



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, January 23, 2023

2:00 PM

Council Chambers

REGULAR MEETING

1. 2:00 P.M. - CALL MEETING TO ORDER

Tour of the Bud Ervin Water Treatment Plant and Discussion Regarding the Phase V Expansion
707 Pleasant Ridge Court

2. WORK SESSION

Discussion Regarding Advisory Committee for the Future Land Use Plan

Discussion Regarding Intersection Design Alternatives for West Broad Street at Retta Road

Discussion Regarding Potential Ballot Propositions

Discussion Regarding the January 23, 2023 Consent Agenda Items

3. JOINT WORK SESSION WITH THE MANSFIELD PARKS FACILITIES DEVELOPMENT CORPORATION

Joint Discussion with the Mansfield Parks Facilities Development Corporation Regarding a Financial Sustainability Project

4. 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 Pending Litigation – Cause No. 3:20-CV-2061-N-BK

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-325719-21

Seek Advice of City Attorney Regarding Active Code Enforcement Cases

Seek Advice of City Attorney Regarding Charter and Bylaw Language

Seek Advice of City Attorney Regarding Legal Issues Pertaining to Economic Development Projects Listed in Section 3.D of the Agenda

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

Land Acquisition for Future Development

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

Economic Development Project #21-19

Economic Development Project #22-14

Economic Development Project #22-18

5. 6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

6. 7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION

7. INVOCATION

8. PLEDGE OF ALLEGIANCE

9. TEXAS PLEDGE

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

10. CITIZEN COMMENTS

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Due to regulations of the Texas Open Meetings Act, please do not expect a response from the Council as they are not able to

do so. THIS WILL BE YOUR ONLY OPPORTUNITY TO SPEAK UNLESS YOU ARE SPEAKING ON A SCHEDULED PUBLIC HEARING ITEM. After the close of the citizen comments portion of the meeting only comments related to public hearings will be heard. All comments are limited to five (5) minutes.

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow card located at the entrance of the Council Chambers. Please present the card to the Assistant City Secretary prior to the start of the meeting.

11. **COUNCIL ANNOUNCEMENTS**

12. **STAFF COMMENTS**

In addition to matters specifically listed below, Staff comments may include updates on ongoing or proposed projects and address of posted agenda items.

A. **City Manager Report or Authorized Representative**

Current/Future Agenda Items

Stormwater Annual Report - Howard Redfearn

B. **Community Engagement Department Report**

[23-5153](#) Departmental Quarterly Reports

Attachments: [Quarter 1 FY23](#)

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

14. **CONSENT AGENDA**

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff's recommendation.

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[22-5090](#) Resolution - A Resolution to Consider Amending the Mansfield Park Facilities Development Corporation's Bylaws to Establish A Policy Regarding Consecutive Years of Service; the Appointment of its President; and to Amend Time for Budget Approval

Presenters: Matt Young

Attachments: [Resolution](#)

[Exhibit A](#)

[22-5091](#) Resolution - A Resolution to Consider Amending the Mansfield Park

Facilities Development Corporation's Certificate of Formation to Establish
A Policy Regarding Consecutive Years of Service

Presenters: Matt Young

Attachments: [Resolution](#)
[Exhibit A](#)

[22-5094](#)

Resolution - A Resolution Amending the Bylaws for the Historic
Preservation Advisory Board to Establish a Policy Regarding Consecutive
Years of Service

Presenters: Yolanda Botello

Attachments: [Resolution](#)
[Bylaws Redline](#)

[22-5103](#)

Resolution - A Resolution Amending the Bylaws for the Mansfield Public
Library Advisory Board to Establish a Policy Regarding Consecutive Years
of Service

Presenters: Yolanda Botello

Attachments: [Resolution](#)
[Bylaws Redline](#)

[23-5144](#)

Resolution - A Resolution Appointing Mayor Michael Evans as a Cluster
City Representative to the North Central Texas Council of Governments
Regional Transportation Council (RTC)

Presenters: David Boski

Attachments: [Resolution](#)

[23-5145](#)

Resolution - A Resolution Authorizing a Contract with Plummer and
Associates, Inc. for the Bud Ervin Water Treatment Plant Phase V
Expansion for an Amount Not to Exceed \$3,735,921.00 (Utility Fund)

Presenters: Jeff Price and Alex Whiteway

Attachments: [Resolution](#)

[23-5146](#)

Resolution - A Resolution Determining the Construction-Manager-At-Risk
Delivery Method as Providing the Best Value for the Construction of the
Bud Ervin Water Treatment Plant Phase V Expansion

Presenters: Jeff Price and Alex Whiteway

Attachments: [Resolution](#)

[23-5155](#)

Resolution - A Resolution Amending the Bylaws for the Mansfield
Economic Development Corporation Board to Establish a Policy
Regarding Consecutive Years of Service; the Appointment of its President;
and its Purchasing Guidelines

Presenters: Jason Moore

Attachments: [Resolution](#)
[Amended Bylaws](#)

[Bylaws Redline](#)

[23-5156](#) Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$444,840.00 and Approval of Contracts, Including Program Management with Vieste, to Provide Professional Services for the Harvest Point Project Development

Presenters: Jason Moore

Attachments: [Resolution](#)

[Agreement](#)

[Form 1295](#)

[23-5157](#) Resolution - A Resolution of the City of Mansfield, Texas Calling for a General Election to be held on May 6, 2023; Calling for a Special Election to fill a Vacancy to be Held on May 6, 2023; Designating Polling Places; Establishing Precincts Within the City; Establishing Other Procedures for Conduct of the Election; and Providing an Effective Date

Presenters: Susana Marin

Attachments: [Resolution](#)

[Resolution - Spanish](#)

[23-5159](#) Resolution - A Resolution to Amend the City of Mansfield Planning and Zoning Commission Rules of Procedure Relating to the Election of the Chair

Presenters: Jason Alexander

Attachments: [Resolution](#)

[Rules of Procedure](#)

[23-5160](#) Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with Johnson County Elections Administrator to Perform Election Services for the May 6, 2023 General and Special Election; and Providing an Effective Date

Presenters: Susana Marin

Attachments: [Resolution](#)

[Election Contract](#)

[Exhibit A-B](#)

[Exhibit C](#)

[23-5154](#) Minutes - Approval of the January 9, 2023 Regular City Council Meeting Minutes

Presenters: Susana Marin

Attachments: [1-9-23 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. OLD BUSINESS

[22-5106](#) Resolution - A Resolution of the City of Mansfield, Texas, Approving an Economic Development Agreement Between the City of Mansfield, the Mansfield Economic Development Corporation, and Crystal Window and Door Systems; Authorizing the City Manager and MEDC President to Execute Said Agreement; and Providing an Effective Date

Presenters: Jason Moore

Attachments: [Resolution](#)

[22-5077](#) Ordinance - An Ordinance of the City of Mansfield, Texas, Amending Chapter 116.03 "Revocation of Permit," Providing that this Ordinance Shall be Cumulative of All Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing for the Publication as Required by Law; and Providing an Effective Date

Presenters: Nicolette Ricciuti

Attachments: [Ordinance](#)

[Redline](#)

16. PUBLIC HEARING

[22-5110](#) Ordinance - Public Hearing Continuation and First and Final Reading on an Ordinance Amending Chapter 155, "Zoning" of the Mansfield Code of Ordinances to revise the Permitted Use Table in Section 155.054(B) and the Special Conditions in Section 155.099(B)(40) related to Donation Boxes (OA#23-001)

Presenters: Jason Alexander

Attachments: [Ordinance](#)

[Draft Ordinance \(redlined\)](#)

[23-5142](#) Ordinance - Public Hearing and First and Final Reading on an Ordinance Amending Section 155.069(K)(1)(b) of the Mansfield Code of Ordinances to Adopt Design Guidelines for Commercial and Non-Residential Historic Landmarks and to Make the Guidelines Applicable to All Areas of the City of Mansfield (HLC#21-013)

Presenters: Jason Alexander and Art Wright

Attachments: [Ordinance](#)

[Draft Design Guidelines for Historic Mansfield](#)

[22-5044](#) Continued Public Hearing and Consideration of a Request for a Specific Use Permit for Apartments in the Reserve PD Workplace Sub-District on approx. 10.034 ac being a tract of land in the Elizabeth McAnier Survey, abstract no. 1005, City of Mansfield in Tarrant County Texas, located at 240 N Mitchell (Generally located to the southwest of the East Broad Street and Reserve Way intersection) (SUP#22-004)

Presenters: Jason Alexander

Attachments: [Maps and Supporting Information](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Site Plan](#)

[Exhibit C - Building](#)

[Exhibit D-1 - Landscape Plans](#)

[Exhibit D-2 - Landscape Plans \(Internal Streetscape\)](#)

17. **ADJOURN**

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the January 23, 2023 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 Thursday, January 25, 2023 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Susana Marin, City Secretary

Approved as to form:

City Attorney

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 CELL PHONES WHILE THE CITY COUNCIL MEETING IS IN SESSION.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 23-5153

Agenda Date: 1/23/2023

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Departmental Quarterly Reports

Requested Action

Review Departmental Quarterly Reports

Recommendation

Review Departmental Quarterly Reports

Description/History

1st Quarter Update for FY 2023

Justification

Provide an Update to City Council

Funding Source

N/A

Prepared By

Bernadette McCranie
Director of Communications and Outreach
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MANSFIELD QUARTERLY

Quarter 1 | Fiscal Year 2023



OFFICER ROMAN JONES

2022 JESSE FERNANDEZ FRONT LINE
LEADERSHIP AWARD RECIPIENT

ANIMAL SHELTER WINS BIG

ANIMAL CARE AND CONTROL RECEIVE 10K
GRANT TO HELP NEUTER PETS.

INTERN CORNER

PROPOSAL FOR A MANSFIELD
YOUTH COUNCIL.

TRUE NORTH AWARD

THE FIRST RECIPIENT EXEMPLIFIES
THE CITY OF MANSFIELD'S GUIDING PRINCIPLES.



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True NORTH: The City of Mansfield's GUIDING PRINCIPLES

Noteworthy Essentials

The City of Mansfield will continue to deliver high-quality essential services to its residents, businesses and visitors.

Organizational Excellence

The City of Mansfield will foster a healthy environment for its own employees to maximize productivity, boost morale, attract high-quality candidates and establish itself as a destination employer.

Remarkable Experiences

The City of Mansfield will find creative and innovative ways to provide its residents, businesses and visitors with world-class amenities and experiences – above and beyond essential functions and services.

Together As One

The City of Mansfield will remain a close-knit community as growth continues. The City of Mansfield will provide world-class social infrastructure and opportunities for all its residents to connect and enjoy remarkable experiences together.

Healthy Economy

The City of Mansfield will support and strengthen its economy in all strategic decision-making and will leverage its assets to preserve its economic vitality.

BUILDING SAFETY



The Building Safety Department promotes construction methods that provide for the safety of occupants and are consistent with adopted best practices. We strive to assist applicants and citizens with construction projects using an efficient and professional approach and continue to work with other departments as needed during the construction and plan review stages.

The department is responsible for reviewing all development proposals including: technical review of construction drawings, issuance of building permits and field inspections. We enforce the 2018 International Code Council (ICC) building/residential, plumbing, mechanical, fuel gas, energy, pool/spa and 2020 National Electrical Code (NEC), and certain state statutes relating to construction ensuring safe and sound construction of structures.

Building Safety Activity October 1 to December 30

Inspected and Finalled

- 1350 FM 157 - Apartment Complex
- 1780 FM 157 - Seven Brew Coffee Shop
- 1570 E. Debbie Lane - Chick-Fil-A
- 2210 E. Broad Street - Retail Shell
- 101 S. Main Street - Meehan's Chophouse and Henry's Cigar Bar
- 76 Regency Pkwy. - Medical and Physical Therapy Building
- 1700 Commerce Drive - Dollar General
- 3121 E. Broad Street - Andy's Frozen Custard 2,100 square feet

Approved and Under Construction:

- 311 Watson Branch - Apartments
- 2000 Nahvi Road - Apartment Complex
- 1961 Heritage - Straumann Manufacturing Inc.
- 2151 Heritage Bldg #300, #400 - Warehouse Complex
- 1201 Heritage - Warehouse Complex
- 1151 Heritage - Office Warehouse 317,520 square feet

1045 Matlock Road Bldg #100, #200, #300 - Office Complex

104 S. Wisteria - Mansfield Library Expansion

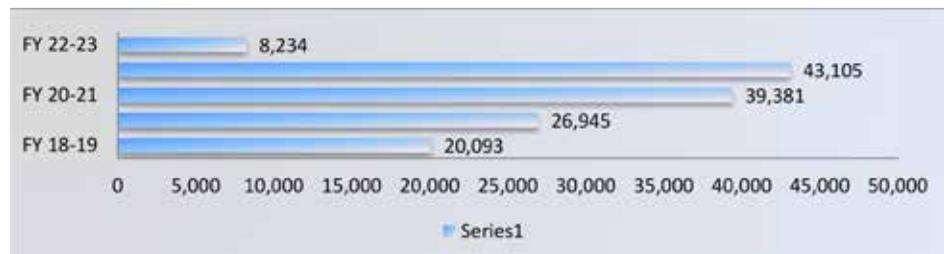
267 N. SH 360 - Clearsky Rehabilitation Hospital (1 story - 30 Beds - 40,377 square feet)

620 Justice Lane - Multi-Tenant Office Warehouse 40,633 square feet

2815 Sage Brush - View at the Reserve Amenity Center

4451 E. Broad Street - Shell Office Building

1011 Matlock Rd- Medical office / Dr. Thurmond



BUILDING SAFETY

799 W. Broad Street - McClendon Park West Improvements

75 Regency Pkwy. - Office Warehouse Shell Building 283, 883 square feet

2000 N. US 287 - Murphy Express

2731 FM 157 - Java Lounge Café

252 Garretson - City park new restrooms and splash pad

1000 N Main Street - Mouser expansion 413,780 square feet

301 N US 287- Animal hospital expansion 14,000 square feet

1465 N US 287 - Retail shell 11,990 square feet.

2501 E Broad Street - Convenience store (7-11) with Fuel Canopy

Currently in Review:

1601 Heritage Pkwy- Police Complex

803 2nd Ave – Two new metal shell buildings

101 Regency Pkwy – Addition Master Meter

1670 E Broad - HEB Site Development
1500 S. 2nd Ave - UCS office

2501 N WALNUT CREEK – Medical Office

612 Strada - Tuscany Counselor Medical building

1101 N. Holland - Shell Building (Hoffbrau Steak and Grill House Restaurant)

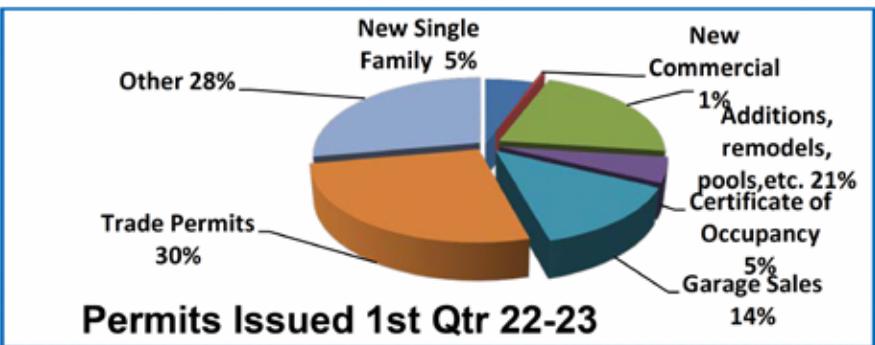
210 Smith Street - Multi-Family

406 & 408 Alvarado - Multi- Family

BY THE NUMBERS FY 22-23 Q1

Received, performed plan review, and issued over 1,604 permits which included:

71	New Single-Family Homes
6	New Commercial
277	Additions, remodels, etc.
364	Other / Miscellaneous
61	Cert. of Occupancy
345	Single-trade permits
177+	Garage sale permits



BUILDING SAFETY ACTIVITY REPORT

1. Provided customer service to over 3,780 phone, e-mails, and walk-in inquiries (average 60/day).
2. Processed and updated plumbing, mechanical, and electrical contractor registrations; ensuring required licenses are on file with the city through an annual registration process.
3. Collected over \$963,758 in fees, which included \$72,627 of building permit fees.
4. Responded to over 60 open record requests. (3-5 per week on average)
5. Conducted over 8,234 building, mechanical, electrical, plumbing, and certificate of occupancy inspections.

COMMUNICATIONS & OUTREACH

The Communications and Outreach (C&O) team creates and delivers both internal and external communications for the City of Mansfield to maintain transparency and engagement with its residents. This department also oversees the website, social media and media relations on behalf of the City. Additionally, this team is responsible for creating engagement opportunities through events like the annual Realtor Breakfast, My Mansfield Muni-Versity and the Mansfield Volunteer Program.

The last few months of 2022 have kept the Communications & Outreach (C&O) team running. From advertising some of Mansfield's larger community events, Veterans Day and Hometown Holidays to attending ribbon cuttings, C&O has been out and about capturing the remarkable experiences Mansfield has to offer its residents.

A particular highlight of the quarter was the introduction of a new award called a True NORTH award. Five year-old, Tripp Schuette, was the first recipient during a City Council meeting in December. The True NORTH award recognizes those that exemplify the guiding principles of the city which are Noteworthy Essentials, Organizational Excellence, Remarkable Experiences, Together As One, and Healthy Economy.

Tripp appeared in the 2022 Mansfield's Veterans Day Parade riding his pony, Rockstar, in uniform to honor his family's history of service. This is the second year that Tripp has participated in this event. We are excited to see a young person that cares to show gratitude for our veterans at such a young age and depicts a great example of what Together As One looks like.



Facebook
Followers
25,161(+270)



Instagram
Followers
1,04



Nextdoor
Members
31,669 (+247)



LinkedIn
Followers
658 (+129)



COMMUNICATIONS & OUTREACH

C&O had a big advertising push for the Veterans Day Parade & Salute, Hometown Holidays, as well as the Dash into Downtown events. We partnered with Mansfield Independent School District to combine Hometown Holidays and Toys for Tots event into an expanded four-day event. This required all our staff to both capture participants' enjoyment as well as guide volunteers for the Toys for Tots portion of the event. We were happy to have been featured in the WFAA's 2022 holiday guide for North Texas



Top Posts by Reach Oct. 1 to Dec. 30

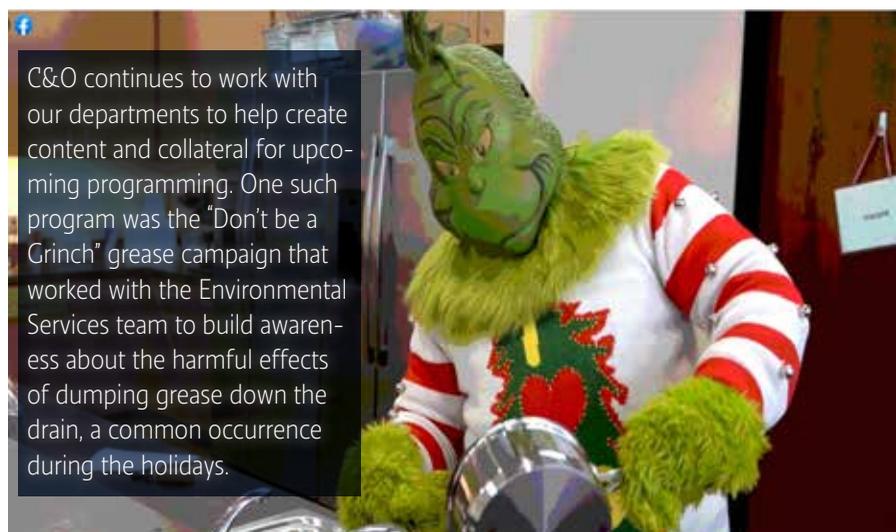
- Doggie Day Out Program – 17.4k
- Boo Bash Advertisement – 13.3k
- S. Main Closure Notice – 13.3k
- Internship Advertisement – 12.5k
- Pei Wei Ribbon Cutting – 12.2k

Highest Reaction Post
NBC Highlight on Animal Control Officer, Quaid Arthur (456 reactions)

Website - MansfieldTexas.Gov
 ·Total Website Views – 463k
 ·Total Users – 135k

Top Pages by Views

- 1) Homepage – 54.2k views
- 2) Search – 23.6k views
- 3) Facilities – 14.7k views
- 3) Calendar – 20k views
- 4) Water Utilities – 14.5k views
- 5) Job Opportunities – 14.7k views



CULTURAL ARTS



Cultural Arts Master Plan

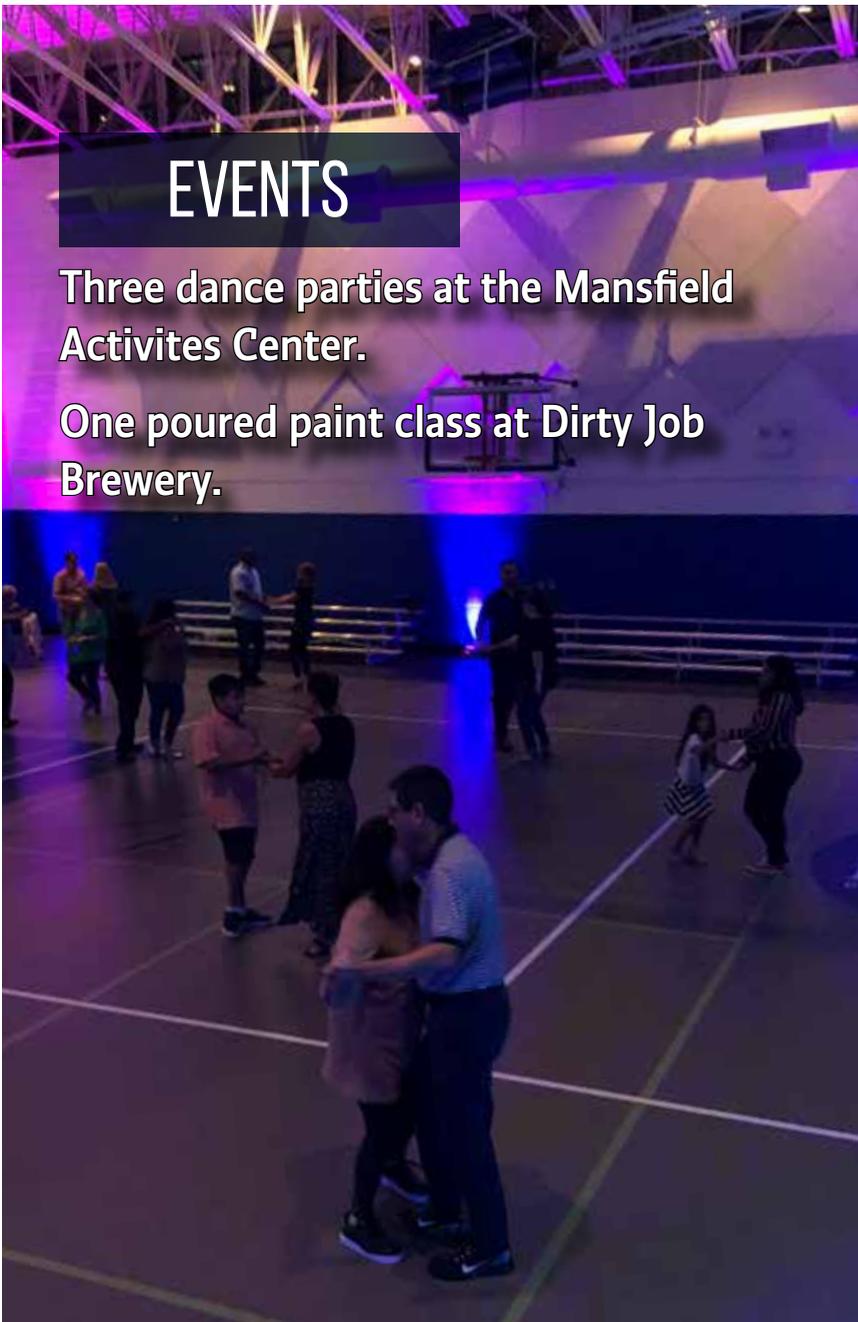
We hosted community engagement events on Nov. 30 and Dec. 1 in person and Dec. 5 and 7 virtually. 57 people attended to give their thoughts on the draft strategies for the master plan. We also engaged hundreds at the first night of Home-town Holidays. Council had a work session on public art funding on Dec. 12. We are on schedule to deliver the final plan in spring 2023.



EVENTS

Three dance parties at the Mansfield Activites Center.

One poured paint class at Dirty Job Brewery.



Farr Best Theater

The Farr Best Theater hosted 54 shows/ classes in the theater from October to December.

Except for holidays - only 2 day without usage from October to December.

Theater used an average of 35.75 hours per week.

There was one private rental. Ghost hunts, Not So Scary Scary Movie Night, and Open Mic Night were fully produced by the city, the rest were partner events.

The LOT:

We are working on some minor up-grades to the facility and preparing rental policies and procedures

We anticipate kickoff events during Arts Week in the spring.

Arts Commission:

\$7,525.48 in grant and scholarship funding has been awarded to 13 recipients for projects in January to June 2023. They include Artium and Aiming up Theatre Co which produced Sweat in the theater last year.



ECONOMIC DEVELOPMENT

The Mansfield Economic Development Corporation's (MEDC) mission is to increase the City of Mansfield's tax base by attracting desirable new development to the community and assisting with the retention and expansion of existing businesses. MEDC engages in a variety of marketing initiatives to attract new businesses and works with existing businesses to help them grow and expand.

Regional Chamber Partnership



MEDC staff participated in several regional chamber events in the fourth quarter of 2022. One of the most notable was hearing Ray Perryman's proposed solutions to our country's workforce challenges and how North Texas plans to lead the way.

Innovation Corridor

MEDC hosted an Innovation Corridor Kickoff meeting at Sellmark on Nov. 28 where local industry, education, and municipal leaders gathered to discuss plans and ideas for the Heritage Parkway Innovation Corridor. Texas A&M Engineering Experiment Station participated as a facilitator in

the implementation of this initiative and as a potential partner on the project. Ben Barber Academy, MISD, Sellmark, Mouser, Texas Health Mansfield, TMAC, and Mansfield Chamber of Commerce also participated in the meeting as potential partners. An implementation committee was formed from this group of attendees and has begun meeting monthly.



SCR Breakfast Sponsorship

MEDC sponsored the annual Society of Commercial Realtors (SCR) Breakfast



featuring economist Mark Dotzour on Dec. 7. This is the largest annual event for SCR and marks the 15th year MEDC has been a sponsor. Dotzour is a real estate economist who served for 18 years as Chief Economist of the Real Estate Center at Texas A&M University. He has given over 1,500 presentations and has been published in the Wall Street Journal, USA Today, and others. This year's event was attended by over 200 real estate professionals from the area.

HISTORIC DOWNTOWN MANSFIELD



Dash to Downtown

We hosted a two-day holiday event in Historic Downtown Mansfield on Dec. 8-9. This was a great opportunity for the city to partner with Historic Mansfield Business Association and downtown businesses. Most of the downtown restaurants and retailers participated by staying open late and offering specials. This 2-day event included a holiday laser show, a 200-drone holiday light show, live music, hot chocolate, and photo opportunities around downtown. The event received positive feedback from several downtown businesses including Flying Squirrel Coffee Company and The Backyard as well as praise on social media from the general public.



HISTORICAL SERVICES



Jane Austen Tea Party

For Jane Austen Day, the Mansfield Parks Department held a tea party at the Man House Museum. Attendees drank tea, learned about the books of Jane Austen, played a trivia game, made scrapbooks and learned to bow and curtsy. It was a great opportunity to partner with another city department in order to create a fun and educational event for the public.

Halloween at the House

On Friday, Oct. 28, the Man House Museum hosted the second annual Halloween at the House. The event featured volunteers from the North Texas Civilian Historians and museum docents who acted out scripted ghost story scenes, some based on true events from Mansfield's history. The stories were told in the Information Center and in the house. The program was held on a stormy day, but the intrepid attendees who came gave positive feedback about the event and we plan to hold it again next year.



The next Historical Preservation Advisory Board meeting will take place at 6 p.m. Thursday, Jan. 26.

Guests Served		
1,166 Visitors	31 Researchers	50 Volunteers

HISTORICAL SERVICES

Holiday at the House

In December, the Man House held our second annual Holiday at the House event. The day featured a Christmas card-making station, an old-fashioned craft of decorating and making hand fans, and refreshments. Additionally, the house was decorated for Christmas in the style that was common in the late 1800s and volunteers dressed in period costumes to give tours of the home. One hundred people attended the event making it one of our best attended programs yet.



Women, Aviation, and WWII Exhibit

The Mansfield Historical Museum displayed a temporary exhibit called Aviation, Women and WWII. The exhibit was created by the Vintage Flying Museum in Fort Worth and has been on display at various organizations around Texas.

The exhibit focused on the important role women played in the production of aircraft and the success of the air operations during WWII, including female aviators. We also displayed information and artifacts from female WWII veterans from Mansfield. The exhibit was on display in October and November, including Veterans Day.



INTERN CORNER

BE Curious,
NOT Judgmental.

The My Mansfield Internship Program had a great fall semester! Internship program members shadowed several departments including Economic Development, the City Secretary's Office, and Regulatory Compliance, and supported the City management team throughout several projects. Two interns even served as coffee influencers in an Instagram Reel series: Mansfield Monday Morning Coffee.



INTERN CORNER

Capstone Project

A proposal for a Mansfield Youth Council, included conducting research, an inventory of city-sponsored youth-oriented initiatives, demographic analysis, and a youth inquiry survey. The project enabled interns to collaborate and learn from City staff members across various departments to propose creative ways for the City of Mansfield to seize new opportunities to partner with young residents. This project concluded with a detailed proposal magazine and presentation to City Council at the November council meeting. Interns were able to develop their marketing, project management, and presentation skills while also receiving first-hand experiences in careers relating to public administration.



Additionally, four new participants received invitations to join the program as part of the spring 2023 cohort. These new interns will join several different departments including Parks



and Recreation (marketing), Planning, Emergency Management, and Water Utilities. We can't wait to see what these interns accomplish in the spring!

“This internship program has been an invaluable experience for me. I never could have anticipated the opportunities or levels of support I have received through this program. Most notably, I never could have imagined how rewarding it is to work in public administration, and be part of a team that cares deeply about the community it serves.” – Kristen Petree





MANSFIELD PUBLIC LIBRARY

Latest information on library programs and projects

Library Grand Reopening and Ribbon Cutting

MPL celebrated the grand opening and ribbon cutting of its newly renovated and expanded library on Oct. 25, 2022. The grand reopening included words from Mayor Evans, Library Board President, Bobby Quinten, and Director of Library and Historical Services, Yolanda Botello. The library celebration included games and prizes for families, tours of the renovated space, and more. The expanded library space allows room for simultaneous programming and additional meeting space for patrons.



MANSFIELD PUBLIC LIBRARY

New Technology

The library added new technology to help improve patron access. The Envionware self-checkouts allow patrons to place all their items directly on the check-out pad. The self-service machine is designed to make the patron self checkout and printing experience intuitive and engaging. The library also added a secure charging station to allow patrons to easily charge their devices safely while in the building.



New Library Staff

Mansfield Public Library strives to create an award winning staff that provides excellent customer service to patrons. Three new part-time staff members joined the team in Oct. 2022 and one part-time member replaced an open position in Aug. 2022.

Aaron Moore



Aaron Moore joined MPL's staff after completing his practicum and volunteering at the Mansfield Public Library. His undergraduate Chemistry degree from the University of Texas at Arlington originally led him on a career path into pharmacy. He later switched career paths and completed his graduate degree and aforementioned practicum from the University of North Texas in Library Science. He is interested in better serving the Mansfield community at large through the Library!

Chelsey Cup



Chelsey Culp joined MPL's staff this fall. She has worked as a Children's Librarian at White Settlement and an Elementary School Librarian in Burleson ISD. She completed her undergraduate degrees in English and History from the University of Texas at Arlington and she earned her graduate degree at the University of North Texas in Library Science. She looks forward to meeting the Mansfield community as the Library continues to grow.

Kaleigh Miller



Kaleigh Miller joined the MPL staff after working two years at Our Place Family Restaurant in Mansfield. She attended MISD schools from elementary to high school and is currently completing a double major in Business Administration for Marketing and Management from the University of Texas Arlington. Kaleigh is excited to continue learning about and helping the community that she has witnessed while working with her greatest passion, books! Her goal is to one day open her own bookstore where she can spread her passion to others.

Gabby Melchor

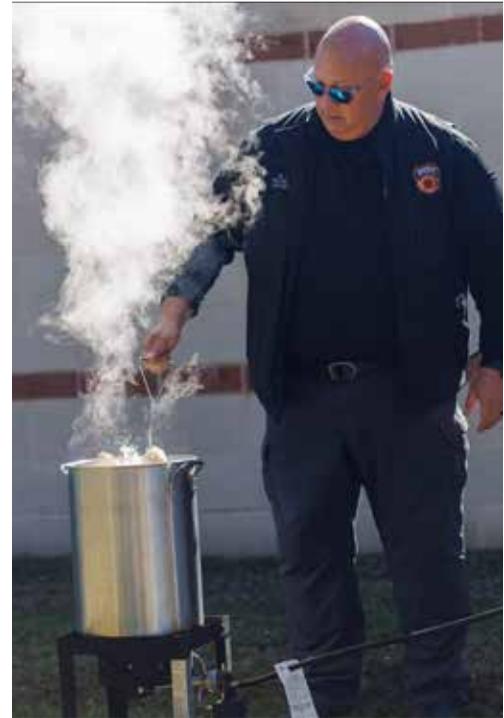


Gabby Melchor is a Library Clerk at the Mansfield Public Library. She graduated from Lake Ridge High School and has enjoyed working with the city. She joined MPL's staff after three years with the Parks and Recreation Department. She has since learned various systems to create the digital signage around the building, upload programs onto the city website, and the behind-the-scenes details of creating programs. She can't wait to jump in and meet the Mansfield Library community!

MANSFIELD PUBLIC LIBRARY

Turkey Palooza 2022

MPL hosted the third annual Turkey Palooza program on Nov. 5. Turkey Palooza which is a collaborative effort presented by multiple city departments including the Library, Mansfield Fire and Rescue, Animal Care and Control, Environmental Services, and Water Utilities. It is a fun and unique way to experience a live cooking demo and learn from various city departments. The program also included a full-free Thanksgiving meal from the community partners for the participants.



Food for Fines

Mansfield Public Library participated in the annual Food for Fines drive from Nov. 1-30. Patrons were asked to bring in non-perishable food and pet items in order to pay their library fines. All donations benefited the Mansfield Mission Center and the Mansfield Animal Shelter. With over 200 items donated the library patrons were able to directly help the community.

★The City of Mansfield★
STATE OF THE CITY

5:30 - 8 p.m. Thursday, January 26
Dr. Jim Vaszauskas Center for Performing Arts
1110 W. Debbie Lane, Mansfield, TX 76063

www.mansfieldtexas.gov/stateofthecity

The collage consists of six photographs: top-left shows two people in safety vests working on a lawn; top-right shows a group of people at a table with informational materials; middle-left shows a large crowd at a night event; middle-right shows a person looking at a large illuminated tree sculpture; bottom-left shows two people smiling in winter gear; bottom-right shows people at a table under a tent with a sign that says 'Mansfield120.com'.



PARKS & RECREATION

Staffing News

Join us in welcoming these new employees to the City of Mansfield:

Jose Arreguin, Landscape Technician
Logan Griggs, Recreation Attendant

Congratulations are in order for many Parks and Recreation employees for well-earned promotions within the department: Brian Coatney, Park Services Supervisor, was promoted to Park Operations Manager alongside Toby Fotjik.

A recent overhaul of the operations staffing was designed to offer more expanded coverage and world-class service in the highest need areas, while maximizing staff time and efficiency. Brian and Toby now jointly oversee the division, with four Park Supervisors reporting directly to them over various areas. Anthony Ford and Matt Dowd, previously Crew Leaders, were promoted to the two open Park

Supervisor positions to help lead the team. The planning division is excited to welcome two additional employees to help manage and oversee park projects. Garrett Smith, who has been with the department as Park Services Specialist since 2020, was recently named Park Project Manager, replacing Chris Ray, who moved out of state in September. Bryan Lyness will also join the team later this month as the second Park Project Manager, a position added in the FY22-23 budget to help with the ever-growing project workload.

Caprice Gollaway has been named as the new Senior Services Supervisor. Caprice has been working as a specialist and then coordinator with the Senior Lifestyles program at the MAC since 2012, and replaces Suzanne Newman, who retired in December after 21 years of service. Yvonne Barton, previously the Senior Nutrition Specialist, will replace Caprice as a full-time coordinator for our busy senior citizen day program.

BY THE NUMBERS
Oct. 1 - Dec. 30

Recreation
36,593 MAC visitors
2,262 program participants
483 memberships sold
90 facility rentals

Social Media
Facebook
10,590 followers; 69k total reach
Instagram
3,157 followers; 39k total reach
Email News
3,999 subscribers; 59% open rate
Website
4,328 home page visitors
Google
4.58 average rating

PARKS & RECREATION

Awards & Organizations

Mansfield Parks & Recreation staff attended the Texas Recreation and Park Society North Region Conference in November 2022, where the city was honored with two major awards. Mans Best Field Dog Park won the Park Design Excellence award for its creative design and integration of the historic property and museum with an off-leash dog park. The 100 Hours of PLAY Campaign, a summer promotion encouraging residents to enjoy screen-free play together, won the Lone Star Programming Award for best recreation program.

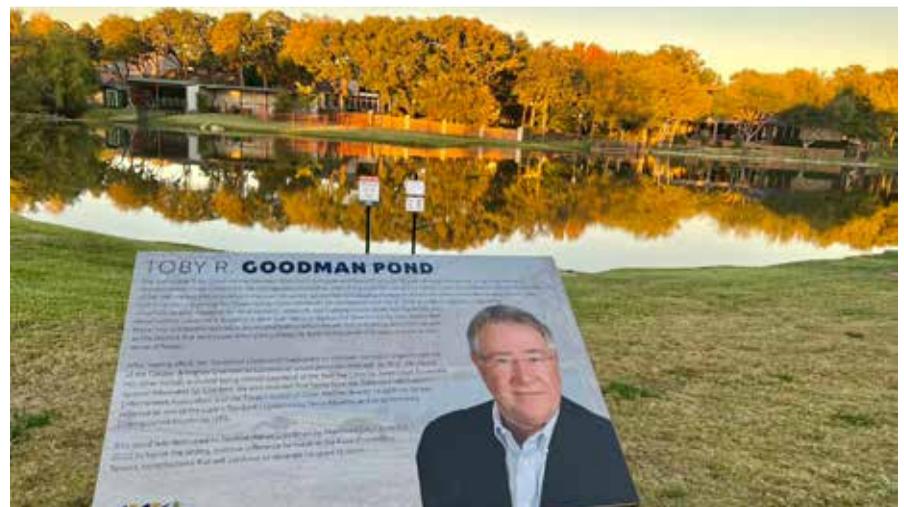
As part of the conference activities, the park operations crew competed in the North Region Maintenance Rodeo, a



competition that showcases their unique job-related skills. Anthony Ford and Chris Adolph's irrigation assembly team took first place in the region and will advance to the state competition in February.

MPFDC

Mansfield Park Facilities Development Corporation met in October to swear in two new members. Jessica Ng-Hinojosa and Raul Najera were appointed by City Council for two-year terms. Raul has served MPFDC as an alternate since 2021, and Jessica has previously participated in multiple parks and recreation outreach programs, including as a member of the 2021 Future Recreation Center and Library Feasibility Study Advisory Committee. James Tiller was also appointed for a one-year term as the board's alternate



member. MPFDC elected new leadership at the October meeting as well, with Scot Bowman, member since 2018, voted in as president. Bob Kowalski was re-elected to the vice president position; Wendy Collini, president since 2020, did not seek re-election. Congratulations and welcome to all!

Goodman Pond Dedication

On Oct. 26, the pond behind the Parks Administration building was officially named in honor of longtime Mansfield resident, attorney, and State Representative Toby Goodman. He was well known as a fierce advocate for those without a voice, dedicating his time and legislative power to children in foster care, animal rights, and other often overlooked issues. He was just as passionate about his

love for Mansfield, helping the small community grow and develop into the world-class city we enjoy today. Friends, family, colleagues, and city leaders, many of whom were in attendance at the ceremony, are quick to mention his smile, his sense of humor, and his larger-than-life heart. Not only was Rep. Goodman a proud supporter of the parks, he lived in a home on that very pond until his death in 2021.

Mansfield National Golf Course Restroom

The design phase of a restroom building at Mansfield National Golf Course is 90% complete. After bidding, construction is tentatively scheduled to begin this spring and be completed in Fall 2023.

PARKS & RECREATION

Fall and Holiday Events

Tis the season for family fun, especially in parks and recreation! The first quarter saw many of our biggest events of the year, including Boo Bash and Hometown Holidays, where the nature education trout fishing tank was incredibly popular! This year, the department added a few new holiday events like a Jane Austen Day Tea Party (in celebration of the author whose third novel is titled Mansfield Park!) and a Candy Cane Scavenger Hunt along the linear trail that drew nearly 500 people on the first day of winter break. Outreach events that help staff connect with the community are, as always, a huge priority for the department year-round, but especially during the family-focused holiday season.

CAPRA Accreditation

Staff is diligently working towards collecting/creating all materials for the 154 standards necessary to achieve accreditation status with the National Recreation and Park Association; Deadline for submittal is currently mid-February, with NRPA visitation occurring in May; Official announcements will be made at the NRPA conference in Dallas in October 2023.

ADA Transition Plan

A consultant was hired in November to begin creating an ADA transition plan for the city, with phase one focused on parks and recreation facilities. Data collection in the field began during the week of Nov. 21. The final report, which will include assessments, recommendations and cost estimates, is scheduled to be delivered in May 2023.

Financial Sustainability Project

MPFDC and City Council's joint meeting in January will focus on a proposed financial sustainability project. The consultant will facilitate a 75-minute discussion on the purpose of the study, and solicit feedback from the boards on cost recovery goals and strategies for parks and



recreation facilities, programs, events.

Department Brand Campaign

How does your family gather in the parks, grow stronger and healthier, preserve natural spaces and resources, and play together? You can do all of these things and more in Mansfield's award-winning parks and recreation programs, and in 2023 the department is launching a new campaign to bring that mes-

sage to life! The rollout began Jan. 1 with the GROW For It Challenge, which will award prizes for logging workout activity and includes a free fitness event each Saturday. Each month follows a different theme within the department's tagline; Gather, Grow, Preserve and Play, and includes a variety of in-person events and online activities. Full details are on the website, mansfieldparks.com.

PARKS & RECREATION



adjacent property owner have concluded on the use of the private drive, so improvements will begin in January on that section of the park. The project is scheduled to be completed in March, weather pending.

Budget: \$2.3 million
Source: Park fees/GF Certificates of Obligation
Timeline: July 2021-Winter 2022/23

Katherine Rose Memorial Park

The final draft of the master plan concept has been updated, with a proposed phase one development plan created. Staff is evaluating the phase one plan to look at included elements for moving forward with construction documents in early 2023.

Budget: \$1.5 million
Source: GF Certificates of Obligation
Timeline: Spring 2022-Winter 2023

Walnut Creek Linear Trail Phase 3B

The scope of the project has been modified to include the grade separated crossing at the bridge under Matlock Road. This removes the traffic signal and associated trail work on the west side of Matlock north of the creek. Design is scheduled to be completed in April. Staff anticipates that discussions with private property owners where right-of-way acquisition will be needed will begin in January. Construction is tentatively scheduled to begin in October 2023.

Budget: \$3 million
Source: MPFDC
Timeline: Spring 2022-Summer 2024



PROJECT UPDATES

McClendon Park Improvements

Construction continues with developments on the splash pad area and the basketball construction sections of the park. The basketball and parking lot expansion project is 90% complete. We are awaiting the electric meter from Oncor and the new water line to establish the turf areas. On the splash pad, all utility connections to Broad Street have been installed and the footers for the retaining walls are in place. All parking lots have been poured and the equipment is being installed. Staff is working with both general contractors to keep the area organized and moving forward. The project is scheduled to be

completed in March, weather pending.

Budget: \$2.3 million
Budget: \$2.3 million
Source: MPFDC/GF Certificates of Obligation
Timeline: April 2021-Winter 2022/23

Gertie Barrett Park

The park earthwork is complete with hardscape construction of the drive, parking areas, restroom foundation, and pavilion slabs approximately 90% complete. The playground equipment installation is complete. Crews have installed the playground safety surface base material. Work continues on the two pavilions and sitting areas internal to the sprayground and playground. Discussions with the

PARKS & RECREATION

Skinner Sports Complex

Staff anticipates this project to last through 2023 and potentially into 2024 depending on budget allocations. Staff plans for the improvements to be completed during Mansfield Youth Baseball Association's off season to provide as little disruption to their seasons as possible. Fencing and painting contracts were approved by City Council in December; Work is scheduled to begin in January and be completed in February. Staff has decided to proceed with a standard design-build process for the restroom/storage expansion project in lieu of a prefabricated building to expedite the project. Staff has begun to look at the entry plaza and will add trees, benches and lighting after some of the other features are in place.

Budget: \$1 million

Source: MPFDC

Timeline: Winter 2023-Spring 2024

For the latest updates on park development, visit mansfieldparks.com and select projects.





PLANNING & ZONING

BY THE NUMBERS
Oct. 1 to Dec. 30

Single-family residential lots final platted: 298

Commercial/industrial acres final platted: 3.4

Number of zoning changes: 10

The following cases were approved by the City Council during the first quarter:

- ZC#22-016:**
 A zoning change from I-1 to S, South Mansfield Form-based Development District on 27.091 acres located at 203 S. Wisteria St. and 1304 E. Broad St. was approved.
- ZC#22-013:**
 A zoning change from C-2, Community Business District to D, Downtown District (D-3, Urban Center Zone), on approximately 1.690 acres located at 700 E. Broad Street was approved.
- ZC#21-022:**
 A zoning change from PR to PD for single-family residential uses (Copper Creek) on approximately 4.997 acres of land 2005 N Holland Road was approved.

The Planning Department administers land use and subdivision regulations designed to encourage the development of safe, accessible and attractive properties, and to enhance property values in Mansfield. We also provide technical assistance on zoning and development matters that go before the Planning and Zoning Commission and the City Council. Here's an overview of our work in the first quarter of fiscal year 2022-2023:

- HLC#22-007 and HLC#22-010:**
 A request for a Historic Landmark Overlay District designation for the Mansfield Cemetery, c. 1868, and the Mansfield Community Cemetery, c. 1874, located at 750 W. Kimball Street was approved.
- These cases are pending review by City Council during the next quarter:**
- ZC#22-005:**
 A request for a Specific Use Permit for a multi-family development (Urban Living Phase 2) on 11.76 acres generally located south of Domain Drive and Reserve Way and east of Nahvi Road is pending review.
- ZC#04-012C:**
 Review and Consideration of a Request to Approve Minor Modifications of the Planned Development District Standards for Southpointe, Office Residential Sub-District is pending review.

Planning and Zoning Commission
These development cases are pending review by the Commission during the next quarter:

- ZC#22-020:**
 A zoning change from SF-7.5/12 and PD for single-family residential uses to D, Downtown District, D-1, Sub-Urban Zone on 1.460 acres located at 505 W Kimball St, 506 W Kimball St and 509 Alvarado St is pending review.
- ZC#22-019:**
 A zoning change from PR, SF-12/22, and PD to PD for single-family residential, single-family attached (brownstones) and multi-family residential uses on 16.42 acres located at 1725 E. Broad Street, and 257 and 261 Carlin Road is pending review.
- ZC#22-018:**
 A zoning change from MH, Manufactured Home District and PR to PD for townhome uses (Attached Single-Family Residential) uses on 11.01 acres located at 2600, 2626, and 2628 N. Main Street is pending review.
- ZC#22-014:**
 A zoning change from SF-12/22 to PD for C-2 Commercial Uses on 2.9 acres located at 700 N. Holland Road is pending

PLANNING & ZONING

review.

ZC#22-009:

A zoning change from PD for 7.5/18 uses to PD for townhome and single-family residential uses on 13 acres located at 801 Lillian Road is pending review.

ZC#22-006:

A zoning change from PD for The Reserve to PD for townhome uses (S. Mitchell Townhomes) on 7.869 acres located at 1000 S. Mitchell Road is pending review.

ZC#22-003:

A zoning change from PR and SF-12/22 to PD for single-family residential and townhome uses (Creekwood Crossing) on approximately 9.95 acres of land at 3140 and 3172 Cannon Road is pending review.

ZC#22-002:

A zoning change from PD to PD for single-family residential uses on approximately 11.621 acres of land at 803 Lillian Road is pending review.

SUP#22-007:

A request for a Specific Use Permit for Row Houses in the D, Downtown District, D-2, Urban Transition Zone on 0.638 acres located at 204 S. 1st Avenue is pending review.

SUP#22-006:

A request for a Specific Use Permit Request for a Specific Use Permit for apartments in the Central Sub-District of the Reserve PD on 9.292 acres located at 151 N. Miller Road is pending review.

HLC#21-013:

An amendment to Section 155.054(K) (1)(b) of the Mansfield Code of Ordinances to adopt new Design Guidelines for commercial and non-residential historic landmarks and to make the



guidelines applicable to all areas of the City is pending review.

Downtown District Projects Staff is reviewing site plans for these properties in the new Downtown District:

SD#22-062:

A plat and building permit for a multi-family and commercial development (Smith Lofts) at 210 Smith Street are under review.

DS#22-012:

A Site Plan for a manor house at 209 S. 1st Avenue is under review.

DS#22-010:

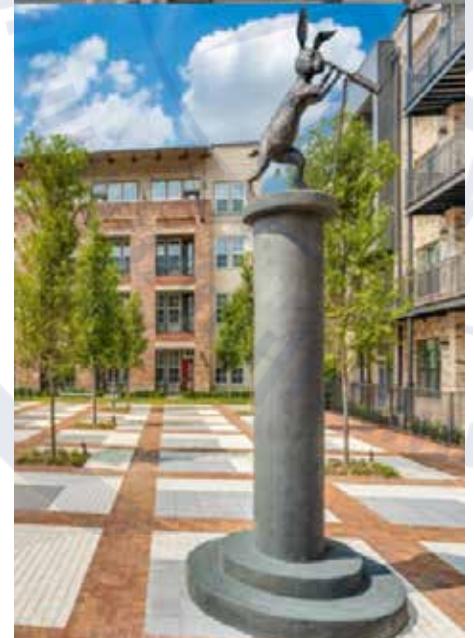
A Site Plan for multi-family residential development (VLK Mansfield-Dodson) at 718 North Street is under review.

DS#22-006:

A Site Plan for three live-work units at 113 N. 2nd Avenue is under review.

DS#22-004:

A Site Plan for a new townhome and commercial development (Benson Manor) at 708 E. Broad Street is under review.



PLANNING & ZONING

Gas Well Drilling and Production
These are drilling and production activities that occurred during the fourth quarter:

GW#22-001:

Operator Transfer from FDL Energy to Javelin Energy Partners for the Rawdow Unit, a site with three gas wells, was approved.

GW#22-002:

Operator Transfer from FDL Energy to Javelin Energy Partners for the Buford Tindle #2 Unit, a site with one gas well, was approved.

GW#22-003:

Operator Transfer from FDL Energy to

Javelin Energy Partners for the Buford Tindle #1 Unit, a site with one gas well, was approved.

Zoning Board of Adjustments
The Board acted on the following cases during the first quarter:

The Board had no cases during the fourth quarter.

Planning Department Updates

Stephen Olinski joined the department as Landscape Plans Reviewer. Stephen was formerly the Irrigation Inspector in the Water Utilities Department.



Historic Landmark Commission

The Commission acted on the following cases during the fourth quarter:

HLC#21-013:

The Commission completed the draft of the Design Guidelines for Historic Mansfield and recommended approval to the Planning and Zoning Commission.

HLC#22-005:

The Commission approved a modification of the Certificate of Approval for exterior changes to the Dennis Mahoney Building, 1890, at 115 N. Main Street.



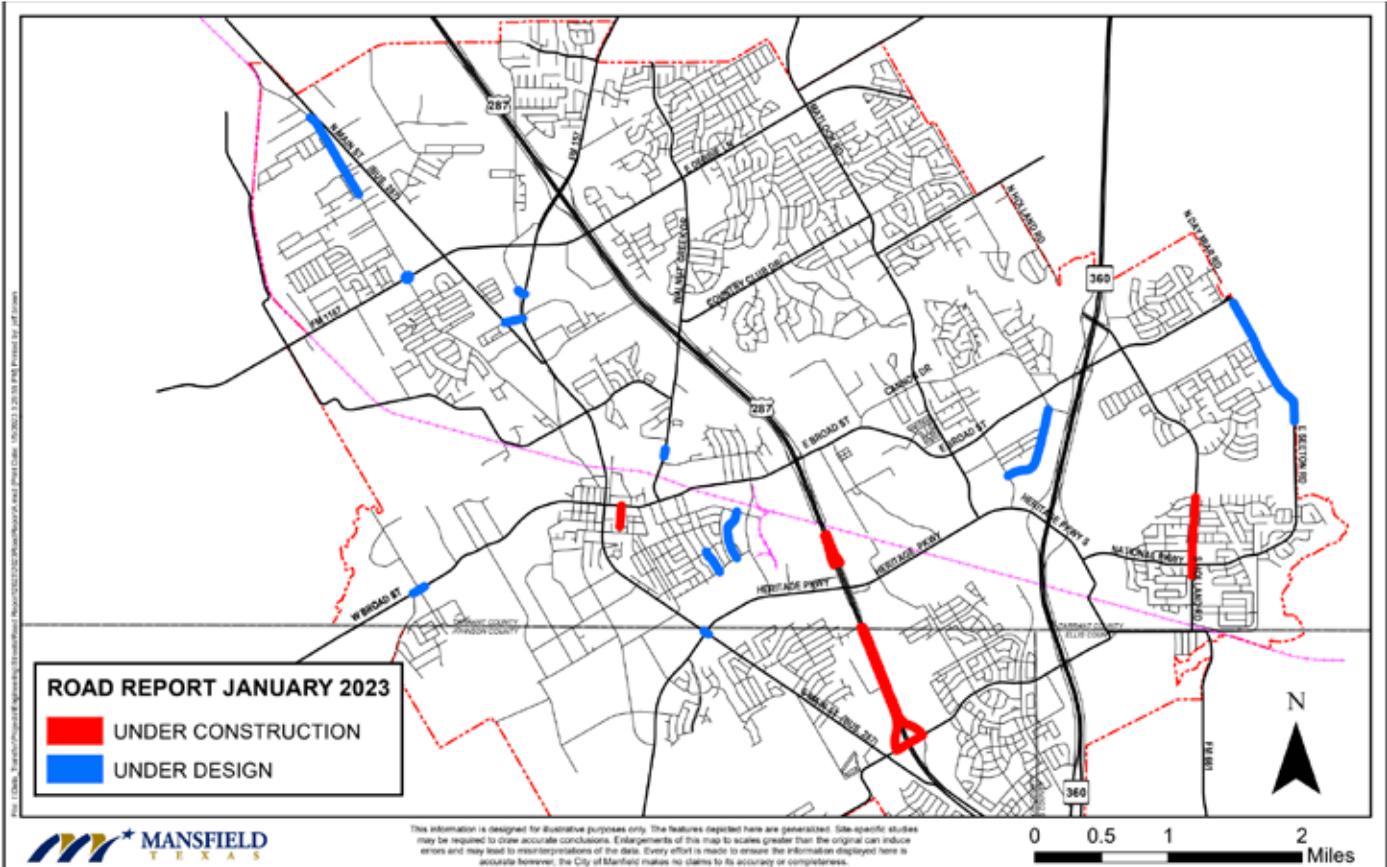
DESIGN GUIDELINES FOR

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PUBLIC WORKS

This quarterly Road Report includes street projects currently under construction or in the design phase in the City of Mansfield. Here's an overview of our work in the third quarter of fiscal year 2021-2022:



Under Construction

South Holland Road (Stonebriar Trail to Garden Path Lane – Street Bond Fund)

South Holland Road will be improved to a four-lane divided thoroughfare. The project will include completing the north side of National Parkway west of Holland Road and several hundred feet to the east. It also includes a traffic signal at Holland Road and National Parkway and sidewalks along the roadway as well as a sidewalk along the east side to Elizabeth Smith Innovative Learning. This project will require the construction of detour pavement on the east side of the existing roadway to accommodate construction of the project. The project was awarded for construction in December 2021. Construction has begun with various lane closures (9 a.m. to 3 p.m.) and asphalt

detours. Utility construction is currently underway including the installation of storm sewer and sanitary sewer lines. This project is anticipated to be complete in the third quarter of 2023.

Pond Street (Broad Street to Lake Street) (Community Development Block Grant, CDBG)

As a part of the Tarrant County CDBG program, Pond Street between Broad Street and Lake Street will be reconstructed with curb and gutter, sidewalks, and new water and sewer lines. The project was awarded for construction on Nov. 14 and construction has begun. Work will begin with utility construction and will necessitate temporary road closures on Pond Street and a temporary traffic detour for the eastbound lanes on East Broad Street.

The project is anticipated to be complete this summer.

Under Design

Day Miar Road (Grand Meadow Boulevard to Seeton Road – Street Bond Fund)

Day Miar Road is planned to be improved to a four-lane undivided concrete roadway. Roadway drainage will be curb and gutter with inlets and piping draining to an improved parallel open channel on the west side of the road. The open channel will extend from the south side of Grand Meadow Boulevard to the detention area north of Lake Ridge High School and then cross to the east side of the road through an improved culvert. Sidewalks are also included along both sides of the roadway, two

PUBLIC WORKS

pedestrian crossings at the MISD school sites, and traffic signals at the intersections with Grand Meadow Boulevard and Seeton Road. Final plans are completed, and franchise utility companies are working on relocations. These relocations have been delayed due to crew availability but should be complete for the project to begin construction in early 2023.

The estimated construction duration is 18 months.

North Main Street | FM 157 Connector (Street Bond Fund)

The proposed connector is a four-lane undivided roadway that will provide a connection from North Main Street to FM 157. This roadway will be located approximately a half mile north of Mouser Way and will align with Watson Branch Lane. The connector will reduce traffic volumes along the frontage of Legacy High School and at the intersection of Main and FM 157. This project will also eliminate the current skewed intersection of Russell Road and FM 157 and will reduce flooding potential of Watson Branch upstream of Russell Road.

Design has begun with construction anticipated to begin mid-2023.

Gertie Barrett Road (Meadowside Drive to Wildwood Drive – Street Bond Fund)

This project will reconstruct Gertie Barrett Road as a 2-lane undivided 24-foot-wide asphalt roadway. Additionally, a new east/west 4-lane undivided roadway will be constructed between Gertie Barrett Road and N. Main Street. The location of this east/west roadway will align with Simpson Lane on the west side of Gertie Barrett Road. This project will involve coordination and an agreement with TxDOT.

Construction plans are nearing completion and franchise utilities are planning their relocations. Construction is anticipated to begin in the Spring of 2023.



PUBLIC WORKS

South Main Street (US Business HWY 287 | Heritage Parkway – FM 917 Intersection Improvements Street Bond Fund)

This project will add northbound and southbound right-turn lanes and pedestrian improvements to the intersection of S. Main Street/Heritage Parkway. In addition, sidewalks will be added on the eastside of S. Main Street from the Forest Brook Subdivision to Price Road. This project will involve coordination with TxDOT. Design has begun with construction anticipated to begin in the third quarter of 2023.

Cardinal Road Northbound Right Turn Lane at FM 1187 (Street Bond Fund)

This project will add a northbound right turn lane at FM 1187. Through movements are causing significant delays for right turning movements and congesting the intersection. A dedicated right turn lane will allow significant reduction in delays. The project will also include improving the traffic signal, median nose, and sidewalk ramps at the intersection. Design has begun with construction anticipated to begin in the third quarter of 2023.

King's Way (Dallas Street to Fort Worth Street) and Hillcrest Street (Dayton Street to Fort Worth Street - Street Bond Fund)

This project will reconstruct both King's Way and a portion of Hillcrest Street with concrete curb and gutter. The existing pavement within the project limits needs replacement. The existing sidewalks along Hillcrest Street will be reconstructed as well. Adding sidewalks along King's Way is being considered as part of the design. Design will begin early this quarter with construction beginning near the end of the year.

West Broad Street (Near Retta Road and Lillian Road- Street Bond Fund)

West Broad Street will be improved to a four-lane, divided concrete roadway

from its current two-lane, asphalt rural section in this immediate area. This project will reconfigure the W. Broad Street intersections with both Retta and Lillian roads. Reconstructing these intersections will improve their safety. Design has begun with construction anticipated to begin near the end of the year.

Cannon Drive South (Conifer Street to Miller Road - Street Bond Fund)

This project will design and construct Cannon Drive South from Conifer Street south to Miller Road. Cannon Drive South is shown on the throughfare plan as a minor collector roadway with a 70' right-of-way. This roadway will provide a critical route for access and circulation given the new and anticipated developments between Cannon Drive South and SH 360. The existing pavement adjacent the Rustic Meadow subdivision will be removed and replaced. Design has begun with construction anticipated to begin the third quarter of 2023.

TxDOT Projects

US 287 Frontage Roads (Union Pacific Railroad to Lone Star Road)

US 287 Frontage Roads (UP Railroad to

Lone Star Road)

This project includes construction of both the northbound and southbound frontage roads of US 287 between the Union Pacific Railroad and Lone Star Road as well as additional lanes at the Lone Star Road bridge and a southbound to northbound U-Turn. Furthermore, this project will include traffic signals at the Heritage Pkwy/NB US 287 jug handle intersection along with signals at the intersections of the NB and SB US 287 Frontage roads at Lone Star Road and US Business 287 at Lone Star Road. Roadway construction began July 5, 2022. The estimated construction time is 26 months.

Walnut Creek Drive Bridge at Walnut Creek

This project will replace the existing bridge with a new four lane bridge including 6-foot sidewalks on each side. It is a federal bridge replacement program project administered by TxDOT. The project will be let in January 2023 with construction starting in March or April. The bridge construction will take approximately 10 months. The linear trail will be temporarily relocated to the intersection of Magnolia/Rose Park entry during construction.





REGULATORY COMPLIANCE

The Regulatory Compliance Department enforces all city ordinances to protect property owners' investments and promote the health and welfare of the community. Regulatory Compliance officers are committed to providing compliance through a professional, efficient and due process approach for residents of Mansfield. The Regulatory Compliance houses three programs: the Code Compliance program, Health Inspections program, and Rental Inspections program.

Regulatory Compliance refers to illegal signs as "bandit" signs. The following table details the number of illegal signs they collected each month.

Illegal Signs (Bandit) Picked Up	
October	428
November	668
December	619
Quarterly Total	1,715

The garage sale ordinance gives the Assistant City Manager in charge of Development Services the authority to approve a request for a variance, if the individual making the request provides evidence supporting the need to have a third garage sale / estate sale.

Garage Sale Permits

114

Regulatory Compliance activity is not limited to the violations listed above. The Utility Division is responsible for enforcing a number of ordinances. We continually monitor violations of the Water Conservation Plan. David Brister, Operations Supervisor of Water Utilities, has provided a table detailing his department's enforcement activity.

Citations Issued
25

Abatements

80

**Forced Mowing,
Overhanging Limbs,
Trash Removal,
Visibility Issues**

Department	Online Complaints Received
Code Compliance	95
Rental Inspections	5
Health Inspections	10



REGULATORY COMPLIANCE

MANSFIELD ANIMAL CARE & CONTROL YEAR IN REVIEW 2022

Adopted 401 animals into new homes.

Won a \$10,000 grant from Texas Calition for Animal Protection that will allow us to assist the community with animal sterilization surgeries.

Assisted 187 households with pet food on a consistent basis.

Assisted 11 households with dog houses and material to help keep outdoor animals warm in the cold weather.

257 Animals were reclaimed back to their owners from the shelter, another 65 animals were returned in the field to the owners.

Hosted barks and rec fall hikes in oliver nature park.

Created doggy day out program to allow the public to take a dog for three hours. This improves the animal's physical and mental health.

Hosted 6 low cost vaccination clinics for the public.

Completed 52 meals on wheels routes and assisted with their animals as needed.

Started process to build new animal shelter.

Joined regulatory compliance.

Added a field supervisor and an additional part-time employee.

Created lost and found pet map that residents and animals control officers can update in live time.

Launched an internal mobile app for staff to manage pet inventory listings and lost and found pets listings. This integrates directly to a new, user friendly public portal for viewing on the city website or a standalone website.



**Regulatory Compliance Activity
October 1 to December 30**

Type of Case # of Cases

Building Permit Required	4
Illegal Dumping	0
Dangerous Structures	3
Donation Boxes	0
Dumpster Violations	3
Garage Sales	1
Graffiti	1
High Grass and Weeds	202
Miscellaneous	19
Nuisance - tree, shrub, or plant.	14
Outside Placement of Airtight Appliance	3
Outside Storage	21
Property Maintenance	42
Referred to Environmental	0
Residential Outdoor Lighting Nuisance	1
Right-of-Way (ROW) Obstruction	4
ROW Obstruction (Basketball Goal)	3
Smoking Ordinance	0
Stagnant Swimming Pool	1
Trash and Debris	56
Commercial Vehicles	7
Junked Motor Vehicles	15
Parking on the Grass	9
Street Parking Violation – Referred to PD	0
Accessory Structure Setback Violation	3
Address Identification	0
Certificate of Occupancy Required	0
Boats	8
RV	4
Trailer	20
Chickens / Poultry	4
Fence Violations	9
Home Occupations	8
Illegal Signs	6
Non-Traditional Smoking Related Business	0
Landscape Maintenance	0
Overhanging Tree Limbs	81
Parking Lot Maintenance	0
Section 4400 - Illegal Land Use Residential	0
Section 4400 - Illegal Land Use Commercial	0
Sign Maintenance	3
Solar Panel Systems	0
Vacation Rental / Short-term Rental	3
Vehicles on Blocks / Jack Stands	2
Visibility Obstruction - Shrubs / Bushes	0
Commercial Window Signage	3

TOTALS 566

BEFORE

AFTER



REGULATORY COMPLIANCE

Short-Term Goals | Department News

Regulatory Compliance Supervisor Narada Lee attended the AACE (American Association of Code Enforcement) Conference from Oct. 17-21, 2022.

Rebecca St. John attended the Texas Environmental Health Association Conference in Austin from Oct. 19-21, 2022.

Regulatory Compliance held a Multi-versity class on Oct. 15. The presentation included Code Compliance, Health Inspections, Multi-family Rental Inspections, Animal Care & Control, and the Mansfield Volunteer Program.

Code Compliance Officer Justin Bradford won the Rising Star Award from the American Association of Code Enforcement at their national conference.

Regulatory Compliance Supervisor Narada received his Code Official Safety Specialist Certification (15 hour online course) and a Diversity, Equity and Inclusion Certification (14-hour online course).

On Jan. 10, 2023, the Regulatory Compliance Department held a training class concerning how to deal with hoarding. Greg Smith, of GMS Presentations, presented the class to city employees from several departments, including PD, FD, Animal Control, Code Compliance, and MVP.

Regulatory Compliance Manager Cliff Griffin and Code Compliance Officer Justin Bradford will be attending a rental inspection conference in March. This conference is intended for cities that have recently created new rental inspection programs.



Multi-family Rental Inspections

In April, we started full-fledged inspections of all multi-family complexes. First Quarter activities are in the table below:

Registrations completed	Registration Fees Collected	Annual Property Inspections	Average Inspection Score	Buildings Inspected	Units Inspected	Total Inspection Time
9	\$14,870.00	6	47.5	37	60	56 hours

Health Inspections

Health Inspectors Rebecca St. John works hand in hand with our Code Compliance Coordinator, Marisa Loera. Marisa created numerous spreadsheets for tracking Health Inspections activities while waiting on our software program to be developed. Y-T-D activities of the Health Inspections team are in the table below:

Health Inspections	Notices Issued	Closures	Inspections	Permits Issued	Revenue Collected
Food Service	156	2	172	139	\$47,290
Swimming Pools	2	0	6	2	\$1,400
Temporary Vendors	39	0	56	24	\$1,320
Mobile Food	6	0	16	4	\$1,440
Childcare	6	0	15	3	\$400



SPECIAL EVENTS

Special Events is responsible for producing annual events throughout the city. Some of these events include Mansfield Rocks, Hometown Holidays and more. Our special events team strives to produce remarkable experiences for the entire community.

Veterans Day Parade

Approximately 1,500 attended the parade which featured 51 entries, including a historic flyover, the largest ever.

The city hosted the Remembering Our Fallen exhibit at The LOT Downtown over the parade weekend.



SPECIAL EVENTS

Hometown Holidays

More than 15,000 people attended Hometown Holidays across four days. The new partnership with MISD and the new location at the Dr. Jim Vaszauskas Center for the Performing Arts allowed huge growth and rave reviews.



The four-day event began with the massive Toys for Tots drive on Wednesday and was accentuated by fireworks on Thursday and a first of its kind drone show for Mansfield on Friday. The carnival was also expanded with six attractions. We sold over 1,400 ride tickets.



Based on a survey for 42.7% of attendees this was their first Hometown Holidays. Among those who had attended past events, 76% ranked this as their favorite spot. 98% of survey takers said they would attend again next year.



“Everything was wonderful. We went two nights. Fireworks, drone show, Santa, rides were all great. The entire event was well organized. We will be back next year. I preferred at the performing art center the best. Easy parking, it was spread out a bit so everyone wasn’t on top of each other.” – Survey taker

“We drove all the way from Palmdale, California to bring in the holidays with our grandchildren who live in Arlington. This... was worth every penny. Thank you City of Mansfield for putting on such a magical event.” – B. Alvarez

“We went last night and my entire family absolutely loved it! It was sooo much better at the PAC! Thank you city of Mansfield for putting this on! Mansfield truly is the best place to live!” – V. Payne

“Giving Grand Prairie Lights a run for their money.” – T. Portillo



“So impressed. Mansfield knows how to put the hometown in the holidays!” – P. Glover

VISIT MANSFIELD

Veterans Day

Video promotion for Veterans Day across YouTube captured over 6,000 impressions and led to 2,900 views and 10 click throughs. The 48% view rate was well above average of YouTube's 32% benchmark.

Through Visit Mansfield's membership in the Texas Lakes Trails program the city was able to host the Women in Aviation exhibit at the Mansfield Historical Museum the entire month of November and add a new component to the Veterans Day celebration.



The Visit Mansfield Facebook reach hit nearly 70,000 this quarter, a 7% growth from the same quarter in 2021. The focus for Instagram reels and more interactive content on that platform showed the most growth however, with Instagram reach growing by over 70% compared to the same quarter in 2021, hitting nearly 9,000 accounts.

SGT Bishop Evans JROTC Drill Invitational

Visit Mansfield partnered with MISD to sponsor and promote the inaugural SGT Bishop Evans JROTC Drill Invitational at FieldhouseUSA on Nov. 19. The first of its kind tournament in Mansfield had four teams in 2022, with one traveling from as far as Louisiana. The 2023 tournament is already looking to expand to 15 teams making it a new, key piece of Mansfield's tournament scene.



Winter Wreckreation

Visit Mansfield sponsored a new youth basketball championship in late December with the group Young Champions, bringing in youth teams from across the state for a series that fills in an important slot in the local tournament calendar.

Hometown Holidays

Video promotion for Hometown Holidays across YouTube captured over 47,600 impressions and led to 27,200 views. The 57% view rate was much higher than YouTube's 32% benchmark. The new official website for the event received over 13,000 visits, 10,000 unique visitors and 31,000 page views in the month leading up to Hometown Holidays. 10% of all visitors found the website through searches.

75% of site visits came from users outside of Mansfield. 93% of visitors were from Texas.

Visitors spent an average of 1 minute 19 seconds on each page.

Ride tickets were sold to 43 different zip codes including multiple states and distant Texas locations which were targeted in advertising plans.

Social Media and Web

The "Mansfield Monday Morning Coffee" series was produced, featuring eight local coffee shops with a primary focus on Instagram Reels but adapted for all social media. The series collected 10,796 views on Instagram, 398 views on YouTube and 1,692 views on Facebook for a total of nearly 13,000 views.

The Visit Mansfield website received 16,981 page views in the quarter. This was still a 27% increase over traffic in Q1 of 2020 and a 3% increase over Q1 of 2021. Views of the home page and the Haunted Mansfield event page were both still up 19% and 11% respectively over 2021.

The top 5 most visited pages for Q1 were Haunted Mansfield, Events, Mansfield Attractions, Things to Do and our Holiday Event Blog.



WATER UTILITIES

The Water Utilities Department is dedicated to providing high-quality drinking water to our citizens and local businesses, and strives to protect the environment through effective wastewater treatment. Water Utilities works closely with the Environmental Services Department to provide public education on how to conserve and protect water, and keep our waterways clean from trash and hazardous materials.

Projects under construction:

Aerial Sewer Crossings

Purpose: To upgrade six sewer crossings in Mansfield. The crossing at Walnut Creek and the service road of US 287 is the first that will be improved.

Budget: \$2.7M

Water Pump Stations Project

Purpose: To upgrade several pump stations with tank coatings, electrical equipment, emergency generator connections, structural improvements and instrumentation. Under construction.

Budget: \$400,000

PCS Replacement Project

Purpose: To migrate the existing SCADA system to VT SCADA, replace numerous programmable logic controllers and implement a secure and protected WIFI system.

Budget: \$1.265M

Wastewater Lift Stations Upgrades Project

Purpose: To upgrade wastewater lift stations. Under construction.

Budget: \$85,820

Projects under design:

Turner Way Lift Station Rehabilitation Project

Purpose: To modernize the station's design standards by implementing backup power, pumping provisions and more. Under construction.

Budget: \$1.07M

30" Water Line

Purpose: To construct a 30-inch water line that will connect the east and west sides of Mansfield and upsize several water mains described in the water master plan. Under construction.

Budget: \$1M.

Projects in the bidding process:

Brown Street Sewer Replacement

Purpose: To replace approximately 700 feet of clay sewer main.

Budget: \$100,000

Other projects:

Pilot Study

Purpose: To study a membrane water-filtration system that could advance the capabilities of the Bud Ervin Water Treatment Plant and future water treatment facilities.

Budget: \$478,440

In partnership with NanoStone, the pilot study equipment has been installed and piping connections are complete. Chemical dosing is currently being configured to optimize the required flux rates. A partnership with the City of Fort Worth in which they would help facilitate the necessary regulatory testing is now in discussion.

WATER UTILITIES

What We've Been Up To

Five part series of continuing lessons with Alma Martinez students; 33 students and one teacher at each session. Lessons included animal and plant life cycles, native and adaptive plants, how we get/treat our water, importance of water conservation, composting and recycling. Students used this information for a project based learning experience that continued most of the fall semester. Student project presentations and judging by local experts. All of 5th grade at Alma Martinez (around 100 students) participated in creating STEM projects related to creating container gardens using native and adaptive plants and vegetables for helping with food insecurity. The top projects were presented "Shark Tank" style to a panel of local experts with the first and second place winners having their projects funded to actually be built. City staff worked on the panel of experts to judge the projects. This was a culminating piece to the lesson series conducted in October and November.

Boo Bash with 300+ participants

Turkey Palooza

Water Treatment Plant Tour with Lake Country Christian School. 32 students; 4 teachers; High School Chemistry and Honors Chemistry classes. Students learned about the whole process of water treatment from raw water to distribution, along with the importance of water conservation and easy ways to conserve.

Email blast to multi-family managers for Holiday Grease Roundup. Info went out to 30 apartment complex managers.

Smart Scape class survey 2023

Water & Environmental Fall/Winter Newsletter.

Student Interviews at Ben Barber film class. Students interviewed staff for film projects on environmental concerns and conservation methods.

Worked with student intern



Student radio ads - The WILD radio station at Ben Barber New Education van completed Planning for a large student learning event on Jan. 19th involving almost 200 environmental science students from Lake Ridge High School. They will be coming to the Service Center on Jan. 19 to learn about stormwater protection. TRWD and TRA will be assisting as well as Environmental Services staff.



Won Keep Texas Beautiful Green Bag Grant for butterfly gardens that will be installed this spring at two more MISD campuses.



WATER UTILITIES

Utility Billing Statistics Oct. 1 to Dec. 30

- Responded to 17,875 phone calls
- Sent 28,384 WaterSmart group messages
- Sent 6,839 WaterSmart leak alerts

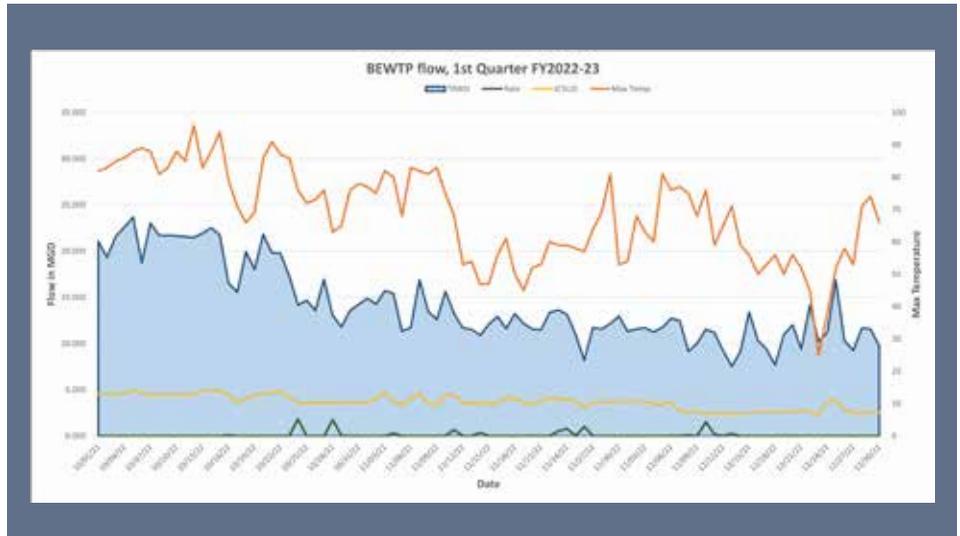
Water Supply Status

Mansfield Water Utilities, in collaboration with Tarrant Regional Water District, continually monitors the potential impacts of climate trends within the system. TRWD watersheds have not received the typical amount of rainfall experienced over the past several years.

Although La Niña conditions of overall drier and warmer than normal conditions persist for North Texas, the monthly rainfall total through Nov. 27 is 6.4 inches, which is nearly three times the monthly normal rainfall for November of 2.3 inches. The rainfall that occurred between Nov. 23 and 27 produced a much-needed boost to TRWD's total system storage of approximately 3%, and resulted in slightly below expected average water demands for TRWD's four primary customers. La Niña conditions are anticipated to remain throughout the winter months.

The November Riverware forecast was run on Nov. 28 to capture the effects of the rainfall that occurred during the week of Nov. 21, and the results indicate that Stage 1 drought conditions might be reached sometime in March or April 2023. Although the forecast does not actually fall below 75% total storage during that time frame, it comes close enough to the threshold that it is possible, especially given how far into the future this may occur. The results of this forecast are shown in the Protected Total System Storage chart.

We are currently at 81.5% total system storage, and it has not changed in total storage in the last 30 days. The model shows in a dry condition scenario moving forward, the possibility of dropping



to 75% capacity occurring in June/July. Spring rainfall, outdoor water use/demand and the evaporation rates from lakes will have an impact on water supplies. Not much rainfall is expected in January/February. Through March, below average precipitation and above normal temperatures are expected.

If MWU needs to implement stage 1 "Water Watch" as defined in the 2019 Drought Contingency Plan, staff will coordinate with the City Council and City Management first, followed by notifying the public and then TCEQ. The water use reduction goal for stage 1 is to decrease use by 5% through increased public education and implementation of a twice-per-week watering schedule for landscape irrigation. We will continue to work with TRWD to monitor climate trends and impacts on available water supply and provide updates as necessary.



Bud Ervin Water Treatment Plant Statistics

AVERAGE RAW WATER FLOW

Q1 (2023)

14.19 millions of gallons per day

2.60% decrease from Q1 (2022)

AVERAGE PUMPAGE FLOW

Q1 (2023)

13.91 millions of gallons per day

2.14% decrease from Q1 (2022)

PEAK PUMPAGE FLOW

Q1 (2023)

23.23 millions of gallons per day

0.46% decrease from Q1 (2023)



MANSFIELD

T E X A S



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5090

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Consider Amending the Mansfield Park Facilities Development Corporation's Bylaws to Establish A Policy Regarding Consecutive Years of Service; the Appointment of its President; and to Amend Time for Budget Approval

Requested Action

Approve a Resolution to Amend the Corporation's Bylaws

Recommendation

Approve Resolution

Description/History

The City Council authorized the City Manager to make changes beginning January 1, 2022 to establish a policy regarding consecutive years of service. Directors may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from that board or commission that is equal to or no less than twelve months. This change is being made to give others in a growing community an opportunity to serve and to encourage those that have served for multiple, consecutive terms opportunities to serve in different capacities. This change requires an amendment of the Corporation Bylaws and Certificate of Incorporation by the MPFDC Board and City Council.

Two additional changes are also being proposed to the Corporation Bylaws at this time. First, the Board shall appoint a president selected by the City Council each year. Second, under Article V Section 2, an amendment is being proposed related to the schedule for the annual budget adoption. Currently, the Bylaws state that the Board shall adopt a budget at least sixty (60) days prior to commencement of each fiscal year. The proposed amendment changes the timeline to thirty (30) days prior to commencement of each fiscal year to align with the City's current budget adoption schedule. The proposed amendments were approved at the November 17, 2022 MPFDC board meeting.

Justification

The amendments to the Bylaws will coincide with the direction from City Council.

Funding Source

N/A

Prepared By

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Executive Director of Community Services

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RESOLUTION NO. _____

A RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION’S BYLAWS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Mansfield Park Facilities Development Corporation (“Corporation”) is a Texas non-profit corporation operating under the Development Corporation Act of 1979, codified in Subtitle C1 of Title 12 of the Texas Local Government Code, Chapters 501 through 505 (the “Act”) and the Texas Non-Profit Corporation Act, as amended, and other applicable laws; and,

WHEREAS, the Corporation’s Bylaws as currently written do not limit the terms for directors; and,

WHEREAS, the Corporation’s Board of Directors desires to amend the Bylaws to establish term limits for directors; and,

WHEREAS, the Corporation’s Board of Directors further desires to amend the Bylaws by amending the timeframe to adopt the Corporation’s budget; and,

WHEREAS, the amendments to the Bylaws are consistent with state law and with the Certificate of Formation of the Corporation.

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

SECTION 1.

The proposed amendments to Corporation’s Bylaws, attached hereto as Exhibit “A,” have been reviewed by the City Council of the City of Mansfield, and are found to be acceptable and in the best interest of the City of Mansfield and its citizens, and is hereby in all things approved.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

Resolution No. _____
Page 2 of 2

22-5090

ATTEST:

Susana Marin, City Secretary

**BYLAWS OF
MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION**

**ARTICLE I
PURPOSE AND POWERS**

Section 1 - Purpose

The Corporation is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, the same to be accomplished on behalf of the City of Mansfield, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, Article 5190.6, Vernon's Ann. Civ. St., as amended, (the "Act"), and other applicable laws.

Section 2 - Powers

In the fulfillment of its corporate purpose, the Corporation shall be governed by Section 4B of the Act, and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1 - Powers, Number and Term of Office

- (a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.
- (b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the City Council (the "City Council") of the City. for two-year terms. Directors may serve up to three consecutive terms for a total of six years for all board and commission members unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and a term member can reapply after a break from that board or commission that is equal to or no less than twelve (12) months.
- (c) The City Council may appoint an alternate director in the same manner as the seven (7) directors. If a director is absent from a Board meeting, the alternate director may replace the absent director and will act as the director during the Board meeting. The alternate director is encouraged to attend all Corporation Board meetings.
- (d) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Successor directors shall have the qualifications, shall be of the classes of directors, and shall be appointed to the terms set forth in the Articles of Incorporation.
- (e) Any director or Board alternate may be removed from office by the City Council at will.

- (f) The City Manager, or his or her designee, serving in his or her capacity as a non-voting ex-officio member: (i) may not be counted toward a meeting quorum; (ii) may participate in any discussion that occurs in open session; and (iii) may attend and participate in any discussion that occurs in any executive session.

Section 2. Meetings of Directors.

The directors may hold their meetings at such place or places in the City as the Board may from time to time determine; provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws.

Section 3. Notice of Meetings

- (a) Regular meetings of the Board shall be held without the necessity of notice to directors at such times and places as shall be designated from time to time by the Board. Special meetings of the Board shall be held whenever called by the president, by the secretary, by a majority of the directors, by the Mayor of the City, or by a majority of the City Council.
- (b) The secretary shall give notice to each director of each special meeting in person or by mail, telephone or telegraph, at least two (2) hours before the meeting. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting. At any meeting at which every director shall be present, even though without any notice, any matter pertaining to the purpose of the Corporation may be considered and acted upon consistent with applicable law.
- (c) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the notice to directors or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 4 - Open Meetings Act

All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Article 6252-17, Vernon's Ann. Civ. St., as amended.

Section 5 - Quorum

A majority of the directors shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless

the act of a greater number is required by law.

Section 6 - Conduct of Business

- (a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.
- (b) At all meetings of the Board, the president shall preside.
- (c) The secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 7 - Committees of the Board

The Board may designate two (2) or more directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 8 - Compensation of Directors

Directors shall not receive any salary or compensation for their services as directors. However, they shall be reimbursed for their actual expenses incurred in the performance of their official duties as directors.

ARTICLE III OFFICERS

Section 1 - Titles and Term of Office

- (a) The officers of the Corporation shall be a president, a vice president, a secretary and a treasurer, and such other officers as the Board may from time to time elect or appoint. The Board shall appoint a president selected by the City Council. One person may hold more than one office, except that the president shall not hold the office of secretary. Terms of office shall be one (1) year with the right of an officer to be reelected.
- (b) All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.
- (c) A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 2 - Powers and Duties of the President

The president shall be the chief executive officer of the Corporation, and, subject to the paramount authority of the Board, the president shall be in general charge of the properties and affairs of the Corporation, shall preside at all meetings of the Board, and may sign and execute all contracts,

conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation.

Section 3 - Vice President

The vice president shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the president during that officer's absence or inability to act. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

Section 4 - Treasurer

The treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these Bylaws. When necessary or proper, the treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank, banks or depositories as shall be designated by the Board consistent with these Bylaws. The treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The treasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his duties in such form and amount as the Board or the City Council may require.

Section 5 - Secretary

The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 6

The president and vice president shall be named from among the members of the Board. The treasurer and secretary may, at the option of the Board, be persons other than members of the Board, and they may be employees of the City. In the event the offices of treasurer or secretary are not held by members of the Board, such positions will be considered non-voting ex-officio members.

Section 7 - Compensation

Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

ARTICLE IV [RESERVED]

ARTICLE V
FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1 - General Park Facilities Development Plan

- (a) It shall be the duty and obligation of the Board, in coordination with the necessary contracting parties and to research, develop, prepare, finance, and implement the park facilities development plan.
- (b) In carrying out its obligations under subsection (a), the Corporation shall be authorized to exercise all rights and powers granted under the Act, including, but not limited to Section 4B thereof, and with the objective and for the purpose of developing and diversifying the economy of the State of Texas and the City, and the elimination of unemployment and underemployment in the State and the City and the expansion of commerce within the State.
- (c) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.
- (d) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.

Section 2 - Annual Corporate Budget

At least ~~sixty-thirty~~ (6030) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council.

Section 3 - Books, Records, Audits

- (a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.
- (b) At the direction of the City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.
- (c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the Corporation and approved by the City Council. Such audit shall be at the expense of the Corporation.

Section 4 - Deposit and Investment of Corporate Funds

- (a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

- (b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of its treasurer and such other persons as the Board shall designate. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

Section 5 - Expenditures of Corporate Money

The monies of the Corporation, including sales and use taxes collected pursuant to Section 4B of the Act, monies derived from rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

- (i) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations to the purchasers thereof required by Section 6 of this Article;
- (ii) Expenditures that may be made from a fund created with the proceeds of Obligations and expenditures of monies derived from sources other than the proceeds of Obligations may be used for the purposes of financing or otherwise providing one or more "Projects," as defined in Section 4B of the Act. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council;
- (iii) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 2 of this Article or in contracts meeting the requirements of Section 1(d) of this Article.

Section 6 - Issuance of Obligations

No Obligations, including refunding Obligations, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken prior to the date of sale of the Obligations.

ARTICLE VI MISCELLANEOUS PROVISIONS

Section 1 - Principal Office

- (a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.
- (b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 2 - Fiscal Year

The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3 - Seal

The seal of the Corporation shall be as determined by the Board.

Section 4 - Resignations

Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the president or secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5 - Approval or Advice and Consent of the City Council

To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the Council, such advice and consent shall be evidenced by a certified copy of a resolution, order or motion duly adopted by the City Council.

Section 6 - Services of City Staff and Officers

Subject to the paramount authority of the City Manager under the Charter of the City, the Corporation shall have the right to utilize the services of the City Attorney, the City Secretary, and the staff and employees of the Finance Department of the City, provided (i) that the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7 - Indemnification of Directors, Officers and Employees

- (a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.
- (b) The Corporation shall indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

ARTICLE VII EFFECTIVE DATE, AMENDMENTS

Section 1 - Effective Date

These Bylaws shall become effective upon the occurrence of the following events:

- (1) the approval of these Bylaws by the City Council; and
- (2) the adoption of these Bylaws by the Board.

Section 2 - Amendments to Articles of Incorporation and Bylaws

The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Act.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5091

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Consider Amending the Mansfield Park Facilities Development Corporation's Certificate of Formation to Establish A Policy Regarding Consecutive Years of Service

Requested Action

Approve a Resolution to Amend the Corporation's Certificate of Formation

Recommendation

Approve Resolution

Description/History

The City Council authorized the City Manager to make changes beginning January 1, 2022 to establish a policy regarding consecutive years of service. Directors may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from that board or commission that is equal to or no less than twelve months. This change is being made to give others in a growing community an opportunity to serve and to encourage those that have served for multiple, consecutive terms opportunities to serve in different capacities. This change requires an amendment of the Corporation Bylaws and Certificate of Incorporation by the MPFDC Board and City Council. The proposed amendments were approved at the November 17, 2022 MPFDC board meeting.

Justification

The amendments to the Bylaws will coincide with the direction from City Council.

Funding Source

N/A

Prepared By

Matt Young
Executive Director of Community Services
matt.young@mansfieldtexas.gov

817-728-3397

RESOLUTION NO. _____**A RESOLUTION APPROVING AMENDMENTS TO THE MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION'S CERTIFICATE OF FORMATION; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Mansfield Park Facilities Development Corporation ("Corporation") is a Texas non-profit corporation operating under the Development Corporation Act of 1979, codified in Subtitle C1 of Title 12 of the Texas Local Government Code, Chapters 501 through 505, as amended, (the "Act") and the Texas Non-Profit Corporation Act, as amended, and other applicable laws; and,

WHEREAS, the Corporation's Certificate of Formation as currently written does not limit the terms for directors; and,

WHEREAS, the Corporation's Board of Directors desires to amend the Certificate of Formation to establish term limits for directors.

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

SECTION 1.

The proposed amendments to the Corporation's Certificate of Formation, attached hereto as Exhibit "A," have been reviewed by the City Council of the City of Mansfield, and found to be acceptable and in the best interest of the City of Mansfield and its citizens, and is hereby in all things approved.

SECTION 2.

Upon the City Council's approval of the amendment described above, the Corporation, through its attorney and staff, shall prepare all documents necessary to effectuate the amendment, including but not limited to preparing and filing a certificate of amendment, and the Corporation's Board President is authorized to execute all necessary documents.

SECTION 3.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

Resolution No. _____

22-5091

Page 2 of 2

ATTEST:

Susana Marin, City Secretary

**ARTICLES OF INCORPORATION
OF
MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION**

WE, THE UNDERSIGNED natural persons, not less than three in number, each of whom is at least 18 years of age and is a qualified elector of the City of Mansfield, Texas (the "City"), acting as incorporators of a public instrumentality and non-profit industrial development corporation (the "Corporation") under the Development Corporation Act of 1979, as amended, Article 5190.6, Vernon's Ann. Civ. St., as amended (the "Act"), with the approval of the City Council (the "City Council") of the City, do hereby adopt the following Articles of Incorporation for the Corporation:

ARTICLE ONE

The name of the Corporation is "Mansfield Park Facilities Development Corporation."

ARTICLE TWO

The Corporation is a non-profit industrial development corporation under the Act and is governed by Section 4B of the Act.

ARTICLE THREE

Subject to the provisions of Article Eleven of these Articles, the period of duration of the Corporation is perpetual.

ARTICLE FOUR

- (a) The purpose of the Corporation is to promote economic development within the City and the State of Texas in order to eliminate unemployment and underemployment, and to promote and encourage employment and the public welfare of, for, and on behalf of the City by developing, implementing, providing, and financing projects under the Act and as defined in Section 4B of the Act.
- (b) In the fulfillment of its corporate purpose, the Corporation shall have the power to provide financing to pay the costs of projects through the issuance or execution of bonds, notes, and other forms of debt instruments, and to acquire, maintain, and lease and sell property, and interests therein, all to be done and accomplished on behalf of the City and for its benefit and to accomplish its public and governmental purposes as its duly constituted authority and public instrumentality pursuant to the Act and under, and within the meaning of, the Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Treasury Department and the rulings of the Internal Revenue Service of the United States prescribed and promulgated thereunder.
- (c) In the fulfillment of its corporate purpose, the Corporation shall have and may exercise the powers described in paragraph (b) of this Article, together with all of the other

powers granted to corporations that are incorporated under the Act and that are governed by Section 4B thereof, and, to the extent not in conflict with the Act, the Corporation shall additionally have and may exercise all of the rights, powers, privileges, authorities, and functions given by the general laws of the State of Texas to nonprofit corporations under the Texas Non-Profit Corporation Act, as amended, Article 1396-1.01, et seq., Vernon's Ann. Civ. SL, as amended.

- (d) The Corporation is a corporation having the purposes and powers permitted by the Act pursuant to the authority granted in Article III, Section 52-a of the Texas Constitution, but the Corporation does not have, and shall not exercise the powers of sovereignty of the City, including the power to tax (except for the power to receive and use the sales and use taxes specified in Section 4B of the Act) and the police power, except that the Corporation shall have and may exercise the power of eminent domain when the exercise thereof is approved by the City Council. However, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practice and Remedies Code), the Corporation is a governmental unit and its actions are governmental functions.
- (e) No bonds, notes, or other debt instruments or other obligations, contracts, or agreements of the Corporation are or shall ever be deemed to be or constitute the contracts, agreements, bonds, notes, or other debt instruments or other obligations, or the lending of credit, or a grant of the public money or things of value, of, belonging to, or by the State of Texas, the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them. Any and all of such contracts, agreements, bonds, notes, and other debt instruments and other obligations, contracts and agreements shall be payable solely and exclusively from the revenues and funds received by the Corporation from the sources authorized by Section 4B of the Act and from such other sources as may be otherwise lawfully available and belonging to the Corporation from time to time.

ARTICLE FIVE

The Corporation has no members and is a non-stock corporation.

ARTICLE SIX

These Articles of Incorporation may be amended in either one of the methods prescribed in this Article.

- (a) Pursuant to the powers of the City contained in Section 17(b) of the Act, the City Council, by resolution, may amend these Articles of Incorporation by filing amendments hereto with the Secretary of State as provided by the Act.
- (b) The board of directors of the Corporation may file a written application with the City Council requesting approval of proposed amendments to these Articles of Incorporation, specifying in such application the proposed amendments. If the City Council, by appropriate resolution, finds and determines that it is advisable that the proposed amendments be

made, authorizes the same to be made, and approves the form of the proposed amendments, the board of directors of the Corporation may proceed to amend these Articles of Incorporation in the manner provided by the Act.

- (c) The board of directors of the Corporation shall not have any power to amend these Articles of Incorporation except in accordance with the procedures established in paragraph (b) of this Article.

ARTICLE SEVEN

The street address of the initial registered office of the Corporation is the City Hall, 1305 East Broad Street, Mansfield, Texas 76063-1896, and the name of its initial registered agent at such address is TommieMcGovern-Johnson.

ARTICLE EIGHT

The affairs of the Corporation shall be managed by a board of directors which shall be composed of seven (7) persons appointed by the City Council, who are residents of the City. At least three members shall be persons who are not members of the City Council and who are not employees or officers of the City. The City Council may also appoint one (1) alternate director who must meet all qualifications of regular directors imposed by law and shall serve only in the absence of a regular director. The names and street addresses of the persons who are to serve as the initial directors of the respective classes and the dates of expiration of their initial terms as directors, are as follows:

NAMES	ADDRESSES	DATE OF EXPIRATION OF TERM	CLASS OF DIRECTOR
Jim Cockrell	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Council member
Rusty Burris	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Council member
Tom Fraser	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Council member
McClendon Moody	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Council member
Richard Wood	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Citizen member
Don Barg	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Citizen member
Steve Baker	1305 East Broad Street Mansfield, Texas 76063-1896	March 10, 1994	Citizen member

Each director shall hold office for the term for which the director is appointed unless sooner removed or resigned. Each director, including the initial directors, shall be eligible for reappointment. Directors are removable by the City Council at will and must be appointed for a term of two (2)

years. If a director of the Council member Class shall cease to be a member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the same class. Any vacancy occurring on the board of directors through death, resignation or otherwise shall be filled by appointment by the City Council to hold office until the expiration of the vacating member's term.

Effective January 1, 2022, directors may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from the board of directors that is equal to no or less than twelve (12) months.

ARTICLE NINE

The name and street address of each incorporator are:

Name	Address
Clayton W. Chandler	1305 East Broad Street Mansfield, Texas 76063-1896
Tommie McGovern-Johnson	1305 East Broad Street Mansfield, Texas 76063-1896
Kathryn Howard	1305 East Broad Street Mansfield, Texas 76063-1896

ARTICLE TEN

- (a) The initial bylaws of the Corporation shall be in the form and substance approved by the City Council in its resolution approving these Articles of Incorporation. Such bylaws shall be adopted by the Corporation's board of directors and shall, together with these Articles of Incorporation, govern the internal affairs of the Corporation until and unless amended in accordance with this Article.
- (b) Neither the initial bylaws nor any subsequently effective bylaws of the Corporation may be amended without the consent and approval of the City Council. The board of directors of the Corporation shall make application to the City Council for the approval of any proposed amendments, but the same shall not become effective until or unless the same shall be approved by resolution adopted by the City Council.

ARTICLE ELEVEN

- (a) The City Council may, in its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Corporation, and it may terminate or dissolve the Corporation, subject to the provisions of paragraphs (b) and (c) of this Article.
- (b) The Corporation shall not be dissolved, and its business shall not be terminated, by act of the City Council or otherwise, so long as the Corporation shall be obligated to pay any bonds, notes, or other obligations and unless the collection of the sales and use tax authorized by Section 4B of the Act is eligible for termination in accordance with the provisions of Section 4B(i) of the Act.

- (c) No action shall be taken pursuant to paragraphs (a) and (b) of this Article or pursuant to paragraph (b) of Article Twelve of these Articles, in any manner or at any time that would impair any contract, lease, right, or other obligation theretofore executed, granted, or incurred by the Corporation.

ARTICLE TWELVE

- (a) No dividends shall ever be paid by the Corporation and no part of its net earnings remaining after payment of its expenses and other obligations shall be distributed to or inure to the benefit of its directors or officers, or any individual, private firm, or private corporation or association, except in reasonable amounts for services rendered.
- (b) If, after the close of any fiscal year, the board of directors shall determine that sufficient provision has been made for the full payment of all current expenses, together with all amounts payable on the contracts, agreements, bonds, notes, and other obligations of the Corporation, and that all of the terms, provisions, and covenants therein have been met, then any net earnings derived from sources other than the sales and use taxes collected for the account of Corporation pursuant to Section 4B of the Act thereafter accruing and lease payments received in connection with projects financed pursuant to Section 4B of the Act shall be paid to the City. All sales and use taxes collected for the account of the Corporation pursuant to Section 4B of the Act, and lease payments received in connection with projects financed pursuant to Section 4B of the Act shall be used solely for the purposes permitted by Section 4B of the Act.
- (c) If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of all debts, claims, and contractual obligations, including any contractual obligations granting rights of purchase of property of the Corporation.
- (d) No part of the Corporation's activities shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in any political campaign of or in opposition to any candidate for public office.

ARTICLE THIRTEEN

The City has specifically authorized the Corporation by resolution to act on its behalf to further the public purposes stated in said resolution and in these Articles of Incorporation, and the City has by said resolution approved these Articles of Incorporation. A copy of said resolution is on file among the permanent public records of the City and the Corporation.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5094

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Amending the Bylaws for the Historic Preservation Advisory Board to Establish a Policy Regarding Consecutive Years of Service

Requested Action

Approve a Resolution to Amend the Bylaws for the Historic Preservation Advisory Board

Recommendation

Approve Resolution

Description/History

The City Council authorized the City Manager to make changes beginning January 1, 2022 to establish a policy regarding consecutive years of service. Directors may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from that board or commission that is equal to or no less than twelve months. This change is being made to give others in a growing community an opportunity to serve and to encourage those that have served for multiple, consecutive terms opportunities to serve in different capacities. In addition, the Bylaws are being updated to reflect a change from eight (8) members to seven (7) members. The proposed amendments were approved at the November 2022 Historic Preservation Advisory board meeting.

Justification

The amendments to the Bylaws will coincide with the direction from City Council

Prepared By

Yolanda Botello
Director of Library and Historical Services

RESOLUTION NO. _____

A RESOLUTION AMENDING THE BYLAWS FOR THE HISTORIC PRESERVATION ADVISORY BOARD

WHEREAS, the Historic Preservation Advisory Board is a board of the City of Mansfield; and,

WHEREAS, city staff have reviewed the amendments; and,

WHEREAS, it is in the interest of the public that the historic preservation advisory board continue its mission in advocating for the preservation of the history of the City of Mansfield.

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

SECTION 1.

The Historic Preservation Advisory Board bylaw amendments are effective and shall remain as the operating guidelines until such time as it is necessary that they be altered.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

Historic Preservation Advisory Board By-Laws

Amended October 27, 2022

Article I

CREATION

The Historic Preservation Advisory Board was created by the Mansfield City Council on January 28, 2019.

Article II

PURPOSE

The mission of the Historic Preservation Advisory Board is to advise in the preservation, protection, and promotion of the historical resources of Mansfield for the education and enjoyment of its citizens and visitors.

Article III

MEMBERSHIP

Section 1.

The board shall be composed of ~~eight~~ seven members. ~~Seven~~ Six seats are appointed by the City Council who evaluates applications of potential board applicants and appoints its members. Terms are generally two years, or otherwise as set by the City Secretary and City Council. The ~~eighth~~ seventh seat is held by the President of the Mansfield Historical Society.

Section 2.

The Museum Manager will serve as an ex-officio member of the board with no voting privileges.

Section 3.

The City Council may appoint a Council member to serve ex-officio as liaison between the Council and the Historic Preservation Advisory Board.

Article IV

OFFICERS

Section 1.

The members of the Board shall meet and elect a Chairperson, Vice-Chairperson and Secretary.

Section 2.

Officers of the Board shall be elected annually at the meeting in October or at other appropriate times to fill vacancies. The term of office is one calendar year.

- (a) **Chairperson:** The Chair shall preside over all meetings, appoint special committees as needed and authorize calls for any special meetings.
- (b) **Vice-Chairperson:** The Vice-Chairperson shall act in the place of the Chairperson in the event of his/her absence or inability or refusal to act, and shall exercise and discharge such other duties as may be required by the Board.
- (c) **Secretary:** The Secretary shall keep accurate records of meeting minutes in coordination with the Museum Manager. The Manager will be responsible for ensuring that the minutes are input into the City's electronic record system as required.

Article V

DUTIES OF BOARD MEMBERS

Section 1.

The Historic Preservation Advisory Board shall serve in an advisory capacity to the Museum Manager concerning the acquisition, maintenance, operation and use of the facilities, equipment and grounds of the Mansfield Historical Museum, Man House and other historical sites and programs. It will also foster an appreciation for local history in our community.

Section 2.

The Board shall create and revise as necessary, a mission statement to guide the Museum Manager.

Section 3.

The Board shall confer and work with the Museum Manager to make recommendations to city officials relating to historical preservation.

Section 4.

The Board shall assist and recommend programs of education for all age levels, for the effective implementation of such programs and to assist the Museum Manager in the development and adoption of such plans and recommendations.

Section 5.

The Board shall study and recommend exhibits, artifacts and displays for the museums.

Section 6.

The Board shall have the advisory input on all matter relating to the rules and regulations pertaining to the operation and use of the Museum facilities.

Section 7.

It shall not be an activity of the Board to make expenditures of city funds, nor order any work done on its own authority.

Section 8.

The Board shall have no authority to employ or discharge employees of the City. The Board shall not have authority of the duty assignments of any City employee.

Section 9.

Members of the Board shall serve as advocates for historical preservation within the community.

Section 10.

Board members shall be involved in the activities of the museum by volunteering and attending museum programs and events.

Section 11.

Committees may be appointed for special purposes by the Chairperson and with the consent of the majority of the Board. All committees will have at least one Board member serving on them. These committees will be dissolved upon completion of their assignments.

Section 12.

Board members must, upon their appointment or election as President of the Historical Society, complete all documentation and training required by the City.

Section 13.

Board members may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from that board or commission that is equal to or no less than twelve (12) months.

~~Board members will be limited to serving three consecutive terms for a total of six years.~~

Article VI

MEETINGS

Section 1.

The Board shall hold such regular meetings as may be determined by the Board, and as many other special or called meetings as necessary, provided that adequate notice is given to all Board members and the public, in accordance with City policy and Chapter 551 of the Texas

Government Code, also referred to as the Open Meetings Act. The posting of the meetings shall conform to the requirements of the Open Meetings Act.

Section 2.

Five members of the Board shall constitute a quorum for the transaction of business, and the general rules of parliamentary procedure shall be enforced in all proceedings of the Board. In the absence of a quorum, the meeting will be cancelled.

Section 3.

All questions presented for a vote of the Board will be decided by a simple majority of the quorum, including the vote of the Chairperson.

Section 4.

The Board shall welcome the general public to the meetings. Visitors to meetings shall have no voting authority.

Article VII

CODE OF ETHICS

Section 1.

Members of the Historic Preservation Advisory Board shall serve without compensation.

Section 2.

Members of the Board shall avoid situations where conflict of interest may occur by refraining from personally collecting objects sought by the Museum for the permanent collection.

Article VIII

AMENDMENTS

Any of the by-laws not set forth by city policy can be amended by majority vote at any board meeting where a quorum is present.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5103

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Amending the Bylaws for the Mansfield Public Library Advisory Board to Establish a Policy Regarding Consecutive Years of Service

Requested Action

Approve a Resolution to Amend the Bylaws for the Mansfield Public Library Advisory Board

Recommendation

Approve Resolution

Description/History

The City Council authorized the City Manager to make changes beginning January 1, 2022 to establish a policy regarding consecutive years of service. Directors may serve up to three consecutive terms for a total of six years unless the change causes an excess of 25% of the board or commission to turn over, then the most senior members in time would terminate and that a term member can reapply after a break from that board or commission that is equal to or no less than twelve months. This change is being made to give others in a growing community an opportunity to serve and to encourage those that have served for multiple, consecutive terms opportunities to serve in different capacities. In addition, the Bylaws are being updated to reflect a change from nine (9) members to seven (7) members. The proposed amendments were approved at the November 9, 2022 Mansfield Public Library Advisory board meeting.

Justification

The amendments to the Bylaws will coincide with the direction from City Council.

Prepared By

Yolanda Botello
Director of Library and Historical Services

RESOLUTION NO. _____

A RESOLUTION AMENDING THE BYLAWS FOR THE MANSFIELD PUBLIC LIBRARY ADVISORY BOARD

WHEREAS, the Mansfield Public Library Advisory Board is board of the City of Mansfield; and,

WHEREAS, city staff have reviewed the amendments; and,

WHEREAS, it is in the interest of the public that the library advisory board continue its mission in advocating for the library and the community they serve.

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

SECTION 1.

The Mansfield Public Library Advisory Board bylaw amendments are effective and shall remain as the operating guidelines until such time as it is necessary that they be altered.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

By-Laws of the Mansfield Public Library Advisory Board

Article I

Definition

The Mansfield Public Library Advisory Board is appointed by the Mansfield City Council to serve as the liaison between the Library and the community, and to advise the Council, City Administration and Director of Library and Historical Services ~~City Librarian~~ on matters pertaining to public library service.

Section 1

There are ~~seven (7)~~ nine (9) Library Board members who serve staggered two-year terms and meet regularly or as necessary with the Director of Library and Historical Services. ~~Meetings are open to the public, are held in accordance with City policy, and follow specific rules of order.~~

Section 2

The Library Board members will be limited to serving three consecutive terms for a total of six years.

Term limits were established to begin January 1, 2022 to limit the terms to six year for all board and commission members unless the change causes an excess of 25% of the board or commission to turn over. If there is an excess of 25% of turnover then the most senior members in time would terminate.

A member can reapply after a break from that board or commission that is equal to or no less than twelve months.

Section 3

Meetings are open to the public, are held in accordance with City policy, and follow specific rules of order.

For more details on the Library Advisory Board and its meetings, see *Guidelines for Library Advisory Board Meetings*, separately.

Article II

Meetings

Section 1

Regular meetings of the Library Board will be held at a time designated by the Board in the library or in another place which the Board may determine.

Section 2

Special meetings may be called by the President or at the call of any two members of the Board, provided that adequate notice is given to all Board members and the public, in accordance with City policy and Chapter 551 of the Texas Government Code, also referred to as the *Open Meetings Act*. Meeting announcements will be posted at the entrances and on the public bulletin boards of the Mansfield Public Library.

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Section 3

A majority of members will constitute a quorum at all meetings of the Board. In the absence of a quorum, the meeting will be cancelled.

Section 4

All questions presented for a vote of the Library Advisory Board will be decided by a simple majority of the quorum, including the vote of the President.

Section 5

Any member of the Board who misses three consecutive meetings without cause may be considered to have resigned, in which case the Board may recommend to the City Council that a replacement be appointed for the balance of the unexpired term.

Section 6

Robert's Rules of Order Newly Revised (RONR) will govern the parliamentary procedure of the Board, in all cases to which they are applicable, and in which they are not inconsistent with these by-laws and/or City policies and practices.

Article III

Officers

Section 1

Officers of the Library Board will be the President, the Vice-President, and the Secretary.

Section 2

Officers will be elected and take office at the annual meeting of the Board, held in November.

Section 3

Vacancies in office will be handled as follows:

- a. In the event of resignation or incapacity of the President, the Vice-President will become President for the unexpired portion of the term.
- b. Vacancies for officers other than the President will be filled for the unexpired term by a special election of the board.

Section 4

Duties of the officers will be as follows:

- a. **President**

- i. Preside at all meetings, following the agenda, keeping the meeting on track, and maintaining order and decorum.
 - ii. Appoint special committees.
 - iii. Assist the Director of Library and Historical Services in establishing the agenda for each meeting. Agenda items requested by board members will be included.
 - iv. In the absence of the Secretary, sign the approved minutes.
- b. Vice-President**
 - i. Assist the President in directing the affairs of the Board and act in the President's absence.
 - ii. In the absence of the Secretary and the President, sign the approved minutes.
- c. Secretary**
 - i. Be responsible for the accuracy of the minutes of the board meetings and bring any corrections to the attention of the Board at the next meeting.
 - ii. Sign the approved minutes and file them with the Director of Library and Historical Services.

Article IV

Committees

Section 1

Committees may be appointed for special purposes by the President and with the consent of the majority of the Library Board. All committees will have at least one Library Board member serving on them. These committees will be dissolved upon completion of their assignments.

Article V

Ex-Officio Members

Section 1

The Director of Library and Historical Services will be an ex-officio member of the Library Board and may act as parliamentarian.

Section 2

The City Council may appoint a Council member to serve ex-officio as liaison between the Council and the Library Board.

Section 3

The City Manager or his/her designee will serve as a non-voting ex-officio member of the Library Board.

Section 4

The President of the Friends of the Mansfield Public Library will be an ex-officio member of the Library Board.

Article VI

Powers and Duties of the Library Board Members

Section 1

Library Board members will:

- a. Attend board meetings and become familiar with how the library is organized and functions.
- b. Abide by applicable ordinances of the City of Mansfield.
- c. Act in an advisory capacity to the City Council, City Administration, and the Director of Library and Historical Services.
- d. Refrain from participating in the day to day management concerns of the library.
- e. Encourage citizen participation and input at board meetings and refer comments, suggestions, and recommendations to the Director of Library and Historical Services, who will take them under advisement.
- f. Work with the Director of Library and Historical Services to recommend policies to govern the operation and programs of the library.
- g. Assist in long-rang planning, including planning for expansion of library facilities.
- h. Assist in interpreting the policies and functions of the Mansfield Public Library to the public.
- i. Encourage in every way, the development of public library service.
- j. Represent the Library at public functions.

Article VII

Amendments

These by-laws may be amended by majority vote at any regular meeting, provided that the appropriate established guidelines have been followed for introducing and conducting Library Board business (see *Guidelines for Conduct of Library Advisory Board Meetings*). Amendments will be subject to the approval of the Mansfield City Council.

Approved by the Mansfield Public Library Advisory Board October 10, 2012

Amended by City Council September 2021



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5144

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Appointing Mayor Michael Evans as a Cluster City Representative to the North Central Texas Council of Governments Regional Transportation Council (RTC)

Requested Action

Approval of the Resolution.

Recommendation

Approval of the resolution appointing Mayor Michael Evans as a cluster city representative to the North Central Texas Council of Governments Regional Transportation Council (RTC).

Description/History

The City of Mansfield represents the Cities of Crowley, Benbrook, Kennedale, Forest Hill and Everman (Cluster Cities) on the North Central Texas Council of Governments Regional Transportation Council (RTC). The Regional Transportation Council is the independent transportation policy body of the Metropolitan Planning Organization. The RTC's 45 members include local elected or appointed officials from the metropolitan area and representatives from each of the area's transportation providers. The RTC oversees the metropolitan transportation planning process.

Their Primary activities include:

- Guiding the development of multimodal transportation plans and programs
- Determining the allocation of Federal, State and Regional transportation funds
- Selecting transportation projects and recommending projects to the Texas Transportation Commission
- Ensuring transportation providers coordinate services
- Ensuring the metropolitan area complies with State and Federal laws and regulations regarding transportation and air quality.

Councilmember Mike Leyman previously represented Mansfield and the Cluster Cities and on the RTC.

Justification

The resignation of Councilmember Leyman created a vacancy on the RTC. This vacancy needs to be filled by a Councilmember from Mansfield. The Assistant Director of Public Works-Transportation will be in attendance to answer any questions Council may have regarding this resolution.

Funding Source

N/A

Prepared By

David Boski, P.E.

Asst. Director Public Works/Transportation

Public Works Department

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPOINTING MAYOR MICHAEL EVANS AS A CLUSTER CITY REPRESENTATIVE TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS REGIONAL TRANSPORTATION COUNCIL (RTC)

WHEREAS, The North Central Texas Council of Governments Regional Transportation Council is the independent transportation policy body of the Metropolitan Planning Organization; and,

WHEREAS, The Regional Transportation Council’s members include local elected or appointed officials from the metropolitan area and representatives from each of the area's transportation providers; and,

WHEREAS, the City of Mansfield provides representation on the Regional Transportation Council and represents the cluster cities of Crowley, Benbrook, Kennedale, Forest Hill and Everman; and,

WHEREAS, the City of Mansfield’s seat on the Regional Transportation Council is currently vacant; and,

WHEREAS, the City Council has appointed a representative to the Regional Transportation Council.

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

SECTION 1.

Mayor Michael Evans is appointed as a Cluster City Representative to the North Central Texas Council of Governments Regional Transportation Council.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5145

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing a Contract with Plummer and Associates, Inc. for the Bud Ervin Water Treatment Plant Phase V Expansion for an Amount Not to Exceed \$3,735,921.00 (Utility Fund)

Requested Action

Consider Approval of the Contract with Plummer and Associates, Inc. for the Bud Ervin Water Treatment Plant Phase V Expansion.

Recommendation

Staff recommends approval of the Contract with Plummer and Associates, Inc. for the Bud Ervin Water Treatment Plant Phase V Expansion.

Description/History

The scope of this contract includes an evaluation of current membrane technologies and suppliers for the replacement of the Bud Ervin Water Treatment Plant’s existing membrane system with considerations to expand the treatment capacity of the Bud Ervin Water Treatment Plant up to 75 million gallons per day (MGD). The scope also includes the design of the mechanical, electrical, instrumentation, structural, architectural, HVAC and civil processes required to increase the treatment and production of drinking water.

A Contract-at-Risk (CMAR) will be retained to assist the City of Mansfield and Plummer and Associates with the value engineering, equipment procurement, project management, and construction.

The requested funds are for design services with Plummer and Associates, Inc. in the amount of \$3,735,921.00, which includes a \$200,000 for Special Services for potential design scope changes and other miscellaneous services.

Justification

The existing treatment capacity of the Bud Ervin Water Treatment Plant is rated for 45 MGD. Operating trends and regulatory requirements indicate additional treatment capacity is needed for the City of Mansfield to meet new growth demands. The Bud Ervin Water Treatment Plant is designed to meet an ultimate capacity of 60 MGD. Membrane technology improvements may allow treatment capacity improvements up to 75 MGD utilizing the existing treatment infrastructure and distribution system.

The existing Pall membranes were put into service in 2010 with an estimated life expectancy of 10 years when operated at full capacity. While the existing membranes have been thoroughly maintained and operated at less than maximum capacity, replacement of existing membranes is recommended for continued drinking water treatment and production reliability. Further, existing membrane replacement is

required for expansion to another membrane technology and manufacturer if selected.

Funding Source

Utility Fund

Prepared By

Luke Goralski, Project Engineer, Engineering Department, 817-276-4234

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH PLUMMER ASSOCIATES, INC. FOR THE DESIGN OF THE BUD ERVIN WATER TREATMENT PLANT PHASE V EXPANSION FOR AN AMOUNT NOT TO EXCEED \$3,735,921.00 (UTILITY FUND)

WHEREAS, the CITY owns and operates the Bud Ervin Water Treatment Plant, which produces drinking water for the entire City; and,

WHEREAS, Plummer Associates, Inc. and the City of Mansfield have negotiated an agreement on scope of services and fee; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield to enter into an engineering contract for the Bud Ervin Water Treatment Plant Phase V Expansion.

WHEREAS, the funding source for the Bud Ervin Water Treatment Plant Phase V Expansion will be from the Utility Fund.

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

SECTION 1.

The City Manager or his designee is hereby authorized to execute an agreement with Plummer Associates, Inc. for to the Bud Ervin Water Treatment Plant Phase V Expansion for an amount not to exceed Three Million Five Hundred Thirty-Five Thousand and Nine Hundred and Twenty-One Dollars 00/100 Cents (\$3,535,921.00).

SECTION 2.

Funding is hereby authorized to include Two Hundred Thousand Dollars and No Cents (\$200,000.00) in special services for a total amount not to exceed Three Million Seven Hundred Thirty-Five Thousand and Nine Hundred and Twenty-One Dollars 00/100 Cents (\$3,735,921.00).

SECTION 3.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

Resolution No. _____

23-5145

Page 2 of 2

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5146

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Determining the Construction-Manager-At-Risk Delivery Method as Providing the Best Value for the Construction of the Bud Ervin Water Treatment Plant Phase V Expansion

Requested Action

Consider the resolution authorizing the Construction-Manager-At-Risk Delivery Method as Providing the Best Value for the Construction of the Bud Ervin Water Treatment Plant Phase V Expansion.

Recommendation

Staff recommends approval

Description/History

A Contract-at-Risk (CMAR) will be retained to assist the City of Mansfield and Plummer and Associates Inc. with value engineering, equipment procurement, project management, and construction.

Justification

CMAR models cost throughout design and provides a guaranteed maximum price. CMAR collaborates with owner and engineer to provide input on constructability. Construction can begin in phases and can include early equipment procurement.

Funding Source

Utility Operations Fund

Prepared By

Alex Whiteway., Assistant Director, Water Utilities Department
817-728-3615

RESOLUTION NO. _____**A RESOLUTION DETERMINING THE CONSTRUCTION MANAGER-AT-RISK DELIVERY METHOD AS PROVIDING THE BEST VALUE FOR THE CONSTRUCTION OF THE BUD ERVIN WATER TREATMENT PLANT PHASE V EXPANSION**

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, Texas Government Code section 2267.056(a) requires that, in order to select a construction delivery method other than competitive bidding, before advertising, the governing body of the City is required to determine which delivery method under Chapter 2267 of Texas Government Code provides the best value to the City; and,

WHEREAS, the City Council has determined that the Bud Ervin Water Treatment Plant should be expanded to provide needed capacity; and,

WHEREAS, the City Council understands the Construction Manager at Risk method of delivery generally brings overall value and time savings to construction projects similar to the Bud Ervin Water Treatment Plant Phase V Expansion; and,

WHEREAS, constructability and value to the Owner are afforded by the Value Engineering expertise brought to the process by the CMAR; and,

WHEREAS, the City Council understands the Construction Manager at Risk services are professional services like architectural, engineering, surveying etc. and the Construction Manager at Risk's purpose is not only to construct the project, but to manage the coordination and construction of the project.

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

SECTION 1.

The City Council does hereby find that the Construction Manager-At-Risk delivery method provides the best value for the City in the construction of the Bud Ervin Water Treatment Plant Phase V Expansion and does hereby designate the Construction Manager-At-Risk delivery method for the construction of that project.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5155

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Amending the Bylaws for the Mansfield Economic Development Corporation Board to Establish a Policy Regarding Consecutive Years of Service; the Appointment of its President; and its Purchasing Guidelines

Requested Action

Pass the resolution amending the bylaws for the Mansfield Economic Development Corporation Board.

Recommendation

Staff is recommending the adoption of the amended bylaws for the Mansfield Economic Development Corporation Board.

Description/History

It is necessary to update the bylaws to reflect the City Council's policy regarding consecutive years of service for all of its Boards and the appointment of its Chair/President. It is also necessary to update the bylaws to reflect the city's purchasing policy with purchases of goods and services.

Justification

The amendments to the bylaws will coincide with the direction from City Council.

Prepared By

Jason Moore, Executive Director of Economic Development

RESOLUTION NO. _____**A RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION’S BYLAWS; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Mansfield Economic Development Corporation (“Corporation”) is a Texas non-profit corporation operating under the Development Corporation Act of 1979, codified in Subtitle C1 of Title 12 of the Texas Local Government Code, Chapters 501 through 505 (the “Act”) and the Texas Non-Profit Corporation Act, as amended, and other applicable laws; and,

WHEREAS, the Corporation’s Board of Directors desires to amend the Bylaws to establish a policy regarding consecutive years of service for directors; and,

WHEREAS, the Corporation’s Board of Directors further desires to amend the Bylaws by amending its purchasing guidelines to align with the City’s adopted purchasing policies; and,

WHEREAS, the Corporation shall appoint a president selected by the City Council each year; and,

WHEREAS, the amendments to the Bylaws are consistent with state law and with the Certificate of Formation of the Corporation.

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

SECTION 1.

The proposed amendments to Corporation’s Bylaws, attached hereto as Exhibit “A,” have been reviewed by the City Council of the City of Mansfield, and are found to be acceptable and in the best interest of the City of Mansfield and its citizens, and is hereby in all things approved.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

**BYLAWS OF
MANSFIELD ECONOMIC DEVELOPMENT CORPORATION**

**ARTICLE I
PURPOSE AND POWERS**

Section 1. Purpose. The Mansfield Economic Development Corporation (the "Corporation") is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, the same to be accomplished on behalf of the City of Mansfield, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Local Government Code, Title 12, Subtitle C1, (the "Code") and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by the Code and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the Code, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof. The Corporation is a Type A corporation governed by Chapter 504 of the Local Government Code.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1. Powers of Board. The property and affairs of the Corporation shall be managed and controlled by the Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation subject to the City Council's approval of the Corporation's annual budget.

Section 2. Number. The Board shall consist of seven (7) directors, each of whom shall be appointed by the City Council (the "City Council") of the City, and one (1) ex-officio non-voting member. The City Manager or his/her designee shall serve as the ex-officio member. The City Council may appoint an alternate director in the same manner as the seven (7) directors. If a director is absent from a Board meeting, the alternate director may replace the absent director and will act as the director during the Board meeting. The alternate director is encouraged to attend all Corporation Board meetings. All directors shall reside within the City of Mansfield or at a Mansfield postal address. All directors shall abide by and be subject to the City Code of Ethics.

Section 3. Term of Office. The directors shall have the qualifications, and shall be of the classes of directors set forth in the Articles of Incorporation and shall be appointed to terms not to exceed two (2) years. Beginning January 1, 2022 service on the Board is limited to three (3) consecutive terms for a total of six (6) years unless the change causes an excess of 25% of the Board to turn over, then the most senior members in time would

terminate and a term member can reapply after a break from the Board that is equal to or no less than twelve (12) months.

Section 4. Removal and Vacancy. Any member may be removed from office by the City Council at will. In case of a vacancy on the Board for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term.

Section 5. Meetings of Directors. The members, at their discretion, may hold meetings at such time or place in the City as so determined by the Board.

Section 6. Notice of Meetings to Board Members.

(a) Regular meetings of the Board shall be held without the necessity of notice to directors. Special meetings of the Board shall be held whenever called by the president, by the secretary, by a majority of the members, by the Mayor of the City, or by a majority of the City Council. Except in the case of an emergency, special meetings require three (3) days notice to each director, either personally or by mail. Emergency meetings shall be held in accordance with the Open Meetings Act.

(b) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box with a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the notice to directors or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 7. Open Meetings Act. All meetings and deliberations of the Board shall be called, convened, held, and conducted, and notice shall be given to the public in accordance with the Texas Open Meetings Act, Chapter 551. Texas Government Code, as amended.

Section 8. Quorum. A majority of four (4) regular voting members shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 9. Conduct of Business. At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board. At all meetings of the Board, the president shall preside, and in the absence of the president, the vice president shall exercise the powers of the president. The secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 10. Committees of the Board. The Board may designate up to three (3) directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 11. Compensation of Directors. Directors shall not receive any salary or compensation for their services. However, they shall be reimbursed for their actual expenses incurred in the performance of their duties thereunder, including but not limited to the cost of travel, lodging and incidental expenses reasonably related to the corporate duties of the Board. Travel expenses incurred by directors for both regular and special meetings are not eligible for reimbursement.

ARTICLE III OFFICERS

Section 1. Officers and Terms Established. The officers of the Corporation shall be a president, a vice president, a secretary and a treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the president shall not hold the office of secretary. The Board shall appoint a president selected by the City Council each calendar year. The vice president, secretary, and treasurer shall be elected at the meeting of the board in the month of October. Terms of office shall be one (1) year with the right of an officer to be reappointed/reelected.

Section 2. Removal. All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.

Section 3. Vacancy. A vacancy in the office of vice president, secretary, or treasurer shall be filled by a vote of a majority of the directors. A vacancy in the office of president shall be filled by the Board's appointment of the candidate selected by vote of the City Council.

Section 4. Powers and Duties of the President. The President shall be the chief executive officer of the Corporation, and, subject to the paramount authority of the Board. The President shall preside at all meetings of the Board, and may sign and execute all

contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation.

Section 5. Vice President. The Vice President shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the President during that officer's absence or inability to act. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

Section 6. Treasurer. The Treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these Bylaws. When necessary or proper, the treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank, banks or depositories as shall be designated by the Board consistent with these Bylaws. The Treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The Treasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his duties in such form and amount as the Board or the City Council may require.

Section 7. Secretary. The Secretary, or designee by the Board shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during normal business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 8. Qualifications. The President, Vice President, and the Secretary shall be named from among the members of the Board. The Treasurer, at the option of the Board, may be a person other than a member of the Board, or may be an employee of the City.

Section 9. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

ARTICLE IV FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. Contracts for Service.

(a) The Corporation may, with approval of the City Council, contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy - making functions in discharging the duties herein set forth. An administrative services contract may be executed between the Board and the City Council for the services provided by the Economic Development Director and staff of the Economic Development Department.

(b) Subject to the authority of the City Manager under the Charter of the City, the Corporation shall have the right to utilize the services of the staff and employees of the Finance Department, the staff and employees of the Engineering Department, the staff and employees of the Planning and Zoning Department, the staff and employees of the Economic Development Department (it is anticipated that such staff and employees will be employed pursuant to these Bylaws), and other employees of the City, provided (i) that the City Manager approves of the utilization of such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City. Utilization of the aforesaid city staff shall be solely by a contract approved by the City Council.

Section 2. Economic Development Director.

(a) Subject to the direction of the City Manager and advice from the Board, the Economic Development Director shall be the chief administrative officer of the Corporation and be in general charge of the properties and affairs of the Corporation, shall administer all work orders, requisitions for payment, purchase orders, contract administration/oversight, and other instruments or activities as prescribed by the Board in the name of the Corporation. The Economic Development Director shall be an employee of the City and report to the City Manager, or his/her designee.

(b) The Economic Development Director shall employ such full or part-time employees as needed to carry out the programs of the Board. These employees shall be employees of the City and perform those duties as are assigned to them. These employees shall be compensated as prescribed in Article IV, Section 1 of these Bylaws. The Economic Development Director shall have the authority, and subject to provisions of the City Charter and policies-procedures of the City, to hire, fire, direct, and control the work, as functionally appropriate, of all such employees and contractors.

Section 3. General Economic Development Plan.

(a) It shall be the duty and obligation of the Board, in coordination with the necessary contracting parties to research, develop, prepare, finance, and implement the economic development plan.

(b) In carrying out its obligations under subsection (a), the Corporation shall be authorized to exercise all rights and powers granted under the Code, including, but not limited to Chapter 504 thereof, and with the objective and for the purpose of developing and diversifying the economy of the State of Texas and the City, and the elimination of unemployment and underemployment in the State and the City and the expansion of commerce within the State.

(c) The Board shall direct staff to periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.

(d) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law, and the procurement policies of the City, as amended.

Section 4. Annual Corporate Budget. At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council.

Section 5. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs. The City shall at all times have access to the books and records of the Corporation.

(b) At the direction of the City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.

(c) The Corporation or the City if the option described in subsection (b) of this section is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the Corporation and approved by the City Council. Such audit shall be at the expense of the Corporation.

Section 6. Deposit and Investment of Corporate Funds.

(a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

(b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of its treasurer and such other persons as the Board shall designate. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

Section 7. Expenditures of Corporate Money. The monies of the Corporation, including sales and use taxes collected pursuant to the Code, monies derived from rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Code, subject to the following limitations:

(a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations to the purchasers thereof required by Section 6 of this Article;

(b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations may be used for the purposes of financing or otherwise providing one or more "Projects," as defined in or otherwise allowed by the Code. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council;

(c) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 4 of this Article or in contracts meeting the requirements of Section 1 of this Article.

(d) The Corporation may not assume a debt or make any expenditures to any principal or interest on a debt if the debt existed before the date the City created the Corporation.

Section 8. Issuance of Obligations. No Obligations, including refunding Obligations, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken prior to the date of sale of the Obligations.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office. The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

Section 2. Registered Agent. The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Code.

Section 3. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 4. Seal. The seal of the Corporation shall be as determined by the Board.

Section 5. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the president or secretary. The acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation.

Section 6. Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by a resolution, order or motion duly adopted by the City Council.

Section 7. Indemnification of Directors, Officers and Employees. As provided in the Code and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions. The Corporation shall indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys' fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

ARTICLE VI EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

(a) the approval of these Bylaws by the City Council, passed and approved on the ___ day of _____, 202__; and

(b) the adoption of these Bylaws by the Board, adopted on the ___ day of _____, 202__.

Section 2. Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Code.

BYLAWS OF
MANSFIELD ECONOMIC DEVELOPMENT CORPORATION

ARTICLE I
PURPOSE AND POWERS

Section 1. Purpose. The Mansfield Economic Development Corporation (the "Corporation") is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, the same to be accomplished on behalf of the City of Mansfield, Texas (the "City") as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, Article 5190.6, Vernon's Ann. Civ. St., as amended, (the "Act") Local Government Code, Title 12, Subtitle C1, (the "Code") and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by Section 4A the CodeAct and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the CodeAct, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof. The Corporation is a Type A corporation governed by Chapter 504 of the Local Government Code.

ARTICLE II
BOARD OF DIRECTORS

Section 1.- Powers of Board. The property and affairs of the Corporation shall be managed and controlled by the Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation subject to the City Council's approval of the Corporation's annual budget.

Section 2. Number. The Board shall consist of seven (7) directors, each of whom shall be appointed by the City Council (the "City Council") of the City, and one (1) ex-officio non-voting member. The City Manager or his/her designee shall serve as the ex-officio member. The City Council may appoint an alternate director in the same manner as the seven (7) directors. If a director is absent from a Board meeting, the alternate director may replace the absent director and will act as the director during the Board meeting. The alternate director is encouraged to attend all Corporation Board meetings. All ~~seven (7)~~ directors shall reside within the City of Mansfield or at a Mansfield postal address. All directors shall abide by and be subject to the City Code of Ethics.

(a) — The City Council may appoint an alternate director in the same manner as the seven (7) directors. If a director is absent from a Board meeting, the alternate director may replace the absent director and will act as the director during the Board meeting. The alternate director is encouraged to attend all Corporation

Board meetings.

Section 3. Term of Office. The directors ~~constituting the first Board shall be those members named in the Articles of Incorporation. All Boards appointed after January 1, 2005 and all subsequent Boards~~ shall have the qualifications, and shall be of the classes of directors set forth in the Articles of Incorporation and shall be appointed to terms not to exceed ~~two (2) years.~~; ~~Term limits were established b~~Beginning January 1, 2022 to limit the service on the Board is limited to three (3) consecutive terms for a total of six (6) years for all board and commission members unless the change causes an excess of 25% of the Bboard or commission to turn over, then the most senior members in time would terminate and a term member can reapply after a break from that board or commissionthe Board that is equal to or no less than twelve (12) months.

Section 4. Removal and Vacancy. Any member may be removed from office by the City Council at will. In case of a vacancy on the ~~B~~board for any reason, the City Council shall appoint a successor to serve the remainder of the unexpired term.

Section 5. Meetings of Directors. The members, at their discretion, may hold meetings at such time or place in the City as so determined by the Board.

Section 6. Notice of Meetings to Board Members.

(a) Regular meetings of the Board shall be held without the necessity of notice to directors. Special meetings of the Board shall be held whenever called by the president, by the secretary, by a majority of the members, by the Mayor of the City, or by a majority of the City Council. Except in the case of an emergency, special meetings require three (3) days notice to each director, either personally or by mail. Emergency meetings shall be held in accordance with the Open Meetings Act.

(~~b~~a) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box with a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the notice to directors or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 7. Open Meetings Act. All meetings and deliberations of the Board shall be called, convened, held. and conducted, and notice shall be given to the public in

accordance with the Texas Open Meetings Act, Chapter 551. Texas Government Code, as amended.

Section 8. Quorum. A majority of four (4) regular voting members shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 9. Conduct of Business. At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board. At all meetings of the Board, the president shall preside, and in the absence of the president, the vice president shall exercise the powers of the president. The secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 10. Committees of the Board. The Board may designate up to three (3) directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 11. Compensation of Directors. Directors shall not receive any salary or compensation for their services. However, they shall be reimbursed for their actual expenses incurred in the performance of their duties thereunder, including but not limited to the cost of travel, lodging and incidental expenses reasonably related to the corporate duties of the Board. Travel expenses incurred by directors for both regular and special meetings are not eligible for reimbursement.

ARTICLE III OFFICERS

Section 1. Officers and Terms Established. ~~(a)~~The officers of the Corporation shall be a president, a vice president, a secretary and a treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the president shall not hold the office of secretary. ~~Officers shall be elected at the first ever meeting of the board of directors. Thereafter, the President shall be elected by the Board.~~ ~~The Board shall appoint a President selected by the City Council (2nd) each calendar year. The Vice President, Secretary, and Treasurer officers shall be elected at the meeting of the board on the first (1st) (1st.) Tuesday in the month of January/October. Except for the first officers, whose terms shall expire on the first Tuesday in January 1998, Terms of office shall be one (1) year with the right of an officer to be reappointed/relected.~~

Section 2. Removal. All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.

Section 3. Vacancy. A vacancy in the office of ~~any officer~~ Vice pPresident, sSecretary, or tTreasurer shall be filled by a vote of a majority of the directors. A vacancy in the office of pPresident shall be filled by a vote of the City Council by the Bboard's appointment of the candidate selected by vote of the City Council.

Section 4. Powers and Duties of the President. The Ppresident shall be the chief executive officer of the Corporation, and, subject to the paramount authority of the Board. The Ppresident shall preside at all meetings of the Board, and may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation.

Section 5. Vice President. The Vvice Ppresident shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the Ppresident during that officer's absence or inability to act. Any action taken by the Vvice Ppresident in the performance of the duties of the Ppresident shall be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

Section 6. Treasurer. The Ttreasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these Bbylaws. When necessary or proper, the treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank, banks or depositories as shall be designated by the Board consistent with these Bylaws. The Ttreasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The Ttreasurer shall, at the expense of the Corporation, give such bond for the faithful discharge of his duties in such form and amount as the Board or the City Council may require.

Section 7. Secretary. The Ssecretary, or designee by the Board shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during normal business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 8. Qualifications. The Ppresident, Vvice Ppresident, and the Ssecretary shall be named from among the members of the Board. The Ttreasurer, at the option of

the Board, may be a person other than a member of the Board, or may be an employee of the City.

Section 9. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers.

ARTICLE IV FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. Contracts for Service.

(a) The Corporation may, with approval of the City Council, contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy - making functions in discharging the duties herein set forth. An administrative services contract may be executed between the Board and the City Council for the services provided by the Economic Development Director and staff of the Economic Development Department.

(b) Subject to the authority of the City Manager under the Charter of the City, the Corporation shall have the right to utilize the services of the staff and employees of the Finance Department, the staff and employees of the Engineering Department, the staff and employees of the Planning and Zoning Department, the staff and employees of the Economic Development Department (it is anticipated that such staff and employees will be employed pursuant to these Bylaws), and other employees of the City, provided (i) that the City Manager approves of the utilization of such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City. Utilization of the aforesaid city staff shall be solely by a contract approved by the City Council.

Section 2. Economic Development Director.

(a) Subject to the direction of the City Manager and advice from the Board, the Economic Development Director shall be the chief administrative officer of the Corporation and be in general charge of the properties and affairs of the Corporation, shall administer all work orders, requisitions for payment, purchase orders, contract administration/oversight, and other instruments or activities as prescribed by the Board in the name of the Corporation. The Economic Development Director shall be an employee of the City and report to the City Manager, or his/her designee.

(b) The Economic Development Director shall employ such full or part-time employees as needed to carry out the programs of the Board. These employees shall be employees of the City and perform those duties as are assigned to them. These employees shall be compensated as prescribed in Article IV, Section 1 of these Bylaws. The

Economic Development Director shall have the authority, and subject to provisions of the City Charter and policies-procedures of the City, to hire, fire, direct, and control the work, as functionally appropriate, of all such employees and contractors.

Section 3. General Economic Development Plan.

(a) It shall be the duty and obligation of the Board, in coordination with the necessary contracting parties to research, develop, prepare, finance, and implement the economic development plan.

(b) In carrying out its obligations under subsection (a), the Corporation shall be authorized to exercise all rights and powers granted under the CodeAet, including, but not limited to Section 4A Chapter 504 thereof, and with the objective and for the purpose of developing and diversifying the economy of the State of Texas and the City, and the elimination of unemployment and underemployment in the State and the City and the expansion of commerce within the State.

(c) The Board shall direct staff to periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.

(d) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law, and the procurement policies of the City of Mansfield, as amended.~~be approved by the City Council.~~

Section 4. Annual Corporate Budget. At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the City Council.

Section 5. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs. The Ceity shall at all times have access to the books and records of the Corporation.

(b) At the direction of the City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City.

(c) The Corporation⁷ or the City if the option described in subsection (b) of this section is selected, shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and

accounting firm selected by the Corporation and approved by the City Council. Such audit shall be at the expense of the Corporation.

Section 6. Deposit and Investment of Corporate Funds.

(a) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

(b) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other monies of the Corporation, if any, shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of its treasurer and such other persons as the Board shall designate. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

Section 7. Expenditures of Corporate Money. The monies of the Corporation, including sales and use taxes collected pursuant to ~~Section 4A~~the CodeAct, monies derived from rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the CodeAct, subject to the following limitations:

(a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations to the purchasers thereof required by Section 6 of this Article;

(b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations may be used for the purposes of financing or otherwise providing one or more "Projects," as defined in ~~Section 4A~~ or otherwise allowed by the CodeAct. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council;

(c) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 4 of this Article or in contracts meeting the requirements of Section 1 ~~(d)~~ of this Article.

(d) The Corporation may not assume a debt or make any expenditures to any principal or interest on a debt if the debt existed before the date the City created the Corporation.

Section 8. Issuance of Obligations. No Obligations, including refunding Obligations, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken prior to the date of sale of the Obligations.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office. ~~(a)~~ The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

Section 2. Registered Agent. The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the CodeAct.

Section 3. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 4. Seal. The seal of the Corporation shall be as determined by the Board.

Section 5. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the president or secretary. The acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation.

Section 6. Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by a ~~certified copy of a~~ resolution, order or motion duly adopted by the City Council.

Section 7. Indemnification of Directors, Officers and Employees. ~~(a)~~ As provided in the Act-Code and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (~~Subchapter A,~~ Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions. The Corporation shall indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys' fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

ARTICLE VI

EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

(a) the approval of these Bylaws by the City Council, passed and approved on the _____ day of _____, 202_____; and

(b) the adoption of these Bylaws by the Board, adopted on the _____ day of _____, 202_____.

Section 2. Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the CodeAct.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5156

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$444,840.00 and Approval of Contracts, Including Program Management with Vieste, to Provide Professional Services for the Harvest Point Project Development

Requested Action

Consider the authorization of funding and approval of contracts.

Recommendation

The authorization of funding in an amount not to exceed \$444,840.00 and approval of contracts, including program management services with Vieste, to provide professional services for the Harvest Point Project Development.

Description/History

Manage all project controls elements including, but not limited to:

- o Communication Model
- o Document Management Systems
- o Scheduling
- o Budgeting
- o Project Cost Controls
- Lead capital and transaction structuring for the project
- Lead the development of project financial models
- Assemble and lead the project financing team
- Assemble and lead the project execution team
- Be responsible for day-to-day project management
- Act as extension of staff
- Assist in creating the Master Development Plan (including phasing plan)
- Assist in creating Sources & Uses Matrix, Flow of Funds, and Capital Finance Plan
- Assist in creating a Marketing, PR, and Promotion Plan
- Assist in creating a Revenue Activation Plan (Naming Rights, Corporate Sponsorship, Philanthropy) to be executed as part of a subsequent contract
- Establish a course for the USL Soccer stadium project
- Prepare preliminary stadium program, conceptual design & budget
- Set up Project Controls elements:
 - o Master Program Schedule
 - o Master Program Budget
 - o Program Accounting System
 - o Communication Model

o Document Management System

Justification

Funding Source

TIRZ #4

Prepared By

Jason Moore

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$444,840.00 AND APPROVAL OF CONTRACTS, INCLUDING PROGRAM MANAGEMENT WITH VIESTE, LLC, AN INDIANA LIMITED LIABILITY COMPANY, TO PROVIDE PROFESSIONAL SERVICES FOR THE HARVEST POINT PROJECT DEVELOPMENT**

WHEREAS, the City of Mansfield desires to retain Vieste, LLC, as its exclusive program manager and extension of staff to provide program management, project controls, financing, program, and capital program oversight services; and,

WHEREAS, the City desires to engage Vieste, LLC, in this initial phase of the project programming and financial planning. At the completion of this initial phase the City and Vieste, LLC, will evaluate the plan and determine scope and schedule of any future phases; and,

WHEREAS, Vieste, LLC, and its affiliates constitute an organization of professional personnel who are experienced and fully qualified to perform the various functions with respect to the project management of the project; and,

WHEREAS, the City desires to engage Vieste, LLC, to provide the professional expertise required by it with respect to project management of the project, and Vieste, LLC desires to be so engaged by the City for this purpose.

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

SECTION 1.

The City Manager or his designee is hereby authorized to fund in an amount not to exceed Four Hundred Forty-Four Thousand, Eight Hundred and Forty Dollars and 00/100 Cents (\$444,840.00) and approve contracts, including program management with Vieste, LLC, an Indiana Limited Liability Company, providing professional services for the Harvest Point Project Development.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

Resolution No. _____

23-5156

Page 2 of 2

ATTEST:

Susana Marin, City Secretary

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement"), effective as of the 1st day of February 2023 ("Effective Date"), by and between the City of Mansfield, Texas ("CLIENT") and VIESTE, LLC, an Indiana Limited Liability Company, ("PROGRAM MANAGER"), with offices at 27299 Riverview Center Boulevard, Suite 200, Bonita Springs, FL 34134.

WITNESSETH

WHEREAS, CLIENT has chosen to undertake one or more projects that require additional staff support to execute as further described in Exhibit B, attached hereto and incorporated herein by reference ("PROJECT"); and

WHEREAS, CLIENT does not have staff expertise or availability to execute the PROJECT and prefers not to hire such staff; and

WHEREAS, CLIENT desires instead to retain PROGRAM MANAGER as its exclusive program manager and extension of staff to provide program management, project controls, financing, program, and capital program oversight services as described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, CLIENT desires to engage PROGRAM MANAGER in this initial phase of the PROJECT programing and financial planning. At the completion of this initial phase CLIENT and PROGRAM MANAGER will evaluate the plan and determine scope and schedule of any future phases; and

WHEREAS, PROGRAM MANAGER and its affiliates constitute an organization of professional personnel who are experienced and fully qualified to perform the various functions with respect to the project management of the PROJECT; and

WHEREAS, CLIENT desires to engage PROGRAM MANAGER to provide the professional expertise required by it with respect to project management of the PROJECT, and PROGRAM MANAGER desires to be so engaged by CLIENT for this purpose.

NOW, THEREFORE, in consideration of the premises aforesaid and of the mutual covenants and undertakings hereinafter provided, the parties hereto agree as follows:

I. SERVICES

PROGRAM MANAGER will represent CLIENT and assist CLIENT in the development of the PROJECT with tasks described on the scope of services in **Exhibit A** ("Services"). The scope of services may be adjusted from time to time with mutual consent of CLIENT and PROGRAM MANAGER. Specifically required services will be addressed by this Agreement and an addenda to it that may be agreed by the parties.

II. PROJECT

The PROJECT being contemplated under this Agreement is identified and described on **Exhibit B** and may contain multiple task projects as directed by CLIENT.

III. PROGRAM MANAGER'S RESPONSIBILITIES

PROGRAM MANAGER shall, subject to the terms and provisions of this Agreement:

- Appoint one or more individuals who shall be authorized to act on behalf of PROGRAM MANAGER and with whom CLIENT may consult at all reasonable times and whose instructions, requests, and decisions will be binding upon PROGRAM MANAGER as to all matters pertaining to this Agreement and the performance of the parties hereunder.
- Use all reasonable efforts to complete the Services within the time period mutually agreed upon, except for reasons beyond its control.
- Perform the Services in accordance with generally accepted standards in existence at the time of performance of Services.

IV. CLIENT'S RESPONSIBILITIES

CLIENT shall at such times as may be required for the successful and expeditious completion of the Services:

- Provide all criteria and information as to CLIENT's requirements and designate a person with authority to act on CLIENT's behalf on all matters concerning the Services.
- Furnish the PROGRAM MANAGER all existing studies, reports, and other available data pertaining to the Services and obtain additional reports, data, and services as may be required for the PROJECT. PROGRAM MANAGER may be entitled to reasonably rely upon all such information, data, and the results of such other services in performing the Services hereunder.
- Engage any and all third-party professional resources required to advance the PROJECT.
- Provide all required capital resources to fund fees, expenses, and costs related to the advancement of the PROJECT.

V. COMPENSATION AND TERMS OF PAYMENT

The terms of compensation and payment are as follows:

- CLIENT will pay PROGRAM MANAGER a Program Management Fee payable monthly pursuant to the Fee Schedule as depicted in **Exhibit C**, incorporated herein by reference. All invoices will be due and payable on or before the 10th of each month for the prior months' work.
- Reimbursable Expenses will be billed monthly at the actual expense in addition to the Program Management Fee. Expenses will include, but not be limited to, travel, entertainment, document delivery, technology expenses directly related to the Services rendered under this Agreement. No Expenses will be incurred or billed without prior consent from CLIENT.

VI. TERMINATION

A. The term of this Agreement shall be six (6) months from the Effective Date.

B. Either party may terminate this Agreement upon written notice to the other party at least sixty (60) days prior to the date of termination. Upon receipt of such notice, PROGRAM MANAGER shall immediately discontinue all services and work in connection with the performance of this Agreement and shall proceed to cancel promptly all existing contracts and orders insofar as they relate to this Agreement.

C. In the event of termination, PROGRAM MANAGER shall deliver to CLIENT all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs, etc., prepared by PROGRAM MANAGER under this Agreement.

D. PROGRAM MANAGER shall be compensated for services performed and expenses incurred for satisfactory work up to the termination date. PROGRAM MANAGER shall receive a portion of fees and expenses permitted under this Agreement in direct proportion to percentage of work actually completed up to the termination date.

VII INDEMNITY

PROGRAM MANAGER does hereby covenant and agree to release, indemnify and hold harmless CLIENT and its officials, officers, agents, representatives, employees, and invitees from and against any and all liability, claims, suits, demands and/or causes of action, (including, but not limited to, attorney's fees and cost of litigation), which may arise by reason of death or injury to property or persons but only to the extent occasioned by any error, omission or negligent act of PROGRAM MANAGER, its officials, officers, agents, employees, invitees or other persons for whom PROGRAM MANAGER is legally liable with regard to the performance of this Agreement, and PROGRAM MANAGER will, at its own cost and expense, defend and protect CLIENT against any and all such claims and demands.

VIII. INSURANCE

PROGRAM MANAGER shall maintain throughout the period of the PROJECT, a standard form of errors and omissions insurance with an insurance company satisfactory to CLIENT. PROGRAM MANAGER shall also maintain insurance coverage for commercial general liability, automobile liability, and workers' compensation in forms and amounts satisfactory to CLIENT. PROGRAM MANAGER shall assure that any and all consultants engaged or employed by PROGRAM MANAGER carry and maintain similar insurance with reasonably prudent limits and coverage in light of the services to be rendered by such consultants. PROGRAM MANAGER shall submit to CLIENT proof of such insurance in amounts satisfactory to CLIENT. The maintenance in full current force and effect of such form and amount of insurance, in such amount as CLIENT shall have accepted, shall be a condition precedent to the PROGRAM MANAGER's exercise or enforcement of any rights under this Agreement. Insurance policies required for PROGRAM MANAGER shall include a provision requiring written notice to the CLIENT at least thirty (30) days prior to any cancellation, non-renewal or material modification of the policies. CLIENT shall be named as an additional insured on all insurance policies, except workers compensation and professional liability, required herein.

IX. ASSIGNMENT

Neither CLIENT nor PROGRAM MANAGER may assign their rights or delegate their duties without the written consent of the other party. Such consent shall not be unreasonably withheld. This Agreement is binding on CLIENT, PROGRAM MANAGER, and their successors and assigns, to the extent permitted by law.

X. INDEPENDENT CONTRACTOR

PROGRAM MANAGER shall be an independent contractor with respect to the Services to be performed hereunder. Neither PROGRAM MANAGER nor any of its authorized sub-consultants, nor the employees of either, shall be deemed to be the servants, employees, or agents of CLIENT. PROGRAM MANAGER S and its authorized sub-consultants will be solely responsible for providing compensation and benefits to their employees.

XI. MISCELLANEOUS

A. This Agreement constitutes the entire agreement between the parties hereto and supersedes any oral or written representations, understandings, proposals, or communications heretofore entered into by or on account of the parties and may not be changed, modified, or amended except in writing signed by the parties hereto. In the event of any conflict between this Agreement and any of the exhibits hereto, the terms of and provisions of this Agreement shall control. In the event of any conflict among the exhibits, the exhibit of the latest date shall control.

B. CLIENT represents that its engagement of PROGRAM MANAGER to perform the Services is not in breach of, or otherwise in violation of, any known contract, restriction, or covenant between CLIENT and any third party.

C. This Agreement shall be governed by the laws of the State of Texas. Venue for any dispute relating to this Agreement shall lie in Tarrant County, Texas.

D. In no event shall either party be liable to the other for indirect or consequential damages, including, but not limited to, loss of use, loss of profit, or interruption of business, whether arising in contract, tort (including negligence), statute, or strict liability.

E. In the event CLIENT uses a purchase order form to administer this Agreement, the use of such form shall be for convenience purposes only, and any typed provision in conflict with the terms of this Agreement and all preprinted terms and conditions contained in or on such forms shall be deemed stricken and null and void.

F. This Agreement gives no rights or benefits to anyone other than CLIENT and PROGRAM MANAGER and does not create any third-party beneficiaries to this Agreement.

G. By signature of this Agreement, PROGRAM MANAGER warrants to CLIENT that it has made full disclosure in writing of any existing conflicts of interest or potential conflicts of interest, including personal financial interests, direct or indirect, in property abutting the PROJECT and business relationships with abutting property owners. PROGRAM MANAGER further warrants that it will make disclosure in writing of any conflicts of interest which develop subsequent to the signing of this Agreement and prior to final payment under this Agreement.

H. PROGRAM MANAGER verifies and certifies that it does not and during the duration of this Agreement will not:

- boycott Israel as that term is defined in Texas Government Code Section 808.001 and Chapter 2271, as amended;
- do business with Iran, Sudan, or a foreign terrorist organization, as defined in Texas Government Code Chapter 2270, as amended;
- boycott energy companies as defined in Texas Government Code Section 809.001 and Chapter 2274, as amended; or
- discriminate against a firearm trade association as defined in Texas Government Code Chapter 2274, as amended.
-

XII. CONFIDENTIALITY AND PROPRIETARY INFORMATION

The parties understand that they may work with others to concurrently pursue similar projects outside of this Agreement. No non-public information regarding the PROJECT contemplated under this Agreement will be shared with those other third parties unless expressly disclosed and approved in advance, in writing.

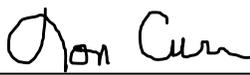
CLIENT represents that its engagement of PROGRAM MANAGER to perform the Services does not infringe upon, or otherwise in violation of, any intellectual property right held by any third party.

CLIENT is a local government under the laws of the State of Texas. Therefore, if any provision of this Agreement would be inconsistent with state law or CLIENT's Charter, it will not apply.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the Effective Date.

CLIENT:
CITY OF MANSFIELD, TEXAS

PROGRAM MANAGER:
VIESTE, LLC



By: _____

By: Don Currise

Title: _____

Title: President/COO

DATE: _____

DATE: 1/23/23

EXHIBIT A
SCOPE OF SERVICES

ADMINISTRATIVE

- Attend regular monthly meetings/conference calls at the discretion of CLIENT
- Attend public and stakeholder meetings, including the TIRZ Board at the discretion of CLIENT
- Attend scheduled team meetings at the discretion of CLIENT
- Manage all project controls elements including, but not limited to:
 - Communication Model
 - Document Management Systems
 - Scheduling
 - Budgeting
 - Project Cost Controls

LEADERSHIP

- Lead capital and transaction structuring for the PROJECT
- Lead the development of PROJECT financial models
- Assemble and lead the PROJECT financing team
- Assemble and lead the PROJECT execution team
- Be responsible for day-to-day PROJECT management

PROJECT DEVELOPMENT AND OVERSIGHT

- Act as extension of staff
- Assist in creating the Master Development Plan (including phasing plan)
- Assist in creating Sources & Uses Matrix, Flow of Funds, and Capital Finance Plan
- Assist in creating a Marketing, PR, and Promotion Plan
- Assist in creating a Revenue Activation Plan (Naming Rights, Corporate Sponsorship, Philanthropy) to be executed as part of a subsequent contract
- Establish a course for the USL Soccer stadium project
- Prepare preliminary stadium program, conceptual design & budget
- Set up Project Controls elements:
 - Master Program Schedule
 - Master Program Budget
 - Program Accounting System
 - Communication Model
 - Document Management System

EXHIBIT B
PROJECT DESCRIPTION

The City of Mansfield, Texas (“Client”) approved a Tax Increment Reinvestment Zone #4 (the “Zone”), referenced as Harvest Pointe on December 12, 2022. The Zone contemplates mixed-use development over approximately 359 acres of undeveloped land at the southern edge of the City.

Client seeks assistance from a professional services firm with experience in overseeing similar complex, mixed-use developments. The Zone will be anchored by a multipurpose soccer stadium desired to be completed before the 2026 World Cup games.

VIESTE, LLC (“Program Manager”) will act in a “like staff” capacity overseeing the entire capital program for the Zone. These services will include program management related tasks and support in the capital formation tasks to be accomplished.

Program Manager will complete turnkey capabilities with regard to stadium programming, finance, design, construction, FF&E, commissioning, and operations with a desired opening of the soccer stadium in 2026 prior to the World Cup games being played. The Program Manager team will provide Client the opportunity to control its own destiny by allowing the stadium to be publicly owned and privately managed to not only control schedule but maximize long term value.

At the project level, we break those down into three components: soccer stadium, public (“Project Cost”) projects and private (Non-Project Cost) projects. On the stadium, Program Manager proposes to act as Client’s Owners Representative, having primary responsibility for its development. With regard to the public and private component projects, the Program Manager team would represent Client by overseeing the various project teams and their respective performance.

EXHIBIT C
FEE SCHEDULE

YEAR	QUARTER	MONTH	FEE
2023	Q1	January	\$ 74,140.00
		February	\$ 74,140.00
		March	\$ 74,140.00
	Q2	April	\$ 74,140.00
		May	\$ 74,140.00
		June	\$ 74,140.00
Total Fee:			\$444,840.00

CERTIFICATE OF INTERESTED PARTIES

FORM **1295**

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

Certificate Number:
2023-972931

Date Filed:
01/17/2023

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
VIESTE, LLC
Bonita Springs, FL United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
The City of Mansfield/The Mansfield Economic Development Corporation

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
01232023
Program Management for Harvest Point

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Lauren Sharkey, and my date of birth is 01/08/1994.

My address is 27299 Riverview Center Blvd, STE 200, Bonita Springs, FL, 34134, Lee.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Lee County, State of Florida, on the 17 day of January, 20 23.
(month) (year)

Lauren Sharkey

Signature of authorized agent of contracting business entity
(Declarant)



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5157

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution of the City of Mansfield, Texas Calling for a General Election to be held on May 6, 2023; Calling for a Special Election to fill a Vacancy to be Held on May 6, 2023; Designating Polling Places; Establishing Precincts Within the City; Establishing Other Procedures for Conduct of the Election; and Providing an Effective Date

Requested Action

Approval of the Resolution Calling the may 6, 2023 General and Special Election for the City of Mansfield.

Recommendation

City staff recommends the City Council order the General and Special Election to be held on May 6, 2023 and June Runoff Election, if necessary, by approving the resolution outlining the election procedures.

Description/History

Pursuant to Section 41.001 of the Texas Election Code and the Home Rule Charter, the city is required to conduct its General Election on the first Saturday in May. Pursuant to Section 201.052 of the Texas Election Code the city is required to conduct a Special Election to fill a vacancy upon the resignation of a member of Council.

The city will be holding a General Election on May 6, 2023, for the purpose of electing the following:

- Council Member, Place 6
- Council Member, Place 7

The city will be holding a Special Election to fill a vacancy on May 6, 2023, for the purpose of electing the following:

- Council Member, Place 3

The City Secretary's Office is distributing candidate packets upon request. Candidate packets may also be found on the city's website.

Justification

General and Special Elections are to be held in accordance with the Home Rule Charter and State Law.

Funding Source

Funds are allocated in the City Council budget (001-8806-11-01) for this expenditure.

Prepared By

Susana Marin, TRMC, City Secretary
817-276-4203

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD (“CITY”), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023; CALLING FOR A SPECIAL ELECTION TO FILL A VACANCY TO BE HELD ON MAY 6, 2023; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 41.001 of the Texas Election Code (the “Code”) specifies that the first Saturday in May shall be a “uniform election date” and that a general election of a City may be held on such day; and,

WHEREAS, state law and the charter of the City of Mansfield require that a general election be held; and,

WHEREAS, Council Member Mike Leyman announced his resignation from his seat hereby creating a vacancy in the office of Council Member, Place 3; and,

WHEREAS, state law and the charter of the City of Mansfield require that a special election be held; and,

WHEREAS, by this Resolution, it is the intention of the City Council to officially establish the election precincts within the City, to designate polling places for the election, to appoint the necessary election officers, to establish and set forth procedures for conducting the election, to authorize the City to enter into a contract with Tarrant County, Johnson County and Ellis County to conduct the election.

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

SECTION 1.

GENERAL ELECTION CALLED: A general election shall be held in the City of Mansfield, Texas, on Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. at which the following officers will be elected:

**COUNCIL MEMBER, PLACE 6
COUNCIL MEMBER, PLACE 7**

SECTION 2.

SPECIAL ELECTION CALLED: In conjunction with the general election, a special election will be held in the City of Mansfield on Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. to fill the following unexpired terms:

COUNCIL MEMBER, PLACE 3

SECTION 3.

TERMS OF OFFICE: In accordance with the City charter, the candidate for each office to be filled in the general election receiving the majority of votes for such office shall be elected to a three (3) year term beginning May 2023 and ending May 2026, or until a successor is duly elected and qualified. The candidate in the special election to fill the unexpired terms in the office of Council Member, Place 3 receiving the majority of votes shall be elected to complete the three-year term ending May 2024.

SECTION 4.

ELIGIBILITY FOR CANDIDACY: In accordance with the City's charter, no person shall be eligible for the Office of Councilmember until he/she is a qualified voter of the State of Texas and has resided in the City for at least twelve (12) months preceding the election at which he/she is to be elected.

SECTION 5.

APPLICATION FOR A PLACE ON THE BALLOT: Any eligible and qualified person shall have his name printed upon the official ballot as a candidate for the offices herein set by filing his sworn application with the City Secretary not earlier than January 18, 2023 and not later than 5:00 p.m. February 17, 2023 for the general election; and not earlier than January 24, 2023 and not later than March 6, 2023 for the special election to fill a vacancy. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary. Notice of the time and place for such drawing shall be given in accordance with the Code.

SECTION 6.

AGREEMENT WITH TARRANT COUNTY, JOHNSON COUNTY, AND ELLIS COUNTY: Prior to the election, the city anticipates that it will enter into an agreement for election services with Tarrant County, Johnson County, and Ellis County (the "Agreement").

SECTION 7.

(a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The polling places for Election Day in the City of Mansfield, Precinct 1, Tarrant County shall be as follows:

Dr. Jim Vaszauskas Center for the Performing Arts
1110 West Debbie Lane
Mansfield, Texas 76063

J.L. Boren Elementary School
1401 Country Club Drive
Mansfield, Texas 76063

Mansfield Sub-Courthouse
1100 East Broad Street
Mansfield, Texas 76063

Vernon Newsom Stadium
3700 East Broad Street
Mansfield, Texas 76063

- (b) **ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling places for Election Day in City of Mansfield, Precinct 2, Johnson County shall be as follows:

Johnson County Elections
103 S. Walnut Street
Cleburne, TX 76033

Pct. 3 Maintenance Facility
10420 E. FM 917
Alvarado, TX 76009

- (c) **ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling place for Election Day in the City of Mansfield, Precinct 3, Ellis County shall be as follows:

Midlothian Conference Center (Ballroom/Foyer)
1 Community Circle Drive
Midlothian, TX 76065

SECTION 8.

APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES – TARRANT COUNTY, JOHNSON COUNTY AND ELLIS COUNTY: Election judges for the general election shall be appointed by Tarrant County, Johnson County, and Ellis County as authorized by Chapter 271, of the Texas Election Code.

SECTION 9.

- (a) **EARLY VOTING – TARRANT COUNTY:** Heider Garcia, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	7:00 a.m. – 7:00 p.m.

April 30	Sunday	10:00 a.m. – 4:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted throughout Tarrant County as established by the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

- (b) **EARLY VOTING – JOHNSON COUNTY:** Patty Bourgeois, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Alvarado at the Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	7:00 a.m. – 7:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

- (c) **EARLY VOTING – ELLIS COUNTY:** Jana Onyon, Elections Administrator, is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 24, 2023, and continuing through May 2, 2023, in Midlothian at the Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Dr., Midlothian, TX 76065 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	8:00 a.m. – 4:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted throughout Ellis County as established by the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

- (d) Applications for early voting by mail may be delivered to the Early Voting Clerk for each county no later than the close of business on April 21, 2023. Early Voting ballots for Tarrant County shall be mailed to Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the Agreement. Early Voting ballots for Johnson County shall be mailed to Patty Bourgeois, Early Voting Clerk, P.O. Box 895, Cleburne, Texas 76033. Early Voting ballots for Ellis County shall be mailed to Jana Onyon, Early Voting Clerk, 204 E. Jefferson Street, Waxahachie, TX 75165.
- (e) Early voting both by personal appearance and by mail for Tarrant County shall be by electronic voting machines and shall be canvassed by Early Voting Ballot Board, which is

hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Johnson County shall be by paper ballot and an ES&S AutoMark approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an ES&S Express Vote Marking Device approved by the Secretary of State in accordance with the Texas Election Code by HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

SECTION 10.

METHOD OF VOTING: The Hart InterCivic Verity System v. 2.3.1 shall be used for voting by personal appearance on Election Day and the Hart InterCivic Verity System v. 2.3.1 for early voting by personal appearance and Election for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic Verity System v. 2.3.1 for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

The ES&S AutoMark shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Johnson County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

The ES&S Express Vote Marking Device shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Ellis County portion of the election. The City Council hereby adopts the ES&S Express Vote Marking Device for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials

therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Election Code.

SECTION 11.

PUBLICATION AND POSTING OF NOTICE OF ELECTION: Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

SECTION 12.

RUN-OFF ELECTION: In the event no candidate receives a majority of votes for an office, there shall be a run-off election held on Saturday, June 10, 2023.

SECTION 13.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor on behalf of City Council

ATTEST:

Susana Marin, City Secretary

RESOLUCIÓN NO. _____

UNA RESOLUCIÓN DE LA CIUDAD DE MANSFIELD ("CIUDAD"), TEXAS, QUE PIDE QUE SE LLEVE ACABO UNA ELECCION GENERAL EL 6 DE MAYO DEL 2023; Y PIDE QUE SE LLEVE ACABO UNA ELECCION ESPECIAL PARA LLENAR UNA VACANTE EL 6 DE MAYO DEL 2023; DESIGNAR LOS LUGARES DE VOTACIÓN; ESTABLECER PRECINTOS ELECTORALES DENTRO DE LA CIUDAD; ESTABLECER OTROS PROCEDIMIENTOS PARA LA REALIZACIÓN DE LA ELECCIÓN; Y PROPORCIONAR UNA FECHA DE ENTRADA EN VIGOR

CONSIDERANDO QUE, la Sección 41.001 del Código Electoral de Texas (el "Código") especifica que el primer sábado de mayo será una "fecha de elección uniforme" y que una elección general de una Ciudad puede llevarse a cabo en ese día; y,

CONSIDERANDO QUE, la ley estatal y la carta de la Ciudad de Mansfield requieren que se celebren elecciones generales; y,

CONSIDERANDO QUE, el Miembro del Consejo Mike Leyman anuncio su renuncia al cargo de conseja así creado una vacante a la oficina de Miembro del Consejo Lugar 3; y,

CONSIDERANDO QUE, la ley estatal y la carta de la Ciudad de Mansfield requieren que se lleve a cabo una elección especial; y,

CONSIDERANDO QUE, por esta Resolución, es la intención del Concejo Municipal establecer oficialmente los precintos electorales dentro de la Ciudad, designar lugares de votación para la elección, establecer procedimientos para llevar a cabo la elección, autorizar a la Ciudad a entrar en un contrato con el Condado de Tarrant, Johnson, y Ellis para llevar a cabo la elección.

AHORA, POR LO TANTO, SEA RESUELTO POR EL CONSEJO DE LA CIUDAD DE MANSFIELD, TEXAS, QUE:

SECCIÓN 1.

ELECCION GENERAL CONVOCADA: Se llevará a cabo una elección general en la Ciudad de Mansfield, Texas, el sábado 6 de mayo de 2023, entre las 7:00 a.m. y las 7:00 p.m. en las que se elegirán los siguientes oficiales:

**MIEMRO DEL CONSEJO, LUGAR 6
MIEMBRO DEL CONSEJO, LUGAR 7**

SECCIÓN 2.

ELECCION ESPECIAL CONVOCADA: Se llevará a cabo una elección general en la Ciudad de Mansfield, Texas, el sábado 6 de mayo de 2023, entre las 7:00 a.m. y las 7:00 p.m. en las que se elegirán los siguientes oficiales:

MIEMBRO DEL CONSEJO, LUGAR 3

SECCIÓN 3.

TÉRMINOS DE CARGO: De acuerdo con los estatutos de la Ciudad, el candidato para cada cargo que se llenará en las elecciones generales que reciba la mayoría de los votos para dicho cargo será elegido para un período de tres (3) años a partir de mayo de 2022 y hasta mayo de 2025, o hasta que un sucesor sea debidamente elegido y calificado. El candidato en la elección especial para ocupar los términos no vencidos en el cargo de Miembro del Consejo Lugar 3 que reciba la mayoría de los votos será elegido para completar el periodo de tres años que finaliza en mayo del 2024.

SECCIÓN 4.

ELEGIBILIDAD PARA LA CANDIDATURA: De acuerdo con los estatutos de la Ciudad, ninguna persona será elegible para el cargo de concejal hasta que sea un votante calificado del Estado de Texas y haya residido en la Ciudad durante al menos doce (12) meses antes de la elección en la que será elegido.

SECCIÓN 5.

SOLICITUD DE UN LUGAR EN LA BOLETA: Cualquier persona elegible y calificada deberá tener su nombre impreso en la boleta oficial como candidato para los cargos aquí establecidos al presentar su solicitud jurada ante la Secretaria de la Ciudad no antes del 18 de enero de 2023 y no más tarde de las 5:00 p.m. el 17 de febrero de 2023 para la elección general; y no antes del 24 de enero del 2023 y no más tarde de las 5:00 p.m. el 6 de marzo del 2023 para la elección especial. El orden en que los nombres de los candidatos deben imprimirse en la boleta se determinará mediante un sorteo del Secretaria de la Ciudad. La notificación de la hora y el lugar de dicho dibujo se dará de conformidad con el Código.

SECCIÓN 6.

ACUERDO CON EL CONDADO DE TARRANT, JOHNSON Y ELLIS: Antes de la elección, la Ciudad anticipa que entrara en un acuerdo para los servicios electorales con los Condados de Tarrant, Johnson, y Ellis (el "Acuerdo").

SECCIÓN 7.

(a) **LUGAR DE VOTACIÓN DEL DÍA DE LAS ELECCIONES – CONDADO DE TARRANT:** Los lugares de votacion para el día de las elecciones en la Ciudad de Mansfield, Precinto 1, Condado de Tarrant seran los siguientes:

Dr. Jim Vaszauskas Centro para las Artes Escénicas
1110 West Debbie Lane
76063, Mansfield, Texas

Escuela Primaria J.L. Boren
1401 Country Club Drive
76063, Mansfield, Texas

Sub-Palacio de Justicia de Mansfield
1100 East Broad Street

76063, Mansfield, Texas

Estadio De Vernon Newsom
3700 East Broad Street
76063, Mansfield, Texas

- (b) **LUGAR DE VOTACIÓN DEL DÍA DE LAS ELECCIONES – CONDADO DE JOHNSON:** Los lugares de votación para el día de las elecciones en la Ciudad de Mansfield, Precinto 2, Condado de Johnson serán los siguientes:

Johnson County Elections
103 S. Walnut Street
Cleburne, TX 76033

Pct. 3 Instalación de mantenimiento (Sala comunitaria)
10420 E. FM 917
Alvarado, TX 76009

- (c) **LUGAR DE VOTACIÓN DEL DÍA DE LAS ELECCIONES – CONDADO DE ELLIS:** El lugar de votación para el día de las elecciones en la Ciudad de Mansfield, Precinto 3, Condado de Ellis será el siguiente:

Centro de Conferencias Midlothian (Salón de Baile / Vestíbulo)
1 Community Circle Drive
Midlothian, TX 76065

SECCIÓN 8.

NOMBRAMIENTO DE JUECES ELECTORALES Y JUECES ELECTORALES ALTERNOS – CONDADO DE TARRANT Y CONDADO DE ELLIS: Los jueces electorales para las elecciones generales serán nombrados por el Condado de Tarrant, Johnson, Ellis según lo autorizado por el Capítulo 271 del Código Electoral de Texas.

SECCIÓN 9.

VOTACIÓN TEMPRANA – CONDADO TARRANT: Heider García, Administrador de Elecciones, es designado como el Secretario de Votación Temprana. Secretarios Adicionales de Votación Temprana podrán ser nombrados, según lo dispone en el Contrato.

La votación temprana en persona se llevara a cabo a partir del 24 de abril, 2023 hasta el 2 de mayo del 2023 en Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 en los siguientes horarios:

April 24 – 28	Lunes - Viernes	8:00 a.m. – 5:00 p.m.
April 29	Sabado	7:00 a.m. – 7:00 p.m.
April 30	Domingo	10:00 a.m. – 4:00 p.m.
May 1 – 2	Lunes - Viernes	7:00 a.m. – 7:00 p.m.

Votaciones tempranas adicionales se llevarán a cabo en diferentes lugares del Condado de Tarrant según lo establecido por el Contrato. Si hay alguna discrepancia entre esta resolución y el Contrato sobre lugares de votación temprana o los horarios, el Contrato deberá dar control.

VOTACIÓN TEMPRANA – CONDADO JOHNSON: Patty Bourgeois, Administrador de Elecciones, es designado como el Secretario de Votación Temprana. Secretarios Adicionales de Votación Temprana podrán ser nombrados, según lo dispone en el Contrato.

La votación temprana en persona se llevará a cabo a partir del 24 de abril, 2023 hasta el 2 de mayo del 2023 en Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 en los siguientes horarios:

April 24 – 28	Lunes - Viernes	8:00 a.m. – 5:00 p.m.
April 29	Sabado	7:00 a.m. – 7:00 p.m.
May 1 – 2	Lunes - Viernes	7:00 a.m. – 7:00 p.m.

VOTACIÓN TEMPRANA – CONDADO ELLIS: Jana Onyon, Administrador de Elecciones, es designado como el Secretario de Votación Temprana. Secretarios Adicionales de Votación Temprana podrán ser nombrados, según lo dispone en el Contrato.

La votación temprana en persona se llevará a cabo a partir del 24 de abril, 2023 hasta el 2 de mayo del 2023 en Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Drive, Midlothian, TX 76065 en los siguientes horarios:

April 24 – 28	Lunes - Viernes	8:00 a.m. – 5:00 p.m.
April 29	Sabado	8:00 a.m. – 4:00 p.m.
May 1 – 2	Lunes - Viernes	7:00 a.m. – 7:00 p.m.

Votaciones tempranas adicionales se llevarán a cabo en diferentes lugares del Condado de Ellis según lo establecido por el Contrato. Si hay alguna discrepancia entre esta resolución y el Contrato sobre lugares de votación temprana o los horarios, el Contrato deberá dar control.

Las aplicaciones para votar temprano por correo pueden ser entregadas al Secretario de Votación Temprana para cada condado, no más tarde del cierre de las actividades laborales el 21 de abril del 2023. Las boletas de votación temprana para el Condado de Tarrant deberán ser enviadas a Heider García, P.O. Box 961011, Fort Worth, TX 76161-0011. La Secretaria de la Ciudad está dirigida a enviar las aplicaciones y las boletas al Administrador de la Elección como proporcionado en el Contrato. Las boletas de votación temprana para el Condado de Johnson deberán ser enviadas a Patty Bourgeois, P.O. Box 895, Cleburne, TX 76033. Las boletas de votación temprana para el Condado de Ellis deberán ser enviadas a Jana Onyon, 204 E. Jefferson Street, Waxahachie, TX 75165.

La votación temprana por correo y en persona para el Condado de Tarrant será por máquinas electrónicas y será captado por la Mesa de Votación Temprana por Boleta, que por la presente es creada. El Juez Presidente de la Elección y el Juez Presidente Alterno aquí designados servirán como el oficial presidente y el oficial presidente alterno, respectivamente, de la Mesa de Votación Temprana por Boleta. Los otros oficiales de la elección sirviendo en la elección servirán como los otros miembros de la Mesa de Votación Temprana por Boleta para la elección. El Juez Central de la Mesa

de Votación Temprana de Conteo/Boleta y el personal adicional serán designados como indicado en el Contrato.

La votación temprana por correo y en persona para el Condado de Johnson será por boletas de papel y una unidad de equipo de accesibilidad de ES&S AutoMark aprobados por la Secretaria del Estado en acuerdo con el Código de Elección de Tejas para la conformidad de HAVA y serán captado por la Mesa de Votación Temprana por Boleta, que por la presente es creada. El Juez Presidente de la Elección y el Juez Presidente Alterno aquí designados servirán como el oficial presidente y el oficial presidente alterno, respectivamente, de la Mesa de Votación Temprana por Boleta. Los otros oficiales de la elección sirviendo en la elección servirán como los otros miembros de la Mesa de Votación Temprana por Boleta para la elección.

La votación temprana por correo y en persona para el Condado de Ellis será por boletas de papel y una unidad de equipo de accesibilidad de ES&S Express Vote Marking Device aprobados por la Secretaria del Estado en acuerdo con el Código de Elección de Tejas para la conformidad de HAVA y serán captado por la Mesa de Votación Temprana por Boleta, que por la presente es creada. El Juez Presidente de la Elección y el Juez Presidente Alterno aquí designados servirán como el oficial presidente y el oficial presidente alterno, respectivamente, de la Mesa de Votación Temprana por Boleta. Los otros oficiales de la elección sirviendo en la elección servirán como los otros miembros de la Mesa de Votación Temprana por Boleta para la elección.

SECCIÓN 10.

MÉTODO DE VOTACIÓN: El Hart InterCivic Verity System v. 2.3.1 será utilizado para votar en persona el día de las elecciones y el Hart InterCivic Verity System v. 2.3.1 para votar temprano en persona y el día de la elección para la porción del Condado de Tarrant de la elección. El Consejo por lo presente adopta el Hart InterCivic Verity System v. 2.3. para votar temprano y el día de la elección. Todos los gastos necesarios para conducir la elección, la compra de materiales, por lo tanto, y el empleo de todos los funcionarios de elección por lo presente son autorizados, y será realizado de acuerdo con el Código de Elección.

El equipo de votación de accesibilidad de ES&S AutoMark será utilizado para votar en persona la votación temprana y el día de la elección para la porción del Condado de Johnson de la elección. El Consejo por lo presente adopta el ES&S AutoMark para la votación temprana y el día de la elección. Todos los gastos necesarios para conducir la elección, la compra de materiales, por lo tanto, y el empleo de todos los funcionarios de elección por la presente son autorizados, y será realizado de acuerdo con el Código de Elección.

El equipo de votación de accesibilidad de ES&S Express Vote Marking Device será utilizado para votar en persona la votación temprana y el día de la elección para la porción del Condado de Ellis de la elección. El Consejo por lo presente adopta el ES&S Express Vote Marking Device para la votación temprana y el día de la elección. Todos los gastos necesarios para conducir la elección, la compra de materiales, por lo tanto, y el empleo de todos los funcionarios de elección por la presente son autorizados, y será realizado de acuerdo con el Código de Elección.

SECCIÓN 11.

PUBLICACIÓN Y PUBLICACIÓN DE AVISO DE ELECCIÓN: El aviso de la elección se publicará de acuerdo con el Capítulo 4 del Código Electoral.

SECCIÓN 12.

ELECCIÓN DE SEGUNDA VUELTA: En el caso de que ningún candidato reciba la mayoría de los votos para un cargo, habrá una segunda vuelta electoral el sábado 10 de junio de 2023.

SECCIÓN 13.

APROBADO, APROBADO Y EFECTIVO a partir de este día 23 de enero del 2023.

Michael Evans, alcalde en nombre del Concejo Municipal

ATESTIGUAR:

Susana Marín, secretaria municipal



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5159

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Amend the City of Mansfield Planning and Zoning Commission Rules of Procedure Relating to the Election of the Chair

Requested Action

Approve a Resolution to Amend the Planning and Zoning Commission Rules of Procedure

Recommendation

Approve Resolution

Description/History

The City Council authorized the City Manager to make amendments to bylaws and other policies guiding the duties and responsibilities of Mansfield's various Boards and Commissions beginning January 1, 2022. The amendments primarily focus on establishing a policy regarding consecutive years of service. Commissioners may serve up to three (3) consecutive terms for a total of six (6) years unless the change in service causes 25 percent or more of the board or commission to turn over; and, in that case, the most senior board or commission members in length of service would term out. After, a period of at least 12 months, the board or commission member that "termed out" could make an application to serve again on that board or commission.

The purpose of these amendments are also to permit others to serve and to encourage those that have served for multiple, consecutive terms to serve in different capacities. This policy change requires an amendment to the Planning and Zoning Commission Rules of Procedure.

As proposed, the amendment would permit the Director of Planning to receive direction from the City Council on the election of the Planning and Zoning Commission Chair. Also, the amendment would not permit the Planning and Zoning Commission to elect the Chair until the City Council has provided direction to the Director of Planning.

The amendment is in alignment with the authorization provided by the City Council to the City Manager, and it will also ensure policy and organizational consistency with the other Boards and Commissions.

Justification

The amendments to the Planning and Zoning Commission Rules for Procedure are consistent with the City Council's vision and goals for Mansfield.

Funding Source

N/A.

Prepared By

Jason Alexander, AICP, CEcD
Director of Planning

RESOLUTION NO. _____**A RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE CITY OF MANSFIELD PLANNING AND ZONING COMMISSION RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Mansfield Planning and Zoning Commission operates under the Home Rule Charter for the City of Mansfield, Texas adopted on January 28, 1975, as amended; and,

WHEREAS, the City Council desires to amend the Planning and Zoning Commission Rules of Procedure regarding the election of a Chair; and,

WHEREAS, the Planning and Zoning Commission shall receive direction from the City Council on the election of a Chair; and,

WHEREAS, the amendments to the Planning and Zoning Commission Rules of Procedure are consistent with state law and with the Home Rule Charter for the City of Mansfield, Texas, as amended.

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

SECTION 1.

The proposed amendments to the City of Mansfield Planning and Zoning Commission Rules of Procedure, attached hereto as Exhibit "A," have been reviewed by the City Council of the City of Mansfield, and are found to be acceptable and in the best interest of the City of Mansfield and its citizens, and is hereby in all things approved.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

**CITY OF MANSFIELD
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE**

Section 1.01 General Rules

- (a) Meetings to be Public: Every regular, special or called meeting of the Commission shall be open to the public; provided, meetings need not be open to the public under the conditions prescribed in V.T.C.A., Government Code, Chapter 551, Texas Open Meetings Acts.
- (b) Public Attendance at Meetings: The public is welcome to attend regular meetings, except for items excluded from Texas Open Meetings Acts requirements. The Commission may meet in closed meeting for consultation with the Commission's attorney as permitted by Section 551.071 of V.T.C.A., Government Code, Chapter 551.
- (c) Participation at Public Meetings: The public is not permitted to participate in or interrupt any discussion, unless invited by the Chair or presiding officer to participate.
- (d) Quorum: Four (4) members of the Commission shall constitute a quorum.
- (e) Attendance at Meetings: Each member of the Commission shall be expected to attend all official meetings unless excused by the Chair. Members who cannot attend the meeting shall contact the Chair or appropriate staff member concerning his or her absence prior to the meeting. Three consecutive unexcused absences or failure to attend a minimum of eighty (80) percent of all Commission meetings and workshops during any fiscal year will result in automatic removal from the Planning and Zoning Commission. Excused absences that have been approved by the Chair shall not be computed as an absence in calculating the percentage of attendance. A member shall be considered absent if not present for 2/3 of the meeting.
- (f) Conflict of Interest: Members of the Commission are governed by the Code of Ethics of the City of Mansfield, as well as Chapter 171 of the Texas Local Government Code.
- (g) Minutes of Meetings: Accurate minutes of all proceedings of the Commission shall be kept by the Planning and Zoning Secretary.
- (h) Questions to Contain One Subject: Any vote of the Commission shall pertain only to one subject.
- (i) Right of Floor: Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to the subject under consideration or to be considered. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have been heard.

- (j) Director of Planning: The Director of Planning of the City of Mansfield, or his or her designee, shall be permitted to attend all meetings of the Commission and shall have the right to take part in all discussions of the Commission, subject to these rules, but shall have no vote.
- (k) City Attorney: The Commission may request the City Manager to arrange for the City Attorney to attend any meeting of the Commission for the purpose of providing advise on questions of law or litigation.
- (l) Rules of Order: These Rules of Procedure shall govern the proceedings of the Commission. On all questions of procedure and parliamentary law not covered by these rules, Robert’s Rule of Order, latest revision shall govern.
- (m) Suspension of Rules: Any provisions of these rules not governed by other law may be temporarily suspended by a two-thirds vote of all members of the Commission.
- (n) Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Commission, provided that the proposed amendments or new rules shall been introduced in the record at a prior Commission meeting.

Section 1.02 Meetings

- (a) Regular Meetings: The Commission shall meet at the City of Mansfield Municipal Complex at 6:30 p.m. on the first and third Mondays unless otherwise officially established and noticed by the Commission. The Commission shall meet not less than once each month. Workshops may be scheduled in conjunction with the regular meeting or on the call of the Chair.
- (b) Special Meetings: Special meetings may be called by the Chair, or in the event of his absence, the Vice Chair.
- (c) Recessed Meetings: Any meeting of the Commission may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.
- (d) Notice of Meetings: The notice of all meetings shall be given in compliance with V.T.C.A., Government Code, Chapter 551.

Section 1.03 Chair and Duties

- (a) Election of Chair: The Chair shall be elected by a majority vote of Commission members present and voting. According to Section 10.01 of the City Charter, the Chair shall serve only two (2) consecutive years as Chair. The Director of Planning shall receive direction from the City Council on the election of the Chair and shall handle the proceedings for the election of Chair. The election of the Chair shall not occur prior to the Director of Planning receiving direction from the City Council.

- (b) Election of Vice Chair: The Vice-Chair shall be elected by a majority vote of Commission members present and voting.
- (c) Chair: The Chair, if present, shall preside at all meetings of the Commission. In his or her absence, the Vice Chair shall preside. In the event of the absence of both, the Commission shall elect its Chair for that meeting.
- (d) Call to Order: The meetings of the Commission shall be called to order by the presiding officer.
- (e) Preservation of Order: The Chair shall preserve order and decorum, prevent personalities or the impugning of members or staff motives, and confine discussions to the question before the Commission.
- (f) Points of Order: The Chair shall determine all points of order, subject to the right of any member to appeal to the Commission. If any appeal is taken, the question shall be: "Shall the decision of the Chair be sustained?"
- (g) Questions to be Stated: The Chair shall state all questions submitted for a vote and announce the result.
- (h) Limit Debate: The chair may limit the discussions and debates of the members of the Commission, when, in his or her opinion, the press of the business of the Commission requests same. The limits shall be placed at such time and in such manner that all Commission members shall be given an equal opportunity to be heard.

Section 1.04 Order of Business

- (a) Agenda: The order of business of each meeting shall be as contained in the agenda prepared by the Director of Planning or his or her designee.
- (b) Comments by Citizens: Citizen comments on public hearing items will be received during the public hearings. Citizens wishing to comments on regular agenda items and items not on the agenda may present statements during the "Citizen Comments" portion of the agenda. Any citizen wishing to comment must fill out a card at the entrance to the City Council Chamber and will be allowed up to five (5) minutes per person.
- (c) Comments by Members of Commission or Staff: A comment session will be provided towards the end of the agenda. These items will be titled Commission Comments and Staff Comments.
- (d) There will be no deliberation of any subject during any comment session except for a decision on whether it should be placed on a future meeting agenda. The consent of at least three (3) Commission members is required for any item to be scheduled on a future meeting agenda.

Section 1.05 Voting Procedures

- (a) **Majority Vote Required:** Approval of all matters and motions before the Commission shall require the affirmative vote of a majority of all members of the Commission present and voting
- (b) **Recording of Votes:** Votes shall be entered into the official record of the Commission.
- (c) **Tie Vote:** In the event of a tie in votes on any motion, the motion shall be considered denied. On matters where the Commission is required to issue a recommendation to the City Council, an affirmative vote of the majority of the Commission members present and voting is necessary for approval of said item.
- (d) **Voting required:** Every member of the Commission shall be required to vote except on matters involving the consideration of his or her own official conduct, or where his participation is prohibited by state or local regulations. The Chair may vote on any matter except those involving the consideration of his official conduct, or where his participation is prohibited by state or local regulations, but in no event shall he or she be required to vote.
- (e) **Order of Precedence of Motions:** See Exhibit A for the order of precedence of motions.
- (f) **Withdrawal of Motions:** A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been stated by the Chair. If the mover modifies his motion, the seconded may withdraw his second. After the question has been stated, the mover shall neither withdraw nor modify it without the consent of the Commission.
- (g) **Amendments to Motions:** No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend shall be in order, but one to amend an amendment shall not be in order.

Section 1.06 Creation of Committees

- (a) **Commission Committees:** The Commission may, as the need arises, authorize the appointment of “ad hoc” Commission committees. The Chair shall appoint the members of such committees, subject to the approval of the Commission. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Commission.

Section 1.07 Time Limits on Public Hearings

- (a) **Public Hearing Time Limits:** Anyone wishing to speak for or against proposed zoning changes must fill out a card at the entrance to the Council Chambers. The proponent will be allowed fifteen (15) minutes for presentation; all other speakers for or against will be allowed five (5) minutes each. The proponent is allowed five (5) minutes for rebuttal.

During the rebuttal portion of the hearing, no new testimony shall be introduced except in direct response to questions by the Commission.

Originally adopted on May 18, 1998

Revised on July 7, 2003

EXHIBIT A

To Do This: ¹	You Say This:	May you Interrupt Speaker?	Must be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote is Required?
Adjourn the meeting	I move that we adjourn.	No	Yes	No	No	Majority vote
Recess the meeting	I move that we recess until...	No	Yes	No	Yes	Majority vote
Complain about noise, condition of room	Point of privilege	Yes only if emergency	No	No	No	No vote required, chair rules
Suspend further consideration of something	I move we table it ²	No	Yes	No	No	Majority vote
End debate	I move the previous question	No	Yes	No	No	2/3 vote
Postpone consideration of something	I move we postpone this matter until...	No	Yes	Yes	Yes	Majority vote
Have something studied further	I move we refer this matter to a committee	No	Yes	Yes	Yes	Majority vote
Amend a motion	I move that this motion be amended by...	No	Yes	Yes	Yes	Majority vote
Introduce business (a main motion)	I move that...	No	Yes	Yes	Yes	Majority vote
Object to procedure or to a personal affront	Point of order	Yes	No	No	No	No vote required, Chair rules
Request Information	Point of Information about...	Yes only if urgent	No	No	No	No vote required
Ask for a vote by actual count to verify a voice vote. ²	I move that we have a counted vote	No	Yes	No	No	Majority vote
Object to considering something undiplomatic or improper matter	I object to consideration of this question	Yes	No	No	No	2/3 vote
Take up a matter previously tabled	I move we take from the table...	No	Yes	No	No	Majority vote
Reconsider something already disposed of	I move we now (or later) reconsider our action relative to ...	No	Yes	Yes only if original motion is debatable	No	Majority vote
Consider something out of its scheduled order	I move we suspend the rules and consider...	No	Yes	No	No	2/3 vote
Vote on a ruling by the Chair	I appeal the Chair's decision	Yes	Yes	Yes	No	Majority vote

¹ The motions, points and proposals listed below have no established order of precedence. Any of them may be introduced at any time-except when considering a motion to adjourn, motion to recess or point of privilege.

² May be called before another motion is started.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5160

Agenda Date: 1/23/2023

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the Execution of a Joint Election Agreement and Contract with Johnson County Elections Administrator to Perform Election Services for the May 6, 2023 General and Special Election; and Providing an Effective Date

Requested Action

Approve the Resolution and Joint Election Agreement with the Johnson County Election Administrator

Recommendation

City staff recommends approval of the Resolution and Joint Election Agreement between the City of Mansfield and Johnson County (Johnson County Elections Administrator).

Description/History

On January 23, 2022 the City Council will be calling for a General Election to be held on May 6, 2022 to elect a Council Member, Place 6, and Council Member, Place 7, as well as a Special Election to fill a vacancy to elect a Council Member, Place 3.

It is the intent of the City to contract with Johnson County Elections to conduct the elections. The City will also be contracting with Tarrant and Ellis County. A resolution for those contracts will be forthcoming.

Justification

Participation in the Johnson County joint election streamlines the voting process for voters.

Funding Source

Funds are allocated in the City Council budget (001-8806-11-01) for this expenditure.

Prepared By

Susana Marin, TRMC, City Secretary
817-276-4203

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE JOHNSON COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 6, 2023 GENERAL AND SPECIAL ELECTION; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, Subchapter D of Chapter 31 of the Texas Election Code authorizes a county election officer to contract with the governing body of a municipality located wholly or partly in the county to perform election services; and,

WHEREAS, the City Council of the City of Mansfield desires to have the Johnson County Elections Administrator conduct the May 6, 2023 General and Special Election to the extent permitted by law.

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

SECTION 1.

The Joint Election Agreement with the Johnson County Elections Administrator and the City of Mansfield (the "Contract"), attached hereto as Exhibit "A", is hereby approved for all purposes and the Mayor is authorized to execute the Contract. The Mayor is hereby authorized and directed to take any and all actions necessary to enable the Johnson County Elections Administrator and the City to conduct the May 6, 2023 General and Special Election in accordance with all applicable law.

SECTION 2.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

**ELECTION AGREEMENT
FOR JOHNSON COUNTY AND CITY OF MANSFIELD
MAY 6, 2023**

THIS AGREEMENT is made and entered into this ___ day of _____ 2023, by and between the COUNTY OF JOHNSON, TEXAS, acting by and through the JOHNSON COUNTY ELECTIONS ADMINISTRATOR (hereinafter referred to as "COUNTY") and CITY OF MANSFIELD, acting by and through its Mayor or his designee (hereinafter referred to as "CITY").

WHEREAS, the COUNTY will be conducting the "CITY" General Election on May 6, 2023 for registered voters of Johnson County, Texas residing within City; and

WHEREAS, pursuant to Sec. 31.093, Texas Elections Code, the County Elections Administrator is required to enter into a contract with CITY to conduct and furnish election services for this May 6, 2023 General Election of CITY: and

WHEREAS, CITY desires that the Johnson County Elections Administrator conduct and coordinate this election; NOW THEREFORE,

FOR AND IN CONSIDERATION of the mutual project referenced herein, the parties hereto agree to hold an election on May 6, 2023 from 7:00 a.m. until 7:00 p.m., in accordance with Section 271.002, Texas Election Code, and that said election to be conducted pursuant to the terms of this agreement.

I. AGREEMENT

GENERAL TERMS:

- 1.01 On May 6, 2023, the election shall be held from 7:00 AM until 7:00 PM, that day, at the location listed on Exhibit B.
- 1.02 The political subdivision participating in the election on May 6, 2023, shall have and use the election Judges and ES&S AutoMark voting equipment.

II. JOHNSON COUNTY

- 2.01 The COUNTY agrees to coordinate, supervise, and conduct the Election, pursuant to the provisions of the Texas Election Code unless specifically provided otherwise in this Agreement with the understanding that the Election is only for the registered voters of Johnson County, Texas residing within the CITY
- 2.02 The Elections Administrator shall perform the following duties:
- a. Designate voting locations and contact the owners or custodians of public (or if unavailable, private) buildings and arrange for their use. Such voting locations shall be furnished to CITY as soon as possible.
 - b. Appoint, notify, and train the presiding judges and alternate judges and clerks. The names and addresses of each judge and alternate judge and clerk shall be furnished to the CITY at a later date.
 - c. Compensate election judges, alternate judges and clerks.
 - d. Transport voting equipment to and from each polling location.
 - e. Rent, if necessary, voting locations.
 - f. Provide lists of registered voters to the election judges.
 - g. Preparation of programs and test materials for tabulation of the ballots to be used with electronic voting equipment in accordance with the provisions of the Texas Election Code and of this Agreement.
 - h. Publish notice of the date, time, and place of the testing of the electronic tabulation equipment and conduct such testing.

III. EARLY VOTING AND ELECTION DAY VOTING

- 3.01 Early Voting by Personal Appearance
- a. The Elections Administrator, Patty Bourgeois shall serve as Early Voting Judge for the CITY General Election and other judges and clerks shall be appointed by her as needed.
 - b. Early Voting by personal appearance shall be conducted at the location listed on Exhibit A.

All eligible voters in the City of Mansfield may vote early at the Commissioner Pct. 3; 10420 E. FM 917, Alvarado, Texas 76009 and Johnson County Elections, 103. S Walnut St., Cleburne, Texas 76033.

- c. Early Voting by personal appearance will begin on April 24, 2023, and will end on May 2, 2023. There will be early voting on Saturdays, Sundays, or legal holidays, unless otherwise agreed to by the parties.
- d. Temporary extended hours at those sites listed as in sec: 85.005 of the Election Code.

3.02 Early Voting By Mail:

- a. The COUNTY shall be responsible for early voting ballot requests by mail.
- b. CITY shall forward any requests by mail applications to the COUNTY.
- c. The COUNTY shall be responsible for all preparation of mail ballots including mailing ballot to voter.

3.03 The Ballot Board Judge for the CITY shall be as designated by the COUNTY. The Early Voting Ballot Board's duties will include:

- (1) Serve as Signature Verification Committee
- (2) Prepare the mail ballots for tabulation.
- (3) Convene to count provisional ballots and late ballots from out of the country, if any. (7th day or earlier after Election Day).

3.04 Election Day Voting:

The COUNTY shall be responsible for the following:

- a. Procure, prepare, and distribute supplies and the ES&S AutoMark and other election equipment for personal appearance on Election Day.
- b. Procure, prepare, and distribute Election Day supplies, tables, chairs if needed, and equipment, including ballots.
- c. Supervise the handling and disposition of election returns, tabulate unofficial returns, and assist in preparing the tabulation for the official canvass.
- d. Prepare the canvass report after all precincts have been counted and make available a copy of the appropriate part of the tabulation report.

- e. Conduct the manual count.
- 3.05 Serve as custodian of election records and store election records as provided by Section 66.058 of the Texas Election Code for a period of 22 months.

IV. CITY

CITY shall have the following responsibilities in conducting this election on May 6, 2023

- 4.01 Prepare any election orders, resolutions, notices, writ of election, and other pertinent documents for adoption for execution by the appropriate officer; and take all actions required by law for calling the election, handling contests, canvassing the returns, and declaring the results of the election.
- 4.02 Prepare and publish information for the required election notice.
- 4.03 Deliver to the Elections Administrator the official wording, including Spanish translation, to be printed on the optical scan ballot. All documents must be delivered to the County Elections office by the 13th day of February 2023. If the documents are not received by the above date this Election Agreement will be terminated and County will have no obligations regarding the above referenced election.
- 4.04 Approve final optical scan ballot wording for content, form, and spelling.
- 4.05 Prepare and publish the Notice of Election, which is the required and described method of giving notice in accordance to Texas Election Code (Sec 4.003(a) (1)).
- 4.06 Provide maps and other reference guides.
- 4.07 Assist the Election Administrator with providing Election Personnel.
- 4.08 Pursuant to Texas Election Code Sec. 67.003, canvass the official results between the 3rd and 11th day following the election.

V. PAYMENT FOR SERVICES

- 5.01 In consideration for the services and expenses provided by the County for conducting this election, the County shall be reimbursed for the optical scan ballots, ballot layout, media, coding the ES&S AutoMark equipment, M650 optical scan equipment, voting supplies, Election Judges, Clerks, Central Count, Ballot board, a 10 % administration fee, and any other expenses listed on Exhibit C.
- 5.02 Should a recount be required, those costs associated with the recount, if any, shall be in accordance with the provisions of the Texas Election Code.
- 5.03 The official for parties to contact for all purposes shall be listed at the end of the Agreement. All notices and other deliveries under the Agreement shall be delivered to said individual so listed.

VI. RUN-OFF ELECTION

- 6.01 In the event there is a run-off election, this Agreement shall be extended for the time necessary to conduct the run-off election and the CITY and COUNTY agree to continue to perform their respective responsibilities as set forth in this Agreement as are applicable to a run-off election. CITY will be responsible for any and all additional costs associated with the run-off election incurred by COUNTY. Any additional costs owed to COUNTY by CITY will be invoiced by COUNTY and CITY agrees to pay said invoiced amount within thirty (30) days of receipt of the invoice from COUNTY.

VII. TERMINATION IF ELECTION IS CANCELED

- 7.01 In the event that the election is canceled due to all candidates being unopposed, County and CITY agree that this Agreement will be terminated and CITY will owe a cancellation fee of \$75.00 to be paid by CITY within thirty (30) days of said cancellation.

ACCEPTANCE:

On behalf of Johnson County Elections Administration, I hereby accept the terms of the Agreement.

Signed the _____ day of _____, 2023.

Patty Bourgeois
Elections Administrator
Johnson County, Texas

On behalf of City of Mansfield, I hereby accept the terms of this Agreement.

Signed the _____ day of _____, 2023.

Michael Evans, City of Mansfield
City Mayor

IN WITNESS WHEREOF, the above Agreement was adopted at a meeting of the Commissioner's Court of Johnson County on the _____ day of _____, 2023.

COUNTY OF JOHNSON

County Judge
Johnson County Commissioners
Court

Officials for notice:
Patty Bourgeois
Elections Administrator
Johnson County
P.O. Box 895
Cleburne, Texas 76033

Michael Evans, City of Mansfield
City Mayor
1200 E. Broad St.
Mansfield, Texas 76063

EXHIBIT A

**CITY OF MANSFIELD GENERAL ELECTION
MAY 6, 2023
EARLY VOTING POLLING LOCATION
(ELECCIÓN GENERAL CITY OF MANSFIELD
6 DE MAYO DEL 2023
CENTRO PARA VOTACIÓN ADELANTADA)**

April 24, 2023 through May 2, 2023 is the period for early voting by personal appearance (Sec. 85.001). Any voter qualified to vote in the May 6, 2023, City of Mansfield General Election is eligible for early voting by personal appearance.

Early voting by personal appearance will be conducted the following location:

Monday, April 24, 2023 – Friday, April 28, 2023 hours: 8:00 am until 5:00 pm

Monday, May 1, 2023 – Tuesday, May 2, 2023 hours: 7:00 am until 7:00 pm

(El plazo para la votación adelantada en persona es desde el 24 de Abril, 2023

hasta el 2 de Mayo del 2023 (Sec. 85.001). Cualquier votante calificado para votar en la Elección General City of Mansfield del 6 de Mayo del 2023, es elegible para la votación adelantada en persona.

La votación adelantada en persona se llevará a cabo en el siguiente lugar:

Lunes, 24 de Abril del 2023 – Viernes, 28 de Abril del 2023; horas: 8:00 am hasta 5:00 pm

Lunes, 1 de Mayo del 2023 – Martes, 2 de Mayo del 2023; horas: 7:00 am hasta 7:00 pm)

Hours for additional weekend early voting will be extended at the early voting location to include:

Saturday April 29, 2023, 7:00 am to 7:00 pm.

(Las horas adicionales para la votación adelantada durante el fin de semana serán extendidas en la ubicación para votación adelantada incluyendo:

Sábado, 29 de Abril del 2023, 7:00 am hasta 7:00 pm

Early Voting Main

Johnson County Election

(Elecciones del condado de Johnson)

103 S Walnut St.

Cleburne, Texas 76033

Early Voting

Pct. 3 Maintenance Facility

(Centro de Mantenimiento del Recinto 3)

10420 E. FM 917

Alvarado, Texas 76009

EXHIBIT B

**CITY OF MANSFIELD GENERAL ELECTION
MAY 6, 2023
EARLY VOTING POLLING LOCATION
(*ELECCIÓN GENERAL CITY OF MASFIELD
6 DE MAYO DEL 2023
CENTRO PARA VOTACIÓN ADELANTADA*)**

Election Day

Pct. 3 Maintenance Facility
(Centro de Mantenimiento del Recinto 3)
10420 E. FM 917
Alvarado, Texas 76009

Exhibit C

COST OF SERVICE. The City of Mansfield shall pay for services , supplies, and equipment in accordance with the following estimated cost schedule. The City of Mansfield will be liable to pay all the expense that have endured; and a 10% administration fee.

CITY OF MANSFIELD: 2023 MAY 6th

Contracted Election with Johnson County/Separate Ballots 2 EV & 1 ED Location.

Pct. 8, 35, 42, & 43

1. VOTING EQUIPMENT, TABULATION NOTICE, AND BUILDING RENTAL	Estimated Cost
<u>(X) Rental M650 Optical Scanner</u>	\$500.00
<u>(X) Rental ES&S Auto-Mark for HAVA</u>	\$700.00
<u>(X) Programming Charges/Coding/Media/ shipping for 650 Central count & Auto-marks</u>	\$1,200.00
<u>(X) Printing Ballots/Layout/Spanish Coding/ shipping</u>	\$3,000.00
<u>(X) Publish Notice of Tabulation Test</u>	\$125.00
<u>(X) Building Rental</u>	\$0.00
2. CENTRAL COUNT EXPENSES	
<u>(X) CC Station Manager</u>	\$125.00
<u>(X) Tabulation Supervisor</u>	\$150.00
<u>(X) Assistant Tabulation Supervisor</u>	\$150.00
<u>(X) Assistant Tabulation</u>	\$100.00
<u>(X) CCS Judge</u>	\$75.00
<u>(X) CCS Alt. Judge</u>	\$75.00
<u>(X) Early Voting Ballot Board Judge</u>	\$240.00
<u>(X) Early Voting Ballot Board Alt. Judge</u>	\$228.00
<u>(X) Early Voting Ballot Board Personnel</u>	\$408.00
<u>(X) Provisional/Late Ballot Board Judge</u>	\$80.00
<u>(X) Provisional/Late Ballot Board Alt. Judge</u>	\$76.00
<u>(X) Provisional/Late Ballot Board Clerks</u>	\$136.00
<u>(X) Security</u>	\$180.00
3. ESTIMATED EARLY VOTING COSTS	
<u>(X) Judge's Kit Early Voting</u>	\$100.00
<u>(X) Ballot by Mail MAC</u>	\$500.00
<u>(X) Early Voting Judge</u>	\$3,420.00
<u>(X) Early Voting Alt. Judge</u>	\$2,964.00
<u>(X) Early Voting Clerks</u>	\$5,564.00
<u>(X) Early Voting Mileage Reimbursement</u>	\$100.00
<u>(X) Early Voting Pick up & delivery fee</u>	\$25.00

Exhibit C

4. ESTIMATED ELECTION DAY COSTS

<u>(X) Judge's Kit Election Day</u>	\$50.00
<u>(X) Election Day Judge</u>	\$240.00
<u>(X) Election Day Alt. Judge</u>	\$208.00
<u>(X) Election Day Clerks</u>	\$364.00
<u>(X) Election Day Pick up & delivery fee</u>	\$25.00
<u>(X) Supplies</u>	\$500.00

Subtotal \$21,608.00

5. CONTRACT ADMINISTRATIVE FEE & TOTAL COST

10% of Subtotal \$2,160.80

TOTAL COST \$23,768.80

*** Per section: 7.01**

If the Election is canceled there will be a fee of \$75.00 to be paid by CITY within (30) days of said cancellation.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5154

Agenda Date: 1/23/2023

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 9, 2023 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, 2023 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, TRMC, City Secretary
817-276-4203



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, January 9, 2023

2:00 PM

Council Chambers

REGULAR MEETING

2:00 P.M. - CALL MEETING TO ORDER

Mayor Evans called the meeting to order at 2:00 p.m.

Council Member Leyman was absent due to his resignation.

Present 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

N/A's 1 - Mike Leyman

WORK SESSION

Discussion Regarding Potential Ballot Propositions

Executive Director of Economic Development Jason Moore spoke on a possible May 2023 special election to amend the existing type 4A sales tax to have type 4B powers. Julie Partain with Bracewell spoke on potential bond propositions and answered Council questions. Executive Director of Community Services Matt Young spoke on options for holding a bond election for the Veterans Memorial and Miracle Field projects. It was noted that these projects, if put on a ballot and passed, would be funded with no tax increase to Mansfield residents.

Discussion Regarding a Proposed Townhouse Development on Toll Road 360 in South Pointe

David Branch presented a proposed townhouse development and answered Council questions. He spoke on the site, the proposed townhomes, and the development in general. Anthony Natale with Grenadier Homes spoke on the proposed development and answered Council questions.

Discussion Regarding the January 9, 2023 Consent Agenda Items

City Attorney Drew Larkin answered a Council question regarding abstaining from a vote on a consent agenda item.

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 3:31 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 3:39 p.m. Mayor Evans recessed the executive session at 7:04 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 Pending Litigation – Cause No. 3:20-CV-2061-N-BK

Seek Advice of City Attorney Regarding Legal Issues Pertaining to Economic Development Projects Listed in Section 3.D of the Agenda

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

Land Acquisition for Future Development

Personnel Matters Pursuant to Section 551.074

Board Interviews

Appointment of City Attorney

City Manager's Quarterly Update

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

Economic Development Project #16-05

Economic Development Project #22-23

Economic Development Project #22-24

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

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

Mayor Evans reconvened the meeting into regular business session at 7:08 p.m.

INVOCATION

Pastor Sam Russo of Life Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Broseh 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 Lewis led the Texas Pledge.

PRESENTATION

Salvation Army Mayoral Red Kettle Challenge Trophy Presentation

Lts. Konstantin and Anna Maslenikov with the Salvation Army presented Mayor Evans and the City of Mansfield with the 2022 Salvation Army Mayoral Red Kettle Challenge trophy for winning the competition with a total amount raised of \$125,230.33.

PROCLAMATION

[22-5127](#)

Proclamation - Recognition of Council Member Mike Leyman

The proclamation was not presented as Mr. Leyman was not in attendance.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

SUB-COMMITTEE REPORTS

[22-5125](#)

Minutes - Approval of the December 12, 2022 TIF Reinvestment Zone #1 Board Meeting Minutes (vote will be only by members of the sub-committee: Broseh (Chair), Leyman, Tonore, and Evans)

A motion was made by Mayor Pro Tem Tonore to approve the minutes of the December 12, 2022 TIF Reinvestment Zone #1 Board Meeting. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 3 - Larry Broseh; Todd Tonore and Michael Evans

Nay: 0

Abstain: 0

Non-Voting: 3 - Julie Short; Casey Lewis and Tamera Bounds

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Mayor Pro Tem Tonore to appoint Todd Simmons to the MEDC Board to fulfill the seat of Larry Klos' unexpired term. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

A motion was made by Council Member Bounds to authorize the City Manager to negotiate, finalize, and execute a contract of sale for real property as discussed in executive session. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 5 - Larry Broseh; Julie Short; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 1 - Casey Lewis

CONSENT AGENDA

[22-5116](#)

Resolution - A Resolution Authorizing the Application for a Transportation Alternatives Grant to the Texas Department of Transportation for the development of an Active Transportation and Safety Plan

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

A RESOLUTION AUTHORIZING THE APPLICATION FOR A TRANSPORTATION ALTERNATIVES GRANT TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DEVELOPMENT OF AN ACTIVE TRANSPORTATION AND SAFETY PLAN

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

Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh;Julie Short;Mike Leyman;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3961-23

[22-5117](#)

Resolution - A Resolution Authorizing Funding for an Amount Not to Exceed \$350,000.00 and Awarding a Contract for the Construction of a Community Development Block Grant - Cares Act Project for Cotton Drive Water Line Improvements (West Broad St. to Wilson Dr.) to Excel 4 Construction, LLC (Utility Fund, Community Development Block Grant Program - Cares Act Entitlement Funds)

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

A RESOLUTION AUTHORIZING FUNDING FOR AN AMOUNT NOT TO EXCEED \$350,000.00 AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT - CARES ACT PROJECT FOR COTTON DRIVE WATER LINE IMPROVEMENTS (WEST BROAD ST. TO WILSON DR.) TO EXCEL 4 CONSTRUCTION, LLC (UTILITY FUND, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - CARES ACT ENTITLEMENT FUNDS)

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

Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Non-Voting: 1 - Mike Leyman

Enactment No: RE-3962-23

[22-5118](#)

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for Holland Road Phase 2 Improvements (Stonebriar Trail to Garden Path Lane) with Ed Bell Construction Company for an Amount Not to Exceed \$657,800.16 (Utility Fund)

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

A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR HOLLAND ROAD PHASE 2 IMPROVEMENTS (STONEBRIAR TRAIL TO GARDEN PATH LANE) WITH ED BELL CONSTRUCTION COMPANY FOR AN

AMOUNT NOT TO EXCEED \$657,800.16 (UTILITY FUND)

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

Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3963-23

[22-5119](#)

Resolution - A Resolution Authorizing Funding for the Purchase of a 30-inch Flow Control Valve for the 30-inch Lone Star Rd Water Line to Municipal Valve & Equipment Company through the Interlocal Purchasing System (TIPS) for an Amount Not to Exceed \$208,100.00 (Utility Fund)

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

A RESOLUTION AUTHORIZING FUNDING FOR THE PURCHASE OF A 30-INCH FLOW CONTROL VALVE FOR THE 30-INCH LONE STAR RD WATER LINE TO MUNICIPAL VALVE & EQUIPMENT COMP ANY THROUGH THE INTERLOCAL PURCHASING SYSTEM (TIPS) FOR AN AMOUNT NOT TO EXCEED \$208,100 .00 (UTILITY FUND)

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

Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3964-23

[22-5126](#)

Resolution - A Resolution Authorizing a Contract with Freese & Nichols, Inc. for the 2023 Water and Wastewater Master Plan and Impact Fee Update for an Amount Not to Exceed \$390,000 (Utility Fund)

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

A RESOLUTION AUTHORIZING A CONTRACT WITH FREESE & NICHOLS, INC. FOR THE 2023 WATER AND WASTEWATER MASTER PLAN AND IMPACT FEE UPDATE FOR AN AMOUNT NOT TO EXCEED \$390,000.00

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

Seconded by Council Member Bounds. The motion CARRIED by the following

vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3965-23

[22-5122](#)

Minutes - Approval of the December 12, 2022 1:30 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Short to approve the minutes of the December 12, 2022 1:30 p.m. Regular City Council Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

[22-5123](#)

Minutes - Approval of the December 12, 2022 7:00 p.m. Regular City Council Meeting Minutes

A motion was made by Council Member Short to approve the minutes of the December 12, 2022 7:00 p.m. Regular City Council Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

[22-5124](#)

Minutes - Approval of the December 19, 2022 Special City Council Meeting Minutes

A motion was made by Council Member Short to approve the minutes of the December 19, 2022 Special City Council Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

OLD BUSINESS

[22-5106](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving an Economic Development Agreement Between the City of Mansfield, the Mansfield Economic Development Corporation, and Crystal Window and Door Systems; Authorizing the City Manager and MEDC President to Execute Said Agreement; and Providing an Effective Date

Jason Moore presented the item and requested the City Council table this item to the January 23, 2023 City Council Meeting.

A motion was made by Council Member Short to table this item to the January 23, 2023 City Council meeting. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

PUBLIC HEARING AND FIRST READING

[22-5110](#)

Ordinance - Public Hearing and First and Final Reading on an Ordinance Amending Chapter 155, "Zoning" of the Mansfield Code of Ordinances to revise the Permitted Use Table in Section 155.054(B) and the Special Conditions in Section 155.099(B)(40) related to Donation Boxes (OA#23-001)

Director of Planning Jason Alexander presented and requested the City Council table the item to the January 23, 2023 City Council meeting.

Mayor Evans opened the public hearing at 7:24 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 7:24 p.m.

A motion was made by Council Member Broseh to table this item to the January 23, 2023 City Council Meeting. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh;Julie Short;Casey Lewis;Todd Tonore;Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

NEW BUSINESS

[22-5077](#)

Ordinance - An Ordinance of the City of Mansfield, Texas, Amending Chapter 116.03 "Revocation of Permit," Providing that this Ordinance Shall be Cumulative of All Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing for the Publication as Required by Law; and Providing an Effective Date

A motion was made by Council Member Lewis to table this item to the January 23, 2023 City Council meeting. Seconded by Council Member Broseh. The

motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

[22-5107](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving an Economic Development Agreement Between the City of Mansfield, Texas, the Mansfield Economic Development Corporation, the Board of Directors of Reinvestment Zone Number One, and Admiral Legacy, LLC; Authorizing the City Manager, MEDC President, and TIRZ #1 Board Chair, to Execute Said Agreement; and Providing an Effective Date

Jason Moore presented the item and answered Council questions.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANSFIELD, THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION, THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, AND ADMIRAL LEGACY INVESTMENTS, LLC.; AUTHORIZING THE CITY MANAGER, MEDC PRESIDENT, AND CHAIRMAN OF TIRZ #1 BOARD TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3966-23

[22-5115](#)

Review and Consideration of a Request to Approve Modifications to the South Pointe Planned Development (PD) District Standards, Office Residential (OR) Sub-District; RUBY 07 SPMTGE LLC, developer (ZC#04-012C)

This item was withdrawn.

ADJOURN

A motion was made by Council Member Lewis to adjourn the meeting at 7:33 p.m. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

ATTEST: Michael Evans, Mayor

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5106

Agenda Date: 12/12/2022

Version: 1

Status: Old Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas, Approving an Economic Development Agreement Between the City of Mansfield, the Mansfield Economic Development Corporation, and Crystal Window and Door Systems; Authorizing the City Manager and MEDC President to Execute Said Agreement; and Providing an Effective Date

Requested Action

Consider Approval of the Economic Development Agreement with Crystal Window and Door Systems

Recommendation

Approval of the Economic Development Agreement with Crystal Window and Door Systems

Description/History

Since May 2022, Staff has been working with Crystal Window and Door Systems, a nationally recognized leader in window manufacturing, with corporate headquarters in Flushing, New York. The company researches, develops, and manufactures window and door systems for commercial and residential buildings. They have approximately 800 employees nationally and their annual revenue is over \$250 million.

They have chosen a 44 acre site generally located west of U.S. 287, south of and adjacent to the railroad tracks, east of and adjacent to Justice Lane, and north of and adjacent to the Tarrant County Corrections facility located at 651 Justice Lane in Mansfield as the location for their new manufacturing facility and regional headquarters. This facility will be built in four phases over the next 6 years. During this time Crystal Window and Door Systems will construct approximately 650k sq. ft. and make a capital investment of at least \$136 million. They will also create over 650 jobs.

The Mansfield Economic Development Corporation and the City of Mansfield have negotiated economic development incentives, the terms of which are contained in the attached agreement. The MEDC considered this agreement at the December 6th MEDC Board meeting.

Justification

Crystal Window and Door Systems will make a capital investment of at least \$136 million in facilities and equipment and create over 650 jobs in the City of Mansfield.

Funding Source

4A and General Fund

Prepared By

Jason Moore, Executive Director of Economic Development, 817-728-3650

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANSFIELD, THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION, AND CRYSTAL WINDOW AND DOOR SYSTEMS, LTD.; AUTHORIZING THE CITY MANAGER AND MEDC PRESIDENT TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council has been presented a proposed Economic Development Agreement between the City of Mansfield, the Mansfield Economic Development Corporation (“MEDC”), and Crystal Window and Door Systems, LTD., a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and,

WHEREAS, upon full review and consideration of the Economic Development Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the agreement should be approved, and the City Manager and the MEDC President shall be authorized to execute on behalf of the City and MEDC.

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

SECTION 1.

The Economic Development Agreement attached hereto as Exhibit “A” is found to be in the best interest of the City of Mansfield and its citizens and is approved.

SECTION 2.

The City Manager of the City of Mansfield his designee and the President of the MEDC are hereby authorized to execute the Economic Development Agreement.

SECTION 3.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5077

Agenda Date: 1/9/2023

Version: 3

Status: Old Business

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance of the City of Mansfield, Texas, Amending Chapter 116.03 "Revocation of Permit," Providing that this Ordinance Shall be Cumulative of All Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing for the Publication as Required by Law; and Providing an Effective Date

Requested Action

Approval of Proposed Ordinance.

Recommendation

Approval of Proposed Ordinance.

Description/History

On May 9, 2022, the City of Mansfield adopted OR-2258-22 creating a new Chapter 116 in the Code of Ordinances. Chapter 116 established a donation box permit, maintenance regulations, and a process for approving, denying, or revoking such permits. This ordinance was adopted in conjunction with OR-2256-22, an amendment to Chapter 155, "Zoning," establishing provisions regarding the placement and minimum conditions for donation boxes.

Justification

The proposed ordinance revisions allow for improvement of the definition of permit revocation terms, providing a clearer outline for donation box operators and the Department of Regulatory Compliance in the enforcement of this chapter regarding reasons that a donation box permit may be revoked.

Funding Source

N/A

Prepared By

Nicolette Ricciuti
Director of Regulatory Compliance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XI OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOX PERMITS; CREATING A NEW CHAPTER 116 TO ESTABLISH A DONATION BOX PERMIT; ESTABLISHING MAINTENANCE REGULATIONS FOR DONATION BOXES; PROVIDING FOR THE REVOCATION OF SUCH PERMITS; PROVIDING FOR FEES RELATED TO CHAPTER 116; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Title XI of the Code of Ordinances of the City of Mansfield to regulate donation boxes as provided herein.

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

SECTION 1.

That Title XI, "Business Regulations," of the Code of Ordinance of the City of Mansfield is hereby amended by creating a new Chapter 116, "Donation Box Permits and Enforcement" to read as follows:

"CHAPTER 116: DONATION BOX PERMITS AND ENFORCEMENT GENERAL PROVISIONS

§ 116.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The director of the department designated by the City Manager to enforce and administer this Chapter, including the Director's designees.

CITY APPEAL OFFICER. The authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

DONATION BOX. The definition of this term set forth in Section 155.012 of the

Mansfield Code of Ordinances is incorporated into this chapter.

DONATION BOX PERMITS

§ 116.02 PERMITS.

(A) A Donation Box Permit must be obtained from the Department of Regulatory Compliance for all donation boxes to be located in the City of Mansfield, subject to the following requirements:

(1) Prior to the issuance of a Donation Box permit, the operator of a donation box shall obtain a Specific Use Permit in accordance with Section 155.080 of the Code of Ordinances of the City of Mansfield if required by Subsection 155.054(B), "Permitted Use Table," Table D. All Donation Boxes allowed under Chapter 155, whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under this Chapter.

(2) A separate permit is required for each donation box located in the City.

(3) The property owner shall sign and notarize the Donation Box Permit application authorizing the placement of a donation box on the property.

(4) A decal to allow a donation box to be placed and used at a designated location shall be issued by Regulatory Compliance at the time of the approval of the Donation Box Permit. The decal shall be placed on the donation box in a visible location to identify the donation box as an allowed use on the property.

(5) The operator of the donation box shall be the applicant on a Donation Box Permit application. If the donation box operator changes, the new operator must obtain a new Donation Box Permit prior to the change in operation.

(6) The Donation Box Permit application shall detail a service plan for each Donation Box. The operator of each donation box shall be responsible for collecting the contents of the donation box to prevent overflow and littering and shall pick up all donated items at least once per week. The service plan shall include information regarding how many times a week donated items will be collected, the time of day the items will be collected, a vehicular circulation plan and a graffiti and litter abatement plan.

§ 116.03 MAINTENANCE.

(A) Donation boxes and drop-off collection areas shall be properly maintained and comply with the following regulations:

(1) The operator of each donation box shall keep the real property situated within twenty-five (25) feet of the location of a donation box clean and free of trash, debris, broken glass, clothes hangers, clothes, clothing accessories or excess donations.

(2) The donation box operator and the real property owner shall be jointly and

severally liable and responsible for the maintenance, upkeep and servicing of the donation box

and the cleanup and removal of any donations left on the property outside of the donation box.

(3) A violation of this Subsection shall constitute a public nuisance, and the City shall have the authority to abate any such violation as such. This provision does not exclude or limit the use of any other remedy available to the City under this Subsection, the Code of Ordinances or the laws of the State of Texas.

(4) Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

(5) A donation box operator or real property owner that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the operator, the operator shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. An operator who is issued more than one (1) citation in a twelve (12) month period for the same offense on the same donation box is subject to revocation of the approval for such donation box.

(B) It shall be unlawful for any person who owns, leases, is in control of or is entitled to possession of real property within the City of Mansfield to authorize or allow any donation box to be placed on or remain on such real property without a valid Donation Box Permit in compliance with the provisions of this Subsection.

§ 116.03 REVOCATION OF PERMIT.

(A) Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received more than one citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Chapter.

(B) Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

(C) The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of this Section herein.

(D) Upon finalization of any revocation, the permit holder shall remove said donation

box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner

upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

(E) In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one (1) year of the date such permit was revoked.

(F) Donation boxes that have placed without a permit are subject to the same impoundment regulations set forth in Section 116.03 (D), after a notice of violation has been issued and the 10- day compliance period has expired.

§ 116.04 ADMINISTRATIVE APPEALS OF DENIAL OR REVOCATION OF PERMIT.

(A) Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

(B) The hearing shall be conducted within twenty (20) days of the date on which the request for a hearing was filed with the Administrator.

(C) The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

(D) After such hearing, an applicant or permit holder that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals. The applicant or permit holder shall file a notice of appeal with the Administrator within ten (10) days following service of the written report of the hearing decision under Subsection (C). The City Appeal Officer may, based on the recorded evidence of the hearing below, reverse, affirm, or modify the decision of the Administrator or hearing officer. The City Appeal Officer must serve a written decision on the applicant or permit holder within twenty (20) days of the filing of the notice of appeal.

(E) An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

§ 116.05 APPEALS OF ADMINISTRATOR DECISION.

(A) All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 116.04 above.

(B) The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.

(C) If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.

(D) The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal: 1. The number of violations, convictions, or liability findings; 2. The number of previous revocations; 3. The number of repeat violations at the same location; 4. The degree to which previous violations endangered the public health, safety or welfare; or 5. Any pending action or investigation by another agency.

(E) After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.

(F) The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).

(G) The determination of the City Appeal Officer shall be final on the date the order is signed.

(H) An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer."

SECTION 2.

That all fees established by this Chapter shall be set forth in the Regulatory Compliance Department Fee Schedule.

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.

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 Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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. The requirements of this Ordinance shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the approval date of this Ordinance, except that any donation box existing on the approval date of this Ordinance shall come into compliance with the requirements of Chapter 116 not later than ten (10) days from the approval date of this Ordinance. For existing donation boxes which require a permit under Chapter 116, enforcement of Chapter 116 will be stayed so long as application for a permit under that chapter is submitted within ten (10) days of the approval date of this Ordinance. This stay on enforcement will continue for a donation box while the permit application is pending, but no later than one-hundred twenty (120) days from the approval date of this Ordinance.

SECTION 6.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XI OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOX PERMITS; CREATING A NEW CHAPTER 116 TO ESTABLISH A DONATION BOX PERMIT; ESTABLISHING MAINTENANCE REGULATIONS FOR DONATION BOXES; PROVIDING FOR THE REVOCATION OF SUCH PERMITS; PROVIDING FOR FEES RELATED TO CHAPTER 116; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Title XI of the Code of Ordinances of the City of Mansfield to regulate donation boxes as provided herein;

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"CHAPTER 116: DONATION BOX PERMITS AND ENFORCEMENT

GENERAL PROVISIONS

§ 116.01 DEFINITIONS.

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ADMINISTRATOR. The director of the department designated by the City Manager to enforce and administer this Chapter, including the Director's designees.

CITY APPEAL OFFICER. The authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

DONATION BOX. The definition of this term set forth in Section 155.012 of the Mansfield Code of Ordinances is incorporated into this chapter.

DONATION BOX PERMITS

§ 116.02 PERMITS.

(A) A Donation Box Permit must be obtained from the Department of Regulatory Compliance for all donation boxes to be located in the City of Mansfield, subject to the following requirements:

(1) Prior to the issuance of a Donation Box permit, the operator of a donation box shall obtain a Specific Use Permit in accordance with Section 155.080 of the Code of Ordinances of the City of Mansfield if required by Subsection 155.054(B), "Permitted Use Table," Table D. **All Donation Boxes allowed under Chapter 155, whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under this Chapter.**

(2) A separate permit is required for each donation box located in the City.

(3) The property owner shall sign and notarize the Donation Box Permit application authorizing the placement of a donation box on the property.

(4) A decal to allow a donation box to be placed and used at a designated location shall be issued by Regulatory Compliance at the time of the approval of the Donation Box Permit. The decal shall be placed on the donation box in a visible location to identify the donation box as an allowed use on the property.

(5) The operator of the donation box shall be the applicant on a Donation Box Permit application. If the donation box operator changes, the new operator must obtain a new Donation Box Permit prior to the change in operation.

(6) The Donation Box Permit application shall detail a service plan for each Donation Box. The operator of each donation box shall be responsible for collecting the contents of the donation box to prevent overflow and littering and shall pick up all donated items at least once per week. The service plan shall include information regarding how many times a week donated items will be collected, the time of day the items will be collected, a vehicular circulation plan and a graffiti and litter abatement plan.

§ 116.03 MAINTENANCE.

(A) Donation boxes and drop-off collection areas shall be properly maintained and comply with the following regulations:

(1) The operator of each donation box shall keep the real property situated within twenty-five (25) feet of the location of a donation box clean and free of trash, debris, broken glass, clothes hangers, clothes, clothing accessories or excess donations.

(2) The donation box operator and the real property owner shall be jointly and severally liable and responsible for the maintenance, upkeep and servicing of the donation box and the cleanup and removal of any donations left on the property outside of the donation box.

(3) A violation of this Subsection shall constitute a public nuisance, and the City shall have the authority to abate any such violation as such. This provision does not exclude or limit the use of any other remedy available to the City under this Subsection, the Code of Ordinances or the laws of the State of Texas.

(4) Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

(5) A donation box operator or real property owner that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the operator, the operator shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. An operator who is issued more than one (1) citation in a twelve (12) month period for the same offense on the same donation box is subject to revocation of the approval for such donation box.

(B) It shall be unlawful for any person who owns, leases, is in control of or is entitled to possession of real property within the City of Mansfield to authorize or allow any donation box to be placed on or remain on such real property without a valid Donation Box Permit in compliance with the provisions of this Subsection.

§ 116.03 REVOCATION OF PERMIT.

(A) Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received **more than one** citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Chapter.

(B) Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

(C) The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of this Section herein.

(D) Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period,

the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

(E) In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one (1) year of the date such permit was revoked.

(F) Donation boxes that have placed without a permit are subject to the same impoundment regulations set forth in Section 116.03 (D), after a notice of violation has been issued and the 10-day compliance period has expired.

§ 116.04 ADMINISTRATIVE APPEALS OF DENIAL OR REVOCATION OF PERMIT.

(A) Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

(B) The hearing shall be conducted within twenty (20) days of the date on which the request for a hearing was filed with the Administrator.

(C) The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

(D) After such hearing, an applicant or permit holder that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals. The applicant or permit holder shall file a notice of appeal with the Administrator within ten (10) days following service of the written report of the hearing decision under Subsection (C). The City Appeal Officer may, based on the recorded evidence of the hearing below, reverse, affirm, or modify the decision of the Administrator or hearing officer. The City Appeal Officer must serve a written decision on the applicant or permit holder within twenty (20) days of the filing of the notice of appeal.

(E) An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

§ 116.05 APPEALS OF ADMINISTRATOR DECISION.

(A) All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 116.04 above.

(B) The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.

(C) If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.

(D) The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal: 1. The number of violations, convictions, or liability findings; 2. The number of previous revocations; 3. The number of repeat violations at the same location; 4. The degree to which previous violations endangered the public health, safety or welfare; or 5. Any pending action or investigation by another agency.

(E) After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.

(F) The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).

(G) The determination of the City Appeal Officer shall be final on the date the order is signed.

(H) An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer."

SECTION 2.

All fees established by this Chapter shall be set forth in the Regulatory Compliance Department Fee Schedule.

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.

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 Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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. The requirements of this Ordinance shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the approval date of this Ordinance, except that any donation box existing on the approval date of this Ordinance shall come into compliance with the requirements of Chapter 116 not later than ten (10) days from the approval date of this Ordinance. For existing donation boxes which require a permit under Chapter 116, enforcement of Chapter 116 will be stayed so long as application for a permit under that chapter is submitted within ten (10) days of the approval date of this Ordinance. This stay on enforcement will continue for a donation box while the permit application is pending, but no later than one-hundred twenty (120) days from the approval date of this Ordinance.

SECTION 6.

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

DULY PASSED on the first and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Drew Larkin, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5110

Agenda Date: 1/23/2023

Version: 2

Status: Old Business

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and First and Final Reading on an Ordinance Amending Chapter 155, "Zoning" of the Mansfield Code of Ordinances to revise the Permitted Use Table in Section 155.054(B) and the Special Conditions in Section 155.099(B)(40) related to Donation Boxes (OA#23-001)

Requested Action

To consider the proposed ordinance amendment

Recommendation

The Planning and Zoning Commission held a public hearing on January 3, 2023, and voted 4 to 0 to recommend approval.

- Ayes: 4 - Axen, Mainer, Shaw and Thompson
- Nays: 0
- Absent: 3 - Gilmore, Goodwin, and Groll

Staff recommends approval.

City Council Action

The City Council held a public hearing on January 9, 2023, and voted to table their decision on the proposed amendments until the January 23, 2023, City Council meeting.

Description/History

In recognition of donation boxes that are not appropriately located and maintained having an adverse impact on the visual quality and aesthetic value of disparate properties within Mansfield, the City Council adopted amended provisions for the same on May 9, 2022. Since these provisions were adopted, additional revisions to the donation box regulations are proposed to allow for better enforcement of the ordinance.

Proposed Amendments

The additional amendments, as presented, intend to require the City Council approval of a Specific Use Permit for donation boxes in the following zoning districts:

- OP, Office Park District.
- C-1, Neighborhood Business District.
- C-2, Community Business District.
- C-3, Commercial-Manufacturing District.

- I-1, Light Industrial District.

Donation boxes are permitted as a matter of right in the I-2, Heavy Industrial District.

The additional additional amendments, as presented, intend to permit donation boxes as an accessory use to a place of worship, a nonprofit organization, and a school, provided that the operator of the donation box provide evidence of written consent from the property owner in the following zoning districts:

- 2F, Two Family Residential District.
- MF-1, Multi-family Residential District.
- MF-2, Multi-family Residential District.
- OP, Office Park District.
- C-1, Neighborhood Business District.
- C-2, Community Business District.
- C-3, Commercial-Manufacturing District.
- I-1, Light Industrial District.
- I-2, Heavy Industrial District.

Other additional amendments include the following:

- Reducing the distance requirements between two (2) donation boxes from 500 feet to 250 feet.
- Reducing the distance requirement between a donation box and any residential use or hospital, daycare, school, or college from 500 feet to 250 feet.
- Restricting the ability to locate any donation box on any paved surface or within any parking space, aisle, or loading dock and service area.
- Requiring that donation boxes have subtle, neutral, or earthen color schemes.
- Requiring that donation boxes be safely designed in a manner that will prevent any such structure from tipping over or permitting people to enter.

Prepared By:

Jason Alexander, AICP, CEcD, Director of Planning

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOXES; AMENDING THE PERMITTED USE TABLE IN SUBSECTION 155.054(B) TO REQUIRE A SPECIFIC USE PERMIT IN THE OP, C-1, AND C-2 DISTRICTS FOR DONATION BOXES AND TO ALLOW DONATION BOXES AS A PERMITTED ACCESSORY USE TO PLACES OF WORSHIP, NONPROFIT ORGANIZATIONS, AND SCHOOLS WITH WRITTEN CONSENT OF THE PROPERTY OWNER IN THE 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, AND I-2 DISTRICTS; REVISING THE SPECIAL CONDITIONS FOR DONATION BOXES IN SECTION 155.099; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A 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 Chapter 155 of the Mansfield Code of Ordinances, "Zoning", 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 all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council has investigated and determined that there has been an increase in the number of persons or entities desiring to collect textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items for any purposes, which has led to the proliferation of donation boxes in various areas of the City; and,

WHEREAS, Mansfield also has seen the placement of donation boxes in required parking spaces, required landscaped buffer areas, required open space areas and in or near residential zoning districts, often without the property owner's permission; and,

WHEREAS, the proliferation of these containers contributes to visual clutter, and in areas throughout Mansfield, donation boxes have contributed to blight due to graffiti and poor maintenance and the accumulation of debris and excess items outside of the collection boxes; and,

WHEREAS, the City Council also finds that the inability of landowners to accurately identify the owners of such donation boxes has resulted in decreased accountability on the part of donation box owners and operators; and,

WHEREAS, the City Council finds that regulating the size, number, placement,

installation, use and maintenance of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, the protection of property rights and the protection of landowners and residents of Mansfield; and,

WHEREAS, the City Council finds that such minimum blight-related performance standards also are necessary to protect the aesthetic well-being of the community and to promote the tidy and ordered appearance of developed property; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 to regulate donation boxes as provided herein.

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

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Subsection 155.054(B), “Permitted Use Table,” Table D, of the Code of Ordinances of the City of Mansfield is hereby amended by revising Line 10 to read as follows:

“Permitted Use Table

Residential Districts										Permitted Primary Uses				Nonresidential											
A	SF- 5AC/24	SF- 12/22	SF- 9.6/20	SF- 8.4/18	SF- 8.4/16	SF- 7.5/18	SF- 7.5/16	SF- 7.5/12	SF- 6/12	2F	MF- 1	MF- 2	D. Commercial and Warehouse Uses				OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, § 155.091	Special Conditions, § 155.099
													10. Donation Box	S	S	S	S	S	P					40	

...”

SECTION 3.

That Subsection 155.099(B), “Special Conditions,” of the Mansfield Code of Ordinances is hereby amended by inserting a new subsection (40) to read as follows:

“(40) Donation Box

- a. Subject to subsection (b), Donation Boxes are permitted as shown in 155.054(B), “Permitted Use Table,” Table D, and are permitted only as an accessory use on lots or tracts of land for places of worship, nonprofit organizations, and schools with the written consent of the property owner in the 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, and I-2 Zoning Districts. All Donation Boxes, whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under Chapter 116 of this Code of Ordinances.
- b. The placement of Donation Boxes shall comply with the following:
 1. Quantity. No more than one (1) Donation Box may be permitted for placement on any one lot or tract of land. In the case of a shopping center or office development that consists of multiple platted lots, the Director of Planning shall treat the shopping center or office development as if it is only one contiguous lot.
 2. Distance. No Donation Box shall be located within 250 linear feet of another Donation Box; within 500 linear feet of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, or Lone Star Road; within 250 linear feet of any residence, hospital, daycare center, or public or private school or college by right; or within 250 linear feet of parks and recreational facilities.
 3. Measurement. For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:
 - a. From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed; or
 - b. From the nearest portion of the right-of-way line of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road or Lone Star Road to the property line of the premises where the new business is proposed; or
 - c. From the nearest portion of any lot line of a property with a zoning designation permitting residential uses, hospitals, daycare centers, public or private schools or colleges by right or parks and recreational facilities to the location of the Donation Box.
 4. Donation Boxes shall be placed on a paved surface, and shall not be located in any parking space, aisle or loading dock and service area.
 5. Donation Boxes shall not be located within in any required landscape buffers.
 6. Donation Boxes shall not be located in any designated open space, community space or passive or civic spaces.
 7. Donation Boxes shall conform to all applicable building setbacks on the property.

8. Donation Boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.
9. Donation Boxes shall not be located in the rear of any building which is not a pad site (for the purposes of this provision, a “pad site” is defined as a non-residential building of 6,000 square feet or less).
10. Donation Boxes shall be located a minimum distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.
11. The maximum dimensions of a Donation Box shall be six (6) feet in width, four (4) feet in depth and seven (7) feet in height.
12. Prior to placement of a Donation Box on a property, a Donation Box Permit must be obtained in accordance with Chapter 116 of the Code of Ordinances.
13. Donation Boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.
14. Donation Boxes shall be safely designed in a manner that prevents such structures from tipping over or permitting people to enter.”

SECTION 4.

That the requirements of this Ordinance shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the effective date of these regulations, except that any donation boxes existing on the effective date of these regulations shall come into compliance with the requirements of Chapter 155 not later than thirty (30) days from the approval date of this Ordinance. Donation Boxes existing on or before the approval date of this Ordinance shall have no legally existing non-conforming rights and shall immediately comply with Section 155.054(B), “Permitted Use Table,” Table D, provided, however, that for existing Donation Boxes which require a Specific Use Permit, enforcement of Chapter 155 will be stayed so long as application for a Specific Use Permit is submitted within thirty (30) days of the approval date of this Ordinance. The stay on enforcement will continue for a Donation Box while the Specific Use Permit application is pending, but no later than one-hundred twenty (120) days from the approval date of this Ordinance.

SECTION 5.

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 6.

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 Zoning Ordinance as a whole.

SECTION 7.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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 8.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF JANUARY 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOXES; AMENDING HE PERMITTED USE TABLE IN SUBSECTION 155.054(B) TO REQUIRE A SPECIFIC USE PERMIT IN THE OP, C-1, AND C-2 DISTRICTS FOR DONATION BOXES AND TO ALLOW DONATION BOXES AS A PERMITTED ACCESSORY USE TO PLACES OF WORSHIP, NONPROFIT ORGANIZATIONS, AND SCHOOLS WITH WRITTEN CONSENT OF THE PROPERTY OWNER IN THE 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, AND I-2 DISTRICTS; REVISING THE SPECIAL CONDITIONS FOR DONATION BOXES IN SECTION 155.099; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A 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 Chapter 155 of the Mansfield Code of Ordinances, “Zoning”, 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 all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council has investigated and determined that there has been an increase in the number of persons or entities desiring to collect textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items for any purposes, which has led to the proliferation of donation boxes in various areas of the City; and,

WHEREAS, Mansfield also has seen the placement of donation boxes in required parking spaces, required landscaped buffer areas, required open space areas and in or near residential zoning districts, often without the property owner's permission; and,

WHEREAS, the proliferation of these containers contributes to visual clutter, and in areas throughout Mansfield, donation boxes have contributed to blight due to graffiti and poor maintenance and the accumulation of debris and excess items outside of the collection boxes; and,

WHEREAS, the City Council also finds that the inability of landowners to accurately identify the owners of such donation boxes has resulted in decreased accountability on the part of donation box owners and operators; and,

WHEREAS, the City Council finds that regulating the size, number, placement,

installation, use and maintenance of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, the protection of property rights and the protection of landowners and residents of Mansfield; and,

WHEREAS, the City Council finds that such minimum blight-related performance standards also are necessary to protect the aesthetic well-being of the community and to promote the tidy and ordered appearance of developed property; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 to regulate donation boxes as provided herein.

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

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Subsection 155.054(B), “Permitted Use Table,” Table D, of the Code of Ordinances of the City of Mansfield is hereby amended by revising Line 10 to read as follows:

“Permitted Use Table

Residential Districts										Permitted Primary Uses				Nonresidential											
A	SF- 5AC/24	SF- 12/22	SF- 9.6/20	SF- 8.4/18	SF- 8.4/16	SF- 7.5/18	SF- 7.5/16	SF- 7.5/12	SF- 6/12	2F	MF- 1	MF- 2	D. Commercial and Warehouse Uses				OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, \$ 155.091	Special Conditions, \$ 155.099
													10. Donation Box	S	S	S	S	S	S	P				40	

...”

SECTION 3.

That Subsection 155.099(B), “Special Conditions,” of the Mansfield Code of Ordinances is hereby amended by inserting a new subsection (40) to read as follows:

“(40) Donation Box

- a. Subject to subsection (b), Donation Boxes are permitted as shown in 155.054(B),

“Permitted Use Table,” Table D, and are permitted only as an accessory use on lots or tracts of land for places of worship, nonprofit organizations, and schools with the written consent of the property owner in the 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, and I-2 Zoning Districts. All Donation Boxes, whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under Chapter 116 of this Code of Ordinances.

- b. The placement of Donation Boxes shall comply with the following:
1. Quantity. No more than one (1) Donation Box may be permitted for placement on any one lot or tract of land. In the case of a shopping center or office development that consists of multiple platted lots, the Director of Planning shall treat the shopping center or office development as if it is only one contiguous lot.
 2. Distance. No Donation Box shall be located within ~~1000~~250 linear feet of another Donation Box; within 500 linear feet of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, or Lone Star Road; within ~~500~~250 linear feet of any ~~zoning designation that allows residential uses~~, hospital, daycare center, or public or private school or college by right; or within ~~500~~250 linear feet of parks and recreational facilities. ~~The distance limitations in this subsection (2) do not apply to places of worship.~~
 3. Measurement. For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:
 - a. From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed; or
 - b. From the nearest portion of the right-of-way line of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road or Lone Star Road to the property line of the premises where the new business is proposed; or
 - c. From the nearest portion of any ~~property~~lot line of a property with a zoning designation permitting residential uses, hospitals, daycare centers, public or private schools or colleges by right or parks and recreational facilities ~~to the property line of the premises where the new business is proposed~~to the location of the Donation Box.

4. Donation Boxes shall be placed on a paved surface, and shall not be located in any designated parking space, aisle or ~~or~~ loading dock space and service area.
5. Donation Boxes shall not be located within in any required landscape buffers.
6. Donation Boxes shall not be located in any designated open space, community space or passive or civic spaces.
7. Donation Boxes shall conform to all applicable building setbacks on the property.
8. Donation Boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.
9. ~~Donation Boxes shall be located within twenty five (25) feet of the front façade of a building. For the purposes of this subsection, a front façade of a building shall mean the primary entrance point for the public.~~ Donation Boxes shall not be located in the rear of any building which is not a pad site (for the purposes of this provision, a “pad site” is defined as a non-residential building of 6,000 square feet or less).
10. Donation Boxes shall be located a minimum distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.
11. The maximum dimensions of a Donation Box shall be six (6) feet in width, four (4) feet in depth and seven (~~6~~7) feet in height.
12. Prior to placement of a Donation Box on a property, a Donation Box Permit must be obtained in accordance with Chapter 116 of the Code of Ordinances.
13. Donation Boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.
14. Donation Boxes shall be safely designed in a manner that prevents such structures from tipping over or permitting people to enter.”

SECTION 4.

That the requirements of this Ordinance shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the effective date of these regulations, except that any donation boxes existing on the effective date of these regulations shall come into compliance with the requirements of Chapter 155 not later than thirty (30) days from the approval date of this Ordinance. Donation Boxes existing on or before the approval date of this Ordinance shall have no legally existing non-conforming rights and shall immediately comply with Section 155.054(B),

“Permitted Use Table,” Table D, provided, however, that for existing Donation Boxes which require a Specific Use Permit, enforcement of Chapter 155 will be stayed so long as application for a Specific Use Permit is submitted within thirty (30) days of the approval date of this Ordinance. The stay on enforcement will continue for a Donation Box while the Specific Use Permit application is pending, but no later than one-hundred twenty (120) days from the approval date of this Ordinance.

SECTION 5.

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 6.

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 Zoning Ordinance as a whole.

SECTION 7.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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 8.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF JANUARY 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 23-5142

Agenda Date: 1/23/2023

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First and Final Reading on an Ordinance Amending Section 155.069(K)(1)(b) of the Mansfield Code of Ordinances to Adopt Design Guidelines for Commercial and Non-Residential Historic Landmarks and to Make the Guidelines Applicable to All Areas of the City of Mansfield (HLC#21-013)

..Request

To consider the subject ordinance

Recommendation

The Planning and Zoning Commission held a public hearing on January 3, 2023, and voted 4 to 0 to recommend approval.

- Ayes: 4 - Axen, Mainer, Shaw and Thompson
- Nays: 0
- Absent: 3 - Groll, Goodwin and Gilmore

The Historic Landmark Commission held a public hearing on December 8, 2022, and voted 7 to 0 to recommend approval.

- Ayes: 7 - Smith, Littlefield, Hudson, Klenzendorf, Kowalski, Leach and Walker
- Nays: 0
- Absent: 0

Staff recommends approval.

Description/History

The current Design Guidelines for Downtown Mansfield were written in 1991 and are restricted to the historic commercial buildings on Blocks 1 and 2 of the Original Town on N. Main Street. There have been many changes over the last 32 years and the historic significance of the downtown area has expanded beyond the original two blocks on Main Street. In addition, there are discrepancies between the guidelines and the desired outcomes for preservation projects

The Historic Landmark Commission has worked over the last year to update the guidelines to meet the needs of today's historic property owners. As part of the update, the Commission reviewed other cities' guidelines to consider which elements of the present guidelines should be updated. The result is the Design Guidelines for Historic

Mansfield.

These guidelines apply only to commercial or non-residential properties that have been designated as Mansfield Historic Landmarks. They provide recommendations and best practices for altering or modifying the exterior of a historic landmark building.

While many of the current principles of the old Design Guidelines have been retained, they have been emphasized in the update using new graphics and photographs to show appropriate and inappropriate treatments. Another change is the inclusion of the Mid-Century buildings in the guidelines. These buildings have become historic in their own right due to their architectural design and association with prominent citizens. The owners of Mid-Century buildings may seek a landmark designation in the future.

The current Design Guidelines were adopted in Section 155.069(K)(1)(b) of the Mansfield Code of Ordinances. The proposed amendment will update the old Design Guidelines with the Design Guidelines for Historic Mansfield and will remove the restriction of the guidelines only to Blocks 1 and 2 of the Original Town. This reflects that commercial or non-residential landmarks are no longer confined to just those blocks (for example, the 1924 High School and 1940 Old Rock Gym).

The current provision of Section 155.069(K)(1)(b) reads as follows:

(b) Design Guidelines for Downtown Mansfield as adopted by Ordinance No. 919; said Design Guidelines are applicable only to historic landmarks within Blocks 1 and 2 of the Original Town of Mansfield as shown in plat recorded in Volume 63, Page 53-54 of the Plat Records, Tarrant County, Texas.

The proposed amendment will read as follows:

(b) Design Guidelines for Historic Mansfield; said Design Guidelines are applicable to commercial and non-residential historic landmarks within the City of Mansfield.

Prepared By

Art Wright, Senior Planner/HPO
817-276-4226

Attachment

Ordinance
Draft Design Guidelines for Historic Mansfield

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DESIGN GUIDELINES FOR HISTORIC LANDMARKS BY REVISING SECTION 155.069(K)(1)(b) TO ADOPT NEW DESIGN GUIDELINES FOR COMMERCIAL AND NON-RESIDENTIAL HISTORIC LANDMARKS AND TO MAKE THESE GUIDELINES APPLICABLE TO ALL AREAS OF THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A 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 Chapter 155 the Code of Ordinances of the City of Mansfield, Texas, “Zoning”, 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 all interested citizens, the governing body of the City is of the opinion and finds that the Code of Ordinances should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council recognizes a need to add clarity to the Code of Ordinances through amendments that help define intent of administration.

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

SECTION 1.

That Section 155.069(K)(1)(b), “Building Implementation Procedures,” of the Code of Ordinances of the City of Mansfield, Texas, is hereby amended to read as follows:

“ (b) Design Guidelines for Historic Mansfield; said Design Guidelines are applicable to commercial and non-residential historic landmarks within the City of Mansfield.”

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.

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 Zoning Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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 5.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF JANUARY, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney



DESIGN GUIDELINES FOR

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ACKNOWLEDGMENTS

This revision of *The Design Guidelines for Downtown Mansfield* is a work of the Mansfield Historic Landmark Commission. It builds on the 1991 guidelines and expands them to meet the needs of Mansfield today and in the future.



MANSFIELD HISTORIC LANDMARK COMMISSION

Dr. Robert Smith, Chair
David Littlefield, Vice-Chair
Allan Hudson
Bob Klenzendorf
Amanda Kowalski
Tom Leach
Mark Walker

CITY OF MANSFIELD STAFF

Jason Alexander, Director of Planning
Arty Wheaton-Rodriguez, Assistant Director of Planning
Art Wright, Senior Planner/Historic Preservation Officer
Jennifer Johnston, Development Coordinator

Historic photographs are courtesy of the Mansfield Historical Society.

Illustrations are by Kirk Voich Gist, Inc., architecture, engineering and interior architecture firm of Fort Worth, Texas.

Contact Information:

Historic Preservation Officer
City of Mansfield
1200 E. Broad Street
Mansfield, TX 76063
Phone: 817-276-4226
www.mansfieldtexas.gov/1167



The Man and Feild Mill, 1895

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Aerial photograph, 1948

INTRODUCTION

Mansfield was founded on the vision of the pioneers who settled the area and made lives for themselves here. The buildings they left behind are irreplaceable links to Mansfield's past and historic identity. These design guidelines are intended to aid in the preservation of the unique character and identity of Mansfield's landmarks and their environment, and to ensure that future construction will harmonize and support existing historic landmarks.

As a basis of preservation decisions, the *Design Guidelines* promote:

- Consistency, by providing a common understanding to inform projects and to assure they are applied equally to all properties with like circumstances.
- Predictability, through focused and accessible non-technical language. Clear expectations provide users a collective understanding, allowing a project to move through each step of the approval process smoothly.
- Flexibility, by encouraging an innovative and original approach that reflects evolving community values and expectations, which can influence the ways in which they are applied over time.

The guidelines apply only to the exterior of a historic building and to improvements on the property, including accessory structures, parking lots and fencing. The guidelines do not apply to interior restoration or remodeling projects.

WHY PRESERVE MY HISTORIC BUILDING?

1. **Old buildings have intrinsic value.** Historic buildings tend to use better materials such as rare hardwoods and wood from old-growth forests that no longer exist.
2. **You never know what's being destroyed when destroying a historic building.** Historic buildings have design elements that cannot be replaced, like hardwoods, bricks and glass.
3. **New businesses prefer old buildings.** Businesses like bookstores, restaurants, neighborhood pubs and start-ups tend to thrive in old buildings.
4. **Old buildings attract people.** Older architecture generates interest for residents and tourists.
5. **Old buildings are reminders of a city's culture and complexity.** A city needs old buildings to maintain a sense of permanency and history.
6. **Regret goes only one way.** Once a historic building is destroyed, it is lost forever.

Source: Julia Rocchi, National Trust for Historic Preservation



View of Main Street, 2021 (top) and 1907

ABOUT THESE GUIDELINES

The *Design Guidelines* aid in making decisions on the appropriateness and compatibility of planned improvements to historic buildings. Decisions are made based on the goals of the historic preservation ordinance and the criteria in these guidelines.

WHO SHOULD READ THESE DESIGN GUIDELINES?

These guidelines are of particular importance to property owners, professional design consultants, contractors, city staff and the Historic Landmark Commission.

Property Owners

Property owners and their tenants should read these guidelines when planning exterior improvements to their historic landmarks. The guidelines will help determine the appropriate standards for any alterations, restorations, rehabilitations or exterior changes to avoid compromising the historic character of a building.

Other Users

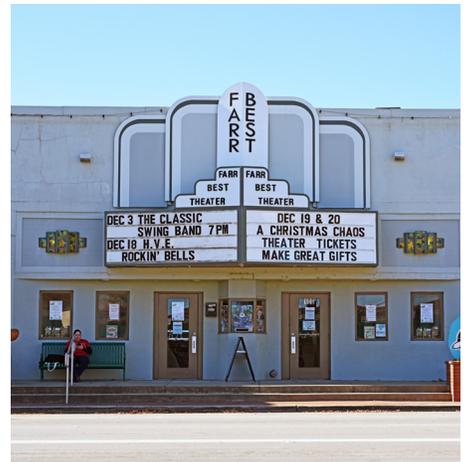
Designers, architects, contractors and developers planning to work with historic landmark properties should consult the guidelines to understand the expectations for a proposed project and the review process for a Certificate of Approval (CoA).

The Historic Landmark Commission

The *Design Guidelines* are administered by the Historic Landmark Commission, a seven member board appointed by the City Council. The Commission is charged with the review and approval of projects to rehabilitate, restore, expand, alter or demolish designated historic landmarks. Work on a landmark should not begin until the Commission has reviewed and approved a project and issued a CoA.

City Staff

City staff assist the Commission with the administration of the *Design Guidelines*. Staff use the guidelines to review CoA applications and provide recommendations to the Commission regarding approval of projects. The Historic Preservation Officer (HPO) in the Planning Department is the primary staff support to the Commission.



View of Water (Main) Street looking north

MANSFIELD'S PRESERVATION POLICIES

The *Design Guidelines* serve to promote the visual continuity, economic value and preservation of historic landmarks for the residents of Mansfield and visitors to the City. The guidelines are developed from the overall City's preservation policies, described in the following documents.

MANSFIELD HISTORIC PRESERVATION PLAN

Mansfield's guiding preservation policies are established in the Historic Preservation Plan. The plan combines goals, objectives, and policies with implementation strategies that provide guidelines and principles for preservation decision making and the on-going management of historic resources.

MANSFIELD LAND USE PLAN

The Official Land Use Plan recognizes that historic preservation is necessary to tie the City's heritage to its population and culture. The plan contains Historic Preservation strategies to help revitalize historic neighborhoods, preserve the City's historic environment and promote rehabilitation, restoration and adaptive reuse of historic properties, including:

- Create conservation or historic districts to preserve the City's built environment
- Create incentives to encourage the rehabilitation of historic homes and commercial buildings
- Adopt regulations to accommodate the special needs of historic properties such as the International Existing Building Code
- Protect individual sites or aspects of areas identified as being of historic significance through landmark and cultural landmark designations
- Develop guidelines that encourage bulk, construction and aesthetics standards to ensure that the historic integrity of the area is not diminished

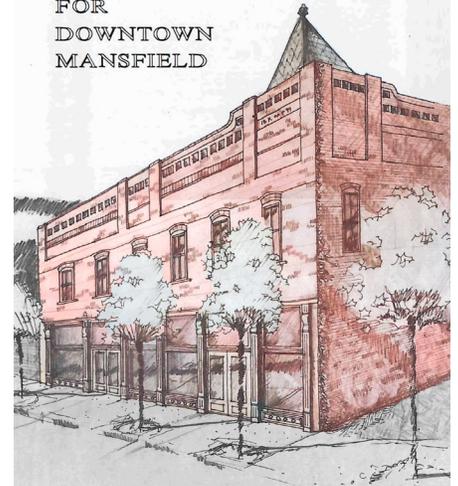
DISCOVER HISTORIC MANSFIELD: A Vision and Action Plan

The Vision and Action Plan provides a framework for downtown property owners, businesses, residents and all interested community members to follow as they work to implement a shared vision for the heart of the city. The plan sets out four goals for the historic downtown:

- Goal 1: Revitalize neighborhoods in Historic Mansfield
- Goal 2: Preserve Historic Mansfield's authentic unique built environment
- Goal 3: Make Historic Mansfield a gathering spot
- Goal 4: Create a thriving business environment

Design Guidelines for Downtown Mansfield

DESIGN
GUIDELINES
FOR
DOWNTOWN
MANSFIELD



Written in 1991, the commercial historic landmarks on Blocks 1 and 2 of the Original Town plat follow the standards of the *Design Guidelines for Downtown Mansfield*. While the standards are still applicable today, they do not account for changes in Mansfield's preservation needs over the last thirty years.

Since 1991, there have been changes that extend beyond the limits of the *Design Guidelines for Downtown Mansfield*. New historic landmarks have been designated away from the original two blocks, many Mid-Century buildings are coming into historic status and new technologies like solar panels have evolved that need consideration on historic buildings.

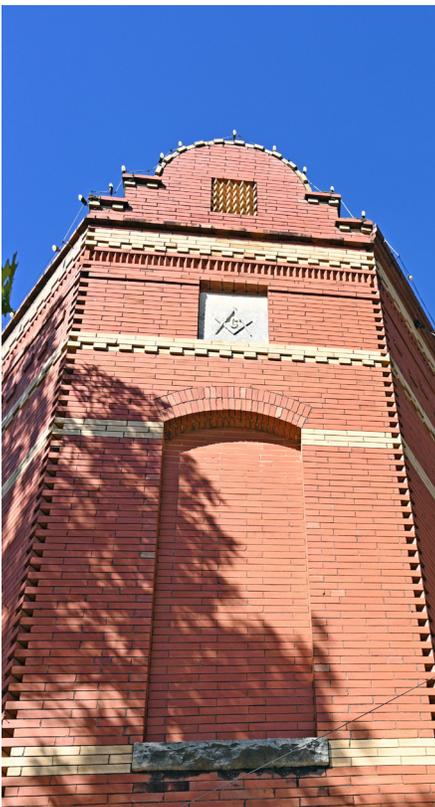
This revision of the 1991 guidelines seeks to update and improve on the original document to support Mansfield's preservation efforts for a new century.

Certified Local Government

Mansfield is one of only 77 cities and counties in Texas to qualify as a Certified Local Government (CLG) by the Texas Historical Commission (THC).

As a member of the CLG program, Mansfield has access to grants, technical assistance, training opportunities, and the experience and knowledge of the other participating CLG communities.

In exchange, the City must honor a commitment to maintain a strong local preservation program. The City reports to the THC each year on the progress of Mansfield's preservation program to maintain CLG status.



REGULATORY FRAMEWORK

The regulatory authority behind the *Design Guidelines* is set out in Chapter 155 “Zoning” of the Mansfield Code of Ordinances.

ZONING CODE

Chapter 155 regulates land uses and sets the development standards for all properties in the City. It also contains specific regulations governing historic properties in the Historic Landmark Overlay District and allows the Historic Landmark Commission to review and approve all exterior improvements to historic landmarks using these *Design Guidelines*.

HISTORIC PRESERVATION ORDINANCE

The Historic Preservation Ordinance is intended to accomplish the following purposes:

1. To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the City's architectural, cultural, social, economic, ethnic and political history.
2. To safeguard Mansfield's historic and cultural heritage, as embodied and reflected in the City's historic landmarks by appropriate regulations.
3. To stabilize and improve property values in historic neighborhoods.
4. To foster civic pride in the beauty and accomplishments of the past.
5. To protect and enhance the City's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.
6. To strengthen the City's economy.
7. To promote the use of historic landmarks for the culture, prosperity, education, and general welfare of the residents of Mansfield and visitors to the City.

THE SECRETARY OF THE INTERIOR'S STANDARDS

As a Certified Local Government, Mansfield adopted by ordinance the Standards for Historic Properties. The Standards are intended to aid the public in making sound historic preservation decisions. The Standards and associated guidelines offer four distinct approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction.

ZONING STANDARDS

Zoning Standards address:

- Density
- Use
- Building placement
- Lot coverage by buildings
- Height
- Setbacks

DESIGN GUIDELINES

Design Standards address:

- Compatibility
- Site design
- Building scale, orientation and massing
- Historic rehabilitation
- Entries and windows
- Materials and finishes

CHARACTER-DEFINING FEATURES

Many of downtown's historic buildings still retain their character-defining features. These historic photographs provide examples of these features on one- and two-story Pre-World War II buildings.

Single-story commercial building:

- Brick construction
- Brick patterning on the upper wall
- Corbelling on the parapet
- Central doors with display windows on either side.
- Canopy
- Transom windows
- Cast iron piers and sills



Two-story commercial building:

- Brick construction
- Evenly spaced second floor windows
- Decorative brickwork and cornice
- Central doors with display windows on either side.
- Canopy
- Transom windows
- Cast iron piers and sills



UNDERSTANDING HISTORIC MANSFIELD

From the late 1800s to the 1960s, the commercial core of downtown Mansfield was comprised of the buildings on Blocks 1 and 2 of the Original Town. These blocks contain a cohesive streetscape of 21 one-story commercial buildings punctuated at regular intervals by five two-story structures. The line of buildings on the east side of Main Street is interrupted mid-block by a parking lot.

Most of the buildings on these two blocks are constructed of brick, some with cast iron sills and piers. The brick structures are characterized by consistent brick patterning and corbelling on the parapets, with two occurrences of galvanized metal friezes and cornices. Most storefronts have been altered. The condition of the buildings is generally good.

Of the properties on these blocks, 12 are contributing elements which have been listed on the Historic Resources Survey Update; five are historic elements which have been altered but retain sufficient architectural integrity to contribute to the historic fabric of the district following rehabilitation or restoration.

Fourteen of the buildings were built between 1890 and 1904. Most of these retain a high degree of integrity. All appear to be eligible for the National Register as an architecturally cohesive ensemble that embodies Mansfield's prosperity in the years around the turn of the century.

On and beyond these two blocks of historic commercial buildings are Mid-Century buildings 50 years of age or older that have come into historic significance in their own right. These buildings represent a style of construction from post-World War II and the advent of the automotive age.

Further east of the historic downtown are the 1924 High School and 1940 Old Rock Gym, now designated Mansfield historic landmarks. Other historic structures beyond the buildings in the commercial core are or may soon become eligible for landmark designation, such as the old gin in the Britton Community and the Percy Cook Clinic on South Main Street.

Vernacular (Pre-World War II) Buildings

The period of significance for downtown Mansfield is 1890 to 1940. Some of the features common to buildings of this era include: 1) the storefront with an entrance, display windows, and transoms, 2) the cornice which caps the building, and 3) for two-story buildings, an upper façade with regularly spaced windows.

Mid-Century Buildings

The Historic Preservation Plan identifies the period of significance for downtown Mansfield as 1890 to 1940, but the importance of the commercial district continued well into the 1970s. During this time, the style of buildings on Main Street changed. The Victorian storefront gave way to modern, functional buildings that featured anodized aluminum storefronts.

Another way of modernizing the appearance of older buildings involved the use of slipcovers, metal panels that covered the original brick façade. The 1894 Post Office Building is an example of this treatment. After 50 years, slipcovers may become part of the historic character of the building. If the historic fabric is intact, a property owner may decide to remove the slipcover.

Some of the features common to Mid-Century buildings include: 1) a canopy made of steel, aluminum, concrete or wood, 2) a clear, anodized aluminum storefront, and 3) an asymmetrical façade.

Restoring Historic Facades

The appearance of historic building facades in Mansfield has changed over time to fit the needs of new property owners and tenants. The success or failure of these changes often depends on how sensitive they are to the building façade. Insensitive changes ignore and often eliminate the historic features of the original building and create a clash between new and old design elements.

Sensitive changes accept the design of the original building. The result is a harmonious blending of new and old design features. Assess your building to determine what historic features exist, and design your project to complement them.

Storefronts are typically the focus of historic commercial buildings and can be extremely important in defining the overall historic character. Properly restored storefronts also play a crucial role in a store's advertising and merchandising strategy to draw customers and increase business.

CHARACTER-DEFINING FEATURES

Mid-Century buildings exhibit a modern appearance using metals and glass. In Mansfield, the historic Mid-Century buildings have a simple design that relies on large display windows.

Mid-Century commercial building:

- Brick, stucco, stone, tile
- Asymmetrical façade
- Aluminum storefront with plate glass windows
- Recessed entry
- Flat metal canopy or awning



The 1894 Post Office before and after the addition of a 1980s slipcover

CHAPTER 1: USING THE DESIGN GUIDELINES



This chapter describes how to use the Design Guidelines for Historic Mansfield and the review process of applications for proposed work on historic landmarks.

The Historic Landmark Commission and city staff use these guidelines when reviewing applications. Property owners, business owners, design professionals and contractors should consult these guidelines to understand the review process and specific guidelines that apply to their project.

MISCONCEPTIONS ABOUT DESIGN REVIEW

Misunderstandings concerning historic preservation and design review are common. But historic preservation is not meant to prevent change but to manage it. Here are some misconceptions about design review:

Design review DOES NOT:

- Follow an arbitrary standard
- Make decisions based solely on “what is pretty”
- Always have a “one size fits all” solution
- Mean a building cannot make compatible changes

Design review DOES:

- Follow the local Code provisions & criteria
- Consider the elements of integrity
- Consider the quality of significance
- Fall under one of four treatment options specified by the Secretary of the Interior’s Standards

Source: Aimee Sunny, AICP
Design Review Exercise:
Alterations and Infill
August 27, 2021

TERMS USED IN DESIGN REVIEW

Some specific terms used in the design review process include:

Certificate of Approval. A signed and dated document stating the approval of the Historic Landmark Commission and any special conditions for work proposed by an owner or applicant within a Historic Landmark Overlay District.

Guideline. The term “guideline” is a criterion with which the Commission will seek compliance when applicable to a specific project. A guideline is subject to some interpretation when determining compliance.

Shall. The term “shall” is mandatory.

Should. The term “should” indicates that compliance is expected, except where the Commission finds that a guideline is not applicable or that an alternative means of meeting the intent is acceptable.

THE DESIGN REVIEW PROCESS

Section 155.069(F) of the Mansfield Code of Ordinances sets out the process to obtain approval for any exterior alteration to a historic landmark or properties in the Historic Landmark Overlay District. Approval must be obtained from the Historic Landmark Commission through the design review process for any of these projects:

- Exterior alterations and additions to a historic structure construction
- Reconstruction, rehabilitation or restoration of local landmarks and contributing structures in local historic districts
- Relocation of a historic structure
- Demolition of a historic structure

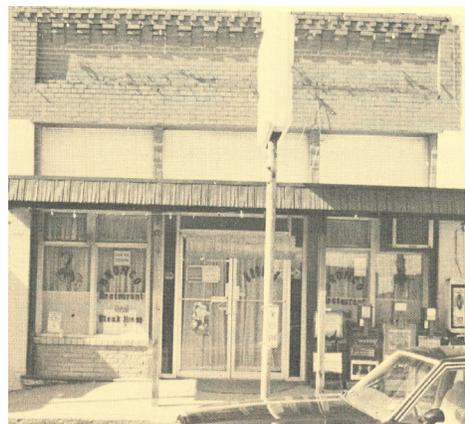
Applications for approval of changes to historic landmarks and properties in the Historic Landmark Overlay District are available from the Planning Department or online at: www.mansfieldtexas.gov/1167. The application must be submitted to the Planning Department with all required supporting materials, including site plans, drawings, sketches and elevations, photographs and material samples.

Staff will conduct an initial review of the application and schedule the case for review and public hearing by the Historic Landmark Commission. The Commission meets the second Thursday of each month.

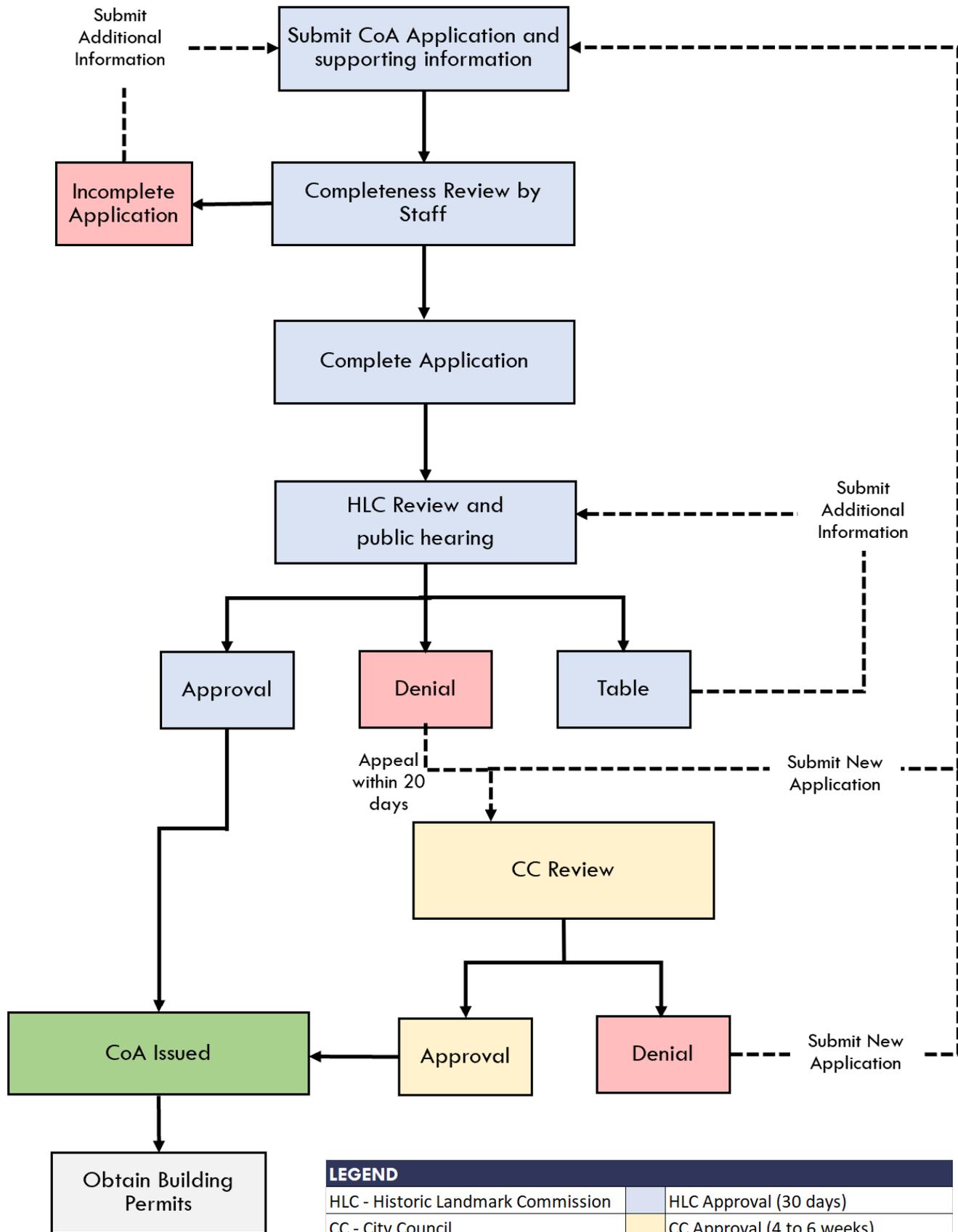
Applicants should plan to attend the hearing and be prepared to answer questions from the Commissioners. The Historic Preservation Officer or Planning staff are available to meet with property owners to help determine application requirements.

If the Commission finds that the proposed work conforms to the Design Guidelines, a Certificate of Approval (CoA) will be issued to the applicant. A CoA is required before any building permits can be issued for the work. An application that does not meet the guidelines may be denied. Denied applications may be appealed to the City Council within 20 days of the denial.

The chart on the next page illustrates the steps of the design review process.



DESIGN REVIEW PROCESS



LEGEND		
HLC - Historic Landmark Commission		HLC Approval (30 days)
CC - City Council		CC Approval (4 to 6 weeks)
CoA - Certificate of Approval		CoA Approved and Issued

Review times shown in the Legend are estimates. The actual review time may vary.

DESIGN GUIDELINES ORGANIZATION

The *Design Guidelines* are organized into sections and chapters that apply to different types of projects, whether a full restoration or phased improvements. Some chapters apply to all projects while some apply only to particular activities.

CHAPTER SUMMARY

Chapter 1. Using the Design Guidelines

This chapter describes how to use the Design Guidelines for Historic Mansfield and the review process of applications for proposed work on historic landmarks.

Chapter 2. Planning a Preservation Project

This chapter lays out the steps to plan improvements for historic landmarks and properties in the Historic Landmark Overlay District.

Chapter 3. Guidelines for Historic Properties

This chapter assists with the proper treatment for rehabilitating historic landmarks. It includes guidance on architectural details, materials and finishes, building component, storefront restoration, masonry repair, windows and doors and paint colors.

Chapter 4. Design Guidelines for All Projects

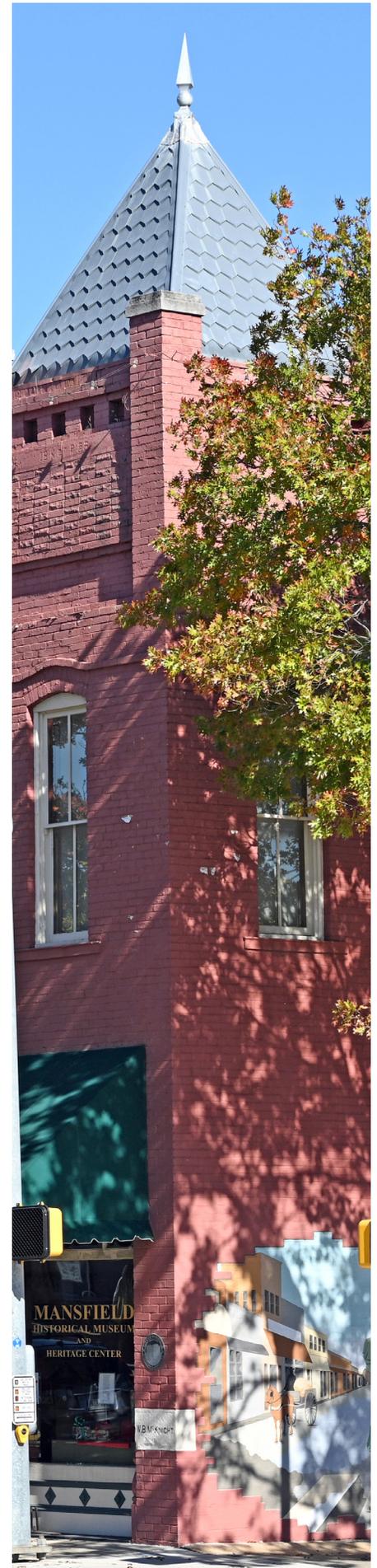
This chapter contains guidelines for preservation projects and new construction in historic areas. Site elements like outdoor amenities, awnings and public art are covered in this chapter.

Chapter 5. Design Guidelines for New Construction

This chapter addresses new construction and additions to historic landmarks and properties in the Historic Landmark Overlay District.

Chapter 6. Signs

This chapter provides criteria for design and placement of signs on historic landmarks. The guidelines should be read in conjunction with the City's sign regulations.



APPLYING THE DESIGN GUIDELINES

The chart below indicates which chapters are most relevant to different types of work. Some projects include more than one type of work and guidelines in several chapters will apply. Contact the Historic Preservation Officer or Planning Department staff for help with the chapters that may apply to your project.



PROJECT TYPE	CHAPTER						
	Introduction	Chapter 1. Using the Design Guidelines	Chapter 2. Planning a Preservation Project	Chapter 3. Treatment of Historic Resources	Chapter 4. Design Guidelines for All Projects	Chapter 5. Design Guidelines for New Construction	Chapter 6. Signs
Rehabilitate/Restore a historic property	✓	✓	✓	✓	-	-	-
Add an addition to a historic property	✓	✓	✓	✓	-	✓	-
Improve a non-historic property	✓	✓	-	-	-	✓	-
Construct a new building	✓	✓	-	-	✓	✓	✓
Site Work	✓	✓	-	-	✓	-	-
Signs	✓	✓	-	-	-	-	✓

Some guidelines in Chapters 4 and 5 may apply to your project, even if not checked on the chart above.

WHERE THE DESIGN GUIDELINES APPLY

The *Design Guidelines* apply to all commercial and non-residential historic landmarks and properties within a Historic Landmark Overlay District. A separate set of guidelines, the *Design Guidelines for Historic Residential Properties*, are used for improvements to residential landmarks.

The highest concentration of historic landmarks is located within the Original Town of Mansfield, but potential landmarks are located in other areas of the City such as the Britton Community. The map on the next page shows the location of the historic landmarks in Mansfield.

LOCALLY-DESIGNATED HISTORIC LANDMARKS

A number of commercial, institutional and residential buildings in Mansfield have been designated as individual historic landmarks. At present, there are no designated multi-property historic districts.

Locally-designated historic landmarks may also be a Recorded Texas Historical Landmark or listed on the National Register of Historic Places. However, not all Texas Landmarks or National Register-listed buildings are locally-designated as individual landmarks. Buildings with these designations are also shown on the map.

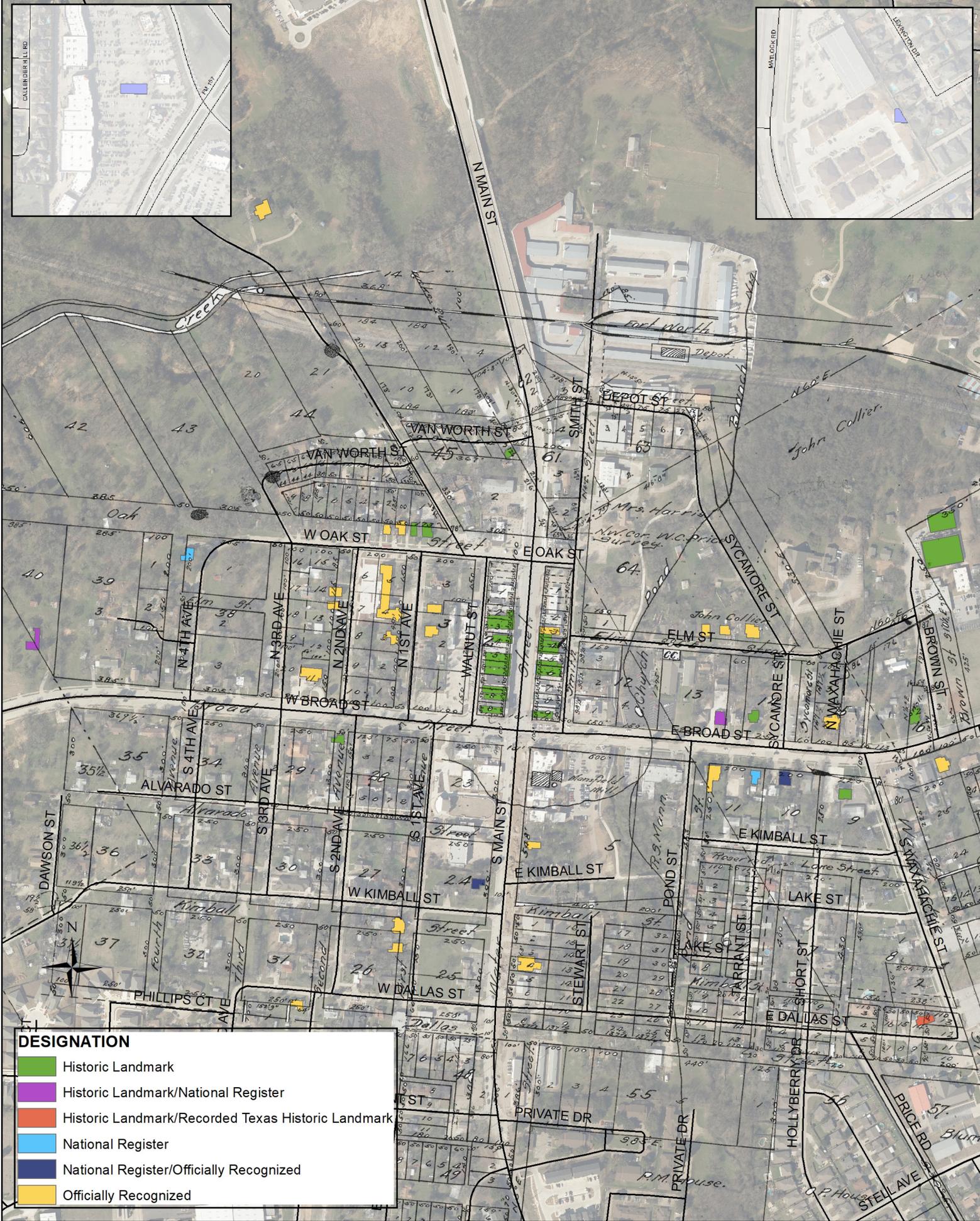
OFFICIALLY RECOGNIZED HISTORIC RESOURCES

Mansfield offers one other honorary historic designation. Officially Recognized properties are historic resources that are deemed worthy of preservation but are not landmarks. As such, Officially Recognized properties do not need to comply with these guidelines and are not subject to the City's preservation ordinance.

It is still recommended that the owners of Officially Recognized properties use these guidelines when making exterior improvements.



Mansfield High School, built in 1924, became a local landmark in 2020.



DESIGNATION

- Historic Landmark
- Historic Landmark/National Register
- Historic Landmark/Recorded Texas Historic Landmark
- National Register
- National Register/Officially Recognized
- Officially Recognized

This map shows the location of Mansfield's locally-designated landmarks, National Register listed properties and state landmarks. It has been overlaid with the 1890 Original Town plat.

DESIGN GUIDELINE COMPONENTS

The individual guidelines in this document follow a specific format with several key components. All components of the *Design Guidelines* are used in the design review process. A typical design guideline is illustrated below.

Sample Guideline	Legend
<h2>GENERAL GUIDELINES</h2> <p>The general guidelines were derived from the Secretary of the Interior’s Standards for Rehabilitation. They are the foundation on which the specific guidelines are built. The Historic Landmark Commission will use them to evaluate rehabilitation work on historic landmarks.</p>	<p>Design Topic: Describes the design topic addressed by the Design Guidelines that follow.</p> <p>Intent Statement Explains the desired outcome for the design topic and provides a basis for the Design Guidelines that follow. If a guideline does not address a specific design issue, the intent statement will be used to determine appropriateness.</p>
<h3>3.1 Retain and preserve the historic character of the property.</h3> <ul style="list-style-type: none">• Avoid the removal of historic materials or alteration of features and spaces that characterize the property.• Avoid changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings. These can negatively impact the historic significance of the building.	<p>Design Standard Describes a desired performance-oriented design outcome.</p> <p>Additional Information Provides a bullet point list of suggestions on how to meet the intent of the design standard. These are not the only alterations that can be applied.</p>
	<p>Images Clarify the intent of the design standard by illustrating appropriate and inappropriate design solutions (see below).</p> <p>Appropriate Images marked with a check illustrate appropriate design solutions.</p> <p>Inappropriate Images marked with an X illustrate inappropriate design solutions.</p>

CHAPTER 2: PLANNING A PRESERVATION PROJECT



It is important to determine at the outset just how extensive a project will be. An owner may wish to undertake a minor rehabilitation, major rehabilitation or even a complete restoration project. The plan for each improvement project should fit the unique circumstances and needs of the building and its owner.

This chapter lays out the steps to follow when planning improvements for historic properties and describes appropriate treatment methods for preservation projects.

Each plan for improvements to historic properties will be reviewed in light of the standards in this chapter.

PLANNING YOUR PROJECT

The *Design Guidelines* serve as an outline for both the Historic Landmark Commission and property owners to guide restoration, rehabilitation and new construction in Historic Mansfield. Before undertaking one of these projects, it's recommended that a property owner follow these steps to determine how the scope of work will impact the historic character and features of the building.

STEP 1. WHAT IS THE BUILDING'S SIGNIFICANCE?



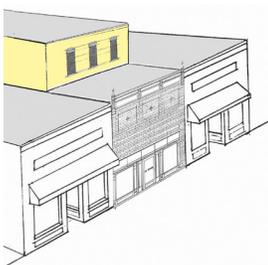
Historic Significance. Identify the building's architectural type (19th century vernacular, Mid-Century, etc.) and evaluate the building's construction materials, architectural features and the relationship of those features to the building's upper stories. This will help determine what should be preserved and what compatible alterations might be made.

STEP 2. WHAT IS THE BUILDING'S CONDITION?



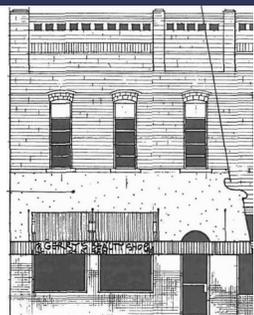
Physical Condition. The next step is a careful examination of the building's physical condition. How much of the historical construction materials and architectural features remain? Does the building exhibit any deterioration that requires repair or replacement? Preservation of the distinctive materials and features maintain the building's historical significance and status as a product of its period.

STEP 3. WHAT DO YOU WANT TO DO?



Proposed Use. What do you want to do with the building? Will the building be used for its historical purpose or for a new use that may require significant adaptations that might result in the loss of its key features? Restoration or rehabilitation may be the primary purpose of the work, or it may be a change of use that requires structural alterations. Preservation of character-defining materials and features must be balanced with the efficient contemporary use of the building when planning your project.

STEP 4. WHAT TREATMENT SHOULD BE USED?



Treatments. After the evaluation of the building and its character-defining features, determine the appropriate treatment or treatments necessary to carry out the project. A project may require the repair and maintenance of existing historic elements, replacement of missing or severely damaged features or new construction. A phased approach to the project may be indicated.

YOUR PROJECT IN RELATION TO ITS ENVIRONMENT

Any project must begin with the careful consideration of other nearby buildings and the general character of the area.

Traditionally, commercial building facades on the same block complement and reinforce each other. A project design should maintain the relatedness or visual continuity of a block. Some of the basic characteristics of a block are as follows:

- The height of the building is limited to one or two stories.
- The width of the building is limited to 25 or 50 feet, the typical lot width on the historic commercial blocks.
- The front of the building is located directly on the edge of the sidewalk creating a uniform alignment of facades.
- Brick is the dominant building material.
- The cornices of single-story buildings align, as do the cornices of the two-story buildings.
- Second story windows are aligned and create a pattern.
- Most buildings have large display windows and transoms.
- Most canopies and awnings are aligned.

SELECTING A TREATMENT

Choosing an appropriate treatment for a historic building is critical. The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition and proposed use.

There are four appropriate treatments for historic properties in Mansfield, based on the Secretary of the Interior's Standards for Historic Preservation. These treatments may be used individually or in combination depending on the plans for a preservation project:

PRESERVATION

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. Property owners are strongly encouraged to maintain their properties. Deferred maintenance contributes to the loss of the building's important material and features and add to the expense of later repairs.

REHABILITATION

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. Rehabilitation preserves materials and features of a building while accommodating a contemporary use.

RESTORATION

Restoration depicts a property at a particular period of time in its history. It may require the removal of later features that have not achieved significance in their own right.

RECONSTRUCTION

Reconstruction re-creates the form, features and detailing of non-surviving portions of a property to replicate its appearance at a specific time.

EXAMPLE OF A PRESERVATION PROJECT

Constructed in 1895, the McKnight Building is one of Mansfield's oldest and most prominent commercial buildings. By the 1980s, though, the building's appearance had been "modernized". The historic storefront was replaced with a concrete and aluminum storefront. The corner tower was removed and the columns on the parapet lowered. A corrugated metal canopy was added and metal siding covered the transom windows.

The Mansfield Historical Society began working in 1997 to reverse the inappropriate alterations. The storefront was restored and the transom windows uncovered. A canvas canopy more appropriate to the period was installed. Finally, the tower and the taller columns on the parapet were reconstructed. The photos to the right show the building before and after.

Photographs from top down:

The McKnight Building, c. 1907. Notice the tower on the corner of building.

The building with its modernized façade in the 1980s.

The building after restoration, with the historic storefront and reconstructed corner tower.

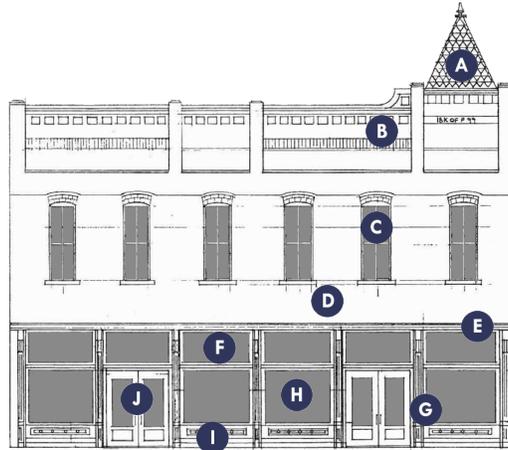


LEVELS OF TREATMENT

Once a plan has been made, owners should work with their design professionals to develop designs in accord with the *Design Guidelines* and the owner's budget. It may be necessary to implement the project in phases over time, each phase building on previous work. These illustrate different approaches to rehabilitating a building.

ORIGINAL BUILDING

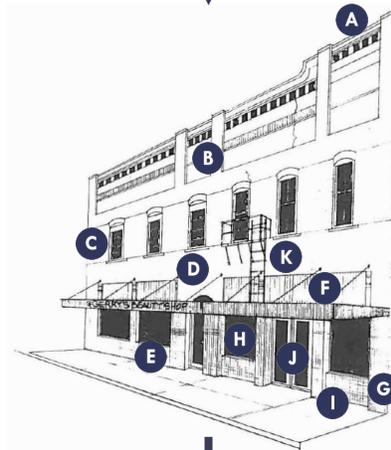
- A Decorative tower
- B Decorative cornice
- C Regularly spaced 2nd floor windows, double-hung with brick window hoods
- D Masonry wall
- E Storefront cornice
- F Transom window



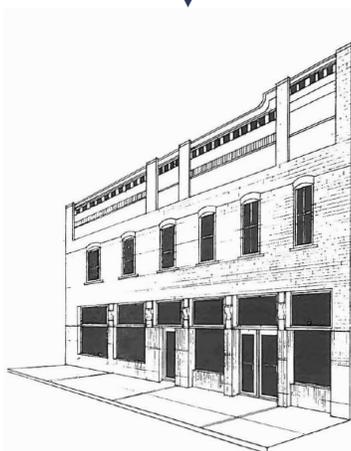
- G Cast iron piers
- H Display window
- I Wood bulkhead
- J Wood door

ALTERED BUILDING

- A Decorative tower removed
- B Decorative cornice modified
- C 2nd floor windows replaced with modern windows that do not fit the opening
- D Masonry below 2nd floor windows replaced with stucco.
- E Historic storefront replaced by modern storefront. Door has been moved to the right.

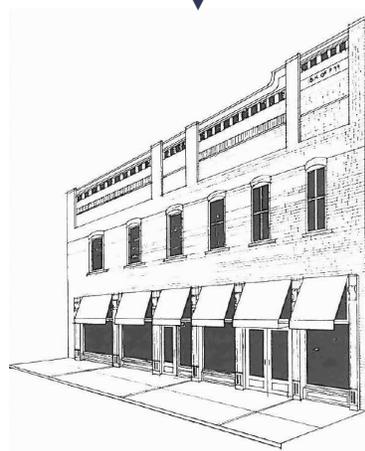


- F Transom windows covered
- G Cast iron piers covered
- H Display window replaced with aluminum frames
- I Bulkhead replaced with aggregate concrete
- J Wood doors replaced with aluminum doors
- K Fire escape added to front of the building



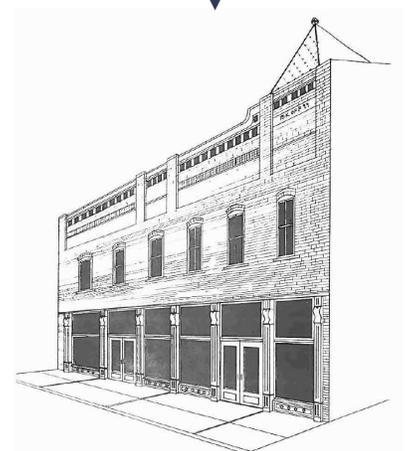
MINOR REHABILITATION

- Stabilization
- Remove stucco
- Remove panels over transoms
- Repair masonry
- Apply decorative paint scheme



MAJOR REHABILITATION

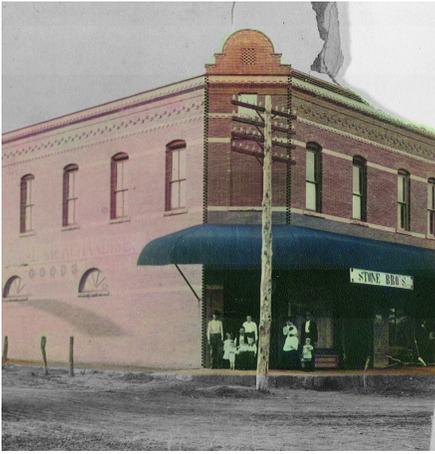
- All elements of a minor rehabilitation plus:
- Restore display windows and bulkheads
- Install new awnings and doors



COMPLETE RESTORATION

- All elements of a major rehabilitation plus:
- Restore tower
- Restore original architectural details
- Restore original storefront design

(Awnings not shown to better reveal details of complete restoration)

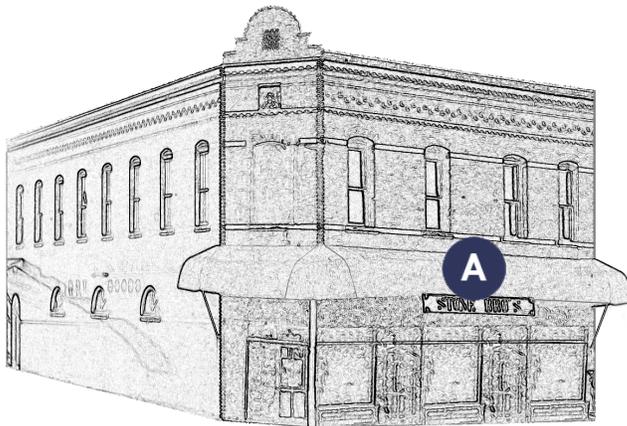


WHERE TO LOCATE FAÇADE IMPROVEMENTS

The location of façade improvements is an important consideration. Where façades are highly visible from the street or sidewalks, most alterations will be inappropriate.

Most of a historic building's architectural treasures are displayed on the front, such as brick patterning on the upper wall and cast iron piers and sills. These features should be preserved, maintained and repaired rather than altered or replaced. The same applies to corner buildings where the side wall is highly visible. The rear wall usually has fewer architectural attributes and may be the best location for external improvements to the building.

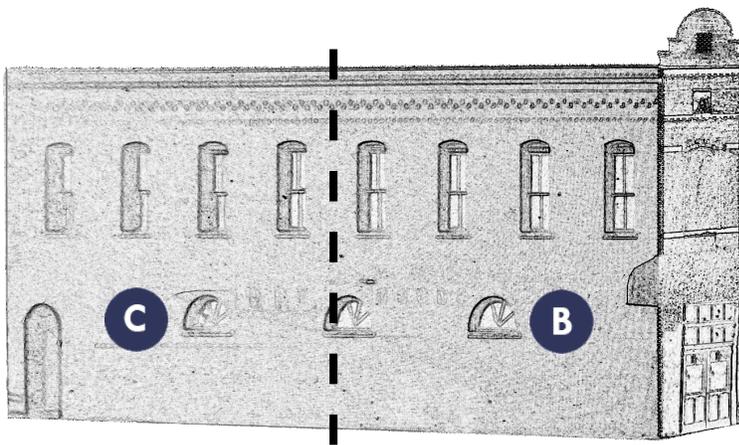
The illustrations below highlight the order of priority for improvements.



A: FRONT FAÇADE

The front façade is the public “face” of a historic building. The priority for this façade is preservation, maintenance and repair of the historic elements of the façade. Significant alterations are not appropriate on this façade.

Typical alterations to the front façade include canopies, paint colors and signage.

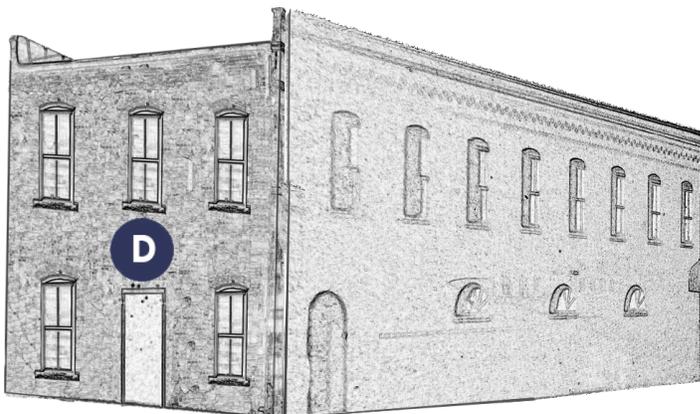


B: VISIBLE SIDE WALL

The front half of the side wall is highly visible. Again, the priority is preservation, maintenance and repair of the historic elements of the façade.

C: LESS VISIBLE SIDE WALL

The rear half of the side wall has less visibility. While preservation is preferred, compatible alterations may be appropriate in this location.



D: REAR WALL

With certain exceptions, the rear wall usually has the least architectural prominence on the building. With fewer architectural features, there is more flexibility for compatible improvements.

Improvements may be considered where they do not damage the historic materials of the façade or detract from the building's overall historic character.

CHAPTER 3: GUIDELINES FOR HISTORIC PROPERTIES



Mansfield's heritage is uniquely preserved in its historic buildings. With the proper application of these guidelines, the City's historic character will remain through these buildings.

This chapter assists with the proper treatment for rehabilitating historic landmarks. It includes guidance on architectural details, materials and finishes, building components, storefront restoration, masonry repair, windows, doors and paint colors.

GENERAL PRINCIPLES

The general principles were derived from the Secretary of the Interior's Standards for Rehabilitation. They are the foundation on which the specific guidelines are built. The Historic Landmark Commission will use them to evaluate rehabilitation work on historic landmarks.

3.1 Retain and preserve the historic character of the property.

- Avoid the removal of historic materials or features and openings that characterize the building.
- Avoid changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings. These can negatively impact the historic significance of the building.

3.2 Select uses that are compatible with the historic purpose of the property.

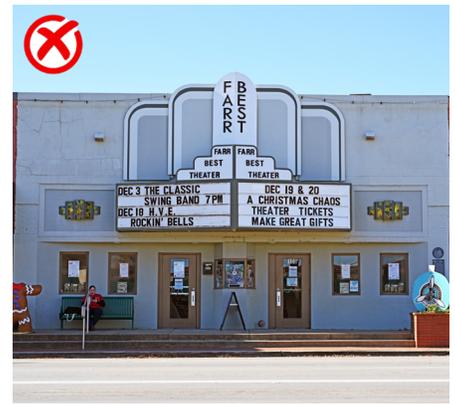
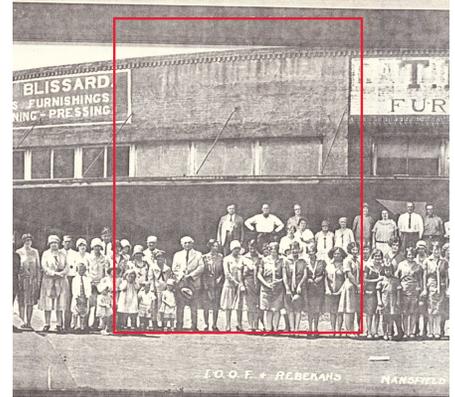
- A building should be used for the purpose it was constructed or for a new use that requires minimum change to the defining characteristics of the building, its site and environment.

3.3 Maintain character defining features and stylistic elements.

- Preserve distinctive features, finishes and construction techniques or examples of skilled craftsmanship that characterize the building.
- Changes made over time that have acquired historic significance in their own right should be retained.

3.4 Repair deteriorated historic features; replace only those features that cannot be repaired.

- Repair existing materials and features using recognized preservation practices whenever possible.
- Where the severity of deterioration requires replacement of a historic feature, the new feature must match the old one in design, color, size, texture and other visual qualities and where possible, materials. Replacement of missing features should be substantiated by documentary, physical or pictorial evidence.



Avoid changes that create a false sense of historic development. The Art-Deco marquee on this 1917 theater is an example of adding a faux theme design. It does not reflect the building's simpler design as shown in the top two photographs. An alteration like this can be mistaken as a real historical feature of the building.



Preserve distinctive features, finishes and construction techniques or examples of skilled craftsmanship that characterize the building.



Preserve significant stylistic and character-defining features such as this stamped metal cornice.



Do not remove architectural features that are in good shape or can be repaired. This lion's head ornamented a historic bank but was broken into pieces when it was removed from the building. The pieces were patched together with Portland cement, causing permanent damage to this feature.



Remove rust from metal features, caulk and repaint as necessary.

GENERAL DESIGN GUIDELINES

Mansfield's historic commercial buildings display many architectural details that contribute to the City's overall feeling of history. These include cast iron columns, stamped metal cornices, original footplates and brick detailing. The preservation of these features is key to maintain the historic character of these buildings.

ARCHITECTURAL DETAILS

This section includes general guidelines for the treatment of architectural details, building materials, finishes and storefront components. Proper preservation methods should be used to minimize the alteration of these features.

3.5 Preserve significant stylistic and character-defining features.

- Preserve the original design features of the façade like the storefront, decorative trim, cast iron columns, historic cornerstones and cornices.
- Use preventative maintenance to ensure the building's preservation. Remove rust from metal features, caulk and repaint as necessary.
- Do not remove or replace architectural features that are in good shape or, if damaged, can be repaired.

3.6 Repair deteriorated features.

- Where a partial repair of a feature is necessary, patch, piece-in or splice the repair with the same materials using best preservation practices.
- Epoxies or resins may be considered for wood repair on isolated areas of damage.
- Do not remove a damaged historic feature that can be repaired in place.
- Protect the area around features being repaired to prevent damage to other nearby elements.

3.7 Minimize damage to historic features that must be disassembled for repair.

- Document the location of historic features that must be removed for repair to ensure they are put back in the correct place.

3.8 Maintenance helps preserve the integrity of historic structures.

- Physical or chemical treatments, if appropriate, will use the gentlest means possible.
- Establish a maintenance plan, including a schedule of regular inspections and maintenance activities.
- Deferred maintenance can lead to the loss of important historic features and greater expense to replace those features.



When this stucco deteriorated, the exposed brick was damaged by water. A maintenance plan can ensure that regular inspections and appropriate maintenance are carried out in a timely manner before major repairs are need later.

3.9 Replace an architectural feature accurately.

- The design should be substantiated by physical, photographic or documentary evidence.
- When it is necessary to repair or replace a historic feature, use the same material, type, design, dimension, texture, detailing and exterior appearance as the original.
- Do not alter an opening such as a window or door, on the primary façade. Maintain or restore them to their original configuration.
- Alternate materials may be considered if they are similar in size, shape, texture, color and finish and convey the visual appearance of the original.

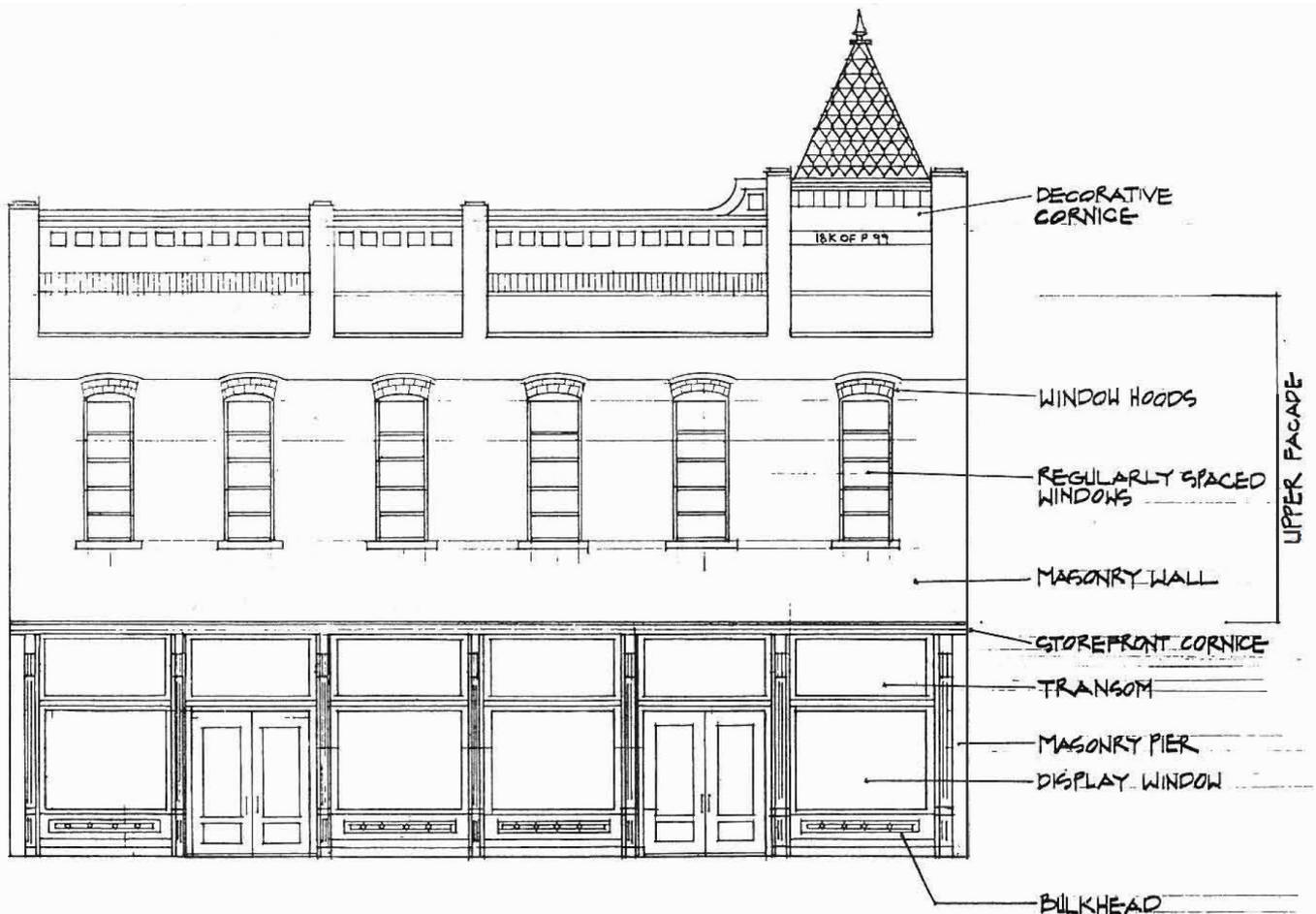
3.10 Where a historic feature cannot be repaired or restored, provide a design that is a compatible interpretation of the original.

- New features should be comparable in massing, size, scale, shape, texture, materials and finish.



Where a historic feature cannot be repaired or restored, provide a design that is a compatible interpretation of the original. This reconstructed storefront keeps the form and scale of the original.

KEY FEATURES OF A HISTORIC COMMERCIAL FAÇADE



Preserve key historic features like these transom windows.



The wood bulkhead and the cast iron threshold seen here are important features of this historic storefront.

These are some common historic features on a commercial façade that should be preserved:

- **Parapet:** A low protective wall or railing along the edge of a roof.
- **Cornice:** The continuous projection at the top of a wall normally supported by brackets or corbels.
- **Materials:** The predominant building material on most commercial buildings in Mansfield is brick. Mid-Century buildings also have cement masonry units. Several buildings have stucco over the original brick wall.
- **Upper Story Windows:** Windows are regularly spaced with a vertical orientation.
- **Lintel:** A horizontal beam that forms the upper structural member of an opening for a window or door and supports the part of the structure above it.
- **Transom Window:** A window above a door or display window separated by a frame or bar.
- **Masonry Pier:** A thickened section of wall used to provide lateral support or bear concentrated loads.
- **Display Windows:** The main portion of glass on the lower floor storefront where goods or services are displayed.
- **Door:** A storefront door with large glass panels and a solid bottom panel that reflects the bulkhead.
- **Bulkhead:** The panel beneath a display window, generally constructed of wood.

BUILDING MATERIALS AND FINISHES

The materials used on Mansfield's historic buildings are different from modern materials used today. Most of Mansfield's vernacular commercial buildings used brick as the primary building material. The Mid-Century buildings also used brick, but some buildings might have cement masonry blocks on the sides and rear. During the 1970s and 1980s, several brick buildings were covered over with stucco and one building was covered with a metal panel slip-cover.

Brick, stone, cement masonry blocks, stucco, metal and wood can be found in the construction of buildings in Historic Mansfield. These materials contribute to the historic character of Historic Mansfield and should be preserved whenever possible. The goal when working on a historic building is to retain as much of the original building materials as possible.



3.11 Preserve the building's original materials.

- Do not remove original materials that are in good condition.
- Do not remove damaged or deteriorated masonry that could reasonably be repaired and preserved.
- Preserve the parapet walls, cornices and decorative brick-patterning that characterize the building.
- Do not rebuild large sections of masonry walls that can be repaired.

3.12 Repair deteriorated building materials.

- Patch, piece-in, consolidate or reinforce deteriorated building materials.

3.13 Replace extensively deteriorated or missing building materials with new materials that duplicate the historic material in strength, composition, color and texture.

- If the original building material is brick, replace it with brick. New brick should match the original in size, color, material composition and mortar. Other building materials should be treated in the same manner.
- Limit the replacement of original materials to those that need replacement. For example, if only a few bricks on a wall are damaged, do not replace the entire wall.



Preserve the parapet walls, cornices and decorative brick-patterning that characterize the building. During restoration of the storefront, the materials on this upper wall were retained.



New brick should match the original in size, color, material composition and mortar. The brick on the right side of this photograph is the original brick. The modern brick on the left was used to repair a large section of wall. The new brick is not the same size or material composition of the original and is not an appropriate material for this building.



Stucco covers the masonry walls of this 1892 building. Removing the stucco must be done with care to avoid damaging the historic brick.



Where an architectural detail is missing or damaged beyond repair, alternate materials may be considered. This is a replica of a cast iron column that was removed from the building earlier.



Consider removing any covering which obscures the original materials from view. This slipcover hides the upper story window openings and historic masonry.

3.14 Synthetic materials should not be used as a replacement for original materials.

- Synthetic materials such as aluminum, vinyl, stucco, EFIS, panelized brick or stone and metal panel slipcovers are not appropriate substitutes for the original building materials.
- Modular materials should not be used as replacement materials.
- Where an architectural detail is missing or damaged beyond repair, alternate materials may be considered. If a new material is used, its style and detail should match the historic model.
- Green building materials, such as those made with renewable and local resources, may be considered for replacement materials where they will not impact the integrity of a building or its key features.

3.15 Do not cover original materials with new materials.

- Vinyl siding, aluminum siding and new stucco are inappropriate on historic buildings.
- Other imitation materials designed to look like wood or masonry siding, such as cementitious planks or fiberboard, are also inappropriate.
- If a building already has an inappropriate material covering the original, do not add another layer of new material that further obscures the original.

3.16 Consider removing any covering which obscures the original materials from view provided that the removal process can be accomplished without damage to the original material.

- After removing a non-historic covering, repair the original material. For example, if stucco or a metal slipcover have been removed from an original brick wall, the mortar joints may need to be repointed.
- Do not remove firmly adhering stucco from masonry surfaces.
- If a structure has a stucco finish, remove weakened or deteriorated stucco using the most gentle preservation methods to avoid damaging the original building material.

MASONRY

Masonry is a common material for historic commercial buildings in Mansfield. Masonry is typically used for walls, parapets and decorative brick patterning. A building's original historic masonry should be repaired and preserved.

3.17 Do not coat masonry that was historically left uncoated.

- Masonry has a hard, outer layer that helps protect it from weather damage. If this layer is damaged, the softer, inner core is exposed and can accelerate deterioration of the masonry.
- Uncovered masonry and mortar are designed to promote the evaporation of water. Applying a coating like paint or stucco to masonry can seal in moisture and cause damage to the material.
- Consult a qualified preservation professional to determine the best way to remove paint, plaster, stucco or other surface covering to avoid damage to the historic masonry underneath.

3.18 Remove coatings from historic masonry whenever possible.

- Remove coatings like paint and stucco from masonry surfaces if it can be done without damaging the masonry.
- If the coating cannot be removed without damage to the masonry, it may be appropriate to retain it. A damaged or deteriorated outer coating should be removed only to the next sound layer using the gentlest method possible prior to re-coating.

3.19 Repoint mortar joints where deterioration is evident.

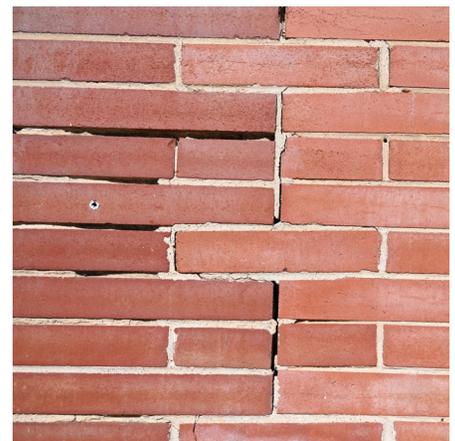
- If necessary, remove deteriorated mortar by hand-raking the joints to avoid damaging the masonry.
- Duplicate old mortar in strength, composition, color, and texture.
- Do not use mortar with a high Portland cement content as it will be substantially harder than the original and can damage softer historic masonry materials.
- Duplicate the mortar joints in width and profile.



Applying paint or stucco to masonry can seal in moisture and cause damage to the material. The brick in this wall was damaged after water was trapped between the paint and brick.



Remove coatings like paint and stucco from masonry surfaces if it can be done without damaging the masonry. It may be possible to remove the stucco from this parapet, but testing is necessary.



Repoint mortar joints where deterioration is evident, as seen on this section of wall.



Wood was historically used for trim and ornamental details. Repaint or treat wood elements when the surface shows signs of deterioration.

WOOD

Wood was historically used for trim and ornamental details, doors, window frames and storefront elements like bulkheads. Historic woodwork should be retained and repaired.

3.20 Protect wood elements from deterioration.

- Keep water away from wood elements by providing drainage and ventilation to avoid rot.
- Keep wood painted or treated to slow drying and ultraviolet damage. Repaint or retreat wood elements when the surface coating shows signs of deterioration.

METAL

Metals were used for a variety of uses on buildings in Historic Mansfield, including cast iron columns, thresholds and pressed tin panels. Historic metals should be retained and repaired.

3.21 Preserve significant architectural metal features.

- Proper drainage should be provided on and around metal surfaces to prevent standing water that can rust or corrode the metal.
- Maintain protective coatings like paint on exposed metals. Repaint or retreat metal features when the surface coating shows signs of deterioration.
- Filler compounds containing iron particles in an epoxy resin binder may be used to patch superficial, nonstructural cracks and small defects in cast iron.



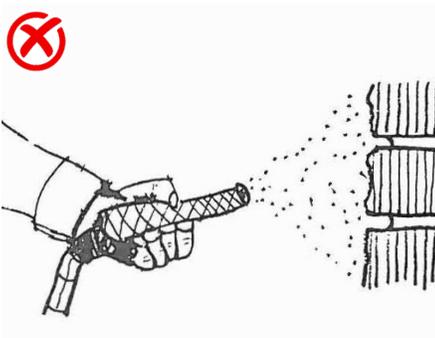
Maintain protective coatings like paint on exposed metals. The paint scheme on this column not only preserves a significant architectural feature of the building, but also highlights the column's decorative details.

CLEANING HISTORIC MATERIALS

Cleaning the historic materials on a building must be done with care to prevent damage to the materials.

3.22 Use the gentlest means possible to clean a building's surface.

- Carry out a small cleaning test to ensure that the cleaning method will not cause damage to the material surface. Tests should be observed over a sufficient period of time so that both the immediate period effects and the long range effects are known.
- Appropriate cleaning methods include low pressure water cleaning and scrubbing with a non-metal brush and a gentle detergent.
- Chemical cleaning may be considered if a test patch is first reviewed and negative effects are not found.
- Do not use sandblasting or other abrasive cleaning methods which could permanently damage the surface of the masonry.



Do not use sandblasting or other abrasive cleaning methods which could permanently damage the surface of the masonry.

HISTORIC COMMERCIAL STOREFRONTS

The storefront is the most important architectural feature of most historic commercial buildings, but is also the most altered feature of the building. In many cases, the original storefront has been completely changed or destroyed.

Before attempting a storefront restoration, it is important to evaluate the existing storefront's construction materials and architectural features, including the storefront's physical condition and any missing historical features.

The historic buildings in Mansfield generally fall into two time frames: 1890 to 1940 and 1940 to 1960. The first period is represented by the vernacular buildings; the second by the Mid-Century buildings.

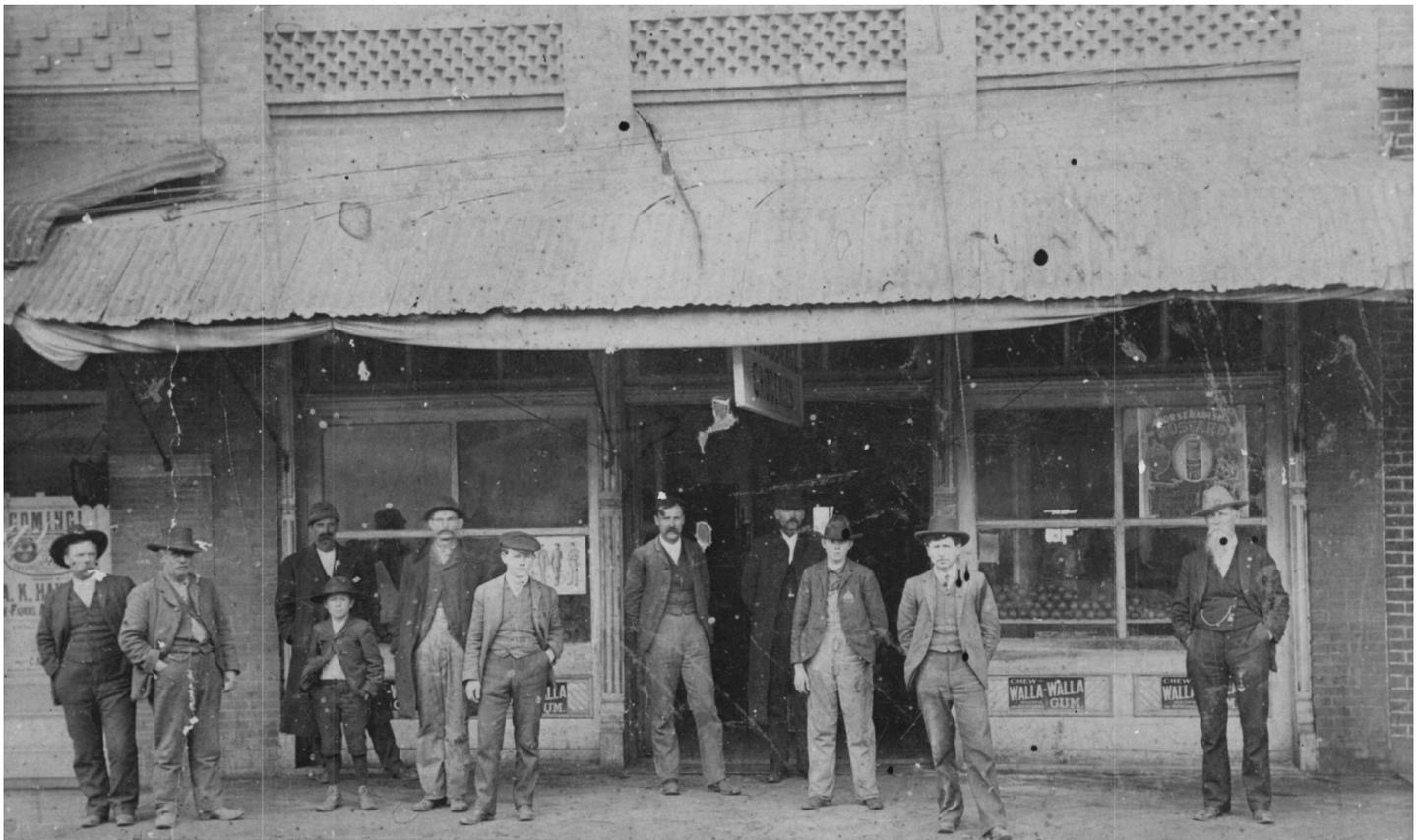
Buildings of these periods have different storefront designs and components. The appropriate storefront design should be respected during repair or restoration. For example, it is not appropriate to use aluminum elements on a vernacular storefront, or to add elements of a vernacular storefront to a Mid-Century building.



This reconstruction incorporates the elements of a traditional storefront, including display windows, bulkheads and transom windows.



This storefront is a simple interpretation of the original. The arrangement of the windows and doors follows the established ratios and scale of other historic buildings on the block.



This is the original storefront of the building in the middle photograph above. The traditional storefront elements are present: display windows, bulkheads, wood doors, transom windows and cast iron columns.



Do not remove, enclose or cover original transom window openings.



Restore a storefront to its original design based on its time period.



Do not remove, enclose or cover original transom window openings.

3.23 Repair or restore an altered storefront to its original design.

- Where possible, repair or restore an altered or missing storefront to its original appearance using historic photographs.

3.24 Retain the original size and shape of the transom window openings.

- Do not remove, enclose or cover original transom window openings. Transom windows allow natural light to enter the building and may reduce lighting costs.
- The size and shape of transom windows helps define the proportions of the storefront. Do not reduce or enlarge the size and shape of the transom window openings.
- Replace any missing original glass with new glass.
- Where transom windows must be blocked out, retain the original size and shape of the transom window openings.

3.25 Where there is no evidence of a missing storefront, design a contemporary interpretation of the historic storefront.

- A contemporary interpretation should reflect the character and design features of a historic storefront.



The original storefront of each of these buildings was removed during a modernization of the façade. The restoration involved a contemporary interpretation of the historic storefront.



BULKHEADS

3.26 Retain or restore the bulkhead below a display window.

- Maintain or restore bulkheads at the base of display windows to protect the windows, define entrances and add a decorative element to the storefront.
- If possible, expose the original bulkheads if they have been covered by a modern or inappropriate material.

3.27 Design a compatible replacement bulkhead if the original is missing.

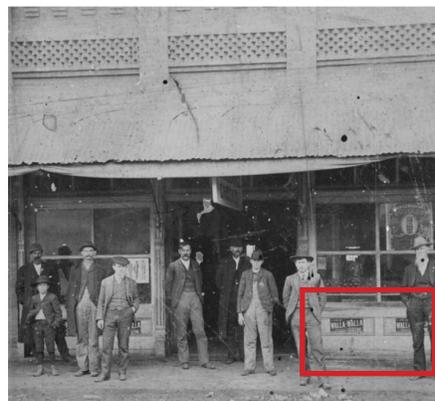
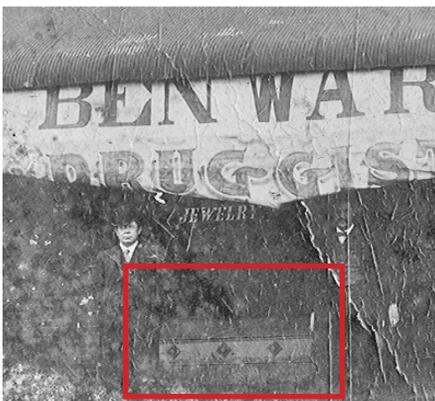
- Use a new simple design that reflects the traditional character of typical bulkheads if information on the original design is not available from historic photographs.
- Wood is an appropriate material for replacement bulkheads on vernacular storefronts. Alternate materials may be considered if compatible with the building style.
- A bulkhead panel may be recessed or raised.
- The top of a bulkhead should generally align with the bottom panel of a traditional door. In the absence of a traditional door, refer to historic photographs or to bulkheads on nearby buildings for guidance.



Wood is an appropriate material for replacement bulkheads on vernacular storefronts. This replacement wood bulkhead is designed in a traditional style that complements the storefront.



The top of a bulkhead should generally align with the bottom panel of a traditional door. The bulkhead above is close to the same height as the top of the bottom panel on the door.



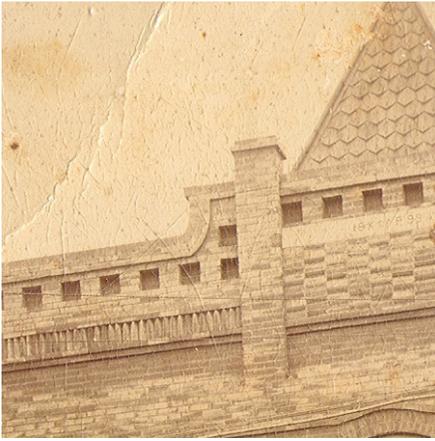
Use a new simple design that reflects the traditional character of typical bulkheads. The restored bulkhead matches the original in character and detail.



These wood bulkheads are simplified interpretations of the originals, seen in the top photograph. They keep the proportions and character of historic bulkheads.



This replacement bulkhead is shorter than the original. It changed the scale of the original historic storefront. Compare to the original storefront in the photograph above.



When historic evidence is available, reconstruct a missing cornice to its original form.

Before



After



CORNICES

3.28 Preserve the character of a building's historic cornice.

- Continue the repetition of the cornice line along the street to contribute to the visual continuity of the block.
- Align the building's cornice with the same elements on other buildings in the block.
- Retain stamped metal cornices, and enhance their appearance with decorative paint scheme.
- Reconstruct a missing cornice when historic evidence such as photographs is available.
- Replace a missing cornice with a simplified interpretation if historic evidence is not available using appropriate materials such as brick, stamped metal, wood or other approved alternative materials.

3.29 Do not alter a parapet wall on a highly visible façade.

- Parapets are exposed to weather more often than other parts of the building. Inspect parapets on a regular basis for deterioration (such as missing mortar) and water retention.
- Avoid waterproofing treatments. Waterproofing, rather than proper maintenance of the brick and mortar, can prevent the natural evaporation that the parapet is designed to provide.
- Add coping to the top of the parapet to protect the masonry.

BUILDING COMPONENTS

The retention of the original components of a historic façade add to the sustainability and preservation of the building. These should be preserved and maintained.

WINDOWS

Windows are an important feature of a historic building. Original wood windows, usually made out of old-growth wood, were made to be taken apart and repaired. Properly maintained, they do not contribute to heat and air conditioning loss in old buildings.

Original windows should be repaired, weather-stripped and insulated to maintain energy efficiency. Repairs also cost less than replacement. Replacement windows should match the character, size and proportion of the original windows.

3.30 Preserve the features and materials of a historic window.

- Preserve the functional and decorative features of a historic window.
- Repair frames and sashes rather than replacing them. Repairs can be made by patching and splicing wood elements in place of damaged or missing pieces.
- Replacement windows should fill the entire opening and duplicate the original pattern. Do not replace a double hung sash window with a single fixed pane of glass.
- Replacement windows should reflect the profile of the original, with the sash stepping back to the plane of the glass in several increments.

3.31 Maintain the number, spacing and arrangement of historic windows in a building wall.

- Unblock closed or covered windows.
- Restore or re-establish the original shape and size of upper story windows.
- Do not close-up historic window openings or add new windows on primary facades.

3.32 Preserve the ratio of window openings to solid wall on a primary façade.

- Increasing the amount of window glass on a primary façade is accomplished by removing the historic building materials, considerably reducing the historic character of the building.

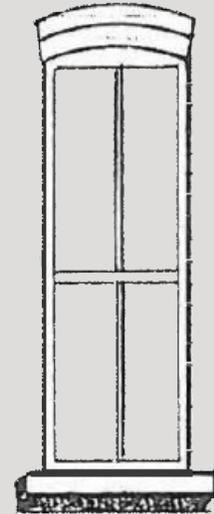
3.33 Maintain the size and proportion of historic window openings.

- Do not reduce an original opening to accommodate a smaller window or increase it for a larger window.

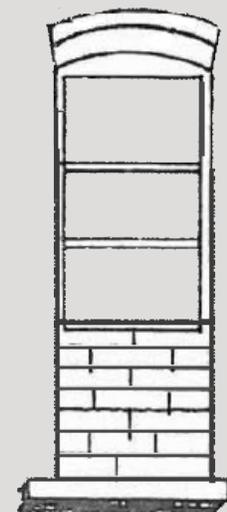
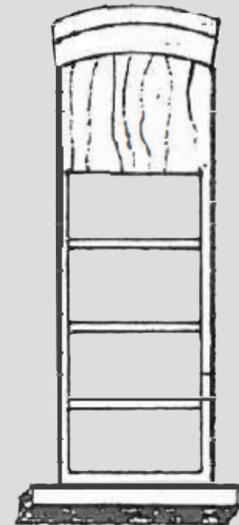
WINDOW PROPORTIONS

Preserve the size and proportion of the original historic window opening.

ORIGINAL WINDOW OPENING



ALTERED WINDOW OPENINGS





Replicate the character of historic sash divisions in a replacement window. The top image shows an original double-sash wood window from 1900, divided into two panes in each sash.

The middle photograph shows a restoration of a similar wood window with two panes in each sash, maintaining the original division of a historic window.

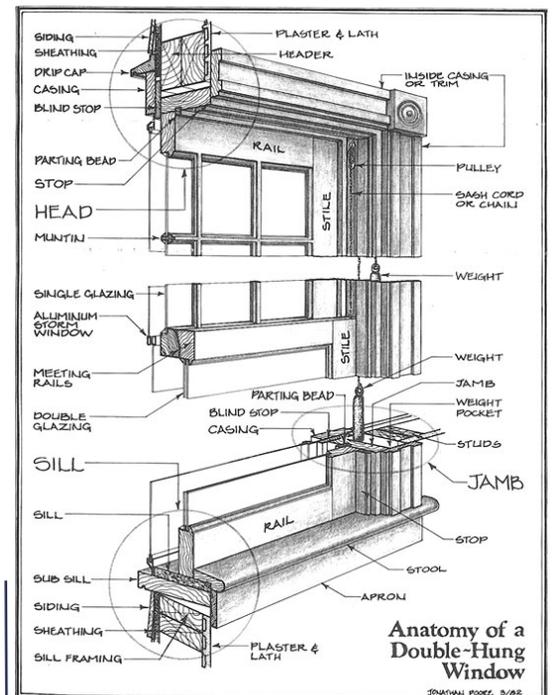
The bottom photograph shows a replacement window with an aluminum frame. Although it is a double-sash window, each sash only has one pane of glass, which does not maintain the character of the window divisions. A strip of material has been affixed to the inside of the window to simulate divided panes, but that is an inappropriate treatment when replacing historic windows.

3.34 Use the same materials or materials that appear similar to the original when replacing a window.

- Use the same material as the original where possible, especially on primary or character-defining facades.
- Substitute materials may be considered if the appearance of the window matches those of the original in style, dimension, profile and finish.
- New glazing should reflect the visual appearance of historic glazing.
 - Glazing should be clear.
 - Single pane, putty-glazed glass that matches or is similar to the original panes is preferred.
 - Transparent low-e type glass is appropriate.
 - Vacuum insulated glass may be considered.
 - Dual pane insulated glass panels are not appropriate.
 - Metallic and reflective finishes are inappropriate.
- Vinyl and unfinished metals are inappropriate window materials.

3.35 Replicate the character of historic sash divisions in a replacement window.

- Real muntins dividing a window into smaller panes of glass should be used on primary and character-defining facades.
- Faux muntins placed on both the inside and outside of a window may be used in secondary locations, but should have a similar depth and shadow line.
- Do not use strips of material between two panes of glass to simulate muntins.



This diagram shows the parts of a historic window. Many windows on commercial share these elements, particularly second story windows.

ENTRANCE AND DOORS

The character-defining features of a historic building's entrance, doors and distinct materials and placement should be preserved. When a new door is needed, it should be in character with the building, especially when it is located on a primary façade.

3.36 Maintain the original size, shape and character of the storefront entrance and doors.

- Restoration work should be based on documentary evidence on historic buildings downtown.
- Where historic evidence indicates, recess the entrance to identify business entrances and draw pedestrian interest.
- Avoid changing the position and orientation of an original front door.
- Maintain the original proportions of a historically significant door. Do not alter the original size (width or height) and shape of a historic door, sidelight or transom window.

3.37 Preserve the decorative and functional features of the doors in the primary entrance.

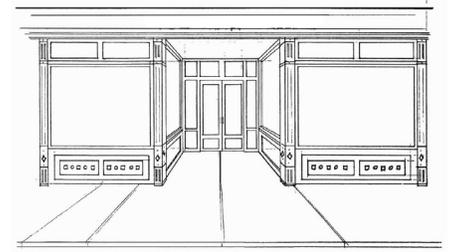
- Preserve the original proportions and form of a single or double door.
- Preserve these features of the entrance and doors:
 - Door frame
 - Thresholds, including the historic cast iron thresholds
 - Glass panes to maintain the transparency of the storefront
 - Paneling
 - Hardware
 - Detailing
 - Transom windows
 - Flanking sidelights

3.38 When repairing a damaged historic door, maintain its general historic appearance.

- Take care that the repairs to a damaged historic door maintain the fit of the door to the original opening.

3.39 Replace a historic door with one with similar materials and a similar appearance to the original door.

- Use materials that appear similar to that of the original.
- Use a door associated with the building style or type.
- Residential type doors decorated with moldings, cross bucks, or window grills are inappropriate for commercial buildings.



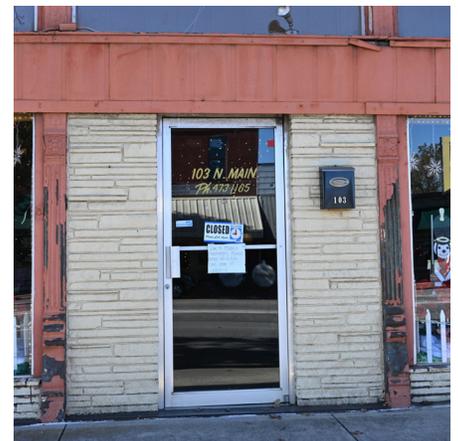
Recess the entrance to identify business entrances and draw pedestrian interest



A restored storefront with a recessed entrance.



Preserve the original proportions and form of the door.



Use a door associated with the building style. This entrance with a Mid-Century door is not appropriate for the building style.



Do not change one roof form to another roof form. These are flat roofed buildings. Other roof styles would be inappropriate.



Skylights should not project above the parapet. The skylight on this building is hidden by the front parapet.

ROOFS

The roofs on most historic commercial buildings in Mansfield are flat and bordered by a parapet. These features should be preserved whenever possible.

3.40 Preserve the original roof form of the building.

- Do not change one roof form to another roof form on a historic building. For example, if a building has a flat roof form, it is not appropriate to change it to a gabled form.
- Except as necessary for proper drainage, sloped roof forms are not appropriate for flat roofed buildings.

3.41 Minimize the visual impact of skylights and other rooftop equipment.

- A skylight that is flush with the roof plane may be considered where it remains hidden from view.
 - Skylights should not project above the parapet.
 - In the absence of a parapet, line-of-sight measures may be considered.
- Rooftop equipment such as HVAC units and vents should not project above the parapet.
 - In the absence of a parapet, line-of-sight measures may be considered.

PAINT COLORS AND FINISHES

Most wood surfaces on the exterior of a historic building were painted to protect them from weathering. Additionally, the appearance of a building could be dramatically improved by a coordinated paint scheme.

Some of the most noticeable results are achieved with a fresh paint job. Color can be used to minimize visual façade problems such as a poorly patched wall or incompatible materials. Also, a missing cornice can be re-created with a one-dimensional paint scheme.

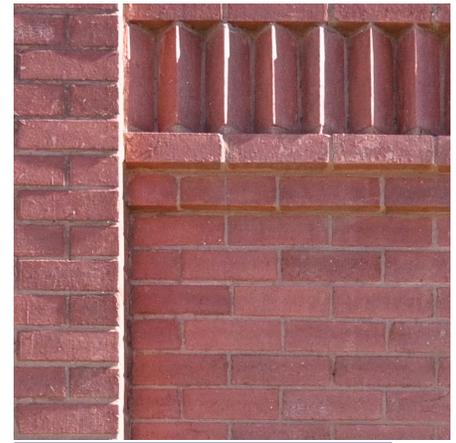
Proper painting will ensure protection of historic materials and promote the historic character of the building.

3.42 Use the building's historic color scheme whenever possible.

- If the historic scheme is not known, use an interpretation of schemes on similar historic buildings.
- Use compatible paints. Do not use high gloss paint or finishes.
- Do not use bright fluorescent or day-glow colors.

3.43 Select colors and a paint scheme that complement the building and maintain its historic character.

- Muted earth tones or pastels should be used as primary or base color.
- A major trim color that complements the base color can be used to highlight the decorative elements of the façade. Major trim elements include the cornice; window frames, sills and hoods; and the storefront frame, columns and bulkheads.
- A minor trim color can be used to enhance the color scheme established by the base and major trim. Often a darker tone of the major trim can be used to accentuate the window sashes, doors and selective details on the cornice and bulkhead.



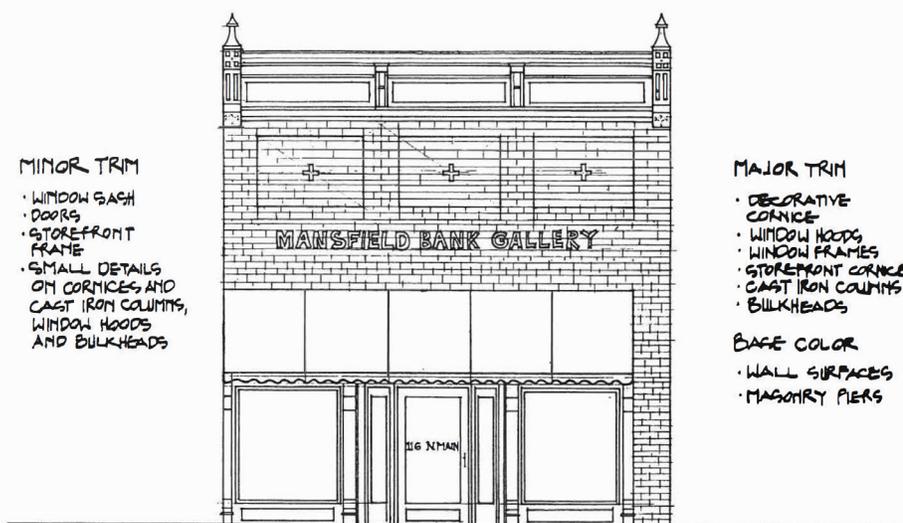
A restored storefront with a recessed entrance.



Muted earth tones or pastels should be used as primary or base color. Pale yellow makes up the primary color supported by green and red trim colors.



Select colors appropriate to the era of the building.





A minor trim color can be used to enhance the color scheme established by the major trim. The black paint on this building accentuates the appearance of the white base paint.

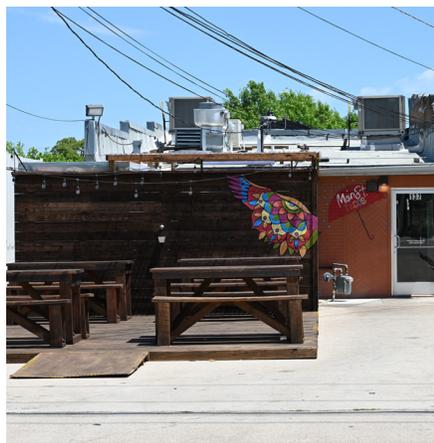
- Do not over decorate the façade. One or two other colors are sufficient to highlight any façade.
- Matte, low luster, non-reflective finishes are preferred.
- Do not paint unpainted masonry. Painting should only be allowed on masonry if previously painted, in a color that mimics the color of the original masonry.
- Official color charts are available from the City HPO.

REAR ENTRANCE

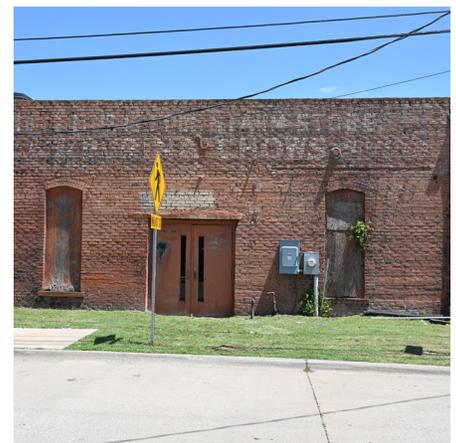
The rear entrance on a historic building was typically a service entrance for employees and deliveries. In more recent times, many rear entrances have come to serve as a second customer entrance or to provide access to parking or a patio/outdoor seating area. The rear façade tends to have fewer character-defining features than other street-facing facades, allowing opportunities for improvement. Enhancing the rear entrance as an incidental public face of the building is encouraged. A compatible paint scheme, new doors, windows and canopies or awnings can be added to the rear without affecting the overall character of the building.

3.44 A visually attractive rear entrance is encouraged.

- Design improvements for the rear entrance to be recognizable as a recent change. The improvements should not compete with the main entrance.
- Add planters, lighting, canopies and/or awnings to the rear entry.
- Where the windows on a rear façade have been closed up, consider reopening them to add visual interest to the façade.



A visually attractive rear entrance is encouraged. The rear of this building features outdoor seating, a mural and string lighting.



Where the windows on a rear façade have been closed up, consider reopening them to add visual interest to the façade. These windows have been closed-up. Reopening them with an appropriate replacement window can improve the appearance of the rear entry.

ADDITIONS

Additions have traditionally been made to historic buildings as the need for more space arises. Many buildings in the historic downtown have existing additions that have gained historic significance in their own right. New additions may be appropriate provided that the historic character of the building is maintained.

HISTORIC ADDITIONS

It is appropriate to preserve an addition constructed in a manner compatible with the original building and associated with the building's period of significance. More recent additions that detract from the character of the building should be considered for removal.

3.45 Preserve an older addition that has achieved historic significance in its own right.

NEW ADDITIONS

Two distinct types of additions to historic commercial buildings may be considered: A ground-level horizontal addition to the side or rear of the structure or a vertical rooftop addition that is subordinate in character and set back as recommended in these Guidelines.

3.46 Design new addition to be compatible with the main structure.

- Design a new addition to maintain and complement the mass, scale, character and form of the historic building.
- Maintain the roof form of the historic building on the addition. A pitched roof on an addition may be inappropriate if the historic building has a flat roof.
- Use materials that are of a similar color, texture, and scale to materials in the surrounding historic context.
- An addition to the front of a building is inappropriate. Greater flexibility on less visible facades may be appropriate.
- Incorporate window and door openings at a similar solid-to-void ratio, proportion and alignment as those on similar buildings. More design flexibility may be appropriate for one-story rooftop additions.
- Use simplified versions of building components and details found in the surrounding historic context. This may include: a cornice; a distinctive storefront or main door surround; window sills or other features.
- If the addition is removed in the future, the removal must not alter the historic character of the building.



Preserve an older addition that has achieved historic significance in its own right. The 1910 addition to the Masonic Lodge Building has become a historic structure in itself and should be preserved. The newer addition to the left could be considered for removal.

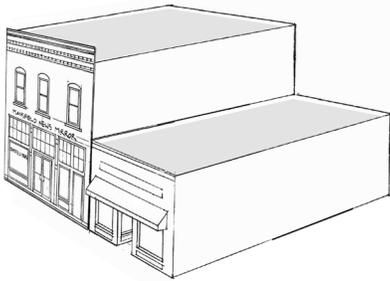


Incorporate window and door openings at a similar solid-to-void ratio, proportion and alignment as those on similar buildings. The windows and door on this addition are similar to the neighboring buildings.

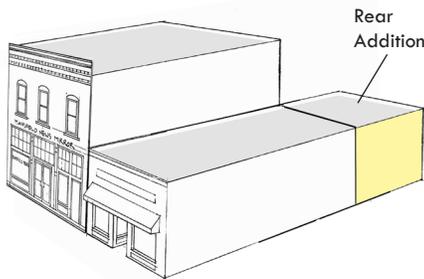
WHERE TO LOCATE A NEW ADDITION

An addition to a historic building may be located to the rear or to the side or roof as illustrated below.

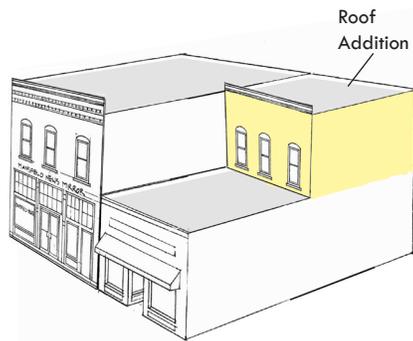
ORIGINAL BUILDING



NEW REAR ADDITION



NEW ROOF ADDITION



3.47 Protect the building's historic features.

- Construct new additions so that there is the least possible loss of or damage to historic materials and elements. Character-defining features must not be obscured, damaged or destroyed.

3.48 Design a roof addition to be compatible with the historic building.

- Set the addition back from the primary façade to maintain the historic scale of the building. On corner properties, locate the addition back from the secondary façade (the side wall facing the street) as well.
- General guidelines for roof addition setbacks:
 - The addition should be set back fifty feet from the primary façade or at the midpoint of the building, whichever is greater.
 - A roof addition is not appropriate for a building sixty feet in length or less.
 - An addition on a building located on a corner should be set back from the primary façade as noted above and from the street-facing side wall at least fifteen feet.
- The addition should be clearly identifiable as new without detracting from the historic character of the building. Use simplified interpretations of building components such as windows, doors, railings and cornices to distinguish the new from the historic.
- Use materials that are of a similar color, texture, and scale to materials in the surrounding historic context.
- Traditionally, historic buildings in Mansfield were one- or two-story. To maintain perspective, only one additional floor is appropriate for a historic building.

SPECIAL CONSIDERATIONS

Historic buildings are more than just building materials and architectural character. They also serve the needs of their occupants. Consideration should be made for projects that adapt historic buildings to new uses and energy-efficiency technologies. The accessibility requirements of the Americans with Disability Act (ADA) are also a factor to consider.

ADAPTIVE REUSE

Reusing a historic building is often less costly than replacing it with new construction and causes fewer environmental impacts. Because the building is not constructed from the ground up, resources in manpower and building materials for a new building are unnecessary. Historic buildings constructed before the 1940s generally used better building materials and construction techniques, creating a longevity that many newer buildings cannot match.

Many of Mansfield's historic buildings were used as stores, offices and meeting halls, usually with an open floor design. Whenever possible, a historic building should be used for the business or a related activity for which it was built. New uses are appropriate if they do not require alterations that negatively affect the historic character of the building.

While the Historic Landmark Commission may recommend appropriate uses for historic buildings, be sure to consult Chapter 155 of the Mansfield Code of Ordinances to determine if a proposed use is permitted.

3.49 Promote uses that are compatible with the design and historic character of the building.

- A new use should help interpret how the building was used historically.
- A new use should not adversely affect the historic integrity or alter character-defining features of the building to accommodate the use.

3.50 Promote uses that make minimal changes to the historic building.

- Uses that require the least alteration to significant elements are preferred, particularly where a building was not originally designed for the new use.
- Design adaptive reuse projects to respect the historic integrity of the building while also accommodating new functions.
- New door or window openings may be appropriate if located on the secondary or rear facades for additional access and natural light. The openings should maintain the proportions of the building's original door and window openings.



Design adaptive reuse projects to respect the historic integrity of the building while also accommodating new functions. The McKnight Building was originally constructed in 1895 for a drugstore, doctor's office and meeting hall. The building serves today as the Mansfield Historical Museum and Heritage Center. The historic form and structure of the building spaces have been retained, while careful alterations, such as a hidden elevator, have been made for visitors.



3.51 New uses on an upper floor should preserve the historic integrity of the building.

- Office and residential spaces are appropriate on upper floors of historic buildings. More active uses are appropriate on the ground floor.
- Adjacent historic buildings may combine upper floors if the character-defining features of the facades of both buildings are maintained.
- Elevators may be added to the rear of historic buildings to provide accessibility to upper floors.



Consider removing non-historic coverings and alterations as an initial phase. A rehabilitation of the 1894 Post Office Building might begin with the removal of the metal panel slipcover with the restoration of the storefront in a later phase.

PHASING/TEMPORARY DESIGN

It may be necessary to phase a preservation project to accommodate budget and other constraints. For example, a project may begin with structural and roof repairs to protect a building from weather damage, followed by removing any coverings from the exterior façade, repointing mortar joints and repainting in the second phase.

3.51 Plan the project to allow for future phases.

- Consider removing non-historic coverings and alterations as an initial phase.
- Consider ground floor storefront improvements such as restoration of the display windows, bulkheads and transoms that may set the stage for a later restoration of the complete building façade.
- Do not remove or alter the character-defining features of a building in a way that would prevent restoration at a later time.
- Refer to Levels of Treatment on page 18 for examples of phasing a project.

ACCESSIBILITY

Accessibility is meant to eliminate unnecessary barriers encountered by persons with disabilities, permitting them to engage in gainful occupations or to achieve maximum personal independence. The spirit of the Americans with Disabilities Act (ADA) can be met, if carefully planned, without destroying the historic characteristics of a building and sites.

3.52 Preserve the integrity and character-defining features of a historic building when integrating accessibility solutions.

- Identify the historic building's character-defining spaces, features and finishes so that accessibility code-required work will not result in their damage or loss.
- Alterations to historic properties that are designed to improve access for persons with disabilities should minimize negative effects on the historic character or materials.
- Provide barrier-free access that promotes independence for the disabled to the highest degree practicable, while preserving significant historic features.

BUILDING MAINTENANCE

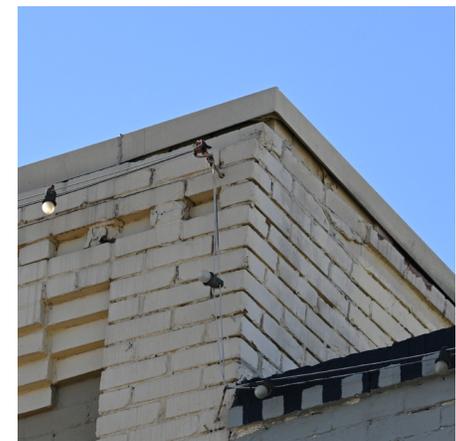
Regular maintenance can prevent the deterioration of a historic building. It is vitally important to perform maintenance that controls moisture and directs it away from the building.

3.53 Set up a regular maintenance schedule to protect the building.

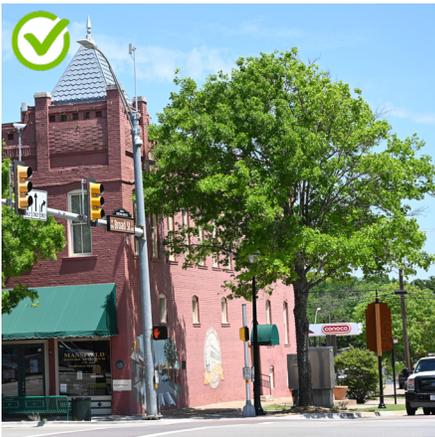
- Inspect the building for the effects of seasonal weather conditions.
- Inspect areas of the building that are exposed to weather or where water may gather, such as building parapets and roofs.
- Inspect the building interior for any signs of distress or failure including water damage or mortar dust.
- Do not defer maintenance. Basic repairs made at the first signs of deterioration can prevent more expensive repairs later.



Provide barrier-free access that promotes independence for the disabled to the highest degree practicable, while preserving significant historic features.



Inspect areas of the building that are exposed to weather or where water may gather, such as building parapets and roofs. This parapet shows signs of water damage.



CONSERVATION AND ENERGY

Many older buildings were constructed before modern heating and air conditioning and relied on historic building construction methods and materials to maximize natural sources of heat, light and ventilation. Features like thick masonry walls, awnings and transom windows contribute to the energy efficiency of a historic building. These features may be augmented by the careful application of new energy technologies.

ENERGY EFFICIENT SITE DESIGN

Site designs, including landscapes and structures, should take advantage of micro climatic conditions for energy conservation. Consider solar and wind exposure in design decisions.



Retain existing mature landscape features that provide shade and protection from wind.

3.54 Design or preserve landscapes and site features that promote energy efficiency.

- Retain existing mature landscape features that provide shade and protection from wind.
- Position new landscape features to take advantage of the shade and wind break effects for the building.
- Use drought tolerant plants to reduce the need for irrigation.
- Locate deciduous trees and vegetation to provide for summer shading and allow winter solar access.
- Use an efficient site lighting design to minimize the amount of fixtures needed.

MAINTAIN THE ORIGINAL ENERGY FEATURES OF A HISTORIC BUILDING

Original sustainable building features should be maintained in good operating condition.

3.55 Preserve and maintain the original energy efficiency features of the historic building.

- Retain the building's original operable shutters, awnings and transom windows. These were designed to make the building comfortable without mechanical climate controls.
- Maintain the building's sustainability features in good, working condition.
- Repair or restore covered, damaged or missing features.

ENERGY EFFICIENCY IN HISTORIC STRUCTURES

Energy efficiency improvements should be designed to complement the original building and to preserve the building's character. Weather-stripping and insulation can improve the energy efficiency of a historic building.

3.56 Use noninvasive strategies when weatherizing.

- Weather-stripping, insulation and wood storm windows are appropriate.
- Weather-strip original framework on windows and doors.
- Where possible, install additional insulation in an attic, basement or crawl space. Provide sufficient ventilation to avoid moisture build-up in the wall cavity.
- Install weatherization without altering or damaging significant materials and their finishes.
- Use materials which are environmentally friendly and that will not interact negatively with historic building materials.

3.57 Enhance the energy efficiency of original windows and doors.

- Keep original windows in good repair and seal all leaks.
- Preserve, retain and reuse early glass. Use putty appropriate to the window.
- Maintain the glazing compound regularly. Remove old putty with care.
- Use operable systems to enhance performance of original windows. This includes wood storm windows, insulated coverings, curtains, and awnings.
- Place wood storm windows internally when feasible to avoid the impact upon external appearance.
- Use wood storm window inserts designed to match the original frame if placed externally.
- Double pane glazing may be acceptable where original glazing has been lost and the frame can support the weight and profile.
- Add weather-stripping and caulking around the window frame.



Preserve, retain and reuse early glass. Use putty appropriate to the window.

ENERGY GENERATION

When mounting modern energy technology on a historic structure, maintain the resource's historic integrity and significance. Strategies to reduce energy consumption should be undertaken prior to using energy-generating technologies .

As new technologies are developed, it is important that they leave no permanent negative impacts to historic structures. The reversibility of their application is a key consideration when determining appropriateness.

3.58 Place energy generating equipment to minimize impacts to the historic character of the building.

- Locate equipment where it will not damage, obscure or cause removal of significant features or materials.
- Locate equipment where it is not visible on a principal or secondary façade. It is preferred to locate the equipment on the roof if possible. When installed on the roof, the equipment should be set back from the edge so as not visible from the street.

3.59 Install energy technology in a reversible manner.

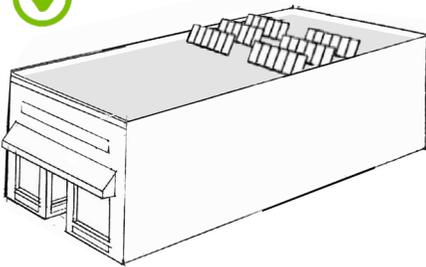
- Install energy generating equipment so that it can be readily removed and the original character of the building can be easily restored.

SOLAR ENERGY DEVICES

Solar energy devices should be designed, sized and located to minimize their effect on the historic character and structural integrity of the building.

3.60 Minimize adverse effects from solar energy devices on the character and structural integrity of a historic building.

- Install solar devices in locations that do not obscure significant features or adversely affect the overall character of the property.
- Size collector arrays to remain subordinate to the historic structure.
- Minimize visual impacts by locating collectors back from the front façade.
- Consider installing collectors on an addition or accessory building where applicable.
- Exposed hardware, frames and piping should have a matte finish, and match or complement the color scheme of the primary structure.



Minimize visual impacts by locating collectors back from the front façade.

3.61 Use the least invasive method feasible to attach solar energy devices to a historic roof.

- Avoid damage to significant features.
- Install a collector array in such a way that it can be removed and the original character easily restored.
- Collector arrays should not threaten the structural integrity of the building. Supporting equipment for solar panel systems, such as mounting brackets or frames, should make the fewest penetrations into the roof or walls as possible.

3.62 Consider using building-integrated photo voltaic technology where the use of new building material is appropriate.

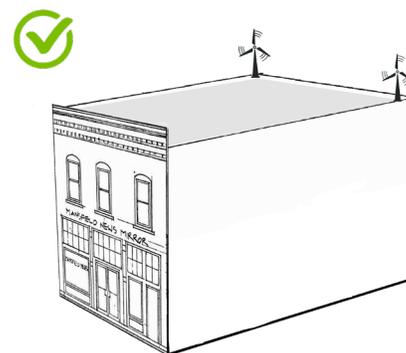
- Plan the installation of integrated photo voltaic systems to be where they do not hinder the ability to interpret the historic significance of the structure.
- Solar energy devices incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to the building's design that are reasonably indistinguishable from traditional building materials may be considered.
- For example, solar shingles on a rear or secondary roof where the original roof material is missing or significantly damaged would be appropriate.

WIND POWER

Small-scale wind generators may provide supplementary energy supply to a building, but careful installation is necessary. Minimizing impacts to the historic character of a building should be the primary consideration in an energy efficiency project.

3.63 Minimize the visual impacts of a wind turbine from public view whenever possible.

- Turbines should not obscure significant features or impair the ability to interpret the building's historic significance.
- The turbine and any exposed hardware should have a matte finish, and match or complement the color scheme of the primary structure.
- Design the scale and location of the turbine to remain subordinate to the historic structure.

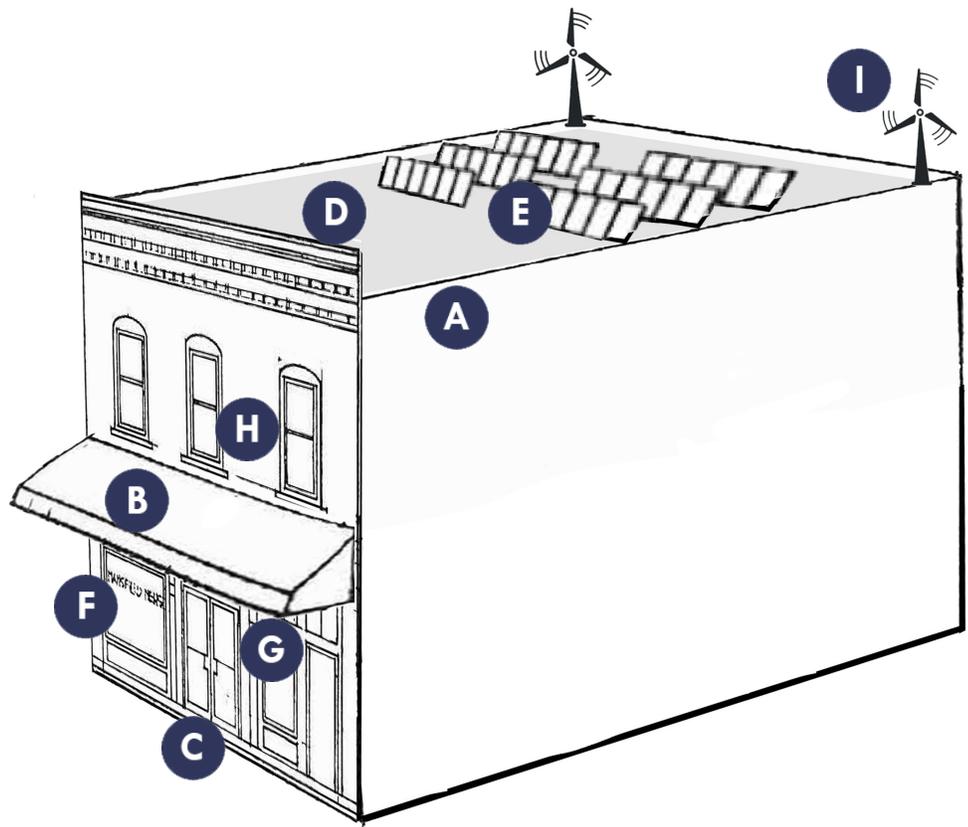


Design the scale and location of the turbine to remain subordinate to the historic structure.

HISTORIC BUILDING ENERGY EFFICIENCY

These are recommendations for energy conservation on a historic commercial building while retaining the integrity of the historic structure.

- A Insulate attic internally.
- B Use awnings to control solar access and heat gain.
- C Maintain original doors and weather-strip them.
- D Retain and repair roof materials.
- E Set solar panels back from the primary façade to minimize visibility from street.
- F Maintain the display windows and weather-strip them.
- G Retain or restore operable transom windows to circulate air.
- H Preserve and maintain original windows with weather-stripping and caulk. Use storm windows, preferably on the interior.
- I Set wind turbines back from primary façade to minimize visibility from street.



STEPS TO ENERGY EFFICIENCY

Consider these basic steps when planning a rehabilitation project for energy efficiency:

Step 1: Set project goals.

Step 2: Maintain the building's components in sound condition.

Step 3: Maximize the building's inherent sustainable qualities.

Step 4: Enhance building performance with treatments like increased insulation, weatherization and landscaping.

Step 5: Add energy-generating technologies sensitively and in a manner that can be reversed in the future. Also consider that the building's original design may be as efficient as adding energy-generating equipment.

3.64 Install a turbine in such a way that it can be readily removed.

- Attach turbines in a manner that avoids damage to significant features.
- The original condition of the building should be easily restored.

3.65 Minimize structural impacts when installing turbines.

- Install turbines as freestanding structures in unobtrusive locations when feasible.
- When attaching to the building, turbines should not overload structural systems, or threaten the integrity of roof protection systems. Supporting equipment such as mounting brackets or frames should make the fewest penetrations into the roof or walls as possible.

CHAPTER 4: GUIDELINES FOR SITE DESIGN



Historic preservation and new construction projects in historic areas of Mansfield should employ site designs and features that contribute to the historic character of the area and promote pedestrian activity along streets.

This chapter contains guidelines for site design and exterior improvements for preservation projects and new construction in historic areas. Special design features are included, such as plazas, courtyards, parking lots, lighting, awnings, colors and service areas.

While applicable to historic landmarks, these guidelines may also be used to guide new construction in historic districts. They should be reviewed in conjunction with the D, Downtown District regulations for projects in the Original Town of Mansfield.



Do not fully enclose an outdoor space to allow for pedestrian access.



The plaza or courtyard should be directly accessible from a public sidewalk.

OUTDOOR AMENITIES

The settings around historic buildings should encourage pedestrian activity and outdoor spaces. The design of these spaces should complement the historic character of the buildings they serve and be integrated into the overall project design.

4.1 Design outdoor spaces to encourage pedestrian activity.

- To allow for pedestrian access, do not fully enclose the outdoor space.
- Pave or landscape the outdoor space.
- The outdoor space should be even with or behind the line of building fronts.

SMALL PLAZAS AND COURTYARDS

Small plazas or courtyards may be encouraged in historic areas if carefully designed. In places where continuous historic storefronts extend to the sidewalk, as they do on N. Main Street, do not remove a historic façade to make space for a plaza or courtyard.

4.2 Situate a small plaza or courtyard where it will complement the character of the surrounding buildings.

- Locate a plaza or courtyard carefully within a historic area to avoid creating gaps in the existing historic street façade.
- Use compatible paving materials to those in the area such as concrete or brick pavers. For example, red brick pavers are used around Historic Downtown Mansfield.

4.3 Design a small plaza or courtyard for pedestrian access.

- The plaza or courtyard should be directly accessible from a public sidewalk.
- A plaza or courtyard should be level with the sidewalk.

4.4 Enhance a small plaza or courtyard with features that promote their use.

- The following features are encouraged for a small plaza or courtyard:
 - Street furniture such as benches
 - Public art
 - Historical or interpretive markers, plaques or interpretive panels
 - Green space or landscaping features
 - Lighting
 - Open area for street performances
 - Small stage with a cover
 - Trash receptacles
 - Shade

PATIOS AND OUTDOOR SEATING

Patios and seating areas can promote pedestrian activity along streets in historic areas. They should be designed to enhance an area's historic character.

4.5 Locate a patio, at-grade dining area or outdoor seating area to minimize impacts on the streetscape.

- Consider locating a patio, at-grade dining area or outdoor seating area at the side or rear of the building.
- Do not obstruct a sidewalk with a patio, at-grade dining area or outdoor seating area.

4.6 Design a railing or barrier to be simple.

- Simple metal and wood railings are appropriate.
- Railing or barrier should not exceed 42" in height.
- The railing should be mostly transparent.
- Install a railing or barrier so that it may be removed in the future without impairing the essential form and integrity of the historic building and canopy.
- Do not obscure character-defining features of the building with a barrier or railing.
- Do not destroy or damage character-defining features of the historic building or canopy when installing a railing or barrier.
- Temporary planters are appropriate to provide a barrier for outdoor dining areas.
- Composite, vinyl, or any PVC material are generally inappropriate.

SITE FURNISHINGS

Site furnishings such as benches, bike racks and street planters can enhance the overall appearance of the historic downtown and other sites. The quality of design is critical because these elements are highly visible. Site furnishings should be designed to be an integral part of the historic environment. They should be strategically placed to serve as a gathering spot and elevate the streetscape.

4.7 Use site furnishings to enhance the character of a historic building or site.

- Site furnishings should reinforce the existing historic context.
- Place site furnishings along the street to encourage pedestrian activity and interest.



Do not obstruct a sidewalk with a patio, at-grade dining area or outdoor seating area. The pedestrian way in this diagram shows a clear path between the outdoor seating area and the streetlight.



Simple metal and wood railings are appropriate. The railing should be mostly transparent.



Place site furnishings along the street to encourage pedestrian activity.

AWNINGS AND CANOPIES IN HISTORIC MANSFIELD

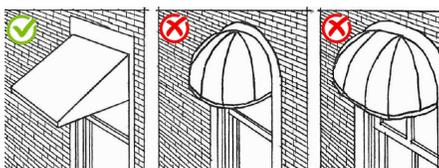
Early canopies in historic Mansfield provided shade to help cool buildings and for pedestrians on the boardwalks in front of the buildings.

Canopies were flat or sloping shed roofs, sometimes with a curve on the edge. These were supported below by posts or wall brackets, or above by metal rods or chains. As can be seen in the 1907 photograph below, most buildings had canopies. Fabric awnings were common.

The restoration or replacement of canopies and awnings is encouraged. An appropriate canopy or awning adds character to a building and visual interest to a pedestrian oriented streetscape.



A variety of canopies can be seen in this 1907 photograph of Water Street. Examples of shed roof and flat canopies can be seen on the buildings. Note the awning on the upper floor window on the second building from left.



Simple shed shapes are appropriate for rectangular openings. Do not use odd shapes, bull nose or bubble awnings.

AWNINGS AND CANOPIES

Awnings and canopies are traditional features on historic commercial buildings in Mansfield, and their use is encouraged. Awnings are usually fabric. Canopies use wood or metal construction. These elements are simple in detail, color and design.

4.8 Flat canopies should be retained if present and replaced where needed.

4.9 Design an awning or canopy to be in character with the building.

- Flat canopy and dropped style awnings are the most common on existing historic commercial buildings and recommended awning types.
- Install awnings and canopies to accentuate character-defining features of the building.
- Do not cover or obscure significant architectural features.
- Design the awning or canopy to be in proportion (opening, width, height) to the building.
- Use colors that are compatible with the façade. Solid colors are encouraged.
- Simple shed shapes are appropriate for rectangular openings. Do not use odd shapes, bull nose or bubble awnings.
- Awnings should be a drop-front style.
- Awnings should not be continuous, but rather relate to each window or bay. Flat canopies, however, may be full width or relate to each bay.
- Appropriate supporting mechanisms are wall mounted brackets, cable suspended and chains consistent with the style of the building.
- Canopies supported by posts are generally inappropriate.
- Internal illumination of an awning or canopy is inappropriate.
- Awnings and canopies are generally inappropriate on upper story windows unless historic evidence indicates that there were awnings on the original building.
- Historically, wood or metal canopies were common, but fabric was used as well. Awnings were generally canvas, but opaque fabrics with a matte finish are appropriate.
- Vinyl, plastic, leather, or any glossy or reflective materials are not appropriate construction materials.

IMAGES OF AWNINGS AND CANOPIES

Historic Mansfield Examples



Appropriate



Design the awning or canopy to be in proportion to the building. This canopy fits within the doorway.



Flat canopies may be full width or relate to each bay.



The color of awnings should be compatible with the exterior color of the building. This green awning fits with the building's color scheme.

Inappropriate



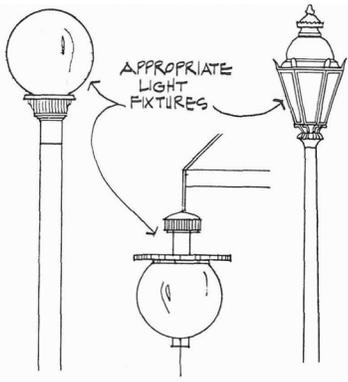
Do not cover or obscure significant architectural features. This awning covers the transom windows.



Flat canopies should be retained if present and replaced where needed. The flat canopy on this building was replaced with drop-front style awning.



Do not use odd shapes, bull nose or bubble awnings.



Fixtures should be compatible with architectural and site design elements of the setting.



The street light on the right side of this photograph is typical of a light fixture in the historic downtown.

SITE LIGHTING

The light level from a private property at the property line is a key design consideration. The number of fixtures, their mounting height, and the amount of light emitted per fixture are important aspects of site lighting. Light fixtures should be shielded and directed away from adjacent properties.

Site lighting should generally be located on streets, plazas, and surface parking lots. However, lighting may also be located on a side or rear yard within dining areas.

4.10 Design lighting to fit the historic character of the setting.

- Fixtures should be compatible with architectural and site design elements of the setting.
- Avoid using light fixtures that are not compatible with the historic building style. Light fixtures which duplicate the original historic fixtures in form and construction material are acceptable.
- Do not install light fixtures which are more elaborate than the original fixtures. A void using historic theme lighting that may confuse the true heritage of the historic setting.

4.11 Shield lighting to prevent off-site glare.

- Light fixtures should incorporate shields to direct light downward.
- Lamps should not be visible from adjacent streets or properties.
- Fixtures should be shielded to prevent light spill onto adjacent properties and into the night sky.

4.12 Provide lighting along walkways that is scaled for pedestrian activity.

- Install lights for walkways on shorter poles or consider using ground-mounted light posts like bollards.

BUILDING LIGHTING

Care should be taken to select exterior light fixtures that complement the historic character of the building. Building lighting encompasses any permanent lighting that is attached to a building, including string lights that are strung between multiple buildings or other structures.

Traditionally, exterior lights were simple in character and were used to highlight signs, entrances, and first floor details. Most fixtures had incandescent lamps that cast a color similar to daylight, were relatively low intensity and were shielded with simple shade devices. Although new lamp types may be considered, the overall effect of simple, focused, building lighting should be continued.

4.13 Use lighting to accent building features.

- It is appropriate to accent building entrances, first floor details and signs.

4.14 Minimize the visual impacts of architectural lighting.

- Use simple light fixtures.
- Use exterior light sources with low luminescence.
- Use lights that cast a similar color to daylight.
- Do not wash an entire building façade in light.
- Use lighting fixtures that are appropriate to the building and its surroundings in terms of style, scale and intensity of illumination.

4.15 Use shielded and focused light sources to prevent glare.

- Provide shielded and focused light sources that direct light downward.
- Do not use high intensity light sources or cast light directly upward.
- Shield lighting at services areas, parking lots and parking structures.

4.16 Install building lighting that does not damage the historic fabric of the building.

- Building lighting should be removable at a later time without damaging the historic fabric of the building.



Use lighting fixtures that are appropriate to the building and its surroundings in terms of style, scale and intensity of illumination.



Traditionally, exterior lights were simple in character and were used to highlight signs, entrances and first floor details.



String lights are a type of building lighting. How they are used should be considered with care. There is a difference in the impact of lights that outline a building (top) and lights concentrated under a canopy (bottom).



Locate public art to enhance the urban environment. This kaleidoscope is a functional artwork that contributes to the streetscape.

PUBLIC ART

Public art is welcomed as an amenity. Art should be designed as an integral component of the urban environment and strategically located to serve as an accent to a streetscape, plaza, park or other public area.

4.17 Public art should complement the character of a building or site.

- Public art should complement the surrounding context.
- Public art should be used to accent civic facilities.

4.18 Select and locate art to be compatible with the historic context.

- Public art should not interfere with interpretation of nearby historic sites and buildings.
- Do not place large public artworks directly in front of historic buildings.

4.19 Locate public art to enhance the urban environment.

- Select strategic locations such as gateways or use as focal points in public plazas or parks.
- Public art should be woven into the urban environment. For example, an artist could customize or reinterpret conventional features of a streetscape such as a tree grate or planter.



Paint or print murals on canvas or panels. These panels are affixed to an unpainted brick wall using a wood frame.

MURALS

Murals are a popular form of art in downtown Mansfield. Typically a paint medium, care must be taken to prevent damage to historic building materials and architectural features. The following are guidelines for murals on historic structures.

4.20 Do not paint on unpainted masonry.

- Painting takes away the historic integrity of the building.
- The paint may trap water that damages the brick or stone underneath.

4.21 Paint or print murals on canvas, panels or similar materials

- Affix murals through the mortar joints, not through the masonry.
 - Mortar can be more easily replaced.
 - Drilling into the masonry permanently damages it and can lead to further deterioration.
- Temporary artwork on vinyl sheets may be adhered to a wall if the heat application will not damage the historic building materials.
- Prevent water from getting trapped behind the mural. For example, leave space between the wall and the mural frame or use a sloped cap at the top.



Prevent water from getting trapped behind the mural. The cap on this mural directs water away from the wall.

4.22 A new mural should not compromise the historic character or integrity of the original resource.

- New murals should respect the size, scale and design of the historic building.
- Murals should be located on the side, interior or rear walls of existing commercial buildings, and have minimal impact on surrounding buildings, views and vistas.
- Consider a location that faces east or north or is shaded to extend the life of the mural.
 - A mural will fade and peel faster if it is in direct sunlight.
- Reflective, neon and fluorescent paints should not be used.
- Painting a portion of the wall, especially on large walls, instead of the entire wall is recommended to avoid sign blight/overwhelming the streetscape.
- The number of murals per block face should be limited to discourage visual clutter.



Consider a location that faces east or north or is shaded to extend the life of the mural. This mural is shaded by a large canopy tree.

4.23 Subject matter that reflects an aspect of Historic Downtown Mansfield or the City's history or that relates to a building or its occupant is encouraged.

- The theme of the mural should be appropriate within the context of the surrounding neighborhood and complement its existing character.
- No advertising, logos, or political messages should be included in the mural.



Subject matter that reflects an aspect of Historic Downtown Mansfield or the City's history is encouraged.

4.24 Do not paint over other historically significant murals.

- Do not paint over other historically significant murals, even if they are faded, including but not limited to advertisements from the late-19th to the mid-20th centuries.



This mural of musician Jim Morrison is painted on a building occupied by a music lesson studio, tying the mural to the business.



Screen equipment from public view. The roof-top HVAC units on this building are set back from the rear wall and screened by a board-on-board enclosure.



Locate satellite dishes and mechanical equipment out of public view. This dish is mounted on the rear of the building behind the parapet.

SERVICE AREAS, BUILDING EQUIPMENT AND FENCING

Service areas, building equipment, accessory buildings, fencing and screening is a part of both historic redevelopment and new construction. They should be visually unobtrusive and should be integrated with the design of the site and the building. Junction boxes, external fire connections, telecommunication devices, cables, satellite dishes, HVAC equipment and fans may affect the character of a property. These and similar equipment devices should be screened from public view to avoid negative effects on all properties.

4.25 Orient service entrances, waste disposal areas and other similar uses to service lanes away from major streets.

- Where possible, screen these service areas with a wall, fence or plantings.

4.26 Position service areas to minimize conflicts with other abutting uses.

- Minimize noise impacts by locating sources of offensive sounds away from other uses.
- Use an alley or rear of the property where possible.

4.27 Minimize the visual impacts of building equipment on public streets, sidewalks and the surrounding neighborhood.

- Screen equipment from public view.
- Do not locate equipment on a primary façade.
- Use low-profile or recessed mechanical units on rooftops.
- Locate satellite dishes and mechanical equipment out of public view.
- Locate roof-top equipment away from the facades of the building.

4.28 Minimize the visual impacts of utility lines, junction boxes, gutters, downspouts and similar equipment.

- Locate utility lines and junction boxes on secondary and tertiary facades, and group them where possible.
- Where possible, group lines in conduits.
- Paint these elements to match the existing background color.
- Ground-mounted utility pedestals should be located at the rear of the building.
- Gutters and downspouts should be located on the least visible face of a building and away from character-defining architectural features.
- If gutters and downspouts must be located on the front of a building, they should be designed simply to avoid altering the perception of a historic façade.



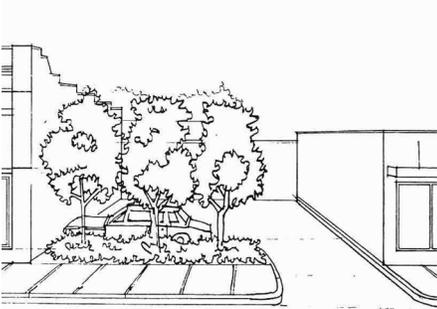
Locate utility lines and junction boxes on secondary and tertiary facades, and group them where possible. These electric meters are grouped together on the rear wall of this building.

4.29 Limit fencing to the rear of the structure.

- Fences should be 70% open and constructed of brick, cast stone, iron, or a combination of these materials, or other appropriate materials.
 - Plastic, vinyl, and chain-link are not appropriate materials.
 - Wooden privacy fences are not allowed.
 - Solid masonry is only appropriate when screening is required by ordinance for dumpsters or mechanical equipment.
- Fences should not exceed six feet in height.



Minimize the visual impact of surface parking. This parking lot is located to the side of the site and screened with landscaping.



Use planters or landscape strips with trees and shrubs as a visual barrier.

SURFACE PARKING LOTS

Sufficient parking is vital to the businesses in historic Mansfield, but should be visually subordinate to other uses. Parking areas should be screened from the street and neighboring properties through design features and landscaping.

4.30 Minimize the visual impact of surface parking.

- Locate parking lots at the rear or side of a site, or to the interior of the block, particularly on corner properties which are more visible than interior lots.

4.31 Locate a surface parking lot to minimize gaps in the continuous building wall of a commercial block.

- Where a parking lot shares a site with a building, place the parking at the rear of the site, or if this is not possible, beside the building.
- Limit the number of curb cuts to as few as possible.
 - Locate curb cuts on a minor street or alley.

4.32 Provide a visual barrier along the edge of a parking lot and between parking lots.

- Use planters or landscape strips with trees and shrubs as a visual barrier.
- Provide a landscaped edge and/or low screening wall to screen cars and to maintain the structural setback along the sidewalk.
- Maintain pedestrian connections to street and sidewalks.

CHAPTER 5: GUIDELINES FOR NEW CONSTRUCTION



Authenticity is an essential characteristic of any historic district. Surviving historic construction in Mansfield’s historic districts should be easily differentiated from new construction and modern additions. New construction should help reinforce the authenticity of a historic district by clearly referencing the time in which it was built, and convey the evolution of the area through building design.

This chapter provides suggestions to developers of infill and redevelopment projects on the design of new buildings in historic areas. It includes general guidelines for the architectural character, building orientation and materials of all new construction projects as well as design standards for parking structures.

These guidelines can also be used for improvements to existing non-historic structures to ensure that they remain compatible with the overall historic context. The general preservation principles and design standards in Chapters 2 and 3 do not apply to new construction or to existing non-historic structures.

GENERAL PRINCIPLES FOR NEW CONSTRUCTION

New infill construction should be scaled to promote a pedestrian-oriented streetscape. New development should build on the heritage of Mansfield's historic built environment.



Incorporate a bulkhead, display window and transom in a new storefront design. New designs for windows, storefronts and architectural features provide visual interest while indicating that the building is new.

ARCHITECTURAL CHARACTER

New buildings in Mansfield's historic districts should be distinguishable from historic buildings, and appear as a contemporary product of its own time while maintaining general compatibility with the surrounding context.

5.1 Design a new building to reference the time in which it was built, while respecting key features of the surrounding historic environment.

- New buildings should reflect the basic mass and scale of surrounding historic buildings while incorporating compatible design features.
- Use of historic building materials is encouraged.

5.2 Consider incorporating contemporary interpretations of traditional designs and details into a new building.

- Incorporate a bulkhead, display window and transom in a new storefront design as illustrated in "Key Features of Historic Commercial Façade" on page 24.
- Design storefront components and upper story windows to be similar in height, depth, profile and proportion to traditional historic buildings.

5.3 Do not imitate historic styles in the design of a new structure.

- Design a structure in a contemporary style to avoid blurring the distinction between old and new, which makes it more difficult to visually interpret the architectural evolution of a historic district.
- Design a structure using a contemporary interpretation of a historic style that is authentic to the environment while ensuring that it is distinguishable as being new.



Although the parapet on this modern storefront resembles the parapet of an older building in the same location, the storefront elements (bulkheads, display windows, doors and transoms) are distinguishable as new construction.

BUILDING ORIENTATION

Traditionally, the primary entrance of a building faced the street as can be seen on the historic buildings on Main Street. The entry was often recessed on commercial buildings. New buildings should be oriented to continue this traditional pattern.

5.4 Maintain the traditional orientation of a building to the street.

- Locate the primary entrance to face the street.
- The setbacks for new construction should match the setback of other buildings on the block. Where historic buildings abut the sidewalk, new buildings should do the same.

MATERIALS

Building materials used in new construction should contribute to the visual continuity of Mansfield's historic districts.

5.5 Use building materials appropriate to the surroundings.

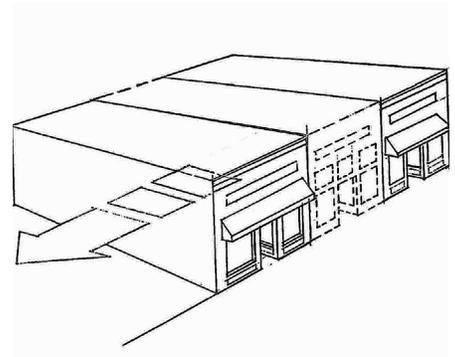
- Use brick as the primary exterior building material.
 - Brick was typically the dominant construction material on historic commercial buildings in Mansfield.
- Building materials should have a modular dimension similar to that used traditionally.
- All wood details should have a weather-protective finish.
- Traditional stucco, metal cladding, and composite panels may be considered as an accent material on upper floors of larger buildings.

5.6 Ensure that any new materials are similar in character to historic materials.

- New materials should appear similar in scale, proportion, texture, color and finish to those used traditionally.
- Using new materials as an accent is appropriate to help convey individual building modules or units.
- Do not use imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or imitation stone and plastic.
- Avoid highly reflective materials, such as unfinished metals or those without a matte finish.



Maintain the traditional orientation of a building to the street.



Where historic buildings abut the sidewalk, new buildings should do the same.



Use building materials appropriate to the surroundings. This red brick resembles the brick used on nearby historic buildings.

NEW COMMERCIAL BUILDING DESIGN

Historic Mansfield is composed primarily of traditional commercial buildings with storefronts along the ground floor and upper story office or residential uses. New commercial buildings are encouraged as infill development, especially in the historic downtown district.

MASSING

Traditionally commercial buildings in Mansfield were one to two stories in height, with 25' to 50' lot widths. They employed parapet details and pedestrian-scaled street fronts that contributed to a sense of human scale. A new building should continue to provide a variety of pedestrian-friendly scales and visually appealing masses. A new building should also reflect the traditional mass, scale, size, proportions and form of neighboring historic buildings.



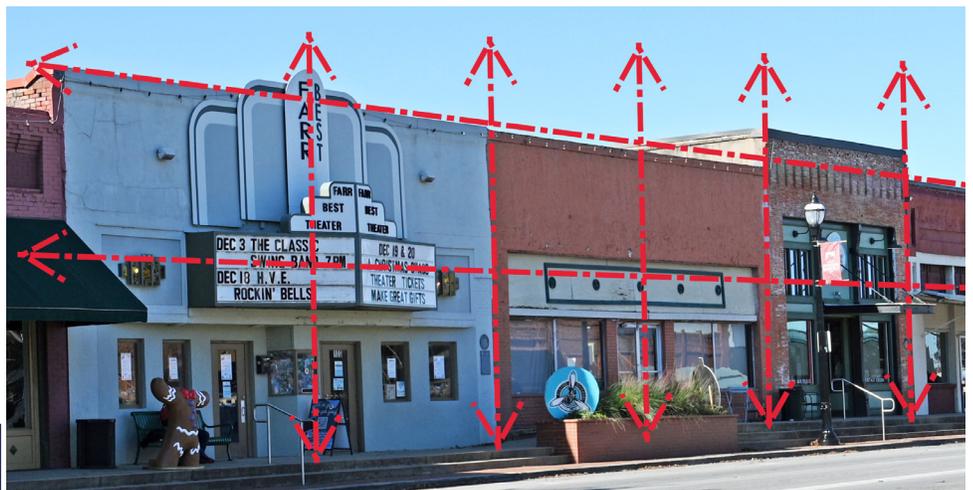
A new building should be designed with a pedestrian-scaled street front.

5.7 Maintain the traditional size of buildings as perceived at the street level.

- The height of a façade of a new building facing the street should follow the historic context of the area and respect the traditional proportions of height to width.
- Floor-to-floor heights should appear similar to those of the surrounding historic buildings, especially those at ground level.

5.8 Establish a sense of human scale.

- Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
- Incorporate changes in color, texture and materials to help define human scale.
- Use architectural details to create visual interest.
- Use materials that help to convey scale in their proportion, detail and form.



A new building should reflect the traditional mass, size, proportions and form of existing buildings seen along the street in historic Mansfield.

5.9 Maintain traditional spacing patterns created by the repetition of uniform building widths along the street.

- A new façade should reflect the established range of the traditional building widths seen downtown.
- A change in design features may be used to suggest traditional building widths.
- Changes in materials, window design, façade height or decorative details may be used to reflect traditional façade widths in the design of a larger new building.
- Provide variations consistently throughout the structure, such that the composition appears to be a composition of smaller building modules.

5.10 A new building should incorporate a base, middle and cap.

- Using a base, middle and cap on a new building helps reinforce the visual continuity of the area.



A new building should incorporate a base, middle and cap.

BUILDING AND ROOF FORM

Having a similar appearance in building and roof forms is a unifying element in a commercial area. New construction should be designed with simple forms.

5.11 A rectangular form should be dominant on a commercial façade.

- The façade should appear as a flat surface, with any decorative elements and projecting or setback articulations appearing to be subordinate to the dominant form.

5.12 A roof form should be similar to those used traditionally.

- Flat roofs are appropriate.
- Non-traditional roof forms, such as pitched roofs, A-frames and steep shed roofs, are inappropriate.



The façade should appear as a flat surface, with any decorative elements and projecting or setback articulations appearing to be subordinate to the dominant form. The decorative pilasters on this building project just enough to define the storefronts but are clearly subordinate to the overall rectangular building form.

COMMERCIAL FAÇADE CHARACTER

Historic commercial building facades incorporate a regular pattern of transparency and proportion. Traditional patterns should be incorporated into new construction whenever possible.

5.13 Maintain the traditional spacing pattern created by upper story windows.

- Use traditional proportions of windows, individually or in groups.
- Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.



Maintain the distinction between the street level and the upper floor.

5.14 Maintain the distinction between the street level and the upper floor.

- The first floor of the primary façade should be predominantly transparent glass.
- Upper floors should be more opaque than the lower floor.
- Highly reflective or darkly tinted glass is inappropriate.
- Convey a distinction in floor heights between street levels and upper levels through detailing, materials, fenestration and a belt course.



Incorporate traditional building components into the design of a new storefront.

5.15 Incorporate traditional building components into the design of a new storefront.

- Use a bulkhead, display window and transom in a new storefront design.
- Storefront components and upper story windows should be similar in height and proportion to traditional historic buildings.
- When portions of a storefront are folding, all of the storefront components should still be visible.

5.16 Incorporate recessed entries along the street, where appropriate.

- Consider recessing the primary entry door from the front façade to establish a distinct threshold for pedestrians, typically four feet.
- Where entries are recessed, the building line at the sidewalk edge should be maintained by the upper floor(s).
- Use a transom over a doorway to maintain the full vertical height of the storefront.
- Oversized (or undersized) interpretations are discouraged.



Consider recessing the primary entry door from the front façade to establish a distinct threshold for pedestrians, typically four feet.

CHAPTER 6: SIGNS



Signs are important visual elements in historic Mansfield. Balancing the functional requirements for signs with the objectives for the overall character of the area is a key consideration. Orderly sign location and design can make fewer and smaller signs more effective.

These design guidelines promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings in order to meet the community's desire for quality development. This chapter provides design standards for the treatment of historic signs, and the design of new signs. All signs throughout the city are subject to the requirements of Chapter 155 of Mansfield's Code of Ordinances, which provides the legal framework for a comprehensive and balanced system of signage.

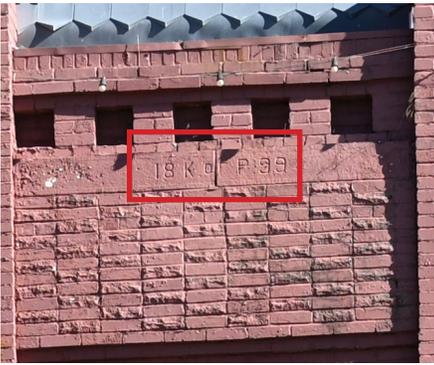
TREATMENT OF HISTORIC SIGNS

Historic signs contribute to the downtown character. They also have individual value, apart from the buildings to which they are attached. Historic signs of all types should be retained and restored whenever possible.

Historically, most signs were relatively small in scale. Many were suspended below the canopies, to be read by pedestrians. Others were mounted flush with the building face, often fitting within architectural frames or sign bands that were built into the façade

ALL HISTORIC SIGNS

While all historic signs should be retained whenever possible, it is especially important when they are a significant part of a building's history or design.



Retention is especially important when a sign is integral to the building's design or physical fabric.

6.1 Consider history, context, and design when determining whether to retain a historic sign.

- Retention is especially important when a sign is:
 - Associated with historic figures, events or places.
 - Significant as evidence of the history of the product, business or service advertised.
 - A significant part of the history of the building or the historic district.
 - Characteristic of a specific historic period.
 - Integral to the building's design or physical fabric.
 - Integrated into the design of a building such that removal could harm the integrity of a historic property's design or cause significant damage to its materials.



Historic painted wall signs, or "ghost signs" should be left exposed whenever possible, and should not be restored to the point that they no longer provide evidence of a building's age and historic function.

HISTORIC WALL SIGNS

Historic painted wall signs, or "ghost signs" should be left exposed whenever possible, and should not be restored to the point that they no longer provide evidence of a building's age and historic function.

6.2 Leave historic wall signs exposed whenever possible.

6.3 Do not over-restore historic wall signs.

- Do not restore historic wall signs to the point that all evidence of their age is lost.
- Do not significantly re-paint historic wall signs even if their appearance and form is recaptured.
- It is acceptable to restore a ghost sign to some degree and it still would be historic.
 - If they are so faded that the content is being lost, retouching with a diluted paint is recommended over 100% full coverage.

DESIGN OF NEW SIGNS FOR BUILDINGS

Whether it is attached to a historic building or associated with new development, a new sign should exhibit qualities of style, permanence and compatibility with the historic building and surrounding area.

SIGN CHARACTER AND LIGHTING

A sign should be in character with the materials, colors and details of the building. Illumination sources should be shielded to minimize glare and light pollution.

6.4 Design the sign to be subordinate to the building.

- Design a sign to be simple in character.
- Locate a sign to emphasize design elements of the façade itself.
- Mount a sign to fit within existing architectural features, such as the sign frame or sign band, using the shape of the sign to help reinforce the horizontal lines of the building.
- All sign types should be subordinate to the building and to the street.

6.5 Use sign materials that are compatible with the architectural character and materials of the building.

- Use permanent, durable materials that reflect the historic context. Materials may include painted or carved wood, individual wood or cast metal letters or symbols, and painted, gilded or sandblasted glass.
- Painted metal or forged signs may also be appropriate if they are compatible with the architectural character of the building.
- Do not use highly reflective materials on a sign.

6.6 Assure that the sign location does not obscure the design features of the historic building.

- A sign should be designed to integrate with the architectural features of a building, not distract from them.

6.7 Use colors that contribute to legibility and design integrity.

- Limit the number of colors used on a sign. In general, no more than three colors should be used, although accent colors may also be appropriate.
- Design signs with a dark background and light colored lettering, or a light background with dark lettering, to achieve maximum visibility.
- Sign colors should complement the colors of the building.



Mount a sign to fit within existing architectural features, such as the sign frame or sign band, using the shape of the sign to help reinforce the horizontal lines of the building.



Limit the number of colors used on a sign. In general, no more than three colors should be used, although accent colors may also be appropriate.



Use a simple typeface design and colors that contribute to legibility.



Direct lighting towards a sign from external, shielded lamps.

6.8 Use a simple typeface design.

- Avoid hard-to-read or overly intricate typefaces.
- Use a typeface that is similar to traditional typefaces in the area when possible.
- Do not use more than two or three distinct typefaces on a sign.

6.9 Consider using a compatible, shielded light source to illuminate a sign.

- Direct lighting towards a sign from an external, shielded lamp.
- Do not overpower the building or street edge with lighting.
- Use a warm light, similar to daylight.
- If halo lighting is used to accentuate a sign or building, locate the light source so that it is not visible.
- Back-lit signs are inappropriate.
- Exceptions may be made for historic buildings of later eras, such as a Mid-Century building.

SIGN INSTALLATION ON A HISTORIC BUILDING

When installing a new sign on a historic building, it is important to maintain its key architectural features and to minimize potential damage to the building façade.

6.10 Avoid damaging or obscuring architectural details or features when installing signs.

- Minimize the number of anchor points when feasible.
- Do not penetrate brick when attaching a sign to a masonry building.
- Install at mortar joints.

DESIGN OF SPECIFIC SIGN TYPES

A variety of sign types may be appropriate if the sign contributes to a sense of visual continuity and does not overwhelm the architecture of the building.

AWNING SIGN

An awning sign is any sign painted or applied to the face, valance, side or top panel of an awning, or any sign made by removing material from an awning.

6.11 Use an awning sign in areas with high pedestrian use.

6.12 Use an awning sign when other sign types would obscure architectural details.

WINDOW SIGN

A window sign is any sign, banner, poster, or display located on the internal or external surface of the window of any establishment for the purpose of advertising services, products, or sales available within such establishment.

6.13 Design a window sign to minimize the amount of window covered.

- Scale and position a window sign to preserve transparency at the sidewalk edge.

WALL SIGN

A wall sign is any sign attached parallel to a wall of a building including individual letters, cabinet signs, or signs painted on the surface of a wall.

6.14 Place a wall sign to promote design compatibility among buildings.

- Place a wall sign to align with other signs on nearby buildings.

6.15 Place a wall sign to be relatively flush with the building façade.

- Design a wall sign to minimize the depth of a sign panel or letters.
- Design a wall sign to sit within, rather than forward of, the fascia or other architectural details of a building.

6.16 Place wall signs to integrate with historic building details and elements.

- Do not obstruct the character-defining features of a building with signage.
- Locate a flush-mounted wall sign to fit within a panel formed by decorative moldings or transom panels where they exist.
- Install at mortar joints.

SIGN EXAMPLES

A variety of sign types may be appropriate if the sign contributes to a sense of visual continuity and does not overwhelm the architecture of the building.



Example of an awning sign.



Example of a window sign.



Example of a wall sign.

SIGN EXAMPLES



Example of a projecting sign.

PROJECTING AND HANGING SIGNS

A projecting sign is attached perpendicular to the wall of a building or structure.

6.17 Design a bracket for a projecting sign to complement the sign composition.

6.18 Locate a projecting sign to relate to the building façade and entries.

- Locate a small hanging or projecting sign near the business entrance, just above or to the side of the door.
- Mount a larger projecting sign higher on the building, centered on the façade or positioned at the corner.

DESIGNS OF SIGNS FOR MID-CENTURY BUILDINGS

Mid-Century signs were often the focal point of a building. Fins, flagpoles and elaborate shapes were used to call attention to the business advertised. Neon lights and groupings of small individual light bulbs were used to trace lettering, logos and images.

MID-CENTURY SIGN GUIDELINES

Mid-Century signs and lighting should form an integral element of the building design, rather than being merely an extraneous addition.

6.19 Use indirect lighting such for signs on Mid-Century buildings.

- Indirect light sources on signs or letters individually lit with neon or small decorative light bulbs are historically appropriate for Mid-Century buildings.
- Internally illuminated, plastic-faced box signs are not recommended.

6.20 Re-use historic Mid-Century signs.

- Re-use existing Mid-Century signs for new business to create a memorable image.
 - The reuse of a historic sign provides a sense of longevity and permanence for the business, while reinforcing the character of the building.

6.21 Use symbols and illustrations to augment text.

- The use of symbols and illustrations, as well as text, is encouraged in signage.
- A picture or symbol can help express, without language, the types of products or services that are offered.
- Graphic art can add color and texture to the streetscape and make the pedestrian experience more interesting.



Letters individually lit with neon or small decorative light bulbs are historically appropriate for Mid-Century buildings.



Graphic art can add color and texture to the streetscape and make the pedestrian experience more interesting.

APPENDIX: GLOSSARY OF TERMS



GLOSSARY

Alignment. The arrangement of objects along a straight line.

Awning. Roof like structures that serve as a shelter over a storefront, window, door, deck, loading dock or other building opening. Awnings are most often fabric.

Awning Sign. Any sign painted or applied to the face, valance, side or top panel of an awning, or any sign made by removing material from an awning.

Bracket. A supporting member for a projecting element or shelf, sometimes in the shape of an inverted L and sometimes as a solid piece or a triangular truss.

Canopy. Roof like structures that serve as a shelter over a storefront, window, door, deck, loading dock or other building opening. Canopies are most often wood or metal.

Certificate of Approval. A signed and dated document stating the approval of the Historic Landmark Commission and any special conditions for work proposed by an owner or applicant within a Historic Landmark Overlay District.

Column. A slender upright structure, generally consisting of a cylindrical shaft, a base and a capital, also known as a pillar. It is usually a supporting or ornamental member in a building.

Contributing Property. A property which has been determined to be historically significant because it was present during the period of significance for the district, possesses integrity or is capable of yielding important information about the period.

Corbel. An architectural block or bracket projecting from a wall, often in the eave of a roof overhang. Its function is to support (or appear to support) a ceiling, beam, shelf, or the roof overhang itself.

Cornice. The continuous projection at the top of a wall. The top course or molding of a wall when it serves as a crowning member.

Deconstruction. The process of dismantling a building such that the individual material components and architectural details remain intact.

Doorframe. The part of a door opening to which a door is hinged. A doorframe consists of two vertical members called jambs and a horizontal top member called a lintel.

Double-Hung Window. A window with two sashes (the framework in which window panes are set), each moveable by a means of cords and weights.

Façade. The front or principal face of a building, any side of a building that faces a street or other open space.

Fascia. A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or “eaves,” sides of a pitched roof. The rain gutter is often mounted on it.

Fenestration. The arrangement of windows and other exterior openings on a building.

Flush-mounted Sign. Any flat sign mounted or applied to a building façade.

Form. The overall shape of a structure (i.e., most structures are rectangular in form).

Guideline. For the purpose of this document, the term “guideline” is a criterion with which the Commission will require compliance when it is found applicable to the specific proposal. A guideline is subject to some interpretation when determining compliance.

Hanging Sign. Any sign suspended from an awning, canopy, bracket or brace.

Head. The top horizontal member over a door or window opening.

Historic Landmark Overlay District. A building or site of immeasurable value in preserving the cultural heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such designation marks the site for preservation and restoration to its historical character and is intended to discourage modification which detracts from its historical significance.

Historic District. An area of Mansfield that holds historic significance. Properties within a historic district may or may not be landmarks.

Historic Property. A historic property is one determined to be historically significant because it dates from the established period of significance and possesses sufficient integrity to convey its history, or is capable of yielding important information about that period.

Human Scale. A sense achieved when one can reasonably interpret the size of a building by comparing features of its design to comparable elements in one’s experience.

Integrity. In order to convey significance, a property must retain integrity, with a sufficient percentage of the structure dating from its period of significance. A majority of the building's structural system and materials and its character-defining features should remain intact.

Interior Illuminated Sign. Any sign designed to be lit from the inside (including awning, canopy, hanging or flush-mounted signs).

May be Considered. The phrase "may be considered" indicates that the Commission has the discretion to determine if the action being discussed is appropriate. This decision is made on a case-by-case basis, using the information specifically related to the project and its context.

Mass. The physical size and bulk of a structure.

Masonry. Construction materials such as stone, brick, concrete block or tile.

Material. As related to the determination of "integrity" of a property, material refers to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

Module. The appearance of a single façade plane, despite being part of a larger building. One large building can incorporate several building modules.

Molding. A decorative band or strip of material with a constant profile or section designed to cast interesting shadows. It is generally used in cornices and as trim around window and door openings.

Muntin. A bar member supporting and separating panes of glass in a window or door.

Mural. A painting located on the side of the building.

Non-Historic Property. A "non-historic" property lacks historic significance either because it is not yet 50 years old or because it has been so substantially altered that it no longer retains its integrity.

Non-Contributing Property. A "non-contributing" building is a more recent property (less than 50 years old), or an older building that has been substantially altered that does not retain its historic integrity.

Orientation. Generally, orientation refers to the manner in which a building relates to the street. The entrance to the building plays a large role in the orientation of a building; whereas, it should face the street.

Panel. A sunken or raised portion of a door with a frame-like border.

Pediment. A triangular section framed by a horizontal molding on its base and two sloping moldings on each of its sides. Usually used as a crowning member for doors, windows and mantles.

Pilaster. An upright architectural member that is rectangular in plan and is structurally a pier but architecturally treated as a column and that usually projects a third of its width or less from the wall.

Post. A piece of wood, metal, etc., usually long and square or cylindrical, set upright to support a building, sign, gate, etc.; pillar; pole.

Preservation. The act or process of applying measures to sustain the existing form, integrity and material of a building.

Projecting Sign. Any sign attached to and placed perpendicular to or at an angle to a building façade.

Property. Area of land containing a single historic resource or a group of resources.

Reconstruction. The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific time and in its historic location.

Rehabilitation. The process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

Remodeling. The process of changing the historic design of a building.

Restoration. The act or process of accurately depicting the form, features and character of a property as it appeared in a particular time period.

Scale. The size of structure as it appears to the pedestrian.

Shape. The general outline of a building or its façade.

Shall. Where the term “shall” is used, compliance is specifically required if applicable to the proposed action.

Should. The term “should” indicates that compliance is expected, except in conditions in which the Heritage Preservation Commission and/or Heritage Preservation Officer finds that the guideline is not applicable, or that an alternative means of meeting the intent of the guideline is acceptable.

Side Light. A usually long fixed sash located beside a door or window; often found in pairs.

Sidewalk Furniture. Any item used to embellish the façade of a building or the streetscape (including statues, planter boxes, pots or vases, benches, trash receptacles, art or signs).

Siding. The narrow horizontal or vertical wood boards that form the outer face of the walls in a traditional wood frame house. Horizontal wood siding is also referred to as clapboards. The term “siding” is also more loosely used to describe any material that can be applied to the outside of a building as a finish.

Sill. The lowest horizontal member in a frame or opening for a window or door. Also, the lowest horizontal member in a framed wall or partition.

Stile. An upright structural piece in a panel or frame, as the edge of a door or window.

Streetscape. Generally, the streetscape refers to the character of the street, or how elements of the street form a cohesive environment.

Traditional. Based on or established by the history of the area.

Transom Light. A window band supplying natural light over a door or other feature.

Transom Window. A small window or series of panes above a door, or above a casement or double hung window.

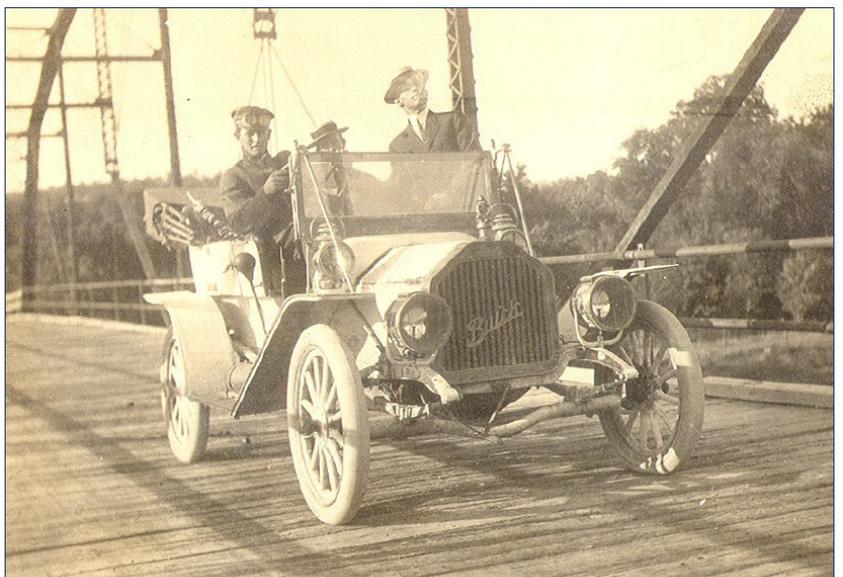
Visual Continuity. A sense of unity or belonging together that elements of the built environment exhibit because of similarities among them.

Wall Sign. Any sign attached parallel to, but within 18 inches of a wall of a building including individual letters, cabinet signs, or signs painted on the surface of a wall.

Window Sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside within one foot of the inside window pane or upon the windowpanes or glass and which is visible from the exterior of the window.



Detail from the 1933 Sanborn Insurance Map for Mansfield, Texas





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-5044

Agenda Date: 1/23/2023

Version: 2

Status: Old Business

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Continued Public Hearing and Consideration of a Request for a Specific Use Permit for Apartments in the Reserve PD Workplace Sub-District on approx. 10.034 ac being a tract of land in the Elizabeth McAnier Survey, abstract no. 1005, City of Mansfield in Tarrant County Texas, located at 240 N Mitchell (Generally located to the southwest of the East Broad Street and Reserve Way intersection) (SUP#22-004)

..Request

..Title

Public Hearing Continuation and Consideration of a Request for a Specific Use Permit for Apartments in the Reserve Planned Development Workplace Sub-District on approx. 10.034 ac being a tract of land in the Elizabeth McAnier Survey, abstract no. 1005, City of Mansfield in Tarrant County Texas, located at 240 N. Mitchell (Generally located to the southwest of the East Broad Street and Reserve Way intersection) (SUP#22-004).

..Request

To consider the request for a Specific Use Permit (SUP) for Apartments in the Reserve Planned Development District

Recommendation

The Planning and Zoning Commission held a public hearing on November 7, 2022, and voted 6 to 0 (with one absence) to recommend approval of the request for an SUP with the allowance of parking to be located between Buildings No. 1 and No. 2 along Domain Drive and with the enhanced seating and streetscape details, as shown on the site plan.

Ayes: 6 - Axen, Goodwin, Gilmore, Mainer, Shaw, and Thompson

Nays: 0

Absent: 1 - Groll

Description/History

Existing Use: Vacant

Existing Zoning: The Reserve PD, Planned Development District (within the Workplace Sub-District)

Land Use Plan: Sub-Area 7

Surrounding Land Use and Zoning:

North - Existing Multi-family residential (The Atwell), The Reserve PD, Planned Development District

South - Vacant, The Reserve PD, Planned Development District
East - Commercial (under construction), The Reserve PD, Planned Development District
West - Multi-family residential (under construction), The Reserve PD, Planned Development District

The City Council held a public hearing on November 14, 2022 and tabled their decision on the request for an SUP for Apartments in the Reserve Planned Development.

Synopsis

The SUP request is for a use --- apartments --- that may require special consideration in certain settings or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community, which without specific consideration may have possible adverse impact on neighboring properties. Pursuant to the provisions in Section 155.080, Specific Use Permit, of the Zoning Ordinance and the provisions set forth for the Reserve Planned Development District Standards, the SUP for an Apartments is compatible with the surrounding land uses and is consistent with the Land Use Plan.

Staff Analysis

The applicant is proposing to construct 333 apartments on approximately 11.14 acres of land. The proposed project is located to the south of the recently completed Atwell.

Pursuant to the provisions of The Reserve Planned Development District, apartments are only permitted in the Workplace Sub-district with approval of an SUP. As proposed, the development will consist of the construction of three (3) buildings that generally front Domain Drive (north); Reserve Way (east); Navhi Road (south); and a future street (west). The dwelling units are anticipated to deliver a minimum floor area as follows:

- A minimum of 600 square feet for an efficiency (56 dwellings).
- A minimum of 750 square feet for a one-bedroom residence (169 dwellings).
- A minimum of 950 square feet for a two-bedroom residence (108 dwellings).

Private entries are also provided for most of the ground floor dwellings fronting the three (3) existing streets and the future street. The private entries --- collectively --- intend to support pedestrian activity and to stimulate visual interest.

Architecturally, the proposed project draws inspiration from the nearby Atwell. However, the revised building elevations reflect some minor adjustments to visually distinguish the two projects. The adjustments contemplate changes in color and exterior finish material selections.

Finally, modifications to the internal streetscape design are intended to support walking and other pedestrian-oriented activities.

Site Plan

The site plan, as proposed, depicts the construction of three (3) apartment buildings. The apartment buildings range in height from three (3) stories to four (4) stories. The largest of

the apartment buildings, Building No. 1, is designed to wrap around an interior (private) courtyard generally located in its center. Building No. 1 is intended to range in height from three (3) stories to four (4) stories. Building No. 2 and Building No. 3 are designed to be three (3) stories in height and both frame a dog park for unstructured recreation.

It should be noted that the property does have topographical differences in some areas; and the changes in topography afford unique streetscape design opportunities that can also stimulate visual interest and enhance the aesthetic of the proposed development.

Parking

Including on-street parking, the proposed development will provide a total of 491 spaces for vehicular parking. As set forth in Section 2.5 of The Reserve Planned Development District, and concerning the Workplace Sub-District, “parking shall be located behind the buildings to allow maximum frontage or buildings along the streets.” Grade differences, hinder the ability of the developer to meet this regulation, hence the provision of parking in front of Building No. 1 at the intersection of Reserve Way and Domain Drive.

Additional Considerations

Also, many of the apartments at the ground floor are provided with private entries (e.g., dooryard, stoop, or terrace). As directed, a note was included in the site plan stating that “[a]ll exterior walk-up entries will be accessed with the same key as the internal corridor and must enter to a living or kitchen space and not to enter to a bedroom.”

Additional architectural treatments can be leveraged to visually distinguish the proposed project from the neighboring Atwell (e.g., cornice detailing, window detailing, projections and recesses, et cetera).

Some pedestrian connections to facilitate the safe movement of pedestrians is provided; however, those connections can be reinforced and strengthened further to visually favor the pedestrian over the motorist in all areas.

Summary

The Official Land Use Plan identifies The Reserve Planned Development District as an area that is designed and developed in a manner “to accommodate a range of compatible land uses, mixing employment opportunities with housing, retail, and service uses.” Additionally, the development standards in The Reserve PD District are crafted to emphasize “control over the scale and urban form of each building-building setback, size, height-as well as the relationship of building to the street, street landscaping and other characteristics.” As proposed, the development project meets the general vision of the Official Land Use Plan and the development patterns within this highly visible part of Mansfield.

..Recommendation

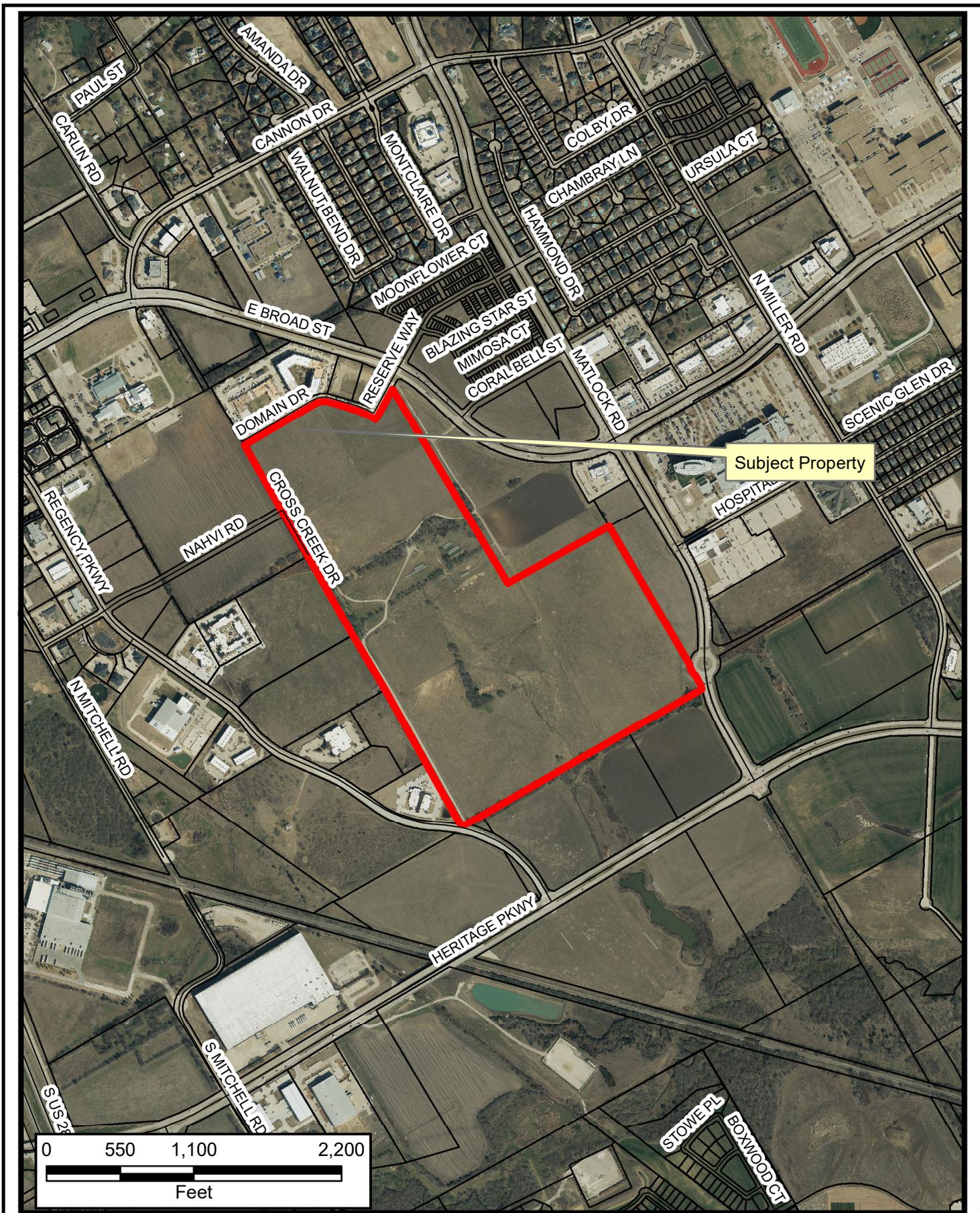
Pursuant to the provisions set forth in Section 155.080 of the Zoning Ordinance and the Reserve PD Standards, the presence of apartments is compatible with the surrounding land uses. However, land use compatibility is not relegated solely to the activities; it also includes and contemplates the intentional integration of the use within the urban fabric

through elevated architecture, landscaping, and other traditional neighborhood design practices that will generate cultural, economic, and physical value for the property and its immediate environs.

The Planning and Zoning Commission held a public hearing on November 7, 2022, and voted 6 to 0 (with one absence) to recommend approval of the request for an SUP with the allowance of parking to be located between Buildings No. 1 and No. 2 along Domain Drive and with the enhanced seating and streetscape details, as shown on the site plan, based on topographical considerations and to encourage increased pedestrian activity.

Prepared By

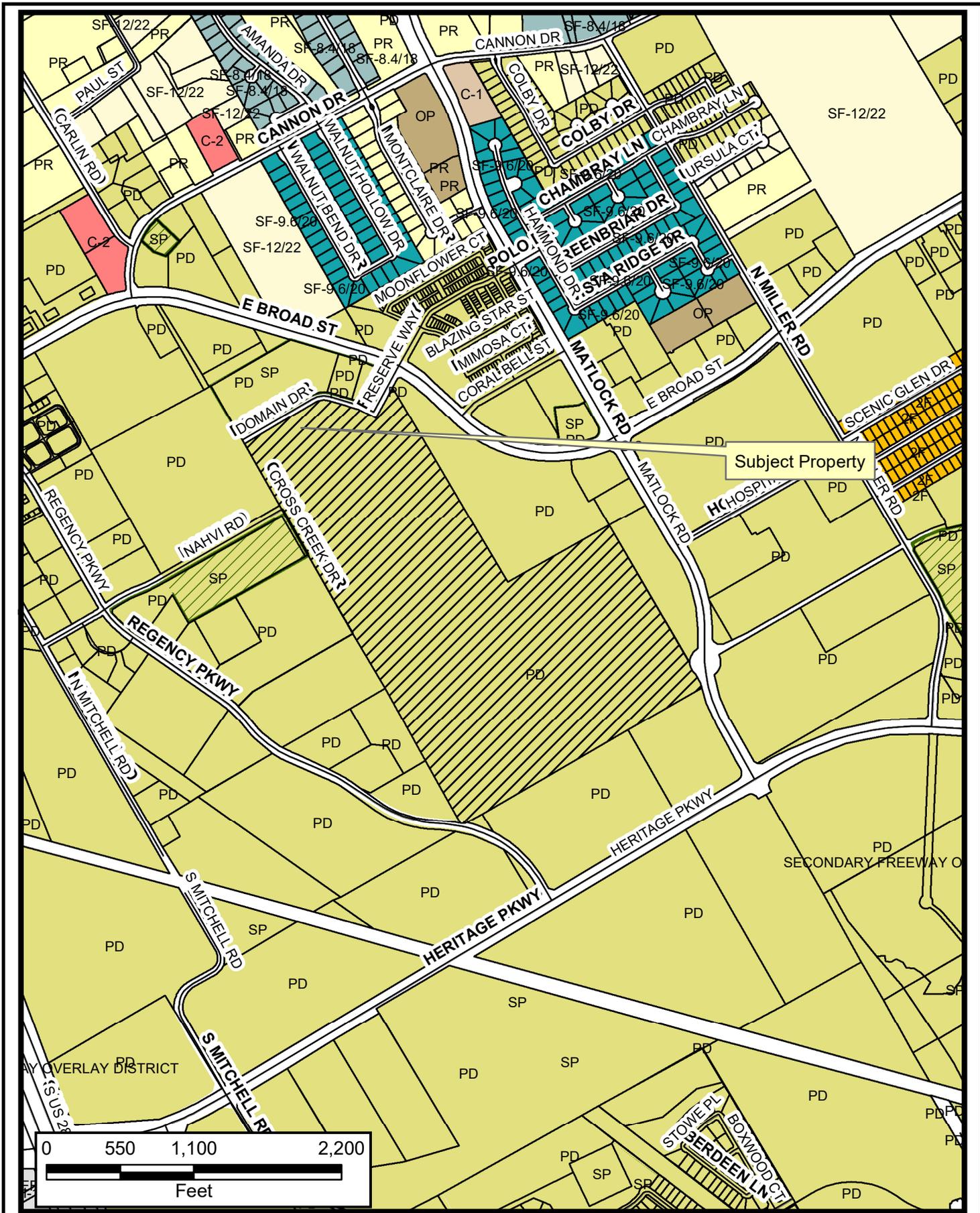
Arty Wheaton-Rodriguez, Assistant Director of Planning
817-276-4245



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.

SUP 22-004

10/24/2022



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.

SUP 22-004

10/24/2022

Property Owner Notification for SUP 22-004

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
75 REGENCY ADDITION	BLK 1	SUB-Q LLC	2842 SONTERRA	CEDAR HILL, TX	75104
BRATTON, RICHARD SURVEY	A 114	HORNING-LOCKWOOD, STEVE CLARE	20 WOODLAND CT	MANSFIELD, TX	76063-6033
BRATTON, RICHARD SURVEY	A 114	HORNING-LOCKWOOD, STEPHEN C	20 WOODLAND CT	MANSFIELD, TX	76063-6033
BRATTON, RICHARD SURVEY	A 114	HERITAGE TOWN CENTER LLC	4150 BRITTON RD	MANSFIELD, TX	76063-8796
GREGG, MILTON SURVEY	A 555	MANSFIELD ECONOMIC DEVELOPMENT	301 S MAIN ST	MANSFIELD, TX	76063-3106
GREGG, MILTON SURVEY	A 555	HORNING-LOCKWOOD, STEPHEN C	20 WOODLAND CT	MANSFIELD, TX	76063-6033
GREGG, MILTON SURVEY	A 555	HORNING-LOCKWOOD, STEPHEN	20 WOODLAND CT	MANSFIELD, TX	76063-9711
HIGHLAND HEIGHTS ADDN	BLK 1	GRAND REGENCY PARTNERS LLC	1100 W PIONEER PKWY	ARLINGTON, TX	76013-6367
JLB MANSFIELD	BLK 1	CH REALTY IX-JLB MF DALLAS MAN	3890 W NW HWY 7TH FLOOR	DALLAS, TX	75220
MCANEAR, ELIZABETH SURVEY	A 1005	HORNING-LOCKWOOD, STEPHEN C	20 WOODLAND CT	MANSFIELD, TX	76063-6033
MCANEAR, ELIZABETH SURVEY	A 1005	LOCKWOOD STEPHEN CLARE HORNING	20 WOODLAND CT	MANSFIELD, TX	76063-6033
MCANEAR, ELIZABETH SURVEY	A 1005	FIRST BAPTIST CH MANSFIELD	PO BOX 2255	MANSFIELD, TX	76063-0047
MCANEAR, ELIZABETH SURVEY	A 1005	CRP/AI MANSFIELD OWNER LP	820 GESSNER RD STE 1000	HOUSTON, TX	77024
MCCASLIN BUSINESS PARK	BLK 3	GRAND REGENCY PARTNERS LLC	1100 W PIONEER PKWY	ARLINGTON, TX	76013-6367
NEILL, SAMUEL C SURVEY	A 1159	HORNING-LOCKWOOD, STEPHEN C	20 WOODLAND CT	MANSFIELD, TX	76063-6033
REGENCY ADDITION	BLK 1	TMI REAL ESTATE VENTURES LLC	3533 MATLOCK RD	ARLINGTON, TX	76015
REGENCY ADDITION	BLK 1	TMI REAL ESTATE VENTURES LLC	3533 MATLOCK RD	ARLINGTON, TX	76015
RESERVE AT MANSFIELD THE	BLK 1	SW MANSFIELD DEVELOPMENT LLC	4145 TRAVIS ST SUITE 300	DALLAS, TX	75204
RESERVE AT MANSFIELD THE	BLK 1	HICKS TOMMY	1804 BEAM ST	SOUTHLAKE, TX	76092

Property Owner Notification for SUP 22-004

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
RESERVE AT MANSFIELD THE	BLK 1	WINSQUARED AT BROAD LLC	PO BOX 152096	ARLINGTON, TX	76015

EXHIBIT A – LEGAL DESCRIPTION

BEING, all of that 10.034 acre (437,069 square foot) tract of land situated in the Elizabeth McAnier Survey, Abstract No. 1005, in the City of Mansfield, Tarrant County, Texas; part of that tract of land described in Special Warranty Deed to Stephen Clare Horning-Lockwood as recorded in Volume 10470, Page 1069 of the Deed Records of Tarrant County, Texas; said 10.034 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at a 5/8-inch iron rod with "BGE" cap found for corner in the west line of said Horning-Lockwood tract; said point being in the east line of that tract of land described in Warranty Deed with Vendor's Lien to First Baptist Church of Mansfield as recorded in Volume 7667, Page 1119 of said Deed Records; said point being in the south right-of-way of Domain Drive (60-foot right-of-way) as dedicated by plat of The Reserve at Mansfield, an addition to the City of Mansfield as recorded in Instrument Number D220091906 of the Plat Records of Tarrant County, Texas;

THENCE, North 59 degrees 34 minutes 19 seconds East, departing the west line of said Horning-Lockwood tract and the east line of said First Baptist Church tract and along the south line of said Domain Drive, a distance of 602.39 feet to a 5/8-inch iron rod with "BGE" cap found for corner;

THENCE, in a southeasterly direction, along said curve to the right, an arc length of 117.81 feet, having a radius of 145.00 feet, a central angle of 46 degrees 33 minutes 10 seconds, and a chord which bears North 82 degrees 50 minutes 53 seconds East, 114.60 feet to a 5/8-inch iron rod with "BGE" cap found for corner;

THENCE, South 73 degrees 44 minutes 12 seconds East, along the south line of said Domain Drive, a distance of 164.49 feet to a 5/8-inch iron rod with "BGE" cap found for corner;

THENCE, in a southeasterly direction, along said curve to the right, an arc length of 204.82 feet, having a radius of 785.37 feet, a central angle of 14 degrees 56 minutes 32 seconds, and a chord which bears South 66 degrees 04 minutes 21 seconds East, 204.24 feet to a 5/8-inch iron rod with "BGE" cap found for corner;

THENCE, South 28 degrees 27 minutes 50 seconds West, departing the south line of said Domain Drive, a distance of 35.97 feet to a point for corner;

THENCE, in a southwesterly direction, along said curve to the left, an arc length of 320.19 feet, having a radius of 540.00 feet, a central angle of 33 degrees 58 minutes 22 seconds, and a chord which bears South 11 degrees 28 minutes 41 seconds West, 315.52 feet to a point for corner;

THENCE, South 84 degrees 29 minutes 28 seconds West, a distance of 84.97 feet to a point for corner;

THENCE, in a southwesterly direction, along said curve to the left, an arc length of 75.65 feet, having a radius of 210.00 feet, a central angle of 20 degrees 38 minutes 28 seconds, and a chord which bears South 70 degrees 26 minutes 50 seconds West, 75.25 feet to a point for corner;

THENCE, South 60 degrees 07 minutes 36 seconds West, a distance of 549.92 feet to a point for corner; said point being in the west line of said Horning-Lockwood tract and the east line of said First Baptist Church tract;

THENCE, North 30 degrees 07 minutes 05 seconds West, along the west line of said Horning-Lockwood tract and the east line of said First Baptist Church tract, a distance of 529.04 feet to the POINT OF BEGINNING and containing an area of 10.034 acres or 437,069 square feet of land, more or less.



BGE, Inc.
 777 Main St., Suite 1900
 Fort Worth, TX 76102
 Tel: 817-887-6130 • www.bgeinc.com
 TBPE Registration No. F-1046
 Contact: David Greer
 Tel: 817-872-6005
 Copyright 2018

DEVELOPER



Stillwater Capital
 4145 Travis St., Suite 300, Dallas, TX 75204
 Tel: 214-334-0032 • www.stillwatercap.com
 Contact: Clay Roby
 Tel: 214-546-9366

PROPERTY OWNER

Terry Leitzinger
 Executive Vice President
 Lockwood Holdings
 Tel: 214-738-9005
 lockwoodholdings@yahoo.com

EXHIBIT B
DETAILED SITE PLAN
URBAN LIVING - PHASE 2
 BEING 11.149 ACRES IN THE
 ELIZABETH McANIER SURVEY
 ABSTRACT NO. 1005
 CITY OF MANSFIELD
 TARRANT COUNTY, TEXAS

THESE PLANS ARE ISSUED FOR THE PURPOSE OF PRELIMINARY REVIEW AND ARE NOT INTENDED FOR CONSTRUCTION. WHEN ISSUED IN FINAL FORM THEY WILL BE SEALED, SIGNED AND DATED.
 RESPONSIBLE ENGINEER:
 BGE, INC.
 TEXAS REGISTERED ENGINEERING FIRM F-1046
 DAVID A. GREER, P.E.
 TEXAS REGISTRATION NO. 109928
 JANUARY 11, 2023

CAUTION !!!
 CONTRACTOR TO VERIFY EXACT LOCATION & DEPTH OF EXIST FACILITIES PRIOR TO ANY CONSTRUCTION ACTIVITIES

CAUTION !!!
 CONTACT: 1-800-DIG-TESS
 48 HOURS PRIOR TO CONSTRUCTION

REV NO.	DATE	DESCRIPTION

DRAWN BY: MLR
 CHECKED BY: DAG

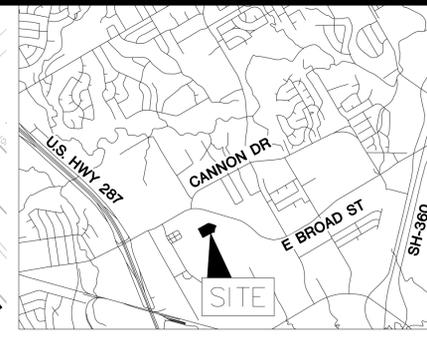
DATE: 01-03-2023

PROJECT NUMBER: 9953-00

SHEET NO.

SP-1

ZC #22-005
 EXHIBIT B



VICINITY MAP
 (NOT TO SCALE)

NOTES

- NO TREES, SIGNS, OR ANYTHING OVER 2' IN HEIGHT IS ALLOWED WITHIN THE VISIBILITY TRIANGLES.
- ADEQUATE LIGHTING SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT IN ACCORDANCE WITH SECTION 7 OF THE WORKPLACE SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT DISTRICT STANDARDS.
- ALL SERVICE AREAS AND MECHANICAL EQUIPMENT WILL BE LOCATED AND SCREENED IN ACCORDANCE WITH SECTION 10 OF THE WORKPLACE SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT STANDARDS.
- NO OUTSIDE STORAGE OR OUTSIDE OPERATIONS OF ANY KIND SHALL BE PERMITTED.
- NO BOATS, MOTOR HOMES, TRAILERS, RECREATIONAL VEHICLES, TOWED TRAILERS, OR SIMILAR VEHICULAR EQUIPMENT SHALL BE PARKED OR STORED ON THE PROPERTY.
- ALL UTILITIES EXCEPT ELECTRICAL TRANSMISSION LINES SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE PLANNED DEVELOPMENT STANDARDS.
- ALL BUILDING SIGNS WILL BE BUILT PER THE RESERVE PD STANDARDS.
- ALL ELECTRIC GATES SHALL MEET THE MANSFIELD FIRE EMERGENCY INGRESS REQUIREMENTS FOR OVERHEAD DOOR AND AI CONTROLS.
- DEVELOPER WILL USE REASONABLE EFFORTS TO COORDINATE EASEMENTS AND RIGHT-OF-WAY WITH ADJACENT LANDOWNER TO BUILD ALL OR A PORTION OF THE FUTURE ROAD. IF ROADWAY CANNOT BE CONSTRUCTED DUE TO UNSUCCESSFUL EFFORTS OF OBTAINING RIGHT-OF-WAY, THEN THE DEVELOPER SHALL DEPOSIT FUNDS TO CONSTRUCT ITS PORTION OF SUCH ROAD INTO AN ESCROW ACCOUNT.
- ALL EXTERIOR WALK UP ENTRIES WILL BE ACCESSED WITH THE SAME KEY AS THE INTERNAL CORRIDOR AND MUST ENTER TO A LIVING OR KITCHEN SPACE AND NOT TO ENTER TO A BEDROOM.

SITE DATA

SITE DENSITY	
GROSS SITE AREA	11.14 AC
ROW	2.09 AC RESERVE WAY & FUTURE RD
NET SITE AREA	9.05 AC MF SITE
TOTAL UNITS	333
PROPOSED DENSITY (GR.)	29.89
PROPOSED DENSITY (NET)	36.80

UNIT MIX

TYPE OF UNIT	# OF UNITS	MIN FLOOR AREA	TOTAL %
EFFICIENCY	56	600 S.F.	16.82%
ONE BEDROOM (A)	169	750 S.F.	50.75%
TWO BEDROOM (B)	108	950 S.F.	32.43%
TOTAL	333		100.00%

UNIT TABULATION

BLDG. NUMBER	#	A	B	TOTAL
BLDG 1	1	127	58	185
BLDG 2	1	49	25	74
BLDG 3	1	49	25	74
TOTAL	3	225	108	333

BUILDING TABULATION

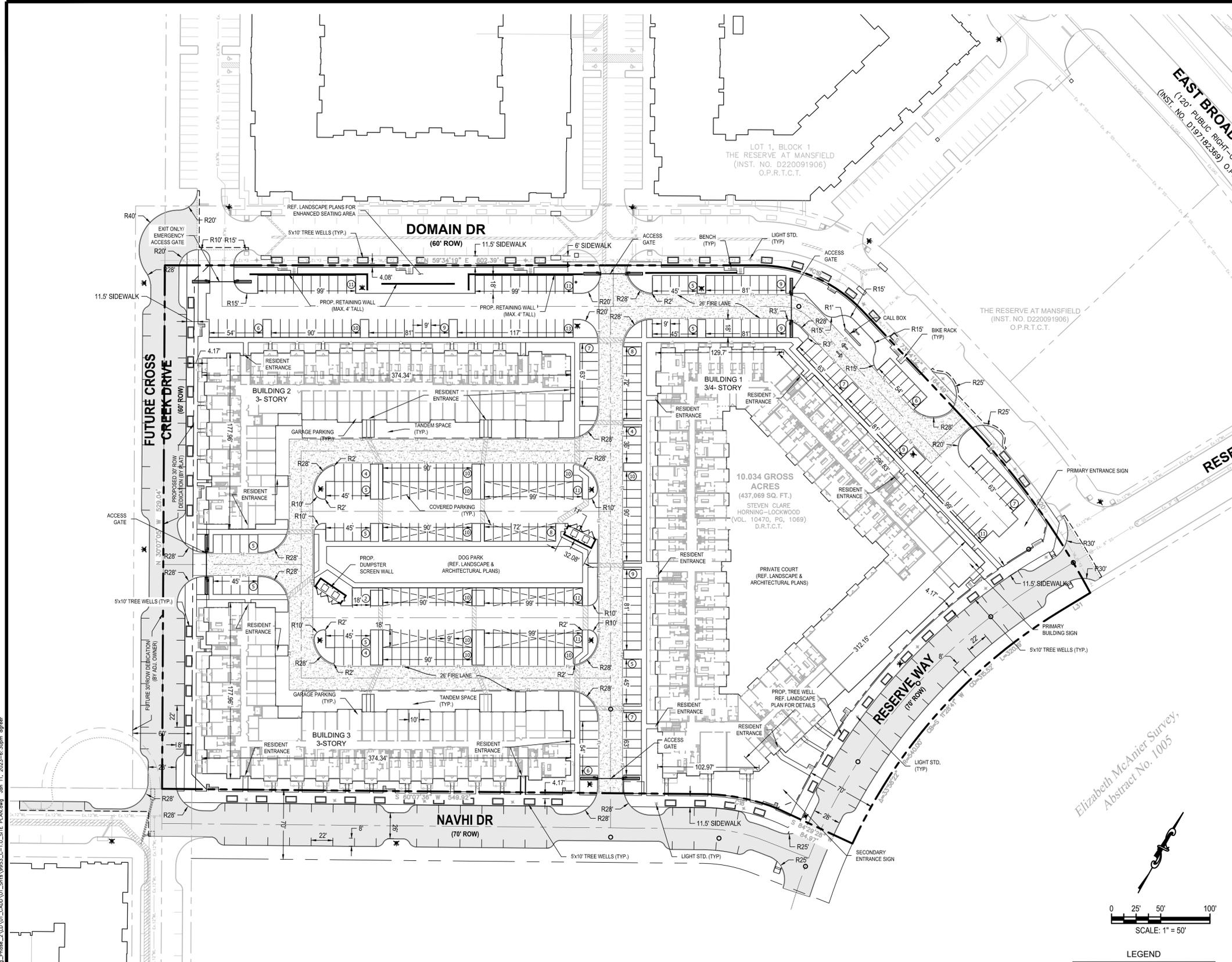
BLDG. NUMBER	FOOTPRINT	TOTAL AREA
BLDG 1	69,994 SF	232,876 SF
BLDG 2	33,119	99,357
BLDG 3	33,119 SF	99,357 SF
LOT COVERAGE	136,232 SF	394,300 Lot SF 35%
FLOOR AREA RATIO	431,590 Bldg SF	394,300 Lot SF 1.09

PARKING REQUIRED

	#	%
1 BEDROOM & EFF. UNITS	1	225
2 BEDROOM UNITS	2	108
TOTAL		441

PARKING PROVIDED

	#	%
STANDARD SURFACE SPACE	262	53%
GARAGE PARKING	48	10%
TANDEM PARKING	36	7%
COVERED PARKING	78	16%
ON STREET PARKING	67	14%
TOTAL PROVIDED	491	100%
SPACE PER BED	1.11	
SPACE PER UNIT	1.47	

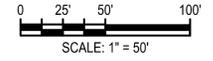
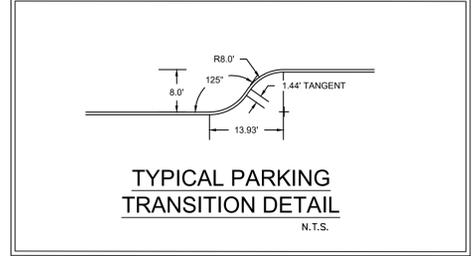


LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S 28°27'50" W	35.97'

CURVE TABLE

NUMBER	DELTA	RADIUS	CHORD BEARING	CHORD DISTANCE	ARC LENGTH
C1	46°33'10"	145.00'	N 82°50'53" E	114.60'	117.81'
C2	14°56'32"	785.37'	S 66°04'21" E	204.24'	204.82'
C3	20°38'28"	210.00'	S 70°26'50" W	75.25'	75.65'



LEGEND

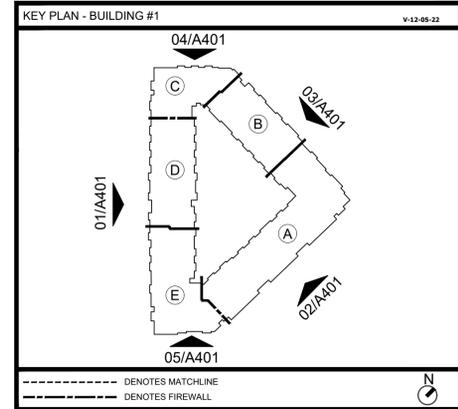
- PROPOSED 24-FOOT CONCRETE FIRE LANE
- PROPOSED PEDESTRIAN PATH
- PROPOSED ADA PARKING SPACE
- EDGE OF PROPOSED PAVING*
- EDGE OF FUTURE PAVING

* ALL PROPOSED STREET AND SIDEWALK PAVING SHALL BE CONCRETE.

BGE, INC. G:\TXN\Projects\Stillwater_Capital\9953-00-Mansfield_Urban_Living_Phase_2\LD\01_CADD\01_Site\9953_C-1-0_Site_Plan.dwg Jun 11, 2023 4:30pm dgreer

MATERIAL PERCENTAGES - TOTAL FOR BLDG #1	
BRICK	72%
CEMENTITIOUS PANEL	24%
CEMENTITIOUS LAP SIDING	4%
GLASS/WINDOW/DOOR PERCENTAGES	
GLASS/WINDOW/DOOR	35%

MATERIAL ELEVATION LEGEND			
1A	BRICK MASONRY VENEER - FIELD COLOR 01	2A	CEMENTITIOUS PANEL SYSTEM - FIELD COLOR 01
1B	BRICK MASONRY VENEER - FIELD COLOR 02	2B	CEMENTITIOUS PANEL SYSTEM - FIELD COLOR 02
1C	BRICK MASONRY VENEER - FIELD COLOR 03	3	METAL RAILING SYSTEM
1D	BRICK MASONRY VENEER - FIELD COLOR 04	4	PATIO DOOR UNIT
1E	BRICK MASONRY VENEER - FIELD COLOR 05	5	CANOPY
6	STOREFRONT SYSTEM	7	PREFINISHED VINYL WINDOW SYSTEM
8	SLATTED COMPOSITE WOOD SCREEN	9	BRICK MASONRY BAND
10	METAL DOOR	11A	FIBER CEMENT LAP SIDING - FIELD COLOR 01
11B	FIBER CEMENT LAP SIDING - FIELD COLOR 02	12	GLASS RAILING SYSTEM
13	METAL GATE		



05 BLDG #1 - SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



04 BLDG #1 - NORTH ELEVATION
SCALE: 1/16" = 1'-0"



03 BLDG #1 - NORTHEAST ELEVATION
SCALE: 1/16" = 1'-0"



02 BLDG #1 - SOUTHEAST ELEVATION
SCALE: 1/16" = 1'-0"



01 BLDG #1 - WEST ELEVATION
SCALE: 1/16" = 1'-0"

REVISIONS



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Project Title:
URBAN LIVING PHASE II
MANSFIELD, TEXAS

SD Set Issue: 01.03.2023
DD Set Issue: XX.XX.XX
Permit Set Issue: XX.XX.XX
Construction Set Issue: XX.XX.XX
Project ID: 20305
Drawing No.

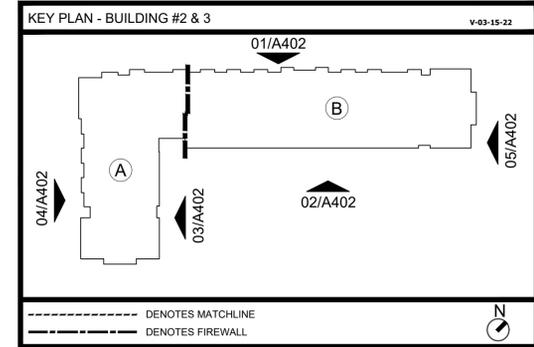
A401



05 BLDG #2 & 3 - EAST ELEVATION
SCALE: 1/16" = 1'-0"

MATERIAL PERCENTAGES - TOTAL FOR BLDG #2 & 3	
BRICK	75%
CEMENTITIOUS PANEL	21%
CEMENTITIOUS LAP SIDING	4%
GLASS/WINDOW/DOOR PERCENTAGES	
GLASS/WINDOW/DOOR	33%

MATERIAL ELEVATION LEGEND			
1A	BRICK MASONRY VENEER - FIELD COLOR 01	2A	CEMENTITIOUS PANEL SYSTEM - FIELD COLOR 01
1B	BRICK MASONRY VENEER - FIELD COLOR 02	2B	CEMENTITIOUS PANEL SYSTEM - FIELD COLOR 02
1C	BRICK MASONRY VENEER - FIELD COLOR 03	3	METAL RAILING SYSTEM
1D	BRICK MASONRY VENEER - FIELD COLOR 04	4	PATIO DOOR UNIT
1E	BRICK MASONRY VENEER - FIELD COLOR 05	5	CANOPY
6	STOREFRONT SYSTEM	7	PREFINISHED VINYL WINDOW SYSTEM
8	SLATTED COMPOSITE WOOD SCREEN	9	BRICK MASONRY BAND
10	METAL DOOR	11A	FIBER CEMENT LAP SIDING - FIELD COLOR 01
11B	FIBER CEMENT LAP SIDING - FIELD COLOR 02	12	GLASS RAILING SYSTEM
13	METAL GATE		



04 BLDG #2 & 3 - WEST ELEVATION
SCALE: 1/16" = 1'-0"



03 BLDG #2 & 3 - EAST ELEVATION
SCALE: 1/16" = 1'-0"



02 BLDG #2 & 3 - SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



01 BLDG #2 & 3 - NORTH ELEVATION
SCALE: 1/16" = 1'-0"



CLIENT

STILLWATER CAPITAL
4145 TRAVIS STREET, SUITE 300
DALLAS, TEXAS 75204
214.334.0032

KEY MAP

SCALE



Jan 3 2023

DocuSign

DETAIL PLAN
SITE SUBMITTAL

PROJECT

URBAN LIVING
PHASE II

MANSFIELD, TEXAS

LANDDESIGN PROJ.# 8522010

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
	DETAIL PLAN SITE SUBMITTAL	03-21-2022
	DETAIL PLAN SITE SUBMITTAL	09-29-2022
	DETAIL PLAN SITE SUBMITTAL	10-21-2022
	DETAIL PLAN SITE SUBMITTAL	11-01-2022

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: N/A
HORZ: 1"=40'



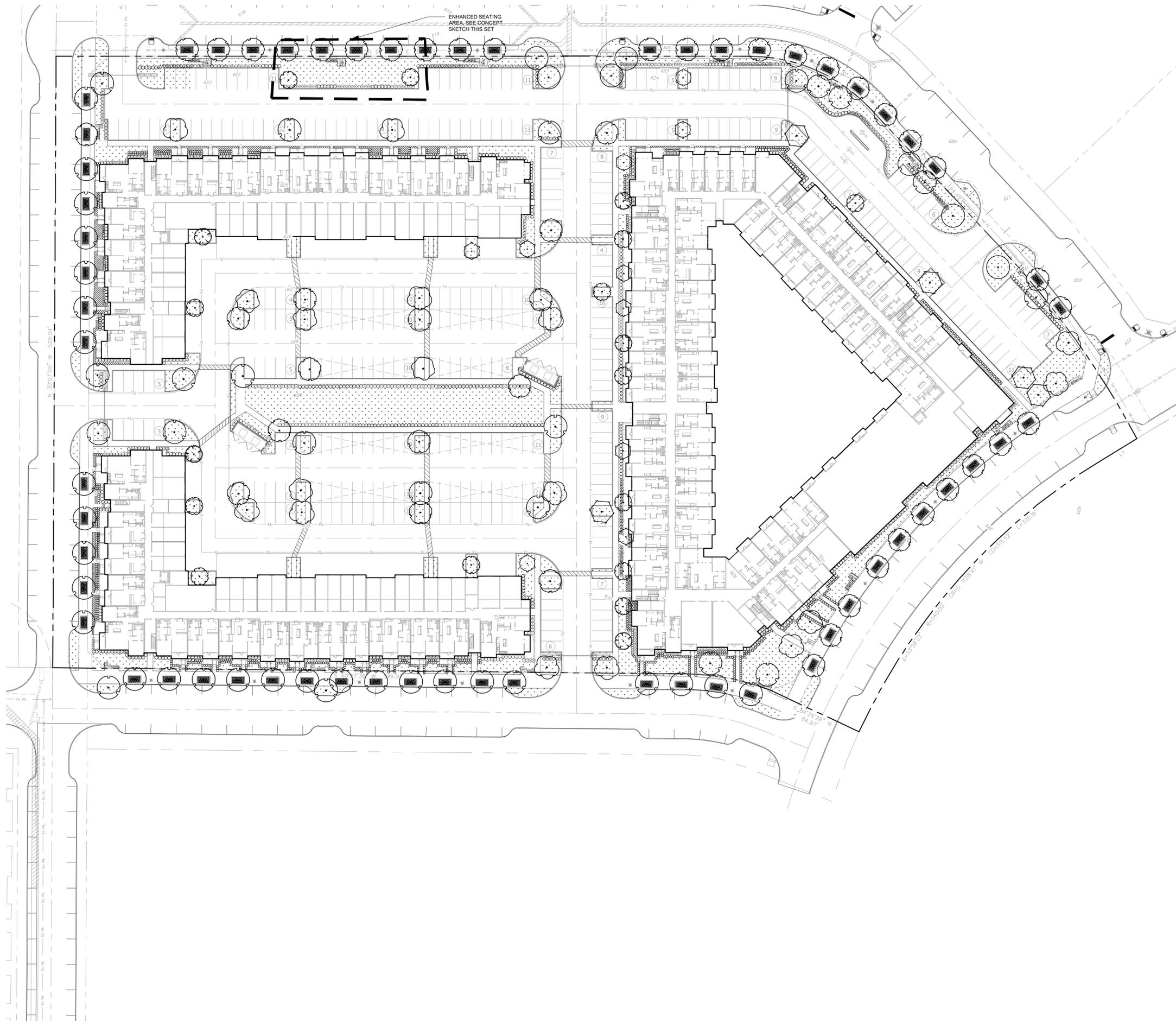
SHEET TITLE

REQUIRED LANDSCAPE
PLAN

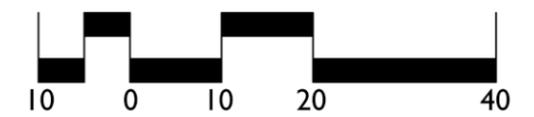
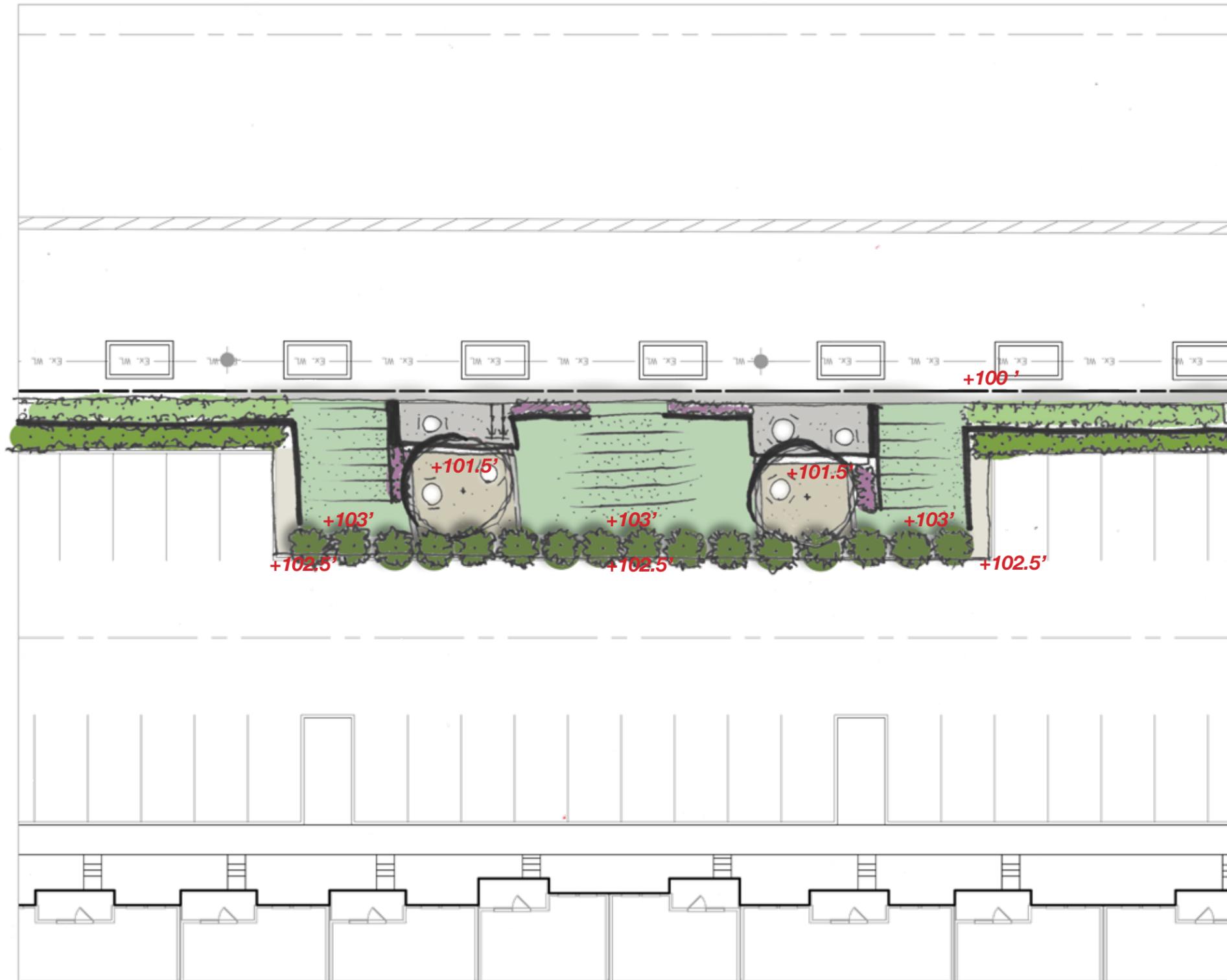
SHEET NUMBER

L6-01

ZC#22-01 304

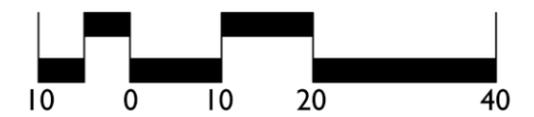
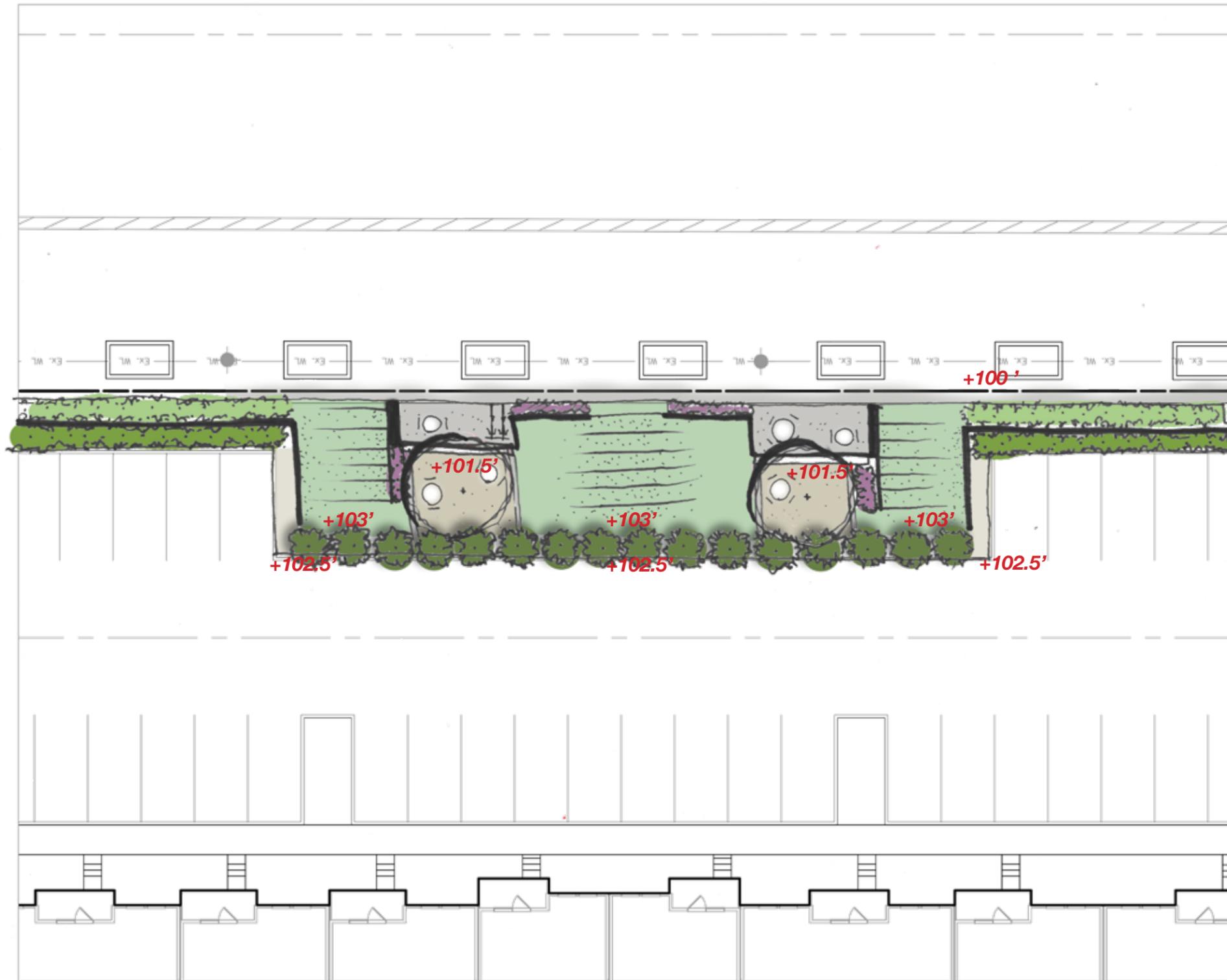


PLANT SCHEDULE		
TREES	CODE	BOTANICAL / COMMON NAME
	ACGR	Acer grandidentatum Bigtooth Maple MATCHED SPECIMEN, STRONG CENTRAL LEADER
	CCTX	Cercis canadensis texensis Texas Redbud MATCHED SPECIMEN, STRONG CENTRAL LEADER
	GIBI	Ginkgo biloba Maidenhair Tree MATCHED SPECIMEN, STRONG CENTRAL LEADER
	LAIN	Lagerstroemia indica Crape Myrtle MATCHED SPECIMEN, MULTI-STEM, 3 CANE MAX.
	QUMU	Quercus muhlenbergii Chinkapin Oak MATCHED SPECIMEN, STRONG CENTRAL LEADER
	ULAM	Ulmus americana American Elm MATCHED SPECIMEN, STRONG CENTRAL LEADER
	ULCR	Ulmus crassifolia Cedar Elm MATCHED SPECIMEN, STRONG CENTRAL LEADER
	ULPA	Ulmus parvifolia Lacinate Elm MATCHED SPECIMEN, STRONG CENTRAL LEADER
	VIAC	Vitex agnus-castus Chaste Tree MATCHED SPECIMEN
SHRUBS	CODE	BOTANICAL / COMMON NAME
	ABGR	Abelia x grandiflora Glossy Abelia
	BGBA	Bouteloua gracilis 'Blonde Ambition' Blonde Ambition Blue Grama
	CXPE	Carex peridentata Meadow Sedge
	EVRG	Evergreen Landscape Buffer Shrub SUCH AS, BUT NOT LIMITED TO: LIRIOPE, NEPETA, SALVIA GREGGII, SKULLCAP, ZEXMENIA
	ILCO	Ilex cornuta Chinese Holly
	ICBN	Ilex cornuta 'Burfordii Nana' Dwarf Burford Holly
	IVNA	Ilex vomitoria 'Nana' Dwarf Yaupon
	MCRM	Muhlenbergia capillaris 'Regal Mist' TM Regal Mist Pink Muhly Grass
	MLAG	Muhlenbergia lindheimeri 'Autumn Glow' Lindheimer's Muhly
	PEAL	Pennisetum alopecuroides 'Piglet' Piglet Dwarf Fountain Grass
	PHSE	Photinia serrulata Chinese Photinia
	RORB	Rosmarinus officinalis 'Roman Beauty' Chef's Choice Rosemary
	ROTB	Rosmarinus officinalis 'Tuscan Blue' Tuscan Blue Rosemary
	SAGR	Salvia greggii Autumn Sage
GROUND COVERS	CODE	BOTANICAL / COMMON NAME
	SOD	Cynodon dactylon 'Tifway 419' Bermuda Grass
	LMBB	Lil'Hope muscari 'Big Blue' Big Blue Lilyturf



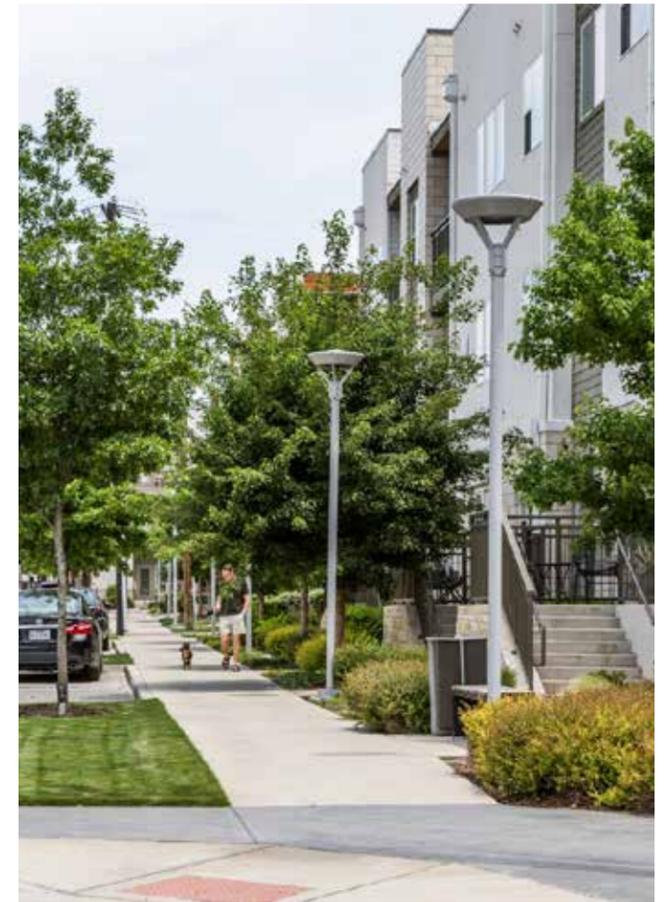
RESERVE AT MANSFIELD PHASE 2 MANSFIELD, TEXAS • ENHANCED SEATING AREA CONCEPT

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