

**AGENDA  
 FERRIS CITY COUNCIL  
 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, JUNE 15, 2015**

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF FERRIS WILL MEET IN REGULAR SESSION AT 6:00 P.M. ON THE 15<sup>TH</sup> DAY OF JUNE, 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.   | Ø |
|    | <ul style="list-style-type: none"> <li>• Invocation</li> <li>• Pledge of Allegiance</li> </ul> |   |
| 2. | Roll call to determine the presence of a quorum.   | 1 |

**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. |   |
|    | <ul style="list-style-type: none"> <li>• Minutes of June 1, 2015 Joint City Council and Planning and Zoning meeting</li> <li>• Expenditures for the period ending May 29, 2015</li> </ul>  | 2 |

Sep. Cov.

**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. 0

**DISCUSSION**

- 5. Discussion regarding the status of the construction of the soccer fields on Ferris Road. 9
- 6. Discussion regarding the proposed changes to the Main Street Board By-Laws. 10

**INTERLOCAL AGREEMENT**

- 7. Discussion, consideration, and action as may be appropriate regarding entering into an Interlocal Agreement with the Ferris Independent School District for the performance of governmental functions and services; specifically, the burying of fiber optic conduit by Ferris ISD and the obtaining of legal Rights of Way from TxDOT by the City of Ferris. 16

**OLD BUSINESS**

- 8. Discussion, consideration, and action as may be appropriate regarding a proposed Veterans Sculpture. 23

**CLOSING**

- 9. Adjourn. 0

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**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.

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**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.

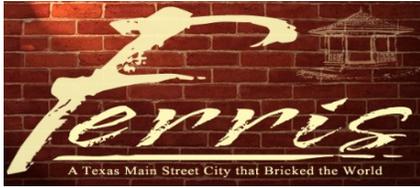
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I, DESTINY LUSK WRIGHT, HEREBY  
CERTIFY THE FOREGOING NOTICE  
WAS POSTED ON OR BEFORE THE  
12<sup>TH</sup> DAY OF JUNE, 2015 BY 5:00 P.M.



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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	P	P	P	P							
Alderman, Place 1	James Starr	P	P	P	P	-	P	-	P	P	P	P	P	P	P	P	P	P							
Mayor Pro Tem	Jay Walsh	P	P	P	P	-	A	-	P	P	P	P	P	P	P	P	P	P							
Alderman, Place 3	Bobby Lindsey	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P							
Alderman, Place 4	Gary Ross	P	A	P	A	-	P	-	P	P	A	P	P	P	P	P	P	P							
Alderman, Place 5	Carol Wright	P	P	P	P	-	P	-	P	P	P	P	P	P	P	P	P	P							
Total:		6	4	6	5	-	5	-	6	5	5	6	6	6	6	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	Vacant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
City Secretary	Destiny Wright	P	P	P	P	-	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	A	A	A	A							
Fire Chief	Tim Birdwell	P	P	P	P	-	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	P	P	P	P							
Eco. Dev. Coordinator	Chuck Dart	P	P	P	A	-	P	-	P	P	P	P	P	P	P	P	P	P							
Finance Director	Melissa Gonzalez	P	P	P	P	-	A	-	P	P	P	P	P	A	P	P	P	P							
Library Director	Kathy Harrington	P	P	P	P	-	P	-	P	P	P	A	P	P	P	P	P	P							
Chief Building Official	Bill Jordan	P	P	P	P	-	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	P	P	P	P							
Total:		10	9	9	8	-	8	-	8	9	9	7	9	8	9	9	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

**STATE OF TEXAS  
COUNTY OF ELLIS**

**THE FERRIS CITY COUNCIL MET IN A JOINT SESSION WITH THE PLANNING AND ZONING COMMISSION JUNE 1, 2015 AT 6:00 P.M. IN THE COUNCIL CHAMBERS LOCATED AT 215 W. SIXTH STREET, FERRIS, TEXAS.**

<b>COUNCIL ATTENDANCE</b>		
Mayor	Micheal Driggars	P
Alderman, Place 1	James Starr	P
Mayor Pro Tem	Jay Walsh	P
Alderman, Place 3	Bobby Lindsey	P
Alderman, Place 4	Gary Ross	P
Alderman, Place 5	Carol Wright	P

<b>STAFF ATTENDANCE</b>		
City Manager	Vacant	-
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

<b>COMMISSION ATTENDANCE</b>		
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	A
Commissioner, Place 7	Richard Barrett	A

**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 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. At the time of roll call, Alderman Lindsey was not 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 May 18, 2015 City Council meeting**
- **Expenditures for the period ending May 15, 2015**

Alderman Ross moved to approve the Consent Agenda. Seconded by Mayor Pro Tem Walsh. For: Unanimous. Motion carried 4-0-0. Alderman Lindsey not present for vote.

#### **APPROVAL OF MINUTES – PLANNING AND ZONING COMMISSION**

- 5. Consider approval of meeting minutes for the Joint City Council and Planning and Zoning meeting of April 20, 2015.**

Commissioner Amor moved to approve the meeting minutes for the Joint City Council and Planning and Zoning meeting of April 20, 2015. Seconded by Vice Chair Hatfield. For: Unanimous. Motion carried 4-0-0.

#### **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.**

No comments made.

**DISCUSSION**

7. **Discussion regarding the approval of an amendment to the Zoning Ordinance by (1) amending Article 7, "Sign Regulations", Division 185, "Special Sign Types", by adding a new Section 5, "Billboards Relocated from Original Town Square Overlay District", and (2) amending Division 190, "Permanent Sign Chart", by adding chart restriction values for a new category, "Billboards (Relocated from Original Town Square Overlay District Only)", allowing such billboards to be relocated in all use districts, subject to the City's issuance of a Special Use Permit.**

Chief Building Official Jordan informed Council and the Commission that the purpose of the amendment is to remove the billboard currently placed at the corner of South Central Avenue and East Sixth Street and place a new billboard near the corner of Southbound Interstate Highway 45 and East Eight Street.

**JOINT PUBLIC HEARING**

8. **Open Joint Public Hearing.**

Mayor Driggars opened the Public Hearing at 6:08 P.M.

9. **Conduct Joint Public Hearing to consider the approval of an amendment to the Zoning Ordinance by (1) amending Article 7, "Sign Regulations", Division 185, "Special Sign Types", by adding a new Section 5, "Billboards Relocated from Original Town Square Overlay District", and (2) amending Division 190, "Permanent Sign Chart", by adding chart restriction values for a new category, "Billboards (Relocated from Original Town Square Overlay District Only)", allowing such billboards to be relocated in all use districts, subject to the City's issuance of a Special Use Permit.**

No comments made.

10. **Close Joint Public Hearing.**

Mayor Driggars closed the Public Hearing at 6:09 P.M.

*Note:* Alderman Lindsey present at 6:09 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 7, "Sign Regulations", Division 185, "Special Sign Types", by adding a new Section 5, "Billboards Relocated from Original Town Square Overlay District", and (2) amending Division 190, "Permanent Sign Chart", by adding chart restriction values for a new category, "Billboards (Relocated from Original Town Square Overlay District Only)", allowing such billboards to be relocated in all use districts, subject to the City's issuance of a Special Use Permit.**

Vice Chair Hatfield moved to recommend approval of an amendment to the Zoning Ordinance by (1) amending Article 7, "Sign Regulations", Division 185, "Special Sign Types", by adding a new Section 5, "Billboards Relocated from Original Town Square Overlay District", and (2) amending Division 190, "Permanent Sign Chart", by adding chart restriction values for a new category, "Billboards (Relocated from Original Town Square Overlay District Only)", allowing such billboards to be relocated in all use districts, subject to the City's issuance of a Special Use Permit. Seconded by Commissioner Amor. For: Unanimous. Motion carried 4-0-0.

**COUNCIL BUSINESS**

12. **Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-791 amending the Zoning Ordinance by (1) amending Article 7, "Sign Regulations", Division 185, "Special Sign Types", by adding a new Section 5, "Billboards Relocated from Original Town Square Overlay District", and (2) amending Division 190, "Permanent Sign Chart", by adding chart restriction values for a new category, "Billboards (Relocated from Original Town Square Overlay District Only)", allowing such billboards to be relocated in all use districts, subject to the City's issuance of a Special Use Permit.**

Alderman Starr moved to approve Ordinance No. O-15-791. Seconded by Mayor Pro Tem Walsh. For: Unanimous. Motion carried 5-0-0.

**DISCUSSION**

13. **Discussion regarding a Special Use Permit Application filed by Andres Gonzales.**

Chief Building Official Jordan informed Council and the Commission that Andres Gonzales has filed a Special Use Permit application. No action taken for Agenda Item 13.

**JOINT PUBLIC HEARING**

**14. Open Joint Public Hearing.**

Mayor Driggars opened the Public Hearing at 6:16 P.M.

**15. Conduct Public Hearing to consider Special Use Permit Application No. 15FER-SUP0001 filed by Andres Gonzales for the placement of a billboard on approximately .603 acres located west of Interstate 45 and south of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.**

No comments made.

**16. Close Joint Public Hearing.**

Mayor Driggars closed the Public Hearing at 6:17 P.M.

**PLANNING AND ZONING COMMISSION BUSINESS**

**17. Final report by the Planning and Zoning Commission regarding Special Use Permit Application No. 15FER-SUP0001 filed by Andres Gonzales for the placement of a billboard on approximately .603 acres located west of Interstate 45 and south of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.**

Commissioner Amor moved to recommend approval of Special Use Permit Application No. 15FER-SUP0001. Seconded by Vice Chair Hatfield. For: Unanimous. Motion carried 4-0-0.

**COUNCIL BUSINESS**

**18. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-792 amending the Zoning Ordinance and the Official Zoning Map by approving Special Use Permit Application No. 15FER-SUP0001 filed by Andres Gonzales for the**

**placement of a billboard on approximately .603 acres located west of Interstate 45 and south of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.**

Alderman Starr moved to approve Ordinance No. O-15-792. Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

**CLOSING – PLANNING AND ZONING COMMISSION**

**19. Adjourn: Planning and Zoning Commission.**

Vice Chair Hatfield moved to adjourn the Planning and Zoning Commission. Seconded by Commissioner Amor. For: Unanimous. The motion carried 4-0-0. With no further business to come before the Planning and Zoning Commission, Chairman Kay adjourned the Commissioners at 6:20 P.M.

**DISCUSSION**

**20. Discussion regarding a proposed Veterans Sculpture.**

Economic Development Coordinator Dart informed the Mayor and Council that Brad Oldham, a renowned Dallas-based sculptor, has notified the City that an anonymous donor would like to present the City of Ferris with a sculpture that honors our veterans. The most preferable site location was determined to be the downtown pavilion. Further research and planning will be conducted and this item will be presented to Council at the next meeting.

**21. Discussion regarding Ferris ISD plans to lay underground fiber to all of their schools in order to improve reliability and increase the bandwidth of their data network.**

Economic Development Coordinator Dart informed the Mayor and Council that Ferris ISD will be running underground intranet fiber to all of their schools. The City will benefit from this project in the future by being able to tap in to the hand holes and run conduit into the City facilities. An Interlocal Agreement will be presented to Council at the next meeting.

**RESOLUTION**

22. **Discussion, consideration, and action as may be appropriate regarding Resolution No. R-15-186 authorizing designated signatories for the City of Ferris accounts contracted with the Commercial State Bank.**

Alderman Starr moved to approve Resolution No. R-15-186. Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

**CLOSING**

23. **Adjourn.**

Alderman Ross moved to adjourn the meeting. Seconded by Alderman Starr. For: Unanimous. The motion carried 5-0-0. With no further business to come before the council, Mayor Driggars adjourned the meeting at 6:55 P.M.

**APPROVED THIS THE 15<sup>TH</sup> DAY OF JUNE, 2015.**

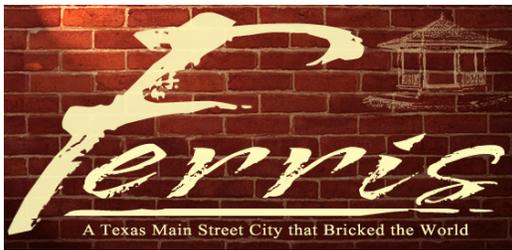
\_\_\_\_\_  
Micheal L. Driggars, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa R. Gonzalez, Finance Director

\_\_\_\_\_  
Kent Hofmeister, City Attorney



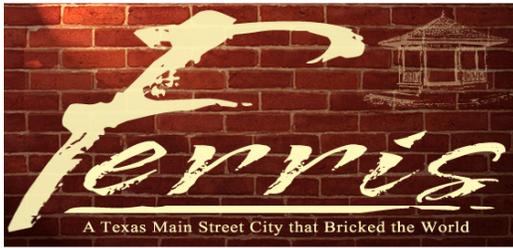
## **MEMORANDUM**

**DATE: June 15, 2015**  
**FROM: City Secretary, Destiny Wright**  
**TO: Mayor & Council**

**SUBJECT: Soccer Fields on Ferris Road**

**This agenda item is to provide an update on the status of the construction of the soccer fields on Ferris Road.**

**Josh Peters of Professional Golf Services and Craig Wilson of The Wallace Group are here to give an update on the project.**



## **MEMORANDUM**

**Date: June 15, 2015**  
**From: Economic Development Coordinator, Chuck Dart**  
**To: Mayor & Council**

**SUBJECT: Proposed Main Street By-Law Changes**

**In 1996 the City of Ferris became a Texas Historical Commission designated Main Street City, an honor which continues to present date. This item proposes changes to the by-laws as such:**

- a. Change references from Ferris Downtown Association to Ferris Area Business Association (FABA),**
- b. Change from FABA president to FABA officer as member of the Main Street Board,**
- c. Change the number of Main Street board members from 9 to 7 (Reduce 1 City Council Member and 1 At Large)**

**The third item deserves explanation. The by-laws designate two sitting City Council members. Transferring a Main Street council member to one of the Ferris economic development boards will increase much needed participation in our economic development efforts.**

**These changes were approved by the Main Street Board on two readings, as required by the bylaws. Tonight's item is for discussion only. At a future date the council will be asked to take action on this proposal.**

## **FERRIS MAIN STREET PROGRAM BY-LAWS FOR BOARD OF DIRECTORS**

### **Article I - Name**

- Section 1.1 The name of the organization shall be:  
**FERRIS MAIN STREET BOARD OF DIRECTORS**
- Section 1.2 The Main Street Association shall be non-partisan, non-sectional and non-sectarian. It shall not be committed to the support or endorsement of any political party or candidate for political office.
- Section 1.3 This organization operates under the City of Ferris 501 (c)6 Internal Revenue Service tax code and Texas Main Street of the Texas Historic Commission.

### **Article II - Objective**

- Section 2.1 The objectives of the Main Street Board of Directors and the City Council of Ferris, Texas are:
- a) Organize, promote and assist in revitalization of the designated historic are of Ferris, Texas
  - b) Develop, encourage, promote and protect the commercial, professional, financial and general business interest of the City of Ferris and surrounding area
  - c) Extend and promote trade, commerce, tourism, and in general the quality of life for all ages in Ferris
  - d) Foster development and protect the agricultural economy of the area
  - e) Procure laws and regulations desirable for the benefit of business in general
  - f) Promote growth through a solid foundation of preservation of our heritage
- Section 2.2 In order to help the Main Street Association meet it's goals and objectives, the City Council will work hand in hand with the Main Street Board of Directors. Whenever possible the City Council will: make funds available for projects, provide man power and/or materials, make appointments and pass rules and ordinances. It should always be kept in mind that the shared purpose of the Main Street Board of Directors and Ferris City Council is the revitalization and development of a strong economy which in the long run will pay huge dividends to the citizens of Ferris.

### **Article III - Requirements and Responsibilities**

- Section 3.1 Purpose of the position:  
The Main Street Board of Directors are responsible for assisting in policy, review of the annual program budget and determining the goals of the program. The board also should be representative of the community, lending support to the local program and director and should be an advocate of downtown revitalization.

Section 3.2 Requirements of position

Each board member should have or provide one or more of the following:

- a) A demonstrated interest in the program's purpose and its goals
- b) Specific experience in and/or knowledge of administration, finance, program development, advertising, public relations, downtown business activity, communications, design or economic restructuring
- c) Representation of a public or private organization in the community or a segment of the community
- d) Four to Ten hours per month of time available to be given to the Main Street Program

Section 3.3 Major Responsibilities of the Board

The board members are jointly responsible for:

a) **Policy Administration**

- 1) Ensuring that the program fulfills its commitment to the community in areas of standards and policy
- 2) Adopting and administering by-laws
- 3) Adopting policies that determine the program's purposes, governing principles, functions and activities, and courses of action
- 4) Developing a partnership with city council and respecting the final decisions of the council in an effort to build community consensus
- 5) Working as a cohesive group to resolve conflict of opinion on decision matters that relate to the board as a whole or the city council

b) **Finance**

- 1) Approving and monitoring the finances of the program within the approved budget
- 2) Helping raise sufficient funds to ensure that the program can meet its objectives
- 3) Developing a self-audit system
- 4) Educating community and city council about budget needs i.e. Public Relations
- 5) Understanding and interpreting the program's work to the community
- 6) Relating the services of the program to the work of other organizations and agencies
- 7) Giving sponsorship and prestige to the program and inspiring confidence in its activities
- 8) Serving as advocates of economic development through historic preservation in the downtown area
- 9) Promoting the local heritage of the community

c) **Evaluation**

- 1) Regularly reviewing and evaluating the program's operations and maintaining standards of performance
- 2) Monitoring the program's activities
- 3) Counseling and providing good judgment on plans adopted by committees and the program director

d) **Personnel**

- 1) In some cases, making recommendations to mayor on the selection of the Main Street Director
- 2) Participating in the recruitment, recommendation and development of individuals to serve on the board as approved by city council
- 3) Encourage and support the efforts of the Main Street Director

Section 3.4 Individual Standards for Board Members

- a) Supports board decisions, even when he or she may disagree with the majority decision
- b) Understands the mission of the Main Street program and promotes its goals and activities to the community as a whole
- c) Attends board meetings and adheres to bylaws of board
- d) Participates in ongoing training that pertains to board member responsibilities and goals of the program
- e) Contributes one or more of the following: knowledge, financial resources, or labor to the Main Street program
- f) Respects the need for the program director to report to only one "boss"
- g) Offers opinions honestly, without reservation and in a constructive way
- h) Does not commit more time to the Main Street program than he or she can realistically afford
- i) Delegates responsibilities to the committees when appropriate
- j) Promotes unity within the organization and seeks to resolve internal conflicts
- k) Encourages orderly, systematic and incremental implementation of the Main Street program's work plan, discouraging the board from being distracted by secondary issues or projects not included in the program's annual agenda
- l) Encourages staff and other board members to express their opinions openly in board meetings
- m) Is loyal to the program and honors his or her commitment to it
- n) Understands that their actions in public or directly linked to the perception of the program

**Article IV - Board of Directors**

Section 4.1 Number and Composition

Ferris Main Street Board of Directors shall consist of nine members: six (6) members shall be appointed by the City Council upon the recommendation of the Main Street Director for a term of three (3) years; two (2) members of the City Council shall be appointed to serve for the length of the term of office, two (2) years; and one (1) member shall be the president of the Ferris Downtown Association.

Section 4.2 Officers

Ferris Main Street Board of Directors shall elect officers for the organization: President, Vice President and Secretary/Treasurer. These officers shall serve for one year unless re-elected by Board Members. Election of officers will be in July at the regular meeting.

Section 4.3 Replacement

In the event a board member resigns by written notice or his position becomes vacant due to illness or death, the City Council shall appoint a replacement upon recommendation by the Main Street Director. This replacement shall serve the unfulfilled term unless re-elected for another term.

Section 4.4 Attendance

A board member will be subject to removal from the board upon absence of three (3) consecutive meetings.

Section 4.5 Removal

Any board member may be removed by the board whenever a vote of two-thirds (2/3) of the current board judges it to be in the best interest of the board.

**Section 4.6 Meetings**

Ferris Main Street Board of Directors shall meet quarterly on the second Monday of January, April, July and October. These shall be regular meetings. The board shall also meet when called on by the Main Street Director or Ferris City Council. These shall be Called Meetings. Notice shall be posted three (3) days prior to the called meeting at Ferris City Hall.

**Section 4.7 Quorum**

At the meeting of the Board a majority of the members of the then existing board shall constitute a quorum.

**Section 4.8 Other Appointments**

Ferris Main Street Board of Directors may be called on by the City Council to serve on an Economic/Industrial Development Committee and should be prepared to accept.

**Section 4.9 Responsibilities for Committees**

The Board of Directors should be prepared to facilitate and/or chair the committees designated by the board as necessary to accomplish the goals of the Ferris Main Street Program.

**Section 4.10 Responsibilities for Ferris Downtown Association**

The Ferris Main Street Board members shall oversee and sponsor the functions/special events of the Ferris Downtown Association and attend as many meetings of that organization as possible.

**Article V – Amendments to the By-Laws**

**Section 5.1** The Ferris Main Street Program By-Laws for the Board of Directors may be amended by a Majority vote in two (2) consecutive meetings and by subsequent approval of the Ferris City Council.

**Article VI - Branches and organizational flow**

**Section 6.1** The branches of the Ferris Main Street Association are as follows:

- a) Ferris City Council as a hand in hand association
- b) Main Street Board of Directors
- c) Main Street Director
- d) Appointed Committees
- e) Ferris Downtown Association

Main Street Board By-Laws change

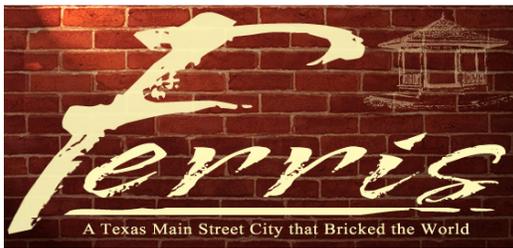
8/10/10

Section 4.1 shall be changed to read:

Ferris Main Street Board of Directors shall consist of nine members: six (6) members shall be appointed by the city council upon the recommendation of the Main Street Director for a term of two (2) years; two (2) members of the City Council shall be appointed to serve for the length of the term of office, two (2) years; and one (1) member shall be the president of the Ferris Downtown Association. The board will also include, upon recommendation of the Main Street Director, two (2) non-voting student advisors, enrolled in the seventh through 11<sup>th</sup> grades, residing within Ferris ISD boundaries. The term length of student advisors shall be one (1) year beginning in August.

Section 4.2 shall be changed to read:

Ferris Main Street Board of Directors shall elect officers for the organization: President, Vice President, and Secretary/Treasurer. The officers shall serve for one year unless re-elected by Board Members. Election of Officers will be in the third calendar quarter after selection of new board members.



## **MEMORANDUM**

**Date: June 15, 2015**  
**From: Economic Development Coordinator, Chuck Dart**  
**To: Mayor & Council**

**SUBJECT: Interlocal agreement with FISD**

**At the last meeting, City Council heard about Ferris ISD's plans to lay underground fiber to all of its schools. This will improve reliability and increase bandwidth of its data network. In return for Right of Way granted by the City of Ferris, fiber will be routed by City of Ferris facilities for its future use. There will be no cost to the City until fiber is extended to City buildings. An inter-local agreement has been reviewed and approved by both legal teams. Council approval will allow the FISD to proceed with their plans.**

**Tonight's agenda item requires action to approve the interlocal agreement which permits the FISD to lay fiber in the areas controlled by the City of Ferris.**

**Interlocal Agreement**  
**Between City of Ferris, Ferris Texas and**  
**Ferris Independent School District**

This Agreement is made on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the City of Ferris, a political subdivision of the State of Texas (City of Ferris), and the Ferris Independent School District, a duly constituted public independent school district (Ferris ISD).

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code authorizes units of local government to contract with one or more units of local government to perform government functions and services.

WHEREAS, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, Chapter 791 of the Texas Government Code, for the performance of governmental functions and services; specifically, the Burying of Fiber Optic Conduit (please see Appendix I) by Ferris ISD, and for such other and further acts of cooperation as the parties may subsequently agree to by the execution of a separate and specific agreement ratified by the governing bodies of each contracting party, specifically the authorized representative(s) of the City of Ferris and the Ferris ISD Board of Trustees or Superintendent.

WHEREAS, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, Chapter 791 of the Texas Government Code, for the performance of governmental functions and services; specifically, the Obtaining of Legal Rights of Way from the Texas Department of Transportation (TxDOT) by the City of Ferris (See Appendix II), and for such other and further acts of cooperation as the parties may subsequently agree to by the execution of a separate and specific agreement ratified by the governing bodies of each contracting party, specifically the authorized representative(s) of the City of Ferris and Ferris ISD.

WHEREAS, the City of Ferris provides these services to the citizens of City of Ferris, and has the capacity to service the needs of Ferris ISD.

WHEREAS, the City of Ferris and Ferris ISD have investigated and determined that it would be advantageous and beneficial to both Ferris ISD and to City of Ferris and its inhabitants for Ferris ISD to provide Buried Fiber Optic Conduit to the City of Ferris.

WHEREAS, the Ferris ISD wishes to engage City of Ferris to Obtain Legal Right of Ways from the Texas Department of Transportation (TxDOT) on behalf of the Ferris ISD, and Ferris ISD desires to engage the City of Ferris to provide such services.

WHEREAS, the governing bodies of Ferris ISD and the City of Ferris desire to foster goodwill and cooperation between the two entities; and

WHEREAS, Ferris ISD and the City of Ferris, deem it to be in the best interest of both entities to enter into this Agreement relative to the Buried Fiber Optic Conduit and Obtaining Legal Rights of Way from TxDOT and for such other and additional services as the parties may subsequently agree to by the execution of separate and specific agreements, and in consideration of the mutual covenants contained herein, Ferris ISD and the City of Ferris agree as follows:

**Services to be Performed**

Ferris ISD hereby engages the City of Ferris to Obtain Legal Rights of Way from the Texas Department of Transportation on behalf of Ferris ISD, together with all incidental acts, procedures, and methods necessary to accomplish the ends of such project.

The City of Ferris agrees to engage Ferris ISD to Bury Fiber Optic Conduit for the use of both parties, together with all incidental acts, procedures, and methods necessary to accomplish the ends of such project.

**Duration of Agreement**

Unless mutually initiated, cancelled, or terminated earlier with thirty (30) days prior written notice, this Agreement shall commence on the 1st day of June, 2015. This contract expires at midnight on May 31, 2016. This contract may be extended for Three (3) annual renewals with a new Interlocal agreement agreed to and approved by both entities

**Compensation**

This Interlocal Agreement is mutual and provides compensation for both parties as it provides that Ferris ISD will purchase and have installed fiber optic conduit along yet to-be-determined routes (See Appendix I) while the City of Ferris will obtain legal rights of way on state highways and/or Farm to Market Roads from TxDOT on behalf of both parties.

**Relationship of Parties**

The parties intend that City of Ferris, in performing services specified in this agreement, shall act as an independent contractor and shall have control of its work and the manner in which it is performed. Neither City of Ferris, its agents, employees, volunteer help or any other person operating under this Agreement, shall be considered an agent or employee of Ferris ISD and shall not be entitled to participate in any pension or other benefits that Ferris ISD provides its employees.

Equally, the parties intend that Ferris ISD, in performing services specified in this agreement, shall act as an independent contractor and shall have control of its work and the manner in which it is performed. Neither Ferris ISD, its agents, employees, volunteer help or any other person operating under this Agreement, shall be considered an agent or employee of the City of Ferris and shall not be entitled to participate in any pension or other benefits that the City of Ferris provides its employees.

**Notice to Parties**

Any notice given hereunder by either party to the other shall be in writing and may be affected by personal delivery or by certified mail, return receipt requested. Notice to City of Ferris shall be sufficient if made or addressed to the Authorized Representative of the City of Ferris, 100 Town Plaza, Ferris, Texas 75125. Notice to Ferris ISD shall be sufficient if made or addressed to the Office of Superintendent, Ferris

Independent School District, at P.O. Box 459, Ferris, Texas 75125. Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

**Miscellaneous Provisions**

**Indemnification**

Only to the extent allowed by Texas law, Ferris ISD agrees to defend, indemnify and hold the City of Ferris harmless from and against any and all claims, demands, suits, causes of action, and judgments for (a) damages to the loss of property of any person; and/or (b) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of incident to, concerning or resulting from the negligent or willful act or omissions of the Ferris ISD, its agents, officers, and or employees in the performance of activities of duties pursuant to this Agreement.

Only to the extent allowed by Texas law, The City of Ferris agrees to defend, indemnify and hold Ferris ISD harmless from and against any and all claims, demands, suits, causes of action, and judgments for (a) damages to the loss of property of any person; and/or (b) death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person, arising out of incident to, concerning or resulting from the negligent or willful act or omissions of the City of Ferris, its agents, officers, and or employees in the performance of activities of duties pursuant to this Agreement.

**Current Revenues Only**

Any payments for services under this agreement shall be made from current revenues available to each party.

**Entire Agreement**

This Agreement contains the entire Agreement (and attached Appendices I and II) between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing signed by both parties. This Agreement shall be governed by and constructed in accordance with the laws of the State of Texas. No assignment of this Agreement or of any right accrued hereunder shall be made, in whole or in part, by either party without the prior written consent of the other party. Venue shall be in a court of competent jurisdiction for actions occurring in the City of Ferris.

The undersigned officer and/or agents of the parties hereto are the properly authorized officials of the party presented and have the necessary authority to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and approved and are now in full force and effect.

EXECUTED by the parties hereto, each respective entity acting by and through its duly authorized official as required by law, on the date specified on the multiple counterpart executed by such entity.

**Ferris Independent School District**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Authorized By: \_\_\_\_\_

Date: \_\_\_\_\_

**City of Ferris**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Authorized By: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX I

WHEREAS Ferris Independent School District, hereinafter referred to as “Ferris ISD”, approved a project to install a new intranet fiber optic infrastructure that would connect all of their existing campuses to its central administration office located at 501 E. 5th St, Ferris.

WHEREAS Ferris ISD has paid for contracted services that will entail, but is not limited to, burying the conduit for the new air-blown fiber optic cable, hereinafter referred to as ‘the conduit’.

WHEREAS some of the routes (To Be Officially Determined) that Ferris ISD would like to take would pass by strategic offices for the City of Ferris.

WHEREAS some of these routes also include traversal along State and/or Farm to Market Roads, which would require the obtaining of legal rights of way from the Texas Department of Transportation (TxDOT).

WHEREAS the conduit that will provide a path for the the air-blown fiber optic cable consists of seven (7) tubes.

WHEREAS four (4) of these tubes will be utilized and maintained for district use leaving three (3) of the remaining tubes would be available for use by the City of Ferris; and WHEREAS Ferris ISD would allow the City of Ferris to use the remaining (3) tubes, at no charge, in exchange for the City of Ferris Obtaining Legal Rights of Way from TxDOT on behalf of Ferris ISD and the City of Ferris (See Appendix II).

### **The City of Ferris, Expectations**

Ferris ISD will pay for the boring that will be required to bury the conduit, burying the conduit, along with the necessary hand-holes for location, splicing, and air-blowing access along the mutually strategic routes to be determined by Ferris ISD and the City of Ferris. Ferris ISD will also be responsible for securing the engineering firm, if deemed necessary by Ferris ISD, and all labor costs for burying the conduit along the yet-to-be-determined routes.

### **Ferris ISD Expectations**

The City of Ferris, will be responsible for obtaining legal rights of way along State and/or Farm to Market Roads where the conduit may traverse. The City of Ferris, will be responsible for installing or contracting with another entity to have fiber optic cable installed in the tubes that will be provided to them by Ferris ISD. The City of Ferris will also be responsible for contracting with another entity to splice and stob-off conduit from the path of the main conduit to the City of Ferris, buildings. Ferris ISD will NOT be responsible for blowing the fiber optic cable that the City of Ferris, will utilize. The City of Ferris will pay for ALL costs for the purchase of their own fiber optic cable and the installation thereof; Ferris ISD will only pay for the conduit and the installation thereof as well as furnish the City of Ferris three (3) tubes within that conduit.

## APPENDIX II

WHEREAS Ferris Independent School District, hereinafter referred to as “Ferris ISD”, has agreed to provide the City of Ferris with three tubes in the buried fiber optic conduit, hereinafter referred to as “the conduit” (See Appendix I).

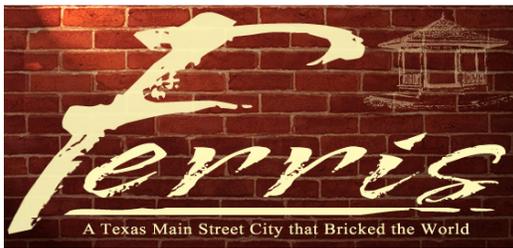
WHEREAS the City of Ferris, will petition the Texas Department of Transportation (TxDOT) on behalf of Ferris ISD and the City of Ferris, to Obtain Legal Rights of Way (at no charge to Ferris ISD) to be able to bore and allow the conduit to traverse along State and/or Farm to Market Roads within and/or near the City of Ferris.

### **The City of Ferris, Expectations**

Ferris ISD will pay for the boring that will be required to bury the conduit, burying the conduit, along with the necessary hand-holes for location, splicing, and air-blowing access along the mutually strategic routes to be determined by Ferris ISD and the City of Ferris. Ferris ISD will also be responsible for securing the engineering firm, if deemed necessary by Ferris ISD, and all labor costs for burying the conduit along the yet-to-be-determined routes.

### **Ferris ISD Expectations**

The City of Ferris, will be responsible for obtaining legal rights of way along State and/or Farm to Market Roads where the conduit may traverse. The City of Ferris, will be responsible for installing or contracting with another entity to have fiber optic cable installed in the tubes that will be provided to them by Ferris ISD. The City of Ferris will also be responsible for contracting with another entity to splice and stob-off conduit from the path of the main conduit to the City of Ferris, buildings. Ferris ISD will NOT be responsible for blowing the fiber optic cable that the City of Ferris, will utilize. The City of Ferris will pay for ALL costs for the purchase of their own fiber optic cable and the installation thereof; Ferris ISD will only pay for the conduit and the installation thereof as well as furnish the City of Ferris three (3) tubes within that conduit.



## MEMORANDUM

**Date:** June 15, 2015  
**From:** Economic Development Coordinator, Chuck Dart  
**To:** Mayor & Council

**SUBJECT:** Veterans Sculpture

**At the last meeting Brad Oldham, sculptor, presented his clients' desire to donate a Veterans Sculpture in downtown Ferris. After the council reviewed his qualifications, Mr. Oldham presented a map that showed four potential locations. His preference is to place the memorial on the north side of the pavilion facing W. Sixth Street. That location, however, will require improvements to the pavilion that will make the monument area more aesthetically pleasing. The following evening, June 2, Mr. Oldham met with the Ferris 4B E.D.C. to present his plan. The 4B E.D.C. voted unanimously to allocate \$30,000 of budgeted funds to pavilion improvements that will enhance this project.**

**Requirements from Brad Oldham by the City of Ferris are as follows:**

**Requirements by the City of Ferris:**

1. Letter of Approval, accepting this gift. Written approval is needed immediately to proceed with concept, designs and other required work for the sculptural installation.
2. Letter of Final Acceptance, acknowledging ownership of the public art installation when it is completely turned over to the City of Ferris. The letter should include reference to the added maintenance of site to city responsibilities.
3. Assistance with submissions to TXDot for approval in right of way.
4. Commitment from Economic Development to use funds to beautify pavilion, if site described as Option 1 is to be used.

**The agenda item tonight requires action to decide whether to accept the gift and, if so, to indicate the council's preferred location for the Veterans Sculpture. I recommend the following action:**

"Motion to accept the anonymously donated Veterans Sculpture to be placed at the (insert location here) and to allow the Economic Development Director to submit a request to the City Attorney to compose a Resolution accepting the gift, designating the location, and all matters related."