

**MINUTES
HEATH CITY COUNCIL
WORK SESSION – 5:00 P.M.
REGULAR MEETING - PUBLIC HEARING – 6:30 P.M.
200 LAURENCE DRIVE - HEATH, TEXAS
TUESDAY, JANUARY 9, 2018**

ATTENDING: BRIAN BERRY, MAYOR
KELSON ELAM, MAYOR PRO TEM (*present at 5:13 p.m.*)
JOE CHAMBERLAIN
RICH KRAUSE
FRANK NEW
PAUL RUFFO (*Present at 5:37 p.m.*)
BRENT WEAVER

Mayor Brian Berry called the Work Session to order at 5:01 p.m.

Work Session to discuss the 2017 Comprehensive Plan for the City of Heath, Texas.

Mayor Berry stated that the work session is a continuation of the December 12th Work Session. Daniel Harrison and Erica Craycraft-Barlett from Freese and Nichols, Inc. Consultant Team were present to track live edits and recommendations to the plan by displaying them on the projector. Council began discussion with the section “Goals and Objectives”, starting with Goal 12 – Town Center. Additional areas addressed were the graphics on Land Use; Future Land Uses including Mixed Use and the Future Land Use Map. Mayor Berry recessed the Work Session at 6:28 p.m. and stated that a work session will be scheduled for a later date to resume discussions on the Comprehensive Plan. Future discussion will begin with Office and Retail definitions from a land use perspective.

Mayor Brian Berry called the Regular Meeting to order at 6:34 p.m., delivered the invocation and led the Pledge of Allegiance.

Discussion and Action Regarding the Minutes of December 12, 2017.

MOTION: APPROVE MINUTES OF DECEMBER 12, 2017 AS AMENDED.

MOTION MADE: KRAUSE

SECONDED: WEAVER

APPROVED: PASSED UNANIMOUSLY

3. Presentation and Discussion Regarding the City of Heath’s Parkland Dedication Ordinance.

Mayor Berry deferred this item to a future meeting for initial discussions to be held in executive session.

4. Presentation, Discussion and Action Regarding a prospective City of Heath Adopt-a-Trail or Park Volunteer Cleanup Program.

Suzanne Brooke, Director of Economic Development, reported that Boy Scout Troop 314 contacted city staff regarding a volunteer project for trail or park cleanup. This conversation occurred in the time period during which citizens expressed concern regarding the cleanliness of City trails – specifically the Highlands of Heath. Staff welcomed Boy Scout Troop 314’s efforts, which resulted in 18 bags of litter being removed from the Highlands of Heath trail on Saturday, October 21, 2017. These efforts spurred staff to research formal volunteer cleanup programs in other cities to organize a similar opportunity for

Heath. Simple guidelines, liability waiver forms, and signage recognizing any organization's ongoing adoption of a specific trail or park area were developed. Legal counsel for the City reviewed the forms and approved with a few modifications. Guidelines suggest that an organization commit to a quarterly cleanup project for a minimum of one year in order to receive signage recognition. The organization's adoption of a trail or park area could be promoted by "soft" copy on the City's website, social media and newsletter to avoid the cost of signs and sign "litter". The Park Board has already approved the program. Boy Scout Troop 314 is interested in adopting Hawk Drive/Chris Cuny Trail long-term, and other troops have expressed similar interests. Should signs be used to recognize the organization, the cost would be approximately \$250-\$300 per sign. The sign plate is 12" x 18" and would be mounted on a metal post no higher than is allowed by City ordinances based on the sign's placement. Councilman New thanked Brooke for her on presenting the program and recognized the importance of it. Council directed staff to review the sign component and to bring back a final resolution for review and action.

5. Discussion and Action Regarding a Resolution for Support for the Heritage Point at Heath Application for Financing, Authorizing the Mayor to certify this Resolution to the Texas Department of Housing and Community Affairs.

Director of Community Development Robert LaCroix introduced Peter Worthington – Site Acquisition, MWF Properties – who presented on the Tax Credit program and explained that the program is designed to make housing available for seniors with verifiable income at 30%-60% of Adjusted Median Income. MWFTX2, L.P. intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2018 Competitive 9% Housing Tax Credits for Heritage Point at Heath. Teresa Shell, CCIM, Principal with Betco Housing Lab, explained the screening process and stated that Betco is providing support to MWF to ensure effective and timely communication with TDHCA. Michael Clark, Principal, Alpha-Barnes, stated that Alpha Barnes manages Tax Credit projects in Texas by providing on-site Management/Staff, professional landscaping and maintenance, and resident screening. Heritage Point at Heath will be located at 5100 Horizon Road on 17.039 acres. It will be a Senior Housing facility for residents age 62 or older at 20% market rate. The facility will include a Clubhouse and Leasing Office, with double 2-story buildings with up to 136 units. The units will be a mixture of both one and two bedrooms. Clark provided photos as an example of similar facilities that are already in existence. Mayor Berry stated that this property is already zoned for townhome use and the request is for support for the financing of the project. Councilman Krause spoke in opposition to the project, stating that to approve the resolution would be to approve multi-family housing. Mayor Pro Tem Elam followed that the property is already zoned as such, so the project is the best way to serve the community.

MOTION: APPROVE RESOLUTION NO. 180109A SUPPORTING THE HERITAGE POINT AT HEATH APPLICATION FOR FINANCING AUTHORIZING THE MAYOR TO CERTIFY RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

MOTION MADE: CHAMBERLAIN
SECONDED: ELAM
APPROVED: PASSED FOUR TO THREE
FOR: BERRY, CHAMBERLAIN, ELAM, RUFFO
AGAINST: KRAUSE, NEW, WEAVER

6. Conduct a Public Hearing and Consider an Ordinance authorizing a Conditional Use Permit to construct an accessory building (garage/guest house) 6,375 sq. ft. in area, 20 ft. in height, and built of like materials and design as the residence on the 7.5 acre tract, situated in the E. Teal Survey, Abstract No. 207, Tract 86-2, City of Heath, Rockwall County, Texas, located at 8060 S. FM 549. Owners/Applicants: Steven L. and Carolyn Nabors. (Case No. CUP-2018-01) (THE P&Z COMMISSION TABELED THE REQUEST TO THE FEBRUARY 6TH, 2018 PLANNING & ZONING COMMISSION MEETING)

Mayor Berry stated that this request has been tabled to a later Council meeting and no action will be taken tonight.

7. Discussion and Action Regarding the Final Plat for Lots 14-22 of Block C, Lots 1-18 of Block D, and one outparcel lot, for Stoneleigh Phase 5B, being 26.179 acres situated in the Antonio Rodriguez Survey, Abstract No. 231, City of Heath, Rockwall County, Texas, located at the southeastern corner of McDonald Road and Rabbit Ridge Road. (Case No. FP-2018-01).

Director of Community Development, Robert LaCroix, stated that this the final phase of Stoneleigh Phase 5B for 27 single family detached lots on 26.179 acres. The Associated Development Agreement was approved by the City on September 18, 2012. The applicant chose to delete a 6.976 acre outparcel on this plat because the owner intends to sell this outparcel as a separate lot. Staff has recommended that this outparcel be included as a separate lot and block on the final plat since it is intended to be sold separately from the other lots. The Final Plat is in compliance with the requirements of the approved Development Agreement except for the following seven conditions: Thoroughfare Improvements: 1) Construction of part of McDonald Road located within Phase 5B and Outparcel 2 is required as a 37-foot wide back-of-curb to back-of-curb street on the alignment from Rabbit Ridge Road to the south property line of Outparcel 2 of the Property; provided that where McDonald Road extends beyond the south boundary of Phase 5B. Developer agrees to dedicate right-of-way along McDonald Road within Phase 5B and Outparcel 2 in support of a 100 foot right-of-way width of McDonald Road; provided that where Developer Property is not on both sides of McDonald Road and dedicating up to a maximum of fifty feet of McDonald Road right-of-way measured from the centerline of the proposed alignment consistent with the Development Plan. Developer shall construct a temporary intersection connection to the existing pavement of McDonald Road at Phase 5B to provide traffic access to the existing McDonald Road. The street rights-of-way described above were dedicated to the city by the final plat. Construction costs for a portion of Rabbit Ridge between FM-550 and McDonald Road were escrowed to the City. 2) Stafford Drive to be constructed as a 31-foot wide back-of-curb to back-of-curb street. 3) Four feet wide concrete sidewalks are required on all roadways at the time of development. Water and Sewer: 4) Construction of a 12-inch diameter water line along and within the north and west side of the Proposed Thoroughfare from the north side of Phase 5B to Phase 5A. 5) Construct sanitary sewer facilities as required to serve Phase 5B and Developer shall extend an 8-inch diameter sanitary sewer to the boundary with Outparcel 2 within a 15-foot wide easement to the boundary with Outparcel 2 at Stafford Drive. Park Dedication: 6) Construction of a proposed 10 foot wide, 5 inch thick concrete trail along the south side of McDonald Road from the Proposed Thoroughfare to the south property line of Developer's Property in Phase 5. Plat Map Modifications: 7) Outparcel 2 to be included as a separate lot and block on the plat since it is intended to be sold separately from the other lots. Applicant, Todd Winters was present to answer any questions and stated that the first phase of Stoneleigh was started in 1999 and this final phase is in agreement with the Concept Plan and Developer's Agreement.

MOTION: APPROVE FINAL PLAT FOR LOTS 14-22 OF BLOCK C, LOTS 1-18 OF BLOCK D, AND ONE OUTPARCEL LOT, FOR STONELEIGH PHASE 5B, 26.179 ACRES LOCATED AT THE SOUTHEASTERN CORNER OF MCDONALD ROAD AND RABBIT RIDGE ROAD.

MOTION MADE: CHAMBERLAIN
SECONDED: ELAM
APPROVED: PASSED FOUR TO THREE
FOR: BERRY, CHAMBERLAIN, ELAM, WEAVER
AGAINST: KRAUSE, NEW, RUFFO

(Councilman Joe Chamberlain recused himself from the regular meeting at 7:46 p.m.)

8. Discussion and Action Regarding the Final Plat of Le Ruisseau Addition, Phase One, consisting of 5 residential lots and being 18.245 acres of land situated in the J.O. Heath Survey, Abstract No. 116, City of Heath, Rockwall County Texas, located at the northeast corner of Terry Lane and Meadowview Road. Applicant: Todd Winters, with Engineering Concepts. (Case No. FP-2018-02)

Director of Community Development, Robert LaCroix, stated that this request is for the Final Plat of the first of three phases of development of five lots of the Le Ruisseau Addition. The Plat meets the requirements of the approved (SF-43) Single-Family Residential District for residential development and

the approved Preliminary Plat. The Preliminary Plat consists of 17 single family residential lots meeting the SF-43 minimum one (1) acre lot size requirement. The Plat indicates a 25' right-of-way dedication on Terry Lane, dedication of a 15' trail/utility easement on the north side of Terry Lane, and a dedication of 30' of street right-of-way along Meadowview Road. Two mutual driveways will split servicing four of the homes and the larger lot will have its own driveway. There are potential drainage improvements that are required for the property adjacent to Smirl Drive (FM 1140). The City Engineer has estimated the proportional cost of the required road improvements and the cost is included in the approved facilities agreement between the City and the developer specifying the responsibility for such improvements. Construction of a ten (10) foot trail adjacent to Terry Lane is required. The Development Agreement has been finalized. The applicant will bring the trail across the property and tie into Smirl and enable a crossing point to tie into the future trail on the east side of Smirl. This will be the first phase of the trail construction and easement and will be completed on these four lots before the start of the second phase. The applicant is extending sanitary sewer through the site in the creek area of the floodplain that traverses the property from Smirl (FM 740) to Meadowview. Water service is currently available to the property from Terry Lane. Applicant Todd Winters, Engineering Concepts was present to answer any questions.

MOTION: APPROVE FINAL PLAT OF LE RUISSEAU ADDITION, PHASE ONE, CONSISTING OF 5 RESIDENTIAL LOTS AND BEING 18.245 ACRES LOCATED AT THE NORTHEAST CORNER OF TERRY LANE AND MEADOWVIEW ROAD.

MOTION MADE: ELAM

SECONDED: NEW

Councilman Weaver stated that previously there was concern with the routing of the sewer line from the northern most property and tree preservation and asked if the sewer line route had been chosen.

APPROVED: PASSED UNANIMOUSLY OF THOSE PRESENT

ABSENT: CHAMBERLAIN

(Councilman Joe Chamberlain returned to the regular meeting at 7:51 p.m.)

9. Open Forum – Citizens' Comments.

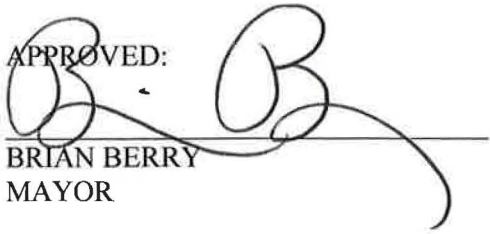
There was no one present to speak at the Citizens' Open Forum.

EXECUTIVE SESSION


At 7:52 p.m., Mayor Brian Berry recessed the meeting to go into Executive Session (closed meeting). In accordance with Texas Government Code Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following: a) §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 Open Meetings Act re: Attorney-Client Communications; Attorney Work Product on Attorney Invoices; Comprehensive Plan, development, and zoning. At 9:06 p.m., Mayor Brian Berry closed Executive Session and reconvened the meeting into open session, stating no action was taken in the Executive Session and no further actions were needed. Mayor Berry stated that the Rockwall Chamber of Commerce Annual Banquet will be held on January 23rd following the next scheduled council meeting; the meeting will start at 5:00pm to allow staff to attend the event.

Mayor Berry adjourned the meeting at 9:09 p.m.

APPROVED:


BRIAN BERRY
MAYOR

ATTEST:


NORMA DUNCAN
CITY SECRETARY

