

**MINUTES
REGULAR COUNCIL MEETING
DECEMBER 8, 2015**

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
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: Mayor pro tem Joe Frizzell due to illness. Councilmember Sibley arrived at 6:25 p.m.

WORKSHOP

Mayor Houston called the meeting to order at 5:00 p.m. with notice of the meeting duly posted and a quorum present.

2015-418 REVIEW AND DISCUSS THE CONCRETE SAMPLES AND COLOR OPTIONS TO BE USED FOR THE RESTROOM, PLAYGROUND, PLAZA AREA CONCRETE, MAINTENANCE BUILDING, FERTIGATION BUILDING, FENCE COLOR, PRESS BOX COLOR, BLEACHER AND PRESS BOX DESIGN, AND LIGHT POLES IN THE COMMUNITY PARK.

Billy King presented the various concrete and color options for the Community Park. Discussion was held with action to be taken during Regular Agenda Item 2015-436.

2015-419 ADJOURN

Mayor Houston adjourned the workshop at 6:00 p.m.

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:04 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Henley gave the invocation and led in the pledges

2015-420 RECEIVE QUARTERLY INVESTMENT REPORT FROM PATTERSON & ASSOCIATES

Linda Patterson presented the Quarterly Investment Report

2015-421 CITIZENS TO BE HEARD

Blake Norwood (850 S. Walnut Grove, Midlothian TX) addressed Council regarding the Hayes Road extension right of way and potential bridge that is planned to cross his property.

Jackie McDonald (6410 Mountain Peak Court, Midlothian TX) expressed her opposition to Agenda Item 2015-438, the proposed agreement with Buxton, and requested thirty-six Live Oak trees from the Kroger property be replanted in City parks.

Wayne Leubner (201 Brook Meadow Court, Midlothian TX) addressed Council regarding the destruction of the City's small town charm. He provided a written statement which he read into record.

2015-422 RECEIVE A QUARTERLY UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

Councilmember Henley gave an update on Midlothian Economic Development website changes and upgrades and their continued use of Social Media. Councilmember McClure provided an update on the Park Board activities regarding the Community Park. Councilmember Miller discussed the incredible amount of development cases presented to the Planning and Zoning Commission in recent months.

CONSENT AGENDA

- 2015-423 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL MEETINGS OF NOVEMBER 3 AND 10, 2015.**
- 2015-424 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2015-2016 GENERAL FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$22,385.50 FROM THE GENERAL FUND UNRESERVED FUND BALANCE FOR EXPENDITURES ENCUMBERED BUT NOT YET EXPENDED FROM THE FY 2014-2015 GENERAL FUND BUDGET; IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**
- 2015-425 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2015-2016 UTILITY FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$735,628.09 FROM THE UTILITY FUND UNRESERVED FUND BALANCE FOR EXPENDITURES ENCUMBERED BUT NOT YET EXPENDED FROM THE FY 2014-2015 UTILITY FUND BUDGET; IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**
- 2015-426 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2015-2016 GENERAL FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$896,994 FROM THE GENERAL FUND UNRESERVED FUND BALANCE FOR EXPENDITURES NOT ENCUMBERED NOR EXPENDED FROM THE FY 2014-2015 GENERAL FUND BUDGET; IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**
- 2015-427 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2015-2016 UTILITY FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$878,395 FROM THE UTILITY FUND UNRESERVED FUND BALANCE FOR EXPENDITURES NOT ENCUMBERED NOR EXPENDED FROM THE FY 2014-2015 UTILITY FUND BUDGET; IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**
- 2015-428 CONSIDER AND ACT UPON A THIRTY-SIX (36) MONTH FAIR MARKET VALUE LEASE WITH DELL COMPUTERS FOR 24 LAPTOPS AND 36 DESKTOPS. THE LEASE IS PART OF THE CITY'S COMPUTER REPLACEMENT PROGRAM AS APPROVED IN THE CAPITAL EQUIPMENT PROGRAM AND THE FY 2015-2016 BUDGET.**

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

PUBLIC HEARINGS

2015-429 CONDUCT A PUBLIC HEARING TO ACT UPON AN ORDINANCE TO REZONE ±188.175 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR RESIDENTIAL USES, OPEN SPACES AND CORPORATE USES FOR HAYES CROSSING. PROPERTY IS IN THE J. POWERS SURVEY, ABSTRACT NO. 838, THE C.R. WERLEY SURVEY, ABSTRACT NO. 1187, THE J. GRIMES SURVEY, ABSTRACT NO. 1327, AND THE L.W. STEWART SURVEY, ABSTRACT NO. 997, LOCATED ON HAYES ROAD AND ±2,100 FEET SOUTH OF FM 1387. (CASE NO. Z02-2015-04).

Agenda Item 2015-429 was pulled to allow action from the Planning & Zoning Commission.

2015-430 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE TO REZONE ± 8.5993 ACRES FROM AGRICULTURAL (A) DISTRICT (± 7.26 ACRES) AND SINGLE-FAMILY ONE (SF-1) DISTRICT (± 1.33 ACRES) TO A PLANNED DEVELOPMENT DISTRICT NO. 83 (PD 83) FOR FIREFLY GARDENS, A WEDDING AND EVENT VENUE AND RESIDENTIAL USE. PROPERTY IS IN THE I. COOPER SURVEY, ABSTRACT NO. 226 AND THE M.J. POGUE SURVEY, ABSTRACT NO. 852, LOCATED SOUTH OF EAST HIGHWAY 287 AND ± 3,380 FT. NORTHWEST OF REX ODOM DRIVE (CASE NO. Z03-2015-05)

Mayor Houston opened the Public Hearing and Alberto Mares presented the rezone request that was unanimously approved by the Planning and Zoning Commission on November 17, 2015. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Miller and carried unanimously (6-0). Councilmember Miller moved to approve Item 2015-430 as presented by staff (Option 5b) with no Certificate of Occupancy to be issued prior to sewer inspection. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2015-431 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE TO REZONE ± 3.727 ACRES FROM COMMUNITY RETAIL (CR) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT NO. 80 (PD-80), FOR ALL USES IN THE COMMUNITY RETAIL (CR) DISTRICT WITH THE INCLUSION OF A SPECIFIC USE PERMIT (SUP) TO ALLOW OUTDOOR SALES, DISPLAY, AND STORAGE FOR A PROPOSED TRACTOR SUPPLY COMPANY RETAIL STORE. PROPERTY IS IN THE J. SHARKEY SURVEY, ABSTRACT NO. 1065 AND BEING AT THE SOUTHWEST INTERSECTION OF US HIGHWAY 67 AND OVERLOOK DR. (CASE NO. Z04-2015-10 AND SUP01-2015-07).

Mayor Houston opened the Public Hearing and Alberto Mares presented the rezone request unanimously approved by the Planning and Zoning Commission on November 17, 2015. The applicant has requested fees in lieu of a sidewalk along Overlook Drive which staff approves. The project Engineer, Mike Clotfelter, asked that the requirement for a third gable be removed. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (6-0). Councilmember Henley moved to approve Item 2015-431 as presented with a fee in lieu of sidewalk and a third gable. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

REGULAR AGENDA

- 2015-432 CONSIDER AND ACT UPON A RESOLUTION APPROVING THE ISSUANCE OF TAXABLE BOND FINANCING BY MIDLOTHIAN ECONOMIC DEVELOPMENT, PROVIDING FUNDS TO COMPLETE CONSTRUCTION OF THE NEW MIDLOTHIAN BUSINESS PARK.**

Agenda Item 2015-432 was pulled to allow action from Midlothian Economic Development

- 2015-433 CONSIDER AND ACT UPON A VARIANCE REQUEST FROM MARTURRO DEVELOPMENT RELATING TO THE SIZE OF CUSTOM-BUILT MAILBOX ASSEMBLIES WITHIN THE AVIARY SUBDIVISION.**

Mike Adams presented the variance request which staff does not support due to a safety issue with larger mail box structures. Councilmember Miller moved to deny Item 2015-433. Motion was seconded by Councilmember Sibley and carried by a vote of 5-1 with Councilmember Henley voting in opposition.

- 2015-434 CONSIDER AND ACT UPON AN AGREEMENT WITH INSITUFORM TECHNOLOGIES, INC. OF CORINTH, TEXAS FOR THE 2015 MANHOLE REHABILITATION PROGRAM USING THE SPECTRASHIELD MULTI-LAYERED LINER SYSTEM, IN AN AMOUNT NOT TO EXCEED \$108,243.**

Adam Mergener presented the agreement explaining the past success of this program. Councilmember Sibley moved to approve Item 2015-434 as presented. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

- 2015-435 CONSIDER AND ACT UPON A CONTRACT WITH CIRCLE H CONTRACTORS, L.P. FOR A WATER AND SEWER LINE REPLACEMENT PROJECT IN THE ALLEY BETWEEN SOUTH 2ND AND SOUTH 3RD STREET IN A BID AMOUNT OF \$110,317.50 PLUS A 10% CONTINGENCY FOR A TOTAL NOT TO EXCEED \$121,350.**

Adam Mergener presented the contract and the need for the upgrade of the water and sewer lines. Councilmember Sibley moved to approve Item 2015-435 as presented. Motion was seconded by Councilmember Miller and carried unanimously (6-0).

- 2015-436 CONSIDER AND ACT UPON RECOMMENDATIONS FROM THE PARK BOARD FOR CONCRETE SAMPLES AND COLOR OPTIONS TO BE USED FOR THE RESTROOM, PLAYGROUND, PLAZA AREA CONCRETE, MAINTENANCE BUILDING, FERTIGATION BUILDING, FENCE COLOR, PRESS BOX COLOR, BLEACHER AND PRESS BOX DESIGN, AND LIGHT POLES IN THE COMMUNITY PARK.**

Billy King presented the recommendations from the Park Board during the Workshop prior to the regular meeting. Councilmember Miller moved to approve Item 2015-436 as presented in the Workshop. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

- 2015-437 REVIEW AND DISCUSS RESIDENTIAL AND COMMERCIAL SOLID WASTE SERVICE OPTIONS AND DIRECT STAFF AS NECESSARY.**

Chris Dick presented the item seeking direction from Council regarding whether to negotiate the current contract with Republic Services or send out a Request for Proposal (RFP) which has not been done since 1994. Council directed staff to go out for RFP.

2015-438 CONSIDER AND ACT UPON AN AGREEMENT WITH BUXTON GROUP FOR RETAIL CUSTOMER ANALYTICS AND DEVELOPMENT OF A RETAIL RECRUITMENT PROGRAM.

Chris Dick presented the agreement noting one change to the proposal which removes the ten percent cancellation fee. Councilmember Henley moved to approve Item 2015-438 as presented. Motion was seconded by Councilmember Sibley and carried by a vote of 5-1 with Councilmember Rodgers voting in opposition.

2015-439 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

Councilmember Sibley moved to approve Item 2015-439 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0). The following appointments were confirmed: Midlothian Economic Development – Tim Tobey, Danny Rodgers, & Glen Carlisle were reappointed. Midlothian Community Development Corporation – Tami Tobey, Randy Osburn, & Alyn Nix were reappointed. Midlothian Development Authority – Chris Dick was reappointed and David Hodges & Gary Vineyard were newly appointed. Planning and Zoning Commission – James Koehler & Ross Weaver were reappointed and Chris Keafer & James Hearon were newly appointed. Historical Advisory Board – Judy Howard, Karen Esberger, Jon Holveck, Christina Chambers, Terry Schick, & Melissa Pegram were reappointed. Park Board – Zach Hopkins, Pam Shelley & Charlie Hubbard were reappointed. Utility Advisory Board – Justin Reese & Maurice Osborn were reappointed and Clark Wickliffe & Jennifer Jackson were newly appointed. Mid-Way Airport Board – Kyle Ballard was reappointed. Zoning Board of Adjustment – Micah Conrad, Danny Hemphill & Dave Lowrey were reappointed. Library Board – Tammy Varner was reappointed.

2015-440 REVIEW AND DISCUSS POTENTIAL AGENDA TOPICS FOR CITY COUNCIL WORKSHOPS AND DIRECT STAFF AS NECESSARY

Chris Dick announced the plan for a Council retreat on January 29, 2016. Councilmember McClure requested a February workshop to discuss a Youth Council. Mayor Houston suggested a workshop to discuss a downtown overlay district.

Council moved to Executive Session at 8:23 p.m. for the purpose of discussing Item 4 with the following present: Mayor Houston, Councilmembers Sibley, Rodgers, McClure, Henley, Miller; and City Manager

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 BASED ON AN
ETHICAL DUTY TO ADVISE REGARDING POTENTIAL
LITIGATION |
| 4. | SECTION
551.071 | PERSONNEL MATTERS: (A)(1) CITY MANAGER GOALS AND
OBJECTIVES |

Council reconvened in Regular Session at 9:32 p.m. with no action taken in Executive Session

REGULAR AGENDA

2015-441 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

The Item was not discussed during Executive Session.

2015-442 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

The Item was not discussed during Executive Session.

2015-443 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: CONTEMPLATED LITIGATION

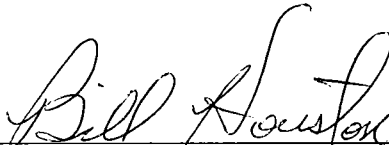
The Item was not discussed during Executive Session.

2015-444 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CITY MANAGER GOALS AND OBJECTIVES

No action taken following Executive Session.

2015-445 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:32 p.m.


Bill Houston, Mayor

ATTEST:


Mary McDonald, Deputy City Secretary