



City of Glenn Heights

City Council Meeting

Agenda Packet

February 9, 2021

Meeting starts at 7:00 PM



**NOTICE AND AGENDA  
CITY COUNCIL  
TUESDAY, FEBRUARY 9, 2021, 7:00 P.M.  
REGULAR CITY COUNCIL MEETING**

Notice is hereby given in accordance with the Order of the Office of the Governor issued March 16, 2020, that the City of Glenn Heights will conduct a Regular Meeting via telephone and video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Novel Coronavirus (COVID-19).

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://www.glennheightstx.gov/AgendaCenter>.

To view this Council Meeting live, please use the following link (you are not required to have a Facebook account to access this meeting):  
<https://www.facebook.com/CityofGlennHeights>.

Notice is hereby given that the City of Glenn Heights City Council will hold a Regular City Council Meeting on Tuesday, February 9, 2021, beginning at 7:00 P.M. via telephone and video conference as prescribed by Vernon’s Texas Civil Statutes, Government Code Section §551.041, to consider and possibly take action on the following agenda items. Items do not have to be taken in the same order as shown in this meeting Notice and Agenda.

**CALL TO ORDER**

**INVOCATION** – Lucas Benson, Interim Chief of Police

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

If you would like to make a Public Comment during the “**Public Comment**” portion of the meeting, please email Brandi Brown, City Secretary, at [brandi.brown@glennheightstx.gov](mailto:brandi.brown@glennheightstx.gov), no later than **6:00 P.M. on February 9, 2021**.

Please include the following information in your email:

- Name
- Address
- Email Address and Phone Number
- Agenda Item or General Subject of your Comment

Once your request is received, you will be given information to access the meeting via telephone or video conference (which provides two-way communication during the Public Comment portion of the meeting).

## **RECOGNITION**

- Council Member Shaunte L. Allen – Texas Municipal League, Certified Municipal Official Designation

## **PROCLAMATIONS**

- American Heart Month, February 2021
- Presidents Day, February 15, 2021

## **STAFF INTRODUCTIONS**

- Jaynice Porter-Brathwaite, Human Resources Director

## **CONSENT AGENDA**

1. Discuss and take action to approve the City Council Meeting Minutes of the January 19, 2021, Regular Called City Council Meeting. (Brandi Brown, City Secretary)
2. Discuss and take action to approve the City Council Meeting Minutes of the January 26, 2021, Special Called City Council Meeting. (Brandi Brown, City Secretary)
3. Discuss and take action to approve a Final Plat request by Eagle Surveying on behalf of Cool Days, Inc. for the Cool Days Addition. The 1.746-acre property is zoned Retail and is situated in the John F Porter Survey, Abstract No. 1118, located at 310 E Bear Creek Road, Glenn Heights, Dallas County, Texas. The property is currently undeveloped but proposed for retail. (Miamauni Hines, Planner)
4. Receive notification of the decision of the Sign Control Board (SCB) approving SCB Case #20-001-SCB, a variance request by Grant Sign on behalf of Exclusive Hair and Beauty to permit the placement of a wall sign higher than fifteen feet (15') at 1308 East Bear Creek Road, Glenn Heights, Dallas County, Texas. (Miamauni Hines, Planner)
5. Receive notification of the decision of the Sign Control Board (SCB) approving SCB Case #20-002-SCB, a variance request by Kimley-Horn on behalf of DR Horton to allow for the construction of a monument sign wider than twelve feet (12') at the entrance of Magnolia Meadows Phase III. (Miamauni Hines, Planner)

## **AGENDA**

1. Discuss and take action to appoint members to serve on the Citizens Police Advisory Committee. (Lucas Benson, Interim Chief of Police)
2. Discuss and take action on Resolution R-05-21, a Resolution of the City Council of the City of Glenn Heights, accepting a sidewalk easement from Thomas M.

Gaubert, trustee of the Thomas M. Gaubert irrevocable trust, Grantor, to the City of Glenn Heights for a twenty foot (20') wide public sidewalk easement, as depicted and described in Exhibit "A" attached hereto; providing for the furnishing of a certified copy of this Resolution for recording in the real property records of Dallas County, Texas, as a deed; and providing an effective date. (Miamauni Hines, Planner)

3. Discuss and take action on Resolution R-07-21, a Resolution of the City Council of the City of Glenn Heights, accepting a sanitary sewer easement from JKL Texas Properties, LLC, Grantor, to the City of Glenn Heights, Texas, Grantee, for the installation, construction, operation, maintenance replacement, repair, upgrade, relocating, and removal of a sanitary sewer line and all necessary or desirable structures, facilities and appurtenances thereto; providing for the furnishing of a certified copy of this Resolution for recording in the real property records of Ellis County, Texas, as a deed; and providing an effective date. (Miamauni Hines, Planner)
4. Discuss and take action on Resolution R-09-21 a Resolution of the City Council of the City of Glenn Heights, authorizing an Interlocal Cooperation Agreement with the City of Midlothian, Texas for purchase of goods and services, and providing an effective date. (Keith Moore, Fire Chief)

## **ADJOURNMENT**

In accordance with the Americans with Disabilities Act, If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodations, please contact the City Secretary at least 48 hours in advance of the event at 972-223-1690 ext. 125 or email [brandi.brown@glennheightstx.gov](mailto:brandi.brown@glennheightstx.gov). Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

I, Brandi Brown, City Secretary, do hereby certify that the above Meeting Notice and Agenda was posted in a place convenient to the Public at Glenn Heights City Hall, 1938 South Hampton Road, Glenn Heights, Texas by 5:00 P.M. on Friday, February 5, 2021.

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in closed session with its attorney at any time during the course of this meeting and to receive legal advice regarding any item listed on this agenda.

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Brandi Brown, City Secretary



# Invocation

Lucas Benson, Interim Chief of Police





PROCLAMATION SUMMARY SHEET  
FEBRUARY 9, 2021

- American Heart Month, February 2021
- Presidents Day, February 15, 2021

# PROCLAMATION



**Office of the Mayor • City of Glenn Heights**

**American Heart Month  
February 2021**

**WHEREAS,** in the United States, cardiovascular disease - including heart disease, stroke, and high blood pressure - is responsible for one out of every three deaths. It is the number one killer of American women and men, and it is a leading cause of serious illness and disability. Across our Nation, we have lost devoted mothers and fathers, loved siblings, and cherished friends to this devastating epidemic. During American Heart Month, as we honor their memories, let us recommit to improving our heart health and continuing the fight against this deadly disease, for ourselves and our families; and

**WHEREAS,** Americans of all backgrounds can be at risk for heart disease and stroke, and nearly half of all adults have at least one major risk factor. However, individuals who are at high risk often do not know it, and data suggests that many people who experience sudden cardiac death do not act on early warning signs; and

**WHEREAS,** that is why it is important to understand the risk factors for cardiovascular disease, such as obesity, inactivity, and diabetes, and to keep your blood pressure and cholesterol under control. By maintaining a healthy diet, getting regular exercise, and not smoking, you can control risk factors and help protect your heart. To learn more about cardiovascular health, talk with your healthcare provider and visit [www.CDC.gov/heartdisease](http://www.CDC.gov/heartdisease).

**NOW, THEREFORE, I, Harry A. Garrett,** Mayor of the City of Glenn Heights, Texas, do hereby proclaim February 2021 as **American Heart Month**. I encourage all residents to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease

**IN WITNESS WHEREOF,** I have hereunto set my hand this 9<sup>th</sup> day of February in the year of our Lord two thousand twenty-one.

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Harry A. Garrett, Mayor  
Glenn Heights, Dallas County, Texas

# PROCLAMATION



**Office of the Mayor • City of Glenn Heights**

**Presidents Day  
February 15, 2021**

**WHEREAS,** Presidents Day is an American holiday that was originally established in 1885 in recognition of President George Washington. The holiday became popularly known as Presidents Day after it was moved as part of the 1971 Uniform Monday Holiday Act. While several states still have individual holidays honoring the birthdays of Washington, Abraham Lincoln and other figures, Presidents Day is now popularly viewed as a day to celebrate all U.S. Presidents, past and present; and

**WHEREAS,** each United States President, whether during periods of international conflict or peace, has diligently led our Nation and displayed qualities such as positive public persuasion, crisis leadership, economic management, moral authority, impactful international relations, action-oriented relations with Congress, a forward-thinking vision for our country, and pursued equal justice for all; and

**WHEREAS,** each President has greatly contributed to the country's economy and budget, environmental quality, national security and foreign policies, drug control, and the progression of science and technology; and

**WHEREAS,** on Presidents Day we express our appreciation for all U.S. Presidents for the sacrifices they have made for our great Nation and their commitment to excellent service, which are a display of the American character and central to how we as a Nation rise to meet any challenge.

**NOW, THEREFORE, I, Harry A. Garrett,** Mayor of the City of Glenn Heights, Texas, do hereby proclaim February 15, 2021, as **Presidents Day**.

**IN WITNESS WHEREOF,** I have hereunto set my hand this 9<sup>th</sup> day of February in the year of our Lord two thousand twenty-one.

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Harry A. Garrett, Mayor  
Glenn Heights, Dallas County, Texas



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

**JANUARY 19, 2021**

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

On the 19<sup>th</sup> day of January 2021, the City Council of the City of Glenn Heights, Texas, met in a Regular Called City Council Meeting via telephone and video conference with the following members present:

**CITY COUNCIL:**

Harry A. Garrett	*	Mayor
Sonja A. Brown	*	Mayor Pro Tem
Emma Ipaye	*	Council Member
Jeremy Woods, Sr.	*	Council Member
Alisha M. Brown	*	Council Member
Shaunte L. Allen*	*	Council Member
Machanta Newson	*	Council Member

\*Council Member Shaunte L. Allen joined the meeting at 7:28 P.M.

**STAFF:**

David Hall	*	City Manager
Michael Rogers	*	Deputy City Manager
Lucas Benson	*	Interim Chief of Police
Brandi Brown	*	City Secretary
Phillip Conner	*	Finance Director
Marlon Goff	*	Planning and Development Director
Byron Hardy	*	IT Administrator
Miamauni Hines	*	Planner
Keith Moore	*	Fire Chief
Jaynice Porter-Brathwaite	*	Human Resources Director

**CONSULTANT:**

Victoria Thomas	*	City Attorney's Office
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**CALL TO ORDER**

Mayor Harry A. Garrett called the City Council Meeting to order at 7:02 P.M., with a quorum of the City Council present.

**SWEARING-IN CEREMONY**

Mayor Harry A. Garrett administered the Oath of Office to Sonja A. Brown, Mayor Pro Tem-Elect.

## **INVOCATION**

Council Member Machanta Newson delivered the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Harry A. Garrett led the assembly in the Pledge of Allegiance.

## **PUBLIC COMMENT**

There were no Public Comments.

## **CONSENT AGENDA**

1. Discuss and take action to approve the City Council Meeting Minutes of the January 5, 2021, Regular Called City Council Meeting.

Mayor Pro Tem Sonja A. Brown made a motion to approve Consent Agenda item 1. Council Member Machanta Newson made the second. The motion carried with the following vote:

**VOTE 6 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, and Newson

## **AGENDA**

1. Discuss and take action on Ordinance O-16-20, an Ordinance of the City Council of the City of Glenn Heights, Texas, amending the Code of Ordinances of the City of Glenn Heights, Texas, by adding a new Article 1.24 "Citizens Police Advisory Committee" to Chapter 1 "General Provisions" and; providing a savings clause, providing a repealing clause; and providing for an effective date. (Second Reading)

Lucas Benson, Interim Chief of Police, introduced this item to Council and confirmed changes requested by the Council during the January 5, 2021, City Council meeting had been made in the Ordinance. Chief Benson answered Council's questions related to implementation timelines and when Committee Bylaws will be discussed.

Council Member Jeremy Woods, Sr. made a motion to approve Ordinance O-16-20, an Ordinance of the City Council of the City of Glenn Heights, Texas, amending the Code of Ordinances of the City of Glenn Heights, Texas, by adding a new Article 1.24 "Citizens Police Advisory Committee" to Chapter 1 "General Provisions" and; providing a savings clause, providing a repealing clause; and providing for an effective date. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

**VOTE 6 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, and Newson

2. Discuss and take action on Resolution R-04-21, a Resolution of the City Council of the City of Glenn Heights, Texas, adopting the City of Glenn Heights Traffic Calming Policy for residential neighborhoods; and providing for an effective date.

Lucas Benson, Interim Chief of Police, introduced this item to Council. Mayor Harry A. Garrett requested the City monitor the status of a House Bill related to speed limits in residential neighborhoods. Michael Rogers, Deputy City Manager, confirmed the department would do so.

Council Member Machanta Newson made a motion to approve Resolution R-04-21, a Resolution of the City Council of the City of Glenn Heights, Texas, adopting the City of Glenn Heights Traffic Calming Policy for residential neighborhoods; and providing for an effective date. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

**VOTE 6 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, and Newson

3. Presentation on City of Glenn Heights' Boards and Commissions.

Michael Rogers, Deputy City Manager, completed a presentation regarding the roles, responsibilities, and vacancies on the City of Glenn Heights' Boards and Commissions. Mr. Rogers answered Council's questions related to requirements to serve and how vacancies are advertised.

4. December 2020 Financial Report.

Phillip Conner, Finance Director, completed a presentation regarding the City's revenues, expenditures, and fund balances through December 2020.

5. Discuss and take action on Resolution R-06-21, a Resolution of the City Council of the City of Glenn Heights, Texas, approving a Master Agreement Governing Transportation Major Capital Improvement Programs with Dallas County; and providing an effective date.

Michael Rogers, Deputy City Manager, introduced this item to Council and discussed the renewal of the Master Agreement. Mr. Rogers and David Hall, City Manager, answered Council's questions related to if this Agreement covered Ellis County improvements and if there was a similar agreement with Ellis County in place.

Mayor Pro Tem Sonja A. Brown made a motion to approve Resolution R-06-21, a Resolution of the City Council of the City of Glenn Heights, Texas, approving a Master Agreement Governing Transportation Major Capital Improvement Programs with Dallas County; and providing an effective date. Council Member Jeremy Woods, Sr. made the second. The motion carried with the following vote:

**VOTE 7 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, Allen, and Newson

6. Discuss and take action on an Assignment of Contract Agreement between S&J Meter, Inc., SecureVision of America, Inc., and the City of Glenn Heights.

David Hall, City Manager, introduced this item to Council, provided a brief background of the Glenn Heights water meter program, and explained the purpose of the Assignment of Contract Agreement. Mr. Hall answered Council's questions related to the written agreement/contract.

Mayor Pro Tem Sonja A. Brown made a motion to approve the Assignment of Contract Agreement between S&J Meter, Inc., SecureVision of America, Inc., and the City of Glenn Heights. Council Member Emma Ipaye made the second. The motion carried with the following vote:

**VOTE 7 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, Allen, and Newson

### **ADJOURNMENT**

Council Member Jeremy Woods, Sr. made a motion to adjourn. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

**VOTE 7 Ayes** – Garrett, S. Brown, Ipaye, Woods, A. Brown, Allen, and Newson

Council Member Jeremy Woods, Sr. stated this would be his last meeting and he wanted to take the opportunity to state it was a pleasure to serve with his fellow Council Members.

Mayor Harry A. Garrett adjourned the meeting at 7:42 P.M.

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Harry A. Garrett, Mayor

Attest:

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Brandi Brown, City Secretary  
Passed and approved on the 9<sup>th</sup> day of February 2021



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

**JANUARY 26, 2021**

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

On the 26<sup>th</sup> day of January 2021, the City Council of the City of Glenn Heights, Texas, met in a Special Called City Council Meeting via telephone and video conference with the following members present:

**CITY COUNCIL:**

Harry A. Garrett*	*	Mayor
Sonja A. Brown	*	Mayor Pro Tem
Emma Ipaye	*	Council Member
Jeremy Woods, Sr.	*	Council Member
Alisha M. Brown	*	Council Member
Shaunte L. Allen	*	Council Member
Machanta Newson	*	Council Member

\*Mayor Harry A. Garrett joined the virtual meeting, but he was not visible and could only be heard. Based on statutory law, a member of the Council participating in a virtual/remote Council Meeting is considered absent from any portion of the meeting during which the audio or video communication with the member is lost.

**STAFF:**

David Hall	*	City Manager
Michael Rogers	*	Deputy City Manager
Brandi Brown	*	City Secretary
Phillip Conner	*	Finance Director
Byron Hardy	*	IT Administrator
Keith Moore	*	Fire Chief

**CALL TO ORDER**

Mayor Pro Tem Sonja A. Brown called the City Council Meeting to order at 7:15 P.M., with a quorum of the City Council present.

**INVOCATION**

Fire Chief Keith Moore delivered the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Sonja A. Brown led the assembly in the Pledge of Allegiance.

**PUBLIC COMMENT**

There were no Public Comments.

## AGENDA

1. Discuss and take action to reschedule the February 2, 2021, Regular City Council Meeting to February 9, 2021, due to the General Election.

Brandi Brown, City Secretary, introduced this item to Council.

Council Member Shaunte L. Allen made a motion to reschedule the February 2, 2021, Regular City Council Meeting to February 9, 2021, due to the General Election. Jeremy Woods, Sr. made the second. The motion carried with the following vote:

**VOTE 6 Ayes** – S. Brown, Ipaye, Woods, A. Brown, Allen, and Newson

## ADJOURNMENT

Council Member Jeremy Woods, Sr. made a motion to adjourn. Council Member Emma Ipaye made the second. The motion carried with the following vote:

**VOTE 6 Ayes** – S. Brown, Ipaye, Woods, A. Brown, Allen, and Newson

Mayor Pro Tem Sonja A. Brown adjourned the meeting at 7:19 P.M.

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Sonja A. Brown, Mayor Pro Tem

Attest:

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Brandi Brown, City Secretary  
Passed and approved on the 9<sup>th</sup> day of February 2021





# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: February 9, 2021

## **SUBJECT**

The City Council will hear a Final Plat request by Eagle Surveying for the Cool Days Addition.

## **REPORT IN BRIEF**

Discuss and take action to approve a Final Plat request by Eagle Surveying on behalf of Cool Days, Inc. for the Cool Days Addition. The 1.746-acre property is zoned Retail and is situated in the John F Porter Survey, Abstract No. 1118, located at 310 E Bear Creek Road, Glenn Heights, Dallas County, Texas. The property is currently undeveloped but proposed for retail.

## **BACKGROUND / DISCUSSION**

The preliminary plat and concept plan for the Cool Days Addition was approved on February 4, 2020. Currently, the developer seeks approval for the final plat to develop the site according to the site plan approved on May 19, 2020 via Ordinance O-08-20.

## **PUBLIC CONTACT**

Not applicable.

## **FISCAL IMPACT**

Not applicable.

## **RECOMMENDATIONS / ALTERNATIVES**

Section 212.010 of the Texas Local Government Code states that the municipal authority responsible for approving plats shall approve a plat if:

1. It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. It conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
3. A bond required under Section 212.0106, if applicable, is filed with the municipality; and
4. It conforms to any rules adopted under Section 212.002.

The Development Review Committee Staff recommends *approval* due to determining that the above information, as applicable, is true. On January 11, 2021, the Planning and Zoning Commission recommended approval of the final plat.

## **PREPARED BY**

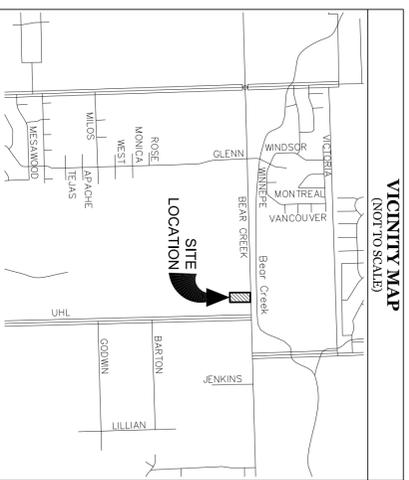
Miamauni Hines, Planner

## **REVIEWED BY**

Brandi Brown, City Secretary

## **ATTACHMENTS**

- I. Cool Days Addition Final Plat
- II. Final Plat Checklist



**GENERAL NOTES**

- 1.) The purpose of this plat is to create an official lot of record from a tract of land.
- 2.) This property is located in "Non-Subdivided Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated July 7, 2014 as shown on Map Number 4811-3C0840K.
- 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AIRTERA RTKNET Cooperative network, NAD 83(2011) State Plane Coordinate System (Texas North Central Zone -- 4202).
- 4.) Setting a portion of this addition by metes and bounds is a violation of City Ordinance 12.02.001 and is subject to fines and/or withholding of utilities and building permits.
- 5.) All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
- 6.) The bearings shown on this plat are based on GPS observations utilizing the AIRTERA RTKNET Cooperative network, NAD 83(2011) Datum.



**LEGEND**

PG = PAGE
VOL. = VOLUME
POB = POINT OF BEGINNING
IRF = IRON ROD FOUND
CIRF = CAPPED IRON ROD FOUND
INST. NO. = INSTRUMENT NUMBER
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

Project: 1908.074-02  
 Date: 12/02/2020  
 Drafter: TMR

**EAGLE SURVEYING, LLC**  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009  
 TX Firm #10194177

**SURVEYOR**  
 Eagle Surveying, LLC  
 Contact: Dan Rick  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009

**OWNER**  
 Cool Days, Inc.  
 Contact: Michael R. Young  
 8000 Chocataw Lane  
 McKinney, TX 75070  
 (214) 562-7510

**APPROVED FOR PREPARATION OF FINAL PLAT**

TO THE CITY OF GLENN HEIGHTS, TEXAS  
 ELECTRIC COMPANY

Chairman, Planning and Zoning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
 Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

TO THE CITY OF GLENN HEIGHTS, TEXAS  
 TO THE CITY OF GLENN HEIGHTS, TEXAS  
 TO THE CITY OF GLENN HEIGHTS, TEXAS

Chairman, Planning and Zoning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
 Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_  
 Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**OWNER'S CERTIFICATE & DEDICATION**

STATE OF TEXAS \$  
 COUNTY OF DALLAS \$

WHEREAS, COOL DAYS, INC., is the owner of a 1.746 acre tract of land out of the JOHN F. PORTER SURVEY, ABSTRACT NUMBER 1118, situated in the City of Glenn Heights, Dallas County, Texas and being all of a certain 1.74 acre tract of land conveyed to Cool Days, Inc. by deed of record in Instrument Number 201800128002 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING**, at a 7/8 inch iron rod found in the South right-of-way line of Bear Creek Road, being the Northeast corner of Namour Addition, a subdivision of record in Instrument Number 200800008957 of the Plat Records of Dallas County, Texas, also being the Northeast corner of said 1.74 acre tract and hereof;

**THENCE** S00°15'59"E, leaving the South right-of-way of Bear Creek Road, along the West line of said Namour Addition and the common East line of said 1.74 acre tract, a distance of 400.02 feet to a 1/2 inch iron rod with plastic cap stamped "MCBL Y 4128" found at the Southwest corner of said Lot 1, being the Southeast corner of said 1.74 acre tract and hereof;

**THENCE** S89°12'08"W, along the South line of said 1.74 acre tract, a distance of 190.39 feet to a 5/8 inch rod found in the South line of that certain Tract 1, conveyed to Roy Namour by deed of record in Volume 97187, Page 2096 of the Deed Records of Dallas County, Texas, and being the Southwest corner of said 1.74 acre tract and hereof;

**THENCE** N00°12'10"W, along the West line of said 1.74 acre tract, a distance of 400.02 feet to a 3/4 inch iron rod found in the South right-of-way line of Bear Creek Road, being the common North line of said Tract 1, also being the Northwest corner of said 1.74 acre tract and hereof;

**THENCE** N89°12'08"E, along the South right-of-way line of Bear Creek Road and the common North line of said 1.74 acre tract, a distance of 189.95 feet to the **POINT OF BEGINNING** and containing an area of 1,746 Acres, or (76,069 Square Feet) of land, more or less.

**NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:**

THAT COOL DAYS, INC., does hereby adopt this plat, designating herein described property as **COOL DAYS ADDITION**, an addition to the City of Glenn Heights, Dallas County, Texas, and does hereby dedicate to public use (hereby all streets, alleys, parks, watercourses, drains, easements and public places therein shown for the purpose and consideration therein expressed. No buildings, fences, trees, shrubs, or other improvements or utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use same. Said drainage and utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the drainage and utility easement and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said drainage and utility easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.

OWNER: **COOL DAYS, INC.**, a Texas Corporation  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Michael R. Young  
 President

STATE OF TEXAS \$  
 COUNTY OF TARRANT \$

BEFORE ME, the undersigned authority, on this day personally appeared **MICHAEL R. YOUNG**, President of **COOL DAYS, INC.**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS \$  
 COUNTY OF DALLAS \$

I, **MATTHEW RAABE**, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the premises hereon shown and that the same is in accordance with the provisions of the EAGLE SURVEYING under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinance of the City of Glenn Heights, Dallas County, Texas.

**PRELIMINARY**  
 This document is intended for use only for the purpose of recording and shall not be used or relied upon as a final survey document.

Matthew Raabe, R.P.L.S. #6402 \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF TEXAS \$  
 COUNTY OF TARRANT \$

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas \_\_\_\_\_

**FINAL PLAT**  
**COOL DAYS ADDITION**  
 LOT 1, BLOCK A

BEING 1.746 ACRES OF LAND SITUATED IN THE  
 JOHN F. PORTER SURVEY, ABSTRACT NO. 1118,  
 CITY OF GLENN HEIGHTS, DALLAS COUNTY, TEXAS



## City of Glenn Heights Subdivision Checklist 2118 S. Uhl Road, Glenn Heights, TX 75154

### **Final Plat – Administrative Requirements**

The final plat shall be deemed administratively complete if Staff determines the following items have been received in compliance with the respective sections of the City's Code of Ordinances:

- Fees (Section A2.000-e)
- 5 copies of the Final Plat (Section 10.01.009-a)
- Instrument of Dedication (Section 10.01.009-b-15)
- Paid Tax Certificate(s) (Section 10.01.009-b-16)
- Construction Plans (Section 10.01.009-b-18)
- Report of Soil Tests and Pavement Design (Section 10.01.009-b-18)
- Drainage Study (Section 10.01.009-b-18)

Additional criteria shall be evaluated on a case-by-case basis.

Notes:

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## City of Glenn Heights Subdivision Checklist 2118 S. Uhl Road, Glenn Heights, TX 75154

Pursuant to the Local Government Code Section 212.0091 – APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

### **Final Plat Review**

The final plat shall receive Staff's recommendation of approval if the following items are in accordance with the respective sections of the City's Code of Ordinances:

- Administrative Completeness (Section 10.01.009)
- General Document Information
  - Tract outline (Section 10.01.009-b-7)
  - Boundary dimensions (Section 10.01.009-b-9)
  - 1":100' minimum scale (Section 10.01.009-b-6)
  - North point (Section 10.01.009-b-6)
  - Date (Section 10.01.009-b-6)
  - Details of surrounding properties (Section 10.01.009-b-3)
  - Name of proposed subdivision (Section 10.01.009-b-3)
  - Land surveyor information (Section 10.01.009-b-2)
  - Land owner and developer information (Section 10.01.009-b-1)
  - Public surveyor certificate (Section 10.01.009-b-13)
  - Approval certificate (Section 10.01.009-b-14)
  - Metes and bounds description (Section 10.01.009-b-7)
- Existing Subdivision Details
- Subdivision Plan – The following must comply with the respective zoning designation according to the City's Zoning Ordinance
  - Streets & Street Names
  - Blocks
  - Lots
  - Alleys

- Easements
- Building Lines
- Open Space
- Existing Utilities
- Plan for Proposed Utilities and Improvements – The following must comply with the City’s Code of Ordinance
  - Sewer
  - Water
  - Gas Mains
  - Electrical
- Conformity to Approved Preliminary Plat

**Staff Recommendation**

- Approval
- Approval with condition
- Denial

Additional criteria shall be evaluated on a case-by-case basis.

Notes:

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# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: February 9, 2021

## **SUBJECT**

City Council will receive notification of the Sign Control Board's decision to approve a variance request related to the proposed wall sign for Exclusive Hair and Beauty.

## **REPORT IN BRIEF**

Receive notification of the decision of the Sign Control Board (SCB) approving SCB Case #20-001-SCB, a variance request by Grant Sign on behalf of Exclusive Hair and Beauty to permit the placement of a wall sign higher than fifteen feet (15') at 1308 East Bear Creek Road, Glenn Heights, Dallas County, Texas.

## **BACKGROUND / DISCUSSION**

### CODE OF ORDINANCES CHAPTER 15 – DEVELOPMENT REGULATIONS

#### Section 15.01.011

*Wall Sign: A permanent sign other than a mural erected, displayed or maintained on the wall of a building.*

#### Section 15.01.062 (a.2)

*Location: No wall sign shall be placed on any roof or on top of any structure. In addition, no part of a wall sign shall be at an elevation higher than fifteen feet (15') above the average ground level elevation along the side of the building on which the wall sign is installed. If a building has two (2) or more stories, no signs shall be installed at a level above the bottom of the second-floor windows, unless the building is a multitenant office or multitenant commercial structure wherein*

*tenants have primary, direct access from their space to the outside. This access must include outside walkways and stairways properly designated for public use. If the multi-stories building does not have the aforementioned direct primary access, but have multiple businesses, a multitenant monument sign may be used in lieu of wall signs.*

Included in the façade of the retail center located at 1308 East Bear Creek Road is a canopy with a wall mount clearance of approximately sixteen feet (16'). The clearance of this canopy does not allow for the installation of wall signs in accordance with the height restrictions established in the City's Code of Ordinances. Therefore, the applicant asks the Sign Control Board to increase the maximum height to twenty-five feet (25') This request is in keeping with the other wall signs on this building. In fact, a similar request was placed and approved for a different retail occupant in 2019.

#### **FISCAL IMPACT**

The City will collect approximately \$107.69 in building permit fees.

#### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by December 25, 2020. Notice was also published in a local newspaper by December 27, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

#### **RECOMMENDATIONS**

Staff recommends approval of this variance request. On January 11, 2021, the Sign Control Board approved this variance request as presented.

#### **PREPARED BY**

Miamauni Hines, Planner

#### **REVIEWED BY**

Brandi Brown, City Secretary

**ATTACHMENTS**

- I. Exclusive Hair & Beauty Wall Sign Details

**Exclusive Hair & Beauty - Face-Lit Channel Letters on Raceways**

1308 E. Bear Creek Rd., Glenn Heights, TX 75154

Proposed:



Existing:



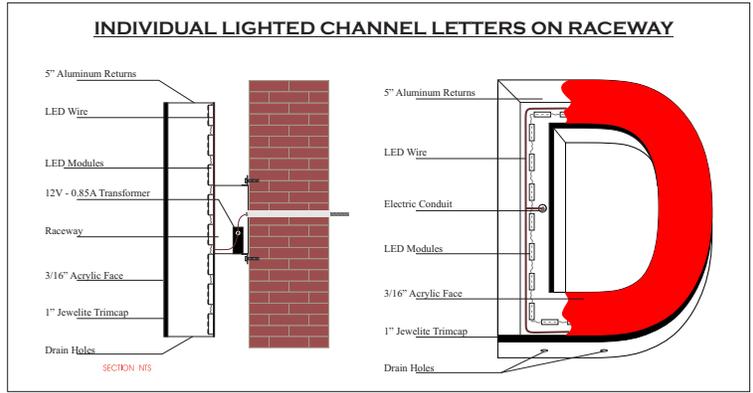
**North Elevation**

**Electrical Notes**  
 Power must be provided by customer unless otherwise specified in writing. Access to back side of fascia is required for installation.  
 Each sign location must have:  
 1. Primary electrical of 120V.  
 2. J-box installed within 6 feet of sign.  
 Otherwise, customer is responsible for the power connection to the sign.

Night Simulation:



SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALL IN ACCORDANCE WITH ARTICLE 600 OF NATIONAL ELECTRIC CODES



Proposed Sign Area: 48.75 Sq.Ft.

**Face-Lit Channel Letters on Raceways:**

- 3/16" White Acrylic Faces
- Translucent Cut Red Vinyl Overlay
- 1" Black Jewelite Trimcap
- 5" Black Aluminum Returns
- Illuminated w/White LEDs
- LED Power Supplied Mounted in Raceway in UL Listed Box w/Disconnect Switch

UL LISTED SIGN COMPANY



Texas Sign Contractors License: TSCL#18434  
 Regulated by The Texas Department of Licensing and Regulation  
 P.O. Box 12157 Austin, TX 78711 1-800-803-9202

<p style="text-align: center; color: red;">LANDLORD APPROVAL</p> <p>The undersigned consents to the installations and maintenance of this sign on my property in accordance with the agreement between Giant Sign Co. And my Tenant(s) and any extension, renewals, or modifications thereof</p>		<p style="text-align: center; color: red;">DESIGN, SPECIFICATIONS, &amp; COLOR APPROVALS</p> <p>This drawing is the property of Giant Sign and all rights to its use for reproduction are reserved by Giant Sign.</p>		<p>CLIENT: Exclusive H &amp; B DATE: 1-21-21</p>	
				<p>ADDRESS:                  1308 E. Bear Creek Rd.,                  Glenn Heights, TX 75154</p>	
				<p>DESTINATIONS: City of Glenn Heights</p>	
				<p>ARTIST: Mike Gary                  CELL: 972.988.9455                  EMAIL: mike@giantstsign.com</p>	
Property Owner/Authorized Agent	Date	Customer	Date		





# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: February 9, 2021

## **SUBJECT**

City Council will receive notification of the Sign Control Board's decision to approve a variance request related to the proposed monument sign for Magnolia Meadows Phase III.

## **REPORT IN BRIEF**

Receive notification of the decision of the Sign Control Board (SCB) approving SCB Case #20-002-SCB, a variance request by Kimley-Horn on behalf of DR Horton to allow for the construction of a monument sign wider than twelve feet (12') at the entrance of Magnolia Meadows Phase III.

## **BACKGROUND / DISCUSSION**

### CODE OF ORDINANCES CHAPTER 15 – DEVELOPMENT REGULATIONS

#### Section 15.01.011

*Monument Sign: A freestanding sign intended to be relatively broad in width compared to height build with masonry material like brick, stone, concrete or other masonry material that harmonizes with the architecture of the establishment it serves.*

#### Section 15.01.063

*Residential subdivision: Each residential subdivision shall be permitted one (1) monument sign and one (1) wall sign mounted on a subdivision masonry screening wall for identification of the subdivision for each street frontage*

*providing access to the subdivision. For the purposes of this article, identical subdivision identification signs on both sides of the access street shall be considered one (1) sign. Such sign shall not exceed eight (8') (including the masonry base) in height, twelve feet (12') in width and the sign face area shall not exceed sixty square feet (60 sq. ft.) per sign face.*

In 2019, the Development Review Committee and City Council granted DR Horton a variance for the construction of a monument sign nine feet (9') in height, thirty-five feet (35') wide, composed of masonry and steel in Magnolia Meadows Phase II. Though the proposed sign for Magnolia Meadows Phase III is smaller and made of similar material, the width still exceeds the maximum width for monument signs as established in the City's Code of Ordinance. Specifically, the developer asks the Sign Control Board to increase the maximum sign width to twenty-five feet (25') for the Magnolia Meadows Phase III monument sign. The construction of such a sign would allow for uniformity between the phases of this subdivision.

#### **FISCAL IMPACT**

The City will collect approximately \$783.75 in building permit fees.

#### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by December 25, 2020. Notice was also published in a local newspaper by December 27, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

#### **RECOMMENDATIONS / ALTERNATIVES**

Staff recommends approval of this variance request. On January 11, 2021, the Sign Control Board approved this variance request as presented.

#### **PREPARED BY**

Miamauni Hines, Planner

**REVIEWED BY**

Brandi Brown, City Secretary

**ATTACHMENTS**

- I. Magnolia Meadows Phase III Entry Sign Hardscape Details









# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

**Date: February 9, 2021**

## **SUBJECT**

The City Council will consider a Resolution to accept a public sidewalk easement from Thomas M. Gaubert.

## **REPORT IN BRIEF**

Discuss and take action on Resolution R-05-21, a Resolution of the City Council of the City of Glenn Heights, accepting a sidewalk easement from Thomas M. Gaubert, trustee of the Thomas M. Gaubert irrevocable trust, Grantor, to the City of Glenn Heights for a twenty foot (20') wide public sidewalk easement, as depicted and described in Exhibit "A" attached hereto; providing for the furnishing of a certified copy of this Resolution for recording in the real property records of Dallas County, Texas, as a deed; and providing an effective date.

## **BACKGROUND / DISCUSSION**

Both the City of Glenn Heights and the City of DeSoto are currently coordinating to review the site plan, plats, and construction plans of the proposed Kentsdale Farms Phase IV. Although this subdivision would fall within the DeSoto city limits, the developer proposes to make certain improvements on a lot that falls under Glenn Heights jurisdiction. As part of this project, the developer intends to construct a concrete sidewalk leading from this subdivision to Wynnewood Drive on the subject property. This proposed sidewalk could be used for the direct and safe pedestrian passage of students, parents, and teachers of McCowan Middle School. City acceptance of the proposed twenty-foot easement would establish the sidewalk as a public right of

pedestrian passage. The easement would also allow for the City of Glenn Heights to make any necessary modifications to the subject area.

### **PUBLIC CONTACT**

The easement has been drafted and shared with the Thomas M. Gaubert Irrevocable Trust, the Kentsdale Farms Homeowner Association, and Bloomfield Homes, the developer of Kentsdale Farms Phase IV.

### **FISCAL IMPACT**

Staff is proposing the purchase of this exclusive sanitary sewer easement in the amount of one dollar (\$1.00).

### **RECOMMENDATIONS / ALTERNATIVES**

Staff recommends approval of the proposed Resolution R-05-21.

### **PREPARED BY**

Miamauni Hines, City Planner

### **REVIEWED BY**

Marlon Goff, Director of Planning and Development Services

### **ATTACHMENTS**

- I. Resolution R-05-21

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF GLENN HEIGHTS, TEXAS  
RESOLUTION NO. R-05-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, ACCEPTING A PUBLIC SIDEWALK EASEMENT FROM THOMAS M. GAUBERT, TRUSTEE OF THE THOMAS M. GAUBERT IRREVOCABLE TRUST, GRANTOR, TO THE CITY OF GLENN HEIGHTS FOR A TWENTY FOOT (20') WIDE PUBLIC SIDEWALK EASEMENT, AS DEPICTED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS RESOLUTION FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A DEED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Thomas M. Gaubert is the Trustee of the Thomas M. Gaubert Irrevocable Trust, which Irrevocable Trust is the owner of property described in the Public Sidewalk Easement attached hereto as Exhibit "A"; and

**WHEREAS**, the City of Glenn Heights ("City") requires an easement for the construction of a public sidewalk to provide for the uninterrupted use, liberty, and privilege of pedestrian passage in, along, upon, and across a property (the "Easement"); and

**WHEREAS**, the Thomas M. Gaubert Irrevocable Trust ("Grantor"), acting through its duly authorized Trustee Thomas M. Gaubert, desires to dedicate the Easement, described and depicted in the attached Exhibit "A", to the City; and

**WHEREAS**, the City finds that the Easement, as depicted and described on the attached Exhibit "A" is for a public purpose and that acceptance of the Easement from the Grantor under the terms and condition provided in Exhibit "A" is in the interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS:**

**Section 1.** The City of Glenn Heights hereby accepts the Easement, as described and depicted in Exhibit "A", from Thomas M. Gaubert, Trustee of the Thomas M. Gaubert Irrevocable Trust, Grantor, and authorizes the City Manager to execute any necessary documents to accomplish the acceptance and recording of the Easement.

**Section 2.** That the City Secretary is authorized and directed to prepare a certified copy of this resolution and furnish the same to Grantor, and to record this Easement in the real property records of Dallas County, Texas.

**Section 3.** That this Resolution shall take effect immediately from and after its adoption and execution.

**DULY PASSED** by the City Council of the City of Glenn Heights, Texas, this the 9<sup>th</sup> day of February, 2021.

**APPROVED:**

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HARRY A. GARRETT, MAYOR

**ATTEST:**

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Brandi Brown, City Secretary

**APPROVED AS TO FORM:**

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Victoria W. Thomas, City Attorney  
(012021vwtTM120184)

**EXHIBIT "A"**

**[Public Sidewalk Easement & attachments thereto]**

After Recording Return to:  
Victoria Thomas  
Nichols, Jackson, Dillard, Hager & Smith, LLP  
500 N. Akard Street, Suite 1800  
Dallas, Texas 75201

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER**

### **PUBLIC SIDEWALK EASEMENT**

STATE OF TEXAS       §  
  §                   **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF DALLAS   §

That Thomas M. Gaubert, as Trustee of the Thomas M. Gaubert Irrevocable Trust, a Texas irrevocable trust, of DeSoto, Dallas County, Texas ("Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid in hand by the City of Glenn Heights, Texas, a home rule municipality located in Dallas County, Texas ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does by these presents **DEDICATE, GRANT, SELL AND CONVEY** unto Grantee, its successors and assigns, a twenty foot (20') public sidewalk easement over, along, across and under real property owned by Grantor, more particularly described by the metes and bounds description attached hereto and incorporated herein as Exhibit "A" and shown on the drawing attached hereto and incorporated herein as Exhibit "B" (the "Easement Property") including the right of ingress, egress, and regress therein, to erect, construct, reconstruct, install, replace, repair, operate, use, inspect, modify, remove and maintain a public sidewalk and appurtenances, ("the Easement Purposes") together with all concrete, curbs, ramps, and other facilities and appurtenances used in connection with said public sidewalk as deemed necessary thereto by Grantee, over, along, across, under, into and through the Easement Property and along with the right of the public to travel along the Easement Property. Grantor further agrees that Grantee shall have the right to remove any existing fences, buildings, landscaping, trees, shrubs, concrete structures, and any other physical obstructions or improvements as may now or in the future be located within the Easement Property and are determined by Grantee to interfere with the use of the Easement Property for the Easement Purposes by Grantee or the public. This Easement and Grantee's use of the Easement Property for the Easement Purposes is made subject to all presently recorded and validly existing easements, rights-of-way, and other existing instruments that affect the Easement Property as well as the condition that the initial construction of the public sidewalk and appurtenances shall be at Grantee's sole cost and Grantee agrees that at the conclusion of construction of the public sidewalk and appurtenances, save and except to the extent that the Easement Property is altered by installation of the sidewalk and appurtenances,

Grantee shall restore the Easement Property to the condition in which it was found immediately prior to such work. Grantee further agrees that its use of the Easement Property will not create a nuisance.

TO HAVE AND TO HOLD the Easement Property for the Easement Purposes together with all and singular the usual rights thereto in anywise belonging unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its heirs, successors and assigns, to warrant and forever defend, all and singular, the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

THOMAS GAUBERT IRREVOCABLE TRUST

BY: \_\_\_\_\_  
Thomas Gaubert, Trustee

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas Gaubert, Trustee of Thomas Gaubert Irrevocable Trust, known or proven to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and that he is authorized to do so on behalf of the Thomas Gaubert Irrevocable Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

\_\_\_\_\_  
Notary Public in and for the State of Texas

EXHIBIT "A"

PROPERTY DESCRIPTION

COUNTY OF DALLAS §  
STATE OF TEXAS §

BEING a 8,328 square foot tract of land situated in the ABRAHAM HART SURVEY, ABSTRACT NO. 563, in the City of Glenn Heights, Dallas County, Texas, being part of a tract of land described in General Warranty Deed (with Vendor's Lien) to Thomas M. Gaubert, Trustee of the Thomas M. Gaubert Irrevocable Trust as recorded in Instrument No. 201900060797, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with cap stamped "D&D 4369" found for the Southwest corner of said Gaubert tract, said point being the Southeast corner of Kingston Meadows, Phase 3B, an addition to the City of Glenn Heights, Dallas County, Texas, according to the Plat thereof recorded in Instrument No. 201400109754, Deed Records, Dallas County, Texas;

THENCE North 00 degrees 58 minutes 29 seconds West, along the West line of said Gaubert tract and the East line of said Kingston Meadows, Phase 3B, passing at 415.00 feet, a 1/2-inch iron rod found at the most Easterly Northeast corner of said Kingston Meadows, Phase 3B, and continuing for a total distance of 416.32 feet to a 1/2-inch iron rod with cap stamped "D&D 4369" found for the Northwest corner of said Gaubert tract;

THENCE North 89 degrees 17 minutes 26 seconds East, along the North line of said Gaubert tract, a distance of 20.00 feet to a point for corner;

THENCE South 00 degrees 58 minutes 29 seconds East, over and across said Gaubert tract, a distance of 416.43 feet to a point for corner on the South line of said Gaubert tract and also being on the North line of Wynnewood Drive, a 60' right-of-way;

THENCE South 89 degrees 36 minutes 52 seconds West, along the South line of said Gaubert tract and the North line of said Wynnewood Drive, a distance of 20.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 8,328 square feet or 0.191 acres of land, more or less.

LAND SURVEYOR  
D&D SURVEYING, INC.  
105 SOUTHWEST 2ND STREET  
GRAND PRAIRIE, TX 75051  
TBPLS FIRM NO. 10011100  
(972) 262-3898

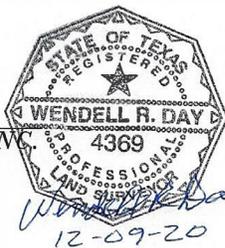


EXHIBIT "A"  
PEDESTRIAN EASEMENT  
0.191 ACRES (8,328 SQ. FT.)

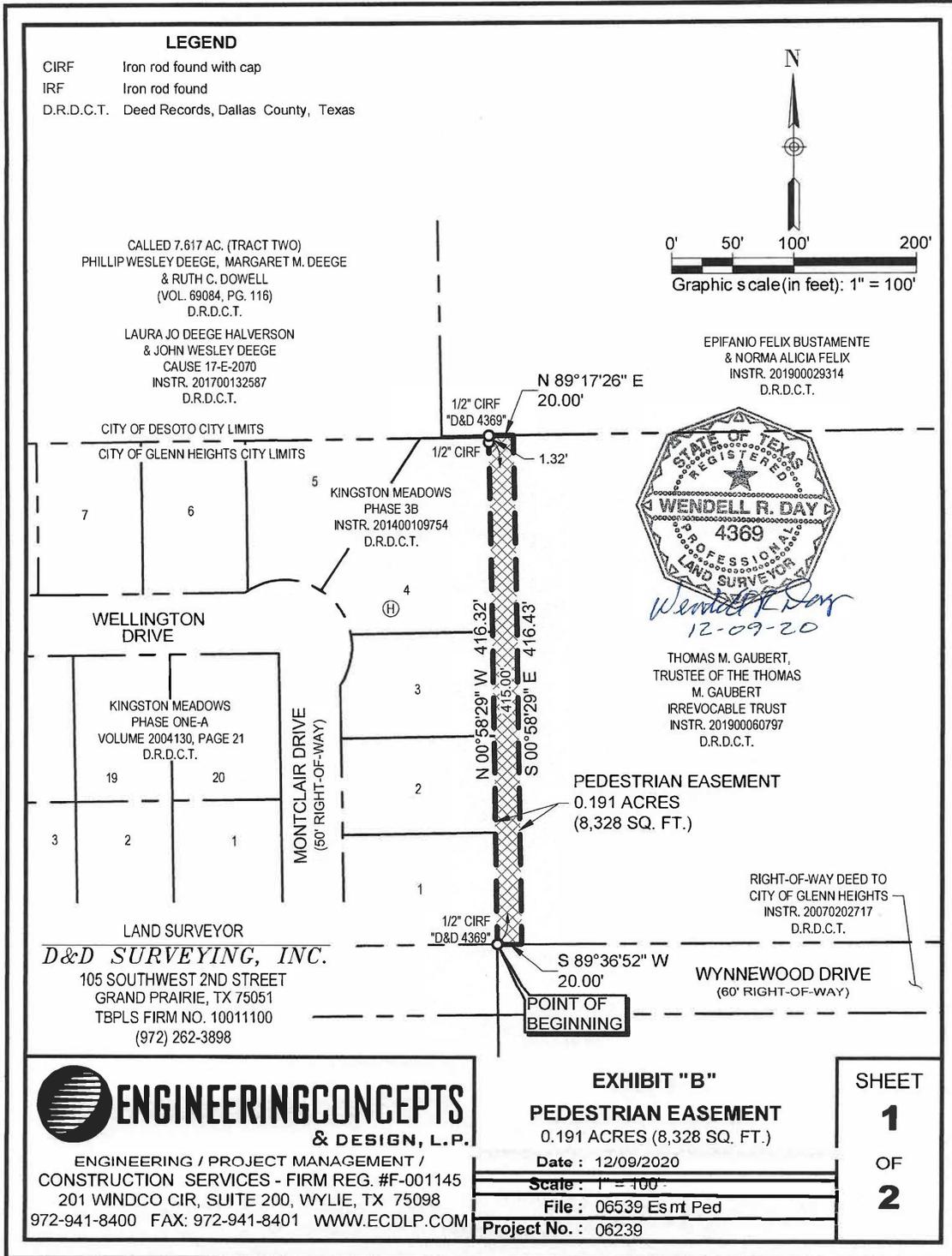


ENGINEERING / PROJECT MANAGEMENT /  
CONSTRUCTION SERVICES - FIRM REG. #F-001145  
201 WINDCO CIR, SUITE 200, WYLIE, TX 75098  
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

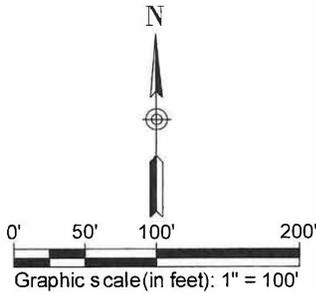
Date : 12/09/2020  
Scale : N/A  
File : 065.39 Esmt Ped  
Project No. : 06239

SHEET  
2  
OF  
2

EXHIBIT "B"



**LEGEND**  
 CIRF Iron rod found with cap  
 IRF Iron rod found  
 D.R.D.C.T. Deed Records, Dallas County, Texas



CALLED 7.617 AC. (TRACT TWO)  
 PHILLIP WESLEY DEEGE, MARGARET M. DEEGE  
 & RUTH C. DOWELL  
 (VOL. 69084, PG. 116)  
 D.R.D.C.T.

LAURA JO DEEGE HALVERSON  
 & JOHN WESLEY DEEGE  
 CAUSE 17-E-2070  
 INSTR. 201700132587  
 D.R.D.C.T.

EPIFANIO FELIX BUSTAMANTE  
 & NORMA ALICIA FELIX  
 INSTR. 201900029314  
 D.R.D.C.T.



THOMAS M. GAUBERT,  
 TRUSTEE OF THE THOMAS  
 M. GAUBERT  
 IRREVOCABLE TRUST  
 INSTR. 201900060797  
 D.R.D.C.T.

PEDESTRIAN EASEMENT  
 0.191 ACRES  
 (8,328 SQ. FT.)

RIGHT-OF-WAY DEED TO  
 CITY OF GLENN HEIGHTS  
 INSTR. 20070202717  
 D.R.D.C.T.

LAND SURVEYOR  
**D&D SURVEYING, INC.**  
 105 SOUTHWEST 2ND STREET  
 GRAND PRAIRIE, TX 75051  
 TBPLS FIRM NO. 10011100  
 (972) 262-3898



ENGINEERING / PROJECT MANAGEMENT /  
 CONSTRUCTION SERVICES - FIRM REG. #F-001145  
 201 WINDCO CIR, SUITE 200, WYLLIE, TX 75098  
 972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

EXHIBIT "B"

PEDESTRIAN EASEMENT  
 0.191 ACRES (8,328 SQ. FT.)

Date : 12/09/2020

Scale : 1" = 100'

File : 06539 Esmt Ped

Project No. : 06239

SHEET

1

OF

2





# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

**Date: February 9, 2021**

## **SUBJECT**

The City Council will consider a Resolution to accept a sanitary sewer easement from JKL Texas Properties, LLC.

## **REPORT IN BRIEF**

Discuss and take action on Resolution R-07-21, a Resolution of the City Council of the City of Glenn Heights, accepting a sanitary sewer easement from JKL Texas Properties, LLC, Grantor, to the City of Glenn Heights, Texas, Grantee, for the installation, construction, operation, maintenance replacement, repair, upgrade, relocating, and removal of a sanitary sewer line and all necessary or desirable structures, facilities and appurtenances thereto; providing for the furnishing of a certified copy of this Resolution for recording in the real property records of Ellis County, Texas, as a deed; and providing an effective date.

## **BACKGROUND / DISCUSSION**

The Glenn Heights City Council approved the preliminary plat of Hampton Park on March 3, 2020. In planning for the installation of the necessary public improvements for this phase, the developer's engineers have since discovered the need for a public utility easement connection to the existing sewer line within a property owned by JKL Texas Properties, LLC. Obtaining this easement would permit the developers of Hampton Park to tie into that existing sanitary sewer line. This easement would subsequently allow City administration to operate, maintain, replace, repair, upgrade, relocate, and/or remove

this portion of the sanitary sewer line once the Hampton Park infrastructure has been completed, inspected, and accepted by the City's Public Works department.

### **PUBLIC CONTACT**

The easement has been drafted and shared with both the property owner and Bloomfield Homes, the developer and property owners of Hampton Park.

### **FISCAL IMPACT**

Staff is proposing the purchase of this exclusive sanitary sewer easement in the amount of ten dollars (\$10.00).

### **RECOMMENDATIONS / ALTERNATIVES**

Staff recommends approval of the proposed Resolution R-07-21.

### **PREPARED BY**

Miamauni Hines, City Planner

### **REVIEWED BY**

Marlon Goff, Director of Planning and Development Services

### **ATTACHMENTS**

- I. Resolution R-07-21

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF GLENN HEIGHTS, TEXAS  
RESOLUTION NO. R-07-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, ACCEPTING A SANITARY SEWER EASEMENT FROM JKL TEXAS PROPERTIES, LLC, GRANTOR, TO THE CITY OF GLENN HEIGHTS, TEXAS. GRANTEE, FOR THE INSTALLATION, CONSTRUCTION, OPERATION, MAINTENANCE REPLACEMENT, REPAIR, UPGRADE, RELOCATING, AND REMOVAL OF A SANITARY SEWER LINE AND ALL NECESSARY OR DESIRABLE STRUCTURES, FACILITIES AND APPURTENANCES THERETO; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS RESOLUTION FOR RECORDING IN THE REAL PROPERTY RECORDS OF ELLIS COUNTY, TEXAS, AS A DEED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, JKL Texas Properties, LLC (“Grantor”) is the owner of property described in the Sanitary Sewer Easement attached hereto as Exhibit “A”; and

**WHEREAS**, the City of Glenn Heights (“City”) requires an easement for the installation, construction operation, maintenance, replacement, repair, upgrade, relocation and removal of a sanitary sewer line and all necessary or desirable structures, facilities and appurtenances necessary thereto; and

**WHEREAS**, the Grantor desires to dedicate to the City such Sanitary Sewer Easement (“Easement”) as provided in Exhibit “A” and the attachments thereto; and

**WHEREAS**, the City finds that such easement, as depicted on the attached Exhibit “A” and the attachments thereto is for a public purpose and hereby accepts the Easement from the Grantor under the terms and condition provided in Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS:**

**Section 1.** The City of Glenn Heights hereby accepts the Sanitary Sewer Easement from JKL Texas Properties, LLC, Grantor, which is described and depicted in Exhibit “A” attached hereto and incorporated herein by this reference, including all exhibits thereto.

**Section 2.** The City Secretary is authorized and directed to prepare a certified copy of this resolution and furnish the same to Grantor, and to record this Easement in the real property records of Ellis County, Texas, to the City of Glenn Heights from the said Grantor, and its successors and assigns.

**Section 3.** That this Resolution shall take effect immediately from and after its adoption and execution.

**DULY PASSED** by the City Council of the City of Glenn Heights, Texas, this the 9<sup>th</sup> day of February, 2021.

**APPROVED:**

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HARRY A. GARRETT, MAYOR

**ATTEST:**

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Brandi Brown, City Secretary

**APPROVED AS TO FORM:**

---

Victoria W. Thomas, City Attorney  
(020121vwtTM120430)

**EXHIBIT "A"**

**[Sanitary Sewer Easement & attachments thereto]**



Grantee shall have the right to use so much of the surface of Easement Property as may be reasonably necessary to contract and/or install within the sanitary sewer Easement Property and sanitary sewer easement granted hereby the facilities that may at any time be necessary for the purposes herein specified. Grantor agrees that all facilities, appliances, and equipment installed upon the Easement Property shall at all times remain the property of Grantee and are removable at the option of Grantee. Grantee shall have no duty to maintain the surface of the Easement Property and that duty and obligation shall remain exclusively with Grantor or Grantor's successor or assignee.

**THIS EASEMENT DOES NOT CONSTITUTE A CONVEYANCE OF THE PROPERTY, NOR OF THE MINERALS THEREIN AND THEREUNDER, BUT GRANTS ONLY AN EASEMENT.**

**GRANTOR RESERVES THE RIGHT TO USE THE LAND WITHIN THE EASEMENT PROPERTY FOR PURPOSES NOT INCONSISTENT WITH GRANTEE'S USE OF SUCH EASEMENT PROPERTY, PROVIDED SUCH USE SHALL NOT MATERIALLY INTERFERE WITH THE EXERCISE BY GRANTEE OF THE RIGHTS HEREBY GRANTED. GRANTOR AGREES THAT THE DUTY TO MAINTAIN THE SURFACE OF THE EASEMENT PROPERTY REMAINS WITH GRANTOR AND NOT WITH GRANTEE.**

The easement, rights, and privileges granted herein are exclusive and Grantor covenants that it will not convey any other easement or conflicting rights within the Easement Property. This instrument shall be binding upon the successors and assigns of the parties hereto.

[Remainder of Page Blank; Signature Page Follows]

EXECUTED to be effective of the \_\_\_\_ day of \_\_\_\_\_, 2021.

**JKL TEXAS PROPERTIES, LLC**

By: \_\_\_\_\_  
Name: John Le, Manager and Director

STATE OF TEXAS                    §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on the \_\_\_\_\_, day of \_\_\_\_\_, 2021, by John Le, manager and director of JKL Texas Properties, LLC on behalf of said company, after he was first duly authorized so to do.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
  
\_\_\_\_\_

( S E A L )

**EXHIBIT "1"**

**20 FT. SANITARY SEWER EASEMENT**

BEING a 1,108 square foot (0.025 acre) easement situated in the William C. Denton, Abstract No. 295, Ellis County, Texas and being part of a called 45.347 acre tract of land described in deed to JKL Texas Properties, LLC, as recorded in Instrument 1803443, Deed Records, Ellis County, Texas (D.R.E.C.T.), said 1,108 square foot (0.025 acre) easement being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the southwest line of the above-mentioned 45.347 acre tract, common to the northeast line of Lot 2 of Williams Farm, an addition to the City of Glenn Heights, as recorded in Cabinet J, Page 25, Plat Records Ellis County, Texas;

THENCE North 32 degrees 04 minutes 15 seconds West, along said common line, a distance of 3.33 feet to a point for corner, from which a 1/2-inch iron rod found at the northwest corner of said Lot 2 bears North 76 degrees 08 minutes 48 seconds West, a distance of 634.49 feet;

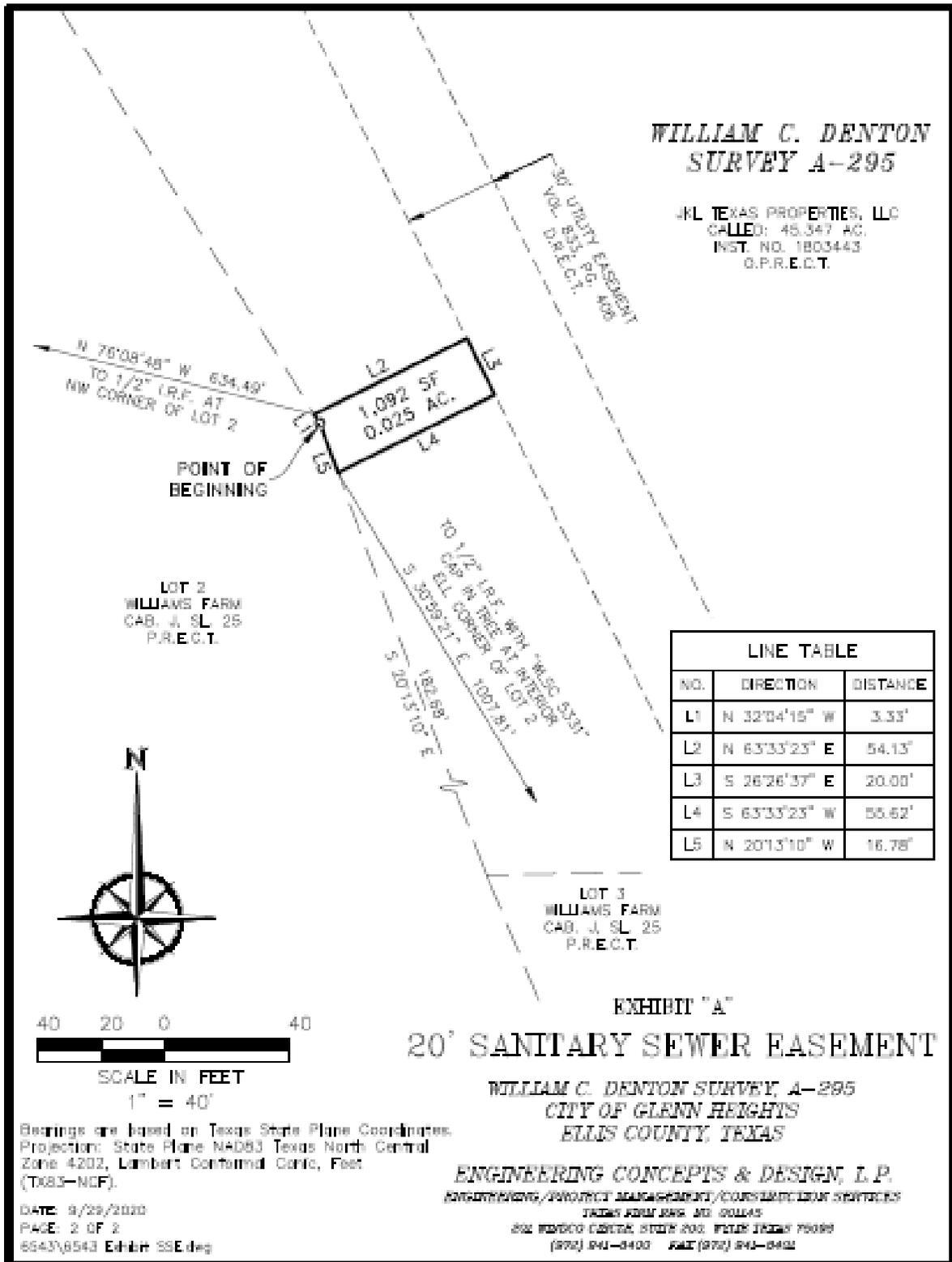
THENCE North 63 degrees 33 minutes 23 seconds East, across said 45.347 acre tract, a distance of 54.13 feet to a point for corner in the southwest line of a 30 foot wide Utility Easement, as recorded in Volume 833, Page 406, D.R.E.C.T.;

THENCE South 26 degrees 26 minutes 37 seconds East, along the southwest line of said Easement, a distance of 20.00 feet;

THENCE South 63 degrees 33 minutes 23 seconds West, across said 45.347 acre tract, a distance of 55.62 feet to a point for corner in the above-mentioned common line, from which a 1/2-inch iron rod with cap stamped WLSC 5331 cap in 12-inch tree found at an interior ell corner of said Lot 2 bears South 30 degrees 59 minutes 21 seconds East, a distance of 1007.81 feet;

THENCE North 20 degrees 13 minutes 10 seconds West, along said common line, a distance of 16.78 feet to the POINT OF BEGINNING AND CONTAINING 1,108 square foot (0.025 acre) of land.

**EXHIBIT "2"**







# CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

**Date: February 9, 2021**

## **SUBJECT**

This item will allow the City Council to authorize the City Manager to execute an Interlocal Agreement with the City of Midlothian for the purpose of purchasing goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing.

## **REPORT IN BRIEF**

Discuss and take action on Resolution R-09-21 a Resolution of the City Council of the City of Glenn Heights, authorizing an Interlocal Cooperation Agreement with the City of Midlothian, Texas for purchase of goods and services, and providing an effective date.

## **BACKGROUND / DISCUSSION**

This Interlocal Agreement is to establish a cooperative purchasing program between the City of Glenn Heights and the City of Midlothian, which will allow each party to purchase goods and services under each other's competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV'T CODE.

Previously, the City of Glenn Heights utilized an Interlocal Agreement with the City of Cedar Hill for the purpose of purchasing medical supplies in bulk under volume pricing. The individual at the City of Cedar Hill that had oversight of the bids and contracts for medical supplies retired and went to work for the City of Midlothian. During this person's change of employment, the contract came up for rebidding.

The City of Midlothian agreed to take over the bidding process since this person had the knowledge and experience of previously overseeing the process with the City of Cedar Hill.

The same medical supply vendor won the bid again. That vendor has agreed to continue to honor the Cedar Hill medical supply pricing during the transition of Interlocal Agreements.

**FISCAL IMPACT**

Approval of this Interlocal Agreement does not negatively affect the current FY 20-21 budget.

**PUBLIC CONTACT**

Not applicable.

**ALTERNATIVES / RECOMMENDATION**

Staff recommends approval of Resolution R-09-21, authorizing the City Manager to execute an Interlocal Agreement with the City of Midlothian for the purpose of purchasing goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing.

**PREPARED BY**

Keith Moore, Fire Chief

**REVIEWED BY**

Phillip Conner, Finance Director

**ATTACHMENTS**

- I. Resolution R-09-21

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF GLENN HEIGHTS, TEXAS  
RESOLUTION NO. R- 09-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN  
HEIGHTS, TEXAS, AUTHORIZING AN INTERLOCAL COOPERATION  
AGREEMENT WITH THE CITY OF MIDLOTHIAN, TEXAS FOR  
PURCHASE OF GOODS AND SERVICES, AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, in order to allow local governments to take advantage of better prices relating to volume purchasing of goods and services, Chapter 791 of the Texas Government Code authorizes cities and other local governments to enter into cooperative purchasing agreements with other local governments; and

**WHEREAS**, the City Council of the City of Glenn Heights finds it to be in the public interest to enter into such an agreement with the City of Midlothian, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:**

**SECTION 1.** The City Manager is hereby authorized to negotiate and execute a cooperative purchasing agreement, in substantially the form of the agreement attached hereto as Exhibit "A", pursuant to Chapter 791 of the Texas Government Code with the City of Midlothian, Texas.

**SECTION 2.** This Resolution shall be effective immediately upon approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
GLENN HEIGHTS, TEXAS, THIS THE 9<sup>TH</sup> DAY OF FEBRUARY 2021.**

**City of Glenn Heights, Texas**

\_\_\_\_\_  
**Harry A. Garrett, Mayor**

Attest:

\_\_\_\_\_  
Brandi Brown, City Secretary

Approved as to form:

\_\_\_\_\_  
Victoria W. Thomas, City Attorney  
(011421vwtTM120126)

**Exhibit "A"**  
**(Interlocal Cooperation Agreement with Midlothian)**

## **INTERLOCAL COOPERATION AGREEMENT**

This Interlocal Cooperation Agreement (“**Agreement**”) is by and between the City of Midlothian, Texas (“**Midlothian**”), and the City of Glenn Heights, Texas (“**Glenn Heights**”), acting by and through their authorized officers.

### **RECITALS:**

**WHEREAS**, both Glenn Heights and Midlothian have each determined a need for a cooperative agreement to purchase like goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing; and

**WHEREAS**, this Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code; and

**WHEREAS**, Section 271.102 of the TEX. LOC. GOV’T CODE authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization; and

**WHEREAS**, a local government that purchases goods and services pursuant to a Cooperative Purchasing Program with another local government satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and materials; and

**WHEREAS**, each party has and will on an annual basis obtain competitive bids for the purchase of goods and services; and

**WHEREAS**, the parties desire to enter into a cooperative purchasing program which will allow each party to purchase goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE;

**NOW THEREFORE**, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

### **ARTICLE I PURPOSE**

The purpose of this Agreement is to establish a cooperative purchasing program between Glenn Heights and Midlothian, which will allow each party to purchase goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE. Either City may be referred to as a “party” and together they may be referred to as the “parties”.

## **ARTICLE II TERM**

The term of this Agreement shall be for a period of one **(1)** year commencing on the last date of execution hereof ("**Effective Date**"). Thereafter this Agreement shall automatically renew for successive periods of one **(1)** year each under the terms and conditions stated herein, unless sooner terminated as provided herein.

## **ARTICLE III TERMINATION**

Either party may terminate this Agreement by providing thirty **(30)** days prior written notice to the other party.

## **ARTICLE IV PURCHASING**

The City Manager or designee for each of party is authorized to act on behalf of the respective party in all matters relating to this cooperative purchasing program. Each party shall make payments directly to the vendor under the contract made pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV'T CODE. Each party shall be responsible for the respective vendor's compliance with provisions relating to the quality of items and terms of delivery.

## **ARTICLE V MISCELLANEOUS**

5.1 **Relationship of Parties:** This Agreement is not intended to create, nor should it be construed as creating, a partnership, association, joint venture or trust.

5.2 **Notice:** Any notice required or permitted to be delivered hereunder shall be deemed received when sent in the United States Mail, Postage Prepaid, Certified Mail, Return Receipt Requested, or by hand-delivery or facsimile transmission addressed to the respective party at the address set forth below the signature of the party.

City of Glenn Heights  
City Manager 1938 S. Hampton Road, Glenn Heights, Texas 75154  
City Attorney 500 N. Akard 1800 Ross Tower, Dallas, Texas 75201

5.3 **Amendment:** This Agreement may be amended by the mutual written agreement of both parties hereto.

5.4 **Severability:** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other

provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

5.5 **Governing Law:** The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Ellis or Johnson County, Texas.

5.6 **Entire Agreement:** This Agreement represents the entire agreement among the parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

5.7 **Recitals:** The recitals to this Agreement are incorporated herein.

5.8 **Counterparts:** This Agreement may be executed in any number of counterparts, each of whom shall be deemed an original and constitute one and the same instrument.

**EXECUTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF MIDLOTHIAN, TEXAS**  
104 W. Avenue E  
Midlothian, Texas 76065

**CITY OF GLENN HEIGHTS, TEXAS**  
1938 S Hampton  
Glenn Heights, Texas 75154

\_\_\_\_\_  
CHRIS DICK, CITY MANAGER

\_\_\_\_\_  
DAVID HALL, CITY MANAGER

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Secretary

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Approved as to Form and Legality**

**City Attorney's Office:**

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**City Attorney, City of Midlothian, Texas**

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**City Attorney, City of Glenn Heights, Texas**

