



# CITY OF MANSFIELD

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

## Meeting Agenda City Council

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Tuesday, May 26, 2009

5:00 PM

Council Chambers

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### REGULAR MEETING

#### **1. 5:00 P.M. ADMINISTER OATH OF OFFICE: GREG KUNASEK, DARRYL W. HAYNES AND CORY HOFFMAN**

#### **2. 5:15 P.M. - CALL MEETING TO ORDER**

#### **3. 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. 06-41026-3 Daniel Jay Massey

City Attorney Briefing on Lawsuit Cause No. 352-230106-08 Valerie Mantos vs. City of Mansfield

City Attorney Briefing Regarding ZC#09-001

Receive or Seek Advice of the City Attorney Regarding Legislative Changes and Issues Related to Open Meetings / Open Records Requirements

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

#### **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**

#### **4. WORK SESSION (IMMEDIATELY FOLLOWING EXECUTIVE SESSION)**

Staff Council, Discussion Regarding Safety, Inspection and Enforcement at Gas Well Specific Use Permit's

**5. 6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION****6. 7:00 P.M. – RECONVENE INTO REGULAR BUSINESS SESSION****7. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION****8. INVOCATION****9. PLEDGE OF ALLEGIANCE****10. TEXAS PLEDGE**

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

**11. PRESENTATION**

Presentation by Habitat for Humanity

**12. ELECTION OF MAYOR PRO TEM****13. 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.*

**14. COUNCIL ANNOUNCEMENTS****15. 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**

Current/Future Agenda Items

Presentation of the Trash Pick-up Results and Hazardous Household Waste Event - Howard Redfean

**16. OLD BUSINESS**

- [09-1466](#) Authorization to Settle Lawsuit Cause No. 06-41026-3 Daniel Jay Massey  
**Sponsors:** Allen Taylor

**17. PUBLIC HEARING CONTINUATION AND SECOND READING**

- [09-1439](#) Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving an Amended Specific Use Permit for Gas Well Drilling and Production on Approximately 5.772 Acres Located at 839 S. Mitchell Road; XTO Energy, Inc. (ZC#09-002)  
**Sponsors:** Felix Wong  
**Attachments:** [Maps and supporting information](#)  
[Ordinance with Exhibits A and B](#)  
[Revised Exhibit B](#)
- [09-1440](#) Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Zoning Change from PR, Pre-Development to C-2, Community Business on Approximately 3.391 Acres Located at 1675 N. Main Street; Valdar Properties No. 4 L.L.C. (ZC#09-003)  
**Sponsors:** Felix Wong  
**Attachments:** [Maps & Supporting Information](#)  
[Ordinance](#)

**18. 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**

- [09-1447](#) Ordinance - Second Reading of an Ordinance Authorizing the City Manager to Execute a Contract of Sale to the Fort Worth Area Habitat for Humanity, Inc. to Construct New Affordable Single Family Housing  
**Sponsors:** Chris Burkett  
**Attachments:** [Ordinance Habitat](#)  
[Habitat Contract of Sale](#)
- [09-1461](#) Resolution - A Resolution to Award a Contract for Construction of a Traffic Signal at the Intersection of Debbie Lane and the East Driveway of Ben Barber Career Academy to Durable Specialties, Inc. for an Amount not to Exceed \$122,820.00 (Reimbursed by the Mansfield Independent School District)  
**Sponsors:** Steve Freeman

**Attachments:** [Resolution](#)  
[Exhibit A - Bid Tab](#)

**09-1462** Resolution - A Resolution Approving an Interlocal Agreement with the Mansfield Independent School District (MISD) for the Installation, Operation and Maintenance of a Traffic Signal at the Intersection of Debbie Lane/Ben Barber Career Academy

**Sponsors:** Steve Freeman

**Attachments:** [Resolution](#)  
[Interlocal Agreement](#)

**09-1458** Request for Special Event Permit for the Historic Mansfield Art Festival to be held June 5th & 6th, 2009

**Sponsors:** Felix Wong

**Attachments:** [Historic Mans Art Festival Approval Comments](#)  
[Historic Mans Arts Festival](#)

**09-1459** Approval of the May 11, 2009 Regular City Council Meeting Minutes

**Sponsors:** Vicki Collins

**Attachments:** [DRAFT 5-11-09 Meeting Minutes](#)

### **END OF CONSENT AGENDA**

## **19. NEW BUSINESS**

**09-1467** Designation of Official Voting Representative to North Central Texas Council of Governments

**Sponsors:** Chris Burkett

**Attachments:** [Voting Representative Form](#)  
[General Assembly Information](#)

## **20. ADJOURN**

### **AGENDA MAP**

**09-1460** 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, May 21, 2009 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Vicki Collins, City Secretary

Approved as to form:

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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:

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By: \_\_\_\_\_  
City Secretary's Office