

**MINUTES
SEPTEMBER 15, 2009
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
STATED MEETING – EXECUTIVE SESSION**

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

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

Department and Committee Reports – The Reports were included in the Council packets. Director of Public Works Pedram Parahnak provided an update of ongoing improvements to White Road. Assistant City Manager Kim Dobbs extended an invitation to the ceremonial opening of Terry Park on September 24 at 6:00 p.m. Dobbs stated that the Annual Christmas Tree Lighting event would be celebrated on Friday, December 4.

Approval of the Minutes of September 1, 2009.

MOTION: APPROVE THE MINUTES OF SEPTEMBER 1, 2009.

MOTION MADE: HILLE
SECONDED: LEWIS
APPROVED: UNANIMOUS

Discussion and Action Regarding Ordinance 090915A Amending Ordinance 080916B Approving and Adopting a Budget for the City for the Fiscal Year October 1, 2008 Through September 30, 2009 to Amend Adopted Expenditures and Revenues of the Budget; declaring an effective date.

Director of Finance Laurie Mays reviewed adjustments made to the 2008-2009 budget.

MOTION: APPROVE ORDINANCE 090915A AMENDING ORDINANCE 080916B APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009 TO AMEND ADOPTED EXPENDITURES AND REVENUES OF THE BUDGET; DECLARING AN EFFECTIVE DATE.

MOTION MADE: LIECHTY
SECONDED: McKIMMEY
APPROVED: UNANIMOUS

Discussion and Action Regarding Ordinance 090915B Approving the Fee Schedule for Fiscal Year October 1, 2009 through September 30, 2010.

Dobbs reviewed the proposed fee schedule for the fiscal year that begins on October 1, 2009. An error in the date specified in the ordinance was corrected.

MOTION: APPROVE ORDINANCE 090915B APPROVING THE FEE SCHEDULE FOR FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 AS AMENDED TO CORRECT DATES.

MOTION MADE: LEWIS
SECONDED: ZUREK
APPROVED: UNANIMOUS

Discussion and Action Regarding Ordinance 090915C Approving and Adopting a Budget for the City for the Fiscal Year October 1, 2009 through September 30, 2010.

Mays presented the proposed budget for the 2009-2010 fiscal year. There was discussion regarding the accomplishments included in the City Manager's September 8 letter to the Mayor and Council.

MOTION: APPROVE ORDINANCE 090915C APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010.

MOTION MADE: LIECHTY
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Discussion and Action to Ratify the Property Tax Increase as Reflected in the Budget for Fiscal Year October 1, 2009 through September 30, 2010.

Ratcliffe explained the statutory requirement to acknowledge additional taxes collected as a result of increases to appraised values and to new construction as a tax increase when in fact the tax rate was not increased.

MOTION: RATIFY THE PROPERTY TAX INCREASE AS REFLECTED IN THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010.

MOTION MADE: LEWIS
SECONDED: HILLE
APPROVED: UNANIMOUS

Discussion and Action Regarding Ordinance 090915D Levying Ad Valorem Taxes for the Year 2009 at a Rate of \$.3433 Per One Hundred Dollars (\$100.00) Assessed Valuation on All Taxable Property within the Corporate Limits of the City as of January 1, 2009.

Ratcliffe noted that the tax rate of .3433 has been unchanged for 18 consecutive years.

MOTION: INCREASE THE PROPERTY TAX RATE BY THE ADOPTION OF A TAX RATE OF .3433 PER ONE HUNDRED DOLLARS ASSESSED VALUATION, WHICH IS EFFECTIVELY A .23 PERCENT INCREASE IN THE TAX RATE BY APPROVING ORDINANCE 090915D LEVYING AD VALOREM TAXES FOR THE YEAR 2009 AT A RATE OF \$.3433 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2009.

MOTION MADE: LEWIS
SECONDED: ZUREK
APPROVED: UNANIMOUS

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

Erika Croy presented information regarding increases and variations over a several month period in billed water usage for her residence at 15 Kestrel Court. Croy expressed dissatisfaction with communications with staff who reported that increases were likely due to excessive watering. Croy claimed that it was impossible for her to have used the amount of water for which she was billed and requested that somebody who was data-driven review the situation. City Manager Ed Thatcher and Farahnak provided an overview of staff actions, including checking for possible leaks, performed in response to Croy's concerns. Farahnak stated that there was no evidence of a leak. Farahnak stated that positive displacement water meters such as the approximately 3-year old meter at 15 Kestrel Court generally operate with a high level of accuracy and are rarely found to be faulty. Farahnak estimated the cost of testing to be between \$400 and \$700 and related that when testing is requested by a customer, the City will pay for testing if a mechanism is found to be faulty and that the resident is responsible for payment if determined to be accurate. Several members of the Council and the audience shared similar experiences with instances of unexpectedly high water usage and expressed empathy for Croy's experiences. The consensus of the Council was that appropriate actions had been taken to address the situation and that further action requiring city expenditures was not called for at this time.

Discussion and Action Regarding Ordinance 090915E Amending Sections 90.02 through Section 90.28 in Chapter 90, Parks and Recreation of the Code of Ordinances to Revise Provisions for Regulation of City Park and Recreation Facilities; Providing a Penalty of a Fine Not to Exceed the Sum of \$500; Providing a Severability Clause; Providing an Effective Date.

There was discussion regarding the proposed revisions to the Parks and Recreation regulations portion of the Code of Ordinances. Liechty expressed concern regarding language included in Section 90.19(a) prohibiting the circulations of petitions. Liechty suggested that the Park Board be directed to evaluate options for charging fees to persons who don't live in Heath or in Dallas for use of Terry Park facilities.

MOTION: APPROVE ORDINANCE 090915E AMENDING SECTIONS 90.02 THROUGH SECTION 90.28 IN CHAPTER 90, PARKS AND RECREATION OF THE CODE OF ORDINANCES TO REVISE PROVISIONS FOR REGULATION OF CITY PARK AND RECREATION FACILITIES; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AS AMENDED IN SECTION 90.19 (Q) TO DELETE "OR TO CIRCULATE ANY PETITION OF WHATSOEVER KIND OR CHARACTER."

MOTION MADE: LIECHTY

SECONDED: ZUREK

DEFEATED: FOR: KRAUSE, LIECHTY, ZUREK

OPPOSED: HILLE, LEWIS, McKIMMEY, RATCLIFFE

MOTION: APPROVE ORDINANCE 090915E AMENDING SECTIONS 90.02 THROUGH SECTION 90.28 IN CHAPTER 90, PARKS AND RECREATION OF THE CODE OF ORDINANCES TO REVISE PROVISIONS FOR REGULATION OF CITY PARK AND RECREATION FACILITIES; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AS PROPOSED.

MOTION MADE: McKIMMEY

SECONDED: LEWIS

APPROVED: FOR: HILLE, KRAUSE, LEWIS, McKIMMEY, RATCLIFFE, ZUREK

OPPOSED: LIECHTY

Discussion and Action Regarding Appointments to the Special Events Board.

MOTION: APPOINT MELODY HAIL TO A TERM THAT EXPIRES ON JUNE 30, 2010.

MOTION MADE: LEWIS

SECONDED: KRAUSE

APPROVED: UNANIMOUS

Discussion and Action Regarding Placement of Signs to Promote Games – Frank Rogers, Rockwall-Heath High School Football Booster Club.

Frank Rogers requested that promotional signs be allowed to be temporarily placed for approximately 36- hour periods prior to various athletic and school events. The consensus of the Council was in support of the request.

MOTION: AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO PERMIT THE PLACEMENT OF SIGN BY THE ROCKWALL-HEATH HIGH SCHOOL BOOSTER ORGANIZATION TO PROMOTE SCHOOL-SPONSORED EVENTS.

MOTION MADE: ZUREK

SECONDED: KRAUSE

APPROVED: UNANIMOUS

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 8:50 p.m. Ratcliffe re-convened the stated meeting at 8:59 p.m. and stated that no action was taken in executive session. Ratcliffe stated that the discussion pertained to a property easement for sanitary sewer infrastructure.

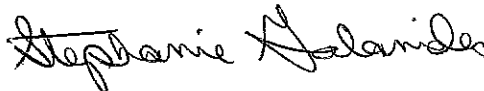
Ratcliffe adjourned the stated meeting at 9:00 p.m.

APPROVED:



JOHN RATCLIFFE
MAYOR

ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY

