

**MINUTES  
REGULAR COUNCIL MEETING  
JUNE 10, 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. Councilmember Sibley gave the invocation and led in the pledges.

**2014-219 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

- Every Saturday – Downtown Farmer’s Market from 8:00am-1:00pm at Heritage Park
- June 14<sup>th</sup> 9:00am – Wildflower Walk at Mockingbird Nature Park
- June 14<sup>th</sup> at Dusk – Movie in the Park – Despicable Me 2 at Hawkins Spring Park
- Currently accepting applications for the 2014 Citizens Academy to be held every Thursday evening at 5:30pm from August 21<sup>st</sup> – October 9<sup>th</sup>

**b. Administrative announcements related to personnel**

Appreciation expressed to Parks Dept. and staff for recent community events

Midlothian Firefighter/Paramedic Justin Lampman recognized by Methodist Hospital – Mansfield as Paramedic of the Year

**2014-220 CITIZENS TO BE HEARD**

None to be heard.

**CONSENT AGENDA**

**2014-221 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MAY 27, 2014**

**2014-222 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE 6TH ANNUAL MIDLOTHIAN FIREFIGHTER’S ASSOCIATION 5K RUN BENEFITTING MIDLOTHIAN OFFICER HEATHER PHARES’ FAMILY, HOSTED BY THE MIDLOTHIAN FIREFIGHTER’S ASSOCIATION LOCAL 3685, SCHEDULED FOR SATURDAY, JUNE 21, 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. SEP23-2013)**

- 2014-223** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MIDLOTHIAN DFW'S SOUTHERN STAR INDEPENDENCE DAY PARADE, HOSTED BY THE CITY OF MIDLOTHIAN PARKS AND RECREATION DEPARTMENT AND THE MIDLOTHIAN PARK ADVISORY BOARD, SCHEDULED FOR FRIDAY, JULY 4, 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. SEP26-2013)
- 2014-224** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE 28<sup>TH</sup> ANNUAL COW CREEK COUNTRY CLASSIC BIKE RIDE HOSTED BY THE WAXAHACHIE ROTARY CLUB ON SATURDAY, JUNE 28, 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. SEP27-2013)
- 2014-225** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING PETS NIGHT OUT, AN EVENT HOSTED BY TIO TONY'S AND LOCAL VETERINARIANS AND SCHEDULED ON SATURDAY, JUNE 14, 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. SEP28-2013)

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

<b>PUBLIC HEARINGS</b>
------------------------

- 2014-226** CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, BY REZONING ± 0.321 ACRES FROM THE CURRENT RESIDENTIAL THREE (R3) DISTRICT TO A MEDIUM DENSITY ONE (MD-1) DISTRICT FOR RESIDENTIAL USES. PROPERTY IS ADDRESSED AS 303 EAST AVENUE F, BEING HAWKINS ADDITION, BLOCK 8, LOTS 1 AND 2 AND LOCATED AT THE CORNER OF 11<sup>TH</sup> STREET AND EAST AVENUE F, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z12-2013-66)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. 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). Councilmember McClure moved to approve Item 2014-226 as presented. Motion was seconded by Mayor Houston and carried unanimously (7-0).

<b>REGULAR AGENDA</b>
-----------------------

**2014-227 CONSIDER AND ACT UPON AN ORDINANCE REPEALING ORDINANCE NO. 2012-39 IN ITS ENTIRETY AND ADOPTING AN ORDINANCE, "CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM" BY ESTABLISHING POLICY ATTACHED HERETO AS EXHIBIT "A"; ADOPTING A WATER SERVICE AGREEMENT ATTACHED HERETO AS APPENDIX A TO BE EXECUTED BY ALL NEW WATER CUSTOMERS OF THE CITY OF MIDLOTHIAN WATER SYSTEM; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE 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 TWO THOUSAND DOLLARS (\$2,000), AND EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE**

Adam Mergener presented the Item, explaining the proposed revisions to the current backflow program. After further discussion by Council, Councilmember Sibley moved to approve Item 2014-227 as presented. Motion was seconded by Councilmember McClure and carried by a vote of 4-3, with Mayor pro tem Frizzell and Councilmembers Henley and Miller voting in opposition.

**2014-228 REVIEW AND APPROVE DRAFT AGENDAS FOR THE JULY 1ST AND AUGUST 5<sup>TH</sup> CITY COUNCIL WORKSHOPS; REVIEW CITY COUNCIL PRIORITIZED ISSUES/ PROJECTS LIST; AND DIRECT STAFF AS NECESSARY**

Mayor pro tem Frizzell moved to approve discussion of Capital Improvements Plan and Community Park Plan at the July 1 Council workshop and to conduct a budget workshop at the August 5 workshop. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

*Council moved to Executive Session at 6:49 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; City Manager, and City Attorney.*

<b>EXECUTIVE SESSION</b>
--------------------------

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) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE CITY MANAGER

*Council reconvened in Regular Session at 8:25 p.m. with no action taken in Executive Session.*

**REGULAR AGENDA**

**2014-229 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT**

Item was not discussed in Executive Session.

**2014-230 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE**

Item was not discussed in Executive Session.

**2014-231 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM**

Item was not discussed in Executive Session.

**2014-232 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION**


Item was not discussed in Executive Session.

**2014-233 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: PERSONNEL**

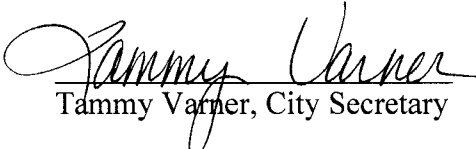
No action taken following Executive Session.

**2014-234 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:25 p.m.

  
Bill Houston, Mayor

ATTEST:

  
Tammy Varner, City Secretary