

**MINUTES  
REGULAR COUNCIL MEETING  
JUNE 24, 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.

**2014-235 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

**Every Saturday** – Downtown Farmer’s Market from 8:00am-1:00pm at Heritage Park

**July 3<sup>rd</sup>** Fireworks Display sponsored by Citizens National Bank at 9:15pm

**July 4<sup>th</sup>** Midlothian Independence Day Parade downtown at 10:00am; Farmers Market vendors will be at Heritage Park from 8am-1pm on both Friday and Saturday.

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. Introduction of new Police Department personnel**

Introduction of new K-9 “Remi” by Commander Cody McKinney with brief presentation on how Remi was acquired and trained.

**c. Recognition of Police Department staff by Big Brothers/Big Sisters organization**

Appreciation expressed for Police Dept. support of Big Brothers/Big Sisters organization by BBBS representative Marni White

**d. Administrative announcements related to personnel**

City Manager expressed appreciation to Public Works Dept. staff for coordination of striping of 50 new parking spaces at Avenue F and 7<sup>th</sup> Street; also appreciation to Parks Dept. staff for utilization of jail inmates for City landscaping projects and trash pick-up

**2014-236 CITIZENS TO BE HEARD**

None to be heard.

## CONSENT AGENDA

- 2014-237** CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JUNE 3 AND JUNE 10, 2014
- 2014-238** CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MIDLOTHIAN ANNUAL INDEPENDENCE DAY FIREWORKS DISPLAY HOSTED BY CITIZENS NATIONAL BANK OF TEXAS SCHEDULED FOR THURSDAY, JULY 3, 2014, IN ACCORDANCE WITH THE 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. SEP25-2013)

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

## PUBLIC HEARINGS

- 2014-239** CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE PROVIDING FOR A CURFEW FOR MINORS UNDER 17 YEARS OF AGE. THE ORDINANCE IS DESIGNED TO PROHIBIT THE UNSUPERVISED AND RANDOM MOVEMENT OF JUVENILES IN THE NIGHT TIME TO PREVENT HARM TO THE JUVENILE AS WELL AS DETER CRIMES OTHERWISE COMMITTED BY JUVENILES.

Mayor Houston opened the Public Hearing and Chief Smith gave a brief report on the history and effectiveness of the ordinance. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2014-239 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

- 2014-240** CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING ORDINANCE NO. 2014-12, ADOPTED ON APRIL 22, 2014, AFFECTING ARTICLE 10, IMPACT FEES, OF THE CITY OF MIDLOTHIAN CODE OF ORDINANCES, AS ESTABLISHED BY ORDINANCE NO. 99-12, AS AMENDED, SPECIFICALLY AMENDING *IMPACT FEE SCHEDULE 2 - RESIDENTIAL*, TO CONSIDER AN IMPLEMENTATION SCHEDULE FOR THE ASSESSMENT OF REVISED IMPACT FEES FOR RESIDENTIAL ROADWAYS. (CASE NO. M12-2013-72)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the five options proposed by staff for implementation of the impact fee increase approved by Council on April 22, 2014. With no public input received, Councilmember McClure moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (7-0). After further Council discussion, Councilmember Sibley moved to approve Option #5 as follows:

Establish a new date for the application of the new fees on July 1, 2014 (one week from June 24), and establish a phased time period for the gradual application of the fee amount, with such phased time period to be applied to residential building permit applications submitted within the time frames described below:

- a) Beginning July 1, 2014, keep the current residential roadway impact fee of \$557.75 and apply it to all applicable residential building permits for 3 months; then,
- b) Three months later after July 1, 2014 (Wednesday, October 1, 2014), apply an interim residential roadway impact fee of \$1,500 to all applicable residential building permits; then,
- c) Six months later after July 1, 2014 (Thursday, January 1, 2015.), apply the Council-approved residential roadway impact fee of \$2,250 to all applicable residential building permits.

Motion was seconded by Councilmember McClure and carried by a vote of 4-3 with Mayor Houston, Mayor pro tem Frizzell and Councilmember Miller voting in opposition.

**2014-241 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING ORDINANCE 2011-23, BY ADDING TWO (2) NEW ROADS, SPECIFICALLY THE EXTENSION OF S. 14<sup>TH</sup> STREET FROM MCALPIN ROAD TO F.M 875 AND PLAINVIEW ROAD FROM MCALPIN ROAD TO F.M. 875, TO THE CITY'S ROADWAY IMPACT FEE-CAPITAL IMPROVEMENT PROJECT (IF-CIP) LIST AND MAP; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE. (CASE NO. M11-2013-65)**

Mayor Houston opened the Public Hearing and Kevin Lasher presented the request for the addition of two new roads to the City's Roadway IF-CIP. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2014-241 as presented and also approving Planning Director suggested revisions to the IF-CIP List increasing the width of S. 14<sup>th</sup> Street from McAlpin Road to FM 875 from 70 feet to 80 feet and the width of Plainview Road from McAlpin Road to FM 875 from 80 feet in width to 90 feet. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

**2014-242 CONDUCT A PUBLIC HEARING AND ACT UPON AN AMENDMENT TO ORDINANCE 2011-23, TO EXPAND SERVICE AREAS 2, 3, 5, AND 6 TO THE CITY'S ROADWAY IMPACT FEE-CAPITAL IMPROVEMENT PROJECT (IF-CIP) MAP; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE. (CASE NO. M14-2013-74)**

Mayor Houston opened the Public Hearing and Kevin Lasher presented the ordinance amendment. 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 Sibley moved to approve Item 2014-242 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

## REGULAR AGENDA

**2014-243 RECEIVE A PRESENTATION ON THE FM 663/S. 14<sup>TH</sup> STREET AND LEDGESTONE/PLAINVIEW ROADWAY CORRIDOR STUDIES BY CONSULTANT FREESE AND NICHOLS, DISCUSS AND DIRECT STAFF AS APPROPRIATE**

Kevin St. Jacques of Freese and Nichols presented the roadway corridor study for FM 663/S. 14<sup>th</sup> Street and Ledgestone Lane/Plainview Road. Council discussion followed with no action necessary.

*The following Item was taken out of order as a courtesy to those in attendance.*

**2014-246 CONSIDER AND ACT UPON APPROVING PRE-CONSTRUCTION FUNDS FOR THE DEVELOPMENT OF THE HOTEL PROJECT IN AN AMOUNT NOT TO EXCEED \$575,000, AS RECOMMENDED BY THE MCDC BOARD OF DIRECTORS**

Tami Tobey, President of the Midlothian Community Development Corporation and Marty Collins of Gatehouse Capital Corporation, presented the funding request and the anticipated timeline for expenditure of the funds. Councilmember Sibley moved to approve Item 2014-246 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

**2014-244 CONSIDER AND ACT UPON AN ENGINEERING SERVICES AGREEMENT FOR DESIGN AND RELATED PROFESSIONAL SERVICES FOR THE S. 14<sup>TH</sup> STREET (ASHFORD/OAK TREE LANE TO MCALPIN ROAD) ROADWAY IMPROVEMENT PROJECT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$342,500**

Mike Adams presented the Item. Councilmember Sibley moved to approve Item 2014-244 as presented. Motion was seconded by Councilmember McClure and carried unanimously (7-0).

**2014-245 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS TO APPROVE A RESOLUTION FOR CONTRACTING SERVICES FOR THE MIDLOTHIAN BUSINESS PARK**

Larry Barnett, President of Midlothian Economic Development presented the request to allow MED to follow state laws governing purchasing by economic development corporations in lieu of the City of Midlothian Purchasing Policy and Procedures Manual for the Midlothian Business Park Project only. Mayor Houston moved to deny the request as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

**2014-247 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**

It was the consensus of Council to discuss the Draft Capital Improvements Plan and the new Community Park Development Plan at the July 1 workshop and to conduct a budget workshop and discuss Boards and Commissions attendance policies at the August 5 workshop.

*Council moved to Executive Session at 9:26 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.*

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

*Council reconvened in Regular Session at 10:45 p.m. with no action taken in Executive Session.*

**REGULAR AGENDA**

**2014-248 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT**

The Item was not discussed in Executive Session.

**2014-249 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE**

The Item was not discussed in Executive Session.

**2014-250 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM**

The Item was not discussed in Executive Session.

**2014-251 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION**


The Item was not discussed in Executive Session.

**2014-252 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: PERSONNEL**

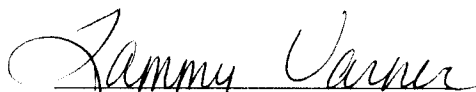
No action was taken following Executive Session.

**2014-253 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 10:45p.m.

  
Bill Houston, Mayor

ATTEST:

  
Tammy Varner, City Secretary