



**NOTICE AND AGENDA
CITY COUNCIL
TUESDAY, OCTOBER 19, 2021 7:30 PM
REGULAR CITY COUNCIL MEETING**

Notice is hereby given that the City of Glenn Heights City Council will hold a Regular City Council Meeting on Tuesday, October 19, 2021, beginning at 7:30 P.M. in the City Hall, City Council Chambers, located at 1938 South Hampton Road, Glenn Heights, Texas, 75154, as prescribed by Vernon's Texas Civil Statutes, Government Code Section §551.041, to consider and possibly take action on the following agenda items. Items do not have to be taken in the same order as shown in this meeting Notice and Agenda.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://www.glennheightstx.gov/129/Agendas-Minutes>.

This City Council Meeting will be live streamed at <https://www.glennheightstx.gov/229/City-Council-Meeting-Videos>.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

PROCLAMATIONS

- National Diabetes Month, November 2021
- National Native American Heritage Month, November 2021
- Municipal Court Week, November 1-5, 2021

CONSENT AGENDA

1. Discuss and take action to approve the City Council Meeting Minutes of the October 12, 2021, Regular Called City Council Meeting. (Brandi Brown, City Secretary)

AGENDA

1. Public hearing to receive testimony concerning Ordinance O-13-21, 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 changing the zoning classification from "R", Retail, to "R-SUP",

Retail with a Specific Use Permit for Retail Stores, General and permitting the sale of consumables thereon for an approximately 1.249-acre tract of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, located at 1710 South Hampton Road and being more particularly described and depicted in Exhibit "A" attached hereto; providing a repealing clause; providing a severability clause; and, providing for an effective date. (Miamauni Hines, City Planner)

2. Discuss and first reading of Ordinance O-13-21, 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 changing the zoning classification from "R", Retail, to "R-SUP", Retail with a Specific Use Permit for Retail Stores, General and permitting the sale of consumables thereon for an approximately 1.249-acre tract of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, located at 1710 South Hampton Road and being more particularly described and depicted in Exhibit "A" attached hereto; providing a repealing clause; providing a severability clause; and, providing for an effective date. (Miamauni Hines, City Planner)
3. Discuss and take action on Resolution R-29-21, a Resolution of the City Council of the City of Glenn Heights, Texas, approving an Interlocal Water and Wastewater Service Area Agreement between the City of Red Oak, Texas and the City of Glenn Heights, Texas; authorizing the City Manager to execute the same and any other documents necessary to provide effect thereto; providing an effective date. (Michael Rogers, Deputy City Manager)

ADJOURNMENT

In accordance with the Americans with Disabilities Act, If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodations, please contact the City Secretary at least 48 hours in advance of the event at 972-223-1690 ext. 125 or email brandi.brown@glennheightstx.gov. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

I, Brandi Brown, City Secretary, do hereby certify that the above Meeting Notice and Agenda was posted in a place convenient to the Public at Glenn Heights City Hall, 1938 South Hampton Road, Glenn Heights, Texas by 5:00 P.M. on Friday, October 15, 2021.

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in closed session with its attorney at any time during the course of this meeting and to receive legal advice regarding any item listed on this agenda.

Brandi Brown, City Secretary

PROCLAMATION



Office of the Mayor • City of Glenn Heights

National Diabetes Month November 2021

WHEREAS, more than 29 million Americans have diabetes – a disease in which the glucose levels in one's blood are higher than normal. Although the rate of new cases is falling, the numbers are still alarming. Diabetes is one of the leading causes of death in the United States and results in staggering health and financial costs for Americans; and

WHEREAS, diabetes can affect individuals of any age, gender, or background depending on risk factors, which can include a combination of genetics and lifestyle. Diabetes can lead to health problems such as heart disease, blindness, and kidney failure. Additionally, roughly one-third of American adults have prediabetes – a condition in which their blood sugar levels are higher than normal, but not high enough to be diagnosed with diabetes; and

WHEREAS, type 1 diabetes accounts for a smaller proportion of diagnosed cases of diabetes; over 90 percent of all diagnosed cases are type 2 diabetes. Individuals with type 1 diabetes need to monitor their blood sugar levels and take insulin every day to survive. Diabetes has no cure, but people with type 2 diabetes can manage their disease by following a healthy meal plan, increasing physical activity, taking prescribed medications, and quitting smoking if applicable. Americans with any type of diabetes should get regular checkups and work with health care professionals to learn more about this disease. I encourage all residents to visit www.NDEP.NIH.gov to find resources available through the National Diabetes Education Program to help make and sustain healthy lifestyle and behavior changes.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby proclaim November 2021 as **National Diabetes Month**. Every year, too many Americans experience the consequences of diabetes, but due to the dedication of our Nation's health care providers and advocates, we have made important strides in combating this disease. This month, let us work to show every individual living with diabetes that they are not alone, and let us continue strengthening our investment in the fight against this disease.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October in the year of our Lord two thousand twenty-one.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

**National Native American Heritage Month
November 2021**

WHEREAS, Native Americans have helped shape the future of the United States through every turn of our history. During National Native American Heritage Month, we pledge to maintain the meaningful partnerships we have with tribal nations; and

WHEREAS, over our long-shared history, there have been too many unfortunate chapters of pain and tragedy, discrimination and injustice. We must acknowledge that history while recognizing that the future is still ours to write. We must continue to work to better protect sacred lands and restore many acres of tribal homelands, and continue to strengthen tribal sovereignty in criminal justice matters, including through the Tribal Law and Order Act; and

WHEREAS, in recognition of the immeasurable contributions that Native Americans have made to our Nation, we must continue to advocate for expanding opportunities. Supporting a tribal education system, and tribal colleges and universities is imperative – not only to prepare Native youth for the demands of future employment, but also to promote their own tribal languages and cultures. These things will connect more young people and foster a national dialogue to empower the next generation of Native leaders; and

WHEREAS, this month, let us celebrate the traditions, languages, and stories of Native Americans and ensure their rich histories and contributions can thrive with each passing generation – let us continue to build on the advancements we have made. With sustained effort and unwavering optimism, we can ensure a vibrant and resilient future filled with possibility and prosperity.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby proclaim November 2021 as **National Native American Heritage Month**. I call upon all residents to commemorate this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October in the year of our Lord two thousand twenty-one.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

Municipal Court Week November 1-5, 2021

- WHEREAS,** municipal courts play a significant role in preserving public safety and promoting quality of life in Texas; and
- WHEREAS,** more people come in contact with municipal courts than all other Texas courts combined, and public impression of the Texas judicial system is largely dependent upon the public's experience in the municipal court; and
- WHEREAS,** the City of Glenn Heights is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that the Judge and court personnel will comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and
- WHEREAS,** the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants and supports the Glenn Heights Municipal Court in complying with all legal requirements.
- NOW, THEREFORE, I, Harry A. Garrett,** Mayor of the City of Glenn Heights, Texas, do hereby proclaim November 1-5, 2021, as **Municipal Court Week** in the City of Glenn Heights, in recognition of the fair and impartial justice offered to our citizens by the Municipal Court of the City of Glenn Heights.
- IN WITNESS WHEREOF,** I have hereunto set my hand this nineteenth day of October in the year of our Lord two thousand twenty-one.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas



AGENDA SUMMARY SHEET

October 19, 2021

CONSENT AGENDA, ITEM 1

Discuss and take action to approve the City Council Meeting Minutes of the October 12, 2021, Regular Called City Council Meeting. (Brandi Brown, City Secretary)

Motion	
Second	
For	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Against	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Abstain	
Approve/ Deny/ Table	

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

OCTOBER 12, 2021

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

On the 12th day of October 2021, the City Council of the City of Glenn Heights, Texas, met in a Regular Called City Council Meeting in the City Hall, City Council Chambers, located at 1938 South Hampton Road, Glenn Heights, Texas, 75154, with the following members present:

CITY COUNCIL:

Harry A. Garrett	*	Mayor
Sonja A. Brown	*	Mayor Pro Tem, Place 1
Emma Ipaye	*	Council Member, Place 2
Travis Bruton*	*	Council Member, Place 3
Alisha M. Brown	*	Council Member, Place 4
Shaunte L. Allen	*	Council Member, Place 5
Machanta Newson	*	Council Member, Place 6

*Council Member Travis Bruton arrived at 7:33 P.M.

STAFF:

David Hall	*	City Manager
Michael Rogers	*	Deputy City Manager
Brandi Brown	*	City Secretary
Phillip Conner	*	Finance Director
Marlon Goff	*	Director of Planning & Development Services
Jaynice Porter-Brathwaite	*	Human Resources Director
Clayton Shields	*	Deputy Chief of Police
Nick Williams	*	Deputy Fire Chief

CALL TO ORDER

Mayor Harry A. Garrett called the City Council Meeting to order at 7:31 P.M., with a quorum of the City Council present.

INVOCATION

Council Member Machanta Newson delivered the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Harry A. Garrett led the assembly in the Pledge of Allegiance.

PUBLIC COMMENT

There were no Public Comments.

PROCLAMATIONS

Mayor Harry A. Garrett read the following Proclamations:

- Breast Cancer Awareness Month, October 2021
- National Domestic Violence Awareness Month, October 2021
- National Walk to End Alzheimer's Month, October 2021

STAFF INTRODUCTIONS

Jaynice Porter-Brathwaite, Human Resources Director, made the following Staff Introductions:

- Karen McGee, Court Administrator
- Dana Evans, Customer Service Clerk
- Alizah Mendoza, Customer Service Clerk
- Peter Burke, Utility Worker I
- Ralie Wafer, Utility Worker II
- Adrian Porter, Recreation Aide (Part-Time)
- Sandy Close, Human Resources Generalist (Part-Time)
- Josh Kellis, Police Officer II

CONSENT AGENDA

1. Discuss and take action to approve the City Council Meeting Minutes of the September 7, 2021, Regular Called City Council Meeting. (Brandi Brown, City Secretary)
2. Discuss and take action to approve the City Council Meeting Minutes of the September 14, 2021, Regular Called City Council Meeting. (Brandi Brown, City Secretary)
3. Discuss and take action to approve the City Council Meeting Minutes of the September 27, 2021, Special Called City Council Meeting. (Brandi Brown, City Secretary)
4. Discuss and take action to approve an Amending Plat request by Kimley-Horn on behalf of DR Horton for Lot 38X, Block F and Lot 9X, Block W of Magnolia Meadows Phase II. The final plat of Magnolia Meadows Phase II was recorded with Ellis County in November 2019. The purpose of this Amending Plat is to update the west boundary of Magnolia Meadows Phase II along the proposed Magnolia Meadows Phase IV bordering Lot 38X, Block F and Lot 9X, Block W, and to include drainage and utility easements on said lot. (Miamouni Hines, City Planner)

Council Member Machanta Newson made a motion to approve Consent Agenda Items 1-4. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, S. Brown, Ipaye, Bruton, A. Brown, Allen, and Newson

AGENDA

1. August 2021 Financial Report.

Phillip Conner, Finance Director, completed a presentation regarding the City's revenues, expenditures, and fund balances through August 2021.

Mr. Conner and David Hall, City Manager, answered Council's questions related to sales tax revenues, days in reserve, and increased revenue in the drainage fund.

2. Discuss and take action on Resolution R-43-21, a Resolution of the City Council of the City of Glenn Heights, Texas, nominating a candidate to be a Member of the Board Of Directors of the Dallas Central Appraisal District.

Phillip Conner, Finance Director, introduced this item.

Council Member Machanta Newson nominated Council Member Shaunte L. Allen. Council Member Emma Ipaye made the second.

Council Member Machanta Newson made a motion to approve Resolution R-43-21, a Resolution of the City Council of the City of Glenn Heights, Texas, nominating Council Member Shaunte L. Allen to be a Member of the Board Of Directors of the Dallas Central Appraisal District. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, S. Brown, Ipaye, Bruton, A. Brown, Allen, and Newson

3. Discuss and take action on Resolution R-44-21, a Resolution of the City Council of the City of Glenn Heights, Texas, nominating candidates for the Ellis Appraisal District Board of Directors for the years 2022-2023.

Phillip Conner, Finance Director, introduced this item.

Mayor Pro Tem Sonja A. Brown nominated Council Member Machanta Newson. Council Member Emma Ipaye nominated Council Member Travis Bruton. Council Member Machanta Newson made the second.

Mayor Pro Tem Sonja A. Brown made a motion to approve Resolution R-44-21, a Resolution of the City Council of the City of Glenn Heights, Texas, nominating Council Members Machanta Newson and Travis Bruton for the Ellis Appraisal District Board of Directors for the years 2022-2023. Council Member Emma Ipaye made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, S. Brown, Ipaye, Bruton, A. Brown, Allen, and Newson

ADJOURNMENT

Mayor Pro Tem Sonja A. Brown made a motion to adjourn. Council Member Emma Ipaye made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, S. Brown, Ipaye, Bruton, A. Brown, Allen, and Newson

Mayor Harry A. Garrett adjourned the meeting at 8:08 P.M.

Harry A. Garrett, Mayor

Attest:

Brandi Brown, City Secretary

Passed and approved on the 19th day of October 2021



AGENDA SUMMARY SHEET

October 19, 2021

AGENDA, ITEM 1

Public hearing to receive testimony concerning Ordinance O-13-21, 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 changing the zoning classification from "R", Retail, to "R-SUP", Retail with a Specific Use Permit for Retail Stores, General and permitting the sale of consumables thereon for an approximately 1.249-acre tract of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, located at 1710 South Hampton Road and being more particularly described and depicted in Exhibit "A" attached hereto; providing a repealing clause; providing a severability clause; and, providing for an effective date. (Miamouni Hines, City Planner)

Motion	
Second	
For	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Against	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Abstain	
Approve/ Deny/ Table	



AGENDA SUMMARY SHEET

October 19, 2021

AGENDA, ITEM 2

Discuss and first reading of Ordinance O-13-21, 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 changing the zoning classification from "R", Retail, to "R-SUP", Retail with a Specific Use Permit for Retail Stores, General and permitting the sale of consumables thereon for an approximately 1.249-acre tract of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, located at 1710 South Hampton Road and being more particularly described and depicted in Exhibit "A" attached hereto; providing a repealing clause; providing a severability clause; and, providing for an effective date. (Miamouni Hines, City Planner)

Motion	
Second	
For	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Against	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Abstain	
Approve/ Deny/ Table	



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: October 19, 2021

SUBJECT

The City Council will hear a Specific Use Permit request for the construction and use of a general retail establishment permitting the retail sale of consumables.

DISCUSSION / BACKGROUND

The subject property is zoned Retail and located near the southeast corner of Bear Creek Road and Hampton road. The property to the north is zoned and developed according to the City's Retail zoning classification with an SUP for the retail sale of consumables. The property to the west is zoned Retail and is currently developed as a self-storage facility. The property to the south is zoned Single-Family 1 and is currently developed as a butterfly garden. The property to the east is zoned and developed according to the City's Single-Family 1 zoning classification.

The Zoning Ordinance defines a general retail store as follows:

RETAIL STORES, GENERAL. This term includes retail stores which sell several lines of merchandise including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are commonly known as department stores, variety stores, general merchandise stores, general stores, etc.

Although the proposed use is considered a retail use, the City's Zoning Ordinance requires the Planning and Zoning Commission and the City Council to review and approve a Specific Use Permit for the development and/or occupancy for such a use on any property with the Retail zoning classification. In this case, the property is undeveloped, so the applicant is seeking the approval of both the use and accompanying site plan and elevations.

CONCEPT PLAN REVIEW AND EVALUATION

The Development Review Committee met and performed Concept Plan review and evaluation with respect to the following:

- The Plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City.
- The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- The relationship of the development to base zoning standards in terms of harmonious design, façade treatment, setback, maintenance of property values, and any possible negative impacts.
- The provision of safe and efficient vehicular and pedestrian circulation systems.
- The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City as adopted and amended.
- The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- The location, size, accessibility, and configuration of open space areas ensure that such areas are suitable for intended recreation and conservation uses.
- Protection and conservation of watercourses and areas that are subject to flooding.
- Consistent with the Comprehensive Master Plan of the City as adopted or amended.

The Development Review Committee has the following comments related to the proposed site plan and elevations:

- There is public safety concern regarding the larger delivery trucks associated with this end user based on the existing damage to the medians and lack of maneuverability options for the existing variety store establishment.

COMPREHENSIVE PLAN ALIGNMENT

Staff has reviewed this application to determine its compatibility with the City's Future

Land Use Map and Comprehensive Plan which designates this area as Retail:

Retail

Retail uses typically include establishment which provide merchandise for retail sale and may also include light commercial uses such as lodging and banks. Retail is located in areas with higher visibility and accessibility and contributes additional taxable revenue to the City's coffers through sales generated. In Glenn Heights, retail areas may also include office space.

The proposed development aligns with that of a retail development.

PRIOR COUNCIL OR BOARD ACTION

On September 13, 2021, the Planning and Zoning Commission recommended denial of the proposed SUP as presented.

PUBLIC CONTACT

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by October 1, 2021. Notice was also published in a local newspaper on October 3, 2021 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance. Additionally, a notice has been posted near the site since August 5, 2021.

FINANCIAL IMPACT

The City would collect taxes on all taxable products at the standard rate of 0.010000%.

RECOMMENDATION / ALTERNATIVES

Staff recommends denial of the proposed Specific Use Permit based on the remaining site plans and maneuverability comments.

ATTACHMENTS

1. Ordinance O-13-21

PREPARED BY

Miamauni Hines, City Planner

REVIEWED BY

Marlon Goff, Director of Planning and Development Services

ORDINANCE O-13-21

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 CHANGING THE ZONING CLASSIFICATION FROM “R”, RETAIL, TO “R-SUP”, RETAIL WITH A SPECIAL USE PERMIT FOR RETAIL STORES, GENERAL AND PERMITTING THE SALE OF CONSUMABLES THEREON FOR AN APPROXIMATELY 1.249-ACRE TRACT OF LAND DESCRIBED AS LOT 2, BLOCK A OF THE FAMILY DOLLAR ADDITION, GLENN HEIGHTS, DALLAS COUNTY, TEXAS, LOCATED AT 1710 SOUTH HAMPTON ROAD AND BEING MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended denial of the proposed amendment to the Zoning Ordinance of the City of Glenn Heights, Texas, by changing the zoning on approximately 1.249 acres of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, zoned Retail “R” by allowing a Specific Use Permit for Retail Stores, General including the retail sale of consumables at the property located at 1710 South Hampton Road; and consumables

WHEREAS, after public notice and public hearing as required by law upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the City Council of Glenn Heights, Texas, has determined it is in the public’s best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the City of Glenn Heights that the Zoning Ordinance be amended as described below; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:

SECTION 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City of Glenn Heights Zoning Ordinance and Zoning Map are hereby amended by amending the zoning classification from Retail (“R”) to Retail – SUP for Retail Stores, General and allowing the retail sale of consumables (“R-SUP”) for an approximately 1.249-acre tract of land described as Lot 2, Block A of the Family Dollar Addition, Glenn Heights, Dallas County, Texas, located at 1710 South Hampton Road (the “Property”), subject to the special conditions stated in Section 3 of this Ordinance.

SECTION 3. The property shall be used only in the manner and for the purposes provided for in the City of Glenn Heights Code of Ordinances, including the Zoning

Ordinance and Zoning Map, as heretofore amended, and, if developed and used for a General Retail Store, shall be subject to the following special conditions:

1. The Specific Use Permit shall be specific to the owner/applicant FD Development of Glenn Heights, under the name of Dollar Tree, and may not be transferred to another person, entity or location without the approval of the City Council of the City of Glenn Heights, Texas.
2. The Property must be developed and used in accordance with the site plan and elevations, which are hereby approved and which are attached hereto collectively as Exhibit B.
3. There must be general compliance with all applicable local and state laws regulating said business activity and license and all licenses applicable to the business operations in full force, effect and of good standing.
4. No service attendants, hawkers, peddlers, soliciting or attracting business from the exterior of the establishment or other outdoor activities is permitted.
5. There may be no creation of a nuisance by unreasonable odor, noise glare, litter or unsightly matter, and there must be general compliance with health and sanitation ordinances and state laws regulating said business activities.
6. The City's landscaping requirements shall be met prior to the issuance of a certificate of occupancy and development and use shall comply with the landscape plan attached hereto as Exhibit C which is hereby approved.
7. No outdoor storage or display is permitted.
8. No Drive Thru or Drive Thru Window shall be permitted.
9. All signage shall comply with the City's sign ordinance as it exists and as it may be amended at the time of submission of a sign permit. No neon sign is permitted. The development will be required to construct a monument sign in lieu of a pole or ground sign.
10. The building exterior shall not include security bars over windows or doors.
11. The parking requirements for the property shall be as follows: one (1) space per two hundred (200) square feet of floor area.
12. The hours for the sale of beer and wine shall be from Monday-Friday 7am to midnight, Saturday 7am to 1am, and Sunday 10am to midnight.

13. Any violations of the terms and conditions of the SUP shall render the same null and void without necessity of further hearing.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 5. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS ON THIS THE ____ DAY OF _____ 2021.

APPROVED:

Harry A. Garrett, Mayor

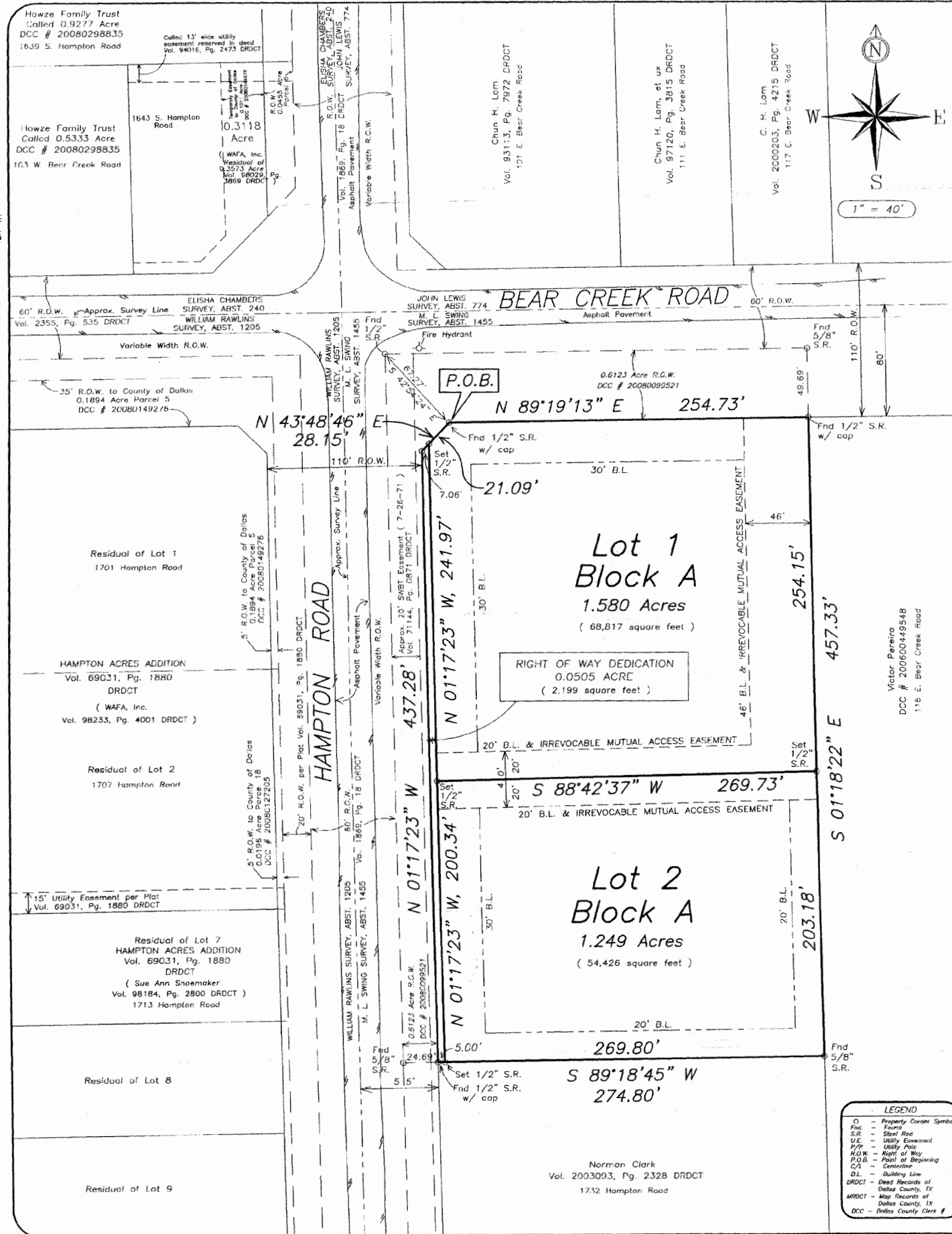
ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(101521vwtTM125436)

Exhibit A



OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF DALLAS

FIELD NOTES
2.880 Acres

BEING all that certain lot, tract, or parcel of land situated in the M. L. SWING SURVEY, ABSTRACT NO. 1455, in the City of Glenn Heights, Dallas County, Texas, and being the residual of a called 5 acre tract of land conveyed to Greer W. Burnett, Jr., et ux, by deed as recorded in Volume 3258, Page 143 of the Deed Records of Dallas County, Texas (DRDCT), said 5 acre tract also being as described in affidavit of heirship as recorded in Volume 2001229, Page 2252 DRDCT, and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found with cap for the northeast end of the corner clip of the south line of BEAR CREEK ROAD, a 110' wide public right of way, and the east line of HAMPTON ROAD, a 110' wide public right of way, said rod bears S 42°54'24" E, 67.27 feet from a 1/2" steel rod found for the northwest corner of said 5 acre tract, said rod also bears approximately S 44°08'31" E, 110.07 feet from the centerline intersection of said BEAR CREEK ROAD and said HAMPTON ROAD and same for the occupied northwest corner of said SWING SURVEY;

THENCE N 89°19'13" E, 254.73 feet (N 89°15'25" E, 254.92 feet per right of way deed recorded in Dallas County Clerk # 20080099512) along the south line of said BEAR CREEK ROAD to a 1/2" steel rod found with cap for the northeast corner of this tract and the existing northwest corner of a tract of land conveyed to Victor Pereira by deed as recorded in Dallas County Clerk # 200600449548 in the east line of said 5 acre tract;

THENCE S 01°18'22" E, 457.33 feet (Deed South; Reference bearing S 01°18'22" E per said right of way deed) along the east line of said 5 acre tract and the west line of said Pereira tract to a 5/8" steel rod found for the southeast corner of this tract and the northeast corner of a tract of land conveyed to Norman Clark by deed as recorded in Volume 2003093, Page 2328 DRDCT;

THENCE S 89°18'45" W, 274.80 feet through said 5 acre tract to a 1/2" steel rod found with cap for the southwest corner of this tract and the existing northwest corner of said Clark tract in the east line of said HAMPTON ROAD;

THENCE N 01°17'23" W, 437.28 feet (N 01°18'22" E, 437.02 feet per said right of way deed) along the east line of said HAMPTON ROAD to a 1/2" steel rod set for the southwest end of said corner clip;

THENCE N 43°48'46" E, 28.15 feet (N 43°58'22" E, 28.15 feet per said right of way deed) along said corner clip to the POINT OF BEGINNING and containing approximately 2.880 acres of which 0.0505 acre is within a right of way dedication, leaving a net acreage of 2.829 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, The Estate of Greer W. Burnett, Jr., do hereby adopt this plat designating the herein above described property as LOTS 1 and 2 in BLOCK A of FAMILY DOLLAR ADDITION, an addition to the City of Glenn Heights, Texas, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using the same. Any public or private utility shall have the right to remove and keep removed any or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction with the construction, maintenance, or efficiency of its respective systems on any of these easement strips and any public or private utility shall, at all times, have a right of ingress and egress to and from upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its facilities without the necessity of securing permission of anyone.

THIS PLAT APPROVED SUBJECT TO ALL ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF GLENN HEIGHTS, TEXAS.

WITNESS MY HAND this 16 day of August, 2010.

The Estate of Greer W. Burnett, Jr.

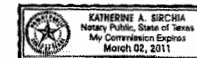
By: Greer Woodard Burnett, III
Greer Woodard Burnett, III

By: James Ronald Burnett, Jr.
James Ronald Burnett, Jr.
Individually and as Independent
Executor of the Estate of Greer
Woodard Burnett, Jr., deceased

STATE OF TEXAS
COUNTY OF ELLIS

Before me the undersigned authority on the 16 day of August, 2010, personally appeared Greer Woodard Burnett, III, acknowledged that he executed this document on behalf of said Estate of Greer W. Burnett, Jr.

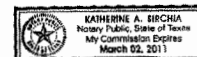
Katherine A. Birch
Katherine A. Birch
Notary Public, State of Texas



STATE OF TEXAS
COUNTY OF ELLIS

Before me the undersigned authority on the 16 day of August, 2010, personally appeared James Ronald Burnett, Jr., acknowledged that he executed this document on behalf of said Estate of Greer W. Burnett, Jr.

Katherine A. Birch
Katherine A. Birch
Notary Public, State of Texas



Surveyor Declaration

THAT I, Walter Keven Davis, do hereby declare that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the Development Code regulations of the City of Glenn Heights, Texas.

Walter Keven Davis
Walter Keven Davis, R.P.L.S. #4466



State of Texas:

Before me the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Walter Keven Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal this 11 day of August, 2010.

Notary Public in and for the State of Texas



CITY OF GLENN HEIGHTS CERTIFICATE OF APPROVAL:

I hereby certify that the above and foregoing Plat of LOTS 1 and 2 in BLOCK A of FAMILY DOLLAR ADDITION, an addition to the City of Glenn Heights was approved this 16 day of August, 2010, by the City of Glenn Heights, Texas.

Victor Pereira
MAYOR

Said addition shall be subject to all the requirements of the Development Code of the City of Glenn Heights.

Witness my hand this 16 day of August, 2010.

Tony Espino
PLANNING & ZONING CHAIRMAN

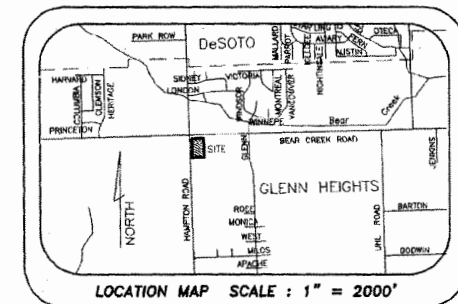
Debra Murphy
CITY SECRETARY



OWNERS:
The Estate of Greer W. Burnett, Jr.
Greer Woodard Burnett, III
James Ronald Burnett
218 Sendera Drive
Waxahatchie, TX 75165
Phone: 972-938-7239

DEVELOPERS:
Triple C Development, Inc.
501 Chestnut Bypass
Centre, AL 35960
Contact: Barney Horrell
Phone: 307-393-1198

FLOODPLAIN NOTE:
NO 100 YEAR FLOODPLAIN PER FEMA
MAP FOR DALLAS COUNTY, TEXAS
MAP # 48113C0640 J, ZONE: X
UNSHADED, DATED: 8-25-2001.



FINAL PLAT
Lots 1 and 2 in Block A
FAMILY DOLLAR ADDITION
Being a 2.880 Acre Addition in the
M. L. SWING Survey, Abst. 1455
City of Glenn Heights
Dallas County, Texas

Date: 4-19-2010

Scale: 1" = 40'

Drawn: K. Bohanon

208-0309

Job: -FINAL

Sheet 1

of 1 sheets.

DAVIS & MCDILL, Inc.
ENGINEERS
D&M
SURVEYORS
(A Texas licensed surveying firm # 101504-00, and a Texas licensed engineering firm # F-8439)
P.O. BOX 428, Waxahatchie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307

REVISIONS	BY
7-07-10	KB
7-22-10	KB
8-11-10	KB



Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, Texas
08/17/2010 02:21 PM
\$38.00



[Signature]

201008210785

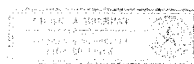
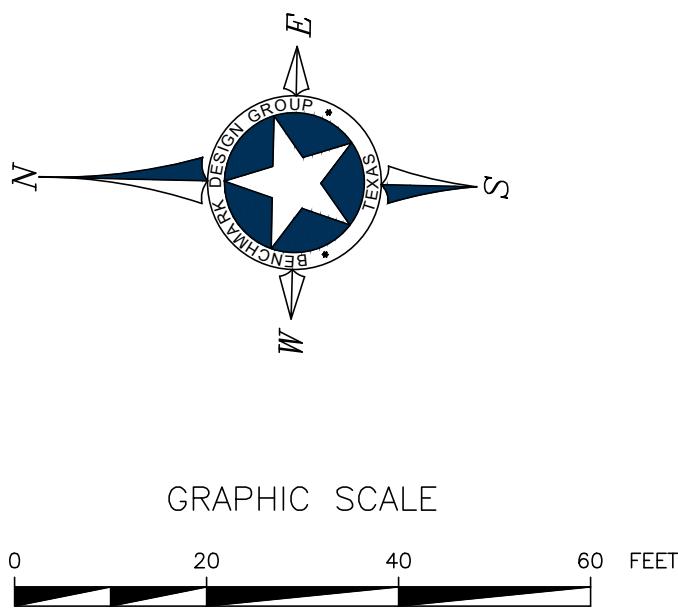
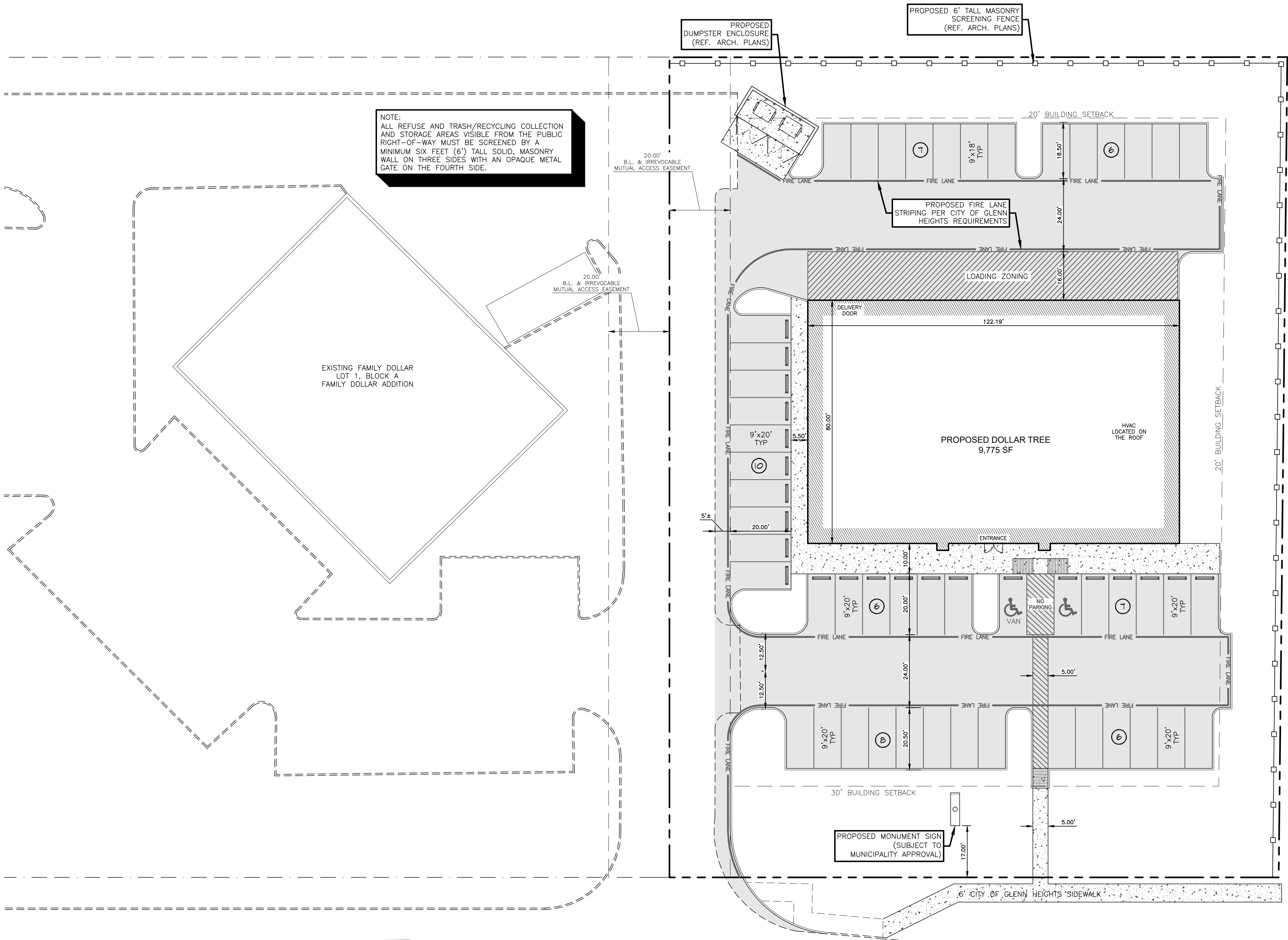


Exhibit B



SITE NOTES:

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF SLOPED PAVING, EXIT PORCHES, PRECISE BUILDING DIMENSIONS, EXACT BUILDING ENTRANCE LOCATIONS, TOTAL NUMBER, LOCATIONS, SIZES AND OUTFALLS OF ROOF DOWNSPOUTS.
- ALL SIGNS PLACED IN AREAS ACCESSIBLE BY VEHICLE TRAFFIC SHALL BE PLACED IN GUARD POST.
- ALL TRAFFIC CONTROL SIGNS SHALL BE FABRICATED AS SHOWN IN THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
- ALL CURB RADII SHOWN ARE TO BACK OF CURB.
- ALL PAVING DIMENSIONS ARE TO BACK OF CURB, WHERE APPLICABLE, OR TO THE EDGE OF PAVEMENT WHEN NO CURB IS PROPOSED, UNLESS OTHERWISE NOTED.
- CONTRACTOR IS RESPONSIBLE FOR PROTECTION & REPLACEMENT OF ALL PROPERTY CORNERS.
- CONTRACTOR SHALL MATCH EXISTING PAVEMENT IN GRADE AND ALIGNMENT.
- CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN GRADE, SIZE, TYPE AND ALIGNMENT AT ADJACENT ROADWAYS.
- THE EARTHWORK FOR ALL BUILDING SLABS SHALL BE IN ACCORDANCE WITH ARCHITECTURAL BUILDING PLANS AND SPECIFICATIONS.
- CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO, DRAINAGE, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
- ALL PAVEMENT MARKING PAINT SHALL BE SHERWIN WILLIAMS "PROMAR TRAFFIC MARKING", WHITE ON ASPHALT, YELLOW ON CONCRETE. PAINT SHALL BE APPLIED IN TWO COATS TO A CLEAN, DRY SURFACE USING TEMPLATE OR STRIPING MACHINE. STRIPES SHALL BE 4" WIDE UNLESS OTHERWISE INDICATED.
- CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
- FOR SITE UTILITIES, SEE UTILITY PLAN.
- ALL WORK ON THIS PLAN SHALL BE DONE IN STRICT ACCORDANCE WITH THE CITY.

LEGEND

TEL PED	EXISTING TELEPHONE PEDESTAL
C.O.O	EXISTING CLEANOUT
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
MH	EXISTING SAN. SEWER MANHOLE
PP-O	EXISTING POWER POLE
FH	EXISTING FIRE HYDRANT
---	EXISTING OVERHEAD ELECTRIC LINE
---	EXISTING WATER LINE
---	EXISTING SAN. SEWER LINE
---	PROPERTY LINE
	PROPOSED "LEVEL" LANDING (SLOPE OF LANDING SHALL NOT EXCEED 2% IN ANY DIRECTION)



*** STOP! CALL BEFORE YOU DIG! ***
AS REQUIRED BY "THE TEXAS UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY ACT" TEXAS811 MUST BE CONTACTED AT LEAST 2 WORKING DAYS PRIOR TO ANY EXCAVATION OPERATIONS BEING PERFORMED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT TEXAS ONE CALL SYSTEM. THE CONTRACTOR SHALL ALSO CALL 811, AND ALL OTHER LOCATE COMPANIES PRIOR TO EXCAVATION ACTIVITIES.

SITE PLAN INFORMATION

LOT:2 BLOCK: A
FAMILY DOLLAR ADDITION
ZONING: RETAIL (R)
SETBACKS:
FRONT: 30' REAR: 20' SIDE: 20'
TOTAL LOT AREA: 54,426 SF (1.249 AC.)
BUILDING AREA: 9,775 SF
BUILDING COVERAGE: 17.96 %
PARKING
TOTAL BUILDING AREA = 9,775 SF
RETAIL @ 1 SPACE PER 200 SF OF 9,775 SF = 49 SPACES
TOTAL PARKING REQUIRED PROVIDED
49 SPACES 50 SPACES

NOTICE TO CONTRACTORS

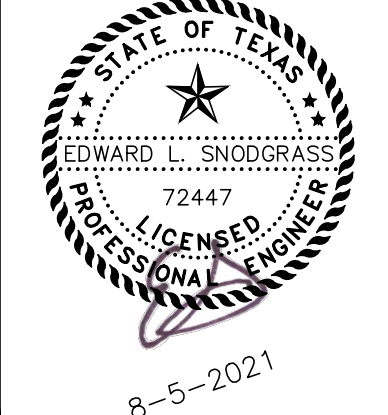
- These plans are subject to review and approval by all jurisdictions having authority.
- Contractor shall appropriately notify all relevant entities prior to digging on this project.
- The contractor shall notify the engineer, in writing, of any errors or discrepancies discovered in the construction documents immediately.
- The topographic information shown herein is a reflection of the information provided by D&M SURVEYORS WAXAHACHE, TEXAS. If the contractor discovers any errors in said information, he shall notify the engineer, in writing, immediately. The engineer and owner shall be indemnified of any problems and/or associated costs resulting from lack of notification.
- The contractor shall be responsible for confirming the horizontal and vertical location of buried utilities and structures, including, but not limited to the following:

Telephone cable	Conduits	Pipes
Stormwater lines	Water lines	Gas lines
Television cables	Sanitary Sewer lines	Oil Production lines
Saltwater lines		

Note: If discrepancies occur between that which is shown on the plans and conditions present in the field, the contractor shall notify the engineer, in writing immediately. Failure to do so shall absolve owner and engineer of liability and associated costs.

BY	DATE	REVISIONS	SUBMITTAL /
AES	8-5-2021	INITIAL SUBMITTAL	

BENCHMARK
DESIGN GROUP
CIVIL / ENVIRONMENTAL / PLANNERS

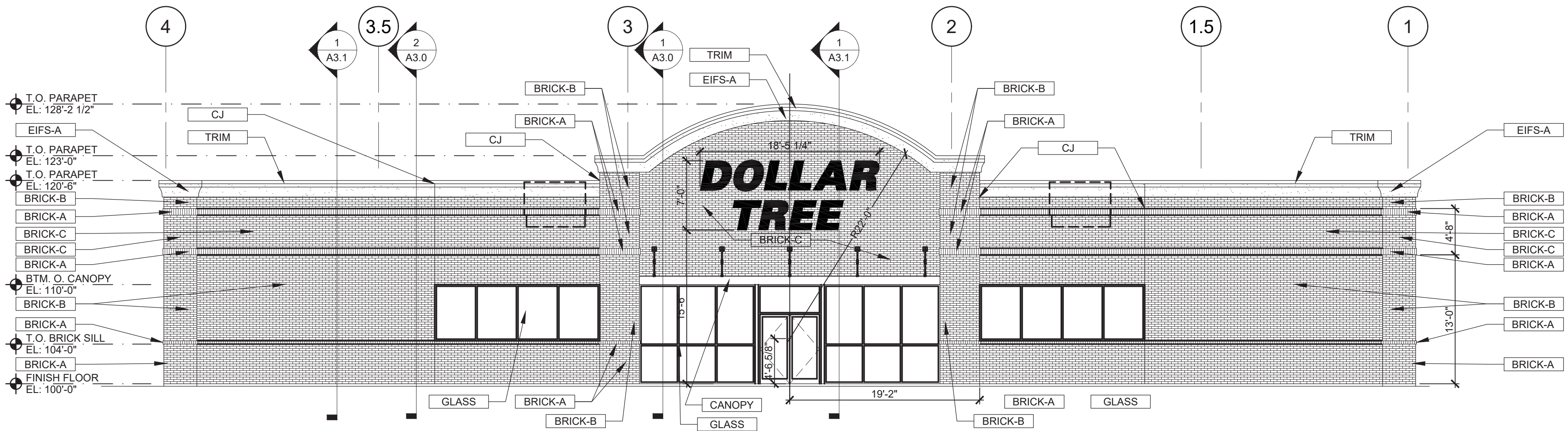


DOLLAR TREE
1710 S. HAMPTON ROAD GLENN HEIGHTS, TEXAS
SITE PLAN

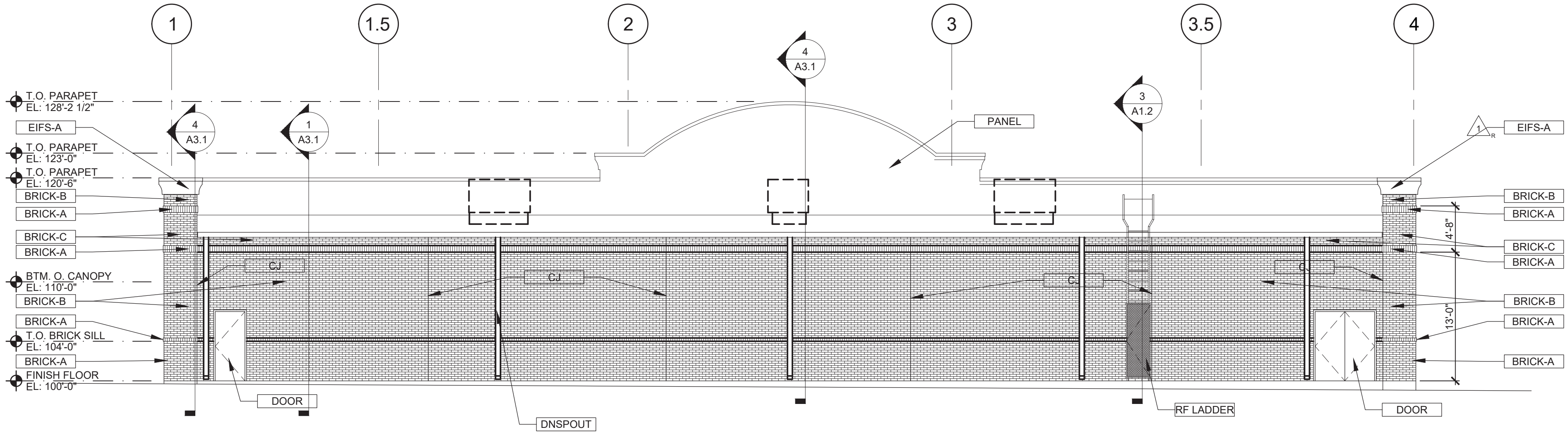
DRAWN BY:	AES
CHECKED BY:	JGM
DATE:	AUGUST 2021
JOB NO:	2021.053
SHEET NO.	1

EXTERIOR PAINT & FINISH SCHEDULE				
CODE	MATERIAL	MANUFACTURER	COLOR*	REMARKS
BRICK-A	MODULAR, THIN BRICK, VELOUR TEXTURE	ACME BRICK	CHARCOAL GRAY	
BRICK-B	MODULAR, THIN BRICK, BLADE CUT TEXTURE	ACME BRICK	GALENA	
BRICK-C	MODULAR, THIN BRICK, VELOUR TEXTURE	ACME BRICK	DOVE GRAY	
EIFS-A	EXTERIOR INSULATION & FINISH SYSTEM, TEXTURE TO BE SAND PEBBLE FINE	STO	NA10-0053 "SMOKED PUTTY"	
PANEL	PEMB PROVIDED METAL PANEL	TBD	FINISH: TEXTURE-COTE COLOR: MEDIUM BEIGE	REFER TO PEMB DRAWINGS FOR DETAILS
DOOR	PEMB PROVIDED DOOR	TBD	MATCH WALL COLOR	REFER TO PEMB DRAWINGS FOR DETAILS
TRIM	PEMB PROVIDED TRIM	TDB	PAINT SHERWIN WILLIAMS "ENVY" LRV 1896 #2032.10 - SATIN FINISH	REFER TO PEMB DRAWINGS FOR DETAILS
CANOPY	METAL	LAWRENCE FABRICATION & METAL OR MAPES	SHERWIN WILLIAMS "ENVY" SW6925 - LRV 18% - SATIN FINISH	
GLASS	ALUMINUM STOREFRONT TRI-FAB 451T	KAWNEER	DARK BRONZE	LOW-E
RF LADDER	METAL	TBD	MATCH WALL COLOR	REFER TO PEMB DRAWINGS FOR DETAILS
DNSPOUT	PEMB PROVIDED TRIM	TBD	MATCH WALL COLOR	REFER TO PEMB DRAWINGS FOR DETAILS

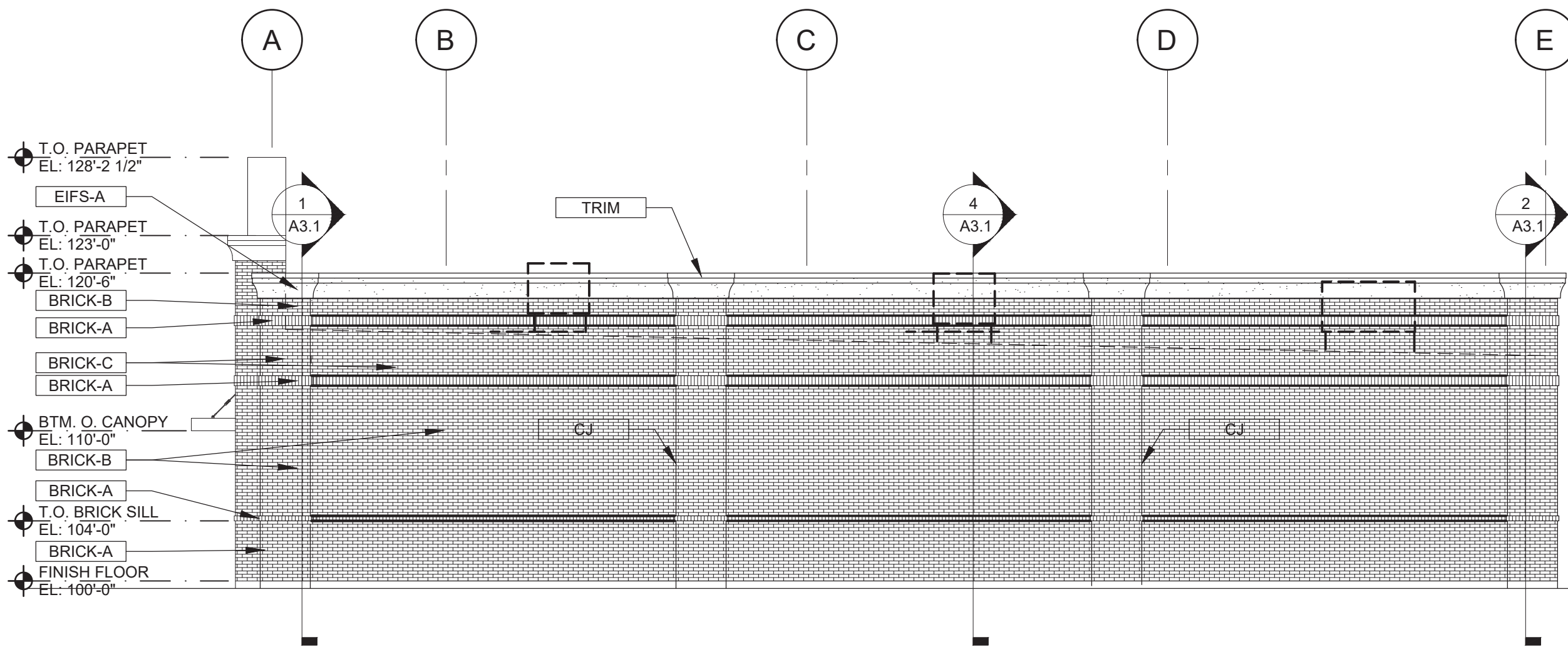
* COORDINATE COLORS WITH OWNER



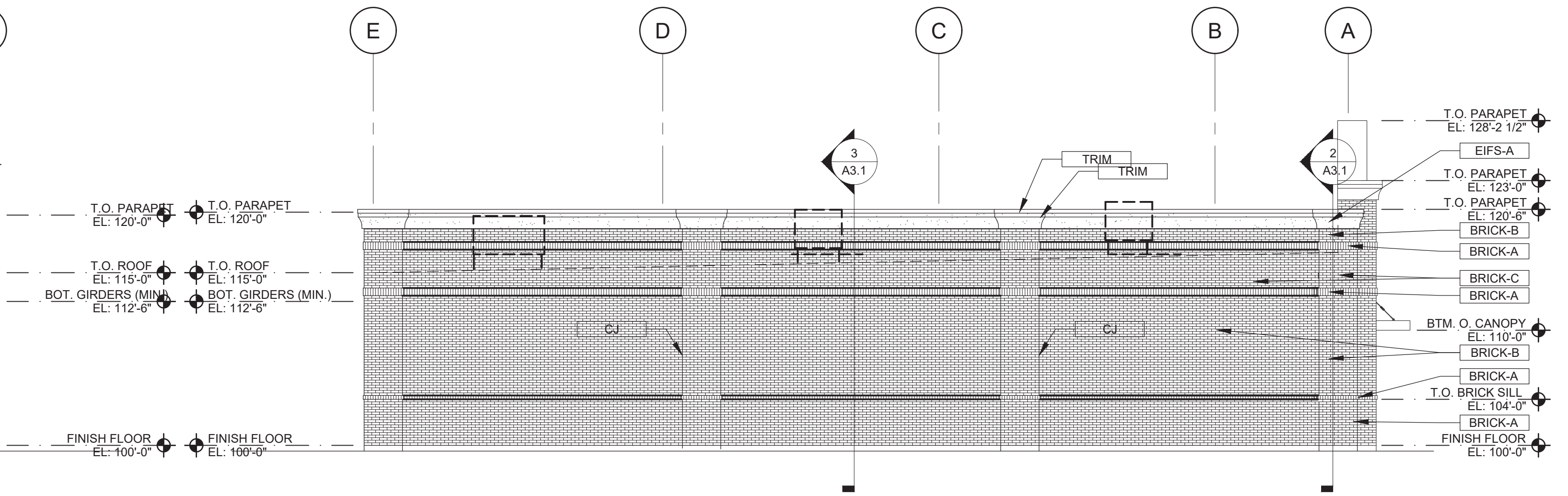
1
A2.0
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2
A2.0
REAR ELEVATION
SCALE: 1/8" = 1'-0"



4
A2.0
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



3
A2.0
LEFT ELEVATION
SCALE: 1/8" = 1'-0"

Dollartree Shell Building
SRH Commercial, LLC
1710 S. Hampton Road
Glenn Heights, TX 74848

CONSTR. DOC. & REVISIONS	
No.	Description
1	DRC Comment Responses
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CASCO DIVERSIFIED CORPORATION
ARCHITECTURAL
CERTIFICATE OF AUTHORITY
#BR-98 01/31/22

August 5, 2021

PROFESSIONAL OF RECORD
Kevin William Harms
License NO. 20001
Expiration Date 04/30/22

Drawn By/Checked By: KWH/KWH
Project Number 2001111
Bid Date 00/00/2021
Permit Date 00/00/2021

EXTERIOR
ELEVATIONS
A2.0

 $\frac{1}{L1.0}$

7
L1.0

7
L1.0

Page 24 of 36



AGENDA SUMMARY SHEET

October 19, 2021

AGENDA, ITEM 3

Discuss and take action on Resolution R-29-21, a Resolution of the City Council of the City of Glenn Heights, Texas, approving an Interlocal Water and Wastewater Service Area Agreement between the City of Red Oak, Texas and the City of Glenn Heights, Texas; authorizing the City Manager to execute the same and any other documents necessary to provide effect thereto; providing an effective date. (Michael Rogers, Deputy City Manager)

Motion	
Second	
For	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Against	Garrett, S Brown, Ipaye, Bruton, A Brown, Allen, Newson
Abstain	
Approve/ Deny/ Table	

**CITY OF GLENN HEIGHTS, TEXAS
RESOLUTION NO. R-29-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS APPROVING AN INTERLOCAL WATER AND WASTEWATER SERVICE AREA AGREEMENT BETWEEN THE CITY OF RED OAK, TEXAS AND THE CITY OF GLENN HEIGHTS, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME AND ANY OTHER DOCUMENTS NECESSARY TO PROVIDE EFFECT THERETO; PROVIDING AN EFFECTIVE DATE

WHEREAS, Red Oak is a home rule municipality with full power and authority to provide retail water and wastewater utility service to persons situated inside its corporate boundaries and also to persons residing in areas which lie outside of Red Oak's corporate boundaries and in a defined service area in Ellis County, Texas, under the authority of Certificate of Convenience and Necessity No. 11074 ("Red Oak's Sewer CCN") issued by the Public Utility Commission of Texas or one of its predecessor agencies (the "Commission"); and

WHEREAS, Glenn Heights is a home rule municipality with full power and authority to provide retail water and wastewater utility service to persons situated inside its corporate boundaries and also to persons residing in areas which lie outside of Glenn Heights's corporate boundaries and in a defined service area in Dallas County and Ellis County, Texas, under the authority of Certificate of Convenience and Necessity No. 11059 ("Glenn Heights's Sewer CCN") issued by the Commission; and

WHEREAS, Red Oak and Glenn Heights are "retail public utilities" as defined in Texas Water Code ("TWC") § 13.002; and

WHEREAS, Red Oak and Glenn Heights have determined that it would be advisable, and in the best interests of Red Oak and Glenn Heights, to amend their respective retail water and wastewater service areas with regard to the two parcels of real property identified collectively as "Area A" on Exhibit "A" attached hereto and incorporated herein by reference (the "Area A"), and to enter this Agreement which establishes the retail water and wastewater service areas for Red Oak and Glenn Heights as allowed under TWC §13.248; and

WHEREAS, Red Oak and Glenn Heights desire to enter into an interlocal agreement pursuant to the terms and provisions of the Interlocal Cooperation Act applicable to contracts for governmental functions and services (TEX. GOVT. CODE § 791.001, et. seq.); and

WHEREAS, the City Council finds it is in the best interest of the citizens of the City of Glenn Heights to participate in such cooperative effort and contract with the City of Red Oak for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:

SECTION 1. The Interlocal Water and Wastewater Service Area Agreement Between the City of Red Oak Texas and the City of Glenn Heights, Texas providing for inclusion of an identified area in the retail water and wastewater service area of Red Oak, in substantially the form of the agreement attached hereto and incorporated herein as Exhibit "A" is hereby approved and the City

Manager is authorized to execute an Agreement in substantially the form of Exhibit “A” and all other documents necessary to effect the services set forth therein.

SECTION 2. This Resolution shall be effective immediately upon approval.

PASSED AND APPROVED this the 19th day of October 2021.

APPROVED:

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria W. Thomas, City Attorney
(072621vwtTM123732)

Exhibit “A”

**[Interlocal Water and Wastewater Service Area Agreement Between the
City of Red Oak, Texas and the City of Glenn Heights, Texas]**

STATE OF TEXAS § INTERLOCAL WATER AND WASTEWATER
 § **SERVICE AREA AGREEMENT BETWEEN**
 § **THE CITY OF RED OAK, TEXAS AND**
COUNTY OF ELLIS § THE CITY OF GLENN HEIGHTS, TEXAS

THIS AGREEMENT ("Agreement") is made and entered by and between the City of Red Oak, Texas ("Red Oak"), a Texas home rule municipality, and the City of Glenn Heights, Texas ("Glenn Heights"), a Texas home rule municipality in accordance with the requirements of the Texas Interlocal Cooperation Act. Red Oak and Glenn Heights may be referred to herein as a "Party" or together as the "Parties".

RECITALS

WHEREAS, Red Oak is a home rule municipality with full power and authority to provide retail water and wastewater utility service to persons situated inside its corporate boundaries and also to persons residing in areas which lie outside of Red Oak's corporate boundaries and in a defined service area in Ellis County, Texas, under the authority of Certificate of Convenience and Necessity No. 11074 ("Red Oak's Sewer CCN") issued by the Public Utility Commission of Texas or one of its predecessor agencies (the "Commission"); and

WHEREAS, Glenn Heights is a home rule municipality with full power and authority to provide retail water and wastewater utility service to persons situated inside its corporate boundaries and also to persons residing in areas which lie outside of Glenn Heights's corporate boundaries and in a defined service area in Dallas County and Ellis County, Texas, under the authority of Certificate of Convenience and Necessity No. 11059 ("Glenn Heights's Sewer CCN") issued by the Commission; and

WHEREAS, Red Oak and Glenn Heights are "retail public utilities" as defined in Texas Water Code ("TWC") § 13.002; and

WHEREAS, Red Oak and Glenn Heights have determined that it would be advisable, and in the best interests of Red Oak and Glenn Heights, to amend their respective retail water and wastewater service areas with regard to the two parcels of real property identified collectively as "Area A" on Exhibit "A" attached hereto and incorporated herein by reference (the "Area A"), and to enter this Agreement which establishes the retail water and wastewater service areas for Red Oak and Glenn Heights as allowed under TWC §13.248; and

WHEREAS, Red Oak and Glenn Heights desire to enter into this interlocal agreement pursuant to the terms and provisions of the Interlocal Cooperation Act applicable to contracts for governmental functions and services (TEX. GOVT. CODE § 791.001, et. seq.).

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Red Oak and Glenn Heights agree to the following:

Section 1. Acknowledgement of Service Area.

The Parties acknowledge that Area A as shown on Exhibit “A” attached hereto and incorporated herein by reference (“Area A”) is currently within Glenn Heights’s Water and Wastewater CCN service area.

Section 2. Designation of Service Area and Customers.

2.1 Pursuant to TWC §13.248, Red Oak authorizes and agrees to provide retail water and wastewater service to Area A, and for the retail water and wastewater customers within said area to be customers of Red Oak under Red Oak’s CCN No. 11074. Glenn Heights hereby consents to the decertification of the Subject Property from its retail water and wastewater service area under CCN No. 11059 and the transfer of any customers within Area A to Red Oak.

2.2 Red Oak and Glenn Heights shall cooperate and assist each other in acquiring any approvals that are needed from the Commission and any other regulatory authorities for the transfer and designation of the water and wastewater service areas and customers as contemplated herein. The costs of obtaining any such required regulatory approvals shall be borne by Glenn Heights and Glenn Heights shall take the lead role in filing and prosecuting any such required requests for regulatory approvals.

2.3 Red Oak and Glenn Heights agree to present to their respective city councils the necessary ordinances and/or resolutions to complete the transfer and designation of water and wastewater service areas and customers as contemplated herein.

2.4 The Parties acknowledge that in the course of obtaining any required regulatory approvals, it may be necessary to obtain written consents from one or more special purpose districts, political subdivisions, municipalities, affected customers or other persons. Glenn Heights shall take the lead in obtaining any such written consents with the cooperation of Red Oak.

2.5 The Parties agree to make good faith efforts to obtain all required regulatory approvals within as short a period of time as practicable.

2.6 Nothing in this Agreement shall impair or adversely affect the Parties’ rights or obligations to provide retail water and wastewater service to areas and customers located outside of Area A.

2.7 Nothing in this Agreement shall be construed to waive, relinquish or enlarge any lawful extraterritorial jurisdiction of each of the respective Cities as established by state law.

Section 3. General Provisions.

3.1 Assignees. Except as otherwise expressly provided in this Agreement, the Parties may not assign their rights or responsibilities under this Agreement without first obtaining written consent from the other Party.

3.2 Waiver and Amendment. No officer or agent of Red Oak or Glenn Heights is authorized to waive or modify any provision of this Agreement without authorization from the respective governing body of each Party. No modifications to or revisions of this Agreement may be made except by a written document approved by the governing body of each Party and signed by authorized representatives of Red Oak and Glenn Heights.

3.3 Emergency Interconnects. Red Oak and Glenn Heights may establish mutually agreeable terms upon which emergency water and wastewater service interconnects may be approved by both Parties under separate agreement(s).

3.4 Remedies. It is not intended hereby to specify (and this Agreement shall not be considered as specifying) an exclusive remedy for any default by any Party, but all remedies existing at law or in equity including, without limitation, termination or suspension of service, may be availed of by any Party and shall be cumulative. The Parties agree to attempt first to resolve disputes concerning this Agreement amicably by promptly entering negotiations in good faith. The Parties agree that they will not refer any dispute to another dispute resolution procedure, including mediation or litigation, until they have first made reasonable and good faith efforts to settle their differences by joint negotiations conducted in a timely manner. This Agreement is governed by the laws of the State of Texas and is performable in Ellis County. Any action at law or in equity brought to enforce any provision of this Agreement shall be brought in a court of competent jurisdiction with venue in Ellis County, Texas.

3.5 No Oral Agreements; Prior Agreements. This Agreement supersedes any prior understanding or oral agreements between the Parties respecting the subject matter of this Agreement.

3.6 Severability. The provisions of this Agreement are severable and if, for any reason, any one of more of the provisions contained in the Agreement shall be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability of such provision will not affect any other provision of this Agreement and this Agreement shall remain in effect and be construed as if the invalid, illegal, or unenforceable provision was never in the Agreement.

3.7 Captions. The sections and captions contained herein are for convenience and reference only and are not intended to define, extend or limit any provision of this Agreement.

3.8 No Third-Party Beneficiaries. This Agreement does not create any third-party benefits to any person or entity other than the named Parties hereto, and is solely for the consideration herein expressed.

3.9 Default. In the event of default by a Party to this Agreement, the non-defaulting Party must provide reasonably specific written notice of the default to the defaulting Party, and the non-defaulting Party must allow the defaulting Party at least thirty (30) calendar days after receipt of notice to cure the default.

3.10 Notices. All notices required under this Agreement shall be delivered by hand-delivery or sent both by facsimile and first-class mail on the same date before 5:00 p.m. Notice shall be deemed given (a) on the date notice is hand-delivered to either the City Manager of Glenn Heights or of Red Oak, as applicable, or (b) on the date notice is sent by both facsimile and first-class mail before 5:00 p.m. Any notice sent by both facsimile and first-class mail after 5:00 p.m. shall be deemed given on the following day. Either Party may change its designee or address upon five (5) days written notice to the other Party. Notices shall be provided to the following designees and addresses:

To Red Oak:

Mailing address:

City of Red Oak
Attention: City Manager
P. O. Box 393
Red Oak, Texas 75154

Physical address:

City of Red Oak
Attention: City Manager
200 Lakeview Parkway
Red Oak, Texas 75154

Facsimile:

469-218-1249

To Glenn Heights:

Mailing address:

City of Glenn Heights
Attention: City Manager
1938 S. Hampton Road
Glenn Heights, Texas 75154

Physical address:

Same

Facsimile:

3.11 No Waiver of Immunity. Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to either Red Oak or Glenn Heights nor to create any legal rights or claims on behalf of any third party. Neither Red Oak nor Glenn Heights waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas or laws of the United States.

3.12 Payment Out of Current Revenues. Pursuant to Section 791.011(d)(3) of the Texas Government Code, to the extent this Agreement necessitates or results in the payment for

performance of governmental functions or services, the Party making such payment agrees and acknowledges that such payment shall be made from current available revenues.

AGREED TO AND APPROVED to take effect on the last date this Agreement is executed by an authorized representative of Red Oak or Glenn Heights (the “Effective Date”).

[SIGNATURE PAGES TO FOLLOW]

CITY OF RED OAK, TEXAS

By: _____
Mark L. Stanfill, Mayor

Date: _____

STATE OF TEXAS §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this day personally appeared Mark L. Stanfill, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of the City of Red Oak, Texas, a Texas home rule municipality, in his capacity as Mayor after having been duly authorized to do so by the governing body of the City of Red Oak, for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2021.

Notary Public, State of Texas

CITY OF GLENN HEIGHTS, TEXAS,

By: _____
Harry A. Garrett, Mayor

Date: _____

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared Harry A. Garrett, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of the City of Glenn Heights, Texas, a Texas home rule municipality, in his capacity as Mayor after having been duly authorized to do so by the governing body of the City of Glenn Heights, for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2021.

Notary Public, State of Texas

EXHIBIT A

