

**MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 14, 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
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 6:05 p.m. with notice of the meeting duly posted and a quorum present. Bruce Prindle, pastor of First Baptist Church, gave the invocation and Mayor pro tem Frizzell led in the pledges.

2012-39 ANNOUNCEMENTS/PRESENTATIONS

a. Cancel February 11, 2012 City Council Election

Mayor pro tem Frizzell read the cancellation statement and declared both candidates duly elected.

b. Administer Oaths of Office to Mayor and Councilmember Place 2

Judge Kent Traylor administered the Oath of Office to Bill Houston as Mayor and Mike Rodgers as Councilmember Place 2. The new members took their seats at the dais.

c. Proclamation honoring former mayor Boyce Whatley

The Proclamation was presented during a reception earlier in the evening.

d. Community Affairs calendar

Filing for May council election to continue through March 5; free mulch available at water tower #2; February 28 – public hearing on Parks, Recreation Open Space Plan; April 4 – Spring Clean-Up

e. Receive presentation from Middle School Problem Solvers

The team presented their *Eco Education for our Environment* project focusing on environmental practices to address water and electricity conservation, climate change, reduce/reuse/recycle efforts.

f. Receive annual curfew report from Police Department

Chief Smith reported on the program implemented in 2010 that appears to be a significant deterrent to unsupervised youths out after hours.

g. Receive quarterly financial report from Linda Patterson and Associates

Ms. Patterson provided an overview of General Fund, CEDM, and MCDC portfolios. No significant changes were noted.

h. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-40 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JANUARY 24, 2012

2012-41 CONSIDER AND ACT UPON A RESOLUTION PROVIDING FOR AN ELECTION TO BE HELD TO ELECT TWO COUNCILMEMBERS IN THE CITY OF MIDLOTHIAN; DEFINING THE TERM OF OFFICE; DESIGNATING THE

- 2012-41 (cont'd) POLLING LOCATION; DESIGNATING THE ELECTION JUDGE AND PROVIDING FOR CLERICAL PERSONNEL; DESIGNATING THE TIME AND PLACE; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR THE FILING OF APPLICATIONS FOR THE OFFICIAL BALLOTS FOR SAID ELECTION**
- 2012-42 CONSIDER AND ACT UPON A JOINT ELECTION AGREEMENT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT**

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

REGULAR AGENDA

2012-43 CITIZENS TO BE HEARD

None were received.

2012-44 CONSIDER AND ACT UPON THE APPOINTMENT OF MIKE WEISS AS INFORMATION TECHNOLOGY DIRECTOR FOR THE CITY OF MIDLOTHIAN

Mr. Hastings presented the upgrade in response to previous Council direction and increased responsibilities of the I.T. Manager.

Mayor pro tem Frizzell moved to approve Item 2012-44 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

2012-45 CONSIDER AND ACT UPON A RESOLUTION OF THE CITY OF MIDLOTHIAN SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE ("ACSC") AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

Mr. Dick presented the Resolution to extend the effective date of a proposed rate increase to give the City time to review the rate-filing package.

Councilmember Miller moved to approve Item 2012-45 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-46 RECEIVE INFORMATION FROM STAFF REGARDING EMPLOYEE APPRECIATION PROGRAM INITIATIVES AND MAKE RECOMMENDATIONS AS APPROPRIATE

Human Resources Director Janet Goad reviewed current and proposed initiatives to promote employee morale, productivity, and retention. No action was taken.

WORKSHOP

2012-47 REVIEW AND DISCUSS CITY COUNCIL PROCEDURES, PERSONNEL ROLES AND GOVERNANCE PROCESS

The Workshop was not conducted and is to be rescheduled.

Council moved to Executive Session at 7:12 p.m. for the purpose of discussing Items 2, 3, and 6, and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Miller, Massey; City Manager, City Attorney, Planning Director, and Finance Director

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 551.087 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 8:12 p.m. with no action taken in Executive Session.

REGULAR AGENDA

- 2012-47 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL
The Item was not discussed in Executive Session nor was action taken.
- 2012-48 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES
No action was taken following Executive Session.
- 2012-49 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT
No action was taken following Executive Session.
- 2012-50 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: PERSONNEL – ECONOMIC DEVELOPMENT EXECUTIVE DIRECTOR
The Item was not discussed in Executive Session nor was action taken.
- 2012-51 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: REAL ESTATE
The Item was not discussed in Executive Session nor was action taken.
- 2012-52 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: REAL ESTATE

No action was taken following Executive Session.

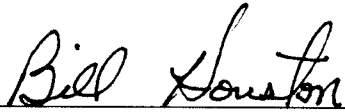
2012-53 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)

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

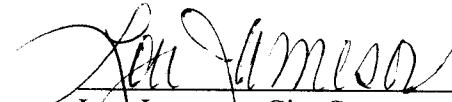
2012-54 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:12 p.m.

ATTEST:



Bill Houston, Mayor



Lou Jameson, City Secretary