

**MINUTES
SEPTEMBER 1, 2009
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
PUBLIC HEARING - STATED MEETING – EXECUTIVE SESSION**

ATTENDING: JOHN RATCLIFFE, MAYOR
JULIANNA ZUREK, MAYOR PRO TEM
ROBERT HILLE
RICHARD KRAUSE
KAREN LEWIS
LORNE LIECHTY
STEVE McKIMMEY

STATED MEETING

Mayor Ratcliffe called the stated meeting to order at 7:30 p.m. Liechty delivered the invocation.

Approval of the Minutes of August 18, 2009.

MOTION: APPROVE THE MINUTES OF AUGUST 18, 2009.

MOTION MADE: LEWIS
SECONDED: ZUREK
APPROVED: UNANIMOUS

PUBLIC HEARING – To Receive Input Regarding the Proposed Tax Increase for the City for the Year 2009.

Ratcliffe opened the public hearing at 7:33 p.m. and stated that the current hearing was the second of two as required by the Property Tax Code. The Mayor noted that the “increase” refers to an increase in revenue and that the property tax rate would remain .3433 cents per \$ 100 valuation for the 18th consecutive year. There being none present to speak in support of or in opposition to the proposed tax increase, Ratcliffe closed the public hearing at 7:34 p.m. Ratcliffe stated that action regarding the proposed tax rate was scheduled for September 15.

Discussion and Action Regarding Resolution 090901A Authorizing the Mayor to Execute an Agreement with the State of Texas to Receive Reimbursement for Costs Associated with the Relocation of Utilities in Preparation for the Phase 1 FM 740 Improvements Project.

Director of Public Works Farahnak presented and answered questions regarding the agreement related to utilities relocation in preparation for the Texas Department of Transportation Phase 1 FM 740 improvements project. City Manager Ed Thatcher commended Farahnak’s efforts to secure state participation in the costs for municipal utilities relocation.

MOTION: APPROVE RESOLUTION 090901A AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF TEXAS TO RECEIVE REIMBURSEMENT FOR COSTS ASSOCIATED WITH THE RELOCATION OF UTILITIES IN PREPARATION FOR THE PHASE 1 FM 740 IMPROVEMENTS PROJECT.

MOTION MADE: LIECHTY
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Discussion and Action Regarding Ordinance 090901A Amending Chapter 158; Subdivision Regulations of the Code of Ordinances pertaining to Administrative Approval of Certain Plats.

Staff presented and answered questions regarding the ordinance revised pursuant to discussion at the August 18 meeting.

MOTION: APPROVE ORDINANCE 090901A AMENDING CHAPTER 158; SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES PERTAINING TO ADMINISTRATIVE APPROVAL OF CERTAIN PLATS.

MOTION MADE: LEWIS
SECONDED: HILLE
APPROVED: UNANIMOUS

Discussion Regarding Citizen Concerns Regarding Utility Account for 15 Kestrel Court – Erika Croy.

Staff reported that Erika Croy sent notification that she was out of town and requested that the discussion be rescheduled for September 15. No action was taken by the Council.

Discussion and Action Regarding Real Property for Water System Facilities and Infrastructure.

Mayor Ratcliffe stated that the City had received an alternate proposal (“Scenario B”) from The Fulton Academy (“Fulton”) to the February 2001 designation of Tract 111-3 in the E. Teal Survey Abstract No. 207 (“Scenario A”), for the construction of an elevated water storage facility. Staff provided a brief history of the water storage needs and capacity of the City. Further, staff described communications from the City of Rockwall, which supplies water to the City of Heath, directing that Heath construct additional storage. The City Engineer reviewed scenarios involving the roles of elevated and ground storage, including the effect of a site’s elevation, within the City’s overall system. Ratcliffe opened the floor for comments regarding options for locations of a future elevated water storage facility. The following residents participated in the discussion and/or expressed concerns:

- | | | |
|-------------------|---|--------------------|
| Tina Winnett | - | 18 Hillview |
| Debbie Hall | - | 17 Hillview |
| Doug Watson | - | 10 Hillview |
| Marjorie Waggoner | - | 21 and 22 Hillview |
| John Canavan | - | 23 Hillview |
| Mark Elam | - | 8 Hillview. |

The consensus of the participating residents was opposition to Scenario B as proposed by Fulton. Some were opposed to and/or questioned the need for and situation of an elevated water storage facility in any location. Concerns included view, access, traffic safety, infrastructure requirements and property values. Some expressed frustrations that they were unaware of discussions related to water storage facility sites until the August 27 meeting with Thatcher and conjectured that there had been improper communications with Fulton. Concerns were also expressed regarding maintenance, code enforcement and future plans for properties on Hillview owned by Fulton.

George Hargrave, speaking on behalf of Fulton, stated that the school wanted to be a good neighbor and to be part of a solution to the issues associated with the designated location of a future elevated water storage facility.

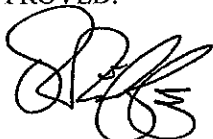
The Mayor and staff responded to statements and concerns. Ratcliffe explained that construction of a second elevated water storage facility is necessary and vital. Ratcliffe noted that the City is neither a member city nor customer of the North Texas Municipal Water District. Ratcliffe stated that all action pertaining to decisions regarding type and location of any facilities have occurred and will continue to occur in open session. The Mayor stated there had been no violation of open meetings requirements or conflict of interest laws. The Mayor concluded stating there have been neither negotiations nor agreement made with Fulton pertaining to Scenario B. Further, Ratcliffe stated that the staff and Council have and will continue to research and evaluate all options for improving water service for the entire city.

Ratcliffe adjourned the stated meeting to go into executive session as authorized by the Texas Open Meetings Act, Section 551.072: Deliberations Regarding Real Property at 8:38 p.m. Ratcliffe re-convened the stated meeting at 9:19 p.m. and stated that no action was taken in executive session. Ratcliffe stated that the discussion pertained to real property for future water system facilities and infrastructure.

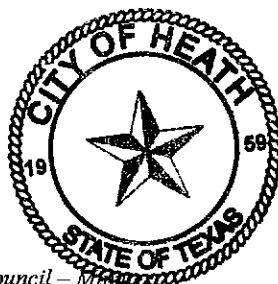
No action was taken by the Council.

Ratcliffe adjourned the stated meeting at 9:20 p.m.

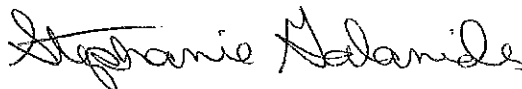
APPROVED:



JOHN RATCLIFFE
MAYOR



ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY