



CITY OF MANSFIELD

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

Meeting Agenda City Council

Monday, December 14, 2009

7:00 PM

Council Chambers

REGULAR

1. 7:00 P.M. - CALL MEETING TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. TEXAS PLEDGE

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

5. PRESENTATIONS

Presentation to 2009 Hometown Holidays Parade Winners

Presentation to Hometown Holidays Grand Marshal

Presentation to Hometown Holidays Tree Challenge Winner

6. 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.

7. COUNCIL ANNOUNCEMENTS

8. 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

Fire Department Toy Drive

9. OLD BUSINESS

09-1680 Ordinance - Second 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)

Sponsors: Felix Wong

Attachments: [Revised Ordinance for 11-23-09](#)

09-1712 Resolution - A Resolution to Approve the Design Concept from AUI Contractors, Inc. (AUI) for the Skate Park to be Located at 1008 E. Broad Street

Attachments: [Resolution](#)
[Concept Design](#)

09-1713 Resolution - A Resolution to Award Part II of the Design/Build Contract Between the Mansfield Park Facilities Development Corporation (MPFDC) and AUI Contractors, Inc. (AUI) for Construction of the Skate Park to be Located at 1008 E. Broad Street for a Guaranteed Maximum Price (GMP) of \$497,562

Attachments: [Resolution](#)

09-1715 Resolution - A Resolution to Adopt the 2009 Parks, Recreation, Open Space and Trails Master Plan

Attachments: [Resolution](#)

10. 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

09-1669 Ordinance - Third and Final 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

Sponsors: Bud Ervin and Joe Smolinski

Attachments: [2010 Public Hearing Notice](#)
[Water Rate Ordinance](#)

09-1670 Ordinance - Third and Final 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

Sponsors: Bud Ervin and Joe Smolinski

Attachments: [2010 Public Hearing Notice](#)
[Sewer Rate Ordinance](#)

09-1671 Ordinance - Third and Final 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

Sponsors: John Woodworth

Attachments: [Sewer Ordinance Amendments](#)
[2010 Public Hearing Notice](#)
[Sewer Amendments Ordinance](#)

09-1707 Resolution - A Resolution of the City of Mansfield, Texas Approving the Interlocal Wastewater Contract Between the City of Mansfield, Texas and the City of Arlington, Texas

Sponsors: Bud Ervin and Joe Smolinski

Attachments: [Mansfield Wholesale Wastewater Contract -- Final - 110309](#)
[Resolution Wastewater](#)

09-1709 Resolution - A Resolution Amending The Design Services Contract With Kimley Horn And Associates for the F.M. 1187 Utility Relocation & Construction Project for an amount not to exceed \$30,000.00 (Utility Bond Fund)

Sponsors: Steve Freeman

Attachments: [Resolution](#)

09-1714 Resolution - Authorizing the City Manager to Execute a Master Municipal Maintenance Agreement with the Texas Department of Transportation for the Maintenance and Operation of State highways Through the City

Sponsors: Steve Freeman

Attachments: [Resolution](#)
[TxDOT MMA](#)

END OF CONSENT AGENDA

11. NEW BUSINESS

09-1706 CONSIDER AND TAKE ACTION ON AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MANSFIELD, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2009; IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,500,000; PROVIDING FOR THE SECURITY FOR AN PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; APPROVING AN ENGAGEMENT LETTER APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

Sponsors: Peter Phillis

Attachments: [Ordinance](#)

09-1708 Consideration of a Request to Revise the Development Plan for The Tuscan Conference and Reception Center, a Planned Development for Office Park uses, a banquet facility, conference center and associated uses, located at 570 N. Walnut Creek Drive; Gary Grossman Architect/Construction Inc. (ZC#08-006A)

Sponsors: Felix Wong

Attachments: [Applicant Letter of Request](#)
[Proposed Sign](#)

09-1710 Approval of the November 23, 2009 Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [DRAFT 11-23-09 Meeting Minutes](#)

12. 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. 352-228421-08 Lance Ward and Hannah Ward vs. City of Mansfield

Naming of Public Facilities

City Attorney Briefing Regarding Enforcement of Gas Well Regulations

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

Economic Development Project 09-03

13. RECONVENE INTO REGULAR BUSINESS SESSION

14. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

15. ADJOURN

AGENDA MAP

[09-1711](#) Agenda Map of Detailed Agenda Items

Sponsors: Vicki Collins

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, December 10, 2009 by 7:00 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