



# CITY OF MANSFIELD

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

## Meeting Agenda

### City Council

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Monday, February 27, 2023

1:00 PM

Council Chambers

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#### REGULAR MEETING AMENDED AGENDA

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

2. **WORK SESSION**

Discussion Regarding the Street Capital Improvement Program

Developer Interviews for New Public Facilities at the Lone Star 360 Development

Discussion Regarding On-Demand Microtransit

Discussion Regarding the February 27, 2023 Consent Agenda Items

3. **3:00 P.M. - POLICE DEPARTMENT HEADQUARTERS GROUNDBREAKING**

1601 Heritage Parkway

4. **RECESS INTO EXECUTIVE SESSION**

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

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

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

Seek Advice of City Attorney Regarding Pending Litigation – Cause No. 3:20-CV-2061-N-BK

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

Seek Advice of City Attorney Regarding Pending Litigation – Cause No. 4:23-CV-00131-O

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

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

Land Acquisition for Future Development

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

Discussion Regarding City Manager's Contract

Board Appointments

**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 #22-18

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

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

**7. INVOCATION**

**8. PLEDGE OF ALLEGIANCE**

**9. TEXAS PLEDGE**

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

**10. PRESENTATION**

Presentation by State Representative David Cook to the Pickled Mansfield Society

Presentation of Life Saving Award to Fire Department and Dispatch Personnel for Their Roles on an Emergency Call

Presentation of the Achievement of Excellence Award to the Mansfield Public Library



**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. SUB-COMMITTEE REPORTS**[23-5222](#)

Minutes - Approval of the February 9, 2023 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

**Presenters:** Susana Marin

**Attachments:** [DRAFT Meeting Minutes](#)

[23-5223](#)

Minutes - Approval of the February 13, 2023 TIF Reinvestment Zone #1 Board Meeting Minutes (vote will be only by members of the sub-committee: Broseh (Chair), Bounds, Tonore, and Evans)

**Presenters:** Susana Marin

**Attachments:** [DRAFT Meeting Minutes](#)

[23-5224](#)

Minutes - Approval of the February 15, 2023 Revitalization of Historic Downtown Mansfield Meeting Minutes (vote will be only by members of the sub-committee: Tonore (Chair), Lewis, and Bounds)

**Presenters:** Susana Marin

**Attachments:** [DRAFT Meeting Minutes](#)

**14. STAFF COMMENTS**

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

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

Current/Future Agenda Items

Energy Updates - Jeff Price

USI Insurance Savings - Troy Lestina

**B. Police Department Report**

[23-5219](#) 2022 Mansfield Police Department Annual Traffic Contact Report

**Presenters:** Tracy Aaron

**Attachments:** [Report](#)

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

**16. CONSENT AGENDA**

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

**ITEMS TO BE REMOVED FROM THE CONSENT AGENDA**

[23-5220](#) Resolution - A Resolution to Consider Approving Change Orders #1 and #2 to the Construction Manager-at-Risk Contract with The Fain Group, Inc., in the Amount of \$92,123.12 for Additional Construction Items Related to Gertie Barrett Park and McClendon Park West Improvements

**Presenters:** Matt Young

**Attachments:** [Resolution](#)

[Change Order 1 - Gertie Barrett Park](#)

[Change Order 2 - McClendon Park West](#)

[23-5226](#) Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the City Manager or His Designee to Execute an Energy Services Agreement and its Related Payment Plan Agreement with United Commercial Energy Partners (UCEP) for an Energy Conservation Project (Amendment to Agenda)

**Presenters:** Jeff Price

**Attachments:** [Resolution - Amendment to Agenda](#)

[23-5221](#) Minutes - Approval of the February 13, 2023 Regular City Council Meeting Minutes

**Presenters:** Susana Marin

**Attachments:** [DRAFT Meeting Minutes](#)

**END OF CONSENT AGENDA**

**17. PUBLIC HEARING**

- [23-5213](#) Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Row Houses, in the D, Downtown District, D-2, Urban Transition Zone on approximately 0.638 Acres, Being a Tract Portion of Block 27, Original Town of Mansfield, According to the Plat Recorded in Volume 63, Page 53, City of Mansfield in Tarrant County Texas, Located at 204 S First Avenue (SUP#22-007)

**Presenters:** Jason Alexander and Arty Wheaton-Rodriguez

**Attachments:** [Maps and Supporting Information](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Development Plan](#)

**18. PUBLIC HEARING AND RESOLUTION**

- [23-5225](#) Resolution - A Public Hearing and Resolution Approving and Endorsing the 2023 (49th year) Community Development Block Grant Project for Elizabeth Lane

**Presenters:** Raymond Coffman

**Attachments:** [Resolution](#)

[Cost Estimate](#)

[Map](#)

**19. PUBLIC HEARING AND FIRST READING**

- [23-5212](#) Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from SF-12/22, Single-Family Residential District and PD, Planned Development District to PD, Planned Development District for Single-Family Attached (Brownstones) and Multi-Family Residential Uses on Approximately 9.77 Acres out of the Henry Odell Survey, Abstract No. 1196, Tarrant County, Texas, on Property Located at 1725 E. Broad Street and 257 Carlin Road; Bridgeview Real Estate, owner/developer and Nelson Family Revocable Trust, owner (ZC#22-019)

**Presenters:** Jason Alexander

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

[Maps and Supporting Information](#)

[Exhibit A - Legal Description](#)

[Exhibit B - PD Planned Development District Regulations](#)

[Exhibit B1 - Development Plan](#)

[Exhibit C - Elevations](#)

[Exhibit D - Landscape](#)

[Exhibit E - Sign Plan](#)

**20. PUBLIC HEARING CONTINUATION AND SECOND AND FINAL READING**

[23-5187](#)

Ordinance - Public Hearing Continuation and Second and Final Reading on an Ordinance Approving a Zoning Change from SF-7.5/12, Single-Family Residential District and PD, Planned Development District to D, Downtown District, D-1, Sub-Urban Zone on Approximately 1.460 Acres Located at 505 W. Kimball St., 506 W. Kimball St., and 509 Alvarado St.; Benjamin Hartman, Owner

**Presenters:** Jason Alexander

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

[Maps and Supporting Information](#)

[Exhibit A](#)

**21. NEW BUSINESS**

[23-5228](#)

Board Appointments: Keep Mansfield Beautiful Commission

**Presenters:** City Council

**22. ADJOURN**

**CERTIFICATION**

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the February 27, 2023 Regular City Council Amended Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, February 24, 2023 prior to 1:00 p.m., in compliance with Chapter 551, Texas Government Code.

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Susana Marin, City Secretary

Approved as to form:

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City Attorney

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



# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5222

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Approval of Minutes

**In Control:** City Council

**File Type:** Meeting Minutes

### Title

Minutes - Approval of the February 9, 2023 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

### 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 February 9, 2023 Housing Market Growth Strategy Sub-Committee 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 - Housing Market Growth Strategy Sub-Committee

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Thursday, February 9, 2023

12:00 PM

City Hall

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#### CALL TO ORDER

*Chair Lewis called the meeting to order at 12:04 p.m.*

*Staff present: Deputy City Manager Troy Lestina, Assistant City Manager Matt Jones, Assistant City Manager Vanessa Ramirez, Executive Director of Infrastructure Development Bart VanAmburgh, Director of Planning Jason Alexander, Assistant Director of Planning Arty Wheaton-Rodriguez, Assistant Director of Public Works - City Engineer Raymond Coffman, Assistant City Secretary Keera Seiger*

**Present** 3 - Casey Lewis; Julie Short and Tamera Bounds

#### CITIZEN COMMENTS

*There were no citizen comments.*

#### DISCUSSION ITEMS

Presentation and Discussion Regarding Residential Uses for a Proposed Form Based Code

*Arcadia Realty co-founder Bill Gietema presented the T-360 Form Based Code which addresses streets, the public realm, and the regulation of architecture. The form maintains the street building form, defers heavily to the private pattern book, is written to be very flexible in nature, has small use tables, and allows for more residential types. Mr. Gietema spoke on options for the pattern book, various developments Arcadia has worked on throughout the DFW Metroplex, housing types, porches, facade design - elevations, the Frisco square, the pattern book, architectural guidelines and the private review process, and answered questions. There was discussion regarding zoning, form-based codes, and concerns.*

#### ADJOURNMENT

*Chair Lewis adjourned the meeting at 1:26 p.m.*

\_\_\_\_\_  
ATTEST: Casey Lewis, Chair

\_\_\_\_\_  
Susana Marin, City Secretary



# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5223

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**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Approval of Minutes

**In Control:** City Council

**File Type:** Meeting Minutes

**Agenda Number:**

**Title**

Minutes - Approval of the February 13, 2023 TIF Reinvestment Zone #1 Board Meeting Minutes  
(vote will be only by members of the sub-committee: Broseh (Chair), Bounds, Tonore, and Evans)

**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 February 13, 2023 TIF Reinvestment Zone #1 Board 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

### TIF Reinvestment Zone Number One Board of Directors

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Monday, February 13, 2023

12:30 PM

City Hall

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#### CALL TO ORDER

*Chair Broseh called the meeting to order at 12:32 p.m.*

*Staff present: Deputy City Manager Troy Lestina, Assistant City Manager Matt Jones, Assistant City Manager Vanessa Ramirez, Executive Director of Economic Development Jason Moore, Executive Director of Infrastructure Development Bart VanAmburgh; Assistant City Secretary Keera Seiger*

**Absent** 1 - Alisa Simmons

**Present** 5 - Alberto Mares; Larry Broseh; Michael Evans; Todd Tonore and Tamara Bounds

#### CITIZEN COMMENTS

*There were no citizen comments.*

#### RECESS INTO EXECUTIVE SESSION

*Chair Broseh recessed the meeting into executive session at 12:34 p.m. Chair Broseh called the executive session to order at 12:34 p.m. and recessed the executive session at 1:06 p.m.*

**Deliberation Regarding Commercial or Financial Information Received From or the Offer of 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 #22-24

Economic Development Project #22-14

Economic Development Project #23-01

#### RECONVENE INTO REGULAR BUSINESS SESSION

*Chair Broseh reconvened the meeting into regular business session at 1:06 p.m.*



## **NEW BUSINESS**

Discussion and Possible Action Regarding the Approval of an Economic Development Agreement Between the City of Mansfield, Texas, the Mansfield Economic Development Corporation, the Board of Directors of Reinvestment Zone Number One, and Admiral Legacy, LLC; Authorizing the Board Chairman to Execute Said Agreement

*Executive Director of Economic Development Jason Moore spoke on the Board's previous approval of the deal points with Admiral Legacy, LLC and that the economic development agreement has already been approved by City Council and the Mansfield Economic Development Corporation. Jason briefly spoke on the terms of agreement and confirmed that the Admiral Legacy development would not be used for a new City Hall.*

**A motion was made by Board Member Evans to approve the Economic Development Agreement with Admiral Legacy, LLC. Seconded by Board Member Tonore. The motion CARRIED by the following vote:**

**Aye:** 5 - Alberto Mares; Larry Broseh; Michael Evans; Todd Tonore and Tamera Bounds

**Nay:** 0

**Absent:** 1 - Alisa Simmons

**Abstain:** 0

Discussion and Possible Action Regarding the Approval of a Tax Increment Reinvestment Zone Reimbursement & Chapter 380 Economic Development Agreement between the City of Mansfield, Texas, the Board of Directors of Reinvestment Zone Number One, City of Mansfield, and Chisolm Flats, LLC; Authorizing the Board Chairman to Execute Said Agreement

*Jason Moore presented the three main components of the agreement which included off-site or regional infrastructure, on-site infrastructure, and incentive payments. He spoke on the deal points, the anticipated structure 2023 to 2028 prior to bond issuance, the anticipated structure 2029 to 2052 if bonds are issued, and discussed a 15 versus 20 year bond minimum. Jason, along with the Chisolm Flats development team, answered questions.*

**A motion was made by Board Member Bounds to approve a TIRZ Reimbursement and Chapter 380 Economic Development Agreement with Chisolm Flats, LLC. Seconded by Board Member Evans. The motion CARRIED by the following vote:**

**Aye:** 5 - Alberto Mares; Larry Broseh; Michael Evans; Todd Tonore and Tamera Bounds

**Nay:** 0

**Absent:** 1 - Alisa Simmons

**Abstain:** 0

Discussion and Possible Action Regarding Approval of a Boundary Expansion for Reinvestment Zone Number One

*Assistant City Manager Matt Jones spoke on the existing TIRZ #1 boundary, the new proposed boundary expansion, and answered questions.*

**A motion was made by Board Member Bounds to expand the boundary of the TIRZ #1 as discussed. Seconded by Board Member Tonore. The motion CARRIED by the following vote:**

**Aye:** 5 - Alberto Mares; Larry Broseh; Michael Evans; Todd Tonore and Tamera Bounds

**Nay:** 0

**Absent:** 1 - Alisa Simmons

**Abstain:** 0

Discussion and Possible Action Regarding Approval of an Extension to the Duration of the Reinvestment Zone Number One through Calendar Year 2052 and with it, a City Participation Rate of 50 Percent

*Jason Moore and Matt Jones presented the request to extend the duration of the TIRZ #1 and spoke on the reasons for the extension such as the TIRZ #1 not reaching its full potential due to the 2008 recession and the Coronavirus pandemic. Jason also spoke on implementing a decrease in the participate rate of the TIRZ #1.*

**A motion was made by Board Member Evans to extend the duration of the TIRZ #1 through 2051 and to decrease the city participation rate to 50% in years 2037 through 2051. Seconded by Board Member Tonore. The motion CARRIED by the following vote:**

**Aye:** 5 - Alberto Mares; Larry Broseh; Michael Evans; Todd Tonore and Tamera Bounds

**Nay:** 0

**Absent:** 1 - Alisa Simmons

**Abstain:** 0

Discussion Regarding Potential Incentives for a Utility Relocation Cost for a Hotel Development

*Jason Moore spoke on a proposed hotel development and that staff recommends the city and the TIRZ #1 assist with utility relocation costs related to the development. If direction is given by City Council to move forward, a development agreement would come back to the TIRZ #1 Board.*

## **ADJOURNMENT**

*Chair Broseh adjourned the meeting at 1:36 p.m.*

\_\_\_\_\_  
ATTEST: Larry Broseh, Chair

\_\_\_\_\_  
Susana Marin, City Secretary



# CITY OF MANSFIELD

1200 E. Broad St.  
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## STAFF REPORT

File Number: 23-5224

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Approval of Minutes

**In Control:** City Council

**File Type:** Meeting Minutes

**Agenda Number:**

**Title**

Minutes - Approval of the February 15, 2023 Revitalization of Historic Downtown Mansfield Meeting Minutes (vote will be only by members of the sub-committee: Tonore (Chair), Lewis, and Bounds)

**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 February 15, 2023 Revitalization of Historic Downtown Mansfield Sub-Committee 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 - Revitalization of Historic Downtown Mansfield Sub-Committee

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Wednesday, February 15, 2023

4:00 PM

City Hall

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#### CALL TO ORDER

*Chair Tonore called the meeting to order at 4:01 p.m.*

*Staff present: Deputy City Manager Troy Lestina, Director of Regulatory Compliance Nicolette Ricciuti, Historic Downtown Coordinator Rachel Bagley, Economic Development Project Manager Theresa Ernest, Assistant City Secretary Keera Seiger*

**Present** 3 - Casey Lewis; Tamera Bounds and Todd Tonore

#### CITIZEN COMMENTS

*There were no citizen comments.*

#### DISCUSSION ITEMS

##### Discussion Regarding a Community Grant Request for Madre Bee Studio

*Historic Downtown Coordinator Rachel Bagley presented the request for Madre Bee Studio, renamed Main Street Studio Collective, which included information on the business such as the location, business overview, studio layout concept, timeline, budget expenses (start-up costs), projected revenue, and the total grant request. Applicant Jasmine Bustos answered questions. There was discussion regarding the risk to the city to fund businesses for personal gain, the intent of the community activation grant, and the city looking into other ways to support the business such as connecting Ms. Bustos with the Commission for the Arts.*

##### Discussion Regarding a Community Grant Request for Sunshine Yoga Shack

*Rachel Bagley presented the request and included information on the business such as their current location in Mansfield, their new desired location in Downtown Mansfield to rent, the business overview, construction and layout overview, the projected budget including expenses and revenues, and the total grant request. Property owner Sean Freeman answered questions regarding the state of the property. There was discussion on issues with the building and taking this item before Council for support on the funding improvements related to the outside aesthetic and structurally securing the building.*

#### ADJOURNMENT

*Chair Tonore adjourned the meeting at 4:43 p.m.*

\_\_\_\_\_  
ATTEST: \_\_\_\_\_ Todd Tonore, Chair

\_\_\_\_\_  
\_\_\_\_\_  
Susana Marin, City Secretary



# CITY OF MANSFIELD

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

File Number: 23-5219

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Staff Comments

**In Control:** City Council

**File Type:** Discussion Item

**Agenda Number:**

**Title**

2022 Mansfield Police Department Annual Traffic Contact Report

**Description/History**

Mandated 2022 Traffic Contact Report with comparative analysis

**Funding Source**

N/A

**Recommendation**

Review of Annual Report

**Prepared By**

Jason Turpinat Assistant Chief, Mansfield Police Department  
(817)804-5712

**Justification**

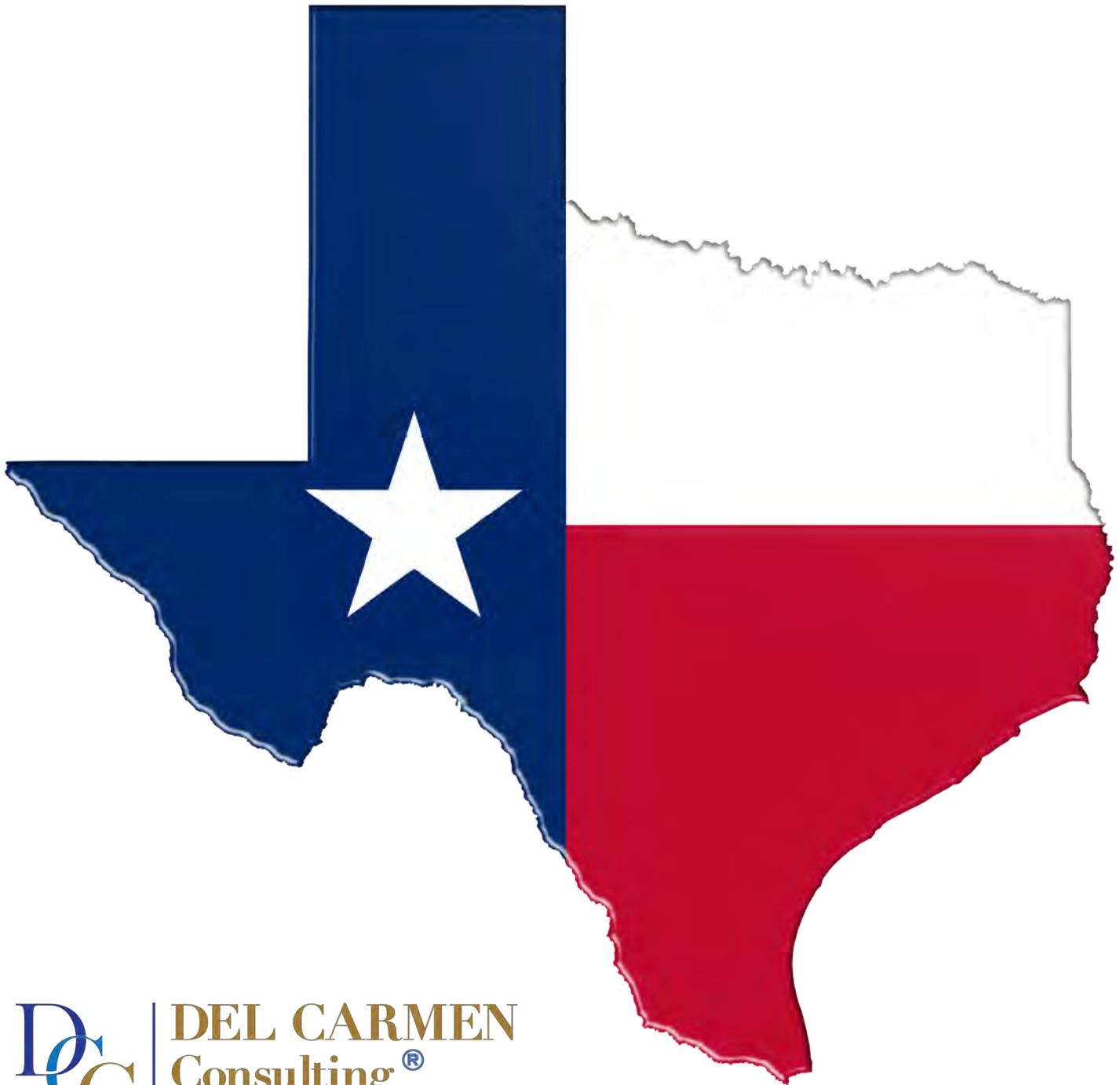
Provide current report and statistics to City Council

**Requested Action**

Review of Annual Report

# 2022 Racial Profiling Report

Mansfield Police Department



*"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."*

*-Quote by Geneva Reed (Mother of Sandra Bland)*





February 7, 2023

Mansfield City Council  
1305 E. Broad Street  
Mansfield, TX 76063

Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Mansfield Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Mansfield Police Department and are included in this report.

This report consists of three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Mansfield Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Mansfield Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/22 and 12/31/22. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

The last section of the report includes the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Mansfield Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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## *Public Education on Responding to Compliments and Complaints*

### **Informing the Public on the Process of Filing a Compliment or Complaint with the Mansfield Police Department**

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Mansfield Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Mansfield Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Mansfield Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Mansfield Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Mansfield has been included in this report.

It is important to recognize that the Chief of the Mansfield Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Mansfield Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

# *Racial Profiling Course 3256*

## **Texas Commission on Law Enforcement**

### *September 2001*

#### **Racial Profiling 3256**

##### **Instructor's Note:**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

##### **Abstract**

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

**Target Population:** Licensed law enforcement personnel in Texas

**Prerequisites:** Experience as a law enforcement officer

**Length of Course:** A suggested instructional time of 4 hours

**Material Requirements:** Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

**Instructor Qualifications:** Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

##### **Evaluation Process and Procedures**

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

##### **Reference Materials**

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

## **Racial Profiling 3256**

### **1.0 RACIAL PROFILING AND THE LAW**

**1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.**

**1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.**

#### **Racial Profiling Requirements:**

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

#### **A. Written departmental policies**

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

#### **B. Not prima facie evidence**

#### **C. Feasibility of use of video equipment**

#### **D. Data does not identify officer**

#### **E. Copy of complaint-related video evidence to officer in question**

#### **F. Vehicle stop report**

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

#### **G. Compilation and analysis of data**

#### **H. Exemption from reporting – audio/video equipment**

#### **I. Officer non-liability**

#### **J. Funding**

#### **K. Required training in racial profiling**

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

**1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.**

**A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)**

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

**B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)**

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

**C. Other cases**

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)





## 2.0 RACIAL PROFILING AND THE COMMUNITY

**2.1 UNIT GOAL:** The student will be able to identify logical and social arguments against racial profiling.

**2.1.1 LEARNING OBJECTIVE:** The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.



### 3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

**3.1 UNIT GOAL:** The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

**3.1.1 LEARNING OBJECTIVE:** The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)





**3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.**

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.**

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

**Resources**

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

*Report on  
Compliments  
and Racial  
Profiling  
Complaints*



## **Report on Complaints**

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/22-12/31/22 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Mansfield Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/22-12/31/22.

### **Complaints Filed for Possible Violations of The Texas Racial Profiling Law**

Complaint Number	Alleged Violation	Disposition of the Case

<b>Additional Comments:</b>

# Tables Illustrating Motor Vehicle-Related Contacts

## TIER 2 DATA

**TOTAL STOPS: 19,645**

**STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.**

City Street	13,372
US Highway	4,258
State Highway	1,992
County Road	0
Private Property	23

**WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?**

Yes	215
No	19,430

**RACE OR ETHNICITY**

Alaska Native/American Indian	74
Asian/Pacific Islander	629
Black	6,119
White	9,451
Hispanic/Latino	3,372

**GENDER**

**Female Total: 7,481**

Alaska Native/American Indian	26
Asian/Pacific Islander	228
Black	2,445
White	3,713
Hispanic/Latino	1,069

**Male Total: 12,164**

Alaska Native/American Indian	48
Asian/Pacific Islander	401
Black	3,674
White	5,738
Hispanic/Latino	2,303

**REASON FOR STOP?**

**Violation of Law Total: 1,525**

Alaska Native/American Indian	2
Asian/Pacific Islander	49
Black	441
White	737
Hispanic/Latino	296

**Pre-existing Knowledge Total: 172**

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	50
White	87
Hispanic/Latino	32

**Moving Traffic Violation Total: 13,011**

Alaska Native/American Indian	62
Asian/Pacific Islander	453
Black	3,904
White	6,328
Hispanic/Latino	2,264

## TIER 2 DATA

### Vehicle Traffic Violation Total: 4,937

Alaska Native/American Indian	10
Asian/Pacific Islander	124
Black	1,724
White	2,299
Hispanic/Latino	780

### Contraband (in plain view) Total: 34

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	15
White	12
Hispanic/Latino	7

### WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	74
Asian/Pacific Islander	6	623
Black	347	5,772
White	246	9,205
Hispanic/Latino	98	3,274
<b>TOTAL</b>	<b>697</b>	<b>18,948</b>

### Probable Cause Total: 466

Alaska Native/American Indian	0
Asian/Pacific Islander	5
Black	262
White	132
Hispanic/Latino	67

### Inventory Total: 19

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	15
Hispanic/Latino	0

### REASON FOR SEARCH?

#### Consent Total: 84

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	23
White	44
Hispanic/Latino	17

### Incident to Arrest Total: 94

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	43
White	43
Hispanic/Latino	7

## TIER 2 DATA

### WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	5	1
Black	270	77
White	168	78
Hispanic/Latino	73	25
<b>TOTAL</b>	<b>516</b>	<b>181</b>

### Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	4	1
Black	34	236
White	17	151
Hispanic/Latino	9	64
<b>TOTAL</b>	<b>64</b>	<b>452</b>

### DESCRIPTION OF CONTRABAND

#### Drugs Total: 404

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	215
White	128
Hispanic/Latino	58

#### Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

#### Weapons Total: 22

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	15
White	3
Hispanic/Latino	4

#### Alcohol Total: 31

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	11
White	15
Hispanic/Latino	5

## TIER 2 DATA

### Stolen Property Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	1
Hispanic/Latino	1

### Other Total: 53

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	26
White	21
Hispanic/Latino	5

### RESULT OF THE STOP

#### Verbal Warning Total: 13,613

Alaska Native/American Indian	41
Asian/Pacific Islander	447
Black	4,472
White	6,785
Hispanic/Latino	1,868

#### Written Warning Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	6
Hispanic/Latino	2

### Citation Total: 5,698

Alaska Native/American Indian	32
Asian/Pacific Islander	177
Black	1,491
White	2,534
Hispanic/Latino	1,464

### Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

### Citation and Arrest Total: 36

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	22
White	11
Hispanic/Latino	3

### Arrest Total: 288

Alaska Native/American Indian	1
Asian/Pacific Islander	5
Black	132
White	115
Hispanic/Latino	35

## TIER 2 DATA

### ARREST BASED ON

#### Violation of Penal Code Total: 129

Alaska Native/American Indian	1
Asian/Pacific Islander	5
Black	52
White	50
Hispanic/Latino	21

#### Violation of Traffic Law Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	2
Hispanic/Latino	1

#### Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

#### Outstanding Warrant Total: 192

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	102
White	74
Hispanic/Latino	16

### Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	74
Asian/Pacific Islander	0	629
Black	3	6,116
White	2	9,449
Hispanic/Latino	3	3,369
<b>TOTAL</b>	<b>8</b>	<b>19,637</b>



## *Tables Illustrating Motor Vehicle Related Contact Data*

**Table 1. Citations and Warnings**

<b>Race/ Ethnicity</b>	<b>All Contacts</b>	<b>Citations</b>	<b>Verbal Warning</b>	<b>Written Warning</b>	<b>Contact Percent</b>	<b>Citation Percent</b>	<b>Verbal Percent</b>	<b>Written Percent</b>
<b>Alaska Native/ American Indian</b>	74	33	41	0	0%	1%	0%	0%
<b>Asian/ Pacific Islander</b>	629	177	447	0	3%	3%	3%	0%
<b>Black</b>	6,119	1,513	4,472	2	31%	26%	33%	20%
<b>White</b>	9,451	2,545	6,785	6	48%	44%	50%	60%
<b>Hispanic/ Latino</b>	3,372	1,467	1,868	2	17%	26%	14%	20%
<b>TOTAL</b>	19,645	5,735	13,613	10	100%	100%	100%	100%

**Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison**

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	0%	0%
Asian/Pacific Islander	3%	5%
Black	31%	14%
White	48%	60%
Hispanic/Latino	17%	19%
TOTAL	100%	98%

**Table 3. Motor Vehicle Searches and Arrests.**

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	1
Asian/Pacific Islander	6	0	5
Black	347	23	154
White	246	44	126
Hispanic/Latino	98	17	38
TOTAL	697	84	324

**Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury**

<b>Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury</b>	<b>Arrest</b>	<b>Location of Stop</b>	<b>Reason for Stop</b>
1	01/06/22	1400 Heritage Pkwy.	Expired Temporary Tag
2	01/10/22	1600 Cancun Dr.	No License Plate
3	02/13/22	300 S. US 287 SB	DWI Investigation
4	02/21/22	1600 E. Debbie Ln.	DWI Investigation
5	07/23/22	1500 S. 2nd Ave.	DWI Investigation
6	08/12/22	2700 E. Broad St.	Speeding
7	10/13/22	100 Wedgewood Dr.	Expired Temporary Tag
8	10/28/22	1400 S. US 287 SB	DWI Investigation

**Table 5. Search Data**

<b>Race/ Ethnicity</b>	<b>Searches</b>	<b>Contraband Found Yes</b>	<b>Contraband Found No</b>	<b>Arrests</b>	<b>Percent Searches</b>	<b>Percent Contraband Found</b>	<b>Percent No Contraband</b>	<b>Percent Arrest</b>
<b>Alaska Native/ American Indian</b>	0	0	0	1	0%	0%	0%	0%
<b>Asian/ Pacific Islander</b>	6	5	1	5	1%	1%	1%	2%
<b>Black</b>	347	270	77	154	50%	52%	43%	48%
<b>White</b>	246	168	78	126	35%	33%	43%	39%
<b>Hispanic/ Latino</b>	98	73	25	38	14%	14%	14%	12%
<b>TOTAL</b>	697	516	181	324	100%	100%	100%	100%

**Table 6. Report on Audits.**

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/22-12/31/22.

<b>Number of Data Audits Completed</b>	<b>Date of Completion</b>	<b>Outcome of Audit</b>
1	03/01/22	Data was valid and reliable
2	06/01/22	Data was valid and reliable
3	09/01/22	Data was valid and reliable
4	12/01/22	Data was valid and reliable

<b>ADDITIONAL COMMENTS:</b>

**Table 7. Instance Where Force Resulted in Bodily Injury.**

<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percent</b>
<b>Alaska Native/American Indian</b>	0	0%
<b>Asian/Pacific Islander</b>	0	0%
<b>Black</b>	3	38%
<b>White</b>	2	25%
<b>Hispanic/Latino</b>	3	38%
<b>TOTAL</b>	8	100%

**Table 8. Reason for Arrests from Vehicle Contact**

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	1	0	0	0	1%	0%	0%	0%
Asian/ Pacific Islander	5	0	0	0	4%	0%	0%	0%
Black	52	0	0	102	40%	0%	0%	53%
White	50	2	0	74	39%	67%	0%	39%
Hispanic/ Latino	21	1	0	16	16%	33%	0%	8%
<b>TOTAL</b>	129	3	0	192	100%	100%	0%	100%

**Table 9. Contraband Hit Rate**

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	6	5	83%	1%	1%
Black	347	270	78%	50%	52%
White	246	168	68%	35%	33%
Hispanic/Latino	98	73	74%	14%	14%

## *Analysis and Interpretation of Data*

In 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the central requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As previously noted, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

More recently, in 2017 the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

**1. A comparative analysis of the information compiled (under Article 2.133):**

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

**2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.**

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Mansfield Police Department commissioned the analysis of its 2022 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2022 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The additional data analysis performed was based on a comparison of the 2022 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Mansfield Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Mansfield Police Department in 2022 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, some civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Mansfield Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

### **Tier 2 (2022) Motor Vehicle-Related Contact Analysis**

When examining the enhanced and more detailed Tier 2 data collected in 2022, it was evident that most motor vehicle-related contacts were made with Whites, followed by Blacks. Of those who came in contact with police, most tickets or citations were issued to Whites and Blacks; this was followed by Hispanics. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks and Hispanics.

On searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites and Blacks, while most custody arrests were of Blacks. Overall, most searches resulted in contraband; of those that produced contraband, most were of Blacks; this was followed by Whites. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Blacks. Most of the arrests that originated from a violation of the penal code involved Blacks. Overall, the police department reports eight instances where force was used that resulted in bodily injury.

### **Comparative Analysis**

A comprehensive analysis of the motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Hispanics, Asians, and American Indians who came in contact with police was the same or lower than the percentage of White, Hispanic, Asian, and American Indian households in DFW that claimed in the 2020 census to have access to vehicles. The opposite was true of Blacks. That is, a higher percentage of Blacks came in contact with police than the percentage of Black households in DFW that claimed in the 2020 census to have access to vehicles.



The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Asians. This was followed by Blacks and Hispanics. This means that among all searches performed in 2022, the most significant percentage of these that resulted in contraband was among Asians. The lowest contraband hit rate was among Whites.

### **Summary of Findings**

As referenced earlier, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Mansfield Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Mansfield Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Mansfield Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2023 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis included in this report serves as evidence that the Mansfield Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

# Checklist

The following requirements were met by the Mansfield Police Department in accordance with The Texas Racial Profiling Law:

- ✔ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✔ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Mansfield Police Department from engaging in racial profiling.
- ✔ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✔ Provide public education related to the compliment and complaint process.
- ✔ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✔ Collect, report and analyze motor vehicle data (Tier 2).
- ✔ Commission Data Audits and a Search Analysis.
- ✔ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✔ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2023.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



*Legislative & Administrative*  
**Addendum**



# TCOLE GUIDELINES

## Guidelines for Compiling and Reporting Data under Senate Bill 1074

### Background

Senate Bill 1074 of the 77<sup>th</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

## **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

## **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

## Commentary

Senate Bill 1074 from the 77<sup>th</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

#### **Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

**Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

**Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.



# The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;  
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

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Date

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Governor

# Modifications to the Original Law

## (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION \_\_\_\_\_. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~



~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION \_\_\_\_\_. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION \_\_\_\_\_. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION \_\_\_\_\_. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION \_\_\_\_\_. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION \_\_\_\_\_. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION \_\_\_\_\_. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION \_\_\_\_\_. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;  
or

(3) a commission rule.

SECTION \_\_\_\_\_. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

# Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor



# **The Sandra Bland Act**

## **(S.B. 1849)**

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

### ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

### ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

### ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
  - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
  - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
  - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
  - (5) revise, amend, or change rules and procedures if necessary;
  - (6) provide to local government officials consultation on and technical assistance for county jails;
  - (7) review and comment on plans for the construction and major modification or renovation of county jails;
  - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
  - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
  - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
  - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
  - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
  - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
  - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
  - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
  - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
    - (A) common issues concerning jail administration;
    - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and  
(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;  
(2) an attempted suicide;  
(3) a death;  
(4) a serious bodily injury, as that term is defined by  
Section 1.07, Penal Code;  
(5) an assault;  
(6) an escape;  
(7) a sexual assault; and  
(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other



than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

#### ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
  - (A) civil rights, racial sensitivity, and cultural diversity;
  - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
  - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
  - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
    - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
    - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

## ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and  
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

\_\_\_\_\_  
Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:  
Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:  
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:


\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Chief Clerk of the House

**MANSFIELD  
POLICE DEPARTMENT  
RACIAL PROFILING POLICY**



	<b>MANSFIELD POLICE DEPARTMENT</b>
	<b>Bias-Based Policing</b>
	<b>Effective Date: 09-01-2017</b>
	<b>Approved: <u>Tracy Aaron</u> Chief of Police</b>
	<b>TBP: 2.01, 12.08</b>

## 202.01 POLICY

The Mansfield Police Department is committed to respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

## 202.02 PURPOSE

The purpose of the policy is to reaffirm the Mansfield Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

## 202.03 DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including Alaska native / American Indian, Black, White, Hispanic or Latino, and Pacific Islander. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

## 202.04 PROCEDURES

### A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP 2.01)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports when applicable.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police or designee any complaints made by an individual against the department.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification

number, name of the immediate supervisor, or any other reasonable information.

7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

#### C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

#### D. Training (TBP 2.01)

Officers shall complete all training required by state law regarding bias based profiling.

### **202.05 COMPLAINTS**

- A. The department shall publish literature outlining our prohibitions on bias based policing and an explanation of how to file a complaint. This literature will be made available at all police facilities in the city. The department's complaint process and its bias based profiling policy will be posted on the department's website.

- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under [Policy 204 \(Internal Investigation and Disciplinary Process\)](#).
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

## **202.06 RECORD KEEPING**

- A. The department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information collected above will be reported to the city council annually.
- C. The information will also be reported to TCOLE in the required format.

## **202.07 DATA COLLECTION & REPORTING**

- A. An officer is required to collect information relating to motor vehicle stops in which a citation is issued and/or arrests made as a result of those stops. This information collected must include:

- 1. The race or ethnicity of the individual detained;
- 2. Whether a search was conducted and, if so,
- 3. Whether it was a consent search or a probable cause search; and

*Note: It is strongly recommended that consent searches only be conducted with consent documented in writing or through the audio/video recording. If an individual indicates that they will consent to a search but refuses to sign the form, fill out the consent form anyway and indicate "consented to search but refused to sign," inserting the officer's initials and the signature of any witness in the signature block.*

- 4. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- B. Required by March 1<sup>st</sup> of each year, the Chief of Police shall submit a report of the information collected from the preceding calendar year to:
  - 1. Texas Commission on Law Enforcement
  - 2. The governing body of the municipality served by the agency.

The report will include:

- 1. a breakdown of motor vehicle stops resulting in a citation only, an arrest only, or both;
- 2. the race or ethnicity of the individual detained; and

3. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
  4. Whether a search was conducted and, if so,
  5. Whether it was a consent search or a probable cause search
- The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.

## **202.08 USE OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT**

- A. The Mansfield Police Department is able to claim a Partial Exemption to Racial Profile Reporting (Tier 1) due to the following;
  1. All cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment; and
  2. Each officer, normally making motor vehicle stops, is equipped with body worn audio/video recording equipment.
- B. The Mansfield Police Department shall retain the video and audio or audio documentation of each motor vehicle stop for at least two years plus 31 days after the date of the stop. These recordings are stored using in-house computer servers that are secured in the police IT area and archives saved to blu-ray disc for retrieval after memory in the servers becomes limited. The discs are stored in the secured police records area of the Department. (TBP 12.08)
- C. If a complaint is filed with this department alleging that a peace officer employed by the department has engaged in racial profiling with respect to a motor vehicle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.
- D. Police supervisors in Divisions having police vehicles equipped with MVR equipment used to record motor vehicles stops will ensure officers of their Division are recording these stops. An MVR recording of each officer operating such a vehicle will be reviewed at least three times quarterly by their immediate supervisor. If there is less than three such recordings, then the supervisor will review all available MVR recordings during that period. *This does not replace the requirement to review Body Camera footage noted in General Orders PD503.10.* A log will be maintained reflecting the review of each recording and maintained by the affected Division Captains. The following information will be captured on the log:
  1. Date/Time the review conducted
  2. Supervisor conducting the review
  3. Officer being reviewed
  4. Date/Time of the motor vehicle stop(s) being reviewed

5. Number of motor vehicle stops reviewed
6. Findings related to the review

E. If the equipment used to record audio and/or video of a motor vehicle stop is malfunctioning or otherwise not operable, the officer shall report the malfunction to his/her supervisor without delay.

**EFFECTIVE:**

A handwritten signature in black ink, appearing to read "Tracy Aaron", written in a cursive style.

**Tracy Aaron  
Chief of Police**



For additional questions regarding the information presented in this report, please contact:

**Del Carmen Consulting©**  
**817.681.7840**  
**[www.texasracialprofiling.com](http://www.texasracialprofiling.com)**  
**[www.delcarmenconsulting.com](http://www.delcarmenconsulting.com)**

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# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5220

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Consent

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:**

**Title**

Resolution - A Resolution to Consider Approving Change Orders #1 and #2 to the Construction Manager-at-Risk Contract with The Fain Group, Inc., in the Amount of \$92,123.12 for Additional Construction Items Related to Gertie Barrett Park and McClendon Park West Improvements

**Requested Action**

Approve Resolution for Change Orders #1 and #2

**Recommendation**

Approve Resolution

**Description/History**

The project includes the first phase of development at Gertie Barrett Park, including a playground, parking lot, splash pad, restroom building, walking trail and open natural spaces. Additionally, improvements at McClendon Park West include two new basketball courts, a splash pad, expanded parking and a new restroom building.

On July 12, 2021, the City Council approved a resolution authorizing the Construction Manager-At-Risk (CMAR) delivery method as providing the best value for construction of Gertie Barrett Park and McClendon Park West improvements. The Fain Group was selected as the CMAR in September 2021. After working closely with both design firms over several months, The Fain Group opened bids for these two park development projects on February 21, 2022. After review of all bids, The Fain Group submitted a Guaranteed Maximum Price (GMP) of \$3,600,140.96 for the project, including \$1,547,867.00 for McClendon Park West and \$2,052,273.96 for Gertie Barrett Park. The GMP contract was approved by the MPFDC on March 17, 2022 and City Council on March 21, 2022.

Since that time, modifications to the original design have occurred due to the project site conditions and requirements. Change orders #1 and #2 are necessary to allow the contractor to install these improvements and meet the revised design specifications. At Gertie Barrett Park, it was determined that the proposed stormwater management improvements needed to be enlarged to provide adequate water volume controls, additional asphalt was needed to replace an existing drive, minor adjustments were needed for the restroom/splash pad water line, and additional ADA ramp inserts were needed. At McClendon Park West, it was determined that the existing water line needed to be extended to the back of the park to support the new basketball court improvements. Staff also requested that the restroom fixtures at both parks be upgraded to stainless steel.

Staff recommends approval of change orders #1 and #2 to the CMAR contract with The Fain Group, Inc., in the amount of \$92,123.12, increasing the GMP total to \$3,692,264.08. The MPFDC Board of Directors approved the contract change orders 7-0 at their regular meeting on February 16, 2023.

**Justification**

The proposed improvements in the change orders are required in order to fulfill the projects' original intent and are due to unforeseen conditions on the project sites.

**Funding Source**

MPFDC ½ cent sales tax

**Prepared By**

Matt Young, Executive Director of Community Services

[Matt.Young@mansfieldtexas.gov](mailto:Matt.Young@mansfieldtexas.gov)

817-728-3397

**RESOLUTION NO. \_\_\_\_\_****RESOLUTION TO CONSIDER APPROVING CHANGE ORDERS #1 AND #2 TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT WITH THE FAIN GROUP, INC. IN THE AMOUNT OF \$92,123.12 FOR ADDITIONAL CONSTRUCTION ITEMS RELATED TO GERTIE GARRETT PARK AND MCCLENDON PARK WEST IMPROVEMENTS**

**WHEREAS**, the City of Mansfield, Texas contracted with The Fain Group, Inc. to be the Construction Manager-at Risk for construction of Gertie Barrett Park and McClendon Park West improvements; and,

**WHEREAS**, the City awarded The Fain Group, Inc. a Guaranteed Maximum Price contract in the amount of Three Million Six Hundred Thousand One Hundred Forty Dollars and 96/100 (\$3,600,140.96) on March 21, 2022; and,

**WHEREAS**, change orders #1 and #2 are necessary to allow the contractor to install improvements at both parks and meet the revised design specifications; and,

**WHEREAS**, the funding for the proposed change orders is available in the MPFDC FY2022-2023 budget; and,

**WHEREAS**, the MPFDC voted 7 – 0 to approve the change orders at their February 16<sup>th</sup> meeting.

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

**SECTION 1.**

That the City Council approves Change Orders #1 and #2 to the construction manager-at-risk contract with The Fain Group, Inc. for additional construction items related to Gertie Barrett Park and McClendon Park West improvements in the amount of Ninety-Two Thousand One Hundred Twenty-Three Dollars and 12/100 (\$92,123.12).

**SECTION 2.**

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

**PASSED AND APPROVED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2023.**

---

**Michael Evans, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin**, City Secretary

# Change Order

**PROJECT:**

Gertie Barrett Park

**CHANGE ORDER NUMBER: 001**
**DATE: 01/25/2023**
**CONTRACT DATE: 10/04/2021**
**TO CONTRACTOR:**

 City of Mansfield  
 1200 East Broad St.  
 Mansfield, TX 76063

 The Fain Group Inc.  
 2500 Great Southwest Pkwy  
 Fort Worth, TX 76106

**THE CONTRACT IS CHANGED AS FOLLOWS:**

The original (Contract Sum) (Guaranteed Maximum Price) was \$ 2,052,273.96  
 The net change by previously authorized change orders \$ 49,993.21  
 The (Contract Sum) (Guaranteed Maximum Price) prior to this change order was \$ 2,052,273.96  
 The (Contract Sum) (Guaranteed Maximum Price) will be increased by this  
 Change Order in the amount of \$ 49,993.21  
 The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be \$ 2,102,267.17  
 The contract time will be (increased) (~~decreased~~) (unchanged) by N/A ( 0 ) days  
 The original contract date of completion was N/A  
 The new contract date of completion will now be N/A

The Fain Group, Inc.

**Contractor**
**Owner**
**Architect**
**Owner's Agent**

(Signature)

(Signature)

(Signature)

(Signature)

**BY**
**BY**
**BY**
**BY**
**DATE**
**DATE**
**DATE**
**DATE**


**FAIN**

 Building Relationships  
 Constructing Futures

 P.O. Box 164308  
 Fort Worth, TX 76161

 817-927-4388  
 817-927-4389 Fax  
 www.faingp.com

January 25, 2023

 James Fish  
 Mansfield Parks & Recreation  
 1164 Matlock Road  
 Mansfield, Tx 76063  
 817-473-1943

 Re: Mansfield CMAR Parks (Gertie Barrett)  
 Road, PCO#1 ASI#4 Utility Changes

Mr. Fish:

Attached are the proposed change order charges for road and utilities due to ASI #4. Please review at your earliest convenience.

Changes	\$	49,993.21
Change 18" RCP to 24" RCP		\$ 1,440.20
Increase 18" Headwalls to 24" Headwalls		\$ 3,000.00
Add 6" Bends to Waterline		\$ 900.00
Earthwork		\$ 9,421.00
5-Inch-Thick Concrete Flume		\$ 18,265.00
2 <sup>nd</sup> Equipment Mobilization		\$ 3,031.00
Road Plates		\$ 1,000.00
ADA Ramps with Truncated Domes		\$ 600.00
367 Sq Yds 2" type B HMA		\$ 5,908.70
Stainless Steel BR Fixtures		\$ 7,519.53
Less 12" Grouted Rip Rap		\$ (3,015.04)
CMAR Fee 4%		\$ 1,922.82

Sincerely,

Rick Graff

## Change Order

**PROJECT:**  
McClendon Park West

CHANGE ORDER NUMBER: 002

**DATE: 01/25/2023**

**CONTRACT DATE: 10/04/2023****TO CONTRACTOR:**

City of Mansfield  
1200 East Broad St.  
Mansfield, TX 76063

The Fain Group Inc.  
2500 Great Southwest Pkwy  
Fort Worth, TX 76106

**THE CONTRACT IS CHANGED AS FOLLOWS:**

The original (Contract Sum) (Guaranteed Maximum Price) was \$ 1,547,867.00  
The net change by previously authorized change orders \$ 42,129.91  
The (Contract Sum) (Guaranteed Maximum Price) prior to this change order was \$ 1,547,867.00  
The (Contract Sum) (Guaranteed Maximum Price) will be increased by this  
Change Order in the amount of \$ 42,129.91  
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be \$ 1,589,996.91  
The contract time will be (increased) (decreased) (unchanged) by N/A ( 0 ) days  
The original contract date of completion was N/A  
The new contract date of completion will now be N/A

The Fain Group, Inc.

### Contractor

Owner

Architect

Owner's Agent

(Signature)

(Signature)

(Signature)

(Signature)

**BY**

BY

BY

BY

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_



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Fort Worth, TX 76161

817-927-4388  
817-927-4389 Fax  
www.faingp.com

January 25, 2023

James Fish  
Mansfield Parks & Recreation  
1164 Matlock Road  
Mansfield, Tx 76063  
817-473-1943

Re: Mansfield CMAR Parks (McClendon)  
CO # 2

Mr. Fish:

Attached are the changes approved at McClendon West Park.

Changes	\$	42,129.91	
Water Line Extended			\$ 32,990.00
Stainless Steel RR Fixtures			\$ 7,519.53
CMAR Fee (4%)			\$ 1,620.38

Sincerely,

Rick Graff





# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5226

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Consent

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:**

**Title**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Authorizing the City Manager or His Designee to Execute an Energy Services Agreement and its Related Payment Plan Agreement with United Commercial Energy Partners (UCEP) for an Energy Conservation Project (Amendment to Agenda)

**Requested Action**

Staff requests that the Council consider, for approval, the attached Resolution authorizing the City Manager or his Designee to execute an energy services agreement with UCEP.

**Recommendation**

Staff recommends approval

**Description/History**

City staff has worked with UCEP to evaluate 11 city facilities' energy consumption. These facilities have several different air control systems and vary significantly in comfort for those occupants. These 11 facilities also produce energy peaks reflected in our annual electricity cost. Staff is recommending an Energy Conservation Project with UCEP that will reduce energy costs in these facilities.

The project would include the MAC, service center, city hall, library, PSB, five fire stations, and parks admin. 281 thermostats will be replaced with programable open-source thermostats. These buildings would also receive minor energy efficiency upgrades such as sealants and weatherproofing. The project includes overlay software as a service called Ideal Impact Campus Optimizer, a proven solution used to program HVAC equipment to run at peak performance and adjust to reduce humidity in the air handling.

**Justification**

The total cost to install the equipment and make all energy efficiency modifications is \$591,695, which UCEP carries for the City. UCEP is projecting electricity savings from \$89,800 annually to \$118,853; this equates to 34% - 45% of the total annually billed energy in these facilities. While the City realizes the full savings, UCEP guarantees \$89,800 or 34% annually.

The agreement will be for Mansfield to share the savings in an 80/20 split until the project cost is fully realized. Each quarter, Mansfield will pay 80% of the previous quarter's energy savings to UCEP. In the simplest form, the City will reimburse the project's cost through the money budgeted and saved.

### **Funding Source**

Funding is derived through the reduction in budgeted energy costs each year.

### **..Funding Source**

### **Prepared By**

Jeff Price, Executive Director of Public Works  
817-932-3961

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN ENERGY SERVICES AGREEMENT AND ITS RELATED PAYMENT PLAN AGREEMENT, WITH UNITED COMMERCIAL ENERGY PARTNERS FOR AN ENERGY CONSERVATION PROJECT**

**WHEREAS**, the City of Mansfield maintains facilities that consume energy to run heating and cooling systems; and,

**WHEREAS**, City facilities use more electricity during the winter and summer months for heating and cooling; and,

**WHEREAS**, the fluctuation in energy use throughout these months can create peaks and penalties recognized around the year; and,

**WHEREAS**, it is in the best interest of the City to reduce energy charges by becoming more energy efficient in operating facilities.

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

**SECTION 1.**

The City Manager or his designee is hereby authorized to execute an energy services agreement and its related Payment Plan Agreement, with United Commercial Energy Partners for an Energy Conservation Project.

**SECTION 2.**

Eighty percent of quarterly energy savings within the annual operating budget are hereby authorized to be used as payment to United Cooperative Energy Partners until the total project cost of five hundred ninety-one thousand six hundred ninety-five and no cents (\$591,695.00) for the Energy Conservation Project is paid.

**SECTION 3.**

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

**PASSED AND APPROVED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2023.**

---

**Michael Evans, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin**, City Secretary



# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5221

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Approval of Minutes

**In Control:** City Council

**File Type:** Meeting Minutes

### Title

Minutes - Approval of the February 13, 2023 Regular City Council Meeting Minutes

### Requested Action

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

### Recommendation

Approval of the minutes by the Council.

### Description/History

The minutes of the February 13, 2023 Regular City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

### Justification

Permanent Record

### Funding Source

N/A

### Prepared By

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



# CITY OF MANSFIELD

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

## Meeting Minutes - Draft

### City Council

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Monday, February 13, 2023

2:00 PM

Council Chambers

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#### REGULAR MEETING

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

*Mayor Evans called the meeting to order at 2:00 p.m.*

*Council Member Leyman was absent due to his resignation.*

**Present** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**N/A's** 1 - Mike Leyman

#### WORK SESSION

Presentation and Discussion From Stillwater Capital Regarding The Reserve Planned Development District

*Stillwater Capital Managing Director Clay Roby gave a high level introduction of the presentation and introduced Hunter Dietz with Woodbine, Stillwater Capital's hotel development partner. Mr. Dietz spoke on Marriott and Woodbine's success, a Mansfield, Marriott, and Woodbine project, various Woodbine success stories, what Marriott can bring to Mansfield, and answered questions. There was discussion on the quality of the proposed project, potential retail/restuarants in the development, comparisons to other hotels and conference centers, and the disconnect between the City Council and Stillwater Capital on the proposed development.*

Discussion Regarding the Mansfield Youth Council

*Management Analyst Kristen Petree presented an update on the Mansfield Youth Advisory Council including the timeline, the information included in the resolution establishing the Youth Council and the bylaws, and answered Council questions.*

Discussion Regarding Direction on the Future Land Use Plan with the Citizen Planning Steering Committee

*Director of Planning Jason Alexander presented the direction of the Future Land Use Plan (FLUP) with the Citizen Planning Steering Committee (CPSC) and spoke on the city's mission statement and guiding principles, the FLUP mission statement, upcoming events, and the tentative FLUP timeline. Mayor Evans welcomed the members of the CPSC and spoke on the Council's charge to them. The Council spoke on the purpose of the FLUP, the committee's work, and how the FLUP will affect future generations. City Manager Joe Smolinski spoke on the economic analysis study Urban3 completed for the city and the topics the CPSC will be presented with to help in making critical decisions about the city's future development such as housing, fiscal*

*sustainability, lift stations, taxes, forecasting, citizen satisfaction surveys, fact versus fiction, and the opportunity to tour developments.*

Discussion of the February 13, 2023 Consent Agenda Items

*City staff answered questions on agenda items 23-5176, 23-5198, 23-5190, 23-5191, and 23-5199.*

### **RECESS INTO EXECUTIVE SESSION**

*In accordance with Texas Government Code, Chapter 551, Mayor Evans recessed the meeting into executive session at 3:40 p.m. Mayor Evans called the executive session to order in the Council Conference Room at 3:53 p.m. Mayor Evans recessed the executive session at 6:07 p.m.*

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

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

Seek Advice of City Attorney Regarding Pending Litigation – Cause No. 3:20-CV-2061-N-BK

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

Seek Advice of City Attorney Regarding Cyber Security

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

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

Land Acquisition for Future Development

### **Personnel Matters Pursuant to Section 551.074**

### **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 #15-02

Economic Development Project #22-12

Economic Development Project #22-14

Economic Development Project #22-18

Economic Development Project #22-24

Economic Development Project #23-01

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

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

*Mayor Evans reconvened the meeting into regular business session at 6:56 p.m.*

**INVOCATION**

*Texas Health Hospital Mansfield President Kenneth Rose 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 Lewis led the Texas Pledge.*

**CITIZEN COMMENTS**

*Houston Mitchell, 605 St. Eric - Mr. Mitchell spoke on multi-family developments and City Council transparency.*

*Larry Klos, 1407 Danbury Drive - Mr. Klos spoke on City Council pay, the potential Economic Development bond propositions, and Super Studios.*

*Brandon Frizzell, 2301 Eric Lane - Mr. Frizzell spoke on City Council transparency.*

*Kent Knight, 1026 Masters Drive - Mr. Knight spoke on the potential Economic Development bond propositions and Super Studios.*

*Nancy Morris, 1342 N Hyview - Ms. Morris spoke on issues with Animal Control.*

*Drew Spaulding, 2115 Cannon Drive - Mr. Spaulding spoke on the potential Economic Development bond propositions and Super Studios.*



*Nicole Zaitoon, 710 Walnut Hollow - Mrs. Zaitoon spoke on the potential Economic Development bond propositions and Super Studios.*

*Stoney Short - 305 W Kimball - Mr. Short spoke on the City Council's workload.*

*Kristen Fleming-Wood, 2220 Walnut Manor Drive - Ms. Fleming-Wood spoke on City Council pay and city crosswalks.*

*Non-Speaker:*

*Bob Kowalski, 4 River Crest Court - Support Pickle Parade*

*Joe Smolinski addressed comments made.*

## **PRESENTATION**

Presentation of the Community Advocate Award to Nicole Zaitoon

*Mayor Evans and the City Council presented the Community Advocate Award to Nicole Zaitoon, in recognition of appreciation of her contributions in assisting staff with city code revisions.*

Presentation of the Certificate of Achievement for Excellence in Financial Reporting

*Mayor Evans and the City Council presented the FY21 Certificate of Achievement for Excellence in Financial Reporting to Deputy City Manager Troy Lestina and members of the city's finance team.*

## **RECOGNITION**

Veteran Kenneth Christopherson - 100th Birthday

*Mayor Evans recognized Kenneth Christopherson, a US Army World War II combat veteran, who just celebrated his 100th birthday.*

Bill Ray - Service to Veterans

*Mayor Evans recognized Bill Ray for his service to local veterans.*

Mary Ann Johnson - Former Mansfield City Council Member and City Employee

*Mayor Evans recognized Mary Ann Johnston for her service as a city employee and council member.*

## **COUNCIL ANNOUNCEMENTS**

*Council Member Short had no announcements.*

*Council Member Lewis spoke on the H-E-B Groundbreaking ceremony and future City Charter amendments.*

*Mayor Pro Tem Tonore had no announcements.*

*Council Member Bounds spoke on attending a parade in honor of Bill Ray.*

*Council Member Broseh had no announcements.*

*Mayor Evans thanked Council Member Bounds and staff for their work on the TML Region 8 Meeting, and spoke on True NORTH.*

## **SUB-COMMITTEE REPORTS**

### **23-5196**

Minutes - Approval of the January 23, 2023 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

*Council Member Lewis gave a report of the meeting.*

**A motion was made by Council Member Lewis to approve the minutes of the January 23, 2023 Housing Market Growth Strategy Sub-Committee Meeting. Seconded by Council Member Short. The motion CARRIED by the following vote:**

**Aye:** 3 - Julie Short; Casey Lewis and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**Non-Voting:** 3 - Larry Broseh; Todd Tonore and Michael Evans

### **23-5197**

Minutes - Approval of the February 3, 2023 Housing Market Growth Strategy Sub-Committee Meeting Minutes (vote will be only by members of the sub-committee: Lewis (Chair), Short, and Bounds)

*Council Member Lewis gave a report of the meeting.*

**A motion was made by Council Member Lewis to approve the minutes of the February 3, 2023 Housing Market Growth Strategy Sub-Committee Meeting. Seconded by Council Member Short. The motion CARRIED by the following vote:**

**Aye:** 3 - Julie Short; Casey Lewis and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**Non-Voting:** 3 - Larry Broseh; Todd Tonore and Michael Evans

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

Current/Future Agenda Items

Potential Bond Propositions - Jason Moore

*Jason Moore spoke on the potential bond propositions.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

*There was no action taken.*

### **CONSENT AGENDA**

#### **23-5198**

Ordinance - An Ordinance of the City of Mansfield, Texas, Calling a Special Election to Submit Two (2) Ballot Propositions to the Eligible Voters of the City of Mansfield, Texas, Pursuant to Sections 504.152, 505.152, and 505.202 of the Texas Local Government Code Authorizing the Type A Economic Development Sales Tax to be Used for Type B Economic Development Purposes; Providing for the Form of Ballot; Making Provisions for the Conduct of the Election and Other Provisions Relating Thereto; Providing a Severability Clause; and Providing for an Effective Date

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, CALLING A SPECIAL ELECTION TO SUBMIT TWO (2) BALLOT PROPOSITIONS TO THE ELIGIBLE VOTERS OF THE CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTIONS 504.152, 505.152, AND 505.202 OF THE TEXAS LOCAL GOVERNMENT CODE AUTHORIZING THE TYPE A ECONOMIC DEVELOPMENT SALES TAX TO BE USED FOR TYPE B ECONOMIC DEVELOPMENT PURPOSES; PROVIDING FOR THE FORM OF BALLOT; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamara Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2290-23

#### **23-5161**

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding From the Justice Assistance Grant (JAG) of the Governor's Office of Texas to Upgrade the In-Car Video Equipment of Police Department Units. The Amount of the Grant Will Not Exceed \$40,470.00 and Does Not Require a Match

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE**

DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE GRANT PROGRAM, FY 2024, FROM THE CRIMINAL JUSTICE DIVISION THROUGH THE OFFICE OF THE GOVERNOR OF TEXAS. THE AMOUNT OF THE AWARD WILL NOT EXCEED \$40,470.00 AND DOES NOT REQUIRE A MATCH

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3979-23

[23-5176](#)

Resolution - A Resolution of the City of Mansfield, Texas, Establishing a Mansfield Youth Advisory Council; Providing for the Mission, Rules and Duties Associated Therewith; Approving the Bylaws of the Mansfield Youth Council; And Providing for an Effective Date

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, ESTABLISHING A MANSFIELD YOUTH ADVISORY COUNCIL; PROVIDING FOR THE MISSION, RULES AND DUTIES ASSOCIATED THEREWITH; APPROVING THE BYLAWS OF THE MANSFIELD YOUTH COUNCIL, AS ATTACHED; AND PROVIDING FOR AN EFFECTIVE DATE

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3980-23

[23-5189](#)

Resolution - A Resolution Authorizing and Approving the Creation of the Mansfield Public Facility Corporation Pursuant to Chapter 303 of the Texas Local Government Code to Act on Behalf of the City of Mansfield, Texas; Approving the Certificate of Formation and Bylaws Related Thereto; and Resolving Other Matters in Connection Therewith

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

**A RESOLUTION AUTHORIZING AND APPROVING THE CREATION OF THE MANSFIELD PUBLIC FACILITY CORPORATION PURSUANT TO CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE TO ACT ON BEHALF OF THE CITY OF MANSFIELD, TEXAS; APPROVING THE CERTIFICATE OF FORMATION AND BYLAWS RELATED THERETO; AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamara Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3981-23

[23-5190](#)

Resolution - A Resolution Authorizing Funding in the Amount of \$176,755.00 for Professional Services, Specifically for Construction Materials Engineering, Testing and Special Inspection Services for the New Mansfield Police Department to Landtec Engineers

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING FUNDING IN THE AMOUNT OF \$176,755.00, FOR PROFESSIONAL SERVICES, SPECIFICALLY FOR CONSTRUCTION MATERIALS ENGINEERING, TESTING AND SPECIAL INSPECTION SERVICES FOR THE NEW MANSFIELD POLICE DEPARTMENT TO LANDTEC ENGINEERS ARLINGTON, TX**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamara Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3982-23

[23-5191](#)

Resolution - A Resolution Authorizing a Purchase in the Amount of \$349,500.00 For a New Commercial Diesel Generator to Cummins Inc., For the New Mansfield Police Department

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS,**

**AUTHORIZING FUNDING IN THE AMOUNT OF \$349,500.00, FOR THE PURCHASE OF A NEW COMMERCIAL DIESEL GENERATOR TO CUMMINS INC; FOR THE NEW MANSFIELD POLICE DEPARTMENT**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3983-23

[23-5194](#)

Resolution - A Resolution Authorizing an Interlocal Agreement Between the City of Mansfield, Texas, City of Forest Hill, Texas and the City of Everman, Texas For the Purpose of Utilization of Everman Jail Facility

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF EVERMAN, TX, CITY OF FOREST HILL, TX AND THE CITY OF MANSFIELD, TX FOR AN INTERLOCAL AGREEMENT BETWEEN CITIES FOR THE USE OF JAIL FACILITIES IN EVERMAN, TX; EVERMAN POLICE DEPARTMENT**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3984-23

[23-5199](#)

Resolution - A Resolution Authorizing a Change Order and Providing Additional Funds for FM 157 & South Parkridge Utility Improvements with Woody Contractors, LLC for an Amount Not to Exceed \$232,478.10 (Utility Fund)

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR FM 157 & SOUTH PARKRIDGE UTILITY IMPROVEMENTS WITH**

**WOODY CONTRACTORS, LLC FOR AN AMOUNT NOT TO EXCEED \$232,478.10.  
(UTILITY FUND)**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3985-23

[23-5195](#)

Minutes - Approval of the January 23, 2023 Regular City Council Meeting Minutes

**A motion was made by Council Member Bounds to approve the minutes of the January 23, 2023 Regular City Council Meeting as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**END OF CONSENT AGENDA**

**PUBLIC HEARING**

[23-5162](#)

Ordinance - Public Hearing and Consideration of an Ordinance Setting Forth the Standards of Care for the Parks and Recreation Department's Kids Zone Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program, Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

*Executive Director of Community Services Matt Young presented the item.*

*Mayor Evans opened the public hearing at 8:22 p.m. With no one wishing to speak, Mayor Evans closed the public hearing at 8:22 p.m.*

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE PARKS AND RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM;**

PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: OR-2291-23

### **PUBLIC HEARING AND FIRST READING**

#### **[23-5187](#)**

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from SF-7.5/12, Single-Family Residential District and PD, Planned Development District to D, Downtown District, D-1, Sub-Urban Zone on Approximately 1.460 Acres Located at 505 W. Kimball St., 506 W. Kimball St., and 509 Alvarado St.; Benjamin Hartman, Owner

*Jason Alexander presented the item and answered Council questions.*

*Mayor Evans opened the public hearing at 8:26 p.m.*

*Roy Russell, 206 Dawson Street - Mr. Russell spoke in opposition to the item.*

*Non-Speaker Cards:*

*Jan and Hugo Morga, 605 W Kimball Street - Opposition*

*Robert Downs, 214 Dawson Street - Opposition*

*Lynn Mutli, 510 W Kimball Street*

*Mayor Evans closed the public hearing at 8:29 p.m.*

**A motion was made by Council Member Lewis to approve the first reading of the ordinance. Seconded by Council Member Bounds. The motion CARRIED by the following vote:**

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0



**NEW BUSINESS**[23-5147](#)

Resolution - Consideration and Approval of a Resolution Approving a Tax Increment Reinvestment Zone Reimbursement & Chapter 380 Economic Development Agreement between the City of Mansfield, Texas, the Board of Directors of Reinvestment Zone Number One, City of Mansfield, and Chisolm Flats, LLC; Authorizing the City Manager to Execute Said Agreement; And Providing an Effective Date

*Jason Moore presented the item.*

**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 TIRZ DEVELOPMENT AGREEMENT FOR REINVESTMENT ZONE NUMBER ONE, CITY OF MANSFIELD, BY AND BETWEEN THE CITY OF MANSFIELD, TEXAS, THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF MANSFIELD, AND CHISHOLM FLATS, LLC; AND PROVIDING AN EFFECTIVE DATE**

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

**Seconded by Mayor Pro Tem Tonore. The motion CARRIED by the following vote:**

**Aye:** 5 - Larry Broseh; Julie Short; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 1 - Casey Lewis

**Abstain:** 0

Enactment No: RE-3986-23

[23-5185](#)

Resolution - A Resolution of the City of Mansfield, Texas, Approving an Economic Development Agreement between the City of Mansfield, Texas, the Mansfield Economic Development Corporation, and Super Studios Mansfield, LLC; Authorizing the City Manager or his designee, and MEDC President, to Execute Said Agreement; and Providing an Effective Date

*Jason Moore presented the item and answered Council questions.*

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANSFIELD, TEXAS, THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION, AND SUPER STUDIOS MANSFIELD, LLC; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, AND MEDC PRESIDENT, TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

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

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

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

Enactment No: RE-3987-23

[23-5184](#)

Request for Special Event Permit: Mansfield Pickle Parade & Palooza

*Assistant to the City Manager Faith Morse presented the item.*

**A motion was made by Council Member Short to approve based on the comments from Faith Morse and also with the condition that the Pond Branch parking lot is cleared and open for public parking no later than 4:00 p.m. on the day of the Pickle Parade 2023. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

**ADJOURN**

**A motion was made by Council Member Lewis to adjourn the meeting at 9:13 p.m. Seconded by Council Member Short. The motion CARRIED by the following vote:**

**Aye:** 6 - Larry Broseh; Julie Short; Casey Lewis; Todd Tonore; Michael Evans and Tamera Bounds

**Nay:** 0

**Abstain:** 0

\_\_\_\_\_  
ATTEST: Michael Evans, Mayor

\_\_\_\_\_  
Susana Marin, City Secretary



# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5213

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Consideration Item

**Agenda Number:**

**Title**

Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Row Houses, in the D, Downtown District, D-2, Urban Transition Zone on approximately 0.638 Acres, Being a Tract Portion of Block 27, Original Town of Mansfield, According to the Plat Recorded in Volume 63, Page 53, City of Mansfield in Tarrant County Texas, Located at 204 S First Avenue (SUP#22-007)

**Requested Action**

To consider the subject specific use permit request.

**Recommendation:**

The Planning & Zoning Commission held a public hearing on February 6, 2023, and voted by 7 to 0 to recommend approval.

Staff recommends approval of the SUP.

**Description/History**

*Existing Use:* Vacant

*Existing Zoning:* D, Downtown District (D-2, Urban Transition Zone)

*Land Use Plan:* Sub-Area 3

*Surrounding Land Use & Zoning:*

North - Existing Single-Family

South - Existing Single-Family

East - Commercial and Civic Uses

West - Vacant and Existing Single-Family

**Synopsis**

The Specific Use Permit (SUP) request is for a use --- row houses --- that may require special consideration in certain settings or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community, which without specific consideration may have possible adverse impact on neighboring properties. Pursuant to the provisions in Section 155.080 of the Zoning Ordinance and the provisions set forth for the D, Downtown District, the SUP for row houses is compatible with the surrounding land uses and is consistent with the Official Land Use Plan and the Downtown Development Strategies.

### **Staff Analysis**

The applicant is proposing construction of a new 10-unit row house development. A “Row House” is defined in the D, Downtown District Code as a “single-family dwelling that shares a party wall with another of the same type and occupies the full width of the front setback.” Row houses are on individual platted lots and typically share common spaces and accessways. This use is allowed in the D-2, Urban Transition Zone of the D, Downtown District with an SUP. As proposed, the development will consist of units with a minimum habitable area of 2,075 sf (the zoning district requires a minimum of 1,800 square feet).

### **Site Plan**

The site plan proposes the construction of 2 new buildings, each housing 5 separate row houses. The buildings are 2-story with a rooftop deck for each unit. All access to garages occur via a shared driveway. To the rear of the property, there is a private community space with a shade structure and fenced dog yard/park.

The buildings have stoop frontages along both First Avenue and Alvarado Street. The building that faces Alvarado Street also has a unit with a side wall that faces First Avenue. The development has provided a low-fenced door yard as well as secondary covered entrances to ensure that the unit maintains strong visual interest along that frontage. Both buildings are predominately masonry construction --- using light colored brick with banding details and metal accents along alternating roof lines. The architectural of the character of the proposed development is in strict alignment with the standards provided under the D, Downtown District.

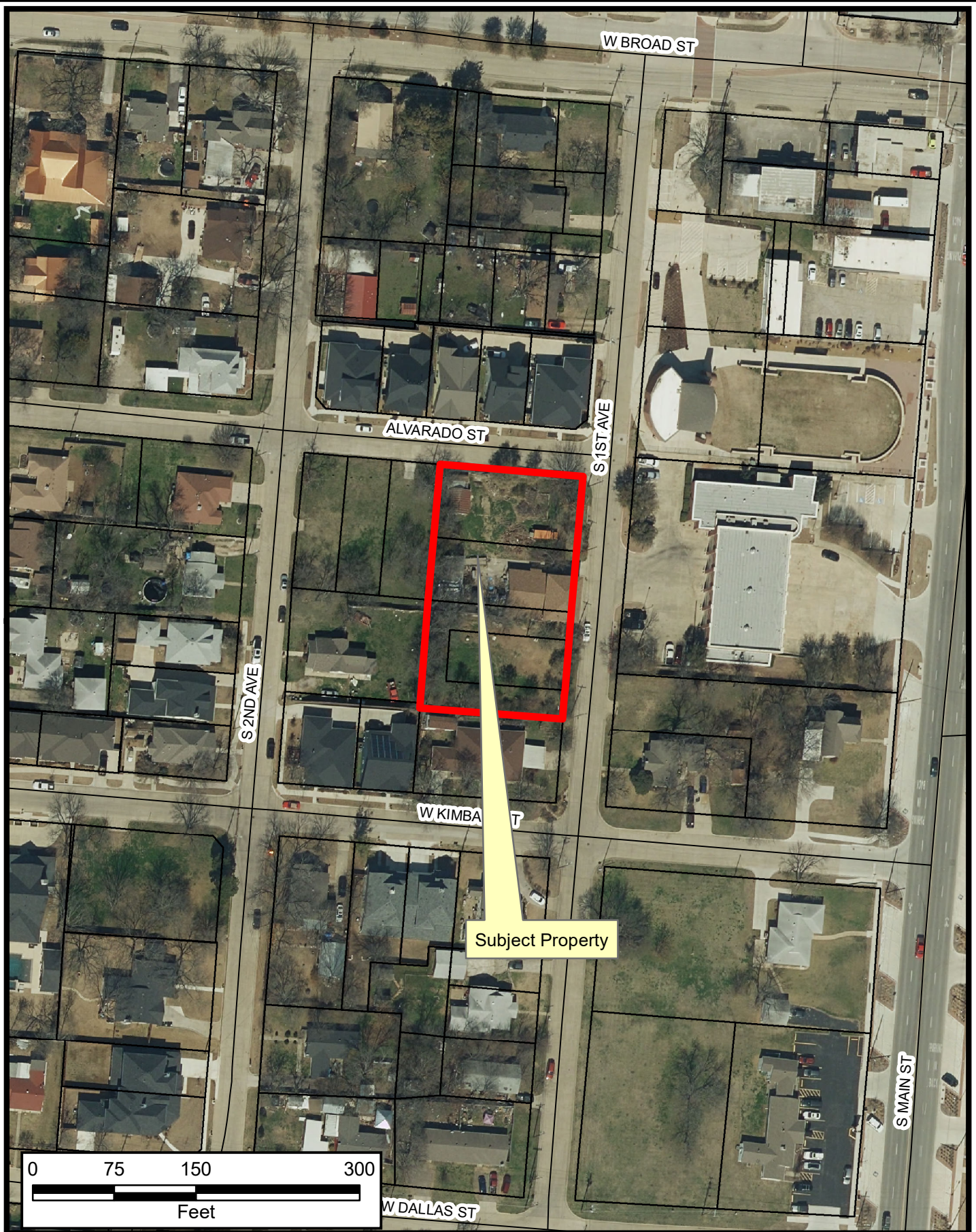
### **Summary**

The Official Land Use Plan identifies Sub-Area 3 as an area ripe for medium to high density residential and states that the more people/population that can be brought to the downtown area the more business and commercial uses will expand and help downtown to become a vibrant core. The D, Downtown District was created to realize this vision --- and the allowance of higher intensity residential development integrated into the existing residential fabric is key to supporting future Downtown growth. The site is one block off of Main Street, and with a two-story height the buildings are not obtrusive to the current residential fabric. Further, the presence of row houses will help to diversify the housing options within Downtown and the surrounding neighborhoods, a critical goal of the City Council and the Planning and Zoning Commission. Staff has worked with the development team to ensure that the materials and frontages complement the existing single-family homes and future redevelopment.

### **Prepared By**

Arty Wheaton-Rodriguez  
Assistant Director of Planning  
817-276-4245





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

**SUP 22-007**

1/20/2023





# Property Owner Notification for SUP 22-007

LEGAL DESC 1 ADDRESS	LEGAL DESC 2 CITY	LEGAL DESC 3 ZIP	LEGAL DESC 4	ACREAGE	OWNER NAME	OWNER
90231					CITY OF ARLINGTON ARLINGTON T,X	P.O. BOX 76004--323
RAGLAND ROAD					GRAND PRAIRIE LAKE PARKS GRAND PRAIRIE, TX	3401 75052
HILLCREST ST					MANSFIELD ISD MANSFIELD, TX	203 76063
WALTER STEPHENSON					MIDLOTHIAN ISD MIDLOTHIAN, TX	100 76065 ROAD
LOOP 820					TXDOT FORT WORTH, TX	2501 SW 76113
ADDRESS ***				0.77685892 *** NO CITY ***		*** NO * NO ZIP *
MANSFIELD, CITY OF BROAD ST	BLK 23 MANSFIELD, TX	LOT 1 76063-1805	2 & 4B BLK 24 LT A & CLOSED ST	0.26673463 0207	MANSFIELD, CITY OF	1200 E
MANSFIELD, CITY OF BROAD ST	BLK 23 MANSFIELD, TX	LOT 1 76063-1805	2 & 4B BLK 24 LT A & CLOSED ST	1.17158339 762	MANSFIELD, CITY OF	1200 E
MANSFIELD, CITY OF BROAD ST	BLK 23 MANSFIELD, TX	LOT 1 76063-1805	2 & 4B BLK 24 LT A & CLOSED ST	0.31170069 5136	MANSFIELD, CITY OF	1200 E
MANSFIELD, CITY OF BROAD ST	BLK 23 MANSFIELD, TX	LOT 1 76063-1805	2 & 4B BLK 24 LT A & CLOSED ST	0.40547597 1177	MANSFIELD, CITY OF	1200 E
MANSFIELD, CITY OF CRYSTAL LAKE DR	BLK 24 GRANBURY, TX	LOT B 76049	(N57' S128' W125' E125' S128')	0.52168472 5998	PARRISH, DONNA	3201
MANSFIELD, CITY OF BROAD ST	BLK 24 MANSFIELD, TX	LOT C 76063	( S 71' W 125' ) 50% UNDIVIDED I	0.20945900 2688	444 HOLDINGS LLC	309 E
MANSFIELD, CITY OF KIMBALL ST	BLK 26 MANSFIELD, TX	LOT 1D 76063	( W 70' N 155' )	0.24639796	WILSON, JENNIFER	205 W
MANSFIELD, CITY OF KIMBALL ST UNIT B	BLK 26 MANSFIELD, TX	LOT 1R1 76063		7111 0.14864200	CAPONIO, VERONICA	203 W
MANSFIELD, CITY OF KIMBALL ST	BLK 26 MANSFIELD, TX	LOT 3B 76063-1953	( N 88' OF LOT 3 )	6544 0.16755887	HARRIS, WILLIAM E	201 W
MANSFIELD, CITY OF	BLK 26	LOT 1R2		8504 0.105857905	AJIBOLA, OLUROTIMI	203 W

KIMBALL ST UNIT A	MANSFIELD, TX	76063				
MANSFIELD, CITY OF BROAD ST	BLK 27 MANSFIELD, TX	LOT A 76063	( E 125' N 71' )	0.20514552	ALTAR HOLDINGS LLC	309 E
				6486		
MANSFIELD, CITY OF BROAD ST	BLK 27 MANSFIELD, TX	LOT B 76063	( E 125' S 54' N125' )	0.17173796	ALTAR HOLDINGS LLC	309 E
				6701		
MANSFIELD, CITY OF AVE	BLK 27 MANSFIELD, TX	LOT F 76063	( N 93' S 175' W 120' )	0.27204434	SOTO, ROSA	205 S 2ND
				8167		
MANSFIELD, CITY OF BROAD ST	BLK 27 MANSFIELD, TX	LOT D 76063	& C	0.11653818	ALTAR HOLDINGS LLC	309 E
				3558		

Friday, January 20, 2023



## Property Owner Notification for SUP 22-007

LEGAL DESC 1 ADDRESS	LEGAL DESC 2 CITY	LEGAL DESC 3 ZIP	LEGAL DESC 4	ACREAGE	OWNER NAME	OWNER
MANSFIELD, CITY OF KIMBALL ST	BLK 27 MANSFIELD, TX	LOT E 76063	( S 82' E 130' )	0.23344643	PHILLIPS, EDDIE	200 W
MANSFIELD, CITY OF BROAD ST	BLK 27 MANSFIELD, TX	LOT D 76063	& C	9553 0.18311018	ALTAR HOLDINGS LLC	309 E
MANSFIELD, CITY OF 171028	BLK 27 ARLINGTON, TX	LOT 1R1A 76003-1028		6693 0.11481311	BARMONT LP	PO BOX
MANSFIELD, CITY OF 171028	BLK 27 ARLINGTON, TX	LOT 1R2A 76003-1028		8008 0.11437213	BARMONT LP	PO BOX
MANSFIELD, CITY OF 171028	BLK 27 ARLINGTON, TX	LOT 1R2B 76003-1028		8461 0.12910774	BARMONT LP	PO BOX
MANSFIELD, CITY OF KIMBALL ST	BLK 27 MANSFIELD, TX	LOT 2R2 76063		4166 0.10468853	GODWIN, JOHN B	204 W
MANSFIELD, CITY OF KIMBALL ST	BLK 27 MANSFIELD, TX	LOT 2R1 76063		5355 0.13358551	MUELLER, GARY	206 W
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 4A 76063-1906	& 5B	7281 0.09103285	RALL, DELIA G	103 S 2ND
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 1C, 76063	2C, 3C & LOTS 5A, 6A, 7A, & 8A	64876 0.08124717 87124	LIRA, CANDELARIO	104 S 1ST
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 4A 76063-1906	& 5B	0.06503420	RALL, DELIA G	103 S 2ND
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 1C, 76063	2C, 3C & LOTS 5A, 6A, 7A, & 8A	55347 0.03172247 83584	LIRA, CANDELARIO	104 S 1ST
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 1C, 76063	2C, 3C & LOTS 5A, 6A, 7A, & 8A	0.07490926 93037	LIRA, CANDELARIO	104 S 1ST
MANSFIELD, CITY OF AVE	BLK 28 MANSFIELD, TX	LOT 1C, 76063	2C, 3C & LOTS 5A, 6A, 7A, & 8A	0.07682214 38433	LIRA, CANDELARIO	104 S 1ST
MANSFIELD, CITY OF HERITAGE OAKS DR	BLK 28 MANSFIELD, TX	LOT 4R 76063		0.10426292	SHARIF, AIDA	6901
MANSFIELD, CITY OF ALVARADO ST	BLK 28 MANSFIELD, TX	LOT 5R 76063		1659 0.08449879	ANZELMO, JOHN	212
MANSFIELD, CITY OF ALVARADO ST	BLK 28 MANSFIELD, TX	LOT 6R 76063		6359 0.08764959	LEDDY, LINDA	208

MANSFIELD, CITY OF ALVARADO ST	BLK 28 MANSFIELD, TX	LOT 7R 76063		89173 0.08764959	STEEN, SHARI	204
MANSFIELD, CITY OF ALVARADO ST	BLK 28 MANSFIELD, TX	LOT 8R 76063		89302 0.11085096	HAMM, SANDI	200
MANSFIELD, CITY OF AVE	BLK 29 MANSFIELD, TX	LOT 4 76063		3381 0.24896504	CLETTENBERG, BRIAN	106 S 2ND
MANSFIELD, CITY OF AVE	BLK 30 MANSFIELD, TX	LOT A 76063-1909	( N 75' E 125' )	5799 0.19041922	HERNANDEZ, ESTEBAN	200 S 2ND
MANSFIELD, CITY OF AVE	BLK 30 MANSFIELD, TX	LOT B 76063-1909	( S 75' W 175' N 75' E 175' )	099 0.31614580	WILLIAMS, DOROTHY JANINE	202 S 2ND
				7028		

Friday, January 20, 2023

Property Owner Notification for SUP 22-007

LEGAL DESC 1 ADDRESS	LEGAL DESC 2 CITY	LEGAL DESC 3 ZIP	LEGAL DESC 4	ACREAGE	OWNER NAME	OWNER
MANSFIELD, CITY OF BROAD ST	BLK 30 MANSFIELD, TX	LOT C01A 76063		0.11449707	ANCHORA PROPERTIES LLC	309 E
				2221		
MANSFIELD, CITY OF AVE	BLK 30 MANSFIELD, TX	LOT 4R2 76063		0.12423530	THOMAS, ORRON	206 S 2ND
				7003		
MANSFIELD, CITY OF BROAD	BLK 30 MANSFIELD, TX	LOT 4R1 76063		0.12311042	ANCHORA PROPERTIES LLC	309 E
				4694		

Friday, January 20, 2023

EXHIBIT A  
SUP#22-007

WHEREAS, ALTAR HOLDINGS, LLC, acting by and through the undersigned, its duly authorized agent, is the sole owner of all that certain tract portion of Block 27, Original Town of Mansfield, an addition to the City of Mansfield, Texas according to the plat recorded in Volume 63, Page 53 of the Plat Records of Tarrant County, Texas as described in deed recorded in Clerk's File No. D222\_\_\_\_\_ of the Official Public Records of Tarrant County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron pipe found at the Northeast corner of said Altar Holdings Tract and said Block 27, lying in the South right-of-way line of Alvarado Street (a called 50-foot wide right-of-way) at its intersection with the West right-of-way line of South 1st Avenue (a called 50-foot wide right-of-way);

THENCE S 04° 47' 18" W, 217.77 feet along the said West right-of-way line of South 1st Avenue to a 2-inch metal fence post found at the Southeast corner of said Altar Holdings Tract, being the Northeast corner of that certain tract of land described in deed to Eddie Phillips and Mary E. McKay-Swanson, recorded in Clerk's File No. D215223318 of the Official Public Records of Tarrant County, Texas;

THENCE N 85° 09' 19" W, 130.75 feet along the common boundary line between said Altar Holdings Tract and said Phillips and McKay-Swanson Tract to a 3/8-inch iron rod found at the Southwest corner of said Altar Holdings Tract, being the Northeast corner of Lot 2R2, Block 27, Original Town of Mansfield, an addition to the City of Mansfield, Texas, according to the plat recorded in Clerk's File No. D217241123 of the Official Public Records of Tarrant County, Texas and the Southeast corner of that certain tract of land described in deed to Rose Soto and Anastacio Soto, recorded in Clerk's File No. D6056959 of the Official Public Records of Tarrant County, Texas;

THENCE along the West boundary line of said Altar Holdings Tract as follows:

N 04° 55' 02" E, 92.55 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northeast corner of said Soto Tract, lying in the South boundary line of Lot 1R3A, Block 27, Original Town of Mansfield, an addition to the City of Mansfield, Texas, according to the plat recorded in Clerk's File No. D215095440 of the Official Public Records of Tarrant County, Texas;

S 85° 18' 47" E, 5.00 feet with the South boundary line of said Lot 1R3A to a 1/2-inch iron rod found with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Southeast corner thereof;

N 04° 49' 01" E, 124.74 feet with the East boundary line of said Lot 1R3A to a 1/2-inch iron rod found at the Northeast corner thereof, being the Northwest corner of aforesaid Altar Holdings Tract and lying in the aforesaid South right-of-way line of Alvarado Street;

THENCE S 85° 22' 02" E, 125.48 feet along the said South right-of-way line of Alvarado Street to the PLACE OF BEGINNING, containing 0.638 acre (27,779 square feet) of land.



## ROW HOUSES AT 204 S 1ST AVENUE

JOB #2213

01-11-23

## COVER SHEET

SCALE:

### Exhibit B- Development Plan

**SCHAUMBURG**  
ARCHITECTS

8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007



WALL AREA= 7012 SF, WINDOW AREA= 1240 SF  
TOTAL WINDOW PERCENTAGE= 18%

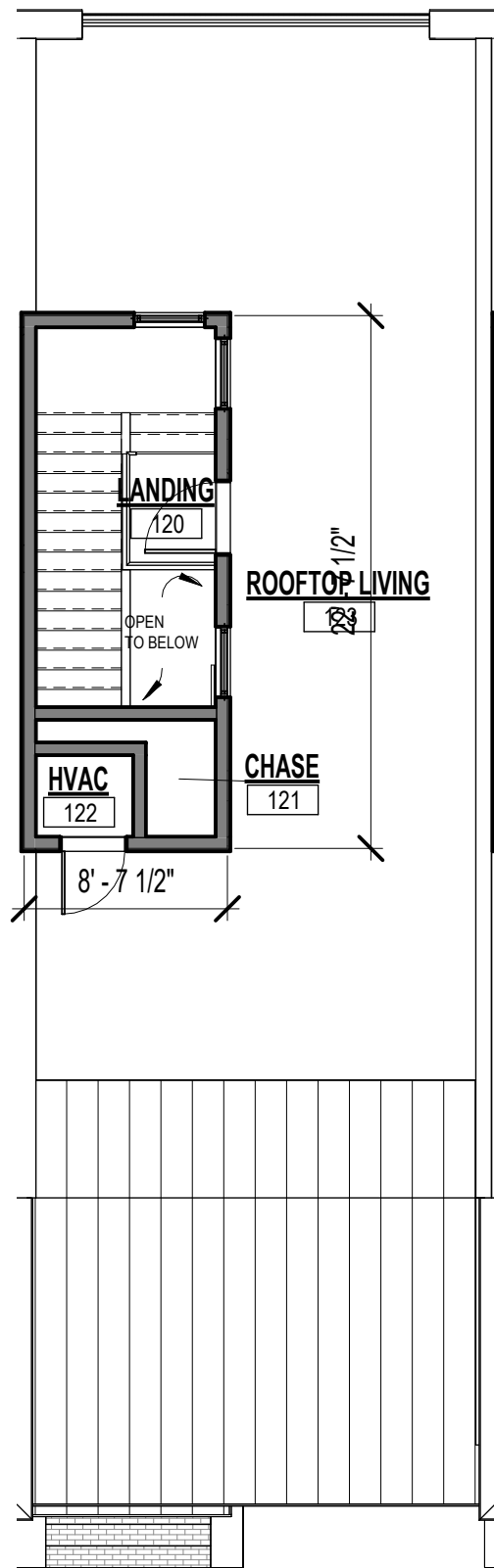
**(C-STREET)**

MIN. UNIT A/C AREA=	2075 S.F.
TOTAL SITE AREA=	27,779 S.F.
TOTAL BLDG. COVERAGE=	12,684 S.F.
SITE BUILDING COVERAGE=	46%
EXTERIOR FINISHES	100% BRICK OR STUCCO
BRICK FINISH =	87%
STUCCO FINISH =	13%

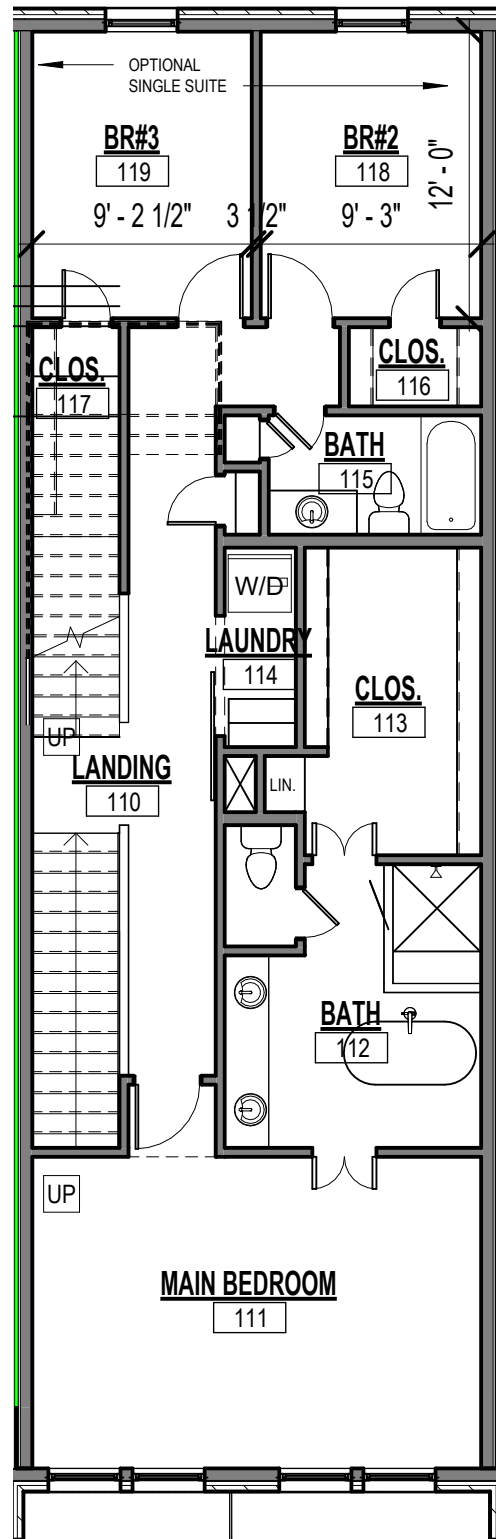
COPYRIGHT 2023 SCHAUMBURG ARCHITECTS

8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

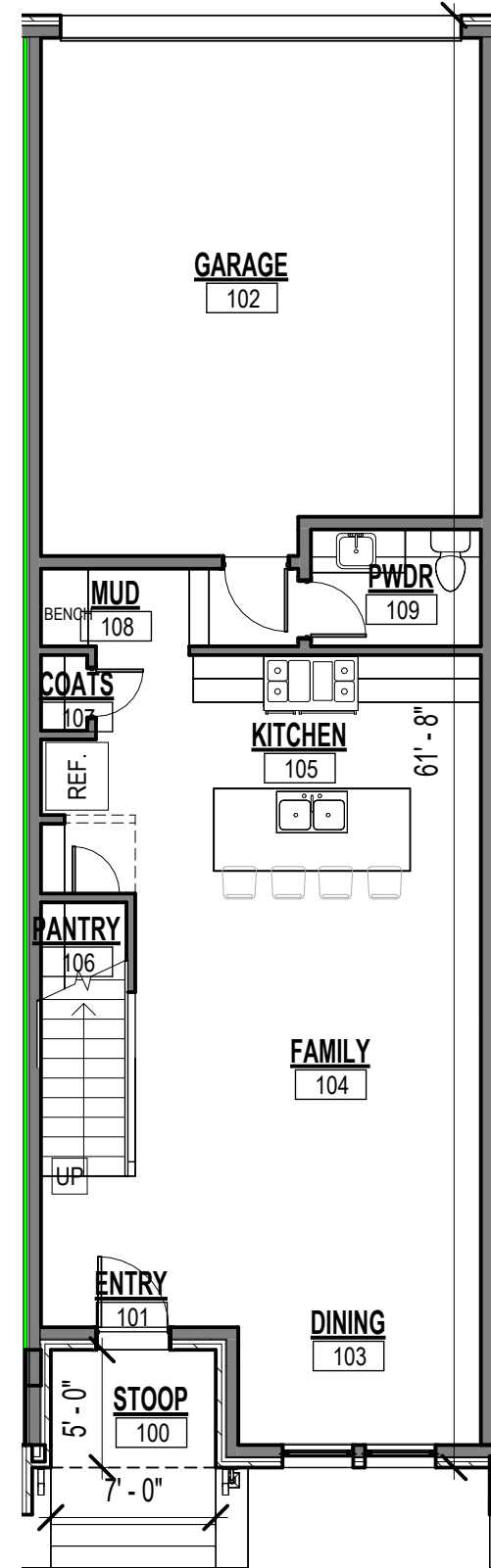
**(B-STREET)**



③ **Cupola Plan**  
1/8" = 1'-0"



② **Level 2 Floor Plan**  
1/8" = 1'-0"



① **Level 1 Floor Plan**  
1/8" = 1'-0"

# ROW HOUSES AT 204 S 1ST AVENUE

JOB #2213

01-11-23

# FLOOR PLAN

SCALE: 1/8" = 1'-0"

**SCHAUMBURG**  
ARCHITECTS

8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007





**ROW HOUSES AT 204 S 1ST AVENUE**

**3D EXTERIORS**

JOB #2213

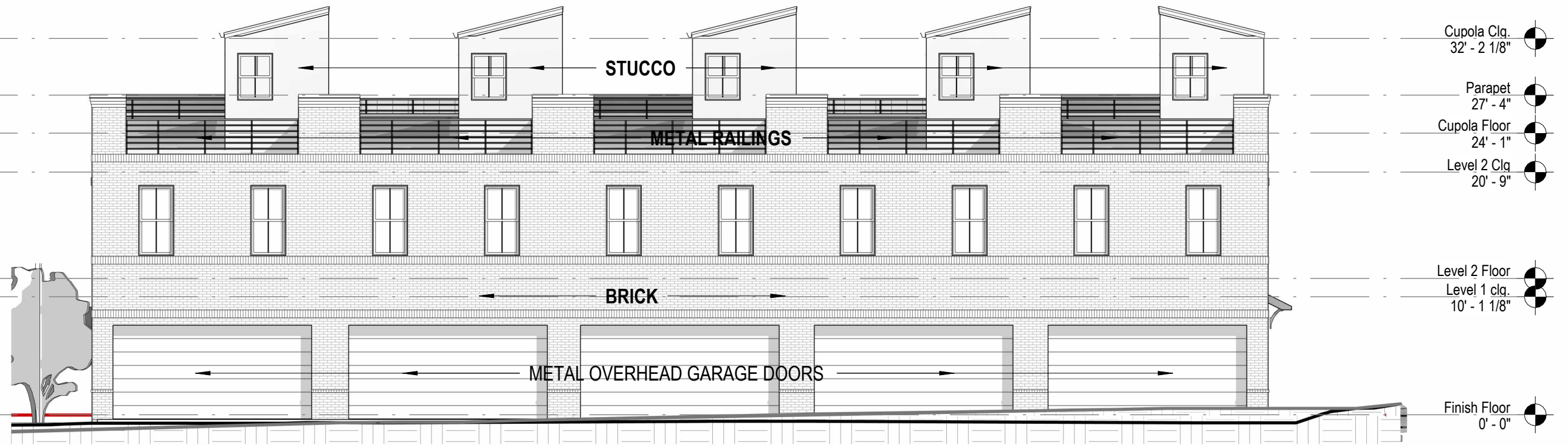
01-11-23

SCALE:

**SCHAUMBURG**  
ARCHITECTS  
8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

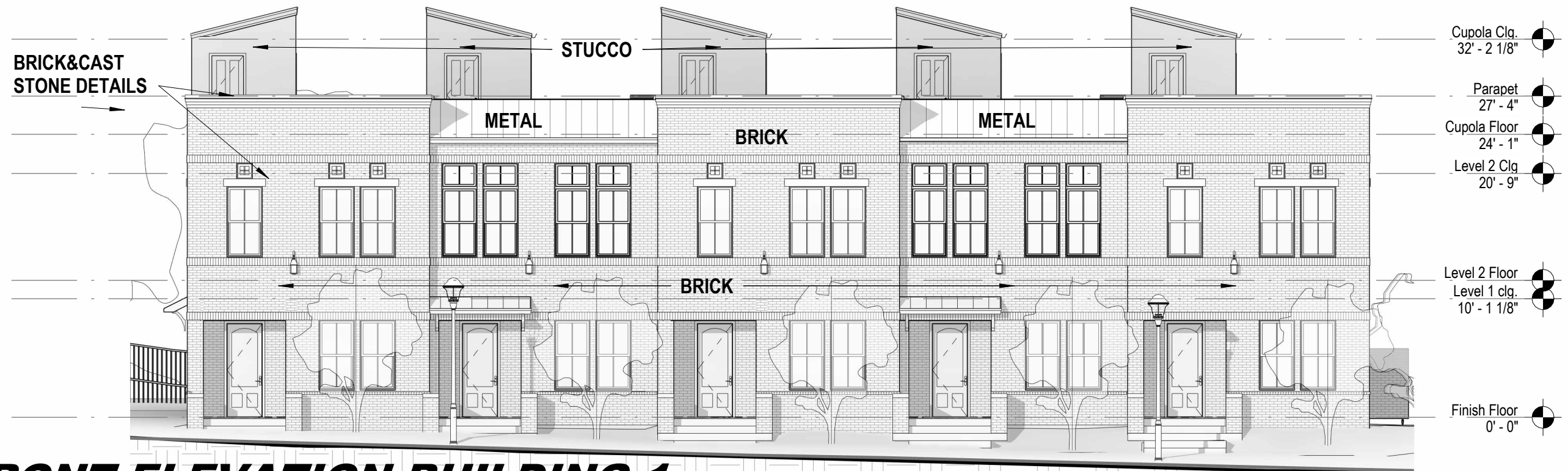
**ROW HOUSES AT 204 S 1ST AVENUE**  
**CASE No. SUP 22-007**





**2** ***Rear Elevation Building 1***  
1" = 10'-0"

WINDOW NOTE:  
WINDOWS TO BE SEPERATED BY MINIMUM OF 6", MASONRY FINISH



**1** ***FRONT ELEVATION BUILDING 1***  
1" = 10'-0"

**ROW HOUSES AT 204 S 1ST AVENUE BUILDING 1 EXTERIOR ELEVATIONS**

JOB #2213

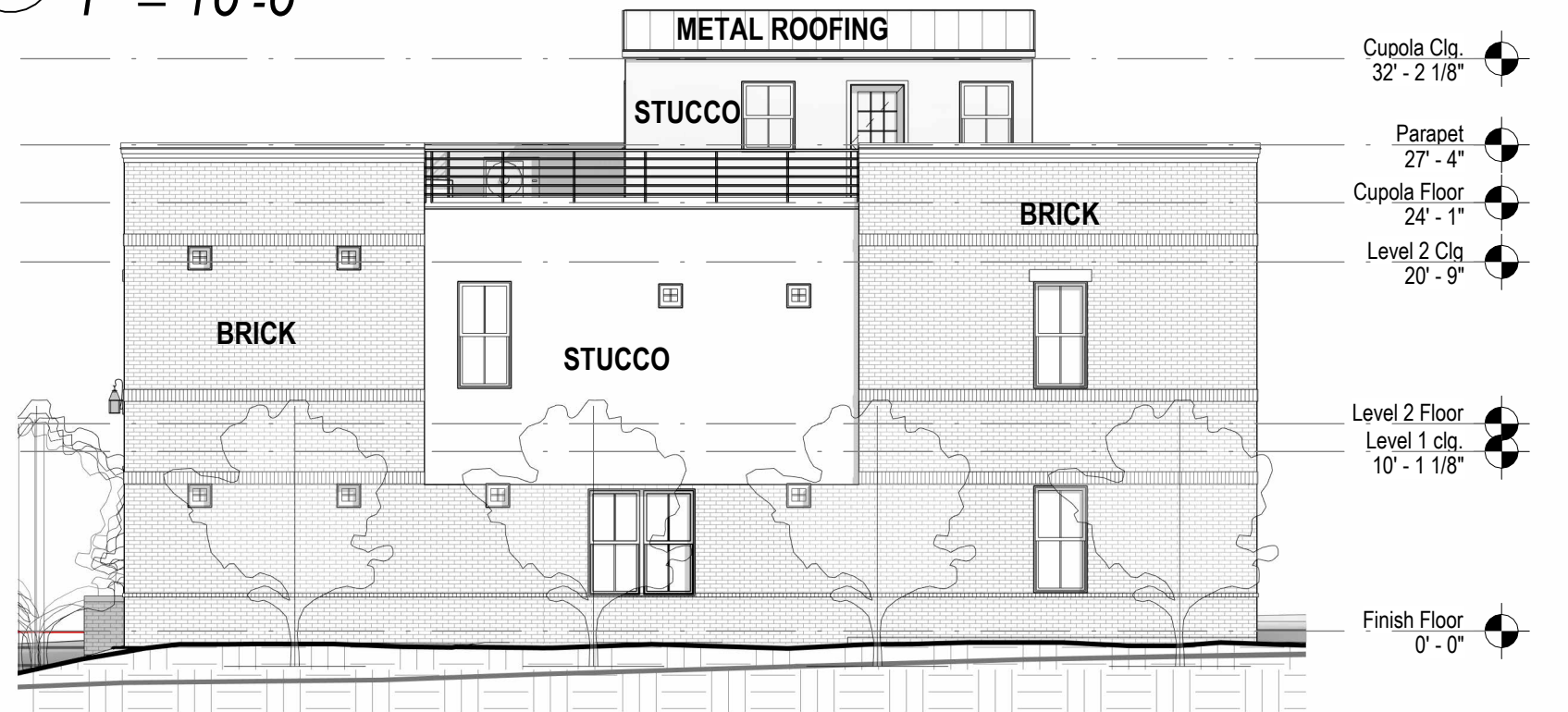
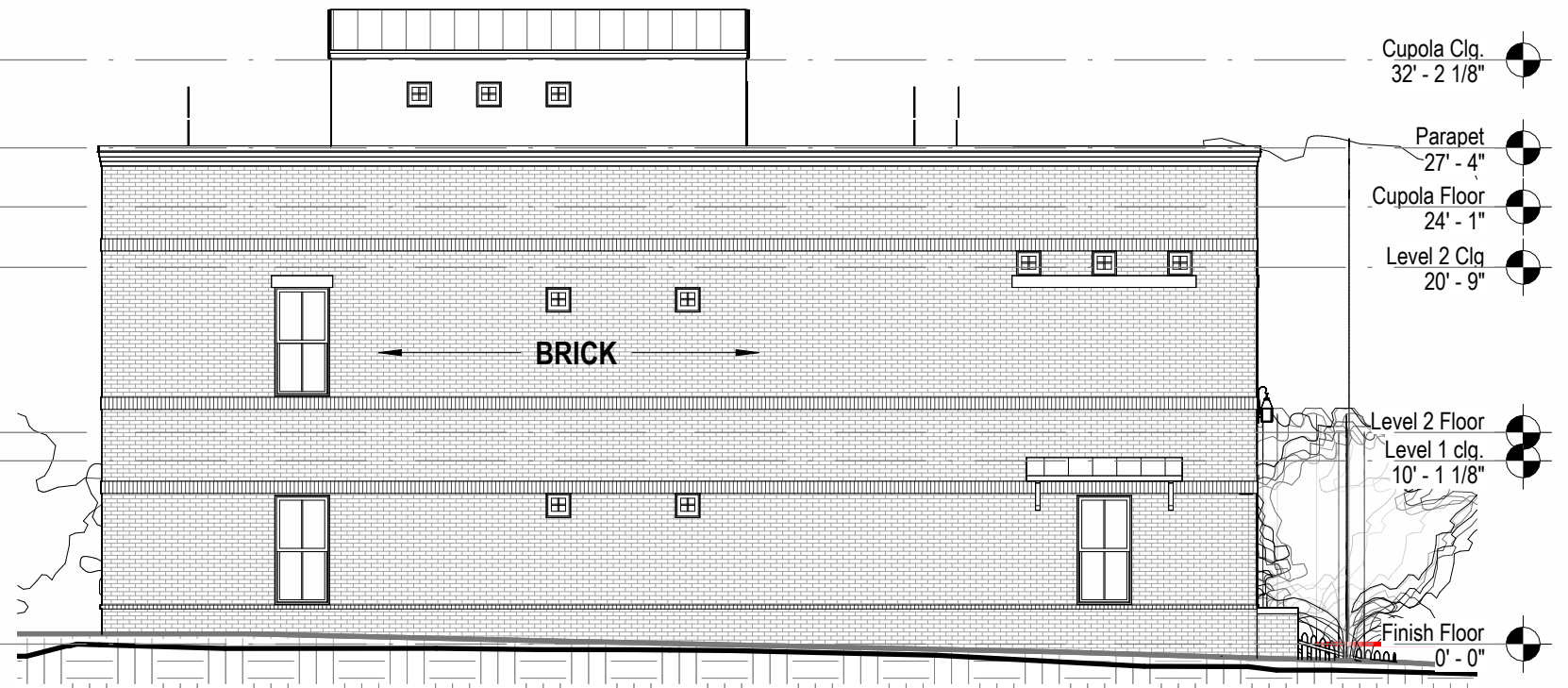
01-11-23

SCALE: 1" = 10'-0"

**SCHAUMBURG**  
ARCHITECTS  
8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

**ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007**





## ROW HOUSES AT 204 S 1ST AVENUE

JOB #2213

01-11-23

## BUILDING 1 ELEVATIONS

SCALE: 1" = 10'-0"

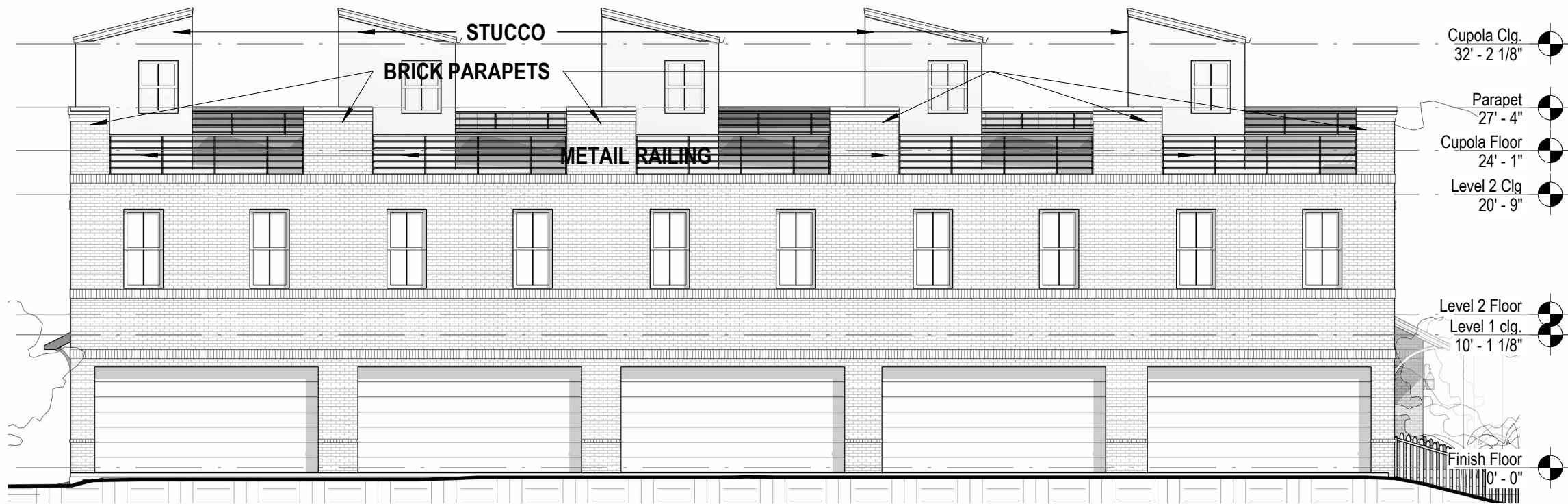
**SCHAUMBURG**  
ARCHITECTS

8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007

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## 2 REAR ELEVATION BUILDING 2

1" = 10'-0"

100' - 7 1/2"



## 1 FRONT ELEVATION BUILDING 2

1" = 10'-0"

ROW HOUSES AT 204 S 1ST AVENUE

BUILDING 2 ELEVATIONS

JOB #2213

01-11-23

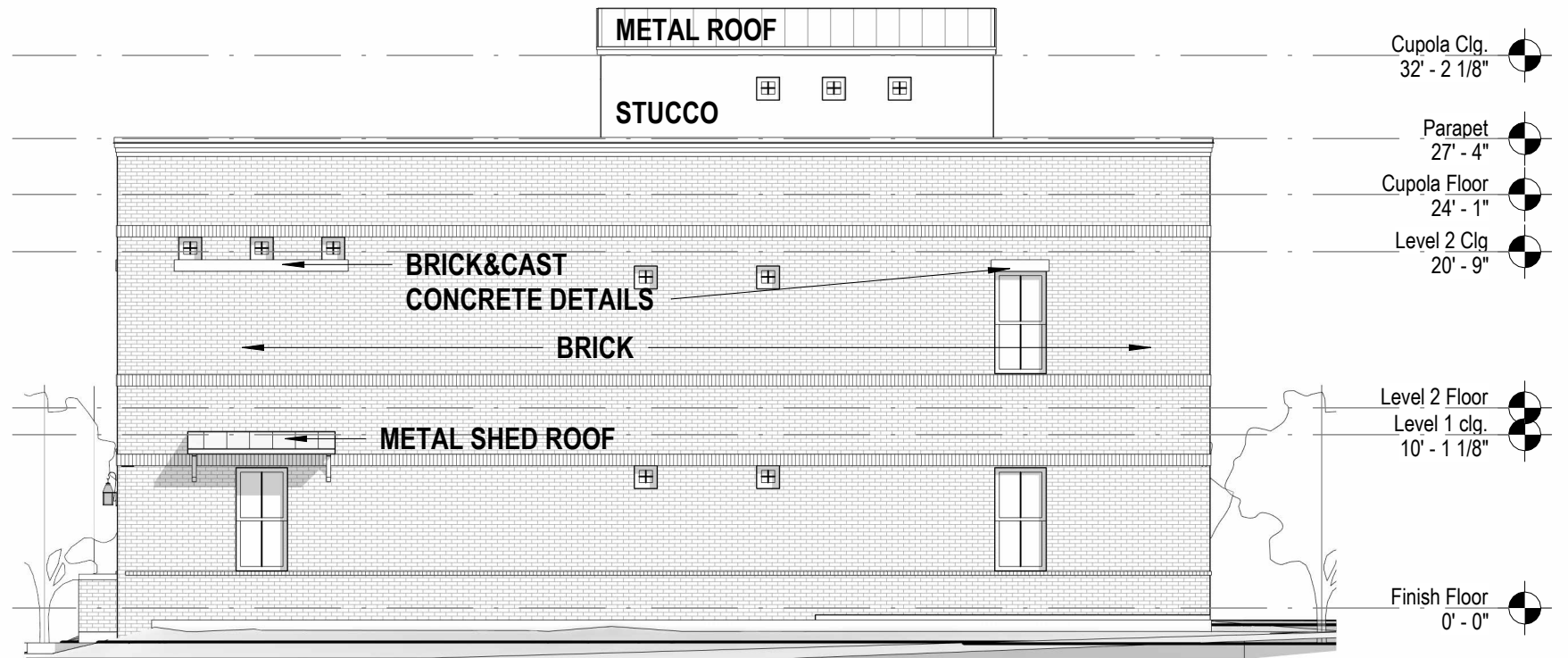
SCALE: 1" = 10'-0"

**SCHAUMBURG**  
ARCHITECTS

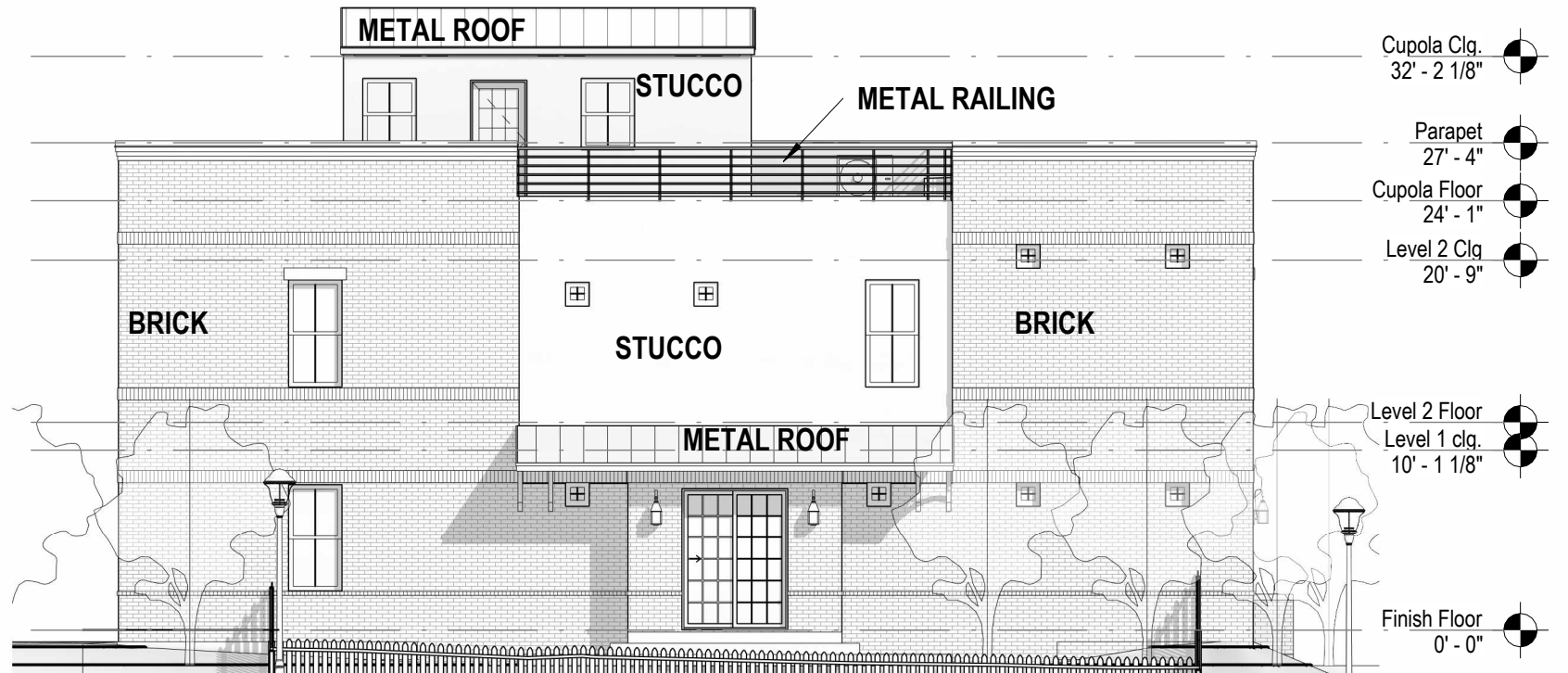
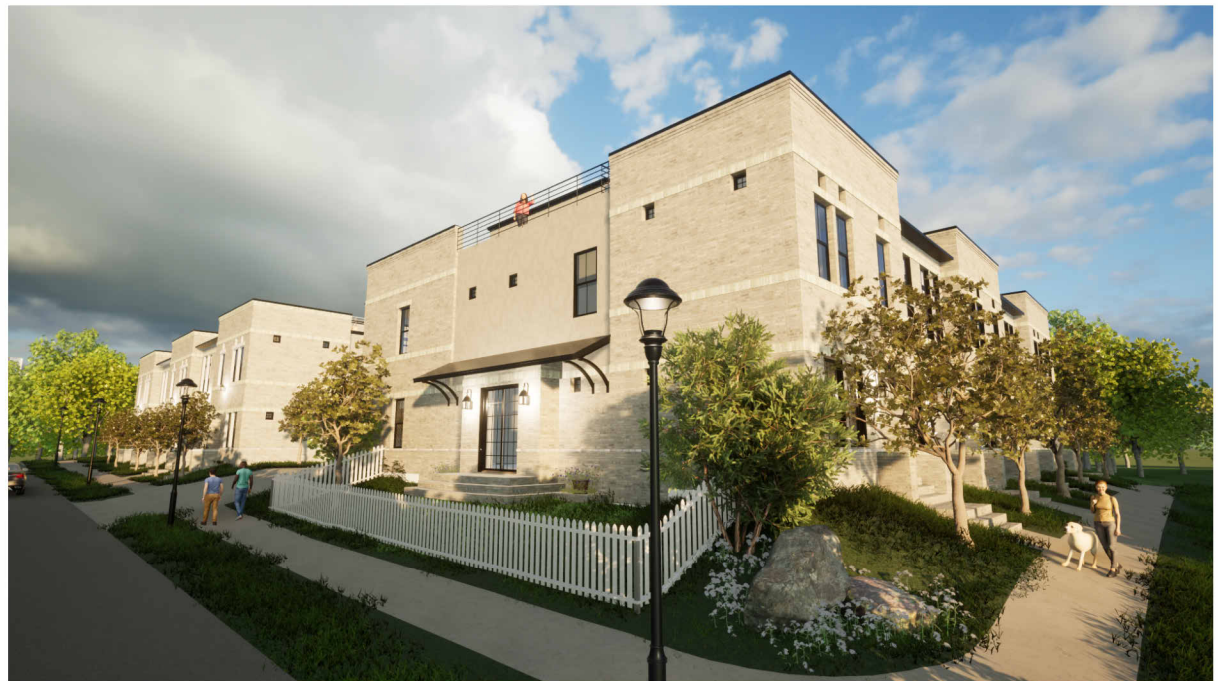
8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007





**2 RIGHT ELEVATION BUILDING 2**  
1" = 10'-0"



**1 LEFT ELEVATION BUILDING 2**  
1" = 10'-0"

## ROW HOUSES AT 204 S 1ST AVENUE

JOB #2213

01-11-23

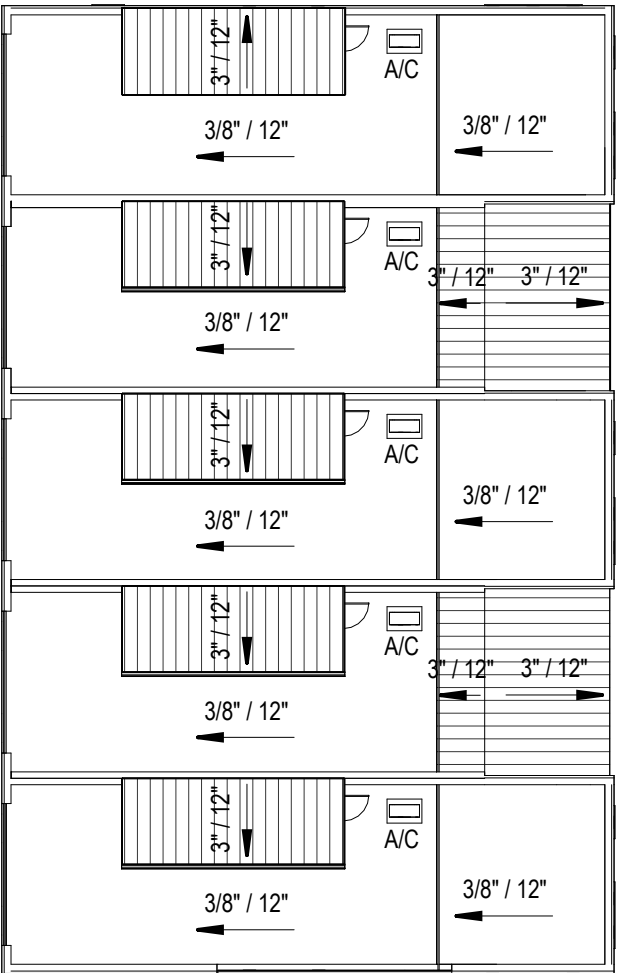
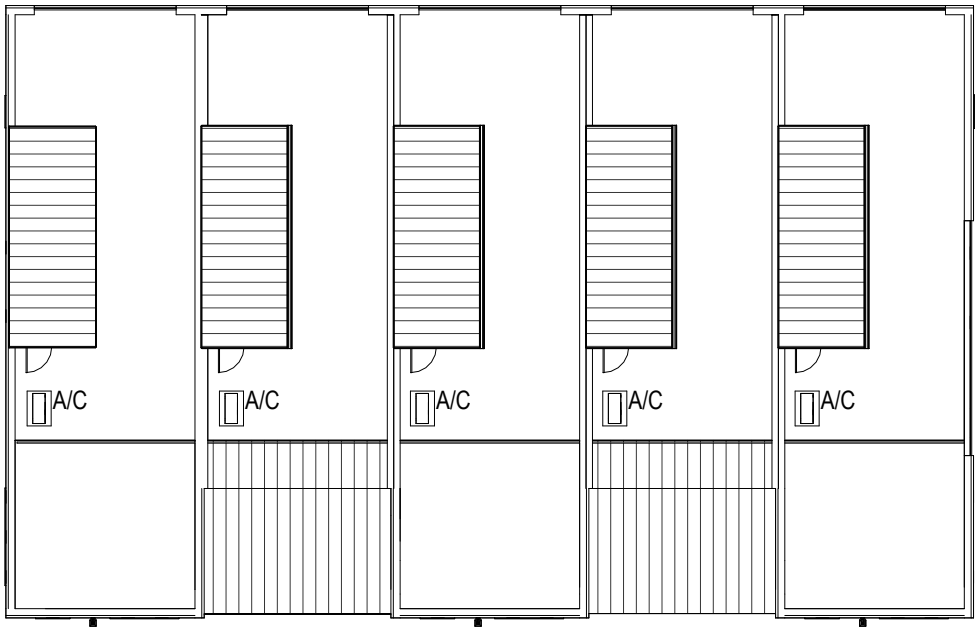
## BUILDING 2 ELEVATIONS

SCALE: 1" = 10'-0"

**SCHAUMBURG**  
ARCHITECTS  
8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

ROW HOUSES AT 204 S 1ST AVENUE  
CASE No. SUP 22-007





1 **OVERALL ROOF PLAN**  
1" = 20'-0"

**ROW HOUSES AT 204 S 1ST AVENUE**

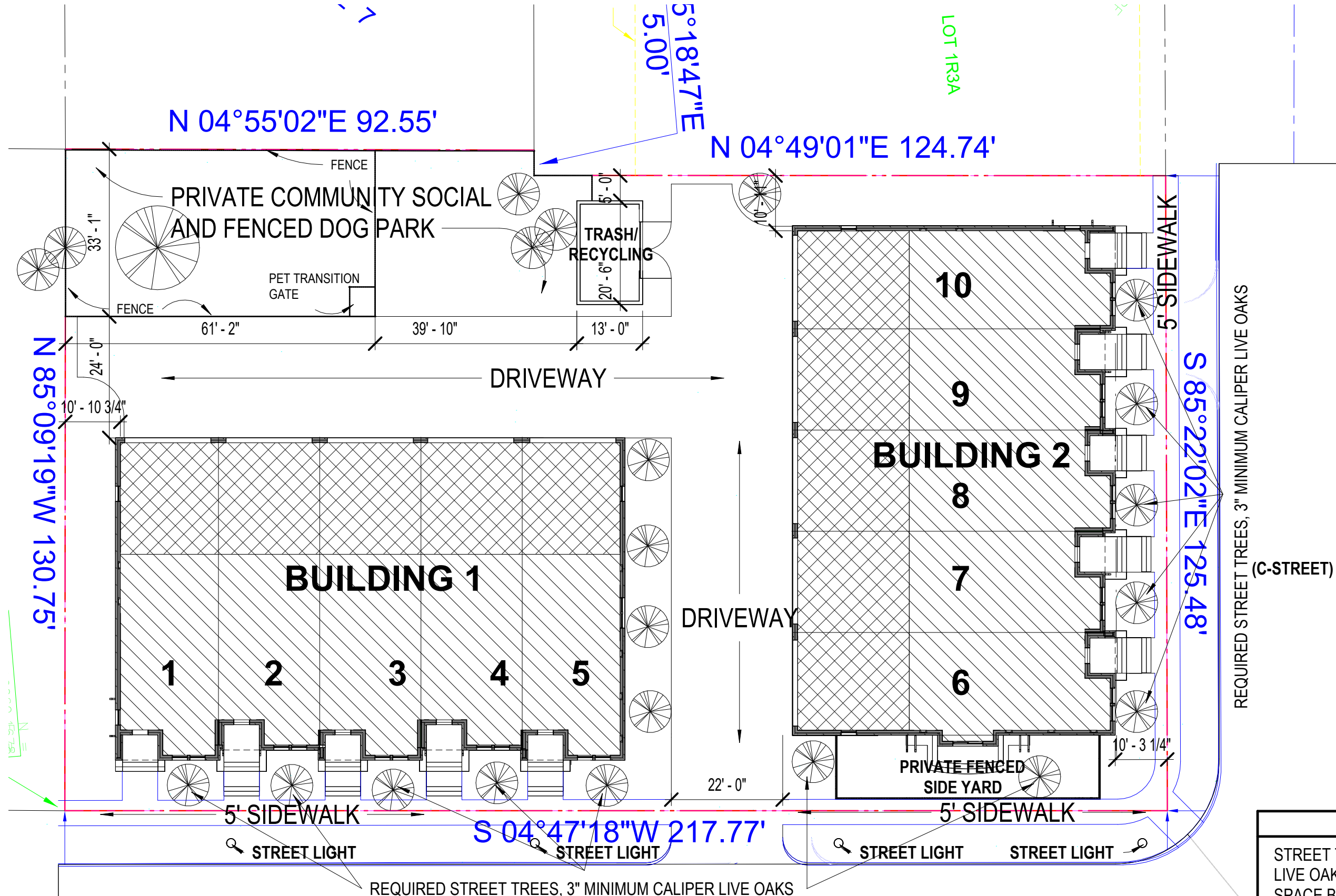
JOB #2213 01-11-23

**ROOF PLAN**

SCALE: 1" = 20'-0"

**SCHAUMBURG**  
ARCHITECTS  
8432 BLUE HERON CT. FT. WORTH, TX 76018 817-991-0132

**ROW HOUSES AT 204 S 1ST AVENUE**  
**CASE No. SUP 22-007**



**LANDSCAPE NOTES**

STREET TREES TO BE 3" CALIPER  
LIVE OAK AND PLACED IN FRONT YARD  
SPACE BETWEEN SIDEWALK AND HOME.



# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5225

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:**

**Title**

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2023 (49th year)  
Community Development Block Grant Project for Elizabeth Lane

**Requested Action**

Approve the Resolution endorsing the 2023 Community Development Block Grant Project.

**Recommendation**

Approve the Resolution.

**Description/History**

Each year the City of Mansfield participates in a consortium with 29 other cities through Tarrant County to apply for Community Development Block Grant (CDBG) funds. CDBG projects must fall within areas of the City that meet specific criteria based on income level. The targeted areas represent the low to moderate-income sections of the City according to the Census.

This year, Staff recommends the reconstruction of Elizabeth Lane. Elizabeth Lane is a concrete street that is in poor condition. There are existing sections of 4-foot sidewalk that are not continuous along the length of Elizabeth Lane. The attached Opinion of Probable Cost includes an option to replace the existing sidewalks with 5-foot sidewalks. Staff was previously directed to not include sidewalks in the project. If the existing sidewalks are not replaced, they will be removed, and the parkway restored. The existing water and sanitary sewer utilities will remain in place. Both are comprised of PVC and were installed in 1987. The Water Utilities Department inspected the lines, and they were found to be in good condition. The project will also include a new multiple box culvert storm drain crossing and a new concrete turn-around on the south end.

The status of the City's CDBG program is as follows:

Construction of the 46th Year CDBG project (Lake Street from Pond St. to Tarrant St.) is complete. Construction of the 47th & 48th Year CDBG project (Pond Street from Broad St. to Lake St.) has begun and is expected to be complete in July.

**Justification**

The City of Mansfield has participated in the Consortium since its inception in 1975 and has received over four million dollars in grant funds. The program is an excellent way to rehabilitate the targeted areas of the city.



**Funding Source**

The opinion of cost for the project including engineering fees is \$1,245,680.00 with approximately \$200,000 funded from the CDBG Grant and the remainder from the Street Bond Fund.

**Prepared By**

Trace Hilton, Project Engineer, Engineering Department, 817-276-4247

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION APPROVING AND ENDORSING THE 2023 (49<sup>TH</sup> YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS**

**WHEREAS**, the City of Mansfield shares in a cooperative agreement with Tarrant County for essential community development assistance activities under Public Law 93-383, The Housing and Community development Act of 1974, as amended; and,

**WHEREAS**, one public hearing for the purpose of identifying and discussing community development needs, receiving comments and adopting community development projects, has been duly held by the City of Mansfield; and,

**WHEREAS**, after said public hearing and due consideration, the City Council of Mansfield determined that the project “Paving and Drainage Improvements for Elizabeth Lane” is eligible for funding under this Act, and approved the filing of the application of said funding; and,

**WHEREAS**, it is understood that any funds not expended on the specifically approved project will revert to the Community Development Contingency Fund, and should any repayment of funds be required by HUD due to ineligible or non-refundable projects, the City would be responsible for repayment.

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

**SECTION 1.**

The said 2023 Community Development Block Grant Project for the City of Mansfield be approved and endorsed.

**SECTION 2.**

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

**PASSED AND APPROVED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2023.**

\_\_\_\_\_  
**Michael Evans, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin**, City Secretary

CDBG 49th YEAR - ELIZABETH LANE PRE-DESIGN OPINION OF CONSTRUCTION COST					
Item No.	Description	Quantity	Unit	Unit Price	Amount
1	Right of Way Preparation	1	LS	\$30,000.00	\$30,000.00
2	Unclassified Street Excavation	1,250	CY	\$35.00	\$43,750.00
3	Remove Exist. Concrete Pavement	3,240	SY	\$10.00	\$32,400.00
4	Remove Exist. Concrete Sidewalk	340	SY	\$7.50	\$2,550.00
5	Remove Existing ADA Ramps	2	EA	\$100.00	\$200.00
6	7" Reinforced Concrete Pavement with Integral Curb (29' B-B)	4,200	SY	\$80.00	\$336,000.00
7	8" Lime Stabilization	4,490	SY	\$10.00	\$44,900.00
8	Hydrated Lime @ 42#/SY	94	TON	\$300.00	\$28,200.00
9	Concrete Driveway and Transition	945	SY	\$100.00	\$94,500.00
10	Temporary Crushed Stone	200	TON	\$50.00	\$10,000.00
11	4" Concrete Sidewalk & Leadwalk	12,370	SF	\$9.00	\$111,330.00
12	Reinforced Concrete Steps	48	SF	\$60.00	\$2,880.00
13	ADA Curb Ramps	2	EA	\$2,500.00	\$5,000.00
14	Restore Parkways	1,220	SY	\$10.00	\$12,200.00
15	Topsoil	1,220	SY	\$7.00	\$8,540.00
16	Sodding	1,220	SY	\$10.00	\$12,200.00
17	Traffic Control	1	LS	\$30,000.00	\$30,000.00
18	Erosion Control	1	LS	\$10,000.00	\$10,000.00
19	Adjust Existing Gate Valve	5	EA	\$350.00	\$1,750.00
20	Relocate Existing Fire Hydrant	3	EA	\$2,500.00	\$7,500.00
21	Relocate/Adjust Exist. Water Meter	26	EA	\$350.00	\$9,100.00
22	Adjust Exist. SSMH / Replace Cone	5	EA	\$1,250.00	\$6,250.00
23	Adjust Existing SSCO	15	EA	\$350.00	\$5,250.00
24	2-6'x3' MBC	50	LF	\$1,400.00	\$70,000.00
25	24" RCP	100	LF	\$130.00	\$13,000.00
26	18" RCP	20	LF	\$110.00	\$2,200.00
27	10' Curb Inlet	4	EA	\$7,500.00	\$30,000.00
28	Type 'A' Headwall for MBC	2	EA	\$10,000.00	\$20,000.00
29	Outfall Armoring @ MBC	1	LS	\$5,000.00	\$5,000.00
30	Contingency	1	LS	±10%	\$98,500.00

Construction	\$1,083,200.00
Engr. & Survey	\$162,480.00
<b>Total</b>	<b>\$1,245,680.00</b>





# ELIZABETH LN SERVICE AREA







# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5212

Agenda Date: 2/27/2023

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

### Agenda Number:

#### Title

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from SF-12/22, Single-Family Residential District and PD, Planned Development District to PD, Planned Development District for Single-Family Attached (Brownstones) and Multi-Family Residential Uses on Approximately 9.77 Acres out of the Henry Odell Survey, Abstract No. 1196, Tarrant County, Texas, on Property Located at 1725 E. Broad Street and 257 Carlin Road; Bridgeview Real Estate, owner/developer and Nelson Family Revocable Trust, owner (ZC#22-019)

#### Requested Action

To consider the subject zoning change request

#### Recommendation

The Planning and Zoning Commission held a public hearing on February 6, 2023, and voted 6 to 1 to recommend approval with the following conditions:

- 1) That retaining walls be limited to a maximum height of four (4) feet; and retaining walls shall be made of brick or brick veneer or local stone or local stone veneer and are capped;
- 2) That no more than 191 of the 388 total multi-family dwelling units to be constructed on Tract 2 shall be leased or occupied prior to the construction and final inspection of all the brownstones to be constructed on Tract 1 in accordance with the site plan subject to review and approval by the Director of Planning;
- 3) That a traffic control study be conducted to evaluate the impact of the project;
- 4) That drainage be reviewed by a third-party engineer;
- 5) That a buffer be provided at the northeast corner of the project; and
- 6) That the residents of the brownstones be given a membership to use the amenities in the apartment buildings.

#### Vote:

Ayes: 6 - Axen, Mainer, Goodwin, Groll, Shaw, and Thompson

Nays: 1 - Gilmore

Absent: 0

If the City Council approves the zoning change, Staff recommends that the conditions recommended by the Planning and Zoning Commission be clarified as follows:

- 1) That retaining walls be limited to a maximum height of four (4) feet; and retaining walls shall be made of brick or brick veneer or local stone or local stone veneer and are capped. Subject to review and approval by the Director of Planning, that retaining wall height may be increased in the event of natural slopes only, and provided that the retaining walls shall be made of brick, brick veneer, local stone or local stone veneer and be capped.
- 2) That no more than 191 of the 388 total multi-family dwelling units to be constructed on Tract 2 shall be leased or occupied prior to the construction and final inspection of all the brownstones to be constructed on Tract 1 in accordance with the site plan subject to review and approval by the Director of Planning.
- 3) That a traffic control study shall be conducted to evaluate the impact of the project and be submitted prior to making any application for a construction permit.
- 4) That drainage shall be reviewed and evaluated by a third-party engineer and that a drainage plan be completed and submitted to the City Engineer prior to any grading on Tract 1 and Tract 2.
- 5) That landscaping shall be provided at the northeast corner of the current 12-acre parcel adjacent to the project to visually screen the property to the east of Carlin Road from the construction and development of the project subject to review and approval by the Director of Planning. Such landscaping to be provided at the northeast corner shall be of sufficient height and coverage to provide visual screening without adversely impacting the adjacent trail and shall be installed prior to any grading commencing on Tract 2.
- 6) That the future residents of the brownstones shall be given membership to use the amenities serving the multi-family residential building.

### **Description/History**

*Existing Use:* Vacant

*Existing Zoning:* PR, Pre-Development District, SF-12/22, Single-Family Residential District and PD, Planned Development District

*Land Use Plan:* Sub-Area 5

### *Surrounding Land Use & Zoning:*

North - Single-family residential and vacant, PR, Pre-Development District  
South - Single-family residential and commercial, PR, Pre-Development District, SF-12/22 Single Family Residential District and PD, Planned Development District

- for the Shops at Broad Street
- East - Single-family residential and vacant, PR, Pre-Development District and SF-12/22 Single Family Residential District
- West - Retail/commercial, PD, Planned Development District for the Shops at Broad Street

*Thoroughfare Plan Specification:*

US Highway 287 - Freeway

E. Broad Street - 6-lane divided principal arterial street

Carlin Road - 2-lane residential street

**Synopsis**

As presented, the applicant is requesting to rezone the property from SF-12/22, Single-Family Residential District and PD, Planned Development District to PD, Planned Development District for single-family attached (brownstones) and multi-family residential dwellings on approximately 9.77 acres of land.

The property currently has zoning entitlement for 330 multi-family dwelling units under the Shops at Broad Street, PD, Planned Development District. The applicant is requesting 58 additional multi-family dwelling units --- for a total of 388 units --- and the construction of 24 brownstones as part of this proposed zoning change.

**Staff Analysis**

The revised plan for the Homes at the Alexander consists of two tracts totaling 9.77 acres of land for multi-family dwelling units and brownstones. The performance (development) standards for each tract are described below:

Tract 1

Tract 1 is approximately two (2) acres and is anticipated to deliver 24 brownstones. The brownstones will be between two (2) and three (3) stories in height. Each dwelling unit will have a minimum habitable area of 1,500 square feet and be located on a separate lot of at least 1,200 square feet. No more than five (5) units may be under the same roof.

The architectural standards for the brownstones draw inspiration from the standards that are in the D, Downtown District and in the S, South Mansfield Form-Based Development District. Buildings must primarily use brick or stone; and cementitious fiber board, stucco or wood can be used as an accent material on no more than 20 percent of the total wall area. To encourage visual interest and architectural diversity, building frontages (e.g., dooryards and stoops) must vary from lot to lot and cannot be repeated more than twice on the same block face or across the street. All building frontages must feature a dooryard frontage or stoop frontage. Design inspirations are shown in Exhibit C.

In addition to accessing the Walnut Creek Linear Park Trail, the developer proposes to locate an amenity center to serve the residents of the brownstones as shown on Exhibit EX-B1. Landscaping is also proposed to be provided as shown on Exhibit D.

Each dwelling unit will have a minimum of two parking spaces located in a garage. The



garage must be accessed from an alley or driveway to the rear of the building. Additional surface parking has been provided for visitors.

The brownstones will be accessed from the Shops at Broad Street and will be served by private driveways. The brownstones will have no access to Carlin Road.

### Tract 2

Tract 2 is approximately 7.77 acres and is proposed to contain the multi-family dwelling units. This property currently derives its zoning standards from the Shops at Broad Street PD, Planned Development District and has entitlement for construction of up to 330 multi-family residential dwellings. The developer included this property in this rezoning request to create a more cohesive development with the proposed brownstones and the existing single-family lots in order to ensure an appropriate transition in land use intently following the principles, practices, and philosophies of transect-based urbanism. The proposed PD, Planned Development District standards for the multi-family dwelling units are designed to encourage a higher quality product than the current standards in the Shops at Broad Street PD, Planned Development District require.

Under the proposed zoning change, the applicant would be permitted to build a maximum of 388 multi-family dwelling units (58 additional units) in a four-story building with a five-story parking structure. The building design includes a mix of building materials, including, brick, metal panels, and fiber cement to create a varied façade with different textures. The building also features articulation to create multiple planes, balconies, and dooryards on the ground floor units facing the park trail. The proposed building elevations are shown in Exhibit C.

Facing the Shops at Broad Street, the front of the building will have a decorative plaza at the leasing office. Two (2) pool courtyards, one at each end of the building, will be available to the residents. Two (2) additional pocket parks are incorporated into the east façade of the building. Landscaping will be provided along the plaza and linear trail, and in the surface parking lot as shown on Exhibit D.

There are 528 parking spaces in the proposed parking structure for the residents. An additional 52 spaces in the structure have been designated for use by the Star Center. The surface parking between the apartment building and the Star Center will have seven spaces for the residents and 115 spaces for the Star Center. A portion of the fire lane on the east side of the building will be constructed with geoblock grass pavers. This will allow for a reconfiguration of a future driveway and parking lot connection to the City property to the east should it develop.

To appropriately reinforce construction of the brownstones with the multi-family residential dwelling units, a phasing plan is provided. Phasing of the multi-family dwelling units is tied to the construction and inspection of the brownstones. No more than 191 of the 388 total multi-family dwelling units may be leased or occupied prior to the construction and final inspection of all the brownstones.

### **Summary**

As proposed, this development offers a mix of housing opportunities intended to transition from the rural / exurban setting on Carlin Road to more intense commercial uses found in the Shops at Broad Street. The brownstones and multi-family dwelling units are intended to create visual interest using architectural elements such as dooryards or stoops and a wide palette of building materials.

While being sensitive to the Carlin Road neighborhood, the project will uniquely contribute to the mixed-use character envisioned for the Shops at Broad Street. The architectural and urban design standards as generally proposed under this PD, Planned Development District are elevated and support the vision for development along the U.S. Highway 287 Corridor.

**Prepared By**

Art Wright, Senior Planner  
817-276-4226

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY ATTACHED (BROWNSTONES) AND MULTI-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 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, 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 “Zoning” 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 Chapter 155 “Zoning” of the Code of Ordinances, 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 District Single-Family Attached (Brownstones) and Multi-Family Residential uses; said property being described in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.**

That the use and development of the hereinabove described property shall be in accordance with the development standards shown in Exhibits “B” through “E”, 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 Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas 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 Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas as a whole.

### **SECTION 6.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, 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 13<sup>TH</sup> DAY OF FEBRUARY, 2023.**

**DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2023.**

\_\_\_\_\_  
**Michael Evans, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin, City Secretary**

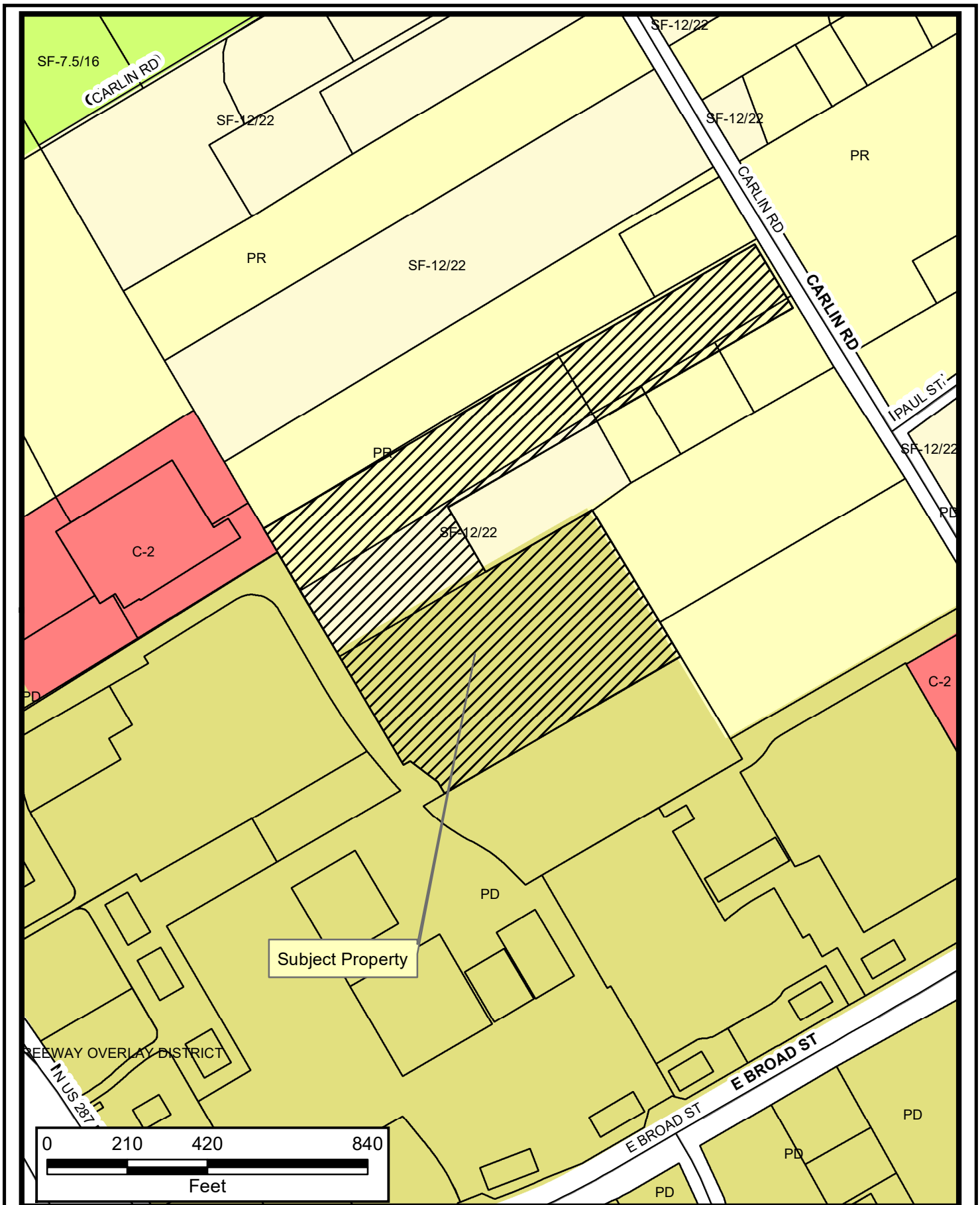
**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**Bradley Anderle, City Attorney**









## Property Owner Notification for ZC#22-019

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BRATTON, THOMAS SURVEY	A 162	ROBB, G W LTD	315 CARLIN RD	MANSFIELD, TX	76063-3458
BRATTON, THOMAS SURVEY	A 162	GOOCH, BILL C	240 CARLIN RD	MANSFIELD, TX	76063-3455
BRATTON, THOMAS SURVEY	A 162	ROBB, G W LTD	315 CARLIN RD	MANSFIELD, TX	76063-3458
NELSON ADDITION-MANSFIELD	BLK 1	NELSON FAMILY REV TRUST	257 CARLIN RD	MANSFIELD, TX	76063
ODELE, HENRY SURVEY	A 1196	HUANTE, JOSE HECTOR	309 CARLIN RD	MANSFIELD, TX	76063-3458
ODELE, HENRY SURVEY	A 1196	HUANTE, JOSE HECTOR	309 CARLIN RD	MANSFIELD, TX	76063-3458
ODELE, HENRY SURVEY	A 1196	MATLOCK EAST LLC	800 MATLOCK RD	MANSFIELD, TX	76063
ODELE, HENRY SURVEY	A 1196	BANE, DARVIS	251 CARLIN RD	MANSFIELD, TX	76063-3459
ODELE, HENRY SURVEY	A 1196	DOTY, NATHAN P	253 CARLIN RD	MANSFIELD, TX	76063-3459
ODELE, HENRY SURVEY	A 1196	MATLOCK EAST LLC	800 MATLOCK RD	MANSFIELD, TX	76063
ODELE, HENRY SURVEY	A 1196	DOTY, NATHAN	253 CARLIN RD	MANSFIELD, TX	76063-3459
ODELE, HENRY SURVEY	A 1196	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
ODELE, HENRY SURVEY	A 1196	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
ODELE, HENRY SURVEY	A 1196	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
ODELE, HENRY SURVEY	A 1196	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
SHOPS AT BROAD ST, THE	BLK 1	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
SHOPS AT BROAD ST, THE	BLK 1	BV CAPITAL MULTIFAMILY FUND I	8390 LYNDON B JOHNSON FWY SUIT	DALLAS, TX	75243

Tuesday, December 13, 2022

Page 1 of 2

Property Owner Notification for ZC#22-019

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
SHOPS AT BROAD ST, THE	BLK 1	SPIRIT REALTY LP	4400 VON KARMAN STE 100	NEWPORT BEACH, CA	92660
SHOPS AT BROAD ST, THE	BLK 1	SHOPS AT BROAD LLC	3060 PEACHTREE RD STE 1050	ATLANTA, GA	30305



**EXHIBIT "A"**  
**ZONING DESCRIPTION**  
**LOT 7R, BLOCK 1, THE SHOPS AT BROAD STREET**  
**MANSFIELD, TARRANT COUNTY, TEXAS**

**BEING** a tract of land situated in the Henry Odell Survey, Abstract No. 1196, City of Mansfield, Tarrant County, Texas, being all of LOT 7R, BLOCK 1 of LOTS 1R, 2R, 3R1, 3R2, 4R1, 4R2, 4R3, 5R, 6R1, 6R2, 6R3, 6R4, 7R, 8R, 9R, 10R, 11R AND 12, BLOCK 1, THE SHOPS AT BROAD STREET, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat thereof recorded under Clerk's File No. D218189472, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

**BEGINNING** at the southeast corner of said Lot 7R, Block 1 and the northeast corner of said Lot 8R, Block 1;

**THENCE** South 59°50'48" West along the common line of said Lot 7R and Lot 8R, Block 1, a distance of 714.19 feet to the southwest corner of said Lot 7R, Block 1 and being in a east line of Lot 6R1A, Block 1 of LOTS 6R1A, 13 AND 14, BLOCK 1, THE SHOPS AT BROAD STREET, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat thereof recorded under Clerk's File No. D219213093, Official Public Records, Tarrant County, Texas;

**THENCE** along the common line of said Lot 6R1A and Lot 7R, Block 1, the following:

North 30°09'12" West, a distance of 35.70 feet to a point for corner;

North 53°29'16" West, a distance of 90.03 feet to a point for corner;

South 59°54'49" West, a distance of 19.78 feet to a point for corner;

North 30°09'12" West, a distance of 330.51 feet to a point for the northwest corner of said Lot 7R, Block 1 and in the southeast line of Lot 1, Block 1, NELSON ADDITION, an addition to the city of Mansfield, Tarrant County, Texas according to the plat thereof recorded in Cabinet A, Slide 234, Plat Records of Tarrant County, Texas;

**THENCE** North 59°54'26" East along the common line of said Lot 7R, Block 1 and said Lot 1, Block 1, a distance of 762.53 feet to a point for the northeast corner of said Lot 7R, Block 1;

**THENCE** South 31°03'37" East along the northeast line of said Lot 7R, Block 1, a distance of 448.14 feet to the **POINT OF BEGINNING** and containing a computed area of 7.77 acres of land more or less.

**Notes:**

This document was prepared under 22 TAC §138.95, 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.

Bearings and distances called for herein are based on the plat recorded under Clerk's File No. D218189472, Official Public Records, Tarrant County, Texas.





## METES AND BOUNDS DESCRIPTION 1.999 ACRES

All that certain tract or parcel containing 1.999 acres of land in the **Henry Odele Survey, A-1196, Tarrant County, Texas**, being a portion of a tract which was called Lot 1, Block 1, Nelson Addition, a subdivision of record in Volume A, Page 234, Tarrant County Plat Record (TCPR), conveyed from Steven G. Nelson, et al to Steven G. Nelson, et al, Co-Trustees, by an instrument of record in Clerks File #D215017907, Tarrant County Official Public Record (TCOPR), said 1.999 acres being more particularly described as follows and shown on the plat prepared by 360 Surveying as Job Number 1758-004, (Bearing Basis: State Plane Coordinates, Texas North Central 4202, NAD83, GRID);

**BEGINNING** at a 1/2" iron rod found for northwest corner, being the northwest corner of said Lot 1 and southwest corner of a tract which was called 3.99 acre, Tract 2, conveyed from Danny Lynn Battles, et ux to Matlock East, LLC, by an instrument of record in Clerks File #D221087663, TCOPR, lying in the east line of a tract which was called Lot 6R1, Block 1, The Shops at Broad Street, a subdivision of record in Clerks File #D218189472, TCOPR;

**THENCE N59°56'25"E, 445.05 feet** along the common line of said Lot 1 and said 3.99 acre tract to a 5/8" iron rod set for northeast corner, from which a 1/2" iron rod found for northeast corner of said Lot 1 and southeast corner of said 3.99 acre tract bears: N59°56'25"E, 448.54 feet;

**THENCE S30°03'35"E, 195.73 feet** crossing said Lot 1 to a 5/8" iron rod set for southeast corner, lying in the common line of said Lot 1 and a tract which was called Lot 7R, Block 1, of said Shops at Broad Street, from which a 1/2" iron rod found for northeast corner of said Lot 7R bears: N59°54'28"E, 322.71 feet;

**THENCE S59°54'28"W**, along the common line of said Lot 1 and said Lot 7R, at 439.65 feet pass a 5/8" iron rod found for northwest corner of said Lot 7R and a northeast corner of said Lot 6R1 and continuing along the common line of said Lot 1 and said Lot 6R1 for a distance in all of **443.98 feet** to a 5/8" iron rod found for southwest corner, being the southwest corner of said Lot 1 and an interior corner of said Lot 6R1,

**THENCE N30°22'12"W, 195.99 feet** along the common line of said Lot 1 and said Lot 6R1 to the **PLACE OF BEGINNING**, containing **1.999 acres** of land, more or less.



**Bret Read, RPLS 6610**  
August 8, 2022

EXHIBIT B FOR ZC#-22-019

ALEXANDER PD, PLANNED DEVELOPMENT DISTRICT REGULATIONS

**PURPOSE AND INTENT:**

The purpose and the intent of this Alexander Planned Development District (this “PD, PLANNED DEVELOPMENT DISTRICT”), is to provide a distinct set of regulations that will produce a new community with housing for a variety of ages and incomes in close proximity to employment and retail opportunities on two (2) tracts of land in adjacency to the Shops at Broad. These regulations will also allow room for exploration and experimentation in architecture and urban design to create individual designs that positively contribute a harmonious whole.

**APPLICABILITY:**

- A. All proposed development shall be in accordance with the provisions of this PD, Planned Development District, and development plans recorded hereunder, if any, shall be binding upon the applicant thereof, his and all successors and assigns, and shall limit and control all applications for building permits.
- B. The provisions of Chapter 155 of the Mansfield Code of Ordinances (Zoning Ordinance) shall continue to be applicable to all issues not covered by the regulations found in this PD, Planned Development District.
- C. In the event of a conflict between these PD, Planned Development District standards and the Zoning Ordinance, as amended, the standards that are set forth herein shall prevail.



- D. In the event of a conflict between these PD, Planned Development District standards and the standards that are specified elsewhere in text and tables, the standards that are set forth herein shall prevail.
- E. In the event of a conflict between these PD, Planned Development District standards and any other codes, ordinances, regulations, or standards as adopted by the City of Mansfield, Texas, the standards that are set forth herein shall prevail.

### **DESCRIPTIONS OF DEVELOPMENT TRACTS:**

Development pursuant to the provisions of this PD, Planned Development District, is regulated in accordance with the intensity of the residential uses permitted, according to the following two (2) development tracts:

- A. DEVELOPMENT TRACT NO. 1 (TRACT 1) — Tract 1 is intended to be developed for medium intensity attached housing on approximately 2.0 acres of land.
- B. DEVELOPMENT TRACT NO. 2 (TRACT 2) — Tract 2 is intended to be developed for high intensity multi-family housing on approximately 7.7 acres of land.

### **DEVELOPMENT PLAN:**

For the purpose of this PD, Planned Development District, a site plan and illustrative renderings of the dwelling unit types are attached hereto, respectively, as “EXHIBIT B-1” (collectively the “DEVELOPMENT PLAN”) to achieve the following:

- A. To establish all required setbacks and buffers for the property in the locations identified on the Development Plan;

- B. To identify and establish tracts of land; AND
- C. To set forth a general plan of development in Tract 1 and in Tract 2 as identified under this PD, Planned Development District.

**PHASING:**

No more than 191 of the 388 total multi-family dwelling units permitted to be constructed on Tract 2 shall be leased or occupied prior to the construction and final inspection of all the brownstones to be constructed on Tract 1 in accordance with the site plan subject to review and approval by the Director of Planning. However, a certificate of occupancy may be issued for all 388 multi-family dwelling units in accordance with all building codes, ordinances, and regulations of the City.

**DEFINITIONS:**

The following provides definitions for terms used in this PD, Planned Development District, that are technical in nature or otherwise may not reflect a common usage of the term. Where terms are not defined in this PD, Planned Development District, and are defined in Section 155.012 of the Mansfield Code of Ordinances, such terms shall have the meanings ascribed to them as found in that Section. Where terms are not defined in this PD, Planned Development District or in Section 155.012 of the Mansfield Code of Ordinances, such terms shall have ordinarily accepted meanings such as the context applies.

**ANCILLARY ROOF:** A secondary structure attached to the principal structure, typically in the form of a one-story structure attached to a two-story structure.

**ARCH:** A curved symmetrical structure spanning an opening and typically supporting the weight of a bridge, roof, or wall above it.

**ATTIC:** The interior part of a building contained within a pitched roof structure.

**AWNING:** A fixed or movable shading structure, and cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions.

**BROWNSTONE:** A single-family dwelling that shares a party wall with another of the same type and it occupies the full width of the front lot line (SYNONYM: SINGLE-FAMILY ATTACHED).

**BUILDING ELEVATION:** An exterior wall of a building.

**BUILDING FRONTAGE:** The area between a building elevation and the public right-of-way, it is inclusive of its built and planted components.

**BUILDING HEIGHT:** The vertical extent of a building measured in stories.

**DRIVEWAY:** A vehicular lane within a lot, often leading to a garage.

**DOORYARD FRONTAGE:** A building frontage type with a shallow setback and a front garden or a patio, usually with a low wall or hedge at the lot line (VARIANT: LIGHTWELL, LIGHT COURT).

**GLAZING:** The portion of a building elevation that is comprised of transparent glass, and that is usually set in doors and windows.

**LOT:** A parcel of land accommodating a building or buildings under single ownership.

**LOT COVERAGE:** The percentage of any lot that may be covered by buildings and other roofed structures.

**LOT LINE:** The boundary that legally and geometrically demarcates a lot.

**PIER:** A solid support that is designed to sustain vertical pressure.

**PORCH:** An open-air room appended to a building, with floor and roof, but no walls on at least two (2) sides.

**PRINCIPAL ENTRANCE:** The main point of access for pedestrians into a building.

**REAR ALLEY:** a private right-of-way, or access easement, designated to be a secondary means of vehicular access to the rear or to the side of lots; a rear alley may connect to a vehicular driveway located to the rear of lots providing access to accessory buildings, service areas, and parking, and may contain utility easements.

**STOOP FRONTAGE:** A building frontage wherein the building elevation is aligned close to the front lot line with the first story elevated from the sidewalk for privacy, and with an exterior stair and a landing at an entrance.

**STORY:** A habitable level within a building, excluding an attic or a raised basement.

#### **GENERAL SITE AND BUILDING STANDARDS FOR ALL TRACTS:**

The site and building standards provided below shall be specific to all construction on Tract 1 and on Tract 2.

##### **A. CONSIDERATIONS FOR UTILITIES.**

1. Utilities shall be placed underground.
2. Utility services may require easements at the front, side, or rear lot lines for meters, pedestals, and other equipment requirements.

##### **B. CONSIDERATIONS FOR LANDSCAPING.**

1. All landscaping plans shall require approval by the Director of Planning.
2. All site designs in Tract 1 shall minimize grading.



3. All topographic transitions between improvements and existing grades or between lots shall appear to be natural slopes or to be garden terraces. In the event natural slopes or garden terraces are not possible, retaining walls may be used, subject to review and approval by the Director of Planning. Retaining walls are limited to a maximum height of four (4) feet and shall be made of brick, brick veneer, local stone or local stone veneer and be capped. Subject to review and approval by the Director of Planning, wall height may be increased in the event natural slopes, garden terraces or four (4) foot walls are deemed not possible.
4. All removal of trees larger than six (6) inches caliper shall require approval by the Director of Planning.

**C. CONSIDERATIONS FOR LIGHTING.**

1. Exterior light fixtures shall be compatible with the architectural style of the building to which they are attached.
  - a. Uplighting, floodlighting, and wall washing lighting shall be prohibited on Tract 1.
2. Garage doors opening onto a rear alley shall provide a light fixture with a photocell that lights from dusk to dawn.

**SITE AND BUILDING STANDARDS SPECIFIC TO TRACT 1 (BROWNSTONES):**

The site and building standards provided below shall be specific to construction on Tract 1. Tract 1 is intended to allow only for brownstones situated on individually platted lots.

**A. PERMITTED USES.**

1. The uses permitted for lots in Tract 1 shall be expressly limited to the following:

- a. Brownstone.
- b. All accessory uses which are permitted by-right within the 2F, Two Family Residential District as depicted in the “PERMITTED USE TABLE” in Section 155.054 of the Mansfield Code of Ordinances.

**B. LOT ORIENTATION.**

1. All lots shall front on a street or a civic space.
2. All lots shall be accessed from a rear alley.

**C. LOT SIZE AND LOT OCCUPATION.**

1. The minimum lot size shall be a minimum of 1,200 square feet.
  - a. The minimum lot width shall be 22 feet.
  - b. The minimum lot depth shall be 55 feet.
  - c. The minimum lot frontage shall be 22 feet.
2. The maximum lot coverage for all principal buildings and their accessory buildings shall not exceed 70 percent.
3. The minimum habitable area for a principal building shall be 1,500 square feet of enclosed space, not including garages, patios, and porches.

**D. BUILDING SETBACKS.**

1. General:
  - a. Only one (1) principal dwelling unit may be built on each lot in Tract 1.
2. Principal Buildings:
  - a. Minimum front yard — 5 feet.
  - b. Minimum side yard — 0 feet.
  - c. Minimum rear yard — 5 feet.

3. Accessory buildings.
  - a. Applicable regulations and restrictions for accessory building setbacks per Section 155.099 of the Mansfield Code of Ordinances shall apply.

E. BUILDING HEIGHT.

1. General:
  - a. Building height is limited by stories, and is measured from highest adjacent sidewalk grade. Stories shall not exceed more than 14 feet in height.
  - b. Building height shall be measured from finished floor to finished ceiling.
  - c. Below grade stories do not count towards height calculations, provided they do not extend more than four (4) feet above the sidewalk grade.
  - d. Chimneys, cupulas, antennae, vents, elevator bulkheads, stair housing, and other uninhabited elements do not count towards building height.
2. Principal buildings:
  - a. Principal buildings shall have a minimum height of two (2) stories and be limited to a maximum height of three (3) stories.
  - b. Principal buildings shall have a minimum ceiling height of ten (10) feet at the first story.
3. Accessory buildings:
  - a. Accessory buildings shall be limited to a maximum height of two (2) stories.

F. BUILDING FRONTAGES.

1. General:
  - a. Lots fronting on two (2) or more streets or civic spaces shall have building frontages along each street or civic space.

- b. Balconies, bay windows, and such are permitted to encroach into the front setback up to 100 percent of its depth.
  - c. In order to encourage diversity in design, building frontages shall vary from lot to lot.
  - d. All brownstones shall provide a dooryard frontage or a stoop frontage.
2. Dooryard frontages:
- a. Dooryards may be raised a minimum of two (2) feet from average sidewalk grade at the frontage.
  - b. Fences or walls shall be provided as a part of the dooryard.
  - c. All dooryards shall be no less than five (5) feet deep.
  - d. All dooryard fences and walls shall be four (4) feet in height.
  - e. All dooryards shall be bound by fences or walls on three (3) sides.
    - i. An evergreen hedge may replace a fence or wall.
  - f. Dooryards may be paved in brick, cobble, or stone.
3. Stoop frontages:
- a. All stoops shall be no less than five (5) feet in depth.
  - b. All stoops shall be between four (4) and six (6) feet in width.
  - c. All stoops shall be covered by a pitched roof structure.
  - d. Stoops may encroach into the front setback up to 100 percent of its depth.
  - e. Stoops may be recessed into the main volume of the brownstone where front setbacks are less than five (5) feet.

**G. PARKING REQUIREMENTS.**

1. A minimum of two (2) parking spaces shall be provided for each principal dwelling unit and located within a garage.
2. Required parking shall be accessed from a rear alley and the required parking shall be oriented to the rear of the lot.
3. All garages shall be configured in one (1) of the following orientations, as generally described below:
  - a. Rear-entry, within the principal dwelling unit volume:
    - i. The garage shall be set toward the rear of the principal dwelling unit volume.

#### H. ARCHITECTURE.

1. General.
  - a. Dwelling units shall include special details to enhance the distinctiveness of each unit. This may include changes in color, material, height, entry portico, stoops, railings, et cetera.
  - b. There shall be no more than five (5) principal dwelling units attached under the same roof.
2. Walls.
  - a. No more than two (2) building wall materials shall be used on the exterior of a brownstone, excluding bay windows, patios, porches, exterior shutters, trim, and such.
  - b. Building walls shall be finished in brick or stone. Cementitious fiber board, stucco, and wood can only be used as an accent material and where used on

a single building, shall not exceed 20 percent of the total building wall area, with each building elevation being calculated independently.

- i. All stucco shall be masonry.
- ii. All stucco shall have a smooth sand finish.
- iii. All exposed exterior wood shall be painted or stained.
- iv. Exterior insulation and finish systems (E.I.F.S.) are prohibited.
- c. The heavier of the building wall materials shall be located below the lighter (e.g., stone below brick; brick below stucco; and stucco below cementitious fiber board and wood). The material transition shall run horizontally across the entire length of the building elevation.
- d. Arches and piers shall match the primary materials and the primary colors of the building walls.
  - i. All arches and piers shall be no less than 12 inches by 12 inches.
- e. Columns shall be made of concrete or stone.
  - i. All columns shall be no less than 12 inches by 12 inches.
- f. Posts shall be made of wood or a synthetic material that has the appearance of wood.
  - i. All posts shall be no less than six (6) inches by six (6) inches.
- g. All columns, piers, and posts shall be appropriately spaced in order to form square or vertically proportioned bays.

3. Roofs.

- a. Principal roofs, where sloped, shall be symmetrical gable or hip and angled no less than 6:12. Sloped roofs shall only be clad in asphalt shingle, slate,

or terra cotta tile. Sloped roof cladding may include metal, provided that it complements an architectural style and that it minimizes glare.

- b. Principal roofs, where low-slope (i.e., flat), shall be surrounded on all sides by a horizontal parapet wall no less than three-and-a-half (3.5) feet in height where the roof deck meets the parapet wall.
- c. Ancillary roofs may be sheds angled no less than 3:12.

4. Openings.

- a. Principal dwelling units shall have a limit for door and window openings in building elevations that are set along a street or a civic space. No less than 15 percent and no more than 40 percent of the total building wall area shall be used for door and window openings.
  - i. All windows openings shall be vertically proportioned, and shall be rectangular in shape where visible from streets and civic spaces.
  - ii. All windows shall use vertically proportioned panes, excluding any transom windows above door openings visible from streets and civic spaces.
- b. Door and window openings shall reveal their thickness within the building wall, and where appropriate to the building material that is used. Doors and windows in building walls made of brick, stone, and stucco shall be recessed a minimum of three (3) inches in depth.
- c. Door and window header heights shall be consistent on building elevations fronting a street or a civic space.



- d. Door and window openings in building elevations that are set along a street or a civic space shall be evenly spaced to create a harmonious composition.
- e. Garage doors shall be made of wood or composite wood and may have glass or framed panels.

5. Attachments.

- a. Chimneys, where visible, shall be clad in brick, stone, or stucco.
  - i. All chimneys shall extend to the ground and shall have a projecting cap on top.
- b. All flooring at stoops (e.g., the exterior stair and the landing) shall be made of brick, concrete, or stone to match the building wall finish.
- c. All flooring at balconies and at porches shall be made of brick, concrete, or stone.
- d. Any part of a balcony projecting beyond a building wall shall be structurally supported by concrete beams or profiled sills or wood beams or brackets of appropriate scale.

I. STREETSCAPE STANDARDS.

- 1. Private streets shall be paved in concrete, and they may be paved in other surface materials including asphalt, brick, cobble, or stone subject to review and approval by the Director of Planning.
- 2. Private streets shall have street trees planted on center, every 30 feet.
- 3. The minimum sidewalk width shall be five (5) feet.
- 4. The minimum parkway width shall be four (4) feet.
- 5. Rear Alleys:

- a. The minimum width of the access easement for an alley shall be 20 feet and shall have a minimum pavement width of 14 feet.

**J. SITE PLAN.**

Tract 1 shall require a site plan subject to review and approval by the Director of Planning. Such site plan shall be reviewed and approved prior to platting and the issuance of any building permit. The site plan shall be prepared and submitted to demonstrate compliance with all the provisions for Tract 1 and all other applicable provisions of this PD, Planned Development District and the Mansfield Code of Ordinances.

**SITE AND BUILDING STANDARDS SPECIFIC TO TRACT 2 (MULTI-FAMILY RESIDENTIAL BUILDING):**

The site and building standards provided below shall be specific to construction on Tract 2. Tract 2 is intended to provide standards for a multi-family residential building.

**A. PERMITTED USES.**

1. The uses permitted for lots in Tract 2 shall be expressly limited to the following:
  - a. Multi-family residential building.
  - b. Parking structure (attached to the multi-family residential building).
  - c. All accessory uses which are permitted by-right within the MF-2, Multi-Family Residential District as depicted in the “PERMITTED USE TABLE” in Section 155.054 of the Mansfield Code of Ordinances.

**B. ADDITIONAL USE RESTRICTIONS.**

1. A minimum of one (1) bedroom shall be provided for no less than 65 percent of the total number of multi-family dwelling units to be constructed.
2. No more than five (5) percent of the total number of multi-family dwelling units to be constructed shall provide three (3) or more bedrooms.

C. DENSITY.

1. The total number of multi-family dwelling units that may be constructed is limited to 388.

D. LOT SIZE AND LOT OCCUPATION.

1. Lot size and lot occupation shall be as per the approved Development Plan.

E. BUILDING SETBACKS.

1. Building setbacks shall be as per the approved Development Plan.

F. BUILDING HEIGHT.

1. General:
  - a. Building height is limited by stories, and is measured from highest adjacent sidewalk grade. Stories shall not exceed more than 14 feet in height.
  - b. Building height shall be measured from finished floor to finished ceiling.
  - c. Below grade stories do not count towards height calculations, provided they do not extend more than 4 feet above the sidewalk grade.
  - d. Chimneys, cupulas, antennae, vents, elevator bulkheads, stair housing, and other uninhabited elements do not count towards building height.
2. Principal buildings:
  - a. Principal buildings shall be limited to a maximum height of four (4) stories for principal buildings.

- b. Principal buildings shall have a minimum ceiling height of ten (10) feet at the first story.

3. Parking Structure:

- a. A parking structure that is attached to the multi-family residential building is required. The height of the parking structure attached to the multi-family residential building shall not exceed five (5) stories.

4. Accessory buildings:

- a. Accessory buildings shall be limited to a maximum height of one (1) story.

G. BUILDING FRONTAGES.

1. General:

- a. Balconies, bay windows, and such are permitted to encroach into the front setback up to 100 percent of its depth.
- b. All ground floor multi-family dwelling units fronting the 12-foot wide park trail as depicted on the Development Plan shall have a dooryard frontage or a stoop frontage.
- c. The entrance (i.e., door) into a dooryard frontage or a stoop frontage must open directly into the living area of a ground-floor multi-family dwelling unit and not into a bedroom.

2. Dooryard frontages:

- a. Dooryards may be raised a minimum of two (2) feet from average sidewalk grade at the frontage.
- b. Fences or walls shall be provided as a part of the dooryard.
- c. All dooryards shall be no less than five (5) feet deep.

- d. All dooryard fences and walls shall be four (4) feet in height.
  - e. All dooryards shall be bound by fences or walls on three (3) sides.
    - i. An evergreen hedge may replace a fence or wall.
  - f. Dooryards may be paved in concrete, brick, cobble, or stone.
3. Stoop frontages:
- a. All stoops shall be no less than five (5) feet in depth.
  - b. All stoops shall be between four (4) and six (6) feet in width.
  - c. All stoops shall be covered by a pitched roof structure, awning, or canopy.
  - d. Stoops may encroach into the setback up to 100 percent of its depth.

#### H. PARKING REQUIREMENTS.

- 1. Parking is required for each multi-family residential dwelling unit in the amount as specified below:
  - a. One (1) bedroom – a minimum of one (1) parking space.
  - b. Two (2) bedrooms or more – a minimum of two (2) parking spaces.
- 2. Excluding on-street parking spaces, multi-family residential parking provided shall not exceed 200 percent of the minimum parking requirement.
- 3. Carports and covered parking are permitted in off-street parking area and shall be located behind buildings relative to streets and civic spaces.

#### I. ARCHITECTURE.

- 1. General:
  - a. All sides of the multi-family residential building shall exhibit continuity in design and contain exterior materials that exhibit quality and durability.

- b. All building elevations at finished grade shall be designed to provide a sense of human scale at grade and incorporate architectural features along streets and civic spaces that add visual interest. This may include, but is not limited to, the use of glazing patterns, distinguished entries, building signage, and lighting.

2. Exterior finish material:

- a. Building walls shall be finished in the materials specified in “EXHIBIT C”.
  - i. All stucco shall be masonry.
  - ii. All stucco shall have a smooth sand finish.
  - iii. All exposed exterior wood shall be painted or stained.
  - iv. Exterior insulation and finish systems (E.I.F.S.) are prohibited.
- b. Arches and piers shall match the primary materials and the primary colors of the building walls.
  - i. All arches and piers shall be no less than 12 inches by 12 inches.
- c. Columns shall be made of concrete or stone.
  - i. All columns shall be no less than 12 inches by 12 inches.
- d. Posts shall be made of wood or a synthetic material that has the appearance of wood.
  - i. All posts shall be no less than six (6) inches by six (6) inches.
- e. All columns, piers, and posts shall be appropriately spaced in order to form square or vertically proportioned bays.

3. Roofs:

- a. Principal roofs, where sloped, shall be symmetrical gable or hip and angled no less than 6:12. Sloped roofs shall only be clad in asphalt shingle, slate, or terra cotta tile. Sloped roof cladding may include metal, provided that it complements an architectural style and that it minimizes glare.
  - b. Principal roofs, where low-slope (i.e., flat), shall be surrounded on all sides by a horizontal parapet wall no less than three-and-a-half (3.5) feet in height where the roof deck meets the parapet wall.
  - c. Ancillary roofs may be sheds angled no less than 3:12.
4. Openings:
- a. All door and window openings shall be vertically proportioned and shall be rectangular in shape.
    - i. All windows shall use vertically proportioned panes, excluding any transom windows above door openings visible from streets and civic spaces.
  - b. Door and window openings shall reveal their thickness within the building wall, and where appropriate to the building material that is used. Doors and windows in building walls made of brick, stone, and stucco shall be recessed a minimum of three (3) inches in depth.
  - c. Door and window header heights shall be consistent on building elevations that are set along a street or a civic space.
  - d. Door and window openings in building elevations that are set along a street or a civic space shall be evenly spaced to create a harmonious composition.



- e. Tinted (greater than ten percent), mirrored, reflective, or colored glass shall not be used on any doors or windows.
5. Attachments:
- a. All flooring at stoops (e.g., the exterior stair and the landing) shall be made of brick, concrete, or stone to match the building wall finish.
  - b. All flooring at balconies and at porches shall be made of brick, concrete, or stone.
  - c. Any part of a balcony projecting beyond a building wall shall be structurally supported by concrete beams or profiled sills or wood beams or brackets of appropriate scale.

**MISCELLANEOUS STANDARDS:**

**A. LOADING DOCKS AND SERVICE AREAS.**

- 1. Loading docks and service areas shall be located away from thoroughfares and shall be visually screened from adjoining properties to the satisfaction of the Director of Planning.

**B. BUILDING MECHANICAL AND ROOFTOP MECHANICAL EQUIPMENT.**

- 1. Building mechanical equipment including, but not limited to, electric meters, gas meters, water meters, and transformers and refuse storage shall be visually screened.
- 2. Rooftop mechanical equipment shall be visually screened from all sides by parapet walls or opaque screening enclosures both of which shall be a minimum of twelve (12) inches greater in height than the equipment.

C. COLLECTION RECEPTACLES.

1. All collection receptacles shall be visually screened on all sides by a solid, opaque wall a minimum of six feet in height, and constructed of a material matching the nearest building wall to the satisfaction of the Director of Planning. All access doors into the collection receptacle shall be made of opaque metal matching the height of the solid walls.

D. TRAFFIC MITIGATION SOLUTION

1. Owner of Tract 2 shall work with Planning Director and city staff to address a solution for eastbound traffic on the private road towards Carlin Road. Owner and city staff shall work with the Carlin Neighborhood to provide and implement a reasonable solution.

E. THIRD-PARTY DRAINAGE STUDY

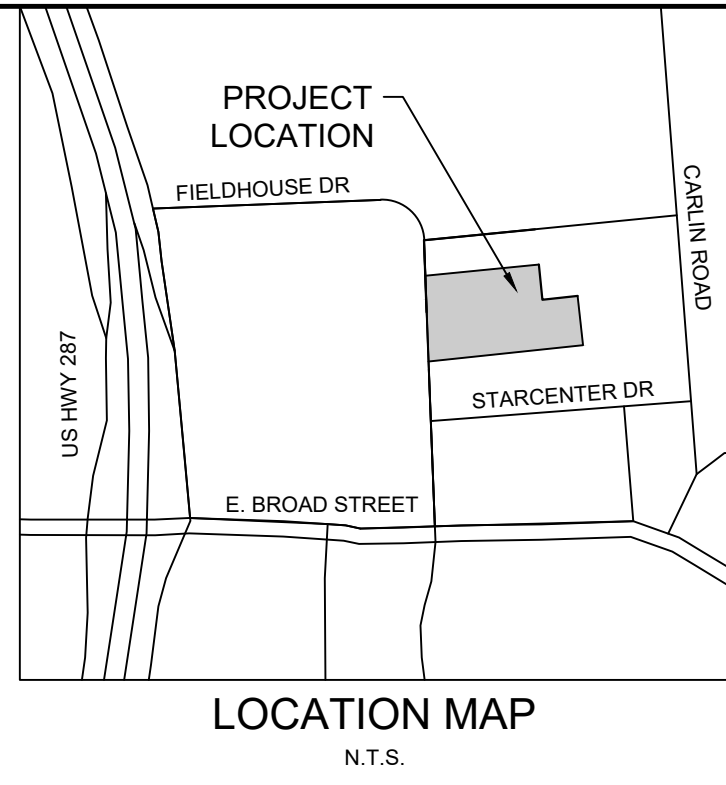
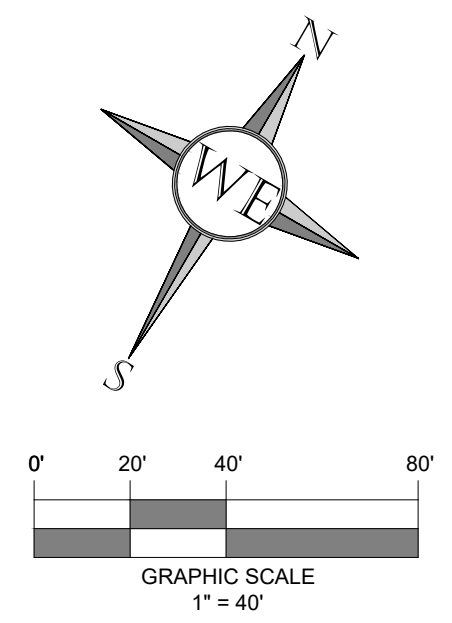
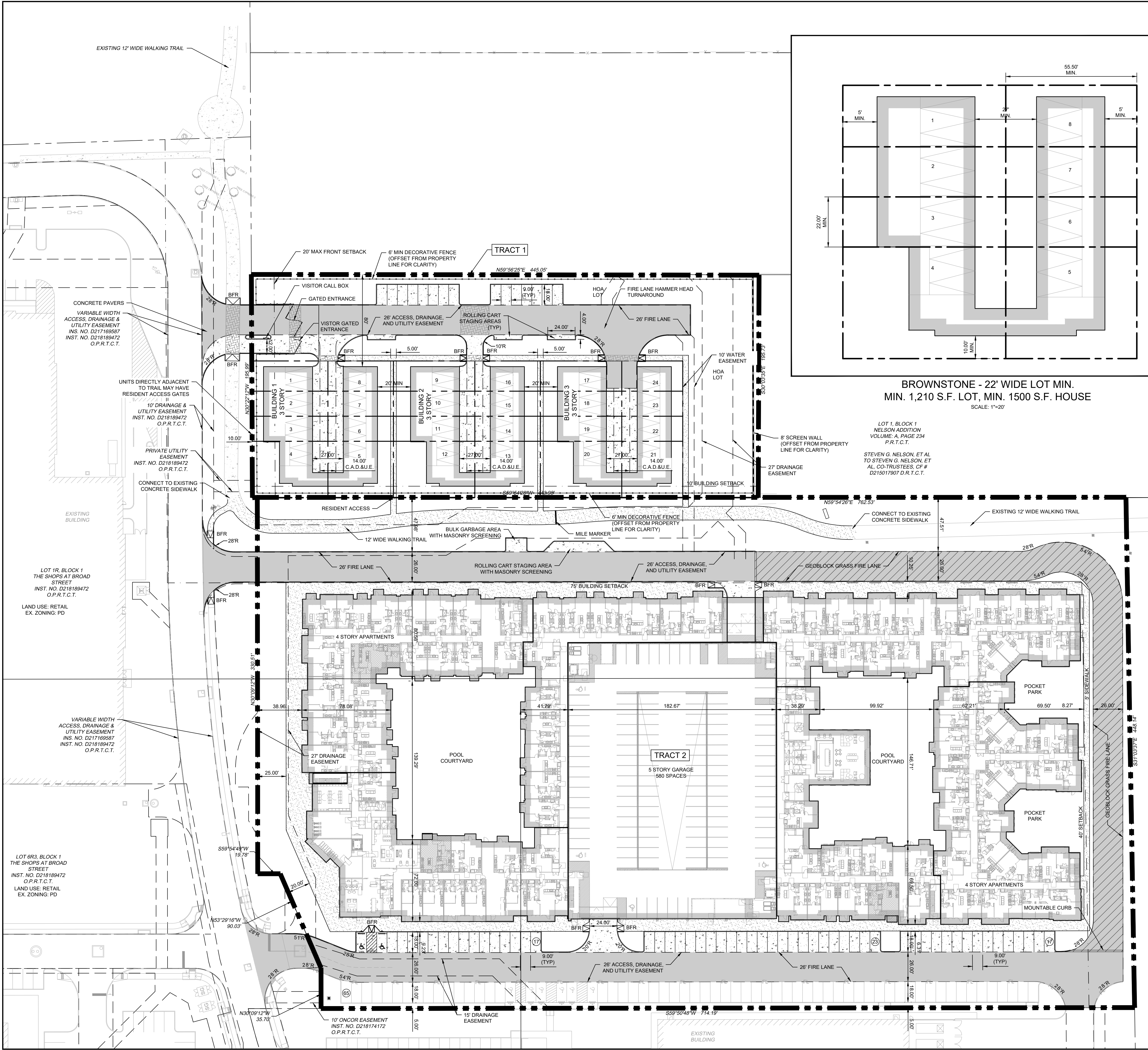
1. Owner of Tracts 1 and 2 shall provide a 3<sup>rd</sup> party review of the current drainage studies and provide a report to the Carlin Neighborhood, City Staff and the Owner.

F. MANDATORY PROPERTY OWNERS' ASSOCIATION.

1. Tract 1. A mandatory property owners' association shall be recorded in the public records of Tarrant County, Texas, and shall be binding upon all purchasers of land within Tract 1. The mandatory property owners' association shall be responsible for the maintenance of all on-site parking, lighting, landscape, irrigation, fences, walls, gates (non-vehicular), access control systems, storm water quality and detention systems, private streets, and civic space and amenities.

- a. In the event Tract 1 does not provide onsite amenities, property Owners in Tract 1 will be given the opportunity to purchase memberships that allows the use of the pool and fitness area in Tract 2.





TRACT 1	
SITE AREA	86,908 SF, 2.00 AC.
EXISTING ZONING	SF-12/22
PROPOSED ZONING	PLANNED DEVELOPMENT
RESIDENTIAL UNITS	24 UNITS (3 UNITS)
PARKING REQUIRED	48 SPACES
PARKING PROVIDED	GARAGE PARKING: 48 SPACES SURFACE PARKING: 15 SPACES TOTAL: 63 SPACES
DENSITY	12.00 UNITS/ACRE
MIN LOT SIZE	1210 SF
MIN UNIT SF (EXCLUDING GARAGE)	1500 SF

TRACT 2	
SITE AREA	338,489.19 SF, 7.77 AC.
EXISTING ZONING	PLANNED DEVELOPMENT
PROPOSED ZONING	PLANNED DEVELOPMENT
RESIDENTIAL UNITS	388
TOTAL BUILDING AREA	359,000 SF
MAXIMUM BUILDING HEIGHT	MAX ALLOWED: 65 FEET PROPOSED: 57 FEET
PARKING REQUIRED	
MULTIFAMILY (1/SPACE / BEDROOM)	1 BEDROOM UNITS: 259 2 BEDROOM UNITS: 118 3 BEDROOM UNITS: 11 TOTAL REQUIRED SPACES: 528
STAR CENTER	170 SPACES
TOTAL: 698 SPACES	
PARKING PROVIDED	
GARAGE	MULTIFAMILY SPACES: 528 STAR CENTER DESIGNATED SPACES: 52 TOTAL SPACES: 580
SURFACE	MULTIFAMILY SPACES: 7 STAR CENTER DESIGNATED SPACES: 115 TOTAL SPACES: 122
TOTAL: 702 SPACES	

- LEGEND**
- PROPERTY LINE
  - ZONING TRACT BOUNDARY
  - SETBACK LINE
  - PROPOSED FIRE LANE, ACCESS AND UTILITY EASEMENT
  - PROPOSED GEOBLOCK GRASS FIRE LANE
  - PROPOSED CONCRETE PAVEMENT
  - PROPOSED CONCRETE SIDEWALK
  - EXISTING CONCRETE SIDEWALK
  - PROPOSED STAMPED CONCRETE OR PAVERS
  - PARKING COUNT
  - COMMON ACCESS, DRAINAGE, AND UTILITY EASEMENT
  - TYP TYPICAL

DEVELOPMENT PLAN  
HOMES AT THE ALEXANDER  
BEING 9.77 ACRES OUT OF THE  
HENRY ODELL SURVEY, ABSTRACT NO. 1196  
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS  
JANUARY 31, 2023  
24 BROWNHOUSE LOTS AND 1 OPEN SPACE LOT  
1 MULTI-FAMILY RESIDENTIAL LOT  
ZC#22-019

OWNER / DEVELOPER

BRIDGEVIEW REAL ESTATE  
8380 LYNDON S. JOHNSON FREEWAY, SUITE 565  
DALLAS, TX 75243  
CONTACT: DRU GUILLOT

ENGINEER

WESTFALL ENGINEERING  
1719 ANGEL PARKWAY, STE 400-206  
ALLEN, TX 75002  
TPE FIRM REG. #19101  
CONTACT: MICHAEL WESTFALL, P.E.

OWNER

NELSON FAMILY REV TRUST  
1719 ANGEL PARKWAY, STE 400-206  
ALLEN, TX 75002  
TPE FIRM REG. #19101  
CONTACT: MICHAEL WESTFALL, P.E.

WESTFALL ENGINEERING  
1719 ANGEL PARKWAY  
STE 400-206 ALLEN, TX 75002  
PHONE NO. (214) 846-9397  
TPE FIRM REG. #19101

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CONSTRUCTION.

HOMES AT THE  
ALEXANDER  
CITY OF MANSFIELD, TEXAS  
ZC#22-019

SITE PLAN

REVISIONS	
No.	DATE

DATE

02/02/2023

PROJECT NO.

17701

SHEET NO.

EX-B1

179



**EXHIBIT C-1**  
**BROWNSTONE BUILDING INSPIRATIONS**





**EXHIBIT C-1**  
**BROWNSTONE BUILDING INSPIRATIONS**





**EXHIBIT C-1**  
**BROWNSTONE BUILDING INSPIRATIONS**

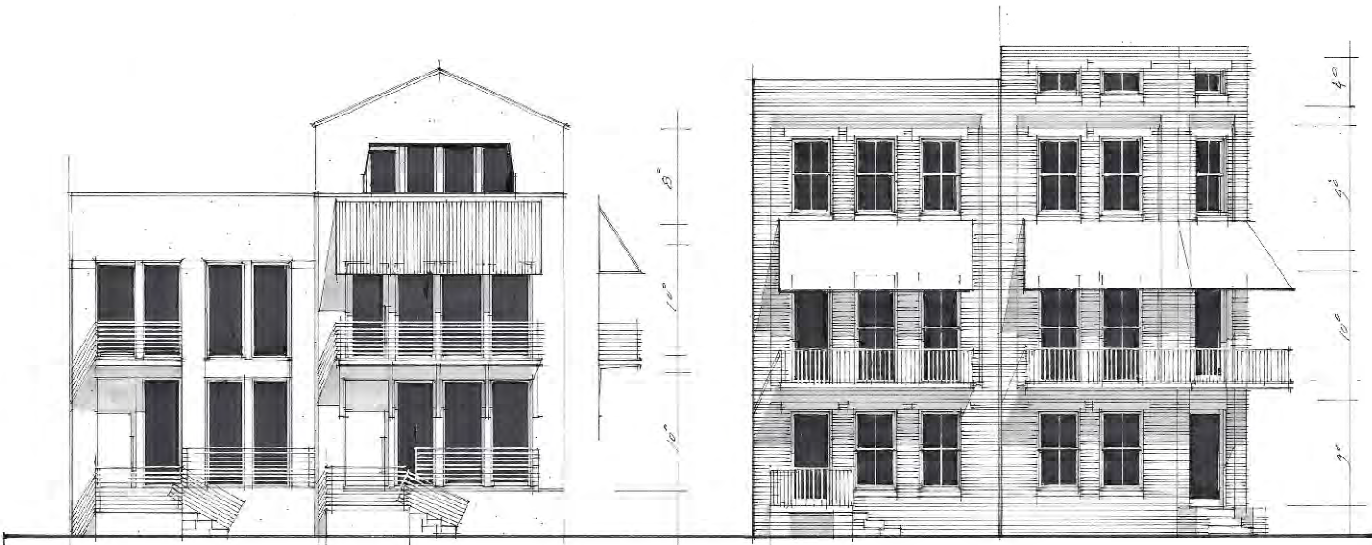




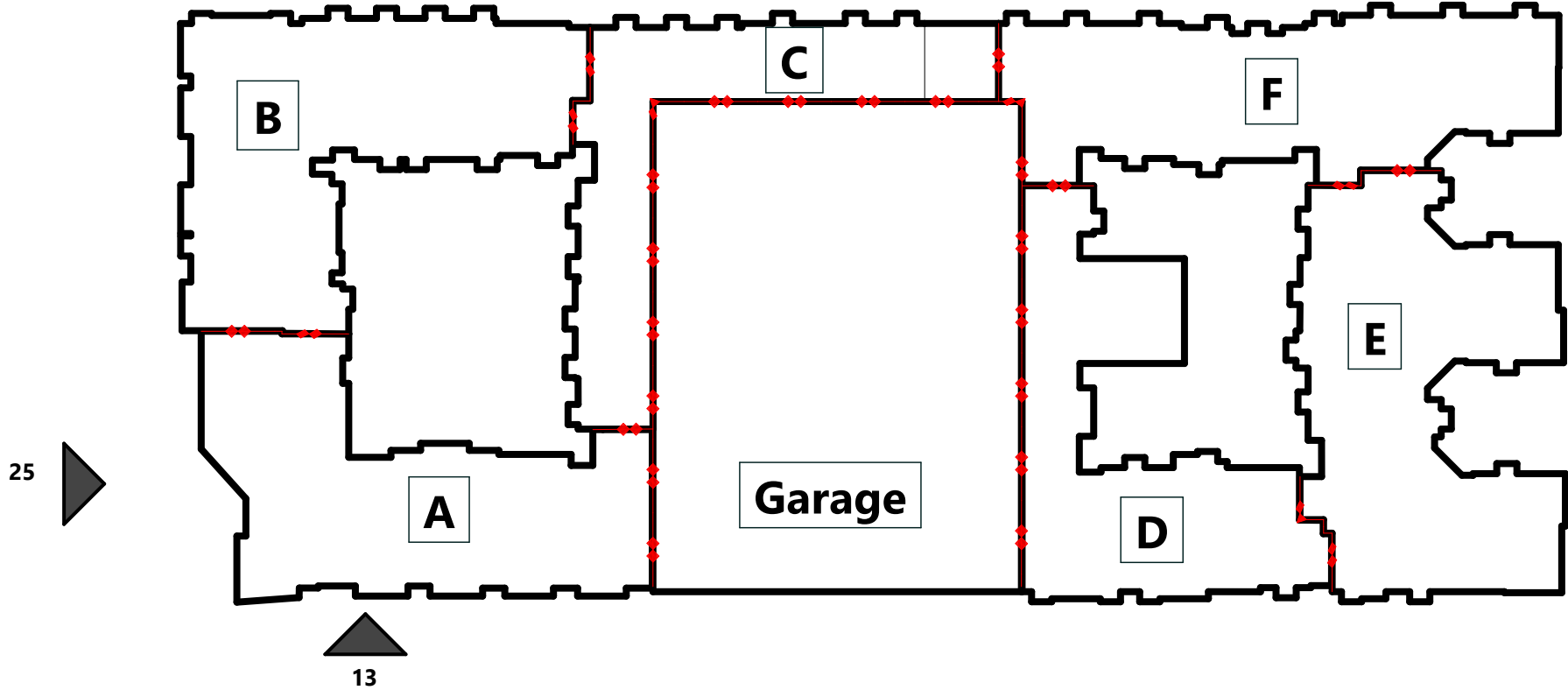
EXHIBIT C-1  
MULTIFAMILY BUILDING ELEVATIONS

ELEVATION GENERAL NOTES

1. ALL EXTERIOR BRICK, PANEL, AND SIDING TO WRAP CORNERS AND TERMINATE AT INSIDE CORNERS, TYPICAL, UNLESS NOTED OTHERWISE.
2. A VERTICAL BRICK CONTROL JOINT TO EXIST AT ALL BRICK TO BRICK INSIDE CORNERS, TYPICAL AND AS SHOWN, 30' SEPARATION MAX.
3. ALL MEP ROOF PIPE PENETRATIONS TO BE PAINTED TO MATCH ADJACENT ROOF COLOR.
4. EXTERIOR COLOR PACKAGE TO BE ISSUED AT A LATER DATE.

MATERIAL LEGEND

ID	MATERIAL	COLOR
01	BRICK	BRICK 1
02	BRICK	BRICK 2
03	BRICK	BRICK 3
04	BRICK	BRICK 4
05	FIBER CEMENT SIDING	COLOR 1
06	FIBER CEMENT SIDING	COLOR 2
07	FIBER CEMENT SIDING-WOOD FINISH	COLOR 3
08	FIBER CEMENT PANEL	COLOR 1
09	CORRUGATED METAL PANEL	DARK
10	METAL PANEL	COLOR 1
11	METAL PANEL OR FIBER CEMENT	COLOR 2
12	GARAGE SCREEN PANEL	COLOR 3



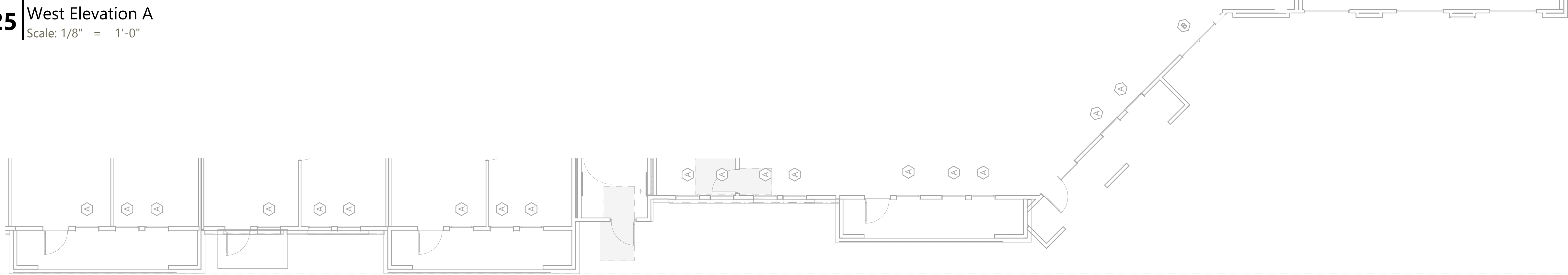
03 | Key Plan



13 | South Elevation Area A  
Scale: 1/8" = 1'-0"



25 | West Elevation A  
Scale: 1/8" = 1'-0"



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Registered Architect of the State of:  
TEXAS  
Registration Number:  
23379

B|V BRIDGEVIEW  
REAL ESTATE

ALEXANDER  
Mansfield, Texas

Project Number: 2022007.00  
Drawn By: NCrawford  
Issue for: DD  
09.26.2022

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Delta	Issue Name	Date

A410





- 1. Fire escape route to be used**
1. All escape routes to be used in the event of a fire.
  2. All escape routes to be used in the event of a fire.
  3. All escape routes to be used in the event of a fire.
  4. All escape routes to be used in the event of a fire.
  5. All escape routes to be used in the event of a fire.
  6. All escape routes to be used in the event of a fire.
  7. All escape routes to be used in the event of a fire.
  8. All escape routes to be used in the event of a fire.
  9. All escape routes to be used in the event of a fire.
  10. All escape routes to be used in the event of a fire.



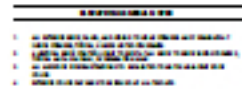




EXHIBIT C-1  
MULTIFAMILY BUILDING ELEVATIONS

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04	BRICK	BRICK 4
05	FIBER CEMENT SIDING	COLOR 1
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07	FIBER CEMENT SIDING-WOOD FINISH	COLOR 3
08	FIBER CEMENT PANEL	COLOR 1
09	CORRUGATED METAL PANEL	DARK
10	METAL PANEL	COLOR 1
11	METAL PANEL OR FIBER CEMENT	COLOR 2
12	GARAGE SCREEN PANEL	COLOR 3

03 | Key Plan



13 | East Elevation Area F  
Scale: 1/8" = 1'-0"



15 | Courtyard 3 North Elevation  
Scale: 1/8" = 1'-0"



17 | Courtyard 3 East Elevation  
Scale: 1/8" = 1'-0"



25 | Courtyard 3 South Elevation  
Scale: 1/8" = 1'-0"



27 | East Elevation Area E Center  
Scale: 1/8" = 1'-0"



28 | Courtyard 4 North Elevation  
Scale: 1/8" = 1'-0"



EXHIBIT C-1  
MULTIFAMILY BUILDING ELEVATIONS

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10	METAL PANEL	COLOR 1
11	METAL PANEL OR FIBER CEMENT	COLOR 2
12	GARAGE SCREEN PANEL	COLOR 3

03 | Key Plan



13 | Courtyard 4 East Elevation  
Scale: 1/8" = 1'-0"



14 | Courtyard 4 South Elevation  
Scale: 1/8" = 1'-0"



17 | East Elevation Area E South  
Scale: 1/8" = 1'-0"



25 | South Elevation Area E  
Scale: 1/8" = 1'-0"

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Registered Architect of the State of:  
TEXAS  
Registration Number:  
23379

B|V BRIDGEVIEW  
REAL ESTATE

ALEXANDER  
Mansfield, Texas

Project Number: 2022007.00  
Drawn By: NCrawford  
Issue for:  
DD 09.26.2022

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A414



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MULTIFAMILY BUILDING ELEVATIONS

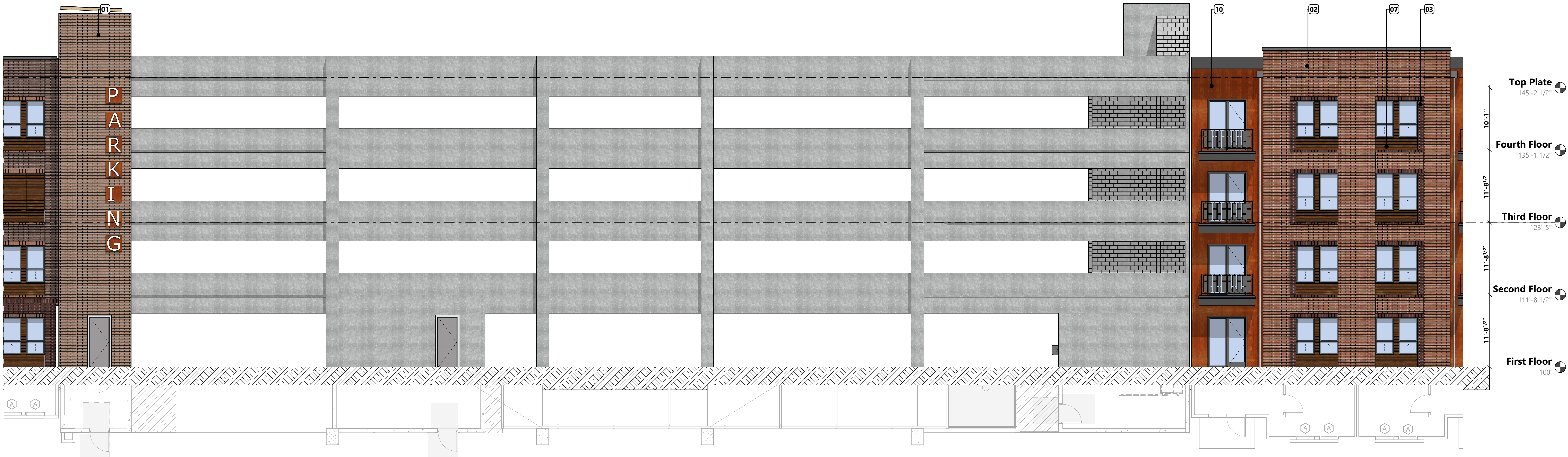
ELEVATION GENERAL NOTES

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08	FIBER CEMENT PANEL	COLOR 1
09	CORRUGATED METAL PANEL	DARK
10	METAL PANEL	COLOR 1
11	METAL PANEL OR FIBER CEMENT	COLOR 2
12	GARAGE SCREEN PANEL	COLOR 3

03 | Key Plan



13 | South Elevation Garage  
Scale: 1/8" = 1'-0"

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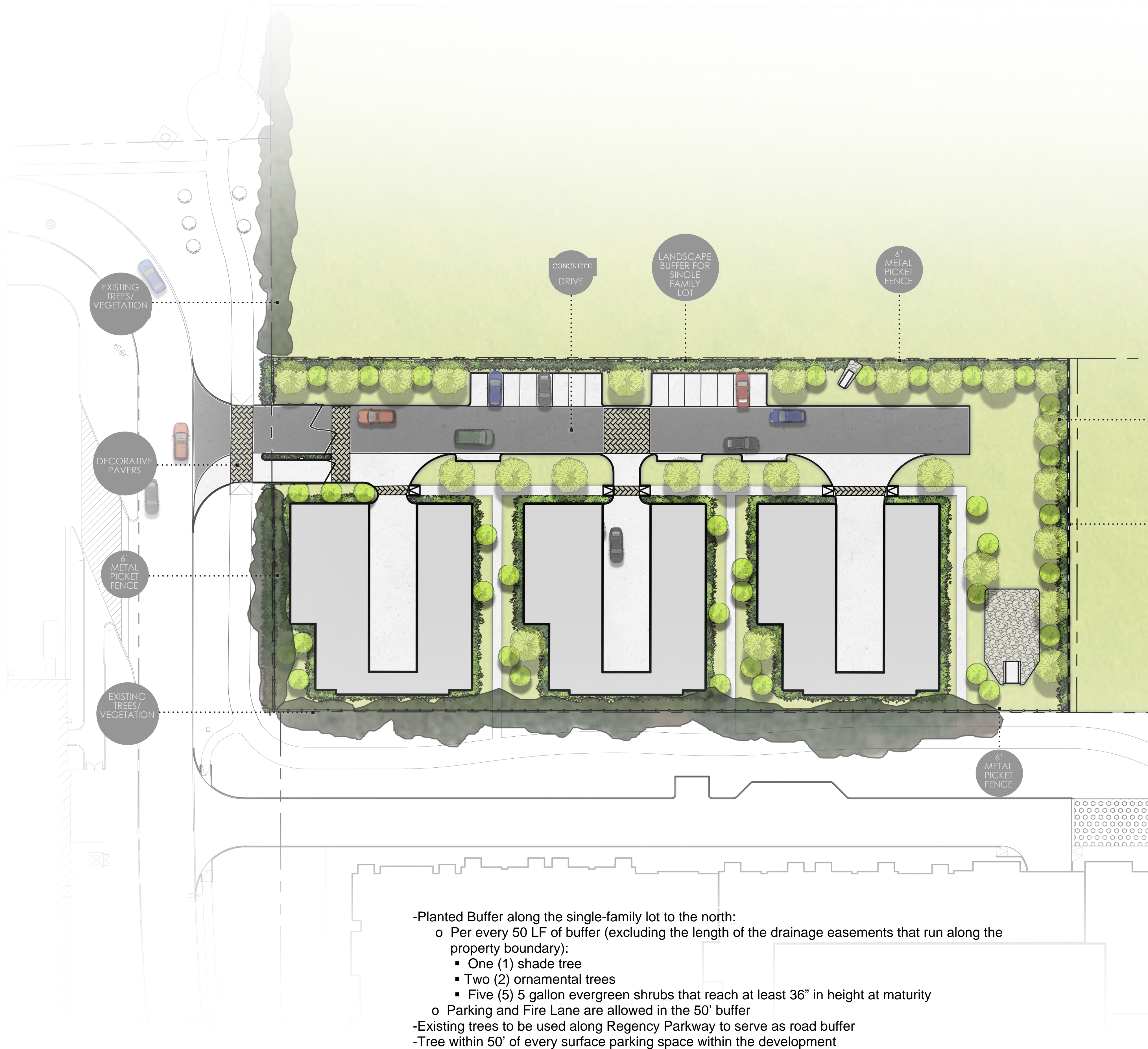
Project Number: 2022007.00  
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09.26.2022

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Delta Issue Name Date

A415





STREET TREE PLANTING



TOWNHOME GREENSPACE



ENHANCED PAVING

MANSFIELD

FEBRUARY 1, 2023

BROWNSTONE PD EXHIBIT



Scale: 1" = 30'-0"



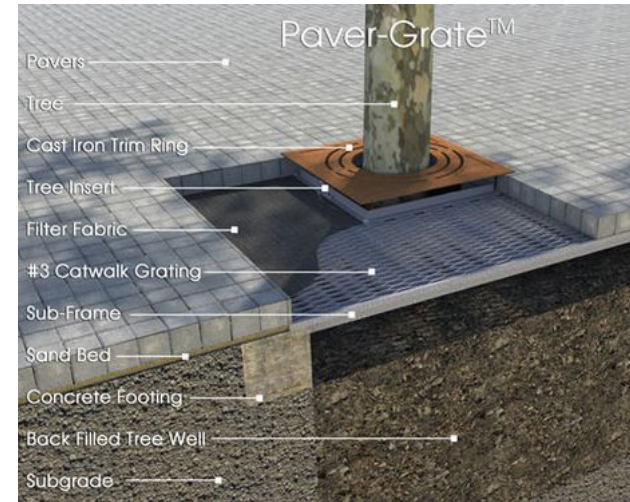




DECORATIVE PAVERS/SITE FURNISHING



BIO RETENTION/RAIN GARDEN



PAVER GRATES



DECORATIVE STREET LIGHTING

MANSFIELD

DECEMBER 21, 2022

BRIDGEVIEW  
REAL ESTATE

EXHIBIT D-2  
MULTIFAMILY LANDSCAPE CONCEPT



EXHIBIT E

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Registration Number: 23379

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Mansfield, Texas

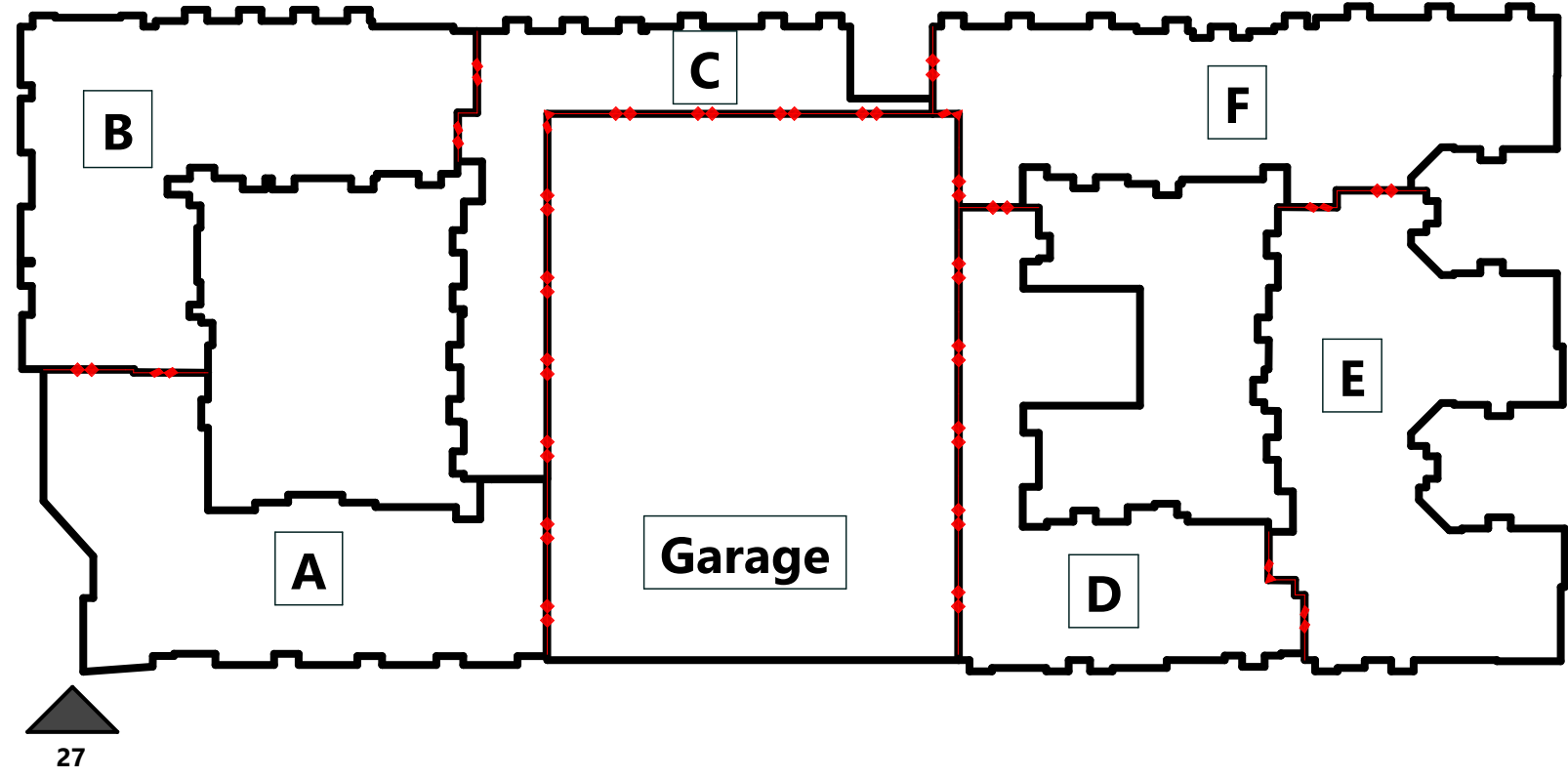


Project Number: 2022007.00  
Drawn By: NCrawford  
Issue for:

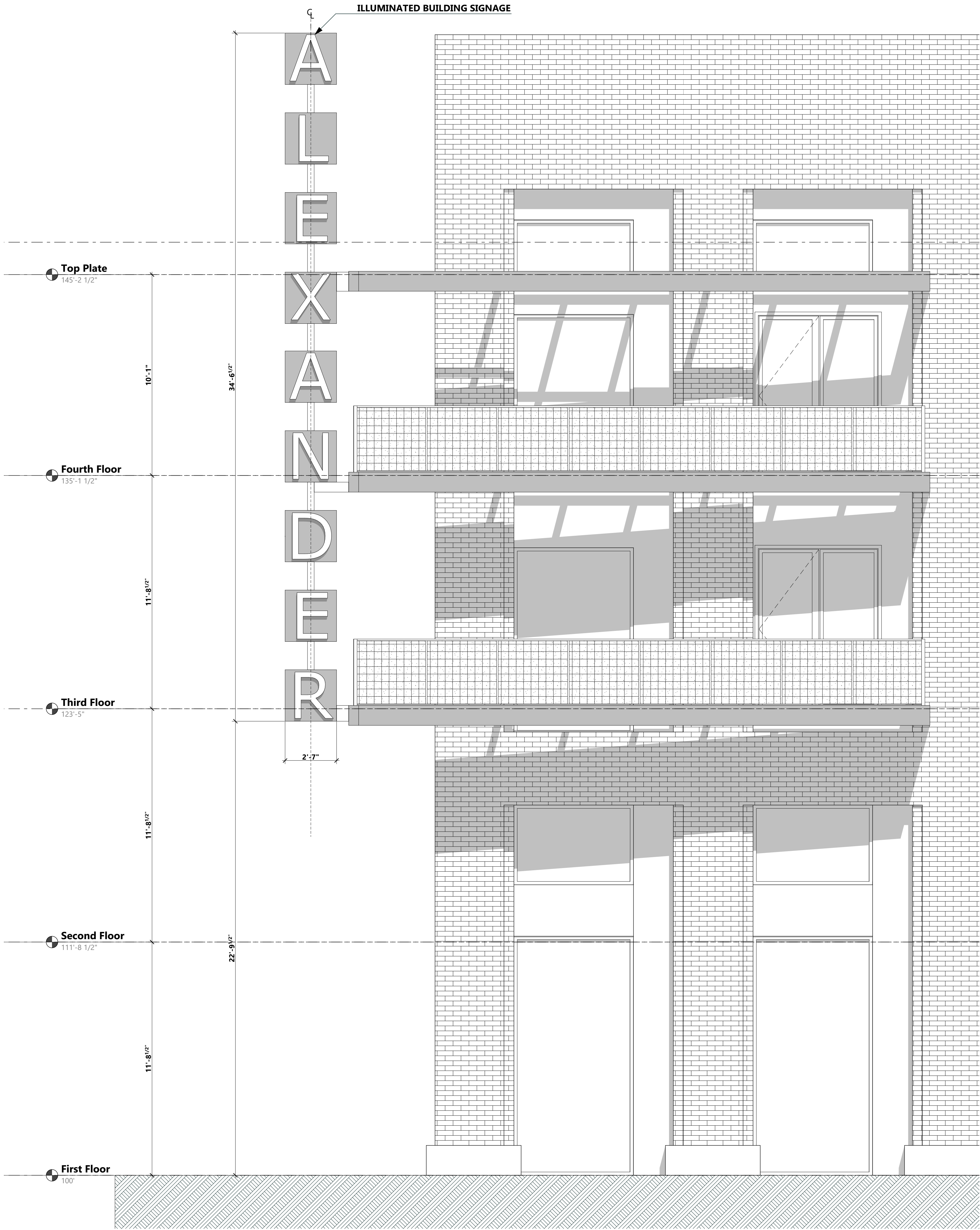
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Delta	Issue Name	Date

A511

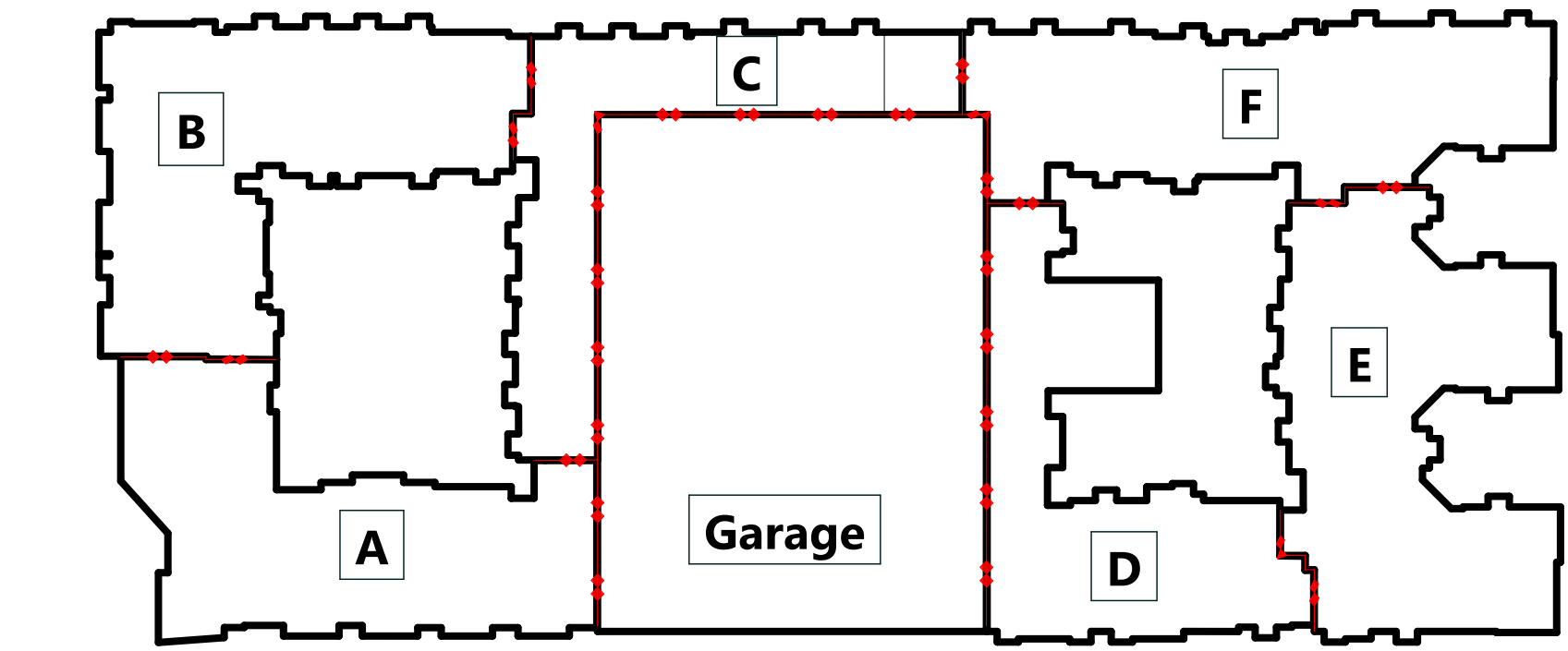


01 | Key Plan



27 | Illuminated Signage Diagram  
Scale: 3/8" = 1'-0"

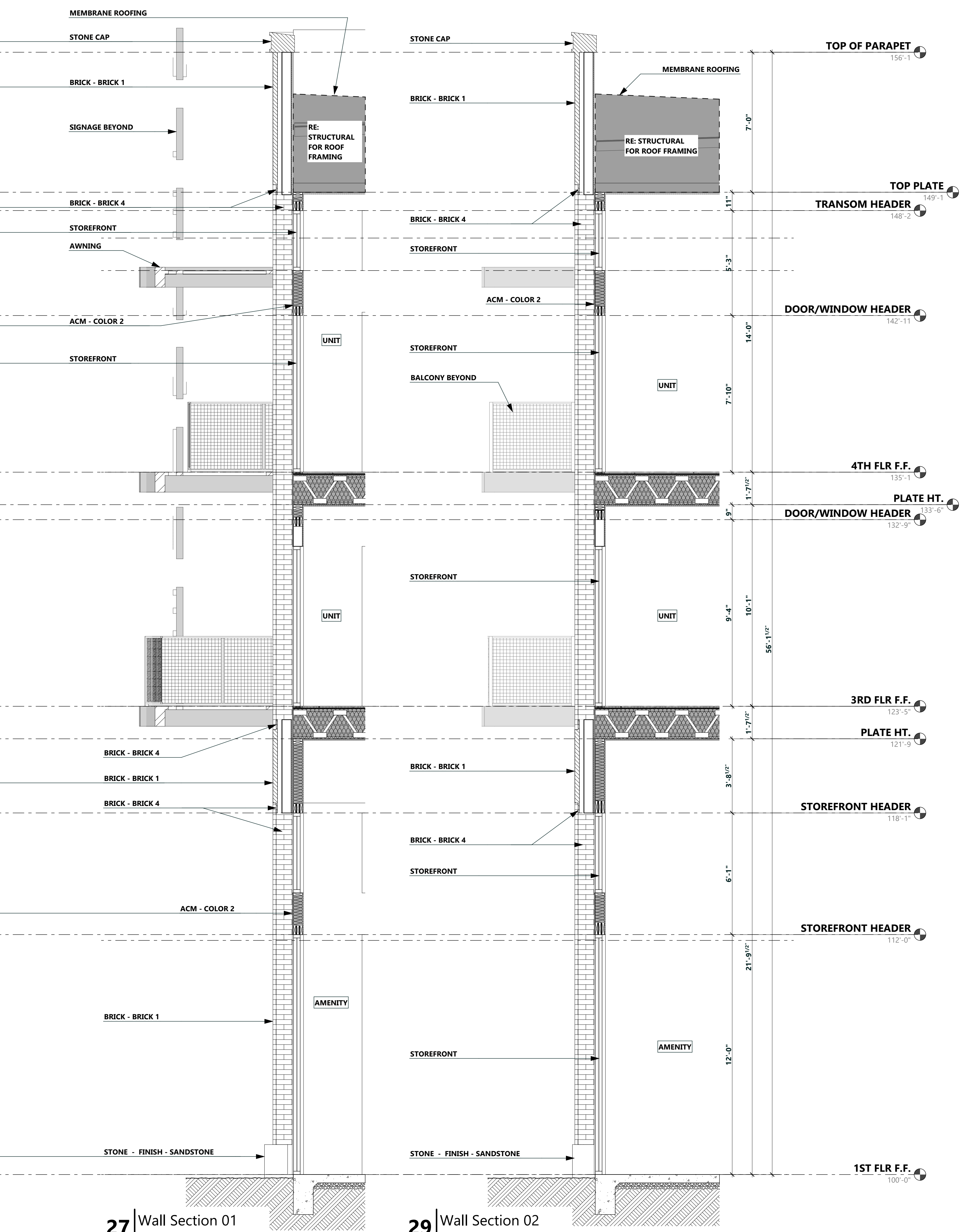




05 | Key Plan



25 | Illuminated Signage Diagram  
Scale: 3/8" = 1'-0"



27 | Wall Section 01  
Scale: 3/8" = 1'-0"

29 | Wall Section 02  
Scale: 3/8" = 1'-0"

ENLARGED ELEVATION AND SECTIONS

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**B|V** BRIDGEVIEW  
REAL ESTATE

**ALEXANDER**  
Mansfield, Texas

Project Number: 2022007.00  
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DD

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Delta	Issue Name	Date





# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5187

Agenda Date: 2/27/2023

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

### Title

Ordinance - Public Hearing Continuation and Second and Final Reading on an Ordinance Approving a Zoning Change from SF-7.5/12, Single-Family Residential District and PD, Planned Development District to D, Downtown District, D-1, Sub-Urban Zone on Approximately 1.460 Acres Located at 505 W. Kimball St., 506 W. Kimball St., and 509 Alvarado St.; Benjamin Hartman, Owner

### Requested Action

To consider the subject zoning change request

### Recommendation

The Planning and Zoning Commission met on January 17, 2023, and voted 4 to 0 to recommend approval.

Ayes: 4 - Axen, Mainer, Gilmore and Thompson

Nays: 0

Absent: 3 - Groll, Goodwin and Shaw

Staff recommends approval.

### First Reading

City Council met on February 13, 2023, and voted 6 to 0 to approve the zoning change at First Reading.

### Description/History

*Existing Use:* Single-Family residential and vacant

*Existing Zoning:* SF-7.5/12, Single-Family Residential District and PD, Planned Development District

*Land Use Plan:* Sub-Area 3

### Surrounding Land Use & Zoning:

North - SF-7.5/12, Single-Family Residential District, single-family residential

South - PD Planned Development District, and SF-7.5/12, Single-Family Residential District, single-family residential

East - D, Downtown District (D-1, Sub-Urban Zone) and 2F, Two Family Residential District, vacant and duplex

West - SF-7.5/12, Single-family Residential District and PD, Planned Development District, vacant and single-family residential

## **Synopsis**

This is a request to rezone approximately 1.460 acres to the D, Downtown District (D-1, Sub-Urban Zone). The property is adjacent to property currently zoned as D, Downtown District. The proposed rezoning is consistent with recommendations in the Official Land Use Plan and is compatible with the surrounding land uses.

## **Staff Analysis**

The property consists of three (3) lots totaling approximately 1.460 acres. The applicant currently lives in a recently constructed home that is located on the northernmost lot and is seeking flexible development provisions to construct dwellings on the remaining lots. The current zoning for the property is SF-7.5/12, Single-Family Residential District.

The applicant is requesting to rezone the property to the D, Downtown District (D-1 Sub-Urban Zone). The D-1, Sub-Urban Zone encourages and enables “residential areas with some commercial and mixed-use activity adjacent to higher intensity zones”. Further, the character of the D-1, Sub-Urban Zone consists of “detached single-family buildings surrounded by lawns and landscaped yards with limited office”.

The D-1 Sub-Urban Zone is compatible with the surrounding uses and its provisions allow for new development (i.e., infill) and the redevelopment of older structures. All new construction on either tract must comply with the architectural design and landscaping standards of the D, Downtown District.

A building plan --- reviewed and approved by Staff --- will be required prior to plat approval or issuance of a building permit.

The property falls within the Sub-Area 3 of the Official Land Use Plan. In this Sub-area, more opportunities exist for mixed uses in the downtown core / heart of the City. It also encourages continued and intentional efforts to preserve Historic Downtown Mansfield and residential properties in proximity.

This property is located next to single-family uses to the north and west; and the D-1 Sub-Urban zoning designation already present to the east and areas to the south. The property is also located near West Broad and South Main Street. This section of West Broad Street is under exploration for possible inclusion into the D, Downtown District to encourage a balanced mix of uses and to reinforce and sustain Historic Downtown Mansfield as the traditional center for business and culture.

## **Summary**

The property is currently zoned SF-7.5/12, Single-Family Residential, and rezoning it to the D, Downtown District (D-1, Sub-Urban Zone), will not be a deviation from the Official Land Use Plan, especially with the properties along West Broad Street under exploration for inclusion into the D, Downtown District. The property's proximity to existing D-1, Sub-Urban Zones in the surrounding area also supports the rezoning request.

**Prepared By**

Helina Sarkodie-Minkah, Planner

817-276-4287



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155, "ZONING", 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 D, DOWNTOWN DISTRICT, D-1, SUB- URBAN ZONE, 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 "Zoning" of the Code of Ordinances, City of Mansfield, Texas, 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 "Zoning" 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 Chapter 155 "Zoning" of the Code of Ordinances, 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 D, Downtown District, D-1, Sub-Urban Zone; said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 2.**

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

**SECTION 3.**

That the above described properties shall be used only in the manner and for the purposes provided for in of Chapter 155 "Zoning" of the Code of Ordinances, City of Mansfield, Texas, as amended herein by the granting of this zoning classification.

**SECTION 4.**

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

invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, as a whole.

### **SECTION 5.**

Any person, firm or corporation violating any of the provisions of this ordinance or of Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, 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 second and final reading and the publication of the caption, as the law and charter in such cases provide.

**FIRST READING APPROVED ON THE 13<sup>TH</sup> DAY OF FEBRUARY, 2023.**

**DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2023.**

\_\_\_\_\_  
**Michael Evans, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susana Marin, City Secretary**

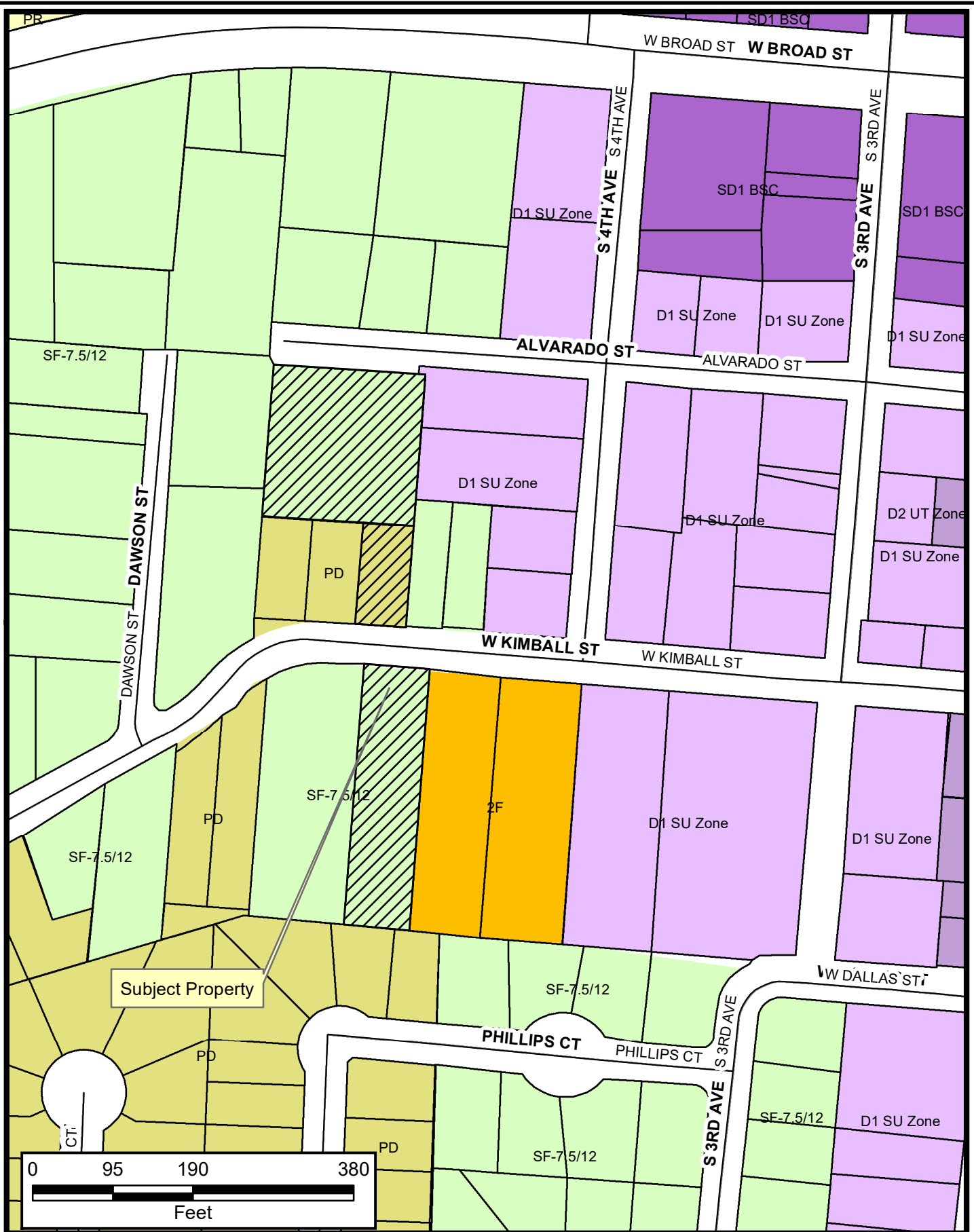
**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**Bradley Anderle, City Attorney**









## Property Owner Notification for ZC#22-020

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
			*** NO ADDRESS ***	*** NO CITY ***	* NO ZIP *
BASTIAN ADDITION	BLK 1	MORGA, HUGO	605 W KIMBALL ST	MANSFIELD, TX	76063
BASTIAN ADDITION	BLK 1	COEN, ADAM	607 W KIMBALL ST	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	MAXWELL, SALLIE GRAY	600 ALVARADO ST	MANSFIELD, TX	76063-1939
HANKS, THOMAS J SURVEY	A 644	RENDON, NOEL	607 W BROAD ST	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	MAXWELL, SALLIE GRAY	600 ALVARADO ST	MANSFIELD, TX	76063-1939
HANKS, THOMAS J SURVEY	A 644	GUPTON, DAVID	606 W KIMBALL ST	MANSFIELD, TX	76063-1962
HANKS, THOMAS J SURVEY	A 644	RUSSELL, ELIZABETH ANN	212 DAWSON ST	MANSFIELD, TX	76063-1944
HANKS, THOMAS J SURVEY	A 644	DOWNES, ROBERT T	214 DAWSON ST	MANSFIELD, TX	76063-1944
HANKS, THOMAS J SURVEY	A 644	CARTER, LAWRENCE ZA	202 DAWSON ST	MANSFIELD, TX	76063-1944
MANCHESTER HEIGHTS	BLK 1	MC GEE, MATTHEW EDWARD	501 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	EVANS, JENNIFER D	101 EDDIE CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	PINKERTON, JESSE M	410 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	HUTTON, LLOYD	412 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	ROBERTS, KEB	414 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	LARICCHIA, ASHLEY	500 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	FOSTER, ANITA	502 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	YATES, KAREN	504 PHILLIPS CT	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 32	POHLMAN, P A	405 W KIMBALL ST	MANSFIELD, TX	76063-1957

Tuesday, December 20, 2022

Page 1 of 3

## Property Owner Notification for ZC#22-020

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 35	LANDEROS-HUERTA, LEONEL	503 W BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 35	HARTMAN, BENJAMIN	509 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 35	HARTMAN, BENJAMIN	509 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 35A	GEBHARDT, ELIZABETH	505 W BROAD ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 35A	GARCIA, PABLO EST	504 ALVARADO ST	MANSFIELD, TX	76063-1976
MANSFIELD, CITY OF	BLK 35A	GARCIA, DORA ALICIA	504 ALVARADO ST	MANSFIELD, TX	76063-1976
MANSFIELD, CITY OF	BLK 36	HARTMAN, BEN	509 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	MUTTI, LYNN	513 N WALNUT CREEK DR	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	HARTMAN, BEN	509 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	WOOD, CURTIS D	504 W KIMBALL ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	FEMCA PROPERTIES INC	155 SOUTHWOOD DR	BURLESON, TX	76028
MANSFIELD, CITY OF	BLK 36	LARA, LIDIA	204 S 4TH AVE	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	CIRCLE W HOME INVESTMENTS LLC	841 GREEN VALLEY CIR W	BURLESON, TX	76028-1365
MANSFIELD, CITY OF	BLK 36	NALL, JEFFREY	818 YELLOWSTONE DR	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	NALL, JEFFREY	818 YELLOWSTONE DR	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	OSMUS, MIKE	508 W KIMBALL ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	HARTMAN, BEN	509 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063-1996



## Property Owner Notification for ZC#22-020

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063-1996
MANSFIELD, CITY OF	BLK 37A	AVANTE PROCUREMENT LLC	1223 E DEBBIE LN	MANSFIELD, TX	76063
PORTILLO-BROAD ADDITION	BLK 1	RENDON, NOEL	607 W BROAD ST	MANSFIELD, TX	76063
RUSSELL, ROY ADDITION	BLK 1	RUSSELL, ROY D	206 DAWSON ST	MANSFIELD, TX	76063-1944
WEBB ADDITION (MANSFIELD)	BLK 1	CHAWLA, KUMUD	2317 STARLIGHT CT	ARLINGTON, TX	76016-6425
WEBB ADDITION (MANSFIELD)	BLK 1	HANNUSH, NAN T	406 PHILLIPS CT	MANSFIELD, TX	76063-1969
WEBB ADDITION (MANSFIELD)	BLK 1	DESANTIAGO, EFREN	407 PHILLIPS CT	MANSFIELD, TX	76063-1990
WEBB ADDITION (MANSFIELD)	BLK 1	GUTIERREZ, EDUVIGES C	405 PHILLIPS CT	MANSFIELD, TX	76063-1990
ZANE ADDITION	BLK 1	CARTER, LAWRENCE ZA	202 DAWSON ST	MANSFIELD, TX	76063-1944

## ZC22-XXX

### Legal Descriptions

*1. 505 W Kimball St*

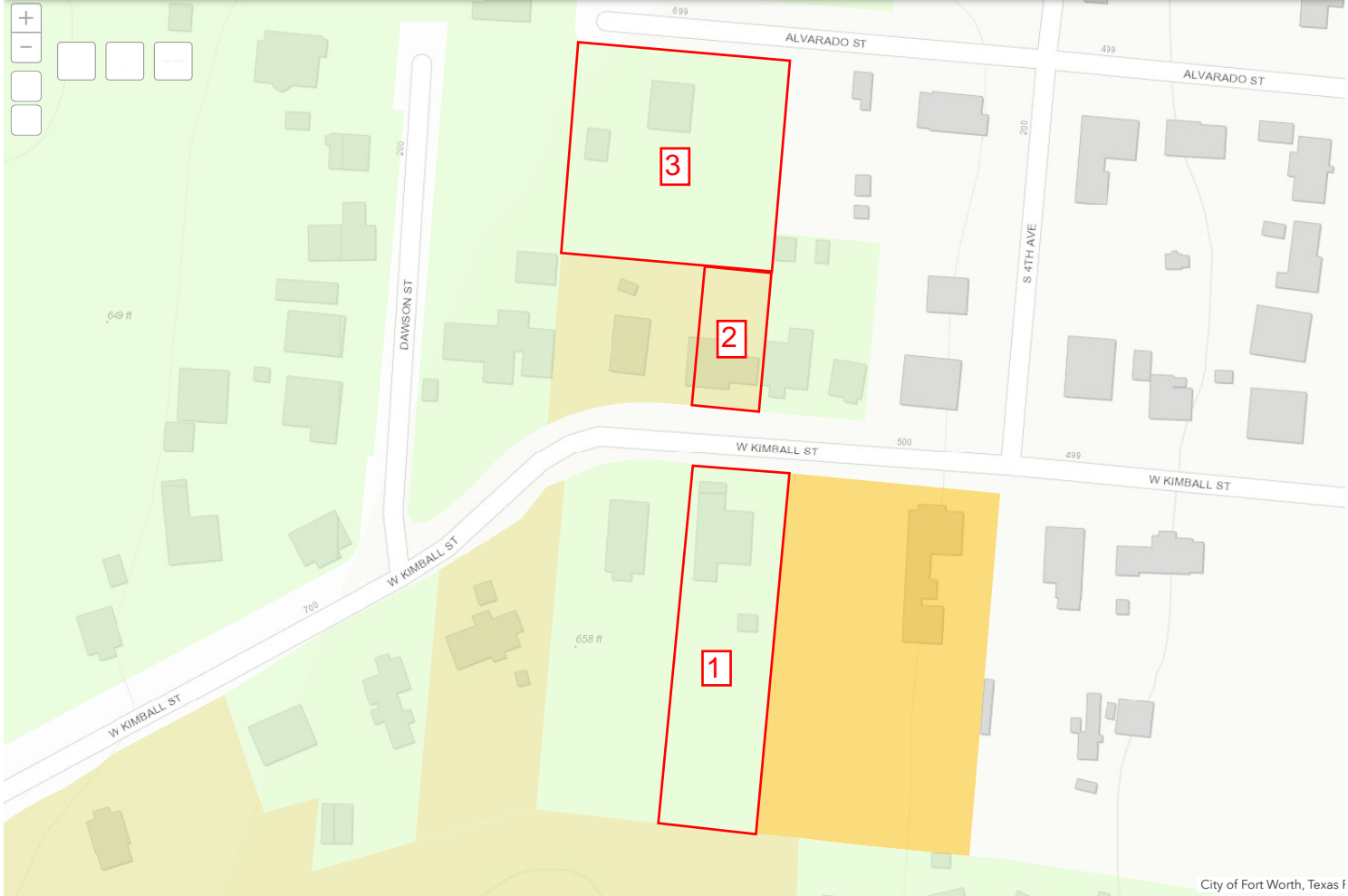
**Lot 3R Block 37, Original Town of Mansfield** an addition to the City of Mansfield, Tarrant County, Texas according to the plat recorded in Clerk's File No. D222137520 Official Public Records, Tarrant County, Texas.

*2. 506 W Kimball St*

**Lot 5R Block 36, Original Town of Mansfield** an addition to the City of Mansfield, Tarrant County, Texas according to the plat recorded in Clerk's File No. D219260496 Official Public Records, Tarrant County, Texas

*3. 509 Alvarado St*

**Lot 4R Block 36, Original Town of Mansfield** an addition to the City of Mansfield, Tarrant County, Texas according to the plat recorded in Clerk's File No. D219260496 Official Public Records, Tarrant County, Texas



City of Fort Worth, Texas f

OWNER'S CERTIFICATE:

STATE OF TEXAS:  
COUNTY OF TARRANT:

ALL THAT CERTAIN TRACT OR PARCEL CONTAINING 0.553 ACRE OF LAND IN THE THOMAS J. HANKS SURVEY, A-644, TARRANT COUNTY, TEXAS AND BEING ALL OF THE FOLLOWING TWO (2) TRACTS: (1) A TRACT WHICH WAS CALLED 0.535 ACRE, A PORTION OF BLOCK 37, ORIGINAL TOWN OF MANSFIELD, A SUBDIVISION OF RECORD IN VOLUME 63, PAGE 53, PLAT RECORDS TARRANT COUNTY TEXAS (P.R.T.C.T.), CONVEYED FROM ROBERT MITCHELL, ET UX TO BEN HARTMAN, BY AN INSTRUMENT OF RECORD IN D2019284856, OFFICIAL PUBLIC RECORD TARRANT COUNTY TEXAS (O.P.R.T.C.T.) AND (2) A TRACT WHICH WAS CALLED 741 SQUARE FEET (S.F.) CONVEYED FROM SHANESSA POWERS, ET AL TO BENJAMIN HARTMAN BY AN INSTRUMENT OF RECORD IN IN D220206665, O.P.R.T.C.T., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR NORTHWEST CORNER, BEING THE NORTHWEST CORNER OF SAID 0.535 ACRE TRACT, NORTHEAST CORNER OF A TRACT WHICH WAS CALLED 0.7620 ACRE CONVEYED FROM BARBARA JARVIS TO AVANTE PROCUREMENT LLC, BY AN INSTRUMENT OF RECORD IN D216292894, O.P.R.E.C.T., LYING IN THE SOUTH RIGHT OF WAY (R-O-W) LINE OF KIMBALL STREET;

THENCE S85°18'32"E, 77.85 FEET ALONG THE COMMON LINE OF SAID 0.535 ACRE TRACT AND KIMBALL STREET TO A 1/2" IRON ROD FOUND FOR NORTHEAST CORNER, BEING THE NORTHEAST CORNER OF SAID 0.535 ACRE TRACT AND NORTHEAST CORNER OF A TRACT WHICH WAS CALLED LOT 1R, BLOCK 37, ORIGINAL TOWN OF MANSFIELD, A SUBDIVISION OF RECORD IN VOLUME 388-194, PAGE 86, P.R.T.C.T.;

THENCE DEPARTING KIMBALL STREET, S04°29'44"W, 310.10 FEET ALONG THE COMMON LINE OF SAID 0.535 ACRE TRACT, SAID LOT 1R AND SAID 741 S.F. TRACT TO A 5/8" IRON ROD SET FOR SOUTHEAST CORNER, BEING THE SOUTHEAST CORNER OF SAID 741 S.F. TRACT, LYING IN THE NORTH LINE OF LOT 1, BLOCK 2, MANCHESTER HEIGHTS, BY AN INSTRUMENT OF RECORD IN D216048037, P.R.T.C.T.;

THENCE N84°45'33"W, 77.76 FEET ALONG THE COMMON LINE OF SAID 741 S.F. TRACT, SAID LOT 1 AND LOT 2, OF SAID SUBDIVISION TO A 5/8" IRON ROD SET FOR SOUTHWEST CORNER, BEING THE SOUTHWEST CORNER OF SAID 741 S.F. TRACT AND SOUTHEAST CORNER OF SAID 0.7620 ACRE TRACT;

THENCE N04°28'35"E, 309.35 FEET ALONG THE COMMON LINE OF SAID 741 S.F. TRACT, SAID 0.535 ACRE TRACT AND SAID 0.7620 ACRE TRACT TO THE PLACE OF BEGINNING, CONTAINING 0.553 ACRE OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, BEN HARTMAN, BEING THE SOLE OWNER OF THE ABOVE DESCRIBED PARCEL, DOES HEREBY ADOPT THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 3R, BLOCK 37, ORIGINAL TOWN OF MANSFIELD, AN ADDITION TO THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS AND DOES DEDICATE TO THE PUBLIC USE THE STREETS AND EASEMENTS AS SHOWN THEREON.

WITNESS, MY HAND, THIS THE 26th DAY OF MAY, 2022. BY:

*[Signature]*  
BEN HARTMAN

ACKNOWLEDGMENTS:

STATE OF TEXAS:  
COUNTY OF ELLIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED BEN HARTMAN, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26th DAY OF MAY, 2022.

*Nena Speigner*  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

9-5-2023  
MY COMMISSION EXPIRES ON:

NENA SPEIGNER  
Notary Public, State of Texas  
Comm. Expires 09-05-2023  
Notary ID 132160221

SURVEYOR'S CERTIFICATE:

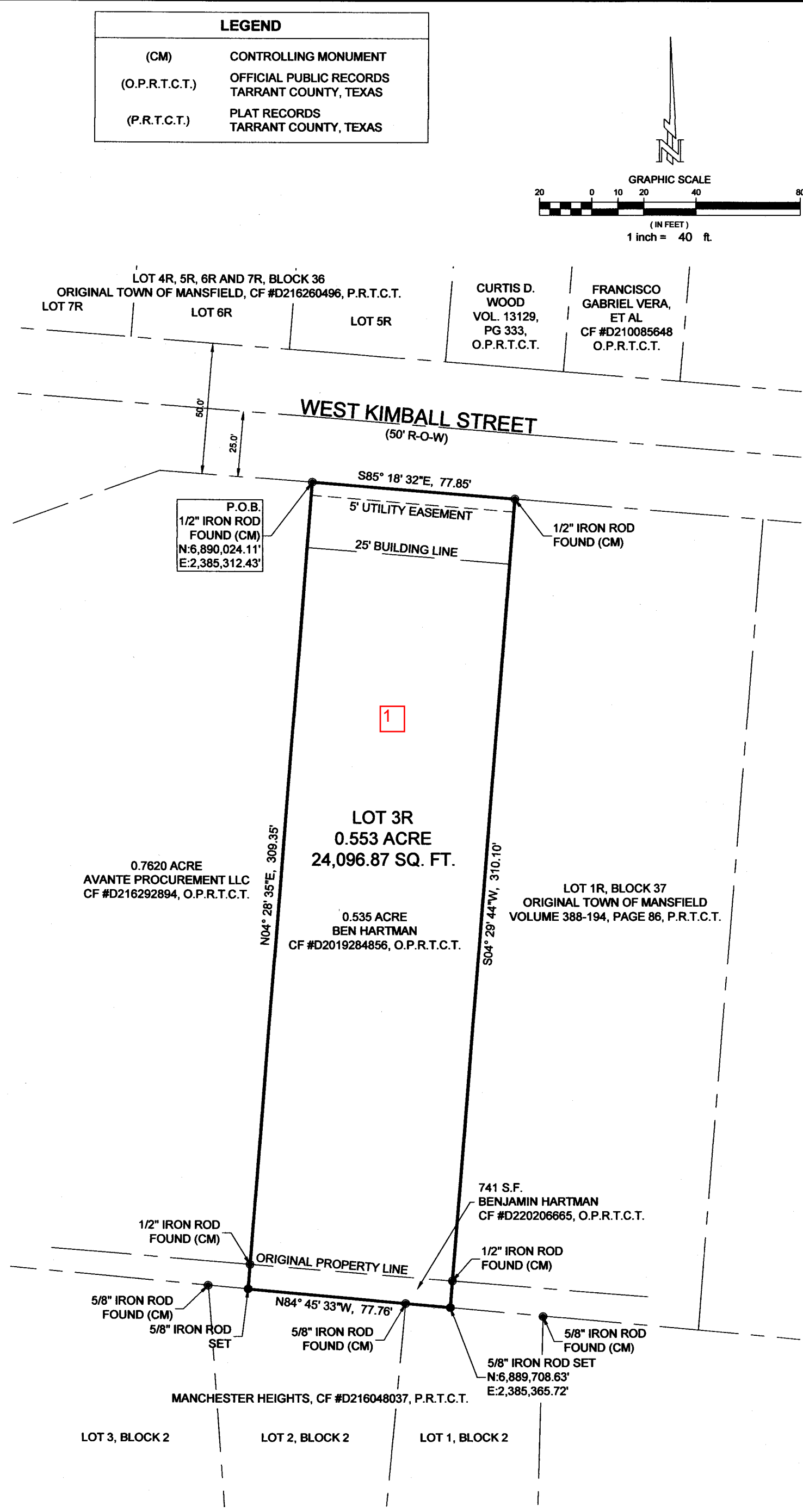
THIS IS TO CERTIFY THAT I, BRET READ, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVING PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL LOT CORNERS, AND ANGLE POINTS, AND POINTS OF CURVE SHALL BE PROPERLY MARKED ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION.

*[Signature]*  
BRET READ,  
TEXAS REGISTRATION NO. 6610

MAY 25, 2022  
DATE

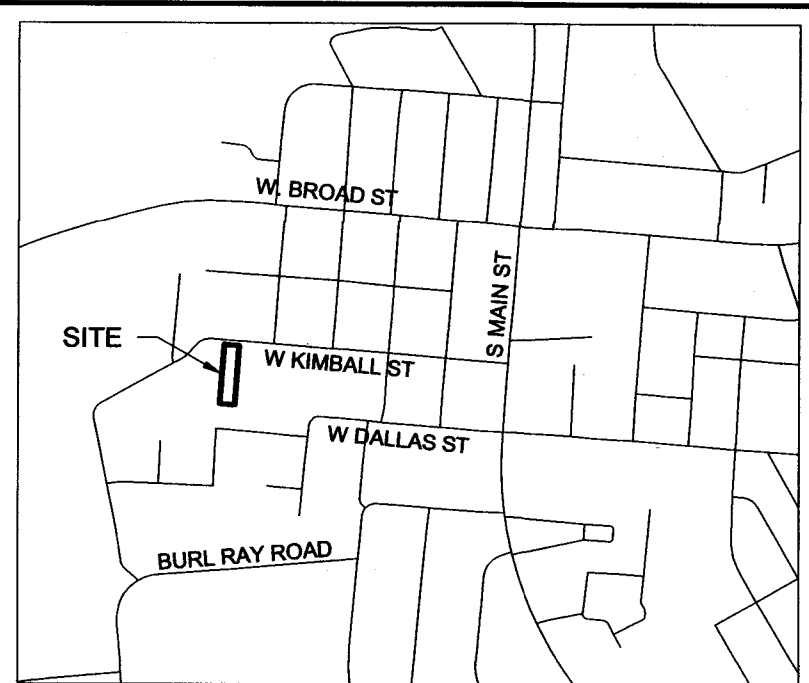
AFTER RECORDING, RETURN TO CITY OF MANSFIELD  
1200 E. BROAD STREET, MANSFIELD, TX 76063

STATE OF TEXAS  
REGISTERED  
BRET READ  
6610  
PROFESSIONAL  
LAND SURVEYOR



OWNER:  
BEN HARTMAN  
500 ALVARADO STREET  
MANSFIELD, TEXAS 76063

SURVEYOR:  
360 SURVEYING  
310 H.G. MOSLEY PKWY  
LONGVIEW, TX 75604  
CONTACT: BRET READ  
TEL: (903) 387-2577  
EMAIL: BRET@360SURV.COM



LOCATION MAP  
N.T.S.

- NOTES:
- BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), NORTH CENTRAL ZONE.
  - THIS PLAT DOES NOT INCREASE THE NUMBER OF LOTS OR ALTER OR REMOVE EXISTING COVENANTS OR RESTRICTIONS, IF ANY, ON THIS PROPERTY.
  - SELLING A PORTION OF ANY LOT IN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO PENALTIES IMPOSED BY LAW.

THE PURPOSE OF THIS AMENDING PLAT IS TO ALTER AN INTERIOR LOT LINE TO CLOSE A GAP IN OWNERSHIP.

AMENDING PLAT  
LOT 3R, BLOCK 37  
ORIGINAL TOWN OF MANSFIELD  
BEING A REVISION OF A PORTION OF BLOCK 37  
ORIGINAL TOWN OF MANSFIELD  
ACCORDING TO THE PLAT FILED IN VOLUME 63, PAGE 53, P.R.T.C.T.  
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS  
1 LOT  
0.553 ACRE

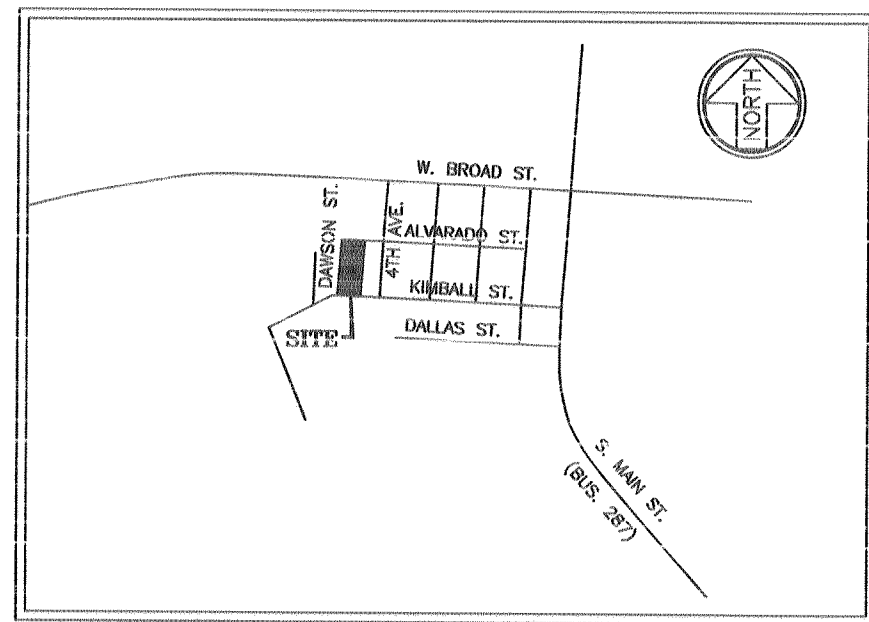
**360 SURVEYING**  
310 H.G. MOSLEY PKWY, LONGVIEW, TEXAS 75604  
(903) 387-2577 WWW.360SURV.COM  
TBPELS 10194293

SD#22-022

APPROVED BY THE DIRECTOR OF PLANNING ON May 21, 2022

*[Signature]*  
DIRECTOR OF PLANNING



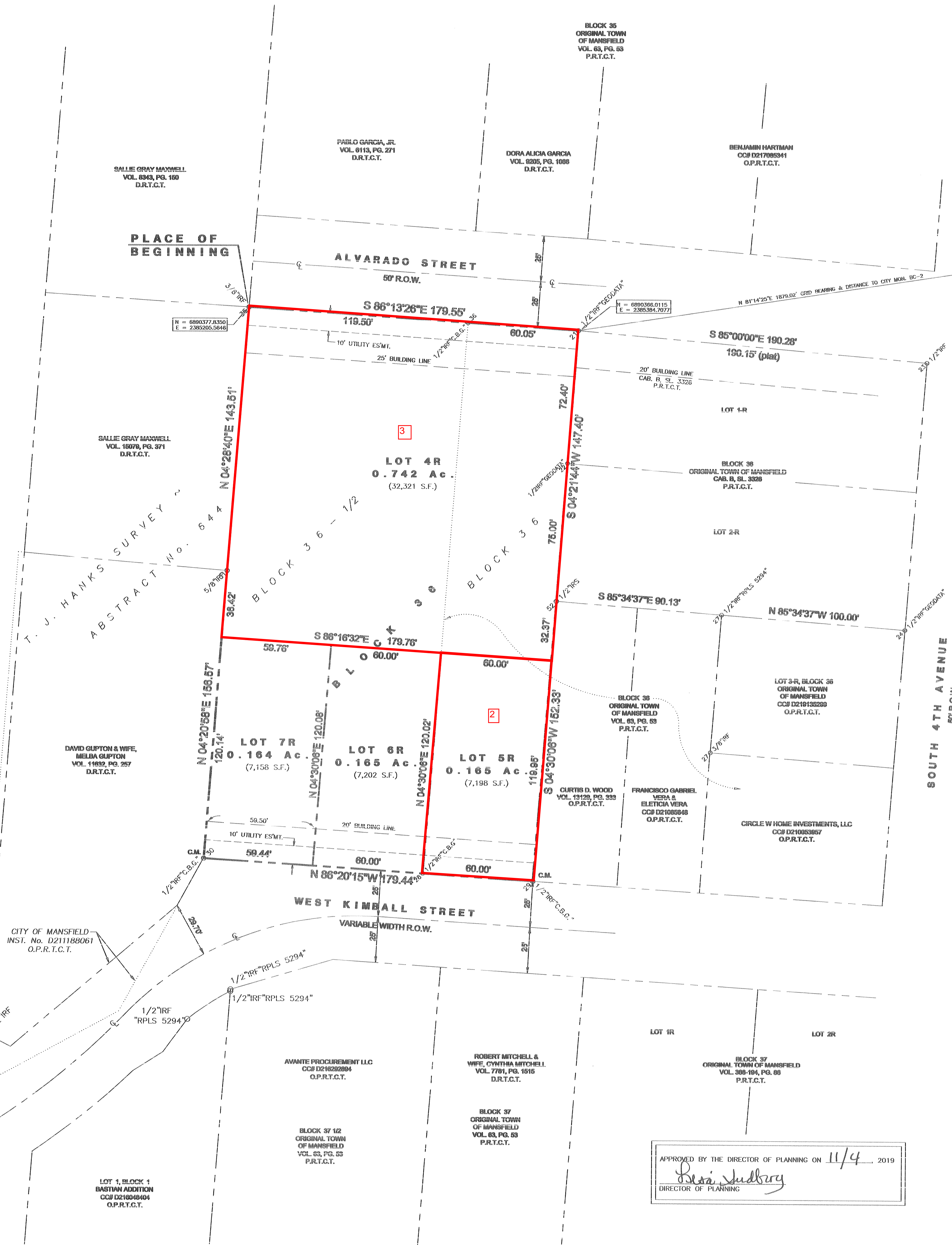


VICINITY MAP  
NOT TO SCALE

\* NOTES \*

1. THIS PLAT DOES NOT INCREASE THE NUMBER OF LOTS OR ALTER OR REMOVE EXISTING COVENANTS OR RESTRICTIONS, IF ANY, ON THIS PROPERTY.
2. NOTICE: SELLING A PORTION OF ANY LOT IN THE ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO PENALTIES IMPOSED BY LAW.
3. BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL TEXAS ZONE DERIVED FROM CITY OF MANSFIELD MONUMENTS No. BC-2 & 1-07.
4. NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD BOUNDARY LINE ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS, COMMUNITY PANEL No's. 48439C0460 K AND 48439C0470 K, MAPS REVISED SEPTEMBER 25, 2009.

DAWSON STREET  
VARIABLE WIDTH R.O.W.

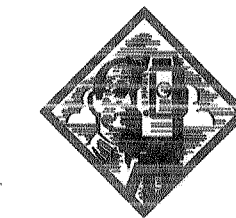


30 0 30 60 90  
GRAPHIC SCALE - FEET

SCALE: 1" = 30'

AFTER RECORDING RETURN TO THE CITY OF MANSFIELD 1200 E. BROAD STREET, MANSFIELD, TEXAS 76063

IPF DENOTES IRON PIPE FOUND  
IRF DENOTES IRON ROD FOUND  
IRS DENOTES IRON ROD SET  
W/O ORANGE PLASTIC CAP STAMPED  
R. W. COOMBS RPLS 5294  
C.M. DENOTES CONTROLLING MONUMENT



**Coombs Land Surveying, Inc.**  
P.O. Box 6160 Fort Worth Texas 76115  
(817) 920-7600  
T.B.P.L.S. FIRM No. 1011800  
CLS JOB No. 19-0148  
GF No. NONE

STATE OF TEXAS  
COUNTY OF TARRANT

WHEREAS, BEN HARTMAN is the sole owner of all that certain tract of land located in the T. J. HANKS SURVEY, ABSTRACT No. 644, City of Mansfield, Tarrant County, Texas, being a portion of Blocks 36 and 36-1/2, Original Town of Mansfield, an addition to the City of Mansfield, Texas according to the plat recorded in Volume 63, Page 53 of the Plat Records of Tarrant County, Texas as described in deeds recorded in Clerk's File No. D216036943 and D216117433 of the Official Public Records of Tarrant County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 3/8-inch iron rod found at the Northwest corner of said Hartman Tract recorded in Clerk's File No. D216036943, being the Northeast corner of that certain tract of land described in deed to Sallie Gray Maxwell, recorded in Volume 15079, Page 371 of the Dead Records of Tarrant County, Texas, being the Northwest corner of said Block 36-1/2 and lying in the South right-of-way line of Alvarado Street (a 50-foot wide right-of-way);

THENCE S 86° 13' 26" E, at 119.50 feet passing a 1/2-inch iron rod found with yellow plastic cap stamped "C.B.G." at the Northeast corner of said Block 36-1/2, being the Northwest corner of aforesaid Block 36 and continuing in all a total distance of 179.55 feet along the said South right-of-way line of Alvarado Street to a 1/2-inch iron rod found with yellow plastic cap stamped "GEODATA" at the Northeast corner of said Hartman Tract and said Block 36, being the Northwest corner of Lot 1-R, Block 36, Original Town of Mansfield, an addition to the City of Mansfield, Texas according to the plat recorded in Cabinet B, Slide 3326 of the Plat Records of Tarrant County, Texas;

THENCE S 04° 21' 44" W, at 72.40 feet passing a 1/2-inch iron rod found with yellow plastic cap stamped "GEODATA" at the Southwest corner of said Lot 1-R, being the Northwest corner of Lot 2-R, said Block 36 and continuing in all a total distance of 147.40 feet along the East boundary line of said Hartman Tract to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Southeast corner thereof, being the Northeast corner of aforesaid Hartman Tract recorded in Clerk's File No. D216117433 and being the Northwest corner of that certain tract of land described in deed to Curtis D. Wood, recorded in Volume 13129, Page 333 of the Dead Records of Tarrant County, Texas;

THENCE S 04° 30' 06" W, 152.33 feet along the common boundary line between said Hartman Tract and said Wood Tract to a 1/2-inch iron rod found with yellow plastic cap stamped "C.B.G." at the Southeast corner of said Hartman Tract, lying in the North right-of-way line of West Kimball Street (a variable width right-of-way);

THENCE N 86° 20' 15" W, at 60.00 feet passing a 1/2-inch iron rod found with yellow plastic cap stamped "C.B.G." at the Southwest corner of aforesaid Lot 36, being the Southeast corner of aforesaid Block 36-1/2 and continuing in all a total distance of 179.44 feet along the said North right-of-way line of West Kimball Street to a 1/2-inch iron rod found with yellow plastic cap stamped "C.B.G." at the Southwest corner of said Hartman Tract, lying in the East boundary line of that certain tract of land described in deed to David Gupion and wife, Melba Gupion, recorded in Volume 11632, Page 257 of the Dead Records of Tarrant County, Texas;

THENCE along the West boundary line of said Hartman Tracts as follows:

N 04° 20' 58" E, 156.67 feet with the East boundary line of said Gupion Tract to a 5/8-inch iron rod found at the Northeast corner thereof, being the Southeast corner of aforesaid Maxwell Tract;

N 04° 28' 40" E, 143.51 feet with the East boundary line of said Maxwell Tract to the PLACE OF BEGINNING, containing 1.237 acre (53,880 square feet) of land.

STATE OF TEXAS  
COUNTY OF TARRANT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, BEN HARTMAN, being the sole owner of the above described parcel, does hereby adopt the herein above described property as LOTS 4R, 5R, 6R AND 7R, BLOCK 36, ORIGINAL TOWN OF MANSFIELD, an addition to the City of Mansfield, Tarrant County, Texas and does hereby dedicate to the public use the streets and easements as shown thereon.

I hereby set my signature for the purposes herein expressed this the 4th day of NOVEMBER, 2019.

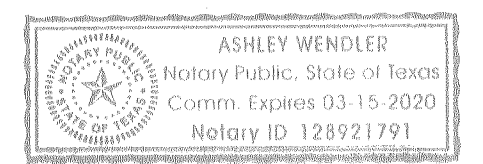
*Ben Hartman*  
BEN HARTMAN

STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared BEN HARTMAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 4th day of NOVEMBER, 2019.

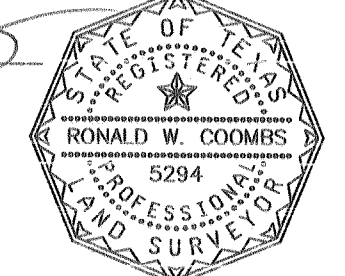
*Ashley Wendler*  
NOTARY PUBLIC  
STATE OF TEXAS



SURVEYOR'S CERTIFICATE

THIS is to certify that I, RONALD W. COOMBS, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all lot corners, angle points and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

*Ronald W. Coombs*  
RONALD W. COOMBS, R.P.L.S.  
Texas Registration No. 5294



AMENDING PLAT  
**LOTS 4R, 5R, 6R AND 7R, BLOCK 36**  
**ORIGINAL TOWN OF MANSFIELD**

BEING A REVISION OF A PORTION OF BLOCKS 36 AND 36-1/2,  
ORIGINAL TOWN OF MANSFIELD, ACCORDING TO THE PLAT  
FILED IN VOLUME 63, PAGE 53 OF THE  
PLAT RECORDS OF TARRANT COUNTY, TEXAS

CITY OF MANSFIELD  
TARRANT COUNTY, TEXAS  
4 LOTS  
1.237 ACRES

OCTOBER 22, 2019

SD# 19-058

THIS PLAT RECORDED IN INSTRUMENT No. D219260469

DATE: November 12, 2019.

OWNER:  
BEN HARTMAN  
500 ALVARADO STREET  
MANSFIELD, TEXAS 76063  
PHONE (817) 996-8628  
email: benhartman8628@gmail.com

SURVEYOR:  
COOMBS LAND SURVEYING, INC.  
P. O. BOX 6160  
FORT WORTH, TEXAS 76115  
CONTACT: RON COOMBS  
PHONE (817) 920-7600  
email: ron.coombs@bcgibol.net

THE PURPOSE OF THIS AMENDING PLAT IS  
TO MOVE EXISTING INTERIOR LOT LINES IN  
CONJUNCTION WITH A ZONING CHANGE  
TO PLANNED DEVELOPMENT ZONING

APPROVED BY THE DIRECTOR OF PLANNING ON 11/4, 2019  
*Rosa Stubbey*  
DIRECTOR OF PLANNING





# CITY OF MANSFIELD

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

## STAFF REPORT

File Number: 23-5228

**Agenda Date:** 2/27/2023

**Version:** 1

**Status:** New Business

**In Control:** City Council

**File Type:** Appointment

**Agenda Number:**

**Title**

Board Appointments: Keep Mansfield Beautiful Commission

**Requested Action**

Appoint Board Members

**Recommendation**

Defer to Council.

**Description/History**

The Keep Mansfield Beautiful Commission is a board composed of seven members. There are currently two vacancies on the board which staff would like to fill. The appointees staff is recommending be appointed will serve a term ending September 30, 2023.

Staff recommends the following appointments:

- Appoint Alex Godina Jr.
- Appoint Lisa Kammaz

**Justification**

N/A

**Funding Source**

N/A

**Prepared By**

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