



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, May 11, 2020

5:00 PM

Council Chambers

AMENDED AGENDA REGULAR MEETING

THIS MEETING WILL BE HELD BY VIDEO CONFERENCING. To participate, please register at https://mansfieldtexas.zoom.us/webinar/register/WN_gnB9mpEGTf-bj_Ynzi_Cpw by 7:00 p.m. on Monday, May 11, 2020 or join by telephone at 1-888-788-0099 (Toll Free). If joining by phone, please provide the Webinar ID number and password below:

Webinar ID: 915-2860-3755

Password: 1234567

Citizen comments and public hearing comments may also be submitted through the city's website www.mansfieldtexas.gov or by sending an email to susana.marin@mansfieldtexas.gov. All comments must be submitted by 7:00 p.m. Monday, May 11, 2020. Comments received will be read into the record by the Mayor or the City Secretary.

1. 5:00 P.M. - CALL MEETING TO ORDER

2. RECESS INTO EXECUTIVE SESSION

Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071

- A1. Seek Advice of City Attorney Regarding Legal Issues Related to Executive Session Documents and Materials
- A2. Seek Advice of City Attorney Regarding Legal Issues Interpreting a City of Burleson Contract
- A3. Seek Advice of City Attorney Regarding Proposed Changes to the Parks Chapter of the Code of Ordinance
- A4. Seek Advice of City Attorney Regarding Shops at Broad Development

- A5. Seek Advice of City Attorney Regarding Governor's Proclamation Allowing New Election Schedule
- B. **Discussion Regarding Possible Purchase, Exchange, Lease, or Value of Real Property Pursuant to Section 551.072**
- C. **Personnel Matters Pursuant to Section 551.074**
- D. **Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087**
- 3. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**
- 4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**
- 5. **INVOCATION**
- 6. **PLEDGE OF ALLEGIANCE**
- 7. **TEXAS PLEDGE**

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

8. **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 Assistant City Secretary's seating place. Please present the card to the Assistant City Secretary prior to the start of the meeting.

9. **COUNCIL ANNOUNCEMENTS**

10. **SUB-COMMITTEE REPORTS**

11. STAFF COMMENTS

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

A. City Manager Report or Authorized Representative

Current/Future Agenda Items

Special Event Update

12. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**13. CONSENT AGENDA**

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**[20-3513](#)**

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning From SF-8.4/16, Single-Family Residential District to PD, Planned Development District for Professional and Medical Office Uses, Botique Retail Shops and Artist Studio Uses on Approximately 0.376 Acres Known as a Portion of Block 10, Original Town of Mansfield, Located at 310 East Broad Street; Ernst Realty Investment (ZC#20-003)

Presenters: Joe Smolinski, Matt Jones and Andrew Bogda

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[Exhibit A](#)

[Applicant Presentation to City Council 4-13-20](#)

[Staff Presentation to City Council 4-13-20](#)

[Exhibit B \(updated\)](#)

[4-27-20-Staff Presentation to City Council](#)

[4-27-20- Applicant Presentation to City Council](#)

[20-3552](#)

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager to Enter into an Agreement with The Texas Department of Transportation - Fort Worth District for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality (Street Lights on FM 917)

Presenters: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[TxDOT Lighting Agreement](#)

[FM917 Continuous Lighting Map](#)

[20-3553](#) Resolution - A Resolution of the City of Mansfield, Texas Finding that Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code § 25.243 to Increase Distribution Rates Within the City Should be Denied

Presenters: Joe Smolinski and Jeff Price

Attachments: [Resolution](#)

[20-3554](#) Resolution - A Resolution Awarding a Forty-Eight Month Contract for the Lease of Chlorine Dioxide Equipment, Services, and the Supply of Sodium Chlorite, for an Amount Not to Exceed \$0.706 / Wet Pound (Utility Funds FY-2020-2024 Operating Budget 25-8105-8401-01)

Presenters: Joe Smolinski and Jeff Price

Attachments: [Resolution](#)

[EVOQUA Letter](#)

[20-3556](#) Resolution - A Resolution Approving the City of Mansfield's Participation in Tarrant County's Community Development Block Grant Program for the Three Program Year Period for Fiscal Year 2021 Through Fiscal Year 2023

Presenters: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[Joint Agreement](#)

[20-3551](#) Suspending the Procedural Rules of Council to Reschedule the Regularly Scheduled City Council Meeting of May 25, 2020 to May 26, 2020

Presenters: Shelly Lanners and Susana Marin

Attachments: [Procedural rules of Council](#)

[20-3549](#) Minutes - Approval of the April 27, 2020 Regular City Council Meeting Minutes

Presenters: Susana Marin

Attachments: [4-27-20 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

14. OLD BUSINESS

[20-3545](#) Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

Presenters: Joe Smolinski

15. PUBLIC HEARING AND FIRST READING[20-3550](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from PD, Planned Development District to PD, Planned Development District for C-2 Uses Including a Church and Eating Place with Drive-Through Service on Approximately 32.558 Acres, located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, Surveyor/Engineer and Living Church, Owner/Developer (ZC#19-023)

Presenters: Joe Smolinski, Matt Jones and Art Wright

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[Exhibits A through D](#)

[Color Site Plan](#)

[Color Elevations](#)

16. NEW BUSINESS[20-3555](#)

Consider Supplemental Funding Request from the Hotel Occupancy Tax Fund for the Pickled Mansfield Society's World's Only St. Paddy's Pickle Parade & Palooza Event in the Amount of \$90,644.13 (Julie Short, Chair)

Presenters: Julie Short

Attachments: [Pickled Mansfield Society Letter](#)

[20-3557](#)

Ordinance - First Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96 Parks and Recreation

Presenters: Shelly Lanners and Matt Young

Attachments: [Ordinance](#)

[20-3558](#)

Discuss, Consider, and Approve a Resolution Continuing Mayor Cook's Declaration of Public Health Emergency

Presenters: City Council

[20-3559](#)

Discussion and Action as Appropriate Related to Governor's Proclamation Allowing New Election Schedule (Addendum to Agenda)

Presenters: Allen Taylor

17. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the May 11, 2020 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, May 8, 2020 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Susana Marin, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

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



CITY OF MANSFIELD

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

File Number: 20-3513

Agenda Date: 5/11/2020

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning From SF-8.4/16, Single-Family Residential District to PD, Planned Development District for Professional and Medical Office Uses, Botique Retail Shops and Artist Studio Uses on Approximately 0.376 Acres Known as a Portion of Block 10, Original Town of Mansfield, Located at 310 East Broad Street; Ernst Realty Investment (ZC#20-003)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning & Zoning Commission held a public hearing on March 16, 2020, and voted 6-0 to recommend approval. One of the Commissioners questioned how many tenants would be located in the new building and if the parking could accommodate it, to which the applicant responded that there would be no more than three in order to not exhaust the available on-site parking. Another commissioner expressed concern about vehicles backing up into the landscape beds adjacent to the existing building, to which the applicant responded that the spaces will be made wider to allow for easier vehicle maneuverability. Another commissioner questioned why the paint colors on the buildings were different. Staff notes that the paint colors should be complementary but not matching so that the existing historic structure maintains its distinction.

Description/History

iGENERAL INFORMATION

Existing Use: Single-family residence

Existing Zoning: SF-8.4/16, Single-Family Residential District

Surrounding Land Use & Zoning:

North - E. Broad St.; professional office and church uses (PD) across the street

South - Single-family residential, SF-7.5/12

East - Professional office, OP

West - Single-family residential, SF-7.5/12

Thoroughfare Plan Specification:

E. Broad St. - major arterial (four-lane divided)

Comments and Considerations

The subject property consists of 0.379 acres currently improved with a 1,200 sq. ft. single-story residential house, garage, and shed. The applicant is requesting to re-zone the property from SF-8.4/16 Single-Family Residential District to PD Planned Development District for professional & medical office uses, boutique retail shops, and artist studio uses.

Development Plan and Regulations

The existing 1,200 sq. ft. single-story house will remain, but the garage and shed in the rear of the property will be removed. The house, known as the Andrew “Cap” and Emma Doughty Bratton House is listed on the National Register of Historic Places, but has not yet been designated as a local historic landmark. The house includes yellow siding, green trim, a prominent bay window, a covered front porch, a pitched roof, and is 28’ in height.

Behind the house, a new 2,400 sq. ft. single-story building will be constructed. To match the house, the new building will include yellow siding as the primary building material, with covered porches, bay windows, and a pitched roof design. In addition, the new building will be accentuated by red brick along the base, shake siding in the gables, white trim, and 3-D architectural shingles. The new building will also include abundant windows on the front elevation. While larger in size than the house, at 20’-6”, the new building will be shorter in height than the house and will also be mostly concealed by the house or landscaping in order to not detract from or overshadow the historic house. During the staff review process, the applicant agreed to trim 10’ off the western side of the new structure to assist in this regard, while still maintaining the bay window feature and providing a vista at the end of the driveway.

It is noted in the development regulations that no expansion shall be made to the exiting building, any exterior construction and remodeling of the existing building must be compatible with the historic character of the building, and that the maximum height of the proposed building shall not exceed the height of the existing building.

It is also noted that the development deviates from the Zoning Ordinance as it relates to residential proximity. A reduced building setback from the adjacent residential zoning shall be allowed as shown in the Development Plan. Lighting shall be shielded or pointed away from adjacent residential properties as prescribed in Section 7400 of the Zoning Ordinance

Access and Parking

The existing driveway will also be expanded and re-worked to provide for a 12-space parking lot to serve the development. Most of the parking spaces are in a single-row along the western side of the property, with two of the spaces located on the opposite side behind the home, one of which will be an ADA-accessible space. The parking ratio for general office uses (1 space per 300 sq. ft.) was applied and the development meets the requirements when calculated using this ratio. Due to space constraints, only a 22’ two-way drive aisle will be provided for the parking lot, two feet below the typical 24’ standard. In order to allow vehicles to safely maneuver out of spaces into the reduced-width drive aisle, several of the parking spaces are 1’ wider than the typical 9’

wide space. In order to further enhance the appearance of the historic structure, the existing pavement directly in front of the structure will be removed. A new sidewalk will connect the main entrance of the existing home to the sidewalk along E. Broad St. A new concrete walk and ramp will also connect the two structures to each other and provide an accessible route to the parking lot.

Landscaping and Screening

Landscaping and screening will be provided as shown in the Development Plan. This includes the preservation of the existing landscape beds in front of the existing home, the preservation of nine trees and one shrub, and the planting of ten new shrubs and one crape myrtle tree, most of which accentuate the new building or provide shade in the parking lot. The existing wood fence along the rear property line will remain, while a new 3.5' tall picket fence will be installed along the east property line adjacent to the parking lot. The picket fence provides for screening and separation of land uses in a manner that is consistent with the historic residential character of the neighborhood and will not extend into the front yard forward of the existing building. The development regulations note that all equipment will be ground-mounted, located in the side yard or rear yard, and will be screened from the street or adjacent property by dense shrubs or low fencing that fully conceal the equipment. In addition, all trash containers will be screened in accordance with Section 7301.B of the Zoning Ordinance. In addition, no outside storage of materials or merchandise will be allowed on the property.

Signage

A new directory sign will be installed in front of the property along E. Broad St. The directory sign will be 6' tall, 10' wide, and will include a 2' tall brick base to match the building. The sign area will be limited to 32 sq. ft. The directory sign will be setback 5' from the front property line, which deviates from the typical 10' setback, but is consistent with the location of many other signs along this section of E. Broad St. and prevents the encroachment of the sign into the existing landscape beds in front of the building. Name plate signs will also be allowed on the buildings as prescribed in Section 7100 of the Zoning Ordinance.

Summary

The proposed development will allow for the preservation of the existing historic structure, while also removing nonconforming accessory structures that do not match or complement the historic structure, and allowing for a new building that better matches and complements the existing structure while not detracting from or overshadowing it. In addition, the proposed changed in use from single-family residential to office, studio, and boutique retail uses allows for a more productive use of the property that is consistent with the transition from residential to business uses that we are seeing along this part of E. Broad St. while also being sensitive to the historic residential character of the surrounding area. The development also preserves the existing trees and landscape beds, provides for additional landscaping, and provides for parking and screening in a manner that is limited to only what is truly necessary to support the development and which is also sensitive to surrounding properties and the historic character of the area.

Second Reading

The City Council held a public hearing and first reading on April 13, 2020 and voted 7-0 to approve. There was discussion about several items, including the existing accessory buildings to be removed, permitted uses, signage, building colors, and trash container screening. Council Members requested that the following items be addressed:

- Ensure the paint colors on the buildings are compatible with each other.
- In the applicant presentation, place an X over the existing garage(s) to be removed.
- On the plan, provide detail indicating the location and screening of the trash containers.
- Increase the front setback for the sign to 10' (or as close to 10' if possible) if there is room.
- Consider adding some additional commercial uses that would be compatible with the property and the surrounding area.

The applicant revised the presentation to show that all existing garages would be removed, updated the development regulations to require that the paint colors on the buildings be compatible with each other, specified that trash service will be by trash carts and screened by a fence enclosure as seen in the development plan, and revised the permitted uses to add personal service uses and a greater variety of studio uses.

The trash carts will be stored on the southeast corner of the house behind the staircase and an existing pine tree and screened by a fence enclosure with self-latching gate; the location allows easy access for tenants in both buildings and provides screening that ensures the trash will not be seen from public view.

The applicant did not increase the setback for the sign as doing so would encroach the existing retaining wall and landscape bed and possibly interfere with drainage and otherwise not be desirable

Third Reading

The City Council held a public hearing and second reading on April 27, 2020 and voted 7 - 0 to approve. There was no further discussion nor items that need to be addressed. No changes have been made to the plans..

Prepared By

Andrew Bogda, Planner
817-276-4287

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL AND MEDICAL OFFICE USES, RETAIL USES, PERSONAL SERVICE USES, AND ARTIST/MUSICIAN/PHOTOGRAPHY STUDIO USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new zoning district classification of PD, Planned Development; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

First reading approved on the _____ day of _____, 2020.

Second reading approved on the _____ day of _____, 2020.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2020.

David L. Cook, Mayor

ATTEST: _____
Susana Marin, City Secretary

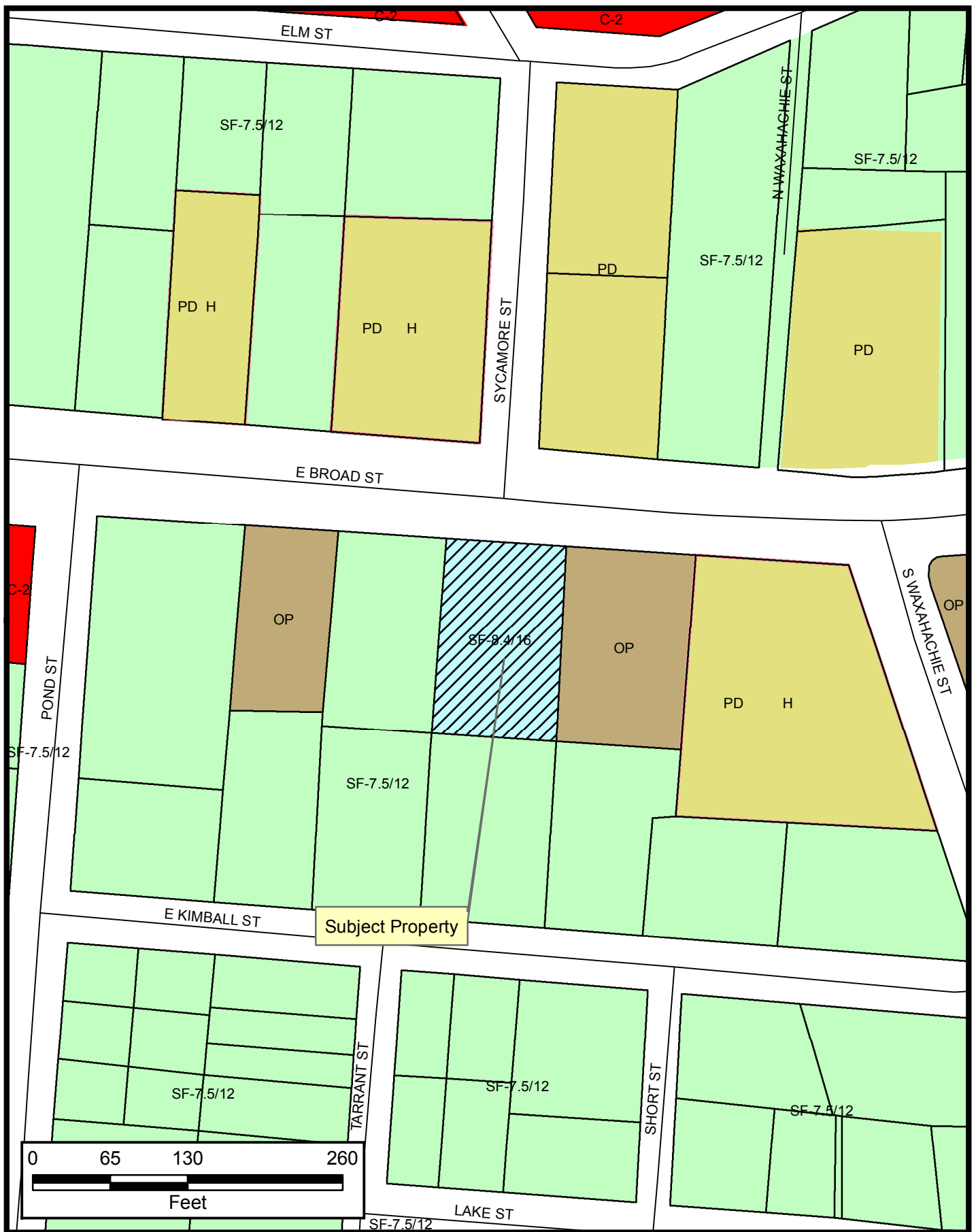
Ordinance No. _____

Page 3

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney





Property Owner Notification for ZC#20-003

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
		MANSFIELD TX MOB LP	5910 N CENTRAL EXPWY STE 1000	DALLAS, TX	75206
MANSFIELD, CITY OF	BLK 10	EUBANK, MARY ANN	306 E BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 10	ERNST REALTY INVESTMENTS LLC	101 N MAIN ST STE A	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 10	CASTILLO, LORENZO	403 E KIMBALL ST	MANSFIELD, TX	76063-3145
MANSFIELD, CITY OF	BLK 10	CASTILLO, LORENZO	403 E KIMBALL ST	MANSFIELD, TX	76063-3145
MANSFIELD, CITY OF	BLK 11	BARNETT, CELIA S EST	PO BOX 85	MANSFIELD, TX	76063-0085
MANSFIELD, CITY OF	BLK 11	TOUCAN PROPERTIES INC	1110 PEBBLE BEACH CT	MANSFIELD, TX	76063-2647
MANSFIELD, CITY OF	BLK 11	PERRY, BILLY M EST	307 E KIMBALL ST	MANSFIELD, TX	76063-3143
MANSFIELD, CITY OF	BLK 11	MONTEMAYOR, E	107 POND ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 14	ANCHORA PROPERTIES LLC	309 E BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 14	MANN, ANN WATSON	307 E BROAD ST	MANSFIELD, TX	76063-1705
MANSFIELD, CITY OF	BLK 14	ANCHORA PROPERTIES LLC	309 E BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 15	KALUPA, DALE R & LESLIE D	405 E BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 15	CENTRAL BAPT CH MANSFIELD	PO BOX 59	MANSFIELD, TX	76063-0059
MANSFIELD, CITY OF	BLK 7	RODRIGUEZ, ALEJANDRO	400 E KIMBALL ST	MANSFIELD, TX	76063-3144
MANSFIELD, CITY OF	BLK 9	PATTERSON INS AGENCY INC C/O FORD & DEBNEY FARRIS	321 LANDVIEW DR	BURLESON, TX	76028
MANSFIELD, CITY OF	BLK 9	MORALES, CHARLES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 9	HERNANDEZ, BALDEMAR & OFELI	407 E KIMBALL ST	MANSFIELD, TX	76063-3145
MANSFIELD, CITY OF	BLK 9	MORALES, CHARLES E	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152

EXHIBIT A
PROPERTY DESCRIPTION FOR ZC#20-003
310 E Broad St, being a portion of Block 10 of the Original Town of Mansfield

BEING a portion of Block 10, Original Town of Mansfield, an addition to the City of Mansfield, Texas according to the plat recorded in Volume 63, Page 53 of the Plat Records of Tarrant County, Texas and being all that certain tract of land described in deed to Ernst Realty Investments, LLC, recorded in Clerk's File No. D217114035 of the Official Public Records of Tarrant County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 3/8-inch iron rod found at the Northeast corner of said Block 10 and said Ernst Realty Tract, being the Northwest corner of Block 9, said Original Town of Mansfield, and that certain tract of land described in deed to Patterson Insurance Agency, Inc., recorded in Volume 15299, Page 217 of the Deed Records of Tarrant County, Texas and lying in the South right-of-way line of East Broad Street (a called 100-foot wide right-of-way);

THENCE S 05° 15' 17" W, 149.55 feet along the common boundary line between said Ernst Realty Tract and said Patterson Tract with the common line between said Blocks 9 and 10 to a point at the Southeast corner of said Ernst Tract, being the Northeast corner of that certain tract of land described in deed to Lorenzo Castillo and wife, Maria Castillo, recorded in Volume 12739, Page 585 of the Deed Records of Tarrant County, Texas;

THENCE N 85° 12' 33" W, 109.96 feet along the common boundary line between said Ernst Realty Tract and said Castillo Tract to a 5/8-inch iron rod found at the Southwest corner of said Ernst Realty Tract, lying in the East boundary line of that certain tract of land described in deed to Mary Ann Eubank, recorded in Volume 12605, Page 1309 of the Deed Records of Tarrant County, Texas;

THENCE N 04° 58' 37" E, 149.81 feet along the common boundary line between said Ernst Realty Tract and said Eubank Tract to an "X" cut in concrete found at the Northwest corner of said Ernst Realty Tract, lying in the aforesaid South right-of-way line of East Broad Street and lying S 85° 04' 26" E, 290.16 feet along said right-of-way line from an "X" cut on top of a concrete retaining wall at its intersection with the East right-of-way line of Pond Street;

THENCE S 85° 04' 26" E, 110.68 feet along the North boundary line of said Ernst Realty Tract with the said South right-of-way line of East Broad Street to the PLACE OF BEGINNING, containing 0.379 acre (16,511 square feet) of land.



SURVEYED ON THE GROUND
JANUARY 23, 2020

A handwritten signature in black ink, appearing to read "Ronald W. Coombs", written over a horizontal line.

RONALD W. COOMBS, R.P.L.S.
STATE OF TEXAS No. 5294

310 E BROAD ST

LOT B BLOCK 10

ORIGINAL TOWN OF MANSFIELD

ZC#20-003

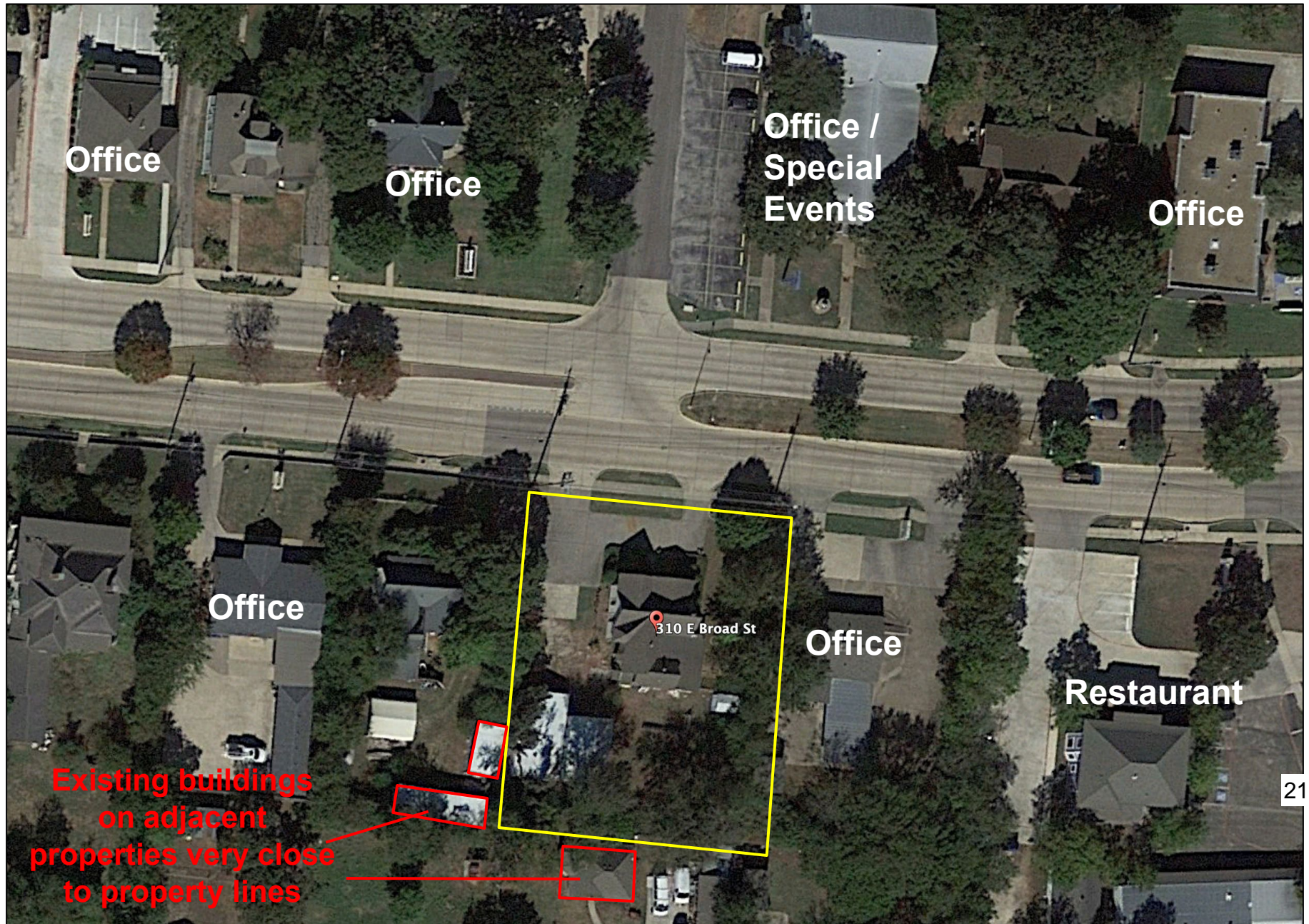
PROPOSED-1 STORY
2400 S.F.

Preserving Existing Historic Home





Existing Non-Residential Land Uses

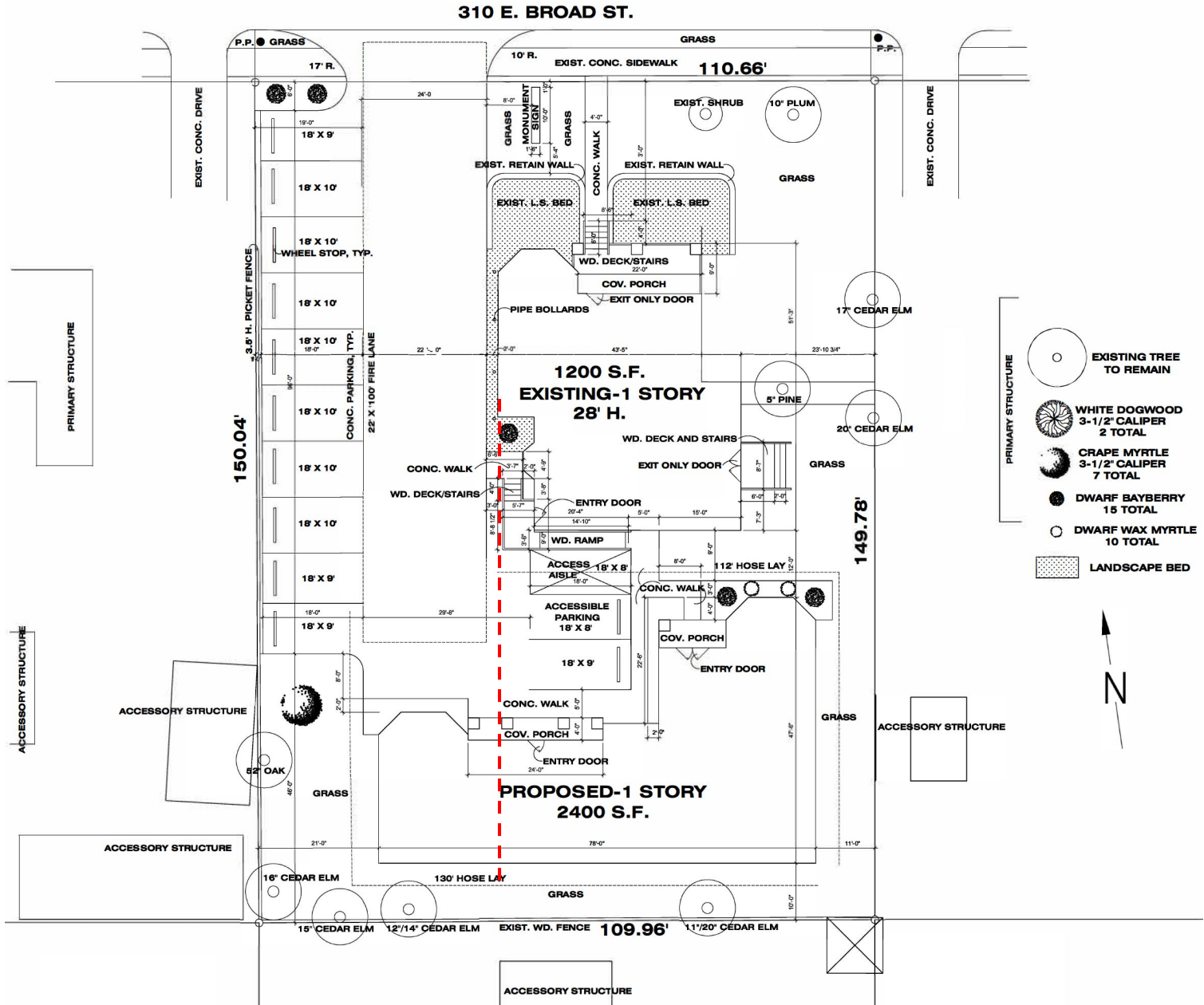


Proposed Building Elevation

Compatible with Historic Building



New Building Mostly Hidden Behind Existing House



New Building Mostly Hidden Behind Existing House



Better than
Existing
Condition



Proposed Picket Fence

Along the West Property Line
Compatible with Historic Building



Restoring the Front Yard by removing concrete driveway

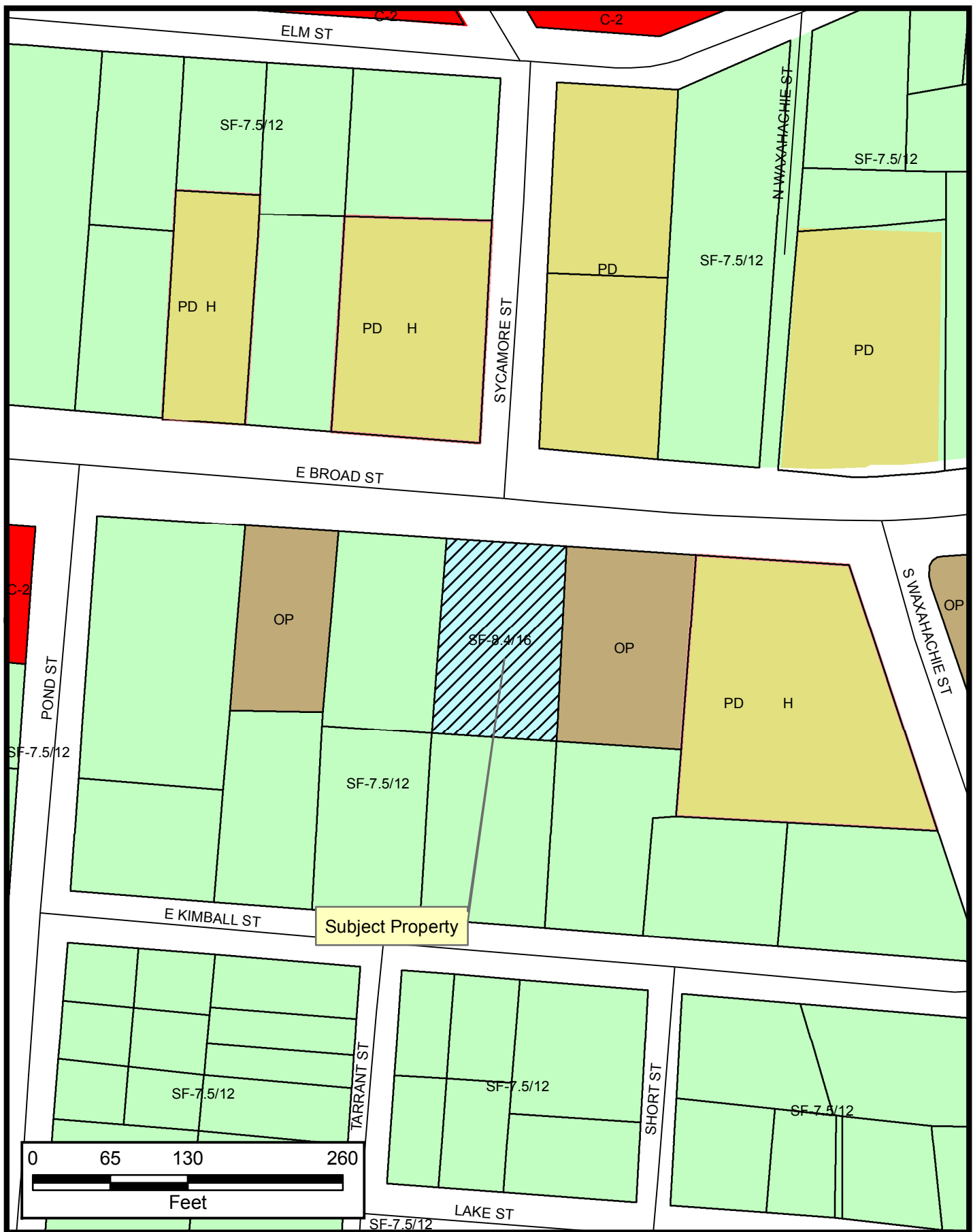


310 E BROAD ST

Zoning Case #20-003

Zoning Change from SF-8.4/16
Single-Family Residential District
to PD for professional & medical
office uses, boutique retail shops,
and artist studio uses on 0.379 acres







310 W KIMBALL ST – EXISTING HOUSE

- Existing 1,200 sq. ft. single-story house will remain, but garage & shed will be removed
- House is on Nat'l Register of Historic Places, but has not yet been designated as a local historic landmark
- Includes yellow siding, green trim, prominent bay window, covered porch, pitched roof, and is 28' in height



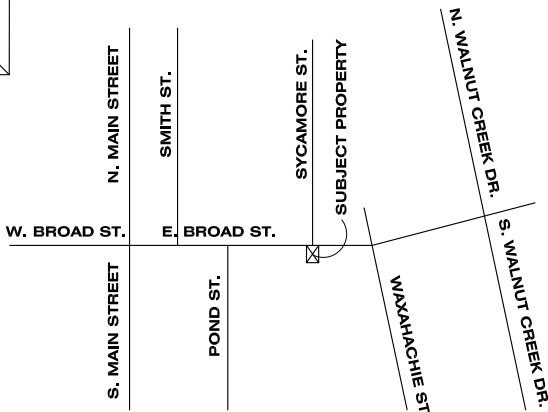
DESIGNER:
SHERI BUMGARDNER
900 N. WALNUT CREEK DR.
SUITE 100 - PMB 366
MANSFIELD, TX. 76063
817-300-7052
sherl@ssbdesigns.com

PROPERTY OWNER:
STEVE ERNST
ERNST REALTY INVESTMENT
101 N. MAIN ST. - SUITE A
MANSFIELD, TX. 76063
817-473-6000
steve.ernst.cunv@statefarm.com

- EXISTING TREE TO REMAIN**
- GRAPE MYRTLE
3-1/2" CALIPER
1 TOTAL
 - DWARF BAYBERRY
5 TOTAL
 - DWARF WAX MYRTLE
5 TOTAL
- LANDSCAPE BED**



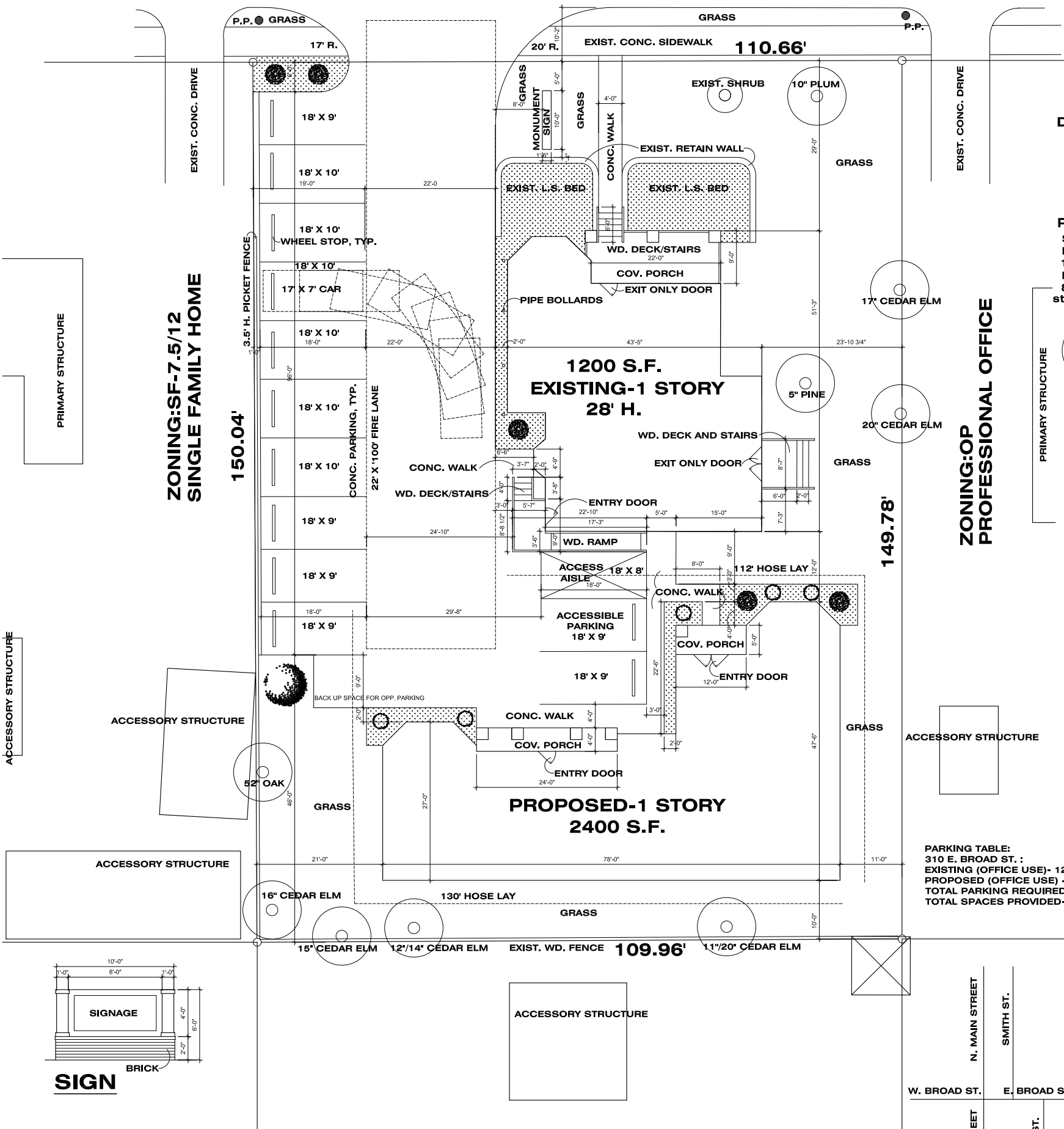
PARKING TABLE:
310 E. BROAD ST. :
EXISTING (OFFICE USE)- 1200 S.F. @ 1:300 = 4 SPACES
PROPOSED (OFFICE USE) - 2400 S.F. @ 1:300 = 8 SPACES
TOTAL PARKING REQUIRED- 12 SPACE
TOTAL SPACES PROVIDED- 12 SPACES



VICINITY MAP
NOT TO SCALE



310 E. BROAD ST.



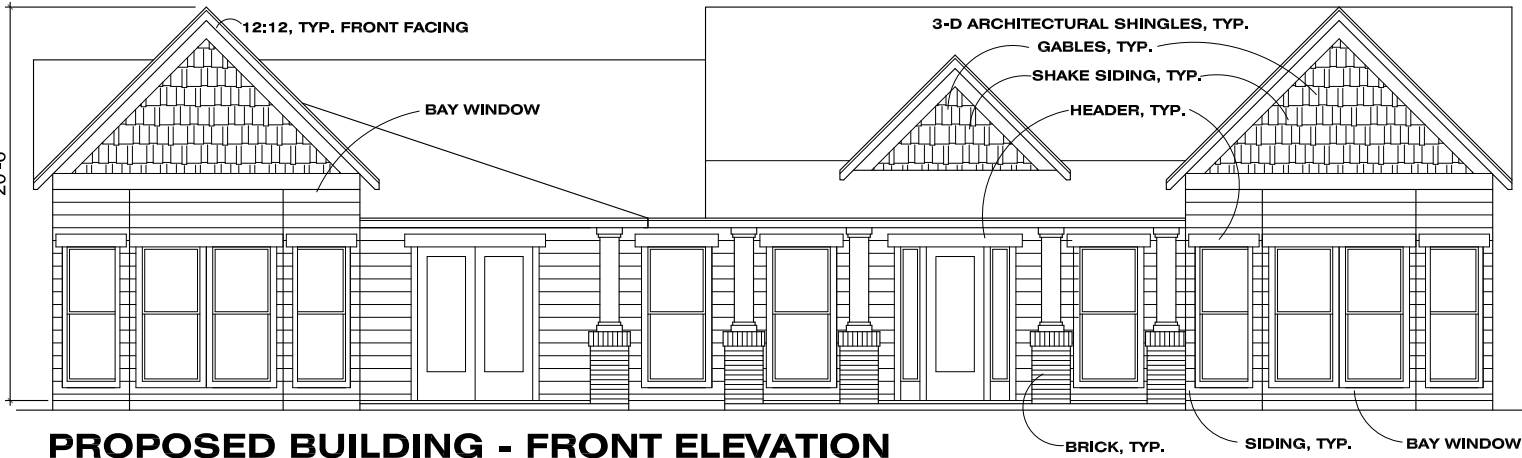
ZONING:SF-7.5/12
SINGLE FAMILY HOME

ZONING:OP
PROFESSIONAL OFFICE

ZONING:SF-7.5/12
SINGLE FAMILY HOME



EXISTING BUILDING



PROPOSED BUILDING - FRONT ELEVATION

COLORS:
BODY- YELLOW (SW-PEACE YELLOW)
TRIM WHITE (SW-SNOWBOUND)
BRICK- RED

310 W KIMBALL ST – NEW BUILDING

- New building in back will be 2,400 sq. ft., single-story, 20'-6" height
- Includes yellow siding, covered porches, bay windows, pitched roof design to match existing home
- Also will include red brick along base, shake siding in gables, white trim, 3-D shingles, and abundant front windows
- Mostly concealed by existing house and landscaping to not detract from historic house

310 W KIMBALL ST – PD REGULATIONS

- No expansion shall be made to existing building and any remodeling or exterior construction shall be compatible w/ historic character of the building
- Max. height of new building shall not exceed max. height of existing building
- Reduction in typical residential proximity requirements from 20' (for a 20'-tall OP-zoned building) to 10'; lighting regulations still apply

310 W KIMBALL ST – ACCESS/PARKING

- Existing driveway on west side will be expanded to provide for 12-space lot
- 22'-wide two-way drive aisle due to space constraints
- Some wider parking spaces to allow for vehicle maneuvering
- Existing pavement and second driveway in front of building to be removed to enhance visibility of historic building
- New sidewalk connections

310 W KIMBALL ST – LANDSCAPING/SCREENING

- Preservation of landscape beds in front of house, as well as nine trees and one shrub
- Ten new shrubs and one crepe myrtle tree to accent new building and parking lot
- Existing rear wood fence to remain
- New 3.5' picket fence on west prop. line
- Ground-mounted equipment, screened
- Trash containers will be screened
- No outside storage of materials/merchandise

310 W KIMBALL ST – SIGNAGE

- New directory sign – 6' x 10' w/ brick base; 32 sq. ft. sign area
- Meets Zoning Ordinance requirements except setback only 5' from front property line (instead of 10') to not encroach landscape beds; consistent w/ several other signs along E. Broad in downtown
- Name plate signs will be allowed per requirements in Section 7100 of Zoning Ordinance

310 W KIMBALL ST – P&Z RECOMMENDATION

- Planning & Zoning Commission considered the request on 3/16/20 and voted 6-0 to recommend approval
- There was discussion about vehicle maneuverability, number of expected tenants in the new building (and whether parking was adequate), and colors on the existing and new buildings

310 W KIMBALL ST – SUMMARY

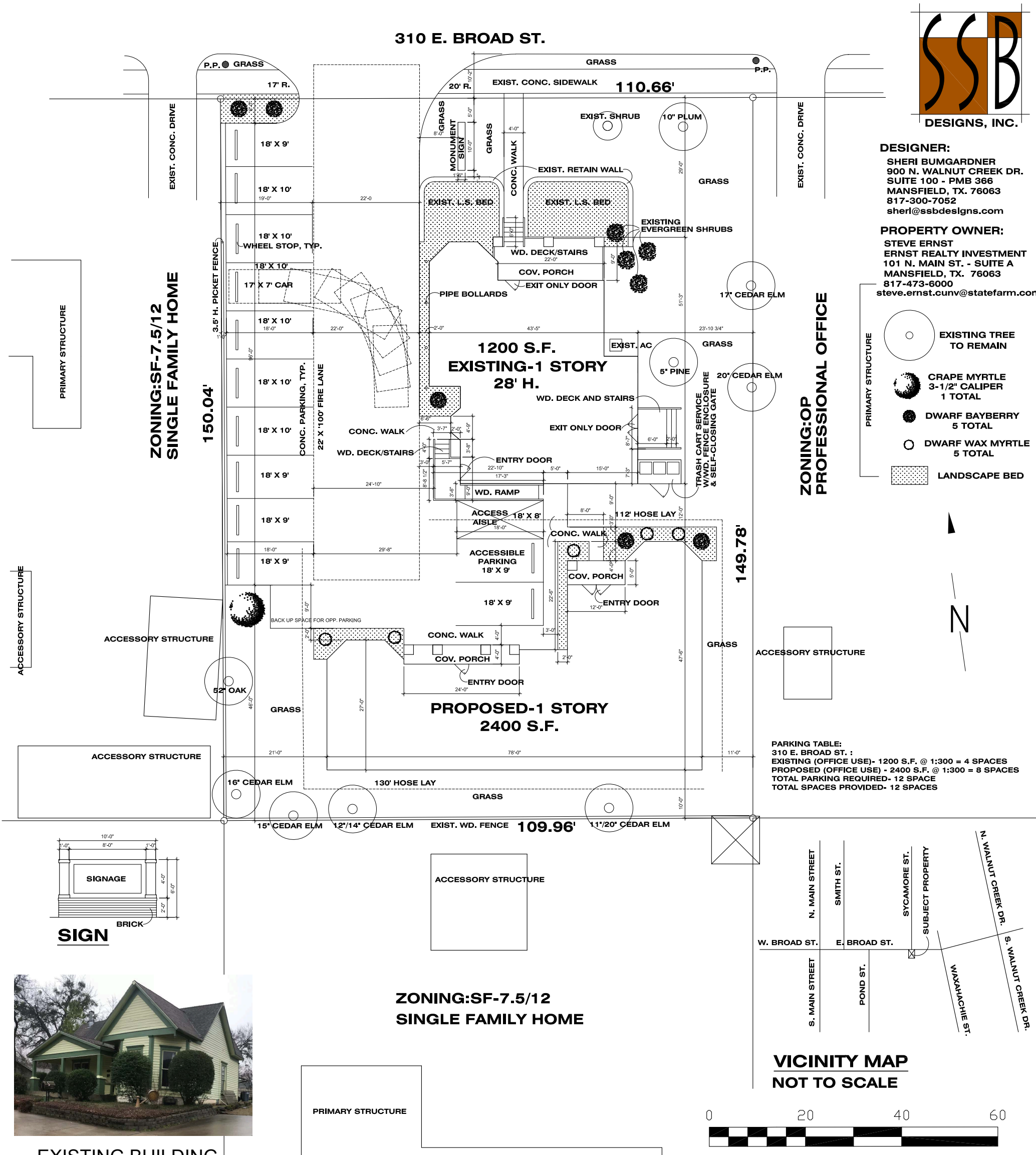
- Will preserve existing historic structure, trees, landscape beds
- New structure will match existing structure while not detracting from it
- More productive use of property, consistent w/ transition to commercial uses seen along E. Broad in downtown
- Provides for parking, screening, signage, and additional landscaping to support the development



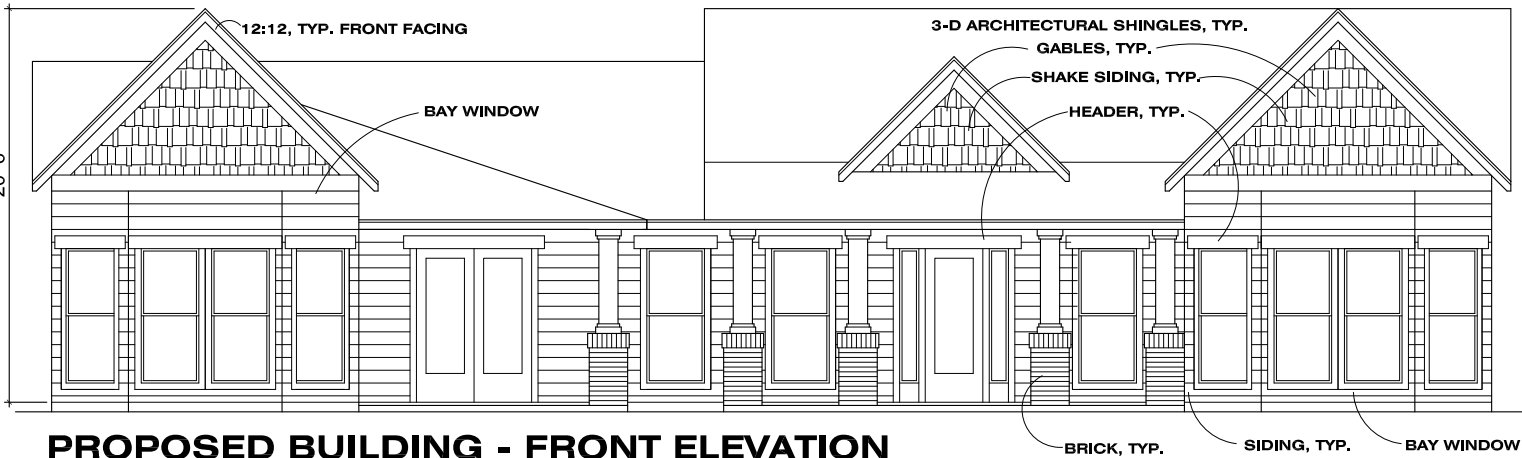
DESIGNER:
SHERI BUMGARDNER
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SUITE 100 - PMB 366
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- EXISTING TREE TO REMAIN**
- CRAPE MYRTLE 3-1/2" CALIPER 1 TOTAL
 - DWARF BAYBERRY 5 TOTAL
 - DWARF WAX MYRTLE 5 TOTAL
- LANDSCAPE BED



EXISTING BUILDING



PROPOSED BUILDING - FRONT ELEVATION

COLORS:
BODY- YELLOW (SW-PEACE YELLOW)
TRIM WHITE (SW-SNOWBOUND)
BRICK- RED

EXHIBIT B FOR ZC#20-003
PLANNED DEVELOPMENT REGULATIONS

Base Zoning: OP, Office Park District

Permitted Uses: Professional and medical office, retail uses, personal service uses, and artist/musician/photography studio.

Building Requirements:

- No expansion shall be made to the existing building.
- Exterior reconstruction and remodeling of the existing building must be compatible with the historic character of the building.
- Maximum height of the proposed building shall not exceed the height of the existing building.
- Exterior facade of the proposed building shall comprise of a combination of brick, cementitious fiber board and shake siding as depicted in the building elevation(s).
- Roof of the proposed building shall have a gable or hip form.
- Exterior paint colors of the existing building and proposed building will be compatible with each other.

Parking Requirements:

- Minimum off-street parking shall be provided as shown in the Development Plan.
- The new parking and drive surface will be constructed of concrete.

Landscaping and Screening Requirements:

- Landscaping and screening shall be provided as shown in the Development Plan
- New landscaping must be irrigated with an irrigation system.
- All equipment shall be ground-mounted and located in the side or rear yard and shall require screening if visible from the street or adjacent property. Screening may comprise of dense shrubs or low fencing that fully conceal the equipment.

Sign Standards: Directory Sign and Name Plate Signs shall be permitted as prescribed in Section 7100, Sign Standards of the Zoning Ordinance with the exception that the Directory Sign will setback only 5' from the front property line.

Residential Proximity Requirements:

- Setback from Adjacent Residential Zoning - A reduced building setback from the adjacent residential zoning shall be permitted as shown in the Development plan.
- Lighting shall be shielded or pointed away from the adjacent residential properties as prescribed in Section 7400, Residential Proximity Standards of the Zoning Ordinance.

Trash Service: It shall be handled via trash carts and screened by fence enclosure as shown in the Development Plan.

Outside Storage: There will be no outside storage of materials or merchandise on the property.

Compliance with PD Regulations: The proposed development will be in complete accordance with the provisions of the approved Planned Development District and that all Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

310 E BROAD ST

Zoning Case #20-003

Zoning Change from SF-8.4/16
Single-Family Residential District
to PD for professional & medical
office uses, boutique retail shops,
and artist studio uses on 0.379 acres

2nd Reading – 4-27-20

310 W KIMBALL ST – SUMMARY

- City Council voted 7-0 to approve at 1st Reading on 4-13-20
- Requests:
 - Place Xs on existing garages to be removed
 - Building colors shall complement each other
 - Increase sign setback if there is room
 - Indicate where trash containers will be located and how they will be screened
 - Consider adding additional uses that would be compatible

310 W KIMBALL ST – CHANGES

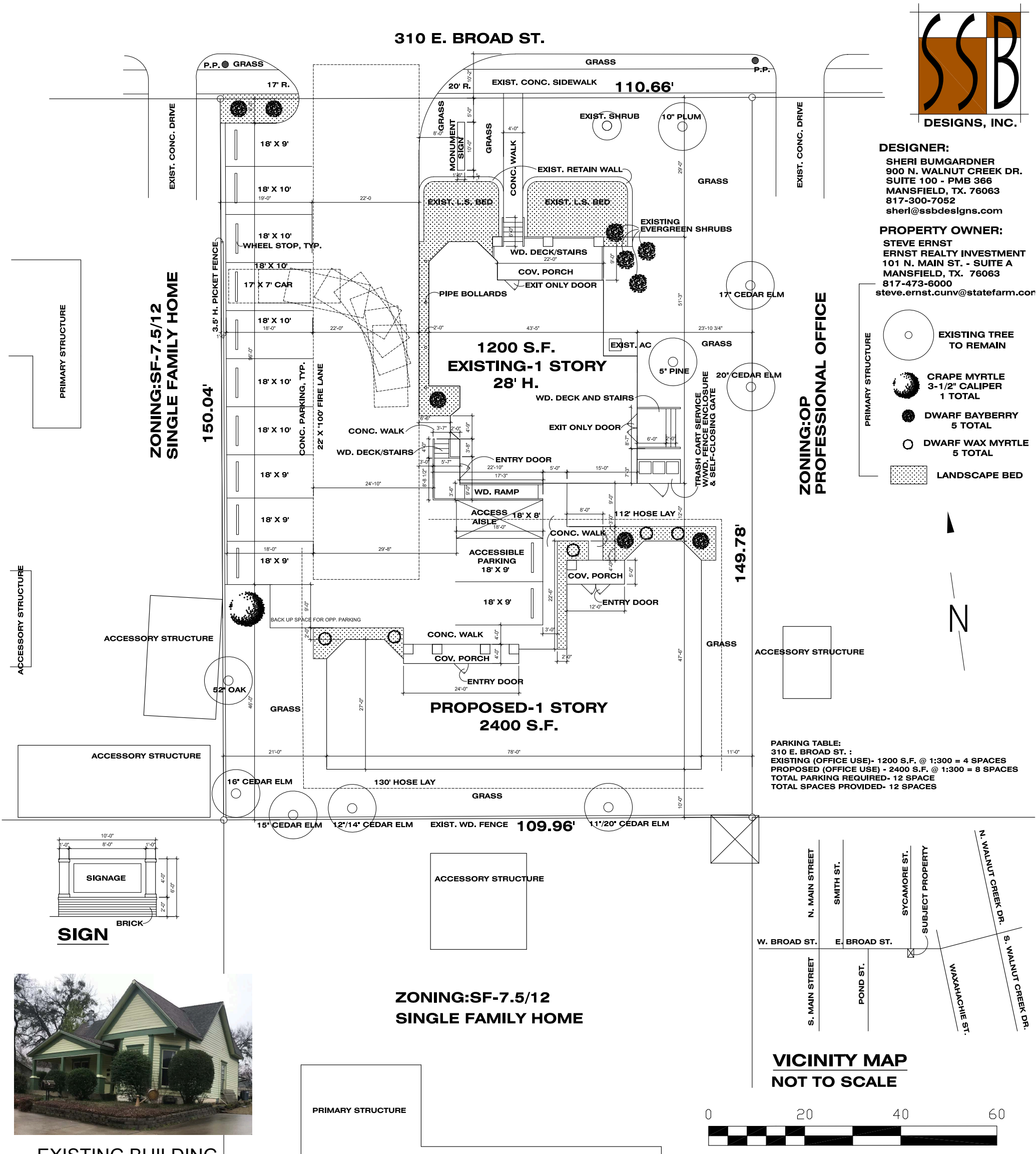
- Added requirement for building colors to complement each other
- Sign setback not increased further due to lack of room, not wanting to impede retaining wall and landscape bed
- Added personal service uses and additional studio uses as permitted uses
- Trash carts on side of house, screened by fence enclosure w/ self-latching gate and further obscured by staircase & trees



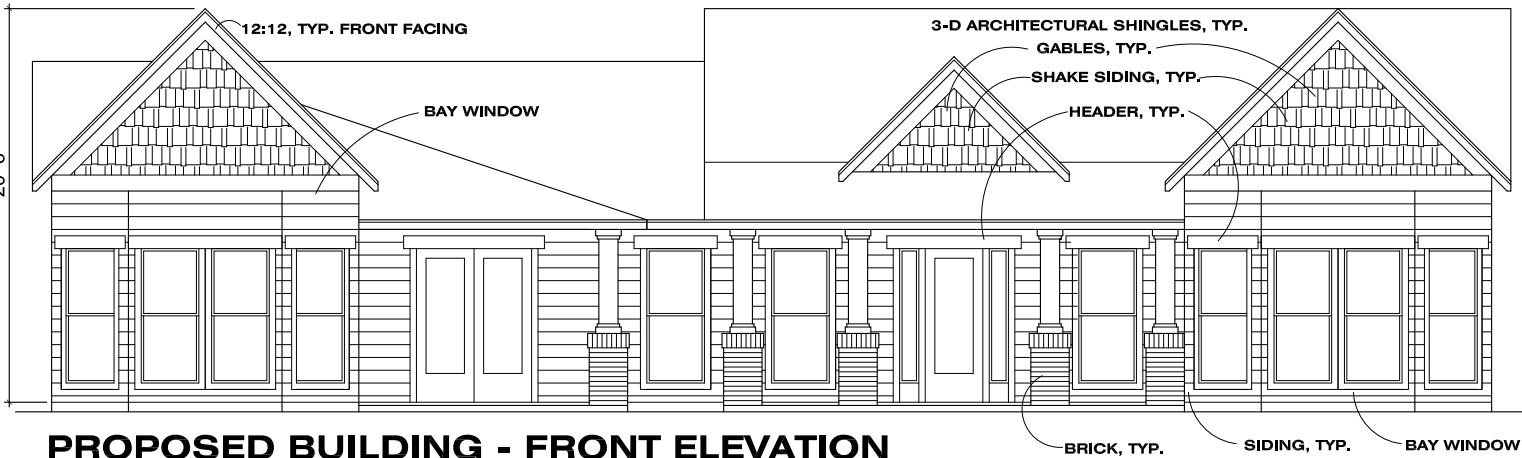
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- LANDSCAPE BED



EXISTING BUILDING



PROPOSED BUILDING - FRONT ELEVATION

COLORS:
BODY- YELLOW (SW-PEACE YELLOW)
TRIM WHITE (SW-SNOWBOUND)
BRICK- RED

EXHIBIT B FOR ZC#20-003
PLANNED DEVELOPMENT REGULATIONS

Base Zoning: OP, Office Park District

Permitted Uses: Professional and medical office, retail uses, personal service uses, and artist/musician/photography studio.

Building Requirements:

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- Exterior reconstruction and remodeling of the existing building must be compatible with the historic character of the building.
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- Lighting shall be shielded or pointed away from the adjacent residential properties as prescribed in Section 7400, Residential Proximity Standards of the Zoning Ordinance.

Trash Service: It shall be handled via trash carts and screened by fence enclosure as shown in the Development Plan.

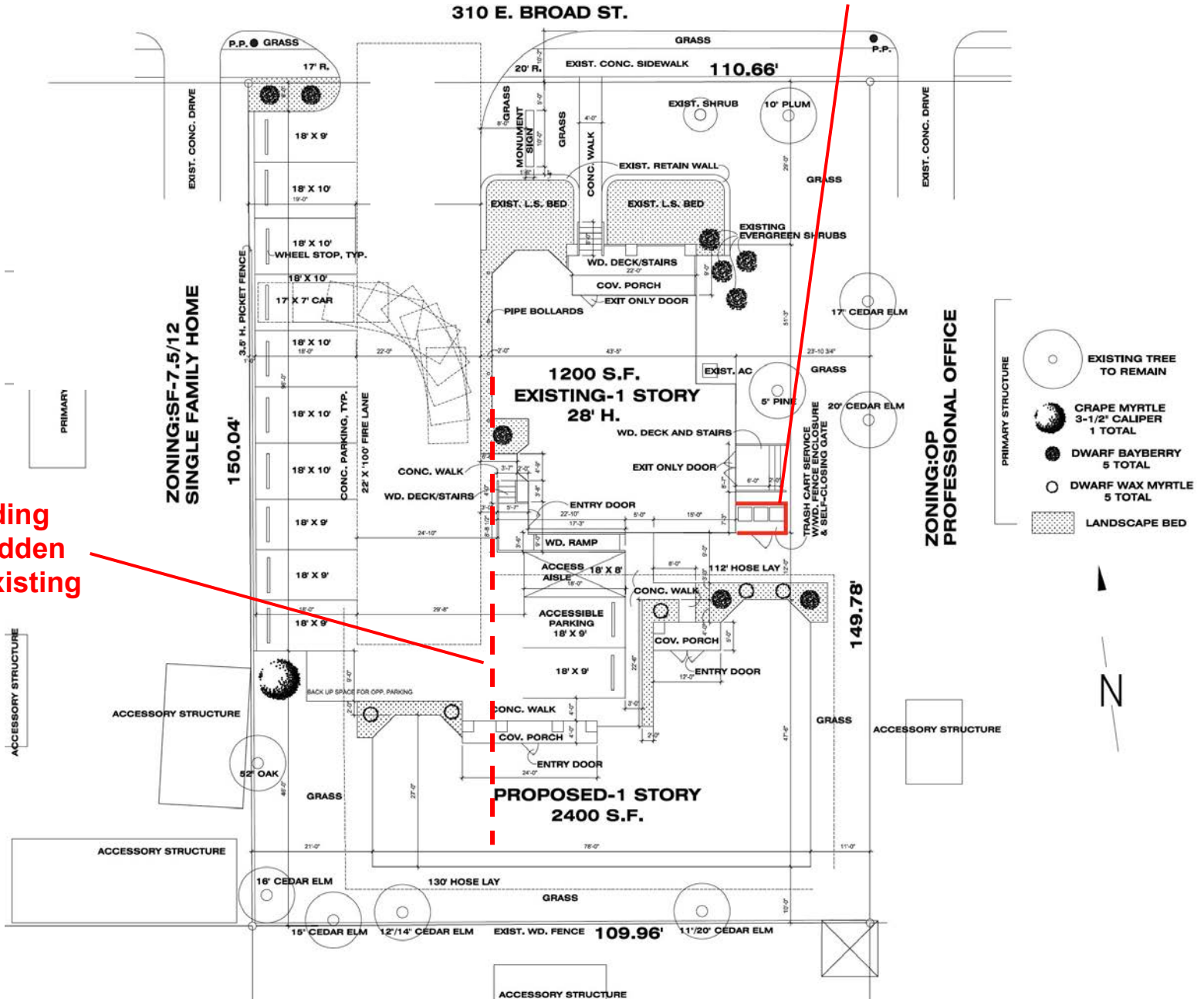
Outside Storage: There will be no outside storage of materials or merchandise on the property.

Compliance with PD Regulations: The proposed development will be in complete accordance with the provisions of the approved Planned Development District and that all Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

Proposed Changes After 1st Reading

- Trash Cart Service Area - Located in the back corner of the existing building; approx. 15' from side property line and 80' from front property line; enclosed by wood fence and self-closing gate; obscured by existing trees and shrubs (see location in site plan on next slide)
- Permitted Uses - Broadened the number of permitted uses to "Professional and medical office uses, retail uses, personal service uses, and artist/musician/photography studio."
- Exterior Paint Colors - Added a new requirement that the exterior colors of the existing building and proposed building will be compatible with each other.

Trash Carts Storage Behind Fence and Gate

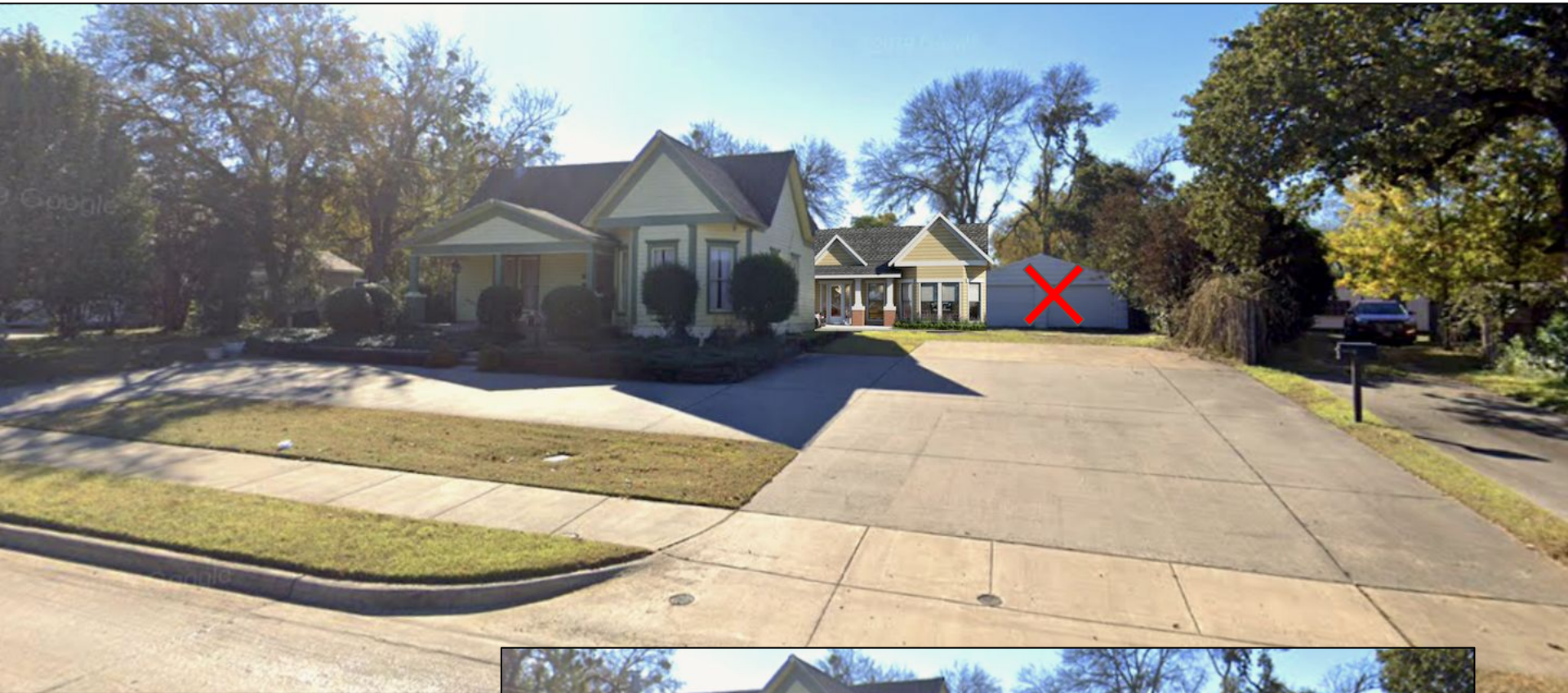


Proposed Building Elevation

**Compatible in Color and Architecture
with the Existing Historic Building**



New Building Mostly Hidden Behind Existing Building



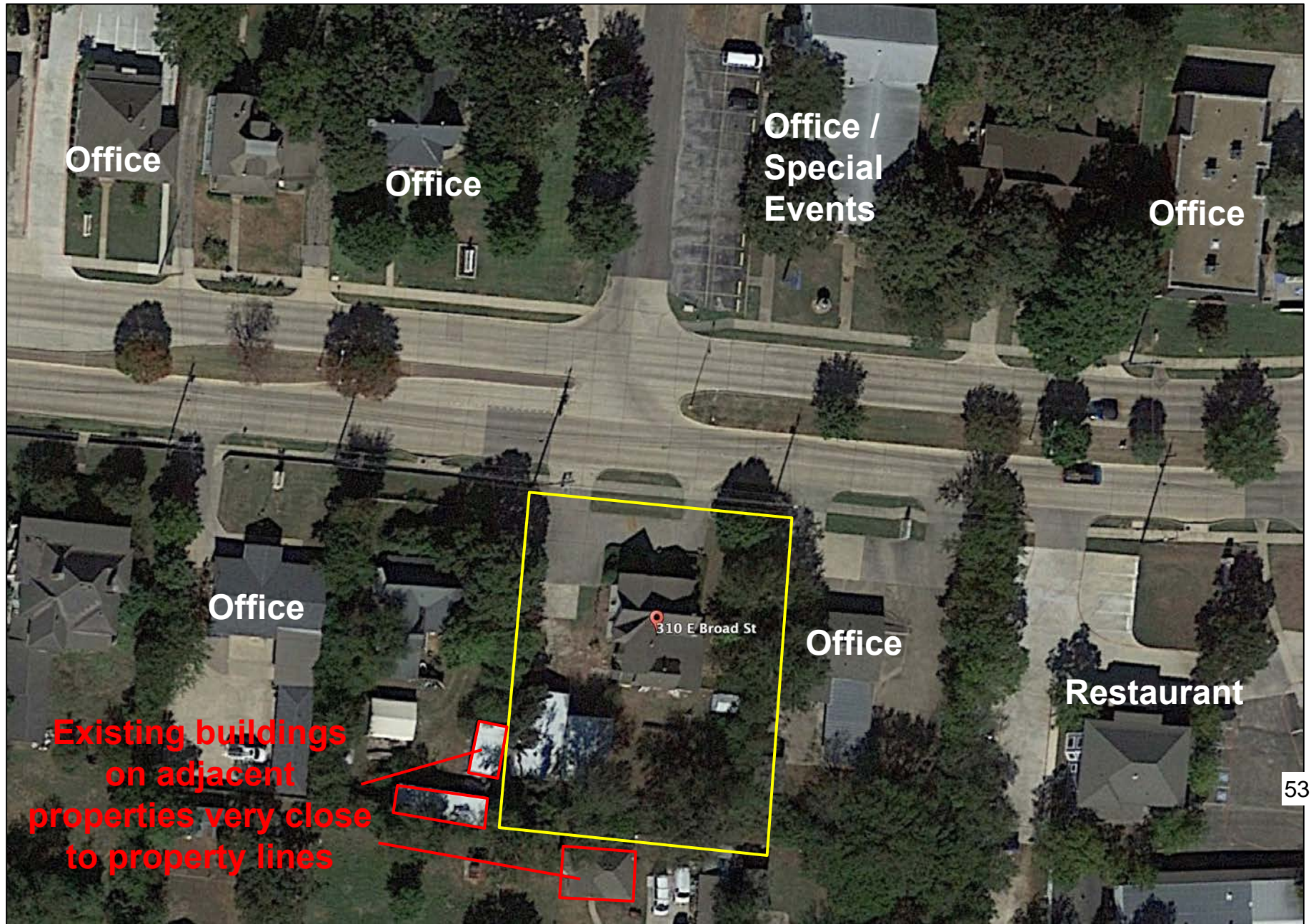
Existing storage
buildings to be
removed



Restoring the Front Yard by removing concrete driveway



Existing Non-Residential Land Uses



Proposed Picket Fence

Along the West Property Line
Compatible with Historic Building



Preserving Existing Historic Home

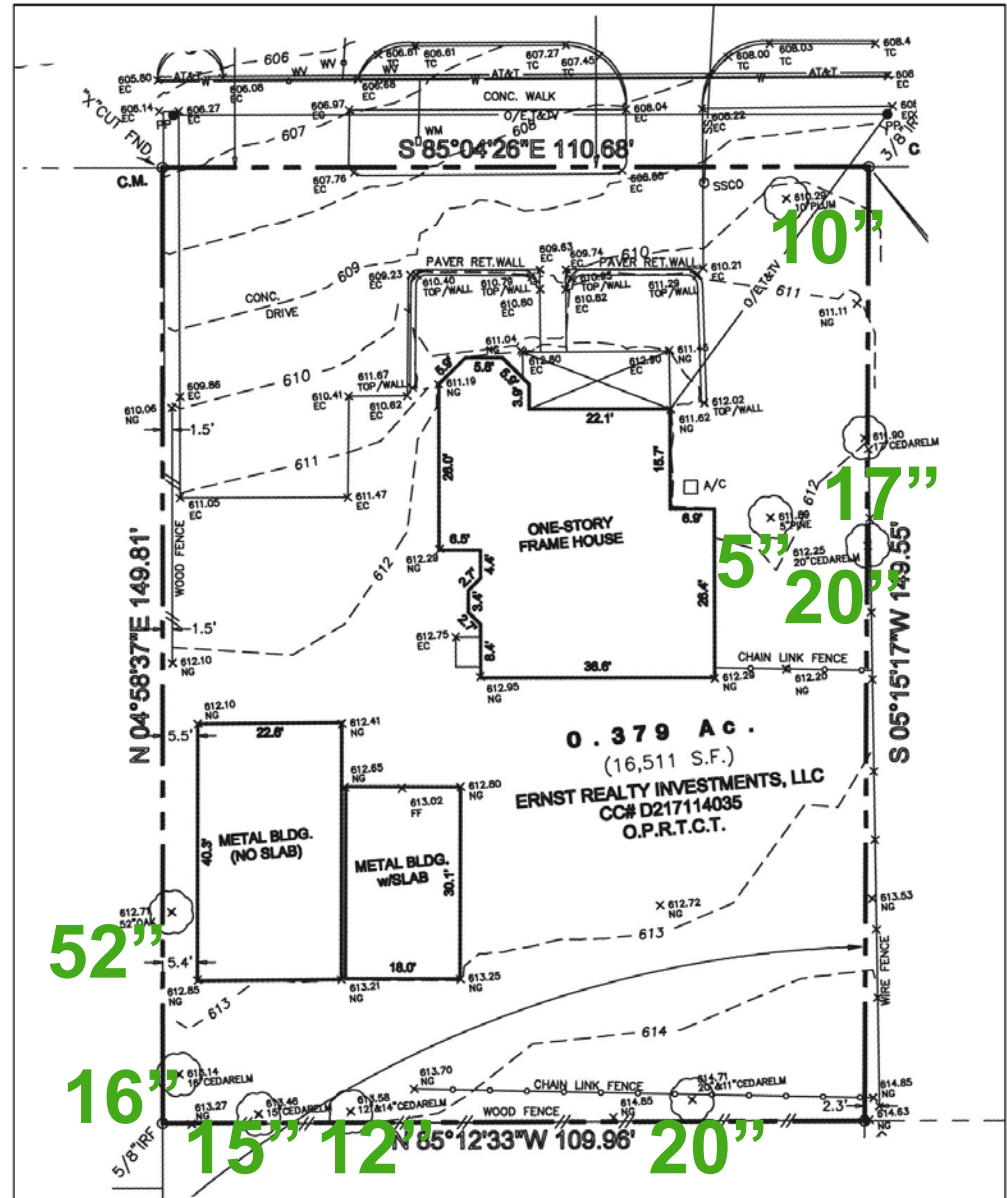


Preserving Existing Trees

52 caliper inches
in front and side yard

115 caliper inches
along rear lot line and
SW corner

Green numbers represent
the size of existing trees





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3552

Agenda Date: 5/11/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas, Authorizing the City Manager to Enter into an Agreement with The Texas Department of Transportation - Fort Worth District for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality (Street Lights on FM 917)

Requested Action

Approval by the City Council authorizing the City Manager to enter into an agreement with the Texas Department of Transportation - Fort Worth District for construction, maintenance and operation of continuous highway lighting systems within a municipality (street lights on FM 917)

Recommendation

The Public Works Department recommends approval of the resolution.

Description/History

This general agreement addresses the State's (TxDOT's) and City's responsibilities for the construction, maintenance and operation of continuous highway lighting systems within a municipality. A continuous lighting system provides relatively uniform lighting on freeway main lanes, entrance and exit ramps and multi-lane arterial roadways.

This agreement will allow TxDOT to design and construct street lights in the median on the divided roadway section of FM 917 from the Main Street/FM 917 intersection to approximately 2,200 feet south of 2nd Ave. TxDOT will design and construct the street lights at no cost to the City. The City will be responsible for the electricity, maintenance and operations of the street lights. A timeframe for the construction has not been determined at this time.

The attached agreement details the responsibilities of the State and City with regards to the construction, maintenance and operation of continuous highway lighting systems within the City of Mansfield for FM 917.

Justification

FM 917 currently does not have street lights to help provide visibility at night. With new developments in the Industrial Area and M3 Ranch, traffic along FM 917 will increase. This agreement with the Fort Worth District of TxDOT will improve safety for drivers at night along the divided roadway section of FM 917 by providing a continuous street light system. This agreement must be executed prior to the State contributing financial aid to the project (design

and construction).

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

Funding Source

N/A

Prepared By

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION – FORT WORTH DISTRICT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING SYSTEMS WITHIN A MUNICIPALITY (STREET LIGHTS ON FM 917).

WHEREAS, it is recognized that it is the best interest of the citizens of the City of Mansfield that the City enter into an agreement with the Texas Department of Transportation – Fort Worth District for construction, maintenance and operation of continuous highway lighting systems within a municipality (street lights on FM 917), and;

WHEREAS, the Texas Department of Transportation – Fort Worth District and the City of Mansfield have agreed to said terms of the Agreement, and;

WHEREAS, the Texas Department of Transportation – Fort Worth District and the City of Mansfield have agreed to contract with each other for construction, maintenance and operation of continuous highway lighting systems in the City of Mansfield;

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

SECTION 1.

The City Council authorizes the City Manager or his designee to enter into an agreement with the Texas Department of Transportation – Fort Worth District for construction, maintenance and operation of continuous highway lighting systems in the City of Mansfield and to transmit the same to the State of Texas for appropriate action.

PASSED AND APPROVED THIS THE 11th DAY OF MAY, 2020.

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary

**AGREEMENT FOR CONSTRUCTION, MAINTENANCE
AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING
SYSTEMS WITHIN A MUNICIPALITY
(Blanket Agreement)**

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, acting by and through the Texas Department of Transportation, and the City of Mansfield, for all City boundaries located in both Tarrant and Johnson Counties, Texas, acting by and through its duly authorized officers under an ordinance or resolution passed the ____ day of _____, 20____, hereinafter called the "City," party of the second part, is made to become effective when fully executed by both parties.

W I T N E S S E T H

WHEREAS, the City has requested the State to contribute financial aid in the construction, maintenance and operation of a continuous highway lighting system in accordance with 43 Texas Administrative Code, § 25.11. Within the City, said continuous lighting system hereinafter referred to as the "lighting system" is to consist of continuous lighting to be built in sections as financed and designated by the Texas Transportation Commission; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will construct said highway lighting system, conditioned that the City, as provided in Texas Administrative Code § 25.11 and Transportation Code §221.002, will maintain and operate said lighting system.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

Article 1. CONSTRUCTION RESPONSIBILITIES

- A. The State will prepare or provide for the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction, and will supervise construction, reconstruction, or betterment work as required by said plans and specifications. As a project is developed to construction stage, either as a unit or in increments, the State will submit

plans and specifications of the proposed work to the City and will secure the City's consent to construct the lighting system prior to awarding the contract, said City consent to be signified by the signatures of duly authorized City officers in the spaces provided on the title sheet of plans containing the following notation:

"Attachment No. _____ to special AGREEMENT FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING SYSTEMS WITHIN A MUNICIPALITY, (BLANKET), dated _____. The City-State construction, maintenance and operation responsibilities shall be as heretofore agreed to, accepted, and specified in the Agreement to which these plans are made a part."

- B. All costs of constructing the lighting system will be borne by the State, and the lighting system will remain the property of the State.

Article 2. MAINTENANCE AND OPERATION RESPONSIBILITIES

- A. The City hereby agrees to furnish, at its expense, the electrical energy required for proper operation of the lighting system, such electrical energy to be provided at points on the lighting system as designated by the State. The City further agrees to maintain and operate the lighting system in an efficient and slightly condition, including the furnishing of all equipment and labor and making any replacements which may become necessary, without cost to the State.
- B. The City shall assume maintenance and operation on a date to correspond with the date construction of the lighting system is completed and accepted by the State. The State will provide written notification to the City of such acceptance. The City hereby agrees to furnish at its expense the electrical energy consumed by the system during the period of trial operation prior to acceptance by the State. If the lighting system is constructed by sections, this provision shall apply to each such separately constructed section.
- C. The City shall obtain approval of the Executive Director before making any major changes in the design and/or operation of the lighting system as designed and constructed by the State or before the removal of any part of the installation except for the purpose of replacement where identical or accepted equivalent equipment to that originally installed is used.

Article 3. GENERAL

- A. This Agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City and shall be automatically renewed for two-year periods unless modified by mutual agreement of both parties.
- B. The State will not incur any financial obligation to the City as a result of this Agreement.
- C. This Agreement may be terminated sixty (60) days after the filing of a written

notice by either party of a desire for cancellation. The State reserves the right to remove the lighting system upon cancellation of the Agreement.

- D. If, at any time, the City does not maintain and operate the lighting system in a satisfactory manner, the State reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system. Should the lighting system be removed due to lack of maintenance, the City hereby agrees to reimburse the State for the cost of removal.
- E. Should disputes arise as to the parties' obligations under this Agreement, the State's decision shall be final and binding.
- F. The City shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of this Agreement.
- G. Changes in time frame, character, cost, or obligations authorized herein shall be enacted by written amendment. Any amendment to this Agreement must be executed by both parties within the contract period.
- H. This Agreement shall bind, and shall be for the sole and exclusive benefit of the respective parties and their legal successors. The City shall not assign or transfer its interest in this Agreement without written consent of the State.
- I. In case any one or more of the provisions contained in this Agreement shall, or any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- J. This Agreement constitutes the sole and only agreement for lighting at the location described herein of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting the within subject matter.
- K. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 4. INDEMNIFICATION

The City acknowledges that it is not an agent, servant, or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this Agreement.

Article 5. AUDIT

The State Auditor may conduct an audit or investigation of any entity receiving funds directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit.

Each party is signing this agreement on the date stated below that party's signature.

ATTEST:

CITY OF: _____

By: _____

(Title of Signing Official)

(Date)

THE STATE OF TEXAS

Executed for the Executive Director
and approved for the
Texas Transportation Commission
for the purpose and effect of
activating and/or carrying out the
orders, established policies or work
programs heretofore approved and
authorized by the Texas
Transportation Commission.

APPROVED:

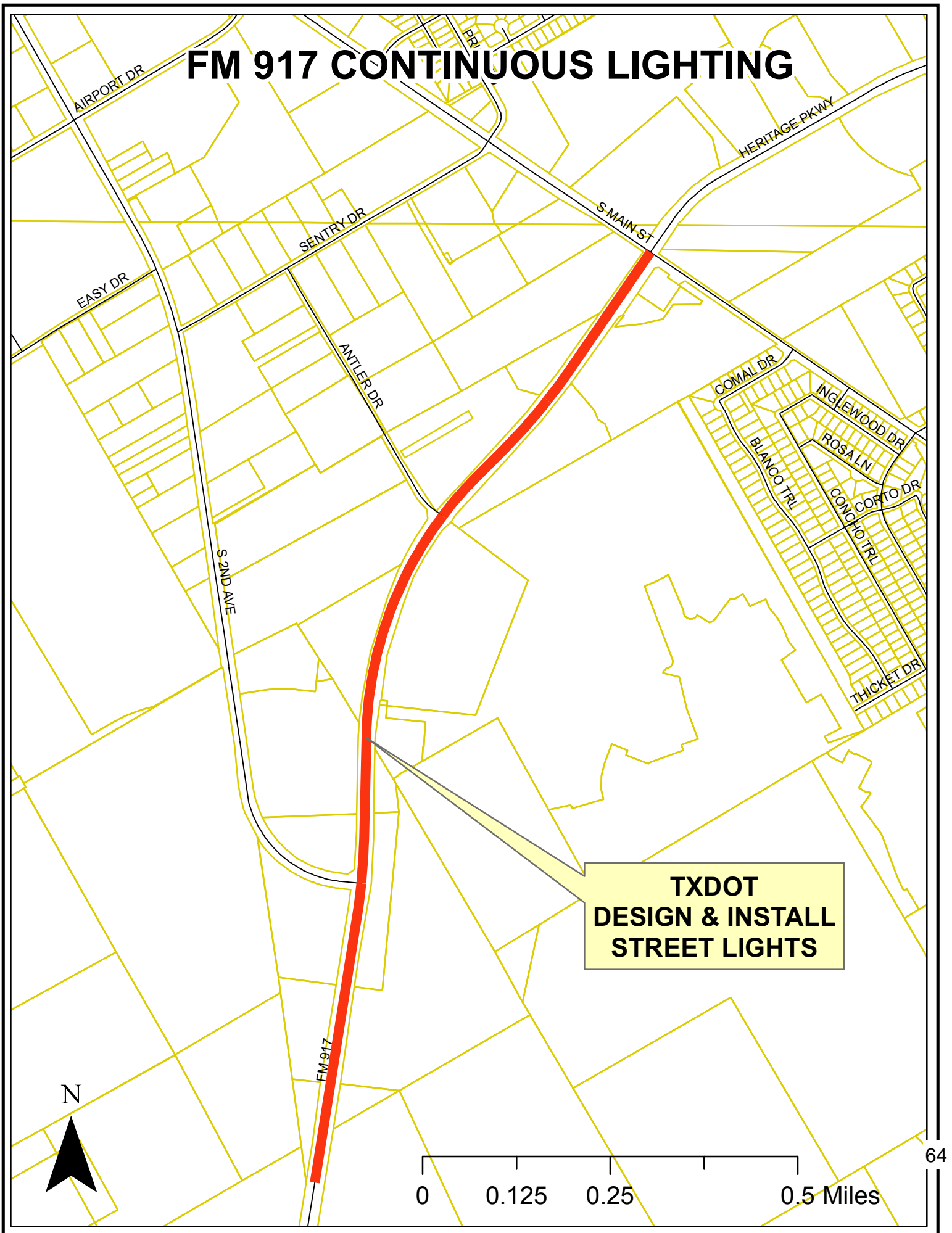
By: _____

District Engineer

_____ District

Date: _____

FM 917 CONTINUOUS LIGHTING





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3553

Agenda Date: 5/11/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas Finding that Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code § 25.243 to Increase Distribution Rates Within the City Should be Denied

Requested Action

Recommendation

Staff recommends that the Council adopt the resolution.

Description/History

On April 3, 2020, Oncor filed an Application to amend its Distribution Cost Recovery Factor ("DCRF") with each of the cities retaining original jurisdiction and with the Commission in Docket No. 50734. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill).

Justification

The Commission's rules allow cities 60 days to act on this application. That deadline is June 2, 2020.

The resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor ("OCSC") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Funding Source

N/A

Prepared By

Jeff Price, Director of Utilities
817-728-3602

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Mansfield, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Mansfield will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members deny Oncor's DCRF.

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 50734.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Mansfield hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

PASSED AND APPROVED this 11th day of May, 2020.

Mayor, David Cook

ATTEST:

City Secretary, Susana Marin



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3554

Agenda Date: 5/11/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Awarding a Forty-Eight Month Contract for the Lease of Chlorine Dioxide Equipment, Services, and the Supply of Sodium Chlorite, for an Amount Not to Exceed \$0.706 / Wet Pound (Utility Funds FY-2020-2024 Operating Budget 25-8105-8401-01)

Requested Action

Consider the attached resolution authorizing a four-year contract for the Lease of Three Chemical Generating Chlorine Dioxide Equipment, Services, and the Supply of Sodium Chlorite.

Recommendation

City staff recommends approval of a resolution awarding the bid to the lowest and best bidder, Evoqua Water Technologies, for the lease of chlorine dioxide equipment, services, and the supply of sodium chlorite for an amount not to exceed \$0.706 / Wet Pound.

Description/History

The Bud Ervin Water Treatment Plant (BEWTP) has used chlorine dioxide since 2003. Its primary role is to oxidize and participate out of the water iron and manganese metals. This is a critical protection process for the microfiltration membranes and their life expectancy. Evoqua is the current vendor and is the patent holder for the three chemical process for onsite chlorine dioxide generation.

Justification

Chlorine Dioxide reduces taste and odor complaints, assists in the removal of organic and inorganic compounds, and increases the clarity of settled water. The end result is a more pleasant and safer supply of drinking water. Currently, a two chemical process is in place to generate chlorine dioxide. One of these two chemicals is chlorine gas. Chlorine gas is a highly regulated chemical and is extremely toxic to humans. Converting to a three chemical process to generate chlorine dioxide will eliminate the use of chlorine gas at the plant, making it a less toxic work environment, less required regulatory compliance, and safer for the citizens of Mansfield.

Funding Source

Utility Fund FY-2020-2024 Operating Budgets

Prepared By

Jeff Price Director, Water Utilities
817-728-3602

RESOLUTION NO. RE-????-20

A RESOLUTION AWARDDING A FOUR YEAR CONTRACT, WITH GENERATION CONVERSION FROM A TWO CHEMICAL PROCESS TO A THREE CHEMICAL PROCESS, TO EVOQUA WATER TECHNOLOGIES FOR THE LEASE OF THREE CHEMICAL GENERATING CHLORINE DIOXIDE EQUIPMENT, SERVICES, AND THE SUPPLY OF SODIUM CHLORITE, FOR THE CITY OF MANSFIELD WATER TREATMENT PLANT

WHEREAS, the City of Mansfield, Texas, requires the supply of chlorine dioxide equipment, services, and bulk tank truckloads of sodium chlorite to be used for drinking water treatment; and,

WHEREAS, the expenditure of the funds stated herein has been incorporated into the FY-2020, and will be included in FY-2021 through FY-2024 Utility Fund Operating Budget of the City of Mansfield; and,

WHEREAS, it is the recommendation of staff and determination of City Council that the contract with Evoqua Water Technologies be established for a period of four years.

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

SECTION 1.

The City Manager or his designee is hereby authorized and directed to execute contractual documents for the supply of chlorine dioxide equipment, services, and bulk tank truckloads of sodium chlorite (chlorine dioxide) from Evoqua Water Technologies for a contract price not to exceed \$0.706 (seventy and six tenth cents) per liquid pound delivered for a forty-eight-month period of the contract, thereafter the contract may be renewed for one twelve-month period if mutually agreed by both parties 30-days prior to the end of the initial twelve-month period.

PASSED AND APPROVED THIS 11th DAY OF MAY, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

April 29, 2020

Mr. David Hinshaw
Treatment Plant Manager
City of Mansfield
707 Pleasant Ridge Ct.
Mansfield, TX 76063
Phone: (817) 728-3674
Email: David.hinshaw@mansfieldtexas.gov

RE: SOLE SOURCE AKTA KLOR 25 AND FULL SERVICE FOR MILLENIUM III™ CHLORINE DIOXIDE GENERATOR SUPPLY

Dear Mr. Hinshaw:

Evoqua Water Technologies LLC is the sole source supplier of AktaKlor 25 for municipal drinking water applications and the OEM provider of service, parts and repair contracts on our line of chlorine dioxide generation systems. This includes the MILLENIUM III™ two and three chemical generator lines manufactured exclusively at our facilities. We maintain dedicated, experienced and certified service staff for this purpose. At the present time no other service firms or 3rd party personnel are trained, certified and authorized to provide the required OEM service, parts and repairs on the Millennium III chlorine dioxide generators.

A license to use MILLENIUM III™ products is included with the product sale. Patents that cover aspects of the use of MILLENIUM III™ products include, but are not necessarily limited to, United States Patent Nos. 7,504,074 B2, 8,784,733 B2 and other patents pending. MILLENIUM III™ and Full Service Disinfection Control are trademarks of Evoqua Water Technologies LLC.

Please feel free to contact me at (817) 825-0956 if you have any questions.

Sincerely,

Evoqua Water Technologies LLC

John Robinson

John Robinson
Region Manager



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3556

Agenda Date: 5/11/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Approving the City of Mansfield's Participation in Tarrant County's Community Development Block Grant Program for the Three Program Year Period for Fiscal Year 2021 Through Fiscal Year 2023

Requested Action

Approve the Resolution Approving the City of Mansfield's Participation in Tarrant County's Community Development Block Grant Program for the Three Program Year Period for Fiscal Year 2021 Through Fiscal Year 2023.

Recommendation

Approve the Resolution.

Description/History

Each year the City of Mansfield participates in a consortium with 29 other cities in Tarrant County to make application for Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD).

Projects must fall within targeted areas in the City that meet HUD criteria in order to receive funds. The targeted areas represent the low to moderate-income sections of the City according to the Census. For

the past sixteen years the program projects have targeted the southwest & northwest quadrants of the original township. The resolution approves an agreement that stipulates that the City of Mansfield is agreeing to remain within the Tarrant County consortium and maintain the option to apply for CDBG funds for the next three fiscal years. The agreement also commits the City to utilize the funds that are dispersed by HUD in accordance with all program requirements. These program requirements are stipulated in the Resolution. The City of Mansfield as part of the consortium of 29 Cities applies to HUD for funding under the direction of Tarrant County. Therefore compliance with program requirements is vetted by Tarrant County staff overseeing the program in addition to City Staff. A Copy of the Resolution has been attached for Council's review. Tarrant County has requested that the Mayor execute 5 original copies of the agreement.

Justification

The City of Mansfield has participated in the Consortium since its inception in 1975. The program is an excellent way to help fund the rehabilitation of the targeted areas of the City while minimizing the impact

to the local tax rate. The City Attorney and Director of Public Works will be in attendance at the meeting to answer Council's questions regarding the proposed resolution and the City's participation in the CDBG program. A resolution is attached for Council's consideration.

Funding Source

Not Applicable

Prepared By

Trace Hilton, Engineering Department

RESOLUTION#_____

RESOLUTION REGARDING CITY OF MANSFIELD PARTICIPATION IN TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT CONSORTIUM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR 2021 THROUGH FISCAL YEAR 2023.

WHEREAS, Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992, establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for persons of low and moderate income, and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, establishes the HOME Investment Partnership Act to expand the supply of decent, safe, sanitary and affordable housing for very low-income and low-income Americans, and

WHEREAS, Tarrant County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) program funds provided said County has a combined population of 200,000 persons in its unincorporated areas and units of general local government with which it has entered into cooperative agreements, and

WHEREAS, Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities, and

WHEREAS, the City of Mansfield shall not apply for grants under the State CDBG Program from appropriations for fiscal years during the period in which it is participating in Tarrant County's CDBG program, and

WHEREAS, the City of Mansfield shall not participate in a HOME consortium except through Tarrant County; however, does not preclude Tarrant County or the City of Mansfield from applying to the State for HOME Investment Partnership (HOME) funds, if the State allows, and

WHEREAS, the City of Mansfield may receive Emergency Solutions Grant (ESG) programming through Tarrant County; however, does not preclude Tarrant County or the City of Mansfield from applying to the State for Emergency Solutions Grant (ESG) funds if the State allows, and

WHEREAS, through cooperative agreements Tarrant County has authority to carry out activities funded from annual Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Program Allocation from Federal Fiscal Years 2021, 2022, and 2023, from any program income generated from the expenditure of such funds and any successive qualification periods under automatic renewal, and

WHEREAS, this cooperative agreement covers Federal Fiscal Years 2021, 2022, and 2023, it will automatically be renewed for participation in successive three-year qualification periods, unless the County or the City of Mansfield informs HUD with written notice to elect to not participate in a new qualification period, and

WHEREAS, the cooperative agreement will be automatically renewed by the date specified in HUD's urban county qualification notice for the next qualification period, Tarrant County will notify City of Mansfield in writing of its right not to participate, and

WHEREAS, the automatic renewal, Tarrant County and City of Mansfield will be required to adopt and submit to HUD any amendment to the agreement incorporating changes necessary to meet the requirements set forth in an Urban County Qualification Notice and

WHEREAS, Tarrant County and the City of Mansfield agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, and

WHEREAS, Tarrant County and the City of Mansfield will take all actions necessary to assure compliance under section 104(b) of Title I of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and

WHEREAS, Tarrant County will not fund activities in, or in support of City of Mansfield that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification, and

WHEREAS, Tarrant County and City of Mansfield will comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, of Title II of the Americans with Disabilities Act, Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968 and other applicable laws, and

WHEREAS, the City of Mansfield has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil demonstrations and

WHEREAS, the City of Mansfield has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions, and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County is responsible for ensuring that CDBG, HOME and ESG funds are used in accordance with all program requirements, including monitoring and reporting to U.S. Department of Housing and Urban Development, on the use of program income and

WHEREAS, pursuant to 24 CFR 570.501(b), the City of Mansfield is subject to the same requirements applicable to sub recipients, including the requirement of a written agreement as described in 24 CFR 570.503, and

WHEREAS, Tarrant County and City of Mansfield may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

NOW, THEREFORE, BE IT RESOLVED, by the City of Mansfield, that the City Council of Mansfield, Texas supports the application of Tarrant County for funding from Housing and Community Development Act of 1974, as amended, and Cranston Gonzalez National Affordable Housing Act, as amended, and asks that its population be included for three successive years with that of Tarrant County, Texas to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and Affordable Housing activities under Public Law 101-625, and authorizes the Mayor of Mansfield, Texas to sign such additional forms as requested by the Department of Housing and Urban Development pursuant to the purposes of the Resolution, and further that the City of Mansfield, Texas understands that Tarrant County will have final responsibility for selecting projects and filing annual grant requests.

BE IT FUTHER RESOLVED, this cooperative agreement will automatically be renewed for participation in successive three year qualification periods, unless Tarrant County or the City of the City of Mansfield provides written notice it elects not to participate in a new qualification period. Tarrant County will notify the City of Mansfield in writing of its right to make to such election on the date specified by the U.S. Department of Housing and Urban Development in HUD's urban county qualification notice for the next qualification period. Any amendments or changes contained within the Urban County Qualification Notice applicable for the subsequent three-year urban county qualification period must be adopted by Tarrant County and the City of Mansfield, and submitted to HUD. Failure by either party to adopt such an amendment to the agreement will void the automatic renewal of this agreement.

This agreement remains in effect until CDBG, HOME, ESG funds and income received to the fiscal 2021, 2022, 2023 programs, and to any successive qualification periods provided through the automatic renewal of this agreement, are expended and the funded activities completed, neither Tarrant County nor the City of Mansfield may terminate or withdraw from the agreement while the agreement remains in effect.

Official notice of amendments or changes applicable for the subsequent three-year urban county agreement shall be in writing and be mailed by certified mail to the City Secretary of the City of Mansfield. Any notice of changes or amendments to this agreement by the City of Mansfield to Tarrant County shall be in writing to the Tarrant County Community Development Division Director.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

PASSED AND APPROVED THIS _____ DAY OF _____, 2020

COMMISSIONERS COURT CLERK

COUNTY JUDGE

PASSED AND APPROVED THIS _____ DAY OF _____, 2020
Approval Form for District Attorney.

Approved as to Form*

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

**JOINT ADMINISTRATIVE AGREEMENT FOR ADMINISTRATION OF
COMMUNITY DEVELOPMENT BLOCK GRANT**

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TARRANT

§

The **CITY OF MANSFIELD**, hereinafter called "City", has accepted a designation by the United States Department of Housing and Urban Development (HUD) as a metropolitan city eligible to receive direct entitlement of Community Development Block Grant (CDBG) funds for the FY 2021-2023 program years, and

The **CITY OF MANSFIELD** has entered into a cooperative agreement (auto renewing "Resolution" 21-23) with **TARRANT COUNTY**, hereinafter called "County", to participate in the County's CDBG program as a metropolitan city eligible to receive direct entitlement of CDBG funds, and

The **CITY OF MANSFIELD** and **TARRANT COUNTY** have agreed to abide by HUD requirements as detailed in CPD 20-03, in the cooperative agreement (auto renewing "Resolution" 21-23), and in accordance with 24 CFR 570.308.

This **JOINT ADMINISTRATIVE AGREEMENT** is made and entered into by and between the City Council of the **CITY OF MANSFIELD** and **TARRANT COUNTY** and the parties hereby AGREE as follows:

1. Scope of Term of Services. The County through this Joint Administrative Agreement agrees to administer on behalf of the City of MANSFIELD all activities and requirements of federal, state and local law, and rules and procedures of the United States Department of Housing and Urban Development with regard to the City's Community Development Block Grant entitlement program for the Fiscal Years 2021 through 2023.

2. Distribution of CDBG. The City shall receive CDBG entitlement program funding from the County as an entitled metropolitan city. The amount of funding shall be equivalent to or greater than what HUD determines annually as the City's entitlement as a metropolitan city.

3. Duties of County. The County shall be responsible for administering all activities related to the City CDBG entitlement program in accordance with 24 CFR 570.500 Subpart "J" Grant Administration, 24 CFR 570.501(b), and 24 CFR 570.503.

4. Duties of the City. The City will approve all City CDBG entitlement program funding decisions. The City will determine specific programs, projects, or any other uses to the extent permitted and consistent with HUD eligible activities.

5. Administrative Expenses. The County shall retain, for HUD eligible reimbursable administrative costs, an amount not to exceed TWENTY PERCENT (20%) of the total annual HUD allocation under 570.205, 570.206 and OMB Circular A-87 and A-133.

This Joint Administrative Agreement is executed on behalf of the **CITY OF MANSFIELD** and **TARRANT COUNTY** by its duly authorized officials.

CITY OF MANSFIELD

David L. Cook, MAYOR of CITY of MANSFIELD

DATE: _____

TARRANT COUNTY, TEXAS

B. Glen Whitley, COUNTY JUDGE

DATE: _____

Approved as to Form*

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3551

Agenda Date: 5/11/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

Suspending the Procedural Rules of Council to Reschedule the Regularly Scheduled City Council Meeting of May 25, 2020 to May 26, 2020

Requested Action

Consider the suspension of the Procedural Rules of Council as set out in Section 1.02 (J) "General Rules - Suspension of Rules" and reschedule the regularly scheduled City Council Meeting of May 25, 2020 to May 26, 2020.

Recommendation

Suspend the Procedural Rules of Council and reschedule the May 25, 2020 Regular City Council Meeting to May 26, 2020.

Description/History

The following sections of the Procedural Rules of Council are being provided for informational purposes.

Section 1.02 General Rules

J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State Law must be temporarily suspended by a majority vote (four) of all members of the Council. The vote on all such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.

Section 1.03 Meetings

A. Regular Meetings: The Council shall meeting regularly on the second and fourth Monday of each month. The regular meetings of the Council shall be held in the Council Chambers of the City Hall unless otherwise established by Council.

Justification

May 25, 2020 is Memorial Day; therefore, City offices will be closed.

Funding Source

N/A

Prepared By

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

- G. City Attorney: The City Attorney shall attend all meetings of the Council unless excused, by the City Manager and shall advise the Council on questions of law and procedures. The City Manager is required to ensure an attorney is present at all Council meetings.
- H. City Secretary: The City Secretary (or in City Secretary's absence the Assistant City Secretary) shall attend all meetings of the Council unless excused, by the City Manager who will ensure a person is appointed to take minutes and administer the role of the City Secretary) and shall keep the official minutes.
- I. Rules of Order: Unless in conflict with these rules, the latest version, Robert's Rules of Order Revised shall govern the proceedings of the Council in all cases.
- J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State law may be temporarily suspended by a majority vote (four) of all members of the Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.
- K. Amendments to Rules: These rules may be permanently amended, or new rules may be adopted by a majority vote (four) of all members of the Council. Any such amendments shall be adopted and recorded by resolution.

Section 1.03 Meetings

- A. Regular Meetings: The Council shall meet regularly on the second and fourth Monday of each month. The regular meetings of the Council shall be held in the Council Chambers of the City Hall unless otherwise established by Council. *(Amended 06-09-08)*
- B. Special Meetings: Special meetings may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. Emergency meetings may be called by the Mayor or Mayor Pro Tem in the Mayor's absence, or four (4) members, after notice has been posted two (2) hours. All meetings shall be open to the public and public notice shall be given in compliance with Chapter 551, Texas Government Code.
- C. Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular scheduled meeting.
- D. Work Sessions: Work sessions may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. The purpose is to research, analyze, and review any matter which requires special information and study. Such meetings shall be open to the public and notice thereof shall be given in compliance with Chapter 551, Texas Government Code.
- E. Executive Sessions: Participants to open and close executive sessions are limited strictly to Council Members, the City Manager, Assistant City Managers, Director of Business Services, and the City Attorneys. No other staff members, attorneys, board/committee members or individuals are allowed. At the request of Council, City Manager or City Attorney, individual(s) may be requested to attend to address or receive instruction for a specific executive session agenda item. That individual(s) is dismissed from executive session prior to addressing the next agenda item.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3549

Agenda Date: 5/11/2020

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the April 27, 2020 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 April 27, 2020 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, April 27, 2020

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:02 p.m.

Mayor Cook advised the public they could participate during the meeting by registering through the link provided on the posted agenda or by phone. He also advised the public could address the Council by submitting an online speaker card through the city's website or by direct email to City Secretary Susana Marin.

Present 7 - David Cook; Larry Brose; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:05 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:06 p.m. Mayor Cook adjourned executive session at 6:59 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 Options for Use of Hotel/Motel Occupancy Funds

Seek Advice of City Attorney Regarding Wholesale Water Contract - Mountain Peak Special Utility District

Seek Advice of City Attorney Regarding Shops at Broad Development

Seek Advice of City Attorney Regarding Legal Issues Related to Executive Session Documents and Materials

Seek Advice of City Attorney Regarding Hawaiian Falls 2020 Improvement Project, Bidding, and Existing and Future Contracts

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

Personnel Matters Pursuant to Section 551.074

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

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

Mayor Cook reconvened into regular business session at 7:21 p.m.

INVOCATION

Council Member Broseh gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Moore led the Texas Pledge.

CITIZEN COMMENTS

Tamera Bounds - 1000 Meriwether Street - Ms. Bounds spoke in support of agenda item 20-3544.

Sim Chatha - 1503 Breckenridge Road - Mr. Chatha spoke on behalf of the hoteliers in the city. He asked for a deferment of Hotel/Motel Occupancy Tax due to the city. (Attended virtually)

Scott Joslove - 1701 West Avenue, Austin - Mr. Joslove spoke on behalf of the hoteliers in the city. He stated the hotels need economic relief during this difficult time. He stated he was available for any questions the city may have regarding hotel/motel tax funds. (Attended virtually)

Mayor Cook recognized the following non-speakers:

Zan Patel - 775 N. Hwy 287 - Hotel/Motel Occupancy Tax relief

Kim Chong - 201 Hwy 287 N. - Hotel/Motel Occupancy Tax relief

Rohit Dahya - 175 Hwy 287 N - Hotel/Motel Occupancy Tax relief

Chris Patel - 175 Hwy 287 N - Hotel/Motel Occupancy Tax relief

Amar Patel - 3126 E. Broad Street - Hotel/Motel Occupancy Tax relief

Jolene Marchant - 2633 Morgan Ann Avenue - Ms. Marchant asked the city to enforce the sign ordinance in regards to political signs.

COUNCIL ANNOUNCEMENTS

Council Member Leyman asked about the possibility of appealing to the Governor to allow the city to hold the city's elections in July. Mayor Cook stated the Council approved a resolution to hold the elections on the first available date approved by the Governor. He mentioned a request made the to the Governor. Council Member Leyman stated the Regional Transportation Council requested cities pass a resolution regarding fund distribution. Mayor Cook advised him to submit a request for support to be placed on a future agenda.

Mayor Pro Tem Short had no announcements.

Council Member Lewis thanked the Mayor and staff for the time and dedication the last couple of weeks in dealing with the current situation.

Council Member Moore echoed Council Member Lewis' comments. He recognized the Mansfield Rotary Clubs along with other volunteers who surrounded Methodist Mansfield Hospital with U.S. flags. He thanked the many volunteers within the city for all they have been doing.

Council Member Newsom stated he accompanied Council Member Moore and Mayor Cook along with other volunteers in placing the flags around the hospital. He advised he would be working on removing his campaign signs.

Council Member Broseh had no announcements.

Mayor Cook recognized Chaplain Richard Stogland for reaching out to him regarding the flag program. He thanked Council Members Newsom and Moore for heading the volunteer group in placing the flags in front of the hospital. He made comments regarding Governor Greg Abbott's Executive Order which will begin on Friday, May 1 2020. He mentioned he did not feel a need for the city to have a separate declaration as the Governors order expired May 18, 2020. He emphasized the importance of social distancing. He expressed his appreciation to Governor Abbott everything he has done for the state.

SUB-COMMITTEE REPORTS

There were no sub-committee reports.

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

Current/Future Agenda Items

There were no staff comments.

CONSENT AGENDA

[20-3472](#)

Ordinance - Third and Final Reading of an Ordinance Approving an

85

Agricultural Lease with Mathis Farm, LLC; Authorizing the City Manager to Execute the Same and All Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Susana Marin read the caption into the record.

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

AN ORDINANCE APPROVING AN AGRICULTURAL LEASE WITH MATHIS FARM, LLC; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2173-20

[20-3500](#)

Ordinance - Third and Final Reading of an Ordinance Approving the Conveyance of an Easement and Right of Way to Oncor Electric Delivery Company Llc for the Construction Maintenance and Operation of Electric Supply and Communications Facilities

Susana Marin read the caption into the record.

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

AN ORDINANCE APPROVING THE CONVEYANCE OF EASEMENT AND RIGHT OF WAY TO ONCOR ELECTRIC DELIVERY COMPANY LLC FOR THE CONSTRUCTION MAINTENANCE AND OPERATION OF ELECTRIC SUPPLY AND COMMUNICATIONS FACILITIES

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

Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2174-20

[20-3483](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Historic Landmark Overlay District Classification for the Ralph S. Man Homestead Located at 604 W. Broad Street; Art Wright, City Historic Preservation Officer, on Behalf of the City of Mansfield, Property Owner (ZC#20-002)

Susana Marin read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE RALPH S. MAN HOMESTEAD LOCATED AT 604 W. BROAD STREET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: OR-2175-20

[20-3540](#)

Minutes - Approval of the April 13, 2020 Regular City Council Meeting Minutes

A motion was made by Mayor Pro Tem Short to approve the minutes of the April 13, 2020 Regular City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[20-3546](#)

Resolution - A Resolution to Approve the City Manager or his Designee to Execute a 3rd Amendment to the Chapter 380 Economic Development Agreement for the Shops at Broad, LLC

Council Member Lewis removed this item from the consent agenda. Deputy City Manager Joe Smolinski made brief comments and answered Council questions.

A motion was made by Council Member Lewis to approve the following resolution with the following stipulations: release of \$500,000 now, \$500,000 upon the building permit for the promenade area of the development, \$500,000 upon issuance of certificate of occupancy for that section of the development, and, hold on to \$500,000 for the future Carlin Road trail infrastructure; allowing for dates requested by the developer; and to leave the hotel site as is and have the developer come before the Council for site plan approval:

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN AMENDED AND RESTATED 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH SHOPS AT BROAD, LLC.; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CONTINUE NEGOTIATIONS AND EXECUTE A REVISED AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3648-20

[20-3543](#)

Resolution - A Resolution Selecting Sandler's Gold Medal Pools as Contractor for the Hawaiian Falls Water Park Mansfield 2020 Expansion Project; Delegating Authority to the City Manager or his Designee to Negotiate and Enter Into a Contract With Sandler's Gold Medal Pools; and Providing an Effective Date

Council Member Leyman removed this item from the consent agenda.

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

A RESOLUTION SELECTING SANDLER'S GOLD MEDAL POOLS AS CONTRACTOR FOR THE HAWAIIAN FALLS WATER PARK MANSFIELD 2020 EXPANSION PROJECT; DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH SANDLER'S GOLD MEDAL POOLS; AND PROVIDING AN EFFECTIVE DATE

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

Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3647-20**END OF CONSENT AGENDA****PUBLIC HEARING CONTINUATION AND SECOND READING****20-3513**

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning From SF-8.4/16, Single-Family Residential District to PD, Planned Development District for Professional and Medical Office Uses, Botique Retail Shops and Artist Studio Uses on Approximately 0.376 Acres Known as a Portion of Block 10, Original Town of Mansfield, Located at 310 East Broad Street; Ernst Realty Investment (ZC#20-003)

Mayor Cook continued the public hearing at 8:08 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:08 p.m.

A motion was made by Council Member Lewis to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR PROFESSIONAL AND MEDICAL OFFICE USES, RETAIL USES, PERSONAL SERVICE USES, AND ARTIST/MUSICIAN/PHOTOGRAPHY STUDIO USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Council Member Broseh to authorize staff to negotiate a contract with Mountain Peak Special Utility District for a wholesale water agreement. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

NEW BUSINESS**20-3544**

Resolution - A Resolution Agreeing to Meet All Match Contribution Requirements for the Expenditures under the Tarrant County HOME

Investment Partnerships Program for Program Year 2020

Joe Smolinski answered Council questions.

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

A RESOLUTION BETWEEN THE CITY OF MANSFIELD AND TARRANT COUNTY AUTHORIZING AN AGREEMENT TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIPS PROGRAM FOR PROGRAM YEAR 2020

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

Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3649-20

[20-3545](#)

Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

Joe Smolinski made brief comments and answered Council questions.

A motion was made by Mayor Cook to table this agenda item to the next available agenda. Seconded by Council Member Moore. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 8:28 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3545

Agenda Date: 5/11/2020

Version: 1

Status: Old Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

Requested Action

N/A

Recommendation

N/A

Description/History

City Council previously approved the expenditure of funds to bury new overhead electric infrastructure along FM917 from S. Main Street to Antler Drive. New cost estimates to complete the work exceed the funds previously approved by City Council.

Justification

N/A

Funding Source

N/A

Prepared By

Joe Smolinski, Deputy City Manager
817-276-3601



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3550

Agenda Date: 5/11/2020

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from PD, Planned Development District to PD, Planned Development District for C-2 Uses Including a Church and Eating Place with Drive-Through Service on Approximately 32.558 Acres, located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, Surveyor/Engineer and Living Church, Owner/Developer (ZC#19-023)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on April 20, 2020 and voted 6 to 0 to table consideration of the request to allow the applicant time to address the Commission's comments. During the meeting, there was discussion regarding the low percentage (7%) of masonry materials on the building, the quantity and size of the proposed signage and parking.

Based on the Commission's discussion as well as staff comments, the applicant made the following changes to the plans:

- Increased the masonry on the building from 7% to 21% and added a new medium grey brick veneer as a building material.
- Removed 6 banner signs from the development plan.
- Replaced the pylons on the 30-foot freestanding sign on US 287 with a monolithic base of corten steel and increased the sign area from 80 square feet to approximately 150 square feet for the LED sign.

The applicant made no changes to the other signage (including crosses, a flagpole, and the monument signs on S. Mitchell Road) the parking, or the landscape plan.

The Planning & Zoning Commission considered the revised plans on May 4, 2020. The discussion covered the following items:

- Increasing the masonry on the building except for the west façade where the future Phase 2 addition will be constructed.
- The height of the crosses.
- The LED board on the 30' sign.

- Reducing some parking in Phase 2.

After discussion, a motion was made to deny the request. The motion passed by a vote of 5 to 1, with Commissioner Axen voting nay.

Description/History

Existing Use: Single-family residences and agricultural

Existing Zoning: PD

Surrounding Land Use & Zoning:

North - Vacant and floodway, PD

South - Mitchell Farms (single-family residential), PD

East - View at the Reserve (single-family residential) and floodplain, PD

West - Masonic Lodge and vacant, PD; and Vacant (west side of US 287), PR and I-1

Thoroughfare Plan Specification:

S. Mitchell Road - 3-lane undivided minor collector

Future street, southwest corner - 3-lane undivided minor collector with round-about

Official Land Use Plan:

The property is located in Sub-Area 7. According to the Land Use Plan, development proposals that do not completely fit within the existing zoning may be considered where the development meets the intent and goals of The Reserve Planned Development District.

Comments and Considerations

The subject property consists of 32.558 acres on the west side of S. Mitchell Road and the east side of US 287, approximately 800 feet south of Heritage Parkway. The property is currently occupied by three single-family homes and several sheds and storage barns.

The property is currently zoned PD for The Reserve, in the South Pointe Expansion and Highway 287 Sub-Districts. The applicant is requesting to re-zone the property to PD, Planned Development District for C-2 uses including a Church and Eating Place with Drive-Through Service.

The immediate area is predominantly single-family residential, with the recently approved Mitchell Farms subdivision directly south of the church property and the View at the Reserve development across S. Mitchell to the east. Further south on S. Mitchell Road leads to Ladera in the Reserve and Southpointe. To the north is vacant land and floodway with commercial uses along Heritage Parkway.

The existing pavement of S. Mitchell Road is located on this property and will become part of the parking lot. The development plan indicates that the property owner will dedicate 70 feet of right-of-way for the new S. Mitchell alignment.

The property contains the existing XTO Copper Car drill site, located at the southwest corner of the property. Access to the drill site will be through the fire lane on the south side of the church property to S. Mitchell Road. There is also a natural gas pipeline easement through the parking lot at the front of the property. Changes to the parking lot and landscaping around this easement may be necessary at time of building permit to accommodate the gas well operator's requirements.

Development Plan (Exhibit B)

The applicant proposes a 1000-seat sanctuary with a 3000-seat addition, a 150-seat chapel and a coffee shop with drive-through service, to be developed in two phases. Phase 1 includes a 43,852 square foot sanctuary. The Phase 2 buildings will add 74,446 square feet for a larger sanctuary, a chapel and a coffee shop. The property will be platted as one lot.

The applicant is using C-2 as the base zoning. As presented, the PD will require deviations from the C-2 regulations for architecture, landscaping and signage as described in the following sections.

Elevations have been provided for the Phase 1 sanctuary. The PD proposes that a Detailed Site Plan for each Phase 2 building be submitted for the City Council's approval at one meeting prior to the issuance of a building permit.

There are three trash dumpsters proposed for the property: 2 dumpsters at the sanctuary building and 1 dumpster for the coffee shop. The development plan states that the dumpsters will be screened with masonry screening.

Access and Parking (Exhibit B)

The development plan proposes three driveways from S. Mitchell Road, one driveway from US 287 and a driveway from the future street in the southwest corner of the property. Because of minimum spacing requirements between driveways on US 287, the applicant proposes to stub the US 287 driveway to the Masonic Lodge property to the south. The Texas Department of Transportation must approve any drive approach on the future frontage road of US 287.

For churches, parking must be provided at a ratio of 1 space for every 4 seats in the sanctuary. For the coffee shop, parking must be provided at 1 space for every 75 square feet, including the patio. For this development, the required parking is as follows:

- Phase 1, 250 spaces for the 1,000-seat sanctuary
- Phase 2, 788 spaces for the 3000-seat sanctuary and 150-seat chapel
- Phase 2, 57 spaces for the coffee shop

The total number of required parking spaces is 1,095. The development plan indicates that 1,379 parking spaces will be provided.

Coffee Shop (Exhibit B)

The coffee shop will be located at the southeast corner of the property on S. Mitchell Road. The building will be located on the same lot as the church. The coffee shop will include drive-through service.

Eating places with drive-through service generally require a Specific Use Permit. As presented, this PD allows the coffee shop as a permitted use. The coffee shop must comply with the special requirements of Section 7800.B.36 related to site layout, landscaping and traffic circulation for businesses with drive-through service. As shown on Exhibit B, the coffee shop substantially conforms to the SUP requirements.

Building Standards (Exhibit C)

Elevations for the Phase 1 sanctuary are shown on Exhibit C, including a color rendering of the north and east elevations. The development plan indicates that the buildings will be a 1-story with a maximum height of 34 feet and a steeple with a height of 56 feet.

The primary cladding is horizontal rib metal siding in two patterns as shown on Sheet A2-4 of

Exhibit C. The standard masonry requirement in Section 4600.A for structures in the C-2 District is a minimum of 70% masonry materials. On the Phase 1 sanctuary, the applicant proposes 21% masonry (rough-cut stone, cut stone and medium grey brick) materials. The remainder of the building will have two styles of horizontal rib steel siding and corten steel. Section 4600.A lists corrugated, ribbed or standing-seamed metal panels as prohibited materials.

The entryway has a metal canopy with cut stone veneer on the bases. The end of the canopy has a corten steel screen panel. The prominent square tower at the entryway is clad in cut stone and the steeple structure features corten steel. Two projections on the front (north) façade are clad in rough stone. The east elevation shows what appears to be rough stone on the pilasters on either side of the triple window bays on the left side, although the material is not labeled. The south and west elevations are entirely horizontal rib metal siding. The proposed materials are shown on Sheet A2-4 of Exhibit C.

Section 4600.E requires certain architectural attributes for buildings in the C-2 District to address the visual impact of long uninterrupted walls or rooflines by providing a minimum amount of variations according to the size of the structure. Non-residential buildings must be architecturally finished on all four sides with the same materials, detailing and features. The applicant revised the elevations to include the following:

- North elevation (facing the floodway) - New brick veneer has been added to the lower half of the façade in place of ribbed steel siding.
- East elevation (facing S. Mitchell Road) - New brick veneer has been added to the far right of the façade for a span of 34 feet in place of ribbed steel siding.
- South elevation (facing Mitchell Farms) - New brick veneer has been added to an 11-foot span on the far left of the façade in place of ribbed steel siding and as a projecting surround for the central overhead door. Other changes to this façade include two new metal canopies over the personnel doors flanking the overhead door and the removal of the third personnel door on the right side of the façade.
- West elevation (facing US 287) - New brick veneer has been added to a 90-foot span on the far left in place of ribbed steel siding.

The south façades of the Phase 1 and Phase 2 sanctuaries will face Mitchell Farms and with the limited use of masonry, the view from the future residential lots will be that of an industrial building. The building materials are also not in keeping with the other construction standards of The Reserve.

Signage (Exhibit C)

The applicant is requesting substantial deviations from the sign regulations. Section 7100 of the Zoning Ordinance allows a church to have one sign per street frontage plus one wall sign on the principal building. With frontage on US 287 and S. Mitchell Road, three signs would be permitted by Section 7100. The applicant is requesting the following:

- 2 monument signs on S. Mitchell Road. These signs will have a masonry base with a corten steel frame, and will comply with the maximum height, width and sign area for institutional monument signs.
- 1 freestanding sign on US 287 with a monolithic base constructed of corten steel, a

height of 30 feet and a width of 15 feet, and a LED sign with an area of approximately 150 square feet. Section 7100 permits a monument sign on US 287 with a maximum height of 15 feet, a maximum width of 10 feet and a maximum sign area of 75 square feet, with a base that incorporates the masonry materials used on the building.

- 1 flagpole on US 287 with a height of 75 feet. Section 7100 limits the maximum height of a flagpole to 35 feet.
- 1 cross on US 287 constructed of corten steel with a height of 75 feet sitting on a base or berm of undetermined height. As proposed, the overall height can exceed 75 feet, as there is no limit on the height of the base or berm.
- 1 cross on S. Mitchell Road constructed of corten steel with a height of 30 feet;
- A wall sign split between two facades on the sanctuary. A wall sign may have a width not to exceed 75% of a building on a single façade. The proposed wall sign is split at the corner of the north and east facades of the Phase 1 sanctuary.
- The PD standards do not address additional signage for the buildings in Phase 2, including any wall sign and/or monument sign for the coffee shop, and any additional signs for the new sanctuary or chapel building.

Under the normal regulations, this development would be allowed three signs. The applicant is proposing 7 signs of various types and sizes. When the signage is reviewed in a content-neutral analysis, Staff believes the proposed sign package is in some respects excessive for a single-tenant user. The signage is not consistent with The Reserve PD regulations, the C-2 regulations and the size, materials and style of non-residential signage on along US 287 for single tenants.

Landscaping and Screening (Exhibit D)

Landscaping and screening will be provided as shown on Exhibit D. The landscaping for the parking lots and buffer yards generally complies with the requirements of the Zoning Ordinance. There is floodway at the north property line with trees. No additional landscaping is proposed in this area.

The applicant is requesting a deviation from Section 7300.O.7 related to a 6-foot screening fence between a church and residentially zoned property. The church property is adjacent to Mitchell Farms, a single-family neighborhood. There is a 30-foot wide pipeline easement along the northern boundary of Mitchell Farms. Since Mitchell Farms is installing a 6-foot masonry wall on the south side of the easement, the applicant has requested that the church be excused from a fence on the north side of the easement.

Some of the labeling on Exhibit D below the graphic have been cut off. This may be corrected on the next submittal. The labels are the same as shown on Exhibit B.

Summary and Recommendation

The applicant is proposing a PD for a church and coffee shop with drive-through service with C-2 as the base zoning. The property is currently in The Reserve PD, specifically the Southpointe Expansion and Highway 287 sub-districts. A church is an appropriate land use for this property and is already a permitted use under the Reserve PD. However, the applicant is proposing a different style of architecture and sign package that does not comply with the current requirements. One of the purposes of Planned Development zoning is to permit

flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and parking facilities in order to best utilize special site features of topography, size or shape. Additionally, any proposed change in this area should be in keeping with the intent and goals of The Reserve. To allow drastically different standards in a master-planned area of the City may be contrary to the character of the established developments.

In keeping with the Land Use Plan and surrounding development, Staff recommends that any action taken by Council include the following conditions:

Building Standards:

- Staff recommends that all sides of the Phase 1 building and future buildings be finished with the same materials and details, including the use of masonry on the south and west elevations to break up the walls. In particular, the southern facades facing the residential lots should incorporate additional masonry as the material change instead of switching between horizontal rib metal patterns one and two. Most of the south elevation of the Phase 1 sanctuary uses two rib metal siding patterns except around the overhead door and a small area on the edge of the facade. The Pattern Two rib metal siding could be masonry instead, offering a less industrial appearance to the adjacent residential lots.

Parking:

- The applicant is proposing 284 parking spaces more than required. Staff recommends that some of this excess parking be eliminated along S. Mitchell Road (such as the circular parking lot between the main driveway and the pond) to allow for additional landscaping and usable community space.

Signage:

- Under Section 7100.C.2, a sign is any object, device, structure, or part thereof, visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. The 75-foot and 30-crosses fall within this provision. Staff recommends that these structures be eliminated but also recommends that the existing cross at the church's current N. Matlock Road sanctuary be relocated to this site to be displayed on either along S. Mitchell Road or US 287.
- Staff recommends that the proposed pylon sign on US 287 follow the requirements in Section 7100.D.1 for a monument sign for institutional uses. This allows lots with direct frontage along U.S. 287 to have a monument sign with a maximum height of 15 feet, a maximum width of 10 feet, and a maximum sign area of 75 square feet.
- There are two monument signs proposed for the S. Mitchell Road frontage. Staff previously recommended that the monument sign at the south driveway be relocated in front of the coffee shop and not be constructed until Phase 2. The sign may block visibility on the curve of S. Mitchell Road unless properly located. As a result, Staff recommends that the monument sign not be constructed until Phase 2 and that the location be determined at detailed site plan review.
- Staff recommends that the flagpole on US 287 comply with the maximum flagpole

height of 35 feet.

Landscaping:

Staff supports the request to eliminate the screening fence on the south side of the property as Mitchell Farms will have its own screening wall.

Prepared By

Art Wright, Planner II/HPO/Gas Well Coordinator
817-276-4226

ORDINANCE NO. _____

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

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

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

SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new zoning district classification of PD, Planned Development for C-2 uses including a Church and Eating Place with Drive-Through Service; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

First reading approved on the _____ day of _____, 2020.

Second reading approved on the _____ day of _____, 2020.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2020.

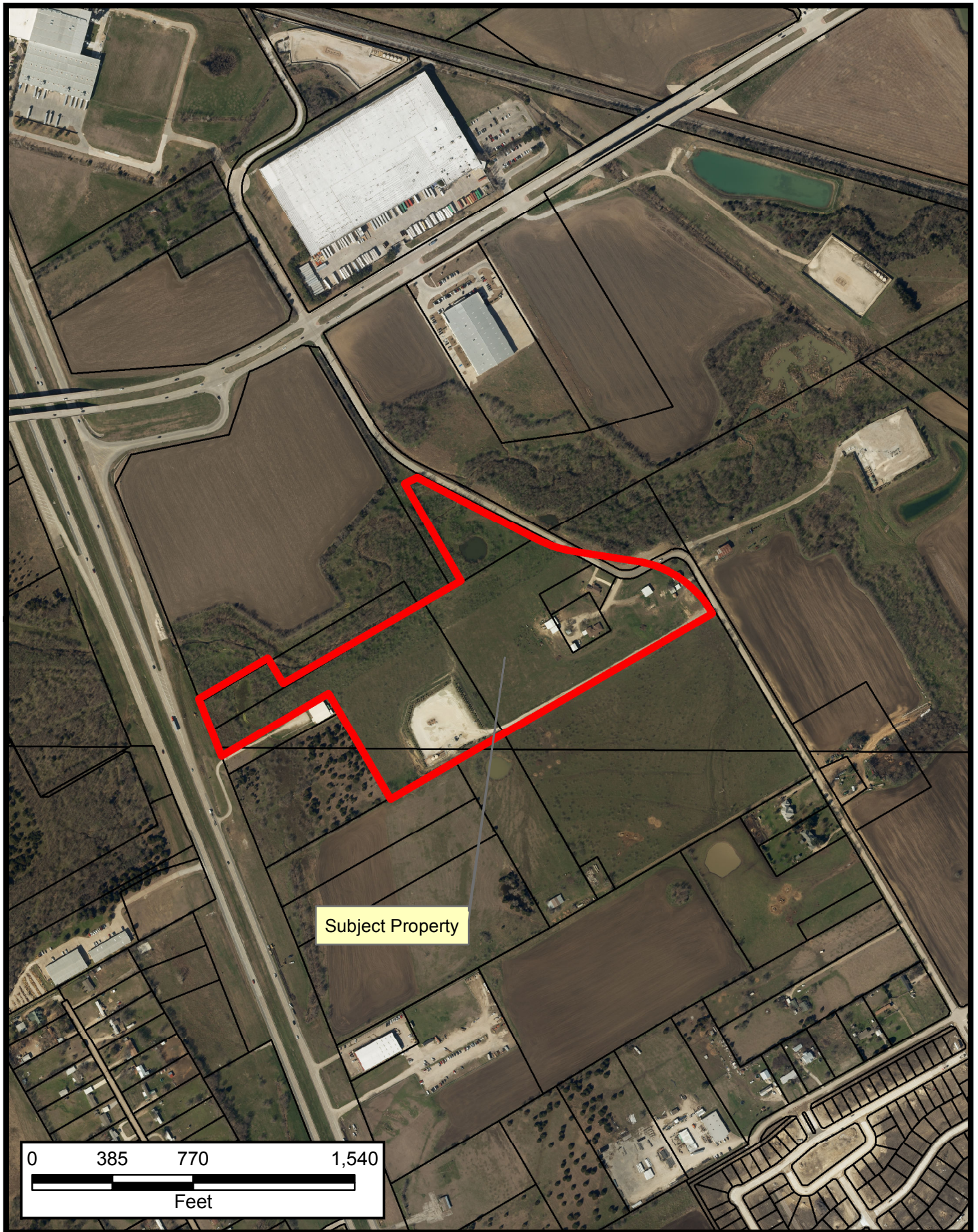
David L. Cook, Mayor

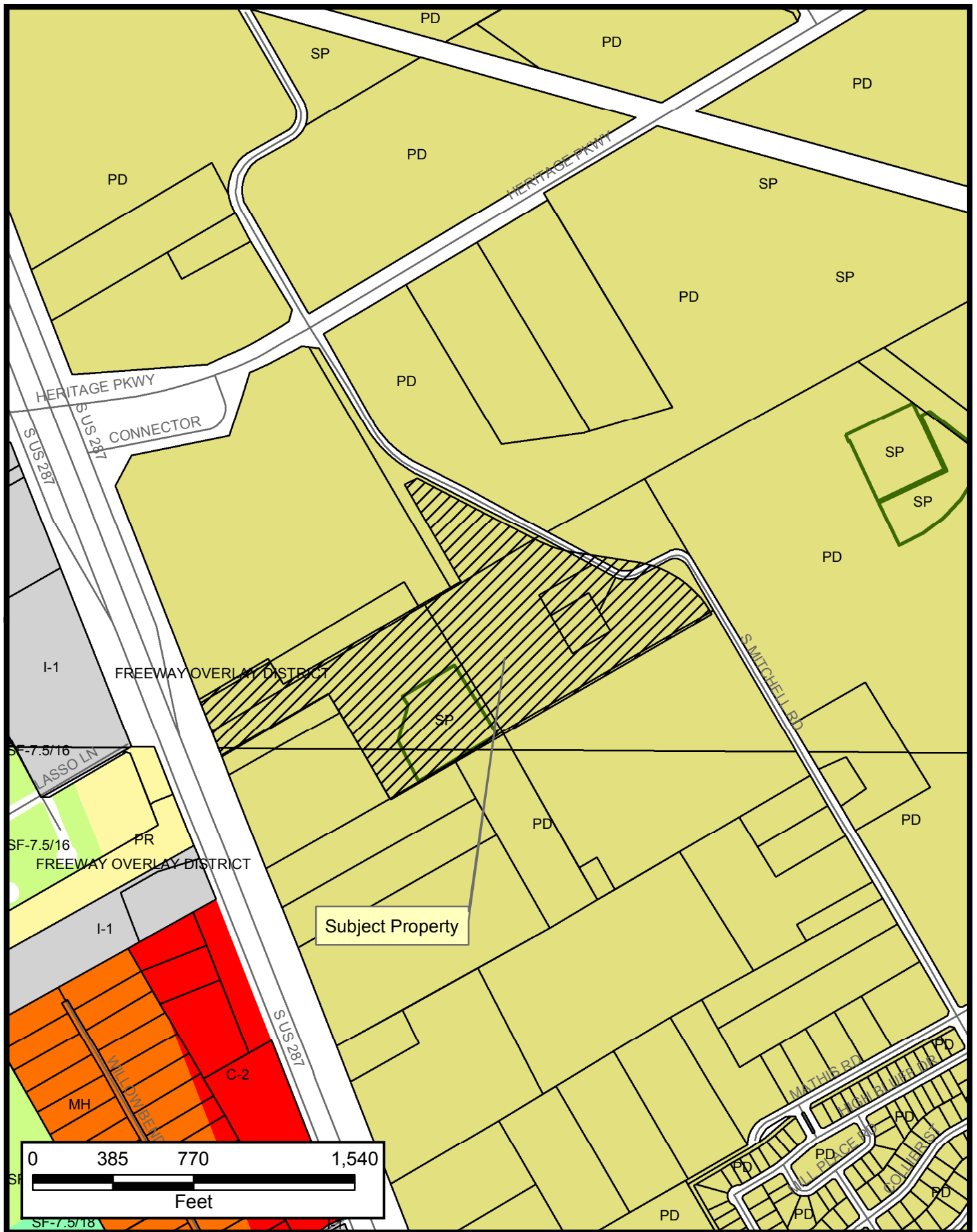
ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney





ZC#19-023

103

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.

12/23/2019

Property Owner Notification for ZC#19-023

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
A MOORE ADDITION	BLK 1	SMITHEY REBECCA GAIL	4828 BRYCE AVE	FORT WORTH, TX	76107-4145
A MOORE ADDITION	BLK 1	SMITHEY REBECCA GAIL	4828 BRYCE AVE	FORT WORTH, TX	76107-4145
D DELAY	TR 16	MANSFIELD LODGE #331	P O BOX 518	MANSFIELD, TX	76063
D DELAY	TR 17	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063
D DELAY	TR 7	NIU CHUN YU ETAL	2039 VIA MARIPOSA E UNIT C	LAGUNA WOODS, CA	92637-0508
D DELAY	TR 8	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063
D DELAY	TR 9	HAVENS BOBBY F ETUX MARY A	874 ONE MILE LN	RIESEL, TX	76682-2725
DELAY, DANIEL SURVEY	A 421	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
DELAY, DANIEL SURVEY	A 421	NIU, CHUN YU ETAL	2039 VIA MARIPOSA E UNIT C	LAGUNA WOODS, CA	92637
DELAY, DANIEL SURVEY	A 421	HAVENS, BOBBY FLOYD	874 ONE MILE LN	RIESEL, TX	76682
GREGG, MILTON SURVEY	A 555	MANSFIELD ECONOMIC DEV CORP	301 S MAIN ST	MANSFIELD, TX	76063-3106
GREGG, MILTON SURVEY	A 555	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
MANSFIELD LODGE #331 SUB	LOT 1	MANSFIELD LODGE #331	PO BOX 518	MANSFIELD, TX	76063-0518
MITCHELL, SAMUEL SURVEY	A 1024	SOWELL RESERVE ASSOC LP	1601 ELM ST STE 3500	DALLAS, TX	75201
MITCHELL, SAMUEL SURVEY	A 1024	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
MITCHELL, SAMUEL SURVEY	A 1024	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
MITCHELL, SAMUEL SURVEY	A 1024	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
MITCHELL, SAMUEL SURVEY	A 1024	HAVENS, BOBBY FLOYD	874 ONE MILE LN	RIESEL, TX	76682
MITCHELL, SAMUEL SURVEY	A 1024	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856

Property Owner Notification for ZC#19-023

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
PERRY, R H ADDITION	LOT 1	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
ROBERTSON, JOHN SURVEY	A 1317	CONWAY MADISON LLC	PO BOX 671327	DALLAS, TX	75367-1327
ROBERTSON, JOHN SURVEY	A 1317	LIVING CHURCH	2271 MATLOCK RD	MANSFIELD, TX	76063-3856
S MITCHELL	TR 1	HAVENS BOBBY F ETUX MARY A	874 ONE MILE LN	RIESEL, TX	76682-2725

ZONING LIMITS**LEGAL LAND DESCRIPTION**

BEING 32.558 acres (1,418,212 square feet) of land in the Daniel Delay Survey, Abstract Number 421, the John Robertson Survey, Abstract Number 1317, the Milton Gregg Survey Abstract Number 555, and the Samuel Mitchell Survey, Abstract Number 1024, City of Mansfield, Tarrant County, Texas, the Daniel Delay Survey, Abstract Number 209, City of Mansfield, Johnson County, Texas; said 32.558 acres (1,418,212 square feet) of land is a portion of land described in a Corrected Deed to Living Church (hereinafter referred to as Living Church tract), Instrument Number 2019-22232, Official Public Records, Johnson County, Texas (O.P.R.J.C.T.) and containing all of that certain tract of land described as Lot 1, R.H. Perry Addition, City of Mansfield, Tarrant County, Texas as recorded in Cabinet B, Slide 1139, Plat Records, Tarrant County, Texas (P.R.T.C.T.); said 32.558 acres (1,418,212 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a Southwesterly corner of said Living Church tract, same being a Northwesterly corner of that certain tract of land described as Lot 1, Mansfield Lodge Number 331 (hereinafter referred to as the Mansfield Lodge tract), as recorded in Volume 458, Page 127, P.R.T.C.T., same also being the existing Northeasterly right-of-way line of South U.S. Highway 287 (400' right-of-way), as recorded in Volume 5773, Page 917, Deed Records, Tarrant County, Texas;

THENCE North 21 degrees 33 minutes 02 seconds West with the common line between said Living Church tract and the existing Northeasterly right-of-way line of said South U.S. Highway 287, a distance of 296.25 feet to the Westerly Northwest corner of said Living Church tract, same being the Westerly Southwest corner of that certain tract of land described Tract 2 in a General Warranty Deed to Conway Madison, LLC (hereinafter referred to as Madison tract), Instrument number D209279400, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.), from which a five-eighths inch capped iron rod stamped "SEMPCO" bears South 63 degrees 52 minutes 46 seconds West, a distance of 0.82 feet;

THENCE North 59 degrees 38 minutes 46 seconds East with the common line between said Living Church tract and Madison tract, a distance of 382.54 feet to an angle point in the Northwesterly line of said Living Church tract, same being an angle point in the Southeasterly line of said Madison tract;

THENCE South 30 degrees 29 minutes 11 seconds East, continue with the common line between said Living Church tract and said Madison tract, a distance of 141.40 feet to a one-inch iron rod found for corner;

THENCE North 59 degrees 44 minutes 41 seconds East, continue with the common line between said Living Church tract and said Madison tract, a distance of 795.69 feet to a one-half inch iron rod found for corner;

THENCE North 60 degrees 51 minutes 45 seconds East, continue with the common line between said Living Church tract and said Madison tract, a distance of 183.75 feet to a one-half inch capped iron rod stamped "Wier & Assoc." found for corner;

THENCE North 29 degrees 57 minutes 31 seconds West, continue with the common line between said Living Church tract and said Madison tract, a distance of 535.03 feet to a one-half inch capped iron rod stamped "Wier & Assoc." found for corner in the existing Southwesterly right-of-way line of South Mitchell Road (variable width right-of-way);

THENCE North 64 degrees 04 minutes 26 seconds East with the common line between said Living Church tract and the existing Southwesterly right-of-way line of South Mitchell Road, a distance of 67.03 feet;

THENCE South 62 degrees 34 minutes 06 seconds East, crossing said Living Church tract, a distance of 633.39 feet to the beginning of a curve to the left, whose long chord bears South 71 degrees 50 minutes 28 seconds East, a distance of 204.64 feet;

THENCE Easterly, continue crossing said Living Church tract and with said curve to the left having a radius of 635.00 feet, through a central angle of 18 degrees 32 minutes 45 seconds, for an arc distance of 205.54 feet;

THENCE South 81 degrees 06 minutes 50 seconds East, continue crossing said Living Church tract, a distance of 298.80 feet to the beginning of a curve to the right, whose long chord bears South 55 degrees 44 minutes 21 seconds East, a distance of 419.97 feet;

Continued on Page 2:

Project No. 999-19-056 | Date: 12/13/2019 | Page 1 of 2 | Drawn by: SA | Checked by: MD2

ZONING LIMITS EXHIBIT

PORTION OF LIVING CHURCH OUT OF THE
DANIEL DELAY SURVEY, ABSTRACT NUMBER 421,
JOHN ROBERTSON SURVEY, ABSTRACT NUMBER 1317,
MILTON GREGG SURVEY, ABSTRACT NUMBER 555,
SAMUEL MITCHELL SURVEY, ABSTRACT NUMBER 1024
CITY OF MANSFIELD, TARRANT COUNTY AND
DANIEL DELAY SURVEY, ABSTRACT NUMBER 209
CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS

ZONING LIMITS**LEGAL LAND DESCRIPTION****Continued from Page 1:**

THENCE Southeasterly, continue crossing said Living Church tract and with said curve to the right having a radius of 490.00 feet, through a central angle of 50 degrees 44 minutes 59 seconds, for an arc distance of 434.02 feet;

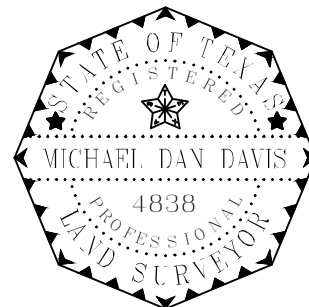
THENCE South 30 degrees 00 minutes 00 seconds East, continue crossing said Living Church tract, a distance of 11.86 feet to the Southeasterly line of said Living Church tract, same being the Northwesterly line of that certain tract of land described in a Warranty Deed to Bobby Floyd Havens and wife, Mary Ann Havens, (hereinafter referred to as Havens tract), Volume 458, Page 127, Deed Records, Johnson County, Texas;

THENCE South 59 degrees 57 minutes 54 seconds West with the common line between said Living Church tract and said Havens tract, a distance of 1419.86 feet to the Northeasterly corner of that certain tract of land described as Lot A, Block 1, A. Moore U.S. 287 South Additions (hereinafter referred to as Lot A), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Instrument Number D183342088, O.P.R.T.C.T., from which a one-half inch iron rod found bears North 30 degrees 17 minutes 41 seconds West, a distance of 3.73 feet;

THENCE North 59 degrees 58 minutes 05 seconds West with the common line between said Living Church tract and said Lot A, a distance of 350.50 feet to a Southerly corner in the South line of said Living Church tract, same being the Southeasterly corner of that certain tract of land described in a Warranty Deed with Vendor's Lien to Chun Yu Niu, Wen Mei Niu, Mike Penmu Kao and Ruby Tzumiao Kao (hereinafter referred to as the Niu and Kao tract), as recorded in Instrument Number D187615409, O.P.R.T.C.T.;

THENCE North 30 degrees 30 minutes 35 seconds West with the common line between said Living Church tract and said Niu and Kao tract, passing at a distance of 485.03 feet a three-eighths inch iron rod found for the Northerly corner of said Niu and Kao tract, same being the Southeasterly corner of said Mansfield Lodge tract, and continuing with said course for a total distance of 583.90 feet to a one-half inch iron rod found for a Southwesterly corner of said Living Church tract, same also being the Northeasterly corner of said Mansfield Lodge tract;

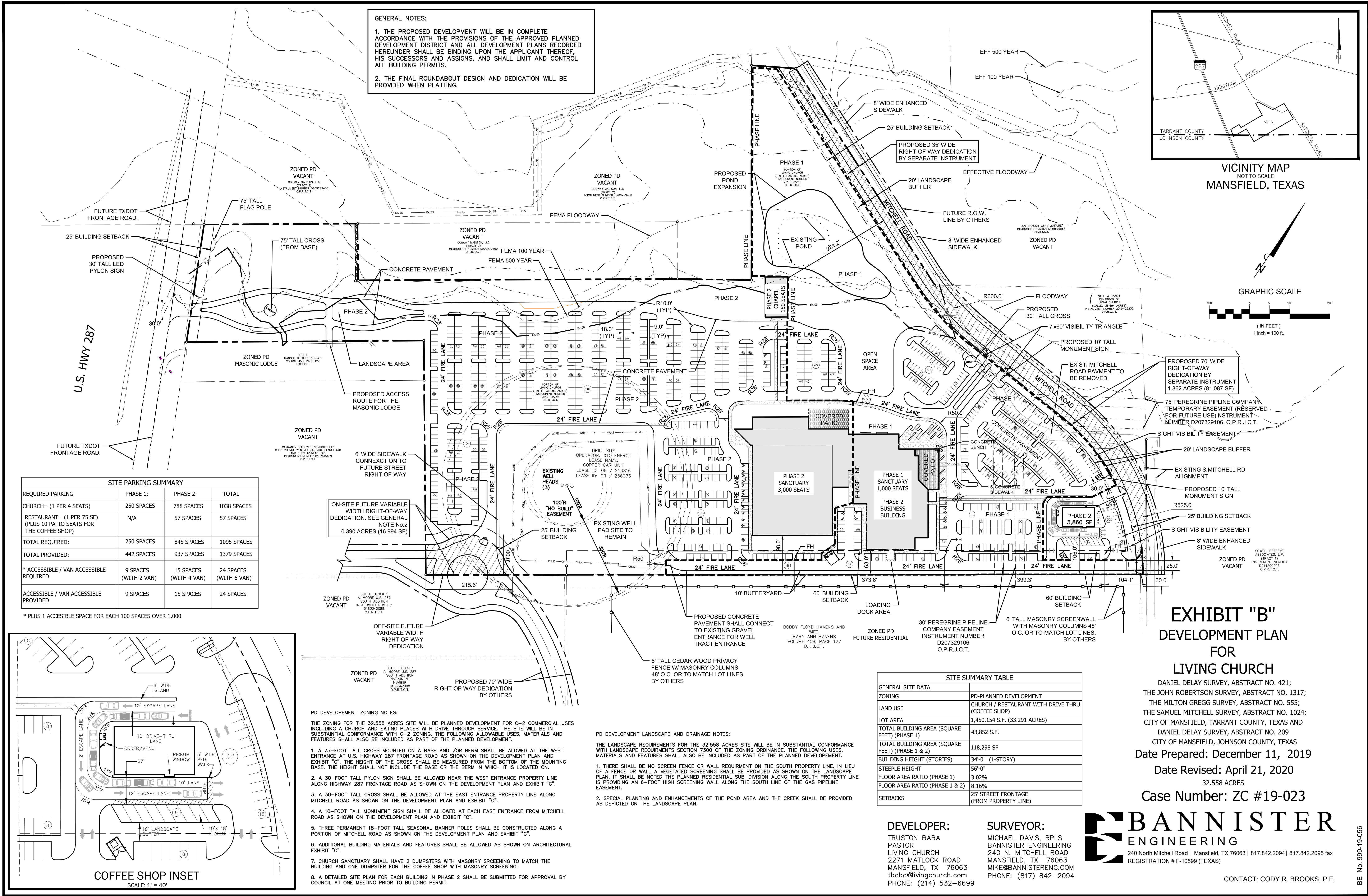
THENCE South 59 degrees 37 minutes 24 seconds West with the common line between said Living Church tract and said Mansfield Lodge tract, a distance of 590.81 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 32.558 acres (1,418,212 square feet) of land.

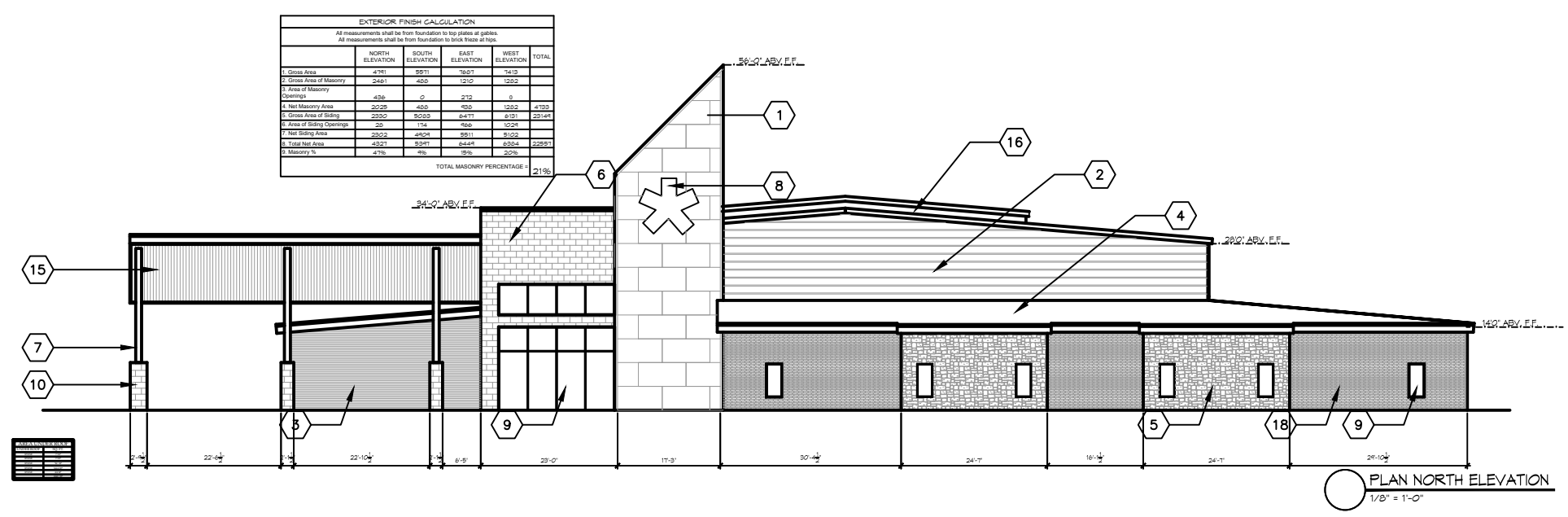


[Signature] 12/13/19

ZONING LIMITS EXHIBIT

PORTION OF LIVING CHURCH OUT OF THE
 DANIEL DELAY SURVEY, ABSTRACT NUMBER 421,
 JOHN ROBERTSON SURVEY, ABSTRACT NUMBER 1317,
 MILTON GREGG SURVEY, ABSTRACT NUMBER 555,
 SAMUEL MITCHELL SURVEY, ABSTRACT NUMBER 1024
 CITY OF MANSFIELD, TARRANT COUNTY AND
 DANIEL DELAY SURVEY, ABSTRACT NUMBER 209
 CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS





SHEET KEYNOTES	
1	CORTEN STEEL VENEER
2	HORIZ. RIB STEEL SIDING- PATTERN 1
3	HORIZ. RIB STEEL SIDING- PATTERN 2
4	R PANEL METAL ROOFING
5	ROUGH STONE VENEER
6	2" CUT STONE VENEER
7	STEEL COLUMN- PAINT
8	CHURCH LOGO
9	STOREFRONT GLAZING
10	STONE BASE
11	LOGO CORTEN STEEL SCREEN PANEL
12	METAL CANOPY
13	METAL CORNER TRIM
14	OVERHEAD DOOR
15	T&G WOOD SOFFIT
16	ROOF PROJECTION
17	4'-0" PROJECTION WITH ROOF
18	BRICK VENEER

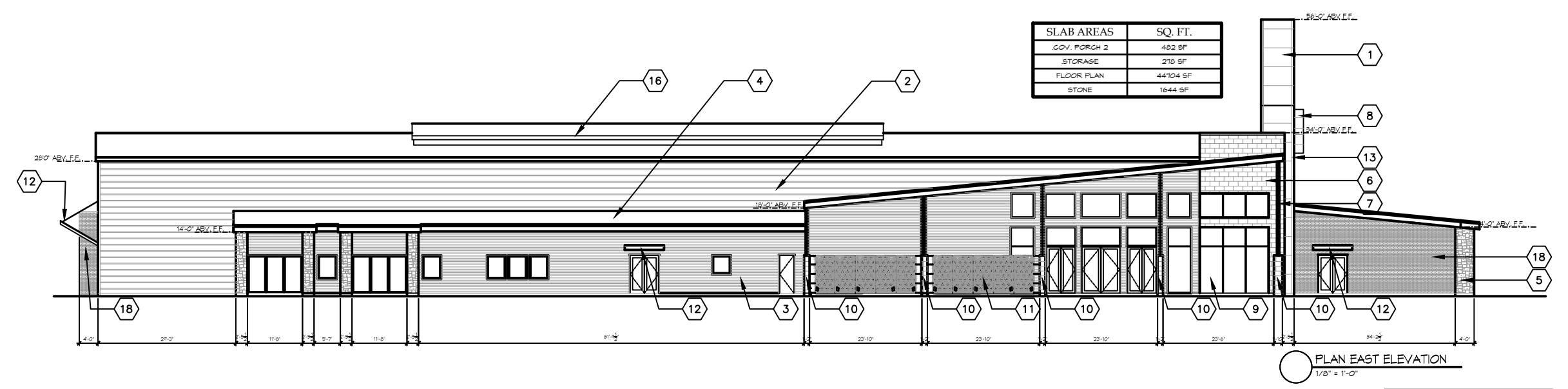


EXHIBIT 'C'

CASE NO.
ZC#19-023



192647 LIVING CHURCH

LIVING
CHURCH

LOT --- BLOCK ---
COUNTY

DATE: 10-8-14 PD1
10-8-14 PD2
10-16-14 PD3
10-18-14 PD4
10-28-14 PD5
3-11-20 REV
4-8-20 REV
4-16-20 REV
4-21-20 REV

SHEET Title:



2014 N. PAULINE STREET, DR. HOUSTON, TEXAS 77058
817.471.0241 METRO ARCHITECTS

© COPYRIGHT 2010 NO. 10 DESIGN GROUP

SHEET No.:

A2-2

SHEET KEYNOTES

1	CORTEN STEEL VENEER
2	HORIZ. RIB STEEL SIDING- PATTERN 1
3	HORIZ. RIB STEEL SIDING- PATTERN 2
4	R PANEL METAL ROOFING
5	ROUGH STONE VENEER
6	2" CUT STONE VENEER
7	STEEL COLUMN- PAINT
8	CHURCH LOGO
9	STOREFRONT GLAZING
10	STONE BASE
11	LOGO CORTEN STEEL SCREEN PANEL
12	METAL CANOPY
13	METAL CORNER TRIM
14	OVERHEAD DOOR
15	T&G WOOD SOFFIT
16	ROOF PROJECTION
17	4'-0" PROJECTION WITH ROOF
18	BRICK VENEER

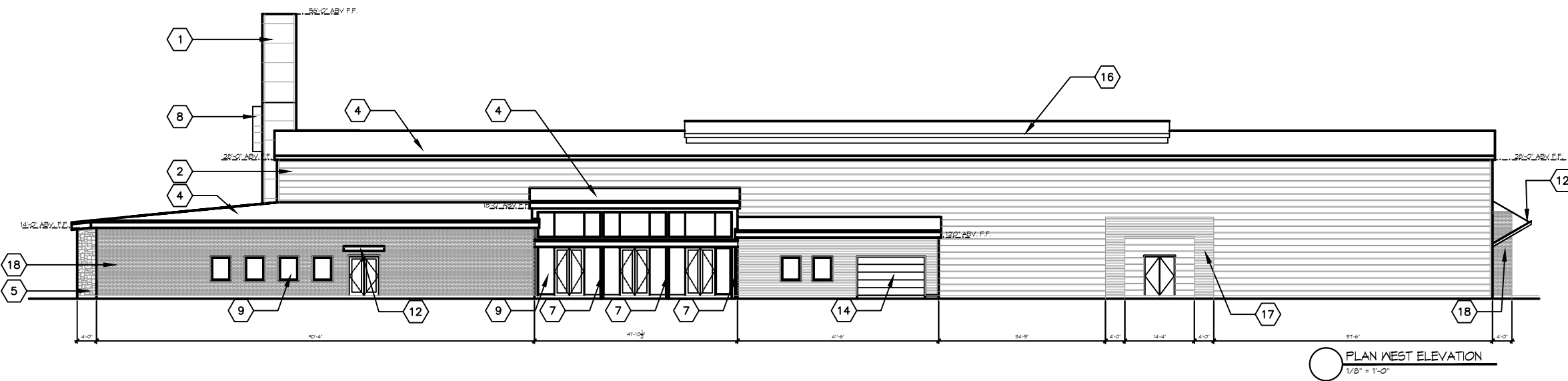
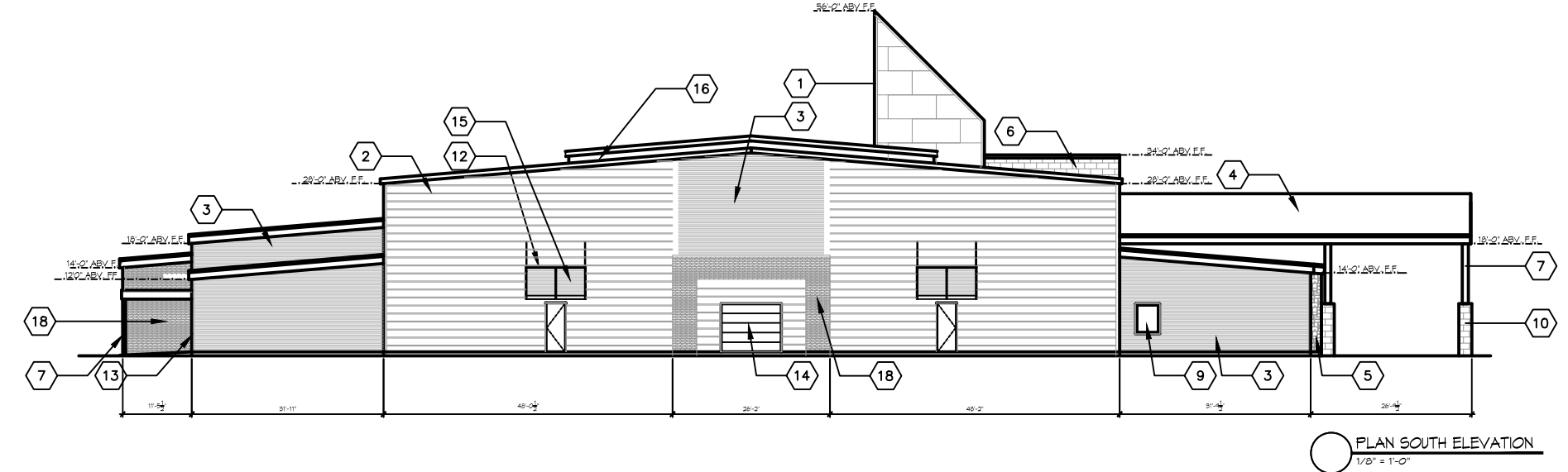


EXHIBIT 'C'

CASE NO.
ZC#19-023



192647 LIVING CHURCH

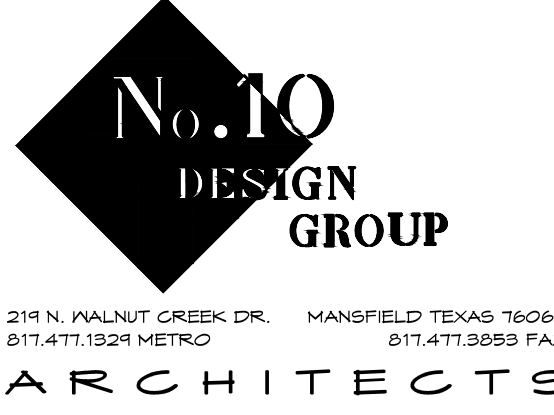
LIVING CHURCH

LOT --- BLOCK ---
COUNTY

DATE: 10-3-19 PD1
10-8-19 PD2
10-16-19 PD3
10-18-19 PD4
10-28-19 PD5
3-11-20 REV
4-8-20 REV
4-16-20 REV
4-21-20 REV

SHEET Title:

.

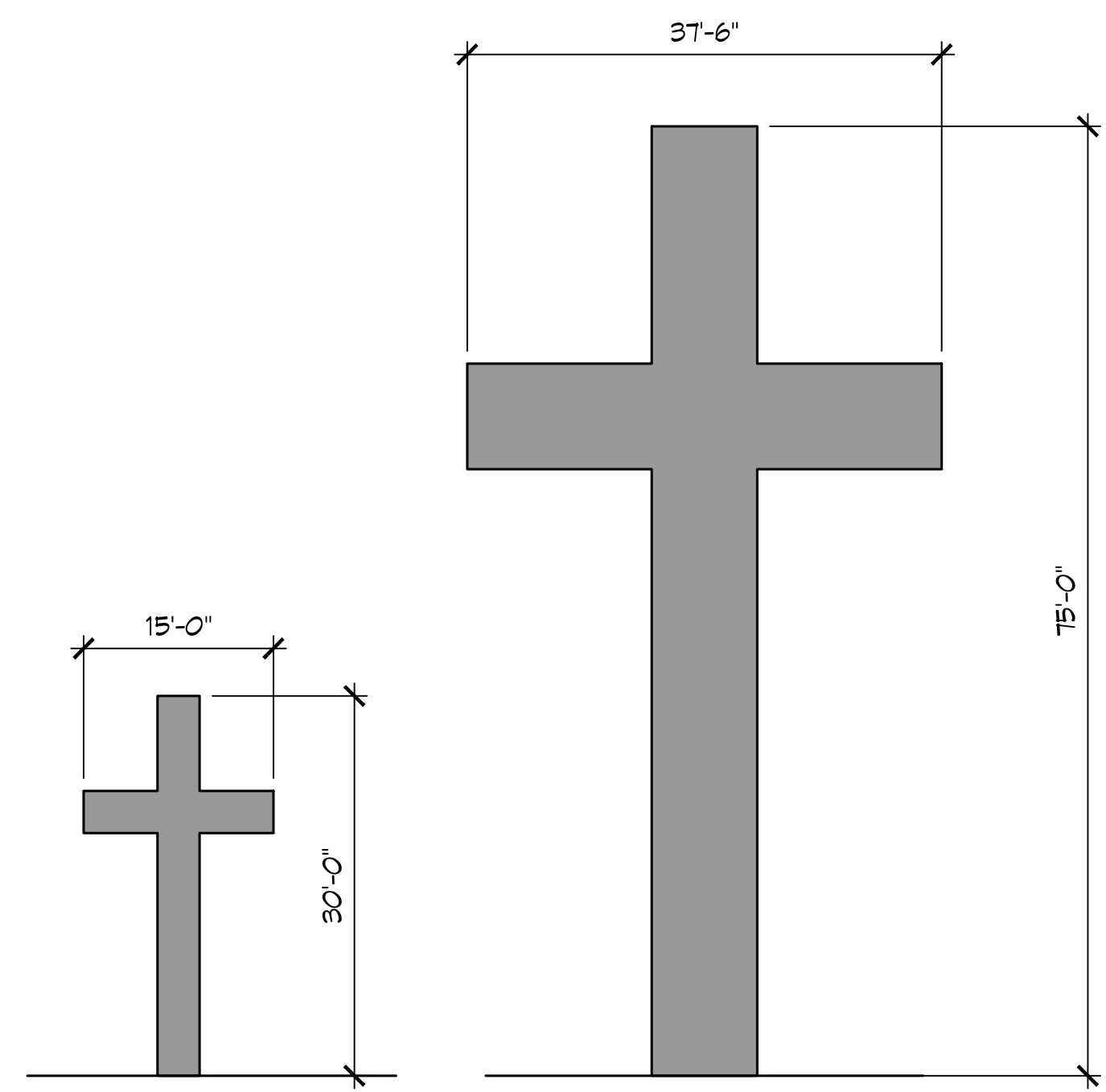


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SHEET No.:



EXHIBIT 'C'

CASE NO.
ZC#19-023



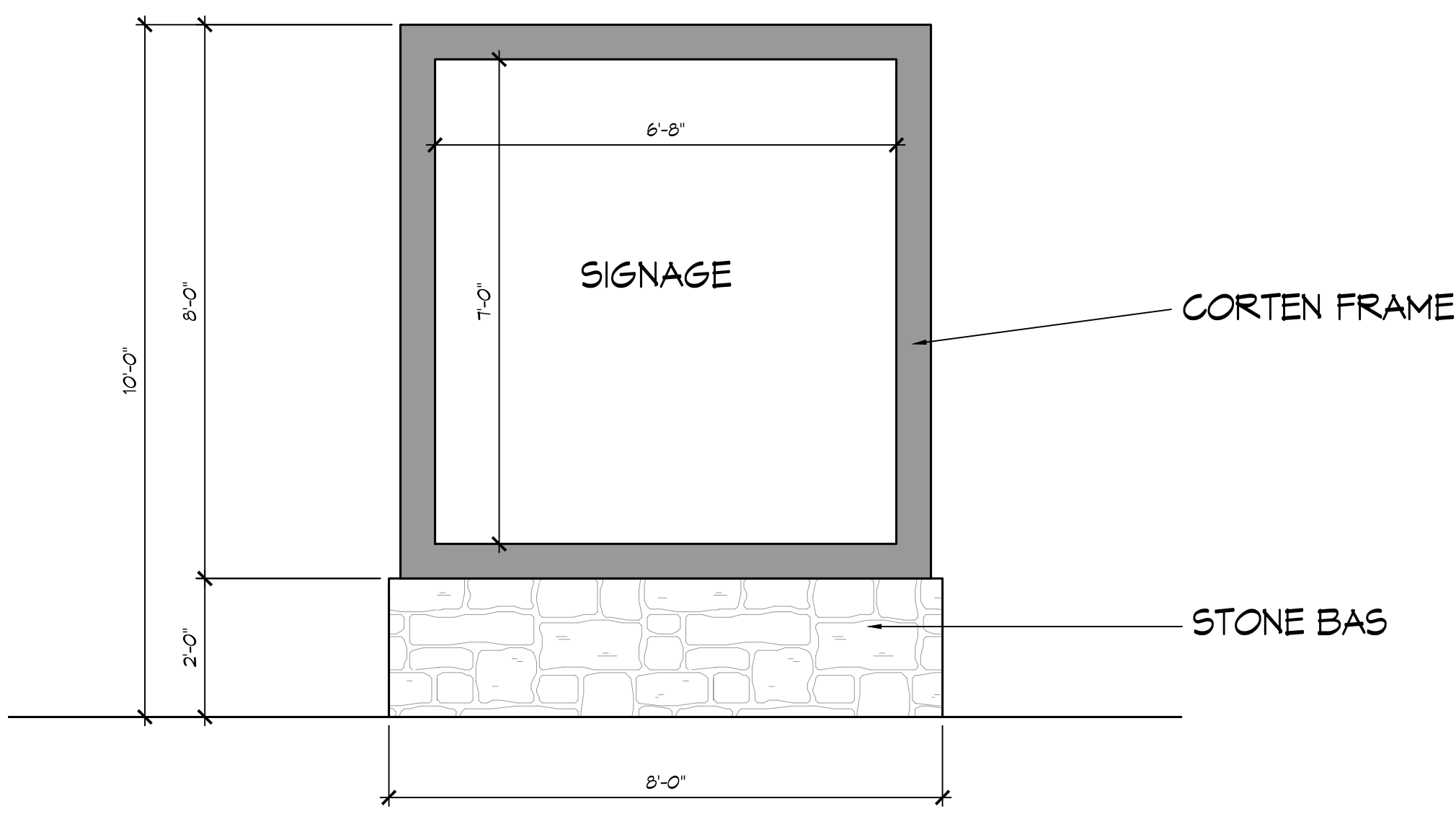
CORTEN STEEL CROSSES



CORTEN STEEL VENEER



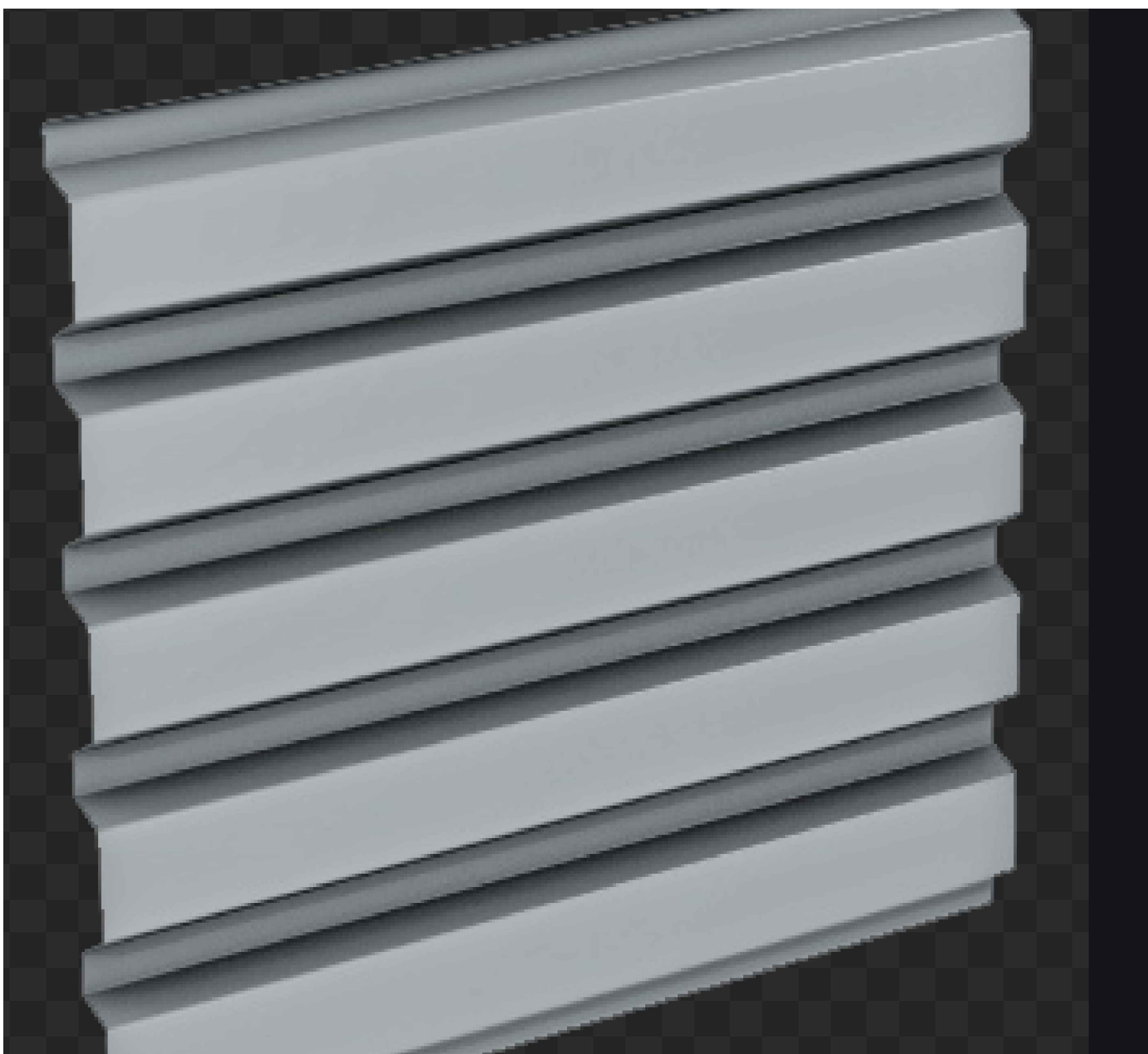
ROUGH CUT STONE VENEER



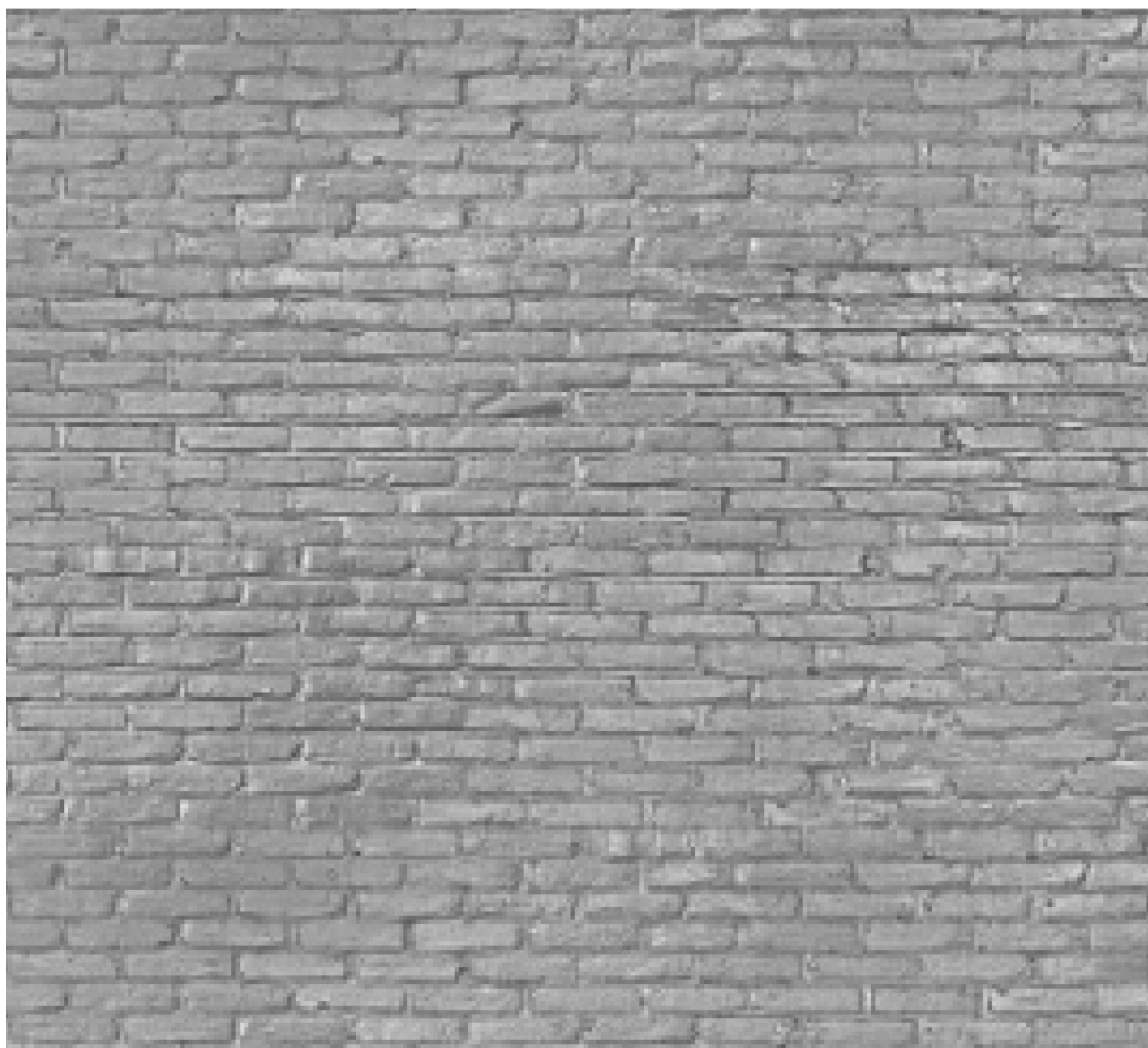
MONUMENT SIGN



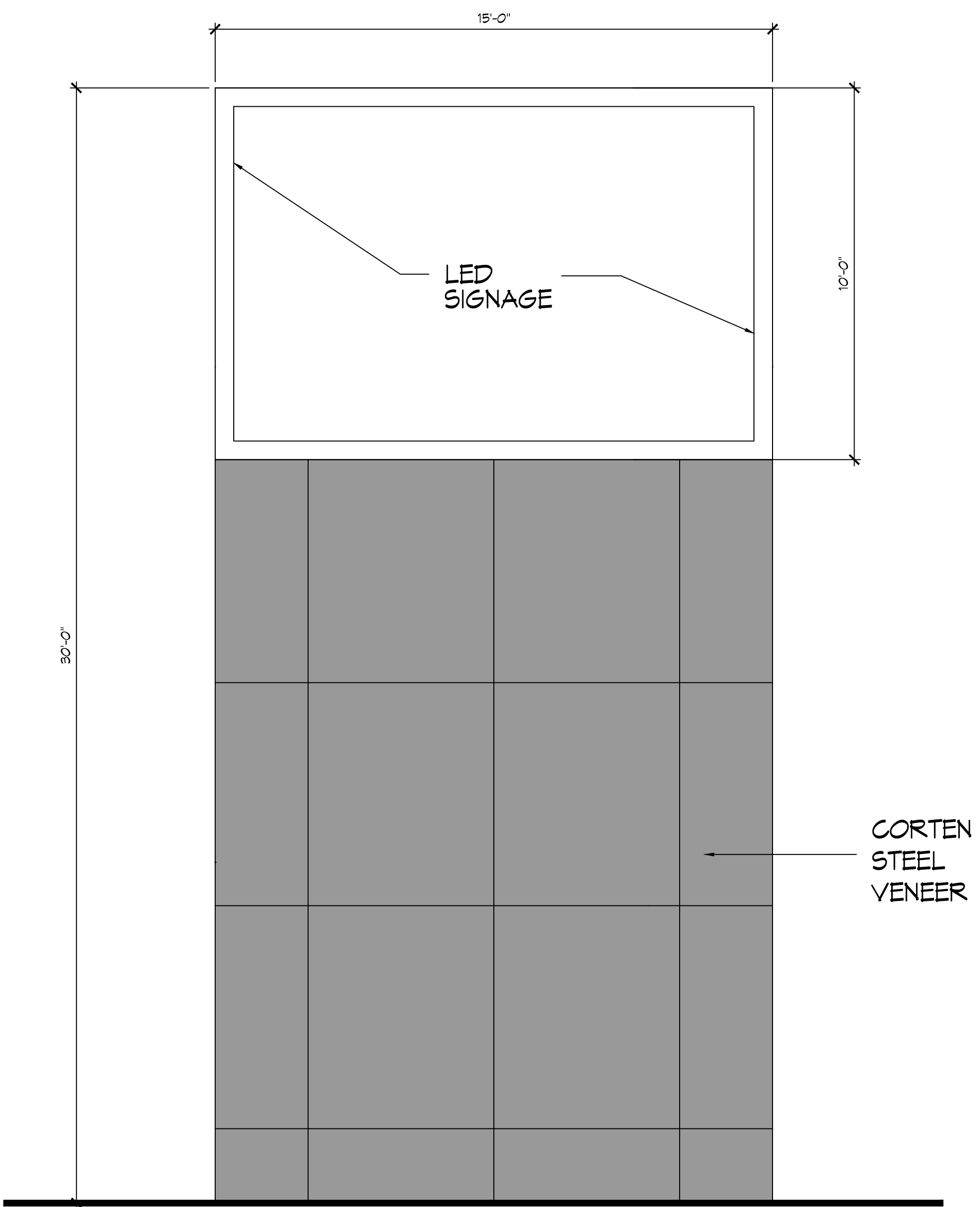
HORIZ. RIB STEEL SIDING- PATTERN 1



HORIZ. RIB STEEL SIDING- PATTERN 2



MEDIUM GREY BRICK VENEER



30' LED PYLON SIGN



2" CUT STONE VENEER

EXHIBIT 'C'

CASE NO.
ZC#19-023

File: B:\Clients\099_Misc Projects\099-19-025_Living Church - Mansfield\Civil\Exhibits\Landscape Plan - Exhibit D.dwg | Date Plotted: 4/21/2020 3:51 PM | Plotted By: drew

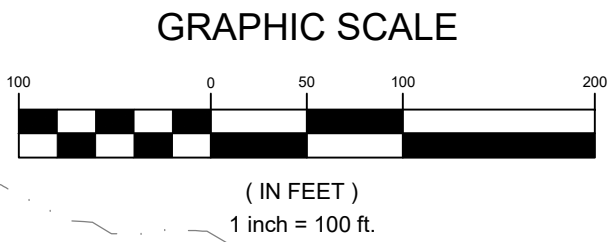
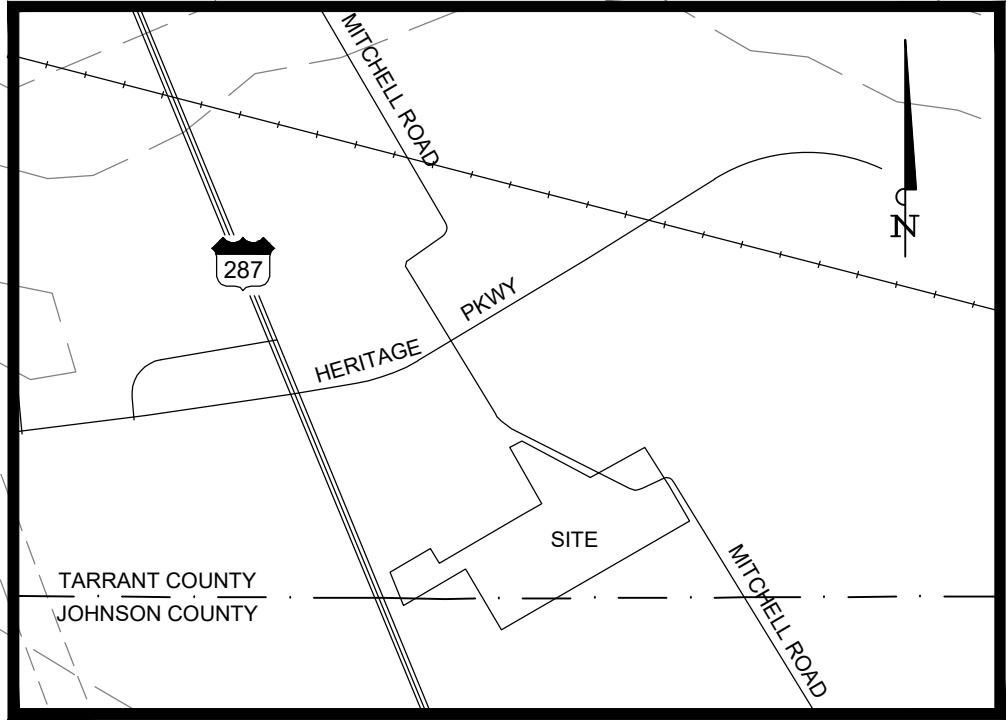
SUMMARY CHART - BUFFERYARDS / SETBACKS						
PARCEL	LOCATION OF BUFFERYARD OR SETBACK	BUFFERYARD OR SETBACK WIDTH / TYPE	LENGTH (IN FEET)	TREES REQD	TREES PROVD	SCREEN WALL / DEVICE HEIGHT AND MATERIAL
LOT 1	NORTH	N/A	-	-	-	-
LOT 1	EAST	25' SETBACK	1,311	32	32	-
LOT 1	SOUTH	10' BUFFERYARD	1,196	47	47	6' MASONRY WALL
LOT 1	WEST	25' SETBACK	296	7	8	-

PLANT_SCHEDULE						
TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	NOTES
	51	Acer rubrum 'Autumn Blaze' / Autumn Blaze Red Maple	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	12	Cedrus deodara / Deodar Cedar	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	62	Cercis reniformis 'Oklahoma' / Oklahoma Red Bud	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
	33	Chilopsis linearis / Desert Willow	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
	32	Ginkgo biloba / Maidenhair Tree	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
	60	Juniperus virginiana / Eastern Red Cedar	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	57	Lagerstroemia indica 'Tuscarora' / Crape Myrtle	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
	18	Magnolia grandiflora 'Little Gem' / Dwarf Southern Magnolia	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
	37	Pistacia chinensis / Chinese Pistache	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	56	Quercus shumardii / Shumard Red Oak	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	93	Quercus virginiana / Southern Live Oak	45 GAL.	3.5"	10'-12'	Full, Matching, Symmetrical
	16	Vitex agnus-castus / Chaste Tree	30 GAL.	3.5"	6'-8'	Full, Matching, Symmetrical
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING	NOTES
	140	Leucophyllum frutescens 'Green Cloud' TM / Green Cloud Texas Ranger	3 GAL	24" HT	PER PLAN	Full, Matching, Symmetrical, plants within visibility easements shall be maintained at a max 2' ht.
SHRUB AREAS	QTY	NOTES				
		3 gallon and 1 gallon shrubs. Typical Species (Texas Sage, Loropetalum, Red Yucca, Soft Leaf Yucca, Gulf Muhly, Mexican Feather Grass, Hamden Grass, Salvia Greggii, Lindheimer Muhly, Sunshine Ligustrum)				
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	NOTES			
	Per Plan	Cynodon dactylon 'Tif 419' / Bermuda Grass	Sod or Seed Per City Allowance			
	Per Plan	Decomposed Granite	3" Compacted depth w/ permeable weed mat staked to grade			

ON-SITE FUTURE VARIABLE WIDTH RIGHT-OF-WAY DEDICATION. SEE GENERAL NOTE No.2 0.390 ACRES (16,994 SF)

OFF-SITE FUTURE VARIABLE WIDTH RIGHT-OF-WAY DEDICATION

ZONED PD



PROPOSED 70' WIDE RIGHT-OF-WAY DEDICATION BY SEPARATE INSTRUMENT 1.862 ACRES (81,087 SF)

75' PEREGRINE PIPELINE COMPANY, TEMPORARY EASEMENT (RESERVED FOR FUTURE USE) INSTRUMENT NUMBER D207329106, O.P.R.J.C.T.

SIGHT VISIBILITY EASEMENT

20' LANDSCAPE BUFFER

EXISTING S. MITCHELL RD ALIGNMENT

PROPOSED 10' TALL MONUMENT SIGN

25' BUILDING SETBACK

SIGHT VISIBILITY EASEMENT

8' WIDE ENHANCED SIDEWALK

ZONED PD VACANT

EXHIBIT "D" LANDSCAPE PLAN FOR LIVING CHURCH

DANIEL DELAY SURVEY, ABSTRACT NO. 421;
THE JOHN ROBERTSON SURVEY, ABSTRACT NO. 1317;
THE MILTON GREGG SURVEY, ABSTRACT NO. 555;
THE SAMUEL MITCHELL SURVEY, ABSTRACT NO. 1024;
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS AND
DANIEL DELAY SURVEY, ABSTRACT NO. 209
CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS

Date Prepared: December 11, 2019

Date Revised: April 23, 2020

32.558 ACRES

Case Number: ZC #19-023

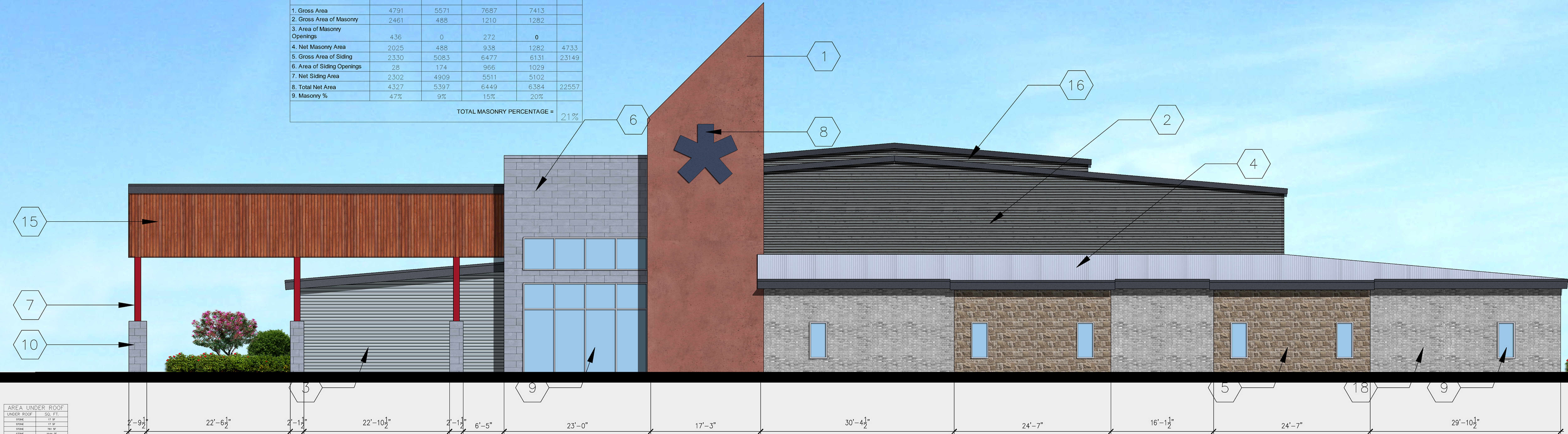
BANNISTER
ENGINEERING

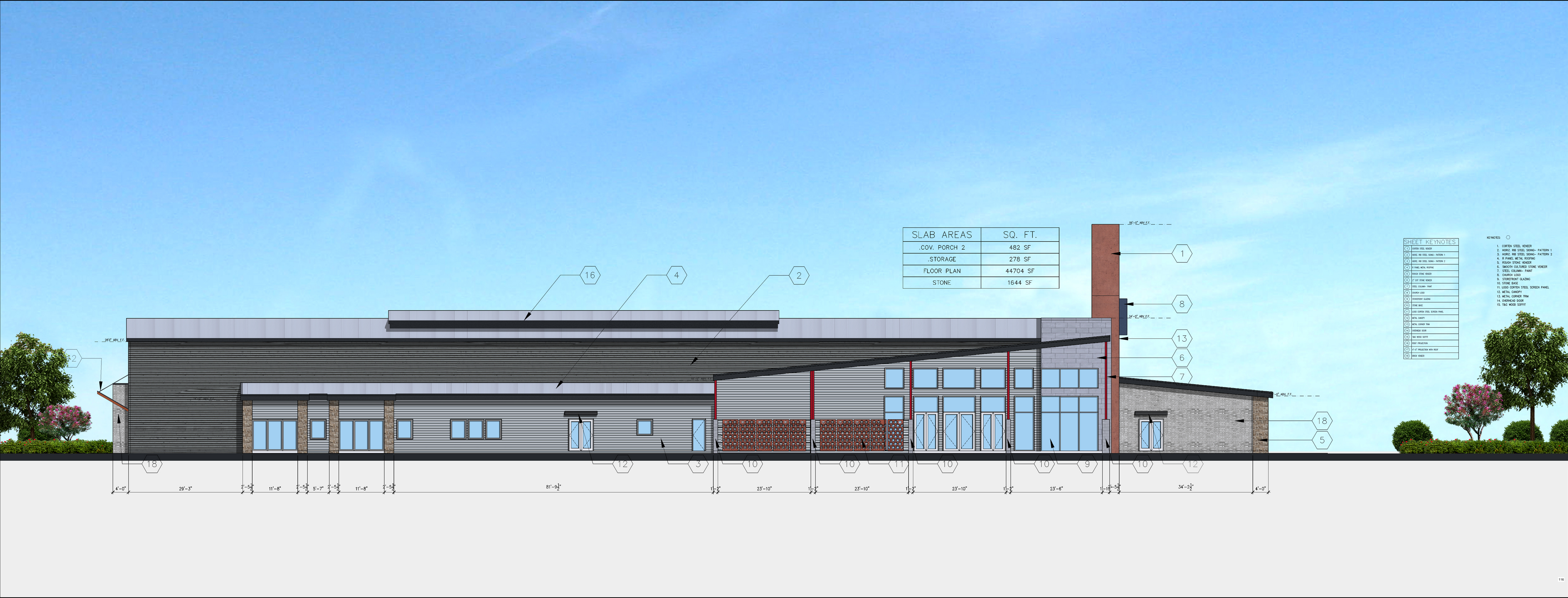
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)

PRELIMINARY
FOR REVIEW ONLY
These documents are for
Design Review and not
intended for
Construction, Bidding or
Permit Purposes. They
were prepared by, or
under the supervision of:
Drew J. Dubocq
L.A.#3141
04/23/2020

CONTACT: CODY R. BROOKS, P.E.

EXTERIOR FINISH CALCULATION					
All measurements shall be from foundation to top plates at gables. All measurements shall be from foundation to brick frieze at hips.					
	NORTH ELEVATION	SOUTH ELEVATION	EAST ELEVATION	WEST ELEVATION	TOTAL
1. Gross Area	4791	5571	7687	7413	
2. Gross Area of Masonry	2461	488	1210	1282	
3. Area of Masonry Openings	436	0	272	0	
4. Net Masonry Area	2025	488	938	1282	4733
5. Gross Area of Siding	2330	5083	6477	6131	23149
6. Area of Siding Openings	28	174	966	1029	
7. Net Siding Area	2302	4909	5511	5102	
8. Total Net Area	4327	5397	6449	6384	22557
9. Masonry %	47%	9%	15%	20%	
TOTAL MASONRY PERCENTAGE =					21%







7

13

11'-5½"

31'-11"

48'-0½"

26'-2"

48'-2"

31'-9½"

26'-9½"

14

18

9

3

5

3

2

15

12

16

1

3

6

4

7

10





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3555

Agenda Date: 5/11/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Consider Supplemental Funding Request from the Hotel Occupancy Tax Fund for the Pickled Mansfield Society's World's Only St. Paddy's Pickle Parade & Palooza Event in the Amount of \$90,644.13 (Julie Short, Chair)

Requested Action

Consider Request

Recommendation

Deny Request

Description/History

The Pickled Mansfield Society received approval for \$36,000 in the FY'2020 Hotel Occupancy Tax (HOT) funds budget for the Pickle Parade and Palooza event. This event was to be in March 2020 and the event was cancelled a day before the event by the Texas Governor due to the outbreak of coronavirus.

The Pickled Mansfield Society has submitted an application for supplemental funding from the HOT funds for \$90,644.13 for the cost of the event due to the fact that the event was cancelled.

The Chair is recommending denying this request.

Justification

Due to the pandemic outbreak of coronavirus, the HOT funds have seen a downturn in revenue and the funding source for event grants such as this event and is no longer on course to reach the projected budgeted amount for FY 2020.

Funding Source

Hotel/Motel Occupancy Fund

Prepared By

Julie Short, HOT Funds Chair
julie.short@mansfieldtexas.gov



The World's Only St. Paddy's Pickle Parade

The Pickled Mansfield Society is a non-profit 501(c)4, all-volunteer organization that was formed in 2012 to produce the World's Only St. Paddy's Pickle Parade & Palooza and promote Mansfield, Texas.

The March 13-14, 2020, event was canceled on March 12 by Gov. Greg Abbott, due to the outbreak of the coronavirus. With the event only hours away from beginning, we were unable to cancel many of our purchases or reclaim deposits. Many of our sponsors have asked for the return of their sponsorship fees and many others did not pay, neither of which has ever happened in the nine years of the event.

Our insurance provider does not consider a pandemic an "act of God," therefore none of our expenses are recoverable.

Since 2012, the World's Only St. Paddy's Pickle Parade & Palooza has become a beloved event in Mansfield, and one of its largest. Many residents and visitors were upset when the event was canceled. Our downtown business owners were shocked since they stock up on inventory for their busiest weekend of the year.

The Pickled Mansfield Society is an all-volunteer board with hundreds more community volunteers. The funds that we raise through sponsors, T-shirt sales, beer sales, run, vendor and parade fees are used to produce the following year's event. We also donate to several charities, but none of the funds that we are seeking will be used for these charities, only to mitigate the severe losses from the cancellation of this year's event.

We appreciate everything that the City of Mansfield has done for the event, which would not happen without the support and cooperation of the City Council and staff.

Board of Directors

John Pressley	Amanda Kowalski	Gigi Wadley	Sheri Curb
Cindy Pressley	Bob Kowalski	Joe Kowalski	RT Hall



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3557

Agenda Date: 5/11/2020

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - First Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96 Parks and Recreation

Requested Action

Consider Approving Ordinance

Recommendation

Approve Ordinance

Description/History

Staff has been reviewing current ordinances and park rules and is recommending changes and updates. The current Parks Chapter does not include language that defines where fishing activities are allowed or prohibited in city parks. Following the review and discussion with a sub-committee of the Mansfield Park Facilities Development Corporation (MPFDC), staff recommends the addition of the following new section to the Parks Chapter:

Fishing shall be permitted in areas as designated through Department Rules and Regulations and park signage, subject to compliance with all state and city laws and regulations. Fishing shall be permitted only from designated fishing docks or piers or the banks of any creek, pond, lake or other body of water in designated City parks. Fishing in all other creeks, ponds, lakes or bodies of water in City parks is prohibited. No trotlines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any City park.

Justification

The Mansfield, Texas Code of Ordinances: Chapter 96: Parks and Recreation has not been updated since May 2013. Staff and the MPFDC have completed a comprehensive review of park rules and city ordinances and are recommending several changes and additions. The addition of the section regarding fishing activities will allow for better enforcement and compliance among park users.

Funding Source

N/A

Prepared By

Matt Young, Director of Parks and Recreation

Matt.Young@mansfieldtexas.gov

817-728-3397

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 96, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY CREATING A NEW SECTION 96.26, "FISHING" AND PROHIBITING FISHING IN PARK LAND AREAS NOT DESIGNATED BY THE CITY; PROHIBITING THE USE OF CERTAIN FISHING METHODS; PROHIBITING THE CLEANING OF FISH WITHIN PARK LANDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Mansfield desires to amend the Code of Ordinances to regulate certain activities related to fishing within city park lands; and

WHEREAS, the City Council has determined that the amendments to the Code of Ordinances as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Mansfield and the public.

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

SECTION 1

THAT, Chapter 96 of the Code of Ordinances of the City of Mansfield is hereby amended by adding a new Section 96.26, "Fishing" to read as follows:

"§ 96.26 FISHING.

- (A) It shall be unlawful for any person to fish in park land areas that have not been designated for fishing by Parks and Recreation Department Rules and Regulations and park signage.
- (B) It shall be unlawful for any person to use trotlines, throw lines, fish traps, or nets while fishing in designated areas of park lands.
- (C) It shall be unlawful to clean fish in any park land."

SECTION 2

THAT, the Director of Parks and Recreation, or his designee, is authorized to designate areas of park land that are suitable for fishing and to install signage related to the same.

SECTION 3

THAT, this ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or

policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

SECTION 4

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

SECTION 5

THAT, any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon the conviction, in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6

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

First reading approved on the _____ day of _____, 2020.

Second reading approved on the _____ day of _____, 2020.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3558

Agenda Date: 5/11/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Discuss, Consider, and Approve a Resolution Continuing Mayor Cook's Declaration of Public Health Emergency

Requested Action

Defer to Council.

Recommendation

Defer to Council.

Description/History

Consider extending the Declaration of Public Health Emergency to April 30, 2020.

Justification

N/A

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

STAFF REPORT

File Number: 20-3559

Agenda Date: 5/11/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Discussion and Action as Appropriate Related to Governor's Proclamation Allowing New Election Schedule (Addendum to Agenda)

Requested Action

Defer to Council.

Recommendation

Defer to Council.