

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

October 5, 2009

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

On this the 5th day of October, 2009 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:

Clark Choate	*	Mayor
Doug Burton	*	Council Member
Dan Freeman	*	Council Member
Kathy Dixon	*	Council Member
Mary Ann Chancellor	*	Council Member
Victor Pereira	*	Council Member

STAFF:	Othel Murphree	*	City Secretary
	Patrick Harvey	*	Director of Finance
	Phillip Prasifka	*	Chief of Police
	Chris Shook	*	Fire Chief
	Brandon Montgomery	*	City Planner
	Judy Bell	*	Executive General Manager for Development and Municipal Services

CONSULTANTS:

Monte Akers	*	City Attorney
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ABSENT:	Chance Harvey	*	Mayor Pro Tem
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Mayor Choate called the meeting to order at 7:34 p.m.

INVOCATION: Pastor Greg Dansby of International Revival Center gave the invocation.

PUBLIC COMMENTS:

Stephanie D. Cicero, 115 Australia – Property tax process

CONSENT AGENDA

1. Consider and approve the Minutes September 21, 2009 special meeting.

Councilwoman Dixon moved to approve the consent items with corrections. Councilwoman Burton made the second. The motion carried with the following vote:

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

AGENDA

2. Consider and approve calling for the annual audit and authorizing the City Manager to execute a Letter of Engagement with Pingleton, Howard and Company, P.C. to provide the annual audit required by the City Charter.

Councilman Freeman moved to call for the annual audit and authorizing the City Manager to execute a Letter of Engagement with Pingleton, Howard and Company. Councilman Burton made the second. The motion carried with the following vote:

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

3. Public hearing to receive testimony relative to a request for an amendment to the City's Zoning Ordinance, Ordinance No. O-03-09, by changing the zoning classification on approximately 1.207 acres of land described as Lot 1, Block 1, of the Jonia Addition, Glenn Heights, Dallas County, Texas, recorded in Volume 2005109, Page 5295 of DRDCT, zoned Commercial "C" by allowing a Specific Use Permit for retail sale of consumables at the property located at 1601 S. IH35.

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

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

Mayor Choate opened the public hearing.

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

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

4. Executive Session, pursuant to Chapter §551. Government Code V.T.C.S. (OPEN MEETINGS LAW), in accordance with the authority contained in Sec. §551.071, Government Code, to seek advice of legal counsel concerning issues related to 1601 S IH35 - SUP.

Councilwoman Dixon moved to go into executive session in accordance with the authority contained in Sec. §551.071, Government Code, to seek advice of legal counsel concerning issues related to 1601 S IH35 - SUP. Councilman Freeman made the second. The motion carried with the following vote:

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

The City Council convened in to Executive Session at 7:47 p.m.

5. Reconvene in Regular Session and consider any Official Action as a result of the Executive Session.

Mayor Choate called the meeting back to order at 8:35 p.m. No action was taken as a result of the Executive Session.

6. Discuss and consider approving Ordinance O-16-09 by changing the official zoning map and the zoning classification on approximately 1.207 acres of land described as Lot 1, Block 1, of the Jonia Addition, Glenn Heights, Dallas County, Texas, recorded in Volume 2005109, Page 5295 of DRDCT zoned Commercial “C” by allowing a Specific Use Permit for retail sale of consumables at the property located at the 1601 S IH35 (1601 S Beckley).

Councilman Freeman moved to table Item 6. Councilwoman Chancellor made the second. The motion failed with the following vote:

VOTE: 3 Ayes – Burton, Freeman, and Chancellor
3 Against - Dixon, Choate, and Pereira

Councilwoman Dixon moved for a five minute break. Councilman Burton made the second. The motion failed with the following vote:

VOTE: 3 Ayes – Burton, Dixon, and Pereira
3 Against - Freeman, Choate, and Chancellor

Mayor Choate moved to go into executive session in accordance with the authority contained in Sec. §551.071, Government Code, to seek advice of legal counsel concerning issues related to 1601 S IH35 - SUP. Councilwoman Dixon made the second. The motion carried with the following vote:

VOTE: 6 Ayes – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

The City Council convened in to Executive Session at 9:01 p.m.

Mayor Choate called the meeting back to order at 9:14 p.m. No action was taken as a result of the Executive Session.

Councilman Burton moved to approve Ordinance O-16-09 by changing the official zoning map and the zoning classification on approximately 1.207 acres of land described as Lot 1, Block 1, of the Jonia Addition, Glenn Heights, Dallas County, Texas,

recorded in Volume 2005109, Page 5295 of DRDCT zoned Commercial "C" by allowing a Specific Use Permit for retail sale of consumables at the property located at the 1601 S IH35 (1601 S Beckley) with the following addition to the conditions and requirements of the SUP:

Owner/Applicant shall be required to participate its pro rata share of a Traffic Impact Analysis Study when traffic reaches level of service "C".

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

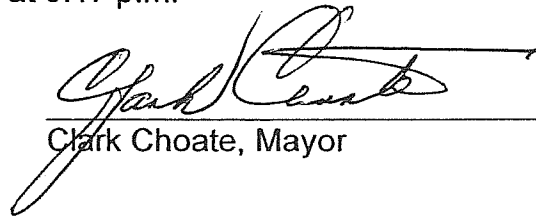
VOTE: 4 **Ayes** – Burton, Freeman, Dixon and Choate
 2 **Against** - Chancellor, and Pereira

7. ADJOURNMENT.

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

VOTE: 6 **Ayes** – Burton, Freeman, Dixon, Choate, Chancellor, and Pereira

Mayor Choate adjourned the meeting at 9:17 p.m.



Clark Choate, Mayor

Attest:



Othel Murphree, City Secretary

Passed and Approved 2nd day of November, 2009.