

<p>MINUTES REGULAR COUNCIL MEETING July 8, 2014</p>
--

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

<p>REGULAR AGENDA</p>

Mayor Houston called the meeting to order at 6:03 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.

2014-258 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Every Saturday – Downtown Farmer’s Market from 8:00am-1:00pm at Heritage Park - KBEC Radio will hold a live remote on July 19th.

July 12th - Movie in the Park – “Frozen” @ Hawkins Spring Park at dusk

Wildflower Walk at Mockingbird Nature Park at 9:00am

July 19th Pet Adoption Event at Walmart from 9am-11am at the Garden Center entrance

Currently accepting applications for the 2014 Citizens Academy to be held every Thursday evening at 5:30pm from August 21st – October 9th

b. Administrative announcements related to personnel

City Manager expressed appreciation to Parks, Public Works and Police Departments for their assistance with the well-attended July 4 parade

2014-259 CITIZENS TO BE HEARD

None to be heard

<p>CONSENT AGENDA</p>

2014-260 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JUNE 24 AND JULY 1, 2014

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

The following Items were taken out of order as a courtesy to those in attendance.

REGULAR AGENDA

2014-266 CONSIDER AND ACT UPON APPROVAL OF BLUE CROSS BLUE SHIELD OF TEXAS TO PROVIDE EMPLOYEE MEDICAL AND DENTAL INSURANCE BENEFITS TO CITY EMPLOYEES

Human Resources Director, Janet Goad, presented the health and dental insurance proposal for FY2014-15 from Blue Cross Blue Shield of Texas with a 0% increase in rates and no changes to the current coverage. Councilmember Sibley moved to approve Item 2014-266 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

2014-267 CONSIDER AND ACT UPON A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF WEATHERFORD, TEXAS.

Adam Mergener presented the Item for city-wide street sealing and surfacing services. Councilmember Sibley moved to approve Item 2014-267 as presented. Motion was seconded by Councilmember McClure and carried unanimously (7-0).

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

PUBLIC HEARINGS

2014-261 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE NO. 2013-24, AS AMENDED, AMENDING ORDINANCE 2014-10, PLANNED DEVELOPMENT DISTRICT (PD-66), MCALPIN MANOR, BY AMENDING SECTION 3.B.12&13, TO REFLECT MODIFICATIONS TO THE SCREENING FENCE REQUIREMENTS FOR RESIDENTIAL LOTS BACKING OR SIDING ONTO LEDGESTONE LANE. PROPERTY CONTAINS ±249.298 ACRES AND IS LOCATED SOUTH OF MCALPIN ROAD AND ±950 FEET WEST OF KOLTER LANE, IN THE CITY OF MIDLOTHIAN, TEXAS. (CASE NO. Z11-2013-61)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the request for modifications to the screening fence requirements. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2014-261 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-262 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, BY REZONING ± 212.199 ACRES FROM THE CURRENT AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR ALL USES PERMITTED IN THE HEAVY INDUSTRIAL (HI) DISTRICT WITH ADDITIONAL USES, DEVELOPMENT AND MAINTENANCE REQUIREMENTS. SAID PROPERTY IS OUT OF THE J. CHAMBLEE SURVEY, ABSTRACT 192, THE L. K. SURVEY, ABSTRACT NO. 593, AND THE CUADRILLA IRRIGATION CO. SURVEY, ABSTRACT NO. 1206, LOCATED WEST AND SOUTH OF MILLER ROAD AND NORTH AND WEST OF US HIGHWAY 67, IN THE CITY OF MIDLOTHIAN, TEXAS. (CASE NO. Z17-2013-80)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. Larry Barnett, President of Midlothian Economic Development addressed Council in support of the project. With no further public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2014-262 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-263 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, BY REZONING ± 4.377 ACRES FROM THE CURRENT PLANNED DEVELOPMENT NO. 33 (PD-33) DISTRICT FOR MULTI-FAMILY AND RETAIL USES TO A PLANNED DEVELOPMENT DISTRICT (PD) FOR RESIDENTIAL TOWNHOME USES. PROPERTY IS LOCATED IN THE W. M. HAWKINS SURVEY, ABSTRACT 465, BEING LOCATED NORTH OF EAST RIDGE DRIVE AND ± 400 FEET EAST OF NORTH 14TH STREET, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z06-2013-30)

Mayor Houston opened the Public Hearing and Kevin Lasher presented the Item. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Miller and carried unanimously (7-0). After further discussion by Council regarding carport storage issues, Councilmember Henley moved to reject the Item as presented without prejudice. Motion was seconded by Councilmember Miller and carried by a vote of 5-2 with Mayor pro tem Frizzell and Councilmember Sibley voting in opposition.

2014-264 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 3 BUILDING REGULATIONS BY ADDING PROVISIONS FOR THE MUNICIPAL COURT REGARDING SUBSTANDARD BUILDINGS; TO ESTABLISH HEARING PROCEDURES FOR THE REPAIR, REHABILITATION, VACATION, SECURING OR DEMOLITION AS RELATED TO SUBSTANDARD STRUCTURES

Mayor Houston opened the Public Hearing and attorney Joe Gorfida provided an explanation of the ordinance modifications that allows for the Municipal Court to be included in the process of substandard structure repair, rehabilitation or demolitions. With no public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember McClure and carried by a vote of 6-1, with Councilmember Miller voting in opposition. Mayor pro tem Frizzell moved to approve Item 2014-264 as presented. Motion was seconded by Councilmember Sibley and carried by a vote of 6-1 with Councilmember Miller voting in opposition.

2014-265 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO APPROVE REVISIONS OF THE CURRENT UNIFORM HOUSING CODE

Mayor Houston opened the Public Hearing and attorney Joe Gorfida provided an explanation of the modifications to the City's current Uniform Housing Code, which includes a revision that expands the scope of the UHC to apply to all existing structures and premises including accessory structures; modify UHC to reference current codes; further define the Building Official as any person authorized by the City Manager that has the required experience, training and knowledge to administer and enforce the UHC; and modify the definition of hot water. 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). Mayor pro tem Frizzell moved to approve Item 2014-265 as presented. Motion was seconded by Councilmember McClure and carried by a vote of 6-1 with Councilmember Miller voting in opposition.

REGULAR AGENDA	
-----------------------	--

2014-268 REVIEW AND APPROVE DRAFT AGENDAS FOR THE AUGUST 5TH AND SEPTEMBER 2ND CITY COUNCIL WORKSHOPS; REVIEW CITY COUNCIL PRIORITIZED ISSUES/ PROJECTS LIST; AND DIRECT STAFF AS NECESSARY

It was the consensus of Council to conduct a budget workshop for the August 5, 2014 Council workshop meeting, with an additional budget workshop to be held on September 2, and, if time allows, to also review and discuss the Midlothian Home Rule Charter during the September 2 Council workshop.

Council moved to Executive Session at 7:45 p.m. for the purpose of discussing Agenda Item 2014-269 and Executive Session Item 5 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Henley, and Miller, City Manager, and City Attorney.

2014-269 CONSIDER AND ACT UPON AN EMPLOYMENT SEPARATION AGREEMENT APPLICABLE TO THE CITY MANAGER

Council reconvened in Regular Session at 8:55 p.m. with no action taken in Executive Session.

After reconvening into Regular Session, Councilmember Sibley moved to approve the Employment Separation Agreement between the City of Midlothian and Don Hastings, City Manager as presented; the separation to be effective on September 30, 2014, with pro bono consulting services continuing through December 31, 2014. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

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

REGULAR AGENDA

2014-270 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

The Item was not discussed in Executive Session.

2014-271 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

The Item was not discussed in Executive Session.

2014-272 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

The Item was not discussed in Executive Session.

2014-273 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

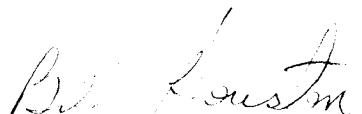
The Item was not discussed in Executive Session.

2014-274 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: PERSONNEL

See action taken under 2014-269 herein.

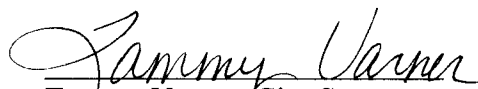
2014-275 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:55p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary