

**MINUTES
MAY 26, 2015
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
JOE CHAMBERLAIN
RICHARD KRAUSE
KEVIN LAMBERTH
ABSENT: BARRY BROOKS

Mayor Liechty called the meeting to order and delivered the invocation at 6:31 p.m. The Mayor issued the ceremonial Oath of Office to recently reelected Council Members Holland, Krause and Lamberth.

Department and Committee Reports.

The reports were included in the Council meeting packet.

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 Capital Improvements Projects Program.

Discussion and action regarding the Minutes of May 12, 2015.

MOTION: APPROVE THE MINUTES OF MAY 12, 2015.

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

Discussion and action regarding a Resolution approving a change in the rates of ATMOS Energy Corporation, MID-TEX Division ("ATMOS") as a result of a settlement between ATMOS and the ATMOS Texas Municipalities ("ATM") under the rate review mechanism.

Finance Director Laurie Mays stated that legal counsel for the Atmos Texas Municipalities negotiated and recommended approval of the proposed settlement agreement with Atmos Energy Corporation. Liz Beauchamp, Public Affairs Manager for Atmos answered questions regarding the settlement agreement.

MOTION: APPROVE RESOLUTION 150526 APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES ("ATM") UNDER THE RATE REVIEW MECHANISM.

MOTION MADE: BERRY
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Brooks)

PUBLIC HEARING to receive comments regarding the following proposed street names;

- a) Assigning the name "Ridge Road" to an un-named portion of newly constructed FM 740 located directly north of the intersection of FM 740, Heathland Crossing and Laurence Drive;
- b) Renaming of a section of "Ridge Road", located directly north of the intersection of FM 1140 and Ridge Road, to "Old Ridge Road";
- c) Renaming of a section of "Laurence Drive", located directly west of the intersection of FM 740, Heathland Crossing and Laurence Drive, to "Smirl Drive";
- d) Renaming of a section of "Jeff Boyd Circle", located southeast of Cobblestone Estates, to "Rabbit Ridge Road"; and

- e) **Renaming of a section of “Rabbit Ridge Road”, located adjacent to The Church of Jesus Christ of Latter Day Saints Addition, Cobblestone Estates, The Estates at Rabbit Ridge and the Ridge Lakes Addition to “Dennis Bailey Lane”.**

The Mayor opened the public hearing regarding 5 proposed street name assignments and changes at 6:47 p.m. Tammy Fieldsmith, 405 Rabbit Ridge Road and Trey Bennett, 301 Rabbit Ridge Road expressed opposition to the proposed renaming of the portion of Rabbit Ridge Road that runs from FM 549 to its intersection with Jeff Boyd Circle. Cecil and Cindy Williams, owners of Lot 4 of The Estates at Rabbit Ridge addition inquired as to the reason for the change. There being no others present to speak in support of or in opposition to the proposed street name assignments and changes, Liechty closed the public hearing at 6:49 p.m.

The Mayor explained that the City planned to improve Rabbit Ridge Road starting at its intersection with FM 550 and to extend it from its current intersection with Jeff Boyd Circle northeast to Horizon Road. Liechty stated that the portion of Rabbit Ridge Road from FM 549 to that intersection was being renamed in order to maximize efficient delivery of emergency and other services.

Discussion and action regarding assigning the name “Ridge Road” to an un-named portion of newly constructed FM 740 located directly north of the intersection of FM 740, Heathland Crossing and Laurence Drive.

MOTION: APPROVE ORDINANCE 150526A ASSIGNING THE NAME “RIDGE ROAD” TO AN UN-NAMED PORTION OF NEWLY CONSTRUCTED FM 740 LOCATED DIRECTLY NORTH OF THE INTERSECTION OF FM 740, HEATHLAND CROSSING AND LAURENCE DRIVE.

MOTION MADE: HOLLAND
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Brooks)

Discussion and action regarding renaming of a section of “Ridge Road”, located directly north of the intersection of FM 1140 and Ridge Road, to “Old Ridge Road”.

MOTION: APPROVE ORDINANCE 150526B RENAMING OF A SECTION OF “RIDGE ROAD”, LOCATED DIRECTLY NORTH OF THE INTERSECTION OF FM 1140 AND RIDGE ROAD, TO “OLD RIDGE ROAD”.

MOTION MADE: KRAUSE
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Brooks)

Discussion and action regarding renaming of a section of “Laurence Drive”, located directly west of the intersection of FM 740, Heathland Crossing and Laurence Drive, to “Smirl Drive”.

MOTION: APPROVE ORDINANCE 150526C RENAMING OF A SECTION OF “LAURENCE DRIVE”, LOCATED DIRECTLY WEST OF THE INTERSECTION OF FM 740, HEATHLAND CROSSING AND LAURENCE DRIVE, TO “SMIRL DRIVE”.

MOTION MADE: CHAMBERLAIN
SECONDED: HOLLAND
APPROVED: UNANIMOUS (Absent: Brooks)

Discussion and action regarding renaming of a section of “Jeff Boyd Circle”, located southeast of Cobblestone Estates, to “Rabbit Ridge Road”.

MOTION: APPROVE ORDINANCE 150526D RENAMING OF A SECTION OF “JEFF BOYD CIRCLE”, LOCATED SOUTHEAST OF COBBLESTONE ESTATES, TO “RABBIT RIDGE ROAD”.

MOTION MADE: BERRY
SECONDED: CHAMBERLAIN
APPROVED: UNANIMOUS (Absent: Brooks)

Discussion and action regarding renaming of a section of “Rabbit Ridge Road”, located adjacent to The Church of Jesus Christ of Latter Day Saints Addition, Cobblestone Estates, The Estates at Rabbit Ridge and the Ridge Lakes Addition to “Dennis Bailey Lane”.

MOTION: APPROVE ORDINANCE 150526E RENAMING OF A SECTION OF “RABBIT RIDGE ROAD”, LOCATED ADJACENT TO THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS ADDITION, COBBLESTONE ESTATES, THE ESTATES AT RABBIT RIDGE AND THE RIDGE LAKES ADDITION TO “DENNIS BAILEY LANE”.

MOTION MADE: HOLLAND

SECONDED: BERRY

APPROVED: UNANIMOUS

(Absent: Brooks)

(Holland was recused at 6:55 p.m.)

Discussion and action regarding a request to close the entry to Peninsula Court – Mr. and Mrs. Sami Ebrahim and Mr. Shawn Marion.

Mayor Liechty stated that discussion regarding the request to close the entry to Peninsula Court would be deferred to a future meeting. No action was taken by the Council.

Discussion and action regarding repeal of Ordinance No. 890316C and amending Chapter 110: SOLICITATION of the Code of Ordinances regulating solicitation and handbill distribution, establishing definitions, protecting child solicitors, establishing permit requirements, providing for denial, suspension and revocation of permits and appeals therefrom, regulating the use of right-of-way, providing defenses to violations, and providing a penalty not to exceed \$500.00 for the violation of the Ordinance.

Director of Public Safety Terry Garrett and Mack Reinwand, city attorney presented and answered questions regarding the proposed amendment to solicitation regulations.

MOTION: APPROVE ORDINANCE 150526F REPEALING ORDINANCE NO. 890316C AND AMENDING CHAPTER 110: SOLICITATION OF THE CODE OF ORDINANCES REGULATING SOLICITATION AND HANDBILL DISTRIBUTION, ESTABLISHING DEFINITIONS, PROTECTING CHILD SOLICITORS, ESTABLISHING PERMIT REQUIREMENTS, PROVIDING FOR DENIAL, SUSPENSION AND REVOCATION OF PERMITS AND APPEALS THEREFROM, REGULATING THE USE OF RIGHT-OF-WAY, PROVIDING DEFENSES TO VIOLATIONS, AND PROVIDING A PENALTY NOT TO EXCEED \$500 PROVIDED THAT THE PROPOSED ORDINANCE IS REVISED IN SUBSECTION 110.03(B)(4) A READ AS FOLLOWS:

“Organizations whose membership consists primarily of persons under 18 years of age, such as school organizations, youth sports organizations, Girl Scouts, Boy Scouts, and religious or charitable youth organizations.”

MOTION MADE: CHAMBERLAIN

SECONDED: KRAUSE

APPROVED: UNANIMOUS

(Absent: Brooks)

Discussion and action regarding an Ordinance amending Ordinance 140923D approving the Fee Schedule for Fiscal Year October 1, 2014 through September 30, 2015 pertaining to fees for solicitation permits.

MOTION: APPROVE ORDINANCE 150526G AMENDING ORDINANCE 140923D APPROVING THE FEE SCHEDULE FOR FISCAL YEAR OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 PERTAINING TO FEES FOR SOLICITATION PERMITS PROVIDED THAT THE FEE SCHEDULE EXHIBIT TO THE ORDINANCES IS REVISED TO DELETE THE NONCOMMERCIAL SOLICITATION PERMIT APPLICATION FEE.

MOTION MADE: HOLLAND

SECONDED: BERRY

APPROVED: UNANIMOUS

(Absent: Brooks)

Discussion and action regarding award of bid to HGYC, LLC for the exchange of 15.011, more or less, acres tract of land situated in the J. Canter Survey, Abstract No. 53 and the J. Canter Survey, Abstract No. 85 in Kaufman County and Rockwall County, Texas, and being the same tract conveyed by Special Warranty Deed with Restrictions and Right of Substitution from Travis Ranch Development, L.P. to City of Heath, Texas as recorded in Volume 2558, page 437, Deed Records, Kaufman County, Texas (D.R.K.C.T.); and authorizing the City Manager to negotiate and execute all necessary documents to convey said real property.

Staff and the city attorney presented and answered questions regarding the process for the exchange of land as specified in the Master Development Agreement with HGYC, LLC and Heath Golf and Yacht Club, Inc. and the Club Municipal Management District No. 1.

MOTION: AWARD OF BID TO HGYC, LLC FOR THE EXCHANGE OF 15.011, MORE OR LESS, ACRES TRACT OF LAND SITUATED IN THE J. CANTER SURVEY, ABSTRACT NO. 53 AND THE J. CANTER SURVEY, ABSTRACT NO. 85 IN KAUFMAN COUNTY AND ROCKWALL COUNTY, TEXAS, AND BEING THE SAME TRACT CONVEYED BY SPECIAL WARRANTY DEED WITH RESTRICTIONS AND RIGHT OF SUBSTITUTION FROM TRAVIS RANCH DEVELOPMENT, L.P. TO CITY OF HEATH, TEXAS AS RECORDED IN VOLUME 2558, PAGE 437, DEED RECORDS, KAUFMAN COUNTY, TEXAS (D.R.K.C.T.); AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS TO CONVEY SAID REAL PROPERTY.

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

EXECUTIVE SESSION

The Mayor recessed the meeting to go into Executive Session (Closed Meeting) in accordance with Government Code: §551.071(2): Consultation with City Attorney on matters 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, §551.072: Deliberations regarding Real Property - Value of Real Property and other Municipal Uses, §551.087: Deliberation regarding Economic Development Negotiations and §551.074: Personnel Matters at 7:41 p.m. The Mayor reconvened the meeting at 8:22 p.m. and stated that no action was taken in executive session.

Discussion and action regarding Board and Commission Appointments.

MOTION: MAKE BOARD AND COMMISSION APPOINTMENTS AS FOLLOWS:
1.) APPOINT DAVID WARREN TO THE PLANNING AND ZONING COMMISSION FOR AN UNEXPIRED TERM THAT EXPIRES JULY 31, 2017; AND
2.) APPOINT ERIC WYNN AS AN ALTERNATE TO THE BOARD OF ADJUSTMENT FOR AN UNEXPIRED TERM THAT EXPIRES JULY 31, 2016.

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

Discussion and action regarding the First Amendment to Lease Agreement pertaining to the Great Events, Inc. lease of 4.786 acres of Lot 1 in the City of Heath and Heath Municipal Benefits Corporation Addition in the E. Teal Survey Abstract No. 207.

MOTION: APPROVE THE FIRST AMENDMENT TO THE LEASE AGREEMENT PERTAINING TO THE GREAT EVENTS, INC. LEASE OF 4.786 ACRES OF LOT 1 IN THE CITY OF HEATH AND HEATH MUNICIPAL BENEFITS CORPORATION ADDITION IN THE E. TEAL SURVEY ABSTRACT NO. 207.

MOTION MADE: CHAMBERLAIN
SECONDED: HOLLAND
APPROVED: UNANIMOUS (Absent: Brooks)

Discussion and action regarding Ground Lessor's Estoppel Certificate and Amendment to Ground Lease pertaining to the Great Events, Inc. lease of 4.786 acres of Lot 1 in the City of Heath and Heath Municipal Benefits Corporation Addition in the E. Teal Survey Abstract No. 207.

MOTION: APPROVE THE GROUND LESSOR'S ESTOPPEL CERTIFICATE AND AMENDMENT TO GROUND LEASE PERTAINING TO THE GREAT EVENTURES, INC. LEASE OF 4.786 ACRES OF LOT 1 IN THE CITY OF HEATH AND HEATH MUNICIPAL BENEFITS CORPORATION ADDITION IN THE E. TEAL SURVEY ABSTRACT NO. 207.

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

Election of Mayor Pro Tem.

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

MOTION MADE: HOLLAND
SECONDED: LAMBERTH
APPROVED: UNANIMOUS (Absent: Brooks)

Liechty adjourned the meeting at 8:25 p.m.

APPROVED:

LORNE O. LIECHTY
MAYOR

ATTEST:

STEPHANIE GALANIDES
CITY SECRETARY

