



CITY OF MANSFIELD

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

Meeting Agenda City Council

Monday, October 13, 2014

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 the Reauthorization of Specific Use Permit for Gas Well Drilling and Production

Seek Advice of City Attorney Regarding Possible Expansion of Hawaiian Falls

Seek Advice of City Attorney Regarding Assignment of Lease with Mansfield Family Entertainment, LLC

Seek Advice of City Attorney Regarding Possible Lease of Private Parking Lot

Seek Advice of City Attorney Regarding Legal Responsibilities and Liabilities - Emergency Response Operations

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

Consider Possible Purchase of Certain Properties for Future/Development Use

Seek Advice of City Attorney Regarding Possible Lease of Private Parking Lot

C. Personnel Matters Pursuant to Section 551.074

Personnel Issues Regarding Legal Department Operations and Demands

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 # 14-14

E. Consider Placement or Deployment of Security Devices on Municipal Property or Facilities Pursuant to Section 551.076

Legal Liabilities in Regard to Emergency Responses, Deployment, and Public Notifications

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. PRESENTATION

TML Municipal Excellence "City Spirit" Award

9. PROCLAMATION

[14-1097](#) National Disability Employment Awareness Month

Attachments: [National Disability Employment Awareness Month](#)

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

Current/Future Agenda Items

Transportation Alternatives Program Project Update - James Fish

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal, Code Enforcement, Development Services, Communications and Marketing

B. Business Services Department Report

[14-1099](#) Presentation of Monthly Financial Report for the Period Ending August 31, 2014

Sponsors: Peter Phillis

Attachments: [August 2014 Financials](#)

13. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**14. 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

[14-1079](#) Resolution - A Resolution Awarding a Contract for the Construction of Paving, Water and Drainage Improvements to Stell Avenue and Waxahachie Street to McClendon Construction Company, Inc., and Authorizing Funding for an Amount Not to Exceed \$750,000.00 (Street Bond Fund, Utility Bond Fund)

Sponsors: Steve Freeman

Attachments: [Bid Tab](#)

[Resolution](#)

[14-1096](#) Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager or Designee to Execute an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for Electronic Warrant Payment Services

Sponsors: Tracy Aaron

Attachments: [Resolution](#)

[14-1075](#) Request for Special Event: Lifetime Fitness Commitment Day 2015

Sponsors: The Applicant

Attachments: [Lifetime Fitness Commitment Day 2015](#)

[comments and approvals](#)

[14-1080](#) Minutes - Approval of the September 22, 2014 Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [9-22-14 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. OLD BUSINESS

[14-1009](#) Consideration of a Request to Revise the Development Plan for the Villages of Park Hill Addition Park and Walking Trail Areas Located at 2001 and 2011 Callender Road (ZC#13-004A)

Sponsors: Felix Wong

Attachments: [Previously Approved Landscape and Trail Plan](#)

[14-1071](#) Consideration of a Request to Revise the Development Plan for Broad Street Medical, a Planned Development for Office, Medical Office, Retail, Assisted Living and Associated Land Uses, Generally Located at the Northeast Corner of the Intersection of Matlock Road and East Broad Street, Winkelmann & Associates (ZC#10-005B)

Sponsors: Felix Wong

Attachments: [Previously approved site plan BROAD STREET MEDICAL PD](#)

[Revised development plan](#)

16. PUBLIC HEARING AND FIRST READING

[14-1081](#) Ordinance - Public Hearing and First Reading of an Ordinance Changing the School Zone Time on E. Broad Street and Day Miar Road and Adopting a Speed limit for Grand Meadow Boulevard

Sponsors: Steve Freeman

Attachments: [Ordinance](#)

[14-1082](#) Ordinance - Public Hearing and First Reading of an Ordinance to Amend Chapter 50 of the Code of Ordinances of the City of Mansfield, Texas, Relating to the Collection of Solid Waste, Garbage and Refuse From Premises Within the City; Providing for Additional Regulations Governing the Use of Commercial Handload Service and Screening Requirements for Commercial Solid Waste Containers; Providing That This Ordinance Shall Be Cumulative of All Ordinances; Providing a

