

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 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:

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
Steve Massey	§	Councilmember Place 6

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 Kyle gave the invocation and led in the pledges.

2012-17 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

With both candidates unopposed, the Special Election scheduled for February 4 was cancelled. The Oath of Office will be administered February 14th to Bill Houston as Mayor and Mike Rodgers as Councilmember Place 2. A reception will be held from 4:00 – 6:00 on the same date to extend appreciation to former Mayor Boyce Whatley and welcome the newly elected members; filing dates for the May Council Election will be February 4 through March 5; mulch still available at Water Tower #2

b. Proclamation recognizing Southern Star Christmas Celebration organizers

Appreciation was extended to Kyle Ballard, Rene McElheney, and Kim Phillips for their efforts in organizing the successful three-day event.

c. Administer Oaths to Police and Fire Department personnel

Fire Department Oaths were delayed until February 28; Mayor pro tem Frizzell administered the Oath of Commitment to newly promoted Police Department Corporals Nick Harp, Mark Holton, Adren Allen, and Steven Cooper.

d. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-18 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 10, 2012

2012-19 CONSIDER AND ACT UPON APPROVAL OF A NEW THREE-YEAR AGREEMENT BETWEEN THE CITY AND INTERMEDIX TECHNOLOGIES, INC. FOR AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES

Councilmember Miller moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

WORKSHOP

2012-20 CONDUCT A WORKSHOP TO REVIEW A MAJOR UPDATE TO THE PARKS, RECREATION AND OPEN SPACE MASTER PLAN, A SUPPLEMENT TO THE CITY OF MIDLOTHIAN COMPREHENSIVE PLAN. THIS PLAN WILL HELP TO GUIDE THE DEVELOPMENT OF THE CITY AND MIDLOTHIAN'S PARK SYSTEM AND RECREATION PROGRAMS

Dennis Sims, park consultant with Dunkin Sims Stoffels, provided an update of needs, desired service levels, priorities, goals and objectives. Opportunities for public input were reviewed and grant funding was discussed. A public hearing for Council action was scheduled for February 28.

PUBLIC HEARINGS

- 2012-21 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP), TO ALLOW AN ELECTRONIC MESSAGE SIGN FOR THE FOLLOWING ELEMENTARY SCHOOLS: T.E. BAXTER ELEMENTARY – 1050 PARK PLACE BOULEVARD, J.A. VITOVSKY ELEMENTARY – 333 CHURCH STREET AND MT. PEAK ELEMENTARY – 5201 FM 663 (CASE NO. SUP02-2011-09)**

Mayor pro tem Frizzell opened the Public Hearing and Mr. Garfield presented the request for retroactive approval unanimously (4-0) recommended for approval by P&Z on December 15, subject to five conditions.

Councilmember Houston moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried by a vote of 5-0 with Councilmember Miller away from the dais. Councilmember Sibley moved to approve Item 2012-21 subject to the five conditions recommended by P&Z and with waiving of fees as presented. Motion was seconded by Councilmember Massey and carried by a vote of 5-0 with Councilmember Miller away from the dais.

REGULAR AGENDA

- 2012-22 CITIZENS TO BE HEARD**

Meadows HOA president Joe McKee, 1626 Melanie Trail, representing 100+ families, spoke regarding safety in the subdivision. He requested installation of speed humps and increased police presence to deter speeding. Mr. Hastings was directed to meet with Mr. McKee to discuss solutions.

- 2012-23 CONSIDER AND ACT UPON AUTHORIZING AMENDMENT NO. SIX TO THE AGREEMENT FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR WATER TREATMENT PLANT NO. 2 WITH GARNEY COMPANIES, INC. TO AWARD THE REMAINING BID SET ONE PACKAGES AND ALL OF THE BID SET TWO PACKAGES IN A TOTAL AMOUNT NOT TO EXCEED \$12,595,708**

Mike Adams presented the final amendment to the project. The Utility Advisory Board voted unanimously to recommend approval of the amendment.

Councilmember Sibley moved to approve Item 2012-22 as presented. Motion was seconded by Councilmember Houston and carried by a vote of 5-0 with Councilmember Miller away from the dais.

- 2012-24 CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PLACEMENT OF MAILBOXES WITHIN PUBLIC RIGHTS-OF-WAY IN THE CITY OF MIDLOTHIAN, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY THAT ANY VIOLATION OF THE TERMS OF THIS ORDINANCE IS DECLARED TO BE A MISDEMEANOR, AND ANY PERSON FOUND TO BE GUILTY THEREOF SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000), AND EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE**

Item 2012-24 was tabled at the request of staff.

- 2012-25 CONSIDER AND ACT UPON ADOPTING THE CITY OF MIDLOTHIAN PURCHASING POLICY AND PROCEDURES MANUAL**

Chris Dick presented updates to the 2005 document which included software use for requisition/payments, increased bid limits, local vendor procedures, and administrative improvements. Councilmember Sibley moved to approve Item 2012-25 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-26 CONSIDER AND ACT UPON ADOPTING THE CITY OF MIDLOTHIAN DEBT MANAGEMENT POLICY

Chris Dick presented the actions already in practice but not formalized in a policy as recommended by credit rating agencies.

Councilmember Kyle moved to approve Item 2012-26 as presented. Motion was seconded by Councilmember Houston and carried unanimously (6-0).

2012-27 CONSIDER AND ACT UPON ADOPTING THE CITY OF MIDLOTHIAN FINANCIAL POLICIES

Chris Dick reviewed updates to the 2000 document which included new governmental regulations and practices, write-off procedures for uncollectibles, and language clarification to reflect current practices. Councilmember Sibley moved to approve Item 2012-27 as presented. Motion was seconded by Councilmember Houston and carried by a vote of 5-1 with Councilmember Miller opposed. Council directed staff to post all three policies on-line for citizen access.

Council moved to Executive Session at 7:21 p.m. for the purpose of discussing Items 1 and 3, and with the following present: Mayor pro tem Frizzell, Councilmembers Sibley, Houston, Kyle, Miller, Massey; City Manager, City Attorney

EXECUTIVE SESSION

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|----|------------------------|--|
| 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 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |
| 4. | 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 |
| 5. | SECTION 551.072 | REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS |
| 6. | SECTION 551.072 | REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO 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 7:42 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-28 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL

No action was taken following Executive Session.

2012-29 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES

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

2012-30 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT

Joyce Keen and David Fisher were in attendance; no action was taken following Executive Session.

2012-31 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: PERSONNEL – ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR

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

2012-32 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: REAL ESTATE

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

2012-33 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: REAL ESTATE

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

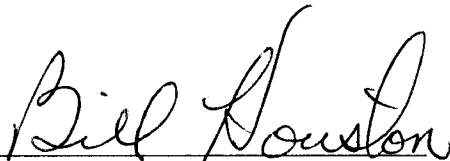
2012-34 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)

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

2012-35 ADJOURN

With no further business to discuss, Mayor pro tem Frizzell adjourned the meeting at 7:43 p.m.

ATTEST:



Bill Houston, Mayor



Lou Jameson, City Secretary