

**MINUTES
REGULAR COUNCIL MEETING
MAY 21, 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
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

REGULAR AGENDA – 6:00 P.M.

Mayor Houston called the meeting to order at 6:03 p.m. with notice of the meeting duly posted and the full Council present. Mayor pro tem Frizzell gave the invocation and led in the pledges.

2012-188 CANVASS VOTES FROM CITY COUNCIL ELECTION OF MAY 12, 2012

Council reviewed election returns submitted by Election Judge Jimmie McClure and accepted the following as official:

<u>Place 5</u>		<u>Place 6</u>	
T.J. Henley	542	Randall D. "Randy" Smith	274
		Theodore "Ted" Miller	327
		Marty Giesecke	49

Mayor Houston presented a plaque of appreciation to Dr. Miller for his three years of service and an engraved watch to Steve Massey for his thirteen years of service.

2012-189 ADMINISTER OATH OF OFFICE TO COUNCILMEMBERS PLACE 5 AND 6

Judge Traylor administered the Oath of Office to newly elected Councilmembers T.J. Henley, Place 5, and Ted Miller, Place 6. Each took their respective seats.

2012-190 ELECT MAYOR PRO TEM

Councilmember Sibley moved to elect Joe Frizzell as Mayor pro tem. Motion was seconded by Mayor Houston and carried unanimously (7-0).

2012-191 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

June 2 – Ag Banquet, MidWay Airport Fly-In Breakfast, and Downtown Farmers Market; June 9 – Hazardous Waste Collection and Movies in the Park featuring The Muppets

b. Administrative announcements related to personnel

Appreciation was extended to the Police, Public Works, and Parks Departments for their work in hosting Police Memorial Week. A successful Downtown Dance, with over 700 in attendance, was reported. Departing Parks Manager Jim Berman was recognized for his years of service in building the Parks Department.

CONSENT AGENDA

2012-192 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MAY 8, 2012

2012-193 CONSIDER AND ACT UPON A STAFF RECOMMENDATION TO REJECT ALL BIDS RECEIVED FOR THE PAVEMENT ASPHALT OVERLAY CONTRACT

2012-194 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE INDEPENDENCE DAY PARADE SCHEDULED FOR WEDNESDAY, JULY 4, 2012, 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. RES15-2011-53)

2012-195 CONSIDER AND ACT UPON A BLOCK PARTY, LOCATED IN MIDLOTHIAN MEADOWS AND HOSTED BY THE HOME OWNERS ASSOCIATION (HOA) OF MIDLOTHIAN MEADOWS PHASE 4 & 5; SAID BLOCK PARTY IS SCHEDULED FOR SATURDAY, JUNE 9TH, 2012, 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. RES16-2011-54)

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

PUBLIC HEARINGS

2012-196 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP), TO ALLOW AN ELECTRONIC MESSAGE SIGN FOR LONGBRANCH ELEMENTARY, LOCATED NORTH OF FM 1387 AND WEST OF LONGBRANCH ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. SUP03-2011-39)

Mayor Houston opened the Public Hearing and Alberto Mares presented the request unanimously recommended for approval by P&Z on April 17, subject to five conditions.

Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Kyle and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2012-196 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-197 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON A REQUEST TO REZONE WATSON ADDITION LOT 2A AND 2B FROM AGRICULTURAL (A) TO SINGLE FAMILY THREE (SF-3) ON PROPERTY LOCATED EAST OF BRYSON ROAD AND NORTH OF FM 1387. (CASE NO. Z06-2011-42)

Councilmember Henley abstained from discussion and vote due to a possible conflict of interest.

Mayor Houston opened the Public Hearing and Alberto Mares presented the request unanimously recommended for approval by P&Z on April 17.

Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Kyle and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2012-197 as presented. Motion was seconded by Councilmember Rodgers and carried by a vote of 6-0-1 with Councilmember Henley abstaining.

REGULAR AGENDA

2012-198 CITIZENS TO BE HEARD

None were heard.

2012-199 CONSIDER AND ACT UPON AWARDED A CONTRACT TO WHECO ELECTRIC, INC. FOR THE MAINTENANCE AND REPAIR OF SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM EQUIPMENT AT THE WATER TREATMENT PLANT

WTP Manager Ben Wilson presented the proposed contract. Bids from three vendors were compared; staff recommended Wheco as the preferred overall vendor.

Mayor pro tem Frizzell moved to approve Item 2012-199 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-200 CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING NO PARKING, STOPPING, OR STANDING OF VEHICLES ALONG FM 663 (SOUTH 9TH STREET) FROM GEORGE HOPPER ROAD SOUTHWARD TO U.S. HIGHWAY 287 (EAST SIDE ONLY), IN THE CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS; PROVIDING FOR THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Mike Adams presented proposed changes that would become effective prior to the next school year if approved by TxDOT.

Councilmember Kyle moved to approve Item 2012-200 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-201 CONSIDER AND ACT UPON APPOINTMENTS TO COUNCIL SUB-COMMITTEES

<u>Planning/Economic Development</u>	<u>Transportation/Public Works</u>	<u>Utility Advisory</u>	<u>Nomination</u>
Councilmember Kyle	Mayor pro tem Frizzell	Councilmember Sibley	Mayor Houston
Councilmember Rodgers	Councilmember Henley	Councilmember Miller	Mayor pro tem Frizzell
Mayor Houston			Councilmember Kyle

Council moved to Executive Session at 6:50 p.m. for the purpose of discussing Items 5 and 6, and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney

EXECUTIVE SESSION

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 NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS
4. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
5. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT)
6. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION

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 or implementation of security personnel or devices).

Council reconvened in Regular Session at 7:31 p.m. with no action taken in Executive Session

REGULAR AGENDA**2012-202 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS
CENTRAL BUSINESS LINES**

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

**2012-203 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC
DEVELOPMENT**

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

**2012-204 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL
ESTATE**

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

**2012-205 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL
ESTATE**

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

**2012-206 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5:
CONTEMPLATED LITIGATION (CONSTRUCTION)**

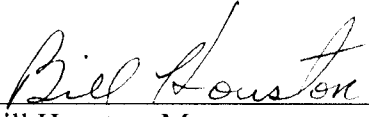
Mike Adams participated in discussion; no action was taken following Executive Session.

**2012-207 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6:
CONTEMPLATED LITIGATION**

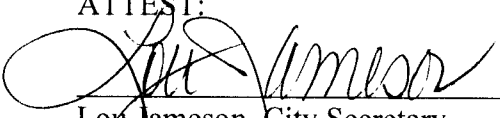
No action was taken following Executive Session.

2012-208 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:32 p.m.



Bill Houston, Mayor

ATTEST:


Lou Jameson, City Secretary