

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

October 18, 2010

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

On this the 18th day of October, 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:

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

STAFF:	Judy Bell	*	Assistant City Manager
	Othel Murphree	*	City Secretary
	Patrick Harvey	*	Chief Financial Officer
	Phillip Prasifka	*	Chief of Police
	Chris Shook	*	Fire Chief
	Joe Goodman	*	Director of Public Works

ABSENT:	Victor Pereira	*	Mayor
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Mayor Pro Tem Harvey called the meeting to order at 7:36 p.m.

INVOCATION: Pastor Sublet gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS:

Cynthia Smith, 231 Brown Dr. - requested the City Council take action on forming a Citizens Police Academy and/or Citizens on Patrol Program and a Police Explorers Program for the youth in the City. Mrs. Smith also voiced concerns about the Curfew Ordinance. She requested the ordinance be amended, by changing the time a minor

would need to be off of the public streets to: 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday instead of 11:00 p.m. and 11:00 p.m. Friday, Saturday or Sunday; instead of 12:01 a.m. until on any Saturday or Sunday; and

Eddie Moore, 1813 Citadel Drive - expressed he would like to see a Police Explores Program for the youth in the City. He felt the time is now to introduce the cities' youth to the roll a police officer plays in the community.

Tom Dowdall with Waste Management advised the Council on the progress of the recycling program.

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 October 4, 2010 regular meeting and October 11, 2010 joint workshop.

2. Consider and approve Resolution R-33-10 cancelling one regular meeting date, Monday, November 1, 2010 as a City Council meeting date.

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

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

AGENDA

3. Consider appointments to the Building and Standards Commission.

The City of Glenn Heights City Council adopted a Code Enforcement, Nuisance Abatement, and Dangerous Structure Plan on February 1, 2010, by approval of Resolution No. R-03-10. The Plan called for several implementation strategies, including updating and/or creating ordinances to assist Code Enforcement and all Departments to carry out the approved Plan. As part of those strategies, on June 21, 2010, staff recommended the approval of Ordinance No. O-10-10 which created the Substandard Building Code. The City Council approved the adoption of that Ordinance, thus creating the Substandard Building Code. A portion of that Code calls for the creation of a Buildings and Standards Commission. The benefits of that Commission were discussed during the Code Enforcement workshops prior to the adoption of Resolution No. R-03-10 and again during the discussion of the Substandard Building Code (Ordinance No. O-10-10).

Staff is prepared to move forward on some identified properties that may subsequently require the need for an established Building and Standards Commission. Five persons

are required for the Commission and the Code also allows for the appointment of four alternates. The requirement to serve on the Commission is that you are a citizen of Glenn Heights. Staff has solicited volunteers for this Commission and is recommending five citizens, Raul Acosta, JoAnn Leath, Gilbert Ortiz, Isaac Thompson, and Willie Sublet. These candidates are only recommendations by Staff and that the appointment of the Building and Standards Commission is at the full discretion of the City Council. These candidates are aware that they may or may not be appointed. Other candidates can be considered by the City Council.

Councilman Freeman moved to appoint Raul Acosta, JoAnn Leath, Gilbert Ortiz, Isaac Thompson, and Willie Sublet to the Building and Standards Commission. Councilwoman Dixon made the second. The motion carried the vote of:

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

4. Reconsider and approve Resolution R-27-10 adopted by the City Council on September 2, 2010 the outsourcing of the Right-of-Way maintenance.

The Glenn Heights City Council considered the matter of using public funds to mow rights-of-way of public streets typically owned by private citizens. During the deliberation on this matter it was brought to the City Council's attention that some rights-of-way have been permanently dedicated to the City and may not pose the same consideration.

Resolution No. R-27-10 adopted by the City Council on September 2, 2010 did not include language setting out and identifying the rights-of-way which have been permanently dedicated to the City. Staff was requested to edit the Resolution and bring it back to City Council for reconsideration.

Councilman Tate asked staff to provide a map or a listing of the properties that would be mowed. There was discussion that the areas to be mowed would be provided before or at the time the Contract was brought to Council for approval.

Councilwoman Dixon moved to approve the changes to Resolution R-27-10. Councilman Freeman made the second. The motion carried with the following vote:

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

5. 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. 2nd Reading

At the October 4th City Council Meeting the City Council was provided a presentation regarding a new proposed peddlers and solicitor's Ordinance.

The City Council approved the 1st reading of Ordinance No. O-26-10, with amendments: (1) specific language was added to the Ordinance regarding the issuance of badges to solicitor/peddler permit holders and (2) to increase the permit fee from the suggested \$45.00 to \$50.00.

The approved changes were accomplished through the insertion of a new section, 4.04.012. and by increasing the permit fee in Section 4.04.008.

Staff continues to research the cost of a laminating system to utilize for the badges that will be assigned to peddlers/solicitor. The initial cost outlay for a system is anywhere from \$650.00 to \$1,500.00.

Councilman Burton moved to approve Ordinance O-26-10 with the following amendment:

- the applicant shall have the badge visible on his person at all times while in the City

Councilwoman Dixon made the second. The motion carried with the following vote:

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

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

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

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

Mayor Pro Tem Harvey opened the public hearing at 8:12 p.m.

There being no testimony Councilman Freeman moved to close 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 closed the public hearing at 8:12 p.m.

7. 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. 2nd Reading

At the October 4th City Council Meeting a Public Hearing was held to receive input regarding the continuance of the City of Glenn Heights' Curfew Ordinance. One citizen did speak at the Public Hearing and spoke in favor of continuing the Ordinance. The City Council then was provided a presentation regarding the history of curfew regulations in Glenn Heights, which included a discussion of the State Law regarding curfew ordinances, and the City Council was provided some crime statistical data for Glenn Heights. That data included both juvenile crime statistics and overall crime data. Staff answered questions from the City Council regarding the data and proposed Ordinance. There were no suggestions by the City Council for any revisions to the proposed Ordinance. The City Council then approved the 1st reading of the proposed Ordinance, O-27-10, which renews and continues the existing Curfew Ordinance.

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

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

8. Consider and approve an Ordinance O-28-10 establishing Rules of Order and Decorum for all appointed Boards and Committees. 1st Reading

Councilman Freeman moved to postpone consideration of Ordinance O-28-10 establishing Rules of Order and Decorum for all appointed Boards and Committees to November 15, 2010 City Council meeting. Councilwoman Chancellor made the second. The motion carried with the following vote:

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

9. Discuss and take possible action on City Council scheduling for the Family Festival.

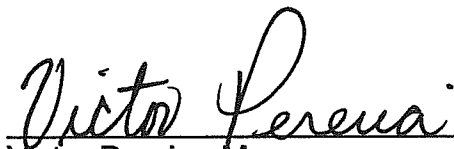
Councilman Burton requested that each Council Member contact him or staff with their individual time schedules for the Family Festival.

10. ADJOURNMENT

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

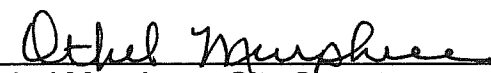
VOTE: 6 Ayes – Burton, Tate, Dixon, Chancellor, Harvey, and Freeman

Mayor Pro Tem Harvey adjourned the meeting at 8:30 p.m.



Victor Pereira, Mayor

Attest:



Othel Murphree, City Secretary

Passed and Approved 15th day of November, 2010.