MINUTES
SEPTEMBER 24, 2013
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
PUBLIC HEARINGS - REGULAR MEETING

ATTENDING:	LORNE LIECHTY, MAYOR	RICHARD KRAUSE
	JUSTIN HOLLAND, Mayor Pro Tem	KEVIN LAMBERTH
	BRIAN BERRY	JULIE ZUREK
	BARRY BROOKS	

Mayor Liechty called the meeting to order at 6:30 p.m. Pastor Brad Howard, Lakeshore Church, delivered the invocation.

Department and Committee Reports - The reports were included in the Council packets. Staff provided an update regarding capital improvement projects. In response to concerns expressed, Interim Director of Public Works Chuck Todd provided information regarding measures to improve access to and delineators in the vicinity of the Terry Park boat ramp.

Discussion and Action Regarding the Minutes of August 30 and September 10, 2013.

MOTION: APPROVE THE MINUTES OF AUGUST 30 AND SEPTEMBER 10, 2013.

MOTION MADE:	ZUREK
SECONDED:	KRAUSE
APPROVED:	UNANIMOUS

Application for a Conditional Use Permit to Construct a Residence with a 5/12 Roof Pitch on Lot 10, Block C, Heath Crossing, Phase 1C & 1 D (145 Mallard Crossing) – Requested by Scott Gunderson Custom Homes, on behalf of Becky Goza. (*A conditional use permit is required for a roof pitch less than 8/12 pursuant to Ordinance 111220B pertaining to the Heath Crossing Planned Development Zoning District.*)

Presentation of Request.

Director of Community and Economic Development Kim Dobbs stated that the request for a conditional use permit was submitted pursuant to provisions of Ordinance 030904C and Ordinance 111220B pertaining to the Heath Crossing planned development zoning district. Dobbs reported that the Planning and Zoning Commission voted unanimously to recommend approval of the request on September 3.

PUBLIC HEARING to Receive Comments Regarding the Request.

The Mayor opened the public hearing at 6:37 p.m. and invited input regarding the request. Scott Gunderson, builder spoke in support of the request. Gunderson stated that the proposed 5/12 pitch was requested due to the slope of the planned tile roof. There being no others present to speak in support of or in opposition to the request, the Mayor closed the public hearing at 6:38 p.m.

Discussion and Action Regarding the Request.

MOTION: APPROVE ORDINANCE 130924A GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A RESIDENCE WITH A 5/12 ROOF PITCH ON LOT 10, BLOCK C, HEATH CROSSING, PHASE 1C & 1 D (145 MALLARD CROSSING).

MOTION MADE:	BERRY
SECONDED:	HOLLAND
APPROVED:	UNANIMOUS

Application for a Zoning Change from Agricultural (A) to Planned Development (PD) for Local Retail (LR) uses on 8.04 acres in the E. Teal Survey A-0207 situated at the Northwest Corner of the Newly Constructed Intersection of FM 740 and Heathland Crossing, City of Heath, Rockwall County, Texas – Requested by S. C. Equities, Inc., on behalf of owner BC Golf II, LTD.

Presentation of Request.

Chairman Dennis Conder provided an overview of discussions during the September 3 Planning and Zoning Commission meeting and at a special meeting conducted on September 17. Conder stated that the Commission considered the proposed planned development to be consistent with the Comprehensive Plan and an appropriate use for the subject property and recommended (6/1) that a planned development zoning district be approved provided that specifications included in the proposed planned development ordinance were revised as discussed. Staff confirmed that the specification revisions were incorporated into the proposed ordinance.

PUBLIC HEARING to Receive Comments Regarding the Request.

The Mayor opened the public hearing at 6:51 p.m. and invited input regarding the request. Tony Austin, resident of 2300 Versailles Court, appearing on behalf of the applicant, presented and answered questions regarding the request for establishment of a planned development for an 8.04 acre parcel situated at the northwest corner of FM 740 and Heathland Crossing. Austin stated that, to date, there were no tenants committed to the future retail center and that anticipated uses included pad sites for offices, restaurants and retail uses consistent with permitted uses of the City's Local Retail zoning classification.

There being no others present to speak in support of or in opposition to the request, the Mayor closed the public hearing at 6:55 p.m.

Discussion and Action Regarding the Request.

The Council discussed the request. Mark Jennings, 3J Designs, and Austin participated in the discussion. The discussion clarified that 24-hour operations would be permitted with the exception that 24-hour restaurant operations would not be permitted and that a conditional use permit was required for all drive-through operations. Staff stated that participation in the cost of improvements to old FM 740 (west side of the property) would be addressed during platting. The Council expressed support for the request and the proposed uses and appreciation for the time and careful consideration of the Planning and Zoning Commission.

MOTION: APPROVE ORDINANCE 130924B CHANGING THE ZONING FROM AGRICULTURAL (A) TO PLANNED DEVELOPMENT (PD) FOR LOCAL RETAIL (LR) USES ON 8.04 ACRES IN THE E. TEAL SURVEY A-0207 SITUATED AT THE NORTHWEST CORNER OF THE NEWLY CONSTRUCTED INTERSECTION OF FM 740 AND HEATHLAND CROSSING, CITY OF HEATH, ROCKWALL COUNTY, TEXAS.

MOTION MADE:	HOLLAND
SECONDED:	BERRY
APPROVED:	UNANIMOUS

Proposed Ordinance Amending Chapter 158 Subdivision Regulations of the Code of Ordinances to Change the Title of the Person Delegated Authority to Provide Administrative Approval of Certain Amended Plats; Providing a Severability Clause, a Repealer Clause and an Effective Date.

Presentation of Proposed Ordinance.

Dobbs presented and answered questions regarding the proposed ordinance that changes the title of the person delegated to provide administrative approval of certain plats from "Director of Public Works/City Engineer" to "City Engineer or designee."

PUBLIC HEARING to Receive Comments Regarding the Proposed Ordinance.

The Mayor opened the public hearing at 7:09 p.m. There being no one present to speak in support of or in opposition to the proposed amendment, the Mayor closed the public hearing at 7:09 p.m.

Discussion and Action Regarding the Proposed Ordinance.

Brooks expressed concern that the wording in the proposed ordinance was not sufficiently specific to ensure that a qualified individual was the designee should the City Engineer be unavailable.

MOTION: APPROVE ORDINANCE 130924C AMENDING CHAPTER 158 SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES TO CHANGE THE TITLE OF THE PERSON DELEGATED AUTHORITY TO PROVIDE ADMINISTRATIVE APPROVAL OF CERTAIN AMENDED PLATS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE.

MOTION MADE:		ZUREK
SECONDED:		KRAUSE
APPROVED:	FOR:	BERRY, HOLLAND, LAMBERTH, LIECHTY, KRAUSE, ZUREK
	OPPOSED:	BROOKS

Discussion and Action Regarding an Ordinance Approving the Fee Schedule for Fiscal Year October 1, 2013 through September 30, 2014.

Director of Finance Laurie Mays presented and answered questions regarding the proposed Fee Schedule for fiscal year 2013-2014. The consensus of the Council was that the rates for use of ball fields should remain at current rates until such time as improvements to the fields are completed.

MOTION: APPROVE ORDINANCE 130924D APPROVING THE FEE SCHEDULE FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 AS AMENDED TO SPECIFY FISCAL YEAR 2012-2013 BALL FIELD RATES.

MOTION MADE:	BERRY
SECONDED:	BROOKS
APPROVED:	UNANIMOUS

Discussion and Action Regarding a Resolution Authorizing the Mayor to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Engineering Design of the FM 740 Phase 2 Utility Relocations.

Interim Director of Public Works Chuck Todd presented and answered questions regarding the proposed professional services agreement for the engineering design for utility relocations associated with the Texas Department of Transportation FM 740 Phase 2 improvements project.

MOTION: APPROVE RESOLUTION 130924 AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE ENGINEERING DESIGN OF THE FM 740 PHASE 2 UTILITY RELOCATIONS SUBJECT TO REVIEW BY THE CITY ATTORNEY.

MOTION MADE:	KRAUSE
SECONDED:	LAMBERTH
APPROVED:	UNANIMOUS

Discussion and Action Regarding Board and Commission Appointments.

MOTION: APPOINT KRISHA BROOKS TO THE PLANNING AND ZONING COMMISSION FOR AN UNEXPIRED TERM THAT EXPIRES JULY 2014.

MOTION MADE:		HOLLAND
SECONDED:		ZUREK
APPROVED:	FOR:	BERRY, HOLLAND, LAMBERTH, LIECHTY, KRAUSE, ZUREK
	ABSTAINING:	BROOKS

EXECUTIVE SESSION.

The Mayor recessed the meeting to go into executive session as allowed by the Texas Open Meetings Act, Government Code: Section 551.071: Consultation with City Attorney regarding pending or contemplated litigation involving Andrew Silver at 7:49 p.m. Liechty reconvened the meeting at 7:59 p.m. and stated that no action was taken in executive session. There was no additional discussion or action taken regarding the matter discussed in executive session.

Mayor Liechty adjourned the meeting at 7:58 p.m.

APPROVED:

LORNE O. LIECHTY
MAYOR

ATTEST:

Stephanie Galanides

STEPHANIE GALANIDES
CITY SECRETARY

CITY OF HEATH 19 59 STATE OF TEXAS