



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, January 23, 2017

6:00 PM

Council Chambers

AMENDED AGENDA REGULAR MEETING

1. **5:00 P.M. - COUNCIL DINNER WITH LEADERSHIP MANSFIELD 2016 CLASS**
2. **6:00 P.M. - CALL MEETING TO ORDER**
3. **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 Sales Contract with Farr Best Theatre

Seek Advice of City Attorney Regarding a Marquee Sign for the Shops at Broad at the Intersection of US Hwy 287 and E. Broad Street

Seek Advice of City Attorney Regarding Liberty Tax Advertisements

Seek Advice of City Attorney Regarding Bethlehem Pioneer Place

Seek Advice of City Attorney Regarding Extraterritorial Jurisdictions (Addendum to Agenda)

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

The Relocation of the Parks and Recreation Administration Building

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**

Project #17-01 Briefing

- 4. 6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**
- 5. 7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**
- 6. INVOCATION**
- 7. PLEDGE OF ALLEGIANCE**
- 8. TEXAS PLEDGE**

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

- 9. WELCOME**

Leadership Mansfield 2016 Class

- 10. PROCLAMATION**

[17-2164](#) School Board Recognition Month

Attachments: [School Board Recognition Month 2017](#)

- 11. PRESENTATION**

Salvation Army/Mayoral Red Kettle Challenge Trophy Presentation

Bethlehem's Pioneer Place, LLC - Pastor Michael Evans

- 12. 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.

13. COUNCIL ANNOUNCEMENTS

14. 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

15. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

16. 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

[16-2125](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to I-1, Light Industrial District on Approximately 14.5 Acres Generally Located West of S. 7th Avenue and North of Hanks Drive; Mansfield Economic Development Corporation (ZC#16-021)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Ordinance](#)

[Maps & Supporting Info.](#)

[Exhibit A](#)

[16-2131](#)

Ordinance - Second Reading of an Ordinance Amending the PCS Site Lease Agreement and First Amendment to PCS Site Lease Agreement for the City-Owned Property at James McKnight Park East in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

Sponsors: Shelly Lanners and Matt Young

Attachments: [Ordinance](#)

[Exhibit A](#)

[16-2139](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding from the Criminal Justice Division of the Governor's Office of the State of Texas for Body Worn Cameras for Licensed Police Officers, the

Amount of the Award will not Exceed \$215,000 and Requires a 20% Match

Sponsors: Clayton Chandler and Tracy Aaron

Attachments: [Resolution](#)

[17-2161](#)

Resolution - A Resolution Awarding a Construction Contract for Aerial Sanitary Sewer Repairs to Excel Mulching and Trenching; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$1,161,502.90 (Utility Bond Fund)

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[17-2162](#)

Resolution - A Resolution Approving a Developer Participation Contract Between the City of Mansfield and HMH Garden Heights, LP for Cost Participation for Drainage Improvements Along National Parkway Adjacent to the Garden Heights, Phase Four Addition

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[Developer Participation Contract](#)

[17-2163](#)

Resolution - A Resolution to Consider Requesting the Members of the 85th Legislative Session of the State of Texas to Support Legislation that Provides a Fair and Equitable Distribution of the Sporting Goods Sales Tax Revenue for Local and State Parks

Sponsors: Shelly Lanners and Matt Young

Attachments: [Resolution](#)

[17-2155](#)

Request for Special Event Permit: Mansfield Run with Heart

Sponsors: Joe Smolinski and The Applicant

Attachments: [Mansfield Run with Heart App](#)

[Approvals & Comments](#)

[17-2154](#)

Minutes - Approval of the January 9, 2017 Regular City Council Meeting Minutes

Sponsors: Shelly Lanners and Jeanne Heard

Attachments: [1-9-17 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

17. OLD BUSINESS

[16-2138](#)

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD, Planned Development for Single Family Residential Use on Approximately 15.46 Acres Generally Located About 1,300' South of the Southeast Corner of

N. Matlock Road and E. Debbie Lane; Skorburg Company (ZC#16-017)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Ordinance](#)

[Exhibit A](#)

[Maps & Supporting Info.](#)

[Letters of Support](#)

[Development Plan Exhibits B- D](#)

[Email from Tommy Reilly](#)

18. PUBLIC HEARING AND FIRST READING

[17-2160](#)

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to C-2 for General Retail and Office Uses on Approximately 1.43 Acres Generally Located East of Matlock Road and Approximately 1,181 Feet South of the Intersection of Matlock Road and E. Debbie Lane; Reilly Brothers (ZC#16-027)

Sponsors: Joe Smolinski and Felix Wong

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

[Ordinance](#)

[Exhibit A](#)

19. PUBLIC HEARING CONTINUATION AND SECOND READING

[16-2146](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre Development to PD, Planned Development for Office, Retail and Service Uses on Approximately 3.296 Acres Generally Located South of Mansfield-Webb Road and approximately 470 feet West of the City Limits; Mansfield-Webb, LLC (ZC#16-016)

Sponsors: Joe Smolinski and Felix Wong

Attachments: [Ordinance](#)

[Maps & Supporting Information](#)

[Exhibit A](#)

[Exhibits B-D](#)

[Existing Vegetation](#)

[16-2149](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Changing the Speed Limit on US Highway 287 between Lone Star Road and South City Limits to a Regulatory Construction Speed of 55 MPH

Sponsors: Joe Smolinski and Bart VanAmburgh

Attachments: [TxDOT Request](#)

[Ordinance](#)

20. NEW BUSINESS[17-2166](#)

Resolution - A Resolution of the City of Mansfield, Texas, Supporting Texas Department of Housing and Community Affairs Application No. 17037 for the Proposed Pioneer Place Development Located at 1197 West Broad Street, Mansfield, Texas

Sponsors: Joe Smolinski

Attachments: [Pioneer Place Support Resolution](#)
[Pioneer Place Commitment Letter](#)

21. ADJOURN**CERTIFICATION**

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the January 23, 2017 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, January 20, 2017 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Jeanne Heard, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

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



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 17-2164

Agenda Date: 1/23/2017

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

School Board Recognition Month

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing Department

WHEREAS, the Mansfield Independent School District board guides a school district spanning 94.5 square miles with more than 34,000 students on 43 campuses; and,

WHEREAS, the growth of the district has presented the school board with numerous challenges, which they have met with strong leadership, hard work and a tremendous dedication to MISD students; and,

WHEREAS, the members of the school board face complex and demanding challenges and work tirelessly for the communities they serve; and,

WHEREAS, the Texas Association of School Boards recognizes the work of these volunteers every January, this year with the theme of “2017 All-Star Team” to recognize and honor the commitment and sacrifice school board members make each day on behalf of those they serve - the administrators, teachers, staff and students of their district; and,

WHEREAS, we offer our thanks to these outstanding community leaders whose commitment makes a difference in the lives of our children;

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, along with members of the City Council, do hereby proclaim January 2017

SCHOOL BOARD RECOGNITION MONTH

in the City of Mansfield and ask all citizens of our community to show their appreciation to the men and women of the MISD board for their faithful service and their dedication to improving the lives of Mansfield’s children.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 23rd day of January, 2017.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2125

Agenda Date: 1/23/2017

Version: 3

Status: Third and Final
Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to I-1, Light Industrial District on Approximately 14.5 Acres Generally Located West of S. 7th Avenue and North of Hanks Drive; Mansfield Economic Development Corporation (ZC#16-021)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on November 21, 2016, and voted 7-0 to recommend approval.

Description/History

The MEDC anticipates a user for the northern half of the 14.5 acre tract and wishes to rezone the whole tract to I-1 for that user and future users.

A water tower could be located in the southeast corner of the tract once the road alignment is determined.

Prepared By

Felix Wong, Director of Planning
817-276-4228

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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO I-1 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION, 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 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 zoning district classification of I-1, Light Industrial District Classification; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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 3.

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 zoning classification.

SECTION 4.

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 5.

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 6.

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.

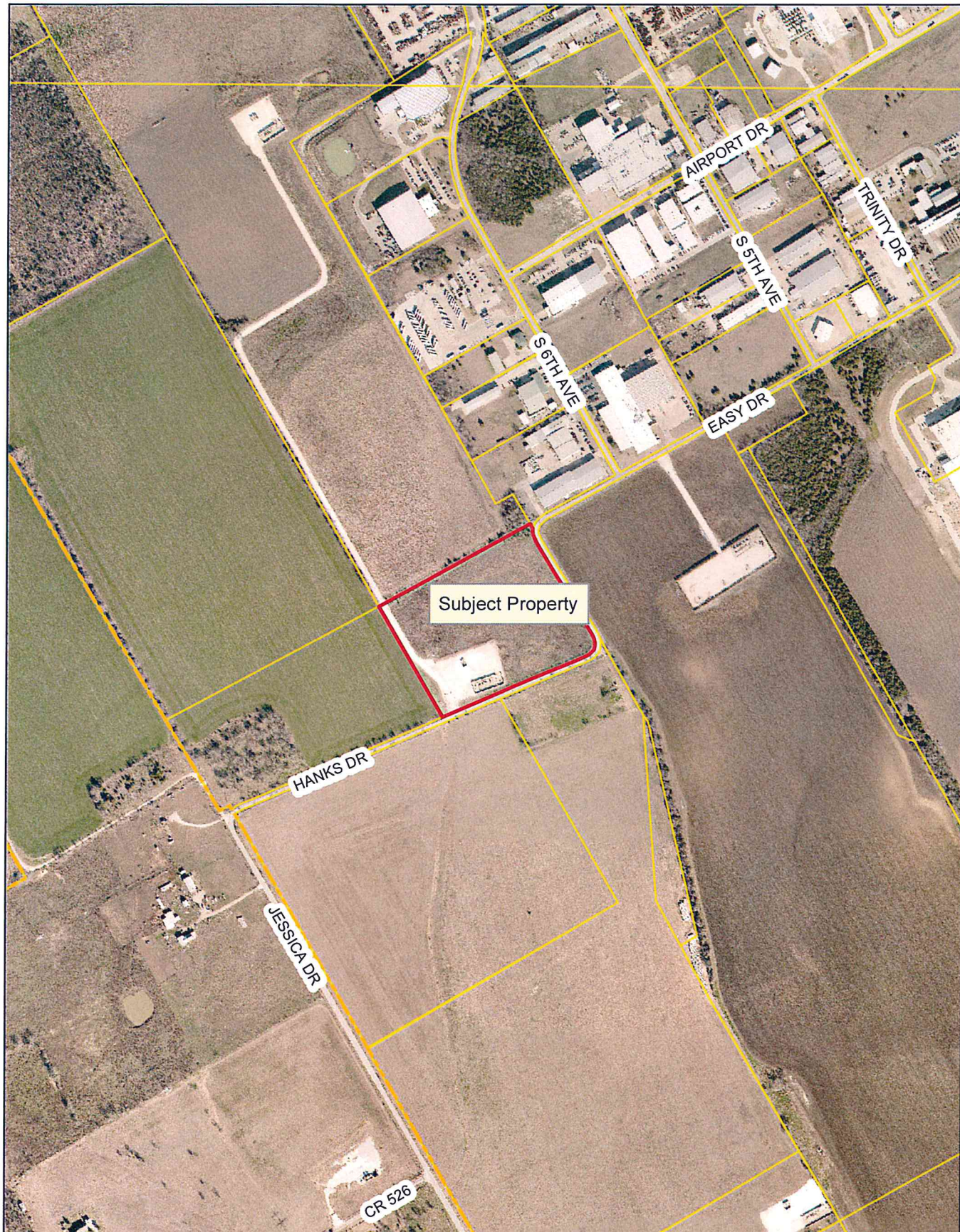
David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

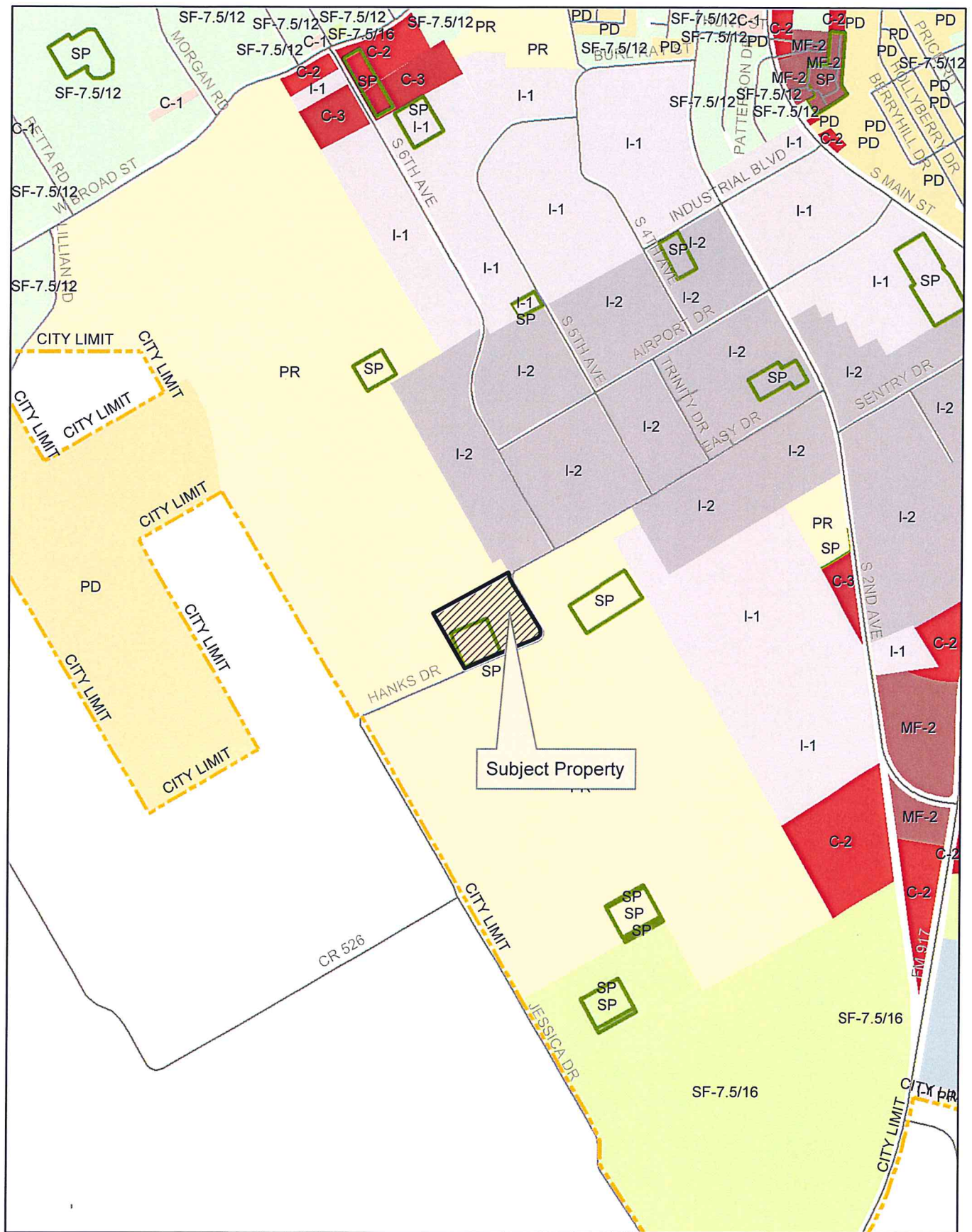
Allen Taylor, City Attorney



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.

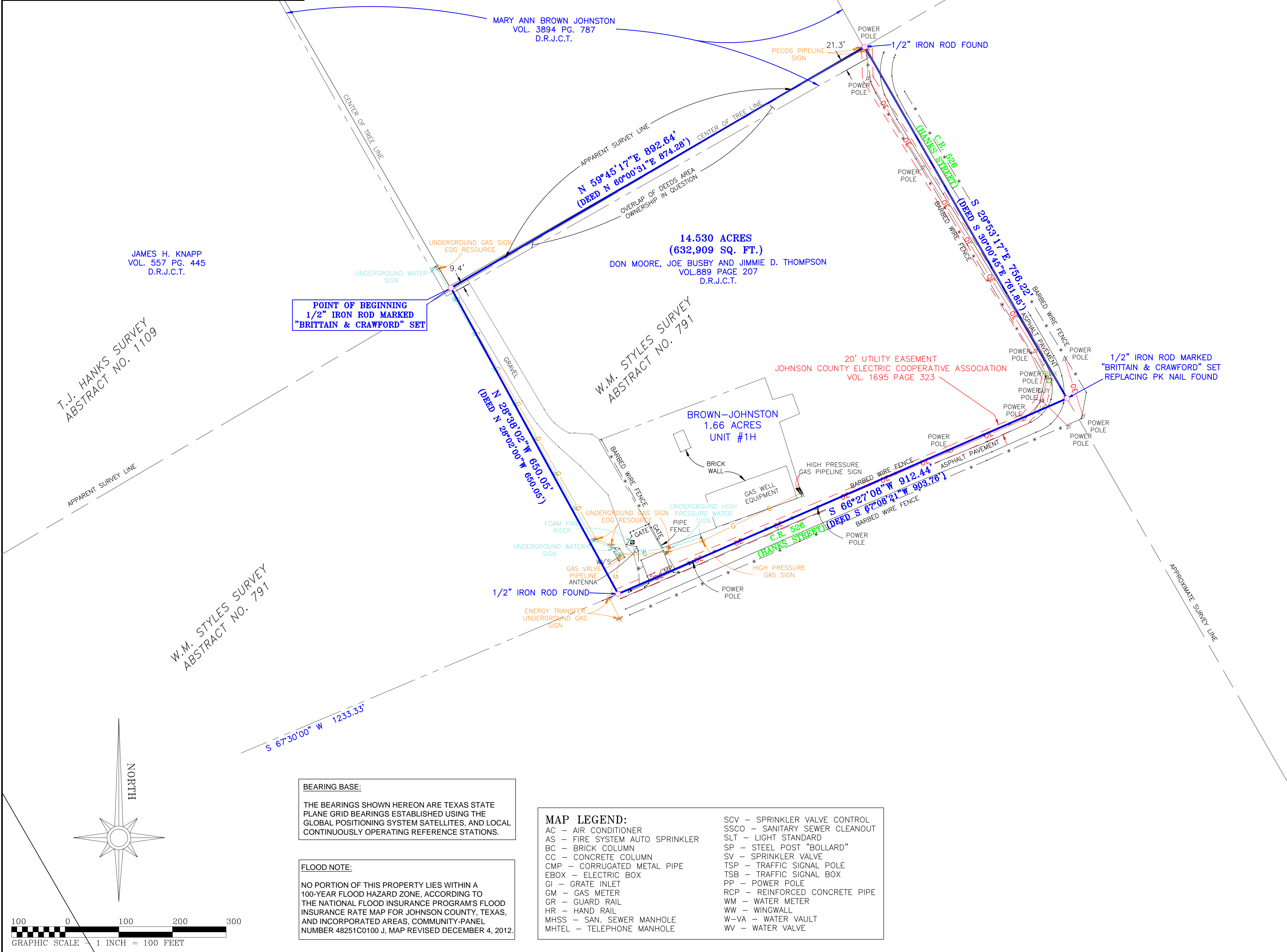
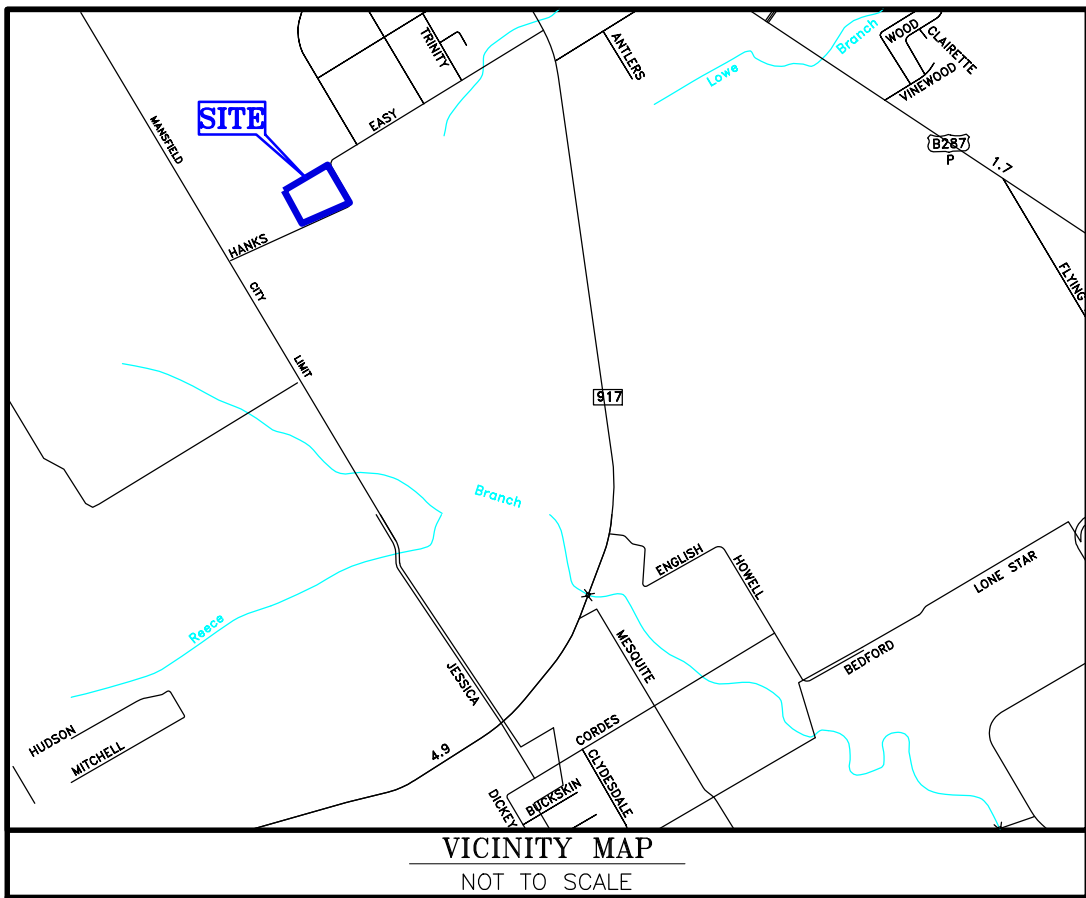
ZC# 16-021

08/25/2016



Property Owner Notification for ZC# 16-021

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BGTW ADDITION	BLK 1	BGTW GROUP LLC	950 S 6TH AVE	MANSFIELD, TX	76063
J Q WHEELER	TR 2, 4	RATJEN JAMES NEAL	4409 CR 613	ALVARADO, TX	76009
T J HANKS	TR 3	KNAPP JAMES H JR TR	P O BOX 637	RIO VISTA, TX	76093-0637
T J HANKS	TR 4	JOHNSTON MARY ANN BROWN	915 RIVIERA DR	MANSFIELD, TX	76063-3714
W M STILES	TR 1	KNAPP JAMES J JR	P O BOX 637	RIO VISTA, TX	76093-0637
W M STILES	TR 2	BUSBEE JOE & DON MOORE ETAL	8200 E FM 917	ALVARADO, TX	76009
W M STILES	TR 3	KIMBROUGH IRA T & ANDREE E	7197 W HWY 67	WALNUT SPRINGS, TX	76690
W M STILES	TR 3A	MANSFIELD ISD	605 E BROAD ST	MANSFIELD, TX	76063



**ZC#16-021
EXHIBIT A**

BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING

TEL (817) 926-0211
FAX (817) 926-9347
P.O. BOX 11374 • 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

FIRM CERTIFICATION# 1019000
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EASEMENT NOTES

REGARDING EASEMENTS IDENTIFIED ON SCHEDULE B OF FIRST AMERICAN TITLE GUARANTY COMPANY, GF NO. 2017-195101-RU, EFFECTIVE DATE: JUNE 29, 2016, ISSUED DATE: JULY 29, 2016.

FIRST AMERICAN TITLE GUARANTY COMPANY
ITEM NO. 10

a. THE TRACT OF LAND SHOWN HEREON IS AFFECTED BY THE EASEMENT GRANTED BY JOE BUSBY, ET AL TO JOHNSON COUNTY ELECTRIC COOPERATIVE ASSOCIATION, RECORDED IN VOLUME 1695, PAGE 323, REAL PROPERTY RECORDS, JOHNSON COUNTY, TEXAS.

b. THE TRACT OF LAND SHOWN HEREON IS AFFECTED BY THE TERMS, CONDITIONS AND STIPULATIONS OF STIPULATION OF INTEREST, RECORDED IN COUNTY CLERK'S FILE NO. 2009-37464, REAL PROPERTY RECORDS, JOHNSON COUNTY, TEXAS.

c. THE TRACT OF LAND SHOWN HEREON IS AFFECTED BY THE MINERAL LEASE TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES INCIDENT THERETO, TO DEVON ENERGY PRODUCTION, LP FROM DON MOORE, JOE BUSBY AND JIMMIE D. THOMPSON DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 3624, PAGE 586, REAL PROPERTY RECORDS, JOHNSON COUNTY, TEXAS.

LEGAL DESCRIPTION

BEING 14.530 acres of land located in the WILLIAM STYLES SURVEY, Abstract No. 791, City of Mansfield, Johnson County, Texas, and being the same tract of land conveyed to Don Moore, Joe Busby and Jimmie D. Thompson, by the deed recorded in Volume 889, Page 207, of the Deed Records of Johnson County, Texas. Said 14.530 acres of land being more particularly described as follows:

BEGINNING at a 1/2" iron rod marked "Brittain & Crawford" set, at the West corner of said Moore, Busby and Thompson Tract, and said POINT OF BEGINNING also lying in the Northwest boundary line of said WILLIAM STYLES SURVEY;

THENCE N 59° 45' 17" E 892.64 feet, along the Northwest boundary line of said Moore, Busby and Thompson Tract, generally following the center of an old tree line, possibly marking the original North boundary line of said STYLES SURVEY, to a 1/2" iron rod found at the Northeast corner of said Moore, Busby and Thompson Tract;

THENCE S 29° 53' 17" E 756.22 feet, along the East boundary line of said Moore, Busby and Thompson Tract, to a 1/2" iron rod marked "Brittain & Crawford" set, replacing a PK Nail found within the right-of-way area of Hanks Street (County Road No. 526);

THENCE S 66° 27' 08" W 912.44 feet, along the Southeast boundary line of said Moore, Busby and Thompson Tract, to a 1/2" iron rod found at the Southwest corner of said Moore, Busby and Thompson Tract;

THENCE N 28° 38' 02" W 650.05 feet, along the Southwest boundary line of said Moore, Busby and Thompson Tract, to the POINT OF BEGINNING containing 14.530 acres (632,909 square feet) of land.

CERTIFICATION

TO: RAYMOND MEEKS, REUNION TITLE AND THEIR UNDERWRITERS FIRST AMERICAN TITLE GUARANTY COMPANY

The undersigned does hereby certify that a survey was this day made on the ground on the property legally described hereon or in attached field notes prepared by the undersigned, and is correct; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown on the plat hereon; that said property has access to and from a public roadway; and, that the plat hereof is a true, correct and accurate representation of the property described hereinabove. Further, the undersigned hereby certifies that he has calculated the quantity of land or acreage contained within the tract shown on this plat of survey and described hereon or in said attached field notes, and certifies that the quantity of land shown hereon is correct. No portion of the Tract of land shown hereon lies within a 100-year flood hazard area.

SURVEYED ON THE GROUND
AUGUST 16, 2016

James L. Brittain
JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS No. 5792

BOUNDARY SURVEY MAP
OF
14.530 ACRES OF LAND
LOCATED IN THE
WILLIAM STYLES SURVEY
ABSTRACT No. 791
CITY OF MANSFIELD, JOHNSON COUNTY,
TEXAS

(DANNY) ...Projects\WM STYLES SURVEY\14.360 AC\WM-STYLES-14.360 AC.dwg
MISC. CO. #534



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2131

Agenda Date: 1/23/2017

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Second Reading of an Ordinance Amending the PCS Site Lease Agreement and First Amendment to PCS Site Lease Agreement for the City-Owned Property at James McKnight Park East in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

Requested Action

Consider approving ordinance

Recommendation

Approve ordinance

Description/History

In 2001, the City of Mansfield and Sprint Spectrum L.P. entered into a PCS Site Lease Agreement for a portion of land consisting of approximately 1,800 square feet at James McKnight Park East for the purpose of installing cell tower antennas on a ballfield lighting pole and associated telecommunications equipment on a pad site behind the maintenance building in the park. In 2013, a first amendment was executed to amend certain provisions of the original agreement. Since the execution of the original agreement, STC Five LLC has become the successor in interest to Sprint Spectrum L.P.

STC Five LLC is now seeking to further amend the PCS Site Lease Agreement to increase the leased spaced by an additional 336 square feet, increase the rent paid to the City of Mansfield and amend other terms of the agreement in order to accommodate Verizon Wireless. The proposed amendment would allow for additional antennas to be installed on the existing light pole, and equipment to be installed on the ground adjacent to the existing site equipment. Staff worked with STC Five LLC to ensure that the expansion would match the existing site equipment and comply with the City's current screening ordinance by providing masonry walls with vegetation surrounding the site (see Exhibit A).

Justification

The proposed expansion will not adversely affect the park, will provide additional monthly revenue, and provide an opportunity to improve aesthetic screening for the site.

Funding Source

N/A

Prepared By

Matt Young, Director of Parks and Recreation
Matt.Young@mansfieldtexas.gov
817-804-5798

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PCS SITE LEASE AGREEMENT AND FIRST AMENDMENT TO PCS SITE AGREEMENT FOR THE CITY-OWNED PROPERTY AT JAMES MCKNIGHT PARK EAST, IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; 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 of Mansfield and Sprint Spectrum L.P. entered into a certain PCS Site Lease Agreement, dated July 23, 2001, whereby the City leased to Sprint Spectrum L.P. a portion of land consisting of approximately 1,800 square feet at James McKnight Park East, in the City of Mansfield, Tarrant County, Texas together with access and utility easements thereto; and

WHEREAS, the City of Mansfield and Sprint Spectrum L.P. amended the PCS Site Lease Agreement by executing that certain First Amendment to PCS Site Agreement dated January 7, 2013, whereby the City of Mansfield and Sprint Spectrum L.P. agreed to amend certain provisions of the PCS Site Lease Agreement; and

WHEREAS, STC Five LLC is the successor in interest to Sprint Spectrum L.P., and Global Signal Acquisitions III LLC, is its attorney-in-fact; and

WHEREAS, the City of Mansfield and STC Five LLC are seeking to further amend the PCS Site Lease Agreement and First Amendment to PCS Site Agreement to increase the leased spaced by an additional 336 square feet, increase the rent paid to the City of Mansfield and amend other terms; and

WHEREAS, the City Council of the City of Mansfield and STC Five LLC find that further amending the PCS Site Lease Agreement is in the best interests of the City of Mansfield and STC Five LLC; and

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

SECTION 1

The City of Mansfield hereby agrees to amend the PCS Site Lease Agreement and First Amendment to PCS Site Agreement by executing the easement instrument, attached hereto as Exhibit A.

SECTION 2

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the lease instrument, attached hereto as Exhibit A.

SECTION 4

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 or decree 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 would have been enacted by the City Council, without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

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 _____, 2017.

Second reading approved on the _____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 201__.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney
CITY ATTORNEY

STATE OF TEXAS

§

§

COUNTY OF TARRANT

§

SECOND AMENDMENT TO PCS SITE LEASE AGREEMENT

THIS SECOND AMENDMENT TO PCS SITE LEASE AGREEMENT (this “Second Amendment”) dated as of the last of the signature dates below (the “Effective Date”) by and between the **CITY OF MANSFIELD, TEXAS** (“Owner”) having a mailing address of 1200 Broad Street, Mansfield, Texas 76063 and **STC FIVE LLC**, a Delaware limited liability company (“Tenant”), a successor in interest to Sprint Spectrum L.P., a Delaware limited partnership (“Sprint”), by Global Signal Acquisitions III LLC, a Delaware limited liability company, its attorney-in-fact, having a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317.

WITNESSETH:

WHEREAS, Owner and Sprint entered into a certain PCS Site Lease Agreement, dated July 23, 2001 (the “Original Agreement”), whereby Owner leased to Sprint a portion of land consisting of approximately 1,800 square feet in the City of Mansfield, Tarrant County, Texas together with access and utility easements thereto, as more particularly described in the Original Agreement (the “Existing Leased Premises”); that certain unrecorded Memorandum of Lease (incorrectly titled Memorandum of Amendment of Lease) dated July 23, 2001; and on Exhibit A attached hereto; and

WHEREAS, Owner and Tenant amended the Original Agreement by executing that certain First Amendment to PCS Site Agreement dated January 7, 2013 (the “First Amendment”), evidenced by that certain Memorandum of First Amendment to PCS Site Agreement dated as of January 7, 2013 and recorded March 6, 2013 at cc# D213056243 of the Real Property Records of Tarrant County, Texas, whereby Owner and Tenant agreed to amend certain provisions of the Agreement (the Original Agreement and the First Amendment shall be collectively referred to herein as the “Agreement”); and

WHEREAS, Owner and Tenant entered in to that certain Easement Agreement dated _____, recorded _____, 2017 at cc# _____ of the Real Property Records of Tarrant County, Texas, whereby Tenant released the existing access to the Existing Leased Premises and the Owner granted Tenant a new access easement to the Existing Leased Premises.

WHEREAS, the Owner and Tenant desire to amend certain provisions of the Agreement upon terms mutually acceptable to both parties; and

WHEREAS, the Owner and Tenant find that amending the Agreement in accordance with the terms of this Second Amendment is in the best interests of the Owner and Tenant; and

NOW THEREFORE, for and in consideration of the mutual promises set forth herein and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Owner and Tenant hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects and are hereby made a part of this Second Amendment.
2. **Status of Parties/Estoppel.** Owner acknowledges that the Agreement is in full force and effect and Owner does not have any presently known existing claims against Tenant or any offsets against rent due under the Agreement. There are no known (i) defaults of Tenant under the Agreement, or (ii) existing circumstances which with the passage of time, or notice, or both, would give rise to a default under the Agreement. Nothing contained herein shall be deemed a waiver of any unknown breach or violation(s) of any provision of this agreement.
3. **Defined Terms.** Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement.
4. **Section 1.1 Amendment: Leased Premises.** Owner hereby leases to Tenant an additional 336 square feet of the Owned Premises (the "Additional Space") and Section 1.1 of the Agreement is hereby amended to reference the Additional Space as described in Exhibit "C" attached hereto. The Leased Premises is hereby expanded to include both the Existing Leased Premises and the Additional Space granted to Tenant hereunder as described in Exhibit "D" attached hereto (the "New Leased Premises").
5. **Section 3.1 Amendment: Rent.** The Rent payable by Tenant as defined under Section 3 of the Agreement is hereby amended to be an annual payment of Thirty Four Thousand Nine Hundred Nine and 56/100 dollars (\$34,909.56) commencing on the later of the first day of the month following the full execution of this Second Amendment or the commencement of construction in the Additional Space; payable in equal installments of Two Thousand Nine Hundred Nine and 13/100 dollars (\$2,909.13) monthly. The Rent shall otherwise escalate as described in Section 3.5 of the Agreement.
6. **Sublease Fee.** The parties hereby acknowledge that Tenant is negotiating a Future Wireless Telephone Provider Sublease with Verizon Wireless ("Verizon") for the installation of equipment in the Additional Space. Pursuant to paragraph 6 of the First Amendment, Tenant agrees to pay Owner a Future Wireless Telephone Provided Sublease Fee in the amount of Three Hundred Fifty dollars (\$350) per month for Verizon's sublease. The first payment of the Future Wireless Telephone Provided Sublease Fee shall be due on the first day of the month following the commencement date of Verizon's Future Wireless Telephone Provided Sublease, and each subsequent payment shall be due on the first day of each month thereafter. If the Verizon Future Wireless Telephone Provided Sublease expires or terminates for any reason, Tenant shall no longer be obligated to pay the Future Wireless Telephone Provided Sublease Fee for Verizon.

7. **Authority.** Owner represents and warrants that, as of the date of this Second Amendment, Owner is duly authorized and has the full power, right and authority to enter into the Second Amendment and to perform all of the Owner's obligations under this Second Amendment and to execute and deliver this Second Amendment to Tenant.
8. **Construction of Documents.** Each party hereto acknowledged that this Second Amendment shall not be construed in favor of or against the drafter hereof.
9. **Entire Agreement.** The Agreement, (as amended by the First Amendment and this Second Amendment) embodies the final, entire agreement between the parties with respect to the subject matter of this Second Amendment, and supersedes any and all prior agreements, representations, understandings and commitments, whether oral or written relating to this subject matter, and may not be contradicted or varied by evidence or prior, contemporaneous or subsequent oral agreements or discussions of or on behalf of the parties to this Second Amendment.
10. **Counterparts.** This Second Amendment may be executed in separate and multiple counterparts, each of which shall be deemed an original but all of which taken together shall be deemed to constitute one and the same instrument.
11. **Remainder of Agreement Unaffected.** All other provisions of the Agreement and First Amendment shall remain in full force and effect and shall not be altered by this Second Amendment. Any conflict between the terms of the Agreement, the First Amendment and the Second Amendment, shall be controlled by the terms of this Second Amendment.
12. **Headings.** The headings contained in this Second Amendment are for reference purposes only and shall not modify or affect this Second Amendment in any manner whatsoever.
13. **Recordation.** Tenant, at its cost and expense, shall have the right to record a memorandum of this Second Amendment in the conveyance records of Tarrant County, Texas, at any time following the execution of this Second Amendment by all parties hereto.

**[Remainder of Page Left Blank Intentionally:
Signature Pages Begin on the Following Page]**

IN WITNESS WHEREOF, the undersigned parties have caused this Amendment to be duly executed as of the Effective Date.

OWNER:

CITY OF MANSFIELD, TEXAS

By: _____
Name: _____
Title: City Manager
Date: _____

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

The foregoing instrument was acknowledged before me this the ____ day of _____, 2017, by _____, City Manager of City of Mansfield Texas, for and on behalf of said entity and for the purposes, intents and consideration stated in the foregoing instrument. He/She is personally known to me or has produced _____ as identification.

In Witness Whereof, I have hereunto signed this acknowledgement with said appeared on the date set forth above.

Signature of Notary Public

Printed Name of Notary Public
[Seal]

My Commission Expires: _____

TENANT:

STC FIVE LLC,

a Delaware limited liability company

By: **GLOBAL SIGNAL ACQUISITIONS III LLC,**
a Delaware limited liability company,
its Attorney-in-Fact

By: _____

Name: _____

Title: _____

Date: _____

STATE OF _____ §

§

COUNTY OF _____ §

The foregoing instrument was acknowledged before on me this the ____ day of _____, 2017, before me personally appeared _____, _____ of Global Signal Acquisitions III LC, a Delaware limited liability company, the Attorney-in-Fact of **STC FIVE LLC**, a Delaware limited liability company, that executed the forgoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entities for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto signed this acknowledgement with said appeared on the date set forth above.

Signature of Notary Public

Printed Name of Notary Public
[Seal]

My Commission Expires: _____

Exhibit B

Existing Leased Premises Description

BEING a 0.041 acre (1,800.00 square feet) tract of land situated in the Henry Odell Survey, Abstract No. 1196, being out of a called 23.890 acre tract, described in deed as First Tract to the City of Mansfield, recorded in Volume 4060, Page 657, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a found "X" in concrete at the southwest corner of said 23.890 acre tract;

THENCE North 58° 36' 22" East for a distance of 493.89 feet to a point;

THENCE North 30° 49' 38" West for a distance of 13.46 feet to a found 1/2" iron rod for the POINT OF BEGINNING;

THENCE North 30° 49' 38" West for a distance of 30.00 feet to a found 1/2" iron rod for corner;

THENCE North 59° 10' 22" East for a distance of 60.00 feet to a found 1/2" iron rod for corner;

THENCE South 30° 49' 38" East for a distance of 30.00 feet to a found 1/2" iron rod for corner;

THENCE South 59° 10' 22" West a distance of 60.00 feet to the POINT OF BEGINNING, and containing 0.041 acre (1,800.00 square feet) of land, more or less.

Exhibit C

Additional Space Description

BEING a 0.008 acre (336.00 square feet) tract of land situated in the Henry Odell Survey, Abstract No. 1196, being out of a called 23.890 acre tract, described in deed as First Tract to the City of Mansfield, recorded in Volume 4060, Page 657, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a found "X" in concrete at the southwest corner of said 23.890 acre tract;

THENCE North 58° 36' 22" East for a distance of 493.89 feet to a point;

THENCE North 30° 49' 38" West for a distance of 13.46 feet to a found 1/2" iron rod;

THENCE North 30° 49' 38" West for a distance of 30.00 feet to a found 1/2" iron rod;

THENCE North 59° 10' 22" East for a distance of 36.00 feet to a set 1/2" iron rod for the POINT OF BEGINNING;

THENCE North 30° 49' 38" West for a distance of 14.00 feet to a set 1/2" iron rod for corner;

THENCE North 59° 10' 22" East for a distance of 24.00 feet to a set 1/2" iron rod for corner;

THENCE South 30° 49' 38" East for a distance of 14.00 feet to a found 1/2" iron rod for corner;

THENCE South 59° 10' 22" West a distance of 24.00 feet to the POINT OF BEGINNING, and containing 0.008 acre (336.00 square feet) of land, more or less.

Exhibit D

New Leased Premises Description

BEING a 0.049 acre (2,136.00 square feet) tract of land situated in the Henry Odell Survey, Abstract No. 1196, being out of a called 23.890 acre tract, described in deed as First Tract to the City of Mansfield, recorded in Volume 4060, Page 657, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a found "X" in concrete at the southwest corner of said 23.890 acre tract;

THENCE North 58° 36' 22" East for a distance of 493.89 feet to a point;

THENCE North 30° 49' 38" West for a distance of 13.46 feet to a found 1/2" iron rod for the POINT OF BEGINNING;

THENCE North 30° 49' 38" West for a distance of 30.00 feet to a found 1/2" iron rod for corner;

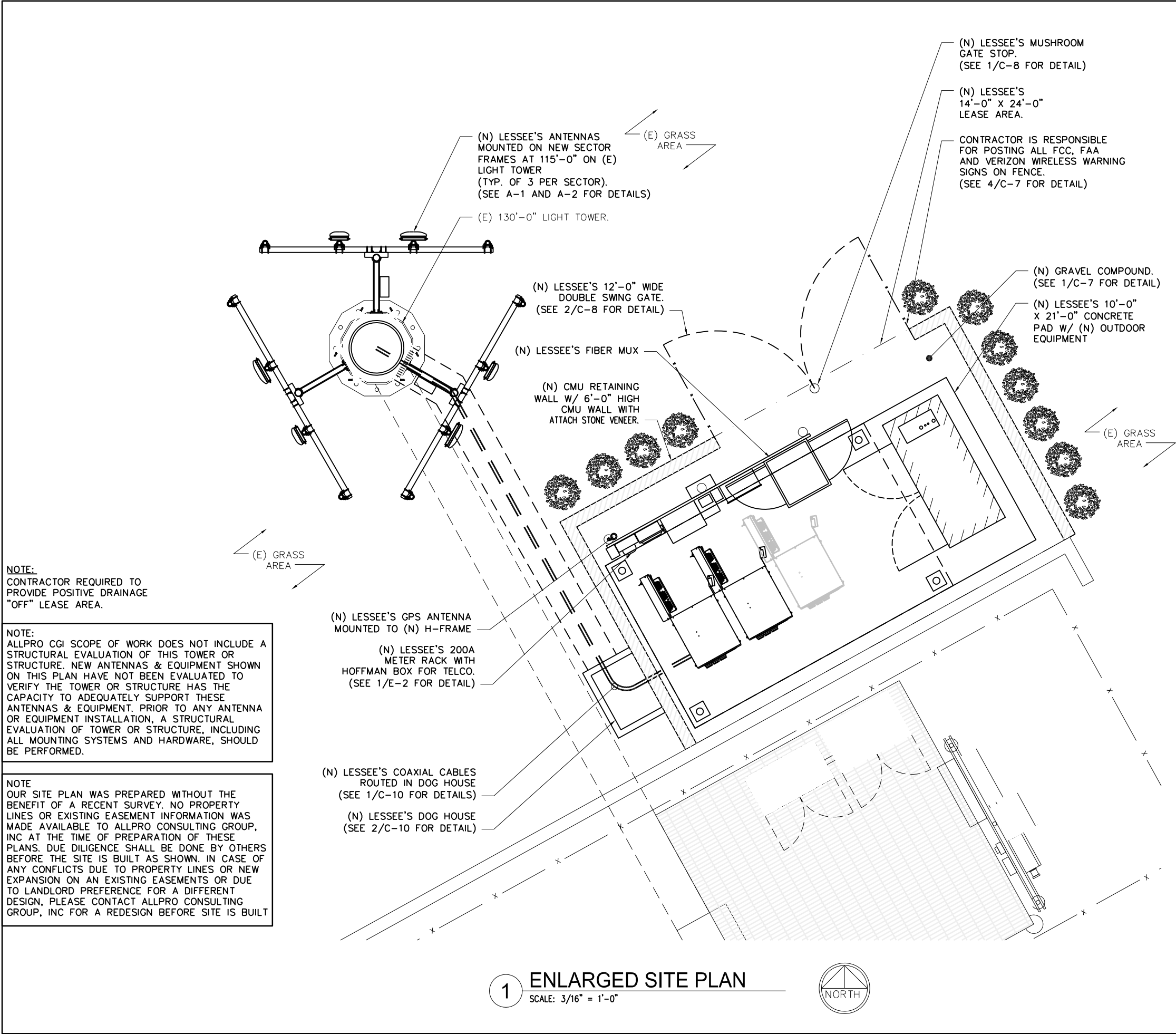
THENCE North 59° 10' 22" East for a distance of 36.00 feet to a set 1/2" iron rod for corner;

THENCE North 30° 49' 38" West for a distance of 14.00 feet to a set 1/2" iron rod for corner;

THENCE North 59° 10' 22" East for a distance of 24.00 feet to a set 1/2" iron rod for corner;

THENCE South 30° 49' 38" East for a distance of 44.00 feet to a found 1/2" iron rod for corner;

THENCE South 59° 10' 22" West a distance of 60.00 feet to the POINT OF BEGINNING, and containing 0.049 acre (2,136.00 square feet) of land, more or less.



NOTE 1:

THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY TO PERMIT VERIFICATION OF THE DIFFERING CONDITIONS, AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.

NOTE 2:

ANY AREA ALTERED FROM CONSTRUCTION TO BE RETURNED TO ITS ORIGINAL STATE. GRASS AREA SHALL BE SEEDED AND MAINTAINED UNTIL SEEDS HAVE GERMINATED

NOTE 3:

CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

NOTE 4:

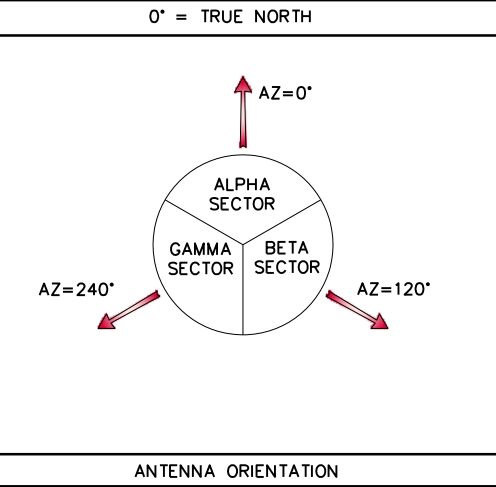
CONTRACTOR TO INSTALL EROSION CONTROL MEASURES ALONG PERIMETER OF ALL CONSTRUCTION SUFFICIENT TO PREVENT STORM WATER RUNOFF CONTAMINATION. (SEE 1/C-6 FOR DETAIL).

NOTE 5:


THE CONTRACTOR SHALL CLEAN-UP AND REMOVE FROM THE WORK SITE ON A DAILY BASIS (OR SOONER IF DIRECTED BY THE VERIZON WIRELESS PROJECT MANAGER) ALL RUBBISH AND CONSTRUCTION DEBRIS, RESULTING FROM HIS OWN WORK. THE CONTRACTOR SHALL SUPPLY A DUMPSTER OR SIMILAR TRASH STORAGE/REMOVAL DEVICE AT JOBSITES WHERE CONSTRUCTION DEBRIS OR GARBAGE IS GENERATED.

NOTE 6:

THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL SURFACE GROWTH, INCLUDING TREES, VEGETATION, RUBBISH, UNDERGROWTH, STUMP AND ROOT STRUCTURES, SURFACE BOULDERS, AND ANY OTHER OBJECTIONABLE MATERIAL FROM THE TOWER BASE, GUYS PATHS, GUY ANCHOR AREA, BUILDING AREA, AND ROADS.



ISSUED FOR REVIEW		REVISION
A	08/28/14	DATE
NO.		




7 VILLAGE CIRCLE SUITE #400
WESTLAKE, TEXAS 76262

DATE DRAWN: 08/20/14	DRAWN BY: S. NONGNUJ	APPROVED BY: J. GEORGE
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**NEW SITE BUILD
DANBURY DR**

SITE # ID 301636
757 US HWY 287
MANSFIELD, TX 76063
TARRANT COUNTY

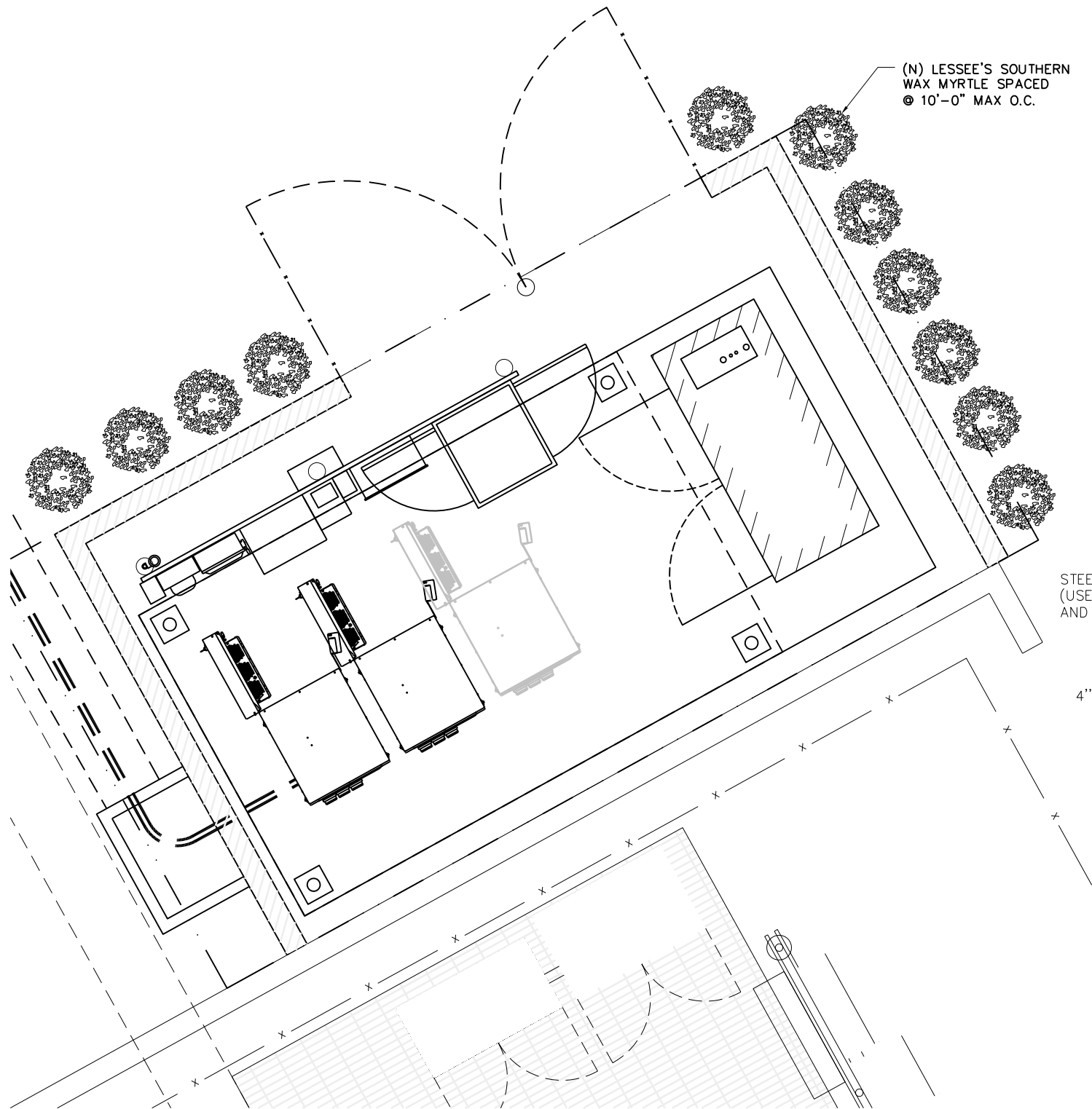


ALLPRO
CONSULTING GROUP, INC.

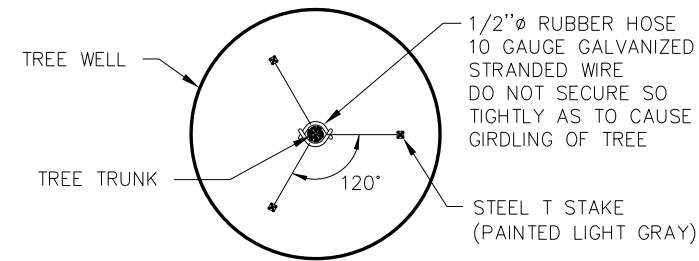
9221 LYNDON B JOHNSON FREEWAY
SUITE 204, DALLAS, TX 75243
PHONE: 972-231-8893
FAX: 866-364-8375
WWW.ALLPROCGI.COM

FIRM REGISTRATION # 8242
ACGI# 14-5579

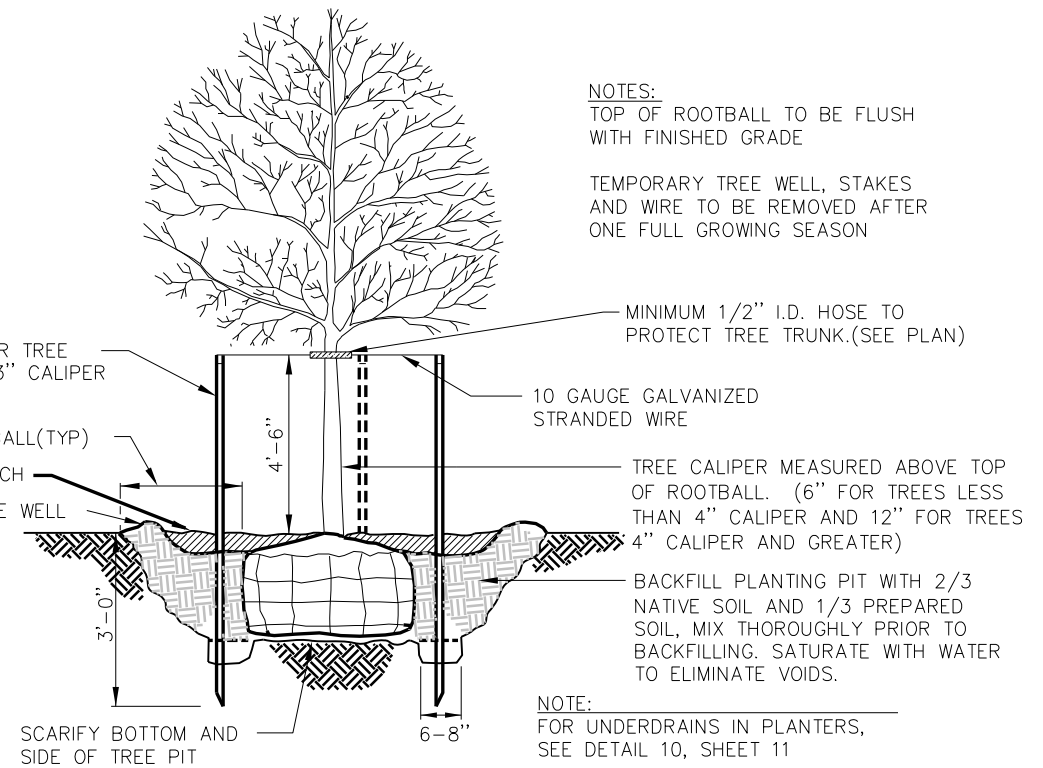
SHEET NAME ENLARGED SITE PLAN
SHEET NUMBER C-2



2 LANDSCAPING PLAN
SCALE: N.T.S.



PLAN AT HOSE TIE



1 TREE PLANTING AND STAKING
SCALE: N.T.S.

NO.	DATE	ISSUED FOR REVIEW	REVISION
A	08/28/14		



7 VILLAGE CIRCLE SUITE #400
WESTLAKE, TEXAS 76262

DATE DRAWN: 08/20/14	DRAWN BY: S. NONGNUJ	APPROVED BY: J. GEORGE
-------------------------	-------------------------	---------------------------

NEW SITE BUILD
DANBURY DR

SITE # ID 301636
757 US HWY 287
MANSFIELD, TX 76063
TARRANT COUNTY



ALLPRO
CONSULTING GROUP, INC.

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PHONE: 972-231-8893
FAX: 866-364-8375
WWW.ALLPROCGI.COM

FIRM REGISTRATION # 8242
ACGI# 14-5579

SHEET NAME

LANDSCAPING PLAN

SHEET NUMBER

C-8



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2139

Agenda Date: 1/23/2017

Version: 2

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding from the Criminal Justice Division of the Governor's Office of the State of Texas for Body Worn Cameras for Licensed Police Officers, the Amount of the Award will not Exceed \$215,000 and Requires a 20% Match

Requested Action

Approval of Resolution

Recommendation

Approval of Resolution

Description/History

The goal of the Criminal Justice Division (CJD) is to provide needed funding to improve public safety and support victims of crime by addressing system gaps and promoting innovative solutions to common problems. CJD is accepting applications for the purchase of body cameras and digital storage systems to serve as a tool in law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes.

Justification

Body cameras, while relatively new to some departments, have been a standard part of an officers uniform since 2011 here with the Mansfield Police Department (MPD). MPD was one of the first departments to equip each officer with a body camera within Texas back in 2011. The recording system provides additional eyes at any given time with each contact an officer makes. The video recordings have been instrumental by increasing conviction rates of criminals on cases filed with our local District Attorney's Office.

The Mansfield Police Department equipped all police officers with body cameras in April 2011. The department implemented this system along with individual training of body camera use and department policies. The cameras purchased in 2011 were one of the first models that were available to police departments. While these cameras have served a purpose and have provided a positive impact to the department and the community it serves, these cameras like other technology is now at the end of shelf life and needs to be replaced.

The current camera system has had a positive impact on the department by allowing officers to download files at the end of their shifts and while most transfers happen seamlessly, more and more times than not, the system is failing during the download time. Additional issues include:

*current cameras are reaching their end of life

- *current cameras are out of production and are no longer supported by the vendor
- *current download is tedious and time consuming for the officer taking away from time spent on patrols
- *captured footage is not viewable in the field
- *damaged cameras can no longer be maintained thus loaner cameras have to be leased

Funding Source

Reimbursement by the Criminal Justice Division CJD of the State of Texas through the State Governor's Office.

Prepared By

Alma Roden, Legal Assistant/Grant Mgr.
for Tracy Aaron, Chief of Police

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR BODY-WORN CAMERA PROJECT FOR LICENSED POLICE OFFICERS. THE AMOUNT OF THE AWARD WILL NOT EXCEED \$215,000 AND REQUIRES A 20% MATCH.

WHEREAS, the City of Mansfield and the police department is a unit of local government that meets the criteria established by the CJD and the State of Texas to apply for and receive grant funds under this program; and

WHEREAS, the City of Mansfield and the police department is seeking an amount not to exceed \$215,000 in grant program funding with a 20% match required; and

WHEREAS, the City of Mansfield and the police department agrees to comply with all program rules as set out in the grant program guidelines; and

WHEREAS, The City of Mansfield agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Mansfield assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City of Mansfield designates Clayton W. Chandler (City Manager) as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

WHEREAS, the City Council desires to ratify and authorize the City Manager and the police department to make application, receive and expend the above mentioned grant allocation, if awarded.

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

SECTION 1.

1. The City Manager or designee is authorized to execute all documents and make application for obtaining state funds from CJD through the State of Texas in FY 2017 for the purchase of body-worn cameras.
2. The City Manager or designee is authorized to receive and expend the grant funding, if awarded, by the State of Texas for this body worn camera grant program.

PASSED AND APPROVED THIS THE 23rd DAY OF January, 2017.

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: 17-2161

Agenda Date: 1/23/2017

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Awarding a Construction Contract for Aerial Sanitary Sewer Repairs to Excel Mulching and Trenching; Authorizing and Directing the City Manager to Execute Contract Documents; and Authorizing Funding for an Amount Not to Exceed \$1,161,502.90 (Utility Bond Fund)

Requested Action

Consider the Resolution awarding a construction contract for Aerial Sanitary Sewer Repairs to Excel Mulching and Trenching; authorizing and directing the City Manager to execute contract documents; and authorizing funding for an amount not to exceed \$1,161,502.90.

Recommendation

The Engineering Staff recommends approval of the Resolution.

Description/History

The project was bid on December 6, 2016 and there were two bidders for the project. The lowest qualified bidder was Excel Mulching and Trenching. Bids ranged from a low bid of \$1,038,098.00 to a high bid of \$1,146,699.00.

The contract time for this project is One Hundred Eighty (180) working days or approximately 8 months. The four repairs are located near Danbury Dr., Carlin Dr., Holley Creek Lane and North Main Street in Walnut Creek and Hogpen Branch.

The requested funds are for a construction contract with Excel Mulching and Trenching in the amount of \$1,038,098.00 plus a 5% contingency, a contract with Fugro Consultants, Inc. for material testing in the amount of \$50,000 plus a 10% contingency, and other miscellaneous services to complete the project. All to be accomplished within a budget not to exceed \$1,161,502.90.

Justification

Excel Mulching and Trenching has not completed capital work in the City of Mansfield in the past. The Engineering Department did extensive research on similar type projects Through references that Excel Mulching and Trenching provided. We feel that Excel Mulching and Trenching 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.

Prepared By

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

RESOLUTION NO. _____

**A RESOLUTION AWARDED A CONSTRUCTION CONTRACT
FOR AERIAL SANITARY SEWER REPAIRS TO EXCEL
MULCHING AND TRENCHING; 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 Aerial Sanitary Sewer Repairs; and,

WHEREAS, all bids were received, opened and publicly read aloud on December 6, 2016; and,

WHEREAS, the expenditure of the funds stated herein will be secured from the Utility Bond Fund; 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 Excel Mulching and Trenching.

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 for Aerial Sanitary Sewer Repairs with Excel Mulching and Trenching; for an amount not to exceed One Million Ninety Thousand Two and 90/100 Dollars, (\$1,090,002.90).

Section 2.

The City Manager is hereby authorized and directed to execute contractual documents with Fugro Consultants, Inc. for an amount not to exceed Fifty Thousand and 00/100 Dollars, (\$50,000.00); and other contracts necessary to complete the project.

Section 3.

Funding is hereby authorized in the amount of One Million One Hundred Sixty One Thousand Five Hundred Two and 90/100 Dollars, (\$1,161,502.90)

PASSED AND APPROVED THIS THE 23rd day of January, 2017.

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: 17-2162

Agenda Date: 1/23/2017

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Approving a Developer Participation Contract Between the City of Mansfield and HMH Garden Heights, LP for Cost Participation for Drainage Improvements Along National Parkway Adjacent to the Garden Heights, Phase Four Addition

Requested Action

Consider approval of the Developer Participation Contract with the developer of Garden Heights Addition.

Recommendation

The Public Works Staff recommends the approval of the Developer Participation Contract to participate in the cost of public storm drainage improvements.

Description/History

Phase Four of Garden Heights is the remaining single family section north of National Parkway and east of Holland Road. National Parkway is ultimately a four-lane divided thoroughfare, but only the south side two lanes have been constructed through Garden Heights. The north side has been constructed as a large open channel that will ultimately be underground box culverts. The open channel east of Holland Road is deep with steep side slopes. It is a maintenance liability as erosion and guardrail damage occurs. It is also a potential safety hazard for vehicles and pedestrians. The Developer of Garden Heights will be constructing as much of the underground box culvert system as is necessary to provide street crossings and drainage capacity for the development, and would be extending open channel from the west boundary of Phase Four to the Sage Drive intersection. The Public Works Division is recommending the City participate to extend the dual 8' x 4' concrete box culvert along these limits, approximately 405 feet.

The estimated cost of the extension is \$380,000. Staff proposes Roadway Impact Fee credits at the time of building permits for the 73 proposed lots in Phase Four (73 x \$2,200 = \$160,600). And a cash reimbursement of up to \$219,400 from the Drainage Utility Fund for the remainder. The cash payment would be made upon final acceptance of all public improvements for the development.

Justification

The existing open channel sections along National Parkway are a maintenance burden and represent a potential safety hazard. The section along Phase Four will be an even larger capacity channel. The underground drainage system will be necessary to complete the final two lanes of National Parkway. Participating with the developer is a more cost effective option than waiting until we pursue the road widening..

The Director of Public Works will be in attendance at the meeting to answer Council's questions regarding the proposed contract. A Resolution and Developer Participation

Contract are attached for Council's consideration.

Funding Source

The funding source will be Roadway Impact Fee credits and the Drainage Utility Fund.

Prepared By

Bart VanAmburgh, P.E., Director of Public Works, 817-276-4233

RESOLUTION NO. _____

A RESOLUTION APPROVING A DEVELOPER PARTICIPATION CONTRACT BETWEEN THE CITY OF MANSFIELD AND HMH GARDEN HEIGHTS, LP FOR COST PARTICIPATION FOR DRAINAGE IMPROVEMENTS ALONG NATIONAL PARKWAY ADJACENT TO THE GARDEN HEIGHTS, PHASE FOUR ADDITION; APPROPRIATING FUNDS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPER PARTICIPATION CONTRACT.

WHEREAS, Garden Heights, Phase Four, (the “Development”) is a residential development in the City of Mansfield, which has been platted and is under construction plan review; and

WHEREAS, the Development has frontage on the north side of National Parkway where there is a large capacity storm drainage route; and

WHEREAS, HMH Garden Heights, LP (the “Developer”) has agreed to construct approximately 780 feet of the off-site drainage improvements along National Parkway in underground box culverts instead of as an open channel; and

WHEREAS, the City has agreed to fund the extension of the construction of the underground box culvert drainage to the west of Sage Drive by approximately 405 feet; and

WHEREAS, the City of Mansfield Engineering staff has concluded that it is necessary to construct these off-site public improvements for the ultimate widening of National Parkway; and

WHEREAS, the Developer will construct the offsite drainage improvements with the subdivision and the City will participate in the cost of a portion of the improvements upon completion and acceptance as specified in the Developer Participation Contract; and

WHEREAS, the expenditure of the funds stated herein will be secured from the Drainage Utility Fund and through Roadway Impact Fee credits as specified in the Developer Participation Contract; 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.

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 the Developer Participation Contract attached hereto with HMM Garden Heights, LP for cost participation for drainage improvements adjacent to the Garden Heights, Phase Four Addition.

SECTION 2.

Funding is hereby authorized in the amount of Two Hundred Nineteen Thousand Four Hundred and 00/100 Dollars (\$219,400) from the Drainage Utility Fund, to be paid to the Developer at the time of acceptance of the public improvements by the City.

SECTION 3.

Roadway Impact Fee credits are hereby authorized for Garden Heights, Phase Four in the amount of One Hundred Sixty Thousand Six Hundred and 00/100 Dollars (\$160,600), to be credited at the time of building permits, not in the form of cash payment from the City.

PASSED AND APPROVED THIS THE 23rd day of January, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

DEVELOPER PARTICIPATION CONTRACT

This Contract is made and entered into on this the _____ day of _____, 2017, by and between the City of Mansfield, a Texas municipal corporation (hereinafter called “City”), and HMH Garden Heights, LP, a Texas limited partnership (hereinafter called “Developer”).

WHEREAS, Subchapter C of Chapter 212 of the Texas Local Government Code allows a municipality to be exempted from competitive bidding procedures in cases where the municipality enters into a contract with a developer of a subdivision of land in the municipality, in which the municipality agrees to participate in the cost of public improvement projects related to the development; and

WHEREAS, the City has enacted Ordinance No. OR-1621-07, which establishes guidelines to be followed in such contracts; and

WHEREAS, the Developer is developing a project known as Garden Heights, Phase Four, a residential development in the City of Mansfield (the “Project”), that has been platted and is under construction plan review, has frontage on the north side of National Parkway where there is a necessary large capacity storm drainage route, and along this alignment an open channel will be an undesirable drainage feature due to steep slopes, maintenance needs and potential risk to the National Parkway roadway; and

WHEREAS, in conjunction with developing the Project, the Developer will be constructing certain infrastructure improvements, including an approximate 780 feet of underground box culvert as the appropriate alternative to open channel drainage along National Parkway; and

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield to extend the underground box culvert west of Sage Drive, thereby further decreasing the negative impacts to National Parkway; and

WHEREAS, the box culvert extension is a component of the ultimate design and construction necessary for the future widening of National Parkway; and

WHEREAS, the City and the Developer agree to share the expense of these underground drainage improvements as permitted by Subchapter C, and as set forth in this Contract.

NOW, THEREFORE, for the promises and consideration stated herein, the parties do hereby agree as follows:

I. PUBLIC IMPROVEMENTS

(a) Construction of Public Improvements. The Developer hereby agrees to construct all public improvements required for the Garden Heights, Phase Four development, including streets, utilities, drainage, sidewalks, street signage, and all other required improvements, in accordance with all applicable ordinances or other regulations of the City including the City’s Subdivision Ordinance, and in accordance with plans and specifications which have been

approved by the City and described on Exhibit A attached to and fully incorporated herein (the “Public Improvements”).

(b) The Developer shall employ a civil engineer licensed to practice in the State of Texas and acceptable to the City for the design and preparation of plans and specifications for the construction of the Public Improvements. The Developer agrees that its engineer assumes and shall be fully responsible for the adequacy and accuracy of the design, plans, and specifications.

(c) Should Developer desire to replace the engineer or the contractor selected to construct the Public Improvements, Developer agrees to first obtain City’s consent, such consent not to be unreasonably withheld or delayed. It shall not be unreasonable for the City to require that the engineer or contractor have sufficient experience and staffing to complete the project.

(d) No work on the Public Improvements shall commence until the plans and specifications for the work have been reviewed and released by the City Engineer. Construction of the Public Improvements shall be subject to review by the City Engineer to evaluate conformance with the construction plans, project specifications, and any applicable City standards.

(e) Upon completion of construction of the Public Improvements required by this Contract, the Developer shall deliver to the City a set of as-built construction plans of the Public Improvements, in a form satisfactory to the City Engineer.

II. CITY FINANCIAL PARTICIPATION

(a) The City hereby agrees to participate in a portion of the cost of the Public Improvements, in accordance with the terms and conditions of this Contract and subject to all applicable laws, regulations, and ordinances.

(b) The Developer shall commission the design and construction of the underground box culvert storm drain system under the alignment of National Parkway from its current location to the west boundary of Garden Heights, Phase Four (the “Underground Drainage Improvements”). The City agrees to be responsible for that portion of the construction cost of the Underground Drainage Improvements west of Sage Drive, approximately 405 linear feet. The maximum cost participation by the City is \$380,000. The participation by the City will be in the form of Roadway Impact Fee credits for the total number of lots within Phase Four ($73 \times \$2,200 = \$160,600$), and a cash payment to the Developer in an amount not to exceed \$219,400 at the time of City acceptance of all public improvements for Garden Heights, Phase Four. The cost participation by the City will be the actual cost for the described extension of the Underground Drainage Improvements west of Sage Drive, but not to exceed \$380,000. The Roadway Impact Fee credits will be applied at time of building permit fee collection, not in the form of a cash payment from City.

(c) The parties agree that the not-to-exceed amount established by subsection (b) of this Article II establishes the maximum dollar amount to be paid by the City under this Contract, but that the City’s actual payment to Developer shall be determined according to Developer’s

actual costs of completing the Public Improvements if the actual costs are less than the not-to-exceed amount.

III. INSURANCE AND BONDS

(a) The Developer shall obtain or cause the Contractor to obtain and shall furnish to the City policies or proof of insurance which must meet the Requirements for Developer's Insurance set forth in Exhibit B attached to and fully incorporated into this Contract.

(b) Prior to initiating any construction of the Public Improvements, the Developer shall provide the City with one original and one quality copy of the following construction bonds:

(1) Performance Bond. A good and sufficient Performance Bond in an amount equal to one hundred percent (100%) of the total cost of the Public Improvements, guaranteeing the full and faithful execution of the work and performance of this Contract and for the protection of the City against any improper execution of the work or the use of inferior materials.

(2) Payment Bond. A good and sufficient Payment Bond in an amount equal to one hundred percent (100%) of the total cost of the Public Improvements, guaranteeing payment for all labor, materials and equipment used in the construction of the Public Improvements.

(3) Maintenance Bond. A good and sufficient Maintenance Bond in an amount equal to one hundred (100%) of the total cost of the Public Improvements, guaranteeing the maintenance in good condition of the Public Improvements for a period of two (2) years from and after the date that a Letter of Acceptance is issued from the City indicating that the Public Improvements have been completed by the Developer and accepted by the City.

(c) Each of the above bonds shall be in a form acceptable to the City. Any surety company through which a bond is written shall be duly authorized to do business in the State of Texas, and the City, shall retain the right to reject any surety company for any work under this Contract regardless of such company's authorization to do business in the State of Texas.

IV. PAYMENT BY CITY

The City shall reimburse the Developer for its actual costs in constructing the Underground Drainage Improvements in an amount not to exceed the amount set forth in Article II of this Contract. The Developer shall make monthly reports to the City Engineer, accompanied by all invoices and other supporting documentation, and with certification provided by the Engineer of Record, as to the quantities and costs of the associated work performed. The City's agreed share of the costs of the project shall be paid within sixty (60) days of issuance of a Letter of Acceptance, as provided in Article V of this Contract. Payment shall be subject to the City's verification of the costs of the Underground Drainage Improvements and that the work has been completed in accordance with the plans and specifications.

V. ACCEPTANCE OF PUBLIC IMPROVEMENTS

(a) Acceptance of the Public Improvements by the City shall be only by a Letter of Acceptance signed by the City Engineer. The City will not issue a Letter of Acceptance until the Public Improvements are completely constructed (Final Completion) to the satisfaction of the City Engineer. However, upon Substantial Completion, the City Engineer shall present a "punch list" indicating those outstanding items and deficiencies that need to be addressed for Final Completion of the Public Improvements.

(b) Upon issuance of a Letter of Acceptance, title to all Public Improvements mentioned herein above shall be vested in the City and the Developer relinquishes any right, title or interest in and to such Public Improvements or any part thereof. It is understood and agreed that the City shall have no liability or responsibility in connection with such Public Improvements until the Letter of Acceptance is issued. By acceptance of the Public Improvements and payment to Developer, City does not waive any claims arising from the work.

VI. MISCELLANEOUS

(a) The Developer agrees to comply with all federal, state and local laws, rules, or regulations that apply to its performance under this Contract.

(b) This Contract shall be subject to Texas law and any action or proceeding brought to construe or enforce this Contract shall be filed in the courts of Tarrant County, Texas.

(c) Except as hereinafter expressly provided, this Contract or any part hereof or any interest herein shall not be assigned by the Developer without the express written consent of the City, and any attempted assignment by Developer shall be null and void. Developer may, without the City's consent, assign this Contract to any Affiliate of Developer so long as Developer has control of the Affiliate. The term "control" means, with respect to an entity that is a corporation, the ownership, directly or indirectly, of more than fifty percent of the voting securities of such entity, or with respect to an entity that is not a corporation, the power to direct the management or policies of such entity, whether by operation of law, by contract or otherwise. Any assignment shall provide that the assignee is subject to the terms and conditions of this Agreement.

(d) **THE DEVELOPER and ITS SUCCESSORS and ASSIGNS DO HEREBY FULLY RELEASE AND AGREE TO, INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM ALL CLAIMS, SUITS, JUDGMENTS, AND DEMANDS OF ANY NATURE WHATSOEVER, FOR PROPERTY DAMAGE OR PERSONAL INJURY, INCLUDING DEATH, RESULTING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS OR THE FAILURE TO SAFEGUARD THE CONSTRUCTION WORK, OR ANY OTHER ACT OR OMISSION OF THE DEVELOPER RELATED THERETO, WHICH ACCRUE PRIOR TO ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES, PROVIDED HOWEVER THAT NEITHER DEVELOPER NOR ITS SUCCESSORS OR ASSIGNS WILL BE LIABLE TO THE**

CITY OR ANY OTHER INDEMNIFIED PARTY FOR SUCH PARTY'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

(e) Notwithstanding any provision to the contrary, approval by the Director of Public Works or other City employee of any plans, designs or specifications submitted by the Developer pursuant to this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of the Developer, his engineer, employees, officers or agents for the accuracy and competency of their design and specifications. Such approval shall not be deemed to be an assumption of such responsibility and liability by the City for any defect in the design and specifications prepared by the consulting engineer, his officers, agents, servants or employees, it being the intent of the parties that approval by the Director of Public Works signifies the City's approval on only the general design concept of the facilities and improvements to be constructed. In this connection, the Developer shall for a period of ten years after the acceptance by the City of the completed construction project, indemnify and hold harmless the City, its officers, agents, servants and employees, from any loss, damage, liability or expense on account of damage to property and injuries, including death, to any and all persons which may arise out of any defect, deficiency or negligence of the engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the City, its officers, agents, servants or employees, or any of them, on account thereof, to pay all expenses and satisfy all judgments which may be incurred by or rendered against them or any of them in connection herewith.

(f) This Contract may be changed or modified only with the written consent of the Developer and the City.

(g) The provisions of this Contract are severable and, in the event any word, phrase, sentence, paragraph, section or other provision of this Contract, or the application thereof to any person or circumstance, shall ever be determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable for any reason, the remainder of this Contract shall remain in full force and effect and the application thereof to any other person or circumstance shall not be affected thereby. The invalid, illegal or unenforceable provision shall be rewritten by the parties to this Agreement to accomplish the parties' original intent as nearly as possible.

(h) The Developer agrees to make available to the City for inspection all of its books and records related to the Project and to allow the City access to the Project during construction for the purpose of periodic inspection of the construction work.

(i) Any notice and/or statement required or permitted to be delivered shall be deemed delivered by depositing it in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing:

DEVELOPER:

HMH Garden Heights, LP
1038 Texan Trail
Grapevine, Texas 76051
Attention: Bruce French

CITY:

Bart VanAmburgh, P.E.
Director of Public Works
City of Mansfield
1200 E. Broad Street
Mansfield, Texas 76063

(j) The prevailing party in the adjudication of any proceeding relating to this Agreement shall be authorized to recover its reasonable and necessary attorney's fees pursuant to Sec. 271.159 of the Texas Local Government Code.

(k) This Contract may be executed in multiple identical counterparts which when taken together shall constitute one and the same identical original instrument.

VII. TERMINATION

This Agreement may be terminated in the following events:

(a) Except in the event of force majeure, if the Public Improvements are not completed within twenty four (24) months from the date of execution of this Contract, this Contract shall terminate and the City shall have no further obligation hereunder. "Force majeure" shall mean any act of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of Developer), fire, explosion or flood, and strikes. The date of completion shall be the date that a Letter of Acceptance is issued for the Public Improvements by the City.

(b) In the event that Developer constructs the Public Improvements in violation of the specifications approved by City or violates another provision of this Contract and fails to correct such violation within thirty (30) days following written notice thereof from the City to Developer, such notice to specify in reasonable detail the violations and the specific measures required to correct such violation; provided, however, if the nature of the violation is such that it cannot reasonably be cured within such 30-day period, so long as Developer commences its corrective action within such 30-day period and diligently prosecutes the same, Developer's cure period will extend for such period as may be reasonably required to effect such correction.

EXECUTED this, the _____ day of _____, 2017.

DEVELOPER
HMH Garden Heights. LP, a
Texas limited partnership

Bruce French
Vice President - Land

1038 Texan Trail
Grapevine, Texas 76051

CITY OF MANSFIELD

Clayton Chandler, City Manager

ATTEST:

City Secretary

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me as the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the HMH Garden Heights, LP, and that he executed the same as the act of such limited partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this, the _____ day of _____, 2017.

Notary Public in and for the State of Texas

My Commission Expires:

THE STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____ known to me as the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Mansfield and that he executed the same as the act of such municipal corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this, the ____ day of _____, 2017.

Notary Public in and for the State of Texas

My Commission Expires:

EXHIBIT “A”
PUBLIC IMPROVEMENTS

EXHIBIT “B”
REQUIREMENTS FOR DEVELOPER’S INSURANCE

I. *Developer’s Insurance*

A. Without limiting any of the other obligations or liabilities of the Developer, the Developer or the Developer’s contractor (hereinafter called “Contractor”), during the term of the Agreement, shall purchase and maintain the following minimum insurance coverages with companies duly approved to do business in the State of Texas and satisfactory to the City. In this Exhibit B, “Project” shall mean the public improvements to be constructed, in accordance with the Developer Participation Contract, by Developer or by a Contractor under Developer’s contract with a Contractor. “Developer” shall mean Developer; if Developer has contracted with a Contractor to construct the public improvements, the Contractor may submit the proof of insurance coverages required herein. Coverages shall be of the following types and not less than the specified amounts:

1. Workers’ compensation as required by Texas law, with the policy endorsed to provide a waiver of subrogation as to the City;

2. Commercial general liability insurance, including premises-operations; independent contractor’s liability, completed operations and contractual liability covering, but not limited to, the liability assumed under the indemnification provisions of this Contract, fully insuring Contractor’s (or Subcontractor’s) liability for injury to or death of City’s employees and third parties, extended to include personal injury liability coverage with damage to property of third parties, broad form property damage, with minimum limits as set forth below:

General Aggregate	\$2,000,000
Bodily Injury \$1,000,000 Each Occurrence	
Property Damage \$1,000,000 Each Occurrence	
Products–Components/Operations Aggregate	\$ 1,000,000
Personal and Advertising Injury	\$ 1,000,000
(With Employment Exclusion deleted)	
Each Occurrence	\$ 1,000,000
Contractual Liability:	
Bodily Injury	\$1,000,000 each occurrence
Property Damage	\$1,000,000 each occurrence

The policy shall include coverage extended to apply to completed operations, asbestos hazards (if this project involves work with asbestos) and ECU (explosion, collapse and underground) hazards. The completed operations coverage must be maintained for a minimum of one year after final completion and acceptance of the work, with evidence of coverage filed with City.

3. Business auto coverage insurance, covering owned, hired and non-owned vehicles, with a combined bodily injury and property damage minimum limit of \$1,000,000 per occurrence; or separate limits of \$500,000 for bodily injury (per person), and \$500,000 for property damage. Such insurance shall include coverage for loading and unloading hazards.

4. Property Insurance (Builder's All Risk)

a. Developer shall purchase and maintain, or require its contractor to purchase and maintain, at all times during the term of its Contract with the Developer, property insurance written on a builder's risk "all-risk" or equivalent policy form in the amount of the initial contract price, plus value of subsequent contract modifications and cost of materials supplied or installed by others, comprising total value for the entire Project at the site on a replacement cost basis without optional deductibles. Such property insurance shall be maintained, unless otherwise provided in writing by all persons and entities who are beneficiaries of such insurance, until final payment has been made, or until no person or entity other than the City has an insurable interest in the property required by this paragraph to be covered, whichever is later. This insurance shall include interests of the City, the Contractor, subcontractors and sub-subcontractors in the Project.

b. Property insurance shall be on an "all-risk" or equivalent policy form and shall include, without limitation, insurance against the perils of fire (with extended coverage) and physical loss or damage including, without duplication of coverage, theft, vandalism, malicious mischief, collapse, earthquake, flood, windstorm, falsework, testing and startup, temporary buildings and debris removal including demolition occasioned by enforcement of any applicable legal requirements, and shall cover reasonable compensation for Contractor's services and expenses required as a result of such insured loss.

c. If the insurance required by this paragraph requires deductibles, the Developer shall pay costs not covered because of such deductibles.

d. This property insurance shall cover portions of the work stored off the site, and also portions of the work in transit.

e. Owner's Protective Liability Insurance:

(i) Developer, or Developer's Contractor shall obtain, pay for and maintain at all times during the prosecution of the work under the contract between the Contractor and the Developer, an Owner's protective liability insurance policy naming the City as insured for property damage and bodily injury, which may arise in the prosecution of the work or Contractor's operations under the contract.

(ii) Coverage shall be on an "occurrence" basis, and the policy shall be issued by the same insurance company that carries the Developer or Contractor's liability insurance with a combined bodily injury and property damage minimum limit of \$1,000,000 per occurrence.

f. “Umbrella” Liability Insurance: Developer shall obtain, pay for and maintain umbrella liability insurance during the term of the Contract between the Contractor and the Developer, insuring Contractor for an amount of not less than \$5,000,000 per occurrence for bodily injury and property damage that follows form and applies in excess of the primary liability coverages required herein above. The policy shall provide “drop down” coverage where underlying primary insurance coverage limits are insufficient or exhausted.

II. *Policy Endorsements*

A. Each insurance policy to be furnished by Developer under this Agreement shall include the following conditions by endorsement to the policy:

1. name the City as an additional insured as to all applicable policies under endorsement Form GC2010 or broader;

2. each policy shall require that 30 days prior to cancellation, non-renewal or any material change in coverage, a notice thereof shall be given to City by certified mail. If the policy is canceled for nonpayment of premium, only 10 days written notice to City is required;

3. the term “City” shall include all authorities, boards, bureaus, commissions, divisions, departments and offices of the City and individual members, employees and agents thereof in their official capacities, and/or while acting on behalf of the City;

4. the Developer’s policies will be primary and noncontributory. The City’s other insurance will be excess coverage and not contribute to the primary coverage. .

III. *Special Conditions*

A. Insurance furnished by the Developer shall be in accordance with the following requirements:

1. any policy submitted shall not be subject to limitations, conditions or restrictions deemed inconsistent with the intent of the insurance requirements to be fulfilled by Developer. The City’s decision thereon shall be final;

2. all policies are to be written through companies duly licensed to transact that class of insurance in the State of Texas; and

3. all liability policies required herein shall be written with an “occurrence” basis coverage trigger.

B. Developer agrees to the following:

1. Developer waives subrogation rights for loss or damage against the City and agrees to include this provision in its contract with its contractors. Each insurance policy shall provide for a waiver of subrogation against the City, it being the intention that the insurance

policies shall protect all parties to the contract and be primary coverage for all losses covered by the policies;

2. Companies issuing the insurance policies and Developer shall have no recourse against the City for payment of any premiums or assessments for any deductibles, as all such premiums and deductibles are the sole responsibility and risk of the Developer;

3. Approval, disapproval or failure to act by the City regarding any insurance supplied by the Developer shall not relieve the Developer of full responsibility or liability for damages and accidents as set forth in this Agreement. Neither shall bankruptcy, insolvency or denial of liability by the insurance company exonerate the Developer from liability;

4. Deductible limits on insurance policies exceeding \$10,000 require approval of the City;

5. Any of such insurance policies required under this section may be written in combination with any of the others, where legally permitted, but none of the specified limits may be lowered thereby;

6. Developer shall require its Contractor to provide notice of any actual or potential claim or litigation that would affect required insurance coverages to the City in a timely manner;

7. Developer agrees to require its Contractor to either require its Subcontractors to maintain the same insurance coverage and limits as specified for the Developer or coverage of Subcontractors shall be provided by the Contractor; and

8. Prior to the effective date of cancellation of any policy, Developer shall deliver to the City a replacement certificate of insurance or proof of reinstatement.

9. All policies shall be written by carriers with a financial rating by A.M. Best of A or better.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2163

Agenda Date: 1/23/2017

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Consider Requesting the Members of the 85th Legislative Session of the State of Texas to Support Legislation that Provides a Fair and Equitable Distribution of the Sporting Goods Sales Tax Revenue for Local and State Parks

Requested Action

Consider approving resolution

Recommendation

Approve resolution

Description/History

In 1979, the Texas State Legislature authorized a special sales tax on sporting goods (Sporting Goods Sales Tax or SGST) to be utilized to help fund our Texas State Parks and the Texas Recreation and Parks Account (TRPA), which is the grant program that assists municipalities with the acquisition and development of local parks and recreation facilities. The Texas Parks and Wildlife Department (TPWD) administers the grant program, and uses a scoring system that allows the grant application process to be as fair as possible for communities of all sizes that apply for the grants.

Since the TRPA is funded by those who purchase sporting goods to use in our local parks, Mansfield can benefit with future grants to improve or expand our park system with support from this resolution. TRAPS is requesting support from City Council by requesting members of the 85th legislative session seek support of legislation that provides fair and equitable distribution of all grants funded through TRPA and the competitive scoring system managed by TPWD. It should also be noted that the TML Board of Directors has already voted to support the efforts of a fair and equitable distribution of grant funds.

Justification

State and local parks have proven their social and economic benefits by providing quality of life amenities and programs, expanding job opportunities, and enhancing tourism in many forms to our state and local economies. Since most of the funding for TPWD/TRPA grants comes from customers of park facilities who buy sporting goods to use the parks, it makes sense to use the specially designated Sporting Goods Sales Tax (SGST) for the purposes for which they were intended- reinvestment in state and local parks.

The City of Mansfield has been the recipient of outdoor and indoor grants provided by TRPA funds, including McClendon Park East (1982), McKnight Park East (1986), McClendon Park West (1992), Rose Park (1995), the Mansfield Activities Center (1997), and Walnut Creek Linear Park Phase I (2005).

Funding Source

N/A

Prepared By

Matt Young, Director of Parks and Recreation

Matt.Young@mansfieldtexas.gov

817-804-5798

RESOLUTION NO. _____

A RESOLUTION REQUESTING THE MEMBERS OF THE 85TH LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT PROVIDES A FAIR AND EQUITABLE DISTRIBUTION OF THE SPORTING GOODS SALES TAX REVENUE FOR LOCAL AND STATE PARKS.

WHEREAS, the Texas Parks and Wildlife Department (TPWD) administers the Texas Recreation and Parks Account Local Park Grant Program (TRPA) and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 95 state parks and historical sites in Texas; and

WHEREAS, TPWD has separate accounts in their general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to political subdivisions for parks and recreation projects, and for outreach grants to introduce new populations to outdoor experiences; and

WHEREAS, the matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation and open space areas to be owned and maintained by political subdivisions; and

WHEREAS, funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1,688 projects of the 3,525 submitted over 30 years delivering over \$800 million to the local Texas economy; and

WHEREAS, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry; and

WHEREAS, the TRPA, Urban Account, and state parks are funded from sales tax on sporting goods and the development of new parks stimulates the purchase of sporting goods; and

WHEREAS, the TRPA, Urban Account, and state parks are partially funded from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails; and

WHEREAS, the maintenance and improvements of state parks and historic sites and the addition of new parks is a priority to Texans due to the state's expanding population and extensive tourism industry; and

WHEREAS, the development of parks encourages and promotes public health, economic development, job creation, education, corporate relocations, an improved quality of life, and juvenile crime prevention; and

WHEREAS, funds are needed for major repairs at state parks and for the acquisition and development of parks and facilities; and

WHEREAS, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas and the leadership of the 85th Texas Legislature; **NOW THEREFORE**

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

SECTION 1.

1. That members of the 85th Legislature of Texas seek support of legislation that provides a fair and equitable distribution of the sporting goods sales tax revenue for Local and State parks and that all TRPA and Urban Account funded park projects be subject to the established TPWD competitive scoring system.

RESOLVED AND PASSED this the 23rd day of January, 2017.

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: 17-2155

Agenda Date: 1/23/2017

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Title

Request for Special Event Permit: Mansfield Run with Heart

Requested Action

Approval of the Special Event Permit for the Mansfield Run with Heart.

Recommendation

City Staff has reviewed the application and recommends the same.

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Lynn Brown, Code Compliance Coordinator
817-728-3620

Applicant:

Raul Najera

Attachments:

Application

Approval and Comments

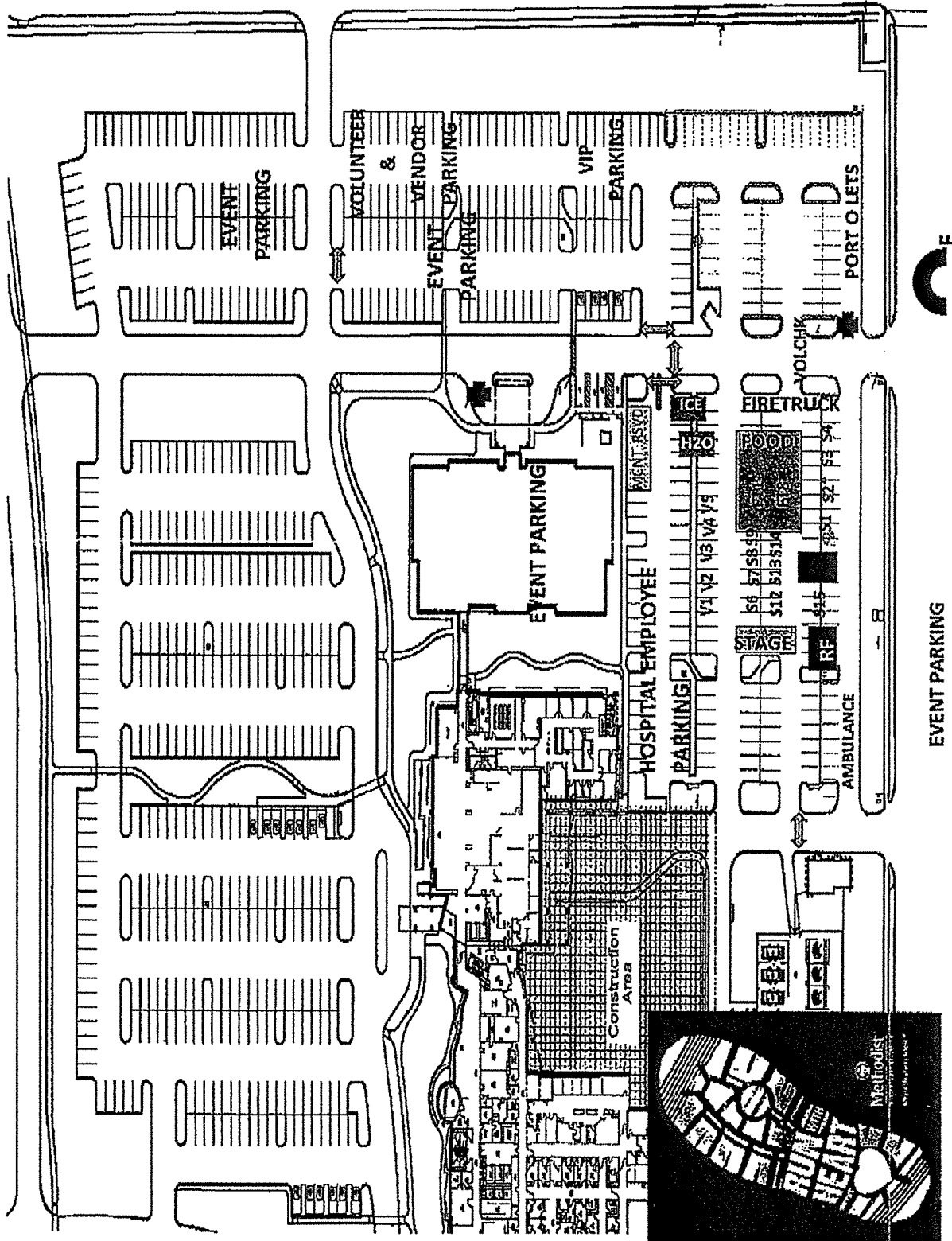
raul@runfarusa.com



Special Event Application

Organization/Group: <u>Mansfield Run with Heart</u>	Date: <u>1/4/17</u>
Applicant: <u>Methodist: Mansfield Medical Center Raul Najera</u>	
Applicant's Address: <u>2700 E. Broad Street</u>	Phone No. <u>512-569-0165</u> (runfarusa.com)
*Will be called or emailed for more information needed and/or when the permit is ready for pick-up	Email: <u>raul@runfarusa.com</u>
Address of Event: <u>2700 E. Broad St</u>	
Description & Activities: <u>Half Marathon, 5K, Fun Run</u>	
Date of Event: <u>1/28/17</u>	Hours of Event: <u>6am-noon</u>
Public Invited or Private Party? <u>Public</u>	Estimated Number of Attendees <u>750-1000</u>
Is the event in a Mansfield Park? <u>Yes Event will go thru a park</u>	*If yes, Insurance is required
Do you plan to Temporarily Close a Public Street? <u>Yes</u>	*If yes, Insurance is required
Is the event on Private Property other than your own? <u>No</u>	*If yes, signed permission is required
Will there be any new or temporary electric lines installed? <u>No</u>	
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.	
Will you be using generators? <u>No</u>	*If yes, show location on the site plan
Do you plan to have any Tents? <u>No</u>	*If yes, a separate permit is required.
Do you plan to have any pop-up canopies? <u>Yes</u>	
Do you plan to have any Promotional Signs? (banners, streamers, balloons) <u>No</u>	*If yes, a separate permit is required
City of Mansfield Assistance Requested:	
Barricades/ Street Closure? <u>No</u>	*If yes, show on site plan where you want to have barricades. A resident factor must be submitted for a block party.
Police/Traffic Control/Security? <u>Yes</u>	*If yes, attach an explanation and the name of the person you are working with
<p>Please Read and Include the Following Information With This Application</p> <ul style="list-style-type: none"> For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where all items will be located on the site plan. If Insurance is required, the City of Mansfield must be listed as "Additional Insured". All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event. 	
Applicant's Printed Name:	Applicant's Signature:
<u>Raul Najera</u>	<u>Raul Najera</u>

Run with Heart 2017 SPONSOR/VENDOR SITE Map



EVENT PARKING

Parking Lot

ALL CONTENTS CONFIDENTIAL AND PROPRIETARY- RunFAR Racing Services, Inc. and Run with Heart 2017

2016- Mansfield Run With Heart

- As noted the course will be USA Track and Field Certified and will be coned as it was in 2016 and 2015 by Crossroad Traffic and Barricades Company. The traffic cones are reflective and the height 24in. Mansfield PD has been requested to assist with traffic control. Last year Mansfield PD provided 12 officers. Hospital Security provided assistance on the Methodist Mansfield Campus. Traffic cones will be dropped the morning of beginning at 5am.
- As noted on the certified map and Inflatable arch which reads start and finish will be at the start/finish line and powered by hospital electricity. The same will be true for the small speaker system used for the national Anthem at the stage.
- All post race activities and food are free and will be hosted in the Methodist Mansfield Back Employee parking lot. This is on the campus.
- All certificates of insurance are provided through USA Track and Field thru Essix and will be provided the week of the event.
- Water stops are noted on the map and will be manned by volunteers. The volunteers will be directed in a pre race meeting of how to operate the water station and proper clean up to ensure all stops are left as they are found.
- All trash will be policed by volunteers who will be provided gloves and proper bags for clean up.

THE 1 MILE COURSE IS THE SAME AS 2016.





SPECIAL EVENT REVIEW APPROVALS & COMMENTS

EVENT:	Mansfield Run with Heart
DATE OF EVENTS:	Saturday, January 28th
*ANDY BINZ (RECREATION)	Approved
Comments:	
Kerin Maguire	Approved
Comments:	
Promotional Signs?	no
*DAVID BOSKI (STREETS)	Approved
Comments:	
Street Closures?	yes
*PAUL COKER (DEVELOPMENT SERVICES)	Approved
HOWARD REDFEARN (ENVIRONMENTAL)	Approved
Comments:	Adequate waste receptacles will be located at all rest stops and that the route will be policed at completion of the event to collect any litter resulting from the event.
*ERIC PETERSON (FIRE)	Approved
Comments:	no
*W. KYLE LANIER (POLICE)	Approved
Comments:	no
City Council Approval Required?	Yes
Agenda Date:	1/23/2017
Special Event Number	Legistar #17-2155
Police Assisting	yes



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2154

Agenda Date: 1/23/2017

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Title

Minutes - Approval of the January 9, 2017 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 January 9, 2017 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, January 9, 2017

5:00 PM

Council Chambers

REVISED AGENDA REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:05 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 5:08 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:12 p.m. Mayor Cook adjourned executive session at 7:08 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 the Sales Contract for the Farr Best Theatre

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

Seek Advice of City Attorney Regarding Special Event Applications

Seek Advice of City Attorney Regarding Development on Corner of Broad Street and Cannon Drive

Seek Advice of City Attorney Regarding a Marquee Sign for the Shops at Broad at the Intersection of US HWY 287 and E. Broad Street

Seek Advice of City Attorney Regarding Proposed Development on W. Broad Street

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

Deliberate the Purchase, Exchange, Lease or Value of Easements and Real Property for the Pond Branch Linear Trail Project

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

Project #16-18 - Business Prospect Briefing

Project #17-01 - Briefing

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

Mayor Cook reconvened into regular business session at 7:14 p.m.

INVOCATION

Methodist Health Systems Vice President of Pastoral Services Reverend Ceasar Rentie led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Burgess led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Hoffman led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Lindsey had no announcements.

Council Member Hoffman had no announcements.

Council Member Haynes had no announcements.

Council Member Burgess had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Broseh had no announcements.

Mayor Cook wished everyone a Happy New Year.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Winter Walk Update - Ann Beck

Marketing and Communications Manager Ann Beck invited everyone to the Winter Walk Event to be held on Saturday, January 21, 2017 at Katherine Rose Park beginning at 9:00 a.m.

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

There were no questions regarding the quarterly reports.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[16-2121](#)

Ordinance - Third and Final Reading of an Ordinance Granting an Ingress-Egress and Access Easement In, Upon, and Across City Owned Property at 1004 Magnolia Street in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

City Secretary Jeanne Heard read the caption into the record.

A motion was made by Mayor Pro Tem Broseh to approve the following ordinance:

AN ORDINANCE GRANTING AN INGRESS-EGRESS AND ACCESS EASEMENT IN, UPON, AND ACROSS CITY OWNED PROPERTY AT 1004 MAGNOLIA STREET IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; AND 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-2029-17

[16-2128](#)

Resolution - A Resolution for Authorization of Funding in an Amount not to Exceed \$140,000.00 and Approval of a Contract with Dunaway Associates, L.P. for Design Services for the Magnolia Street Project (Street Bond Fund).

A motion was made by Mayor Pro Tem Broseh to approve the following resolution:

A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$140,000.00 AND APPROVAL OF A CONTRACT WITH DUNAWAY ASSOCIATES, L.P. FOR DESIGN SERVICES FOR THE MAGNOLIA STREET PROJECT

(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-3320-17

[16-2148](#)

Resolution - A Resolution Authorizing the City of Mansfield to Enter an Interlocal Agreement with Tarrant County for the Reconstruction of E. Kimball Street From Main Street to the Dead End and Construct a Temporary Roadway that will Connect the Public Parking Lot to E. Kimball Street for a Cost Not to Exceed \$60,000.00 (Downtown TIRZ and Street Maintenance Fund)

A motion was made by Mayor Pro Tem Broseh to approve the following resolution:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$60,000.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR THE RECONSTRUCTION OF E. KIMBALL STREET FROM MAIN STREET TO THE EAST DEAD END AND CONSTRUCTION OF A TEMPORARY ROADWAY TO SERVE THE PUBLIC PARKING LOT AT 109 S. MAIN STREET

(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-3321-17

[16-2150](#)

Resolution - A Resolution Authorizing the City of Mansfield, Texas to Enter into a Chapter 380 Agreement with Bloomfield Homes, L.P. for the Purpose of Promoting Economic Development within the City of Mansfield, Texas; and Approving Other Matters Related Thereto

A motion was made by Mayor Pro Tem Broseh to approve the following resolution:

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS TO ENTER INTO A CHAPTER 380 AGREEMENT WITH BLOOMFIELD HOMES, L.P. FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT WITHIN THE CITY OF MANSFIELD, TEXAS; AND APPROVING OTHER MATTERS RELATED THERETO

(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-3322-17

[16-2151](#)

Minutes - Approval of the December 12, 2016 - 6:00 p.m. Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Broseh to approve the minutes of the December 12, 2016 - 6:00 p.m. Regular City Council Meeting as presented.

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

[16-2152](#)

Minutes - Approval of the December 12, 2016 - 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Broseh to approve the minutes of the December 12, 2016 - 7:00 p.m. Regular City Council Meeting as presented. 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

END OF CONSENT AGENDA

OLD BUSINESS

16-2115

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to Planned Development for Office/Retail Uses on Approximately 3.95 Acres Located at 1209 N Day Miar Road; HCC Contracting, Inc (ZC#16-013)

Jeanne Heard read the caption into the record. HCC Contracting, Inc. representative Darren McDougald made a brief powerpoint presentation.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR OFFICE/RETAIL USES, 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

(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-2030-17

PUBLIC HEARING

16-2142

Public Hearing and Consideration of a Request for an Alternate Location for a Roof-Mounted Solar Panel System Under Section 7800.B.37.H of the

Zoning Ordinance to Allow Solar Panels on the Front Roof Slope of the House Facing a Public Street at 405 Forestridge Drive; Steve Owusu-Ansah (SP#17-001)

Solar City Company representative Jaime Thomas made brief comments and answered Council questions. Homeowner Steve Owusu-Ansah made brief comments. Mayor Cook opened the public hearing at 7:30 p.m. With no one wishing to speak, Mayor Cook closed the public hearing. Director of Planning Felix Wong answered Council questions.

A motion was made by Council Member Lindsey to approve the request. Seconded by Mayor Pro Tem Broseh. The motion FAILED by the following vote:

Aye: 3 - Stephen Lindsey; Larry Broseh and Darryl Haynes

Nay: 4 - David Cook; Wendy Burgess; Cory Hoffman and Brent Newsom

Abstain: 0

PUBLIC HEARING AND FIRST READING

16-2146

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR, Pre Development to PD, Planned Development for Office, Retail and Service Uses on Approximately 3.296 Acres Generally Located South of Mansfield-Webb Road and approximately 470 feet West of the City Limits; Mansfield-Webb, LLC (ZC#16-016)

Jeanne Heard read the caption into the record. Macatee Engineering representative Dayton Macatee made a brief powerpoint presentation and answered Council questions. BQ Construction representative James Johnston answered Council questions. Council requested the applicant bring back at the second reading a drawing with windows in the rear of the buildings; and notation of where the air conditioning units will be and how they will be screened.

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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR OFFICE, RETAIL AND SERVICE USES, 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: 6 - Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 1 - David Cook

Abstain: 0

16-2149

Ordinance - Public Hearing and First Reading of an Ordinance Changing the Speed Limit on US Highway 287 between Lone Star Road and South City Limits to a Regulatory Construction Speed of 55 MPH

Jeanne Heard read the caption into the record. Director of Public Works Bart VanAmburgh made brief comments and answered Council questions. Mayor Cook opened the public hearing at 7:56 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:56 p.m

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY." Seconded by Council Member Newsom. 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

PUBLIC HEARING CONTINUATION AND SECOND READING

16-2125

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to I-1, Light Industrial District on Approximately 14.5 Acres Generally Located West of S. 7th Avenue and North of Hanks Drive; Mansfield Economic Development Corporation (ZC#16-021)

Felix Wong made brief comments. Mayor Cook continued the public hearing at 7:57 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 7:57 p.m.

A motion was made by Council Member Newsom to approve the second 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO I-1 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION, 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: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

[16-2138](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD, Planned Development for Single Family Residential Use on Approximately 15.46 Acres Generally Located About 1,300' South of the Southeast Corner of N. Matlock Road and E. Debbie Lane; Skorburg Company (ZC#16-017)

Skorburg Company representative Noah Flabiano made a brief powerpoint presentation and answered Council questions. Skorburg Company representative Adam Buczek answered Council questions. Mayor Cook continued the public hearing at 8:06 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:06 p.m.

A motion was made by Council Member Hoffman to approve the second 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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY RESIDENTIAL USE, 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 Council Member Lindsey. The motion CARRIED by the following vote:

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

Nay: 1 - Brent Newsom

Abstain: 0

NEW BUSINESS

[16-2131](#)

Ordinance - First Reading of an Ordinance Amending the PCS Site Lease Agreement and First Amendment to PCS Site Lease Agreement for the City-Owned Property at James McKnight Park East in the City of Mansfield, Tarrant County, Texas; Authorizing the City Manager to Execute the Easement Document; Providing a Severability Clause; and Providing an Effective Date

Jeanne Heard read the caption into the record. Director of Parks and Community Services Matt Young made brief comments and answered Council questions.

A motion was made by Mayor Pro Tem Broseh to approve the first reading of "AN ORDINANCE AMENDING THE PCS SITE LEASE AGREEMENT AND FIRST AMENDMENT TO PCS SITE AGREEMENT FOR THE CITY-OWNED PROPERTY AT JAMES MCKNIGHT PARK EAST, IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE." 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

16-2145

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement By And Between The Mansfield Economic Development Corporation (MEDC) and Midwest Property, LLC 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 AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND MIDWEST PROPERTY, LLC 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 Cook. 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-3323-17

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:10 p.m. Seconded by Council Member Newsom. 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: 16-2138

Agenda Date: 1/23/2017

Version: 3

Status: Third and Final
Reading

In Control: Zoning Board of Adjustments

File Type: Ordinance

Title

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PR, Pre-Development to PD, Planned Development for Single Family Residential Use on Approximately 15.46 Acres Generally Located About 1,300' South of the Southeast Corner of N. Matlock Road and E. Debbie Lane; Skorborg Company (ZC#16-017)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on December 5, 2016, and voted 6-0 to recommend approval. Commissioner Knight was absent.

Description/History

First Reading

The applicant is proposing 59 residential lots - 45 lots at 65' wide and 14 lots at 60' wide. The minimum lot size will be 7,200 square feet and minimum floor area will be 1,800 square feet with a maximum lot coverage of 55%.

The development will follow the residential development standards in Section 4600 of the Zoning Ordinance except for a reduction in the quantity of J-swing garages from 12 to 10 lots.

Second Reading

The applicant has revised the development plans to:

- correct the Vicinity Map on Exhibits D-1, D-4 and D-5
- change "Enhanced Paving" to "Brick Pavers" in Exhibit D-1
- change the minimum floor area per unit to 2,000 sq ft, except 20% of the homes may be reduced to not less than 1,800 sq ft

The applicant has not been able to resolve the comments related to the future use of the vacant PR tract at the SW corner of the proposed development. See attached email from Tommy Reilly regarding the future use of this tract.

Prepared By

Felix Wong, Director of Planning
817-276-4228

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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY RESIDENTIAL USE, 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 zoning district classification of PD, Planned Development for single family residential use; 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 with the development plan shown on Exhibits "B" through "D" 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 zoning classification.

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 _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

Ordinance No. _____

Page 3

ZC#16-017
EXHIBIT A

LEGAL LAND DESCRIPTION:

BEING 15.458 acres (673,334 square feet) of land in the James Grimsley Survey, Abstract No. 578, City of Mansfield, Tarrant County, Texas; said 15.458 acres (673,334 square feet) of land being a portion of that certain tract of land described in a Surface Deed (Without Warranty), as recorded in Instrument Number D215060717, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.); said 15.458 acres (673,334 square feet) of land also being a portion of that certain tract of land described in a Warranty Deed with Vendor's Lien to James Franklin Holland (hereinafter referred to collectively as Holland tract), as recorded in Volume 7315, Page 2390, Deed Records, Tarrant County, Texas (D.R.T.C.T.); said 15.458 acres (673,334 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a three-quarters inch iron pipe found for the Northeasterly corner of said Holland tract, same being a Southerly corner of the remainder of that certain tract of land described in a Warranty Deed to Weatherford Holland Family Partnership, L.P., as recorded in the following Instrument No.s D204209784, D204209785, and D204209786, O.P.R.T.C.T., now known as DEBLOCK, LTD. (hereinafter referred to as Deblock tract) as recorded in Instrument No. D214077438, O.P.R.T.C.T., same also being in the Southwesterly line of that certain tract of land described as Lot 1, Block 1, Community of Hope Addition (hereinafter referred to as Lot 1), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 10362, Plat Records, Tarrant County, Texas (P.R.T.C.T.);

THENCE South 29 degrees 46 minutes 35 seconds East with the common line between said Holland tract and said Lot 1, passing at a distance of 120.61 feet, a one-half inch iron pipe found for the Southerly corner of said Lot 1, same being the Westerly corner of that certain tract of land described in a deed to R. H. Ervin and Faye Doris Ervin (hereinafter referred to as Ervin tract), as recorded in Volume 8781, Page 782, D.R.T.C.T., and continue with said course and with the common line between said Holland tract and said Ervin tract for a total distance of 540.57 feet to the Northerly corner of the Walnut Hills, Section Two, an addition to the City of Mansfield, Tarrant County, Texas, as recorded in Cabinet A, Slide 5739, P.R.T.C.T., from which a one-half inch iron pipe found bears North 84 degrees 54 minutes 34 seconds West, a distance of 0.74 feet and a one-half inch iron rod found bears North 59 degrees 29 minutes 25 seconds East, a distance of 2.26 feet;

THENCE South 59 degrees 25 minutes 24 seconds West with the common line between said Holland tract and said Walnut Hills, a distance of 1096.39 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE North 29 degrees 54 minutes 10 seconds West, departing the common line between said Holland tract and said Walnut Hills and crossing said Holland tract, a

distance of 250.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 59 degrees 25 minutes 25 seconds West, continue crossing said Holland tract, a distance of 250.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set in the existing Northeasterly right-of-way line of Matlock Road (variable width right-of-way), as recorded in Instrument Number D198163662, D.R.T.C.T.;

THENCE North 29 degrees 54 minutes 10 seconds West with the common line between said Holland tract and the existing Northeasterly right-of-way line of said Matlock Road, a distance of 302.07 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set in the North line of said Holland tract, same being the South line of that certain tract of land described in a deed to James F. Holland and wife Mary J. Holland (hereinafter referred to as Holland Estate), as recorded in Volume 12500, Page 1831, D.R.T.C.T.;

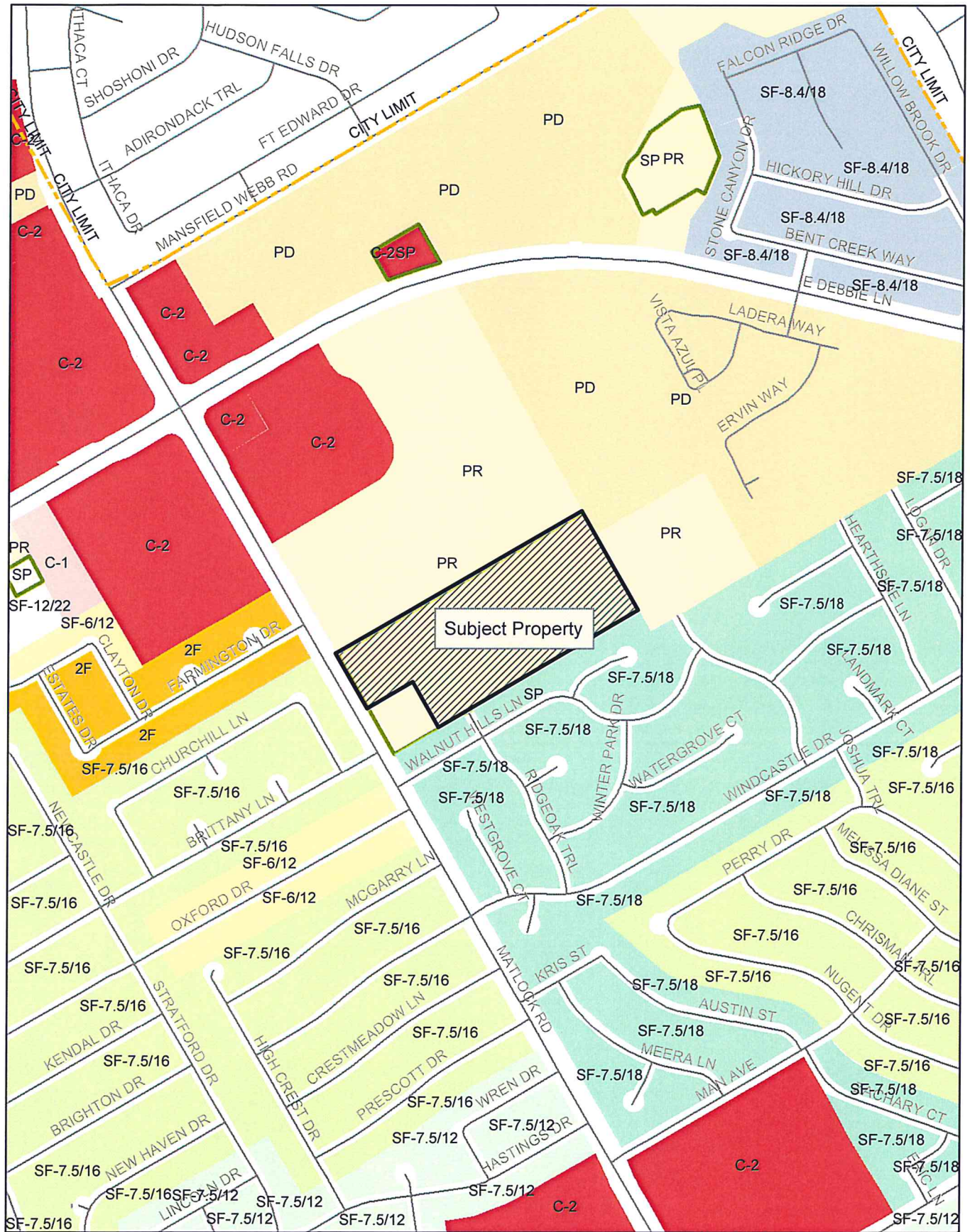
THENCE North 59 degrees 54 minutes 46 seconds East with the common line between said Holland Estate and said Holland tract, passing at a distance of 207.50, the Southeast corner of said Holland Estate, same being a Southerly corner of the aforesaid Deblock tract, and continue with the same course and the common line between said Holland tract and said Deblock tract, a distance of 1347.50 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 15.458 acres (673,334 square feet) of land.



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.

ZC# 16-017

11/02/2016



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ZC# 16-017

11/02/2016

Property Owner Notification for ZC# 16-017

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
COMMUNITY OF HOPE	BLK 1	SP COMMERCIAL REAL ESTATE LLC	5744 DUNRAVEN TRL	FORT WORTH, TX	76244
COMMUNITY OF HOPE	BLK 1	SP COMMERCIAL REAL ESTATE LLC	5744 DUNRAVEN TRL	FORT WORTH, TX	76244
FARMINGTON ESTATES	BLK 2	FIELDS, MICAH	1720 FARMINGTON DR	MANSFIELD, TX	76063-7912
FARMINGTON ESTATES	BLK 2	LOBAUGH, JERMAINE	1718 FARMINGTON DR	MANSFIELD, TX	76063-7912
GRIMSLEY, JAMES SURVEY	A 578	DEBLOCK LTD	4704 BARKRIDGE TR	FORT WORTH, TX	76109-3210
GRIMSLEY, JAMES SURVEY	A 578	ERVIN, FAYE D	1600 E DEBBIE LN	MANSFIELD, TX	76063
GRIMSLEY, JAMES SURVEY	A 578	HOLLAND, JAS FRANKLIN	2804 MATLOCK RD	MANSFIELD, TX	76063-5003
GRIMSLEY, JAMES SURVEY	A 578	HOLLAND, JAMES F	2804 MATLOCK RD	MANSFIELD, TX	76063-5003
WALNUT CREEK VALLEY ADDITION	BLK 46	CASTILLO, PAUL M	1645 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 46	HP TEXAS I LLC	180 N STETSON AVE SUITE #3650	CHICAGO, IL	60601
WALNUT CREEK VALLEY ADDITION	BLK 46	TARBERT LLC	8665 E HARTFORD DR SUITE 200	SCOTTSDALE, AZ	85255
WALNUT CREEK VALLEY ADDITION	BLK 46	HELMICK, JOHNNY L	1651 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 46	SCOTT, CLARENCE L	1653 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 46	AMERICAN HOMES 4 RENT PROPERTI	30601 AGOURA RD SUITE 200	AGOURA HILLS, CA	91301
WALNUT CREEK VALLEY ADDITION	BLK 46	ADELEKE, KOLA	1657 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT HILLS ADDITION	BLK 1	TARBERT LLC	8665 E HARTFORD DR STE 200	SCOTTSDALE, AZ	85255
WALNUT HILLS ADDITION	BLK 1	YATES, HUBERT	1807 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 1	POST, LADONNA K	1805 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 1	REDFIELD, GARY L	1803 WALNUT HILLS LN	MANSFIELD, TX	76063-5029

Property Owner Notification for ZC# 16-017

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
WALNUT HILLS ADDITION	BLK 1	LINO, SOANE F	1801 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 2	ALIGWEKWE, MATTHEW	2619 RIDGEOAK TR	MANSFIELD, TX	76063-5035
WALNUT HILLS ADDITION	BLK 2	MAKINDE, FUMMILAYO	1917 SANTA ANNA DR	ARLINGTON, TX	76001-5612
WALNUT HILLS ADDITION	BLK 2	RAMIREZ, JOSE O	1804 WALNUT HILLS LN	MANSFIELD, TX	76063-5028
WALNUT HILLS ADDITION	BLK 2	BROWN, JOY E	1802 WALNUT HILLS LN	MANSFIELD, TX	76063-5028
WALNUT HILLS ADDITION	BLK 3	GOLLIDAY, CORY	1908 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 3	GARZA, JULIO C	1910 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 3	TAYLOR, KIMBERLY LYNNETTE	1906 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 3	GARCIA, DAVID	1904 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 3	HAYES, BOBBY J	1902 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 3	SIMS, RALPH	1900 WALNUT HILLS LN	MANSFIELD, TX	76063-5030
WALNUT HILLS ADDITION	BLK 4	LEHMACHER, WILLIAM C	6 CHATHAM CT	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 4	SWEELY, TIFFANY	2703 COUNTRY GROVE	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 4	LI, XUAN	7 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	HASTON, ZACHARY C	2701 COUNTRY GROVE TR	MANSFIELD, TX	76063-5005
WALNUT HILLS ADDITION	BLK 4	HARRIS, CHAD B	8 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	JACKSON, ADAM B	5 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	CARDOZA, PRISELLIA M	9 CHATHAM CT	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 4	CAMACHO, VERONICA A	10 CHATHAM CT	MANSFIELD, TX	76063

Property Owner Notification for ZC# 16-017

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
WALNUT HILLS ADDITION	BLK 4	PAPP, REBECCA	11 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	KIMBER, RENEE	4 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	ZAMULINSKI, BOZENA	1913 WALNUT HILLS LN	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 4	BANKS, KELLEY D	3 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	ALLEN, DALE R	2 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	SPANN, ANDRE	1911 WALNUT HILLS LN	MANSFIELD, TX	76063-5031
WALNUT HILLS ADDITION	BLK 4	GRACIA, JOSE	1909 WALNUT HILLS	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 4	RODGERS, STEPHON C	1 CHATHAM CT	MANSFIELD, TX	76063-5021
WALNUT HILLS ADDITION	BLK 4	DARFOOR, DOUGLAS	1907 WALNUT HILLS LN	MANSFIELD, TX	76063-5031
WALNUT HILLS ADDITION	BLK 4	GO, MANUEL	628 MANCHESTER DR	MANSFIELD, TX	76063-2891
WALNUT HILLS ADDITION	BLK 4	NWAEFULU, BENEDICTA N	1903 WALNUT HILLS LN	MANSFIELD, TX	76063-5031
WALNUT HILLS ADDITION	BLK 4	SMITH, DENNIS	1901 WALNUT HILLS	ARLINGTON, TX	76063



Kerin Maguire <kerin.maguire@mansfield-tx.gov>

Skorburg - Holland Tract

Tommy Reilly III <treilly@reillybrothers.com>

Mon, Nov 21, 2016 at 10:15 AM

To: "kerin.maguire@mansfield-tx.gov" <kerin.maguire@mansfield-tx.gov>, Felix Wong <felix.wong@mansfield-tx.gov>

Kerin,

We represent the Mary Holland family in regards to her family land located on Matlock south of Debbie. And were given the task to find the highest and best use and user for the final end use of this well located development parcel.

Once it was determined that a rental residential development would not be viewed favorably we focused on single family as the highest and best use for this parcel. Then given the fact that this parcel is only 15 to 17 acres I then narrowed my focus on this site as a classic in-fill development site.

After coming to these conclusions I quickly determined that there was only one end user / developer currently active in Mansfield that was a good match for this opportunity and, most importantly, who would bring the high quality that was our end goal. And that end user / developer is the Skorburg Company of Dallas.

Skorburg's recently developed Colby Crossing is also +/- 15 acres as is the Holland parcel. And clearly has been well received by the neighborhood and is a great add to this market. Just a fine end use of the highest quality of that specific in-fill parcel.

My expectations quite simply are for Skorburg to replicate their successful Colby Crossing on the Holland parcel. That is exactly what we have been promised by Skorburg. And I have every reason to believe that if given this opportunity by Mansfield that is exactly what they will deliver to this market.

The Hollands and I are quite pleased to be able to assist such a high quality end development being brought to this neighborhood and Mansfield. It will be a wonderful add to this market.

Thank you.

Tommy Reilly



Kerin Maguire <kerin.maguire@mansfield-tx.gov>

Planning & Zoning meeting

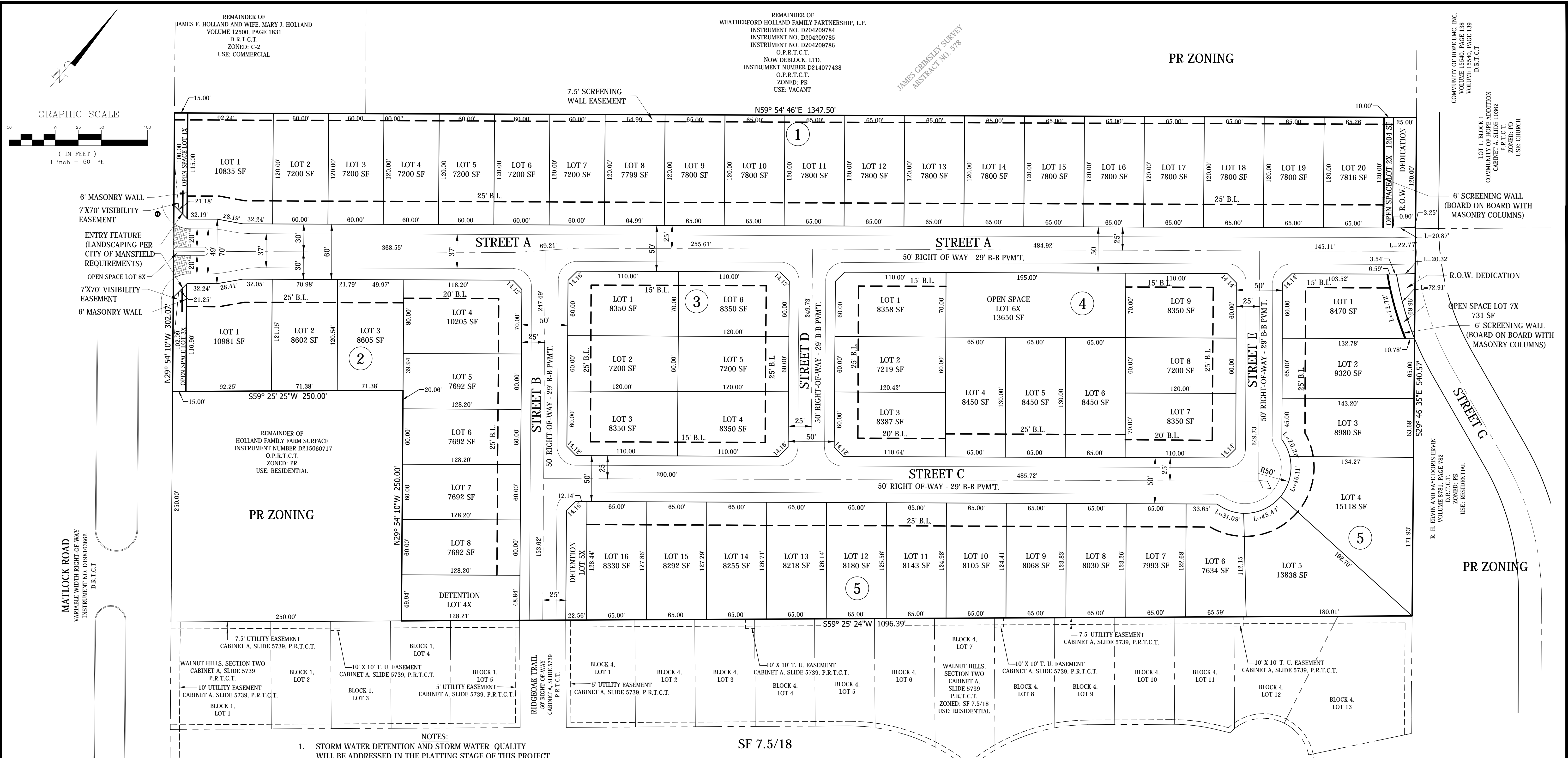
Jeanette Holland <j_holland_socialwork@yahoo.com>
To: kerin.maguire@mansfieldtexas.gov

Mon, Nov 21, 2016 at 4:58 PM

To the planning & zoning meeting,

I am in support of the residential development zoning change request for 15 acres on Matlock Road. This housing is high end and would be a great planned development for this area as well as the smaller C2 to compliment this upcoming area of the community.

Jeanette Holland, resident and small business owner.



LOT SUMMARY TABLE	
GROSS ACREAGE	15.46 ACRES
RESIDENTIAL LOTS	59 LOTS
OPEN SPACE LOTS	8 LOTS
60' LOTS	14 LOTS
65' LOTS	45 LOTS

- NOTES:
1. STORM WATER DETENTION AND STORM WATER QUALITY WILL BE ADDRESSED IN THE PLATTING STAGE OF THIS PROJECT.
 2. IF PROPERTY TO THE NORTH DOES NOT DEVELOP WITH C2 ZONING, A STREET STUB MUST BE PROVIDED TO THE NORTH.
 3. DEVELOPMENT WILL COMPLY WITH THE LANDSCAPE REQUIREMENTS OF 7300.
 4. DEVELOPMENT WILL COMPLY WITH 4600D.
 5. HOA SHALL BE RESPONSIBLE FOR MAINTAINING OPEN SPACE, LANDSCAPING AND SCREENING WALL.
 6. NO TREES, FENCES, WALLS OR ANYTHING OVER 2 FEET IN HEIGHT IS ALLOWED IN THE VISIBILITY EASEMENTS.
 7. DRIVEWAYS ON LOTS 1, 2 AND 3, BLOCK 1 AND LOTS 1, 2 AND 3, BLOCK 2 WILL BE LOCATED ON THE EAST SIDE OF THE LOT.
 8. DURING ENGINEERING DESIGN, IF IT IS FOUND THAT THE CURRENT AREAS MARKED FOR DETENTION ARE INADEQUATELY SIZED, THE DEVELOPER HAY HAVE TO GIVE UP A LOT IN ORDER TO ACCOMODATE THE REQUIRED AREA.
 9. STORM WATER QUALITY WILL BE ADDRESSED IN ACCORDANCE WITH ISWM DURING THE ENGINEERING DESIGN.
 10. FENCES WILL BE SHOWN ON THE PLOT PLAN AT TIME OF BUILDING PERMIT.

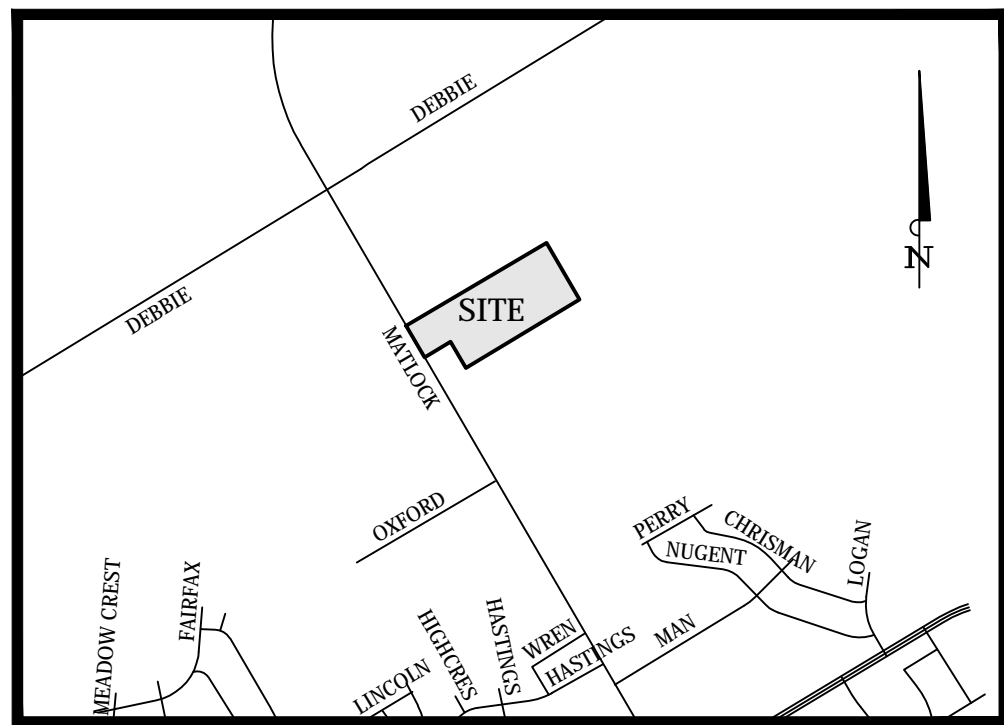
- REQUESTED DEVIATIONS FROM SF 7.5/16
- AT LEAST 10 HOMES WILL HAVE J-SWING GARAGES.
 - MINIMUM LOT WIDTH OF 60'
 - MAXIMUM LOT COVERAGE OF 55%
 - MINIMUM SQUARE FOOTAGE ON A LOT WILL BE 7,200 SQ. FT.
 - CORNER LOTS SHALL HAVE A MINIMUM WIDTH OF 70'.
 - THE MINIMUM FLOOR AREA PER UNIT SHALL BE 1,800 SQ. FT.

ZONING STATEMENT:
THE PROPOSED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH THE PROVISIONS OF THE APPROVED PLANNED DEVELOPMENT DISTRICT AND THAT ALL DEVELOPMENT PLANS RECORDED HERE UNDER SHALL BE BINDING UPON THE APPLICANT THERE OF, HIS SUCCESSOR AND ASSIGNS. AND SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.

DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE,
SUITE 710
DALLAS, TEXAS 75225
(214) 522-4945
CONTACT: JOHN ARNOLD
EMAIL:
jarnold@skorburgcompany.com

PLAN PREPARED BY:
BANNISTER ENGINEERING, LLC (F-10599)
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
PHONE (817) 842-2094
FAX (817) 842-2095
CONTACT: CODY BROOKS, P.E.

PREPARED BY:
BANNISTER ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)
PROJECT NO. 090-16-12 CONTACT: CODY BROOKS, P.E.



VICINITY MAP
NOT TO SCALE
MANSFIELD, TEXAS



Know what's below.
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(@ least 48 hours prior to digging)

EXHIBIT "B" DEVELOPMENT PLAN

for
"Cypress Crossing Addition"
situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

DECEMBER 7, 2016

ZC#16-017

REPRESENTATIVE PRODUCT



REPRESENTATIVE PRODUCT



ZC #16-017

REPRESENTATIVE PRODUCT



ZC #16-017

REPRESENTATIVE PRODUCT



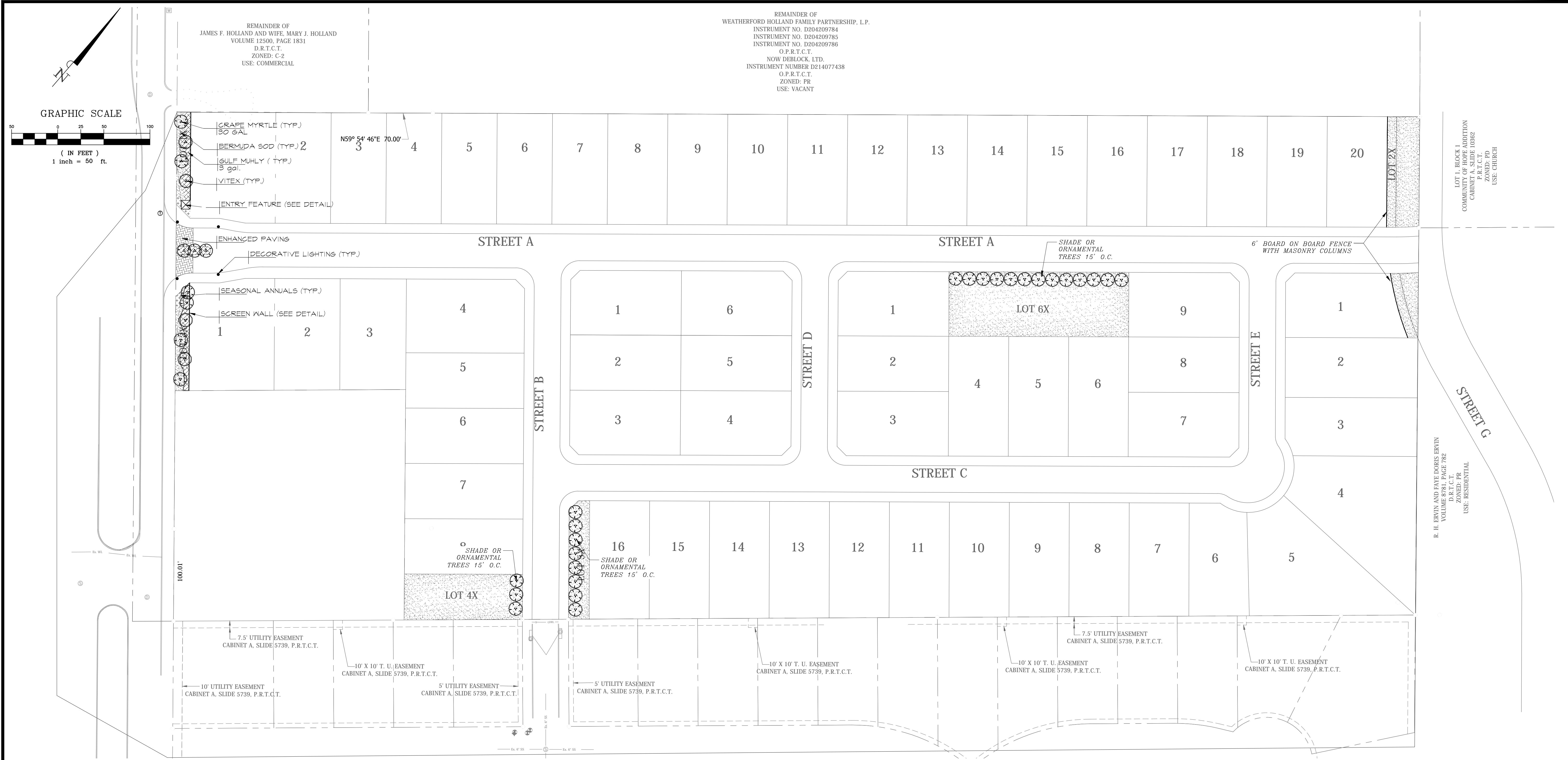
ZC #16-017

REPRESENTATIVE BOULEVARD



REPRESENTATIVE ENTRY FEATURE AND LANDSCAPING





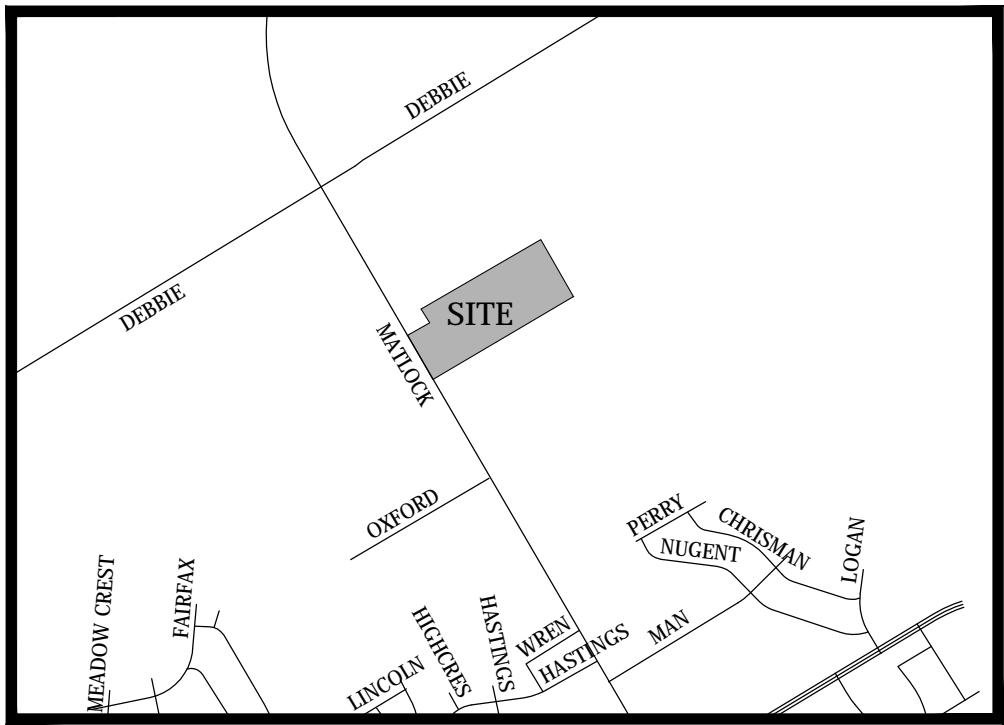
59 Residential Lots, 8 Common Area Lots

- NOTE:
- DECORATIVE STREET LIGHTING AT THE ENHANCED ENTRYWAY WILL BE PROVIDED THAT CONFORMS TO THE CITY'S STANDARDS WITH ONCOR ELECTRIC SERVICES OR OTHER UTILITY PROVIDERS.
 - FINAL LANDSCAPE PLANS WILL COMPLY WITH THE LANDSCAPING SECTION 7300 IN THE ZONING ORDINANCE. HOA WILL MAINTAIN ALL PLATTED OPEN SPACE LOTS. THIS WILL INCLUDE LANDSCAPE MAINTENANCE, SCREEN WALL MAINTENANCE. ALSO NO TREES, FENCES, WALLS OR ANYTHING OVER 2 FEET IN HEIGHT WILL BE PERMITTED IN THE VISIBILITY TRIANGLE.

ZONING STATEMENT:
THE PROPOSED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH THE PROVISIONS OF THE APPROVED PLANNED DEVELOPMENT DISTRICT AND THAT ALL DEVELOPMENT PLANS RECORDED HERE UNDER SHALL BE BINDING UPON THE APPLICANT THERE OF, HIS SUCCESSOR AND ASSIGNS, AND SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.

PREPARED BY:
BANNISTER
ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)
PROJECT NO. 090-16-12 CONTACT: CODY BROOKS, P.E.

DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE,
SUITE 710
DALLAS, TEXAS 75225
(214) 522-4945
CONTACT: JOHN ARNOLD
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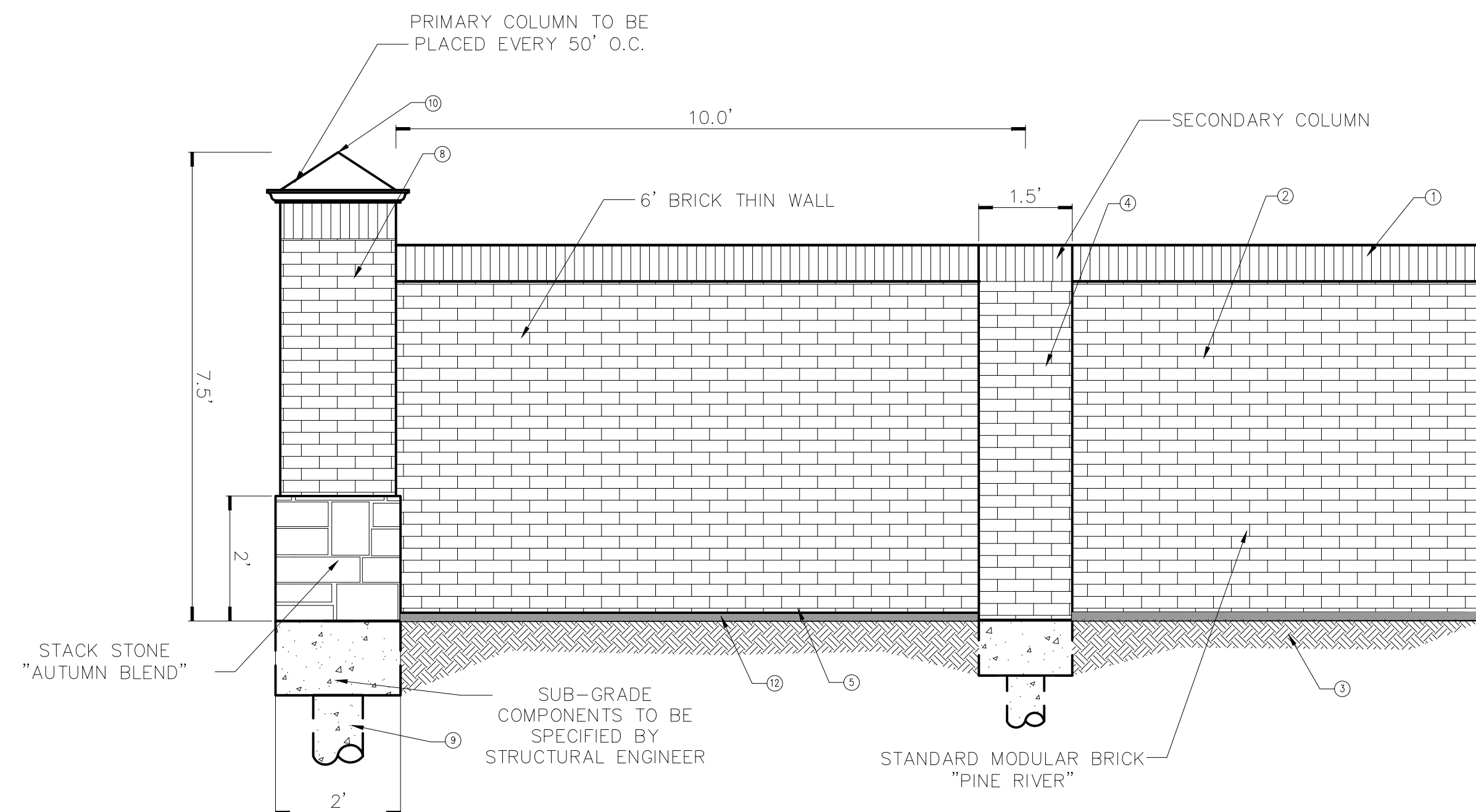
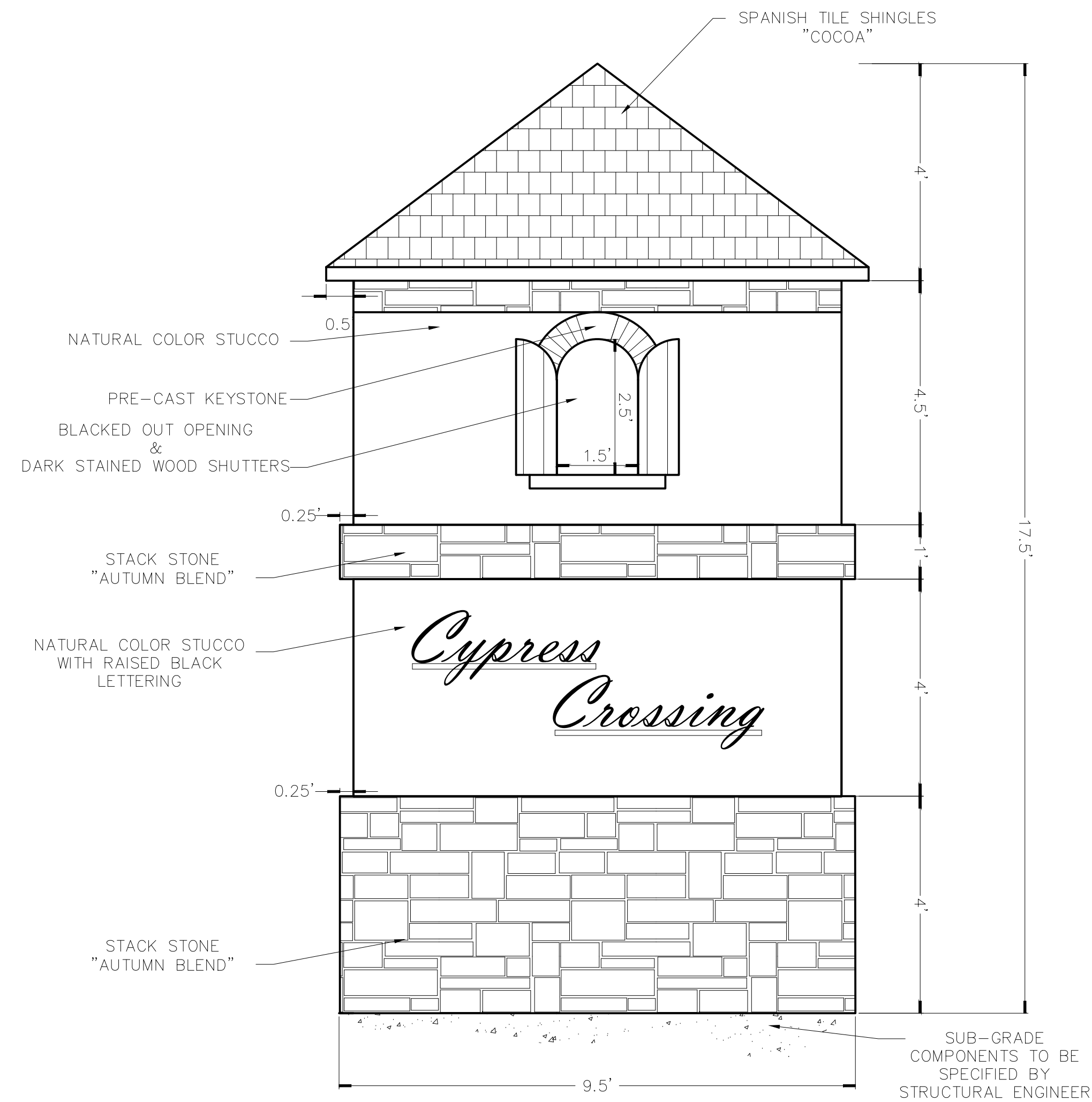
LOT SUMMARY TABLE	
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811
Know what's below.
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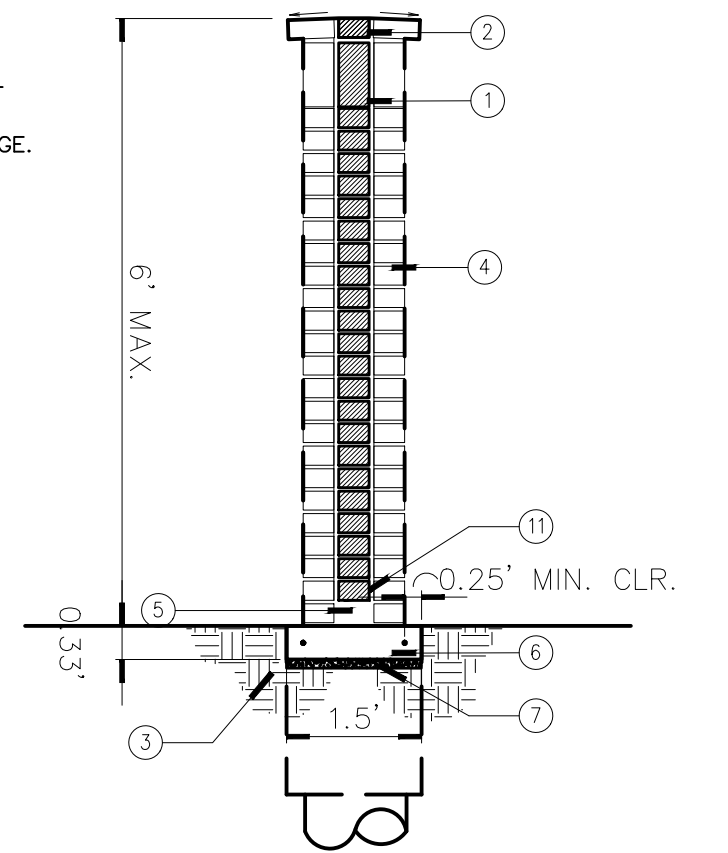
EXHIBIT D-1
for
"Cypress Crossing Addition"
situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

December 7, 2016

ZC#16-017

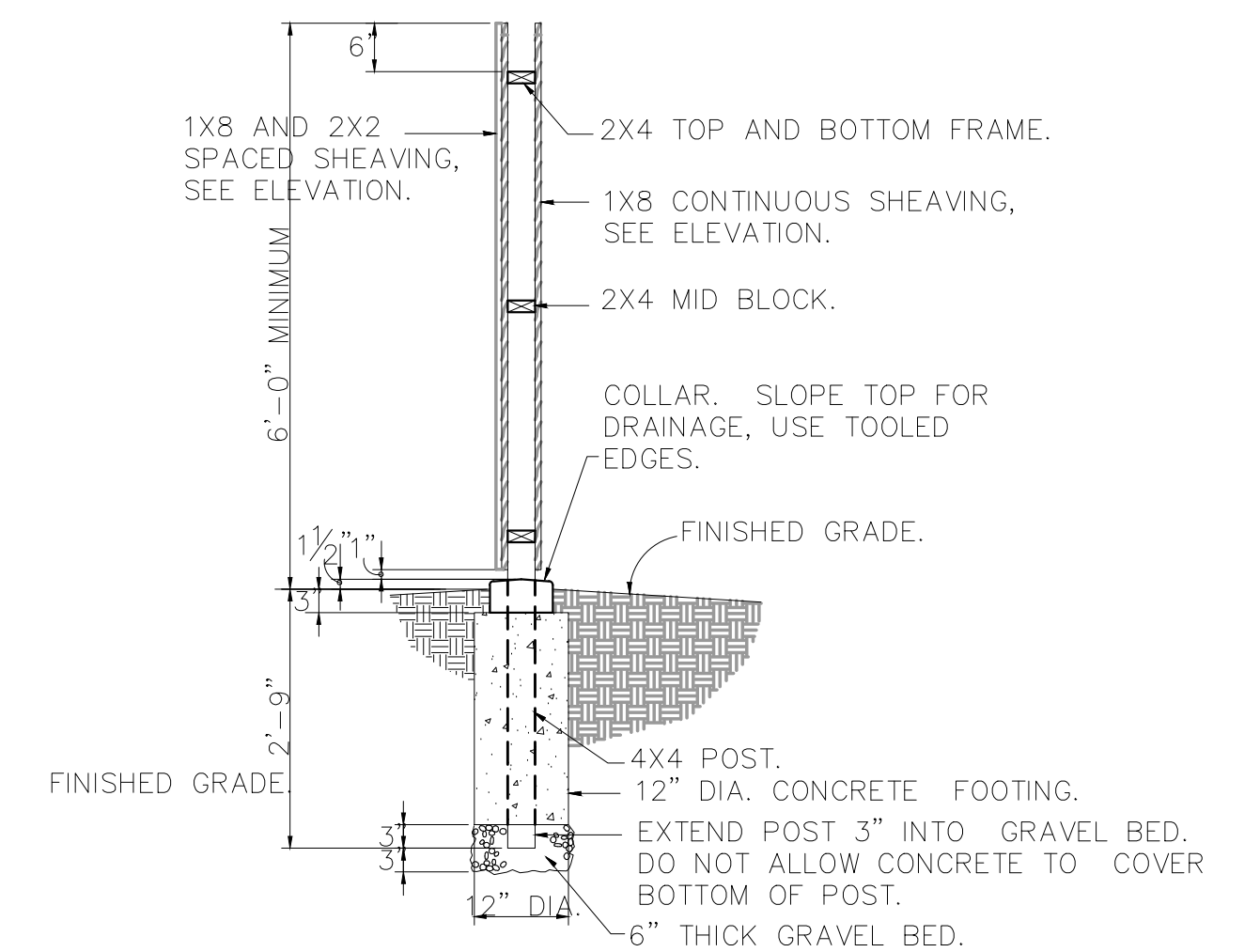
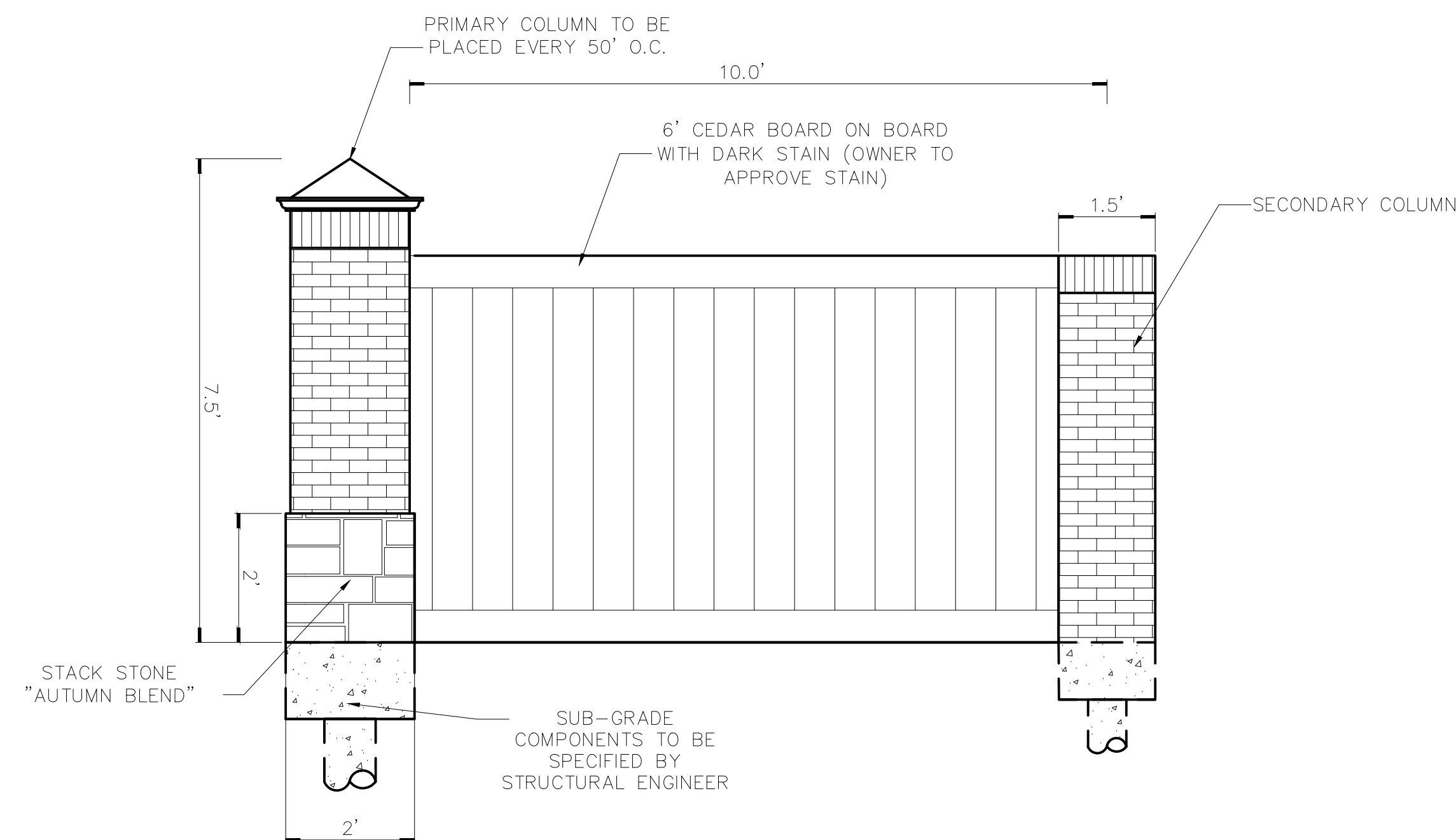


- ① SOLDIER COURSE @ TOP OF WALL (SEE ELEVATION).
- ② STANDARD RUNNING BOND BRICK FACING W/STANDARD MASONRY H-REINFORCING. BRICK SELECTION BY OWNER. REINFORCED W/ 1-NO. 9 GAUGE WIRE HORIZONTAL AT EACH COURSE. PROVIDE SLIGHT SLOPE @ TOP AS SHOWN TO FACILITATE DRAINAGE.
- ③ COMPACTED SUBGRADE TO 95% OF AASHTO T-99 DENSITY.
- ④ STANDARD 16" WIDE BRICK SUPPORT @ 12' OR 10' O.C.
- ⑤ BOTTOM COURSE WITH WEEP OPENINGS
- ⑥ CONCRETE MOW-STRIP W/ (2) #4 BARS CONTINUOUS, 8" o.c. MIN.
- ⑦ 1" SAND SETTING BED.
- ⑧ STANDARD 24"x24" COLUMN @ 60' OR 20' O.C.
- ⑨ 12"~ PIER x DEPTH TO 8' MIN. BELOW EXISTING GRADE @ 12' O.C. MAX. (O.C. TO MATCH COLUMNS & BRICK SUPPORTS)
- ⑩ CAST STONE COLUMN CAP
- ⑪ 3"x3"x1" GALVANIZED ANGLE IRON
- ⑫ 4" OPENING



SCREEN WALL ENDS & ACCENT COLUMNS

NOT TO SCALE



BOARD ON BOARD W/ MASONRY COLUMNS

NOT TO SCALE

EXHIBIT D-2

for

"Cypress Crossing Addition"

situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

December 7, 2016

PREPARED BY:

BANNISTER
ENGINEERING

240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

PROJECT NO. 090-16-12

CONTACT: CODY BROOKS, P.E.

PLAN PREPARED BY:

BANNISTER ENGINEERING, LLC (F-10599)
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
PHONE (817) 842-2094
FAX (817) 842-2095
CONTACT: CODY BROOKS, P.E.

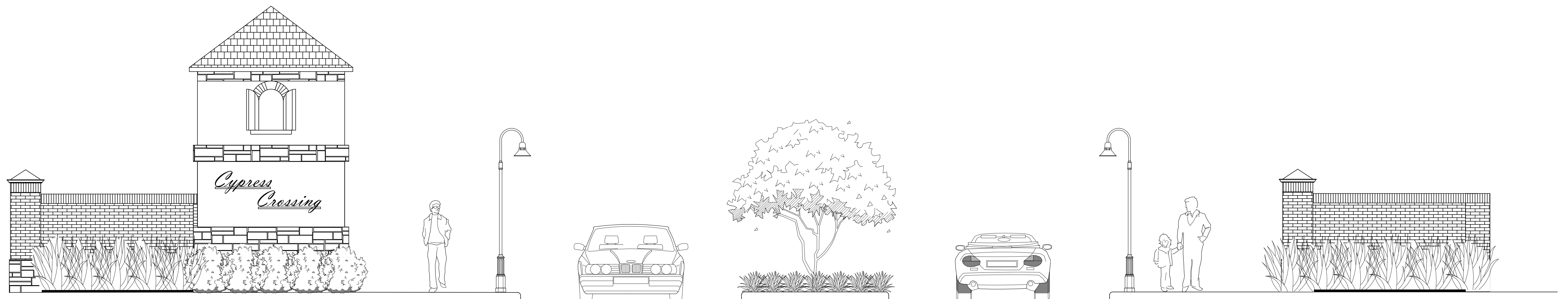
DEVELOPER:

SKORBURG COMPANY
8214 WESTCHESTER DRIVE,
SUITE 710
DALLAS, TEXAS 75225
(214) 522-4945
CONTACT: JOHN ARNOLD
EMAIL:
jarnold@skorburgcompany.com



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ZC#16-017



ENTRY CROSS SECTION
NOT TO SCALE

EXHIBIT D-3

for
"Cypress Crossing Addition"

situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

December 7, 2016

PREPARED BY:

BANNISTER
ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

PROJECT NO. 090-16-12

CONTACT: CODY BROOKS, P.E.

PLAN PREPARED BY:

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240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
PHONE (817) 842-2094
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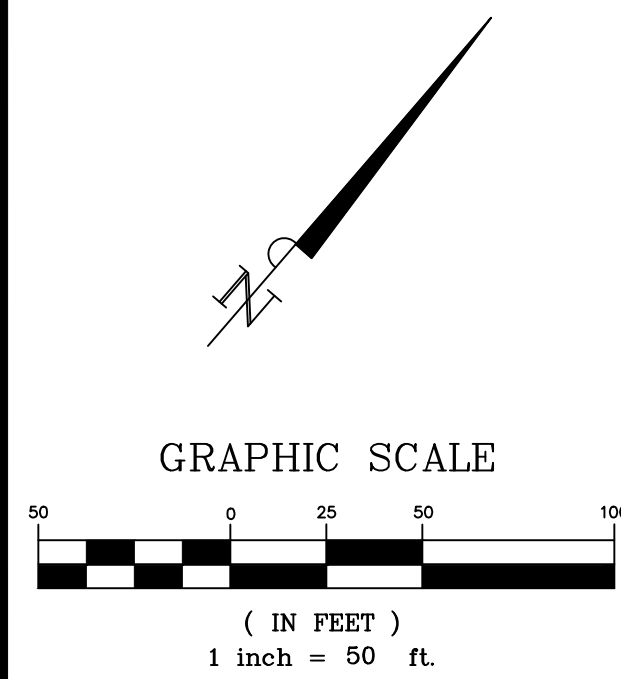
DEVELOPER:

SKORBURG COMPANY
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(214) 522-4945
CONTACT: JOHN ARNOLD
EMAIL:
jarnold@skorburgcompany.com




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ZC#16-017



REMAINDER OF
JAMES F. HOLLAND AND WIFE, MARY J. HOLLAND
VOLUME 12500, PAGE 1831
D.R.T.C.T.
ZONED: C-2
USE: COMMERCIAL



 4" HACKBERRY
TREE

REMAINDER OF
WEATHERFORD HOLLAND FAMILY PARTNERSHIP, I, P.
INSTRUMENT NO. D204209784
INSTRUMENT NO. D204209785
INSTRUMENT NO. D204209786
O.P.R.T.C.T.
NOW DEBLOCK, LTD.
INSTRUMENT NUMBER D214077438
O.P.R.T.C.T.
ZONED: PR
USE: VACANT

LOT 1, BLOCK 1
COMMUNITY OF HOPE ADDITION
CABINET A, SLIDE 10362
P.R.T.C.T.
ZONED: PD
USE: CHURCH

R. H. ERVIN AND FAYE DORIS ERVIN
VOLUME 8781, PAGE 782
D.R.T.C.T.
ZONED: PR
USE: RESIDENTIAL

WALNUT HILLS,
SECTION TWO
CABINET A,
SLIDE 5739
P.R.T.C.T.
ZONED: SF 7.5/18
USE: RESIDENTIAL

PLANT_SCHEDULE	
TREES	BOTANICAL NAME / COMMON NAME
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN

LOT SUMMARY TABLE	
GROSS ACREAGE	15.46 ACRES
RESIDENTIAL LOTS	59 LOTS
OPEN SPACE LOTS	8 LOTS
60' LOTS	14 LOTS
65' LOTS	45 LOTS

PREPARED BY:

BANNISTER
ENGINEERING
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # E-10590 (TEXAS)

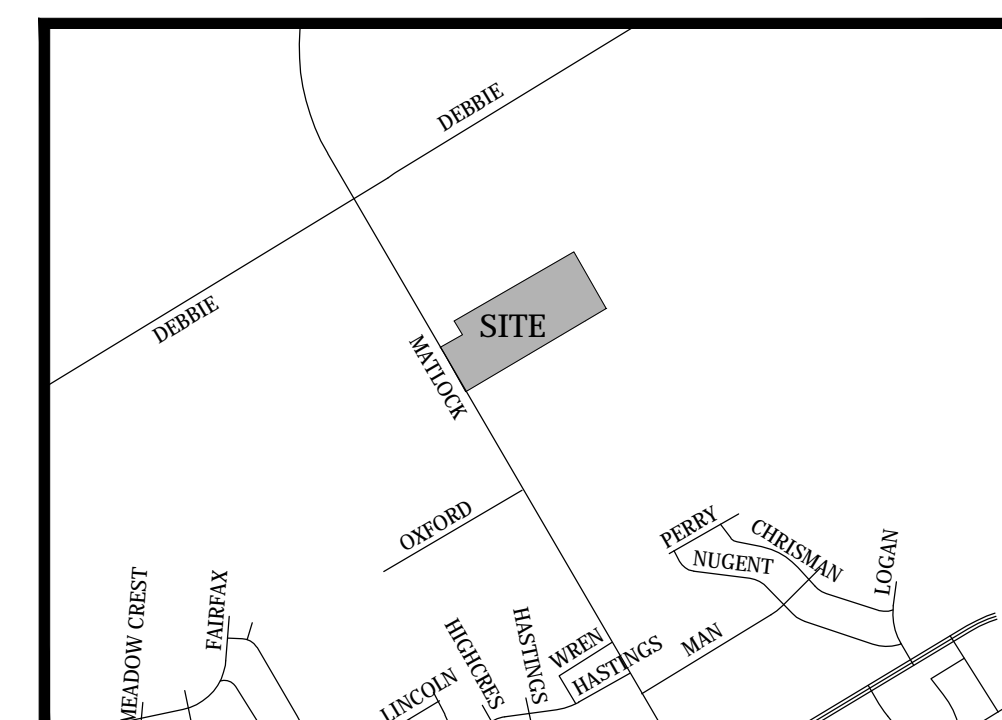
PROJECT NO. 090-16-12

CONTACT: CODY BROOKS, P.E.

PLAN PREPARED BY:
BANNISTER ENGINEERING, LLC (F-10599)
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
PHONE (817) 842-2094
FAX (817) 842-2095
CONTACT: CODY BROOKS, P.E.

DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE,
SUITE 710
DALLAS, TEXAS 75225
(214) 522-4945
CONTACT: JOHN ARNOLD
EMAIL:
jarnold@skorburgcompany.com

ZONING STATEMENT:
THE PROPOSED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH THE PROVISIONS OF THE APPROVED PLANNED DEVELOPMENT DISTRICT AND THAT ALL DEVELOPMENT PLANS RECORDED HERE UNDER SHALL BE BINDING UPON THE APPLICANT THERE OF, HIS SUCCESSOR AND ASSIGNS, AND SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.



Know what's below.
Call before you dig.
(@ least 48 hours prior to digging)

EXHIBIT D-4
for
"Cypress Crossing Addition"

situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

NOVEMBER 29, 2016

ZC#16-017



PREPARED BY:

BANNISTER
ENGINEERING

240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

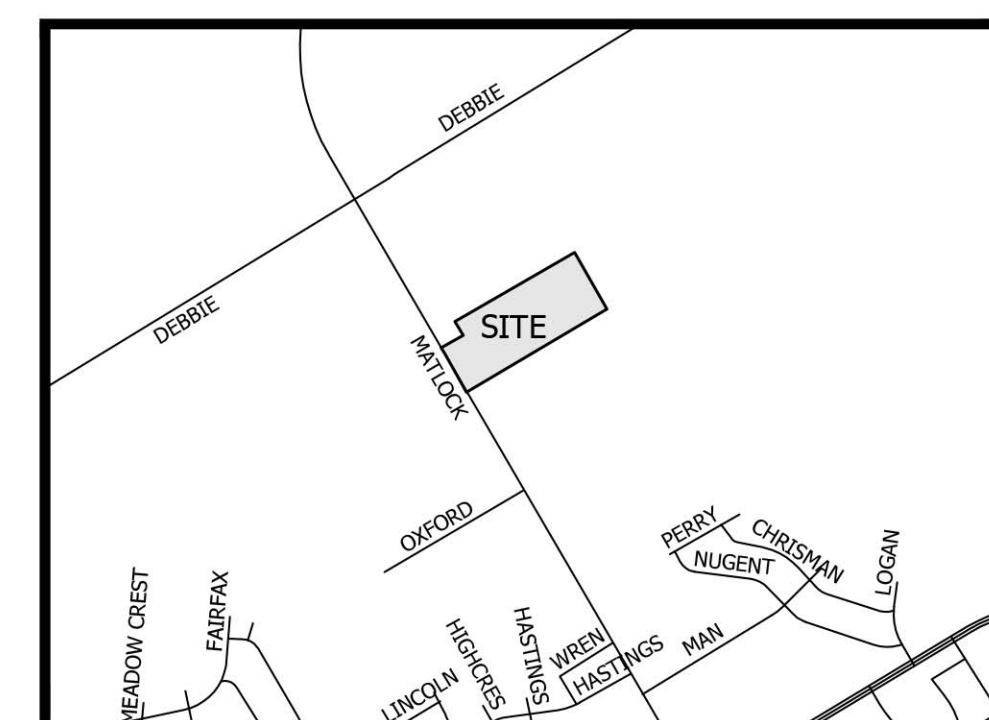
PROJECT NO. 090-16-12

CONTACT: CODY BROOKS, P.E.

PLAN PREPARED BY:
BANNISTER ENGINEERING, LLC (F-10599)
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
PHONE (817) 842-2094
FAX (817) 842-2095
CONTACT: CODY BROOKS, P.E.

DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE,
SUITE 710
DALLAS, TEXAS 75225
(214) 522-4945
CONTACT: JOHN ARNOLD
EMAIL:
jarnold@skorburgcompany.com

ZONING STATEMENT:
THE PROPOSED DEVELOPMENT WILL BE IN COMPLETE
ACCORDANCE WITH THE PROVISIONS OF THE APPROVED
PLANNED DEVELOPMENT DISTRICT AND THAT ALL
DEVELOPMENT PLANS RECORDED HERE UNDER SHALL BE
BINDING UPON THE APPLICANT THERE OF, HIS SUCCESSOR
AND ASSIGNS, AND SHALL LIMIT AND CONTROL ALL
BUILDING PERMITS.



**Know what's below.
Call before you dig.**

(@ least 48 hours prior to digging)

EXHIBIT D-5

for

"Cypress Crossing Addition"
situated in the James Grimsley Survey
Abstract No. 578,
City of Mansfield, Tarrant County, Texas.
±15.46 Acres

November 29, 2016

ZC#16-017

From: Tommy Reilly III <treilly@reillybrothers.com>
Date: Tuesday, December 13, 2016 12:34 PM
To: Scott Welmaker <scott.welmaker@mansfield-texas.com>, Richard Nevins <richard.nevins@mansfield-texas.com>
Subject: Holland/Skorburg

Scott/Richard,

Thanks for the heads up from last night's council meeting. As always, much appreciated.

That is a concern of the mayor and council that I am confident can be easily explained, understood and resolved. To the complete satisfaction of staff and council. And the neighbors and neighborhood.

On a regular basis we get inquiries from office and/or medical/dental users who are looking for a standalone commercial lot for their business or practice. And that proposed 250' by 250' lot located at the Matlock median break and adjacent to new quality SF homes will be a perfect fit for their needs. And that is my target.

We will be willing to reasonably restrict that commercial lot from uses that staff and the council may find objectionable. Felix earlier had mentioned gas sales, auto parts, lube center, fast food restaurants and the such. Personally I do not see any of these type of uses that would even want this lot as currently proposed and located.

There is a similar commercial tract, albeit a bit larger, that is presently being developed with uses and uses like I envision on this Matlock lot. And it is also bounded on 3 sides by quality single family homes. It is on the north side of Debbie east of North Walnut Creek Drive. There is an active market for such commercial lots fronting on both Matlock and Debbie in this neighborhood and market, that is a given.

Although I personally did not agree with Mansfield staff's concerns regarding the location of the two (2) egress/ingress points as originally drawn by Skorburg, it was and is their final call. ***And to satisfy city staff in this objection of theirs was and is the only reason that we shifted the location of this 250' by 250' lot from the north to the south.***

In our 300 acre River Park mixed use development in SW Fort Worth we built four (4) quality SF subdivisions, each ranging in acreage from 16 to 23 acres and thus similar to the 15+ acres of the Holland/Skorburg proposed SF development. ***And each of those four SF neighborhoods have only one (1) egress/ingress point.*** Price point when developed (15 to 8 years ago) of the homes in River Park ranged from the high \$200's to the high \$800's and are certainly higher today. That successful and highly regarded mixed use development is in Fort Worth. Holland/Skorburg is of course in Mansfield.

I accept the fact that Mansfield has the final call in such matters. But I did what was necessary and prudent to satisfy staff and the city solely to enable a quality SF development on this infill location to be developed. And remain convinced that it will be a great add to this neighborhood and Mansfield.

Thanks again for all you guys do.

TR



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2160

Agenda Date: 1/23/2017

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to C-2 for General Retail and Office Uses on Approximately 1.43 Acres Generally Located East of Matlock Road and Approximately 1,181 Feet South of the Intersection of Matlock Road and E. Debbie Lane; Reilly Brothers (ZC#16-027)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on January 17, 2017, and voted 5-0 (Commissioners Hudson and Mills were absent) to recommend approval of a change to PD, Planned Development for the proposed land uses and the applicant seeking detailed site plan approval by the City Council in the future.

Description/History

The applicant is requesting a zone change to C-2 and has stated that he will restrict the land uses to office, medical and child learning center.

Staff had previously advised the applicant that he should apply for PD zoning as it will ensure site design and the restricted uses. Although there are Community Design Standards in place with C-2, there is nothing to restrict the building to a residential architectural appearance, which would help with the transition to the residential uses surrounding this property

Prepared By

Felix Wong, Director of Planning
817-276-4228



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.

ZC# 16-027

01/04/2017



ZC# 16-027

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01/04/2017

Property Owner Notification for ZC# 16-027

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
COUNTRY HILL PARK ADDITION	BLK B	WILLIAMS, RONNIE J	1721 OXFORD DR	MANSFIELD, TX	76063-3372
GRIMSLEY, JAMES SURVEY	A 578	HOLLAND, JAS FRANKLIN	2804 MATLOCK RD	MANSFIELD, TX	76063-5003
WALNUT CREEK VALLEY ADDITION	BLK 46	TARBERT LLC	8665 E HARTFORD DR SUITE 200	SCOTTSDALE, AZ	85255
WALNUT CREEK VALLEY ADDITION	BLK 46	HELMICK, JOHNNY L	1651 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 46	SCOTT, CLARENCE L	1653 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 46	AMERICAN HOMES 4 RENT PROPERTI	30601 AGOURA RD SUITE 200	AGOURA HILLS, CA	91301
WALNUT CREEK VALLEY ADDITION	BLK 46	ADELEKE, KOLA	1657 CHURCHILL LN	MANSFIELD, TX	76063-7907
WALNUT CREEK VALLEY ADDITION	BLK 49	PAUL, SHINDER	1718 BRITTANY LN	MANSFIELD, TX	76063-7902
WALNUT CREEK VALLEY ADDITION	BLK 49	GEIGER, REBECCA	1716 BRITTANY LN	MANSFIELD, TX	76063
WALNUT HILLS ADDITION	BLK 1	TARBERT LLC	8665 E HARTFORD DR STE 200	SCOTTSDALE, AZ	85255
WALNUT HILLS ADDITION	BLK 1	YATES, HUBERT	1807 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 1	POST, LADONNA K	1805 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 1	REDFIELD, GARY L	1803 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 1	LINO, SOANE F	1801 WALNUT HILLS LN	MANSFIELD, TX	76063-5029
WALNUT HILLS ADDITION	BLK 2	ALIGWEKWE, MATTHEW	2619 RIDGEOAK TR	MANSFIELD, TX	76063-5035
WALNUT HILLS ADDITION	BLK 2	MAKINDE, FUMMILAYO	1917 SANTA ANNA DR	ARLINGTON, TX	76001-5612
WALNUT HILLS ADDITION	BLK 2	RAMIREZ, JOSE O	1804 WALNUT HILLS LN	MANSFIELD, TX	76063-5028
WALNUT HILLS ADDITION	BLK 2	BROWN, JOY E	1802 WALNUT HILLS LN	MANSFIELD, TX	76063-5028
WALNUT HILLS ADDITION	BLK 2	BALDWIN, CARL G	1800 WALNUT HILLS LN	MANSFIELD, TX	76063

Property Owner Notification for ZC# 16-027

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
WALNUT HILLS ADDITION	BLK 4	SMITH, DENNIS	1901 WALNUT HILLS	ARLINGTON, TX	76063

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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO C-2 COMMUNITY BUSINESS DISTRICT CLASSIFICATION FOR GENERAL RETAIL AND OFFICE USES, 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 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 zoning classification of C-2, Community Business District Classification for general retail and office uses, said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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 3.

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 zoning classification.

SECTION 4.

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 5.

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 6.

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 _____, 2017.

Second reading approved on the _____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

EXHIBIT "A"

LEGAL LAND DESCRIPTION

BEING a portion of that certain tract of land in the James Grimsley Survey, Abstract No. 578, City of Mansfield, Tarrant County, Texas, described in a Surface Deed (Without Warranty) to Holland Family Farm Surface (hereinafter referred to as Holland Family tract), as recorded in Instrument Number D215060717, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch iron rod with plastic cap stamped "PRECISE" found for the Northwestern corner of that certain tract of land described as Lot 1, Block 1, Walnut Hills, Section Two, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 5739, Plat Records, Tarrant County, Texas, same being the existing Northeasterly right-of-way line of Matlock Road (variable width right-of-way), as recorded in Instrument Number D198163662, O.P.R.T.C.T., same also being the Southeasterly line of said Holland Family tract;

THENCE North 29 degrees 54 minutes 10 seconds West with the common line between the remainder of said Holland Family tract and the existing Northeasterly right-of-way line of said Matlock Road, a distance of 250.00 feet to a point for corner;

THENCE North 59 degrees 25 minutes 25 seconds East, departing the existing Northeasterly right-of-way line of said Matlock Road and crossing said Holland Family tract, a distance of 250.00 feet to a point for corner;

THENCE South 29 degrees 54 minutes 10 seconds East, continue crossing said Holland Family tract, a distance of 250.00 feet to a point for corner in the Northwestern line of that certain tract of land described as Lot 4, Block 1 of the aforesaid Walnut Hills, Section Two (hereinafter referred to as Lot 4);

THENCE South 89 degrees 25 minutes 25 seconds West with the common line between said Holland Family tract and said Lot 4, passing at a distance of 11.79 feet, a one-half inch iron rod with plastic cap stamped "BEASLEY" found for the Northwestern corner of said Lot 4, same being the Northerly corner of that certain tract of land described as Lot 3, Block 1, of said Walnut Hills, Section Two and continue with said course and the common line between said Holland Family tract and said Block 1 for a total distance of 250.00 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 1.435 acres (62,496 square feet) of land.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2146

Agenda Date: 1/23/2017

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Zoning Change from PR, Pre Development to PD, Planned Development for Office, Retail and Service Uses on Approximately 3.296 Acres Generally Located South of Mansfield-Webb Road and approximately 470 feet West of the City Limits; Mansfield-Webb, LLC (ZC#16-016)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on December 19, 2016, and voted 4 - 2 (Wilshire and Knight) to recommend approval. Commissioner Horn was absent.

Description/History

First Reading

The property is located between Villaggio Apartments and the Northside Church of Christ. The applicant is proposing a four-building office/retail center. The buildings are approximately 4,000 square feet each and are predominantly brick and stone with an 8/12 pitch roof. There is a drainage swale along the west and south side of the development. The applicant plans to leave the floodplain fringe in a natural state and use the existing vegetation and some new landscaping for screening in lieu of the required 8-foot masonry wall. Other deviations include a reduction of the street landscape setback from 20 feet to 15 feet.

Second Reading

Pursuant to the discussion at the last meeting, the applicant revised the development plans to:

- Show AC unit locations on the side of the buildings
- Show 4 windows on the rear elevations
- Provided pictures of creek vegetation
- Change proposed landscaping to evergreen along the south side

Prepared By

Felix Wong, Director of Planning
817-276-4228

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 CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR OFFICE, RETAIL AND SERVICE USES, 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 zoning district classification of PD, Planned Development for office, retail and service uses; 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 with the development plan shown on Exhibits "B" through "D" 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 zoning classification.

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 _____, 2017.

Second reading approved on the _____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

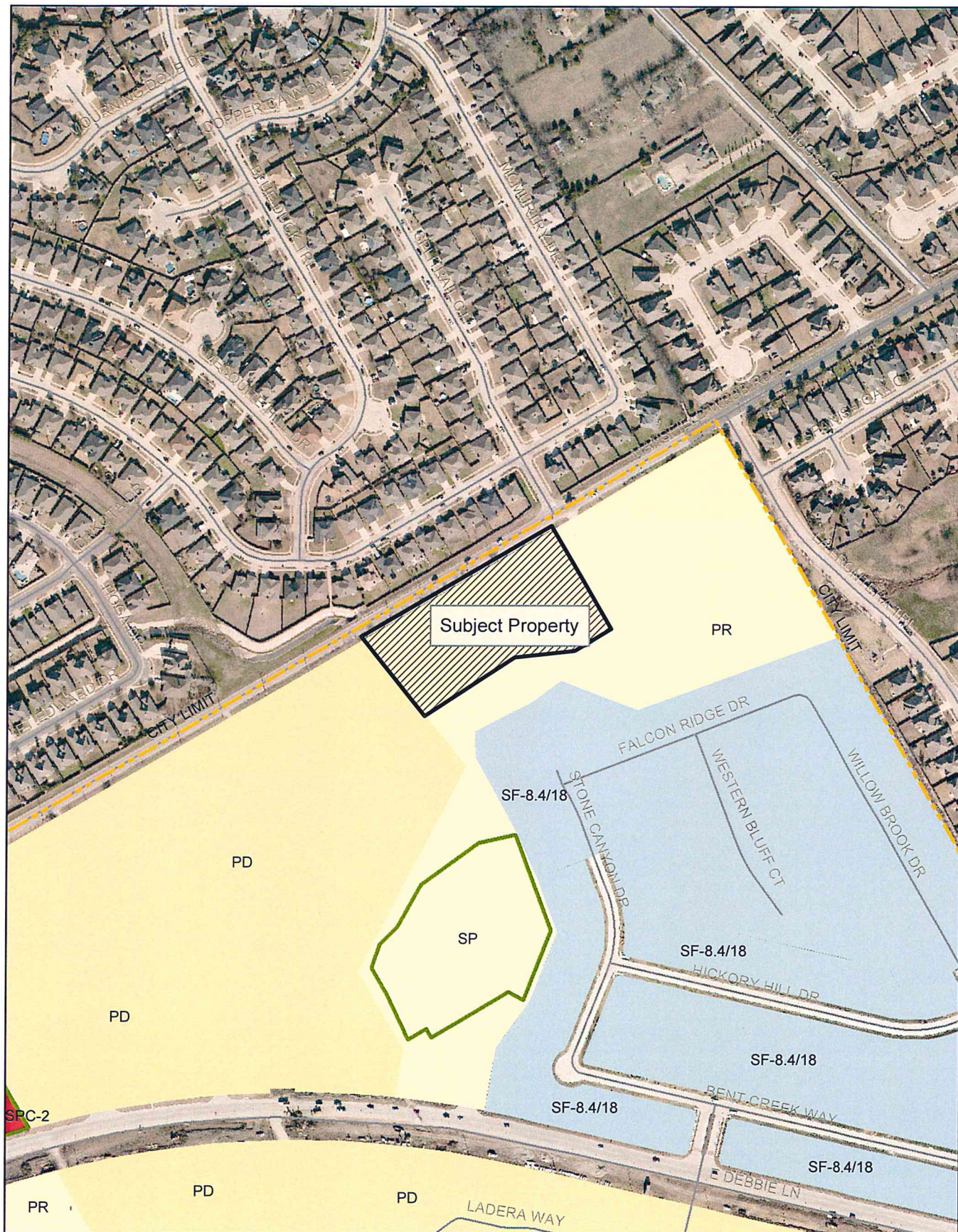
Allen Taylor, City Attorney



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ZC# 16-016

11/10/2016



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ZC# 16-016

11/10/2016

Property Owner Notification for ZC# 16-016

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
GRIMSLEY, JAMES SURVEY	A 578	ARB/OP GLOBAL CAPITAL LLC	21 TRANQUIL POND	FRISCO, TX	75034
NORTHSIDE CHURCH OF CHRIST	BLK 1	NORTHSIDE CH OF CHRIST MANSF	1820 MANSFIELD WEBB RD	ARLINGTON, TX	76002-3724
VILLAS DI LUCCA ADDN	BLK 1	VILLAGGIO LP	5485 BELTLINE RD STE 300	DALLAS, TX	75254

EXHIBIT "A"

ZC#16-016

MANSFIELD-WEBB OFFICE CENTER 3.296 ACRES ~ MANFIELD-WEBB ROAD @ LA FRONTERA TRAIL MANSFIELD, TEXAS

LEGAL LAND DESCRIPTION:

BEING 3.296 acres or (143,588 square feet) of land in the James Grimsley Survey, Abstract No. 578, City of Mansfield, Tarrant County, Texas, said 3.296 acres or (143,588 square feet) being a portion of that certain tract or parcel of land described in a General Warranty Deed to Five Oaks Creek, LLC (hereinafter referred to as Five Oaks Creek tract), as recorded in Document Number D213150846, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.), said 3.296 acres or (143,588 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the most Westerly corner of said Five Oaks Creek tract, same being the Northeasterly line of that certain tract of land described as Villas Di Lucca Addition (hereinafter referred to as Villas Di Lucca Addition), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Document Number D215101068, Plat Records, Tarrant County, Texas (P.R.T.C.T.), same also being in the Southeasterly margin of Mansfield-Webb Road (variable width right-of-way);

THENCE North 59 degrees 36 minutes 37 seconds East, departing the Northeasterly line of said Villas Di Lucca Addition and with the Northwesterly line of said Five Oaks Creek tract and also with the Southeasterly margin of said Mansfield-Webb Road, a distance of 557.93 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for a Northwesterly corner of said Five Oaks Creek tract, same being the Southwesterly line of that certain tract of land described as Northside Church of Christ (hereinafter referred to as Northside Church of Christ), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet B, Slide 2557, P.R.T.C.T.;

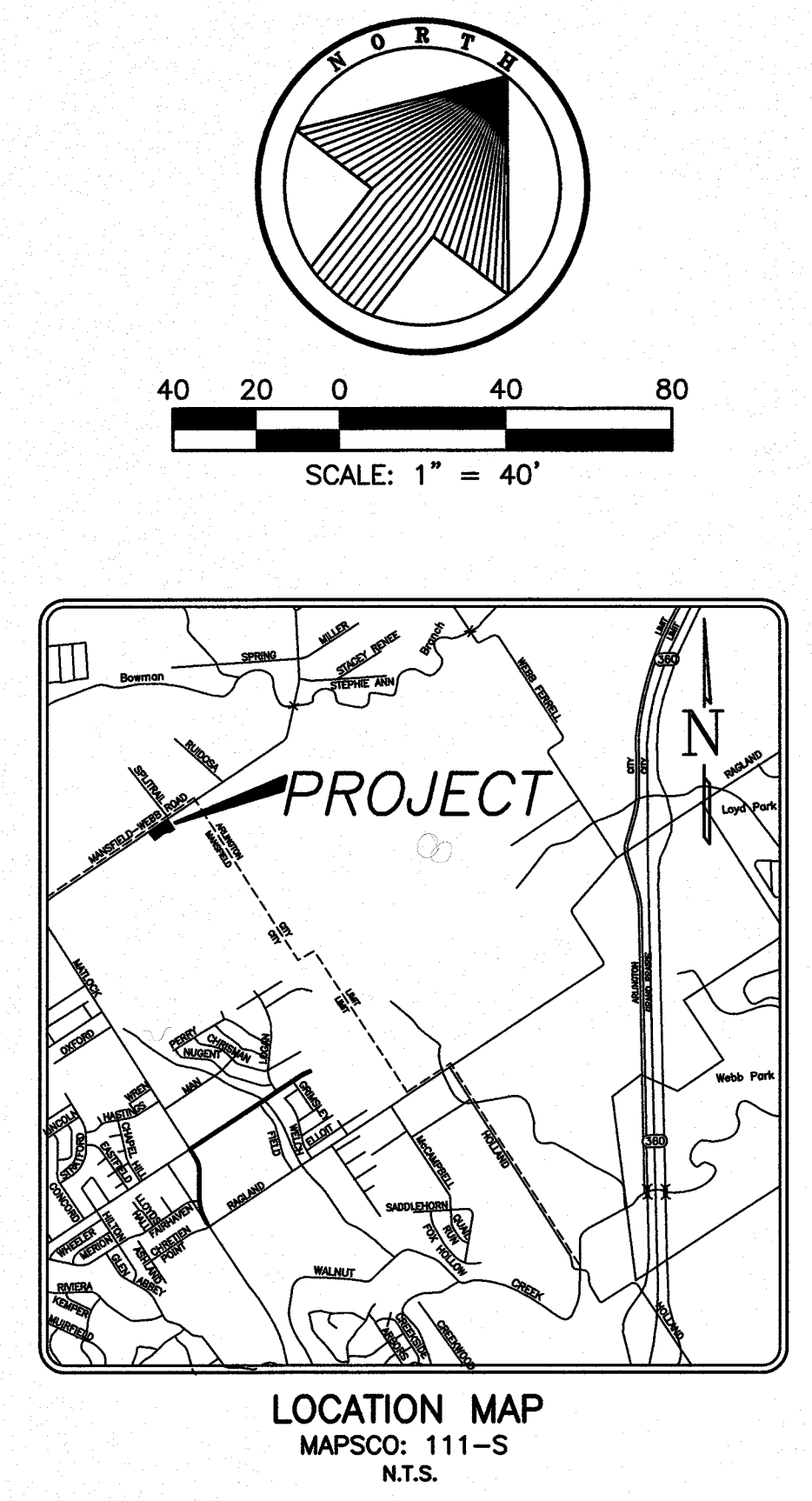
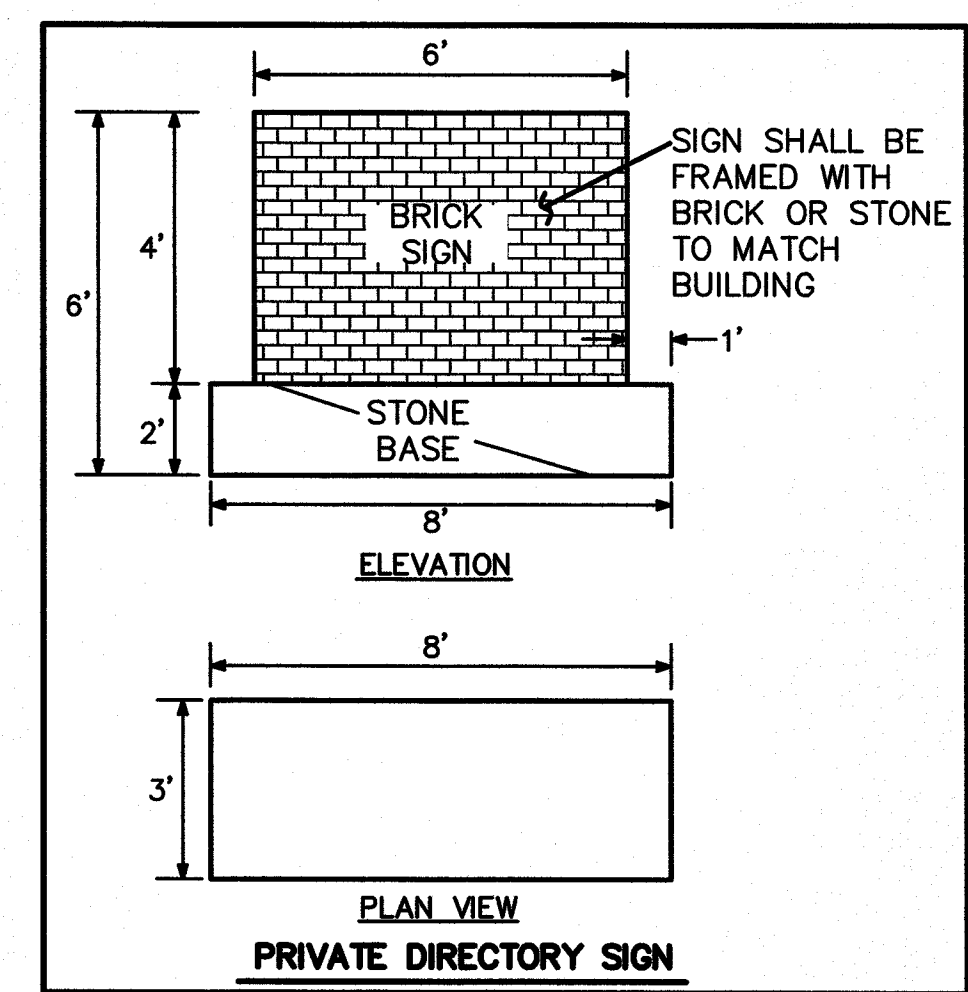
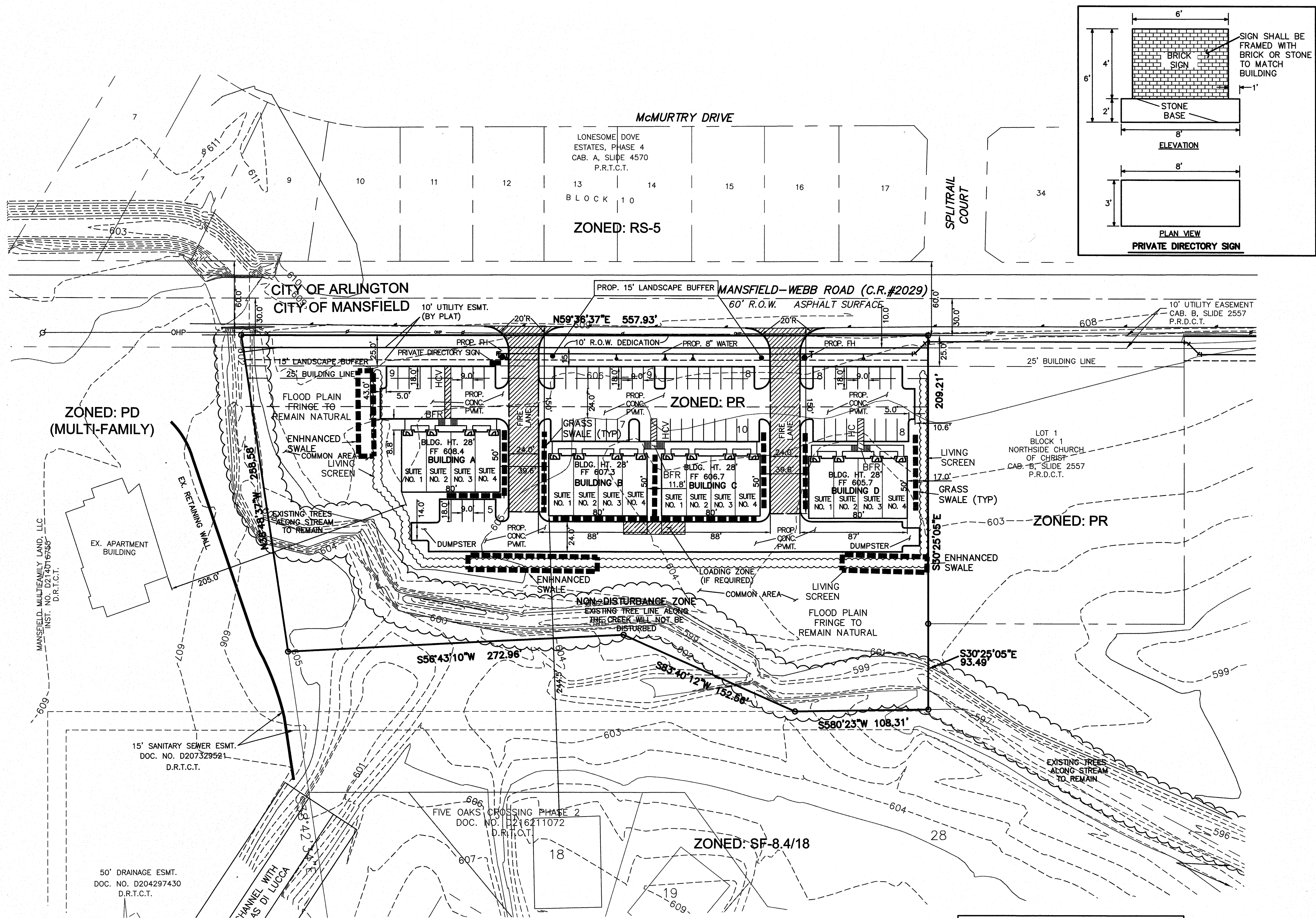
THENCE South 30 degrees 25 minutes 05 seconds East, departing the Southeasterly margin of said Mansfield-Webb Road and with the common line between said Five Oaks Creek tract and said Northside Church of Christ, passing at a distance of 1.09 feet, the Westerly corner of that certain tract of land described as Lot 1, Block 1 of said Northside Church of Christ and continue with said course and the common line between said Five Oaks Creek tract and said Northside Church of Christ for a total distance of 209.21 feet to a one-half inch iron rod found for an angle point in the Northwesterly line of said Five Oaks Creek tract, same being the Southerly corner of said Northside Church of Christ;

THENCE South 30 degrees 25 minutes 05 seconds East, crossing said Five Oaks Creek tract, a distance of 93.49 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner in the Southeasterly line of said Five Oaks Creek tract, same being the Northwesterly line of that certain tract of land described in a Special Warranty Deed with Vendor's Lien to CTMGT Five Oaks Creek, LLC (hereinafter referred to as CTMGT Five Oaks Creek tract), as recorded in Document Number D213146241, O.P.R.T.C.T.;

THENCE with the common line between said Five Oaks Creek tract and said CTMGT Five Oaks Creek tract for the following 3 courses:

1. South 58 degrees 48 minutes 23 seconds West, a distance of 108.31 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;
2. South 83 degrees 40 minutes 12 seconds West, a distance of 152.56 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;
3. South 56 degrees 43 minutes 10 seconds West, a distance of 272.96 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the most Southerly corner of said Five Oaks Creek tract, same being the most Westerly corner of said CTMGT Five Oaks Creek tract, same also being the Northeasterly line of the aforesaid Villas Di Lucca Addition;

THENCE North 38 degrees 48 minutes 37 seconds West with the common line between said Five Oaks Creek tract and said Villas Di Lucca Addition, a distance of 258.58 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 3.296 acres or (143,588 square feet) of land.



PROJECT SITE DATA:	
GENERAL:	
Name of Project:	Mansfield-Webb Office Center
Proposed Use:	C-2 Commercial Business District
Existing Zoning District:	PR (Pre-Development District)
Proposed Zoning District:	PD
County:	Tarrant
OVERALL SITE:	
FAR (Floor Area Ratio)	11%
Gross Site Area:	3.296 Acres
Open Space (Greenbelt, Flood Plain Fringe)	1.55 Acres
Landscape Buffer	0.206 Acres
PARKING	
4 Buildings @ 4,000 S.F.	TOTAL 16,000 S.F.
Parking ratio:	1:250
Parking req'd:	Varies by use per section 7200B plus modification herein
Parking provided:	64 Spaces
ZONING (CITY OF MANSFIELD)	
PR	Pre-Development District
PD	Planned Development
SF-8.4/18	Single Family Residential District - (Min. 8,400sf lots)
ZONING (CITY OF ARLINGTON)	
RS-5	Single-Family Detached Residential (Min. 5,000sf Lots)

MODIFICATIONS TO ZONING:

Perimeter Screening:
1) A living screen will be used in lieu of a masonry screening wall.

Parking:
1) Required parking for medical office shall be 1 space per 250 sq. ft. of building area.

Street Landscape Setback:
1) Street Landscape setback shall be 15 feet.

WATER QUALITY NOTES:

1. POST-CONSTRUCTION WATER QUALITY SYSTEMS WILL BE PROVIDED AS A TREATMENT TRAIN:
A. GRASS SWALES FOR PRIMARY TREATMENT
B. ENHANCED SWALES FOR WQv TREATMENT

2. THE IMPROVEMENTS SHOWN ARE CONCEPTUAL. ACTUAL SIZES AND LOCATION OF WATER QUALITY SYSTEMS WILL BE ESTABLISHED IN FINAL DESIGN.

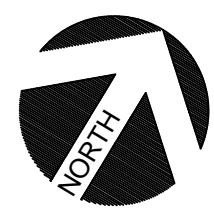
- NOTES:**
- There will be no Outside Storage as part of this development.
 - A mandatory owners association will be responsible for the maintenance of the landscaping and common areas shown hereon.
 - The owners association and associated documents shall be filed in accordance with the City of Mansfield policies. These documents must be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Tarrant County when deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit the documents or incomplete documents may result in delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.
 - The proposed development will be in accordance with the provisions of the approved Planned Development District and all Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

LEGEND	
HCV	Handicap Van Accessible
HC	Handicap
BFR	Barrier Free Ramp
1	Parking Spaces

OWNER/APPLICANT:
JAMES JOHNSTON
21 TRANQUIL POND
FRISCO, TEXAS 75034
972-668-7710

ENGINEER:
MACATEE ENGINEERING, LLC
3519 MILES ST.
DALLAS, TEXAS 75209
(214) 373-1180

EXHIBIT "B"
CASE NO. ZC#16-016
DEVELOPMENT PLAN
SITE PLAN
MANSFIELD-WEBB OFFICE CENTER
JAMES GRIMSLEY SURVEY, ABSTRACT NO. 578
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS
3.296 AC. OR 143,488 SQ. FT.
1 LOT
JANUARY 2017



1

LANDSCAPE PLAN - EXHIBIT "D"

SCALE: 1" = 30'-0"



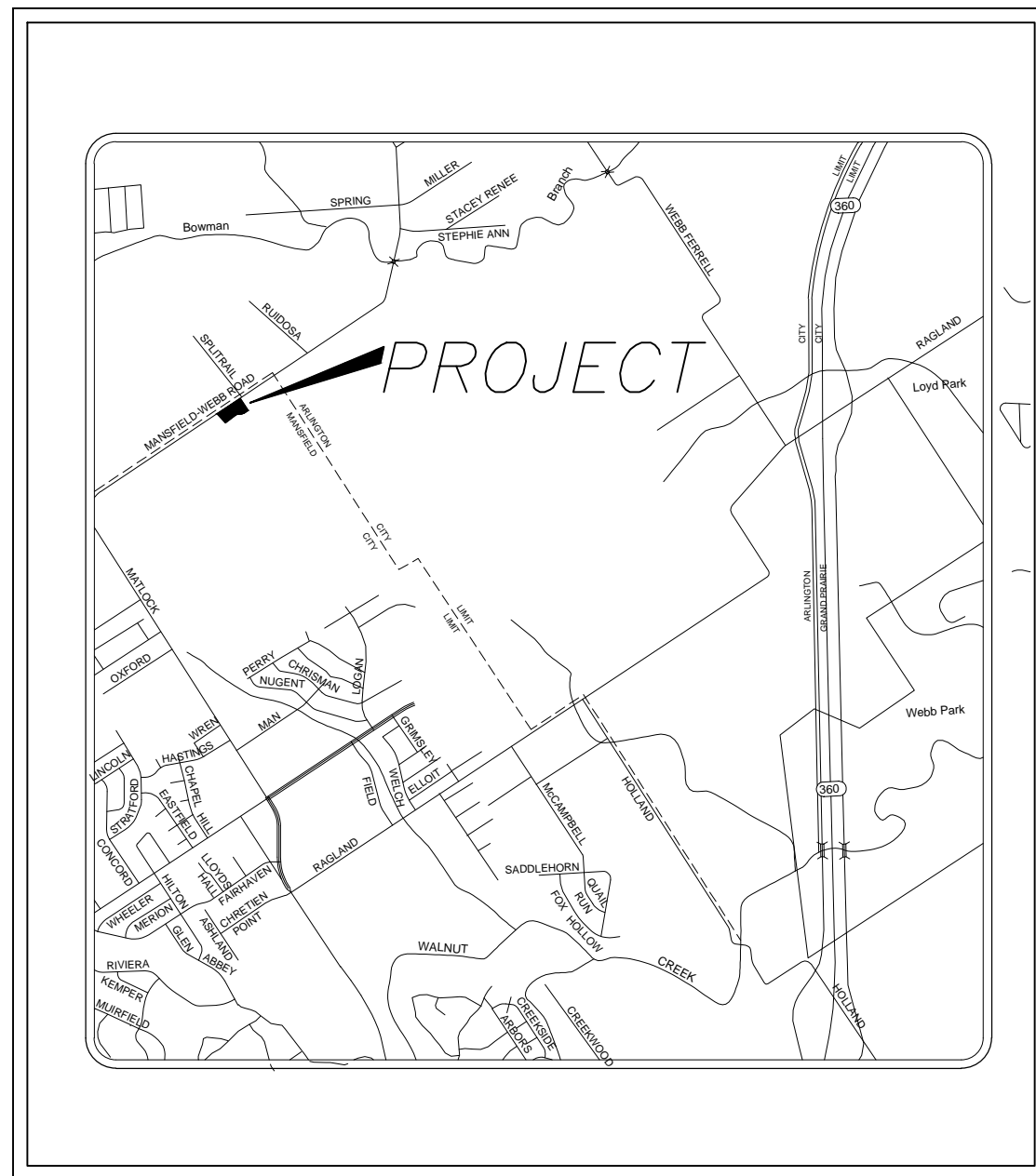
OWNER/APPLICANT:
JAMES JOHNSTON
21 TRANQUIL POND
FRISCO, TEXAS 75034
972-668-7710

ENGINEER:
MACATEE ENGINEERING, LLC
3519 MILES ST.
DALLAS, TEXAS 75209
(214) 373-1180

LANDSCAPE ARCHITECT:
E. BROOKE ASSOCIATES, LLC
8624 FERGUSON RD. #570527
DALLAS, TEXAS 75228
(817) 219-2665

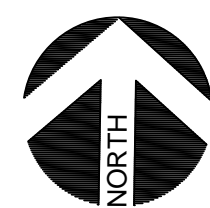
JAMES GRIMSLEY SURVEY, ABSRTACT NO. 578
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS
3.296 AC. OR 143,488 SQ. FT.

SEPTEMBER 2016



VICINITY MAP

NTS



E. BROOKE
ASSOCIATES

8624 Ferguson Rd #570527
Dallas, Texas 75228
817-219-2665
erin@ebrooke.com

E. BROOKE
ASSOCIATES

MANSFIELD - WEBB OFFICE CENTER
CITY OF MANSFIELD, TEXAS

DATE PREPARED: 10/19/2016
DATE REVISED: 01/02/2017
01/18/2017

SITE INFORMATION

ZONING DISTRICT: PD
PROPERTY AREA: 143,584 SF
3.296 ACRES

PROPOSED USE: COMMUNITY BUSINESS

LANDSCAPE REQUIREMENTS

BUFFER YARDS: SEE CHART
SCREENING WALLS: SEE CHART

PARKING LOT INTERNAL LANDSCAPING

REQUIRED TREES:
• 1 PER 10 P/S= 6 TREES
• 1 PER LANDSCAPE ISLAND= 9 TREES
• 1 PER PARKING END CAP= 3 TREES
TOTAL REQUIRED : 18 TREES
TOTAL PROVIDED: 18 TREES

FOUNDATION AREA LANDSCAPING

4' MINIMUM LANDSCAPE STRIP ADJACENT TO ALL
BUILDING FACADES FACING A PUBLIC STREET OR
PUBLIC ENTRANCE.

OTHER LANDSCAPE AREAS

REQUIRED AREA: 14,358 SF
10% OF SITE
PLANTING AREA: 13,436 SF
TURF AREA: 2,583 SF
TOTAL PLANTING AREA PROVIDED: 16,019 SF
11% OF SITE

OPEN SPACE
GREENBELT; FLOODPLAIN FRINGE: 1.55 ACRES

CASE NO. ZC#16-016

PLANT MATERIAL LIST SUMMARY CHART

QNTY SYM COMMON NAME BOTANICAL NAME SIZE HT NOTES

9	AP	LIVE OAK	<i>Quercus Virginia</i>	3.5" CAL.	EVERGREEN*
14	AP	AFGHAN PINE	<i>Pinus elderica</i>	3.5" CAL.	EVERGREEN*
9	AE	AMERICAN ELM	<i>Ulmus americana</i>	3.5" CAL.	SINGLE TRUNK
11	LE	LACEBARK ELM	<i>Ulmus parvifolia</i>	3.5" CAL.	SINGLE TRUNK
9	BO	BUR OAK	<i>Quercus macrocarpa</i>	3.5" CAL.	SINGLE TRUNK

ORNAMENTAL TREES

8	VA	VITEX	<i>Vitex agnus-castus</i>	30 GAL.	8'-10' HGT.
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SHRUBS

58	WM	WAX MYRTLE	<i>Myrica cerifera</i>	15 GAL.	EVERGREEN; MIN. 8' HGT*
120	SY	SOFT LEAF YUCCA	<i>Yucca recurvifolia</i>	5 GAL.	AS SHOWN
63	TS	TEXAS SAGE	<i>Leucophyllum frutescens</i> 'green cloud'	5 GAL.	AS SHOWN
93	PA	PARRY AGAVE	<i>Agave parryi</i>	3 GAL.	AS SHOWN
274	LB	LITTLE BLUESTEM	<i>Schizachyrium scoparium</i>	3 GAL.	AS SHOWN
38	CF	PURPLE CONE FLOWER	<i>Echinacea purpurea</i>	1 GAL.	AS SHOWN
111	AP	BLACKFOOT DAISY	<i>Melampodium leucanthum</i>	1 GAL.	AS SHOWN

GROUNDCOVERS

287	CB	COMMON BERMUDA	<i>Cynodon dactylon</i>		SOD - SY
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MULCH MATERIAL

1012	DC	DECOMPOSED GRANITE**			SY
------	----	----------------------	--	--	----

* SPECIES USED FOR THE LIVING SCREEN ALONG THE SOUTHERN AND WESTERN
PROPERTY LINES FOLLOWING THE CREEK BED.

** DECOMPOSED GRANITE TO BE USED AS MULCH THROUGHOUT ALL PLANT BED AREAS

SUMMARY CHART - BUFFERYARDS/SETBACKS

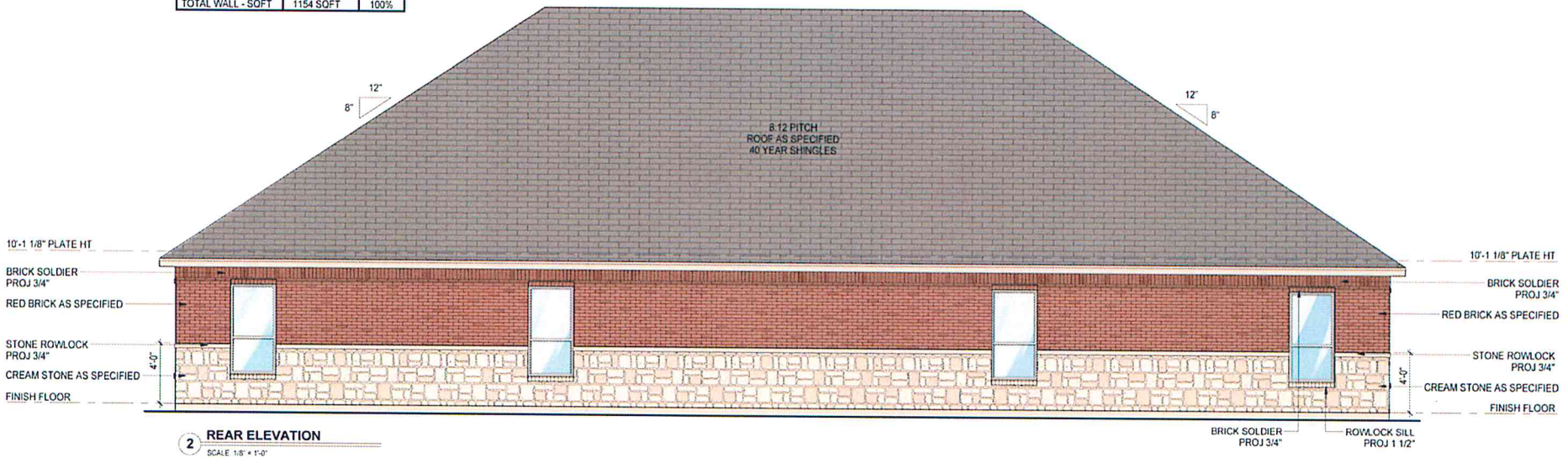
Location of Buffer Yard or Setback	Required / Provided	Length	Bufferyard or Setback Width/Type	Canopy Trees	Ornamental Trees	Shrubs	Screening Wall / Device Height & Material
North	Required Provided	558'	BY 15' 15'	18 18	3	87	3' MIN LIVING SCREEN 3' MIN LIVING SCREEN
East	Required Provided	302' 10'	BY 10' 10'	10; 7 EVERGREEN TREES 10		33	6' MASONRY WALL* LIVING SCREEN PROVIDED BY EVERGREEN TREES/SHRUBS
South	Required Provided	533' 20'	BY 20' 20'	21 8 EVERGREEN TREES	4	25 EVERGREEN SHRUBS; MIN 8' TALL AT PLANTING	6' MASONRY WALL** LIVING SCREEN PROVIDED BY EXISTING AND NEW VEGETATION
West	Required Provided	258' 10'	BY 10' 10'	10 4 EVERGREEN TREES	2	25 EVERGREEN SHRUBS; MIN 8' TALL AT PLANTING	6' MASONRY WALL** LIVING SCREEN PROVIDED BY EXISTING AND NEW VEGETATION

* THE REQUIRED 6' MASONRY WALL IS TO BE REPLACED BY A LIVING SCREEN WALL AS AN ALTERNATE ALONG THE EASTERN BORDER OF THE PROPERTY; THE LIVING SCREEN WILL CONSIST OF EVERGREEN TREES AND SHRUBS AS SHOWN ON THE PLAN.

** THE REQUIRED 6' MASONRY WALL IS TO BE REPLACED BY A LIVING SCREEN WALL AS AN ALTERNATE ALONG THE SOUTHERN AND WESTERN BORDERS OF THE PROPERTY; THE LIVING SCREEN WILL CONSIST OF THE NATURAL EXISTING VEGETATION OF THE CREEK DURING SPRING AND SUMMER MONTHS AND WILL CONSIST OF NEW EVERGREEN TREES SHRUBS AS SHOWN ON THE PLAN DURING THE



MASONRY SQUARE FOOTAGE CHART		
STUCCO - SQFT	23 SQFT	2%
RED BRICK - SQFT	404 SQFT	35%
CREAM STONE - SQFT	727 SQFT	63%
TOTAL WALL - SQFT	1154 SQFT	100%



MASONRY SQUARE FOOTAGE CHART		
RED BRICK - SQFT	360 SQFT	55%
CREAM STONE - SQFT	296 SQFT	45%
TOTAL WALL - SQFT	656 SQFT	100%

NOTE: SIDE AND REAR WINDOWS SHALL BE OPERABLE

ZC#16-016 EXISTING VEGATATION





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 16-2149

Agenda Date: 1/23/2017

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Changing the Speed Limit on US Highway 287 between Lone Star Road and South City Limits to a Regulatory Construction Speed of 55 MPH

Requested Action

Adoption of the Ordinance

Recommendation

Approval of the speed limit change on US Hwy 287 between Lone Star Road and South City Limits.

Description/History

During the SH 360 Design Build Project construction crews will be working on and in the vicinity of the US Hwy 287 main lanes. The existing speed limit on US Hwy 287 between Lone Star Road and the South City Limits is posted at 65 MPH. To increase safety for the workers and the traveling public, TxDOT has requested the posted regulatory construction speed limit be reduced to 55 MPH.

The State will be responsible for the items of work (signs, etc.) to accomplish this request. The existing regulatory signs will be covered or removed during construction and work zone regulatory signs will be installed. All the items of work will be carried out and completed by the State with no cost to the City.

At the completion of the project, the posted 65 MPH speed limit will be reinstated. At such time staff will request Council to support the posted 65 MPH speed limit.

Justification

TxDOT is requesting this speed limit reduction to increase safety for the construction workers and traveling public while SH 360/US Hwy 287 is under construction.

The Public Works Director will be in attendance at the meeting to answer Council's questions.

Funding Source

N/A

Prepared By

David Boski, P.E., Asst. Director of Public Works - Transportation
817-276-4208



200 NORTH STATE HIGHWAY 360, BUILDING 2, MANSFIELD, TEXAS 76063 | 817.225.4659 |

December 9, 2016

David Boski, P.E.
Transportation Engineer
City of Mansfield
1200 East Broad Street
Mansfield, TX 76063

RE: SH 360 Design Build Project, CSJ 2266-02-136
Regulatory Construction Speed Zone Reduction Request

Dear Mr. Boski:

This letter is a request for regulatory construction speed zone reduction for the existing US 287 travel lanes throughout the limits of the SH 360 Design Build Project in the City of Mansfield. Reference the enclosed Exhibit 1 for specific locations. The requested regulatory construction speed is 55 mph. The existing US 287 travel lanes are currently posted at 65 mph.

The State will be responsible for the items of work to accomplish this request, and these items of work will be carried out and completed by the State, at no cost to the City of Mansfield. The existing regulatory speed limit signs will be covered or removed during construction, and work zone regulatory signs will be installed. At the completion of project construction, the existing regulatory speed limit signs will be uncovered or re-installed. TxDOT will inform City of Mansfield prior to the Project Substantial Completion date, at which time the construction speed zone reduction will expire.

TxDOT respectfully requests your immediate attention to this request. TxDOT believes that the construction speed zone reduction to 55 mph will increase the safety of the traveling public and construction crews and, therefore, is in the best interest of the citizens.

If you should have any questions concerning this matter, please feel free to contact me at (817) 225-4662 or via email at tony.payberah@txdot.gov.

Sincerely,

Tony Payberah, P.E.
SH 360 PPP Project Manager
Texas Department of Transportation

Attachments

cc: Renee Lamb, P.E., Strategic Projects Division
Loyl Bussell, P.E., Fort Worth Deputy District Engineer
John Hudspeth, P.E., Dallas Director of Operations

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY.

WHEREAS, Section 545.356, Texas Transportation Code, provide that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway, with the City taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway.

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

SECTION 1.

THAT, upon the basis of an engineering and traffic investigation having been made for the highway(s) referenced in Section 2 below as authorized by the provisions of section 545.356 of the Texas Transportation Code, the prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe.

SECTION 2.

THAT, Chapter 73 of the Code of Ordinances (Exhibit "A"), City of Mansfield shall be amended as follows:

Replace

- US Hwy 287 from North City Limit to South City Limits zoned at 70 MPH

With

- US Hwy 287 from North City Limits to Lone Star Road zoned at 70 MPH
- US Hwy 287 from Lone Star Road to South City Limits zoned at 55 MPH

SECTION 3.

This ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of Ordinances or rules or regulations or policies not in conflict herewith, this Ordinance shall be and is hereby made cumulative.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm, or corporation violating any of the provisions of this ordinance or the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon the conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This Ordinance shall be effective from and after its adoption and publication as required by law.

First reading approved on the ____ day of _____, 2017.

Second reading approved on the ____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of

Mansfield, Texas, this ____ day of _____, 2017.

ATTEST:

APPROVED:

Jeanne Heard, City Secretary

David L. Cook, Mayor



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2166

Agenda Date: 1/23/2017

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas, Supporting Texas Department of Housing and Community Affairs Application No. 17037 for the Proposed Pioneer Place Development Located at 1197 West Broad Street, Mansfield, Texas

Recommendation

The zoning case (ZC #26-016) will come before the Planning and Zoning Commission on February 6th and, if all goes well, will come to the city council as a public hearing and first reading on February 13th.

Staff recommends that the city council consider the attached resolution, and grant/commitment letter.

Description/History

Bethlehem's Pioneer Place, LP has proposed a development for affordable rental housing at 1197 W. Broad Street. They also intend to submit an application to the Texas Department of Housing and Community Affairs for 2017 Competitive 9% Housing Credits for Pioneer Place. Applications with support resolutions from the city in which the development will reside may receive up to seventeen (17) points toward the total score assigned to the application. In order to qualify for the additional points, the resolution must be submitted with the application no later than January 31st.

Additional points are awarded to proposed projects that receive a grant/commitment letter from the city. The amount of the grant, if any, is to be determined by the city.

The development will be deed restricted to allow only residents of ages 55 and older and is intended to meet the needs of individuals in the community that are primarily on fixed incomes.

There will be a total of 135 units, of which 80% will be one-room apartments and 20% two-room apartments.

Prepared By

Joe Smolinski, Deputy City Manager
joe.smolinski@mansfieldtexas.gov

817-728-3601

RESOLUTION NO. _____

A Resolution Supporting the Proposed Pioneer Place Located at 1197 W. Broad Street with a Texas Department of Housing and Community Affairs Application Number of 17037.

WHEREAS, Pursuant to §11.9(d)(1) of the QAP and in accordance with Tex. Gov't Code §2306.6710(b), an Application may qualify for up to seventeen (17) points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Application or Development are worth fewer points. Pursuant to §11.9(d)(1) once a resolution has been submitted it may not be changed or withdrawn; and

WHEREAS, Bethlehem's Pioneer Place, LP has proposed a development for affordable rental housing at 1197 W. Broad named Pioneer Place in the City of Mansfield in Tarrant County; and

WHEREAS, Bethlehem's Pioneer Place, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2017 Competitive 9% Housing Tax Credits for Pioneer Place; and

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 support the proposed development of affordable rental housing at 1197 W. Broad named Pioneer Place in the City of Mansfield.

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

SECTION 1.

That the City of Mansfield, acting through its city council, hereby confirms that it supports the proposed Pioneer Place located at 1197 W. Broad Street with a Texas Department of Housing and Community Affairs Application number of 17037 and that this formal action has been taken to put on record the opinion expressed by the City of Mansfield on January 23, 2017.

SECTION 2.

For and on behalf of the Governing Body, Jeanne Heard, City Secretary, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED this the 23rd day of January 2017.

David Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

Monday, January 23, 2017

Texas Department of Housing and Community Affairs
P.O. Box 13941
221 East 11th Street
Austin, Texas 78701-3941

Bethlehem's Pioneer Place, LP
c/o Historic West Mansfield Texas Community Development Corporation
1188 West Broad Street,
Mansfield, Texas 76063
Attn.: Pastor Michael Evans, Sr.

Re: Name of Development: Pioneer Place ("Development")
Development Owner: Bethlehem's Pioneer Place, LP ("Applicant")
Re: Commitment of Development Funding by Local Political Subdivision

Ladies and Gentlemen:

The undersigned is the Mayor of the City of Mansfield (the "City"). On behalf of the City, I am pleased to provide this letter in support of the above Development. This letter shall serve as a firm commitment for funding of a grant in the amount of \$_____ from the City to Applicant. The grant is subject to (i) the Development receiving an allocation of low-income housing tax-credits and (ii) all units of the Development being restricted to residents aged 55 and above, which shall be evidenced by the recording of Deed Restrictions or Restrictive Covenants in a form and substance reasonable acceptable to the City of Mansfield.

It is our intention that this commitment be relied upon by you pursuant to Section 11.9(d)(2) of the Texas Department of Housing and Community Affairs 2017 Qualified Action Plan and allows the Applicant to receive one point.

Sincerely,

Mayor, David Cook