

**MINUTES
REGULAR COUNCIL MEETING
MARCH 25, 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:

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|-------------------|---|-----------------------|
| 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 commitment

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.

2014-103 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

March 29th - MISD Rowdy Run 5K 9am at Kimmel Park

March 30th - Community Blood Drive at Midlothian Church of Christ 12pm-4:30pm

April 12th - Kids Fishing Derby

April 12th - Citywide Spring Cleanup

b. Administrative announcements related to personnel

None were received.

2014-104 CITIZENS TO BE HEARD

None to be heard

CONSENT AGENDA

2014-105 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MARCH 11, 2014

2014-106 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE CITY OF MIDLOTHIAN 8TH STREET DANCE, AN ANNUAL EVENT HOSTED BY THE PARKS & RECREATION DEPARTMENT, SCHEDULED ON SATURDAY, MAY 17, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP15-2013)

2014-107 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE RELAY FOR LIFE EVENT HOSTED BY THE AMERICAN CANCER SOCIETY SCHEDULED FOR SATURDAY, MAY 3, 2014 FROM 12:00 PM TO 12:00 AM, 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. SEP09-2013)

2014-108 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE SPRING FLING ARTS AND CRAFTS FAIR, AN ANNUAL EVENT HOSTED BY THE MIDLOTHIAN CHAMBER OF COMMERCE AND THE CITY OF MIDLOTHIAN, SCHEDULED FOR SATURDAY, APRIL 26, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP10-2013)

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

REGULAR AGENDA

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

2014-113 CONSIDER AND ACT UPON A PROPOSED DEVELOPMENT AGREEMENT BETWEEN JACKSON REALTY PARTNERS, L.L.C. AND THE CITY OF MIDLOTHIAN, TEXAS FOR PARTICIPATION IN THE CONSTRUCTION OF INFRASTRUCTURE AND SITE IMPROVEMENTS FOR AN APPROXIMATE 65.10 ACRE SINGLE FAMILY DETACHED DEVELOPMENT DESCRIBED AS SOMERCREST ADDITION OUT OF THE ALEXANDER S. JENKINS SURVEY, ABSTRACT NO. 554, BEING GENERALLY LOCATED ±170 FEET NORTH OF SOMERSET STREET AND EAST OF MT. ZION ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS

Mayor Houston recused himself from the discussion and left the dais due to a potential conflict of interest. Mayor pro tem Frizzell presided over the Item. Kevin Lasher provided a recap of the terms of the development agreement intended to facilitate the development of the planned SomerCrest residential subdivision and the construction of LedgeStone Lane. Councilmember Sibley moved to approve Item 2014-113 as presented. Motion was seconded by Councilmember Miller and carried unanimously (5-0-1), with Mayor Houston abstaining from the vote. Mayor Houston returned to the dais and presided over the remainder of the meeting.

The remainder of the agenda was taken in the following order:

2014-109 CONSIDER AND ACT UPON AN "AGREEMENT FOR THE SALE AND DELIVERY OF TREATED WATER TO THE CITY OF GRAND PRAIRIE BY THE CITY OF MIDLOTHIAN"

Mike Adams presented the Item, setting out the terms of the agreement with Grand Prairie. Councilmember Sibley moved to approve Item 2014-09 as presented. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

2014-110 REVIEW AND DISCUSS THE MIDLOTHIAN COMMUNITY PARK WATER ASSESSMENT, AS PREPARED BY FREESE AND NICHOLS, INC., AND DIRECT STAFF AS APPROPRIATE

The Item was not discussed, but will be taken up at a later date.

2014-111 CONSIDER AND ACT UPON AN ENGINEERING SERVICES AGREEMENT FOR DESIGN AND RELATED PROFESSIONAL SERVICES FOR THE NORTHRIDGE ADDITION WATERLINE REHABILITATION PROJECT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$128,700

Adam Mergener presented the Item and provided a summary of the scope of work to be addressed in the engineering services agreement. Mayor pro tem Frizzell moved to approve Item 2014-111 as presented. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2014-112 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS TO COMPLETE THE PURCHASE AND INITIAL FINANCING OF 212 GROSS ACRES / 146 NET ACRES OF LAND FOR A NEW INDUSTRIAL/BUSINESS PARK TO BE LOCATED ON HIGHWAY 67 AT THE NORTHWEST CORNER OF HWY. 67 AND MILLER ROAD, FROM ELLIS 1270, LLC, SELLER, WITH PURCHASE PRICE OF THE LAND AMOUNTING TO \$2,060,000 AND INITIAL FINANCING NOT TO EXCEED \$2,500,000.

Larry Barnett presented the Item, noting that the due diligence phase is complete and closing is anticipated to occur on approximately April 10, 2014. Councilmember Henley moved to approve Item 2014-112 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2014-114 REVIEW, DISCUSS AND PRIORITIZE MAJOR ISSUE AREAS AS IDENTIFIED BY COUNCIL AT THE MARCH 1, 2014 COUNCIL RETREAT; PRIORITIZE WORK PROJECTS AS DESIRED; AND DIRECT STAFF AS NECESSARY.

Council will prioritize projects and the information will be assimilated and discussed at the April 1 workshop. No action necessary.

2014-115 REVIEW AND DISCUSS A DRAFT AGENDA FOR THE APRIL 1 CITY COUNCIL WORKSHOP AND DIRECT STAFF AS NECESSARY.

It was the consensus of Council to discuss the following items:

- 1) Issues/Projects
- 2) Downtown Revitalization

Council moved to Executive Session at 6:55 p.m. for the purpose of discussing Item 4 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, McClure, Henley, Miller; City Manager, Assistant City Manager, Planning Director, Fire Chief, City Engineer 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

Council reconvened in Regular Session at 8:20 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2014-116 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

No discussion; no action

2014-117 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

No discussion; no action

2014-118 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM


No discussion; no action

2014-119 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

No action taken following Executive Session.

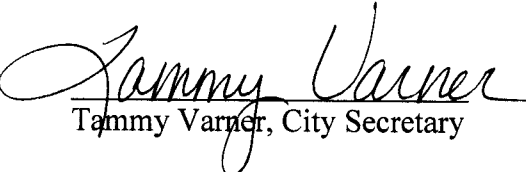
2014-120 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:20 p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary