

**MINUTES
REGULAR COUNCIL MEETING
OCTOBER 22, 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
Jimmie L. McClure	§	Councilmember Place 3
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: Joe Frizzell, due to illness

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.

2013-439 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

October 18-26	Celebrate My Drive
October 31	4 p.m. – 6 p.m. Downtown Trick-or-Treat
November 2	Movement Toward A Future 1K & 5K Color Fun Run at the MISD Stadium

b. Proclamation recognizing November as National Hospice Month

Mayor Houston presented the proclamation to local hospice representatives

c. Proclamation recognizing Red Ribbon Week

Mayor Houston presented the proclamation to student representatives from Walnut Grove Middle School

d. Introduction of 2013 Citizens Academy class

The 2013 Citizens Academy class was introduced and thanked for their participation

e. Administrative announcements related to personnel

None were received

2013-440 CITIZENS TO BE HEARD

None were received

CONSENT AGENDA

2013-441 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF OCTOBER 1 AND OCTOBER 8, 2013

2013-442 CONSIDER AND ACT UPON AN AMENDMENT TO ORDINANCE 2010-03, AMENDING THE CITY OF MIDLOTHIAN PARKS ADVISORY BOARD BYLAWS AND THE CITY OF MIDLOTHIAN CODE OF ORDINANCES, SECTION 1.08.032, MEMBERS (TO DECREASE MEMBERSHIP FROM NINE (9) TO SEVEN (7) MEMBERS); SECTION 1.08.033, TERMS OF OFFICE (TO DECREASE TERMS FROM THREE (3) YEARS TO TWO (2) YEARS AND PROVIDING FOR THE STAGGERING OF EXISTING TERMS TO ACCOMPLISH SUCH TERMS LENGTHS); AND SECTION 1.08.035, MEETINGS AND QUORUMS (TO DECREASE QUORUM REQUIREMENTS FROM FIVE (5) BOARD MEMBERS TO FOUR (4) BOARD MEMBERS), PROVIDING FOR THE AMENDMENT OF SUCH ORDINANCE; AND PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

PUBLIC HEARINGS

2013-443 CONTINUE A PUBLIC HEARING AND ACT UPON AN AMENDMENT TO THE ZONING ORDINANCE TO INCREASE STANDARDS FOR RESIDENTIAL DEVELOPMENT, SPECIFICALLY AMENDING SECTIONS 3.200 (SINGLE FAMILY ONE), 3.300 (SINGLE FAMILY TWO), 3.400 (SINGLE FAMILY THREE), 3.500 (SINGLE FAMILY FOUR), 3.5500 (RESIDENTIAL MASONRY, ARCHITECTURE, AND BUILDING STANDARDS), 3.5600 (RESIDENTIAL PARKING AND GARAGE STANDARDS) AND SECTION 100 (DEFINITIONS) (CASE NO. OZ05-2012-85)

Mayor Houston opened the Public Hearing and the Item was presented by Kevin Lasher, Planning Director. A brief overview of the proposed amendments was presented. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember McClure and carried unanimously (6-0). Councilmember Sibley moved to approve Item 2013-443 as presented. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2013-444 CONTINUE A PUBLIC HEARING AND ACT UPON AN ORDINANCE REGARDING AMENDMENTS TO THE CITY'S ADOPTED COMPREHENSIVE PLAN, ORDINANCE 2007-15, AS AMENDED, SPECIFICALLY AMENDING THE THOROUGHFARE PLAN MAP, INCLUDING BUT NOT LIMITED TO: ADDING A NEW THOROUGHFARE CLASSIFICATION; (1) THE REALIGNMENT AND RECLASSIFICATION OF SOUTH 14TH STREET FROM ASHFORD LANE TO FM 875; (2) THE DELETION OF SOUTH 14TH STREET SOUTH OF MCALPIN ROAD TO FM 875 AND THE ADDITION OF A NEW THOROUGHFARE FROM MCALPIN ROAD TO FM 875; (3) THE DELETION OF AN EAST-WEST ROAD CONNECTING S. 14TH STREET AND S. 9TH STREET; AND, (4) THE RECLASSIFICATION AND REALIGNMENT OF A PROPOSED EAST-WEST ROAD SOUTH OF FM1387 AND WEST OF WALNUT GROVE ROAD AND ANY OTHER REVISIONS OR DELETIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE (CASE NO. CP03-2012-101)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the proposed thoroughfare plan amendments. With no public input received, Councilmember Sibley moved to close the public hearing. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0). Councilmember Rodgers moved to approve Item 2013-444 as presented. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

REGULAR AGENDA

2013-445 CONSIDER AND ACT UPON APPROVAL OF A COMMERCIAL UNIMPROVED PROPERTY EARNEST MONEY CONTRACT BETWEEN MIDLOTHIAN ECONOMIC DEVELOPMENT AS BUYER TO PURCHASE LAND, DESCRIBED AS APPROXIMATELY 212 GROSS ACRES WITH APPROXIMATELY 160 NET ACRES LOCATED ON U. S. HIGHWAY 67 AT THE NORTHWEST CORNER OF MILLER ROAD, FROM ELLIS 1270, LLC, A TEXAS LIMITED LIABILITY COMPANY, AS SELLER FOR THE PURPOSE OF DEVELOPING AN INDUSTRIAL PARK, IN THE AMOUNT OF \$2,060,000

Midlothian Economic Development president, Larry Barnett, presented the Item reporting that the purpose of the land purchase is for the development of a new industrial park. After discussion by the Council, Councilmember Sibley moved to approve Item 2013-445 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2013-446 CONSIDER AND ACT UPON A RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2014-2015

Mayor Houston moved to cast the City of Midlothian's allotted 284 votes for Phillip Lynch. Motion was seconded by Councilmember McClure and carried unanimously 6-0).

With there being no reports to receive, Executive Session was cancelled.

EXECUTIVE SESSION

1. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
2. SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY AND EASEMENTS
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

REGULAR AGENDA

2013-447 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

Executive Session was not conducted.

2013-448 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

Executive Session was not conducted.

2013-449 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

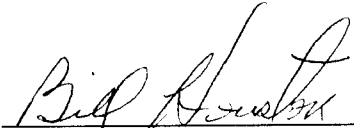
Executive Session was not conducted.

2013-450 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

Executive Session was not conducted.

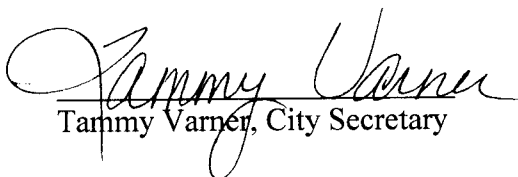
2013-451 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 6:58p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary