



# CITY OF MANSFIELD

1200 East. Broad St.  
Mansfield, TX 76063  
www.mansfield-tx.gov

## Meeting Minutes - Draft City Council

---

Monday, October 14, 2013

5:00 PM

Council Chambers

---

### REGULAR MEETING

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

#### WORK SESSION (TO BE HELD IN THE MULTI-PURPOSE ROOM)

*Mayor Cook called the meeting to order at 5:45 p.m.*

**Absent** 2 - Darryl Haynes and Brent Newsom

**Present** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

#### BrandEra Branding/Marketing Initiative

*BrandEra representatives Beth Owens, Reeceanne Joeckel and Ali Baer made a brief presentation on the results of the citizen online survey on what they think of the City of Mansfield and introduced a list of the following tag lines for the city:*

- 1.) Great People Great Location Great Living*
- 2.) Great Community Better Lifestyle*
- 3.) The Place to Belong*
- 4.) Minutes to Everything Second to None*

*There was discussion between the Council and representatives. Director of Community Services Shelly Lanners and Director of Communications and Marketing Belinda Willis made brief comments and answered Council questions. Staff was directed to come back to the Council with samples of how the tag lines will be used. Representatives also presented the City of Mansfield Department Logos. Mayor Cook adjourned the work session at 6:15 p.m.*

#### RECESS INTO EXECUTIVE SESSION

*Mayor Cook recessed into executive session at 6:15 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 6:20 p.m. Mayor Cook adjourned executive session at 7:27 p.m.*

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

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

Consider Possible Purchase or Certain Properties for Future Development/Use

Property Acquisition - 651 Justice Lane

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

#### **Deliberation Regarding Negotiations of the Industrial Development Corporation of an Offer of a Financial or Other Incentives to a Business Prospect Pursuant to Section 551.087**

Update on Economic Development Prospects

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

*Mayor Cook reconvened into regular business session at 7:35 p.m.*

#### **INVOCATION**

*Council Member Broseh led the Invocation.*

#### **PLEDGE OF ALLEGIANCE**

*Council Member Burgess 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 Hoffman led the Texas Pledge.*

#### **PRESENTATIONS**

Presentation to National Night Out Poster Winners; Officer Brandi Howard

*Police Officer Brandi Howard made brief presentation on National Night Out. She presented certificates to the following:*

*4-5 years*

*Maddox Preusser*

*Zoe Preusser*

*Cristina Niemann*

*Corbin Gassaway*

*Cole Merritt*

*Evie DiMascio*

*6-7 years*

*Ivy Preusser*

*Elijah Valdez*

Colby Cooksey  
Jacob Smith  
Braise Gassaway  
Ethan Wyatt  
Sofia Merritt

8-10 years  
Kaitlyn Tasher  
Kendall Preusser  
Kailey Speece  
Mikaela DiMascio  
Alexandra Cooksey

11-13 years  
Brook Smith  
Rheagan Smith  
Isabel Tasher

City-County Communications & Marketing Association Award of Excellence to  
Communications and Marketing and Economic Development Departments

*Mayor Cook presented the City-County Communications & Marketing Association Award of Excellence to Belinda Willis, Graphics Designer Rick Sales and Director of Economic Development Scott Welmaker.*

Texas Association of Convention and Visitor Bureau Awards to the Tourism Department

*Mayor Cook presented the Texas Association of Convention and Visitor Bureau Award to Tourism Manager Theresa Cohagen and Rick Sales.*

**CITIZEN COMMENTS**

*Toby Gooch - 907 Yellowstone - Mansfield - Mr. Gooch stated he owns Vicious Vapors here in Mansfield and he was in support of E-Cigarettes.*

*Erik Orsak - 906 Tremont Street - Mansfield - Mr. Orsak spoke on behalf of homeowners of the Woodland Estates Subdivision. He spoke about his concerns of fracing in their neighborhood. He stated the gas wells close to their homes are unsafe, unsightly, devalues their property and affects their quality of life. He stated gas wells in the wrong place are damaging to the people and enjoyment of their homes. He asked for Council's help with the situation.*

*Tamera Bounds - 1009 Meriwether St. - Mansfield - Mrs. Bounds spoke about the gas wells near her home. She stated they have affected her quality of life for the last three months and she feels her quality of life will continue to deteriorate. She stated she has had to pad her windows to be able to sleep because there is so much noise. She asked for Council's help with the situation.*

*Lance Irwin - 1208 Killin Dr. - Mansfield - Mr. Irwin spoke about the gas wells near his home. He asked the Council to take steps to resolve the issues the homeowners of Woodland Estates are having with the gas wells. He asked for the Council to place a moratorium on surface level gas drilling and not take applications for permits for future sites within a half mile of all schools, parks and playgrounds.*

*Wade Jordan - 303 Town Creek Drive - Euless - spoke in support of E-Cigarettes.*

*William Hopgood - 450 E. Hurst Blvd. - Hurst - spoke in support of E-Cigarettes.*

*Mark Matherne - 806 Meadowlark - Mansfield - spoke in support of E-Cigarettes.*

*Ken Boustead - 2441 Sweetwood Drive - Fort Worth - spoke in support of E-Cigarettes.*

## **COUNCIL ANNOUNCEMENTS**

*Council Member Haynes was absent.*

*Council Member Hoffman had no announcements.*

*Council Member Newsom was absent.*

*Mayor Pro Tem Lindsey announced there would be a SH360 public meeting held on Thursday, October 17, 2013 at 6:00 p.m. at Timberview High School. He stated there was a Code Enforcement Subcommittee meeting scheduled for Monday, October 21, 2013 at 5:30 p.m. He stated there would be a work session on October 28, 2013 regarding the Bicycle Master Plan between the Council and Mansfield Park Facilities Development Corporation. He spoke about TxDOT return of on system roadways to local governments program. He made comments regarding the gas well issues mentioning the Council should pursue expanding the regulatory scope that they have control over.*

*Council Member Burgess had no announcements.*

*Council Member Broseh had no announcements.*

*Mayor Cook asked staff to bring back a timeline of when each gas well in Woodland Estates was approved, what existed at the time the neighborhood was built. He asked for staff to present a report to the Council of what happened beginning three months ago.*

## **STAFF COMMENTS**

### **City Manager Report or Authorized Representative**

*City Manager Clayton Chandler made comments regarding SH360 mentioning the public hearing to be held at Timberview High School on Thursday, October 17, 2013 at 6:00 p.m.*

### **Update on Implementation of MyGov**

*Mr. Chandler made comments regarding MyGov. Information Technology Manager Mike Harris made comments and answered Council questions.*

### **Texas Tree Foundation - JFK Groves Program**

### **DEA Drug Take Back Initiative in Mansfield; Sergeant David Griffin**

*Sergeant David Griffin made brief comments regarding the DEA Drug Take Back Initiative. He stated there will be a prescription drug drop off event held Saturday, October 26, 2013 from 10-2 at the Public Safety Building. He mentioned the Police*

*Department takes prescription drugs year round 5 days a week at the Public Safety Building between 8-5.*

Mansfield Police Department Fall Festival; Officer Brandy Howard

*Police Officer Brandi Howard invited everyone to the Fall Festival to be held on Saturday, October 26, 2013 at Vernon Newsom Stadium from 5-9 p.m.*

Quarterly Reports; Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal

*Mr. Chandler stated staff was available for questions.*

### **TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION**

No action taken by the Council.

### **CONSENT AGENDA**

- 13-0637** Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from the Neighborhood Center 2 Sub-District of The Reserve PD to the Neighborhood Center 1 Sub-District of The Reserve PD on Approximately 16.5 acres Generally Located at the Southwest Corner of East Broad Street and Cannon Drive South, Cann-Mansfield, Ltd. (ZC#13-007)

*City Secretary Vicki Collins read the caption into the record.*

**A motion was made by Council Member Burgess 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 NEIGHBORHOOD CENTER ONE SUB-DISTRICT OF THE RESERVE PLANNED DEVELOPMENT DISTRICT, 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 Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: OR-1886-13

**13-0704**

Resolution - A Resolution Approving a Contract with Elder Engineering, Inc. for Design Services, Surveying, and Construction for the Median Opening and Left Turn Lane in the 1100 Block of Heritage Parkway for Oldcastle Precast

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

**A RESOLUTION FOR APPROVAL OF A CONTRACT WITH ELDER ENGINEERING, INC. FOR DESIGN SERVICES, SURVEYING, AND CONSTRUCTION FOR THE MEDIAN OPENING AND LEFT TURN LANE IN THE 1100 BLOCK OF HERITAGE PARKWAY FOR OLDCASTLE PRECAST**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2952-13

**13-0705**

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$1,275,000 and Approval of Contracts including Kimley-Horn and Associates, Inc. for Engineering Design Services and with TxDOT for Plan Review, Letting and Construction Oversight for the US Hwy 287 Ramps and Texas U-turn (Street Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING AND APPROVING CONTRACTS INCLUDING KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES AND TXDOT FOR PLAN REVIEW, LETTING AND CONSTRUCTION OVERSIGHT FOR US HWY 287 RAMPS AND TEXAS U-TURNS**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2953-13

**13-0707**

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$92,000.00 and Approval of Contracts Including Neel-Schaffer, Inc. for Design Services and Brittain and Crawford for Surveying Services for the North Main Street and Gertie Barret Road Water Lines (Utility Revenue Bond Fund)

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

**A RESOLUTION AUTHORIZING FUNDING AND APPROVING CONTRACTS INCLUDING NEEL-SCHAFER, INC. FOR DESIGN SERVICES AND BRITTAIN AND CRAWFORD FOR SURVEYING SERVICES FOR THE NORTH MAIN STREET AND GERTIE BARRETT ROAD WATER LINES**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2954-13

**13-0712**

Resolution - A Resolution Authorizing a Final Offer to Martinez Family Limited for the Purpose of Constructing a Public Parking Lot on Certain Property Located at 116 Smith Street, also Legally Described as Lot 2R, Block 64, Original Town of Mansfield, City of Mansfield, Tarrant County, Texas

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

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS DETERMINING THE NECESSITY OF ACQUIRING CERTAIN PROPERTY LOCATED AT 116 SMITH STREET, ALSO LEGALLY DESCRIBED AS LOT 2R, BLOCK 64, ORIGINAL TOWN OF MANSFIELD, CITY OF MANSFIELD, TARRANT COUNTY, TEXAS**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2955-13

**13-0701**

Minutes - Approval of the September 23, 2013 Regular City Council Meeting Minutes

**A motion was made by Council Member Burgess to approve the September 23, 2013 Regular Meeting Minutes as presented. Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

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

**13-0710**

Resolution - A Resolution Approving the General Contract for the Addition to Fire Station No. 2

*Council Member Burgess removed this item from the consent agenda. Mr. Chandler made brief comments. Fire Lieutenant Greg Cutler made brief comments. Director of Development Services Richard Wright made brief comments and answered Council questions. Magee Architects representative Alan Magee made brief comments and answered Council questions.*

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

**A RESOLUTION AWARDED A CONTRACT FOR THE ADDITION TO MANSFIELD FIRE STATION NO. 2 FOR GENERAL CONSTRUCTION SERVICES TO GROSSMAN DESIGN IN AN AMOUNT NOT TO EXCEED \$616,600.00; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2956-13



**13-0706**

Resolution - A Resolution Authorizing Funding for an Amount not to Exceed \$860,000 for the Construction of Walnut Creek Utility Stabilization and Award of Contract to DCI Contracting, Inc. (Utility Revenue Bond Fund)

*Council Member Broseh removed this item from the consent agenda. City Engineer Bart VanAmburgh made brief comments and answered Council questions.*

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

**A RESOLUTION AUTHORIZING FUNDING AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF WALNUT CREEK UTILITY STABILIZATION TO DCI CONTRACTING, INC.**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2957-13

**13-0708**

Resolution - Taking Action on a Resolution Relating to the Giving of Notice of Intention to Issue City of Mansfield, Texas Combination Tax and Revenue Certificates of Obligation, and Declaring Intent to Reimburse Certain Prior Capital Cost

*Mayor Pro Tem Lindsey removed this item from the consent agenda. Director of Business Services Peter Phillis made brief comments and answered Council questions. Mr. Chandler made brief comments.*

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

**A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF MANSFIELD, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; DECLARING INTENT TO REIMBURSE CERTAIN PRIOR CAPITAL COSTS; AND APPROVING OTHER MATTERS RELATED THERETO**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

Nay: 0

Absent: 2 - Darryl Haynes and Brent Newsom

Abstain: 0

Enactment No: RE-2958-13

### 13-0709

Resolution - A Resolution of the City Council of the City of Mansfield, Texas Adopting and Approving an Updated Strategic Plan for Fiscal Years 2014 through 2023

*Mayor Pro Tem Lindsey removed this item from the consent agenda. Mr. Chandler answered Council questions.*

**A motion was made by Mayor Cook to postpone this agenda item. Seconded by Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

Nay: 0

Absent: 2 - Darryl Haynes and Brent Newsom

Abstain: 0

### **END OF CONSENT AGENDA**

### **PUBLIC HEARING AND FIRST READING**

### 13-0697

Ordinance - Public Hearing and First Reading on an Ordinance Approving Amendments of 5100C and 5100D of Freeway Overlay District Regulations of the Zoning Ordinance to Allow Paint and Body Shop as a Restricted Land Use with Specific Use Permit (OA#13-003)

*Vicki Collins read the caption into the record. Director of Planning Felix Wong made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:26 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:27 p.m.*

**A motion was made by Mayor Pro Tem Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 5100C AND 5100D OF THE FREEWAY OVERLAY DISTRICT REGULATIONS OF THE ZONING ORDINANCE PERTAINING TO PAINT AND BODY SHOP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Broseh. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

### **NEW BUSINESS**

*Mayor Cook moved this item up on the agenda.*

**13-0702**

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Approving an Economic Development and Performance Agreement by and Between the Mansfield Economic Development Corporation ("MEDC") and NTS, Inc and Authorizing its Execution by the President of the MEDC; and Providing an Effective Date

*Scott Welmaker made brief comments and answered Council questions. NTS, Inc. representative Pat Hanlon made brief comments and answered Council questions.*

**A motion was made by Council Member Broseh to approve the following resolution changing paragraph 5, sentence 3 from existing building to new building and subject to verification of sales tax generated substantially as provided to the City Council:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT BY AND BETWEEN THE MANSFIELD ECONOMIC DEVELOPMENT CORPORATION ("MEDC") AND NTS, INC AND AUTHORIZING ITS EXECUTION BY THE PRESIDENT OF THE MEDC; AND PROVIDING AN EFFECTIVE DATE**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2959-13

### **PUBLIC HEARING AND FIRST READING**

**13-0711**

Ordinance - Public Hearing and First Reading of an Ordinance of the City Council of the City of Mansfield, Texas, Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2013 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting

Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions or Ordinances; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; Providing a Most Favored Nations Clause; and Requiring Delivery of This Ordinance to the Company and the Steering Committee's Legal Counsel

*Vicki Collins read the caption into the record. Director of Utilities Joe Smolinski made brief comments and answered Council questions. Mayor Cook opened the public hearing at 9:35 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 9:36 p.m.*

**A motion was made by Council Member Broseh to approve the first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:**

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

### **NEW BUSINESS**

**13-0717**

Resolution - A Resolution Declaring a 180 day Moratorium on the Acceptance, Processing of Applications and the Issuance of Permits for the Operation of Non-Traditional Smoking Related Businesses in the Corporate Limits of the City; and Directing City Staff to Initiate Immediate Consideration of Appropriate Regulations Regarding Non-Traditional Smoking Related Businesses in the City

*City Attorney Allen Taylor made brief comments and answered Council questions. Felix Wong answered Council questions. Council Member Broseh called the question during Council and staff discussion.*

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

**A RESOLUTION DECLARING A ONE HUNDRED EIGHTY (180) DAY MORATORIUM ON THE ACCEPTANCE, PROCESSING OF APPLICATIONS AND THE ISSUANCE OF PERMITS FOR THE OPERATION OF NON-TRADITIONAL SMOKING RELATED BUSINESSES IN THE CORPORATE LIMITS OF THE CITY; DIRECTING CITY STAFF TO INITIATE IMMEDIATE CONSIDERATION OF APPROPRIATE REGULATIONS REGARDING NON-TRADITIONAL SMOKING RELATED BUSINESSES IN THE CITY; PROVIDING FOR METHOD OF EXPIRATION OF THIS MORATORIUM; PROVIDING A VARIANCE PROCEDURE; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE**

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

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

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

Enactment No: RE-2960-13

### **ADJOURN**

A motion was made by Council Member Hoffman to adjourn the meeting at 9:56 p.m. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

**Aye:** 5 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman and Larry Broseh

**Nay:** 0

**Absent:** 2 - Darryl Haynes and Brent Newsom

**Abstain:** 0

\_\_\_\_\_  
David L. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Vicki Collins, City Secretary