

**MINUTES
REGULAR COUNCIL MEETING
AUGUST 27, 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
Wayne Sibley	§	Councilmember Place 1
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: Mike Rodgers due to family illness

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:02 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Henley gave the invocation and led in the pledges.

2013-332 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Every Saturday – 8am-12pm Midlothian Downtown Farmers Market at Heritage Park

Now accepting applications for the Citizen's Police Academy which will begin on September 5, 2013.

b. Presentation of Constitution Week proclamation

Mayor Houston presented the proclamation to Carol Hull, representing the Old Chisholm Trail Chapter of the Daughters of the American Revolution.

c. Administrative announcements related to personnel

Don Hastings expressed appreciation to staff for assistance at the joint MISD/City Council meeting held on August 26, 2013. The next joint meeting of the school district trustees and City Council is scheduled for February 24, 2014.

2013-333 CITIZENS TO BE HEARD

None to be heard.

2013-334 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None received.

CONSENT AGENDA

2013-335 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF AUGUST 6 AND AUGUST 13, 2013

2013-336 CONSIDER AND ACT UPON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS TO REQUEST THE CONTINUED SUPPORT EFFORTS OF THE TEXAS MUNICIPAL LEAGUE TO AMEND OR REFORM THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT (BW12) PASSED BY THE U.S. CONGRESS IN 2012

2013-337 CONSIDER AND ACT UPON APPROVAL OF THE MIDLOTHIAN CHAMBER OF COMMERCE'S REQUEST TO EXPEND \$2,750.65 OF MUNICIPAL HOTEL/MOTEL TAX MONIES FOR ADVERTISEMENT AND OTHER RELATED EXPENDITURES FOR THE 2013 FALL FESTIVAL

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

PUBLIC HEARINGS

2013-338 CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED FY 2013-2014 ANNUAL OPERATING BUDGETS FOR THE CITY OF MIDLOTHIAN

Mayor Houston opened the Public Hearing and Don Hastings provided a summary for the potential use of the rollback tax rate revenues for road projects. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2013-339 CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED FY 2013-2014 TAX RATE INCREASE, AND SCHEDULE AND ANNOUNCE THE DATE, TIME AND PLACE OF THE MEETING TO ADOPT THE TAX RATE

Mayor Houston opened the Public Hearing and with no public input received, Councilmember McClure moved to close the public hearing. Motion was seconded by Councilmember Henley and carried unanimously (6-0). Chris Dick announced that the next public hearing on the proposed tax rate will be on September 3 at 6:00 p.m. and Council will vote on adoption of the tax rate on September 10 at 6:00 p.m.

2013-340 CONTINUE A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO REZONE ± 68.371 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) WITH MINIMUM LOT SIZES OF 8,400 AND 20,000 SQUARE FEET. PROPERTY IS IN THE W.W. RAWLS SURVEY, ABSTRACT NO. 915 AND LOCATED WEST OF FM 663 AND ± 670 FEET SOUTH OF HARVEST HILL, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z03-2012-25)

Mayor Houston opened the Public Hearing and Alberto Mares announced that the applicant has requested that the Public Hearing be continued to the September 24 Council meeting. Councilmember Sibley moved to continue the Public Hearing until September 24, 2013. Motion was seconded by Councilmember Miller and carried unanimously (6-0).

2013-341 CONDUCT A PUBLIC HEARING OF CASE NO. AX02-2012-88, THE SECOND OF TWO PUBLIC HEARINGS FOR A PROPOSED ANNEXATION AND PROPOSED SERVICE PLAN FOR THE PROVISION OF PUBLIC SERVICES. THE FOUR (4) PROPOSED ANNEXATION TRACTS CONTAIN A TOTAL OF ± 43.019 ACRES OF LAND LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT CITY LIMIT BOUNDARY LINES. THE PROPOSED ANNEXATION AND SERVICE PLAN BEING FULLY DESCRIBED IN ATTACHMENTS 1, 2 & 4 ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES OF THE ANNEXATION PROCEDURES, IN ACCORDANCE WITH CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE

Mayor Houston opened the Public Hearing and Alberto Mares explained that this public hearing is the second of two public hearings required by state law for the technical annexation process. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Miller and carried unanimously (6-0). City Council will meet in a special-called meeting on September 17, 2013 to adopt annexation of the four tracts of land.

REGULAR AGENDA

2013-342 CONSIDER AND ACT UPON APPROVAL OF BLUE CROSS BLUE SHIELD OF TEXAS TO PROVIDE EMPLOYEE MEDICAL AND DENTAL INSURANCE BENEFITS TO CITY EMPLOYEES

Janet Goad presented the Item explaining that the employee medical plan will see an increase of 7.25% and the dental plan will increase by 4.89%. Mayor pro tem Frizzell moved to approve Item 2013-342 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2013-343 CONSIDER AND ACT UPON A REQUEST TO ALLOW RIGHT-OF-WAY ENCROACHMENT FOR 10 PARKING SPACES AT JIMMY'S RESTAURANT LOCATED AT 300 N. 8TH STREET. PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 8TH STREET AND WEST AVENUE E IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. M09-2012-87)

Alberto Mares presented the Item which was continued from the August 13 Council meeting. After further discussion by Council, Councilmember Sibley moved to deny Item 2013-343. Motion was seconded by Councilmember Henley and carried unanimously (6-0). Staff was instructed to prepare a proposal for landscaping, curbing and a sidewalk for the subject area and present those estimates at the next Council workshop meeting.

With no updates to receive, Executive Session was cancelled.

EXECUTIVE SESSION

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| 1. | SECTION
551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT
NEGOTIATIONS |
| 2. | SECTION
551.072 | REAL ESTATE: DELIBERATE AND CONSIDER THE
ACQUISITION OF REAL PROPERTY AND EASEMENTS |
| 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 |

REGULAR AGENDA

2013-344 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

Executive Session was not conducted.

2013-345 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

Executive Session was not conducted.

2013-346 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

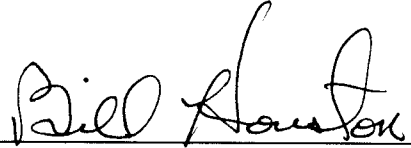
Executive Session was not conducted.

**2013-347 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4:
CONTEMPLATED LITIGATION**

Executive Session was not conducted.

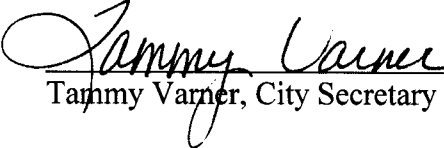
2013-348 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:27p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary