

**MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 25, 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

Mayor Houston called the meeting to order at 6:02 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Henley gave the invocation and led in the pledges.

2012-355 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- Every Saturday thru October – Downtown Farmers Market 8am-1pm at Heritage Park
- October 9, 2012 – Last day to register to vote in the November 6th General Election
- October 12, 2012 – Community Gardening Day 8am-11am at Ridgeview Park.
- 11th Annual Scarecrow Festival – Enter by September 28th

b. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-356 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF SEPTEMBER 11 AND 17, 2012

2012-357 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING A NATIONAL NIGHT OUT BLOCK PARTY, LOCATED AND HOSTED BY PROPERTY OWNERS ON BLAKE LANE IN CONJUNCTION WITH THE ANNUAL “NATIONAL NIGHT OUT”, SCHEDULED FOR TUESDAY, OCTOBER 2, 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. RES20-2011-78)

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

PUBLIC HEARINGS

2012-358 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO AMEND THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, AMENDING SECTION 7.4-2, POLITICAL SIGNS, AND SECTION 7.4-20, DEFINITIONS, INCORPORATING CHANGES TO VARIOUS, ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. OZ014-2011-40)

Mayor Houston opened the Public Hearing and John Taylor reported that the Planning and Zoning Commission recommended approval on April 17, 2012; however, different amendment options to the ordinance have been discussed since that time. Staff recommended remanding the item back to the Planning and Zoning Commission for further discussion at its October 15 meeting, and bringing the item back to City Council on October 23. Mayor pro tem Frizzell moved to continue the Public Hearing until October 23 and to remand the item back to the Planning and Zoning Commission for further consideration. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

REGULAR AGENDA

2012-359 CITIZENS TO BE HEARD

None to be heard.

2012-360 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2012-361 CONSIDER AND ACT UPON AN ORDINANCE CALLING FOR A JOINT PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL TO CONSIDER AN APPLICATION FOR ZONING AMENDMENTS FOR TWO PARCELS AND PRESCRIBING SPECIAL NOTICE STANDARDS CONSISTENT WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER SECTIONS 211

John Taylor presented the Item, explaining the joint public hearing is part of a May 2012 settlement agreement between the City, Randy Denton and MidTexas International. Also, as part of the settlement agreement terms, the City agreed to waive fees for zoning and platting application, pending formal Council approval. Mayor pro tem Frizzell moved to call for a Public Hearing on October 9, 2012 and to approve the waiver of applicable zoning and platting fees. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-362 CONSIDER AND ACT UPON A LICENSE AGREEMENT WITH THE CITY OF WAXAHACHIE, TEXAS, THAT WILL PERMIT THE CITY OF MIDLOTHIAN TO UTILIZE THE CITY OF WAXAHACHIE'S NEWEST ELEVATED WATER TOWER AT 528 SUITE A, OVILLA ROAD, WAXAHACHIE, TEXAS, FOR A REMOTE RECEIVING SITE AS PART OF THE NEED CENTER UPGRADED COMMUNICATIONS INFRASTRUCTURE

Chief Schrodt explained the need for a remote receiver site in the southeastern portion of the City and the Emergency Services District. The City of Waxahachie is willing to allow the City of Midlothian to use their newest elevated water tower for the remote receiver at no charge. Councilmember Kyle moved to approve execution of the License Agreement with the City of Waxahachie and to authorize the Mayor to execute same. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-363 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

Mayor Houston presented recommendations from the Nomination Subcommittee as follows:

Planning and Zoning Commission: James Koehler to replace Jon Herrin

Zoning Board of Adjustments: Marni White and Charlotte Bailey as Alternate #1 and #2, respectively
Councilmember Sibley moved to appoint nominees as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

Council moved to Executive Session at 6:20 p.m. for the purpose of discussing Items 1 and 3 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, City Engineer, Planning Director, MidWay Airport Manager Judy Demoney, MidWay Airport Board President, Paula Baucum and Comprehensive Planning Manager Ryan Spencer, each for their respective items.

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 AND EASEMENTS NECESSARY FOR ROADWAY, UTILITY 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 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/implementation of security personnel or devices).

Council reconvened in Regular Session at 8:13 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-364 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

No action taken following Executive Session.

2012-365 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

The Item was not discussed during Executive Session.

2012-366 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

No action taken following Executive Session.

2012-367 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

The Item was not discussed during Executive Session.

2012-368 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION

The Item was not discussed during Executive Session.

2012-369 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:13 p.m.

Bill Houston
Bill Houston, Mayor

ATTEST:

Tammy Varner
Tammy Varner, City Secretary