



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft City Council

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Monday, January 9, 2012

5:00 PM

Council Chambers

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### REGULAR MEETING AMENDED AGENDA

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

*Mayor Cook called the meeting to order at 5:00 p.m.*

**Present** 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

#### **WORK SESSION TO BE HELD IN MULTI-PURPOSE ROOM**

*Mayor Cook called the work session to order at 5:00 p.m. and turned it over to City Manager Clayton Chandler.*

Discussion Regarding Future Workshop(s)/Retreat with Council and Staff

*Mr. Chandler addressed the Council regarding future workshops and retreats with the Council and staff. He asked for Council's input and asked for direction on how to proceed with scheduling work sessions. Mr. Chandler gave options for work sessions and spoke about important dates of FY 2011-2012.*

#### **RECESS INTO EXECUTIVE SESSION IMMEDIATELY FOLLOWING WORK SESSION**

*Pursuant to Section 551.071 of the Texas Government Code, the Council reserves the right to convene into 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 the Texas Government Code, Chapter 551, Mayor Cook recessed into executive session at 5:57 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:02 p.m. Mayor Cook adjourned executive session at 6:55 p.m.*

#### **Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071**

Seek Advice of City Attorney Regarding Zoning Case #11-005

Seek Advice of City Attorney Regarding Settlement of Case No. 08-64353-2: City of Mansfield v. CKL, LLC

Seek Advice of City Attorney Regarding Zoning Case #10-005A

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

**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 #11-13: An Industrial Manufacturing Prospect Locating in Mansfield

Economic Development Project #11-16: Corporate Headquarters Relocation

**7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

*Mayor Cook reconvened into regular business session at 7:00 p.m.*

**INVOCATION**

*Mayor Pro Tem Broseh led the Invocation.*

**PLEDGE OF ALLEGIANCE**

*Council Member Lindsey led the Pledge of Allegiance.*

**TEXAS PLEDGE**

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

*Council Member Hoffman led the Texas Pledge.*

**CITIZEN COMMENTS**

*There were no citizen comments.*

**COUNCIL ANNOUNCEMENTS**

*There were no Council announcements.*

**STAFF COMMENTS**

**City Manager Report or Authorized Representative**

Current/Future Agenda Items

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

*Mr. Chandler stated staff was available to answer questions regarding the quarterly reports.*

**TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

**No action taken by the Council.**

**CONSENT AGENDA**

**11-2523** Ordinance - Third and Final Reading of an Ordinance Amending Ordinance Nos. 1103, 1429, And Or-1799-11 of the City Of Mansfield to Provide for the Billing of Users of the Municipal Drainage Utility System Pursuant to Subchapter C of Chapter 552 of the Texas Local Government Code, to Provide Definitions of Benefitted Property, Commercial Property, Residential Property and User, and to Establish Procedures to Determine the Party Responsible for Payment of Drainage Utility Charges; Providing a Severability Clause and an Effective Date

*City Secretary Vicki Collins read the caption into the record.*

**A motion was made by Council Member Haynes to approve the following ordinance:**

**AN ORDINANCE AMENDING ORDINANCE NOS. 1103, 1429, AND OR-1799-11 OF THE CITY OF MANSFIELD TO PROVIDE FOR THE BILLING OF USERS OF THE MUNICIPAL DRAINAGE UTILITY SYSTEM PURSUANT TO SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE, TO PROVIDE DEFINITIONS OF BENEFITTED PROPERTY, COMMERCIAL PROPERTY, RESIDENTIAL PROPERTY AND USER, AND TO ESTABLISH PROCEDURES TO DETERMINE THE PARTY RESPONSIBLE FOR PAYMENT OF DRAINAGE UTILITY CHARGES; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE**

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

**Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

Enactment No: OR-1829-12

**11-2544** Ordinance - Third and Final Reading of an Ordinance Authorizing the

Execution of a Gas Lease Agreement between the City of Mansfield and XTO Energy for City-Owned Right-of-Way Property Located in the S. Callender Survey, A-659, Lot 2, Block 5, Oakdale Addition, and in the M. Rockerfellow Survey, A-1267, Lot 1, Block 3, Tate Street Addition

*Vicki Collins read the caption into the record.*

**A motion was made by Council Member Haynes to approve the following ordinance:**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND XTO ENERGY FOR CITY-OWNED RIGHT-OF-WAY PROPERTY LOCATED IN THE S. CALLENDER SURVEY, A-659, LOT 2, BLOCK 5, OAKDALE ADDITION, AND IN THE M. ROCKERFELLOW SURVEY, A-1267, LOT 1, BLOCK 3, TATE STREET ADDITION**

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

**Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

Enactment No: OR-1830-12

**11-2571**

Resolution - A Resolution Awarding a Contract for Construction of the Newport Street Paving, Drainage and Utility Improvements to SYB Construction Co., Inc. for an Amount Not to Exceed \$409,912.13. (Street Bond Fund & Utility Revenue Bond Fund)

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

**A RESOLUTION AWARDED A CONTRACT FOR CONSTRUCTION OF NEWPORT STREET PAVING, DRAINAGE AND UTILITY IMPROVEMENTS TO SYB CONSTRUCTION CO. INC., APPROPRIATING FUNDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

**Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

Enactment No: RE-2758-12

**11-2573**

Resolution - A Resolution Authorizing a Contract with Jerry Parche Consulting Engineers for Design Services for an amount not to Exceed \$49,500.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$16,000.00 for the Broad Street and Miller Road Intersection Improvements (Bond Fund)

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

**A RESOLUTION AUTHORIZING A CONTRACT WITH JERRY PARCHE CONSULTING ENGINEERS FOR DESIGN SERVICES AND WITH BRITTAİN & CRAWFORD FOR SURVEYING SERVICES FOR THE BROAD STREET AND MILLER ROAD INTERSECTION IMPROVEMENTS**

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

**Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

Enactment No: RE-2759-12

**12-0001**

Resolution - A Resolution Authorizing a Contract with Schrickel, Rollins and Associates, Inc. for Design Services for an amount not to Exceed \$42,862.00 and a Contract with Brittain and Crawford for Surveying Services not to Exceed \$22,500.00 for the Matlock Road, Debbie Lane and Mansfield Webb Intersection Improvements (Bond Fund)

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

**A RESOLUTION AUTHORIZING A CONTRACT WITH SCHRICKEL, ROLLINS AND ASSOCIATES, INC. FOR DESIGN SERVICES AND WITH BRITTAIN & CRAWFORD FOR SURVEYING SERVICES FOR THE MATLOCK ROAD, DEBBIE LANE AND MANSFIELD WEBB INTERSECTION IMPROVEMENTS**

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

**Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

Enactment No: RE-2760-12

**12-0005**

Council Consider Approval of the Settlement Agreement of Case No. 08-64353-2: City of Mansfield v. CKL, LLC

**A motion was made by Council Member Haynes to approve the settlement agreement of Case No. 08-64353-2: City of Mansfield v. CKL, LLC. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

**12-0006**

Council Consider Approving the Acquisition of Real Property for the Grand Meadow Boulevard Right-of-Way as Previously Directed in the Approval of Specific Use Permit by Ordinance # OR-1819-11 on September 26, 2011 (Addendum to Agenda)

**A motion was made by Council Member Haynes to approve the Acquisition of Real Property for the Grand Meadow Boulevard Right-of-Way as Previously Directed in the Approval of Specific Use Permit by Ordinance # OR-1819-11 on September 26, 2011. Seconded by Council Member Hoffman. The motion CARRIED with 7 ayes and 0 nays.**

### **ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

**12-0002**

Minutes - Approval of the December 12, 2011 6:00 p.m. Regular City Council Meeting Minutes

*Council Member Burgess removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the December 12, 2011 6:00 p.m. Regular Meeting Minutes as presented. Seconded by Council Member**

**Hoffman. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 1 - Wendy Burgess

**12-0003**

Minutes - Approval of the December 12, 2011 7:00 p.m. Regular City Council Meeting Minutes

*Council Member Burgess removed this item from the consent agenda.*

**A motion was made by Mayor Cook to approve the December 12, 2011 7:00 p.m. Regular Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:**

**Aye:** 6 - David Cook;Stephen Lindsey;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 1 - Wendy Burgess

### **END OF CONSENT AGENDA**

### **NEW BUSINESS**

**11-2567**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and B & B Family Limited Partnership and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Director of Economic Development Scott Welmaker made brief comments and answered Council questions. B & B Family Limited Partnership representative Robert Luecke answered Council questions.*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND B & B FAMILY LIMITED PARTNERSHIP AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE**

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

**Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:**

**Aye:** 7 - David Cook;Stephen Lindsey;Wendy Burgess;Cory Hoffman;Larry Broseh;Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 0

Enactment No: RE-2761-12

**ADJOURN**

**A motion was made by Council Member Hoffman to adjourn the meeting at 7:10 p.m. Seconded by Council Member Haynes. The motion CARRIED with 7 ayes and 0 nays.**

**Aye:** 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

**Nay:** 0

**Abstain:** 0

\_\_\_\_\_ David L. Cook, Mayor

ATTEST:

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