

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

**AUGUST 16, 2016**

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

On the 16<sup>th</sup> day of August, 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
Ron Adams	*	Council Member
Harry Garrett	*	Council Member
Glenn George	*	Council Member

**STAFF:**

Aretha Ferrell-Benavides	*	City Manager
David Hall	*	Managing Director
Janie Willman	*	City Secretary
Lakeita Sutton	*	Director of Finance
Eddie Burns	*	Fire Chief
Phillip Prasifka	*	Police Chief
Jeremy Tennant	*	Senior Planner
Robert Floyd	*	Fiscal Officer
Larissa Ward	*	Municipal Court Administrator
Folakemi Osoba	*	Executive Assistant to the City Manager

**CONSULTANT:**

Evan Fisher	*	City Attorney's Office
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Mayor Tate called the meeting to order at 7:08 p.m.

**INVOCATION:** Pastor Kendrick Loller, World Harvest Ministry, gave the invocation.

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

**PUBLIC COMMENT:** Ms. Leslie Sharp, 1202 Parkview Trail, introduced herself to the City Council. Ms. Sharp expressed interest for providing health, life, Legal Shield, and retirement options to the City's employees when bids are taken for the next benefits cycle.

## PROCLAMATIONS

- Labor Day. Mayor Tate read the Labor Day Proclamation.

## CONSENT AGENDA

Mayor Pro Tem Bradley made a motion to approve Consent Agenda Items 4 and 5. Councilman Adams made the second. The motion carried with the following vote:

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

4. Approve the City of Glenn Heights City Council Minutes of the August 2, 2016 Regular City Council Meeting.
5. Approve the City of Glenn Heights City Council Minutes of the August 9, 2016 Special City Council Meeting.

## PRESENTATION

1. Presentation by Randall Scott Architects (RSA), Including Updates Related to the Location, Design and Construction of Proposed City Facilities.

Architect Randall Scott and Dan Brantner, Vice-President of RSA, addressed the City Council updating them on the work done related to the site analysis study completed. Managing Director David Hall informed the City Council of the work that staff has done to reduce the needs originally formulated and presented to the City Council during the needs assessment process. The City Council briefly discussed their preferences and the need to bring this item back as a workshop item on a future agenda to provide direction to Randall Scott Architects. There was also a suggestion that the City Council consider the new facilities after the adoption of the budget. Staff was directed to place this agenda item on an upcoming agenda.

2. Presentation by the City's Representative for Waste Management Discussion and Consideration of the Services Provided to the City.

Steve Kellar, Public Sector Manager for Waste Management, made a formal presentation to the City Council. Following extensive feedback by the City Council, the consensus of the City Council is to allow a change to one day per week service for the entire City of Glenn Heights on Wednesdays. The dedicated service day could start as early as six weeks to one month including an educational period to orient the City's customers to the change in service. The City Council discussion focused on safety with trucks in the City not being in competition with school buses trafficking in the early morning hours, clean-up of garbage left, leaving the carts correctly standing and undamaged, consistency of hours for collection through the various neighborhoods of the City and getting the consensus of the City's customers' preferences. City Council discussed the need for putting

some written guidelines in place before making a change to one day service. City Manager Benavides summarized the changes that staff has worked out to improve service with service not noticeably improving. She indicated the need to get stability in the community and will continue meeting monthly with Waste Management to try to continue to work through the service issues raised through the remainder of the contract period.

Motion by Mayor Tate to table this item until a later date for further discussion to allow the Council's concerns to be addressed. Mayor Pro Tem Bradley made the second. The motion carried with the following vote:

**VOTE:**        4        **Ayes** – Bradley, Tate, Adams, and George  
                  3        **Nays** – Davis, Ipaye, and Garrett

3. Discuss and consider the City of Glenn Heights July 2016 Financial Report. Due to the late hour, the Financials Report was not discussed and considered. It will be on the next City Council Meeting Agenda.

### **CONSENT AGENDA**

Councilman Adams made a motion to approve Consent Agenda Item 6, Ordinance O-11-16. Councilman George made the second. The motion carried with the following vote:

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

6. Consider Ordinance O-11-16, 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 by Granting a Specific Use Permit ("SUP") with Special Conditions to Allow for a Restaurant with the Sale of Off-Premise Consumables, Located at 1308 East Bear Creek Road, Suite 106, Glenn Heights, Dallas County, Texas, Consisting of Approximately 1,470 Square Feet on Land Zoned Retail ("R"), and Being More Particularly Depicted and Described in the Site Plan Attached Hereto as Exhibit "A"; Providing for the Approval of the Landscape Plan Attached Hereto As Exhibit "B"; Providing for the Approval of the Lighting Plan Attached Hereto as Exhibit "C"; Providing for the Approval of 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. (Second Reading) Zoning Docket 05-16.

Councilman Adams made a motion to approve Consent Agenda Item 7, the Preliminary Plat request by the Villages of Charleston Development, LLC, and Alluvium Development, Inc. for Phase 1 of the Villages at Charleston Subdivision consisting of 20.02 acres of the 78.33 acres. Lots 1-6, Block A; Lots 1-20, Block B; Lots 1-22, Block C; Lots 1-39, Block D; Lots 1-2, Block E; Lots 1-5, Block F;

consisting of 91 residential lots and 3 open space lots. Councilman Davis made the second. The motion carried with the following vote:

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

7. Villages at Charleston SD 01-16 Consideration of a preliminary plat request by The Villages of Charleston Development, LLC, and Alluvium Development, Inc. for Phase 1 of the Villages at Charleston Subdivision consisting of 20.02 acres of the 78.33 acres. Lots 1-6, Block A; Lots 1-20, Block B; Lots 1-22, Block C; Lots 1-39, Block D; Lots 1-2, Block E; Lots 1-5, Block F; consisting of 91 residential lots and 3 open space lots. The property is presently zoned SF-1 Single Family Residential.

### **AGENDA**

8. Discuss and consider Ordinance O-12-16, an ordinance of the City Council of the City of Glenn Heights ordering and providing Notice of a General Election for the City of Glenn Heights, Texas to be held on November 8, 2016, for the purpose of electing City Council Members for Mayor, for Places 2, 4, and 6 on the City Council of the City of Glenn Heights, Texas. Staff is requesting this ordinance be approved with one reading due to important public purpose. Following the explanation by Mr. Evan Fisher from the City Attorney's Office that time is the important public purpose to meet the requirement of ordering the Election by August 22, 2016 in time to get the election ordered for the next uniform election day of November 8, 2016, as being the reason why this Ordinance needs approval with one reading, the City Council considered action.

Mayor Pro Tem Bradley made the motion that this Ordinance be approved with one reading due to an important public purpose of time restriction. Councilman Adams made the second. The motion carried with the following vote:

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

Motion by Mayor Pro Tem Bradley to approve Ordinance O-12-16, an ordinance of the City Council of the City of Glenn Heights ordering and providing Notice of a General Election for the City of Glenn Heights, Texas to be held on November 8, 2016, for the purpose of electing City Council Members for Mayor, for Places 2, 4, and 6 on the City Council of the City of Glenn Heights, Texas.. Councilman Adams made the second. The motion carried with the following vote:

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

9. Public Hearing and consideration to receive testimony relative to a request by BP Magnolia, LLC for a Planned Development for the Magnolia Farms Addition of the Magnolia Farms Subdivision. The property is presently zoned SF-3 Single Family Residential and the request is to allow a Planned Development for a mixed range of residential uses within a subdivision consisting of 150 Premier lots zoned PD SF-3 ranging from 8,600 square feet and larger, 151 Traditional lots zoned PD SF-

4 ranging from 7,000 square feet to 8,999 square feet, and 288 Classic lots zoned PD SF-PH ranging from 6,000 square feet to 6,999 square feet, totaling 589 lots abutting the existing Magnolia Farms subdivision 264 M Crasp and 743 M McDermott at Uhl Road Glenn Heights, Ellis County Texas. Zoning Docket 06-16.

Motion by Mayor Pro Tem Bradley to open the Public Hearing at 8:31 p.m. Councilman Adams made the second. The motion carried with the following vote:

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

Mayor Tate opened the Public Hearing at 8:31 p.m.

Mr. Jim Brown, 6750 Hillcrest Plaza Drive, Dallas, Texas, addressed the City Council identifying himself as the president of the Homeowners Association. He spoke in favor of approval of this request. He indicated he received only one negative comment about the front entry. He detailed other improvements to be addressed as part of this agenda matter.

Motion by Councilwoman Ipaye to close the Public Hearing at 8:35 p.m. Councilman Adams made the second. The motion carried with the following vote:

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

Mayor Tate closed the Public Hearing at 8:35 p.m.

10. Discuss and Consider Ordinance O-13-16, 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 Amending Existing PD-03 – Magnolia Farms, by Granting a Change in Zoning on Approximately 169.38 Acres of Land, Located at 1801 & 1914 South Westmoreland Road, Glenn Heights, Ellis County, Texas, (The “Property”), and Being More Particularly Described and Depicted in Exhibit “A”; Providing for the Development of Additional Subdivision Phases Containing a Total of Five Hundred and Eighty-Nine (589) Lots, Consisting of One Hundred and Fifty (150) Premier Lots Zoned SF-3 Single Family Lots, One Hundred and Fifty-One (151) Traditional Lots Zoned SF-4 Single Family Residential, Two Hundred and Eighty-Eight (288) Classic Lots Zoned SF-PH, and Five (5) Open Space Areas to be Maintained by the Homeowners’ Association And / Or Public Improvement District (“PID”); Providing for the Approval of the Development Regulations Attached Hereto as Exhibit “A”; 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) Zoning Docket 06-16.

Senior Planner Tennant addressed the City Council introducing the details of this agenda matter. He referenced page 7 of the City Council Report as to conditions

being considered in this matter. Public Works Director Brewer addressed the City Council regarding this agenda matter.

Jeff Crandall, Crannell, Crannell, and Martin Engineering Corporation, made a formal presentation to the City Council. City Council noted that in the presentation made by the previous developer that only one homeowner had concerns. It was further noted a secondary concern is that as a homeowner there has to be a future date that the residents have control of their own destiny via the Homeowners Association. It was noted that the difference in lots sizes offer the market a variety of options and there is a buffer zone between the smaller and larger lot sizes. City Manager Benavides added the staff has been monitoring social media for commentary. Clarification was sought about the extension along part of Uhl Road. It was noted by Mr. Crandall that a base plan for a development agreement is in the works.

Motion by Mayor Pro Tem Bradley to approve Ordinance O-13-16. Councilman Adams made the second. The motion carried with the following vote:

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

It was noted that the address in Ordinance O-13-16 was incorrectly described as being located at 1801 & 1914 South Westmoreland Road, Glenn Heights, Ellis County, Texas. Mayor Pro Tem Bradley asked to amend his previous motion for approving Ordinance O-13-16 with the location corrected to reflect 1801 & 1914 South Uhl Road, Glenn Heights, Ellis County, Texas. Councilman Adams made the second. The motion carried with the following vote:

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

The City Council took a brief break from 9:26 p.m. to 9:37 p.m. Mayor Tate called the meeting back to order with all City Council Members present.

11. Discuss and consider Ordinance O-14-16, an ordinance of the City Council of the City of Glenn Heights ordering and providing for publication and posting of notice of a Special Election for the City of Glenn Heights, Texas to be held on November 8, 2016, to submit six propositions for the amendment of the City of Glenn Heights Home Rule Charter to the qualified voters of the City of Glenn Heights, Texas; and declaring the following ballot language for said propositions:\*

#### PROPOSITION NO. 1

Amend Article 2, Section 2.01, of the Glenn Heights City Charter to remove the limitation on the number of consecutive terms that may be served by each of the seven members of the City Council, including the Mayor, and provide that no

member of the City Council shall be subject to a term limit while serving as a member of the City Council.

#### PROPOSITION NO. 2

Amend Article 2, Section 2.01, of the Glenn Heights City Charter to remove the language prohibiting compensation for each of the seven members of the City Council and provide authority for the City Council to periodically establish, by ordinance, compensation for each of the seven members, including the Mayor.

#### PROPOSITION NO. 3

Amend Article 6, Section 6.02, of the Glenn Heights City Charter to provide clarification that the municipal court judge, together with all alternate municipal court judges for the City of Glenn Heights, Texas, shall be appointed by and serve at the direction of the City Council in the manner provided by state law.

#### PROPOSITION NO. 4

Amend Article 5, Section 5.01, of the Glenn Heights City Charter to provide that the City Manager for the City of Glenn Heights shall reside within the incorporated limits of the City of Glenn Heights, Texas.

#### PROPOSITION NO. 5

Amend Article 5, Section 5.09, of the Glenn Heights City Charter to provide that the Chief of the Fire Department for the City of Glenn Heights shall reside within the incorporated limits of the City of Glenn Heights, Texas, and that said position shall accordingly be a public office filled by appointment by the City Council.

#### PROPOSITION NO. 6

Amend Article 5, Section 5.10, of the Glenn Heights City Charter to provide that the Chief of the Police Department for the City of Glenn Heights shall reside within the incorporated limits of the City of Glenn Heights, Texas, and that said position shall accordingly be a public office filled by appointment by the City Council.

\*Staff is requesting this ordinance, as amended from the first reading, be approved with one reading tonight due to important public purpose.

Motion by Mayor Pro Tem Bradley to find that there is an important public purpose for considering Ordinance O-14-16, with one reading. The City Council asked that urgency be defined. Mr. Fisher explained that due to the time constraints for ordering the special election, the Ordinance would have to be approved by August 22. The City Council asked if there is a legal issue. Mr. Fisher offered to consult with the City Council in Executive Session. The City Council deliberated on whether there is an urgency and the definition of important public purpose. City Council

asked for clarification of why the staff is asking for urgent consideration. Ms. Benavides clarified that the language did not come from the staff but that it came from City Attorney Whitt Wyatt. Mr. Fisher clarified why the City Attorney provided the wording about urgent consideration. The City Council asked that in future only staff considerations be identified accordingly.

Mayor Pro Tem Bradley moved that the City Council amend Ordinance O-14-16, an ordinance of the City Council of the City of Glenn Heights ordering and providing for publication and posting of notice of a Special Election for the City of Glenn Heights, Texas to be held on November 8, 2016, to submit six propositions for the amendment of the City of Glenn Heights Home Rule Charter to the qualified voters of the City of Glenn Heights, Texas to be approved on one reading due to the critical time constraint. Councilman Davis made the second. The motion carried with the following vote:

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

City Council asked for clarification if each proposition has to be read and voted upon individually. Following brief discussion with Mr. Fisher, it was determined by the City Council that the City Council should read and vote on each individual proposition. It was clarified that once each proposition is read aloud and voted upon individually that the Ordinance caption and those propositions meeting with the approval of the City Council be read in its entirety and voted upon.

Motion by Councilman Adams to extend the City Council Meeting to 10:30 p.m. Mayor Tate made the second. The motion carried with the following vote:

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

Following deliberation on Proposition No. 1, the City Council considered action. Motion by Mayor Pro Tem Bradley to approve Proposition No. 1. Councilman Davis made the second. The motion carried with the following vote:

**VOTE:**        **5**     **Ayes** – Davis, Bradley, Ipaye, Tate, and George  
                  **2**     **Nays** – Adams and Garrett

Following deliberation on Proposition No. 2, the City Council considered action. Motion by Councilwoman Ipaye to approve Proposition No. 2. Mayor Pro Tem Bradley made the second. The motion carried with the following vote:

**VOTE:**        **5**     **Ayes** – Davis, Bradley, Ipaye, Tate, and George  
                  **2**     **Nays** – Adams and Garrett



[No action was taken arising from Executive Session.]

Motion by Mayor Tate at 11:02 p.m. to extend the meeting for 15 minutes. Councilwoman Ipaye made the second. The vote passed with the following vote:

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

Motion by Councilwoman Ipaye to extract Proposition No. 4. Councilman Garrett made the second. The motion failed with the following vote:

**VOTE:**       **3**     **Ayes** – Ipaye, Adams, and Garrett  
                  **4**     **Nays** – Davis, Bradley, Tate, and George

Motion by Mayor Tate to approve Proposition No. 4 as amended to include the language “within such time as determined by the City Council”. Mayor Pro Tem Bradley made the second. The motion carried on the following vote:

**VOTE:**       **5**     **Ayes** – Davis, Bradley, Ipaye, Tate, and George  
                  **2**     **Nays** – Adams and Garrett

Following deliberation on Proposition No. 5, the City Council considered action. Motion by Councilwoman Ipaye to deny proposition No. 5. Councilman Adams made the second. The motion passed on the following vote:

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

Following deliberation on Proposition No. 6, the City Council considered action. Motion by Councilman Garrett to deny proposition No. 6. Councilman Adams made the second. The motion failed on the following vote:

**VOTE:**       **3**     **Ayes** – Ipaye, Adams, and Garrett  
                  **4**     **Nays** – Davis, Bradley, Tate, and George

Motion by Mayor Tate to approve Proposition No. 6. Mayor Pro Tem Bradley made the second. There was a conversation whether the meeting end time of 11:17 p.m. had passed. The motion passed on the following vote.

**VOTE:**       **4**     **Ayes** – Davis, Bradley, Tate, and George  
                  **3**     **Nays** – Ipaye, Adams, Garrett

#### **PROPOSED FISCAL YEAR 2016 – 2017 BUDGET WORKSHOP**

Agenda Item 12 was not considered due to the meeting being adjourned.

12. Departmental Budget and Work Plans. General Fund
  - 1) Planning and Development

- 2) Economic Development
- 3) Administrative Services Cluster – City Manager, City Secretary, Finance, Utility Billing, and Municipal Court
- 4) Park, Recreation and Community Engagement

## ADJOURNMENT

Councilman Davis moved to adjourn at 11:19 p.m. Councilman Adams made the second.

Mayor Tate adjourned the meeting at 11:19 p.m.

  
\_\_\_\_\_  
Leon Payton Tate, Mayor

Attest:

  
\_\_\_\_\_  
Juanita Willman, City Secretary

**Passed and approved the 6<sup>th</sup> day of September, 2016.**