

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 14, 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
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
Ted Miller	§	Councilmember Place 6

Absent: Councilmembers Rodgers and Henley due to employment conflicts

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.

2014-01 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

January 16th – 7:00 p.m. Public Meeting to comment on the Ellis County Multijurisdictional Hazard Mitigation Action Plan, Waxahachie City Hall

b. Proclamation recognizing January as National Mentoring Month

Mayor Houston presented the proclamation to local Big Brothers and Big Sisters representatives Marni White and Duke Burge.

c. Presentation on Storm Water Management Program by Consultants Teague, Nall & Perkins

Representatives of Teague, Nall & Perkins gave a brief storm water management presentation

d. Administrative announcements related to personnel

Don Hastings expressed appreciation to Parks Department staff for a successful Volunteer Appreciation Dinner held on January 13 at the Midlothian Conference Center.

2014-02 CITIZENS TO BE HEARD

None to be heard.

CONSENT AGENDA

2014-03 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF DECEMBER 10, 2013

2014-04 CONSIDER AND ACT UPON A LEASE AGREEMENT WITH MIDLOTHIAN CIVIC CENTER, INC. FOR THE USE OF A TRACT OF LAND LOCATED IN THE WILLIAM HAWKINS SURVEY, ABSTRACT NO. 465, CONTAINING 3.74 ACRES, FOR CIVIC, PHILANTHROPIC AND RECREATIONAL USES ONLY, FOR AN ANNUAL SUM NOT TO EXCEED \$8,400.00

2014-05 CONSIDER AND ACT UPON APPROVING AND SIGNING A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF FARMERS BRANCH, TEXAS

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (5-0).

PUBLIC HEARINGS

- 2014-06 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE REQUEST TO REZONE ± 175 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD) FOR RESIDENTIAL USES (*SINGLE-FAMILY WITH BUILDING LOTS RANGING FROM 9,000 SF TO 20,000 + SF*) AND OPEN SPACES. PROPERTY IS GENERALLY LOCATED SOUTH OF MCALPIN AND ± 2,500 FEET EAST OF FM 663, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z05-2013-22)**

Mayor Houston opened the Public Hearing and Kevin Lasher provided a brief overview of the proposed development. The applicant recently met with staff regarding various items of concern and has agreed to continue the case until the January 28 Council meeting. Caleb Tandy, 460 McAlpin Road, spoke in opposition to the proposed development. Mayor pro tem Frizzell moved to continue Item 2014-06 to the January 28, 2014 Council meeting. Motion was seconded by Councilmember Sibley and carried unanimously (5-0).

- 2014-07 CONDUCT A PUBLIC HEARING OF CASE NO. AX01-2013-18, THE FIRST OF TWO PUBLIC HEARINGS FOR A PROPOSED ANNEXATION AND SERVICE PLAN FOR THE PROVISION OF PUBLIC SERVICES OF APPROXIMATELY ± 137.85 ACRES OF LAND DESCRIBED AS OAK HOLLOW ESTATES OUT OF THE J. L. BLANTON SURVEY, ABSTRACT NO. 1284 AND LOCATED AT THE SOUTHEAST CORNER OF FM 1387 AND WALNUT GROVE ROAD, LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT CITY LIMIT BOUNDARY LINES. THE PROPOSED ANNEXATION AND SERVICE PLAN BEING FULLY DESCRIBED IN ATTACHMENTS 1, 2 AND 5 ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES OF THE ANNEXATION PROCEDURES, IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE**

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. Jack Freeman, 220 S. Walnut Grove Road, addressed Council regarding various concerns but was neither in support or opposition to the proposed annexation. Ray Jorgensen, 230 S. Walnut Grove Road, spoke in opposition to the annexation and Wanda Wilkerson, 280 S. Walnut Grove Road, spoke in support of the annexation. Councilmember Miller moved to close the Public Hearing. Motion was seconded by Councilmember McClure and carried unanimously (5-0).

2014-08 CONDUCT A PUBLIC HEARING OF CASE NO. AX02-2013-23, THE FIRST OF TWO PUBLIC HEARINGS FOR A PROPOSED ANNEXATION AND SERVICE PLAN FOR THE PROVISION OF PUBLIC SERVICES OF APPROXIMATELY ± 610 ACRES OF LAND OUT OF THE J.P. PEAK SURVEY, ABSTRACT NO. 881, THE J. POINDEXTER SURVEY, ABSTRACT NO. 882, THE S. SMITH SURVEY, ABSTRACT NO. 973, THE J.B. ORR SURVEY, ABSTRACT NO. 818, THE E. SULLIVAN SURVEY, ABSTRACT NO. 1012, THE A.J. CORNELIUS SURVEY, ABSTRACT NO. 1285, THE N.N.J.J. & B.L. EDWARDS SURVEY, ABSTRACT NO. 339, THE E.A. BRALY SURVEY, ABSTRACT NO. 184, AND THE M.H. DAVIS SURVEY, ABSTRACT NO. 278 AND LOCATED BETWEEN MCALPIN ROAD AND NORTH OF FM 875, LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT CITY LIMIT BOUNDARY LINES. THE PROPOSED ANNEXATION AND SERVICE PLAN BEING FULLY DESCRIBED IN ATTACHMENTS 1 & 3 ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES OF THE ANNEXATION PROCEDURES, IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. Grant Ward, 1895 E. FM 875 and Garry McMellon, 1605 E. FM 875, spoke in opposition to the proposed annexation. Nicholas and Anna Shaw, registered as non-speakers in opposition to the proposed annexation. Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (5-0).

2014-09 CONDUCT A PUBLIC HEARING OF CASE NO. AX03-2013-24, THE FIRST OF TWO PUBLIC HEARINGS FOR A PROPOSED ANNEXATION AND SERVICE PLAN FOR THE PROVISION OF PUBLIC SERVICES OF APPROXIMATELY ± 824 ACRES OF LAND OUT OF THE R. BERRY SURVEY, ABSTRACT NO. 42, THE M.E.P. & P.R.R. CO SURVEY, ABSTRACT NO. 760, THE B. CANFIELD SURVEY, ABSTRACT NO. 196, AND THE A. J. RUGELY SURVEY, ABSTRACT NO. 924 AND BEING GENERALLY LOCATED IN THE AREA SOUTHWEST OF VV JONES ROAD AND FORBES ROAD, LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT CITY LIMIT BOUNDARY LINES. THE PROPOSED ANNEXATION AND SERVICE PLAN BEING FULLY DESCRIBED IN ATTACHMENTS 1 & 3 ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES OF THE ANNEXATION PROCEDURES, IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. Ronni Bishop, 6321 Forbes Road, addressed Council in opposition to the proposed annexation. Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Miller and carried unanimously (5-0).

REGULAR AGENDA

2014-10 CONSIDER AND ACT UPON APPROVAL OF A RESOLUTION AUTHORIZING THE ADOPT-A-PARK PROGRAM. THE PROGRAM WILL BE OPERATED BY KEEP MIDLOTHIAN BEAUTIFUL AND THE MIDLOTHIAN CHAMBER OF COMMERCE (CASE NO. MO3-2013-19)

Kevin Lasher presented the Item intended to assist with and encourage litter control within the City's parks. The Parks Advisory Board recommended approval at its October 14, 2013 meeting. Mayor pro tem Frizzell moved to approve Item 2014-10 as presented. Motion was seconded by Councilmember Miller and carried unanimously (5-0).

Council moved to Executive Session at 7:25 p.m. for the purpose of discussing Items 1 and 5 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, McClure, Miller; City Manager, City Attorney, City Secretary and Larry Barnett.

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
5. SECTION 551.074 PERSONNEL MATTERS: (A)(1) CITY SECRETARY ANNUAL PERFORMANCE EVALUATION

Council reconvened in Regular Session at 8:08 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2014-11 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

Larry Barnett was present during discussion; no action taken following Executive Session.

2014-12 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

The Item was not discussed during Executive Session.

2014-13 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

The Item was not discussed during Executive Session.

2014-14 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

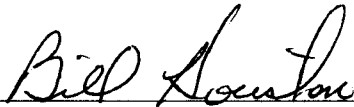
The Item was not discussed during Executive Session.

2014-15 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CITY SECRETARY EVALUATION

The City Secretary was present during discussion; no action taken following Executive Session.


2014-16 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:08p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary