

**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF GLENN HEIGHTS, TEXAS**

**MAY 17, 2016**

**STATE OF TEXAS** \*  
**COUNTIES OF DALLAS AND ELLIS** \*  
**CITY OF GLENN HEIGHTS** \*

On the 17<sup>th</sup> day of May, 2016 the City Council of the City of Glenn Heights met in a regular meeting at the Glenn Heights City Hall in Glenn Heights, Texas located at 1938 S. Hampton Road with the following members present:

**CITY COUNCIL:**

Leon Payton Tate	*	Mayor
Emma Ipaye	*	Council Member
Ron Adams	*	Council Member
Harry Garrett	*	Council Member
Glenn George	*	Council Member

**ABSENT:**

Tony Bradley	*	Mayor Pro Tem
Sidney Davis	*	Council Member

**STAFF:**

Aretha Ferrell-Benavides	*	City Manager
David Hall	*	Managing Director
Janie Willman	*	City Secretary
Lakeita Sutton	*	Director of Finance
Charles Brewer	*	Director of Infrastructure
Eddie Burns	*	Fire Chief
Phillip Prasifka	*	Police Chief

**CONSULTANT:**

Samantha Gowans	*	Office of the City Attorney
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Mayor Tate called the meeting to order at 7:08 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Tate led the assembly in the Pledge of Allegiance.

**INVOCATION:** Mr. David Spannagel, Ovilla Heights Baptist Church, gave the invocation.

**PUBLIC COMMENT:** Ms. LaTrina Blocker addressed the City Council regarding the change in policy by Red Oak Independent School District for stopping in-district transfers. She requested that the City Council use its advocacy to allow for the continued in-district transfers.

## **PROCLAMATIONS:**

- Peace Officers Memorial Day and National Police Week – May 15, 2016
- Mother’s Day – May 8, 2016
- Family Festival: The City of Glenn Heights; Resilience: Reaching New Heights! – May 14, 2016

## **CONSENT AGENDA**

Councilwoman Ipaye clarified that she is in support of the Summer Intern / Student Youth Employment Program.

Councilman Adams moved to approve the Consent Agenda.  
Mayor Tate made the second. The motion carried with the following vote:

**VOTE:           5       Ayes** – Ipaye, Tate, Adams, Garrett, and George.

1. Approve the City of Glenn Heights City Council Minutes of the May 2, 2016 Regular City Council Meeting.

## **AGENDA**

2. Discuss and Consider Presentation on City Employee Health Benefits and Health Benefits Comparison. Organizational Development Director Harvey made a formal presentation comparing the City’s Employee Health Benefits to health and retirement benefits benchmarked against nearby cities in preparation for the annual insurance renewal process. It was reported that the Fiscal Year 2017 Benefits Proposal will be submitted to the City Council on July 19, 2016. The City Council was distributed a fact sheet from the U.S. Treasury Department about final regulations implementing employer shared responsibility under the Affordable Care Act for 2015.
3. Discuss and Consider action on R-13-16, a Resolution of the City Council of the City of Glenn Heights Approving the Architectural Design Agreement Between the City of Glenn Heights and Randall Scott Architects, Inc.; and Providing for an Effective Date. Following a briefing by Managing Director Hall detailing the scope of services provided by Randall Scott Architects, Inc. and the differences that the City Council had asked to see, the City Council deliberated and considered action by minute order instead of a vote on Resolution R-13-16.

Focus points during the City Council’s deliberation resulting in directions to staff included: authorizing the City Manager to execute an agreement with Randall Scott Architects in amount not to exceed \$678,000 for elements contained in the Architectural Design Agreement with these refinements; construction on a site on the property owned by the City of Glenn Heights on Hampton Road next to the current City Hall including removal of elements required by multiple site construction.

Councilman Adams moved to authorize the City Manager to enter into contracts with Randall Scott Architects, Inc., in an amount not to exceed \$678,000 for construction on a site on the property owned by the City of Glenn Heights on Hampton Road next to the current City Hall. Councilwoman Ipaye made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

4. Discuss and Consider action on Resolution R-14-16 Appointing Trinity River Authority (TRA) Advisory Committee Representatives from the City of Glenn Heights. Director of Infrastructure and Public Works Brewer introduced this agenda item. He briefed the City Council on the request to consider the addition of an alternate senior staff member to serve as a back-up, naming Finance Director Sutton on the TRA Advisory Committee. He suggested the City's Finance Director to assist his becoming knowledgeable of annual operational and maintenance budget expenditures and outstanding capital debt associated with the City's participation in the TRA through the Red Oak Creek Regional Wastewater System Contract. Following the City Council's direction to Mr. Brewer that a presentation to the City Council be made when possible to ensure that the City Council is updated on the City's status with its financial obligations related to TRA, the City Council deliberated and considered action.

Councilman Adams moved to adopt Resolution R-14-16 Appointing Trinity River Authority (TRA) Advisory Committee Representatives from the City of Glenn Heights being Charles Brewer, Director of Infrastructure, as authorized representative, and Lakeita Sutton, Finance Director, as the alternate representative (and voting member in the absence of the Director Brewer) to the TRA Red Oak Creek Regional Wastewater System Advisory Committee. Councilman Garrett made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

5. Discuss and Consider City of Glenn Heights April 2016 Monthly Financial Report. Finance Director Sutton made a formal presentation of the April 2016 Monthly Financial Reports and conditions.
6. Conduct a Public Hearing to accept public input on the proposed amendments to the Fiscal Year 2016 Adopted Budget as required by City Charter Section 7.10, Amending the Budget. Mayor Tate introduced this agenda item as being required by the City's Charter in order to accept public input on the proposed amendments to the Fiscal Year 2016 Adopted Budget.

Mayor Tate moved to open the Public Hearing at 8:48 p.m. Councilman Adams made the second. The motion carried with following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

There being no one to address the City Council during the Public Hearing, Mayor Tate announced he would entertain a motion to close the Public Hearing at 8:50 p.m.

Councilman Adams moved to close the Public Hearing at 8:50 p.m. Mayor Tate made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

**7. Discuss and Consider Mid-Year Budget Report and Amendments to the Fiscal Year 2016 Adopted Budget with the adoption of Ordinance O-08-16, amending the Fiscal Year 2016 Budget. (First Reading)**

City Manager Benavides introduced this agenda item as being a part of the City's process to bring budget amendments for ratification to the City Council. Ms. Benavides indicated working with Finance Director Sutton that a close study of the City's current financial standing has been accomplished. After careful review and monitoring the City's revenue and expenditure trends for the current fiscal year, staff is asking the City Council to consider approving an amendment to the Fiscal Year 2015-2016 Operating Budget with changes to the General Fund, Water/Sewer Fund, Drainage Fund, and 9-1-1 Special Fund. The recommendations are based on projected revenue increases in several areas as well as unanticipated expenditures done through Council authorized actions; the December 26, 2015 Tornado, and the purchase of information technology hardware and software to improve City processes and services through automation. Ms. Benavides referenced the City's Charter Sections 5.02 and 7.10 as existing policy for this type of amendment. It was further reported that the request to amend the City's projected revenue collection and expenses of the City for the current fiscal year is in order to provide a clear funding plan for the remainder of the fiscal year. Ms. Benavides detailed that one of the things that happened during the Tornado of December 26, 2015 was damage to the City's communication system and based on the age of the existing equipment, the City no longer has a public safety communication system. She reported the 9-1-1 Fund was created to collect fees for the use of this service and its authorized use include the administration and maintenance of the 9-1-1 systems. Therefore, the replacement of the current system is an allowable use of this fund. She further indicated the City may anticipated some FEMA reimbursement for the costs associated with the radio tower destroyed by the tornado.

Police Chief Prasifka made a presentation on items in the Budget Amendment Packet related to the replacement of the 9-1-1 System and associated equipment detailing problems with public safety issues arising from not being able to communicate across Police and Fire lines, and the City's warning system not functioning in one area of the City due to problems arising from the reduced antenna height damaged during the storm. He asked for the City Council's consideration of the items contained in the Budget Amendment Ordinance.

The City Council focus points included elements of equipment upgrades and associated training, concern about depleting some of the City's funds, what sources were consulted in obtaining quotes and estimates, what is the quality of the equipment being recommended in terms of service capability, anticipated longevity of equipment service, and questions about ensuring safety and security with this need not having identified during the City Council's previous discussion on the City's information technology needs. An attendant focus was on the process and the timing for the budget amendment process being affected by working with unaudited numbers due to the lateness of the current audit process.

There was a question about whether the ratification and change of the funds needs to be done now in order to comply with the law.

Mayor Tate asked City Attorney Samantha Gowans for an opinion about this process. Ms. Samantha Gowans explained the process is being brought to the City Council to ratify the change in fund amounts at the current time rather than at the end of the fiscal year. Ms. Gowans opined that the Texas Local Government Code requires a funding mechanism approved by City Council before the expenditure of the funds. Mayor Tate indicated he does not necessarily agree with Ms. Gowans.

Mayor Tate indicated he would have preferred to see the enhancements proposed in the Budget Amendment Ordinance documentation presented separately as standalone items from the documentation presented supporting the actual budget amendments. Mayor Tate clarified a concern that the City is behind schedule on closing out the preceding year from a financial reporting standpoint and the resulting numbers from the audit may affect the fund balances available. The City Manager explained the slowing of the process for financial reporting. Ms. Benavides agreed that the City Council has in years past waited until the end of the fiscal year to make budget amendments.

Motion by Councilwoman Ipaye that the City Council amend the 9-1-1 Fund to approve the purchase of new consoles at \$54,500; approve the update to the 9-1-1 System at \$190,000; approve the Fire Repeater Upgrade at \$13,000; and approve the Upgrade / Update to the Outdoor Emergency Alert System need immediate attention because of the emergency need for public service and public safety. There was some question about the order of the motions required. There was no second. The motion died for lack of a second.

Motion by Councilman Garrett that Items 1 through 4 be deemed approved for a public purpose to include the purchase of new consoles at \$54,500; approve the update to the 9-1-1 System at \$190,000; approve the Fire Repeater Upgrade at \$13,000; and approve the Upgrade / Update to the Outdoor Emergency Alert System for \$15,000. Councilwoman Ipaye made the second. Mayor Tate restated the motion before vote as being the approval of 4 items for a total of \$272,500; deemed as an emergency for the purpose for one reading for \$272,500. The motion failed with the following vote:

**VOTE:**       **4**     **Ayes** – Ipaye, Adams, Garrett, and George.  
                  **1**     **Nay** – Tate

Motion by Councilman Adams to extend the meeting by 15 minutes. Mayor Tate made the second.

The motion failed with the following vote:

**VOTE:**       **3**     **Ayes** – Ipaye, Adams, and Tate.  
                  **2**     **Nays** – Garrett and George.

8. Motion by Councilman Adams to bring back Agenda Item 7, to Discuss and Consider Mid-Year Budget Report and Amendments to the Fiscal Year 2016 Adopted Budget with the adoption of Ordinance O-08-16, amending the Fiscal Year 2016 Budget. (First Reading), to the next City Council Meeting. Councilwoman Ipaye made the second. The motion carried on the following vote:

**VOTE:**       **5**     **Ayes** – Ipaye, Tate, Adams, Garrett, and George.

9. Discuss and Consider December 26, 2015 Tornado Recovery Efforts. Fire Chief Burns updated the City Council on the City's progress with FEMA documentation and reporting. Mayor Tate asked about the affected residents being notified of the updates. Chief Burns expressed that the information will be added to the City's website and that the affected residents will be notified.

Motion by Councilman Adams to extend the meeting by 5 minutes to allow for the Executive Session. Councilwoman Ipaye made the second. The motion carried on the following vote:

**VOTE:**       **5**     **Ayes** – Ipaye, Tate, Adams, Garrett, and George.

### **EXECUTIVE SESSION**

**10. Executive Session**

- A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section 551.071(1)(A), Consultation with the City's Attorneys regarding Pending or Contemplated Litigation in the matter of Liquor Depot Bear Creek, L.P. v. the City of Glenn Heights, Cause DC-16-03495 to allow the governmental body to seek the advice of its attorneys.
- B. The City Council will reconvene into Open Session to consider any matters arising out of Executive Session, Section 551.071(1)(A), Consultation with the City's Attorneys in the matter of Liquor Depot Bear Creek, L.P. v. the City of Glenn Heights, Cause DC-16-03495. No action was taken.

Councilman Adams moved to convene into Executive Session at 9:57 p.m. for Agenda Item 9.A. Councilwoman Ipaye made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

Mayor Tate announced the City Council was convening into Executive Session at 9:57 p.m.

Councilman Adams moved to come out of Executive Session at 10:00 p.m. Mayor Tate made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

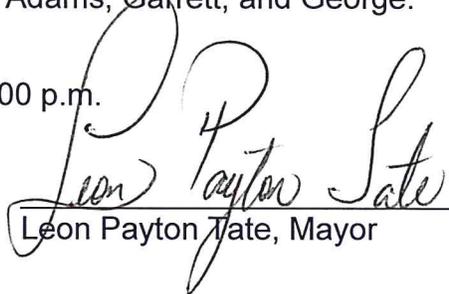
Mayor Tate announced the City Council was reconvening into Open Session at 10:00 p.m. Mayor Tate announced there was no action taken arising from the Executive Session.

#### **ADJOURNMENT**

Councilman Adams moved to adjourn. Councilwoman Ipaye made the second. The motion carried with the following vote:

**VOTE: 5 Ayes – Ipaye, Tate, Adams, Garrett, and George.**

Mayor Tate adjourned the meeting at 10:00 p.m.

  
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Leon Payton Tate, Mayor

Attest:

  
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Juanita Willman, City Secretary

**Passed and approved the 7<sup>th</sup> day of June, 2016.**