



CITY OF MANSFIELD

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

Meeting Agenda City Council

Tuesday, April 29, 2014

5:00 PM

Council Chambers

REGULAR MEETING ADDENDUM TO AGENDA

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

2. RECESS INTO EXECUTIVE SESSION

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

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

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

Discussion Regarding Requirements Regarding Minute Order Dated March 24, 2008 (Addendum to Agenda)

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

C. Personnel Matters Pursuant to Section 551.074

D. Deliberation Regarding 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 #13-19 - Hospitality Project Briefing and Update

Project #13-20 - Entertainment Business Prospect

Project #14-08 - Retail Business Prospect

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

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

5. INVOCATION**6. PLEDGE OF ALLEGIANCE****7. TEXAS PLEDGE**

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

8. PROCLAMATION

[14-0897](#) Motorcycle Safety and Awareness Month

Attachments: [Motorcycle Safety 2014](#)

[14-0898](#) National Music Week

Attachments: [National Music Week 2014](#)

[14-0899](#) National Correctional Officers and Employees Week

Attachments: [National Correctional Officers and Employees Week 2014](#)

9. CITIZEN COMMENTS

Citizens wishing to address the Council on non-public hearing agenda items and items not on the agenda may do so at this time. 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.

10. PRESENTATION

Life Saving Award - Lifetime Fitness Staff and Mansfield Fire Department Staff

Keep Mansfield Beautiful Certificates; Arianne Shipley

2014 Texas Section American Water Works Association "Watermark" Award - City of Mansfield Water Utilities and Communications & Marketing Departments

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

Canvass May 10, 2014 General Election Returns; May 19, 2014 at 8:00 a.m.

Mansfield Reads! Update; Steve Standefer

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

[14-0872](#)

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department to Make Application, Receive, and Expend Grant Funds from the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force Funds Requested will not Exceed \$450,000 with a 20% Cash Match of \$90,000 Required

Sponsors: Gary Fowler

Attachments: [2014 Task Force grant Resolution](#)

[14-0895](#)

Resolution - A Resolution Approving the Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator for the May 10, 2014 General Election

Sponsors: Vicki Collins

Attachments: [Resolution](#)

[May 2014 Joint Agreement - Final](#)

[Signature Page](#)

[Exhibit A](#)

[Exhibit B](#)

[14-0874](#)

Request for Special Event Permit; Mansfield Farmer's Market 2014

Sponsors: The Applicant

Attachments: [Farmers Market 2014](#)

[Approvals and Comments](#)

[14-0891](#)

Minutes - Approval of the April 14, 2014 Regular City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [4-14-14 DRAFT Meeting Minutes](#)

[14-0892](#) Minutes - Approval of the April 15, 2014 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [4-15-14 DRAFT Meeting Minutes](#)

[14-0893](#) Minutes - Approval of the April 16, 2014 Special City Council Meeting Minutes

Sponsors: Vicki Collins

Attachments: [4-16-14 DRAFT Meeting Minutes](#)

END OF CONSENT AGENDA

15. OLD BUSINESS

[14-0845](#) Ordinance - Third and Final Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

Sponsors: Joe Smolinski

Attachments: [TCEQ Letter](#)

[Ordinance 2014 Water Demand Management Plan](#)

[Addendum A 2014 Water Conservation Plan](#)

[Addendum B 2014 Drought Contingency Plan](#)

[14-0860](#) Ordinance - Third and Final 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 City Parks or Recreational Facilities; 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](#)

16. PUBLIC HEARING AND FIRST READING

[14-0881](#) Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas, Amending "Curfew in Parks," Chapter 96.24, Parks and Recreation of the Code of Ordinances of the City of Mansfield, Texas; and Providing an Effective Date

Sponsors: Andy Binz

Attachments: [Ordinance](#)

17. PUBLIC HEARING CONTINUATION AND SECOND READING

[14-0873](#) Ordinance - Public Hearing Continuation and Second Reading to Consider Proposed Amendment of Section 7200.B of the Zoning Ordinance Regarding Construction Standards for Residential Driveways (OA#14-003)

Sponsors: Felix Wong

Attachments: [Revised Ordinance](#)

18. NEW BUSINESS

[14-0894](#) Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 26, 2014 to May 27, 2014

Sponsors: Vicki Collins

Attachments: [Procedural rules of Council](#)

19. ADJOURN

CERTIFICATION

I, the undersigned authority do hereby certify that the above agenda addendum 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: Friday, April 25, 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.
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STAFF REPORT

File Number: 14-0897

Agenda Date: 4/29/2014

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

Motorcycle Safety and Awareness Month

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country, and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle-related risks, injuries and most of all fatalities, through a comprehensive approach to motorcycle safety, and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country and to safely "share the road" with these vehicles, and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle and giving the operator the respect on the road they deserve may result in safer streets for everyone,

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, join with members of the City Council to hereby proclaim May 2014

MOTORCYCLE SAFETY AND AWARENESS MONTH

In Mansfield and urge all citizens of Mansfield to practice safety on the streets of our city, particularly as it relates to motorcycles and the drivers who operate them.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 29th day of April, 2014.



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STAFF REPORT

File Number: 14-0898

Agenda Date: 4/29/2014

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Music Week

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing

WHEREAS, music plays an increasingly important role in our world today, and

WHEREAS, music education enriches the lives of our children, giving them a sense of pride and accomplishment and instilling in them a positive work ethic, and

WHEREAS, the National Federation of Music Clubs and its cooperating organizations are dedicated to encouraging young musicians, to increasing musical knowledge and to advancing American music,

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, join with members of the City Council to hereby proclaim May 4-11, 2014

NATIONAL MUSIC WEEK IN MANSFIELD

and ask all citizens of our community to observe and take part in activities recognizing the importance of music, musicians and musical organization to the cultural life of our city, state, nation and world.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 29th day of April, 2014.



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STAFF REPORT

File Number: 14-0899

Agenda Date: 4/29/2014

Version: 1

Status: To Be Presented

In Control: City Council

File Type: Proclamation

Agenda Number:

Title

National Correctional Officers and Employees Week

Requested Action

n/a

Recommendation

n/a

Description/History

n/a

Justification

n/a

Funding Source

n/a

Prepared By

Belinda Willis, Communications & Marketing

WHEREAS, thousands of men and women across the country work in jails and community correctional facilities each and every day; and

WHEREAS, correctional officers and employees safeguard the citizens of their communities by providing safe, secure and humane incarceration of offenders within their custody, and;

WHEREAS, these dedicated correctional facility personnel provide a critical service, sometimes in hazardous conditions and dangerous situations and;

WHEREAS, National Correctional Officers and Employees Week was created by President Ronald Reagan in 1984 to recognize the service of these important public safety officials, and;

WHEREAS, the men and women who work each day at the Mansfield Law Enforcement Center Jail Division provide a vital public service to the citizens of Mansfield and do so with honor and integrity;

NOW, THEREFORE, I, David L. Cook, Mayor of the City of Mansfield, Texas, join with members of the City Council to proclaim May 4-10, 2014, as

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

in Mansfield and encourage residents of our community to show their appreciation and gratitude to the officers and employees of the Mansfield Law Enforcement Center Jail Division for their dedication to our city and the safety of our citizens.

IN WITNESS WHEREOF, I do hereby set my hand and cause the official seal of the City of Mansfield to be affixed this 29th day of April, 2014.



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 14-0872

Agenda Date: 4/29/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution of the City of Mansfield Authorizing the City Manager and the Mansfield Police Department to Make Application, Receive, and Expend Grant Funds from the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority to Continue a Multi-Agency Task Force Funds Requested will not Exceed \$450,000 with a 20% Cash Match of \$90,000 Required

Requested Action

Approval of Resolution

Recommendation

Approval of Resolution

Description/History

The Texas Automobile Theft Prevention Authority (ATPA) was created in 1991 by the Texas Legislature to work with law enforcement officers, Mexican officials, state prosecutors, the insurance industry, and citizens across the state to combat automobile theft. In 2007, the Texas Legislature expanded ATPA's mission to include emphasis on vehicle burglary in addition to theft. The resulting agency, known as the Texas Automobile Burglary and Theft Prevention (ABTPA), is charged with assessing the automobile burglary, automobile theft, and economic automobile theft problems in Texas and analyzing methods and providing financial support to combat these problems. The ABTPA moved from Texas Department of Transportation to the newly established state agency, the Texas Department of Motor Vehicles in 2009. The program is funded by a \$2.00 annual assessment per insured vehicle per year. The fee is assessed by all agencies that insure vehicles in Texas and is collected by the Comptroller. The Mansfield Police Department received \$152,237 in FY13-14.

Grant-funded projects must begin on or after September 1, 2014, and expire on or before August 31, 2015.

Justification

In Texas, a vehicle is stolen every 5 minutes and a vehicle is burglarized every 2 1/2 minutes. The Mansfield Police Department proposes to re-apply for grant funding to continue to operate a multi-agency task force to target automobile thefts and automobile burglaries. The Mansfield Police Department would be the managing agency with participation from the Johnson County Sheriff's Office, Burleson Police Department and Tarrant County Constable Precinct 7. The grant would fund salaries and benefits, office space and supplies and equipment for one year.

Total grant funding request will be an amount not to exceed \$450,000 (20% matching funds equaling \$90,000 is required and will be shared between all participating agencies.)

Funding Source

Texas Department of Transportation Automobile Burglary & Theft Prevention Authority

Match requirement: 20% or \$90,000.

Prepared By

Alma Roden, Grant Manager

Gary L. Fowler, Chief of Police, Mansfield Police Department

817-276-4723

RESOLUTION NO. _____

A Resolution of the City of Mansfield authorizing the City Manager and the Mansfield Police Department to make application, receive, and expend grant funds from the Texas Department of Motor Vehicle Auto Burglary and Theft Prevention Authority to continue a multi-agency task force. Funds requested will not exceed \$450,000 with a 20% match of \$90,000 required.

WHEREAS, The City of Mansfield Police Department is a unit of local government and meets the criteria established by the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority to receive funds under this program; and

WHEREAS, The City of Mansfield finds it in the best interest of the citizens to request grant funding from a program which is funded by a \$2.00 annual assessment per insured vehicle per year with each citizen pays each year; and

WHEREAS, The Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority is soliciting applications, due May 2, 2014 for FY14-15 projects; and

WHEREAS, In Texas, a vehicle is stolen every 5 minutes and a vehicle is burglarized every 2 ½ minutes and City of Mansfield is no exception. The Mansfield Police Department proposes to reapply for grant funding to continue operating a multi-agency task force to target automobile thefts and automobile burglaries. The Mansfield Police Department would be the managing agency with participation from the Johnson County Sheriff's Office, Burleson Police Department, and Tarrant County Constable Precinct 7. The grant would fund salaries and benefits, office space, supplies and equipment for one year. The amount requested in the grant application would be for an amount not to exceed \$450,000 and the cash match will be 20% or \$90,000, which will be share with each participating agency; and

WHEREAS, The City of Mansfield agrees that in the event of loss or misuse of the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority the City of Mansfield assures that the funds will be returned to the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention; and

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

WHEREAS, the City Council desires to ratify and authorize the City Manager and the Police Department to make application, receive and expend the above mentioned grant allocation, if awarded.

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

SECTION 1.

1. The City Manager or designee is authorized to execute all documents with the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority for Fiscal Year 2014-2015 and request grant funding in an amount not to exceed \$450,000 with 20% cash match that will be shared with each participating agency.
2. Grant funding, if awarded, will be utilized to continue operating a multi-agency task force from grant funding provided by the Texas Department of Motor Vehicles Auto Burglary and Theft Prevention Authority.

PASSED AND APPROVED THIS THE 28th DAY OF APRIL, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 14-0895

Agenda Date: 4/29/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Resolution

Title

Resolution - A Resolution Approving the Joint Election Agreement and Contract for Election Services with the Tarrant County Elections Administrator for the May 10, 2014 General Election

Requested Action

Approve joint election agreement.

Recommendation

Staff recommends approval of the joint election agreement between the City of Mansfield and the Tarrant County Elections Administrator for Election Services for the May 10, 2014 General Election.

Description/History

The City of Mansfield has contracted with Tarrant County Elections Administrator since May 2000.

Section 6 of Resolution No. RE-2986-14, approved January 27, 2014, states:

AGREEMENT WITH TARRANT COUNTY: Prior to the election, the City anticipates that it will enter into an agreement for election services with Tarrant County (the "Agreement").

The joint election agreement indicates the estimated obligation incurred by the City of Mansfield will be \$8,054.00. The exact cost of the general election will be calculated after the May 10, 2014 election.

Justification

This service has worked well between the City of Mansfield and the Tarrant County Elections Administrator.

Funding Source

General Fund - City Council - 01-8806-11-01

Budgeted Amount - \$29,189.18

Prepared By

Vicki Collins, TRMC, City Secretary, City Secretary's Office
817-276-4204

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO PERFORM ELECTION SERVICES FOR THE MAY 10, 2014 GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subchapter D of Chapter 31 of the Texas Election Code authorizes a county election officer to contract with the governing body of a municipality located wholly or partly in the county to perform election services; and,

WHEREAS, the City Council of the City of Mansfield desires to have the Tarrant County Elections Administrator conduct the May 10, 2014 General Election to the extent permitted by law.

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

SECTION 1.

The Joint Election Agreement with the Tarrant County Elections Administrator and the City of Mansfield (the "Contract"), attached hereto as Exhibit "A", is hereby approved for all purposes and the Mayor is authorized to execute the Contract. The Mayor is hereby authorized and directed to take any and all actions necessary to enable the Tarrant County Elections Administrator and the City to conduct the May 10, 2014 General Election in accordance with all applicable law.

SECTION 2.

This resolution shall be effective upon its adoption.

PASSED AND APPROVED by the City Council of the City of Mansfield this 29th day of April, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

THE STATE OF TEXAS
COUNTY OF TARRANT

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services is made by and between the Tarrant County Elections Administrator and the following political subdivisions located entirely or partially inside the boundaries of Tarrant County:

City of Arlington
City of Bedford
City of Colleyville
City of Crowley
City of Dalworthington Gardens
Town of Edgecliff Village
City of Euless
City of Forest Hill
City of Fort Worth
City of Grand Prairie
City of Grapevine
City of Haltom City
City of Haslet
City of Hurst
City of Keller
City of Mansfield
City of Pelican Bay
City of Richland Hills

City of River Oaks
City of Saginaw
City of Sansom Park
City of Southlake
Town of Trophy Club
City of Watauga
Town of Westover Hills
Arlington ISD
Azle ISD
Crowley ISD
Eagle Mountain-Saginaw ISD
Grapevine-Colleyville ISD
Keller ISD
Lewisville ISD
Mansfield ISD
Northwest ISD
Trophy Club MUD 1

This contract is made pursuant to Texas Election Code Sections 31.092 and 271.002 and Texas Education Code Section 11.0581 for a joint May 10, 2014 election to be administered by Stephen Vickers, Chief Deputy Elections Administrator Acting pursuant to Texas Government Code § 601.002, hereinafter referred to as "Elections Administrator."

RECITALS

Each participating authority listed above plans to hold a general and/or special election on May 10, 2014.

The County owns an electronic voting system, the Hart InterCivic eSlate/eScan Voting System (Version 6.2.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The contracting political subdivisions desire to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" with each other in accordance with Chapter 271 of the Texas Election Code and this agreement. The Tarrant County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Each participating authority agrees to pay the Tarrant County Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Tarrant County Elections Administrator shall serve as the administrator for the Joint Election; however, each participating authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of each participating authority as necessary.

It is understood that other political subdivisions may wish to participate in the use of the County's electronic voting system and polling places, and it is agreed that the Elections Administrator may enter into other contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. In such cases, costs shall be pro-rated among the participants according to Section XI of this contract.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those polling places where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Each participating authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the participating authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all voting system testing notices that are required by the Texas Election Code.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the Tarrant County Elections Administrator.

III. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by each participating city, and shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). The proposed voting locations are listed in Attachment A of this agreement. In the event that a voting location is not available or appropriate, the Elections Administrator will arrange for use of an alternate location with the approval of the affected participating authorities. The Elections Administrator shall notify the participating authorities of any changes from the locations listed in Attachment A.

If polling places for the May 10, 2014 joint election are different from the polling place(s) used by a participating authority in its most recent election, the authority agrees to post a notice no later than May 9, 2014 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the May 10, 2014 election. This notice shall be written in both the English and Spanish languages.

IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Tarrant County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location. The Elections Administrator shall make emergency appointments of election officials if necessary.

Upon request by the Elections Administrator, each participating authority agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). In compliance with the Federal Voting Rights Act of 1965, as amended, each polling place containing more than 5% Hispanic population as determined by the 2010 Census shall have one or more election official who is fluent in both the English and Spanish languages. If a presiding judge is not bilingual, and is unable to appoint a bilingual clerk, the Elections Administrator may recommend a bilingual worker for the polling place. If the Elections Administrator is unable to recommend or recruit a bilingual worker, the participating authority or authorities served by that polling place shall be responsible for recruiting a bilingual worker for translation services at that polling place.

The Elections Administrator shall notify all election judges of the eligibility requirements of 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 Elections Administrator shall arrange for the training and compensation of all election judges and clerks. The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Tarrant County pursuant to Texas Election Code Section 32.091. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to election day and for returning the supplies and equipment to the central counting station after the polls close.

Election judges and clerks who attend voting equipment training and/or procedures training shall be compensated at the same hourly rate that they are to be paid on election day.

The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on election day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working as members of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the hourly rate set by Tarrant County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, official ballots, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have tables and/or chairs.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election.

Each participating authority shall furnish the Elections Administrator a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

The joint election ballots that contain ballot content for more than one joint participant because of overlapping territory shall be arranged in the following order: Independent School District, City, Water District(s), College District, and other political subdivisions.

Early Voting by Personal Appearance shall be conducted exclusively on Tarrant County's eSlate electronic voting system. On election day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's eScan voting system. Provisional ballots cast on election day will be cast only on the eSlate electronic voting system to prevent the possibility of paper provisional ballots from being immediately counted via the eScan ballot scanner.

The number of paper ballots printed for election day voting shall be, at a minimum, equal to the same election day turnout as in the last comparable election plus 25 percent of that number, with the final number of ballots ordered per polling place or precinct adjusted upward to end in a number divisible by 50.

The Elections Administrator shall be responsible for the preparation, testing, and delivery of the voting equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks on relevant employees upon hiring as required by Election Code Section 129.051(g).

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Each participating authority agrees to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Tarrant County pursuant to Section 83.052 of the Texas Election Code. Deputy early voting clerks who are permanent employees of the Tarrant County Elections Administrator or any participating authority shall serve in that capacity without additional compensation.

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any of the joint early voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the participating authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing.

The Elections Administrator shall post on the county website each participating authority's early voting report on a daily basis and a cumulative final early voting report following the close of early voting. In accordance with Section 87.121(g) of the Election Code, the daily reports showing the previous day's early voting activity will be posted to the county website no later than 8:00 AM each business day.

VII. EARLY VOTING BALLOT BOARD AND SIGNATURE VERIFICATION COMMITTEE

Tarrant County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the early voting ballots.

The Elections Administrator shall determine whether a Signature Verification Committee is necessary, and if so, shall appoint the members.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central and remote counting stations to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Stephen Vickers, Chief Deputy Elections Administrator
Tabulation Supervisor:	Eric Leija, Tarrant County Elections Operations Manager
Presiding Judge:	George Keyes
Alternate Judge:	Emma Allen

The counting station manager or his representative shall deliver timely cumulative reports of the election results as precincts report to the central and remote counting stations and are tabulated. The manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station and by posting to the Tarrant County web site. To ensure the accuracy of reported election returns, results printed on the tapes produced by Tarrant County's voting equipment will not be released to the participating authorities at the remote collection sites or by phone from individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports that are necessary for compliance with Election Code Section 67.004 after all precincts have been counted, and will deliver a copy of these unofficial canvass reports to each participating authority as soon as possible after all returns have been tabulated. Each participating authority shall be responsible for the official canvass of its respective election(s).

The Elections Administrator will prepare the electronic precinct-by-precinct results reports for uploading to the Secretary of State as required by Section 67.017 of the Election Code. The Elections Administrator agrees to upload these reports for each participating authority unless requested otherwise.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

IX. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE TARRANT COUNTY

Each participating authority with territory containing population outside Tarrant County agrees that the Elections Administrator shall administer only the Tarrant County portion of those elections.

X. RUNOFF ELECTIONS

Each participating authority shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the participating authority notifies the Elections Administrator in writing within 3 business days of the original election.

Each participating authority shall reserve the right to reduce the number of early voting locations and/or election day voting locations in a runoff election.

Each participating authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the May 10, 2014 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each participating authority eligible to hold runoff elections agrees that the date of the runoff election, if necessary, shall be Saturday, June 21, 2014.

XI. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the average cost per election day polling place (unit cost) as determined by adding together the overall expenses and dividing the expenses equally among the total number of polling places. Costs for polling places shared by more than one participating authority shall be pro-rated equally among the participants utilizing that polling place.

It is agreed that charges for election day judges and clerks and election day polling place rental fees shall be directly charged to the appropriate participating authority rather than averaging those costs among all participants.

If a participating authority's election is conducted at more than one election day polling place, there shall be no charges or fees allocated to the participating authority for the cost of election day polling places in which the authority has fewer than 50% of the total registered voters served by that polling place, except that if the number of registered voters in all of the authority's polling places is less than the 50% threshold, the participating authority shall pay a pro-rata share of the costs associated with the polling place where it has the greatest number of registered voters.

Costs for Early Voting by Personal Appearance shall be allocated based upon the actual costs associated with each early voting site. Each participating authority shall be responsible for a pro-rata portion of the actual costs associated with the early voting sites located within their jurisdiction. Participating authorities that do not have a regular (non-temporary) early voting site within their jurisdiction shall pay a pro-rata portion of the nearest regular early voting site.

Costs for Early Voting by Mail shall be allocated according to the actual number of ballots mailed to each participating authority's voters.

Participating authorities having the majority of their voters in another county, and fewer than 500 registered voters in Tarrant County, and that do not have an election day polling place or early voting site within their jurisdiction shall pay a flat fee of \$400 for election expenses.

Each participating authority agrees to pay the Tarrant County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Tarrant County Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the county treasury in accordance with Election Code Section 31.100.

XII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any participating authority may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code. The withdrawing authority is fully liable for any expenses incurred by the Tarrant County Elections Administrator on behalf of the authority plus an administrative fee of ten percent (10%) of such expenses. Any monies deposited with the Elections Administrator by the withdrawing authority shall be refunded, minus the aforementioned expenses and administrative fee if applicable.

It is agreed that any of the joint election early voting sites that are not within the boundaries of one or more of the remaining participating authorities, with the exception of the early voting site located at the Tarrant County Elections Center, may be dropped from the joint election unless one or more of the remaining participating authorities agree to fully fund such site(s). In the event that any early voting site is eliminated under this section, an addendum to the contract shall be provided to the remaining participants within five days after notification of all intents to withdraw have been received by the Elections Administrator.

XIII. RECORDS OF THE ELECTION

The Elections Administrator 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 shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of county records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIV. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting participating authority agrees that any recount shall take place at the offices of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and the participating authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Administrator agrees to provide advisory services to each participating authority as necessary to conduct a proper recount.

XV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

2. The Elections Administrator shall file copies of this document with the Tarrant County Judge and the Tarrant County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
4. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tarrant County, Texas.
5. In the event that one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
7. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
8. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XVI. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated obligation for each participating authority under the terms of this agreement is listed below. Each participating authority agrees to pay the Tarrant County Elections Administrator a deposit of approximately 75% of this estimated obligation within 15 days after execution of this agreement. The exact amount of each participating authority's obligation under the terms of this agreement shall be calculated after the May 10, 2014 election (or runoff election, if applicable), and if the amount of an authority's total obligation exceeds the amount deposited, the authority shall pay to the Elections Administrator the balance due within 30 days after the receipt of the final invoice from the Elections Administrator. However, if the amount of the authority's total obligation is less than the amount deposited, the Elections Administrator shall refund to the authority the excess amount paid within 30 days after the final costs are calculated.

The total estimated obligation and required deposit for each participating authority under the terms of this agreement shall be as follows:

	Actual #	Billed #	Estimated	Deposit
Political Subdivision	Polls	Polls	Cost	Due
City of Arlington	28	14.00	\$62,231	\$46,700
City of Bedford	1	1.00	\$13,619	\$10,300
City of Colleyville	1	0.50	\$5,444	\$4,100
City of Crowley	1	0.50	\$5,032	\$3,800
City of Dalworthington Gardens	1	0.50	\$4,205	\$3,200
City of Edgecliff Village	1	0.50	\$5,037	\$3,800
City of Euless	1	1.00	\$10,895	\$8,200
City of Forest Hill	1	1.00	\$10,273	\$7,800
City of Fort Worth	120	111.00	\$470,022	\$352,600
City of Grand Prairie	4	2.00	\$13,759	\$10,400
City of Grapevine	1	0.50	\$6,006	\$4,600
City of Haltom City	2	2.00	\$12,896	\$9,700
City of Haslet	1	0.50	\$4,981	\$3,800
City of Hurst	1	1.00	\$11,593	\$8,700
City of Keller	2	1.00	\$6,552	\$5,000
City of Mansfield	3	1.50	\$8,054	\$6,100
City of Pelican Bay	1	0.50	\$4,881	\$3,700
City of Richland Hills	1	1.00	\$9,762	\$7,400
City of River Oaks	1	1.00	\$6,249	\$4,700
City of Saginaw	1	0.50	\$4,963	\$3,800
City of Sansom Park	1	1.00	\$10,064	\$7,600
City of Southlake	1	1.00	\$11,368	\$8,600
Town of Trophy Club	1	0.50	\$1,339	\$1,100
City of Watagua	1	1.00	\$6,929	\$5,200
Town of Westover Hills	1	1.00	\$6,249	\$4,700
Arlington ISD	32	14.50	\$63,709	\$47,800
Azle ISD	4	2.00	\$9,352	\$7,100
Crowley ISD	18	4.50	\$22,470	\$16,900
Eagle Mountain-Saginaw ISD	12	4.00	\$18,844	\$14,200
Grapevine-Colleyville ISD	6	1.00	\$11,450	\$8,600
Keller ISD	16	4.50	\$27,824	\$20,900
Lewisville ISD	1	0.00	\$400	\$400
Mansfield ISD	14	5.50	\$27,590	\$20,700
Northwest ISD	13	2.50	\$18,031	\$13,600
Trophy Club MUD No. 1	1	0.50	\$1,339	\$1,100
TOTALS		185.00		

XVII. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the _____ day of _____, 2014 been executed by the Tarrant County Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the _____ day of _____, 2014 been executed on behalf of the City of Mansfield, Texas pursuant to an action of the City of Mansfield, Texas so authorizing;

ACCEPTED AND AGREED TO BY THE TARRANT COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:

Stephen Vickers
Chief Deputy Elections Administrator
Acting pursuant to Texas Government Code § 601.002

ACCEPTED AND AGREED TO BY THE CITY OF MANSFIELD, TEXAS:

APPROVED:

ATTEST:

David L. Cook, Mayor

Vicki Collins, City Secretary

Approved as to Form
Not Content
C.A. [Signature] 4-10-14
Signature/Date

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site

Entities

Election Day Polling Location

2002, 2027, 2235, 2320, 2569
2659

City of Arlington 3 and Arlington ISD

Atherton Elementary School
2101 Overbrook Drive
Arlington, Texas 76014

2058, 2181, 2205

City of Arlington 5 and Arlington ISD

Bailey Jr. High School
2411 Winewood Lane
Arlington, Texas 76013

2383, 2541
2383

City of Arlington 3 and Arlington ISD
City of Arlington 3 and Mansfield ISD

Bebensee Elementary School
5900 Inks Lake Drive
Arlington, Texas 76018

2100, 2145, 2210, 2309, 2660
2673

City of Arlington 5 and Arlington ISD

Berry Elementary School
1800 Joyce Street
Arlington, Texas 76010

2007, 2028, 2358, 2505, 2521
2358
2505

City of Arlington 2 and Arlington ISD
City of Arlington 2 and **Kennedale ISD**
City of Arlington 2 and Mansfield ISD

Boles Jr. High School
3900 Southwest Green Oaks Boulevard
Arlington, Texas 76017

2226, 2268, 2269, 2393, 2403
2513, 2658

City of Arlington 3 and Arlington ISD

Bob Duncan Center
2800 South Center Street
Arlington, Texas 76014

2134, 2169, 2263, 2302, 2381
2428, 2461, 2675

City of Arlington 5 and Arlington ISD

City of Arlington Senior Center
2015 Craig Hanking Drive
Arlington, Texas 76010

2304, 2553
2304, 2356, 2519, 2553

City of Arlington 2 and Arlington ISD
City of Arlington 2 and Mansfield ISD

City of Arlington South Service Center
1100 Southwest Green Oaks Boulevard
Arlington, Texas 76017

2029, 2306, 2506
2029, 2506
2029

City of Arlington 2 and Arlington ISD
City of Arlington 2 and **Kennedale ISD**
Arlington ISD (**City of Kennedale** voters)

Corey Elementary School
5200 Kelly Elliott Road
Arlington, Texas 76017

2220, 2266, 2319, 2464
2220, 2464

City of Arlington 4 and Arlington ISD
City of Arlington 4 and **FWISD** 3

Ditto Elementary School
3001 Quail Lane
Arlington, Texas 76016

No Election

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
<u>2171</u> , 2280, 2303, 2310 1489, 1514, 1605, 2303, 2310 2606	City of Arlington 4 and Arlington ISD City of Arlington 4 and FWISD 3	Duff Elementary School 3100 Lynnwood Drive Arlington, Texas 76013
2353, <u>2448</u> , 2450	City of Arlington 3 and Arlington ISD	Ferguson Jr. High School 600 Southeast Green Oaks Boulevard Arlington, Texas 76018
<u>2354</u> , 2438, 2449, 2523 2449	City of Arlington 3 and Arlington ISD City of Arlington 3 and Mansfield ISD	Fitzgerald Elementary School 5201 Creek Valley Drive Arlington, Texas 76018
2635 <u>2031</u> , 2613, 2635	City of Arlington 3 and Arlington ISD City of Arlington 3 and Mansfield ISD	Imogene Gideon Elementary School 1201 Mansfield-Webb Road Arlington, Texas 76002
2174, 2229, 2267, <u>2318</u> , 2401 2451	City of Arlington 4 and Arlington ISD	Gunn Jr. High School 3000 South Fielder Road Arlington, Texas 76015
<u>2557</u> , 2645	City of Arlington 3 and Mansfield ISD	Janet Brockett Elementary School 810 Dove Meadows Drive Arlington, Texas 76002
2030, 2341, 2405, <u>2462</u> , 2525 2581	City of Arlington 2 and Mansfield ISD	Kenneth Davis Elementary School 900 Eden Road Arlington, Texas 76001
2173, 2219, 2305, 2425, 2520 <u>2556</u> 2219, 2305, 2425, 2474 1211, 2173, 2600, 2609	City of Arlington 4 and Arlington ISD City of Arlington 4 and Kennedale ISD City of Arlington 4 and FWISD 3	Miller Elementary School 6401 West Pleasant Ridge Road Arlington, Texas 76016
2225, 2274, 2402, 2467, <u>2536</u> 2537, 2561, 2571, 2616	City of Arlington 1 and Arlington ISD	Nichols Jr. High School 2201 Ascension Boulevard Arlington, Texas 76006

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
1441, 1442, 2224, 2315, <u>2316</u> 1442	City of Arlington 1 and Arlington ISD City of Arlington 1 and H-E-B ISD	Northeast Branch Library 1905 Brown Boulevard Arlington, Texas 76006
2307, <u>2522</u> 2262, 2522 2307, 2357, 2522, 2535 2262 2029, 2262	City of Arlington 2 and Arlington ISD City of Arlington 2 and Kennedale ISD City of Arlington 2 and Mansfield ISD Kennedale ISD (Unincorporated voters) Mansfield ISD (City of Kennedale voters)	R. F. Patterson Elementary School 6621 Kelly Elliott Road Arlington, Texas 76001
<u>2003</u> , 2217	City of Arlington 1 and Arlington ISD	Pope Elementary School 901 Chestnut Drive Arlington, Texas 76012
1420, <u>2228</u> , 2246, 2317 1607	City of Arlington 1 and Arlington ISD City of Arlington 1 and FW/ISD 3	Shackelford Jr. High School 2000 North Fielder Road Arlington, Texas 76012
1380, 1463, 1631, <u>2055</u> , 2281 1564, 1631	City of Arlington 1 and Arlington ISD City of Arlington 1 and H-E-B ISD	Sherrod Elementary School 2626 Lincoln Drive Arlington, Texas 76006
2143, 2147, <u>2168</u>	City of Arlington 5 and Arlington ISD	South Davis Elementary School 2001 South Davis Drive Arlington, Texas 76013
2052, <u>2161</u>	City of Arlington 5 and Arlington ISD	Tarrant County Sub-Courthouse in Arlington 700 East Abram Street Arlington, Texas 76010
2026, 2148, <u>2190</u> , 2655, 2656 2657, 2670	City of Arlington 1 and Arlington ISD	Webb Elementary School 1200 North Cooper Street Arlington, Texas 76011
2313, <u>2314</u> , 2468	City of Arlington 4 and Arlington ISD	Young Jr. High School 3200 Woodside Drive Arlington, Texas 76016

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
4046, 4047, 4284, 4340, 4395 4047, 4065, 4242, 4284, 4340 4371, 4373, 4375, 4395, 4532 4047, 4395	City of Azle and Azle ISD Azle ISD (Unincorporated voters) Azle ISD (City of Reno voters)	B. J. Clark Annex 601 Southeast Parkway Azle, Texas 76020
3037, 3156, 3157, 3183, 3200 3212, 3249, 3254, 3260, 3283 3322, 3327, 3334, 3368, 3443 3516, 3517, 3539, 3562, 3574	City of Bedford and H-E-B ISD	Pat May Center 1849-B Central Drive Bedford, Texas 76022
1009, 1337, 4230	City of Benbrook and FWISD 7	City Elections conducted in November
1021, 1111, 1206, 1208, 4480 4630 1111, 1348 1111, 1348	City of Benbrook and FWISD 7 Aledo ISD (Unincorporated voters) (Godley ISD/Unincorporated voters)	City Elections conducted in November Contracting with Parker County Contracting with Johnson County
1339	City of Benbrook and FWISD 7	City Elections conducted in November
4222	City of Blue Mound and Eagle Mountain-Saginaw ISD	Blue Mound City Hall 301 Blue Mound Road Blue Mound, Texas 76131
1024, 1271, 1394, 1418, 1627 1431 1294 1024, 1345, 1431, 1578, 1642	City of Burleson and Burleson ISD Burleson ISD (Unincorporated voters) Burleson ISD (voters in the City of Crowley) Burleson ISD (voters in the City of Fort Worth)	Not Contracting with Tarrant County Burleson City Hall 141 West Renfro Street Burleson, Texas 76028
3558 3193, 3323, 3330, 3331, 3390 3421, 3510, 3562, 3663 3330, 3510, 3539, 3562, 3669 3193, 3331 3193, 3562, 3663	City of Colleyville and Carroll ISD City of Colleyville and Grapevine-Colleyville ISD City of Colleyville and H-E-B ISD City of Colleyville and Keller ISD City of Colleyville and Birdville ISD	Bransford Elementary School 601 Glade Road Colleyville, Texas 76034

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
1023, <u>1294</u> , 1501 1294 1023, 1103, 1294	City of Crowley and Crowley ISD City of Crowley (Burleson ISD voters) Crowley ISD (Unincorporated voters)	Crowley Community Center 900 East Glendale Street Crowley, Texas 76036
<u>2223</u>	City of Dalworthington Gardens and Arlington ISD	Dalworthington Gardens City Hall 2600 Roosevelt Drive Dalworthington Gardens, Texas 76016
<u>1189</u> 1189	Town of Edgecliff Village and Crowley ISD Town of Edgecliff Village and <u>FWISD 6</u>	Edgecliff Village Community Center 1605 Edgecliff Road Edgecliff Village, Texas 76134
1175, 1547, 1603, 3036, 3160 3183, 3216, 3247, 3329, 3335 3336, 3389, 3391, 3446, 3511 3216, 3322, 3335, 3389, 3511 3566, 3574	City of Euless and <u>H-E-B ISD</u> City of Euless and Grapevine-Colleyville ISD	Euless Public Library 201 North Ector Drive Euless, Texas 76039
1025, <u>1295</u> 1244, 1352	City of <u>Everman and Everman ISD</u> <u>Everman ISD</u> (Unincorporated)	Everman City Hall Annex 243 North Raae Street Everman, Texas 76140
3321 3321	Town of Flower Mound and Lewisville ISD Town of Flower Mound and Grapevine-Colleyville ISD	See City of Grapevine site
<u>1153</u> , 1301 1013, 1153, 1244, 1293, 1301	City of Forest Hill, <u>FH Library District and Everman ISD</u> City of Forest Hill, <u>FH Library District and FWISD 4</u>	City of Forest Hill Civic and Convention Center, 6901 Wichita Street Forest Hill, Texas 76140 was Mahaney Community Center
<u>4048</u> , 4051	City of Fort Worth 2 and <u>FWISD 1</u>	M. G. Ellis Early Childhood School 215 Northeast 14 th Street Fort Worth, Texas 76164

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
4050	City of Fort Worth 2 and Lake Worth ISD	Thompson Chapel United Methodist Church
4050	City of Fort Worth 2 and Eagle Mountain-Saginaw ISD	2804 Prospect Avenue
4050	City of Fort Worth 2 and FWISD 1	Fort Worth, Texas 76106
<u>4067</u>	City of Fort Worth 2 and FWISD 1	Rufino E. Mendoza, Sr. Elementary School
		1412 Denver Avenue
		Fort Worth, Texas 76164
4068, 4685	City of Fort Worth 2 and Lake Worth ISD	Rosen Heights Baptist Church Family
4068, 4685	City of Fort Worth 2 and FWISD 1	Life Center, 2519 Prairie Avenue
4685	City of Fort Worth 2 and Castleberry ISD	Fort Worth, Texas 76164
<u>4087, 4092</u>	City of Fort Worth 2 and FWISD 1	Northside Family Resource Center
		2011 Prospect Avenue
		Fort Worth, Texas 76164
4093	City of Fort Worth 2 and FWISD 9	Diamond Hill Community Center
4093	City of Fort Worth 2 and Eagle Mountain-Saginaw ISD	1701 Northeast 36th Street
4093	City of Fort Worth 2 and Lake Worth ISD	Fort Worth, Texas 76106
<u>4110, 4563</u>	City of Fort Worth 2 and FWISD 1	Northside Community Center
		1100 Northwest 18 th Street
		Fort Worth, Texas 76164
4122, 4397, 4565, 4568, 4598	City of Fort Worth 2 and Castleberry ISD	Azle Avenue Baptist Church
4688, 4689		2901 Azle Avenue
4017, 4073, 4122, 4686	City of Fort Worth 2 and Lake Worth ISD	Fort Worth, Texas 76106
4017, 4122, 4138, 4487	City of Fort Worth 2 and FWISD 1	
<u>4123</u>	City of Fort Worth 2 and FWISD 1	Decatur Avenue Baptist Church
		3715 Decatur Avenue
		Fort Worth, Texas 76106
4121, <u>4125</u> , 4512, 4687	City of Fort Worth 2 and Castleberry ISD	Trinity Baptist Church
4125, 4512, 4592, 4687	City of Fort Worth 2 and FWISD 1	620 Churchill Road
		Fort Worth, Texas 76114

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
4231 4245	City of Fort Worth 2 and FWISD 1 City of Fort Worth 2 and FWISD 9	Diamond Hill-Jarvis Branch Library 1300 Northeast 35 th Street Fort Worth, Texas 76106
4222, 4452, 4499, 4591 4452 4452, 4591	City of Fort Worth 2 and Eagle Mountain-Saginaw ISD City of Fort Worth 2 and Keller ISD City of Fort Worth 2 and Northwest ISD	Northbrook Elementary School 2500 Cantrell Sansom Road Fort Worth, Texas 76131
4232, 4551, 4650, 4666 4551, 4650 4232, 4650	City of Fort Worth 2 and Eagle Mountain-Saginaw ISD City of Fort Worth 2 and Lake Worth ISD Eagle Mountain-Saginaw ISD (Unincorporated voters)	Northwest Branch Library 6228 Crystal Lake Drive Fort Worth, Texas 76179
1117, 4498	City of Fort Worth 3 and FWISD 6	McLean 6th Grade School 3201 South Hills Avenue Fort Worth, Texas 76109
1120, 1676	City of Fort Worth 3 and FWISD 5	JPS Health Center Viola M. Pitts/Como Lower Level, Auditorium 1 4701 Bryant Irvin Road North Fort Worth, Texas 76107
4129, 4136, 4630	City of Fort Worth 3 and FWISD 7	Agape Baptist Church 3900 Southwest Boulevard Fort Worth, Texas 76116
4163 4163	City of Fort Worth 3 and Crowley ISD City of Fort Worth 3 and FWISD 6	Southcliff Baptist Church Annex 4833 Selkirk Drive Fort Worth, Texas 76109
4179 4179	City of Fort Worth 3 and White Settlement ISD City of Fort Worth 3 and FWISD 5	R. D. Evans Community Center 3242 Lackland Road Fort Worth, Texas 76116
4182	City of Fort Worth 3 and FWISD 5	Tanglewood Elementary School 3060 Overton Park Drive West Fort Worth, Texas 76109

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Precincts at Site	Entities	Election Day Polling Location
4203 1337, 4135 4203	City of Fort Worth 3 and White Settlement ISD City of Fort Worth 3 and FWISD 7 City of Fort Worth 3 and FWISD 5	Western Hills United Methodist Church 2820 Laredo Drive Fort Worth, Texas 76116
1339, <u>4230</u>	City of Fort Worth 3 and FWISD 7	Bethel United Methodist Church 5000 Southwest Boulevard Fort Worth, Texas 76116
1111, 1296, 1423 1296, 1423 1111 1111	City of Fort Worth 3 and FWISD 7 City of Fort Worth 3 and Crowley ISD FWISD 7 (Unincorporated voters) Crowley ISD (Unincorporated voters)	St. Peter's Antiochian Orthodox Church 7601 Bellaire Drive South Fort Worth, Texas 76132
<u>4342</u>	City of Fort Worth 3 and FWISD 7	Faith Lutheran Church 4551 Southwest Boulevard Fort Worth, Texas 76116
1366, 4130, <u>4343</u> 1472, 4343 4130 1366	City of Fort Worth 3 and Crowley ISD City of Fort Worth 3 and FWISD 5 City of Fort Worth 3 and FWISD 6 City of Fort Worth 3 and FWISD 7	Arborlawn United Methodist Church Annex Building, 4917 Briarhaven Road Fort Worth, Texas 76109 was Arborlawn 5001 Briarhaven Road
4118, <u>4456</u> 4115, 4178, 4252 4178	City of Fort Worth 3 and FWISD 7 City of Fort Worth 3 and FWISD 5 City of Fort Worth 3 and White Settlement ISD	Mary Louise Phillips Elementary School 3020 Bigham Boulevard Fort Worth, Texas 76116
4020, 4204, <u>4497</u> 4069, 4480 4497 4069, 4480	City of Fort Worth 3 and White Settlement ISD City of Fort Worth 3 and FWISD 7 City of Fort Worth 3 and FWISD 5 FWISD 7 (Unincorporated voters)	Birchman Baptist Church 2700 Dale Lane Fort Worth, Texas 76116
4128, 4276, 4369, <u>4534</u> 4276, 4369	City of Fort Worth 3 and White Settlement ISD White Settlement ISD (Unincorporated voters)	Normandale Baptist Church 2100 Chapel Creek Boulevard Fort Worth, Texas 76108
<u>1082</u> , 1198, 1625 1623, 4362	City of Fort Worth 4 and FWISD 9 City of Fort Worth 4 and Birdville ISD	Riverside Community Center 3700 East Belknap Street Fort Worth, Texas 76111

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Precincts at Site	Entities	Election Day Polling Location
<u>1146</u> , 1491	City of Fort Worth 4 and FW/ISD 2	Eastern Hills High School 5701 Shelton Drive Fort Worth, Texas 76112
1279	City of Fort Worth 4 and FW/ISD 3	Atwood McDonald Elementary School 1850 Barron Lane Fort Worth, Texas 76112
1151, 1199, 1277, <u>1460</u> , 1622 1679	City of Fort Worth 4 and FW/ISD 2	East Regional Library 6301 Bridge Street Fort Worth, Texas 76112
1199, 1430, 1622 1430	City of Fort Worth 4 and Birdville ISD City of Fort Worth 4 and FW/ISD 9	
3552, 3570, <u>3637</u> , 3647 3637 3552	City of Fort Worth 4 and Keller ISD City of Fort Worth 4 and Northwest ISD Keller ISD (Unincorporated voters)	Northpark YMCA 9100 North Beach Street Fort Worth, Texas 76244
<u>4101</u> , 4485	City of Fort Worth 4 and FW/ISD 9	Amon Carter-Riverside High School 3301 Yucca Avenue Fort Worth, Texas 76111
<u>4162</u> , 4596, 4604, 4682 4602	City of Fort Worth 4 and FW/ISD 9 City of Fort Worth 4 and Birdville ISD	Riverside Applied Learning Center 3600 Fossil Drive Fort Worth, Texas 76111
<u>4374</u> , 4528	City of Fort Worth 4 and Keller ISD	Summerglen Branch Library 4205 Basswood Boulevard Fort Worth, Texas 76137
4250, 4261, <u>4508</u> , 4540 4250 4250, 4540 4540	City of Fort Worth 4 and Keller ISD City of Fort Worth 4 and FW/ISD 9 City of Fort Worth 4 and Eagle Mountain-Saginaw ISD City of Fort Worth 4 and Northwest ISD	Parkview Elementary School 6900 Bayberry Drive Fort Worth, Texas 76137
4234, <u>4588</u> 4234, 4588	City of Fort Worth 4 and Birdville ISD City of Fort Worth 4 and Keller ISD	Hillwood Middle School 8250 Parkwood Hill Boulevard Fort Worth, Texas 76137

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Precincts at Site	Entities	Election Day Polling Location
<u>1012</u> , 1099, 1407, 1414	City of Fort Worth 5 and FWISD 3	Handley-Meadowbrook Community Center 6201 Beaty Street Fort Worth, Texas 76112
1074	City of Fort Worth 5 and FWISD 2	D. McRae Elementary School 3316 Avenue N Fort Worth, Texas 76105
<u>1098</u>	City of Fort Worth 5 and FWISD 2	S. S. Dillow Elementary School 4000 Avenue N Fort Worth, Texas 76105
<u>1126</u> , 1278	City of Fort Worth 5 and FWISD 3	First Jefferson Unitarian Universalist Church 1959 Sandy Lane Fort Worth, Texas 76112
<u>1127</u>	City of Fort Worth 5 and FWISD 3	Martin Luther King Community Center 5565 Truman Drive Fort Worth, Texas 76112
1106 <u>1132</u>	City of Fort Worth 5 and FWISD 4 City of Fort Worth 5 and FWISD 2	Griffin-Poly Sub-Courthouse 3212 Miller Avenue Fort Worth, Texas 76119
<u>1149</u> 1184, 2600, 2601	City of Fort Worth 5 and FWISD 4 City of Fort Worth 5 and FWISD 3	W. M. Green Elementary School 4612 David Strickland Road Fort Worth, Texas 76119
1420, 1589 <u>1175</u> , 1586, 1589, 3409, 3560 3653, 3654	City of Fort Worth 5 and Arlington ISD City of Fort Worth 5 and H-E-B ISD	St. John Missionary Baptist Church 3324 House Anderson Road Euless, Texas 76040
<u>1188</u>	City of Fort Worth 5 and FWISD 3	Paul Laurence Dunbar High School 5700 Ramey Avenue Fort Worth, Texas 76112
1064, <u>1197</u> 1197 1197	City of Fort Worth 5 and FWISD 3 City of Fort Worth 5 and H-E-B ISD City of Fort Worth 5 and Birdville ISD	River Trails Elementary School 8850 Elbe Trail Fort Worth, Texas 76118

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Precincts at Site	Entities	Election Day Polling Location
<u>1211</u> , 1610	City of Fort Worth 5 and FWISD 3	Sunrise-McMillian Elementary School 3409 Stalcup Road Fort Worth, Texas 76119
<u>1227</u> , 1437, 1490, 1518, 1651 <u>2606</u>	City of Fort Worth 5 and FWISD 3	Pantego Bible Church 8001 Anderson Boulevard Fort Worth, Texas 76120
<u>1270</u> , 2419	City of Fort Worth 5 and FWISD 3	Handley United Methodist Church 2929 Forest Avenue Fort Worth, Texas 76112
<u>1297</u>	City of Fort Worth 5 and FWISD 3	A. M. Pate Elementary School 3800 Anglin Drive Fort Worth, Texas 76119
<u>1311</u> , 1489, 1514	City of Fort Worth 5 and FWISD 3	St. Matthew United Methodist Church 2414 Hitson Lane Fort Worth, Texas 76112
<u>1346</u> <u>1415</u>	City of Fort Worth 5 and FWISD 3 City of Fort Worth 5 and FWISD 2	Brighter Outlook Center 4910 Dunbar Street Fort Worth, Texas 76105
1388, 1404, <u>1603</u> , 3329, 3336 1603	City of Fort Worth 5 and H-E-B ISD City of Fort Worth 5 and Grapevine-Colleyville ISD	Candlewood Suites Hotel 4200 Reggis Court Fort Worth, Texas 76155
<u>1022</u>	City of Fort Worth 6 and FWISD 6	St. Matthew's Lutheran Church 5709 Wedgwood Drive Fort Worth, Texas 76133
<u>1024</u> 1024, 1436, 1642 1034, 1504 1024, 1345, 1431, 1642	City of Fort Worth 6 and Everman ISD City of Fort Worth 6 and Crowley ISD City of Fort Worth 6 and Mansfield ISD City of Fort Worth 6 (Burleson ISD voters)	Precinct One Garage 800 East Rendon Crowley Road Burleson, Texas 76028

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Precincts at Site	Entities	Election Day Polling Location
<u>1119</u> , 1347, 1348, 1641	City of Fort Worth 6 and Crowley ISD	Westminster Presbyterian Church
<u>1119</u> , 1347	City of Fort Worth 6 and FWISD 6	7001 Trail Lake Drive
1348, 1424, 1641	Crowley ISD (Unincorporated voters)	Fort Worth, Texas 76133
1348	FWISD 7 (Unincorporated voters)	
<u>1142</u>	City of Fort Worth 6 and FWISD 6	Bruce Shulkey Elementary School 5533 Whitman Avenue Fort Worth, Texas 76133
<u>1207</u> <u>1207</u>	City of Fort Worth 6 and FWISD 6 City of Fort Worth 6 and Crowley ISD	Southwest Sub-Courthouse 6551 Granbury Road Fort Worth, Texas 76133
<u>1238</u> 1459	City of Fort Worth 6 and FWISD 6 City of Fort Worth 6 and Crowley ISD	Trinity Cumberland Presbyterian Church 7120 West Cleburne Road Fort Worth, Texas 76133
<u>1241</u> , 4070 4070	City of Fort Worth 6 and FWISD 6 City of Fort Worth 6 and Crowley ISD	Wedgwood 6 th Grade School 4212 Belden Avenue Fort Worth, Texas 76132
1167 <u>1257</u> , 1004	City of Fort Worth 6 and FWISD 8 City of Fort Worth 6 and FWISD 6	Fort Worth Education Association 6021 Westcreek Drive Fort Worth, Texas 76133
1105, <u>1264</u> 1264	City of Fort Worth 6 and FWISD 6 City of Fort Worth 6 and Crowley ISD	Southwest Community Center 6300 Welch Avenue Fort Worth, Texas 76133
1255, <u>1265</u> 1255, 1294, 1639 1639	City of Fort Worth 6 and FWISD 6 City of Fort Worth 6 and Crowley ISD Crowley ISD (Unincorporated voters)	Genesis United Methodist Church 7635 South Hulen Street Fort Worth, Texas 76133
1071, 1186, <u>1377</u> 1071, 1377 1186 1186	City of Fort Worth 6 and Crowley ISD City of Fort Worth 6 and FWISD 7 Crowley ISD (Unincorporated voters) FWISD 7 (Unincorporated voters)	Fort Worth Presbyterian Church 6251 Oakmont Trail Fort Worth, Texas 76132 was Oakmont Elementary School

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Precincts at Site	Entities	Election Day Polling Location
<u>3043</u> , 3152, 3567	City of Fort Worth 7 and Northwest ISD	Sendera Ranch Elementary School
3567, 4694	City of Fort Worth 7 and Eagle Mountain-Saginaw ISD	1216 Diamondback Lane
3567, 4694	Eagle Mountain-Saginaw ISD (Unincorporated voters)	Haslet, Texas 76052
3043, 3152, 3363, 3567, 4044	Northwest ISD (Unincorporated voters)	
4371	Northwest ISD (Unincorporated and Newark voters)	
3372, 3417, <u>3646</u>	City of Fort Worth 7 and Keller ISD	John M. Tidwell Middle School
3185, 3192, 3372, 3417, 3646	City of Fort Worth 7 and Northwest ISD	3937 Haslet-Roanoke Road
3372	Keller ISD (Unincorporated voters)	Fort Worth, Texas 76262
3646	Northwest ISD (Unincorporated voters)	was Kay Granger Elementary School
3422	Keller ISD (<u>Town of Westlake</u> voters)	
3372, 3422, 3646	Northwest ISD (<u>Town of Westlake</u> voters)	
3422, 3646	Northwest ISD (<u>City of Roanoke</u> voters)	
3240, 3465, 3486, <u>3648</u>	City of Fort Worth 7 and Keller ISD	Woodland Springs Elementary School
3465, 3486	City of Fort Worth 7 and Northwest ISD	12120 Woodland Springs Drive
3465	Keller ISD (Unincorporated voters)	Fort Worth, Texas 76244
<u>4016</u>	City of Fort Worth 7 and <u>FW/ISD 5</u>	South Hi Mount Elementary School
4350	City of Fort Worth 7 and <u>FW/ISD 1</u>	4101 Birchman Avenue
		Fort Worth, Texas 76107
4086, <u>4116</u>	City of Fort Worth 7 and <u>FW/ISD 5</u>	North Hi Mount Elementary School
		3801 West 7th Street
		Fort Worth, Texas 76107
4137	City of Fort Worth 7 and <u>FW/ISD 5</u>	Jo Kelly School
<u>4243</u>	City of Fort Worth 7 and <u>Castleberry ISD</u>	201 North Bailey Avenue
		Fort Worth, Texas 76107
4284, 4373	City of Fort Worth 7 and Azle ISD	Lake Patrol Headquarters
4053, 4091, 4113, <u>4242</u> , 4272	City of Fort Worth 7 and <u>FW/ISD 5</u>	7501 Surfside Drive
4284, 4285, 4373		Fort Worth, Texas 76135
4053	City of Fort Worth 7 and Eagle Mountain-Saginaw ISD	
4091, 4113, 4285	City of Fort Worth 7 and Lake Worth ISD	
4113, 4272	City of Fort Worth 7 and White Settlement ISD	
4065	City of Fort Worth 3 and White Settlement ISD	
4053	Eagle Mountain-Saginaw ISD (Unincorporated voters)	
4091	Eagle Mountain-Saginaw ISD (<u>City of Lake Worth</u> voters)	

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Precincts at Site	Entities	Election Day Polling Location
<u>4344</u>	City of Fort Worth 7 and FWISD 5	Arlington Heights Christian Church 4629 Bryce Avenue Fort Worth, Texas 76107 was Calvary Bible Church
4044, 4045, 4375, <u>4429</u> , 4454 4532 4375 4044 4045, 4375, 4429, 4532	City of Fort Worth 7 and Eagle Mountain-Saginaw ISD City of Fort Worth 7 and FWISD 5 City of Fort Worth 7 and Northwest ISD Eagle Mountain-Saginaw ISD (Unincorporated voters)	W. E. Boswell High School 5805 Bailey-Boswell Road Fort Worth, Texas 76179
4599, <u>4638</u> 4599, 4638 4599	City of Fort Worth 7 and Northwest ISD City of Fort Worth 7 and Eagle Mountain-Saginaw ISD City of Fort Worth 7 and Keller ISD	Sonny and Allegra Nance Elementary School 701 Tierra Vista Way Fort Worth, Texas 76131
<u>1005</u> , 1444 1677, 4006	City of Fort Worth 8 and FWISD 4 City of Fort Worth 9 and FWISD 4	Van Zandt-Guinn Elementary School 501 Missouri Avenue Fort Worth, Texas 76104
<u>1008</u> , 1544, 1550	City of Fort Worth 8 and FWISD 4	Versia L. Williams Elementary School 901 Baurline Avenue Fort Worth, Texas 76111
<u>1010</u>	City of Fort Worth 8 and FWISD 4	Community Christian Church Education Building, 1720 Vickery Boulevard East Fort Worth, Texas 76104
<u>1019</u> , 1476	City of Fort Worth 8 and FWISD 9	Andrew "Doc" Session Community Center 201 South Sylvania Avenue Fort Worth, Texas 76111
<u>1056</u>	City of Fort Worth 8 and FWISD 4	I. M. Terrell Elementary School 1411 I. M. Terrell Circle Fort Worth, Texas 76102
<u>1059</u>	City of Fort Worth 8 and FWISD 4	Antioch Missionary Baptist Church 1063 East Rosedale Street Fort Worth, Texas 76104

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Precincts at Site	Entities	Election Day Polling Location
<u>1061</u>	City of Fort Worth 8 and FW/ISD 9	Greenway Church 1816 Delga Street Fort Worth, Texas 76102
<u>1066, 1236, 1617 1479, 1672</u>	City of Fort Worth 8 and FW/ISD 9 City of Fort Worth 8 and FW/ISD 2	Christ Cathedral Church 3201 Purington Avenue Fort Worth, Texas 76103
<u>1011, 1075</u>	City of Fort Worth 8 and FW/ISD 2	Sycamore Recreation Center 2525 East Rosedale Street Fort Worth, Texas 76105
<u>1079</u>	City of Fort Worth 8 and FW/ISD 4	Pilgrim Rest Missionary Baptist Church 960 East Baltimore Avenue Fort Worth, Texas 76104
<u>1080</u>	City of Fort Worth 8 and FW/ISD 4	Greater Harvest Church of God in Christ 2900 Mitchell Boulevard Fort Worth, Texas 76105
<u>1083</u>	City of Fort Worth 8 and FW/ISD 2	Beth Eden Missionary Baptist Church 3309 Wilbarger Street Fort Worth, Texas 76119 was Oaklawn Elementary
<u>1088</u>	City of Fort Worth 8 and FW/ISD 2	Sagamore Hill Elementary School 701 South Hughes Avenue Fort Worth, Texas 76103
<u>1078, 1089, 1619</u>	City of Fort Worth 8 and FW/ISD 4	Morningside Elementary School 2601 Evans Avenue Fort Worth, Texas 76104
<u>1090</u>	City of Fort Worth 8 and FW/ISD 4	Greater Progressive Church of God in Christ 1349 East Baltimore Avenue Fort Worth, Texas 76104

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Precincts at Site	Entities	Election Day Polling Location
<u>1104</u>	City of Fort Worth 8 and FW/ISD 4	Bradley Center 2601 Timberline Drive Fort Worth, Texas 76119
<u>1150, 1559</u> <u>1150, 1543, 1549, 1559, 1628</u>	City of Fort Worth 8 and Everman ISD City of Fort Worth 8 and FW/ISD 4	New Hope Fellowship 6410 South Freeway Fort Worth, Texas 76134
<u>1154, 1555, 1576, 1652, 4495</u> <u>1597</u> <u>1555, 1652</u>	City of Fort Worth 8 and FW/ISD 4 City of Fort Worth 9 and FW/ISD 8 City of Fort Worth 8 and Everman ISD	Carter Park Elementary School 1204 East Broadus Avenue Fort Worth, Texas 76115
<u>1170</u>	City of Fort Worth 8 and FW/ISD 2	Victory Temple Worship Center 2001 Oakland Boulevard Fort Worth, Texas 76103
<u>1251</u>	City of Fort Worth 8 and Crowley ISD	Meadowcreek Elementary School 2801 County Creek Lane Fort Worth, Texas 76123
<u>1244, 1291, 1301</u> <u>1025, 1084, 1244, 1291, 1295</u> <u>1439, 1577, 1578, 1621, 2474</u> <u>1244, 2474</u> <u>1578</u> <u>1578</u> <u>1084, 1439, 2474</u> <u>1244</u>	City of Fort Worth 8 and FW/ISD 4 City of Fort Worth 8 and Everman ISD City of Fort Worth 8 and Kennedale ISD City of Fort Worth 8 (Burleson ISD voters) City of Fort Worth 8 and Crowley ISD Everman ISD (Unincorporated voters) Kennedale ISD (Unincorporated voters)	Highland Hills Community Center 1600 Glasgow Road Fort Worth, Texas 76134
<u>1189, 1300</u> <u>1189</u>	City of Fort Worth 8 and Crowley ISD City of Fort Worth 8 and FW/ISD 6	St. Luke Cumberland Presbyterian Church 1404 Sycamore School Road Fort Worth, Texas 76134
<u>1378</u> <u>1378</u> <u>1378</u>	City of Fort Worth 8 and Crowley ISD City of Fort Worth 8 and Everman ISD City of Fort Worth 8 and FW/ISD 4	Hannaum International Baptist Church 1420 West Everman Parkway Fort Worth, Texas 76134 was Parkway Elementary School

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Precincts at Site	Entities	Election Day Polling Location
<u>1440</u> , 1292 1440	City of Fort Worth 8 and FW/ISD 6 City of Fort Worth 8 and Crowley ISD	Southwood Baptist Church 2633 Altamesa Boulevard Fort Worth, Texas 76133
<u>1477</u> , 1482	City of Fort Worth 8 and FW/ISD 2	Glen Park Elementary School 3601 Pecos Drive Fort Worth, Texas 76119
<u>1001</u> , 1376, 4458 4494	City of Fort Worth 9 and FW/ISD 9 City of Fort Worth 2 and FW/ISD 1	Tarrant County Plaza Building 201 Burnett Street Fort Worth, Texas 76102
<u>1014</u> , 1237	City of Fort Worth 9 and FW/ISD 8	Greenbriar Elementary School 1605 Grady Lee Street Fort Worth, Texas 76134
<u>1015</u> , 1684 1094, 1674	City of Fort Worth 9 and FW/ISD 1 City of Fort Worth 9 and FW/ISD 5	Texas Academy of Biomedical Sciences 3813 Valentine Street Fort Worth, Texas 76107 was Arlington Heights Health and Rehab Center for Precincts 1094 and 1674
<u>1062</u> , 1455, 1457, 1608, 1611 4077, 4096	City of Fort Worth 9 and FW/ISD 9	E. M. Daggett Elementary School 958 Page Avenue Fort Worth, Texas 76110
<u>1076</u> , 1095	City of Fort Worth 9 and FW/ISD 5	Lily B. Clayton Elementary School 2000 Park Place Avenue Fort Worth, Texas 76110
<u>1085</u>	City of Fort Worth 9 and FW/ISD 8	Rosemont Middle School 1501 West Seminary Drive Fort Worth, Texas 76115
1108, 1298, 1408, 1434, 1633 1298 1081	City of Fort Worth 9 and FW/ISD 8 City of Fort Worth 9 and FW/ISD 6 City of Fort Worth 3 and FW/ISD 6	R. L. Paschal High School 3001 Forest Park Boulevard Fort Worth, Texas 76110 was St. Stephen Presbyterian for Precinct 1081

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Precincts at Site	Entities	Election Day Polling Location
<u>1109</u> , 1416, 1473, 4503, 4573 4124	City of Fort Worth 9 and FWISD 9 City of Fort Worth 9 and FWISD 1	Fort Worth Harvest Baptist Church 620 North Chandler Drive Fort Worth, Texas 76111
1133, <u>1165</u> , 1445	City of Fort Worth 9 and FWISD 8	South Hills Elementary School 3009 Biglade Road Fort Worth, Texas 76133
<u>1273</u> , 1594	City of Fort Worth 9 and FWISD 8	El Buen Pastor Baptist Church 4800 Merida Avenue Fort Worth, Texas 76115
<u>4057</u> , 4492 4493, 4496, 4634	City of Fort Worth 9 and FWISD 9 City of Fort Worth 9 and FWISD 1	Trinity Terrace 1600 Texas Street Fort Worth, Texas 76102
<u>4060</u>	City of Fort Worth 9 and FWISD 9	De Zavala Elementary School 1419 College Avenue Fort Worth, Texas 76104
<u>4097</u> , 4475, 4478 4312	City of Fort Worth 9 and FWISD 8 City of Fort Worth 9 and FWISD 9	George C. Clarke Elementary School 3300 South Henderson Street Fort Worth, Texas 76110
1412, <u>4107</u>	City of Fort Worth 9 and FWISD 8	Worth Heights Community Center 3551 New York Avenue Fort Worth, Texas 76110
4155, <u>4195</u>	City of Fort Worth 9 and FWISD 8	Richard J. Wilson Elementary School 900 West Fogg Street Fort Worth, Texas 76110
<u>4201</u>	City of Fort Worth 9 and FWISD 9	Worth Heights Elementary School 519 East Butler Street Fort Worth, Texas 76110
<u>4233</u> , 4370, 4432	City of Fort Worth 9 and FWISD 9	Southside Church of Christ 2101 Hemphill Street Fort Worth, Texas 76110

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Precincts at Site	Entities	Election Day Polling Location
4253, 4615, 4640, 4683 1678, 4572	City of Fort Worth 9 and FW/ISD 1 City of Fort Worth 9 and FW/ISD 9	Charles E. Nash Elementary School 401 Samuels Avenue Fort Worth, Texas 76102
1481, <u>4256</u> 1351	City of Fort Worth 9 and FW/ISD 8 City of Fort Worth 9 and FW/ISD 4	Hubbard Heights Elementary School 1333 West Spurgeon Street Fort Worth, Texas 76115
4288, <u>4587</u>	City of Fort Worth 9 and FW/ISD 9	Macedonia Missionary Baptist Church Ministry Center, 2740 South Freeway Fort Worth, Texas 76104
1382, 1404, <u>2158</u> , 2546, 2616 2680, 2681	City of Grand Prairie 1 and Arlington ISD	Myrtice and Curtis Larson Elementary 2620 Avenue K Grand Prairie, Texas 75050
2275, 2349, 2381, 2438, <u>2466</u> 2484	City of Grand Prairie 4 and Arlington ISD	James Starrett Elementary School 2675 Fairmont Drive Grand Prairie, Texas 75052
2299, 2379, 2488	City of Grand Prairie 6 and Arlington ISD	UAW Local #276 2505 W. E. Roberts Street Grand Prairie, Texas 75051
<u>2180</u> , 2411 2413	City of Grand Prairie 1 and Arlington ISD City of Grand Prairie 4 and Arlington ISD	
<u>2379</u> , 2453, 2488, 2612, 2618 2644 2644	City of Grand Prairie 6 and Mansfield ISD Mansfield ISD (Unincorporated voters)	Anna May Daulton Elementary School 2607 North Grand Peninsula Drive Grand Prairie, Texas 75054
3035, 3038, 3039, <u>3114</u> , 3321 3361, 3384, 3385, 3390, 3396 3469, 3470, 3530, 3542 3035, 3321 3035, 3038, 3039, 3384, 3542 3321 3321	City of Grapevine and Grapevine-Colleyville ISD City of Grapevine and Northwest ISD City of Grapevine and Carroll ISD Town of Flower Mound and Lewisville ISD Town of Flower Mound and Grapevine-Colleyville ISD	Grapevine Convention Center 1209 South Main Street Grapevine, Texas 76051

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Precincts at Site	Entities	Election Day Polling Location
1199, 1622, 4042, 4102, 4141 4159, 4218, 4239, 4290, 4328 4362, 4399, 4485, 4620, 4632 4102, 4483, 4485	City of Haltom City and Birdville ISD City of Haltom City and FW/ISD 9	Haltom City Northeast Center 3201 Friendly Lane Haltom City, Texas 76117
4191, 4410, <u>4533</u> 4410	City of Haltom City and Birdville ISD City of Haltom City and Keller ISD	John D. Spicer Elementary School 4300 Estes Park Road Haltom City, Texas 76137
3152, 3185, 3192, 3363 3185, 3192, 3417	City of Haslet and Northwest ISD Northwest ISD (Unincorporated voters)	Haslet Community Center 105 Main Street Haslet, Texas 76052
3032, 3176, 3196, 3248, 3282 3433, 3575, 3582, 3583, 3584 3585, 3661, 3662 3248	City of Hurst and Birdville ISD City of Hurst and Grapevine-Colleyville ISD City of Hurst and Keller ISD City of Hurst and H-E-B ISD	Hurst Public Library 901 Precinct Line Road Hurst, Texas 76053
3248, 3582 3032, 3139, 3156, 3166, 3172 3176, 3196, 3213, 3282, 3560 3590, 3653, 3654, 3665 3248 3248	Keller ISD (Unincorporated voters) Grapevine-Colleyville ISD (Unincorporated voters)	
<u>3040</u> , 3240, 3386, 3392, 3422 3502, 3648, 3668, 3671 3422 3240, 3286	City of Keller and Keller ISD City of Keller and Northwest ISD Keller ISD (Unincorporated)	Bear Creek Intermediate 801 Bear Creek Parkway Keller, Texas 76248
3054, 3072, 3365, <u>3471</u> , 3554 3580, 3624 3624 3624	City of Keller and Keller ISD City of Keller and Carroll ISD Keller ISD (Unincorporated voters)	Shady Grove Elementary School 1400 Sarah Brooks Drive Keller, Texas 76248

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
2029 1427, 1515, 2474 2029, 2262, 2305, 2474, 2522 2029, 2262 2474	City of Kennedale and Arlington ISD City of Kennedale and FWISD 4 City of Kennedale and Kennedale ISD City of Kennedale and Mansfield ISD Kennedale ISD (Unincorporated voters)	Kennedale Community Center 346 West 3rd Street Kennedale, Texas 76060 Arlington ISD moved to Corey Elementary Mansfield ISD moved to R. F. Patterson
4259 4259 4065	Town of Lakeside and Azle ISD voters Town of Lakeside and White Settlement ISD White Settlement ISD (Unincorporated voters)	Lakeside Town Hall 9830 Confederate Park Road Lakeside, Texas 76108
4053, 4091, 4242, 4285 4091	City of Lake Worth and Lake Worth ISD City of Lake Worth and Eagle Mountain-Saginaw ISD	Sheriff's Office North Patrol Division 6651 Lake Worth Boulevard Lake Worth, Texas 76135 EMS ISD moved to Lake Patrol Headquarters
2033, 2360, 2614, 2618, 2643	City of Mansfield and Mansfield ISD	Mansfield Sub-Courthouse 1100 East Broad Street Mansfield, Texas 76063
1034, 2221, 2258, 2308, 2355 2357, 2636 2258, 2308	City of Mansfield and Mansfield ISD Mansfield ISD (Unincorporated voters)	Donna Shepard Intermediate School 1280 FM Road 1187 Mansfield, Texas 76063
2426, 2435, 2524, 2548 2645	City of Mansfield and Mansfield ISD	Brooks Wester Middle School 1520 North Walnut Creek Mansfield, Texas 76063
3041, 3177, 3214, 3324, 3333 3364, 3575, 3582, 3583, 3664 3041, 3664	City of North Richland Hills and Birdville ISD City of North Richland Hills and H-E-B ISD	Library Community Room 9045 Grand Avenue North Richland Hills, Texas 76180
3049, 3209, 3387, 3447 3049, 3063, 3209, 3367, 3387 3507, 3527, 3584	City of North Richland Hills and Keller ISD City of North Richland Hills and Birdville ISD	Bursey Road Senior Adult Center 7301 Bursey Road North Richland Hills, Texas 76180
3140, 3215, 3289, 3325, 3326 4339, 4629	City of North Richland Hills and Birdville ISD	Dan Echols Senior Adult Center 6804 Glenview Drive North Richland Hills, Texas 76180

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
<u>2112</u>	<u>Town of Pantego</u> and Arlington ISD	Pantego Town Hall Council Chambers 1614 South Bowen Road Pantego, Texas 76013
<u>4047</u>	City of Pelican Bay and Azle ISD voters	Pelican Bay City Hall 1300 Pelican Circle Pelican Bay, Texas 76020
1199, 3131, <u>3164</u> , 3325, 3406 4620	City of Richland Hills and <u>Birdville ISD</u>	Richland Hills Community Center 3204 Diana Drive Richland Hills, Texas 76118
4121, 4125, <u>4202</u> , 4598, 4687	City of River Oaks and <u>Castleberry ISD</u>	River Oaks City Hall 4900 River Oaks Boulevard River Oaks, Texas 76114
3422, 3646	<u>City of Roanoke</u> and Northwest ISD	See Town of Westlake site
<u>4018</u> , 4044, 4338, 4454, 4499 <u>4531</u> , 4638, 4649, 4666 4093, 4245	City of Saginaw and Eagle Mountain-Saginaw ISD City of Saginaw and <u>FWISD 9</u>	Saginaw-Log Cabin Senior Center 405 South Belmont Street Saginaw, Texas 76179
<u>4138</u> , 4400, 4593, 4690, 4691 <u>4692</u> , 4693 4138, 4400, 4593, 4595 4138, 4487, 4593	City of Sansom Park and <u>Castleberry ISD</u> City of Sansom Park and <u>Lake Worth ISD</u> City of Sansom Park and <u>FWISD 1</u>	Sansom Park City Hall 5705 Azle Avenue Sansom Park, Texas 76114
3039, <u>3359</u> , 3470, 3526, 3529 3538, 3545, 3558, 3579 3470, 3542 3545, 3579, 3626 3039, 3529 3286, 3502 3286	City of Southlake and <u>Carroll ISD</u> City of Southlake and Grapevine-Colleyville ISD City of Southlake and Keller ISD City of Southlake and Northwest ISD Keller ISD (<u>Town of Westlake voters</u>) Northwest ISD (<u>Town of Westlake voters</u>)	Carroll Senior High School 1501 West Southlake Boulevard Southlake, Texas 76092

No Election

Attachment A - May 10, 2014 Election Day Polling Locations – 185 total (as of 3/28/14)

Precincts at Site	Entities	Election Day Polling Location
3500 3500	Town of Trophy Club, Trophy Club MUD and Northwest ISD Town of Trophy Club, Trophy Club MUD and Carroll ISD	Svore Municipal Building 100 Municipal Drive Trophy Club, Texas 76262
3187, 3194, 3332, 3398, 3509 3667	City of Watauga and Birdville ISD	Watauga City Hall 7105 Whitley Road Watauga, Texas 76148
3187, <u>3287</u> , 3398, 3509, 4261	City of Watauga and Keller ISD	
3286, 3500 3286, 3422, 3502 3286, 3372, 3422, 3646 3422, 3646	Town of Westlake and Carroll ISD Town of Westlake and Keller ISD Town of Westlake and Northwest ISD City of Roanoke and Northwest ISD	Westlake Town Offices Solena Office Complex 3 Village Circle Westlake, Texas 76262 Precincts 3286, 3502 to Carroll Senior High School Precincts 3372, 3422, 3646 to Tidwell Middle
<u>4115</u>	Town of Westover Hills and FWISD 5	Westover Hills Town Hall 5824 Merrymount Road Westover Hills, Texas 76107
<u>4144</u> <u>4144</u>	City of Westworth Village and FWISD 5 City of Westworth Village and White Settlement ISD	Westworth Village City Hall 341 Burton Hill Road Westworth Village, Texas 76114
4020, 4113, 4128 4020, 4128, 4144, 4204	City of White Settlement and FWISD 5 City of White Settlement and White Settlement ISD	White Settlement ISD Administration Building, 401 South Cherry Lane White Settlement, Texas 76108
4044, <u>4371</u> 4371	Eagle Mountain-Saginaw ISD (Unincorporated voters) Eagle Mountain-Saginaw ISD (Newark voters)	Eagle Mountain Elementary School 9700 Morris Dido Newark Road Fort Worth, Texas 76179
1034, 1352, <u>1504</u> , 2262	Mansfield ISD (Unincorporated voters)	Ponder Elementary School 12350 Rendon Road Burleson, Texas 76028

EARLY VOTING FOR MAY 10, 2014
(VOTACIÓN ADELANTADA DE 10 DE MAYO DE 2014)
JOINT GENERAL AND SPECIAL ELECTIONS
(ELECCIONES GENERALES Y ESPECIALES CONJUNTAS)

This schedule of early voting locations, dates and times applies to voters in the following cities, towns, schools and water districts (Este horario de casetas de votación adelantada, sus fechas y tiempos aplican a votantes en las siguientes ciudades, pueblos, escolares y distritos de agua): Arlington, Bedford, Colleyville, Crowley, Dalworthington Gardens, Edgcliff Village, Euless, Forest Hill, Fort Worth, Grand Prairie, Grapevine, Haltom City, Haslet, Hurst, Keller, Mansfield, Pelican Bay, Richland Hills, River Oaks, Saginaw, Sansom Park, Southlake, Trophy Club, Watauga, Westover Hills, Arlington ISD, Azle ISD, Crowley ISD, Eagle Mountain-Saginaw ISD, Grapevine-Colleyville ISD, Keller ISD, Lewisville ISD, Mansfield ISD, Northwest ISD, and Trophy Club Municipal Utility District No. 1.

EARLY VOTING BY PERSONAL APPEARANCE DAYS AND HOURS
(DÍAS Y HORAS DE VOTACIÓN TEMPRANO POR APARICIÓN PERSONAL)

April (Abril) 28 – 30	Monday – Wednesday (Lunes - Miércoles)	8:00 a.m. – 5:00 p.m.
May (Mayo) 1 – 2	Thursday – Friday (Jueves – Viernes)	8:00 a.m. – 5:00 p.m.
May (Mayo) 3	Saturday (Sábado)	7:00 a.m. – 7:00 p.m.
May (Mayo) 4	Sunday (Domingo)	11:00 a.m. – 4:00 p.m.
May (Mayo) 5 – 6	Monday – Tuesday (Lunes – Martes)	7:00 a.m. – 7:00 p.m.

	Location (Ubicación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
1	Bob Duncan Center	2800 South Center Street	Arlington	76014
2	Elzie Odom Athletic Center	1601 NE Green Oaks Boulevard	Arlington	76006
3	Center for Community Service Junior League of Arlington	4002 West Pioneer Parkway	Arlington	76013
4	South Service Center	1100 SW Green Oaks Boulevard	Arlington	76017
5	Tarrant County Sub-Courthouse in Arlington	700 E. Abram Street	Arlington	76010
6	B J Clark Annex Room 4	603 Southeast Parkway	Azle	76020
7	Bedford Public Library	2424 Forest Ridge Drive	Bedford	76021
8	Colleyville City Hall	100 Main Street	Colleyville	76034
9	Crowley Community Center	900 East Glendale Street	Crowley	76036
10	Euless Public Library	201 North Ector Drive	Euless	76039
11	Forest Hill Civic and Convention Center	6901 Wichita Street	Forest Hill	76140
12	All Saints Catholic Church Parish Hall	200 N.W. 20 th Street	Fort Worth	76164
13	Diamond Hill/Jarvis Library	1300 Northeast 35 th Street	Fort Worth	76106
14	Griffin Sub-Courthouse	3212 Miller Avenue	Fort Worth	76119
15	Handley-Meadowbrook Community Center	6201 Beatty Street	Fort Worth	76112
16	James Avenue Service Center	5001 James Avenue	Fort Worth	76115
17	JPS Health Center Viola M. Pitts/Como Lower Level – Suite 100	4701 Bryant Irvin Road N.	Fort Worth	76107
18	Northwest Branch Library	6228 Crystal Lake Drive	Fort Worth	76179
19	Riverside Community Center	3700 East Belknap Street	Fort Worth	76111
20	Sendra Ranch Elementary School	1216 Diamond Back Lane	Fort Worth	76052
21	Southside Community Center	959 East Rosedale Street	Fort Worth	76104
22	Southwest Sub-Courthouse	6551 Granbury Road	Fort Worth	76133
23	Summer Glen Branch Library	4205 Basswood Boulevard	Fort Worth	76137
24	Tarrant County Election Center Main Early Voting Site (Principal sitio de votación adelantada)	2700 Premier Street	Fort Worth	76111
25	Tarrant County Plaza Building	201 Burnett Street	Fort Worth	76102
26	Villages of Woodland Springs Amenity Center	12209 Timberland Boulevard	Fort Worth	76244
27	Worth Heights Community Center	3551 New York Avenue	Fort Worth	76110
28	Asia Times Square	2615 W. Pioneer Parkway (Corner Pioneer Pkwy and Great Southwest Pkwy)	Grand Prairie	75051

EARLY VOTING FOR MAY 10, 2014
(VOTACIÓN ADELANTADA DE 10 DE MAYO DE 2014)
JOINT GENERAL AND SPECIAL ELECTIONS
(ELECCIONES GENERALES Y ESPECIALES CONJUNTAS)

List of Early Voting locations continued
(Lista de casetas de votación adelantada continuó)

	Location (Ubicación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
29	Lake Park Operations Center	5610 Lake Ridge Parkway	Grand Prairie	75052
30	Grapevine Convention Center	1209 S. Main Street	Grapevine	76051
31	Haltom City Northeast Center	3201 Friendly Lane	Haltom City	76117
32	Haslet Public Library	100 Gammil Street	Haslet	76052
33	Hurst Recreation Center	700 Mary Drive	Hurst	76053
34	Keller Town Hall	1100 Bear Creek Parkway	Keller	76248
35	Mansfield Sub-Courthouse	1100 East Broad Street	Mansfield	76063
36	Richland Hills Community Center	3204 Diana Drive	Richland Hills	76118
37	River Oaks City Hall	4900 River Oaks Boulevard	River Oaks	76114
38	John M. Tidwell Middle School	3937 Haslet-Roanoke Road	Roanoke	76262
39	Eagle Mountain-Saginaw ISD Administration Building 6 – Training Room	1200 Old Decatur Road	Saginaw	76179
40	City of Sansom Park City Hall	5705 Azle Avenue	Sansom Park	76114
41	Southlake Town Hall	1400 Main Street	Southlake	76092
42	Watauga City Hall	7105 Whitley Road	Watauga	76148

Temporary Location with Special Days and Hours
(Lista de Caseta Temporal con Días y Horas Especiales)

April (Abril) 29 – 30 May (Mayo) 1		Tuesday – Wednesday (Martes – Miércoles) Thursday (Jueves)	8:00 a.m. – 5:00 p.m. 8:00 a.m. – 5:00 p.m.
A	UTA – University of Texas at Arlington Maverick Activities Center	500 W. Nedderman Drive	Arlington 76019

Application for a Ballot by Mail may be downloaded from our website: www.tarrantcounty.com/elections
(Solicitud para Boleta por Correo se puede descargar de nuestro sitio web): www.tarrantcounty.com/elections

Information by phone: Tarrant County Elections Administration, 817-831-8683
(Información por teléfono): (Administración de Elecciones del Condado de Tarrant 817-831-8683)

Applications for a Ballot by Mail must be submitted between March 11, 2014 and May 1, 2014 by mail or fax to:
(Solicitudes para una Boleta por Correo pueden ser sometidas entre el 11 de Marzo de 2014 y 1 de Mayo de 2014 por correo o fax a):

Early Voting Clerk (Secretario De Votación Adelantada)
PO Box 961011
Fort Worth TX 76161-0011

Fax: 817-831-6118



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0874

Agenda Date: 4/29/2014

Version: 1

Status: Consent

In Control: City Council

File Type: Special Event

Agenda Number:

Title

Request for Special Event Permit; Mansfield Farmer's Market 2014

Requested Action

Approval of the Special Event permit for the Mansfield Farmer's Market 2014

Recommendation

City Staff has reviewed the application and made comments

Description/History

This is the 11th year for the event

Justification

N/A

Funding Source

N/A

Prepared By

Linda Johnson, Administrative Assistant, Development Services

Applicant: Rex Wenger, Mansfield Farmer's Market 817-501-6027



Special Event Application

Organization/Group: MANSFIELD FARMERS MKT		Date: MAR 15, 2014
Applicant: REX WENGER		
Applicant's Address: 6916 HOLLOW OAK TRAIL		Phone No. 817-501-6027
*Will be called for information needed and when the permit is ready for pick-up		Email:
Address of Event: 206 SMITH ST (PARKING LOT)		
Description & Activities: PROVIDE PLACE FOR VENDORS TO SELL PRODUCE AND OTHER PRODUCTS		
Date of Event: MAY 17 THRU OCT 11, 2014		Hours of Event: 8 AM - 1 PM
Public Invited or Private Party? PUBLIC		Estimated Number of Attendees 250-350
Is the event in a Mansfield Park? NO		*If yes, Insurance is required
Do you plan to Temporarily Close a Public Street? NO		*If yes, Insurance is required
Is the event on Private Property other than your own? NO		*If yes, signed permission is required
Will there be any new or temporary electric lines installed? NO		
*If yes, a registered Electrician must obtain a permit. Indicate the line locations on the site plan.		
Will you be using generators? NO		*If yes, show location on the site plan
Do you plan to have any Tents? NO		*If yes, a separate permit is required.
Do you plan to have any Promotional Signs? (banners, streamers, balloons) YES		*If yes, a separate permit is required
City of Mansfield Assistance Requested:		
Barricades/ Street Closure? NO		*If yes, show on site plan where you want to close the street and a resident roster must be submitted
Police/Traffic Control/Security? NO		*If yes, attach an explanation and the name and contact number of person you are making arrangements with.
<p style="text-align: center;">Please Read and Include the Following Information With This Application</p> <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 all items 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's Printed Name:		Applicant's Signature:
REX WENGER		<i>Rex Wenger</i>

City of Mansfield
SPECIAL EVENT APPLICATION

Today's Date: March 15, 2014

Organization/Group: Mansfield Farmers Market

Applicant Name: Rex Wenger

Applicant Address: 6916 Hollow Oak Trail, Mansfield, TX 76063-4930

Phone: 817-501-6027

Event Address: 206 Smith St. **Date:** Each Saturday May 17 thru Oct 11, 2014 8 AM to 1:PM

Event Name, Purpose & Description:

Mansfield Farmers Market provides a place for local / area vendors to display **and** sell their products. The location was chosen to encourage Mansfield citizens to see and shop in Historic Downtown Mansfield.

History of Event (if any): In operation in 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 with steady growth each year in numbers of vendors and customers.

Expected Size of Audience: 250-350 Will fees be charged? **NO YES**

The first Saturday is free to new vendors. All other Saturdays, new /returning vendors will pay \$10.00 for a parking space (9' x 17'). All fees collected are used for market operational expenses / improvement.

List all proposed activities: *Attach a site plan to show any outdoor activities.

Market activity with vendors under canopies. Special entertainment: Blue Grass Gospel music.

Equipment: 2 JDL speakers , 100 watts, 120 volts

- **Will this event be held at a Mansfield park?** **NO YES** *If yes, do you have a reservation? **NO YES**
- **Is the event on private property other than your own?** **NO YES** *If yes, attach written permission letter
- **Will there be new or temporary electric lines installed for this event?** **NO YES** *If yes, attach a site plan showing line locations. Note: A registered electrician must obtain a permit and have an inspection.
- **Do you plan to use a generator(s) for electrical power?** **NO YES** *If yes, show location on site plan.
- **Will any Tents be used for this event?** **NO YES** *If yes, a separate permit will be required. Please read and follow directions on the attached tent permit application before submitting
- **Will there be any promotional displays (banners, streamers) for your event?** **NO YES** *If yes, a separate permit will be required. Please read and follow directions on the attached promotional signage application before submitting. A banner on administrative canopy facing Broad St, which was approved in 2005. An American Flag may be displayed on Smith St.

City of Mansfield Assistance Requested:

- **Barricades/Cones requested?** **NO YES** *If yes, attach a site plan indicating exactly where you propose the street be closed and attach a signed resident roster. A resident roster sign-off sheet is included in this packet.
 - **Police Assistance requested?** **NO YES** *If yes, attach an explanation of assistance requested (fees may apply)
- ++ Add "Mansfield Farmers Market" signage to existing sign pole.



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

Promotional Signage Display Application

Installation Address	206 Smith St	Suite No.	
Tenant/Business	Farmer's Market		
Applicant*	Rex Wenger	Phone No.	817-501-6027
*Will be called for information about the sign and when the permit is ready for pick-up			

Sign Company			
Name	N/A	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 <input type="checkbox"/>
Date Requesting Display to Begin	every Sat. from May 17 thru Oct 11 th		
Type of Sign to be placed on Admin. Tent Canopy			
Banner <input checked="" type="checkbox"/>	Quantity: 1	Size in Sq Feet	Height and Width in Feet
Balloon <input type="checkbox"/>	Quantity:	Wind Signs (pennants, streamers) <input type="checkbox"/>	Quantity:

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.	
1. SIGN CONTENT: For all signs, include a simple drawing or attach a picture of the sign, showing sign content and dimensions. List everything that you plan to put up for the promotion.	
2. SITE PLAN SHOWING LOCATION OF SIGN(S):	
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).	
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.	
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.	Permit Fee \$40

wants to waive the fee as have in the past

Applicant's Signature	
Property Owner or Manager Printed Name & Signature	
	*REQUIRED

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

"Banner to be on canopy"



SCALE 1" = 10"

MANSFIELD FARMER'S MARKET

206 SMITH ST. @ OAK STREET

SATURDAY

8:00AM to 1:00 PM

MAY 17 TO OCTOBER 11
2014

*POTTED PLANTS, BAKED GOODS, FRESH PRODUCE,
JEWELRY, HONEY, CLOTHES, BABY CLOTHES, ARTS &
CRAFTS, CANDLES and more*

FOR MORE INFORMATION CALL:

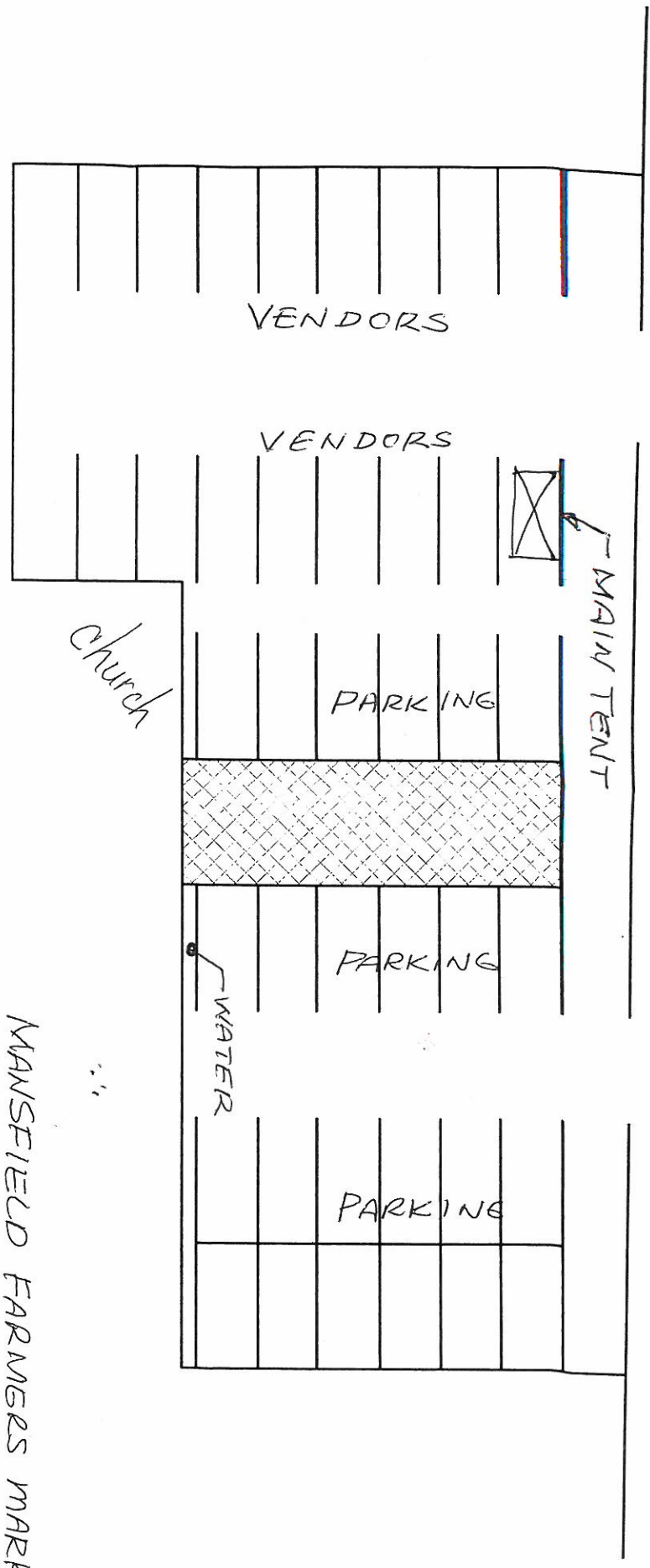
REX WENGER 817 501-6027

JOHN COX 817 473-8733

New site plan

OAK STREET

SMITH STREET

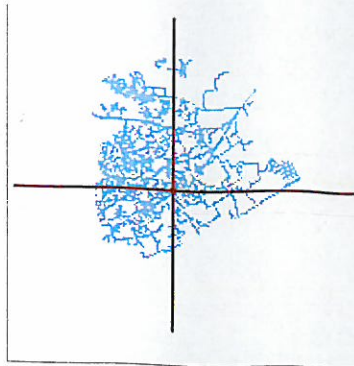


MANSFIELD FARMERS MARKET

SCALE: 1" = 20'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

City limits





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/28/14

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER KnH Insurance Services 1000 N. Walnut Creek Drive, Suite E Mansfield, TX 76063 Phone (817) 453-1477 Fax (817) 453-1473		CONTACT NAME: Jerry Kralich PHONE (A/C, No, Ext): (817) 453-1477 FAX (A/C, No): (817) 453-1473 E-MAIL ADDRESS: jkralich@knhinsurance.com	
INSURED Mansfield Farmers Market 6916 Hollow Oak Trail Mansfield, TX 76063 817-501-6027		INSURER(S) AFFORDING COVERAGE INSURER A: CNA INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y		B3010044476	04/20/2014	04/20/2015	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000.00 MED EXP (Any one person) \$ 10,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A					<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Location: 206 Smith St Mansfield, TX 76063

CERTIFICATE HOLDER**CANCELLATION**

City of Mansfield
1200 East Broad Street
Mansfield, TX 76063

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



MANSFIELD
T E X A S

SPECIAL EVENT REVIEW COMMENTS & APPROVALS

EVENT:	MANSFIELD FARMER'S MARKET 2014
DATE OF EVENT:	SATURDAYS from MAY 17th thru OCT 11th
*ANDY BINZ (RECREATION)	APPROVED
*KERIN MAGUIRE (PLANNING)	APPROVED
*FELIX WONG (PLANNING)	APPROVED
Promotional Signs?	YES
COMMENTS	"That the applicant has requested that "Farmer's Market" be displayed on the existing pole sign panel but has not indicated a private funding source." This is not a city sponsored event.
*DAVID BOSKI (STREETS)	APPROVED
Barricades Requested?	NO
NOTES:	
*PAUL COKER (DEVELOPMENT SERVICES)	APPROVED
*ERIC PETERSON (FIRE)	APPROVED
Temporary Tents?	NO
COMMENTS	Fire lanes to be maintained.
*W. KYLE LANIER (POLICE)	APPROVED
COMMENTS	
Mansfield Police Assistance?	NO
City Council Approval Required?	YES
Agenda Date:	4/28/2014
Special Event Number	Legistar SE 14-0874



CITY OF MANSFIELD

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

STAFF REPORT

File Number: 14-0891

Agenda Date: 4/29/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Title

Minutes - Approval of the April 14, 2014 Regular City Council Meeting Minutes

Requested Action

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

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the April 14, 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, April 14, 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 5:02 p.m. Mayor Cook called the executive session to order in the Council Conference Room at 5:05 p.m. Mayor Pro Tem Lindsey left at 6:45 p.m. Mayor Cook adjourned executive session at 7:05 p.m.

Absent 1 - Stephen Lindsey

Present 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

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 Development Agreement with Ruby 07 SPMTGE, LLC

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

Personnel Matters Pursuant to Section 551.074

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

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

Mayor Cook reconvened into regular business session at 7:10 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**14-0878** Child Abuse Prevention Month

Mayor Cook proclaimed April 2014 as Child Abuse Prevention Month and presented the proclamation to Alliance for Children representative Shellie McMillion.

14-0879 National Public Safety Telecommunicators Week (April 13-19, 2014) -
Mansfield Police Department

Mayor Cook proclaimed April 13-19, 2014 as National Telecommunications Week. Present to accept the proclamation were Police Chief Gary Fowler, City Marshal Tracy Aaron, Fire Chief Barry Bondurant, Kennedale Chief of Police Tommy Williams, Kennedale Fire Chief Mike McMurray, Commander Kyle Lanier and Mansfield Law Enforcement Center Telecommunications Staff.

14-0883 Safe Digging Month

Mayor Cook proclaimed April 2014 as Safe Digging Month and presented the proclamation to Assistant Director of Utilities Jeff Price, Atmos representatives Kelly Paceb, Tommy Nunns and Jerry Briggs and Texas 811 representative John Sparks.

14-0876 National Library Week

Mayor Cook proclaimed the week of April 13-19, 2014 as National Library Week. He presented the proclamation to City Librarian Steve Standefer, Friends of the Library and Library Staff.

14-0877 National Library Worker's Day

Mayor Cook proclaimed April 15, 2014 as National Library Worker's Day and presented the proclamation to City Librarian Steve Standefer and Library Staff.

14-0882 Mansfield Reads! Month

Mayor Cook proclaimed April 2014 as Mansfield Reads! Month and presented the

proclamation to City Librarian Steve Standefer, Friends of the Library and Library Staff.

CITIZEN COMMENTS

Jud Ladd - 1406 New Haven Drive - Mr. Ladd spoke on behalf of the Citizens Fire Alumni Association. He invited the Council to the Annual Boots & Bistro Event the Citizens Fire Academy will be holding on Thursday, April 24, 2014 at Aristide Event Center from 5:00 p.m. to 9:00 p.m. mentioning tickets were on sale for \$20.

Brandon Wade - 1402 Judy Lane - Mr. Wade spoke about an expansion of Charter Communications. He stated he and his wife run their separate businesses from home and would like to have high speed internet service.

COUNCIL ANNOUNCEMENTS

Council Member Haynes encouraged the Council to attend the Boots and Bistro Event and asked if they didn't attend to donate \$20.00. He mentioned the Citizens Fire Academy are raising money for a hydration station. He stated he attended the dedication of the new St. Jude's Catholic Church.

Council Member Hoffman had no announcements.

Council Member Newsom had no announcements.

Mayor Pro Tem Lindsey was absent.

Council Member Burgess congratulated Mayor Cook for inviting 5 Chiefs to speak during the proclamation for National Public Safety Telecommunications Week. She thanked all 911 operators for their service.

Council Member Broseh had no announcements.

Mayor Cook had no announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

Assistant City Manager Chris Burkett advised the Council that Economic Development Director Scott Welmaker's mother passed away and expressed his condolences. He reminded the Council there would be two special meetings at 8:00 a.m. on Tuesday, April 15th and Wednesday, April 16th and reminded Council that the regular scheduled meeting of Monday, April 28th was moved to Tuesday, April 29th to accommodate attendance to the Mansfield Independent School District Annual Education Foundation Banquet.

Quarterly Reports - Mansfield Economic Development Corporation, Mansfield Park Facilities Development Corporation, Planning and Zoning Commission, Public Works, Legal, Code Enforcement, Development Services

Chris stated staff was available for questions.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

A motion was made by Mayor Cook to direct staff to move forward with regard to the current development agreement with Ruby 07 SPMTGE, LLC, for the Council to consider matters discussed during executive session to be minor modifications and to be within the prior direction that the Council has given to the City Manager and his staff with regard to the negotiations regarding the development agreement. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

CONSENT AGENDA

14-0842

Ordinance - Third and Final 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)

City Secretary Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO 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

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

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

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: OR-1906-14

14-0844

Ordinance - Third and Final 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)

Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO 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

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

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

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: OR-1907-14

14-0875

Resolution - Resolution Providing Additional Funds for the Median Opening and Left Turn Lane on Heritage Parkway for Oldcastle Precast with JLB Contracting LLC in the Amount of \$7,830.14 (MEDC Funds)

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

A RESOLUTION AUTHORIZING A CHANGE ORDER AND PROVIDING ADDITIONAL FUNDS FOR JLB CONTRACTING LLC FOR THE MEDIAN OPENING AND LEFT TURN LANE IN THE 1100 BLOCK OF HERITAGE PARKWAY FOR OLDCASTLE PRECAST

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

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

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: RE-3002-14

14-0884

Resolution - A Resolution of the City Council of the City of Mansfield, Texas, Providing for the Exemption from Inscription Requirements under the Texas State Transportation Code; and Authorizing the Chief of Police to Designate the City Secretary with the Authority to Execute and Approve Forms Necessary for Exempt Vehicles Registered Under Alias

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR THE EXEMPTION FROM INSCRIPTION REQUIREMENTS UNDER THE TEXAS STATE TRANSPORTATION CODE; AND AUTHORIZING THE CHIEF OF POLICE TO DESIGNATE THE CITY SECRETARY WITH THE AUTHORITY TO EXECUTE AND APPROVE FORMS NECESSARY FOR THE ACQUISITION OF LICENSE PLATES FOR EXEMPT VEHICLES REGISTERED UNDER AN ALIAS

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

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

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: RE-3003-14

14-0868

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

A motion was made by Council Member Broseh to approve the March 24, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

14-0860

Ordinance - Third and Final 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 City Parks or Recreational Facilities; 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

Mayor Cook removed this item from the consent agenda.

A motion was made by Council Member Burgess to table this agenda item to the next regular scheduled meeting. Seconded by Council Member Broseh. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

14-0867

Minutes - Approval of the March 17, 2014 Regular City Council Meeting Minutes

Council Member Broseh removed this item from the consent agenda.

A motion was made by Mayor Cook to approve the March 17, 2014 Regular Meeting Minutes as presented. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 1 - Larry Broseh

END OF CONSENT AGENDA

PUBLIC HEARING AND FIRST READING

14-0869

Ordinance - Public Hearing and First Reading of an Ordinance Amending Sections 2200 and 4400.B of the Zoning Ordinance to Add a Definition of "Non-Traditional Smoking Related Businesses" and to Establish Permitted Use Regulations for Such Businesses (OA#14-004)

Vicki Collins read the caption into the record. Director of Planning Felix Wong made comments and answered Council questions. Mayor Cook opened the public hearing at 7:58 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 7:58 p.m.

A motion was made by Council Member Newsom to approve the first reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200 AND 4400.B OF SAID ORDINANCE TO ADD A DEFINITION FOR "NON-TRADITIONAL SMOKING RELATED BUSINESSES"; TO ESTABLISH PERMITTED USE REGULATIONS FOR SUCH BUSINESSES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

14-0873

Ordinance - Public Hearing and First Reading to Consider Proposed Amendment of Section 7200.B of the Zoning Ordinance Regarding Construction Standards for Residential Driveways (OA#14-003)

Vicki Collins read the caption into the record. Felix Wong made brief comments and answered Council questions. Council requested that the same material be used to expand the existing driveway. Mayor Cook opened the public hearing at 8:06 p.m. With no one wishing to speak, Mayor Cook continued the public hearing through second reading at 8:06 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, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 7200.B.19 AND 20 OF SAID ORDINANCE REGARDING CONSTRUCTION STANDARDS FOR RESIDENTIAL DRIVEWAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE," with the modification that paragraph 20.B. be modified to just indicate "circular driveways shall not exceed 16 feet" and to add a paragraph denoting the comment made regarding the expansion of a concrete driveway can be made with similar materials of the existing drive. Seconded by Council Member Haynes. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

PUBLIC HEARING CONTINUATION AND SECOND READING

14-0845

Ordinance - Public Hearing and Second Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

Pretreatment Coordinator David Moulton answered Council questions. Staff was advised to place this item under Old Business at the next regular scheduled meeting. Mayor Cook continued the public hearing at 8:12 p.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:12 p.m.

A motion was made by Council Member Hoffman to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN." Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:14 p.m. Seconded by Council Member Burgess. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

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: 14-0892

Agenda Date: 4/29/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Title

Minutes - Approval of the April 15, 2014 Special City Council Meeting Minutes

Requested Action

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

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the April 15, 2014 Special 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

Tuesday, April 15, 2014

8:00 AM

Council Chambers

SPECIAL MEETING

8:00 A.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 8:00 a.m.

Absent 2 - Stephen Lindsey and Larry Broseh

Present 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

RECESS INTO EXECUTIVE SESSION

The Council did not recess into executive session.

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

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

Personnel Matters Pursuant to Section 551.074

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

RECONVENE INTO REGULAR BUSINESS SESSION

INVOCATION

Council Member Haynes led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Newsom led the Pledge of Allegiance.

TEXAS PLEDGE

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

Council Member Hoffman led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

PUBLIC HEARING CONTINUATION AND SECOND READING

14-0870 Ordinance - Public Hearing Continuation and Second Reading of an Ordinance Amending Sections 2200 and 4400.B of the Zoning Ordinance to Add a Definition of "Non-Traditional Smoking Related Businesses" and to Establish Permitted Use Regulations for Such Businesses (OA#14-004)

Mayor Cook continued the public hearing at 8:03 a.m. With no one wishing to speak, Mayor Cook closed the public hearing at 8:03 a.m.

A motion was made by Council Member Newsom to approve the second reading of "AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200 AND 4400.B OF SAID ORDINANCE TO ADD A DEFINITION FOR "NON-TRADITIONAL SMOKING RELATED BUSINESSES"; TO ESTABLISH PERMITTED USE REGULATIONS FOR SUCH BUSINESSES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE." Seconded by Council Member Hoffman. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:05 a.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 5 - David Cook; Wendy Burgess; Cory Hoffman; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 2 - Stephen Lindsey and Larry Broseh

Abstain: 0

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary



CITY OF MANSFIELD

1200 East. Broad St.
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www.mansfield-tx.gov

STAFF REPORT

File Number: 14-0893

Agenda Date: 4/29/2014

Version: 1

Status: Approval of Minutes

In Control: City Council

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the April 16, 2014 Special City Council Meeting Minutes

Requested Action

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

Recommendation

Approval of the minutes by the Council.

Description/History

The minutes of the April 16, 2014 Special 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

Wednesday, April 16, 2014

8:00 AM

Council Chambers

SPECIAL MEETING

8:00 A.M. - CALL MEETING TO ORDER

Mayor Cook called the meeting to order at 8:00 a.m.

Absent 1 - Stephen Lindsey

Present 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes
and Brent Newsom

RECESS INTO EXECUTIVE SESSION

The Council did not recess into executive session.

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

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

Personnel Matters Pursuant to Section 551.074

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

RECONVENE INTO REGULAR BUSINESS SESSION

INVOCATION

Council Member Broseh led the Invocation.

PLEDGE OF ALLEGIANCE

Assistant City Secretary Susana Marin 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 Newsom led the Texas Pledge.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL ANNOUNCEMENTS

There were no Council announcements.

STAFF COMMENTS

City Manager Report or Authorized Representative

Current/Future Agenda Items

There were no staff comments.

TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION

No action was taken by the Council.

CONSENT AGENDA

ITEMS TO BE REMOVED FROM THE CONSENT AGENDA

14-0871

Ordinance - Third and Final Reading of an Ordinance Amending Sections 2200 and 4400.B of the Zoning Ordinance to Add a Definition of "Non-Traditional Smoking Related Businesses" and to Establish Permitted Use Regulations for Such Businesses (OA#14-004)

City Secretary Vicki Collins read the caption into the record.

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

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200 AND 4400.B OF SAID ORDINANCE TO ADD A DEFINITION FOR "NON-TRADITIONAL SMOKING RELATED BUSINESSES"; TO ESTABLISH PERMITTED USE REGULATIONS FOR SUCH BUSINESSES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

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

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

Abstain: 0

Enactment No: OR-1908-14

END OF CONSENT AGENDA

ADJOURN

A motion was made by Council Member Hoffman to adjourn the meeting at 8:04 a.m. Seconded by Council Member Newsom. The motion CARRIED by the following vote:

Aye: 6 - David Cook; Wendy Burgess; Cory Hoffman; Larry Broseh; Darryl Haynes and Brent Newsom

Nay: 0

Absent: 1 - Stephen Lindsey

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: 14-0845

Agenda Date: 4/29/2014

Version: 3

Status: Third and Final
Reading

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Third and Final Reading of an Ordinance Revising the Water Conservation and Drought Contingency Sections of Ordinance 1384 "Water Demand Management / Drought Contingency Plan"

Requested Action

Staff request City Council approval of the attached revision to the "Water Demand Management / Drought Contingency Plan".

Recommendation

Staff recommends that the attached versions of the water conservation and drought contingency plans be adopted by council.

Description/History

On March 11, 2002, council adopted a Water Demand Management Plan (Ordinance 1384). The Plan consisted of two parts: The Water Conservation Plan and a Drought Contingency Plan.

The Water Conservation Plan describes how water consumption will be managed all of the time. The Drought Contingency Plan describes what actions will be taken during periods of drought.

On May 27, 2008, council revised the Water Conservation Plan to align with regional efforts to communicate the need for efficient resource utilization. TRWD, with the assistance of its customer cities, created a model conservation plan. The model plan was adopted (with very few modifications) by Fort Worth, Arlington, and Mansfield.

Staff is not recommending any major modifications to the plan that council adopted in 2008.

On October 8, 2007, council revised the Drought Contingency Plan to align with regional efforts to respond to drought conditions and reduced availability of water. TRWD, with the assistance of its customer cities, created a model drought plan. The model plan was adopted (with very few modifications) by Fort Worth, Arlington, and Mansfield.

Proposed changes to the plan include clear triggers for coming out of a drought stage.

Justification

The City of Mansfield is required to submit an updated plan to the Texas Commission on Environmental Quality by May 1, 2014.

Funding Source

Not applicable

Prepared By

Joe Smolinski
Director of Utilities
City of Mansfield

817-477-2248

joe.smolinski@mansfield-tx.gov

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



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Mayor Cook/IA
Mr. Chandler, CM/KW
Chris Burkett, ACM
Joe Smolinski

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 28, 2014

Re: Water Conservation Plan/Water Conservation Implementation Report/ Drought Contingency Plan

The purpose of this letter is to remind you of the obligation to comply with Texas Commission on Environmental Quality (TCEQ) rules.

Certain water right holders, retail and wholesale public water suppliers, and irrigation districts are required to submit a Water Conservation Plan (WCP), a Water Conservation Implementation Report (WCIR), or a Drought Contingency Plan (DCP) to the TCEQ by May 1, 2014. The plans and the report are required by Texas Water Code §11.1271, §11.1272, and TCEQ rules in 30 Texas Administrative Code § 288.30. TAC 288.30 also requires some entities to provide a copy of the WCP to the Texas Water Development Board.

The table below provides the requirements that apply to the following entities.

Entity	Requirements
Surface water rights holder w/ 1,000 acre-feet for municipal, industrial, and other non-irrigation uses	Submit a WCP/ WCIR to TCEQ Provide a copy of the WCP to the TWDB
Surface water rights holder w/ 10,000 acre-feet for irrigation uses	Submit a WCP/ WCIR to TCEQ Provide a copy of the WCP to the TWDB
Retail Public Water Supplier w/ 3,300 or more connections	Submit a DCP to TCEQ
Wholesale Public Water Supplier	Submit a DCP to TCEQ
Irrigation District	Submit a DCP to TCEQ

Please submit the required plans and report by **May 1, 2014** to wcp@tceq.texas.gov. Or mail the report to:

Texas Commission on Environmental Quality
Resource Protection Team, MC-160
P.O. Box 13087
Austin, TX 78711-3087

drought

Please note that failure to respond by the May 1 deadline is a violation of the Texas Water Code and the TCEQ's rules and may result in enforcement action.

For additional information, please contact TCEQ Resource Protection staff at (512) 239-4691 or visit our website at www.tceq.texas.gov/permitting/water_rights/conserv.html.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Loft", written over a faint, illegible background.

Chris Loft, Team Leader
Resource Protection Team
Water Availability Division
Texas Commission on Environmental Quality

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING THE WATER CONSERVATION AND DROUGHT CONTINGENCY SECTIONS OF THE WATER DEMAND MANAGEMENT / DROUGHT CONTINGENCY PLAN.

WHEREAS, the City of Mansfield, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Water Conservation Plan; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt Water Conservation and Drought Contingency Plans that mirror an area wide effort to educate water users and preserve an invaluable resource during times of drought; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

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

Section 1. The City Council hereby approves and adopts the Water Conservation Plan, attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Water Conservation Plan.

Section 2. The City Council hereby approves and adopts the Drought Contingency Plan, attached hereto as Addendum B, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Drought Contingency Plan.

Section 3. The Water Conservation and Drought Contingency Plans are collectively referred to as the Water Demand Management Plan (the “Plan”).

Section 4. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a

customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 5. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 6. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 7. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 8. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 9. Ordinance No. 1384, adopted on March 11, 2002, is hereby amended.

First read approved on the 24th day of March, 2014

Second read approved on the 14th day of April, 2014

Passed by the City Council on this 29th day of April, 2014.

Mayor David Cook

Attest:

City Secretary, Vicki Collins

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APPENDICES

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Water Conservation Plan

1. INTRODUCTION AND OBJECTIVES

Having a dependable water supply has always been a key issue in the development of Texas. The growing population and economic expansion occurring in North Central Texas are placing increased demands on our water supplies. In order to meet the challenge of providing for our current and future needs we must learn to use the water we already have more efficiently. By stretching our existing supplies we can delay the need for new supplies, minimize the environmental impacts associated with developing new water resources, and postpone the high cost of building the infrastructure (dams, treatment facilities, and pipelines) necessary to capture, treat, and transport the additional water into our homes and businesses.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation plans for public water suppliers. TCEQ guidelines and requirements are included in Appendix A. The City of Mansfield has developed this water conservation plan in response to TCEQ guidelines and requirements.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by reducing the rate of growth in demand.
- To educate the citizens of Mansfield about the need for water conservation and the benefits of conserving our most valued natural resource.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 3 and Appendix B
- 288.2(a)(1)(C) – Specification of Goals – Section 4
- 288.2(a)(1)(D) – Accurate Metering – Sections 5.1 and 5.2
- 288.2(a)(1)(E) – Universal Metering – Section 5.2
- 288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 5.4
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 8.1
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 9
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 8.6 and Appendix C

Conservation Additional Requirements (Population over 5,000)

The Texas Administrative Code includes additional requirements for water conservation plans for cities with a population over 5,000:

- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 5.4, 5.5, and 5.6
- 288.2(a)(2)(B) – Record Management System – Section 5.3
- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 8.5

Additional Conservation Strategies

TCEQ rules also list additional optional but not required conservation strategies, which may be adopted by suppliers. The following optional strategies are included in this plan:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 8.3
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 8.2
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 8.4
- 288.2(a)(3)(G) – Monitoring Method – Section 5.6

3. WATER UTILITY PROFILE

Appendix **B** to this water conservation plan is a modified water utility profile based on the format recommended by the TCEQ. Some additional sections were added in order to gather the information necessary to assess the effectiveness of the water conservation plan.

4. SPECIFICATION OF WATER CONSERVATION GOALS

Current TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, each customer will develop 5-year and 10-year goals for per capita municipal use, following TCEQ procedures described in the water utility profile (Appendix B). The goals for this water conservation plan include the following:

- Keep the per capita municipal water use below 158 gallons per capita per day in 2018 (5-year goal) and 155 gallons per capita per day in 2023 (10-year goal).
- ~~Keep the per capita municipal water use below 160 gallons per capita per day in 2012 (5-year goal) and 155 gallons per capita per day in 2017 (10-year goal).~~
- Keep the level of unaccounted water in the system below 10% annually in 2008 2014 and subsequent years, as discussed in Section 5.4.
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 5.2.
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 8.4.
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.

5. METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER, AND LEAK DETECTION AND REPAIR

One of the key elements in water conservation is careful tracking of water use and control of losses through illegal diversions and leaks. Careful metering of water deliveries and water use, detection and repair of leaks in the distribution system, and regular monitoring of unaccounted water are important in controlling losses.

5.1 Accurate Metering of Treated Water Deliveries

The metering devices that measure raw water delivered to the City of Mansfield, Texas will be maintained within a minimum of +/- 5% accuracy. The largest raw water meter is located at the water treatment plant. This meter is an Endress Hauser, Pro-Mag W, which has an accuracy range of +/- 0.5%.

5.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

All connections to the water system are metered connections. All meters will be maintained within an acceptable operating accuracy range as defined by the manufacturer or AWWA Standard for meter accuracy, which ever is more stringent. Dead meters and meters that indicate reduced usage will be flagged during the computerized billing process. These meters will be checked, field tested, and replaced when found to be out of manufacturer specifications or not meeting AWWA Standards.

5.3 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the record management system allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information will be included in an annual water conservation report, as described in Section 5.6 below.

The City of Mansfield will continue to maintain a record management system that accounts for; raw water received, drinking water treated, drinking water pumped, water delivered, water sold, and water system loss. This record management system will continue to separate and account for monthly usage in the following customer categories; residential domestic, residential irrigation, commercial usage, commercial/industrial irrigation, builders / construction, institutional, and industrial.

5.4 Determination and Control of Unaccounted Water

Unaccounted water is the difference between raw water purchased from TRWD and metered deliveries to customers. Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, and uses associated with new construction. Unaccounted water can include several categories:

- Inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.)
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft.
- Other.

The City of Mansfield will continue to monitor and minimize unaccounted water use by; periodic visual field inspection of all water facilities, use of fire hydrant meters to quantify the volume of water lost during flushing, review of property occupancy, and monthly comparisons of historical metered usage. Additional measures will be taken at the water treatment plant to quantify process water.

As shown in the Water Utility Profile, unaccounted water has varied from 7.5% to 13.9% in the last five years. With the measures described in this plan, the City of Mansfield intends to maintain the unaccounted water below 10% in 2014 and subsequent years.

As shown in the Water Utility Profile, unaccounted water has varied from 8% to 17% in the last five years. With the measures described in this plan, the City of Mansfield intends to maintain the unaccounted water below 10% in 2008 and subsequent years.

5.5 Leak Detection and Repair

The City of Mansfield will continue to vigilantly monitor the water distribution system and customer service connections for water leaks, and address the repair of any leaks found in a manner that expeditiously stops water loss. All leaks will be isolated and repaired as soon as possible.

Meter readers watch for and report signs of illegal connections so they can be addressed quickly. Crews and personnel look for and report evidence of leaks in the water distribution system. Maintenance crews respond quickly to repair leaks reported by the public and city personnel. The City of Mansfield uses 2 three-man distribution line crews. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

5.6 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report

Appendix B is a modified water utility profile form that will be used in the development of an annual water conservation report for the City of Mansfield. This form will be completed by May 1 of the following year and will be used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and unaccounted water for the current year and compares them to historical values. The modified water utility profile and annual water conservation report will also be sent to TRWD, which will monitor regional water conservation trends.

6. CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN

The City of Mansfield will continue to promote conservation through public education by:

- Participating in various conservation programs with the Tarrant Regional Water District.
- Promoting a consistent, regional message of conservation awareness in public and private schools.
- Making conservation information available at the public library and on the City of Mansfield website.
- Including a conservation message in the city's E-Newsletter.
- Ensuring that the annual consumer confidence report will continue to contain a conservation message for the entire service area.
- Encouraging local media coverage of water conservation issues and the importance of water conservation.
- Making the *Texas Smartscape* CD, water conservation brochures, and other water conservation materials available to the public at the City of Mansfield Utility Department and other public places.
- Water Department staff will participate in the *Texas Smartscape* workshops, teaching attendees how to develop water management strategies and proper irrigation scheduling.
- The City of Mansfield sponsors the Newspapers in Education initiative. Up to 350 area teachers can sign up to receive a free supplement, "Water: From Here to Eternity and Back Again." TRWD and its primary customers (including Mansfield) have customized the supplement with additional topics that specifically relate to water issues in North Central Texas.

7. NON-PROMOTIONAL WATER RATE STRUCTURE

With the intent of encouraging water conservation and discouraging waste and excessive use of water, the City of Mansfield has adopted an increasing block rate structure. The unit price for water increases with increasing water usage. Current water rates are shown in tables 7.1 and 7.2.

Table 7.1 Monthly Meter Charges

Meter Size (inches)	Total Charge	Meter Size (inches)	Total Charge	Meter Size (inches)	Total Charge
5/8 or 3/4	\$21.65	2	\$173.20	6	\$1212.40
1	\$54.13	3	\$346.40		
1 1/2	\$108.25	4	\$595.38		

Table 7.2 Volume Unit Charges

Water User	Type/Volume	Volume Unit Charge (\$ per 1,000 gal.)
Residential and Commercial Customers	0 to 2,000 gallons	Included in base
	2,000 to 32,000 gallons	\$2.98
	32,000 gallons or above	\$3.73
Industrial Customers	0 to 2,000 gallons	Included in base
	2,000 to 32,000 gallons	\$2.30
	32,000 gallons or above	\$2.88

8. OTHER WATER CONSERVATION MEASURES

8.1 Reservoir System Operation Plan

Tarrant Regional Water District is responsible for all reservoir operation. The City of Mansfield will continue to provide elected official representation on the Advisory Board and staff representation on the Technical Advisory Committee of the Tarrant Regional Water District.

8.2 Reuse and Recycling of Wastewater

The City of Mansfield does not own and operate its own wastewater treatment plant. The city's wastewater is treated by the Trinity River Authority.

8.3 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

8.4 Water Waste Prohibition

Landscape irrigation and outdoor watering are responsible for a large portion of the water wasted in the state of Texas. The City of Mansfield will adopt the following conservation measures in an effort to reduce the amount of waster water:

- Prohibition of outdoor watering with sprinklers from 10:00 a.m. to 6:00 p.m. every day, year-round. Watering with hand-held hoses (provided that they are equipped with positive shut-off devices), soaker hoses, or hand-held dispensers is allowed.
- Requirement that all irrigation systems installed or receiving major repair work on or after May 1, 2008, be equipped with operational rain and freeze sensors. Existing residential irrigation systems are encouraged to be retrofitted with similar rain and freeze sensors.
- Requirement that all commercial and home owners' association (HOA) irrigation systems be equipped with operational rain and freeze sensors.
- Requirement that all irrigation systems installed or receiving major repair work on or after May 1, 2008, be equipped with controllers capable of multiple programs.
- Requirement that all irrigation systems installed or receiving major repair work on or after May 1, 2008, be equipped with an approved manual shut-off valve with lock-out capabilities. City personnel must be able to lock-out the valve with a standard padlock.

- Requirement that all irrigation systems be in compliance with current state design and installation regulations (Texas Administrative Code Title 30, Part 1, Chapter 344).
- Prohibition of designs and installations that spray directly onto impervious surfaces such as sidewalks and roads or onto other non-irrigated areas.
- Prohibition of poorly maintained sprinkler systems that waste water.
- Prohibition of outdoor watering during any form of precipitation.
- Prohibition of outdoor watering during a freeze or when the temperature has the potential of reaching 32°F.

Failure to comply with any portion of this section will constitute a violation and may be subject to enforcement.

Any of the following shall constitute major repair work:

- Any repair or maintenance that exposes the main line to the atmosphere.
- Any repair or maintenance that has an associated cost equal to or greater than \$500.00.

8.5 Requirement for Water Conservation Plans by Wholesale Customers

The City of Mansfield is a wholesale water supplier. Every contract for the wholesale sale of water that is entered into, renewed, or extended after the adoption of this water conservation plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. The requirement will also extend to each successive wholesale customer in the resale of the water.

8.6 Coordination with Regional Water Planning Group and TRWD

Appendix C includes a letter sent to the Chair of the Region C Water Planning Group with this water conservation plan. A copy of this plan has also been sent to TRWD.

8.7 Requests for Variance

The Director of Utility Operations or his/her designee may grant temporary variance for water use prohibited by this plan if it is determined that an emergency condition resulting in an adverse affect to health, sanitation, or fire protection of a customer, person, or entity would result if a variance is not granted. Temporary variance may also be granted if it is determined that a customer, person, or entity is caused undue hardship or financial burden if a variance is not granted.

Outdoor watering at a service address with large multi-station irrigation systems may take place in accordance with a variance granted by the Director of Utility Operations or his/her designee if it is determined that the property can not be adequately irrigated in a single day.

Temporary variance may also be granted to playing fields which require watering to maintain league standards.

Skinned areas of sports fields may be watered as needed for dust control without applying for temporary variance.

In order to receive a written variance from the Director of Utility Operation or his/her designee the customer, person, or entity must provide a written request including:

- Name and address of the person requesting the variance.
- Location of the proposed water use.
- Detailed statement of potential damage and reason for the variance.
- The volume of water needed and specific purpose of water use.
- Period of time the variance is needed.
- Detailed statement of water conservation measures that are being used.
- Any diagram or other explanation that demonstrates the need for a variance.

Variances not retroactive and do not justify violations of the plan.

9. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Mandatory water conservation measures will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a verbal warning that they have violated the mandatory water conservation measures. City staff will provide the customer with the information and educational materials needed to comply with the plan.
- On the second violation, customers will be issued a written warning that they have violated the mandatory water conservation measures.
- On the third and subsequent violations, a violation notice will be issued to customers, with minimum and maximum fines established by ordinance.
- After four violations have occurred, in a twelve month timeframe, the utility may cut off water service to the customer.
 - In order to restore water service, a customer must sign a statement of intent to comply with all applicable water conservation measures established or adopted by ordinance and pay a restore service fee.

The Director of Utility Operations or his/her designee may assess an administrative fee approved by the City Manager in addition to any criminal penalty assessed for a violation of this plan as described below. Administrative fees will not be assessed for verbal or written warnings. The administrative fee shall be assessed on the third and subsequent violations in order to recover costs associated with enforcement. Each day that a violation occurs shall constitute a separate violation.

- Violations involving irrigation systems with lock-out capabilities.
 - The Director of Utility Operations or his/her designee may install a lock on an irrigation system found to be operating in violation of this plan on more than three occasions and shall assess an administrative fee as approved by the City Manager (if applicable).
 - Notice shall be left on the premise to advise the owner/operator that the irrigation system has been locked; and
 - Notice shall be sent by United States Postal Service to the person recorded as the city's water customer notifying that person that a violation has been found and that the irrigation system has been locked. The notice shall also state the amount of the assessed administrative fee and shall advise the person of the procedures for payment of the fees and the procedure to request removal of the lock.
- Violations involving irrigation systems without lock-out capabilities.
 - The Director of Utility Operations or his/her designee shall leave notice on the premise to advise the owner/operator that the person was in violation of

this plan and has been assessed an administrative fee as approved by the City Manager (if applicable).

- Notice shall be sent by United States Postal Service to the person recorded as the city's water customer notifying that person that a violation has been found. The notice shall also state the amount of the assessed administrative fee and shall advise the person of the procedures for payment of the fees.
- Violations of mandatory water conservation measures not involving an underground irrigation system.
 - The Director of Utility Operations or his/her designee shall leave notice on the premise to advise the owner/operator that the person was in violation of this plan and has been assessed an administrative fee as approved by the City Manager (if applicable).
 - Notice shall be sent by United States Postal Service to the person recorded as the city's water customer notifying that person that a violation has been found. The notice shall also state the amount of the assessed administrative fee and shall advise the person of the procedures for payment of the fees.
- It shall be unlawful for any person to tamper with, cause damage to, or remove a locking device placed on an irrigation system by the Director of Utility Operations or his/her designee.
- The locking device will be removed from the irrigation system by the Director of Utility Operations or his/her designee within three (3) working days after payment is received from the customer.
- The Director of Utility Operations or his/her designee may require that an irrigation system comply with all current regulations and ordinances if:
 - The customer or irrigation system is found to be in violation of this plan on four (4) separate occasions;
 - In the opinion of the Director of Utility Operations or his/her designee, the violation warrants immediate compliance; or
 - The design, installation, or operation of the irrigation system prohibits the efficient use of water.
- Failure to pay assessed administrative fees within the indicated timeframe will constitute a separate violation of this plan.

APPENDIX A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON MUNICIPAL WATER CONSERVATION PLANS

**Texas Commission on Environmental Quality Rules on Water Conservation Plans
for Municipal Uses by Public Water Suppliers**

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER A</u>	WATER CONSERVATION PLANS
RULE §288.1	Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Agricultural or Agriculture--Any of the following activities:
 - (A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
 - (B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower;
 - (C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
 - (D) raising or keeping equine animals;
 - (E) wildlife management; and
 - (F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.
- (2) Agricultural use--Any use or activity involving agriculture, including irrigation.
- (3) Conservation--Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.
- (4) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).
- (5) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial

fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.

- (6) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.
- (7) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.
- (8) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field repressuring.
- (9) Municipal per capita water use--The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.
- (10) Municipal use--The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.
- (11) Municipal use in gallons per capita per day--The total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculating gallons per capita per day for targets and goals.
- (12) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, who grows more than 50% of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.
- (13) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

- (14) Public water supplier--An individual or entity that supplies water to the public for human consumption.
- (15) Regional water planning group--A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, §16.053.
- (16) Retail public water supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.
- (17) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.
- (18) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).
- (19) Wholesale public water supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

Source Note: The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146; amended to be effective October 7, 2004, 29 TexReg 9384

Texas Administrative Code

TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS

SUBCHAPTER A

WATER CONSERVATION PLANS

RULE §288.2

**Water Conservation Plans for Municipal Uses by Public
Water Suppliers**

-
- (a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.
- (1) Minimum requirements. All water conservation plans for municipal uses by public drinking water suppliers must include the following elements:
- (A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;
 - (B) until May 1, 2005, specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;
 - (C) beginning May 1, 2005, specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day. The goals established by a public water supplier under this subparagraph are not enforceable;
 - (D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
 - (E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
 - (F) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections, abandoned services, etc.);
 - (G) a program of continuing public education and information regarding water conservation;
 - (H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;
 - (I) a reservoir systems operations plan, if applicable, providing for the

coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

(J) a means of implementation and enforcement which shall be evidenced by:

- (i) a copy of the ordinance, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and
- (ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;

(B) a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes:

- (i) residential;
- (ii) commercial;
- (iii) public and institutional; and
- (iv) industrial; and

(C) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter; if the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of this chapter.

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the

water conservation plan:

- (A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
 - (B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
 - (C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
 - (D) reuse and/or recycling of wastewater and/or greywater;
 - (E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;
 - (F) a program and/or ordinance(s) for landscape water management;
 - (G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and
 - (H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.
- (b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.
- (c) Beginning May 1, 2005, a public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX B

FORM FOR WATER UTILITY PROFILE AND WATER CONSERVATION REPORT

APPENDIX B
Customer Water Conservation Report
Due May 1 of Every Year

Name of Utility: _____

Address & Zip: _____

Telephone Number: _____ **Fax:** _____

Form Completed By: _____

Title: _____

Signature: _____ **Date:** _____

Name and Phone Number of Person/Department responsible for implementing a water conservation program:

UTILITY PROFILE

I. POPULATION CUSTOMER DATA

A. Population and Service Area Data

1. Service area size (square miles): _____

2. Current population of service area: _____

3. Current population served by utility:

a: water _____

b: wastewater _____

4. Population served by water utility
service area for the previous five years:

5. Projected population for
in the following decades:

<u>Year</u>	<u>Population</u>
--------------------	--------------------------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

<u>Year</u>	<u>Population</u>
--------------------	--------------------------

<u>2010</u>	_____
-------------	-------

<u>2020</u>	_____
-------------	-------

<u>2030</u>	_____
-------------	-------

<u>2040</u>	_____
-------------	-------

<u>2050</u>	_____
-------------	-------

<u>2060</u>	_____
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5. List specific source(s)/method(s) for the calculation of current and projected population:

B. Active Connections

1. Current number of active connections by user type. Check whether multi-family service is counted as Residential ____ or Commercial ____.

Treated water users	Metered	Not-metered	Total
Residential			
Commercial			
Industrial			
Public			
Other			

2. List the net number of new connections per year for most recent three years:

Year	<u>20XX</u>	<u>20XX</u>	<u>20XX</u>
Total	_____	_____	_____

C. High Volume Customers

List annual water use for the ten highest volume customers (indicate if treated or raw water delivery). Provide date of most recent water use audit – if never audited, please indicate so.

	Customer	Use (1,000 gallons / year)	Treated / Raw Water	Date of Last Water Use Audit
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				

(7)				
(8)				
(9)				
(10)				

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. Amount of water use for previous five years (in 1,000 gal.):

Total Diverted and Treated Water Deliveries and Sales by Month					
Month	Year				
	20XX	20XX	20XX	20XX	20XX
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total					

Indicate how the above figures were determined (e.g., from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

2. Indicate whether water is supplied from:

a. Untreated surface water sources: _____

b. Another utility as treated water: _____

2a. For entities that treat their own water:

Does utility operate a raw water intake? If so, indicate intake location and minimum elevations of safe operation.

<u>Location of raw water intake</u>	<u>Elevation</u>
_____	_____
_____	_____
_____	_____
_____	_____

2b. For entities that purchase treated water from another utility, list water supply sources and quantity purchased from each source:

<u>Treated water sources purchased</u>	<u>Quantity</u>
_____	_____
_____	_____
_____	_____
_____	_____

3. Amount of water (in 1,000 gallons) delivered (sold) as recorded by the following account types for the past five years.

Account Type	Year				
	20XX	20XX	20XX	20XX	20XX
Residential					
Commercial					
Public / Institutional					
Industrial					
Wholesale					
Other					
Total Sold					

Residential: Single + multifamily residences

Commercial: Restaurants, retail, office

Public / Institutional: Municipal, airports, schools, hospitals

Industrial: Large manufacturing

Wholesale: Deliveries to successive customers

Other: Uses not included in above categories.
Please describe:_____

4. Calculate gallons per capita per day by account types for the past five years.

Account Type	Gallons per capita per day by Account Type (Total water diverted (or treated) / population / 365)				
	20XX	20XX	20XX	20XX	20XX
Residential					
Commercial					
Public / Institutional					
Industrial					
Wholesale					
Other					
Total					

5. List previous five years records for water loss (the difference between water diverted (or treated) and water delivered (or sold)). The goal for percent of unaccounted for water is 12%.

<u>Year</u>	<u>Amount (gal.)</u>	<u>% of Total Water Diverted or Treated</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. List previous five years records for water reuse. Reuse is the authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and

before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake or other body of state-owned water.

<u>Year</u>	<u>Amount (gal.)</u>	<u>% of Total Water Diverted or Treated</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Municipal per capita water use (in gallons per day) for previous five years. Municipal per capita water use is the sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by total population served. GPCD includes water losses.

<u>Year</u>	<u>Population</u>	<u>Total Water Diverted (or Treated)(1,000 gal.)</u>	<u>Municipal Per Capita Use (GPCD)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Previously stated per capita goals: 5-year: _____ 10-year: _____
(by 200X) (by 200X)
8. Did water use (GPCD) increase or decrease from previous year? _____
Percent increase or decrease from previous year? _____
9. Briefly discuss reasons for the increase or decrease in municipal water use.

APPENDIX C

LETTER TO REGION C
WATER PLANNING GROUP

APPENDIX C
Letter to Region C Water Planning Group

Date

Mr. Jim Parks
Chair, Region C Water Planning Group
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

Dear Mr. Parks:

Enclosed please find a copy of the water conservation plan for customers of the City of Mansfield. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules.

Sincerely,

Joe Smolinski
Pretreatment Coordinator
City of Mansfield

1. INTRODUCTION AND OBJECTIVES

This plan addresses all of the current TCEQ requirements for a drought contingency plan.

The purpose of this drought contingency plan is as follows:

- To protect and preserve public health, welfare, and safety
- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

3. DROUGHT CONTINGENCY PLAN

3.1 Provisions to Inform the Public and Opportunity for Public Input

The City of Mansfield will provide opportunity for public input in the development of this drought contingency plan by the following means:

- Public Hearing

3.2 Provisions for Continuing Public Education and Information

The City of Mansfield will inform and educate the public about the drought contingency plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the city’s Web site (if available).

- Including information about the drought contingency plan on the city's Web site (if available).
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency plan is activated or the drought stage changes, the City of Mansfield will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. News letters and/or notices on bills will also be used as appropriate.

3.3 Initiation and Termination of Drought and Emergency Response Stages

Initiation of a Drought and Emergency Response Stage

The City Manager or official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media and the city's Web site (if available) as described in Section 3.2.
- Wholesale customers (if any) and TRWD will be notified by telephone with a follow-up letter, e-mail, or fax that provides details of the reasons for initiation of the drought stage.
- If any mandatory provisions of the drought contingency plan are activated, the City of Mansfield will notify the Executive Director of the TCEQ within 5 business days.

Drought stages imposed by TRWD action must be initiated by customers (including indirect customers).

For other trigger conditions, the City Manager or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought Stage

The City Manager or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the city's Web site (if available) as described in Section 3.2.
- Wholesale customers (if any) and TRWD will be notified by telephone with a follow-up letter, e-mail, or fax.

- If any mandatory provisions of the drought contingency plan that have been activated are terminated, the City of Mansfield will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

3.4 Drought and Emergency Response Stages

Stage 1, Water Watch

Triggering and Terminating Conditions

TRWD has initiated Stage 1, Water Watch, which may be initiated by one or more of the following:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage.
- Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of TRWD's permitted supply.
- TRWD's supply source becomes contaminated.
- TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 1 drought.
- The City of Mansfield's demand exceeds the amount that can be delivered to customers.
- City's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- City's water treatment or distribution system becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's plan may be implemented if other criteria dictate.

Stage 1 may terminate when TRWD terminates its Stage 1 condition, when the circumstances that caused the initiation of Stage 1 no longer prevail, or at the discretion of the City Manager or official designee.

Stage 1 may be terminated when total raw water supply in TRWD western and eastern division reservoirs reaches 85% for 90 days or lake levels reach 95%, or at the discretion of the City Manager or official designee.

Goal for Use Reduction

The goal for water use reduction under Stage 1, Water Watch, is to decrease use by five percent. If circumstances warrant or if required by TRWD, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available under Stage 1, Water Watch

The City Manager or official designee ~~may~~ **must** implement any action(s) ~~required~~ **requested** by the Tarrant Regional Water District. In addition, the City Manager or official designee may order the implementation of any of the other actions listed below, as deemed necessary. The City of Mansfield must notify TCEQ within five business days if any mandatory measures are implemented.

All Water Users

- Initiate mandatory restrictions to prohibit non-essential water use as follows:
 - ~~Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate immediate health hazard.~~
 - Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
 - Prohibit using water in such a manner as to allow runoff or other waste, including:
 - (1) failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - (2) operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
 - (3) during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
- Outdoor watering with sprinklers or irrigation systems is prohibited between 10 a.m. and 6 p.m. year-round, in all stages.
- Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as determined by the director of utilities.

Exceptions:

- Foundations may be watered up to two hours on any day by handheld hose; or using a soaker hose or drip irrigation system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
 - New plantings, (first year) of shrubs, and trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.
 - Twice per week landscape watering restrictions do not apply to locations using well water or treated wastewater effluent for irrigation.
 - Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director of utilities, if the director determines that a property can not be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days.
- Establishing new turf is discouraged. If new hydromulch, grass sod, or grass seed is installed, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply.
 - Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - Encourage reduction in frequency of draining and refilling swimming pools.
 - Encourage use of Texas native and drought tolerant plants in landscaping.

City and Local Governments

In addition to actions listed above, the City Manager or official designee may also:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Increase public education efforts on ways to reduce water use.
- Intensify leak detection and repair efforts.
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Increase enforcement efforts.

- Landscape watering of municipal parks, golf courses, and sports fields is restricted to twice per week watering schedule, per irrigation station.

Exceptions:

- Golf courses may water greens and tee boxes without restrictions, however watering must be done before 10 a.m. and after 6 p.m.
 - ~~Skinned areas of sports fields may be watered as needed for dust control.~~
 - Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
 - See all water users category above for rules that apply to facilities with large multi-station irrigation systems.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
 - Notify wholesale customers of actions being taken and request them to implement similar procedures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks, golf courses, and sports fields is restricted to twice per week watering schedule, per irrigation station.

Exceptions:

- Golf courses may water greens and tee boxes without restrictions, however watering must be done before 10 a.m. and after 6 p.m.
 - ~~Skinned areas of sports fields may be watered as needed for dust control.~~
 - ~~Playing fields with a stadium only (not surrounding landscaping) may be watered as needed to maintain league standards.~~
 - Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
 - See all water users category above for rules that apply to facilities with large multi-station irrigation systems.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.

- ~~Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an “on demand” basis.~~

- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.

Stage 2, Water Warning

Triggering and Terminating Conditions

The TRWD has initiated Stage 2, Water Warning, which may be initiated by one or more of the following:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage.
- Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of TRWD’s permitted supply.
- TRWD’s supply source becomes contaminated.
- TRWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 2 drought.
- The City of Mansfield’s demand exceeds production capacity of the amount that can be delivered to customers for 1 day.
- City’s demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- City’s water treatment or distribution system becomes contaminated.
- City’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- City’s plan may be implemented if other criteria dictate.

Stage 2 may terminate when TRWD terminates its Stage 2 condition, when the circumstances that caused the initiation of Stage 2 no longer prevail, or at the discretion of the City Manager or official designee.

Stage 2 may be terminated when total raw water supply in TRWD western and eastern division reservoirs reaches 70% for 30 days or lake levels reach 75%, or at the discretion of the City Manager or official designee.

Goal for Use Reduction

The goal for water use reduction under Stage 2, Water Warning, is to decrease use by ten percent. If circumstances warrant or if required by TRWD, the City Manager or official designee can set a goal for greater water use reduction.

Actions Available under Stage 2, Water Warning

The City Manager or official designee ~~may~~ **must** implement any action(s) ~~required~~ **requested** by the Tarrant Regional Water District. In addition, the City Manager or official designee may order the implementation of any of the other actions listed below, as deemed necessary. The City of Mansfield must notify TCEQ within five business days if any mandatory measures are implemented:

All Water Users

- Landscape watering with sprinklers or irrigation systems at each service address is limited to once every seven days. Outdoor watering schedule to be determined by director of utilities.

Exceptions:

- Foundations may be watered up to two hours on any day by handheld hose; or using a soaker hose or drip irrigation system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
 - New plantings, (first year) of shrubs, and trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.
 - Once per week outdoor watering restrictions do not apply to locations using well water or treated wastewater effluent for irrigation.
 - Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director of utilities, if the director determines that a property can not be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days.
- Public is encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping. If new hydromulch, grass sod, or grass seed is installed, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply.
 - Prohibit use of water for dust control, except as required to protect public health.
 - Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - **Discourage** ~~Prohibit~~ filling of swimming pools with automatic valves.

City and Local Governments

In addition to actions listed above:

- Continue or initiate any actions available under Stage 1.
- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Landscape watering at municipal parks, golf courses, and sports fields is limited to once every seven days, per irrigation station.

Exceptions:

- Golf courses may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m.
- ~~Skinned areas of sports fields may be watered as needed for dust control.~~
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.
- See all water users category above for rules that apply to facilities with large multi-station irrigation systems.
- Halt non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- ~~Prohibit wet street sweeping.~~
- Notify wholesale customers of actions being taken and request them to implement similar procedures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering at parks, golf courses, and sports fields is limited to once every seven days, per irrigation station.

Exceptions:

- Golf courses may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m.
- ~~Skinned areas of sports fields may be watered as needed for dust control.~~
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of

the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.

- See all water users category above for rules that apply to facilities with large multi-station irrigation systems.

Stage 3, Water Emergency

Triggering and Terminating Conditions

The TRWD has initiated Stage 3, Water Emergency, which may be initiated by one or more of the following:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage.
- Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach or exceed the limit of TRWD's permitted supply.
- TRWD's supply source becomes contaminated.
- TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 drought.
- The City of Mansfield's demand exceeds production capacity of the amount that can be delivered to customers for 2 consecutive days.
- City's demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Natural or man-made contamination of the water supplier's treatment or distribution system.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's plan may be implemented if other criteria dictate.

Stage 3 may terminate when TRWD terminates its Stage 3 condition, when the circumstances that caused the initiation of Stage 3 no longer prevail, or at the discretion of the City Manager or official designee.

Stage 3 may be terminated when total raw water supply in TRWD western and eastern division reservoirs reaches 55% for 30 days or lake levels reach 60%, or at the discretion of the City Manager or official designee.

Goals for Use Reduction

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by 20 percent. If circumstances warrant or if required by TRWD, the City Manager or official designee can set a goal for a greater water use reduction.

Actions Available under Stage 3, Water Emergency

The City Manager or official designee must implement any action(s) required by the Tarrant Regional Water District. In addition, the City Manager or official designee may order the implementation of any of the other actions listed below, as deemed necessary. The City of Mansfield must notify TCEQ within five business days if any mandatory measures are implemented:

All Water Users

- Prohibit landscape watering.

Exceptions:

- Foundations may be watered up to two hours on any day by handheld hose; or using a soaker hose or drip irrigation system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
- Trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.

- ~~▪ Prohibit establishment of new landscaping.~~

- Establishment of new landscaping shall be done in accordance with Section 3.5 (Procedures for Granting Variances to the Plan) ONLY.

- Vehicle washing restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.

- ~~▪ Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves.~~

City and Local Governments

In addition to actions listed above:

- Continue or initiate any actions available under Stages 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.

- Reduce city and local government water use to maximum extent possible.
- ~~Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.~~
- Landscape watering at municipal parks, golf courses, and sports fields is prohibited.

Exceptions:

- Golf course greens may be watered by hand as needed to keep them alive, however watering must be done before 10 a.m. and after 6p.m.
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by twenty percent.
- Institute a mandated reduction in deliveries to all customers. Such a reduction will be distributed as required by Texas Water Code §11.039.
- If TRWD has imposed a reduction in water available to customers, impose the same percent reduction on wholesale customers.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering at parks, golf courses, and sports fields is prohibited.

Exceptions:

- Golf course greens may be watered by hand as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m.
- ~~Playing fields with a stadium only (not surrounding landscaping) may be watered as needed to maintain league standards.~~
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by twenty percent.
- ~~Hotels, restaurants, and bars required to serve drinking water to patrons on an “on demand” basis.~~
- Hotels required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.

- Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
- Commercial and industrial water users required to reduce water use by a set percentage (20 percent is the goal for stage 3).

3.5 Procedures for Granting Variances to the Plan

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

3.6 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After two violations have occurred, utility may install a flow restrictor in the line to limit the amount of water that may pass through the meter in a 24-hour period.

- After three violations have occurred, the utility may cut off water service to the customer.

3.7 Review and Update of Drought Contingency Plan

As required by TCEQ rules, customers will review this drought contingency plan in 2014 and at least every five years thereafter. The plan will be updated as appropriate based on new or updated information.



CITY OF MANSFIELD

1200 East. Broad St.
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STAFF REPORT

File Number: 14-0860

Agenda Date: 4/29/2014

Version: 3

Status: Third and Final
Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Third and Final 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 City Parks or Recreational Facilities; 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

Third Reading

The ordinance amendment was tabled at the last meeting pending a redraft of the smoking restriction applicable to city park and recreation facilities operated by third parties. Allen Taylor modified the applicable exception to as shown below.

(5) A city park and/or public recreational facility that is operated by the governmental unit or that is leased to or operated by an outside private entity via a contract or agreement with the governmental entity may choose to designate an unenclosed area within the facility as a permitted smoking location. The area shall not be enclosed, not located within 30 feet of a playground or seating area, not located within 30 feet of a door, operable window/vent or other opening to an enclosed area and not a part of an athletic field or dugout. The operator or manager of the facility may choose to prohibit smoking at the facility at the discretion of the operator or manager. It shall be the duty of the operator or manager to either clearly mark the designated smoking area or to provide notice that smoking will not be permitted on the entire premises

Third Reading

Per Craig Magnuson's comments, the following paragraph is added to the exception clause:

(4) A person is exempt from the non-smoking provisions set forth above if the use of an electronic vaping device is at the direction or under a prescription issued by a licensed physician authorized to prescribe such devices for the treatment of medical conditions. It is intended to address the use of nebulizers or vaporizers that are prescribed for breathing treatment

First Reading

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

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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.

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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

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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 \(or Chewing or Inhaling\)?](#)
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FDA

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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-rahal-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).

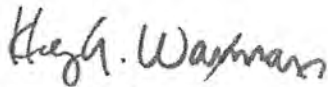
²⁵ *Id.*

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.

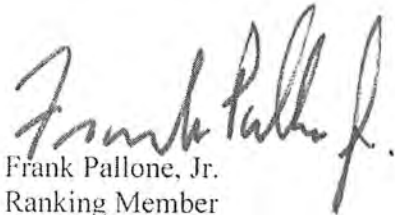
Sincerely,



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
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
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).

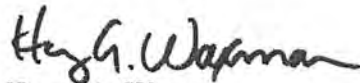
The Honorable Margaret A. Hamburg, M.D.
September 16, 2013
Page 3

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

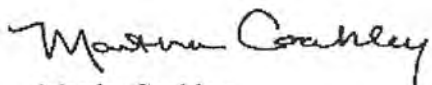
The FDA has Authority to Regulate E-cigarettes and Protect the Public

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.

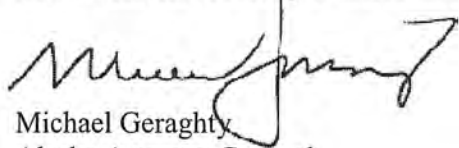
The FDA has authority to regulate electronic cigarettes as “tobacco products” under the Tobacco Control Act, as they are products “made or derived from tobacco” that are not a “drug,” “device,” or combination product. Case law, such as *Sottera, Inc. v. Food & Drug Administration*, 627 F.3d 891 (D.C. 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.

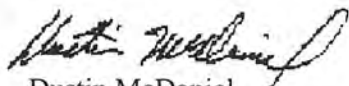
Very respectfully yours,



Martha Coakley
Massachusetts Attorney General



Michael Geraghty
Alaska Attorney General



Dustin McDaniel
Arkansas Attorney General



Mike DeWine
Ohio Attorney General

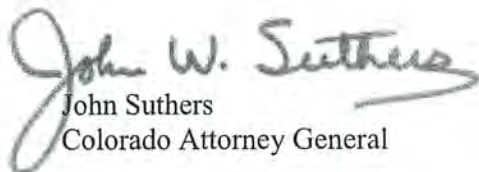


Tom Horne
Arizona Attorney General

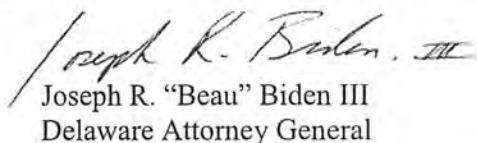


Kamala Harris
California Attorney General

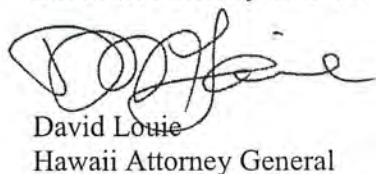
⁷ Sabrina Tavernise, *Rise Is Seen in Students Who Use E-Cigarettes*, New York Times, September 5, 2013, available at <http://www.nytimes.com/2013/09/06/health/e-cigarette-use-doubles-among-students-survey-shows.html>



John Suthers
Colorado Attorney General



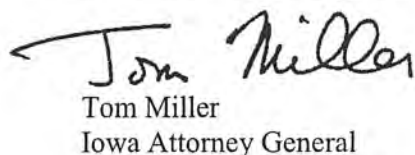
Joseph R. "Beau" Biden III
Delaware Attorney General



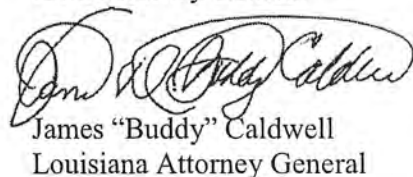
David Louie
Hawaii Attorney General



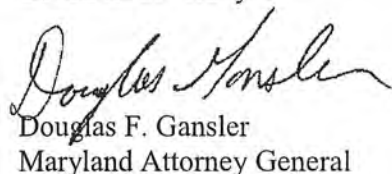
Lisa Madigan
Illinois Attorney General



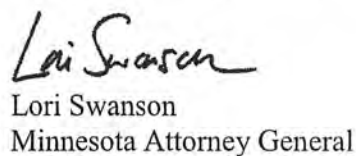
Tom Miller
Iowa Attorney General



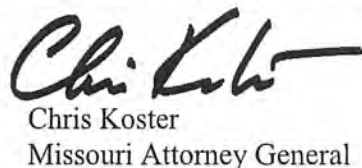
James "Buddy" Caldwell
Louisiana Attorney General



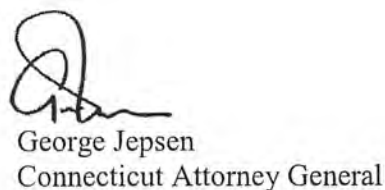
Douglas F. Gansler
Maryland Attorney General



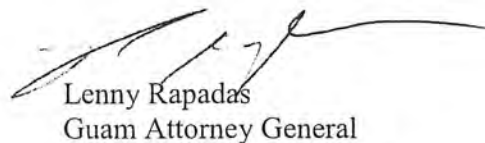
Lori Swanson
Minnesota Attorney General



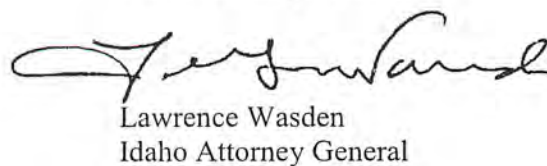
Chris Koster
Missouri Attorney General



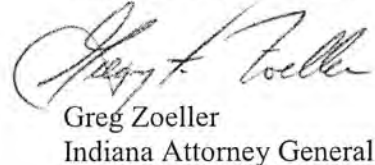
George Jepsen
Connecticut Attorney General



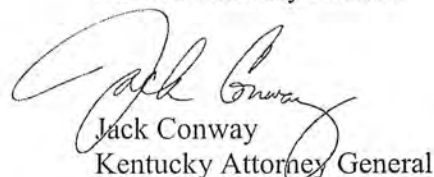
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Guam Attorney General



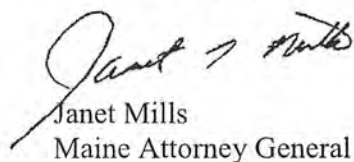
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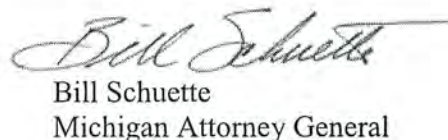
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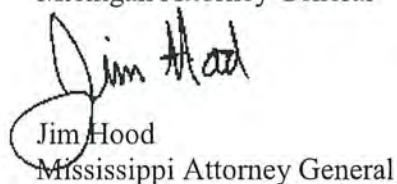
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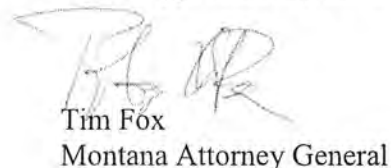
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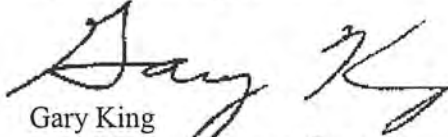
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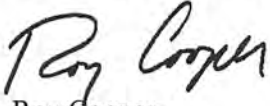
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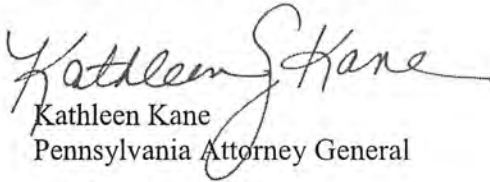
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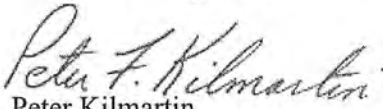
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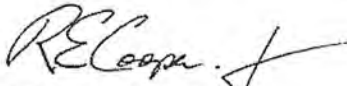
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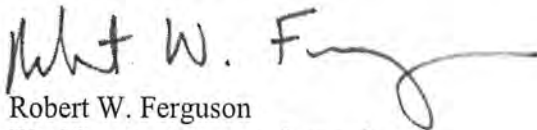
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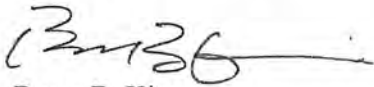
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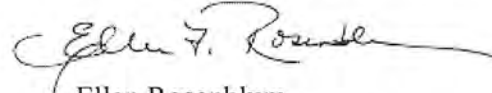
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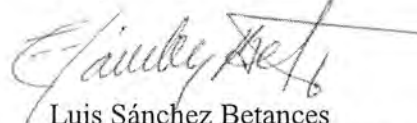
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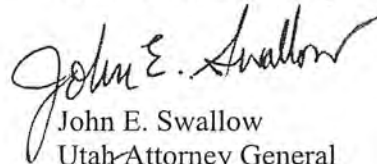
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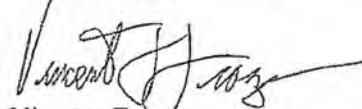
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Study documents secondhand exposure to nicotine from electronic cigarettes

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

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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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Meal Times Could Have a Significant Effect on the Levels of Triglycerides in the Liver

Feb. 5 2014 — New findings in mice suggest that merely changing meal times could have a significant effect on the levels of triglycerides in the liver. The results of this study not only have important

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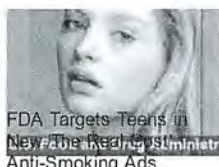
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Electronic cigarettes are unsafe and pose health risks, study finds

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 Trchounian, 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.

Journal Reference:

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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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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Nicotine Tob Res (2013) doi: 10.1093/ntr/ntt203

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Secondhand Exposure to Vapors From Electronic Cigarettes

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Received July 5, 2013.

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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.

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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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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.

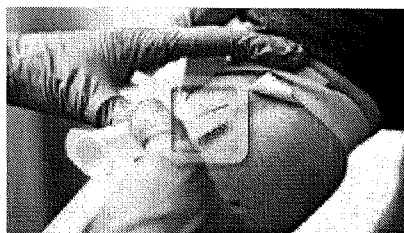
"In locales considering extending smoking bans to e-cigarettes, I think that these data weaken the case for more sweeping bans," Fairchild said. "And so this begins to answer the question about why e-cigarettes are considered better: they reduce risks to both the user and to the bystander when compared 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.

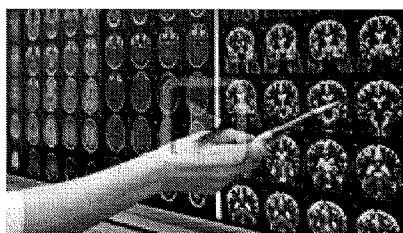
"There are potential harms, including promoting continued smoking of cigarettes and renormalizing cigarette smoking behaviors," Goniewicz said. "Regulatory agencies around the world will need to make a number of regulatory decisions about product safety that could have major effects on public health."

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 Evelliegh, 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."



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



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)

Tobacco Facts.

Cigarettes Smoking Effects. Tobacco news and cigarettes information.

New York Moves Towards Total E-Cigarette Ban

Posted on [April 29, 2010](#) | [133 Comments](#)

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."

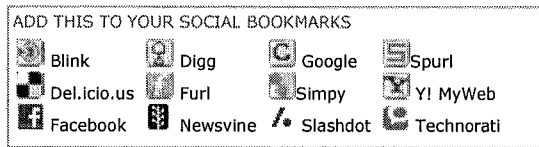
UC TRDRP supports research that focuses on the prevention, causes, and treatment of tobacco-related disease and the reduction of the human and economic costs of tobacco use in California.

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.

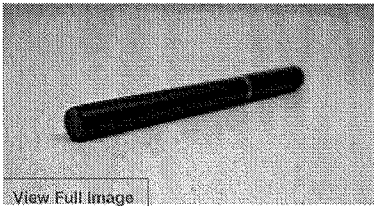
The University of California, Riverside (www.ucr.edu) is a doctoral research university, a living laboratory for groundbreaking exploration of issues critical to Inland Southern California, the state and communities around the world.

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

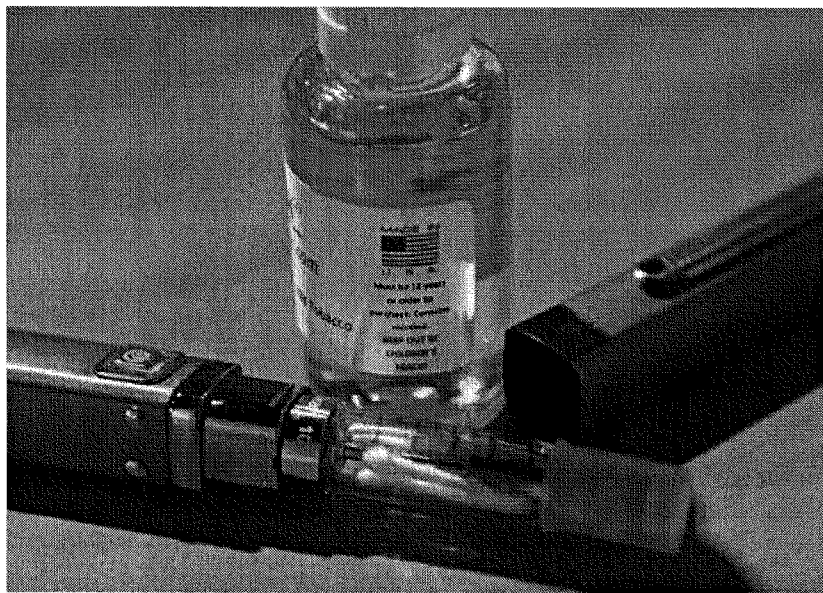
"It's really up to individual store owners not to sell to children," said Troy LeBlanc, owner of Derb E Cigs in Jeffersonton, who won't sell to anyone younger than 18. "I wouldn't be opposed to government age restrictions."

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."

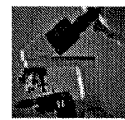
She said toddlers and preschoolers sometimes lick the containers or drink the liquid, enticed by the flavoring.

"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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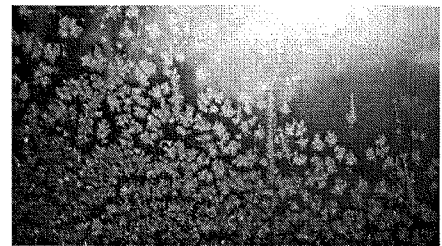


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 Jan 07, 2014

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 CITY PARKS AND RECREATIONAL FACILITIES; 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.”

“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 “Places where smoking is prohibited” of Section 92.21 “SMOKING PROHIBITED IN PUBLIC PLACES” is hereby further amended by inserting new subparagraphs 17 and 18 to read as shown below and by re-enumerating subsequent paragraphs:

“(17) Any seating area of any publicly or privately owned outdoor theater or amphitheater.

(18) City parks and recreational facilities.”

SECTION 5.

Paragraph C “Exceptions” of Section 92.21 “SMOKING PROHIBITED IN PUBLIC PLACES” is hereby further amended by inserting a new subparagraphs 4 and 5 to read as follows:

“(4) A person is exempt from the non-smoking provisions set forth above if the use of an electronic vaping device is at the direction or under a prescription issued by a licensed physician authorized to prescribe such devices for the treatment of medical conditions.

(5) A city park and/or public recreational facility that is operated by the governmental unit or that is leased to or operated by an outside private entity via a contract or agreement with the governmental entity may choose to designate an unenclosed area within the facility as a permitted smoking location. The area shall not be enclosed, not located within 30 feet of a playground or seating area, not located within 30 feet of a door, operable window/vent or other opening to an enclosed area and not a part of an athletic field or dugout. The operator or

manager of the facility may choose to prohibit smoking at the facility at the discretion of the operator or manager. It shall be the duty of the operator or manager to either clearly mark the designated smoking area or to provide notice that smoking will not be permitted on the entire premises.”

SECTION 6.

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 7.

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 8.

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 9.

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 10.

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 11.

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: 14-0881

Agenda Date: 4/29/2014

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number:

Title

Ordinance - Public Hearing and First Reading of an Ordinance of the City of Mansfield, Texas, Amending "Curfew in Parks," Chapter 96.24, Parks and Recreation of the Code of Ordinances of the City of Mansfield, Texas; and Providing an Effective Date

Requested Action

Consider approving ordinance to amend park hours.

Recommendation

Approve ordinance to amend park hours.

Description/History

Currently, all the parks in Mansfield are open from 5:00 am - 11:00 pm. Staff has recommended adjusting the hours of each park based on the activity levels, lighting within the park and the general purpose of the individual park. This item was presented to the Mansfield Park Facilities Development Corporation (MPFDC) at their March 20th meeting, and the Board voted unanimously to recommend the new park hours to the City Council.

Justification

As the parks system grows, the need for different park hours based on activity level, lighting within the park and the general purpose of the individual park will continue.

Funding Source

N/A

Prepared By

Andrew Binz, Recreation Superintendent, Community Services

andrew.binz@mansfield-tx.gov

817-804-5797

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING “CURFEW IN PARKS,” CHAPTER 96.24, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas has a large park system consisting of several individual parks; and

WHEREAS, some parks are primarily for active recreation, and some parks are for passive activities; and

WHEREAS, the City has reviewed each park’s activity level and type and determined the best operating hours for those parks;

WHEREAS, the City Council has determined that amending the park operating hours for certain parks will be in the best interest of the citizens of the City of Mansfield;

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

SECTION 1.

The “CURFEW IN PARKS,” Chapter 96.24, “PARKS AND RECREATION” of the Code of Ordinances of the City of Mansfield, Texas are hereby amended as follows:

It shall be unlawful for any person other than law enforcement personnel or employees of the Department of Parks and Recreation to enter or remain in any portion of a park, playground or recreational area when the area is closed to the public. The times during which an area is open to the public shall be posted by the city. Unless otherwise posted by the city, the hours during which parks, playgrounds, and recreational areas are open to the public are *as follows*:

High activity parks will be open from 5:00 a.m. to 11:00 p.m.

Low activity parks will be open from 5:00 a.m. to 9:00 p.m. Elmer W. Oliver Nature Park winter hours will be 5:00 a.m. to 6:00 p.m. beginning November through February.

Any lighted section of linear park trail will be open from 5:00 a.m. to 11:00 p.m. Any unlit section of linear park trail will be open from 5:00 a.m. to sundown.

A special permit may be granted by the city for organized sports or special events which *exceed the posted hours*, in which case the area containing the permitted activity shall remain open to the public until the activity ends, at which time the area shall be closed to the public.

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.

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 4.

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

First reading approved on the _____ day of _____, 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: 14-0873

Agenda Date: 4/29/2014

Version: 2

Status: Second Reading

In Control: City Council

File Type: Ordinance

Title

Ordinance - Public Hearing Continuation and Second Reading to Consider Proposed Amendment of Section 7200.B of the Zoning Ordinance Regarding Construction Standards for Residential Driveways (OA#14-003)

Requested Action

To consider the subject proposed ordinance amendments

Recommendation

The Planning and Zoning Commission held a public hearing on April 7, 2014 and voted 5 to 0 to recommend approval and further recommended that Section 7200.B.19 be amended to require a continuous span of concrete for all residential driveways. Vice-Chairman Dodson and Commissioner Polozola were absent.

Description/History

Second Reading - April 29, 2014

Per Council's instructions, new provisions have been added to the amendment to allow existing unpaved driveways to be extended using the same materials as the existing driveway (e.g. gravel, paver, etc.). However, the new provisions will not apply to an existing parking area of entirely grass.

First Reading - April 14, 2014

Section 7200 of the Zoning Ordinance requires that in residential zoning, the area upon which a vehicle is parked be paved with a concrete surface. The ordinance further restricts an extension of the driveway to no more than 12 feet towards the nearest side property line.

The purpose of the proposed amendment is to clarify that the paved concrete surface and the an extension of the residential driveway must be constructed of a solid, continuous span of concrete from edge to edge.

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 SECTIONS 7200.B.19 AND 20 OF SAID ORDINANCE REGARDING CONSTRUCTION STANDARDS FOR RESIDENTIAL DRIVEWAYS; 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:

SECTION 1.

That Paragraphs 19 and 20, Subsection B of Section 7200 of the Zoning Ordinance are hereby amended to read as follows:

“19. No vehicle shall be parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse, unless the area upon which such vehicle is parked is paved with a concrete surface. Except for expansion joints, the paved concrete surface must be constructed as a solid, continuous span of concrete from edge to edge of the paved parking area. However, a paved parking area shall not be required for a vehicle parked in a side or rear yard enclosed by an opaque screening fence at least six (6) feet in height or complies with Section 7200.B.21 below.

20. Additional Residential Driveway Standards:

- a. The maximum width of a paved driveway devoted to off-street parking in the front yard or side yard with street frontage of a lot occupied by a single-family dwelling shall not exceed twenty (20) feet plus a paved extension into the yard between the driveway and the nearest property line, not to exceed twelve (12) feet in width. Except for expansion joints, the paved extension must be constructed as a solid, continuous span of concrete from the edge of the driveway to the furthest edge of the paved extension.

- b. An existing lawful nonconforming driveway that does not conform with the requirements in Paragraph 19 above may be extended into the yard between the driveway and the nearest property line, not to exceed twelve (12) feet in width, using the same materials as the existing driveway (e.g. gravel, paver, etc.). However, an existing parking area of entirely grass cannot be extended unless the extension conforms with the pavement requirements in Sub-paragraph (a) above.
- c. Circular driveways shall not exceed sixteen (16) feet in width.
- d. All residential drive approaches shall be constructed to the width and construction standards established by the City Engineering Department.”

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.

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 4.

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 5.

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

ATTESwT:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney



CITY OF MANSFIELD

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

File Number: 14-0894

Agenda Date: 4/29/2014

Version: 1

Status: New Business

In Control: City Council

File Type: Discussion Item

Agenda Number:

Title

Consideration and Possible Action to Suspend the Procedural Rules of Council and Reschedule the Regularly Scheduled City Council Meeting of May 26, 2014 to May 27, 2014

Requested Action

Consider the suspension of the Procedural Rules of Council as set out in Section 1.02(J) "General Rules - Suspension of Rules" and reschedule the regularly scheduled City Council Meeting of May 26, 2014 to May 27, 2014.

Recommendation

Suspend the Procedural Rules of Council and reschedule the May 26, 2014 Regular City Council Meeting to May 27, 2014.

Description/History

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

Section 1.02 General Rules

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

Section 1.03 Meetings

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

Justification

May 26, 2014 is Memorial Day; therefore, City offices will be closed.

Funding Source

N/A

Prepared By

Vicki Collins, TRMC, City Secretary, City Secretary's Office
817-276-4204

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

Section 1.03 Meetings

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