

**MINUTES
JUNE 24, 2014
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TEXAS
REGULAR MEETING - PUBLIC HEARING - EXECUTIVE SESSION**

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

Mayor Liechty called the meeting to order and delivered the invocation at 6:30 p.m. The Mayor welcomed County Commissioner Dennis Bailey and retired Building Official George Costan.

DEPARTMENT and COMMITTEE REPORTS - The reports were included in the Council packets.

Discussion and action regarding the Minutes of June 10, 2014.

MOTION: APPROVE THE MINUTES OF JUNE 10, 2014.

MOTION MADE: KRAUSE
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS

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 (35 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;

Presentation of request.

Joey Howell, Rockwall Ventures, Ltd. presented and answered questions regarding a revised request for establishment of a planned development zoning district for The Providence addition consisting of 35 single-family residential lots on 60.08 acres described as Tracts 7-01 and 7-02 in the A. Rodriguez Survey A-231. Howell stated that subsequent to public hearings before the Planning and Zoning Commission, the proposed concept plan was revised to reduce the number of proposed lots from 40 to 35 and to configure all lots to be least one acre in size. Howell outlined additional revisions including a larger greenbelt area adjacent to FM 549 and increased public access to the greenbelt area.

PUBLIC HEARING to receive comments regarding the request. (*A public hearing was opened and continued on May 13 and June 10 pursuant to the applicant's request.*)

The Mayor opened the public hearing at 6:43 p.m. Howell expressed support for the proposed planned development.

Cindy Becker, 1392 Rabbit Ridge Road stated that many of her objections to the proposed planned development as originally submitted had been addressed to her satisfaction. Becker expressed concerns regarding compatibility with existing development in the vicinity, aesthetics and quality of future development, lighting, traffic off of FM 549 and drainage. Becker stated that should Buffalo Creek overflow and flood her property, legal action would be taken. Becker expressed a preference that the stub-out for the main street through the proposed development be pulled back from her property line and/or barricaded in order to decrease the likelihood of trespassing onto her property.

Terry Tunks, 1013 Cedar Glen Trail, stated opposition to the proposed planned development, expressing concerns regarding density, flood plain issues and consistency with existing development in the vicinity.

Chris Thompson, 596 Lowe Road, expressed appreciation to Howell for making revisions to the proposed concept plan in response to concerns of neighboring property owners and expressed support for the project. Thompson expressed concerns regarding drainage, lighting and aesthetics.

The Mayor provided the applicant an opportunity to respond to expressed concerns. Howell stated that drainage issues would be addressed during the platting phase of the project and that street lights would be decorative. There being no others present to speak in support of or in opposition to the requested zoning change, Liechty closed the public hearing at 7:08 p.m.

Discussion and action regarding the request.

There was discussion regarding the request. Staff confirmed that the extension of the main road would be pulled back from the Becker's property line and/or barricaded in accordance with International Fire Code requirements.

MOTION: APPROVE ORDINANCE 140624 ESTABLISHING A PLANNED DEVELOPMENT ZONING DISTRICT FOR SINGLE-FAMILY RESIDENTIAL USES SIMILAR TO SF-22 (35 LOTS) FOR THE PROVIDENCE ADDITION ON 60.08 ACRES DESCRIBED AS ROCKWALL CENTRAL APPRAISAL DISTRICT (RCAD) TRACTS 7-01 AND 7-02, ANTONIO RODRIGUEZ SURVEY A-231, PARCEL IDS 12911 AND 12912 RESPECTIVELY.

MOTION MADE: BERRY
SECONDED: KRAUSE
APPROVED: UNANIMOUS

Discussion and action regarding Resolution authorizing the Mayor to execute a Professional Services Agreement for the Engineering Design of the Rabbit Ridge Road Paving, Drainage and Water Line Project.

Consulting engineer Chuck Todd presented, answered questions regarding and recommended approval of the professional services agreement with Huitt-Zollars, Inc. for the engineering design of the Rabbit Ridge Road Paving, Drainage and Water Line Project.

MOTION: APPROVE RESOLUTION 140624A AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE ENGINEERING DESIGN OF THE RABBIT RIDGE ROAD PAVING, DRAINAGE AND WATER LINE PROJECT PROVIDED THAT THE AGREEMENT IS REVISED TO INCLUDE THE RATE STRUCTURE.

MOTION MADE: CHAMBERLAIN
SECONDED: HOLLAND
APPROVED: UNANIMOUS

Discussion and action regarding an Ordinance amending Chapter 157: Fences of the Code of Ordinances.

City attorney Andy Messer presented a draft ordinance amending Chapter 157: Fences. There was discussion regarding the draft. Costan participated in the discussion. Items discussed included electric fences in agricultural areas, parallel fences, mow strips, clarification of permitted materials, front yard height and openness requirements, provisions for estate lots and elimination of provisions pertaining to mow strips. No action was taken by the Council. The draft will be revised for future consideration.

Discussion and action regarding Board and Commission appointments.

Discussion was deferred to a future meeting.

Election of Mayor Pro Tem.

MOTION: ELECT HOLLAND TO THE OFFICE OF MAYOR PRO TEM FOR A ONE-YEAR TERM.

MOTION MADE: BERRY
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS

EXECUTIVE SESSION

The Mayor recessed the meeting to go into executive session as allowed by the Texas Open Meetings Act, Government Code: §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, §551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officers or employees, and §551.071: Consultation with city attorney regarding economic development laws, projects and incentives at 8:23 p.m. Liechty reconvened the meeting at 10:17 p.m. and stated that no action was taken in executive session.

Discussion and action regarding a resolution authorizing the Mayor to execute the First Amendment to Real Estate Sales Contract to extend the closing date of the purchase of approximately 8.558 acres of property located in the Edward Teal Survey, Abstract No. 207, City of Heath.

MOTION: APPROVE RESOLUTION 140624B AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO REAL ESTATE SALES CONTRACT TO EXTEND THE CLOSING DATE OF THE PURCHASE OF APPROXIMATELY 8.558 ACRES OF PROPERTY LOCATED IN THE EDWARD TEAL SURVEY, ABSTRACT NO. 207, CITY OF HEATH.

MOTION MADE: BERRY
SECONDED: HOLLAND
APPROVED: UNANIMOUS

Discussion and Action regarding the Preliminary Plat of the Ellis Addition consisting of 2 Lots on 13.101 Acres described as Tract 86-1 in the E. Teal Survey Abstract No. 0207 (7980 S. FM 549; RCAD ID #12751).

No action was taken by the Council.

Discussion and Action regarding the Final Plat of Ellis Addition consisting of 2 Lots on 13.101 Acres described as Tract 86-1 in the E. Teal Survey Abstract No. 0207 (7980 S. FM 549; RCAD ID #12751).

No action was taken by the Council.

Liechty adjourned the meeting at 10:18 p.m.

APPROVED:



LORNE O. LIECHTY
MAYOR

ATTEST:



STEPHANIE GALANIDES
CITY SECRETARY

