



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, May 9, 2022

4:00 PM

Council Chambers

REGULAR MEETING

1. **4:00 P.M. - CALL MEETING TO ORDER**

2. **WORK SESSION**

Discussion Regarding a Business Education Center

Discussion Regarding Amendments to the Mansfield Code of Ordinances Chapter 33 "Fire Department"

Discussion Regarding Regulatory Compliance Ordinance Revisions

3. **RECESS INTO EXECUTIVE SESSION**

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

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

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

Seek Advice of City Attorney Regarding Water Provider Agreement

Seek Advice of City Attorney Regarding Issues to be Addressed in a Form Based Zoning System

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

Land Acquisition for Future Development

C. **Personnel Matters Pursuant to Section 551.074**

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

Economic Development Project #22-15

4. **6:30 P.M. – SPRING 2022 INTERNSHIP CLASS RECEPTION WITH CITY COUNCIL**
5. **7:00 PM OR IMMEDIATELY FOLLOWING RECEPTION - RECONVENE INTO REGULAR BUSINESS SESSION**
6. **INVOCATION**
7. **PLEDGE OF ALLEGIANCE**
8. **TEXAS PLEDGE**

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

9. PROCLAMATION

[22-4669](#) National Correctional Officers and Employees Week

Attachments: [National Correctional Officers and Employees Week](#)

[22-4670](#) National Police Week

Attachments: [National Police Week](#)

[22-4671](#) National Water Safety Month

Attachments: [National Water Safety Month](#)

10. RECOGNITION

Recognition of Mansfield High School JROTC

Recognition of Spring 2022 Internship Class

11. CITIZEN COMMENTS

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

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

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

12. COUNCIL ANNOUNCEMENTS

13. 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

[22-4644](#) Departmental Quarterly Reports

Attachments: [Quarterly Reports](#)

14. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

15. CONSENT AGENDA

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[22-4636](#) Ordinance - An Ordinance of the City of Mansfield, Texas Amending Chapter 158, "Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes," of Title Xv, "Land Usage," of the Code of Mansfield, Texas; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing a Savings Clause; Providing for Publication as Required by Law; and Providing an Effective Date.

Presenters: Nicolette Ricciuti

Attachments: [Ordinance](#)
[Ordinance Redline](#)

[22-4637](#) Ordinance - An Ordinance of the City of Mansfield, Texas Amending Sections of Chapter 92, "Health And Sanitation," Regarding Public

Swimming Pools and Spas by Correctly Naming and Identifying Current Regulatory Authority; Adding and Amending Definitions; Amending Regulations Regarding Permits, Review of Plans, Inspections, and Requirements; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing for Publication as Required by Law; And Providing an Effective Date

Presenters: Nicolette Ricciuti

Attachments: [Ordinance](#)

[Chapter 92 Redline](#)

[22-4638](#)

Ordinance - An Ordinance of the City of Mansfield, Texas Amending Subchapter "Child Care Facilities" of Chapter 110, "General Provisions," of Title Xi, "Business Regulations," of the Code of Mansfield, Texas, by Amending Sections 110.25 through 110.35 Regarding Minimum Standards, Definitions, Permit Requirements, Exceptions, Applications, Fees, Inspections, Suspension, Revocation, Enforcement, and Operations; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing a Savings Clause; Providing for the Publication as Required by Law; And Providing an Effective Date

Presenters: Nicolette Ricciuti

Attachments: [Ordinance](#)

[Chapter 110 Exhibit A](#)

[Chapter 110 Exhibit A Redline](#)

[22-4661](#)

Ordinance - An Ordinance Amending Chapter 33, "Fire Department" of the Code of Ordinances of the City of Mansfield, Texas by Amending Sections 33.35, "Provision for Emergency Ambulance Services", 33.36 "Fees for Ambulance Service," 33.37 "Service Boundaries," and 33.38 "Service Area Defined" to Allow City Manager to Delegate Rulemaking Authority Regarding Ambulances, Allow More Streamlined Updating of Service Fees, Provision of Services in Areas Outside City Limits, and Allowing Emergency Medical Facility on Scene of an Injury to Determine Appropriate Emergency Medical Facilities for Transport; Providing a Cumulative Clause; Providing a Severability Clause; Providing a Penalty Clause; Providing for Publication; and Providing an Effective Date

Presenters: Mike Ross

Attachments: [Ordinance](#)

[22-4664](#)

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$392,324.00 and Approval of Contracts, Including Design Services with Freese & Nichols, Inc. to Prepare the Main Street to Broad Street 16-Inch Water Line for Public Bidding and Construction (Utility Fund)

Presenters: Bart VanAmburgh

Attachments: [Resolution](#)

[22-4666](#) Resolution - A Resolution of the City Council of the City of Mansfield, Texas Expressing the Intent to Finance Capital Expenditures with the Proceeds of Future Debt Obligations for the Purpose of Funding Public Improvements and the Acquisition of Computer Equipment and Software

Presenters: Troy Lestina

Attachments: [Resolution](#)

[Exhibit A](#)

[22-4667](#) Resolution - A Resolution to Consider Approving a BuyBoard Contract With Library Interiors of Texas, LLC of Lakeway, Texas in the Amount of \$82,921.00 for the Moving Services, Configuration and Installation of Library Shelves and Library Materials for Mansfield Public Library

Presenters: Yolanda Botello

Attachments: [Resolution](#)

[22-4663](#) Request for Special Event Permit: Shivers Snow Cones

Presenters: The Applicant and Jason Alexander

Attachments: [Application](#)

[22-4656](#) Minutes - Approval of the April 25, 2022 Regular City Council Meeting Minutes

Presenters: Susana Marin

Attachments: [4-25-22 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

16. PUBLIC HEARING

[22-4660](#) Ordinance - Public Hearing and Final Reading of an Ordinance Amendment of Section 155.012, of the Mansfield Code of Ordinances Regarding Definitions for Articulation, Façade and Porch (OA 22-001)

Presenters: Arty Wheaton-Rodriguez

Attachments: [Ordinance](#)

[22-4662](#) Ordinance - Public Hearing and Final Reading of Ordinance Amendments of Chapter 155 of the Mansfield Code of Ordinances Defining the Term Donation Box in Section 155.012; Amending the Permitted Use Table in Subsection 155.054(B) to Require a Specific Use Permit in the C-3 and I-1 Districts for Donation Boxes and to Allow Donation Boxes as a Permitted Use in the I-2 District; Establishing Special Conditions for Donation Boxes in Section 155.099; Establishing a Permit System for Donation Boxes; and Establishing a Fee for Donation Box Permits (OA 22-002)

Presenters: Arty Wheaton-Rodriguez

Attachments: [Ordinance](#)

17. PUBLIC HEARING AND FIRST READING

[22-4659](#)

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential Uses on Approximately 60.92 Acres out of the PB George Survey, Abstract #299, Johnson County, Texas, on Property Located at 1400 Flying L Lane; First Texas Homes, Owner/Developer and JBI Partners, Inc., Engineer (ZC#21-011)

Presenters: Jason Alexander

Attachments: [Ordinance](#)

[Exhibit A](#)

[Exhibits B through D](#)

[Maps and Supporting Information](#)

18. PUBLIC HEARING CONTINUATION AND SECOND AND FINAL READING

[22-4613](#)

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for Attached Townhome Single-Family and Community Business Commercial on 14.156 acres of land in the Henry McGehee Survey, Abstract No. 998, generally located at the southeast intersection of Debbie Lane and North Walnut Creek Drive on property at 1700 North Walnut Creek Drive; Skorburg Company, Developer (ZC#21-023)

Presenters: Jason Alexander

Attachments: [Ordinance](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Original Development Plan](#)

[Exhibit C - PD Conditions and Elevations](#)

[Exhibit D - Updated Development Layout and Landscaping](#)

[Maps and Supporting](#)

19. NEW BUSINESS

[22-4665](#)

Ordinance - An Ordinance of the City of Mansfield, Texas, Amending Title Xi of the Mansfield Code of Ordinances Pertaining to Donation Box Permits; Creating a New Chapter 116 to Establish a Donation Box Permit; Establishing Maintenance Regulations for Donation Boxes; Providing for the Revocation of Such Permits; Providing for Fees Related to Chapter 116; Providing for the Repeal of all Ordinances in Conflict; Providing a Severability Clause; Providing a Penalty of Fine Not to Exceed the Sum of Five Hundred Dollars (\$500.00) for Each Offense; And Providing an Effective Date

Presenters: Nicolette Ricciuti

Attachments: [Ordinance](#)

[22-4668](#)

Consideration - Consider Approval of a Community Activation Grant Application to be funded through the Community Activation Grant Program

Presenters: Nicolette Ricciuti

Attachments: [CAG Under the Big Top Application Binder](#)

20. **ADJOURN**

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the May 9, 2022 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Thursday, May 5, 2022 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.



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STAFF REPORT

File Number: 22-4669

Agenda Date: 5/9/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Correctional Officers and Employees Week

WHEREAS, thousands of men and women across the country work in jails and community correctional facilities each and every day; and

WHEREAS, correctional officers and employees safeguard the citizens of their communities by providing safe, secure and humane incarceration of offenders within their custody; and;

WHEREAS, these dedicated correctional facility personnel provide a critical service, sometimes in hazardous conditions and dangerous situations and;

WHEREAS, National Correctional Officers and Employees Week was created by President Ronald Reagan in 1984 to recognize the service of these important public safety officials; and

WHEREAS, the men and women who work each day at the Mansfield Law Enforcement Center Jail Division provide a vital public service to the citizens of Mansfield and do so with honor and integrity;

NOW, THEREFORE, I, Michael Evans, Mayor of the City of Mansfield, Texas, join with members of the City Council to proclaim May 1st – 7th, 2022

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

in Mansfield and encourage residents of our community to show their appreciation and gratitude to the officers and employees of the Mansfield Law Enforcement Center Jail Division for their dedication to our city and the safety of our citizens.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 9th day of May, 2022.



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STAFF REPORT

File Number: 22-4670

Agenda Date: 5/9/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Police Week

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Mansfield Police Department; and

WHEREAS, since the first recorded death in 1791, more than 22,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one member of the Mansfield Police Department; and

WHEREAS, over 715 fallen heroes gave their lives in service from Jan. 2021 to April 30th of 2022; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the 34th Annual Candlelight Vigil on May 13, 2022, as part of National Police Week; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day in honor of all fallen officers and their families and U.S. flags will be flown at half-staff in remembrance,

NOW, THEREFORE, I, Michael Evans, Mayor of the City of Mansfield, Texas, join with members of the City Council to proclaim May 11-17, 2022, as

NATIONAL POLICE WEEK

in Mansfield and encourage residents of our community to show their appreciation and gratitude to the Mansfield Police Department for their dedication to our city and the safety of our citizens.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 9th day of May, 2022.



CITY OF MANSFIELD

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STAFF REPORT

File Number: 22-4671

Agenda Date: 5/9/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Water Safety Month

WHEREAS, each May organizations such as the Pool & Hot Tub Alliance, American Red Cross, National Recreation and Park Association, and World Waterpark Association recognizes the importance of enhancing the quality of water awareness and swimming safety activities for residents; and

WHEREAS, the National Water Safety Month strives to promote the expansion of water educational programs and effective strategies to make swimming pool environments safer; and

WHEREAS, health inspectors have an important role in the communities they serve, and regularly interact with state and county officials, first responders, legislative boards, commissions, agencies, and other community stakeholders to keep public swimming pools safe, sanitary, and healthy; and

WHEREAS, thanks to the efforts of health inspectors, their role plays a vital part in promoting a safe and clean water environment for all residents to enjoy recreational water activities each summer; and

WHEREAS, the goal is to offer a desirable recreational option for Mansfield residents and visitors; health inspectors focus on the initial design stage to performing inspections to determine the maintenance and safety level of public swimming pools.

NOW, THEREFORE, I, Michael Evans, Mayor of the City of Mansfield, Texas, join with members of the City Council to hereby proclaim May 2022, as

NATIONAL WATER SAFETY MONTH

In the City of Mansfield, we pledge to continue raising awareness of the importance of water safety activities in our great city. We thank our health inspectors for their work to help Mansfield public swimming pools remain safe, sanitary, and a place for families to have fun.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 9th day of May, 2022.



CITY OF MANSFIELD

1200 E. Broad St.
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STAFF REPORT

File Number: 22-4644

Agenda Date: 5/9/2022

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Departmental Quarterly Reports

Requested Action

Review Departmental Quarterly Reports

Recommendation

Review Departmental Quarterly Reports

Description/History

2nd Quarter Update for FY 2022

Justification

Provide an Update to City Council

Funding Source

N/A

Prepared By

Bernadette McCranie
Director of Communications and Outreach
bernadette.mccranie@mansfieldtexas.gov

MANSFIELD QUARTERLY

Quarter 2 | Fiscal Year 2022



Assistant Director of Library Services Faria Matin and Youth Services Librarian Julie Crisafulli



CONTENTS

Building Safety	4
Communications & Outreach	6
Cultural Arts	8
Economic Development	9
Historic Downtown Mansfield	11
Historical Services	13
Mansfield Public Library	14
Parks & Recreation	16
Planning & Zoning	20
Public Works	22
Regulatory Compliance	24
Special Events	27
Visit Mansfield	28
Water Utilities	30



True NORTH: The City of Mansfield's GUIDING PRINCIPLES

Noteworthy Essentials

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

Organizational Excellence

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

Remarkable Experiences

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

Together As One

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

Healthy Economy

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

BUILDING SAFETY

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

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



BY THE NUMBERS

Jan. 1 to March 31

Received, performed plan-review, and issued over 1,389 permits which included:

295	New Single-Family Homes
17	New Commercial
273	Additions, remodels, etc.
248	Other/Miscellaneous
67+	Cert. of Occupancy

Processed, reviewed and issued 415 single-trade permits (plumbing, electrical, mechanical)

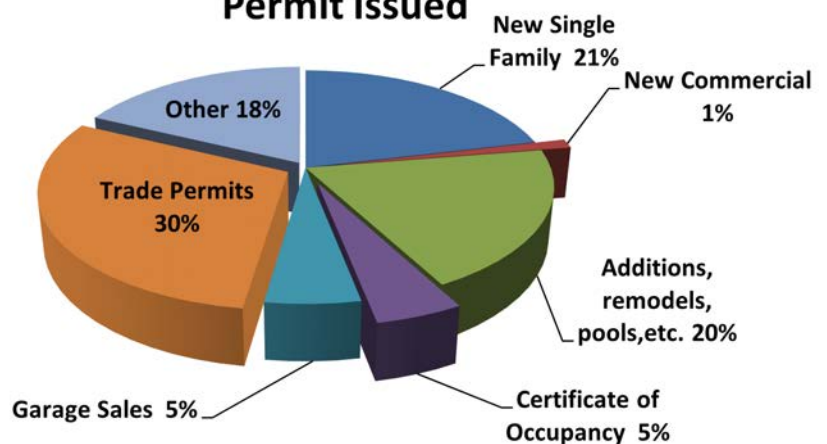
Processed, reviewed and issued over 74 garage sale permits

The Building Safety Department stayed busy serving the community during the quarter with the following activities:

- Provided customer service to over 3,780 phone, e-mails, and walk-in inquiries (60/day average)

- Processed and updated plumbing, mechanical and electrical contractor registrations; ensuring required licenses are on file with the city through an annual registration process

Permit Issued



- Collected over \$3,508,917 in permit fees, which included \$965,911 of building permit fees

- Responded to over 60 open record requests (3-5 per week on average)

- Conducted over 11,336 building, mechanical, electrical, plumbing, and certificate of occupancy inspections

Building Safety Activity Jan. 1 to March. 31

Inspected and Finalled

2000 Julian Feild Street - Brenda Norwood Elementary School

2001 Julian Field Street - Alma Martinez Intermediate School

647 N. Miller Road - Medical Office Building / The GI Alliance

2526 Ambrose Pkwy. - Somerset Mansfield HOA

1496 Heritage Pkwy. - Shell Building / Family Dream Center

1836 Cannon Drive - Retail Shell / Broad-Cannon Retail Center

1509 FM 157- Retail Shell Building

Inspection Work Load



Approved and Under Construction:

2100 E. Broad Street - Urban Living Multi-Family

715 N. Main Street - Lofts Phase II Multi-Family

401 N. SH 360 - Sydney Apartments

311 & 312 Watson Branch - Apartments

2000 NAHVI Road - Apartment Complex

1350 FM 157 - Apartment Complex

1961 Heritage - Straumann Manufacturing Inc.

1960 Heritage - Warehouse Complex

2151 Heritage - Warehouse Complex

1201 Heritage - Warehouse Complex

1151 Heritage - Office Warehouse 317,520 sq. ft.

2201 Heritage - Industrial Addition 34,645 sq. ft.

3121 E. Broad Street - Andy's Frozen Custard 2,100 sq. ft.

1045 Matlock Road - Office Complex

1700 Commerce Drive - Dollar General

104 S. Wisteria - Mansfield Library Expansion

76 Regency Pkwy. - Medical and Physical Therapy Building

Currently in Review:

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

101 S. Main Street - Meehan's Chophouse and Henry's Cigar Bar

612 Strada - Tuscany Counselor Medical building

620 Justice Lane - Multi-Tenant Office Warehouse 40,633 sq. ft.

2815 Sage Bush - View at the Reserve Amenity Center

1780 FM 157 - Seven Brew Coffee Shop

799 W. Broad Street - McClendon Park West Improvements

4451 E. Broad Street - Shell Office Building

3020 E. Broad Street - Community Med Family Urgent Care

1570 E. Debbie lane - Chick-Fil-A

75 Regency Pkwy. - Office Warehouse Shell Building 283, 883 sq. ft.

2000 N. US 287 - Murphy Express

2731 FM 157 - Java Lounge Café

1101 N. Holland - Shell Building (Restaurant)

2210 E. Broad Street - Retail Shell



COMMUNICATIONS & OUTREACH

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

The C&O's quarter was busy with the announcement of a City Council called bond election. C&O quickly collaborated with city-wide staff to create a communication plan to produce and deliver educational collateral for all Mansfield residents regarding the upcoming bond election. This also included developing a new website to provide easy-to-find information on everything bond election. The site, Mansfield2022.com hosts project pages and videos to help explain the proposed projects, voting location information, and frequently asked questions about the process and projects. C&O staff have been taking questions via a form on the website and then providing those answers via the FAQ pages on the website.

In addition, C&O along with city-wide staff, hosted public forums and presentations with resident stakeholder groups for residents to have the opportunity to learn more about the proposed projects and ask questions. Staff also distributed voter information guides at the Pickle Parade and provided a Facebook Live opportunity was also provided to give another avenue for residents to engage with staff and voice questions and concerns.

By the Numbers

Website - Mansfield2022.com March 1 to March 31

- Total Visits - 2.6k
- Total Page Views - 9.3k
- Average Time Per Page - 2 minutes
- Page Most Time Spent - Resources (approx. 3.5 minutes)

Top Pages

- 1) Proposition B - 1,224 views
- 2) Proposition C - 1,017 views
- 3) Proposition D - 819 views



**Facebook
Followers
24,266 (+293)**



**Twitter
Followers
4,365 (+101)**



**Nextdoor
Members
29,436 (+547)**



**LinkedIn
Followers
298 (+105)**

By the Numbers

Top Posts by Reach Jan. 1 to March 31

True to Mansfield style, posts with high engagement included safety or traffic advisories as well as new restaurant openings.

- Somerset Advisory - 29.9k
- Hoffbrau Announcement - 23.3k
- Traffic Advisory; Pickle Parade - 20k
- Del Toro BBQ Announcement - 21.1k
- Bond Proposition Concepts - 19.2k

Facebook Page Reach - 131,190 people

Facebook Page Visits - 20,481

Website - MansfieldTexas.Gov

- Total Website Views - 500,562
- Total Users - 137,014 (129,874 new)

Top Pages

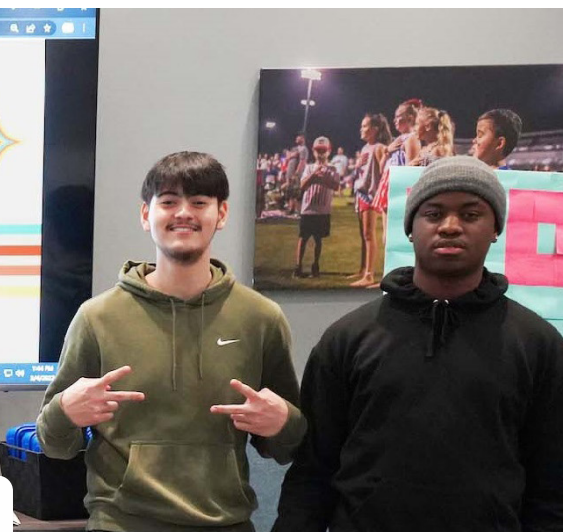
- 1) Job Opportunities - 17,942 views
- 2) Water Utilities - 13,593 views
- 3) Library - 13,055 views
- 4) Payment Page - 11,175 views
- 5) Inspection Request - 9,123 views



Bond Election Presentation



Ben Barber Innovation Center - Marketing Students





MISD - Day of Service - March 2022

The C&O team also collaborated with Mansfield ISD (MISD) to host several marketing students to learn about municipal communications. Representatives from multiple departments including Police, Parks & Recreation, Visit Mansfield and more presented and chatted with the students.

Another joint project with MISD this past quarter was the Day of Service. Annually, educator Kenna Cavnar of

Legacy High School brings students together to complete a service project through the Mansfield Volunteer Project. 2022 was no different. Kenna and her colleagues brought over 450 students and faculty from 3 area schools to participate in a cleanup project on March 10. Students collected everything from everyday household trash to car parts, tires and more. We are grateful to partner with them and see the leadership of our teens in the community.

By the Numbers

Outreach – Jan. 1 to March 31

- Volunteer Hours – 11.4k
- Average Volunteer Project Days per Month – 24
- Highlight Project
MISD Day of Service – 1.4k hours



[HOME](#) [PROJECTS](#) [VOTING INFORMATION](#) [RESOURCES](#) [V](#)

5 PROJECTS

to consider

Mansfield2022.com Bond Election Website



Mansfield ISD - Day of Service - March 2022

CULTURAL ARTS

It's been an exciting and busy quarter within Cultural Arts. Last quarter within Cultural Arts, it was mentioned that the Cultural Arts Master Plan (CAMP) process had begun. Of the three firms chosen to present for consideration, Designing Local was the final firm chosen. The contract with Designing Local was approved by the City Council during the Feb. 14 meeting. Following approval by the City Council, Designing Local visited on-site for a kickoff presentation with staff Feb. 22-24, meeting with staff and visiting existing facilities.

During the quarter, the first public outreach events for CAMP were hosted during Arts Week and the Pickle Parade and Palooza. QR codes were given out for a quick 3-question survey. Additional

public engagement is also underway with the hosting of virtual stakeholder conversations and future planned outreach events. The next public engagement opportunity will take place during Music Alley on April 30 in Historic Downtown Mansfield. Research and discovery along with the drafting of public art policies is also in process. To learn about the plan, participate in the 3-question survey, or sign up to receive additional updates, visit mansfieldart-splan.com.

Arts Week was held March 11-14, 2022 hosting 17 events in 4 days. There were a variety of events from poured paint classes, live performances to children's

crafts and activities. These events supported nine local arts organizations and partnered with 11 local businesses.

Farr Best Theater was also busy with 63 days of use and 14 events. The city produced the following events for a total rental and ticket income of \$7,203.07.

- Willy Wonka Movie Experience
- Sweat
- Copyright for visual artists
- Night at the Opera
- Finances for artists
- Arts Week



Arts Week March 2022



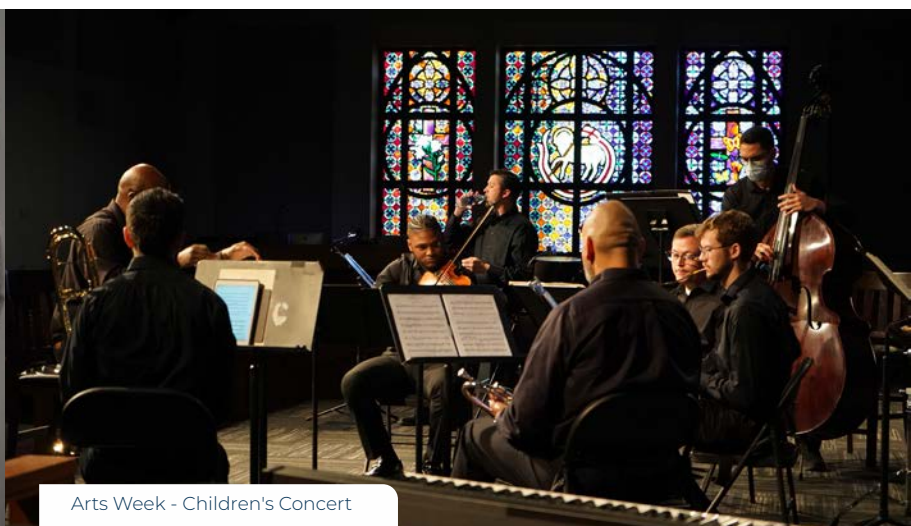
Arts Week March 2022



Night at the Opera



Arts Plan Outreach



Arts Week - Children's Concert

ECONOMIC DEVELOPMENT

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

New Projects

ClearSky Health

ClearSky Health broke ground on a new 40,000 sq. ft., 30-bed, inpatient rehabilitation hospital near Texas 360 and Heritage Pkwy. The estimated capital investment for this project is \$20 million and it will create approximately 100 healthcare jobs within the community. The hospital is expected to treat 650 patients annually.

Restaurant | Entertainment Opportunities

MEDC and city staff have been working on recruiting a variety of different restaurant and entertainment options including a movie theater, indoor entertainment venue and large sports concept.

Existing Industry Expansions

Project 18-02

Sellmark is adding 33,000 sq. ft. onto their existing facility along Heritage Pkwy. The capital investment is expected to be \$2 million. Construction has begun and the improvements are expected to be complete on or before June 2022.

Sellmark has also purchased 12.39 acres of MEDC owned property, known as "Lot 4" which is expected to accommodate a 167,000 sq. ft. spec industrial building. The capital investment on this facility is expected to be \$13 million. An extension for this project was granted until June of 2023.

Project 20-05 | Project 20-29

The 30,000 sq. ft. storage expansion at 812 S. 5th Ave. for Don Lee Farms was completed during the fourth quarter of 2021. MEDC assisted with the site utilities including fire lane, fire line, and fire suppression.

The additional 31,500 sq. ft. production expansion at 812 S. 5th Ave. for Don Lee Farms is expected to add 20 new jobs and be completed by December 2022. MEDC will assist with site utilities including fire lane, fire line and fire suppression. The capital investment for this project is estimated to be \$5.25 million.

Project 21-12

The MEDC Board approved an incentive for American Carton Company (ACC) in the amount of \$350,000. ACC is more than doubling the size of their existing building located at 607 S. Wisteria. The capital investment is expected to be a minimum of \$4.3 million. The incentive will assist with fire line, fire lane, fire suppression, façade improvements and site utilities. ACC expects to add a minimum of 20 employees to their existing 60 employee base.

Project 21-31

The MEDC at its October board meeting approved an incentive for Mouser Electronics to assist with drainage improvements for their 400,000 sq. ft. expansion. The Capital investment is

expected to be \$30 million with a completion date of December 31, 2023. City Council also approved a 380 Agreement for this expansion.

Marketing Activities

Many marketing activities have been limited as a result of the COVID-19 pandemic, but that is beginning to change. Staff have continued to meet with local brokerage and site-selection firms on a variety of opportunities and have also participated in the following:

P3 Conference

From March 13-15, 2022, staff participated in the 10th Annual Public/ Private Partnership Conference in Dallas to engage with a variety of public and private sector professionals to explore various topics related to the financing of development projects.

Fort Worth Regional Economic Development Partnership Outreach

On March 2, staff participated with the Fort Worth Regional Economic Development partnership in a one-day outreach event to local DFW site selection firms highlighting the benefits of choosing Mansfield as a site for their clients to locate new facilities.



ClearSky Health Groundbreaking

ECONOMIC DEVELOPMENT

International Council of Shopping Centers (ICSC)

Red River Conference

Staff attended the ICSC Red River Conference from March 30-31 in Dallas. Meetings were held with numerous retailers, brokers and developers involved in the retail/restaurant industry to promote Mansfield as a preferred location.

Fort Worth Real Estate Council

MEDC staff continues to participate in programming with this local professional real estate organization.

Commercial Real Estate Women (CREW)

MEDC staff continues to sponsor and attend a variety of CREW events, both on the local and national level.

DFW Marketing Team

MEDC staff continue to work with the Dallas Regional Chamber as part of the DFW Marketing Team for efforts in major corporate relocations to the metroplex.

Advertising

MEDC staff placed advertisements in the Dallas Regional Chamber Economic Development Guide and the inaugural edition of The Lens, a new publication from Tarrant County College highlighting workforce related topics.

Business Retention

MEDC staff met with the University of Texas at Arlington (UTA) College of Business representatives to discuss internship opportunities with Mansfield businesses. MEDC staff has subsequently met with a couple of local businesses that are currently offering internships to UTA students. The goal is to put a basic program together and promote it to other businesses.

A new organization focusing on improving the overall competitiveness of manufacturing companies has been formed by a few Mansfield employers. The organization, Manufacturing Excellence through Research,

Innovation and Technology (MERIT) encompasses the southwest area of the metroplex. MEDC is an active partner. Both MEDC and the Mansfield Chamber support the organization. MERIT will begin in-person programming once again in 2022 after having to cancel or modify programs to be held virtually due to COVID-19.

MEDC conducted its annual salary and benefits survey in late February. Eighteen Mansfield companies participated in the survey and those companies also received the compiled results.

Upcoming Events:

- The annual job fair co-hosted by Workforce Solutions for Tarrant County and MEDC will be held at the MISD Center for Performing Arts on June 15, 2022.
- The annual Industry Appreciation Golf Tournament held in the fall has been scheduled for October 7, 2022.



ClearSky Health Groundbreaking

Highlights

In the 2nd quarter of FY 2022, the Historic Mansfield Business Association (HMBA) hosted their first quarterly membership meeting with their incoming president, Melisa Perez. Melisa and the board members spoke to the membership about a renewed vision for focusing on and promoting business in historic downtown. Council-member Short also attended the meeting and spoke about the City Council's support of historic downtown projects, as well as provided voter information handouts regarding the upcoming May Bond Election.

Two events were hosted in the 2nd quarter, including the annual Feed the Need food drive hosted by HMBA and the Mansfield Mission Center. The City Council was once again invited to a friendly competition to see who could raise the most donations amongst themselves. The final tally of the food drive was over \$17,000 and 4,000 food items.

The second event that was hosted was the World's Only St. Paddy's Day Pickle Parade & Palooza. A well-known staple of the city's festivals, the 2022 pickle parade was headlined by Kevin Fowler, brought out the Dallas Cowboys Cheerleaders, included fun runs, pickle queens, food & retail vendors, and more.



Pickle Parade 2022



Pickle Parade 2022

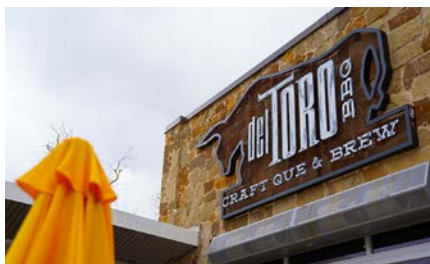


HISTORIC DOWNTOWN MANSFIELD

Business

The Texas Downtown Association featured local business owner Amy Ryan from The Flying Squirrel Coffee Co. on their social media in honor of Women's History Month.

In February, the Backyard Come as You Are development also saw the grand opening of Del Toro BBQ. Sporting "craft 'cue & brew", Del Toro features tejano barbecue, local beer, and handmade margaritas. According to their site, tacos are a staple in the diet of every Texan, and we agree! This is a great addition to historic downtown, and further restaurant openings on the southeast corner of Broad/Main Street are coming.



Ryan Family

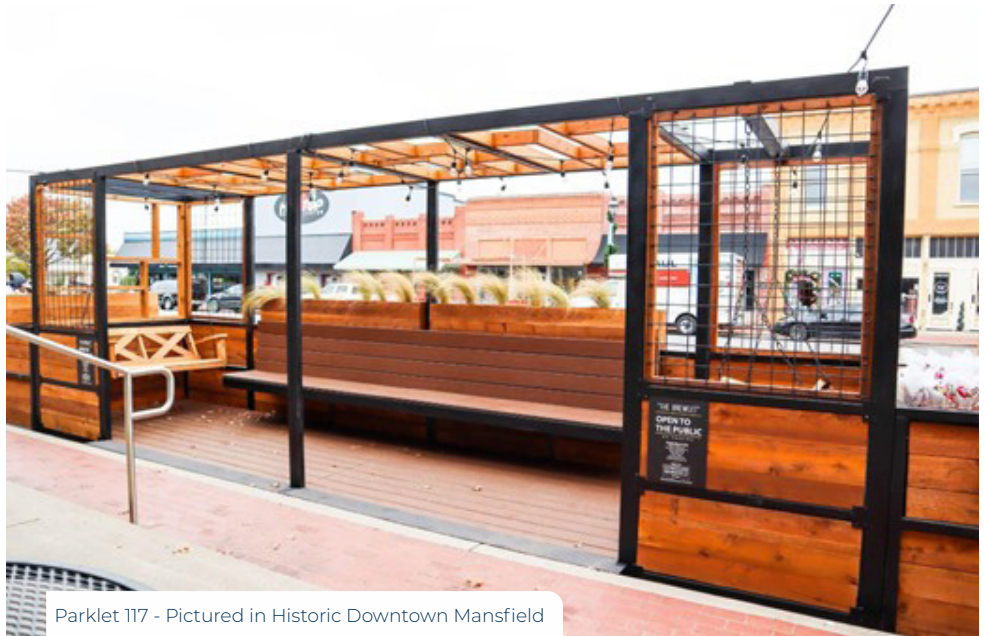
HISTORIC DOWNTOWN MANSFIELD

Pilot Parklet Program

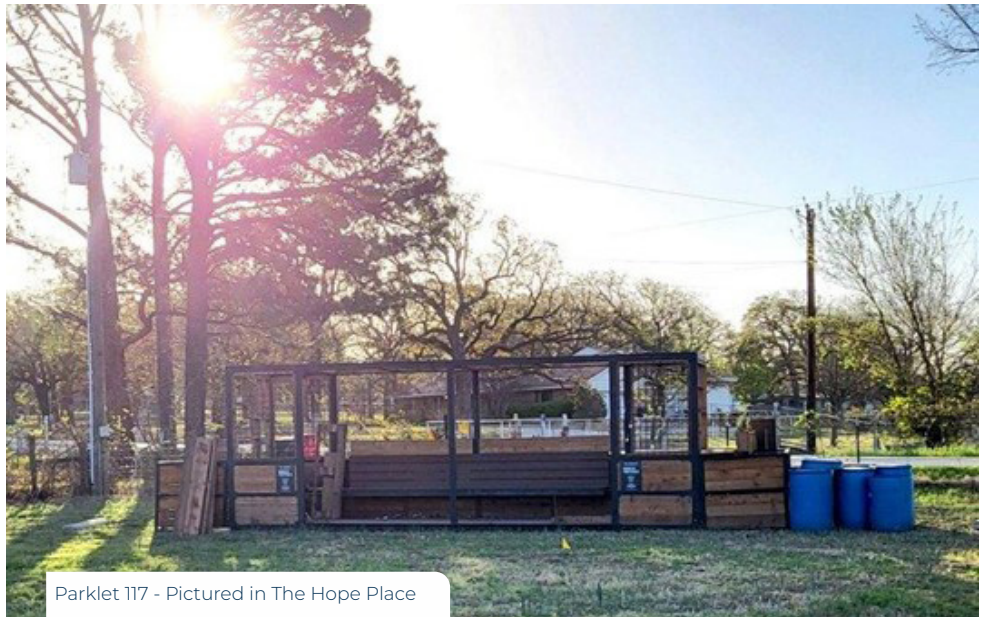
In February 2022 the City Council moved to pause the pilot parklet program and revisit the permitting of public parklets at a future time when pedestrian traffic is heavier and present on other roadways like Smith Street. The existing parklet structures were removed or re-located by the permit holders. Parklet 126 was removed on March 28th. On April 8th, Parklet 117 was removed and donated to The Hope Place. The Hope Place happily rehomed the “Brewlet” to their property which is the location of their counseling services and non-profit Pine Trees Counseling Center which offers counseling services to veterans, first responders, and their families. Their therapy model features outdoor, small animal, and equine therapy, and they plan to put Parklet 117 to good use with those they are helping.

Development Update

Phase II of the Main Street Lofts opened this past quarter. The new phase includes a 297 unit multi-family complex on North Main Street, as well as an open-air rooftop patio and connections onto the North Main Trail, which serves as the north-south connection between Town Park and the historic 100 block of downtown. The development was also built-in partnership with the Mansfield Parks and Recreation Department to construct a concrete pedestrian trail which will serve as a connection underneath the North Main Bridge to the city's larger Walnut Creek Linear Trail system.



Parklet 117 - Pictured in Historic Downtown Mansfield



Parklet 117 - Pictured in The Hope Place



Main Street Lofts Phase II - Grand Opening

HISTORICAL SERVICES

Latest information on museum programs and projects



Windmill at the Man House Museum



Museum staff with Kids' Day Craft

Hands on History

In February, a new monthly children's program was launched called Hands-on History. During the program, families come to the museum, get a quick history lesson about a specific theme or topic, then make a craft. In February, we made corn husk dolls and in March kids created their own floor cloth. The activities are free and will be recurring.

Planning Begins for Founders' Day

Planning is underway for the 2nd annual Founders' Day Festival at the Man House Museum. The event will take place on Saturday, October 1. Mark your calendars now!

Pickle Parade 2022

This year's Pickle Parade brought a crowd of visitors to the Historical Museum. The museum partnered with the event organizers by selling official Pickle Parade t-shirts in the weeks leading up to the event and on parade day. It was a successful collaboration which resulted in sales for the Pickled Mansfield Society and provided a reason for

a new audience to become familiar with the museum. It was also an opportunity for the museum to create partnerships which is something we always strive to do.

Arts Week Activities

The museum participated in this year's Arts Week celebrations. On Saturday, March 12 and Sunday, March 13, the museum staff and members of the Historic Preservation Advisory Board led walking tours of downtown. These tours highlighted the architectural features of the buildings as well as informing tour-goers about the history of the structures and historic downtown Mansfield.

On Kids' Day, Monday, March 14, the museum had a free craft activity, making clothespin puppets. About 150 kids came to participate. In addition, the Mansfield Historical Society and the Historic Landmark Commission set up tables to share information about their organization to local families.

The next Historical Preservation Advisory Board meeting will take place at 6 p.m. Thursday, April 28.

Guests Served		
1,024 Visitors	29 Researchers	29 Volunteers



Museum Staff at Pickle Parade



Historical Society at Kids' Day



MANSFIELD PUBLIC LIBRARY

Latest information on library programs and projects



MANSFIELD PUBLIC LIBRARY

TMLDA Award Winner

The library received the 2021 Texas Municipal Library Directors Association award. In 2021 out of the 565 public library systems in Texas, only 59 libraries had earned this award with Mansfield Public Library (MPL) receiving it for 13 years. To earn this, MPL had to show excellence in ten different service areas including: supporting workforce development, providing to underserved populations and demonstrating in collaborative efforts.

Library in the Community

During the Great BackYard Bird Count, MPL created a StoryWalk® in Oliver Nature Park. This fun, educational program was placed throughout the park encouraging reading for all ages in the community!

Stay tuned for the next StoryWalk®

MPL staff participated in the 2022 Pickle Parade. Community members were able to stop by the library table to learn about the various resources offered and participate in different games and activities. Residents were also able to learn about the Friends of the Mansfield Public Library and all that is offered.

The library partnered with the Mansfield Commission of Arts to be a location for Arts Week: Hands-on Crafting Day. Patrons had the opportunity to create a paper kite and decorate to their pre-

ference. MPL served 65 patrons during Hands-on Crafting Day.

RFID Process Started

MPL staff is hard at work in preparing materials for the RFID (Radio-Frequency Identification) project. Staff has been placing a RFID tag in each item of the collection for phase one of the project which will help to improve speed and accuracy for circulation. This is estimated to finish in late 2022. The second phase of the RFID implementation will include security gates at the entrances of the library and self-checkout for patron use. Library staff has already encoded over 17,000 items in the collection.

Our New Staff

Kevin Liberty joined MPL's staff from the University of Texas at Arlington's College of Architecture, Planning and Public Affairs. He completed his B.S. in Management Information Systems at Columbia College in Missouri. He looks forward to supporting MPL's staff and patrons while we grow as a community.

Library Construction Updates:

MPL's renovation and expansion is fully underway! The library is fully operational at this point in construction. Framing for the expansion can be seen taking place in phase one of construction.



March 2022 construction picture



Library Technology Specialist, Kevin Liberty



Patrons at the MPL Booth during Pickle Parade



PARKS & RECREATION

Welcome Amanda Alms!

We are thrilled to have a new face in our mix, and one we think will be a tremendous asset to the department. Amanda Alms started in February as the Assistant Director of Parks and Recreation, with duties including management of the recreation and park operations divisions.

"It's so great to now be working with the city of Mansfield as the Assistant Director of Parks and Recreation," said Alms. "I have loved the remarkable parks, trails and recreation programs the city offers regularly from afar for a while. I am excited to now be a part of this award winning team."

In previous careers at Grand Prairie, North Richland Hills and Carrollton, Alms has been involved in developing destination parks and overseen the construction and operations of multiple aquatic facilities and recreation centers.

"Community programming and events captured my heart, planning and watching first hand how engaging and exciting summer camps, recreational sports, education programs, creative opportunities and unique gatherings can unite and enrich a community," said Alms. "I have seen first hand the next level experiences that can take place when these programs and opportunities take place in a world class facility... and I am thrilled to be in Mansfield as it grows with all the upcoming possibilities."

2.22.22 Tutu 2.2

Over 222 people registered for the 2.22.22 Tutu 2.2, a free 2.2-mile walk/fun run celebrating the latest extension of the Walnut Creek Linear Trail that runs from James McKnight Park East to Cannon and Carlin Roads. Participants braved the chilly air in fabulous tutus and were rewarded with special trophies for everything from Too Fast (first place) to Too Chill (last place) and

Too Cute (best costume) or Too Two (best two year old!) It was an incredibly successful event and we can't wait to have another in 100 years or so.

BY THE NUMBERS Jan. 1 to March 31

Recreation

2418 program participants
784 memberships sold
294 facility rentals

Social Media

Facebook
10,047 followers; 82k total reach

Instagram
2884 followers; 22k total reach

Email News
3717 subscribers; 53% open rate

Website
4598 home page visitors

Google
4.62 average rating

PARKS & RECREATION

TRAPS State Rodeo Champs

Your Mansfield crew is officially STATE CHAMPIONS, taking first and second places in irrigation assembly in the TRAPS state maintenance rodeo! Big congrats to Anthony Ford and Chris Adolph (1st place) and Helson Gonzalez and Phillip Legros (2nd place), who assembled 142 feet of pvc, with multiple joints and sprinkler heads, in just 2 minutes to take the big win, just seconds apart from each other and finishing a full minute ahead of the third place team.

Memorial Bench at ONP

Parks and recreation crews installed the latest memorial bench at Oliver Nature Park in February for the Brown family. As always, memorial benches require an incredible attention to detail, from choosing the wording and location to making sure the family's needs are heard and felt. You might remember, Marissa Brown was a Mansfield High School student who went missing in 2021, and was later found, having died by suicide. The whole city was looking for her for a few days, and her parents have been doing a lot of outreach in the time since to help promote mental health awareness. It was important to them to have a place to remember her for friends and family to visit that was happy, a place where they had shared so many family moments together.

Staff tried to coordinate the install on the one year anniversary of her passing but winter weather got in the way.

Marissa's parents and brother were there in late February when we installed the bench. They shared the following comments on Facebook:

"For those of you that helped support our family last year either by helping to search for our beautiful daughter, helping to share our post over 27k times, or reaching out with your own personal stories. We heard you, and we felt your love. Today we had the opportunity to have a memorial bench, donated by the Brown family, installed at our favorite park, Elmer Oliver Nature Park, right by the Bluebonnets and wildflower fields. For those that visit the park, please stop by and take a moment to reflect on our story, and share it with your loved ones. Mental Health matters, and anything you can do to reach out to those that need help, makes a big difference. If we can help just one 'more' person...We know our family's willingness to speak out on this topic has already made such an impact. Plus, the bench is a beautiful new addition to the park! Thank you to the Mansfield Texas Parks and Recreation Dept for their respect of our situation, their time today, and their amazing talent!"

-Cheryl Brown

In an email to staff thanking them again for the experience, Mrs. Brown added "You have a great crew there. Very kind and thoughtful!"



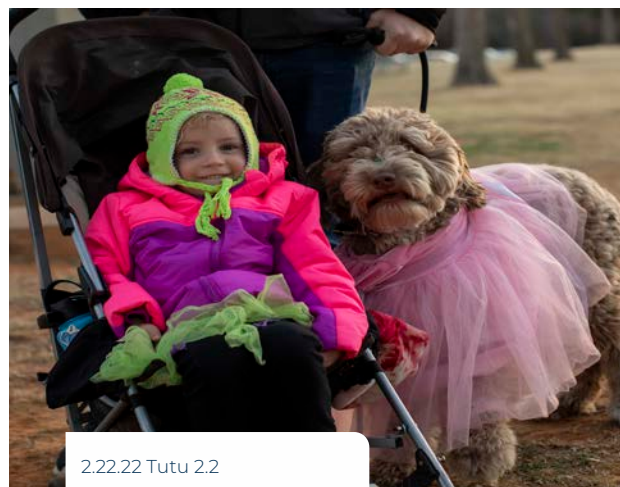
Asst. Director of Parks & Recreations, Amanda Alms



TRAPS State Rodeo Champs



2.22.22 Tutu 2.2



2.22.22 Tutu 2.2

PARKS & RECREATION

PROJECT UPDATES

McClendon Park Improvements

Construction will begin in April to add a splash pad, restroom building and new basketball courts at McClendon Park West. The existing basketball courts and restrooms will be closed once construction begins, with all construction expected to be completed this fall. Please follow our social media pages for more detailed updates as the project progresses. Construction is expected to be completed later this year.

Budget: \$2.3 million

Source:

MPFDC/GF Certificates of Obligation

Timeline: April 2021-Fall 2022

Gertie Barrett Park

Construction will also begin in April on phase one development of a new neighborhood park off Gertie Barrett Road near Garrettson Lane, just south of Linda Jobe Middle School. The project includes a playground, splash pad, restroom building, pavilion, looped trail and picnic areas. Construction is expected to be completed in late 2022.

Budget: \$2.3 million

Source:

Park fees/GF Certificates of Obligation

Timeline: July 2021-Fall 2022

Katherine Rose Memorial Park

Work is about to begin on a new master plan for Katherine Rose Memorial Park and Hardy Allmon Soccer complex that includes an upgraded, inclusive playground and layout improvements for an enhanced experience for all users.

Budget: \$1.5 million

Source:

GF Certificates of Obligation

Timeline: Spring 2022-Winter 2023

Walnut Creek Linear Trail Phase 3B

Planning underway on the sidewalk improvements/expansions and trail segments needed to complete the WCLT from Cannon/Carlin Roads to Elmer W. Oliver Nature Park.

Budget: \$3 million

Source: MPFDC

Timeline: Spring 2022-Summer 2024

SAVE THE DATE

APR 21: Summer Discount Day

Save 15% on camp & class fees when registering online today
9am-9pm @ Mansfieldparks.com

MAY 5: Community Yard Sale

8-11am @ MAC

MAY 27: Splash Pad Opens for Summer

Open 10am-8pm daily until Labor Day

MAY 31: Summer Kids Zone begins

Summer camps & Kids Zone Day Camp underway

June 10: MAC Nerf Night

6 or 7:30pm @ MAC

Aug. 5-7: Summer Slam Pickleball

Tournament

250+ participants from across the country @ FieldhouseUSA

Aug. 13: Slide Outta Summer

11AM @ MAC



PARKS & RECREATION



Summer Recreation Guide

The Summer 2022 Recreation Guide hit every mailbox in Mansfield this month and it's jam-packed with classes, camps and events for all ages and interests, plus a double-cover feature on the May 7 Bond Election. Find a copy at any city facility or visit MansfieldParks.com for the interactive online version.

High Fives for Awesome Staff

We know Parks and Recreation is full of amazing staff who never fail to go above and beyond for guests, other city departments, or even when no one is watching simply because it's the right thing to do. That's why we made it easy to give them a high five when they've earned it! They get a personal note from Director of Community Services Matt Young thanking them for their hard work and the satisfaction of knowing their efforts did not go unnoticed. Posters in our facilities and on park bulletin boards have a QR code that links directly to a simple form, which can remain anonymous if desired, so submissions can be received from supervisors, co-workers or the public. Want to send a high five to a parks and recreation employee? Visit <http://bit.ly/giveahigh5>.

Who's been awesome lately? Here's a sampling of some high fives we've received in the last few weeks:

Jerry Robinson (Senior Bus Driver) stepped up when a coworker's catalytic converter was stolen from his car in the parking lot. Jerry checked the other staff cars for vandalism and lent his personal vehicle to the coworker so they could get the necessary repairs. Supervisor Coco Garcia said she appreciates his "Whatever you need, I'll do it" attitude, and we do too!

Abby Koritsas (Recreation Attendant) was thanked for stepping outside her comfort zone and normal realm of duties to help other divisions, including teaching nature education classes and working the tutu run in the freezing cold. Her efforts were described as "the work of ten people" and that's no exaggeration!

Yvonne Barton (Senior Services Specialist) was pure greased lightning last month, surprising the seniors at the MAC with a full poodle skirt sock hop costume that she made by hand in her own time to make their Grease viewing party extra special. Forget high fives...she gets a hand jive!

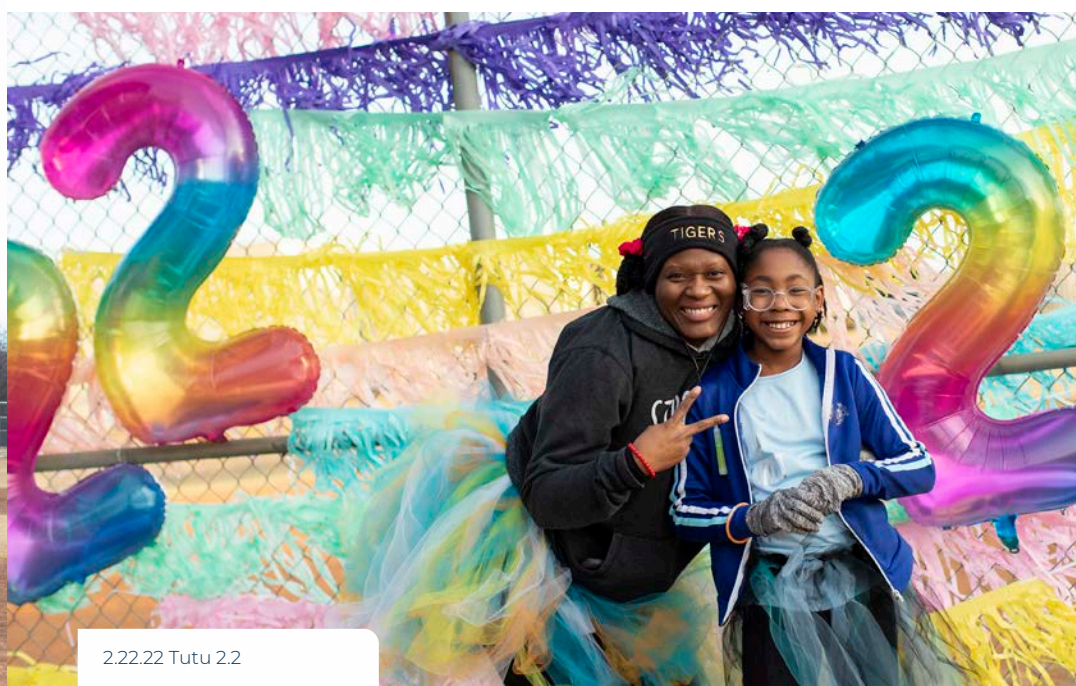
WORD ON THE STREET

(Recent comments from residents via email, social media and online reviews)

"Best staff ever is at this park. They are so friendly, courteous, and always out working hard when I'm there. Makes me feel so proud of my community and safe in the park and trails." -Sarah K on Oliver Nature Park

"I really like this place. Rougher terrain than most parks, and four different areas for dogs of all sizes. A slice of nature in a rapidly growing suburb." -Alex C. on Mans Best Field Dog Park

"It's always a pleasure to visit, it's clean, nice trails, as well as great equipment for kids to play on." -Maggie V.. on Katherine Rose Memorial Park



2.22.22 Tutu 2.2



PLANNING & ZONING

BY THE NUMBERS

Jan. 1 to Mar. 31

**Single-family residential lots
final platted: 307**

**Single-family residential lots
preliminary platted: 765**

**Commercial/industrial acres
final platted: 29.03**

City Council

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

ZC#22-001:

A zoning change from SF-7.5/12 to D, Downtown District, SD-1 and D3 Zones on approximately 3.571 acres of land at 708 E. Broad Street was approved.

ZC#21-021:

A zoning change from SF-7.5/12 to D, Downtown District, D-3 Zone on approximately 0.398 acres of land at 601 and 605 S. Main Street was approved.

ZC#21-018:

A request for a Specific Use Permit for an eating place with drive through service on approximately 0.656 acres of land at 1780 FM 157 was approved.

ZC#21-017:

A zoning change from C-2 and 2F to PD for warehouse/distribution uses on approximately 19.99 acres of land on the south side of Mouser Way, east of FM 157 and west of US 287.

The Planning Department administers land use and subdivision regulations designed to encourage the development of safe, accessible and attractive properties, and to enhance property values in Mansfield. We also provide technical assistance on zoning and development matters that go before the Planning and Zoning Commission and the City Council.

Here's an overview of our work in the second quarter of fiscal year 2021-2022:

SUP#21-007:

A Specific Use Permit for an eating place with drive-through service on approximately 1.921 acres of land at 1570 E Debbie Lane was approved.

SUP#21-008:

A Specific Use Permit for indoor auto parts or accessory sales on approximately 3.995 acres of land at 2090 FM 157 was approved.

SUP#21-009:

A Specific Use Permit for an auto rental business on approximately 5.821 acres of land at 920 N US 287, Suite 306 was approved.

SUP#21-010:

A Specific Use Permit for a kennel on approximately 1.475 acres of land at 400 S US 287 was approved.

**These cases are pending review by
City Council during the next quarter:**

ZC#21-023:

A zoning change from C-2 to PD for townhomes and community business commercial on 14.156 acres of land at 1700 North Walnut Creek Drive is pending first reading.

ZC#20-021:

A zoning change from SF-7.5/12 to PD for single-family residential uses on approximately 2.994 acres of land at 301 Sayers Street is pending first reading.

ZC#20-013:

A zoning change from SF-7.5/12 to PD for multi-family residential uses on approximately 0.535 acres of land at 505 W Kimball Street is pending final reading. Council previously tabled this case.

Planning and Zoning Commission

**These development cases are pending
review by the Commission during
the next quarter:**

ZC#22-003:

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

ZC#22-002:

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

ZC#21-020:

A zoning change from PR to PD for single-family residential development and Community Business commercial on 121.459 acres of land at 1101 W Broad St. was tabled until the April 4, 2022, meeting.

ZC#21-022:

A zoning change from PR to PD for single-family residential uses on approximately 4.997 acres of land 2005 N Holland Road is pending review.

ZC#21-011:

A zoning change from PR to PD for single family residential uses on approximately 60.92 acres of land at 1400 Flying L Lane is pending review.

ZC#21-007:

A zoning change from C-2 to PD for townhome and age-restricted multi-family uses on approximately 19.527 acres located at 2880 Matlock Road is pending review.

ZC#20-018:

A zoning change from SF-7.5/12 to PD for commercial uses on approximately 1.127 acres of land at 803 E. Broad Street is awaiting review.

SUP#22-002:

A request for a Specific Use Permit for a food delivery store on approximately 2.87 acres of land at 2000 Matlock Road, Suite 100 is pending review.

Downtown District Projects

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

DS#22-001:

A Site Plan for a house conversion to office use is under review for 201 W. Broad Street.

DS#22-002:

A Site Plan for two Manor Houses with eight residential units is under review for 406 Alvarado Street.

DS#22-003:

A Site Plan for a new office building is under review for 601 S. Main Street.

**Gas Well Drilling and Production**

These are drilling and production activities that occurred during the second quarter:

GW#22-001:

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

GW#22-002:

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

GW#22-003:

Operator Transfer from FDL Energy to Javelin Energy Partners for the Buford Tindle #1 Unit, a site with one gas well, is under review.

Zoning Board of Adjustments

The Board acted on the following cases during the second quarter:

ZBA#22-001:

A request for Special Exceptions for an accessory building with a height of approximately 16 feet 2 inches and to allow a reduction in the side setback to approximately 8 feet at 1071 N Day was approved.

ZBA#21-013:

A request for a Special Exception to allow a monopole telecommunications tower with a height of approximately 130 feet at 1266 Lakeview Drive was approved.

ZBA#21-012:

A request for a variance to allow an addition to the house to encroach approximately 7'10" into the required 15-foot rear yard setback at 2 Pond View Court was denied.

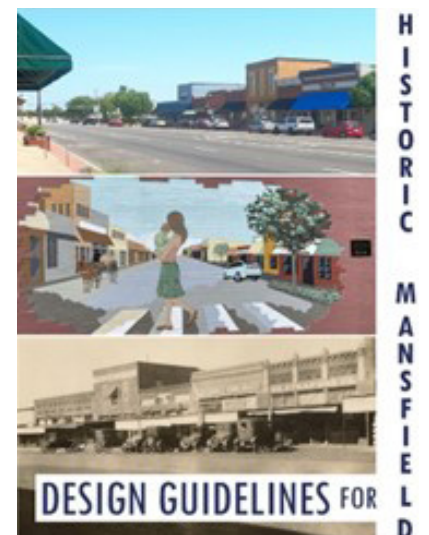
ZBA#21-001:

A request for a Special Exception for a detached accessory dwelling at 780 Turner Warnell Road was denied.

Historic Landmark Commission

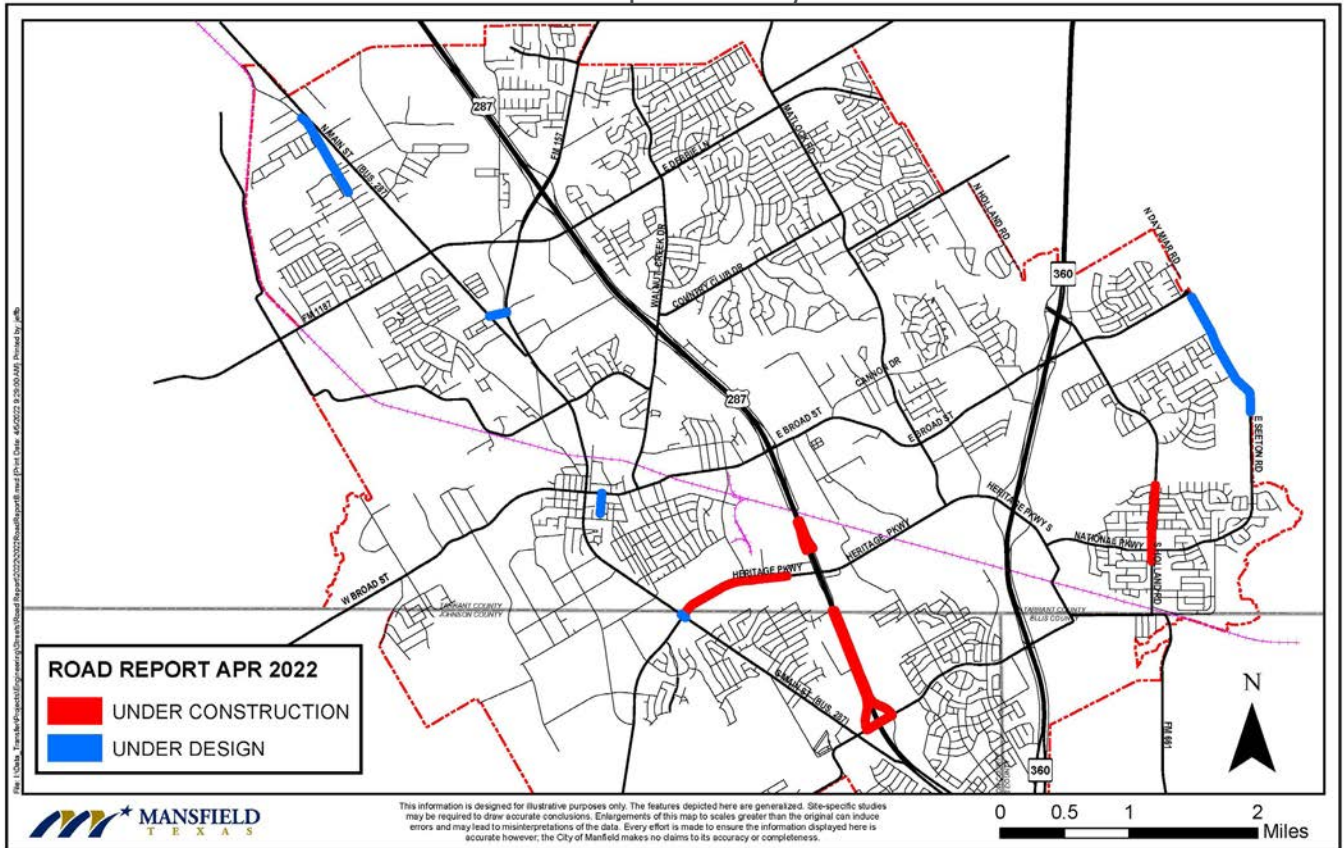
The Historic Landmark Commission worked on several projects during the second quarter, including the following:

- 1) Updating the Design Guidelines for commercial landmarks;
- 2) Recommended tax incentives for 130 N. Main Street;
- 3) Designated the Mansfield Cotton Gin property as the City's first Historic Cultural Landscape;
- 4) Nominated 11 properties for Official Recognition; and
- 5) Organizing events for Preservation Month 2022.



PUBLIC WORKS

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



Under Construction

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

South Holland Road will be improved to a four-lane divided thoroughfare. The project will include completing the north side of National Parkway west of Holland Road and several hundred feet to the east. A traffic signal at Holland Road and National Parkway is also included. This project will require the construction of detour pavement on the east side of the existing roadway to accommodate construction of the project.

The project was awarded for construction in December 2021. Two telecommunication companies are currently relocating their facilities to clear this project for construction. Construction is anticipated to start in the next few weeks and its estimated duration is 14 months.

Heritage Parkway Westbound Lanes (Commerce Drive to South Main Street – Street Bond Fund)

The two westbound lanes of Heritage Parkway are being reconstructed due to poor pavement condition. A sidewalk is included on the north side of the roadway. The westbound lanes are complete and open to traffic. The project is expected to be complete by the end of April.

Under Design

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

Day Miar Road is planned to be improved to a four-lane undivided concrete roadway. Roadway drainage will be curb and gutter with inlets and piping draining to an improved parallel open channel on the west side of the road.

The open channel will extend from the south side of Grand Meadow Boulevard to the detention area north of Lake Ridge High School and then cross to the east side of the road through an improved culvert. Also included will be sidewalks along both sides of the roadway, two pedestrian crossings at the MISD school sites, and traffic signals at the intersections with Grand Meadow Boulevard and Seeton Road.

Final plans are near completion and franchise utility companies are working on relocations which should be complete for the project to begin construction in the third quarter of this year. The estimated construction duration is 18 months.

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

The proposed connector is a four-lane undivided roadway that will provide a connection from North Main Street to FM 157.

This roadway will be located approximately a half mile north of Mouser Way and will align with Watson Branch Lane, the future roadway located within Watson Branch development. The connector will reduce traffic volumes along the frontage of Legacy High School and at the intersection of Main and FM 157. This project will also eliminate the current skewed intersection of Russell Road and FM 157 and will reduce flooding potential of Watson Branch upstream of Russell Road. The consultant is also conducting flood studies of Watson Branch. Right-of-way acquisition is underway.

Design will begin later this year with construction anticipated to begin in 2023. A first phase of this project constructed a traffic signal at the intersection of FM 157 and future Watson Branch Lane along with northbound and southbound left turn lanes on FM 157. The signal will be operational soon.

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

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

Construction plans are nearing completion and franchise utilities are planning their relocations. Construction is anticipated to begin in the third quarter of this year.

Pond Street (Broad Street to Lake Street – Community Development Block Grant)

As a part of the Tarrant County CDBG program, Pond Street between Broad St. and Lake St. will be reconstructed with curb and gutter, sidewalks, and new water and sewer lines. The project

is currently under design and construction is anticipated to begin in the third quarter of this year.

South Main Street (US Business HWY 287 | Heritage Parkway – Community Development Block Grant)

This project will add northbound and southbound right-turn lanes to the intersection of S. Main Street/Heritage Parkway. In addition, sidewalks will be added on the eastside of S. Main Street from the Forest Brook Subdivision to Price Road. This project will involve coordination with TxDOT.

Engineering design contracts are in the process of being executed. An anticipated construction start date has not yet been determined.

TxDOT Projects

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

This project includes construction of both the northbound and southbound frontage roads of US 287 between the Union Pacific Railroad and Lone Star Road as well as additional lanes at the Lone Star Road bridge and a southbound to northbound U-Turn. Furthermore, this project will include traffic signals at the Heritage Parkway/NB US 287 jug handle intersection along with signals at the intersections of the NB and SB US 287 Frontage Roads at Lone Star Road and US Business 287 at Lone Star Road.

This project has bid. Construction will begin in January 2022. The estimated construction time is 26 months.

For additional information, please contact:

Bart VanAmburgh, Director of Public Works – 817-276-4233
bart.vanamburgh@mansfieldtexas.gov

David Boski, Assistant Director of Public Works Transportation – 817-276-4208
david.boski@mansfieldtexas.gov

Raymond Coffman, Assistant Director of Public Works City Engineer – 817-276-4238
raymond.coffman@mansfieldtexas.gov



Asphalt Repair - Spring Brook Dr.



Concrete Repair - Rockford Ct.



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



REGULATORY COMPLIANCE

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

Illegal Signs (Bandit) Picked Up

January	402
February	387
March	325
Quarterly Total	1,114

The garage sale ordinance gives the Assistant City Manager in charge of Development Services the authority to

approve a request for a variance, provided that the individual making the request is able to provide evidence that supports the need to have a third garage sale / estate sale.

Garage Sale Permits & Requests for Variance

85

There were zero requests for variances in this quarter. Of the 85 permits, 184 permits were issued for the first garage sale at the address.

Regulatory Compliance activity is not limited to the violations listed above. The Utility Division is responsible for enforcing a number of ordinances. We continually monitor violations of the

Water Conservation Plan. David Brister, Operations Supervisor of Water Utilities, has provided a table detailing his department's enforcement activity.

Utility Division Violation

	Pass	Fail
Commercial Grease Trap Inspections	17	2
Customer Service Inspections	209	131
Irrigation System Inspection	201	40
Water Conservation Plan Violations	0	0
Quarterly Total	427	173

Regulatory Compliance Activity Jan. 1 to March. 31

Type of Case # of Cases

Building Permit Required	14
Illegal Dumping	0
Dangerous Structures	3
Food Service Establishments	0
Dumpster Violations	8
Garage Sales	1
Graffiti	2
High Grass and Weeds	27
Miscellaneous	30
Nuisance - tree, shrub, or plant.	1
Outside Placement of Airtight Appliance	2
Outside Storage	57
Property Maintenance.	36
Referred to Environmental.	1
Residential Outdoor Lighting Nuisance.	0
Right-of-Way (ROW) Obstruction.	4
ROW Obstruction (Basketball Goal)	3
Smoking Ordinance.	0
Stagnant Swimming Pool.	0
Trash and Debris.	101
Commercial Vehicles	2
Junked Motor Vehicles	33
Parking on the Grass	22
Street Parking Violation – Referred to PD.	8
Accessory Structure Setback Violation.	9
Recycle Collection Center Donation Box.	0
Address Identification.	1
Certificate of Occupancy Required.	5
Boats	4
RV	11
Trailer	25
Chickens / Poultry	9
Farm, Ranch, or Orchard	3
Fence Violations.	31
Home Occupations	9
Legal Signs	17
Non-Traditional Smoking Related Business	1
Landscape Maintenance	6
Overhanging Tree Limbs.	20
Parking Lot Maintenance	2
Section 4400 - Illegal Land Use Residential.	2
Section 4400 - Illegal Land Use Commercial.	3
Sign Maintenance	28
Solar Panel Systems.	4
Vacation Rental / Short-term Rental	0
Vehicles on Blocks / Jack Stands.	2
Visibility Obstruction - Shrubs / Bushes	3
TOTALS	552

Citations Issued 20

Abatelements
4
Forced Mowing,
Overhanging Limbs,
Trash Removal, Visibility
Issues

Short-Term Goals | Department News

New Health Inspector Jensyn Seiger started on February 14, 2022. Jensyn was a health inspector for Sun Tan Valley in Arizona for 1 year. Jensyn holds a Masters Degree of Science in Environmental Toxicology and a Bachelor's Degree of Science in Biomedical Science.

New Multi-family Rental Inspector James Triplett started on February 14, 2022. James worked for the City of Arlington as a Code Compliance Officer from 1999-2006, Code Compliance Supervisor from 2006-2008, and Code Compliance Field Operations Manager from 2008-2020. James oversaw the Multi-Family Annual Property Inspection Program for the City of Arlington, as well as many other initiatives. James was also the Code Compliance Manager for the City of Waco for 1 year before accepting the position with the City of Mansfield Regulatory Compliance Department.

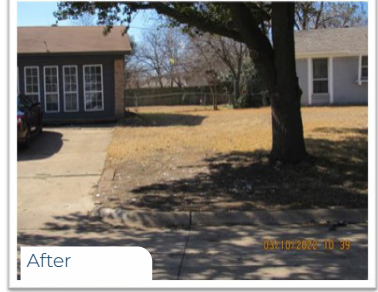
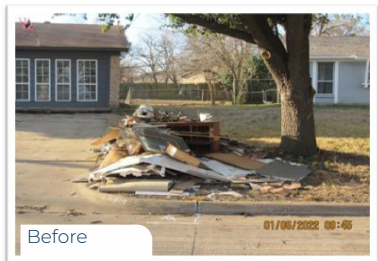
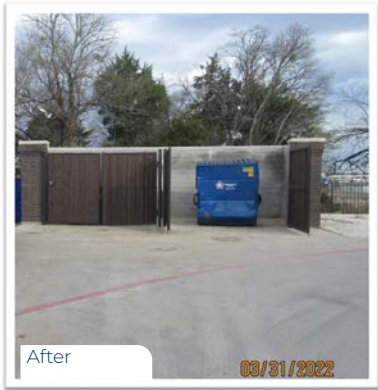
Regulatory Compliance Supervisor Narada Lee and Code Compliance Officer Justin Bradford attended the Code Enforcement Association of Texas Annual Conference in Laredo in February. While attending the conference, they performed a community service project in Laredo. **Completed**

On March 25, the Regulatory Compliance staff joined up with Environmental Services to complete an MVP project by removing some tires from

the Britton Cemetery that had been dumped there illegally. **Completed**

Regulatory Compliance staff has been holding weekly virtual meetings with our software provider, Inspect2Go, for the past couple of months to work on the implementation of our Health Inspections and Multi-family Inspections software package. **Ongoing**

Regulatory Compliance Supervisor Narada Lee and Multi-family Rental Inspector James Triplett attended a training course, tested for and received their Certified Pool Operator's licenses in March. **Completed**



REGULATORY COMPLIANCE

Multi-family Rental Inspections

A good portion of this first quarter was spent developing the program, amending the ordinance, gathering all the data and moving forward with implementation. Below is the activity for the first quarter of this calendar year. Starting in April, we will begin full-fledged inspections of all multi-family complexes. Y-T-D activities are in the table (top - right):

Multi Family Rental Inspections	Notices Mailed	Citations Issued	Inspections	Registered	Outstanding	Revenue Collected	Revenue Outstanding
Lodging Hotels Motels	7	0	0	3 hotels/ 189 rooms	5 hotels 395 rooms	\$4,155	\$4,605
Multi-Family	23	4	30	39 compl- exes 3,870 units	6 compl- exes 1,106 units	\$68,180	\$6,140
Texan RV	1	0	1	0	164 units	\$-	\$2,460
Assisted Living Nursing Homes	7	0	0	1 facility/ 103 units	7 facilities/ 362 units	No fees	No fees
Senior Living	3	0	0	3 facilities 410 units	0 units	\$5,190	\$-
Quarterly Total	41	4	31	4572 units	2,027 units	\$77,525	\$13,205

Health Inspections

While working non-stop to get our Health Inspection program up and running, Health Inspectors Rebecca St. John and Jensyn Seiger have been working hand in hand with our Code Compliance Coordinator, Marisa Loera. Marisa has been working on numerous spreadsheets she created for tracking Health Inspections activities while waiting on our software program to be developed. In addition, they have created numerous forms and educational material for our customers. Y-T-D activities of the Health Inspections team are in the table (bottom - right):

Health Inspections	Notices Issued	Closures	Inspections	Permits Issued	Revenue Collected
Food Service	40	2	96	70	\$36,020
Swimming Pools	7	2	21	11	\$3,850
Temporary Vendor	0	0	34	37	\$2,220
Mobile Food	0	0	7	7	\$2,100
Childcare	3	0	6	3	\$600
Quarterly Total	50	4	164	128	\$44,790



Code Enforcement Association of Texas



Regulatory Compliance MVP Project

SPECIAL EVENTS



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

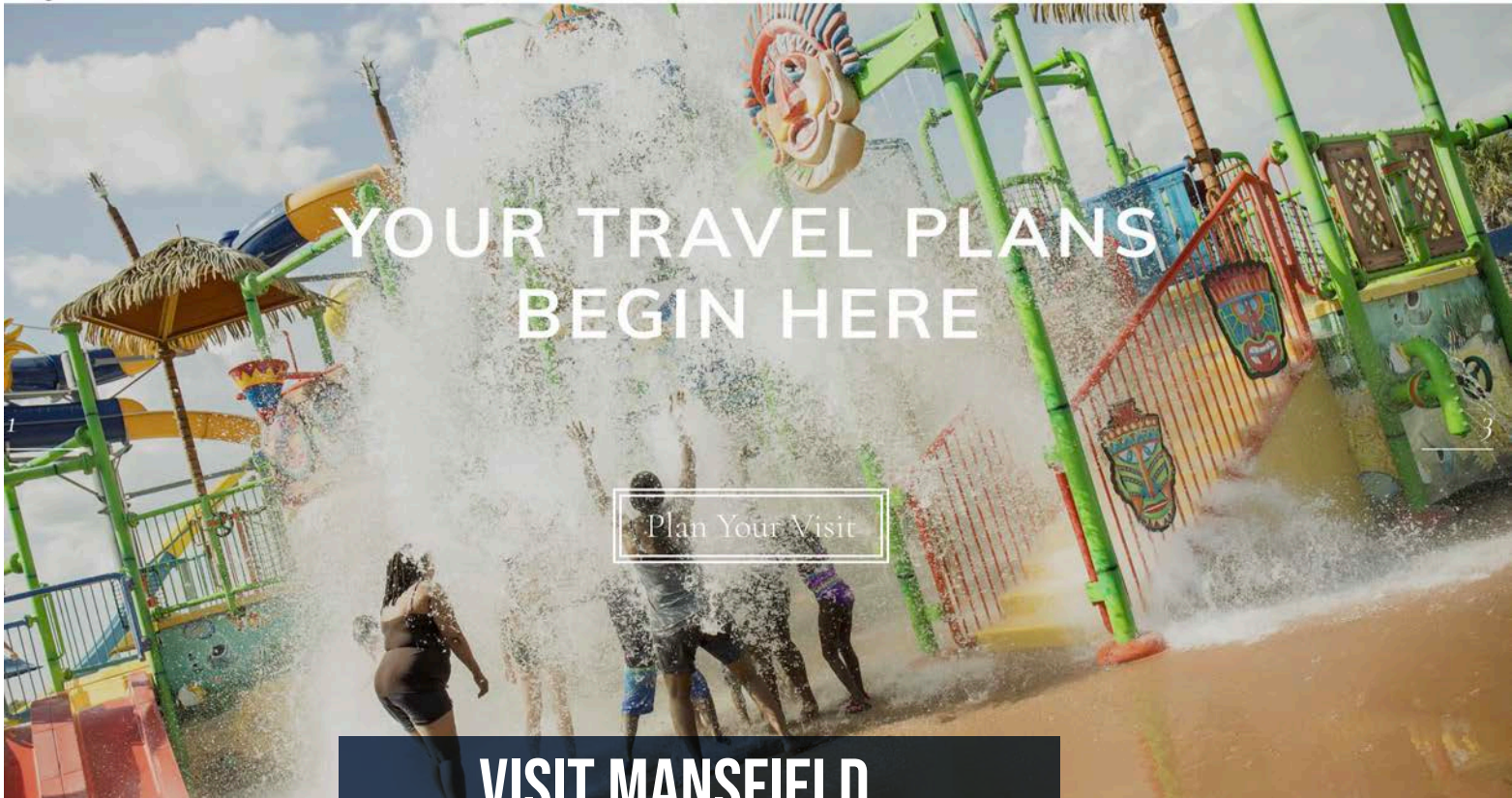
Even with extremely cold temperatures, many families chose to take a step toward their healthy goals for 2022 by participating in the annual Snowman Run. With just over 90 participants, Katherine Rose Memorial Park was a flurry of tennis shoes, bicycles and family pets taking to the trails.

In March, Special Events Supervisor Angie Henley worked closely with the Pickled Mansfield Society to help them organize a safe and successful event.

Finally, get your dancing shoes ready for Music Alley. With the majority of details set for April 30, this year's festival is sure to entertain with a diverse lineup of performers, artists and food.

Stay tuned for all the fun to come with upcoming events Mansfield Rocks and Juneteenth!

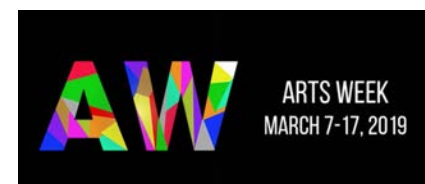
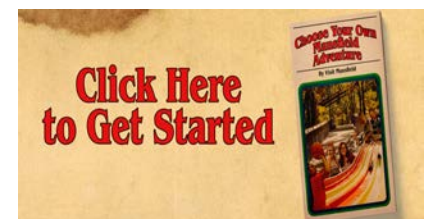




The Mansfield Convention & Visitors Bureau (CVB) is the official meetings, conventions, sports and tourism marketing arm of the City of Mansfield. The CVB is also responsible for increasing economic prosperity for Mansfield, its residents and its marketing partners. Mansfield has won several awards for its events from the Texas Festivals and Events Association, the Texas Association of Convention and Visitor Bureaus and the International Festivals & Events Association. Stop by for a visit and you will see why you Come for the Location and Stay for the Fun!

Arts Week

Advertising for Arts Week included a radio ad buy on WRR 101.1 FM, ad buy on the family event site KidsOutAndAbout.com and social media boosts for the primary arts event page and specific events hosted by the Mansfield Commission for the Arts.



Virtual Visitors Center

In January the new virtual visitors center was launched as a subsite on the VisitMansfieldTexas.com website. This service acts as the base for all the restaurants, shops and other businesses in Mansfield as well as four customized itineraries.

To help promote the new Virtual Visitors Center, thousands of dollars worth of free advertising were secured through the Texas Travel Co-Op program to advertise across social channels and digital ads.



VISIT MANSFIELD

Music Alley

In anticipation of Music Alley on April 30 the full advertising plan was put into place. Radio spots were booked in both English and Spanish across local Cumulus media and Estrella media stations. Posters were designed and interpreted into Spanish and Vietnamese. The entire campaign has been scheduled.

Digital & Social Media Accomplishments

Thanks to a preexisting relationship with a travel influencer (@MyCurlyAdventures) the Mansfield Pickle Parade got a huge boost when she attended. Her social story on the event collected over one million views on TikTok and over 3,000 likes on Instagram, making it her best performing story of the month. The story also led to the single biggest boost in Visit Mansfield's Instagram following with over 200 new followers in less than a week. All this was accomplished at no extra cost.

The Mansfield Commission for the Arts Facebook page saw its largest quarterly jump in followers ever with nearly 500 added followers between February and the end of March.

The quarter also saw the best performing post the page has had with the Kids Day schedule for Arts Week reaching over 20,000 people, all organically)



Top 5 Organically Performing Visit Mansfield Facebook Posts Jan. 1 - March 31

- 1) Music Alley Headliner Announcement (20K reach)
- 2) Pickle Parade Thank You (8.6K Reach)
- 3) 2022 Events Dates (5.8K Reach)
- 4) Del Toro BBQ Grand Opening (4.8K Reach)
- 5) Arts Week Schedule (4.5K)

VisitMansfieldTexas.com received over 15,600 page views this quarter, an improvement of around 2,000 page views when compared with the same quarter of 2021.



Who is trying those chocol...

02/25/2022 8:00 PM	Arts Week is two weeks from today! Here's an		4.5K		139 59
03/09/2022 12:00 PM	Music Alley is April 30 and we're excited to begin		20.1K		139 73



WATER UTILITIES

WATER UTILITIES

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

Projects under construction:

Clearwell Project

Purpose: To allow the water distribution system to deal with the city's peak water demand effectively.

Budget: \$9.4M

Project completed February 2022.

Aerial Sewer Crossings

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

Budget: \$2.7M

Entire project estimated to take 300 days to complete

Water Pump Stations Project

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

Budget: \$400,000

PCS Replacement Project

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

Budget: \$1.265M

Now under construction

Wastewater Lift Stations Upgrades Project

Purpose: To upgrade wastewater lift stations.

Budget: \$85,820

Installation expected to begin in June

Projects under design:

Turner Way Lift Station Rehabilitation Project

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

Budget: \$1.07M

30" Water Line

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

Budget: \$1M

Projects in the bidding process:

Brown Street Sewer Replacement

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

Budget: \$100,000

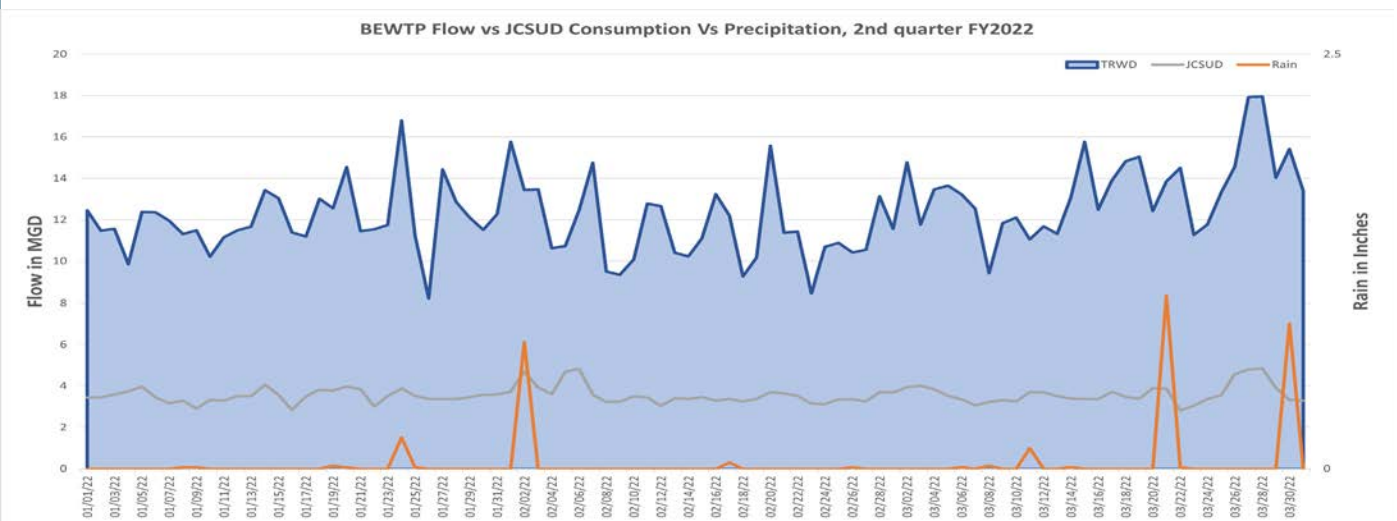
Other projects:

Pilot Study

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

Budget: \$478,440

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



Utility Billing Statistics
Jan. 1 to March 31

- Responded to 13,698 phone calls
- Sent 24,797 WaterSmart group messages
- Sent 2,206 WaterSmart leak alerts

Weather Information

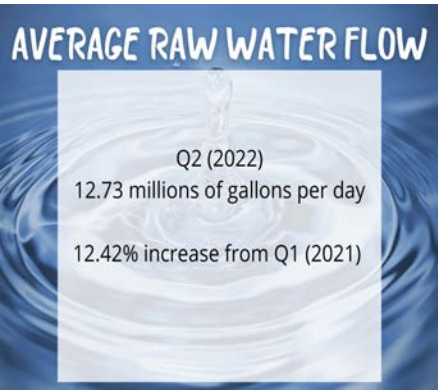
The Dallas-Fort Worth area received 2.4 inches of rainfall in the second quarter of fiscal year 2021-2022 – just under 6" inches less than average.

Tarrant, Johnson and Ellis counties are in the D3 drought category (Extreme Drought conditions) following several months of below-average rainfall. Statewide reservoir capacity is 77.7%.

- Richland Chambers is 91.2% full.
- Cedar Creek is 92.1% full
- Benbrook is 76.4% full.

The third quarter of fiscal year 2021-2022 is anticipated to be warmer and drier than normal. Based on climate models, this may continue well into 2022.

Bud Ervin Water Treatment
Plant Statistics



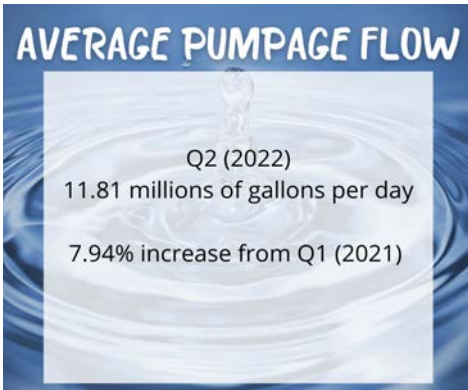
Communications, Marketing, &
Public Education

Q2 Classes & Events

- Jan. 16 – 22: Basics of Landscape Design (339 participants)
- Feb. 20 – 26: Success with Seeds (140 participants)
- March 13 – 19: DIY Home Plumbing Repair for Fix a Leak Week (196 participants)
- March 20 – 26: Rainwater Harvesting (50 participants)
- March 26: Spring Mulch Madness

Upcoming Q3 Events & Classes

- April 3 – 9: DIY Sprinkler Repair
- April 9: Go N Grow Plant Kits (Service Center Pickup Location)
- April 9 & 23: Spring Mulch Madness
- April 30: Earth Day Mansfield
- May 22 – 29: Vegetable Gardening
- June 5 – 11: Edible Landscapes

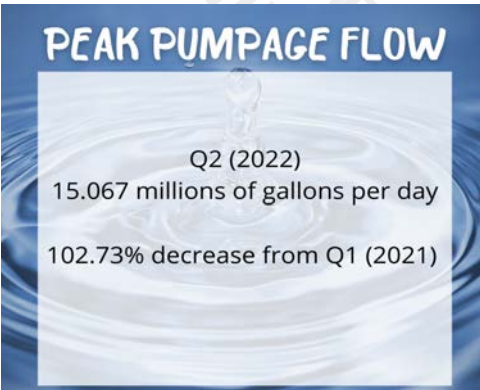


Other updates and news

- WaterSmart non-Utility Billing group messages:
 - 14,618 sent; 66% average open rate
- CivicSend email messages:
 - 1,431 sent; 62% open rate

What We've Been Up To

- Water Conservation lessons and education kits provided – Nancy Neal Elementary and J.L. Boren Elementary School students (100 total students reached)
- Clues in the Creek education video (partnership with TRWD) – Louis Cabaniss Academy students (23 total students reached)
- Water Pirates Virtual Production from National Theater (partnership with TRWD) shown to multiple MISD elementary schools (778 total students reached)
- Student Water Pollution Q&A with Becca Sales, Education Specialist – Martha Reid Elementary (100 total students reached)
- Student Litter Cleanup Q&A with Becca Sales – Mansfield HS Key Club







CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4636

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance of the City of Mansfield, Texas Amending Chapter 158, "Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes," of Title Xv, "Land Usage," of the Code of Mansfield, Texas; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing a Savings Clause; Providing for Publication as Required by Law; and Providing an Effective Date.

Requested Action

Approval of Proposed Ordinance Amendments.

Recommendation

Approval of Proposed Ordinance Amendments.

Description/History

In October 2021 the City Council adopted Chapter 158 "Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes" to establish the City of Mansfield Rental Inspections Program. The provisions of this ordinance ensure quality maintenance and upkeep is considered as the city continues to experience growth and interest in multi-family development. The Rental Inspections Program protects the health and safety of residents and visitors of multi-family complexes and lodging establishments.

Justification

The proposed ordinance revisions allow for improvements in definitions, minimum standards for operation, and providing for more detail in outlined processes.

Funding Source

N/A

Prepared By

Nicolette Ricciuti, Strategic Initiatives Officer
Department of Regulatory Compliance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 158, “STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES,” OF TITLE XV, “LAND USAGE,” OF THE CODE OF MANSFIELD, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (“City”) 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 Texas Local Government Code; and,

WHEREAS, the City, and the region, are growing very quickly, and must make provisions for the higher population densities necessary for the population growth; and,

WHEREAS, developers and landowners operate multi-family dwelling complexes within the City where many families and many persons may reside, sharing common areas and facilities, and affected by common deficiencies or hazards; and,

WHEREAS, violations of health and safety ordinances, rules, and regulations at such complexes may endanger multiple families, and so inspection and registration of such complexes is paramount to ensure safety of the residents therein; and,

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to assure compliance with health and safety rules and regulations by the owners and operators of such complexes by passage of this Ordinance and creation of a new chapter of the Code of Ordinances.

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

SECTION 1.

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

SECTION 2.

Chapter 158, “Standards, Registration, and Inspection Requirements for Multi-Family Dwelling Complexes” of Title XV, “Land Usage” of the Code of Mansfield, Texas is hereby amended to read as follows:

GENERAL PROVISIONS

§ 158.001 DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

BUILDING. Any structure either temporary or permanent, having a roof or other covering, and designed, built or intended for the shelter or enclosure or partial enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. Where independent units with separate entrances are divided by absolute fire separations, each unit so separated shall be deemed a building. This definition shall include structures wholly or partly enclosed with an exterior wall.

BUILDING, ACCESSORY. A building which:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure; and
- (4) Is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the building code, or the building official's duly authority.

CERTIFICATE OF OCCUPANCY. A certificate issued by the city in accordance with all applicable laws, ordinances, or codes authorizing occupancy of the building.

CITY. The City of Mansfield.

CRITICAL VIOLATION. A minimum property maintenance code violation or a health code violation that is capable of causing or contributing to injury or illness of occupants.

DWELLING UNIT. A building or structure designed to be or occupied as a residence for humans.

EQUIPMENT. Any items used in connection with the operation of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment including but not limited to any washer, dryer, ice machine, fans, air-conditioning units, heaters, refrigerators, or cooking units.

EXISTING BUILDING. A building constructed in compliance with all codes at the time of construction, or one for which a legal building permit has been issued prior to the effective date

of this ordinance.

FAMILY. Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

HABITABLE. The space, floor area or room in a dwelling unit used for living, sleeping, cooking and eating but excludes bathrooms, laundry rooms, pantries, closets and other storage space, foyers, hallways and utility rooms.

HOSPITAL. A facility in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

HOT WATER. Water heated to a temperature of at least 110 degrees Fahrenheit measured at the faucet outlet.

IMPROPER. Not approved, inadequate, deteriorated, defective, insufficient, or not in operating condition.

LANDLORD. The traditional meaning of owner or lessor, and additionally includes a management company, or managing agent, including an on-site manager or other property manager, of a multi-family dwelling complex. The term also includes owners of hotels, motels, condominiums, bed and breakfast establishments, inns, and extended stay lodging establishments.

LEASE. A contract or rental agreement granting use or occupation of property at a multi-family dwelling complex during a specified period, subject to various terms and conditions, in exchange for a specified rent.

LIFE SAFETY VIOLATION. A violation of the most recently adopted edition of the nuisance code, health code, fire code, or property maintenance code that represents an imminent threat of death or injury to persons on the premises of a multi-family dwelling.

LODGING ESTABLISHMENT. Any building, complex of buildings, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, condominiums, bed and breakfast establishments, inns, extended stays, apartments not occupied by permanent residents, vacation rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term “hotel” does not include hospitals, sanitariums, nursing or assisted living facilities, jails, prisons or detention centers, college dormitories or housing facilities of the type described in section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by section 152.001 of the Texas Tax Code. For purposes of this chapter, the term “lodging establishment” does not include a short-term rental. The term “lodging establishment” does not include a residence or portion of a residence rented to a member of the resident’s family.

MINIMUM BUILDING STANDARDS. The most recently adopted edition of the International Council of Codes, National Electrical Code, and other local amendments as adopted by the city.

MULTI-FAMILY DWELLING COMPLEX. A building or buildings containing 3 or more dwelling units owned by the same person or entity or person on a single platted lot, or if the land on which the building or buildings is not platted, then any building or buildings that provides 3 or more dwelling units owned by the same entity or person on a contiguous tract of land.

NON-CRITICAL VIOLATION. A minimum property maintenance code violation or minor health code violation that is not considered a life safety or critical violation.

NURSING OR ASSISTED LIVING FACILITY. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, not containing equipment for surgical care or the medical treatment of disease or injury.

OPERATING CONDITION. Equipment maintained and free of leaks, safe, sanitary and in good working order.

OWNER. Any person holding title to a multi-family dwelling complex, according to the deed records in the county clerk's office of the county in which the complex is situated.

PERSON. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

PROPERTY MANAGER. A person who, for any form of consideration, has managing control of premises.

REGULATORY COMPLIANCE DEPARTMENT. The regulatory compliance department and its authorized representatives, acting through the city manager or their designated representatives.

ROOMING/BOARDING HOUSE. A building other than a hotel or multi-family dwelling where lodging is provided for compensation for three but not more than 12 persons, where meals may or may not be served, and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boarding house.

ZONING ORDINANCE. The comprehensive zoning ordinance of the City as adopted and amended from time to time.

§ 158.002 PURPOSE.

The purpose of this chapter is to establish safeguards to protect the life, health, safety, and property of the occupants of multi-family dwelling complexes, nursing or assisted living facilities, and lodging establishments, and the general welfare of the public by developing procedures to enforce the minimum building standards, and to provide equitable and practical criminal,

administrative, and civil remedies against property owners that do not maintain a rental registration license.

§ 158.003 APPLICABILITY AND ADMINISTRATION.

(A) This chapter shall apply to all multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments located in the city which are now in existence, or which may hereafter be constructed or converted from other uses.

(B) The Regulatory Compliance Manager and his or her authorized representatives are authorized to administer and enforce the provisions of this chapter and the minimum building standards code.

REGISTRATION AND INSPECTIONS

§ 158.010 CERTIFICATE OF OCCUPANCY REQUIRED.

(A) No multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall be used or occupied, and no change in the existing occupancy classification as defined by the International Building Code or ownership of a multi-family dwelling complex, or any portion thereof, shall be made until the landlord has obtained a certificate of occupancy.

(B) The certificate of occupancy for all multi-family dwelling complexes or lodging establishments shall be posted in a conspicuous place on the premises of the complex and shall not be removed except by the building official.

§ 158.011 REGISTRATION REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.

(A) A landlord that operates a multi-family dwelling complex or lodging establishment must register with the Regulatory Compliance Department on an annual basis.

(B) The rental registration license must be current and valid in order to rent or lease a multi-family dwelling unit in accordance with the provisions of this section.

(C) The landlord of a multi-family dwelling complex or lodging establishment which is constructed after the effective date of this ordinance shall register the multi-family dwelling complex or lodging establishment within 30 days after the landlord receives its certificate of occupancy, and annually thereafter.

(D) A registration is valid for 1 year starting January 1st until December 31st, and payment of the registration fee has been made, unless the ownership of the multi-family dwelling complex or lodging establishment changes.

(E) If a change of ownership of the multi-family dwelling complex or lodging establishment occurs during the period that a registration is otherwise valid, the landlord of the

multi-family dwelling complex or lodging establishment shall have 30 days from the date the change of ownership occurred to file a new registration with the regulatory compliance department and pay a new registration fee.

(F) The registration shall be on a form prescribed by the regulatory compliance department, and such form shall, at a minimum, contain the following information about the multi-family dwelling complex or lodging establishment:

(1) The trade name, physical address, and business address.

(2) The names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, and all federal, state, and local funding agencies; and the type of business entity which owns the multi-family dwelling complex or lodging establishment.

(3) The names and physical addresses of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period.

(a) For purposes of this paragraph, “emergency conditions” shall be defined as fires, natural disasters, floods, burst pipes, collapse hazard, violent crime, and other similar conditions as determined by the regulatory compliance department.

(b) A post office box shall not suffice for the address requirements of this subsection (F).

(4) The names, addresses, and telephone numbers of any mortgagees.

(5) A copy of a site plan depicting the total number of all buildings within the complex, including a description of the use of each building and the location of each building within the complex.

(6) The total number of dwelling units or guest rooms in a lodging establishment.

(7) The number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services.

(8) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and physical address of any of the following:

(a) For a corporation, a corporate officer;

(b) For a partnership, a general partner;

(c) For a limited liability company, the managing or administrative member;

(d) For a limited partnership, a general partner;

(e) For a limited liability partnership, a general partner;

(f) For a limited liability limited partnership, a general partner;

(g) For a trust, a trustee;

(h) For a real estate investment trust, a general partner or an officer; or

(i) For any other legal entity not named above, a duly authorized agent.

(9) If the property is owned by a person, other than an individual, who lives outside the State of Texas, the owner shall designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner. If the property is owned by a person who is an individual and who lives outside the State of Texas, the individual shall either designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner or provide a physical address where the owner may receive legal service. A designation of a registered agent under this section shall include the name and address of the agent.

(10) If any change in the information required by this section occurs, the owner shall notify the Regulatory Compliance Department within 30 days of the change, in a manner prescribed by the regulatory compliance department.

(11) A landlord commits an offense if the landlord knowingly operates a multi-family dwelling complex or lodging establishment which is not currently registered with the city under the provisions of this section.

§ 158.012 LICENSE FEES REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.

(A) The landlord of a multi-family dwelling complex or lodging establishment shall pay an annual registration fee for a rental license at a rate per dwelling unit or guest room to offset the city's cost of administration, registration, and inspections, and as set forth in the regulatory compliance department Fee Schedule.

(B) Fees shall be in accordance with a schedule approved by the City Council to include:

(1) A registration fee based upon the number of multi-family dwelling units or guest rooms which shall be:

(a) submitted annually with the registration form; and

(b) submitted with a new registration upon a change of ownership of the complex.

(C) (1) A late fee of \$200.00 shall be charged and due at time of payment if the annual registration fee is not paid by the due date.

(2) All rental registration fees are due before January 1st.

(D) An after-hours inspection fee of \$50 per hour with a two-hour minimum paid in advance shall be charged for inspections that occur Monday through Friday between the hours of 6:00 p.m. – 7:00 a.m., and anytime on Saturday or Sunday.

(E) A reinspection fee of \$100.00 shall be assessed for the third and each subsequent reinspection for each dwelling unit in which a previously noted but uncorrected violation exists.

(F) A reinstatement fee of \$200.00 for a multi-family dwelling complex or lodging establishment shall be assessed when there is a suspension or revocation registration status.

(G) The fee requirements described above shall not include a dwelling unit on a college, university, or seminary occupied by a student or a student and the student's family and in which the dwelling unit is owned by the respective college, university, or seminary, nor to a dwelling unit operated by a hospital, nursing or assisted living facility, detention center, shelter, or any government owned facility.

§ 158.013 INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT.

(A) The regulatory compliance department may conduct:

(1) Inspections to verify a valid certificate of occupancy;

(2) Inspections based on indications of code violations, including complaints filed with the regulatory compliance department except where stated otherwise, that may result in:

(a) Periodic inspections; and

(b) Follow-up inspections.

(3) The following areas of a multi-family dwelling complex or lodging establishment shall be subject to inspection by the regulatory compliance department:

(a) All building exteriors;

(b) All public areas within a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment;

(c) Unoccupied dwelling units; and

(d) Occupied dwelling units upon the consent of the tenant or the landlord when subject to a warrant issued by a court of competent jurisdiction.

(4) The regulatory compliance department may inspect portions of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment as frequently as the regulatory compliance department deems necessary due to landlord's failure to comply with the provisions of this chapter and with the minimum building standards. However, the regulatory compliance department shall schedule periodic inspections of multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments not less than once per calendar year.

(5) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall make all exterior areas, interior public areas, and all vacant dwelling units of the complex available to the regulatory compliance department for inspections at all reasonable times.

(6) A multi-family dwelling complex, nursing or assisted living facility, or lodging establishment fails inspection if it does not score at least 70 points, out of a possible 100 points, according to the periodic inspection report scale as promulgated by the regulatory compliance department.

(7) The regulatory compliance department is authorized to make follow-up inspections of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the regulatory compliance department deems necessary to determine compliance with this chapter and with the minimum building standards.

(8) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall timely correct all violations identified in an inspection report.

(9) Whenever a periodic inspection is made for an alleged violation at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment, the findings shall be recorded on a form prepared by the city. The landlord, owner, or property manager of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violation(s) shall be deemed given to an owner when a copy of the inspection report ("Notice"):

(a) Is delivered in person to the landlord, owner, or property manager;

or

(b) Two days after the copy of the inspection report is deposited with the US Postal Service and addressed to the landlord, owner, or property manager, with proper postage affixed. The inspection report may establish violation categories, which shall be corrected within a time specified in this section. The completed inspection report form is a public document

that shall be made available for public disclosure to any person who requests it according to law.

(B) A violation listed in a notice of violation issued under this section shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

(1) A life safety violation shall be corrected within 24 hours of the issuance of the notice of violation;

(2) A critical violation shall be corrected within 72 hours of the issuance of the notice of violation; and

(3) A maximum of 30 days shall be allowed for the correction of a non-critical violation.

(C) In addition to other authority granted by this section, the regulatory compliance department has all rights and authority granted by Tex. Code of Criminal Procedure Article 18.05. Inspections shall comply with all federal, state, and local laws, regulations and ordinances.

(D) When considering a violation created by a tenant, the regulatory compliance department may consider the timeliness of the landlord's response to the violation, actions taken by the landlord to address a tenant's activities that may have caused the condition that was a violation, and actions taken by the landlord, owner, or property manager to prevent or reduce similar violations in the future.

(E) The regulatory compliance department is authorized to publish the results of inspections.

(F) A landlord commits an offense if a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment under this chapter has one or more, in any combination, of the following conditions exists on the premises:

- (1) Inadequate sanitation;
- (2) Lack of a bathroom or the existence of an improper bathroom;
- (3) Lack of or an improper kitchen;
- (4) Lack of hot and cold running water to plumbing fixtures;
- (5) Lack of or improper required heating, mechanical ventilation or electric facilities;
- (6) Lack of required amounts of natural light and ventilation;
- (7) Lack of or improper space or floor area;
- (8) Lack of required electrical lighting;

- (9) Dampness of habitable space;
- (10) Infestation of insects, vermin, or rodents;
- (11) The existence of dead trees, tree limbs, holes, excavations, or other conditions reasonably capable of causing injury to a person;
- (12) Lack of or improper connection to required sewage disposal;
- (13) Lack of or improper garbage and rubbish storage and removal facilities;
- (14) Lack of or improper drainage to prevent standing or stagnant water on the premises;
- (15) Structural hazards;
- (16) Improper foundations;
- (17) Improper flooring or floor supports of insufficient size to carry imposed loads safely;
- (18) Members of walls, partitions or other vertical supports that split, lean, list, or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads safely;
- (19) Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads with safety;
- (20) Fireplaces or chimneys which list, bulge or settle due to defective material, deterioration, improper construction, or insufficient size or strength to carry imposed loads safely;
- (21) Lack of or improper required railings, stairs, steps and balconies;
- (22) Faulty or insufficient smoke detectors and/or carbon monoxide detectors;
 - (a) Each dwelling unit within a multi-family dwelling shall be equipped with at least one smoke alarm and carbon monoxide detector on each floor of the dwelling unit and a smoke detector within each sleeping room. In addition, if multiple sleeping rooms are served by the same corridor, at least one smoke alarm and carbon monoxide detector shall be installed in the corridor in the immediate vicinity of the sleeping rooms in compliance with the International Building Code (IBC), International Fire Code (IFC) and the International Property Maintenance Code (IPMC) as adopted. A smoke alarm and/or carbon monoxide detector may be either battery operated or hard wired.

(b) All required smoke alarms and carbon monoxide detectors shall be maintained in proper working order. It shall be unlawful for any occupant of a dwelling, or any individual, to render a smoke alarm and/or carbon monoxide detector inoperable by removal of the batteries or other source of power for the smoke alarm and/or carbon monoxide detector except during battery replacement or repairs to the smoke alarm.

(c) A lodging establishment shall be equipped with smoke detectors as required by Chapter 792 of the Texas Health and Safety Code.

(23) *Hazardous wiring.* Any wiring except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in operating condition;

(24) *Failure of mechanical equipment.* All mechanical equipment, including heating facilities and cooling units shall be maintained in an operating condition;

(a) Every landlord of a multi-family dwelling complex shall provide heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms.

(25) *Faulty weather protection.*

(a) Improper, crumbling, or loose plaster or wall coverings;

(b) Lack of or improper weather protection of exterior walls, roof, foundations, or floors, including broken windows and doors;

(c) Lack of or improper protective treatment for exterior wall coverings including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, maintained in good condition; or

(d) Lack of or improper exterior wall coverings or roof coverings.

(26) *Inadequate exits.* Exit facilities of buildings or portions thereof shall conform with all applicable codes, ordinances, and laws at the time of construction. When an unsafe condition exists due to improper location of exits, additional exits may be required to be installed.

(27) *Improper occupancy.* Any building, or portion thereof, occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancies.

(28) *Unsecured buildings.* Any building that is vacant and open. A building is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

(29) *Stairway identification signs.* Any buildings or premises which does not meet the following standards:

(a) Stairway identification signs shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

(b) All stairway identification signage requirements shall be in compliance with the International Fire Code Section 1023.9.1, as amended.

(c) Where there is a conflict between the requirement of this section, another code or referenced standard, the most restrictive shall govern.

(d) Every building at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall have the premises identification properly installed and maintained. Each building will position the numbers or addresses to be plainly readable from the public or private roadway fronting such building. Immediately below each building address or number the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background and shall be a minimum of four inches (4") in height.

(e) Each dwelling unit upon or near the exterior front door shall have the dwelling unit number posted in a color that contrasts with the background.

§ 158.014 PROBATIONARY STATUS, SUSPENSION AND REVOCATION OF REGISTRATION.

(A) *Probationary status.*

(1) In addition to any other authority granted by this section or any other provision of the Code of Mansfield, Texas, the regulatory compliance department may place the registration of a multi-family dwelling complex or lodging establishment on probationary status if:

(a) A landlord fails to correct a violation of the Code of Mansfield, Texas or other applicable state statute within the time specified in a notice of violation; or

(b) Any inspection reveals a repeat violation of the same provision of the Code of Mansfield, Texas or other applicable state statute which had been identified within the

preceding 12-month period.

(2) The duration of the probationary status shall begin upon the mailing of a notice by the regulatory compliance department of the initiation of the probationary status and shall continue until both of the following conditions have been met:

(a) All previously identified code violations at the multi-family dwelling complex or lodging establishment have been corrected by the landlord and noted and approved by the regulatory compliance department;

(b) No additional code or statutory violations are identified at the multi-family residential complex or lodging establishment for 90 days after correction of the last violations as approved by the regulatory compliance department.

(3) The regulatory compliance department shall impose a \$200.00 reinspection fee on the landlord for each dwelling unit or guest room as long as the multi-family dwelling complex or lodging establishment remains on probationary status.

(4) The city shall report to the Texas Department of Aging and Disability Services or other applicable department any nursing or assisted living facility that regulatory compliance department finds:

(a) is established or operating in the city without a license;

(b) poses an immediate threat to the health and safety of a resident of the nursing or assisted living facility; or

(c) is otherwise violating a provision of Chapter 247, Texas Health and Safety Code, as amended, or any rule, regulation, or standard governing assisted living facilities promulgated by the Texas Department of Aging and Disability Services under Chapter 247, Texas Health and Safety Code, as amended.

(B) *Suspension of registration.*

(1) In addition to other authority granted by this section or any other provision of the Code of Mansfield, Texas, if a multi-family dwelling complex or lodging establishment remains on probationary status and fails to complete the requirements for removal from probationary status in subsection (A)(2) above within 180 days, the regulatory compliance department may place the registration of such complex or lodging establishment on suspended status. While on suspended status, no unoccupied unit in the complex may be occupied and no occupied unit shall be occupied by new tenants until the complex has been in full compliance with the Code of Mansfield, Texas and all applicable laws for a minimum of 30 days. The registration shall remain suspended until the complex or establishment has been in full compliance with the Code of Mansfield, Texas and all applicable laws for a minimum of 180 days.

(2) If a multi-family dwelling complex or lodging establishment has been on a

suspended status at a previous time within the previous 36 months, no dwelling unit in the complex or lodging establishment may be occupied by new tenants until it has been in full compliance for 90 days. The multi-family dwelling complex or lodging establishment shall remain on suspended status until it has been in full compliance with the city code and all applicable laws for 180 consecutive days.

(3) The regulatory compliance department shall impose a \$200.00 monthly administrative fee on the landlord for as long as the complex or lodging establishment remains on suspended status. In addition, a \$200.00 reinspection fee will be assessed to the landlord for each dwelling unit as long as the multi-family rental registration status remains suspended.

(C) *Revocation of registration.*

(1) In addition to other authority granted by this section or any other provision of the Code of Mansfield, Texas, the regulatory compliance department may revoke the registration of a multi-family dwelling complex or lodging establishment if:

(a) The multi-family dwelling complex or lodging establishment is found to have one or more violations that constitute a danger to the health or safety of its tenants or the public at large and the landlord fails to correct such violation(s) within the time specified in a notice of violation; or

(b) The multi-family dwelling complex or lodging establishment has more than one fire, life safety violation during any a 12-month period.

(2) A multi-family dwelling complex or lodging establishment whose registration has been revoked may not do business until such registration has been reinstated. A multi-family dwelling complex or lodging establishment whose registration has been revoked must be vacated within 60 days of such revocation. A landlord commits an offense each day or portion of a day the complex continues to offer a dwelling unit or guest room for a fee while its registration is revoked and each day any unit remains occupied after the expiration of 30 days from the date of revocation. If the city takes any enforcement action that mandates the involuntary relocation of tenants prior to the end of their contractual rental term, the city shall provide reasonable relocation expenses to eligible tenants. The cost of such relocation expenses shall be borne by the landlord. The failure to pay such expenses within 30 days from notice of same shall result in the city placing a lien on the property to secure such repayment.

(3) If the regulatory compliance department denies or revokes a rental registration license there shall be notification to the owner in writing by mailing the denial or revocation notice by certified mail to all owner and agent addresses identified in the registration application. The owner may appeal the decision to the city manager by filing a written request for appeal no later than 5:00 p.m. on the tenth day following the date of notice. If a rental registration license was denied or revoked, the registration or renewal shall not be considered by the regulatory compliance department until all application or inspection deficiencies that were the basis for the denial or revocation are corrected. The appeal hearing shall be held within ten calendar days after the date of filing the appeal and the action of the city manager after hearing all the evidence and

facts shall be final and conclusive as to all parties.

MINIMUM STANDARDS FOR MULTI-FAMILY DWELLING COMPLEXES

§ 158.020 CRIME PREVENTION STANDARDS.

(A) The landlord of a multi-family dwelling complex shall provide the following crime prevention measures:

(1) *Signs for emergencies and code violations.* A landlord of a multi-family dwelling complex shall post and maintain signs on the premises of the complex. The sign required by this section shall be a minimum of 12 inches (12”) by 24 inches (24”) . Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each multi-family dwelling complex there shall be at least one sign posted at each entrance and exit point. The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the complex has an on-site management office, one sign shall be on the exterior door or wall of the office.

(2) *Emergency numbers.* The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and

(3) *Lighting.*

(a) Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist and shall be operable between a half hour before sunset and a half hour after sunrise.

(b) Control mechanisms for such illumination shall be activated and deactivated by a photocell or seasonally adjusted timer switch, not operable by individual tenants of the complex except at individual dwelling units.

(c) A landlord shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven days.

(4) *Vacant buildings secured.*

(a) All openings in vacant buildings and dwellings shall be closed and secured from unlawful entry by the installation and maintenance of appropriate locking devices and intact doors and windows which are proportioned to securely and completely fit the openings.

(b) Alternatively, with the approval of the regulatory compliance department, openings may be temporarily secured by means of the installation of proportioned

wood materials in good condition. The surfaces of such materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.

(5) *Security gate access.*

(a) A landlord of a multi-family dwelling complex which has unstaffed security gates which restrict vehicle access onto the premises shall provide master codes to the gates so that public safety vehicles and essential city personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.

(b) Prior to changing the master codes, the landlord shall notify the regulatory compliance department.

(c) All electrical or mechanically operated gates must be equipped with a Knox system gate access key switch as approved by the City of Mansfield Fire Department.

(d) The owner or person in control of any property which contains a security gate or barrier is responsible for any damage caused to emergency equipment by said security gates or barriers, which malfunctioned or operated improperly.

(e) Access through such security gates by fire trucks and fire personnel shall be provided as required by the fire code.

1. Fire lanes shall be maintained in good condition with clearly visible markings.

2. Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at twenty-five feet (25') intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

3. Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be twelve inch (12") wide and eighteen inch (18") high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the fire chief.

4. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, or used as loading zones. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(6) *Graffiti abatement.* A landlord shall remove graffiti from the landlord's multi-family dwelling complex as required by the Code of Mansfield, Texas.

(7) *Occupancy limits.* Every dwelling unit shall have at least one hundred fifty square feet (150 sq. ft.) of habitable floor area for the first occupant and one hundred square feet (100 sq. ft.) of habitable floor area for each additional occupant. Except for kitchens, habitable rooms shall have an area of not less than seventy square feet (70 sq. ft.). Where more than two persons occupy a room used for sleeping purposes the required floor area of seventy square feet (70 sq. ft.) shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess of two.

(8) *Crime prevention.* The landlord at a multi-family dwelling complex shall not allow a resident to engage in any activity on or near the dwelling unit premises that would subject the resident to a penalty of a Class C misdemeanor that involves possession of drug paraphernalia, assault or disorderly conduct; Texas Penal Code Class A or B misdemeanors; Texas Penal Code Felony or Texas Health and Safety Code violation; or engage in any hazardous conduct that otherwise jeopardizes the health, safety and welfare of the landlord, or another tenant or which would involve imminent or actual serious property damage. Nothing in this provision shall be construed as requiring or encouraging the eviction or termination of a lease of a victim of domestic violence. Nothing in this provision is intended to relieve any tenant of an applicable responsibility to learn security plans, check safety devices, or report criminal activity to the landlord or to an appropriate law enforcement agency.

(B) A landlord commits an offense if the landlord knowingly violates any provision of this section or fails to comply with any provision of this section.

§ 158.021 LODGING ESTABLISHMENTS.

(A) The following additional standards shall apply to lodging establishments but do not apply to multi-family dwellings unless required by another provision of this code:

(1) Furnishings shall be maintained in good condition and clean. Furnishings with excessive wear, tears, or stains which present health and safety issues shall be replaced.

(2) After each occupancy, the guest room shall be vacuumed, the linens in the guest room shall be replaced with clean linens, smooth surfaces on all fixtures shall be cleaned and sanitized, and trash shall be removed from the room. Glasses, pitchers, ice buckets, coffee pots, and eating and cooking utensils (other than disposable, single-use utensils) shall be cleaned and sanitized.

(3) All rooms, furnishings, and bedding shall be free from an accumulation or infestation of insects or ectoparasites. If a lodging room becomes infested with insects of any type, the room shall not be occupied until the infestation is controlled. Lodging establishments shall, at a minimum, perform monthly pest control for all lodging rooms, or at more frequent intervals as required by the regulatory compliance department, in order to prevent infestation. Records of pest control treatments shall be made available for review on request by the regulatory compliance

department.

(4) Soap shall be provided in every lodging room by means of dispensed liquid or with new, individually wrapped bar soap. Used bar soap shall be removed from the lodging room when the guest ends the occupancy. Other toiletries provided by the lodging establishment which have been opened by the guest shall be removed when the guest ends the occupancy. Used soap and toiletries shall be discarded and shall not be used for any other purpose. A dispensed liquid soap shall be provided in all common and public bathrooms and toilets.

(5) Single service utensils and single service articles shall be replaced after each occupancy when visibly damaged or evidence of tampering or contamination exists.

(6) Ice provided to guests in any manner shall be produced only from potable water. Ice machines shall be free from visible trash and sediment. Ice shall not be made or stored in an owner's or manager's private refrigerator or private living areas. Ice that is not produced at the lodging establishment shall be obtained from an approved source and shall be properly labeled and protected from contamination during transportation and storage. Ice machines shall be of sanitary, durable, corrosion-resistant, and easily cleanable construction. Ice machines shall be kept sanitized and in good repair. Ice storage bins shall be drained into an approved sewage system and must have a physical air gap. When replacement of a self-service ice machine becomes necessary or additional machines are added, an automatic self-serve ice dispensing machine shall be installed instead. Ice machines shall be located in a place that provides protection from the elements and possible sources of contamination. Exterior ice machine locations shall have at a minimum, overhead protection. The area shall be kept clean and shall be free of accumulation of excessive moisture, drippage, or trash. An ice machine with a storage bin for ice shall be equipped with an ice scoop that is attached to the ice bin with a tether of easily cleanable material. The tether shall be of such a length to prevent the scoop from touching the ground and shall be maintained in a clean and sanitary condition.

(7) Lodging rooms shall be provided with clean linens for every bed in the room and enough towels for at least two occupants. All linens, towels, and laundry provided to a guest shall be provided in a clean, sanitary condition without excessive stains or damage. During laundering, clean linens, towels, and laundry shall be kept in separate carts and stored away from soiled linens, towels, and laundry. Clean linens, towels, and laundry shall be protected from dust, dirt, vermin, or other contamination.

(8) Lodging establishments with non-guest laundry facilities shall use the laundry only for the washing and drying of linens, towels, uniforms, and aprons necessary to the operation of the lodging establishment; other uses of the laundry are prohibited. Laundry equipment such as washers and dryers shall be of commercial-grade and shall be installed and used according to the manufacturer's instructions and specifications. Laundry facilities shall be separated from any other permanent living quarters by complete partitioning and solid self-closing doors. Traffic through or use by guests of a non-guest laundry facility is prohibited. Laundry facilities for the use of guests, if provided, shall be located separately from non-guest laundry facilities. Guest laundry facilities shall be clean and maintained in good repair.

(9) Lodging establishments shall in general be kept in a clean and sanitary condition and in good repair. Kitchen amenities in guestrooms with kitchens or kitchenettes shall be properly maintained and in good working order.

(10) The lodging establishment shall keep, for a period of no less than 90 days, records of the cleaning frequency of rooms that are used for extended guests stays. The records shall include information regarding the last cleaning performed and any room damage or repairs.

(11) No employee of a lodging establishment who is a carrier of or infected with a communicable disease (as specified by the CDC), or who is affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging establishment in any capacity in which there is a likelihood that the employee may transmit the disease to other persons. Employees who work with or handle single service items, such as clean laundry, ice or beverages or who perform tasks that would contaminate their hands shall thoroughly wash their hands and exposed areas of their arms before starting work, after smoking, eating or using the toilet. Employees shall keep their fingernails trimmed evenly and clean. Employees involved in guest services and housekeeping functions shall wear clean clothing, in good repair. When performing cleaning functions that could bring the employee into contact with human waste or bodily fluids, the employee shall be provided protective gloves for optional use.

(12) Not more than ten percent of the lodging rooms in lodging establishment may be used for storage purposes. At least ninety percent of the lodging rooms in a lodging establishment shall be available for occupancy or occupied by a guest.

(13) A lodging room may not be occupied by more persons than allowed by section 91.15 (fire code) or section 150.008 (building code) which shall be calculated by taking into account the space taken up by luggage and other personal belongings of an occupant that are not stored in a closet, dresser or other building feature or furniture provided by the operator of the lodging establishment.

ENFORCEMENT

§ 158.030 CRIMINAL ENFORCEMENT.

A violation of this chapter is a misdemeanor punishable by a fine not to exceed \$2,000 in accordance with the city code. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense. The failure to perform an act required by this chapter is a violation of this chapter.

§ 158.031 CIVIL ENFORCEMENT.

(A) The city may invoke Tex. Local Government Code §§ 54.012 through 54.020, as amended, and petition the state district court or the applicable county court at law, through the city attorney, for either injunctive relief, civil penalties or both injunctive relief and civil penalties, whenever it appears that a person has violated, or continues to violate, any provision of this chapter.

(B) Pursuant to Tex. Local Government Code § 54.016, as amended, the city may obtain against the owner or the operator of a facility, a temporary or permanent injunction, as appropriate, that:

- (1) Prohibits specific conduct that violates this chapter; or
- (2) Requires specific conduct that is necessary for compliance with this chapter.

(C) Pursuant to Tex. Local Government Code § 54.017, as amended, the city may recover a civil penalty of not more than \$1,000 per day for each violation of any provision of this chapter that relates to any matter specified in subsection (a) above, if the city proves that:

- (1) The defendant was notified of the provisions of the chapter; and
- (2) After the defendant received notice of the chapter provisions, the defendant committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter.

(D) The city may also institute suit to recover the cost of any actual damages incurred by the city, and any costs of response, remediation, abatement, and restoration incurred by the city as allowed under state or federal laws, or at common law.

(E) In determining the amount of civil liability, the court should take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, and any other factors as justice requires.

SECTION 3.

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

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not 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.

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and no/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Mansfield, Texas, as amended, or any other ordinances affecting multi-family dwelling complexes which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 8.

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS MODIFYING TITLE XV, "LAND USAGE" OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD CHAPTER 158, "STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES," AND THE SECTIONS THEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield ("City") 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 Texas Local Government Code; and

WHEREAS, the City, and the region, are growing very quickly, and must make provisions for the higher population densities necessary for the population growth; and

WHEREAS, developers and landowners operate multi-family dwelling complexes, within the City, where many families and many persons may reside, sharing common areas and facilities, and affected by common deficiencies or hazards; and

WHEREAS, violations of health and safety ordinances, rules, and regulations at such complexes may endanger multiple families, and so inspection and registration of such complexes is paramount to ensure safety of the residents therein; and

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to assure compliance with health and safety rules and regulations by the owners and operators of such complexes by passage of this Ordinance and creation of a new chapter of the Code of Ordinances.

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

SECTION 1

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

SECTION 2

Title XV, "LAND USAGE" of the Code of Ordinances of the City of Mansfield is hereby amended to create Chapter 158, "STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES" to read as follows:

GENERAL PROVISIONS

SECTION: 158.001 DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

BUILDING, ACCESSORY. A building which:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure; and
- (4) Is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

BUILDING. Any structure either temporary or permanent, having a roof or other covering, and designed, built or intended for the shelter or enclosure or partial enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. Where independent units with separate entrances are divided by absolute fire separations, each unit so separated shall be deemed a building. This definition shall include structures wholly or partly enclosed with an exterior wall.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the building code, or the building official's duly authority.

CERTIFICATE OF OCCUPANCY. A certificate issued by the City in accordance with all applicable laws, ordinances, or codes authorizing occupancy of the building.

CITY shall mean the City of Mansfield.

CRITICAL VIOLATION. A minimum property maintenance code violation or a health code violation that is capable of causing or contributing to injury or illness of occupants.

REGULATORY COMPLIANCE DEPARTMENT DIRECTOR. The Regulatory Compliance Department Director of code compliance and ~~his or her~~ the Director's authorized representatives, acting through the City Manager or their designated representatives.

DWELLING UNIT means a building or structure designed to be or occupied as a residence for humans.

EQUIPMENT means any items used in connection with the operation of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment including but not limited to any washer, dryer, ice machine, fans, air-conditioning units, heaters, refrigerators, or cooking units.

EXISTING BUILDING. A building constructed in compliance with all codes at the time of construction, or one for which a legal building permit has been issued prior to the effective date of this ordinance.

FAMILY Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

HABITABLE means the space, floor area or room in a dwelling unit used for living, sleeping, cooking and eating but excludes bathrooms, laundry rooms, pantries, closets and other storage space, foyers, hallways and utility rooms.

HOSPITAL A facility in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

HOT WATER means water heated to a temperature of at least 110 degrees Fahrenheit measured at the faucet outlet.

IMPROPER means not approved, inadequate, deteriorated, defective, insufficient or not in operating condition.

LANDLORD. The traditional meaning of owner or lessor, and additionally includes a management company, or managing agent, including an on-site manager or other property manager, of a multi-family dwelling complex. The term also includes owners of hotels, motels, condominiums, bed and breakfast establishments, inns, and extended stay lodging establishments.

LEASE A contract or rental agreement granting use or occupation of property at a multi-family dwelling complex during a specified period, subject to various terms and conditions, in exchange for a specified rent.

LIFE SAFETY VIOLATION A violation of the most recently adopted edition of the nuisance code, health code, fire code, or property maintenance code that represents an imminent threat of death or injury to persons on the premises of a multi-family dwelling.

LODGING ESTABLISHMENT means any building, complex of buildings, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, condominiums, bed and breakfast establishments, inns, extended stays, ~~trailer motels~~, apartments not occupied by permanent residents, vacation rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term “hotel” does not include hospitals, sanitariums, nursing homes, jails, prisons or detention centers, college dormitories or housing facilities of the type described in section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by section 152.001 of the Texas Tax Code. For purposes of this Chapter, the term “lodging establishment” does not include a short-term rental. The term “lodging establishment” does not include a residence or portion of a residence rented to a member of the resident’s family.

MINIMUM BUILDING STANDARDS means applying the most recently adopted edition of the International Council of Codes, National Electrical Code, and other local amendments as adopted by the City.

MULTI-FAMILY DWELLING COMPLEX means a building or buildings containing three or more dwelling units owned by the same person or entity or person on a single platted lot, or if the land on which the building or buildings is not platted, then any building or buildings that provides three (3) or more dwelling units owned by the same entity or person on a contiguous tract of land.

NON-CRITICAL VIOLATION. A minimum property maintenance code violation or minor health code violation that is not considered a life safety or critical violation.

NURSING or ASSISTED LIVING FACILITY A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, not containing equipment for surgical care or the medical treatment of disease or injury.

OPERATING CONDITION means equipment maintained and free of leaks, safe, sanitary and in good working order.

OWNER Any person holding title to a multi-family dwelling complex, according to the deed records in the county clerk’s office of the county in which the complex is situated.

PERSON Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

PROPERTY MANAGER means a person who, for any form of consideration, has

managing control of premises.

ROOMING/BOARDING HOUSE A building other than a hotel or multi-family dwelling where lodging is provided for compensation for three but not more than 12 persons, where meals may or may not be served, and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boarding house.

ZONING ORDINANCE The comprehensive zoning ordinance of the City of Mansfield as adopted and amended from time to time.

SECTION: 158.002 PURPOSE.

The purpose of this Chapter is to establish safeguards to protect the life, health, safety, and property of the occupants of multi-family dwelling complexes, nursing or assisted living facilities, and lodging establishments, and the general welfare of the public by developing procedures to enforce the minimum building standards, and to provide equitable and practical criminal, administrative, and civil remedies against property owners that do not maintain a rental registration license.

SECTION: 158.003 APPLICABILITY AND ADMINISTRATION.

(A) This Chapter shall apply to all multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments located in the City of Mansfield which are now in existence, or which may hereafter be constructed or converted from other uses.

(B) The ~~City of Mansfield~~ Regulatory Compliance Manager ~~Director~~ and ~~the Director's~~ his or her authorized representatives are authorized to administer and enforce the provisions of this Chapter and the minimum building standards code.

REGISTRATION AND INSPECTIONS

SECTION 158.010: CERTIFICATE OF OCCUPANCY REQUIRED.

(A) —(A)—No multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall be used or occupied, and no change in the existing occupancy classification as defined by the International Building Code or ownership of a multi-family dwelling complex, or any portion thereof, shall be made until the landlord has obtained a certificate of occupancy.

(B) The certificate of occupancy for all multi-family dwelling complexes or lodging establishments shall be posted in a conspicuous place on the premises of the complex and shall not be removed except by the building official.

SECTION 158.011~~2~~: REGISTRATION REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.

(A) A landlord that operates a multi-family dwelling complex or lodging establishment must register with the ~~City of Mansfield~~ Regulatory ~~Code~~ Compliance Department on an annual basis.

(B) The Rental registration license must be current and valid in order to rent or lease a multi-family dwelling unit in accordance with the provisions of this section.

—(C) The landlord of a multi-family dwelling complex or lodging establishment which is

constructed after the effective date of this ordinance shall register the multi-family dwelling complex or lodging establishment within 30 days after the landlord receives its certificate of occupancy, and annually thereafter.

(D) A registration is valid for one (1) year starting January 1st until December 31st, and payment of the registration fee has been made, unless the ownership of the multi-family dwelling complex or lodging establishment changes.

(E) If a change of ownership of the multi-family dwelling complex or lodging establishment occurs during the period that a registration is otherwise valid, the landlord of the multi-family dwelling complex or lodging establishment shall have 30 days from the date the change of ownership occurred to file a new registration with the City of Mansfield Regulatory Compliance Department Director, and Director and pay a new registration fee.

(F) The registration shall be on a form prescribed by the City of Mansfield Regulatory Compliance Department Director, and such form shall, at a minimum, contain the following information about the multi-family dwelling complex or lodging establishment:

(1) The trade name, physical address, and business address.

(2) The names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, and all federal, state, and local funding agencies; and the type of business entity which owns the multi-family dwelling complex or lodging establishment.

(3) The names and physical addresses of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period.

(a) For purposes of this paragraph, “emergency conditions” shall be defined as fires, natural disasters, floods, burst pipes, collapse hazard, violent crime, and other similar conditions as determined by the City of Mansfield Regulatory Compliance Department Director.

(b) A post office box shall not suffice for the address requirements of this subsection (F).

(4) The names, addresses, and telephone numbers of any mortgagees.

(5) A copy of a site plan depicting the total number of all buildings within the complex, including a description of the use of each building and the location of each building within the complex.

(6) The total number of dwelling units or guest rooms in a lodging establishment.

(7) The number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services.

(8) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and physical address of any of the following:

(a) For a corporation, a corporate officer;

(b) For a partnership, a general partner;

(c) For a limited liability company, the managing or administrative member;

(d) For a limited partnership, a general partner;

(e) For a limited liability partnership, a general partner;

(f) For a limited liability limited partnership, a general partner;

(g) For a trust, a trustee;

(h) For a real estate investment trust, a general partner or an officer; or

(i) For any other legal entity not named above, a duly authorized agent.

(9) If the property is owned by a person, other than an individual, who lives outside the State of Texas, the owner shall designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner. If the property is owned by a person who is an individual and who lives outside the State of Texas, the individual shall either designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner or provide a physical address where the owner may receive legal service. A designation of a registered agent under this section shall include the name and address of the agent; and

(10) If any change in the information required by this section occurs, the owner shall notify the ~~City of Mansfield Regulatory Code~~ Compliance Department within 30 days of the change, in a manner prescribed by the ~~Director~~ Regulatory Compliance Department.

(11) A landlord commits an offense if the landlord knowingly operates a multi-family dwelling complex or lodging establishment which is not currently registered with the City of Mansfield under the provisions of this section.

SECTION 158.01~~23~~23: LICENSE FEES REQUIRED FOR MULTI-FAMILY DWELLING COMPLEXES AND LODGING ESTABLISHMENTS.

(A) The landlord of a multi-family dwelling complex or lodging establishment shall pay an annual registration fee for a rental license at a rate ~~of \$35.00~~ per dwelling unit or guest room to offset the city's cost of administration, registration, and inspections, and as set forth in the Department of Regulatory Compliance Department Fee Schedule.

(B) Fees shall be in accordance with a schedule approved by the City Council to include:

(1) A registration fee based upon the number of multi-family dwelling units or guest rooms which shall be:

(a) submitted annually with the registration form; and

(b) ~~submitted~~ with a new registration upon a change of ownership of the complex.

(C) A late fee of \$200.00 shall be charged and due at time of payment if the annual registration fee is not paid by the due date.

(a) ~~—All January 1st is the due date for rental registration fees~~ are due before January 1st.

(D) An after-hours inspection fee of \$50 per hour with a two-hour minimum paid in advance shall be charged for inspections that occur Monday through Friday between the hours of 6:00 p.m. – 7:00 a.m., and anytime on Saturday or Sunday.

(E) A reinspection fee of \$100.00 shall be assessed for the third and each subsequent reinspection for each dwelling unit in which a previously noted but uncorrected violation exists.

(F) A reinstatement fee of \$200.00 for a multi-family dwelling complex or lodging establishment shall be assessed when there is a suspension or revocation registration status.

(G) The fee requirements described above shall not include a dwelling unit on a college, university, or seminary occupied by a student or a student and the student's family and in which the dwelling unit is owned by the respective college, university, or seminary, nor to a dwelling unit operated by a hospital, nursing home, assisted living facility, detention center, shelter, or any government owned facility.

SECTION 158.01~~34~~34: INSPECTION BY REGULATORY COMPLIANCE DEPARTMENT DIRECTOR.

- (A) The City of Mansfield Regulatory Compliance Department ~~Director~~ may conduct:
- (1) Inspections to verify a valid certificate of occupancy;
 - (2) Inspections based on indications of code violations, including complaints filed with the City of Mansfield Regulatory Compliance Department ~~Director~~ except where stated otherwise, that may result in:
 - (a) Periodic inspections; and
 - (b) Follow-up inspections.
 - (3) The following areas of a multi-family dwelling complex or lodging establishment shall be subject to inspection by the City of Mansfield Regulatory Compliance Department ~~Director~~:
 - (a) All building exteriors.
 - (b) All ~~exterior and interior~~ public areas within a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment;
 - (c) Unoccupied ~~Vacant~~ dwelling units; and
 - (d) Occupied dwelling units upon the consent of the tenant or the landlord when subject to a warrant issued by a court of competent jurisdiction.
 - (4) The City of Mansfield Regulatory Compliance Department ~~Director~~ may inspect portions of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment as frequently as the City of Mansfield Regulatory Compliance Department ~~Director~~ deems necessary due to landlord's failure to comply with the provisions of this Chapter and with the minimum building standards. However, the City of Mansfield Regulatory Compliance Department ~~Director~~ shall schedule periodic inspections of multi-family dwelling complexes, nursing or assisted living facilities, or lodging establishments not less than once per calendar year.
 - (5) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall make all exterior areas, interior public areas, and all vacant dwelling units of the complex available to the City of Mansfield Regulatory Compliance Department ~~Director~~ for inspections at all reasonable times.
 - (6) A multi-family dwelling complex, nursing or assisted living facility, or lodging establishment fails inspection if it does not score at least 70 points, out of a possible 100 points, according to the periodic inspection report scale as promulgated by the City of Mansfield Regulatory Compliance Department ~~Director~~.
 - (7) The City of Mansfield Regulatory Compliance Department ~~Director~~ is authorized to make follow-up inspections of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the City of Mansfield Regulatory Compliance Department ~~Director~~ deems necessary to determine compliance with this Chapter and with the minimum building standards.
 - (8) The landlord of a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall timely correct all violations identified in an inspection report.
 - (9) Whenever a periodic inspection is made for an alleged violation at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment, the findings shall be recorded on a form prepared by the City. The landlord, owner, or property manager of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violation(s) shall be deemed given to an owner when a copy of the inspection report

(“Notice”):

(a) Is delivered in person to the landlord, owner, or property manager; or

(b) Two days after the copy of the inspection report is deposited with the US Postal Service and addressed to the landlord, owner, or property manager, with proper postage affixed. The inspection report may establish violation categories, which shall be corrected within a time specified in this section. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(B) A violation listed in a notice of violation issued under this section shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

(1) A life-safety violation shall be corrected within 24 hours of the issuance of the notice of violation.

(2) A critical violation shall be corrected within 72 hours of the issuance of the notice of violation; and

(3) A maximum of 30 days shall be allowed for the correction of a non-critical violation.

(C) In addition to other authority granted by this section, the ~~City of Mansfield~~ Regulatory Compliance Department Director has all rights and authority granted by Tex. Code of Criminal Procedure Article 18.05. Inspections shall comply with all federal, state, and local laws, regulations and ordinances.

(D) When considering a violation created by a tenant, the ~~City of Mansfield~~ Regulatory Compliance Department Director may consider the timeliness of the landlord’s response to the violation, actions taken by the landlord to address a tenant’s activities that may have caused the condition that was a violation, and actions taken by the landlord, owner, or property manager to prevent or reduce similar violations in the future.

(E) The ~~City of Mansfield~~ Regulatory Compliance Department Director is authorized to publish the results of inspections.

(F) A landlord commits an offense if a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment under this Chapter has one or more, in any combination, of the following conditions exists on the premises.

(1) Inadequate sanitation.

(2) Lack of a bathroom or the existence of an improper bathroom.

(3) Lack of or an improper kitchen.

(4) Lack of hot and cold running water to plumbing fixtures.

(5) ~~—~~Lack of or improper required heating, mechanical ventilation or electric facilities.

(6) Lack of required amounts of natural light and ventilation.

(7) Lack of or improper space or floor area.

(8) Lack of required electrical lighting.

(9) Dampness of habitable space.

(10) ~~—~~Infestation of insects, vermin, or rodents.

(11) ~~—~~The existence of dead trees, tree limbs, holes, excavations, or other conditions reasonably capable of causing injury to a person.

(12) ~~—~~Lack of or improper connection to required sewage disposal.

(13) ~~—~~Lack of or improper garbage and rubbish storage and removal facilities.

(14) ~~—~~Lack of or improper drainage ~~so as to~~ prevent standing or stagnant water

on the premises.

(15) —Structural hazards.

(16) —Improper foundations.

(17) —Improper flooring or floor supports of insufficient size to carry imposed loads safely.

(18) —Members of walls, partitions or other vertical supports that split, lean, list, or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads safely.

_____ (19) —Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split or buckle due to defective material, deterioration, improper construction, or insufficient size to carry imposed loads with safety.

_____ (20) —Fireplaces or chimneys which list, bulge or settle due to defective material, deterioration, improper construction, or insufficient size or strength to carry imposed loads safely.

_____ (21) —Lack of or improper required railings, stairs, steps and balconies.

_____ (22) —Faulty or insufficient smoke detectors and/or carbon monoxide detectors.

(a) Each dwelling unit within a multi-family dwelling shall be equipped with at least one smoke alarm and carbon monoxide detector on each floor of the dwelling unit and a smoke detector within each sleeping room. In addition, if multiple sleeping rooms are served by the same corridor, at least one smoke alarm and carbon monoxide detector shall be installed in the corridor in the immediate vicinity of the sleeping rooms in compliance with the International Building Code (IBC), International Fire Code (IFC) and the International Property Maintenance Code (IPMC) as adopted. A smoke alarm and/or carbon monoxide detector may be either battery operated or hard wired.

(b) All required smoke alarms and carbon monoxide detectors shall be maintained in proper working order. It shall be unlawful for any occupant of a dwelling, or any individual, to render a smoke alarm and/or carbon monoxide detector inoperable by removal of the batteries or other source of power for the smoke alarm and/or carbon monoxide detector except during battery replacement or repairs to the smoke alarm.

(c) A lodging establishment shall be equipped with smoke detectors as required by Chapter 792 of the Texas Health and Safety Code.

_____ (23) Hazardous wiring. Any wiring except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in operating condition.

_____ (24) Failure of mechanical equipment. All mechanical equipment, including heating facilities and cooling units shall be maintained in an operating condition.

_____ (a) Every landlord of a multi-family dwelling complex shall provide heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms.

_____ (25) Faulty weather protection.

(a) Improper, crumbling, or loose plaster or wall coverings.

(b) Lack of or improper weather protection of exterior walls, roof, foundations, or floors, including broken windows and doors.

(c) Lack of or improper protective treatment for exterior wall coverings including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, maintained in good condition.

(d) Lack of or improper exterior wall coverings or roof coverings.

(26) Inadequate exits. Exit facilities of buildings or portions thereof shall conform with all applicable codes, ordinances, and laws at the time of construction. When an unsafe condition exists due to improper location of exits, additional exits may be required to be installed.

(27) Improper occupancy. Any building, or portion thereof, occupied for living, sleeping, cooking or dining purposes which was not designed or intended to be used for such occupancies.

(28) Unsecured buildings. Any building that is vacant and open. A building is open if any door, window or other opening is not securely closed to prevent unauthorized entry.

(29) Stairway identification signs. Any buildings or premises which does not meet the following standards:

Stairway identification signs shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp and the identification of the stairway or ramp. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. In addition to the stairway identification sign, a floor-level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

(a) All stairway identification signage requirements shall be in compliance with the International Fire Code Section 1023.9.1

(b) ~~Lack of sufficient or proper premises identification for a multi-family dwelling complex.~~ Where there is a conflict between the requirement of this section, another code or referenced standard, the most restrictive shall govern.

(c) Every building at a multi-family dwelling complex, nursing or assisted living facility, or lodging establishment shall have the premises identification properly installed and maintained. Each building will position the numbers or addresses to be plainly readable from the public or private roadway fronting such building. Immediately below each building address or number the letters or numbers indicating the range of dwelling units within such building. Such numbers or letters shall be of a color that contrasts with their background and shall be a minimum of four inches (4") in height.

(d) Each dwelling unit upon or near the exterior front door shall have the dwelling unit number posted in a color that contrasts with the background.

SECTION 158.0145: PROBATIONARY STATUS, SUSPENSION AND REVOCATION OF REGISTRATION.

(A) Probationary status.

(1) In addition to any other authority granted by this section or any other provision of the code of the City of Mansfield, the Regulatory Compliance Department Director may place the registration of a multi-family dwelling complex or lodging establishment on probationary status if:

(a) A landlord fails to correct a violation of the City Code of Ordinances or other applicable state statute within the time specified in a notice of violation; or

(b) Any inspection reveals a repeat violation of the same provision of the City Code or other applicable state statute which had been identified within the preceding 12-month period.

(2) The duration of the probationary status shall begin upon the mailing of a notice by the City of Mansfield-Regulatory Compliance Department Director of the initiation of the probationary status and shall continue until both of the following conditions have been met:

~~_____ (a) All previously identified code violations at the multi-family dwelling complex or lodging establishment ~~multi family residential complex or lodging establishment~~ have been corrected by the landlord and noted and approved by the City of Mansfield Regulatory Compliance Department Director; and~~

~~_____ (b) The City of Mansfield shall report to the Texas Department of Aging and Disability Services any nursing or assisted living facility that Regulatory Compliance Department finds:~~

~~_____ (1) is established or operating in the City without a license;~~

~~_____ (2) poses an immediate threat to the health and safety of a resident of the nursing or assisted living facility; or~~

~~_____ (3) is otherwise violating a provision of Chapter 247, Texas Health and Safety Code, as amended, or any rule, regulation, or standard governing assisted living facilities promulgated by the Texas Department of Aging and Disability Services under Chapter 247, Texas Health and Safety Code, as amended.~~

~~(cb)~~ No additional code or statutory violations are identified at the multi-family residential complex or lodging establishment for 90 days after correction of the last violations as approved by the City of Mansfield-Regulatory Compliance Department Director.

(3) The City of Mansfield-Regulatory Compliance Department Director shall impose a \$200.00 reinspection fee on the landlord for each dwelling unit or guest room as long as the multi-family dwelling complex or lodging establishment ~~multi family dwelling complex or lodging establishment~~ remains on probationary status.

~~(4) The City of Mansfield shall report to the Texas Department of Aging and Disability Services or other applicable department any nursing or assisted living facility that Regulatory Compliance Department finds:~~

~~_____ (a) is established or operating in the City without a license;~~

~~_____ (b) poses an immediate threat to the health and safety of a resident of the nursing or assisted living facility; or~~

~~_____ (c) is otherwise violating a provision of Chapter 247, Texas Health and~~

Safety Code, as amended, or any rule, regulation, or standard governing assisted living facilities promulgated by the Texas Department of Aging and Disability Services under Chapter 247, Texas Health and Safety Code, as amended.

(B) Suspension of registration.

(1) In addition to other authority granted by this section or any other provision of the code of the City of Mansfield, if a multi-family dwelling complex or lodging establishment remains on probationary status and fails to complete the requirements for removal from probationary status in subsection ~~{(A)}~~~~{(2)}~~ above within 180 days, the ~~City of Mansfield~~ Regulatory Compliance Department Director may place the registration of such complex or lodging establishment on suspended status. While on suspended status, no unoccupied unit in the complex may be occupied and no occupied unit shall be occupied by new tenants until the complex has been in full compliance with the City Code and all applicable laws for a minimum of 30 days. The registration shall remain suspended until the complex or establishment has been in full compliance with the City Code and all applicable laws for a minimum of 180 days.

_____(2) If a multi-family dwelling complex or lodging establishment has been on a suspended status at a previous time within the previous 36 months, no dwelling unit in the complex or lodging establishment may be occupied by new tenants until it has been in full compliance for 90 days. The multi-family dwelling complex or lodging establishment shall remain on suspended status until it has been in full compliance with the city code and all applicable laws for 180 consecutive days.

(3) The ~~City of Mansfield~~ Regulatory Compliance Department Director shall impose a \$200.00 monthly administrative fee on the landlord for as long as the complex or lodging establishment remains on suspended status. In addition, a \$200.00 reinspection fee will be assessed to the landlord for each dwelling unit as long as the multi-family rental registration status remains suspended.

(C) Revocation of registration.

(1) In addition to other authority granted by this section or any other provision of the code of the City of Mansfield, the Regulatory Compliance Department Director may revoke the registration of a multi-family dwelling complex or lodging establishment if:

(a) The multi-family dwelling complex or lodging establishment is found to have one or more violations that constitute a danger to the health or safety of its tenants or the public at large and the landlord fails to correct such violation(s) within the time specified in a notice of violation; or

(b) The multi-family dwelling complex or lodging establishment has more than one fire, life and/or safety violation during any a 12-month period.

(2) A multi-family dwelling complex or lodging establishment whose registration has been revoked may not do business until such registration has been reinstated. A multi-family dwelling complex or lodging establishment whose registration has been revoked must be vacated within ~~30~~60 days of such revocation. A landlord commits an offense each day or portion of a day the complex continues to offer a dwelling unit or guest room for a fee ~~rent~~ while its registration is revoked and each day any unit remains occupied after the expiration of 30 days from the date of revocation. If the city takes any enforcement action that mandates the involuntary relocation of tenants prior to the end of their contractual rental term, the city shall provide reasonable relocation expenses to eligible tenants. The cost of such relocation expenses shall be borne by the landlord. The failure to pay such expenses within 30 days from notice of same shall result in the city placing a lien on the property to secure such repayment.

(3) If the ~~City of Mansfield Regulatory Compliance Department~~ Director denies or revokes a rental registration license there shall be notification to the owner in writing by mailing the denial or revocation notice by certified mail to all owner and agent addresses identified in the registration application. The owner may appeal the decision to the ~~City of Mansfield Regulatory Compliance Department~~ City Manager Director by filing a written request for appeal no later than 5:00 p.m. on the tenth day following the date of notice. If a rental registration license was denied or revoked, the registration or renewal shall not be considered by the ~~City of Mansfield Regulatory Compliance Department~~ Director until all application or inspection deficiencies that were the basis for the denial or revocation are corrected. The appeal hearing shall be held within ten calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be final and conclusive as to all parties.

MINIMUM STANDARDS FOR MULTI-FAMILY DWELLING COMPLEXES

SECTION 158.0201: CRIME PREVENTION STANDARDS.

(A) The landlord of a multi-family dwelling complex shall provide the following crime prevention measures:

(1) Signs for emergencies and code violations. A landlord of a multi-family dwelling complex shall post and maintain signs on the premises of the complex. The sign required by this section shall be a minimum of 12 inches by 24 inches. Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each multi-family dwelling complex there shall be at least one sign posted at each entrance and exit point. The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the complex has an on-site management office, one sign shall be on the exterior door or wall of the office.

(2) Emergency numbers. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any 24-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and

—(3) Lighting.

(a) Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist and shall be operable between a half hour before sunset and a half hour after sunrise.

(b) Control mechanisms for such illumination shall be activated and deactivated by a ~~photo-cell~~ photocell or seasonally adjusted timer switch, not operable by individual tenants of the complex except at individual dwelling units.

(c) A landlord shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven days.

(4) Vacant buildings secured.

(a) All openings in vacant buildings and dwellings shall be closed and secured from unlawful entry by the installation and maintenance of appropriate locking devices and intact doors and windows which are proportioned to securely

and completely fit the openings.

(b) Alternatively, with the approval of the City of Mansfield Regulatory Compliance Department Director, openings may be temporarily secured by means of the installation of proportioned wood materials in good condition. The surfaces of such materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.

(5) Security gate access.

(a) A landlord of a multi-family dwelling complex which has unstaffed security gates which restrict vehicle access onto the premises shall provide master codes to the gates so that public safety vehicles and essential City personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.

(b) Prior to changing the master codes, the landlord shall notify the City of Mansfield Regulatory Compliance Department Director.

(c) All electrical or mechanically operated gates must be equipped with a Knox ~~KNOX~~ sSystem gate access key switch as approved by the City of Mansfield Fire Department.

(d) The owner or person in control of any property which contains a security gate or barrier is responsible for any damage caused to emergency equipment by said security gates or barriers, which malfunctioned or operated improperly.

(e) Access through such security gates by fire trucks and fire personnel shall be provided as required by the fire code.

(i) Fire lanes shall be maintained in good condition with clearly visible markings.

(ii) Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(iii) Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

(iv) Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, or used as loading zones. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

(6) Graffiti abatement. A landlord shall remove graffiti from the landlord's multi-family dwelling complex as required by the City Code of Ordinances.

(7) Occupancy limits. Every dwelling unit shall have at least 150 square feet of

habitable floor area for the first occupant and 100 square feet of habitable floor area for each additional occupant. Except for kitchens, habitable rooms shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes the required floor area of 70 square feet shall be increased at the rate of fifty square feet for each occupant in excess of two.

(8) Crime prevention. The landlord at a multi-family dwelling complex shall not allow a resident to engage in any activity on or near the dwelling unit premises that would subject the resident to a penalty of a Class C misdemeanor that involves possession of drug paraphernalia, assault or disorderly conduct; Texas Penal Code Class A or B misdemeanors; Texas Penal Code Felony or Texas Health and Safety Code violation; or engage in any hazardous conduct that otherwise jeopardizes the health, safety and welfare of the landlord, or or another tenant or which would involve imminent or actual serious property damage. Nothing in this provision shall be construed as requiring or encouraging the eviction or termination of a lease of a victim of domestic violence. Nothing in this provision is intended to relieve any tenant of an applicable responsibility to learn security plans, check safety devices, or report criminal activity to the landlord or to an appropriate law enforcement agency.

(B) A landlord commits an offense if the landlord knowingly violates any provision of this section or fails to comply with any provision of this section.

Section 158.021 Lodging establishments.

(A) The following additional standards shall apply to lodging establishments but do not apply to multi-family dwellings unless required by another provision of this Code:

(1) Furnishings shall be maintained in good condition and clean. Furnishings with excessive wear, tears, or stains which present health and safety issues shall be replaced.

(2) After each occupancy, the guest room shall be vacuumed, the linens in the guest room shall be replaced with clean linens, smooth surfaces on all fixtures shall be cleaned and sanitized, and trash shall be removed from the room. Glasses, pitchers, ice buckets, coffee pots, and eating and cooking utensils (other than disposable, single-use utensils) shall be cleaned and sanitized.

(3) All rooms, furnishings, and bedding shall be free from an accumulation or infestation of insects or ectoparasites. If a lodging room becomes infested with insects of any type, the room shall not be occupied until the infestation is controlled. Lodging establishments shall, at a minimum, perform monthly pest control for all lodging rooms, or at more frequent intervals as required by the City of Mansfield Regulatory Compliance Department, in order to prevent infestation. Records of pest control treatments shall be made available for review on request by the City of Mansfield Regulatory Compliance Department.

(4) Soap shall be provided in every lodging room by means of dispensed liquid or with new, individually wrapped bar soap. Used bar soap shall be removed from the lodging room when the guest ends the occupancy. Other toiletries provided by the lodging establishment which have been opened by the guest shall be removed when the guest ends the occupancy. Used soap and toiletries shall be discarded and shall not be used for any other purpose. A dispensed liquid soap shall be provided in all common and public bathrooms and toilets.

(5) Single service utensils and single service articles shall be replaced after each

occupancy when visibly damaged or evidence of tampering or contamination exists.

(6) Ice provided to guests in any manner shall be produced only from potable water. Ice machines shall be free from visible trash and sediment. Ice shall not be made or stored in an owner's or manager's private refrigerator or private living areas. Ice that is not produced at the lodging establishment shall be obtained from an approved source and shall be properly labeled and protected from contamination during transportation and storage. Ice machines shall be of sanitary, durable, corrosion-resistant, and easily cleanable construction. Ice machines shall be kept sanitized and in good repair. Ice storage bins shall be drained into an approved sewage system and must have a physical air gap. When replacement of a self-service ice machine becomes necessary or additional machines are added, an automatic self-serve ice dispensing machine shall be installed instead. Ice machines shall be located in a place that provides protection from the elements and possible sources of contamination. Exterior ice machine locations shall have at a minimum, overhead protection. The area shall be kept clean and shall be free of accumulation of excessive moisture, drippage, or trash. An ice machine with a storage bin for ice shall be equipped with an ice scoop that is attached to the ice bin with a tether of easily cleanable material. The tether shall be of such a length to prevent the scoop from touching the ground and shall be maintained in a clean and sanitary condition.

(7) Lodging rooms shall be provided with clean linens for every bed in the room and enough towels for at least two occupants. All linens, towels, and laundry provided to a guest shall be provided in a clean, sanitary condition without excessive stains or damage. During laundering, clean linens, towels, and laundry shall be kept in separate carts and stored away from soiled linens, towels, and laundry. Clean linens, towels, and laundry shall be protected from dust, dirt, vermin, or other contamination.

(8) Lodging establishments with non-guest laundry facilities shall use the laundry only for the washing and drying of linens, towels, uniforms, and aprons necessary to the operation of the lodging establishment; other uses of the laundry are prohibited. Laundry equipment such as washers and dryers shall be of commercial-grade and shall be installed and used according to the manufacturer's instructions and specifications. Laundry facilities shall be separated from any other permanent living quarters by complete partitioning and solid self-closing doors. Traffic through or use by guests of a non-guest laundry facility is prohibited. Laundry facilities for the use of guests, if provided, shall be located separately from non-guest laundry facilities. Guest laundry facilities shall be clean and maintained in good repair.

(9) Lodging establishments shall in general be kept in a clean and sanitary condition and in good repair. Kitchen amenities in guestrooms with kitchens or kitchenettes shall be properly maintained and in good working order.

(10) The lodging establishment shall keep, for a period of no less than ninety days, records of the cleaning frequency of rooms that are used for extended guests stays. The records shall include information regarding the last cleaning performed and any room damage or repairs.

(11) No employee of a lodging establishment who is a carrier of or infected with a communicable disease (as specified by the Health Authority CDC), or who is affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging establishment in any capacity in which there is a likelihood that the employee may transmit the disease to other persons. Employees who work with or handle single service items, such

as clean laundry, ice or beverages or who perform tasks that would contaminate their hands shall thoroughly wash their hands and exposed areas of their arms before starting work, after smoking, eating or using the toilet. Employees shall keep their fingernails trimmed evenly and clean. Employees involved in guest services and housekeeping functions shall wear clean clothing, in good repair. When performing cleaning functions that could bring the employee into contact with human waste or bodily fluids, the employee shall be provided protective gloves for optional use.

(12) Not more than ten percent of the lodging rooms in lodging establishment may be used for storage purposes. At least ninety percent of the lodging rooms in a lodging establishment shall be available for occupancy or occupied by a guest.

(13) A lodging room may not be occupied by more persons than allowed by section 91.15 (fire code) or section 150.008 (building code) which shall be calculated by taking into account the space taken up by luggage and other personal belongings of an occupant that are not stored in a closet, dresser or other building feature or furniture provided by the operator of the lodging establishment.

ENFORCEMENT

SECTION: 158.03~~01~~ CRIMINAL ENFORCEMENT.

(A) A violation of this Chapter is a misdemeanor punishable by a fine not to exceed \$2,000 in accordance with the city code. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense. The failure to perform an act required by this Chapter is a violation of this Chapter.

SECTION: 158.03~~12~~ CIVIL ENFORCEMENT.

(A) The city may invoke Tex. Local Government Code §§ 54.012 through 54.020, as amended, and petition the state district court or the applicable county court at law, through the city attorney, for either injunctive relief, civil penalties or both injunctive relief and civil penalties, whenever it appears that a person has violated, or continues to violate, any provision of this Chapter.

(B) Pursuant to Tex. Local Government Code § 54.016, as amended, the city may obtain against the owner or the operator of a facility, a temporary or permanent injunction, as appropriate, that:

- (1) Prohibits specific conduct that violates the ordinance; or
- (2) Requires specific conduct that is necessary for compliance with the ordinance.

(C) Pursuant to Tex. Local Government Code § 54.017, as amended, the city may recover a civil penalty of not more than \$1,000 per day for each violation of any provision of this chapter that relates to any matter specified in subsection (a) above, if the city proves that:

(1) The defendant was ~~actually notified~~notified of the provisions of the chapter; and

(2) After the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinances or failed to take action necessary for compliance with the ordinance.

(D) The city may also institute suit to recover the cost of any actual damages incurred by the city, and any costs of response, remediation, abatement, and restoration incurred by the city

as allowed under state or federal laws, or at common law.

(E) In determining the amount of civil liability, the court should take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, and any other factors as justice requires.

SECTION 3

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

SECTION 4

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

SECTION 5

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 7

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED on the first and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

~~Allen Taylor~~Drew Larkin, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4637

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance of the City of Mansfield, Texas Amending Sections of Chapter 92, "Health And Sanitation," Regarding Public Swimming Pools and Spas by Correctly Naming and Identifying Current Regulatory Authority; Adding and Amending Definitions; Amending Regulations Regarding Permits, Review of Plans, Inspections, and Requirements; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing for Publication as Required by Law; And Providing an Effective Date

Requested Action

Approval of Proposed Ordinance Amendments.

Recommendation

Approval of Proposed Ordinance Amendments.

Description/History

In November 2021 the City Council terminated its inspection agreement with the Tarrant County Health Department in order to establish the City of Mansfield Health Inspections Program. The public swimming pools and spas standards, registration, and inspection requirements found within this ordinance protects the public health and safety of residents and visitors to the City of Mansfield.

Justification

The proposed ordinance revisions allow for improvements in definitions, minimum standards for operation, and providing for more detail in outlined processes.

Funding Source

N/A

Prepared By

Nicolette Ricciuti, Strategic Initiatives Officer
Department of Regulatory Compliance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING SECTIONS OF CHAPTER 92, "HEALTH AND SANITATION," REGARDING PUBLIC SWIMMING POOLS AND SPAS BY CORRECTLY NAMING AND IDENTIFYING CURRENT REGULATORY AUTHORITY; ADDING AND AMENDING DEFINITIONS; AMENDING REGULATIONS REGARDING PERMITS, REVIEW OF PLANS, INSPECTIONS, AND REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield ("City") 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 Texas Local Government Code; and,

WHEREAS, the City terminated an inspection agreement with Tarrant County, wherein Tarrant County provided health and swimming pool inspection services; and,

WHEREAS, the termination of the agreement necessitates updating several sections of the City's Code of Ordinances to reflect this change in inspection entity, in order to provide fair notice to persons needing premises inspections; and,

WHEREAS, Chapter 92, Sections 92.40 *et seq.*, involve inspection of swimming pools and spas, and must therefore be updated to reflect the current regulatory authority in the City, and to add and amend definitions, amend regulations regarding permits, review of plans, inspections, and requirements; and,

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to update the Code of Ordinances of the City to reflect this change by passage of this Ordinance.

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

SECTION 1.

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully-effective as a part of the ordained subject matter of this Ordinance.

SECTION 2.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.40 "Designation of Regulatory Authority," shall be amended to read as follows:

§ 92.40 DESIGNATION OF REGULATORY AUTHORITY

The city designates the City of Mansfield Regulatory Compliance Department as its regulatory authority for the purpose of insuring minimum standards of environmental health and sanitation within the scope of that department's function.

SECTION 3.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.41 "State Regulations and Guidelines," shall be amended to read as follows:

§ 92.41 STATE REGULATIONS AND GUIDELINES.

There is hereby adopted by reference of the V.T.C.A., Tex. Health and Safety Code § 341.064, as amended; and the Tex. Admin. Code §§ 265.181 through 265.209, "Public Swimming Pools and Spas", as amended, and Tex. Admin. Code §§ 265.301 through 265.308 "Public Interactive Water Features and Fountains," as amended. Three certified copies of each shall be kept on file in the office of the City Secretary

SECTION 4.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.42 "Definitions," shall be amended to read as follows:

§ 92.42 DEFINITIONS

All definitions in Title 25, Chapter 265, Subchapter L, "Public Swimming Pools and Spas," of the Texas Administrative Code, as amended, are hereby adopted. In addition, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTIFIED POOL OPERATOR. A person who possesses a valid pool operator's certificate from an accredited program approved by the regulatory authority.

CERTIFICATE OF REGISTRATION. A certificate issued by the regulatory authority to any person who submits the required application, remits the registration fee, and provides evidence of being a Certified Pool Operator.

CITY. Authorized representatives of the City of Mansfield, which shall include the director and representatives of the City of Mansfield Regulatory Compliance Department.

DIRECTOR. The Director of the City of Mansfield Regulatory Compliance Department, who shall be an authorized representative of the city with respect to public pool and spa inspections and permitting.

POOL. Any manmade permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or

other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The POOL may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool.

PRIVATE RESIDENTIAL POOL. A pool that is located on private property that is intended for use by one single-family and their invited guests, located on property used for the placement of a single-family residence.

PRIVATE RESIDENTIAL SPA. A spa that is located on private property that is intended for use by one single-family and their invited guests, located on property used for the placement of a single-family residence.

PUBLIC INTERACTIVE WATER FEATURE AND FOUNTAIN (PIWF). Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, duping buckets, or shooting water cannon in various arrays for the purpose of wetting the persons playing in the spray streams.

REGISTERED AND CERTIFIED POOL OPERATOR. A certified pool operator who has registered with the City of Mansfield Regulatory Compliance Department and has received a Certificate of Registration from the Department.

REGULATORY AUTHORITY. The director, manager, or representatives of the City of Mansfield Regulatory Compliance Department, or their designees.

SPA. A constructed permanent or portable structure that is two feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A SPA does not refer to a business establishment, such as a day spa or a health spa. Industry terminology for a SPA includes, but is not limited to, “hydrotherapy pool”, “whirlpool”, “hot spa”, “hot tub”, and the like. A SPA does not include a private residential spa.

SECTION 5.

The Code of Ordinances of the City of Mansfield, Title IX “General Regulations,” Chapter 92 “Health and Sanitation,” Section 92.43 “Permit Required,” shall be amended to read as follows:

§ 92.43 PERMIT REQUIRED.

(A) Required. It shall be unlawful for any person to operate a public pool, spa, or interactive water feature in the city without a current and valid pool, spa or interactive water feature permit.

(B) Posting. A valid permit issued to a public swimming pool, spa or interactive water feature shall be posted in public view in a conspicuous place at the permitted facility.

(C) Nontransferable (change of ownership). Permits issued under the provisions of this chapter are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in city ordinances and state law before a permit will be issued. The new owner shall notify the regulatory authority within ten days after assuming ownership of the pool, spa, or interactive water feature. There will be a change of ownership fees charged in an amount as set forth in the Department of Regulatory Compliance fee schedule.

(D) Multiple permits. A separate permit shall be required for every public pool, spa, or interactive water feature.

(E) The pool operator's Certificate of Registration shall be displayed in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.

(F) Denial of permit. A permit may be denied if the regulatory authority, upon inspection, determines that the applicant has failed to comply with approved plans and specifications adopted in accordance with these rules.

(G) Inspections for permits. An inspection shall be required annually to qualify for a permit. A permit is valid for one year from the date of issuance.

SECTION 6.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.44 "Review of Plans," shall be amended to read as follows:

§ 92.44 REVIEW OF PLANS AND REQUIREMENTS

(A) Submission of plans. Before a public pool's and/or spa's and/or interactive water feature's construction or extensive remodeling begins, the person proposing to construct or remodel shall submit an application to the regulatory authority for review and approval. The consideration of extensive remodeling shall be the alteration and/or repair of any structure, building or building system, which requires the issuance of a building permit to complete. The application shall include:

- (1) The proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type and model of proposed fixed equipment and facilities and all associated buildings or structures.
- (2) The construction or remodeling plans, shall be under an engineer's seal, and specifications stating that the proposed construction or remodeling complies with

these rules and indicating the proposed layout, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

- (3) The date on or after which proposed construction is to begin;
- (4) The phone number and address of the entity primarily responsible for constructing the pool, spa, or interactive water feature;
- (5) The phone number and address of the entity primarily responsible for operating the pool, spa, or interactive water feature;
- (6) Any other additional information necessary for the regulatory authority to verify compliance; and
- (7) A check or money order payable to the City of Mansfield, Texas in the amount set forth in the City of Mansfield Regulatory Compliance Department Fee Schedule; and

(B) All new and extensively remodeled public pools or extensively remodeled public pool features will need to have fencing that may not contain residential patios or any climbable structure within three (3) feet of the fence and must conform to all current state statutes.

(C) No work shall begin until the regulatory authority has received the engineer's certificate of preconstruction, conducted a plan review, and has confirmed with the appropriate City of Mansfield departments that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted. If work has not commenced within 180 days from the written date approved by the City of Mansfield, the regulatory authority may rescind such advisory.

(B) Approval. The regulatory authority shall approve plans and specifications that meet the requirements of these rules. No public pool, spa, or interactive water feature shall be constructed or extensively remodeled except in accordance with plans and specifications approved by the regulatory authority.

(E) Post construction, a licensed professional engineer shall inspect the completed new or renovated pool and/or spa and/or interactive water feature construction and certify by original signature and engineer's seal that the structure has been installed or remodeled in accordance with Title 25, Chapter 265, Subchapter L, "Public Swimming Pools and Spas," of the Texas Administrative Code, as amended.

SECTION 7.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.45 "Inspections," shall be amended to read as follows:

§ 92.45 INSPECTIONS

(A) Preoperational inspections. The regulatory authority shall inspect a newly constructed or remodeled public pool, spa, or interactive water feature prior to operation to determine compliance with approved plans and specifications and with the requirements of these regulations. Requested inspections must be made a minimum of three working days prior to the desired opening date.

(B) Inspections. The regulatory authority shall inspect all public pools, spas, or interactive water features at least once per year. The owner or operator shall request an inspection by permit application providing the pool, spa, or interactive water feature owner's name and address and, if different, the pool or spa operator's name and address.

(C) Inspection fees. A fee, as set out, adopted, and defined in the Regulatory Compliance Department Fee Schedule, shall be required to be paid for preoperational inspections and, thereafter, on an annual basis. Fees shall be paid to City of Mansfield Regulatory Compliance Department, 1200 E. Broad Street, Mansfield, Texas 76063. Inspection fees shall be based on the number of public pools and/or spas located at a single address.

(D) If a facility is closed for noncompliance of this ordinance more than one time during a pool season, or remains closed for a period longer than one month due to noncompliance, a reinspection fee shall be assessed in accordance with the Department of Regulatory Compliance fee schedule prior to the performance of an inspection conducted for the purpose of reopening the facility.

SECTION 8.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.46 "Pool/Spa/Interactive Water Feature Closures" and Section 92.47 "Pool/Spa/Interactive Water Feature Records" shall be amended to read as follows:

§ 92.47 POOL/SPA/INTERACTIVE WATER FEATURE CLOSURES AND RECORDS

(A) A public pool, spa, or interactive water feature shall be closed if any of the following conditions occur:

- (1) Disinfectant level below the minimums set by the Texas Department of State Health Services;
- (2) pH below 7.0 or a pH or above 7.8;
- (3) Inability to see bottom drain (poor visibility);
- (4) Chlorine levels above eight ppm;

- (5) Gates or fencing of the enclosure not in good repair; or
- (6) Any other imminent health hazards.

(B) The regulatory authority will immediately post a closed sign and the pool or spa access gate shall be locked until all violations have been corrected.

(C) Daily records for each permitted public pool, spa, or interactive water feature shall be kept on premises, be available upon request by the regulatory authority, and shall include information pertaining to:

- (1) Disinfectant - three times per day;
- (2) pH - three times per day;
- (3) Alkalinity - one time per week;
- (4) Chemicals added - as noted by name, amount and date; and
- (5) Other information needed to ensure the facility's proper operation.

SECTION 9.

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.49 "Public Pool/Spa Manager Certification" shall be amended to read as follows:

(A) **REQUIREMENT.** All facilities permitted under this chapter shall have at least one Certified Pool Operator employed and ready to maintain the pool, spa, or interactive water feature.

(B) **CERTIFICATE OF REGISTRATION.** Certificate of Registration for a Certified Pool Operator shall be issued by the regulatory authority to any person who submits the required application, pays the required fee in accordance with the Department of Regulatory Compliance fee schedule, and provides evidence of being a Certified Pool Operator.

(C) **TERMINATION OF CERTIFIED POOL, SPA, OR INTERACTIVE WATER FEATURE OPERATOR.** In the event that a Certified Pool Operator is terminated or transferred, a new Certified Pool Operator must be designated within 60 days from the operator's termination or transfer date. This requirement is applicable even if pool, spa, or interactive water feature maintenance operations are contracted to an outside company.

(D) **TERM OF REGISTRATION.** Unless otherwise revoked by the regulatory authority, a Certificate of Registration expires on the same expiration date listed on the approved certification from an accredited program.

(E) **NON-TRANSFERABILITY OF REGISTRATION.** A Certificate of Registration is not transferable.

POSTING OF CERTIFICATE. The Certificate of Registration must be posted in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.

(F) **CLASS C AND D POOLS AND SPAS.**

(1) If a Certified Pool Operator is not employed on-site at the public pool and/or spa, the owner or person in control of the pool and/or spa shall post a sign visible from the deck of the pool and/or spa stating the telephone number of the Certified Pool Operator.

(2) The letters in such signs shall be of a minimum height of a one inch and shall be of a color contrasting to their background.

(a) At minimum, such signs shall state: "TO REPORT MECHANICAL, SAFETY, OR WATER QUALITY PROBLEMS WITH THIS FACILITY, CALL {INSERT CONTACT INFORMATION} DURING HOURS OF OPERATION."

(b) Such signs shall be of a weather-resistant construction and shall be posted where they are readily visible to a reasonably observant person.

(3) A person commits an offense if the person owns or is in control of a swimming pool and/or spa with no Certified Pool Operator employed on-site and fails to post or maintain signs required by this chapter.

SECTION 10.

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 11.

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.

SECTION 12.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 13.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 14.

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING SECTIONS OF CHAPTER 92, "HEALTH AND SANITATION," REGARDING PUBLIC SWIMMING POOLS AND SPAS ~~TO BY~~ CORRECTLY NAMING~~E~~ AND IDENTIFYING~~ING~~ CURRENT REGULATORY AUTHORITY; ADDING AND AMENDING DEFINITIONS; AMENDING REGULATIONS REGARDING PERMITS, REVIEW OF PLANS, INSPECTIONS, AND REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield ("City") 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 Texas Local Government Code; and

WHEREAS, the City terminated an inspection agreement with Tarrant County, wherein Tarrant County provided health and swimming pool inspection services; and

WHEREAS, the termination of the agreement necessitates updating several sections of the City's Code of Ordinances to reflect this change in inspection entity, in order to provide fair notice to persons needing premises inspections; and

WHEREAS, Chapter 92, Sections 92.40 *et seq.*, involve inspection of swimming pools and spas, and must therefore be updated to reflect the current regulatory authority in the City, and to add and amend definitions, amend regulations regarding permits, review of plans, inspections, and requirements; and

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to update the Code of Ordinances of the City to reflect this change by passage of this Ordinance.

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

SECTION 1

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully-effective as a part of the ordained subject matter of this Ordinance.

SECTION 2

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter

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92 “Health and Sanitation,” Section 92.40 “Designation of Regulatory Authority,” shall be amended to read as follows:

§ 92.40 DESIGNATION OF REGULATORY AUTHORITY

The city designates the City of Mansfield ~~Code~~ Regulatory Compliance Department as its regulatory authority for the purpose of insuring minimum standards of environmental health and sanitation within the scope of that department’s function.

SECTION 3

The Code of Ordinances of the City of Mansfield, Title IX “General Regulations,” Chapter 92 “Health and Sanitation,” Section 92.41 “State Regulations and Guidelines,” shall be amended to read as follows:

§ 92.41 STATE REGULATIONS AND GUIDELINES.

There is hereby adopted by reference of the V.T.C.A., Tex. Health and Safety Code § 341.064, as amended; and the Tex. Admin. Code §§ 265.181 through 265.209, “Public Swimming Pools and Spas”, as amended, and Tex. Admin. Code §§ 265.301 through 265.308 “Public Interactive Water Features and Fountains,” as amended. Three certified copies of each shall be kept on file in the office of the City Secretary

SECTION 43

The Code of Ordinances of the City of Mansfield, Title IX “General Regulations,” Chapter 92 “Health and Sanitation,” Section 92.42 “Definitions,” shall be amended to read as follows:

§ 92.42 DEFINITIONS

All definitions in Title 25, Chapter 265, Subchapter L, “Public Swimming Pools and Spas,” of the Texas Administrative Code, as amended, the V.T.C.A., Tex. Health and Safety Code Chapter 341 and Title 25, Chapter 265, Subchapter L of the Texas Department of State Health Services regulations, “Standards for Public Pools and Spas,” are hereby adopted. In addition, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTIFIED POOL OPERATOR. A person who possesses a valid pool operator’s certificate from an accredited program ~~course~~ approved by the regulatory authority.

CERTIFICATE OF REGISTRATION. A certificate issued by the regulatory authority to any person who submits the required application, remits the registration fee, and provides evidence of being a Certified Pool Operator. The regulatory authority shall issue a Certificate of Registration to any person who submits the required application, remits the registration fee, and provides evidence of being a Certified Pool Operator.

CITY. Authorized representatives of the City of Mansfield, which shall include the director and representatives of the City of Mansfield ~~Code~~Regulatory Compliance Department.

DIRECTOR. The Director of the City of Mansfield ~~Code~~Regulatory Compliance Department, who shall be an authorized representative of the city with respect to public pool and spa inspections and permitting.

POOL. Any manmade permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The POOL may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool.

PRIVATE RESIDENTIAL POOL. A pool that is located on private property that is intended for use by one single-family and their invited guests, located on property used for the placement of a single-family residence.

PRIVATE RESIDENTIAL SPA. A spa that is located on private property that is intended for use by one single-family and their invited guests, located on property used for the placement of a single-family residence.

PUBLIC INTERACTIVE WATER FEATURE AND FOUNTAIN (PIWF). Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, duping buckets, or shooting water cannon in various arrays for the purpose of wetting the persons playing in the spray streams.

REGISTERED AND CERTIFIED POOL OPERATOR. A certified pool operator who has registered with the City of Mansfield Regulatory Compliance Department and has received a Certificate of Registration from the Department.

REGULATORY AUTHORITY. The director, ~~manager, and or~~ representatives of the City of Mansfield ~~Code~~Regulatory Compliance Department, or their designees.

SPA. A constructed permanent or portable structure that is two feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A SPA does not refer to a business establishment, such as a day spa or a health spa. Industry terminology for a SPA includes, but is not limited to, "hydrotherapy pool", "whirlpool", "hot spa", "hot tub", and the like. A SPA does not include a private residential spa.

SECTION ~~5~~4

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.43 "Permit Required," shall be amended to read as follows:

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§ 92.43 PERMIT REQUIRED.

(A) Required. It shall be unlawful for any person to operate a public pool, spa, or interactive water feature in the city without a current and valid pool, spa or interactive water feature permit.

(B) Posting. A valid permit issued to a public swimming pool, spa or interactive water feature shall be posted in public view in a conspicuous place at the permitted facility.

(C) Nontransferable (change of ownership). Permits issued under the provisions of this chapter are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in city ordinances and state law before a permit will be issued. The new owner shall notify the regulatory authority within ten days after assuming ownership of the pool, spa, or interactive water feature. There will be a change of ownership fees charged in an amount as set forth in the Department of Regulatory Compliance fee schedule.

(D) Multiple permits. A separate permit shall be required for every public pool, spa, or interactive water feature, ~~except that public pools or spas or interactive water features on a single water filtration system require just one permit.~~

(E) The pool operator's Certificate of Registration shall be displayed in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.

~~(F)~~ Denial of permit. A permit may be denied if the regulatory authority, upon inspection, determines that the applicant has failed to comply with approved plans and specifications adopted in accordance with these rules.

~~(G)~~ Inspections for permits. An inspection shall be required annually to qualify for a permit. A permit is valid for one year from the date of issuance.

SECTION 65

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.44 "Review of Plans," shall be amended to read as follows:

§ 92.44 REVIEW OF PLANS AND REQUIREMENTS

(A) Submission of plans. Before a public pool's and/or spa's and/or interactive water feature's construction or extensive remodeling begins, the person proposing to construct or remodel shall submit an application to the regulatory authority for review and approval. The consideration of extensive remodeling shall be the alteration and/or repair of any structure, building or building system, which requires the issuance of a building permit to complete. The application shall include:

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(1) The proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type and model of proposed fixed equipment and facilities and all associated buildings or structures.

(2) The construction or remodeling plans, shall be under an engineer's seal, and specifications stating that the proposed construction or remodeling complies with these rules and indicating ~~that~~ the proposed layout, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

~~(3) All new and extensively remodeled public pools or extensively remodeled public pool features will need to have fencing that may not contain residential patios or any climbable structure within three (3) feet of the fence and must conform to all current state statutes.~~

~~(234) An application must be submitted and have T~~the date on or after which proposed construction is to begin;

(4a) The phone number and address of the entity primarily responsible for constructing the pool, spa, or interactive water feature;

~~and~~

(5b) ~~†~~The phone number and address of the entity primarily responsible for operating the pool, spa, or interactive water feature; ~~and~~

~~(6e) The regulatory authority may require~~Any other additional information necessary for the regulatory authority to verify compliance; ~~and-~~

~~(475) A check or money order in the amount of \$200 payable to City of Mansfield, Texas~~ payable to the City of Mansfield, Texas in the amount set forth in the City of Mansfield Regulatory Compliance Department Fee Schedule; and

~~(56) — And any necessary additional information necessary to verify compliance. No work shall begin until the regulatory authority has received the engineer's certificate of preconstruction, conducted a plan review, and has confirmed with the appropriate City of Mansfield departments that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted. If work has not commenced within 180 days from the written date approved by the City of Mansfield, the regulatory authority may rescind such advisory.~~

~~(7) Post construction a licensed professional engineer shall inspect the completed new or renovated pool and/or spa and/or interactive water feature construction and certify by original signature and engineer's seal that the structure has been installed or remodeled in accordance with the 25 Tex. Admin Code §265.183 to §265.201 and §265.205(a) to §265.206(d) "Standards of Public Pools and Spas".~~(B) All new and extensively remodeled public pools or extensively remodeled public pool features will need to have fencing that may not contain residential patios or any climbable structure within three (3) feet of the fence and must conform to all current state

statutes.

(C) No work shall begin until the regulatory authority has received the engineer's certificate of preconstruction, conducted a plan review, and has confirmed with the appropriate City of Mansfield departments that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted. If work has not commenced within 180 days from the written date approved by the City of Mansfield, the regulatory authority may rescind such advisory.

(B) Approval. The regulatory authority shall approve plans and specifications that meet the requirements of these rules. No public pool, spa, or interactive water feature shall be constructed or extensively remodeled except in accordance with plans and specifications approved by the regulatory authority.

(E) Post construction, a licensed professional engineer shall inspect the completed new or renovated pool and/or spa and/or interactive water feature construction and certify by original signature and engineer's seal that the structure has been installed or remodeled in accordance with Title 25, Chapter 265, Subchapter L, "Public Swimming Pools and Spas," of the Texas Administrative Code, as amended.

SECTION 76

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.45 "Inspections," shall be amended to read as follows:

§ 92.45 INSPECTIONS

(A) Preoperational inspections. The regulatory authority shall inspect a newly constructed or remodeled public pool, spa, or interactive water feature prior to operation to determine compliance with approved plans and specifications and with the requirements of these regulations. Requested inspections must be made a minimum of three working days prior to the desired opening date.

(B) Inspections. The regulatory authority shall inspect all public pools, spas, or interactive water features at least once per year. The owner or operator shall request an inspection by permit application providing the pool, spa, or interactive water feature owner's name and address and, if different, the pool or spa operator's name and address.

(C) Inspection fees. A fee, as set out, adopted, and defined in the CodeRegulatory Compliance Department Fee Schedule, shall be required to be paid for preoperational inspections and, thereafter, on an annual basis. Fees shall be paid to City of Mansfield CodeRegulatory Compliance Department, 1200 E. Broad Street, Mansfield, Texas 76063. Inspection fees shall be based on the number of filtration systems public pools and/or spas located at a single address.

(D) If a facility is closed for noncompliance of this ordinance more than one time during a pool season, or remains closed for a period longer than one month due to noncompliance, a

reinspection fee shall be assessed in accordance with the Department of Regulatory Compliance fee schedule prior to the performance of an inspection conducted for the purpose of reopening the facility.

SECTION ~~87~~

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.46 "Pool/Spa/Interactive Water Feature Closures" and Section 92.47 "Pool/Spa/Interactive Water Feature Records" shall be amended to read as follows:

§ 92.47 POOL/SPA/INTERACTIVE WATER FEATURE CLOSURES ~~AND RECORDS~~

(A) A public pool, spa, or interactive water feature shall be closed if any of the following conditions occur:

- (1) Disinfectant level below the minimums set by the Texas Department of State Health Services;
- (2) pH below 7.0 or a pH or above 7.8;
- (3) Inability to see bottom drain (poor visibility);
- (4) Chlorine levels above eight ppm; ~~or~~
- (5) Gates or fencing of the enclosure not in good repair; or
- (6) Any other imminent health hazards.

~~(A)(B)~~ The regulatory authority will immediately post a closed sign and the pool or spa access gate shall be locked until all violations have been corrected.

(C) ~~POOL/SPA/INTERACTIVE WATER FEATURE RECORDS.~~

Daily records for each permitted public pool, spa, or interactive water feature shall be kept on premises, be available upon request by the regulatory authority, and shall include information pertaining to:

- (1) Disinfectant - three times per day;
- (2) pH - three times per day;
- (3) Alkalinity - one time per week;
- (4) Chemicals added - as noted by name, amount and date; ~~and~~

(5) Other information needed to ensure the facility's proper operation; ~~and~~

~~These items must be available upon request by the regulatory authority.~~

SECTION 98

The Code of Ordinances of the City of Mansfield, Title IX "General Regulations," Chapter 92 "Health and Sanitation," Section 92.49 "Public Pool/Spa Manager Certification" shall be amended to read as follows:

(A) REQUIREMENT. All facilities permitted under this chapter shall have at least one ~~registered and certified pool or spa operator~~ Certified Pool Operator employed ~~and ready to~~ maintain the pool, spa, or interactive water feature.

(B) ~~CERTIFIED~~ CERTIFICATE OF REGISTRATION. Certificate of Registration for a Certified Pool Operator shall be issued by the regulatory authority to any person who submits the required application, pays the required fee in accordance with the Department of Regulatory Compliance fee schedule, and provides evidence of being a Certified Pool Operator. A sufficient ~~Certified Pool Operator is a person who has shown proficiency of required information through passing a Certified Pool Operator course as part of an accredited program as required by this chapter.~~

(C) TERMINATION OF CERTIFIED POOL, SPA, OR INTERACTIVE WATER FEATURE OPERATOR. In the event that a ~~registered and certified pool or spa operator~~ Certified Pool Operator is terminated or transferred, a ~~new certified pool or spa operator~~ Certified Pool Operator must be designated within 60 days from the operator's termination or transfer date. This requirement is applicable even if pool, spa, or interactive water feature maintenance operations are contracted to an outside company.

~~TERM OF REGISTRATION~~. Unless otherwise revoked by the regulatory authority, a Certificate of Registration expires on the same expiration date listed on the approved ~~Certified Pool Operator Certificate~~ Certificate of Registration certification from an accredited program.

(D)

(E) NON-TRANSFERABILITY OF REGISTRATION. A Certificate of Registration is not transferable.

~~POSTING OF CERTIFIED AND REGISTERED POOL OPERATOR~~ CERTIFICATE. The Certificate of Registration must be posted in a place readily accessible for inspection by the Regulatory Authority, such as a bulletin board, display case, or other prominent location.

(F) CLASS C AND D POOLS AND SPAS.

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(1) If a ~~trained pool/spa operator~~Certified Pool Operator is not employed on-site at the public pool and/or spa, the owner or person in control of the pool and/or spa shall post a sign visible from the deck of the pool and/or spa stating the telephone number of the ~~trained pool and/or spa operator~~Certified Pool Operator.

(2) The letters in such signs shall be of a minimum height of a one inch and shall be of a color contrasting to their background.

(a) At minimum, such signs shall state: "TO REPORT MECHANICAL, SAFETY, OR WATER QUALITY PROBLEMS WITH THIS FACILITY, CALL {INSERT CONTACT INFORMATION} ——— DURING HOURS OF OPERATION."

(b) Such signs shall be of a weather-resistant construction and shall be posted where they are readily visible to a reasonably observant person.

~~(2)~~(3) A person commits an offense if the person owns or is in control of a swimming pool and/or spa with no ~~trained pool and/or spa operator~~Certified Pool Operator employed on-site and fails to post or maintain signs required by this chapter.

SECTION ~~10~~9

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 ~~11~~0

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.

SECTION ~~12~~1

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION ~~13~~2

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to

the extent required by law.

SECTION 143

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED on the first and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

~~Allen Taylor~~ Drew Larkin, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4638

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance of the City of Mansfield, Texas Amending Subchapter "Child Care Facilities" of Chapter 110, "General Provisions," of Title Xi, "Business Regulations," of the Code of Mansfield, Texas, by Amending Sections 110.25 through 110.35 Regarding Minimum Standards, Definitions, Permit Requirements, Exceptions, Applications, Fees, Inspections, Suspension, Revocation, Enforcement, and Operations; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing a Penalty for Violation; Providing a Savings Clause; Providing for the Publication as Required by Law; And Providing an Effective Date

Requested Action

Approval of Proposed Ordinance Amendments.

Recommendation

Approval of Proposed Ordinance Amendments.

Description/History

In November 2021 the City Council terminated its inspection agreement with the Tarrant County Health Department in order to establish the City of Mansfield Health Inspections Program. The child-care facilities standards, registration, and inspection requirements found within this ordinance protects the public health and safety of residents and visitors to the City of Mansfield.

Justification

The proposed ordinance revisions allow for improvements in definitions, minimum standards for operation, and providing for more detail in outlined processes.

Funding Source

N/A

Prepared By

Nicolette Ricciuti, Strategic Initiatives Officer
Department of Regulatory Compliance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING SUBCHAPTER “CHILD CARE FACILITIES” OF CHAPTER 110, “GENERAL PROVISIONS,” OF TITLE XI, “BUSINESS REGULATIONS,” OF THE CODE OF MANSFIELD, TEXAS, BY AMENDING SECTIONS 110.25 THROUGH 110.35 REGARDING MINIMUM STANDARDS, DEFINITIONS, PERMIT REQUIREMENTS, EXCEPTIONS, APPLICATIONS, FEES, INSPECTIONS, SUSPENSION, REVOCATION, AND ENFORCEMENT, AND OPERATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (“City”) 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 Texas Local Government Code; and,

WHEREAS, the City Council has passed ordinances regulating child-care facilities for the health and safety of the persons there receiving services; and,

WHEREAS, these ordinances, comprising Chapter 110 of the Code of Ordinances of the City were last updated by ordinance in 2001; and,

WHEREAS, several sections of Chapter 110 were amended in 2022 and additional amendments must be made to reflect the current state of the law and best practices; and,

WHEREAS, the City Council believes that it is in the best interests of the public and the City to facilitate the efforts to update the Code of Mansfield, Texas to reflect this change by passage of this Ordinance.

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

SECTION 1.

All of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

SECTION 2.

Subchapter “Child Care Facilities” of Chapter 110 “General Provisions” of Title XI “Business Regulations” the Code Mansfield, Texas, is hereby amended and replaced with the attached Exhibit A.

SECTION 3.

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

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not 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.

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Mansfield, Texas, as amended, or any other ordinances affecting child-care facilities which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 8.

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

Exhibit “A”

CHILD-CARE FACILITIES

§ 110.25 MINIMUM STANDARDS ADOPTED.

There is adopted the “Minimum Standards for Child-Care Centers” as published and promoted by the Texas Health and Human Services Commission, as amended from time to time. The provisions thereof shall be incorporated herein and made a part hereof the same as if fully copied herein, except as modified by this subchapter. A true copy of the minimum standards shall be kept on file in the office of the City Secretary and available for inspection during all regular business hours.

§ 110.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEFORE AND AFTER-SCHOOL PROGRAM. A child-care center that provides care before or after, or before and after, the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend prekindergarten through grade six. A before and after-school program is licensed by and meets the minimum standards of the Texas Department of State Health Services.

CHILD-CARE CENTER. An establishment subject to regulation by licensing that provides:

- (1) Assessment, care, training, education, custody, treatment or supervision is provided for more than six children who are not related by blood, marriage, or adoption;
- (2) Assessment, care, training, education, custody, treatment or supervision is provided for all or part of a 24-hour day, whether or not the establishment operates for profit or charges for its service; and
- (3) A child-care center includes the people, administration, governing body, activities on or off premises, operations, buildings, grounds, equipment, furnishings, and materials. A child-care center does not include child-placing agencies, listed family homes, employer-based child-care operations, or shelter care operations.

CHILD-CARE STAFF. Any person whose primary duty includes direct care, supervision or guidance of children in a child care center.

GUARDIAN. A child’s parent or other person who has legal care, custody and control of a child through natural or court appointed rights.

HEALTH INSPECTOR. An employee of the city appointed by the City Manager as his/her representative to inspect and enforce the provisions of this subchapter.

ISOLATION AREA. An area or room apart from other facilities which is available for use by children who become sick or injured.

PERMIT. A complete document issued to the approved applicant of a child-care center authorizing operation at a specific location in accordance with the provisions of this subchapter.

RELIGIOUS ORGANIZATIONS. A church, synagogue or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.

REGULATORY AUTHORITY. The City of Mansfield Department of Regulatory Compliance or its authorized representatives or designees.

SCHOOL. A child-care center offering an educational program in one or more grades for children from the ages of five through 13 during the customary public school day.

§ 110.27 PERMIT REQUIRED; EXCEPTIONS.

(A) No person, firm or corporation shall operate a child-care center within the city unless a permit for such purpose has been issued by the Fire Department and a permit for such purpose has been issued by the Regulatory Authority. This shall not exclude requirements of the City adopted International Fire Code or the Texas Health and Human Services Commission for fire alarm and sprinkling mandates.

(B) The term “child-care” shall not apply to, nor shall a permit be required for, the following facilities:

(1) A state operated facility;

(2) An agency foster home or agency foster group as designated by the Texas Human Resources Code, § 42.002(11) and (12), as amended;

(3) A facility that is operated in connection with a shopping center business, religious organization or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, or engaging in other activities on or near the premises, including, but not limited to retreats or classes for religious instructions;

(4) A school or class for religious instruction that does not last longer than two weeks that is conducted by a religious organization during the summer months;

- (5) A youth camp licensed by the Texas Department of State Health Services;
- (6) A hospital licensed by the Texas Department of State Health Services;
- (7) An education facility accredited by the Texas Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above or a before and after-school program operated directly by an accredited educational facility or a before and after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency or Southern Association of Colleges and Schools has approved the curriculum content of the before and after-school program operated under the contracts;
- (8) An educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day and is a member of an organization that promulgates, publishes and requires compliance with health, safety, fire and sanitation standards equal to standards required by state, county or municipal codes;
- (9) A kindergarten or preschool educational program that is operated as part of a public school or private school accredited by the Texas Education Agency and offers educational programs through grade six and does not provide custodial care during the hours before or after the customary school day;
- (10) A registered family home as defined by Texas Human Resources Code, § 42.002(9), as amended;
- (11) An educational facility that is integral to and inseparable from its sponsoring religious organization and which does not provide custodial care for more than two hours maximum, per day, and that offers educational programs for children ages five and above one or more of the following:
 - (a) Kindergarten through grade three;
 - (b) Upper elementary or secondary grades, provided however, that a religious organization such as that described in division (3), where children are cared for during short periods while parents or persons responsible for the children are attending religious services or engaged in other activities on or near the premises, may provide custodial care for more than two hours per day;
- (12) The Mansfield Independent School District and schools accredited by the Texas Education Agency;

(13) A facility licensed, operated, certified, or registered by a state agency other than the Department of Health and Human Services; or

(14) A juvenile detention facility certified under Tex. Fam. Code §§ 51.12 or 141.042(d), a juvenile facility providing services solely for the Texas Youth Commission, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state.

§ 110.28 PERMIT APPLICATION.

(A) Application for an annual permit to operate a child-care center shall be submitted by the operator on a form specified by the Fire Department and on a separate form specified by the regulatory authority.

(B) A Fire Department permit application shall state the name, address and telephone number of the permit applicant and the name, driver's license number and date of birth of all employees and child-care staff members as required in Minimum Standards for Child-Care Centers. The employee background records must be made available upon request by the regulatory authority.

(1) A site plan shall be submitted with the application, drawn to an accurate scale, indicating the legal description of the property, and showing the indoor and outdoor areas to be used for the child-care center.

(2) Any permit issued under this subchapter is nontransferable.

(3) The permit application shall include a certificate of liability insurance coverage showing the minimum policy limits on coverage for bodily injury or death of any person entrusted to the care of the child-care center.

(C) *Child-care center requirements.* The applicant is responsible for complying with all applicable city ordinances, including, but not limited to, zoning, building, fire, and health ordinances of the city.

(D) *Permits required.* Any person currently operating a child-care center without a permit under existing ordinances shall, within 30 days after the effective date hereof, make application under the provisions of this subchapter.

(E) *Fire permit inspection fee.* An annual permit fee of \$75 shall be payable upon application to the Fire Department, and thereafter, no later than the thirtieth of January of each year. No refund or proration of any fee required hereunder shall be made.

(F) *Health permit requirements.* No person shall operate or cause to be operated a child-care center in the City of Mansfield without first obtaining a health department certificate of inspection as issued by the regulatory authority.

(1) The health permit application shall be submitted to the regulatory authority by the owner of a child-care center on a form specified by the department. The health permit application must include the licensed capacity of the facility and a copy of their current child-care licensing permit.

(2) The health permit application shall state the name(s), address(es), and telephone number(s) of all persons having an ownership interest in the child-care center, as well as any other information requested by the regulatory authority.

(3) Any permit issued under this subchapter is not transferable and must be prominently displayed.

(G) *Permit issuance.* The City Manager, or his designated representative, shall have authority to grant or refuse a permit to operate a child-care center under the provisions of this subchapter.

(H) *Fire permit duration and renewal.* Upon approval, the Fire Department shall issue the permit for operation of the child care center. All permits will be due for renewal on or before the thirtieth of January of each succeeding year.

(I) *Health permit duration and renewal.* Upon approval by the regulatory authority, the permit for operation of a child-care center will be valid for one year from the issuance of the permit. Upon expiration, the permit may be renewed for a one-year term upon payment of the annual permit fee and submission of proof of insurance, and provide proof of background checks for the owner, operator, director, and each employee conducted within the previous 24 months. If such background checks are not current, no renewal shall be issued until such background checks are submitted.

§ 110.29 ISSUANCE OF PERMIT; INSPECTIONS.

(A) The City Manager, or his/her designated representative, is authorized to issue a permit when he/she finds that the permit applicant has complied with the requirements of this subchapter and other applicable sections of this Code. The permit shall be refused in the event the applicant has not complied with the requirements of this subchapter or any other applicable section of this Code, or if it is determined that any false statement has been made in the permit application.

(B) The permitted premises shall be inspected not less frequently than semiannually to assure that the facilities, grounds and equipment are maintained in compliance with this subchapter, with the minimum standards adopted hereby, and in a safe and sanitary condition for the welfare of the occupants and patrons. Reports of the inspections shall be kept on file with the

city and copies issued to the permit holder, along with appropriate directives to resolve any deficiencies observed in the inspection. The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter and to issue citations for any violation of any of its provisions.

(C) It shall be unlawful and an offense for any permit holder to operate any facility permitted under the provisions of this subchapter in violation with any of the provisions hereof, the minimum standards adopted hereby or any other applicable section of this Code, or to fail to respond to any noted deficiency or violation within the time specified by the Inspector for correction.

(D) *Plan review and standards.*

(1) Whenever a child-care center or before and after-school facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a child-care center or before and after-school facility, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the State of Texas, the regulatory authority, and city ordinances. A plan review fee will be charged per the City of Mansfield Department of Regulatory Compliance fee schedule.

(2) Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the child-care center or before and after-school facility prior to beginning its operation to determine compliance with the approved plans and specifications and with the requirement of these rules.

(3) Free-standing diaper changing stations in infant and toddler areas shall have a hand sink, plumbed with hot (100 to 120 degrees Fahrenheit) and cold running water, located at the diapering station. Hot water must be available within 20 seconds.

(4) Child-care centers providing overnight care shall provide bathtubs and/or showers.

(5) Stairs and porches more than two feet above the ground shall have railings the children can reach.

(6) Outside play areas shall be surrounded by a fence with a minimum height of four feet (4') and shall be immediately adjacent to the center and located away from heavy traffic areas. Such fences shall be of a design to prevent entrapment hazards. Any child-care center

operating a before and after-school program in a public school building pursuant to a contract with any independent school district shall be exempt from the fence requirements of this subchapter.

(7) Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

(8) Swimming pools shall be constructed, maintained, and comply with the Code of Mansfield, Texas, Chapter 92 "Health and Sanitation" standards regarding swimming pools and spas.

(9) An isolation area must be available in the facility for children who are not feeling well, and must be comfortable and supervised away from other children.

§ 110.30 PERMIT SUSPENSION AND REVOCATION.

(A) *Powers of the regulatory authority.*

(1) The regulatory authority shall have the authority to regularly inspect or visit all child-care centers and before and after-school programs in the city, whether permitted or unpermitted, at any and all times necessary to ascertain if child-care centers or before and after-school program operations are being operated in conformity with this subchapter or if any conditions exist therein which require correction.

(2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted child-care centers and before and after-school program programs, pertaining to violation of and/or requirement to comply with the provisions of this subchapter.

(3) If unpermitted child-care centers or before and after-school programs are found in operation, the regulatory authority shall have the authority to give written notice to the operator of said facility to cease child-care immediately.

(B) *Authority to suspend permit – written notice required.*

(1) The regulatory authority, after giving written notice, may suspend any permit if it s finds any of the following: violations of immediate danger regarding construction of facility or on-premises buildings; toilet facility violations; sanitation violations; food preparation violations; improper storage and handling of chemicals or any harmful solution; lack of proper supervision; child neglect; child-care staff criminal history; potential for injury or death; infectious diseases; hazards with outdoor play areas; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes, at the child-care center or before and after-school program care facility.

(2) The written notice from the regulatory authority shall call to the attention of the permit holder the regulations of this subchapter in which he/she or the child-care center or before and after-school program failed to comply with, and shall specify a reasonable time, not to exceed 30 days, to come into compliance. Suspension of the permit shall require the operator to cease all activities immediately and to bring the child-care center or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period.

(3) If the permit holder fails to comply with the provisions of this subchapter within the time specified, the regulatory authority may revoke the permit in accordance with this subchapter.

(C) *Authority to revoke permit – written notice required.* The regulatory authority may, upon written notice by personal service or by certified or registered mail, sent to the address provided on the permit holder's application, revoke a permit in the event of any of the following:

(1) Entry of the regulatory authority into a permitted facility has been denied or delayed;

(2) A statement of fact contained in the application was false or materially misleading;

(3) The permit holder fails to comply with the requirements of subsection (B)(2) hereof; or

(4) The permit holder has caused, suffered or permitted the commission of an aggravated violation of any provision of this subchapter.

(D) *Appeal – notice required.*

(1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten days from the date of service upon the permit holder, operator, manager, or other person in charge of the child-care center or before and after-school program facility in question, unless on or before the expiration of 10 calendar days the permit holder shall file with the regulatory authority a written appeal signed by such permit holder addressed to the City Manager setting out the basis for such appeal and in which it is requested that the City Manager grant a hearing upon the questions of whether or not the permit shall be revoked.

(2) The revocation shall be stayed or postponed until such time as the City Manager shall grant a hearing and make a final adjudication.

(3) The hearing shall be held within 10 calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be

final and conclusive as to all parties. Following revocation or denial, the permittee or applicant shall not be eligible to apply or reapply for a permit for a period of 1 calendar year from the date of the revocation or denial. Any such revocation or denial shall be reported to the Texas Department of Protective and Regulatory Services. The city shall also report any violation notices or illegal operations to the department.

§ 110.31 OPERATION OF A CHILD-CARE CENTER.

(A) The child-care center permit shall be conspicuously posted on an inside wall of the main facility and shall be continuously displayed for public view.

(B) A child-care center shall be operated in accordance with all ordinances of the city and state and federal statutes where applicable.

(C) Health records maintained by the facility shall be available for inspection at all times by the regulatory authority. Records of the facility shall include immunization schedules and emergency care permission slips from a parent and guardian for emergency medical treatment of children.

(D) The child-care staff, employees and/or drivers shall not be permitted to work while afflicted with infectious diseases or other illnesses which would adversely affect their work or the health of the children. Any child ill with a communicable disease shall be isolated from other children at the child-care center. Persons shall not be permitted in the child-care center whose health status or behavior suggests a hazard to the health, safety, and welfare of others, including symptoms of a contagious illness, a dangerous mental or physical condition, or symptoms of drug or alcohol intoxication.

(E) Unanchored mobile homes and upstairs apartments shall not be eligible sites for child-care centers.

(F) Child-care centers may not be used in connection with any other operation when the other operation is using the same space concurrently. The child-care center shall not have an interrupted food schedule if a common kitchen is used.

(G) The child-care center shall maintain adequate toilet facilities for the children, including tissue, paper towels, clean cloths or mounted, approved hand dryer blowers and soap. A child-care center shall also maintain an adequate amount of first-aid supplies including, but not limited to, soap, antiseptic solutions, absorbent cotton, cotton-tip applicators, tweezers, magnifying glass, sterile gauze, adhesive tape, and adhesive bandages. One medium-sized package or container of each of these first-aid supplies shall be maintained in an unopened reserve at all times. First-aid procedures and supplies shall be applied, including cleaning and bandaging, for any cut or bleeding abrasion of the skin.

(H) Each child-care center shall have a fire evacuation plan posted in each room used by the children. The first priority in the event of fire shall be immediate evacuation of the children. Each child-care center shall have an annual fire inspection with a written report submitted to the permittee and the city. Any corrections or deficiencies noted shall be promptly corrected by the permittee. All child-care staff members shall be instructed in emergency procedures as well as the fire evacuation plan. Fire drills shall be held quarterly at different times of the day to test the fire evacuation plan. The building shall be constructed so as to permit fast and safe exit within three minutes in any emergency. The facility shall have at least two exits to the outside located on different sides of the building. Doors opening into a fenced yard shall be able to be easily opened from the inside by the children. Doors between rooms shall not be locked while children are present. Doors and pathways shall not be blocked. Heating devices and their nearby areas shall not be allowed to present any fire hazards. Gas appliances shall have metal tubing and connections unless otherwise approved by the Fire Marshal. Open flame space heaters are prohibited. All gas heaters are to be vented to the outside. Gas pipes shall be tested annually for leaks. Floor furnaces shall be enclosed to keep children away. A copy of the test report shall be available at the child-care center. Smoke detectors shall be installed to provide an effective warning to the building occupants of a fire. The detectors shall be placed as required by the Fire Marshal. Stand alone single station smoke detectors are permitted in mothers day out programs that operate less than three days per week and in facilities that have less than 50 children in care. Before and after-school care programs providing care for students at a school after normal school hours are not required to provide smoke detectors under this subchapter.

(I) The child-care center shall have an annual sanitation inspection. A written report shall be submitted to the city and a copy furnished to the permittee. Any corrections called for in the report shall be made promptly by the permittee.

(J) The buildings, grounds and equipment of the child-care center shall be kept in repair and maintained to protect the health and safety of the children. Electrical outlets accessible to children shall be protected with childproof covers or safety outlets when not being used. Playgrounds shall be supervised at all times by a teacher or child-care staff in the same ratio required to be maintained in classrooms. Play areas shall be surrounded by a fence with a minimum height of four feet. The playground area, including all play equipment, shall be maintained in a safe condition. No sharp edges, dangerous protrusions, or other obvious hazards shall be allowed in the play area. Any pool, pond or other body of water greater than ten inches in depth shall be separated from the playground by a fence with a minimum height of four feet. Permittee shall keep all toxic substances, both indoors and outdoors, secure from access by the children. All emergency telephone numbers required by the minimum standards shall be posted by a telephone which is accessible to all child-care staff.

(K) Animals are prohibited at all times from food preparation areas, as well as child-care areas and child play areas when children are present or when the animal may present a danger to the children.

(L) Bathtubs or showers shall be made available for children staying overnight in a child-care center. Bathtubs or showers used by preschool children shall be supervised at all times

when in use. Privacy shall be assured for school age children. Tubs or showers shall be cleaned out after each use. Children shall be provided fresh wash cloths and towels.

(1) Toilet fixtures and facilities shall be provided in accordance with the city Plumbing Code.

(2) The temperature of any water available to the occupants or patrons of a child-care center shall reach no higher than 120 degrees Fahrenheit.

(3) Each lavatory shall be provided with both hot water and cold water.

(4) All handwashing lavatories installed after the effective date of this chapter shall be provided with hot and cold water under pressure, tempered by means of a mixing valve or combination faucet. The child-care center must ensure that the temperature of hot water available to children is no higher than 120°F. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without having to be reactivated. Soap and a handdrying device or disposable towels shall be provided for use by both child-care staff and children.

(M) An enrollment agreement shall be obtained for each child prior to admission, filed at the child-care center or before and after-school facility, and the director shall be responsible for assuring that the terms of the agreement related to items (M)(1)-(M)(5) below are met. The agreement signed by the parents shall contain:

(1) Hours the child shall be in care (not to exceed 12 hours except in an emergency).

(2) Notarized emergency medical authorization.

(3) Any unique security code or child tracking method.

(4) A statement that the child will be released only to a parent or a person named by the parent.

(5) In any instance when the person(s) listed above cannot pick up the child, the procedures described herein shall be followed.

(a) The parent or guardian shall phone the child-care center or before and after-school facility, shall identify themselves by using any unique identification code, and shall designate who will pick the child up. The director or child-care staff member shall check the child's enrollment record to verify the code.

(b) The person who picks up the child must identify themselves as follows:

1. Shall present photo identification.

2. Shall present the parent's unique security code or child tracking method.

3. The unlisted person shall sign the child out.

4. The director or child-care staff shall copy the valid photo identification card or photograph the person before they leave the child-care center or before and after-school facility. The child-care center must provide an operational camera to take necessary photographs.

(c) The procedure to release children to unlisted persons as required by the City of Mansfield shall be posted so that it is readily accessible to all child-care staff.

(d) In the event that a child is found to be missing from a child-care center, the operator of the child-care center shall report such fact to the City of Mansfield Police regulatory authority immediately.

(N) In an emergency occurrence, such as any circumstance that renders all or part of the center unsafe or unsanitary for a child-care center or before and after-school facility (for example, but without limitation, flood, fire, water outage, lack of hot water (120 °F), power outage, or sewage backup), the person in charge shall immediately notify the regulatory authority.

§ 110.32 FOOD SERVICE.

A child-care center in which food is prepared for human consumption shall comply with Chapter 94 "Food Establishment Regulations" of the Code of Mansfield, Texas. Child-care centers that are presently using residential type refrigeration or cooking equipment must upgrade to commercial refrigeration when the unit fails or is replaced, or if there is a change of ownership.

§ 110.33 PERMIT FEES.

(A) *Requirement.* It shall be unlawful for any person to operate a child-care food service establishment within the City of Mansfield unless they possess a current and valid health permit issued by the City of Mansfield Regulatory Compliance Department.

(B) *Fees.* Permit fees are set forth in the City of Mansfield Regulatory Compliance Department fee schedule.

§ 110.34 DISCLAIMER OF LIABILITY.

All of the regulations provided in this subchapter are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this subchapter, acting for the city

in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties.

§ 110.35 ENFORCEMENT.

The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter together with other applicable laws regarding child-care centers. The authority shall include the authority for inspection or visitation of all facilities required to be permitted under the provisions of this subchapter at all reasonable times.

Chapter 110 Exhibit "A"

CHILD-CARE FACILITIES

§ 110.25 MINIMUM STANDARDS ADOPTED.

There is adopted the "Minimum Standards for ~~Day~~ Child-Care Centers" as published and promoted by the ~~State Department of Human Resources~~ Texas Health and Human and Services Commission, as amended from time to time. The provisions thereof shall be incorporated herein and made a part hereof the same as if fully copied herein, except as modified by this subchapter. A true copy of the minimum standards shall be kept on file in the office of the City Secretary and available for inspection during all regular business hours. ('78 Code, § 10-50) (Ord. 767, passed 2-8-88; Am. Ord. 1346, passed 4-23-01)

§ 110.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEFORE AND AFTER-SCHOOL PROGRAM. A child-care facility that provides care before or after, or before and after, the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend prekindergarten through grade six. A before and after-school program is licensed by and meets the minimum standards of the Texas Department of State Health Services.

CHILD-CARE CENTER. An establishment subject to regulation by licensing that provides:

(1) ~~—(1) Assessment, Ccare, training, education, custody, treatment or supervision is provided for more than six children of a child who is not related by blood, marriage, or adoption; exclusive of persons who are related by blood, marriage or adoption to the owner or operator of the facility;~~

~~—(2) Assessment, Ccare, training, education, custody, treatment or supervision is provided for all or part of a 24-hour day, on a regular basis of at least two days a week whether or not the establishment operates for profit or charges for its service; and~~

~~—(3) The facility is intended to provide child care at least 26 weeks per year; and~~

~~—(4) More than one-quarter of the children cared for at the facility are under 11 years of age.~~ A child-care facilitycenter includes the people, administration, governing body, activities on or off premises, operations, buildings, grounds, equipment, furnishings, and materials. A child-care facilitycenter does not include child-placing

agencies, listed family homes, employer-based child-care operations, or shelter care operations.

CHILD-CARE STAFF. Any person whose primary duty includes direct care, supervision or guidance of children in a child care center.

GUARDIAN. A child's parent or other person who has legal care, custody and control of a child through natural or court appointed rights.

HEALTH INSPECTOR. An employee of the city appointed by the City Manager as his/her representative to inspect and enforce the provisions of this subchapter.

ISOLATION AREA. An area or room apart from other facilities which shall be available for use by children who become sick or injured.

PERMIT. A complete document issued to the approved applicant of a child-care center authorizing operation at a specific location in accordance with the provisions of this subchapter.

RELIGIOUS ORGANIZATIONS. A church, synagogue or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.

REGULATORY AUTHORITY. The City of Mansfield Department of Regulatory Compliance or his/her authorized representatives or designees.

SCHOOL. A child-care center offering an educational program in one or more grades for children from the ages of five through 13 during the customary public school day.

§ 110.27 PERMIT REQUIRED; EXCEPTIONS.

(A) —(A)—No person, firm or corporation shall operate a child-care center within the city unless a permit for such purpose has been approved by the City Manager, or his/her designated representative, and issued by the Fire Department and a permit for such purpose has been issued by the Regulatory Authority. This shall not exclude requirements of the 2018 City adopted IFC International Fire Code or the Texas Health and Human Services Commission THHSC for fire alarm and sprinkling mandates.

(“78 Code, § 10-52)

—(B) The term “child-care” shall not apply to, nor shall a permit be required for, the following facilities:

(1) —(1)—A state operated facility;

(2) An agency foster home or agency foster group as designated by the Texas Health and Human Resources Services Code, § 42.002(11) and (12), as amended;

(3) A facility that is operated in connection with a shopping center business, religious organization or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, or engaging in other activities on or near the premises, including, but not limited to retreats or classes for religious instructions;

(4) A school or class for religious instruction that does not last longer than two weeks that is conducted by a religious organization during the summer months;

(5) A youth camp licensed by the ~~State Department of Health~~ Texas Department of State Health Services;

(6) A hospital licensed by the ~~State Department of Health~~ Texas Department of State Health Services;

(7) An education facility accredited by the Texas Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above or a before and after--school program operated directly by an accredited educational facility or ~~an before and~~ after--school program operated by another entity under contract with the educational facility, if the Texas Education Agency or Southern Association of Colleges and Schools has approved the curriculum content of the before and after--school program operated under the contracts;

(8) An educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day and is a member of an organization that promulgates, publishes and requires compliance with health, safety, fire and sanitation standards equal to standards required by state, county or municipal codes;

(9) A kindergarten or preschool educational program that is operated as part of a public school or private school accredited by the Texas Education Agency and offers educational programs through grade six and does not provide custodial care during the hours before or after the customary school day;

(10) A registered family home as defined by Texas Health and Human Resources Code, § 42.002(9), as amended;

(11) An educational facility that is integral to and inseparable from its sponsoring religious organization and which does not provide custodial care for more than two hours

maximum, per day, and that offers educational programs for children ages five and above one or more of the following:

(a) Kindergarten through grade three;

(b) Upper elementary or secondary grades, provided however, that a religious organization such as that described in division (3), where children are cared for during short periods while parents or persons responsible for the children are attending religious services or engaged in other activities on or near the premises, may provide custodial care for more than two hours per day;

(12) The Mansfield Independent School District and schools accredited by the Texas Education Agency;

(13) A facility licensed, operated, certified, or registered by a state agency other than the Department of Health and Human Services; or

(14) A juvenile detention facility certified under Tex. Fam. Code §§ 51.12 or 141.042(d), a juvenile facility providing services solely for the Texas Youth Commission, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state.

~~(‘78 Code, § 10-55)~~

~~(Ord. 767, passed 2-8-88; Am. Ord. 1346, passed 4-23-01)~~

§ 110.28 PERMIT APPLICATION.

(A) Application for an annual permit to operate a child-care center shall be submitted by the operator on a form specified by the Fire Department and on a separate form specified by the Regulatory Compliance Department Authority.

(B) A Fire Department permit application shall state the name, address and telephone number of the permit applicant and the name, driver's license number and date of birth of all employees and child-care staff members ~~of the child-care center as required in Minimum Standards for Child-Care Centers. This information is necessary to allow background checks to be conducted on employees of the center. The employee background records must be made available upon request by the~~ Regulatory Authority.

1) A site plan shall be submitted with the application, drawn to an accurate scale, indicating the legal description of the property, and showing the indoor and outdoor areas to be used for the child-care center.

2) Any permit issued under this subchapter is nontransferable.

~~3) The applicant is responsible for complying with all zoning, building, fire and health ordinances of the city.~~

4)3) The permit application shall include a certificate of liability insurance coverage showing the minimum policy limits on coverage for bodily injury or death of any person entrusted to the care of the child center.

(C) ~~Child-care center requirements. The applicant is responsible for complying with all applicable city ordinances, including, but not limited to, zoning, building, fire, and health ordinances of the city.~~

(D) ~~Permits required.~~ Any person currently operating a child care center without a permit under existing ordinances shall, within 30 days after the effective date hereof, make application under the provisions of this subchapter.

(E) ~~Fire permit inspection fee.~~ An annual permit fee of \$75 shall be payable upon application to the Fire Department, and thereafter, no later than the thirtieth of January of each year. No refund or proration of any fee required hereunder shall be made.

(F) ~~Health permit requirements. No person shall operate or cause to be operated a child-care center in the City of Mansfield without first obtaining a health department certificate of inspection as issued by the Department of Regulatory Compliance Authority.~~

1) ~~The health permit application shall be submitted to the Department of Regulatory Compliance Authority by the owner of a child-care center on a form specified by the department. The health permit application must include the licensed capacity of the facility and a copy of their current child-care licensing permit.~~

2) ~~The health permit application shall state the name(s), address(es), and telephone number(s) of all persons having an ownership interest in the child-care center, as well as any other information requested by the department Regulatory Authority.~~

3) ~~Any permit issued under this subchapter is not transferable and must be prominently displayed.~~

(G) ~~Permit issuance.~~ The City Manager, or his designated representative, shall have authority to grant or refuse a permit to operate a child-care center under the provisions of this subchapter.

- (H) Fire permit duration and renewal. Upon approval, the Fire Department shall issue the permit for operation of the child care center. All permits will be due for renewal on or before the thirtieth of January of each succeeding year.
- (I) Health permit duration and renewal. Upon approval by the Department of Regulatory Compliance Authority, the permit for operation of a child-care center will be valid for one year from the issuance of the permit. Upon expiration, the permit may be renewed for a one-year term upon payment of the annual permit fee and submission of proof of insurance, and provide proof of background checks for the owner, operator, director, and each employee conducted within the previous 24 months. If such background checks are not current, no renewal shall be issued until such background checks are submitted.

§ 110.29 ISSUANCE OF PERMIT; INSPECTIONS.

- (A) The City Manager, or his/her designated representative, is authorized to issue a permit when he/she finds that the permit applicant has complied with the requirements of this subchapter and other applicable sections of this Code. The permit shall be refused in the event the applicant has not complied with the requirements of this subchapter or any other applicable section of this Code, or if it is determined that any false statement has been made in the permit application.
- (B) The permitted premises shall be inspected not less frequently than semiannually to assure that the facilities, grounds and equipment are maintained in compliance with this subchapter, with the minimum standards adopted hereby, and in a safe and sanitary condition for the welfare of the occupants and patrons. Reports of the inspections shall be kept on file with the city and copies issued to the permit holder, along with appropriate directives to resolve any deficiencies observed in the inspection. The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter and to issue citations for any violation of any of its provisions.
- (C) It shall be unlawful and an offense for any permit holder to operate any facility permitted under the provisions of this subchapter in violation with any of the provisions hereof, the minimum standards adopted hereby or any other applicable section of this Code, or to fail to respond to any noted deficiency or violation within the time specified by the Inspector for correction.
- (D) Plan review and standards.
 - 1) Whenever a child-care center or before and after-school facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a child-care center or before and after-school facility, properly prepared

plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the State of Texas, the Regulatory Authority, and city ordinances. A plan review fee will be charged per the City of Mansfield Department of Regulatory Compliance fee schedule.

- 2) Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the child-care center or before and after-school facility prior to beginning its operation to determine compliance with the approved plans and specifications and with the requirement of these rules.
- 3) Residential structures shall not be permitted as a child-care or before and after-school facility.
- ~~3~~4) Free-standing diaper changing stations in infant and toddler areas shall have a hand sink, plumbed with hot (100 to 120 degrees Fahrenheit) and cold running water, located at the diapering station. Hot water must be available within 20 seconds.
- ~~4~~5) Child-care centers providing overnight care shall provide bathtubs and/or showers.
- ~~5~~6) Stairs and porches more than two feet above the ground shall have railings the children can reach.
- ~~6~~7) Outside play areas shall be surrounded by a fence with a minimum height of four feet and shall be immediately adjacent to the center and located away from heavy traffic areas. Such fences shall be of a design to prevent entrapment hazards. Any child-care center operating a before and after-school program in a public school building pursuant to a contract with any independent school district shall be exempt from the fence requirements of this article.
- ~~7~~8) Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

~~8)9)~~ Swimming pools shall be constructed, maintained, and comply with the Mansfield Code of Ordinances Chapter 92 "Health and Sanitation" standards regarding swimming pools and spas.

~~9)10)~~ An Isolation Area must be available in the facility for children who are not feeling well, ~~that is and~~ must be comfortable and supervised away from other children.

§ 110.30 PERMIT SUSPENSION AND REVOCATION.

Enforcement, Suspension, and Revocation.

(A) Powers of the regulatory authority.

- 1) The regulatory authority shall have the authority to regularly inspect or visit all child-care ~~centers~~ and before and after-school programs ~~embraced within the provisions of this article in the City,~~ whether permitted or unpermitted, at any and all times necessary to ascertain if child-care ~~centers~~ or before and after-school program operations are being ~~conducted~~operated in conformity with this ~~article~~chapter or if any conditions exist therein which require correction.
- 2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted child-care centers and before and after-school program programs, pertaining to violation of and/or requirement to comply with the provisions of this ~~article~~chapter.
- 3) If unpermitted child-care centers or before and after-school programs are found in operation, the regulatory authority shall have the authority to give written notice to the operator of said facility to cease child-care immediately.

(B) Authority to suspend permit – written notice required.

- 1) The regulatory authority ~~shall have the authority~~, after giving written notice, ~~to may~~ suspend any permit if it ~~is determined~~ finds any of the following: ~~that~~ violations of immediate danger regarding construction of facility or on-premises buildings; toilet ~~centers~~facility violations; sanitation violations; food preparation violations; improper storage and handling of chemicals or any harmful solution; lack of proper supervision; child neglect; child-care staff criminal history; potential for injury or death; infectious diseases; hazards with outdoor play areas; ~~vehicles used to transport children~~; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes, at the child-care center or before and after-school program care facility.

- 2) ~~The regulatory authority, writing delivered to the address of the permit holder or by certified or registered mail, The written notice from the regulatory authority shall call to the attention of the permit holder the particulars regulations of this chapter and areas in which he/she or the child-care center or before and after-school program failed to comply with the provisions of this article, and shall specify a reasonable time, not to exceed 30 days, for the permit holder to remedy said failure to come into compliance. Suspension of the permit shall require the operator to cease all activities immediately and to bring the child-care center or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period~~
- 3) ~~If the permit holder fails to comply with the provisions of this article chapter within the time specified, said director the rRegulatory aAuthority shall give notice in writing to the operator, permit holder, manager, or other person(s) in control of said child-care center or before and after-school program that the permit issued for the operation of said child-care center or before and after-school program is revoked. may revoke the permit in accordance with this chapter.~~
- 4) ~~Suspension of the permit shall require the operator to cease all activities immediately and to bring the child-care center or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period. Failure to rectify designated problems at the child-care center or before and after-school program facility shall lead to revocation of the permit.~~

(C) Authority to revoke permit – written notice required.

The Regulatory Authority may, upon written notice by personal service or by certified or registered mail, sent to the address provided on the permit holder's application, revoke a permit in the event of any of the following if the regulatory authority has reasonable cause to believe that:

- 5)1) Entry of the regulatory authority into a permitted facility has been denied or delayed;
- 6)2) A statement of fact contained in the application was false or materially misleading;
- 7)3) The permit holder fails to comply with the requirements of subsection (B)(2) hereof;
- 8)4) The permit holder has caused, suffered or permitted the commission of an aggravated violation of any provision of this article;

~~9) The permit holder, the director, or a person in charge employed by the permit holder has repeatedly failed to comply with any provision of this article; and~~

~~10) The regulatory authority shall provide notice of the revocation by personal service or by certified or registered mail, sent to the address provided on the permit holder's application.~~

~~(C)(D)~~ Appeal – notice required.

- ~~1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten days from the date of service upon the permit holder, operator, manager, or other person in charge of the child-care center or before and after-school program facility in question, unless on or before the expiration of ten calendar days the permit holder shall file with the Regulatory Authority a written appeal signed by such permit holder addressed to the city manager setting out the basis for such appeal and in which it is requested that the City Manager grant a hearing upon the questions of whether or not the permit shall be revoked.~~
- ~~2) The revocation shall be stayed or postponed until such time as the City Manager shall grant a hearing and make a final adjudication. Such appeal, if made and filed as prescribed in this section, shall not create any right to continue operation unless granted by the city manager until such hearing and adjudication.~~
- ~~3) The hearing shall be held after the date of filing of such appeal. The action and judgment of the city manager, after hearing all the evidence and facts, shall determine whether such revocation shall be final and shall notify the permit holder in writing by mail or by delivery to the permit holder of such determination. The hearing shall be held within ten calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be final and conclusive as to all parties. Following revocation or denial, the permittee or applicant shall not be eligible to apply or reapply for a permit for a period of one calendar year from the date of the revocation or denial. Any such revocation or denial shall be reported to the Texas Department of Protective and Regulatory Services. The city shall also report any violation notices or illegal operations to the department.~~

~~— Reissuance of revoked permit. A permit that has been revoked shall not be reissued.~~

~~—(A) The City Manager, or his/her designee, is authorized to suspend or revoke a child care center permit for violation of any provision of this subchapter. Suspension or revocation of a permit shall be effected by notice in writing setting forth the reasons therefor and specifying any requirements or schedules of time for further action related to the suspension or revocation.~~

~~—(B) The following actions shall constitute cause for suspension:~~

- ~~—(1) Failure to respond within the specified limits of time regarding violations observed during a city inspection of the premises and operation.~~
- ~~—(2) Violation by the operator or any employee or staff member of the requirements for permit as contained herein.~~
- ~~—(3) Any violation of this subchapter which poses a danger to any child entrusted to the care of the child care center.~~
- ~~—(4) Failure to keep continually in force the liability insurance required by this subchapter.~~
- ~~—(C) A permit that has been suspended may be reactivated only after a city inspection has confirmed that the condition causing the suspension has been corrected. Request for activation shall be made to the Fire Marshal, or his/her designee, and shall be evaluated as if for the initial application.~~
- ~~—(D) The following actions shall constitute cause for revocation:~~
 - ~~—(1) Failure to correct a violation for a period of six months following suspension of the permit.~~
 - ~~—(2) Knowingly submitting false information, or allowing false information to be submitted, in the application for a permit.~~
 - ~~—(3) Failure to comply with the requirements of this subchapter.~~

§ 110.31 OPERATION OF A CHILD-CARE FACILITY.

(A) The child-care center permit shall be conspicuously posted on an inside wall of the main facility and shall be continuously displayed for public view.

(B) A child-care center shall be operated in accordance with all ordinances of the city and state and federal statutes where applicable.

(C) Health records maintained by the facility shall be available for inspection at all times by the Regulatory Authority. Records of the facility shall include immunization schedules and emergency care permission slips from a parent and guardian for emergency medical treatment of children.

(D) The child-care staff, employees and/or drivers shall not be permitted to work while afflicted with infectious diseases or other illnesses which would adversely affect their work or the health of the children. Any child ill with a communicable disease shall be isolated from other children at the child-care center. Persons shall not be permitted in the child-care center whose health status or behavior suggests a hazard to the health, safety, and welfare of others, including symptoms of a contagious illness, a dangerous mental or physical condition, or symptoms of drug or alcohol intoxication.

(E) Unanchored mobile homes and upstairs apartments shall not be eligible sites for child care operations.

(F) Child-care facilities may not be used in connection with any other operation when the other operation is using the same space concurrently. The child-care facility shall not have an interrupted food schedule if a common kitchen is used.

(G) The child-care facility shall maintain adequate toilet facilities for the children, including tissue, paper towels, clean cloths or mounted, approved hand dryer blowers and soap. A child-care facility shall also maintain an adequate amount of first-aid supplies including, but not limited to, soap, antiseptic solutions, absorbent cotton, cotton-tip applicators, tweezers, magnifying glass, sterile gauze, adhesive tape, and adhesive bandages. One medium-sized package or container of each of these first-aid supplies shall be maintained in an unopened reserve at all times. First-aid procedures and supplies shall be applied, including cleaning and bandaging, for any cut or bleeding abrasion of the skin.

(H) Each facility shall have a fire evacuation plan posted in each room used by the children. The first priority in the event of fire shall be immediate evacuation of the children. Each facility shall have an annual fire inspection with a written report submitted to the permittee and the city. Any corrections or deficiencies noted shall be promptly corrected by the permittee. All child-care staff members shall be instructed in emergency procedures as well as the fire evacuation plan. Fire drills shall be held quarterly at different times of the day to test the fire evacuation plan. The building shall be constructed so as to permit fast and safe exit within three minutes in any emergency. The facility shall have at least two exits to the outside located on different sides of the building. Doors opening into a fenced yard shall be able to be easily opened from the inside by the children. Doors between rooms shall not be locked while children are present. Doors and pathways shall not be blocked. Heating devices and their nearby areas shall not be allowed to present any fire hazards. Gas appliances shall have metal tubing and connections unless otherwise approved by the Fire Marshal. Open flame space heaters are prohibited. All gas heaters are to be vented to the outside. Gas pipes shall be tested annually for leaks. Floor furnaces shall be enclosed to keep children away. A copy of the test report shall be available at the facility. Smoke detectors shall be installed to provide an effective warning to the building occupants of a fire. The detectors shall be placed as required by the Fire Marshal. Stand alone single station smoke detectors are permitted in mothers day out programs that operate less than three days per week and in facilities that have less than 50 children in care. Before and Aafter-school care programs providing care for students at a school after normal school hours are not required to provide smoke detectors under this chapter.

(I) The facility shall have an annual sanitation inspection. A written report shall be submitted to the city and a copy furnished to the permittee. Any corrections called for in the report shall be made promptly by the permittee. ~~The requirements of this division (I) shall not apply to a mothers day out or after school care program when the facility is not eligible for a health inspection under the policies of the City of Mansfield Health and Food Safety Department.~~

(J) The buildings, grounds and equipment of the facility shall be kept in repair and maintained to protect the health and safety of the children. Electrical outlets accessible to

children shall be protected with childproof covers or safety outlets when not being used. Playgrounds shall be supervised at all times by a teacher or child-care staff in the same ratio required to be maintained in classrooms. Play areas shall be surrounded by a fence with a minimum height of sixfour feet, ~~provided that fences at existing child-care facilities which are under six feet, but at least four feet in height are declared to be in compliance herewith.~~ The playground area, including all play equipment, shall be maintained in a safe condition. No sharp edges, dangerous protrusions, or other obvious hazards shall be allowed in the play area. Any pool, pond or other body of water greater than ten inches in depth shall be separated from the playground by a fence with a minimum height of sixfour feet. Permittee shall keep all toxic substances, both indoors and outdoors, secure from access by the children. All emergency telephone numbers required by the minimum standards shall be posted by a telephone which is accessible to all child-care staff members.

(K) Animals are prohibited at all times from food preparation areas, as well as child-care areas and child play areas when children are present or when the animal may present a danger to the children.

(L) Bathtubs or showers shall be made available for children staying overnight in a facility. Bathtubs or showers used by preschool children shall be supervised at all times when in use. Privacy shall be assured for school age children. Tubs or showers shall be cleaned out after each use. Children shall be provided fresh wash cloths and towels.

(1) Toilet fixtures and facilities shall be provided in accordance with the city Plumbing Code.

(2) The temperature of any water available to the occupants or patrons of a child-care center shall ~~conform with all applicable state regulations~~ reach no higher than 120 degrees Fahrenheit.

(3) Each lavatory shall be provided with both hot water and cold water.

(4) All handwashing lavatories installed after the effective date of this ordinance shall be provided with hot and cold water under pressure, tempered by means of a mixing valve or combination faucet. The facility must ensure that the temperature of hot water available to children is no higher than 120°F. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without having to be reactivated. Soap and a hand drying device or disposable towels shall be provided for use by both child-care staff and children.

~~(M) All reasonable safeguards must be utilized by a permittee to protect against release of a child or removal of a child by anyone other than the child's parent or legal guardian, unless such release is specifically authorized by the parent or legal guardian. The child-care facility must have previous written approval from the parent or legal guardian if the child is to be released to a third person. This approval may be in the form of an authorized release list maintained as a part of the facility's enrollment procedures and updated quarterly. In the~~

~~event the child is under the care, custody and control of a guardian as defined herein, the guardian shall be the only person authorized to designate a third person or other parent to remove the child from the facility. The facility shall maintain a four digit code for release of a child to a third person. The code shall consist of the last four digits of the guardian's social security number and shall be maintained as a portion of the enrollment records of the facility. Prior to a child being released to a third person, that person must be on a current authorized release list, tell the child care operator the child's full name and four digit code and provide the child care operator with a photo driver's license or I.D. card issued by a state agency. The permittee must verify that the third person knows the child's full name and four digit code. The child care operator must also verify the identity of the person picking up the child and verify that the person is authorized to pick up the child. The permittee will further obtain and record the name, birth date, driver's license number and if feasible, license plate number of any third person picking up the child. The records must be maintained for a period of 48 hours.~~

An enrollment agreement shall be obtained for each child prior to admission, filed at the child-care center or before and after-school facility, and the director shall be responsible for assuring that the terms of the agreement related to items (M)(1)-(M)(5) below are met. The agreement signed by the parents shall contain:

- 1) Hours the child shall be in care (not to exceed 12 hours except in an emergency).
- 2) Notarized emergency medical authorization.
- 3) Any unique security code or child tracking method.
- 4) A statement that the child will be released only to a parent or a person named by the parent.
- 5) In any instance when the person(s) listed above cannot pick up the child, the procedures described herein shall be followed.
 - a. The parent or guardian shall phone the child-care center or before and after-school facility, shall identify themselves by using any unique identification code, and shall designate who will pick the child up. The director or child-care staff member shall check the child's enrollment record to verify the code.
 - b. The person who picks up the child must identify themselves as follows:
 - i. Shall present photo identification.
 - ii. Shall present the parent's unique security code or child tracking method.
 - iii. The unlisted person shall sign the child out.
 - iii.iv. The director or child-care staff member shall copy the valid photo identification card or photograph the person before they leave the

child-care center or before and after-school facility. The center must provide an operational camera to take necessary photographs.

b.c. The procedure to release children to unlisted persons as required by the City of Mansfield shall be posted so that it is readily accessible to all child-care staff.

c.d. In the event that a child is found to be missing from a facility, the operator of the facility shall report such fact to the City of Mansfield Police Department and the City of Mansfield Department of Regulatory Compliance Authority immediately.

(N) In an emergency occurrence, such as any circumstance that renders all or part of the center unsafe or unsanitary for a child-care center or before and after-school facility (for example, but without limitation, flood, fire, water outage, lack of hot water (120 ° F), power outage, or sewage backup), the person in charge shall immediately notify the regulatory authority.

§ 110.32 FOOD SERVICE.

A child-care facility in which food is prepared for human consumption shall comply with the applicable food service and sanitation regulations for child care centers established by state standards. Chapter 94 Food Establishment Regulations of the City of Mansfield Municipal Code of Ordinances. Child-care centers that are presently using residential type refrigeration or cooking equipment must upgrade to commercial refrigeration when the unit fails or is replaced, or if there is a change of ownership.

§ 110.33 PERMIT FEES.

(A) Requirement. It shall be unlawful for any person to operate a daycare ~~child-care~~ food service establishment within a daycare facility the City of , unless Mansfield unless they possess a current and valid health permit issued by the City of Mansfield ~~Code~~ Regulatory Compliance Department.

(B) Fees. Permit fees are set forth in the City of Mansfield ~~Code~~ Regulatory Compliance Department fee schedule.

§ 110.34 DISCLAIMER OF LIABILITY.

All of the regulations provided in this subchapter are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this subchapter, acting for the city in the discharge of his/her duties, shall not thereby render himself/herself

personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties.

§ 110.35 ENFORCEMENT.

(A) The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter together with other applicable laws regarding child care facilities. The authority shall include the authority for inspection or visitation of all facilities required to be permitted under the provisions of this subchapter at all reasonable times.

~~(B) The City Manager, or his/her designated representative, shall have authority to revoke a permit as provided in this subchapter, provided that permittee shall be given notice in writing, certified mail, of the particulars of the revocation and may be given reasonable additional time, not to exceed six months, within which to correct the condition. If the permittee fails to correct the deficiency within the time specified, the City Manager, or his/her designated representative, shall give notice in writing that the permit is revoked. The notice of revocation or notice of denial of a permit shall become final after the expiration of ten days from the date of service on the permittee or applicant unless before the expiration of such time the permittee or applicant has filed with the City Manager a written appeal requesting a hearing before the City Manager on the question of whether or not the permit should be revoked or denied. The revocation shall be stayed or postponed until such time as the City Manager shall grant a hearing and make a final adjudication. The hearing shall be held within ten calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be final and conclusive as to all parties. Following revocation or denial, the permittee or applicant shall not be eligible to apply or reapply for a permit for a period of one calendar year from the date of the revocation or denial. Any such revocation or denial shall be reported to the Texas Department of Protective and Regulatory Services. The city shall also report any violation notices or illegal operations to the department.~~



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4661

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance Amending Chapter 33, "Fire Department" of the Code of Ordinances of the City of Mansfield, Texas by Amending Sections 33.35, "Provision for Emergency Ambulance Services", 33.36 "Fees for Ambulance Service," 33.37 "Service Boundaries," and 33.38 "Service Area Defined" to Allow City Manager to Delegate Rulemaking Authority Regarding Ambulances, Allow More Streamlined Updating of Service Fees, Provision of Services in Areas Outside City Limits, and Allowing Emergency Medical Facility on Scene of an Injury to Determine Appropriate Emergency Medical Facilities for Transport; Providing a Cumulative Clause; Providing a Severability Clause; Providing a Penalty Clause; Providing for Publication; and Providing an Effective Date

Requested Action

Approval of Ordinance

Recommendation

Approval of Ordinance

Description/History

The City of Mansfield Fire Department desires to amend the Code of Ordinances to allow a more streamlined approach to provision ambulance service, fees for ambulance service, service boundaries, and defined service area.

Justification

Allow for the City to make changes to the fee structure for ambulance services and post to the City's website. And these fees shall be in effect until such time as a new fee schedule is approved.

Funding Source

N/A

Prepared By

Michael Ross, Fire Chief

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33, “FIRE DEPARTMENT” OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY AMENDING SECTIONS 33.35, “PROVISION FOR EMERGENCY AMBULANCE SERVICES”, 33.36 “FEES FOR AMBULANCE SERVICE,” 33.37 “SERVICE BOUNDARIES,” AND 33.38 “SERVICE AREA DEFINED” TO ALLOW CITY MANAGER TO DELEGATE RULEMAKING AUTHORITY REGARDING AMBULANCES, ALLOW MORE STREAMLINED UPDATING OF SERVICE FEES, PROVISION OF SERVICES IN AREAS OUTSIDE CITY LIMITS, AND ALLOWING EMERGENCY MEDICAL FACILITY ON SCENE OF AN INJURY TO DETERMINE APPROPRIATE EMERGENCY MEDICAL FACILITIES FOR TRANSPORT; 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 allow a more agile and streamlined approach to provision of ambulance service; 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 33 of the Code of Ordinances of the City of Mansfield, Section 33.35 is hereby amended by to read as follows:

“§33.35 Ambulance Service Established.

There is established an emergency ambulance service in the city under the supervision of the City Manager or designee who shall have the authority to promulgate and publish necessary rules and regulations governing the establishment of funding, operations and management of the necessary emergency ambulance services.”

SECTION 2.

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.36 is hereby amended by to read as follows:

“§33.36 Fees for Ambulance Service.

(A) The fees and charges for the use of the city ambulance service, along with specified collection standards, shall be established by the city council and city manager annually as part of the budget process. Upon final budget approval by the city council, the ambulance fee schedule shall be posted on the city’s website and the emergency ambulance service fees shall be in effect until such time as a new emergency ambulance service fee schedule is approved.

(B) Any person(s) receiving emergency ambulance services shall be responsible to remit payment to the city based upon the then-current schedule of fees and charges in effect on the date of receipt of services. In the case of emergency ambulance services being received by a minor, the parent or legal guardian shall be responsible to remit payment to the city.

SECTION 3.

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.37 is hereby amended by to read as follows:

“§33.37 Service Boundaries.

Service may be provided outside the corporate limits of the city pursuant to agreements between the city and other cities or governmental entities or by emergency authorization of the fire chief or his designee.

SECTION 4.

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.38 is hereby amended by to read as follows:

“§33.38 Service Area Defined.

It shall be the sole responsibility of the city fire department medical personnel on the scene as to which emergency medical facility a patient will be transported to, based on the capability of the emergency medical facility, the severity of the patient condition, road conditions, inclement weather, available units, or any other factor that may influence on-scene medical personnel in determining the appropriate destination emergency medical facility.

SECTION 5.

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 6.

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 7.

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 8.

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.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, 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: 22-4664

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing Funding in an Amount Not to Exceed \$392,324.00 and Approval of Contracts, Including Design Services with Freese & Nichols, Inc. to Prepare the Main Street to Broad Street 16-Inch Water Line for Public Bidding and Construction (Utility Fund)

Requested Action

Consider the authorization of funding and approval of contracts.

Recommendation

The authorization of funding in an amount not to exceed \$392,324.00 and approval of contracts, including design services with Freese & Nichols, Inc to prepare the Main Street to Broad Street 16-Inch Water Line for public bidding and construction.

Description/History

The proposed water line will add another vital link to the southern part of the City's upper pressure plane by crossing two unique barriers in Walnut Creek and the Union Pacific Railroad. Currently there is only one 24-inch water line that connects the northern and southern half of the upper pressure plane, so this new line will provide added redundancy and allow for more growth in the southern portion of the upper pressure plane. A route study was completed in 2021 to identify the routing, sizing, material options and their relative associated costs for the best route to be identified in preparation for design efforts. This is Project Number 1 identified in the 2019 Water & Wastewater Master Plan and is identified in the 2021 Utility Capital Improvement Plan.

The requested funds are for design services with Freese & Nichols, Inc. in the amount of \$224,809.00 which includes an additional 10% design fee contingency, survey services with Brittain & Crawford in the amount of \$42,515.00 which includes an additional 10% survey fee contingency, and \$125,000.00 for right-of-way and easement acquisition and other miscellaneous services needed to prepare the project for public bidding and construction, for a total budget not to exceed \$392,324.00.

Justification

This project is included in the Utility Capital Improvement Plan and identified as Project Number 1 in the 2019 Water & Wastewater Master Plan.

The Director of Public Works will be in attendance at the meeting to answer Council's questions regarding the proposed funding and contracts.

Funding Source

Utility Fund

Prepared By

Trace Hilton, Project Engineer, Engineering Department, 817-276-4247

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$392,324.00 AND APPROVAL OF CONTRACTS, INCLUDING DESIGN SERVICES WITH FREESE & NICHOLS, INC., TO PREPARE THE MAIN STREET TO BROAD STREET 16-INCH WATER LINE FOR PUBLIC BIDDING AND CONSTRUCTION (UTILITY FUND)**

WHEREAS, the City Council recognizes the need to proceed forward with design of the Main Street to Broad Street 16-inch Water Line for the benefit of the citizens of the City of Mansfield; and,

WHEREAS, the City Staff has reviewed the proposal for the design of the Main Street to Broad Street 16-inch Water Line; and,

WHEREAS, the City Council has received the recommendation of Staff to contract with Freese & Nichols, Inc. for design services; and,

WHEREAS, it is necessary to authorize and secure funds from the Utility Fund.

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

SECTION 1.

Funding is hereby authorized in the amount of Three Hundred Ninety-Two Thousand Three Hundred Twenty-Four and 00/100 Dollars (\$392,324.00) to prepare this project for public bidding and construction.

SECTION 2.

The City Manager or his designee is hereby authorized and directed to execute necessary contracts to prepare this project for public bidding and construction with Freese & Nichols, Inc. for design services for an amount not to exceed Two Hundred Twenty-Four Thousand Eight Hundred Nine and 00/100 Dollars (\$224,809.00).

SECTION 3.

The City Manager or his Designee is hereby authorized and directed to execute contractual documents for other miscellaneous services to complete design of the project.

SECTION 4.

This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4666

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Expressing the Intent to Finance Capital Expenditures with the Proceeds of Future Debt Obligations for the Purpose of Funding Public Improvements and the Acquisition of Computer Equipment and Software

Requested Action

Authorize by approval the resolution the reimbursement of funds from future debt obligations to enable the City to begin the planning, designing, acquiring, constructing of public improvements and the acquisition of computer equipment and software.

Recommendation

Staff recommends that the City Council of the City of Mansfield, Texas approve of the resolution expressing intent to finance capital expenditures with future debt obligations.

Justification

The funds will be used to make improvements to the City thoroughfare system along with upgrading the City's Finance and H/R computer and software systems.

Funding Source

General Fund Ad Valorem Taxes - Debt Service Fund

Prepared By

Troy Lestina, 817-276-4258

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS EXPRESSING THE INTENT TO FINANCE CAPITAL EXPENDITURES WITH THE PROCEEDS OF FUTURE DEBT OBLIGATIONS FOR THE PURPOSE OF FUNDING PUBLIC IMPROVEMENTS AND THE ACQUISITION OF COMPUTER EQUIPMENT AND SOFTWARE**

WHEREAS, the City of Mansfield, Texas (the “City”) is a municipal corporation and political subdivision of the State of Texas authorized to finance its activities by issuing obligations; and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the design, engineering, acquisition, and construction of the projects listed on **Exhibit A** attached hereto (collectively, the “Financed Project”); and,

WHEREAS, the City has concluded that it does not currently desire to issue obligations to finance the costs associated with the Financed Project; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue obligations to reimburse itself for the costs associated with the Financed Project.

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

SECTION 1.

The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the acquisition, construction, reconstruction or renovation of the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof.

SECTION 2.

The City reasonably expects that the maximum principal amount of obligations issued to reimburse the City for the costs associated with the Financed Project will be \$3,725,000.

SECTION 3.

Unless otherwise advised by bond counsel, any reimbursement allocation will be made not later than 18 months after the later of (1) the date the original expenditure is paid or (2) the date on which the Financed Project to which the expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

PASSED AND APPROVED THIS THE 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

EXHIBIT A

DESCRIPTION OF PROJECT

<u>Purpose/Project</u>	<u>Amount</u>
Acquiring software and technology equipment for City purposes, including for the Finance and Human Resources departments	<u>\$1,225,000</u>
Engineering, constructing, reconstructing, improving, repairing, developing, extending and expanding streets, thoroughfares, bridges, interchanges, intersections, grade separations, sidewalks and other public ways of the City, including related streetscape improvements, public utility improvements, storm drainage facilities and improvements, signalization and other traffic controls, street lighting, and the acquisition of land therefor	<u>\$2,500,000</u>



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4667

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Consider Approving a BuyBoard Contract With Library Interiors of Texas, LLC of Lakeway, Texas in the Amount of \$82,921.00 for the Moving Services, Configuration and Installation of Library Shelves and Library Materials for Mansfield Public Library

Requested Action

Approve a Resolution to Execute a BuyBoard Contract

Recommendation

Approve Resolution

Description/History

The proposed BuyBoard purchase will provide moving services, configuration and installation of the library shelves and library materials for the library expansion and renovation scheduled for completion fall 2022. The contract includes two phases to setup a temporary operating space within the newly expanded area as well as reconfiguring and installing the library shelves and library materials according to the design plans.

Staff met with multiple vendors and arranged onsite consultations, measurements and needs assessments. After researching a number of alternatives, the BuyBoard National Purchasing Cooperative was determined to be the most cost-effective method for obtaining furniture and equipment.

Library Interiors of Texas, LLC is under contract through the BuyBoard and will provide the library moving services in the amount of \$82,921.00. A BuyBoard contract will allow the library to utilize this competitive procurement process and leverage the cooperative's discounts.

Justification

The proposed purchase is necessary to complete the reconfiguration of the library expansion and renovation prior to opening in late 2022.

Funding Source

General Obligation Bond Funding

Prepared By

Yolanda Botello, Director of Library and Historical Services
817-728-3691

RESOLUTION NO. _____**A RESOLUTION TO CONSIDER APPROVING A BUYBOARD CONTRACT WITH LIBRARY INTERIORS OF TEXAS, LLS OF LAKEWAY, TEXAS IN THE AMOUNT OF \$82,921.00 FOR THE MOVING SERVICES, CONFIGURATION AND INSTALLATION OF LIBRARY SHELVES AND LIBRARY MATERIALS FOR THE MANSFIELD PUBLIC LIBRARY**

WHEREAS, the proposed purchase is necessary to provide moving services for the library expansion and renovation prior to opening in late 2022; and,

WHEREAS, the BuyBoard National Purchasing Cooperative was determined to be the most cost-effective method for obtaining moving services; and,

WHEREAS, the City of Mansfield allocated funds for furniture, fixtures and equipment at the Mansfield Public Library through general obligation bonds.

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

SECTION 1.

That the City Council approves awarding a BuyBoard contract to Library Interiors of Texas, LLC for the moving services, configuration, and installation of library shelves and library materials for the Mansfield Public Library in the amount of eighty-two thousand, nine hundred twenty-one dollars and 00/100 (\$82,921.00).

SECTION 2.

That this resolution shall be effective immediately upon adoption.

PASSED AND APPROVED THIS THE 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4663

Agenda Date: 5/9/2022

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event Permit: Shivers Snow Cones

Requested Action

Consideration of the special event permit for Shivers Snow Cones

Recommendation

Staff recommends approval.

Description/History

Mr. Eubanks (the applicant) is requesting a special event permit that would allow him to operate Shivers Snow Cones, a vintage Airstream trailer / snow cone stand, in the parking lot of the Circle S Cleaners at the corner of E. Oak Street and S. Main Street. The applicant owns the building and parking lot on which he wishes to locate the trailer.

The applicant is requesting a permit to operate from 05-13-2022 to 08-31-2022

The applicant advised the snow cone stand would operate on weekends only from 12 p.m. to 9 p.m. until school is out of session; then the stand will operate seven days a week from 12 p.m. to 9 p.m.

Special events shall be subject to any special considerations imposed by the City Council for the protection of public interest and welfare of the community.

Prepared By

Jennifer Johnston
Development Coordinator
(817) 276-4229



1200 East Broad Street, Mansfield, TX 76063

www.mansfieldtexas.gov Email: jennifer.johnston@mansfieldtexas.gov

Special Event Application

Organization/Group: Shivers Snowcones	Date: 3/8/22
Applicant: Will Eubanks	
Applicant's Address: 500 S. Main, Mansfield, TX 76063	Phone No. 972-768-0840
Name of the Event: Shivers Snowcones	Email: will@eubanksappraisals.com
Address of Event: 138 N. Main, Mansfield, TX 76063	
Description & Activities: Snowcone stand intended to increase foot traffic in historic Downtown.	
Date of Event: 5/1/22 - 8/31/22	Hours of Event: 12PM-9PM
Public Invited or Private Party? Public	Estimated Number of Attendees
Is the event in a Mansfield Park? no	*If yes, Insurance is required
Do you plan to Temporarily Close a Public Street? no	*If yes, Insurance is required
Is the event on Private Property other than your own? no	*If yes, signed permission is required
Will there be any new or temporary electric lines installed? no	
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.	
Will you be using generators? no	*If yes, show location on the site plan
Do you plan to have any Tents? no	*If yes, a separate permit is required.
Do you plan to have any pop-up canopies? no	
Do you plan to have any Promotional Signs? (banners, streamers, balloons) yes	*If yes, a separate permit is required
City of Mansfield Assistance Requested:	
Barricades/ Street Closure? no	*If yes, show on site plan where you want to have barricades. A resident roster must be submitted for a block party.
Police/Traffic Control/Security? no	*If yes, attach an explanation and the name of the person you are working with
Please Read and Include the Following Information With This Application <ul style="list-style-type: none"> For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where all items will be located on the site plan. If Insurance is required, the City of Mansfield must be listed as "Additional Insured". All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event. 	
Applicant's Printed Name:	Applicant's Signature:
Will Eubanks	Will Eubanks



1200 East Broad Street, Mansfield, TX 76063
 www.mansfieldtexas.gov Email: permits@mansfieldtexas.gov

Promotional Signage Display Application

Installation Address: 138 N Main St.	Suite No.:
Tenant/Business: Shivers Snowcones	
Applicant*: Will Eubanks	Phone No.: 972-768-0840
Email: will@eubanksgappraisals.com	
*Will be contacted for any questions and/or when the permit is ready for pick-up	

Sign Company			
Name:		Contact Name:	
Address:	City:	State:	Zip:
Phone No.:	Email:		

Purpose of Sign			
Special Event <input checked="" type="checkbox"/>	Sale or Promotion <input type="checkbox"/>	Grand Opening <input type="checkbox"/>	Other <input type="checkbox"/>
Date Requesting* Display to Begin: 5/1/22		*signs are not allowed to be installed until permit is issued and paid for	

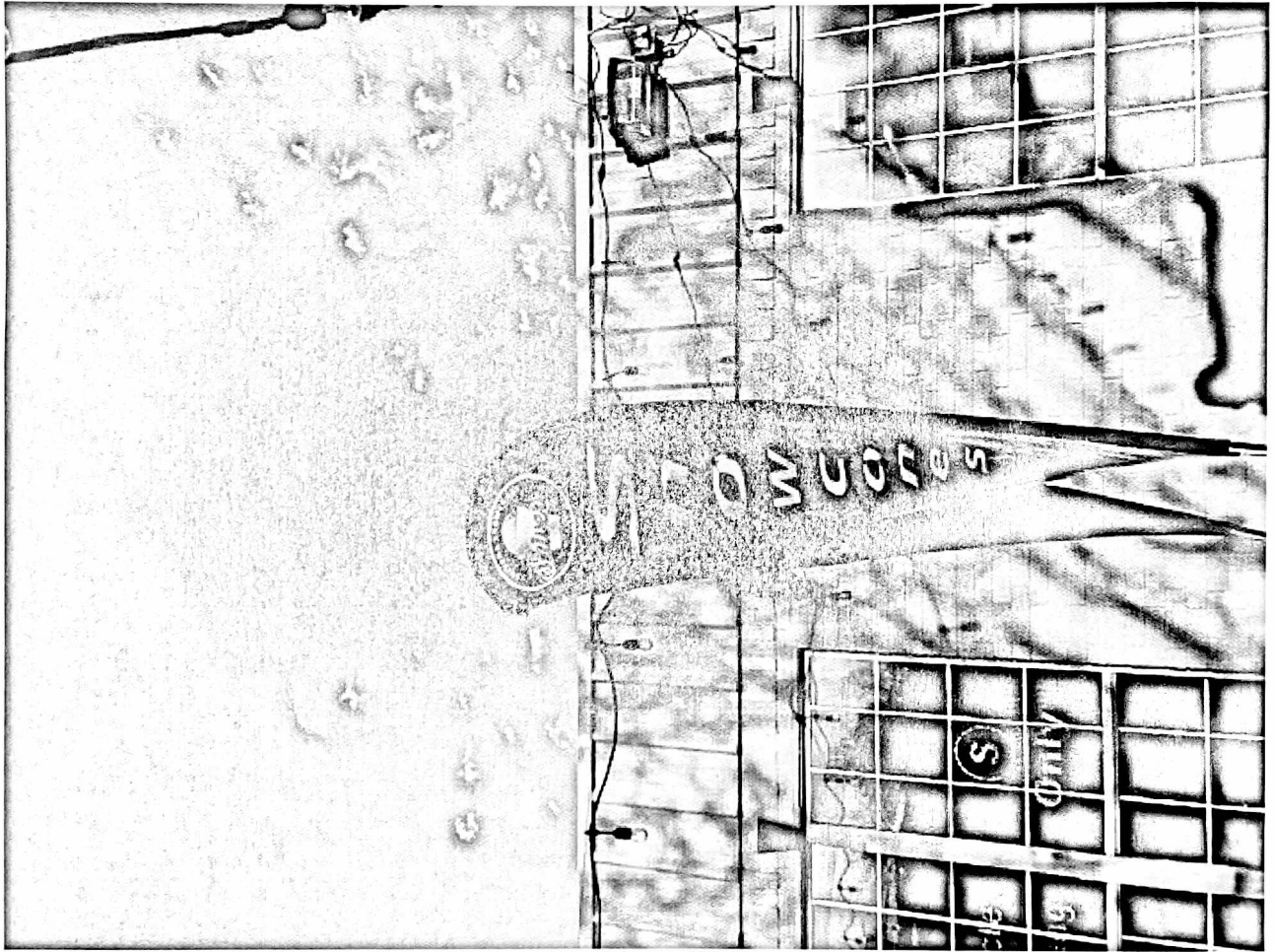
Type of Sign (limited to a max. of one (1) inflatable sign <u>OR</u> three (3) of any other type of temporary sign per display)			
Banner <input checked="" type="checkbox"/>	Quantity: 1	Size of Sign in Sq Ft: 70	Height and Width in Ft: 10 x 2
Inflatable* <input type="checkbox"/>	Max. 1	Height and Width in Ft:	
Wind Signs <input type="checkbox"/>	Quantity:	Height and Width in Ft.	
Other <input type="checkbox"/>	Quantity:	Type:	Size/Height:

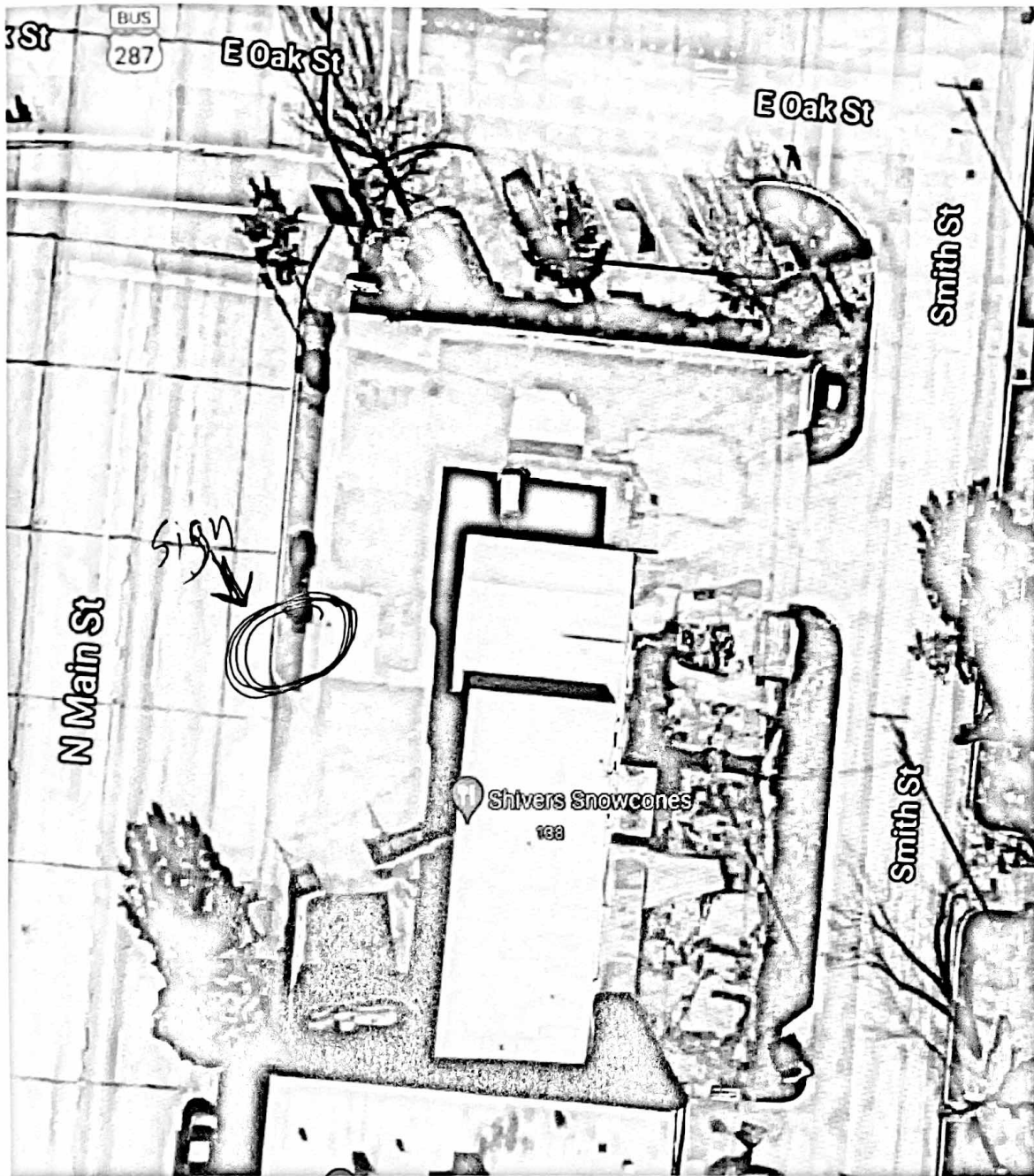
*Inflatable signs shall be ground-mounted and are subject to setback regulations as outlined in Sect. 7100, K, 2, h of the Zoning Ordinance

Please read and Include the Following Information With This Application THIS PERMIT APPLICATION WILL BE AUTOMATICALLY <u>DENIED</u> IF ALL INFORMATION IS NOT COMPLETED/PROVIDED.	
1. SIGN CONTENT: For all signs, include a simple drawing, rendering, or attach a picture of the sign, showing sign content and dimensions. List everything that you plan to put up for the promotion.	
2. SITE PLAN SHOWING LOCATION OF SIGN(S):	
A. For promotional signage affixed to the building, include a drawing of the face of the building with the sign(s). Label dimensions of building(s) and sign(s).	
B. For all other signs, show the sign and its relation to the building on the property and to the lot boundaries. Label distances of sign(s) from building and lot boundaries.	
3. NOTE: One promotional signage display, (temporary signs such as banners, search lights, pennants, spinners, balloons, streamers or any kind of wind sign) is permitted three (3) times in a calendar year, for a maximum of fourteen (14) consecutive days. A minimum of ninety (90) days is required between each display. One (1) Grand Opening display is allowed for a period of twenty-one (21) consecutive days within the first three (3) months of the date of issuance of a certificate of occupancy or business license.	Permit Fee \$40

Applicant Signature	<i>[Signature]</i>	Date: 4/21/22
Property Owner/Mgr Signature *REQUIRED	<i>[Signature]</i>	Date: 4/21/22

FOR OFFICE USE	
Comments	







CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4656

Agenda Date: 5/9/2022

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the April 25, 2022 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 25, 2022 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 25, 2022

3:00 PM

Council Chambers

REGULAR MEETING

3:00 P.M. - CALL MEETING TO ORDER

Mayor Evans called the meeting to order at 3:00 p.m.

Present 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

WORK SESSION

Discussion Regarding Ordinance Revisions

Strategic Initiatives Officer Nicolette Ricciuti presented the proposed ordinance revisions to the Council and answered questions. City Attorney Allen Taylor advised staff on wording regarding a grandfather clause. Council provided direction to staff regarding the posting of health inspection scores inside of restaurant establishments. Fire Marshal Scott Lingo answered Council questions and City Manager Joe Smolinski made brief comments.

Discussion Regarding South Mansfield Form Based Development District

Director of Planning Jason Alexander presented the proposed South Mansfield Form Based Development District (S.O.M.A. District) and spoke on the intent of the district, district regulations, district implementation, and takeaways and next steps. Allen Taylor advised the Council. Jason, Fire Chief Mike Ross, and Director of Transportation and Public Works Bart VanAmburgh answered Council questions.

RECESS INTO EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 4:33 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 4:45 p.m. Mayor Evans recessed the executive session at 6:32 p.m.

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

Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

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

Land Acquisition for Future Development

Personnel Matters Pursuant to Section 551.074

City Manager's Quarterly Update

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

Economic Development Project #21-28

Economic Development Project #22-07

Economic Development Project #22-12

Economic Development Project #22-16

6:30 P.M. – MEET AND GREET WITH MANSFIELD PURPLE HEART FAMILIES

The City Council met with Mansfield Purple Heart recipients and their families.

7:00 PM OR IMMEDIATELY FOLLOWING MEET AND GREET - RECONVENE INTO REGULAR BUSINESS SESSION

Mayor Evans reconvened the meeting into regular business session at 7:00 p.m.

INVOCATION

Pastor Richelle Smithee of North Elevation Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Tonore 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 Short led the Texas Pledge.

PROCLAMATION[22-4642](#)

Child Abuse Prevention Month

Mayor Evans read and presented the proclamation to a representative from Alliance for Children.

[22-4645](#)

Purple Heart City

Mayor Evans read and presented the proclamation to Mansfield Purple Heart recipients.

[22-4646](#)

Historic Preservation Month

Mayor Evans read and presented the proclamation to Historic Preservation Officer Art Wright and members of the Historic Landmark Commission. Art Wright invited the public to attend events during Historic Preservation Month.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman spoke on property tax relief for senior homeowners.

Council Member Short reminded everyone that early voting started April 25 and that there are MISD school board candidates and City bond propositions to vote on.

Council Member Lewis added that there are also two state constitutional amendments to vote on.

Mayor Pro Tem Tonore had no announcements.

Council Member Bounds spoke on the Volunteer Appreciation Event held on April 21 and thanked all volunteers in Mansfield.

Council Member Broseh spoke on his visit to the 911 Dispatch Center.

Mayor Evans thanked all who serve as volunteers for the Get Out and Vote groups, thanked Director of Communications and Outreach Bernadette McCranie for working on the Public Service Announcement for protesting appraised home values, and Council Member Lewis for writing the script.

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

Current/Future Agenda Items

Business Services Department Report[22-4648](#)

Presentation of the Monthly Financial Report for the Period Ending March 31, 2022

Chief Financial Officer Troy Lestina was available for questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

There was no action taken.

CONSENT AGENDA[22-4632](#)

Resolution - A Resolution Authorizing Funding for the Replacement of the Brown St. Sewer Line to NO-DIGTEC, LLC through the Interlocal Purchasing System (TIPS) for an Amount Not to Exceed Ninety-Six Thousand One Hundred and Ninety-Five Dollars (\$96,195.00)

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

A RESOLUTION AUTHORIZING FUNDING FOR THE REPLACEMENT OF THE BROWN ST. SEWER LINE TO NO-DIGTEC, LLC THROUGH THE INTERLOCAL PURCHASING SYSTEM (TIPS) FOR AN AMOUNT OF \$96,195.00 (UTILITY FUND)

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

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

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3853-22

[22-4633](#)

Resolution - A Resolution Ratifying the Expenditure of Funds in the Amount of Fifty-Seven Thousand and Eight Hundred Dollars (\$57,800.00), for the Rebuilding of Pump 310 at the Bud Ervin Water Treatment Plant.

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

A RESOLUTION RATIFYING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$57,800.00, FOR THE REBUILD OF PUMP 310 AT THE BUD ERVIN WATER TREATMENT PLANT (UTILITY FUND)

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

Seconded by Council Member Bounds. The motion CARRIED by the following

vote:

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3854-22

[22-4641](#)

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Approving a Contingent Fee Contract with Perdue, Brandon, Fielder, Collins, and Mott, LLP Pursuant to Section 6.30 of the Texas Property Tax Codem Said Contract Being for the Collection of Delinquent Government Receivables Owed to the City and to End the City's Relationship with the Current Firm

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS APPROVING A CONTINGENT FEE CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS, AND MOTT, LLP PURSUANT TO SECTION 6.30 OF THE TEXAS PROPERTY TAX CODE, SAID CONTRACT BEING FOR THE COLLECTION OF DELINQUENT GOVERNMENT RECEIVABLES OWED TO THE CITY AND TO END THE CITY'S RELATIONSHIP WITH THE CURRENT FIRM

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

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

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: RE-3855-22

[22-4647](#)

Minutes - Approval of the April 11, 2022 Regular City Council Meeting Minutes

A motion was made by Council Member Short to approve the minutes of the April 11, 2022 Regular City Council Meeting as presented. Seconded by Council Member Bounds. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[22-4635](#)

Consideration and Approval of an Ordinance to Adopt a Proposed Modification

to the Mansfield Code of Ordinances Chapter 94 "Food Establishment Regulations"

A motion was made by Council Member Leyman to remove the item from the consent agenda.

A motion was made by Council Member Leyman to approve the following ordinance to include the adoption of Exhibit D, adding a provision for the posting of Pass/Fail placards in the establishments, and adding provisions for various pre-existing building standards as determined by City staff:

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS MODIFYING CHAPTER 94, "FOOD ESTABLISHMENT REGULATIONS," PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR THE PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: OR-2249-22

END OF CONSENT AGENDA

PUBLIC HEARING

[22-4640](#)

Public Hearing - Public Hearing Regarding the Submittal of a Request to Tarrant County for Community Development Block Grant Funding for Park Improvements at James McKnight Park West to Combat the Effects of COVID-19

Director of Community Services Matt Young presented the item.

Mayor Evans opened the public hearing at 7:28 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 7:28 p.m.

No action needed to be taken.

PUBLIC HEARING AND FIRST READING

[22-4613](#)

Ordinance - Public Hearing Continuation and First Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for Attached Townhome Single-Family and Community Business Commercial on 14.156 acres of land in the Henry McGehee Survey, Abstract No. 998, generally located at

the southeast intersection of Debbie Lane and North Walnut Creek Drive on property at 1700 North Walnut Creek Drive; Skorburg Company, Developer (ZC#21-023).

Jason Alexander presented the item and answered Council questions. Applicant Adam Buczek with Skorburg Company presented and answered Council questions. Bart VanAmburgh answered Council questions.

Mayor Evans continued the public hearing at 8:15 p.m.

Cheryl Litke, 1331 Breckenridge Road - Ms. Litke spoke in opposition to the item.

Joy Trammell, 911 Branch Creek - Ms. Trammell spoke in opposition to the item.

Mayor Evans noted that the following citizens submitted emails in opposition to the item:

*Ethan Angel
Kathy Hailey
Tracy Lamkin
Vicky & Michael Hale
Ken & Terri Boland
Winnie Grossman
Natasha Angel
James Angel*

Mayor Evans closed the public hearing at 8:25 p.m.

A motion was made by Council Member Lewis to approve the first reading of the following ordinance, subject to seeing the final renderings, discussion with the school district on pedestrian flow and access to the Asa Low drive, striking the playground area from the PD language and the row of garage walls on the western street:

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 ATTACHED TOWNHOME SINGLE-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS COMMERCIAL 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 Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING[22-4614](#)

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Zoning Change from PR, Pre-Development District to PD, Planned Development District for a Mixed Lot Single-family Residential Development (427 homes) and Community Business Commercial on 121.459 Acres of Land in the Thomas J. Hanks Survey, Abstract No. 644, Tarrant County, TX and Abstract No. 1109, Johnson County, TX, Located at 1101 W Broad St.; Mary Ann Johnston, Owner, Terrance Jobe Alluvium Development, Developer (ZC#21-020)

Jason Alexander presented the item.

Mayor Evans opened the public hearing at 8:29 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 8:29 p.m.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR A MIXED LOT SINGLE-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS COMMERCIAL USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

Enactment No: OR-2250-22

ADJOURN

A motion was made by Council Member Lewis to adjourn the meeting at 8:30 p.m. Seconded by Council Member Short. The motion CARRIED by the following vote:

Aye: 7 - Larry Broseh; Julie Short; Mike Leyman; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

Nay: 0

Abstain: 0

ATTEST: Michael Evans, Mayor

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4660

Agenda Date: 5/9/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and Final Reading of an Ordinance Amendment of Section 155.012, of the Mansfield Code of Ordinances Regarding Definitions for Articulation, Façade and Porch (OA 22-001)

Recommendations:

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission Held a public hearing on April 18, 2022 and voted 6 to 0 to recommend approval.

Staff Recommendation

Staff recommends approval.

Description/History

Section 155.012 is the Definitions Section of the City Zoning Ordinance. The amendment before you is a text amendment adding definitions for the terms articulation, façade and porch.

These terms are used within the ordinance and it has become apparent that a lack of definition has created inconsistent outcomes in the built environment. The addition of definitions for the following terms is intended to alleviate ambiguity and create a common understanding of used terms.

Articulation is defined as:

“Variation in the depth of the building façade and plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow. Articulation includes, but is not limited to, Recesses and projections along a façade, such as bay windows, or other architectural treatments including trim and transitions in building façade materials or colors.”

Façade is defined as:

“Any exterior wall surface of a building that encloses the interior of the building. At times, a façade may further be defined as a primary residential façade, which is the ground floor, street facing façade, specifically the wall surface containing the main entrance to the principal use.”

Porch is defined as:

“A structure attached along a front building wall providing access to the use within the building while creating an outdoor room not dedicated to the entryway. By function, in single-family applications, the porch/outdoor room is at least 6 feet deep and consists of a minimum of 60 square feet when excluding the entryway. A porch is covered and open on a minimum of 2 sides. The Director of Planning is authorized to administratively review and determine a proposed porch that does not meet the standards of this definition for compliance with intent.”

..Recommendation

Staff recommends approval subject to review by the City Attorney.

Prepared by:

Arty Wheaton Rodriguez, Assisting Director of Planning
(817) 276-4245

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, ZONING, BY ADDING A NEW DEFINITION FOR ARTICULATION, FAÇADE AND PORCH IN SECTION 155.012; 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 of the City of Mansfield, Texas (hereinafter “the 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 all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council recognizes a need to add clarity to the Comprehensive Zoning Ordinance through amendments that help define intent of administration.

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

SECTION 1.

That Section 155.012 of the Mansfield Code of Ordinances, “Definitions” is hereby amended to add the following new definition for “Articulation”, “Façade”, and “Porch”:

“Articulation. Variation in the depth of the building façade and plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow. Articulation includes, but is not limited to, recesses and projections along a façade, such as bay windows, or other architectural treatments including trim and transitions in building façade materials or colors.”

“Façade. Any exterior wall surface of a building that encloses the interior of the building. At times, a façade may further be defined as a primary residential façade, which is the ground floor, street facing façade, specifically the wall surface containing the main entrance to the principal use.”

“Porch. A structure attached along a front building wall providing access to the use within the building while creating an outdoor room not dedicated to the entryway. By function, in single-family applications, the porch/outdoor room is at least 6 feet deep and consists of a minimum of 60 square feet when excluding the entryway. A porch is covered and open on a minimum of 2

sides. The Director of Planning is authorized to administratively review and determine a proposed porch that does not meet the standards of this definition for compliance with intent.”

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, 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: 22-4662

Agenda Date: 5/9/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and Final Reading of Ordinance Amendments of Chapter 155 of the Mansfield Code of Ordinances Defining the Term Donation Box in Section 155.012; Amending the Permitted Use Table in Subsection 155.054(B) to Require a Specific Use Permit in the C-3 and I-1 Districts for Donation Boxes and to Allow Donation Boxes as a Permitted Use in the I-2 District; Establishing Special Conditions for Donation Boxes in Section 155.099; Establishing a Permit System for Donation Boxes; and Establishing a Fee for Donation Box Permits (OA 22-002)

Recommendations:

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission Held a public hearing on April 18, 2022 and voted 6 to 0 to recommend approval.

Staff Recommendation

Staff recommends approval.

Description/History

The City recognizes that donation bins can contribute to blight and unpermitted dumping. This occurs both by the fact that users use them to place unwanted items that do not always fit in bins and operators are not always timely with maintenance and servicing. The use of these bins occurs mainly within large commercial developments that have frontage on major roadways, placing that blight in highly visible area. Because of this, staff recommends the changes below.

Section 155.054(B) Table F is the permitted use table of the City Zoning Ordinance. The amendment before you is a text amendment adding the use "Donation Box" and A Donation Box is defined as:

"Any drop-off box, bin, container, receptacle, trailer or similar facility that accepts donated textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items to be used by the operator for distribution, resale or recycling."

With this amendment, the permitted use of a Donation Box would only be allowed with a Specific Use Permit (SUP) within the C3 and I-1 Districts and by right within I-2. In addition, "Special Conditions" have been added to only allow for one Donation Box to be placed on any one lot or within a singular shopping center or office development.

Also, the "Special Conditions" do not allow a Donation Box use to be located within 1,000 feet of another Donation Box, within 500 linear feet of the right-of-ways of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, and Lone Star Road, nor within 500 linear feet of any zoning designation that allows residential uses, places of worship, hospitals, daycare centers, or public or private schools or colleges by right; or within 500 linear feet of parks and recreational facilities.

..Recommendation

Staff recommends approval subject to review by the City Attorney.

Prepared By:

Arty Wheaton Rodriguez, Assistant Director of Planning
(817) 276-4229

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOXES; DEFINING THE TERM DONATION BOX IN SECTION 155.012; AMENDING THE PERMITTED USE TABLE IN SUBSECTION 155.054(B) TO REQUIRE A SPECIFIC USE PERMIT IN THE C-3 AND I-1 DISTRICTS FOR DONATION BOXES AND TO ALLOW DONATION BOXES AS A PERMITTED USE IN THE I-2 DISTRICT; ESTABLISHING SPECIAL CONDITIONS FOR DONATION BOXES IN SECTION 155.099; ESTABLISHING A PERMIT SYSTEM FOR DONATION BOXES; ESTABLISHING A FEE FOR DONATION BOX PERMITS; 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 Chapter 155 of the Mansfield Code of Ordinances, “Zoning”, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council has investigated and determined that there has been an increase in the number of persons or entities desiring to collect textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items for any purposes, which has led to the proliferation of donation boxes in various areas of the City; and,

WHEREAS, Mansfield also has seen the placement of donation boxes in required parking spaces, required landscaped buffer areas, required open space areas and in or near residential zoning districts, often without the property owner’s permission; and,

WHEREAS, the proliferation of these containers contribute to visual clutter, and in areas throughout Mansfield, donation boxes have contributed to blight due to graffiti and poor maintenance and the accumulation of debris and excess items outside of the collection boxes; and,

WHEREAS, the City Council also finds that the inability of landowners to accurately identify the owners of such donation boxes has resulted in decreased accountability on the part of donation box owners and operators; and,

WHEREAS, the City Council finds that regulating the size, number, placement,

installation, use and maintenance of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, the protection of property rights and the protection of landowners and residents of Mansfield; and,

WHEREAS, City Council finds that such minimum blight-related performance standards also are necessary to protect the aesthetic well-being of the community and to promote the tidy and ordered appearance of developed property; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 to regulate donation boxes as provided herein.

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

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Section 155.012, "Definitions," of the Mansfield Code of Ordinances is hereby amended by adding the following definition for Donation Box:

"DONATION BOX. Any drop-off box, bin, container, receptacle, trailer or similar facility that accepts donated textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items to be used by the operator for distribution, resale or recycling."

SECTION 3.

That Subsection 155.054(B), "Permitted Use Table," Table D, Line 24, of the Code of Ordinances of the City of Mansfield is hereby amended by striking the words "or Freestanding Donation Box" to read as follows:

“PERMITTED USE TABLE

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
A	SF-5AC/24	SF-12/22	SF-9.6/20	SF-8.4/18	SF-8.4/16	SF-7.5/18	SF-7.5/16	SF-7.5/12	SF-6/12	2F	MF-1	MF-2	D. Commercial and Warehouse Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, § 155.091	Special Conditions, §155.099

...

													24. Recycling Collection Center					S	S	S	P	8e	
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....”

SECTION 4.

That Subsection 155.054(B), “Permitted Use Table,” Table D of the Code of Ordinances of the City of Mansfield is hereby amended by inserting a new Line 10 to read as follows and renumbering the existing Lines 10 through 28 to Lines 11 through 29 respectively:

“PERMITTED USE TABLE

Residential Districts													Permitted Primary Uses	Nonresidential Districts										
A	SF-5AC/24	SF-12/22	SF-9.6/20	SF-8.4/18	SF-8.4/16	SF-7.5/18	SF-7.5/16	SF-7.5/12	SF-6/12	2F	MF-1	MF-2	D. Commercial and Warehouse Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, § 155.091	Special Conditions, §155.099		

...

													10. Donation Box					S	S	P		40
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....”

SECTION 5.

That Subsection 155.099(B), “Special Conditions,” of the Mansfield Code of Ordinances is hereby amended by inserting a new subsection (40) to read as follows:

“(40) Donation Box

- Donation Boxes are permitted shown in 155.054(B), “Permitted Use Table,” Table D.
- The placement of Donation Boxes shall comply with the following:

1. Quantity. No more than one (1) Donation Box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Director of Planning shall treat the shopping center or office development as if it is only one contiguous lot.

2. Distance. No Donation Box shall be located within 1,000 linear feet of another Donation Box; within 500 linear feet of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, or Lone Star Road; within 500 linear feet of any zoning designation that allows residential uses, places of worship, hospitals, daycare centers, or public or private schools or colleges by right; or within 500 linear feet of parks and recreational facilities.

3. Measurement. For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:

a. From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed; or

b. From the nearest portion of the right-of-way line of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road or Lone Star Road to the property line of the premises where the new business is proposed; or

c. From the nearest portion of any zoning designation permitting residential uses, places of worship, hospitals, daycare centers, public or private schools or colleges by right or parks and recreational facilities to the property line of the premises where the new business is proposed.

4. Donation Boxes shall not be located in a designated parking or loading space.

5. Donation Boxes shall not be located within in any required landscape buffers.

6. Donation Boxes shall not be located in any designated open space, community space or passive or civic spaces.

7. Donation Boxes shall conform to all applicable building setbacks on the property.

8. Donation Boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.

9. Donation Boxes shall be located within twenty-five (25) feet of the front façade of a building. For the purposes of this subsection, a front façade of a building shall mean the

primary entrance point for the public. Donation Boxes shall not be located in the rear of any building which is not a pad site (defined as a nonresidential building of 6,000 square feet or less).

10. Donation Boxes shall be located a minimum distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.

11. The maximum dimensions of a Donation Box shall be four (4) feet in width, four (4) feet in depth and six (6) feet in height.

12. Prior to placement of a Donation Box on a property, a Donation Box Permit must be obtained in accordance with Chapter 159 of the Code of Ordinances.”

SECTION 6.

That the requirements of this Ordinance shall apply to all donation boxes regardless of whether the boxes were placed prior to the effective date of these regulations, except that any donation boxes existing on the effective date of these regulations shall come into compliance with the requirements of Chapters 155 and 159 not later than one (1) year after the effective date of these regulations. Donation boxes existing on or before the effective date of these regulations shall have no legally existing non-conforming rights and shall immediately comply with Section 155.054(B), “Permitted Use Table,” Table D.

SECTION 7.

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 8.

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

SECTION 9.

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

SECTION 10.

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

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF
THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.**

Michael Evans, 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: 22-4659

Agenda Date: 5/9/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential Uses on Approximately 60.92 Acres out of the PB George Survey, Abstract #299, Johnson County, Texas, on Property Located at 1400 Flying L Lane; First Texas Homes, Owner/Developer and JBI Partners, Inc., Engineer (ZC#21-011)

Requested Action

To consider the subject zoning change request.

Recommendations:

Planning and Zoning Commission Recommendation

The Planning & Zoning Commission held a public hearing on April 18, 2022 and voted 6 to 0 (Commissioner Gilmore absent) to recommend approval.

Staff Recommendation

Staff recommends approval

Description/History

Future Land Use Designation: Sub-Area 4

Existing Use: Vacant land

Existing Zoning: PR, Pre-Development District

Surrounding Land Use & Zoning:

North - Vacant land, PR and 2F

South - Birdsong Phase 1, PD and vacant industrial, I-1

East - Vacant, PR, church, PR and an RV campground, PD

West - Birdsong Phases 2 and 3, PD

Thoroughfare Plan Specification:

Future FM 157 - principal six-lane divided arterial

Flying L Lane - undivided three-lane minor collector

Howell Drive - undivided three-lane minor collector

Synopsis

The subject property consists of 60.92 acres of vacant land. The developer is requesting

to rezone the property from PR to PD for single-family residential uses with 215 residential lots and 5 open space lots. The proposed development is an expansion of the Birdsong development, generally following the same standards for the original development and the Birdsong West development with some improvements, such as architectural and community design elements that meet or exceed the City's minimum requirements.

Development Plan and Regulations

Birdsong East will serve as an extension of the larger Birdsong development to the west. The development proposes three lot types. Lot Types 2 and 3 will be intermingled and distributed throughout the property as shown on the Development Plan. Lot Type 1, the rear alley access product, will be consolidated as shown on the Development Plan to ensure connection of the alleys to the residential streets. The composition of lot types within the development will be 37% Type 1, 28% Type 2, and 35% Type 3. Details showing typical lot dimensions and setbacks for each lot type have been provided. The lots must meet the following minimum standards:

	Type 1	Type 2	Type 3
Minimum Lot Area:	5,750 sq. ft.	6,000 sq. ft.	7,200 sq. ft.
Minimum Lot Width:	50'	50'	60'
Minimum Lot Depth:	110'	110'	110'
Minimum Front Setback:	15'	25'	25'
Min. Rear Garage Setback:	20	NA	NA
Minimum Rear Setback:	15'	15'	15'
Min. Interior Side Setback:	5'	5'	5'
Min. Exterior Side Setback	15'	15'	15'
Minimum Floor Area:	2,000 sq. ft.	2,000 sq. ft.	2,400 sq. ft.
Maximum Lot Coverage:	55%	55%	55%
Maximum Height:	35'	35'	35'

The lots are also subject to the following regulations:

1. Location of Lot Type must be in accordance with the Development Plan.
2. Lots on a cul-de-sac, bulb, or elbow may be up to 10' narrower as long as the lot area exceeds the minimum lot area.
3. Lots on a cul-de-sac, bulb, or elbow may be up to 10' shallower as long as the lot area exceeds the minimum lot area.
4. Corner lots must be at least 10' wider than the specified minimum lot width for each Lot Type specified above.
5. Outdoor living areas must have a minimum rear setback of 10' whether or not the area is covered by a roof which is integrated into the house.
6. The minimum front yard setback may be reduced to 20' for homes with J-swing garages.
7. The minimum floor area on at least 30% of Type 1 and 2 lots may be 1,800 square feet.
8. The minimum floor area on at least 30% of Type 3 lots may be 2,000 square feet.

Architectural and Community Design Standards

The architecture and community design standards will adhere to the City's Code of Ordinances, except as noted in the architectural and community design standards for this proposed development. These provisions include:

- Side-entry garages and garages served by an interior drive to count towards the 10% J-swing requirement for Type 3 lots. Type 1 and Type 2 lots do not require J-swing garages.
- Garages facing a public street cannot be closer than the front door of the house and must be constructed of wood, metal or a composite material designed to look like wood.
- The exterior finish material on all building elevations, except for openings for doors and windows, will be limited to any combination of brick, stone, cementitious fiber board, and stucco. Wood may only be used as an accent exterior finish.
- As an enhancement above and beyond the original Birdsong development, at least 60% of Type 1 houses and at least 25% of Type 2 and 3 houses must have a front porch.
- Covered stoops are also allowed, with a minimum of 5' in depth and 4' to 6' in width, constructed of brick or stone.
- Roofs must be pitched, with 70% of the houses having a minimum 8:12 slope, 30% with a minimum 6:12 slope and secondary roofs for porches, stoops or similar architectural features with a minimum 3:12 slope.

All houses in the development must meet the minimum requirements specified in the development regulations. In addition, each single-family lot must include two (2), 3"-caliper canopy trees, one of which may be in the back yard.

Access and Circulation

The development will be served by three access points. The primary enhanced entryway will be off Flying L Lane. A secondary entry will be from the future Howell Road, with a third access point from Harrier Drive in Birdsong Phase 2.

The rear-alley access products will be served by 20' common access easements with alleys 14' in width. The alleys will be maintained by the mandatory homeowners' association.

Although future Howell Road will be entirely within the M3 Ranch development, Birdsong East will need to connect to the street for circulation. The cost of the roadway will be divided between the developers of M3 Ranch and Birdsong East. The developer of M3 Ranch will be responsible for dedicating the entire right-of-way for Howell Road and 50% of the construction cost. The developer of Birdsong East will be responsible for escrowing the other 50% of the construction cost of Howell Road at time of final plat.

Enhanced Entryway Plan

An Enhanced Entryway Plan has been provided, showing the enhanced entryway features planned for the entrances into the development. The primary entrance on Flying L Lane will have a divided boulevard section, enhanced pavers, decorative lights, landscaping and an entrance monument similar to the sign at the main entrance of Birdsong. The secondary entrance off Howell Road will include a smaller entry sign, enhanced pavers and some landscaping.

Open Space, Screening, and Amenities

An Open Space, Trail, and Screening Plan has been provided showing the proposed amenities in the development, including a 6' trail in the primary open space, seating areas with bench and trash receptacles, an overlook with shade structure, multi-purpose open spaces and pet waste stations. The primary open space is at the southwest corner of the development where it connects to the open space lot in Birdsong Phase 2, comprising approximately 11 acres of open space.

Birdsong East will be screened by a minimum 6' masonry wall along Flying L Lane. A 6' board on board fence with masonry columns spaced every 100' will be provided along the future Howell Road. The screening devices are compatible with the screening in the Birdsong development. Canopy trees, ornamental trees and shrubs will be provided in landscape buffers along the perimeter of Birdsong East.

Birdsong East provides for a streetscape design with canopy trees and grass in a 6' wide landscape strip. Each residential street will have a 5' wide sidewalk.

The private amenities will be maintained by a mandatory homeowners' association.

Summary

The proposed development is an expansion of the original Birdsong development and generally follows the same standards of the original development and the Birdsong West development with some improvements, including a required percentage of houses with front porches, and other architectural and community design elements that meet or exceed the City's minimum requirements. The different lot types will be distributed throughout the community and intermingled within certain blocks to create a true community with a diversity of products. In addition, the enhanced entryway features, screening, trees and landscape buffers, trails and open space will add value to the development and provide for the necessary landscaping, screening, and amenities for neighborhood residents.

Prepared By

Art Wright, Planner
817-276-4226

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL 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 Chapter 155 of the Code of Ordinances, 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 Chapter 155 of the Code of Ordinances and Map should be amended.

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

SECTION 1.

That the Chapter 155 of the Code of Ordinances 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 Exhibits "B – D" attached hereto and made a part hereof for all purposes.

SECTION 3.

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

SECTION 4.

That the above-described properties shall be used only in the manner and for the purposes provided for in Chapter 155 of the Code of Ordinances 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 Code of Ordinances as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or Chapter 155 of the Code of Ordinances, 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 second and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE 9TH DAY OF MAY, 2022.

DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

BEING a parcel of land located in the City of Mansfield, Johnson County, Texas, being a part of the Phillip B. George Survey, Abstract Number 299, and being all of that called 60.973 acre tract of land described in deed to Clarence Ray Phillips & Dorothy Faye Phillips as recorded in Volume 2268, Page 960, Official Public Records of Johnson County, Texas and also being all of that called 60.973 acre tract of land described in Warranty Deed to Dorothy Faye Phillips as recorded in Volume 2491, Page 525, Official Public Records of Johnson County, Texas, and being further described as follows:

BEGINNING at an "X" cut found at the east corner of said 60.973 acre tract, said point being the most northerly corner of that called 185.644 acre tract of land described in deed to First Texas Homes, Inc., said point also being in the approximate centerline of Flying L Lane, a variable width right-of-way;

THENCE along the south line of said 60.973 acre tract and along the north line of said 185.644 acre tract as follows:

South 59 degrees 36 minutes 12 seconds West, 1,268.08 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 59 degrees 53 minutes 42 seconds West, 629.72 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the south corner of said 60.973 acre tract;

North 29 degrees 44 minutes 18 seconds West, 538.90 feet to a one-half inch iron pipe found for corner;

North 30 degrees 00 minutes 13 seconds West, 850.86 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the west corner of said 60.973 acre tract, said point being the most westerly northwest corner of said 185.644 acre tract, said point also being in the southeast line of that called 41.000 acre tract of land described in deed to Mansfield Independent School District as recorded in Volume 3857, Page 272, Official Public Records of Johnson County, Texas;

THENCE North 59 degrees 26 minutes 19 seconds East, 1,908.01 feet along the northwest line of said 60.973 acre tract to a PK Nail set at the north corner of said 60.973 acre tract, said point also being in the approximate centerline of Flying L Lane;

THENCE South 29 degrees 29 minutes 08 seconds East, 1,398.57 feet along the northeast line of said 60.973 acre tract and along the approximate centerline of Flying L Lane to the POINT OF BEGINNING and containing 2,653,690 square feet or 60.920 acres of land.

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), surface distances shown hereon with a scale factor from grid to surface of 1.00012.

This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

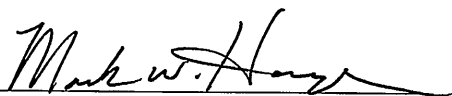

Mark W. Harp, R.P.L.S. No. 6425
June 16, 2021



EXHIBIT B

PLANNED DEVELOPMENT STANDARDS

BIRDSONG-EAST

NEIGHBORHOOD FRAMEWORK

The Birdsong-East neighborhood is intended to be an expansion of the Birdsong community. It is anticipated to in essence, be Birdsong-Phase 3. As such, the intent is to develop this portion of the community after the Phase 2 portion is developed. As such, it is based on the design vision established with Birdsong. This vision is to create a multi-generational community where an emphasis on being able to experience a small town environment where you know your neighbors, is balanced with the conveniences of a suburban lifestyle.

A variety of housing types and lot sizes are being provided to meet the needs of a complete life cycle. This mix of home styles and sizes is fully integrated throughout the neighborhood instead of establishing a pod-type development pattern. This encourages a diverse neighborhood both in terms of the people and families living in it, as well as the homes being built within it. This neighborhood design preference also allows residents to move within the neighborhood and overall Birdsong community and not have to distance themselves from family and friends as changes occur in their lives.

In keeping with the vision of community, public and private spaces are given equal importance and brought to the forefront. Open spaces and common areas are interspersed throughout the neighborhood and connected to Birdsong's extensive trail system. This design encourages personal interaction by families and residents in all stages of life.

GENERAL STANDARDS

1. The design and development of the Birdsong-East neighborhood shall take place in accordance with the attached Development Plan (Exhibit C), Open Space/Amenity Plan (Exhibit D-1), Enhanced Entryway Plan (Exhibits D-2 and D-3), and Screening Plan (Exhibit D-4).
2. Unless otherwise specified in this planned development, development within the Birdsong neighborhood is governed by the Mansfield Zoning Ordinance as currently enacted at the time of approval of this ordinance by the City Council. In the event of any conflict or inconsistency between these standards and the applicable City regulations, the terms and provisions of this planned development shall apply.
3. Unless otherwise specified in this planned development, the design and construction of public infrastructure and utilities within the Birdsong neighborhood shall be in accordance with the Mansfield Design Standards as currently enacted at the time of approval of this ordinance by the City Council. In the event of any conflict or inconsistency between these standards and the applicable City regulations, the terms and provisions of this planned development shall apply.
4. In the event of a conflict between the written text and the illustrations provided in this planned development, the written text contained herein shall control.
5. The maximum number of homes in the Birdsong neighborhood shall be 215.
6. A minimum of 18% of land (11.0 AC +/-) shall be used as open space, as identified on the

Open Space Plan.

- A. In order for the open space to be counted towards meeting the minimum requirement, it must be at least 0.5 acre in size or contain recreational elements (i.e. hike & bike trail, etc.), as well as be readily accessible to the residents of the Birdsong neighborhood. The open space may be public or private.
 - B. If the open space is private, it shall be owned and maintained by a mandatory Homeowners Association.
 - C. Within the Common Areas shown on Exhibit C, the amenities listed and shown on Exhibit D-1, including the 6' concrete trail, seating and trash receptacles, playing fields with movable goals, pet waste stations, and overlook with shade structure, shall be provided for the use of the Homeowners Association members.
7. Homeowners Association (HOA)
- A. Birdsong East will be incorporated into the Birdsong community mandatory Homeowner's Association. It shall be the Association's responsibility to maintain the lots owned by the (HOA), detention ponds, play area equipment not located with a public park, trails, entryway features, screening walls and fences shown on Exhibit D-4-Screening Plan, master developer provided canopy trees, landscaping at the entryway and on HOA lots.
 - B. The HOA documents shall be filed in accordance with the City of Mansfield policies. These documents shall be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Johnson County and deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit the documents or incomplete documents may result in delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.
 - C. Birdsong East will be annexed into the Covenants, Conditions, and Restrictions (CC&R's) of the Birdsong community. As such, development within Birdsong East shall comply with both the standards established in this planned development as well as the standards established in the Birdsong community's CC&R's. The City of Mansfield is not responsible for the enforcement of the Birdsong CC&R's.
8. The proposed development will be in complete accordance with the provisions of the approved Planned Development District and all Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

DEVELOPMENT STANDARDS

1. Uses
 - A. Permitted uses shall be all principal and accessory uses which are allowed by right in the SF-7.5/18 Single Family Residential District, in accordance with Section 155.054(B) Permitted Use Table of the Mansfield Zoning Ordinance, as amended.
 - B. A Specific Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the SF-7.5/18 Single Family Residential District, in accordance with Section 155.054(B) Permitted Use Table of the Mansfield Zoning Ordinance, as amended.

2. The allowable lotting mix shall be as follows:

LOT TYPE LOTS

TYPE 1	80	37%
TYPE 2	60	28%
TYPE 3	75	35%

TOTAL 215

3. Single Family Detached Lot Development Standards:

DEVELOPMENT STANDARD

Lot Type	TYPE 1	TYPE 2	TYPE 3
Minimum Lot Width	50'	50'	60'
Minimum Lot Area (SQ FT)	5,750	6,000	7,200
Minimum Lot Depth	110'	110'	110'
Minimum Front Yard Setback	15'	25'	25'
Minimum Rear Yard Setback-Garage Face	20'	NA	NA
Minimum Rear Yard Setback	15'	15'	15'
Minimum Side Yard Setback	5'	5'	5'
Exterior at Corner	15'	15'	15'
Minimum Dwelling Area (SQ FT)	2,000	2,000	2,400
Maximum Lot Coverage	55%	55%	55%
Maximum Height	35'	35'	35'

Note: Location of Lot Type shall be in accordance with the Development Plan.

Note: Lots on a cul-de-sac bulb or elbow may be up to 10' narrower as long as the lot area exceeds the minimum area square footage.

Note: Lots on a cul-de-sac bulb or elbow may be up to 10' shallower as long as the lot area exceeds the minimum area square footage.

Note: Corner lots shall be at least 10' wider than the specified minimum lot width for each Lot Type identified above.

Note: Outdoor living areas shall have a minimum rear setback of 10' whether or not the area is covered by a roof which is integrated into the house.

Note: The minimum front yard setback may be reduced to 20' for homes with J-swing garages.

Note: A maximum of 30% of the dwelling units on Type 1 and Type 2 lots may have a minimum dwelling area of 1,800 square feet.

Note: A maximum of 30% of the dwelling units on Type 3 lots may have a minimum dwelling area of 2,000 square feet.

4. Architectural Standards: Homes constructed within the Birdsong East neighborhood shall comply with the architectural standards established in Section 155.056 of the Mansfield Zoning Ordinance unless otherwise indicated below.

- A. Swing/Non-Front Entry Garages: A minimum of 10% of the total number of lots within the Birdsong East neighborhood shall contain a J-Swing, side entry oriented (door facing a side street), or non-front entry (access to garage is from a drive interior to the lot) garage. J-Swing garages shall not be required on TYPE 1 or TYPE 2 lots.
- B. Garage Doors: Garage doors may face a public street. If a garage door faces the street, the garage face, regardless of 2nd story living space above the garage, may not be closer to the street than the front door of the home. Garage doors shall be constructed of wood, metal, or a composite material made to have the appearance of wood.
- C. Canopy Trees: On all single family lots, a minimum of 2, 3" caliper canopy trees shall be provided for each home, one of which may be located in the back yard.
- D. Materials: The exterior finish material on all building elevations, except for openings for doors and windows, shall be limited to any combination of brick, stone, cementitious fiber board, and stucco. Wood may only be used as an accent exterior finish material and shall not exceed 10 percent of the total building wall area, with each elevation being calculated independently. Configurations for stone and stucco shall be as provided below:
 - 1. All stone shall be detailed and laid to resemble structural stone walls (i.e., stone shall be chopped or saw cut).
 - 2. All stucco shall be cement plaster made of cement sand and lime and shall be applied to elevations using a three-step process with a smooth or sand-finish. Exterior insulated finishing systems (E.I.F.S.) or other synthetic stucco as defined by the International Building Code shall be prohibited on all elevations.
- E. Front Porches: At least 60 percent of Type 1 lots and at least 25 percent of Type 2 and Type 3 lots shall have front porches.
 - 1. Front porches shall be located at the front door of the dwelling and have a minimum size of 60 square feet, excluding the recessed entryway.
 - 2. Front porches shall have a minimum depth of six (6) feet and provide ample room for outdoor furniture.
 - 3. Front porches shall be covered and open on a minimum of two (2) sides.
 - 4. Front porches may encroach up to 50 percent of the depth of the front setback.
 - 5. Front porches must be constructed with concrete slab and may be covered with brick, stone, or wood plank.
 - 6. The Director of Planning may administratively approve a porch that deviates from these specific requirements if it meets the overall intent of the standards for porch design.
- F. Stoops, where provided:
 - 1. Stoops shall be no less than five feet in depth.
 - 2. Stoops shall be between four feet and six feet in width.
 - 3. Stoops shall be covered by a pitched roof structure.
 - 4. Stoops may be recessed into the main volume of the building where setbacks are less than five feet.
 - 5. Stoops shall be constructed of brick or stone.
 - 6. Stoops may encroach up to 50 percent of the depth of the front setback.
- G. Roof Pitch: Pitched roofs shall be provided for each dwelling. All pitched roofs shall be symmetrically sloped no less than 8:12, except that no more than 30% of the dwelling units may have pitched roofs symmetrically sloped no less than 6:12. Pitched roofs for porches, stoops, and other similar architectural features may be sloped no less than 3:12. All roofs shall be constructed with three-dimensional architectural shingles.
- H. Plate Line: All homes shall have a minimum plate line of nine feet.
- I. Posts: Where provided, posts shall be a minimum of six (6) inches by six (6) inches in dimension;

and, where provided, columns shall be a minimum of 12 inches by 12 inches in dimension. The materials for posts and columns shall be as provided below:

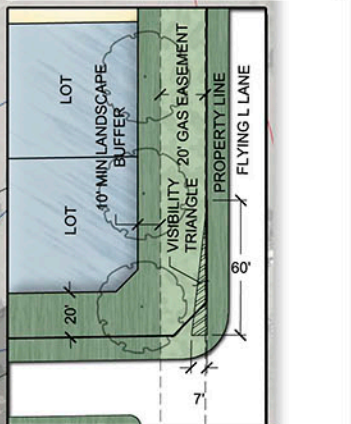
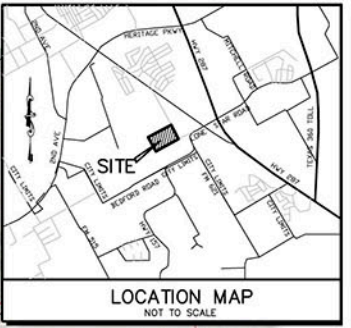
1. All posts shall be made of wood or synthetic materials provided they have the appearance of wood; and posts may have piers constructed of brick or stone. Piers shall be a minimum of 12 inches by 12 inches in dimension.
 2. All columns shall be made of brick, concrete, or stone.
 3. All spaces between posts and columns shall be vertically proportioned.
- J. Windows:
1. All elevations facing a street or open space shall be no less than 15 percent and no more than 30 percent glazed in glass.
 2. Flush-mounted windows shall be prohibited. All windows in elevations of brick, stone, or stucco shall be recessed a minimum of three (3) inches in depth from the exterior wall.
- K. Accessory buildings and structures shall comply with the architectural and other design considerations in the Zoning Ordinance.

NEIGHBORHOOD DESIGN STANDARDS

1. Perimeter Screening:
 - A. Flying L Lane: Minimum 6' tall and maximum 8' tall brick or stone screening wall.
 - B. North Perimeter Collector Street:
 1. Where single family lots back to these streets, screening at a minimum shall be, 6' tall, board-on-board cedar fencing. The cedar fencing shall have metal poles. The fence's rails shall face the inside of the lot. The fencing shall be stained to a uniform color and be maintained by the Homeowner's Association.
 2. The screening shall incorporate masonry columns into its design. The columns shall be located approximately every 100'. The exact location of the column shall correspond to the intersection of an adjacent side lot line with the fencing.
2. Buffer Vegetation: Landscape buffers shall be provided along Flying L Lane and the North Perimeter Collector Street. Vegetation within the buffer shall be provided as outlined below.
 - A. Canopy Trees: Canopy trees shall be a minimum 3 caliper inches in size, measured 6" above the planting surface, and 7' in height at the time of planting. Canopy trees shall have a minimum crown spread of 25' at maturity.
 - B. Ornamental Trees: Ornamental trees shall be a minimum 1 caliper inch in size, measured 6" above the planting surface at the time of planting. Ornamental trees shall have a minimum crown spread of 15' at maturity. Ornamental trees having a mature crown spread of less than 15' may be substituted by grouping the trees to create the equivalent crown spread of 15'.
 - C. Shrubs: Shrubs shall be a minimum 3 gallons in size at the time of planting and shall attain a minimum height of 3' within two growing seasons.
 - D. All landscaping shall be provided in accordance with an approved landscape plan prior to acceptance of the subdivision by the City except as follows. During times of drought or water emergency response stages, or inappropriate season for the plant material, (i.e. Ornamental tree in August or Agave in January) the Planning Director or his/her designee may grant permission to delay the installation of the required landscaping for up to 6 months.
3. Irrigation: Landscape buffers shall be irrigated with irrigation systems. Trees and shrubs shall be irrigated by drip irrigation lines. Other landscaping may be irrigated by spray irrigation.
4. Neighborhood Entry Features: Architectural features on masonry walls or masonry monuments shall be located at the primary and secondary entrances for the Birdsong community. The general design of which shall correspond with Exhibits D-2 and D-3 (Entrance Concept Plan). Entry features and/or

community signage may be lighted.

5. Security Cameras: To enhance the safety of residents and their belongings, security cameras will be installed on blocks containing alleys to monitor activity within the alleys.
6. Streetscape Standards:
 - A. A landscaping strip a minimum of six (6) feet in width shall be required along all streets in the development. Such landscaping strip shall be located between the back of curb of the street and the sidewalk edge of pavement. The landscaping strip shall be planted with grass and canopy street trees. Said trees shall be consistent with street trees provided in the remaining portions of the Birdsong community.
 - B. A sidewalk a minimum of five (5) feet in width shall be provided along all streets in the development. The sidewalk shall be constructed to City standards.



Lot Type	TYPE 1	TYPE 2	TYPE 3
Minimum Lot Width	50'	50'	60'
Minimum Lot Area (SQ FT)	5,750	6,000	7,200
Minimum Lot Depth	110'	110'	110'
Minimum Front Yard Setback	15'	25'	25'
Minimum Rear Yard Setback	15'	15'	15'
Minimum Side Yard Setback	5'	5'	5'
Exterior at Corner	15'	15'	15'
Minimum Dwelling Area (SQ FT)	2,000	2,000	2,400
Maximum Lot Coverage	55%	55%	55%
Maximum Height	35'	35'	35'

Note: Location of Lot Type shall be in accordance with the Development Plan.
Note: Lots on a cul-de-sac bulb or elbow may be up to 10' narrower as long as the lot area exceeds the minimum area square footage.
Note: Lots on a cul-de-sac bulb or elbow may be up to 10' shallower as long as the lot area exceeds the minimum area square footage.
Note: Corner lots shall be at least 10' wider than the specified minimum lot width for each Lot Type identified above.
Note: Outdoor living areas shall have a minimum rear setback of 10' whether or not the area is covered by a roof which is integrated into the house.
Note: The minimum front yard setback may be reduced to 20' for homes with J-wing garages.
Note: A maximum of 30% of the dwelling units on Type 1 and Type 2 lots may have a minimum dwelling area of 1,800 square feet.
Note: A maximum of 30% of the dwelling units on Type 3 lots may have a minimum dwelling area of 2,000 square feet.

**DEVELOPMENT PLAN
BIRDSONG EAST**

THE PHILIP B GEORGE SURVEY, ABSTRACT NO. 299
CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS
DECEMBER 27, 2021
60.920 ACRES
215 RESIDENTIAL LOTS
5 OPEN SPACE LOTS

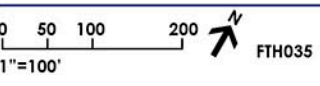
DOROTHY FAYE PHILLIPS OWNER
6717 North FM 157
Venus, Texas 76084
Contact: Edwin Phillips
ephillips1154@yahoo.com

FIRST TEXAS HOMES APPLICANT/DEVELOPER
2121 Midway Road, Suite 155
Carrollton, Texas 75006
Contact: Tony Shaw
tshaw@tonyshawproperties.com

JBI PARTNERS, INC. SURVEYOR/ENGINEER
2121 Midway Road, Suite 300
Carrollton, Texas 75006
Contact: Jerry Sylo
jsylo@jbipartners.com
TBPE No. F-438 TBPLS No. 10076000

NEIGHBORHOOD DATA			
LOT SIZE (TYPICAL)		LOTS	
TYPE 1	50' X 110' MIN REAR	80	37%
TYPE 2	50' X 110' MIN FRONT	60	28%
TYPE 3	60' X 110' MIN FRONT	75	35%
TOTAL		215	100%

NOTES
1. BIRDSONG EAST DEVELOPMENT WILL BE DEVELOPED IN ONE PHASE.
2. ALLEYS ARE LOCATED WITHIN THE 20' WIDE COMMON ACCESS EASEMENTS AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.



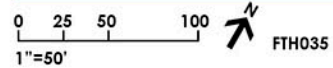
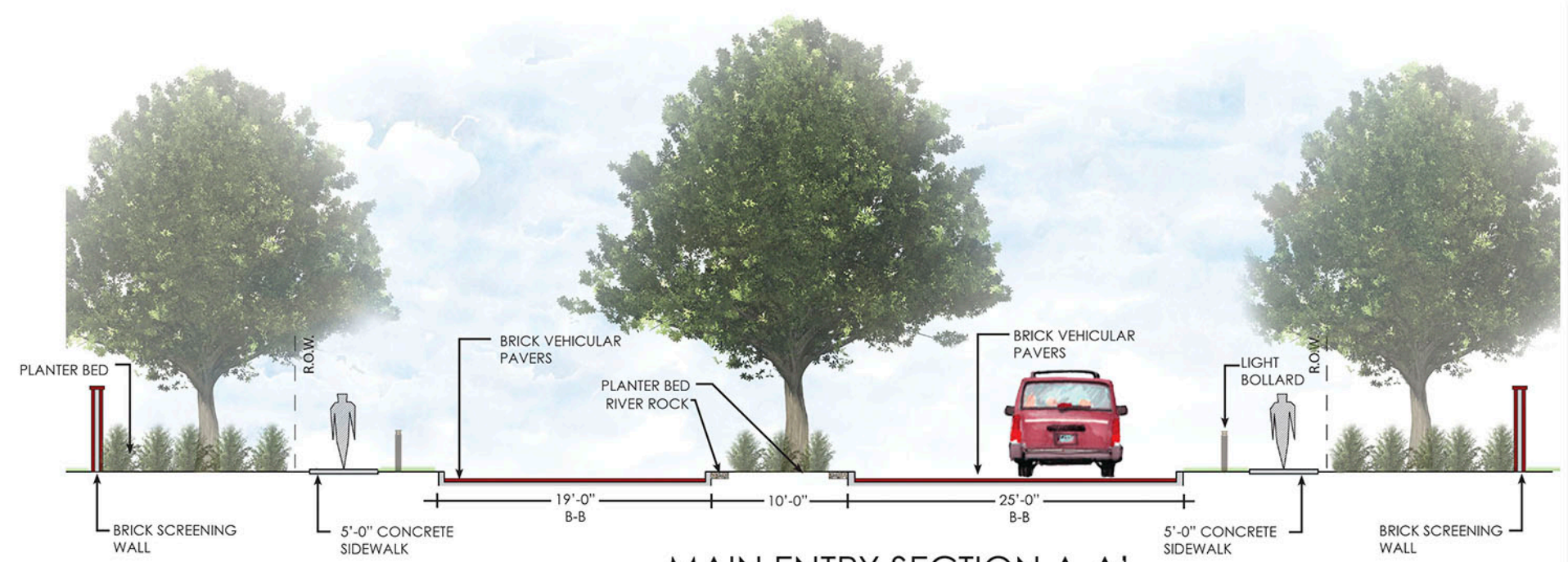


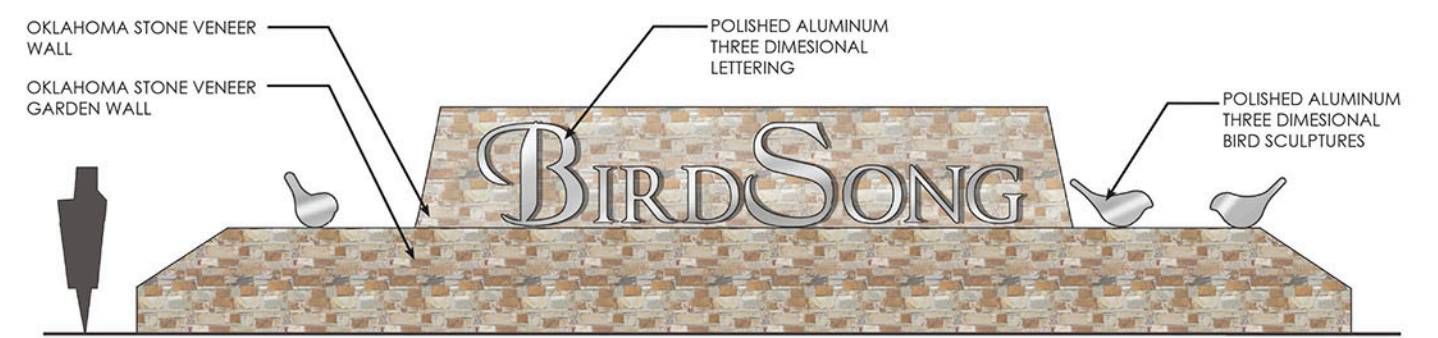
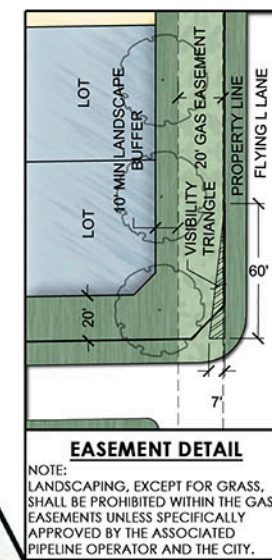
EXHIBIT D-1



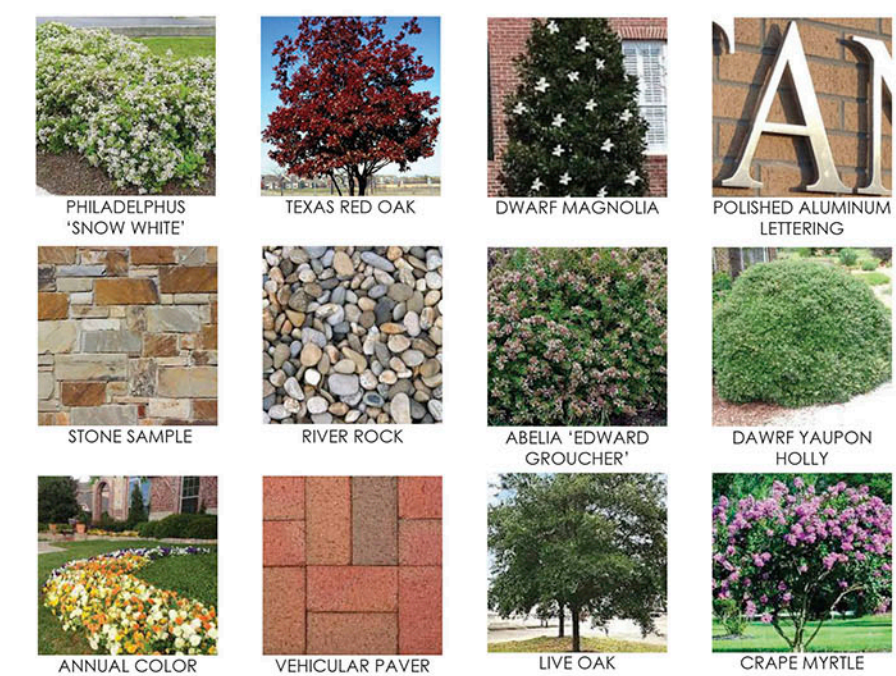
MAIN ENTRANCE



MAIN ENTRY SECTION A-A'

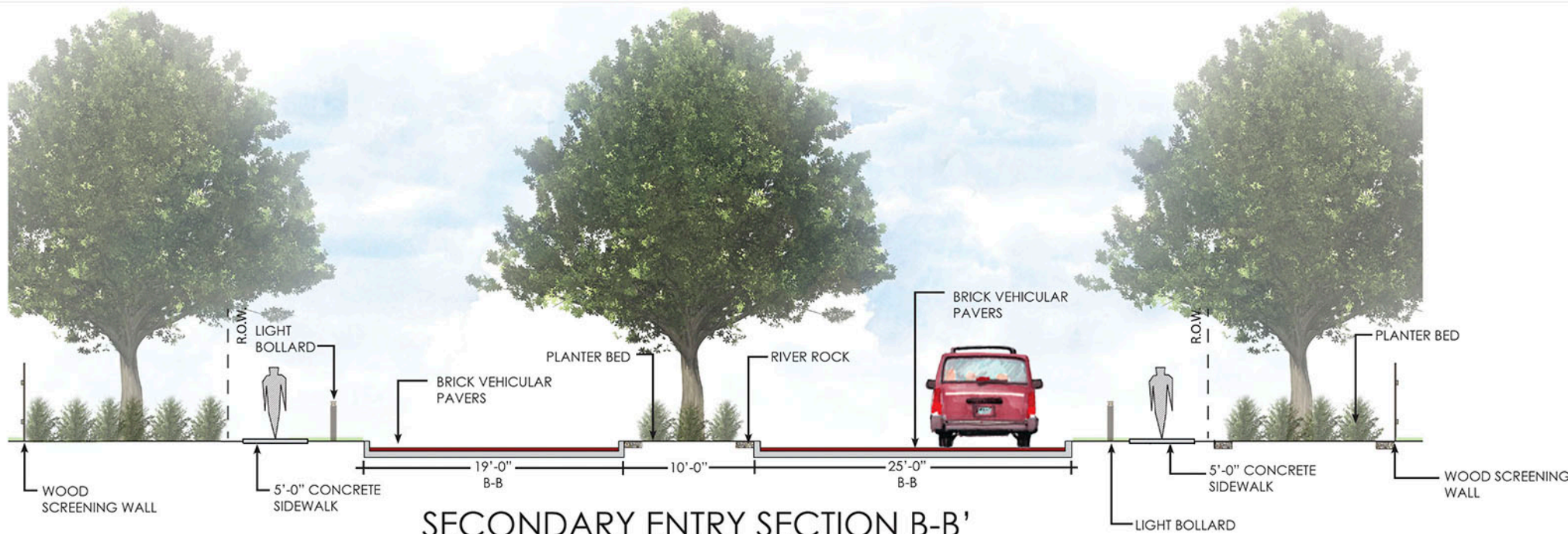


MAIN ENTRY SIGN

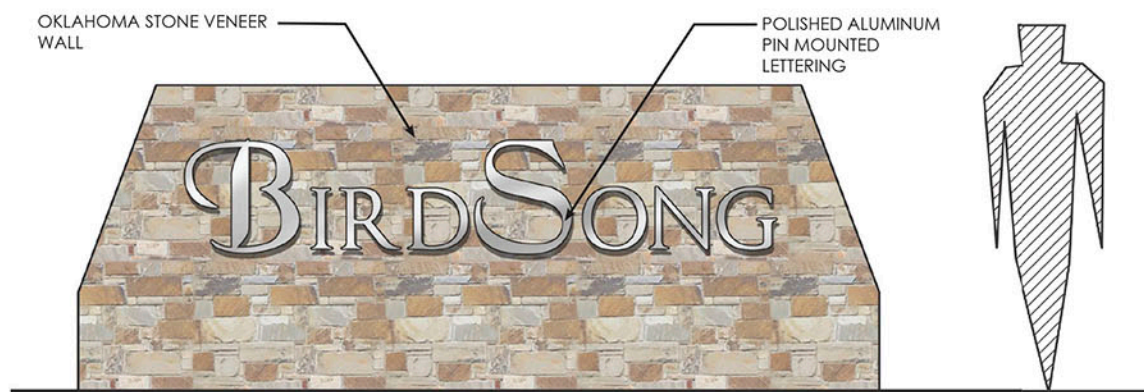


ENHANCED MAIN ENTRYWAY PLAN
BIRDSONG EAST
 THE PHILIP B GEORGE SURVEY, ABSTRACT NO. 299
 CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS
 DECEMBER 27, 2021
 60.920 ACRES
 215 RESIDENTIAL LOTS
 5 OPEN SPACE LOTS

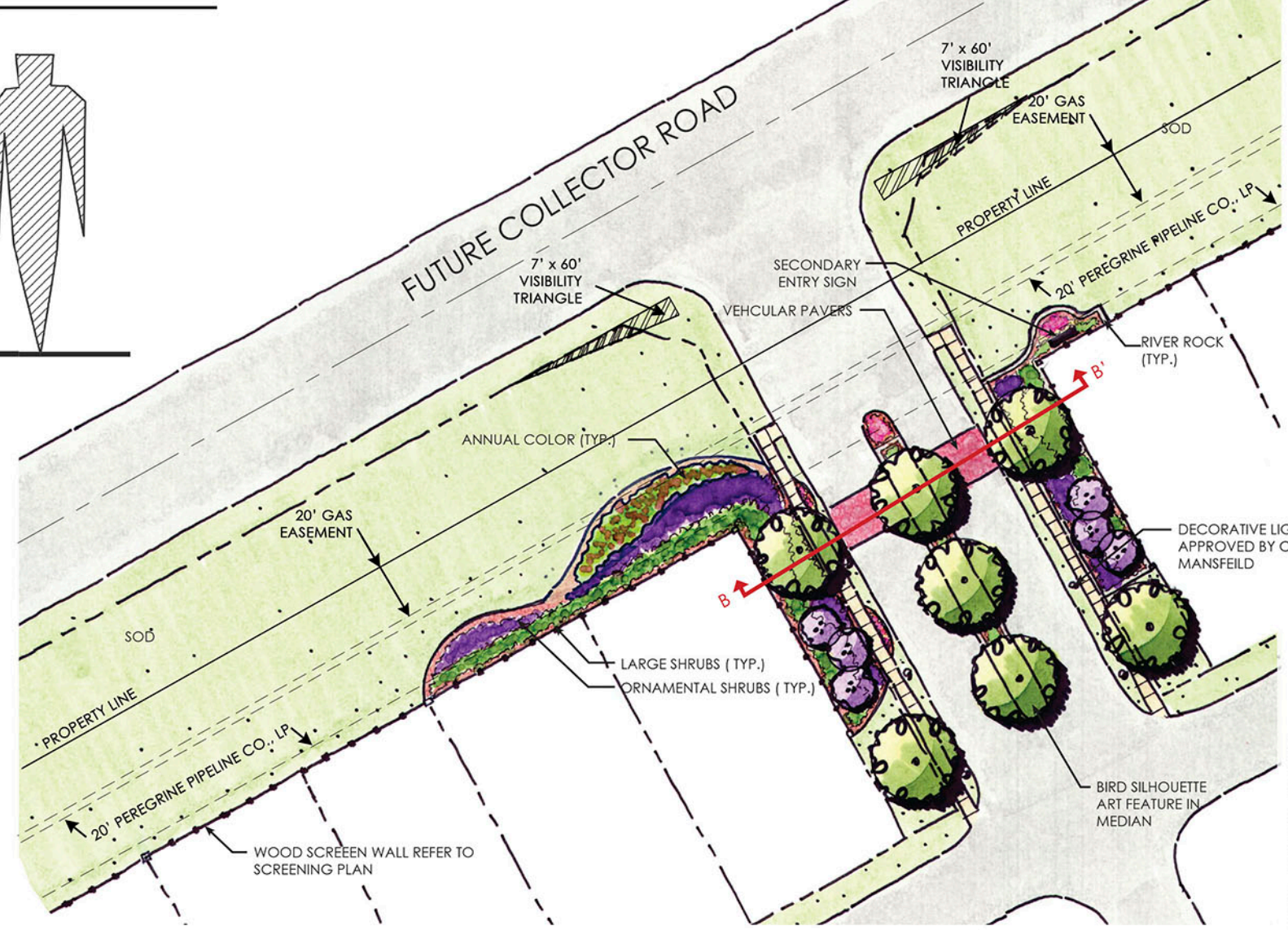
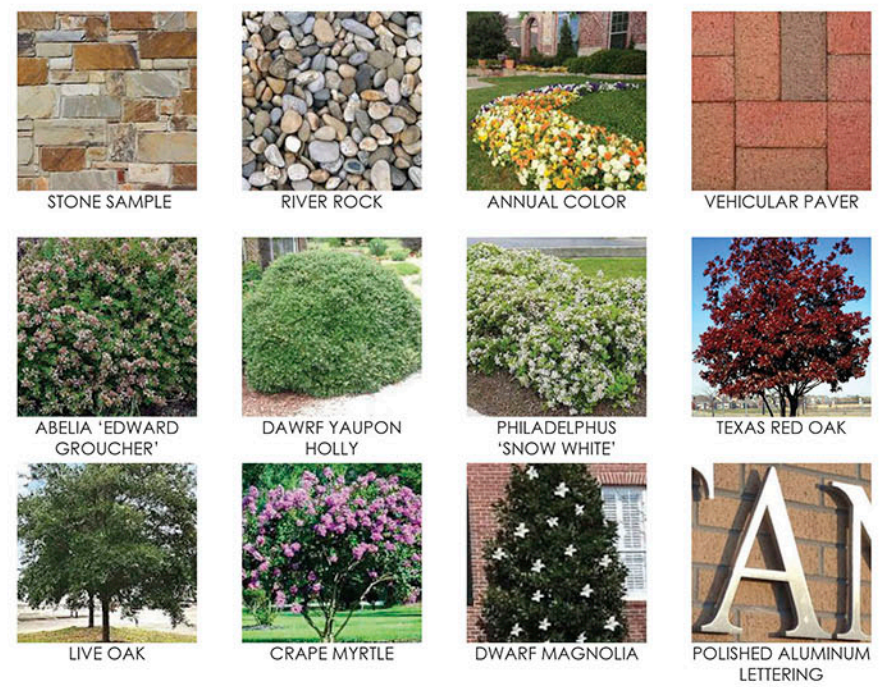
DOROTHY FAYE PHILLIPS 6717 North FM 157 Venus, Texas 76084 Contact: Edwin Phillips ephillips1154@yahoo.com	OWNER (817) 456-9254
FIRST TEXAS HOMES 2121 Midway Road, Suite 155 Carrollton, Texas 75006 Contact: Tony Shaw tshaw@tonyshawproperties.com	APPLICANT/DEVELOPER (214) 244-8809
JB PARTNERS, INC. 2121 Midway Road, Suite 300 Carrollton, Texas 75006 Contact: Jerry Sylo jsylo@jbparkers.com TBPE No. F-438 TBPLS No. 10076000	SURVEYOR/ENGINEER (972) 248-7676



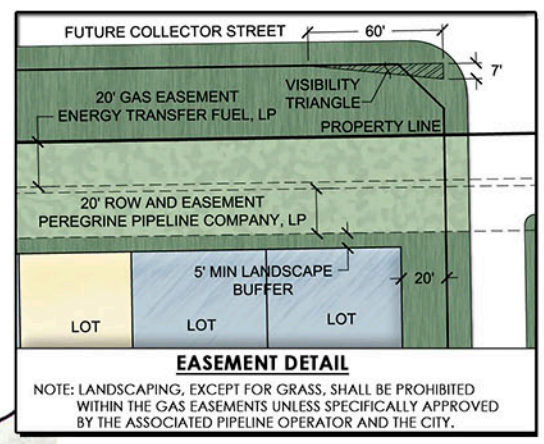
SECONDARY ENTRY SECTION B-B'



SECONDARY ENTRY SIGN



SECONDARY ENTRANCE



**ENHANCED SECONDARY ENTRYWAY PLAN
BIRDSONG EAST**
THE PHILIP B GEORGE SURVEY, ABSTRACT NO. 299
CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS
DECEMBER 27, 2021
60.920 ACRES
215 RESIDENTIAL LOTS
5 OPEN SPACE LOTS

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ephillips1154@yahoo.com (817) 456-9254

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jsylo@jbpartners.com (972) 248-7676
TBPE No. F-438 TBPLS No. 10076000

LEGEND

- 6'-0" HT. MASONRY SCREENWALL
W/ MASONRY COLUMNS
- 6'-0" HT. WOOD FENCE
W/ MASONRY COLUMNS
(COLUMNS SPACED PER PD)

SECONDARY ENTRY

FUTURE COLLECTOR STREET

LOCATION MAP
NOT TO SCALE

WOOD FENCE W/ MASONRY COLUMNS
(COLUMNS SPACED PER PD)

MASONRY SCREENINGWALL W/
MASONRY COLUMNS

MAIN ENTRY

OPEN SPACE
8.5 AC +/-

Retention
2.5 AC +/-

SCREENING PLAN BIRDSONG EAST

THE PHILIP B GEORGE SURVEY, ABSTRACT NO. 299
CITY OF MANSFIELD, JOHNSON COUNTY, TEXAS
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TBPE No. F-438 TBPLS No. 10076000

ZC#21-011

EXHIBIT D-4

JBI
PART 203

DATA SOURCES
BOUNDARY:
ON-THE-GROUND SURVEY (Digital)
IMAGE OF SURVEY
WEB BASED/PUBLIC INFORMATION
ENCUMBRANCES:
TITLE REPORT/SCHEDULE B
WEB BASED/PUBLIC INFORMATION
TOPOGRAPHY:
ON-THE-GROUND SURVEY
VARGAS AERIAL TOPOGRAPHY
OTHER SOURCE (USGS, NCTCOG)
100 YEAR FLOOD PLAIN:
FLOOD STUDY
FEMA MAPS
WEB BASED/PUBLIC INFORMATION
JURISDICTIONAL WATERS:
ON-THE-GROUND ANALYSIS
WEB BASED/PUBLIC INFORMATION

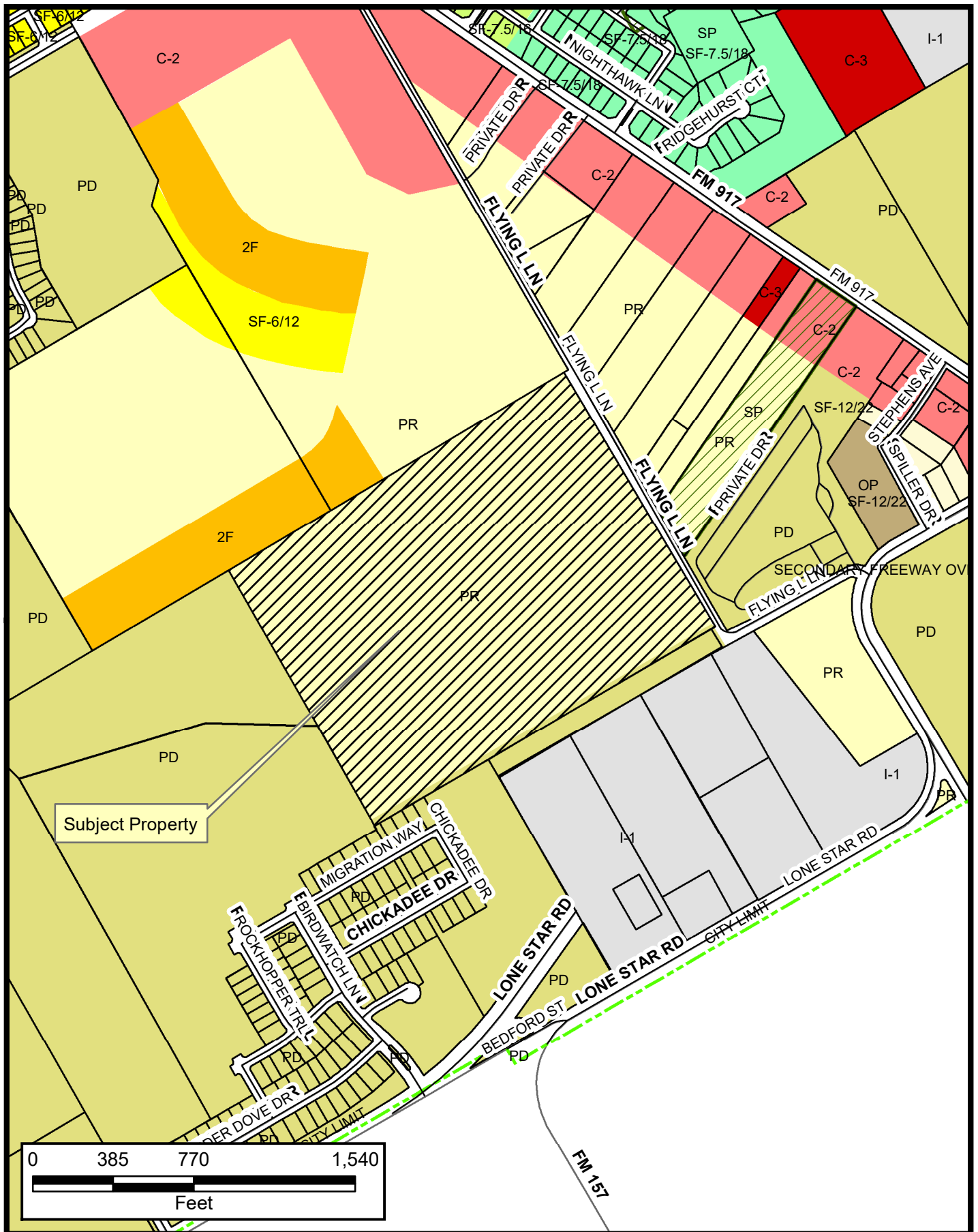
0 50 100 200
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FTH035



ZC#21-011

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

4/5/2022



ZC#21-011

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

4/12/2022

Property Owner Notification for ZC#21-011

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
A GIBSON	TR 3A	MANSFIELD ISD	605 E BROAD	MANSFIELD, TX	76063
A GIBSON	TR 3B	MANSFIELD ISD	605 E BROAD ST	MANSFIELD, TX	76063
BBB & C RR CO	TR 87	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BBB & C RR CO	TR 88	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
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BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 2	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 4	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 4	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 4	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 4	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
BIRDSONG ADDITION	BLK 4	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201

Tuesday, April 05, 2022

Page 1 of 2

Property Owner Notification for ZC#21-011

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
EATON ESTATES CAMPGROUND	BLK 1	TXNRV LLC	310 E IH 30 STE 320	GARLAND, TX	75043-8000
L H STEVENS	TR 4C	UNG TOMMY TAING ETUX HUONG SIV	6009 HILLVIEW DR	WATAUGA, TX	76048
L H STEVENS	TR 4D	UNG TOMMY TAING ETUX HUONG SIV	6009 HILLVIEW DR	WATAUGA, TX	76048
L H STEVENS	TR 4E	COUNTRYSIDE BAPTIST CHURCH	P O BOX 178	MANSFIELD, TX	76063
L H STEVENS	TR 4F	MAC HOMES INC	PO BOX 167	LILLIAN, TX	76061
L H STEVENS	TR 4G1A	VERA ELETICIA SANDOVAL	155 SOUTHWOOD DR	BURLESON, TX	76028
L H STEVENS	TR 4G2	PHILLIPS DOROTHY FAYE	6717 N FM 157	VENUS, TX	76084
P B GEORGE	TR 1 PT	FIRST TEXAS HOMES INC	500 CRESCENT CT STE 350	DALLAS, TX	75201
P B GEORGE	TR 3	HOUN LEANG &	1180 MIRA VALLE	MONTEREY PARK, CA	91754
P B GEORGE	TR 3A	MANSFIELD DEVELOPMENT LLC	1714 COMMERCE DR	MANSFIELD, TX	76063
P B GEORGE	TR 3A1D	EL ETOUM SHEBLI ETUX	2605 BLACKWOOD	ARLINGTON, TX	76013-2104
P B GEORGE	TR 3A2,3A3,3A4	MANSFIELD DEVELOPMENT LLC	1714 COMMERCE DR	MANSFIELD, TX	76063
P B GEORGE	TR 3B	BIG SHOP PROPERTIES LLC	650 WILDLIFE BLVD	GRAND PRAIRIE, TX	75050
VENUS ADDITION	BLK 1	BROWN SANDRA K & NATALIE	P O BOX 90	MANSFIELD, TX	76063



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4613

Agenda Date: 5/9/2022

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for Attached Townhome Single-Family and Community Business Commercial on 14.156 acres of land in the Henry McGehee Survey, Abstract No. 998, generally located at the southeast intersection of Debbie Lane and North Walnut Creek Drive on property at 1700 North Walnut Creek Drive; Skorborg Company, Developer (ZC#21-023)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on March 8, 2022 and continued the case to March 22, 2022 and voted 5 (Commissioners Knight, Axen, Gilmore, Mainer, and Goodwin) to 2 (Commissioners Groll and Weydeck) to approve.

On April 11, 2022, the City Council voted to table their decision on the first reading of this case to April 25th and requested that the developer work with staff to incorporate design modifications to better connect the site to all surrounding uses.

On April 25, 2022, the City Council voted to approve with items for the developer to continue to work on with staff prior to the second and final hearing. These items included updated renderings, school district communications on access and connectivity, removing playground equipment from programmed outdoor space, and to provide considerations for garage door design standards.

The developer has provided a new site plan that responds to design concerns and creates a mews that extends from Clayton Chandler Park to a future commercial seating/gathering area that connects all area uses in a thoughtful manner.

Staff recommends approval.

Description/History

Existing Use: Vacant

Existing Zoning: C-2, Community Business District

Surrounding Land Use & Zoning:

North: East Debbie Lane Right-of-way
 South: PR, Pre-Development District, educational and recreational uses
 East: C-2, Community Business District, office uses
 West: North Walnut Creek Drive Right-of-way

Staff Analysis

The subject property consists of two tracts of land totaling 14.156 acres. The developer is proposing residential and commercial development. The residential portion of the planned development consists of 128 townhome units on approximately 12.13 acres. The remaining 2.03 acres of the planned development will be dedicated to commercial uses serving the immediate neighborhoods.

The residential development will consist of townhomes; and each unit is proposed to be on an individually platted lot. The townhomes will be attached units along a standard residential street right-of-way. The townhomes will have shallow setbacks from the right-of-way, positioning the planned development to create an urban streetscape complete with sidewalks, street trees and units with stoops. The residential development is adjacent to the City's Clayton Chandler Park. The developer has proposed to connect the park at two points with the development. The developer has provided green spaces along these connection points to further connect the park through the development. Amenities such as an enclosed furniture game area, benches, and bike racks providing open spaces adjacent to the units.

The site standards for the townhomes are as follows:

Min. Home Square Footage	1,500 square feet
Min. Lot Size	22 feet x 80 feet
Building Pads	22 feet x 55 feet
Max. Height	40 feet
Open Space Lots	1.46 acres

All homes are alley loaded with four (4) off-street parking spaces provided --- two (2) in the garage and two (2) in the apron off the alley.

All units in the development are required to utilize a porch, patio, or stoop as a frontage element for the unit. Elevations have been provided to illustrate the usage of stoops as the frontage type for each individual unit. The developer has provided a list of required architectural features which include awnings, balconies, dormers, offsets, varied roof heights, et cetera. End-cap units --- those facing a right-of-way, pond, or open space --- must provide at least three (3) of the architectural features on the side façade and must have a wraparound porch to add character to said façade. The elevations also provide a list of materials to be utilized, which includes 80 percent masonry (e.g., brick, cast stone, and stone) materials on all buildings. Copper awnings and fiber cement lap siding are used as accent materials to provide material diversity and to break up any large expanses of a single material. To encourage elevation variety on a continuous block, the exterior façades for townhouses will not have repeating elevations or building materials

across the street, nor on either side of the subject building. The elevations illustrate the ability to vary the unit elevations in different portions of the building to allow this variety.

The commercial portion of the development will meet sign and screening requirements of the Zoning Ordinance. The uses will be limited to general retail, restaurant, or medical uses as set forth in the standards for the C-2, Community Business District. All commercial buildings will adhere to the required 80 percent masonry as proposed by the developer.

The site standards for the commercial area are as follows:

Building Area	12,950 sf
Required Parking	46 spaces
Provided Parking	98 spaces

Summary

The subject property is located in Sub-Area 5 in the 2012 Office Land Use Plan. Sub-Area 5 is described as built out and the remaining tracts would be considered infill development where care should be taken to match or complement existing development in the vicinity. The subject property describes the current zoning designation of C-2, Community Business District as perhaps too intense at that intersection. The following pertinent recommendations are included in the plan for Sub-Area 5:

- Use the Residential Guidelines and residential concepts in this plan as a guide to any new residential development where appropriate.
- Some limited retail and service uses may be added at a neighborhood level.

The development being proposed provides an opportunity to provide in-fill residential that allows the city to meet the needs of changing markets by providing a mix of development options and land use types in the community. By maintaining commercial uses at the corner of Walnut Creek Drive and Debbie Lane, the development honors the established commercial corridor along Debbie Lane. As the lot transitions towards the school and park property to the south, the use of townhome units provides for an infill project that brings new and unique residential opportunities to a relatively compact site. Finally, the connection points to the park and through the development and towards the commercial portion of the project provides deliberate connectivity for the neighborhood and visitors of the park property. The planned development standards proposed offer a sufficient understanding and outline of a desired product for the City, while delivering an infill development with urban housing in this Sub-Area.

The City of Mansfield's Public Works Department has reviewed the development and has not made additional recommendations for traffic calming devices. Although the area does experience heavy volumes at the pick-up and drop-off locations at adjacent schools, the development does not pose a concern from a trip generation standpoint.

At the March 8, Planning and Zoning Commission meeting this case was continued to the March 22 meeting so that the developer had time to study a right turn lane for the development at the north entrance of the development, explore screening and

connections to and through the development, determine if densities could be adjusted and incorporate staff recommendations on exterior and porch materials.

The developer met with staff and we resolved issues with the turn lane geometry. After further review of the turn lane concerns, it was determined that the greater need is the Debbie Lane right turn lane extending further to the south and that storage area ending prior to the neighborhood access road. Staff determined that a right turn lane onto Street "E" would cause confusion at the intersection of Debbie Lane and Walnut Creek Drive as users would interpret it as part of the storage for that right turn onto Debbie Lane. The updated lot layout plan shows the narrowing of Street "E", eliminating a turning conflict created by having 2-turning movements exiting out of the development. Staff supports this change as it provides some improvement.

The developer investigated the Planning and Zoning Commission's density concerns and has not been able to realize a significant lot decrease. While the developer was not successful in realizing a unit decrease, it is important to note that the density of 10 units per acre is less intense than other similar developments. The intensity of the project will not generate the substantial amount of traffic that commercial projects under the current C-2, Community Business District would. As presently zoned, the site could be developed for a variety of high-intensity, high-traffic generating uses including colleges, hospitals, hotels, religious assembly, schools, and retail uses that may serve a more regionally-focused trade area.

Since the first City Council hearing the developer has reworked the site significantly to address design concerns by creating an internal mews that provide a direct view corridor to the future commercial on Debbie Lane.

Staff recommends approval.

Prepared By

Arty Wheaton-Rodriguez, Assistant Director of Planning
817-276-4245

Attachments:

Maps and supporting information

Exhibit "A", Legal Description

Exhibit "B", Original Development (Exhibit "E" incorporate City Council changes)

Exhibit "C", PD Conditions and Elevations

Exhibit "D", Updated Layout w/ Landscape Plan

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 ATTACHED TOWNHOME SINGLE-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS COMMERCIAL 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-D" attached hereto and made a part hereof for all purposes.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

FIRST READING APPROVED ON THE 25TH DAY OF APRIL, 2022.

DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

EXHIBIT "A"

LEGAL LAND DESCRIPTION:

BEING 14.156 acres (616,621 square feet) of land in the Henry McGehee Survey, Abstract No. 998, City of Mansfield, Tarrant County, Texas; said 14.156 acres (616,621 square feet) of land being a portion of that certain tract of land described in a deed to Total E&P USA Real Estate, LLC (hereinafter referred to as Total E&P USA Real Estate tract), as recorded in Instrument Number D216266570, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.) and being all of that certain tract of land described in an Affidavit Regarding City Ordinance No. 1364 (Vacating & Abandoning Right-of-Way) (hereinafter referred to as City Ordinance No. 1364), as recorded in Volume 15211, Page 273, Deed Records, Tarrant County, Texas (D.R.T.C.T.) and recorded in Volume 15133, Page 540, D.R.T.C.T.; said 14.156 acres (616,621 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch iron rod with plastic cap stamped "WEIR & ASSOC. INC." found for the Southwest corner of said Total E&P USA Real Estate tract, same being the Northwest corner of that certain tract of land described as North Park, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Instrument Number D204096481, O.P.R.T.C.T., same also being the existing Easterly right-of-way line of North Walnut Creek Drive (variable width right-of-way);

THENCE North 03 degrees 37 minutes 08 seconds West with the common line between said Total E&P USA Real Estate tract and the existing Easterly right-of-way line of North Walnut Creek Drive, a distance of 546.90 feet to a one-half inch iron rod with plastic cap stamped "WEIR & ASSOC. INC." found for corner, same being an angle point in the Westerly line of said Total E&P USA Real Estate tract, same being the Southerly corner of said City Ordinance No. 1364;

THENCE North 07 degrees 10 minutes 33 seconds West with the common line between said City Ordinance No. 1364 and the existing Easterly right-of-way line of North Walnut Creek Drive, a distance of 134.42 feet to a one-half inch iron rod with plastic cap stamped "BEASLEY" found for corner, same being the beginning of a curve to the left, whose long chord bears North 12 degrees 53 minutes 36 seconds West, a distance of 50.42 feet;

THENCE Northerly, continue with the common line between said City Ordinance No. 1364 and the existing Easterly right-of-way line of North Walnut Creek Drive, with said curve to the left, having a radius of 252.69 feet, through a central angle of 11 degrees 27 minutes 05 seconds, for an arc distance of 50.50 feet to a one-half inch iron rod with plastic cap stamped "BEASLEY" found for corner, same being the beginning of a non-tangent curve left, whose long chord bears North 21 degrees 44 minutes 53 seconds West, a distance of 87.98 feet;

THENCE Northerly, continue with the common line between said City Ordinance No. 1364 and the existing Easterly right-of-way line of North Walnut Creek Drive, with said non-tangent curve to the left, having a radius of 806.00 feet, through a central angle of 06 degrees 15 minutes 27 seconds, for an arc distance of 88.03 feet to a one-half inch iron rod with plastic cap stamped "BEASLEY" found for corner, same being the beginning of a non-tangent curve to the right, whose long chord bears North 17 degrees 21 minutes 20 seconds East, a distance of 91.42 feet;

THENCE Northeasterly, continue with the common line between said City Ordinance No. 1364 and the existing Easterly right-of-way line of North Walnut Creek Drive, with said curve to the right, having a radius of 68.00 feet, through a central angle of 84 degrees 28 minutes 11 seconds, for an arc distance of 100.25 feet to a one-half inch iron rod found for corner in the existing South right-of-way line of East Debbie Lane (variable width right-of-way);

THENCE North 59 degrees 33 minutes 40 seconds East with the common line between said City Ordinance No. 1364 and the existing South right-of-way line of said East Debbie Lane, a distance of 113.05 feet to a one-half inch iron rod with plastic cap stamped "WEIR & ASSOC. INC." found for corner;

THENCE North 60 degrees 28 minutes 30 seconds East, continue with the common line between said City Ordinance No. 1364 and the existing South right-of-way line of said East Debbie Lane, a distance of 62.00 feet to a one-half inch iron rod with plastic cap stamped "WEIR & ASSOC. INC." found for corner, same being the beginning of a non-tangent curve to the right, whose long chord bears North 61 degrees 36 minutes 06 seconds East, a distance of 14.30 feet;

Continued on Page 2:

Project No. 090-21-018 | Date: 12/20/2021 | Page 1 of 3 | Drawn by: SA | Checked by: MD2

ZONING LIMITS EXHIBIT

ADDRESS: 1700 NORTH WALNUT CREEK DRIVE
BEING 14.156 ACRES OR (616,621 SQUARE FEET) OUT OF THE
HENRY MCGEHEE SURVEY, ABSTRACT NO. 998
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS



EXHIBIT "A"

LEGAL LAND DESCRIPTION:

Continued from Page 1:

THENCE Easterly with the common line between said Total E&P USA Real Estate tract and the existing South right-of-way line of said East Debbie Lane, with said non-tangent curve to the right, having a radius of 1940.00 feet, through a central angle of 00 degrees 25 minutes 21 seconds, for an arc distance of 14.30 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner in the existing South right-of-way line of said East Debbie Lane, as recorded in Instrument Number D220286670, O.P.R.T.C.T.;

THENCE North 68 degrees 11 minutes 57 seconds East, continue with the common line between said Total E&P USA Real Estate tract and the existing South right-of-way line of said East Debbie Lane, a distance of 101.13 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE North 62 degrees 37 minutes 01 second East, continue with the common line between said Total E&P USA Real Estate tract and the existing South right-of-way line of said East Debbie Lane, a distance of 64.61 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner, same being the existing Northwest corner of that certain tract of land described in a Special Warranty Deed to Mansfield Independent School District (hereinafter referred to as Mansfield ISD tract), as recorded in Instrument Number D220097207, O.P.R.T.C.T.;

THENCE South 73 degrees 52 minutes 46 seconds East, departing the existing South right-of-way line of said East Debbie Lane, with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, a distance of 21.76 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 30 degrees 22 minutes 34 seconds East, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, a distance of 37.05 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner, same being the beginning of a curve to the left, whose long chord bears South 75 degrees 22 minutes 29 seconds East, a distance of 133.64 feet;

THENCE Easterly, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, with said curve to the left, having a radius of 94.50 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 148.44 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE North 59 degrees 37 minutes 26 seconds East, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, a distance of 126.70 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner, same being the beginning of a curve to the right, whose long chord bears South 75 degrees 22 minutes 31 seconds East, a distance of 41.72 feet;

THENCE Easterly, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, with said curve to the right, having a radius of 29.50 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 46.34 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

THENCE South 30 degrees 22 minutes 32 seconds East, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, a distance of 427.76 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner, same being the beginning of a curve to the right, whose long chord bears South 22 degrees 42 minutes 17 seconds East, a distance of 58.07 feet;

THENCE Southeasterly, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, with said curve to the right, having a radius of 217.50 feet, through a central angle of 15 degrees 20 minutes 33 seconds, for an arc distance of 58.24 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner;

Continued on Page 3:

Project No. 090-21-018 | Date: 12/20/2021 | Page 2 of 3 | Drawn by: SA | Checked by: MD2

ZONING LIMITS EXHIBIT

ADDRESS: 1700 NORTH WALNUT CREEK DRIVE
BEING 14.156 ACRES OR (616,621 SQUARE FEET) OUT OF THE
HENRY MCGEEHEE SURVEY, ABSTRACT NO. 998
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS



EXHIBIT "A"

LEGAL LAND DESCRIPTION:

Continued from Page 2:

THENCE South 15 degrees 02 minutes 51 seconds East, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, a distance of 55.29 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner, same being the beginning of a non-tangent curve to the left, whose long chord bears South 22 degrees 29 minutes 32 seconds East, a distance of 73.34 feet;

THENCE Southeasterly, continue with the common line between the remainder of said Total E&P USA Real Estate tract and said Mansfield ISD tract, with said curve to the left, having a radius of 282.50 feet, through a central angle of 14 degrees 54 minutes 59 seconds, for an arc distance of 73.55 feet to a five-eighths inch iron rod with red plastic cap stamped "RPLS 4838" set for corner in the Southeasterly line of said Total E&P USA Real Estate tract, same being the Northwesterly line of that certain tract of land described as Lot 1, Block 1 of the aforesaid North Park (hereinafter referred to as Lot 1);

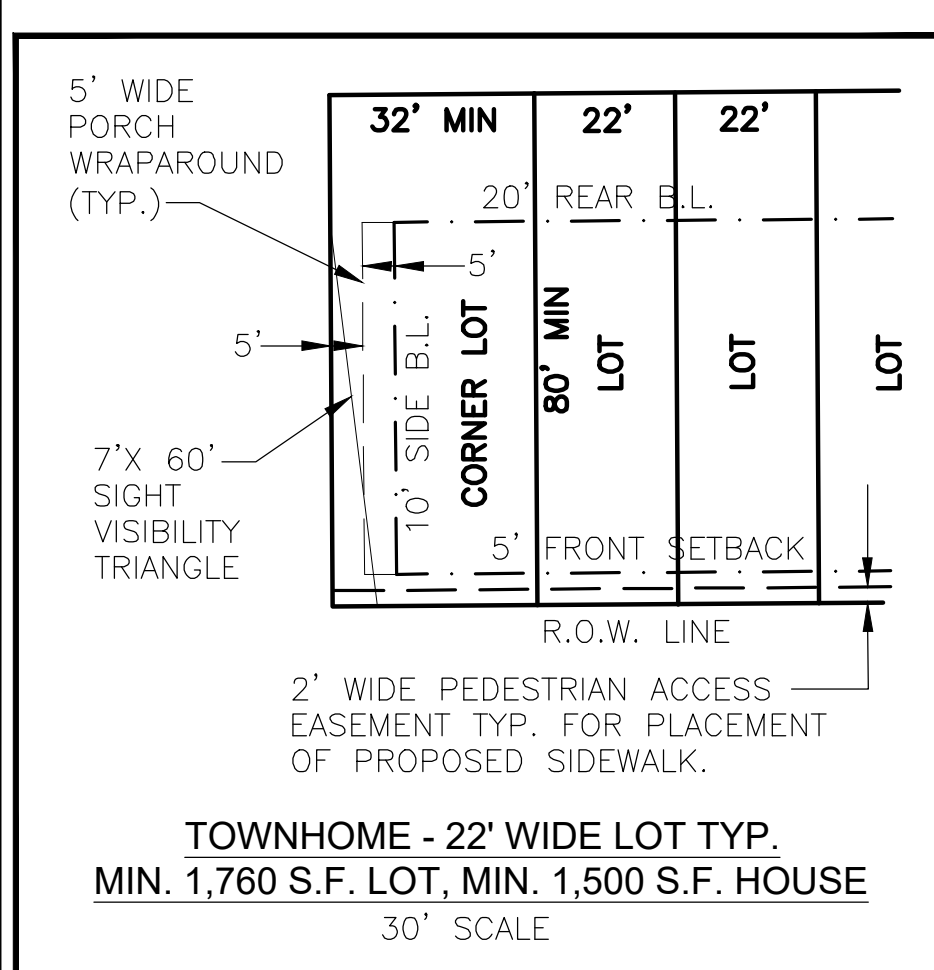
THENCE South 59 degrees 35 minutes 21 seconds West with the common line between said Total E&P USA Real Estate tract and said Lot 1, a distance of 982.28 feet to the PLACE OF BEGINNING, and containing a calculated area of 14.156 acres (616,621 square feet) of land.

Project No. 090-21-018 | Date: 12/20/2021 | Page 3 of 3 | Drawn by: SA | Checked by: MD2

ZONING LIMITS EXHIBIT

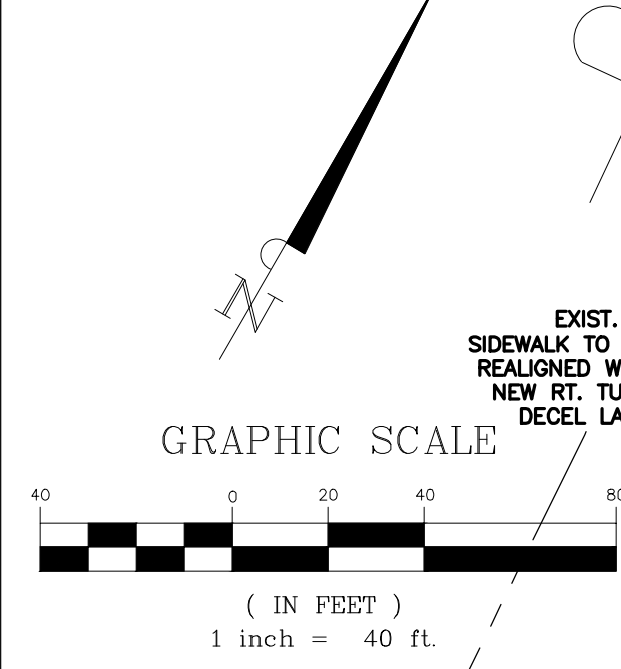
ADDRESS: 1700 NORTH WALNUT CREEK DRIVE
BEING 14.156 ACRES OR (616,621 SQUARE FEET) OUT OF THE
HENRY MCGEEHEE SURVEY, ABSTRACT NO. 998
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS





APPLICANT/DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE
SUITE 900
DALLAS, TX 75225
OFFICE: 214-888-8845
CONTACT: JOHN ARNOLD
EMAIL:
JARNOLD@SKORBURGCOMPANY.COM

ENGINEER/SURVEYOR:
BANNISTER ENGINEERING, LLC
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
(817) 842-2094
CONTACT: CODY BROOKS, PE
EMAIL: CODY@BANNISTERENG.COM
CONTACT: MIKE DAVIS



VICINITY MAP
NOT TO SCALE
MANSFIELD, TEXAS

RESIDENTIAL SITE DATA SUMMARY (528,189 S.F. - 12.13 AC)	
LOT DENSITY:	10.64 UNITS / AC
MAXIMUM HOME HEIGHT:	40'
MIN. HOME S.F.	1500 S.F.
REQUIRED PARKING	2 SPACES
PROVIDED PARKING	4 SPACES (2 GARAGE, 2 DRIVE)
LOT SIZE:	22' x 80'
BUILDING PADS	22' x 55'
TOTAL UNITS	129
STREETS:	50' R.O.W.
PAVEMENT:	29'56" BACK TO BACK
OPEN SPACE PLOTS:	63,556 S.F. (1.46 AC)
COMMERCIAL SITE DATA SUMMARY (88,432 S.F. - 2.03 AC)	
BUILDING AREA:	12,950 S.F.
FLOOR AREA RATIO:	0.15
REQUIRED PARKING (4b)	46 SPACES
PROVIDED PARKING	98 SPACES

PLANNED DEVELOPMENT REGULATIONS:

1. SIDEWALKS WILL BE INSTALLED IN THIS DEVELOPMENT AS SHOWN
2. RESIDENTIAL LOT LANDSCAPE STANDARDS SHALL BE IN ACCORDANCE WITH CITY ORDINANCE.
3. ALL AC UNITS SHALL BE SCREENED FROM PUBLIC VIEW
4. ALL IRRIGATION OF OPEN SPACE LOTS SHALL BE MAINTAINED BY THE HOA.
5. ALL LANDSCAPE AREAS, INCLUDING LANDSCAPE BUFFERS, SETBACKS AREAS, OPEN SPACE LOTS AND FRONT YARDS SHALL BE IRRIGATED.
6. STREET SIGNS SHALL BE ENHANCED WITH DECORATIVE POLE AND MOUNTS WITH STANDARD STREET SIGNS ATTACHABLE AND SHALL BE MAINTAINED BY THE H.O.A.
7. A HOME OWNERS ASSOCIATION (HOA) SHALL BE ESTABLISHED TO OVERSEE THE CODES AND COVENANTS OUTLINE WITHIN THIS PLANNED DEVELOPMENT. REFER TO SEPARATE NOTES THIS SHEET.
8. THIS PROPOSED PLANNED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH PROVISIONS OF THE APPROVED DEVELOPMENT DISTRICT AND THAT ALL DEVELOPMENT PLANS RECORDED HEREUNDER SHALL BE BINDING UPON APPLICANT THEREOF, HIS SUCCESSORS AND ASSIGNS, AND SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.
9. THE HOA IS RESPONSIBLE FOR THE MAINTENANCE OF ALLEYS (COMMON ACCESS EASEMENTS).

HOME OWNERS ASSOCIATION NOTES:

1. A MANDATORY HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE MASONRY SCREENING WALL WITH MASONRY COLUMNS; THE WOOD FENCE WITH MASONRY COLUMNS; THE DECORATIVE METAL FENCE; THE WOOD FENCE ALONG THE NORTHERN AND WESTERN PERIMETER OF THE DEVELOPMENT; THE DECORATIVE STREET SIGN AND STREET LIGHT POLES AND MOUNTS; THE OPEN SPACE LOTS AND ALL LANDSCAPING AND IMPROVEMENTS THEREON; AND THE ENHANCED ENTRYWAY FEATURES, INCLUDING BUT NOT LIMITED TO, THE MEDIAN, LANDSCAPING, ANY NON-STANDARD PAVEMENT, THE ENTRANCE MASONRY WALLS AND SIGNAGE, AND THE DECORATIVE LIGHT FIXTURES.
2. THE OWNERS ASSOCIATION AND ASSOCIATED DOCUMENTS SHALL BE FILED IN ACCORDANCE WITH CITY OF MANSLFIELD POLICIES. THESE DOCUMENTS MUST BE REVIEWED BY THE CITY ATTORNEY PRIOR TO FILING THE FINAL PLAT. THE DOCUMENTS SHALL BE FILED WITH THE FINAL PLAT AT TARRANT COUNTY WHEN DEEMED NECESSARY BY THE ATTORNEY. THE DOCUMENTS SHALL BE SUBMITTED IN TIMELY MANNER TO ALLOW FOR A MINIMUM OF 60 DAY REVIEW. FAILURE TO SUBMIT THE DOCUMENTS OR INCOMPLETE DOCUMENTS MAY RESULT IN A DELAY OF CONSTRUCTION, ACCEPTANCE OF THE SUBDIVISION OR DELAY IN APPROVAL OF A BUILDING PERMIT. THE CITY HAS NO LIABILITY FOR ANY DELAYS IN CONSTRUCTION, APPROVAL OR ACCEPTANCE OF THE SUBDIVISION CAUSED BY FAILURE TO SUBMIT THE ASSOCIATION DOCUMENTS OR INACCURACY OF THE DOCUMENTS.

Being approximately 14 Acres of land situated in
the Henry McGehee Survey,
Abstract No. 998,
City of Mansfield, Tarrant County, Texas

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

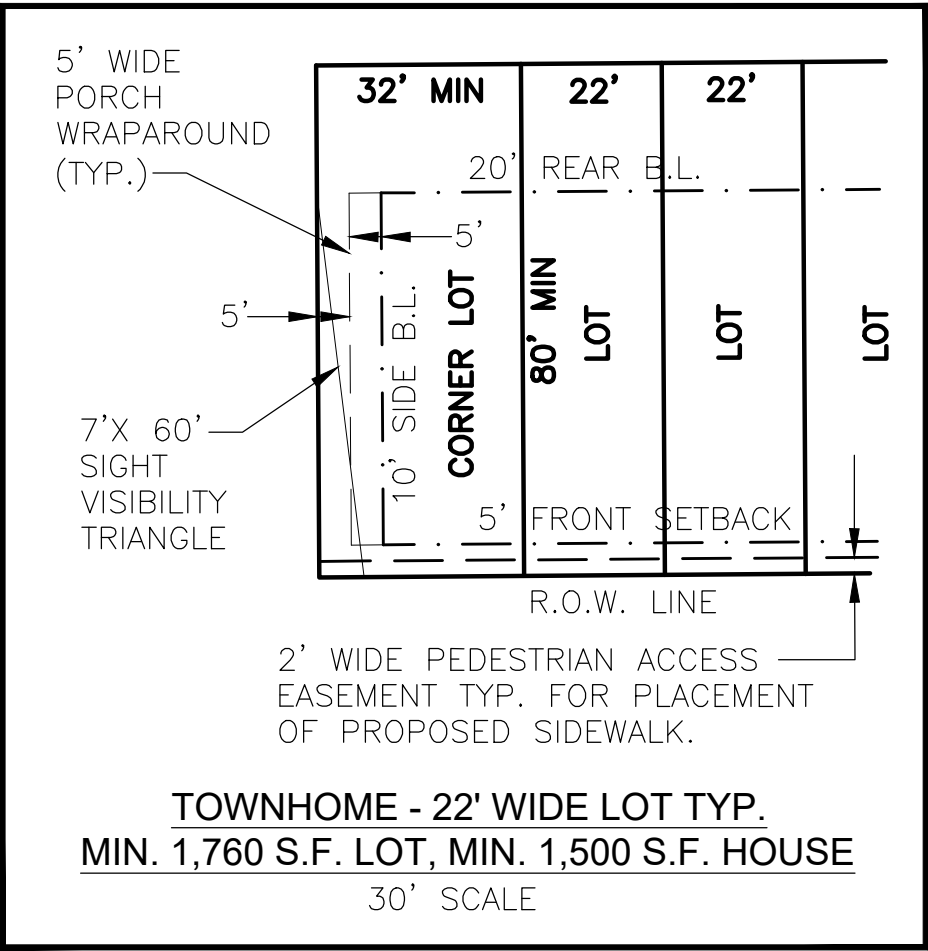
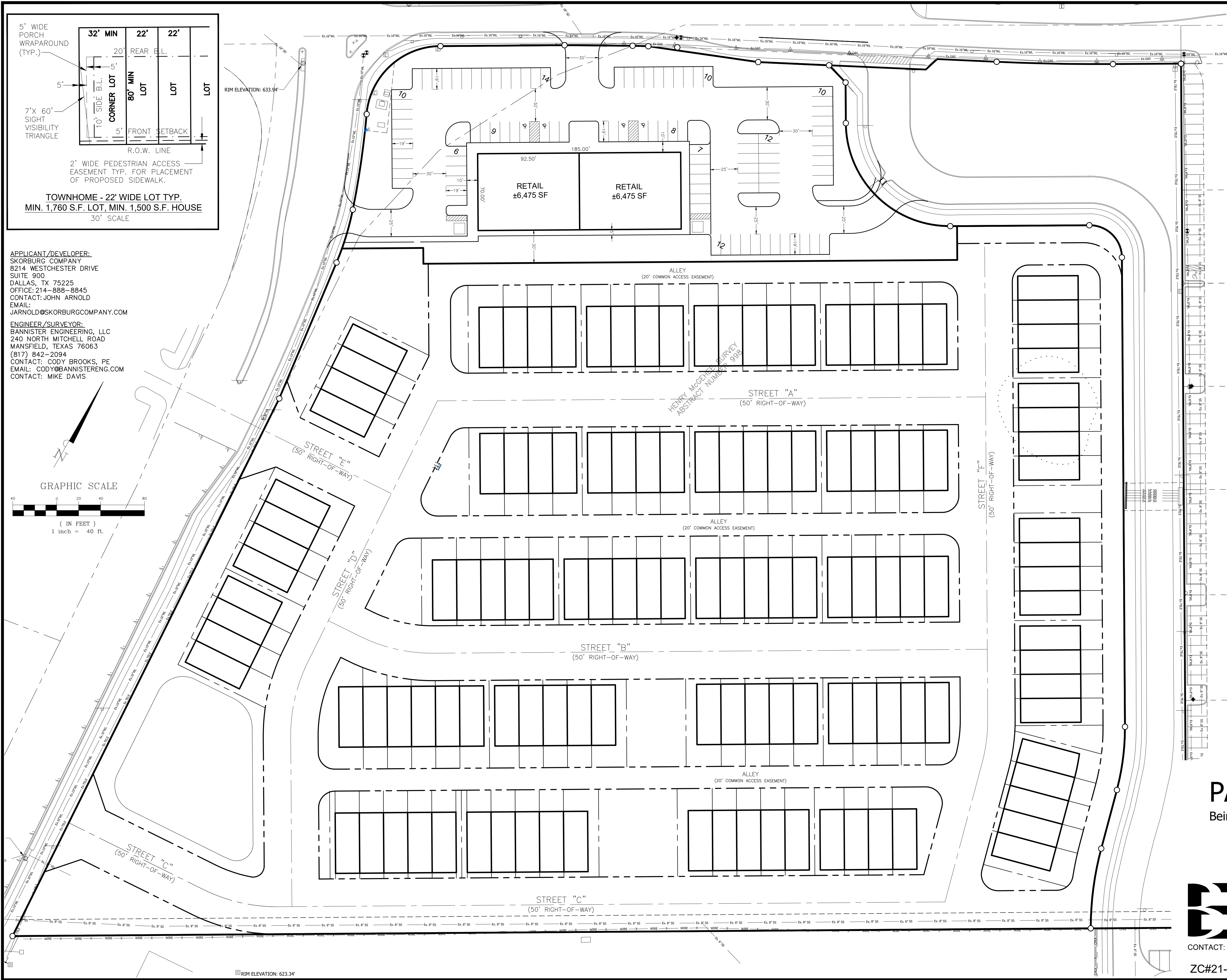
CONTACT: CODY BROOKS, P.E.

Date Prepared: 12/17/2021

ZC#21-023

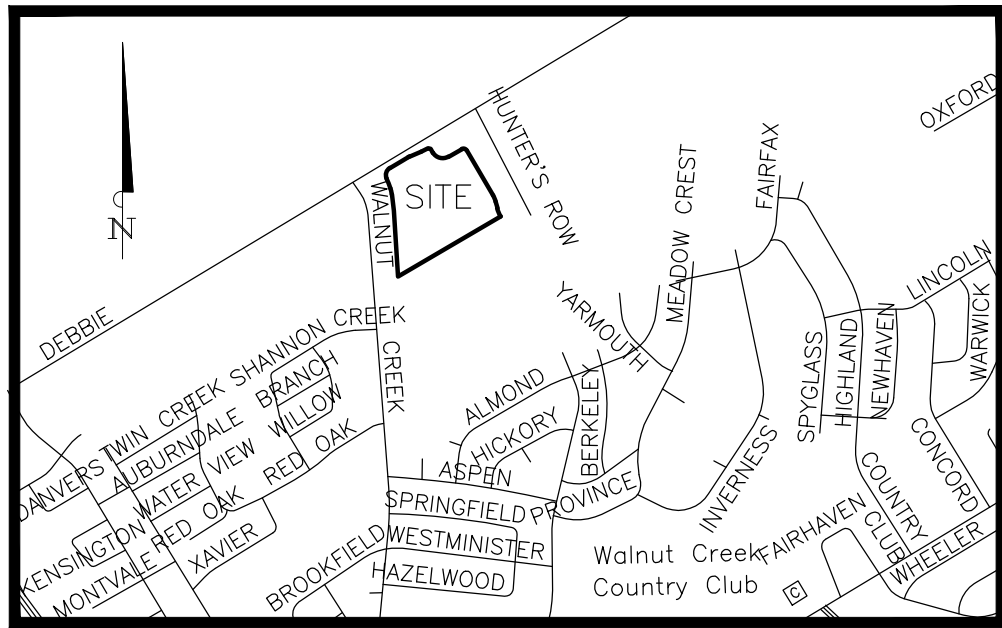
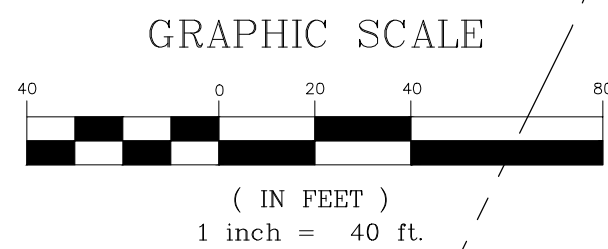
Date Revised: 2/16/2022

File: C:\Users\cody\Desktop\Bannister\090-21-018\EXH-B Development Plan Exhibit.dwg | Date Plotted: 3/15/2022 5:20 PM | Plotted By: cody



APPLICANT/DEVELOPER:
SKORBURG COMPANY
8214 WESTCHESTER DRIVE
SUITE 900
DALLAS, TX 75225
OFFICE: 214-888-8845
CONTACT: JOHN ARNOLD
EMAIL: JARNOLD@SKORBURGCOMPANY.COM

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BANNISTER ENGINEERING, LLC
240 NORTH MITCHELL ROAD
MANSFIELD, TEXAS 76063
(817) 842-2094
CONTACT: CODY BROOKS, PE
EMAIL: CODY@BANNISTERENG.COM
CONTACT: MIKE DAVIS



RESIDENTIAL SITE DATA SUMMARY (528,189 S.F. - 12.13 AC)	
LOT DENSITY:	10.64 UNITS / AC
MAXIMUM HOME HEIGHT:	40'
MIN. HOME S.F.	1500 S.F.
REQUIRED PARKING	2 SPACES
PROVIDED PARKING	4 SPACES (2 GARAGE, 2 DRIVE)
LOT SIZE:	22' X 80'
BUILDING PADS	22' X 55'
TOTAL UNITS	129
STREETS:	50' R.O.W.
PAVEMENT:	29' BACK TO BACK
OPEN SPACE LOTS:	
COMMERCIAL SITE DATA SUMMARY (88,432 S.F. - 2.03 AC)	
BUILDING AREA:	12,950 S.F.
FLOOR AREA RATIO:	0.15
REQUIRED PARKING (4b)	46 SPACES
PROVIDED PARKING	98 SPACES

- PLANNED DEVELOPMENT REGULATIONS:**
1. SIDEWALKS WILL BE INSTALLED IN THIS DEVELOPMENT AS SHOWN
 2. RESIDENTIAL LOT LANDSCAPE STANDARDS SHALL BE IN ACCORDANCE WITH CITY ORDINANCE.
 3. ALL AC UNITS SHALL BE SCREENED FROM PUBLIC VIEW
 4. ALL IRRIGATION OF OPEN SPACE LOTS SHALL BE MAINTAINED BY THE HOA.
 5. ALL LANDSCAPE AREAS, INCLUDING LANDSCAPE BUFFERS, SETBACKS AREAS, OPEN SPACE LOTS AND FRONT YARDS SHALL BE IRRIGATED.
 6. STREET SIGNS SHALL BE ENHANCED WITH DECORATIVE POLE AND MOUNTS WITH STANDARD STREET SIGNS ATTACHABLE AND SHALL BE MAINTAINED BY THE H.O.A.
 7. A HOME OWNERS ASSOCIATION (HOA) SHALL BE ESTABLISHED TO OVERSEE THE CODES AND COVENANTS OUTLINE WITHIN THIS PLANNED DEVELOPMENT. REFER TO SEPARATE NOTES THIS SHEET.
 8. THIS PROPOSED PLANNED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH PROVISIONS OF THE APPROVED DEVELOPMENT DISTRICT AND THAT ALL DEVELOPMENT PLANS RECORDED HEREUNDER SHALL BE BINDING UPON APPLICANT THEREOF, HIS SUCCESSORS AND ASSIGNS, AND SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.
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EXHIBIT "B" DEVELOPMENT PLAN PARKSIDE ADDITION

Being approximately 14 Acres of land situated in
the Henry McGehee Survey,
Abstract No. 998,
City of Mansfield, Tarrant County, Texas

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

CONTACT: CODY BROOKS, P.E. Date Prepared: 12/17/2021
Date Revised: 3/15/2022

ZC#21-023

May 2022

EXHIBIT “C”

**PARKSIDE ADDITION
(22’ wide alley served lots, and modified C-2 commercial zoning)**

PLANNED DEVELOPMENT CONDITIONS ADDENDUM TO DEVELOPMENT PLAN

**APPLICANT: SKORBURG COMPANY
ZC# 21-023**

A. GENERAL:

1. The existing provisions of the City of Mansfield, Texas Zoning Ordinance shall continue to be applicable to issues not covered by these PD, planned development district standards for Parkside Addition.
2. In the event of a conflict between these PD, planned development district standards, and those of the City of Mansfield, Texas Zoning Ordinance, as amended, the provisions set forth herein shall take precedence.

B. SITE DESIGN:

1. The Developer shall design and provide a mews generally running in a north-south direction and run the entire length of the development from the northernmost corner of the commercial buildings to the southernmost street. The dimensions of the mews shall be adequate to allow for structured or unstructured recreation. The aesthetic quality of the mews, including sidewalks that are dedicated exclusively to pedestrians, shall be as generally shown in Diagram 1, and subject to the approval of the Director of Planning.
2. The Developer shall design and provide a water fountain (or other similar water feature subject to the approval of the Director of Planning) as generally shown in Diagram 2 within the center of the mews.
3. The Developer shall design and provide a small open space for furniture games (i.e., bocci ball) as shown on the site plan. Such small open space shall be enclosed on all sides, with the exception of openings for pedestrian access, by a wall constructed of brick or stone and three (3) feet in height along all sides (with the exception that a portion of the exterior wall along Walnut Creek Drive may also

incorporate into the wall a community sign that may exceed three (3) feet in height subject to the approval of the Director of Planning). The small open space shall have characteristics of aesthetic quality and design similar to the small open space shown in Diagram 3 (no playground shall be installed in this area).

4. All setbacks shall be as defined on the Development Plan.
- C. GARAGE ORIENTATION: All townhome lots within Parkside Addition shall be alley-served.
- D. STREET TREES: Canopy trees at least three (3) inches caliper in size at the time of planting shall be planted between the sidewalk and street section, with a minimum of one (1) canopy tree for each 22' wide lot.
- E. ELEVATION CONTROLS: In order to encourage architectural variety on a continuous block, the building facades for the townhouses will not have repeating elevations/materials across the street and on either side of the subject building. A different combination or an intermix of materials shall be incorporated for the townhomes within these parameters. In addition:
1. Each lot created for the construction of a townhome abutting a portion of Walnut Creek Drive shall be designed so that:
 - a. The front building façade faces Walnut Creek Drive; AND
 - b. The front yard is designed as a dooryard in the manner described below.
 2. Examples of representative materials, photos, and elevations for the townhome lots are included in Diagram 6. All buildings shall comply with the architectural requirements of this planned development ("PD").
- F. HOMEOWNERS ASSOCIATION: A Homeowners Association ("HOA") shall be incorporated, and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association. In addition to maintaining all residential common areas, the HOA shall be

responsible for maintaining the front yards and side yard space between buildings. The commercial development shall be required to maintain its own common areas.

G. MINIMUM HOUSE SIZES: The minimum floor area for each home shall be 1,500 square feet.

H. ARCHITECTURAL STANDARDS:

1. Masonry Requirements: With the exception of openings for doors and windows only, a minimum of 80 percent of each building wall shall be fired-clay brick, cast stone, stone, or stucco. In addition:
 - a. Exterior insulated finishing systems (E.I.F.S.) is not a permitted material.
 - b. Doors and windows shall be recessed a minimum of three (3) inches in building facades constructed of brick, stone, or stucco. Flush mounted windows are prohibited.
2. Construction Standards: All homes will be constructed with fire suppression walls with resistance ratings certified for United States.
3. Required Architectural Features for Dwellings Only:
 - a. Each dwelling shall be required to provide a dooryard, a patio, a porch, or a stoop along the front building façade except as provided below.
 - i. A dooryard shall only be required for each dwelling with frontage along Walnut Creek Drive.
 - b. All dooryards, patios, porches, and stoops shall be designed and constructed as provided below:
 - i. Patios:
 - All patios, where provided, shall be a minimum of 60 square feet in area.
 - Patio flooring shall be brick, poured concrete, or stone.
 - ii. Porches:
 - All porches, where provided, shall be a minimum of 60 square feet in area.
 - Porch flooring shall be brick, poured concrete, or stone. Synthetic materials are permitted provided that they have the same appearance as the masonry materials.

- iii. Stoops:
 - All stoops, where provided, shall be elevated a minimum of two (2) feet above the adjacent sidewalk and shall have minimum depth of four (4) feet.
 - Stoops shall be constructed of brick, concrete, or stone material to match the adjacent building façade.
- iv. Dooryards:
 - All dooryards, where provided, shall be a minimum of five (5) feet in depth and shall be enclosed on three sides by wood slat, wood picket, or ornamental metal fence with a hedge row or decorative shrubs along the interior fence line.
 - A wall constructed of the material matching the adjacent building façade shall also be permitted.
 - The height of the fence shall be four (4) feet. The gate in the fence shall be made of ornamental metal or wood material.
 - Where dooryards are accompanied with a patio, a porch or a stoop meeting the specifications noted above, the minimum depth of the dooryard may be reduced to three (3) feet.
- c. All dwellings to be constructed on corner lots or high-visibility lots shall be held to an elevated standard for architecture as depicted on the Development Plan. Wrap-around porches shall be allowed to encroach up to five (5) feet into the side setback.
 - i. All corner dwellings at the intersection of two streets shall be required to have a wrap-around porch. The required wrap-around porch shall be at least one (1) story in height. This standard shall apply to fourteen (14) dwellings, and they may be identified on the site plan as such.
 - ii. All corner dwellings fronting the mews shall have a two-story wrap-around porch. This standard shall apply to eight (8) dwellings, and they may be identified on the site plan as such.

- iii. The dwelling fronting Walnut Creek Drive and the retention pond shall have a two-story wrap-around porch. This standard shall apply to one (1) dwelling, and it may be identified on the site plan as such.
 - iv. The four (4) dwellings directly adjacent to the water fountain shall be designed to have a substantial increase in glazing (i.e., a substantial increase in the number of openings for windows) on the building elevation fronting the sidewalks, a vegetative wall (i.e., growing ivy or similar) complemented with a change in exterior finish, and other architectural articulations (e.g., change in roof slope, building color, building materials, and projections or recesses) subject to the approval of the Director of Planning.
- d. In addition to the requirement of a dooryard, a patio, a porch, or a stoop on the front building façade, each dwelling shall incorporate four or more of the following architectural features to stimulate visual interest and to ensure building variety:
- i. Awnings or canopies;
 - ii. Balconies (a minimum of 25 square feet in area);
 - iii. Dormers;
 - iv. Offsets between an adjacent building façade (a minimum 12 inches to receive credit);
 - v. Varied front roof lines in building (a minimum 8-foot difference);
 - vi. Sconce lighting;
 - vii. Decorative banding or molding;
 - viii. Decorative overhangs;
 - ix. Eyebrow soldier courses;
 - x. Gables;
 - xi. Bay windows;
 - xii. Front porch columns (all columns shall be a minimum of 12 inches in depth and width);
 - xiii. Ornamental metal railing;
 - xiv. Horizontal banding across individual units of the building; and

- xv. Shutters (shall be of proportions which are identical to the opening for a window and may be operable and useable).
 - e. Garage doors for dwellings that front Walnut Creek Drive shall consist of 2-single car garage doors that are 8' wide with the option of including a roof overhang.
 - f. The first-story windows on rear elevations of dwellings that front Walnut Creek Drive shall incorporate a decorative overhang / awning feature with brackets and/or corbels.
- 4. Roof Pitch: Roofs may be symmetrically pitched a minimum of 6:12 or low-slope (i.e., flat). All flat roofs shall be enclosed on all sides by a parapet wall. Parapet walls shall be no less than 42 inches in height. Roofs for patios, porches, and stoops may be shed, and a minimum of 3:12.
 - 5. Windows: All openings for doors and windows shall be vertical in orientation and rectangular in proportion where visible from streets and civic spaces. Such windows shall also have dividing panes. Square windows shall be subject to the approval of the Director of Planning.
 - 6. Fencing Requirements: Except as specifically provided in this PD, planned development district, all fencing requirements shall comply with the provisions set forth in Section 155.094 (General provisions for all fences and free-standing walls) of the City of Mansfield, Texas Zoning Ordinance, as amended. In addition, the Developer shall install an ornamental metal fence along the eastern boundary of the development. The ornamental metal fence may only have openings large enough for automobile and pedestrian access to the driveway serving Asa Low Intermediate School. Such ornamental metal fencing shall be supplemented with evergreen landscaping subject to the approval of the Director of Planning.

I. COMMERCIAL STANDARDS:

- 1. Architectural Standards:
 - a. Generally, the architectural composition of all front building façades shall be inspired by the images shown in Diagram 4.

- b. With the exception of openings for doors and windows only, a minimum of 80 percent of each building wall shall be fired-clay brick, cast stone, stone or stucco. In addition:
 - i. Exterior insulated finishing systems (E.I.F.S.) is not a permitted material.
 - c. Doors and windows shall be recessed a minimum of three (3) inches in building façades constructed of brick, stone, or stucco. Flush mounted windows are prohibited.
 - d. A minimum of 70 percent of the front building façade between two and 12 feet above the adjacent sidewalk (i.e., the building wall containing the main point of access for pedestrians into the building) shall be glazed in clear glass. A minimum of 50 percent of any building façade facing any civic space or other area for structured or unstructured recreation shall be glazed in clear glass between two and 12 feet above the adjacent sidewalk.
 - i. No more than 10 percent of the required glazing for commercial uses shall be tinted.
 - e. All commercial tenant spaces shall be designed as separate shopfronts. Shopfronts shall be subject to the following design requirements:
 - i. Shopfronts shall be designed with a bulkhead, display window and transom.
 - ii. Bulkheads shall be between 24 and 36 inches in height.
 - iii. Transom windows shall be installed above the bulkhead and display windows.
 - f. All rooftop mechanical equipment shall be fully screened from all sides by parapet walls of which shall be at least 12 inches greater in height than the equipment.
 - 2. Sign Standards: Commercial signage will comply with all applicable provisions in Section 155.090 (Sign standards) for the C-2, Community Business District.
 - 3. Allowed Uses: The following commercial uses shall be permitted:
 - a. Retail, provided that the specific use shall be further limited to:
 - i. Apparel store.

- ii. Arts and crafts store.
- iii. Bakery (no drive-through facility).
- iv. Bike shop.
- v. Café (no drive-through facility).
- vi. Coffee shop (no drive-through facility).
- vii. Corner market or convenience goods store provided that:
 - a minimum of 40 percent of its retail sales and display area shall be dedicated exclusively to the sale of a general line of food and beverages that are intended for home preparation and consumption;
 - a minimum of 20 percent of its retail space and display area shall be dedicated exclusively to the sale of perishable goods including dairy, fresh produce, fresh meats, poultry, fish and frozen foods;
 - a maximum 10 percent of its retail space and display area of the corner market may be devoted to the sale of alcohol for off-site consumption; AND
 - the retail sale of discount and used merchandise is expressly prohibited.
- viii. Florist.
- ix. Gift store.
- x. Hardware store.
- xi. Ice cream parlor (no drive-through facility).
- xii. Jewelry store.
- xiii. Pet supplies store.
- xiv. Pharmacy (no drive-through facility).
- xv. Restaurant (no drive-through facility).
- xvi. Mobile food vendor.
- b. Personal service, provided that the specific use shall be further limited to:
 - i. Barber.
 - ii. Day spa.

- iii. Dry cleaner (no drive-through facility).
 - iv. Fitness studio.
 - v. Hairdresser.
 - vi. Pet grooming.
 - vii. Salon.
 - viii. Shoe repair.
 - ix. Tailor.
 - c. Office.
 - d. Medical clinic.
 - e. Veterinarian office (without outside animal run or pens).
 - f. Mail center (may be located within or adjacent to corner market or convenience goods store or food service establishment).
4. Minimum Dedication of Commercial Space to Food Service Establishment: A minimum of 2,500 square feet of gross leasable space shall be permanently dedicated to the operation of a restaurant, coffee shop, café, or other similar food service establishment subject to the approval of the Director of Planning and subject to the limitations of this PD, planned development district.
 5. Outdoor Seating and Serving Area: Outdoor seating and serving areas shall be provided adjacent to all sidewalks enclosing the mews as generally shown in Diagram 5.
 6. String Lighting: The sidewalks enclosing the mews within the commercial district shall be adorned with string lighting at frequent intervals to stimulate visual interest and to encourage pedestrian activity.
 7. Prohibited Uses: Any use not listed in Paragraph C above shall be prohibited, including drive-through facilities and outdoor storage.
 8. Required Parking: All commercial uses shall require a minimum of 4.0 assigned parking spaces per 1,000 square feet of gross leasable space.
 9. Outdoor Refuse and Recycling Collection Receptacles: Outdoor refuse and recycling collection receptacles shall be visually screened on all sides by a solid wall a minimum of six (6) feet in height, and that is constructed of a material

matching the adjacent building façade. All access doors into the collection receptacle shall be made of opaque metal matching the height of the solid walls.

10. The commercial component of this planned development shall comply with the C-2, community business district standards except when such standards conflict with the provisions of this PD, planned development district.

DIAGRAM 1:



DIAGRAM 2:



DIAGRAM 3:



DIAGRAM 4:



DIAGRAM 5:



DIAGRAM 6 (page 1 of 4):



Inspiration Images of Townhomes for Exterior Finishes



Roofing Shingles Option 1



Front Door in Dark Mahogany



Garage Door in Dark Mahogany



Exterior Stone Brick for Facade



Stucco Option 1 in Gravel Stone



Stucco Option 2 in Taupe Gray



Stone Veneer Option 1



Stone Veneer Option 2



Coach Light Option 1



Coach Light Option 2



Exterior Shutters in Dark Berry



Exterior Paint Scheme 1



Exterior Paint Scheme 2



Colorways of Siding Boards



Manifold Townhomes | Color Palette A



Bush Architecture

DIAGRAM 6 (page 2 of 4):

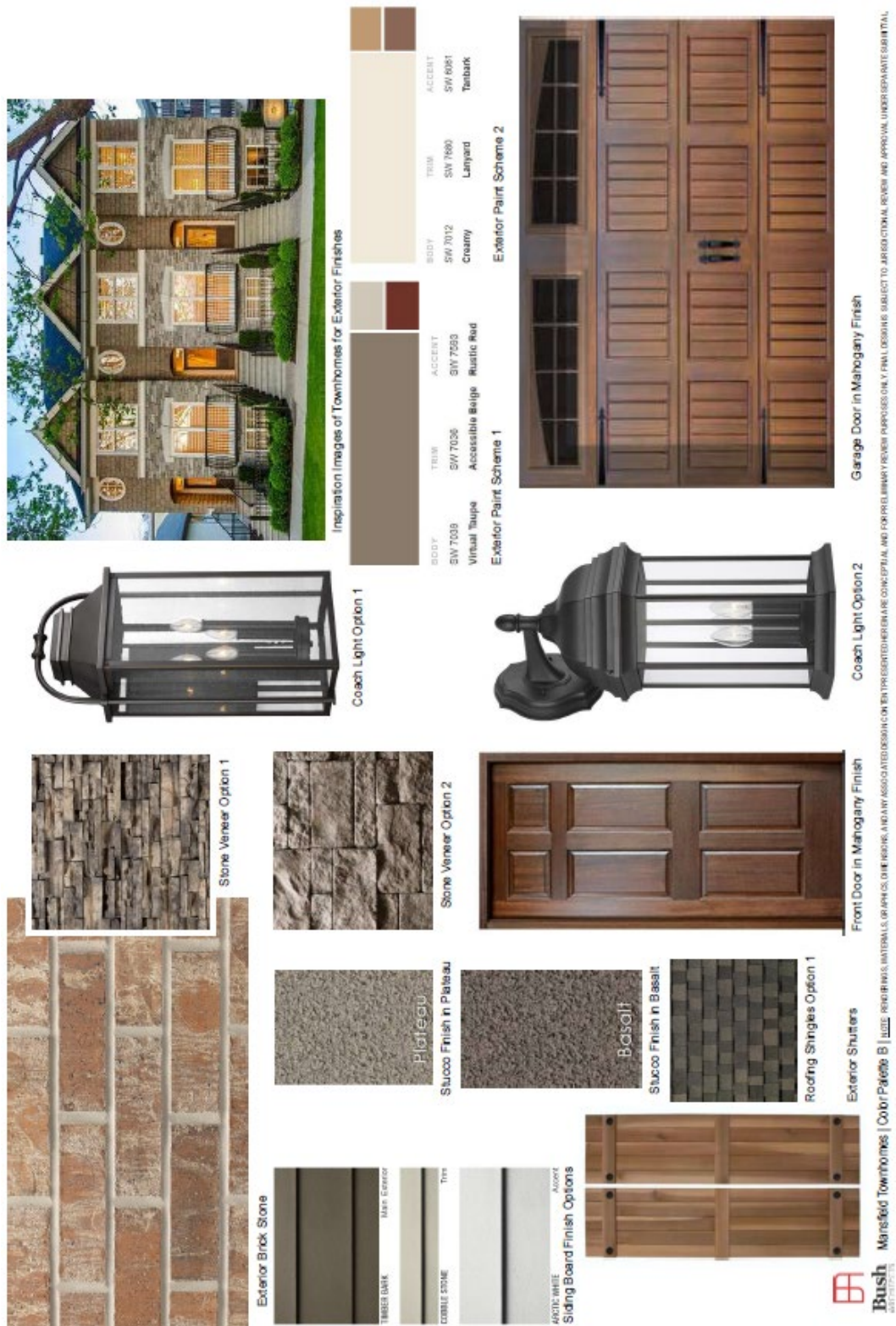
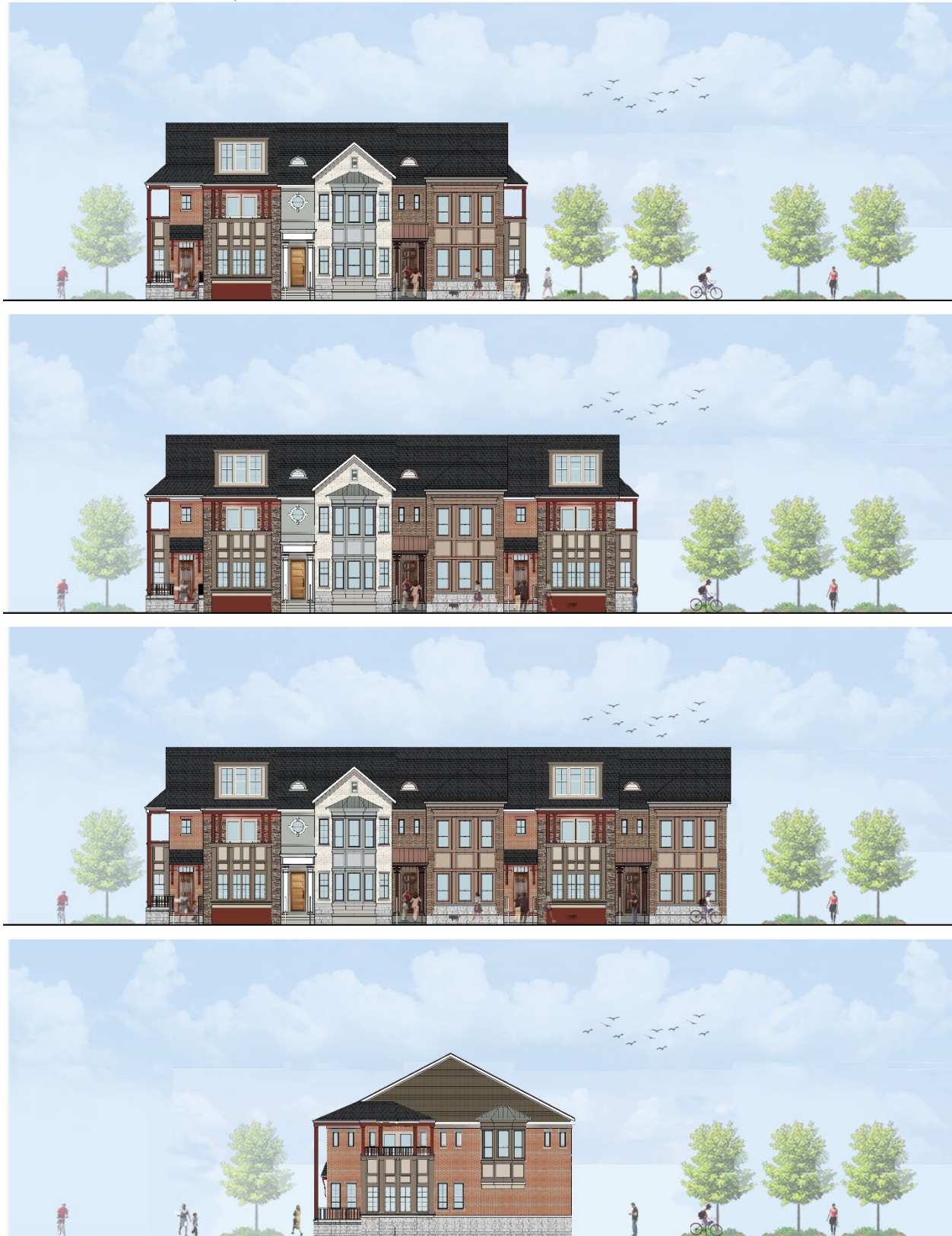


DIAGRAM 6 (page 3 of 4):



DIAGRAM 6 (page 4 of 4):





SUMMARY CHART - BUFFERYARDS / SETBACKS									
PARCEL	LOCATION OF BUFFERYARD OR SETBACK	PROPOSED USE	ADJACENT ZONING	BUFFERYARD OR SETBACK WIDTH / TYPE	LENGTH (IN FEET)	TREES REQ'D	TREES PROV'D	SCREEN WALL / DEVICE HEIGHT AND MATERIAL REQUIRED	SCREEN WALL / DEVICE HEIGHT AND MATERIAL PROVIDED
LOT 1	NORTH (DEBBIE LN)	C-2	C-2	5	397	8	8	N/A	N/A
LOT 1	EAST (SCHOOL DRIVEWAY)	C-2	SCHOOL, PUBLIC	10	167	7	7	6' SCREENING WALL	NONE
LOT 1	NORTH (SCHOOL DRIVEWAY)	TH	SCHOOL, PUBLIC	10	144	6	6	6' SCREENING WALL	NONE
LOT 1	EAST (SCHOOL DRIVEWAY)	TH	SCHOOL, PUBLIC	10	638	26	0	6' SCREENING WALL	6' B.O.B. Fence
LOT 1	SOUTH (CITY PARK)	TH	SCHOOL, PUBLIC	10	982	40	5	6' SCREENING WALL	NONE
LOT 1	WEST (WALNUT CREEK DR)	TH	C-2	10	637	26	26	6' SCREENING WALL	4' DOOR-YARDS
LOT 1	WEST(WALNUT CREEK DR)	C-2	C-2	10	150	3	3	N/A	N/A

PLANT SCHEDULE	
TREES	BOTANICAL / COMMON NAME
	ILEX VOMITORIA / YAUPON HOLLY (OR OTHER CITY APPROVED ACCENT TREE) 2" Cal.
	QUERCUS SHUMARDII / SHUMARD RED OAK 3" Cal.
	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK 3" Cal.
	ULMUS CRASSIFOLIA / CEDAR ELM 3" Cal.
SHRUBS	BOTANICAL / COMMON NAME
	ILEX VOMITORIA 'NANA' / DWARF YAUPON (OR OTHER CITY APPROVED EVERGREEN SCREENING SHRUB)
	ILEX X 'NELLIE R STEVENS' / NELLIE STEVENS HOLLY (OR OTHER CITY APPROVED EVERGREEN SCREENING SHRUB)
	NASSELLA TENUISSIMA / MEXICAN FEATHER GRASS (OR OTHER CITY APPROVED ORNAMENTAL GRASS/PERENNIAL)
GROUND COVERS	BOTANICAL / COMMON NAME
	/ SHRUBS, GRASSES, GROUND COVER
	CYNODON DACTYLON 'TIF 419' / BERMUDA GRASS

- 1

ONE-STORY WRAP AROUND PORCH - 14 LOTS
- 2

TWO-STORY WRAP AROUND PORCH - 9 LOTS
- 3

ELEVATED ARCHITECTURAL STANDARDS FOR SIDEWALK FACING ELEVATIONS - 4 LOTS

LANDSCAPE PLAN (OPT. C)

EXHIBIT 'D'

PARKSIDE ADDITION

Being 128 lots on approximately 14 Acres of land situated in the Henry McGehee Survey, Abstract No. 998, City of Mansfield, Tarrant County, Texas

BANNISTER
ENGINEERING

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

CONTACT: CODY BROOKS, P.E.

Date Prepared: 12/17/2021

ZC#21-023

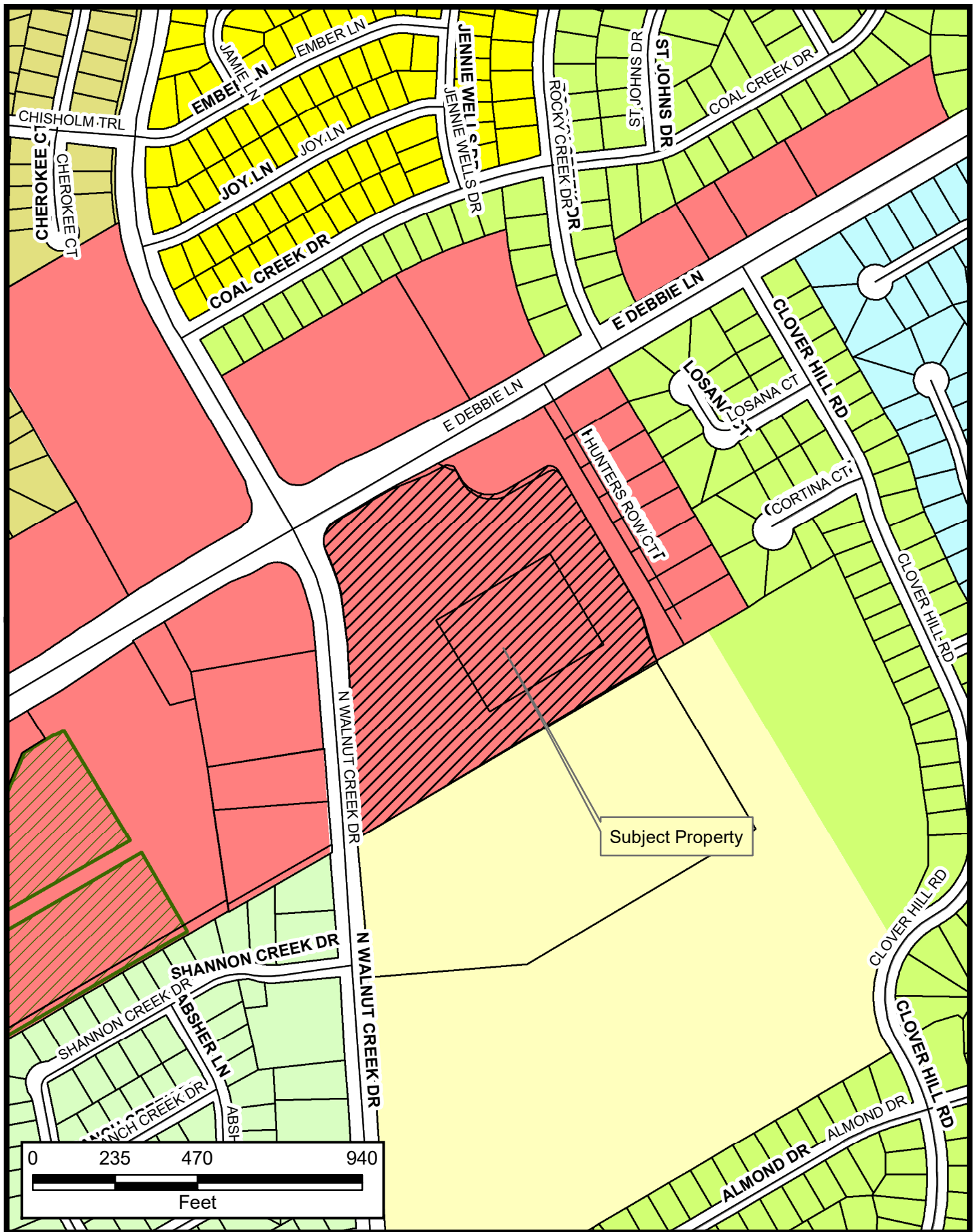
Date Revised: 5/3/2022



ZC#21-023

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.

2/15/2022



Property Owner Notification for ZC#21-023

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
HUNTER'S ROW AT WALNUT CREEK	LOT 1	700 HUNTERS ROW LLC	7600 LANDMARK WAY UNIT 1001	ENGLEWOOD, CO	80111
HUNTER'S ROW AT WALNUT CREEK	LOT 2	PDQ REAL ESTATE LP	704 HUNTERS ROW CT	MANSFIELD, TX	76063-4001
HUNTER'S ROW AT WALNUT CREEK	LOT 3	704 HUNTERS ROW INC	704 HUNTERS ROW CT	MANSFIELD, TX	76063-4001
HUNTER'S ROW AT WALNUT CREEK	LOT 4	HUNTERS ROW LLC	2000 STONEBRIDGE CT	MANSFIELD, TX	76063-5338
HUNTER'S ROW AT WALNUT CREEK	LOT 5	VIDYA LLC	3060 TREVINO	GRAND PRAIRIE, TX	75054
HUNTER'S ROW AT WALNUT CREEK	LOT 6R	PIONEER MILLS INVESTMENTS LLC	717 CRESWELL RD #49	SHREVEPORT, LA	71106
HUNTER'S ROW AT WALNUT CREEK	LOT 7	INUKSHUK LP	2224 WANDA WAY	ARLINGTON, TX	76001-7066
HUNTER'S ROW AT WALNUT CREEK	LOT 8	MACKINS, PETER M	7183 BAY HILL DR	SANTA BARBARA, CA	75036
LEGEND MANSFIELD ADDN	BLK 1	PEREGRINE PRODUCTION LLC	PO BOX 50655	MIDLAND, TX	79710
LEGEND MANSFIELD ADDN	BLK 1	LW MANSFIELD PROPCO LLC	4500 DORR ST	TOLEDO, OH	43615
MANSFIELD DENTAL ADDITION	BLK 1	FIORENTINA PROPERTIES LLC	1217 STONEWALL DR	MANSFIELD, TX	76063
MANSFIELD DENTAL ADDITION	BLK 1	FIORENTINA PROPERTIES LLC	1217 STONEWALL DR	MANSFIELD, TX	76063
MANSFIELD DENTAL ADDITION	BLK 1	CITY OF MANSFIELD	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MCGEHEE, HENRY SURVEY	A 998	TOTAL E&P USA REAL ESTATE LLC	PO BOX 17180	FORT WORTH, TX	76102
MCGEHEE, HENRY SURVEY	A 998	ORTEGA, PEDRO	1625 N WALNUT CREEK DR	MANSFIELD, TX	76063
MCGEHEE, HENRY SURVEY	A 998	CHESAPEAKE LAND DEV CO LLC	PO BOX 17180	FORT WORTH, TX	76102
MCGEHEE, HENRY SURVEY	A 998	MANSFIELD, ISD	605 E BROAD ST	MANSFIELD, TX	76063-1766
MISD, MCGEEHEE ADDN	BLK 1	MANSFIELD, ISD	605 E BROAD ST	MANSFIELD, TX	76063-1766
NORTH PARK MANSFIELD	BLK 1	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805

Tuesday, February 15, 2022

Page 1 of 2

Property Owner Notification for ZC#21-023

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
TURNING POINT ADDITION, THE	BLK 1	CCAL WALNUT CREEK PRIVATE SCHO	PO BOX 2253	MANSFIELD, TX	76063
WALNUT CREEK PRIVATE SCHOOL AD	BLK 1	CCAL WALNUT CREEK PRIVATE SCHO	PO BOX 2253	MANSFIELD, TX	76063



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 22-4665

Agenda Date: 5/9/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - An Ordinance of the City of Mansfield, Texas, Amending Title Xi of the Mansfield Code of Ordinances Pertaining to Donation Box Permits; Creating a New Chapter 116 to Establish a Donation Box Permit; Establishing Maintenance Regulations for Donation Boxes; Providing for the Revocation of Such Permits; Providing for Fees Related to Chapter 116; Providing for the Repeal of all Ordinances in Conflict; Providing a Severability Clause; Providing a Penalty of Fine Not to Exceed the Sum of Five Hundred Dollars (\$500.00) for Each Offense; And Providing an Effective Date

Requested Action

Approval of Proposed Ordinance.

Recommendation

Approval of Proposed Ordinance.

Description/History

The City of Mansfield currently does not have any method for regulating the issuance and compliance with a permit for the placement of a donation box. The proposed permit would allow for greater efficiency in tracking the locations and contact information of operators who maintain donation boxes placed in the City.

Justification

The proposed ordinance would allow for the creation of a permit system which would allow the Department of Regulatory Compliance to maintain a database of donation boxes in an accurate and timely manner. Additionally, the proposed ordinance would outline procedures for enforcing minimum maintenance and cleanliness requirements in regards to permitted donation boxes. This would be advantageous, beneficial and in the best interest of the residents of Mansfield.

Funding Source

N/A

Prepared By

Nicolette Ricciuti, Strategic Initiatives Officer
Department of Regulatory Compliance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XI OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOX PERMITS; CREATING A NEW CHAPTER 116 TO ESTABLISH A DONATION BOX PERMIT; ESTABLISHING MAINTENANCE REGULATIONS FOR DONATION BOXES; PROVIDING FOR THE REVOCATION OF SUCH PERMITS; PROVIDING FOR FEES RELATED TO CHAPTER 116; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Title XI of the Code of Ordinances of the City of Mansfield to regulate donation boxes as provided herein.

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

SECTION 1.

That Title XI, "Business Regulations," of the Code of Ordinance of the City of Mansfield is hereby amended by creating a new Chapter 116, "Donation Box Permits and Enforcement" to read as follows:

"CHAPTER 116: DONATION BOX PERMITS AND ENFORCEMENT

GENERAL PROVISIONS

§ 116.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The director of the department designated by the City Manager to enforce and administer this Chapter, including the Director's designees.

CITY APPEAL OFFICER. The authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

DONATION BOX. The definition of this term set forth in Section 155.012 of the Mansfield Code of Ordinances is incorporated into this chapter..

DONATION BOX PERMITS

§ 116.02 PERMITS.

(A) A Donation Box Permit must be obtained from the Department of Regulatory Compliance for all donation boxes to be located in the City of Mansfield, subject to the following requirements:

(1) Prior to the issuance of a Donation Box permit, the operator of a donation box shall obtain a Specific Use Permit in accordance with Section 155.080 of the Code of Ordinances of the City of Mansfield if required by Subsection 155.054(B), "Permitted Use Table," Table D.

(2) A separate permit is required for each donation box located in the City.

(3) The property owner shall sign and notarize the Donation Box Permit application authorizing the placement of a donation box on the property.

(4) A decal to allow a donation box to be placed and used at a designated location shall be issued by Regulatory Compliance at the time of the approval of the Donation Box Permit. The decal shall be placed on the donation box in a visible location to identify the donation box as an allowed use on the property.

(5) The operator of the donation box shall be the applicant on a Donation Box Permit application. If the donation box operator changes, the new operator must obtain a new Donation Box Permit prior to the change in operation.

(6) The Donation Box Permit application shall detail a service plan for each Donation Box. The operator of each donation box shall be responsible for collecting the contents of the donation box to prevent overflow and littering and shall pick up all donated items at least once per week. The service plan shall include information regarding how many times a week donated items will be collected, the time of day the items will be collected, a vehicular circulation plan and a graffiti and litter abatement plan.

§ 116.03 MAINTENANCE.

(A) Donation boxes and drop-off collection areas shall be properly maintained and comply with the following regulations:

(1) The operator of each donation box shall keep the real property situated within twenty-five (25) feet of the location of a donation box clean and free of trash, debris, broken glass, clothes hangers, clothes, clothing accessories or excess donations.

(2) The donation box operator and the real property owner shall be jointly and severally liable and responsible for the maintenance, upkeep and servicing of the donation box and the cleanup and removal of any donations left on the property outside of the donation box.

(3) A violation of this Subsection shall constitute a public nuisance, and the City shall have the authority to abate any such violation as such. This provision does not exclude or limit the use of any other remedy available to the City under this Subsection, the Code of Ordinances or the laws of the State of Texas.

(4) Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

(5) A donation box operator or real property owner that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the operator, the operator shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. An operator who is issued more than one (1) citation in a twelve (12) month period for the same offense on the same donation box is subject to revocation of the approval for such donation box.

(B) It shall be unlawful for any person who owns, leases, is in control of or is entitled to possession of real property within the City of Mansfield to authorize or allow any donation box to be placed on or remain on such real property without a valid Donation Box Permit in compliance with the provisions of this Subsection.

§ 116.03 REVOCATION OF PERMIT.

(A) Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Chapter.

(B) Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

(C) The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of this Section herein.

(D) Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for

longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

(E) In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one (1) year of the date such permit was revoked.

(F) Donation boxes that have placed without a permit are subject to the same impoundment regulations set forth in Section 116.03 (D), after a notice of violation has been issued and the 10-day compliance period has expired.

§ 116.04 ADMINISTRATIVE APPEALS OF DENIAL OR REVOCATION OF PERMIT.

(A) Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

(B) The hearing shall be conducted within twenty (20) days of the date on which the request for a hearing was filed with the Administrator.

(C) The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

(D) After such hearing, an applicant or permit holder that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals. The applicant or permit holder shall file a notice of appeal with the Administrator within ten (10) days following service of the written report of the hearing decision under Subsection (C). The City Appeal Officer may, based on the recorded evidence of the hearing below, reverse, affirm, or modify the decision of the Administrator or hearing officer. The City Appeal Officer must serve a written decision on the applicant or permit holder within twenty (20) days of the filing of the notice of appeal.

(E) An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

§ 116.05 APPEALS OF ADMINISTRATOR DECISION.

(A) All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 116.04 above.

(B) The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.

(C) If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.

(D) The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal: 1. The number of violations, convictions, or liability findings; 2. The number of previous revocations; 3. The number of repeat violations at the same location; 4. The degree to which previous violations endangered the public health, safety or welfare; or 5. Any pending action or investigation by another agency.

(E) After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.

(F) The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).

(G) The determination of the City Appeal Officer shall be final on the date the order is signed.

(H) An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer."

SECTION 2.

All fees established by this Chapter shall be set forth in the Regulatory Compliance Department Fee Schedule.

SECTION 3.

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

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of

this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 5.

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

SECTION 6.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.

Michael Evans, 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: 22-4668

Agenda Date: 5/9/2022

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Consideration - Consider Approval of a Community Activation Grant Application to be funded through the Community Activation Grant Program

Requested Action

To consider the approval or denial of a Community Activation Grant Application and if approved, determine the amount of funding to be awarded.

Recommendation

Defer to City Council.

Description/History

On May 24, 2021 the City of Mansfield passed a resolution creating the Community Activation Grant Program designed to subsidize the fees associated with producing special events, live entertainment production, promotion of local artists, and other community activation efforts.

Justification

N/A

Funding Source

Historic Downtown Mansfield Grant Fund

Prepared By

Nicolette Ricciuti
Historic Downtown Mansfield Coordinator
817-276-4264



HISTORIC DOWNTOWN MANSFIELD COMMUNITY ACTIVATION GRANT

Approved September 13, 2021

Program Purpose

To subsidize the fees associated with producing special events, live entertainment production through AV/sound equipment upgrades, programs that promote local artists, and other community activation efforts within the Historic Downtown Mansfield area.

Assistance from the City of Mansfield on any event, fundraiser, or community function is intended and expected to help create more walkability and to encourage unique visitors to the downtown area. Funded events are expected to provide unique opportunities for business promotion and experiences for visitors and residents to support the community as a whole.

This program provides grant assistance for organizations, individuals, and/or businesses to incentivize successful events within the Historic Downtown Mansfield area by (1) establishing mutually beneficial partnerships between the City and the community; (2) equitably controlling how the City provides event contributions to eligible organizations; (3) creating visibility for downtown through event publicity and promotion during event activities; and (4) supporting the Downtown Development Strategies adopted by the Mansfield City Council on July 27, 2020.

Grant awards are available to a wide variety of community activation events including sporting, tourism, arts and cultural, general, health and human services, and major community events. Only events/activities hosted within the Historic Downtown Mansfield area may participate in this program.

How will projects be chosen?

Applications can also be accepted on a rolling basis throughout the year within the identified timeframe that is appropriate to the date of the event.

City Staff will determine eligibility based on information provided in the application package, comments from other City departments, and in accordance with the Community Activation Grant Program expectations.

Each applicant may apply for grant funding for the same project no more than three (3) years total. A project is 1) a single event, performance, and/or activity; or 2) a series of events, performances, or activities that are related. All grant monies must go directly to the activities associated with the project. An applicant's event is not eligible for reimbursement if the applicant is receiving funding from the Hotel Occupancy Tax Fund.

Community Activation Grant Requirements

In the case of the Community Activation Grant, recipients must meet the following requirements:

- ❑ Agree to create visibility for the Historic Downtown Mansfield area through prominent acknowledgement of its support and assistance, using event publicity at the event itself (will utilize City-provided logos in all marketing materials). Promotional opportunities will be provided as detailed in the application and require approval from City Staff.
- ❑ Applications must be submitted at least **thirty (30) days prior** to the event, but **no more than one hundred and eighty (180) days prior**.
- ❑ Applicants are required to submit an event summary (proposed event activities, needs, and expected outcomes such as financial goals and estimated attendance), a budget from the prior year's event (if applicable), and a proposed event budget for the current event.
- ❑ Applicants are required to submit a sponsorship plan for review (proposed sponsorship packages and strategic fundraising strategy meant to offset costs associated with event production).
- ❑ Applicants are required to review their event application with City of Mansfield staff prior to the application being considered complete and ready for review and consideration by the City Council for approval. Staff from the Community Engagement Division will provide feedback regarding the event logistics (sponsorship packages, marketing plan, estimated expenditures and revenues, day-of logistics, security plan, etc) and applicants are expected to incorporate suggestions for improved efficiency and production.
- ❑ All recipients receiving grant awards are required to complete an Event Recap Report within 30 days of the event's end. Any organization which does not comply with this will be ineligible for future requests.
 - ❑ The Event Recap Report is a full written Financial Accounting and Evaluation Report. The Report will describe the project and will include copies of programs, brochures, flyers, original press releases, news clippings, photos of events, and related documents. The report will also include a final itemized budget of costs incurred and description of foot traffic/customers served. If after 30 days recipients fail to submit the Event Recap Report, any remaining funds will be automatically forfeited.
 - ❑ If extenuating circumstances occur, it is the responsibility of the organization to contact the City of Mansfield to request a 30-day grace extension.
- ❑ Recipients for community events/activities are required to offer in-kind event participation and other contributions of goods, services, or programs that will benefit Historic Downtown Mansfield and support its mission to provide for unique opportunities for businesses and experiences for visitors and residents.
 - ❑ Examples of such contributions may include: vendor booth/table space at the event, VIP seating, event tickets, etc.
- ❑ Must be open to the public.
- ❑ Provide an economic benefit to the Historic Downtown Mansfield area.
- ❑ May recur annually.
- ❑ For businesses/property owners in the Historic Downtown area, recipients are eligible to use grant funding to reimburse the purchase of site-specific, installed equipment which provides them the opportunity to provide live entertainment (ex: professional quality audio-entertainment systems).

- ❑ For art grants, artists may apply to receive project-based funding, and will be required to include City-provided logos on their website sponsor page, onsite (sponsor signage), and any collateral associated with the grant award.

Eligible Community Activation Grant Projects List

The following is a list of eligible expenditures for reimbursement, including but not limited to:

- Equipment rental (AV, stage, traffic control, etc)
- Expendable supplies/materials required for the production of the event (for example: paint supplies for an art exhibition)
- Marketing, Printing, Publications (which promote the event to the City and surrounding areas)
- Entertainment expenses (e.g. costs for performers, singers, bands, etc.) up to seventy-five (75%) percent of the total cost, with a reimbursement cap of up to twenty-five thousand (\$25,000) dollars
- Public Safety/Policing

The Community Activation Grant program supports community events, such as, *but not limited to:

<ul style="list-style-type: none"> • Music festivals • Concerts • Parades • Expos • Art shows or events 	<ul style="list-style-type: none"> • Food festivals and events • Holiday events • Community education events • Rodeos • Car Shows
--	--

*An applicant may apply for grant funding for an event other than those listed above. The eligibility of the event for program funds will be determined administratively and/or by City Council.

Ineligible Community Activation Projects

- ❑ Private functions that are not open to the public
- ❑ Lobbying, legislative efforts, political action committees, causes, campaigns or candidates or projects/programs promoting a political agenda
- ❑ Programs, projects, or events promoting a religious doctrine
- ❑ Organizations that discriminate based on race, ethnicity, color, sex, religion, age, national origin, ancestry, citizenship, sexual orientation, gender identity and/or expression, disability, marital status, genetic information, veteran status, or other legally protected factors
- ❑ Multi-year commitments
- ❑ Events that are completed or conducted before the date of the application
- ❑ Projects or organizations that have not satisfactorily fulfilled their obligations to the City
- ❑ Permit fees, media services (for private purposes), and liquor license fees do not qualify for grant reimbursement

Ineligible Community Activation Reimbursement Expenses

- Costs associated with labor and/or staffing
- Costs related to insurance (exception: event liability insurance is eligible)
- Costs to provide ATM (Automated Teller Machines) for event attendees
- Costs associated with providing food/drink to event participants/staff (ex: lunch for volunteers)
- Costs associated with hosting a VIP (private) component or activity of the event
- Costs to purchase prizes, trophies, and similar items
- Costs to design/purchase t-shirts for staff or sale
- Any costs associated with purchasing merchandise for sale at the event
- Costs to provide drinking water at the event, unless the City of Mansfield Water Truck is not available to support consumption and availability of drinking water to event attendees
- Costs to purchase expendable supplies that are required for the production of the event
- Costs to rent a stage *only* in the event that: a) the LOT Downtown stage (located at 110 S. Main St.) is available for first priority use, and/or b) the City of Mansfield portable twenty by twenty-four (20' x 24') foot stage is available for second priority use. If these stages are unavailable or not suitable for the event, a grant recipient may be reimbursed for some or all of stage rental costs, to be determined upon application review

Helpful questions to consider when applying for the Community Activation Grant:

1. Is the event located in Historic Downtown Mansfield?
2. Does the event meet or support the Downtown Development Strategies?
3. Will the event provide a unique experience and be a benefit to the visitors and residents of the City?
4. Is the event open to the public?
5. Will the event proceeds, if any, benefit the community as a whole?
6. If successful, will the event have a meaningful economic impact?
7. Is this the best possible use of the program's limited resources?
8. Has the applicant been awarded an incentive payment in the previous twelve (12) months?

GRANT FUNDS

The funding amount and matching requirement (if any) will be determined upon approval of the application by the Mansfield City Council if the grant request is over five-thousand (\$5,000) dollars. If the grant request is less than five-thousand (\$5,000) dollars, City staff will have the opportunity to approve or deny the grant application and determine award amount if the application is found to be aligned with the goals and priorities of the grant program. Awards will be reimbursed upon receipt of proof of expenditures. Awards are intended for the eligible costs/activities outlined in the Eligible Community Activation Grant Projects list.

Organizations are allowed to request the award in advance of the event when funds are to be used for marketing and promotional purposes. In this instance, an invoice, signed contract, and proof of payment

must be submitted to the City of Mansfield, who may process some or all of the reimbursement request for the grant recipient. In the event that circumstances arise which provide the grant recipient with reimbursement from other funding sources (such as additional grant awards, insurance reimbursement, etc.) the City of Mansfield will not provide reimbursement for a covered expense (i.e. a grant recipient will not be reimbursed for the same cost twice).

Financial updates related to this and other Historic Downtown Mansfield grant programs will be made available in the monthly and quarterly reports provided to City Council by City of Mansfield staff.



HISTORIC DOWNTOWN MANSFIELD COMMUNITY ACTIVATION GRANT APPLICATION

The Historic Downtown Mansfield Community Activation Grant Program is designed to help subsidize the fees associated with producing special events, live entertainment production through AV/sound equipment upgrades, programs that promote local artists, and other community activation efforts within the Historic Downtown Mansfield area. The applications are submitted to the Historic Downtown Coordinator, and upon qualification of eligibility requirements applications will go to City Council for approval. Please contact staff if you have any questions about eligibility or documentation.

Submit Applications to:

Mansfield City Hall
Attn: Nicolette Allen
1200 East Broad St.
Mansfield, Texas 76063

Office: 817-276-4264
Email: historicdowntown@mansfieldtexas.gov

Date of Application	
Business/Organization Name	
Applicant's Name	
Address	
Phone Number	
Email	
Website	
Tell us about your event (use a separate page if additional space is needed.)	
What specific event or activity is being promoted or marketed?	

How will your event help promote community activation in Historic Downtown Mansfield?	
Total amount of funds requested to promote this event or activity	
Date(s), Time, Location of Event	
Total Number of Days of the Event	<p>_____ day(s)</p> <p>Consecutive? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
Has the Organization/Applicant applied for funding for this event before?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
Is this a one time only event or a recurring event?	<p><input type="checkbox"/> Singular <input type="checkbox"/> Recurring</p>
Is one of the goals of this event to raise funds for charity/scholarship?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, what percentage of funds raised will be donated or given away?</p> <p>_____</p>
Choose the category(ies) that applies to your event or activity:	<p><input type="checkbox"/> Music festivals</p> <p><input type="checkbox"/> Concerts</p> <p><input type="checkbox"/> Parades</p> <p><input type="checkbox"/> Expos</p> <p><input type="checkbox"/> Art shows or events</p> <p><input type="checkbox"/> Food festivals and events</p>

	<input type="checkbox"/> Holiday events <input type="checkbox"/> Community education events <input type="checkbox"/> Rodeos <input type="checkbox"/> Car Shows <input type="checkbox"/> Other: _____												
Projected Attendance													
Previous Year's Attendance <i>(put N/A if not applicable)</i>													
Describe your attendance goals for this event and identify steps used to achieve these goals.	<i>(use a separate page if additional space is needed)</i>												
Registration/Entrance fee per visitor (if any)													
Describe the security needs for the event (if any) and identify the plan to provide the necessary security.	<i>(use a separate page if additional space is needed)</i>												
FUNDING AND MARKETING The organization applying for the grant is expected to make every effort to develop a viable budget and an effective marketing plan that is designed to promote your event to residents and visitors.													
Describe your budget . Please provide a budget list that includes any current expenditures as well as all projected event costs (rentals, entertainment, traffic control, safety, marketing, etc.). The budget should also include projected revenues.													
<table border="1"> <thead> <tr> <th>Item/Description</th><th>\$ Amount</th></tr> </thead> <tbody> <tr> <td><i>I.e. Promotions (brochures, social media ad boosting, posters)</i></td><td><i>\$3,000</i></td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Item/Description	\$ Amount	<i>I.e. Promotions (brochures, social media ad boosting, posters)</i>	<i>\$3,000</i>								
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<i>(use a separate page if additional space is needed)</i>													

Do you have the prior year's event budget attached to the application?

☐ Yes

☐ No

☐ Not Applicable

Do you have a sponsorship plan attached to the application?

☐ Yes

☐ No

☐ Not Applicable

Applicants may be expected to match a certain percentage of the event budget. In regards to **entertainment expenses** (e.g. costs for performers, singers, bands, etc.), an applicant may receive funding that equates to up to 75% of the total cost, with a reimbursement cap of up to \$25,000.

Total costs for event production	\$
Funding requested from Council	\$
Confirmed funds from other sources	\$

Describe your **marketing plan**. Please provide a detailed list of the media used, amount spent, type of product used (brochure, website, print ads, etc). Be prepared to identify the promotional opportunities which will create publicity for the Historic Downtown Mansfield area.

Media/Product Type	Site/Location	Target Audience	\$ Amount	Will the Downtown Program be included in this promo?
<i>I.e. 3,000 brochures</i>	<i>Bicycle shops in DFW</i>	<i>Cycling pros</i>	<i>\$2,000</i>	<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

(use a separate page if additional space is needed)

Total advertising/promotion budget for the specific activity/event for which you are applying:

What is your organization's direct contribution to the activity/event budget?															
What other sources of funding are being used for this activity/event?															
Describe your financial goals for this event and identify steps used to achieve these goals:															
What impact will funds from the Community Activation Grant Program have on the viability of this event:															
<p>Recipients for community events/activities are required to offer in-kind event participation and other contributions of goods, services, or programs that will benefit the Historic Downtown Program and support its mission to provide for unique opportunities for business promotion and experiences for visitors and residents to support the community as a whole. Examples of such contributions may include: free vendor booth/table space at the event, VIP seating, event tickets, etc.</p> <p>Describe the in-kind event participation opportunity you will provide.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Item</th> <th style="width: 20%;">Quantity</th> <th style="width: 30%;">Cost Equivalent</th> </tr> </thead> <tbody> <tr> <td><i>I.e. 10x10 booth space at event</i></td> <td style="text-align: center;"><i>1</i></td> <td style="text-align: center;"><i>\$50</i></td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </tbody> </table>	Item	Quantity	Cost Equivalent	<i>I.e. 10x10 booth space at event</i>	<i>1</i>	<i>\$50</i>									
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<p>SPECIAL NOTE: Grants from the Historic Downtown Mansfield Community Activation Grant Program must be used only for applicable reimbursements related to community activities. Expenditure of funds for unauthorized reimbursements will impact funding decisions and an applicant's future funding eligibility.</p>															

Applicants agree that they are responsible for ensuring that they comply with all licenses, health and safety considerations, planning regulations, insurance, rents, rates, and other operational requirements. If the applicant will be hosting vendors or selling merchandise on-site, they agree to utilize a Sales Tax I.D. Certificate within the City of Mansfield Zip Code 76063 sales boundary.

Applicants agree to indemnify and hold harmless the City of Mansfield/Historic Downtown Mansfield staff, volunteers, its employees and its agents, and City Council, in connection with any action, claim, lawsuit, charge, or proceeding, including but not limited to any civil action, based upon and/or arising out of the recipient's use of the funds provided by the City of Mansfield pursuant to this contract.

If approved, an offer will be made to the applicant in writing. Funding will be subject to a formal agreement to be signed by both parties. This will include the requirement for robust account-keeping and monitoring of the impact on the business. Applicants should retain evidence of costs/expenses incurred in the form of receipts and other proof of payment instruments.

Failure to comply with these requirements may result in forfeiture of final payments, required reimbursements and/or disqualification from consideration of future applications. If you have any questions regarding any aspect of the Historic Downtown Mansfield Community Activation Grant Program, call 817-276-4264.

APPLICANT

Organization Name

Date

Signature of Authorized Representative

Printed Name of Authorized Representative

FOR STAFF USE ONLY

Has the grant application been reviewed by the Community Engagement Division?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have supplemental and amended application materials been attached to the completed application?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Nicolette Ricciuti

Signature of Downtown Coordinator or their Designee

Printed Name

Application Attachments

In addition to this completed and signed application, include the following attachments when you submit your grant request:

- ☐ Itemized budget for proposed project (including estimated expenditures, revenues, and sponsorship strategy)
- ☐ Letter from the property owner providing approval for the proposed project
- ☐ Any other information deemed necessary by City of Mansfield staff in order to fully understand the project

Please note, any modifications or alterations to the proposed project(s) must be submitted in writing to the City of Mansfield, and is subject to approval by the Mansfield City Council.

Helpful Guidance

Regarding the **marketing plan**, if your project is selected, Historic Downtown Mansfield may require to be listed as an EVENT SPONSOR of your event or activity. Organizations shall comply with the following request for acknowledgement of sponsorship:

1. Include the line "This project was made possible, in part, by a grant from Historic Downtown Mansfield" in press releases and other literature.
2. All use of official logos shall be submitted in writing to Historic Downtown Mansfield.
3. Promotional pieces submitted to media outlets should be submitted simultaneously to Historic Downtown Mansfield. Historic Downtown Mansfield may be reached at 817-276-4264.
4. Each promotional piece must have a telephone number that can be called for more information.
5. Provide a website address for those seeking information.
6. Follow other/additional requirements as put forth in the award notification letter.

Projections Based on the Previous Hosting of the Event

Expenses	Amount	Notes
Marketing	\$1,000.00	Event posters and Facebook/Instagram Campaign
Portable Restrooms	\$380.00	
Lighting/Audio	\$4,000.00	
Operations	\$2,000.00	
Talent / Act	\$7,000.00	
	<u>\$14,380.00</u>	

Revenues		
Tickets (x800)	\$4,000.00	
Sponsorships		Amount would impact revenues
	<u>\$4,000.00</u>	

Request		
Downtown Grant	\$12,000.00	*75% of event reimbursement would be \$10,785

Net	-\$10,380.00
Net with DT Grant Requested*	\$1,620.00
Net with 75% Reimbursement**	\$405.00

Goal Net	\$5,000.00	Stated goal net at completion of event
Minimum Sponsorship Revenues*	\$3,380.00	Sponsorship or other revenues needed to reach Goal Net
Minimum Sponsorship Revenues**	\$4,595.00	Sponsorship or other revenues needed to reach Goal Net

Based on projections of previous season, the proposed budget is as follows:

Marketing	\$1,000
Portable Restrooms	\$380
Lighting/ Audio	\$4,000
Operations	\$2,000
Talent / Act	\$ 7,000

The outlined marketing plan for the proposed circus event in less than 30 days is suggested:

- **Media Relations** - Calendar Advisory and Online Event Calendars
- **Social Media Posts** - 10-12 posts planed on The LOT Downtown platforms (Facebook and Instagram) and a Facebook event post
- **Paid Social Media (Boosting)** - \$500 Facebook / Instagram post campaign
- **Eventbrite** - By posting free event on Eventbrite, the platform provides listing on its on channels (hyperlocal newsletter and search options)
- **Newsletter** - 3-4 newsletters through The LOT Downtown's list of 6000+ newsletter subscribers
- **Community Relations** - Partnering, tagging and asking for sharing, working with local Mansfield groups to share information via social, newsletter and promotion table at local events like Music Alley
- **Posters / Fliers** - a graphic developed to be used with partners, social and also printed in short quantities for easy distribution in key locations in Mansfield (approximately 25-50 printed)

Based on the cost of this event, a short list of sponsors in the community will be targeted with a sponsorship plan to include:

- naming rights to the event
- press mentions
- logo and social media posts
- newsletter inclusions
- verbal mentions at the event
- poster inclusion
- post-event thank you

Based on the amount of the sponsorship, the partner will have a table at the event to allow for ample exposure opportunity/facetime to the public. Additionally a recap of the events sponsorship will be provided.

The LOT Downtown – Under the Big top Event – May 20th, 2022.

The event *Under the Big Top* will feature a variety of performances to exemplify different acrobatic talents to go along with the theme of the event. This includes a 90 minute show that features a variety of different talents. The acts that will be at the event include

- Fire performers and fire breathing along with all fire safety to ensure that the event is fun and safe.
- Two Aerial performers. One performer will be doing fire tricks.
- Performing stilt walker that will be walking throughout the event entertaining guests.
- LED Performers that will perform on stage and roam throughout the crowd entertaining guests.
- Belly Dancers that will be performing with fire.
- Professional jugglers.
- An MC that will host and announce the acts for the show.

We think this will be a fun, family event to bring the community together and show off the unique space that is The Lot.

Marketing Images for Promotion and Poster Printing:

