

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

JULY 19, 2016

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

On the 19th day of July, 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
Glenn George	*	Council Member

ABSENT:

Ron Adams	*	Council Member
Harry Garrett	*	Council Member

STAFF:

Aretha Ferrell-Benavides	*	City Manager
David Hall	*	Managing Director
Janie Willman	*	City Secretary
Lakeita Sutton	*	Director of Finance
Eddie Burns	*	Fire Chief
Charles Brewer	*	Director of Infrastructure
Kacye Harvey	*	Director of Organizational Development
Millicent Williams	*	Coordinator of Parks and Community Engagement
Jeremy Tennant	*	Senior Planner
Phillip Prasifka	*	Police Chief

CONSULTANT:

Whitt Wyatt	*	City Attorney's Office
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Mayor Tate called the meeting to order at 7:00 p.m.

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

INVOCATION: Pastor Mike Hendrix of the Ovilla Heights Baptist Church gave the invocation.

Mayor Tate called for a moment of silence for all the persons who have lost their lives in the last couple of weeks.

PUBLIC COMMENT: Maydrian Strozier-Lowe, summer intern for Community Engagement, addressed the City Council about the work Community Engagement is doing to get the work out to the citizens. He noted that Community Engagement is not getting the citizen participation it would like. He asked the City Council for their input on how to increase citizen participation. Mayor Tate indicated the City Council would email their responses to Community Engagement.

PROCLAMATIONS

- Mayors Against Illegal Guns

Mayor Tate asked Mr. Dale Clark to introduce himself and address the City Council related to Monarch Butterfly populations. Mr. Clark, owner of Butterflies Unlimited, 1732 South Hampton, and raises butterflies for live exhibits. He reported that Monarch Butterfly populations have dropped rather dramatically within the last 20 years due to problems with pesticides, and habitat destruction due to illegal logging in Mexico, the site of their winter home. The migration path follows the Interstate 35 corridor. Mr. Clark reported that the Monarch butterflies fly north in the spring and south in the fall. Monarch butterfly conservationists came up with the idea of developing a program to raise awareness of these problems that these butterflies and other insects are having as well. The proclamation program is to encourage awareness in cities along the Interstate 35 corridor to plant milkweed and plants to support the butterflies.

- Monarch Butterfly Sanctuary and Support. Mayor Tate indicated that the City of Glenn Heights will plant milkweed and plants to support the butterflies at its new City facilities when constructed.

CONSENT AGENDA

Mayor Pro Tem Bradley made a motion to approve Consent Agenda Item 1.
Councilman Davis made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

1. Approve the City of Glenn Heights City Council Minutes of the July 5, 2016 Regular City Council Meeting.

Mayor Pro Tem Bradley made a motion to approve Consent Agenda Item 2.
Councilman Davis made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

2. Consider authorizing an Interlocal Assistance Agreement with Tarrant County Task Force for Fire and Explosion Investigations.

3. Accept receipt of results arising from DRVB Docket 02-16 Consideration of the request for a Variance by Paula Lawrence. The property located at 2809 Cinnamon Springs Street is presently zoned SF-1 Single Family Residential and the request is to allow an eight foot (8') tall wooden fence on the property frontage. Article 15, Sec. 15.02.094(b) Fence and Screening requirements in residential zoning of the Code of Ordinances requires that a fence not exceed six feet (6'). The applicant is requesting a waiver of two feet (2'), in Glenn Heights, Ellis County, Texas.

Senior Planner Tennant addressed the City Council introducing the request explaining the reason for the staff's recommendation for denial versus the recommendation of the Planning and Zoning Commission. In response to the City Council's questions, staff indicated that there are safety and privacy concerns based on topography of the land.

Mayor Pro Tem Bradley made a motion to approve Consent Agenda Item 3. Councilman Davis made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

4. Consider action on Resolution R-27-16, a Resolution of the City Council of the City of Glenn Heights, Texas, Authorizing the City Manager to Execute a Professional Engineering Services Agreement with Birkhoff, Hendricks & Carter, LLP for the Relocation of City-Owned Utilities Within TxDOT's FM 664 / Ovilla Road Right-Of-Way; and Providing for an Effective Date.

Director of Infrastructure Brewer addressed the City Council about a change in the agenda documentation necessitating removal of the item from the Consent Agenda. Mr. Brewer reported that the City Attorney identified a need for clarification of whether payments are to be made monthly or on a lump sum basis. Mr. Brewer noted that page 12 of the Agreement has been revised to add a paragraph at the bottom of the page clearly establishing payments are to be made on a monthly basis based on percentage of completion. The City Council asked questions about deliverables and funding available or necessary for this project. Mr. Brewer explained there are deliverables. The funding required to complete this project will extend into the next two fiscal years and encompass a total of \$1.1 million. There is a \$46,000 shortfall which will be a part of the upcoming budget along with a capital expenditure. It was noted that the City can approach the Texas Department of Transportation about helping the City with funding.

Councilman Davis made a motion to approve Consent Agenda Item 4, Resolution R-27-16. Mayor Pro Tem Bradley made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

AGENDA

5. Discuss and consider Resolution R-23-16, a Resolution of the City Council of the City of Glenn Heights, Texas, Affirming the Appointment of a Shared Board Member with the Cities of Garland and Rowlett to Serve on the Dallas Area Rapid Transit ("DART") Board as Provided in Section 452 of the Texas Transportation Code; and Providing for an Effective Date.

Mayor Tate explained to the City Council that Mr. Mark C. Enoch had scheduled a family vacation long before he was requested to address the City Council.

Motion by Mayor Tate to table Agenda Item 5 until the August 2 City Council Meeting when Mr. Enoch is expected to be available to address the City Council. Councilman George made the second. The vote carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

6. Discuss and consider Ordinance O-09-16, an Ordinance of the City of Glenn Heights, Texas, Amending the Code of Ordinances by Amending Chapter 3 "Building Regulations" by Replacing Article 3.13 Titled "Substandard Building Code" to Adopt the Provisions of the 2015 Edition of the International Property Maintenance Code with Amendments and to Adopt Appendix A Titled "Boarding Standards"; Providing a Repealing Clause; Providing a Savings Clause; Providing a Severability Clause; Providing for a Penalty of Fines Not to Exceed the Sum of Two Thousand Dollars (\$2,000.00) for Each Offense; and Providing for an Effective Date. (First Reading)

Managing Director Hall introduced this agenda matter to the City Council. Mr. Hall reported there is a typographical error in the body of the ordinance noting the reference to 48 inches should read as the minimum with a maximum of 96 inches. The City Council asked questions related to having fencing and a pool cover as an added safety measure. Mr. Hall indicated that would act as redundancy without assurance that the cover would be able to hold specific weights. City Attorney Wyatt indicated that it is state law to have a 4 foot self-latching and self-closing fence around the pool that is required to be shut at all times. Mr. Wyatt also noted that to his awareness there are no other cities that go beyond the State fencing requirements. There was a question about mosquitoes forming in stagnant pool water. Mr. Hall noted that the ordinance is written sufficiently broadly to be comprehensive enough to address concerns not addressed under other current City ordinances.

Mr. Jim Baker, 207 Rose Way, addressed the City Council. He indicated he is the property owner of the property located at 207 Rose Way. He voiced concerns with the City's Rental Registry Program and ordinance. He indicated he thinks it creates contractual concerns with his tenant related to privacy and increased costs.

City Council noted that other cities have the Rental Registry ordinance in place also.

Mayor Pro Tem Bradley made the motion to approve Ordinance O-09-16 on the first reading with the stated corrections that staff noted are indicated. Mayor Tate made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

7. Conduct a Public Hearing to receive testimony relative to a request by Monitex Financial Services, LP dba as LGI Homes for a Planned Development for Phase 2 of the Meadow Springs Subdivision. The property is located at 1801 S. Westmoreland Road presently zoned SF-3 Single Family Residential is proposed to become Meadow Springs PH-2 East and at 1914 S. Westmoreland Road presently zoned SF-1 Single Family Residential is proposed to become Meadow Springs PH-2 North. The request is to allow a 119 lot Planned Development abutting the existing Meadow Springs subdivision, Blocks 7 & 8, in Glenn Heights, Dallas County, Texas. ZD Docket 04-16.

Motion by Mayor Pro Tem Bradley to open the Public Hearing at 7:48 p.m. Councilwoman Ipaye made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

Mayor Tate opened the Public Hearing at 7:48 p.m.

Ms. Judy Moreland, 617 Shady Meadow Lane, addressed the City Council related to a problem with slow response by the City's Police Department. It took 20 minutes before Police Officers arrived. She noted the Police Officers communicated there was something occurring that required their presence elsewhere. She noted that her neighbor's pit bull dog came out. She called the Police Department again. It took 9 minutes for response. She asked if the City is going to hire additional police officers because with the current residents there is insufficient Police Officers to respond quickly.

Ms. Tabitha Fadeley, 705 Shady Meadows Lane, addressed the City Council concerning no money down loans, fearing foreclosures; limited entryways and exits, and no speed limits to protect our children. The traffic in front of her house is moving very quickly. Additional cars from new homes would be a problem. She noted she is opposed to the proposal because 119 homes are entirely too many new homes to be added to the small neighborhood. She further noted they do not have a Homeowners Association. She noted she has lived in the neighborhood since 2006. She has a problem with speeding on her street. She noted she built with the expectation of having a small community.

Ms. Jeanne Couston, 703 Shady Meadows, noted she is opposed to Phase II, and asked the City Council not to approve the new development.

Motion by Mayor Pro Tem Bradley to close the Public Hearing at 7:56 p.m. Councilman Davis made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

Mayor Tate closed the Public Hearing at 7:56 p.m.

8. Discuss and consider action on Ordinance O-10-16, an Ordinance of the City Council 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 from Single-Family Residential (SF-3) District to a Planned Development District (PD-19) for Approximately 47.7 Acres of Land, Located at South Westmoreland and Roaring Springs Drive, Glenn Heights, Dallas County, Texas, (The "Property"), and Being More Particularly Described and Depicted in Exhibit "A" Attached Hereto, for the Development of a Planned Residential Subdivision Containing One Hundred and Nineteen (119) Single Family Lots and One (1) Open Space Lot; Providing for the Approval of the Development Regulations Attached Hereto As Exhibit "B"; Providing a Repealing Clause; Providing a Severability Clause; Providing a Savings Clause; Providing for a Penalty of Fines Not to Exceed the Sum of Two Thousand Dollars (\$2,000.00) for each Offense; and Providing for an Effective Date. (First Reading)

(A request by Monitex Financial Services, LP dba as LGI Homes for a Planned Development for Phase 2 of the Meadow Springs Subdivision. The property is located at 1801 S. Westmoreland Road presently zoned SF-3 Single Family Residential is proposed to become Meadow Springs PH-2 East and at 1914 S. Westmoreland Road presently zoned SF-1 Single Family Residential is proposed to become Meadow Springs PH-2 North. The request is to allow a 119 lot Planned Development abutting the existing Meadow Springs subdivision, Blocks 7 & 8, in Glenn Heights, Dallas County, Texas. ZD Docket 04-16.)

Following a presentation by Mr. Jason Elms, 5700 Plano Parkway, Pape Dawson, representative for the applicant, the City Council deliberated and considered action.

City Council directed the staff to coordinate a community meeting with the residents in Phase I to improve communications and exchange of information with the homeowners and the developer's representative to facilitate the Phase I participation with the new homeowners and access to amenities. Staff were further directed to facilitate communications to resolve any City-service related issues.

City Council asked that the applicant's representative consider improving the proposed amenities and work with the homeowners in Phase I in order to facilitate their participation in any future changes. There were questions related to improving the amenities and infrastructure improvements.

Motion by Mayor Pro Tem Bradley and second by Councilman Davis to approve Ordinance O-10-16, an Ordinance of the City Council 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 from Single-Family Residential (SF-3) District to a Planned Development District (PD-19) for Approximately 47.7 Acres of Land, Located at South Westmoreland and Roaring Springs Drive, Glenn Heights, Dallas County, Texas, (The "Property"), and Being More Particularly Described and Depicted in Exhibit "A" Attached Hereto, for the Development of a Planned Residential Subdivision Containing One Hundred and Nineteen (119) Single Family Lots and One (1) Open Space Lot; Providing for the Approval of the Development Regulations Attached Hereto As Exhibit "B"; Providing a Repealing Clause; Providing a Severability Clause; Providing a Savings Clause; Providing for a Penalty of Fines Not to Exceed the Sum of Two Thousand Dollars (\$2,000.00) for each Offense; and Providing for an Effective Date. (First Reading)

The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

9. Discuss And Consider June 2016 Financial Report. Finance Director Sutton presented the June 2016 Financial Report.
10. Discuss And Consider Fiscal Year 2015-2016 Comprehensive Annual Financial Report-Related Findings And Action Plan For Corrections. Finance Director Sutton made a formal presentation on the Comprehensive Annual Financial Report-Related Findings and Action Plan For Corrections. Ms. Sutton noted that the CAFR was actually for the Fiscal Year 2014-2015 period.
11. Discuss And Consider Appointments To The Planning And Zoning Commission For A Three Year Term.

Ms. Benavides introduced this agenda matter. It was noted that Ms. Sheunta Daniels, Commission Member, who reapplied for service was in the City Council Chambers. Mayor Tate announced that Mr. Matt Graska who has served on the Planning and Zoning Commission had resigned to allow new talent to apply for and serve on the City's Planning and Zoning Commission. The City Council considered the applications. Clarification was sought from staff related to one the applicants to determine if the applicant was in the City Council Chambers. It was determined the applicant was not present.

Motion by Mayor Pro Tem Bradley and second by Councilman Davis to appoint the following members to the Planning and Zoning Commission to three-year terms each effective June 30, 2016 through June 30, 2019; Mr. Austin Kelley, in Place 1; Mr. Chikezie Kalu, in Place 6; and Ms. Sheunta Daniels, in Place 7.

Staff was requested to bring back to the next City Council Meeting any additional applications for the City Council's consideration in Place 4.

Motion by Mayor Pro Tem Bradley at 9:55 p.m. to extend the meeting to 10:30 p.m. Councilwoman Ipaye made the second. The motion carried with the following vote:

VOTE: 5 Ayes – Davis, Bradley, Ipaye, Tate, and George

Pre-Budget Work

- 12.** Discuss and Consider Vehicles And Capital Assets. City Manager Benavides briefed the City Council on a schedule of current vehicles and capital assets as exist and as are forecast.

Executive Session

13. Executive Session.

The City Attorney, Mr. Whitt Wyatt, informed the City Council that negotiations are on-going through the City's assigned TML Attorney. The City Council did not convene into Executive Session.

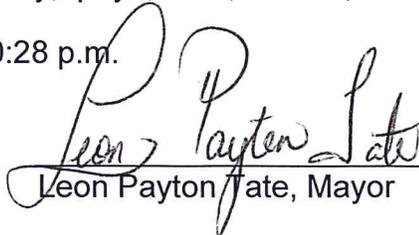
- A. The City Council Shall Convene In Executive Session Pursuant To The Texas Government Code, Section 551.071(1)(B), Consultation With The City's Attorneys Regarding A Settlement Offer In The Matter Of Liquor Depot Bear Creek, L.P. V. The City Of Glenn Heights, Cause Dc-16-03495 To Allow The Governmental 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)(B), Consultation With The City's Attorneys Regarding A Settlement Offer 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.

ADJOURNMENT

Mayor Pro Tem Bradley moved to adjourn. Councilwoman Ipaye made the second. The motion carried with the following vote:

VOTE: 6 Ayes – Davis, Bradley, Ipaye, Tate, Adams, and Garrett.

Mayor Tate adjourned the meeting at 10:28 p.m.


Leon Payton Tate, Mayor

Attest:


Juanita Willman, City Secretary

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