



CITY OF MANSFIELD

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

Meeting Agenda City Council

Monday, March 17, 2014

5:00 PM

Council Chambers

REGULAR MEETING

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**

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

Seek Advice of City Attorney Regarding City of Mansfield vs. Martinez Family Limited - Cause No. 2013-007537-1

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

Consider Possible Purchase of Certain Properties for Future Development/Use

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

Board Interview; Mansfield Economic Development Corporation

D. **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**

3. **JOINT WORK SESSION WITH MANSFIELD PARK FACILITIES DEVELOPMENT CORPORATION**

On-Street Bicycle Master Plan

4. **6:50 P.M. – COUNCIL BREAK PRIOR TO REGULAR BUSINESS SESSION**

5. **7:00 PM OR IMMEDIATELY FOLLOWING EXECUTIVE SESSION - RECONVENE INTO REGULAR BUSINESS SESSION**

6. **INVOCATION**

7. **PLEDGE OF ALLEGIANCE**

8. **TEXAS PLEDGE**

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

9. **PRESENTATION**

TML Excellence in Libraries Award

10. **CITIZEN COMMENTS**

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

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

11. **COUNCIL ANNOUNCEMENTS**

12. **STAFF COMMENTS**

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

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

Current/Future Agenda Items

Watermark Award for Excellence in Communications from Texas Section of AWWA - Joe Smolinski

Keep Texas Beautiful Awards - Arianne Shipley

Follow up on Grackle Complaints - Police Chief Gary Fowler

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

14. CONSENT AGENDA

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

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA[14-0811](#)

Resolution - A Resolution Approving a Joint Election Agreement Between the City of Mansfield and the Mansfield Independent School District for the May 10, 2014 General Election

Sponsors: Vicki Collins

Attachments: [Resolution](#)

[Exhibit A-Joint Election Agreement](#)

[14-0841](#)

Resolution - A Resolution Authorizing the City of Mansfield, Texas ("City") to Enter into a Lease Agreement with Johnson County Elections Administrator for the Use of AutoMark Voting Equipment to be Used in the May 10, 2014 General Election and Run-Off, If Necessary

Sponsors: Vicki Collins

Attachments: [Resolution](#)

[Lease Agreement](#)

[14-0852](#)

Resolution - Authorization of Additional Funding for an Amount Not to Exceed \$21,900.00 for a Change in Scope to the South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements Project (Street Bond Fund)

Sponsors: Steve Freeman

Attachments: [Resolution](#)

[14-0836](#)

Request for Special Event Permit; Mellow Mushroom Bake Bus

Sponsors: The Applicant

Attachments: [Application](#)

[Approvals and Comments](#)

[14-0837](#)

Request for Special Event Permit; Mansfield Tiki Triathlon

Sponsors: The Applicant

Attachments: [Application](#)

[Approval Comments](#)

[14-0843](#)

Minutes - Approval of the February 24, 2014 Regular City Council Meeting

Sponsors: Vicki Collins

Attachments: [2-24-14 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA**15. OLD BUSINESS**

[14-0822](#) Ordinance - Second Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Sponsors: Felix Wong

Attachments: [Map of Drill Sites within 1000ft of protected uses](#)
[Electric Drilling Chesapeake](#)
[ADDE 2009NTCE-01-01Tech Paper](#)
[Comments from gas well operators](#)
[Revised Ordinance](#)

16. PUBLIC HEARING AND FIRST READING

[14-0842](#) Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from MF-2, PR, I-1 & 2F to SF-7.5/16, SF-8.4/18, SF-12/22, MF-2 and C-2 on Approximately 555 Acres, Generally Located at the Intersection of South 2nd Avenue and FM Road 917 and East of FM Road 917, West of South Main Street and North of English Trail; Setback Partners (ZC#14-001)

Sponsors: Felix Wong

Attachments: [Proposed Zoning Illustration](#)
[Maps & Supporting Information](#)
[Ordinance](#)
[Exhibit A](#)

[14-0844](#) Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 10.5 Acres, Generally Located at the Southeast Corner of E Debbie Lane and Matlock Road; Hijo, Ltd. (ZC#14-003)

Sponsors: Felix Wong

Attachments: [Ordinance](#)
[Maps & Supporting Information](#)
[Exhibit A](#)

17. PUBLIC HEARING CONTINUATION AND SECOND READING

[14-0817](#) Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and

128 N. Main Street; City of Mansfield (ZC#14-002)

Sponsors: Felix Wong

Attachments: [Ordinance](#)

[Maps and Supporting Information](#)

[14-0818](#)

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

Sponsors: Felix Wong

Attachments: [Revised Ordinance](#)

18. **NEW BUSINESS**

[14-0848](#)

Review and Consideration of a Detailed Site Plan for Lots 1-8 of The Village off Broadway Planned Development located at the southwest corner of E. Broad Street and Cannon Drive South (DS#13-003)

Sponsors: Felix Wong

Attachments: [Council Copy 27 FEB 14](#)

[14-0853](#)

Review and Consideration of a Detailed Site Plan for the Initial Phases of South Pointe on Approximately 139.6 Acres Generally Located South of Mathis Road, West of Hwy 360 and North of the Proposed Lone Star Parkway (DS#14-001)

Sponsors: Felix Wong

Attachments: [2014 03 12 South Pointe Detailed Site Plan City Submission Final](#)

[14-0857](#)

Discussion Regarding Approval of 2013 Hotel/Motel Funding Request by Sunrise Rotary Club

Sponsors: Craig Magnuson

[14-0858](#)

Resolution - A Resolution Approving a Development Agreement with Ruby 07 SPMTGE, LLC Authorizing the Expenditure of Tax Increment Funds for the Construction of Public Improvements Within the Tax Increment Reinvestment Zoned Number One for the Initial Phases of South Pointe on Approximately 139.6 Acres Generally Located South of Mathis Road, West of Hwy. 360 and North of the proposed Lone Star Parkway

Sponsors: Felix Wong

Attachments: [Resolution](#)

[SP Builders Vision](#)

[SP Conceptual Site Design](#)

[SP Financial Terms](#)

[14-0860](#)

Ordinance - First Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and

"Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping Devices; Prohibiting Smoking at Seating Area of Outdoor Theater or Amphitheater; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

Sponsors: Felix Wong

Attachments: [Electronic Vaping Devices Research](#)
[Regulations of Smoking Amended](#)
[Ordinance Smoking](#)

19. **ADJOURN**

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin board next to the main entrance of the City Hall, 1200 East Broad Street, of the City of Mansfield, Texas, in a place convenient and readily accessible to the general public at all times and said Agenda was posted on the following date and time: Thursday, March 13, 2014 by 5:00 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Vicki Collins, City Secretary

Approved as to form:

Craig Magnuson, Attorney, City of Mansfield

1. This building is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. To make arrangements, call (817) 473-0211 or (TDD) 1-800-RELAY TX, 1-800-735-2989.

2. In deciding a zoning change application, the Planning and Zoning required to determine the highest and best use of the property in question. The Planning and Zoning Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every district up to the intensity set forth in the zoning change application.

This public notice was removed from the official posting location at the Mansfield City Hall on the following date and time:

By: _____
City Secretary's Office



CITY OF MANSFIELD

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

File Number: 14-0811

Agenda Date: 3/17/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution Approving a Joint Election Agreement Between the City of Mansfield and the Mansfield Independent School District for the May 10, 2014 General Election

Requested Action

Approve the resolution approving a Joint Election Agreement for Election Services with the Mansfield Independent School District.

Recommendation

City staff recommends the City Council approve the Joint Election Agreement between the City of Mansfield and the Mansfield Independent School District.

Description/History

In 2006, HB 1 was passed requiring school districts that have joint elections with municipalities to have formal agreements with the entity.

Since 2000, the City of Mansfield has contracted with the Tarrant County Elections Administration (TCEA) to conduct the city's election. TCEA has made the decision to only conduct the portion of the city's election for the voters in Tarrant County. This decision affects the voters in the city as well as the school district. The City of Mansfield consists of voters located in Tarrant, Johnson and Ellis Counties. The Mansfield Independent School District (MISD) consists of voters located in Tarrant and Johnson Counties. Therefore, arrangements need to be made to accommodate the voters in Johnson and Ellis Counties for the city and school voters.

The 2014 General Elections ordered by the City and MISD are to be held on the same day. This agreement provides for a combined election, with all races on one voting ballot for the City's registered voters and a separate ballot for the MISD registered voters. The purpose of combining the elections is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of Mansfield. Early Voting and Election Day polling places will be combined, making it more convenient for voters. The City will be responsible for conducting both elections, providing for significant cost savings for the City and MISD.

Both the City and MISD will have their own areas at the Mansfield City Hall for their respective election. All aspects of the election are separate except for the joint use of the ES&S AutoMark machine for electronic voting.

The City of Mansfield and the MISD have agreed to sign a joint election agreement holding our elections together and allowing the city to run the election that involve the voters in Johnson and Ellis counties (city) and Johnson County (school).

These are terms in the agreement for payment for election supplies and services. MISD trustees will consider the City's resolution approving the Joint Election Agreement at their regular scheduled meeting on February 25, 2014.

This will be the second year the election will be held jointly between the City of Mansfield and the ISD.

Justification

Voting for current issues will be done in one location making the process easier for the voters.

Funding Source

All elections costs are budgeted in the City Council account 01-8806-11-01. MISD will pay 50% of the cost of the election as stated in the joint agreement.

Prepared By

Vicki Collins, TRMC, City Secretary, City Secretary's Office
817-276-4204
vicki.collins@mansfield-tx.gov

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD JOINTLY WITH THE MANSFIELD INDEPENDENT SCHOOL DISTRICT ON MAY 10, 2014; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on January 27, 2014, the City of Mansfield ordered a general election to be held on May 10, 2014; and

WHEREAS, on January 21, 2014, the Mansfield Independent School District ordered a general election to be held on the same date; and

WHEREAS, the City of Mansfield and the Mansfield Independent School District will conduct their general elections jointly at Mansfield City Hall on Saturday, May 10, 2014; and

WHEREAS, the laws of the State of Texas authorize governmental entities to mutually agree to combine certain aspects of the election; and

WHEREAS, the City of Mansfield and the Mansfield Independent School District have an interest in further accommodating the voter.

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

SECTION 1.

JOINT ELECTION AGREEMENT APPROVED. The City of Mansfield (the "City") and the Mansfield Independent School District ("MISD") hereby approve the Joint Election Agreement attached hereto as Exhibit "A", and incorporated herein for all purposes.

SECTION 2.

EARLY VOTING:

- (a) The City Secretary, City of Mansfield, 1200 East Broad Street, Mansfield, Texas, 76063, is hereby designated as the Early Voting Clerk for the joint election and she may appoint the necessary deputy clerks as required for early voting.

- (b) Early Voting by personal appearance shall be conducted beginning on April 28, 2014 and continuing through May 6, 2014 in Mansfield at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

April 28 – 30	Monday – Wednesday	8:00 a.m. – 5:00 p.m.
May 1 – 2	Thursday – Friday	8:00 a.m. – 5:00 p.m.
May 3	Saturday	7:00 a.m. – 7:00 p.m.
May 4	Sunday	11:00 a.m. – 4:00 p.m.
May 5 – 6	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

- (c) Early voting shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

SECTION 3.

CITY ELECTION CANCELLATION.

- (a) In the event of a cancelled election at the City of Mansfield, due to unopposed candidates, the early voting for the Mansfield Independent School District Board of Trustees election will be conducted at the School Administration Building, 605 East Broad Street, Mansfield, Texas, as stated herein.
- (b) Election Day Voting on Saturday, May 10, 2014, will also be conducted at the School Administration Building, 605 East Broad Street, Mansfield, Texas between the hours of 7:00 a.m. and 7:00 p.m.

MANSFIELD ISD ELECTION CANCELLATION.

- (a) In the event of a cancelled election at the Mansfield ISD, due to unopposed candidates, the identified schedule will not change.

RESOLVED AND ENTERED into this the 10th day of March, 2014.

David L. Cook, Mayor on behalf of City Council

ATTEST:

Vicki Collins, City Secretary

EXHIBIT "A"

JOINT ELECTION AGREEMENT
(Authorized by the Texas Election Code Chapter 271)

I. JURISDICTION

The City of Mansfield plans to hold a City Council Election on May 10, 2014, in Johnson and Ellis County voting precincts for the purpose of electing the City of Mansfield Council Member Place 6 and Council Member Place 7.

The Mansfield Independent School District Board of Trustees plans to hold a Board of Trustees Election on May 10, 2014, in the portion of Johnson County defined by MISD boundaries for the purpose of electing school trustees to Places 6 and 7.

II. ADMINISTRATION

The City of Mansfield's City Secretary agrees to coordinate, supervise, and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. The Mansfield Independent School District agrees to pay the City of Mansfield for equipment, supplies, services and administrative costs as outlined in this agreement. The City of Mansfield's City Secretary will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election.

III. LEGAL DOCUMENTS

Each participating authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.

If needed, the City of Mansfield will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the joint election and the use of HAVA mandated voting equipment. A copy of the submission will be furnished to the Mansfield ISD. Any other changes which require preclearance by the U.S. Department of Justice will be the responsibility of each participating authority. Each entity will be responsible for the publication of any required legal notices.

IV. VOTING SYSTEM

Each participating authority agrees that voting at the joint election will be by paper ballot and an AutoMark accessibility unit voting equipment approved by the Secretary of State in accordance with the Texas Election Code for HAVA compliance.

The City of Mansfield agrees to provide voting booths for the election.

01-13-14 PC04:38 RCVD *DM*

EXHIBIT "A"

V. VOTING LOCATIONS

Early voting by personal appearance shall be conducted at the following times:

April 28 – 30	Monday – Wednesday	8:00 a.m. – 5:00 p.m.
May 1 – 2	Thursday – Friday	8:00 a.m. – 5:00 p.m.
May 3	Saturday	7:00 a.m. – 7:00 p.m.
May 4	Sunday	11:00 a.m. – 4:00 p.m.
May 5 – 6	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

Early Voting by personal appearance shall be at Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063. Applications for early voting by mail may be delivered to the City Secretary at Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas, 76063, not earlier than March 11, 2014, and not later than the close of business on April 25, 2014, if delivered in person, and May 1, 2014, if delivered by mail. Early Voting ballots shall be mailed to Early Voting Clerk, 1200 East Broad Street, Mansfield, Texas 76063.

It is further agreed by the participating authorities that the following polling place will be used on Election Day:

Location: Mansfield City Hall
Address: 1200 East Broad Street, Mansfield, Texas 76063
Precincts: 7, 8, 35 and 101

VI. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

The City of Mansfield will be responsible for the appointment of the presiding judge and alternate for the polling location, and also for the appointment of the Early Voting Ballot Board. It is agreed by the participating authorities to employ the number of election clerks as the need determines, and that all election workers shall be paid \$8.50 per hour and the alternate judge shall be paid \$9.50 an hour. The election judge will be paid \$10.00 per hour and will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for delivering election returns and supplies to their designated drop off site.

It is further agreed by the participating authorities to employ early voting clerks, during the early voting period (April 28, 2014 through May 6, 2014) with a minimum of three election workers at the polling place during the voting hours.

The City of Mansfield's City Secretary is responsible for notifying all election judges of the eligibility requirements under Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the joint election are eligible to serve. The presiding judges, with the City Secretary's assistance, will be responsible

EXHIBIT "A"

for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

The participating authorities agree to hold one (1) public school of instruction on elections laws and on the use of the AutoMark accessibility unit voting equipment.

The election judges are responsible for picking up of election supplies at the time and place determined by the City Secretary (which will be set forth in the election judge letter requesting service for this election).

VII. SUPPLIES AND PRINTING

The City of Mansfield will arrange for all election supplies and election printing, including, but not limited to, ballots (electronic and paper), all forms, signs and other materials used by the election judges at the voting locations. The City of Mansfield will prepare all necessary bilingual materials for the official ballot. Preparation of necessary bilingual materials for notices will be the responsibility of each participating authority.

The Mansfield Independent School District will furnish the City of Mansfield's City Secretary a list of candidates showing the order and the exact manner in which their names are to appear on the official ballot. This will be done as soon as possible after ballot position has been determined by the MISD candidates.

VIII. BALLOT TABULATION AND RETURNS OF ELECTION

The City of Mansfield will be responsible for the tabulation of ballots at the Election Day polling location, and for the tabulation of early votes at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063. Following the tabulation of ballots on Saturday, May 10, 2014 the City of Mansfield shall notify MISD of the unofficial results in person at the election day polling location, or by telephone, or by E-mail, and will prepare the following election records to be returned to MISD no later than 12:00 p.m., Monday, May 12, 2014: (1) a Return Sheet from each polling location, and for early voting, showing the number of votes received by each candidate and the total number of voters; (2) copy of the Combination Form (Poll List/Signature Roster) from each polling location, and for early voting.

Mansfield ISD will be responsible for securing these records from the City of Mansfield by the date and time specified above.

IX. RECORDS OF ELECTION

Vicki Collins, City Secretary, is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code,

EXHIBIT "A"

at the City of Mansfield, City Secretary's Office, 1200 East Broad Street, at any time during normal business hours. The City Secretary shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205, Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the City Secretary shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the City Secretary any notice of any pending election contest, investigation litigation, or Texas Public Information Act request which may be filed with a participating authority.

On the first business day which follows the date that the records of the election are eligible for destruction, the City Secretary will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the City Secretary's notice of intent to destroy the records, each participating authority will provide the City Secretary with written authorization to proceed with destruction or written instruction to withhold destruction.

X. ELECTION EXPENSES

The participating authorities agree to equally sharing the costs of administering the May 10, 2014, election. The City of Mansfield agrees to provide the MISD with an estimate of election expenses as soon as possible but no later than April 11, 2014. MISD agrees to remit to the City of Mansfield, two weeks after receipt of estimate a sum equal to 50% of the total estimated cost of election expenses for only the costs associated with the Johnson County voters. Final election expenses will be determined within 30 days after the election, and the City will provide MISD with a final accounting. It is agreed that the remaining balance owed by MISD will be remitted to the City no later than thirty (3) days after receipt of the final accounting.

XI. EARLY VOTING APPOINTMENT (ADMINISTRATION)

Vicki Collins, City Secretary, will be appointed as early voting clerk in compliance with Section 271.006 of the Texas Election Code. Other deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting at the main location.

Early voting by personal appearance will be conducted in accordance with the election order of the participating authorities.

MAIN EARLY VOTING POLLING PLACE

CITY OF MANSFIELD CITY HALL
1200 East Broad Street
Mansfield, Texas 76063

EXHIBIT "A"

All requests for early voting ballots by mail that are received by participating authorities will be delivered by the most efficient means on the day of receipt to the City of Mansfield, City Secretary's Office, City Hall, 1200 East Broad Street, Mansfield, for processing. Persons voting by mail will send their voted ballots to the City of Mansfield, City Secretary's Office.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code.

XII. CONTRACT WITHDRAWAL

Any participating authority that certifies their election in accordance with Section 2.051, 2.052, and 20.53 of the Texas Election Code, may withdraw from the joint election contract. Any expenditures incurred prior to withdrawal shall be billed separately and that contracting authority shall be removed from the contract. In the event of election cancellation by the City of Mansfield, MISD agrees to conduct their election at their own expense. In the event of election cancellation by the MISD, the City of Mansfield agrees to conduct their election at their own expense.

APPROVED BY THE MANSFIELD CITY COUNCIL ON THE _____ DAY OF _____, 2014.

David L. Cook, Mayor, City of Mansfield

ATTEST:

Vicki Collins, City Secretary

ACCEPTED AND AGREED TO BY THE MANSFIELD INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES ON THE _____ DAY OF _____, 2014.

Beth Light
Board President
Mansfield Independent School District

Terry Moore
Board Secretary
Mansfield Independent School District

Approved as to Form
Not Content

C. A. May 1-20-14
Signature/Date



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0841

Agenda Date: 3/17/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Authorizing the City of Mansfield, Texas ("City") to Enter into a Lease Agreement with Johnson County Elections Administrator for the Use of AutoMark Voting Equipment to be Used in the May 10, 2014 General Election and Run-Off, If Necessary

Requested Action

Approve the resolution approving the lease agreement with Johnson County Elections Administrator.

Recommendation

City staff recommends the City Council approve the Lease Agreement with Johnson County Elections Administrator.

Description/History

Due to the decision by the Tarrant County Elections Administration to conduct the election for only the voters located in Tarrant County, other arrangements need to be made affecting the voters located in Johnson and Ellis counties.

The City of Mansfield (City) has registered voters located in Johnson and Ellis Counties. The Mansfield Independent School District (MISD) has registered voters located in Johnson County. Therefore, arrangements need to be made to accomodate the voters in Johnson and Ellis counties for the city and school voters.

The City and MISD have agreed to sign a joint election agreement holding both elections together and allowing the City to conduct the election that involves the voters in Johnson and Ellis counties (City) and Johnson County (MISD).

In order to comply with the Help America Vote Act (HAVA), each polling location should be equipped with at least one voting system accessible to individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participating (including privacy and independence) as for other voters.

The lease agreement has been reviewed and approved by the Legal Department.

Justification

The lease agreement with Johnson County Elections Administrator will meet the requirements of HAVA.

Funding Source

All election costs are budgeted in the City Council account 01-8806-11-01. MISD will pay 50% of the cost of the election as stated in the joint agreement.

Prepared By

Vicki Collins, TRMC
City Secretary
City Secretary's Office
vicki.collins@mansfield-tx.gov
817.276.4204

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING THE CITY OF MANSFIELD, TEXAS ("CITY") TO ENTER INTO A LEASE AGREEMENT WITH JOHNSON COUNTY ELECTIONS ADMINISTRATOR FOR THE USE OF AUTOMARK VOTING EQUIPMENT TO BE USED IN THE MAY 10, 2014 GENERAL ELECTION AND RUN-OFF ELECTION, IF NECESSARY**

WHEREAS, Section 41.001 of the Texas Election Code (the "Code") specifies that the second Saturday in May shall be a "uniform election date" and that a general election of a City may be held on such day; and

WHEREAS, state law and the charter of the City require that a general election be held; and

WHEREAS, on January 27, 2014, the City called a general election to be held on May 10, 2014; and

WHEREAS, on January 21, 2014, the Mansfield Independent School District ("MISD") ordered a general election to be held on the same date; and

WHEREAS, the City and the MISD have an interest in further accommodating the voter; and

WHEREAS, the City and MISD have agreed to sign a joint election agreement holding both elections together and allowing the City to conduct the election that involve the voters in Johnson and Ellis Counties (City) and Johnson County (MISD), respectively; and

WHEREAS, to comply with the Help America Vote Act (HAVA) of 2002, each polling location should be equipped with at least one voting system accessible to individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

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

SECTION 1.

The City Manager or his designee is hereby authorized and directed to execute a lease agreement with Johnson County Elections Administrator for the use of AutoMark Voting Equipment.

SECTION 2.

PASSED, APPROVED AND EFFECTIVE THIS THE 10TH DAY OF MARCH, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

**VOTING MACHINE LEASE AGREEMENT BETWEEN JOHNSON COUNTY and
LESSEE: CITY OF MANSFIELD**

THIS AGREEMENT is entered on this _____ day of, _____ 2014, by and between the County of Johnson, a duly and lawfully organized county of the State of Texas ("County") and City of Mansfield, hereinafter referred to as "Lessee". Lessee herein is a political subdivision of the State of Texas, being either a City or a School District or other Special District.

RECITALS:

WHEREAS, public convenience will be furthered by authorizing the Lessee to utilize voting machines owned by Johnson County, Texas.

WHEREAS, Lessee has requested County to lease to Lessee one or more (depending upon availability) AutoMark Voting Machines (hereafter "Voting Machines") for recording votes.

WHEREAS, Lessee desires to contract with JOHNSON COUNTY for the use of voting machines described as AutoMark Voting Machines for Lessee's election and run-off election if necessary.

AGREEMENT:

NOW THEREFORE, for value received and in consideration of the covenants, conditions, and premises herein contained, the parties agree as follows;

1. County agrees to lease to Lessee the Voting Machines for a fee of **\$350.00 per machine paid in advance**. Said payment is for a period of **April 25, 2014** through **May 12, 2014** and is due on **April 25, 2014**. Lessee agrees to pay at the time of pick up, the amount of the equipment lease as established herein.
2. In the event Lessee needs to have a run-off election, this Agreement shall be extended for the time necessary for Lessee to conduct its run-off election upon Lessee's notification to County of the run-off election. Lessee will owe County an additional \$350.00 per voting machine leased by Lessee. Any additional fees owed to County by Lessee for the use of the voting machines for the run-off election will be invoiced by County upon Lessee's notification to County of the run-off election. Lessee shall pay said invoiced amount to County within thirty (30) days of the receipt of the invoice from County.
3. In the event the equipment leased from County to Lessee pursuant to this lease is stolen, lost, damaged, vandalized, destroyed or rendered inoperable, whether intentional or not, Lessee agrees to reimburse County for the replacement or repair of such equipment. The repair cost shall be determined by the equipment service vendor. The Lessee's payment for repair or

replacement costs for damaged or lost equipment, or service cost resulting from same shall be remitted to County by Lessee within thirty (30) days of written request by County.

4. County shall supply the Lessee with (1) (number of AutoMark machines).

5. **Lessee is responsible for the following actions or functions:**

A. Pick-Up and Delivery of equipment back to the Elections Administrator's Office within 24 hours after an election.

B. Ordering Optical Scan Ballots for the AutoMark

C. Contacting ES&S for coding of AutoMark voting machines.

D. Theft or damage to the AutoMark voting machines.

6. Lessee shall designate employees in a hierarchy at each location to be in charge of operations who will oversee the receipt, care custody and control of the machines ("Designated Employees"). Prior to delivery of the machines, Lessee shall obtain any training necessary for the operation of the machines for the Designated Employees.

7. Any entity leasing a machine shall arrange to have at least one person at training. The Lessee bears any costs of training personnel. The Elections Administrator will also train persons in using the AutoMark upon pick up. Any additional training provided by the Elections Administrator will be at a rate of \$100.00 per day per person.

8. Lessee assumes full liability for the safekeeping of the Voting Machine(s) and all inventory and supplies furnished by Johnson County. The Johnson County Elections Administrator will notify Lessee in writing of any missing and unaccounted for machines or associated items and Lessee shall have up to thirty (30) days to research and rectify any discrepancies before payment is made. The Lessee agrees to pay for any destroyed, damaged, or missing machines or associated items.

9. County is not responsible for the operation of the machines or the failure to operate the machines in a properly or accurate manner. Lessee agrees to defend, indemnify, and hold harmless Johnson County against any and all claims made by any party regarding the accuracy, operation or use of the voting machines in recording or failing to record votes or for any purpose whatsoever.

10. Lessee hereby agrees to indemnify and hold harmless County and its officers and employees from and against any loss, including claims, demands and causes of action and which loss, claim, demand or cause of action resulted from the performance or non-performance of Lessee or its agents, representatives or employees pursuant to the terms of this agreement.

11. This Agreement is entire as to all of the performance to be rendered under it. Breach of any material obligation to be performed by either party shall constitute a breach of the entire Agreement and shall give either party the right to immediately terminate this Agreement.

12. Lessee agrees to notify County of any change in the Designated Employees within 14 calendar days of such change.

13. Either party hereto may voluntarily terminate this Agreement at any time upon sixty (60) days prior written notice to the other party sent as provided herein. Within seven (7) days after the date of termination, the Lessee shall return to County all Voting Machines, together with associated equipment and supplies.

14. Notice given pursuant to this Agreement shall be in writing and shall be given by United States certified or registered mail, postage prepaid, addressed to the appropriate party as set forth below:

COUNTY:

Patty Bourgeois, Johnson County Elections Administrator
P.O. Box 895
103 S Walnut St.
Cleburne, Texas 76033

LESSEE: Name of Entity: City of Mansfield

Name of Contact: Vicki Collins, City Secretary

Address for Notice: 1200 E. Broad St.
Mansfield, Texas 76063

Telephone Number: 817-276-4204

Email: vicki.collins@mansfield-tx.gov

The person and address to which notices are to be given may be changed at any time upon written notice to the other party.

15. The term of this Agreement shall continue in full force and effect for one year from the date of the Agreement. However, the agreement may expire at an earlier time through the complete fulfillment of the obligations set forth herein by all parties hereto.

16. This Agreement shall be construed under and in accordance with the laws of the State of Texas. Exclusive venue for any action taken relative to this agreement shall be Johnson County, Texas.

17. Neither party shall assign its rights, nor delegate its duties under this Agreement without prior written consent of the other party. Such unauthorized assignment and/or delegation shall, at the option of the non-assigning and/or non-delegating party be a material breach for which the non-assigning and/or non-delegating party may void this Agreement.

18. The provisions of this Agreement are not intended to create, nor shall they be in any way construed to create, a joint venture, a partnership, or any other similar relationship between the parties. The Lessee acknowledges that it is an independent contractor and that it will be acting as an independent contractor in performing its obligations under this Agreement.

19. Johnson County is not obligated and is not expected to engage in litigation or file suit for the benefit of lessee pursuant to this contract. Should litigation be instituted by any other person or entity, Lessee shall, to the extent permitted by law, hold harmless and indemnify Johnson County against all claims, costs and expenses arising from Johnson County or the Johnson County Elections Office's actions associated with this agreement.

20. This Agreement shall supersede any and all other agreements for services specified hereunder, whether oral or written.

21. This Agreement shall not be amended or modified, except in writing signed by authorized representatives of the Lessee, County, and the County Elections Office.

22. This agreement replaces all other agreements or contracts by and between the Parties hereto as they pertain to lease of voting machines.

23. This agreement is to become effective upon execution after the approval of the Lessee to which it pertains acting by and through its governing body and execution by Judge Roger Harmon after approval by the Commissioners Court of Johnson County, Texas.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date as indicated below.

County of Johnson:

Lessee:

Date: _____

Date: _____

Roger Harmon
County Judge

Signature

Attest:

Printed Name and Title of Authorized
Representative of Lessee (City, School, or
Special District)

Becky Williams, County Clerk
Johnson County

**Approved as to Form
Not Content**

L.A. Williams 2-13-14
Signature/Date

Patty Bourgeois, Elections Administrator
Johnson County



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0852

Agenda Date: 3/17/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - Authorization of Additional Funding for an Amount Not to Exceed \$21,900.00 for a [Change in Scope](#) to the South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements Project (Street Bond Fund)

Requested Action

Authorization of Additional Funding for an Amount not to exceed \$21,900.00 for a [change in scope](#).

Recommendation

The Engineering Staff recommends the authorization of funding for design services for the change in scope to the South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements project.

Description/History

Originally, only Waxahachie Street and Prairie View had been intended for reconstruction . After extensive drainage research by Jerry Parche Consulting Engineers, it was determined that Stell St. would also require additional drainage and pavement reconstruction.

Stell Street is downstream of Waxahachie and needs to be completed first to improve the drainage system in this area. The primary purpose of this project is to improve pavement and drainage conditions. These roads are part of the Street Bond and Utility Bond Capital Improvement Plan.

Justification

This project is part of the Street Bond and Utility Bond Capital Improvement Plan.

The Public Works Director will be in attendance at the meeting to answer Council's questions regarding the proposed funding and contracts.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING OF
ADDITIONAL FUNDING FOR A CHANGE IN
SCOPE TO THE SOUTH WAXAHACHIE
STREET AND PRAIRIE VIEW DRIVE PAVING
AND WATER LINE IMPROVEMENTS PROJECT
WITH JERRY PARCHE CONSULTING
ENGINEERS.**

WHEREAS, the City of Mansfield has awarded a contract for South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements Project, Inc. per Resolution No. 2979-14 and,

WHEREAS, it is necessary to add other needed improvements, and,

WHEREAS, the funding for the additional improvements stated herein will be secured from the Street Bond Fund and,

WHEREAS, after careful study of all facts, the City Council of Mansfield recognizes that it is in the best interest of the citizens of the City of Mansfield that the additional scope provided herein is justified and be started at the earliest possible date to insure necessary service and delivery.

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

Section 1.

The City Manager is hereby authorized and directed to execute additional funding with Jerry Parche Consulting Engineers to the South Waxahachie Street and Prairie View Drive Paving and Water Line Improvements Project for an amount not to exceed Twenty One Thousand Nine Hundred and 00/100 Dollars (\$21,900.00)

PASSED AND APPROVED THIS THE 17th DAY OF MARCH 2014

Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0836

Agenda Date: 3/17/2014

Version: 3

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event Permit; Mellow Mushroom Bake Bus

Requested Action

Approval of the Special Event Permit for the Mellow Mushroom Bake Bus

Recommendation

City Staff has reviewed the application and recommends the same

Description/History

This is the first time for this event

Justification

N/A

Funding Source

N/A

Prepared By

Linda Johnson, Administrative Assistant, Development Services

Applicant: Kim Slawson, Mellow Mushroom, 682-225-0714



1200 East Broad Street, Mansfield, TX 76063
www.mansfield-tx.gov Fax: 817-477-1416

Special Event Application

Organization/Group <u>Mellow Mushroom</u>		Today's Date <u>2/17/2014</u>	
Applicant Name <u>Kim Skawson</u>			
Applicant Address <u>100 S. Main</u>		Phone No. <u>682-225-0714</u>	
*Will be called for information needed and when the permit is ready for pick-up		Email	
Address of Event <u>101 S Main Street and 105 E Broad Street</u>			
Date(s) of Event <u>Sunday, May 4, 2014</u>		Hours of Event: <u>10 AM - 5 PM</u>	
Annual Event or <u>1st</u> , <u>2nd</u> , <u>3rd</u> year? <u>1st</u>		Estimated Number of Attendees <u>100</u>	
Will Fees be charged? <u>No</u>		Public Invited or Private Party? <u>Public</u>	
Is the event in a Mansfield Park? <u>No</u>		*If yes, Insurance is required	
Do you plan to Temporarily Close a Public Street? <u>No</u>		*If yes, Insurance is required	
Is the event on Private Property other than your own? <u>No</u>		*If yes, signed permission is required	
Will there be any new or temporary electric lines installed? <u>No</u>		*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.	
Will you be using any generators? <u>Y</u>		*If yes, indicate the location on the site plan	
<u>Location identified at bake bus</u>			
Do you plan to have any Tents? <u>Y</u>		*If yes, a separate permit is required.	
Do you plan to have any Promotional Signs (i.e. banners, streamers, balloons)? <u>Y</u>		*If yes, a separate permit is required	
City of Mansfield Assistance Requested:			
Barricades/ Street Closure	<u>No</u>	*If yes, show on site plan where you want to close the street and a resident roster must be submitted	
Police/Traffic Control/Security	<u>No</u>	*If yes, attach an explanation and the name and contact number of person you are making arrangements with.	
Please Read and Include the Following Information With This Application <ul style="list-style-type: none"> For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where <u>all items</u> will be located on the site plan. If Insurance is required, the City of Mansfield must be listed as "Additional Insured". All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event. 			
Applicant Signature and Date: <u>[Signature]</u>			
FOR OFFICE USE			
MAC	PUBLIC WORKS	FIRE DEPT	PLANNING
POLICE DEPT	DEV SERVICES	PARKS	
CITY COUNCIL	AGENDA:		



1200 East Broad Street, Mansfield, TX 76063
www.mansfield-tx.gov Fax: 817-477-1416

Temporary Tent Application

Tent location Address		100 S. Main		Suite No.			
Tenant/Business		Mellow Mushroom					
Applicant*		Kim Slawson		Phone No.		682 225 0714	
*Will be called for information about the tent and when the permit is ready for pick-up							
Tent Company using our own tents							
Tent Company Name				Contact Number			
Purpose of Tent							
Special Event		<input checked="" type="checkbox"/> Sale or Promotion		<input checked="" type="checkbox"/> Assembly		<input type="checkbox"/> Other <input checked="" type="checkbox"/> job application	
Dates Tent will be on the Property				Erected: 5/4		Removed: 5/4	
Size and Quantity of Tent(s)							
Quantity		Size		Height in ft			
		#1 10 X 10		#1			
		#2 10 X 10		#2			
Please read and Include the Following Information With This Application							Fee \$60
THIS PERMIT APPLICATION WILL BE AUTOMATICALLY <u>DENIED</u> IF ALL INFORMATION IS NOT COMPLETED/PROVIDED.							
1. SITE PLAN: You must include a site plan showing where the Tent(s) will be located on the property. You need to indicate the distance from any structures and the property lines. (If you do not have a site plan, one may be provided if requested in advance).							Attached
2. FLOOR PLAN: Provide a simple floor plan for each tent showing the set up for tables, chairs, stages, width of aisles, exits, fire extinguishers and if the tent sides will be Up or Down.							Attached
3. FLAME RESISTANT CERTIFICATE: You must attach a Flame Resistant Certificate for the specific tent you are renting. The Tent Company can provide this.							Not Renting
4. NOTE: Temporary tent sales by retail establishments or tent assemblies may be permitted for a period not to exceed thirty (30) days and <u>no more than once a year</u> . No tents or similar structures shall be erected in any required yard setbacks or designated easements.							
Applicant Signature				[Signature]		Date 2/17/2014	
Property Owner/Manager Printed Name & Signature				Kim Slawson		Date 2/17/2014	
*REQUIRED							
FOR OFFICE USE							
Comments							
Planning Dept		Approve <input type="checkbox"/>		Deny <input type="checkbox"/>		Date	
Fire Dept		Approve <input type="checkbox"/>		Deny <input type="checkbox"/>		Date	



1200 East Broad Street, Mansfield, TX 76063
www.mansfield-tx.gov Fax: 817-477-1416

Promotional Signage Display Application

Installation Address	100 S. Main	Suite No.	
Tenant/Business	Mellow Mushroom		
Applicant*	Kim Slawson	Phone No.	682-225-0714

*Will be called for information about the sign and when the permit is ready for pick-up

Sign Company - Already produced			
Name		Contact Name	
Address		City	
Phone No.		State	Zip
		Email	

Purpose of Sign			
Special Event	<input checked="" type="checkbox"/> Sale or Promotion	<input type="checkbox"/> Grand Opening	<input type="checkbox"/> Other
Date Requesting Display to Begin			

Type of Sign			
Banner	<input checked="" type="checkbox"/> Quantity	1	Size of Sign in Sq Ft
			15 sq ft
			3x5
			Height and Width in Ft
			3x5
Balloon	<input type="checkbox"/> Quantity		Wind Signs (pennants, spinners, streamers)
			<input type="checkbox"/> Quantity

<p>Please read and Include the Following Information With This Application THIS PERMIT APPLICATION WILL BE AUTOMATICALLY <u>DENIED</u> IF ALL INFORMATION IS NOT COMPLETED/PROVIDED.</p> <p>1. SIGN CONTENT: For all signs, include a simple drawing or attach a picture of the sign, showing sign content and dimensions. <u>List everything that you plan to put up for the promotion.</u></p> <p>2. SITE PLAN SHOWING LOCATION OF SIGN(S):</p> <p>A. For wall signs or banners, include a drawing of the face of the building with the sign(s). Label dimensions of buildings and sign(s).</p> <p>B. For all other signs, show the sign and its relation to the building on the property and to the lot boundaries. Label distances of sign(s) from building and lot boundaries.</p> <p>3. NOTE: One promotional signage display, (temporary signs such as banners, balloons, streamers or any kind of wind sign) is permitted three (3) times in a calendar year, for a maximum of fourteen (14) consecutive days. A minimum of ninety (90) days is required between each display. One (1) Grand Opening display is allowed for a period of twenty-one (21) consecutive days within the first three (3) months of the date of issuance of a certificate of occupancy or business license.</p>	<p>Fee \$40</p>
---	-----------------------------------

Applicant Signature	
Property Owner/Manager Printed Name & Signature *REQUIRED	Kim Slawson

FOR OFFICE USE			
Comments			
Planning Dept	Approve	<input type="checkbox"/> Deny	<input type="checkbox"/> Date

1" = 40'

E BROAD ST

May 4, 2014

Music
Games

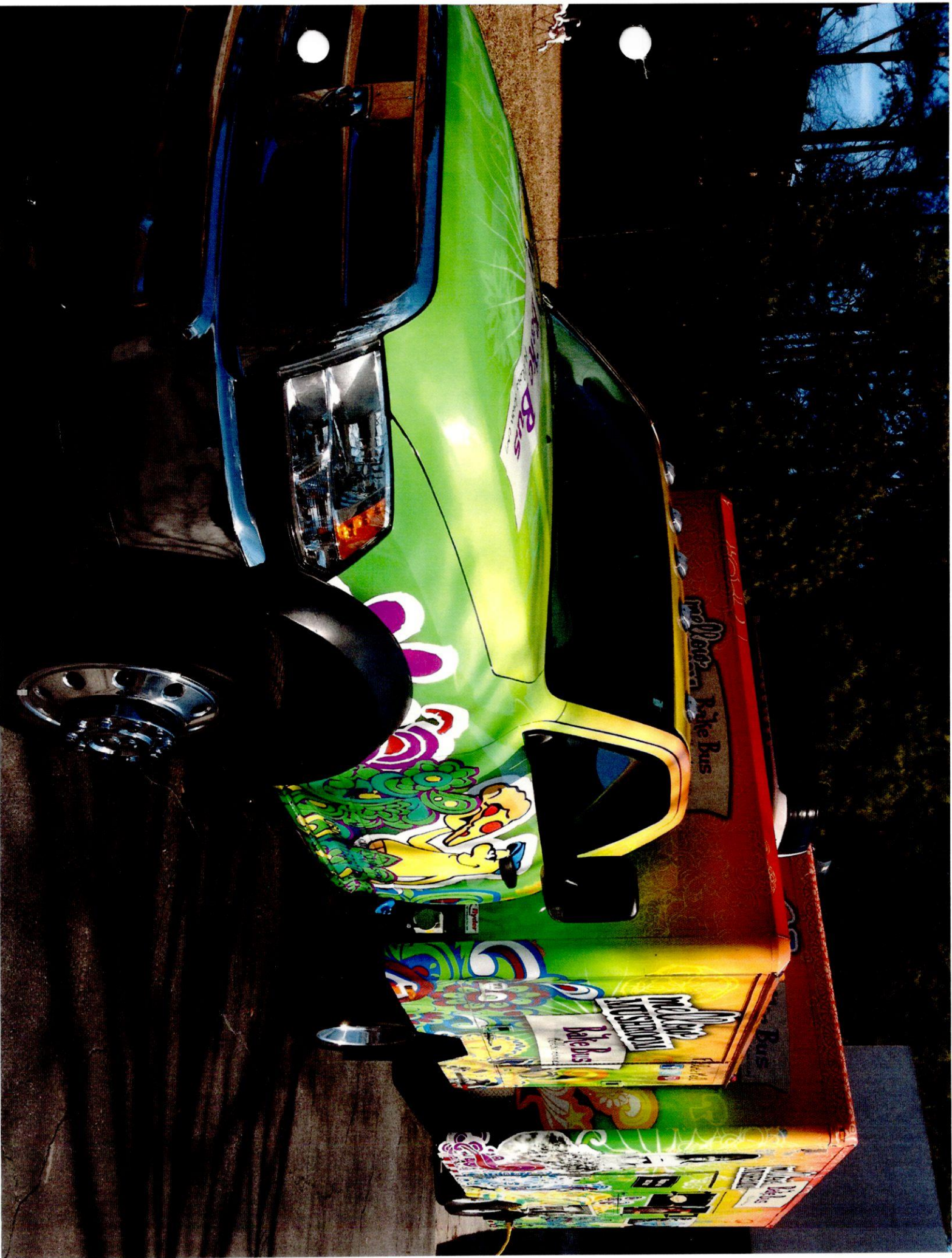
Tents

BAKE
BUS

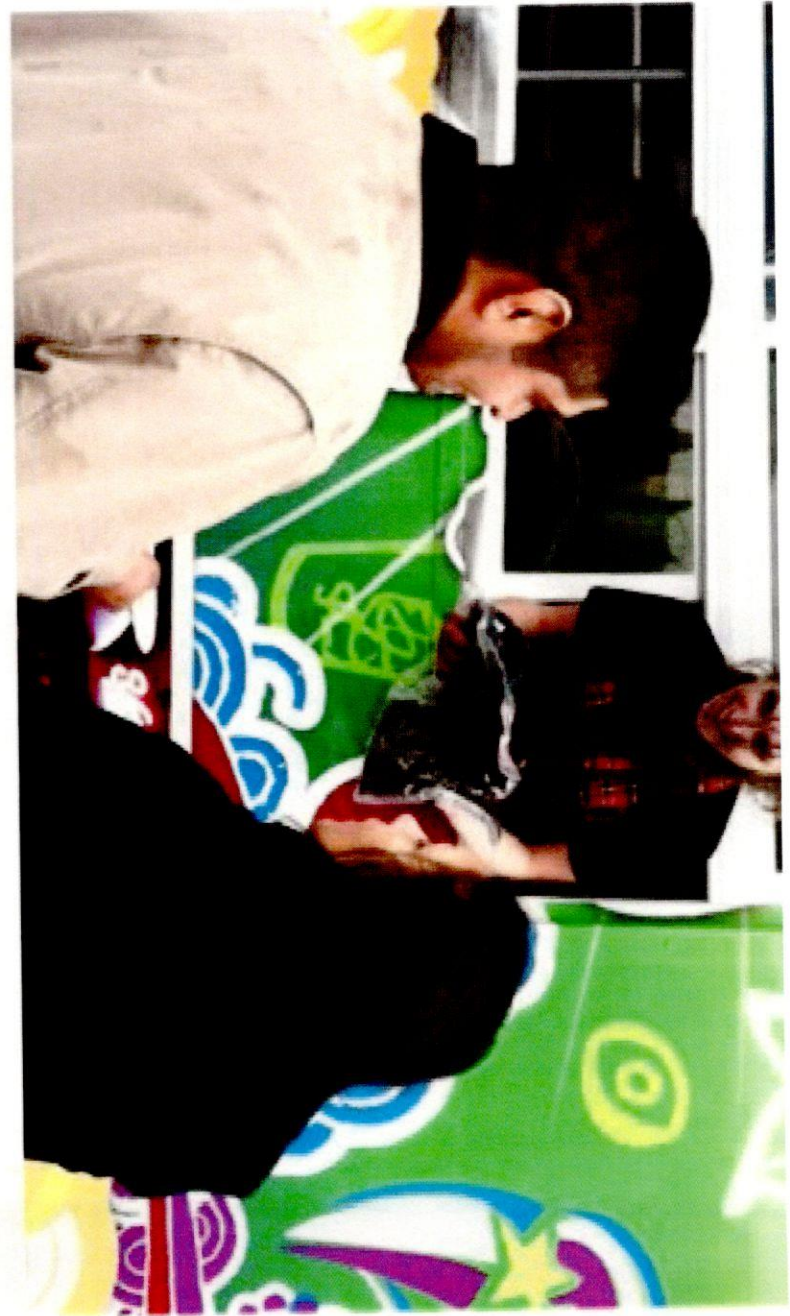
TABLES

Tour













MANSFIELD
T E X A S

SPECIAL EVENT REVIEW COMMENTS & APPROVALS

EVENT:	MELLOW MUSHROOM BAKE BUS
DATE OF EVENT:	Sunday, May 4th form 10:00am-5:00pm
*ANDY BINZ (RECREATION)	APPROVED
*KERIN MAGUIRE (PLANNING)	APPROVED
Promotional Signs?	YES
	Hand Held Signs are not allowed.
*DAVID BOSKI (STREETS)	APPROVED
Barricades Requested?	NO
NOTES:	
*PAUL COKER (DEVELOPMENT SERVICES)	APPROVED
*ERIC PETERSON (FIRE)	APPROVED
Temporary Tents?	NO
COMMENTS	
*W. KYLE LANIER (POLICE)	APPROVED
COMMENTS	
Mansfield Police Assistance?	NO
City Council Approval Required?	YES
Agenda Date:	3/17/2014
Special Event Number	Legistar SE 14-0836



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0837

Agenda Date: 3/17/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event Permit; Mansfield Tiki Triathlon

Requested Action

Approval of the Special Event Permit for the Mansfield Tiki Triathlon

Recommendation

City Staff has reviewed the application and recommends the same

Description/History

This is the first year for this event

Justification

N/A

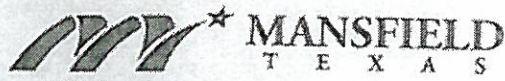
Funding Source

N/A

Prepared By

Linda Johnson, Administrative Assistant, Development Services

Applicant: Tim Tarpley, Trident Sports, 682-552-7247



1200 East Broad Street, Mansfield, TX 76063
www.mansfield-tx.gov Fax: 817-477-1416

RECEIVED
DATE
FEB 18 2014

Special Event Application

Organization/Group <u>Mansfield Tiki Trotter</u>		Today's Date <u>2-14-14</u>	
Applicant Name <u>Trident Sports</u>			
Applicant Address <u>2551 River Park Pkwy Ste 200 FW TX 76066</u>		Phone No. <u>682-5527247</u>	
*Will be called for information needed and when the permit is ready for pick-up		Email	
Address of Event <u>Hawkins Falls Mansfield</u>			
Description & Activities: <u>289 Meter Swim 12 mile Bike - 3 mile Run</u>			
Date(s) of Event <u>May 18th 2014</u>		Hours of Event: <u>0700-1100</u>	
Annual Event or <u>1st</u> , 2 nd , 3 rd year? <u>1st Year</u>		Estimated Number of Attendees <u>300</u>	
Will Fees be charged? <u>Yes</u>		Public Invited or Private Party? <u>Public</u>	
Is the event in a Mansfield Park? <u>no</u>		*If yes, Insurance is required	
Do you plan to Temporarily Close a Public Street? <u>no</u>		*If yes, Insurance is required	
Is the event on Private Property other than your own? <u>Yes</u>		*If yes, signed permission is required	
Will there be any new or temporary electric lines installed? <u>no</u>			
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.			
Will you be using any generators? <u>no</u>		*If yes, indicate the location on the site plan	
Do you plan to have any Tents? <u>no</u>		*If yes, a separate permit is required.	
Do you plan to have any Promotional Signs (i.e. banners, streamers, balloons)? <u>no</u>		*If yes, a separate permit is required	
City of Mansfield Assistance Requested:			
Barricades/ Street Closure	<u>X</u>	*If yes, show on site plan where you want to close the street and a resident roster must be submitted	
Police/Traffic Control/Security	<u>X</u>	*If yes, attach an explanation and the name and contact number of person you are making arrangements with.	
Please Read and Include the Following Information With This Application			
<ul style="list-style-type: none">For all outdoor activities, a site plan must be attached. One can be provided if requested. You need to show where <u>all items</u> will be located on the site plan.If Insurance is required, the City of Mansfield must be listed as "Additional Insured".All documents must be turned in at the same time. Please allow enough time for review and approval before the date of your event.			
Applicant Signature and Date:			
FOR OFFICE USE			
MAC	PUBLIC WORKS	FIRE DEPT	PLANNING
POLICE DEPT	DEV SERVICES	PARKS	
CITY COUNCIL	AGENDA:		



PERMISSION TO USE PRIVATE PROPERTY FOR SPECIAL EVENT
(Required if this is not your property or business location)

I, the undersigned, being the property owner or property management representative of the owner for the property described herein below, do grant

Trident Sports
(person, group or business name)

permission to have their special event on said property.

Hawaiian Falls

Property address: 490 Heritage Pkwy South Manfield, TX
76063

Please check all that apply:

- ☒ Entire Special Event, including all activities listed, are approved be held at this location.
- ☒ Approved for overflow parking and/or shuttle area to be held at this location.
- ☒ Approved to place promotional signage at this location, if the required permit is obtained. (I am aware this will use up one of the three (3) times a calendar year maximum for this location)
- ☒ Approved to place a Tent(s) and/or canopy for the event. (note: a Tent requires a permit)
- ☒ Approved to place Bounce Houses, Petting Zoo, Children's Games and/or Kid's activities

☐ Misc. Approved:

R. L. Henson
Signature

RANDALL HENSON General Manager
Printed Name/ Job Title

490 Heritage Pkwy South Manfield, TX
Mailing Address 76063

817-769-8829
Contact Phone Number

[Home](#)

[About Us](#)

[Services](#)

[Camps](#)

[Races](#)

[Testing](#)

[Contact us](#)

[Calendar and Events](#)

[Club](#)

[Results](#)

[Programs](#)

This is a brand new event held at Hawaiian Falls in Mansfield Texas May 18th 2014

This is a fast 289 meter swim with the current in the lazy river.

Bike is a 2 loop 11.53 miles

Run is a fast and flat-ish 3.09 mile run



[tiki_bike_12_miles.pdf](#)
Download File



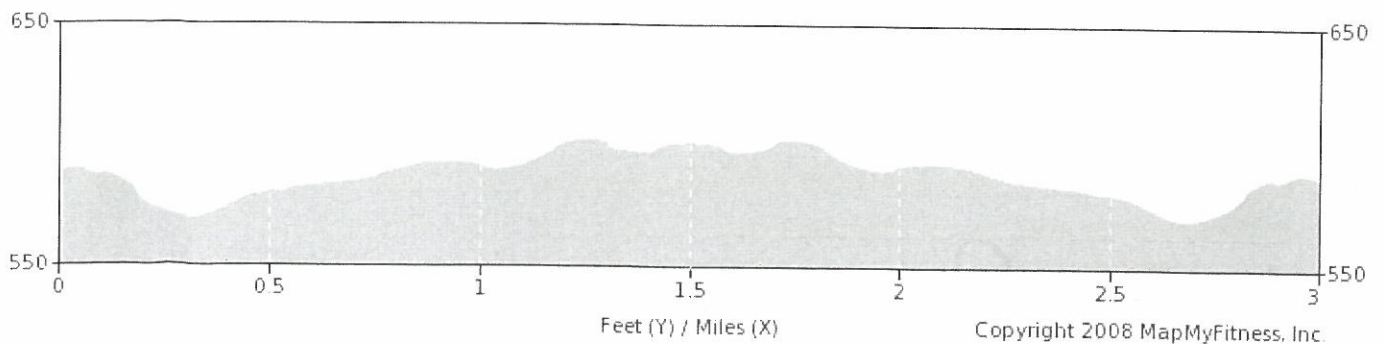
[tiki_tri_run.pdf](#)
Download File

Registration



Tiki tri run
Distance: 3.0 mi
Elevation: 49.21 ft (Max: 610.24 ft)

mapmyrun



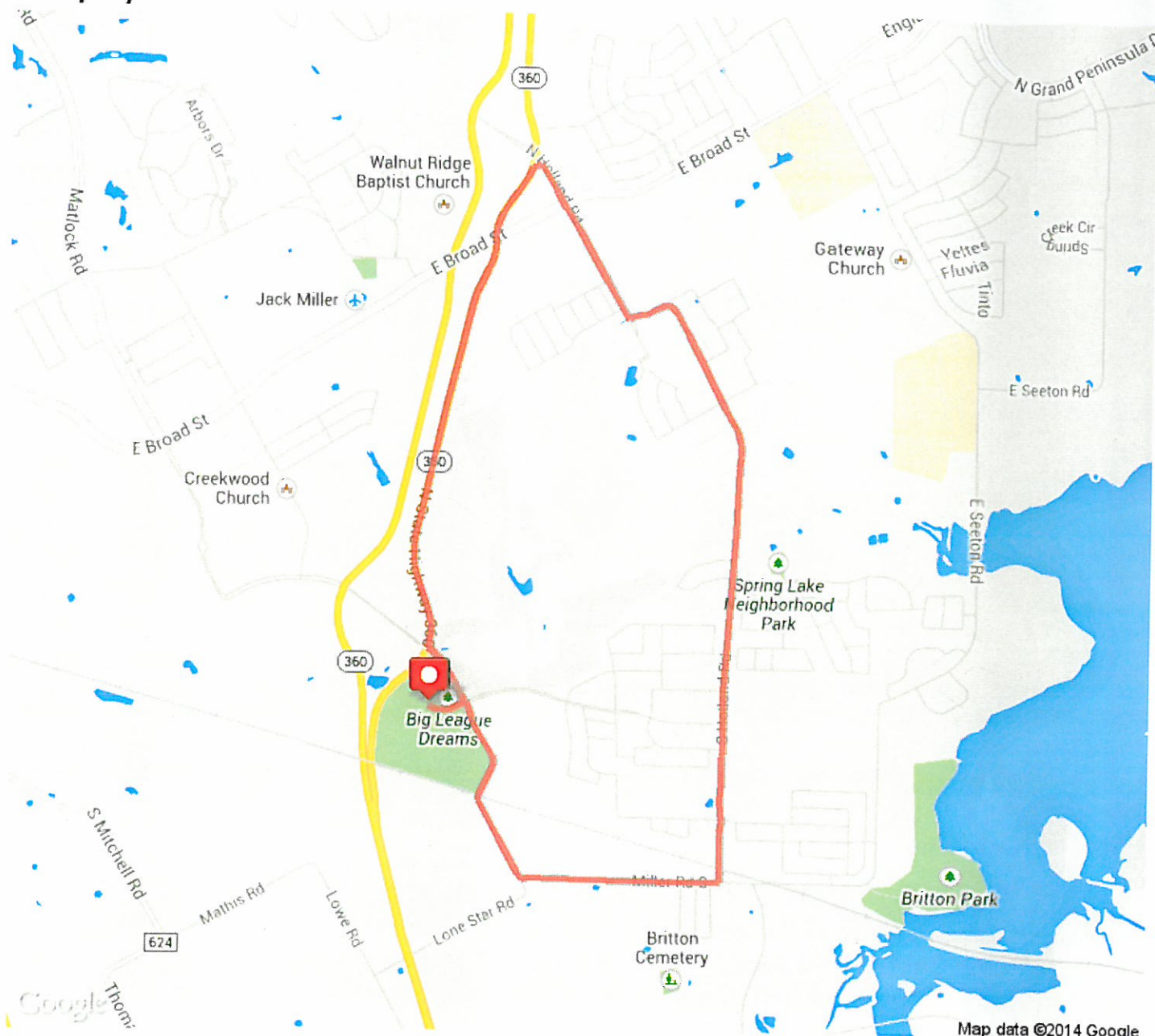


tiki bike final

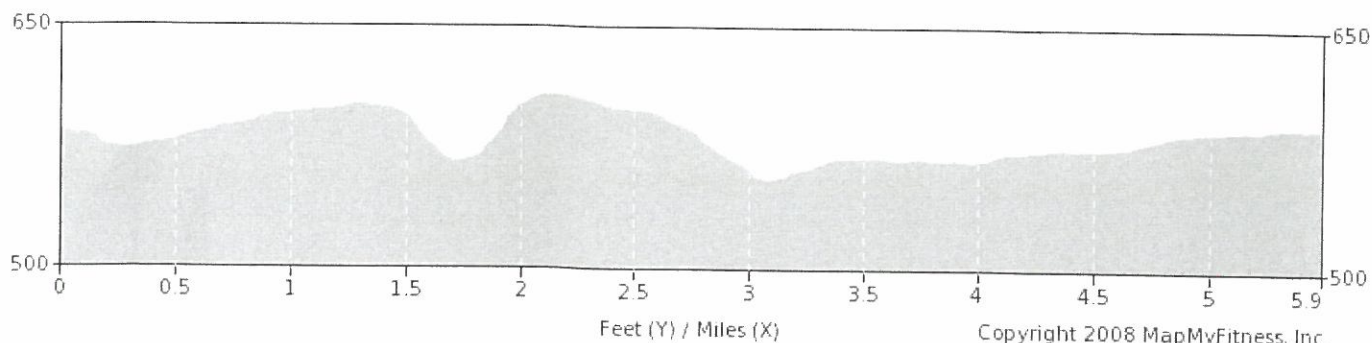
Distance: 5.9 mi

Elevation: 82.02 ft (Max: 613.52 ft)

mapmyrun



Map data ©2014 Google



Copyright 2008 MapMyFitness, Inc.



SPECIAL EVENT REVIEW COMMENTS & APPROVALS

EVENT:	MANSFIELD TIKI TRIATHLON
DATE OF EVENT:	Sunday, May 18th from 7:00 am- 11:00 am
*ANDY BINZ (RECREATION)	APPROVED
*KERIN MAGUIRE (PLANNING)	APPROVED
Promotional Signs?	NO
*DAVID BOSKI (STREETS)	APPROVED
Barricades Requested?	NO
NOTES:	I have contacted Tim Tarpley concerning construction on Grand Meadow Boulevard and let him know that when the date gets closer we need to get together to see if the construction will impact his route of if the route may need to be changed.
*PAUL COKER (DEVELOPMENT SERVICES)	APPROVED
*ERIC PETERSON (FIRE)	APPROVED
Temporary Tents?	NO
COMMENTS	
*W. KYLE LANIER (POLICE)	APPROVED
COMMENTS	Applicant is working with Sgt. Smouse.
Mansfield Police Assistance?	YES
City Council Approval Required?	YES
Agenda Date:	3/17/2014
Special Event Number	Legistar SE 14-0837



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0843

Agenda Date: 3/17/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the February 24, 2014 Regular City Council Meeting

Requested Action

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

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the February 24, 2014 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, Assistant City Secretary, City Secretary's Office
817-276-4203



CITY OF MANSFIELD

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

Meeting Minutes - Draft City Council

Monday, February 24, 2014

5:00 PM

Council Chambers

REGULAR MEETING

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

Mayor Cook called the meeting to order at 5:00 p.m.

Present 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

RECESS INTO EXECUTIVE SESSION

In accordance with the Texas Government Code, Chapter 551, Mayor Cook recessed the meeting into executive session at 5:03 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:10 p.m. Mayor Cook adjourned the executive session at 7:05 p.m.

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

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

Seek Advice of City Attorney on Competitive Bidding Requirements Related to the City's Wrecker Service Contract

Seek Advice of City Attorney Regarding Hotel-Motel Contract Review

Seek Advice of City Attorney Regarding Legal Issues Related to Past or Future Development Agreements with South Pointe

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

Personnel Matters Pursuant to Section 551.074

Board Interviews; Mansfield Economic Development Corporation

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

Project #13-20 - Entertainment Business Prospect

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

Mayor Cook reconvened into regular business session at 7:15 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 Burgess led the Texas Pledge.

PROCLAMATION

14-0829 Texas SmartScape Month

Mayor Cook proclaimed March 2014 as Texas SmartScape Month and presented the proclamation to Education Specialist and Keep Mansfield Beautiful Coordinator Arianne Shipley. Arianne spoke about the SmartScape classes and upcoming events.

14-0831 Best Maid St. Paddy's Pickle Parade & Palooza

Mayor Cook proclaimed March 15, 2014 as Best Maid St. Paddy's Pickle Parade and Palooza and presented the proclamation to Best Maid owner Gary Dalton and the Pickle Queens. Mr. Dalton made brief comments.

PRESENTATION

Presentation by State Representative Bill Zedler to City of Mansfield and Gary Dalton of Best Maid

State Representative Bill Zedler presented a state resolution declaring Mansfield the Pickle Capital of Texas. He presented the state resolution to Gary Dalton. Mr. Dalton made comments. Mayor Cook made brief comments.

Presentation of Plaque to Jane Hart; Former Keep Mansfield Beautiful Commission Member

Mayor Cook, Arianne Shipley and City Manager Clayton Chandler presented a service plaque to Jane Hart for 18 years of volunteer service to the Keep Mansfield

Beautiful Commission.

Comprehensive Annual Financial Report - KPMG, LLP and City Staff; Peter K. Phillis

City Manager Clayton Chandler made brief comments and turned it over to Director of Business Service Peter Phillis. Peter made brief comments and introduced KPMG, LLP representative Brett Hanselman. Brett made a brief presentation and introduced KPMG representative Travis Hunter. Mr. Hunter made brief comments about his background. Peter answered Council questions.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

Council Member Haynes commended Peter Phillis and his department for a great job on the Comprehensive Annual Financial Report.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey had no announcements.

Council Member Burgess had no announcements.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

On-Street Bicycle Plan - James Fish and Bart VanAmburgh

Park Planner James Fish and City Engineer Bart VanAmburgh made a presentation on the On-Street Bicycle Master Plan and answered Council questions. There was Council consensus to hold a work session regarding the On-Street Bicycle Master Plan with the Mansfield Park Facilities Development Corporation at the next regular scheduled meeting of March 17, 2014.

Business Services Department Report

14-0826

Presentation of the Monthly Financial Report for the Period Ending December 31, 2013

Peter Phillis stated he was available for questions.

Police Department Report

- 14-0821** Presentation: Presentation of the Mansfield Police Department Annual Contact Report for 2013
Police Chief Gary Fowler made brief comments and stated he was available for questions.
- 14-0835** Presentation of the Mansfield Marshal's Office Contact Report for 2013
City Marshal Tracy Aaron stated he was available for questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action taken by the Council.

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

- 14-0794** Ordinance - Third and Final Reading of an Ordinance Setting Forth the Standards of Care for the Recreation Department's Summer Youth Program for the City of Mansfield; Providing for the Operational Standards of the Administration for the Program; Providing for the Inspecting, Monitoring, and Enforcement of the Standards of Care; Providing for the Staffing Levels, Training and Responsibilities for Those Working in the Program; Providing for Facility Standards; Providing for a Cumulative Clause; Providing for a Severability Clause; Providing for an Effective Date

City Secretary Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S SUMMER YOUTH PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: OR-1902-14

14-0820

Resolution - Resolution Authorizing the City Manager and the Police Department to Make Application, Receive and Expend Grant Funding from the Criminal Justice Division (CJD) of the Governor's Office of the State of Texas for Criminal Justice Projects that Reduce Crime and Improve the Criminal Justice System During the FY2015 for an Amount not to Exceed \$145,000 with no Match Required

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

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE DEPARTMENT TO MAKE APPLICATION, RECEIVE, AND EXPEND GRANT FUNDING FROM THE CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE OF THE STATE OF TEXAS FOR CRIMINAL JUSTICE PROJECTS THAT REDUCE CRIME AND IMPROVE THE CRIMINAL JUSTICE SYSTEM DURING THE FY2015 IN AN AMOUNT NOT TO EXCEED \$145,000 WITH NO MATCH REQUIRED

(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; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2991-14

14-0832

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase a New Graphic to be Placed on Recycling Carts; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$24,540 for Drainage Utility Fund, No Matching Funds Required

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

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF A NEW GRAPHIC STICKER TO BE PLACED ON THE LID OF RECYCLING CARTS

(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; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2992-14

14-0833

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Purchase Equipment to be Used for Processing and/or Storing HHW; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$96,000 for Drainage Utility Fund, No Matching Funds Required

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

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE GRANTS FUNDS AVAILABLE TO THE CITY FOR THE PURCHASE OF EQUIPMENT FOR STORING AND/OR PROCESSING HHW

(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; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2993-14

14-0834

Resolution - A Resolution Authorizing the Director of Public Works to Submit a Grant Application to the North Central Texas Council of Government (NCTCOG) for Grant Funds to Construct an Enclosure for the Purpose of a Recycling Dropoff Center to be Located on the Property of the Service Center Facility; and Authorizing the Director of Public Works to Execute an Interlocal Agreement With the NCTCOG if the Application is Approved. \$30,000 for Drainage Utility Fund, No Matching Funds Required

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

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANSFIELD AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF MAKING STATE SOLID WASTE

**GRANTS FUNDS AVAILABLE TO THE CITY FOR THE CONSTRUCTION OF A
RECYCLING DROP OFF CENTER DUMPSTER ENCLOSURE**

(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; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry
Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2994-14

14-0830 Request for Special Event permit; Ride2Recovery

**A motion was made by Mayor Pro Tem Lindsey to approve the request for
special event permit. Seconded by Council Member Broseh. The motion
CARRIED by the following vote:**

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry
Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0823 Minutes - Approval of the February 10, 2014 Regular City Council Meeting
Minutes

**A motion was made by Mayor Pro Tem Lindsey to approve the minutes of the
February 10, 2014 Regular City Council Meeting as presented. Seconded by
Council Member Broseh. The motion CARRIED by the following vote:**

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry
Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

14-0817 Ordinance - Public Hearing and First Reading of an Ordinance Approving
Historic Landmark Overlay District Classification for Properties Located at
107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of
Mansfield (ZC#14-002)

*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 8:35 p.m. With no one wishing to speak, Mayor Cook continued the public
hearing through second reading at 8:35 p.m.*

A motion was made by Council Member Hoffman 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 GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE HEREINAFTER DESCRIBED PROPERTIES; 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 Mayor Pro Tem Lindsey. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0818

Ordinance - Public Hearing and First Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

Vicki Collins read the caption into the record. Felix made brief comments and answered Council questions. Mayor Cook opened the public hearing at 8:48 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:48 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 7100C AND 7100D OF THE SIGN STANDARDS OF THE ZONING ORDINANCE PERTAINING TO WINDOW SIGN AND MESSAGE CENTER; 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," changing section 7100.C.2 (J) placing a period behind the word flash on the 4th sentence and deleting "or scroll. The minimum static display time is 20 seconds." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

PUBLIC HEARING AND RESOLUTION**14-0828**

Resolution - A Public Hearing and Resolution Approving and Endorsing the 2014 (40th year) Community Development Block Grant Project for Short St. (East Dallas St. to East Kimball St.)

Director of Public Works Steve Freeman made brief comments. Mayor Cook opened the public hearing at 8:51 p.m. With no one wishing to speak, Mayor Cook closed the

public hearing at 8:51 p.m.

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

A RESOLUTION APPROVING AND ENDORSING THE 2014 (40TH YEAR) COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR THE CITY OF MANSFIELD, TEXAS

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

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

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

Enactment No: RE-2995-14

NEW BUSINESS

14-0822

Ordinance - First Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Vicki Collins read the caption into the record. Felix made a brief presentation and answered Council questions. In-House City Attorney Craig Magnuson answered Council questions.

A motion was made by Mayor Pro Tem Lindsey to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO NOISE, HOURS OF OPERATION, NOTIFICATION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

14-0824

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regular City Council Meeting of March 10, 2014 to March 17, 2014

A motion was made by Mayor Cook to reschedule the March 10, 2014 Regular Scheduled meeting to March 17, 2014. Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 9:05 p.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 7 - David Cook; Stephen Lindsey; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0822

Agenda Date: 3/17/2014

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Second Reading of an Ordinance Amending the Regulations in Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production", Pertaining to Noise, Hours of Operation, Notification, and Other Drilling, Operation, and Production Activities (OA#14-002)

Requested Action

To consider the subject proposed ordinance amendments.

Recommendation

Staff recommends approval

Description/History

Second Reading - Based on further research and comments from gas well operators (attached), Staff has revised the proposed amendments as summarized below.

1. The requirement that a gas well operator to send notice to dwellings within 1,000 feet prior to drilling operations has been revised to clarify which activities require notice (i.e. site construction or preparation, mobilization or demobilization of drilling equipment, drilling, fracturing, flowback, reworking, plugging and abandoning a well). Routine maintenance at the site will not require notice. Separate notices shall be required if an activity does not occur within ninety (90) day of the last activity on the Drill Site or Operation Site (e.g. if fracturing occurs 3 or 4 months after drilling.)
2. The requirement for use of only electricity from the utility company to power drilling rigs has been revised to:
 - a) reduce the distance to protected uses from 1,500 feet to 1,000 feet (see attached map depicting drilling sites within 1,000' of protect uses);
 - b) allow alternative power source such as temporary diesel generators during a power failure; and
 - c) allow a request for relief under the existing variance procedure should an operator's circumstances warrant special consideration.
 - d) add permanent lift compressors to be run only by electric power.

No change on the other proposed amendments regarding the prohibition of fracturing on Sundays and the online access of noise monitoring data.

The attached presentation and report regarding drilling rig electrification were downloaded from the website of the American Association of Drilling Engineers. They provided an analysis of benefits (reduced noise and emissions, cost savings) and disadvantages (initial equipment purchase and equipment installation on site).

First Reading - The proposed amendments, as summarized below, will provide for better public information and enforcement, reducing any potential negative impact of gas well operations on nearby properties.



1. Require the gas well operator to send notice to dwellings within 1,000 feet prior to drilling operations. The notice would describe the activities and the estimated time to complete, as well as contact information for the operator, TCEQ, and the Railroad

- Commission.
2. Require the gas well operator to provide real-time, Internet access to the monitoring equipment at drill sites that are required to have 24-hour sound monitoring. This will allow the Gas Well Inspector to respond more quickly to noise complaints and better track violations.
 3. Prohibit fracking on Sundays.
 4. Require the use of electric rigs connected to the electric delivery system through a ground-mounted transformer unless the drill site is more than 1,500 feet from protected uses or the electric utility company reports that there is insufficient capacity to serve the drilling. This will reduce noise and fumes created by diesel-driven equipment.

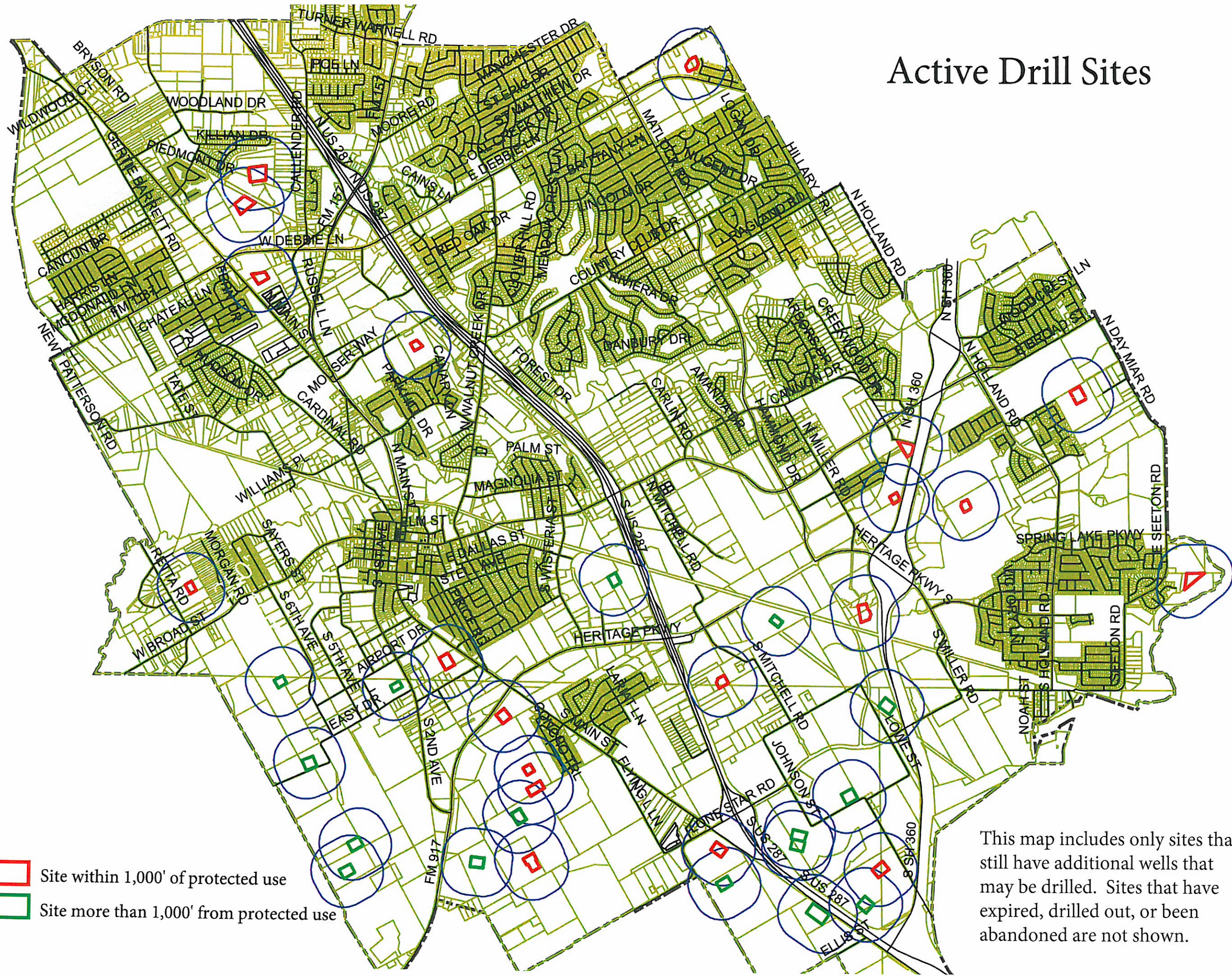
Prepared By

Felix Wong, Director of Planning
817-276-4228

Active Drill Sites

-  Site within 1,000' of protected use
-  Site more than 1,000' from protected use

This map includes only sites that still have additional wells that may be drilled. Sites that have expired, drilled out, or been abandoned are not shown.



Drilling Rig Electrification – Barnett and Beyond

AADE Technical Symposium, 2012



By: Ryan Stricklin - Drilling Engineer, Barnett Shale

Presentation Outline:

● Electric Drilling Project

- Project Overview
- Rig Fleet / Equipment
- Current Progress
- Economic Summary

Rig Electrification Overview

- **Originated at DFW Airport in 2007, expanded into entire Barnett district in 2009**

- Use of mobile transformer skids to run diesel-electric rigs on grid power
- 7 transformer skids available in the Barnett (owned by Great Plains, Chesapeake Subsidiary)
- Contracting electrical engineering/consulting through Rapid Power Management; Dallas, TX
- 12 rigs in the Barnett fully capable of utilizing transformer skids
 - Nomac 20 series, Nomac 140 series (Formerly Mountain), Trinidad 110,111, 129 and 130.
- Ideal for pad drilling or an area with power grid in place and nearby
 - Each pad incurs a cost for engineering, layout design, equipment installation, Right of Way, and electrical hookup.

Benefits of Electricity for Drilling Rigs



- Eliminates Drilling Rig Emissions

 - CO2 Emissions

 - (4.2 Tons per Rig per Day) reduced to +/- 0

 - Nox (Nitrogen Oxides)

 - 55 TPY (4.6 Tons per Well) reduced to +/- 0 TPY (Tons per year)

 - VOC (Volatile Organic Compounds)

 - 2.5 TPY (0.2 Tons per Well) reduced to +/- 0 TPY

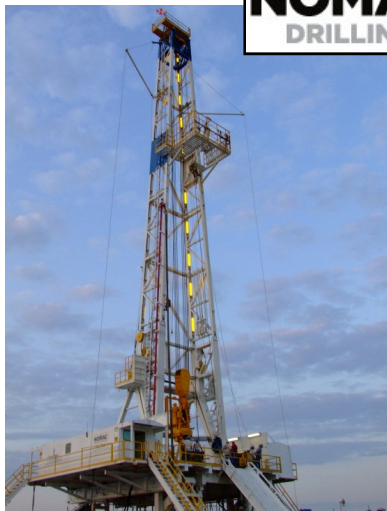
- Eliminates Drilling Rig Noise

 - 75 dB reduced to +/- 0 dB

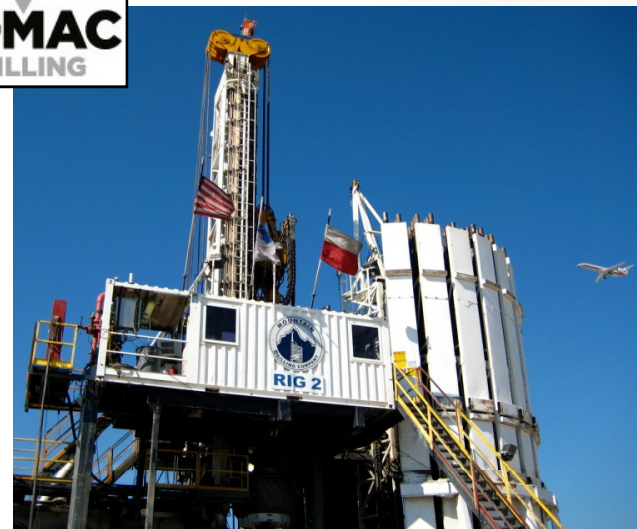
- Economic Benefits: (Saves +/- \$43,000 per well depending on diesel prices)



Electric Drilling Fleet



Nomac Drilling
National 610 Drilling Rigs
Derrick Height: 170'
750 HP
Fuel Usage: 1500 GPD
Electric Power: 1500 kilowatts
Voltage: 600 Volts



Nomac 140 Series
Drillmec HH-220 Drilling Rigs
Derrick Height: 100'
1500 HP
Fuel Usage: 2015 GPD
Electric Power: 2200 kilowatts
Voltage: 600 Volts

Trinidad Drilling

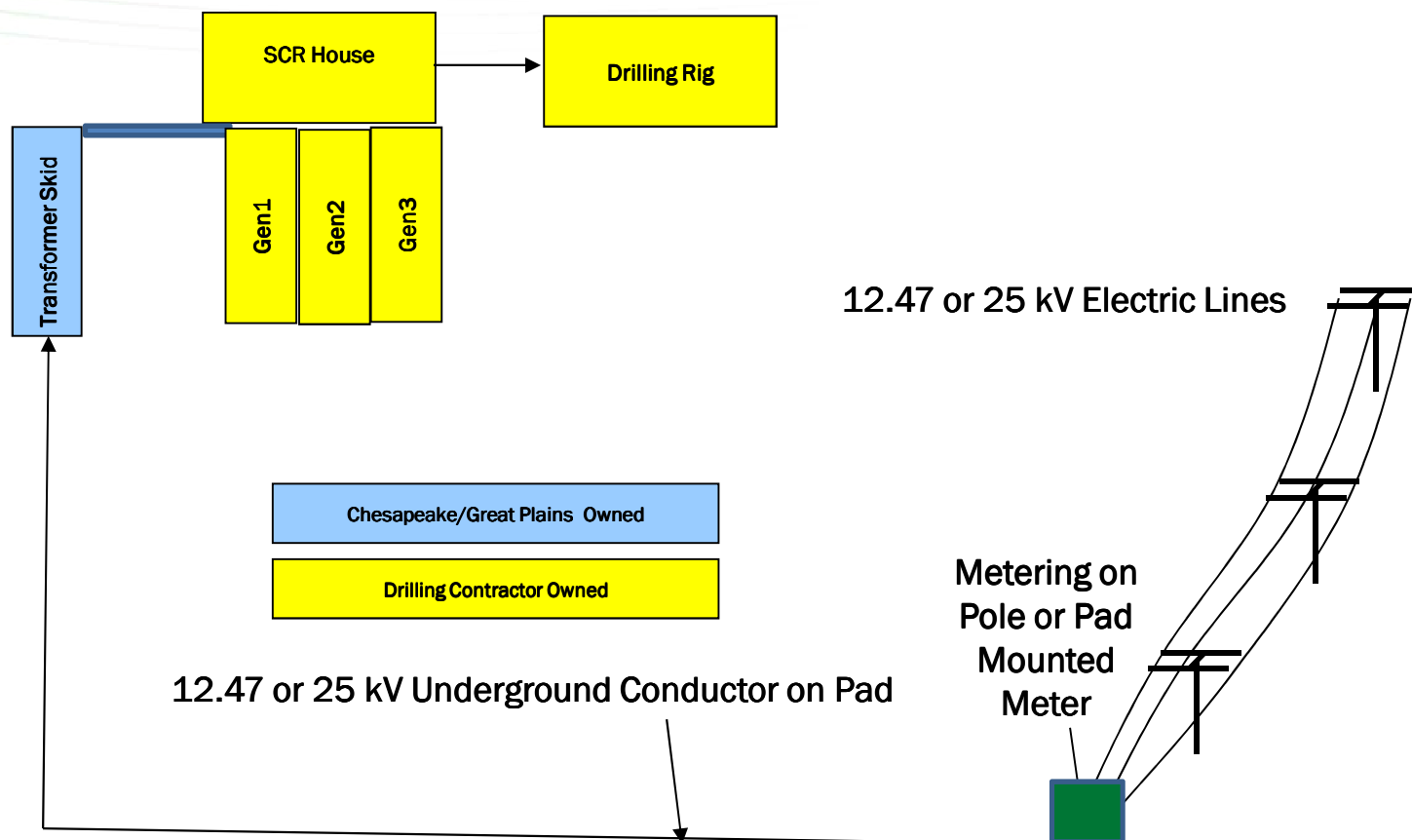
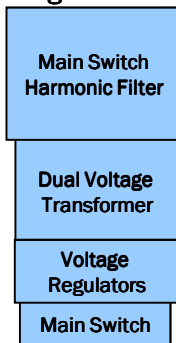
Victory 1500 AC Drilling Rigs
Derrick Height: 142'
1,500 HP
Fuel Usage: 1800 - 2200 GPD
Electric Power: 1500 kilowatts
Voltage: 600 Volts



Site Layout with Current Equipment



Transformer Skid Components – Single Platform



Electrical Skid Design Improvement



June 2008



- 4.16 kV to 600 Volt
- 2500 kVA Transformer
- 525 kVAr Harmonic Filter

March 2009



- 12.5 or 25 kV to 600V
- 3750 kVA Transformer
- 1000 kVAr Harmonic Filter

Electrical Skid – Closer Look

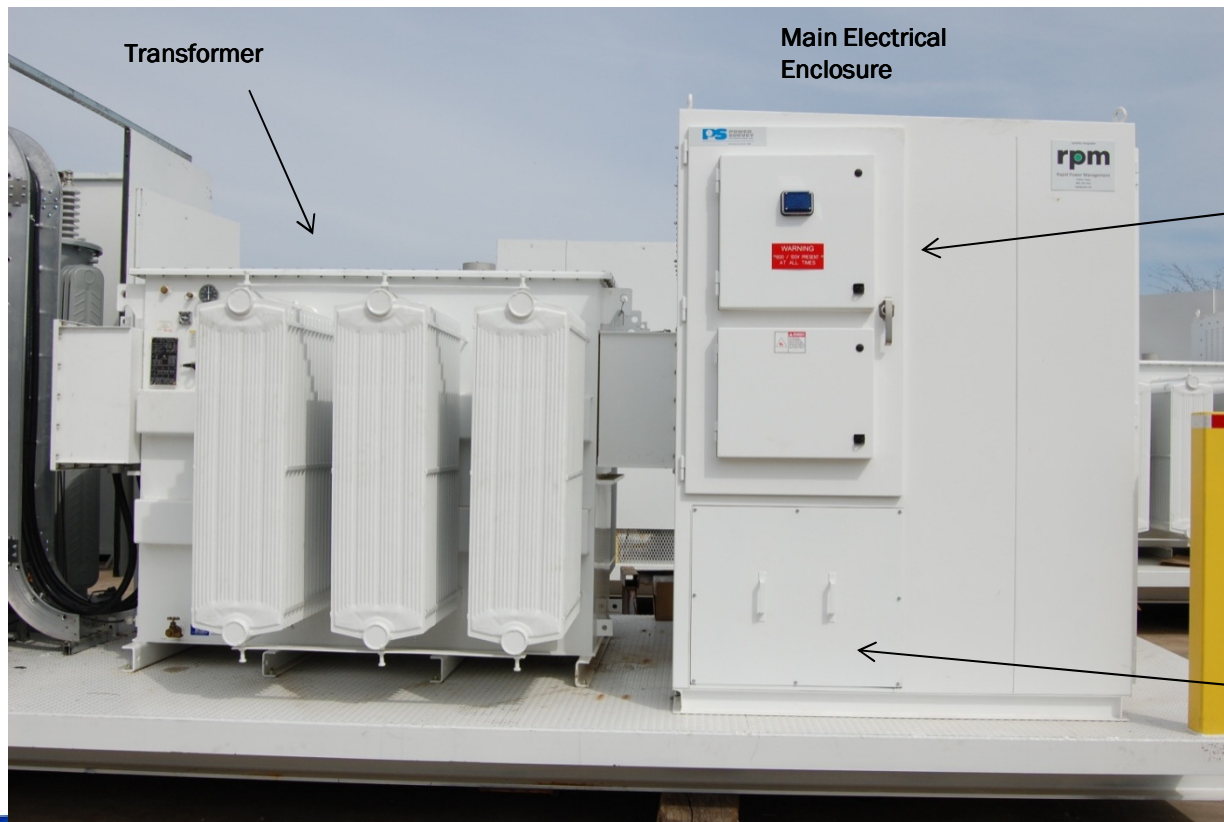


Transformer and Capacitor Bank / Harmonic Filter



- Transforms 12.47 or 24.9 kV to 600V for Rig Power
- Mitigates rig power distortion on utility network
- Provides Main 600 V Disconnect for Rig.

Main 600 V Electric Disconnect
(behind panel) door



Project Evolution



- From 1 padsite outside DFW Airport in 2009 to 102 padsites as of December, 2011
- 56 padsites 100% ready; 46 padsites in progress
- 850 wells planned to be drilled on electricity
- 79 wells drilled on electricity to date (30 padsites) – 1,396 drilling days
- Rig capability taken from 6 rigs to 12

Economic Summary



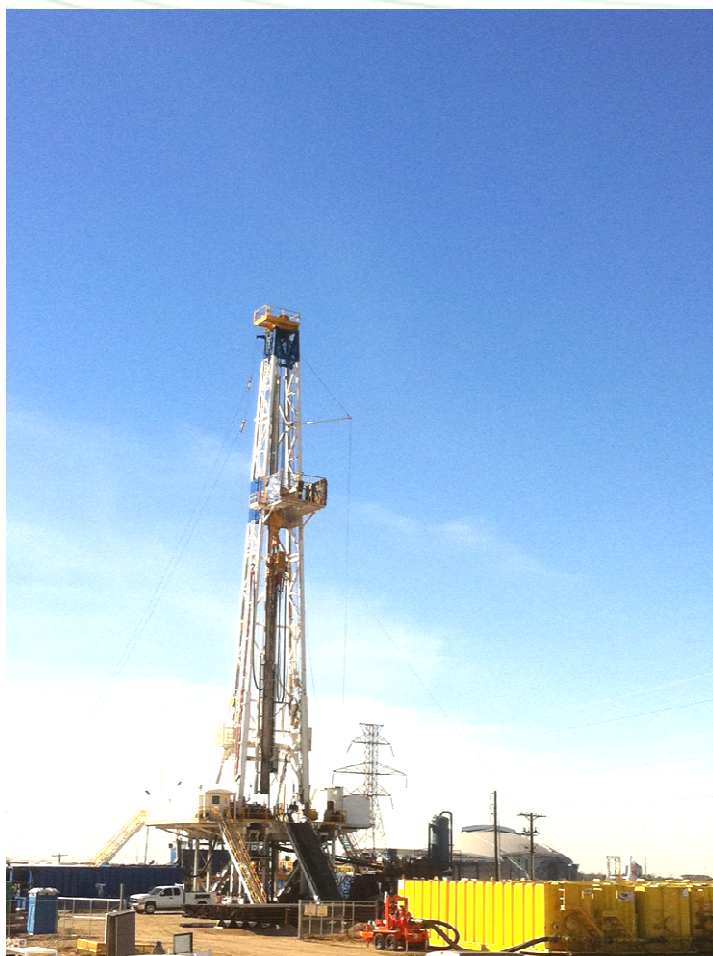
Diesel Fuel Savings

Engineering, Installation, Right of Way, Hook-Up Cost (per well)	\$34,000
Average Cost of Electricity (13,108 kWh/day)	\$14,160
Average Cost of Drilling Well on Electricity	\$48,160
Average Cost of Drilling Well on Diesel (1,730 gal/day @ \$3.50 per gal)	\$90,825
Net Savings of Drilling Well on Electricity	\$ 42,665
Total Savings of Wells Drilled on Electricity to date (excluding DFW) (79 wells)	<u>\$3,370,535</u>

Estimated Savings for 21 of the pads we've drilled on:
\$8,618,330 (202 wells)



GM Pad Economics (Barnett)



Diesel Fuel Savings (Single Pad)

Construction, Hookup/Disconnect, Engr . (Per well)	\$8,130
Transformer skid rental - Great Plains (\$1000/day)	\$15,000
Average Cost of Electricity (13,108 kWh/day)	\$12,765
<hr/>	
Average Cost of Drilling Well on Electricity (15 days)	\$35,895
 Average Cost of Drilling Well on Diesel (Nomac 29 – 1,500 gal/day @ \$3.50 per gal)	 \$78,750
 Net Savings of Drilling Well on Electricity	 \$42,855
Total Savings of Wells Drilled on GM Pad w/ Electricity (15 wells)	<u>\$642,825</u>



Future Plans



- **Continue to bring electricity to padsites that are ideal:**
 - High Impact
 - >7 wells on the pad
 - Grid Power readily available
 - Economical installation
- **Better optimize drilling schedule to keep all 7 skids running**
- **Complete installation on enough padsites to completely fill all rig lines that have electrical capability**
- **Possible expansion into other areas**



Questions?





2009 NATIONAL TECHNICAL CONFERENCE & EXHIBITION,
NEW ORLEANS, LOUISIANA

AADE 2009NTCE-01-01 CHESAPEAKE ENERGY'S DRILLING RIG ELECTRICITY PROJECT AT DALLAS/FORT WORTH AIRPORT

AUTHOR & AFFILIATIONS:

KURT A. SHIPLEY, CHESAPEAKE ENERGY

In October, 2006, Chesapeake Energy entered an agreement with Dallas/Fort Worth (DFW) Airport. DFW Airport is the second largest and the third busiest airport in the United States and is located in north Texas in the Barnett shale field. The area of the airport that covers 18,453 acres is planned for approximately 330 horizontal Barnett shale wells drilled from 53 pad sites. As of March, 2009 there have been 110 horizontal wells drilled. There can be as many as 1900 flights per day at DFW Airport so there are many special considerations, some that are governed by the Federal Aviation Administration (FAA) that must be addressed when drilling wells. Some of the special considerations include, safety, security, drilling rig heights in restricted airspace areas, derrick lighting, radar interference, environmental protection and drilling rig emissions. The drilling rig emissions restriction was particularly challenging because it limited the time that drilling rigs could be operated on diesel fuel.

Chesapeake's solution to the emissions limits was to convert the five drilling rigs that were dedicated to the project to all electric power connected to the DFW Airport electricity grid. Drilling rig electrification is not new, it is actually done quite frequently, but this project does have some unique characteristics such as capacitor bank installations to reduce voltage distortion, power factor considerations and electrical equipment sharing with production facilities while utilizing five drilling rigs on electricity simultaneously. There are many benefits to converting the drilling rigs to all electric power including the additional benefit of the tremendous cost savings of electric power when compared to higher diesel fuel costs.

The primary reason that the drilling rigs were converted to all electric power was due to the environmental regulations that were intended to limit drilling rig engine emissions. The emissions that are the highest concern are NOX (nitrogen oxides) and VOC (Volatile Organic Compounds) produced from the exhaust of the diesel electric generators. The FAA and the National Environmental Protection Act regulate the allowable levels of emissions for a project of this type. It would not have been possible to maintain this drilling program and comply with the FAA's limitations without converting the drilling rigs to electricity.

Many hurdles had to be overcome in order to convert the drilling rigs to electricity. The logistics of installing high line power poles, designing mobile transformers and coordination with the electric utility company made the project extremely difficult. In addition, the electric utility

company required compliance with IEEE-519 (Institute for Electrical and Electronic Engineering) Standard. The IEEE-519 Standard regulates voltage distortion in electricity service. Voltage distortion can consist of two types of distortion, voltage harmonics and voltage notching. Alternating current voltage, when graphed, has a very sinusoidal shape. When voltage notching occurs due to voltage harmonics, there are interruptions in the sine wave shown in Figure 1.

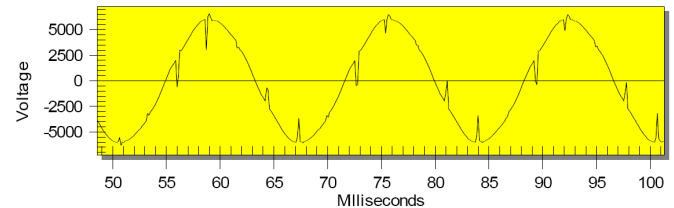


Figure 1. Example of Voltage Notching

The interruptions in voltage due to voltage notching and voltage harmonics can cause disruptions in electrical currents and affect electrical devices. Voltage distortion produced at one location can affect other users on the power grid. The electric utility company and DFW Airport personnel were particularly concerned with voltage distortion because it can disrupt and cause damage to electronics such as computers and radar. This was an unacceptable hazard for the operations at DFW Airport and voltage distortion had to be controlled and monitored.

Chesapeake Energy worked closely with Nomac Drilling and the electric utility company (TXU Energy) to design electrical equipment and a system to run all five drilling rigs on electricity simultaneously. An additional company, Rapid Power Management of Dallas, Texas was added to the team to provide engineering design and fabrication of equipment to mitigate voltage harmonics. Total Harmonic Distortion (THD) was measured at various places on the drilling rig, prior to installing capacitor banks. Figure 2 shows the measurements of the Total Harmonic Distortion at three positions A, B, and C on the drilling rig.

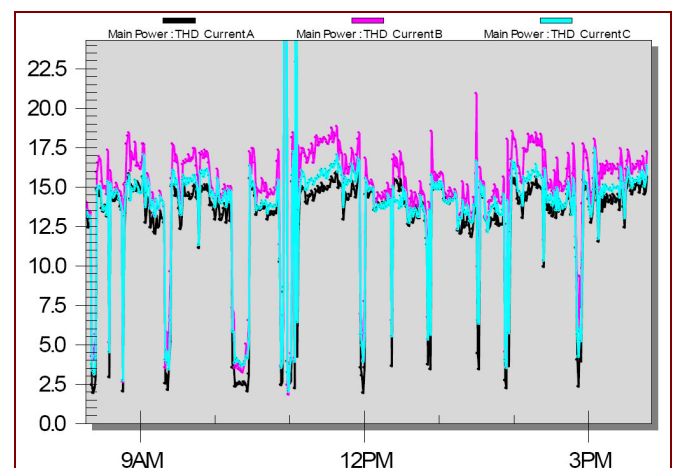


Figure 2. Measurement of Total Harmonic Distortion (THD) in Position A, B and C in Percentage of Current

The maximum Total Harmonic Distortion was 17.5% prior to installing the capacitor banks. In order to reduce harmonics, Rapid Power

Management designed mobile capacitor banks to be used with the electrical equipment on the drilling rigs. Two sizes of capacitor banks were designed for the different sized drilling rigs. There is a significant cost difference in the 500 KVAR and 1000 KVAR capacitor banks so they were designed according to the maximum required load for each drilling rig. The capacitor banks were successful in eliminating the voltage notching and reducing total voltage harmonics from 17.0% to 3.0%. This reduction in voltage distortion allowed for compliance with the IEEE-519 Standard.

An additional benefit that is achieved when installing capacitors to an electrical system is an improvement in the power factor of the electric power system. Power factor of an AC (alternating current) power system is the ratio of the real power compared to the apparent power. Real power is the capacity of the electric circuit. Apparent power is the actual power used in the system. Power Factor is expressed as a percentage, for example Power Factor = 95%. Electric utilities often charge a penalty on their electricity bills when electric power systems have a low power factor. Adding capacitors to the electric power system have the additional benefit of improving the power factor and thus lowering the electric utility bill.

The remaining electrical equipment was designed based on the available electricity capacity at DFW Airport and compliance with various electrical codes in the north Texas area and at DFW Airport. The drilling rigs require 600 volts of electricity to operate. Two types of drilling rigs have been primarily used at DFW Airport. These two types of drilling rigs are provided by Nomac Drilling and Mountain Drilling. The Nomac Drilling rigs are National 610 drilling rigs with 750 horsepower. These drilling rigs require 1500 kilowatts of electric power. The Mountain Drilling rigs are Drillmec HH-220 drilling rigs with 1500 horsepower. These drilling rigs require 2200 kilowatts of electric power. The electrical equipment was designed to be mobile and travel with the drilling rig so it was all mounted on transportable skids. The electricity grid at DFW Airport is designed with 25,000 volts. Transformers were designed and fabricated to convert the electricity from 25,000 volts to 600 volts. Voltage regulators were designed and fabricated to maintain the voltage constant at 600 volts. The equipment is wired together by licensed electricians at each well location. The electricity from the power lines allows for by-passing the diesel electric generators on the drilling rig and delivering the electricity into the drilling rig's SCR (silicon controlled rectifier) house.

Many advantages have been realized by converting the drilling rigs to electricity. The benefits include eliminating drilling rig emissions, reducing drilling rig noise and economic benefits. In many cases it has been identified that the drilling rig actually runs more efficiently on high line electric power. There is also less wear and maintenance that is required on the diesel generators because they are rarely being utilized.

The economic benefit to using high line electric power has been significant. When diesel prices reached \$4.00 per gallon in the summer of 2008, Chesapeake was realizing a savings between \$60,000 and \$100,000 for a 25 day well depending on the drilling rig involved. The National 610 drilling rigs average 1600 gallons per day of diesel fuel usage and the Drillmec HH-220 drilling rigs average 2200 gallons of diesel fuel usage each day. The purchase of diesel fuel is virtually eliminated for the drilling rigs running on electricity. The drilling rig does, however, use a large amount of electric power and there is a cost

involved. Each pad site also requires an electrical equipment installation and the cost can be quite expensive. It has, however, proven to be far more economic to operate drilling rigs on electricity than on diesel fuel. An economic sensitivity model has been generated to estimate the cost savings at various prices of each commodity. Summarizing this model, there is a savings of \$60,000 at \$4.00 per gallon diesel, \$35,000 at \$3.00 and \$20,000 at \$2.00 for the smaller horsepower drilling rigs. There is a savings of \$100,000 at \$4.00 per gallon diesel, \$58,000 at \$3.00 and \$33,000 at \$2.00 for the larger horsepower drilling rigs.

There have also been many disadvantages that have been identified from converting drilling rigs to electricity. The primary disadvantage is that the logistics are extremely difficult. It is very difficult to coordinate the electrical equipment movements with the drilling rig schedule. It is also difficult to work with the scheduling and service order requirements of the electric utility companies. All electric work has to be approved by electrical inspectors before equipment can be energized. Another disadvantage is the fact that electricity is not always available at all locations. Furthermore, when electricity is available, the utility company may not be willing or have the excess electrical power available to sell for drilling rig use. Another disadvantage is that the equipment requires an expensive equipment purchase. Finally, there can be disruptions in the electrical power due to equipment failure, black outs and weather storms so the drilling rig must have an alternative source of electric power such as the diesel electric generators.

Converting the five drilling rigs at DFW Airport has been an outstanding success. There have been minimal interruptions in power and when it does happen it has only been for a short period of time. The operation, overall, has been efficient due to great teamwork. There have, however, been some notable areas that could be improved. The main improvement that has been identified is attempting to reduce as much interaction with the utility company as possible. This can be accomplished with the fabrication of the proper equipment. Also, the entire operation could be improved by combining all equipment on one mobile skid, if possible. Finally, the system at DFW Airport was designed to receive one voltage on the receiving end of the electrical equipment at 25,000 volts. Voltages for power grids change from place to place and in order to use this electrical equipment off of DFW Airport it would have to be modified. Chesapeake Energy, Nomac Drilling, and Rapid Power Management held several design sessions to create a new and improved design for the electrical equipment. The result was a design of a multiple voltage electrical skid containing safety disconnect switches, voltage regulators and capacitor banks. This equipment was assembled by Rapid Power Management and is truly unique. The multiple voltage electrical unit has the ability to connect to any voltage from the electric utility lines on one end and any diesel electric drilling rig on the other end. This unit is flexible, fully mobile, eliminates drilling rig emissions, reduces drilling rig noise and lowers drilling cost by operating on electricity instead of diesel fuel.

In summary, Chesapeake Energy began a large drilling project in the Barnett shale at DFW Airport in 2006. One of the requirements of the drilling program was to reduce drilling rig exhaust emissions. Chesapeake Energy's solution to this was to operate the five drilling rigs on all electric power. Further complicating this project was the standard from the electric utility company and DFW Airport to control voltage distortion. The electric equipment was designed and fabricated. The voltage distortion caused by the electric power system was

mitigated by the installation of capacitor banks. The project has been very successful and allowed for drilling to continue at DFW Airport in compliance with the regulations from the FAA. The original reason for converting the drilling rigs from diesel fuel to electricity was to reduce engine exhaust emissions at DFW Airport but Chesapeake Energy has received the added benefit of a significant cost savings from operating the drilling rigs on electricity.



March 5, 2014

Mr. Art Wright
City of Mansfield
1200 E. Broad Street
Mansfield, Texas 76063

Re: Proposed Amendments to Mansfield's Drilling Regulations

Dear Mr. Wright:

XTO Energy has read with interest the proposed amendments to Chapter 114 of the Mansfield Code of Ordinances, "Gas Well Drilling and Production". XTO supports reasonable regulations for municipal drilling, completion and production activities and respects the intent of ordinances to protect the health, safety and welfare of the residents.

XTO Energy provides the following substantive comments to the City for your consideration in amending this important Code.

Section 114.12 (1) (a) – (f) – We support the recommendation to change notification of wellsite operations from 72 hours to 48 hours before activities commence. This allows operators a minimum of production down time and economic loss.

Section 114.12 (2) – XTO believes this paragraph requires an operator to post a ten (10) day notice prior to the commencement "of any work on the drillsite." This stipulation appears to unreasonably include routine wellsite activity that is performed during daylight hours Monday through Saturday and well within the permissible decibel limits of the noise ordinance. We believe this section should be clarified to notify all residents within one thousand (1000') of the drillsite of pending drilling, re-working with a drilling rig, completion or plugging operations only and not apply to routine maintenance operations for the wellbore or wellsite.

Section 114.13 (D) – XTO supports the proposed amendments to the hours of operations for workover and fracture stimulation activities.

Section 114.13 (D) – XTO supports the proposed amendments to allow Internet access by the City's inspectors for gathering real-time continuous noise monitoring data.

Section 114.13 (B) – XTO strongly disagrees with the proposal to only use electric motors for drilling operations. This stipulation would apply to virtually all drillsites within the City of Mansfield and becomes a wholesale change in an operator's ability to select the best means of powering the systems on our rig fleet. This proposal also has farther reaching implications in suggesting that all wellsite activities be converted to electric power. We believe that using a power substation has more potential

to interfere with the lives of the public than the drone of diesel electric engines. Electric transformers are specialized and must be unique for each power supply and sized appropriately for each drilling operation. All transformers must be equipped with voltage attenuators which would keep rig power surges from coursing back through the power supply and into the surrounding neighborhood grid with excess voltage. In the event the substation lost power or could not supply the rig with power we would have to switch directly over to diesel power to conduct operations. The normal start-up time for generators is 20 minutes which we could not afford from a well control standpoint. XTO currently operates Dual Fuel systems on our rigs to lower our emissions during drilling operations. This system uses natural gas in our lean burn engines and lessens our emission footprint in the Metroplex.

We urge the Council to reconsider the requirement to notify all residents within one thousand (1000') within 10 days of all wellsite activity. XTO also asks for additional consideration to not require only electric power on drilling operations. We support a stronger commitment by industry to mitigate urban drilling impacts and better compliance with current gas well ordinances through proven community relations, responsible hours of operation and effective nuisance noise mitigation.

Yours truly,

Walter Dueease

Art Wright

From: Clifford, Judith
Sent: Thursday, March 06, 2014 11:15 AM
To: Art Wright <art.wright@mansfield-tx.gov> (art.wright@mansfield-tx.gov)
Cc: Leopold, Dave; Suszkowski, Carla; Walker, Christopher; Greathouse, Dana; Clifford, Judith
Subject: Notice of Proposed Amendments to Mansfield's Drilling Regulations - Atlas Comments

Art,

Thank you for the opportunity to comment on Mansfield's proposed drilling regulations amendments, said comments to be included in the Council meeting packet. Our comments are set out below:

1. Require gas well operator to send notice to dwellings within 1,000 feet prior to drilling operations. The notice would describe the activities and the estimated time to complete, as well as contact information for the operator, TCEQ, and the Railroad Commission.

Comment: Notice to the City, which can be displayed on the City's website, should suffice. The proposed requirement would place an undue burden on the Operator and can be accomplished much more efficiently by City website posting.

2. Require gas well operator to provide real-time, Internet access to the monitoring equipment at drill sites that are required to have 24-hour sound monitoring. This will allow the Gas Well Inspector to respond more quickly to noise complaints and better track violations.

Comment: Agreed

3. Prohibit fracking on Sundays.

Comment: Agreed

4. Require the use of electric motors connected to the electric delivery system through a ground-mounted transformer for drilling operations, unless the drill site is more than 1,500 feet from protected uses or the electric utility provider certifies that there is insufficient capacity to serve the drill site.

Comment: Operators cannot guarantee access to an electric drive rig. Smaller Operators would be significantly and adversely impacted by this requirement.

Let me know if you have any questions or would like to discuss.

Judith R. Clifford
Manager, Regulatory Compliance



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Fort Worth, TX 76102
Direct: 817.439.7565
Cell: 817.319.3768
Fax: 817.698.8343
Email: jclifford@atlasenergy.com

Gas Well Ordinance Amendments
Beacon E&P Company, LLC. Comments
March 6, 2014

1. Require gas well operator to send notice to dwellings within 1,000 feet prior to drilling operations. The notice would describe the activities and the estimated time to complete, as well as contact information for the operator, TCEQ, and the Railroad Commission.

Comments: Beacon has been proactive in our neighbor relations and supports this initiative.

2. Require gas well operator to provide real-time, Internet access to the monitoring equipment at drill sites that are required to have 24-hour sound monitoring. This will allow the Gas Well Inspector to respond more quickly to noise complaints and better track violations.

Comments: Beacon's noise consultants have this capability. The City might consider a short grace period to assure equipment conversion time is available to all operators. An outer limit might be considered for complaints outside of 600 feet.

3. Prohibit fracking on Sundays.

Comments: While Beacon's objective is always to minimize the time on location spent fracturing, other techniques such as simultaneous operations utilizing two frac fleets are available and preferable to Sunday operations.

4. Require the use of electric motors connected to the electric delivery system through a ground-mounted transformer for drilling operations, unless the drill site is more than 1,500 feet from protected uses or the electric utility provider certifies that there is insufficient capacity to serve the drill site.

Comments: The feasibility, planning, and construction of required infrastructure inherently encompasses long lead times. For any existing SUP, Beacon E&P would recommend making this provision of the ordinance effective 3 months after its adoption. A reasonable compliance period would allow the industry time to plan and execute the conversions with the electric delivery company.

Consideration might also be made in the ordinance provisions for inordinately long distances or difficult installations, where an economic breakeven is unlikely.

Art Wright

From: T. Brown
Sent: Thursday, March 06, 2014 4:08 PM
To: Art Wright (External)
Cc: Ellen Pierce
Subject: RE: Notice of Proposed Amendments to Mansfield's Drilling Regulations

Hello Art,

Thank you for the opportunity to provide comments on the proposed ordinance amendments. Per our conversation this morning, please see our comments below:

Concerning the amendments to Section 114.12, paragraph (V), we do have some concern over the language added under (f) "perform any other maintenance at a Drill Site or Operation Site." We believe that this language may prove to be too vague and have unintended consequences. As currently written it could be argued that mowing the grass or even daily site checks could fall under the description and require city and resident notifications.

For the addition of a new paragraph (B) under Section 114.13, we would like consideration included in the language for an occasion where there may be sufficient capacity to serve the drillsite, however the ability to access the necessary utility easements is not feasible.

Please feel free to contact me if you have any questions or concerns.

Thank you,
T. Brown
Sr. Regulatory Analyst
Chesapeake Energy Corporation
Office: 817-502-5638
Mobile: 817-718-3903
Fax: 817-945-5638
Email: t.brown@chk.com



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Art Wright

From: Thomas, Lee
Sent: Thursday, March 06, 2014 5:01 PM
To: art.wright@mansfield-tx.gov
Cc: Fry, Pamela; Young, Ronnie; Trueheart, Richard; Eckhardt, Todd
Subject: RE: Notice of Proposed Amendments to Mansfield's Drilling Regulations

Mr. Wright,

Comments on Section 4 (B):

If the noise mitigation is implemented to meet the required specifications, we would prefer not to be required to use only electric motors. The engines that we use accomplish our objectives in a safe and reliable manner. The engines provide redundant power and back up that would not be available with a utility only situation. Utility companies can experience power outages that will render the drilling rig inoperable for a period of time. This will increase the risk of drilling problems extending the time the rig had stay on the site and limits our reaction to downhole conditions.

We respectfully ask that this restriction not be approved.

Sincerely,

Lee Thomas
EnerVest Operating
VP Drilling & Completions - Western Assets
Office: 713.495.1502
Cell: 281.513.5673

From: Fry, Pamela
Sent: Wednesday, March 05, 2014 4:22 PM
To: Welton, Bill; Zazzi, Alex; Saucedo, Carlos
Cc: Thomas, Lee
Subject: FW: Notice of Proposed Amendments to Mansfield's Drilling Regulations

Touched base with Lee on this today.

If there are any comments, Art Wright mentioned that he will take them up until 5pm tomorrow.

Thanks very much,
Pam

Pamela Fry
EnerVest Operating, LLC
Regulatory Compliance
1001 Fannin St., Ste 800
Houston, TX 77002
713-495-1563 - direct

From: Art Wright [<mailto:art.wright@mansfield-tx.gov>]
Sent: Wednesday, March 05, 2014 3:24 PM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 114 OF THE MANSFIELD CODE OF ORDINANCES, "GAS WELL DRILLING AND PRODUCTION," PERTAINING TO NOISE, HOURS OF OPERATION, NOTIFICATION, AND OTHER DRILLING, OPERATION, AND PRODUCTION ACTIVITIES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds that the regulation of the development of gas and other hydrocarbon substances within and under the City is necessary in order to protect the surface property rights, to protect the owners of mineral rights and to provide for the orderly exploration, development, and production of gas and hydrocarbons; and

WHEREAS, on August 11, 2008, the City Council adopted Ordinance Number 1704-08, regulating gas drilling within the city limits of Mansfield; and

WHEREAS, the City Council deems it advisable to amend the current regulations for the drilling, production and re-drilling of gas so that these activities may be conducted in a manner that protects the public health, safety and welfare of the citizens of Mansfield, conforms with established codes and regulations while minimizing the potential impact of surface property and mineral rights owners; and

WHEREAS, the City Council finds and declares that the regulations contained herein are in the best interest of the public health, safety and general welfare.

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

SECTION 1.

That Section 114.12 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Paragraph (V) to read as follows:

“(V) The operator shall provide notice as follows:

(1) Any Operator who intends to perform the following activities shall give written notice to the designated City official and the Gas Well Inspector at least forty-eight (48) hours before the activities begin:

(a) drill a well, including site construction and/or preparation; mobilization and demobilization of drilling equipment, and operations related to advancing the wellbore such as spudding, setting surface casing, and cementing;

(b) re-work a well using a drilling rig;

(c) fracture stimulate a well;

(d) perform flow back operations;

(e) plug a well; or

(f) perform any other maintenance at a Drill Site or Operation Site.

(2) An Operator shall send notice, in a form acceptable to the City, to the occupants of all dwellings within one thousand (1,000) feet of a Drill Site or Operation Site in accordance with the following provisions:

(a) Notice shall be sent at least ten (10) days prior to the commencement of any of the following activities:

(1) site construction or preparation;

(2) mobilization or demobilization of drilling equipment;

(3) drilling operations;

(4) fracturing operations;

(5) flowback operations, together with a disclaimer that flaring may or may not occur;

(6) re-working a well; and

(7) plugging and abandoning a well.

(b) The notice shall identify the above activities that will be conducted and shall include the number of wells to be drilled and the estimated duration of the activities. If the activities are to be conducted continuously, they may be listed on one notice. Separate notices shall be required if an activity does not occur within ninety (90) day of the last activity on the Drill Site or Operation Site.

(c) The notice shall provide the address and twenty-four (24) hour phone number of the person conducting the activities, and the telephone numbers to file complaints with the Texas Commission on Environmental Quality and the Texas Railroad Commission.

(d) The Operator shall provide an affidavit certifying that notice has been sent to the above-referenced dwellings.”

SECTION 2.

That Section 114.13(D) of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Sub-Paragraph (4) to read as follows:

“(4) During workover operations, all activities shall be restricted to daytime hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday and Sunday. During fracturing operations, all activities shall be restricted to daytime hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays. Fracturing operations shall be prohibited on Sundays.”

SECTION 3.

That Section 114.13(D) of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Sub-Paragraph (7) to read as follows:

“(7) The exterior noise level generated by the drilling, re-drilling or other operations on a drill site or an operation site located within 600 feet of a property occupied by a protected use shall be continuously monitored to ensure compliance. The continuous noise monitoring equipment shall be capable of wireless transmission of real-time noise and audio data. Access to this real-time data shall be made available to the City’s Inspectors. The cost of such monitoring shall be borne by the operator. Where continuous monitoring is not required, and a complaint is received by the city from the occupants of any protected use on property located more than 600 feet from a drill site or operation site, the operator shall, if required by the city, and within 24 hours of notice of the complaint, continuously monitor the exterior noise level generated by the drilling, re-drilling or other operations for a 72-hour period to ensure compliance. At the request of the city, the operator shall monitor the exterior noise level at the source of the complaint.”

SECTION 4.

That Section 114.13 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by adding a new Paragraph (B) to read as follows, and re-lettering the existing Paragraphs (B) through (M) to Paragraphs (C) through (N):

“(B) Electric Power.

(1) An Operator shall use only electricity to power a drilling rig or permanent lift compressors as described in Chapter 114.03(B)(3) of this Code. The electricity shall be provided by the electric delivery utility company utilizing a ground-mounted transformer located on the Drill Site or Operation Site.

(2) The City may approve an alternative power source or equipment such as diesel generators if the Drill Site or Operation Site is located more than one thousand (1,000) feet from a property with a Protected Use, or if the electric delivery utility company reports that there is insufficient capacity to serve a Drill Site or Operation Site.

(3) An Operator may use temporary diesel generators during a disruption of electric service until such service is restored, provided that noise produced by such equipment does not exceed the maximum limits established for the Drill Site or Operation Site.”

SECTION 5.

That Section 114.21 of the Code of Ordinances, City of Mansfield, Texas is hereby amended by revising Paragraph (A) to read as follows:

“(A) A variance from the requirements of § 114.12(W), 114.13(B), 114.13(L), 114.15(1), and 114.15(M) may be sought by submitting a written request to the Director of Planning. The request must include the following:

* * *

SECTION 6.

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

SECTION 7.

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

SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of any ordinances governing oil and gas well development, production and transportation, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

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

SECTION 11.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0842

Agenda Date: 3/17/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Zoning Change from MF-2, PR, I-1 & 2F to SF-7.5/16, SF-8.4/18, SF-12/22, MF-2 and C-2 on Approximately 555 Acres, Generally Located at the Intersection of South 2nd Avenue and FM Road 917 and East of FM Road 917, West of South Main Street and North of English Trail; Setback Partners (ZC#14-001)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on February 18, 2014, and voted 6-0 to recommend approval. Commissioner Polozola was absent.

Description/History

The property is in the vicinity of Sentry Industrial Park and the future industrial use of Klein Tools. The existing land use is vacant with several gas well sites on the property (see attached aerial). The applicant is requesting a zone change consisting of 10 different tracts with various straight zoning classifications as depicted below and in the attached zoning illustration.

Tract 1 is approximately 25 acres currently zoned MF-2, proposed to be SF 7.5/16.

Tract 2 is approximately 25 acres currently zoned I-1, proposed to be MF-2 (equal in size to Tract 1 that is currently zoned MF-2).

Tracts 3, 4 and 5 are approximately 7.29, 8.57 and 24.39 acres respectively, currently zoned I-1, proposed to be C-2.

Tracts 6 and 7 are approximately 113.34 and 134.62 acres respectively, currently zoned mostly I-1, proposed to be SF-7.5/16. Tract 6 also contains portions of PR, SF-6/12 and 2F zoning and Tract 7 contains a portion of PR zoning.

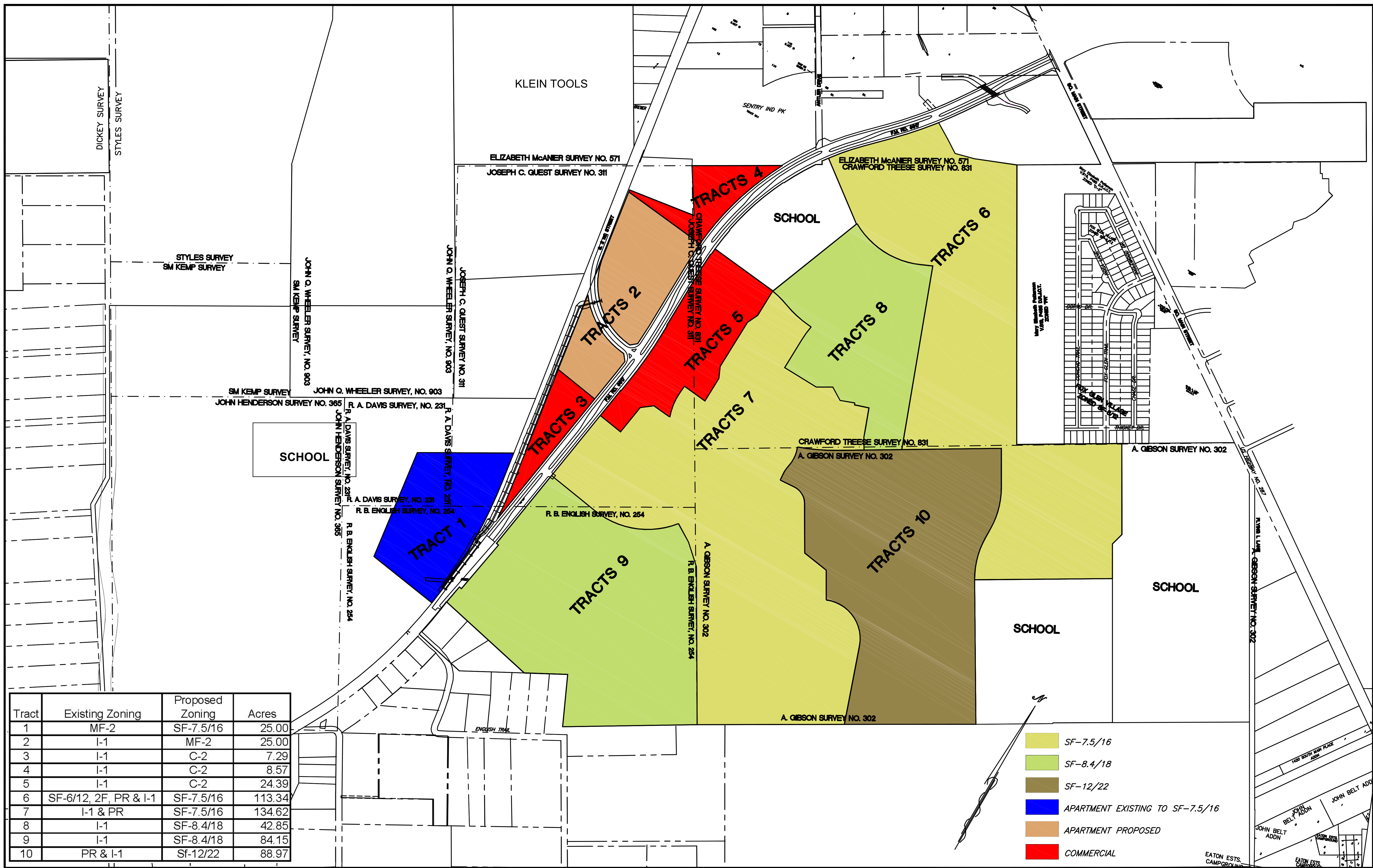
Tracts 8 and 9 are approximately 42.85 and 84.15 acres respectively, currently zoned I-1, proposed to be SF-8.4/18.

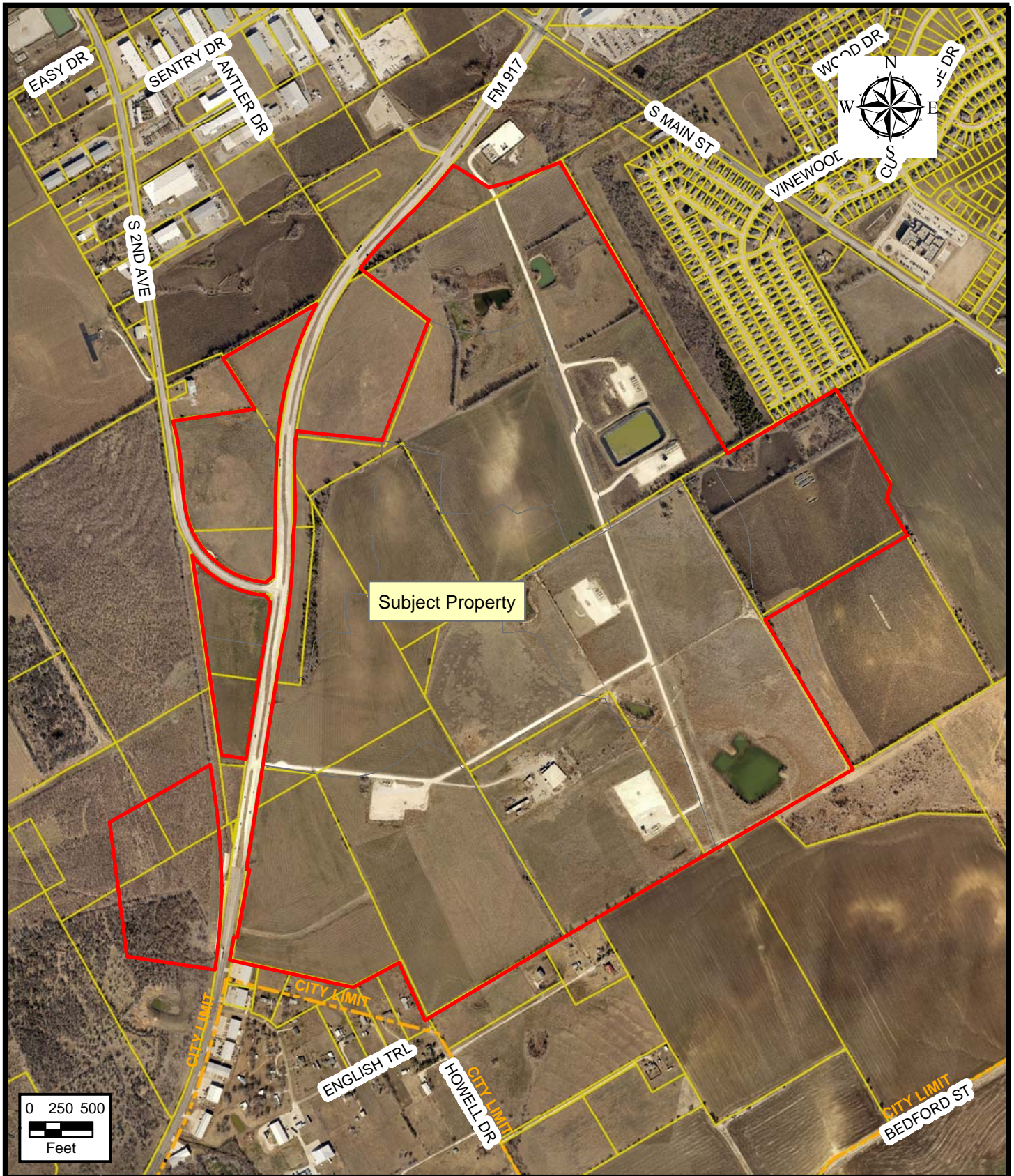
Tract 10 is approximately 88.97 acres, currently zoned I-1 with a small portion of PR, proposed to be SF-12/22.

The future development will be served by large amount of open space consisting of parks, walking trails, a community center, lakes, ball fields, etc. The MISD has acquired a number of school sites for elementary school through high school. The residential design standards adopted in 2012 will apply to the single-family development. The existing C-2 and MF-2 regulations will also apply to the future development.

Prepared By

Felix Wong, Director of Planning
817-276-4228

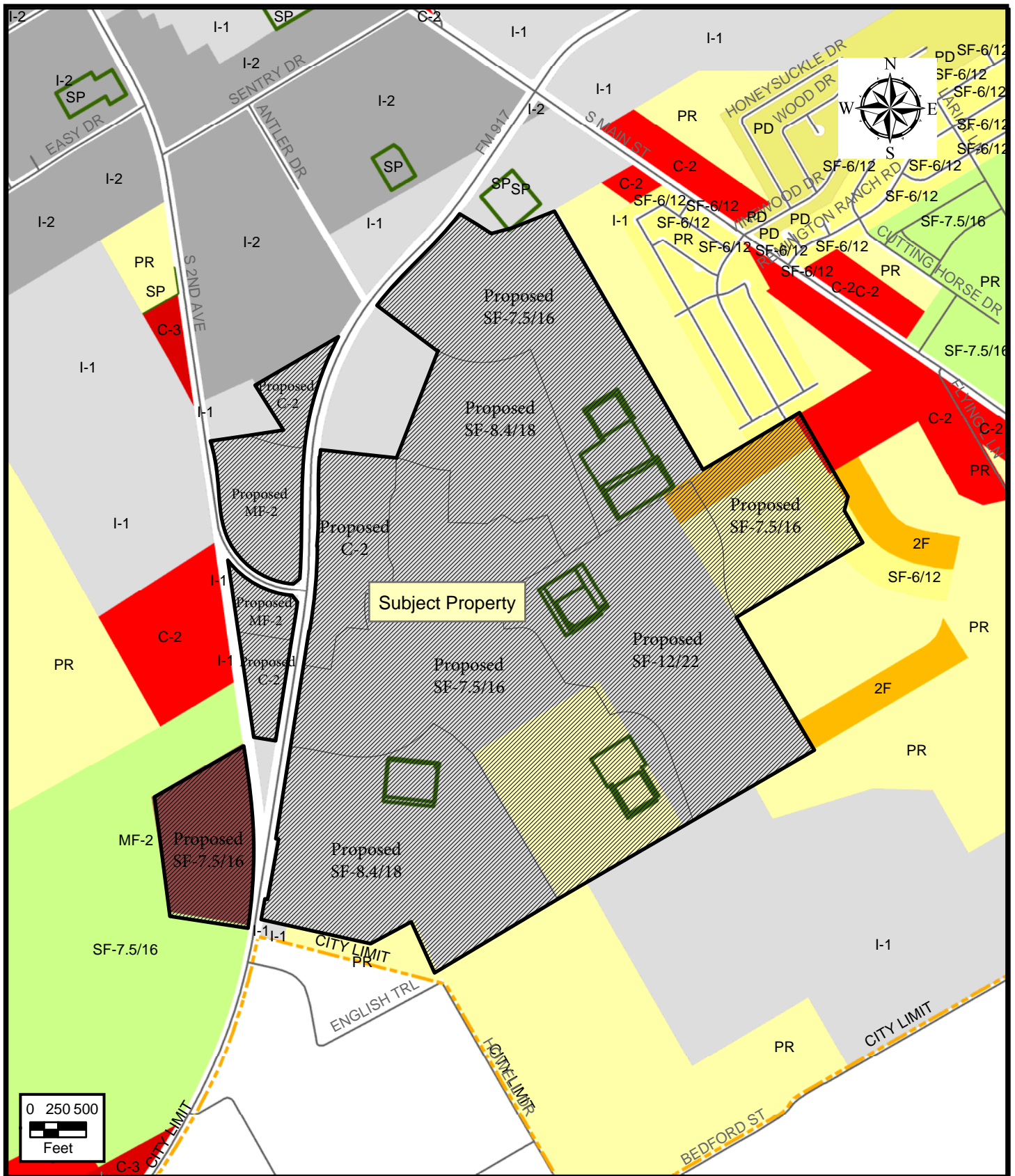




This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

02/05/2014

ZC # 14-001



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02/05/2014

ZC # 14-001

Property Owner Notification for ZC # 14-001

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
ABST 231	TR 1,2	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 254	TR 1,2	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 254	TR 3	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 254	TR 3	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 254	TR 3A	DILLARD DONALD G	317 ENGLISH TR	VENUS, TX	76084
ABST 254	TR 3A1	DILLARD DONALD G	317 ENGLISH TR	VENUS, TX	76084
ABST 254	TR 4A	PECK SCOTT A	410 S ROBERTS AVE	EL RENO, OK	73063-3732
ABST 254	TR 4G	COGGINS STEVEN W ETUX TERRI	517 ENGLISH TR	VENUS, TX	76084
ABST 254	TR 4H	NOWICKI KENNETH ETUX WENDY	521 ENGLISH TRL	VENUS, TX	76084-3236
ABST 254	TR 4J	WHITE CYNTHIA	509 ENGLISH TR	VENUS, TX	76084
ABST 254	TR 5	SETBACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 302	TR 1	SETBACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 302	TR 2	WATSON BETHANY A &	113 N WILLOW ST	MANSFIELD, TX	76063
ABST 302	TR 2A	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 302	TR 3,4	CASTEVENS 160 ACRES LP	100 NORTH MITCHELL RD	MANSFIELD, TX	76063
ABST 302	TR 3A	MANSFIELD ISD TR ETAL	605 E BROAD	MANSFIELD, TX	76063
ABST 302	TR 3B	MANSFIELD ISD	605 E BROAD ST	MANSFIELD, TX	76063
ABST 311	TR 1,2	UNITED COOPERATIVE SERVICES IN	P O BOX 16	CLEBURNE, TX	76033-0016
ABST 311	TR 3	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063

Property Owner Notification for ZC # 14-001

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
ABST 311	TR 4	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 4	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 5	SETBACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 5	SETBACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 6	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 6	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 6	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 7	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 7	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 311	TR 8	KITCHEN DON	1463 S 2ND AVE	MANSFIELD, TX	76063-7424
ABST 311	TR 9	KITCHEN DON	1463 S 2ND AVE	MANSFIELD, TX	76063-7424
ABST 60	TR 1A	EDWARDS BRUCE K ETUX CYNTHIA	2505 HOWELL	VENUS, TX	76084
ABST 60	TR 1A	EDWARDS BRUCE K ETUX CYNTHIA	2505 HOWELL	VENUS, TX	76084
ABST 60	TR 1B	BERRY PAUL A ETUX JENNIFER F	2507 HOWELL DR	MANSFIELD, TX	76063
ABST 60	TR 5	DALTONS BEST MAID PRODUCTS INC	P O BOX 1809	FORT WORTH, TX	76101
ABST 83	TR 87	DALTONS BEST MAID PRODUCTS INC	P O BOX 1809	FORT WORTH, TX	76101
ABST 83	TR 88	DALTONS BEST MAID PRODUCTS INC	P O BOX 1809	FORT WORTH, TX	76101
ABST 831	TR 1	SETBACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 831	TR 2	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063

Property Owner Notification for ZC # 14-001

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
ABST 831	TR 2	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
ABST 831	TR 2A	MANSFIELD ISD	605 E BROAD ST	MANSFIELD, TX	76063
ABST 831	TR 3	WOCHNER LOUIS REVOCABLE TRUST	1200 S MAIN	MANSFIELD, TX	76063
LOT 1	BLK 10	BURKE ROBERT P ETUX	1110 THICKET DR	MANSFIELD, TX	76063
LOT 1	BLK 9	VAUGHAN DANNA S ETVIR WILLIAM	1200 THICKET DR	MANSFIELD, TX	76063
LOT 1 PT	BLK 1	SCHIRA JEFFREY S ETUX MARY G	6500 SILO RD	ARLINGTON, TX	76002
LOT 1 PT	BLK 1	SCHIRA JEFFREY S ETUX MARY G	6500 SILO RD	ARLINGTON, TX	76002
LOT 17	BLK 6	OWENS CHRISTOPHER	1415 FOX GLEN	MANSFIELD, TX	76063
LOT 18	BLK 6	KENT ANTHONY ETUX CHERYL	1414 CHASE TR	MANSFIELD, TX	76063
LOT 18	BLK 7	LANDTROOP JASON ELLIOTT ETUX	1414 FOX GLEN TR	MANSFIELD, TX	76063
LOT 18	BLK 8	LANE VERONICA	1414 CONCHO TR	MANSFIELD, TX	76063
LOT 19	BLK 7	FATHEREE JEREMY S	1415 CONCHO TR	MANSFIELD, TX	76063
LOT 2	BLK 10	WIMBERLY DORIS MC CASLIN	1108 THICKET DR	MANSFIELD, TX	76063
LOT 2	BLK 9	LAM KELLY	1202 THICKET DR	MANSFIELD, TX	76063
LOT 3	BLK 10	MORGAN PATRICIA RENE	1106 THICKET DR	MANSFIELD, TX	76063
LOT 3	BLK 9	EDWARDS AMBER E ETUX ZACHARY	1204 THICKET DR	MANSFIELD, TX	76063
LOT 4	BLK 10	BURTON GEORGE D ETUX MARY L	1104 THICKETT DR	MANSFIELD, TX	76063
LOT 4	BLK 9	RAMIREZ JAVIER & ANA L	1206 THICKET DR	MANSFIELD, TX	76063
LOT 5	BLK 10	VELASCO ANTHONY J & ANTHONY R	1527 STRAW FLOWER	DIAMOND BAR, CA	91765

Property Owner Notification for ZC # 14-001

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
LOT 5	BLK 9	ALEXANDER DOUGLAS WILLIAM &	1208 THICKET DR	MANSFIELD, TX	76063
LOT 5A	BLK E	SHIOLENO ANTHONY	1715 N PEYCO DR	ARLINGTON, TX	76001
LOT 5B	BLK E	SET BACK PARTNERS	100 N MITCHELL RD	MANSFIELD, TX	76063
LOT 5B	BLK E	RIN CO HOLDINGS LP	1016 W HARRIS RD	ARLINGTON, TX	76001-6806
LOT 6	BLK 10	COX JOSEPH & DANA FAMILY TRUST	1107 BRAMFORD CT	DIAMOND BAR, CA	91765
LOT 9A1	BLK B	SENTRY INDUSTRIAL PARK	1703 N PEYCO DR	ARLINGTON, TX	76017

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 SF-7.5/16, SINGLE-FAMILY RESIDENTIAL; SF-8.4/18, SINGLE-FAMILY RESIDENTIAL; SF-12/22, SINGLE-FAMILY RESIDENTIAL; MF-2, MULTI-FAMILY RESIDENTIAL; AND C-2, COMMUNITY BUSINESS DISTRICT CLASSIFICATIONS, 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 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 new zoning classifications of SF-7.5/16, Single-Family Residential; SF-8.4/18, Single-Family Residential; SF-12/22, Single-Family Residential; MF-2, Multi-Family Residential; and C-2, Community Business District, said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

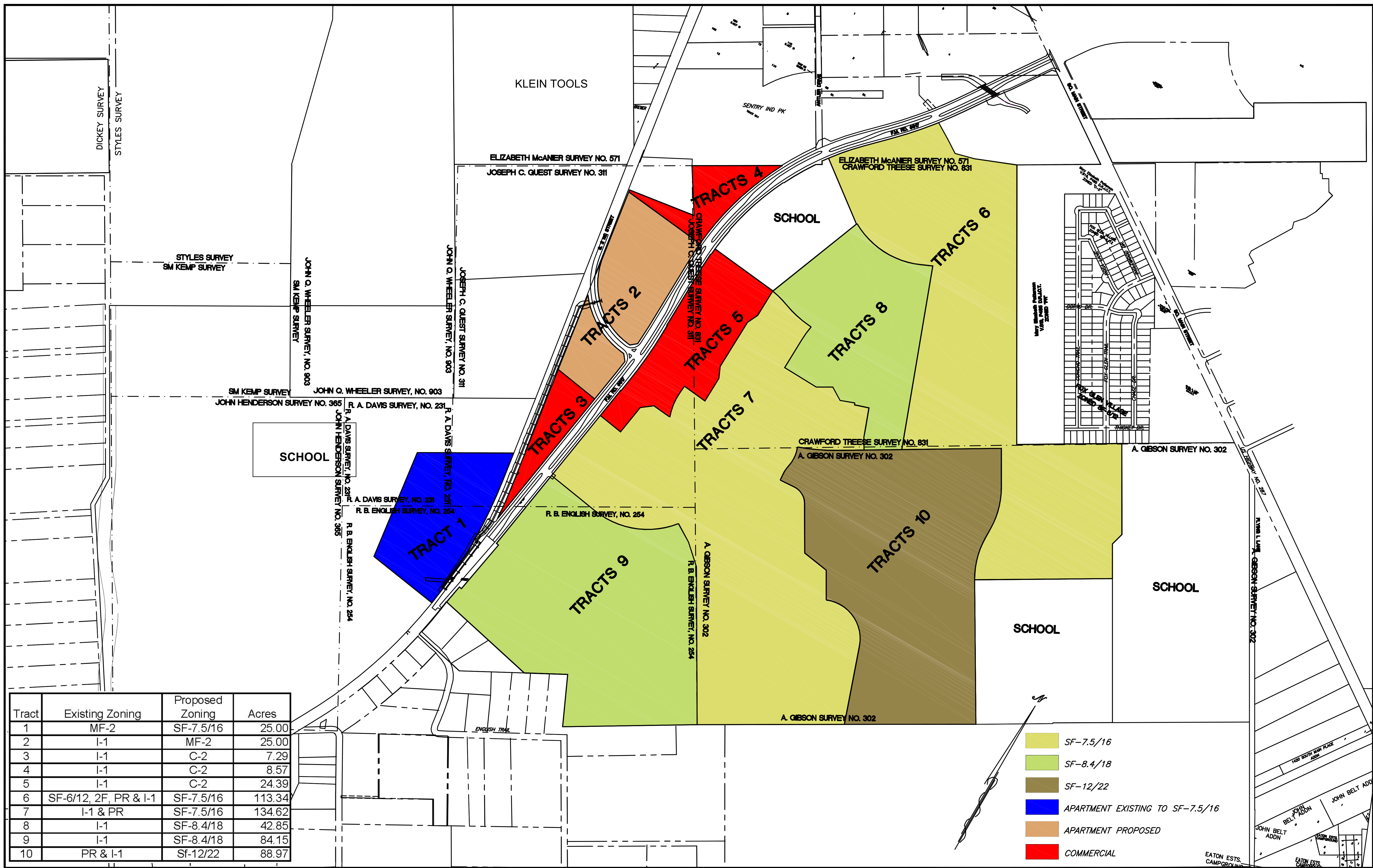


EXHIBIT A
TRACT 1
MF-2 TO R-7.5

Being a tract in the R.A. Davis Survey, Abstract 231, R.B. English Survey Abstract 254, and Joseph C. Guest Survey Abstract 311, City of Mansfield, Johnson County, Texas being a portion of the tract of land described in the deed to Set/back Partners, recorded in Volume 2226, Page, 464, Deed Records, Johnson County, Texas and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at a point being S 8°19'11" E 558.47 feet from a 5/8" iron rod found at the Northeast corner of said Set/back Partners tract, also being in the west line of the old F.M. #917 recorded in Volume 421, Page 375 of said deed records;

THENCE S08°19'11"E, a distance of 284.82 feet along said west line to an 1/2" iron rod found for a corner, being the point of curve of a non tangent curve to the right, of which the radius point lies S81°38'21"W, a radial distance of 4,533.66 feet, and has a chord of 1,339.39 feet that bears S00°08'01"W;

THENCE southerly along said arc, through a central angle of 16°59'21", a distance of 1,344.31 feet to a point for a corner;

THENCE N81°22'18"W, a distance of 705.47 feet to a point for a corner;

THENCE N07°20'13"W, a distance of 1,069.92 feet to a point for a corner;

THENCE N60°17'27"E, a distance of 916.46 feet to the POINT OF BEGINNING and containing 25.00 acres, more or less.

TRACTS 2a & 2b
I-1 to MF-2

TRACT 2a

Being two tracts in the Joseph C. Guest Survey Abstract 311, and Crawford Treese Survey Abstract 831, City of Mansfield, Johnson, Texas conveyed to Setback Partners, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at a TXDOT monument found in the west line of F.M. #917 at the northern corner clip with South 2nd Street.

THENCE S50°21'12"W, a distance of 75.87 feet along said corner clip to a TXDOT monument found for a corner;

THENCE N84°14'31"W, a distance of 17.89 feet along the northeastern line of South 2nd Street, to a point of curve to the right having a radius of 700.00 feet and a central angle of 77°40'09", and a chord of 877.90 feet that bears N45°24'27"W;

THENCE northwesterly along said arc a distance of 948.91 feet continuing along said South 2nd Street to a point for a corner;

THENCE N08°18'19"W, a distance of 663.23 feet continuing along said South 2nd Street the southwest corner of a tract conveyed to Robert M. Chenault recorded in Volume 784 Page 405 of the deed records of Johnson County;

THENCE N81°37'42"E, a distance of 342.31 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S17°59'33"W, a radial distance of 1,050.00 feet, and has a chord of 4.61 feet that bears S71°52'54"E;

THENCE easterly along said arc, through a central angle of 00°15'06", a distance of 4.61 feet to a point for a corner;

THENCE S71°45'21"E, a distance of 150.00 feet to a point of curve to the left having a radius of 1,200.00 feet and a central angle of 12°10'06", and a chord of 254.37 feet that bears S77°50'24"E;

THENCE easterly along said arc a distance of 254.85 feet to a point for a corner;

THENCE S83°55'26"E, a distance of 105.00 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S83°55'26"E, a radial distance of 2,728.72 feet, and has a chord of 226.19 feet that bears S03°42'02"W;

THENCE southerly along said arc, through a central angle of 04°45'03", a distance of 226.26 feet to a point for a corner;

THENCE S01°19'30"W, a distance of 736.68 feet to a point of curve to the right having a radius of 3,940.00 feet and a central angle of 02°55'12", and a chord of 200.77 feet that bears S02°47'06"W;

THENCE southerly along said arc a distance of 200.80 feet to a point for a corner; being the POINT OF BEGINNING and containing 19.43 acres, more or less.

AND TRACT 2b

Beginning at a TXDOT monument found in the west line of F.M. #917 at the southern corner clip with South 2nd Street point, said point being the beginning of a curve to the right, of which the radius point lies N82°43'44"W, a radial distance of 3,940.00 feet and a chord of 123.20 feet that bears S08°10'01"W;

THENCE southerly along the arc, through a central angle of 01°47'30", a distance of 123.21 feet to a TXDOT monument found point for a corner;

THENCE S09°03'46"W, a distance of 222.33 feet continuing along said west line of F.M. #917 to for a corner;

THENCE N80°56'14"W, a distance of 480.97 feet to a point for a corner;

THENCE N08°21'42"W, a distance of 644.24 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N52°39'43"E, a radial distance of 800.00 feet, and has a chord of 636.77 feet that bears S60°47'24"E, and being in the south line of said South 2nd Street;

THENCE southeasterly along said arc and south line of South 2nd Street, through a central angle of 46°54'14", a distance of 654.90 feet to a TXDOT monument found for a corner;

THENCE S84°14'31"E, a distance of 17.90 feet to a point for a corner;

THENCE S38°49'23"E, a distance of 75.87 feet to the POINT OF BEGINNING and containing 5.57 acres, more or less.

TRACT 3
I-1 TO C-2

Being a tract in the Joseph C Guest Survey Abstract 311 and the R.B. English Survey Abstract 254, City of Mansfield, Johnson County, Texas according to the deeds recorded in Volume 2207 Page 816, and Volume 2241 Page 33 of the Deed Records of Johnson County, Texas, and being more particularly described as follows with bearings related to nad 83 GRID BEARINGS;

Beginning at a TXDOT monument found at the Intersection of the west line of F.M. #917 and the east line of the old South 2nd Street recorded in Volume 421 Page 384 of said deed records, said point being the beginning of a curve to the left, of which the radius point lies S85°58'18"W, a radial distance of 4,633.10 feet and a chord of 350.50 feet that bears N06°11'46"W;

THENCE northerly along the arc and said east line of old South 2nd Street, through a central angle of 04°20'08", a distance of 350.59 feet to a point for a corner;

THENCE N08°22'19"W, a distance of 1,005.94 feet continuing along said east line to a point for a corner;

THENCE N08°21'42"W, a distance of 173.40 feet to a point for a corner;

THENCE S80°56'14"E, a distance of 445.57 feet to a point for a corner in said west line of F.M. #917;

THENCE S09°03'46"W, a distance of 1,463.31 feet along said west the POINT OF BEGINNING and containing 7.29 acres, more or less.

TRACT 4
I-1 to C-2

Being a tract in the Joseph Guest Survey Abstract 311, and Crawford Treese Survey Abstract 831, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at the intersection of the north line of said Setback Partners tract and the west line of F.M. #917, said point being the beginning of a curve to the left, of which the radius point lies S62°02'41"E, a radial distance of 2,728.72 feet and a chord of 1,079.83 feet that bears S16°32'36"W;

THENCE southerly along the arc, through a central angle of 22°49'27", a distance of 1,087.00 feet to a point for a corner;

THENCE N83°55'26"W, a distance of 836.03 feet to a point for a corner;

THENCE N08°18'19"W, a distance of 19.75 feet to the apparent southwest corner of a tract conveyed to Robert M. Chenault recorded in Volume 784 Page 405 of said Deed Records;

THENCE N81°37'42"E, a distance of 658.82 feet along the south line of said Chenault tract to a point for a corner;

THENCE N32°17'15"W, a distance of 473.96 feet along the east line of said Chenault tract to a point for a corner;

THENCE N59°54'46"E, a distance of 858.73 feet to a point for a corner;

THENCE North, a distance of 0.00 feet to a point for a corner; being the POINT OF BEGINNING and 8.57 acres, more or less.

TRACT 5
I-1 to C-2

Being a tract in the Joseph C. Guest Survey Abstract 311 and Crawford Treese Survey Abstract 831, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, recorded in Book 2207 Page 816, of the Deed Records of Johnson County, Texas, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at an ½ " iron rod set by Herbert S. Beasley Land Surveyors at the southwest corner of a twenty acre tract conveyed to the M.I.S.D.;

THENCE S83°56'58"E, a distance of 680.44 feet along the south line of said M.I.S.D. tract to a point for a corner;

THENCE S04°46'22"W, a distance of 37.00 feet to a point for a corner;

THENCE S01°36'32"W, a distance of 235.17 feet to a point for a corner;

THENCE S25°20'38"W, a distance of 118.60 feet to a point for a corner;

THENCE S01°46'57"W, a distance of 492.50 feet to a point for a corner;

THENCE S23°59'06"E, a distance of 113.96 feet to a point for a corner;

THENCE S01°36'32"W, a distance of 252.56 feet to a point for a corner;

THENCE N84°14'31"W, a distance of 239.36 feet to a point for a corner;

THENCE S05°45'29"W, a distance of 60.78 feet to a point for a corner;

THENCE S06°04'21"W, a distance of 19.16 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S86°02'32"E, a radial distance of 610.00 feet, and has a chord of 246.85 feet that bears S07°42'57"E;

THENCE southerly along said arc, through a central angle of 23°20'50", a distance of 248.57 feet to a point for a corner;

THENCE N84°14'31"W, a distance of 185.62 feet to a point for a corner;

THENCE S52°24'37"W, a distance of 130.90 feet to a point for a corner;

THENCE S09°03'46"W, a distance of 297.55 feet to a point for a corner;

THENCE N80°56'14"W, a distance of 247.11 feet to a point for a corner in the east line of F.M. #917;

THENCE N09°03'46"E, a distance of 306.98 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE S80°56'14"E, a distance of 5.00 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N09°03'46"E, a distance of 116.19 feet continuing along said east line of F.M. #917 to the point of curve to the left having a radius of 4,085.00 feet and a central angle of 07°44'16", and a chord of 551.26 feet that bears N05°11'38"E;

THENCE northerly along said arc a distance of 551.68 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N01°19'30"E, a distance of 92.28 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N88°40'30"W, a distance of 5.00 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N01°19'30"E, a distance of 644.40 feet continuing along said east line of F.M. #917 to the point of curve to the right having a radius of 2,588.72 feet and a central angle of 03°21'12", and a chord of 151.49 feet that bears N03°00'06"E;

THENCE northerly along said arc a distance of 151.51 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE S85°19'18"E, a distance of 5.00 feet continuing along said east line of F.M. #917 to the point of curve of a non tangent curve to the right, of which the radius point lies S85°19'18"E, a radial distance of 2,583.72 feet, and has a chord of 62.68 feet that bears N05°22'24"E;

THENCE northerly along said arc, through a central angle of 01°23'24", a distance of 62.68 feet to the POINT OF BEGINNING and containing 24.39 acres, more or less.

TRACT 6
PR,2F & I-1 to SF-7.5/16

Being a tract in the Elizabeth McAnear Survey Abstract 571, Crawford Treese Survey Abstract 831, and A. Gibson Survey Abstract 302, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at an ½" iron rod set by Herbert S. Beasley Land Surveyors at the intersection of the north line of a tract conveyed to M.I.S.D. recorded in Volume 567 Page 3858 DRJCT and the east line of F.M. #917, said point being the beginning of a curve to the right, of which the radius point lies S52°58'35"E, a radial distance of 2,588.72 feet and a chord of 353.06 feet that bears N40°56'02"E;

THENCE northeasterly along the arc, through a central angle of 07°49'13", a distance of 353.33 feet along said east line of F.F. #917 to a TXDOT monument found for a corner;

THENCE N44°50'38"E, a distance of 270.57 feet to a TXDOT monument found being a point of curve to the left having a radius of 4,080.00 feet and a central angle of 06°41'11", and a chord of 475.86 feet that bears N41°30'02"E;

THENCE northeasterly along said arc a distance of 476.13 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE S58°52'50"E, a distance of 173.20 feet to a point for a corner;

THENCE S57°12'23"E, a distance of 159.19 feet to a point for a corner;

THENCE N75°03'53"E, a distance of 191.13 feet to a point for a corner;

THENCE N68°18'05"E, a distance of 407.21 feet to the northwest corner of a tract conveyed to Mary Elizabeth Patterson recorded in Volume 616 Page 485 of the Deed Records of Johnson County;

THENCE S29°57'29"E, a distance of 2,656.30 feet along the west line of said Patterson tract, to a 5/8" iron rod found point for a corner;

THENCE N59°27'58"E, a distance of 998.57 feet to the north west corner of a tract conveyed to M.I.S.D.;

THENCE S30°01'28"E, a distance of 864.64 feet along the western line of said M.I.S.D tract, to a point for a corner;

THENCE S14°58'32"W, a distance of 127.01 feet continuing along said western line of said M.I.S.D tract, to a point for a corner;

THENCE S30°01'28"E, a distance of 329.11 feet to a point in the north line of a tract

conveyed to M.I.S.D.;

THENCE S59°30'02"W, a distance of 1,309.40 feet along said north line of M.I.S.D tract to a the point of curve of a non tangent curve to the right, of which the radius point lies N59°30'02"E, a radial distance of 800.00 feet, and has a chord of 412.14 feet that bears N15°34'20"W;

THENCE northerly along said arc, through a central angle of 29°51'15", a distance of 416.84 feet to a point for a corner;

THENCE N00°38'43"W, a distance of 98.69 feet to a point of curve to the left having a radius of 800.00 feet and a central angle of 29°18'46", and a chord of 404.83 feet that bears N15°18'06"W;

THENCE northerly along said arc a distance of 409.28 feet to a point for a corner;

THENCE N29°57'29"W, a distance of 372.15 feet to a point for a corner;

THENCE S59°17'31"W, a distance of 945.93 feet to a point for a corner;

THENCE N20°25'51"W, a distance of 1,769.46 feet to a point for a corner;

THENCE S66°10'22"W, a distance of 116.21 feet to a point for a corner; being a point of curve to the right having a radius of 800.00 feet and a central angle of 53°23'19", and a chord of 718.77 feet that bears N87°07'58"W;

THENCE westerly along said arc a distance of 745.45 feet to a point for a corner;

THENCE S21°16'41"W, a distance of 7.03 feet to a point for a corner;

THENCE N52°58'47"W, a distance of 680.43 feet to the POINT OF BEGINNING and containing 113.34 acres, more or less.

TRACT 7
PR & I-1 to SF 7.5/16

Being a tract in the Joseph C. Guest Survey Abstract 311, Crawford Treese Survey Abstract 831, A Gibson Survey Abstract 302, and R.B. English survey Abstract 254, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, and Bethany A. Watson, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at an ½" iron rod set by Herbert S. Beasley at the southeast corner of a 20.00 acre tract conveyed to MISD and recorded in Volume 567 Page 3858 DRJCT, said point being the beginning of a curve to the right, of which the radius point lies S09°34'55"W, a radial distance of 1,000.00 feet and a chord of 190.26 feet that bears S74°57'33"E;

THENCE easterly along the arc, through a central angle of 10°55'04", a distance of 190.55 feet to a point of reverse curve to the left having a radius of 1,000.00 feet and a central angle of 15°56'33" and a chord of 277.35 feet that bears S77°28'18"E;

THENCE easterly along said arc, a distance of 278.25 feet to a point for a corner;

THENCE S85°26'34"E, a distance of 30.46 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S79°35'57"E, a radial distance of 1,000.00 feet, and has a chord of 153.29 feet that bears S06°00'18"W;

THENCE southerly along said arc, through a central angle of 08°47'30", a distance of 153.44 feet to a point for a corner;

THENCE S01°36'32"W, a distance of 308.62 feet to a point for a corner;

THENCE S88°23'28"E, a distance of 352.11 feet to a point for a corner;

THENCE N60°02'08"E, a distance of 157.42 feet to a point for a corner;

THENCE S58°39'01"E, a distance of 145.08 feet to a point for a corner;

THENCE N69°34'09"E, a distance of 142.70 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N75°39'27"E, a radial distance of 301.00 feet, and has a chord of 19.45 feet that bears S16°11'37"E;

THENCE southerly along said arc, through a central angle of 03°42'09", a distance of 19.45 feet to a point for a corner;

THENCE N69°34'09"E, a distance of 25.02 feet to a point for a corner;

THENCE N72°10'16"E, a distance of 116.00 feet to a point for a corner;

THENCE S20°23'04"E, a distance of 203.56 feet to a point for a corner;

THENCE S19°23'37"E, a distance of 78.20 feet to a point for a corner;

THENCE S30°42'29"E, a distance of 122.75 feet to a point for a corner;

THENCE S59°17'31"W, a distance of 249.02 feet to a point of curve to the right having a radius of 2,000.00 feet and a central angle of 11°02'07", and a chord of 384.61 feet that bears S64°48'34"W;

THENCE southwesterly along said arc a distance of 385.20 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S67°37'15"W, a radial distance of 330.00 feet, and has a chord of 196.32 feet that bears S05°04'29"E;

THENCE southerly along said arc, through a central angle of 34°36'33", a distance of 199.33 feet to a point of reverse curve to the left having a radius of 345.00 feet and a central angle of 17°38'26" and a chord of 105.80 feet that bears S03°24'35"W;

THENCE southerly along said arc, a distance of 106.22 feet to a point of reverse curve to the right having a radius of 2,450.00 feet and a central angle of 01°15'10" and a chord of 53.57 feet that bears S04°47'03"E;

THENCE southerly along said arc, a distance of 53.57 feet to a point for a corner;

THENCE N85°59'59"E, a distance of 148.52 feet to a point of curve to the right having a radius of 175.00 feet and a central angle of 63°51'45", and a chord of 185.12 feet that bears S62°04'08"E;

THENCE southeasterly along said arc a distance of 195.06 feet to a point for a corner;

THENCE S30°08'16"E, a distance of 470.35 feet to a point for a corner;

THENCE S81°19'51"E, a distance of 260.96 feet to a point for a corner;

THENCE S30°14'20"E, a distance of 283.36 feet to the point of curve of a non tangent curve to the right, of which the radius point lies S22°30'37"E, a radial distance of 370.00 feet, and has a chord of 538.51 feet that bears S65°48'52"E;

THENCE southeasterly along said arc, through a central angle of 93°23'30", a distance of 603.10 feet to a point for a corner;

THENCE S19°07'07"E, a distance of 759.14 feet to a point for a corner in the south line of said Setback Partners tract;

THENCE S59°54'12"W, a distance of 1,398.88 feet along the south line of said Watson tract, to a point for a corner;

THENCE N30°14'20"W, a distance of 1,500.04 feet to a point for a corner;

THENCE N47°52'47"W, a distance of 245.73 feet to a point for a corner;

THENCE N58°24'46"W, a distance of 199.99 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N51°21'56"W, a radial distance of 800.00 feet, and has a chord of 805.17 feet that bears S68°50'55"W;

THENCE westerly along said arc, through a central angle of 60°25'42", a distance of 843.74 feet to a point for a corner;

THENCE N80°56'14"W, a distance of 528.74 feet to a point for a corner in the east line of F.M. #917;

THENCE N09°03'46"E, a distance of 735.00 feet along said east line of F.M. #917 to a point for a corner;

THENCE S80°56'14"E, a distance of 247.11 feet to a point for a corner;

THENCE N09°03'46"E, a distance of 297.55 feet to a point for a corner;

THENCE N52°24'37"E, a distance of 130.90 feet to a point for a corner;

THENCE S84°14'31"E, a distance of 185.62 feet to a point for a corner; being the point of curve of a non tangent curve to the right, of which the radius point lies N70°36'38"E, a radial distance of 610.00 feet, and has a chord of 246.85 feet that bears N07°42'57"W;

THENCE northerly along said arc, through a central angle of 23°20'50", a distance of 248.57 feet to a point for a corner;

THENCE N06°04'21"E, a distance of 19.16 feet to a point for a corner;

THENCE N05°45'29"E, a distance of 60.78 feet to a point for a corner;

THENCE S84°14'31"E, a distance of 239.36 feet to a point for a corner;

THENCE N01°36'32"E, a distance of 252.56 feet to a point for a corner;

THENCE N23°59'06"W, a distance of 113.96 feet to a point for a corner;

THENCE N01°46'57"E, a distance of 492.50 feet to a point for a corner;

THENCE N25°20'38"E, a distance of 118.60 feet to a point for a corner;

THENCE N01°36'32"E, a distance of 235.17 feet to a point for a corner;

THENCE N04°46'22"E, a distance of 35.13 feet to the POINT OF BEGINNING and containing 134.62 acres, more or less.

TRACT 8
I-1 to SF- 8.4/18

Being a tract in the Crawford Treese Survey Abstract 831 and A. Gibson Survey Abstract 302, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at an ½" iron rod set by Herbert S. Beasley Land Surveyors at the southeast corner of a 20.00 acre tract conveyed to M.I.S.D. recorded in Volume 567 Page 3858 D.R.J.C.T.

THENCE N21°14'54"E, a distance of 1,025.83 feet along the east line of said M.I.S.D tract to the point of curve of a non tangent curve to the left, of which the radius point lies N29°33'41"E, a radial distance of 800.00 feet, and has a chord of 718.77 feet that bears S87°07'58"E;

THENCE easterly along said arc, through a central angle of 53°23'19", a distance of 745.45 feet to a point for a corner;

THENCE N66°10'22"E, a distance of 116.21 feet to a point for a corner;

THENCE S20°25'51"E, a distance of 1,769.46 feet to a point for a corner;

THENCE S59°17'31"W, a distance of 358.98 feet to a point for a corner;

THENCE N30°42'29"W, a distance of 122.75 feet to a point for a corner;

THENCE N19°23'37"W, a distance of 78.20 feet to a point for a corner;

THENCE N20°23'04"W, a distance of 203.56 feet to a point for a corner;

THENCE S72°10'16"W, a distance of 116.00 feet to a point for a corner;

THENCE S69°34'09"W, a distance of 25.02 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N71°57'18"E, a radial distance of 301.00 feet, and has a chord of 19.45 feet that bears N16°11'37"W;

THENCE northerly along said arc, through a central angle of 03°42'09", a distance of 19.45 feet to a point for a corner;

THENCE S69°34'09"W, a distance of 142.70 feet to a point for a corner;

THENCE N58°39'01"W, a distance of 145.08 feet to a point for a corner;

THENCE S60°02'08"W, a distance of 157.42 feet to a point for a corner;

THENCE N88°23'28"W, a distance of 352.11 feet to a point for a corner;

THENCE N01°36'32"E, a distance of 308.62 feet to a point of curve to the right having a radius of 1,000.00 feet and a central angle of 08°47'30", and a chord of 153.29 feet that bears N06°00'17"E;

THENCE northerly along said arc a distance of 153.44 feet to a point for a corner;

THENCE N85°26'34"W, a distance of 30.46 feet to a point of curve to the right having a radius of 1,000.00 feet and a central angle of 15°56'33", and a chord of 277.35 feet that bears N77°28'17"W;

THENCE westerly along said arc a distance of 278.25 feet to a point of reverse curve to the left having a radius of 1,000.00 feet and a central angle of 10°55'04" and a chord of 190.26 feet that bears N74°57'33"W;

THENCE westerly along said arc, a distance of 190.55 feet to the POINT OF BEGINNING and containing 42.85 acres, more or less.

TRACT 9
I-1 to SF 8.4/18

Being a tract in the R.A. Davis Survey Abstract 231 and R.B. English Survey Abstract 254, City of Mansfield, Tarrant County, Texas conveyed to Setback Partners, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at the intersection of the south line of Setback Partners tract and the east line of F.M. #917,

THENCE N10°23'42"E, a distance of 187.03 feet along said east line of F.M. #917 to a point for a corner;

THENCE S79°36'18"E, a distance of 25.00 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N10°23'42"E, a distance of 543.54 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N79°36'18"W, a distance of 25.00 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE N09°03'46"E, a distance of 830.17 feet continuing along said east line of F.M. #917 to a point for a corner;

THENCE S80°56'14"E, a distance of 528.74 feet to a point of curve to the left having a radius of 800.00 feet and a central angle of 60°25'42", and a chord of 805.17 feet that bears N68°50'55"E;

THENCE easterly along said arc a distance of 843.74 feet to a point for a corner;

THENCE S58°24'46"E, a distance of 199.99 feet to a point for a corner;

THENCE S47°52'47"E, a distance of 245.73 feet to a point for a corner;

THENCE S30°14'20"E, a distance of 1,500.04 feet to a point in the south line of said Setback Properties tract for a corner;

THENCE S59°06'27"W, a distance of 1,278.01 feet along the south line of said setback Properties Tract to a point for a corner;

THENCE N24°28'33"W, a distance of 499.77 feet along a western line of said Setback Partners tract to a point for a corner;

THENCE S61°52'28"W, a distance of 412.20 feet along the south line of said Setback Properties tract to a point for a corner;

THENCE N77°33'20"W, a distance of 999.91 feet along the south line of said Setback Partners tract the POINT OF BEGINNING and containing 84.15 acres, more or less.

TRACT 10
PR & I-1 to SF-12/22

Being a tract in the Crawford Treese Survey Abstract 831 and A. Gibson Survey Abstract 302, City of Mansfield, Johnson County, Texas conveyed to Setback Partners, recorded in Volume 2169 Page 160 of the Deed Records of Johnson County, Texas, and being more particularly described as follows with bearings related to NAD 83 grid bearings;

Beginning at a point in the south line of said Setback partners tract at the southwest corner of a tract conveyed to M.I.S.D. also being in the south line of said Gibson Survey,

THENCE S59°56'03"W, a distance of 1,249.14 feet along said south line of Setback Partners tract to a point for a corner;

THENCE N19°07'07"W, a distance of 759.14 feet to a point of curve to the left having a radius of 370.00 feet and a central angle of 93°23'30", and a chord of 538.51 feet that bears N65°48'52"W;

THENCE northwesterly along said arc a distance of 603.10 feet to a point for a corner;

THENCE N30°14'20"W, a distance of 283.36 feet to a point for a corner;

THENCE N81°19'51"W, a distance of 260.96 feet to a point for a corner;

THENCE N30°08'16"W, a distance of 470.35 feet to a point of curve to the left having a radius of 175.00 feet and a central angle of 63°51'45", and a chord of 185.12 feet that bears N62°04'08"W;

THENCE northwesterly along said arc a distance of 195.06 feet to a point for a corner;

THENCE S85°59'59"W, a distance of 148.52 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S85°50'34"W, a radial distance of 2,450.00 feet, and has a chord of 53.57 feet that bears N04°47'01"W;

THENCE northerly along said arc, through a central angle of 01°15'10", a distance of 53.57 feet to a point of reverse curve to the right having a radius of 345.00 feet and a central angle of 17°38'26" and a chord of 105.80 feet that bears N03°24'37"E;

THENCE northerly along said arc, a distance of 106.22 feet to a point of reverse curve to the left having a radius of 330.00 feet and a central angle of 34°36'33" and a chord of 196.32 feet that bears N05°04'27"W;

THENCE northerly along said arc, a distance of 199.33 feet to the point of curve of a non tangent curve to the left, of which the radius point lies N19°40'20"W, a radial distance of 2,000.00 feet, and has a chord of 384.61 feet that bears N64°48'37"E;
THENCE northeasterly along said arc, through a central angle of 11°02'07", a distance of 385.20 feet to a point for a corner;

THENCE N59°17'31"E, a distance of 1,553.93 feet to a point for a corner;

THENCE S29°57'29"E, a distance of 372.15 feet to a point of curve to the right having a radius of 800.00 feet and a central angle of 29°18'46", and a chord of 404.83 feet that bears S15°18'06"E;

THENCE southerly along said arc a distance of 409.28 feet to a point for a corner;

THENCE S00°38'43"E, a distance of 98.69 feet to a point of curve to the left having a radius of 800.00 feet and a central angle of 29°51'15", and a chord of 412.14 feet that bears S15°34'20"E;

THENCE southerly along said arc a distance of 416.84 feet to a point for a corner;

THENCE S30°29'58"E, a distance of 1,372.42 feet to the POINT OF BEGINNING and containing or 88.97 acres, more or less.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0844

Agenda Date: 3/17/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading on an Ordinance Approving a Zoning Change from PR to C-2 on Approximately 10.5 Acres, Generally Located at the Southeast Corner of E Debbie Lane and Matlock Road; Hijo, Ltd. (ZC#14-003)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on February 18, 2014, and voted 6-0 to recommend approval. Commissioner Polozola was absent.

Description/History

The property is vacant, with the exception of the hard corner currently occupied by Chase Bank (not part of the zoning change request). The applicant has proposed to develop the tract for a specialty grocery store and pad sites. The 2012 Land Use Plan encourages retail and service uses be added at a neighborhood level.

Prepared By

Felix Wong, Director of Planning
817-276-4228

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 C-2, COMMUNITY BUSINESS DISTRICT CLASSIFICATION, 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 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 classification of C-2, Community Business District Classification, said property being described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

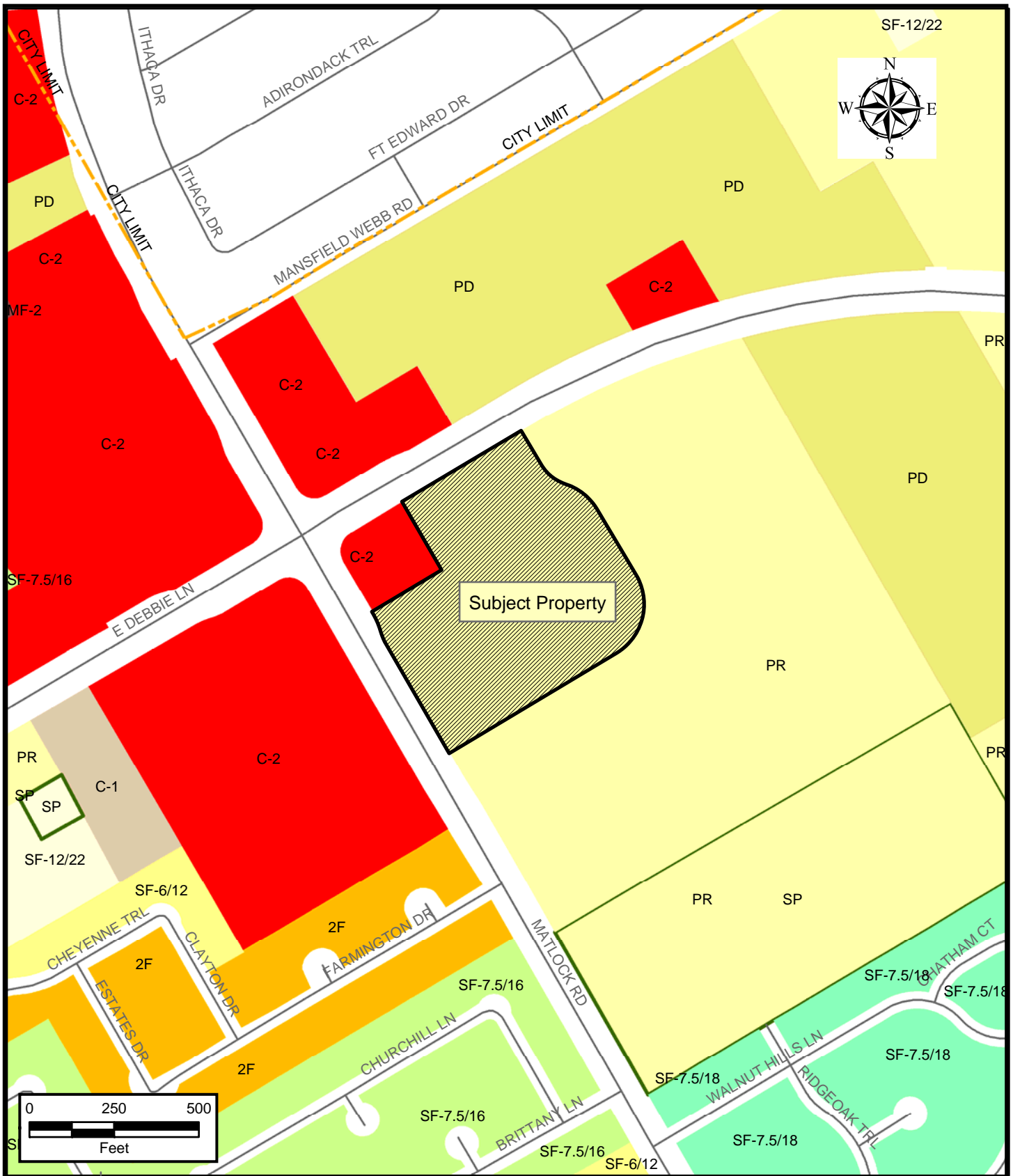
Allen Taylor, City Attorney



This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

02/05/2014

ZC # 14-003



This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

02/05/2014

ZC # 14-003

Property Owner Notification for ZC # 14-003

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
GRIMSLEY, JAMES SURVEY	A 578 TR 1	WEATHERFORD HOLLAND FAMILY PTN	4704 BARKRIDGE TRL	FORT WORTH, TX	76109-3210
GRIMSLEY, JAMES SURVEY	A 578 TR 1B02	WEATHERFORD HOLLAND FAM	4704 BARKRIDGE TRL	FORT WORTH, TX	76109-3210
HOLLAND FARM ADDITION	BLK 1 LOT 1	WEATHERFORD HOLLAND FAMILY PTN	4704 BARKRIDGE TRL	FORT WORTH, TX	76109-3210
LIFETIME MANSFIELD	BLK LOT 2	LTF REAL ESTATE COMPANY INC	2902 CORPORATE PL	CHANHASSEN, MN	55317-4560
LIFETIME MANSFIELD	BLK LOT 3	PROFESSIONAL RESOURCE DEV	1200 NETWORK CENTRE DR STE 2	EFFINGHAM, IL	62401-4637
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 1R	WAL-MART REAL ESTATE BUS TRUST	PO BOX 8050	BENTONVILLE, AR	72712-8055
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 2	MURPHY OIL USA INC	PO BOX 7300	EL DORADO, AR	71731-7300
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 3R1A	WELLS FARGO BANK NA	1717 MAIN ST STE 900	DALLAS, TX	75201-4687
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 3R1B	WELLS FARGO BANK NA	1717 MAIN ST STE 900	DALLAS, TX	75201-4687
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 4R1	P D MATLOCK CENTER LLC	5700 LEGACY DR STE 10	PLANO, TX	75024-7133
WAL-MART NEIGHBORHOOD MKT ADDN	BLK 1 LOT 5	BANK OF AMERICA TEXAS NA	401 N TYRON ST	CHARLOTTE, NC	28255-0001
WEATHERFORD ADDITION	BLK 1 LOT 1	JPMORGAN CHASE BANK	575 WASHINGTON BLVD FL 4TH	JERSEY CITY, NJ	07310-1616

EXHIBIT A

LEGAL LAND DESCRIPTION:

BEING 10.114 acres (440,548 square feet) of land in the James Grimsley Survey, Abstract No. 578, City of Mansfield, Tarrant County, Texas; said 10.114 acres (440,548 square feet) of land being a portion of that certain tract of land described in a Warranty Deed to Weatherford Holland Management, L.L.C., Morreta Ann Weatherford and James A. Weatherford, Managers, as recorded in Instrument No. D204209786, Deed Records, Tarrant County, Texas (D.R.T.C.T.) and being a portion of that certain tract of land described in a Warranty Deed to Morreta Ann Holland Weatherford (both references hereinafter referred to as Weatherford Holland tract), as recorded in Instrument No. D204209784, D.R.T.C.T.; said 7.560 acres (329,333 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Northerly corner of that certain tract of land described as Lot 1, Block 1, Weatherford Addition, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 10775, Plat Records, Tarrant County, Texas, same being the common line between the remaining portion of said Weatherford Holland tract and the existing Southeasterly right-of-way line of Debbie Lane (variable width right-of-way), as recorded in Instrument No. D202236726, D.R.T.C.T.;

THENCE North 59 degrees 17 minutes 13 seconds East with the common line between the remaining portion of said Weatherford Holland tract and the existing Southeasterly right-of-way line of said Debbie Lane, a distance of 408.51 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set;

THENCE South 30 degrees 42 minutes 47 seconds East departing the existing Southeasterly right-of-way line of said Debbie Lane and crossing said Weatherford Holland tract, a distance of 115.23 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the left whose long chord bears South 51 degrees 18 minutes 07 seconds East, a distance of 92.84 feet;

THENCE Southeasterly continue crossing said Weatherford Holland tract and with said curve to the left having a radius of 132.00 feet, through a central angle of 41 degrees 10 minutes 41 seconds, for an arc distance of 94.87 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the right whose long chord bears South 51 degrees 22 minutes 48 seconds East, a distance of 117.73 feet;

THENCE Southeasterly continue crossing said Weatherford Holland tract and with said curve to the right having a radius of 168.00 feet, through a central angle of 41 degrees 01 minute 19 seconds, for an arc distance of 120.28 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set;

THENCE South 30 degrees 52 minutes 08 seconds East continue crossing said Weatherford Holland tract, a distance of 225.11 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the right whose long chord bears South 14 degrees 07 minutes 52 seconds West, a distance of 237.59 feet;

THENCE Southerly continue crossing said Weatherford Holland tract with said curve to the right having a radius of 168.00 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 263.89 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set;

THENCE South 59 degrees 07 minutes 52 seconds West continue crossing said Weatherford Holland tract, a distance of 574.33 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set in the existing Northeasterly right-of-way line of Matlock Road (variable width right-of-way), as recorded in Instrument No. D199035014, D.R.T.C.T.;

THENCE with the common line between the existing Northeasterly right-of-way line of said Matlock Road and the remaining portion of said Weatherford Holland tract for the following 4 courses:

1. North 30 degrees 08 minutes 57 seconds West, a distance of 367.47 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the right whose long chord bears North 23 degrees 18 minutes 24 seconds West, a distance of 47.26 feet;
2. Northwesterly with said curve to the right having a radius of 198.33 feet, through a central angle of 13 degrees 41 minutes 06 seconds, for an arc distance of 47.37 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the left whose long chord bears North 23 degrees 18 minutes 24 seconds West, a distance of 53.45 feet;
3. Northwesterly with said curve to the left having a radius of 224.33 feet, through a central angle of 13 degrees 41 minutes 06 seconds, an arc distance of 53.58 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set;
4. North 30 degrees 08 minutes 57 seconds West, a distance of 7.48 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southerly corner of the aforesaid Lot 1;

THENCE North 59 degrees 17 minutes 13 seconds East with the common line between said Lot 1 and the remaining portion of said Weatherford Holland tract, a distance of 239.58 feet to a one-half inch iron rod found for the Easterly corner of said Lot 1;

THENCE North 30 degrees 08 minutes 57 seconds West continue with the common line between said Lot 1 and the remaining portion of said Weatherford Holland tract, a distance of 232.64 feet to the PLACE OF BEGINNING, and containing a calculated area of 10.114 acres (440,548 square feet) of land.



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0817

Agenda Date: 3/17/2014

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Approving Historic Landmark Overlay District Classification for Properties Located at 107 N. Main Street, 124 N. Main Street and 128 N. Main Street; City of Mansfield (ZC#14-002)

Requested Action

To consider the subject zoning change request.

Recommendation

The Historic Landmark Commission held a public hearing on January 29, 2014, and voted 7 to 0 to recommend approval

The Planning and Zoning Commission held a public hearing on February 3, 2014, and voted by 7 to 0 to recommend approval.

Description/History

The properties are currently zoned C-4. While the addition of the Overlay District will not change the current zoning, it will help preserve the historic character of these buildings, and ensure that future changes are done in a manner consistent with the City's historic preservation guidelines.

The three buildings - McKnight Building, 107 N. Main (c. 1900); Nugent Building, 124 N. Main (c. 1900); and Huitt Café and Meat Market Building, 128 N. Main (c. 1895) - are worthy of preservation due to the following:

1. These buildings are located on the historic block of Main Street and are representative of buildings of their era.
2. These buildings are associated with persons who contributed to the development of Mansfield.
3. The overall building architecture still retains historic value despite alterations.

Prepared By

Felix Wong, Director of Planning
817-276-4228

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO GRANT A HISTORIC LANDMARK OVERLAY DISTRICT CLASSIFICATION FOR THE HEREINAFTER DESCRIBED PROPERTIES; 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 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 properties a Historic Landmark Overlay District Classification:

- Lot 3B, Block 1, Original Town of Mansfield Addition located at 128 North Main Street
- Lot 4B, Block 1, Original Town of Mansfield Addition located at 124 North Main Street
- Lot 8B, Block 2, Original Town of Mansfield Addition located at 107 North Main Street

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



HLC#14-001
ZC# 14-002

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

01/14/2014



HLC#14-001
ZC# 14-002

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

01/14/2014

HISTORIC BACKGROUND

The historic backgrounds for these properties are described in the Tarrant County Historic Resources Survey and the records of the Mansfield Historic Society as follows:

107 N. Main Street – McKnight Building (c. 1900):

“This small brick commercial building displays brick corbelling at the cornice and cast-iron columns framing the storefront. It was built about 1900. The earliest known occupant was J.H. Page Dry Goods Store. Restaurants have been in the building since at least the 1930’s. It is a contributor to a potential commercial historic district on Main Street.”

124 N. Main Street – Nugent Building (c. 1900):

“This small brick commercial building was built for Joseph Nugent...possibly for his own office use. Purchased by C.A. Smith and Sons in the early 1900’s, the building remained in the Smith estate until 1968. The building is best remembered as the Curry Bros. Grocery, which operated here from c. 1908 to 1925. Since 1925, it has been rented to a variety of businesses. The building exhibits patterned and corbelled brickwork. The Nugent Building is a contributor to the potential Main Street Historic District.”

128 N. Main Street – Huitt Café and Meat Market Building (c. 1895):

The building was constructed c. 1895. “The Huitt Café and Meat Market was located in the building. John H. Strahan was the owner of the butcher shop. John Huitt worked for John Strahan and learned the trade. Mr. Strahan was noted for his chili recipe. Will Ferris had a butcher shop in the building prior to Strahan. Tom Beard ran an auto salvage store in 1941-1942. In 1943, Nettles Café and Pool Hall moved into the building. Paul Wagner opened Wagner Floors in January 1985. They stayed there for about a year before moving. Mansfield Variety Store was also in the building. The Security Corner opened for business in the building in 1978. The current occupant is J. Matthew Crocker, CPA.”

107 N. Main Street – McKnight Building



124 N. Main Street – Nugent Building



128 N. Main Street – Huitt Café and Meat Market



Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 2 LOT 1A	PETROSERV INC	5604 WEBSTER ST	HALTOM CITY, TX	76117-3346
MANSFIELD, CITY OF	BLK 1 LOT 1	SWAIM, RICHARD E	435 FM 2258	VENUS, TX	76084-4728
MANSFIELD, CITY OF	BLK 1 LOT 2R	MCCLENDON, JIMMY R ETUX MARY E	27 FOREST DR	MANSFIELD, TX	76063-6615
MANSFIELD, CITY OF	BLK 1 LOT 3B	128 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4A	SMITH, ROBERT A	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4A	SMITH, ROBERT A	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 4B	124 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LOT 5C	PIRATE COFFEE PROP-TX LLC	PO BOX 373	DEPOE BAY, OR	97341-0373
MANSFIELD, CITY OF	BLK 1 LOT 7B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 1 LOT 8A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 1 LOT 9B	MANSFIELD HISTORICAL SOCIETY	PO BOX 304	MANSFIELD, TX	76063-0304
MANSFIELD, CITY OF	BLK 2 LOT 2A	SMITH, ROBERT A ETUX ANN B	126 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 6B	JORDAN, DEBORAH	515 NORTHMEADOW DR	ARLINGTON, TX	76011-2230
MANSFIELD, CITY OF	BLK 2 LOT 8B	107 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 9A	MARTIN, JOE R JR	PO BOX 91588	ARLINGTON, TX	76015-0088
MANSFIELD, CITY OF	BLK 2 LOT 9B	ERNST REALTY INVESTMENTS LLC	101 N MAIN ST STE 101	MANSFIELD, TX	76063-7712
MANSFIELD, CITY OF	BLK 2 LOTS 7B & 8A	MORALES, CHARLES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 3 LOT 4	GEYER, GLORIA	108 W BROAD ST	MANSFIELD, TX	76063-1659
MANSFIELD, CITY OF	BLK 3 LOT 5A	GEYER PROPERTIES	PO BOX 2181	MANSFIELD, TX	76063-0039

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 5 LOT 2R	MELLOW MUSHROOM THREE PEAT INC	1527 INVERNESS RD	MANSFIELD, TX	76063-2962
MANSFIELD, CITY OF	BLK 64 LOT 2R	MARTINEZ FAMILY LTD	116 SMITH ST	MANSFIELD, TX	76063-7717
MANSFIELD, CITY OF	BLK 64 LOT 3R	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 12 LOT 4R	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 23 LOT 7	STEWART, JIMMIE	1005 SPRINGFIELD ST	MANSFIELD, TX	76063-2555
MANSFIELD, CITY OF	BLK 64 LOT 1	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805
MANSFIELD, CITY OF	BLK 1 LTS 5A & 5B	WELCH, BRIAN C ETUX KIMBERLY	916 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
MANSFIELD, CITY OF	BLK 1 LTS 5A & 5B	WELCH, BRIAN C ETUX KIMBERLY	916 FAIRWAY VIEW DR	MANSFIELD, TX	76063-3469
MANSFIELD, CITY OF	BLK 1 LTS 6 7A & 5D	MANSFIELD CHAMBER OF COMMERCE	114 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LTS 6 7A & 5D	MANSFIELD CHAMBER OF COMMERCE	114 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 1 LTS 8B & 9A	AUSTIN, JNO R	1503 TULIP DR	ARLINGTON, TX	76013-5036
MANSFIELD, CITY OF	BLK 1 LTS 8B & 9A	AUSTIN, JNO R	1503 TULIP DR	ARLINGTON, TX	76013-5036
MANSFIELD, CITY OF	BLK 12 LTS 11 & 12A	C & C BUINESSS PROPERTIES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 12 LTS 11 & 12A	C & C BUINESSS PROPERTIES	5880 NEWT PATTERSON RD	MANSFIELD, TX	76063-6152
MANSFIELD, CITY OF	BLK 12 LTS 5 & 7A	SHAFFER, ANNA Y	107 E BROAD ST	MANSFIELD, TX	76063-1774
MANSFIELD, CITY OF	BLK 12 LTS 7B & 8	ERNST REALTY INVESTMENT LLC	7 GLEN ABBEY CT	MANSFIELD, TX	76063-3851
MANSFIELD, CITY OF	BLK 12 LTS 7B & 8	ERNST REALTY INVESTMENT LLC	7 GLEN ABBEY CT	MANSFIELD, TX	76063-3851
MANSFIELD, CITY OF	BLK 12 LTS 9A & 10	KING, WESLEY C ETUX LINDA	PO BOX 1462	MANSFIELD, TX	76063-1462
MANSFIELD, CITY OF	BLK 12 LTS 9A & 10	KING, WESLEY C ETUX LINDA	PO BOX 1462	MANSFIELD, TX	76063-1462

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 12 LTS 9B & 12B	KING, CORDELL EST	305 W OAK ST APT A	MANSFIELD, TX	76063-1646
MANSFIELD, CITY OF	BLK 12 LTS 9B & 12B	KING, CORDELL EST	305 W OAK ST APT A	MANSFIELD, TX	76063-1646
MANSFIELD, CITY OF	BLK 2 LOT 1B	DANG, LOI UNG ETUX LIEU THI LE	121 FORT EDWARD DR	ARLINGTON, TX	76002-4493
MANSFIELD, CITY OF	BLK 2 LOT 3B	PATTERSON, ROY ETUX BERTA	860 CARDINAL RD	MANSFIELD, TX	76063-6300
MANSFIELD, CITY OF	BLK 2 LOT 4A	119 N MAIN ST LLC	128 N MAIN ST	MANSFIELD, TX	76063-1724
MANSFIELD, CITY OF	BLK 2 LOT 4B & 5A	ARB FAMILY L P	14 RED BLUFF CT	MANSFIELD, TX	76063-7704
MANSFIELD, CITY OF	BLK 2 LOT 4B & 5A	ARB FAMILY L P	14 RED BLUFF CT	MANSFIELD, TX	76063-7704
MANSFIELD, CITY OF	BLK 2 LOT 7A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 2 LOT 7A	PATTERSON, JOHN E ETUX CANDY L	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 2 LOTS 2B & 3A	RAMIREZ, MAURO Y	812 DORAL DR	MANSFIELD, TX	76063-2600
MANSFIELD, CITY OF	BLK 2 LOTS 2B & 3A	RAMIREZ, MAURO Y	812 DORAL DR	MANSFIELD, TX	76063-2600
MANSFIELD, CITY OF	BLK 2 LOTS 5B & 6A	DORSEY, TROY G ETUX LESLIE M	115 N MAIN ST	MANSFIELD, TX	76063-1723
MANSFIELD, CITY OF	BLK 2 LOTS 5B & 6A	DORSEY, TROY G ETUX LESLIE M	115 N MAIN ST	MANSFIELD, TX	76063-1723
MANSFIELD, CITY OF	BLK 23 LOTS 5A & 6A	KIRBY CONSOLIDATED LLC	300 W RANDOL MILL RD	ARLINGTON, TX	76011-5734
MANSFIELD, CITY OF	BLK 23 LOTS 5A & 6A	KIRBY CONSOLIDATED LLC	300 W RANDOL MILL RD	ARLINGTON, TX	76011-5734
MANSFIELD, CITY OF	BLK 23 LOTS 5B & 6B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 23 LOTS 5B & 6B	PATTERSON, JOHN E ETUX CANDY	790 NEWT PATTERSON RD	MANSFIELD, TX	76063-6326
MANSFIELD, CITY OF	BLK 3 LOTS 7C 8 9 10 11 &	OPEN RANGE PROPERTIES	105 E OAK ST STE 202	MANSFIELD, TX	76063-7713
MANSFIELD, CITY OF	BLK 3 LTS 5B & 6A	LOMA, MARIA D & F MAGUELLAL	102 N 1ST AVE	MANSFIELD, TX	76063-1602

Property Owner Notification for HLC# 14-001 and ZC# 14-002

LEGAL DESC 1	LEGAL DESC 2	OWNER NAME	OWNER ADDRESS	CITY	ZIP
MANSFIELD, CITY OF	BLK 3 LTS 5B & 6A	LOMA, MARIA D & F MAGUELLAL	102 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 6A1 & 7B	CRUZ, MIGUEL ANGEL	104 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 6A1 & 7B	CRUZ, MIGUEL ANGEL	104 N 1ST AVE	MANSFIELD, TX	76063-1602
MANSFIELD, CITY OF	BLK 3 LTS 7A1 6B & 7A2	MANSFIELD, CITY OF	1200 E BROAD ST	MANSFIELD, TX	76063-1805



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0818

Agenda Date: 3/17/2014

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing Continuation and Second Reading on an Ordinance Approving Amendment of Section 7100.C and 7100.D of the Zoning Ordinance Pertaining to Regulations on Window Sign and Message Center (OA#14-001)

Requested Action

To consider the subject zoning change request.

Recommendation

The Planning and Zoning Commission held a public hearing on February 3, 2014, and voted 7 to 0 to recommend approval.

Description/History

Second Reading - The following changes have been made since first reading:

- Exempt churches, schools and government entities from the message center criteria. These non-profit organizations tend to use more scrolling messages to convey worship or event schedules. Most businesses that use this type of signs tend to change the entire image.
- Prohibit electronic message signage to be used as wall signs. Electronic message boards are used primarily on monument signs. They could be quite distracting or ignoring to other customers or tenants if used by an individual tenant of a retail strip center.

Staff recommends staying with the time limit shown in the original proposal. A 20 second minimum display time period would create less distraction to drivers and allow a full message or image to be easily read.

First Reading - During the last quarter, the Council Code Enforcement Sub-Committee reviewed regulations on window signs. The input from businesses and other cities indicated that the current regulations represent an industry standard (maximum signage at 25% of the total window area). One area of improvement is to minimize the signs on doors. The Sub-Committee then directed staff to amend the regulations to exclude signage on glass doors, except for the business name, hours of operation, and the method of payment. Currently, the sign regulations do not address message centers in great detail. Staff has been receiving complaints about these types of signs specifically related to the speed at which the copy changes. After consulting with Baker Signs, who manages the City's kiosk sign program, staff is proposing an amendment to restrict the speed by which copy can change and to increase the amount of time copy must remain still. The end result is that businesses will be able to display their messages, while not create a distraction.

Prepared By

Felix Wong, Director of Planning
817-276-4228

ORDINANCE NO. _____

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 7100C AND 7100D OF THE SIGN STANDARDS OF THE ZONING ORDINANCE PERTAINING TO WINDOW SIGN AND MESSAGE CENTER; 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 of the City of Mansfield, Texas (hereinafter “the Zoning Ordinance”), have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1.

That Section 7100.C.2 of the Zoning Ordinance, “Definitions,” is hereby amended by revising Paragraph j to read as follows:

“j. Message Center: A sign which provides public service information, and similar public interest information an/or related advertising for a general business located in the same premise where the sign is located through electronically controlled intermittent light impulses. A message center shall consist of letters, words or numerals, and images which can either change sequentially or travel across the display area. The transition time for content changes shall not exceed one (1) second. Letters, words, numerals and images shall not be animated, flash or scroll. The minimum static display time is 20 seconds. Schools, churches, and government entities shall be exempt from these provisions. No character shall exceed 42” in height and no lamp shall exceed 50 watts.”

SECTION 2.

That Section 7100.D of the Zoning Ordinance is hereby amended by revising Message Center/ReaderBoard Sign Criteria on Table 1, “Schedule of Sign Standards,” to read as follows:

TYPE OF SIGN	ZONING DISTRICT WHERE PERMITTED *	SIGN CLASSIFICATION PERMITTED		ADDITIONAL REGULATIONS
MESSAGE CENTER/READER BOARD SIGN	C-2, C-3, I-1, I-2	M, W	LIMITED TO 50% OF THE SIGN AREA	SEE NOTES (8) (9) (10) & (11)

LEGEND:

M – MONUMENT SIGN

W – WALL SIGN

SECTION 3.

That Section 7100.D of the Zoning Ordinance is hereby amended by revising Note 12 on Table 1, “Schedule of Sign Standards,” to read as follows:

“(12) The total sign area of window sign(s) shall not obscure more than twenty-five (25) percent of the total window area on each façade. Doors shall not contain signage for any message other than business name, hours of operation and payment method, and such signage shall not exceed four (4) square feet in total area.”

SECTION 4.

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 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 Zoning Ordinance as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine

not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0848

Agenda Date: 3/17/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Review and Consideration of a Detailed Site Plan for Lots 1-8 of The Village off Broadway
Planned Development located at the southwest corner of E. Broad Street and Cannon Drive
South (DS#13-003)

Requested Action

To consider the subject site plan

Recommendation

Staff recommends approval

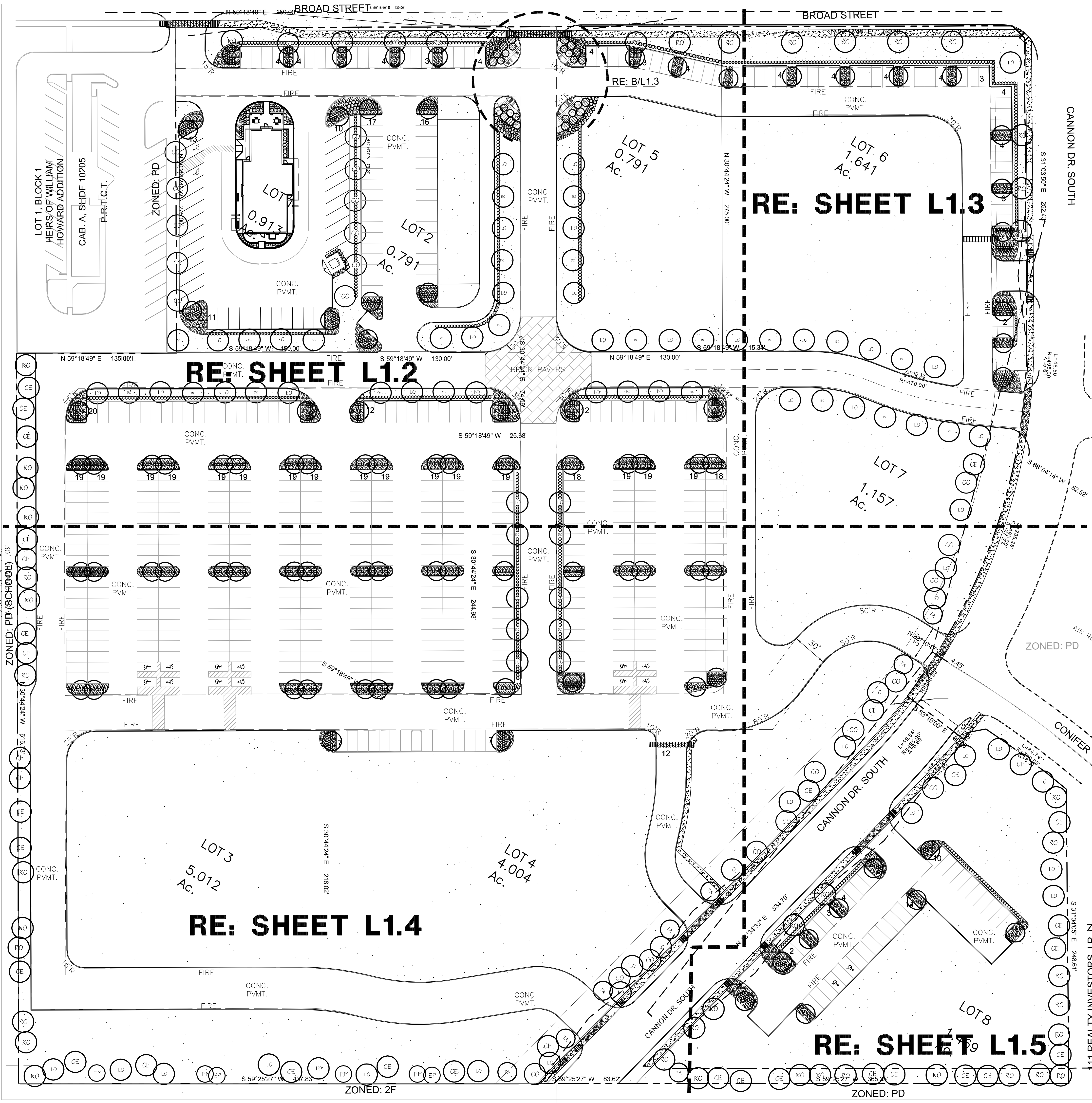
Description/History

Last October, City Council changed the zoning of this property from the Neighborhood Center
Two Subdistrict of The Reserve to the Neighborhood Center One Subdistrict (same zoning as
the Kroger shopping center). At the time, the property owners did not have a site plan, so
they agreed to return for site plan approval.

The proposed site plan (attached) is in compliance with the approved zoning. The future
development will be compatible with other retail/service uses along this segment of East Broad
Street. The end-user of each lot will submit architectural plans of future buildings for approval.

Prepared By

Felix Wong, Director of Planning
817-276-4228



PLANT LIST

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
LO	56	LIVE OAK	Quercus virginiana	Minimum 3.5" caliper; minimum 12" ht. and 5' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
CE	34	CEDAR ELM	Ulmus crassifolia	Minimum 3.5" caliper; minimum 12" ht. and 5' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
TA	100	TEXAS ASH	Fraxinus texensis	Minimum 5" caliper; minimum 15' ht. and 6' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
RO	47	SHUMARD RED OAK	Quercus shumardii	Minimum 5" caliper; minimum 15' ht. and 7' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
CO	23	CHINGQUIPIN OAK	Quercus muhlenbergii	Minimum 3.5" caliper; minimum 12" ht. and 5' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
BC	26	BALD CYPRESS	Taxodium distichum	Minimum 3.5" caliper; minimum 12" ht. and 5' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
EN	16	EVE'S NECKLACE	Sophora affinis	Minimum 8' height and 3' spread.	Nursery-grown B4B, containerized or container-grown; full head; MATCHED
PH	12	POSSUMHAW	Ilex decidua	Minimum 8' height and 3' spread.	Multi-trunked; MATCHED
BHJ	440	BAR HARBOUR JUNIPER	Juniperus horizontalis "Bar Harbour"	3 gallon (minimum 5" ht. x 15" spread)	Full; plant 24" o.c.
GH	508	CARISSA HOLLY	Ilex cornuta "Carissa"	3 gal.; min. 12" ht. and 12" spread.	Full; plant 24" o.c.
RY	10	RED YUCCA	Hesperaloe parviflora	3 gallon; minimum 12" ht. and 12" spread.	Full; specimen quality
DYM	811	DYKAR MAX MYRTLE	Myrica Paullia	5 gallon; minimum 18" ht. and 16" spread.	Full; plant 36" o.c.
SS	15	SILVERADO SAGE	Leucophyllum candidum "Silverado"	5 gallon; minimum 18" ht. and 16" spread.	Full; Plant 36" o.c.
SY	80	SOFT YUCCA	Yucca gloriosa	3 gallon (minimum 18" ht. x 15" spread)	Full; plant 36" o.c.
MBS	20	MEXICAN SAGE	Salvia leucantha	1 gallon	Plant 24" o.c.
AS	112	WHITE AUTUMN SAGE	Salvia greggii "Navajo White"	1 gallon	Full; plant 24" o.c.
NLS	147	KEEPINS LOVE GRASS	Eragrostis curvula	1 gallon	Full; plant 18" o.c.
GM	240	GULF MUHLY	Muhlenbergia filipes	1 gallon	Full; plant 18" o.c.
TFG	342	MEXICAN FEATHERGRASS	Stipa tenuissima	1 gallon	Full; Plant 18" o.c.

LANDSCAPE MAINTENANCE
The property owner, tenant or agent shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities as are common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size.

IRRIGATION
The Contractor shall design a turn-key landscape irrigation system and installation based on the following criteria:
A. Contractor shall design the system in accordance with industry accepted practice and the recommendations of the manufacturer of the equipment provided. The system design shall be completed and stamped by a Texas Licensed Irrigator.
B. All landscaped areas as shown on the plans to be watered by the system.
C. Design pressure shall be based on 60 minimum psi static pressure and 25 minimum psi residual pressure at 550 minimum gpm at the water meter. The irrigation system shall be on a separate water meter.
D. System shall be automatic with controller(s) and remote controlled valves.
E. The sprinkler system shall be designed utilizing pipe sizes, valves, heads, and zone operation time schedules, to assure an economical and operational system with complete and even coverage. Lawn area systems shall be primarily of the spray head type except that pop-up rotary heads may be used in large open turf areas. Rotary heads shall not be used in areas less than 200 feet wide.
F. Acceptable equipment manufacturers are Toro, Rainbird, Hunter, Hanley, or Weathermatic.

- GENERAL NOTES:
- Quantities shown on Plant List are Landscape Architect's estimate only and should be verified prior to bidding. Contractor shall be responsible for bidding and providing quantity of plants required of spacing designated for lot sizes and configurations shown on plans regardless of quantities designated on Plant List.
 - Contractor shall notify Landscape Architect of any discrepancies, ambiguity, or unlabeled plants on plans prior to bid submission. If discrepancy, ambiguity, or unlabeled plant is not clarified by Landscape Architect prior to bid submission, Contractor shall note such item on bid.
 - Contractor shall provide representative samples (minimum 3 each variety) of shrub and groundcover stock for Landscape Architect's and/or Owner's approval prior to major shipment of materials to site.
 - Landscape Architect and/or Owner shall individually approve and tag trees in the field or nursery prior to shipment to site. If this is not possible, Contractor shall provide good quality photographs with reference dimension (4'-14'-14" size release fertilizer (Compost) at a rate of 5 lbs./100 square feet.
 - Gross areas to be either hydromulch Bermuda or perennial Ryegrass, depending on date of planting. Bermudagrass hydromulch shall not be applied prior to May 15 nor after August 15 nor at any time the soil temperature is less than 70°F. If grazing is to occur after August 15 and before May 15, Contractor shall include perennial Ryegrass on base bid with an alternate prior to return the following Spring (after May 15) to scap Ryegrass and re-hydromulch with Bermuda, guaranteeing a full stand of grass.
 - Shrub beds to be excavated to a depth of 4". Add 4" "Compost" as produced by Living Earth Technology (phone: 214/988-4332) or approved equal. Fill to a minimum depth of 8". Shrub beds to receive 14-14-14 slow release fertilizer (Compost) at a rate of 5 lbs./100 square feet.
 - Tree holes to be excavated 2' greater than ball diameter and 8" deeper. Backfill with 2/3 existing soil and 1/3 "Compost" (or approved equal) as noted under 6. above, thoroughly blended by mechanical means.
 - Trees to be guyed with metal "T" posts (minimum 6' length) used for fencing, painted green. Minimum two per tree in north/south axis. Guy with pliable, galvanized 14 gauge wire with 1/2" new rubber hose (black) around tree trunk.
 - Mulch/lodges to be minimum 2" layer shredded pine bark, spread uniformly.
 - Bed edging to be 1/8"x4" Ryerson "Estato" edging as manufactured by Joseph Ryerson Co., Inc. (phone: 713/675-6111).

LANDSCAPE REQUIREMENTS

BUFFERYARDS/ SETBACKS -LOTS 1-7

PERIMETER	REQUIRED	PROVIDED
North (Broad Street) = 717 l.f.	BY10- 10' wide BY and a double row of 5' cal. trees 36' o.c.	10' wide BY and a double row of 5' cal. trees 36' o.c.
East (Cannon Drive) = 1032 l.f.	BY10- 10' wide BY and a double row of 5' cal. trees 36' o.c.	10' wide BY and a double row of 5' cal. trees 36' o.c.
West = 617 l.f.	BY10- 10' wide BY and 1 Tree per 25 l.f. = 25 trees	10' wide BY and 25 New Trees
West (Existing Sonic) = 275 l.f.	BY10*- Shared 10' wide BY and 1 Tree per 25 l.f. (reduced by 50%)= 6 trees	10' wide shared BY and 6 New Trees
South = 438 l.f.	BY30- 30' wide BY and 1 Tree per 25 l.f. = 18 trees SWB- 8' Tall Masonry Screening Wall	30' wide BY and 18 New Trees 8' Tall Masonry Screening Wall

BUFFERYARDS/ SETBACKS -LOT 8

PERIMETER	REQUIRED	PROVIDED
West (Cannon Drive) = 418 l.f.	BY10- 10' wide BY and a double row of 5' cal. trees 36' o.c.	10' wide BY and a double row of 5' cal. trees 36' o.c.
North (Conifer Drive) = 93 l.f.	BY10- 10' wide BY and a double row of 5' cal. trees 36' o.c.	10' wide BY and a double row of 5' cal. trees 36' o.c.
West = 249 l.f.	BY10- 10' wide BY and 1 Tree per 25 l.f. = 10 trees	10' wide BY and 10 New Trees
South = 365 l.f.	BY10- 10' wide BY and 1 Tree per 25 l.f. = 15 trees	30' wide BY and 15 New Trees

INTERIOR LANDSCAPE

CATEGORY	REQUIRED	PROVIDED
TOTAL SITE AREA= 691,328 s.f.	691,328 x 10%= 69,133 s.f. of landscape area	100,182 s.f. (14.5%)

PARKING LOT LANDSCAPE

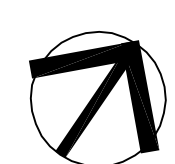
CATEGORY	REQUIRED	PROVIDED
TOTAL SPACES= 612		

CATEGORY	REQUIRED	PROVIDED
Parking Trees	612/10= 64 trees	93 Trees

-Parking Lot Screened from public ROW
-No more than 15 contiguous spaces without tree island
-End caps include tree

Note: This overall landscape shall be subject to revisions per platting requirements during the platting process of the individual lots

LANDSCAPE PLAN
SCALE: 1"=40'



02.27.14

STATE OF TEXAS
CHRISTOPHER A. RUSSELL
1892
LANDSCAPE ARCHITECT
No. Date

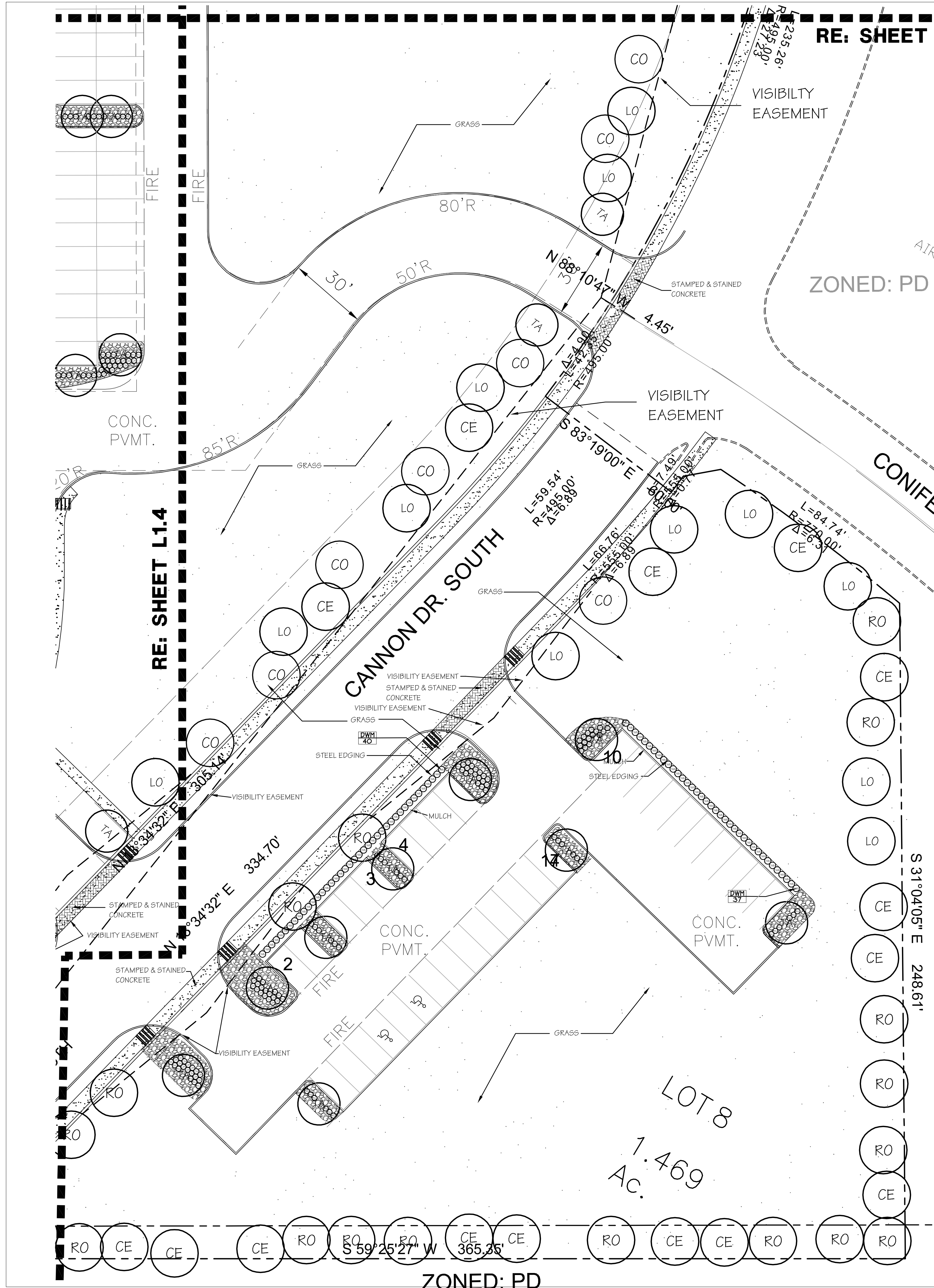
REVISIONS

THE VILLAGE OFF BROADWAY
MANDFIELD TEXAS

Christopher
RUSSELL
Landscape
Architecture
5925 La Vista Drive, Number 3
Dallas, Texas 75206
Phone: 214.695.7144
Fax: 214.826.8270

Sheet Title:
LANDSCAPE
PLAN

Proj. No.:
Date: 02.27.14
Drawn: CAR
Checked: CAR
Approved: CAR
sheet number
L1.1
of sheets



RE: SHEET L1.3

RE: SHEET L1.4

A LANDSCAPE PLAN
SCALE: 1"=20'

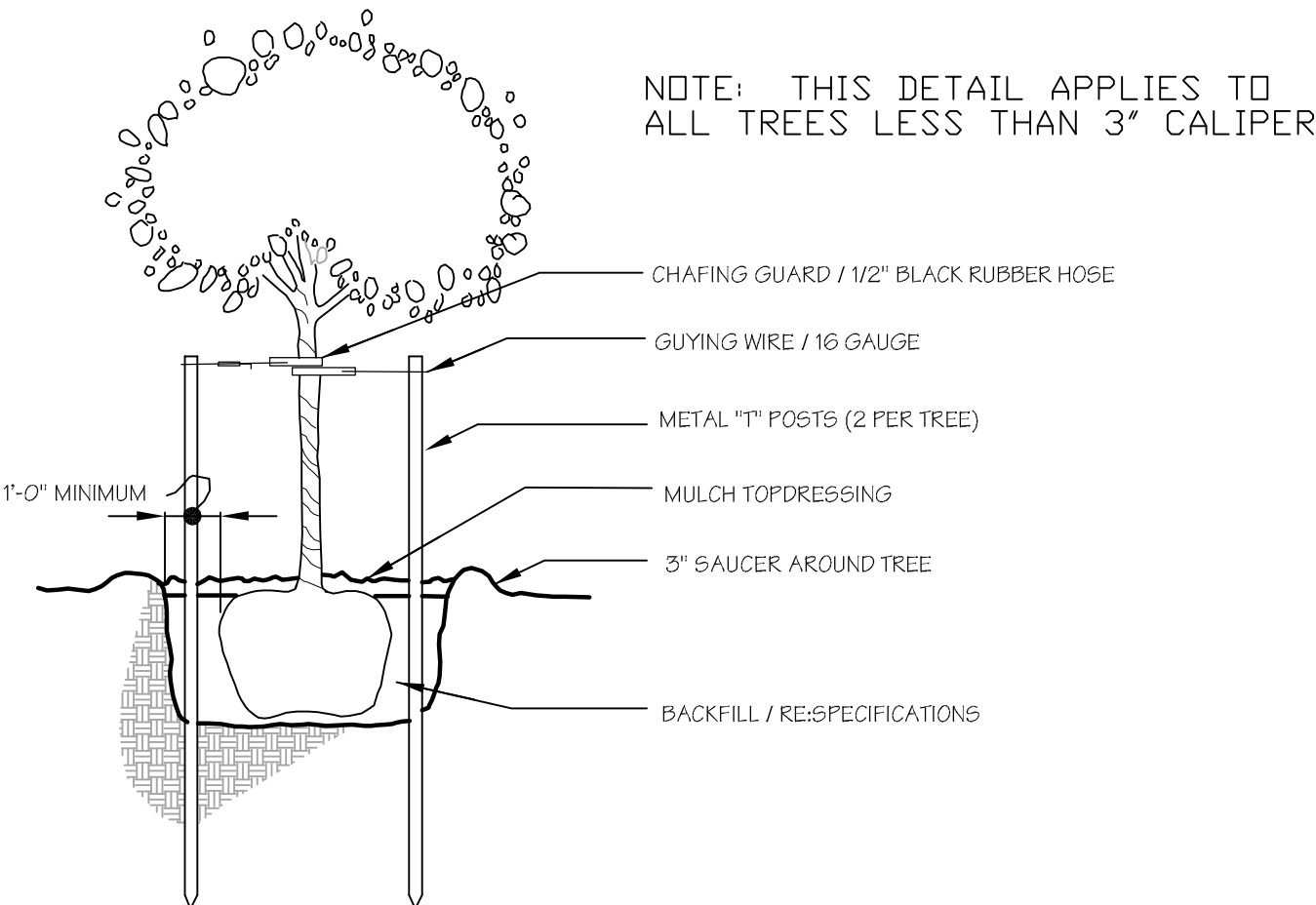
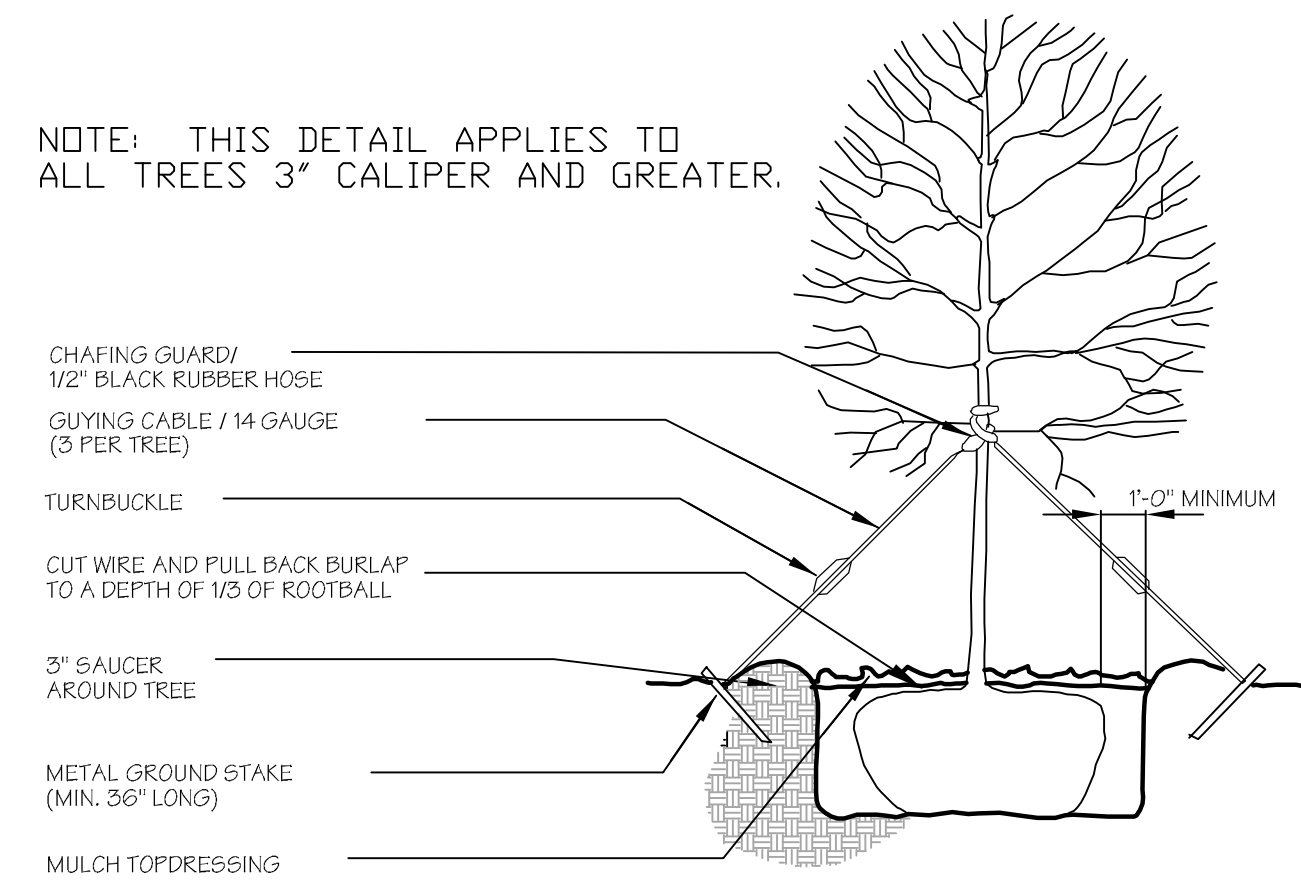
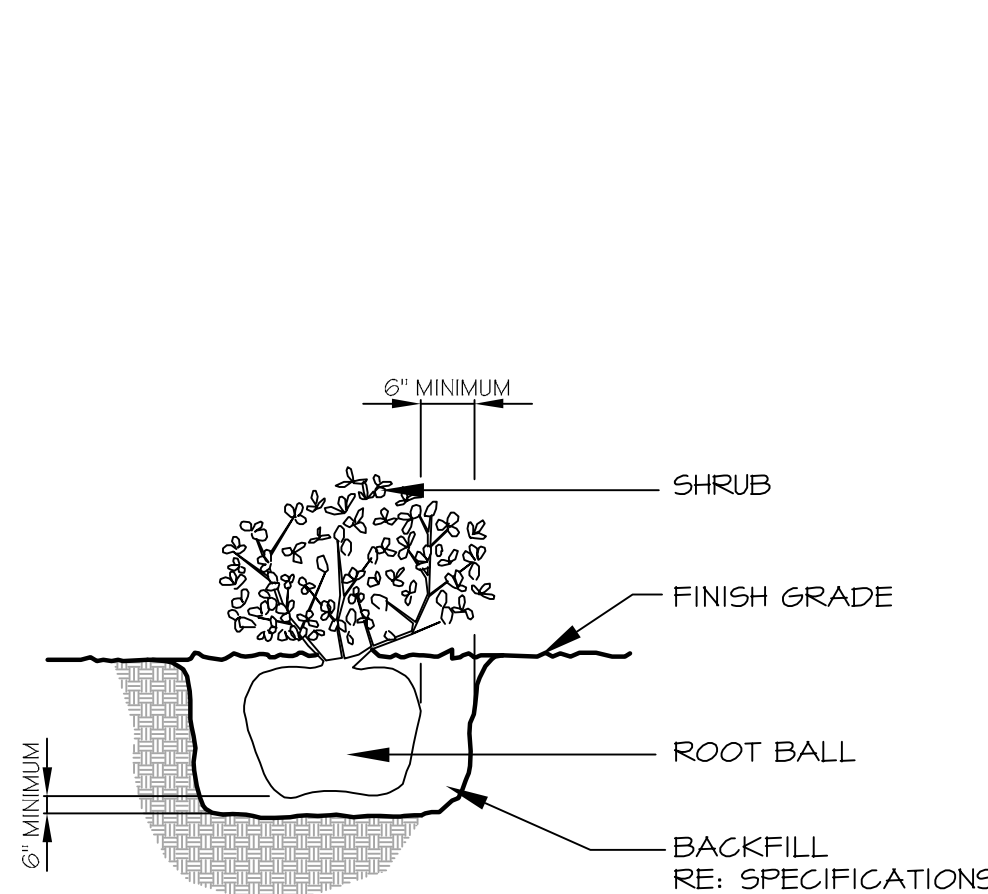
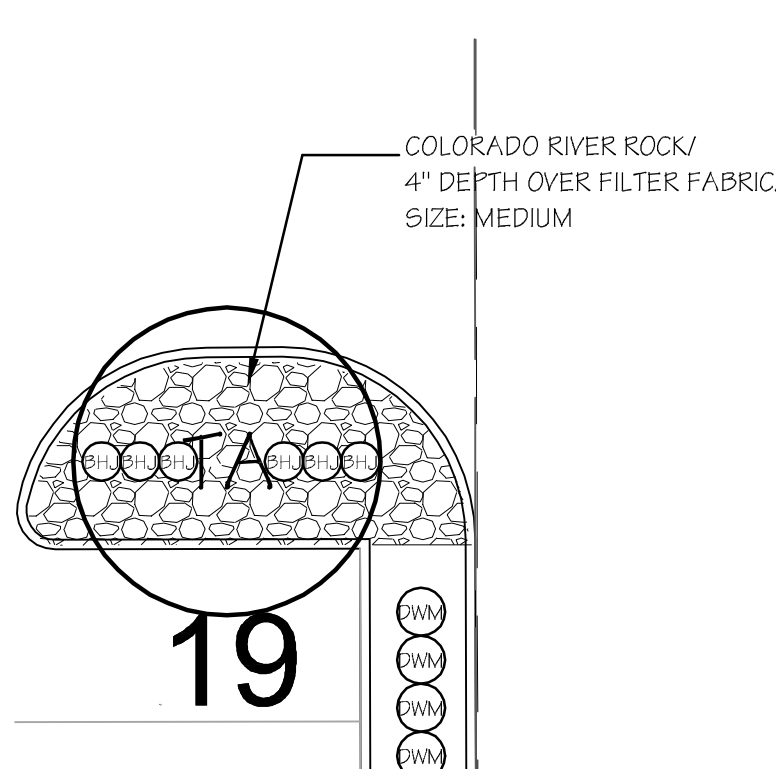
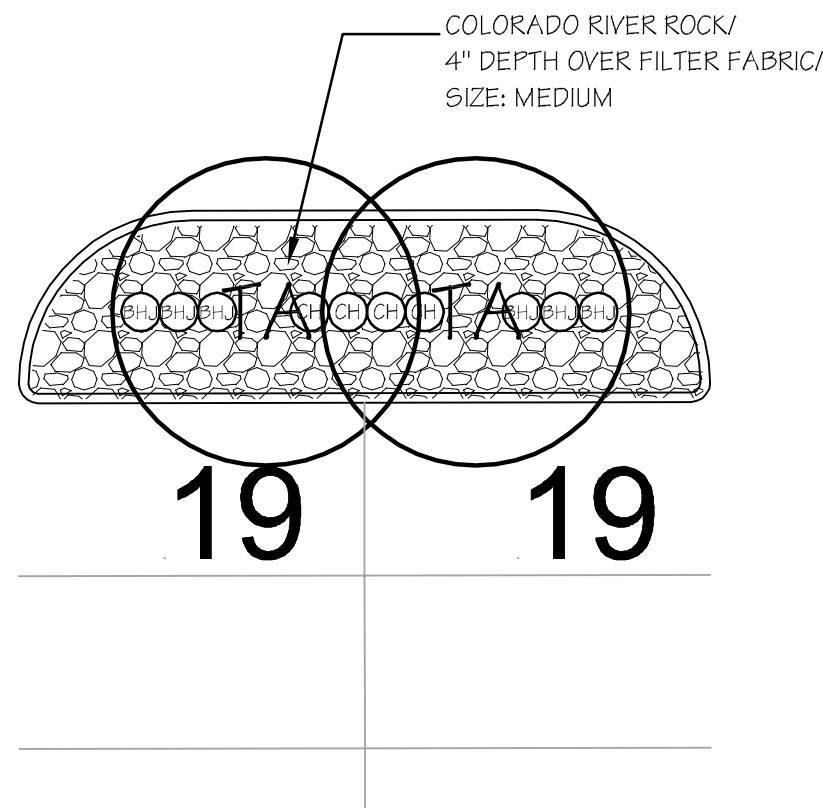
D SHRUB PLANTING DETAIL
SCALE: N.T.S.

B TYPICAL ISLAND DETAIL
SCALE: 1"=10'

E TREE GUYING DETAIL
SCALE: N.T.S.

C TYPICAL ISLAND DETAIL
SCALE: 1"=10'

F TREE STAKING DETAIL
SCALE: N.T.S.



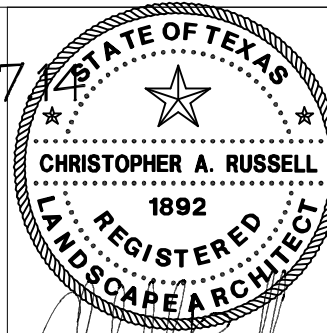
111 REALTY INVESTORS, LP
CC# D212101122
O.P.R.T.C.T.
ZONED: PD

ZONED: SP

S 31°04'05" E 248.61'

LOT 8
1.469
Ac.

02.27.14



THE VILLAGE OFF BROADWAY
MANDFIELD TEXAS

Christopher
RUSSELL
Landscape
Architecture

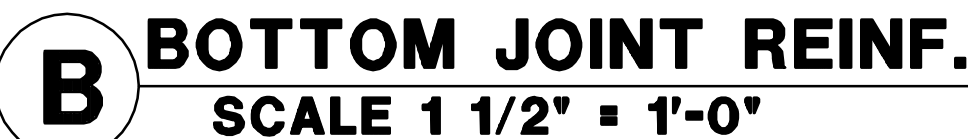
5925 La Vista Drive Number 3
Dallas Texas 75206
Phone: 214.695.7144
Fax: 214.826.8270

Sheet Title:
LANDSCAPE PLAN

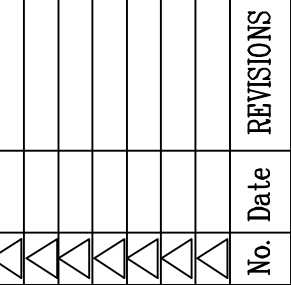
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Drawn: **CAR**
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Approved: **CAR**
sheet number
L1.5
of sheets



BRICK COLUMN AT TURN



BRICK COLOR TO BE SELECTED BY OWNER





CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0853

Agenda Date: 3/17/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Consideration Item

Agenda Number:

Title

Review and Consideration of a Detailed Site Plan for the Initial Phases of South Pointe on Approximately 139.6 Acres Generally Located South of Mathis Road, West of Hwy 360 and North of the Proposed Lone Star Parkway (DS#14-001)

Requested Action

To consider the subject site plan.

Recommendation

Staff recommends approval. The P&Z recommendations is pending on Thursday, March 13th.

Description/History

The South Pointe PD regulations require that the first detailed site plan be submitted for approval. After this initial phase, future detailed site plans can be approved by staff.

This site plan shows the residential development laid out in villages with three lot types in each village. It generally meets the PD regulations with the following minor modifications:

- "Each of the 3 single-family lot types as depicted in the Residential Product Summary table must be a minimum of 20% of the overall total single-family lots and no more than 60% of the total for the village." As shown in the table, the % of Sub Totals fall below 20% in some cases.
 - "Lot Type "C" lots are to be concentrated where the lots face open space areas." These are the 50' Cottage Lots shown in dark brown, and in the northwestern portion of Phase 2, not all the Cottage Lots front on the pocket park.
 - "Residential Cottage Products must have the garage accessed from an alley or mews. Street accessed garages are prohibited." There are no proposed alleys or mews.
- Staff recommends approval of the detailed site plan subject to City Council approving the minor modification noted above.

Prepared By

Felix Wong, Director of Planning
817-276-4228



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0857

Agenda Date: 3/17/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

Discussion Regarding Approval of 2013 Hotel/Motel Funding Request by Sunrise Rotary Club

Requested Action

Consider approving request.

Recommendation

Approve request.

Description/History

Hotel/Motel requests are required to be turned in within 45 days after the close of the budget year or event. The subject request is beyond that time period.

Justification

N/A

Funding Source

Hotel/Motel Funds

Prepared By

Craig Magnuson, In-House Legal Attorney
817-276-4707



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0858

Agenda Date: 3/17/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Resolution

Agenda Number:

Title

Resolution - A Resolution Approving a Development Agreement with Ruby 07 SPMTGE, LLC Authorizing the Expenditure of Tax Increment Funds for the Construction of Public Improvements Within the Tax Increment Reinvestment Zoned Number One for the Initial Phases of South Pointe on Approximately 139.6 Acres Generally Located South of Mathis Road, West of Hwy. 360 and North of the proposed Lone Star Parkway

Requested Action

Consider the subject resolution

Recommendation

The TIRZ Board of Directors recommended approval by a 4-0 vote. Councilmember Broseh and the representative for Ellis County were absent.

Description/History

The South Pointe property is currently owned by Ruby 07 SPMTGE, LLC. The developer will start Phases 1 and 2 of South Pointe subject to Council approving a \$5 million expenditure and a \$5 million reimbursement to the developer for the construction of proposed improvements. The developer will spend another \$1.5 million that will not be reimbursed, making the total estimated cost of proposed improvements at \$11.5 million. The developer is also responsible for the cost of internal subdivision improvements for Phases 1 and 2. The proposed improvements and associated costs are outlined in the financial terms (attached) that were reviewed by the TIRZ Board of Directors. The board also reviewed the attached Conceptual Site Design and Builders Vision.

The Development Agreement is still under review by the City Attorney and the developer's attorney and will be distributed to Councilmembers as soon as possible.

Funding Source

TIRZ Fund

Prepared By

Felix Wong, Director of Planning
817-276-4228

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS
APPROVING A DEVELOPMENT AGREEMENT WITH RUBY 07 SPMTGE, LLC FOR
PUBLIC IMPROVEMENTS FOR SOUTH POINTE WITHIN THE TAX INCREMENT
REINVESTMENT ZONE NUMBER ONE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, in accordance with the provisions of the Tax Increment Financing Act, V.T.C.A. Tax Code, Chapter 311 (the “Act”), on December 13, 2006, the Mansfield City Council approved Ordinance No. 1608, creating, establishing and designating “Tax Increment Reinvestment Zone Number One” (hereinafter called the “TIRZ No. 1”); and

WHEREAS, Ruby 07 SPMTGE, LLC (hereinafter called the “Developer”) has acquired certain real property situated within TIRZ No. 1 and intends to develop the property for use as a high quality development in accordance with the South Pointe Planned Development District Standards; and

WHEREAS, the Act authorizes the expenditure of funds derived within a reinvestment zone for the payment of expenditures and monetary obligations by a municipality consistent with the project plan of the reinvestment zone, which expenditures and monetary obligations constitute project costs, as defined in the Act; and

WHEREAS, on November 28, 2007, the Mansfield City Council approved Ordinance No. OR-1655-07 approving the Tax Increment Reinvestment Zone Project Plan (herein so called), and the Financing Plan (herein so called); and

WHEREAS, the Board of Directors for TIRZ No. 1 authorized the expenditure for the construction of public improvements in accordance with the approved Project Plan and Financing Plan, and reimbursement to the Developer from the Tax Increment Fund for the construction of the public improvements; and

WHEREAS, the public and private improvements constructed within the TIRZ No. 1 boundaries, as set forth in the Development Agreement (hereinafter the “Agreement”), are consistent with encouraging development of TIRZ No. 1 in accordance with the purposes for its creation and are in compliance with the ordinance creating the TIRZ No. 1 adopted by the City and all applicable laws; and

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

SECTION 1

That the Agreement with the Developer, is hereby approved, authorizing the construction of public improvements, as set forth in the Agreement, and reimbursement to the Developer from

the Tax Increment Fund for the construction of the public improvements under the conditions set forth in the Agreement; said Agreement is depicted in Exhibit One attached hereto and made a part hereof for all purposes.

SECTION 2

That the City Manager is hereby authorized to execute the aforementioned Agreement on behalf of the City of Mansfield, Texas.

SECTION 3

The resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mansfield, Texas on the _____ day of _____, 2014.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

SOUTH POINTE

"DFW's New Choice In Housing"

MANSFIELD TX



BUILDERS VISION

MARCH 5, 2014

EXTERIOR CHARACTER

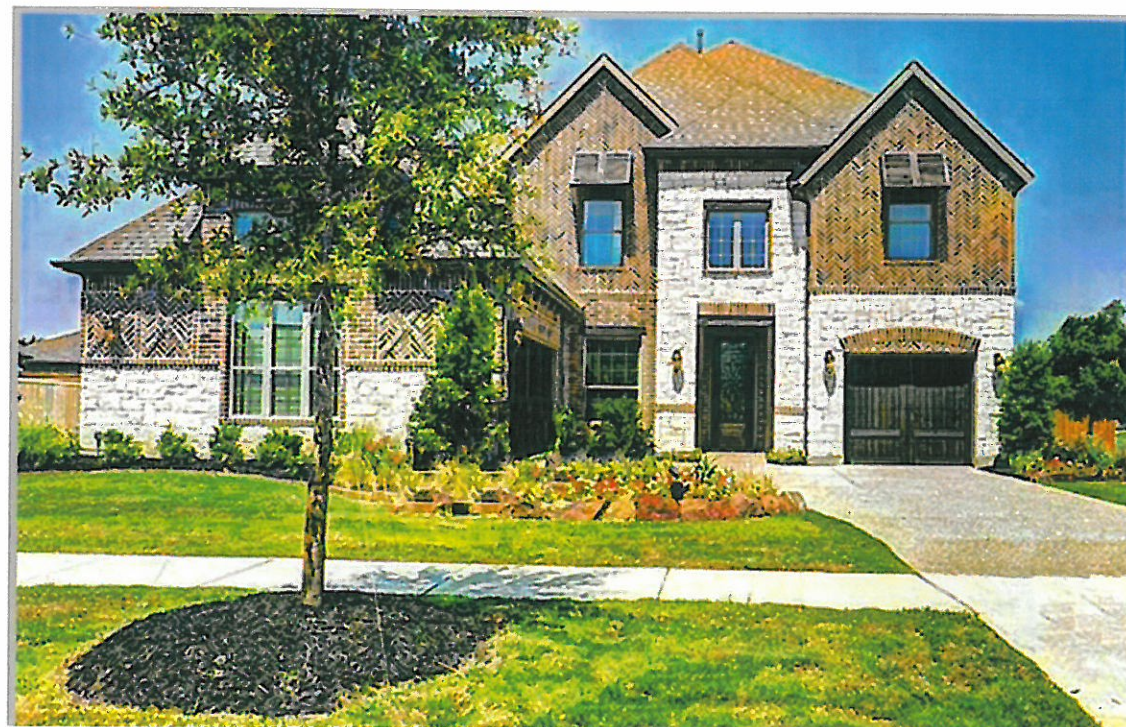


SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

EXTERIOR CHARACTER



SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

INTERIOR CHARACTER



SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

INTERIOR CHARACTER



SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

BUILDERS STORY



"American Legend Homes creates more than just innovative designs. We craft enduring relationships with our clients through personalized service and unparalleled customer satisfaction. The Dallas-based home builder has operations in the Dallas-Fort Worth metroplex including The Tribute, Frisco, Lantana, Lewisville and McKinney. Our award-winning, energy efficient and Green Built certified homes are being built throughout the DFW area"



SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

BUILDERS STORY

David Weekley Homes

"David Weekley Homes began in 1976 in Houston, Texas, and has grown to become the largest privately-held home builder in America. We're passionate about our customers, building exceptional homes, our fellow Team Members and the communities in which we live and work." Voted 2013 national builder of the year by professional builder magazine.



SOUTH POINTE

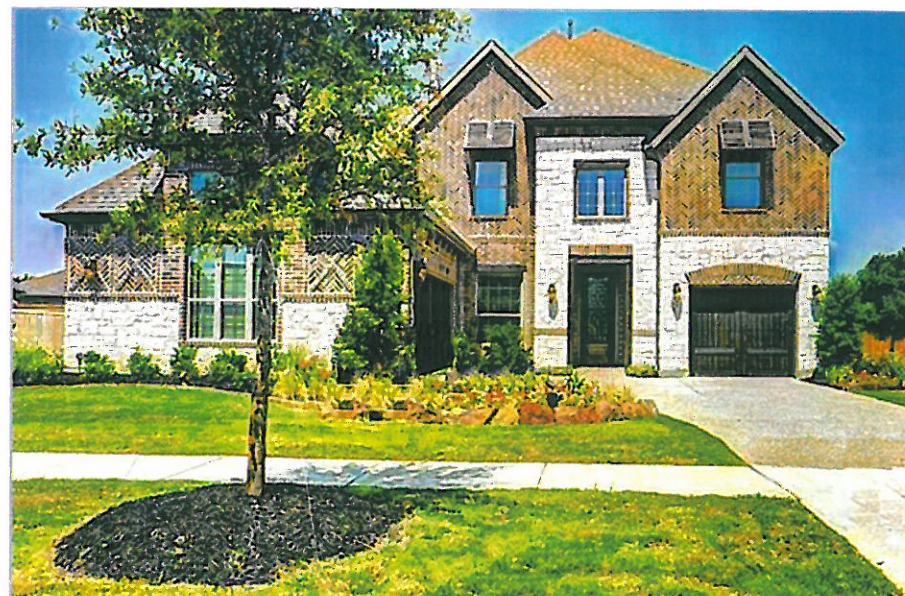
MANSFIELD TEXAS

MARCH 5, 2014

BUILDERS STORY



"Plantation Homes is part of a group of companies including Coventry Homes and McGuyer Homebuilders, Inc. With a 25-year history in Texas, Plantation Homes currently builds in the state's largest markets, including Houston and Dallas-Fort Worth. The builder has won numerous awards for its innovative product design, including local, state and national honors."



SOUTH POINTE

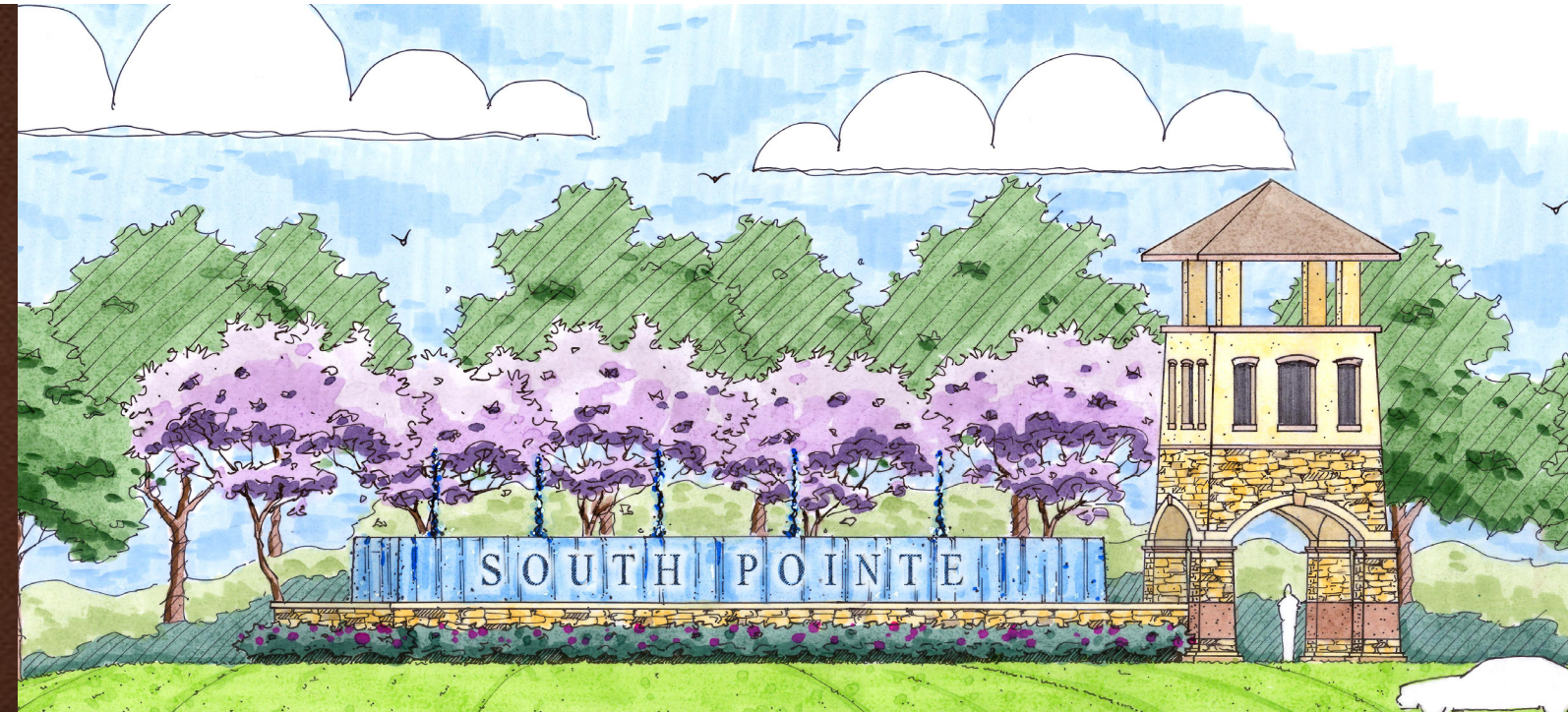
MANSFIELD TEXAS

MARCH 5, 2014

SOUTH POINTE

"DFW's New Choice In Housing"

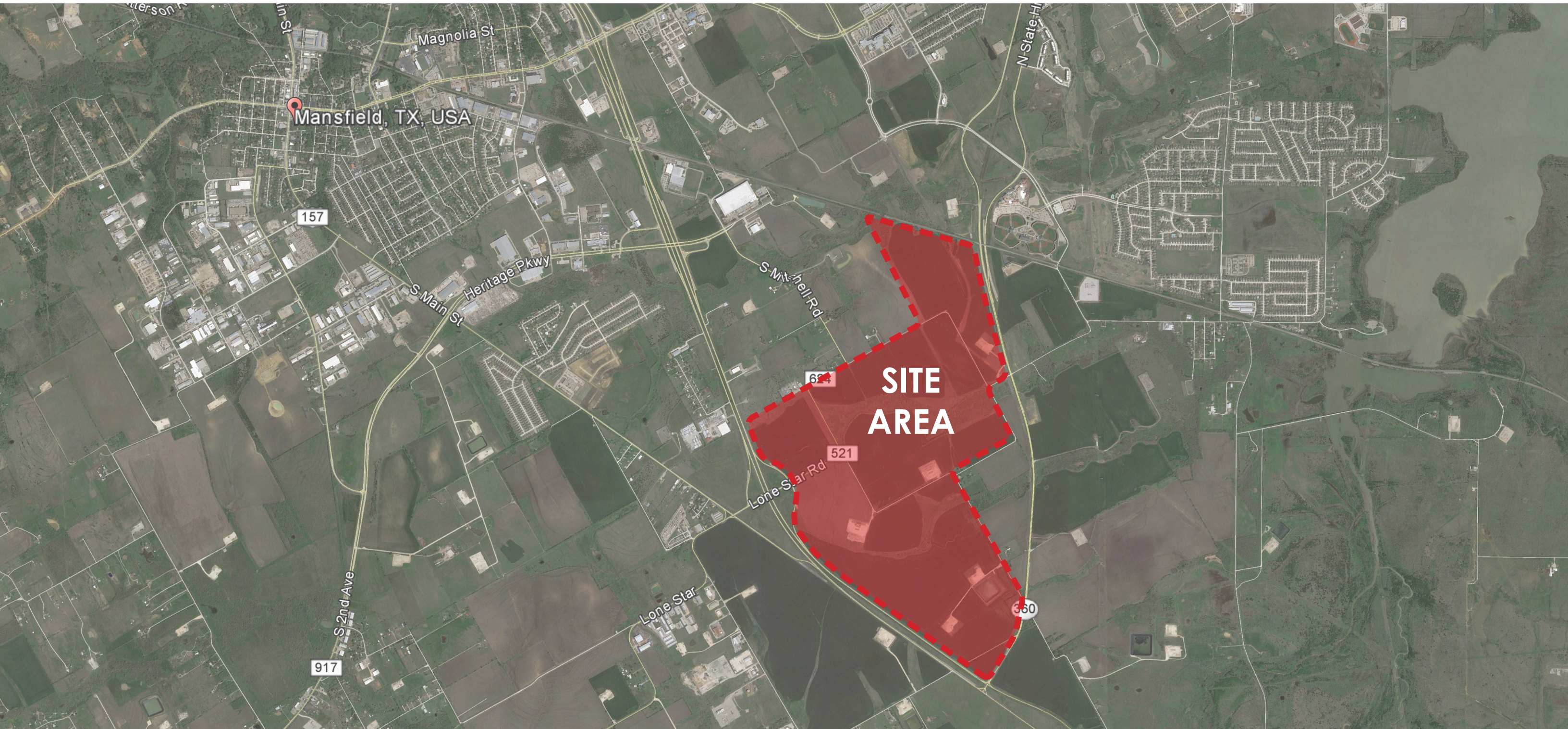
MANSFIELD TX



CONCEPTUAL SITE DESIGN

MARCH 5, 2014

SITE LOCATION

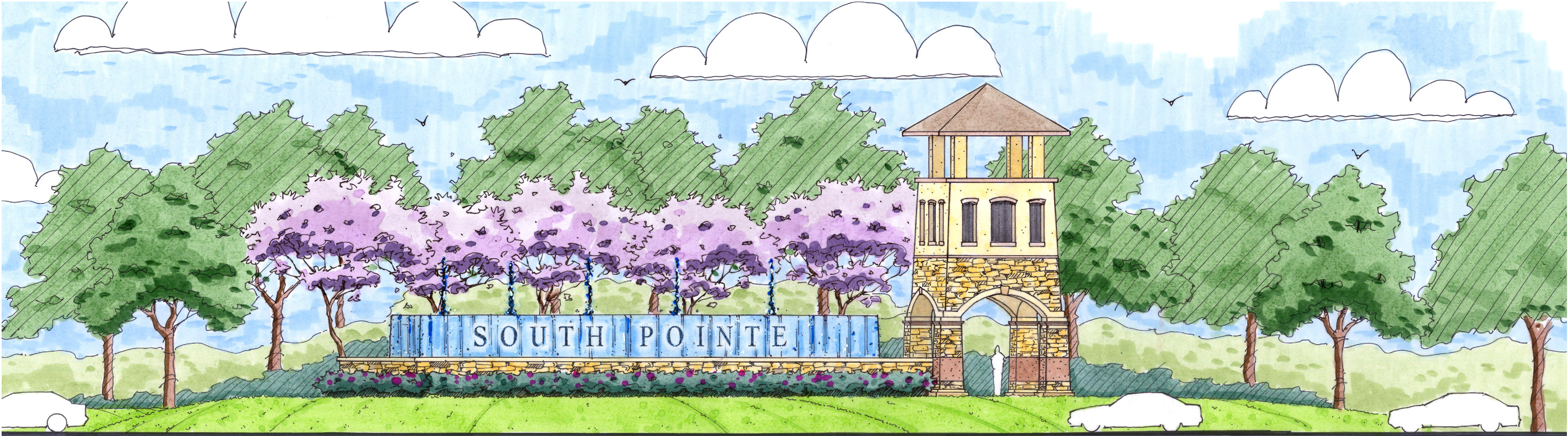


SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

COMMUNITY ENTRY



BERMS & LANDSCAPE

ENTRY SIGN FEATURE - PIN MOUNTED LETTERS ON ROUGH CUT STONE WITH
WATER CASCADING, TEXAS LIMESTONE BASE WALL

FEATURE TOWER - CAST
STONE AND TEXAS
LIMESTONE

BERMS & LANDSCAPE

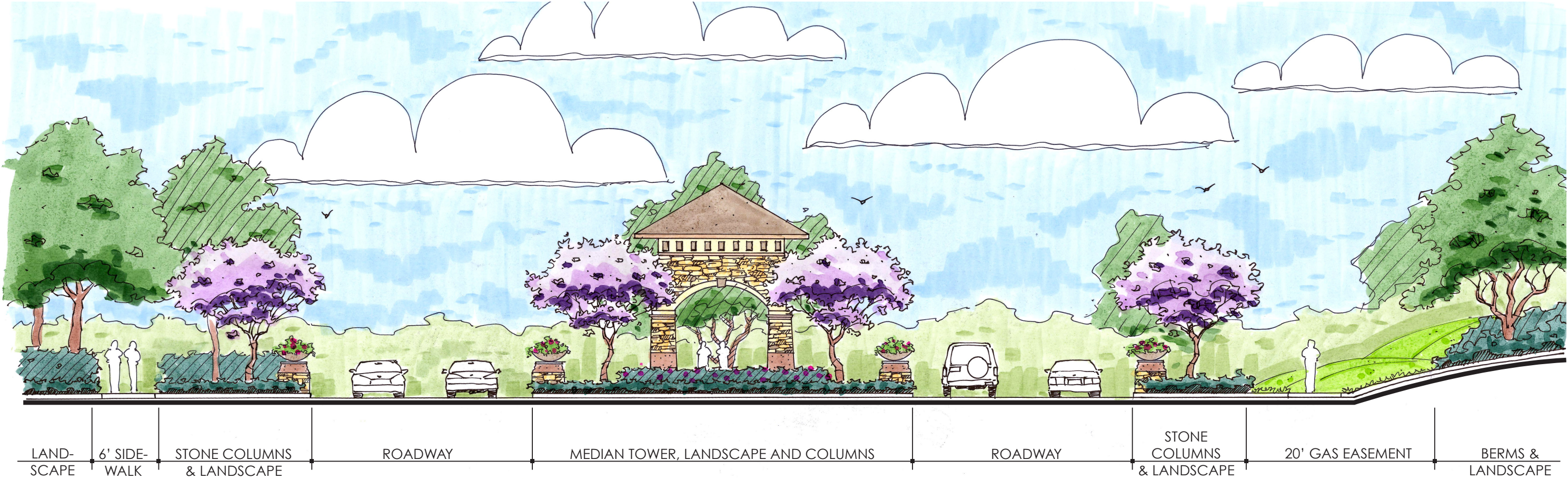


CHARACTER PHOTOS

SOUTH POINTE

MANSFIELD TEXAS
MARCH 5, 2014

COMMUNITY ENTRY

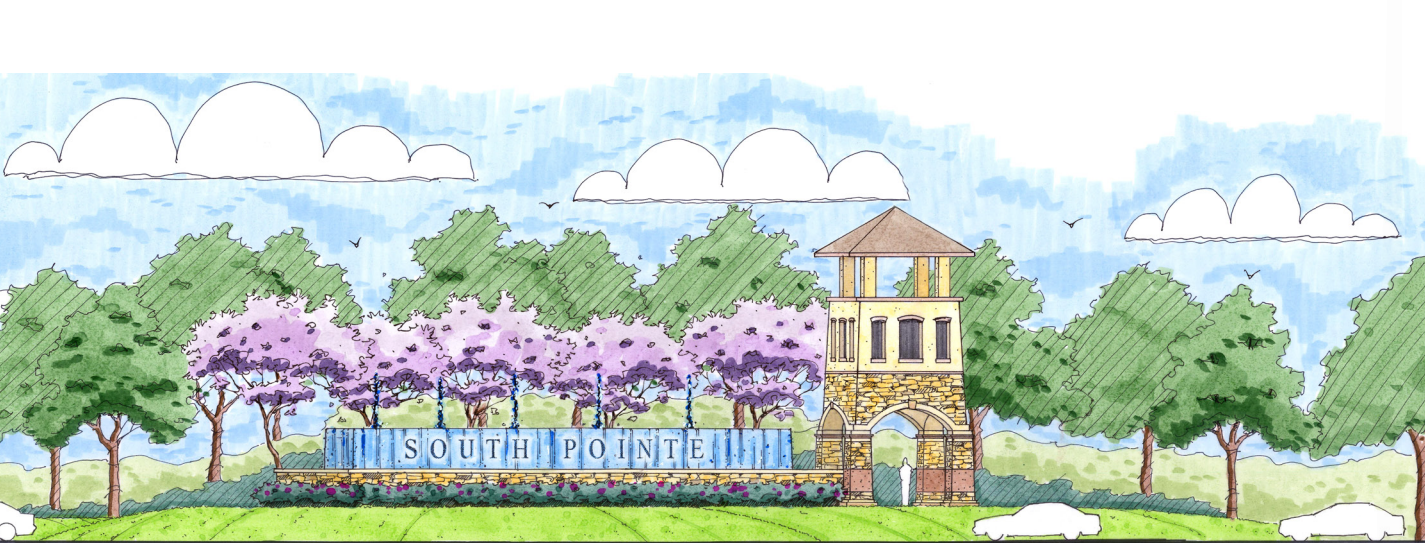


SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

COMMUNITY ENTRY



LANDSCAPE ENTRY SIGN FEATURE FEATURE TOWER LANDSCAPE

SECTION 1



6' SIDE-WALK STONE COLUMNS & LAND-SCAPE ROADWAY MEDIAN TOWER, LANDSCAPE AND COLUMNS ROADWAY STONE COLUMNS & LAND-SCAPE 20' GAS EASEMENT

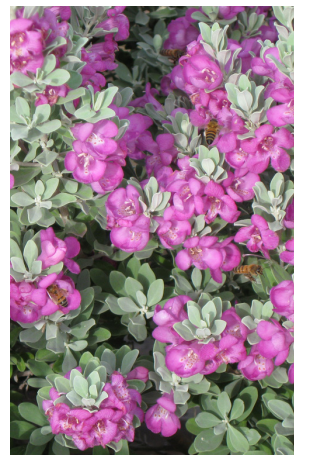
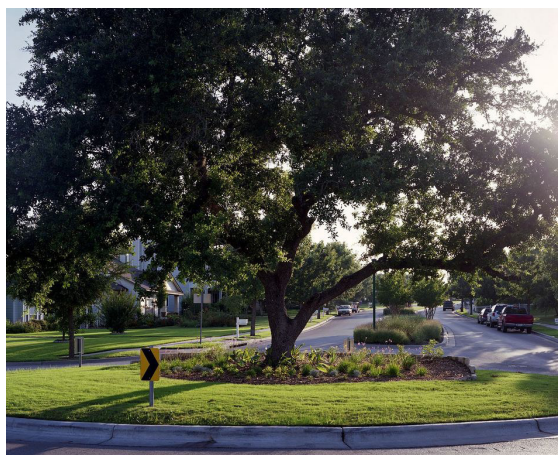
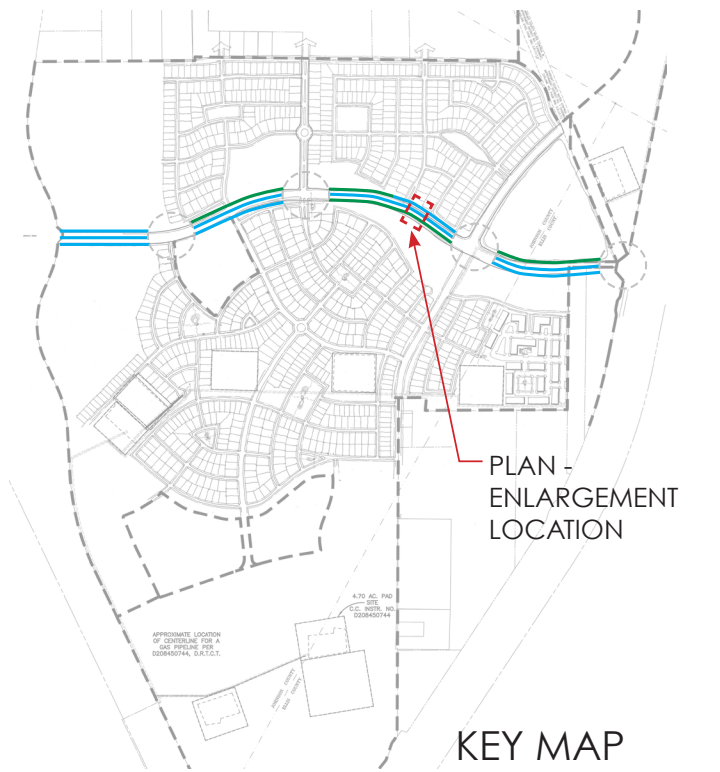
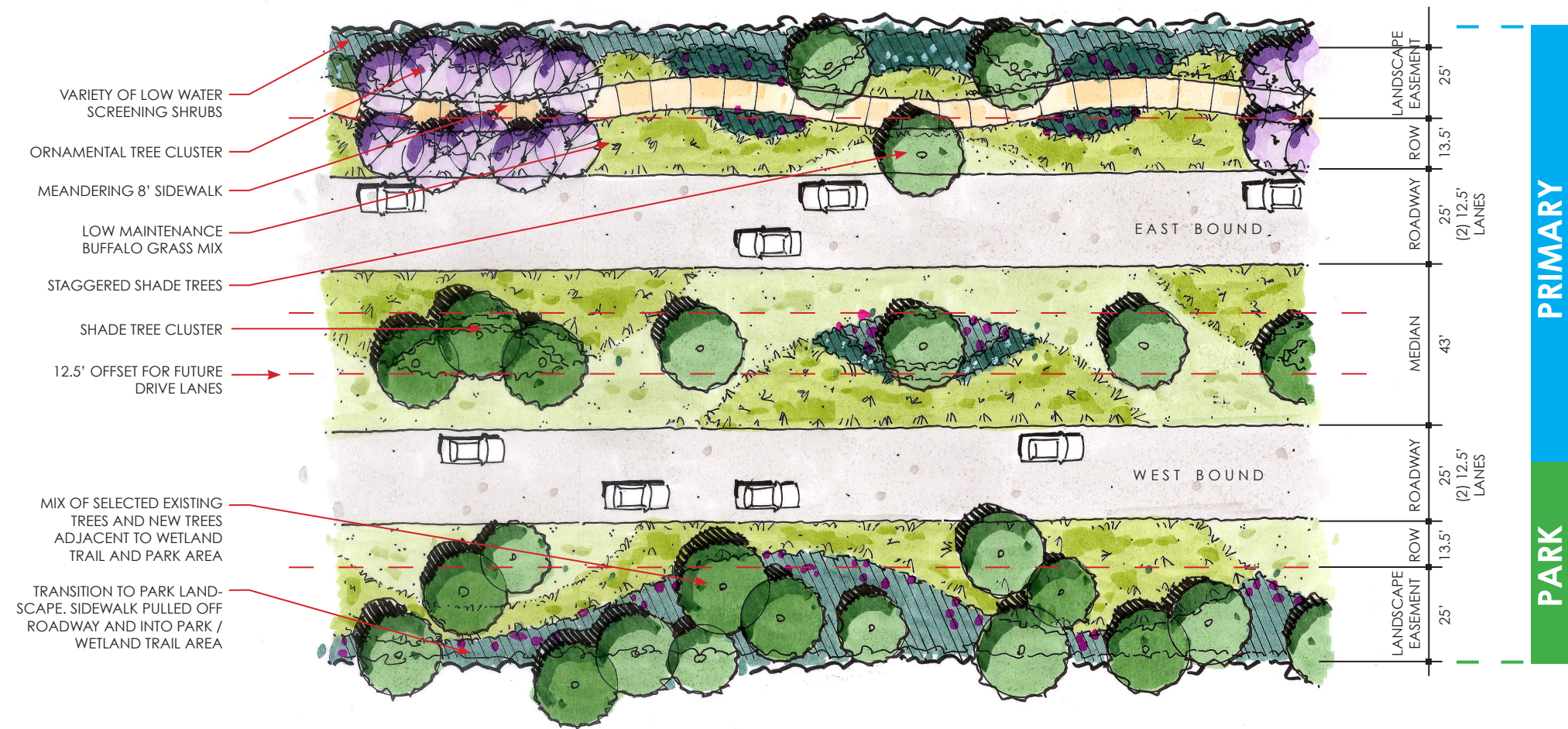
SECTION 2



SOUTH POINTE

MANSFIELD TEXAS
MARCH 5, 2014

LONE STAR PARKWAY



CHARACTER PHOTOS

SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

NORTHERN TRACT



Residential Product Summary (Northern Area)						
Phase	Type	Lot Size	Units	% of Sub Total	Gross Acreage	Gross Density
1A	Cottage	50' x 110'	49	19.1%	80.0 ac.	3.2 un./ac.
	Village	65' x 115'	116	45.3%		
	Manor	75' x 120'	91	35.5%		
	Sub Total		256	100.0%		
1B	Estate	90' x 140'	33	100.0%	16.2 ac.	2.0 un./ac.
	Sub Total		33	100.0%		
2	Cottage	50' x 110'	47	30.7%	43.4 ac.	3.5 un./ac.
	Village	65' x 115'	82	53.6%		
	Manor	75' x 120'	24	15.7%		
	Sub Total		153	100.0%		
North Overall	Cottage	50' x 110'	96	21.7%	139.6 ac.	3.2 un./ac.
	Village	65' x 115'	198	44.8%		
	Manor	75' x 120'	115	26.0%		
	Estate	90' x 140'	33	7.5%		
	Total		442	100.0%		

Note: Overall Phases do not include gas well acreages and city parks.

SOUTH POINTE

MANSFIELD TEXAS
MARCH 5, 2014

PARKS AND OPEN SPACE



SOUTH POINTE
MANSFIELD TEXAS
MARCH 5, 2014
7

LONE STAR PARKWAY & MITCHELL RD ENTRY



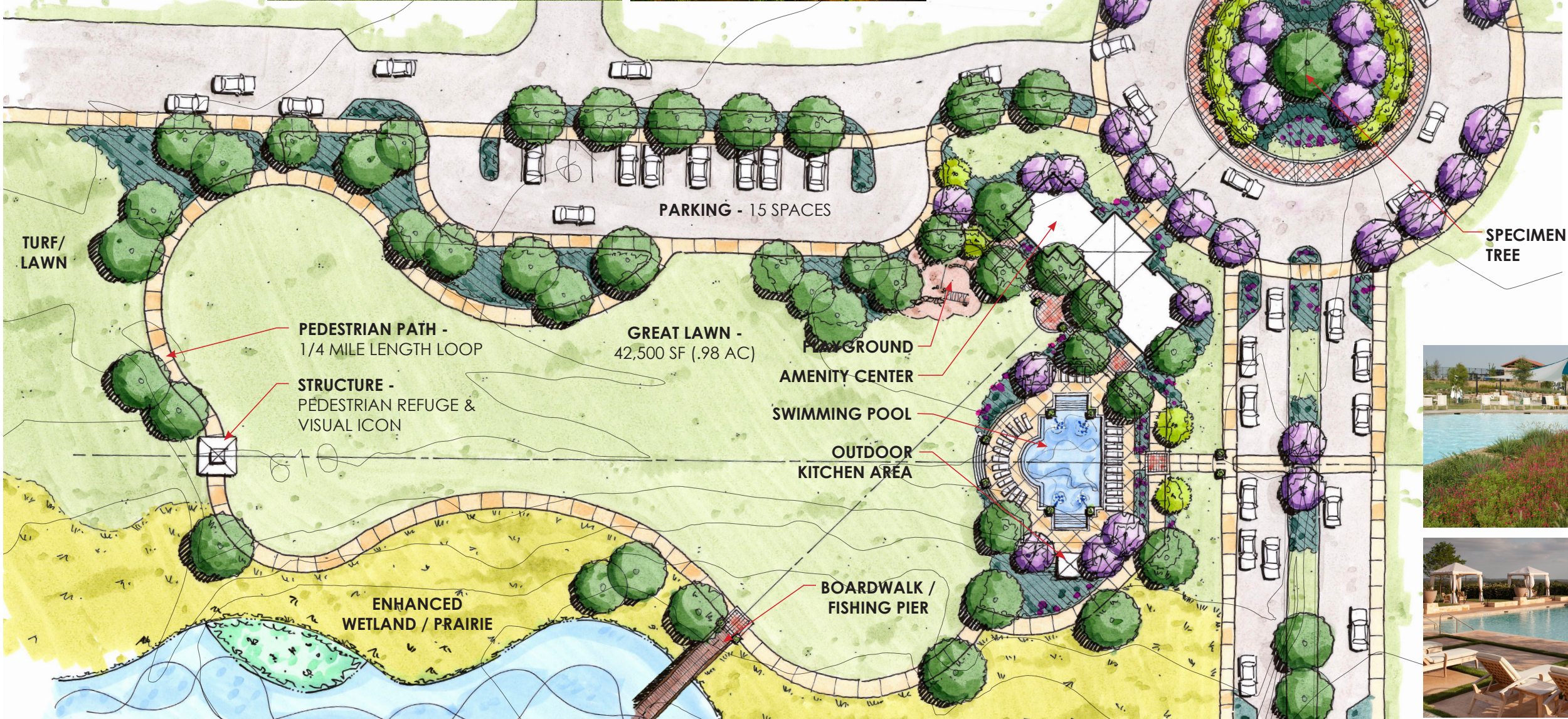
SOUTH POINTE

MANSFIELD TEXAS

MARCH 5, 2014

AMENITY CENTER

CHARACTER PHOTOS

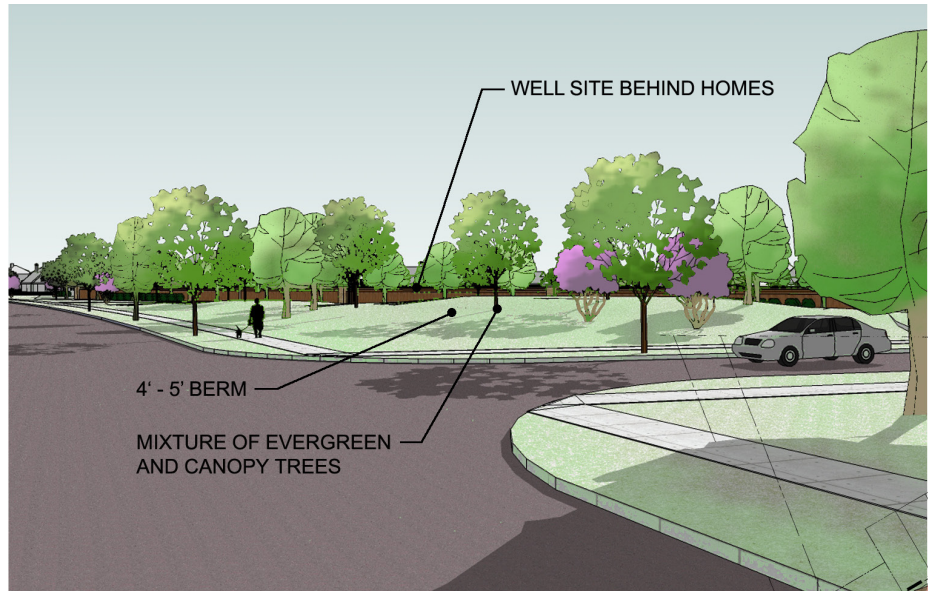


CHARACTER PHOTOS

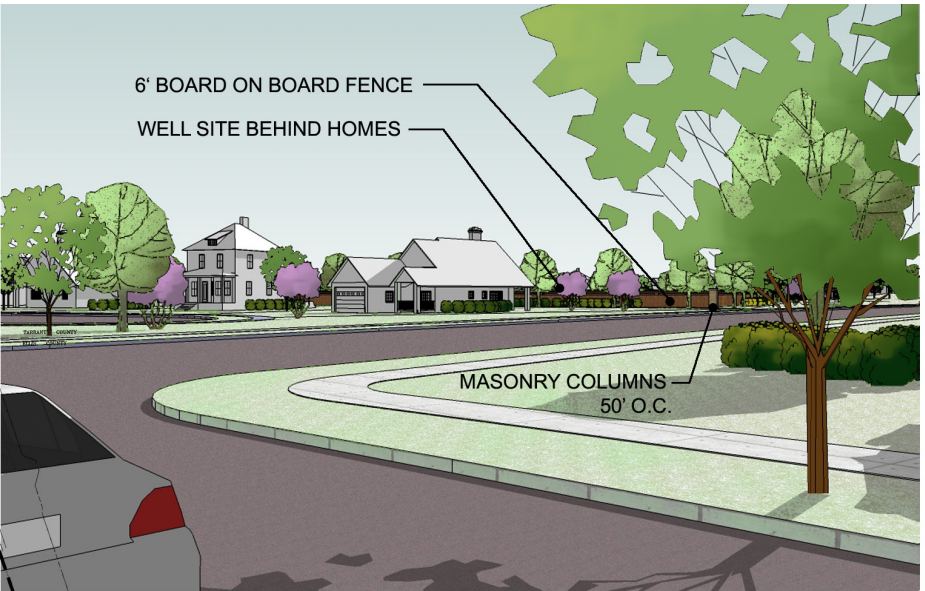
SOUTH POINTE

MANSFIELD TEXAS
MARCH 5, 2014

GAS WELL SCREENING



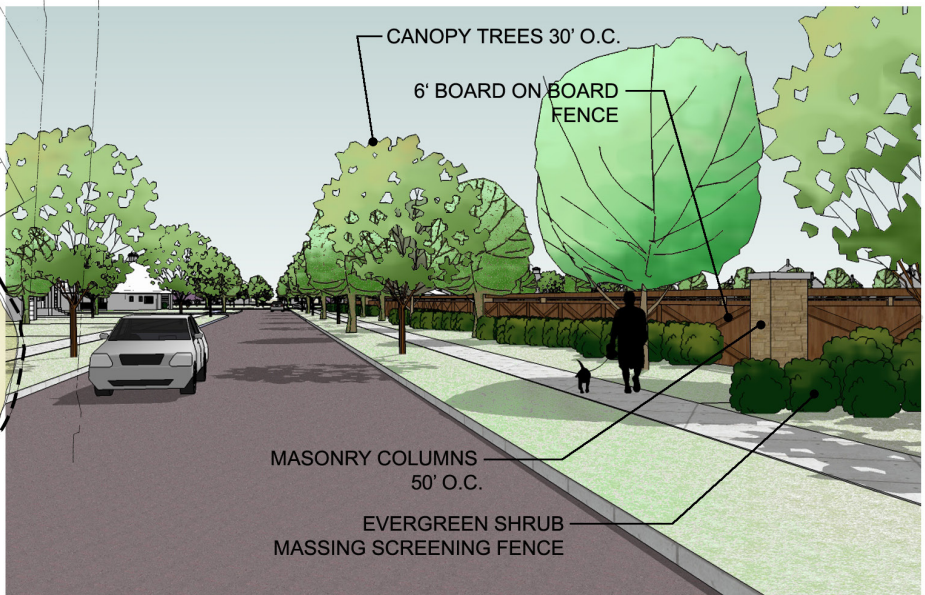
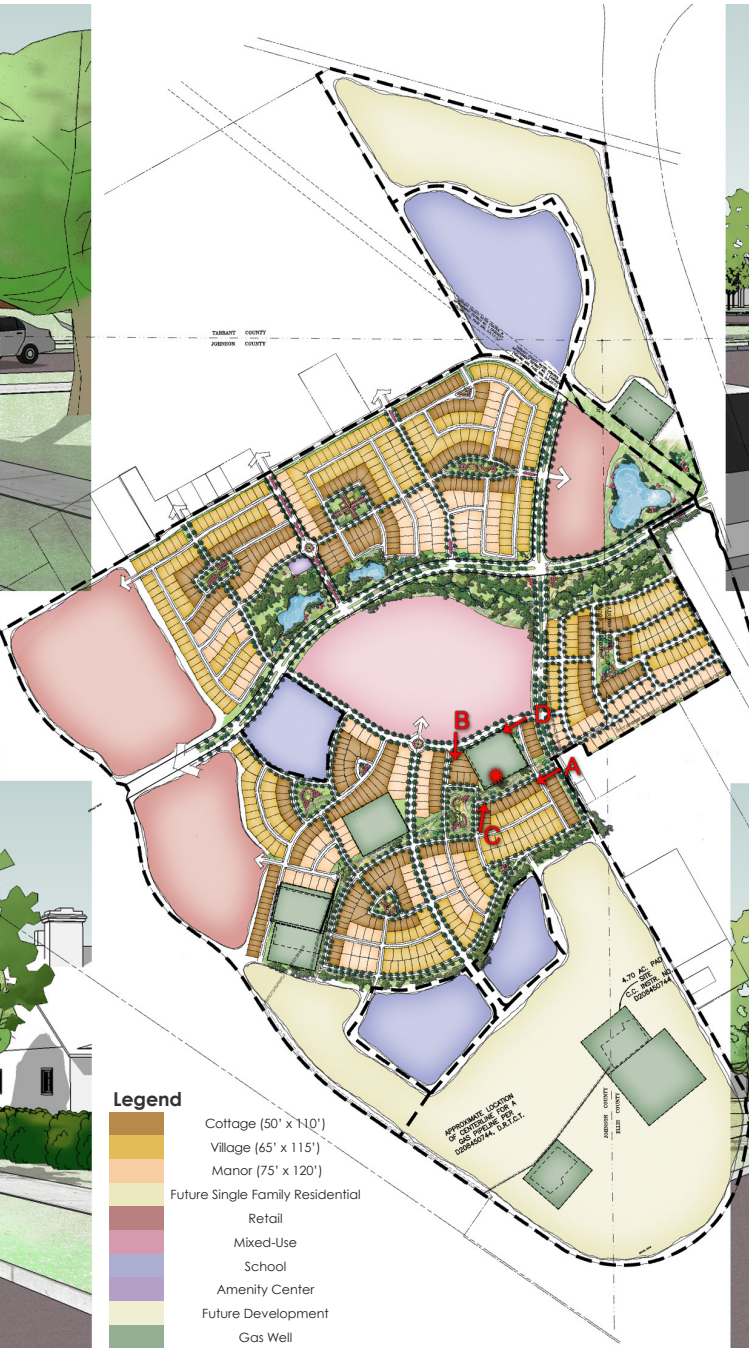
A: VIEW LOOKING FROM OPEN SPACE



B: VIEW LOOKING AT STREET CORNER



C: VIEW LOOKING DOWN STREET



D: VIEW ADJACENT TO SITE

SOUTH POINTE
 MANSFIELD TEXAS
 MARCH 5, 2014
 10

TERMS:

- Project Cost: \$11,500,000
- Total TIF Eligible Development Cost: \$10,000,000
- Source of Funding for Development Cost:
 - City Bonding: \$5,000,000 CO bonded prior to construction
 - Developer Note/Reimbursement: \$5,000,000
- Developer Note/Reimbursement Payback:
 - Any excess TIF revenues above city's South Pointe project bond debt service shall be repaid to Developer as partial payment against Developer Note. (Example: if TIF revenues are \$500,000 and city bond annual debt service on the \$5,000,000 bond is \$400,000 then city shall pay Developer \$100,000 to offset outstanding Developer Note. Developer Note would then be \$4,900,000 which is \$5MM less \$100,000 repaid)
 - Once TIF revenues meet a 1.25x coverage on city bonds AND Developer Note consolidated (ie \$10,000,000), city shall be obligated to issue certificate of obligation (full faith & credit of city) bonds to pay back Developer Note balance.

TIF Board approval requested and subsequent city council meeting as soon as possible. It is requested to have all bonds issued and city approvals to proceed with construction by July 2014 with substantial completion of work to be by year end 2014 or shortly thereafter.

PID to be established and defined by agreement of City Council.

Phase One Public Infrastructure Sources & Uses

Uses

Lone Star Parkway (2 Lanes)	\$2,829,611
Lone Star Water Main	\$839,237
Mitchell Road	\$913,025
Mitchell Road Water Main	\$120,993
Matlock Road	\$349,414
Matlock Water Main	\$77,250
12" Off-Site Water Main	\$221,870
Off-Site Wastewater Infrastructure	\$955,125
Shaping and Restoration	\$1,325,475
Additional Parks and Landscaping	\$3,668,000
Miscellaneous & Contingency	<u>\$200,000</u>
Total Project Costs	\$11,500,000



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0860

Agenda Date: 3/17/2014

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - First Reading of an Ordinance Amending Regulations of Smoking in Chapter 92, "Health and Sanitation" of the Mansfield Code of Ordinances by Adding Definitions for "Electronic Vaping Device" and "Liquid Nicotine;" Amending the Definition of "Smoking" to Include Electronic Vaping Devices; Prohibiting Smoking at Seating Area of Outdoor Theater or Amphitheater; Prohibiting the Sale and Distribution of Electronic Vaping Devices and Liquid Nicotine to Minors; and Prohibiting the Possession of Electronic Vaping Devices and Liquid Nicotine by Minors

Requested Action

Consider the proposed ordinance amendments

Recommendation

Staff recommends approval

Description/History

Summaries of the proposed amendments:

- Add electronic vaping device to the definition of "Smoking"
- Add new definition related to electronic vaping device and liquid nicotine
- Add outdoor theater or amphitheater, city park or recreational facilities to prohibited smoking areas
- Other minor changes for consistency

Prepared By

Felix Wong, Director of Planning
817-276-4228

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HHS U.S. Department of Health and Human Services
[FDA](#)

U.S. Food and Drug Administration

Protecting and Promoting *Your* Health

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For Consumers


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FDA Warns of Health Risks Posed by E-Cigarettes

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The Food and Drug Administration (FDA) has joined other health experts to warn consumers about potential health risks associated with electronic cigarettes.

Also known as "e-cigarettes," electronic cigarettes are battery-operated devices designed to look like and to be used in the same manner as conventional cigarettes.

Sold online and in many shopping malls, the devices generally contain cartridges filled with nicotine, flavor, and other chemicals. They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user.

"The FDA is concerned about the safety of these products and how they are marketed to the public," says Margaret A. Hamburg, M.D., commissioner of food and drugs.

The agency is concerned that

- e-cigarettes can increase nicotine addiction among young people and may lead kids to try other tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death
- the products may contain ingredients that are known to be toxic to humans
- because clinical studies about the safety and efficacy of these products for their intended use have not been submitted to FDA, consumers currently have no way of knowing 1) whether e-cigarettes are safe for their intended use, or 2) about what types or concentrations of potentially harmful chemicals or what dose of nicotine they are inhaling when they use these products.

The potential health risks posed by the use of e-cigarettes were addressed in a July 22, 2009, phone conference between Joshua M. Sharfstein, M.D., principal deputy commissioner of food and drugs; Jonathan Winickoff, M.D., chair of the American Academy of Pediatrics Tobacco Consortium; Jonathan Samet, M.D., director of the University of Southern California's Institute for Global Health; and Matthew T. McKenna, M.D., director of the Office on Smoking and Health at the national Centers for Disease Control and Prevention.

Conference participants stressed the importance of parents being aware of the health and marketing concerns associated with e-cigarettes. It was stated that parents may want to tell their children and teenagers that these products are not safe to use.

Of particular concern to parents is that e-cigarettes are sold without any legal age restrictions, and are available in different flavors (such as chocolate, strawberry and mint) which may appeal to young people.

In addition, the devices do not contain any health warnings comparable to FDA-approved nicotine replacement products or conventional cigarettes.

During the phone conference, which was shared with the news media, FDA announced findings from a laboratory analysis that indicates that electronic cigarettes expose users to harmful chemical ingredients.

FDA's Division of Pharmaceutical Analysis—part of the agency's Center for Drug Evaluation and Research—analyzed the ingredients in a small sample of cartridges from two leading brands of e-cigarette samples.

One sample was found to contain diethylene glycol, a toxic chemical used in antifreeze. Several other samples were found to contain carcinogens, including nitrosamines.

[back to top](#)

Agency Actions

FDA has been examining and detaining shipments of e-cigarettes at the border and has found that the products it has examined thus far meet the definition of a combination drug device product under the Federal Food, Drug, and Cosmetic Act. The agency has been challenged regarding its jurisdiction over certain e-cigarettes in a case currently pending in federal district court.

FDA is planning additional activities to address its concerns about electronic cigarettes.

Meanwhile, health care professionals and consumers may report serious adverse events or product quality problems with the use of e-cigarettes to FDA through the [MedWatch](#) program, either online or by phone at 1-800-FDA-1088.

This article appears on [FDA's Consumer Updates page](#), which features the latest on all FDA-regulated products.

Date Posted: July 23, 2009; Reviewed Sept. 17, 2013

[back to top](#)

For More Information

- [FDA and Public Health Experts Warn About Electronic Cigarettes](#) [ARCHIVED]
- [Electronic Cigarettes \(e-Cigarettes\)](#)

Related Consumer Updates

- [E-Cigarettes: Questions and Answers](#)
- [FDA 101: Smoking Cessation Products](#) [ARCHIVED]
- ["Light" Tobacco Products Pose Heavy Health Risks](#)
- [What Are You Smoking \(or Chewing or Inhaling\)?](#)
- [Less Risky Tobacco Product? Only if the Science Says So](#)
- [Why Do People Use Tobacco? Looking for Answers](#)
- [Why is the Great American Smokeout Important?](#)
- [FDA Modernizing Regulatory Science](#)
- [FDA Unveils New Cigarette Health Warnings](#)
- [Regulating Tobacco: Q&A with Former CTP Director Lawrence Dayton, M.S.P.H., M.D.](#) [ARCHIVED]

Page Last Updated: 11/16/2013

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FDA

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CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
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House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

November 4, 2013

The Honorable Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg:

We wrote to you in September to urge you to take action to regulate electronic cigarettes, also known as “e-cigarettes,” citing our concern that use of e-cigarettes among adolescents has increased rapidly.¹ We are now writing to bring to your attention one reason for this disturbing increase of e-cigarette use by youth: there is growing evidence that e-cigarette manufacturers are taking advantage of the absence of regulation to market their products to young smokers. In fact, e-cigarette manufacturers appear to be using exactly the same advertising and promotional techniques that were used for decades by cigarette manufacturers to hook teenagers on their products.

To illustrate what is happening, we have compiled a side-by-side presentation of cigarette and e-cigarette marketing practices at democrats.energycommerce.house.gov.

Television Advertisements

Unlike traditional cigarettes, e-cigarettes are not subject to the federal ban on television advertising. Several e-cigarette manufacturers have taken advantage of this loophole to air advertisements during events with heavy teen and young adult viewership. NJOY, an e-cigarette manufacturer, has advertised during the Super Bowl, the Academy Awards, and on ESPN, reaching a general audience of “at least 10 million viewers,” many of them children, teens, or young adults. The NJOY ads have also “been accepted by cable channels owned by Discovery Communications and Viacom ... as well as local broadcast stations in markets like Chicago,

¹ Letter from Rep. Henry A. Waxman to Commissioner Margaret Hamburg, Food and Drug Administration (Sept. 16, 2013) (online at democrats.energycommerce.house.gov/sites/default/files/documents/Hamburg-Adolescent-Use-of-E-Cigarette-2013-9-16.pdf).

Dallas, Los Angeles, New York, San Francisco, and Seattle.”² Television ads for Blu e-cigarettes have aired nationally on Comedy Central, whose target audience is young males, including on Comedy Central's *Workaholics*, a top-rated show among 18 to 24 year olds.³

The e-cigarette companies have also used celebrities to promote their products. Lorillard, which makes Blu e-cigarettes, has run TV ads featuring Jenny McCarthy and Stephen Dorff over 8,000 times.⁴

These television ads used by e-cigarette manufacturers are eerily similar to television advertisements from cigarette manufacturers from the 1950s and 1960s. At our website, democrats.energycommerce.house.gov, you can compare these ads side-by-side. The e-cigarette ads from today and the cigarette ads from decades ago both send the same unmistakable message: smoking is cool and sexy. Over 50 years ago, R.J. Reynolds ran a TV ad featuring Lee Marvin, the actor who once portrayed action heroes and hardboiled detectives. In the advertisement, Mr. Marvin works out with a punching bag before extolling the virtues of Pall Mall cigarettes.⁵ Last year, Lorillard ran an ad with actor Stephen Dorff, who is described as “oozing machismo” and “inhaling with swagger.”⁶ In the ad, Mr. Dorff asserts, “It’s time we take our freedom back.”

In the 1950s, R.J. Reynolds ran a TV ad with actress Eva Gabor endorsing Camel cigarettes. Ms. Gabor stares at the camera and says in a sultry voice, “Let’s go somewhere where we can be comfortable, and I tell you why – I smoke Camels.”⁷ Earlier this year, Lorillard ran an ad with Jenny McCarthy, the former Playboy model, in which she also seductively stares

² *Campaigns for E-Cigarettes Borrow From Tobacco’s Heyday*, New York Times (Dec. 5, 2012) (online at www.nytimes.com/2012/12/06/business/media/campaigns-for-electronic-cigarettes-borrow-from-their-tobacco-counterparts.html?pagewanted=print).

³ *In the Tastes of Young Men, Humor Is Most Prized, a Survey Finds*, New York Times (Feb. 19, 2012) (online at www.nytimes.com/2012/02/20/business/media/comedy-central-survey-says-young-men-see-humor-as-essential.html).

⁴ iSpot.tv, *Blu Cigs TV Spot Featuring Stephen Dorff* (online at www.ispot.tv/ad/7YDZ/blu-cigs-featuring-stephen-dorff); iSpot.tv, *Blu Cigs TV Spot Featuring Jenny McCarthy* (online at www.ispot.tv/ad/7q7i/blu-cigs-featuring-jenny-mccarthy).

⁵ Pall Mall Advertisement (est. 1950s) (online at <http://democrats.energycommerce.house.gov/index.php?q=page/e-cigarette-flashbacks>).

⁶ *Big Tobacco back in TV viewers’ faces as FDA cuts in*, USA Today (Sept. 4, 2013) (online at www.usatoday.com/story/news/nation/2013/09/03/big-tobacco-tv-ecigarette-ads/2608427/).

⁷ Camel Cigarettes Advertisement (est. 1950s) (online at <http://democrats.energycommerce.house.gov/index.php?q=page/e-cigarette-flashbacks>).

at the camera and says “I love being single” before explaining how with Blu e-cigarettes she doesn’t have to “worry about scaring that special someone away.”⁸

Print Advertisements

E-cigarette magazine advertisements feature celebrities and utilize sex appeal and images of nightlife environments – clubs, parties, and bars – as well as messages designed to appeal to adolescents. These are the same techniques used by tobacco companies decades ago. The Campaign for Tobacco Free Kids has noted that these ads “feature today’s equivalents of the Marlboro Man and the Virginia Slims woman, depicting e-cigarette use as masculine, sexy or glamorous.”⁹

These e-cigarette advertisements are not restricted to magazines with adult readerships. For example, Fin and Blu e-cigarette ads have both appeared in *Rolling Stone*, which was once “a mainstay of tobacco advertising” due to high youth readership.¹⁰

At our website, democrats.energycommerce.house.gov, you can compare these ads side-by-side. One suggestive Blu e-cigarette ad published in magazines last year is the spitting image of a 1933 Lucky Strike ad, with both ads showing women leaning back into the embrace of fashionable men. One Lucky Strike ad from 1930, which bears a striking resemblance to a Blu ad from last year, claimed that Luckies remove “irritants that cause throat irritation and coughing.”¹¹ The Blu ad touts that e-cigarettes produce “no tobacco smoke and no ash ... making it the ... smarter alternative to regular cigarettes.” A 1959 Pall Mall ad and a 2013 XEO ad – with the tagline “What’s Your Taste” – both use images of fresh, healthy fruits to sell tobacco and e-cigarettes. Other ad pairing examples on our website share similar themes, showing cigarette smokers from decades ago or e-cigarette users today enjoying themselves in airplanes, automobiles, and boats.

⁸ Blu Electronic Cigarettes Advertisement (2013) (online at <http://democrats.energycommerce.house.gov/index.php?q=page/e-cigarette-flashbacks>).

⁹ Campaign for Tobacco-Free Kids, *CDC Survey Finds Youth E-Cigarette Use More than Doubled from 2011-2012, Shows Urgent Need for FDA Regulation* (Sept. 5, 2013) (online at www.tobaccofreekids.org/press_releases/post/2013_09_05_ecigarettes).

¹⁰ National Cancer Institute, *Themes and Targets of Tobacco Advertising and Promotion* (online at cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19_5.pdf).

¹¹ Lucky Strike Advertisement (1930) (online at <http://democrats.energycommerce.house.gov/index.php?q=page/e-cigarette-flashbacks>).

Cartoon Imagery

Traditional cigarette manufacturers used cartoon characters to promote their products before they were banned under the Tobacco Master Settlement Agreement. R.J. Reynolds's long-time use of Joe Camel is one prominent example.¹² E-cigarette manufacturers are now using the same techniques. For example, eJuiceMonkeys.com and Magic Puff City E-cigarettes both use cartoon monkeys to sell e-cigarettes. Blu's website has featured a cartoon character "Mr. Cool." Blu also produced a web video featuring the same cartoon character in a cartoon storyboard visual format. Our website displays the similarities.

Sports Sponsorships

E-cigarette manufacturers are sponsoring numerous sporting events and athletes. These e-cigarette manufacturer sponsorships are similar to those of cigarette manufacturers who sponsored numerous sporting events before they were banned from name brand sponsorship of certain events under the Tobacco Master Settlement Agreement and later by the Family Smoking Prevention and Tobacco Control Act.¹³

Before the sponsorship ban, cigarettes had "long been a tradition at NASCAR," with R.J. Reynolds sponsoring the Winston Cup for over three decades and Philip Morris sponsoring the Marlboro Grand Prix, among other popular auto racing events.¹⁴ Motor sports once received "70% of all tobacco sports sponsorship," helping "tobacco brands become distinctly associated

¹² Magic Puff City E-cigarettes, *Disposable Vanilla* (online at cityecigarettes.com/index.php/products/disposable-e-cigarettes/disposable-225.html); eJuiceMonkeys, *Twitter page* (online at twitter.com/eJuiceMonkeys); Stanford School of Medicine, *Joe Camel* (online at tobacco.stanford.edu/tobacco_main/images.php?token2=fm_st138.php&token1=fm_img4072.php&theme_file=fm_mt015.php&theme_name=Targeting%20Teens&subtheme_name=Joe%20Camel).

¹³ Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31.

¹⁴ PR Newswire, *blu eCigs Brings Sleek New Look To Rahal Letterman Lanigan Racing's No. 15 IndyCar At Houston Grand Prix Event* (Sept. 26, 2013) (online at www.prnewswire.com/news-releases/blu-ecigs-brings-sleek-new-look-to-rahall-letterman-lanigan-racings-no-15-indycar-at-houston-grand-prix-event-225371251.html); *NASCAR Now Smokeless, New Law Prevents Tobacco From Sports Advertising*, Bleacher Report (June 2, 2010) (online at <http://bleacherreport.com/articles/400529-nascar-now-smokeless-new-law-prevents-tobacco-from-sports-advertising>); *Tobacco's Imprimatur Is Less Bold, but Still on Cultural Events*, New York Times (June 21, 1999) (online at www.nytimes.com/1999/06/21/arts/tobacco-s-imprimatur-is-less-bold-but-still-on-cultural-events.html?pagewanted=all&src=pm).

with the lifestyles” of racecar drivers.¹⁵ Today, in the absence of cigarette manufacturer sponsorship, e-cigarette makers have eagerly stepped in and begun to blanket racing events with free e-cigarette samples and racecar drivers with sponsorship deals.

E-Swisher and its “e-Swisher Racing Team” is the primary sponsor of NASCAR driver Reed Sorenson.¹⁶ Green Smoke has sponsored NASCAR driver T.J. Bell at the Sprint Cup Series and the Coca Cola 600 race.¹⁷ And Blu, as the primary sponsor of RLL Racing’s No. 15 Indy Car, distributes e-cigarette samples at racing events like the Houston Grand Prix.¹⁸ On our website, you can compare the cigarette brand advertising once plastered on racecars to the similar e-cigarette advertisements covering racecars today.

Event Promotions

E-cigarettes are also promoting their products through sponsorship of youth-oriented events. Blu has sponsored numerous major music festivals, including South by Southwest, Bonnaroo, Sasquatch! Music Festival, Governors Ball, and HARD Summer L.A. At these festivals, Blu operates an “eCigs Vapor Lounge” where attendees can win VIP tickets, watch exclusive artist performances from “top performers in the indie, rock, and hip-hop genres,” and sample e-cigarettes.¹⁹

¹⁵ Pamela M. Ling et al., *Branding the Rodeo: A Case Study of Tobacco Sports Sponsorship*, American Journal of Public Health (Jan. 2010) (online at www.ncbi.nlm.nih.gov/pmc/articles/PMC2791245/); National Cancer Institute, *Themes and Targets of Tobacco Advertising and Promotion* (online at cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19_5.pdf).

¹⁶ Reed Sorenson, *E-Swisher Expands Partnership With Reed Sorenson And The Motorsports Group In Nascar Nationwide Series* (Apr. 23, 2013) (online at reedsorenson.com/news/13/e-Swisher-Expands-Partnership-with-Reed-Sorenson-and-The-Motorsports-Group-in-NASCAR-Nationwide-Series.html).

¹⁷ Green Smoke, *Green Smoke Makes NASCAR History* (online at blog.greensmoke.com/nascar/green-smoke-makes-nascar-history.htm); Green Smoke, *We’re Sponsoring TJ Bell In This Years Coca Cola 600 NASCAR Race* (online at blog.greensmoke.com/electronic-cigarettes/we%E2%80%99re-sponsoring-tj-bell-in-this-years-coca-cola-600-nascar-race.htm).

¹⁸ PR Newswire, *blue Cigs Brings Sleek New Look To Rahal Letterman Lanigan Racing’s No. 15 IndyCar At Houston Grand Prix Event* (Sept. 26, 2013) (online at www.prnewswire.com/news-releases/blu-ecigs-brings-sleek-new-look-to-rahall-letterman-lanigan-racings-no-15-indycar-at-houston-grand-prix-event-225371251.html).

¹⁹ *blu eCigs Announces Sponsorship of Sasquatch! Music Festival*, PR Newswire (May 20, 2013) (online at <http://www.prnewswire.com/news-releases/blu-ecigs-announces-sponsorship-of-sasquatch-music-festival-208127521.html>).

E-cigarette manufacturers have also held numerous widely attended promotional events and sponsored many other activities to market their products to youthful audiences. This summer, South Beach Smoke “stood with an estimated half a million people at the Miami Heat’s victory parade” distributing e-cigarette coupons.²⁰ NJOY has distributed e-cigarettes at the New York and London Fashion Weeks.²¹ Fin has sponsored the “FoodaBluz” food and blues festival, and e-Swisher has sponsored The World Series of Poker.²²

These promotional efforts are similar to those used by large cigarette manufacturers for decades. These manufacturers had “long used sponsorship of music concerts popular with young people to promote its products,” with tobacco advertising prominent at events like the Essence Music Festival and Kool Jazz Festival.²³ Tobacco brands like Marlboro, Camel, and Kool sponsored concerts and events.²⁴ Over a decade ago, the *New York Times* reported that tobacco sponsorship of music and other events at bars in major cities had “become an increasingly entrenched feature of American night life.”²⁵ On our website, you can compare the music festival advertising and promotional material of cigarette and e-cigarette companies.

Conclusion

FDA’s delay in regulating e-cigarettes is creating a loophole that manufacturers are exploiting to target young users. The e-cigarette manufacturers are using many of the exact same advertising and promotional techniques used for decades by cigarette manufacturers to hook

²⁰ *South Beach Smoke Distributes NO HATE ZONE Flyers at Miami Heat Parade*, Wall Street Journal (June 25, 2013) (online at online.wsj.com/article/PR-CO-20130625-905056.html).

²¹ *Fashion Week and E-cigarettes: The Jury’s Still Out*, New York Magazine (Sept. 12, 2013) (online at nymag.com/thecut/2013/09/fashion-week-and-e-cigarettes-jurys-still-out.html).

²² BusinessWire, *e-Swisher e-Cigarettes Bet Big with World Series of Poker Partnership* (July 11, 2013) (online at www.businesswire.com/news/home/20130711006389/en/e-Swisher-e-Cigarettes-Bet-Big-World-Series-Poker%C2%AE); Fin, *Fin E-Cigs Help Make First Foodabluz a Hit* (May 1, 2013) (online at www.fincigs.com/2013/05/fin-e-cigs-help-make-first-foodabluz-a-hit/).

²³ *U.S. Bands Must Smash Tobacco Sponsorship*, Huffington Post (Sept. 28, 2010) (online at www.huffingtonpost.com/matt-myers/us-bands-must-smash-tobac_b_741676.html); Stanford Research into the Impact of Tobacco Advertising, *Music and Tobacco Marketing* (Aug. 6, 2013) (online at www.youtube.com/watch?v=zFN2hJGa7UM).

²⁴ *Tobacco’s Imprimatur Is Less Bold, but Still on Cultural Events*, New York Times (June 21, 1999) (online at www.nytimes.com/1999/06/21/arts/tobacco-s-imprimatur-is-less-bold-but-still-on-cultural-events.html?pagewanted=all&src=pm).

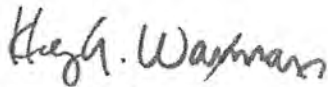
²⁵ *Id.*

The Honorable Margaret A. Hamburg, M.D.
November 4, 2013
Page 7


teenagers on their products. These include TV advertisements, magazine advertisements, sport and event sponsorships, and even the use of cartoon characters.

We believe FDA action is essential to ensure that e-cigarette makers stop targeting the nation's youth. We recognize that there is a debate about the value of e-cigarettes as an alternative for addicted adults. But whatever the merits for adult smokers, these addictive products should not be used by teenagers. The companies' practices show that they are not capable of self-regulation. FDA must act now to protect children from their unscrupulous marketing campaigns.

Sincerely,



Henry A. Waxman
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Frank Pallone, Jr.
Ranking Member
Subcommittee on Health

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
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Minority (202) 225-3641

September 16, 2013

The Honorable Margaret A. Hamburg, M.D.
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg:

Earlier this month, the Centers for Disease Control and Prevention (CDC) released new data showing that the percentage of adolescents who use electronic cigarettes, or “e-cigarettes,” is growing rapidly.¹ According to the CDC report, over 1.7 million U.S. middle and high school students tried e-cigarettes last year. We are writing to urge the Food and Drug Administration (FDA) to act quickly to appropriately regulate these products.

The authors of the CDC’s report — who are all from either the FDA’s Center for Tobacco Products or the CDC’s Office on Smoking and Health — cite serious concerns about the health effects of the use of e-cigarettes. For instance, they indicate that e-cigarettes may contain potentially harmful constituents, including irritants and animal carcinogens.² They also raise concerns about the potential negative effects “on adolescent brain development, as well as the risk for nicotine addiction.”³ In an earlier study, FDA found that e-cigarette vapor samples contained toxic chemicals “such as diethylene glycol, an ingredient used in antifreeze.”⁴

¹ Centers for Disease Control and Prevention, *Notes from the Field: Electronic Cigarette Use Among Middle and High School Students – United States, 2011-2012* (Sept. 6, 2013) (online at www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w).

² *Id.*

³ *Id.*

⁴ Food and Drug Administration, *FDA and Public Health Experts Warn About Electronic Cigarettes* (July 22, 2009) (online at www.fda.gov/NewsEvents/Newsroom/%20PressAnnouncements/ucm173222.htm).

Despite these health concerns, e-cigarettes are currently completely unregulated. Manufacturers of e-cigarettes are taking advantage of this regulatory loophole to target children. Manufacturers of traditional cigarettes are banned from introducing flavoring into their products to attract children, but this prohibition does not apply to e-cigarettes. As a result, some e-cigarette makers are producing products with kid-friendly flavors such as “Cherry Crush” and “Cookies & Cream Milkshake.”⁵

Unlike traditional cigarettes, e-cigarettes are also not subject to the federal ban on television advertising. Advertising spending on products like e-cigarettes has skyrocketed from \$2.7 million in 2010 to \$20.8 million last year, using tactics like celebrity endorsements and sports sponsorships to glamorize smoking. According to the American Lung Association, these products are being directly marketed to kids, “which could result in a lifelong addiction to nicotine.”⁶

The new CDC report shows the dangerous impacts these practices are having. Use of e-cigarettes by youth doubled in just one year from 2011 to 2012.⁷ Moreover, the CDC data suggest that e-cigarettes could be serving as a gateway product to nicotine addiction. Over 20% of the middle school students who reported using e-cigarettes said they had never tried traditional cigarettes.⁸ According to the authors of the CDC report, “This raises concern that there may be young people for whom e-cigarettes could be an entry point to use of conventional tobacco products, including cigarettes.”⁹ As CDC Director Tom Frieden stated when the report was

⁵ *E-cigarettes may have a place – just not with minors*, Boston Globe (July 12, 2013) (online at www.bostonglobe.com/opinion/editorials/2013/07/11/cigarettes-may-have-place-just-not-with-minors/a1JcHjP5LJZL6k7cLjQ8OK/story.html).

⁶ *Rise Is Seen in Students Who Use E-Cigarettes*, New York Times (Sept. 5, 2013) (online at www.nytimes.com/2013/09/06/health/e-cigarette-use-doubles-among-students-survey-shows.html?pagewanted=print); *FDA Oversight Badly Needed*, New York Times (Aug. 20, 2013) (online at www.nytimes.com/roomfordebate/2013/08/20/the-ambiguous-allure-of-the-e-cig/fda-oversight-of-e-cigs-badly-needed); *Electronic cigarettes growing in popularity with teens*, Los Angeles Times (Sept. 6, 2013) (online at www.latimes.com/science/la-sci-e-cigarettes-20130906,0,2387959.story); *State of Tobacco Control 2013*, American Lung Association (Jan. 16, 2013) (online at www.stateoftobaccocontrol.org/sotc-2013-report.pdf).

⁷ Centers for Disease Control and Prevention, *Notes from the Field: Electronic Cigarette Use Among Middle and High School Students – United States, 2011-2012* (Sept. 6, 2013) (online at www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w).

⁸ *Id.*

⁹ Centers for Disease Control and Prevention, *E-cigarette use more than doubles among U.S. middle and high school students from 2011 to 2012* (Sept. 5, 2013) (online at www.cdc.gov/media/releases/2013/p0905-ecigarette-use.html).

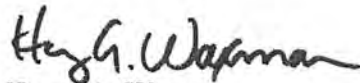
The Honorable Margaret A. Hamburg, M.D.
September 16, 2013
Page 3

released, "Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes."¹⁰

We recognize that some believe e-cigarettes could advance public health if addicted smokers switch to e-cigarettes from traditional cigarettes. Others advance the idea that e-cigarettes could help provide a pathway to smoking cessation. We do not dismiss these ideas, but they need to be proven. In 2009, Congress enacted the Family Prevention and Tobacco Control Act to give FDA the authority to make science-based decisions about products like e-cigarettes.¹¹ Certainly, these dangerous products should not be marketed to children.

As a first step, FDA needs to assert jurisdiction over e-cigarettes. We know you have been working on these "deeming" regulations for years. But as the new CDC report makes clear, continued delay comes with a large public health cost. That is why we are writing to urge you to accelerate your efforts. With over a million youth now using e-cigarettes, FDA needs to act without further delay to protect public health.

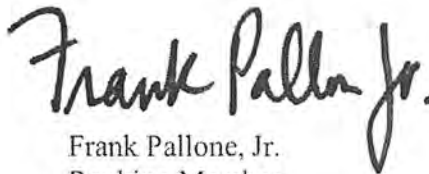
Sincerely,



Henry A. Waxman
Ranking Member
Committee on Energy and
Commerce



Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations



Frank Pallone, Jr.
Ranking Member
Subcommittee on Health



John D. Dingell
Member
Committee on Energy and
Commerce

¹⁰ *Id.*

¹¹ Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31.

HSPH News

Harvard School of Public Health > HSPH News > HSPH in the News > **Tobacco control news: e-cigarette health risks; decline in Greek smoking rates**

Tobacco control news: e-cigarette health risks; decline in Greek smoking rates

E-cigarettes affect airways

A new study finds that electronic cigarettes, marketed as safer alternatives for nicotine fixes than tobacco products, carry health risks of their own. Researchers from the Center for Global Tobacco Control at Harvard School of Public Health (HSPH), working with colleagues in Greece, asked healthy adult smokers to smoke an electronic cigarette for five minutes. After taking breathing tests, subjects showed signs of airway constriction and inflammation.

“This is the first evidence that just one (e-cigarette) use can have acute physiologic effects,” lead researcher Constantine Vardavas, a visiting scientist at HSPH, told *Reuters Health*. “More studies on the long-term effects are needed,” he said.

Higher taxes, less smoking

Tax hikes on cigarettes appear to finally be making a dent in the smoking habits of Greeks, who are among the world’s heaviest smokers. Bans on smoking in public places are widely ignored and little enforced, but HSPH’s [[Gregory N. Connolly]] is encouraged by the 16% drop in the number of those lighting up over the past year. Connolly, director of the HSPH Center for Global Tobacco Control, recently presented a report on the “Greek Tobacco Epidemic” at a conference in Athens. He believes that public awareness campaigns about the dangers of tobacco are beginning to make a mark with the Greek people.

Referring to Greek youth, Connolly told the *SETimes*, “[Foreign tobacco companies] are sending a message that smoking is cool, but it’s killing them.”

[Read *Reuters Health* article](#)

[Read *SETimes* article](#)

Learn more

[Greece Goes Smoke-Free in Restaurants, Bars with HSPH Support \(HSPH feature\)](#)

[Making Smoking History Worldwide \(*Harvard Public Health Review*\)](#)



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September 24, 2013

The Honorable Margaret Hamburg, Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: FDA Regulation of E-Cigarettes

Dear Commissioner Hamburg,

The undersigned Attorneys General write to urge the Food and Drug Administration (FDA) to take all available measures to meet the FDA's stated deadline of October 31, 2013, to issue proposed regulations that will address the advertising, ingredients, and sale to minors of electronic cigarettes (also known as e-cigarettes).

State Attorneys General have long fought to protect their States' citizens, particularly youth, from the dangers of tobacco products. For example, every State Attorney General sued the major cigarette companies for the harm their products caused. With the protection of our States' citizens again in mind, the undersigned Attorneys General write to highlight the need for immediate regulatory oversight of e-cigarettes, an increasingly widespread, addictive product.

As you know, e-cigarettes are battery-operated products designed to deliver nicotine to the user by heating liquid nicotine, derived from tobacco plants, along with flavors and other chemicals, into a vapor that the user inhales. The nicotine found in e-cigarettes is highly addictive, has immediate bio-chemical effects on the brain and body at any dosage, and is toxic in high doses.¹

E-Cigarette Sales are Growing Exponentially Using Marketing that Includes Television

Sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales in 2013 are now accelerating even faster and projected to reach \$1.7 billion.² The cost of e-cigarettes has fallen

¹ U.S. Surgeon General, U.S. Department of Health and Human Services, *The Health Consequences of Smoking: Nicotine Addiction* (1988); Emergency Response Safety and Health Database, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, http://www.cdc.gov/niosh/erashdb/EmergencyResponseCard_29750028.html

² Compare Josh Sanburn, *Can Electronic Cigarettes Challenge Big Tobacco?*, Time.com, Jan. 8, 2013, available at <http://business.time.com/2013/01/08/can-electronic-cigarettes-challenge-big-tobacco/>, (estimating 2013 sales at \$1 billion), with Stuart Elliot, *E-Cigarette Makers' Ads Echo Tobacco's Heyday*, New York Times, Aug. 29, 2013, available at <http://www.nytimes.com/2013/08/30/business/media/e-cigarette-makers-ads-echo-tobaccos-heyday.html>, (estimating 2013 sales at \$1.7 billion).

dramatically, as well, making them more affordable, and thus more attractive to young people. Unlike traditional tobacco products, there are no federal age restrictions that would prevent children from obtaining e-cigarettes, nor are there any advertising restrictions.

Along with the growth of e-cigarette sales, there has also been a growth of e-cigarette advertising over the past year. For example, in this year's Super Bowl broadcast, NJOY e-cigarettes purchased a 30-second television advertisement slot which reached at least 10 million viewers in certain markets and reportedly translated into a dramatic 30-40% increase in sales.³ The advertisement depicted an attractive man smoking an e-cigarette that looked just like a real cigarette. Since then, advertisements for e-cigarettes have regularly appeared on primetime television, making it easier for those advertisements to reach children. Moreover, e-cigarettes are not being marketed as smoking cessation devices, but rather as recreational alternatives to real cigarettes. Consumers are led to believe that e-cigarettes are a safe alternative to cigarettes, despite the fact that they are addictive, and there is no regulatory oversight ensuring the safety of the ingredients in e-cigarettes.

E-Cigarettes Appeal to Youth

E-cigarettes contain fruit and candy flavors -- such as cherry, chocolate, gummy bear, and bubble gum -- that are appealing to youth. The FDA has banned such flavors from cigarettes and should take the same action regarding e-cigarettes. E-cigarettes and refills of the liquid nicotine solution used with e-cigarettes can easily be ordered online without age verification. By intentional use or mistaken ingestion from the non-child resistant containers, e-cigarettes and liquid nicotine refills can deliver dangerously high doses of liquid nicotine to youth.

In addition to flavors, e-cigarette manufacturers, such as eJuiceMonkeys.com and Magic Puff City E-cigarettes, use cartoon monkeys to sell e-cigarettes,⁴ even though for many years, the major manufacturers of traditional cigarettes have been banned from using cartoons to advertise. Finally, e-cigarette manufacturers, such as White Cloud Cigarettes, offer reusable e-cigarette "skins" -- known as Vapor Jackets -- that are intended to make the e-cigarette desirable or fashionable and are available in a variety of patterns that appeal to children, one of which uses images from the popular video game, Angry Birds.⁵

Further, data from the 2011 and 2012 National Youth Tobacco Surveys (conducted by the Centers for Disease Control and Prevention) show that e-cigarette use among students doubled in the last year. Specifically, one in 10 high school students reported that they had tried an e-cigarette in the last year -- up from one in 20 in 2011, and 1.8 million middle and high school students said they had tried e-cigarettes in 2012.⁶ The increased usage among young people

³ Benjamin Wallace, *Smoke Without Fire*, New York Magazine, April 28, 2013, available at <http://nymag.com/news/features/e-cigarettes-2013-5/>.

⁴ See <http://ejuicemonkeys.com/> and <http://cityecigarettes.com/>

⁵ See <http://www.whitecloudelectroniccigarettes.com/accessories/vapor-jackets/>

⁶ Catherine Corey, *Notes from the Field: Electronic Cigarette Use Among Middle and High School Students – United States, 2011–2012*, Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, September 6, 2013, available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w

echoes the growth among adult users, and researchers indicated that aggressive marketing campaigns, in part, drove the increase.⁷

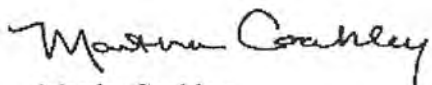
The FDA has Authority to Regulate E-cigarettes and Protect the Public

In the Tobacco Control Act, Congress recognized that nicotine is an addictive drug, and virtually all new users of tobacco products are under the age of eighteen and are therefore too young to legally purchase such products. Congress further found that tobacco advertising and marketing contributes significantly to the teenage use of nicotine-containing tobacco products. To help prevent children from using tobacco products, the Tobacco Control Act imposed restrictions on advertising and marketing to youth. These restrictions should be applied to e-cigarettes, as well, to safeguard children from nicotine addiction and other potential health effects of e-cigarettes.

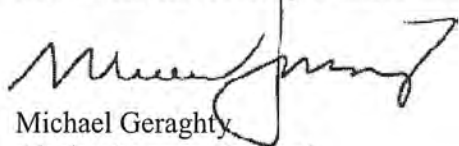
The FDA has authority to regulate electronic cigarettes as “tobacco products” under the Tobacco Control Act, as they are products “made or derived from tobacco” that are not a “drug,” “device,” or combination product. Case law, such as *Sottera, Inc. v. Food & Drug Administration*, 627 F.3d 891 (D.C. Cir. 2010), further supports the contention that e-cigarettes are “made or derived from tobacco” and can be regulated as “tobacco products” under the Tobacco Control Act.

We ask the FDA to move quickly to ensure that all tobacco products are tested and regulated to ensure that companies do not continue to sell or advertise to our nation’s youth.

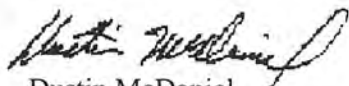
Very respectfully yours,



Martha Coakley
Massachusetts Attorney General



Michael Geraghty
Alaska Attorney General



Dustin McDaniel
Arkansas Attorney General



Mike DeWine
Ohio Attorney General

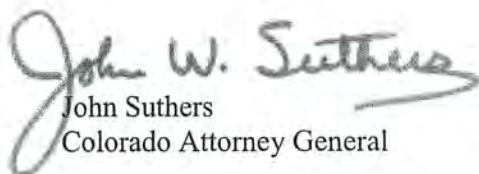


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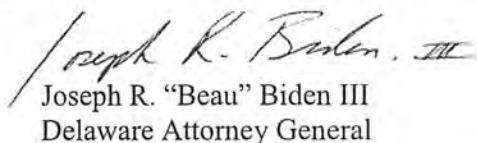


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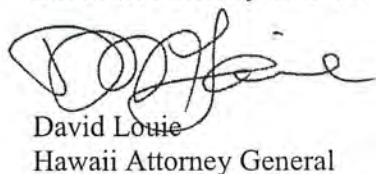
⁷ Sabrina Tavernise, *Rise Is Seen in Students Who Use E-Cigarettes*, New York Times, September 5, 2013, available at <http://www.nytimes.com/2013/09/06/health/e-cigarette-use-doubles-among-students-survey-shows.html>



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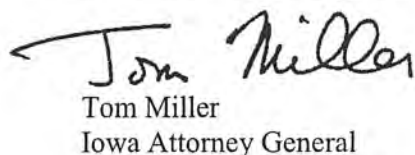
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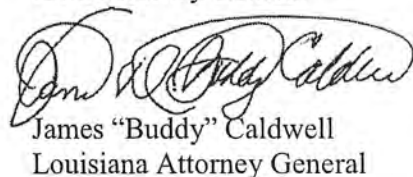
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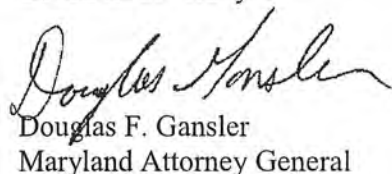
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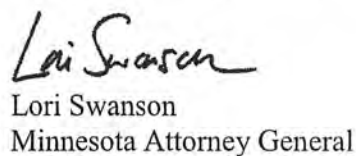
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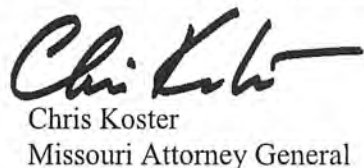
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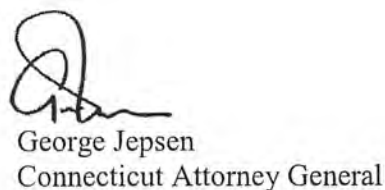
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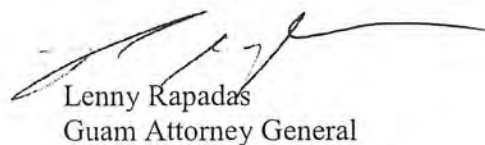
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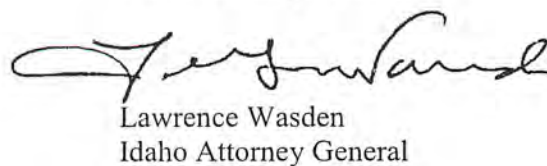
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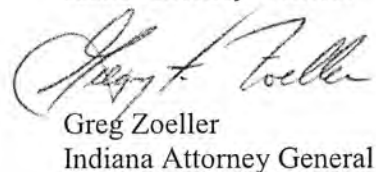
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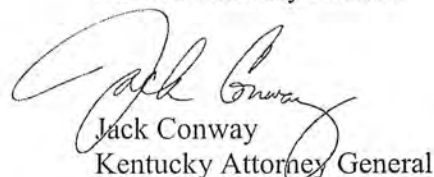
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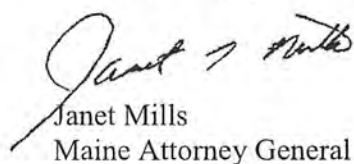
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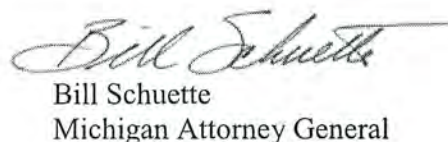
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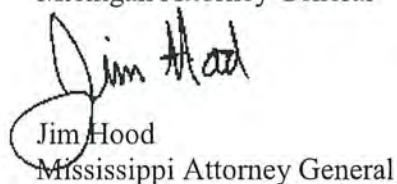
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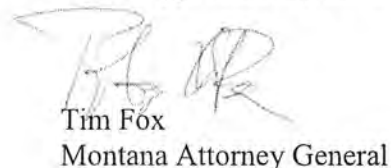
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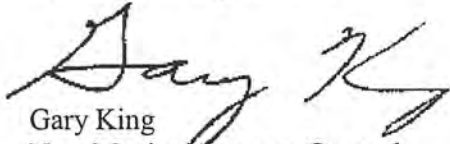
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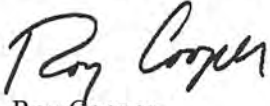
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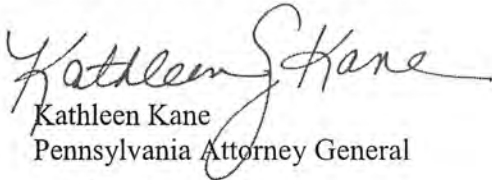
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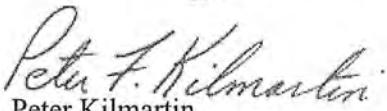
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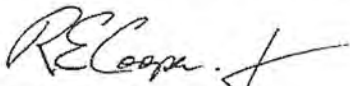
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Kathleen Kane
Pennsylvania Attorney General



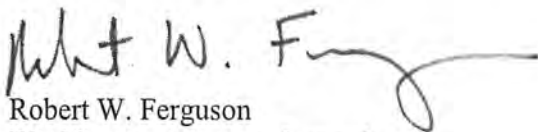
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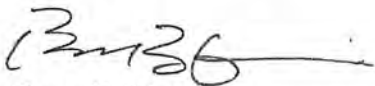
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Tennessee Attorney General



William H. Sorrell
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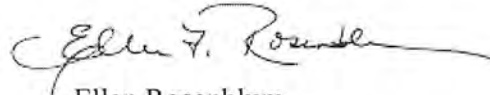
Bruce B. Kim
Hawaii Office of Consumer
Protection Executive Director



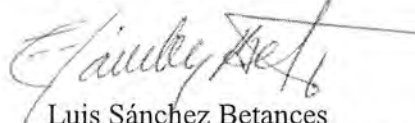
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New Hampshire Attorney General



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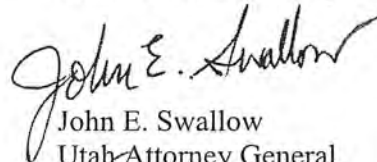
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Featured Research

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Study documents secondhand exposure to nicotine from electronic cigarettes

Date: December 12, 2013

Source: Roswell Park Cancer Institute

Summary: Study compared emissions from electronic and conventional cigarettes, and found that secondhand exposure to nicotine from e-cigarettes is on average 10 times less than from tobacco smoke.

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Results showed that e-cigarettes emitted significant amounts of nicotine, but did not emit substantial amounts of carbon monoxide and toxic volatile organic compounds.

Credit: © ppi09 / Fotolia

[\[Click to enlarge image\]](#)

Electronic cigarettes, when used indoors, may involuntarily expose non-users to nicotine, according to a study led by Maciej Goniewicz, PhD, PharmD, of Roswell Park Cancer Institute (RPCI) and published by the journal *Nicotine and Tobacco Research*.

Electronic cigarettes (e-cigarettes) are consumer products designed to generate nicotine aerosol, or vapor, without the combustion of tobacco. When an e-cigarette user takes a puff, the nicotine solution is heated, and the vapor is taken into the lungs. Researchers examined e-cigarette vapor from three different brands of e-cigarettes using a smoking machine in controlled exposure conditions. They also compared secondhand smoke exposure of e-cigarette vapor and tobacco smoke generated by dual users.

Results showed that e-cigarettes emitted significant amounts of nicotine, but did not emit substantial amounts of carbon monoxide and toxic volatile organic compounds. The level of secondhand exposure to nicotine depended on the e-cigarette brand. Additionally, the emissions of nicotine from e-cigarettes were significantly lower than those of conventional tobacco cigarettes. The U.S. Surgeon General found that there is no safe level of secondhand tobacco smoke, but has not evaluated health risk from secondhand exposure to e-cigarette vapors.

"To our knowledge, this is one of the first studies to measure the air concentrations of nicotine and volatile organic compounds and compare the emissions from electronic and conventional tobacco cigarettes," said Dr. Goniewicz, a researcher and Assistant Professor of Oncology in RPCI's Department of Health Behavior. "Our data suggest

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that secondhand exposure to nicotine from e-cigarettes is on average 10 times less than from tobacco smoke. However, more research is needed to evaluate the health consequences of secondhand exposure to nicotine from e-cigarettes, especially among vulnerable populations including children, pregnant women and people with cardiovascular conditions."

Study observations also include: • This study focused on nicotine and a limited number of chemicals released from e-cigarettes. Future research should explore emissions and exposures to other toxins and compounds identified in e-cigarettes such as formaldehyde, acetaldehyde and acrolein. • Data also are needed to determine whether secondhand exposure to e-cigarette vapors results in reinforcement of nicotine addiction. • More research is needed to investigate whether the vapor from e-cigarettes is deposited on surfaces to form 'thirdhand' e-cigarette vapor.

"Questions remain regarding the health impact of e-cigarettes among smokers and nonsmokers. It remains unclear whether young people will see e-cigarette use as a social norm and if e-cigarettes will be used as sources of nicotine in places with smoking bans, thus circumventing tobacco-free laws," said Andrew Hyland, PhD, Chair of the Department of Health Behavior at RPH. "This study and others can guide policymakers as decisions are made about the regulation of the nicotine delivery devices."

Story Source:

The above story is based on materials provided by Roswell Park Cancer Institute. Note: Materials may be edited for content and length.

Journal Reference:

1. J. Czogala, M. L. Goniewicz, B. Fidelus, W. Zielinska-Danch, M. J. Travers, A. Sobczak. **Secondhand Exposure to Vapors From Electronic Cigarettes.** *Nicotine & Tobacco Research*, 2013; DOI: 10.1093/ntr/ntt203

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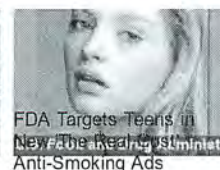
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Electronic cigarettes are unsafe and pose health risks, study finds

Date: December 5, 2010

Source: University of California - Riverside

Summary: How safe are electronic cigarettes or "e-cigarettes"? To address this question, researchers evaluated five e-cigarette brands and found design flaws, lack of adequate labeling, and several concerns about quality control and health issues. They conclude that e-cigarettes are potentially harmful and urge regulators to consider removing e-cigarettes from the market until their safety is adequately evaluated.

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The image shows e-cigarette fluid leaking out of a cartridge, making it difficult to handle without touching the nicotine solution.

Credit: Talbot lab, UC Riverside.

Electronic cigarettes (or e-cigarettes), also called "electronic nicotine delivery systems," are increasingly used worldwide even though only sparse information is available on their health effects. In the United States, e-cigarettes are readily available in shopping malls in most states and on the Internet. But how safe are e-cigarettes?

To address this question, researchers at the University of California, Riverside evaluated five e-cigarette brands and found design flaws, lack of adequate labeling, and several concerns about quality control and health issues. They conclude that e-cigarettes are potentially harmful and urge regulators to consider removing e-cigarettes from the market until their safety is adequately evaluated.

Unlike conventional cigarettes, which burn tobacco, e-cigarettes vaporize nicotine, along with other compounds present in the cartridge, in the form of aerosol created by heating, but do not produce the thousands of chemicals and toxicants created by tobacco combustion. Nothing is known, however, about the chemicals present in the aerosolized vapors emanating from e-cigarettes.

"As a result, some people believe that e-cigarettes are a safe substitute for conventional cigarettes," said Prue Talbot, the director of UC Riverside's Stem Cell Center, whose lab led the research. "However, there are virtually no scientific studies on e-cigarettes and their safety. Our study -- one of the first studies to evaluate e-cigarettes -- shows that this product has many flaws, which could cause serious public health problems in the future if the flaws go uncorrected."

Study results appear in this month's issue of *Tobacco Control*.

Talbot, a professor of cell biology and neuroscience, was joined in the study by Anna Trichounian, the first author of the research paper. Together, they examined the design, accuracy and clarity of labeling, nicotine content, leakiness, defective parts, disposal, errors in filling orders, instruction manual quality and advertizing for the

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following brands of e-cigarettes: NJOY, Liberty Stix, Crown Seven (Hydro), Smoking Everywhere (Gold and Platinum) and VapCigs.

Their main observations are that:

- Batteries, atomizers, cartridges, cartridge wrappers, packs and instruction manuals lack important information regarding e-cigarette content, use and essential warnings;
- E-cigarette cartridges leak, which could expose nicotine, an addictive and dangerous chemical, to children, adults, pets and the environment;
- Currently, there are no methods for proper disposal of e-cigarettes products and accessories, including cartridges, which could result in nicotine contamination from discarded cartridges entering water sources and soil, and adversely impacting the environment; and
- The manufacture, quality control, sales, and advertisement of e-cigarettes are unregulated.

The study was funded by a grant to Talbot from the University of California Tobacco-Related Disease Research Program (TRDRP).

"More research on e-cigarettes is crucially needed to protect the health of e-cigarette users and even those who do not use e-cigarettes," said Kamlesh Asotra, a research administrator at UC TRDRP. "Contrary to the claims of the manufacturers and marketers of e-cigarettes being 'safe,' in fact, virtually nothing is known about the toxicity of the vapors generated by these e-cigarettes. Until we know any thing about the potential health risks of the toxins generated upon heating the nicotine-containing content of the e-cigarette cartridges, the 'safety' claims of the manufactureres are dubious at best.

"Justifiably, more information about the potential toxic and health effects of e-cigarette vapors is necessary before the public can have a definitive answer about the touted safety of e-cigarettes. Hopefully, in the near future, scientists can provide firm evidence for or against the claimed 'safety' of e-cigarettes as a nicotine-delivery tool."

About electronic cigarettes:

E-cigarettes consist of a battery, a charger, a power cord, an atomizer, and a cartridge containing nicotine and propylene glycol. When a smoker draws air through an e-cigarette, an airflow sensor activates the battery that turns the tip of the cigarette red to simulate smoking and heats the atomizer to vaporize the propylene glycol and nicotine. Upon inhalation, the aerosol vapor delivers a dose of nicotine into the lungs of the smoker, after which, residual aerosol is exhaled into the environment.

Story Source:

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Perceived benefits of electronic cigarettes may lead to higher experimentation rates

Date: January 8, 2014

Source: Elsevier

Summary: Despite years of anti-smoking education and legislation, tobacco use still remains an important public health issue in the United States. In 2010, 25.2% of all adults and 35.6% of young adults reported current tobacco use. While anti-tobacco efforts continue across the country, the introduction of electronic cigarettes has been marketed as a less harmful alternative to cigarettes and also as a smoking cessation aid.

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Despite years of anti-smoking education and legislation, tobacco use still remains an important public health issue in the United States. In 2010, 25.2% of all adults and 35.6% of young adults reported current tobacco use. While anti-tobacco efforts continue across the country, the introduction of electronic cigarettes (e-cigarettes) has been marketed as a less harmful alternative to cigarettes and also as a smoking cessation aid.

E-cigarettes supply nicotine through inhaled water vapor. While the addictiveness and long-term effects of using e-cigarettes as a nicotine delivery system are unknown, many people anecdotally believe that they are safer than traditional tobacco products. According to a new study published in the February issue of the *American Journal of Preventive Medicine*, the belief that e-cigarettes pose less of a health risk may lead to increased experimentation with e-cigarettes among young adults.

Investigators from the Division of Epidemiology and Community Health, University of Minnesota looked at whether or not there was a relationship between perceived notions about the harmfulness of e-cigarettes relative to cigarettes and subsequent e-cigarette use among young adults. Investigators surveyed 1379 participants from the Minnesota Adolescent Community Cohort who had never used e-cigarettes. The initial baseline survey explored their opinions about e-cigarettes and their effect on health relative to cigarettes or their usefulness as an aid to stop smoking. Then, a follow-up survey conducted one year later asked participants if they had experimented with e-cigarettes.

"Participants who agreed e-cigarettes can help people quit smoking and those who agreed that e-cigarettes are less harmful than cigarettes were more likely than those who did not agree to subsequently report experimenting with e-cigarettes. These associations did not vary by gender or smoking status," says study lead author Kelvin Choi, PhD.

Specifically, the follow-up study found that 7.4% of participants who had never used an e-cigarette at baseline reported subsequently using an e-cigarette, with 21.6% among baseline current smokers, 11.9% among baseline former smokers, and 2.9% among baseline nonsmokers reporting use.

"The study showed that 2.9% of baseline nonsmokers in this U.S. regional sample of young adults reported ever using e-cigarettes at follow-up, suggesting an interest in e-cigarettes among nonsmoking young adults," explains Dr. Choi. "This is problematic because young adults are still developing their tobacco use behaviors, and e-cigarettes may introduce young adults to tobacco use, or promote dual use of cigarettes and smokeless tobacco products."

While the risks associated with long-term e-cigarette use are largely unknown, recent studies suggest that they can significantly increase plasma nicotine levels, which means they are potentially as addictive as cigarettes. "This study also suggested that about 12% of former young adults smokers at baseline were re-introduced to nicotine through e-cigarettes. Future prospective studies including adults of all ages are needed to confirm these findings related to e-cigarette use among nonsmokers and former smokers, and to determine the role of e-cigarettes on relapse of smoking," adds Dr. Choi.

This link between beliefs about e-cigarettes and subsequent experimentation can be used to guide future anti-nicotine and anti-smoking campaigns that encompass the new technology of e-cigarettes. "Understanding the specific beliefs that predict subsequent e-cigarette experimentation allows us to focus on these beliefs when

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designing public health messages," concludes Dr. Choi. "Results from this study suggest that messages about the lack of evidence on e-cigarettes being cessation aids, and the uncertainty of the risks associated with e-cigarette use may discourage young adults, particularly young adult nonsmokers and former smokers, from experimenting with e-cigarettes."

Story Source:

The above story is based on materials provided by Elsevier. Note: Materials may be edited for content and length.

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1. Kelvin Choi, PhD; Jean L. Forster, PhD. **Beliefs and Experimentation with Electronic Cigarettes: A Prospective Analysis Among Young Adults.** *American Journal of Preventive Medicine*, February 2014

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E-cigarettes' growing popularity poses danger to kids

Laura Ungar, The (Louisville, Ky.) Courier-Journal 6 a.m. EST January 5, 2014

Scientists are raising concerns about the effects of e-cigarettes' "secondhand vapor" on children.



(Photo: Michael Clevenger, The (Louisville, Ky.) Courier-Journal)

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LOUISVILLE, Ky. -- Billed as a safer, cleaner way to get a nicotine fix, electronic cigarettes are surging in popularity. But some doctors and researchers say these smoking substitutes are far from harmless — especially to children.

More teens are trying these products, even as scientists increasingly raise concerns about the effects of e-cigarettes' "secondhand vapor" on children.

In addition, the liquid nicotine used in the devices, which comes in flavors such as bubblegum and cola, is being blamed for a growing number of poisonings across the nation.

"Accidental exposure by children to e-cigarettes is a public health concern that we need to take seriously," said LaQuandra Nesbitt, director of the Louisville Metro Department of Public Health and Wellness, which will soon recommend age restrictions on the devices. "Parents need to be aware of the potential dangers to their children."

The battery-operated units contain cartridges filled with nicotine, flavor and other chemicals, which are heated to create a vapor inhaled by the user. Starter kits can cost \$60-\$80, five-packs of cartridges can run around \$10, and sales of e-cigarettes have doubled to more than \$1.5 billion in the past year.

But problems among children also have risen.

Ashley Webb, director of the Kentucky Regional Poison Control Center of Kosair Children's Hospital, said the center received more than 40 calls involving e-cigarette poisonings in 2013, up from nine in 2012 and one in 2010. Nationally, there were 427 such exposures in 2012, according to the latest annual report from the National Poison Data System. Meanwhile, the 2012 National Youth Tobacco Survey shows that recent e-cigarette use nearly doubled in one year among U.S. high school students, rising from 1.5% in 2011 to 2.8% smoking them in 2012.

While Indiana prohibits sales of e-cigarettes to minors, Kentucky and the federal government do not. But a soon-to-be-released report from the Louisville health department recommends restricting the sale of e-cigarettes to Jefferson County minors.

The U.S. Food and Drug Administration is also considering whether to regulate e-cigarettes. The agency issued a warning in 2009 that the devices were being marketed to youth, but does not regulate the products unless they make therapeutic claims.

"It's really up to individual store owners not to sell to children," said Troy LeBlanc, owner of Derb E Cigs in Jeffersontown, who won't sell to anyone younger than 18. "I wouldn't be opposed to government age restrictions."

LeBlanc said e-cigarettes can be beneficial for adults, helping them quit tobacco smoking, which is documented to be more dangerous.

Ray Story, chief executive officer of the Tobacco Vapor Electronic Cigarette Association, agreed they're an effective smoking substitute, saying the industry designs and markets the devices for adults. He said the vapor is harmless, and it's up to adults to keep children from the e-liquid, which can sicken them.

"At the end of the day, everything's attractive to kids," Story said. "If you're an adult, it's a matter of choice. But we have to safeguard those who don't have the ability to safeguard themselves."

Webb said parents often don't think of nicotine as a poison, so they may leave liquid e-cigarette cartridges within reach of children.



The warning label on the e-cigarette fluid states "Must be 18 years or older to purchase, contains nicotine," and "Keep out of children's reach." (Photo: Michael Clevenger, The (Louisville, Ky.) Courier-Journal)

Children are getting ahold of e-cigarettes and taking them apart, she said. "They either ingest the liquid or get it onto their skin. Even on the skin, the nicotine is absorbed."

She said toddlers and preschoolers sometimes lick the containers or drink the liquid, enticed by the flavoring.

"Kids will eat most anything," said George Rodgers, associate medical director of the poison control center.

Ingesting e-liquid can give children a harmful or even deadly dose of nicotine. Rodgers said many cartridges contain more than 14 milligrams, enough to cause harm.

"And since children are not used to consuming nicotine, their symptoms may be more severe at lower levels," he said.

Symptoms include hyperactivity, flushing, sweating, headache, dizziness, rapid heart rate, vomiting and diarrhea. Even small amounts on a child's skin can cause irritation and a burning sensation. In very severe cases, a child's heart rate and blood pressure may drop dangerously low, resulting in a coma or even death.

Webb said there have been no deaths so far among cases her center has handled, but children have ended up in the emergency room.

Story said his organization has pushed for safety packaging, and e-liquid refills come with tamper-evident caps.

LeBlanc said some of his products now come with child-resistant caps, and "we're transferring everything to child-resistant."

"All of our liquids have a warning on them to keep out of the reach of children," he added.

Jenny Haliski, an FDA spokeswoman, said federal regulations now apply only to conventional cigarettes and other tobacco products, but her agency is considering new rules that may cover e-cigarettes.

Stephen Wright, Kosair hospital's medical director, said people should be cautious.

"Since the industry is still so new, we don't yet know all of the long-term health effects of e-cigarettes to the user, in addition to any effects of secondhand vapor," he said. "We do know that not smoking anything — especially around children — is always the best bet."

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E-Cigarettes Expose Non-Smokers To Significant Nicotine Emission; Dangers Remain Unknown

By Sabrina Bachai | Dec 15, 2013 03:23 PM EDT

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Currently, there are about four million Americans who use battery powered cigarettes, according to the Tobacco Vapor Electronic Cigarette Association.

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And for the past several years the e-cigarette craze has become increasingly popular because of its [convenience](#).

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The battery-powered devices, however, may have negative effects for those who are around the person smoking.

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According a new study in the journal *Nicotine and Tobacco Research*, e-cigarette smoke exposes non smokers to significant amounts of nicotine through the air. The risks of second-hand nicotine remain unstudied, according to the study.

The study was conducted using three brands of e-cigarettes, and the researchers looked into what their smoke was releasing into the air. They found that the second-hand smoke had high concentrations of nicotine, but it did not contain other harmful chemicals. Scientists used a smoke machine to simulate the smoking of a cigarette, and measured the concentrations of nicotine and other compounds such as carbon monoxide. Five male participants were then asked to smoke both tobacco and e-cigarettes in a room that measured contaminant exposure. While the nicotine emissions were 10 times less in e-cigarettes versus regular tobacco, they still proved to be a significant source of second-hand exposure. But, unlike conventional cigarettes, carbon monoxide and other volatile compounds were not released.

The study backs up previous data gathered by the U.S. Food and Drug Administration (FDA). "The FDA report found nine contaminants versus the 11,000 contained in a tobacco cigarette, and noted that the level of toxicity was shown to be far lower than those of tobacco cigarettes," ABC News reported. Nevertheless, long-term use could still



(Shutterstock.) Smoking e-cigarettes could have negative effects for those exposed to second-hand smoke, however, the risks are only regarding nicotine exposure.

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pose a threat. Even though the threat of other chemical compounds is only present in a very limited fashion, inhaling nicotine may still pose health risks — we just don't know.

In a section of the study called "Unanswered Questions and Future Research," the authors call for a deeper analysis of whether secondhand nicotine inhalation could be harmful for at risk populations. "We found no publications on the cardiovascular effects of passive exposure to e-cigarette vapors or on the health effects of secondhand exposure to e-cigarette vapors among vulnerable population, including children, pregnant women, and people with cardiovascular conditions," the authors write.

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The American Cancer Society (ACS) believes that inhaling anything but natural air has side effects, but the organization is not quite sure how harmful these effects will be in the future. "Studies have shown that e-cigarettes can cause short-term lung changes that are much like those caused by regular cigarettes," the ACS writes on its website. "But long-term health effects are still unclear."

Source: Sobczak A, Travers M, Czogala J, et al. Secondhand Exposure to Vapors From Electronic Cigarettes. *Nicotine & Tobacco Research*. 2013.

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I still don't wish to inhale vapor produced by others around me, just as I feel that they don't have to inhale exhaust from me, no matter what the composition may be. I wouldn't bring spray cans of paint indoors and begin painting away either, legal as it may be.

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Secondhand Exposure to Vapors From Electronic Cigarettes

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Abstract

Introduction: Electronic cigarettes (commonly referred as e-cigarettes) are designed to generate inhalable nicotine aerosol (vapor). When an e-cigarette user takes a puff, the nicotine solution is heated and the vapor taken into lungs. Although no sidestream vapor is generated between puffs, some of the mainstream vapor is exhaled by e-cigarette user. The aim of the study was to evaluate the secondhand exposure to nicotine and other tobacco-related toxicants from e-cigarettes.

Materials and Methods: We measured selected airborne markers of secondhand exposure: nicotine, aerosol particles (PM_{2.5}), carbon monoxide, and volatile organic compounds (VOCs) in an exposure chamber. We generated e-cigarette vapor from 3 various brands of e-cigarette using a smoking machine and controlled exposure conditions. We also compared secondhand exposure with e-cigarette vapor and tobacco smoke generated by 5 dual users.

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concentrations of nicotine emitted by various brands of e-cigarettes ranged from 0.82 to 6.23 µg/m³. The average concentration of nicotine resulting from smoking tobacco cigarettes was 10 times higher than from e-cigarettes (31.60±6.91 vs. 3.32±2.49 µg/m³, respectively; *p* = .0081).

Conclusions: Using an e-cigarette in indoor environments may involuntarily expose nonusers to nicotine but not to toxic tobacco-specific combustion products. More research is needed to evaluate health consequences of secondhand exposure to nicotine, especially among vulnerable populations, including children, pregnant women, and people with cardiovascular conditions.

Tuesday, January 7, 2014

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HEALTH

Secondhand vapor from e-cigarettes contains nicotine but not other toxins: study

Whether electronic cigarettes are harmful to health continues to be a topic of debate, and smoking them indoors was recently banned in New York City. Now a new study finds vapor from e-cigs contains lower levels of nicotine than tobacco cigarettes and less harmful particulate matter.

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FRIDAY, JANUARY 3, 2014, 5:12 PM

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Public health experts are concerned that e-cigarettes may encourage more young people to smoke, but a new study finds that the secondhand effects of the vapor, at least, do not present the same health hazards as tobacco cigarettes.

People standing near someone using an e-cigarette will be exposed to nicotine, but not to other chemicals found in tobacco cigarette smoke, according to a new study.

E-cigarettes, or electronic cigarettes, create a nicotine-rich vapor that can be inhaled, or 'vaped.'

Researchers and regulators have questioned whether e-cigarettes are a smoking cessation aid or may lure more young people toward smoking, as well as what effects they have on health.

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"There is ongoing public debate whether e-cigarettes should be allowed or prohibited in public spaces," study co-author Maciej Goniewicz told Reuters Health in an email.

Goniewicz is a cancer researcher in the Department of Health Behavior at the Roswell Park Cancer Institute in Buffalo, New York.

"E-cigarettes contain variable amounts of nicotine and some traces of toxicants. But very little is known to what extent non-users can be exposed to nicotine and other chemicals in situations when they are present in the same room with users of e-cigarettes," Goniewicz said.

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He and his colleagues conducted two studies of secondhand exposure to e-cigarette vapors in a laboratory. Their results were published in *Nicotine and Tobacco Research*.

In the first study, the researchers used an electronic smoking machine to generate vapor in an enclosed space. They measured the amount of nicotine as well as carbon monoxide and other potentially harmful gases and particles in the chamber.

The second study included five men who regularly smoked both tobacco cigarettes and e-cigarettes. Each man entered a room and smoked his usual brand of e-cigarette for two five-minute intervals over an hour while the researchers measured air quality. The room was cleaned and ventilated and the experiment was repeated with tobacco cigarettes.

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The researchers measured nicotine levels of 2.5 micrograms per cubic meter of air in the first study. Nicotine levels from e-cigarettes in the second study were slightly higher at about 3.3 micrograms per cubic meter. But tobacco cigarette smoking resulted in nicotine levels ten times higher at almost 32 micrograms per cubic meter.

"The exposure to nicotine is lower when compared to exposure from tobacco smoke. And we also know that nicotine is relatively safer when compared to other dangerous toxicants in tobacco smoke," Goniewicz said.

E-cigarettes also produced some particulate matter, but regular cigarettes produced about seven times more. E-cigarettes didn't change the amount of carbon monoxide or other gases in the air.

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"What we found is that non-users of e-cigarettes might be exposed to nicotine but not to many toxicants when they are in close proximity to e-cigarette users," said Goniewicz.

"It is currently very hard to predict what would be the health impact of such exposure," he added.

He said more research is needed to find out how the current findings correspond to "real-life" situations, when many people might be using e-cigarettes in a room with restricted ventilation.

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"This is an interesting piece and points in the direction that a number of other studies are pointing, though it begins to expand the evidence on the potential effects to others," Amy Fairchild told Reuters Health in an email.

Fairchild was not involved in the new research, but has studied how e-cigarette use might impact views on regular cigarettes at the Columbia University Mailman School of Public Health in New York.

She said the study suggests e-cigarettes are far safer, both in terms of toxins and nicotine, than tobacco cigarettes when it comes to the health effects on bystanders - although more research is needed to know for sure.

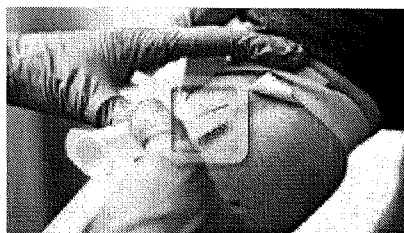
"In locales considering extending smoking bans to e-cigarettes, I think that these data weaken the case for more sweeping bans," Fairchild said. "And so this begins to answer the question about why e-cigarettes are considered better: they reduce risks to both the user and to the bystander when compared to tobacco cigarettes."

Fairfield said the concern about vaping ultimately revolves around whether e-cigarettes are going to change broader patterns of smoking at the population level.

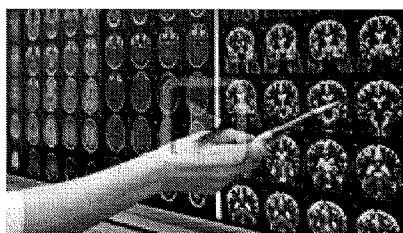
"There are potential harms, including promoting continued smoking of cigarettes and renormalizing cigarette smoking behaviors," Goniewicz said. "Regulatory agencies around the world will need to make a number of regulatory decisions about product safety that could have major effects on public health."

Goniewicz has received funding from a drug company that makes medications to aid smoking cessation. Another study author has received funds from an e-cigarette manufacturer.

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Hopes for a healthy cigarette may be nothing more than a pipe dream. A new study suggests that e-cigarettes may contain a level of carcinogens comparable to regular cigarettes.

In recent years, e-cigarettes have become a popular alternative for smokers. The devices use heat to vaporize nicotine but do not actually contain tobacco.

For smokers trying to kick their habit, or at least reduce health risks, e-cigarettes appeared to provide a desirable third way, allowing smokers to get their nicotine fixes while avoiding most of the health risks commonly associated with smoking, including cancer.

However, a report released in France's National Consumer Institute magazine on Monday says that many e-cigarettes actually contain "a significant quantity of carcinogenic molecules."

According to the study, researchers found that 3 in 10 e-cigarettes contain levels of formaldehyde and acrolein that are nearly equal to levels found in standard cigarettes.

"This is not a reason to ban them, but to place them under better control," National Consumer Institute's editor in chief Thomas Laurenceau said.

As The Wall Street Journal reports, the U.S. Food and Drug Administration is already considering new potential regulations for e-cigarettes, including a ban on online sales. Because e-cigarettes do not actually emit tobacco smoke, users have largely been able to avoid restrictions applied to traditional smokers.

On Tuesday, the Seal Beach, Calif., City Council announced it was placing a 45-day ban on e-cigarette vendors so the city could spend more time examining the potential health risks of the devices.

However, proponents of e-cigarettes say there is just as much, if not more, evidence suggesting that vaporized nicotine is not only less harmful, but has helped countless cigarette smokers give up their habit.

"I am a ex-smoker (35 years). I tried many times to quit with no success," Michael Eveliegh, owner of Oklahoma based Royal Vapor told Yahoo! News in an email interview. "E-cigs are the only thing that worked! Please know that the tobacco company's and their lobbyists are trying to discredit and confuse the issue," he said. "3 in 10 E-cigs contain levels of formaldehyde, which ones? What flavors? What nicotine level? These are vital to understanding if there is really a cause for concern or not."

The e-cigarette market has been booming. In 2012, the e-cigarette industry recorded more than \$1 billion in sales, with profits expected to reach \$10 billion within five years. Some estimate that e-cigarette sales could surpass traditional cigarette sales in the next few decades.

The Verge notes that a recent report from Wells Fargo pointed to the public's belief that e-cigarettes are healthier than traditional smoking as the reason behind their surge in popularity, describing their growth potential as a "promising opportunity" for investors.

"E-cigarettes are more than just a fad," reads an excerpt from the report. "E-Cigarettes' appeal stems from a variety of perceived advantages over traditional cigarettes, most commonly the perceptions that e-cigarettes are healthier, cheaper, and can be used almost anywhere."

However, the future of the e-cigarette industry could change with those potential FDA regulations coming as soon as this fall.

"It is true that more research is needed on the health effects of e-cigarettes," Mitch Zeller, director of the FDA's Center for Tobacco Products, told the WSJ. "However, we do not need more research on whether e-cigarettes should or should not be included in proposed FDA regulations."

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E-cigarettes' perceived benefits may lead to higher experimentation rates

By ANI | ANI - 9 hours ago

Washington, Jan. 8 (ANI): Researchers have suggested that the belief that e-cigarettes pose less health risk could lead to

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Investigators from the Division of Epidemiology and Community Health, University of Minnesota surveyed 1379 participants from the Minnesota Adolescent Community Cohort who had never used e-cigarettes.

The initial baseline survey explored their opinions about e-cigarettes and their effect on health relative to cigarettes or their usefulness as an aid to stop smoking. Then, a follow-up survey conducted one year later asked participants if they had experimented with e-cigarettes.

Study lead author Kelvin Choi, PhD, said that participants who agreed e-cigarettes can help people quit smoking and those who agreed that e-cigarettes are less harmful than cigarettes were more likely than those who did not agree to subsequently report experimenting with e-cigarettes.

Specifically, the follow-up study found that 7.4 per cent of participants who had never used an e-cigarette at baseline reported subsequently using an e-cigarette, with 21.6 per cent among baseline current smokers, 11.9 per cent among baseline former smokers, and 2.9 per cent among baseline nonsmokers reporting use.

Choi said that the study showed that 2.9 per cent of baseline nonsmokers in this U.S. regional sample of young adults reported ever using e-cigarettes at follow-up, suggesting an interest in e-cigarettes among nonsmoking young adults.

A new study has been published in the American Journal of Preventive Medicine. (ANI)

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New York Moves Towards Total E-Cigarette Ban

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The New York State Assembly has voted overwhelmingly 125-0 to ban e-cigarettes [e-cigs]; a product which has already been banned in Australia, Brazil, Canada, Israel, Mexico, and New Zealand, restricted in Finland, Malaysia, and Singapore, pending restriction in the UK as a drug, and the subject of law suits by attorneys general in several states, says public interest law professor John Banzhaf, Executive Director of Action on Smoking and Health (ASH).

The decision followed an email sent by Action on Smoking and Health (ASH) to New York's legislators seeking to correct misinformation they apparently received from marketers and others. ASH previously helped persuade New Jersey and Suffolk County, NY, to ban the use of e-cigarettes in no-smoking sections.

ASH's email noted that the FDA, the only agency both authorized and qualified to evaluate whether e-cigs are both safe and effective, has reported that e-cig use poses "acute health risks," that "the dangers posed by their toxic chemicals . . . cannot seriously be questioned," and that e-cigs have caused a wide variety of potentially serious problems "including racing pulse, dizziness, slurred speech, mouth ulcers, heartburn, coughing, diarrhea, and sore throat." It ruled they are "illegal"

Virtually all of the major national and well-respected medical and antismoking organizations have also voiced strong concerns about the risks posed by e-cigarettes, and urged restrictions on their sales. These include the American Cancer Society, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids, Americans for Nonsmokers' Rights, and the Association for the Treatment of [Tobacco Use](#) and Dependence.

ASH also pointed out that the FDA, in its own words, "is concerned that electronic cigarettes, cigars, or pipes may introduce young people to nicotine use which may lead to an increase in the use of conventional [tobacco products](#) with well-known, adverse, health consequences. Additionally, it is unclear what health effects these products could have on users or if misuse or product failure could lead to nicotine poisoning or other serious adverse health consequences."

The FDA also warned that "conference participants stressed the importance of parents being aware of the health and marketing concerns associated with e-cigarettes. It was stated that parents may want to tell their children and teenagers that these products are not safe to use. . . . Of particular concern to parents is that e-cigarettes are sold without any legal age restrictions, and are available in different flavors (such as chocolate, strawberry and mint) which may appeal to young people. . . . In addition, the devices do not contain any health warnings comparable to FDA-approved nicotine replacement products or conventional cigarettes."

Although some users claim that the products helped them to quit smoking, ASH countered by citing the FDA's own findings: "at this time, we are not aware of any data establishing electronic cigarettes, cigars, or pipes as generally recognized among scientific experts as safe and effective. . . . There may be a perception among some users that electronic cigarettes, cigars, or pipes are safer alternatives to conventional tobacco products. There may also be a perception that these products are a safe and effective means to quit smoking conventional forms of tobacco. However, FDA is not aware of any scientific data to support those perceptions."

Michael Eriksen, ScD, the former director of CDC's Office of Smoking and Health and an FDA adviser warned: "I have seen no evidence that people switch from tobacco cigarettes to e-cigarettes or other smokeless tobacco products. If you look at how smokeless products are marketed, they are sold as something to use at times you can't smoke. The implication is you will increase nicotine exposure, not reduce smoking,"

ASH also raised concerns not yet addressed by the FDA: the extent to which the vapor exhaled by e-cig users — including propylene glycol (a respiratory irritant used in antifreeze and known to cause respiratory tract infections), nicotine (a deadly and addictive drug which can help trigger heart attacks), and other substances the FDA labels as "carcinogens" and "toxins" — could threaten the health of nearby nonsmokers.

ASH cited a typical reaction from a sensitive bystander: "My first exposure to e-cigarettes was last year in a hospital. Smokers were made to go outside but 3 e-smokers plus 2 staff were using the e-cigarettes inside . . . I have lupus and the vapor irritated my nose, eyes, throat, and chest, plus the nicotine was making me feel nauseous so there must have been significant quantities in the side-vapor."

ASH, America's first antismoking organization, and the one which started the nonsmokers' rights movement by first getting smoking restricted and ultimately banned on airplanes and in many public places, believes that nonsmokers should not be subjected to the vapors emitted by e-cig users unless and until they have conclusively been shown to be completely safe, even to children, the elderly, those at increased risk, and those with special medical problems.

Public interest law professor John Banzhaf of ASH, argues that there is no possible justification for subjecting the great majority of Americans who are nonsmokers to the totally unnecessary risks posed by a mixture of toxins and carcinogens. Even if e-cigarettes did help some smokers quit — which the FDA denies — "it's your monkey, keep him off my back."

PROFESSOR JOHN F. BANZHAF III

Professor of Public Interest Law at GWU,

FAMRI Dr. William Cahan Distinguished Professor,

FELLOW, World Technology Network, and

Executive Director and Chief Counsel

Action on Smoking and Health (ASH)

America's First Antismoking Organization

2013 H Street, NW

Electronic cigarettes pose health risks, study finds

Date: 2010-12-03
Contact: Iqbal Pittalwala
Phone: (951) 827-6050
Email: iqbal@ucr.edu

Electronic cigarettes (or e-cigarettes), also called "electronic nicotine delivery systems," are increasingly used worldwide even though only sparse information is available on their health effects. In the United States, e-cigarettes are readily available in shopping malls in most states and on the Internet. But how safe are e-cigarettes?

To address this question, researchers at the University of California, Riverside, evaluated five e-cigarette brands and found design flaws, lack of adequate labeling, and several concerns about quality control and health issues. They conclude that e-cigarettes are potentially harmful and urge regulators to consider removing e-cigarettes from the market until their safety is adequately evaluated.

Unlike conventional cigarettes, which burn tobacco, e-cigarettes vaporize nicotine, along with other compounds present in the cartridge, in the form of aerosol created by heating, but do not produce the thousands of chemicals and toxicants created by tobacco combustion. Nothing is known, however, about the chemicals present in the aerosolized vapors emanating from e-cigarettes.

"As a result, some people believe that e-cigarettes are a safe substitute for conventional cigarettes," said Prue Talbot, the director of UC Riverside's Stem Cell Center, whose lab led the research. "However, there are virtually no scientific studies on e-cigarettes and their safety. Our study — one of the first studies to evaluate e-cigarettes — shows that this product has many flaws, which could cause serious public health problems in the future if the flaws go uncorrected."

Study results appear in this month's issue of Tobacco Control.

Talbot, a professor of cell biology and neuroscience, was joined in the study by Anna Trtchounian, the first author of the research paper. Together, they examined the design, accuracy and clarity of labeling, nicotine content, leakiness, defective parts, disposal, errors in filling orders, instruction manual quality and advertizing for the following brands of e-cigarettes: NJOY, Liberty Stix, Crown Seven (Hydro), Smoking Everywhere (Gold and Platinum) and VapCigs.

Their main observations are that:

- Batteries, atomizers, cartridges, cartridge wrappers, packs and instruction manuals lack important information regarding e-cigarette content, use and essential warnings.
- E-cigarette cartridges leak, which could expose nicotine, an addictive and dangerous chemical, to children, adults, pets and the environment.
- Currently, there are no methods for proper disposal of e-cigarettes products and accessories, including cartridges, which could result in nicotine contamination from discarded cartridges entering water sources and soil, and adversely impacting the environment.
- The manufacture, quality control, sales, and advertisement of e-cigarettes are unregulated.

The study was funded by a grant to Talbot from the University of California Tobacco-Related Disease Research Program (TRDRP).

"More research on e-cigarettes is crucially needed to protect the health of e-cigarette users and even those who do not use e-cigarettes," said Kamlesh Asotra, a research administrator at UC TRDRP. "Contrary to the claims of the manufacturers and marketers of e-cigarettes being 'safe,' in fact, virtually nothing is known about the toxicity of the vapors generated by these e-cigarettes. Until we know any thing about the potential health risks of the toxins generated upon heating the nicotine-containing content of the e-cigarette cartridges, the 'safety' claims of the manufactureres are dubious at best.

"Justifiably, more information about the potential toxic and health effects of e-cigarette vapors is necessary before the public can have a definitive answer about the touted safety of e-cigarettes. Hopefully, in the near future, scientists can provide firm evidence for or against the claimed 'safety' of e-cigarettes as a nicotine-delivery tool."

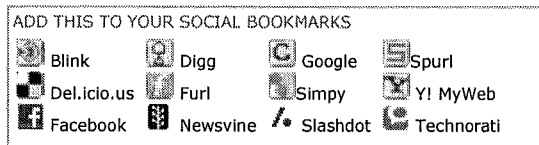
UC TRDRP supports research that focuses on the prevention, causes, and treatment of tobacco-related disease and the reduction of the human and economic costs of tobacco use in California.

About electronic cigarettes:

E-cigarettes consist of a battery, a charger, a power cord, an atomizer, and a cartridge containing nicotine and propylene glycol. When a smoker draws air through an e-cigarette, an airflow sensor activates the battery that turns the tip of the cigarette red to simulate smoking and heats the atomizer to vaporize the propylene glycol and nicotine. Upon inhalation, the aerosol vapor delivers a dose of nicotine into the lungs of the smoker, after which, residual aerosol is exhaled into the environment.

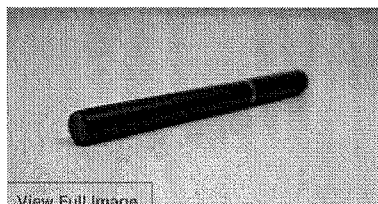
The University of California, Riverside (www.ucr.edu) is a doctoral research university, a living laboratory for groundbreaking exploration of issues critical to Inland Southern California, the state and communities around the world.

Reflecting California's diverse culture, UCR's enrollment has exceeded 20,500 students. The campus will open a medical school in 2012 and has reached the heart of the Coachella Valley by way of the UCR Palm Desert Graduate Center. The campus has an annual statewide economic impact of more than \$1 billion.



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Electronic cigarettes can be life-threatening for small children, caution experts, who noticed a recent surge in the number of children being rushed to the emergency room for accidentally ingesting the e-cigarette liquid.



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Electronic cigarettes pose poisoning risk to small children

"Accidental exposure by children to e-cigarettes is a public health concern that we need to take seriously," LaQuandra Nesbitt, director of the Louisville Metro Department of Public Health and Wellness, told USA TODAY. "Parents need to be aware of the potential dangers to their children."

Most of the products available in the market lack any child-resistant caps and contain high doses of nicotine. Even a low exposure to the nicotine in the e-cigarettes can cause adverse health outcomes including coma and death, USA TODAY [reported](#).

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Poison Control Center of Kosair Children's Hospital, added to the website.

Even though e-cigarettes haven't claimed any lives, there exist reports of a significant number of children seeking medical help for experiencing fast heartbeat, headache, vomiting, sweating, hyperactivity, flushing, dizziness and diarrhoea after swallowing the liquid.

E-cigarettes have always been a topic of discussion since it was first launched in the Chinese markets in 2004. The main purpose was helping people quit smoking.

They soon received wide attention and became very popular. According to the supporters, e-cigarettes are [safer than traditional cigarettes](#) as they provide less nicotine than the latter, and do not contain the cancer-causing toxins or produce harmful substances associated with smoking real cigarettes (tar and carbon monoxide).

However, they were not fully free from concerns. A team of American researchers reported recently that e-cigarettes cannot help stop smoking, on the other hand, can turn youngsters into [dual smokers](#), making them smoke more nicotine. Reports show that like the second-hand smoke associated with cigarettes, the e-cigarettes produce second-hand vapour that can irritate eyes, nose and throat.

However, latest [research](#) has also shown that the second-hand exposure to nicotine provided by e-cigarettes is 10 times lesser than the traditional cigarettes.

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E-cigarettes' growing popularity poses danger to kids

Laura Ungar, The (Louisville, Ky.) Courier-Journal 6 a.m. EST January 5, 2014

Scientists are raising concerns about the effects of e-cigarettes' "secondhand vapor" on children.



(Photo: Michael Clevenger, The (Louisville, Ky.) Courier-Journal)

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LOUISVILLE, Ky. -- Billed as a safer, cleaner way to get a nicotine fix, electronic cigarettes are surging in popularity. But some doctors and researchers say these smoking substitutes are far from harmless — especially to children.

More teens are trying these products, even as scientists increasingly raise concerns about the effects of e-cigarettes' "secondhand vapor" on children.

In addition, the liquid nicotine used in the devices, which comes in flavors such as bubblegum and cola, is being blamed for a growing number of poisonings across the nation.

"Accidental exposure by children to e-cigarettes is a public health concern that we need to take seriously," said LaQuandra Nesbitt, director of the Louisville Metro Department of Public Health and Wellness, which will soon recommend age restrictions on the devices. "Parents need to be aware of the potential dangers to their children."

The battery-operated units contain cartridges filled with nicotine, flavor and other chemicals, which are heated to create a vapor inhaled by the user. Starter kits can cost \$60-\$80, five-packs of cartridges can run around \$10, and sales of e-cigarettes have doubled to more than \$1.5 billion in the past year.

But problems among children also have risen.

Ashley Webb, director of the Kentucky Regional Poison Control Center of Kosair Children's Hospital, said the center received more than 40 calls involving e-cigarette poisonings in 2013, up from nine in 2012 and one in 2010. Nationally, there were 427 such exposures in 2012, according to the latest annual report from the National Poison Data System. Meanwhile, the 2012 National Youth Tobacco Survey shows that recent e-cigarette use nearly doubled in one year among U.S. high school students, rising from 1.5% in 2011 to 2.8% smoking them in 2012.

While Indiana prohibits sales of e-cigarettes to minors, Kentucky and the federal government do not. But a soon-to-be-released report from the Louisville health department recommends restricting the sale of e-cigarettes to Jefferson County minors.

The U.S. Food and Drug Administration is also considering whether to regulate e-cigarettes. The agency issued a warning in 2009 that the devices were being marketed to youth, but does not regulate the products unless they make therapeutic claims.

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E-cigarettes' growing popularity poses danger to kids

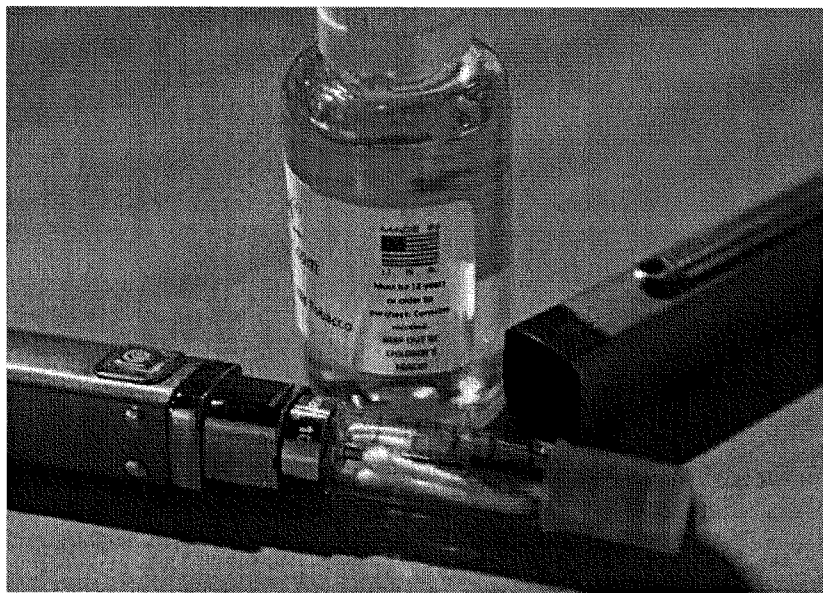
"It's really up to individual store owners not to sell to children," said Troy LeBlanc, owner of Derb E Cigs in Jeffersonton, who won't sell to anyone younger than 18. "I wouldn't be opposed to government age restrictions."

LeBlanc said e-cigarettes can be beneficial for adults, helping them quit tobacco smoking, which is documented to be more dangerous.

Ray Story, chief executive officer of the Tobacco Vapor Electronic Cigarette Association, agreed they're an effective smoking substitute, saying the industry designs and markets the devices for adults. He said the vapor is harmless, and it's up to adults to keep children from the e-liquid, which can sicken them.

"At the end of the day, everything's attractive to kids," Story said. "If you're an adult, it's a matter of choice. But we have to safeguard those who don't have the ability to safeguard themselves."

Webb said parents often don't think of nicotine as a poison, so they may leave liquid e-cigarette cartridges within reach of children.



The warning label on the e-cigarette fluid states "Must be 18 years or older to purchase, contains nicotine," and "Keep out of children's reach." (Photo: Michael Clevenger, The (Louisville, Ky.) Courier-Journal)

Children are getting ahold of e-cigarettes and taking them apart, she said. "They either ingest the liquid or get it onto their skin. Even on the skin, the nicotine is absorbed."

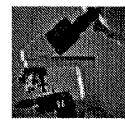
She said toddlers and preschoolers sometimes lick the containers or drink the liquid, enticed by the flavoring.

"Kids will eat most anything," said George Rodgers, associate medical director of the poison control center.

Ingesting e-liquid can give children a harmful or even deadly dose of nicotine. Rodgers said many cartridges contain more than 14 milligrams, enough to cause harm.

"And since children are not used to consuming nicotine, their symptoms may be more severe at lower levels," he said.

Symptoms include hyperactivity, flushing, sweating, headache, dizziness, rapid heart rate, vomiting and diarrhea. Even small amounts on a child's skin can cause irritation and a burning sensation. In very severe cases, a child's heart rate and blood pressure may drop dangerously low, resulting in a coma or even death.



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Karen Weintraub

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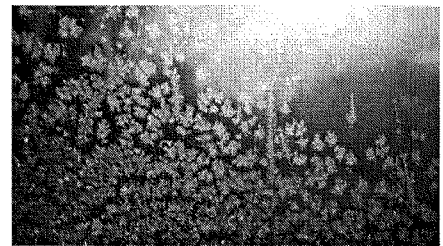


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Jan 07, 2014

E-cigarettes' growing popularity poses danger to kids

Webb said there have been no deaths so far among cases her center has handled, but children have ended up in the emergency room.

Story said his organization has pushed for safety packaging, and e-liquid refills come with tamper-evident caps.

LeBlanc said some of his products now come with child-resistant caps, and "we're transferring everything to child-resistant."

"All of our liquids have a warning on them to keep out of the reach of children," he added.

Jenny Haliski, an FDA spokeswoman, said federal regulations now apply only to conventional cigarettes and other tobacco products, but her agency is considering new rules that may cover e-cigarettes.

Stephen Wright, Kosair hospital's medical director, said people should be cautious.

"Since the industry is still so new, we don't yet know all of the long-term health effects of e-cigarettes to the user, in addition to any effects of secondhand vapor," he said.

"We do know that not smoking anything — especially around children — is always the best bet."

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11. Are electronic cigarettes (e-cigarettes) safe to use?

As the safety and efficacy of e-cigarettes have not been fully studied, consumers of e-cigarette products currently have no way of knowing whether e-cigarettes are safe for their intended use, how much nicotine or other potentially harmful chemicals are being inhaled during use, or if there are any benefits associated with using these products. Further research is needed to assess the potential public health benefits and risks of electronic cigarettes.

Currently, only e-cigarettes that are marketed for therapeutic purposes are regulated by the FDA Center for Drug Evaluation and Research.

REGULATION OF SMOKING

§ 92.20 DEFINITIONS.

ADMINISTRATIVE AREA. Any enclosed indoor area, under the control of an employer, to which employees, but not the general public, except by specific invitation, have access to during the course of employment, including, but not limited to, work areas, employee lounges, employee restrooms, conference rooms, and employee cafeterias.

ADULTS ONLY ESTABLISHMENT. Any place of business that limits its customers to individuals 18 years of age or older and that employs no one below the age of 18. Businesses of this category may include restaurants, bars, sports bars, billiard halls, bingo parlors, retail tobacco shops or other comparable businesses.

AIR BARRIER. A system that creates an air curtain to prevent the drift or penetration of tobacco smoke from a smoking area to a non-smoking area not allowing drift or penetration from the ceiling down to 24 inches above the floor.

AIR PURIFICATION SYSTEM. An electrically powered hospital grade, hepa media filter that will clean all of the air in a designated smoking area every 15 minutes as follows: not less than 95% of three-tenths (0.3) micron particulates efficiency including dust, smoke, pollen, mold spores, bacteria, tobacco smoke, viruses, and allergens and not less than 95% removal of gases, vapors, volatile organic compounds (V.O.C.) and odors and contains an air barrier system or other barrier system if required by a licensed professional engineer, to prevent air from the smoking area from being drawn across the non-smoking area.

BAR. An establishment licensed by the State of Texas for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption. For the purposes of this definition, gross revenue shall be calculated using the total amount of gross revenue received from the sale of alcoholic beverages and from the sale of food by the establishment for the preceding 12-month period. Such establishment shall make available to the city or its agents, during reasonable hours, its books and records for inspection if required by the city.

BILLIARD HALL. A place of amusement whose chief purpose is providing the use of billiard/pool tables to the public.

BINGO PARLOR. A facility regulated under V.C.S., Article 179d - "Bingo Enabling Act."

BUS. Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxi cab, designed and used for the transportation of persons for compensation.

BUSINESS. Any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making or non-profit purposes, including but not limited to, banks, laundromats, hotels, motels, retail establishments, professional corporations, and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

CITY. The City of Mansfield.

EATING ESTABLISHMENT. Any place where food is served for on-premises consumption and which is accessible by the public or a substantial group of the public.

ELECTRONIC VAPING DEVICE. Any electronically or battery powered device designed to simulate the smoking of tobacco, cigarettes, pipes or cigars, that provides a vapor derived from liquid nicotine and/or other substances which is intended to be inhaled by a user thereof. The term includes such devices generally manufactured to resemble cigarettes, cigars, pipes or other smoking devices, regardless of the details of the product design, appearance or marketed name, but excludes nebulizers or medical devices designed or prescribed for medical treatment.

EMPLOYEE. Any person, partnership, corporation, municipal corporation, non-profit entity, or other entity who employs the services of one or more individual persons.

EMPLOYER. Any person who employs the services of an individual person.

ENCLOSED AREA. An area closed in by a roof and walls with appropriate openings for ingress and egress.

HEALTH FACILITY. Any institution that provides medical, surgical, and overnight facilities for patients, including but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, dentists' offices, nursing homes, adult care facilities, convalescent homes, and residential treatment centers/homes.

LIQUID NICOTINE. Any liquid product composed of nicotine, propylene glycol, vegetable glycerin, flavoring and/or other substances manufactured for use with an electronic vaping device.

MAJOR RENOVATION. Changing the amount of floor space in a building by 1/3.

MINOR. Any person under 18 years of age.

NET FLOOR AREA. The total floor area of the interior of an eating establishment, excluding the kitchen, restrooms, storage areas, and offices.

PERSON. Any individual, partnership, cooperative, association, corporation, or venture.

PHYSICAL BARRIER. A barrier that will form an effective membrane continuous from outside wall to outside wall, from a smoke barrier to a smoke barrier, from floor to floor or roof above, or a combination thereof, including continuity through all concealed spaces, such as above suspended ceilings, interstitial structural and mechanical spaces. Transfer grilles, louvers and similar openings shall not be used in these partitions. Self closing, tight fitting doors are permitted in such barriers.

PLACE OF EMPLOYMENT. Any enclosed area under the control of an employer including but not limited to work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias and hallways. A private residence shall not be considered a **PLACE OF EMPLOYMENT**.

PORTABLE AIR PURIFICATION SYSTEM. A portable electrically powered hospital grade, hepa media filter that will clean all of the air in a designated smoking area every 15 minutes as follows: not less than 95% of three tenths (0.3) micron particulates efficiency including dust, smoke, pollen, mold spores, bacteria, tobacco smoke, viruses and allergens and not less than 95% removal of gases, vapors, volatile organic compounds (V.O.C.) and odors.

PRIVATE CLUB. Any building, premise or portion thereof which is permitted by the state and allowed by special use permit by the city as a private club for the storing, possession, and dispensing for on-premises consumption of alcoholic beverages. However, **PRIVATE CLUB** does not include a premise operated by an organization which is not available to and not customarily used by the general public and entry and

privileges thereto are established by regulations that are created by an organization distinct from a Texas Alcohol and Beverage private club membership.

PRIVATE FUNCTION. The rental of a ballroom, restaurant, private club, or other facility for the sole purpose of entertaining, private parties, events, or other social functions.

PUBLIC BUSINESS. Any deliberation between a quorum of members of any board, commission, department, committee or agency within the executive or legislative department of the State of Texas, or the City Council or any board or commission of the City of Mansfield at which any public business or public policy is discussed or considered or at which any formal action is taken.

PUBLIC PLACE. Any enclosed area in which the public is invited or permitted, including, but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a **PUBLIC PLACE**, nor is a facility while it is being used for a private function, such as a reception, party, and the like. Private clubs are not considered a **PUBLIC PLACE**.

RESTAURANT. Any place where food is manufactured, packaged, produced, processed, transported, stored, sold, commercially prepared, vended, or otherwise handled. The term includes any such place regardless of the duration of the permit or whether there is a charge for the food. The term includes, but is not limited to, a coffee shop, cafeteria, sandwich shop, private or public school cafeteria, and any other eating establishment that gives or offers food to the public, guests, or employees, including catering facilities. The term shall not include a cocktail lounge or tavern if the cocktail lounge or tavern is a "bar" as defined in this section. The term does not include private homes where food is prepared or served for guests and individual family consumption.

RESTRICTED SMOKING MATERIAL. Any substance, however marketed, which can reasonably be converted for smoking purposes whether it is presented as incense, tobacco, herbs, spices or any blend thereof if it includes any of the following chemicals or a comparable chemical:

- (1) Salvia divinorum or salvinorin A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
- (3) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-211 or Dexanabinol);
- (4) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);
- (5) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073); or
- (6) 1-pentyl-3-(4-methoxynaphthoyl)indole (also known as JWH-081).

Products containing some of the above substances are currently being marketed under the following commercial names: "K-2", "K-2 SUMMIT", "K-2 SEX", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCK-OUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE", "PEP SPICE", "FIRE N'

ICE", AND "SALVIA DIVINORUM". It is anticipated by the Council that new products will be marketed under different names but will be subject to this definition if they contain any of the chemical components set forth above.

RESTRICTED SMOKING MATERIAL PARAPHERNALIA. Any paraphernalia, equipment or utensil that is used or intended to be used in ingesting or inhaling illegal smoking materials and may include:

- (1) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;
- (2) A water pipe;
- (3) A carburetion tube or device;
- (4) A smoking or carburetion mask;
- (5) A chamber pipe;
- (6) A carburetor pipe;
- (7) An electric pipe;
- (8) An air-driven pipe;
- (9) A chillum;
- (10) A bong; or
- (11) An ice pipe or chiller.

For purposes of interpretation and enforcement, the term **USED** as found in this definition shall mean **CUSTOMARILY USED**.

RETAIL OR SERVICE ESTABLISHMENT. Any establishment which sells goods or services to the general public.

RETAIL TOBACCO STORE. A retail store whose primary business is the sale of tobacco products and accessories and in which the sale of products is merely incidental.

SELL. To offer for sale, convey, exchange, barter, or trade.

SERVICE LINE. Any indoor line or area where persons wait for goods or service of any kind, regardless of whether or not an exchange of money will occur. Such service includes, but is not limited to, sales, giving of information, directions, advice, and the transfer of money or goods.

SMOKING. ~~Inhaling, exhaling, burning or carrying~~ The combustion of any lighted cigar, cigarette, pipe, tobacco product, weed, plant, or other combustible substance ~~whose smoke is intended to be inhaled~~ and the use of any ~~ecigarette~~ electronic vaping device as defined herein.

SPORTS ARENA. Sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

TOBACCO PRODUCT. Any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other manner of ingestion or absorption.

TOBACCO SHOP. A retail establishment whose annual gross revenues from the sale of tobacco products and smoking accessories are at least 50% of total revenue.

TOBACCO VENDING MACHINE. Any mechanical, electric or electronic self-serving device which, upon insertion of money, tokens, or any other form of payments, dispenses tobacco products.

VALID IDENTIFICATION. A valid driver's license or an identification card issued by the Department of Public Safety which contains a physical description and a photograph consistent with the person's appearance. The proof of identification may include a driver's license issued by Texas or another state, a passport, or an identification card issued by a state or the federal government.

VENTILATION SYSTEM. A HVAC system designed by a licensed professional engineer to meet the requirements of this subchapter and all other requirements of the city's building code. A ventilation system must provide an air change every 15 minutes; exhaust the air to the exterior of the building and the air from the smoking area cannot be drawn across the non-smoking area; and has an air barrier system, if required by a licensed professional engineer, to prevent air from the smoking area from being drawn across the non-smoking area.

WORKPLACE. Any enclosed area of a structure, or portion thereof, intended for occupancy by employees who provide primarily clerical, professional or business services of a business entity, or which provide primarily clerical, professional or business services to other business entities or to the public at that location.

('78 Code, § 9-81) (Ord. 741, passed 5-19-87; Am. Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09; Am. Ord. OR-1773-10, passed 6-28-10; Meeting Minutes 6-28-10)

§ 92.21 SMOKING PROHIBITED IN PUBLIC PLACES.

(A) *City-owned buildings.*

(1) All enclosed buildings owned or leased by the City of Mansfield shall be designated non- smoking with no designated smoking section, except as listed in division (A)(2) below.

(2) Jail cells located in city facilities used for the incarceration of prisoners may be designated as a smoking area at the discretion of the Director of Public Safety. All other areas shall be designated as non-smoking areas.

(B) *Places where smoking is prohibited.* A person commits an offense if he or she ~~smokes~~ is smoking or possesses a burning tobacco, weed, or other plant product in any of the following indoor or enclosed areas:

- (1) Public or private schools.
- (2) City buildings.
- (3) Public elevators and stairwells.
- (4) Buses, taxi cabs, and other means of public transportation.
- (5) All boarding and waiting areas of public transit depots.
- (6) Public restrooms, lobbies, reception areas, hallways and any other common use area.
- (7) Service lines and waiting queues, whether indoor or outdoor.
- (8) Retail or service establishments.
- (9) Businesses, including all areas available to and customarily used by the general public.
- (10) Aquariums, galleries, libraries, and museums.
- (11) Day care centers, except that day care centers that are also private homes shall be considered private residences when the children or adults receiving care have gone home.

(12) Every publicly or privately owned theater, auditorium or other enclosed facility which is open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event or any other performance or event, except when smoking is part of a stage production.

(13) Any portion of any publicly or privately owned area to which the public has access. This division (B)(13) section does not apply to private residences.

(14) Any seating area of any publicly or privately owned outdoor athletic facility.

(15) Health care facilities and hospitals.

(16) Hotels and motels, except as provided for in § 92.24(A)(2).

(17) Within 30 feet of any door, operable window/vent or other opening to an indoor enclosed area of a use listed above.

(18) Any seating area of any publicly or privately owned outdoor theater or amphitheater

(19) City parks and recreational facilities.

(C) Exceptions.

(1) An adults only establishment as defined in § 92.20 is exempt from the non-smoking provisions set forth above under the following circumstances:

(a) It must prohibit the entry of customers below the age of 18;

(b) It may have no employees or guests below the age of 18;

(c) It must prominently display a sign by all public entrances reflecting that this is an adults only establishment and that no one under 18 years of age is permitted within the establishment and that it permits smoking in all areas and that there are no non-smoking facilities contained within.

(2) A business establishment listed above under division (B) where smoking would otherwise be prohibited may construct a separate but contiguous facility of the same business where smoking is permitted. The facility must be separated from the non-smoking facility by a solid wall which extends from floor to ceiling, must have a separate entrance and must not share a common heating and air conditioning system which allows the passage of air from one facility to the other. It may have no employees or guests below the age of 18. The smoking portion of the business must display a sign at all public entrances reflecting that this is an adults only establishment and that no one under 18 years of age is permitted within the establishment and that smoking is permitted in all areas and that there are no non-smoking facilities contained within. A business establishment operating pursuant to this section may serve both the smoking and non-smoking dining areas from a single kitchen provided that the facility is designed and constructed in a manner that does not permit smoke from the smoking portion to pass through the kitchen to the non-smoking area. An establishment operating under this section may serve both the smoking and non-smoking areas from a single set of restrooms provided that they are located within the non-smoking portion of the establishment and the facility is designed and constructed in such a manner as to prevent smoke from the smoking area being drawn into the non-smoking area when patrons pass from one portion of the establishment to the other.

(3) It is an exception to division (B)(15) above that a hospital provide a room in which a patient may reside and smoke providing that all patients assigned to that room are agreeable and the administrator of the facility concurs with the designation. A room

placed in this status shall prominently display a sign which states: "Smoking is permitted in this room."

(D) *Defenses.* It is a defense to prosecution under this section that the conveyance or public place within which the offense occurred did not have prominently displayed a reasonably sized notice that smoking was prohibited.

('78 Code, § 9-82) (Ord. 741, passed 5-19-87; Am. Ord. 1309, passed 4-10-00; Am. Ord. OR-1737, passed 2-9-09)

§ 92.22 REGULATION OF SMOKING IN EATING ESTABLISHMENTS, NIGHTCLUBS, ADULT ENTERTAINMENT ESTABLISHMENTS, BILLIARD HALLS, BINGO PARLORS, AND BOWLING CENTERS.

(A) A person commits an offense if he or she ~~smokes tobacco~~ is smoking or possesses a burning tobacco, weed or other plant product in an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center unless it operates in compliance with § 92.21(C).

(B) An owner, manager, or operator of an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center commits an offense if he or she allows smoking ~~of a tobacco product~~ in the establishment unless it operates in compliance with § 92.21(C).

(C) *Defenses.* It is a defense to a prosecution under division (A) above that the establishment did not have prominently displayed a reasonably sized notice that smoking was prohibited.

(D) *Existing businesses and facilities.* All businesses and facilities in operation on the effective date of Ordinance OR-1737-09 shall have 18 months from February 9, 2009 to be in compliance.

(E) *Owner/operator responsibility.*

(1) The owner, manager, or operator of an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center commits an offense if he or she designates or maintains a smoking area in violation of this subchapter.

(2) The owner or manager of an establishment governed by this subchapter commits an offense if he or she fails to post and maintain any signs required by this subchapter. ('78 Code, § 9-83) (Ord. 741, passed 5-19-87; Am. Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09) Penalty, see § 92.99

§ 92.23 REGULATION OF SMOKING IN THE WORKPLACE.

(A) An employer who owns, occupies, or controls a workplace may:

(1) Have and implement a written policy on smoking which conforms to this subchapter.

(2) Make the policy available for inspection by employees and communicate the policy to all employees at least three weeks prior to its adoption.

(3) Prominently display reasonably sized signs that smoking is prohibited.

(4) Provide facilities in sufficient numbers in such locations as to be readily accessible for the extinguishment of smoking materials.

(5) Not discharge, retaliate, or discriminate against an employee who:

(a) Files a complaint or causes a proceeding to be instituted under or related to this subchapter;

(b) Testifies or will testify in a proceeding instituted under this subchapter; or

(c) Exercises on his or her own behalf or the behalf of others any right afforded by this subchapter.

('78 Code, § 9-84) (Ord. 741, passed 5-19-87; Am. Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09) Penalty, see § 92.99

§ 92.24 WHERE SMOKING IS NOT REGULATED.

(A) Notwithstanding any other provision of this subchapter to the contrary, the following areas shall not be subject to the smoking restrictions of this subchapter:

(1) Private residences, including porch and yard areas, except when used as a child care, adult day care or health care facility.

(2) Not more than 10% of hotel and motel rooms rented to guests shall be designated as smoking rooms. The following standards shall apply:

(a) All smoking rooms shall be on the same floor, shall be contiguous to the other smoking rooms and shall be configured and ventilated in a manner to restrict the smoke from these rooms from infiltrating into areas where smoking is prohibited under provisions of this subchapter;

(b) Separate ventilation and HVAC systems that prevent the commingling of air with other rooms, hallways and all other non-smoking areas shall be required; and

(c) The status of rooms as smoking or non-smoking may not be changed, except to add additional non-smoking rooms.

(3) Retail tobacco stores, where a retail store is utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. Separate ventilation and HVAC systems that prevent the commingling of air with other businesses, common areas, hallways and other non-smoking areas shall be required.

(4) Enclosed meeting or assembly rooms in restaurants, hotels, motels, and other public places while the entire room is being used for a private function provided it has a portable air purification system (defined in § 92.20).

(B) Notwithstanding any other provision of this section, any owner, operator, manager, or other person who controls any establishment described in this section may designate the entire establishment as a non-smoking establishment.

(Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09)

§ 92.25 POSTING OF SIGNS; PLACING RECEPTACLES.

(A) *Signs.* All signs shall be in letters not less than one inch high with a stroke of not less than 1/8-inch on a contrasting background.

(1) A place or conveyance regulated by § 92.21 that is required to be totally non-smoking shall have signs conspicuously posted at all public entrances which state: "No Smoking - City Ordinance."

(2) If a place or conveyance regulated by § 92.21(C) permits smoking, it shall post and maintain the sign required in § 92.21(C).

(B) *Receptacles.* A place, establishment or conveyance regulated by § 92.21(B) or § 92.22 which is partially or totally non-smoking shall have facilities for the

extinguishment of smoking materials located no farther than 30 feet or closer than 15 feet of all public entrances and within all designated smoking areas. The owner, manager, or operator of a place, conveyance or establishment commits an offense if he or she fails to post signs and provide extinguishment facilities as required by this section. ('78 Code, § 9-85) (Ord. 741, passed 5-19-87; Am. Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09)

§ 92.26 EXEMPTIONS.

Any owner or manager of a business, facility, room, structure, or other establishment existing on the effective date of Ordinance OR-1737-09 which is subject to §§ 92.21, 92.23 and 92.25 may apply for an exemption or modification to any provision of this subchapter due to unusual circumstances or conditions. Such exemption may be granted by the City Council, only if the evidence presented by the applicant for exemption demonstrates that:

(A) The applicant cannot comply with the provisions of this subchapter for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures; or

(B) Due to such unusual circumstances, the failure to comply with the provision for which the exemption is requested will not result in a danger to health or annoyance, inconvenience, or discomfort.

(Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09)

§ 92.27 CULPABILITY.

There shall be no requirement of a culpable mental state for a violation of this subchapter.

(Ord. 1309, passed 4-10-00; Am. Ord. OR-1737-09, passed 2-9-09)

§ 92.28 RESTRICTED SMOKING MATERIALS; PURPOSE.

The purpose of this section is to prohibit the sale or delivery of restricted smoking materials as defined herein to any individual below 21 years of age within the city limits of the City of Mansfield and to prohibit the possession of restricted smoking materials by any individual below 21 years of age within the city limits of the City of Mansfield. Any form of delivery to include a simple gift constitutes a violation of this subchapter.

(Ord. OR-1773-10, passed 6-28-10) Penalty, see § 92.99

§ 92.29 SALE, DELIVERY, OFFER, OR GIFT.

(A) It shall be unlawful for any person to sell, offer to sell, deliver to or to give any restricted smoking material to anyone below 21 years of age.

(B) For purposes of interpretation and enforcement, the term ***SELL*** as found in this section shall include "display for sale".

(Ord. OR-1773-10, passed 6-28-10; Meeting Minutes 6-28-10) Penalty, see § 92.99

§ 92.30 USE OR POSSESSION OF RESTRICTED SMOKING MATERIAL.

It shall be unlawful for any person below 21 years of age to have in their possession or to use restricted smoking materials within the corporate limits of the City of Mansfield.

(Ord. OR-1773-10, passed 6-28-10) Penalty, see § 92.99

§ 92.31 USE OR POSSESSION OF RESTRICTED SMOKING PARAPHERNALIA.

It shall be unlawful for any person to have in their possession any restricted smoking paraphernalia with the intent to use it, to ingest, inhale or otherwise consume restricted smoking material if they are below 21 years of age. If an individual below 21 years of age is found in possession of this type of paraphernalia it will be a violation of this subchapter if appropriate forensic testing is done on the paraphernalia and traces of restricted smoking material are present on the device.

(Ord. OR-1773-10, passed 6-28-10) Penalty, see § 92.99

§ 92.32 LOCATION OF SALE OF RESTRICTED SMOKING MATERIAL AND RESTRICTED SMOKING PARAPHERNALIA.

(A) It shall be unlawful for any person to sell, offer to sell, deliver or to give any restricted smoking material or restricted smoking paraphernalia to any person within 1,000 feet of the following:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) A licensed day care center;
- (4) A public park, recreation center or water park; and
- (5) A public library.

(B) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used for purpose of selling or delivering the restricted smoking material or restricted smoking paraphernalia to the nearest property line of the premises of a church, public or private elementary or secondary school, licensed day care center, public library, public park, recreation center or water park.

(C) For purposes of interpretation and enforcement, the term ***SELL*** as found in this section shall include "display for sale".

(Ord. OR-1773-10, passed 6-28-10; Meeting Minutes 6-28-10) Penalty, see § 92.99

§ 92.33 DEFENSES TO PROSECUTION.

(A) It shall be a defense to prosecution for a violation of this section if the use of the restricted smoking material is at the direction or under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances within the State of Texas.

(B) It shall be a defense to prosecution under the terms of this section if an individual charged with a violation can provide proper and complete historic documentation that the use of such materials is a portion of a religious undertaking or activity of a religious denomination in which they have long standing historic membership supported by documentation from clergy or spiritual leader recognized by the State of Texas.

(Ord. OR-1773-10, passed 6-28-10)

§ 92.34 SALE OR DISTRIBUTION OF ELECTRONIC VAPING DEVICE AND LIQUID NICOTINE TO MINORS PROHIBITED.

(A) A person commits an offense if the person sells, gives, transfers or otherwise causes to be sold or given an electronic vaping device or liquid nicotine to a minor or to another person who intends to deliver it to a minor.

(B) If an offense under this section occurs in connection with a sale or delivery of an electronic vaping device or liquid nicotine at a business by an employee of the business, the employee who commits the offense shall also be subject to prosecution in addition to the business.

(C) It is a defense to prosecution under this section that at the time of the sale or delivery of an electronic vaping device or liquid nicotine, the minor presented the person with an apparently valid identification showing that the minor was at least 18 years of age.

(D) It is not a defense to prosecution under this section that the minor purchased the electronic vaping device or liquid nicotine from a vending machine or other self-service merchandising machine if the machine was located on the premises of the person.

§ 92.35 POSSESSION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE BY MINORS PROHIBITED.

(A) A minor commits an offense if the minor purchases, accepts, possesses or attempts to purchase, accept or possess an electronic vaping device or liquid nicotine.

(B) A minor commits an offense if the minor falsely represents himself or herself to be 18 years of age or older for purpose of purchasing or receiving an electronic vaping device and or liquid nicotine.

(C) It shall be a defense to prosecution under this section if at the time of the purchase, acceptance or possession, the minor is:

(1) in the presence of an adult parent, guardian or spouse, or other adult to whom the minor has been entrusted by a court;

(2) in the course and scope of the minor's employment by a person or entity in the distribution, wholesale or retail of electronic vaping devices or liquid nicotine, and the acceptance or possession of the electronic vaping device or liquid nicotine by the minor is part of the duties of such employment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS OF SMOKING IN CHAPTER 92, HEALTH AND SANITATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY ADDING DEFINITIONS FOR “ELECTRONIC VAPING DEVICE” AND “LIQUID NICOTINE;” AMENDMING THE DEFINITION OF “SMOKING” TO INCLUDE ELECTRONIC VAPING DEVICES; PROHIBITING SMOKING AT SEATING AREA OF OUTDOOR THEATER OR AMPHITHEATER; PROHIBITING THE SALE AND DISTRIBUTION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE TO MINORS; AND PROHIBITING THE PROCESSION OF ELECTRONIC VAPING DEVICES AND LIQUID NICOTINE BY MINORS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and

WHEREAS, the City Council has investigated and determined that electronic vaping devices permit users of the devices to inhale vapor containing variable amounts of nicotine and other harmful toxicants; and

WHEREAS, the City Council has further investigated and determined that exposure to electronic vaping devices by minors is a serious health concern; and

WHEREAS, the City Council has further investigated and determined that the 2012 National Youth Tobacco Survey shows that the use of electronic vaping devices by U.S. high school students has doubled from the previous year to 2.8%; and

WHEREAS, the City Council has further investigated and determined that medical and pharmacological experts have opined that electronic vaping devices contain nicotine in a liquid form that may escape from the devices and be ingested by minors which may cause symptoms such as hyperactivity, flushing, sweating, headache, dizziness, rapid heart rate, vomiting, diarrhea, burning and irritation of the skin and, in severe cases, may result in a coma or death; and

WHEREAS, the City Council has further investigated and determined that studies have shown that electronic vaping devices can serve as a “gateway” to smoking traditional tobacco products which are illegal for minors to purchase or possess; and

WHEREAS, the City Council has further investigated and determined that electronic vaping devices are currently not regulated by the State of Texas or the federal government; and

WHEREAS, the Food and Drug Administration (FDA) has joined other health experts to warn consumers about potential health risks associated with electronic vaping devices; and

WHEREAS, the FDA found that vapor samples from electronic vaping device contained toxic chemicals such as diethylene glycol, an ingredient used in antifreeze; and

WHEREAS, electronic vaping devices, when used indoors, may involuntarily expose non-users to nicotine according to a study published by the journal Nicotine and Tobacco Research; and

WHEREAS, there is no basis for any safety claim by the makers of electronic vaping devices that they present no health risk since electronic vaping devices as a relatively new product have not been adequately tested, and people should not be subject to secondhand vapor until the makers of such devices have proven them to be safe for everyone, including children, the elderly and individuals with health conditions; and

WHEREAS, electronic vaping devices may contain fruit and candy flavors that are appealing to youth.

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

SECTION 1.

The “REGULATIONS OF SMOKING” in Chapter 92, “HEALTH AND SANITATION” of the Code of Ordinances of the City of Mansfield, Texas are hereby amended by inserting the following new definitions in Section 92.20, “DEFINITIONS”:

“ELECTRONIC VAPING DEVICE. Any electronically or battery powered device designed to simulate the smoking of tobacco, cigarettes, pipes or cigars, that provides a vapor derived from liquid nicotine and/or other substances which is intended to be inhaled by a user thereof. The term includes such devices generally manufactured to resemble cigarettes, cigars, pipes or other smoking devices, regardless of the details of the product design, appearance or marketed name, but excludes nebulizers or medical devices designed or prescribed for medical treatment.”

“LIQUID NICOTINE. Any liquid product composed of nicotine, propylene glycol, vegetable glycerin, flavoring and/or other substances manufactured for use with an electronic vaping device.”

SECTION 2.

The aforementioned Section 92.20 “DEFINITIONS” in “REGULATIONS OF SMOKING” is hereby further amended by amending the definition of “SMOKING” to read as follows:

“**SMOKING.** The combustion of any cigar, cigarette, pipe, tobacco product, weed, plant, or other combustible substance and the use of any electronic vaping device as defined herein.”

SECTION 3.

Paragraph B of Section 92.21 “SMOKING PROHIBITED IN PUBLIC PLACES” is hereby amended to read as follows:

“(B) *Places where smoking is prohibited.* A person commits an offense if he or she is smoking or possesses a burning tobacco, weed, or other plant product in any of the following indoor or enclosed areas:”

SECTION 4.

Paragraph B of Section 92.21 “SMOKING PROHIBITED IN PUBLIC PLACES” is hereby further amended by inserting new subparagraphs 18 and 19 to read as follows:

“(18) Any seating area of any publicly or privately owned outdoor theater or amphitheater.

(19) City parks and recreational facilities.”

SECTION 5.

Paragraphs A and B of Section 92.22 “REGULATION OF SMOKING IN EATING ESTABLISHMENTS, NIGHTCLUBS, ADULT ENTERTAINMENT ESTABLISHMENTS, BILLIARD HALLS, BINGO PARLORS, AND BOWLING CENTERS” are hereby amended to read as follows:

“(A) A person commits an offense if he or she is smoking or possesses a burning tobacco, weed or other plant product in an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center unless it operates in compliance with § 92.21(C).”

“(B) An owner, manager, or operator of an eating establishment, bar, night club, adult entertainment establishment, billiard hall, bingo parlor, or bowling center commits an offense if he or she allows smoking in the establishment unless it operates in compliance with § 92.21(C).”

SECTION 6.

The “REGULATIONS OF SMOKING” in Chapter 92, “HEALTH AND SANITATION” of the Code of Ordinances of the City of Mansfield, Texas are hereby further amended by inserting new Sections 92.34 and 92.35 at the end thereof to read as follows:

“§ 92.34 SALE OR DISTRIBUTION OF ELECTRONIC VAPING DEVICE AND LIQUID NICOTINE TO MINORS PROHIBITED.

(A) A person commits an offense if the person sells, gives, transfers or otherwise causes to be sold or given an electronic vaping device or liquid nicotine to a minor or to another person who intends to deliver it to a minor.

(B) If an offense under this section occurs in connection with a sale or delivery of an electronic vaping device or liquid nicotine at a business by an employee of the business, the employee who commits the offense shall also be subject to prosecution in addition to the business.

(C) It is a defense to prosecution under this section that at the time of the sale or delivery of an electronic vaping device or liquid nicotine, the minor presented the person with an apparently valid identification showing that the minor was at least 18 years of age.

(D) It is not a defense to prosecution under this section that the minor purchased the electronic vaping device or liquid nicotine from a vending machine or other self-service merchandising machine if the machine was located on the premises of the person.

§ 92.35 POSSESSION OF ELECTRONIC VAPING DEVICE AND LIQUID NICOTINE BY MINORS PROHIBITED.

(A) A minor commits an offense if the minor purchases, accepts, possesses or attempts to purchase, accept or possess an electronic vaping device or liquid nicotine.

(B) A minor commits an offense if the minor falsely represents himself or herself to be 18 years of age or older for purpose of purchasing or receiving an electronic vaping device and or liquid nicotine.

(C) It shall be a defense to prosecution under this section if at the time of the purchase, acceptance or possession, the minor is:

(1) in the presence of an adult parent, guardian or spouse, or other adult to whom the minor has been entrusted by a court;

(2) in the course and scope of the minor’s employment by a person or entity in the distribution, wholesale or retail of electronic vaping devices or liquid nicotine, and the acceptance or possession of the electronic vaping device or liquid nicotine by the minor is part of the duties of such employment.”

SECTION 7.

Section 92.99 “PENALTY” in Chapter 92, “HEALTH AND SANITATION” of the Code of Ordinances of the City of Mansfield, Texas is hereby amended by deleting Paragraph D and amending Paragraph B to read as follows:

“(B) Any person, firm, corporation, agent or employee thereof who violates any of the provisions of, §§ 92.20 through 92.35 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 Five Hundred Dollars (\$500.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.”

SECTION 8.

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 9.

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 10.

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

First reading approved on the _____ day of _____, 2014.

Second reading approved on the _____ day of _____, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney