

**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, OCTOBER 5, 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 5TH DAY OF OCTOBER, 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>
<u>COUNCIL BUSINESS</u>		
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.

- Expenditures for the periods ending September 18, 2015 and September 30, 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 August 17, 2015. 3

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

COUNCIL BUSINESS - PROCLAMATIONS

7. Presentation of Proclamation recognizing November 2015 as “National Hospice and Palliative Care Month”. 13
- *Presented by Destiny Wright, City Secretary.*
8. Presentation of Proclamation recognizing October 6, 2015 as “Ferris National Night Out”. 15
- *Presented by Tommy Russell, Police Officer.*

PRESENTATION

9. Presentation by Bureau Veritas regarding a foodservice inspection program. 17
- *Presented by Lisa Pomroy, Health & Safety Project Manager.*

DISCUSSION

10. Discussion regarding Ordinance No. O-15-806 repealing Section 10.117, "Short Form Plat Processing," of the City's Subdivision Ordinance and replacing with a new Section 10.117 that is entitled "Delegation of Approval Responsibility," and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change. Ø
- *Presented by Bill Jordan, Chief Building Official.*

JOINT PUBLIC HEARING

11. Open Public Hearing. Ø
12. Conduct Public Hearing to consider Ordinance No. O-15-806 repealing Section 10.117, "Short Form Plat Processing," of the City's Subdivision Ordinance and replacing with a new Section 10.117 that is entitled "Delegation of Approval Responsibility," and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change. Ø
13. Close Public Hearing. Ø

PLANNING AND ZONING COMMISSION BUSINESS

14. Final report by the Planning and Zoning Commission regarding Ordinance No. O-15-806 repealing Section 10.117, "Short Form Plat Processing," of the City's Subdivision Ordinance and replacing with a new Section 10.117 that is entitled "Delegation of Approval Responsibility," and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change. 18
- *Presented by Bill Jordan, Chief Building Official.*

COUNCIL BUSINESS

15. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-806 repealing Section 10.117, “Short Form Plat Processing,” of the City’s Subdivision Ordinance and replacing with a new Section 10.117 that is entitled “Delegation of Approval Responsibility,” and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change. 25
- *Presented by Bill Jordan, Chief Building Official.*

PLANNING AND ZONING COMMISSION BUSINESS

16. Election of Chair and Vice Chair. 32
- *Presented by Bill Jordan, Chief Building Official.*

CLOSING – PLANNING AND ZONING COMMISSION

17. Adjourn: Planning and Zoning Commission. 0

DISCUSSION

18. Discussion regarding the hiring process for City of Ferris personnel. 33
- *Presented by Carl Sherman, City Manager.*

CLOSING

19. Adjourn. 0

Executive Session Reservation

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gift), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits) and 551.087 (Deliberation Regarding Economic Development Negotiations).

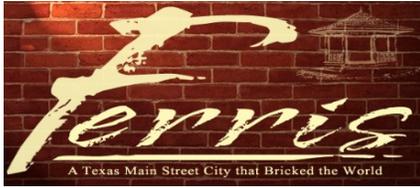
Disability Assistance and Accommodation

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 2ND DAY OF OCTOBER, 2015 BY 6:00 P.M.

Destiny Wright

DESTINY LUSK WRIGHT
CITY SECRETARY



City Council

Meeting Attendance Record 2015-2016

City Council		Oct.		Nov.		Dec.		Jan.		Feb.		March		April		May		June		July		Aug.		Sept.	
Title	Name	5	19	2	16	7	21	4	19	1	16	7	21	4	18	2	16	6	20	5	18	1	15	6	19
Mayor	Micheal Driggars																								
Alderman, Place 1	James Starr																								
Mayor Pro Tem	Jay Walsh																								
Alderman, Place 3	Bobby Lindsey																								
Alderman, Place 4	Gary Ross																								
Alderman, Place 5	Carol Wright																								
	Total:																								

City Staff		Oct.		Nov.		Dec.		Jan.		Feb.		March		April		May		June		July		Aug.		Sept.	
Title	Name	5	19	2	16	7	21	4	19	1	16	7	21	4	18	2	16	6	20	5	18	1	15	6	19
City Manager	Carl Sherman																								
City Secretary	Destiny Wright																								
City Attorney	Kent Hofmeister																								
Fire Chief/Int. Police Cf.	Tim Birdwell																								
I.T. Director	Doug Childers																								
Eco. Dev. Coordinator	Chuck Dart																								
Finance Director	Melissa Gonzalez																								
Library Director	Kathy Harrington																								
Chief Building Official	Bill Jordan																								
Police Chief	Vacant																								
Pub. Wrks. Supervisor	Eric Moss																								
	Total:																								

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

2015-2016

PLANNING AND ZONING COMMISSION			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Place	Name	Title	5											
Place 1	Jim Kay	Chair												
Place 2	Rudy Amor	Commissioner												
Place 3	Bill Malloy	Commissioner												
Place 4	James Swafford	Commissioner												
Place 5	Charles Hatfield	Vice Chair												
Place 6	Christi Farish	Commissioner												
Place 7	Richard Barrett	Commissioner												

Total Present:

A quorum of the commission is 4 members.

City Staff		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Title	Name	5											
City Manager	Carl Sherman												
City Secretary	Destiny Wright												
Building Official	Bill Jordan												

Total Present:

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 JOINT SESSION WITH THE PLANNING AND ZONING COMMISSION AUGUST 17, 2015 AT 6:00 P.M. IN THE COUNCIL CHAMBERS LOCATED AT 215 W. SIXTH STREET, FERRIS, TEXAS.

COUNCIL ATTENDANCE		
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

STAFF ATTENDANCE		
City Manager	Carl Sherman	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
Public Works Supervisor	Eric Moss	P

COMMISSION ATTENDANCE		
Chair	Jim Kay	P
Commissioner, Place 2	Rudy Amor	A
Commissioner, Place 3	Bill Malloy	P
Commissioner, Place 4	James Swafford	P
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 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 August 3, 2015 City Council meeting**
- **Expenditures for the periods ending July 31, 2015 and August 7, 2015**

Alderman Ross moved to approve the Consent Agenda. Seconded by Alderman Starr. 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 July 20, 2015.**

Commissioner Swafford moved to approve the meeting minutes for the Joint City Council and Planning and Zoning meeting of July 20, 2015. Seconded by Commissioner Malloy. 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.

COUNCIL BUSINESS

- 7. Discussion, consideration, and action as may be appropriate regarding appointments and re-appointments to various boards and commissions in the City of Ferris.**

Alderman Starr moved to appoint and re-appoint the following:

Library Board – Terri Ross, Judy Malloy, and Ruby Griggs
4A Economic Development Commission – James Harrison, Michael Martinez, and Chad Newsom
4B Economic Development Commission – Virginia Bodine, Virginia Kay, Rudy Amor, and Polly Starr
Park Board – Ty Hall, April Kay, John Reynolds, Kaitlyn Kinney, and Vannessa Solares
Main Street Board – Shai Roos, Karmin Thomas, Karen Carreon, Carol Wright, Matthew Hipshire, and Andrea Arvizu
Planning and Zoning Commission – Jim Kay, Bill Malloy, Charles Hatfield, and Richard Barrett

Seconded by Alderman Ross. For: Unanimous. Motion carried 5-0-0.

- 8. Swearing in of newly appointed and re-appointed board and commission members.**

City Secretary Wright administered the Oath of Office to all newly appointed and re-appointed board and commission members.

DISCUSSION

- 9. Discussion regarding the approval of an amendment to the Zoning Ordinance by REPEALING “DIVISION 100: PLANNED DEVELOPMENT DISTRICT” IN ITS ENTIRETY AND REPLACING SAID DIVISION 100 WITH A NEW DIVISION 100 THAT IS ALSO ENTITLED “PLANNED DEVELOPMENT DISTRICT”; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY**

CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

JOINT PUBLIC HEARING

10. Open Joint Public Hearing.

Mayor Driggars opened the Public Hearing at 6:15 P.M.

11. Conduct Public Hearing to consider the approval of an amendment to the Zoning Ordinance by REPEALING “DIVISION 100: PLANNED DEVELOPMENT DISTRICT” IN ITS ENTIRETY AND REPLACING SAID DIVISION 100 WITH A NEW DIVISION 100 THAT IS ALSO ENTITLED “PLANNED DEVELOPMENT DISTRICT”; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

No comments made.

12. Close Joint Public Hearing.

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

PLANNING AND ZONING COMMISSION BUSINESS

13. Final report by the Planning and Zoning Commission regarding the approval of an amendment to the Zoning Ordinance by REPEALING “DIVISION 100: PLANNED DEVELOPMENT DISTRICT” IN ITS ENTIRETY AND REPLACING SAID DIVISION 100 WITH A NEW DIVISION 100 THAT IS ALSO ENTITLED “PLANNED DEVELOPMENT DISTRICT”; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Vice Chair Hatfield moved to recommend approval of an amendment to the Zoning Ordinance by repealing “Division 100: Planned Development District” in its entirety and replacing said Division 100 with a new Division 100 that is also entitled “Planned Development District”; providing a penalty clause; providing a repealer clause, providing a severability clause; providing a savings clause; and

providing for publication and an effective date. Seconded by Commissioner Swafford. For: Unanimous. Motion carried 4-0-0.

COUNCIL BUSINESS

14. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-799 amending the Zoning Ordinance by REPEALING “DIVISION 100: PLANNED DEVELOPMENT DISTRICT” IN ITS ENTIRETY AND REPLACING SAID DIVISION 100 WITH A NEW DIVISION 100 THAT IS ALSO ENTITLED “PLANNED DEVELOPMENT DISTRICT”; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Alderman Lindsey moved to approve Ordinance No. O-15-799. Seconded by Alderman Wright. For: Unanimous. Motion carried 5-0-0.

DISCUSSION

15. Discussion regarding ADOPTING A NEW AND UPDATED OFFICIAL ZONING MAP THAT SUPERSEDES AND REPLACES THE CURRENT ZONING MAP; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

JOINT PUBLIC HEARING

1. Open Joint Public Hearing.

Mayor Driggars opened the Public Hearing at 6:22 P.M.

17. Conduct Public Hearing to consider ADOPTING A NEW AND UPDATED OFFICIAL ZONING MAP THAT SUPERSEDES AND REPLACES THE CURRENT ZONING MAP; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

No comments made.

18. Close Joint Public Hearing.

Mayor Driggars closed the Public Hearing at 6:22 P.M.

PLANNING AND ZONING COMMISSION BUSINESS

19. Final report by the Planning and Zoning Commission regarding ADOPTING A NEW AND UPDATED OFFICIAL ZONING MAP THAT SUPERSEDES AND REPLACES THE CURRENT ZONING MAP; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Commissioner Swafford moved to adopt a new and updated Official Zoning Map that supersedes and replaces the current zoning map; providing a penalty clause; providing a repealer clause; providing a severability clause; providing a savings clause; and providing for publication and an effective date. Seconded by Vice Chair Hatfield. For: Kay, Swafford, Hatfield. Against: Malloy. Motion carried 3-1-0.

Note: Mayor Pro Tem Walsh out at 6:28 P.M.

COUNCIL BUSINESS

20. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-800 ADOPTING A NEW AND UPDATED OFFICIAL ZONING MAP THAT SUPERSEDES AND REPLACES THE CURRENT ZONING MAP; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Alderman Ross moved to approve Ordinance No. O-15-800. Seconded by Alderman Starr. For: Unanimous. Motion carried 4-0-0.

DISCUSSION

21. Discussion regarding classifying fiber cement siding as an approved masonry product.

Chief Building Official Bill Jordan informed the Mayor and Council that he received a request from Alderman Ross to consider classifying fiber cement siding as an approved masonry product. Discussion ensued and it was determined to leave the classification as is.

CLOSING – PLANNING AND ZONING COMMISSION

22. Adjourn: Planning and Zoning Commission.

Vice Chair Hatfield moved to adjourn the Planning and Zoning Commission. Seconded by Commissioner Swafford. 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 6:34 P.M.

PROCLAMATIONS

23. Proclamation recognizing the first full week of September as “Payroll Week”.

Alderman Ross moved to recognize the first full week of September as “Payroll Week”. Seconded by Alderman Wright. For: Unanimous. Motion carried 4-0-0.

24. Proclamation recognizing September 2015 as “Childhood Cancer Awareness Month”.

Alderman Wright moved to recognize September 2015 as “Childhood Awareness Month”. Seconded by Alderman Starr. For: Unanimous. Motion carried 4-0-0.

DISCUSSION

25. Discussion regarding the budget for the City of Ferris for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

City Manager, Carl Sherman, and Finance Director, Melissa Gonzalez, gave a second presentation regarding the proposed 2015-2016 budget to the Mayor and Council. Mrs. Gonzalez made special note of the following items:

1. Legal Fees will now be coded to each individual department.
2. Salaries for library personnel will now be separated by full time and part time.
3. Food Supplies and Ice for the senior citizens will be increased per the request of Alderman Ross.

26. Discussion regarding the current, effective, and rollback tax rates.

Finance Director Melissa Gonzalez noted that the budget reflects a proposed tax rate of \$0.687134 per \$100.

PUBLIC HEARING

27. Open Public Hearing.

Mayor Driggars opened the Public Hearing at 7:16 P.M.

28. Conduct Public Hearing regarding the budget for the City of Ferris for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

No comments made.

29. Close Public Hearing.

Mayor Driggars closed the Public Hearing at 7:16 P.M.

PUBLIC HEARING

30. Open Public Hearing.

Mayor Driggars opened the Public Hearing at 7:17 P.M.

31. Conduct Public Hearing #1 regarding the proposed tax rate of \$0.687134 per \$100.

- **Announcement: Public Hearing #2 regarding the proposed tax rate of \$0.687134 per \$100 will be held August 31, 2015 at 6:00 P.M. at the Council Chambers located at 215 W. Sixth Street, Ferris, TX.**
- **Announcement: The vote on the Ordinance setting the tax rate will occur September 8, 2015 at 6:00 P.M. at the Council Chambers located at 215 W. Sixth Street, Ferris, TX.**

No comments made.

32. Close Public Hearing.

Mayor Driggars closed the Public Hearing at 7:18 P.M.

ORDINANCES

- 33. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-801 AMENDING CHAPTER 31, "MUNICIPAL COURT," OF THE CODE OF ORDINANCES BY REPEALING THE SUBCHAPTER ENTITLED "MUNICIPAL COURT," AND SECTION 31.01 THEREIN, AND THE SUBCHAPTER ENTITLED "COURT COSTS," AND SECTIONS 31.15, 31.16, AND 31.17 THEREIN, IN THEIR ENTIRETY, AND REPLACING THOSE SUBCHAPTERS AND SECTIONS WITH A NEW SUBCHAPTER ENTITLED "MUNICIPAL COURT," WITH NEW SECTIONS 31.01 THROUGH 31.15, THEREBY ESTABLISHING THE FERRIS MUNICIPAL COURT AS A MUNICIPAL COURT OF RECORD; ESTABLISHING THE JURISDICTION OF THE MUNICIPAL COURT; PROVIDING FOR THE APPOINTMENT OF MUNICIPAL COURT JUDGES; PROVIDING FOR THE QUALIFICATIONS, TERMS, SALARY, AND POWERS AND DUTIES OF MUNICIPAL COURT JUDGES; PROVIDING FOR A PRESIDING JUDGE; PROVIDING FOR THE FILLING OF VACANCIES; PROVIDING FOR THE REMOVAL OF JUDGES; PROVIDING FOR A MUNICIPAL COURT CLERK, WITH POWERS AND DUTIES; PROVIDING FOR THE MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR WARRANT FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

Alderman Ross moved to approve Ordinance No. O-15-801. Seconded by Alderman Lindsey. For: Unanimous. Motion carried 4-0-0.

- 34. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-15-802 AMENDING THE CITY OF FERRIS, TEXAS CODE OF ORDINANCES, AS AMENDED, TITLE IX, "GENERAL REGULATIONS," CHAPTER 91, "ANIMALS," BY ADDING A NEW SECTION 91.061, "TYING, STAKING, OR TETHERING," AND A NEW SECTION 91.062, "CONFINEMENT DURING ESTRUS," AND BY REPEALING SECTION 91.160, "FOOD, WATER AND SHELTER," AND SECTION 91.161, "ABANDONMENT PROHIBITED," IN THEIR**

ENTIRETY, AND REPLACING THOSE SECTIONS WITH A NEW SECTION 91.160, “BASIC CARE,” AND A NEW SECTION 91.161, “ABANDONMENT”; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Alderman Starr moved to approve Ordinance No. O-15-802. Seconded by Alderman Ross. For: Unanimous. Motion carried 4-0-0.

CLOSING

35. Adjourn.

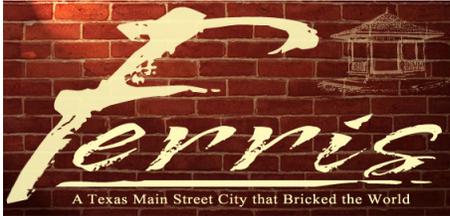
Alderman Ross moved to adjourn the meeting. Seconded by Alderman Starr. For: Unanimous. The motion carried 4-0-0. With no further business to come before the council, Mayor Driggars adjourned the meeting at 7:24 P.M.

APPROVED THIS THE 5TH DAY OF OCTOBER, 2015.

ATTEST:

Micheal L. Driggars
Mayor

Jim Kay
Chair



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 7 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **City Hall**

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: **Destiny Wright**

Amount: **\$0.00**

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: Staff

Attachments:

1. National Hospice and Palliative Care Month Proclamation

Discussion / Justification:

Acknowledgment of National Hospice and Palliative Care Month. Hospice is a great care option for those in need of this quality service.

Recommendation / Staff Comments:

I recommend acknowledgment of November 2015 as National Hospice and Palliative Care Month.

Motion(s):

I make a motion to acknowledge November 2015 as National Hospice and Palliative Care Month.

Proclamation

WHEREAS, Family First Hospice and Palliative Home Care provides patients and families the highest quality care during life-limiting illness and at the end of life, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to fully live until the final moments, surrounded and supported by loved ones, friends, and committed caregivers; and

WHEREAS, every year, more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States;

WHEREAS, professional and compassionate Family First Hospice and Palliative Home Care staff, including physicians, nurses, social workers, therapists, counselors, health aids, and clergy, provide comprehensive care focused on the wishes of each individual patient; and

WHEREAS, more than 468,000 trained volunteers contribute 22 million hours of service to hospice programs annually;

WHEREAS, providing high-quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserve to be treated with utmost respect and care; and

WHEREAS, Family First Hospice and Palliative Home Care has been a part of the Ferris community for over 10 years providing compassionate hospice care to all those facing the many challenges of advanced illnesses; and

WHEREAS, the care providers of Family First Hospice and Palliative Home Care encourage all people to learn more about options of care and to share their wishes with family, loved ones and healthcare professionals.

NOW, THEREFORE, I, Micheal L. Driggars, Mayor of the City of Ferris, and on behalf of the Ferris City Council, do hereby proclaim the month of November 2015 as

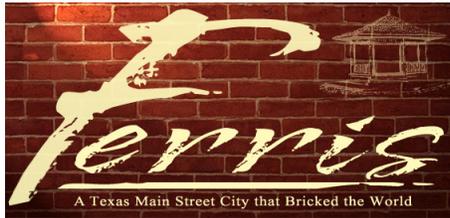
“NATIONAL HOSPICE & PALLIATIVE CARE MONTH”

in the City of Ferris, Texas and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

Office of the Mayor, City of Ferris, County of Ellis, State of Texas

In Witness Thereof, I have hereunto set my hand this 5th day of October, 2015, and caused this seal to be affixed.

Micheal L. Driggars, Mayor



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 8 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **Police**

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: **Tommy Russell**

Amount: **\$0.00**

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: **Staff**

Attachments:

1. National Night Out Proclamation

Discussion / Justification:

Acknowledgment of National Night Out and its importance with police-community partnerships, neighborhood watch, safety, awareness, anti-crime efforts and cooperation.

Recommendation / Staff Comments:

I recommend acknowledgement of Tuesday, October 6, 2015 as National Night Out.

Motion(s):

I recommend that we acknowledge Tuesday, October 6, 2015 as National Night Out.

PROCLAMATION

FERRIS NATIONAL NIGHT OUT

Whereas, police-community partnerships, neighborhood watch, safety, awareness, anti-crime efforts and cooperation are important themes of the **National Night Out** program held annually the first Tuesday of August since 1984 across America; and

Whereas, Texas has the option to use the alternate date of the first Tuesday in October to avoid hot weather, Ferris will host Ferris National **Night Out** on Tuesday, October 6, 2015; and

Whereas, **Ferris National Night Out** is meant to increase awareness about police programs in the community, such as drug prevention, town watch, neighborhood watch, and other anti-crime efforts; and,

Whereas, the Police Department in conjunction with the Fire Department, hosts a fun and informative event complete with door prizes, face painting, balloon animals, bounce houses, game truck, hamster ball, laser tag, mini train, free food and refreshments, as well as music.

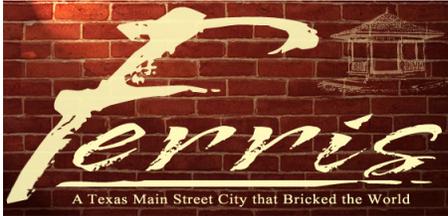
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FERRIS, hereby calls upon citizens of Ferris to join the City and the Ferris Police and Fire Departments to celebrate Ferris National Night Out on Tuesday, October 6, 2015 at Mutz Park at 5:30 p.m.

FURTHERMORE, LET IT BE RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FERRIS, hereby proclaims Tuesday, October 6, 2015 as Ferris National Night Out.

IN WITNESS THEREOF, I hereby affix my signature this 5th day of October 2015.

Micheal Driggers, Mayor
City of Ferris





City of Ferris

AGENDA ITEM REPORT

Agenda Item: 9 (City Secretary use only)

Meeting Date: October 5, 2015

Department: Code Compliance

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Bill Jordan

Amount:

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: Staff

Attachments:

1. Presentation Material

Discussion / Justification:

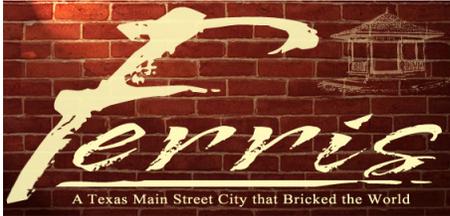
The City does not currently have any ordinances regulating food service. Because we do not have a foodservice inspection program, the State conducts sanitation inspections at all foodservice locations within the City. While this is at no cost to the City, it removes the control and oversight away from our community and places it in Austin. To address this issue, staff is preparing ordinances and processes for implementing a local foodservice inspection program. Tonight, Lisa Pomroy with Bureau Veritas will give a presentation about how they can partner with the City to create a solid and quality foodservice inspection program. Bureau Veritas provides an array of inspection services and is currently contracted with the City to provide some of our construction plan reviews and construction inspections. Lisa is a registered sanitarian with the State of Texas and is the Bureau Veritas Health and Safety Program Manager for our area.

Recommendation / Staff Comments:

No action.

Motion(s):

No action.



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 14 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **Code Compliance**

 Discussion X Action

Budgeted Expense: YES NO X N/A

Submitted By: **Bill Jordan**

Amount:

Reviewed By: City Manager

 City Secretary

 City Attorney

 Finance

 Other: Staff

Attachments:

1. Ordinance

Discussion / Justification:

This ordinance will amend the minor or “short-form” plat approval process to allow for a quicker and less costly process. Short-form plats are those plats that contain no more than three lots, and do not require the dedication or improvement of any street or the provision of easements for drainage or utilities, or the extension or installation of new utilities in such that the need for a preliminary plat is nonexistent. Currently, the Ferris Subdivision Regulations require all plats to go through a preliminary approval before the Planning and Zoning Commission and the City Council as well as a final plat process through both bodies. This amendment will remove that requirement for short-form plats, and instead allow the plats to be approved by the City Manager or his designee. Staff approval of short-form plats is an allowed process under the Texas Local Government Code. This will only affect plats where minor changes are made to relatively small portions of land. All other plats and re-plats will be unaffected and continue to use the current approval process.

Recommendation / Staff Comments:

Staff recommends the P&Z Commission recommend this ordinance for adoption by the City Council.

Motion(s):

- I make a motion to recommend Ordinance O-15-806 for adoption by the City Council as presented.
- I make a motion to recommend Ordinance O-15-806 for adoption by the City Council with the following changes: _____
- I make a motion to recommend Ordinance O-15-806 not be adoption by the City Council.
- I make a motion to table this item.

ORDINANCE NO. O-15-806

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF FERRIS, TEXAS, ADOPTED BY AND THROUGH ORDINANCE NO. O-06-631, AS PREVIOUSLY AMENDED, BY AMENDING SECTION 10.105, "DEFINITIONS," BY DELETING THE DEFINITION FOR "PLAT, SHORT-FORM" AND ADDING DEFINITIONS FOR THE PHRASES "PLAT, AMENDING/CORRECTION," "PLAT, MINOR" AND "REPLAT, MINOR," BY REPEALING SECTION 10.117, "SHORT FORM PLAT PROCESSING," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 10.117 ENTITLED "ADMINISTRATIVE APPROVAL OF A MINOR PLAT OR MINOR REPLAT," BY AMENDING SECTION 10.119, "AMENDING/CORRECTION PLAT PROCESSING," BY SUBSTITUTING THE PHRASE "CITY MANAGER" FOR THE PHRASE "PLANNING ADMINISTRATOR" IN THE SIXTH LINE OF SUBPARAGRAPH (A) OF SAID SECTION 10.119, BY AMENDING SECTION 10.121, "PLAT FILING FEES," BY DELETING SUBPARAGRAPH (C), "SHORT-FORM, AMENDING/CORRECTION PLAT," IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (C), ENTITLED "MINOR PLAT, MINOR REPLAT, AMENDING/CORRECTION PLAT"; 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, Texas ("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 Subdivision Ordinance of the City of Ferris ("Subdivision 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 regarding the proposed text revision to the City's Subdivision Ordinance; 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 current Section 10.117, "Short Form Plat Processing," of the City's Subdivision Ordinance should be repealed in its entirety and replaced with a new Section 10.117 that is entitled "Delegation of Approval Responsibility," as hereinafter described, and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change described herein; and

Ordinance No. O-15-806

WHEREAS, the City Council finds and determines that amending the text of the Subdivision 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

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. AMENDMENT OF THE SUBDIVISION ORDINANCE OF THE CITY OF FERRIS, TEXAS, ADOPTED BY AND THROUGH ORDINANCE NO. O-06-631, AS PREVIOUSLY AMENDED, BY AMENDING SECTION 10.105, “DEFINITIONS,” BY DELETING THE DEFINITION FOR “PLAT, SHORT-FORM” AND ADDING DEFINITIONS FOR THE PHRASES “PLAT, AMENDING/CORRECTION,” “PLAT, MINOR” AND “REPLAT, MINOR”

From and after the effective date of this Ordinance, Section 10.105, “Definitions,” of the City of Ferris Subdivision Ordinance, as amended, shall be amended by deleting the definition of the phrase “Plat, Short-Form” and adding definitions for the phrases “Plat, Amending/Correction,” “Plat, Minor” and “Replat, Minor,” to read as follows into the existing list of definitions in alphabetical order:

“Plat, Amending/Correction. A plat correcting errors or making minor changes to the original recorded final plat, as authorized by Texas Local Government Code § 212.016.

Plat, Minor. A subdivision of land resulting in four or fewer lots fronting on an existing street, provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services.

Replat, Minor. The replatting or resubdivision of any part or all of a previously platted subdivision of land which minor replat results in four or fewer lots fronting on an existing street, provided that the replat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor replat shall already be served by all required city utilities and services.”

Section 3. REPEALING SECTION 10.117, “SHORT FORM PLAT PROCESSING,” IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 10.117 ENTITLED “ADMINISTRATIVE APPROVAL OF A MINOR PLAT OR MINOR REPLAT”

From and after the effective date of this Ordinance, Section 10.117, “Short Form Plat Processing,” of the City of Ferris Subdivision Ordinance, as amended, is hereby repealed in its entirety and replaced with a new Section 10.117 entitled “Administrative Approval of a Minor Plat or Minor Replat,” to read as follows:

“Sec. 10.117 Administrative Approval of a Minor Plat or Minor Replat

(a) **Delegation of Authority.** Notwithstanding any other provisions of this Ordinance, the city manager may approve a minor plat or minor replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. The city manager may, however, for any reason, elect to present the minor plat or minor replat to the planning and zoning commission and city council for consideration and approval. The city manager is not authorized to disapprove a minor plat or minor replat and shall refer any minor plat or minor replat which the city manager refuses to approve to the planning and zoning commission and/or city council for consideration within the time period required by state law.

(b) **Certain Minor Replats.** If the proposed minor replat includes property that has been zoned or deed-restricted for residential uses of not more than two residential units per lot at any time in the preceding five (5) years, such minor replat shall be referred to the planning and zoning commission and/or city council for consideration within the time period required by state law and processed pursuant to section 10.118 of this Subdivision Ordinance.

(c) **Submission.** Documentation submitted for approval of a minor plat or minor replat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with this Subdivision Ordinance.

(d) **Properly labeled.** The minor plat or minor replat shall be entitled and clearly state that it is a minor plat or a minor replat, as appropriate.

(e) **Purpose statement.** A purpose statement shall be provided on the proposed minor plat or minor replat. This statement shall provide a brief synopsis of the reason for the proposed minor plat or minor replat.

(f) **Schematic plans required.** To assist in a complete and thorough review of the proposed minor plat or minor replat, the following schematic plan types may be required, as determined by the city manager. Such required plans must be submitted on separate sheets at the same scale as the minor plat or minor replat.

(1) A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown;

(2) A plan showing the proposed layout, lot numbers, and setback lines for single family and duplex residential subdivisions; and

(3) An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page minor plat or minor replat is submitted.

(g) **Screening and buffering.** If screening and buffering is required for a proposed subdivision as specified within this Subdivision Ordinance, screening and buffering plans shall be submitted to the city concurrently with the submittal of a minor plat or minor replat. The screening and buffering plans shall be approved by the city manager, prior to the approval of the minor plat or minor replat.

(h) **Waivers.** The waiver provisions applicable to final plats (section 10.132) shall also apply to minor plats and minor replats; and, any minor plat or minor replat seeking a waiver shall be referred to the planning and zoning commission and city council for determination and approval or disapproval within the time period required by state law.

(i) **Filing.** The minor plat or minor replat shall be filed at Ellis County in the same manner as prescribed for a final plat, and approval of a minor plat or minor replat shall expire if all filing materials are not submitted to the city, and the plat is not filed at Ellis County, within the time periods specified for a final plat.”

Section 4. AMENDING SECTION 10.119, “AMENDING/CORRECTION PLAT PROCESSING,” BY SUBSTITUTING THE PHRASE “CITY MANAGER” FOR THE PHRASE “PLANNING ADMINISTRATOR” IN THE SIXTH LINE OF SUBPARAGRAPH (A) OF SAID SECTION 10.119

From and after the effective date of this Ordinance, Section 10.119, “Amending/Correction Plat Processing,” of the City of Ferris Subdivision Ordinance, as amended, is hereby amended by substituting the phrase “city manager” for the phrase “planning administrator” in the sixth line of Subparagraph (a) of said Section 10.119.

Section 5. AMENDING SECTION 10.121, “PLAT FILING FEES,” BY DELETING SUBPARAGRAPH (C), “SHORT-FORM, AMENDING/CORRECTION PLAT,” IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (C), ENTITLED “MINOR PLAT, MINOR REPLAT, AMENDING/CORRECTION PLAT”

From and after the effective date of this Ordinance, Section 10.121, “Plat Filing Fees,” of the City of Ferris Subdivision Ordinance, as amended, is hereby amended by deleting Subparagraph (c), “Short-Form, Amending/Correction Plat,” in its entirety and replacing said provisions with a new Subparagraph (c), entitled “Minor Plat, Minor Replat, Amending/Correction Plat,” to read as follows:

“(c) Minor Plat, Minor Replat, Amending/Correction Plat. A filing fee, as approved in the City of Ferris Fee Chapter, shall be paid at the time of submission of the minor plat or minor replat or amending/correction plat for review and approval by the city manager, planning and zoning commission, or the development review committee, as applicable.”

Section 6. 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 7. 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 8. 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 9. 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 10. 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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Ferris, Texas on this the 5th day of October, 2015.

Approved:

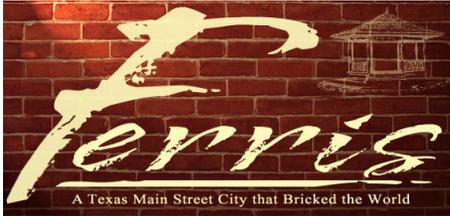
Micheal L. Driggars, Mayor

Attest:

Approved As To Form:

Destiny Lusk Wright, City Secretary

Kent Hofmeister , City Attorney



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 15 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **Code Compliance**

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: **Bill Jordan**

Amount:

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: Staff

Attachments:

1. Ordinance

Discussion / Justification:

This ordinance will amend the minor or "short-form" plat approval process to allow for a quicker and less costly process. Short-form plats are those plats that contain no more than three lots, and do not require the dedication or improvement of any street or the provision of easements for drainage or utilities, or the extension or installation of new utilities in such that the need for a preliminary plat is nonexistent. Currently, the Ferris Subdivision Regulations require all plats to go through a preliminary approval before the Planning and Zoning Commission and the City Council as well as a final plat process through both bodies. This amendment will remove that requirement for short-form plats, and instead allow the plats to be approved by the City Manager or his designee. Staff approval of short-form plats is an allowed process under the Texas Local Government Code. This will only affect plats where minor changes are made to relatively small portions of land. All other plats and re-plats will be unaffected and continue to use the current approval process.

Recommendation / Staff Comments:

Staff recommends approval of this ordinance.

Motion(s):

I make a motion to adopt Ordinance O-15-806 as presented.

I make a motion to adopt Ordinance O-15-806 with the following changes: _____

I make a motion to table this item.

ORDINANCE NO. O-15-806

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF FERRIS, TEXAS, ADOPTED BY AND THROUGH ORDINANCE NO. O-06-631, AS PREVIOUSLY AMENDED, BY AMENDING SECTION 10.105, "DEFINITIONS," BY DELETING THE DEFINITION FOR "PLAT, SHORT-FORM" AND ADDING DEFINITIONS FOR THE PHRASES "PLAT, AMENDING/CORRECTION," "PLAT, MINOR" AND "REPLAT, MINOR," BY REPEALING SECTION 10.117, "SHORT FORM PLAT PROCESSING," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 10.117 ENTITLED "ADMINISTRATIVE APPROVAL OF A MINOR PLAT OR MINOR REPLAT," BY AMENDING SECTION 10.119, "AMENDING/CORRECTION PLAT PROCESSING," BY SUBSTITUTING THE PHRASE "CITY MANAGER" FOR THE PHRASE "PLANNING ADMINISTRATOR" IN THE SIXTH LINE OF SUBPARAGRAPH (A) OF SAID SECTION 10.119, BY AMENDING SECTION 10.121, "PLAT FILING FEES," BY DELETING SUBPARAGRAPH (C), "SHORT-FORM, AMENDING/CORRECTION PLAT," IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (C), ENTITLED "MINOR PLAT, MINOR REPLAT, AMENDING/CORRECTION PLAT"; 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, Texas ("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 Subdivision Ordinance of the City of Ferris ("Subdivision 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 regarding the proposed text revision to the City's Subdivision Ordinance; 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 current Section 10.117, "Short Form Plat Processing," of the City's Subdivision Ordinance should be repealed in its entirety and replaced with a new Section 10.117 that is entitled "Delegation of Approval Responsibility," as hereinafter described, and that such other revisions should be made to the Subdivision Ordinance as may be necessary to effectuate the change described herein; and

Ordinance No. O-15-806

WHEREAS, the City Council finds and determines that amending the text of the Subdivision 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

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. AMENDMENT OF THE SUBDIVISION ORDINANCE OF THE CITY OF FERRIS, TEXAS, ADOPTED BY AND THROUGH ORDINANCE NO. O-06-631, AS PREVIOUSLY AMENDED, BY AMENDING SECTION 10.105, “DEFINITIONS,” BY DELETING THE DEFINITION FOR “PLAT, SHORT-FORM” AND ADDING DEFINITIONS FOR THE PHRASES “PLAT, AMENDING/CORRECTION,” “PLAT, MINOR” AND “REPLAT, MINOR”

From and after the effective date of this Ordinance, Section 10.105, “Definitions,” of the City of Ferris Subdivision Ordinance, as amended, shall be amended by deleting the definition of the phrase “Plat, Short-Form” and adding definitions for the phrases “Plat, Amending/Correction,” “Plat, Minor” and “Replat, Minor,” to read as follows into the existing list of definitions in alphabetical order:

“Plat, Amending/Correction. A plat correcting errors or making minor changes to the original recorded final plat, as authorized by Texas Local Government Code § 212.016.

Plat, Minor. A subdivision of land resulting in four or fewer lots fronting on an existing street, provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services.

Replat, Minor. The replatting or resubdivision of any part or all of a previously platted subdivision of land which minor replat results in four or fewer lots fronting on an existing street, provided that the replat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor replat shall already be served by all required city utilities and services.”

Ordinance No. O-15-806

Section 3. REPEALING SECTION 10.117, “SHORT FORM PLAT PROCESSING,” IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 10.117 ENTITLED “ADMINISTRATIVE APPROVAL OF A MINOR PLAT OR MINOR REPLAT”

From and after the effective date of this Ordinance, Section 10.117, “Short Form Plat Processing,” of the City of Ferris Subdivision Ordinance, as amended, is hereby repealed in its entirety and replaced with a new Section 10.117 entitled “Administrative Approval of a Minor Plat or Minor Replat,” to read as follows:

“Sec. 10.117 Administrative Approval of a Minor Plat or Minor Replat

(a) **Delegation of Authority.** Notwithstanding any other provisions of this Ordinance, the city manager may approve a minor plat or minor replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. The city manager may, however, for any reason, elect to present the minor plat or minor replat to the planning and zoning commission and city council for consideration and approval. The city manager is not authorized to disapprove a minor plat or minor replat and shall refer any minor plat or minor replat which the city manager refuses to approve to the planning and zoning commission and/or city council for consideration within the time period required by state law.

(b) **Certain Minor Replats.** If the proposed minor replat includes property that has been zoned or deed-restricted for residential uses of not more than two residential units per lot at any time in the preceding five (5) years, such minor replat shall be referred to the planning and zoning commission and/or city council for consideration within the time period required by state law and processed pursuant to section 10.118 of this Subdivision Ordinance.

(c) **Submission.** Documentation submitted for approval of a minor plat or minor replat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with this Subdivision Ordinance.

(d) **Properly labeled.** The minor plat or minor replat shall be entitled and clearly state that it is a minor plat or a minor replat, as appropriate.

(e) **Purpose statement.** A purpose statement shall be provided on the proposed minor plat or minor replat. This statement shall provide a brief synopsis of the reason for the proposed minor plat or minor replat.

(f) **Schematic plans required.** To assist in a complete and thorough review of the proposed minor plat or minor replat, the following schematic plan types may be required, as determined by the city manager. Such required plans must be submitted on separate sheets at the same scale as the minor plat or minor replat.

(1) A plan showing existing topography with contour lines of five feet, or less, with the proposed lot layout shown;

(2) A plan showing the proposed layout, lot numbers, and setback lines for single family and duplex residential subdivisions; and

(3) An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page minor plat or minor replat is submitted.

(g) **Screening and buffering.** If screening and buffering is required for a proposed subdivision as specified within this Subdivision Ordinance, screening and buffering plans shall be submitted to the city concurrently with the submittal of a minor plat or minor replat. The screening and buffering plans shall be approved by the city manager, prior to the approval of the minor plat or minor replat.

(h) **Waivers.** The waiver provisions applicable to final plats (section 10.132) shall also apply to minor plats and minor replats; and, any minor plat or minor replat seeking a waiver shall be referred to the planning and zoning commission and city council for determination and approval or disapproval within the time period required by state law.

(i) **Filing.** The minor plat or minor replat shall be filed at Ellis County in the same manner as prescribed for a final plat, and approval of a minor plat or minor replat shall expire if all filing materials are not submitted to the city, and the plat is not filed at Ellis County, within the time periods specified for a final plat.”

Section 4. AMENDING SECTION 10.119, “AMENDING/CORRECTION PLAT PROCESSING,” BY SUBSTITUTING THE PHRASE “CITY MANAGER” FOR THE PHRASE “PLANNING ADMINISTRATOR” IN THE SIXTH LINE OF SUBPARAGRAPH (A) OF SAID SECTION 10.119

From and after the effective date of this Ordinance, Section 10.119, “Amending/Correction Plat Processing,” of the City of Ferris Subdivision Ordinance, as amended, is hereby amended by substituting the phrase “city manager” for the phrase “planning administrator” in the sixth line of Subparagraph (a) of said Section 10.119.

Section 5. AMENDING SECTION 10.121, “PLAT FILING FEES,” BY DELETING SUBPARAGRAPH (C), “SHORT-FORM, AMENDING/CORRECTION PLAT,” IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (C), ENTITLED “MINOR PLAT, MINOR REPLAT, AMENDING/CORRECTION PLAT”

From and after the effective date of this Ordinance, Section 10.121, “Plat Filing Fees,” of the City of Ferris Subdivision Ordinance, as amended, is hereby amended by deleting Subparagraph (c), “Short-Form, Amending/Correction Plat,” in its entirety and replacing said provisions with a new Subparagraph (c), entitled “Minor Plat, Minor Replat, Amending/Correction Plat,” to read as follows:

“(c) Minor Plat, Minor Replat, Amending/Correction Plat. A filing fee, as approved in the City of Ferris Fee Chapter, shall be paid at the time of submission of the minor plat or minor replat or amending/correction plat for review and approval by the city manager, planning and zoning commission, or the development review committee, as applicable.”

Section 6. 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 7. 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 8. 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 9. 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 10. 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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Ferris, Texas on this the 5th day of October, 2015.

Approved:

Micheal L. Driggars, Mayor

Attest:

Approved As To Form:

Destiny Lusk Wright, City Secretary

Kent Hofmeister , City Attorney



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 16 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **Code Compliance**

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: **Bill Jordan**

Amount:

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: Staff

Attachments:

1. None

Discussion / Justification:

The Planning and Zoning Commission must annually elect a Chairman and Vice-Chairman of the Commission. The Current terms of Chairman, Jim Kay, and Vice-Chairman, Charley Hatfield, will expire on November 20, 2015. The Commission may choose to re-elect the current chairmen or may elect any other member of the Commission for either position. Those elected will serve a one-year term in their elected post.

Recommendation / Staff Comments:

No recommendation.

Motion(s):

- I make a motion to elect (Person's Name) as Chairman of the Planning and Zoning Commission.
- I make a motion to elect (Person's Name) as Vice-Chairman of the Planning and Zoning Commission.



City of Ferris

AGENDA ITEM REPORT

Agenda Item: 18 (City Secretary use only)

Meeting Date: **October 5, 2015**

Department: **City Hall**

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: **Carl Sherman**

Amount: **\$0.00**

Reviewed By: City Manager

City Secretary

City Attorney

Finance

Other: Staff

Attachments:
1. None
Discussion / Justification:
The purpose of this agenda item is to provide information to the Mayor and Council regarding the hiring process for City of Ferris personnel.
Recommendation / Staff Comments:
Discussion only.
Motion(s):
Discussion only.