

**MINUTES  
DECEMBER 20, 2011  
HEATH CITY COUNCIL  
200 LAURENCE DRIVE - HEATH, TEXAS  
PUBLIC HEARINGS - STATED MEETING – EXECUTIVE SESSION**

ATTENDING: JOHN RATCLIFFE  
BARRY BROOKS  
ROBERT HILLE  
JUSTIN HOLLAND  
RICHARD KRAUSE  
JULIE ZUREK

ABSENT: LORNE LIECHTY, MAYOR PRO TEM

Mayor Ratcliffe called the stated meeting to order at 7:31 p.m. Holland delivered the invocation

**Department and Committee Reports.** - The reports were included in the Council packets. Suzanne and Mark Brooke presented a video of 2011 highlights in the City.

**Approval of the Minutes of December 6, 2011.**

**MOTION: APPROVE THE MINUTES OF DECEMBER 6, 2011.**

MOTION MADE: ZUREK  
SECONDED: HOLLAND  
APPROVED: UNANIMOUS (Absent: Liechty)

**PUBLIC HEARING – Receive Input Regarding Possible Amendments to the Land Use Assumptions and Capital Improvements Plan pertaining to the Adoption of Water, Sanitary Sewer and Roadway Impact Fees.**

The Mayor opened the public hearing at 7:41 p.m. Richard Dormier, Freeman-Millican, Inc. and Kelly Parma, Lee Engineering presented background regarding the periodic review of Land Use Assumptions for water and sanitary service and roadway impact fees carried out pursuant to Chapter 395, Local Government Code. Dormier provided a brief of the projections determined by the Planning and Zoning Commission acting in its capacity as Advisory Committee for land use assumptions and capital improvements planning that included:

- An average density goal of one residential unit per acre,
- A service area that includes the City Limits and extra-territorial jurisdiction for water and sewer only (Roadway impact fees calculated using only the city limits.),
- A projection of 75 new single family residential units per year and
- Projected growth areas based on existing plats and locations of developable tracts.

Dormier reported that impact fees calculations reflected updates to the City's Comprehensive Plan, revisions to the City's service area for water and savings realized through refinancing debt at lower interest rates.

There being none present to speak in favor of or in opposition to the proposed amendments, Ratcliffe closed the public hearing at 8:02 p.m.

**Discussion and Action Regarding Resolution 111220A Providing for Approval of the Update of Ten Year Water and Wastewater System for City of Heath Land Use Assumptions and Capital Improvements Plan Pursuant to Chapter 395, Texas Local Government Code; Providing a Severability Clause and Providing an Effective Date.**

City Engineer Randel Dobbs provided a comparison of existing impact fees and those calculated using the December 2011 Update of Ten Year Water and Wastewater System for Land Use Assumptions and Capital Improvements Plan and the Roadway Thoroughfare Impact Fee Assessment 2011-2020. R. Dobbs explained that the decrease in proposed impact fee for water was due largely to lower interest rates and that the decrease in the proposed impact fee for sewer resulted from a reduction in required sanitary sewer projects. R. Dobbs stated that the lower proposed roadway impact fee reflected revisions to land uses as specified in the 2008 update to the City's Comprehensive Plan that anticipates increased vehicle miles generated by development other than residential.

**MOTION: APPROVE RESOLUTION 111220A PROVIDING FOR APPROVAL OF THE DECEMBER 2011 UPDATE OF TEN YEAR WATER AND WASTEWATER SYSTEM FOR CITY OF HEATH LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AS PREPARED BY FREEMAN-MILLICAN, INC.**

MOTION MADE: KRAUSE  
 SECONDED: ZUREK  
 APPROVED: UNANIMOUS (Absent: Liechty)

**Discussion and Action Regarding Resolution 111220B Providing for Approval of the City of Heath Roadway Thoroughfare Impact Fee Assessment 2011-2020 Pursuant to Chapter 395, Texas Local Government Code; Providing a Severability Clause and Providing an Effective Date.**

**MOTION: APPROVE RESOLUTION 111220B PROVIDING FOR APPROVAL OF THE DECEMBER 2011 CITY OF HEATH ROADWAY THOROUGHFARE IMPACT FEE ASSESSMENT 2011-2020 AS PREPARED BY FREEMAN-MILLICAN, INC IN CONNECTION WITH LEE ENGINEERING, INC.**

MOTION MADE: ZUREK  
 SECONDED: HILLE  
 APPROVED: UNANIMOUS (Absent: Liechty)

**Discussion and Action Regarding Ordinance 111220A Providing for Approval of the Imposition of Amended Impact Fees for Water and Wastewater Service and Amended Impact Fee for Roadway Development Pursuant to Chapter 395, Texas Local Government Code and Repealing Subsection (C) of Section 150.05 of the Code of Ordinances; Providing a Severability Clause and Providing an Effective Date.**

There was discussion regarding the existing and proposed impact fees for a 5/8" water meter on a single-family residential lot as specified below:

Impact Fee	Current Fees	Proposed Fees
Roadway	\$2,500.00	\$1,024.66
Water	\$3,900.00	\$2,709.00
Sewer	\$2,100.00	\$1,640.00
<b>Total</b>	<b>\$8,500.00</b>	<b>\$5,373.66</b>

City Engineer Randel Dobbs stated that impact fees for larger meters and uses other than single-family residential would be calculated as prescribed in the Update of Ten Year Water and Wastewater System for Land Use Assumptions and Capital Improvements Plan and the Roadway Thoroughfare Impact Fee Assessment 2011-2020.

Addressing the proposed repeal of §150.05(C) of the Code of Ordinances relating to impact fee exemptions in certain older subdivisions, R. Dobbs stated that there was no stipulation in state law for such exemptions and recommended repeal of the provision.

Krause stated his position that property owners that paid for street improvements within their subdivisions should be exempted from the roadway impact fee.

**MOTION: APPROVE ORDINANCE 111220A PROVIDING FOR APPROVAL OF THE IMPOSITION OF AMENDED IMPACT FEES FOR:**

- 1. WATER AND WASTEWATER SERVICE AS SPECIFIED IN THE DECEMBER 2011 UPDATE OF TEN YEAR WATER AND WASTEWATER SYSTEM FOR CITY OF HEATH LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AND**
- 2. ROADWAY DEVELOPMENT AS SPECIFIED IN THE DECEMBER 2011 CITY OF HEATH ROADWAY THOROUGHFARE IMPACT FEE ASSESSMENT 2011-2020;**

**AND FURTHER PROVIDING FOR THE REPEAL SUBSECTION (C) OF SECTION 150.05 OF THE CODE OF ORDINANCES.**

MOTION MADE: ZUREK  
 SECONDED: BROOKS  
 APPROVED: FOR: BROOKS, HILLE, HOLLAND, RATCLIFFE, ZUREK  
 OPPOSED: KRAUSE (Absent: Liechty)

**PUBLIC HEARING** – Receive input regarding a request for an amendment to Ordinance 030904C that established the Fairway Oaks Planned Development zoning district consisting of 295.18 acres in the E. Teal Survey Abstract No. 207 to a.) Change the name to Heath Crossing, b.) Re-number the phases, c.) Revise accessory building height requirements and d.) Revise the Concept Plan to more specifically reflect existing development, to be consistent with the 2008 FEMA Map Revision, to amend sizes and locations of common areas and to reduce the number of lots from 318 to 301 – requested by TR Heath Partners, Ltd.

Ratcliffe re-opened the public hearing that had been opened on November 15 and continued to the current date at 8:22 p.m. Todd Winters, Engineering Concepts & Design LP, presented and answered questions regarding proposed amendments to the concept plan of the Heath Crossing (originally referred to as Fairway Oaks) planned development zoning district as well as to the sequencing of phases on behalf of TR Partners, Ltd. Winters stated that the amended concept plan accurately reflected development to date and that planned for future phases. Winters noted that the developer was ready to proceed with Phase 2A that would include fewer and larger lots than authorized in 2003. There being no others present to speak in support of or in opposition to the request, Ratcliffe closed the public hearing at 8:25 p.m.

**Discussion and Action regarding Ordinance 111220B amending Ordinance 030904C that established the Fairway Oaks Planned Development zoning district consisting of 295.18 acres in the E. Teal Survey Abstract No. 207 to a.) Change the name to Heath Crossing, b.) Re-number the phases, c.) Revise accessory building height requirements and d.) Revise the Concept Plan to more specifically reflect existing development, to be consistent with the 2008 FEMA Map Revision, to amend sizes and locations of common areas and to reduce the number of lots from 318 to 301.**

R. Dobbs outlined the proposed changes to the Heath Crossing concept plan as summarized below:

Lot Classification	Min Lot Size (Ft <sup>2</sup> )	Original Concept Plan			Proposed Concept Plan		
		No. of Lots	Area (Ac.)	Area (%)	No. of Lots	Area (Ac.)	Area (%)
A (T.H.)	6,000	38	8.1	2.7	38	6.1	2.07
B (SF-15)	12,000	100	46.1	15.6	100	35.30	11.96
C (SF-15)	15,000	111	67.7	23.0	65	27.26	9.24
D (SF-22)	22,000	54	40.0	13.6	81	47.55	16.11
E (SF-43)	40,000	15	18.3	6.2	17	21.48	7.28
<b>Residential Total</b>		<b>318</b>	<b>180.2</b>	<b>61.1</b>	<b>301</b>	<b>137.69</b>	<b>46.65</b>
ROW					3	35.87	12.15
<b>Residential Total</b>		<b>318</b>	<b>180.2</b>	<b>61.1</b>	<b>301</b>	<b>173.56</b>	<b>58.80</b>
Public Park			5.9	2.0		4.14	1.40
Floodplain Area			60.6	20.5		69.34	23.49
Common Area			48.3	16.4		48.14	16.31
<b>Open Space Total</b>			<b>114.8</b>	<b>38.9</b>		<b>121.62</b>	<b>41.20</b>
<b>Gross Total</b>		<b>318</b>	<b>295.0</b>	<b>100</b>	<b>301</b>	<b>295.18</b>	<b>100.00</b>

R. Dobbs related a suggestion from a member of the Planning and Zoning Commission that there be a joint work session of the Commission and the Council regarding the Heath Crossing development. R. Dobbs explained that the responsibility for and timing of various capital improvement elements would be incorporated into a development plan to be the exhibit to a revised developer's agreement. R. Dobbs stated that the developer's agreement, once negotiated, would replace or adjoin the developer's agreement executed in 2006. There was extensive discussion regarding the proposed revisions to the concept plan and to the sequencing of the phases of the development particularly as it would affect installation of water, sewer and thoroughfare improvements vital to the development and to the City. Winters stated that the developer would extend the 18" water lines installed in earlier phases in an easterly direction to the Buffalo Creek flood plain. Winters stated that the developer desired to move forward with the proposed Phase 2A prior to completed negotiation of a revised or new developer's agreement. Winters affirmed that the developer acknowledged that the obligations, specifically those concerning improvements to White Road, outlined in the 2006 developer's agreement were currently in force and binding and accepted the risks associated with the existing obligations.

**MOTION: NOTE THAT EXCEPT AS PROVIDED HEREIN, NOTHING IN THE PROPOSED AMENDMENT RELIEVES THE DEVELOPER OF ANY OBLIGATION SPECIFIED IN THE 2006 DEVELOPER'S AGREEMENT PERTAINING TO THE HEATH CROSSING DEVELOPMENT AND APPROVE ORDINANCE 111220B AMENDING ORDINANCE 030904C THAT ESTABLISHED THE FAIRWAY OAKS PLANNED DEVELOPMENT ZONING DISTRICT CONSISTING OF 295.18 ACRES IN THE E. TEAL SURVEY ABSTRACT NO. 207 TO A.) CHANGE THE NAME TO HEATH CROSSING, B.) RE-NUMBER THE PHASES, C.) REVISE ACCESSORY BUILDING HEIGHT REQUIREMENTS AND D.) REVISE THE CONCEPT PLAN TO MORE SPECIFICALLY REFLECT EXISTING DEVELOPMENT, TO BE CONSISTENT WITH THE 2008 FEMA MAP REVISION, TO AMEND SIZES AND LOCATIONS OF COMMON AREAS AND TO REDUCE THE NUMBER OF LOTS FROM 318 TO 301.**

MOTION MADE: ZUREK  
SECONDED: BROOKS  
APPROVED: FOR: BROOKS, HOLLAND, KRAUSE, RATCLIFFE, ZUREK  
OPPOSED: HILLE (Absent: Liechty)

**Discussion and Action Regarding the Preliminary Plat of Heath Crossing Phase 2A - TR Heath Partners, Ltd.**

**MOTION: APPROVE THE PRELIMINARY PLAT OF HEATH CROSSING PHASE 2A SUBJECT TO REVIEW BY THE CITY ENGINEER AND SPECIFICALLY PROVIDED THAT:**

- A TREESCAPE PLAN IS SUBMITTED WITH ENGINEERING PLANS,
- PRIOR TO FINAL PLAT APPROVAL, A FLOOD STUDY OF THE DRAINAGE WAY WITH THE AREA DESIGNATED AS COMMON AREA IS SUBMITTED AND APPROVED BY FEMA AND
- A NEW DEVELOPMENT AGREEMENT FOR THE ENTIRE HEATH CROSSING DEVELOPMENT IS APPROVED PRIOR TO APPROVAL AND FILING OF THE FINAL PLAT.

MOTION MADE: ZUREK  
SECONDED: BROOKS  
APPROVED: UNANIMOUS (Absent: Liechty)

**Discussion and Action Regarding Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste and Construction and Demolition Waste.**

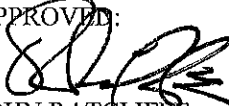
City Manager Ed Thatcher provided an overview of the provisions of the amendment to the franchise agreement for garage and recycling collections that were negotiated by staff and Council Members Krause and Zurek as directed at the November 15, 2011 meeting.

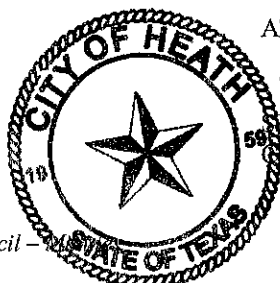
**MOTION: AUTHORIZE THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT WITH PROGRESSIVE WASTE SOLUTIONS (IESI, TX CORPORATION) FOR THE COLLECTION, HAULING AND DISPOSAL OF MUNICIPAL SOLID WASTE AND CONSTRUCTION AND DEMOLITION WASTE**

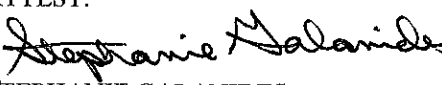
MOTION MADE: ZUREK  
SECONDED: HOLLAND  
APPROVED: UNANIMOUS (Absent: Liechty)

Mayor Ratcliffe adjourned the meeting to go into executive session as allowed by the Texas Open Meeting Act, Government Code: Section 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Ch. 551, Government Code at 9:31 p.m. Ratcliffe reconvened the stated meeting at 10:33 p.m. and stated that no action was taken in executive session.

Mayor Ratcliffe adjourned the stated meeting at 10:33 p.m.

APPROVED:  
  
JOHN RATCLIFFE  
MAYOR



ATTEST:  
  
STEPHANIE GALANIDES  
CITY SECRETARY