

**MINUTES  
REGULAR COUNCIL MEETING  
FEBRUARY 12, 2013**

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 6:03 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Sibley gave the invocation and led in the pledges.

**2013-41 ANNOUNCEMENTS/PRESENTATIONS**

**a. Community Affairs calendar**

February 18, 2013 – City offices closed in observance of President’s Day

February 23, 2013 – Winter Walk in Mockingbird Nature Park – 10 a.m. to noon

February 24, 2013 – Bridal and Special Event show at the Midlothian Conference Center

**b. Administrative announcements related to personnel**

The City Manager expressed gratitude to the Police, Parks and Public Works Departments for their response and assistance to the Littlefield and Kyle families in the aftermath of the recent tragedies.

**CONSENT AGENDA**

**2013-42 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 22, 2013**

**2013-43 CONSIDER AND ACT UPON A RESOLUTION DESIGNATING THE ELECTION JUDGE AND PROVIDING FOR CLERICAL PERSONNEL IN THE MAY 11, 2013 CITY COUNCIL ELECTION**

**2013-44 CONSIDER AND ACT UPON AWARDING A CONTRACT TO VARIOUS VENDORS FOR THE PURCHASE OF CHEMICALS FOR WATER TREATMENT PLANT NUMBER TWO**

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

<b>PUBLIC HEARINGS</b>
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- 2013-45 CONTINUE A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING ORDINANCE NO. 2007-14, AS AMENDED, THE MIDTOWNE PLANNED DEVELOPMENT ORDINANCE (PD-42), TO ALLOW A SKILLED NURSING FACILITY, MEMORY CARE, AND ASSISTED CARE LIVING FACILITY ON APPROXIMATELY ± 6.08 ACRES PROPERTY IS LOCATED AT THE SOUTHEAST INTERSECTION OF GEORGE HOPPER ROAD AND FM 663 (CASE NO. Z01-2012-08)**

Mayor Houston opened the Public Hearing continued from the January 8, 2013 City Council meeting and John Taylor presented the request to amend the planned development ordinance. The scope of the project has been reduced from approximately six acres to approximately 3.50 acres and the number of beds reduced from 90 to approximately 48, with the skilled nursing facility being removed from the request. Rick Keeler and Monte Anderson of 134 N. Main Street, Duncanville, Texas addressed Council concerns regarding traffic flow and congestion in the area. Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2013-45 as presented, subject to conditions as set out in the proposed ordinance. Motion was seconded by Councilmember Henley and carried by a vote of 5-2 with Councilmembers Rodgers and Miller voting in opposition.

<b>REGULAR AGENDA</b>
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- 2013-46 CITIZENS TO BE HEARD**

None to be heard.

- 2013-47 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES**

Councilmember Henley provided an update on the recent Park Board meeting.

- 2013-48 CONSIDER AND ACT UPON THE CITY OF MIDLOTHIAN'S CURRENT CERTIFICATION PAY PLAN SCHEDULE.**

Janet Goad, Human Resources Director, presented the revised and updated certification pay schedule prepared in conjunction with the salary study performed last year. Mayor pro tem Frizzell moved to approve Item 2013-48 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

- 2013-49 CONSIDER AND ACT UPON A PROFESSIONAL SERVICES AGREEMENT WITH DUNKIN, SIMS, STOFFELS, INC. FOR THE COMMUNITY PARK PROJECT PHASE 1, SCOPE OF SERVICES. THE SCOPE OF SERVICES WILL CONSIST OF GEOTECHNICAL SERVICES IN THE AMOUNT OF \$21,100; TOPOGRAPHICAL SURVEY IN THE AMOUNT OF \$141,380; THE TOTAL AMOUNT FOR THIS SERVICE SHALL NOT EXCEED \$162,480**

Billy King, Parks Manager, presented the agreement to conduct analysis of subsurface conditions and existing topographical conditions related to the Community Park project. Estimated completion time is two months. Councilmember Henley moved to approve Item 2013-49 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

- 2013-50 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS**

Mayor Houston presented the following board appointments as recommended by the Nomination Subcommittee:

Midlothian Development Authority: Charlie Hubbard and Steve Massey; Midlothian Community Development Corporation: reappoint incumbents Jan Davis, Greg Tollefsbol, Tom Coleman and Shara Lattimore; A. H. Meadows Library Board: James Parker; Historic Advisory Board: Melissa Pegram; Parks Board: reappoint incumbents Greg Durston, Elizabeth Patzig and Angela Stephens; Zoning Board of Adjustments: Janet Allen and Mary Chiles as Alternates #1 and #2 respectively (*post-meeting it was discovered only one alternate position was needed for ZBA and Janet Allen was selected to fill that position.*) Mayor pro tem Frizzell moved to approve and appoint the nominees as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

**2013-51 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING DON HASTINGS, CITY MANAGER, ACTING ON BEHALF OF THE CITY OF MIDLOTHIAN, TO MAKE A FORMAL OFFER TO LINDA PAULINE TODD GENTRY IN THE AMOUNT OF \$1,457 FOR THE ACQUISITION OF A WATER LINE AND SANITARY SEWER EASEMENT DESCRIBED AS 0.072 ACRES/3,146 SQUARE FEET AND TWO TEMPORARY CONSTRUCTION EASEMENTS DESCRIBED IN TOTAL AS 0.192 ACRES/8,388 SQUARE FEET, LOCATED IN THE J.L. BLANTON SURVEY, ABSTRACT NO. 1284, MIDLOTHIAN, ELLIS COUNTY, TEXAS, AS DESCRIBED IN EXHIBIT "A" AND SHOWN IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, SAID EASEMENTS ARE FULLY DESCRIBED IN THE PROPOSED RESOLUTION**

Item 2013-51 was delayed until after Executive Session.

*Council moved to Executive Session at 7:53 p.m. for the purpose of discussing Items 3, 5 and 6 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney and City Engineer.*

<b>EXECUTIVE SESSION</b>
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| 1. SECTION<br>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<br>551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS  |
| 3. SECTION<br>551.072 | REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY AND EASEMENTS   |
| 4. SECTION<br>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<br>551.071 | LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION   |
| 6. SECTION<br>551.074 | PERSONNEL: PERSONNEL MATTERS (A) (1) DELIBERATE THE DUTIES 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 9:16 p.m. with no action taken in Executive Session.*

<b>REGULAR AGENDA</b>
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**2013-51 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING DON HASTINGS, CITY MANAGER, ACTING ON BEHALF OF THE CITY OF MIDLOTHIAN, TO MAKE A FORMAL OFFER TO LINDA PAULINE TODD GENTRY IN THE AMOUNT OF \$1,457 FOR THE ACQUISITION OF A WATER LINE AND SANITARY SEWER EASEMENT DESCRIBED AS 0.072 ACRES/3,146 SQUARE FEET AND TWO TEMPORARY CONSTRUCTION EASEMENTS DESCRIBED IN TOTAL AS 0.192 ACRES/8,388 SQUARE FEET, LOCATED IN THE J.L. BLANTON SURVEY, ABSTRACT NO. 1284, MIDLOTHIAN, ELLIS COUNTY, TEXAS, AS DESCRIBED IN EXHIBIT "A" AND SHOWN IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, SAID EASEMENTS ARE FULLY DESCRIBED IN THE PROPOSED RESOLUTION**

Councilmember Kyle moved to authorize the City Manager to make a formal offer to Linda Pauline Todd Gentry in the amount of \$1,457 for the acquisition of a water line and sanitary sewer easement and two temporary construction easements as described in the above shown caption. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

**2013-52 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES**

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

**2013-53 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT**

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

**2013-54 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE**

No action taken following Executive Session, with the exception of action on Item 2013-51 as set out herein.

**2013-55 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON**

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

**2013-56 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION**

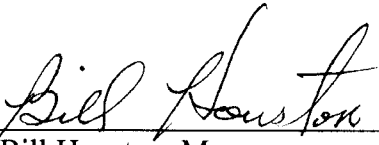
No action taken following Executive Session.

**2013-57 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CITY MANAGER DUTIES**

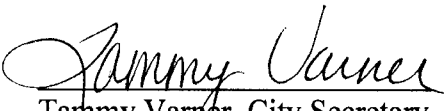
No action taken following Executive Session.

**2013-58 ADJOURN**

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:17p.m.

  
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Bill Houston, Mayor

ATTEST:

  
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Tammy Varner, City Secretary