



**NOTICE AND AGENDA OF REGULAR CALLED MEETING
HEATH CITY COUNCIL
200 LAURENCE DRIVE - HEATH, TX 75032
TUESDAY, AUGUST 23, 2022 at 6:30 PM**

1. Call to Order – Regular Meeting, Invocation and Pledge of Allegiance

2. Public Comment

This is an opportunity for the public to address the Council on any matter, except public hearings included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. To address the Council, please sign in prior to the start of the Council Meeting. Each speaker shall approach the podium and state his/her name and street address before speaking. Speakers shall address the governing body with civility that is conducive to appropriate public discussion. Speakers can address only the governing body and not individual city officials or employees. The public cannot speak from the gallery but only from the podium. The Council is not permitted to take action on or discuss any item not listed on the agenda. The Council may: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose the item be placed on a future agenda. (Tex. Govt Code §551.042).

3. Proclamations

- Tom Johnson
- David Lane

4. Consent Agenda

These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

4.a Action Regarding the Minutes of the August 9 Regular Meeting.

4.b Action Regarding an Ordinance Approving an Annual Update to the Service and Assessment Plan for the Haciendas Del Lago Public Improvement District; Providing a Severability Clause; Providing an Effective Date; and Ordaining Other Provisions Relating to the Subject. (*L.Mays*)

5. Items for Individual Consideration

5.a Case No. CUP-2022-02: Conduct a Public Hearing and act on an Ordinance for a Conditional Use Permit to construct a detached garage and exceed the maximum size for a single accessory structure by 300 square feet on a 1.5 acre lot in the (A) Agricultural District, being Lot 4 of Pecan Knoll Addition, City of Heath, Rockwall County, Texas and addressed as 1412 Hubbard Drive. A previous application for a Conditional Use Permit on this property was the subject of a public notice in April 2022 and withdrawn by the applicant on April 19, 2022. (Rockwall CAD ID No. 33909) (*A. Adel*)

5.b Case No. PP-2022-03: Consider and take action on the Preliminary Plat of Trahan Family Farm Addition consisting of 10.255 acres of land located in the City of Heath, Rockwall County, Texas, situated in the Edward Teal Survey Abstract 207, Tract 16, containing one (1) residential lot. (Rockwall CAD ID No. 12655). *(A. Adel)*

5.c Discussion and Action Regarding the Proposed Tax Rate. *(L. Mays)*

5.d Discussion And Action Regarding Resolution No. 220823A of The City Council of The City of Heath, Texas Finding that a Public Necessity Exists to Acquire Property in Fee Simple for Municipal Purposes to Install Public Utilities, Including But Not Limited to, a Pump Station, Ground Storage Tanks, Water Transmission Lines, Public Roadways, Drainage, Such Appurtenant Facilities as May Be Necessary, and Other Public Uses, Which Property is Generally Described as Being Located in The W.W. Ford Survey, Abstract No. 80, 4.644 Acres, Generally Located 4200 Feet Southeast of the Inter-Section Of Fm-549 and Jeff Boyd Road and Being More Particularly Described Herein; Providing Notice of an Official Determination to Acquire Real Property for Municipal Purposes to Install Public Utilities, Including But Not Limited To, a Pump Station, Ground Storage Tanks, Water Transmission Lines, Public Roadways, Drainage, Such Appurtenant Facilities as May Be Necessary, and Other Public Uses; Authorizing the City Manager to Obtain the Necessary Appraisal Report(S) and the Making of Bona Fide Offers of Just Compensation for the Property; Ratifying Prior Documents Made for Acquisition of the Property; Authorizing Legal Counsel to Institute Eminent Domain Proceedings on Behalf of The City for the Acquisition of The Property if Negotiations are Unsuccessful; Appropriating Funds From a Lawful Source; and Providing for an Effective Date.

6. Mayor, Council and City Manager Reports

Regarding Items Of Community Interest – Pursuant To Texas Government Code Section 551.0415 The Mayor, Council And City Manager May Report On The Following Items: (1) Expression Of Thanks, Congratulations Or Condolences; (2) Information Regarding Holiday Schedules; (3) Recognition Of Individuals; (4) Reminders About Upcoming City Council Events; (5) Information Regarding Community Events; (6) Announcements Involving Imminent Threat To Public Health And Safety.

7. Executive Session

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will recess in Executive Session (closed meeting) to discuss the following:

7.a Section 551.071: 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 this chapter, regarding: (i) dispute of MUD request involving the Trilogy development in McLendon-Chisholm city limits and extraterritorial jurisdiction, including McLendon-Chisholm land use and comprehensive plan; (ii) North Texas Municipal Water District easement and tree mitigation.

7.b. Section 551.071: Consultation with Attorney regarding pending or contemplated litigation or settlement offer re: (i) City of Heath vs McLendon-Chisholm regarding Trilogy development in McLendon-Chisholm city limits and extraterritorial jurisdiction, including McLendon-Chisholm land use and comprehensive plan; (ii) North Texas Municipal Water District vs. City of Heath, Cause No.1-22-0704, regarding tree preservation ordinance.

7.c Section 551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, regarding: (i) city manager evaluation.

8. Reconvene into Open Session

In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

9. Adjourn

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Agenda posted on August 18, 2022 at 5:00 p.m.



Norma Duncan, City Secretary