

**MINUTES
JUNE 10, 2014
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
REGULAR MEETING - PUBLIC HEARINGS - EXECUTIVE SESSION**

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

Mayor Liechty called the meeting to order at 6:00 p.m. Craig Zurek delivered the invocation.

Issuance of Oath of Office to Newly Elected Council Members.

Galanides issued the oath of office to recently reelected Mayor Lorne Liechty. The Mayor issued the ceremonial oath of office to returning Council Member Brian Berry and to new Council Member Joe Chamberlain. Outgoing Council Member Julie Zurek stepped down and Chamberlain assumed a seat at the Council table.

Discussion and action regarding the Minutes of May 13, 2014.

MOTION: APPROVE THE MINUTES OF MAY 13, 2014.
MOTION MADE: KRAUSE
SECONDED: HOLLAND
APPROVED: UNANIMOUS (Absent: Lamberth)

Announcement that the applicant has withdrawn the request for a zoning change for the Heath Crossing Planned Development Zoning District on 295.19 acres in the E. Teal Survey A-0207 as created by Ordinance No. 030904C and amended by Ordinance No. 111220B to revise the Concept Plan.

Liechty stated that the application for a zoning change for the Heath Crossing planned development district was withdrawn. No action was taken by the Council.

Application for a zoning change from Agricultural (A) to Planned Development (PD) zoning district for The Providence Addition for single-family residential uses similar to SF-22 (40 lots) on a 60.08 acre tract of land out of the Antonio Rodriguez Survey, A-231, Rockwall Central Appraisal District (RCAD) Tracts 7-01 and 7-02, parcel IDs 12911 and 12912 respectively, situated on the south side of FM 549 in the vicinity of the 7500 block, Heath, Rockwall County, TX - Requested by Rockwall Ventures, Ltd., on behalf of owner William Way;

PUBLIC HEARING.

The Mayor stated that the applicant requested that the public hearing regarding their request for establishment of a planned development district for residential uses on Tracts 7-01 and 7-02 in the A. Rodriguez Survey A-231 be continued and that action be deferred to the June 24. Liechty opened the public hearing at 6:08 p.m.

MOTION: CONTINUE THE PUBLIC HEARING AND DEFER ACTION REGARDING THE APPLICATION FOR A ZONING CHANGE TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT FOR THE PROVIDENCE ADDITION FOR SINGLE-FAMILY RESIDENTIAL USES SIMILAR TO SF-22 (40 LOTS) ON TRACTS 7-01 AND 7-02 OF THE A. RODRIGUEZ SURVEY A-231 TO JUNE 24, 2014.

MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Lamberth)

Update regarding Capital Improvement Program (CIP) projects.

Consulting Engineer Chuck Todd provided an update and answered questions regarding the status of projects included in the 2014 Capital Improvements Projects Program.

Discussion and action regarding award of the Construction Contract for the Amy Parks Drive (Towne Center Park Driveway) Project and regarding a Resolution authorizing the Mayor to execute a Construction Contract for the Amy Parks Drive Project.

Todd recommended that the bid for the Amy Parks Drive (Towne Center Park Driveway) project be awarded to low bidder FHN Construction, LLC.

MOTION: AWARD THE BID TO AND APPROVE RESOLUTION 140610 AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH FHN CONSTRUCTION, LLC FOR THE AMY PARKS DRIVE PROJECT.

MOTION MADE: BERRY
SECONDED: HOLLAND
APPROVED: UNANIMOUS (Absent: Lamberth)

Discussion and action regarding future improvements to Myers Road.

Todd provided an overview of and answered questions regarding planned capital improvements for a 24' asphalt road with drainage ditches on either side from the intersection of Crisp Lane and Hubbard Drive west to Myers Road and north on Myers to its intersection with Terry Lane. Liechty acknowledged residents' concerns regarding the impact of planned improvements and opened the floor for public input. The following residents provided input regarding the project to improve Myers Road from Crisp Lane to Terry Lane:

Jeff and Jody Lunday	-	130 Myers Road;
Bob Kurt	-	180 Myers Road;
Jean Swindell	-	181 Myers Road;
Mike Turner	-	312 Myers Road;
Les Horvath	-	130 Yankee Creek Road;
Lary and Tricia Knowlton	-	324 Myers Road; and
Joan Ream	-	11 Pintail Point.

Concerns included impact on trees and the aesthetics of the area, increased traffic, traffic safety and use of asphalt rather than concrete. Suggestions included repairing only certain sections of the road and making the road less than 24' in width. Some stated that if existing trees could not be saved, they would prefer that there be no improvements.

Staff explained that in order to rebuild Myers Road, the trees along the sides would most likely have to be removed regardless of the width of the improved road. The consensus of the Council was to provide a 20-year solution for Myers Road rather than a short-term repair. Council directed staff to research options for improving Myers Road and suggested that residents confer with staff. No action was taken by the Council and the Mayor advised that the item would be rescheduled for future consideration.

Discussion and action Regarding an Ordinance amending Ordinance 130910A approving and adopting the Budget for the Fiscal Year October 1, 2013 through September 30, 2014 to amend adopted expenditures of the Budget.

Finance Director Laurie Mays presented the proposed ordinance that amends the Capital Improvement Budget to reflect changes in estimated project costs. There was discussion regarding the proposed amendment.

MOTION: APPROVE ORDINANCE 140610A AMENDING ORDINANCE 130910A APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 TO AMEND ADOPTED EXPENDITURES OF THE BUDGET AS AMENDED IN EXHIBIT A TO REMOVE THE CHANGE IN ESTIMATED COST FOR AN FM 740 ENTRY FEATURE.

MOTION MADE: BROOKS
SECONDED: KRAUSE
APPROVED: UNANIMOUS (Absent: Lamberth)

Application for a conditional use permit for a drive-through facility for the CVS Pharmacy on Lot 1 of the Ridge Crossing Addition, a planned development district for local retail 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 – requested by Winkelmann & Associates;

Presentation of request.

Tony Austin, 2300 Versailles Court, of S. C. Equities, Inc. presented and answered questions regarding a proposed drive-through facility for the CVS Pharmacy planned for Lot 1 of the Ridge Crossing addition. Director of Community and Economic Development Kim Dobbs reported that 6 notices sent to neighboring property owners and none were returned in support of or in opposition to the request. Chairman John Main stated that the Planning and Zoning Commission voted unanimously to recommend approval of the request on June 3.

PUBLIC HEARING to receive comments regarding the request.

The Mayor opened the public hearing at 7:18 p.m. Joan Ream, 11 Pintail Point inquired as to whether there had been a traffic feasibility study. Ream expressed concern regarding traffic, signage and hours of operation. There being no others present to speak in support of or in opposition to the request, Liechty closed the public hearing at 7:21 p.m.

Discussion and action regarding the request.

Dobbs confirmed that the developer provided a traffic impact analysis for the Ridge Crossing addition that was reviewed and approved by the Texas Department of Transportation (TxDOT) and by the City's Development Review Committee (DRC).

MOTION: APPROVE ORDINANCE 140610B GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH FACILITY FOR THE CVS PHARMACY ON LOT 1 OF THE RIDGE CROSSING ADDITION (4282 RIDGE ROAD).

MOTION MADE: BERRY
SECONDED: HOLLAND
APPROVED: UNANIMOUS (Absent: Lamberth)

Application to replat, without vacating the preceding plat, Lot 2 of the Pratz Addition to form 2 lots - requested by James E. Baker Ltd.;

Presentation of request.

Cliff Lewis, builder, presented the request to replat Lot 2 (3.81 acres) of the Pratz Addition to form 2 lots, 1.5 acres and 2.32 acres in size.

PUBLIC HEARING to receive comments regarding the request.

Liechty opened the public hearing at 7:24 p.m. Lewis indicated support for the request. There being no others present to provide input regarding the proposed replat, the Mayor closed the public hearing 7:24 p.m.

Discussion and action regarding the request.

MOTION: APPROVE THE REPLAT THAT DOES NOT VACATE THE PRECEDING PLAT OF LOT 2 OF THE PRATZ ADDITION TO FORM 2 LOTS.

MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Lamberth)

Discussion and action regarding a request for a variance to Chapter 157: Fences of the Code of Ordinances for installation of a 6' fence in the side yard abutting Kings Pass on Lot 33, Block 8, Buffalo Creek Country Club Estates Phase 6 addition (2201 Kings Pass) - requested by James Collier.

James P. Collier presented and answered questions regarding a revised request for a variance to fence regulations for installation of a 6' fence in the side yard abutting Kings Pass at 2201 Kings Pass. Collier stated that the request considered by Council on March 25 was revised to move the section of 6' fence 4' further back from the street than originally planned. Krause stated his opinion that notice should be sent to neighboring property owners in the instance of a request for a variance to fence regulations. Brooks expressed opposition to the requested variance.

MOTION: GRANT A VARIANCE TO §157.02(C) OF THE CODE OF ORDINANCES FOR INSTALLATION OF A SIX FOOT (6") CEDAR BOARD-ON-BOARD PRIVACY FENCE ON THE SIDE YARD THAT ABUTS KINGS PASS OF LOT 33, BLOCK 8, BUFFALO CREEK COUNTRY CLUB ESTATES PHASE 6 ADDITION (2201 KINGS PASS).

MOTION MADE: KRAUSE
SECONDED: HOLLAND
APPROVED: FOR: BERRY, CHAMBERLAIN, HOLLAND, KRAUSE, LIECHTY
OPPOSED: BROOKS (Absent: Lamberth)

Application to replat, without vacating the preceding plat, Lot 9B, also identified by the Rockwall Central Appraisal District as Lot 9B and Lot 9C, (RCAD property ID 23406&51294 respectively) consisting of 3.32 acres, Twinview Addition to form 2 lots – requested by Ray Collin;

Presentation of request.

(Chamberlain was recused at 7:33 p.m.) Speaking on behalf of owner Ray Collin, Chip Chamberlain, 1817 Mystic Court in Rockwall, presented the request to replat Lots 9B and 9C of the Twinview addition to form 2 lots, 1.5 acres and 2 acres in size. Dobbs stated that there action regarding the proposed replat would be scheduled subsequent to submission of a flood study. Dobbs reported that 13 notices were sent to neighboring property owners and that 2 were returned in support of the proposed replat.

PUBLIC HEARING to receive comments regarding the request.

Liechty opened the public hearing at 7:34 p.m. Chip Chamberlain indicated support for the request. Jan Poole, 814 Twin View, inquired regarding planned use of the properties. There being no others to speak in support of or in opposition to the request, the Mayor closed the public hearing at 7:35 p.m. (Chamberlain returned and resumed participating in the meeting at 7:35 p.m.)

Mayor Liechty recessed the meeting at 7:36 p.m. invited all in attendance to a reception to honor Julie Zurek for her dedicated service to the citizens of the City of Heath. The Mayor reconvened the meeting at 8:20 p.m.

Application to replat, without vacating the preceding plat, Lot 1 within the City of Heath and Heath Municipal Benefits Corporation Addition on the east side Chris Cuny Parkway to form 3 lots – requested by Heath Municipal Benefits Corporation;

Presentation of request.

Dobbs stated that the proposed replat subdivides Lot 1 (12.697 acres) into 3 lots: Lot 1A (2.789 acres), Lot 1B (4.786 acres) and Lot 1C (5.142 acres). Main reported that the Planning and Zoning Commission voted unanimously on June 3 to approve the proposed replat.

PUBLIC HEARING to receive comments regarding the request.

Liechty opened the public hearing at 8:20 p.m. Staff expressed support for the replat. There being no others present to speak in support of or in opposition to the proposed replat, the Mayor closed the public hearing at 8:21 p.m.

Discussion and action regarding the request.

MOTION: APPROVE THE REPLAT, THAT DOES NOT VACATE THE PRECEDING PLAT, OF LOT 1 OF THE CITY OF HEATH AND HEATH MUNICIPAL BENEFITS CORPORATION ADDITION ON THE EAST SIDE CHRIS CUNY PARKWAY TO FORM 3 LOTS.

MOTION MADE: HOLLAND
SECONDED: KRAUSE
APPROVED: UNANIMOUS (Absent: Lamberth)

Discussion and action regarding appointment to the Planning and Zoning Commission.

MOTION: MAKE APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION AS FOLLOWS:

- 1.) **BILL SATTERWHITE FOR AN UNEXPIRED TERM THAT EXPIRES JULY 2015;**
- 2.) **TONY FISK FOR A TERM THAT STARTS AUGUST 1, 2014 AND EXPIRES JULY 2016; AND**

3.) KRISHA BROOKS AND STEVE McKIMMEY FOR TERMS THAT EXPIRES JULY 2016.

MOTION MADE: HOLLAND
SECONDED: BROOKS
APPROVED: UNANIMOUS (Absent: Lamberth)

EXECUTIVE SESSION

The Mayor recessed the meeting to go into executive session as allowed by the Texas Open Meetings Act, Government Code: Section 551.072: Deliberations regarding the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiation with a third party at 8:27 p.m. Liechty reconvened the meeting at 8:58 p.m. and stated that no action was taken in executive session.

Discussion and action regarding a Development Agreement with Horizon Promed, LP regarding the Horizon Professional Office Park Addition.

MOTION: AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH HORIZON PROMED, LP REGARDING THE HORIZON PROFESSIONAL OFFICE PARK ADDITION.

MOTION MADE: HOLLAND
SECONDED: BERRY
APPROVED: UNANIMOUS (Absent: Lamberth)

Discussion and action regarding the Final Plat of the Horizon Professional Office Park Addition – requested by Horizon Pro Med LP.

MOTION: APPROVE THE FINAL PLAT OF THE HORIZON PROFESSIONAL OFFICE PARK ADDITION.

MOTION MADE: BERRY
SECONDED: KRAUSE
APPROVED: UNANIMOUS (Absent: Lamberth)

Discussion and action regarding the Site Plan of Lot 1 of the Horizon Professional Office Park Addition – requested by Matthew King.

MOTION: APPROVE THE SITE PLAN OF LOT 1 OF THE HORIZON PROFESSIONAL OFFICE PARK ADDITION SUBJECT TO FIRE MARSHAL APPROVAL OF FIRE HYDRANT PLACEMENT.

MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Lamberth)

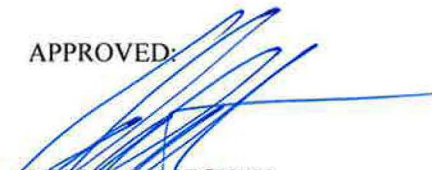
Discussion and action regarding the Site Plan of Lot 2 of the Horizon Professional Office Park Addition – requested by Matthew King.

MOTION: APPROVE THE SITE PLAN OF LOT 2 OF THE HORIZON PROFESSIONAL OFFICE PARK ADDITION SUBJECT TO FIRE MARSHAL APPROVAL OF FIRE HYDRANT PLACEMENT.


MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Lamberth)

Liechty adjourned the meeting at 9:06 p.m.

APPROVED:


LORNE O. LIECHTY
MAYOR

ATTEST:


STEPHANIE GALANIDES
CITY SECRETARY

