



CITY OF MANSFIELD

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

Meeting Agenda

City Council

Monday, February 10, 2020

5:00 PM

Council Chambers

REGULAR MEETING AMENDED AGENDA

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

2. RECESS INTO EXECUTIVE SESSION

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

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

A1. Seek Advice of City Attorney Regarding Pending Litigation - Cause No. 348-270155-14

A2. Seek Advice of City Attorney Regarding 301 Sayers Street

A3. Seek Advice of City Attorney Regarding Project #15-02

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

E. Consider Placement or Deployment of Security Devices and/or Security Plans on Municipal Property or Facilities Pursuant to Section 551.076

E1. Discussion on Public Safety Security Planning

3. 6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION

4. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

5. **INVOCATION**

6. **PLEDGE OF ALLEGIANCE**

7. **TEXAS PLEDGE**

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

8. **PRESENTATION**

Presentation of Certified Water Professional Certification - John Woodworth

Sponsorship Award for Mansfield Volunteer Program - Texas Health Hospital Mansfield

Presentation to Keep Mansfield Beautiful Commission

9. **CITIZEN COMMENTS**

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. Due to regulations of the Texas Open Meetings Act, please do not expect a response from the Council as they are not able to do so. THIS WILL BE YOUR ONLY OPPORTUNITY TO SPEAK UNLESS YOU ARE SPEAKING ON A SCHEDULED PUBLIC HEARING ITEM. After the close of the citizen comments portion of the meeting only comments related to public hearings will be heard. All comments are limited to five (5) minutes.

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

10. **COUNCIL ANNOUNCEMENTS**

11. **SUB-COMMITTEE REPORTS**

[20-3436](#)

Minutes - Approval of the January 23, 2020 Housing Market Growth Strategy Sub-Committee Meeting (vote will be only by the members of the sub-committee)

Presenters: Shelly Lanners and Susana Marin

Attachments: [01-23-20 Housing Market Growth Strategy Draft Minutes](#)

[20-3438](#)

Minutes - Approval of the January 28, 2020 Public Memorials Sub-Committee Meeting (vote will be only by the members of the

sub-committee)

Presenters: Shelly Lanners and Susana Marin

Attachments: [01-28-20 Public Memorials Draft Minutes](#)

12. **STAFF COMMENTS**

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

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

Current/Future Agenda Items

This is Us: A Mansfield History Project

B. **Police Department Report**

[20-3440](#) Presentation of the Mansfield Police Department Annual Contact Report for 2019

Presenters: Clayton Chandler and Tracy Aaron

Attachments: [Mansfield PD 2019 Racial Profiling Report](#)
[TCOLE Guidelines](#)

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

14. **CONSENT AGENDA**

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[20-3399](#) Ordinance - Third and Final Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Patterson-Rydell House located at 202 W. Oak Street; Art Wright, City Historic Preservation Officer, on behalf of Faye Rydell, Property Owner (ZC#19-021)

Presenters: Joe Smolinski, Matt Jones and Art Wright

Attachments: [Ordinance with Exhibit A](#)
[Maps and Supporting Information](#)
[Patterson-Rydell House Photograph](#)
[Property Information Sheet](#)

[20-3430](#) Ordinance - Second Reading of an Ordinance Approving a Lease of the North Main Street Water Tower to BelWave Communications; Authorizing

the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Presenters: Joe Smolinski and Jeff Price

Attachments: [Ordinance](#)

[20-3431](#)

Ordinance - Second Reading of an Ordinance Approving the Lease of the East Broad Water Tower to Belwave Communications; Authorizing the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Presenters: Joe Smolinski and Jeff Price

Attachments: [Ordinance](#)

[20-3443](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager to Enter into an Interlocal Agreement with Tarrant County for the Reconstruction of Bristol Drive, Montvale Drive, and Danvers Lane for a Cost Not to Exceed \$140,728.24 (Street Bond Fund and Street Operations General Fund)

Presenters: Joe Smolinski and Bart VanAmburgh

Attachments: [Resolution](#)

[TC Asphalt Roadway Rebuilds map](#)

[20-3446](#)

Resolution - A Resolution to Consider Awarding a Contract to Phoenix I Restoration and Construction Ltd. of Farmers Branch, Texas with a Guaranteed Maximum Price (GMP) in the Amount of \$538,339 for the Restoration of the House and Barn at the Man House Residence

Presenters: Shelly Lanners and Wade McLaurin

Attachments: [Resolution](#)

[20-3448](#)

Resolution - A Resolution of the City of Mansfield, Texas Awarding a Contract for Architectural Services for the Police Headquarters

Presenters: Clayton Chandler and Tracy Aaron

Attachments: [Resolution](#)

[20-3439](#)

Minutes - Approval of the January 27, 2020 Regular City Council Meeting Minutes

Presenters: Shelly Lanners and Susana Marin

Attachments: [1-27-20 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. OLD BUSINESS

[20-3402](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on Approximately 0.528 Acres Known as Lot 1, Block 1, Bastian Addition,

located at 607 W. Kimball Street; Hayden Dalley of Mansfield Custom Homes (ZC#19-018)

Presenters: Joe Smolinski, Matt Jones and Andrew Bogda

Attachments: [Ordinance](#)

[Exhibit A](#)

[Exhibit B](#)

[Maps and Supporting Information](#)

[Applicant's Survey and Photographs](#)

16. **PUBLIC HEARING AND FIRST READING**

[20-3442](#)

Ordinance - Public Hearing and First Reading of an Ordinance Changing the Speed Limits on the US Hwy 287 Northbound and Southbound Frontage Roads from 40 MPH to 45 MPH

Presenters: Joe Smolinski and Bart VanAmburgh

Attachments: [Ordinance](#)

[Map](#)

17. **PUBLIC HEARING CONTINUATION AND SECOND READING**

[20-3421](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 9.612 Acres out of the William Howard Survey, Abstract No. 690, Tarrant County, TX, Located on the East Side of Miller Road, Approximately 480 feet South of Cannon Drive; John Arnold of Skorborg Company on behalf of Paul A. & Paula Sutton, Marilyn G. Richardson, and Christopher Puempel (ZC#19-020)

Presenters: Joe Smolinski, Matt Jones and Andrew Bogda

Attachments: [Ordinance](#)

[Exhibit A](#)

[Exhibits B - F](#)

[Maps and Supporting Information](#)

[Previously Approved Development Plan](#)

[Resubmittal Cover Letter 1-30-20](#)

[20-3423](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the 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

Presenters: Shelly Lanners and Andy Binz

Attachments: [Ordinance](#)

[Standards of Care](#)

18. NEW BUSINESS[19-3395](#)

Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 111 "Peddlers and Solicitors", of the Code of Ordinances of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

Presenters: Clayton Chandler and Tracy Aaron

Attachments: [Ordinance](#)

[Chapter 111 Peddlers and Solicitors \(Current\)](#)

[20-3435](#)

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 9, 2020 to March 2, 2020

Presenters: Shelly Lanners and Susana Marin

Attachments: [Procedural Rules of Council](#)

[20-3444](#)

Discussion and Possible Action Regarding the Installation of a Mid-block Crosswalk on Main St. in Historic Downtown Located Approximately 250-300 ft. South of the Broad St. Intersection

Presenters: Casey Lewis, Terry Moore and Brent Newsom

[20-3445](#)

Discussion and Possible Action Regarding Forgiveness of Liens at 301 Sayers Street

Presenters: Joe Smolinski

19. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the FEBRUARY 10, 2020 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on FRIDAY, FEBRUARY 7, 2020 prior to 5:00 p.m., in compliance with Chapter 551, Texas Government Code.

Susana Marin, City Secretary

Approved as to form:

City Attorney

DATE OF POSTING: _____ TIME: _____ am/pm

DATE TAKEN DOWN: _____ TIME: _____ am/pm

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



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3436

Agenda Date: 2/10/2020

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 23, 2020 Housing Market Growth Strategy Sub-Committee Meeting (vote will be only by the members of the sub-committee)

Requested Action

Action to be taken by Sub-Committee to approve the minutes.

Recommendation

Approval of minutes by the Sub-Committee.

Description/History

The minutes of the January 23, 2020 Housing Market Growth Strategy Sub-Committee Meeting are in DRAFT form and will not become effective until approval by the Sub-Committee at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Holly Owens, Asst. City Secretary
817-276-4204
holly.owens@mansfieldtexas.gov



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council - Housing Market Growth Strategy Sub-Committee

Thursday, January 23, 2020

10:00 AM

City Hall - Council Conference Room

1. CALL TO ORDER

Chairman Casey Lewis called the meeting to order at 10:02 a.m.

Present 3 - Casey Lewis; Terry Moore and Julie Short

2. CITIZEN COMMENTS

There were no citizen comments.

3. DISCUSSION REGARDING THE FOLLOWING:

a) Master Land Use Plan

Chairman Lewis asked about the Master Land Use Plan and if it needed a complete overhaul or a modification, how long would it take and the cost. Deputy City Manager, Joe Smolinski gave a brief update on the process. Director of Planning and Development, Matt Jones pointed out what is needed. The timeframe for a Master Land Use Plan overhaul is generally six months to a year costing \$80,000 to \$300,000. The last time it was updated was 2012. Sub-Committee Member Short asked about balance between commercial and residential regarding ad valorem taxes. Joe Smolinski explained the percentages for single-family versus multi-family versus commercial.

b) Downtown Study

Assistant Director of Planning, Lisa Sudbury stated that Halff & Associates will give a presentation regarding the market analysis at the February 20, 2020 Revitalization of Historic Downtown Mansfield Sub-Committee Meeting. It is staff's intent to present to the Council in April or May. Sub-Committee Member Moore asked for information on the potential of the four acres located in downtown and possibly expanding it. Chairman Lewis stated that surrounding property owners are willing to sell some property to combine with the four acres once a project is determined.

c) Housing Inventory

i) Multi-Family

ii) Single Family

Chairman Lewis asked about building for single young adults that are college age and aging adults that are over 65. Joe Smolinski explained building for all stages of life in Mansfield. Sub-Committee Member Short stated that there is existing and affordable

homes in the older neighborhoods. City Manager, Clayton Chandler and Director of Public Works, Bart VanAmburgh discussed the importance of occupying older neighborhoods and maintaining infrastructure. Joe Smolinski handed out an Inventory of Approved Multi-Family Residential Developments.

d) Future Housing Needs

Sub-Committee Member Moore stated he would like to see more homes for young families and college age residents. Citizen, Mike Leyman asked for a definition of affordable housing. Sub-Committee Member Short stated she would like to see ranch style homes on large acreage. Highway 360 is a gateway to the metroplex with immediate access.

e) Historic Downtown Mansfield

Chairman Lewis asked about the zoning overlay and what the obstacles and benefits were. Joe Smolinski stated the Downtown Master Plan will help. Staff advised they are working on updating the development fees and the downtown development process.

f) Tree Preservation

Discussion was held regarding tree preservation versus clear cutting. Landscape Administrator, Stevon Smith explained the current policy for protecting trees. Matt Jones stated that the current tree preservation ordinance and stated changes would be coming before the Council.

g) Overhead Utilities

Chairman Lewis requested legal options regarding overhead utilities. City Attorney, Allen Taylor stated that the city can require utility lines to be buried; but they would have to pay for all associated cost. Regulations can be updated to include the requirement for future developers to meet those regulations at their cost. Sub-Committee Member Moore asked questions about cell towers and their placement. Clayton Chandler and Allen Taylor advised that cell towers are regulated by State and Federal regulations.

h) Park Master Plan

Chairman Lewis combined Park Master Plan, Parks in Southern Mansfield and Expansion of the Trail System discussions. Director of Parks and Recreation, Matt Young explained the city currently has a Trails Master Plan which is considered with each new development to allow connectability. Chairman Lewis would like to see more land dedication for pocket parks that the city maintains versus open space provided by HOAs. Bart VanAmburgh stated most open areas are adjacent to flood plains which is a good use for the space. Matt Jones explained the current open space policy and discussed the changes that need to be made.

i) Parks in Southern Mansfield

j) Expansion of the Trail System

k) Plan of Action

Chairman Lewis and Sub-Committee Member Moore stated the presentations given at Council are not always what is received in the packet. Joe Smolinski addressed Council presentations. Chairman Lewis stated he will update Council at the January 27, 2020 Regular City Council Meeting. Would like the handouts given at this meeting to be provided to the remainder of Council and would like for a zoning overlay to be prepared for the next meeting in March. The parks discussion should be moved to full Council for discussion. Matt Young stated the Park Master Plan will be taken to the Mansfield Park Facilities Development Corporation and the Planning and Zoning Commission in May. It will go before the Council in June starting with worksessions to finalize a draft.

4. **ADJOURNMENT**

Chairman Lewis adjourned the meeting at 12:24 p.m.

_____ Casey Lewis, Chairman

ATTEST:

_____ Susana Marin, City Secretary



CITY OF MANSFIELD

1200 E. Broad St.
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mansfieldtexas.gov

STAFF REPORT

File Number: 20-3438

Agenda Date: 2/10/2020

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 28, 2020 Public Memorials Sub-Committee Meeting (vote will be only by the members of the sub-committee)

Requested Action

Action to be taken by Sub-Committee to approve the minutes.

Recommendation

Approval of minutes by the Sub-Committee.

Description/History

The minutes of the January 28, 2020 Public Memorials Sub-Committee Meeting are in DRAFT form and will not become effective until approval by the Sub-Committee at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

Holly Owens, Asst. City Secretary
817-276-4204
holly.owens@mansfieldtexas.gov



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council - Public Memorials Sub-Committee

Tuesday, January 28, 2020

4:00 PM

City Hall - Multi-Purpose Room

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

Chairman Terry Moore called the meeting to order at 4:01 p.m.

Present 3 - Terry Moore; Larry Broseh and Mike Leyman

2. **CITIZEN COMMENTS**

There were no citizen comments.

3. **CONDUCT INTERVIEWS**

Chairman Moore introduced Randall Canedy, Raymond Meeks and Sergeant First Class Daniel Kinnel to the Board Members and Sub-Committee Members. Staff brought in the architectural models that were created by the University of Arlington landscape graduate students. Sub-Committee Member Leyman suggested the models be kept in the lobby for citizens to view. Chairman Moore provided the names of other candidates to serve as Foundation Board Members.

4. **DISCUSSION REGARDING INTERVIEWS**

SFC Daniel Kinnel and Sub-Committee Member Tim Milligan accepted their positions with the foundation. Chairman Moore stated he would reach out to the remainder for their responses. Sub-Committee Member Ann Waydeck suggested Marita Sumner if needed. Sub-Committee Member Leyman suggested Harvey Phelps. Deputy City Manager, Shelly Lanners stated the foundation needs to be established in order to apply for the 501 c3 paperwork with the vision. Chairman Moore would like the foundation members to meet at the site in three weeks and would like the City Secretary's Office to coordinate communication. After site visit, the foundation can review concept. The next Sub-Committee meeting would be February 18th. Sub-Committee Member Broseh suggested that the Board collect feedback for the proposed designs.

5. **ADJOURNMENT**

Chairman Moore adjourned the meeting at 5:24 p.m.

ATTEST: Terry Moore, Chairman

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3440

Agenda Date: 2/10/2020

Version: 2

Status: To Be Presented

In Control: City Council

File Type: Presentation

Agenda Number:

Title

Presentation of the Mansfield Police Department Annual Contact Report for 2019

Requested Action

None

Recommendation

None

Description/History

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001 the Texas Racial Profiling Law. Since then, 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. Moreover, 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 Act requires for all law enforcement agencies in the state to collect additional data and provide a more detailed analysis.

Not later than March 1 of each year, the local Law Enforcement Agency shall submit a report containing the information compiled during the previous calendar year to the governing body of the municipality served by the agency as well as the Texas Commission on Law Enforcement (TCLOE).

The attached reports titled Mansfield Police Department Annual Contact Report for 2019 completed by Alex del Carmen, PH.D. of Del Carmen Consulting, LLC serves as evidence of the Mansfield Police Department's commitment to comply with the Texas Racial Profiling Law.

Justification

N/A

Funding Source

N/A

Prepared By

Tracy L. Aaron, Chief of Police, Mansfield Police Department
817 804 5782

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MANSFIELD POLICE DEPARTMENT ANNUAL CONTACT REPORT

January 1, 2020

Mansfield City Council
1200 11th Street
Mansfield, Texas 77340

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. In previous years, 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. Moreover, 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 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 particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Mansfield Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. 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. In addition, you will find, in sections 2 and 3 documentation which demonstrates compliance by the Mansfield Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/19 and 12/31/19. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Mansfield Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Responding to the Law





Public Education on Filing 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.

RACIAL PROFILING

Photo Caption


Photo Caption

Training

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 Number 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





Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

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.





Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement
September 2001

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 1/1/19---12/31/19, 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 force, for having violated the Texas Racial Profiling Law during the time period of 1/1/19 - 12/31/19.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts



Tier 2 Data





Total stops: 19,909

1. Gender

1.1 Female: 7,976

1.2 Male: 11,933

2. Race or ethnicity

2.1 Black: 5,461

2.2 Asian/Pacific Islander: 668

2.3 White: 10,128

2.4 Hispanic/Latino: 3,601

2.5 Alaska Native/American Indian: 51

3. Was race or ethnicity known prior to stop?

3.1 Yes: 231

3.2 No: 19,678

4. Reason for stop?

4.1 Violation of law: 1,644

4.2 Pre-existing knowledge: 332

4.3 Moving traffic violation: 12,126

4.4 Vehicle traffic violation: 5,807



5. Street address or approximate location of the stop

- 5.1 City street: **14,073**
- 5.2 US highway: **3,304**
- 5.3 County road: **6**
- 5.4 State Highway: **2,457**
- 5.5 Private Property: **69**

6. Was a search conducted?

- 6.1 Yes: **903**
- 6.2 No: **19,006**

7. Reason for Search?

- 7.1 Consent: **148**
- 7.2 Contraband in plain view: **33**
- 7.3 Probable cause: **487**
- 7.4 Inventory: **70**
- 7.5 Incident to arrest: **165**

8. Was Contraband discovered?

- 8.1 Yes: **498**
- 8.2 No: **405**

9. Description of contraband

- 9.1 Drugs: **386**
- 9.2 Currency: **0**
- 9.3 Weapons: **13**
- 9.4 Alcohol: **47**
- 9.5 Stolen property: **4**
- 9.6 Other: **48**

10. Result of the stop

- 10.1 Verbal warning: **14,357**
- 10.2 Written warning: **22**
- 10.3 Citation: **4,986**
- 10.4 Written Warning and Arrest: **1**
- 10.5 Citation and Arrest: **87**
- 10.6 Arrest: **456**

11. Arrest based on

- 11.1 Violation of Penal Code: **175**
- 11.2 Violation of Traffic Law: **16**
- 11.3 Violation of City Ordinance: **0**
- 11.4 Outstanding Warrant: **353**

12. Was physical force resulting in bodily injury used during stop?

- 12.1 Yes: **3**
- 12.2 No: **19,906**



Table 1. (Motor Vehicle Contacts Including Tickets, Citations and Warnings). (1/1/19-12/31/19).

Race/Ethnicity	All Motor Vehicle Contacts		Tickets or Citations*		Verbal Warnings		Written Warnings	
	N	%	N	%	N	%	N	%
White	9,932	51	2,410	48	7,508	52	14	61
Black	5,308	27	1,269	25	4,035	28	4	17
Hispanic or Latino	3,504	18	1,231	24	2,268	16	5	22
Asian or Pacific Islander	659	3	148	3	511	4	0	0
Alaska Native or American	50	.3	15	.3	35	.2	0	0
Middle Eastern **	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
TOTAL	19,453	100	5,073	100	14,357	100	23	100

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.

**Not Required Racial/Ethnic Components



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access (in percentages). (1-1-2019 to 12-31-2019).

Race/Ethnicity*	Contacts (in percentages)	Households With Vehicle Access (in percentages)
White	51	60
Black	27	14
Hispanic or Latino	18	19
Asian or Pacific Islander	3	5
Alaska Native or American Indian	.3	N/A
Middle Eastern	0	N/A
Other**	0	N/A
TOTAL	100	98

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

** Not Required Racial/Ethnic Components

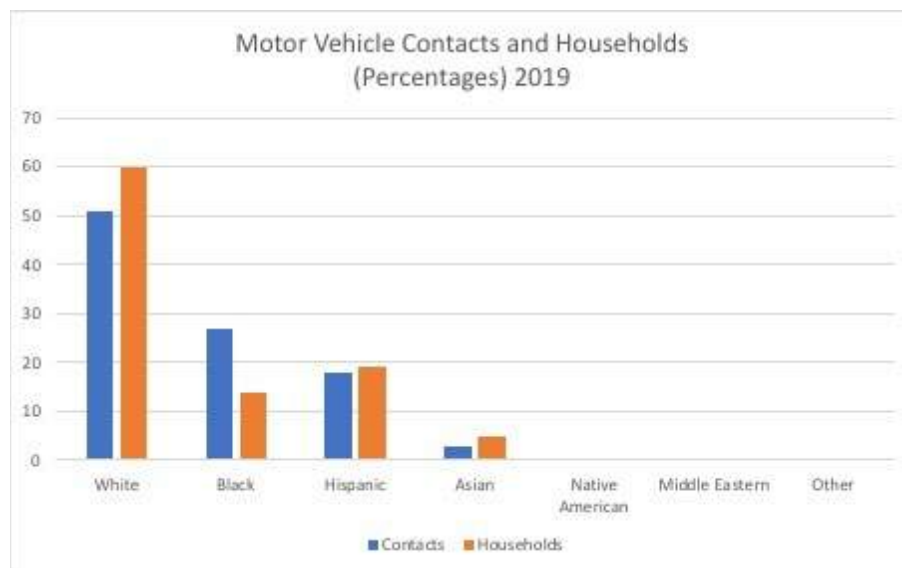


Table 3. Motor Vehicle Searches and Arrests

(1-1-2019 to 12-31-2019),

Race/Ethnicity	Searches		Consensual Searches		Custody Arrests	
	N	%	N	%	N	%
White	349	39	88	59	60	36
Black	319	35	28	19	60	36
Hispanic or Latino	223	25	29	20	42	25
Asian or Pacific Islander	10	1	3	2	2	1
Alaska Native or American	2	.2	0	0	1	.6
Middle Eastern **	0	0	0	0	0	0
Other**	0	0	0	0	0	0
TOTAL	903	100	148	100	165	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

** Not Required Racial/Ethnic Components

Table 4. Total Number of Instances where Officers Knew/Did not Know Race/Ethnicity of Individuals Before Being Detained (1-1-2019 to 12-31-2019)

Total Number of Instances Officers <u>KNEW</u> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances Officers <u>DID NOT KNOW</u> Race and Ethnicity of Individuals Before Being Detained
231	19,678

Table 5. Instances where Peace Officers Used Physical Force that Resulted in Bodily Injury
(1-1-2019 to 12-31-2019).

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Location of Stop	Reason for Stop
1	U.S. Highways	Moving Traffic Violation
1	City Street	Moving Traffic Violation
1	City Street	Moving Traffic Violation



Table 6. Search Data. (1-1-2019 to 12-31-2019).

Race/Ethnicity	Searches		Contraband/ Evidence Found		Contraband/ Evidence Not Found		Arrests	
	N	%	N	%	N	%	N	%
White	349	39	195	39	154	38	60	36
Black	319	35	173	35	146	36	60	36
Hispanic or Latino	223	25	123	25	100	25	42	25
Asian or Pacific Islander	10	1	6	1	4	.9	2	1
Alaska Native or American	2	.2	1	.2	1	.2	1	.6
Middle Eastern **	0	0	0	0	0	0	0	0
Other**	0	0	0	0	0	0	0	0
TOTAL	903	100	498	100	405	100	165	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

** Not Required Racial/Ethnic Components



Table 7. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1-1-2019 to 12-31-2019.

Data Audits on Racial Profiling Data (1-1-2019 to 12-31-2019).

Number of Data Audits Completed	Date of Completion	Outcome of Audit
3	2019	Data reviewed is valid and reliable

Additional Comments:





Analysis and Interpretation of Data

In an effort to understand the analysis provided in this report, it is crucial that the evolution of the Texas Racial Profiling Law and its requirements, is discussed. That is, in 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. Thus, the 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 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact 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 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 mentioned previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement but standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative 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 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.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Mansfield Police Department commissioned the analysis of its 2019 contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2019 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), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where 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 2019 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted 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 opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that 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 of the fact they may or may not be 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 2019 but live outside city limits. In some cases, 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.

Since 2002, several civil rights groups in Texas expressed their desire 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). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, 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 (2019) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced Tier 2 data collected in 2019, it was evident that most motor vehicle-related contacts were made with males and most of the contacts were made with White drivers. This was followed by Black and Hispanic drivers. In most instances, police officers report not knowing the race or ethnicity prior to the stop. Further, they cite as the primary reason for the stop to have been a “moving traffic violation”. This was followed by “vehicle traffic violation”.

In 2019, most of the contacts made took place in city streets. The Mansfield Police Department cites that most contacts did not result in a search. Of those searches made, most were based on probable cause. The second most significant reason for a search was “incident to arrest.” In addition, contraband was found as a result of most searches. Of the contraband found, in most instances, drugs were cited as the most frequent contraband found.

The data also shows that the majority of stops resulted in a verbal warning. This was followed by “citations”. When an arrest was made, the most frequent reason provided was an outstanding warrant. Also, three of the contacts resulted in the use of physical force which caused bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Hispanics and Asians that came in contact with the police was lower than the percentage of White, Hispanic and Asian households in DFW that claimed, in the 2010 census, to have access to vehicles. The opposite was true of Blacks. That is, a higher percentage of Blacks came in contact with the police than the percentage of Black households in DFW that claimed, in the 2010 census, to have access to vehicles.

The analysis of the searches performed shows that most searches produced contraband. This is above national law enforcement trends. In addition, of those searches that produced contraband, the majority of them involved White contacts. This was followed by Blacks.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department 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 7, the audits performed have shown 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 made in 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 future years.
- 2) Commission data audits in 2020 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates 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 is not 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, 2020.
- ✓ 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 77th 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 77th 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

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.

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.

Chief Clerk of the House

Approved:

Date

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 [mentally ill] 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

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

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 1st 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**

Contact Information

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

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www.delcarmenconsulting.com

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th 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 77th 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.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3399

Agenda Date: 2/10/2020

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Patterson-Rydell House located at 202 W. Oak Street; Art Wright, City Historic Preservation Officer, on behalf of Faye Rydell, Property Owner (ZC#19-021)

Requested Action

To consider the proposed Historic Landmark Overlay District classification.

Recommendation

The Historic Landmark Commission held a public hearing on December 12, 2019, and voted 7 to 0 to recommend approval.

The Planning and Zoning Commission held a public hearing on December 16, 2019 and voted 7 to 0 to recommend approval.

Staff recommends approval.

Description/History

The owner of the Patterson-Rydell House (c. 1925) at 202 W. Oak Street has requested a Historic Landmark Overlay District classification, which will allow the Historic Landmark Commission to review future alterations to the exterior of the structure and protect the building's historic significance. The historic background for this property is described in the Mansfield Resources Survey Update, 1998, as follows:

Preservation Priority: Selected Medium

Description: This one-story wood frame, front gabled bungalow has a clipped (jerkin head) gable and a full width integral porch. It is a good example of the bungalow form embellished with Craftsman elements. Exterior alterations are few.

Significance: This house is significant as a good example of modest bungalow design. It is potentially eligible for local landmark status and with more research, might prove to be eligible for National Register listing under Criterion C (architecture) as part of a Multiple Property nomination.

The History of Mansfield, 1996, notes that this house is one of three that were constructed of materials from the Dr. Julian T. Feild mansion that previously occupied the property. The mansion was demolished by Roberta Dukes Richardson, daughter of the last owner, A.J. Dukes, after his death in 1921. This bungalow appears to have been a rental dwelling until it was sold by Mrs. Richardson's husband in 1948.

The Patterson family acquired the property in 1956 and it has been occupied by the family ever since. The current owner is Faye Patterson Rydell, daughter of Newt and Jennie Patterson. The Pattersons farmed land on the road that bears Mr. Patterson's name.

The Historic Landmark Overlay District designation should be considered in light of the

following:

1. Embodiment of distinguishing characteristics of an architectural type or specimen. It is a good example of the bungalow form embellished with Craftsman elements.
2. Relationship to other distinctive buildings, sites or areas which are eligible for preservation based on architectural, historic or cultural motif. The house is located on the historic block of West Oak Street and is representative of buildings of its era. The properties from 200 to 206 West Oak Street have been deemed worthy of preservation by the Commission.
3. Identification with a person or persons who significantly contributed to the culture or development of the City. The house was built by Roberta Dukes Richardson, daughter of A.J. Dukes, a prominent Mansfield citizen. For the last 63 years, the house has been occupied by members of the Newt Patterson family.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 202 W. OAK STREET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a Historic Landmark Overlay District Classification, 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 the Comprehensive Zoning Ordinance of the City, 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 the Comprehensive Zoning Ordinance as a whole.

SECTION 5.

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

SECTION 6.

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

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

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

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

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

EXHIBIT "A"

Being the West 50 feet of Lot No. 1, in Block 44, Original Town of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 63, Page 53, County Records, Tarrant County, Texas, and being more particularly described by the metes and bounds on a deed recorded in Volume 3032, Page 496, Deed Records, Tarrant County, Texas, as follows:

Beginning at a point in the N. line of Oak Street, the S.E. corner of Lot "00" in said Block No. 44;

Thence in an easterly direction with the N. line of said Oak Street, 50 feet, a stake;

Thence N. 5 E. 105 feet for corner;

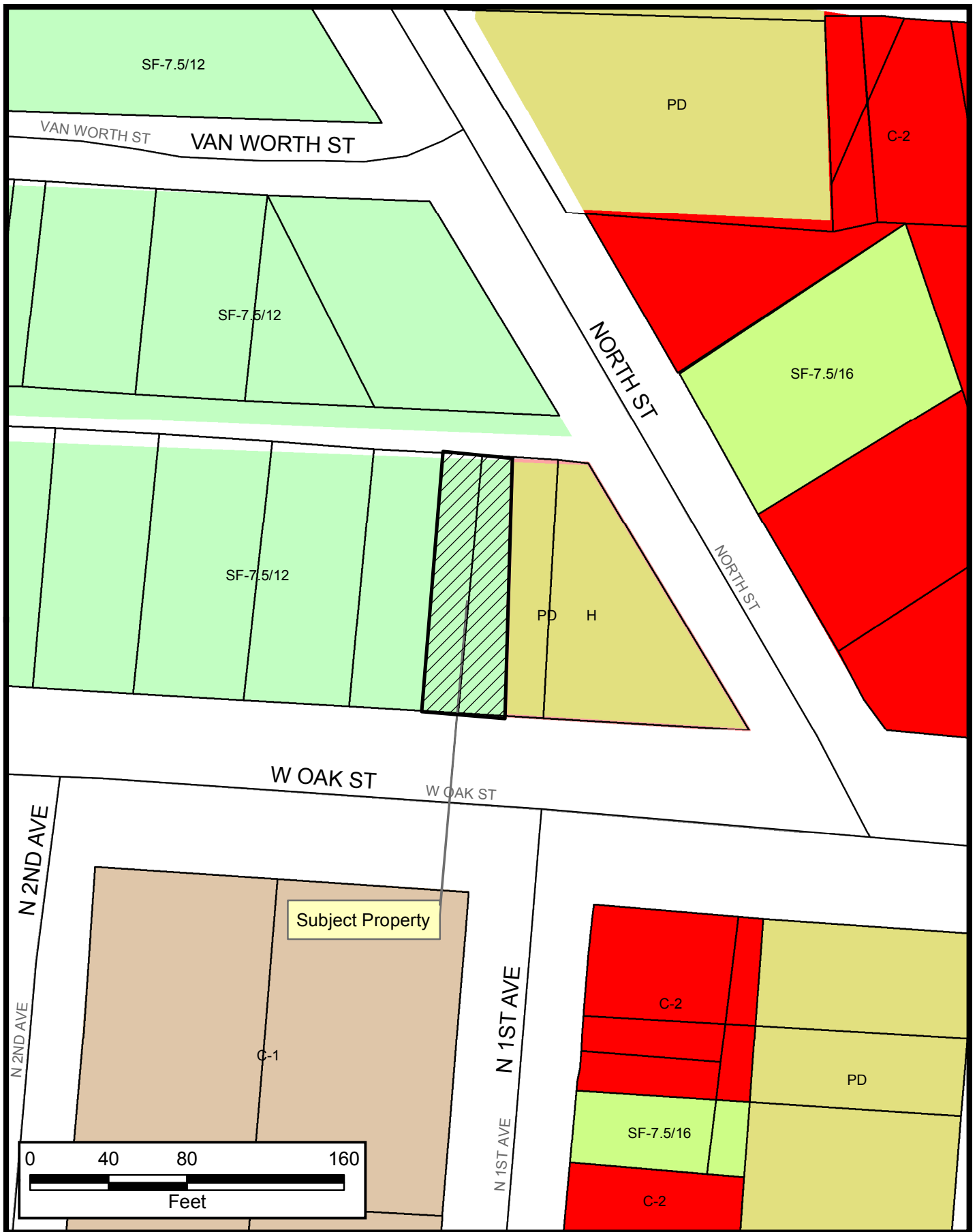
Thence N. 84½ W. 12 feet for corner;

Thence N. 5 E. 15 feet to a stake in the S. line of Alley;

Thence in a westerly direction with the said S. line of said Alley 38 feet, the N.E. corner of Lot No. "00";

Thence S. 5 W. with the E. line of said Lot "00" 120 feet to the place of beginning.





Property Owner Notification for ZC#19-021

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 3	ESQUIVEL, GREGORIO	107 W OAK ST # A	MANSFIELD, TX	76063-1647
MANSFIELD, CITY OF	BLK 3	GARZA, MANUELA	110 N 1ST AVE APT A	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3	ESQUIVEL, GREGORIO	107 W OAK ST # A	MANSFIELD, TX	76063-1647
MANSFIELD, CITY OF	BLK 3	GARZA, MANUELA	110 N 1ST AVE APT A	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 3	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 3	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 3	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 4	CHURCH ON THE HILL	PO BOX 3815	CEDAR HILL, TX	75106
MANSFIELD, CITY OF	BLK 4	CHURCH ON THE HILL	PO BOX 3815	CEDAR HILL, TX	75106
MANSFIELD, CITY OF	BLK 44	RAMOS PEREZ, VIRIDIANA	303 NORTH ST	MANSFIELD, TX	76063-1630
MANSFIELD, CITY OF	BLK 44	LOYA, JOEL	301 VAN WORTH ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 44	BADILLO, JOSE ADAN	205 VAN WORTH ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 44	WILSON, CHARLES	205 NORTH ST	MANSFIELD, TX	76063-1628
MANSFIELD, CITY OF	BLK 44	HENNIG, MICHAEL	210 W OAK ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 44	VARGAS, ANTONIO ANGEL	208 W OAK ST	MANSFIELD, TX	76063-1649
MANSFIELD, CITY OF	BLK 44	ESQUIVEL, MARIA	206 W OAK ST	MANSFIELD, TX	76063-1649
MANSFIELD, CITY OF	BLK 44	TREVINO, ROY	204 W OAK ST	MANSFIELD, TX	76063-1649

Monday, November 11, 2019

Page 1 of 2

Property Owner Notification for ZC#19-021

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 44	RYDELL, EDNA FAYE	202 W OAK ST	MANSFIELD, TX	76063-1649
MANSFIELD, CITY OF	BLK 44	200 W OAK LLC	128 N MAIN ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 44	BADILLO, JOSE ADAN	205 VAN WORTH ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 45	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 45	MORGAN, DARRELL	204 NORTH ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 45	WALDIE, PATRICIA ANN	725 J MARIE CT	CROWLEY, TX	76036
MANSFIELD, CITY OF	BLK 45	HUDSON, JAMES RONALD	1233 BROOKFIELD LN	MANSFIELD, TX	76063-2565
MANSFIELD, CITY OF	BLK 45	PEREZ, DARYLE	751 N MAIN ST APT 1102	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 45	MIDFIRST BANK	999 NW GRAND BEND STE 110	OKLAHOMA CITY, OK	73118



PATTERSON-RYDELL HOUSE, c. 1925

Patterson-Rydell House, c. 1925

202 W. Oak Street

The Patterson-Rydell House, a front gabled bungalow, appears to have been constructed around 1925. It was originally owned by Roberta Dukes Richardson, her husband, J.M. Richardson, and her son, Jackson M. Richardson, as one of three rental houses. This bungalow sits on a strip of land that was once part of a larger lot containing the home of Dr. Julian T. Feild, son of one of Mansfield's founders. The house was demolished in the early 1920s.

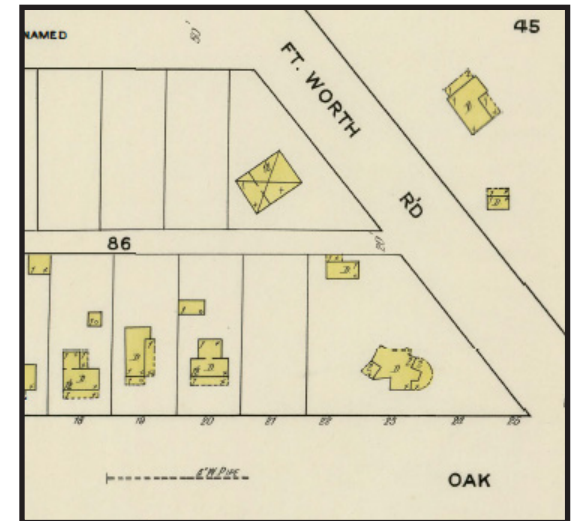
In September 1948, the property, containing two houses, was sold by J.M. Richardson and his son to C.C. and Byrdette Brown. A month later, the Browns sold the bungalow and 50 feet of land on the west side of the property to H.J. and Fay Key. The Keys subsequently sold the bungalow to the Patterson family in 1956. It has remained in that family down to the current owner, Faye Rydell, daughter of Newt and Jennie Patterson.

The house is a one-story wood frame, front gabled bungalow with a clipped (jerkin head) gable and a full width integral porch. It is a good example of the bungalow form embellished with Craftsman elements.

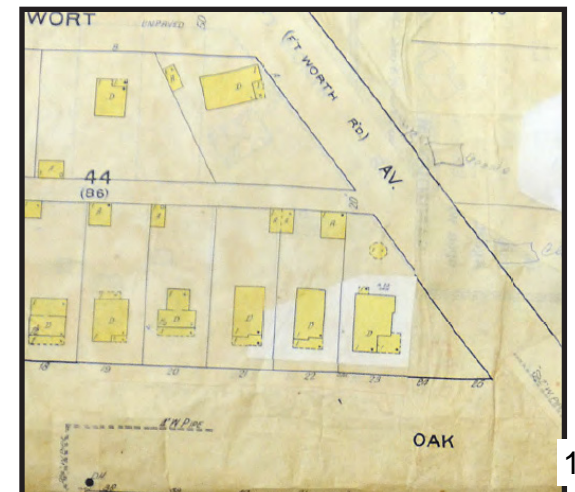
and that the said Roberta Dukes Richardson married the said J. J. Dukes. I further know that Roberta Dukes Richardson, as mentioned in said will, and her husband, J. M. Richardson Sr., and their son J. M. Richardson Jr., have enjoyed the use, rentals and emoluments of the heretofore mentioned property and are adverse to the claims of any person since the death of the said J. J. Dukes" Dr. Dukes never owned any other lots in block 44 of said town.

Excerpt from an 1948 affidavit filed at Tarrant County by Dr. William B. McKnight. The affidavit makes reference to the "rentals" enjoyed by Roberta Dukes Richardson and her family from the properties at 200, 202 and 204 W. Oak Street.

Source: Tarrant County Deed Records; Mansfield Historic Resources Survey Update 1998; The History of Mansfield, 1996



1921 Sanborn Insurance Map showing the Dr. Julian T. Feild House on the corner of Oak and North Streets.



1933 Sanborn Insurance Map showing the house at 202 W. Oak St. on its 50-foot tract (second from right).



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3430

Agenda Date: 2/10/2020

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Second Reading of an Ordinance Approving a Lease of the North Main Street Water Tower to BelWave Communications; Authorizing the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Requested Action

Consider the Ordinance authorizing the City Manager to execute a lease agreement for the North Main Street Water Tower.

Recommendation

Staff recommends approval of the Resolution.

Description/History

The City leases space on the water towers to different radio and cellular providers. The revenue generated from the leases help offset cost to maintain the towers.

Justification

BelWave Communication will install their equipment to serve the City and other customers in the area with wireless connectivity. BelWave Communications will recognize an annual cost of \$20,000 per year for leased space in their service agreement with the City for high speed connectivity.

Funding Source

N/A

Prepared By

Jeff Price, Director of Water Utilities
817-728-3602

ORDINANCE NO. _____

AN ORDINANCE APPROVING A LEASE OF THE NORTH MAIN STREET WATER TOWER TO BELWAVE COMMUNICATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Mansfield is authorized to lease property for municipal purposes and to contract with other persons by the Texas Local Government Code; and

WHEREAS, internet services are necessary for several municipal purposes which are the responsibility of the City of Mansfield; and

WHEREAS, the City of Mansfield has determined that provision of internet by use of wireless devices mounted at raised elevations within the City is the most efficient means available; and

WHEREAS, the City of Mansfield has agreed to lease the Leased Premises (as defined in the attached Mansfield North Main St. Water Tower Lease attached as Exhibit A1, and the City of Mansfield Service Agreement attached as Exhibit A2, hereafter the "BelWave Agreement") to BelWave Communications, Inc., on the terms and conditions set forth in the attached BelWave Agreement; and

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

SECTION 1

Pursuant to Section 3.13 of the City's Charter, the City authorizes the lease of the North Main Street Water Tower Site in accordance with the BelWave Agreement and the North Main Street Water Tower Lease attached as Exhibit A1.

SECTION 2

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the Mansfield North Main St. Water Tower Lease and all other documents necessary to complete the transaction.

SECTION 4

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 _____, 2019.

Second reading approved on the _____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3431

Agenda Date: 2/10/2020

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Second Reading of an Ordinance Approving the Lease of the East Broad Water Tower to Belwave Communications; Authorizing the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

Requested Action

Consider the Ordinance authorizing the City Manager to execute a lease agreement for the East Broad Street Water Tower.

Recommendation

Staff recommends approval of the Resolution.

Description/History

The City leases space on the water towers to different radio and cellular providers. The revenue generated from the leases help offset cost to maintain the towers.

Justification

BelWave Communication will install their equipment to serve the City and other customers in the area with wireless connectivity. BelWave Communications will recognize an annual cost of \$20,000 per year for leased space in their service agreement with the City for high speed connectivity.

Funding Source

N/A

Prepared By

Jeff Price, Director of Water Utilities
817-728-3602

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE LEASE OF THE EAST BROAD WATER TOWER TO BELWAVE COMMUNICATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Mansfield is authorized to lease property for municipal purposes and to contract with other persons by the Texas Local Government Code; and

WHEREAS, internet services are necessary for several municipal purposes which are the responsibility of the City of Mansfield; and

WHEREAS, the City of Mansfield has determined that provision of internet by use of wireless devices mounted at raised elevations within the City is the most efficient means available; and

WHEREAS, the City of Mansfield has agreed to lease the Leased Premises (as defined in the Mansfield East Broad Water Tower Lease attached as Exhibit A1, and the City of Mansfield Service Agreement attached as Exhibit A2, hereafter the "BelWave Agreement") to BelWave Communications, Inc., on the terms and conditions set forth in the attached BelWave Agreement; and

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

SECTION 2

Pursuant to Section 3.13 of the City's Charter, the City authorizes the lease of the East Broad Water Tower Site in accordance with the BelWave Agreement and the Mansfield East Broad Water Tower Lease attached as A1.

SECTION 3

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the East Broad Street Tower Lease and all other documents necessary to complete the transaction.

SECTION 4

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 _____, 2019.

Second reading approved on the _____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3443

Agenda Date: 2/10/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager to Enter into an Interlocal Agreement with Tarrant County for the Reconstruction of Bristol Drive, Montvale Drive, and Danvers Lane for a Cost Not to Exceed \$140,728.24 (Street Bond Fund and Street Operations General Fund)

Requested Action

Approval of the Resolution.

Recommendation

Approval of the resolution authorizing the City Manager to enter an Interlocal agreement with Tarrant County for street reconstruction of Bristol Drive, Montvale Drive, and Danvers Lane.

Description/History

Chapter 791 of the Texas Government Code, also known as the Inter-local Cooperation Contracts Act, authorizes all local governments to contract with each other to perform governmental functions or services including administrative functions normally associated with the operation of government such as purchasing necessary equipment, supplies and services.

On November 12, 2018 Council approved Resolution #3527-18 which authorized an Interlocal agreement with Tarrant County for the reconstruction of Breckenridge Road, Gertie Barrett Road, Bonner Drive and Speers Drive. The reconstruction of Gertie Barrett Road, Bonner Drive and Speers Drive is complete. The County has begun work on Breckenridge Road. In preparation for this rebuild the adjacent streets were inspected for areas of repairs that could be accomplished by Tarrant County. The pavement condition on the roadways of Bristol Drive (Pavement Condition Index of 46), Montvale Drive (Pavement Condition Index ranging from 16 to 39) and Danvers Lane (Pavement Condition Index of 29) are beyond standard maintenance. The recommended pavement treatment for a Pavement Condition Index of 50 or less is reconstruction of the roadway.

With Tarrant County working in the area, the City can take advantage of the timeframe and material cost savings to have Tarrant County perform these reconstructions.

The Interlocal agreements will allow Tarrant County to furnish the labor and equipment, while the City provides supplies and incidentals necessary to reconstruct these asphalt roadways. The estimated cost for reconstruction of Bristol Drive is \$33,485.24, Montvale Drive is \$50,227.80 and Danvers Lane is \$57,015.20. The funding for reconstruction of Montvale Drive will come from cost savings from Tarrant County's already completed projects that were approved by Resolution #3527-18. Thus, no additional funding is necessary for Montvale Drive. The funding for Bristol Drive and Danvers Lane will be from the Street Operations General Fund. The construction schedule for the reconstruction of these roadways is estimated to be 6 months.

Justification

For several years, the City of Mansfield has entered inter-local agreements with Tarrant County for asphalt street reconstruction. These interlocal agreements have allowed the City to save money by not having to pay for the equipment or labor necessary for the street construction. With Tarrant County currently reconstructing Breckenridge Road, the reconstruction of these 3 roadways will complete the reconstruction of the asphalt roadways in this vicinity.

Funding Source

Street Bond Fund and Street Operations General Fund.

Prepared By

David Boski, P.E., Asst. Director Public Works/Transportation
Public Works Department

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING FUNDING IN AN AMOUNT NOT TO EXCEED \$140,728.24 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERLOCAL AGREEMENTS WITH TARRANT COUNTY FOR THE ASPHALT RECONSTRUCTION OF BRISTOL DRIVE, MONTVALE DRIVE AND DANVERS LANE.

Whereas, it is recognized that it is in the best interest of the citizens of the City of Mansfield to enter into an Agreement with Tarrant County to reconstruct Bristol Drive, Montvale Drive and Danvers Lane, and

Whereas, Tarrant County and the City of Mansfield are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function; and

Whereas, the Interlocal Act contained in Chapter 791 of the Texas Government Code provides legal authority for parties to enter into this agreement, and

Whereas, Tarrant County and the City of Mansfield have agreed to said terms of the Agreement, and

Whereas, the City of Mansfield and Tarrant County have agreed to contract with each other to reconstruct Bristol Drive, Montvale Drive and Danvers Lane.

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

SECTION 1.

Funding is hereby authorized in the amount of One Hundred Forty Thousand Seven Hundred Twenty Eight and 24/100 Dollars (\$140,728.24) to construct the roadway improvements. Funding for the reconstruction of Montvale Drive will be from the Street Bond Fund in the amount of Fifty Thousand Two Hundred Twenty Seven and 80/100 Dollars (\$50,227.80). Funding for reconstruction of Bristol Drive and Danvers Lane will be from the Street Operations General fund in the amount of Ninety Thousand Five Hundred and 44/100 Dollars (\$90,500.44)

SECTION 2.

The City Manager or his designee is hereby authorized and directed to execute an Interlocal Agreement with Tarrant County to reconstruct Bristol Drive, Montvale Drive and Danvers Lane.

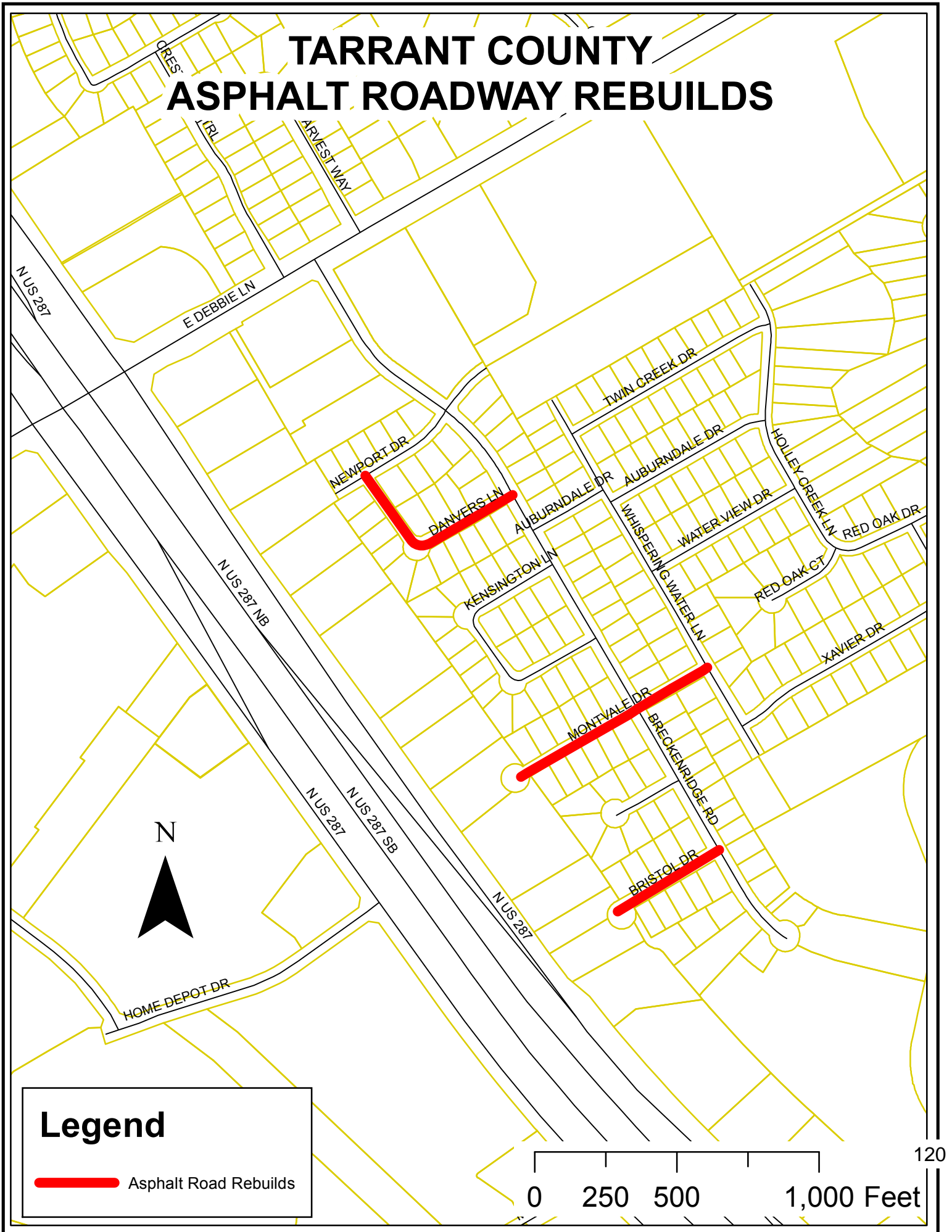
PASSED AND APPROVED THIS THE 10th DAY OF FEBRUARY 2020

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary

TARRANT COUNTY ASPHALT ROADWAY REBUILDS





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3446

Agenda Date: 2/10/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution to Consider Awarding a Contract to Phoenix I Restoration and Construction Ltd. of Farmers Branch, Texas with a Guaranteed Maximum Price (GMP) in the Amount of \$538,339 for the Restoration of the House and Barn at the Man House Residence

Requested Action

Approve a Resolution to Execute a Construction Contract.

Recommendation

Approve Resolution.

Description/History

The project includes the restoration of the house and barn on the Man property at 604 W. Broad Street, including site work and pathways to allow accessible access to both structures. The residence is to be restored to its 1936 footprint and will include a new roof, along with restoration of the exterior siding, masonry and windows. A stone chimney that was previously on the west side of the home will be reconstructed to resemble the original and will be a highlight of the restoration. Interior finishes, doors, etc. will be restored and refinished to match that of the period. Upon completion of the restoration, the first floor will be furnished and operated by the Mansfield Historical Museum and Heritage Center

Phoenix I Restoration and Construction was hired in July of 2019 as the Construction Manager at Risk (CMAR) to coordinate with the project architect, TMA-CHA Architects, on the scope and planning of the restoration and to eventually serve as Construction Manager for the project. Public proposals were received on January 9, 2020 for the defined sixteen (16) subcontractor packages and reviewed by the CMAR and City staff. A Guaranteed Maximum Price (GMP) of \$538,339 was presented by the CMAR, including allowances, as well as contractor and owner contingencies, which may be deemed necessary to complete the project. Substantial completion is expected to be ninety (90) days after notice to proceed.

Justification

Phoenix I was selected as CMAR for this important project as a result of the years of experience on similar projects that this firm has throughout the state and region. Historical restoration is distinctly different from typical new or renovation construction projects and requires different techniques and expertise that this important city project will need. Once completed, the Man House Museum will be a focal point for the Mansfield

Historical Museum and Heritage Center and our community.

Prepared By

Wade McLaurin

Director of Building Services

RESOLUTION NO. _____

RESOLUTION TO CONSIDER AWARDING A CONTRACT TO PHOENIX I RESTORATION AND CONSTRUCTION, LTD. OF FARMERS BRANCH, TEXAS WITH A GUARANTEED MAXIMUM PRICE (GMP) IN THE AMOUNT OF \$538,339 FOR THE RESTORATION OF THE HOUSE AND BARN AT THE MAN HOUSE RESIDENCE

WHEREAS, Phoenix I Restoration and Construction was chosen as Construction Manager at Risk (CMAR) in July of 2019 to coordinate with the project architect, TMA-CHA Architects, and City staff to provide recommendation on restoration techniques, selection of materials, site improvements and building systems for the renovation and restoration of the Man House property located at 604 W. Broad Street for use as a museum; and,

WHEREAS, public proposals were received for sixteen (16) subcontractor packages making up the various types of construction necessary for the restoration of the residence; and,

WHEREAS, the bids were reviewed and evaluated by the CMAR for pricing, qualifications and experience, with the best value proposals being submitted, along with a Guaranteed Maximum Price (GMP), to the City for approval.

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

SECTION 1.

That the City Council approves awarding a contract to Phoenix I Restoration and Construction, Ltd. for the restoration of the Man House Residence with a Guaranteed Maximum Price (GMP) in the amount of Five Hundred Thirty Eight Thousand Three Hundred Thirty Nine Dollars and no/100 (\$538,339.00)

RESOLVED AND PASSED this 10th day of February, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3448

Agenda Date: 2/10/2020

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas Awarding a Contract for Architectural Services for the Police Headquarters

Requested Action

Staff requests approval by City Council to award Randall Scott Architects a contract for architectural services for the new Police Headquarters

Recommendation

Staff recommends approval by City Council to award Randall Scott Architects a contract for architectural services for the new Police Headquarters

Description/History

This contract has been negotiated by staff and reviewed by James Donovan of TOASE. Randall Scott Architects agrees to provide professional services for architectural and engineering services, including design, contract, site plan and construction administration for the Police Headquarters. The program is defined as a new Police Headquarters. The total project cost of \$24,500,000. Randall Scott Architects agrees to provide the basic services for a cost of \$1,530,000 and an hourly rate for additional services in accordance with the contract.

Project Phase

Projected Timeline

Design Phase

February 2020 - December 2020

Advertising and bidding

January 2021 - March 2021

Construction award/commencement

April 2021

Substantial completion

Approximately September 2022

Justification

The current building is over 29 years old. The Police Department has seen significant growth over the years and is currently operating four (4) different locations within the city. The current facilities are unable to support the existing staffing levels and do not allow for growth. The immediate need is to provide workspace for the current staff and consolidate members in one location that in turn, frees space for other departments.

Funding Source

General Fund

Prepared By

Tracy Aaron, Chief of Police, Mansfield Police Department
817 804 5782

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AWARDED A CONTRACT FOR ARCHITECTURAL SERVICES FOR THE NEW POLICE HEADQUARTERS

WHEREAS, City and Police Department Staff reviewed qualifications of Randall Scott Architects; and,

WHEREAS, Randall Scott Architects has specialized experience with Police building and municipal facilities, including most recently, the architectural services of the Department of Public Safety State Trooper Administration and Training facility in Florence, TX.

WHEREAS, it is now necessary to award a contract for architectural services for the new Police Headquarters; and,

WHEREAS, it is recognized that it is in the best interest of the citizens of the City of Mansfield that a contract for architectural services for Police Headquarters be awarded to Randall Scott Architects.

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

SECTION 1.

That the City Manager of the City of Mansfield or his designee is hereby authorized and directed to execute an agreement with Randall Scott Architects for architectural services for the new Police Headquarters.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2020

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3439

Agenda Date: 2/10/2020

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the January 27, 2020 Regular City Council Meeting Minutes

Requested Action

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

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the January 27, 2020 Regular City Council Meeting are in DRAFT form and will not become effective until approved by the Council at this meeting.

Justification

Permanent Record

Funding Source

N/A

Prepared By

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



CITY OF MANSFIELD

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

Meeting Minutes - Draft

City Council

Monday, January 27, 2020

4:00 PM

Council Chambers

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

Mayor Cook called the meeting to order at 4:05 p.m.

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

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 4:06 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 4:07 p.m. Mayor Cook adjourned executive session at 6:03 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 Matters Related to Human Resource Management

Seek Advice of City Attorney Regarding Construction Contract for Fire Station No. 5

Seek Advice of City Attorney Regarding Contract with BelWave Communications

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

Personnel Matters Pursuant to Section 551.074

Board Appointments: Planning and Zoning Commission

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

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Economic Development Project #19-02

WORK SESSION TO BE HELD IN THE MULTI-PURPOSE ROOM

Mayor Cook convened into the work session at 6:10 p.m.

Staff Presentation and Demonstration of Development Projects Web Page

Deputy City Manager Joe Smolinski made brief comments regarding the Development Projects web page and turned it over to GIS Manager Kelly Klose. Kelly gave a live demonstration of how the web page can be utilized. He explained in detail the ability citizens will have to know what is being developed around town and the current stage of each development. Joe and Kelly answered Council questions.

Presentation by Kimley Horn Regarding Mid Block Crossings

Assistant Director of Public Works David Boski made brief comments regarding a request from the Council for staff to look into mid-block crossings in the downtown area. He introduced Kimley-Horn and Associates representatives Jeff Whitacre and Brian Shamburger. Jeff gave an overview of the Pedestrian Crossing Evaluation they conducted and discussed pedestrian circulation, crossing criteria, crossing hardware options. He gave examples of possible locations to place a crosswalk in the downtown area and provided feedback on the associated costs. Brian made comments regarding pedestrian compliance in using the crosswalk and the issues other cities with crosswalks are experiencing. Jeff presented the Mouser Way crosswalk analysis and discussed what their recommendations. There was extensive discussion between staff and Council regarding the crosswalk location.

Mayor Cook recessed the work session at 7:17 p.m.

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 Cook reconvened into regular business session at 7:30 p.m.

INVOCATION

Pastor Will Duck gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom led the Pledge of Allegiance.

TEXAS PLEDGE

Council Member Leyman led the Texas Pledge.

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

Council Member Leyman led the Texas Pledge.

PRESENTATION

Presentation to the Zoning Board of Adjustment

Mayor Cook presented a proclamation to the Zoning Board of Adjustment members honoring them for their commitment and service to the Mansfield community and expressed his appreciation for their service.

Presentation to the Construction Codes Board of Adjustment & Appeals

Mayor Cook presented a proclamation to the Construction Codes Board of Adjustment and Appeals members honoring them for their commitment and service to the Mansfield community and expressed his appreciation for their service.

Staff Presentation and Demonstration of Development Projects Web Page

Joe Smolinski made a brief presentation of the Development Projects web page and answered Council questions.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Mayor Pro Tem Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore stated he received an email from a resident notifying him that Mansfield had been named the Sixth Safest City in Texas by Alarm.org.

Council Member Newsom wished his daughter Madison a happy birthday.

Council Member Broseh had no announcements.

Mayor Cook stated Texas was recognized as the Second Safest State and applauded the Mansfield Police Department for all they do to keep Mansfield safe.

SUB-COMMITTEE REPORTS

Housing Market Growth Strategy Sub-Committee Meeting Update

Council Member Lewis provided an update from the discussion held at the Housing

*Market Growth Strategy Sub-Committee.***STAFF COMMENTS****City Manager Report or Authorized Representative**

Current/Future Agenda Items

There were no staff comments.

Quarterly Reports: Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Code Enforcement, Communications and Marketing, Library, Mansfield Convention and Visitors Bureau

There were no comments regarding the Quarterly Reports.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA**[20-3430](#)**

Ordinance - First Reading of an Ordinance Approving a Lease of the North Main Street Water Tower to BelWave Communications; Authorizing the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

A motion was made by Mayor Pro Tem Short to approve the first reading of "AN ORDINANCE APPROVING A LEASE OF THE NORTH MAIN STREET WATER TOWER TO BELWAVE COMMUNICATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Moore. The motion CARRIED by the following vote.

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

Nay: 0

Abstain: 0

[20-3431](#)

Ordinance - First Reading of an Ordinance Approving the Lease of the East Broad Water Tower to BelWave Communications; Authorizing the City Manager to Execute the Same and all Other Documents Necessary to Complete the Transaction; and Providing an Effective Date

A motion was made by Mayor Pro Tem Short to approve the first reading of "AN ORDINANCE APPROVING THE LEASE OF THE EAST BROAD WATER TOWER TO BELWAVE COMMUNICATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS; AND PROVIDING AN EFFECTIVE DATE."

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

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

Nay: 0

Abstain: 0

[19-3397](#)

Resolution - A Resolution to Approve Awarding a Construction Contract to O'Haver Contractors of San Antonio, Texas in the Amount of \$5,150,000 for Site Development and Construction of the Fire Station Number 5 Facility

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

RESOLUTION TO CONSIDER AWARDING A CONSTRUCTION CONTRACT TO O'HAYER CONTRACTORS OF SAN ANTONIO, TEXAS IN THE AMOUNT OF \$5,150,000 FOR SITE DEVELOPMENT AND CONSTRUCTION OF THE NEW FIRE STATION NUMBER 5 BUILDING

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3625-20

[20-3413](#)

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive, and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's office of the State of Texas to Upgrade the In-Car Video Equipment of the Following Police Divisions: Patrol, Traffic, Support Services, Commercial Vehicle Enforcement, and Community Resource

A motion was made by Mayor Pro Tem Short 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 DIVISION (CJD) OF THE GOVERNORS OFFICE OF TEXAS TO UPGRADE THE IN-CAR VIDEO EQUIPMENT OF POLICE DEPARTMENT UNITS. THE AMOUNT OF THE AWARD WILL NOT EXCEED \$100,000 AND DOES NOT REQUIRE A MATCH

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3626-20

[20-3428](#)

Resolution - A Resolution of the City of Mansfield, Texas, Calling for a General Election to be Held on May 2, 2020; Ratifying that a Special Election was Ordered by the City Council on January 13, 2020 to be Held on May 2, 2020; Establishing Procedures for the General and Special Elections; Designating Polling Places; Establishing Election Precincts within the City; Appointing an Election Judge and an Alternate Judge; Establishing Other Procedures for Conduct of the Election; Approving the Method of Voting; Establishing a Date for Runoff Election, if Necessary; and Providing an Effective Date

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

A RESOLUTION OF THE CITY OF MANSFIELD ("CITY"), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 2, 2020; RATIFYING THAT A SPECIAL ELECTION WAS ORDERED BY THE CITY COUNCIL ON JANUARY 13, 2020 TO BE HELD ON MAY 2, 2020; ESTABLISHING PROCEDURES FOR THE GENERAL AND SPECIAL ELECTIONS; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; APPROVING THE METHOD OF VOTING; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3627-20

[20-3432](#)

Resolution - A Resolution Authorizing a Service Agreement with BelWave Communications for Provision of Wireless Internet Service to the City, and; Authorizing the City Manager to Execute an Agreement with Belwave Communications on Behalf of the City

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

RESOLUTION APPROVING ENTRY INTO A CONTRACT WITH BELWAVE COMMUNICATIONS FOR PROVISION OF WIRELESS INTERNET SERVICE TO THE

CITY, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BELWAVE COMMUNICATIONS ON BEHALF OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3628-20

[20-3422](#)

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

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

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

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

[20-3416](#)

Resolution - A Resolution to Consider Awarding an Annual Contract to Yellowstone Landscape in the Amount of \$72,257.20 for Grounds Maintenance of Developed and Undeveloped Park Sites, City Properties and Municipal Sites

Council Member Lewis removed this item from the consent agenda. Director of Parks and Recreation Matt Young answered Council questions.

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

RESOLUTION TO CONSIDER AWARDING AN ANNUAL CONTRACT TO YELLOWSTONE LANDSCAPE IN THE AMOUNT OF \$72,257.20 FOR GROUNDS MAINTENANCE OF DEVELOPED AND UNDEVELOPED PARK SITES, CITY PROPERTIES AND MUNICIPAL SITES

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3629-20

[20-3418](#)

Resolution - A Resolution Adopting Voting Equipment for a Joint Election with the Tarrant County Election Department

Council Member Lewis removed this item from the consent agenda. He made comments regarding the ability to create a Johnson County voting location that is not staff dependent. Mayor Cook stated he has a meeting scheduled with Tarrant County Judge Glenn Whitley and that will be a main topic of discussion.

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

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, ADOPTING VOTING EQUIPMENT FOR A JOINT ELECTION WITH THE TARRANT COUNTY ELECTION DEPARTMENT

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3630-20

OLD BUSINESS

[19-3343](#)

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 30.001 Acres Out of the S. Mitchell Survey, Abstract No. 1024, Tarrant County, TX, and Abstract No. 593, Johnson County, TX, Located at 890 & 932 S. Mitchell Rd.; John Arnold of Skorburg Company on Behalf of Bobby F. & Mary A. Havens (ZC#19-012)

City Secretary Susana Marin read the caption into the record. Director of Planning Matt Jones made a brief presentation and answered Council questions. Skorburg representative John Arnold made a brief presentation and answered Council questions. Windsor Homes representative Michelle Lalas answered Council questions. Bart VanAmburgh answered Council questions.

A motion was made by Mayor Pro Tem Short to approve the following ordinance and adding a divided boulevard, add salt finish driveways to the requirements, a cap on the board on board fence, requiring that 50 percent of

the 50 ft. wide lots shall be 2,000 sq. ft. or larger and the remainder being a minimum of 1,900 sq. ft., and to include the landscape plan which shall include park amenities namely dog park and playground as stated by the applicant:

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 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

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

Seconded by Council Member Lewis, that this matter be Approved on Third And Final Reading . The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

Enactment No: OR-2163-20

[19-3394](#)

Review and Consideration of a Request to Approve a Minor Modification of the Development Plan for Vistas at Walnut Ridge located at 3311 E. Broad Street; Brad Lehman of MJ Thomas Engineering, LLC on behalf of Sonal Desai of Matlock Crossing, LIC (ZC#16-024A) (*Tabled from January 13, 2020*)

Matt Jones made brief comments and answered Council questions. Property Owner Mike Mellinger made brief comments.

A motion was made by Council Member Lewis to approve the request for a minor modification. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

[20-3412](#)

Ordinance - Second Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Designating a Certain Area as a Tax Abatement Reinvestment Zone For Commercial-Industrial Tax Abatement Within the City of Mansfield, Texas; Establishing the Boundaries Thereof and Other Matters Related Thereto; Providing a Severability Clause; and Providing for an Immediate Effective Date

Director of Economic Development Richard Nevins made brief comments.

A motion was made by Council Member Newsom to approve the second

reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX ABATEMENT REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT WITHIN THE CITY OF MANSFIELD, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

PUBLIC HEARING AND FIRST READING

20-3420

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from C-2, Community Business District to PD, Planned Development for C-2 Uses with a Freestanding Electronic Message Board on Approximately 2.38 Acres Located at 781 W. Debbie Lane; Casteel & Associates, Inc. on Behalf of Marline Two LLC, Owner (ZC#19-022)

A motion was made by Council Member Lewis that this agenda item be withdrawn. Seconded by Mayor Pro Tem Short. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

20-3421

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 9.612 Acres out of the William Howard Survey, Abstract No. 690, Tarrant County, TX, Located on the East Side of Miller Road, Approximately 480 feet South of Cannon Drive; John Arnold of Skorborg Company on behalf of Paul A. & Paula Sutton, Marilyn G. Richardson, and Christopher Puempel (ZC#19-020)

Susana Marin read the caption into the record. Matt Jones made a brief presentation and answered Council questions. Bart VanAmburgh answered Council questions. Skorborg Company representative Adam Buczek made a presentation and answered Council questions. Skorborg Company representative Mandy Brushard made brief comments and answered Council questions. Mayor Cook continued the public hearing through second reading at 9:45 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:45 p.m.

A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE

HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE," with the PD standards being the same as Colby Crossing Phase I with the exception of allowing up to 14 lots to have lower size restrictions. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Julie Short and Casey Lewis

Nay: 1 - Mike Leyman

Abstain: 0

Mayor Cook recessed the meeting for a break at 9:48 p.m. Mayor Cook reconvened into regular business session at 9:55 p.m.

[20-3423](#)

Ordinance - Public Hearing and First Reading of an Ordinance Setting Forth the Standards of Care for the 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

Susana Marin read the caption into the record. Mayor Cook opened the public hearing at 9:56 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:56 p.m.

A motion was made by Council Member Leyman to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE 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."

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

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

Nay: 0

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING[20-3399](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving a Historic Landmark Overlay District Classification for the Patterson-Rydell House located at 202 W. Oak Street; Art Wright, City Historic Preservation Officer, on behalf of Faye Rydell, Property Owner (ZC#19-021)

Mayor Cook continued the public hearing through second reading at 9:57 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 9:57 p.m.

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR 202 W. OAK STREET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

[20-3402](#)

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on Approximately 0.528 Acres Known as Lot 1, Block 1, Bastian Addition, located at 607 W. Kimball Street; Hayden Dalley of Mansfield Custom Homes (ZC#19-018)

A motion was made by Council Member Broseh to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO A PD, PLANNED DEVELOPMENT DISTRICT FOR SINGLE-FAMILY RESIDENTIAL USES, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Leyman. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Larry Broseh; Brent Newsom; Terry Moore; Mike Leyman and Casey Lewis

Nay: 0

Abstain: 1 - Julie Short

NEW BUSINESS[20-3427](#)

Board Appointments: Historic Landmark Commission

A motion was made by Council Member Newsom to appoint Amanda Kowalski to the Historical Landmark Commission for a term set to expire September 2021. Seconded by Council Member Leyman. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

[20-3433](#)

Request for Special Event Permit: Mansfield Pickle Parade & Palooza

Pickled Mansfield Society President John Pressley made brief comments and answered Council questions. Police Chief Tracy Aaron answered questions regarding traffic flow and Deputy City Manager Shelly Lanners answered questions regarding parking at Heritage Baptist Church.

A motion was made by Mayor Cook to approve the request for special event permit giving the authorization to set up on the Smith Street parking lot and in the parking lot behind Mellow Mushroom and The Backyard. Seconded by Council Member Newsom. The motion CARRIED by the following vote.

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

Nay: 0

Abstain: 0

[20-3424](#)

Discussion and Possible Action Regarding The Reserve Development Plan

Council Member Terry Moore asked for an explanation on The Reserve Development Plan. Council Member Broseh provided a brief overview of when the development plan was created. City Manager Clayton Chandler made brief comments regarding the work put in to creating the development plan. City Attorney Allen Taylor discussed the requirements of changing the zoning to include notification to property owners within 200 feet of the planned zoning change; hold public hearings before the Planning and Zoning Commission and they would make a recommendation to the Council. Council Member Leyman explained why he supported that this request be placed on the agenda.

[20-3425](#)

Discussion and Possible Action Regarding the Creation of an Incentive Program for Building Owners and Temporary Financial Assistance for Tenants of Small Retail and "Foot Traffic" Businesses Seeking to Relocate into Historic Downtown

Council Member Lewis explained his intent for placing this item on the agenda. He stated this could possibly be an item that could be passed on to the Downtown Revitalization Sub-Committee to look into the zoning on property in the downtown area,

create an incentive program for property owners and business owners to encourage them to fill vacant property, create a list of types of business the Council would like to see downtown, and create an assistance program for businesses. Council Member Newsom as the Chairman of the Downtown Revitalization Sub-Committee stated they would be meeting in February and they could include preliminary discussions regarding incentives. Mayor Cook asked the Council Members who are not part of the sub-committee to provide suggestions of what they would like to see downtown. Mayor Cook asked staff to research what other cities provide as far as incentives to promote downtown business. Shelly Lanners answered Council questions regarding what can be posted on the city's website to promote downtown businesses.

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 10:40 p.m. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

ATTEST: David L. Cook, Mayor

Susana Marin, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3402

Agenda Date: 2/10/2020

Version: 3

Status: Third and Final Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on Approximately 0.528 Acres Known as Lot 1, Block 1, Bastian Addition, located at 607 W. Kimball Street; Hayden Dalley of Mansfield Custom Homes (ZC#19-018)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning & Zoning Commission held a public hearing on November 18, 2019, and voted 6-0 (Knight absent) to table consideration of the request until December 2, 2019 to allow the applicant time to address the outstanding staff comments, as well as to determine if the existing accessory structure encroaches the neighboring property or not. Two people spoke in support of the request and one person (the neighbor immediately to the west) expressed concern about the existing accessory structure potentially encroaching her property but did not oppose the request.

The applicant made the following changes to the plan:

- Corrected the orientation of the north arrow
- Revised the heading "Existing Accessory Building" to "Accessory Building"
- Reduced the size of the accessory building from 50'x38' to 30'x35' by removing the awning/carport. The square footage of the reduced building is 1,050 square feet.
- Revised the site plan to clearly show the location of the accessory building at the rear of Pad "B"
- Shifted the house on Pad "B" further to the rear so that it does not encroach the 25' front yard setback
- Removed the side and rear setback lines from the plan to reduce clutter and eliminate confusion with the regard to the location of the accessory structure. The required setbacks are listed in the Area and Height Regulations on Exhibit B.
- Labeled the ownership of the rear landlocked parcel that is to retain SF-7.5/12 zoning.
- Revised the distance of the street curb to be 14.5' as measured from the center line of the street to be consistent with the construction plans for Kimball Street
- Revised the sidewalk to be parallel to the street curb

The applicant also provided a survey and photographs that appeared to show that the

141

existing accessory structure did not encroach on the neighboring property.

At the meeting on December 2, the Commission voted 5-0 (Knight and Weydeck absent) to approve.

Description/History

First Reading

The subject property consists of 0.528 acres of land located on the south side of W. Kimball Street, just east of Dawson Street. The property is currently vacant, aside from an existing accessory structure. The property also previously included a single primary residence. The applicant is requesting to re-zone the property from SF-7.5/12 Single-Family Residential District to PD Planned Development District for single-family residential uses.

Development Plan

The applicant plans to develop two single-family homes on the property and retain the existing accessory structure in the rear of the property. The applicant proposes the following minimum lot standards:

Minimum Lot Area: 10,000 sq. ft.

Minimum Lot Width: 50'

Minimum Lot Depth: 110'

Minimum Front Setback: 25'

Minimum Rear Setback: 15'

Minimum Side Setback, Interior: 5'

Minimum Floor Area: 1,800 sq. ft.

Max. Height: 35'

Max. Lot Coverage: 45%

Minimum Off-Street Parking: 2 spaces per house

Minimum Parking: 2 spaces per garage per dwelling

The development proposes Craftsman-style architecture with façade cladding that is at least 70% wood or cementitious fiber. In addition, the architectural standards include a requirement for front porches; windows seen from the street to be wood, look like wood, or be covered with vinyl or aluminum cladding; a minimum 8:12 roof pitch; and three-dimensional architectural shingles. In addition, the garages doors will include small windows, woodgrain paint finish, or carriage-style enhancements. The two homes must also vary from each other in terms of color, architectural features, roof form, and combination of cladding materials.

The existing accessory structure located on the property will remain and the permitted uses will be personal storage or workshop. The accessory structure was constructed circa 2012-13 and was built right up to the rear and side property lines without the proper setbacks and with an area of 1,050 sq. ft. and a height of 17', which exceed the maximum allowances for an accessory structure on a lot of this size. The applicant has specified that Pad B will not be allowed any additional accessory structures (or accessory structure additions) and that the typical accessory structure regulations specified in the Zoning Ordinance will apply to Pad A. If the existing accessory structure is removed, the accessory structure regulations for Pad B will default to the typical Zoning Ordinance

requirements.

The landscaping will include three trees per lot, with the plan showing two trees in the front yard and one tree in the rear. In addition, at least 50% of the foundation facing the streets shall include shrubs or flower beds.

Summary

The proposed development will provide for the development of two new homes on the outskirts of downtown Mansfield with development standards that largely meet or exceed the development standards for the surrounding zoning with the notable exception of lot width, however the lots are also considerably larger and deeper. The development will include Craftsman-style architectural standards that are compatible with downtown, as well as porches, garage door enhancements, foundation shrub beds, and other elements to make the homes visually appealing from the street. While the existing accessory structure is nonconforming as it relates to size, height, and setbacks, the applicant has agreed that no additional accessory structures will be allowed for the future lot on which it will be located and that all new accessory structures will be subject to the standard Zoning Ordinance requirements.

Second Reading

The City Council held a public hearing and first reading on January 13, 2020 and voted 6-0-1 (Mayor Pro Tem Short abstaining) to approve as presented. No changes have been made to the plans.

Third and Final Reading

The City Council held a public hearing and second reading on January 27, 2020, and voted 6-0-1 (Mayor Pro Tem Short abstaining) to approve as presented. No changes have been made to the plans.

Prepared By

[Andrew Bogda
Planner
817-276-4287

ORDINANCE NO. _____

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

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

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

First reading approved on the _____ day of _____, 2019.

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

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

David L. Cook, Mayor

ATTEST: _____
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

EXHIBIT A FOR ZC#19-018

PROPERTY DESCRIPTION

Being all of Lot 1, Block 1, Bastian Addition, an addition to the City of Mansfield, Texas according to the plat recorded in Clerk's File No. D216048404 of the Official Public Records of Tarrant County, Texas

PLANNED DEVELOPMENT REGULATIONS

Land Use - Two (2) Single family detached houses

Area and Height Regulations - Applicable only to the primary residential building

- Minimum Lot Area - 10,000 SF
- Minimum Lot Width - 50 ft
- Minimum Lot Depth - 110 ft
- Minimum Front Setback - 25 ft
- Minimum Rear Setback - 15 ft
- Minimum Side Setback, Interior - 5 ft
- Minimum Floor Area - 1,800 sf
- Minimum Off-Street Parking - 2 spaces per house
- Maximum Height - 35'
- Maximum Lot Coverage - 45%
- Minimum Parking - 2 spaces per garage per dwelling

Landscaping and Screening

- Three trees per lot with a minimum caliper size of 3.5 inches
- At least 50% of the foundation facing the streets must be planted with shrubs or flower beds
- Lawns and landscaping must be irrigated with an irrigation system

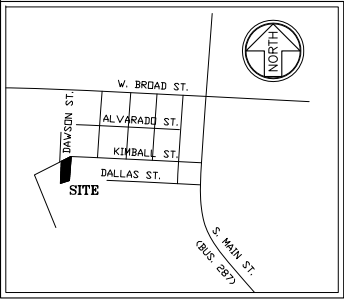
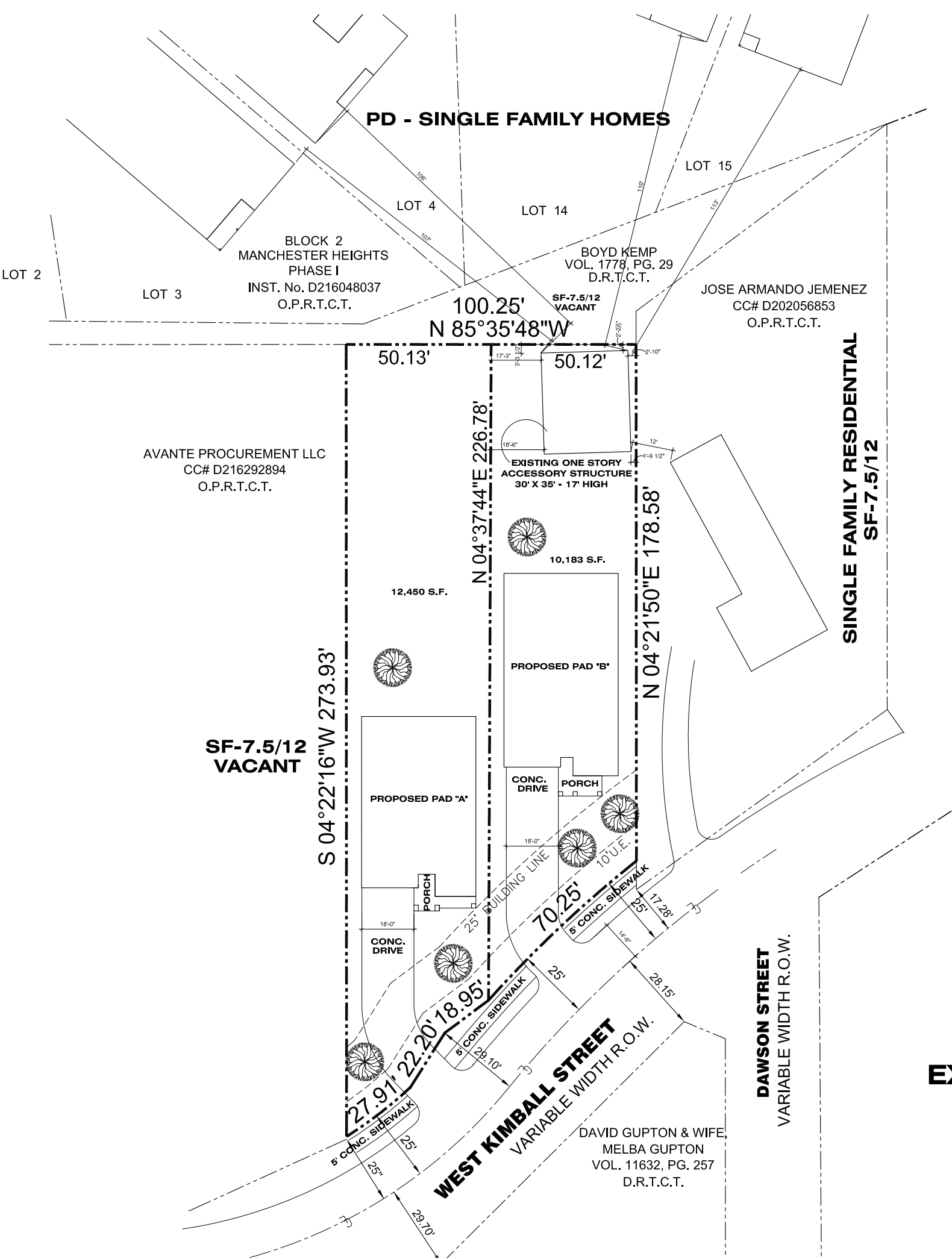
Architectural Standards

- Front building elevation must include a porch with minimum dimensions of 7 ft depth, 70 sf area and 6" x 6" columns
- Windows seen from the street are required to be wood, look like wood, or be covered with vinyl or aluminum cladding
- Roof shingles must be three dimensional architectural shingles.
- Minimum roof pitch must be 8:12.
- Facade cladding must be at least 70% wood or cementitious fiber materials
- Craftsman style details are encouraged
- Garage doors will incorporate small windows or woodgrain paint finish or carriage style enhancements
- Exterior elevation of the houses must vary from each other in terms of color, architectural features, roof form, and combination of cladding materials.

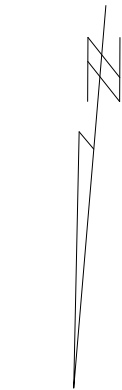
Accessory Building - The existing accessory structure shall be allowed to remain in its current size, height and setbacks as clearly identified in the Development Plan and be used as personal storage, workshop or cabana. Any new accessory structures or accessory additions shall be subject to the accessory structure requirements stated in Section 7800.B.5 of the Zoning Ordinance, with SF-7.5/12 as the base zoning. Pad B shall not be allowed any additional structures or additions to the existing accessory structure. If the existing accessory structure is removed, the regulations for this lot shall default to the Zoning Ordinance.

Compliance with PD Regulations

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



VICINITY MAP
NOT TO SCALE



SITE PLAN

SCALE: 1"=40'

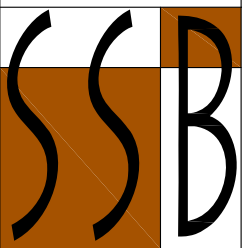
**607 W. KIMBALL
LOT 1, BLOCK 1
BASTIAN ADDITION
MANSFIELD, TX.**

**OWNER:
MANSFIELD CUSTOM HOMES
1848 LONE STAR RD. SUITE 308
MANSFIELD, TX 76063
682-518-1158**



SCALE: 1"=40'

EXHIBIT B FOR ZC#19-018



DESIGNS, INC.
900 N. WALNUT CREEK DR.
SUITE 100-PMB 366
MANSFIELD, TX 76063
PH: (817)300-7052
FAX: (817)477-3397

SITE PLAN

PROJ: 607 W. KIMBALL ST.

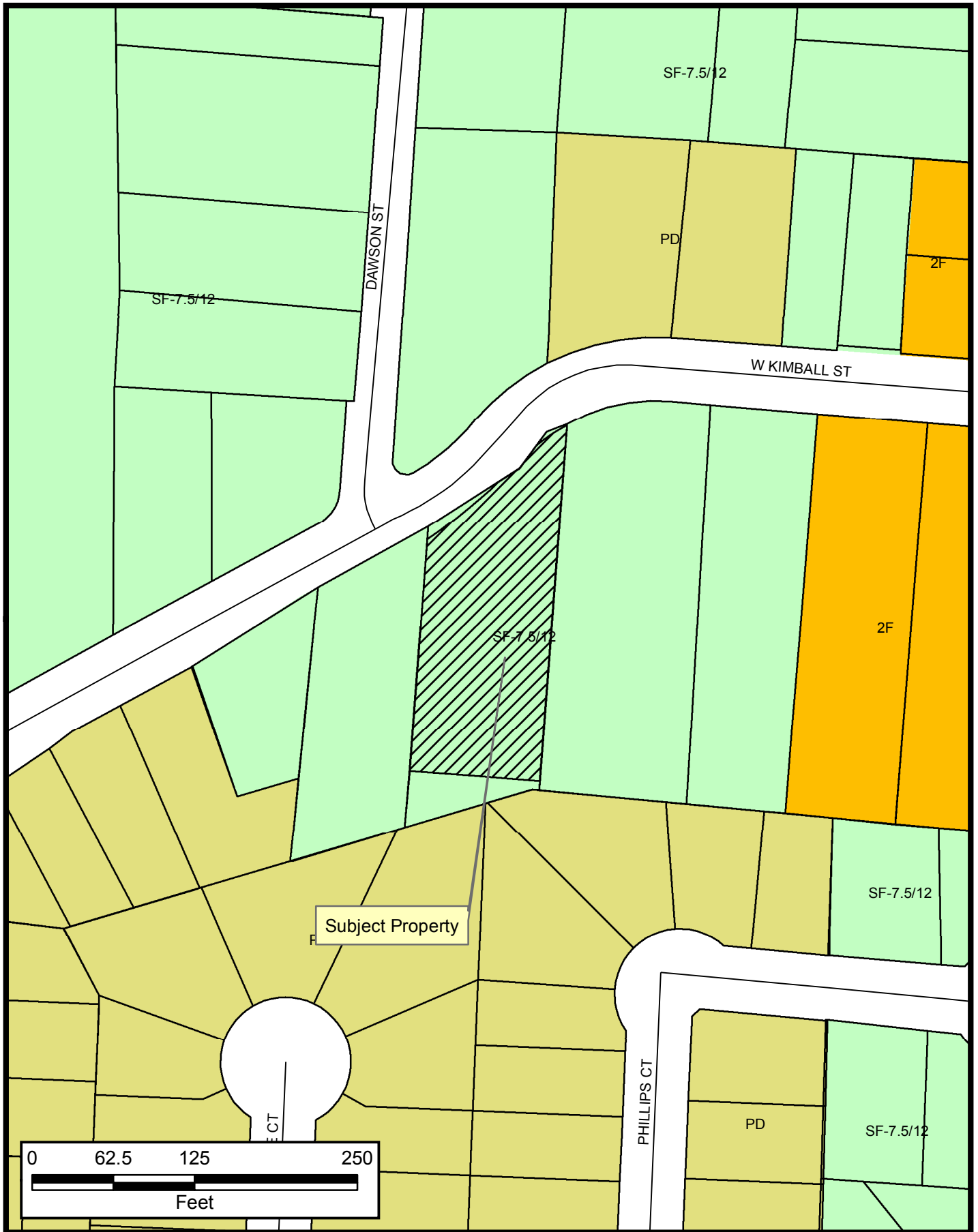
DATE: 11-24-19

REVISIONS:

PLAN NO.:

607 W. KIMBALL





Property Owner Notification for ZC#19-018

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
BASTIAN ADDITION	BLK 1	MANSFIELD CUSTOM HOMES LLC	1848 LONE STAR RD #308	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	GUPTON, DAVID & MELVA	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 & SHANNON R	214 DAWSON ST	MANSFIELD, TX	76063-1944
HANKS, THOMAS J SURVEY	A 644	CARTER, LAWRENCE Z	PO BOX 433	MANSFIELD, TX	76063-0433
HANKS, THOMAS J SURVEY	A 644	CARTER, LAWRENCE Z & PEGGY	PO BOX 433	MANSFIELD, TX	76063
HANKS, THOMAS J SURVEY	A 644	JEMENEZ, JOSE ARMANDO	609 W KIMBALL ST	MANSFIELD, TX	76063-1961
HANKS, THOMAS J SURVEY	A 644	PEREZ, CIRILA A	705 W KIMBALL ST	MANSFIELD, TX	76063-1963
MANCHESTER HEIGHTS	BLK 1	2 CB BUILDERS LLC	990 N WALNUT CREEK DR STE 100	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 1	2 CB BUILDERS LLC	990 N WALNUT CREEK DR STE 100	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	GREENE, ASHLEY N & CHRIS	103 EDDIE CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	EVANS, JENNIFER D	101 EDDIE CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	LONGINO, KALINDA	100 EDDIE CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	PANG, ALAN T & HUONG, DUONG	102 EDDIE CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	PINKERTON, JESSE M & SANDRA D	410 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	POWERS, SHANESSA & EASON, JUDY	412 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	PARKEN, SCOTT & KRISTIE	414 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	LARICCHIA, ASHLEY M & SEDBERRY, JOHN B JR	500 PHILLIPS CT	MANSFIELD, TX	76063
MANCHESTER HEIGHTS	BLK 2	FOSTER, ANITA	502 PHILLIPS CT	MANSFIELD, TX	76063

Property Owner Notification for ZC#19-018

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 36	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36	WOOD, CURTIS D	504 W KIMBALL ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 36A	HARTMAN, BEN	500 ALVARADO ST	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37	MITCHELL, ROBERT D & C	203 HART CIRCLE	WAXAHACHIE, TX	75165
MANSFIELD, CITY OF	BLK 37	TAYLOR, CHARLES K	501 W KIMBALL ST APT A	MANSFIELD, TX	76063
MANSFIELD, CITY OF	BLK 37A	AVANTE PROCUREMENT LLC	3792 JOE WILSON RD	MIDLOTHIAN, TX	76065



Tax tract numbers shown on this survey plat are based on the mapping system of Tarrant Appraisal District and are used to aid in identifying land parcels.



Date _____



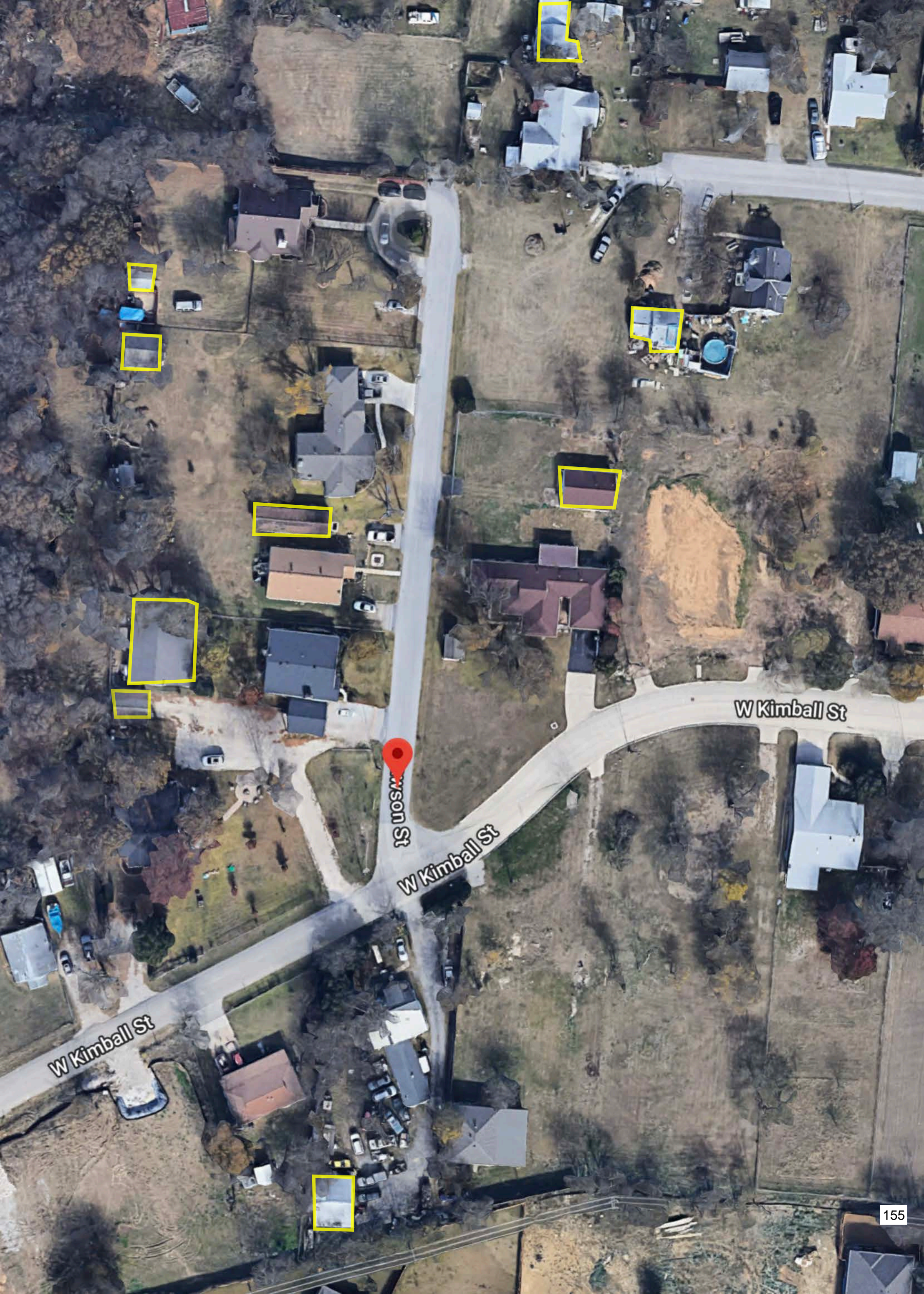
FORM 54 NH DATE: 2-13-13

SURVEY ONLY VALID WITH ORIGINAL SIGNATURE



153





W Jackson St

W Kimball St

W Kimball St

W Kimball St

Measurement



| Sq Feet ▾

Measurement Result

891.6 Sq Feet

Clear

Press CTRL to enable snapping





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3442

Agenda Date: 2/10/2020

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading of an Ordinance Changing the Speed Limits on the US Hwy 287 Northbound and Southbound Frontage Roads from 40 MPH to 45 MPH

Requested Action

Consider adoption of the Ordinance changing the speed limits on the US Hwy 287 Frontage Roads.

Recommendation

The Public Works Staff recommends approval of the Ordinance

Description/History

The Texas Department of Transportation has performed a speed study along the northbound and southbound US 287 Frontage Roads in Mansfield and Arlington to determine if the current posted speed limits safely meet the speed that 85% of the motorists are driving. The results of the speed studies indicated an 85% percentile speed of 39 MPH to 59 MPH upon the various segments of the frontage roads. The more developed areas had the lower speeds while the less developed areas had the higher speeds. Considering the number of existing and future access points along with the future growth along these roadways TxDOT is proposing a speed limit through Mansfield of 45 MPH. Arlington did not support raising the speed limit in their jurisdiction, which is currently posted at 40 MPH.

The requested changes to Chapter 73 of the Traffic Code of Mansfield are as follows:

- Increase the speed limit on the northbound and southbound US 287 Frontage Roads from 40 MPH to 45 MPH from Turner Warnell Road to the Union Pacific Railroad (south of East Broad Street).

Justification

The proposed speed limits are more appropriate for the speed the drivers on the US 287 frontage roads are currently driving. The increase in the speed limits is not anticipated to impact safety. These speed limit changes have been approved by the Texas Transportation Commission. The Mansfield Police Department does not anticipate any issues with this change.

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

Funding Source

N/A

Prepared By

David Boski, P.E., Assistant Director of Public Works - Transportation
817-276-4208

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 73, OF THE TRAFFIC CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, PURSUANT TO SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE CONCERNING THE AUTHORITY TO ALTER SPEED LIMITS ON SPECIFIC STREETS AND HIGHWAYS BEING AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, REGULATING SPEED LIMITS ON HIGHWAYS AND ROADWAYS, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION WITHIN THE CORPORATE LIMITS OF THE CITY OF MANSFIELD AS SET OUT IN THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF AN EFFECTIVE DATE; AND PROVIDING A PENALTY.

WHEREAS, Section 545.356, Texas Transportation Code, provide that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway, with the City taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway.

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

SECTION 1.

THAT, upon the basis of an engineering and traffic investigation having been made for the highway(s) referenced in Section 2 below as authorized by the provisions of section 545.356 of the Texas Transportation Code, the prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe.

SECTION 2.

THAT, Chapter 73 of the Code of Ordinances, City of Mansfield shall be amended as per the attached Exhibit "A" which is hereby included as part of this ordinance.

SECTION 3.

This ordinance shall and does amend and/or repeal every prior Ordinance or rule or

regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of Ordinances or rules or regulations or policies not in conflict herewith, this Ordinance shall be and is hereby made cumulative.

SECTION 4.

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

SECTION 5.

Any person, firm, or corporation violating any of the provisions of this ordinance or the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon the conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) 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 be effective from and after its adoption and publication as required by law.

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

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

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

ATTEST:

APPROVED:

Susana Marin, City Secretary

David Cook, Mayor

US 287 NB & SB SERVICE ROAD SPEED LIMIT CHANGE


N



40 MPH
TO
45 MPH

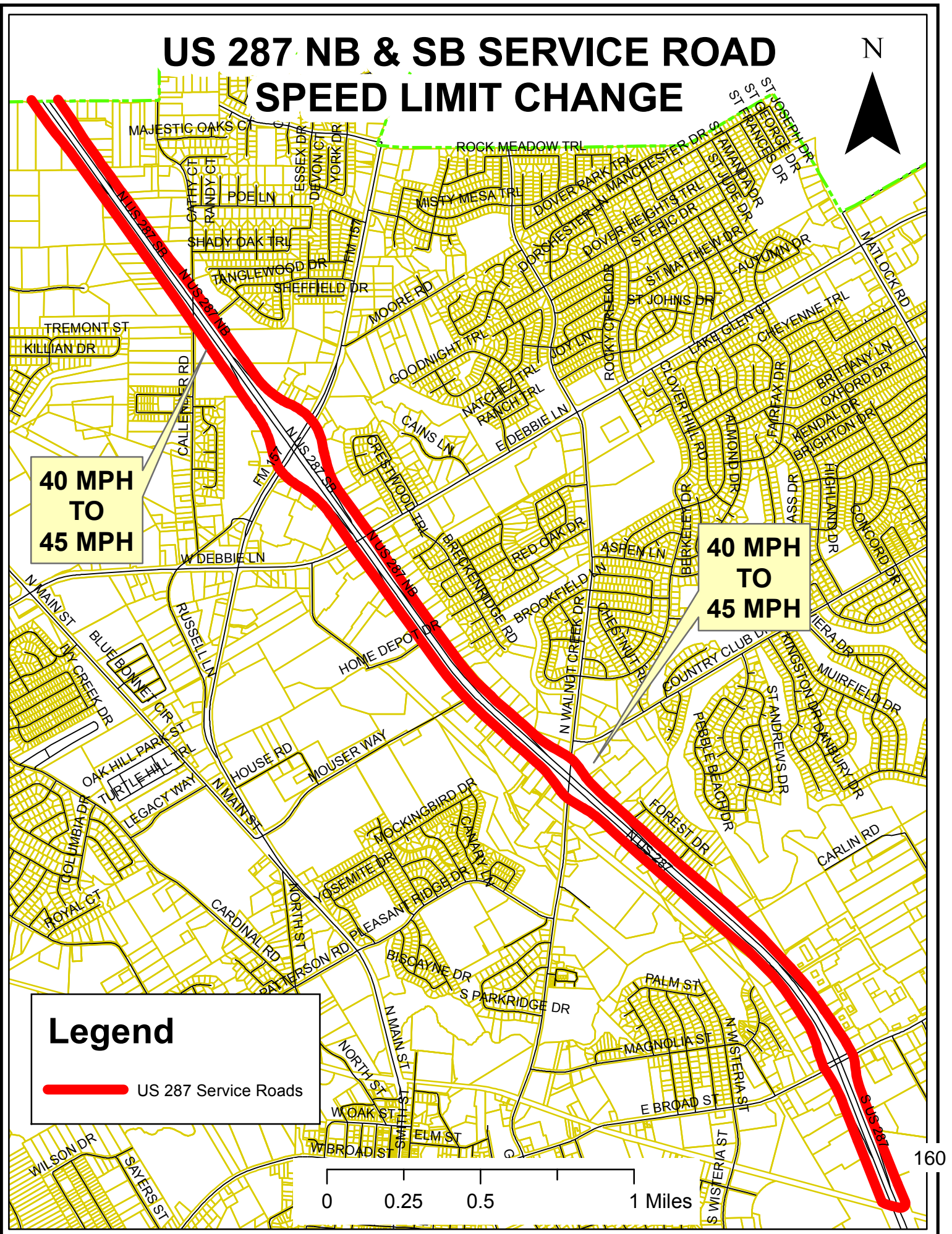
40 MPH
TO
45 MPH

Legend

 US 287 Service Roads

0 0.25 0.5 1 Miles

160





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3421

Agenda Date: 1/27/2020

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving a Change of Zoning from PD Planned Development District to PD Planned Development District for Single-Family Residential Uses on Approximately 9.612 Acres out of the William Howard Survey, Abstract No. 690, Tarrant County, TX, Located on the East Side of Miller Road, Approximately 480 feet South of Cannon Drive; John Arnold of Skorburg Company on behalf of Paul A. & Paula Sutton, Marilyn G. Richardson, and Christopher Puempel (ZC#19-020)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning & Zoning Commission held a public hearing on December 16, 2019 and voted 7-0 to table consideration until January 6, 2020 to allow the applicant time to address the feedback and recommended conditions made by the Commission, as well as outstanding staff comments. During the meeting, there was extensive discussion regarding lot sizes, density, traffic, impact to the schools, screening, enhanced entryway features, open space features, and home sizes. There were three residents in support of the zoning request (as long as the traffic issues were addressed) and two residents in opposition to the request.

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

- Increased the minimum floor area for the 40' and 50' lots from 1,800 sq. ft. to 2,000 sq. ft.
- Increased the minimum floor area for the 65' lots from 1,800 sq. ft. to 2,200 sq. ft.
- In lieu of only having J-swings on 10% of the 65' lots, a note has been added requiring at least two garage enhancements on every home from a list of seven options
- Provided the proposed residential landscaping standards: "40' lots shall have 1 tree in the front yard and 1 tree in the rear yard. 40' corner lots shall have an additional tree in the side yard. All other lots will comply with the City's standard landscape requirements."
- Revised the screening adjacent to the nursing home from a 6' wood fence with masonry columns to an 8' wood fence with masonry columns
- Revised the screening adjacent to the high school from a 6' wood fence to an 8' wood fence.
- Added an unmanned guard shack to the enhanced entryway at Colby Drive
- Adjusted the maintenance notes and screening details to account for the changes to the screening adjacent to the nursing home and high school
- Added a note that the decorative street lights at the enhanced entryway shall be enhanced and shall conform to Oncor and City standards

The Planning & Zoning Commission reconsidered the case on January 6, 2020. A motion was made to recommend approval with the following conditions:

- Additional architectural enhancements are provided for the homes on 40' lots
- A revised and acceptable preliminary drainage plan is provided
- The plan is revised to show existing 30' ROW from center line of Miller Road, total of 60'
- Trails and benches be provided in the open space area.

The motion failed by a vote of 3-3 (Axen, Groll, and Weydeck voting no).

The applicant has revised their plans to provide for additional architectural enhancements for the homes on the 40' lots and has provided an exhibit showing the planned enhancements, as well as examples of representative product planned for the 40' lots. The required enhancements for the 40' lots include the following:

- All elevations with a second floor above the garage shall be required to have articulation between the garage and the second floor
- All homes will have front porches with a minimum of fifty (50) square feet
- A minimum of 10% of the front elevations will have decorative overhang accents over the garage and/or windows
- All 8:12 roof pitches will have a minimum overhang of twelve (12) inches
- All homes shall have either an upgraded garage door with decorative hardware and polyurethane insulation, or have a wood garage door

The applicant has also increased the number of lots from 47 to 48, by changing the two 50' lots at the end of Chambray Lane to three 40' lots. In addition, the masonry screening wall on the north and east side of the northwestern open space lot has been increased in height to 8' to match the height of the 8' wood fence with masonry columns along the northern perimeter of the development.

The applicant is still working out the details of the drainage design with the Engineering Department and it has not been determined yet if there will be adequate room to accommodate trails and benches in the open space area. The applicant has also not revised the right-of-way dedication to show 30' ROW from the center line of Mitchell Road as requested.

Description/History

The subject property consists of 9.612 acres on the east side of Miller Road at Colby Drive and Chambray Lane, just north of Ursula Court and approximately 480 feet south of Cannon Drive. The property is located immediately south of The Pavilion at Creekwood nursing home and immediately west of Mansfield High School. The property is currently occupied by two single-family homes and several sheds and storage barns. In 2007, the property was re-zoned with the property to the north to a planned development for a nursing home and assisted living facility. The nursing home to the north was built in 2014, but the assisted living facility on the subject property was never built and the developer no longer has plans to build it here. The applicant is requesting to re-zone the property from PD Planned Development District to PD Planned Development District for single-family residential uses.

Development Plan and Standards

The applicant plans to develop a 48-lot single-family residential neighborhood called Colby Crossing Phase 2. The developer previously built the Colby Crossing development immediately to the northwest (across Miller Road) and since Colby Drive will extend from that development into this one, the applicant is requesting to call this Phase 2 of that development. However, while Colby Crossing included larger lots and homes (minimum lot size of 7,800 sq. ft., minimum lot width of 65', and minimum floor area of 2,600 sq. ft.), this development will have a mix of smaller lots and smaller minimum residential floor areas. 13 lots will have a minimum lot area of 7,280 sq. ft. and a minimum lot width of 65'. 10 lots will have a minimum lot area of 5,500 sq. ft. and a minimum lot width of 50'. 22 lots will have a minimum lot area of 4,099 sq. ft. and a minimum lot width of 40'. The minimum residential floor area ranges from 2,000 - 2,200 sq. ft. The applicant is generally using SF-7.5/18 as their base zoning and is

proposing the following bulk area standards:

	40' lots	50' lots	65' lots
Min. Floor Area (sq. ft.)	2,000	2,000	2,200
Min. Lot Area (sq. ft.)	4,099	5,500	7,280
Min. Lot Width	40'	50'	65'
Min. Lot Depth	100'	110'	110'
Min. Front Yard	20'	20'	20'
Min. Rear Yard	10'	10'	15'
Min. Interior Side Yard	5'	5'	5' & 10'*
Min. Exterior Side Yard (adjacent to street)	20'	20'	20'
Max. Lot Coverage	65%	55%	55%
Max. Height	35'	35'	35'
Min. Street Frontage	40'	40'	40'
Min. Front Setback on Knuckles/Cul-de-Sacs	15'	15'	15'
Min. Masonry Percentage	80%	80%	80%

*Requires lots to have a minimum of 5' on one side and a minimum of 10' on the other side, for a total of 15'

Note: All corner lots shall be at least 15' wider than the minimum lot width

Note: Lots with J-Swing homes shall have a reduced minimum rear yard setback of 10'

Note: The driveway for Lot 2, Block 3 shall be located on the east side of the lot

Staff notes that all of the lots deviate from the typical standards for SF-7.5/18 as it relates to minimum lot area, minimum front yard, and maximum lot coverage. Furthermore, the 40' and 50' lots also deviate from the typical standards as it relates to minimum rear yard and minimum interior side yard. The 40' lots also deviate from the typical standards as it relates to minimum lot depth.

The development will comply with the community design standards noted in Section 4600 of the Zoning Ordinance, with the exception that J-swing garages will be provided on a minimum of 10% of the 65' lots only. The applicant has also specified that the minimum masonry percentage will be 80%.

The development will have a gross density of 4.99 residential lots per acre and will be completed in one phase. It should be noted that the proposed density of this neighborhood is higher than the density in surrounding neighborhoods, which varies from 2.82 lots per acre (Palos Verdes Estates) to 3.88 lots per acre (Colby Crossing).

Access and Enhanced Entryway Plan

The Colby Drive access point will serve as the development's primary entrance and will include the enhanced entryway features. Chambray Lane will serve as a secondary access point. As indicated in the Enhanced Entryway Plan, the developer will be providing five enhanced entry features as required by the Zoning Ordinance. The five proposed elements are a boulevard section with median, enhanced pavers or stained concrete, decorative street lighting, enhanced architectural features (enhanced screening wall with signage and decorative masonry columns with architectural shingles as well as an unmanned guard tower), and enhanced landscaping features (shrub beds and ornamental trees). The Chambray Lane entrance will also include signage. In lieu of having the signage and architectural columns match on both sides of the primary enhanced entryway, they will split the signage and architectural columns between the two access points and will provide the unmanned guard tower at the Colby Drive entrance.

Landscaping and Screening

The applicant has provided an overall Landscape and Screening Plan for the entire

development. Due to the smaller size of the 40' lots, the applicant plans to deviate from the typical residential landscaping requirements of the Zoning Ordinance by providing one tree in the front yard and one in the rear yard; for corner lots, an additional tree shall be planted in the side yard facing the street. For the 50' and 65' lots, the typical requirements will be followed. In addition, a 6' masonry screening wall with masonry columns (spaced every 50' O.C.) will be provided along Miller Road adjacent to the residential lots. An 8' board-on-board fence with masonry columns (spaced every 40' O.C.) will be provided along the northern perimeter of the development adjacent to the nursing home. The open space lot at the northwest corner of the development will be screened on the north and east side by an 8' masonry-screening wall; this masonry wall is 8' to match the height of the 8' wood fence with masonry columns along the northern perimeter of the development. An 8' board-on-board fence without masonry columns will be provided along the eastern perimeter of the development adjacent to Mansfield High School.

Open space will be limited to drainage and detention areas in the eastern portion of the development and landscaping areas along the western perimeter of the development and at the primary entrance. Open space will comprise 8.76% of the development.

Summary and Recommendation

Colby Crossing Phase 2 is a proposed single-family residential development with three lot categories and a total of 48 homes. It would replace plans for an 80-unit assisted living facility. Single-family zoning is consistent with the surrounding land uses in the area, however, with some 40' and 50' lots and a gross density of 4.99 residential lots per acre, the lot sizes are smaller and the density is higher than those of surrounding neighborhoods. Additionally, the Future Land Use Plan recommends that developments in this area match adjacent developments and generally be 3 units per acre or less. While staff recommends zoning standards that more closely match the surrounding neighborhoods and the Zoning Ordinance, the applicant has elected to proceed with the proposed standards to allow for some different product types not found in this area of the City. Staff recommends that any action taken by Council include the following conditions:

- Reduce the total number of lots and provide zoning standards that are more consistent with surrounding developments and the recommendations in the Future Land Use Plan
- Provide a revised and acceptable preliminary drainage plan
- Provide active recreational features (i.e. trails, benches) in the open space area
- Show existing 30' ROW from center line of Miller Road, for a total of 60'

2nd Reading:

The City Council held a public hearing and first reading on January 27, 2020 and voted 6-1 (Leyman voting no) to approve with the condition that Windsor Homes be the builder for the entire development and that the planned development be modified to provide for minimum lot standards that mirror the standards for Colby Crossing Phase 1 except for 14 lots that could have reduced standards.

The applicant has provided a new plan that reduces the overall number of lots from 48 to 45 and reduces the density from 4.99 units per acre to 4.68 units per acre. However, the new development standards for the 65' wide lots do not exactly match the minimum standards for Colby Crossing Phase 1. The approved minimum standards for Colby Crossing Phase 1 are:

Min. Floor Area (sq. ft.)	2,600
Min. Lot Area (sq. ft.)	7,800
Min. Lot Width	65'

Min. Lot Depth	120'
Min. Front Yard	25' (covered front porches can encroach up to 5')
Min. Rear Yard	15'
Min. Interior Side Yard	5' & 10'
Min. Exterior Side Yard (adjacent to street)	20' abutting side yard; 15' abutting rear yard
Max. Lot Coverage	55%
Max. Height	35'
Min. Masonry Percentage	90% of entire home; 100% for front façade
Min. J-Swing Requirement	20%

The new proposed standards for Colby Crossing Phase 2 are:

	40' lots	50' lots	60' lots	65' lots
Number of Lots	19	5	6	15
Min. Floor Area (sq. ft.)	2,000	2,000	2,000	2,200
Min. Lot Area (sq. ft.)	4,000	5,500	6,600	7,150
Min. Lot Width	40'	50'	60'	65'
Min. Lot Depth	100'	110'	110'	110'
Min. Front Yard**	20'	20'	20'	20'
Min. Rear Yard	10'	10'	10'	15'
Min. Interior Side Yard	5'	5'	5'	5' & 10'**
Min. Exterior Side Yard	20'	20'	20'	20'
Max. Lot Coverage	65%	55%	55%	55%
Max. Height	35'	35'	35'	35'
Min. Street Frontage	40'	40'	40'	40'
Min. Masonry Percentage	80%	80%	80%	80%
Min. J-Swing Requirement	0%	0%	0%	10%

*Lots on knuckles and cul-de-sacs shall have a reduced minimum front yard of 15'

**Requires lots to have a minimum of 5' on one side and a minimum of 10' on the other side, for a total of 15'

Note: All corner lots shall be at least 10' wider than the minimum lot width

Note: Lots with J-Swing homes shall have a reduced minimum rear yard setback of 10'

Note: The driveway for Lot 2, Block 3 shall be located on the east side of the lot

Note: Lot 12, Block 2 shall have a reduced minimum lot depth of 90'

The new plan only provides for 15 65' wide lots, which have reduced standards in comparison to Colby Crossing Phase 1 as it relates to minimum lot area, minimum floor area, minimum lot depth, minimum front yard, minimum rear yard (reduced setback allowed for homes with J-swings), minimum masonry percentage, and minimum J-swing requirement. The new plan also provides for 19 40' wide lots, 5 50' wide lots, and 6 60' wide lots, for a total of 30 lots that are below 65' in minimum lot width, whereas City Council had specified only 14 lots below 65' in width in their motion to approve.

In addition, while Colby Crossing Phase 2 requires some garage design enhancements, the standards for Colby Crossing Phase 1 specifically required decorative wood garage doors or wood overlays on all garage doors in the development, which Phase 2 does not

specifically require.

In addition to these changes, the screening standards, enhanced entryway features, and open space elements have been reduced as follows:

- The screening along the northern perimeter of the development has been reduced from an 8' wood fence with masonry columns to an 8' wood fence without masonry columns.
- The screening along the eastern perimeter of the development has been reduced from an 8' wood fence to a 6' wood fence.
- The unmanned gate house has been removed from the enhanced entryway.
- Trails and benches will also not be provided in the open space/detention lot, which will now include a retention pond with fountain.

The applicant has stated that the reduction in screening, entryway features, and open space amenities is due to the reduction in lot count and revised lot mix.

The applicant has provided a letter that describes the changes made and the reasons for the changes.

Staff recommends that any action taken by Council include the following conditions:

- Provide zoning standards that are more consistent with surrounding developments and the recommendations in the Future Land Use Plan
- Provide a cap rail on all wood fences
- Provide a revised and acceptable preliminary drainage plan
- Show existing 30' ROW from center line of Miller Road, for a total of 60'

Prepared By

Andrew Bogda
Planner
817-276-4287

ORDINANCE NO. _____

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

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

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

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

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

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

David L. Cook, Mayor

ATTEST: _____
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

ZONING LIMITS FOR FUTURE COLBY CROSSING, PHASE 2

BEING a portion of that certain tract of land in the William Howard Survey, Abstract Number 690, City of Mansfield, Tarrant County, Texas, described in a Warranty Deed with Vendor's Lien to Paul A. Sutton and Wife, Paula B. Sutton (hereinafter referred to as Sutton tract), as recorded in Volume 12220, Page 193, Deed Records, Tarrant County, Texas, and being all of that certain tract of land described as Lot 1, Block 1, Whaley Addition (hereinafter referred to as Whaley Addition), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 388-166, Page 85, Plat Records, Tarrant County, Texas (P.R.T.C.T.) and being all of that certain tract of land described as Lot 1, Block 1, Kyle Addition (hereinafter referred to as Kyle Addition), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 388-206, Page 55, P.R.T.C.T. and being all of that certain tract of land described in a Warranty Deed to Ronnie D. Whaley and wife, Wanda J. Whaley, as recorded in Volume 7512, Page 1609, Deed Records, Tarrant County, Texas (D.R.T.C.T.), now owned by Marilyn G. Richardson (hereinafter referred to as Richardson tract), as recorded in Instrument Number D219205849, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.), and being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch iron rod with plastic cap stamped "JLLANE" found for the existing Northeasterly right-of-way line of North Miller Road (variable width right-of-way), as recorded in Instrument Number D201181461, O.P.R.T.C.T., same being the Southerly corner of that certain tract of land described as Lot 1, Block 1, Tarrant Healthcare Realty Addition (hereinafter referred to as Lot 1), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Instrument Number D213320199, O.P.R.T.C.T., same also being the Westerly corner of said Richardson tract;

THENCE North 59 degrees 23 minutes 12 seconds East, departing the existing Northeasterly right-of-way line of North Miller Road and with the common line between said Richardson tract and said Lot 1, a distance of 625.72 feet to the Northerly corner of said Richardson tract, same being the Easterly corner of said Lot 1, same also being a Southwesterly line of that certain tract of land described as Lot 1, Block 1, Mansfield High School Addition (hereinafter referred to as Mansfield High School Addition), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 6072, P.R.T.C.T.;

THENCE South 29 degrees 33 minutes 12 seconds East with the common line between said Richardson tract and said Mansfield High School Addition, a distance of 317.91 feet to the Easterly corner of said Richardson tract, same being an angle point in the Southwesterly line of said Mansfield High School Addition, same also being the Northwesterly line of said Kyle Addition;

THENCE North 59 degrees 13 minutes 12 seconds East with the common line between said Kyle Addition and said Mansfield High School Addition, a distance of 118.20 feet to the Northerly corner of said Kyle Addition, same being an angle point in the Southwesterly line of said Mansfield High School Addition;

THENCE South 30 degrees 46 minutes 45 seconds East, continue with the common line between said Kyle Addition and said Mansfield High School Addition, a distance of 290.00 feet to the Easterly corner of said Kyle Addition, same being the Northerly corner of that certain tract of land described as Palos Verdes Estates (hereinafter referred to as Palos Verdes Estates), an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 10012, P.R.T.C.T.;

THENCE South 59 degrees 12 minutes 53 seconds West, departing the Southwesterly line of said Mansfield High School Addition and with the common line between said Kyle Addition and said Palos Verdes Estates, passing at a distance of 746.30 feet, the Westerly corner of said Palos Verdes Estates, same being the existing Northeasterly right-of-way line of North Miller Road (variable width right-of-way), and continue with said course and with the common line between said Kyle Addition and the existing Northeasterly right-of-way line of said North Miller Road, a distance of 751.00 feet to the Southerly corner of said Kyle Addition;

THENCE North 30 degrees 46 minutes 45 seconds West, continue with the common line between said Kyle Addition and the existing Northeasterly right-of-way line of said North Miller Road, pass at a distance of 290.00 feet, the Westerly corner of said Kyle Addition, same being the Southerly corner of the aforesaid Whaley Addition and continue with said course and the common line between said Whaley Addition and the existing Northeasterly right-of-way line of said North Miller Road, pass at a distance of 433.01 feet, the Westerly corner of said Whaley Addition, same being a Southerly corner of said Richardson tract and continue with said course and the common line between said Richardson tract and the existing Northeasterly right-of-way line of said North Miller Road, a distance of 470.01 feet to an angle point;

THENCE North 59 degrees 12 minutes 53 seconds East, continue Richardson tract and the existing Northeasterly right-of-way line of said North Miller Road, a distance of 13.46 feet to an angle point;

THENCE North 30 degrees 36 minutes 26 seconds West, continue Richardson tract and the existing Northeasterly right-of-way line of said North Miller Road, a distance of 139.71 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 9.612 acres (418,706 square feet) of land.

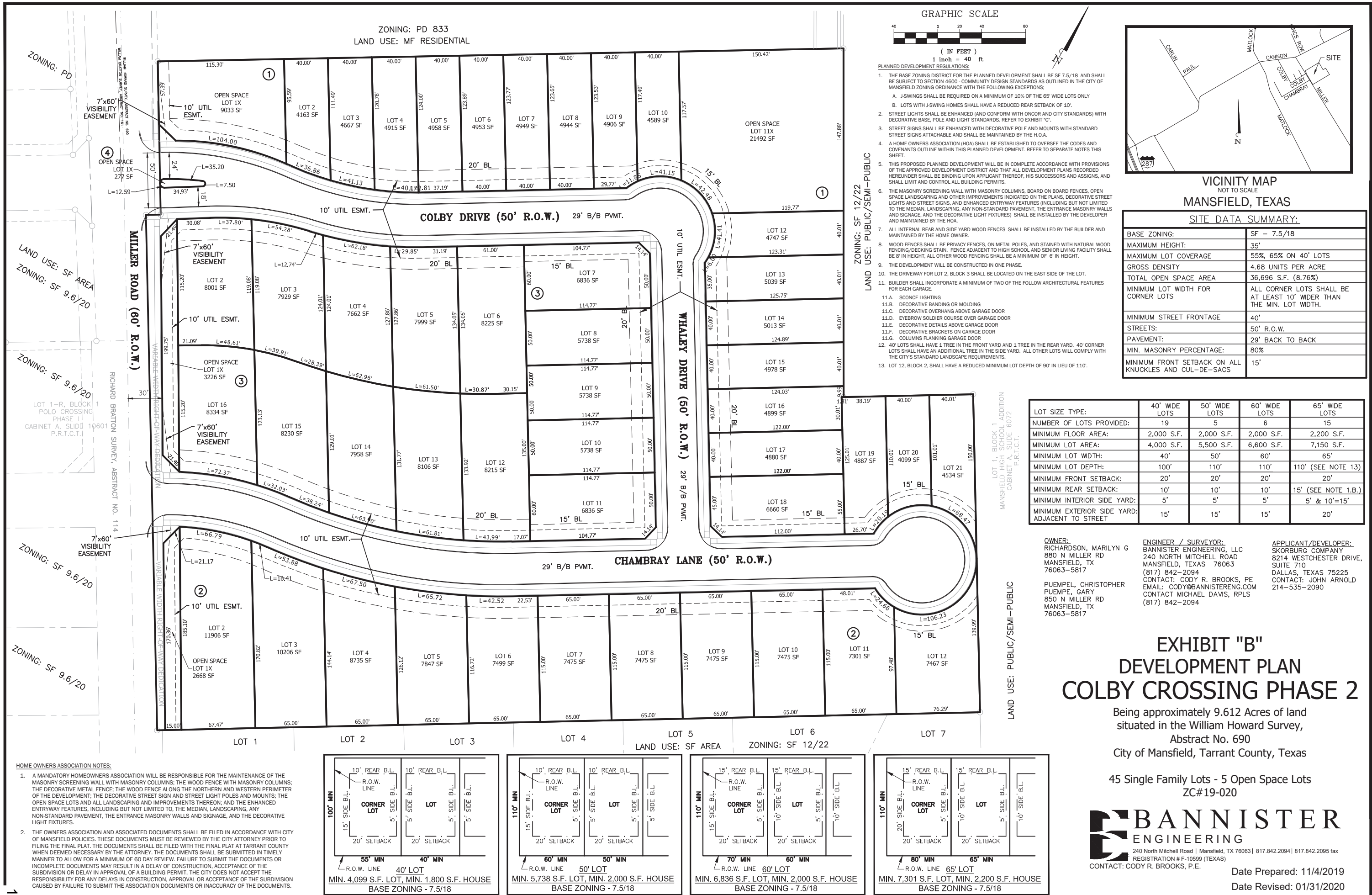


11/27/2019

Project No. 090-15-08 | Date: 11/26/2019 | Page 1 of 1 | Drawn by: SA | Checked by: MD2

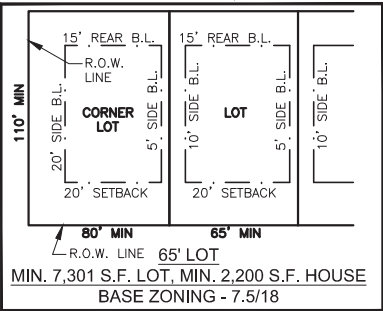
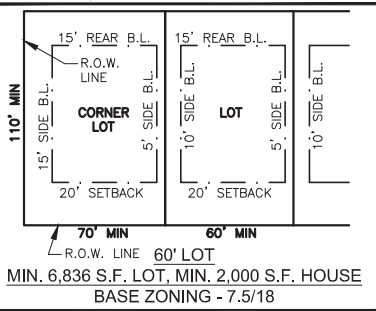
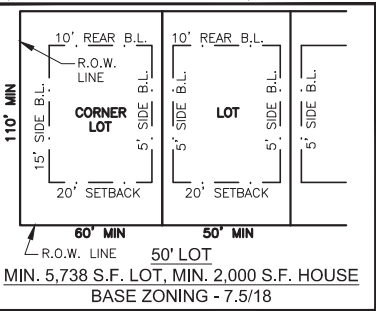
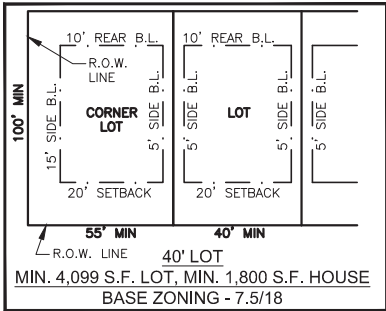
EXHIBIT "A"
ZONING LIMITS DESCRIPTION
FUTURE COLBY CROSSING, PHASE 2
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS

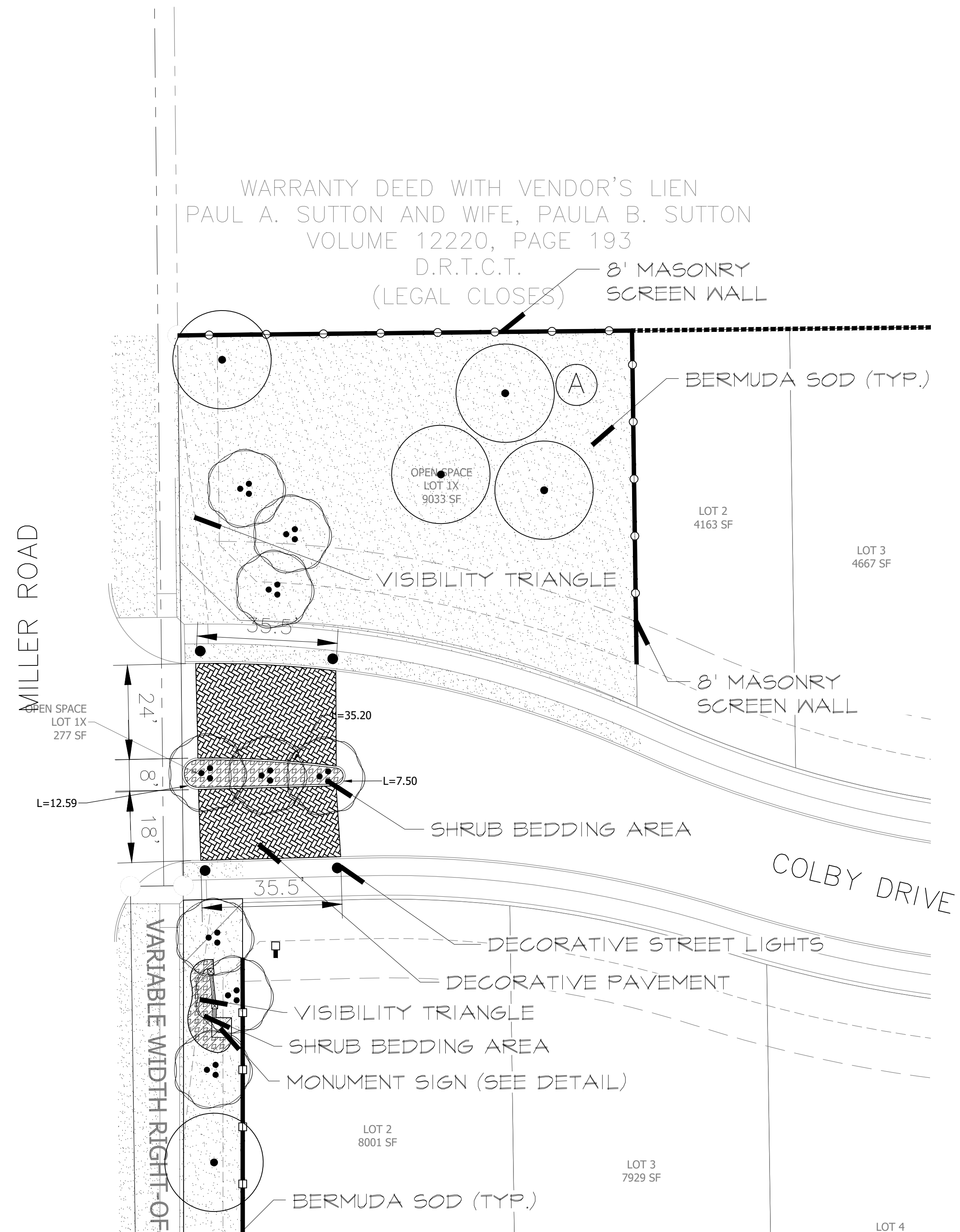
BANNISTER 169
ENGINEERING
 240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
 TBPLS REGISTRATION NO. 10193823



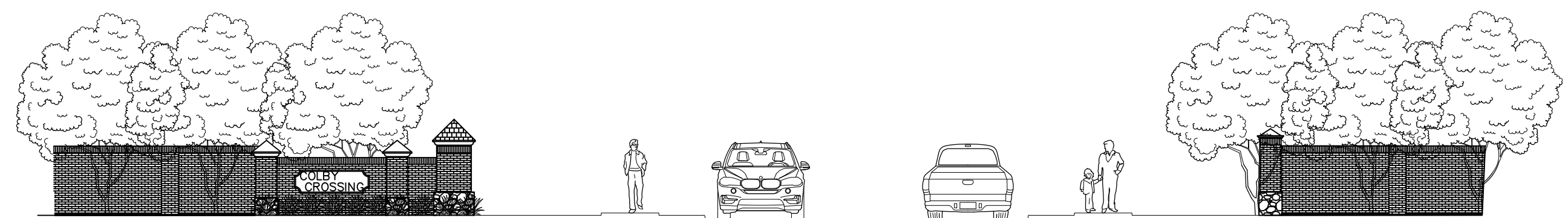
HOME OWNERS ASSOCIATION NOTES:

- A MANDATORY HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE MASONRY SCREENING WALL WITH MASONRY COLUMNS; THE WOOD FENCE WITH MASONRY COLUMNS; THE DECORATIVE METAL FENCE; THE WOOD FENCE ALONG THE NORTHERN AND WESTERN PERIMETER OF THE DEVELOPMENT; THE DECORATIVE STREET SIGN AND STREET LIGHT POLES AND MOUNTS; THE OPEN SPACE LOTS AND ALL LANDSCAPING AND IMPROVEMENTS THEREON; AND THE ENHANCED ENTRYWAY FEATURES, INCLUDING BUT NOT LIMITED TO, THE MEDIAN, LANDSCAPING, ANY NON-STANDARD PAVEMENT, THE ENTRANCE MASONRY WALLS AND SIGNAGE, AND THE DECORATIVE LIGHT FIXTURES.
- THE OWNERS ASSOCIATION AND ASSOCIATED DOCUMENTS SHALL BE FILED IN ACCORDANCE WITH CITY OF MANSFIELD POLICIES. THESE DOCUMENTS MUST BE REVIEWED BY THE CITY ATTORNEY PRIOR TO FILING THE FINAL PLAT. THE DOCUMENTS SHALL BE FILED WITH THE FINAL PLAT AT TARRANT COUNTY WHEN DEEMED NECESSARY BY THE ATTORNEY. THE DOCUMENTS SHALL BE SUBMITTED IN TIMELY MANNER TO ALLOW FOR A MINIMUM OF 60 DAY REVIEW. FAILURE TO SUBMIT THE DOCUMENTS OR INCOMPLETE DOCUMENTS MAY RESULT IN A DELAY OF CONSTRUCTION, ACCEPTANCE OF THE SUBDIVISION OR DELAY IN APPROVAL OF A BUILDING PERMIT. THE CITY DOES NOT ACCEPT THE RESPONSIBILITY FOR ANY DELAYS IN CONSTRUCTION, APPROVAL OR ACCEPTANCE OF THE SUBDIVISION CAUSED BY FAILURE TO SUBMIT THE ASSOCIATION DOCUMENTS OR INACCURACY OF THE DOCUMENTS.





PRIMARY ENTRANCE (COLBY DRIVE)



SECONDARY ENTRANCE (CHAMBRAY LANE)

NOTES:

1. STREET LIGHTS SHALL BE ENHANCED (AND CONFORM WITH ONCOR AND CITY STANDARDS) WITH DECORATIVE BASE, POLE AND LIGHT STANDARDS. REFER TO EXHIBIT "C".

EXHIBIT "C" ENHANCED ENTRYWAY PLAN COLBY CROSSING PHASE 2

Being approximately 9.612 Acres of land
situated in the William Howard Survey,
Abstract No. 690
City of Mansfield, Tarrant County, Texas

45 Single Family Lots - 5 Open Space Lots
ZC#19-020

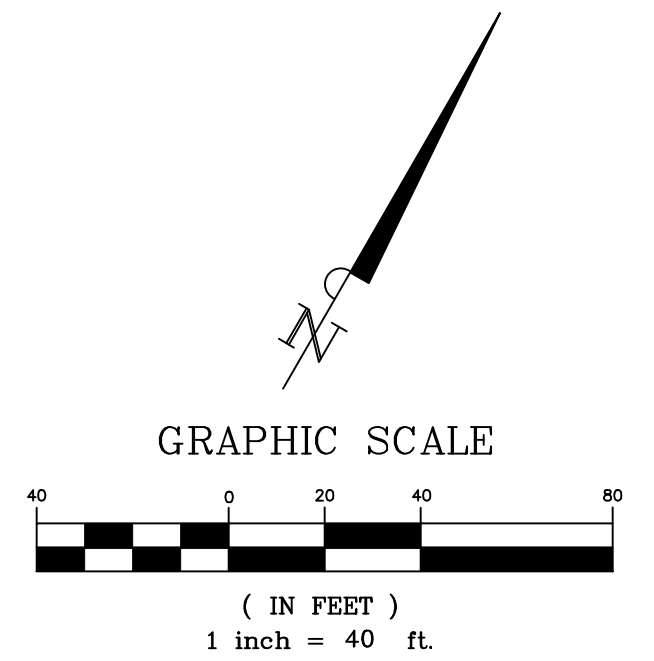
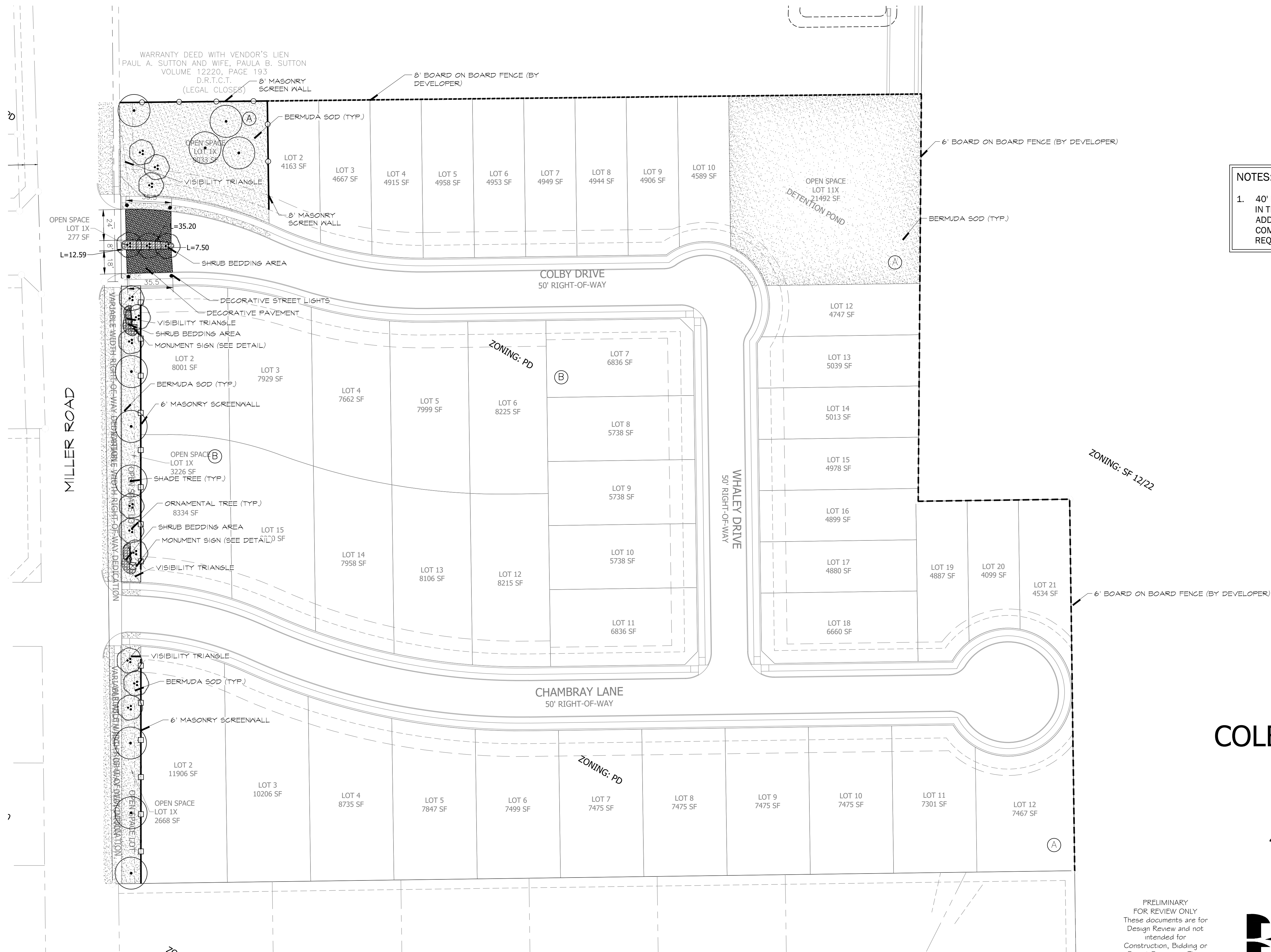
PAGE 1 OF 1

PRELIMINARY
FOR REVIEW ONLY
These documents are for
Design Review and not
intended for
Construction, Bidding or
Permit Purposes. They
were prepared by, or
under the supervision of:
Drew J. Dubocq
L.A.#3141
01/30/2020

BANNISTER
ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)
CONTACT: CODY R. BROOKS, P.E.

Date Prepared: 11/4/2019

Revised: 01/30/2020



- NOTES:
- 40' LOTS SHALL HAVE 1 TREE IN THE FRONT YARD AND 1 TREE IN THE REAR YARD. 40' CORNER LOTS SHALL HAVE AN ADDITIONAL TREE IN THE SIDE YARD. ALL OTHER LOTS WILL COMPLY WITH THE CITY'S STANDARD LANDSCAPE REQUIREMENTS.

EXHIBIT "D" LANDSCAPE PLAN COLBY CROSSING PHASE 2

Being approximately 9.612 Acres of land
situated in the William Howard Survey,
Abstract No. 690
City of Mansfield, Tarrant County, Texas

45 Single Family Lots - 5 Open Space Lots
ZC#19-020

PAGE 1 OF 3

BANNISTER
ENGINEERING
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
REGISTRATION # F-10599 (TEXAS)
CONTACT: CODY R. BROOKS, P.E.

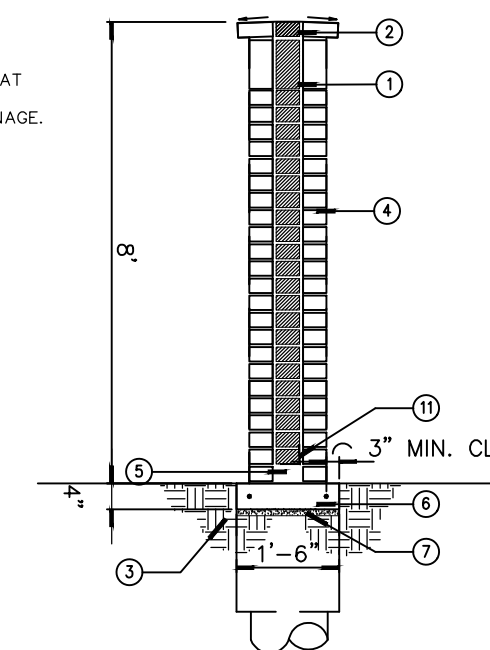
Date Prepared: 11/4/2019

Revised: 01/30/2020

PRELIMINARY
FOR REVIEW ONLY
These documents are for
Design Review and not
intended for
Construction, Bidding or
Permit Purposes. They
were prepared by, or
under the supervision of:
Drew J. Dubocq
L.A.#3141
01/30/2020



- ① SOLDIER COLUMN • TOP OF WALL (SEE ELEVATION).
- ② STANDARD RUNNING BOND BRICK FACING
 WITH MASONRY HORIZONTAL REINFORCING
 BRICK SELECTION BY OWNER PERFORMED
 IN ACCORDANCE WITH GAUGE FOR HORIZONTAL
 AT EACH COURSE. PROVIDE SMOOTH SLOPE
 W/ AS SHOWN TO FACILITATE DRAINAGE.
- ③ COMPACTED SUBGRADE TO 95% OF
 AASHTO 1-99 DENSITY.
- ④ STANDARD 16" WIDE BRICK SUPPORT •
 16" C.C.
- ⑤ BOTTOM COURSE WITH WEEP OPENINGS
- ⑥ CONCRETE MOW-STRIP W/ (2) 4"
 BARS CONTINUOUS, 8" c.c. MIN.
- ⑦ 1" SAND SETTING BED.
- ⑧ STANDARD 24"x24" COLUMN
- ⑨ 12" FACING • DEPTH 10" TO MIN. BELOW
 EXISTING GRADE @ 12" C.C. MAX.
 (C.O. TO MATCH COLLARS & BRICK
 SURFACING)
- ⑩ CAST STONE COLUMN CAP
- ⑪ 3"x3"x1/2" GALVANIZED ANGLE IRON
- ⑫ 4" OPENING



Date Prepared: 11/4/2019
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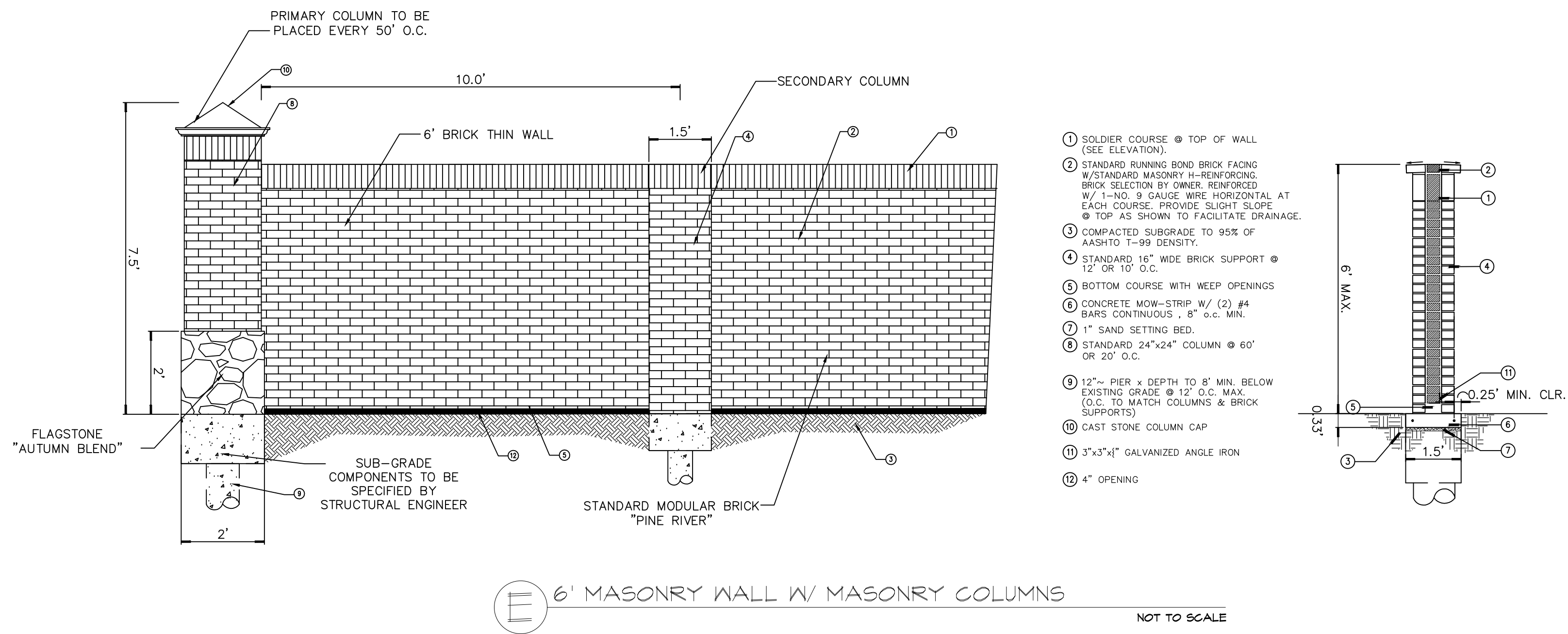


EXHIBIT "D" LANDSCAPING AND SCREENING DETAILS COLBY CROSSING PHASE 2

Being approximately 9.612 Acres of land
situated in the William Howard Survey,
Abstract No. 690
City of Mansfield, Tarrant County, Texas

45 Single Family Lots - 5 Open Space Lots
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PAGE 3 OF 3

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Date Prepared: 11/4/2019

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**COLBY CROSSING ADDITION 2
EXHIBIT F**

**PLANNED DEVELOPMENT CONDITIONS ADDENDUM TO
DEVELOPMENT PLAN**

**APPLICANT: SKORBURG COMPANY
ZC# 19-020**

- A. Garages: Each garage shall incorporate at least two (2) of the following architectural features:
- a. Sconce lighting
 - b. Decorative banding or molding
 - c. Decorative overhangs above garage doors
 - d. Eyebrow soldier course over garage doors
 - e. Decorative details above garage
 - f. Decorative brackets on garage doors
 - g. Columns flanking garage doors
- B. Homeowners Association: Unless the existing Colby Crossing Homeowners Association, Inc. willingly (in its sole discretion with City approval) allows the Subdivision to be added to its existing HOA, a separate Homeowners Association shall be incorporated, and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association.
- C. Additional Architectural Enhancements for homes on the 40' wide lots: The homes on the 40' wide lots shall be of like-kind and quality of construction with materials consistent and compatible in appearance as illustrated in the representative product examples included on the attached **Exhibit "F-1"**, as well as meet the additional architectural enhancements included on **Exhibit "F-2"** attached hereto.

EXHIBIT “F-1” (Page 1 of 4)

Representative Product for the 40’ Wide Lots

Note: Elevations crossed out in the pictures below shall NOT be used in Colby Crossing Addition 2 as all elevations with a second floor above the garage shall be required to have articulation between the garage and the 2nd floor.

Figure 1:



Figure 2:



EXHIBIT “F-1” (Page 2 of 4)

Representative Product for the 40’ Wide Lots

Note: Elevations crossed out in the pictures below shall NOT be used in Colby Crossing Addition 2 as all elevations with a second floor above the garage shall be required to have articulation between the garage and the 2nd floor.

Figure 3:



Figure 4:



EXHIBIT “F-1” (Page 3 of 4)

Representative Product for the 40’ Wide Lots

Note: Elevations crossed out in the pictures below shall NOT be used in Colby Crossing Addition 2 as all elevations with a second floor above the garage shall be required to have articulation between the garage and the 2nd floor.

Figure 5:



Figure 6:



EXHIBIT “F-1” (Page 4 of 4)

Representative Product for the 40’ Wide Lots

Note: Elevations crossed out in the pictures below shall NOT be used in Colby Crossing Addition 2 as all elevations with a second floor above the garage shall be required to have articulation between the garage and the 2nd floor.

Figure 7:



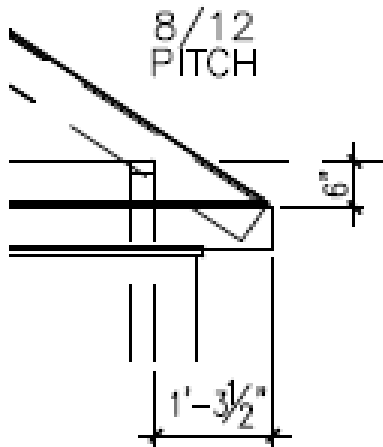
Figure 8:



EXHIBIT “F-2” (Page 1 of 2)

Additional Architectural Enhancements for 40’ Wide Lots

- All elevations with a second story above the garage shall be required to have articulation between the garage and the 2nd floor.
- All homes will have front porches with a minimum of fifty (50) square feet.
- A minimum of 10% of the front elevations will have decorative overhang accents over the garage and/or windows.
- All 8:12 roof pitches (inches of rise per inches of run) will have a minimum overhang of twelve (12) inches. Varying roof pitches are allowed per Mansfield Architectural Attributes if the predominate roof from side to side is an 8:12 roof pitch. The pitch of the roof determines the overhang size. See diagram below of a typical 8:12 roof pitch.



- All homes shall have either an upgraded garage door with decorative hardware and R-9 Polyurethane Insulation (as shown in **Exhibit “F-2”** attached) or have a wood garage door.

EXHIBIT “F-2” (Page 2 of 2)

Additional Architectural Enhancements for 40’ Wide Lots

Exhibit “F-2”: Example of upgraded garage door with decorative hardware and R-9 Polyurethane Insulation

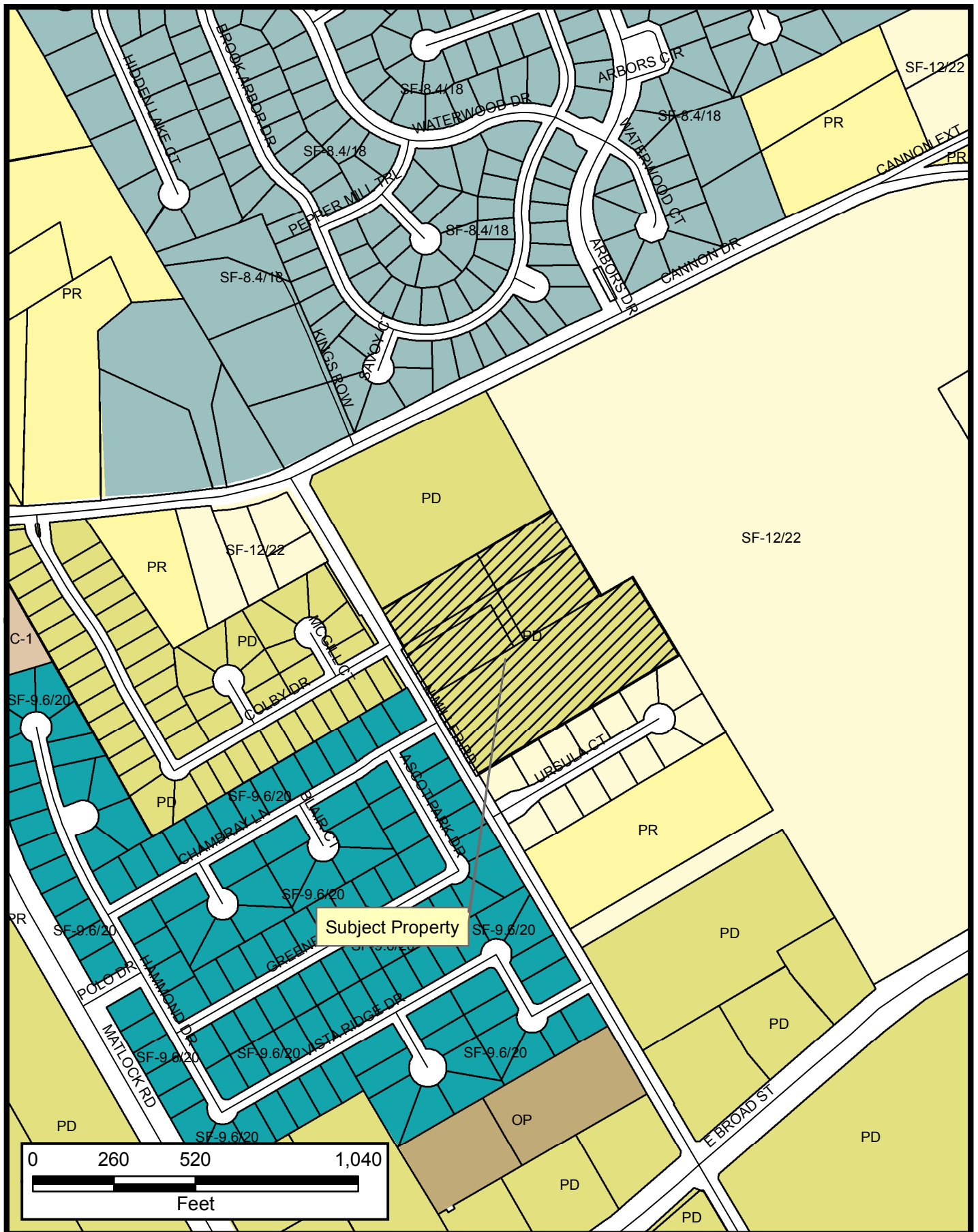


Thermal Efficiency and Noise Control

- The R-9* polyurethane insulation is substantially more effective than the same thickness of common polystyrene insulation.
- Bulb-shaped bottom seal remains flexible even in the cold to keep out bad weather.
- The foamed-in-place insulation helps block street noise from entering into living areas that adjoin the garage.







Property Owner Notification for ZC#19-020

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
COLBY CROSSING ADDN	BLK 1	MUSA, ANTHONY & JAIME	704 MCGILL CT	MANSFIELD, TX	76063
COLBY CROSSING ADDN	BLK 1	QU, ZHEN & ZHENG, LIANJUN	703 BLAIR CT	MANSFIELD, TX	76063
COLBY CROSSING ADDN	BLK 1	COLBY CROSSING HOMEOWNERS ASSO	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002
COLBY CROSSING ADDN	BLK 1	COLBY CROSSING HOMEOWNERS ASSO	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002
COLBY CROSSING ADDN	BLK 2	SPRECHER, KENNETH & CHERYLE	601 COLBY DR	MANSFIELD, TX	76063
COLBY CROSSING ADDN	BLK 2	BOTTS, ADAM D & JULIE A	603 COLBY DR	MANSFIELD, TX	76063
COLBY CROSSING ADDN	BLK 2	SWAPP, AARON & ASHLEY	605 COLBY DR	MANSFIELD, TX	76063
COLBY CROSSING ADDN	BLK 2	COLBY CROSSING HOMEOWNERS ASSO	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002
HOWARD, WILLIAM SURVEY	A 690	SUTTON, PAUL A & PAULA B	1870 CHUCKWAGON DR	MIDLOTHIAN, TX	76065-9485
HOWARD, WILLIAM SURVEY	A 690	SUTTON, PAUL A & PAULA B	1870 CHUCKWAGON DR	MIDLOTHIAN, TX	76065-9485
KYLE ADDITION	BLK 1	PUEMPEL, CHRISTOPHER & GAYL	850 N MILLER RD	MANSFIELD, TX	76063-5817
MANSFIELD HIGH SCHOOL ADDITION	BLK 1	MANSFIELD, ISD	605 E BROAD ST	MANSFIELD, TX	76063-1766
PALOS VERDES ESTATES	BLK 1	PLUMLEIGH, GERALD & MARY	2701 URSULA CT	MANSFIELD, TX	76063
PALOS VERDES ESTATES	BLK 1	WASHINGTON, DAVID	2703 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	TUDOR, LORI & ROGER	2705 URSULA CT	MANSFIELD, TX	76063
PALOS VERDES ESTATES	BLK 1	MARTINEZ, AGUSTIN & DONNA	2707 URSULA CT	MANSFIELD, TX	76063
PALOS VERDES ESTATES	BLK 1	AVERY, THOMAS & ROSE A	2709 URSULA CT	MANSFIELD, TX	76063
PALOS VERDES ESTATES	BLK 1	MARGO INVESTMENTS LLC	2712 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	THOMSON, JACK Z & DIANE	2713 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	MARGO, RANDAL & KAYLA	2712 URSULA CT	MANSFIELD, TX	76063-9130

Property Owner Notification for ZC#19-020

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
PALOS VERDES ESTATES	BLK 1	MARGO INVESTMENTS LLC	2712 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	WANG, ZHONG Y	2708 URSULA CT	MANSFIELD, TX	76063
PALOS VERDES ESTATES	BLK 1	RIGGS, WESLEY B & JULIE A	2706 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	GOTHARD, PAMELA & MICHAEL	2704 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	WATSON, LEO & DORA	2702 URSULA CT	MANSFIELD, TX	76063-9130
PALOS VERDES ESTATES	BLK 1	ALAMO CUSTOM BUILDERS INC	1122 REATA DR	WEATHERFORD, TX	76087
PALOS VERDES ESTATES	BLK 1	WATSON-PALOS VERDES JV	8029 LEVY COUNTY LINE RD	MANSFIELD, TX	76063-4122
POLO CROSSING ADDITION	BLK 1	DELAGERHEIM, MICHAEL & LAURA	2613 CHAMBRAY LN	MANSFIELD, TX	76063-5841
POLO CROSSING ADDITION	BLK 1	SUGHROUE, SAMANTHA & NICHOLAS	2615 CHAMBRAY LN	MANSFIELD, TX	76063
POLO CROSSING ADDITION	BLK 3	TIMMONS, LUNDY & TASCHA	702 ASCOT PARK DR	MANSFIELD, TX	76063
POLO CROSSING ADDITION	BLK 3	OLDHAM, JOHN D II	704 ASCOT PARK DR	MANSFIELD, TX	76063-5478
POLO CROSSING ADDITION	BLK 3	NENIEL, JOEL & JENIFER	706 ASCOT PARK DR	MANSFIELD, TX	76063
POLO CROSSING ADDITION	BLK 3	PRESCOTT, BRIAN A & BRENDA	708 ASCOT PARK DR	MANSFIELD, TX	76063-5478
POLO CROSSING ADDITION	BLK 3	MOLLOW, BARBARA	710 ASCOT PARK DR	MANSFIELD, TX	76063
TARRANT HEALTHCARE REALTY	BLK 1	TEXAS - LTC LP	PO BOX 56607	ATLANTA, GA	30343
WHALEY ADDITION	BLK 1	RICHARDSON, MARILYN G	880 N MILLER RD	MANSFIELD, TX	76063-5817



LOCATION MAP

Impervious Cover Table:		TOTAL	percent
OVERALL	690,557 sf	Sq. ft.	%
Buildings	15,853 ac		
Parking and Drives			
Sidewalk/other			
Total Proposed Impervious Cover		317,611	45.99%

Parking Table:		Required	Tot. Req.
Nursing Home	240	Beds	40
Assisted Living	80	units	120
Physical Therapy	1367	sf	170
Provided:			
Regular Spaces	20'x9'		281
Handicap Spaces (van accessit. common	20'x8'		7
Total			288

OWNERS

PAUL AND PAULA SUTTON
2110 CANNON DRIVE
MANSFIELD, TX 76063
817-477-2714

DEAN AND HELEN KYLE
850 N. MILLER ROAD
MANSFIELD, TX 76063
817-563-0611

RAYOR AND MARILYN RICHARDSON
880 N. MILLER ROAD
MANSFIELD, TX 76063
817-473-6674

CIVIL ENGINEER

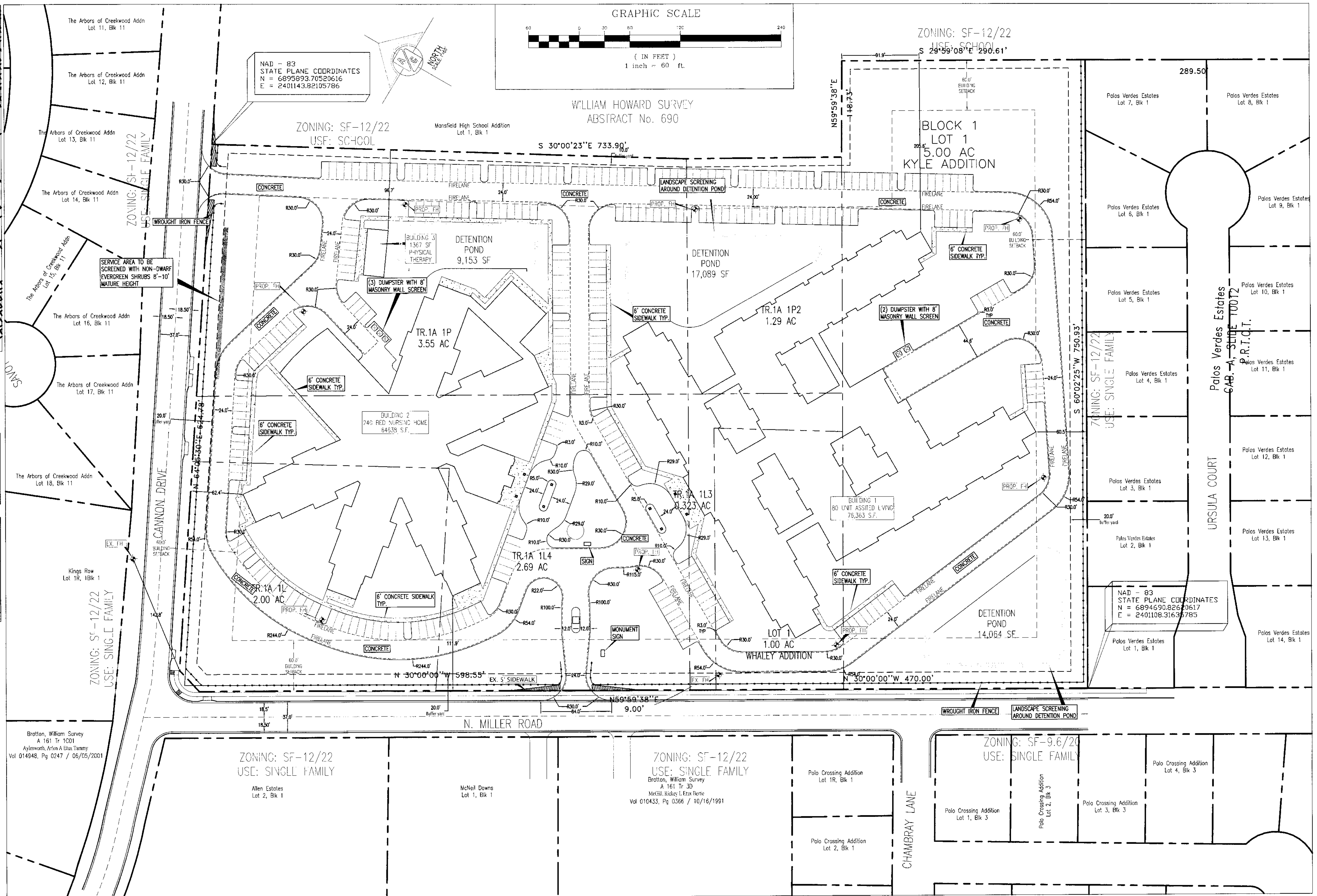
AUSTIN CIVIL ENGINEERING, INC.
2708 SOUTH LAMAR BLVD., Ste. 200A
AUSTIN, TEXAS 78704
PHONE: (512) 306-0018
FAX: (512) 306-0048

DEVELOPER

SERENITY MANAGEMENT SERVICES OF
AMERICA, INC.
800 WEST ARBROOK BLVD. SUITE 210
ARLINGTON, TX 76015
817-468-1991

ARCHITECT

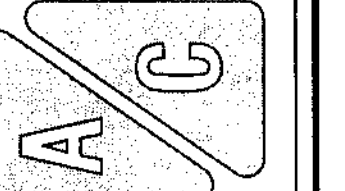
DGA, LLC.
WILLIAM A. DAVIS IV, AIA
301 BRUSHY CREEK ROAD SUITE 106
CEDAR PARK, TEXAS 78613
PHONE (512) 335-2881
FAX (512) 335-0828



- 1) ALL PROPOSED DEVELOPMENT WILL BE IN COMPLETE ACCORDANCE WITH THE PROVISIONS OF THE APPROVED PLANNED DEVELOPMENT DISTRICT. ALL DEVELOPMENT PLANS RECORDED HERE UNDER SHALL BE BINDING UPON THE APPLICANT THEREOF, HIS SUCCESSOR AND ASSIGNS. THE PLANNED DEVELOPMENT DISTRICT SHALL LIMIT AND CONTROL ALL BUILDING PERMITS.
- 2) THE FOLLOWING ARE DEVIATIONS FROM THE CITY ORDINANCE:
 - a) SECTION 4600
 - b) SECTION 4600D
 - c) SECTION 7100
- 3) EXCEPT AS LISTED IN #2 ABOVE THE DEVELOPER WILL COMPLY WITH ALL ZONING ORDINANCE REQUIREMENTS AND ANY FUTURE AMENDMENT THEREOF.
- 4) ELECTRICAL TRANSFORMERS AND TELEPHONE LINE PEDESTALS LOCATED MORE THAN FIVE (5) FEET FROM A BUILDING, GAS METERS AND SATELLITE DISHES SHALL BE SCREENED BY A SCREENING WALL OR BY A HEDGEROW OF DENSE EVERGREEN SHRUBBERY OR PLANT MATERIAL TO FORM A VISUAL SCREEN USING PLANT MATERIALS APPROVED BY THE LANDSCAPE ADMINISTRATOR. SWITCH GEAR DEVICES SHALL BE SCREENED BY HEDGEROW OF DENSE EVERGREEN SHRUBBERY OR PLANT MATERIALS TO FORM A VISUAL SCREEN USING PLANT MATERIAL APPROVED BY THE LANDSCAPE ADMINISTRATOR. ALL OTHER TYPE OF SERVICE EQUIPMENT AND SERVICE AREAS SHALL BE SCREENED BY A SCREENING WALL.
- 5) THE PERMITTED USE FOR THIS DEVELOPMENT IS ASSISTED LIVING, NURSING HOME AND PHYSICAL THERAPY.

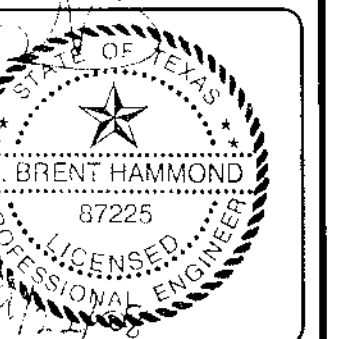
START DATE: RECEIPT OF PERMIT
COMPLETION DATE: 18 MONTHS TO FOLLOW

Previously Approved Development Plan



AUSTIN CIVIL
ENGINEERING, INC.

2708 SOUTH LAMAR BLVD., Ste. 200A
AUSTIN, TEXAS 78704
PH: (512) 306-0018
FAX: (512) 306-0048



Development Plan
Serenity at Mansfield
Being 15.862 acres in the William Howard Survey,
Abstract No. 690
City of Mansfield, Tarrant County, Texas
8/27/2008
1 Lot

JOB: 06-050	DATE: 6/27/08
CAD: DA	CHECKED BY:
ENGINEER: BH	CHECKED BY:
SCALE: 1" = 60'	

DEVELOPMENT
PLAN

SITE CIVIL PLAN
of 1



Skorburg Company
 8214 Westchester, Ste 710
 Dallas, TX 75224
 Phone: 214/522-4945
 Fax: 214/522-7244

SENT VIA ELECTRONIC MAIL

January 30, 2020

City of Mansfield Planning Staff
 1200 E. Broad Street
 Mansfield, Texas 76063

Re: Colby Crossing Addition 2 resubmittal for 2nd council reading

Dear City of Mansfield,

Based on feedback provided by City Council at the first reading for Colby Crossing Addition 2 held on January 27, 2020, we are resubmitting a modified plan that we hope will be to staff's and Council's liking and materially in line with Council's vision for the property. We share Council's vision for a high-quality development that will fit well within the existing neighborhood, and we reiterate our commitment to develop the property both horizontally (Skorburg Company) and vertically (Windsor Homes). A summary of the changes made to the plan is provided below:

Lot Mix / Density:

The focus of concern expressed by Council at the first reading was density and lot mix (wanting fewer lots less than 65' wide). Council's vote to approve at the 1st reading was conditioned on the PD standards being re-worked to provide that no more than fourteen (14) lots would be less than 65' wide. While there was no specific discussion regarding how that number came to be, we heard council loud and clear about wanting larger lots and lower density.

While we recognize our revised plan does not fully meet that threshold, we hope Council will find the substantial changes that have been made to be materially consistent with the desired outcome. The revised plan contains three (3) fewer lots as well as a larger lot mix.

For comparison, our old plan had 5 upa in density and comprised 48 total lots (with only 27% of the lots having a lot width of at least 60') as follows:

Old Lot Mix

LOT SIZE TYPE:	40' WIDE LOTS	50' WIDE LOTS	65' WIDE LOTS
NUMBER OF LOTS PROVIDED:	25	10	13
MINIMUM FLOOR AREA:	2,000 S.F.	2,000 S.F.	2,200 S.F.
MINIMUM LOT AREA:	4,099 S.F.	5,500 S.F.	7,280 S.F.
MINIMUM LOT WIDTH:	40'	50'	65'
MINIMUM LOT DEPTH:	100'	110'	110'
MINIMUM FRONT SETBACK:	20'	20'	20'
MINIMUM REAR SETBACK:	10'	10'	15' (SEE NOTE 1.B.)
MINIMUM INTERIOR SIDE YARD:	5'	5'	5' & 10' TOTAL=15'
MINIMUM EXTERIOR SIDE YARD: ADJACENT TO STREET	20'	20'	20'

Our revised plan has 4.7 upa density (3 fewer lots) and consists of 45 total lots (with 51% of the lots – 23 of the 45 lots – having a lot with of 60' or greater, and 22 lots with a lot width below 60'). The lot width table for the revised plan is below, and the revised Concept Plan is included on the attached Exhibit "A".

Revised Plan - Lot Width Table

LOT SIZE TYPE:	40' WIDE LOTS	50' WIDE LOTS	60' WIDE LOTS	65' WIDE LOTS
NUMBER OF LOTS PROVIDED:	18	4	8	15
MINIMUM FLOOR AREA:	2,000 S.F.	2,000 S.F.	2,000 S.F.	2,200 S.F.
MINIMUM LOT AREA:	4,000 S.F.	5,500 S.F.	6,600 S.F.	7,150 S.F.
MINIMUM LOT WIDTH:	40'	50'	60'	65'
MINIMUM LOT DEPTH:	100'	110'	110'	110' (SEE NOTE 13)
MINIMUM FRONT SETBACK:	20'	20'	20'	20'
MINIMUM REAR SETBACK:	10'	10'	10'	15' (SEE NOTE 1.B.)
MINIMUM INTERIOR SIDE YARD:	5'	5'	5'	5' & 10'=15'
MINIMUM EXTERIOR SIDE YARD: ADJACENT TO STREET	15'	15'	15'	20'

Due to the additional side yard setback needed on corner lots, the technical lot mix is provided in the table below. However, as you can see, it only impacts two (2) lots between the categories.

Revised Plan - Lot Mix Table

LOT SIZE TYPE:	40' WIDE LOTS	50' WIDE LOTS	60' WIDE LOTS	65' WIDE LOTS
NUMBER OF LOTS PROVIDED:	19	5	6	15
MINIMUM FLOOR AREA:	2,000 S.F.	2,000 S.F.	2,000 S.F.	2,200 S.F.
MINIMUM LOT AREA:	4,000 S.F.	5,500 S.F.	6,600 S.F.	7,150 S.F.
MINIMUM LOT WIDTH:	40'	50'	60'	65'
MINIMUM LOT DEPTH:	100'	110'	110'	110' (SEE NOTE 13)
MINIMUM FRONT SETBACK:	20'	20'	20'	20'
MINIMUM REAR SETBACK:	10'	10'	10'	15' (SEE NOTE 1.B.)
MINIMUM INTERIOR SIDE YARD:	5'	5'	5'	5' & 10'=15'
MINIMUM EXTERIOR SIDE YARD: ADJACENT TO STREET	15'	15'	15'	20'

We have diligently worked all edges since the first City Council reading to fulfill Council's direction. While the revised plan does not completely conform to the first reading requirement, our hope is that Council recognizes this revised plan to be generally in conformance with Council's direction and vision for the property with 51% of the lots being 60' wide or greater.

Amenities & Perimeter Screening:

To be able to achieve the revised lot mix and reduction in density while still maintaining a viable project, we've had to make some modifications to other amenities and screening from what was previously included in the old plan presented to Council at the first reading. The amenity and perimeter screening modifications are as follows:

1. Removed trail and benches within the detention area at the northeast corner of the property, and converted the detention pond into a retention pond that will include a fountain feature.
2. Removed the unmanned gate house – but entry will still include a hardscape entry statement similar in design and color to match the existing Colby Crossing subdivision.
3. Kept the 8' tall masonry screening wall at the HOA open space entry area that abuts the Assisted Living Center, but removed the masonry columns from the 8' tall wood fence on the rear lot lines of lots that back up to the Assisted Living Center.
4. Lowered the height of the board on board wood fencing along the high school from 8' tall to 6' tall.

The features that we've removed with this revised plan were incorporated at the direction of the Planning and Zoning Commission; however, we think converting the detention pond into a retention pond with a beautiful fountain feature will be significantly more attractive for the neighborhood.

This revised plan now includes 51% of the lots (23 of 45 total lots) having a lot width of 60' or greater. In contrast, the old plan had only 27% of the lots (13 of 48 total lots) with a lot width of at least 60'.

We hope staff and City Council will view this revised plan for Colby Crossing Addition 2 to be sufficiently in conformance with the vision of the City of Mansfield, and will vote to approve Colby Crossing Addition 2 affording Windsor Homes the opportunity to build its high-quality product in another beautiful City of Mansfield community.

Cordially,









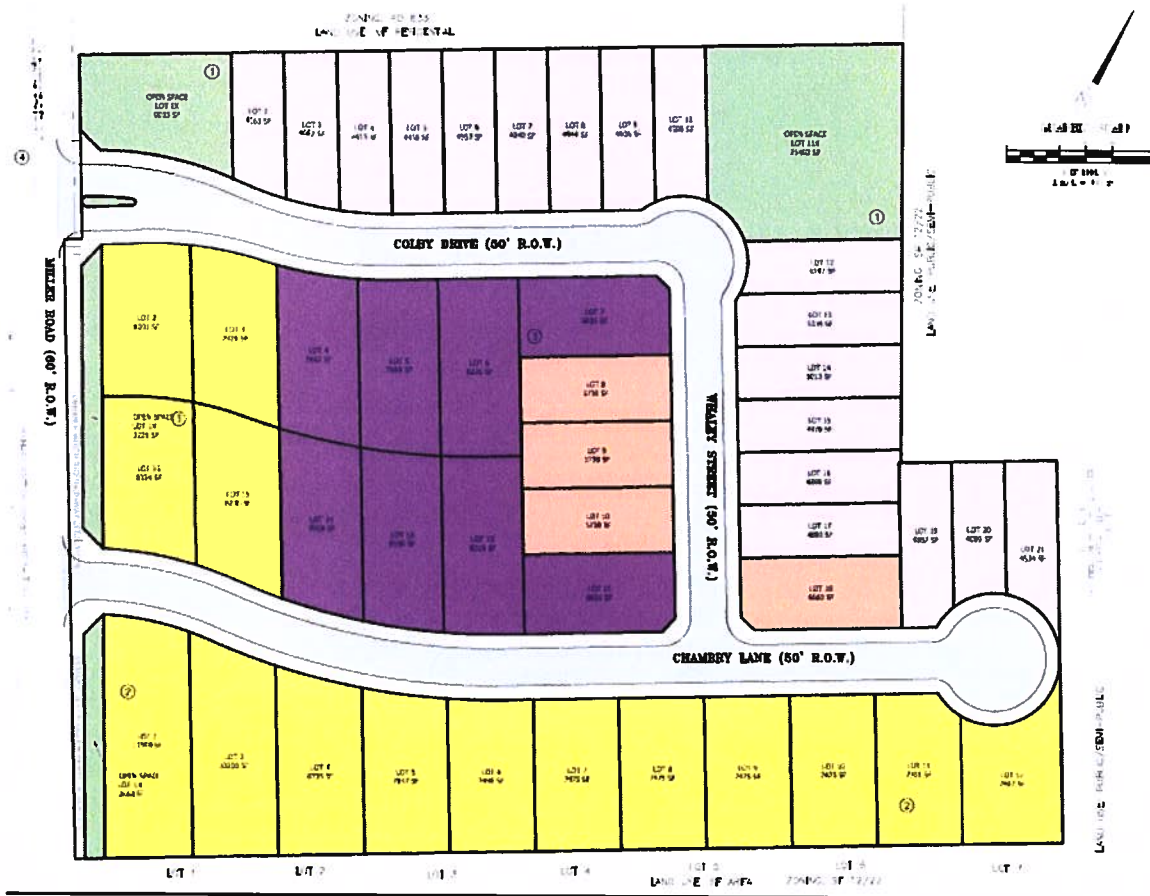
Adam J. Buczek, Development Partner
Skorburg Company
8214 Westchester, Ste 710
Dallas, TX 75225

EXHIBIT "A"

COLBY CROSSING ADDITION 2 LOT WIDTH CONCEPT PLAN (45 TOTAL LOTS)

LEGEND

	40' MINIMUM FRONTAGE
	50' MINIMUM FRONTAGE
	60' MINIMUM FRONTAGE
	65' MINIMUM FRONTAGE
	HOA / OPEN SPACE
	STREET





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3423

Agenda Date: 2/10/2020

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Setting Forth the Standards of Care for the 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

Requested Action

Approve Ordinance Adopting the "Standards of Care"

Recommendation

Adopt Ordinance establishing the "Standards of Care" that will allow the Recreation Department to offer youth day camp program, Monday through Friday, 8 am to 6 pm at the Mansfield Activities Center and/or MISD schools.

Description/History

In 1995, during the 74th State Legislation Session, Senate Bill 212 was passed. This Bill exempts certain youth programs from child-care licensing requirements including elementary-age (ages 5-13) recreation programs operated by a municipality.

The governing body of the municipality must annually adopt "Standards of Care" by ordinance after a public hearing. The ordinance shall include staffing ratios, staff qualifications, facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provide that parents be informed that the program is not licensed by the State and the program may not be advertised as a child-care facility.

Justification

The Recreation Department will be able to offer structured and staff-supervised youth day camp activities during school holidays. This program will consist of indoor and outdoor activities that will help build self-esteem, develop creativity, encourage teamwork and promote good sportsmanship.

Funding Source

N/A

Prepared By

Andrew Binz, Recreation Superintendent
Andrew.Binz@mansfieldtexas.gov
817-728-3387

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE 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.

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

WHEREAS, a home rule municipality may exercise its police power authority to safeguard the health, comfort and general welfare of its citizens, and may regulate the standards of care for the City's Kids Zone program; and

WHEREAS, Section 42.041 (b)(14) of the Texas Human Resources Code provides an exception for a municipality from the requirements of obtaining a license to operate an elementary-age recreation program provided the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council desires to adopt "Standards of Care" for the City's Recreation Department's Summer Youth Program.

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

SECTION 1.

These Standards of Care as referenced herein as "Exhibit A" are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Kids Zone Program. The program operated by the City is recreational in nature and is not a day care program. The following Standards of Care are hereby adopted by the City Council of the City of Mansfield, Texas in order to comply with Section 42.041 (b)(14) of the Texas Human Resources Code.

SECTION 2.

CUMULATIVE CLAUSE

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

SECTION 3.

SEVERABILITY CLAUSE

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.

EFFECTIVE DATE

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

DULY PASSED AND ADOPTED on first reading the 27th day of January, 2020.

DULY PASSED AND ADOPTED on second reading the 10th day of February, 2020.

DULY PASSED AND ADOPTED on third and final reading the 24th day of February, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, Acting City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

**CITY OF MANSFIELD
KIDS ZONE PROGRAM
2020 STANDARDS OF CARE**

The following Standards of Care have been adopted by the City Council of the City of Mansfield, Texas in order to comply with Senate Bill 212 as approved by the Texas Legislature during the 74th legislative session (1995). The Standards of Care are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Kids Zone Program. **The programs operated by the City are recreational in nature and are not day care programs.**

GENERAL ADMINISTRATION

1. Organization

- A. The governing body of the City of Mansfield's Kids Zone Program is the Mansfield City Council.
- B. Implementation of the Kids Zone Standards of Care is the responsibility of the Recreation Superintendent and Departmental employees.
- C. The Standards of Care for Kids Zone will apply to any Kids Zone program including Day Camp, Kids Day Off, After Dark and After School.
- D. Each Kids Zone site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will have access to a current copy of the Standards of Care during the registration process.
- F. Criminal background checks will be conducted on prospective Kids Zone employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude;
 - (5) any offense that would potentially put youth participants or the City of Mansfield at risk.

2. Definitions

- A. City: City of Mansfield
- B. City Council: City Council of the City of Mansfield
- C. Department: Parks and Recreation Department of the City of Mansfield

- D. Kids Zone: City of Mansfield's youth programs consisting of Day Camp, Kids Day Off, After School and After Dark
- E. Parent Handbook: Booklet of policies, procedures, required forms, and organizational and programming information relevant to the Kids Zone Program
- F. Manager: City of Mansfield's Activities Center Manager who will handle administrative responsibility for the City of Mansfield's Kids Zone Program in the Program Coordinator's absence
- G. Program Coordinator: City of Mansfield Parks and Recreation Department full-time Coordinator who has been assigned administrative responsibility for the Kids Zone Program
- H. Program Site: The facilities and surrounding property where the Kids Zone Program is held, consisting of, but not limited to, the Mansfield Activities Center and/or MISD schools
- I. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for the appropriate Kids Zone Program
- J. Parent(s)/Guardian(s): This term will be used to represent one or both parent or adults who have legal custody and authority to enroll their child(ren) in the Kids Zone Program
- K. Program Employee(s): Term used to describe people who have been hired to work for the City of Mansfield and have been assigned responsibility for managing, administering, or implementing some portions of the Kids Zone Program

3. Inspections/Monitoring/Enforcement

- A. The Manager will make visual inspections of the Kids Zone Programs based on the following schedule:
 - (1) The Day Camp Program will be inspected twice during its summer schedule and once during its winter break and once during its spring break.
 - (2) The After School Program will be inspected once during the fall semester and once during the spring semester.
- B. Complaints regarding enforcement of the Standards of Care will be directed to the Program Coordinator. The Program Coordinator will be responsible to take the necessary steps to resolve the problems. The Program Coordinator will record complaints regarding enforcement of the Standards of Care and their resolution. The Manager will address serious complaints regarding enforcement of the Standards of Care, and the complaint and its resolution will be noted.

4. Enrollment

- A. Before a child can attend and be signed into a Kids Zone Program, a parent(s)/guardian(s) must complete registration forms that contain the child's:
 - (1) name, address, home telephone number;

- (2) name and address of parent(s)/guardian(s), email address, and telephone number during Program hours;
- (3) the names of people to whom the child may be released;
- (4) a statement of the child's special physical, emotional or medical needs (may be required depending on Kids Zone program registered for);
- (5) emergency medical authorization (may be required depending on Kids Zone program registered for);
- (6) proof of residency when appropriate; and
- (7) a liability waiver.

5. Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Manager. The Manager will immediately notify the Police Department and any other agency as may be appropriate.

Texas state law requires the staff of these youth programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

6. Program Coordinator Qualifications

- A. The Program Coordinator will be a full-time, professional employee of the Mansfield Parks and Recreation Department and will be required to have all Program Employee qualifications as outlined in Section 8 of this document.
- B. The Program Coordinator must be at least 21 years old.
- C. The Program Coordinator must have a bachelor's degree from an accredited college or university.
- D. The Program Coordinator must have previous experience planning and implementing recreational activities.
- E. The Program Coordinator must pass a background investigation including testing for illegal substances.
- F. The Program Coordinator must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) based on either American Heart Association or American Red Cross standards.

7. Program Coordinator's Responsibilities

- A. The Program Coordinator is responsible for administering the Kids Zone Programs daily operations in compliance with the adopted Standards of Care.
- B. The Program Coordinator is responsible for recommending for hiring, supervising, and evaluating Program Employees.
- C. The Program Coordinator is responsible for planning, implementing, and evaluating programs.

8. Program Employee Qualifications

- A. Program employees will be part-time or temporary employees of the Parks and Recreation Department.
- B. Program employees working with children must be 18 years or older.
- C. Program employees should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Program employees must relate to children with courtesy, respect, tolerance, and patience.
- E. Program employees must have successfully completed a course in first aid and CPR/AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR/AED course within four weeks of starting work.
- F. Program employees must pass a background check including testing for illegal substances.

9. Program Employees' Responsibilities

- A. Program Employees will be responsible for providing participants with an environment in which they feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Program Employees will be responsible for knowing and following all City, Departmental, and Program standards, policies and procedures that apply to the appropriate Kids Zone Program.
- C. Program Employees must ensure that participants are released only to a parent or an adult designated by the parent(s)/guardian(s). All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Program Employee.

10. Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.

- B. Program employees must be familiar with the Standards of Care for the Kids Zone Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Parent Handbook.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

11. Staff-Participant Ratio

- A. The standard ratio of participants to staff will be 12 to 1. In the event a staff member is unable to report to the Program site, a qualified replacement will be assigned.
- B. Program employees are responsible for being aware of the participants' habits, interests, and special needs as identified by the participants' parent/guardian during the registration process.

12. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel, harsh or corporal punishment or treatment.
- C. Program employees may use brief, supervised separation from the group, if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s)/guardian(s) of participants. Parent(s)/guardian(s) will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Parent Handbook may result in a participant being suspended from the Kids Zone Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Kids Zone Program immediately.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to expulsion from the site and possible arrest and legal action.

13. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants'

health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.

- B. Program employees will attempt to provide indoor and outdoor time periods that include:
 - (1) alternating active and passive activities;
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day, weather permitting.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
 - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

14. Communication

- A. Each Program site will have access to a cell phone or telephone for use in contacting the Mansfield Activities Center or making emergency calls.
- B. The Program Coordinator will make accessible the following telephone numbers to all Program employees:
 - (1) Mansfield ambulance or emergency medical services;
 - (2) Mansfield Police Department;
 - (3) Mansfield Fire Department;
 - (4) Mansfield Activities Center;
 - (5) Numbers at which parent(s)/guardian(s) may be reached.

15. Transportation

- A. Before a participant may be transported to and from city-sponsored activities, a medical form and waiver, completed by the parent of the participant, must be filed with the Program Coordinator.
- B. Before a program employee can drive a 15-passenger van that is transporting children, they must:

- (1) be at least 18 years of age with a valid Texas driver's license;
 - (2) successfully pass a background check and drug test;
 - (3) complete an online 15- passenger van safety training and keep the certificate of completion with employee's file;
 - (4) complete one (1) hour of supervised driving time with a supervisor;
 - (5) read the Mansfield Parks & Recreation Transportation Guide;
 - (6) complete department required training.
- C. First aid supplies, a first aid and emergency care guide, and a working cell phone will be available in all Program vehicles that transport children.
 - D. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and must be accessible to the adult occupants.
 - E. All children must be securely seated in the appropriate safety seat/booster based on state child safety law.

FACILITY STANDARDS

16. Safety

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participants' use.
- D. Program employees must have first aid supplies readily available at each site, during transportation to an off-site activity, and for the duration of any off-site activity. Program employees must have an immediately accessible guide to first aid and emergency care.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.

17. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the local Fire Department personnel, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Activities Center Manager who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshal readily available to all Program employees. All Program employees will be trained in the proper use of fire extinguishers and their location.
- D. Fire drills will be initiated at Program sites based on the following schedule:
 - (1) Day Camp Program: A fire drill twice during the summer.
 - (2) After School Program: A fire drill once during the fall semester and once during the spring semester.

18. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to any Kids Zone Program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
 - (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Parent Handbook.
 - (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.
- B. Program employees will administer medication only if:
 - (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages for prescription and non-prescription medication. The form will include a hold harmless clause to protect the City.
 - (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.

- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the appropriate Kids Zone Program. Nonprescription medication must be in the original container. Program employees will administer it only according to label directions.
- (4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.

D. Sanitation

- (1) The Program facilities must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from buildings daily.

Reviewed 1/7/20



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 19-3395

Agenda Date: 1/27/2020

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - First Reading of an Ordinance of the City of Mansfield, Texas, Revising Chapter 111 "Peddlers and Solicitors", of the Code of Ordinances of the City of Mansfield, Texas Providing that this Ordinance Shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty; and Providing for an Effective Date

Requested Action

Approval of Ordinance

Recommendation

Approval of Ordinance

Description/History

The proposed revisions and additions to Chapter 111 "Peddlers and Solicitors" reflects needed changes allowing the City of Mansfield Police Department to better address peddler and solicitation related issues associated with the continued growth of the City of Mansfield.

Justification

Continued growth of the City has made the revision of the current Ordinance necessary. If the Ordinance revision is adopted, the Police Department will be better able to address issues related to the overwhelming number of peddlers and solicitors attempting to conduct business within the City of Mansfield.

Funding Source

None

Prepared By

Tracy L. Aaron, Chief of Police, Mansfield Police Department
817-804-5782

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 111 “PEDDLERS AND SOLICITORS” OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY; AMMENDING FEES; AMMENDING ISSUANCE OF PERMITS; AMENDING DISPLAY OF PERMIT REQUIREMENTS; ADDING PERMIT EXPIRATION DATES; ADDING PERMIT TIME RESTRICTIONS; AND PROVIDING EXEMPTIONS TO PERMITTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Mansfield has previously adopted regulations governing Peddlers and Solicitors; and

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

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

SECTION 1.

Section 111.17 “Fee” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending the fee the applicant pays to the city to read as follows:

“\$100”

“\$100 shall be charged for each individual agent.”

SECTION 2.

Section 111.18 “Issuance of Permit” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (A) to read as follows:

“(A) Within ten days after the applicant has fully complied with the provisions of this chapter, the Police Chief shall issue to the applicant a permit to engage in the activities named in § 111.01. Provided, however, no permit shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a permit be issued to any applicant who has been convicted of a felony or a crime involving moral turpitude.”

SECTION 3.

Section 111.20 “Display of Permit” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsections (A) and (B) to read as follows:

“(A) When engaged in door to door solicitation, each solicitor shall wear a high visibility vest provided by the City displaying the current year.”

“(B) Each permit shall be affixed to the vest at all times while conducting door to door sales.”

SECTION 4.

Section 111.21 “Permit Expiration” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“Permits issued under the provisions of this chapter shall expire on December 31st of the year of its issuance regardless of the date it is issued.”

SECTION 5.

Section 111.22 “Time Restrictions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

- “(A) No person may conduct commercial home solicitations or handbill distributions before 9:00 A.M.;
- (B) or after 7:00 P.M. or
- (C) Sunday; or
- (D) Any of the following holidays: New Year’s Day; Martin Luther King’s Birthday; President’s Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day”

SECTION 6.

Section 111.23 “Exemptions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“(A) Solicitations related to children's activities involving a charitable purpose, including, but not limited to: Mansfield Independent School District, Girl Scouts, Boy Scouts, and Big Brothers

and Sisters. Children under the age of 17 may participate in such activities to the extent they are actively supervised by a parent, guardian or other adult person, at least 18 years of age, who is responsible for the well-being of the child.”

“(B) Religious, political or nonprofit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public need not register with the city Permits and Inspections Department or pay a permit fee. A donation received from the distribution of handbills does not affect this exemption.”

SECTION 7. CUMULATIVE

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 provision of this Ordinance shall remain in full force and effect.

SECTION 8. SEVERABILITY

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 of 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 9. PENALTY

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 this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10. SAVINGS

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control 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 11.
PUBLICATION**

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

**SECTION 12.
EFFECTIVE DATE**

This Ordinance shall take effect as specified in the above sections after its passage on third and final reading and publication as required by law.

FIRST READING APPROVED ON THE _____ DAY OF _____, 2020.

SECOND READING APPROVED ON THE _____ DAY OF _____, 2020.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

E. Allen Taylor, Jr., City Attorney

Mansfield, TX Code of Ordinances

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

General Provisions

111.01 Entry of solicitor without invitation or without permit

111.02 Refusal to leave premises after notice

Permits

111.15 Permit application

111.16 Bond

111.17 Fee

111.18 Issuance of permit

111.19 Suspension and revocation of permit

111.20 Display of permit

GENERAL PROVISIONS**§ 111.01 ENTRY OF SOLICITOR WITHOUT INVITATION OR WITHOUT PERMIT.**

It shall be unlawful for any solicitor, salesman, peddler, vendor, merchant, of orders for or sale of goods, wares, books, magazines, materials, supplies, services or merchandise of any sort to go in or upon the premises of a private residence in the city for the purpose of soliciting, peddling, selling, merchandising goods, wares, books, magazines, materials, supplies, services or merchandise unless the person shall have permission of the owner to enter the premises or first obtain a permit as directed in §§ 111.15 through 111.18 of this chapter.

('78 Code, § 10-20) (Ord. 178, passed 3-9-65; Ord. 449, passed 9-28-81) Penalty, see § 10.99

§ 111.02 REFUSAL TO LEAVE PREMISES AFTER NOTICE.

It shall be unlawful for any solicitor, peddler, hawker, itinerant merchant or transient vendor who enters upon premises owned or leased by another to refuse willfully to leave the premises after having been notified by the owner or possessor of the premises, or by his/her agent, to leave the premises.

('78 Code, § 10-23) (Ord. 179, passed 3-9-65) Penalty, see § 10.99

Statutory reference:

Trespass, see Tex. Penal Code, § 30.05

PERMITS

§ 111.15 PERMIT APPLICATION.

Any person desiring to engage in any of the activities named in § 111.01 of this chapter shall file a written application with the Chief of Police, verified by affidavit as to the truthfulness of its contents and containing the following information.

(A) The name, residence and post office address and telephone number of the applicant, and if the applicant is not a permanent resident of the city, the applicant's permanent residence and post office address and telephone number.

(B) A specific description of the occupation in which the applicant desires to engage and for which the permit is desired.

(C) A full and complete description of the merchandise or services which the applicant desires to sell.

(D) Whether the applicant, upon any sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.

(E) The source of supply, location and proposed method of delivery of the merchandise or services to be sold.

(F) The names, residences and post office addresses and telephone numbers of three individuals who will act as character and business references for the applicant and will provide such information concerning the applicant as may be requested by the city.

(G) Whether or not the applicant has engaged in any of the activities named in the preceding section in other cities, and if so, the names of the last three cities and the dates of the applicant's activities in the cities.

(H) If the applicant is an individual, the applicant's age, sex, height, weight, complexion, color of hair, color of eyes and fingerprints.

(I) If the applicant is an individual, a full and complete statement of the applicant's criminal record, if any, including a detailed account of all arrests, charges filed, offenses committed, convictions, sentences received, time served, paroles or pardons received and the date, place and jurisdiction relating to each item.

(J) If the applicant is an individual, there shall be attached to the application a recent photographic likeness of the applicant.

(K) If the applicant is the agent of another, the name, address and telephone number of the applicant's principal and the attachment of credentials issued by the principal to the applicant which set forth the extent of the applicant's authority to act for and bind the principal.

(L) If the applicant is a partnership, association or joint venture, the full names, addresses and telephone numbers of all partners, associates or joint venturers.

(M) If the applicant is a corporation, the state of incorporation, the principal place of business, the name and addresses and telephone numbers of its officers and, if the applicant is a foreign corporation, whether it has a permit to do business in the state.

('78 Code, § 10-24) (Ord. 404, passed 2-11-80)

§ 111.16 BOND.

(A) At the time the application is filed, the applicant shall also file with the Police Chief a bond in the penal sum of \$1,000, signed by the applicant as principal and by a corporate surety company authorized to do business in the state as surety, conditioned upon the final delivery of the merchandise or performance of the services in accordance with the terms of any contract or order obtained prior to delivery or performance, and also conditioned to indemnify any and all purchasers for any and all defects in material or workmanship that may exist in the merchandise sold or the services performed by the principal at the time of delivery or performance, or that may be discovered within 30 days after delivery or performance. The bond shall be for the use and benefit of all persons who may make any purchase, give any order or enter into any contract with the principal on the bond or the principal's agents. The surety may terminate its liability the such bond by giving ten days written notice to the Police Chief, after which time the surety will not be liable for any subsequent act of the principal. There shall be attached to the bond a certified copy of the surety company's resolution authorizing the person signing for the surety company to act as its attorney in fact.

(B) In the event the applicant is acknowledged to be an agent of a person holding a permit hereunder who has on file with the Police Chief a blanket bond conditioned as provided in the preceding section and covering the activities of all the person's agents. No individual bond shall be required so long as the applicant acts solely as the agent of the permittee. Acknowledgment of the agent shall be made in writing by the permittee and mailed directly to the Police Chief.

('78 Code, § 10-25) (Ord. 404, passed 2-11-80)

§ 111.17 FEE.

At the time the application is filed with the Police Chief, the applicant shall pay to the city a fee in the sum of \$10, which sum shall be compensation to the city for the services herein required of it and to enable the city to partially defray the expenses of investigation, surveillance and enforcement of the provisions of this chapter. If the applicant is a corporation, partnership, association, joint venturer or individual having more than one agent engaging in any of the activities named in § 111.01 of this chapter on behalf of the applicant, a fee of \$10 shall be charged for the first ten of such agents and a fee of \$5 per agent shall be required for each agent of the applicant in excess of ten.

('78 Code, § 10-26) (Ord. 404, passed 2-11-80)

§ 111.18 ISSUANCE OF PERMIT.

(A) Within ten days after the applicant has fully complied with the provisions of this chapter, the Police Chief shall issue to the applicant a permit to engage in the activities named in § 111.01 for a period of one year from the date of issuance. Provided, however, no permit shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a permit be issued to any applicant who has been convicted of a felony or a crime involving moral turpitude.

(B) The permit provided for in this chapter shall not be transferrable, nor shall it give authority to anyone other than the permittee named thereon to engage in the activities named in § 111.01 hereof.

('78 Code, § 10-27) (Ord. 404, passed 2-11-80)

§ 111.19 SUSPENSION AND REVOCATION OF PERMIT.

(A) Any permit issued under the provisions of this chapter shall be automatically suspended when the surety terminates its liability on the permittee's bond, or the principal's bond if the permittee is the agent of another or upon expiration of the permittee's bond or the principal's bond if the permittee is the agent of another, and the permittee shall be reinstated only upon filing with the Police Chief a new bond meeting the requirements of § 111.16.

(B) Any permit issued under the provisions of this chapter shall be automatically revoked and canceled upon the holder's conviction of a felony or a crime involving moral turpitude, and the City Council may revoke and cancel the permit of any holder who is convicted in the Municipal Court of this city of a violation of a provision of this chapter or whose agents are convicted in the Municipal Court of this city of a violation of the provisions of this chapter, and they may provide that no permit shall thereafter be issued to the holder for a period of 12 months. Revocation of any permit, for whatever cause, shall automatically revoke the permit of all agents of the permittee.

('78 Code, § 10-28) (Ord. 404, passed 2-11-80)

§ 111.20 DISPLAY OF PERMIT.

When engaged in door-to-door selling, the permit required by this chapter shall be carried by the salesperson and shall upon request be given to any law enforcement personnel or customer for examination. Otherwise, the permit shall be prominently displayed upon the premises or place where the business authorized thereunder is being carried on or conducted.

('78 Code, § 10-29) (Ord. 404, passed 2-11-80) Penalty, see § 10.99



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3435

Agenda Date: 2/10/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 9, 2020 to March 2, 2020

Requested Action

Consider the suspension of the Procedural Rules of Council as set out in Section 1.02 (J) "General Rules - Suspension of Rules" and reschedule the regularly scheduled City Council meeting of March 9, 2020 to March 2, 2020.

Recommendation

Suspend the Procedural Rules of Council and reschedule the March 9, 2020 Regular City Council meeting to March 2, 2020.

Description/History

Spring Break has been scheduled for March 9, 2020 through March 13, 2020.

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

Section 1.02 General Rules

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

Section 1.03 Meetings

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

Justification

Due to spring break there may be a possibility of a quorum not being present to hold a meeting.

Funding Source

N/A

Prepared By

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

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

Section 1.03 Meetings

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



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3444

Agenda Date: 2/10/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Discussion and Possible Action Regarding the Installation of a Mid-block Crosswalk on Main St. in Historic Downtown Located Approximately 250-300 ft. South of the Broad St. Intersection

Requested Action

Council discussion.

Recommendation

Defer to Council.

Description/History

Council Member Lewis requested this item be placed on the agenda for discussion.

Support was received from Council Member Newsom and Council Member Moore.

Justification

N/A

Funding Source

N/A

Prepared By

Susana Marin, TRMC, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3445

Agenda Date: 2/10/2020

Version: 1

Status: New Business

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

Discussion and Possible Action Regarding Forgiveness of Liens at 301 Sayers Street

Requested Action

Council discussion.

Recommendation

Defer to Council.

Description/History

Habitat for Humanity is purchasing property located at 301 Sayers Street. There are currently two liens on the property for demolition and forced mowing. The property was force mowed in September 2019 and a lien was placed on the property; the amount owed for this lien is \$372.12. The property was ordered to be demolished by the Construction Codes Board of Adjustment and Appeals in November 2019 and a demolition lien was placed on the property; the amount owed for this lien is \$49,688.01. The total amount owed for both liens is \$50,060.13.

It is the intent of Habitat to construction anywhere from 6-12 Habitat homes on this property. They have reached out to the city and asked for the forgiveness of the total amount owed on the liens.

Justification

N/A

Funding Source

N/A

Prepared By

Joe Smolinski, Deputy City Manager