

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 22, 2013**

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
Mike Rodgers	§	Councilmember Place 2
Jason Kyle	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: Wayne Sibley due to recent surgery

WORK SESSION AGENDA

2013-18 REVIEW OF DRAFT CONSTRUCTION DETAILS

Mayor Houston called the work session to order at 5:04 p.m. Mike Adams presented proposed amendments to the City's current Standard Construction Details

2013-19 DISCUSSION OF SINGLE FAMILY DEVELOPMENT INCENTIVES

John Taylor gave a brief presentation on current zoning districts and suggestions for development incentives for large lot development

2013-20 REVIEW AND DISCUSSION OF REGULAR AGENDA ITEMS.

No discussion was had on this item. The work session was adjourned at 5:55 p.m.

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 Kyle gave the invocation and led in the pledges.

2013-21 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

February 2 – 1st Annual Midlothian Plaza Chili Cook Off and Blood Drive. Proceeds benefit the Midlothian Firefighters Association

February 5 – Midlothian Area Historical Society Meeting at Midlothian Civic Center, 7:00 p.m.

b. Administrative announcements related to personnel

None were received

CONSENT AGENDA

2013-22 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 8, 2013

2013-23 CONSIDER AND ACT UPON A RESOLUTION PROVIDING FOR AN ELECTION TO BE HELD TO ELECT TWO COUNCILMEMBERS IN THE CITY OF MIDLOTHIAN; DEFINING THE TERM OF OFFICE; DESIGNATING THE POLLING LOCATION; DESIGNATING THE ELECTION JUDGE AND PROVIDING FOR CLERICAL PERSONNEL; DESIGNATING THE TIME AND PLACE; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR THE FILING OF APPLICATIONS FOR THE OFFICIAL BALLOTS FOR SAID ELECTION

- 2013-24 **CONSIDER AND ACT UPON A JOINT ELECTION AGREEMENT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT**
- 2013-25 **CONSIDER AND ACT UPON AN AMENDMENT TO THE INTERJURISDICTIONAL AGREEMENT FOR MUTUAL AID IN DISASTER ASSISTANCE WITH ELLIS DALLAS UNIFIED COOPERATIVE TEAM ("EDUCT")**
- 2013-26 **CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MIDLOTHIAN PLAZA CHILI COOK-OFF AND BLOOD DRIVE BENEFITING THE MIDLOTHIAN FIREFIGHTER'S ASSOCIATION, TO BE HELD IN THE PARKING LOT AT 1000 EAST MAIN STREET, AND SCHEDULED FOR SATURDAY, FEBRUARY 2, 2013, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13 AS AMENDED, SECTION 4.4 (CASE NO. RES07-2012-35)**

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

PUBLIC HEARINGS

- 2013-27 **CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW A SECONDARY DWELLING UNIT ON 1450 MT. ZION ROAD. PROPERTY IS LOCATED IN THE AGRICULTURAL (A) DISTRICT, CONTAINS ± 13.745 ACRES AND GENERALLY LOCATED SOUTH OF MT. ZION ROAD AND ± 595 FEET EAST OF S. MIDLOTHIAN PARKWAY IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. SUP01-2012-24)**

Mayor Houston opened the Public Hearing and John Taylor presented the request for a secondary dwelling unit. The Planning and Zoning Commission recommended approval on December 18, 2012, subject to certain conditions. Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Miller and carried unanimously (6-0). Mayor pro tem Frizzell moved to approve Item 2013-27 as presented, subject to the conditions specified by the Planning and Zoning Commission. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

REGULAR AGENDA

2013-28 CITIZENS TO BE HEARD

Wayne Nance, 326 Skye Lane, addressed Council regarding his issues and concerns with the MidTowne Development.

2013-29 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2013-30 CONSIDER AND ACT UPON THE REPEAL OF THE CURRENT SOLICITOR ORDINANCE AND ADOPTION OF A NEW SOLICITOR ORDINANCE TO ENSURE THE SAFETY AND PRIVACY OF ITS RESIDENTS; SET REASONABLE TIME FRAMES FOR SOLICITING AND REQUIRE APPROPRIATE PERMITS

Debbie Lubke, Code Enforcement officer, gave a presentation outlining the proposed revisions to the current Solicitor Ordinance, which has not been updated since its inception in 1987. After discussion by Council, Councilmember Kyle moved to approve the repeal of the current solicitor ordinance and adopt the proposed ordinance as presented with the following three amendments: 1 - Section 12(4) Mobile food vendors may begin operations at 6:00 a.m. Monday through Friday; 2 - Section 14(2) strike "anonymous" from the phrase "political speech"; and 3 - Section 14(3) revise "Charitable purpose" to "Non-Profit purpose." Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2013-31 CONSIDER AND ACT UPON A RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH PROCEEDS FROM DEBT

Chris Dick explained that the City will incur project-related expenditures prior to the funding date of the General Obligation Bonds and Tax Note previously approved by Council. This Item will allow the City to reimburse itself when funding does occur. Councilmember Henley moved to approve Item 2013-31 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2013-32 CONSIDER AND ACT UPON A LAND LEASE AGREEMENT WITH DALLAS MTA, L.P. D/B/A VERIZON WIRELESS, FOR THE INSTALLATION OF A TOWER AND RADIO COMMUNICATION EQUIPMENT TO BE LOCATED AT THE CITY'S PUBLIC WORKS SERVICE CENTER YARD LOCATED AT 1050 N. US HIGHWAY 67

Adam Mergener presented the five-year lease agreement with Verizon Wireless that will expand and improve Verizon's wireless service in the community. Verizon representative, Latham Jones, reported that the project is anticipated to take approximately seven months to complete. Councilmember Miller moved to approve Item 2013-32 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2013-33 CONDUCT AND ACT UPON A RESOLUTION INITIATING PROCEEDINGS TO ANNEX FOUR (4) SEPARATE TRACTS CONTAINING A TOTAL OF APPROXIMATELY 43.019 ACRES OF LAND AS DESCRIBED BY THE ATTACHED MAPS, BY SETTING THE DATE AND LOCATION FOR 2 PUBLIC HEARINGS AND DIRECTING STAFF TO PREPARE REQUIRED SERVICE PLANS (CASE NO. RES06-2012-33)

John Taylor presented the Item that will authorize staff to initiate annexation proceedings, call two public hearings and proceed with preparation of a service plan. Councilmember Kyle moved to approve Item 2013-33 as presented. Motion was seconded by Mayor Houston and carried unanimously (6-0).

Council moved to Executive Session at 7:15 p.m. for the purpose of discussing Items 1, 3 and 6 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, City Engineer and Terry Morgan, Attorney.

EXECUTIVE SESSION

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| 1. SECTION
551.071 | LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN |
| 2. SECTION
551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |
| 3. SECTION
551.072 | REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY AND EASEMENTS |
| 4. SECTION
551.071 | LEGAL: CONSULTATION WITH ATTORNEY REGARDING CITY OF MIDLOTHIAN V. RANDALL DENTON, MIDTEXAS INTERNATIONAL CENTER, INC., TEXAS PROPERTIES TRUST AND TRADE ZONE OPERATIONS, INC. |

5. SECTION LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN
551.071 ETHICAL DUTY TO ADVISE REGARDING POTENTIAL
LITIGATION
6. SECTION PERSONNEL: PERSONNEL MATTERS: (A)(1) CITY ATTORNEY
551.074 ANNUAL EVALUATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 551.071 (litigation and certain consultation with attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations) or 551.076 (deployment/implementation of security personnel or devices).

REGULAR AGENDA

**2013-34 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS
CENTRAL BUSINESS LINES**

No action taken following Executive Session.

**2013-35 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC
DEVELOPMENT**

The Item was not discussed during Executive Session.

**2013-36 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL
ESTATE**

Councilmember Kyle moved to authorize staff to purchase .071 acre permanent easement for \$3,184 and obtain 2 temporary construction easements (.169 acre) from Raymond and Rebecca Reitz. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2013-37 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

The Item was not discussed during Executive Session.

**2013-38 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5:
CONTEMPLATED LITIGATION**

The Item was not discussed during Executive Session.

**2013-39 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CITY
ATTORNEY EVALUATION**

No action taken following Executive Session.

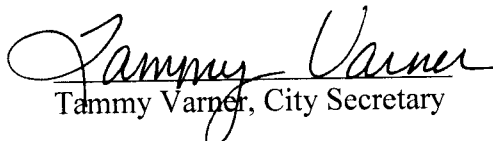
2013-40 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:49 p.m.



Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary