

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

**August 2, 2010**

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

On this the 2<sup>nd</sup> day of August, 2010 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:**

Victor Pereira	*	Mayor
Doug Burton	*	Council Member
Leon Tate	*	Council Member
Kathy Dixon	*	Council Member
Mary Ann Chancellor	*	Council Member
Chance Harvey	*	Mayor Pro Tem
Dan Freeman	*	Council Member

<b>STAFF:</b>	Jacqueline Lee	*	City Manager
	Othel Murphree	*	City Secretary
	Patrick Harvey	*	Director of Finance
	Phillip Prasifka	*	Chief of Police
	Chris Shook	*	Fire Chief
	Paul Tedesco	*	Director of Economic Development
	Kristen Smith-Davis	*	Human Resource Director
	Joe Goodman	*	Director of Public Works
	Brandon Montgomery	*	City Planner
	Connie Hearne	*	Assistant to the City Manager
	Judy Bell	*	Executive General Manager for Planning and Municipal Services

**CONSULTANT:**

Bonnie Goldstein	*	City Attorney's Office
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Mayor Pereira called the meeting to order at 7:34 p.m.

**INVOCATION:** Councilwoman Chancellor gave the invocation.

**PUBLIC COMMENTS:** None

**PROCLAMATION: CONSTITUTION WEEK – SEPTEMBER 17 – 23, 2010**

Mayor Pereira presented Mrs. Elizabeth Reed and Mrs. Pat Thibodeau members of the Daughters of the American Revolution, Old Chisholm Trail Chapter a proclamation declaring the week of September 17 through September 23, 2010 "Constitution Week" in the City of Glenn Heights

**CONSENT AGENDA**

1. Consider and approve the Minutes of July 19, 2010 regular meeting.

Councilwoman Chancellor moved to approve the minutes of July 19, 2010 as written. Councilman Burton made the second. The motion carried with the following vote:

**VOTE:        7        Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

2. Consider and approve Resolution R-19-10 designating two additional dates, Monday, August 9, 2010 and Saturday, August 21, 2010 as City Council meeting dates in accordance with Section 2.10 of the Charter of the City of Glenn Heights.

Councilwoman Chancellor moved to approve R-19-10 designating two additional dates, Monday, August 9, 2010 and Saturday, August 21, 2010 as City Council meeting dates in accordance with Section 2.10 of the Charter of the City of Glenn Heights. Councilman Freeman made the second. The motion carried with the following vote:

**VOTE:        7        Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

**AGENDA**

**With the consent of the Council the Mayor moved Item 4 ahead of Item 3.**

4. Consider designating a voting representative to serve on the North Central Texas Council of Government's General Assembly.

Mayor Pro Tem Harvey moved to approve Mayor Pereira as the voting representative to serve on the North Central Texas Council of Government's General Assembly. Councilman Freeman made the second. The motion carried with the following vote:

**VOTE:        6        Ayes** – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman  
**1        Abstain** - Pereira

3. Family Festival Update and Consider and approve the logo for the Family Festival.

Councilman Burton briefed the Council on the status of the Family Festival.

- ▶ Entertainment
- ▶ Vendors
- ▶ Fund Raising
- ▶ Public Relations – Marketing and Media coordination

Council was provided a copy of the proposed logo to be used for marketing/promotions, correspondence, etc. The Family Festival Committee ask the Council to approve the logo.

Councilman Freeman moved to approve the logo for the Family Festival. Councilwoman Dixon made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

**Executive Session:** Mayor Pereira requested Pursuant to Section 551.071 of the Texas Government Code, to consult in closed session with the City Attorney to receive legal advice regarding one or more items listed on the agenda.

Councilman Burton moved to convene into closed session as authorized by Section 551.071(a) Advice of Counsel. Councilwoman Dixon made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Freeman, Choate, Chancellor, and Pereira

The City Council convened into closed meeting at 7:53 p.m.

Councilman Freeman moved to come out of the closed meeting. Councilwoman Dixon made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Freeman, Choate, Chancellor, and Pereira

Mayor Pereira called the meeting back to order at 8:11 p.m.

Mayor Pereira filed an affidavit with the City Secretary in order to comply with the requirements of Chapter 171, Texas Local Government Code stating he owned property within 200 feet of the property to be discussed in Items 5, 6, 7, and 8.

Mayor Pereira turned the meeting over to Mayor Pro Tem Harvey and took a seat with the City Attorney in the audience.

5. Consider and approve Final Plat on Lots 1 and 2 in Block A, Family Dollar Addition being a 2.886 Acre Addition in the M.L. Swing Survey, Abstract 1455.

Triple C Development, Applicant, submitted an application to plat a parcel of land described as Tract 6 of the M. L. Swing Abstract 1455, page 205, Glenn Heights, Dallas County, Texas, recorded in Volume 2001229. The parcel of land is approximately 2.886 acres of land. The Applicant is platting this parcel of land in order to separate the parcel of land into two (2) parcels. The applicant proposed a land dedication to the City of approximately 5000 sq ft (northwest clip of the parcel).

The Planning and Zoning Commission reviewed the plat on July 26, 2010. Applicant addressed all comments. A motion was made to accept the plat without the land dedication. A 3-3 tie resulted and therefore no effective recommendation is given to the City Council. All technical requirements for Plat approval have been met.

Councilman Freeman moved to approve the Final Plat on Lots 1 and 2 in Block A, Family Dollar Addition being a 2.886 Acre Addition in the M.L. Swing Survey, Abstract 1455 without the land dedication. Councilwoman Chancellor made the second. The motion carried with the following vote:

**VOTE:**        **5**        **Ayes** – Burton, Tate, Chancellor, Harvey, and Freeman  
                  **1**        **Against** - Dixon

6. Consider accepting a land dedication to the City of approximately 5000 sq ft (northwest clip of a 2.886 Acre Addition in the M.L. Swing Survey, Abstract 1455) from Triple C Development.

No Action - Skipped

7. Public hearing to receive testimony relative to a request of amendment to the City's Zoning Ordinance, Ordinance No. O-03-09, by changing the zoning classification on approximately 2.87 acres of land described as Tract 6 of the M L Swing Abstract 1455, page 205, Glenn Heights, Dallas County, Texas, recorded in Volume 2001229 zoned Commercial "R" to by allowing a Specific Use Permit for retail sale of consumables at the property located at 1710 S Hampton Rd.

Councilwoman Dixon moved to open the public hearing. Councilman Burton made the second. The motion carried with the following vote:

**VOTE:**        **6**        **Ayes** – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman

Mayor Pro Tem Harvey opened the public hearing at 8:19 p.m.

The following citizens spoke in favor of the application:

G. W. Burnett, 218 Sendero Drive, Waxahachie, Texas

Councilwoman Dixon moved to close the public hearing. Councilwoman Chancellor made the second. The motion carried with the following vote:

**VOTE: 6 Ayes – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman**

Mayor Pro Tem Harvey closed the public hearing at 8:22 p.m.

8. Consider and approve Ordinance O-14-10 changing the zoning classification on approximately 2.87 acres of land described as Tract 6 of the M L Swing Abstract 1455, page 205, Glenn Heights, Dallas County, Texas, recorded in Volume 2001229 zoned Commercial "R" to by allowing a Specific Use Permit for retail sale of consumables at the property located at 1710 S Hampton Rd.

Triple C Development, Applicant, represented by Barney Horell, is requesting that the City Council approve a request for an SUP for the lot at the southeast corner of the Bear Creek and Hampton Roads. intersection. Per the Zoning Ordinance, the Applicant must apply for a Specific Use Permit (SUP), required by all retail establishments, providing for the sale of off-site consumables. The current zoning of this parcel of land is "R" Retail.

The Applicant intends to build a ground up Family Dollar general retail store. Currently the lot is undeveloped. The Applicant has been informed of all requirements. Furthermore, staff has discussed with the Applicant the need for the building to be of high quality and high standards since it will be located at a major intersection.

On April 26, 2010, the Planning and Zoning Commission discussed the Applicant's concerns he had with items in the SUP Ordinance that he believes makes this project financially impractical. Those items included:

- 1) The Applicant did not want to be "limited" to only being able to install a monument sign.

\*Staff expressed the need for a monument sign, as it would be less intrusive on the surrounding residential community.

- 2) The Applicant did not want to submit new elevations until he was ensured that the Family Dollar development would be approved by City Council.

\*Staff expressed the need for the updated elevations because it is required by the Zoning Ordinance to be an exhibit to the SUP Ordinance.

- 3) The Applicant wanted to be excluded from participating in a Traffic Impact Analysis (TIA) Study when traffic reaches a LOS "C". Instead, the Applicant asked to do traffic study prior to development. The Applicant contends that this item could effect in future financial transactions on the property (refinancing, ownership change, etc.)

\*Staff informed the Applicant that all applications for such development are required to commit to participating in a TIA at the appropriate time.

4) The Applicant did not want to install decorative bollards in the front of the building. In lieu, the Applicant asked the Planning and Zoning Commission to accept painted metal poles filled with concrete.

\*Staff pointed to the adopted requirements in the Zoning Ordinance.

5) The Applicant also did not want to wrap his driveway around the building and desired to allow for deliveries in the front parking lot.

\*Staff, again, pointed to the adopted Zoning Ordinance but also feels this would assist in traffic flow and safety.

The Planning & Zoning Commission asked that the Applicant address all of these issues, as listed in the SUP Ordinance. The application was tabled until the next meeting, May 10, 2010. On May 5, 2010 the Applicant asked (by letter) the Planning & Zoning Commission table the application citing the need to further review the SUP requirements and the financial feasibility of the project.

On May 10, 2010 the Planning & Zoning Commission voted 7-0 to recommend denial of this application. The Commission determined that sufficient time had been allowed for the applicant to address all concerns discussed.

Approval of this SUP could have a positive impact on the City's finances by allowing for the retail sales in a highly visible retail area. This development could also lead to other development in that particular area of the City.

The Applicant revised the site plan, elevations, and landscape plan. All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed rezoning.

The Planning & Zoning Commission has not had the opportunity to review any of the Applicant's modifications to the required submitted documents. Staff recommends that the City Council remand the application back to the Planning & Zoning Commission for review and recommendation.

**Executive Session:** Mayor Pro Tem Harvey requested Pursuant to Section 551.071 of the Texas Government Code, to consult in closed session with the City Attorney to receive legal advice regarding Item 8.

Councilwoman Chancellor moved to convene into closed session as authorized by Section 551.071[(a) Advice of Counsel] of the Texas Government Code. Councilman Freeman made the second. The motion carried with the following vote:

**VOTE:           6       Ayes – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman**

The City Council convened into closed meeting at 8:42 p.m.

Councilman Burton moved to come out of the closed meeting. Councilwoman Chancellor made the second. The motion carried with the following vote:

**VOTE: 6 Ayes** – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman

Mayor Pro Tem Harvey called the meeting back to order at 8:56 p.m.

Councilman Freeman moved to return the zoning application of Triple C Development requesting to change the zoning classification on approximately 2.87 acres of land described as Tract 6 of the M L Swing Abstract 1455, page 205, Glenn Heights, Dallas County, Texas, recorded in Volume 2001229 zoned Commercial "R" to by allowing a Specific Use Permit for retail sale of consumables at the property located at 1710 S Hampton Road back to the Planning and Zoning Commission for further review. Councilwoman Chancellor made the second. The motion carried with the following vote:

**VOTE: 5 Ayes** – Burton, Dixon, Chancellor, Harvey, and Freeman  
**1 Against** - Tate

9. Workshop

A. 2010/2011 Budget

- Brush Pick-Up and Recycling Services
- Right-of-Way Maintenance

Councilman Freeman moved to go into to Workshop. Councilman Burton made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

Mayor Pro Tem Harvey opened the workshop session at 9:09 p.m.

**Brush Pick-Up and Recycling Services**

During the July 6, 2010 City Council meeting, information was presented to provide the Council with options for the addition of recycling as a service to the Glenn Heights citizens. Additionally, there was information presented regarding the brush pick-up service, its cost and service level impact.

The current presentation covered both brush pick-up and recycling, provided both a review of the previous information and two (2) new options for consideration. These options would provide an outsourcing option for brush pick-up.

Depending on the policy decision made by City Council, there could be budgetary impacts for the City.

Staff requested that the City Council provide policy direction regarding the brush pick-up service to select citizen groups and direction on the recycling options.

Overview of the City's brush pick-up service on July 6, 2010:

- City charges \$75 per hour for brush pick-up for all citizens except senior citizens and the disabled
- Cost to the City to provide this service is \$109.33 per hour
- Total cost of the service July 2009 - June 2010 was approximately \$10,277
- Revenue generated from this program was \$1,987

Waste Management representative, Tom Dowdall, provided an option to the City for providing this service to all citizens on an equitable manner. This option could be in conjunction with the proposed contract amendment to include recycling.

Current Contract allows for 2 pick-ups a week @ \$10.71 a month per household (96 gallon poly cart), 2 Cubic Yards of brush & bulk a week per household and 2 annual clean-ups which includes 40, 30 yard roll-offs for each clean-up date for a total of 80. Contract expires May 1, 2012.

In looking at the options provided by Waste Management Council should consider:

- Costs quoted by Waste Management does not include the City's franchise fee (currently 10.45%) or taxes;
- The purpose of the franchise fee is to cover the City's administrative time for handling and billing all accounts, delivering poly-carts and coordinating the solid waste service within the City; and
- The fee also defrays the cost of twice per year City-wide clean ups.

The franchise fee would be added on at the time of billing.

Current cost to the customer per month \$10.71 + \$1.12 (10.45%) + \$0.98 sales tax = \$12.81.

Option Seven – allows for 1 trash pick-up a week, 1 recycling pick-up a week, 4 cubic yards of brush & bulk a week per household and 2 annual clean-ups which includes 40, 30 yard roll-offs for each clean-up date for a total of 80. **Contract expires May 1, 2017.** Cost to the customer per month \$11.72 + \$1.22 (10.45%) + \$ 1.07 sales tax = \$14.01.

Option Eight – allows for 1 trash pick-up a week, 1 recycling pick-up a week, 4 cubic yards of brush & bulk a week per household and 2 annual clean-ups which includes 40, 30 yard roll-offs for each clean-up date for a total of 80. **Contract expires May 1, 2015.**

Cost to the customer per month \$12.22 + \$1.28 (10.45%) + \$ 1.11 sales tax = \$14.61.

In both options 7 and 8, Waste Management will remove up to 4 cubic yards per week of brush/bulky waste per resident at the curb. There would be no need for the waste to be bundled and tied. However, the brush cannot be longer than 5' in length or larger than 4" in diameter and greater than 50 pounds in weight. With either option the cost will be \$0.48 per home added to the proposed rate.

- Option 7 Total = \$11.72 + fee (5 year extension)
- Option 8 Total = \$12.22 + fee (3 year extension)

In the event a resident has more than 4 cubic yards of brush/bulky waste, Waste Management will measure, take a photo, remove 4 cubic yards and report to the City the amount of additional waste. At that point the City will notify the resident to remove the excess debris. The citizen will have the option to remove the debris or contact Waste Management for removal at an additional \$8.75 per cubic yards. The additional cost will be placed on the water bill or paid in advance on a credit card or easy pay system.

If the City Council chooses not to modify the Waste Management contract to include brush pick-up, Staff requests the Council to provide policy direction regarding free City services for select citizen groups.

If the solid waste contract is modified, Staff proposed:

Public Education –

- \*Website
- \*Flyers in water bills
- \*Newsletter articles
- \*Public announcements by Waste Management

If recycling is added with no change to the current brush service the citizens will pay:

#### Option 7

\$13.97 for one trash and bundled brush/bulky (2 cy) pick-up per week, one recycling pick-up per week, 96 gallon poly-cart each for trash and recycling and 80 roll-offs for City clean-ups. 3-year contract extension.

#### Option 8

\$14.03 for one trash and bundled brush/bulky (2 cy) pick-up per week, one recycling pick-up per week, 96 gallon poly-cart each for trash and recycling and 80 roll-offs for City clean-ups. 5-year contract extension

### **Right-of-Way Maintenance**

On July 6, 2010 the City Council received a presentation setting forth information and options for the maintenance of rights-of-way within the territorial limits of the City.

The presentation included historic information relative to City policy on the topic. The presentation began with the basis for the policy – the Texas Constitution, the City’s adopted policies, approved in Ordinance O-05-08 and Resolution R-03-10 (Code Enforcement Plan).

Staff provided three (3) options that were for consideration by City Council and included “pros” and “cons” for each option. Additionally, City Council was provided cost estimates for two (2) of the options.

OPTION No. 1 - Discontinue right-of-way maintenance, educate citizens and enforce Ordinance No. O-05-08

Pros	Cons
*Enhances PW service level Enforcement in more vital areas	*Additional Code
*Equitable treatment of all citizens	* Additional work for some citizens
*Reduces City expenses	*Lack of uniformity in appearance
*Potential opportunity for cost recovery	*Increased abatement costs

OPTION No. 2 - Outsource mowing of rights-of-way

Pros	Cons
*Achieve goals of Strategic Plan	*Budget impact
*Enhance PW service level in more vital areas	*Reduction of other City services
*Beautification of City	*Inequitable treatment of citizens
*Enhances “drive-up” appearance of City	*Extends liability of City

OPTION No. 3 – City continues maintenance of rights-of-way

Pros	Cons
*No budget impact	*Reduces other service levels (preventative maintenance, safety, all utilities)
*Enhances “drive-up” appearance of City	*Inequitable treatment of citizens
*Helps to achieve goals of Strategic Plan	*Equipment and fuel costs
	*Not consistent with Ordinance O-05-08
	*Mowing only on availability

Estimated Cost for Outsourcing and In-house:

\$ 40,0000	\$ 110,419
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How to achieve each Option.

OPTION No. 1 - Discontinue right-of-way maintenance, educate citizens and enforce Ordinance No. O-05-08

- ▶ Citizens education – flyers, website and billboards

- ▶ Code Enforcement – notices, abatement, invoicing and liens (if necessary)

OPTION No. 2 - Outsource mowing of rights-of-way

- ▶ Seek and receive bids to ensure most effective use of funds

OPTION No. 3 – City continues maintenance of rights-of-way

- ▶ Directive from City Council that policy of maintaining private property serves a public purpose

Councilwoman Dixon moved to close the workshop. Councilman Freeman made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

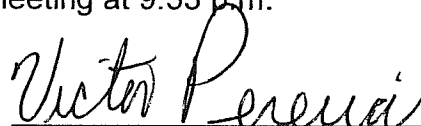
Mayor Pro Tem Harvey closed workshop at 9:23 p.m.

**10. ADJOURNMENT**

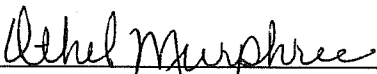
Councilman Freeman moved to adjourn. Councilman Burton made the second. The motion carried with the following vote:

**VOTE: 7 Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

Mayor Pro Tem Harvey adjourned the meeting at 9:53 p.m.

  
\_\_\_\_\_  
Victor Pereira, Mayor

Attest:

  
\_\_\_\_\_  
Othel Murphree, City Secretary

**Passed and Approved 30<sup>th</sup> day of August, 2010.**

