



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Thursday, September 7, 2017

8:30 AM

Council Chambers

SPECIAL MEETING AMENDED AGENDA

1. 8:30 A.M. - CALL MEETING TO ORDER

2. RECESS INTO EXECUTIVE SESSION

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

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

Seek Advice of City Attorney Regarding Development at 287 and Broad Street (Addendum to Agenda)

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

C. Personnel Matters Pursuant to Section 551.074

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

3. RECONVENE INTO REGULAR BUSINESS SESSION

4. INVOCATION

5. PLEDGE OF ALLEGIANCE

6. TEXAS PLEDGE

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

7. CITIZEN COMMENTS

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from "personal criticisms."

In order to be recognized during the "Citizen Comments" or during a Public Hearing (applicants included), please complete a blue or yellow "Appearance Card" located at the entry to the City Council Chamber and present it to the Assistant City Secretary prior to the start of the meeting.

8. COUNCIL ANNOUNCEMENTS**9. 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

10. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**11. 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**[17-2475](#)**

Ordinance - Third and Final Reading on a Proposed Amendment to Chapter 93 of the Code of Ordinances Regarding the Definition of Junked Vehicles

Sponsors: Joe Smolinski and Lisa Sudbury

Attachments: [Ordinance](#)

[17-2476](#)

Ordinance - Third and Final Reading on a Proposed Amendment to Section 92.05 of the Code of Ordinances Related to Maximum Height for High Grass and Weeds

Sponsors: Joe Smolinski and Lisa Sudbury

Attachments: [Ordinance](#)

[17-2477](#)

Ordinance - Third and Final Reading on a Proposed Amendment to Chapter 92.04 (Nuisances Defined), of the Code of Ordinances to Declare a Tree, Shrub or Other Similar Plant of any Description Which Creates a

Hazard or Risk of Damage or Destruction to Persons or Properties as a
Public Nuisance

Sponsors: Joe Smolinski and Lisa Sudbury

Attachments: [Ordinance](#)

END OF CONSENT AGENDA

12. OLD BUSINESS

[17-2460](#)

Ordinance - Second Reading of an Ordinance Considering Approval of an Ordinance Adopting the Budget for the Fiscal Year Beginning on October 1, 2017, and Ending on September 30, 2018, and Making Appropriations for Each Fund and Department; Ratify Property Tax Revenue Increase Reflected in the Budget

Sponsors: Peter Phillis

Attachments: [Ordinance Budget 2017-2018](#)

[17-2463](#)

Ordinance - Second Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2018 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property

Sponsors: Peter Phillis

Attachments: [Ordinance Tax Rate 2017-2018](#)

13. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the September 7, 2017 Special City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, September 1, 2017 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Jeanne Heard, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

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



CITY OF MANSFIELD

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

File Number: 17-2475

Agenda Date: 9/7/2017

Version: 1

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading on a Proposed Amendment to Chapter 93 of the Code of Ordinances Regarding the Definition of Junked Vehicles

Requested Action

To consider the proposed amendment to the junked vehicle ordinance

Description/History

As discussed with Council on August 14, 2017, the definition of junked vehicles has recently changed in Chapter 683 of the Texas Transportation Code. This amendment will bring our junked vehicle ordinance current with state law.

Justification

See information above

Funding Source

Not applicable

Prepared By

Lisa Sudbury, AICP
Interim Director of Planning
817-276-4227

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE IX: GENERAL REGULATIONS OF THE CITY OF MANSFIELD CODE OF ORDINANCES, AS AMENDED, BY CHAPTER 93, “JUNKED VEHICLES,” TO AMEND THE DEFINITION OF JUNKED VEHICLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, Title IX of the City of Mansfield Code of Ordinances provides for the regulation of certain conditions in the City adopted to protect the public health, safety, and welfare of the City;

WHEREAS, Chapter 683, Subchapter E of the Texas Transportation Code declares junked vehicles a nuisance and provides authority for the City to regulate junked vehicles in accordance with the terms of that subchapter;

WHEREAS, the City has adopted junked vehicles regulations;

WHEREAS, the definition of junked vehicle in state law has changed; and

WHEREAS, the City Council finds that amendment of the definition of junked vehicle in the City’s junked vehicle regulations to be consistent with state law is in the best interest of the City and the public health, safety, and welfare of the City.

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

SECTION 1.

That Chapter 93, “Junked Vehicles,” in Title IX, “General Regulations,” of the Code of Ordinances of the City of Mansfield, as amended, is hereby amended by amending Sec. 93.01, “Definitions,” to amend the definition of Junked Vehicle to read as follows:

“JUNKED VEHICLE. A motor vehicle that is self-propelled and:

- (1) displays an expired license plate or does not display a license plate; and
- (2) is:
 - (A) wrecked, dismantled or partially dismantled, or discarded; or
 - (B) inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

The term “junked vehicle” shall also include:

- (1) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
- (2) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by V.T.C.A., Parks and Wildlife Code § 31.055.”

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Mansfield and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

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

SECTION 4.

That all rights or remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding nuisances or junked vehicles that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined as provided for in this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clauses of this ordinance at least once in the official newspaper of the City of Mansfield.

SECTION 7.

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

FIRST READING APPROVED ON THE _____ DAY OF _____, 2017.

SECOND READING APPROVED ON THE _____ DAY OF _____, 2017.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney



CITY OF MANSFIELD

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

File Number: 17-2476

Agenda Date: 9/7/2017

Version: 1

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading on a Proposed Amendment to Section 92.05 of the Code of Ordinances Related to Maximum Height for High Grass and Weeds

Requested Action

To consider the proposed amendments

Description/History

As discussed with Council on August 14, 2017, the current high grass and weeds ordinance has a maximum height of 12 (twelve) inches. This proposal reduces the height for residential and commercial properties to 10 (ten) inches. We are also proposing to remove the words "on average" from this section as it is difficult to determine an average for tall grass.

Justification

See information above

Funding Source

Not applicable

Prepared By

Lisa Sudbury, AICP
Interim Director of Planning
817-276-4227

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 92.05, (VEGETATION) OF THE ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, BY REMOVING A 12" MAXIMUM HEIGHT, ADDING A TEN (10) INCH MAXIMUM HEIGHT AND REMOVING THE WORDS "ON AVERAGE" IN SECTION 92.05 A (1); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council has previously adopted ordinances and regulations prohibiting the growth of grass, weeds, and other vegetation in an uncultivated manner and the accumulation of rubbish, brush, or any other objectionable, unsightly, and unsanitary matter within the city; and

WHEREAS, the City Council has found and determined that to properly implement this Ordinance and abate violations thereof, it is necessary to investigate complaints, determine the property owner's name and address, prepare and send out appropriate notices, file certain notices and liens with the county clerk, and supervise the conduct of the work; and

WHEREAS, the City Council has determined the minimum administrative cost to the city to abate a violation of this Ordinance; and;

WHEREAS, pursuant to Texas Health and Safety Code §342.004, the City Council wishes to amend Chapter 92.05 of the Code of Ordinances of the City of Mansfield, which requires owners of lots within the city to keep the lots free of weeds, brush, and high grass;

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

SECTION 1.

Section 92.05 Of the Code of Ordinances of the City of Mansfield is hereby amended by deleting the 12" maximum height, adding a 10" maximum height and deleting the words "on average":

Sec. 92.05. VEGETATION

**(A) Overgrown Vegetation, Rubbish, and Other Unsanitary Matter
Prohibited.**

- (1) Except as provided in subsection (4) of this division, it is an offense for any person owning, leasing, claiming, occupying, or having supervision or control of any real property within the city, to suffer, permit, or allow uncultivated grass, weeds, or brush, to grow to a height greater than ~~12 inches on average~~ ten (10) inches, including along the sidewalk or street adjacent to the premises between the property line and the curb or, if there is no curb, between the property line and the driving surface.
- (2) It shall be the duty of any person owning, leasing, claiming, occupying, or having supervision or control of any real property within the city to cut or cause to be cut, grass, weeds and brush, as often as necessary to comply with the requirements of this chapter.
- (3) Except as provided in subsection (4) of this division, all grass, weeds, vegetation, or brush not regularly cultivated and which exceed ~~12 inches~~ 10 inches in height shall be presumed to be objectionable, unsightly, and unsanitary, and are hereby declared a public nuisance.
- (4) For tracts of land in excess of five acres, or that are used for the active production of livestock, it shall be required only that grass, weeds and vegetation, not regularly cultivated, be mowed to a height of no greater than ~~12 inches~~ 10 inches within a minimum of 200 feet of all adjacent property lines and public or private streets. This minimum may be increased on a case by case basis when deemed necessary by the Fire Department to insure adequate fire safety of adjacent property containing structures or equipment.

**SECTION 3.
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the city of Mansfield, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such

ordinances are hereby repealed.

SECTION 4. SEVERABILITY

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

SECTION 5. PENALTY

Notwithstanding any notice provisions contained in this Ordinance, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of Chapter 92 of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. A person who violates the provisions of Sec. 9-49 shall be fined not more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6. SAVINGS

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of Divisions I and 2 of Article 11 of Chapter 9 of the Mansfield Code of Ordinances, as amended, or any other ordinances affecting public health and sanitation, including dumping of refuse, or the abatement of nuisances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and

all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
PUBLICATION REQUIREMENTS**

The City Secretary of the City of Mansfield is hereby directed to publish in the official newspaper of the City of Mansfield, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the final reading of this ordinance as required by the Charter of the City of Mansfield.

**SECTION 8.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS ____ DAY OF _____ 2017,

PASSED AND APPROVED ON THIS ____ DAY OF _____ 2017,

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL
OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____,
2017.**

DAVID COOK, MAYOR

ATTEST:

**JEANNE HEARD
CITY SECRETARY**

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2477

Agenda Date: 9/7/2017

Version: 1

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading on a Proposed Amendment to Chapter 92.04 (Nuisances Defined), of the Code of Ordinances to Declare a Tree, Shrub or Other Similar Plant of any Description Which Creates a Hazard or Risk of Damage or Destruction to Persons or Properties as a Public Nuisance

Requested Action

To consider the proposed nuisance amendment

Description/History

As discussed with council on August 14, 2017, this provision would allow staff to address a dead or dangerous tree on private property that is causing or potentially causing damage to an adjacent property. Currently we do not have an ordinance that allows us to address these situations.

Justification

See information above

Funding Source

Not applicable

Prepared By

Lisa Sudbury, AICP
Interim Director of Planning
817-276-4227

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 92.04 (NUISANCES DEFINED), OF THE ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, TO DECLARE A TREE, SHRUB OR OTHER SIMILAR PLANT OF ANY DESCRIPTION WHICH CREATES A HAZARD OR RISK OF DAMAGE OR DESTRUCTION TO PERSONS OR PROPERTIES AS A PUBLIC NUISANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council has previously adopted ordinances and regulations defining nuisances within the city; and

WHEREAS, the City Council has found and determined that to properly implement this Ordinance and abate violations thereof, it is necessary to investigate complaints, determine the property owner's name and address, prepare and send out appropriate notices, file certain notices and liens with the county clerk, and supervise the conduct of the work; and

WHEREAS, the City Council has determined the minimum administrative cost to the city to abate a violation of this Ordinance; and;

WHEREAS, pursuant to Texas Health and Safety Code §342.004, the City Council wishes to amend Chapter 92 of the Code of Ordinances of the City of Mansfield, which regulates health and sanitation;

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

SECTION 1.

Section 92.04; Nuisances Defined; Prohibited; Notice; Abatement of the Code of Ordinances of the City of Mansfield is hereby amended by adding the following:

92.04 (B) (14) A tree, shrub or other similar plant of any description which creates a hazard or risk of damage or destruction to persons or property, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city.

**SECTION 2.
ORDINANCE CUMULATIVE**

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

**SECTION 3.
SEVERABILITY**

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

SECTION 4. PENALTY

Notwithstanding any notice provisions contained in this Ordinance, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of Section 1 of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. A person who violates the provisions of Sec. 9204 shall be fined not more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. SAVINGS

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of Chapter 92 of the Mansfield Code of Ordinances, as amended, or any other ordinances affecting public health and sanitation, including dumping of refuse, or the abatement of nuisances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. PUBLICATION REQUIREMENTS

The City Secretary of the City of Mansfield is hereby directed to publish in the official newspaper of the City of Mansfield, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the final reading of this ordinance as required by the Charter of the City of Mansfield.

**SECTION 7.
EFFECTIVE
DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS ____ DAY OF _____ 2017,

PASSED AND APPROVED ON THIS ____ DAY OF _____ 2017,

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL
OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____,
2017.**

David Cook, Mayor

ATTEST:

Jeanne Heard
City Secretary

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2460

Agenda Date: 9/7/2017

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Second Reading of an Ordinance Considering Approval of an Ordinance Adopting the Budget for the Fiscal Year Beginning on October 1, 2017, and Ending on September 30, 2018, and Making Appropriations for Each Fund and Department; Ratify Property Tax Revenue Increase Reflected in the Budget

Requested Action

Adopt the FY2018 Budget Ordinance.

Recommendation

Approve the attached ordinance that directs the expenditure of funds for general services, park development, economic development and capital development with the City of Mansfield, Texas.

Description/History

Staff presents the FY2018 Budget for the City of Mansfield, Texas.

Justification

To provide services for the citizens of Mansfield, Texas.

Funding Source

Citizens of Mansfield, Texas

Prepared By

Peter K. Phillis, CPA, Deputy City Manager
817-276-4261

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MANSFIELD, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Mansfield, of Tarrant, Ellis and Johnson Counties, has submitted to the City Council a proposed budget of the revenues of said City and the expenditures of conducting the affairs thereof and providing a complete financial plan for 2017-2018, and which said proposed budget has been compiled from detailed information obtained from the divisions, departments, and offices of the City; and,

WHEREAS, the City Council has conducted the necessary public hearings as required by all state and local statutes and complied with the Texas Open Meetings Act.

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

SECTION 1. That the proposed budget of the revenues of the City of Mansfield and the expenditures of conducting the affairs thereof, providing a complete financial plan for the ensuing fiscal year beginning October 1, 2017 and ending September 30, 2018, as submitted to the City Council by the City Manager of said City, be, and the same is in all things adopted and approved as the budget of all current expenditures as well as fixed charges against said City for the fiscal year beginning October 1, 2017 and ending September 30, 2018.

SECTION 2. That the sum of \$57,490,840 is hereby appropriated out of the General Fund for the payment of operating expenses and capital outlay of the City Government as established in the budget document.

SECTION 3. That the sum of \$14,418,980 is hereby appropriated out of the General Obligation Debt Service Fund paying principal and interest due on general obligation debt as it matures and creating a sinking fund thereof.

SECTION 4. That the sum of \$20,103,597 is hereby appropriated out of the Street Construction Fund for the purpose of constructing permanent street improvements and other related costs thereto.

SECTION 5. That the sum of \$8,336,849 is hereby appropriated out of the Building Construction Fund for the purpose of constructing building improvements and other related costs thereto.

SECTION 6. That a sum \$1,048,158 is hereby appropriated out of the Equipment Replacement Fund for the purpose of purchasing new equipment and replacement equipment.

SECTION 7. That the sum of \$25,031,694 is hereby appropriated out of the Water and Sewer revenues for the purpose of paying operating expenses, transfers, and capital outlay for the Water and Sewer system thereof.

SECTION 8. That the sum of \$5,875,009 is hereby appropriated out of the Water and Sewer Revenue Debt Fund for the purpose of paying interest and principal requirements on water and sewer revenue bonds.

SECTION 9. That the sum of \$11,324,008 is hereby appropriated out of the Utility Construction Fund for the purpose of making permanent improvements to the utility system and other related costs.

SECTION 10. That the sum of \$1,948,281 is hereby appropriated out of the Drainage Utility Fund for the purpose paying operating expenses and improving the City's drainage system.

SECTION 11. That the sum of \$523,070 is hereby appropriated out of the Drainage Debt Service Fund for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 12. That the sum of \$3,455,000 is hereby appropriated out of the Drainage Construction Fund for the purpose of constructing drainage improvements for the City's drainage system.

SECTION 13. That the sum of \$5,080,616 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation for the purpose of constructing and operating recreational and cultural facilities with related costs thereto, and amending, approving, and adjusting various park fees as approved by the Mansfield Parks Facilities Development Corporation.

SECTION 14. That the sum of \$2,487,721 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 15. That the sum of \$12,485,000 is hereby appropriated out of the Mansfield Parks Facilities Development Corporation Construction Fund for the purpose of paying for developing and constructing recreational facilities and related costs thereto

SECTION 16. That the sum of \$1,382,478 is hereby appropriated out of the Economic Development Fund for the purpose of Economic Development and other related costs thereto.

SECTION 17. That the sum of \$2,201,040 is hereby appropriated out of the MEDC Debt Service Fund for the purpose of paying interest and principal requirements on its revenue bonds.

SECTION 18. That the sum of \$4,596,810 is hereby appropriated out of the MEDC Development Fund for the purpose of paying for approved economic development projects.

SECTION 19. That the sum of \$15,000,000 is hereby appropriated out of the MEDC Construction Fund for the purpose of paying for infrastructure improvements and related costs thereto.

SECTION 20. That the sum of \$12,025,032 is hereby appropriated out of the Jail Operations Fund for the purpose of paying operating expenses and capital outlay of the Law Enforcement Center.

SECTION 21. That the sum of \$713,500 is hereby appropriated out of the Hotel/Motel Funds for the purpose of promoting the arts, history and tourism.

SECTION 22. That the State of Texas did authorize a vote of the people on an amendment to the Texas Constitution permitting an exemption of the assessed valuation of resident homesteads of persons sixty-five years of age or older, and such amendment was voted on by the electorate of the State of Texas and was duly adopted by the residents of the State of Texas. That resident homesteads of persons Sixty-Five (65) years of age or older shall be entitled to receive a Fifty Thousand and 00/100 Dollars (\$50,000) exemption of the assessed valuation of said resident homestead. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Mansfield and it is accordingly so ordained.

SECTION 23. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency. Transfers between departments or funds require council approval.

SECTION 24. That Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 25. That this Ordinance shall be and remain in full force and effect from and after its final passage and publication as herein provided.

SECTION 26. That the City Manager shall file or cause to be filed a true and correct copy of said approved budget, along with this Ordinance, with the City Secretary, of the City of Mansfield, Texas.

PASSED AND ADOPTED on the first reading this 6th day of September 2017.

PASSED AND ADOPTED on the second reading this 7th day of September 2017.

PASSED AND ADOPTED on the third and final reading this 8th day of September 2017.

David Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY:

E. Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 17-2463

Agenda Date: 9/7/2017

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Second Reading of an Ordinance Levying the Ad Valorem Taxes for Fiscal Year 2018 at a Rate of \$0.71000 per One Hundred Dollars (\$100) Assessed Valuation on all Taxable Property

Requested Action

Attached is the 2017-2018 Ordinance setting the tax rate at \$0.71000. The City of Mansfield has conducted two public hearings and published a proposed tax rate of \$0.71000.

Recommendation

Adopt the Ordinance setting the tax rate at \$0.71 for fiscal year 2018.

Description/History

Historically, the tax rate has been adopted to provide general city services as follows:

| | |
|--------|--------|
| FY2018 | \$0.71 |
| FY2017 | \$0.71 |
| FY2016 | \$0.71 |
| FY2015 | \$0.71 |
| FY2014 | \$0.71 |
| FY2013 | \$0.71 |
| FY2012 | \$0.71 |
| FY2011 | \$0.71 |
| FY2010 | \$0.71 |
| FY2009 | \$0.71 |
| FY2008 | \$0.69 |
| FY2007 | \$0.69 |
| FY2006 | \$0.69 |

Justification

Provide for the annual service program for the City of Mansfield, Texas.

Funding Source

Citizens of Mansfield

Prepared By

Peter K. Phillis, CPA, Deputy City Manager
817-276-4261

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE FISCAL YEAR 2018 AT A RATE OF \$0.7100 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2017, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENDITURES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mansfield hereby finds that the tax rate for the fiscal year beginning October 1, 2017, and ending September 30, 2018, hereinafter levied for current expenses of the City and the general improvements of the City and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council has approved by a separate Ordinance adopting the budget for the fiscal year beginning on October 1, 2017, and ending on September 30, 2018; and

WHEREAS, all statutory, constitutional, and charter requirements concerning the levying and assessing of ad valorem taxes have been complied with.

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

SECTION 1. That there be and is hereby levied for the fiscal year 2018 on all taxable property, real, personal, and mixed, situated within the limits of the City of Mansfield, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.71000 on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

(a) For the purpose of defraying the current expenditures of the municipal government of the City, a tax of \$0.474458 on each One Hundred Dollars (\$100.00) assessed value on all taxable property.

(b) For the purpose of creating a sinking fund to pay the interest and principal on all outstanding bonds of the City, not otherwise provided for, a tax of \$0.235542 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City which shall be applied to the payment of such interest and maturities of all outstanding bonds.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.25 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$30.23

SECTION 2. That all ad valorem taxes shall become due and payable on October 1, 2017, and all ad valorem tax for the year shall become delinquent after January 31, 2018. There shall be no discount for payment of taxes prior to January 31, 2018. A delinquent tax shall incur all penalty and interest authorized by law (33.01 Texas Tax Code), to wit: a penalty of six percent of the amount of the tax for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.

Provided, however, a tax delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at a rate of one percent for each month or portion of a month the tax remains unpaid. Taxes that remain delinquent on July 1, 2017, incur an additional penalty of twenty percent of the amount of taxes, penalty, and interest due; such additional penalty is to defray costs of collection due to contract with the City's Tax Collection Attorney pursuant to Section 33.07 of the Texas Tax Code.

Pursuant to the authority granted by Section 33.08 of the Texas Tax Code, the City further provides that all 2017 taxes and taxes for all subsequent years that become delinquent on or after June 1 of the year in which they become delinquent shall, in order to defray the costs of collection, incur an additional 20% of the delinquent tax, penalty and interest.

SECTION 3. Taxes are payable at 100 E. Weatherford, Room 102C, Fort Worth, Texas 76196-0301 at the office of the Tarrant County Tax Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION 4. That the tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION 5. The fact that it is necessary that this ordinance be enacted in order to authorize the collection of ad valorem taxes for the tax year 2017, this ordinance shall take effect from and after its passage as the law in such cases provides.

PASSED AND ADOPTED on the first reading this 6th day of September, 2017.

PASSED AND ADOPTED on the second reading this 7th day of September, 2017.

PASSED AND ADOPTED on the third and final reading this 8th day of September, 2017.

David Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

E. Allen Taylor, Jr., City Attorney