

**MINUTES
REGULAR COUNCIL MEETING
MARCH 26, 2013**

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
Jason Kyle	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

WORK SESSION AGENDA

2013-96 REVIEW AND DISCUSS LARGE LOT INCENTIVES

Council and staff discussed ideas for increasing quality in smaller lot development and potential incentives to encourage large lot development

2013-97 REVIEW AND DISCUSS COMPREHENSIVE PLAN UPDATE PROCESS

Council and staff discussed procedures for updating the current Comprehensive Plan

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 Rodgers gave the invocation and led in the pledges.

2013-98 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

April 11 – Last day to register to vote in the May 11 City Council election

April 13 – City-wide Spring Clean Up Day; 8 a.m. to 12 p.m.

April 13 – Kids Fishing Derby

b. Administrative announcements related to personnel

City Manager expressed appreciation to City staff that assisted during the successful Chamber of Commerce Business Expo event

2013-99 CITIZENS TO BE HEARD

None were received.

2013-100 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2013-101 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MARCH 12, 2013

Councilmember Sibley moved to approve the March 12 minutes as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

PUBLIC HEARINGS

- 2013-102 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO REZONE ± 50.268 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) WITH MINIMUM LOT SIZES OF 7,500 AND 13,500 SQUARE FEET. PROPERTY IS IN THE A.W. TUCKER SURVEY, ABSTRACT NO. 1096 AND LOCATED WEST OF WALNUT GROVE AND ± 500 FEET SOUTH OF MOCKINGBIRD LANE, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z08-2012-39)**

Mayor Houston opened the Public Hearing and John Taylor presented the rezoning request for approximately 165 residential lots, with 84 lots to be developed in the first phase. Property developer, Charles Jowell, addressed Council regarding the specifics of the development build out, including areas to be set aside for parks and green space, sewer availability and fencing issues. Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0). Councilmember Henley moved to approve Item 2013-102, subject to one lot in said addition being allocated and set aside to provide parking along green space with a minimum of four parking spaces. Motion was seconded by Councilmember Miller and carried by a vote of 5-2, with Councilmembers Rodgers and Kyle voting in opposition.

- 2013-103 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO REZONE ± 1,167.375 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD) FOR RESIDENTIAL USES (*SINGLE-FAMILY, TOWNHOMES AND MULTI-FAMILY*) NON-RESIDENTIAL USES (*COMMERCIAL AND LIGHT INDUSTRIAL*) AND OPEN SPACES. PROPERTY ENCOMPASSES TWO (2) TRACTS: THE NORTH TRACT CONTAINS ± 966.36 ACRES AND GENERALLY LOCATED NORTH OF US HWY. 287 AND EAST OF WALNUT GROVE ROAD AND THE SOUTH TRACT CONTAINS ± 201.01 ACRES GENERALLY LOCATED SOUTH OF THE SOUTHERN PACIFIC RAILROAD AND EAST AND SOUTHEAST OF PLAINVIEW ROAD IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z05-2012-27)**

Mayor Houston opened the Public Hearing and John Taylor presented the multiple use rezoning request, noting that this is the largest rezoning request in the City's history. Matt Alexander and Bill Nabors, representing ECOM Properties, gave a presentation on the proposed development, which will include single-family, townhomes, and multi-family residential uses, commercial/community retail and light industrial uses. Blake Norwood, 850 S. Walnut Grove Road, addressed Council regarding his concerns about the development and its proximity to his property. Carolyn Haman, Irving, Texas, spoke regarding ownership of the lake located adjacent to subject property being proposed for development. Mayor pro tem Frizzell moved to continue the Public Hearing to the April 23, 2013 Council meeting. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

- 2013-104 CONSIDER AND ACT UPON THREE INTERLOCAL AGREEMENTS BETWEEN THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT AND THE CITY OF MIDLOTHIAN, TEXAS FOR THE ASSIGNMENT OF A CITY OF MIDLOTHIAN POLICE SERGEANT AND TWO POLICE OFFICERS TO MISD DURING THE 2013-14 SCHOOL YEAR**

Police Commander Don Cole presented the Item that will provide additional School Resource Officers to Midlothian ISD campuses for the remainder of this school year and the 2013-14 school year. Councilmember Kyle moved to approve Item 2013-104 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2013-105 CONSIDER AND ACT UPON AN ORDINANCE AUTHORIZING ISSUANCE AND SALE OF CITY OF MIDLOTHIAN, TEXAS TAX NOTES, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$950,000; APPROVING THE SALE OF THE NOTES; AND ORDAINING OTHER MATTERS RELATED THERETO, INCLUDING IMMEDIATE EFFECTIVENESS

Chris Dick presented the Item authorizing the Texas Tax Note, Series 2013 issuance and sale. Proceeds from the notes will be used to acquire and equip police vehicles, a 4G network, park improvements and equipment (including Mt. Peak Park access, Sports Park lighting and parking lot, skate park and Jaycee Park restroom), City Hall security and facility enhancements, CASA WX weather radar, firefighting equipment, and construction of a roadway to the Justice Center. Councilmember Sibley moved to approve Item 2013-105 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2013-106 CONSIDER AND ACT UPON THE APPOINTMENT OF CHRIS DICK AS ASSISTANT CITY MANAGER FOR THE CITY OF MIDLOTHIAN

Don Hastings presented the Item and reported that initially Mr. Dick's duties will include oversight of the Human Resources Department, Utility and Water Billing Department, Finance Department, the Midlothian Conference Center, continue as Chair of the Midlothian Development Authority, and serve as liaison to the Midlothian Community Development Corporation, Senior Citizens Center and MidWay Regional Airport, at an annual salary of \$124,500. Mayor Houston moved to approve Item 2013-106 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2013-107 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

Mayor Houston presented the Nomination Subcommittee recommendations as follows: Justin Reese to the Utility Advisory Board to fill the unexpired term of Steve Massey and Mary Chiles to the Parks Board to fill the unexpired term of Jon Conley. Mayor pro tem Frizzell moved to approve the nominations as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

With no updates to receive, Executive Session was not conducted.


EXECUTIVE SESSION	
1.	SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN
2.	SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
3.	SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY AND EASEMENTS
4.	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.
5.	SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION

REGULAR AGENDA

With no Executive Session conducted, no action was taken on any of the following Items.

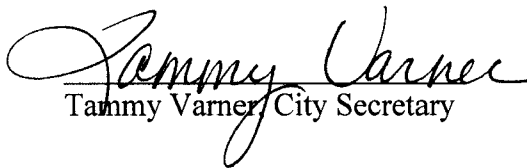
- 2013-108 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES**
- 2013-109 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT**
- 2013-110 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE**
- 2013-111 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: ECOM**
- 2013-112 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION**
- 2013-113 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:20 p.m.



Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary