



ADMINISTRATION

285 Uptown Blvd., Bldg. 100
Cedar Hill, TX 75104
O. 972.291.5100
F. 972.291.5199

**NOTICE OF CITY COUNCIL BRIEFING SESSION
JUNE 10, 2014
T.W. "TURK" CANNADY-CEDAR HILL ROOM
285 UPTOWN BLVD. – BLDG. 100
CEDAR HILL, TEXAS**

6:00 P.M.

AGENDA

- I. **Call the meeting to order.**
- II. **Library update.**
- III. **Briefing on 2014 ICMA International Sustainability Summit.**
- IV. **City Manager Reports:**
 - City Council Calendar/Upcoming Events.
 - City Operations.
- V. **Conduct a briefing session to discuss agenda items for 7:00 p.m. regular meeting.**
- VI. **Adjourn.**

I certify that the above notice of meeting was posted in accordance with the Texas Open Meetings Act on the 6th day of June 2014.

Belinda L. Huff
City Secretary

This facility is wheelchair accessible. If you plan to attend this public meeting and you have a disability that requires special arrangements, please call 972-291-5100 Ext. 1011 or (TDD) 1-800-RELAY TX (1-800-735-2989) at least 48 hours in advance. Reasonable accommodations will be made to assist your needs.

Mayor, Rob Franke • Mayor Pro Tem, Chris Parvin • Stephen Mason • Jami McCain
Daniel C. Haydin, Jr. • Clifford R. Shaw • Wallace Swayze • City Manager, Alan E. Sims
CedarHillTX.com



ADMINISTRATION

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**NOTICE OF CITY COUNCIL MEETING
JUNE 10, 2014
T.W. "TURK" CANNADY-CEDAR HILL ROOM
285 UPTOWN BLVD. – BLDG. 100
CEDAR HILL, TEXAS**

7:00 P.M.

***VISION STATEMENT:** We envision Cedar Hill as a premier city that retains its distinctive character; where families and businesses flourish in a safe and clean environment.*

***MISSION STATEMENT:** The mission of the City of Cedar Hill is to deliver the highest quality municipal services to our citizens and customers consistent with our community values.*

AGENDA

- I. Call the meeting to order.
- II. Pledge of Allegiance.
- III. Invocation.
- IV. **Distinctive Character Presentation:**
 1. Present the 2014 Waste Management scholarships to Celeste Adrienne Jessie and Morgan Avery Thomas, students of Cedar Hill Independent School District.
 2. Present a proclamation designating June 14, 2014 as Juneteenth Celebration Day in Cedar Hill.

V. Consent Agenda:

The Consent Agenda includes routine items that may be acted upon with a single vote. Any City Council member may remove items from the Consent Agenda for separate discussion and consideration.

1. Consider approving the minutes of the May 20, 2014 Town Hall meeting and the May 27, 2014 regular meeting.

Mayor, Rob Franke • Mayor Pro Tem, Chris Parvin • Stephen Mason • Jami McCain
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2. Consider adopting Ordinance No. 2014-540 designating a portion of S. Cannady Drive as a "No Parking Zone."

VI. Citizens Forum.

VII. Regular Agenda:

1. Consider approving Ordinance No. 2014-538, amending Chapter 14, Article VIII, of the Code of Ordinances by prohibiting the sale of e-cigarettes or liquid nicotine to minors and the possession of e-cigarettes or liquid nicotine by minors.
2. Consider adoption of Ordinance No. 2014- 539 amending Chapter 14 of the Code of Ordinances of the City of Cedar Hill providing the addition of Article X "Prohibition of Certain Solicitation Activities."
3. Consider electing a Mayor Pro Tem.

VIII. Updates and announcements from City Council Members.

IX. Adjourn.

I certify that the above notice of meeting was posted in accordance with the Texas Open Meetings Act on the 6th day of June 2014.

Belinda L. Huff
City Secretary

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PREMIER STATEMENTS
CEDAR HILL HAS DISTINCTIVE CHARACTER
CEDAR HILL HAS EXCELLENT, SAFE & EFFICIENT INFRASTRUCTURE
CEDAR HILL IS SAFE
CEDAR HILL IS CLEAN
CEDAR HILL HAS TEXAS SCHOOLS OF CHOICE
CEDAR HILL HAS VIBRANT PARKS AND NATURAL BEAUTY
CEDAR HILL HAS A STRONG AND DIVERSE ECONOMY

CITY COUNCIL VALUES
CITIZEN INPUT AND PARTICIPATION
ACCOUNTABILITY AND RESPONSIVENESS
DIVERSITY AND RESPECT FOR INDIVIDUAL DIFFERENCES
HIGHEST ETHICAL STANDARDS AND INTEGRITY
TEAMWORK AND REGIONAL COOPERATION
EXCELLENCE AND CONTINUOUS IMPROVEMENT

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the Government Center bulletin board on the ____ day of _____, 2014, By:_____

**CITY OF CEDAR HILL
CITY COUNCIL AGENDA ITEM**

Agenda Date: June 10, 2014

Agenda Item Wording: Present the 2014 Waste Management scholarships to Celeste Adrienne Jessie and Morgan Avery Thomas, students of Cedar Hill Independent School District

Summary:

Waste Management sponsors two (2) \$1,500 scholarships available to all High School graduates with a minimum GPA of 2.5 who want to further their education. The graduates must attend CHISD and/or be a resident of the City of Cedar Hill. The scholarship is coordinated by the Zula B. Wylie Public Library.

The applications and essays describing the sustainability of Cedar Hill and the role that the library can play in the future of the environment by Ms. Jessie and Ms. Thomas were deemed the best among the seventeen presented to the Library.

Funding Source: N/A

Recommended Action: Present Scholarships.

Department: Library

Contact / Phone No: Toni Simmons

972.293.732 ext. 1313

Attachments: No

If yes, how many pages: N/A

Proclamation

OFFICE OF THE MAYOR

- WHEREAS,** President Abraham Lincoln issued the Emancipation Proclamation on September 22, 1862; and
- WHEREAS,** although rumors of freedom for the slaves were widespread, actual emancipation did not come until two and half years, later when General Gordon Granger rode into Galveston, Texas, issuing General Order No. 3 on June 19, 1865; and
- WHEREAS,** as the news spread, thousands flooded the streets of Galveston, rejoicing in their newfound freedom and celebrating with song, dance and prayers, creating the day we now celebrate as Juneteenth to commemorate African American freedom; and
- WHEREAS,** today, these same celebrations are our opportunity to remember the past, recognize the significant contributions of African Americans, celebrate our diversity, and reinforce our hope for the future; and
- WHEREAS,** the City of Cedar Hill recognizes that a diverse community founded on shared values and community spirit is our strength and opportunity for the future; and
- WHEREAS,** the City of Cedar Hill is pleased to join with the Cities of Duncanville, DeSoto and Lancaster in the Best Southwest Celebration of Juneteenth and recognition of our rich diversity,

NOW, THEREFORE, I, Rob Franke, Mayor of the City of Cedar Hill, Texas, do hereby proclaim **June 14, 2014,** as

JUNETEENTH CELEBRATION DAY

in the City of Cedar Hill, Texas. I urge all of our citizens to celebrate our diversity, to recognize the strength of a rich culture and to experience the African American heritage. This celebration acknowledges the history of an important part of American society and helps unify our city, and our nation as a whole. The 2014 Best Southwest Juneteenth Celebration will be Saturday, June 14, 2014, from 4:00 PM to 9:00 PM in Armstrong Park, located at 100 James Collins Blvd., Duncanville, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Cedar Hill, Texas, to be affixed this 10th day of June 2014.



Rob Franke, Mayor

**MINUTES
CEDAR HILL TOWN HALL MEETING
TUESDAY, MAY 20, 2014
FIRST METHODIST CHURCH
128 N. ROBERTS ROAD
CEDAR HILL, TEXAS 75104
6:30 P.M.**

Staff and City Council of the City of Cedar Hill, Texas conducted a Town Hall Meeting on Tuesday, May 20, 2014, 6:30 p.m. at the First Methodist Church, 128 N. Roberts Road, Cedar Hill, Texas 75104.

The meeting began with a "Welcome" and introductions of the City Council and members of the Neighborhood Advisory Board, PACT Unit, City Staff and Neighborhood leaders.

The purpose of the meeting and message was to discuss services provided by the various City departments in order to engage and strengthen neighborhoods. This subject is the City Council's top priority.

Following the presentation, there were breakout sessions to establish communication between the neighborhoods and City.

There being no further business and absent dissent, the meeting adjourned.

Approved: _____
Rob Franke, Mayor

ATTEST:

Belinda L. Huff City Secretary

**BRIEFING MINUTES
CITY COUNCIL MEETING
MAY 27, 2014**

The City Council of the City of Cedar Hill, Texas, met in briefing session Tuesday, May 27, 2014, 6:00 p.m., 285 Uptown Blvd., Bldg. 100, City of Cedar Hill, Texas.

The following members of the City Council were present, to wit: Mayor Pro Tem Chris Parvin, Council Members Daniel C. Haydin, Jr., Jamie McCain, Clifford Shaw and Wallace Swayze.

I. Call the meeting to order.

Mayor Pro Tem Parvin called the meeting to order at 6:02 p.m., declaring it an open meeting, that a quorum was present and the meeting notice was duly posted.

II. Briefing by Valley View Consulting, LLC. regarding:

- March 31, 2014 Quarterly Investment Report.
- Investment Strategy for Joe Pool and City's Cash Operating Funds

Martin Avila, Finance Director for the City of Cedar Hill, along with a representative from Valley View Consulting, L.L.C., presented a detailed summary of the City's quarterly investment report and investment strategies for the Joe Pool Lake and cash operating funds.

III. Briefing on the Comprehensive Annual Financial Report for the City of Cedar Hill.

Martin Avila, Finance Director for the City of Cedar Hill, along with a representative from Crowe Horwath presented the City's Comprehensive Annual Financial Report for year ending September 30, 2013. Also it was reported that progress was being made in areas such as financial reporting, account management and user access and security, all areas previously reported as deficient.

III. City Manager Reports:

a. City Council Calendar/Upcoming Events.

Deputy City Manager Porter reviewed the City Council calendar, emphasizing the following:

Wednesday, May 28 – 7:30 a.m - City IMPACT Breakfast - Uptown Village: Old University of Phoenix Building, Ste. 566

Thursday, May 29 – 11:30 a.m. - Best Southwest Quarterly Luncheon – Hilton Garden Inn.

6:00 p.m. -Tourism Advisory Board Meeting – 4th Floor Administration Conference Room

Saturday, May 31 – 9:00 a.m.–War Dog Statue Dedication Ceremony/K-9 Demonstration
– Cedar Hill Recreation Center

Monday, June 2 – 6:00 p.m. – Joint Workshop – Economic Development Corp and City Council

Tuesday, June 3 – 6:00 p.m. – Special City Council Meeting – Boards and Commissions Interviews

Thursday, June 5 – 4:00 p.m. - Midtown Apartments Reception at David's Seafood Grill

IV. Conduct a briefing session to discuss agenda items for 7:00 p.m. Regular Meeting.

Deputy City Manager Porter gave a quick review of the agenda for the Regular Meeting as follows. He asked if there were questions on any of the items that needed further discussion. There were none.

Presentations:

1. Present a Proclamation designating June 7, 2014 as Take a Kid Fishing Day.
2. Operation Clean Sweep update.

Consent Agenda:

1. Consider approving the minutes of the special workshop of May 13, 2014 and the regular meeting of May 13, 2014.
2. Consider adoption of Resolution No. R14-410 denying the request for a rate increase by Atmos Energy Corp., Mid-Tex Division.
3. Consider adopting a calendar of regular City Council meetings for the next twelve months.

Regular Agenda:

1. Consider authorizing an extension for the use of temporary buildings as classrooms at Village Tech Schools located at 1014 E. Parkerville Road.
2. Consider accepting the Comprehensive Annual Financial Report for the City of Cedar Hill, the annual report for the Cedar Hill Economic Development Corporation, the annual report for the Cedar Hill Community Development Corporation and the Federal Single Audit Report.

V. Adjourn:

There being no further business, Council Member Haydin made a motion to adjourn, seconded by Council Member McCain. The motion passed by unanimous vote, and the meeting adjourned at 6:55 p.m.

Approved: _____
Chris Parvin, *Mayor Pro Tem*

Attest: _____
Belinda L. Huff, *City Secretary*

**MINUTES
CITY OF CEDAR HILL
CITY COUNCIL MEETING
MAY 27, 2014**

The City Council of the City of Cedar Hill, Texas met in regular session Tuesday, May 27, 2014, 7:00 p.m., T.W. "Turk" Cannady - Cedar Hill Room, 285 Uptown Blvd., Cedar Hill, Texas.

Present: Mayor Pro Tem Chris Parvin, Council Members Daniel C. Haydin, Jr., Jami McCain, Clifford Shaw and Wallace Swayze.

I. Call the meeting to order.

Mayor Pro Tem Parvin called the meeting to order at 7:03 p.m., declaring it an open meeting, that a quorum was present and that the meeting notice was duly posted.

II. Pledge of Allegiance.

Council Member McCain led the Pledges of Allegiance to both the United States and Texas Flags.

III. Invocation:

Council member Shaw gave the invocation.

IV. Presentation:

Item 1 was to present a Proclamation designating June 7, 2014 as "Take a Kid Fishing" Day in Cedar Hill.

Mayor Pro Tem Parvin read the Proclamation and invited Betty Minshew and representatives from the Dallas Bass Hookers Club to step forth and receive the Proclamation.

Mayor Pro Tem Parvin thanked Betty Minshew and the members present from the Dallas Bass Hookers Club for their dedication and hard work in organizing this event.

Item 2 was an update on presented by Code Enforcement Supervisor Stacey Graves on Operation Clean Sweep. She reported significant improvement in the Stonewood Heights neighborhood, the focus of this year's Operation Clean Sweep. She also stated that the focus of this year's program expanded to include structural concerns such as painting, siding and roofing

Deputy City Manager Porter pointed out this program was at a directive of the City Council and is a major undertaking for staff.

Members of the City Council praised the efforts of Code Enforcement and thanked them for their continued hard work.

Mayor Pro Tem Parvin asked Ms. Graves how the citizens were reacting to the program, citing financial constraints are often the reason why residents cannot make repairs to their homes.

Ms. Graves stated that the response from citizens was largely positive and that the City will continue to work with them as long as we see some progress in working towards bringing their property into compliance. She stated that volunteer groups such as Mission Cedar Hill are working with the City to assist some residents who are having difficulties with making repairs to their homes.

V. Consent Agenda:

Mayor Pro Tem Parvin introduced the Consent Agenda and asked if any item should be pulled for separate consideration. There were no requests to do so.

Council Member Haydin moved to approve the Consent Agenda, seconded by Council Member Swayze. The motion was approved by unanimous vote.

Item 1 was to consider approving the minutes of the special workshop of May 13, 2014 and the regular meeting of May 13, 2014.

Item 2 was to consider adoption of Resolution No. R14-410 denying the request for a rate increase by Atmos Energy Corp., Mid-Tex Division.

Item 3 was to consider adopting a calendar of regular City Council meetings for the next twelve months.

VI. Citizens Forum.

- Jim Klipp – 228 Cedar Street, Cedar Hill, Texas 75104 spoke regarding rain water runoff from the roof of the Library and stated his concerns over what he observed as being an excess amount of runoff. He asked that the City consider expanding their water conservation efforts.

VII. Regular Agenda:

1. Consider authorizing an extension for the use of temporary buildings as classrooms at Village Tech Schools located at 1014 E. Parkerville Road.

Council member Haydin moved to approve a request for a 2 year extension on the use of temp buildings, seconded by Council Member Swayze . The motion passed by unanimous vote.

2. Consider accepting the Comprehensive Annual Financial Report for the City of Cedar Hill, the annual report for the Cedar Hill Economic Development Corporation, the annual report for the Cedar Hill Community Development Corporation and the Federal Single Audit Report.

Council member Haydin moved to accept the Comprehensive Annual Financial Report for the City of Cedar Hill, the annual report for the Cedar Hill Economic Development Corporation, the annual report for the Cedar Hill Community Development Corporation and the Federal Single Audit Report, seconded by Council Member Swayze. The motion passed by unanimous vote.

VIII. Updates and announcements from City Council Members.

IX. Adjourn.

Mayor Pro Tem Parvin entertained a motion to adjourn.

Upon a motion by Mayor Pro Tem McCain, second by Council Member Haydin, the meeting adjourned at 7:31 p.m.

Approved: _____
Chris Parvin, *Mayor Pro Tem*

Attest: _____
Belinda L. Huff, City Secretary

CITY OF CEDAR HILL
CITY COUNCIL AGENDA ITEM

Agenda Date: June 10, 2014

Agenda Item Wording: Consider adopting Ordinance No. 2014-540 designating a portion of S. Cannady Drive as a "No Parking Zone".

Summary:

On April 4, 2014 the Traffic Safety Committee met and discussed several concerns received from residents related to parked cars along the west side of S. Cannady Drive just south of the E. Belt Line Rd. intersection. These parked cars impede the flow of traffic traveling south bound. With the lane blocked by parked cars, motorists going south have to encroach onto the northbound lane.

The Traffic Safety Committee recommends that parking be prohibited on the west side of S. Cannady Drive to a point 300 feet south from the E. Belt Line Rd. intersection. After this point, the road widens and the on street parking no longer creates a traffic concern.

There are four (4) residences on the west side the roadway that would be within the "No Parking Zone". These residences have alley access and would not be adversely impacted by the "No Parking Zone".

The attached proposed ordinance has been reviewed and approved by legal counsel.

Funding Source: N/A

Recommended Action: Adopt Ordinance No. 2014-540.

Department: Public Works
Contact / Phone No: Elias K. Sassoon, P.E. 972-291-5126 ext. 2810

Attachments: Yes If yes, how many pages: 3

ORDINANCE NO. 2014- 540

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, PROVIDING FOR THE ERECTION OF NO PARKING SIGNS ALONG A PORTION OF SOUTH CANNADY DRIVE, SAID STREET BEING LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF CEDAR HILL, TEXAS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Cedar Hill is a home rule municipal corporation within the State of Texas, with full power of local self-government; and

WHEREAS, Chapter 11, Article III, Section 11-115 of the Code of Ordinances of the City of Cedar Hill provides that it is unlawful for any person, firm, partnership, corporation or any other entity to park any vehicle, trailer or other obstruction in any area designated as a “no parking zone” by the City Council of the City of Cedar Hill; and

WHEREAS, the City Council of the City of Cedar Hill finds and determines that it is in the best interest of the public health, safety and welfare of the citizens of Cedar Hill to prohibit parking on a portion of South Cannady Drive from a point south 300 feet from the East Belt Line Road intersection, said street portion being located within the corporate limits of the City of Cedar Hill.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cedar Hill, that:

SECTION 1. DESIGNATION OF NO PARKING ZONE ON SOUTH CANNADY DRIVE

The City Council of the City of Cedar Hill, Texas hereby designates a “no parking” zone on the west side of South Cannady Drive from a point south 300 feet from the East Belt Line Road intersection and directs the City Manager to cause to be erected “NO PARKING” signs along such portion of South Cannady Drive.

SECTION 2. ENFORCEMENT AND PENALTY

Any person, firm, partnership, corporation or other entity who shall violate any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof in the Municipal Court of the City of Cedar Hill, shall be liable for a fine in an amount not to exceed \$200.00. Each and every instance of a violation of this Ordinance shall constitute a separate offense and shall be punishable by separate fines for each offense.

SECTION 3. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Cedar Hill heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 4. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE

Because of the nature of the interest and safeguard sought to be protected by this Ordinance, and in the interest of the health, safety and welfare of the citizens of the City of Cedar Hill, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas, on this ____ day of _____, 2014.

Rob Franke, Mayor

ATTEST:

Belinda Huff, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

S CANNADY DR NO PARKING

NO PARKING
WEST SIDE OF STREET
APPROX 300 FT SOUTH OF
BELT LINE RD INTERSECTION

E BELT LINE RD **E FM 1382**

HIGHLANDS
ELEMENTARY
SCHOOL

WHITLEY ST

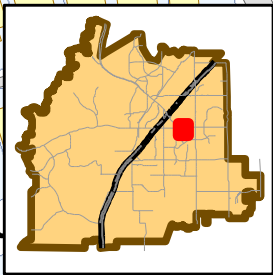
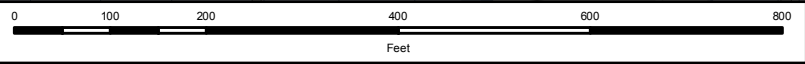
S CANNADY DR

MCKINLEY ST

EVEREST ST

WHITNEY ST

SIMS DR



CITY OF CEDAR HILL
CITY COUNCIL AGENDA ITEM

Agenda Date: June 10, 2014

Agenda Item Wording: Consider approving Ordinance No. 2014-538, amending Chapter 14, Article VIII, of the Code of Ordinances by prohibiting the sale of e-cigarettes or liquid nicotine to minors and the possession of e-cigarettes or liquid nicotine by minors.

Summary:

This ordinance is similar to the City's regulations regarding tobacco products with respect to minors. Specifically, this ordinance prohibits the sale and possession of e-cigarettes or liquid nicotine to/by minors and the sale of e-cigarettes or liquid nicotine through vending machines or other method that does not require a sales clerk.

The purpose of this ordinance is to protect minors from the addictive effect of nicotine and marketing tactics aimed towards children. Several cities throughout the state have approved similar ordinances given that there are no federal or State laws governing the sale or possession of electronic cigarettes or liquid nicotine to minors. This ordinance does not address the use of e-cigarettes to inhale illicit drugs due to the fact that other tools already exist that address criminal drug issues.

The Police Department has reviewed the proposed ordinance and, if approved, plans to use similar enforcement options they employ with minors and tobacco.

The attached ordinance has been approved as to form by legal counsel.

Funding Source: N/A

Recommended Action: Adopt Ordinance No. 2014-538.

Department:	Planning	
Contact / Phone No:	Rod W. Tyler	972-291-5100 Ext. 1083
Attachments:	Yes	If yes, how many pages: 5

ORDINANCE NO. 2014-538

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 14, ARTICLE VIII, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS; PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES AND LIQUID NICOTINE TO MINORS; PROHIBITING THE POSSESSION OF ELECTRONIC CIGARETTES AND LIQUID NICOTINE BY MINORS; PROHIBITING SELF-SERVICE MERCHANDISING OF ELECTRONIC CIGARETTES AND LIQUID NICOTINE; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Cedar Hill is a home-rule city within the State of Texas; and

WHEREAS, according to the United States Food and Drug Administration, electronic cigarette products turn highly addictive nicotine from a liquid into vapor that is inhaled by the user; and

WHEREAS, the City Council of the City of Cedar Hill has investigated and determined that the use of electronic cigarettes and liquid nicotine by minors is a serious and increasing health concern;

WHEREAS, on November 4, 2013, the United States Congressional Committee on Energy and Commerce urged the United States Food and Drug Administration to adopt regulations to protect minors from the dangers of electronic cigarettes and liquid nicotine; and

WHEREAS, neither the federal government nor the State of Texas have yet adopted laws governing the sale of electronic cigarettes and liquid nicotine to minors or the possession of such items by minors; and

WHEREAS, the City Council of the City of Cedar Hill finds and determines that it is in the best interest of the citizens of the City of Cedar Hill to prohibit the sale of electronic cigarettes and liquid nicotine to minors, to prohibit the possession of electronic cigarettes and liquid nicotine by minors, and to prohibit self-merchandising of electronic cigarettes and liquid nicotine.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS:

SECTION 1. AMENDMENT TO CHAPTER 14, ARTICLE VIII, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 14, Article VIII of the Code of Ordinances of the City of Cedar Hill is hereby amended to read as follows:

Sec. 14-114. Definitions

Electronic Cigarette or E-Cigarette: shall mean any electronically or battery powered device designed, manufactured or intended to simulate the smoking of tobacco, cigarettes, pipes or cigars by providing a vapor derived from liquid nicotine and/or any other substance or substances which is inhaled by a user thereof. The term includes such devices, regardless of the details of the product design, appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes or other smoking devices.

Liquid nicotine: Shall mean any liquid product composed of either in whole or in part of nicotine, propylene glycol and/or other similar substances manufactured for use with an e-cigarette to be converted into a vapor for inhaling.

Minor: Shall mean any person less than 18 years of age.

Person: Shall mean any natural person, individual, corporation, limited liability company, unincorporated association, proprietorship, firm, partnership, joint venture or any other entity or business of any kind.

Photographic identification: Shall mean a valid state, district, national or equivalent government driver's license, identification card, military identification or passport, which contains a physical description and photograph consistent with the person's appearance, and the person's date of birth confirming an age of at least 18 years.

Possess, possessing or possession: Shall mean the actual care, custody, control or management. Self-service merchandising means, in the context of the retail sale of electronic cigarettes, e-cigarettes or liquid nicotine or similar substances, the open display, including, without limitation, the use of an open display unit of electronic cigarettes, e-cigarettes, liquid nicotine or similar substances, whether packaged or otherwise, for direct retail customer access and handling prior to purchase without the intervention of assistance from the retailer or the retailer's owner, employee, agent, servant or representative.

Self-service merchandising: Shall mean, in the context of the retail sale of electronic cigarettes, e-cigarettes or liquid nicotine, the open display, including, without limitation, the use of an open display unit of electronic cigarettes, e-cigarettes or liquid nicotine, whether packaged or otherwise, for direct retail customer access and handling prior to purchase without the intervention of assistance of the retailer or the retailer's owner, employee, agent, servant or representative.

Sec. 14-115. Sale or Distribution of E-Cigarettes or Liquid Nicotine to Minors Prohibited.

- (a) A person commits an offense if the person sells, gives, transfers or otherwise causes to be sold, given or transferred an e-cigarette or liquid nicotine to a minor or to another person who intends to deliver it to a minor.

- (b) If an offense under this section occurs in connection with a sale or delivery of an e-cigarette or liquid nicotine at a business by an employee of the business, the employee who committed the offense shall be subject to prosecution in addition to the business.
- (c) It is a defense to prosecution under subsection (b) that at the time of the sale or delivery, the minor presented to the person an apparently valid photographic identification showing that the minor was at least 18 years of age.
- (d) It is not a defense under this section that the minor purchased the e-cigarette and/or liquid nicotine from a vending machine or other self-merchandising machine or mechanism.

Sec. 14-116. Possession of E-Cigarettes or Liquid Nicotine by Minors Prohibited

- (a) A minor commits an offense if the minor purchases, accepts, possesses or attempts to purchase, accept or possess an e-cigarette or liquid nicotine.
- (b) A minor commits an offense if the minor falsely represents himself or herself to be of 18 years of age or older for the purpose of purchasing, accepting or receiving an e-cigarette or liquid nicotine.
- (c) It shall be a defense to prosecution under this section if at the time of the purchase, acceptance or possession, the minor:
 - (1) was in the presence of an adult parent, guardian or spouse, or other adult to whom the minor has been entrusted by a court; or
 - (2) was acting in the course and scope of the minor's employment by a person or entity in the business of being a distributor, wholesaler or retailer of e-cigarettes or liquid nicotine, and the purchase, acceptance or possession of the e-cigarette and/or liquid nicotine was part of the duties of such employment; or
 - (3) the minor was participating in an inspection, test or investigation in conjunction with local law enforcement.

Sec. 14-117. Vendor Assisted Sales Required; Self-Service Merchandising Prohibited

- (a) A person commits an offense if the person:
 - (1) offers e-cigarettes or liquid nicotine for sale in a manner that permits a customer direct access to the e-cigarettes or liquid nicotine; or
 - (2) offers for sale or displays for sale e-cigarettes or liquid nicotine by means of self-service merchandising; or
 - (3) installs or maintains an open display unit containing e-cigarettes or liquid nicotine.

- (b) It is a defense to prosecution under subsection (a) if:
 - (1) the facility or business is not open to minors at any time; or
 - (2) the facility or business is a premises for which a person holds a package store permit issued under the Texas Alcoholic Beverage Code; or
 - (3) the open display unit is located in an area that is inaccessible to customers.
- (c) A violation of this section is hereby declared to be a public nuisance which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided by law, and the City may take action to recover the costs of the nuisance abatement.

Sec. 14-118. Penalties

Any person, firm, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this ordinance shall, upon conviction, be fined an amount not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is committed shall constitute a separate offense.

Sections 14-119 to 14-130. Reserved for Expansion

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Cedar Hill, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. PENALTY

Any person, firm, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this ordinance shall, upon conviction, be fined an amount not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is committed shall constitute a separate offense.

SECTION 5. INCORPORATION INTO CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Cedar Hill, Texas, as an addition and amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of health, safety and welfare of the citizens of the City of Cedar Hill, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 7. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, APPROVED AND ADOPTED by the City Council of Cedar Hill, Texas on this the 10th day of June, 2014.

Rob Franke, Mayor

ATTEST:

Belinda Huff, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

**CITY OF CEDAR HILL
CITY COUNCIL AGENDA ITEM**

Agenda Date: June 10, 2014

Agenda Item Wording: Consider adoption of Ordinance No. 2014-539 amending Chapter 14 of the Code of Ordinances of the City of Cedar Hill providing the addition of Article X "Prohibition of Certain Solicitation Activities".

Summary:

The Police Department made a presentation during the May 13, 2014 City Council briefing session concerning problems with certain solicitation activities commonly referred to as panhandling. Police staff received input from the City Council and was directed to draft an ordinance prohibiting aggressive panhandling and establishing solicitation free zones in certain retail and tourism areas within the city for adoption consideration. The ordinance contains clear and specific language that includes:

- Definitions of solicitation, aggressive solicitation and solicitation-free zones
- Definitions of for certain private places and surrounding areas
- Prohibiting aggressive and intimidating solicitation activities towards proprietor, or lessee of any place; public or private
- Prohibiting solicitation activities in certain public areas
- Prohibiting solicitation citywide between sunset and sunrise
- Establishing solicitation-free zones
- Prohibiting solicitation activities on private property when requested to leave or move by the owner, manager, proprietor, or other person in charge of the property
- Prohibiting solicitation activities on private property where "no soliciting" signs are posted

The ordinance has been reviewed and approved as to form by legal counsel.

Funding Source: N/A

Recommended Action: Adopt Ordinance No. 2014-539.

Department: Police
Contact / Phone No: Chief S. L. Rhodes 972-291-5181 X 2018

Attachments: Yes If yes, how many pages: 8

ORDINANCE NO. 2014-539

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS, PROVIDING THE ADDITION OF ARTICLE X “PROHIBITION OF CERTAIN SOLICITATION ACTIVITIES;” PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Cedar Hill is a home-rule city within the State of Texas; and

WHEREAS, the City Council of the City of Cedar Hill finds that certain solicitations conducted in outdoor areas of high pedestrian traffic create a safety hazard and an increased potential for criminal activity against persons using businesses, stores, shopping centers, restaurants, parking lots and other areas and facilities associated with retail sales or entertainment, since such persons are often distracted from their surroundings, sometimes with money conspicuously in their possession, thereby making them more vulnerable to and intimidated by solicitors; and

WHEREAS, the City Council of the City of Cedar Hill further finds that unregulated solicitation activities jeopardizes the City’s legitimate interest in fostering a safe and harassment-free climate for its citizens and in preserving its public places as areas where citizens may be free of intimidation or coercion; and

WHEREAS, certain solicitation activities conducted in certain outdoor areas discourage persons from coming to such areas, thereby hindering the City’s goal of promoting tourism, economic development and residential development; and

WHEREAS, in promulgating this Ordinance, the City’s intent is not to impermissibly limit an individual’s exercise of free speech but to impose only narrowly tailored time, place and manner restrictions on certain solicitation activities to protect citizens from fear and intimidation while leaving open ample alternative channels of communication; and

WHEREAS, the City Council of the City of Cedar Hill finds and determines that it is the best interest of the citizens of the City of Cedar Hill to prohibit certain solicitation activities and to declare the City’s retail business district as a solicitation-free zone in order to encourage tourism, pedestrian traffic, economic development and residential development in that area and to otherwise further the public health, safety and welfare of the citizens of Cedar Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS:

SECTION 1. AMENDMENT TO CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 14 of the Code of Ordinances of the City of Cedar Hill is hereby amended by the addition of Article X which shall read as follows:

ARTICLE X. PROHIBITION OF CERTAIN SOLICITATION ACTIVITIES

Sec. 14-133. Definitions.

Aggressive or intimidating means:

- (a) To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 - (1) imminent bodily injury; or
 - (2) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession; or
- (b) To persist in soliciting after the person solicited has given a negative response; or
- (c) To block, either individually or as part of a group of persons, the passage of a solicited person; or
- (d) At any time immediately before, during or after a solicitation, touching the solicited person without that person's consent; or
- (e) Following behind, alongside or ahead of the person solicited during or after a solicitation; or
- (f) Directing profane or abusive language at the person solicited at any time immediately before, during or after the solicitation; or
- (g) Immediately before, during or after the solicitation, making any statement other than the solicitation request or acting in any manner which, in light of the circumstances taken as a whole, such as darkness, would cause a reasonable person to feel harassed, intimidated or compelled to contribute.

Automated teller machine or ATM means a machine, other than a telephone that is capable of being operated by a customer of a financial institution, by which the customer may communicate

to the financial institution a request to withdraw a benefit for the customer, or for another person, directly from the customer's account or line of credit, the use of which may or may not involve the personnel of a financial institution.

Exterior public pay telephone means any coin or credit card reader telephone that is installed or located anywhere on a premises except exclusively in the interior of a building located on the premises and which is accessible and available for use by a member of the general public.

Public transportation stop means an area officially marked and designated as a place to wait for a bus, light rail vehicle, taxicab, or any other public transportation vehicle that is operated for fare-paying passengers.

Self-service car wash means a structure available to the general public at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money, including credit cards or ATM cards.

Self-service fuel pump means a fuel pump open to the general public from which a vehicle may be filled with gasoline or other fuel directly by the owner or operator of the vehicle without the aid of an employee or attendant of the premises at which the fuel pump is located.

Solicitation means, for purposes of this Article only, to ask, beg or plead, whether orally or in written or printed manner, or with an object, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person, where the person being solicited receives nothing, or receives something of little or no monetary value, in exchange for a donation, including, but not limited to music, singing or other street performance.

Solicitation-free zone means an area or structure designated in this Article which provides any service, retail sales or entertainment for the general public, including the parking area thereof.

Sunrise means the time of day published on the weather page of the Dallas Morning News as the time for sunrise on a particular day.

Sunset means the time of day published on the weather page of the Dallas Morning News as the time for sunset on a particular day.

Sec. 14-134. Offenses.

- (a) A person commits an offense if he or she conducts a solicitation in an aggressive or intimidating manner.
- (b) A person commits an offense is he or she conducts a solicitation in any outdoor area in the city limits of Cedar Hill after sunset and before sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:

- (1) consists exclusively of passive, nonverbal acts; or
 - (2) was being conducted on private property with the advance written permission of the owner, manager or other person in lawful control of the property.
- (c) A person commits an offense if he or she conducts a solicitation within a solicitation-free zone designated and described in this Ordinance. It is a defense to prosecution under this subsection if the solicitation is conducted on private property with the advance written permission of the owner, manager or other person in lawful control of the property.
- (d) A person commits an offense if he or she conducts a solicitation within 30 feet of:
- (1) an automated teller machine;
 - (2) a bank, credit union or other financial institution;
 - (3) an exterior public pay telephone;
 - (4) a self-service car wash;
 - (5) a self-service fuel pump
 - (6) a public transportation stop
 - (7) an outdoor dining area of a restaurant, eatery, café, bar or other fixed food establishment.
- (e) A person commits an offense if he or she conducts a solicitation on private property when requested leave or move by the owner, manager, or proprietor of the property, or by any other person lawfully in control of the property.
- (f) A person commits an offense if he or she conducts a solicitation on private property or area where no solicitation signs are posted.

Sec. 14-135. Measurement.

For the purpose of Section 14-134(d), measurement will be made in a straight line, without regard to intervening objects or structures, from the nearest point at which a solicitation is conducted to whichever is applicable of the following:

- (1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

- (2) the nearest entrance or exit of a bank, credit union, or other financial institution;
- (3) the nearest part of an exterior public pay telephone;
- (4) the nearest part of a structure of a self-service car wash;
- (5) the nearest part of a self-service fuel pump;
- (6) the nearest point of any sign or marking designating an area as a public transportation stop; or
- (7) the nearest part of any table in an outdoor dining area of a restaurant, eatery, café, bar or other fixed food establishment or, if the outdoor dining area is contained within a covered patio, the nearest part of that patio.

Sec. 14-136. Solicitation-Free Zone.

The roads and area within the boundaries described herein and depicted in Exhibit “A” hereto is designated as a solicitation-free zone:

South of Pleasant Run Rd. from the East Frontage Road of US Hwy 67 West to the West Frontage Road of US Hwy 67.
 West of the West Frontage Road of US Hwy 67 from Pleasant Run Rd. north to Antone St.
 South of Antone St. from the West Frontage Road to the east residential property line of 428 Antone St. South of the southern residential property line of Antone St. to the east residential property line of Bentle Branch Dr.
 East of the eastern residential property line of Bentle Branch from the southern residential property line of Antone St. to Pleasant Run Rd.
 South of Pleasant Run Rd. from the east residential property line of Bentle Branch Dr. to N. Cedar Hill Rd.
 East of N. Cedar Hill from Pleasant Run Rd. to Main St.
 East of Main St. from Cedar Hill Rd. to Belt Line Rd.
 South and East of Belt Line Rd. from Main St. to S. Broad St.
 East of S. Broad St. from Belt Line Rd. to Texas St.
 North of Texas St. from S. Broad St. to the West Frontage Rd. of US Hwy 67
 West of the West Frontage Rd. of US Hwy 67 from Texas St. to Belt Line Rd.
 South of Belt Line Rd. between the East Frontage Rd. for US Hwy 67 and South Clark Rd. to the southern commercial property line of 126 S. Hwy 67 and 108 W. Belt Line Rd.
 South of Belt Line Rd. to Kenya St. between Clark Rd. and the eastern commercial property lines of S. Clark Rd. and the southern commercial property lines of E. Belt Line Rd. between Clark Rd. and Highland Dr.
 North of Belt Line Rd. from the West Frontage Rd of US Hwy 67 to FM 1382
 North of FM 1382 from Belt Line Rd. to N. Cannady Dr.

West of N. Cannaday from Belt Line Rd. to the residential property line south and west of Lovern St.

South and west of the southern residential property line of Lovern St. and Springtime from Cannady to the East Frontage Rd. of US Hwy 67

West of the East Frontage Rd. of US Hwy 67 from the southern residential property line of Springtime north to Pleasant Run Rd.

Sec. 14-137. Penalty.

An offense under this Article is punishable by a fine not to exceed \$500.00.

Sec. 14-138 to Sec. 14-145. Reserved for Expansion

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Cedar Hill, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. PENALTY

Any person, firm, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this ordinance shall, upon conviction, be fined an amount not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is committed shall constitute a separate offense.

SECTION 5. INCORPORATION INTO CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Cedar Hill, Texas, as an addition and amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of health, safety and welfare of the citizens of the City of Cedar Hill, Texas, this

Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 7. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, APPROVED AND ADOPTED by the City Council of Cedar Hill, Texas on this the _____ day of _____, 2014.

Rob Franke, Mayor

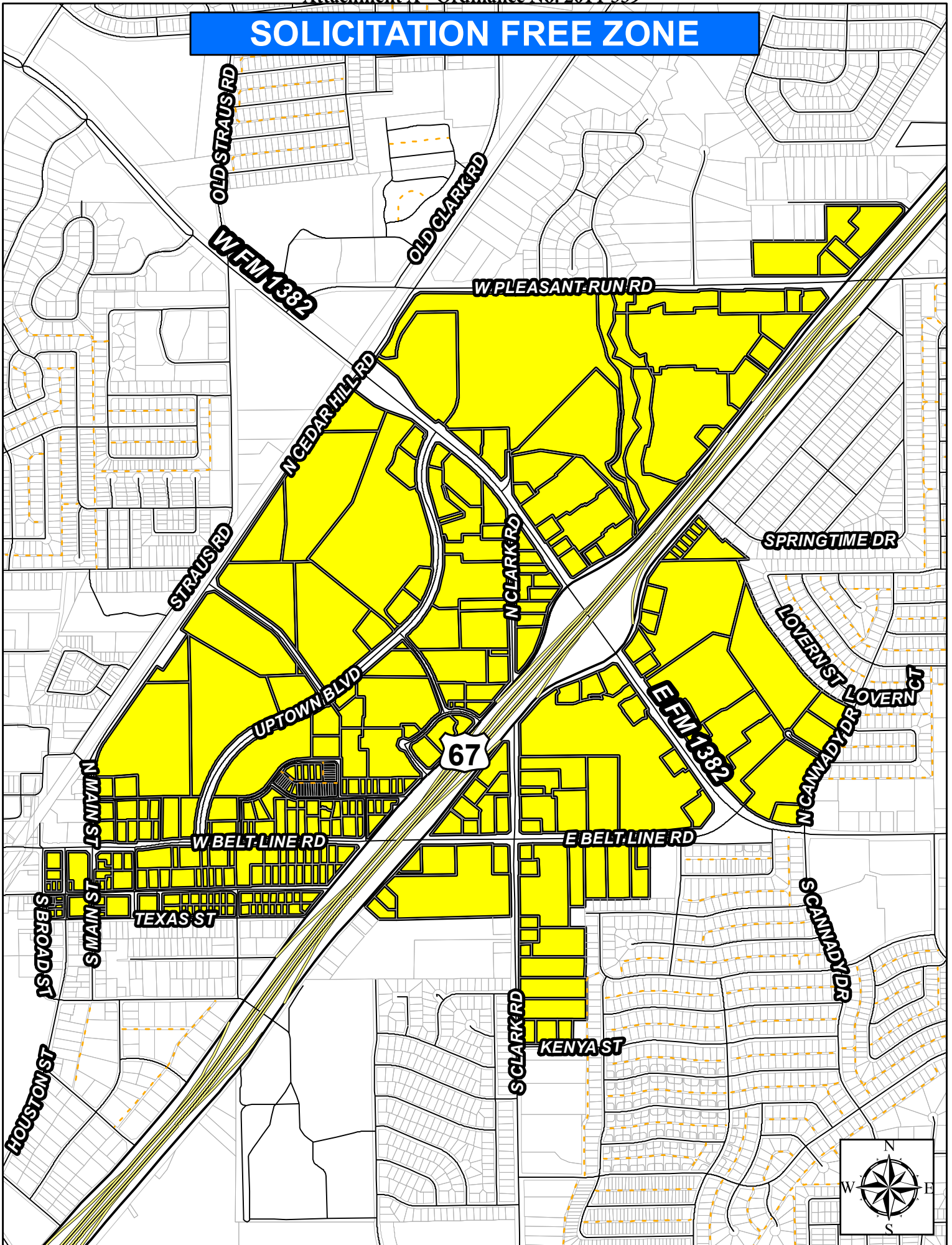
ATTEST:

Belinda Huff, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

SOLICITATION FREE ZONE



**CITY OF CEDAR HILL
CITY COUNCIL AGENDA ITEM**

Agenda Date: June 10, 2014

Agenda Item Wording: Consider electing a Mayor Pro Tem.

Summary:

Each year, following the General Election, the City Council elects a Mayor Pro Tem.

Article V. Sec. 12 of the Cedar Hill Home Rule Charter reads, *"The Mayor Pro Tem shall be elected by a majority of the [City] Council and shall perform all duties of the Mayor in his absence or disability."*

Funding Source: N/A

Recommended Action: Elect a Mayor Pro Tem.

Department: Administration
Contact / Phone No: Belinda Huff, City Secretary 972 291-5100 ext. 1018

Attachments: No If yes, how many pages: N/A