Penalty Clause for Violations; Providing a Severability Clause; Providing a Savings Clause; Providing for Publication; and Providing an Effective Date

Sponsors: Steve Freeman

Attachments: [Exhibit A](#)

[Ordinance](#)

[14-1089](#)

Ordinance - Public Hearing and First Reading on an Ordinance Amending Section 5100.C.7 of the Zoning Ordinance Regarding Landscaping and Screening Requirements for Planned Development Districts (OA#14-009)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[14-1090](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR & C-2 to PD for Single-Family Residential, Multi-Family and Commercial on Approximately 455.79 Acres, Generally Located South of Lone Star Road, East of Chambers Street, North & South of Ellis Street, & West of N US 287; Hanover Property Company (ZC#14-007)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[Previously Approved Site Plan Broad Street Medical PD](#)

[Maps and Supporting Info.](#)

17. PUBLIC HEARING CONTINUATION AND SECOND READING

[14-1054](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR to PD for C-2 Uses Daycare & General Services and Office Type Uses on Approximately 5.5711 Acres, Generally Located at 151, 155 and 159 N. Holland Road; James Mills (ZC#14-009)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[Maps and Supporting Info.](#)

[EXHIBIT A](#)

[EXHIBIT B](#)

[14-1055](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR to SF7.5/16 on Approximately 13.737 Acres, Generally Located South of Cowtown Drive, West of S US 287, North of Willow Bend Drive and East of Lacey Oak Drive; Don Dykstra (ZC#14-010)

Sponsors: Felix Wong

Attachments: [Maps and Supporting Info.](#)
[Ordinance](#)
[Exhibit A](#)

18. NEW BUSINESS

[14-1092](#) Ordinance - First Reading of an Ordinance Granting to United Electric Cooperative Services, Inc., its Successors and Assigns an Electric Power Franchise to Use the Present and Future Streets, Alleys, Highways, Public Utility Easements, Public Ways and Other Public Property (Public Rights-Of-Way) of Mansfield, Texas, Providing for the Repeal Of All Prior Franchise Ordinances to United Electric Cooperative Services, Inc., Its Predecessors and Assigns, Providing for Compensation Therefor, Providing for an Effective Date and a Term of Said Franchise, Providing for Written Acceptance of this Franchise, and Finding that the Meeting at Which this Ordinance is Passed is Open to the Public

Sponsors: Steve Freeman and Peter Phillis

Attachments: [United CoOP-Franchise Agreement](#)

[United CoOp Franchise Tax Paid](#)

[United CoOp Franchise Service Area](#)

[14-1088](#) Board Appointment; Historic Landmark Commission

Sponsors: Felix Wong

[14-1091](#) Review and Consideration of a Request for Variance to the Moratorium on Restaurants or Food Service Operations where More than 10% of the Business Activities is Provided by Food Service Delivery to Drive Through Lanes; Raising Cane's

Sponsors: Felix Wong

Attachments: [Letter of Request & Exhibits Raising Cane's](#)

[Aerial & Street View of Raising Cane's Lot](#)

[14-1095](#) Discussion and Possible Action Regarding a New Appointment to the Mansfield Animal Control Facility Advisory Committee

Sponsors: Tracy Aaron

[14-1098](#) Review and Consideration of a Revised Request for Variance to the Moratorium on Restaurants or Food Service Operations where more than 10% of the Business Activities is Provided by Food Service Delivery to Drive Through Lanes; Valley Bell Enterprises, LLC and Multifoods, Inc, a Taco Bell Franchisee

Sponsors: Felix Wong

Attachments: [Arthur Anderson letter for Taco Bell \(1\)](#)

19. ADJOURN

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, October 9, 2014 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