

**MINUTES  
REGULAR COUNCIL MEETING  
FEBRUARY 11, 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 6:03 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Rodgers gave the invocation and led in the pledges.

**2014-42 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

February 13<sup>th</sup> at 5:00pm - Skate Park Grand Opening at Hawkins Spring Park

February 17<sup>th</sup> City offices closed for Presidents' Day

February 22<sup>nd</sup> at 10:00am – Winter Walk at Mockingbird Nature Park

**b. Presentation of City's financial audit for FY 2012-13 from representatives of Weaver & Tidwell, LLP**

Presentation by Weaver & Tidwell delayed due to bad weather. Chris Dick distributed the audit report to Council and provided a brief summary; the audit presentation will be rescheduled and presented in the near future by Weaver & Tidwell.

**c. Administrative announcements related to personnel**

None were received.

**2014-43 CITIZENS TO BE HEARD**

None to be heard.

**CONSENT AGENDA**

**2014-44 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 28, 2014**

**2014-45 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER, ACTING ON BEHALF OF THE CITY OF MIDLOTHIAN, TO EXECUTE A SPECIAL WARRANTY DEED REGARDING THE CONVEYANCE OF THE UNUSED PORTION OF NORTH 8<sup>TH</sup> STREET RIGHT-OF-WAY TO LA NELLE GAY, TRUSTEE; SAID CONVEYANCE IS IN ACCORDANCE WITH THE "AGREEMENT TO RECONVEY" BETWEEN THE CITY AND LA NELLE GAY, TRUSTEE**

**2014-46 CONSIDER AND ACT UPON AWARDING A CONTRACT TO BRENNTAG SOUTHWEST, INC FOR THE PURCHASE OF CHEMICALS FOR WATER TREATMENT PLANT #1 AND #2**

**2014-47 CONSIDER AND ACT UPON AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS AND CITY OF MIDLOTHIAN**

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

### PUBLIC HEARINGS

- 2014-48 CONTINUE A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, ORDINANCE NO. 2013-24, AS AMENDED, REZONING ± 175 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD) FOR RESIDENTIAL USES (SINGLE FAMILY LOTS RANGING FROM 9,000 SF TO 20,000 SF +) AND OPEN SPACES. PROPERTY IS IN THE A. HOWELL SURVEY, ABSTRACT NO. 525, THE G. GARCIA SURVEY, ABSTRACT NO. 419, AND THE J.D. ENLOW SURVEY, ABSTRACT NO. 346 AND GENERALLY LOCATED SOUTH OF MCALPIN ROAD AND ± 2,500 FEET EAST OF FM 663, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z05-2013-22)**

Mayor Houston recused himself from the dais, citing a conflict of interest. Mayor pro tem Frizzell opened the Public Hearing that is being continued from the January 28 Council meeting. Kevin Lasher presented a brief recap of the project. After Council discussion and with no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0-1). Councilmember Miller moved to approve Item 2014-48 as presented, subject to the conditions as set out in the staff report. Motion was seconded by Councilmember McClure and carried by a vote of 5-1-1, with Councilmember Henley voting in opposition.

### REGULAR AGENDA

- 2014-49 CONSIDER AND ACT UPON THE EXPENDITURE OF FUNDS FOR PAVEMENT RECLAMATION AND RESURFACING SERVICES ALONG WALNUT GROVE ROAD, FROM JUST SOUTH OF OAK HOLLOW DRIVE TO JUST NORTH OF US HIGHWAY 287, WITH REYNOLDS ASPHALT & CONSTRUCTION CO., IN AN AMOUNT NOT TO EXCEED \$390,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY AGREEMENT WITH ELLIS COUNTY IN CONNECTION WITH THIS ROADWAY PROJECT**

Adam Mergener presented the request for road repairs. Councilmember Sibley moved to approve the Item as presented, subject to a contract addendum executed by Ellis County, setting out a completion date of November 1, 2014 for the road work being performed on Shiloh Road, Joe Wilson Road and Walnut Grove Road (north of Mockingbird Lane) by Ellis County in exchange for the cement stabilization work being performed by the City on Ellis County's portion of Walnut Grove Road. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

- 2014-50 CONSIDER AND ACT UPON A CONTRACT WITH DUNKIN SIMS STOFFELS INC. FOR THE COMMUNITY PARK PHASE 1, SCOPE OF SERVICES; SAID CONTRACT BEING DIVIDED INTO TWO PHASES: PHASE I- BASIC DESIGN SERVICES AND CONSTRUCTION DOCUMENTS PERTAINING TO PHASE I; AND PHASE II- ADDRESS ADDITIONAL SERVICES RELATED TO THE PROJECT FOR THE COMMUNITY PARK; IN A COMBINED TOTAL AMOUNT NOT TO EXCEED \$584,750**

Kevin Lasher summarized the scope of the project and Billy King was available to answer any Council questions. After Council discussion regarding roadways and access into the proposed Community Park, Mayor pro tem Frizzell moved to approve Item 2014-50 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

Council moved to Executive Session at 7:28 p.m. for the purpose of discussing Items 4 and 5 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Henley, Miller; City Manager, Assistant City Manager (for Item #4), City Attorney, City Secretary (for Item #5), City Engineer (for Item #4).

**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 8:47 p.m. with no action taken in Executive Session.

**REGULAR AGENDA**

**2014-51 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT**

No discussion of Item #1

**2014-52 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE**

No discussion of Item #2

**2014-53 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM**

No discussion of Item #3

**2014-54 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION**

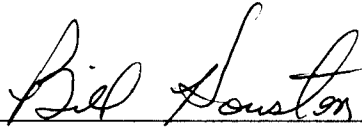
No action taken following Executive Session.

**2014-55 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CITY SECRETARY EVALUATION**

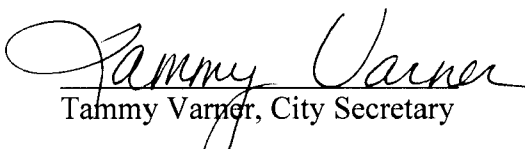
No action taken following Executive Session.

**2014-56 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:47p.m.

  
\_\_\_\_\_  
Bill Houston, Mayor

ATTEST:

  
\_\_\_\_\_  
Tammy Varner, City Secretary