

MINUTES REGULAR COUNCIL MEETING MAY 27, 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
Ted Miller	§	Councilmember Place 6

Absent: T. J. Henley due to family vacation

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.

2014-194 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- Every Saturday – Downtown Farmer’s Market from 8:00 a.m.-1:00 p.m. at Heritage Park
- May 30th 5:30 p.m.-6:30 p.m. MISD Varsity Football Punt, Pass, & Kick Event for Kindergarten through 6th grade boys and girls at the MISD Multi-Purpose Stadium
- June 7th 8:00 a.m. - 11:00 a.m. – Pancake Breakfast & Fly-In at Mid-Way Regional Airport
- June 14th 9:00 a.m. – Wildflower Walk at Mockingbird Nature Park
- June 14th at dusk – Movie in the Park – Despicable Me 2 at Hawkins Spring Park

b. Administrative announcements related to personnel

None were received.

2014-195 CITIZENS TO BE HEARD

None to be heard.

CONSENT AGENDA

2014-196 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MAY 13, 2014

2014-197 CONSIDER AND TAKE ACTION TO APPROVE AN INCREASE IN THE PRICE FOR REMOUNTING AND REFURBISHING OUR OLDEST FRAZER, INC. TYPE I AMBULANCE THROUGH H-GAC FROM \$89,650.00 TO \$97,825.00

2014-198 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE PANCAKE BREAKFAST & FLY-IN BENEFITTING BOY SCOUT TROOP 524, HOSTED BY MID-WAY REGIONAL AIRPORT, SCHEDULED FOR SATURDAY, JUNE 7, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, SECTION 2.04 (USE TABLE) (CASE NO. SEP24-2013)

2014-199 CONSIDER AND ACT UPON A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF SEAGOVILLE, TEXAS

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

PUBLIC HEARINGS

2014-200 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, BY REZONING ± 1.0873 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A COMMERCIAL (C) DISTRICT, SAID ACREAGE BEING SITUATED IN THE MARTHA BRENNAN SURVEY, ABSTRACT 43, AND IS LOCATED AT 3271 F.M. 663, WEST OF F.M. 663 AND ± 680 FEET SOUTH OF BELMONT STREET, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO.Z14-2013-68)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item, explaining that the Planning and Zoning Commission recommended approval of a Commercial Retail (CR) District in lieu of the requested Commercial (C) District which will allow less intense retail uses, due to the close proximity of residential developments. 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 Miller moved to approve the rezoning request for Item 2014-200 as a Commercial Retail (CR) District. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2014-201 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE NO. 2013-24, AS AMENDED, BY REZONING ± 6.031 ACRES OF LAND FROM AGRICULTURAL (A) DISTRICT TO SINGLE FAMILY ONE (SF-1) DISTRICT FOR SINGLE FAMILY RESIDENTIAL USES WITH A MINIMUM LOT SIZE OF ONE ACRE, SAID ACREAGE BEING SITUATED IN THE J. L. BLANTON SURVEY, ABSTRACT 1284, BEING LOCATED EAST OF SOUTH WALNUT GROVE ROAD AND ± 970 FEET SOUTH OF OAK HOLLOW ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS. (CASE NUMBER Z13-2013-67)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the request. With no public input received, Councilmember Miller moved to close the Public Hearing. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0). Mayor pro tem Frizzell moved to approve Item 2014-201 as presented. Motion was seconded by Councilmember Miller and carried unanimously (6-0).

2014-202 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, BY REZONING ± 51.446 ACRES FROM THE CURRENT TEMPORARY AGRICULTURAL (A) DISTRICT TO A SINGLE FAMILY ONE (SF-1) AND COMMUNITY RETAIL (CR) DISTRICTS, SAID ACREAGE BEING SITUATED IN THE JOHN CRANE SURVEY, ABSTRACT NO. 246 AND THE SAMUEL FREDRICK SURVEY, ABSTRACT NO. 357 AND LOCATED AT THE SOUTHEAST INTERSECTION OF SHILOH ROAD AND WALNUT GROVE ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z15-2013-69)

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. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0). Councilmember Sibley moved to approve Item 2014-202 as presented. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

REGULAR AGENDA	
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2014-203 RECEIVE A PRESENTATION FROM GATEHOUSE CAPITAL CORPORATION REGARDING A PROPOSED HOTEL PROJECT; DISCUSS; AND TAKE ACTION AS NECESSARY

Tami Tobey, President of the Midlothian Community Development Corporation, provided a brief history of the proposed hotel development project and introduced hotel developer Marty Collins of Gatehouse Capital Corporation. Mr. Collins gave a presentation on the proposed plans, specifications, and financing of the hotel project. No action to be taken on Item 2014-203 until after Executive Session. *See Item 2014-209 below for action taken.*

2014-204 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MID-WAY REGIONAL AIRPORT BOARD CHAIRMAN TO EXECUTE ON BEHALF OF THE CITY OF MIDLOTHIAN, AT THE APPROPRIATE TIME, AND WITH THE APPROPRIATE AUTHORIZATIONS OF THIS GOVERNING BODY, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE T-HANGAR CONSTRUCTION PROJECT AT MID-WAY REGIONAL AIRPORT

Judy Demoney, manager of Mid-Way Airport, provided a brief summary of the project, 90% of which is being funded by TxDOT Aviation, and the remaining 10% funding being split equally between the Cities of Midlothian and Waxahachie. The 10% portion will be due in two separate installments with \$10,770 due Aug./Sept.2014 for design and the remaining \$161,910 due prior to construction advertising estimated to be Aug./Sept.2015. Councilmember Sibley moved to approve Item 2014-204 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (6-0).

2014-205 CONSIDER AND ACT UPON A RESOLUTION ADOPTING THE CITY OF MIDLOTHIAN'S STORMWATER MANAGEMENT PROGRAM IN ACCORDANCE WITH THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES AND REGULATIONS, AS ADMINISTERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND AUTHORIZE STAFF TO SUBMIT SAID PROGRAM TO THE TCEQ

Mike Adams introduced Niraj Acharya of Teague, Nall & Perkins, who provided an overview of the Stormwater Management Program. Councilmember Sibley moved to approve Item 2014-205 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2014-206 CONSIDER AND ACT UPON ADOPTION OF THE FY 2015-2019 STRATEGIC PLAN AS A PLANNING DOCUMENT FOR THE CITY OF MIDLOTHIAN TO INCLUDE PERSONNEL AND CAPITAL EQUIPMENT FOR THE GENERAL FUND, UTILITY FUND, CONFERENCE CENTER AND SENIOR CITIZEN CENTER

Chris Dick provided a summary of the FY2015-2019 Strategic Plan. Councilmember Sibley moved to approve Item 2014-206 as presented. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

Council moved to Executive Session at 7:40 p.m. for the purpose of discussing Item 1 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Miller; City Manager, Assistant City Manager, City Attorney, Larry Barnett and Tami Tobey.

EXECUTIVE SESSION	
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| 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 LEGAL: CONSULTATION WITH ATTORNEY REGARDING SUPREME COURT OF TEXAS CAUSE NO. 10-0150, ECOM REAL ESTATE MANAGEMENT, INC. V. CITY OF MIDLOTHIAN, TEXAS.
551.071
4. SECTION LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION
551.071

Council reconvened in Regular Session at 9:03 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2014-209 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

In conjunction with Item 2014-203 shown above, Councilmember Sibley moved to support the Gatehouse Capital Corporation hotel proposal as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (6-0).

2014-210 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

No discussion; no action taken.

2014-211 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

No discussion; no action taken.

2014-212 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

No discussion; no action taken.

2014-207 CONSIDER AND ACT UPON APPOINTMENTS TO COUNCIL SUBCOMMITTEES

Mayor Houston announced the following appointments to Council subcommittees and Board liaisons:

Planning/Economic Development

Councilmember Rodgers, Chair
Councilmember Sibley
Mayor Houston

Transportation/Public Safety

Mayor pro tem Frizzell, Chair
Councilmember Henley
Mayor Houston

Utility

Councilmember Sibley, Chair
Councilmember Rodgers
Mayor Houston

Nomination

Mayor Houston, Chair
Councilmember McClure
Councilmember Miller

Board Liaisons

Midlothian Economic Development: Mayor pro tem Frizzell
Midlothian Community Development Corporation: Councilmember Henley
Planning and Zoning Commission: Councilmember Rodgers
Park Board: Councilmember McClure

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

2014-208 REVIEW AND APPROVE A DRAFT AGENDA ITEMS FOR THE JUNE 3RD AND JULY 1ST CITY COUNCIL WORKSHOPS; REVIEW CITY COUNCIL PRIORITIZED ISSUES/PROJECTS LIST; AND DIRECT STAFF AS NECESSARY

Councilmember Sibley moved to approve discussion of the following workshop topics:


June 3: Comprehensive Plan Steering Committee; Uniform Housing Code and Dangerous Building Ordinance

July 1: Draft Capital Improvements Plan.

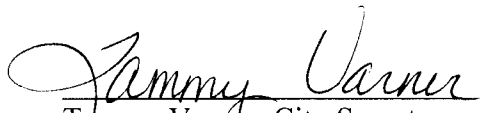
Motion was seconded by Mike Rodgers and carried unanimously (6-0).

2014-213 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:10 p.m.


Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary