

**MINUTES
REGULAR COUNCIL MEETING
JULY 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
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 6:02 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.

2012-275 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- July 23 – 27 Early Voting for Runoff Elections
- July 28 Downtown Farmers Market
- Aug 2 – 4 Friends of Meadows Library book sale
- August 6 Summer Wildflower & Bird Walk at Mockingbird Nature Park
- August 11 Back-2-School Bash and Movie in the Park featuring “Dolphin Tale” at the MISD Stadium

b. Administer Oath of Honor to Police Department personnel

Police Chief Carl Smith presented the Oath of Honor to incoming Police Officers Carl Clifton and Wes Keeland

c. Presentation of proclamation to retiring City Secretary Lou Jameson

Proclamation presented to Lou Jameson honoring her 23 years of service to the City of Midlothian by Mayor Bill Houston

d. Presentation of proposed FY 2012-2013 Operating Budgets for the City of Midlothian General Fund and Utility Fund

City Manager Hastings presented a brief overview of the operating budgets in preparation for upcoming budget workshops

e. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-276 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JULY 10, 2012

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

PUBLIC HEARINGS

2012-277 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING SECTION 6.7, NORTH 8TH STREET DISTRICT (N8) OF THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, INCORPORATING CHANGES TO VARIOUS, ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. OZ02-2011-57)

Mayor Houston opened the Public Hearing and Alberto Mares, Interim Planning Director, presented the item that would allow restaurants in the North 8th Street District via the Special Use Permit process. 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 2012-277 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-278 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON A REQUEST FOR A SPECIFIC USE PERMIT (SUP), TO ALLOW A RESTAURANT ON PROPERTY CURRENTLY ZONED NORTH 8TH STREET (N8) DISTRICT. PROPERTY ADDRESS IS 303 NORTH 8TH STREET, AND IS LOCATED NORTHEAST OF THE INTERSECTION OF WEST AVENUE E AND NORTH 8TH STREET IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO .SUP05-2011-31)

Mayor Houston opened the Public Hearing and Alberto Mares presented the item to allow a restaurant on property currently zoned North 8th Street (N8) District. The Planning and Zoning Commission voted unanimously to recommend approval at its June 19, 2012 meeting, subject to various conditions. Concerns regarding parking were discussed and reviewed. Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Kyle. Councilmember Kyle moved to approve Item 2012-278 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

2012-279 CITIZENS TO BE HEARD

None were received

2012-280 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

No updates received

2012-281 A RESOLUTION AMENDING RESOLUTION 2012-07 TO AUTHORIZE A DOWNTOWN FARMERS MARKET TO BE HELD EVERY SATURDAY THROUGH OCTOBER 20, 2012 AND HOSTED BY THE MIDLOTHIAN DOWNTOWN BUSINESS ASSOCIATION; IN ACCORDANCE WITH ZONING REQUIREMENTS FOR SPECIAL EVENTS AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, SECTION 4.4 (USE TABLE) (CASE NO. RES18-2011-63)

Alberto Mares reported that due to the popularity of the Farmers Market, the City has received a request from the Downtown Business Association to allow the event to be held every Saturday from 8:00 a.m. until 1:00 p.m. through October 20, 2012 in Heritage Park. Councilmember Miller moved to approve Item 2012-281 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

Council moved to Executive Session at 7:13 p.m. for the purpose of discussing Items 7 and 8 and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, and Planning Director applicant John Taylor.

EXECUTIVE SESSION

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| 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 551.071 | LEGAL: CONSULTATION WITH ATTORNEY REGARDING CITY OF MIDLOTHIAN V. RANDALL DENTON, MIDTEXAS INTERNATIONAL CENTER, INC., TEXAS PROPERTIES TRUST AND TRADE ZONE OPERATIONS, INC. |
| 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 |
| 7. | SECTION 551.074 | PERSONNEL MATTERS: (A)(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE – PLANNING DIRECTOR |
| 8. | SECTION 551.074 | PERSONNEL: (A)(1) TO DELIBERATE THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER |

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/implementation of security personnel or devices).

Council reconvened in Regular Session at 9:18 p.m. with the following action taken in Executive Session.

REGULAR AGENDA

2012-282 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

No discussion; no action

2012-283 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

No discussion; no action

2012-284 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

No discussion; no action

2012-285 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

No discussion; no action

2012-286 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION (CONSTRUCTION)

No discussion; no action

2012-287 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CONTEMPLATED LITIGATION

No discussion; no action

2012-288 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #7: PERSONNEL – PLANNING DIRECTOR

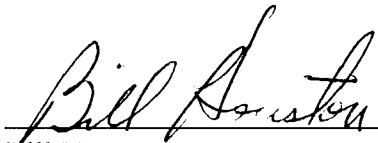
Councilmember Henley moved to appoint John Taylor as Planning Director at an annual salary of \$99,300. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

2012-289 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #8: PERSONNEL – CITY MANAGER

No action taken following Executive Session.

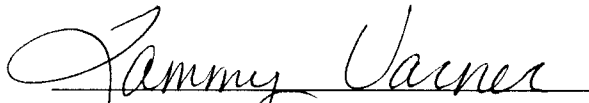
2012-290 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:20 p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary