

**MINUTES
NOVEMBER 26, 2013
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
REGULAR MEETING -EXECUTIVE SESSION**

ATTENDING: LORNE LIECHTY, MAYOR
JUSTIN HOLLAND, MAYOR PRO TEM
BRIAN BERRY
BARRY BROOKS
RICHARD KRAUSE
KEVIN LAMBERTH
JULIE ZUREK

Mayor Liechty called the meeting to order and delivered the invocation at 6:30 p.m.

Department and Committee Reports – Staff stated that the Annual Holiday in the Park and Tree Lighting were scheduled for Friday, December 6. Krause inquired regarding the finance report for the Heath Municipal Benefits Corporation budget. A work session regarding the City’s Capital Improvement Program will be scheduled for 5:00 p.m. on December 10, 2013.

Discussion and Action Regarding the Minutes of November 12, 2013.

MOTION: APPROVE THE MINUTES OF NOVEMBER 12, 2013.

MOTION MADE: HOLLAND
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Discussion Regarding Median Landscaping within Texas Department of Transportation (TxDOT) Phase 1 Improvements to FM 740.

Hal Sanford, Area Engineer with the Texas Department of Transportation (TxDOT) provided an update and answered questions regarding Phase 1 Improvements to FM 740. Sanford stated that establishment of vegetation was challenging due to the time of the year plantings were installed. Sanford stated that the maintenance contract would be extended for three months during which time certain trees and grass will be replaced. Council expressed concerns regarding irrigation and related resident complaints regarding excessive watering. Sanford stated that the project is scheduled to be completed and turned over to the City by the end of December or in early January.

Discussion and Action Regarding a Request for a Variance to §51.03(G)(1) of the Code of Ordinances that requires a Minimum Lot Size of 1 One (1) acre for Installation of an On-Site Sewage Facility (OSSF) in Order to Install an OSSF on Lot 22R (.968 acres), Twin View Estates (750 Twin View) - Requested by John Percy on behalf of Jessica B. Clark.

Jessica Clark presented the request for a variance to the one-acre minimum lot size requirement for the recently Lot 22R (.968 acres), Twin View. Staff provided exhibits that demonstrated that the recently formed Lot 22R that combined two smaller lots is consistent with and larger than many lots in the Twin View addition.

MOTION: GRANT A VARIANCE TO §51.03(G)(1) OF THE CODE OF ORDINANCES THAT REQUIRES A MINIMUM LOT SIZE OF 1 ONE (1) ACRE FOR INSTALLATION OF AN ON-SITE SEWAGE FACILITY (OSSF) IN ORDER TO INSTALL AN OSSF ON LOT 22R (.968 ACRES), TWIN VIEW ESTATES (750 TWIN VIEW).

MOTION MADE: BERRY
SECONDED: HOLLAND
APPROVED: UNANIMOUS

Discussion and Action Regarding an Application for a Zoning Change from Agricultural (A) to Planned Development (PD) for Single-Family Residential Uses Similar to the Heath Golf & Yacht Club PD (9 lots) on 5.329 Acres situated in I. Briscoe Survey, Abstract No. 38 and No. 57, in the vicinity of Hubbard Drive, south of Victoria Pl., adjacent to the Heath Golf & Yacht Club planned development district, City of Heath, Rockwall and Kaufman Counties, Texas for Development of Heath Golf & Yacht Club Addition.

Mayor Liechty stated that a public hearing regarding the application for a planned development zoning district for the Heath Golf & Yacht Club Lakes Addition was conducted on November 26. The Mayor noted that the 9 lots on 5.329 acres were not included in the legal description of the concept plan for the Heath Golf & Yacht Club Addition as approved in 2007 and amended in 2012 but that they were clearly shown. Liechty read a provision from the development agreement for the Heath Golf & Yacht Club planned development as approved on August 30, 2013 that does not preclude the developer from seeking zoning and platting for 9 lots on the subject property. Speaking on behalf of the developer, Chris Cuny, F. C. Cuny Corporation stated that when it was realized that the subject property was not included in the legal description for the initial concept plan, plans were made to zone and plat it separately. There was discussion regarding density and regarding expenses and reimbursements to date related to the Heath Golf & Yacht Club development and related escrow agreements.

MOTION: APPROVE ORDINANCE 131126A CHANGING THE ZONING FROM AGRICULTURAL (A) TO PLANNED DEVELOPMENT (PD) FOR SINGLE-FAMILY RESIDENTIAL USES SIMILAR TO THE HEATH GOLF & YACHT CLUB PD (9 LOTS) ON 5.329 ACRES SITUATED IN I. BRISCOE SURVEY, ABSTRACT NO. 38 AND NO. 57, IN THE VICINITY OF HUBBARD DRIVE, SOUTH OF VICTORIA PL., ADJACENT TO THE HEATH GOLF & YACHT CLUB PLANNED DEVELOPMENT DISTRICT, CITY OF HEATH, ROCKWALL AND KAUFMAN COUNTIES, TEXAS FOR DEVELOPMENT OF HEATH GOLF & YACHT CLUB ADDITION.

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

Joan Ream, 11 Pintail Point, expressed opposition to the zoning change.

Discussion and Action Regarding the Development Plan of Heath Golf & Yacht Club Lakes Addition – Requested by Rob Whittle.

Director of Community and Economic Development Kim Dobbs stated that the City’s Zoning Regulations provide for approval of a concept plan as an exhibit to an ordinance approving a planned development and of a development prior to a preliminary plat.

MOTION: APPROVE THE DEVELOPMENT PLAN OF HEATH GOLF & YACHT CLUB LAKES ADDITION.

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

Discussion and Action Regarding the Preliminary Plat of Heath Golf & Yacht Club Lakes Addition – Requested by Rob Whittle.

Member Becky Burkett related the Park Board’s recommendation that the park land dedication for the Heath Golf & Yacht Club be considered as fulfillment of requirements for the Heath Golf & Yacht Club Lakes Addition.

MOTION: APPROVE THE PRELIMINARY PLAT OF HEATH GOLF & YACHT CLUB LAKES ADDITION.

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

Discussion and Action Regarding an Ordinance Amending the 2013-2014 Fee Schedule as Approved by Ordinance 130924D Relating to Building Permit Fees and Declaring an Effective Date.

Mays stated that the proposed ordinance to amend the fee schedule for the minimum permit fee to correct value specifications for "all other work".

MOTION: APPROVE ORDINANCE 131126B AMENDING THE 2013-2014 FEE SCHEDULE AS APPROVED BY ORDINANCE 130924D RELATING TO BUILDING PERMIT FEES AND DECLARING AN EFFECTIVE DATE.

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS

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(2): 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 the Texas Open Meetings Act regarding zoning violations and enforcement at 7:47 p.m. Liechty reconvened the meeting at 8:13 p.m. and stated that no action was taken in executive session.

Mayor Liechty adjourned the meeting at 8:14 p.m.

APPROVED:



LORNE O. LIECHTY
MAYOR

ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY

