

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 28, 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 6:00 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.

2014-17 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

February 22nd - 10am Winter Walk at Mockingbird Nature Park

February 4th - deadline to register to vote in the March 4, 2014 Democratic & Republican Primary Election

b. Presentation of plaque from Gryphon Motorcycle Club to City of Midlothian

Gryphon Motorcycle Club representative Doug Clark presented a plaque and expressed appreciation for City's assistance with annual Toy Run event

c. Receive Quarterly Investment Report from Patterson & Associates

Linda Patterson of Patterson & Associates presented the quarterly investment report

d. Administrative announcements related to personnel

None were received

2014-18 CITIZENS TO BE HEARD

None were heard

CONSENT AGENDA

2014-19 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 14, 2014

2014-20 CONSIDER AND ACT UPON A RESOLUTION PROVIDING FOR AN ELECTION TO BE HELD TO ELECT THE MAYOR AND TWO COUNCILMEMBERS IN THE CITY OF MIDLOTHIAN; DEFINING THE TERM OF OFFICE; DESIGNATING THE POLLING LOCATION; DESIGNATING THE ELECTION JUDGE AND PROVIDING FOR CLERICAL PERSONNEL; DESIGNATING THE TIME AND PLACE; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR THE FILING OF APPLICATIONS FOR THE OFFICIAL BALLOTS FOR SAID ELECTION

2014-21 CONSIDER AND ACT UPON A JOINT ELECTION AGREEMENT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

- 2014-22 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE ROWDY RUN 5K FUN RUN/WALK HOSTED BY THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT ELEMENTARY RUNNING CLUB SCHEDULED FOR SATURDAY, MARCH 29, 2014, 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. SEP07-2013)**
- 2014-23 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MOCKINGBIRD PARK WINTER WALK, AN EVENT HOSTED BY PARK & RECREATION DEPARTMENT, SCHEDULED FOR SATURDAY, FEBRUARY 22, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (CASE NO. SEP08-2013)**

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

PUBLIC HEARINGS

- 2014-24 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 requested that the case be continued to the February 11 Council meeting. Mayor pro tem Frizzell moved to continue Item 2014-24 to February 11, 2014. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

- 2014-25 CONDUCT A PUBLIC HEARING OF CASE NO. AX01-2013-18, THE SECOND 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 AND 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. With no public input received, Councilmember Sibley moved to close the Public Hearing and schedule a special-called meeting for February 18 to vote on the Item. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

2014-26 CONDUCT A PUBLIC HEARING OF CASE NO. AX02-2013-23, THE SECOND 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 FM 875, Nicholas Shaw, 2031 E. FM 875 and Shirley Abderrazzaq, 2851 McAlpin, all spoke in opposition to the proposed annexation. Garry McMillen registered as a non-speaker in opposition to the proposed annexation. Councilmember Sibley moved to close the Public Hearing and schedule a special-called meeting for February 18 to vote on the Item. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

2014-27 CONDUCT A PUBLIC HEARING OF CASE NO. AX03-2013-24, THE SECOND 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. Edward Beilfuss, 6321 Forbes Road, spoke in opposition to the proposed annexation. Mayor pro tem Frizzell moved to close the Public Hearing and schedule a special-called meeting for February 18 to vote on the Item. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

2014-28 CONSIDER AND ACT UPON APPROVING AN ADDENDUM TO TAX ABATEMENT AGREEMENT WITH BUCKLEY PROPERTY COMPANY FOR PROPERTY LOCATED IN THE TEXAS RAILPORT COMMERCIAL-INDUSTRIAL TAX ABATEMENT REINVESTMENT ZONE NO. 6. AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AS APPROVED

Don Hastings presented the Item on behalf of Midlothian Economic Development, noting that the Council had previously approved an eight-year abatement schedule for Buckley Property Company on July 9, 2013. However, Buckley Oil Company, an affiliate of Buckley Property Company owns most of the eligible personal property and this amendment is being presented to clarify that Buckley Oil Company may fulfill the covenants as set out in the original agreement between the City and Buckley Property Company. Councilmember Sibley moved to approve Item 2014-28 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2014-29 CONSIDER AND ACT UPON AN INTERLOCAL AGREEMENT BETWEEN THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT AND THE CITY OF MIDLOTHIAN, TEXAS FOR THE ASSIGNMENT OF A FOURTH CITY OF MIDLOTHIAN POLICE OFFICER TO MISD FOR THE REMAINDER OF THE CURRENT 2013-2014 SCHOOL YEAR

Carl Smith presented the Item. Mayor pro tem Frizzell moved to approve Item 2014-29 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-30 CONSIDER AND ACT UPON APPROVING THE EXPENDITURE OF FUNDS FOR PAVEMENT RESURFACING SERVICES WITH APAC-TEXAS, INC. THROUGH THE UTILIZATION OF AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH DALLAS COUNTY FOR AREAS IN AND AROUND THE HIDDEN CREEK AND COUNTRY EAST DEVELOPMENTS IN AN AMOUNT NOT TO EXCEED \$600,000

Adam Mergener presented the request for pavement resurfacing services in the specified areas utilizing an interlocal agreement with Dallas County. Councilmember McClure moved to approve Item 2014-30 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-31 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

Mayor Houston presented the following board appointments as recommended by the Nomination Subcommittee:

Midlothian Development Authority: reappoint incumbents Chris Dick, Tom Sawyer and Steve Massey; **Midlothian Community Development Corporation**: reappoint incumbents Tami Tobey and Randy Osburn and appoint new members Freda Hardaway and Alyn Nix; **A. H. Meadows Library Board**: Lou Jameson; **Historic Advisory Board**: reappoint incumbents Judy Howard, Karen Esberger, John Holveck, Christina Chambers, Terry Schick and Melissa Pegram; **Parks Board**: reappoint incumbent Daniel Tompkins and appoint new member Pam Shelley; Mayor pro tem Frizzell moved to approve and appoint the nominees as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

Council moved to Executive Session at 7:16 p.m. for the purpose of discussing Item 5 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Henley, Miller; and City Manager.

EXECUTIVE SESSION

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

Council reconvened in Regular Session at 9:37 p.m. with no action taken in Executive Session.

REGULAR AGENDA

**2014-32 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1:
ECONOMIC DEVELOPMENT**

No discussion; no action taken following Executive Session

**2014-33 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL
ESTATE**

No discussion; no action taken following Executive Session

2014-34 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

No discussion; no action taken following Executive Session

**2014-35 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4:
CONTEMPLATED LITIGATION**

No discussion; no action taken following Executive Session


**2014-36 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CITY
MANAGER EVALUATION**

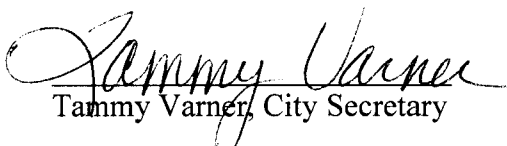
Following Executive Session, there was Council consensus to increase the City Manager's annual salary by eight per cent (8%) and to award the annual \$10,000 IPMC contribution as per the terms of the City Manager's contract. Mayor Houston was authorized by Council to execute any and all necessary paperwork.

2014-37 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:37 p.m.

ATTEST:


Bill Houston, Mayor


Tammy Varner, City Secretary