

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 10, 2012**

COPY

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:

Vacant	§	Mayor
Wayne Sibley	§	Councilmember Place 1
Bill Houston	§	Councilmember Place 2
Jason Kyle	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
Hank Miller	§	Councilmember Place 5

Absent: Councilmember Massey – work related

REGULAR AGENDA – 6:00 P.M.

Mayor pro tem Frizzell called the meeting to order at 6:00 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Sibley gave the invocation and led in the pledges.

2012-01 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Christmas tree recycling available through Ellis County Precinct 4 Barn through January 13; video tour of MidWay Airport available on City website; tickets available to annual Chamber Awards Dinner.

b. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-02 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF DECEMBER 13, 2011

2012-03 CONSIDER AND ACT UPON A RESOLUTION ADOPTING ETHICAL AND TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY THE CITY OF MIDLOTHIAN, PROVIDING FOR THE IMPLEMENTATION OF SAID STANDARDS, AND PROVIDING FOR PERIODIC REVIEW TO ENSURE IMPLEMENTATION OF THE REQUISITE STANDARDS

2012-04 CONSIDER AND ACT UPON A FACILITIES JOINT USE INTERLOCAL CONTRACT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT, FOR THE USE OF A TRACT OF LAND. THE DESIGNATED PARCEL OF LAND IS CURRENTLY OWNED BY THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT AND SHALL BE USED AS AN ATHLETIC PRACTICE FIELD BY THE CITY OF MIDLOTHIAN. PROPERTY IS LOCATED WEST OF SOUTH 14TH STREET AND NORTH OF DON FLOYD DRIVE, IN THE CITY OF MIDLOTHIAN

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Houston and carried unanimously (5-0).

REGULAR AGENDA

2012-05 CITIZENS TO BE HEARD

None were received.

2012-06 CONSIDER AND ACT UPON AN ORDINANCE REPEALING ORDINANCE NO.'S 66-158, 78-418, 81-507, 83-591, 88-17, 89-07, 89-08, 89-09, 89-10, 89-12, 91-13, 93-07, 98-27, 98-34, 98-65, 98-69, 99-28, 99-29, 99-30, 99-31, 2004-22, 2007-24, 2008-51, 2009-18, 2009-19 AND 2009-20 AND ESTABLISHING NEW SPEED ZONES FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 AS IDENTIFIED IN THE "TABLE OF SPEED ZONES FOR CITY STREETS"; POSTINGS SHALL SET MAXIMUM SPEEDS; AUTHORIZING ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR A CUMULATIVE EFFECT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A PENALTY THAT ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE FINED IN ANY AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00), AND EACH OCCURRENCE THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE

Mike Adams presented the housekeeping item designed to consolidate all speed control ordinances into one ordinance in a table format to simplify research. The Item was presented to the Transportation Subcommittee in November and was recommended for Council action

Councilmember Miller moved to approve Item 2012-06 with an amendment to include a definition of prima facie. Motion was seconded by Councilmember Sibley and carried unanimously (5-0).

Council moved to Executive Session at 6:12 p.m. for the purpose of discussing Items 1, 3, and 5, with the following present: Mayor pro tem Frizzell, Councilmembers Sibley, Houston, Kyle, Miller, Massey; City Manager, City Attorney, City Engineer, Alberto Mares

EXECUTIVE SESSION

1. 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.
2. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN
3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION
4. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
5. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 74,681; CITY OF MIDLOTHIAN V. CORGAN ASSOCIATES, ET AL
6. SECTION 551.074 PERSONNEL MATTERS: (A)(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT OR DUTIES OF AN ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR FOR THE CITY OF MIDLOTHIAN
7. SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS

**8. SECTION REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO
551.072 DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF
REAL PROPERTY**

AS AUTHORIZED BY SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE, THIS MEETING MAY BE CONVENED INTO CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF SEEKING CONFIDENTIAL LEGAL ADVICE FROM THE CITY ATTORNEY ON ANY AGENDA ITEM LISTED HEREIN

Council reconvened in Regular Session at 7:52 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-07 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL

Mike Adams, Alberto Mares, and attorney Terry Morgan were present for the discussion; no action was taken following Executive Session.

2012-08 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES

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

2012-09 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: CONTEMPLATED LITIGATION

Mike Adams was present for the discussion; no action was taken following Executive Session.

2012-10 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: ECONOMIC DEVELOPMENT

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

2012-11 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CORGAN
Kent Davenport was present for the discussion. Councilmember Kyle moved to approve the compromise settlement agreement releasing Cause No. 74,681 City of Midlothian and Corporation for Community Development vs. Corgan Associates vs. Haws and Tingle, et al, and authorize staff to execute all necessary documents. Motion was seconded by Councilmember Sibley and carried unanimously (5-0).

2012-12 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: PERSONNEL – ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR

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

2012-13 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #7: REAL ESTATE

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

2012-14 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #8: REAL ESTATE

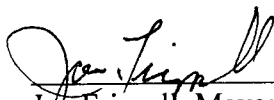
The Item was not discussed in Executive Session nor was action taken.

2012-15 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)

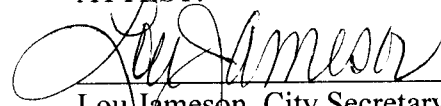
The Item was not discussed in Executive Session nor was action taken.

2012-16 ADJOURN

With no further business to discuss, Mayor pro tem Frizzell adjourned the meeting at 7:53 p.m.



Joe Frizzell, Mayor pro tem

ATTEST:


Lou Jameson, City Secretary