

**MINUTES
REGULAR COUNCIL MEETING
MARCH 11, 2014**

The City Council of the City of Midlothian convened in a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

Bill Houston	§	Mayor
Wayne Sibley	§	Councilmember Place 1
Mike Rodgers	§	Councilmember Place 2
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:02 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Sibley gave the invocation and led in the pledges.

2014-82 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Ellis County Skywarn – Storm Spotter training meeting, March 19th at 7pm at the Midlothian Conference Center

2014 Experience Midlothian Community Expo set for Saturday, March 22nd 9am-2pm at the Midlothian Conference Center

Registration is open for the April 12, 2014 Kids Fishing Derby – see website for details.

Citywide Spring Cleanup Event set for Saturday, April 12, 2014 at the Public Works Service Center. Voucher needed for Hazardous Household Waste. See website for details.

b. Proclamation recognizing March as Legacy DeMolay Month

Mayor pro tem Frizzell presented the proclamation to representatives of the Legacy Chapter of DeMolay.

c. Administrative announcements related to personnel

None received

2014-83 CITIZENS TO BE HEARD

None to be heard

CONSENT AGENDA

2014-84 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF FEBRUARY 24, FEBRUARY 25, FEBRUARY 28 AND MARCH 1, 2014

2014-85 CONSIDER AND ACT UPON CANCELLING THE MAY 10, 2014 CITY OF MIDLOTHIAN CITY COUNCIL ELECTION

2014-86 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE CITY OF MIDLOTHIAN KIDS FISHING DERBY, AN ANNUAL EVENT HOSTED BY PARK & RECREATION DEPARTMENT, AND SCHEDULED ON SATURDAY, APRIL 12, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP11-2013)

2014-87 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE CITY OF MIDLOTHIAN MOVIES IN THE PARK, AN EVENT HOSTED BY THE PARK & RECREATION DEPARTMENT, AND SCHEDULED ON SATURDAYS, MAY 10, JUNE 14, JULY 12, AND AUGUST 9, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP14-2013)

Item 2014-84 was removed from the Consent Agenda by Mayor Houston. Mayor pro tem Frizzell moved to approve the amended Consent Agenda as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-84 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF FEBRUARY 24, FEBRUARY 25, FEBRUARY 28 AND MARCH 1, 2014

Mayor Houston requested the following revisions be made to the March 1, 2014 minutes:

Remove Police Chief Smith as an attendee of the retreat/workshop meeting; and
Remove item stating “. . . discussion of roles of City Council and City Manager.”

Mayor pro tem Frizzell moved to approve Item 2014-84 as amended. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

Items 2014-94 and 2014-95 were taken out of order at the request of Mayor pro tem Frizzell.

2014-94 CONSIDER AND ACT UPON THE AN ORDINANCE REPEALING THE CURRENT UNIFORM HOUSING CODE AND ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO ENSURE THE SAFETY OF RESIDENTS AND CONSTITUTE MINIMUM STANDARDS FOR PREMISES AND STRUCTURES; TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE INsofar AS THEY ARE AFFECTED BY THE OCCUPANCY AND MAINTENANCE OF STRUCTURES AND PREMISES

2014-95 CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 3 BUILDING REGULATIONS BY ADDING PROVISIONS FOR THE MUNICIPAL COURT REGARDING SUBSTANDARD BUILDINGS; TO ESTABLISH HEARING PROCEDURES FOR THE REPAIR, REHABILITATION, VACATION, SECURING OR DEMOLITION AS RELATED TO SUBSTANDARD STRUCTURES

Mayor pro tem Frizzell moved to continue Items 2014-94 and 2014-95 to the April 8, 2014 City Council meeting, and to have the Items brought back to Council as Public Hearings to allow for more public input on the proposed ordinances. Motion was seconded by Councilmember Miller and carried unanimously (7-0). Randy Reed, 1390 Apple Lane and Bobby R. Parrott, 1310 Apple Lane registered with the City Secretary to address City Council and were invited to return on April 8 and address Council at that time.

PUBLIC HEARINGS

2014-88 CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND CONSIDER AND ACT UPON AN ORDINANCE AMENDING ARTICLE 15, IMPACT FEES, OF THE CITY OF MIDLOTHIAN, AS ESTABLISHED BY ORDINANCE NO. 99-12, AS AMENDED, SPECIFICALLY IMPACT FEE SCHEDULE 2, RESIDENTIAL ROADWAY FACILITIES, BY INCREASING THE IMPACT FEE ASSESSMENT AMOUNT FOR RESIDENTIAL ROADWAY IMPACT FEES FROM \$123.67 TO \$332.59 PER EQUIVALENT SERVICE UNIT (CASE NO. M06-2013-38)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item that was recommended for approval by the Planning & Zoning Commission, seated as the Capital Improvement Advisory Committee on February 18, 2014. After discussion by Council regarding how collected roadway impact fee monies are applied, the calculation structure of impact fees, and the calculation of the water/wastewater impact fees, Councilmember Henley moved to table Item 2014-88 to the April 22 City Council meeting and to adjust the assessment for impact fees from \$123.67 per equivalent service unit up to a potential maximum of 50% as mandated by state law. Motion was seconded by Councilmember Rodgers and carried by a vote of 5-2, with Mayor Houston and Councilmember Miller voting in opposition.

2014-89 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A VETERINARY CLINIC FOR DOMESTIC ANIMALS AT 4470 EAST HWY 287, SUITE 600. PROPERTY IS CURRENTLY ZONED COMMERCIAL (C) DISTRICT, AND IS LOCATED SOUTH OF HWY 287 AND 1,725 FEET SOUTHEAST OF BRYAN PLACE, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. SUP03-2013-36)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item for operation of a veterinary clinic. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember McClure and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2014-89 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

- 2014-90 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, SPECIFICALLY ORDINANCE NO. 2013-24, AS AMENDED, EXTENDING THE BOUNDARIES AND ADOPTED REGULATIONS OF PD-61, APPROVED UNDER ORDINANCE 2013-40 AND REZONE ±12.195 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO PD-61; SAID ± 12.195 ACRES BEING SITUATED IN THE W. W. RAWLS SURVEY, ABSTRACT NO. 915 AND LOCATED WEST OF FM 663 AND ± 2,200 FEET SOUTH OF HARVEST HILL, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z07-2013-35)**

Mayor Houston opened the Public Hearing and Kevin Lasher presented the request for the addition of 25 additional residential lots, bringing the total Autumn Run subdivision to 193 residential lots, and also provide the second point of access onto FM 663 as required by Ordinance 2013-40. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2014-90 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

- 2014-91 CONSIDER AND ACT UPON AN AGREEMENT WITH INSITUFORM TECHNOLOGIES, INC. OF CORINTH, TEXAS FOR THE 2014 MANHOLE REHABILITATION PROGRAM USING THE SPECTRASHIELD MULTI-LAYERED LINER SYSTEM, IN AN AMOUNT NOT TO EXCEED \$63,650**

Adam Mergener reported that the Item is being presented as part of the City's ongoing manhole rehabilitation program, with 23 manholes scheduled to be rehabbed. Councilmember Sibley moved to approve Item 2014-91 subject to legal review of the contract. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

- 2014-92 CONSIDER AND ACT UPON AN ORDINANCE AMENDING ORDINANCE 2013-34, SECTION 2 - LEVY OF FEES FOR GARBAGE/REFUSE AND RECYCLING COLLECTION SERVICE, BY INCREASING GARBAGE AND REFUSE COLLECTION SERVICE FEES FROM \$13.41 (INCLUSIVE OF TAX) TO \$13.52 (INCLUSIVE OF TAX) AND INCREASING RECYCLING COLLECTION SERVICE FEES FROM \$2.13 (INCLUSIVE OF TAX) TO \$2.14 (INCLUSIVE OF TAX); AMENDMENTS INCLUDE RATES INCREASES FOR COMMERCIAL HAND LOAD, FRONT LOAD AND ROLL-OFF SERVICES EQUATING TO AN OVERALL INCREASE OF 0.86%; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE**

Adam Mergener presented the Item requesting the increase which will increase the rate to residential customers by \$1.44 annually. Councilmember Sibley moved to approve Item 2014-92 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2014-93 CONSIDER AND ACT UPON A COMMUNICATIONS FACILITIES LICENSE AGREEMENT WITH DALLAS MTA, L.P. D/B/A VERIZON WIRELESS, FOR THE INSTALLATION OF ANTENNA FACILITIES AND EQUIPMENT COMPOUND AT THE CITY'S WATER TOWER, LOCATED AT 1510 S. 9TH STREET

Adam Mergener presented the five-year agreement with Verizon Wireless for installation of antenna facilities and equipment compound at the 9th Street water tower location. Verizon will also be constructing a masonry screening wall, landscaping and a 6' wrought iron fence with a commercial grade automatic gate operator. Councilmember McClure moved to approve Item 2014-93 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

2014-96 REVIEW, DISCUSS AND PRIORITIZE MAJOR ISSUE AREAS AS IDENTIFIED BY COUNCIL AT THE MARCH 1, 2014 COUNCIL RETREAT; PRIORITIZE WORK PROJECTS AS DESIRED; AND DIRECT STAFF AS NECESSARY.

It was the consensus of City Council to prioritize the top five issue areas from the list of 14 issues that were discussed at the recent City Council retreat.

2014-97 REVIEW AND DISCUSS ALTERNATIVE APPROACHES FOR TREE PRESERVATION AND DIRECT STAFF ACCORDINGLY

Councilmember Henley stated that he had asked the City Manager to place the Item on the agenda for discussion, due to an area in the City recently being clear-cut for the purpose of residential development. Councilmember Henley requested that Council consider directing staff to research our neighboring cities and propose a tree preservation ordinance. It was the consensus of Council to direct staff to propose options for a tree preservation ordinance.

Council moved to Executive Session at 7:40 p.m. for the purpose of discussing Item 1 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Henley, Miller; City Manager, Assistant City Manager, City Attorney and Larry Barnett of Midlothian Economic Development.

EXECUTIVE SESSION

- 1. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS**
- 2. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY**
- 3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING SUPREME COURT OF TEXAS CAUSE NO. 10-0150, ECOM REAL ESTATE MANAGEMENT, INC. V. CITY OF MIDLOTHIAN, TEXAS.**
- 4. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION**

Council reconvened in Regular Session at 9:00 p.m. with no action taken in Executive Session.

REGULAR AGENDA

**2014-98 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1:
ECONOMIC DEVELOPMENT**

No action taken following Executive Session.

**2014-99 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL
ESTATE**

No discussion; no action taken following Executive Session.

2014-100 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM


No discussion; no action taken following Executive Session.

**2014-101 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4:
CONTEMPLATED LITIGATION**

No discussion; no action taken following Executive Session.

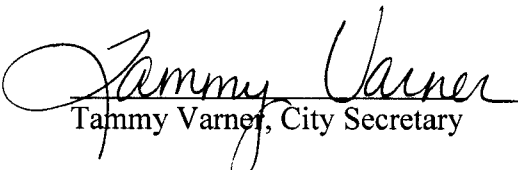
2014-102 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:00 p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary