

**AGENDA
FERRIS CITY COUNCIL MEETING
CITY OF FERRIS
A GENERAL LAW MUNICIPAL CORPORATION OF THE
STATE OF TEXAS, ELLIS COUNTY
AT THE
COUNCIL CHAMBERS
215 W. SIXTH STREET, FERRIS, TEXAS 75125
7:00 P.M. **TUESDAY**, JULY 5, 2011**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF FERRIS WILL MEET IN REGULAR SESSION AT 7:00 P.M. ON THE 5th DAY OF JULY 2011 AT ITS REGULAR MEETING PLACE AT 215 W. SIXTH STREET, FERRIS, TEXAS FOR THE PURPOSE OF CONSIDERING:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
	INVOCATION	
	<u>COUNCIL BUSINESS</u>	
1.	Call to order.	None
2.	Roll call to determine the presence of a quorum.	1
3.	Announcement of resignation by Mayor Rick Barrett.	None

APPROVAL OF MINUTES

4. Consider approval of meeting minutes for two City Council meetings of June 20, 2011. 2

APPROVAL OF EXPENDITURES

5. Consider ratification of expenditures for periods ending June 15, 2011 and June 17, 2011. Sep. Cov.

NEW BUSINESS

6. Consideration and action as may be appropriate regarding acceptance of the resignation of Mayor Rick Barrett. No Backup
7. Consideration and action as may be appropriate regarding the appointment to fill the vacant mayor's seat. No Backup
8. Consideration and action as may be appropriate regarding swearing in of new mayor. No Backup

9. Consideration and action as may be appropriate regarding appointment to the Ferris Main Street Association Board of Directors. 6
10. Consideration and action as may be appropriate regarding appointment of new members to the North Ellis County Coalition of Cities committee. 7
11. Consideration and action as may be appropriate regarding appointment to the Planning and Zoning Commission. 8
12. Consideration and action as may be appropriate regarding Resolution No. R-11-121 adopting a reserve policy for the general fund. 10
13. Consideration and action as may be appropriate regarding Resolution No. R-11-122 adopting a policy regarding establishing rules and regulations for the use of the Finance building for car washes. 14

DISCUSSION ITEMS

14. Discussion regarding the purchase of land from Union Pacific Railroad. 19

15. Discussion regarding a landfill pass policy at the landfill. 29
16. Discussion regarding accepting an SPCA grant for a new Animal Control truck. 30
17. Adjourn. No Backup
-

Executive Session Reservation

The City Council reserves the right to convene into an Executive Session (closed to the public) as authorized by Section 551.071(2) of the TEXAS GOVERNMENT CODE, for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Disability Assistance and Accommodation

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (972) 544-2110 two working days prior to the meeting so that appropriate arrangements can be made.

I, PAT BRADLEY, HEREBY CERTIFY
THE FOREGOING NOTICE WAS
POSTED ON OR BEFORE THE 1st DAY
OF JULY 2011 BY 5:00 P.M.

PAT BRADLEY
CITY SECRETARY

City Council Meeting Attendance Record - FY 2010-2011

CITY COUNCIL		Oct.		Nov.		Dec.	Jan.		Feb.			Mar.		Apr.		May			June		July		Aug.		Sep.	
Title	Name	4	18	1	15	6	3	18	7	7	22	7	21	4	18	2	16	19	6	20	5	18	1	15	6	19
Mayor	Rick Barrett	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	A						
Ald. PL. 1	James Starr	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P						
Ald. PL. 2	Jay Walsh	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	E	P						
Ald. PL. 3	Micheal Driggars	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	E	P						
Ald. PL. 4	Gary Ross	P	P	P	P	P	A	P	P	P	P	P	A	P	P	P	P	P	P	P						
Ald. PL. 5	Carol Wright	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Total:		6	5	6	6	6	6	5	5	6	5	6	6	5	6	6	6	5	6	5						
Mayor Pro-Tem																										
CITY STAFF		Oct.		Nov.		Dec.	Jan.		Feb.			Mar.		Apr.		May			June		Jul.		Aug.		Sep.	
Title	Name	4	18	1	15	6	3	18	7	7	22	7	21	4	18	2	16	19	6	20	5	18	1	15	6	19
City Mgr.	Eric Strong	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
City Sec.	Pat Bradley	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P						
Fin. Dir.	Melissa Garcia	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	A	P	P						
Chief/Pol.	Sam Love	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P						
DPW	Charlie James	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	A	P	A						
Fire Chief	Eddie Duran	P	P	P	P	P	P	P	A	P	P	P	A	P	P	P	P	A	P	P						
Main St.	Chuck Dart	A	A	A	P	A	A	P	A	P	A	A	P	P	A	P	P	A	A	P						
Lib. Dir.	Kathy Harrington	P	P	P	P	A	P	P	A	P	P	P	P	P	P	P	P	A	A	P						
CBO	Tim Rawlings	P	P	P	P	P	P	P	A	P	P	P	P	P	P	A	P	A	P	P						
I. T.	Doug Childers	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	A	P	P						
City Atty	Mark Goldstucker	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						
	Other Rep.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						
Total:		9	9	9	9	8	9	10	2	10	9	8	9	10	9	9	9	3	9	9						

Mayor, "Will the City Secretary call the roll?"
*The City Secretary calls each Member's position and name.
 They respond if they are present.*
 City Secretary, "Mayor, a quorum is present."

- P Present
- A Absent
- R Resigned
- D Deceased
- E End of Term

**STATE OF TEXAS
COUNTY OF ELLIS**

**THE FERRIS CITY COUNCIL MET IN A REGULAR SESSION,
JUNE 20, 2011 AT 6:30 P.M. AT MUTZ PARK, 514 S. MABEL,
FERRIS, TEXAS.**

MEMBERS PRESENT

Jim Starr, Mayor Pro Tem
Jay Walsh, Alderman Place #2
Micheal Driggars, Alderman Place #3
Gary Ross, Alderman Place #4
Carol Wright, Alderman Place #5
Bill Pardue, Former Mayor Pro Tem
Billy Dunn, Former Alderman Place #2

STAFF PRESENT

Eric Strong, City Manager
Pat Bradley, City Secretary
Kathy Harrington, Librarian
Sam Love, Police Chief
Chuck Dart, EDC/Main St. Dir

MEMBERS ABSENT

Rick Barrett, Mayor

STAFF ABSENT

Mark Goldstucker, City Attorney
Melissa Garcia, Finance Dir.
Charlie James, Public Works Dir
Eddie Duran, Fire Chief
Tim Rawlings, CBO
Doug Childers, IT

COUNCIL BUSINESS

1. Groundbreaking of the Mutz Park project.

Alderman Gary Ross spoke briefly concerning the park project and turned the ceremonial shovel of dirt.

APPROVED THIS THE 5th DAY OF JULY, 2011.

Jim Starr, Mayor Pro Tem

ATTEST:

Pat Bradley, City Secretary

**STATE OF TEXAS
COUNTY OF ELLIS**

**THE FERRIS CITY COUNCIL MET IN A REGULAR SESSION,
JUNE 20, 2011 AT 7:00 P.M. IN THE COUNCIL CHAMBERS
LOCATED AT 100 TOWN PLAZA, FERRIS, TEXAS.**

MEMBERS PRESENT

Jim Starr, Mayor Pro Tem
Jay Walsh, Alderman Place #2
Micheal Driggars, Alderman Place #3
Gary Ross, Alderman Place #4
Carol Wright, Alderman Place #5

STAFF PRESENT

Eric Strong, City Manager
Pat Bradley, City Secretary
Melissa Garcia, Finance Dir.
Chuck Dart, ECD/Main St. Dir.
Tim Rawlings, Chief Bldg. Official
Kathy Harrington, Librarian
Sam Love, Police Chief
Eddie Duran, Fire Chief
Doug Childers, IT

MEMBERS ABSENT

Rick Barrett, Mayor

STAFF ABSENT

Mark Goldstucker, City Attorney
Charlie James, Public Works Dir.

INVOCATION

The invocation was given by Doug Childers.

COUNCIL BUSINESS

1. Call to Order.

Mayor Pro Tem Starr called the meeting to order at 7:00 pm.

2. Roll Call to determine the presence of a quorum.

City Secretary Bradley called roll and determined that a quorum was present.

APPROVAL OF MINUTES

- 3. Consider approval of meeting minutes for the regular City Council meeting of June 6, 2011.**

Alderman Ross moved to approve the City Council meeting minutes of June 6, 2011. Seconded by Alderman Driggars. For: Unanimous. Motion carried 5-0-0.

APPROVAL OF EXPENDITURES

- 4. Consider ratification of expenditures for periods ending June 3, 2011.**

Alderman Wright moved to approve the expenditures for periods ending June 3, 2011. Seconded by Alderman Driggars. For: Unanimous. Motion carried 5-0-0.

NEW BUSINESS

- 5. Presentation to former City Council members.**

City Manager Eric Strong made presentations to Alderman Billy Dunn and Mayor Pro Tem Bill Pardue in appreciation of their service to the citizens of Ferris. City Manager Strong presented each of them with a clock engraved with their dates of service and positions held.

- 6. Introduction to the City Council of newest Police Officer Ray McGrough.**

City Manager Strong introduced Officer Ray McGrough to the Mayor Pro Tem, Council and audience.

- 7. Consideration and action as may be appropriate regarding moving Brenda Fogle from an alternate to a regular member of the Board of Adjustment.**

Alderman Wright moved to approve changing Brenda Fogle from an alternate to a regular position on the Board of Adjustment. Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

WORK SESSIONS

- 8. Conduct City Council member iPad training session.**

City Manager Strong gave training instructions concerning the use of the iPad to the Council.

9. Conduct budget work session.

10. Adjourn.

With no further business to come before the Council, Alderman Ross moved to adjourn the meeting. Seconded by Alderman Wright. For: Unanimous. Motion carried 5-0-0. Mayor Pro Tem Starr adjourned the meeting at 9:10 pm.

APPROVED THIS THE 5th DAY OF JULY, 2011.

Jim Starr, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Pat Bradley, City Secretary

Mark Goldstucker, City Attorney



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Appointment to Main Street Board

Two of the seats on the Main Street Board are reserved for City Council Members. Currently, Councilmember Wright fills one of those seats. The other is vacant. We need to appoint one of the council people to fill this vacancy. The time commitment is minimal, it is generally a once a month meeting on the second Monday of the month.



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Appointment to the NECCC

The North Ellis County Coalition of Cities is an organization that was formed approximately one and a half years ago. The member cities are: Red Oak, Glenn Heights, Palmer, Oak Leaf, Pecan Hill, Ovilla and Ferris. Each member city has appointed three people from their city to serve on the board. Previously, Bill Pardue, Rick Barrett and myself have served on the committee. We need to appoint new people to continue on this board. I can continue in my role, but we will need to discuss other council people who are interested. The board generally meets one time per quarter for about 2-3 hours on a Thursday evening.

The purpose of the board is to foster communication and collaborative work on things that are common to some or all of the cities. It has been a great endeavor and has really helped us in getting to know our neighbors and work better with them.



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Appointment to the P & Z Board

We have a vacancy on our Planning and Zoning board that needs to be filled. We have received an application from one of our residents, David Sacha, who has expressed an interest in serving on this board. Mr. Sacha has been very involved in several community projects since he moved to Ferris and would be a great addition to the board. I would recommend Mr. Sacha without any reservations.

This information is public record.
 Public Service Opportunities are offered by the City of Ferris without regard to
 race, color, national origin, religion, sex, or disability.

For Office Use Only
 Date Received

City of Ferris Application for Boards,
 Commissions, and Committees

INSTRUCTIONS: If applying for more than one position (maximum three), please indicate the order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 your 1st choice, #3 your last choice). If a board has more than 5 applicants per opening, interviews will only be granted to those who have chosen that board as their first choice. Please note that choosing more than one board increases the chances of being appointed. TO YOUTH ADVISOR APPLICANTS ONLY: CIRCLE "YOUTH" FOR THE APPROPRIATE BOARD(S).

	Animal Shelter Advisory Board		Library Board If applicable, circle: Youth	1	Planning & Zoning Commission
2	Board of Adjustment		Main Street Board If applicable, circle: Youth		Type A Economic Development Commission
	Housing Authority		Parks Board If applicable, circle: Youth		Type B Economic Development Commission

If asked to serve on a different board than you indicated, would you be interested? (circle one) YES NO
 Would you be interested in serving on any Ad Hoc Committee or Citizens Summit that may arise during the year? YES NO

PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION CLEARLY IN BLACK INK ONLY

- Ms.
 Mrs.
 Mr.

Mr. SACHA DAVID W.
 Last Name First Name MI
203 S. WOOD 75125 [REDACTED]
 Home Address Zip Code Home or Mobile Phone
10100 N. CENTRAL EXWY DALLAS 75231
 Business Address City Zip Code
[REDACTED] [REDACTED]
 Email Address Business Phone

YOUTH ADVISORS ONLY: School Grade in 2011-2012 (circle) 9 10 11 12

(ADULT) Resident of City for 1.2 years. (ADULT) Registered to vote in city of Ferris? YES NO

(ADULT) Resident of Ellis County? YES NO (YOUTH ONLY) Resident within Ferris ISD? YES NO

Have you ever served as a member of any Ferris boards/commissions/committees? YES NO

If YES, specify which one (s) and approximate dates of service:

MAIN STREET BOARD, DOWNTOWN HISTORIC DESIGN GUIDELINES

List any civic or community activities in which you have been involved.

DALLAS LANDMARK COMMISSION HISTORIC DISTRICT TASK FORCE; DISCIPLES OF TRINITY GALA HOST COMMITTEE

List any experience that qualifies you to serve in the position (s) sought.

REGISTERED ARCHITECT - TEXAS

Do you have any business or personal relationship with the City of Ferris that would affect your ability to have impartial judgment in City matters?

YES

NO

If YES, explain:

List your educational background.

M. ARCH - THE OHIO STATE UNIVERSITY

What is your current place of employment or business affiliation? (Please indicate if you are self-employed, a homemaker, or not employed)

ARCHITECT, ASSOCIATE IN FIRM, SENIOR PROJECT MANAGER
PERKINS+WILL ARCHITECTS

What is your occupational experience?

ARCHITECT - TEXAS 1983 - PRESENT

IF CHOSEN, WILL YOU COMMIT TO ATTENDING 75% OR MORE OF YOUR BOARD'S MEETINGS?

YES

NO

**This application is the only information considered for appointments by the City Council.
Please do not send resumes, business cards, photographs, or letters of recommendation.**

Please call (972) 544-1220 for more information about the city's boards, commissions, and committees.

NOTE: APPLICATION MUST BE SIGNED BELOW BY THE APPLICANT

Statement of Intent: "If appointed, I agree to serve on the board/commission/committee for which I have applied. I do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment as a reward to secure my appointment or confirmation, so help me God."

Date:

6/02/11

Signature:

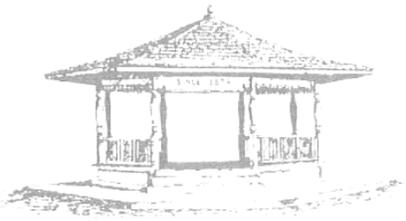


Return in person or by mail to: City of Ferris, Attn: City Secretary, 100 Town Plaza, Ferris TX 75125

Deadline for returning applications is JUNE 30, 2011 at 5 p.m.

FAX COPIES NOT ACCEPTED!

Applicants will be contacted by mail or phone to arrange for an interview with city staff and a City Council member. Interviews will be conducted in the evenings.



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Reserve Policy for General Fund

I have mentioned in past meetings the need to establish a reserve policy for the general fund. I have put together a draft of a resolution that will establish what our minimum reserves should be. For discussion purposes, I have recommended a 20% reserve (73 days). It is generally recommended that a city maintain reserves somewhere between 60 and 90 days. In our specific situation, 60 days would be approximately \$400,000 and 90 would be approximately \$600,000. 73 days works out to about \$500,000. In our deep reserve fund we currently have \$124,000.

My current projection is that we will end the year with a balance of approximately \$450,000 (although this number is difficult to pin down until we get closer to the end of the year). Adding these two numbers together will give us approximately \$575,000 which exceeds the 20% threshold, but doesn't quite get to the full 90 days.

Adopting a reserve higher or lower than 20% is fine, I put that number in there as a discussion point.

CITY OF FERRIS

RESOLUTION NO. R-11-121

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FERRIS, TEXAS, ESTABLISHING A GENERAL FUND RESERVE
POLICY**

WHEREAS, Reserves are a function of revenues, expenses and remaining fund balances; and,

WHEREAS, Fiscal stability is a critical factor in the overall health and sustainability of the City of Ferris; and,

WHEREAS, Sound financial management includes the practice and discipline of maintaining adequate reserve funds; and,

WHEREAS, It is a Council goal to keep General Fund expenditures stable, smoothing out large swings in General Fund revenues; and,

WHEREAS, It is a Council responsibility to maintain a sufficient level of reserve funds to provide for the continuation of services in the event of natural or fiscal emergency; and,

WHEREAS, It is in the City's best interest to avoid excessive reserves, and to use available funds to provide services to the community; and,

WHEREAS, The prudent level of reserves is not a static number or percentage of general fund expenditures, but instead is a function of the economic climate, exposure to risk, cash flow needs and other factors.

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

SECTION 1. The City's general underlying and overriding financial reserve strategy is to maintain the unreserved fund balance at a level of 20% of annual operating expenses, excluding capital expenses.

SECTION 2. Reserves should be evaluated, funding goals considered and the accumulation and/or expenditure of reserves determined as part of adoption of the annual budget.

SECTION 3. Throughout the budget year, due to uneven cash receipts and expenses, the actual fund balance may occasionally (less than 45 days) drop below 20%. However, this shall be short-term and expected and not due to any financial hardships.

SECTION 4. Except in the case of natural or fiscal emergencies, the City's General Fund Reserve shall not remain below 20% of budgeted General Fund expenditures for any extended period of time (extended being longer than 45 days).

SECTION 6. In the event of natural or fiscal emergencies, the General Fund Reserve level may fall below 20% for an extended period of time; however, within 6 months of the declared emergency, the City Council shall adopt a long-term financial plan to bring the General Fund Reserves up to the minimum level prescribed above.

SECTION 7. The City Manager and Director of Finance are hereby authorized and directed to implement the policy hereby established.

DULY PASSED AND APPROVED by the City Council of the City of Ferris, Texas this 6th day of July, 2011.

APPROVED:

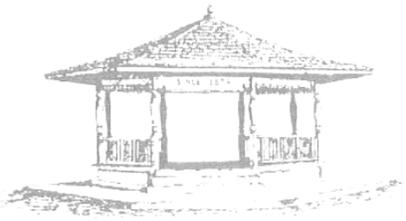
Mayor

ATTEST:

Pat Bradley, City Secretary

APPROVED AS TO FORM:

Mark Goldstucker, City Attorney



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Car Wash Policy

During the summer months we frequently have requests from organizations wanting to use our finance building to host car washes. We have historically allowed this to occur on a first come/first serve basis. However, there are no rules regarding this and we do not collect any sort of fee.

We do not have to adopt a policy on the reservation of the land, we can continue to proceed as we have been. We can also adopt a policy without a fee. However, I think what we have proposed is a nominal fee and is sufficient to cover whatever water they are using from our building.

CITY OF FERRIS

RESOLUTION NO. R-11-122

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FERRIS, TEXAS, ESTABLISHING A POLICY GOVERNING THE USE OF
THE FINANCE BUILDING PARKING LOT FOR CAR WASHES**

WHEREAS, The City of Ferris receives frequent requests for using the Finance Building for charity car washes, and;

WHEREAS, There is a minimal cost born by the city associated with the use of city water, and;

WHEREAS, The City of Ferris wishes to be fair and equitable in allowing people to host car washes while maintaining a consistent set of rules.

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

SECTION 7. The City Manager is hereby authorized and directed to implement the policy hereby established.

DULY PASSED AND APPROVED by the City Council of the City of Ferris, Texas this 6th day of July, 2011.

APPROVED:

Mayor

ATTEST:

Pat Bradley, City Secretary

APPROVED AS TO FORM:

Mark Goldstucker, City Attorney



RULES
FOR
RESERVING
FERRIS FINANCE DEPARTMENT'S PARKING LOT

The following rules must be agreed upon before permission to reserve the lot is granted. Non-adherence may result in forfeiture of all or a portion of the deposit.

HOURS OF AVAILABILITY:

Friday 6 p.m. - 10 p.m.

Saturday and Sunday

8 a.m. - 10 p.m.

FEES:

\$50 deposit

- Half of the deposit is refundable as long as water usage does not exceed 2,000 gallons

All reservation requests must be submitted to City Hall for approval seven (7) days in advance of the planned event and are limited to residents and businesses of Ferris.

A one (1) day cancellation notice shall be required to receive a deposit refund.

Reservations are only guaranteed when the reservation application is completed, all fees paid, and the reservation is approved by the City. The City of Ferris reserves the right to cancel any reservation.

The City of Ferris is not responsible to any damages incurred by any party or property while you are using the parking lot. Any damages to City property incurred during your event will be the responsibility of the individual making the reservation and will be billed accordingly.

The reserving party must agree not to leave water running for any extended amount of time.

Each group is responsible for its own cleanup. The lot must be left clean and clear of litter and other debris.

Reservation applications and deposit payments will be accepted at Ferris City Hall at the address below.

City of Ferris



**APPLICATION
FOR
RESERVING
FERRIS FINANCE DEPARTMENT'S PARKING LOT**

TODAY'S DATE	
YOUR NAME	
COMPANY and/or ORGANIZATION	
ADDRESS	
TELEPHONE NUMBER	
ALTERNATE TELEPHONE NUMBER	
DATE RESERVATION IS DESIRED	
START & END TIME OF EVENT	
EVENT DESCRIPTION:	

I have read the Reservation of the Ferris Finance Department's Parking Lot Reservation Rules and agree to abide by all of the conditions. I, the undersigned, will be held responsible for damages and adherence to these rules. I understand the water usage deposit must be included with this form in order to confirm the date and time desired.

Signature of Applicant

Print Name

Date

The City of Ferris has received deposit to reserve the above-mentioned space on the stated date and time.

City of Ferris
100 Town Plaza
Ferris, Texas 75125
972.842.8571 or 972.544.2110
Fax 972.544.8259

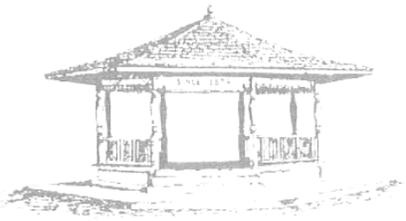
Staff Signature

\$ _____
Deposit

Receipt # _____

City of Ferris

100 Town Plaza
Ferris, Texas 75125
972.842.8571 or 972.544.2110
Fax 972.544.8259



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Railroad Discussion

I have had another meeting with Union Pacific regarding the potential purchase of land from the Railroad. I have attached several items as backup. The most important are the first few pages of backup which outlines the current proposal (from 5th Street to 7th Street). There are some catches to this proposal we need to be aware of.

1. They are only willing to sell us land if we are willing to close some of the unguarded crossings.
2. They still are technically not willing to sell us the land that the City Hall sits on. They claim it is too close to the tracks, but they will enter into a long-term lease with us for the lease of the land.

I have also enclosed some other letters we have received from them in the past few months.

There is no need to take formal action on this item at the meeting. However, I would like an understanding of exactly what land we want to purchase (we can go all the way to 9th Street) so that we can effectively continue negotiations with Union Pacific.



June 23, 2011
Folder 2667-49

City of Ferris
Attn: Mr. Eric Strong
City Manager
100 Town Plaza
Ferris, TX 75125

RE: Proposed Sale and Lease of Railroad Real Estate in Ferris, Texas

Dear Mr. Strong:

It was a pleasure meeting with you last week to talk about the future needs of the City of Ferris. This letter will outline the discussion points made in this meeting and provide the necessary information for the City Council's July 5th Meeting. As proposed:

1. The City will purchase the Property lying between the south line of 7th Street to the centerline of 5th Street and a distance 60' to 200' from main track centerline, as depicted on the attached print labeled 2667-49. The City will be required to construct and maintain a 4' tall chain link fence or other design approved by the Railroad along the track-side of the Property between 6th and 7th Streets. The Property will be deed restricted from any residential uses. The City's purchase will include a Bill of Sale for approximately 330 linear feet of Track No. 734 lying north of the south line of 7th Street. The Railroad will provide the City with the name of a salvage contractor that can remove the rail. The Purchase Price will be \$119,250.00, calculated as follows:

Sale Area (Lease)	42,500sf @ \$1.50/sf	= \$ 63,750.00
Sale Area (Streets)	55,500sf @ \$1.00/sf	= \$ <u>55,500.00</u>
		<u>\$119,250.00</u>

2. The City will enter into a 20-yr Lease for the Property lying between 5th Street and 6th Street and a distance 20' to 60' from main track centerline, as depicted on the attached print labeled 1472-19. The City will be required to construct and maintain a 4' tall chain link fence or other design approved by the Railroad along the track-side of the lease site. The one-time rent payment will be \$16,700.00, which is calculated as 11 times the annual market rent. The Lease will be terminable by the Railroad due

Real Estate

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1690
Omaha, Nebraska 68179-1690
fx. (402) 501-0340

to default by the Lessee or for operating purposes. If that occurs, the prorated unused rent will be returned to the City.

3. The Railroad will supplement the existing Lease under Folder 2234-81 to remove that portion of the area lying north of 7th Street, as depicted on the attached print. The revised rent will be established at \$2,000 per year.

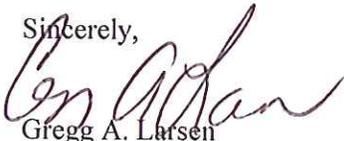
Conveyance would be effected by execution of a Deed Without Warranty. Mineral rights would be reserved by the Railroad, but without rights to use or disturb the use of the surface for mining, drilling, exploration, etc. The City will have to provide a survey if one is desired or required and secure its own title insurance policy. The property would be conveyed in a "where is, as is" basis with respect to environmental and other physical conditions; however, the purchaser will be given an adequate period of time to complete its "due diligence" investigations prior to making a commitment to purchase.

As discussed in our meeting, the sale is contingent on the City, at a minimum, closing the 7th Street and 3rd Street crossings. The closing of the "A" Street crossing was also proposed by the Railroad. As mentioned by Mr. Martchenke, the Railroad is willing to offer the City \$10,000 for the closure of 7th Street; \$15,000 for the closure of 3rd Street and \$25,000 for the closure of "A" Street. As per Mr. Martchenke, the amounts set aside for the road closures are open for negotiation to help offset the purchase price and long term rent.

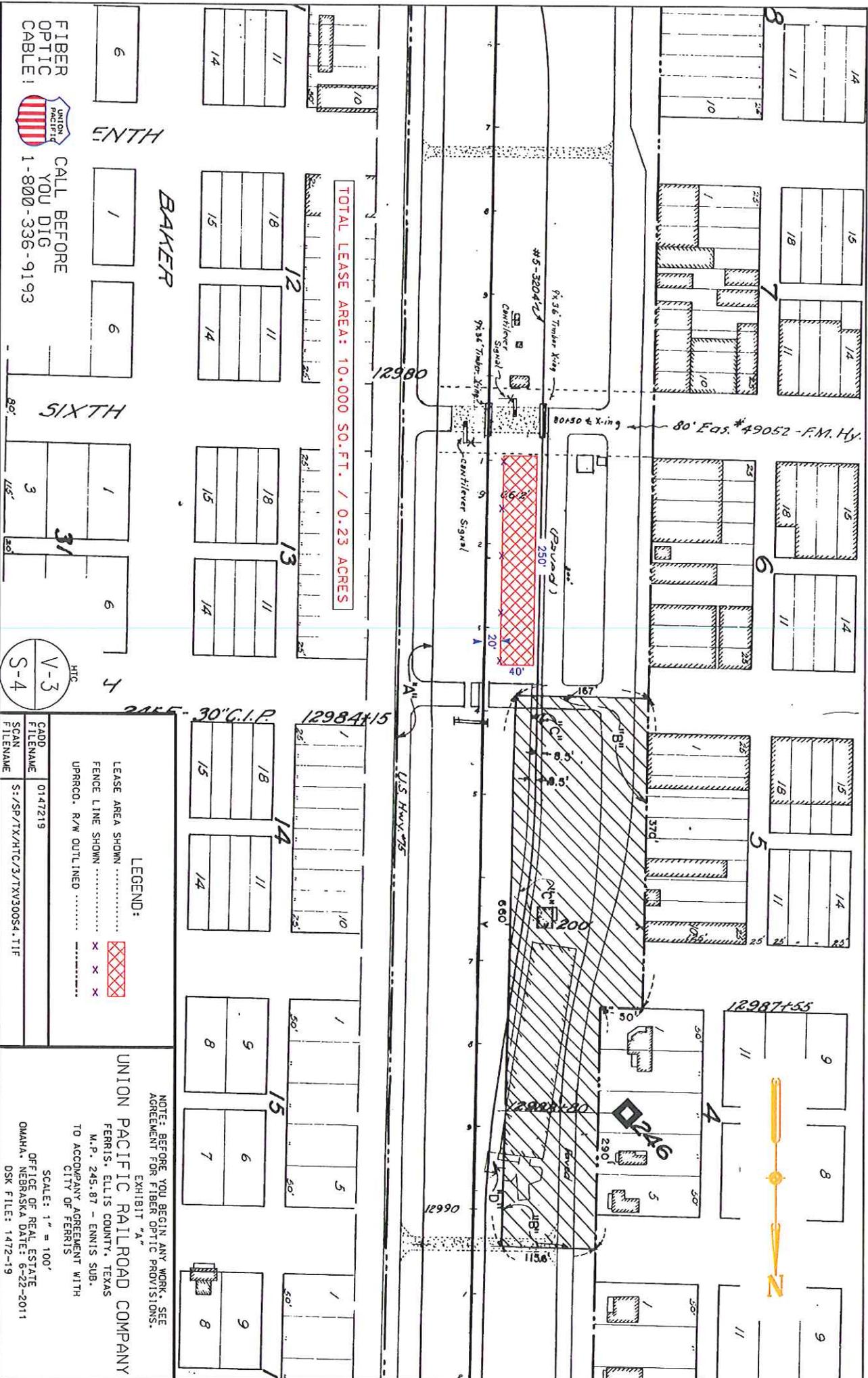
This letter should not be construed as an offer to sell the property, as all such matters are subject to the execution of a formal agreement, which includes all essential terms, as well as approval by UPRR Management and closure of certain at-grade crossings.

Should you have any questions prior to the July 5th Council Meeting please give me a call at (402) 544-8552. I look forward to discussing this with you in greater detail after the Council Meeting.

Sincerely,



Gregg A. Larsen
Senior Manager Real Estate



TOTAL LEASE AREA: 10,000 SQ. FT. / 0.23 ACRES

FIFTH
BAKER

SIXTH

FIBER OPTIC CABLE!

 CALL BEFORE YOU DIG
 1-800-336-9193

V-3
S-4
HTC

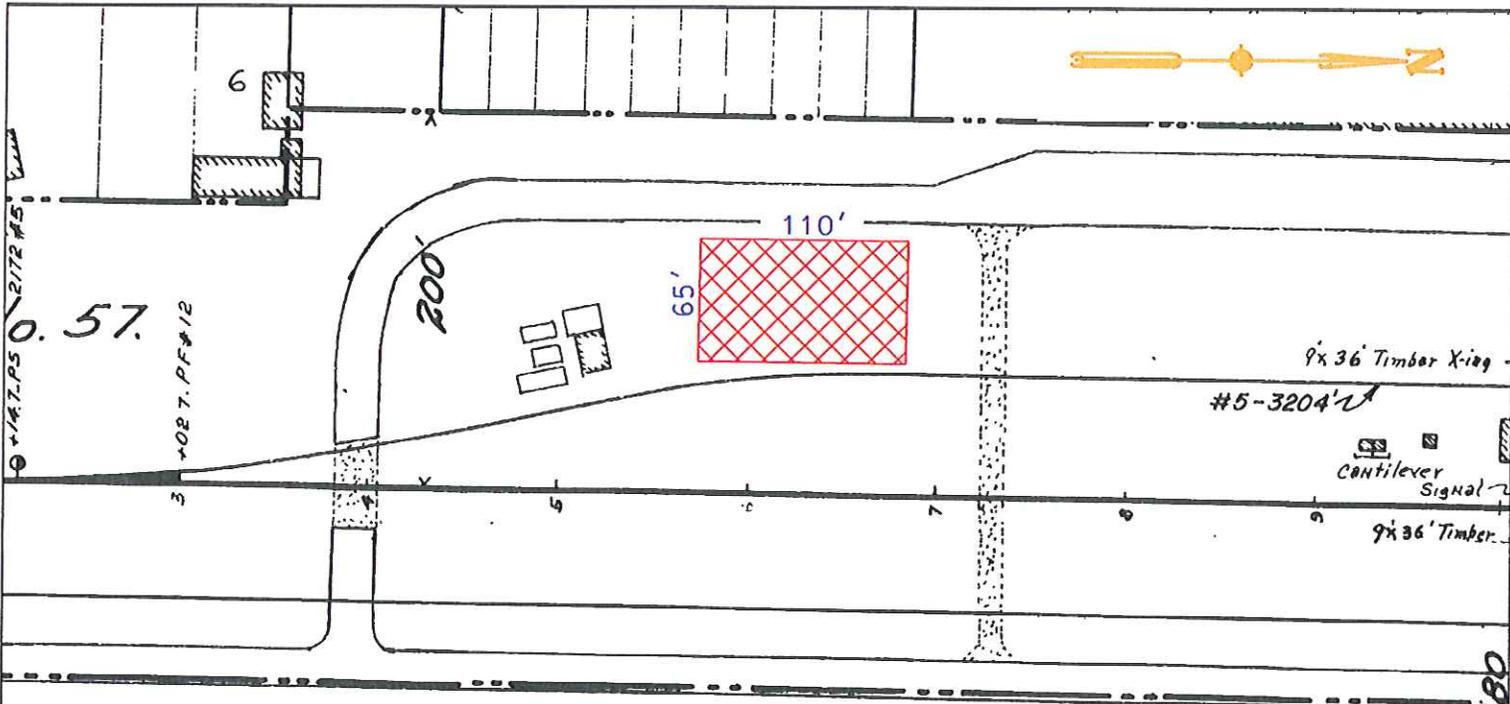
LEGEND:

- LEASE AREA SHOWN  X X X
- FENCE LINE SHOWN X X X
- UPPRGD. R/W OUTLINED - - - - -

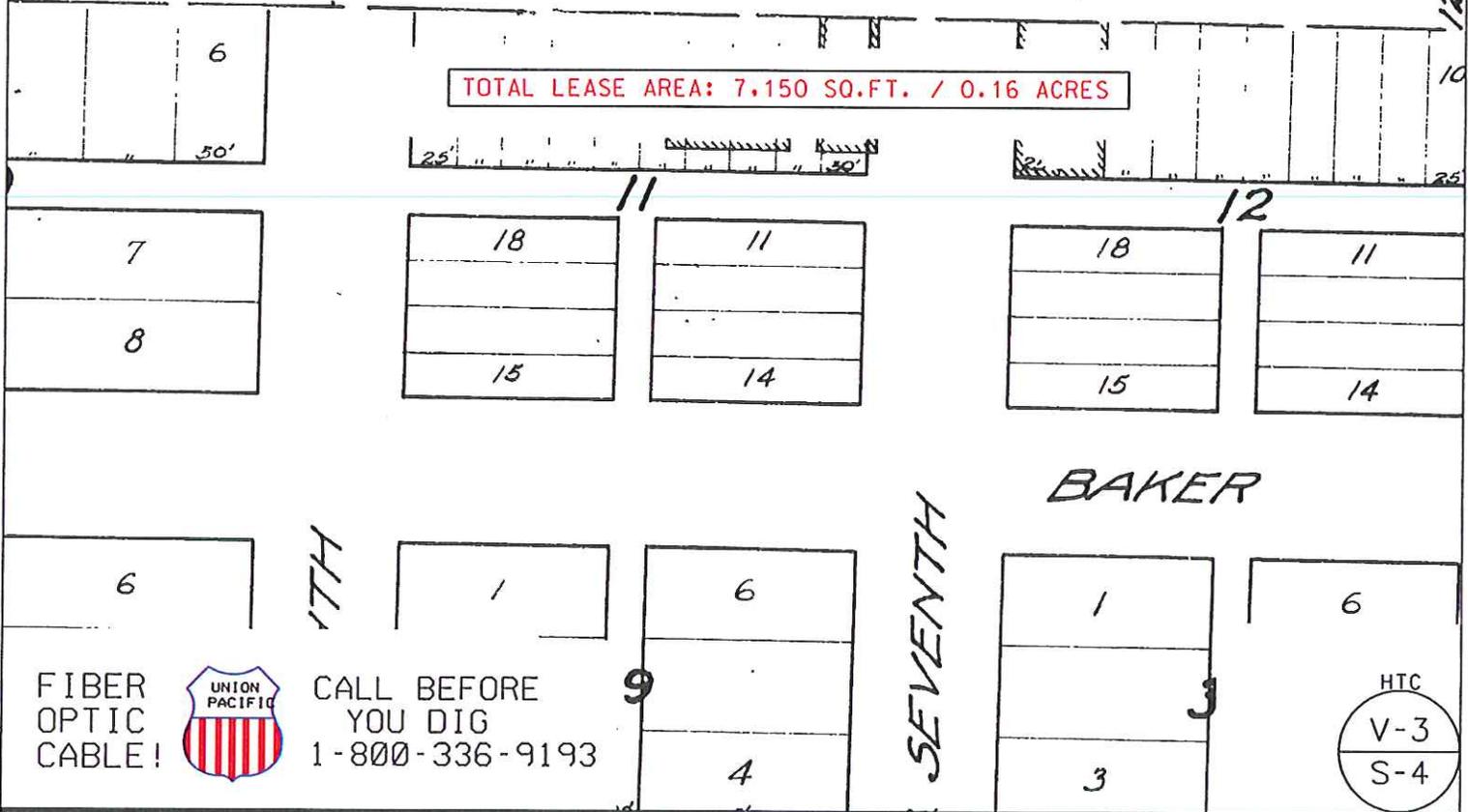
NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.
 EXHIBIT "A"
 UNION PACIFIC RAILROAD COMPANY
 FERRIS, ELLIS COUNTY, TEXAS
 M.P. 245.87 - ENNIS SUB.
 TO ACCOMPANY AGREEMENT WITH
 CITY OF FERRIS

SCALE: 1" = 100'
 OFFICE OF REAL ESTATE
 OMAHA - NEBRASKA DATE: 6-22-2011
 DSK FILE: 1472-19

CADD FILENAME	0147219
SCAN FILENAME	S:/SP/TX/HTC/3/TXV30054.TIF



TOTAL LEASE AREA: 7,150 SQ.FT. / 0.16 ACRES



LEGEND:

- LEASE AREA SHOWN
- UPRRCO. R/W OUTLINED

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS. EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY
 FERRIS, ELLIS COUNTY, TEXAS
 M.P. 245.75 - ENNIS SUB.
 TO ACCOMPANY AGREEMENT WITH CITY OF FERRIS

SCALE: 1" = 100'
 OFFICE OF REAL ESTATE
 OMAHA, NEBRASKA DATE: 6-22-2011
 DSK FILE: 2234-81

CADD FILENAME	0223481
SCAN FILENAME	S:/SP/TX/HTC/3/TXV300S4.TIF



M 664

1/3
4



S Church St

S Church St

W 7th St

W 9th St

S Main St

W 8th St

S Main St

S Main St

50'

150'

200'

S Central Ave

Bus 45

Bus 45

S Central

E 9th St



March 29, 2011
Folder 2667-49

City of Ferris, Texas
Attn: Mr. Eric Strong
City Manager
100 Town Plaza
Ferris, TX 75125

RE: Proposed Sale of Railroad Real Estate in Ferris, Texas

Dear Mr. Strong:

This letter acknowledges your recent on-site meeting with Steve Martchenke and Tom Perry with the Railroad regarding the City's purchase of land between 5th and 9th Streets ("Property") in Ferris. Based on information available to me, I am willing to recommend to my Management a sale price of \$228,250.00 for the approximate 3.63 acres of land, calculated as follows:

Area Between 5th and 6th Streets

Lease Area	110' x 250' = 27,500sf @ \$1.50/sf =	\$41,250.00	
Main Street	55' x 370' = 20,350sf @ \$1.00/sf =	\$20,350.00	
5th and 6th	95' x 120' = 11,400sf @ \$1.00/sf =	\$11,400.00	\$73,000.00

Area Between 6th and 7th Streets

Lease Area	95' x 250' = 23,750sf @ \$1.50/sf =	\$35,625.00	
Main Street	55' x 250' = 13,750sf @ \$1.00/sf =	\$13,750.00	\$49,375.00

Area Between 7th and 8th Streets

Lease Area	95' x 250' = 23,750sf @ \$1.50/sf =	\$35,625.00	
Main Street	55' x 250' = 13,750sf @ \$1.00/sf =	\$13,750.00	
7th and 8th	80' x 300' = 24,000sf @ \$1.00/sf =	\$24,000.00	\$73,375.00

Area Between 8th and 9th Streets

Main Street	100' x 325' = 32,500sf @ \$1.00/sf =	\$32,500.00	\$32,500.00
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Real Estate

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1690
Omaha, Nebraska 68179-1690
fx. (402) 501-0340

The proposed sale between 5th and 6th Streets at the location of the City Hall will be recommended at 35' from centerline of the track to take in the entire Depot. The remainder of the Property will be sold at 50' from track centerline. Please understand that the proposed sale has not yet been approved by Railroad Management and that the above is only a recommendation.

Conveyance would be effected by execution of a Deed Without Warranty. Mineral rights would be reserved by the Railroad, but without rights to use or disturb the use of the surface for mining, drilling, exploration, etc. The City will have to provide a survey if one is desired or required and secure its own title insurance policy. The property would be conveyed in a "where is, as is" basis with respect to environmental and other physical conditions; however, the purchaser will be given an adequate period of time to complete its "due diligence" investigations prior to making a commitment to purchase. The Deed will also include a restriction against residential uses and, where appropriate, will include a covenant to require fencing along the track-side of the Property.

I am uncertain at this time the disposition of the former team track running across the Property. This will need to be resolved prior to going to Contract. Also, if the City is interested in the portion between 7th and 8th Streets, the Lease with J.M. Toomey will be assigned to the City at Closing.

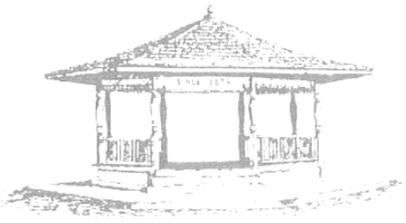
This letter should not be construed as an offer to sell the property, as all such matters are subject to the execution of a formal agreement, which includes all essential terms, as well as approval by UPRR Management.

Should the City have an interest in discussing the above information in greater detail, please give me a call at (402) 544-8552.

Sincerely,



Gregg A. Larsen
Senior Manager Real Estate



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Landfill Dumping Policy

I believe most of you are aware, but per our agreement with Waste Management, we provide free waste disposal to Ferris residents and Ferris businesses at the landfill. This does not only include curbside pickup, but we also have a program in which residents or businesses can come by City Hall with a load of trash and request a “dump pass”. After providing proof of residency or business affiliation, they are then asked if all the waste they are transporting to the landfill originated from Ferris. If it did, we give them a pass for free disposal at the landfill. If it didn't, they are required to pay the landfill the going rate for their waste.

We are pretty certain that several businesses are bringing in waste from other places and not being honest about where the waste is coming from. They are getting the benefit of free disposal, which is costing both the City and Waste Management money.

The only two ways I can think of to prevent this is by putting restrictions on the disposal. We could either restrict the number of loads that a business takes, or we could restrict how often they can take a load to the landfill. This isn't an action item yet, merely a discussion item. I would like to get feedback and direction from you on what, if anything, you would like us to do going forward.



MEMORANDUM

DATE: July 5, 2011
FROM: City Manager
TO: Mayor and City Council

SUBJECT: Animal Control Truck Grant

Tim has applied for a grant through the SPCA to replace the bed of the Animal Control truck with one that has a more appropriate cage on the back of it. Currently the cage we have is for hunting dogs and can hold two animals. The one that we have applied for is stainless steel and has six cages.

We have received confirmation that they will provide a grant provided that we are willing to match with funds of our own. They are willing to provide the bed, which is a value of approximately \$12,000, if we are willing to match by putting forth \$6,000 of our own.



DEERSKIN MFG. INC.
 PO BOX 127 SPRINGTOWN, TEXAS 76082
 (800) 880-6089 FAX (817) 523-6685
www.deerskinmfg.com



ACCM6G

SPECIFICATIONS FOR 6 COMPARTMENT CHASSIS MOUNT ANIMAL CONTROL UNITS

ACCM6G To Fit Chevy, Ford, Dodge; 8' Bed Only (56" cab to axle-¾ Ton Vehicle Recommended)

Overall Dimensions: 80" wide, 52" tall overall, 106" long

Compartment Dimensions:

Storage Compartment: 22" wide, 35" tall, 80" deep

Animal Compartments:

Street Side:	Front 28"W x 35"H x 40"Deep	Inside Dimensions
	Center 25"W x 26"H x 40"Deep	Inside Dimensions
	Center 25"W x 26"H x 40"Deep	Inside Dimensions
Curb Side:	Front 28"W x 35"H x 40"Deep	Inside Dimensions
	Center 25"W x 26"H x 40"Deep	Inside Dimensions
	Center 25"W x 26"H x 40"Deep	Inside Dimensions

Construction:

- *Basic frame is 2" x 2" welded steel tubing with a Superstructure of 1" x 1" welded steel tubing.
- *All steel is hot dipped galvanized before covering.
- *The ceiling contains 4" foam insulation and the front, back and bottom contain 1" foam insulation to provide a 15-20 degree cooler temperature within each animal compartment.
- *Units are waterproof, corrosion resistant, and chew proof.
- *The interior and exterior material is 20 gauge stainless steel.



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- *The ceilings consist of .050 aluminum with a roof of 1/8" aluminum diamond plate.
- *Doors are made with 12 gauge stainless steel and hinged from the front with a continuous stainless steel hinge.
- *Doors have positive locking tee handles, keyed alike.
- *Doors have adjustable louvered aluminum vents with perforated inside grilles.
- *Storage compartment floors are carpeted.
- *The storage compartment doors are solid (with no vents).
- *Units are equipped with LED marker lights, LED stop and tail lights, LED dual backup lights, and four way flashers.
- *The body is mounted to the vehicle frame with eight (8) angle brackets.

Included Equipment

- 1-12 Volt Exhaust Fan installed in the roof of the unit to exhaust heat from each compartment. Each fan is 800 CFM which exceeds manufactures rating.
- 6-Interior lights installed in each compartment with all switches mounted on the dash of the vehicle.
- 3-Swinging partitions installed in compartments and can be opened to create a pass through compartment between each side of the unit.

Price for unit per above specifications \$ 10950.00

*****OPTIONAL EQUIPMENT AVAILABLE*****

Backup Alarm-PM #781

Secondary Safety Doors—These doors are located inside the primary door and are constructed of 125 aluminum with 3/4" holes punched for ventilation and a catch pole cutout.

One Way Safety Doors-These doors are located inside the primary door and are constructed of 1X2 aluminum. Each one way door will have two(2) spring loaded 125 aluminum panels to ease loading but still prevent escape until one way door is opened. Each one way door is equipped with positive latches and 3/4" holes punched for ventilation.

Top Luggage Rack-This rack is installed on top of unit for additional storage. The rack is constructed of 1 1/2 X 1 1/2 square aluminum tubing welded.

Emergency Strobe-Federal Signal Model 450112- measures 16" long and 5" high and 7" wide with (2) 55 watt halogen bulbs, reflectors and amber colored dome, wired with #12 thermoplastic wire with fused circuit breaker, and dash mounted switches.

Air Conditioning System-Red Dot Model R-6100 Unit is 20,000 BTU with add on compressor to truck engine. (Rangers, S-10's, Toyotas, etc are not adaptable to brackets for added compressors.)

Auxiliary Heating-Red Dot Model R-254-4- A 20,000 BTU directional air louvered heater.

Patio Storage Bumper-The bumper is constructed of steel and is 82" long and 15" wide, painted



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with automotive polyurethane paint, and has a storage compartment in the center.

Step Bumper-The bumper is constructed of steel and is 82" long and 6" wide, painted with automotive polyurethane paint.

Rubber Mats-Constructed of 1/2" thick, chew proof rubber mats to fit the floor of the compartment.

Rear Flood Lights (2) 4 X 6 Quartz floodlights mounted on the rear of the unit.

Dead Animal Pan-This is available to fit the rear compartments only. It is constructed of aluminum and has four raised sides and handles on each end can be fitted in the rear compartments for loading dead animals.

Pet Step-Constructed of polypropylene, with a size of 70" L (35" L when folded) X 18" W with universal rubberized grips to fit any vehicle.

Deerskin Lift System-Slide out cage housed in curb side front compartment to assist in lifting large animals. Powered by an 1800# 12 volt, cable winch, the cage lowers to curb height and is capable of lifting 200 pounds.

Dead Animal Box with Lift Gate-Located in the rear center of the unit, with a electric lift gate capable of lifting 1000 pounds.

Directional Light Bar-Federal Signal Model 321112-Traffic advisor located on the rear of the unit, placed at center top to advise traffic of the vehicles location.

Door Checks-Mounted inside the cage attached to the primary door, used to hold the door in open position while loading/unloading animals.

Digital Thermometer-Mounted on dash of truck with the probe located inside animal unit to monitor temperature while vehicle is in use.

Visit Our Web Page at <http://www.deerskinmfg.com>