

**MINUTES  
REGULAR COUNCIL MEETING  
NOVEMBER 12, 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
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 6:00 p.m. with notice of the meeting duly posted and a quorum present. Mayor pro tem Frizzell gave the invocation and led in the pledges.

**2013-457 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

December 7<sup>th</sup> Southern Star Christmas Celebration at Heritage Park

December 7<sup>th</sup> & 14<sup>th</sup> MidTowne Christmas Home Tour benefitting Mission Midlothian

**b. Salvation Army Red Kettle campaign kick-off**

Salvation Army representatives announced a 2013 holiday season goal for Ellis County of \$125,000

**c. Administrative announcements related to personnel**

None were received.

**2013-458 CITIZENS TO BE HEARD**

None to be heard.

**CONSENT AGENDA**

**2013-459 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF OCTOBER 22, 2013**

**2013-460 CONSIDER AND ACT UPON CANCELLING THE NOVEMBER 26, 2013 AND DECEMBER 24, 2013 REGULAR CITY COUNCIL MEETINGS**

**2013-461 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE ELLIS COUNTY TOY RUN (MOTORCYCLE PARADE). THE EVENT WILL BE HOSTED BY THE GRYPHON MOTORCYCLE CLUB OF ELLIS COUNTY ON SUNDAY, DECEMBER 8TH, 2013, IN ACCORDANCE WITH ZONING REQUIREMENTS FOR SPECIAL EVENTS AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, SECTION 2.04 (USE TABLE) (CASE NO. SEP05-2013)**

**2013-462 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE SOUTHERN STAR CHRISTMAS CELEBRATION AND PARADE HOSTED BY THE MIDLOTHIAN DOWNTOWN BUSINESS ASSOCIATION, MIDLOTHIAN ROTARY CLUB AND THE CITY OF MIDLOTHIAN ON SATURDAY, DECEMBER 7, 2013 (IF CANCELLED DUE TO INCLEMENT WEATHER, THE EVENT WILL BE RESCHEDULED TO THE FOLLOWING SATURDAY, DECEMBER 14, 2013), IN ACCORDANCE WITH ZONING REQUIREMENTS FOR SPECIAL EVENTS AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, SECTION 2.04 (USE TABLE) (CASE NO. SEP05-2013)**

- 2013-463** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE USE OF A TEMPORARY CONCRETE BATCH PLANT LOCATED SOUTH OF THE CURRENT FM 1387 AND ON THE CONSTRUCTION SITE OF THE NEW MIDLOTHIAN HERITAGE HIGH SCHOOL FOR THE PURPOSE OF THE REROUTING RECONSTRUCTION OF FM 1387 AND PROVIDING FOR PROCEDURES ESTABLISHED BY THE TEXAS LOCAL GOVERNMENT CODE AND CITY ORDINANCE; PROVIDING FOR CONDITIONS AND EXEMPTIONS; AND SETTING AN EFFECTIVE DATE AND TERMINATION DATE (CASE NO. RES02-2013-15)
- 2013-464** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE USE OF A TEMPORARY CONCRETE BATCH PLANT IN KENSINGTON PARK NORTH, PHASE ONE, FOR THE PURPOSE OF DEVELOPING A NEW SUBDIVISION OF SINGLE-FAMILY HOMES, INCLUDING STREETS, WITHIN A RESIDENTIAL DISTRICT AND PROVIDING FOR PROCEDURES ESTABLISHED BY THE TEXAS LOCAL GOVERNMENT CODE AND CITY ORDINANCE; PROVIDING FOR CONDITIONS AND EXEMPTIONS; AND SETTING AN EFFECTIVE DATE AND TERMINATION DATE (CASE NO. RES01-2013-01)
- 2013-465** CONSIDER AND TAKE ACTION TO APPROVE AN INTERLOCAL ASSISTANCE AGREEMENT FOR FIRE AND EXPLOSION INVESTIGATIONS WITH THE TARRANT COUNTY ARSON TASK FORCE
- 2013-466** CONSIDER AND TAKE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (COG) TO PARTICIPATE IN A TEXAS DIVISION OF EMERGENCY MANAGEMENT GRANT PROJECT TO DEVELOP A HAZARD MITIGATION ACTION PLAN FOR SIX (6) COUNTIES, INCLUDING ELLIS COUNTY AND THE CITIES THEREIN

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

#### **PUBLIC HEARINGS**

- 2013-467** CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO REZONE ± 154 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT AND SINGLE FAMILY ONE (SF-1) TO A PLANNED DEVELOPMENT DISTRICT (PD) FOR MIXED USE OF RESIDENTIAL (LOT SIZES RANGING FROM 6,000 TO 9,000 + SQUARE FEET) AND OPPORTUNITY SITES CONSISTING OF COMMUNITY RETAIL, GENERAL PROFESSIONAL, MEDICAL, INSTITUTIONAL AND COMMERCIAL USES. PROPERTY IS GENERALLY LOCATED SOUTH OF MT ZION ROAD AND EAST OF FM 663, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z14-2012-94)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item that was recommended for denial by the Planning and Zoning Commission at its October 15, 2013 meeting. Mr. Lasher noted that staff also recommends denial due to the high density of the proposed development. With no public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember McClure and carried unanimously (7-0). Councilmember McClure moved to deny Item 2013-467 as presented without prejudice. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

**2013-468 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO AMEND SECTION 4.5800 (NON-RESIDENTIAL SIGNAGE REGULATIONS) OF THE CITY'S ZONING ORDINANCE, SPECIFICALLY AMENDING ELECTRONIC MESSAGE SIGNS, INCORPORATING CHANGES TO VARIOUS ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. OZ01-2013-01)**

Mayor Houston opened the Public Hearing and Kevin Lasher reported that the amendment would reduce the amount of time between electronic messages from 20 seconds to six seconds. With no public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2013-468 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

**REGULAR AGENDA**

**2013-469 CONSIDER AND ACT UPON A THIRTY-SIX (36) MONTH FAIR MARKET VALUE LEASE WITH DELL COMPUTERS FOR 13 LAPTOPS AND 47 DESKTOPS. THE LEASE IS PART OF THE CITY'S COMPUTER REPLACEMENT PROGRAM AS APPROVED IN THE CAPITAL EQUIPMENT PROGRAM AND THE FY 2013-2014 BUDGET**

Mike Weiss presented the computer lease request that has been renewed annually since 2001. Mayor Houston moved to approve Item 2013-469 as presented. Motion was seconded by Councilmember McClure and carried unanimously (7-0).

**2013-470 CONSIDER AND ACT UPON A REQUEST FROM LEON THOMPSON TO WAIVE THE INTEREST ACCRUED ON AN EXISTING PRIVILEGED LIEN (UNDER ORDINANCE 86-33, AS AMENDED)) FOR PROPERTY DESCRIBED AS LOT 12 OF BLOCK 1, BRYANT'S ADDITION AS RECORDED IN VOLUME 520, PAGE 257, DEED RECORDS OF ELLIS COUNTY, TEXAS, IN AN AMOUNT NOT TO EXCEED \$2,997.69 (RES03-2013-16)**

Kevin Lasher reported that the subject property is valued at approximately \$6,250 and is a distressed property currently in the midst of foreclosure proceedings. It was noted that if Council approved the waiver request it would apply to any winning bidder of the subject property, not just the requestor. Councilmember Miller moved to approve Item 2013-470 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

**2013-471 CONSIDER AND ACT UPON TO APPROVE AN AMENDMENT TO THE CURRENT AGREEMENT BETWEEN THE CITY AND INTERMEDIX TECHNOLOGIES, INC., FOR RESCUE AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES THAT WILL EFFECT A REDUCTION IN OUR FEE**

David Schrodt presented the Item which will result in approximately \$52,000 annually in additional revenue for the City. Councilmember Sibley moved to approve Item 2013-471 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

**2013-472 CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS THAT REPEALS ORDINANCE NO. 2004-19 IN ITS ENTIRETY AND ESTABLISHES STANDARD CONSTRUCTION DETAILS FOR THE CITY OF MIDLOTHIAN, INCLUDING AMENDMENTS, ADDITIONS AND CHANGES TO SAID DETAILS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A PENALTY THAT ANY VIOLATION OF THE TERMS OF THIS ORDINANCE IS DECLARED TO BE A MISDEMEANOR, AND ANY PERSON FOUND TO BE GUILTY THEREOF SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00); EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE**

Mike Adams presented the Item which will have an effective date of January 1, 2014. Councilmember Sibley moved to approve Item 2013-472 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

*With there being no business to discuss, 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**

**2013-473 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT**

Executive Session was not conducted.

**2013-474 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE**

Executive Session was not conducted.

**2013-475 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM**

Executive Session was not conducted.

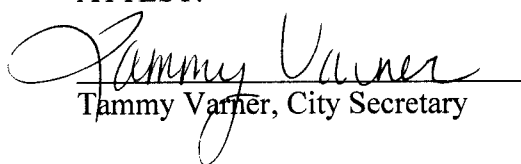
**2013-476 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION**

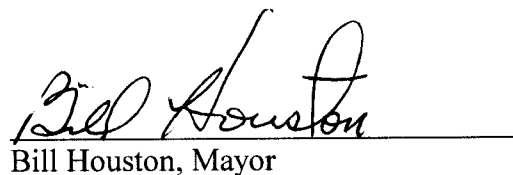
Executive Session was not conducted.

**2013-477 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 6:24 p.m.

ATTEST:

  
Tammy Varner, City Secretary

  
Bill Houston, Mayor