

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

APRIL 19, 2016

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

On the 19th day of April, 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
Tony Bradley	*	Mayor Pro Tem
Sidney Davis	*	Council Member
Emma Ipaye	*	Council Member (7:11 p.m. arrival)
Ron Adams	*	Council Member
Harry Garrett	*	Council Member
Glenn George	*	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
Kemi Osoba	*	Executive Assistant to the City Manager
Eddie Burns	*	Fire Chief
Kacye Harvey	*	Organizational Development Administrator
Phillip Prasifka	*	Police Chief
Jeremy Tennant	*	Senior Planner

CONSULTANT:

Whitt L. Wyatt	*	Office of the City Attorney
Samantha Gowans	*	Office of the City Attorney
Darrell G-M Noga	*	Cantey Hanger, LLP

Mayor Tate called the meeting to order at 7:03 p.m.

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

INVOCATION: Pastor Joshua Rivera, Iglesia Fuego de Dios (Fire of God Church) gave the invocation.

PUBLIC COMMENT: There were no public comments.

PROCLAMATIONS:

- Mr. Muhend Hamad, City Engineering Inspector. The Mayor and City Council presented Mr. Hamad with a certificate congratulating him on his having obtained his American citizenship.
- Get Healthy Glenn Heights – April 2016
- National Child Abuse Awareness Month – April 2016
- Sexual Assault Awareness Month – April 2016 – The Mayor presented the proclamation to Ms. Alecia Peters, Executive Director of the Healing Hearts Center.

CONSENT AGENDA

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

VOTE: 7 Ayes – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

1. Approve the City of Glenn Heights City Council Minutes of the April 5, 2016 Regular City Council Meeting.
2. Consider Action on Ordinance O-06-16, an Ordinance of the City of Glenn Heights, Texas, Providing for Disaster Relief for Citizens Affected by the Catastrophic Tornado Producing Weather Event that Occurred December 26, 2015, by Establishing a Tornado Recovery Program for Qualifying Buildings that Were Damaged Fifty Percent (50%) or More as a Result of the Tornado to be Administered by City Staff at the Direction of the City Manager, Providing for the Waiver of Nonconforming Use Qualifications as Set Forth in Article VI, Section 3 of the Zoning Ordinance; Providing for Waiver of Fees for Construction Permits as Set Forth in Chapter 3 and Appendix “A” of the Code of Ordinances; Providing for Waiver of Utility Account Application Fees; Providing for a Severability Clause; and Providing for Effective and Expiration Dates. (Second Reading)

AGENDA

3. Discuss and Consider a Special City Council Meeting for Tuesday, April 26, 2016. (Requested by Mayor Tate.) Mayor Tate informed the City Council of the need for a special City Council meeting to address financial and budgetary matters. Councilman George informed the City Council that he cannot be at the next two City Council Meetings.

Councilwoman Ipaye moved to approve a special City Council meeting on Tuesday, April 26, 2016 at 7 p.m.
Councilman Davis made the second. The motion carried with the following vote:

VOTE: 7 Ayes – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

4. Discuss and Consider Rescheduling May 3, 2016 City Council Regular Meeting to a Different Date in May. (Requested by Mayor Tate.) Mayor Tate informed the City Council that DeSoto Mayor Carl Sherman is retiring with the official recognition being on Tuesday, May 3. Mayor Tate requested the City Council to consider rescheduling the City of Glenn Heights May 3 meeting to another date to allow those Council Members who would like to attend the recognition event in DeSoto on May 3 to do so.

Councilman Adams moved to reschedule the May 3, 2016 meeting to Monday, May 2, 2016 at 7 p.m.

Councilman Davis made the second. The motion carried with the following vote:

VOTE: 7 Ayes – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

5. Discuss and Consider Action on Ordinance O-07-16 Granting a Specific Use Permit to allow a 1,500 square foot accessory structure at 2806 Cinnamon Springs Street following a Public Hearing on Zoning Docket 03-16.

A. Conduct a Public Hearing on **Zoning Docket 03-16** and consider testimony relative to a request by Lloyd Timmons for a Specific Use Permit (S.U.P.) to allow a 1,500 square foot Accessory Structure at 2806 Cinnamon Springs Street in Glenn Heights, Ellis County, Texas. The property is presently zoned SF-1 Single Family Residential.

Mayor Pro Tem Bradley moved to open the Public Hearing at 9:10 p.m.

Councilman Adams made the second. The motion carried with the following vote:

VOTE: 7 Ayes – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

Mayor Tate opened the Public Hearing at 9:10 p.m.

Speakers during the Public Hearing:

Mr. Lloyd Timmons, applicant, 2806 Cinnamon Springs, explained his request to the City Council. He referenced his neighbor's favorable petitions which were enclosed with the City Council packet materials and asked the City Council's approval of his request.

There were no other speakers during the Public Hearing.

Mayor Tate moved to close the Public Hearing at 9:14 p.m.

Councilman Adams made the second. The motion carried with the following vote:

VOTE: 7 Ayes – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

Mayor Tate closed the Public Hearing at 9:14 p.m.

- B. Discuss and Consider Action on Ordinance O-07-16, an Ordinance of the City of Glenn Heights, Texas, Amending the Zoning Ordinance and Map of the City of Glenn Heights, as Heretofore Amended, by Granting a Change in Zoning by Granting a Specific Use Permit (S.U.P.) for Land Presently Zoned SF-1 Single Family Residential; the Request is to Allow a 1,500 square foot Accessory Structure at 2806 Cinnamon Springs Street in Glenn Heights, Ellis County, Texas. (First Reading) City Senior Planner Tennant presented this agenda item, addressed the City Council's questions, and informed the City Council that the Planning and Zoning Commission approved the request for recommendation for approval to the City Council. (First Reading) Senior Planner Tennant presented this matter to the City Council, answering their questions and informing the City Council of the staff's and Planning and Zoning Commission's recommendation for approval of this request.

Mayor Pro Tem Bradley moved to approve Ordinance O-07-16.

Councilman Adams made the second. The motion carried with the following vote:

VOTE: **6** **Ayes** – Davis, Bradley, Ipaye, Adams, Garrett, and George.
 1 **Nay** – Tate

6. 2016 TIGER Grant.

- A. Update on 2016 TIGER Grant Status. Director of Infrastructure Brewer and Managing Director Hall updated the City Council on the status of the 2016 TIGER Grant informing the City Council of the updated deadline compressing the City's response time to April 29. The intragovernmental letters requesting support for the City of Glenn Heights have been sent with responses expected before the April 29 deadline. Staff answered the City Council's questions about the process, number of previous applications, and recommendations for improvements.
- B. Discuss and Consider Action on Resolution R-11-16, a Resolution of the City Council of the City Of Glenn Heights, Texas, Authorizing the City Manager to Submit an Application to the US Department of Transportation in Association with the 2016 Transportation Investment Generating Economic Recovery (TIGER) Grant Program, Appropriating \$4 Million from the 2015 General Obligation Bond; and Providing for an Effective Date.

The City Council deliberated action on Resolution R-11-16, focusing on the different roadways to be covered and funding amounts.

Councilman Adams moved to approve Resolution R-11-16, as amended in Section 3, to read "The City, acting through its governing body, hereby approves the appropriation of up to not to exceed \$4 million from the 2015 General Obligation Bond for the reconstruction of Bear Creek Road (from Interstate 35E to Hampton Road) in association with the 2016 TIGER grant program."

Councilwoman Ipaye made the second. The motion carried with the following vote:

VOTE: 6 **Ayes** – Davis, Ipaye, Tate, Adams, Garrett, and George.
 1 **Nay** – Bradley

- 7. Discuss and Consider Action on Infrastructure Project: Community Development Block Grant (CDBG) Project on Godwin Road for the Installation of 12 inch Water Line. There was no action taken on this item. The City Council requested that this item be moved to the next regular meeting agenda.
- 8. Discuss and Consider Action on Summer Intern Program Proposal. There was no action taken on this item. The City Council requested that this item be moved to the next regular meeting agenda.

PRESENTATIONS / REPORTS:

- Update related to the December 26, 2015 Tornado Recovery Efforts. Staff did not have an update related to the December 26, 2015 Tornado Recovery Efforts.

Executive Session

Mayor Pro Tem Bradley moved to convene into Executive Sessions for Agenda Items 9.A., 10.A., and 11.A. at 7:27 p.m. concurrently.
Councilman Adams made the second.

VOTE: 7 **Ayes** – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

9. 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. The City Council has directed the Attorney to continue to pursue its current option with regards to this lawsuit.

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 Alamo Ventures Ltd., et. al., v. City of Glenn Heights, Cause No. 15-91354, 40th Judicial District Court, Ellis County, Texas, 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 Alamo Ventures Ltd., et. al. v. City of Glenn Heights, Texas, Cause No. 15-91354, 40th Judicial District Court, Ellis County. No action was taken. The City Council has directed staff and its current Attorney to continue negotiations with Alamo Ventures.

11. Executive Session

A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, § 551.072. Deliberation Regarding Real Property; to deliberate the purchase, exchange, lease, or value of real property.

B. The City Council will reconvene into Open Session to consider any matters arising out of Executive Session Item 11.A. There was no action taken arising out of Executive Session Item 11.A. The City Council is giving the City Manager the authority to pursue potential land development within the City of Glenn Heights and to bring to the City Council's attention any land that might be of value to the future development of the City of Glenn Heights.

Councilman Adams moved to come out of Executive Session at 9:06 p.m.
Councilwoman Ipaye made the second.

VOTE: 6 **Ayes** – Davis, Bradley, Ipaye, Tate, Adams, and George.
 1 **Absent from the City Council Chambers:** Garrett.

Mayor Tate announced that City Attorney Whitt Wyatt departed the Executive Session and City Council Meeting at 8:50 p.m. He announced that Councilman Garrett was absent from the City Council Chambers at 8:50 p.m.

Councilman Garrett returned to the City Council Chambers at 9:08 p.m.

ADJOURNMENT

Councilman Adams moved to adjourn. Mayor Tate made the second.

The motion carried with the following vote:

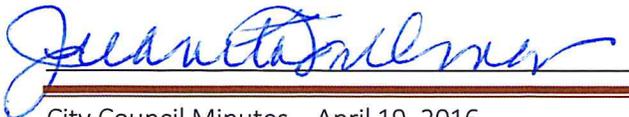
VOTE: 7 **Ayes** – Davis, Bradley, Ipaye, Tate, Adams, Garrett, and George.

Mayor Tate adjourned the meeting at 9:59 p.m.



Leon Payton Tate, Mayor

Attest:



Juanita Willman, City Secretary

Passed and approved the 2nd day of May, 2016.