

**MINUTES
MARCH 23, 2010
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
PUBLIC HEARINGS - STATED MEETING**

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

Mayor Pro Tem Zurek called the stated meeting to order and delivered the invocation at 7:31 p.m.

Department and Committee Reports - The reports were included in the Council packets. Assistant City Manager Kim Dobbs reminded all present of the Annual Heart of Heart 5K Walk/Run planned so April 3. Dobbs reported that the City's energy grant application was pending. Krause urged all present to complete and return 2010 Census questionnaires.

Approval of the Minutes of March 2, 2010.

MOTION: APPROVE THE MINUTES OF MARCH 2, 2010.

MOTION MADE: LIECHTY
SECONDED: KRAUSE
APPROVED: UNANIMOUS (Absent: Ratcliffe)

PUBLIC HEARING – Receive Input Regarding 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.

Zurek opened the public hearing at 7:34 p.m. and invited input regarding the proposed annexation. Dobbs explained that the current hearing was scheduled as part of the process to complete annexation proceedings initiated in 2008. Dobbs related Brad Lamberth's statement that he understands and intends to abide by his Chapter 212 Texas Local Government Code Development Agreement with the City regarding Tract 29 in the J. Canter Survey Abstract 53 and also that he would be amenable should the Council decide to postpone action.

The Mayor Pro Tem stated that a second public hearing would be conducted on April 6, 2010. There being no others present to speak in support of or in opposition to the proposed annexation, Zurek closed the public hearing at 7:39 p.m. No action was taken by the Council.

PUBLIC HEARING – Receive Input Regarding Proposed Amendments to the City of Heath Comprehensive Plan:

- a. In Chapter 7, Transportation Strategy, to Correct the Road Alignment of Jeff Boyd Road to its Intersection with Horizon Road to Accurately Reflect the Existing Configuration of Jeff Boyd Road and
- b. To Remove Language regarding and References to Rural Arterial, Rural Collector and Rural Local Roadway Types included throughout the Comprehensive Plan and specifically in Chapter 7, Table 7-4, Figure 7-6, Figure 7-7 and Figure 7-11.

Zurek opened the public hearing at 7:40 p.m. Director of Public Works Pedram Farahnak presented and answered questions regarding two proposed amendments to the Transportation Plan. There was discussion and suggestions regarding the curve of the line drawn to connect Jeff Boyd Road to Horizon Road to the northeast of the Cobblestone Farms Estates Phase 1 addition. The Council expressed concerns regarding the configuration of Jeff Boyd Road as drawn. It was determined that the line was conceptual and that the ultimate configuration would depend on future development in the vicinity.

Discussion and Action Regarding Proposed Amendments to Chapter 7, Transportation Strategy, of the City of Heath Comprehensive Plan:

- a. In Chapter 7, Transportation Strategy, to Correct the Road Alignment of Jeff Boyd Road to its Intersection with Horizon Road to Accurately Reflect the Existing Configuration of Jeff Boyd Road and
- b. To Remove Language regarding and References to Rural Arterial, Rural Collector and Rural Local Roadway Types included throughout the Comprehensive Plan and specifically in Chapter 7, Table 7-4, Figure 7-6, Figure 7-7 and Figure 7-11.

MOTION: APPROVE ORDINANCE 100323A AMENDING CHAPTER 7, TRANSPORTATION STRATEGY OF THE COMPREHENSIVE PLAN TO:

- a. IN CHAPTER 7, TRANSPORTATION STRATEGY, TO CORRECT THE ROAD ALIGNMENT OF JEFF BOYD ROAD TO ITS INTERSECTION WITH HORIZON ROAD TO ACCURATELY REFLECT THE EXISTING CONFIGURATION OF JEFF BOYD ROAD AND
- b. TO REMOVE LANGUAGE REGARDING AND REFERENCES TO RURAL ARTERIAL, RURAL COLLECTOR AND RURAL LOCAL ROADWAY TYPES INCLUDED THROUGHOUT THE COMPREHENSIVE PLAN AND SPECIFICALLY IN CHAPTER 7, TABLE 7-4, FIGURE 7-6, FIGURE 7-7 AND FIGURE 7-11.

MOTION MADE: LEWIS
SECONDED: LIECHTY
APPROVED: UNANIMOUS (Absent: Ratcliffe)

PUBLIC HEARING – Receive Input Regarding a Proposed Amendment to Chapter 159, Zoning, of the City of Heath Code of Ordinances to Add Section 159.07 providing for Masonry Construction Requirements.

Zurek opened the public hearing at 7:49 p.m. and reported that the public hearing should be continued as the Planning and Zoning Commission had not yet made a recommendation regarding proposed masonry requirements. Staff explained that the Commission recommended several revisions to the proposed regulations as drafted and directed staff to schedule further consideration and action at their April 13 meeting.

MOTION: CONTINUE THE PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO CHAPTER 159, ZONING, OF THE CODE OF ORDINANCES TO ADD SECTION 159.07 PROVIDING FOR MASONRY CONSTRUCTION REQUIREMENTS TO APRIL 20, 2010.

MOTION MADE: KRAUSE
SECONDED: LIECHTY
APPROVED: UNANIMOUS (Absent: Ratcliffe)

Discussion and Action Regarding Resolution 100323 Declaring Elected to the Office of Mayor, City Council Place 3 and City Council Place 5 the Unopposed Candidates for Election to Those Offices; Providing that such Election shall be Effective as of May 8, 2010, and that such Candidates shall Take their Office as Provided for by Law; Providing that the May 8, 2010, General Election Shall Not be Held; Providing that a Copy of this Resolution Shall Be Posted on Election Day at Each Polling Place that would have been used in the Election; Providing an Effective Date.

Galanides stated that the filing deadlines for the May 8 general elections had passed and that the three incumbents were unopposed.

MOTION: APPROVE RESOLUTION 100323 DECLARING ELECTED TO THE OFFICE OF MAYOR, CITY COUNCIL PLACE 3 AND CITY COUNCIL PLACE 5 THE UNOPPOSED CANDIDATES FOR ELECTION TO THOSE OFFICES; PROVIDING THAT SUCH ELECTION SHALL BE EFFECTIVE AS OF MAY 8, 2010, AND THAT SUCH CANDIDATES SHALL TAKE THEIR OFFICE AS PROVIDED FOR BY LAW; PROVIDING THAT THE MAY 8, 2010, GENERAL ELECTION SHALL NOT BE HELD; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE POSTED ON ELECTION DAY AT EACH POLLING PLACE THAT WOULD HAVE BEEN USED IN THE ELECTION; PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KRAUSE
SECONDED: McKIMMEY
APPROVED: UNANIMOUS (Absent: Ratcliffe)

Discussion and Action Regarding Ordinance 100323B Amending the Code of Ordinances in Chapter 51, Water and Sewer of Title V, Public Works to Add Provisions Pertaining to Lien Procedures in the Instance of Failure to Pay Utility Accounts; Providing a Severability Clause; Providing a Repealer Clause; Providing an Effective Date.

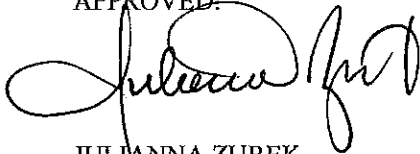
A revised draft of the proposed ordinance that included language to clarify that liens would not be filed on properties that are considered to be a homestead was distributed prior to the meeting. Director of Finance Laurie Mays presented and answered questions regarding the proposed ordinance. Mays recommended approval stating that authority to file liens would help to increase collections on utility accounts, specifically accounts for properties served by other water providers. There was discussion regarding options for improving utility account collections efforts such as filing suit in Justice of the Peace Court.

MOTION: APPROVE ORDINANCE 100323B AMENDING THE CODE OF ORDINANCES IN CHAPTER 51, WATER AND SEWER OF TITLE V, PUBLIC WORKS TO ADD PROVISIONS PERTAINING TO LIEN PROCEDURES IN THE INSTANCE OF FAILURE TO PAY UTILITY ACCOUNTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

MOTION MADE: HILLE
SECONDED: LIECHTY
APPROVED: UNANIMOUS (Absent: Ratcliffe)

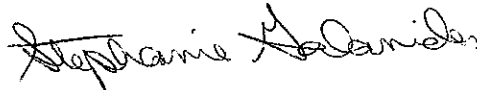
The Mayor Pro Tem adjourned the stated meeting at 8:03 p.m.

APPROVED:



JULIANNA ZUREK
MAYOR PRO TEM

ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY

