

**MINUTES
REGULAR COUNCIL MEETING
APRIL 24, 2012**

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
- Jason Kyle § Councilmember Place 3
- Joe Frizzell § Mayor Pro Tem Place 4
- Hank Miller § Councilmember Place 5 – *left 5:45 p.m.*
- Steve Massey § Councilmember Place 6 – *arrived 5:25 p.m.*

WORKSHOP – 5:00 P.M.

2012-143 DISCUSS STRATEGIC PLAN FOR ANNEXATION AND RELATED PROCEDURES

Topics discussed were Texas annexation laws, current boundaries, infill properties, cost to service annexed areas, pros and cons of annexation, timing and impact of annexation, and methods used to select areas for consideration. The Workshop was adjourned at 6:13 p.m.

2012-144 DISCUSS ITEMS LISTED ON THE APRIL 24, 2012 CITY COUNCIL AGENDA

The Item was not discussed due to time constraints.

2012-145 DISCUSS FORMAT OF FUTURE COUNCIL MEETINGS, INCLUDING WORKSHOP FREQUENCY AND START TIMES

The Item was not discussed due to time constraints.

REGULAR AGENDA – 6:30 P.M.

Mayor Houston called the meeting to order at 6:31 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Sibley gave the invocation and led in the pledges.

2012-146 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

April 28 – annual Spring Fling; Early Voting – April 30 thru May 4, 8:00 a.m. – 5:00 p.m.; May 7 and 8, 7:00 a.m. – 7:00 p.m.; Election Day – May 12, 7:00 a.m. – 7:00 p.m.

b. Proclamation recognizing May as Motorcycle Safety Month

Representatives of the Gryphons, Patriot Guards, Bikers Against Child Abuse, Banditos, Guardians of the Children, Bikers for Christ, and Honor Bound Ministries accepted the Proclamation.

c. Administer Oath of Honor to new Police Department personnel

Chief Smith administered the Oath to new officers Jay Flowers and Tim Hicks.

d. Administrative announcements related to personnel

Water Treatment Plant personnel Ray Cason, Sandra Binkley, and Cynthia Day were recognized for taking first place in the State as Top Ops champions in the American Waterworks Association competition. They will now advance to compete at the national level.

CONSENT AGENDA

2012-147 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF APRIL 10, 2012

2012-148 CONSIDER AND ACT UPON A REQUEST TO ACKNOWLEDGE ACQUISITIONS TO THE POLICE DEPARTMENT FLEET THROUGH VEHICLES AND EQUIPMENT ACQUIRED THROUGH THE DEFENSE LOGISTICS AGENCY 1033 PROGRAM

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

PUBLIC HEARINGS

Items 2012-149, 2012-150, and 2012-151 were opened simultaneously for discussion, action was taken individually

2012-149 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION OVERLAY (H) DESIGNATION FOR THE LARKIN NEWTON CABIN, LOCATED IN HERITAGE PARK; THIS HISTORICAL LANDMARK DESIGNATION IS INTENDED TO PROTECT, ENHANCE AND PERPETUATE THE HISTORICAL LANDMARK, WHICH REPRESENTS OR REFLECTS DISTINCTIVE AND IMPORTANT ELEMENTS OF THE CITY. (CASE NO. Z03-2011-25)

Mayor Houston opened the Public Hearings and Mr. Garfield presented the proposed Ordinances unanimously recommended for approval by P&Z on March 20 and recommended for approval by staff. The historical integrity of all three locations would be protected by preventing any alteration or demolition, without a public hearing in front of the Planning & Zoning Commission and City Council. Historic Board officers Karen Esberger and Judy Howard spoke in support of the three Ordinances. Mayor Houston closed the three Public Hearings.

Mayor pro tem Frizzell moved to approve Item 2012-149 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2012-150 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION OVERLAY (H) DESIGNATION FOR THE OLD FIRE HOUSE, LOCATED SOUTH OF AVENUE F AND WEST OF PLAZA DRIVE; THIS HISTORICAL LANDMARK DESIGNATION IS INTENDED TO PROTECT, ENHANCE AND PERPETUATE THE HISTORICAL LANDMARK, WHICH REPRESENTS OR REFLECTS DISTINCTIVE AND IMPORTANT ELEMENTS OF THE CITY. (CASE NO. Z02-2011-26)

Mayor pro tem Frizzell moved to approve Item 2012-150 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2012-151 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION OVERLAY (H) DESIGNATION FOR KIMMEL PARK, LOCATED NORTH OF AVENUE F AND EAST OF 1ST STREET; THIS HISTORICAL LANDMARK DESIGNATION IS INTENDED TO PROTECT, ENHANCE AND PERPETUATE THIS HISTORICAL LANDMARK, WHICH REPRESENTS OR REFLECTS DISTINCTIVE AND IMPORTANT ELEMENTS OF THE CITY. (CASE NO. Z05-2011-27)

Mayor pro tem Frizzell moved to approve Item 2012-151 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

REGULAR AGENDA

2012-152 CITIZENS TO BE HEARD

None were received.

2012-153 CONSIDER AND ACT UPON A REQUEST FOR APPROVAL OF A TAX ABATEMENT AGREEMENT BETWEEN THE CORPORATION FOR THE ECONOMIC DEVELOPMENT OF MIDLOTHIAN AND ASH GROVE TEXAS, L.P. FOR PROPERTY LOCATED AT 900 GIFCO ROAD (ASH GROVE ADDITION, BLOCK 1, LOT 1R), IN THE NORTHWEST TAX ABATEMENT REINVESTMENT ZONE NUMBER 1, LOCATED IN THE CITY OF MIDLOTHIAN, TEXAS

Mr. Garfield presented the final step in the abatement process for Ash Grove improvements.

Councilmember Sibley moved to approve Item 2012-153 as presented. Motion was seconded by Councilmember Massey and carried unanimously (6-0).

2012-154 CONSIDER AND ACT UPON THE SITE PLAN, ELEVATIONS AND LANDSCAPE PLAN FOR THE TERRACE AT MIDTOWNE; PROPERTY COMMONLY KNOWN AS MIDTOWNE PHASE 5, CONTAINING 8.655 ACRES AND GENERALLY LOCATED SOUTH OF GEORGE HOPPER ROAD AND WEST OF ABIGAIL WAY, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. SP01-2011-26)

Mr. Garfield presented the request unanimously recommended for approval by P&Z on April 17. On-street parking along the south side of George Hopper Road is to be considered in separate action at a future meeting.

Janine Sisak of DMA, Midtowne Terrace architect Phillip Crisara, and developer Monte Anderson spoke in support of the site plan and landscape plan.

Councilmember Kyle moved to approve Item 2012-154 as presented. Motion was seconded by Councilmember Sibley and carried by a vote of 5-1 with Councilmember Rodgers opposed.

2012-155 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MIDWAY REGIONAL AIRPORT BOARD CHAIRMAN TO EXECUTE ON BEHALF OF THE CITY OF MIDLOTHIAN, AT THE APPROPRIATE TIME, AND WITH THE APPROPRIATE AUTHORIZATIONS OF THIS GOVERNING BODY, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE APRON EXPANSION PROJECT AT MIDWAY REGIONAL AIRPORT

Airport Board Chairman Paula Baucum presented the estimated \$2,185,000 project to be funded at a rate of 90% by TxDOT and the remaining 10% from the cities of Waxahachie and Midlothian.

Councilmember Sibley moved to approve Item 2012-155 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2012-156 CONSIDER AND ACT UPON APPROVING THE EXPENDITURE OF FUNDS FOR PAVEMENT PULVERIZATION AND RESURFACING SERVICES FOR MCALPIN ROAD WITH REYNOLDS ASPHALT AND CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$139,838.20

Mike Adams presented the request that would utilize an existing Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie authorizing the use of Reynolds Asphalt for a significant savings.

Councilmember Kyle moved to approve Item 2012-156 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (6-0).

2012-157 CONSIDER AND ACT UPON AN ENGINEERING SERVICES AGREEMENT FOR DESIGN AND RELATED PROFESSIONAL SERVICES FOR THE FM 1387-HIGH SCHOOL NO. 2 GRAVITY SANITARY SEWER MAIN WITH KIMLEY-HORN AND ASSOCIATES, INC., (KHA), IN AN AMOUNT NOT TO EXCEED \$46,700

Ryan Spencer presented the request to be funded through an Interlocal Agreement between the City and MISD for the cost-sharing of public improvements needed to serve the new high school at a rate of 37% - City and 63% - MISD.

Councilmember Sibley moved to approve Item 2012-157 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-158 CONSIDER AND ACT UPON AN AMENDMENT TO THE ADOPTED CITY COUNCIL "POLICY ON GOVERNANCE PROCESS" TO REVISE THE PROCEDURE FOR COUNCIL APPOINTMENT TO BOARDS AND COMMISSIONS

Item 2012-158 was tabled for further review at the request of staff.

Council moved to Executive Session at 8:32 p.m. for the purpose of discussing Items 1, 2, 4, 5, and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, and Massey; City Manager and City Attorney

EXECUTIVE SESSION

1. 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.
2. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN
3. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
4. SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS
5. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
6. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT)

AS AUTHORIZED BY SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE, THIS MEETING MAY BE CONVENED INTO CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF SEEKING CONFIDENTIAL LEGAL ADVICE FROM THE CITY ATTORNEY ON ANY AGENDA ITEM LISTED HEREIN.

Council reconvened in Regular Session at 9:36 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-159 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL

No action was taken following Executive Session.

2012-160 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES

No action was taken following Executive Session.

2012-161 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT

The Item was not discussed in Executive Session nor was action taken.

2012-162 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL ESTATE

No action was taken following Executive Session.

2012-163 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: REAL ESTATE

No action was taken following Executive Session.

2012-164 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CONTEMPLATED LITIGATION (CONSTRUCTION)

The Item was not discussed in Executive Session nor was action taken.

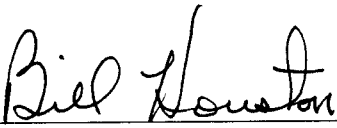
2012-165 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)

No additional Items were discussed in Executive Session nor was action taken.

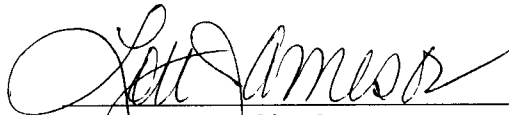
2012-166 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:36 p.m.

ATTEST:



Bill Houston, Mayor



Lou Jameson, City Secretary