



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
mansfieldtexas.gov

Meeting Agenda

City Council

Monday, May 22, 2017

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**

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Development on Hwy 287 and E. Broad Street

Seek Advice of City Attorney Regarding Property Management and Disposition

Seek Advice of City Attorney Regarding Project #17-09

Seek Advice of City Attorney Regarding Encroachment Issue

Seek Advice of City Attorney Regarding Senate Bill 4 (SB4)

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 Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087**

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

4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **TEXAS PLEDGE**

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

8. **PROCLAMATION**

[17-2304](#) National Poppy Day

Attachments: [National Poppy Day 2017](#)

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 Assistant City Secretary prior to the start of the meeting.

10. **COUNCIL 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**

Current/Future Agenda Items

Street Maintenance Update - David Boski

12. **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

13. **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

[17-2250](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Request to Abandon the Western Half of the Prescriptive Right-of-Way of Miller Rd. (.413 Acres) North of Heritage Parkway to Heritage Town Center, LLC & ECW Investments, LLC

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Ordinance](#)

[Exhibit A&B](#)

[Miller Rd. Map](#)

[Heritage Legal and Exhibit](#)

[ECW Investments Legal and Exhibit](#)

[Quitclaim Deed-ROW Abandonment- Heritage Town Center - Miller Rd.](#)

[Quitclaim Deed-ROW Abandonment ECW-Miller Rd](#)

[17-2206](#)

Ordinance- First Reading of an Ordinance Deleting Section 011 of Chapter 150 of Title XV of the City Code of the City of Mansfield, As Amended, by Inserting Provisions Regarding Establishing Regulations Applicable to Dangerous and Substandard Buildings; Providing for the Repair, Demolition, Removal, Securing, and Vacation of Dangerous and Substandard Buildings; Providing that this Ordinance Shall be Cumulative of All Ordinances; Providing a Severability Clause; Providing for a Penalty for Violations Hereof; Providing a Savings Clause; Providing for Publication in the Official Newspaper; and Providing an Effective Date

Sponsors: Joe Smolinski

Attachments: [Ordinance](#)

[17-2295](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Motor Vehicle Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force

Sponsors: Clayton Chandler and Tracy Aaron

Attachments: [Resolution](#)

[17-2298](#)

Resolution - A Resolution Awarding a Contract for Construction of the FY 2016 Community Development Block Grant Project for Tarrant Street Paving, Drainage and Utility Improvements to McClendon Construction, LLC. for an Amount Not to Exceed \$506,828.96 (Street Bond Fund and Utility Bond Fund and 2016 Community Development Block Grant Program)

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[Exhibit A-Tarrant Street map](#)

[Exhibit B- BID TAB](#)

[17-2310](#) Resolution - A Resolution to Consider Executing a Consultant Agreement with TRC Architects in the amount of \$97,700 for Design Development, Construction Documents and Construction Administration Services for the Parks Administration Building

Sponsors: Shelly Lanners and Matt Young

Attachments: [Resolution](#)

[TRC Proposal](#)

[17-2312](#) Resolution - A Resolution Awarding a Contract for the Construction of Heritage Parkway Left Turn Lane and Price Road/Sentry Drive Realignment to XIT Paving and Construction, Inc., and Appropriating Funding for an Amount Not to Exceed \$600,000.00 (Street Bond Fund, MEDC)

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[Price Sentry Heritage location map](#)

[17-2317](#) Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$733,394.88 and Approval of Contracts, Including Design and Construction Services with Freese & Nichols, Inc., for Design, Site Acquisition and Construction Administration for the Southwest Elevated Storage Tank (Utility Bond Fund)

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[Location Map](#)

[17-2316](#) Minutes - Approval of the May 2, 2017 Special City Council Meeting Minutes

Sponsors: Shelly Lanners and Jeanne Heard

Attachments: [5-2-17 DRAFT Meeting Minutes](#)

[17-2308](#) Minutes - Approval of the May 8, 2017 Regular City Council Meeting Minutes

Sponsors: Shelly Lanners and Jeanne Heard

Attachments: [5-8-17 DRAFT Meeting Minutes](#)

[17-2322](#) Minutes - Approval of the May 16, 2017 Special City Council Meeting Minutes

Sponsors: Shelly Lanners and Jeanne Heard

Attachments: [5-16-17 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

14. PUBLIC HEARING AND FIRST READING[17-2299](#)

Ordinance - Public Hearing and First Reading on an Ordinance to Amend Section 7100, "Sign Standards," of the Zoning Ordinance to Establish New Regulations for Temporary Realtor Open House Directional Signs and Human Signs; (OA#17-001)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Ordinance](#)

[17-2305](#)

Ordinance - Public Hearing and First Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Authorizing the City's Participation in the Texas Enterprise Zone Program Pursuant to the Texas Enterprise Zone Act, Chapter 2303 ("The Act"), Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties, and Nominating Mouser Electronics, Inc. to the Office of the Governor Economic Development & Tourism Through the Economic Development Bank as an Enterprise Project

Sponsors: Clayton Chandler and Shelly Lanners

Attachments: [Ordinance](#)

[Published Notice](#)

15. NEW BUSINESS[17-2311](#)

Resolution - A Resolution to Consider Awarding a Construction Contract to Morales Construction Services Inc. in the Amount of \$65,850 for Construction of the Mansfield Memorial Plaza

Sponsors: Shelly Lanners and Matt Young

Attachments: [Resolution](#)

[Mansfield Memorial Plaza Bid Tab](#)

[17-2315](#)

Ordinance - First Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2017 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be just and Reasonable and in the Public Interest; Requiring Reconciliation and Rate Adjustments if Federal Income Tax Rates Change; Terminating the RRM Process for 2018 Pending Renegotiation of RRM Terms and Conditions; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel

Sponsors: Joe Smolinski and Jeff Price

Attachments: [Ordinance](#)

[17-2314](#)

Consideration of a Request for an Extension of a Variance to Chapter 114.13(B) of the Code of Ordinances, "Gas Well Drilling and Production" by EagleRidge Operating, LLC, Related to Permanent Lift Compressors (GW#13-004)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Maps and supporting information](#)
[Letter of Request](#)

[17-2321](#)

Consideration of a Request for a Minor Modification of the Planned Development Located at the SW Corner of Day Miar Rd and Grand Meadows Blvd; Darren McDougald (ZC#16-013A)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Pages from approved PD](#)
[Proposed Building A](#)

16. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the May 22, 2017 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, May 19, 2017 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Jeanne Heard, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call (817) 473-0211 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.