



# CITY OF MANSFIELD

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

## Meeting Agenda City Council

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Monday, January 26, 2009

5:00 PM

Council Chambers

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### 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**

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

Attorney Briefing on Potential Litigation Concerning Mansfield National Golf Course Encroachment

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

Water Treatment Plant Easement and Property Acquisitions

**C. Personnel Matters Pursuant to Section 551.074**

**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**

**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. PRESENTATIONS**

**09-1312** Presentation to Mansfield High School Football Player Stepfan Taylor

**Attachments:** [Stepfan Taylor](#)

**09-1315** Presentation to Fran Nifong for her years of service on the Historic Mansfield Commission

**Sponsors:** Felix Wong

North Central Texas Council of Governments Staff Member Regarding Resolution Supporting Regional Transportation Council Legislative Program for 81st Texas Legislative Including Rail North Texas

**10. 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.*

**11. COUNCIL ANNOUNCEMENTS****12. 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**

1st Quarter Budget Adjustment

Quarterly Reports - Planning and Zoning, Mansfield Park Facilities Development Corporation, Mansfield Economic Development Corporation, Public Works, Legal

Winter Walk, Saturday, January 31, 2009 at 10:00 a.m.

Texas Recreation and Parks Society Award Announcements

## **B. Business Services Department**

**09-1311** Presentation of Monthly Financial Report for the Period Ending December 31, 2008

**Sponsors:** Peter Phillis

**Attachments:** [December 2008 Financial](#)

## **13. PUBLIC HEARING AND FIRST READING**

**09-1308** Ordinance - Public Hearing and First Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 5.817 Acres, Generally Located East of Retta Road, Approximately 1,250 Feet North of West Broad Street, on Property at 491 Retta Road; Chesapeake Operating, Inc. (ZC#08-023)

**Sponsors:** Felix Wong

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

## **14. 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 Amended09-1](#)

**09-1280** Ordinance - Public Hearing Continuation and Second 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 Continuation and Second 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 Continuation and Second 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](#)  
[Distance Waiver](#)

## **15. 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**

**08-1264** Ordinance - Third and Final 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](#)

**09-1313** Resolution - A Resolution Supporting Resolution R08-08 Adopted by the Regional Transportation Council on October 9, 2008 Regarding the Legislative Program for the 81st Texas Legislature and Resolution R08-11 Adopted by the Regional Transportation Council on December 11, 2008 Regarding a Legislative Position on Rail North Texas A Primary Rail Legislative Program with Supplemental Roadway Improvements

**Sponsors:** Chris Burkett

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[01-12-09 M&C](#)  
[RTC Memorandum](#)

**09-1310** Request for Special Event Permit; Prairie Man Half Iron Triathlon

**Sponsors:** Richard Wright

**Attachments:** [Prairieman Application](#)  
[Bike Course](#)  
[Sign Application](#)

**09-1306** Approval of the January 12, 2009 Regular City Council Meeting Minutes

**Sponsors:** Vicki Collins

**Attachments:** [DRAFT 1-12-09 Meeting Minutes](#)

**END OF CONSENT AGENDA**

**16. NEW BUSINESS**

**09-1316** Discussion and Possible Action Regarding Proposed Debbie Lane Improvements at Ben Barber Career Tech Center

**Sponsors:** Steve Freeman

**17. ADJOURN**

**AGENDA MAP**

**09-1307** Agenda Map of Detailed Agenda Items

**Attachments:** [01-26-09 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 22, 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 26, 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.*

**C. Personnel Matters Pursuant to Section 551.074**

Resignation of Planning and Zoning Commission Board Member

**CERTIFICATION**

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

Approved as to form:

\_\_\_\_\_  
Craig Magnuson, Attorney, City of Mansfield

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