

AGENDA
JOINT MEETING OF THE
FERRIS CITY COUNCIL & PLANNING AND ZONING COMMISSION
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
6:00 P.M. MONDAY, APRIL 20, 2015

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF FERRIS WILL MEET IN JOINT SESSION AT 6:00 P.M. ON THE 20TH DAY OF APRIL, 2015 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>
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COUNCIL BUSINESS

- | | | |
|----|---|---|
| 1. | Call to order. <ul style="list-style-type: none"> • Invocation • Pledge of Allegiance | Ø |
| 2. | Roll call of the City Council to determine the presence of a quorum. | 1 |
| 3. | Roll call of the Planning and Zoning Commission to determine the presence of a quorum. | 2 |

CONSENT AGENDA – CITY COUNCIL

4. All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- Minutes of April 6, 2015 City Council meeting 3
 - Expenditures for the periods ending March 31, 2015 and April 3, 2015
- Sep. Cov.

APPROVAL OF MINUTES – PLANNING AND ZONING COMMISSION

5. Consider approval of meeting minutes for the Joint City Council and Planning and Zoning meeting of March 16, 2015. 6

PUBLIC COMMENT

6. The City Council welcomes comments from the public. Those wishing to speak must sign in with the City Secretary before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers must observe a three minute time limit. Total time allocation for Public Comments is fifteen minutes. Groups of individuals wanting to discuss the same item must select one spokesperson. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action. 0

DISCUSSION

7. Discussion regarding Zoning Change Application No. 15FER-ZON001 filed by Trinity Materials, Inc. for a change in zoning from Commercial Corridor and Commercial Neighborhood Retail to Planned Development-4 on property located at Lot 10A Block 5 in the OT Ferris Subdivision, Ferris, Ellis County, Texas generally located on approximately .9542 acres located west of North Main Street and north of West Fifth Street. 12

JOINT PUBLIC HEARING

8. Open Public Hearing. 0

- 9. Conduct Joint Public Hearing to consider Zoning Change Application No. 15FER-ZON001 filed by Trinity Materials, Inc. for a change in zoning from Commercial Corridor and Commercial Neighborhood Retail to Planned Development-4 on property located at Lot 10A Block 5 in the OT Ferris Subdivision, Ferris, Ellis County, Texas generally located on approximately .9542 acres located west of North Main Street and north of West Fifth Street. Ø
- 10. Close Public Hearing. Ø

PLANNING AND ZONING COMMISSION BUSINESS

- 11. Final report by the Planning and Zoning Commission regarding Zoning Change Application No. 15FER-ZON001 filed by Trinity Materials, Inc. for a change in zoning from Commercial Corridor and Commercial Neighborhood Retail to Planned Development-4 on property located at Lot 10A Block 5 in the OT Ferris Subdivision, Ferris, Ellis County, Texas generally located on approximately .9542 acres located west of North Main Street and north of West Fifth Street. 12

COUNCIL BUSINESS

- 12. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-790 amending the Zoning Ordinance and the Official Zoning Map by approving Zoning Change Application No. 15FER-ZON001 filed by Trinity Materials, Inc. for a change in zoning from Commercial Corridor and Commercial Neighborhood Retail to Planned Development-4 on property located at Lot 10A Block 5 in the OT Ferris Subdivision, Ferris, Ellis County, Texas generally located on approximately .9542 acres located west of North Main Street and north of West Fifth Street. 12

CLOSING – PLANNING AND ZONING COMMISSION

- 13. Adjourn: Planning and Zoning Commission. Ø

ORDINANCES

- | | | |
|-----|--|----|
| 14. | Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-787 establishing a “Code of Conduct” for public officials and city employees. | 22 |
| 15. | Discussion, consideration and action as may be appropriate regarding Ordinance No. O-15-789 amending the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015. | 36 |

EXECUTIVE SESSION

- | | | |
|-----|---|---|
| 16. | Announcement by the presiding officer that a closed meeting will take place as authorized by Section 551.074 of the Texas Open Meetings Act – “Personnel Matters”. A governmental body may conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a city officer or employee, or to hear complaints or charges against such officer or employee, unless such officer or employee request a public hearing. | |
| | <ul style="list-style-type: none"> • Evaluation of City Secretary, Destiny Wright, and City Manager, Dennis Burn, and discussion of future consideration for their positions. | Ø |
| 17. | Adjourn the Public Meeting. | Ø |
| 18. | Conduct Executive Session as authorized by Section 551.074 of the Texas Open Meetings Act – “Personnel Matters”. | |
| | <ul style="list-style-type: none"> • Evaluation of City Secretary, Pat Bradley, and City Manager, Dennis Burn, and discussion of future considerations for their positions. | Ø |
| 19. | Reconvene into Open Session. | Ø |
| 20. | Action as a result of above-listed Executive Session. | Ø |

CLOSING

- | | | |
|-----|----------|---|
| 21. | Adjourn. | Ø |
|-----|----------|---|

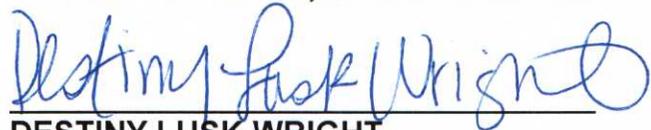
Executive Session Reservation

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.

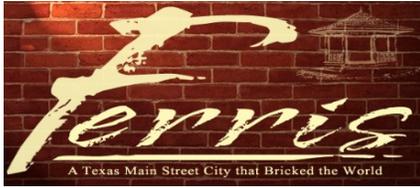
Disability Assistance and Accommodation

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, DESTINY LUSK WRIGHT, HEREBY CERTIFY THE FOREGOING NOTICE WAS POSTED ON OR BEFORE THE 17TH DAY OF APRIL, 2015 BY 5:00 P.M.



DESTINY LUSK WRIGHT
CITY SECRETARY



City Council

Meeting Attendance Record 2014-2015

City Council		Oct.		Nov.		Dec.		Jan.		Feb.		March		Apr.		May		June		July		Aug.		Sept.	
Title	Name	6	20	3	17	1	15	5	20	2	17	2	16	6	20	4	18	1	15	6	20	3	17	8	21
Mayor	Micheal Driggers	P	A	P	P	-	P	-	P	P	P	P	P	P											
Mayor Pro Tem	James Starr	P	P	P	P	-	P	-	P	P	P	P	P	P											
Alderman, Place 2	Jay Walsh	P	P	P	P	-	A	-	P	P	P	P	P	P											
Alderman, Place 3	Angela Bruner	P	P	P	P	-	P	-	P	A	P	P	P	P											
Alderman, Place 4	Gary Ross	P	A	P	A	-	P	-	P	P	A	P	P	P											
Alderman, Place 5	Carol Wright	P	P	P	P	-	P	-	P	P	P	P	P	P											
Total:		6	4	6	5	-	5	-	6	5	5	6	6	6											

City Staff		Oct.		Nov.		Dec.		Jan.		Feb.		March		Apr.		May		June		July		Aug.		Sept.	
Title	Name	6	20	3	17	1	15	5	20	2	17	2	16	6	20	4	18	1	15	6	20	3	17	8	21
City Manager	Dennis Burn	P	P	P	P	-	P	-	P	P	P	P	P	P											
City Secretary	Destiny Wright	P	P	P	P	-	P	-	P	P	P	P	P	P											
City Attorney	Kent Hofmeister	P	A	A	A	-	A	-	A	A	A	A	A	A											
Fire Chief	Tim Birdwell	P	P	P	P	-	P	-	P	P	P	P	P	P											
I.T. Director	Doug Childers	P	P	P	P	-	P	-	P	P	P	P	P	P											
Eco. Dev. Coordinator	Chuck Dart	P	P	P	A	-	P	-	P	P	P	P	P	P											
Finance Director	Melissa Gonzalez	P	P	P	P	-	A	-	P	P	P	P	P	A											
Library Director	Kathy Harrington	P	P	P	P	-	P	-	P	P	P	A	P	P											
Chief Building Official	Bill Jordan	P	P	P	P	-	P	-	P	P	P	P	P	P											
Police Chief	Sam Love	P	P	P	P	-	P	-	A	P	P	A	P	P											
Total:		10	9	9	8	-	8	-	8	9	9	7	9	8											

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



PLANNING AND ZONING COMMISSION MEETING ATTENDANCE RECORD

2014-2015

PLANNING AND ZONING COMMISSION			Sep	Nov	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep			
Place	Name	Title	25	20	17	16	20	28	25	23	27	24			
Place 1	Jim Kay	Chair	P	P	P	P									
Place 2	Rudy Amor	Commissioner	A	P	P	P									
Place 3	Bill Malloy	Commissioner	P	P	P	P									
Place 4	Vacant	Commissioner	-	-	-	-									
Place 5	Charles Hatfield	Vice Chair	P	P	P	P									
Place 6	Christi Farish	Commissioner	A	P	A	P									
Place 7	Richard Barrett	Commissioner	P	P	P	P									
Total Present:			4	6	5	6									

A quorum of the commission is 4 members.

City Staff		Sep	Nov	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep			
Title	Name	25	20	17	16	20	28	25	23	27	24			
City Manager	Dennis Burn	P	P	P	P									
City Secretary	Destiny Wright	P	P	P	P									
Building Official	Bill Jordan	P	P	P	P									
Total Present:		3	3	3	3									

Chairman- "Will the Secretary please call the roll."
 The Secretary calls each member's position and name.
 They respond if they are present.
 Secretary- "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
APRIL 6, 2015 AT 6:00 P.M. IN THE COUNCIL CHAMBERS
LOCATED AT 215 W. SIXTH STREET, FERRIS, TEXAS.**

MEMBER ATTENDANCE		
Mayor	Micheal Driggars	P
Mayor Pro Tem	James Starr	P
Alderman, Place 2	Jay Walsh	P
Alderman, Place 3	Angela Bruner	P
Alderman, Place 4	Gary Ross	P
Alderman, Place 5	Carol Wright	P

STAFF ATTENDANCE		
City Manager	Dennis Burn	P
City Secretary	Destiny Wright	P
City Attorney	Kent Hofmeister	A
Fire Chief	Tim Birdwell	P
I.T. Director	Doug Childers	P
Eco. Dev. Coordinator	Chuck Dart	P
Finance Director	Melissa Gonzalez	A
Library Director	Kathy Harrington	P
Chief Building Official	Bill Jordan	P
Police Chief	Sam Love	P

COUNCIL BUSINESS

1. Call to order.

- **Invocation**
- **Pledge of Allegiance**

Mayor Driggars called the meeting to order at 6:00 P.M. The invocation was given by Doug Childers.

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

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

CONSENT AGENDA

- 3. All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.**

- **Minutes of March 16, 2015 Joint City Council and Planning and Zoning meeting**
- **Expenditures for the period ending March 20, 2015**

Alderman Ross moved to approve the Consent Agenda. Seconded by Mayor Pro Tem Starr. For: Unanimous. Motion carried 5-0-0.

PUBLIC COMMENT

4. **The City Council welcomes comments from the public. Those wishing to speak must sign in with the City Secretary before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers must observe a three minute time limit. Total time allocation for Public Comments is fifteen minutes. Groups of individuals wanting to discuss the same item must select one spokesperson. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.**

Marty Hiles, representative for the group “Texas Concerned Citizens”, spoke about the high speed rail and asked if the City has been receiving automatic phone calls regarding the project. The City has not received those calls.

RESOLUTION

5. **Discussion, consideration, and action as may be appropriate regarding Resolution No. R-15-184 authorizing and approving the formation of the Community Development Sub-Regional Planning Commission (CDSRPC).**

Mayor Pro Tem Starr moved to approve Resolution No. R-15-184. Seconded by Alderman Bruner. For: Unanimous. Motion carried 5-0-0.

NEW BUSINESS

6. **Discussion, consideration, and action as may be appropriate regarding appointing one member of the City Council to serve on the CDSRPC governing board.**

Alderman Ross moved to appoint Alderman Wright to serve on the CDSRPC governing board. Seconded by Mayor Pro Tem Starr. For: Unanimous. Motion carried 5-0-0.

CLOSING

7. Adjourn.

Alderman Walsh moved to adjourn the meeting. Seconded by Alderman Wright. For: Unanimous. The motion carried 5-0-0. With no further business to come before the council, Mayor Driggars adjourned the meeting at 6:09 P.M.

APPROVED THIS THE 20TH DAY OF APRIL, 2015.

Micheal L. Driggars, Mayor

ATTEST:

APPROVED AS TO FORM:

Destiny Lusk Wright, City Secretary

Kent Hofmeister, City Attorney

**STATE OF TEXAS
COUNTY OF ELLIS**

THE FERRIS CITY COUNCIL MET IN A JOINT SESSION WITH THE PLANNING AND ZONING COMMISSION MARCH 16, 2015 AT 6:00 P.M. IN THE COUNCIL CHAMBERS LOCATED AT 215 W. SIXTH STREET, FERRIS, TEXAS.

COUNCIL ATTENDANCE		
Mayor	Micheal Driggars	P
Mayor Pro Tem	James Starr	P
Alderman, Place 2	Jay Walsh	P
Alderman, Place 3	Angela Bruner	P
Alderman, Place 4	Gary Ross	P
Alderman, Place 5	Carol Wright	P

STAFF ATTENDANCE		
City Manager	Dennis Burn	P
City Secretary	Destiny Wright	P
City Attorney	Kent Hofmeister	A
Fire Chief	Tim Birdwell	P
I.T. Director	Doug Childers	P
Eco. Dev. Coordinator	Chuck Dart	P
Finance Director	Melissa Gonzalez	P
Library Director	Kathy Harrington	P
Chief Building Official	Bill Jordan	P
Police Chief	Sam Love	P

COMMISSION ATTENDANCE		
Chair	Jim Kay	P
Commissioner, Place 2	Rudy Amor	P
Commissioner, Place 3	Bill Malloy	P
Commissioner, Place 4	Vacant	-
Vice Chair	Charles Hatfield	P
Commissioner, Place 6	Christi Farish	P
Commissioner, Place 7	Richard Barrett	P

COUNCIL BUSINESS

1. Call to order.

- **Invocation**
- **Pledge of Allegiance**

Mayor Driggars called the meeting to order at 6:00 P.M. The invocation was given by Alderman Ross.

2. Roll call of the City Council to determine the presence of a quorum.

City Secretary Wright called roll and determined that a quorum of the City Council was present.

- 3. Roll call of the Planning and Zoning Commission to determine the presence of a quorum.**

City Secretary Wright called roll and determined that a quorum of the Planning and Zoning Commission was present.

CONSENT AGENDA – CITY COUNCIL

- 4. All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.**

- **Minutes of March 2, 2015 City Council meeting**
- **Expenditures for the periods ending February 17, 2015, March 2, 2015, and March 6, 2015**

Alderman Ross moved to approve the Consent Agenda. Seconded by Alderman Bruner. For: Unanimous. Motion carried 5-0-0.

APPROVAL OF MINUTES – PLANNING AND ZONING COMMISSION

- 5. Consider approval of meeting minutes for the Joint City Council and Planning and Zoning meeting of February 17, 2015.**

Vice Chair Hatfield moved to approve the meeting minutes for the Joint City Council and Planning and Zoning meeting of February 17, 2015. Seconded by Commissioner Barrett. For: Unanimous. Motion carried 6-0-0.

PUBLIC COMMENT

- 6. The City Council welcomes comments from the public. Those wishing to speak must sign in with the City Secretary before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers must observe a three minute time limit. Total time allocation for Public Comments is fifteen minutes. Groups of individuals wanting to discuss the same item must select one spokesperson. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.**

Sharon Harris expressed her support to allow for the removal of a billboard and the erection of a billboard in another location (Agenda Item 13) as well as support to establish the Residential Economic Incentive Program (Agenda Item 15). Mrs. Harris also suggested a community wide cleanup to address code enforcement issues as well as a request to repair pot holes throughout the City.

Tina Miller expressed her support to allow for the removal of a billboard and the erection of a billboard in another location (Agenda Item 13).

DISCUSSION

- 7. Discussion regarding the approval of an amendment to the Zoning Ordinance by (1) amending Article 1, Division 15, Section 2 by adding a definition for “Clothing Store” and by (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table.**

City Manager Burn informed Council and the Commission that the City has received an application for a Certificate of Occupancy for a clothing store. Currently, clothing stores are not addressed in the Zoning Ordinance. No action taken for Agenda Item 7.

PUBLIC HEARING

- 8. Open Public Hearing.**

Mayor Driggars opened the Public Hearing at 6:10 P.M.

- 9. Conduct Public Hearing to consider the approval of an amendment to the Zoning Ordinance by (1) amending Article 1, Division 15, Section 2 by adding a definition for “Clothing Store” and by (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table.**

No comments made.

- 10. Close Public Hearing.**

Mayor Driggars closed the Public Hearing at 6:10 P.M.

PLANNING AND ZONING COMMISSION BUSINESS

- 11. Final report by the Planning and Zoning Commission regarding the approval of an amendment to the Zoning Ordinance by (1) amending Article**

1, Division 15, Section 2 by adding a definition for “Clothing Store” and by (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table.

Commissioner Barrett moved to recommend approval of an amendment to the Zoning Ordinance by (1) amending Article 1, Division 15, Section 2 by adding a definition for “Clothing Store” and by (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table. Seconded by Vice Chair Hatfield. For: Unanimous. Motion carried 6-0-0.

COUNCIL BUSINESS

- 12. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-788 amending the Zoning Ordinance by (1) amending Article 1, Division 15, Section 2 by adding a definition for “Clothing Store” and by (2) amending Article 2, Division 20, Section 1 by adding the aforementioned to the Permitted Use Table.**

Alderman Walsh moved to approve Ordinance No. O-15-788. Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

DISCUSSION

- 13. Discussion regarding a proposal to amend the Zoning Ordinance to allow for the removal of a billboard and the erection of a billboard in another location.**

Chief Building Official, Bill Jordan, explained that the owner of the billboard, Primary Media, has approached the City requesting to remove the billboard currently placed at the corner of Sixth Street and South Central Avenue and erect a new electronic billboard along Eighth Street and the Southbound side of Interstate Highway 45. Primary Media will submit a design plan and the City Council and Planning and Zoning Commission will review and provide requirements prior to taking any action on the change. No action taken for Agenda Item 13.

CLOSING – PLANNING AND ZONING COMMISSION

- 14. Adjourn.**

Vice Chair Hatfield moved to adjourn the Planning and Zoning Commission. Seconded by Commissioner Farish. For: Unanimous. The motion carried 6-0-0. With no further business to come before the Planning and Zoning Commission, Chairman Kay adjourned the Commissioners at 6:24 P.M.

RESOLUTION

15. **Discussion, consideration, and action as may be appropriate regarding Resolution No. R-15-183 establishing a “Residential Economic Incentive Program” within the City of Ferris.**

Alderman Bruner moved to approve Resolution No. R-15-183. Seconded by Mayor Pro Tem Starr. For: Unanimous. Motion carried 5-0-0.

PRESENTATION

16. **Presentation given by the “Texas Concerned Citizens” regarding the High Speed Rail and a proposal to form a Governmental Sub-Regional Planning Commission.**

A group known as the “Texas Concerned Citizens” represented by Marty Hiles, Ken Cope, and Morris Dixon gave a presentation regarding the negative impact the High Speed Rail will have on the City of Ferris as well as Ellis County as a whole. Mr. Hiles informed Council that the High Speed Rail will have no crossings (underpass or overpass only), will lead to a loss of valuable farmland, and will give private and foreign companies eminent domain rights. Mr. Cope believes that by creating a Sub-Regional Planning Commission “Sub-COG”, we will be able to better protect our community. Two or more incorporated municipalities or counties can create a Sub-COG through a joint resolution. The cities of Palmer, Ennis, and Ferris are the proposed entities to create the Sub-COG known as the “Community Development Sub-Regional Planning Commission”.

City Manager Burn received positive feedback from Council. Mr. Burn was given direction to bring a Resolution to Council at the next meeting for approval to create a Sub-COG.

AGREEMENT

17. **Discussion, consideration, and action as may be appropriate regarding authorizing the Fire Chief to enter into an In-House Repair Center Agreement with Scott Health & Safety for the purpose of allowing the City of Ferris Fire Department to perform certified overhaul level inspection, repair, and service to Scott Products owned by the City.**

Alderman Wright moved to authorize the Fire Chief to enter into the In-House Repair Center Agreement with Scott Health & Safety. Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

CONTRACT

- 18. Discussion, consideration, and action as may be appropriate regarding authorizing the City Secretary to enter into an Interlocal Cooperation Contract with Ellis County for the lease of one (1) Automark Model A-100-00 voting machine for the 2015 General Election.**

Alderman Bruner moved to authorize the City Secretary to enter into the Interlocal Cooperation Contract with Ellis County. Seconded by Mayor Pro Tem Starr. For: Unanimous. Motion carried 5-0-0.

CLOSING

- 19. Adjourn.**

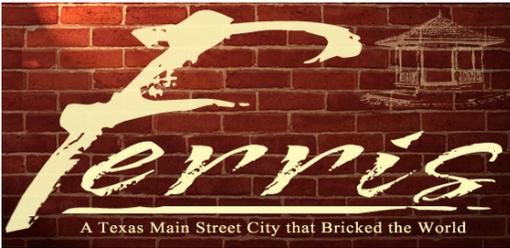
Mayor Pro Tem Starr moved to adjourn the meeting. Seconded by Alderman Ross. For: Unanimous. The motion carried 5-0-0. With no further business to come before the council, Mayor Driggars adjourned the meeting at 7:22 P.M.

APPROVED THIS THE 20TH DAY OF APRIL, 2015.

ATTEST:

Dennis Burn
City Manager

Jim Kay
Chair



MEMORANDUM

DATE: April 20, 2015
FROM: City Manager Dennis Burn/Chief Building Official, Bill Jordan
TO: City Council/Planning & Zoning Commission
 April 20, 2015 City Council/Planning & Zoning Commission Meeting

SUBJECT: Consideration of recommending approval of a change in zoning from commercial corridor (“C-C”) and commercial neighborhood retail (“C-N”) to Planned Development-4 (“PD-4”) for a warehouse use on property located at 113 N. Main St.

SUMMARY:

Background: The property at 113 N. Main St. contains a commercial building that was formerly a belt and bag manufacturing facility. This was an industrial use allowed by the zoning of the property at the time the operation was permitted by the City. In 2012, the Zoning Ordinance was significantly changed. This change, among other factors, made an industrial use at this location prohibited. Article 5 of the current Zoning Ordinance grants non-conforming rights to uses and structures so that they may continue despite any zoning changes. Non-conforming rights, however, are designed in such a manner as to not encourage the survival of an incompatible use. One of the terminating factors is a vacation of use of land for 30 calendar days and the vacation of the use of a building for 180 days. This facility has met both these termination factors and has thus lost its non-conforming status. Any new use of the building and land would, therefore, be required to meet the current zoning regulations. The current zoning of the property is split; with the Western portion being zoned as Commercial Neighborhood Retail (“C-N”) and the Eastern portion being zoned Commercial Corridor (“C-C”).

Proposed: The applicant (Trinity Industries) has proposed to use the building located at 113 N. Main St. as a warehouse for the storage of bagged sand that is commonly used in the construction and maintenance of baseball fields. To allow for this use, Trinity has applied for a zoning change to a Planned Development, and a re-plat of the property. The use will employ 1 to 2 full time employees and will ship and receive aggregate material from the docking bays on N. Main St. Staff has prepared conditions of the Planned Development to restrict the allowable uses to an aggregate warehouse only. Additionally, restrictions on the parking of trucks and outside storage were included. The applicant has reviewed the conditions of the PD and has expressed they are acquiescent to such in an email dated 2-23-2015.

Consideration: Being considered is recommending approval of an ordinance granting a zoning change to move the property from a split commercial zoning (C-N & C-C) to a Planned Development zoning to allow for a warehouse use. This zoning change will accomplish three goals: 1. bring the property under

one zoning classification, 2. Provide an opportunity for the City to tailor the zoning for the proposed use, and 3. Place a safeguard that will prevent any other industrial use at the location by right.

Split Zoning – Staff is unsure of what conditions led to having a building split into two zoning classifications. Regardless of the proposed use, this is a condition that would need to be corrected to make the property able to be occupied as a whole.

Planned Development – To allow for a warehouse use at this location, either an industrial zoning or Planned Development zoning would have to be put into place. A planned development zoning was chosen as the best avenue for re-zoning this property due to the proposed use. The main advantage over changing the zoning to industrial is the ability to control future uses. The warehouse proposal will have minimal impact on surrounding properties, but with an industrial zoning, should the warehouse be discontinued, the door would be open for any future industrial use of the property; regardless of its compatibility with the surrounding area. The proposed Planned Development restricts the allowable use to a warehouse specific to the applicant. This will require any future uses of the property to seek an amendment to the PD, thus allowing the City to prevent incompatible uses.

Future Land Use – The ability to control the use of this property is important in preserving the integrity of the Future Land Use Plan. The property is designated as retail in the Future Land Use Plan as listed in the 2013 Ferris Comprehensive Plan. While the use presented is not in line with the Future Land Use Plan, it is compatible with the current configuration of the building, and preferable to a vacant building.

Public Notice – Staff has published, posted, and mailed required notification in regards to this matter as required by State Law.

FINANCIAL IMPACT: N/A

SUPPORTING MATERIALS:

- Application
- Ordinance and Exhibits
- Email from Applicant

RECOMMENDATION: Staff recommends the Commission recommend approval of the ordinance as presented.

MOTION OPTIONS:

This item calls for the commission to make a recommendation to the City Council. The commission may make a motion to either:

- Recommend approval as presented
- Recommend approval with changes as proposed by the Commission
- Not recommend approval

FEE: \$250.00

DATE OF APPLICATION: 2/18/2015

City of Ferris

APPLICATION FOR ZONING CHANGE

RECEIVED

FEB 18 2015

City of Ferris

TO THE: CHIEF BUILDING OFFICIAL
PLANNING and ZONING COMMISSION
CITY COUNCIL of FERRIS

This application for a change of zoning is made by: Trinity Materials, Inc

Applicant Information:

NAME: Matthew Hallmark
STREET: 401 I-45 South
CITY: Ferris TX 75125
PHONE: _____

Owner Information:

NAME: Trinity Industries, Inc.
STREET: 2525 N Stemmons Freeway
CITY: Dallas TX 75207
PHONE: _____

1. PROPERTY INFORMATION:

LOCATION OF PROPERTY: 113 N Main St
Ferris, TX 75125

LEGAL DESCRIPTION: 4-10 SPT 11-14 ALL 15-18 50T Ferris
(Must be provided by applicant) 0.923 Acres
(Attach if necessary) _____

CURRENT PROPERTY ZONING: Corridor Commercial & Commercial
Neighborhood Retail
REQUESTED PROPERTY ZONING: PD

2. INTENDED USE/or USES OF PROPERTY:

DESCRIBE ALL OF THE INTENDED USES OF THE PROPERTY IF REZONING IS GRANTED Use for Warehouse and Freight distribution of bagged aggregates

3. HISTORY:

HAVE ANY PREVIOUS ZONING CHANGES BEEN SOUGHT FOR THIS PROPERTY? Not to our knowledge

DATE OF PREVIOUS REQUEST: N/A

WHAT WAS THE ZONING CHANGE REQUESTED AND WHAT WAS THE DECISION OF THE P&Z COMMISSION N/A

All of the information requested on this application must be provided. Failure to furnish complete requested information may be cause for rejection of the application.

Signature of Applicant: Math Malhan

Date: 2-18-15

Notice of Opportunity for Public Comment
 NOTICE OF THIS APPLICATION FOR A ZONING CHANGE SHALL BE SENT TO PERSONS RESIDING WITHIN TWO HUNDRED (200) FEET OF THE LOCATION OF THE PROPERTY AND SUCH PERSONS MAY FILE A STATEMENT OF OPPOSITION OR SUPPORT THEREOF:

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-15-790

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF FERRIS, ORDINANCE NO. O-12-743, AND THE OFFICIAL ZONING MAP, AS AMENDED, BY CHANGING THE ZONING FROM COMMERCIAL CORRIDOR (“C-C”) DISTRICT USES AND COMMERCIAL NEIGHBORHOOD RETAIL (“C-N”) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT-4 (“PD-4”) WITH A BASE ZONING DESIGNATION OF LIGHT INDUSTRIAL AND WAREHOUSING (“I-L”) DISTRICT USES SUBJECT TO THE ORIGINAL TOWN SQUARE (“OTS”) OVERLAY DISTRICT FOR A WAREHOUSE USE DESCRIBED HEREIN ON PROPERTY LOCATED WEST OF N. MAIN ST. AND NORTH OF W. 5TH ST., DESCRIBED AS CONTAINING APPROXIMATELY 0.9542 ACRES OF LAND BEING LOT 10A BLOCK 5 IN THE OT FERRIS SUBDIVISION, FERRIS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A; PROVIDING FOR THE APPROVAL OF DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT B; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Ferris, Texas (“City Council”), pursuant to Texas Local Government Code, Sections 51.001 and 51.012, is authorized to adopt an ordinance, not inconsistent with state law, that is for the good government, interest, welfare, peace, or order of the City of Ferris (“City”), and that is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Planning and Zoning Commission of the City of Ferris, Texas (“P&Z Commission”) and the City Council in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Ferris (“Zoning Ordinance”), have given requisite notice by publication and otherwise, and have conducted public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, regarding the proposed zoning change; and

WHEREAS, the Planned Development District zoning classification set forth in Division 100 of the Zoning Ordinance is designed, among other things, to permit flexibility in order to best utilize special site features and/or to best serve a need of the community; and

WHEREAS, the Property (defined below) is home to a structure that was previously used for manufacturing purposes and the owner of the Property desires to redevelop and utilize the structure on the Property for a wholly enclosed warehouse/office for the purpose of storing and shipping aggregate materials, which use is more compatible with the existing surrounding land uses; and

WHEREAS, the City Council, upon due deliberation and consideration of the recommendation of the P&Z Commission and of all testimony and information submitted during said public hearings, is of the opinion that Zoning Change Application No. 15FER-ZON0001 for Planned Development District-4 (PD-4) should be approved, and in the exercise of its legislative discretion has concluded that the Zoning Ordinance and the official zoning map of the City of Ferris, each as amended, shall be amended to reflect the rezoning of the property herein described; and

WHEREAS, the City Council finds and determines that amending the Zoning Ordinance as herein provided promotes the health, safety and general welfare of the citizens of the City of Ferris and the best interests of the City.

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct legislative and factual determinations of the City of Ferris and are hereby approved and incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Ferris, Texas, is hereby amended and changed in the following particulars to reflect such action taken, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Zoning Ordinance are not amended, but shall remain intact and are hereby ratified, verified, and affirmed to create a change in the zoning classification of the property, described as follows:

That certain tract of land commonly known as the **PROPERTY LOCATED WEST OF N. MAIN ST. AND NORTH OF W. 5TH ST., DESCRIBED AS CONTAINING APPROXIMATELY 0.9542 ACRES OF LAND BEING LOT 10A BLOCK 5 IN THE OT FERRIS SUBDIVISION, FERRIS, ELLIS COUNTY, TEXAS**, as more fully described in **Exhibit A** attached hereto and incorporated herein by reference for all purposes (“Property”), presently zoned for Commercial Corridor (“C-C”) District uses and Commercial Neighborhood Retail (“C-N”) District uses, is hereby rezoned to Planned Development District – 4 (“PD-4”) with a base zoning designation of Light Industrial and Warehousing (“I-L”) District uses subject to the Original Town Square (“OTS”) Overlay District in accordance with the specific requirements in the City’s Comprehensive Plan, the Zoning Ordinance of the City of Ferris, and the Development Standards attached hereto as Exhibit B and incorporated herein by reference for all purposes allowed by law.

Section 3. DEVELOPMENT PLAN STANDARDS

The Property shall be developed and used in accordance with the Development Standards set forth in the Zoning Ordinance, and as specially established herein on the Planned Development District-4 Development Standards, attached hereto as **Exhibit B**. A Development Schedule is not required for approval of this planned development in that an existing structure on the Property is proposed for use and no additional structures are planned or proposed. The Planned Development District-4 Development Standards are hereby approved, and are incorporated in their entirety and made a part hereof for all purposes.

Section 4. PENALTY CLAUSE

Any person, firm, or corporation violating any provision or term of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist shall be deemed a separate offense.

Section 5. REPEALER CLAUSE

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council are hereby repealed to the extent that said ordinances, orders, or resolutions or parts thereof, are in conflict herewith.

Section 6. SEVERABILITY CLAUSE

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

Section 7. SAVINGS CLAUSE

The Zoning Ordinance of the City of Ferris, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance. All rights and remedies of the City of Ferris are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. EFFECTIVE DATE

This Ordinance shall become effective, and shall be in full force and effect, from and after the date of its passage and publication of the caption as the law in such cases provides.

DULY PASSED and **APPROVED** by the City Council of the City of Ferris, Texas on this the 20th day of April, 2015.

APPROVED:

Micheal L. Driggars, Mayor

ATTEST:

Destiny Lusk Wright, City Secretary

APPROVED AS TO FORM:

Kent S. Hofmeister, City Attorney

Legal Description
Ordinance No. O-15-790

PROPERTY LOCATED WEST OF N. MAIN ST. AND NORTH OF W. 5TH ST.,
DESCRIBED AS CONTAINING APPROXIMATELY 0.9542 ACRES OF LAND BEING LOT
10A BLOCK 5 IN THE OT FERRIS SUBDIVISION, FERRIS, ELLIS COUNTY, TEXAS

Planned Development District-4

Development Standards

Base Zoning

Where not otherwise amended by these Development Standards, the Zoning Ordinance of the City of Ferris ("Zoning Ordinance") shall apply to the property within Planned Development District-4 ("PD-4") as if such property was zoned Light Industrial and Warehousing ("I-L") District uses subject to the Original Town Square ("OTS") Overlay District.

Allowed Uses

All uses are prohibited in Planned Development District-4 ("PD-4") except the following use as defined below:

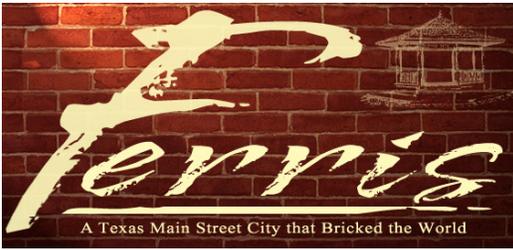
AGGREGATE WAREHOUSE (INDOORS) – A wholly enclosed warehouse/office for the purpose of storing and shipping sand, soil, and other similar aggregate material.

Parking

1. Overnight parking of commercial vehicles is prohibited.
2. No vehicle may be parked at a loading dock in such a manner that a portion of the vehicle or trailer blocks any paved portion of an abutting or adjacent street unless:
 - a. The vehicle is parked at loading docks located along N. Main St.; and
 - b. Temporary barricades, cones, or other approved warning devices are placed at the intersection of N. Main and 5th St. in a manner that prevents drivers from entering the street; and
 - c. The street is not blocked for more than 2 consecutive hours.
3. Trucks shall not be left idling while loading and/or unloading.

Outside Storage

No outside storage is allowed.



MEMORANDUM

DATE: April 20, 2015
FROM: City Manager, Dennis Burn
TO: Mayor and City Council

**SUBJECT: City Council Code of Conduct Policy
Ordinance No. O-15-787
April 20, 2015 City Council Meeting**

At the January 20, 2015 City Council meeting, the City Manager was directed to prepare a Code of Conduct that would apply to the City Council, all boards and commissions and to all City staff. The attached ordinance declares that all public officials and city employees be independent, impartial and responsible only to the citizens of the City. Please review the ordinance in its entirety as it addresses definitions, standards of conduct and disclosure of interests.

This is an action item that requires a vote. I recommend that you adopt Ordinance No. O-15-787.

ORDINANCE NO. O-15-787

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING CHAPTER 30, "CITY GOVERNMENT," OF THE CITY OF FERRIS CODE OF ORDINANCES BY ADDING A NEW SECTION 30.33, "CODE OF CONDUCT," ESTABLISHING A CODE OF CONDUCT FOR PUBLIC OFFICIALS AND CITY EMPLOYEES; PROVIDING DEFINITIONS; ESTABLISHING STANDARDS OF CONDUCT; PROVIDING FOR THE REVIEW OF COMPLAINTS; PROVIDING DISCIPLINARY MEASURES FOR VIOLATIONS OF THE STANDARDS OF CONDUCT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Ferris, Texas ("City Council"), upon due deliberation and discussion, has determined the desirability and necessity of establishing standards of conduct for City of Ferris public officials and employees, as well as measures that provide for the violation of such standards; and

WHEREAS, the City Council has further determined that the Mayor, members of the City Council, the Planning and Zoning Commission, the Board of Adjustments, the 4A Economic Development Commission, the 4B Economic Development Commission, the Park Board, the Main Street Board, the Library Board, and the Housing Authority Board, and all City employees and appointed or confirmed members of any City of Ferris board, commission, corporation, or committee established by ordinance, charter, state law or otherwise, operating under direct or indirect authority or subject to the direct or indirect control of the City Council, should be governed by a code of conduct; and

WHEREAS, the City Council finds and determines that amending the Zoning Ordinance as herein provided promotes the health, safety and general welfare of the citizens of the City of Ferris and the best interests of the City.

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct legislative and factual determinations of the City of Ferris and are hereby approved and incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. AMENDMENT OF THE CITY OF FERRIS CODE OF ORDINANCES, CHAPTER 30, "CITY GOVERNMENT," BY ADDING A NEW SECTION 30.33, "CODE OF CONDUCT," ESTABLISHING A CODE OF CONDUCT FOR PUBLIC OFFICIALS AND CITY EMPLOYEES; PROVIDING DEFINITIONS; ESTABLISHING STANDARDS OF CONDUCT;

Ordinance No. O-15-787

**PROVIDING FOR THE REVIEW OF COMPLAINTS; AND PROVIDING
DISCIPLINARY MEASURES FOR VIOLATIONS OF THE STANDARDS
OF CONDUCT**

From and after the effective date of this Ordinance, the Code of Ordinances of the City of Ferris, Texas, is hereby amended by amending Chapter 30, "City Government," of the City of Ferris Code of Ordinances, by adding a new Section 30.33, "Code of Conduct," to read in its entirety as follows:

SECTION 30.33 CODE OF CONDUCT

(A) Purpose

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials and city employees be independent, impartial, and responsible to the citizens of the city; that no Official shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business transaction or professional activity to conflict with the proper discharge of his/her duties in the public interest; that public office not be used for personal gain; and that the City Council, Planning and Zoning Commission, Board of Adjustments, 4A Economic Development Commission, 4B Economic Development Commission, Park Board, Main Street Board, Library Board, Housing Authority Board, and any appointed or confirmed member of any City of Ferris board, commission, corporation, or committee established by ordinance, charter, state law or otherwise, operating under direct or indirect authority or subject to the direct or indirect control of the City Council, at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact a Code of Conduct for all Officials, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that Officers of the City shall at all times strive to avoid even the appearance of impropriety.

(B) Title; Application

- (1) This Article shall be known as the Code of Conduct.
- (2) The Code of Conduct shall apply to all Officials as defined herein.
- (3) The Code of Conduct shall apply to all City employees.

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(C) **Definitions**

The following words, terms and phrases, when used in this section, shall have the meanings respectively ascribed to them herein, except where the context clearly indicates a different meaning:

Benefit means anything reasonably regarded as a pecuniary or economic gain or pecuniary or economic advantage, including a benefit to any other person in whose welfare the beneficiary has a Substantial Interest.

Business Entity means any person, entity, corporation (whether for-profit or nonprofit), general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, holding company, joint-stock company, receivership, or other entity recognized by law, whether or not organized for profit conducting or seeking to conduct business with the City. Business Entity also includes any business entity that represents a party conducting or seeking to conduct business with the City.

City shall mean the City of Ferris, Texas.

City Council means the legislative and governing body of the City, consisting of the Mayor and City Council members.

Confidential information means any information to which an Official has access in such person's official capacity, which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge.

Contract means any lease, claim, or account or demand against or agreement with any person, whether express or implied, executed or executory, oral or written.

Employee means any person employed by the City, including those individuals employed on a full-time, part-time, or internship basis, but does not include independent contractors.

Gift means anything of value, regardless of form, including a favor offered or given in the absence of adequate and lawful consideration.

Intentionally means to act with intent concerning the nature of one’s conduct or a result of one’s conduct when it is the person’s conscious objective or desire to engage in the conduct or to cause the result.

Knowingly means to act with knowledge concerning, or awareness of, the nature of one’s conduct, or to the existing circumstances surrounding the conduct. A person acts knowingly, or with knowledge, with respect to a result of the person’s conduct whether the person is aware that the conduct is reasonably certain to cause the result.

Officer or *Official* means the Mayor, any member of the City Council, an appointed or confirmed member of any City board, commission, corporation, or committee established by ordinance, charter, state law or otherwise, on a temporary or permanent basis, and operating under the direct or indirect authority or subject to either the direct or indirect control of the City Council. Such term(s) shall include the City Manager, City Secretary, Municipal Judge, and members of the Planning and Zoning Commission, the Board of Adjustments, the 4A Economic Development Commission, the 4B Economic Development Commission, Park Board, Main Street Board, Library Board, and Housing Authority Board.

Relative means any person related to an Officer within the first degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father-in-law and mother-in-law, or son-in-law and daughter-in-law of the Officer. The affinity relationship continues after death or divorce if there is a living child of that marriage.

Specific Economic Effect is an economic effect on a Business Entity that is distinguishable from the effect on the public.

Substantial Interest means the following.

- (i) Substantial Interest in a Business Entity means that:
 - (i) the person owns ten percent (10%) or more of the voting stock or shares of a Business Entity;
 - (ii) the person owns ten percent (10%) or more, or \$15,000 or more, of the fair market value of a Business Entity;
 - or (iii) the amount of funds received by the person from the Business Entity exceeds ten percent (10%) of the person’s gross income for the previous year; and that action on the matter involving the Business

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Entity will have a Specific Economic Effect on the Business Entity that is distinguishable from the effect on the public.

- (ii) Substantial Interest in real property means the person has a legal or equitable ownership interest in the real property, which has a fair market value of \$2,500 or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a Specific Economic Effect on the value of the real property that is distinguishable from its effect on the public.
- (iii) An Official is considered to have a Substantial Interest if a Relative as defined herein has a Substantial Interest.

(D) Standards of Conduct for Officers

No Officer of the City, or a Relative of such Officer, shall:

- (1) Have a financial interest, direct or indirect, in any contract with the City nor shall such person have a financial interest, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The financial interest contemplated requires that the Officer receive an actual financial benefit from the transaction with the City. An actual financial benefit from the transaction does not include the following:
 - (a) An ownership interest in an entity transacting business with the City that is less than one percent (1%); or
 - (b) Compensation as an Employee, Officer or director of an entity transacting business with the City that is not affected by the entity's transaction with the City.
- (2) Participate in a vote or decision on any matter in which the Officer has a Substantial Interest.

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- (3) Represent or appear on behalf of the private interests of others before the City Council, or any agency, board, commission, corporation, or committee of the City; or represent any private interests of others in any action or proceeding involving the City; or voluntarily participate on behalf of others in any litigation to which the City is a party or to which there is a substantial likelihood that the City will be a party.
- (4) Accept any Gift from any person that might reasonably tend to influence such Officer in the discharge of official duties, or that the Officer knows or should know is being offered with the intent to influence the Officer's official conduct. The prohibition against Gifts does not apply to:
 - (a) A lawful political contribution as defined by the Texas Election Code;
 - (b) An honorarium in consideration for services, unless the Officer would not have been asked to provide the services but for the Officer's position;
 - (c) Meals, lodging, or transportation in connection with services rendered by the Officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (d) Complimentary copies of trade publications and other related materials;
 - (e) Attendance at hospitality functions at local, regional, state or national association meetings or conferences;
 - (f) An item with a value of less than fifty dollars (\$50);
 - (g) Tee shirts, caps, mementos, and other similar promotional material or items with a value of less than fifty dollars (\$50);

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- (h) Gifts given on account of kinship or a personal, professional, or business relationship, independent of the Officer's status;
 - (i) Complimentary attendance at political or charitable fundraising events; and
 - (j) Meals, lodging, transportation, or entertainment furnished in connection with public events, appearances, or ceremonies related to official City business, if furnished by the sponsor of such public events.
- (5) Use such person's official position to secure special privileges or benefits for such person or others.
 - (6) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group.
 - (7) Disclose confidential information.
 - (8) Use City supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than to conduct official City business, unless otherwise provided by law, ordinance or City policy.
 - (9) Act as a surety on any official bond required of any Officer or Employee of the City, or for a business that has a Contract with the City.

(E) Additional Standards

- (1) No member of the City Council, Planning and Zoning Commission, or Board of Adjustments shall participate in the discussion and deliberations of, or vote on, any land use matter, e.g., zoning, variances, plats, or permits, in which such person has a Substantial Interest in any real property

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within 200 feet of the real property that is the subject of the land use matter.

- (2) No member of the City Council who is on the governing body of a nonprofit organization shall vote on any funding request by that nonprofit organization other than for membership or subscription dues or fees, or as part of the City's annual budget, unless the nonprofit organization has a governing body appointed in whole or in part by the City Council.
- (3) With the exception of those proceedings allowed under this Code of Conduct, no City Council members may personally appear on their own behalf before the City Council, or any City board, commission, corporation or committee; however, a member may designate and be represented by a person of his or her choice in any such personal matter.

(F) Appearance by Past Officer

No past Officer of the City shall, for a period of one (1) year after the date of termination of such relationship with the City, appear before the City Council, or any City board, commission, corporation, or committee, to represent the interests of another on any matter.

(G) Disclosure of Substantial Interest; Affidavit

Any Officer who has a Substantial Interest in any matter pending before the body, board, commission, corporation, or committee of which the Officer is a member, shall file an affidavit, before a vote or decision is taken or made on such matter, stating the nature and extent of the Substantial Interest, and shall abstain from further participation in such matter. Such Officer shall not be physically present when such matter is discussed, or when action is taken thereon. The affidavit shall be on a form provided by the City and must be filed with the record keeper for such body, board, commission, corporation, or committee.

(H) Disclosure of Real Property Interest

Upon the election, appointment, or confirmation of appointment, and thereafter on or before January 1 of each calendar year, each Officer shall file in writing with the City Secretary, on a disclosure form provided by the City, the existence and location of any real

property in the City in which the Officer has an equitable or ownership interest, including any interest of one percent (1%) or more in any entity that has an equitable or ownership interest in any real property in the City. Said disclosure shall also include the identity and location of all real property within the City in which the Officer has acquired or conveyed any interest since the filing of the last report required by this Code of Conduct. If an Officer has an interest in an entity that will not disclose to the Officer whether or not the entity has a financial interest in real property in the City, the Officer may satisfy this disclosure requirement by stating such fact in writing to the City Secretary.

(I) Complaints against Officers

- (1) All complaints or allegations of a violation of this Code of Conduct against an Officer shall be made in writing on a form provided by the City, sworn to before a notary public, and filed of record with the City Secretary. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this Code of Conduct alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered. The City Secretary shall provide a copy of the complaint to the affected Officer and the members of the City Council, and shall immediately refer the complaint to the City Attorney, who shall conduct an initial review of the complaint to determine if the complaint contains sufficient detail and alleges a violation of the Code of Conduct. The affected Officer may file a written response to the complaint within seven (7) days after the complaint is filed with the City Secretary, who shall forward the response, if any, to the City Attorney.
- (2) The City Attorney shall submit a written report to the Council as soon as possible, but in any event not later than 14 days after receipt of the complaint, unless an extension is granted by a majority of the non-implicated Councilmembers. The City Attorney may contact the complainant, interview witnesses, and examine any documents necessary for the report. Such report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the City Attorney's opinion as to whether or not a violation of this Code of Conduct occurred. When the City Attorney receives a vague complaint or one

lacking in detail, the City Attorney shall contact the complainant to request written clarification or supplementation. If the complainant fails to provide the City Attorney with written clarification or supplementation, or if after written clarification is provided, it is the opinion of the City Attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the Code of Conduct, a written report to that effect shall be submitted to the City Council. If the City Attorney determines that probable cause to believe that a criminal violation may exist, the City Attorney shall refer the matter to the appropriate law enforcement agency.

- (3) The City Council shall consider the complaint and the City Attorney's report at an executive session of the City Council. The affected Officer may request that the complaint be considered in a public meeting. At such meeting, the City Attorney shall present a written report to the City Council describing in detail the nature of the complaint and the City Attorney's findings and conclusions as to a possible violation of this Code of Conduct. The affected Officer shall have the right to a full and complete hearing before the City Council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The non-implicated Councilmembers in attendance shall conduct a hearing and review the complaint. The City Council may reject the complaint or take action authorized by Section (J), below. If deemed necessary the City Council may direct the City Manager, with the concurrence of the City Attorney, to appoint special legal counsel to conduct a further investigation and to provide a written report to the City Council
- (4) No action or decision with regard to the complaint shall be made except in a meeting that is open to the public.

(J) Violations

The City Council may take any one or more of the following actions in an open meeting concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, or is brought for the purpose of harassment or in bad faith;

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- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the Officer of any steps to be taken to avoid future violations;
- (3) Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification;
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally;
- (5) Remove from office an Officer, other than a City Councilmember, for a serious or repeated violation of this Code of Conduct. Removal shall be in compliance with state law; or
- (6) Pass a resolution of censure or a recommendation of recall when the City Council finds that a serious or repeated violation of this Code of Conduct has been committed intentionally by a member of the City Council.

(K) Adoption of State Statute

Chapter 171 of the Texas Local Government Code, as amended, the statute that regulates conflicts of interest of officers of municipalities in the State of Texas, is hereby adopted and made a part of this Code of Conduct for all purposes, as if fully set forth herein, with the proviso that, in the case of a conflict between the provisions of this Code of Conduct and the state statute, the more restrictive provision shall govern.

(L) Limitations

A complaint that an Officer has violated a provision(s) of this Code of Conduct must be filed with the Ferris City Secretary no later than twelve (12) months after the date the complained of act(s) occurred.

(M) Interpretation of Code

Any Officer may request, and the City Attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning

or effect of any section, word, or requirement of this Code of Conduct as it affects such person.

(N) Criminal History Checks of Board and Commission Applicants

- (1) Any person making application for appointment to a position on any board, commission, agency, or committee to which the City Council has the final authority to make such appointment must consent to a criminal history check prior to consideration of the person’s application.
- (2) Failure to consent to a criminal history check as required by this section shall be grounds for disqualification for consideration for appointment by the City Council.
- (3) The City shall cause a criminal history check to be conducted on each applicant for appointment to a position described in subsection (A) of this section. If upon review of a criminal history check an applicant is found to have been convicted within the last 10 years or the applicant is on parole or probation for any of the following offenses, the applicant shall not be considered for appointment: a felony or any offense involving theft, burglary, or moral turpitude. Moral turpitude may be described as intentional dishonesty, fraud, deceit, conduct contrary to justice, or otherwise immoral conduct.
- (4) The provisions of this section are administrative in nature and not subject to criminal penalties.”

Section 3. SEVERABILITY CLAUSE

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

Section 4. REPEALER CLAUSE

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

Section 5. EFFECTIVE DATE

This Ordinance shall become effective, and shall be in full force and effect, from and after the date of its passage and publication of the caption as the law in such cases provides.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Ferris, Texas on this the 20th day of April, 2015.

APPROVED:

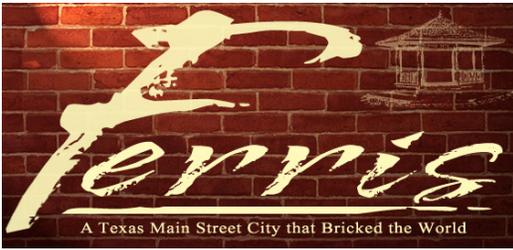
Micheal L. Driggars, Mayor

ATTEST:

Destiny Lusk Wright, City Secretary

APPROVED AS TO FORM:

Kent S. Hofmeister, City Attorney



MEMORANDUM

DATE: April 20, 2015
FROM: City Manager, Dennis Burn
TO: Mayor and City Council

SUBJECT: Fiscal Year 2014-2015 Budget Amendment

Included with this agenda item is the Fiscal Year 2014-2015 Budget Amendment Spreadsheet and Ordinance No. O-15-789. Our current Fiscal Year is from October 1, 2014 to September 30, 2015. At the midpoint of each year the budget is modified due to unforeseen conditions which could not have been adequately predicted when the budget was prepared and approved.

The spreadsheet shows the proposed modifications to the current year budget. The City has sufficient funds for all modifications.

This is an action item that does require a vote. I recommend that you approve Ordinance No. O-15-789.

ORDINANCE NO. O-15-789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Ferris City Council having adopted the fiscal year 2014-2015 budget on September 2, 2014; and

WHEREAS, the City of Ferris has completed six (6) months of its current fiscal year beginning October 1, 2014 and ending September 30, 2015; and

WHEREAS, upon examination and review of revenues and expenditures for these past six (6) months of the current fiscal year, the City Council has determined it necessary to amend and modify the operating budgets of the General Fund, Water and Sewer Fund, and Special Revenue Funds due to unforeseen conditions which could not and were not included in the original budget; and

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

Section 1. That the budgetary appropriations for the fiscal year beginning October 1, 2014 and ending September 30, 2015, for the support of the City of Ferris, Texas be hereby amended and modified in accordance with the documents attached herewith as Exhibit "A" and incorporated herein by reference for all purposes.

Section 2. A copy of this ordinance amending and modifying the fiscal year budget beginning October 1, 2014 and ending September 30, 2015, shall be filed with the City Secretary of the City of Ferris, Texas, who shall attach it to the budget originally adopted.

Section 3. That the City Manager and/or Finance Director is authorized to invest any funds not needed for current use whether operating funds or bonds, according to the adopted Investment Policy in the official City depositories, all of which investment shall be in accordance with the law.

Section 4. The fact that the fiscal year is ongoing requires that this Ordinance be effective upon its passage and adopted to preserve the public peace, property, health, and safety, and shall be in full force and affect from and after its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Ferris, Texas, on this 20th day of April, 2015.

APPROVED:

Micheal L. Driggars, Mayor

ATTEST:

Destiny Lusk Wright, City Secretary

APPROVED AS TO FORM:

Kent S. Hofmeister, City Attorney

**2014-2015 BUDGET AMENDMENT
Exhibit "A" Ordinance No. O-15-789
April 20, 2015 City Council Meeting**

<u>Fund</u>	<u>Dept</u>	<u>Line Item</u>	<u>Item Description</u>	<u>Current Budget</u>	<u>Revision Amt</u>	<u>Amended Budget</u>	<u>Explanation</u>	<u>Funds Available</u>
General	Council	10-10-4361	Legal Service	\$ 30,000.00	\$ 15,000.00	\$ 45,000.00	Legal Fees for Zoning Ordinances, Police Chief Deposition, etc.	Yes
General	Council	10-10-4362	Audit Service	\$ 8,000.00	\$ 400.00	\$ 8,400.00	Single Audit for Grants Added	Yes
General	Admin	10-11-4321	Building Repairs	\$ 4,000.00	\$ 2,000.00	\$ 6,000.00	Sea Container at Public Works for Additional Storage	Yes
General	Admin	10-11-4365	Advertisements	\$ 1,500.00	\$ 4,000.00	\$ 5,500.00	Ads for Zoning Ordinances etc.	Yes
General	Finance	10-16-4362	Audit Service	\$ 4,000.00	\$ 800.00	\$ 4,800.00	Single Audit for Grants Added	Yes
General	Code	10-18-4345	Software	\$ 9,902.00	\$ 4,000.00	\$ 13,902.00	Mobile On-Line App for Citizens to report issues	Yes
General	Library	10-32-4321	Building Repairs	\$ 500.00	\$ 2,000.00	\$ 2,500.00	Motion lights in back of building due to vandalism	Yes
General	Main Street	10-34-4111+	Salary and Benefits	\$ 59,568.00	\$ 5,992.00	\$ 65,560.00	Salary and Benefits Increase for Main Street Director (From 4A and 4B EDC)	Yes
General	Fire	10-40-4192	Volunteer Injury Insurance	\$ 5,200.00	\$ 3,000.00	\$ 8,200.00	Grant Funds Received to pay for Volunteer Insurance	Yes
General	Police	10-50-4362	Audit Service	\$ 10,000.00	\$ 525.00	\$ 10,525.00	Single Audit for Grants Added	Yes
General	Court	10-56-4362	Audit Service	\$ 2,100.00	\$ 1,000.00	\$ 3,100.00	Single Audit for Grants Added	Yes
General	Streets	10-91-4439	Improvements	\$ -	\$ 12,676.00	\$ 12,676.00	Engineering/Construction for 5th Street Sidewalk	Yes
General Fund Subtotal				\$ 134,770.00	\$ 51,393.00	\$ 186,163.00	Funds available from General Fund Ending Fund Balance (\$79,423.00)	
Water	Water	80-80-4431	Sewer Improvements	\$ -	\$ 31,019.00	\$ 31,019.00	Engineering/Construction for Sanitary Sewer Grant	Yes
Water	Water	80-80-4482	Light-Medium Trucks	\$ -	\$ 23,500.00	\$ 23,500.00	1999 Ford F-250 Truck is Beyond Repair and Must be Replaced	Yes
Water Fund Subtotal				\$ -	\$ 23,500.00	\$ 23,500.00	Funds available from Water Fund ending fund balance (\$260,463.00)	
4A EDC	4A EDC	60-65-4360	Consultant Service	\$ 2,000.00	\$ 22,000.00	\$ 24,000.00	Consultant to prepare Strategic Plan	Yes
4A EDC	4A EDC	60-65-4400	Land	\$ -	\$ 10,539.00	\$ 10,539.00	Purchase of Land- 2 Lots on FM 660 Plus Filing Fees	Yes
4A EDC Fund Subtotal				\$ 2,000.00	\$ 32,539.00	\$ 34,539.00	Funds available from 4A EDC Fund ending fund balance (\$531,600.00)	
4B EDC	4B EDC	62-67-4321	Building Repairs	\$ 60,000.00	\$ 2,953.00	\$ 62,953.00	Additional Funding for the Scout House	Yes
4B EDC	4B EDC	62-67-4415	Park Improvements	\$ 40,000.00	\$ 106,847.00	\$ 146,847.00	Additional Funding for Soccer Fields Construction	Yes
4B EDC Subtotal				\$ 100,000.00	\$ 109,800.00	\$ 209,800.00	Funds available from 4B EDC Fund ending fund balance (\$188,750.00)	
Court Tech	Court Tech	65-68-4355	Telephone/Internet Service	\$ -	\$ 798.00	\$ 798.00	(3) Mi-Fi Verizon Wireless @ 37.99/mth (March-Sept)	Yes
Court Tech	Court Tech	65-68-4464	Data Processing Equipment	\$ -	\$ 2,350.00	\$ 2,350.00	Sequel Server(\$2,000), & Mini Ipad for Judge(\$350)	Yes
Court Tech	Court Tech	65-68-4465	Data Processing Software	\$ -	\$ 500.00	\$ 500.00	Sequel Server Software	Yes
Court Tech Fund Subtotal				\$ -	\$ 3,648.00	\$ 3,648.00	Funds available from Court Tech Fund ending fund balance (\$35,345.00)	
Court Sec	Court Sec	66-69-4359	Security Alarm System	\$ 1,020.00	\$ 450.00	\$ 1,470.00	Replaced Panic Button & 12 Batteries	Yes
Court Security Fund Subtotal				\$ 1,020.00	\$ 450.00	\$ 1,470.00	Funds available from General Fund ending fund balance (\$79,423.00)	
Total				\$ 237,790.00	\$ 221,330.00	\$ 459,120.00		