



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, October 24, 2016

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 Pond Branch Design/Construction Contract

Seek Advice of City Attorney Regarding Zoning Case ZC#16-001

Seek Advice of City Attorney Regarding Zoning Case ZC#16-010

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

Discussion Regarding Possible Purchase of the Farr Best Theater

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

[16-2078](#) Arbor Day and Tree City USA Recognition

Attachments: [Arbor Day 2016](#)

[16-2079](#) Municipal Court Week

Attachments: [Municipal Court Week 2016](#)

9. PRESENTATIONS

Scenic City Certification Program - Presentation of Distinguished Gold Award to City Council;
Presented by City Manager Clayton Chandler

National Association of Government Web Professionals 2016 Sponsor Award to Glenn McLelland,
Web Master, Information Technology Department; Presented by City Manager Clayton Chandler

3CMA Savvy Awards - Presentation to City Council; Presented by City Manager Clayton Chandler

Award of Excellence for Graphic Design to Rick Sales (3rd Nationally)

Award of Excellence for Graphic Design - Mansfield 125 Logo to Rick Sales (3rd Nationally)

Award of Excellence for Graphic Design - History of Mansfield, Texas Coloring & Activity Book to Rick
Sales (3rd Nationally)

Award of Excellence for Special Events - Mansfield 125 (3rd Nationally)

Silver Circle Award for Aerial Map by Economic Development to Scott Welmaker, Rick Sales

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 Assistant City Secretary

prior to the start of the meeting.

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

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

[16-2073](#)

Resolution – A Resolution Awarding a Construction Contract for Antler Dr. Paving, Drainage and Sewer Improvements to McClendon Construction Co., Inc.; and Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$1,629,364.19 (MEDC and Utility Bond Fund)

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [RES award Antler Dr](#)
[Antler-Extension-BidTabs](#)

[16-2074](#)

Resolution - A Resolution Approving Award of a Construction Contract Between Mansfield Park Facilities Development Corporation to Morales Construction Services, Inc. in the Amount of \$266,300 for the Construction of a Restroom Building at the Michael L. Skinner Sports Complex

Sponsors: Shelly Lanners and Matt Young

Attachments: [Bid Tab Sports Complex Restroom](#)
[RES Sports Complex Restroom](#)

[16-2075](#)

Resolution - A Resolution Authorizing a Contract with Trinity River Authority for Industrial Sampling and Analytical Services

Sponsors: Joe Smolinski and Jeff Price

Attachments: [Resolution](#)
[TRA Contract for Technical Service](#)

[16-2080](#) Resolution - Approve Resolution to Award a Contract for a Construction Manager at Risk to Pete Durant and Associates for the Construction of the Mansfield StarCenter Project for a Guaranteed Maximum Price in the Amount of \$13,129,749.00

Sponsors: Joe Smolinski and Richard Wright

Attachments: [Resolution](#)

[16-2082](#) Resolution - A Resolution Relating to the City's Notice of Intention to Issue City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation

Sponsors: Peter Phillis

Attachments: [Resolution](#)

[16-2085](#) Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Crutchfield Coring and Concrete Cutting, Inc. for an Amount not to Exceed \$232,387.10; and Providing an Effective Date

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[16-2086](#) Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Reynolds Asphalt and Construction Company for an Amount not to Exceed \$383,332.18; and Providing an Effective Date

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[16-2081](#) Approval of Discover Historic Mansfield's Reimbursement Request of Hotel/Motel 2015-2016 Funds

Sponsors: Bill Lane

[16-2064](#) Minutes - Approval of the October 10, 2016 Regular City Council Meeting Minutes

Sponsors: Shelly Lanners and Jeanne Heard

Attachments: [10-10-16 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. OLD BUSINESS

[16-1999](#) Ordinance - Second Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and GHA Barnett, LLC for City-Owned Property Located at 707 Pleasant Ridge Court

Sponsors: Shelly Lanners

Attachments: [Ordinance](#)

[Location Map](#)

[16-2046](#)

Consideration of a Request to Withdraw the Application for Zoning Change from PR to SF-7.5/18, SF-9.6/20 and SF-12/22 on Approximately 187.85 Acres Generally Located West of Gertie Barrett Road and the End of Cancun Drive, North of Country Meadow Drive and Chimney Hill Circle; Alluvium Development (ZC#16-001)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Request to Withdraw Zoning Change](#)

16. PUBLIC HEARING CONTINUATION AND SECOND READING

[16-2048](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Eating Place with Drive-Through Service on Approximately 1.1 Acres, Generally Located at the Southwest Corner of E. Broad Street and N. Holland Road; Muy Hamburger, LLC. (ZC#16-011)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Maps & Supporting Info.](#)

[Ordinance](#)

[SUP Exhibits A-F](#)

[16088 Wendy's Mansfield - 16.10.18](#)

17. NEW BUSINESS

[16-1998](#)

Resolution - A Resolution Authorizing the Contract of Sale for the Farr Best Theater and Authorizing the Supplemental Disbursement of Hotel Occupancy Tax Funds to the Mansfield Convention and Visitors Bureau to Purchase the Historic Farr Best Theatre and Make Aesthetic and Operational Improvements

Sponsors: Shelly Lanners and Theresa Cohagen

Attachments: [Resolution](#)

18. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the October 24, 2016 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, October 21, 2016 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.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 16-2078

Agenda Date: 10/24/2016

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Title

Arbor Day and Tree City USA Recognition

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing

WHEREAS, Arbor Day is a nationally and locally celebrated observance that encourages tree planting, care and preservation, and

WHEREAS, Arbor Day was first celebrated in Nebraska in 1872 and was passed into law by the Texas Legislature in 1890, and is now celebrated annually throughout the nation, and

WHEREAS, trees create a mosaic green space throughout our communities, improving property values and air quality, providing food and shelter for wildlife and shade to cool our homes, and

WHEREAS, Arbor Day is celebrated to encourage the planting of trees throughout the City of Mansfield for the environmental, economic and aesthetic benefits they provide to the community, and

WHEREAS, this year the City of Mansfield is being recognized by the National Arbor Day Foundation for the 10th consecutive year as a Tree City USA, and will continue its efforts through its landscape and tree ordinances and its official Arbor Day celebration to recognize the importance of the urban forest to our community and the need to preserve it,

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, join with the members of the City Council, and hereby proclaim Friday, November 4, 2016, as

ARBOR DAY

in Mansfield and ask all residents and businesses to encourage and support the preservation of trees in our city and work diligently to maintain the beautiful landscape they provide for us all.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the official seal of the City of Mansfield, Texas, to be affixed this 24th day of October, 2016.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 16-2079

Agenda Date: 10/24/2016

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

Municipal Court Week

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing

WHEREAS, more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined, and

WHEREAS, public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court, and

WHEREAS, municipal judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct, and

WHEREAS, municipal courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our city, and

WHEREAS, municipal judges and clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Mansfield Municipal Court, its judges, clerks and support personnel for their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior,

NOW THEREFORE, I David Cook, Mayor of the City of Mansfield, Texas, join with members of the City Council to proclaim November 7-11, 2016, as

MUNICIPAL COURT WEEK

in Mansfield and encourage residents of our community to show their appreciation and gratitude to our municipal court staff for their invaluable contribution to our city and the outstanding services they provide to us each day.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the city of Mansfield to be affixed this 24th day of October, 2016.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 16-2073

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution Awarding a Construction Contract for Antler Dr. Paving, Drainage and Sewer Improvements to McClendon Construction Co., Inc.; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$1,629,364.19 (MEDC and Utility Bond Fund)

Requested Action

Consider the Resolution awarding a construction contract for Antler Dr. Paving, Drainage and Sewer Improvements to McClendon Construction Co., Inc; authorizing and directing the City Manager to execute contract documents; and authorizing funding for an amount not to exceed \$1,629,364.19.

Recommendation

The Engineering Staff recommends approval of the Resolution.

Description/History

The project was bid on September 23, 2016 and there were four bidders for the project. The lowest qualified bidder was McClendon Construction Co., Inc. Bids ranged from a low bid of \$1,438,108.75 to a high bid of \$1,615,420.30.

The contract time for this project is two hundred (200) working days or approximately 12 months. The limits for this project are from the end of the existing concrete pavement of Antler Dr. to FM Hwy 917 including significant drainage structures. Also included is a 12" off-site sewer main that serves a large quadrant of the southwest industrial area and the removal of an existing lift station that has become a maintenance burden.

The construction costs associated with the lift station removal are to be funded with Utility Bonds; all other costs will be funded with MEDC funds. The 12" sewer costs are from the utility allocations previously approved for Klein Tools. The remainder of the MEDC funding is through an authorization by the MEDC Board on their May 3, 2016 meeting.

The requested funds are for a construction contract with McClendon Construction Co., Inc. in the amount of \$1,438,108.75 plus a 5% contingency, a contract with Fugro Consultants, Inc. for material testing in the amount of \$75,500 plus a 10% contingency, and other miscellaneous services to complete the project. All to be accomplished within a budget not to exceed \$1,629,364.19.

Justification

McClendon Construction Co., Inc. has completed capital work in the City of Mansfield in the past. The Engineering Department feels that McClendon Construction Co., Inc. has the necessary staff and equipment to complete a job of this size and scope within the allowed contract time.

The Director of Public Works will be in attendance at the meeting to answer Council's questions regarding the proposed contracts. A resolution is attached for Council's consideration.

Funding Source

The funding source will be from the Utility Bond Fund and MEDC.

Prepared By

Gus Chavarria, CIP Project Manager, Engineering Department, 817-276-4235

RESOLUTION NO. _____

A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR ANTLER DR. PAVING, DRAINAGE AND SEWER IMPROVEMENTS TO MCCLENDON CONSTRUCTION CO., INC.; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS; AND APPROPRIATING FUNDS.

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids for the construction of Antler Dr. Paving, Drainage and Sewer Improvements; and,

WHEREAS, all bids were received, opened and publicly read aloud on September 23, 2016; and,

WHEREAS, the expenditure of the funds stated herein will be secured from the Utility Bonds and MEDC funds; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that the construction provided for herein be started at the earliest possible date to ensure necessary service and delivery; and,

WHEREAS, after review of all bids received, it is the recommendation and determination of Council that the "lowest and best" bid is that of McClendon Construction Co., Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

Section 1.

The City Manager is hereby authorized and directed to execute contractual documents with McClendon Construction Co., Inc for an amount not to exceed One Million Five Hundred Ten Thousand Fourteen and 19/100 Dollars, \$1,510,014.19.

Section 2.

The City Manager is hereby authorized and directed to execute contractual documents with Fugro Consultants, Inc. for an amount not to exceed Eighty Three Thousand Fifty and 00/100 Dollars, \$83,050.00; and other contracts necessary to complete the project.

Section 3.

Funding is hereby authorized in the amount of One Million Six Hundred Twenty Nine Thousand Three Hundred Sixty Four and 19/100 Dollars, \$1,629,364.19 (MEDC Fund and Utility Bond Fund).

PASSED AND APPROVED THIS THE 24th day of October, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, **City Secretary**



CITY OF MANSFIELD

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STAFF REPORT

File Number: 16-2074

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Approving Award of a Construction Contract Between Mansfield Park Facilities Development Corporation to Morales Construction Services, Inc. in the Amount of \$266,300 for the Construction of a Restroom Building at the Michael L. Skinner Sports Complex

Requested Action

Consider approving the resolution

Recommendation

Approve the resolution

Description/History

In the spring of 2013, staff met with the youth sports associations to gather feedback on needed facility improvements. Each youth association prioritized their requested improvements. Mansfield Youth Baseball Association (MYBA) requested a restroom facility to service baseball fields 7, 8 and 9. Staff researched different methods of procurement and recommended installing a pre-fabricated building through the Buy Board system as the most effective method to construct a building while limiting the disruption the MYBA program.

It was presented and approved at the MPFDC Board meeting on August 21, 2014 and subsequently presented for City Council approval. On August 25, 2014, the City Council rejected the proposal and directed staff to build the restroom like what is represented on site as a concrete block, site-built building due to cost considerations. Staff proceeded to implement a design-bid-build program in the fall of 2014. In working with MYBA, the floor plan and the contract that was originally presented as a pre-fabricated concrete restroom was redesigned by Level 5 Architects.

During the January 2015 All Sports Association meeting, the subject of participation funding was revisited with MYBA. Staff asked if MYBA was still willing to participate as they had previously committed in the amount of \$53,000 toward the construction, but MYBA never recommitted to participate.

The project was advertised publicly for bid and opened on February 19, 2015 with four contractors submitting bids. Posse Construction LLC was the apparent low bidder, but requested to withdraw their bid due to sub-contractors not holding pricing following delays in the bid award process. Staff was unable to obtain additional participation funding commitment from MYBA or hold any meetings to discuss additional participation.

During the FY2015-2016 budget process, staff recommended that the project be funded by MPFDC. Staff revisited the restroom design through the summer of 2016 and changed the roof structure from wood to metal for sustainability. The project was advertised for public bid in late July and early August. Bids were opened on August 25, 2016, with three contractors submitting bids. The bid tab is attached to this staff report.

In order to fully fund the low-bid price of \$266,300, the MYBA has agreed to participate in the amount of \$50,000 towards the construction of the building. The remaining \$216,300 has been allocated in the FY2016-2017 MPFDC budget.

Justification

The MPFDC allocated funds for the sports complex improvements in the FY 2016-2017 budget for the facility. This improvement will increase convenience and satisfaction for younger baseball players and spectators. This purchase was approved with a vote of 6-0 at the October 20, 2016 MPFDC board meeting.

Funding Source

MPFDC ½ Cent Sales Tax

Prepared By

Matt Young, Director of Parks and Recreation

Matt.Young@mansfieldtexas.gov

817-804-5798

BID OPENING FORM

Owner: City of Mansfield

Bid No.: 2016-23-01-08

Project: Mansfield Sports Complex Public Restrooms

Date: 8/25/16 @ 2:00 p.m.

Name of Bidder	Addendum Received	CIQ Form Received	Bid Bond Attached	Bid Amount	Comments
JLJ & Sons Construction, LLC	<input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> Yes	Base Bid \$268,000.00	Received 8/25/16 @ 1:15 p.m. by SR
10 Biltmore Court	<input type="checkbox"/> No		<input type="checkbox"/> No	Alt. #1 - \$225,000.00	
Trophy Club, TX 76262					
Basecom Construction Services	<input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> Yes	Base Bid \$292,020.00	Received 8/25/16 @ 1:43 p.m. by SM
5209 Vesta Farley Rd.	<input type="checkbox"/> No		<input type="checkbox"/> No		
Fort Worth, TX 76119					
Morales Construction Services	<input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> Yes	Base Bid \$266,300.00	Received 8/25/16 @ 1:49 p.m. by SM
2365 Hwy 287 N., Suite 107	<input type="checkbox"/> No		<input type="checkbox"/> No	Alt. #1 - \$295,000.00	
Mansfield, TX 76063					
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		<input type="checkbox"/> No		

RESOLUTION NO. _____

A RESOLUTION APPROVING AWARD OF A CONSTRUCTION CONTRACT BETWEEN MANSFIELD PARK FACILITIES CORPORATION TO MORALES CONSTRUCTION SERVICES, INC. IN THE AMOUNT OF \$266,300 FOR THE CONSTRUCTION OF A RESTROOM BUILDING AT THE MICHAEL L. SKINNER SPORTS COMPLEX

WHEREAS, each year the staff compiles a list of recommended improvements for the existing parks in the City's park system; and

WHEREAS, staff also met with all the youth sports associations in reference to facility improvements; and

WHEREAS, the Mansfield Youth Baseball Association (MYBA) requested a restroom facility to be located near fields 7, 8 and 9; and

WHEREAS, the Mansfield Park Facilities Development Corporation (MPFDC) has determined that installing a new restroom facility at the Sports Complex is in the best interest of all who utilize that facility; and

WHEREAS, the MPFDC approved \$216,300 for Sports Complex improvements in the FY 2016-2017 budget for a new restroom;

WHEREAS, MYBA has agreed to make a contribution of \$50,000 towards the cost of a new restroom; and

WHEREAS, the MPFDC approved the construction contract with Morales Construction Services, Inc. at their October 20, 2016 regular meeting with a vote of 6-0; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That the City Council approves awarding a construction contract between the MPFDC and Morales Construction Services, Inc. for the construction of a restroom facility at Michael L. Skinner Sports Complex in the amount of Two Hundred and Sixty-Six Thousand Three Hundred Dollars and 00/100 (\$266,300).

RESOLVED AND PASSED this 24th day of October, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
Mansfield, TX 76063
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STAFF REPORT

File Number: 16-2075

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution Authorizing a Contract with Trinity River Authority for Industrial Sampling and Analytical Services

Requested Action

Request authorization to enter into a contract with Trinity River Authority (TRA) which would allow TRA to collect and analyze all industrial wastewater samples associated with the City of Mansfield's Pretreatment Program.

Recommendation

Staff recommends that the City of Mansfield enter into a contract with TRA for industrial sampling and analytical services. In order to comply with local, state, and federal pretreatment regulations, samples must be collected from specific industrial establishments and analyzed in a NELAC accredited laboratory.

Description/History

TRA, in accordance with previous contracts, has conducted the industrial sampling and analytical services for industries in the city's pretreatment program. The cost of this service is passed along to the industries being sampled.

Justification

In order to comply with federal and state regulations, certain industries must have their effluent wastewater collected and analyzed at various frequencies throughout the year. Collecting the samples ourselves would require additional staff, vehicles, analytical equipment, and laboratory space. By allowing TRA to conduct the sampling and analysis, the City of Mansfield can avoid charging these industries unnecessarily high fees to recover the cost of providing the services.

Funding Source

Utility Operations & Maintenance Budget, all costs associated with the sample collection and analyses are passed along to the industry being sampled.

Prepared By

David Moulton, Utility Compliance Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH THE
TRINITY RIVER AUTHORITY FOR INDUSTRIAL SAMPLING,
INSPECTIONS, AND ANALYTICAL SERVICES.

WHEREAS, the City Council of the City of Mansfield, Texas, has determined that it would be in the best interest of the citizens of the City of Mansfield to enter into a technical services contract to provide necessary industrial sampling, inspections, and analytical services needed to operate and administer the City of Mansfield Industrial Pretreatment Program and,

WHEREAS, the expenditure of the funds stated herein has been incorporated into the Water & Sewer System Operating Budget and,

WHEREAS, after review and consideration of the services being offered it is the determination of City Council that a contract for Technical Services be awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Manager or his designee is hereby authorized and directed to execute contractual documents with the Trinity River Authority of Texas, for technical services related to the operation and administration of the City of Mansfield, Texas Industrial Pretreatment Program on a cost per service basis as stipulated by contract.

PASSED AND APPROVED this the 24th day of October 2016.

David L. Cook, Mayor

Attest:

Jeanne Heard, City Secretary

CONTRACT FOR TECHNICAL SERVICES

I. CONTRACTING PARTIES

The Receiving Agency: City of Mansfield, whose authorized address is
1200 E. Broad St., Mansfield, TX 76063

The Performing Agency: Trinity River Authority of Texas, whose authorized address is 5300 South Collins, P. O. Box 240, Arlington, Texas 76004-0240, Attention: J. Kevin Ward, General Manager (or his designated representative).

II. STATEMENT OF SERVICES TO BE PERFORMED

In order to discharge the responsibilities associated with the enforcement of Federal, State, and City regulations, the Receiving Agency requires services of a laboratory qualified to perform water and wastewater analysis, and of personnel to conduct industrial inspection and/or sampling services, such services detailed in Section A, Subsection(s) A1, A2, A3, below.

A. PERFORMANCE OF SERVICES

1. Industrial Inspection Services

In keeping with the foregoing, the Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform industrial inspection services within the parameters listed on the attached schedule sheet.

The Performing Agency shall perform all Industrial Pretreatment Inspections, review permit applications and prepare for submittal Permits to Discharge Industrial Wastes to the Sanitary Sewer in accordance with procedures established by the Trinity River Authority of Texas in accordance with 40 CFR Part 403.8. Industrial Pretreatment Inspections, Application reviews and permit preparations and submittals shall be in compliance with the Receiving Agency's Industrial Waste Ordinances, Sewer Ordinances Numbers 1424, and EPA General Pretreatment Regulations for Existing and New Sources. Records of Inspections, Applications and Permits shall be maintained as required by EPA General Pretreatment Regulations, 40 CFR § 403.12.

2. Industrial Sampling Services

In keeping with the foregoing, the Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform industrial sampling services within the parameters listed on the attached schedule sheet and in accordance with the Receiving Agency's Industrial Waste Ordinances and Sewer Ordinances Numbers 1424.

The Performing Agency shall perform all sample collections, sample preservation, and maintenance of chain-of-custody records in accordance to the approved procedures set forth in Test Methods for Evaluating Solid Waste, EPA Manual SW-846, Methods for Chemical Analysis of Water and Wastes, EPA Manual EPA-600/4-79-020, and the Handbook for Sampling and Sample Preservation of Water and Wastewater, EPA Manual EPA-600/4-82-029. The samples shall be properly collected, preserved and delivered by the Performing Agency to the Performing Agency's laboratory located at 6500 West Singleton Blvd., Dallas, Texas. When feasible, the Performing Agency will conduct flow or time composited sampling. When composited sampling is not feasible, grab sampling will be performed.

3. Analytical Services

In keeping with the foregoing, the Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform analytical services within the parameters listed on the attached schedule sheet.

The Receiving Agency will collect samples and deliver them to the laboratory for analysis. It is understood that these samples will be properly collected and preserved in accordance with applicable sections of A Practical Guide to Water Quality Studies of Streams, Federal Water Pollution Control Administration publication and Methods for Chemical Analysis for Water and Wastes, EPA manual, as well as the latest edition of Standard Methods for the Examination of Water and Wastewater. Additionally, requirements set by the National Environmental Laboratory Accreditation Conference will be followed as mandated by the Texas Commission on Environmental Quality for state accreditation. A chain-of-custody procedure shall be maintained in the field and the laboratory in accordance with procedures to be established by the Receiving Agency. The Receiving Agency will furnish chain-of-custody.

The Performing Agency will perform all analyses according to the approved procedures set forth in Standard Methods for the Examination of Water and Wastewater, current edition or the latest edition of Methods for Chemical Analysis of Water and Wastes, EPA manual. Additionally, requirements set by the National Environmental Laboratory Accreditation Conference will be followed as mandated by the Texas Commission on Environmental Quality for state accreditation. Samples will be analyzed by these methods on the production basis, to include appropriate analytical quality assurance procedures. Records will be kept for documentation of the Performing Agency's quality assurance program and copies will be available to the Receiving Agency upon request. Unusual interferences and problems will be reported to the Receiving Agency at its authorized address noted above. Research into specific techniques to overcome these difficulties will be undertaken when practical, and by mutual agreement. The chain-of-custody sheet submitted with each sample will designate the particular analysis or analyses to be made of each sample submitted. The laboratory will be operated in such a manner as to ensure the legal sufficiency of the sample handling; analytical and reporting procedures; and to remedy effects in the procedures should such be discovered.

The various laboratory personnel shall be directed upon receipt of written notice from the Receiving Agency 72 hours in advance, to appear and testify in enforcement actions. In such event, travel and per diem expenses for such employees shall be paid by the Receiving Agency. Travel and per diem for court appearances hereunder shall be based on current State laws.

Receiving Agency may deliver to Performing Agency samples for analyses separate and apart from those samples collected by the Performing Agency. When the Receiving Agency delivers samples to the Performing Agency for analyses, the Receiving Agency shall indicate the nature and extent of the analysis it desires to be conducted. Performing Agency shall not be responsible for the manner of collection or chain-of-custody or sheets which are matters entirely outside Performing Agency's control. Performing Agency shall receive, log and perform such analyses of samples in accordance with that part of the chain-of-custody procedures identified as Transfer of Custody and Storage attached hereto.

Samples analyzed to maintain the normal quality assurance program which the Performing Agency presently maintains in its laboratory will be charged to the Receiving Agency at the same rate as submitted samples.

B. TERMINATION

Either party to this Contract may terminate the Contract by giving the other party thirty day notice in writing at their authorized address as noted previously. Upon delivery of such notice by either party to the other and before expiration of the thirty day period, the Performing Agency will proceed promptly to cancel all existing orders, contracts, and obligations which are chargeable to this Contract. As soon as practicable after notice of termination is given, the Performing Agency will submit a voucher for work performed under this Contract through its termination. The Receiving Agency will pay the Performing Agency for the work performed less all prior payments. Copies of all completed or partially completed reports, documents, and studies prepared under this Contract will be delivered by the Performing Agency to the Receiving Agency when and if this Contract is terminated prior to the completion of the prescribed work.

C. AMENDING THE CONTRACT

The parties hereto without invalidating this Contract may alter or amend this Contract upon advance written agreement of both parties to exclude work being performed or to include additional work to be performed and to adjust the consideration to be paid hereunder by virtue of alterations or amendments.

III. BASIS FOR CALCULATING REIMBURSABLE COSTS

The financial basis for calculating reimbursable costs shall be as stated in Attachment A, said Attachment A shall be revised and updated annually. Any revisions will be incorporated by reference herein. A cost analysis shall be prepared each year by the Trinity River Authority of Texas and shall be approved by the Trinity River Authority of Texas Board of Directors prior to effective date of said revision.

The expenditures by the Trinity River Authority of Texas of funds paid to it under this Contract shall be subject to such State or Federal audit procedures as may be required by law and by accepted practices of the State or Federal auditor, or both, if requested. The Trinity River Authority of Texas shall be responsible for maintaining books of account that clearly, accurately and currently reflect financial transactions. The financial records must include all documents supporting entries on the account records which substantiate costs. The Trinity River Authority of Texas must keep the records readily available for examination for a period of three years after the close of the last expenditure.

IV. CONTRACT AMOUNT

The total costs charged by the Authority to the Receiving Agency shall not exceed dollars (\$ 40,000.00) per annum during the term of this Contract, unless mutually agreed by the parties hereto.

V. PAYMENT FOR SERVICES

The Performing Agency shall bill the Receiving Agency monthly for services performed. Charges for these services shall be based on the attached cost schedules.

The Receiving Agency shall pay the monthly billings of the Performing Agency within thirty days of their receipt.

VI. TERM OF CONTRACT

This Contract is to begin November 1, 2016 and shall terminate October 31, 2018, subject to Section II, paragraph B of this contract.

VII. INTERLOCAL AGREEMENT

Inasmuch as the Receiving Agency and the Performing Agency are political subdivisions of this state, and inasmuch as the testing of water and wastewater are critical to the maintenance of public health and such testing is therefore, a governmental function and service, this contract is entered into pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

Receiving Agency:

CITY OF _____

BY: _____

TITLE: _____

DATE: _____

ATTEST: _____
(SEAL)

Performing Agency:

TRINITY RIVER AUTHORITY OF TEXAS

BY: _____

GENERAL MANAGER

DATE: _____

ATTEST: _____
(SEAL)

CHAIN-OF-CUSTODY PROCEDURES

Sample Collection and Shipment

1. To the maximum extent achievable, as few people as possible should handle a sample.
2. Stream and effluent samples should be obtained using standard field sampling techniques and preservation procedures.
3. Chain-of-Custody sheets should be attached to each sample at the time it is collected. Sample containers must be appropriate for requested testing with appropriate preservation and legibly labeled. The tag or sheet contains basically laboratory (requested parameters) information; however, certain identifying items including City, City Code, Contact Name and Phone Number, Type Sample Matrix, Material Sampled, and Method of Preservation must be completed by the field personnel collecting the sample. In completing the Chain-of-Custody tag or sheet, care should be utilized to insure that all necessary information is correctly and legibly entered onto the form. A black ballpoint with water proof ink should be used at all times.
4. During shipment, samples should be appropriately cooled. TRA lab receiving technician will check temperature.

Transfer of Custody and Storage

1. All samples should be handled by the minimum possible number of persons.
2. All incoming samples shall be received by the laboratory technician or his alternate, and logged into a database. Information to be entered into the database shall include the client sample number, date received, source, time(s) sampled, date(s) sampled, and analyses requested and comments from the Chain of Custody.
3. Promptly after logging, the custodian technician will distribute the sample to an analyst or place the sample in the secure sample vault, which will be locked at all times except when samples are removed or returned by analysts. The sample will be tracked internally in the lab.
4. Samples shall be kept in the sample storage security area at all times when not actually being used by analysts, such as during overnight absences. The technician shall ensure that heat-sensitive samples, or other sample materials having unusual physical characteristics, or requiring special handling, are properly stored and maintained.
5. A log of sample removal and replacement will be kept in the secure sample vault and be retained as a permanent record of the laboratory.
6. The original Chain of Custody and a Sample Evaluation/Variance record shall be sent by the laboratory to the appropriate Receiving Agency control point as part of the final data report.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2080

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - Approve Resolution to Award a Contract for a Construction Manager at Risk to Pete Durant and Associates for the Construction of the Mansfield StarCenter Project for a Guaranteed Maximum Price in the Amount of \$13,129,749.00

Requested Action

Approval of resolution.

Recommendation

Approval of resolution.

Description/History

On 7/11/16 City Council awarded the CMR Contract to Pete Durant & Associates.

Subcontractor and supplier bids for Building Construction and Improvements on Mansfield Fieldhouse USA project were received and opened on October 11, 2016. Based on all the bids received, the Architect and the Construction Manager recommend a Guaranteed Maximum Price of \$13,129,749.00 for Construction and Improvements on Mansfield StarCenter project.

The Guaranteed Maximum Price is the amount guaranteed to be the maximum cost for this project. Any addition funds needed by the Construction Manager for this project, as outline in the scope of work indicated on the Contract Documents, will be funded by the Construction Manager.

This project is scheduled to be completed 9/01/2017.

Funding Source

Bond Proceeds

Prepared By

Richard Wright, Director of Development Services

817-276-4222

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONSTRUCTION MANAGER AT RISK CONTRACT TO PETE DURANT & ASSOCIATES FOR CONSTRUCTION OF THE MANSFIELD STARCENTER USA PROJECT FOR A GUARANTEED MAXIMUM COST IN THE AMOUNT OF \$13,129,749.00.

WHEREAS, the City of Mansfield has contracted with Pete Durant & Associates, Inc. to be the Construction Manager for the Mansfield StarCenter project; and

WHEREAS, the City of Mansfield has publicly advertised and requested competitive bids for Building Construction and Improvements on the Mansfield StarCenter project; and

WHEREAS, all bids were received, opened on, October 11, 2016; and

WHEREAS, the expenditure of the funds stated herein will be secured from future revenue from Mansfield Park Facilities Development Corporation (MPFDC) bonds and cash reserves; and

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that the Building Construction and Improvements on the Mansfield StarCenter project provided for herein take place at the earliest possible date to insure necessary service and delivery; and

WHEREAS, after review of all subcontractors and supplier bids received, it is the recommended and determination of Council that the "lowest and best" bid is that of Pete Durant & Associates, Inc. at a Guaranteed Maximum Price in the amount of Thirteen Million One Hundred Twenty Nine Thousand Seven Hundred Forty Nine Dollars (\$13,129,749.00) be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1

The City Manager or his designee is hereby authorized and directed to execute contractual documents with Pete Durant & Associates, Inc. for the construction of Mansfield StarCenter at a Guaranteed Maximum Price in the amount of Thirteen Million One Hundred Twenty Nine Thousand Seven Hundred Forty Nine Dollars (\$13,129,749.00).

PASSED AND APPROVED this the 24th day of October, 2016.

David Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2082

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Relating to the City's Notice of Intention to Issue City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation

Requested Action

The City Council ratifies a resolution giving notice of intent to issue Combination Tax and Revenue Certificates of Obligation. The notice is to announce to the public that the City will be issuing bonds on December 12, 2016 for purpose of improving City's street infrastructure, relocation of gas and electric utility lines for the Fieldhouse, and funding for an ambulance, police cars, and additional operating equipment.

Recommendation

Staff recommends the approval of the resolution.

Description/History

During the budget process in fiscal year 2016, the City established a capital program for fiscal year 2017. Discussion occurred regarding the prioritization of projects and funding the City's Street Program. The funding will continue improving the traffic circulation within the City. Additionally, the City is funding the operating equipment needs of the department. Most of the equipment cost is for public safety - detailed list is attached.

Street and Utility Improvements - \$18,350,000

Debbie Lane	\$3,200,000
Tarrant County CDBG	400,000
School Flasher System	250,000
Seeton Bridge at Joe Pool	100,000
North St. Study at Bridge/RR	300,000
Day Mair (E. Broad to Seeton) Design/ROW	1,000,000
Misc. Residential/Intersection Reconstruction	1,000,000
Holland - Design/ROW	600,000
Price Road Design	500,000
S Main-Broad to Hunt	3,500,000
Turner Warnell Construction	1,500,000
360 Bridge Participation	5,000,000
Gas and Electric Utilities	700,000
Schematic - ROW Russell/Connector	<u>300,000</u>
Project Totals	\$18,350,000

Equipment - \$1,150,377

Police	Vehicles	5	\$307,405
Fire	Computer Dispatch Map	1	154,000
Fire	EMD	1	109,000
Fire	Ambulance	1	250,000
Fire	Cardiac Monitors	4	168,172
Fire	Opticom - Fire Station #3	1	17,156
Fire	Opticom - Various Locations	9	46,735
Fire	Vehicles	1	50,400
Information	Cameras	1	23,509
Information	New Line Touch Displays	2	<u>24,000</u>
Total			\$1,150,377

Equipment and Streets account for \$19,500,377. The Notice of Intent allows for \$19,850,000 with the difference being issuance costs.

Justification

The funds will be used to improve traffic circulation within the City and provide the necessary equipment for police and fire operations.

Funding Source

Ad Valorem taxes; the cost of the issuance is not expected to raise the tax rate.

Prepared By

Peter Phillis, Deputy City Manager, City Manager's Office
817-276-4261

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION
TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND
REVENUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER
MATTERS RELATED THERETO

WHEREAS, the City of Mansfield, Texas (the "City"), pursuant to Chapter 271, Subchapter C, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation (the "Certificates") for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

WHEREAS, the City Council of the City has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of applicable law;

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

Section 1. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City's intention to issues the Certificates (the "Notice").

Section 3. The Notice shall be published once a week for two consecutive weeks, the date of the first publication being not less than thirty-one (31) days prior to the date set forth in the Notice for passage of the ordinance authorizing the Certificates. Such notice shall be published in a newspaper of general circulation in the area of the City of Mansfield, Texas.

Section 4. The Mayor, City Manager, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 5. That this resolution shall take effect from and after the date of its passage.

FINALLY PASSED, APPROVED AND EFFECTIVE this 24th day of October, 2016.

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that on December 12, 2016, the City Council of the City of Mansfield, Texas, at 7:00 p.m. at a regular meeting of the City Council to be held in the Council Chambers at the City Hall, 1200 East Broad Street, Mansfield, Texas, the regular meeting place of the City Council, intends to pass an ordinance authorizing the issuance of not to exceed \$19,850,000 total principal amount of Certificates of Obligation for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (a) designing, developing, constructing, improving, extending, and expanding streets, thoroughfares, sidewalks, bridges, and other public ways of the City, including streetscaping, streetlighting, right-of-way protection, utility relocation, and related storm drainage improvements; and acquiring rights-of-way in connection therewith; (b) acquiring equipment and vehicles for fire, police, public safety and information technology; ((a) and (b) collectively, the "Project"), and (c) paying professional services of attorneys, financial advisors and other professionals in connection with the Project and the issuance of the Certificates. The Certificates shall be issued in one or more series, shall bear interest at a rate not to exceed fifteen percent (15%) per annum, and shall have a maximum maturity date of not later than forty (40) years after their date. Said Certificates shall be payable from the levy of a direct and continuing ad valorem tax against all taxable property within the City sufficient to pay the interest on this series of Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Chapter 271, Subchapter C, Texas Local Government Code, as amended, and from all or a part of the surplus revenues of the City's waterworks and sewer system, such pledge of surplus revenues being limited to \$1,000.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Mansfield, Texas.

GIVEN THIS October 24, 2016.
/s/ Jeanne Heard, City Secretary
City of Mansfield, Texas



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2085

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Crutchfield Coring and Concrete Cutting, Inc. for an Amount not to Exceed \$232,387.10; and Providing an Effective Date

Requested Action

Consideration and Approval of the attached resolution.

Recommendation

Staff Recommends approval of resolution.

Description/History

A project on Clover Hill Lane was approved as part of the FY2014 Capital Improvement Program. Crutchfield was selected to perform the work, which is nearing completion.

Funding Source

Street Bonds

Prepared By

Joe Smolinski, Deputy City Manager, City Manager's Office
817-728-3601

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING PAYMENT TO CRUTCHFIELD CORING AND CONCRETE CUTTING, INC. FOR AN AMOUNT NOT TO EXCEED \$232,387.10; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously appropriated money for street maintenance and repair projects within the City; and

WHEREAS, subsequent to a procurement process, Crutchfield Coring and Concrete Cutting, Inc. ("Crutchfield") was selected to perform street work for the Clover Hill Lane project; and

WHEREAS, Crutchfield will soon finish the job and the City Council desires to authorize payment for the work.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

Section 1.

That the amount of \$232,387.10 is authorized to be paid to Crutchfield Coring and Concrete Cutting, Inc. in consideration for the completion of the Clover Hill Lane Project.

Section 2.

This Resolution shall become effective from and after its passage.

RESOLVED AND PASSED this 24th day of October, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2086

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Authorizing Payment to Reynolds Asphalt and Construction Company for an Amount not to Exceed \$383,332.18; and Providing an Effective Date

Requested Action

Consideration and approval of the attached resolution.

Recommendation

Staff recommends approval of resolution.

Description/History

A project on Clover Hill Lane was approved as part of the FY2016 Street Maintenance Budget. Reynolds Asphalt and Construction Company was selected to perform the work. The project is now complete and Reynolds is requesting payment for the work.

Funding Source

Street Maintenance Budget

Prepared By

Joe Smolinski, Deputy City Manager, City Manager's Office
817-728-3601

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS AUTHORIZING PAYMENT TO REYNOLDS ASPHALT AND CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED \$383,332.18; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously appropriated money for street maintenance and repair projects within the City; and

WHEREAS, subsequent to a procurement process, Reynolds Asphalt and Construction Company ("Reynolds") was selected to perform street and maintenance work on various streets within the City as Job No. 2016-487; and

WHEREAS, Reynolds has finished the job and the City Council desires to authorize payment for the work.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

Section 1.

That the amount of \$383,332.18 is authorized to be paid to Reynolds Asphalt and Construction Company in consideration for the completion of Job No. 2016-487.

Section 2.

This Resolution shall become effective from and after its passage.

RESOLVED AND PASSED this 24th day of October, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2081

Agenda Date: 10/24/2016

Version: 2

Status: Consent

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

Approval of Discover Historic Mansfield's Reimbursement Request of Hotel/Motel
2015-2016 Funds

Requested Action

Consider approving request

Recommendation

N/A

Description/History

In the 2015-2016 fund year, Discover Historic Mansfield (DHM) was allocated \$1,500.00 for Painted Pianos and allocated \$3,500.00 for Stroll, Shop & Dine.

On 9/29/16 DHM submitted a reimbursement request for Painted Pianos: two invoices dated 9/15/16 and 9/26/16 were approved for payment totaling \$1,150.00. Two other invoices dated 10/22/15 and 10/25/15 were denied for payment because they were submitted over 45 days past the invoice dates.

On 9/29/16 DHM submitted a reimbursement request for Stroll, Shop & Dine: one invoice dated 8/31/16 was approved for payment totaling \$249.78. Five other invoices dated 10/01/15, 10/05/15, 10/30/15, 11/30/15 and 4/28/16 were denied payment because they were submitted over 45 days past the invoice dates.

DHM would like the Council to reconsider and to approve payment of the remaining amounts, Painted Pianos \$350.00 and Stroll, Shop & Dine \$ 3,250.22 to DHM.

Staff was informed that the contract signatory, Steve Cosio is no longer with DHM. Dave Goodwin is filling in for Mr. Cosio.
Dave Goodwin will be at the council meeting to answer questions from Council Members.

Justification

N/A

Funding Source

2015-2016 Hotel/Motel Funds

Prepared By

Donna Maison, Paralegal, Legal Department
817-276-4276



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2064

Agenda Date: 10/24/2016

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the October 10, 2016 Regular City Council Meeting Minutes

Requested Action

Action to be taken by the Council to approve the minutes.

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the October 10, 2016 Regular City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Susana Marin, Asst. City Secretary, City Secretary's Office
817-276-4203



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, October 10, 2016

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:03 p.m.

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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:07 p.m. Mayor Cook adjourned executive session at 7:22 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 Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding TCEQ Notification #47053

Seek Advice of City Attorney Regarding Farr Best Theater Lease

Seek Advice of the City Attorney Regarding the Agreement with Historic Mansfield Performance Park

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

Project #16-07 - Consider Possible Purchase of Real Property

Personnel Matters Pursuant to Section 551.074

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

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

Mayor Cook reconvened into regular business session at 7:30 p.m.

INVOCATION

Community of Hope Pastor Jay Frazee led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom 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

Dee Lemser - 1602 Meadow Crest Lane - Ms. Lemser expressed her concerns about the lack of maintenance of a pond at the Walnut Creek Country Club. She stated there are rodents, snakes and mosquitoes. Ms. Lemser asked the city for help in addressing the situation.

Kimberly O'Neal - 1404 Meadow Crest Lane - Ms. O'Neal expressed her concerns about the lack of maintenance of a pond at the Walnut Creek Country Club. She presented pictures of how the pond used to look and of its current condition. Ms. O'Neal asked the city for help in addressing the situation.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS**City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

Quarterly Reports - Mansfield Economic Development Corporation; Mansfield Park Facilities Corporation; Planning and Zoning Commission; Public Works; Code Enforcement; Communications & Marketing; Library

There were no questions regarding the quarterly reports.

Business Services Department Report[16-2061](#)

Presentation of Monthly Financial Report for the Period Ending August 31, 2016

There were no questions regarding the monthly financial.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Hoffman to direct staff to move forward with the real estate transaction related to project 16-07 as discussed in executive session. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Hoffman to direct staff to move forward with action related to Historic Mansfield Performance Park as discussed in Executive Session. Seconded by Council Member Newsom. The motion CARRIED with 7 ayes and 0 nays.

A motion was made by Council Member Hoffman to direct staff to move forward with the real estate contract as discussed in executive session. Seconded by Council Member Lindsey. The motion CARRIED with 7 ayes and 0 nays.

CONSENT AGENDA[16-1932](#)

Ordinance - Third and Final Reading on an Ordinance of the City Council of the City of Mansfield, Texas, Designating a Certain Area as a Tax Abatement Reinvestment Zone for Commercial-Industrial Tax Abatement, to be Known as Reinvestment Zone No. 42; Establishing the Boundaries Thereof and Other Matters Related Thereto; Providing a Severability Clause; Providing a Cumulative Clause; and Providing for an Effective Date

City Secretary Jeanne Heard read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT, TO BE KNOWN AS REINVESTMENT ZONE NO. 42; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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

Seconded by Council Member Hoffman. 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: OR-2021-16

[16-2024](#)

Ordinance - Third and Final Reading of an Ordinance Amending Chapter 95, "Library," in the Code of Ordinances of the City of Mansfield, Texas

Jeanne Heard read the caption into the record.

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

AN ORDINANCE AMENDING CHAPTER 95, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Hoffman. 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: OR-2022-16

[16-2060](#)

Resolution - A Resolution Awarding a Contract for the Construction of Fox Hollow Paving, Drainage and Utility Improvements to Pavecon Public Works, LP and Authorizing Funding for an Amount Not to Exceed \$885,157.52. (Street Bond, Utility Bond Fund)

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

A RESOLUTION AWARDDING A CONTRACT FOR THE CONSTRUCTION OF FOX HOLLOW PAVING, DRAINAGE AND UTILITY IMPROVEMENTS TO PAVECON PUBLIC WORKS, LP, 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 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-3297-16

[16-2062](#)

Resolution - A Resolution Authorizing the Fire Chief to Enter into a Mutual Aid Agreement with the Tarrant County Emergency Services District No. 1

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE FIRE CHIEF TO ACT AS THE CITY'S REPRESENTATIVE IN ALL MATTERS RELATING TO THE MUTUAL AID AGREEMENT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1

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

Seconded by Council Member Hoffman. 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-3298-16

[16-2058](#)

Request for Special Event Permit: Legacy Bronco Band March A Thon

A motion was made by Council Member Burgess to approve the request for special event permit. Seconded by Council Member Hoffman. 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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[16-2059](#)

Minutes - Approval of the September 26, 2016 Regular City Council Meeting Minutes

Mayor Pro Tem Broseh removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the September 26, 2016 Regular City Council Meeting Minutes as presented. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 1 - Larry Broseh

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

[16-2048](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Specific Use Permit for Eating Place with Drive-Through Service on Approximately 1.1 Acres, Generally Located at the Southwest Corner of E. Broad Street and N. Holland Road; Muy Hamburger, LLC. (ZC#16-011)

Jeanne Heard read the caption into the record. Linear Architecture representative Irma Reiner made brief comments and answered Council questions. Director of Planning Felix Wong made brief comments and answered Council questions. Shield Engineering Group representative Joel Hays answered Council questions. Mayor Cook opened the public hearing at 8:01 p.m. With no one wishing to speak, Mayor Cook continued the public hearing at 8:02 p.m.

A motion was made by Council Member Hoffman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR EATING PLACE WITH DRIVE-THROUGH SERVICE ON THE HEREINAFTER DESCRIBED PROPERTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Broseh. The motion CARRIED by the following vote:

Aye: 4 - Stephen Lindsey; Cory Hoffman; Larry Broseh and Darryl Haynes

Nay: 3 - David Cook; Wendy Burgess and Brent Newsom

Abstain: 0

NEW BUSINESS

[16-2063](#)

Resolution - A Resolution of The City Council of the City of Mansfield, Texas, Approving Tax Abatement Agreement By and Between the Mansfield Economic Development Corporation ("MEDC") and RMA Holdings, L.L.C., and Authorizing Its Execution by the President of the MEDC; and Providing an Effective Date

Director of Economic Development Scott Welmaker made brief comments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A TAX ABATEMENT AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND RMA HOLDINGS, L.L.C., 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-3299-16

PUBLIC HEARING CONTINUATION AND SECOND READING**16-2008**

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Request to Amend The Reserve Planned Development District by Extending the South Pointe Expansion Subdistrict of The Reserve PD to Include Approximately 61.7 Acres Generally Located Between S. Matlock Road and SH 360 and South of Harmon Road; Jabez Development LP (ZC#16-010)

Goodwin and Marshall, Inc. representative Matt Goodwin made a power point presentation and answered Council questions. History Maker Homes representative Nelson Mitchell made a power point presentation and answered Council questions. Mayor Cook continued the public hearing at 8:31 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:32 p.m.

A motion was made by Council Member Haynes to approve the second reading of this agenda item. Seconded by Council Member Newsom. The motion FAILED by the following vote:

Aye: 3 - Stephen Lindsey; Darryl Haynes and Brent Newsom**Nay:** 4 - David Cook; Wendy Burgess; Cory Hoffman and Larry Broseh**Abstain:** 0**NEW BUSINESS****16-1999**

Ordinance - First Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and GHA Barnett, LLC for City-Owned Property Located at 707 Pleasant Ridge Court

Jeanne Heard read the caption into the record. Deputy City Manager Shelly Lanners made brief comments and answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND GHA BARNETT, LLC FOR CITY-OWNED PROPERTY LOCATED AT 707 PLEASANT RIDGE COURT." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 1 - Stephen Lindsey

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:37 p.m. Seconded by Council Member Burgess. 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

_____ David L. Cook, Mayor

ATTEST:

_____ Jeanne Heard, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-1999

Agenda Date: 10/24/2016

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Second Reading of an Ordinance Authorizing the Execution of a Gas Lease Agreement Between the City of Mansfield and GHA Barnett, LLC for City-Owned Property Located at 707 Pleasant Ridge Court

Requested Action

Approve Ordinance

Recommendation

Approve Ordinance

Description/History

The City advertised for bids for a mineral lease, no drill site, for City-owned property located at 707 Pleasant Ridge Court. The bids were opened on October 3, 2016. A map of the property is attached. The offer amount for royalty is 25% with a two-year primary term and \$1,000/AC bonus money from GHA Barnett, LLC.

Justification

This property was bid out as a "no-drill" site. GHA Barnett, LLC bid exceeds the initial bid requirements and the lease is still for a no-drill site. The mineral lease agreement has been approved by the city attorney.

Funding Source

N/A

Prepared By

Shelly Lanners, Deputy City Manager

shelly.lanners@mansfieldtexas.gov

817-276-4265

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD AUTHORIZING THE EXECUTION OF A GAS LEASE AGREEMENT BETWEEN THE CITY OF MANSFIELD AND GHA BARNETT, LLC FOR CITY-OWNED PROPERTY LOCATED AT 707 PLEASANT RIDGE COURT

WHEREAS, the City bid out City-owned property for a mineral lease and “no-drill” site and bids were opened on October 3, 2016; and

WHEREAS, GHA Barnett, LLC desires to lease the minerals on a property owned by the City of Mansfield; and

WHEREAS, this property is described as 707 Pleasant Ridge Court; and

WHEREAS, the proposed lease shall contain a “no-drill, no-surface activity” restriction and the minerals shall be conveyed without warranty of title; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Mansfield to execute a gas lease agreement between the City of Mansfield and GHA Barnett, LLC for the above-described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That the City Manager or his designee is hereby authorized to execute a gas lease agreement between the City of Mansfield and GHA Barnett, LLC.

SECTION 2.

This Ordinance shall be cumulative of all provisions of all other Ordinances of the City of Mansfield, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading as the City Charter provides.

FIRST READING APPROVED ON THIS _____ DAY OF _____, 2016.

SECOND READING APPROVED ON THIS _____ DAY OF _____, 2016.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THIS _____ DAY OF _____, 2016.

David Cook, Mayor

ATTEST:

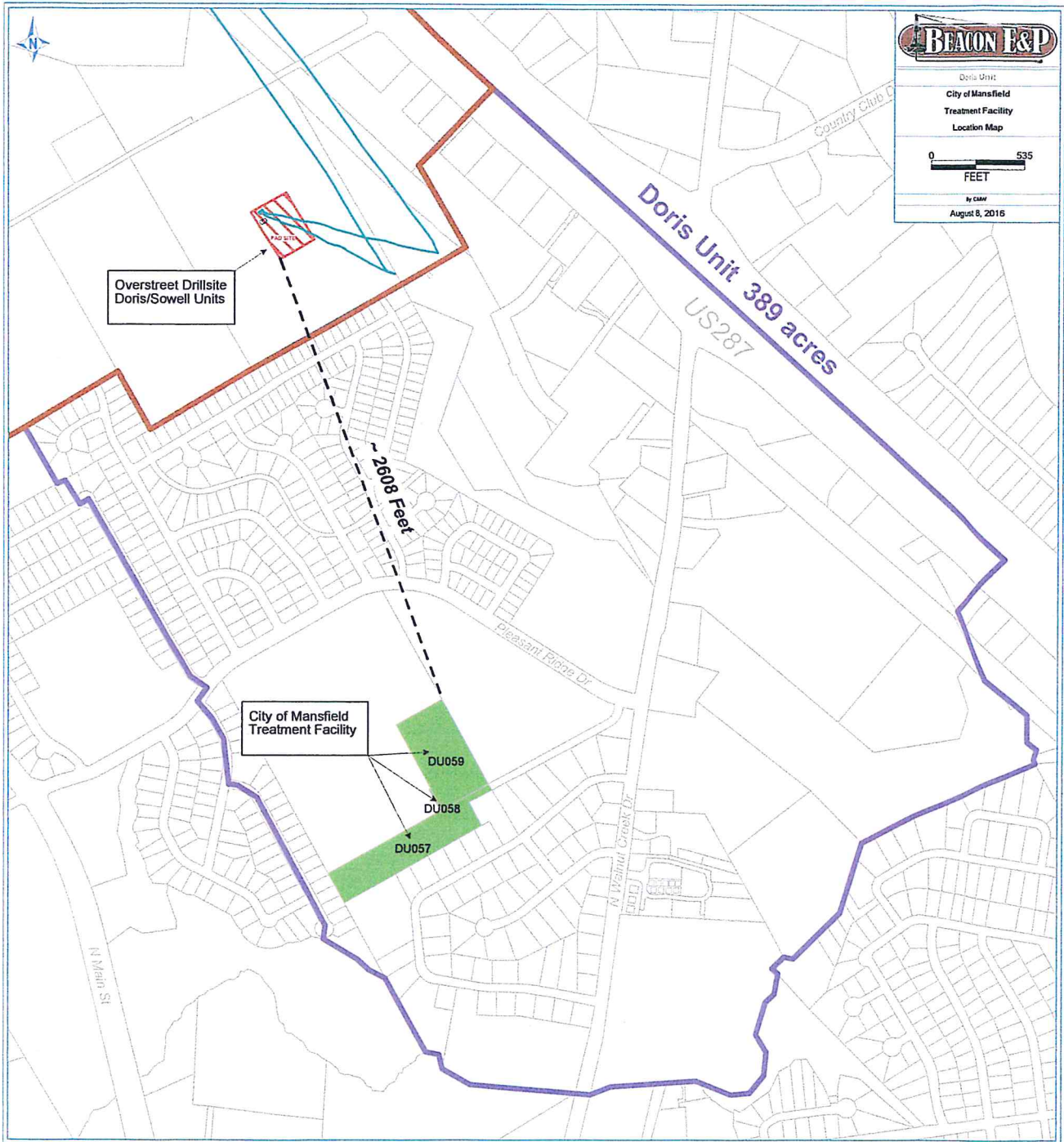
Jeanne Heard, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Location Map





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2046

Agenda Date: 10/24/2016

Version: 2

Status: Old Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Consideration of a Request to Withdraw the Application for Zoning Change from PR to SF-7.5/18, SF-9.6/20 and SF-12/22 on Approximately 187.85 Acres Generally Located West of Gertie Barrett Road and the End of Cancun Drive, North of Country Meadow Drive and Chimney Hill Circle; Alluvium Development (ZC#16-001)

Requested Action

To consider the subject request.

Description/History

The developer is asking to withdraw the zoning change application. He plans to proceed with a new subdivision under the current PR, Pre-Development zoning, which permits single-family residential development in compliance with the SF-12/22 regulations (e.g. Twin Creek Estates, Woodland Estates).

Prepared By

Felix Wong, Director of Planning
817-276-4228



Felix Wong <felix.wong@mansfield-tx.gov>

ZC#16-001 - Requesting Withdrawal of Rezoning Request

1 message

Jeff Linder <jeff@bannistereng.com>

Wed, Oct 19, 2016 at 10:19 AM

To: Felix Wong <felix.wong@mansfield-tx.gov>, lisa.sudbury@mansfield-tx.gov

Cc: Terrance Jobe <tjobe@alluviumdevelopment.com>, Cody Brooks <cody@bannistereng.com>

Mr. Wong:

As discussed in the DRC meeting this morning, we would like to formally request withdrawal of the rezoning request for case ZC#16-001.

Thank you,

Jeff

Jeffrey W. Linder, RLA, LEED AP, Vice President (TX, AR, NM, OK)

Bannister Engineering, LLC (TBPE Firm No. F-10599)

Civil Engineering – Surveying – Structural Engineering – Landscape Architecture – MEP Design

jeff@bannistereng.com | <http://www.bannister-engineering.com>

240 N. Mitchell Road, Mansfield, Texas 76063

P: (817) 842-2094 | C: (817) 658-9518

Bannister Engineering, LLC (BELLCC) currently provides professional engineering services in Texas and several surrounding states. BELLCC is registered as a surveying firm in Texas, and surveying services are offered by BELLCC in Texas only. Nothing in this communication should be interpreted as an offering for any professional service in jurisdictions where BELLCC is not authorized to do so.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2048

Agenda Date: 10/24/2016

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Specific Use Permit for Eating Place with Drive-Through Service on Approximately 1.1 Acres, Generally Located at the Southwest Corner of E. Broad Street and N. Holland Road; Muy Hamburger, LLC. (ZC#16-011)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on September 6, 2016, and voted 5-0 to recommend approval. Commissioners Horn and Hudson were absent.

Description/History

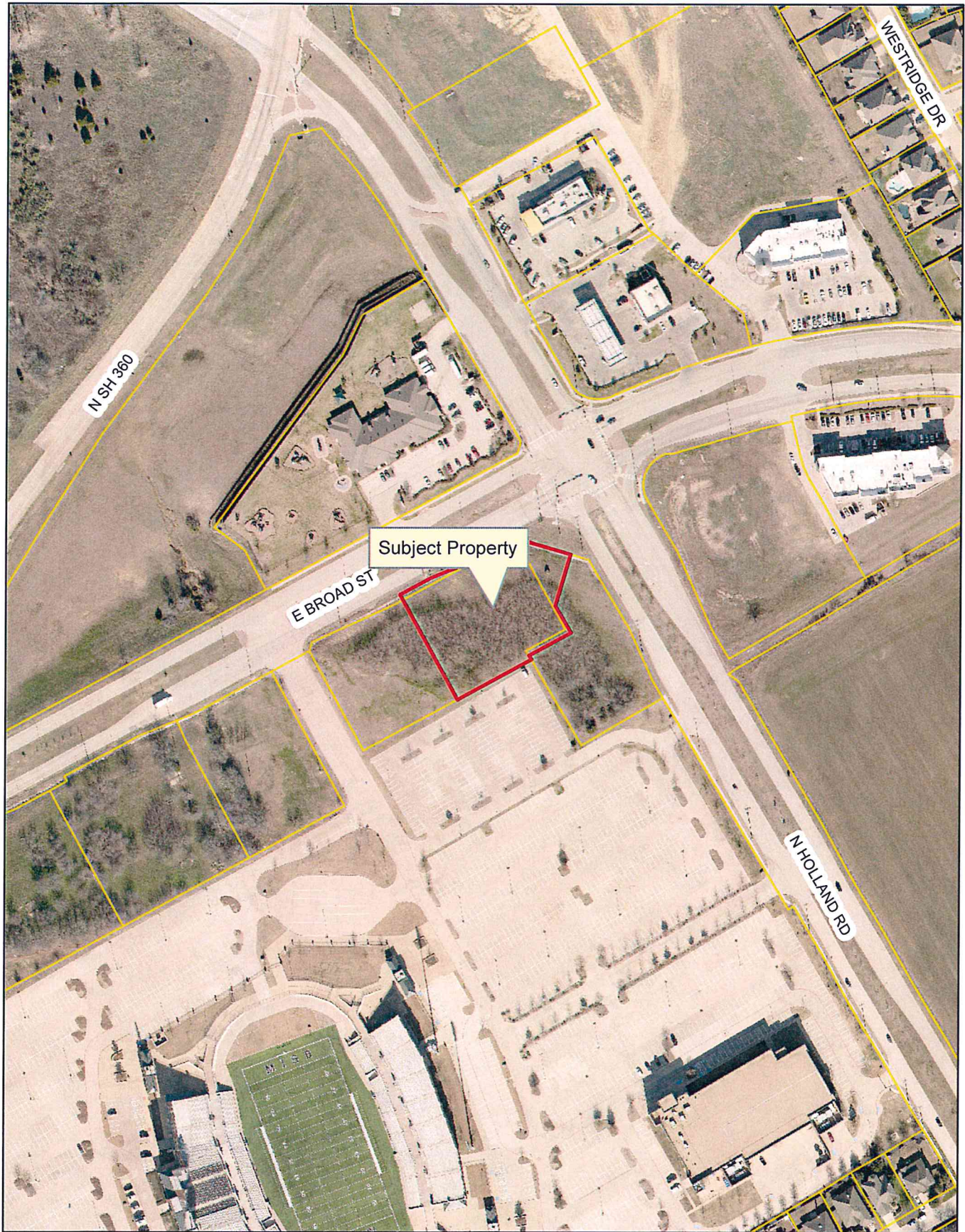
The proposed SUP is for a Wendy's Restaurant with a drive-through window. The development will meet all the new requirements as well as existing architectural criteria. The building will be occupied by just a single tenant.

Second Reading - October 24, 1016

The applicant has revised the landscape plan (attached) to replace all of the under-story trees with canopy trees. The landscape architect has attempted to locate the trees as far from the existing water line and overhead utility lines as possible. The developer who is selling the lot to Wendy's will attend the meeting to explain that it is not economically feasible to bury the overhead utility lines.

Prepared By

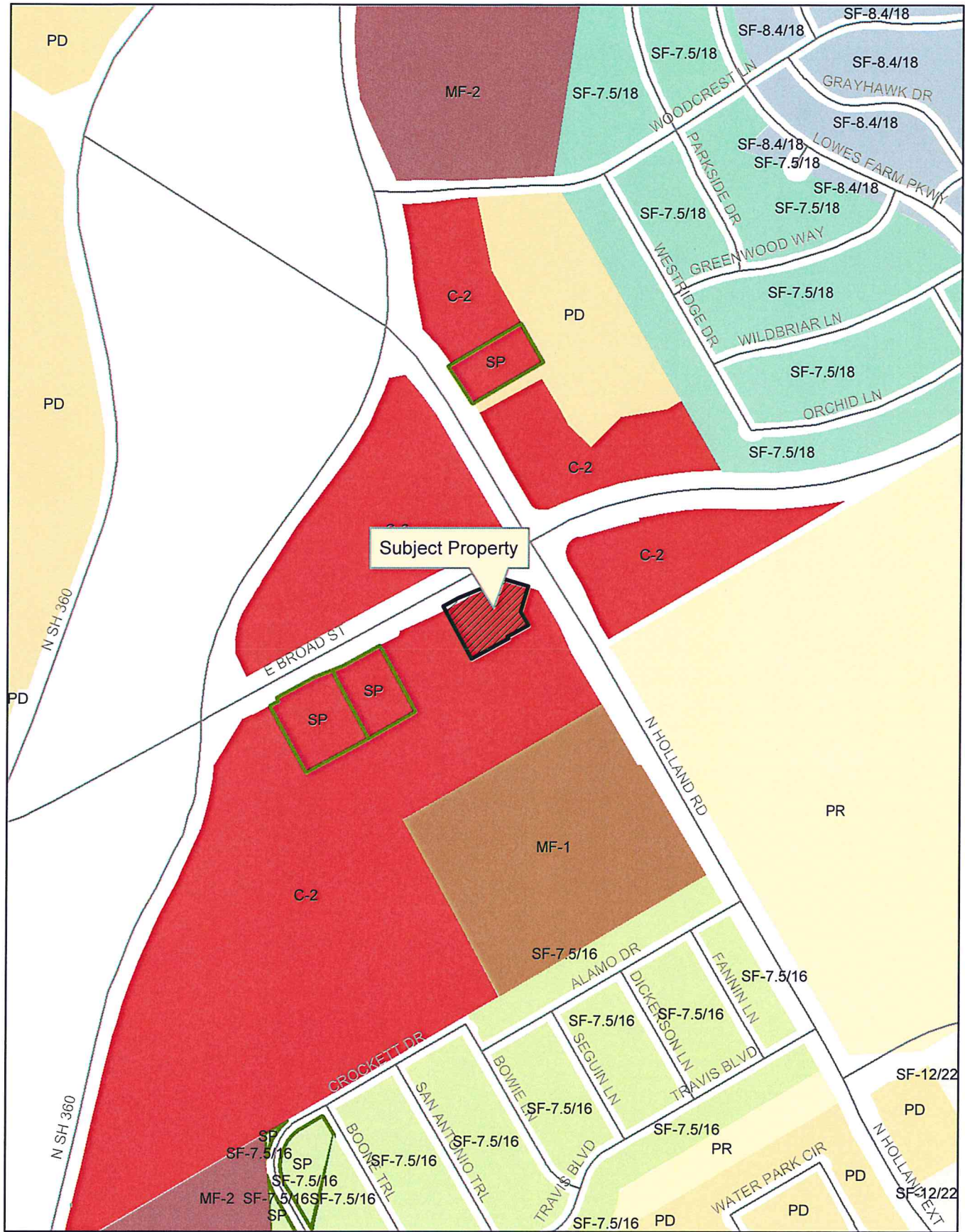
Felix Wong, Director of Planning
817-276-4228



ZC# 16-011

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

08/25/2016



ZC# 16-011

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

08/25/2016

Property Owner Notification for ZC# 16-011

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
BACK, J SURVEY	A 126	HOLLAND CROSSING LP	8350 N CENTRAL EXPW # 1300	DALLAS, TX	75206
BACK, J SURVEY	A 126	KAIZEN REAL ESTATE INC	3405 SPECTRUM BLVD	RICHARDSON, TX	75082
CHILDREN'S COURTYARD	BLK 1	REALTEX VENTURES INC	4604 PARK SPRINGS BLVD STE 150	ARLINGTON, TX	76017
CVS MANSFIELD	BLK 1	3802 BROAD STREET LP	409 RIVER RD STE 1	CLIFTON, NJ	07014
MANSFIELD ISD ATHLETIC COMPLEX	BLK 1	MANSFIELD, ISD	605 E BROAD ST	MANSFIELD, TX	76063-1766

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT FOR EATING PLACE WITH DRIVE-THROUGH SERVICE ON THE HEREINAFTER DESCRIBED PROPERTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new specific use permit for Eating Place with Drive-Through Service, said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That the use and development of the hereinabove described property shall be in accordance to the site plan shown on Exhibit "B" attached hereto and made a part hereof for all purposes.

SECTION 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

That the above described properties shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this Specific Use Permit.

SECTION 5.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2016.

Second reading approved on the _____ day of _____, 2016.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2016.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

Property Description:

Being a tract of land situated in the Jacob Back Survey, Abstract No. 126, City of Mansfield, Tarrant County, Texas, and being a portion of that certain tract of land as described to Holland Crossing, L.P., as recorded in Instrument No. D215284351, Official Public Records of Tarrant County, Texas (OPRTCT), said tract of land being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found with cap stamped "Pieser" for the northwest corner of the herein described tract, said point also being the northeast corner of that certain tract of land as described to Kaizen Real Estate, as recorded in Instrument No. D215284537, OPRTCT, lying in the southerly right-of-way line of Broad Street (a variable width right-of-way) described as Tract One in deed to City of Mansfield recorded in Instrument No. D205216851, OPRTCT;

THENCE along said southerly right-of-way following three (3) courses:

- 1) N 61°18'01" E, a distance of 61.22 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering";
- 2) **THENCE** N 67°34'40" E, a distance of 100.60 feet to a 1/2-inch iron rod found with cap stamped "Coombs";
- 3) **THENCE** N 61°18'01" E, a distance of 64.26 feet to a 1/2-inch iron rod found with cap stamped "coombs" for the northerly corner of a corner clip at the intersection of said southerly right-of-way line and the westerly right-of-way line of Holland Road (a variable width right-of-way);

THENCE S 73°52'38" E, along said corner clip, a distance of 132.53 feet to a 1/2-inch iron rod found with cap stamped "Coombs" and the southerly corner of said corner clip;

THENCE along said westerly right-of-way the following three (3) courses:

- 1) S 30°39'43" E, a distance of 104.80 feet to a 1/2-inch iron rod found with cap stamped "Coombs";
- 2) **THENCE** S 24°23'04" E, a distance of 100.60 feet to a 1/2-inch iron rod found with cap stamped "Coombs";
- 3) **THENCE** S 30°39'43" E, a distance of 34.15 feet (rec. 34.93 feet) to a 1/2-inch iron rod with cap stamped "Coombs" for the southeast corner of said tract and the most easterly northeast corner of Lot 1, Block 1, Mansfield ISD Athletic Complex, an addition to the City Mansfield, Tarrant County, Texas, as recorded in Cabinet A, Slide 10068 of the Plat Records of Tarrant County Texas (PRTCT);

THENCE S 59°26'59" W, departing said westerly right-of-way, along the northerly boundary line of said Lot 1 the following three (3) courses:

- 1) S 59°26'59" W, a distance of 164.00 feet to a 1/2-inch iron rod found with cap stamped "Coombs";
- 2) **THENCE** N 30°40'31" W, a distance of 174.75 feet (rec. 175.00 feet) to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering";
- 3) **THENCE** S 61°18'01" W, a distance of 148.00 feet to a 1/2-inch iron rod found with cap stamped "Pieser" at the easterly corner of the aforementioned Kaizen tract;

THENCE N 28°41'19" W, departing said northerly boundary line, along said easterly line, at a distance of 199.26 feet passing a 1/2-inch iron rod found with cap stamped "Pieser" on line and continuing in all a total distance of 210.23 feet to the **POINT OF BEGINNING** and **CONTAINING** 89,843 square feet or 2.063 acres of land area, more or less.

To: Muy Hamburger, Holland Crossing, L.P.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 4, 5, 8, 9, 13, 16 AND 18 of Table A thereof. The fieldwork was completed on JUNE 3, 2016.

Date of Plat or Map: June 21, 2016

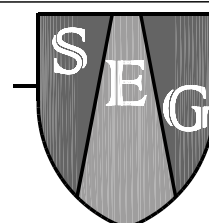


ROBERT W. BRYAN, RPLS
TEXAS REGISTRATION No. 5508



Case No. ZC#16011

ALTA/NSPS LAND TITLE SURVEY
OF
2.063 ACRES OF LAND
SITUATED IN, JACOB BACK SURVEY
ABSTRACT 126
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS



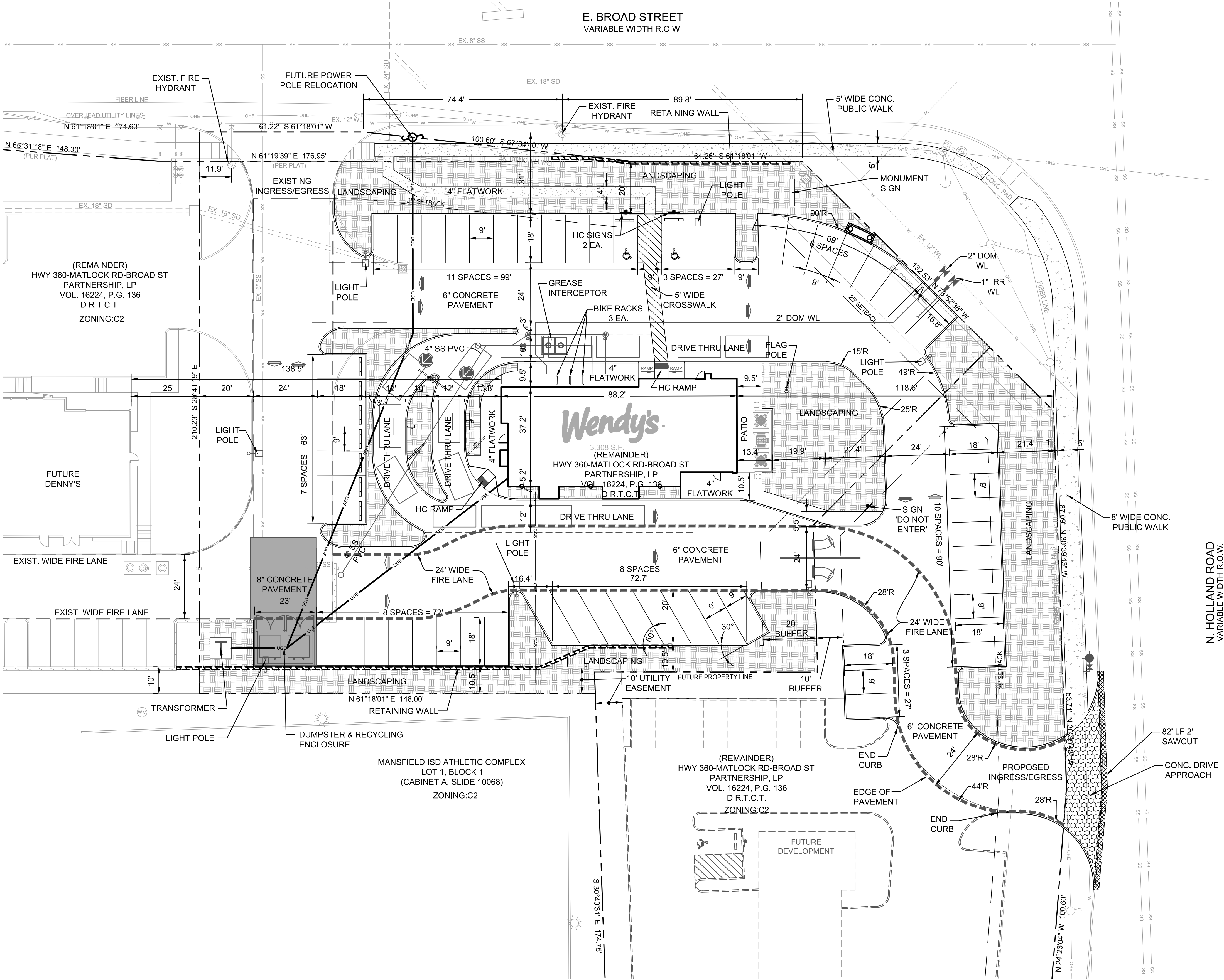
Shield Engineering
Group, PLLC
Civil Engineering & Land
Surveying
TBPE F-11039 TBPLS 10193890
1600 West 7th Street, Ste 200
Fort Worth, Texas 76102
817.810.0696

EXHIBIT A

DATE:
JUNE 2016

DRAWN: ARS
CHECKED: RWB

2016/08/25 2:05 PM JFretwell
L:\Jobs\20160101 Mansfield Wendy's 2\OUT\GTY SUP SITE PLAN.dwg SUP SITE PLAN.dwg

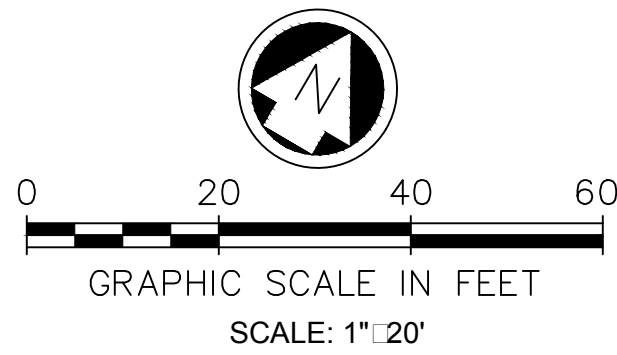


LEGEND

- BOUNDARY LINE / ROW EXIST
- BOUNDARY LINE / ROW PROP
- EASEMENT LINE
- 8" THICK PUBLIC CONCRETE
- COMMERCIAL DRIVE APPROACH
- CONCRETE PUBLIC WALK
- LANDSCAPED AREAS

- | EXISTING | PROPOSED |
|---------------------|-------------|
| DOMESTIC WATER LINE | DW 2" |
| WATER VALVE | |
| FIRE HYDRANT | |
| GAS LINE | GAS 2" |
| IRRIGATION CONDUITS | IRR |
| SANITARY SEWER LINE | SS-1 4" PVC |

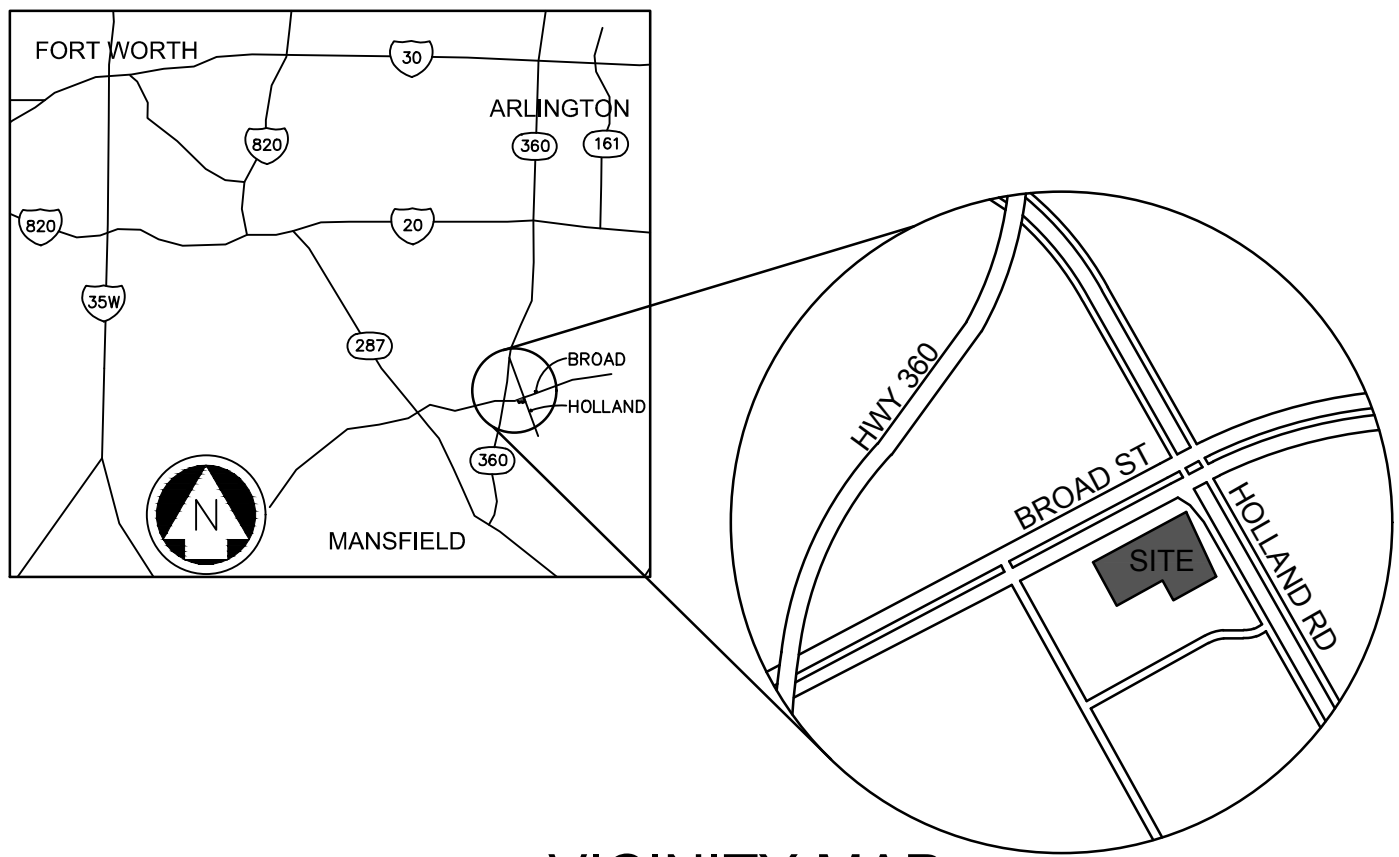
- | EXISTING | PROPOSED |
|-------------------------|--------------|
| SANITARY SEWER MANHOLE | |
| SANITARY SEWER CLEANOUT | |
| OVERHEAD ELECTRIC | OHE |
| UNDERGROUND ELECTRIC | UGE |
| UNDERGROUND FIBER OPTIC | FO |
| STORM DRAIN LINE | SD-1 12" PVC |



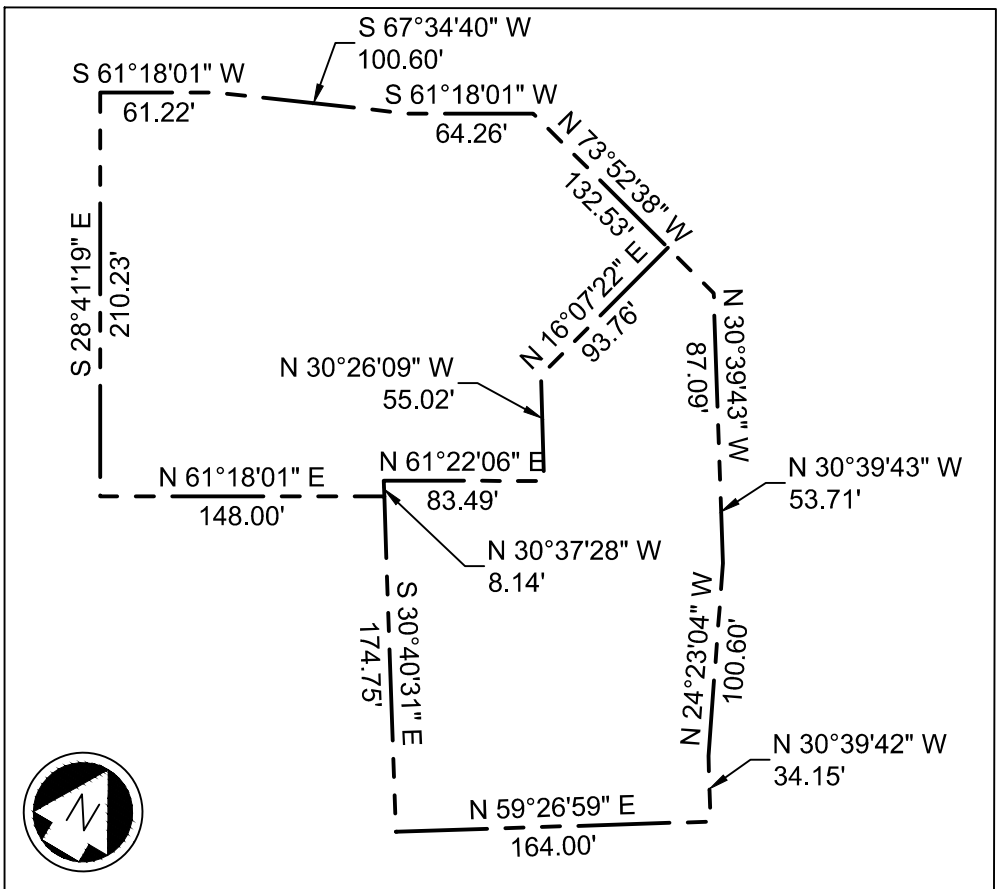
OWNER:
JIM MOLL, DIRECTOR OF DEVELOPMENT
MUY HAMBERGER PARTNERS, LLC
17890 BLANCO RD, STE 401
SAN ANTONIO, TX 78232
PH: 214.673.8551
FAX: 210.853.0831

SITE PLAN

SPECIFIC USE PERMIT
LOT 2, BLOCK 2
JACOB BACK SURVEY
ABSTRACT N 126
CITY OF MANSFIELD
TARRANT COUNTY, TEXAS
1.101 ACRE LOT
A 000025, 2016



VICINITY MAP
N.T.S.



SCALE 1"=100'

SITE DATA	
LOT AREA	57,394 S.F.
BUILDING AREA	3,308 S.F.
BICYCLE RACKS	3
HANDICAP SPACES	2
1 SPACE PER 75 S.F. 3,308/75 = 44 RE.	
TOTAL PARKING SPACES	58

13 SPACES PROVIDED FOR THE FUTURE DEVELOPMENT TO THE SOUTH

SITE NUMBER:	11883
BASE MODEL:	E2000
ASSET TYPE:	FRANCHISEE
CLASSIFICATION:	NEW BUILDING
OWNER:	MUY HAMBURGERS
BASE VERSION:	2016
UPGRADE CLASSIFICATION:	

PROJECT YEAR:	2016
FURNITURE PACKAGE:	2016
DESIGN BULLETINS:	

Shield Engineering Group, PLLC
Civil Engineering & Land Surveying
TYPE F-11039 TPLS 10193890
1600 West 7th Street
Suite 200
Fort Worth, Texas 76102
817.810.0696

MUY! HAMBURGERS
17890 BLANCO ROAD, #401
SAN ANTONIO, TEXAS 78232
PHONE: (210) 493-3505

Wendy's
#11883
3710 EAST BROAD STREET
MANSFIELD, TX

REV.	DATE	DESCRIPTION
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PRELIMINARY FOR REVIEW ONLY
These documents are for Design Review and not intended for Construction, Bidding or Permit Purposes. They were prepared by or under supervision of:
JON M. KROEHLER 94247 8/25/16
Type or Print Name FE # Date

SHEET NAME
SITE PLAN
SHEET NUMBER

EXHIBIT B

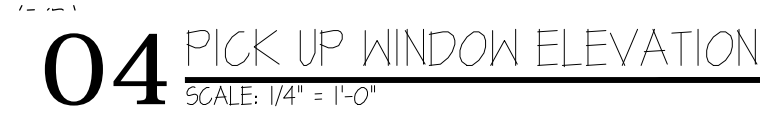
CASE NO.: C#16011

PROJECT YEAR:	2016
FURNITURE PACKAGE:	2016
DESIGN BULLETINS:	

MUY! HAMBURGERS
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SAN ANTONIO, TEXAS
78232
PHONE: (210) 493-3505

MATERIALS	ENTRY FACADE		FRONT FACADE		REAR FACADE		PJM FACADE	
TOTAL FACADE SF	1650 SF		992 SF		1007 SF		1613 SF	
DOORS & WINDOWS	251 SF		493 SF		281 SF		284 SF	
MATERIAL SUBTOTAL	1343 SF	100%	494 SF	100%	480 SF	100%	1384 SF	100%
MASONRY	1181 SF	85%	166 SF	33%	681 SF	70%	1065 SF	77%
METAL	156 SF	11%	11 SF	1%	93 SF	10%	146 SF	10%
EIFS,	56 SF	4%	231 SF	46%	191 SF	20%	181 SF	13%

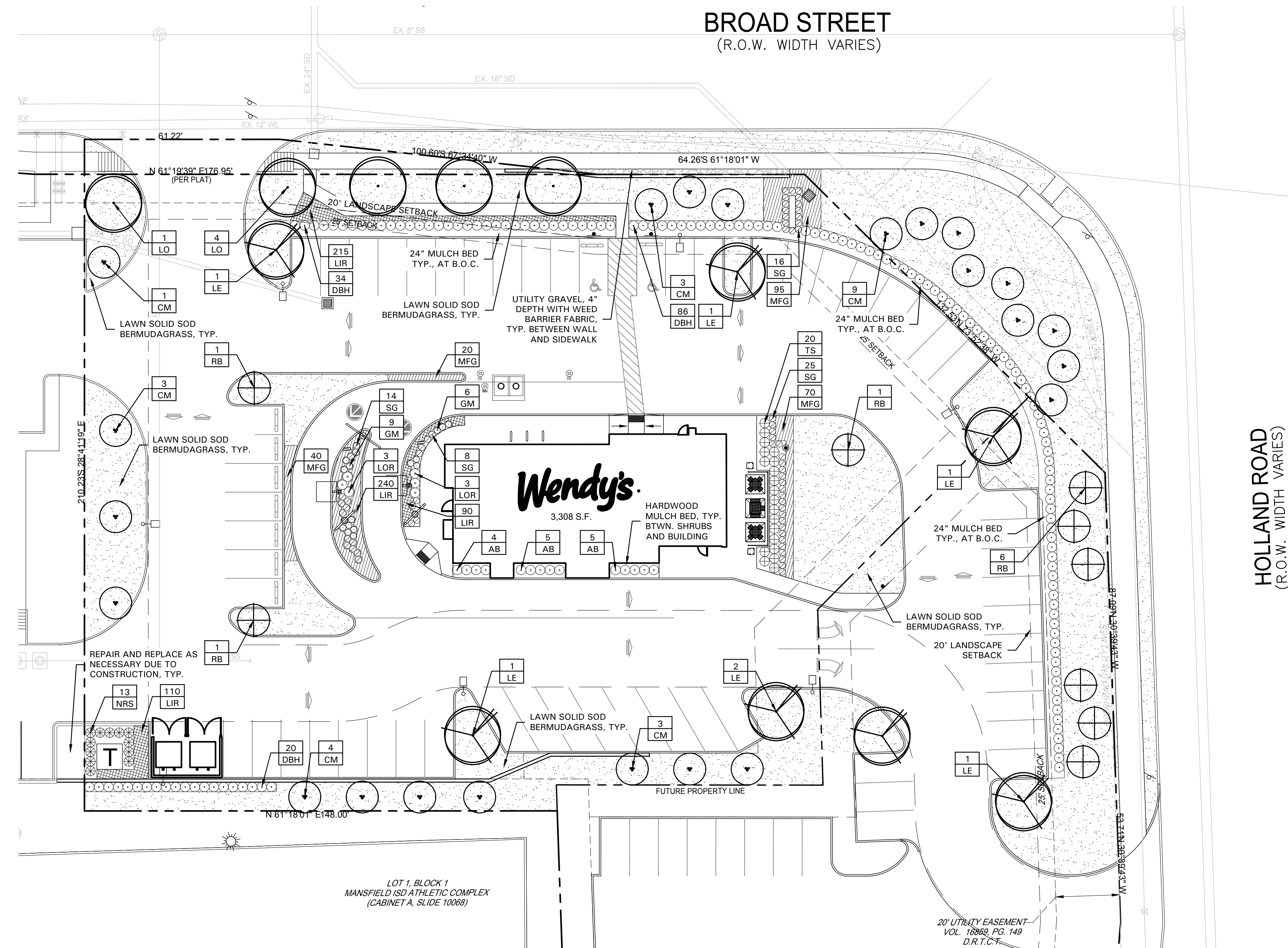
MATERIALS	ENTRY	FRONT	REAR	PUW	SUM OF ELEVATIONS	
MATERIAL SUBTOTAL	1343 SF	444 SF	444 SF	1384 SF	1887 SF	100%
MASONRY	1181 SF	186 SF	687 SF	1065 SF	3438 SF	74%



Wendy's.
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MANSFIELD, TX

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ISSUE DATE		
		08/31/16
PROJECT NUMBER		
DRAWN BY		
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PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
CM	<i>Lagerstroemia indica</i> 'Tuscarora'	Crape Myrtle 'Tuscarora'	23	3" cal.	container grown, 3-5 trunk, min. 1" cal. Canes, no cross canes, 8' ht., 4' spread, matching
LE	<i>Ulmus parvifolia</i> 'Sempervirens'	Lacebark Elm	7	3.5" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
LO	<i>Quercus virginiana</i>	Live Oak	5	3.5" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
RB	<i>Cercis canadensis</i> 'Oklahoma'	Oklahoma Redbud	9	3" cal.	container grown, 8' ht. min, 4' spread min., matching
SHRUBS/GROUND COVER					
AB	<i>Abelia grandiflora</i> 'Edward Goucher'	Dwarf Abelia 'Edward Goucher'	14	5 gal.	container full, 20" ht., 36" o.c.
DBH	<i>Ilex cornuta</i> 'Burfordii Nana'	Dwarf Burford Holly	140	36" ht.	container full, 24" spread, 36" o.c.
GM	<i>Muhlenbergia capillaris</i>	Gulf Muhly	15	5 gal.	container full, 24" o.c.
LIR	<i>Liriope muscari</i> 'Big Blue'	Liriope 'Big Blue'	655	4" pots	container full top of container, 12" o.c.
LOR	<i>Loropetalum chinense</i> 'Purple Diamond'	Loropetalum 'Purple Diamond'	6	5 gal.	container full, 20" spread, 36" o.c.
MFG	<i>Nassella tenuissima</i>	Mexican Feathergrass	225	3 gal.	container full, 18" o.c.
NRS	<i>Ilex spp.</i> 'Nellie R. Stevens'	Nellie R. Stevens Holly	13	15 gal.	container full to base, 5' ht.
SG	<i>Salvia greggii</i> 'Red'	Salvia Greggii 'Red'	63	5 gal.	container full, 20" spread 24" o.c.
TS	<i>Leucophyllum frutescens</i> 'Green Cloud'	Texas Sage 'Green Cloud'	20	5 gal.	container full, 20" spread, 36" o.c.
	<i>Cynodon dactylon</i>	Common Bermudagrass			refer to notes

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES.
PLANT LIST IS AN AID TO BIDDERS ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN.
ALL HEIGHTS AND SPREADS ARE MINIMUMS. ALL PLANT MATERIAL SHALL MEET OR EXCEED REMARKS AS INDICATED.

LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
- TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
- CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

MAINTENANCE NOTES

- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
- ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
- CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

SUMMARY CHART - BUFFERYARDS/SETBACKS					
LOCATION OF BUFFERYARD OR SETBACK	REQUIRED / PROVIDED	LENGTH	BUFFERYARD OR SETBACK WIDTH/TYPE	TREES	SCREENING WALL/DEVICE HEIGHT & MATERIAL
North	Required	133'	20' SETBACK	3	N/A
	Provided		20' SETBACK	9**	
Northeast	Required	87'	20' SETBACK	2	N/A
	Provided		20' SETBACK	6***	
South	Required	341	BY10	7*	N/A
	Provided		BY10	7	
Southwest	Required	210	BY10	4*	N/A
	Provided		BY10	4	
Northwest	Required	226	20' SETBACK	6	N/A
	Provided		20' SETBACK	8****	
*TREE PLANTINGS REDUCED BY 50% FOR C-2 ADJACENCY					
**NINE UNDERSTORY IN PLACE OF 3 CANOPY FOR OVERHEAD UTILITIES					
***SIX UNDERSTORY IN PLACE OF 2 CANOPY FOR OVERHEAD UTILITIES					
****THREE UNDERSTORY IN PLACE OF 1 CANOPY					

SUMMARY CHART - INTERIOR LANDSCAPE			
	LOT SIZE	LANDSCAPE AREA (in sq. ft.)	% OF LANDSCAPE
Required	57,533	5,753	10%
Provided		19,650	34%
Other comments:			

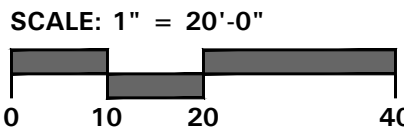
SUMMARY CHART - PARKING LOT PERIMETER/ INTERNAL LANDSCAPE	
Total Parking Spaces	58
58/10 = 6 Required Trees	9 Trees Provided
# of Tree Islands Provided	9 Islands Provided
No more than 15 continuous spaces without tree island	
All parking lot areas shall be screened from view of public streets	
End caps include tree	

GENERAL LAWN NOTES

- CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
- CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
- ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

SOLID SOD NOTES

- PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDAGRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.



- 4245 North Central Expy
- Suite 501
- Dallas, Texas 75205
- 214.865.7192 office

SITE NUMBER:	11883
BASE MODEL:	E2000
ASSET TYPE:	FRANCHISEE
CLASSIFICATION:	NEW BUILDING
OWNER:	MUYI HAMBURGER
BASE VERSION:	2016
UPGRADE CLASSIFICATION:	

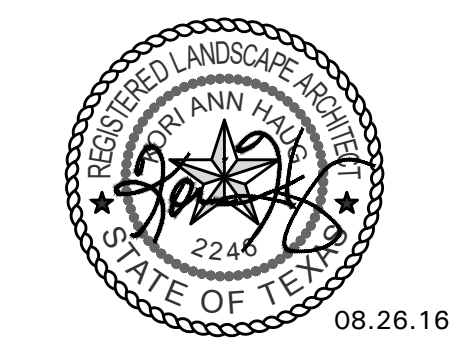
PROJECT YEAR:	2016
FURNITURE PACKAGE:	2016
DESIGN BULLETINS:	

linear!
Marc Brundige,
Architect
8951 Cypress Waters Blvd., Suite 130
Dallas, TX 75019
Phone: 972.929.9226
Fax: 972.929.9061

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PHONE: (210) 493-3505

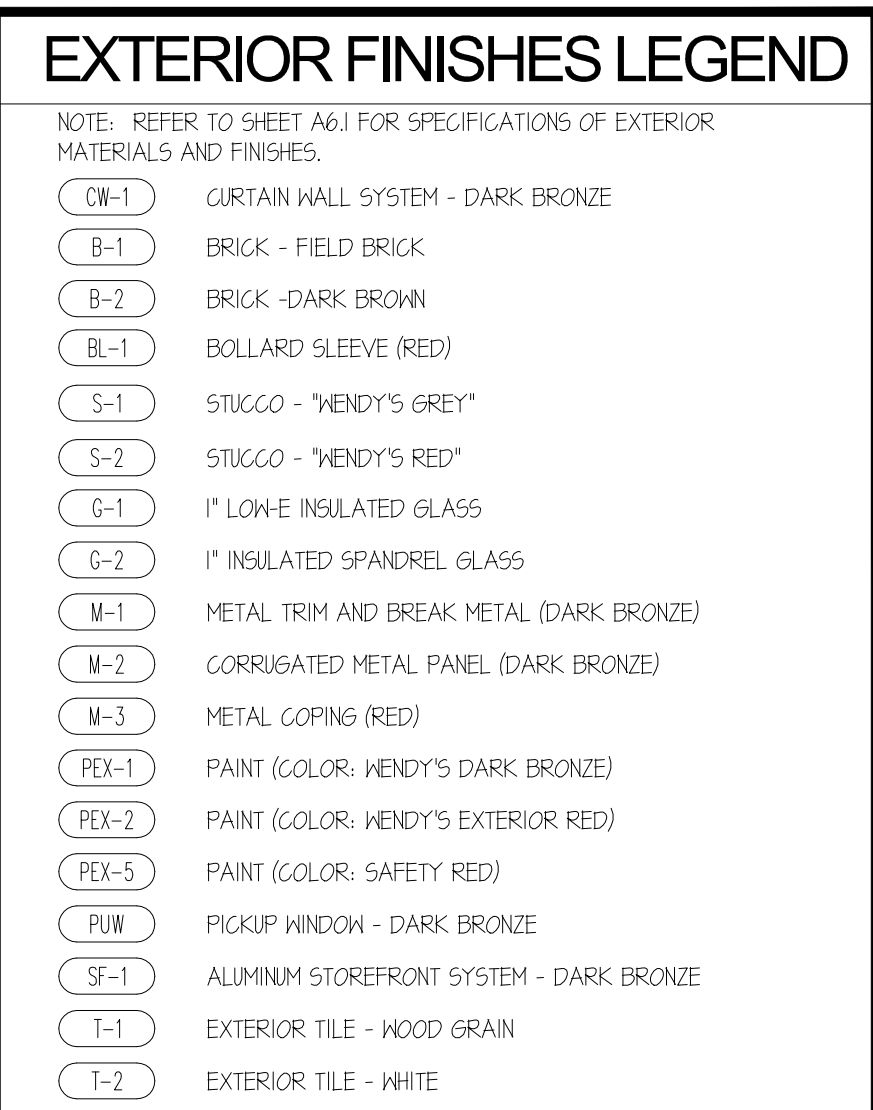
Wendy's
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MANSFIELD, TX

REV.	DATE	DESCRIPTION
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ISSUE DATE: 08/31/16		
PROJECT NUMBER		
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SHEET NAME
LANDSCAPE PLAN
SHEET NUMBER

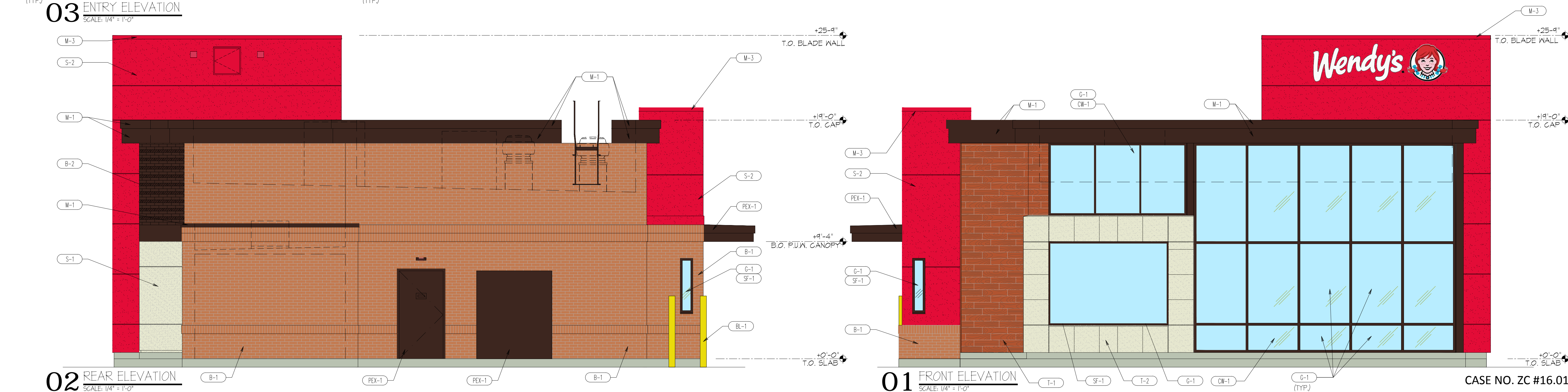
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SITE NUMBER:	11883
BASE MODEL:	E2000
ASSET TYPE:	FRANCHISEE
CLASSIFICATION:	NEW BUILDING
OWNER:	MUY HAMBURGER
BASE VERSION:	2016
UPGRADE CLASSIFICATION:	
PROJECT YEAR:	2016
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SHEET NAME

EXTERIOR
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PROJECT YEAR:	2016
FURNITURE PACKAGE:	2016
DESIGN BULLETINS:	

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EXHIBIT

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02 MONUMENT SIGN SECTION



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4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192 office



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-1998

Agenda Date: 10/24/2016

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the Contract of Sale for the Farr Best Theater and Authorizing the Supplemental Disbursement of Hotel Occupancy Tax Funds to the Mansfield Convention and Visitors Bureau to Purchase the Historic Farr Best Theatre and Make Aesthetic and Operational Improvements

Requested Action

Approve a resolution authorizing the allocation of funds from the hotel occupancy tax funds allowing for \$450,000 plus closing costs for the purpose of purchasing the Historic Downtown Farr Best Theater and \$28,426 for new carpet, new paint, and A/V equipment, and \$30,305 for roof restoration.

Recommendation

Approve the resolution

Description/History

The Farr Best Theater in Historic Downtown Mansfield is an iconic piece in the downtown district and plays a vital role in the City's efforts to re-develop the downtown area. The Hotel Occupancy Tax Fund sub-committee met in July to discuss purchasing the Farr Best Theater if the opportunity ever presented itself.

Justification

In an effort to purchase the Farr Best Theater and to have it operational and beneficial for public use, the Hotel Occupancy Tax Fund subcommittee has requested the support of City Council for a funding supplement from the Hotel Occupancy Tax Fund during FY2016-2017.

Funding Source

Hotel Occupancy Tax Fund

Prepared By

Theresa Cohagen, Manager, Convention & Visitors Bureau
theresa.cohagen@mansfieldtexas.gov
817-804-5785

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT OF SALE AND A SUPPLEMENTAL DISBURSEMENT OF HOTEL OCCUPANCY TAX FUNDS FOR THE PURCHASE OF THE HISTORIC FARR BEST THEATER AND TO MAKE AESTHETIC AND OPERATION IMPROVEMENTS

WHEREAS, the City Council of the City of Mansfield, Texas endeavors to promote additional hotel occupancy tax receipts through the distribution, allocation, and appropriation of hotel occupancy tax receipts; and

WHEREAS, the Hotel Occupancy Tax Fund Subcommittee met in July, 2016, to discuss purchasing the theater and make that recommendation to the City Council in the interest of preserving an historical landmark and to promote and advocate historical and cultural tourism opportunities in Mansfield; and

WHEREAS, the City wants to purchase the iconic Farr Best Theater in to assist with the re-development of Historic Downtown Mansfield; and

WHEREAS, the City Council approves the expenditures of the Convention and Visitors Bureau to purchase Farr Best Theater for historic, artistic, and public use and to make aesthetic and operational improvements.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Council of the City of Mansfield, Texas hereby endeavors to promote additional hotel occupancy tax receipts through the distribution, allocation, and appropriation of hotel occupancy tax receipts.

SECTION 2.

The City Council of the City of Mansfield, Texas hereby approves the allocation of funds from the City's Hotel Occupancy Tax Fund for the purchase of the Farr Best Theater located at 109 N. Main Street in the amount of Four Hundred Fifty Thousand Dollars and 00/100 (\$450,000) plus closing costs and Twenty-Eight Thousand Four Hundred Twenty-Six Dollars and 00/100 (\$28,426) for aesthetic and operational improvements and Thirty Thousand Three Hundred Five Dollars and 00/100 (\$30,305) for roof restoration.

RESOLVED AND APPROVED this 24th day of October, 2016.

David Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary