road and Mansfield National Golf Club Located at 3750 National Parkway

Sponsors: Shelly Lanners

Attachments: [Resolution](#)
[Aerial Map of Pipeline Alignment](#)

09-1294

Resolution - A Resolution Awarding a Contract for Construction of the FY 2007 & 2008 Community Development Block Grant Projects, for the 3rd Avenue, 4th Avenue, & Alvarado Street improvements to McClendon Construction Co., Inc. for an Amount not to Exceed \$429,188.24 (Street Bond Fund)

Sponsors: Steve Freeman

Attachments: [Resolution](#)
[Exhibit A](#)
[Exhibit B](#)

09-1295

Resolution - A Resolution Authorizing a Design Services Contract in the amount of \$114,500 with Kimley Horn And Associates and a Surveying Services Contract in the Amount of \$25,000 with Brittain & Crawford for the F.M. 1187 Utility Relocation & Construction Project (Utility Bond Fund)

Sponsors: Steve Freeman

Attachments: [Resolution](#)

09-1288

Approval of the December 8, 2008 6:00 p.m. Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [12-8-08 6:00 p.m. DRAFT Meeting Minutes](#)

09-1289

Approval of the December 8, 2008 7:00 p.m. Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [12-8-08 7:00 p.m. DRAFT Meeting Minutes](#)

09-1300

Approval of the January 5, 2009 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [1-5-09 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. NEW BUSINESS

[09-1293](#) Approval of the December 3, 2008 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [12-3-08 DRAFT Meeting Minutes](#)

16. ADJOURN

AGENDA MAP

[09-1297](#) Agenda Map of Detailed Agenda Items

Attachments: [Agenda Map](#)

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin board next to the main entrance of the City Hall, 1200 East Broad Street, of the City of Mansfield, Texas, in a place convenient and readily accessible to the general public at all times and said Agenda was posted on the following date and time: Thursday, January 8, 2009 by 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Vicki Collins, City Secretary

Approved as to form:

Craig Magnuson, Attorney, City of Mansfield

1. This building is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. To make arrangements, call (817) 473-0211 or (TDD) 1-800-RELAY TX, 1-800-735-2989.

2. In deciding a zoning change application, the Planning and Zoning required to determine the highest and best use of the property in question. The Planning and Zoning Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every district up to the intensity set forth in the zoning change application.

This public notice was removed from the official posting location at the Mansfield City Hall on the following date and time:

By: _____
City Secretary's Office

ADDENDUM TO AGENDA

Monday, January 12, 2009

5:00 PM

The following item has been added to the agenda:

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 this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

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

Water Treatment Plant Easement and Property Acquisitions

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin board next to the main entrance of the City Hall, 1200 East Broad Street, of the City of Mansfield, Texas, in a place convenient and readily accessible to the general public at all times and said Agenda was posted on the following date and time: Friday, January 9, 2009 by 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Vicki Collins, City Secretary

Approved as to form:

Craig Magnuson, Attorney, City of Mansfield

1. This building is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. To make arrangements, call (817) 473-0211 or (TDD) 1-800-RELAY TX, 1-800-735-2989.

2. In deciding a zoning change application, the Planning and Zoning required to determine the highest and best use of the property in question. The Planning and Zoning Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every district up to the intensity set forth in the zoning change application.

This public notice was removed from the official posting location at the Mansfield City Hall on the following date and time:

By: _____
City Secretary's Office