

**MINUTES
FEBRUARY 16, 2010
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
PUBLIC HEARINGS - STATED MEETING – EXECUTIVE SESSION**

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

Mayor Ratcliffe called the stated meeting to order at 7:33 p.m. Liechty delivered the invocation.

Department and Committee Reports – The reports were included in the Council packets.

Approval of the Minutes of January 19, 2010.

Page 2 of the minutes was revised to correct a typographical error and distributed prior to the meeting.

MOTION: APPROVE THE MINUTES OF JANUARY 19, 2010.

MOTION MADE: HILLE
SECONDED: LEWIS
APPROVED: UNANIMOUS (Absent: McKimney)

Presentation of 2009 Financial Statements and Independent Audit Report – Rutledge Crain & Company, PC.

Lewis Crain, Rutledge Crain & Company, PC, presented and answered questions regarding the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2009. (McKimney arrived at 7:43 p.m.) Crain stated that overall the City was in good financial condition despite challenging economic condition throughout the previous and current fiscal year. Crain reported that ad valorem tax revenues were stable particularly in comparison to other cities where property values were less stable, that basic operations were very solid and that there were healthy reserves in the debt service fund. Crain noted improvements in accounting and internal controls and affirmed that fiscal management for the fiscal year 2009-2009 had been sound. The Mayor expressed appreciation to Director of Finance Laurie Mays, Chief Account Berna Fitzpatrick and all of the city staff for the responsible management of the City's finances that resulted in Crain's positive report.

PUBLIC HEARING – Request for a Conditional Use Permit for the Construction of a Guest House, 2070 sq. ft. in Area and 17' in Height Built of Like Materials and Design as the Residence on Lot 18 in the Hills of Buffalo Creek Addition to the City of Heath, Rockwall County, Texas (1717 Bison Meadow Lane) – Requested by Naser Abusaad.

The Mayor opened the public hearing at 7:50 p.m. and invited input regarding the request. Naser Abusaad presented and answered questions regarding the guest house of like materials and design as the residence proposed for his property situated at 1717 Bison Meadow Lane. Abusaad stated that the total roofed area would be 2070 square feet, that air conditioned space would be 1270 square feet and that additional 2 feet in height would better match the residence. Abusaad noted that the plan had been approved by the Buffalo Creek Homeowners Association. There being no others present to speak in support of or in opposition to the proposed guest house, Ratcliffe closed the public hearing at 7:52 p.m.

Discussion and Action Regarding a Request for a Conditional Use Permit for the Construction of a Guest House, 2070 sq. ft. in Area and 17' in Height Built of Like Materials and Design as the Residence on Lot 18 in the Hills of Buffalo Creek Addition to the City of Heath, Rockwall County, Texas (1717 Bison Meadow Lane).

Dennis Conder, Chairman reported that the Planning and Zoning Commission voted unanimously to recommend approval of the request at the February 9 meeting.

MOTION: APPROVE ORDINANCE 100216A GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A GUEST HOUSE, 2070 SQ. FT. IN AREA AND 17' IN HEIGHT BUILT OF LIKE MATERIALS AND DESIGN AS THE RESIDENCE ON LOT 18 IN THE HILLS OF BUFFALO CREEK ADDITION.

MOTION MADE: KRAUSE
SECONDED: HILLE
APPROVED: UNANIMOUS

PUBLIC HEARING – Receive Input Regarding a Request for a Zoning Change from Planned Development for 51 Single Family Residential Lots to Single-Family 22 (SF-22) Residential Zoning District for the Development of 67 Residential Lots on Tract 23.01 (52.003 Acres) in the J. Cantor Survey Abstract No. 53, City of Heath, Rockwall, County, Texas – Requested by Jed Dolson on behalf of McCrummen Estates, LTD.

The Mayor opened the public hearing at 7:55 p.m. and stated that a written request to withdraw the request for a zoning change was submitted by the applicant on February 10. Pete Eckert, City Attorney advised that the Council could vote to either accept or deny the request to withdraw. There being none present to speak in support of or in opposition to the proposed zoning change, Ratcliffe closed the public hearing at 7:56 p.m.

Discussion and Action Regarding the Applicant's Request to Withdraw an Application for a Zoning Change from Planned Development for 51 Single-Family Residential Lots to Single-Family 22 (SF-22) Residential Zoning District for the Development of 67 Residential Lots on Tract 23.01 (52.003 Acres) in the J. Cantor Survey Abstract No. 53, City of Heath, Rockwall, County, Texas.

MOTION: ACCEPT THE APPLICANT'S FEBRUARY 10 REQUEST TO WITHDRAW AN APPLICATION FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT FOR 51 SINGLE-FAMILY RESIDENTIAL LOTS TO SINGLE-FAMILY 22 (SF-22) RESIDENTIAL ZONING DISTRICT FOR THE DEVELOPMENT OF 67 RESIDENTIAL LOTS ON TRACT 23.01 (52.003 ACRES) IN THE J. CANTOR SURVEY ABSTRACT NO. 53.

MOTION MADE: HILLE
SECONDED: LEWIS
APPROVED: UNANIMOUS

Presentation Regarding Proposed Trail Addition - Jeff Kerr, 301 Scenic Drive.

Jeff Kerr, 301 Scenic Drive, presented a concept for linking the Towne Center Park trail that runs through the Highlands of Heath subdivision to Hubbard Drive along Rush Creek with a temporary trail, stating that he wanted to find a way for his children to be able to ride their bicycles to school. Kerr provided background of numerous presentations to and discussions with the Park Board regarding his proposal for a public /private partnership effort to construct a dirt path using volunteer labor and financing. Kerr cited the Squabble Creek Trail in Rockwall as an example of an unpaved walking trail. Kerr requested that the City accept liability for an easement in advance of certain property development. Kerr noted that survey and easement requirements and ensuing costs would affect the project's feasibility. The Mayor and Council stated that they were impressed with Kerr's idea and research and expressed support for trail development in general. There was discussion regarding Americans with Disabilities Act requirements, the Texas Recreation Use (TRU) statute and liability and maintenance issues. Ratcliffe summarized the discussion and stated that the consensus was positive regarding the concept with recognition of legal, cost, maintenance and control issues. The City Attorney and staff were directed to research legal issues and insurance cost implications.

Discussion and Action Regarding Resolution 100216A Authorizing the City Manager to Implement a Military Leave Policy.

City Manager Ed Thatcher presented and answered questions regarding a proposed military leave policy that would extend paid leave to a staff member called into active duty in any branch of the military. There was discussion regarding the policy and adopting resolution provisions. The consensus was to revise the proposed resolution to include language to specify that the City would supplement military pay for 6 months and authorize the use of sick leave to supplement military pay. Staff will revise the resolution for consideration at the March 2 meeting.

MOTION: DEFER ACTION REGARDING RESOLUTION 100216A AUTHORIZING THE CITY MANAGER TO IMPLEMENT A MILITARY LEAVE POLICY TO A FUTURE CITY COUNCIL MEETING.

MOTION MADE: LIECHTY
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Garrett introduced Public Safety Officer Andrew Poindexter who is scheduled to be deployed to Guantanamo Bay, Cuba in March.

Discussion and Action Regarding Resolution 100216B Approving a Proposed Rate Adjustment Revision to the Contract with IESI, Inc. for Garbage and Recycling Services.

Mays presented the request from IESI, Inc. to adjust the rates for services pursuant to provisions in its agreement with the City pertaining to changes in the Consumer Price Index for the Dallas-Fort Worth area. Staff confirmed that there would be no need to increase the rates charged to customers. There was discussion regarding unbundles brush collection provisions.

MOTION: DEFER ACTION REGARDING RESOLUTION 100216B APPROVING A PROPOSED RATE ADJUSTMENT REVISION TO THE CONTRACT WITH IESI, INC. FOR GARBAGE AND RECYCLING SERVICES TO MARCH 2, 2010.

MOTION MADE: LEWIS
SECONDED: HILLE
APPROVED: UNANIMOUS

Discussion and Action Regarding Resolution 100216C Setting Dates, Times and Places for Public Hearings on the Proposed Annexation of Tracts 1 and 2 in the R.A. Lewis Addition, Tracts 53, 53-2, 43-6, 12-01, 12, 2, 2-1, 33-1, 38-1, 44-1, 38, 42, 43-1, 47, 12-11, 43-02, 12-5, 18, 66 and 67-01 of the A. Rodriguez Survey Abstract 231; Tract 2 of the J. Simmons Survey, Abstract 202 and Tract 29 of the J. Cantor Survey, Abstract 53 in Rockwall County, and Authorizing and Directing the Mayor to Publish Notice of such Public Hearings.

Assistant City Manager Kim Dobbs presented the resolution that sets the public hearings for the proposed annexation of the properties that had entered into Chapter 212 Texas Local Government Code development agreements and two additional properties in the City's extraterritorial jurisdiction.

MOTION: APPROVE RESOLUTION 100216C SETTING DATES, TIMES AND PLACES FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF TRACTS 1 AND 2 IN THE R.A. LEWIS ADDITION, TRACTS 53, 53-2, 43-6, 12-01, 12, 2, 2-1, 33-1, 38-1, 44-1, 38, 42, 43-1, 47, 12-11, 43-02, 12-5, 18, 66 AND 67-01 OF THE A. RODRIGUEZ SURVEY ABSTRACT 231; TRACT 2 OF THE J. SIMMONS SURVEY, ABSTRACT 202 AND TRACT 29 OF THE J. CANTOR SURVEY, ABSTRACT 53 IN ROCKWALL COUNTY, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS.

MOTION MADE: LEWIS
SECONDED: ZUREK
APPROVED: UNANIMOUS

Acknowledge Receipt of Annual Racial Profile Report as Required by Texas State Law.

Director of Public Safety Terry Garret presented the annual racial profile report. Garret noted that the date on the brief prepared for Council should specify that the report was for the 2009 calendar year.

MOTION: ACKNOWLEDGE RECEIPT OF THE ANNUAL RACIAL PROFILE REPORT FOR 2009.

MOTION MADE: KRAUSE
SECONDED: LIECHTY
APPROVED: UNANIMOUS

Discussion and Action Regarding Appointments to the Special Events Board.

MOTION: APPOINT JUSTIN HOLLAND TO AN UNEXPIRED TERM ON THE SPECIAL EVENTS BOARD THAT EXPIRES ON JULY 31, 2011.

MOTION MADE: ZUREK
SECONDED: McKIMMEY
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 9:05 p.m. Ratcliffe re-convened the stated meeting at 8:23 p.m. and stated that no action was taken in executive session. Ratcliffe stated that the discussion pertained to potential land acquisition for uses such economic development, open space, utilities facilities and other municipal uses.

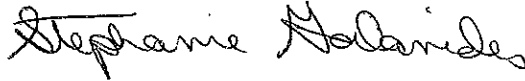
Ratcliffe adjourned the stated meeting at 9:24 p.m.

APPROVED:



JOHN RATCLIFFE
MAYOR

ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY

