



**PROCLAMATION:** "CARES ENOUGH TO WEAR PINK"  
"CITY OF GLENN HEIGHTS FAMILY FESTIVAL"

**CONSENT AGENDA:** All matters listed in Item 1, Consent Agenda, are to be considered routine by the City Council will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Consider and approve the Minutes of September 20, 2010 regular meeting.
2. Consider and approve Resolution R-31-10 of the City Council of the City of Glenn Heights, Texas designating one additional date, Monday, October 11, 2010 as a City Council meeting date in accordance with Section 2.10 of the Charter of the City of Glenn Heights.
3. Consider and approve Ordinance O-24-10 of the City Council of the City of Glenn Heights, Texas approving new rates for ATMOS Energy Corp., MID-TEX Division in response to the Company's third rate review mechanism (RRM) filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect just and reasonable rates; extending the RRM process for two cycles and adopting a new RRM tariff, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this ordinance was passed in requirements of the Texas Open Meetings Act; declaring and effective date; and requiring delivery of this ordinance to the Company. 2<sup>nd</sup> Reading

Councilwoman Dixon moved to approve the consent items with corrections to the September 20, 2010 minutes. Councilman Freeman made the second. The motion carried with the following votes:

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

**AGENDA**

4. Family Festival Update.

Saturday, October 30<sup>th</sup> marks the second annual citywide Family Festival. This event supports the City's Strategic Plan and recently adopted Mission Statement by offering recreational, artistic, and cultural opportunities aimed at promoting a "Community of Neighbors".

Councilman Burton briefed the Council on the Family Festival.

To date, the Committee has confirmed the following...

- Entertainment on the main stage – 15 acts
- Food Vendors – 7
- Community Organizations/Vendors – 17
- Church/Civic Organizations – 10
- Other Activities/Attractions – 7
- Media/Radio Stations – 3

5. Consider accepting the written resignation of Tony Espinosa from the Planning and Zoning Commission and consider appointments to the Planning and Zoning Commission.

Tony Espinosa, Chairman of the Commission rendered his written resignation to the City Secretary in September 22 2010. The position of Mr. Espinosa on the Commission was Place 3 and the term for Place 3 will expire June 2012.

Staff recommended the Council accept Mr. Espinosa's resignation and appoint a new member to the Commission to complete the vacated term. The appointment would extend from the date of appointment until June 2012.

The City Secretary's Office has three applications on file for the Planning and Zoning Commission.

- Dorothy Loney, 206 Abel Drive
- Willie B. Sublet, Jr., 1532 Glenn Lane
- Tish Tillis, 813 Monette Drive

Councilman Burton moved to accept the resignation of Tony Espinosa from the Planning and Zoning Commission. Councilwoman Chancellor made the second. The motion carried with the following vote:

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

Councilman Freeman moved to appoint Dorothy Loney to Place 3 on the Planning and Zoning Commission to complete the vacated term. Councilwoman Chancellor made the second.

Councilwoman Dixon moved to substitute the name of Willie B. Sublet, Jr. instead of Dorothy Lone to be appointed to Place 3 on the Planning and Zoning Commission to complete the vacated term. Mayor Pereira made the second.

The Mayor called for the vote to allow the substitute. The substitute motion failed with a vote of:

**VOTE:        3        Ayes** – Tate, Dixon, and Pereira  
**4        Against** – Burton, Chancellor, Harvey, and Freeman

Mayor Pereira called for a 5 minutes recess. Mayor Pereira recessed the meeting at 8:06 p.m. Mayor Pereira called the meeting back to order at 8:11 p.m.

The original motion by Councilman Freeman stands. Councilman Freeman moved to appoint Dorothy Loney to Place 3 on the Planning and Zoning Commission to complete the vacated term. Councilwoman Chancellor made the second. The motion carried with the following vote:

**VOTE:**        **5**        **Ayes** – Burton, Tate, Chancellor, Harvey, and Freeman  
                  **2**        **Against** – Dixon and Pereira

**6.** Consider authorizing through signature Amendment Number One to the Employee Benefit Declaration of Trust.

On August 9, 2010, City Council established an Employee Benefit Trust responsible for the authorization and payment of employee health and life benefits. The Trust, consisting of the City Council as Trustees and the City Manager as Administrator, allows the City to benefit from certain tax reductions on employee benefit contracts.

Due to recent requirements related to Federal Healthcare Reform, certain wording in the original Declaration of Trust must be amended to ensure compliance.

Cost savings of approximately \$11,000 as originally presented will not be impacted.

Councilwoman Chancellor moved to authorize Amendment Number One to the Employee Benefit Declaration of Trust. Councilman Burton made the second. The motion carried with the following vote:

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

**7.** Consider and approve Ordinance O-26-10 repealing and replacing Article 4.04 "Peddlers, Solicitors, and Itinerant Vendors" with regulations that provide for the general regulation of peddlers and vendors. 1<sup>st</sup> Reading

The City of Glenn Heights currently under Article 4.04 of the Glenn Heights Code of Ordinances requires a permit for peddlers, solicitors, and itinerant vendors. However, the current Code regarding those requirements has not been amended since at least 1996. There have been Court rulings that restrain some provisions of the current Code and the City has made administrative changes as well, such as where the permits are obtained and who issues them. In addition, the current Code is not very stringent, lacks

definitions, and does not protect the City's interest in certain areas (such as requiring a sales tax permit when such a permit is expected).

The proposed Ordinance recommends a \$45.00 permit fee for an applicant, with a \$25.00 fee for any additional agents engaged in soliciting under one group or entity. The current Ordinance has a \$25.00 fee, with a \$25 fee for subsequent agents.

Councilwoman Chancellor moved to approve Ordinance O-26-10 with the following amendments:

- the applicant shall be issued a permit/badge to be carried by the applicant at all times while in the City
- The permit fee shall be \$50.00 instead of \$45.00.

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

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

8. First Public Hearing for the governing body to receive input on the needs of continuing the Curfew Ordinance.

Councilman Burton moved to open the public hearing. Mayor Pro Tem Harvey made the second. The motion carried with the following vote:

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

Mayor Pereira opened the public hearing at 8:49 p.m.

James Loney, 206 Abel Drive, spoke in favor of the ordinance.

There being no other testimony Councilman Freeman moved to close the public hearing. Councilman Burton made the second. The motion carried with the following vote:

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

Mayor Pereira closed the public hearing at 8:53 p.m.

9. Consider and approve Ordinance O-27-10 an ordinance of the City of Glenn Heights, Texas modifying, continuing and renewing the curfew for minors adopted by Ordinance No. 785-04, and as modified and continued by Ordinance No O-858-07, making findings based on a review of the ordinance's effects on the community, problems the ordinance was intended to remedy, input from public hearings and consideration of the need to continue the ordinance, defining terms; creating offenses

for minors, parents and guardians of minors, and business establishments violating curfew regulations; providing affirmative defenses; providing for enforcement by the police department; providing for penalties and waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; providing for review of this ordinance within three years after the date of initial adoption and every third year thereafter; providing a repealer clause; providing a severability clause; and providing an effective date. 1<sup>st</sup> Reading

The City of Glenn Heights currently has a Curfew Ordinance (O-858-07) that was adopted on October 29, 2007. Generally, curfew ordinances are established to decrease juvenile violence, juvenile gang activity and crime by persons under the age of seventeen. Section 370.002 of the Texas Local Government Code requires that the governing body of a municipality review the Ordinance's effect on the community and the problems the Ordinance was intended to remedy. The requirement is to take place before the end of the third year.

Most cities in Texas have established curfew ordinances. Curfew ordinances have been found to assist cities with helping to keep our children safer. Staff will provide a brief presentation providing historical information, some statistical data, and comparative information (see Attachment I). For your information, the Police Department has received communication from one citizen who would like the hours of the Curfew Ordinance to be even longer, but as you will see in the presentation, the City's Ordinance hours are consistent with surrounding jurisdictions.

Councilman Freeman moved to approve Ordinance O-27-10 amending modifying, continuing and renewing the curfew for minors adopted by Ordinance No. 785-04, and as modified and continued by Ordinance No O-858-07, making findings based on a review of the ordinance's effects on the community, problems the ordinance was intended to remedy, input from public hearings and consideration of the need to continue the ordinance. Councilwoman Dixon made the second. The motion carried with the following vote:

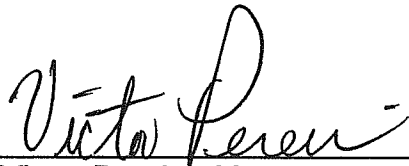
**VOTE:        7        Ayes** – Burton, Tate, Dixon, Pereira, Chancellor, Harvey, and Freeman

## **10.    ADJOURNMENT**

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

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

Mayor Pereira adjourned the meeting at 9:05 a.m.

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

Attest:

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

**Passed and Approved 18<sup>th</sup> day of October, 2010.**