

**MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 11, 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 6:00 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. A moment of silence was observed to commemorate the 11th anniversary of the September 11 terrorist attacks in New York City.

2012-334 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Every Saturday through October 20th – Downtown Farmers Market 8a.m.-1p.m. at Heritage Park
September 15th - YMCA Sand Volleyball Family Tournament at Midlothian Sports Complex starting at 8:00 a.m.

Sign up has started for the 11th Annual Scarecrow Festival hosted by the Midlothian Downtown Business Association.

b. Administrative announcements related to personnel

Parks staff was commended for a successful Movies in the Park event on September 8 featuring the movie *Happy Feet Two* and a live penguin exhibit at Hawkins Spring Park

CONSENT AGENDA

2012-335 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF AUGUST 28, 2012

2012-336 CONSIDER AND ACT UPON APPOINTMENTS TO THE CITY COUNCIL TRANSPORTATION SUBCOMMITTEE

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

PUBLIC HEARINGS

2012-337 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE FOR THE PROPOSED FY 2012-2013 ANNUAL OPERATING BUDGET/SERVICE AND ASSESSMENT PLAN FOR THE CITY OF MIDLOTHIAN PUBLIC IMPROVEMENT DISTRICT NUMBER ONE (MIDTOWNE PID), AS ESTABLISHED BY ORDINANCE 2008-28, AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE (CASE NO. M11-2011-71)

Mayor Houston opened the Public Hearing and Planning Director John Taylor presented the Item, providing a brief revenue and expenditure summary of the proposed PID budget. Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Kyle and carried unanimously (7-0). Councilmember Kyle moved to approve the PID #1 Budget as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-338 CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED FY 2012-2013 ANNUAL OPERATING BUDGET FOR THE CITY OF MIDLOTHIAN AND ACT UPON AN ORDINANCE ADOPTING THE FY 2012-2013 ANNUAL OPERATING BUDGET AND PLAN FOR MUNICIPAL SERVICES FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013, IN ACCORDANCE WITH LOCAL GOVERNMENT CODE §102; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

Mayor Houston opened the Public Hearing and Mr. Hastings reviewed major elements of the budget. Chris Dick recapped changes to the budget incorporated and reflected in the document being reviewed by Council. With no 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 2012-338 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

2012-339 CITIZENS TO BE HEARD

None were received.

2012-340 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2012-341 CONSIDER AND ACT UPON AN ORDINANCE, BY RECORD VOTE OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, LEVYING AND ASSESSING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF MIDLOTHIAN, FOR THE FISCAL YEAR 2012-2013, AT \$0.283204 FOR MAINTENANCE AND OPERATIONS AND \$0.366796 FOR INTEREST AND SINKING FUNDS, FOR A TOTAL OF SIXTY-FIVE (\$0.65), SPECIFICALLY FOR THE PURPOSE FOR WHICH SAID TAXES MAY BE EXPENDED AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Sibley moved to approve Item 2012-341 as presented. Motion was seconded by Councilmember Kyle and carried by a unanimous roll call vote as follows: Sibley – aye; Rodgers – aye; Kyle – aye; Houston – aye; Frizzell – aye; Henley – aye; Miller – aye (7-0).

2012-342 CONSIDER AND TAKE A SEPARATE VOTE TO RATIFY A PROPERTY TAX REVENUE INCREASE AS REFLECTED IN THE FY 2012-2013 ANNUAL OPERATING BUDGET WHEN COMPARED TO THE FY 2011-2012 ANNUAL OPERATING BUDGET; THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$444,420 OR 3.51%, AND OF THAT AMOUNT \$156,456 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

Councilmember Sibley moved to approve Item 2012-342 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2012-343 CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, PROVIDING FOR A SEVENTY THOUSAND DOLLAR (\$70,000) RESIDENTIAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER FROM ALL AD VALOREM TAXES HEREAFTER LEVIED AND PROVIDING AN EXEMPTION FOR DISABLED VETERANS BASED UPON THE DEGREE OF THEIR DISABILITY; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Kyle moved to approve Item 2012-343 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2012-344 CONSIDER AND ACT UPON APPROVAL OF THE MIDLOTHIAN CHAMBER OF COMMERCE'S REQUEST TO EXPEND \$3,768 OF MUNICIPAL HOTEL/MOTEL TAX MONIES FOR ADVERTISEMENT AND OTHER RELATED EXPENDITURES FOR THE 2012 FALL FESTIVAL

Chris Dick presented the Item, explaining that the Chamber has requested the funds to assist with expenses related to the Fall Festival event to be held on October 20. Mayor pro tem Frizzell moved to approve Item 2012-344 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-345 CONSIDER AND ACT UPON A SERVICE CONTRACT BETWEEN THE CITY OF MIDLOTHIAN AND REPUBLIC MECHANICAL TO PROVIDE MAINTENANCE AND REPAIR SERVICES FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) EQUIPMENT CITYWIDE

Adam Mergener reported that three bids were received and recommended awarding the bid to Republic Mechanical. Councilmember Sibley moved to approve Item 2012-345 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

With no updates to receive, Executive Session was cancelled.

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
551.071 | 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).

REGULAR AGENDA

2012-346 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

Executive Session was not conducted.

2012-347 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

Executive Session was not conducted.

2012-348 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

Executive Session was not conducted.

2012-349 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

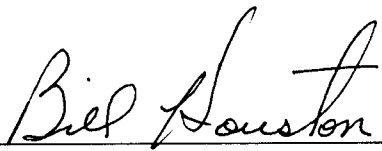
Executive Session was not conducted.

2012-350 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION

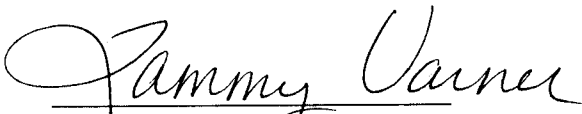
Executive Session was not conducted.

2012-351 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 6:32p.m.


Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary