

CITY OF MANSFIELD

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

Meeting Agenda

City Council

Tuesday, May 26, 2020 5:00 PM Council Chambers

REGULAR MEETING

THIS MEETING WILL BE HELD BY VIDEO CONFERENCING. To participate, please register at

https://mansfieldtexas.zoom.us/webinar/register/WN_-aMY0TVQQE-U5SLEtw1vkw by 7:00 p.m. on Tuesday, May 26, 2020 or join by telephone at 1-888-788-0099 (Toll Free). If joining by phone, please provide the Webinar ID number and password below:

Webinar ID: 942-9700-9896

Password: 1234567

Citizen comments and public hearing comments may also be submitted through the city's website www.mansfieldtexas.gov or by sending an email to susana.marin@mansfieldtexas.gov. All comments must be submitted by 7:00 p.m. Tuesday, May 26, 2020. Comments received will be read into the record by the Mayor or the City Secretary.

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

2. RECESS INTO EXECUTIVE SESSION

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

- A. Pending or Contemplated Litigation or to Seek the Advice of the City Attorney Pursuant to Section 551.071
- 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
- C1. Consideration of Council Appointment of City Manager and Annual Review Process

- D. Deliberation Regarding Commercial or Financial Information Received From or the Offer of a Financial or Other Incentive Made to a Business Prospect Seeking to Locate, Stay or Expand in or Near the Territory of the City and with which the City is Conducting Economic Development Negotiations Pursuant to Section 551.087
- 3. 6:50 P.M. COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION
- 4. <u>7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION RECONVENE</u>
 INTO REGULAR BUSINESS SESSION
- 5. <u>INVOCATION</u>
- 6. PLEDGE OF ALLEGIANCE
- 7. <u>TEXAS PLEDGE</u>

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

8. CITIZEN COMMENTS

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

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

9. COUNCIL ANNOUNCEMENTS

10. 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

11. SUB-COMMITTEE REPORTS

May 18, 2020 Budget Sub-Committee Meeting Update (Casey Lewis, Chair; Brent Newsom; Terry Moore)

12. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

13. CONSENT AGENDA

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

20-3557 Ordinance - Second Reading of an Ordinance to Consider Proposed Changes to the Mansfield, Texas Code of Ordinances: Chapter 96 Parks and Recreation

Presenters: Shelly Lanners and Matt Young

Attachments: Ordinance

20-3561

Resolution - A Resolution Authorizing the City Manager and the Police
Department to Make Application, Receive and Expend Grant Funding from
the Texas Department of Motor Vehicle Crime Prevention Authority to
Continue a Multi-agency Task Force

Presenters: Clayton Chandler and Tracy Aaron

Attachments: Resolution

20-3569 Minutes - Approval of the May 11, 2020 Regular City Council Meeting Minutes

<u>Presenters:</u> Shelly Lanners and Susana Marin <u>Attachments:</u> 5-11-20 DRAFT Meeting Minutes

END OF CONSENT AGENDA

14. OLD BUSINESS

20-3555 Consider Supplemental Funding Request from the Hotel Occupancy Tax Fund for the Pickled Mansfield Society's World's Only St. Paddy's Pickle Parade & Palooza Event in the Amount of \$90,644.13 (Julie Short, Chair)

Presenters: Julie Short

Attachments: Pickled Mansfield Society Letter

15. PUBLIC HEARING CONTINUATION AND SECOND READING

Ordinance - Public Hearing Continuation and Second Reading of an
 Ordinance Approving a Zoning Change from PD, Planned Development

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

Presenters: Joe Smolinski, Matt Jones and Art Wright

Attachments: Ordinance

Maps and Supporting Information

Color Site Plan
Color Elevations

Exhibit A

Revised Color Elevations
Revised Exhibits B through D

16. <u>NEW BUSINESS</u>

20-3575 Discuss, Consider, and Approve a Resolution Continuing Mayor Cook's

Declaration of Public Health Emergency

<u>Presenters:</u> City Council <u>Attachments:</u> Resolution

<u>20-3576</u> Discussion and Possible Action Regarding Mansfield's Rockin' 4th of July

Celebration

Presenters: Brent Newsom, Mike Leyman and Terry Moore

20-3577 Resolution - A Resolution of the City of Mansfield, Texas Authorizing the

City Manager or Designee to Enter into an Interlocal Cooperation Agreement with Tarrant County, Texas for the Purpose of Receiving CARES Act Funds as Provided for by Chapter 791 of the Texas

Government Code

Presenters: Clayton Chandler

Attachments: Resolution

Letter to Cities

InterLocal Agreement - Mansfield Direct Distribution

TC Guidelines & FAQ

Treasury FAQs

Treasury Guidance

17. ADJOURN

CERTIFICATION

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the May 26, 2020 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, mansfieldtexas.gov, on Friday, May 22, 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

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STAFF REPORT

File Number: 20-3557

Agenda Date: 5/26/2020 Version: 2 Status: Second Reading

In Control: City Council File Type: Ordinance

Agenda Number:

Title

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

Requested Action

Consider Approving Ordinance

Recommendation

Approve Ordinance

Description/History

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

"§ 96.26 FISHING.

- (A) It shall be unlawful for any person to fish in park land areas that have been designated as no fishing zones by the City Council after recommendation of the Mansfield Park Facilities Development Corporation.
- (B) It shall be unlawful for any person to use trotlines, throw lines, fish traps, or nets while fishing in designated areas of park lands.
- (C) It shall be unlawful to clean fish in any park land."

Justification

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

Funding Source

N/A

Prepared By

Matt Young, Director of Parks and Recreation Matt.Young@mansfieldtexas.gov 817-728-3397

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

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

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

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

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

SECTION 1

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

"§ 96.26 FISHING.

- (A) It shall be unlawful for any person to fish in park land areas that have not been designated for fishing by Parks and Recreation Department Rules and Regulations and park signage.
- (A) It shall be unlawful for any person to fish in park land areas that have been designated as no fishing zones by the <u>City Council after recommendation of the Mansfield Park Facilities Development Corporation and park signage.</u>
- (B) It shall be unlawful for any person to use trotlines, throw lines, fish traps, or nets while fishing in designated areas of park lands.
- (C) It shall be unlawful to clean fish in any park land."

SECTION 2

THAT, the Director of Parks and Recreation, or his designee, is authorized to designate areas of park land that are suitable for fishing and to install signage -in those areas that have been designated by the City Council as no fishing zonesrelated to the same.

SECTION 3

THAT, this ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

SECTION 4

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

SECTION 5

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

SECTION 6

| | ordinance shall take efflication of the caption, a | - | and after its passage on third and final in such cases provide. |
|--------------------|--|------------|---|
| First reading | g approved on the | day of | , 2020. |
| Second read | ing approved on the | day of | , 2020. |
| | SED on the third and f day of, 2 | | City Council of the City of Mansfield, |
| | | David L. (| Cook, Mayor |
| ATTEST: | | | |
| Susana Marin, City | / Secretary | | |
| APPROVED AS TO | O FORM AND LEGALI | ITY | |

Allen Taylor, City Attorney



CITY OF MANSFIELD

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STAFF REPORT

File Number: 20-3561

Agenda Date: 5/26/2020 Version: 2 Status: Consent

In Control: City Council File Type: Resolution

Title

Resolution - A Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Texas Department of Motor Vehicle Crime Prevention Authority to Continue a Multi-agency Task Force

Requested Action

Approval of Resolution

Recommendation

Approval of Resolution

Description/History

In Texas, a vehicle is stolen every 5 minutes and a vehicle is burglarized every 2.5 minutes, unfortunately, the City of Mansfield is not excluded from these statistics. The police department has applied and received funding from this grant program for the last 9 years..Title Most recently in FY19-20, the grant award received was \$300,000 to continue to operate a multi-agency task force that targets automobile thefts and burglaries. The police department will continue to be the managing agency with participation from the cities of Burleson, Kennedale, Midlothian, Alvarado and the Tarrant County Constable Precinct 7. Additionally, The Task Force will provide law enforcement assistance related to the grant activities to all law enforcement agencies within Ellis and Johnson Counties.

The grant will fund personnel, travel, and supplies and operating expenses for FY20-21. The grant will require a 20% cash match that will be shared with each participating law enforcement agency receiving grant funds.

Justification

N/A

Funding Source

Reimbursement grant from the Motor Vehicle Crime Prevention Authority through the Texas Department of Motor Vehicles Grant Program of the State of Texas through the Governor's Office.

Prepared By

Jessica Graves, Grant Manager for Chief T. Aaron

| RESOLUTION NO. | |
|-----------------------|--|
| | |

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE TEXAS DEPARTMENT OF MOTOR VEHICLE CRIME PREVENTION AUTHORITY TO CONTINUE A MULTI-AGENCY TASK FORCE.

WHEREAS, under the provisions of the Texas Revised Civil Statues Article 4413(37) and Texas Administrative Code Title 43; Part 3; Chapter 57 entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority (MVCPA) to provide financial support to law enforcement agencies for economic automobile theft enforcement teams and to combat motor vehicle burglary in the jurisdiction; and,

WHEREAS, the City of Mansfield (city) finds it in the best interest of the citizens to receive grant funding from a program which is funded by a \$2 annual assessment per insured vehicle per year; and

WHEREAS, if awarded grant funds, this will be the 9th year since the inception of the Tri-County Auto Theft Task Force (task force). The city, the police department and the task force agrees to comply with all program rules as set out in the grant program guidelines; and

WHEREAS, the city agrees that in the event of loss or misuse of the grant program funds, the city assures that the funds will be returned to MVCPA in full; and

WHEREAS, the city designates Clayton W. Chandler, the city manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

WHEREAS, the city council desires to ratify and authorize the city manager and the police department to make application, receive, and expend the above mentioned grant allocation, if awarded.

NOW, THEREFORE, B E IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

- 1. The city manager or designee is authorized to execute all documents and make application for obtaining state funds from MVCPA for FY21. The grant amount (to be determined by the MVCPA) will require a 20% cash match that will be shared with each participating law enforcement agency receiving grant funding.
- 2. The city manager or designee is authorized to receive and expend the grant funding, if awarded, by the MVCPA for this grant program.

| 3. The program director and financial officer will be employees from the City of Mansfie | |
|--|----------------------|
| PASSED AND APPROVED THIS THE | DAY OF, 2020. |
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| | |
| | |
| | David L. Cook, Mayor |
| | |
| ATTEST: | |
| | |
| | |
| Susanna Marin, City Secretary | |



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3569

Agenda Date: 5/26/2020 Version: 1 Status: Approval of Minutes

In Control: City Council File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the May 11, 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 May 11, 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

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Meeting Minutes - Draft

City Council

Monday, May 11, 2020 5:00 PM Council Chambers

AMENDED AGENDA REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:05 p.m.

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

Present 7 - David Cook;Larry 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 5:07 p.m. Mayor Cook called the executive session to order in the Multi-Purpose Room at 5:09 p.m. Mayor Cook adjourned executive session at 7:33 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 Legal Issues Related to Executive Session Documents and Materials

Seek Advice of City Attorney Regarding Legal Issues Interpreting a City of Burleson Contract

Seek Advice of City Attorney Regarding Proposed Changes to the Parks Chapter of the Code of Ordinance

Seek Advice of City Attorney Regarding Shops at Broad Development

Seek Advice of City Attorney Regarding Governor's Proclamation Allowing New Election Schedule

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

Personnel Matters Pursuant to Section 551.074

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

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

Mayor Cook reconvened into regular business session at 7:42 p.m.

INVOCATION

Living Church Pastor Truston Baba gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Moore led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Lewis led the Pledge of Allegiance.

CITIZEN COMMENTS

Mayor Cook recognized the following people who provided comments:

The following people provided comments to the Council each in support of keeping the municipal elections in November:

Kathleen D'Agostino

Angie Thor

Lance Irwin

Melissa Lawson

Kristen Fleming-Wood

Tracee Holloway

Jolene Marchant

Deena Walker

Gary Walker

Barbara Gallup

Elizabeth Newsome

Kevin and Vickie Dennis

Lutisha Rogers

Joe Rastatter

Scot Bowman

Aiden Worobey

Shauna and Phillip Worobey

Joyce Sunde

The following person provided comments to the Council in support of a Homestead Exemption:

Jolene Marchant

COUNCIL ANNOUNCEMENTS

Council Member Leyman had no announcements.

Mayor Pro Tem Short had no announcements.

Council Member Lewis had no announcements.

Council Member Moore thanked all the citizens for voicing their concerns and opinions.

Council Member Newsom thanked all the Nurses for all they are doing during this time in particular his wife, Michelle.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

SUB-COMMITTEE REPORTS

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

City Manager Clayton Chandler thanked the all employees continuing to work on the front lines.

Special Event Update

Director of Parks and Recreation Matt Young gave a brief presentation regarding the Rockin' 4th of July event. He gave a brief overview of the event and explained the existing challenges, including overcrowding, parking and criminal elements. He discussed additional challenges due to COVID-19. Matt presented the Council with event options; no event or fireworks event only. He discussed the urgency of the decision as fireworks need to be ordered and notification must be given to the State. Matt answered Council questions. Mr. Chandler made brief comments regarding the current budget process. City Attorney Allen Taylor answered Council questions.

A motion was made by Council Member Leyman to cancel the Rockin' 4th of July event this year. Seconded by Mayor Pro Tem Short. The motion CARRIED unanimously.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

Mr. Chandler made brief comments answered Council questions regarding the opening of certain city facilities.

A motion was made by Council Member Lewis to direct staff to follow Governor Greg Abbott's order, GA-21, finding ways to safely reopen the Library, Farr Best Theater, the Museum, the Mansfield Activity Center and those things included in the Governors with the safety protocols and occupancy percentages as recommended and for staff to move forward with opening those types of facilities in accordance to the schedule the Governor has issued. 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

CONSENT AGENDA

20-3513

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

Susana Marin read the caption into the record.

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

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

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

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

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

Nay: 0
Abstain: 0

Enactment No: OR-2176-20

20-3552

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

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

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

(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 Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0
Abstain: 0

Enactment No: RE-3650-20

20-3553

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

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

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

(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 Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0

Abstain: 0

Enactment No: RE-3651-20

20-3554

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

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

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

(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 Broseh;Brent Newsom;Terry Moore;Julie Short;Mike Leyman and Casey Lewis

Nay: 0
Abstain: 0

Enactment No: RE-3652-20

20-3551

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

A motion was made by Council Member Moore to approve this agenda item. 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

20-3549

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

A motion was made by Council Member Moore to approve the minutes of the April 27, 2020 Regular City Council Meeting as presented. Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

20-3556

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

Council Member Leyman removed this item from the consent agenda. Director of Public Works Bart VanAmburgh answered Council questions.

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

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

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

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

Enactment No: RE-3653-20

END OF CONSENT AGENDA

OLD BUSINESS

20-3545

Discussion and Possible Action Regarding the Burial of Overhead Electric Utilities

Deputy City Manager Joe Smolinski made brief comments and answered Council questions. Mr. Chandler made brief comments.

A motion was made by Mayor Cook to authorize an expenditure of up to \$100,000 regarding the burial of overhead electric utilities in order to support the Hoffman project. Seconded by Council Member Leyman. The motion CARRIED by the following vote:

Aye: 5 - David Cook;Larry Broseh;Brent Newsom;Terry Moore and Mike Leyman

Nay: 2 - Julie Short and Casey Lewis

Abstain: 0

PUBLIC HEARING AND FIRST READING

20-3550

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

Director of Planning Matt Jones made a brief presentation and answered Council questions. Living Church Pastor Truston Baba made a brief presentation and answered Council questions. Living Church representative Whitney Barth and Bannister Engineering representative Jeff Linder answered Council questions. Mayor Cook opened the public hearing at 10:15 p.m. The following person spoke:

Houston Mitchell - 605 St. Eric

With no other wishing to speak, Mayor Cook continued the public hearing through second reading at 10:16 p.m.

A motion was made by Council Member Newsom 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 PD, PLANNED DEVELOPMENT DISTRICT FOR C-2 USES INCLUDING A CHURCH AND EATING PLACE WITH DRIVE-THROUGH SERVICE, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Lewis. The motion CARRIED by the following vote:

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

Nay: 1 - Terry Moore

Abstain: 0

NEW BUSINESS

20-3555

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

Council Member Short, as Chairman of the Hotel/Motel Occupancy Funds Sub-Committee, made a brief presentation regarding the request made from the Pickled Mansfield Society for supplemental funds. Pickled Mansfield Society representatives John Pressley and Amanda Kowalski answered Council questions.

A motion was made by Council Member Moore to table this agenda item. 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

20-3557

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

Matt Young made a brief presentation and answered Council questions.

A motion was made by Council Member Lewis to approve the first reading of "AN ORDINANCE AMENDING CHAPTER 96, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY CREATING A NEW SECTION 96.26, "FISHING" AND PROHIBITING FISHING IN PARK LAND AREAS NOT DESIGNATED BY THE CITY; PROHIBITING THE USE OF CERTAIN FISHING METHODS; PROHIBITING THE CLEANING OF FISH WITHIN PARK LANDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE," revising paragraph A to state " it should be unlawful for any persons to fish in park land areas that have been designated as "No Fishing Zones" by the Mansfield Park Facilities Development Corporation" with paragraphs B and C remaining as written. 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

20-3558

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

Mayor Cook made brief comments and answered Council questions regarding the amended declaration. Mayor Cook stated the resolution would be extended to May 19, 2020, to align with Governor Greg Abbott's order and explained the purpose was not to add restrictions but to be eligible for funding.

A motion was made by Mayor Cook to approve the following resolution extending the deadline to May 19, 2020:

CONTINUATION OF SIXTH AMENDED DECLARATION OF PUBLIC HEALTH EMERGENCY CITY OF MANSFIELD, TEXAS

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

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

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

Nay: 0

Abstain: 0

Enactment No: RE-3654-20

20-3559

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

Council Member Leyman made brief comments regarding his intent to request support to place this item on the agenda. Council Members Lewis and Newsom made brief comments regarding their support of this item being placed on the agenda. Allen Taylor made brief comments explaining Governor Abbott's proclamation allowing cities to postpone elections to the November 3, 2020, and answered Council questions.

ADJOURN

A motion was made by Council Member Newsom to adjourn the meeting at 11:29 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

| | 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: 20-3555

Agenda Date: 5/26/2020 Version: 1 Status: Old Business

In Control: City Council File Type: Consideration Item

Agenda Number:

Title

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

Requested Action

Consider Request

Recommendation

Deny Request

Description/History

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

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

The Chair is recommending denying this request.

Justification

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

Funding Source

Hotel/Motel Occupancy Fund

Prepared By

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



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

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

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

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

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

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

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

Board of Directors

| John Pressley | Amanda Kowalski | Gigi Wadley | Sheri Curb |
|---------------|-----------------|-------------|------------|
| | | | |

Cindy Pressley Bob Kowalski Joe Kowalski RT Hall

MANSFIELD T X X A S

CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3550

Agenda Date: 5/26/2020 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 Zoning Change from PD, Planned Development District to PD, Planned Development District for C-2 Uses Including a Church and Eating Place with Drive-Through Service on Approximately 32.558 Acres, located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, Surveyor/Engineer and Living Church, Owner/Developer (ZC#19-023)

Requested Action

To consider the subject zoning change request.

Recommendation

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

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

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

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

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

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

Reducing some parking in Phase 2.

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

Description/History

Existing Use: Single-family residences and agricultural

Existing Zoning: PD

Surrounding Land Use & Zoning:

North - Vacant and floodway, PD

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

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

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

Thoroughfare Plan Specification:

S. Mitchell Road - 3-lane undivided minor collector

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

Official Land Use Plan:

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

Comments and Considerations

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

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

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

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

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

Development Plan (Exhibit B)

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

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

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

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

Access and Parking (Exhibit B)

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

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

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

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

Coffee Shop (Exhibit B)

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

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

Building Standards (Exhibit C)

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

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

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

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

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

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

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

Signage (Exhibit C)

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

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

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

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

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

Landscaping and Screening (Exhibit D)

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

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

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

Summary and Recommendation

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

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

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

Building Standards:

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

Parking:

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

Signage:

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

height of 35 feet.

Landscaping:

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

Second Reading

City Council held a public hearing and first reading on May 11, 2020 and voted 6-1 (Councilmember Moore voting nay) to approve. City Council had several concerns about the development regarding the masonry materials on the building and the height and size of the proposed signage. Based on the Council's recommendation that the applicant make some changes to the development, the applicant has revised the PD as follows:

Building Standards:

- The masonry on the building elevations has been increased from 21% to 24%. Masonry was applied to the south elevation as six stripes of brick on the wall in addition to brick previously shown.
- The maximum height of the Phase 1 sanctuary has been increased from 34 feet to 36 feet. 8 inches.
- The maximum height of the Phase 2 building has been established at 60 feet. The height was not shown on Exhibit B at first reading.
- Exhibit B has been revised to show that the steeple height of 56 is for the Phase 1 sanctuary.
- The applicant generated new PDF exhibits to remove the yellow labels.

Signage:

- The flagpole height has been reduced from 75 feet to 50 feet.
- The height of the cross on U.S. 287 has been reduced from 75 feet to 60 feet.
- The pylon sign has been reduced from 30 feet to 20 feet, and the LED area has been reduced from 150 square feet to 100 square feet. The base has been modified to include a masonry base as shown on Exhibit C. The new structure will be approximately 28 feet in width.

Landscaping:

 The trees on the south property line have been changed to Eastern Red Cedars (evergreen trees) to provide a consistent screen to the residential property to the south.

• The applicant revised the scale of Exhibit D, the Landscape Plan, to make it easier to read.

Staff reviewed the revised PD in keeping with the Land Use Plan and surrounding development. Staff does not believe the changes are sufficient and recommends that any action taken by Council include the following conditions:

- Staff recommends that the sides of the Phase 1 building and future buildings be finished with the same materials and details except on the common wall where the Phase 1 and Phase 2 buildings will be joined.
- The applicant is proposing 284 parking spaces more than required. Staff recommends that some of this excess parking be eliminated along S. Mitchell Road (such as the circular parking lot between the main driveway and the pond) to allow for additional landscaping and usable community space.
- Staff recommends that the 60-foot cross be eliminated but also recommends that the existing cross at the church's current N. Matlock Road sanctuary be relocated to this site to be displayed on either along S. Mitchell Road or US 287.
- Staff recommends that the proposed pylon sign on US 287 follow the requirements in Section 7100.D.1 for a monument sign for institutional uses.
- There are two monument signs proposed for the S. Mitchell Road frontage. Staff previously recommended that the monument sign at the south driveway be relocated in front of the coffee shop and not be constructed until Phase 2.
- Staff recommends that the flagpole on US 287 comply with the maximum flagpole height of 35 feet.
- Staff supports the request to eliminate the screening fence on the south side of the property as Mitchell Farms will have its own screening wall.

Prepared By

CITY OF MANSFIELD

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

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Printed on 5/22/2020

ORDINANCE NO.

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

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

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

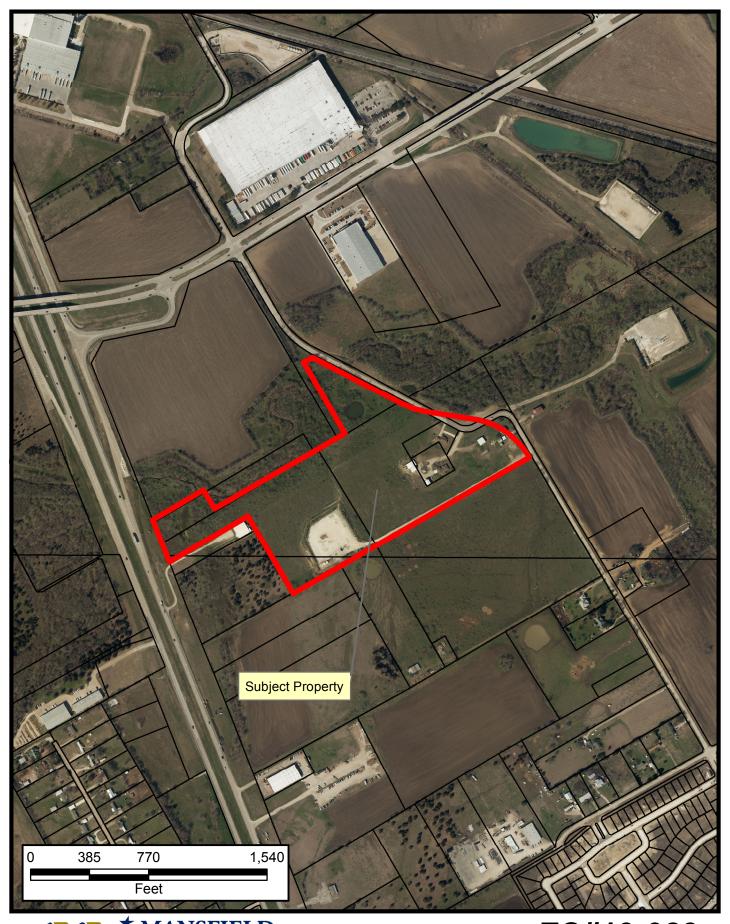
SECTION 6.

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

SECTION 7.

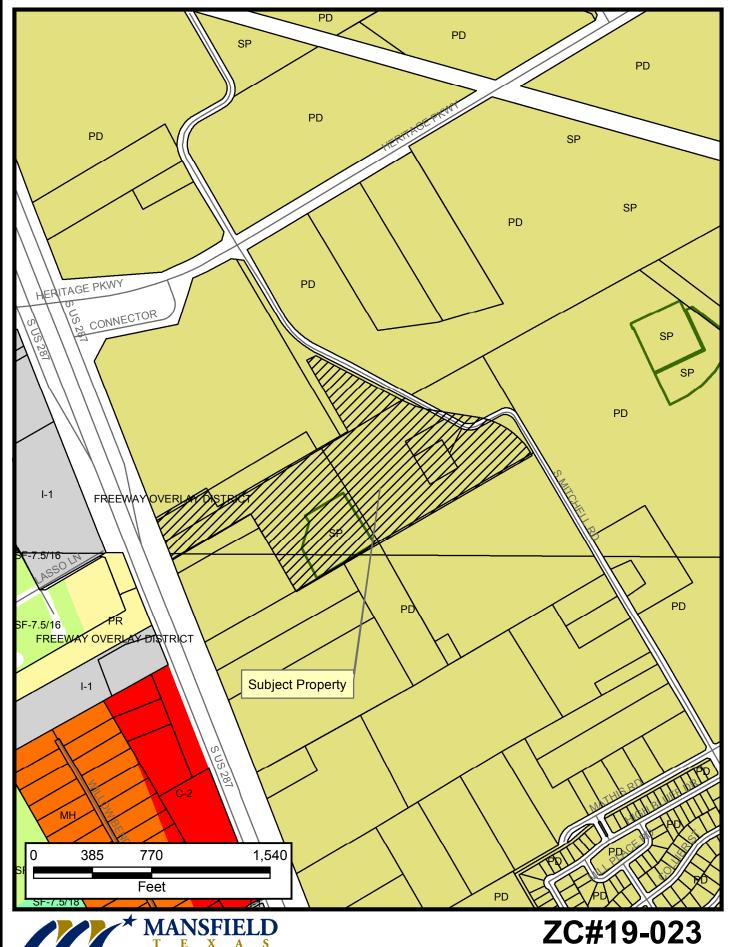
| This ordinance shall take effect imme reading and the publication of the caption, as | • | 1 0 |
|--|--------------|-----------------------------|
| First reading approved on the | day of | _, 2020. |
| Second reading approved on the | _ day of | , 2020. |
| DULY PASSED on the third and f Mansfield, Texas, this day of | | City Council of the City of |
| ATTEST: | David L. Coo | ok, Mayor |
| Susana Marin, City Secretary | | |
| APPROVED AS TO FORM AND LEGALIT | Y | |

Allen Taylor, City Attorney





ZC#19-023



12/23/2019

Property Owner Notification for ZC#19-023

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

Monday, December 23, 2019

Property Owner Notification for ZC#19-023

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

Monday, December 23, 2019





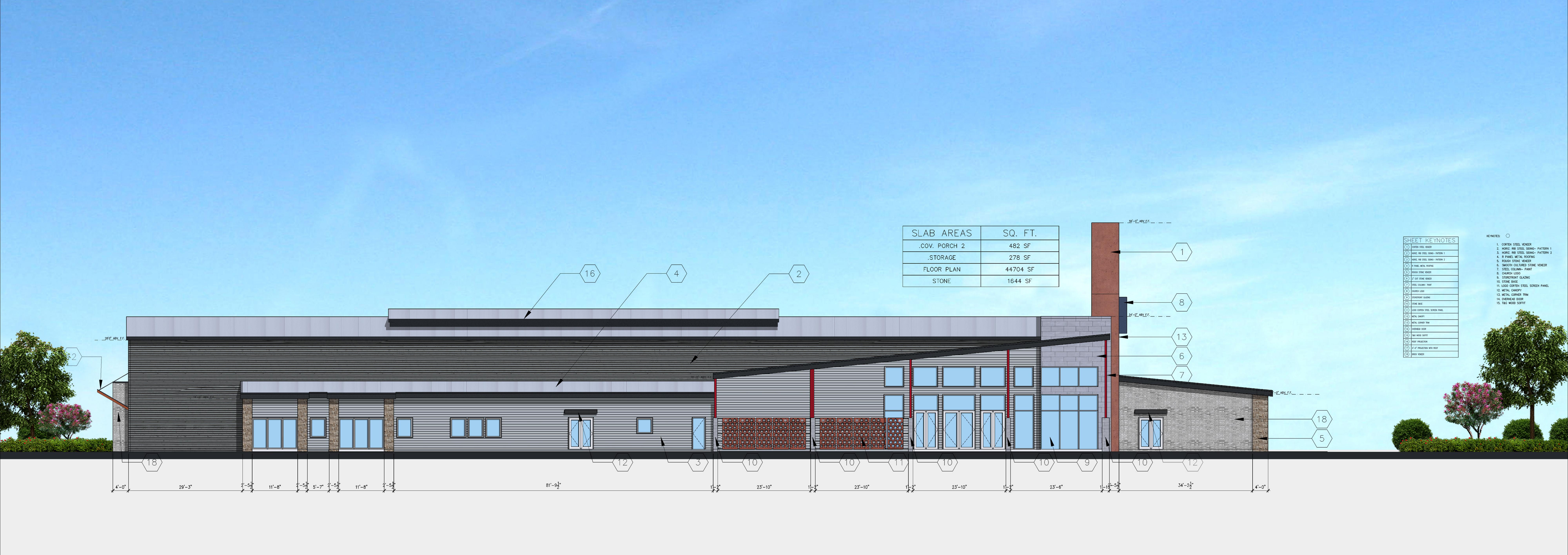






EXHIBIT A ZC# 19-023

ZONING LIMITS

LEGAL LAND DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

Continued on Page 2:

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

ZONING LIMITS EXHIBIT

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



EXHIBIT A ZC# 19-

ZONING LIMITS

LEGAL LAND DESCRIPTION

Continued from Page 1:

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

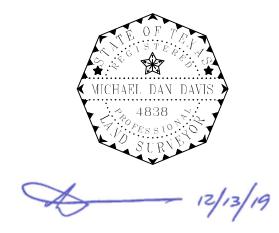
THENCE South 30 degrees 00 minutes 00 seconds East, continue crossing said Living Church tract, a distance of 11.86 feet to the Southeasterly line of said Living Church tract, same being the Northwesterly line of that certain tract of land described in a Warranty Deed to Bobby Floyd Havens and wife,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

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

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

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

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

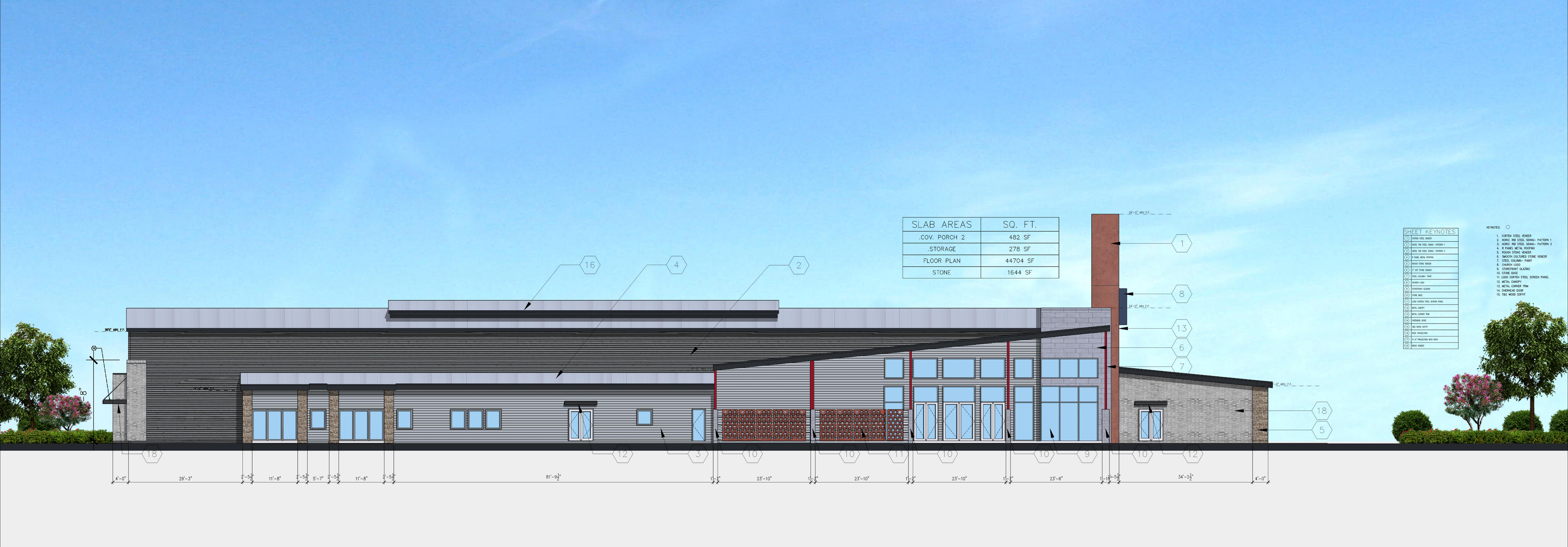


Project No. 999-19-056 Date: 12/13/2019 Page 2 of 2 Drawn by: SA Checked by: MD2

ZONING LIMITS EXHIBIT

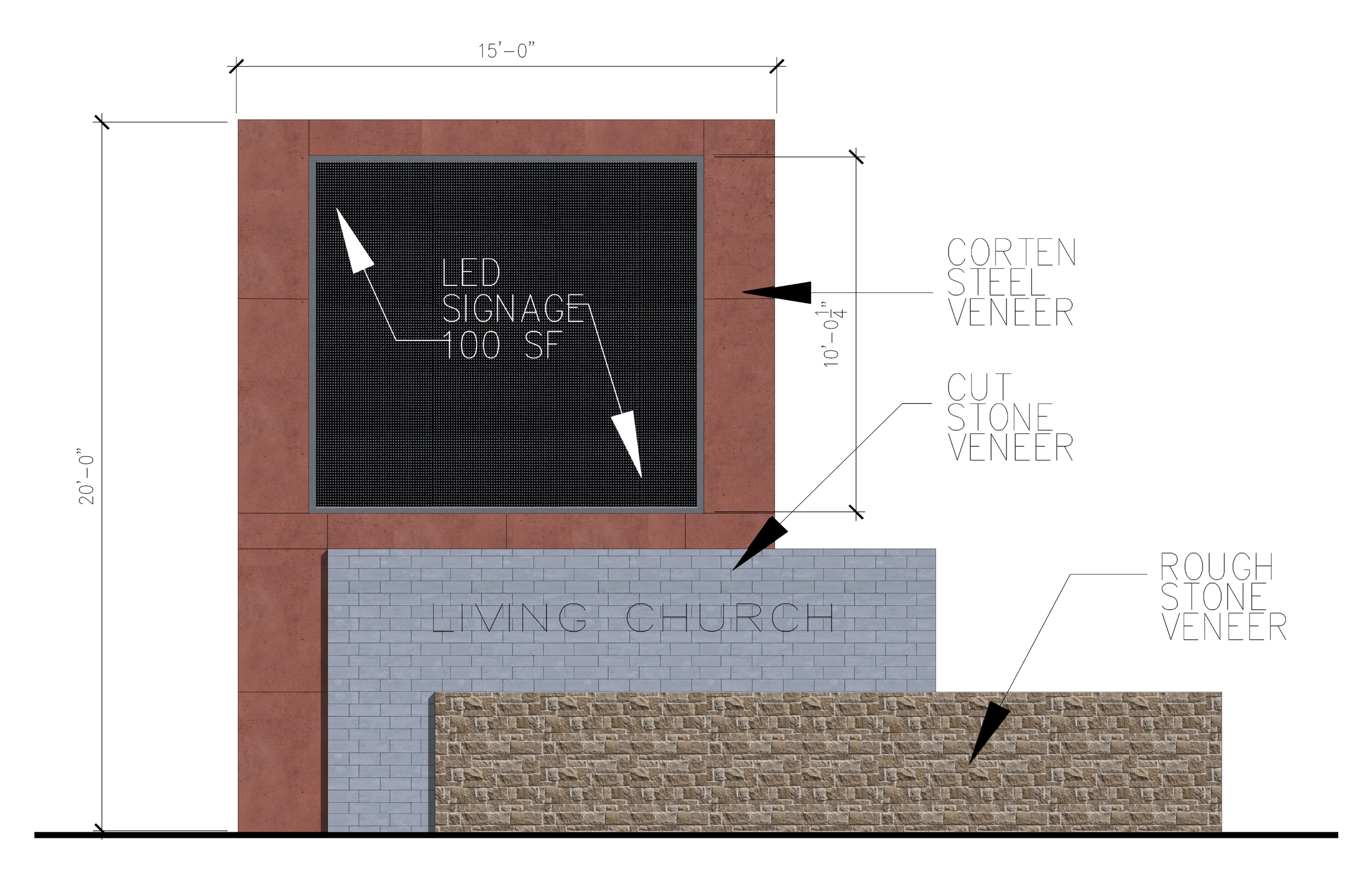
PORTION OF LIVING CHURCH OUT OF THE DANIEL DELAY SURVEY, ABSTRACT NUMBER 421, JOHN ROBERTSON SURVEY, ABSTRACT NUMBER 1317, MILTON GREGG SURVEY, ABSTRACT NUMBER 555, SAMUEL MITCHELL SURVEY, ABSTRACT NUMBER 1024 CITY OF MANSFIELD, TARRANT COUNTY AND DANIEL DELAY SURVEY, ABSTRACT NUMBER 209 CITY OF MANSFIELD,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



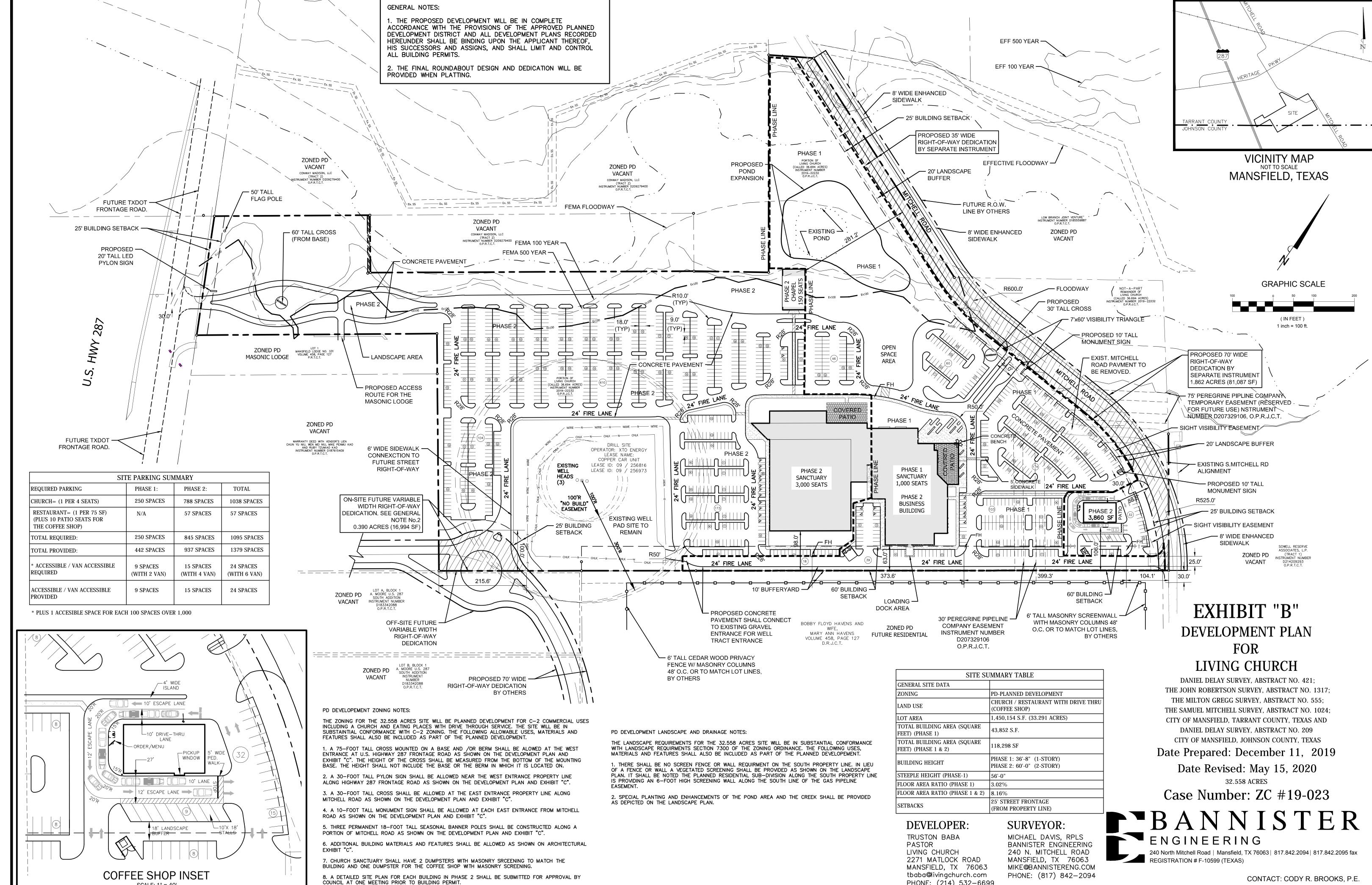






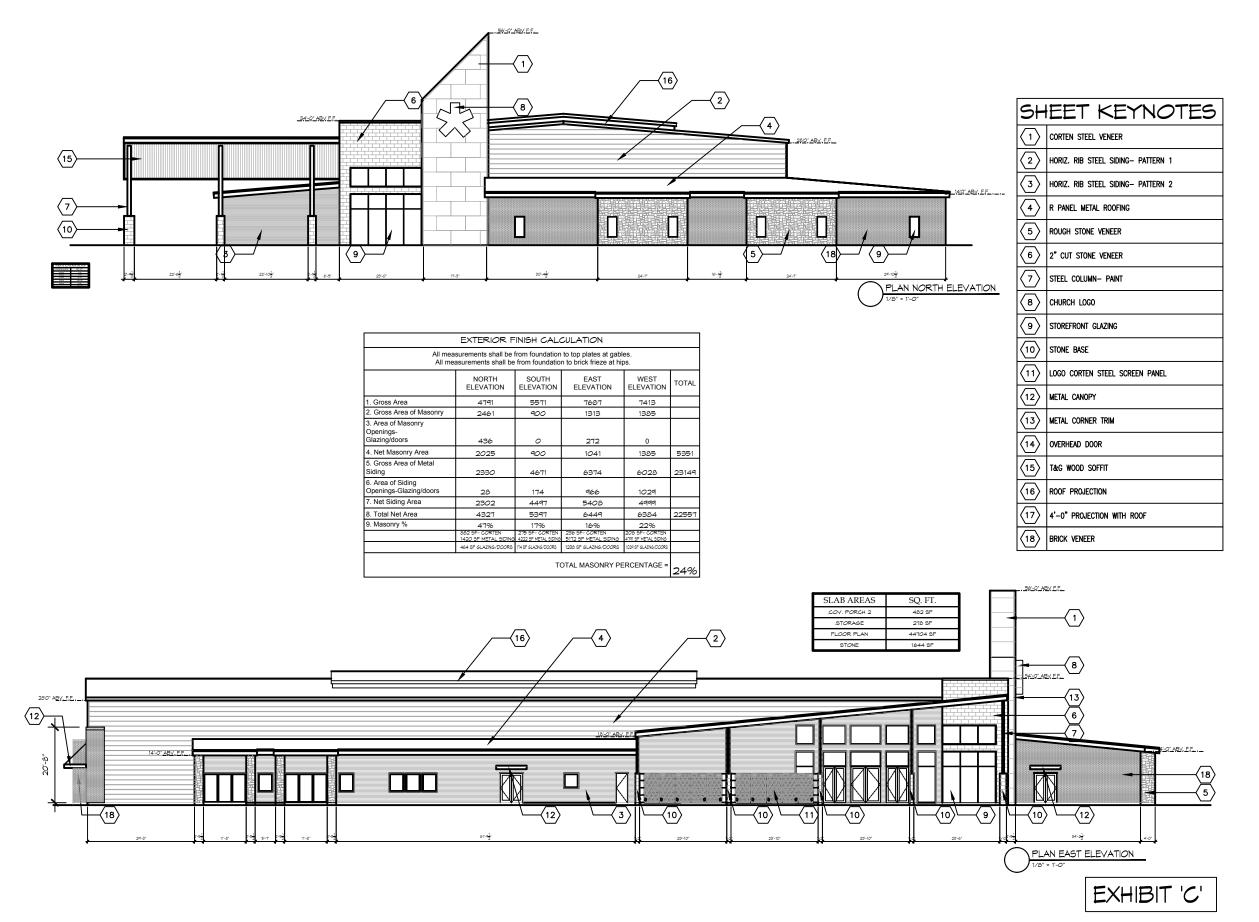


20'LED PYLON SIGN



SCALE: 1" = 40'

PHONE: (214) 532-6699





192647 LIVING CHURCH

LIVING CHURCH

--------LOT ---- BLOCK ---

---- COUNTY

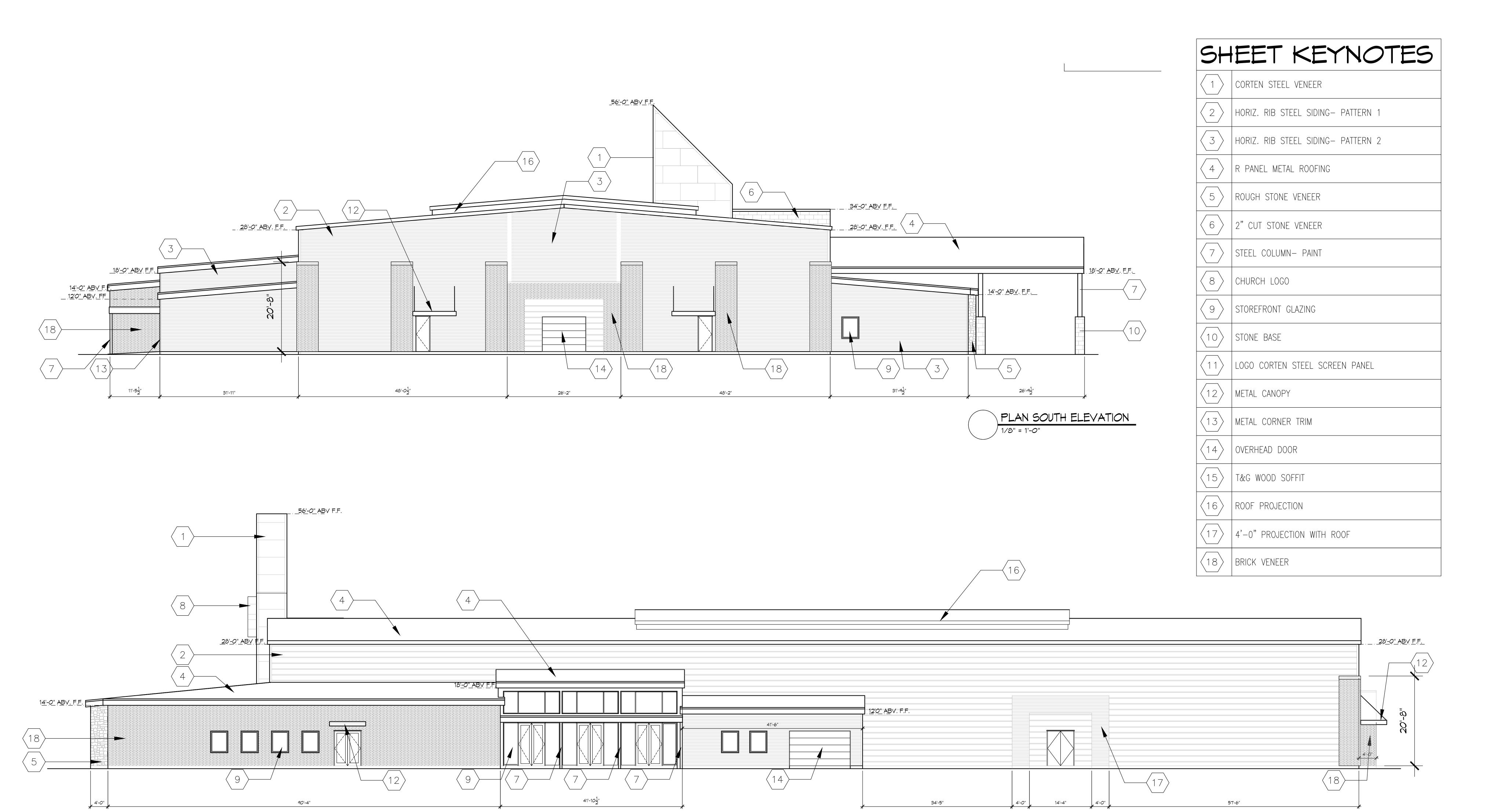
ATE: 10-3-19 PD1

E: 10-3-19 PD1 10-8-19 PD2 10-16-19 PD3 10-18-19 PD4 10-28-19 PD5 3-11-20 REV 4-8-20 REV 4-16-20 REV 4-21-20 REV 5-14-20 REV



CASE NO.

ZC#19-023



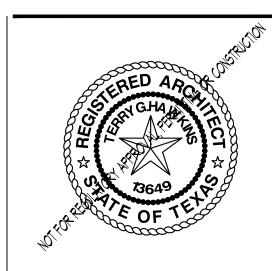
| | EXTERIOR F | INISH CALC | CULATION | | |
|--|--|--|--|--|-------|
| | asurements shall be easurements shall be | | | | |
| | NORTH ELEVATION | SOUTH ELEVATION | EAST ELEVATION | WEST ELEVATION | TOTAL |
| 1. Gross Area | 4791 | 5571 | 7687 | 7413 | |
| 2. Gross Area of Masonry | 2461 | 900 | 1313 | 1385 | |
| 3. Area of Masonry Openings- Glazing/doors | 436 | 0 | 272 | 0 | |
| 4. Net Masonry Area | 2025 | 900 | 1041 | 1385 | 5351 |
| 5. Gross Area of Metal Siding | 2330 | 4671 | 6374 | 6028 | 23149 |
| 6. Area of Siding Openings-Glazing/doors | 28 | 174 | 966 | 1029 | |
| 7. Net Siding Area | 2302 | 4497 | 5408 | 4999 | |
| 8. Total Net Area | 4327 | 5397 | 6449 | 6384 | 22557 |
| 9. Masonry % | 47% | 17% | 16% | 22% | |
| | 882 SF- CORTEN 1420 SF METAL SIDING | 275 SF- CORTEN 4222 SF METAL SIDING | 236 SF- CORTEN 5172 SF METAL SIDING | 208 SF- CORTEN 4791 SF METAL SIDING | |
| | 464 SF GLAZING/DOORS | | 1238 SF GLAZING/DOORS | 1029 SF GLAZING/DOORS | |

TOTAL MASONRY PERCENTAGE =

EXHIBIT 'C'

PLAN WEST ELEVATION

CASE NO. ZC#19-023



192647 LIVING CHURCH

LIVING CHURCH

--------LOT ---- BLOCK ------------ COUNTY

DATE: 10-3-19 PD1 10-8-19 PD2 10-16-19 PD3 10-18-19 PD4 10-28-19 PD5 3-11-20 REV 4-8-20 REV 4-16-20 REV 4-21-20 REV 5-14-20 REV

NO.10
DESIGN
GROUP

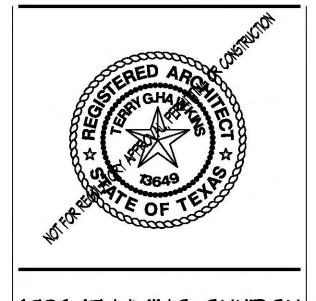
219 N. WALNUT CREEK DR. MANSFIELD TEXAS 76063
817.477.1329 METRO 817.477.3853 FAX
ARCHITECTS

SHEET No.: $\Delta 2.7$



EXHIBIT 'C'

CASE NO. ZC#19-023



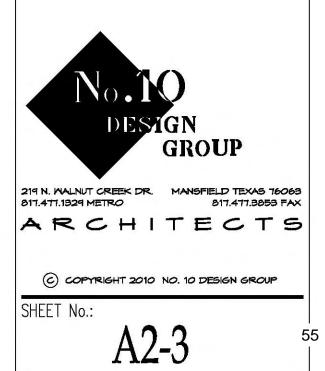
192647 LIVING CHURCH

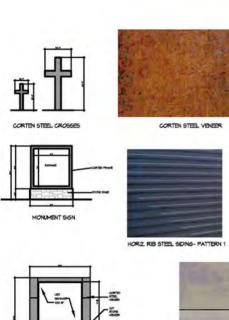
LIVING

----LOT ---- BLOCK --------

DATE: 10-3-19 PD1
10-8-19 PD2
10-16-19 PD3
10-18-19 PD4
10-28-19 PD5
3-11-20 REV
4-8-20 REV
4-16-20 REV
5-14-20 REV

•









ROUGH OUT STONE VENEER











56

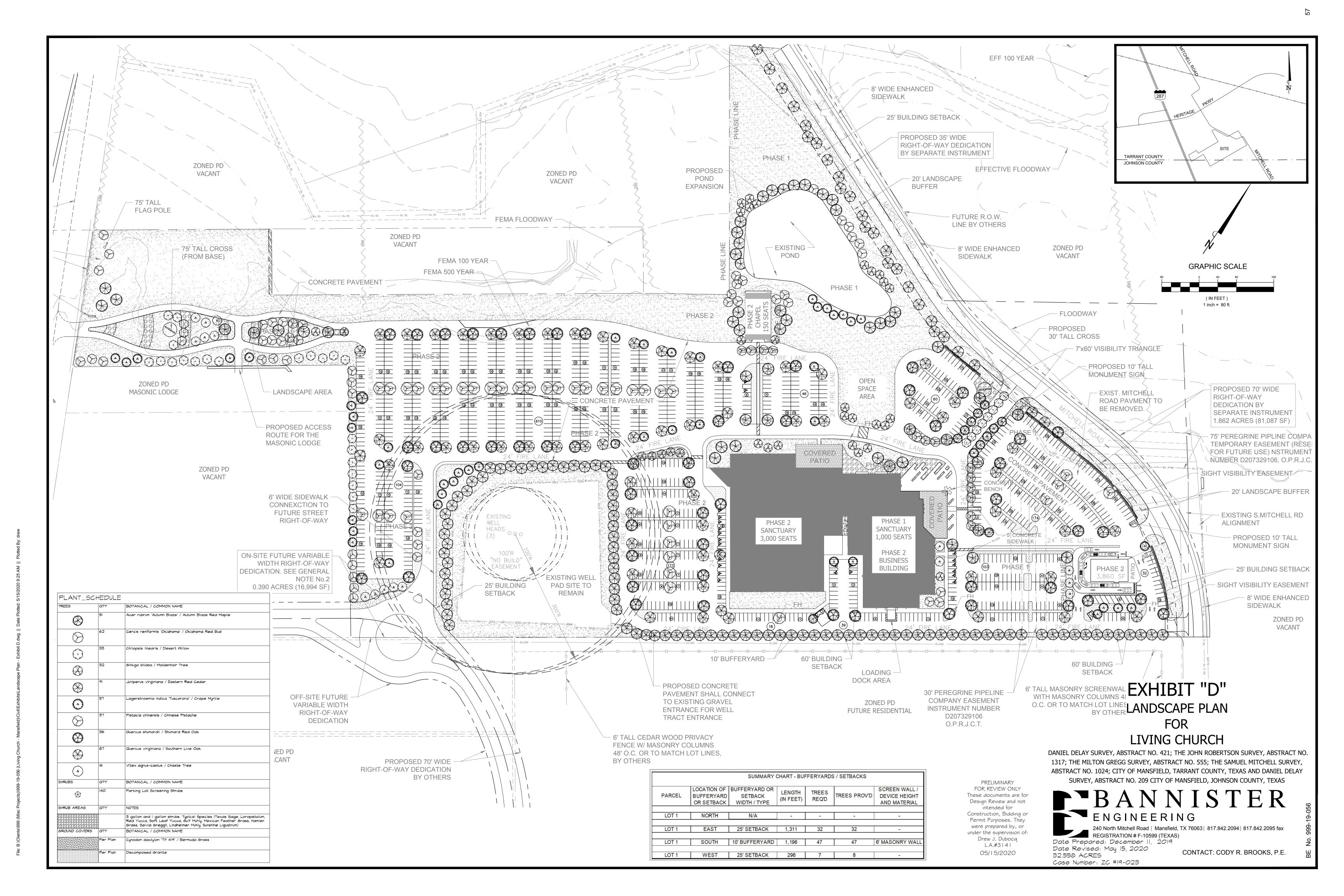
LIVING CHURCH



2" OUT STONE VENEER

20' LED PYLON SIGN

LIVING CHURC





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 20-3575

Agenda Date: 5/26/2020 Version: 1 Status: New Business

In Control: City Council File Type: Resolution

Agenda Number:

Title

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

Requested Action

Defer to Council.

Recommendation

Defer to Council.

Description/History

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

Justification

N/A

Funding Source

N/A

Prepared By

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

RESOLUTION NO.

CONTINUATION OF SEVENTH AMENDED DECLARATION OF PUBLIC HEALTH EMERGENCY CITY OF MANSFIELD, TEXAS

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, with symptoms including fever, cough, and shortness of breath and with outcomes ranging from mild to severe illness and in some cases, death;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic;

WHEREAS, County Judge Glen Whitley issued multiple Declarations of Disaster due to Public Health Emergency for Tarrant County for COVID-19;

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 and has issued at least 19 Executive Orders for COVID-19;

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020;

WHEREAS, the Mayor of Mansfield, Texas has been notified by the Texas Department of State Health Services and, Tarrant County, Johnson County and Ellis County health officials of numerous positive cases of COVID-19 and thus the Mayor of Mansfield has issued multiple Declarations of Public Health Emergency for COVID-19;

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Mansfield, and may exercise the powers granted to the governor on an appropriate local scale;

WHEREAS, by this Declaration of Local Disaster and Public Health Emergency, the Mayor hereby declares all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident;

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, the Mayor hereby authorizes the use of all available resources of state government and political subdivisions to assist in the City's response to this situation;

WHEREAS, the Mayor of the City of Mansfield, Texas, has previously issued a Declaration of Public Health Emergency on March 18, 2020, a First Amended Declaration of Public Health Emergency on March 20, 2020, a Second Amended Declaration of Public Health Emergency on March 24, 2020, a Third Amended Declaration of Public Health Emergency on March 31, 2020, a Fourth Amended Declaration of Public Health Emergency on April 13, 2020, a Fifth Amended Declaration of Public Health Emergency on May 1, 2020, and a Sixth and Seventh Amended Declaration of Public Health Emergency on May 8, 2020 and May 11, 2020 respectively, in order to implement additional measures consistent with Governor Greg Abbott's Executive Orders, and in order to ensure the protection of the general public in the City

of Mansfield; and

WHEREAS, in accordance §418.108(b), the declaration by the Mayor can only be in effect for a period of not more than seven days, unless the same is continued with the consent of the City Council of the City of Mansfield, Texas; and,

WHEREAS, the current situation with COVID-19 leads the City Council to believe that the mitigation efforts and emergency response to COVID-19 must continue for more than seven days.

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

SECTION 1.

That the City Council hereby consents to the continuation of the Seventh Amended Declaration of the Public Health Emergency for the City of Mansfield. The Seventh Amended Declaration of Public Health Emergency supersedes prior Declarations, and shall remain in full force and effect until 11:59 p.m. on June 3, 2020, unless it is amended, rescinded, or superseded by the City Council.

SECTION 2.

That the City's Emergency Operations Plan shall continue to be implemented. Any violation of rules, regulations or directives adopted pursuant to the Emergency Operations Plan or ANY Declaration of Public Health Emergency shall be subject to the penalties set forth in the Emergency Operations Plan and Section 418.173, Texas Government Code, but in no event shall include jail confinement.

SECTION 3.

That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED THIS THE 26th DAY OF MAY, 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: 20-3576

Agenda Date: 5/26/2020 Version: 1 Status: New Business

In Control: City Council File Type: Consideration Item

Agenda Number:

Title

Discussion and Possible Action Regarding Mansfield's Rockin' 4th of July Celebration

Requested Action

Council discussion.

Recommendation

Defer to Council.

Description/History

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

Support was received from Council Member Leyman 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: 20-3577

Agenda Date: 5/26/2020 Version: 1 Status: New Business

In Control: City Council File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution of the City of Mansfield, Texas Authorizing the City Manager or Designee to Enter into an Interlocal Cooperation Agreement with Tarrant County, Texas for the Purpose of Receiving CARES Act Funds as Provided for by Chapter 791 of the Texas Government Code

Requested Action

Consider Approving Resolution

Recommendation

Approve Resolution

Description/History

In March of 2019, the Word Health Organization (WHO) declared Coronavirus Disease 2019 (COVID-19) a worldwide pandemic. In response, President Donald Trump, Texas Governor Greg Abbott, and County Judge Whitley issued Declarations of Disaster for the United States, the State of Texas, and the County. Additionally, Mayor David L. Cook issued a Declaration of Public Health Emergency for Mansfield, Texas. This pandemic has caused the need for unbudgeted expenditures to be incurred to respond to this public health emergency.

The Federal Government has disbursed funds through the Coronavirus Relief Fund in an effort to provide support, through a reimbursement process, for specific unplanned and necessary costs associated with planning and mitigating the COVID-19 public health emergency. A detailed criterion of eligible expenses is also attached. State and County governments have been tasked with the disbursement of these funds to local governments with populations under five-hundred thousand (500,000). Since Mansfield, Texas is under the threshold of five-hundred thousand (500,000) population, it is necessary to work through Tarrant County for disbursement of funds.

Justification

Chapter 791 of the Government Code, also known as the Inter-local Cooperation Contract Act, authorizes all local governments to contract with each other to perform governmental functions or services.

Tarrant County has chosen to use an Inter-local Cooperation Agreement to disburse funds to affected municipalities seeking reimbursements for COVID-19 related expenses.

File Number: 20-3577

Funding Source

N/A

Prepared By

Peter Phillis, Deputy City Manager/CFO Peter.Phillis@mansfieldtexas.gov 817-276-4261

63

| RESOLUTION NO. | |
|----------------|--|
|----------------|--|

A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS, AS PROVIDED FOR BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE, TO ENTER AN INTERLOCAL COOPERATION AGREEMENT WITH TARRANT COUNTY, TEXAS FOR THE PURPOSE OF RECEIVING CARES ACT FUNDS FROM TARRANT COUNTY, TEXAS

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and,

WHEREAS, President Donald Trump, Governor Greg Abbott, and County Judge Glen Whitley have issued Declarations of Disaster for the United States, the State of Texas, and the COUNTY, respectively; and,

WHEREAS, on March 27, 2020, President Donald Trump signed the Coronavirus Aid Relief and Economic Security Act ("CARES ACT") providing financial aid to those impacted by the COVID-19 pandemic, including local governments; and,

WHEREAS, the COUNTY has received CARES Act funds to reduce the impact of necessary expenditures incurred due to the public health emergency with respect to COVID-19; and,

WHEREAS, on May 12, 2020, the Tarrant County Commissioners Court designated a portion of its CARES Act funds to provide FIFTY-FIVE DOLLARS (\$55) per capita for direct COVID-19 related expenditures to municipalities located in Tarrant County ("Direct Costs Program"); and,

WHEREAS, the 2019 population of the City that resides in Tarrant County, as reported by the North Central Texas Council of Governments, is 64,599; and,

WHEREAS, assisting municipalities within the County in recovering their costs directly incurred in responding to the COVID-19 emergency is a legitimate and lawful use of the CARES ACT funding.

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

The City Council authorizes the City Manager or his designee is authorized and directed to execute an Interlocal Cooperation Agreement with Tarrant County, Texas for the purpose of receiving CARES Act Funds.

PASSED AND APPROVED THIS THE 26th DAY OF MAY, 2020.

| | David L. Cook, Mayor |
|------------------------------|----------------------|
| ATTEST: | |
| Susana Marin, City Secretary | |



TARRANT COUNTY COMMISSIONERS COURT

G. K. MAENIUS COUNTY ADMINISTRATOR

May 18, 2020

To Our City Partners:

On May 12, 2020, the Tarrant County Commissioners Court approved the distribution of CARES Act Coronavirus Relief Funds (CRF) to our city partners who did not get a direct CRF distribution. As you are aware, the State of Texas decided not to provide a direct CRF funds distribution for municipalities within Tarrant County. Many cities in Texas will receive a direct distribution of \$55 per capita from the State.

Using the state's distribution guidelines, the Commissioners Court approved a \$55 per capita municipal CRF funds distribution method for the portion of each city's population residing in Tarrant County with the exception of Fort Worth. We used 2019 NCTCOG population data that includes split cities information. The County will distribute \$61,308,720 to our non-direct distribution cities.

A signed interlocal agreement, budget of proposed expenditures, and regular expenditure reporting will be required from each city in order to receive CRF distribution. The County retains the responsibility of overseeing the proper usage of CRF funds. The funds may be used for expenses the city incurred directly or may incur due to the COVID-19 pandemic. Updated CRF guidance is made available frequently on the U.S. Treasury website.

Along with this letter, I am including the following items:

- an interlocal agreement for your city to execute;
- CRF guidance based on questions received from Tarrant County cities; and
- CRF guidance and FAQ documents from the U.S. Treasury, available as of the date of this letter.

Please execute three (3) originals of the interlocal agreement and return it to my office. Once we receive the agreement, we will have the Commissioners Court execute it.

If you need additional information, please contact us.

Sincerely,

County Administrator

INTERLOCAL COOPERATION AGREEMENT FOR MUNICIPAL DIRECT EXPENSE FUNDING

As provided for by Chapter 791 of the Texas Government Code, this Interlocal Cooperation Agreement ("Agreement") is entered into by and between Tarrant County, Texas (the "County") and the City of Mansfield, Texas (the "City") and shall be effective on the date that the signature of the last party is affixed. The County and the City have reviewed the Agreement, and each make the following findings:

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, President Donald Trump, Governor Greg Abbott, and County Judge Glen Whitley have issued Declarations of Disaster for the United States, the State of Texas, and the COUNTY, respectively; an

WHEREAS, on March 27, 2020, President Donald Trump signed the Coronavirus Aid Relief and Economic Security Act ("CARES ACT") providing financial aid to those impacted by the COVID-19 pandemic, including local governments; and

WHEREAS, the COUNTY has received CARES Act funds to reduce the impact of necessary expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, on May 12, 2020, the Tarrant County Commissioners Court designated a portion of its CARES Act funds to provide FIFTY-FIVE DOLLARS (\$55) per capita for direct COVID-19 related expenditures to municipalities located in Tarrant County ("Direct Costs Program"); and

WHEREAS, the 2019 population of the City that resides in Tarrant County, as reported by the North Central Texas Council of Governments, is 64,599; and

WHEREAS, assisting municipalities within the County in recovering their costs directly incurred in responding to the COVID-19 emergency is a legitimate and lawful use of the CARES ACT funding.

NOW, THEREFORE, for and in consideration of the mutual undertaking hereinafter set forth and for adequate consideration given, the County and City agree to the following:

- 1. Grant and Funding to City. Subject to the terms and conditions of this Agreement, the County agrees to grant and transfer to the City the sum of THREE MILLION FIVE HUNDRED FIFTY-TWO THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$3,552,945) of its CARES ACT funding ("Municipal Funds"). The City agrees to deposit these Municipal Funds into a separate, segregated account created solely for holding and dispersing these Municipal Funds. If Municipal Funds are deposited into an interest-bearing account, all interest earned must be used exclusively as outlined in item two below for COVID-19 expenditures already paid and incurred, and for expenditures to assist the City with its ongoing responses to COVID-19 as detailed in the CARES ACT.
- 2. <u>Use of Municipal Funds</u>. The City may use its Municipal Funds to reimburse itself for COVID-19 expenditures already paid and incurred, and for expenditures to assist with its ongoing response to COVID-19 as detailed in the CARES ACT, the Direct Costs Program, the U.S. Department of Treasury's Coronavirus Relief Fund ("CRF") Guidance for State, Territorial, Local, and Tribal Governments, and this Agreement. It is the responsibility of the City to remain informed of and act in accordance with all updates or amendments to CARES ACT and U.S. Department of Treasury CRF Guidance.

- 3. <u>City's Obligations relating to its Use of the Municipal Funds</u>. The City agrees to:
 - a) only use the Municipal Funds in compliance with this Agreement and for eligible expenditures related to the COVID-19 emergency;
 - b) reimburse and return to the Municipal Funds account within thirty days of notice by County any portion of the Municipal Funds that the County, the U.S. Department of Treasury, or their designee, deems were not used for COVID-19 purposes, or not used pursuant to the terms of this Agreement, or if the City's Municipal Funds account is already closed out, the reimbursement and return of the ineligible expenditure shall be made to the County;
 - c) document and justify that each expenditure from its Municipal Funds was an eligible expenditure under this Agreement and the CARES ACT. All documentation and the final report of expenditures shall be delivered to the County no later than January 15, 2021, and shall be kept by the City for a minimum of four years from the close of the Direct Costs Program;
 - d) allow inspection of all documentation and records related to its expenditure of its Municipal Funds by the County or the U.S. Department of Treasury upon reasonable request;
 - e) use the Municipal Funds only for eligible expenditures made between March 1, 2020 and 11:59 p.m., December 30, 2020;
 - f) by November 1, 2020, provide to the County a report of all funds the City determines it may be unable to spend prior to December 30, 2020. Any and all of such funds may be collected and redistributed at County's discretion;
 - g) return and re-pay within thirty days to the County any Municipal Funds not expended by 11:59 p.m., December 30, 2020;
 - h) acknowledge and recognize that the source of these Municipal Funds is Tarrant County and its CARES ACT allocation for any public programs or initiatives using these Municipal Funds;
 - i) coordinate with the County any public programs or initiatives so that no duplication of services, initiatives, or programs occurs.
- 4. <u>Reports.</u> The City shall provide to the County, within thirty (30) days of award, a Proposed Budget for use of the funds. The City shall also provide expenditure reports starting 60 days after award and continuing for every 30-day period until December 31, 2020.
- 5. <u>Eligibility Issues</u>. If the City is not sure that an expenditure will qualify, it should seek an opinion from its City Attorney prior to making the expenditure.
- 6. <u>Nature of Funding</u>. The CARES ACT funding is being received from the County to the City as a sub-recipient. As a sub-recipient of CARES ACT funding the City acknowledges that its use of the funds is subject to the same terms and conditions as the County's use of such funds. The City hereby agrees to comply with all terms and conditions of the CARES ACT funding, and to hold the County harmless against any repayments, penalties, or interest incurred as a result of the City's failure to comply with all terms and conditions of the CARES ACT funding. Funds spent in non-compliance with the

CARES ACT are subject to recapture by the County for return to the Direct Costs Program or for return to the U.S. Treasury Department.

- 7. <u>Attorney's Fees and Costs.</u> In accordance with the Program, the County shall be entitled to recover its reasonable and necessary attorney's fees and costs against the City if it is required to undertake litigation to enforce the terms of this Agreement to the extent allowed by law.
- 8. <u>Law and Venue</u>. The laws of the State of Texas shall govern this Agreement, except where clearly superseded by federal law. Exclusive venue of any dispute shall be in a state court of competent jurisdiction in Tarrant County, Texas.
 - 9. <u>No Assignment</u>. The City may not assign this Agreement.
- 10. <u>Entire Agreement</u>. This Agreement supersedes and constitutes a merger of all prior oral and/or written agreements and understandings of the parties on the subject matter of this Agreement and is binding on the parties and their legal representatives, receivers, executors, successors, agents, and assigns.
- 11. <u>Amendment</u>. Any amendment of this Agreement must be by written instrument dated and signed by both parties.
- 12. <u>Severability</u>. No partial invalidity of this Agreement shall affect the remainder unless the public purpose to be served hereby is so greatly diminished thereby as to frustrate the object of this Agreement.
- 13. <u>Waiver</u>. No waiver by either party of any provision of this Agreement shall be effective unless in writing, and such waiver shall not be construed as or implied to be a subsequent waiver of that provision or any other provision.

| TARRANT COUNTY, TEXAS | CITY OF MANSFIELD, TEXAS |
|----------------------------------|------------------------------------|
| By:B. Glen Whitley, County Judge | By: City's Authorized Signatory |
| Date | Printed Name |
| | Date |
| | ATTEST: |
| | |
| | City Secretary |

| APPROVED AS TO FORM: | CERTIFICATION OF AVAILABLE FUNDS \$ | |
|--------------------------------------|-------------------------------------|--|
| | | |
| Criminal District Attorney's Office* | Tarrant County Auditor | |

^{*}By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

Tarrant County Direct Costs Program General Guidelines and FAQ

General Guidelines

Funds may only be used to cover expenses that:

- 1. Are necessary and eligible expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- 2. Were not accounted for in the budget most recently approved as of March 27, 2020;
- 3. Are not duplicated with any other Federal reimbursement request, such as FEMA-PA; and
- 4. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Funds may not be used for:

- 1. Revenue replacement; or
- 2. Property tax payments, or to pay state taxes (franchise) or fees to cities/county/state.

Frequently Asked Questions

How were the population numbers in the interlocal agreements determined?

Tarrant County used 2019 NCTCOG population data to determine municipal distribution amounts under the Direct Costs Program. Other data sources were evaluated, but only NCTCOG population estimates included current, split city population counts. The split cities will only receive funding for the portion of their population inside Tarrant County.

Why was \$55 per capita used to calculate the distribution to cities?

The Commissioners Court used the per capita distribution strategy used by the State of Texas.

Will school districts have access to any of these funds through their respective city(ies)? Do cities need to address school district requests or will school districts receive funding from other sources?

It is not the County's intent for funds to go to school districts. School districts should contact the Texas Education Agency (TEA) with questions or for guidance related to CARES Act funding.

What type of documentation requirements does Tarrant County have for using the CARES Act Funds? How often will jurisdictions have to submit this documentation?

Some of this information is provided in the Interlocal Agreement; however, the County Auditor's and County Administrator's Offices will be working with cities to outline documentation needs and transmission requirements. Common governmental accounting practices will be utilized while considering federal requirements. Additionally, cities will be required to follow uniform guidance for Federal grants, as outlined in the Code of Federal Regulations, 2 CFR Part 200.

Do all the Direct Costs Program funds expensed have to have occurred within each respective city and within Tarrant County?

Generally, yes, but the County is open to discussing this issue. It is understood that the County may need to work with split cities to address their individual situations.

The table below provides information based on questions received from cities. The examples are not an exhaustive list; the County may provide updates as additional information is received.

| Examples of Eligible and Ineligible Expenses | | |
|--|---|--|
| COVID-19 Expenses | Response | |
| Attorney fees | If the fees are directly related to COVID-19 issues, they may be allowed with proper documentation. | |
| COVID-19 related overtime | Yes | |
| Pandemic time off, hazard pay, federally mandated sick leave and FMLA benefits | Yes. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions. | |
| COVID dedicated payroll expenses | Yes. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency. | |
| Temporary employees | Yes | |
| Unemployment charges for furloughed or laid-off employees | We currently do not have guidance on this issue. | |
| Employee telecommuting enhancements | Yes | |
| Utility billing late payment penalties and interest | This could be a revenue issue since the city could waive them. Other utility assistance programs are available. | |
| Testing and quarantine costs for first responders and employees | Yes | |
| Self-insurance medical costs for COVID- 19 employees | Yes | |
| Employee and customer social distancing | Temporary signage, barriers, shields, tents, etc. that encourage or provide social distancing are allowed. | |
| Hand sanitizer, masks, face shields, gowns, gloves, thermometers, wipes, etc. | Yes | |
| Disinfection supplies and/or services | Yes | |
| Advertising and marketing materials | Yes | |
| Interpretation services | Yes | |
| Drop boxes for customers | Yes | |
| Business discounts at conference center | This could be a revenue issue and not allowed. | |
| Infrastructure needs | If you would like to include them in your budget proposal, we will research their eligibility. | |
| Food delivery | Yes. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions. | |
| Care of homeless populations | Yes. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions. | |

Coronavirus Relief Fund Frequently Asked Questions Updated as of May 4, 2020

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance"). Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online

¹ The Guidance is available at https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf.

instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a "payroll support program" for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of "hazard pay"?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include "[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency." Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers' employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary

expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

- 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
- 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
- 3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

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¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is "incurred" when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

- 1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
- 2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
- 3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

- 4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates
 to sanitation and improvement of social distancing measures, to enable compliance with
 COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
- 5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such
 costs will not be reimbursed by the federal government pursuant to the CARES Act or
 otherwise.
- 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

- 1. Expenses for the State share of Medicaid.³
- 2. Damages covered by insurance.
- 3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

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² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

- 4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
- 5. Reimbursement to donors for donated items or services.
- 6. Workforce bonuses other than hazard pay or overtime.
- 7. Severance pay.
- 8. Legal settlements.