

**MINUTES
REGULAR COUNCIL MEETING
APRIL 10, 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
Steve Massey	§	Councilmember Place 6

Absent: Hank Miller

REGULAR AGENDA – 6:00 P.M.

Mayor Houston 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.

2012-125 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

April 14 – Spring Clean-Up Day; April 14 – Kids Fishing Derby; April 15 – Wildflower Walk at Mockingbird Nature Park; April 28 – Spring Fling; April 21 – Frank Seale National Honor Society to host Powder Puff Football Game with proceeds to go to the Tristen Fort Memorial Scholarship Fund; April 21 – Cedar Hill Chick-fil-A to donate 15% of funds collected through their Spirit Bucket to a local boy’s family’s traveling expenses for treatment of stage 4, high risk, unfavorable neuroblastomy.

b. Receive donation from Midlothian Area Historical Society

Officers Ray Barksdale, Judy Howard, Beverly King, and Cathy Robinson presented the City with a check in the amount of \$337.33 to be used toward expenses for maintaining the Larkin Newton cabin.

c. Presentation of proclamation to Midlothian Panthers Varsity Hockey Club

Mayor Houston presented a proclamation to members of the Hockey Club for their impressive season of 21 wins, 5 losses, and placing second in state competition. Members are:

Doss Allen	Brooks Blackburn	Kyle Carpenter	Tyler Colburn	Joseph Dancy
Daniel Deweerd	Tanner Dickerson	Stanley Estell	Connor Graham	Ian Linna
Brent Jones	Grayson Ridge	Cameron Wagner	Trent Williams	Triston Wilson

d. Administrative announcements related to personnel

Mayor Houston read a Proclamation honoring dispatchers during National Public Safety Telecommunicators Week.

CONSENT AGENDA

2012-126 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF MARCH 26 AND 27, 2012

2012-127 CONSIDER AND ACT UPON A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF FRISCO, TEXAS IN ORDER TO GAIN ACCESS TO A PERSONAL PROTECTIVE GEAR CONTRACT AND VARIOUS OTHER CONTRACTS

2012-128 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING A BLOCK PARTY, LOCATED AND HOSTED BY PROPERTY OWNERS IN A SECTION OF MIDTOWNE, SCHEDULED FOR SATURDAY, APRIL 21, 2012, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13 AS AMENDED, SECTION 4.4 (CASE NO. RES12-2011-43)

Mayor pro tem Frizzell moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Massey and carried unanimously (6-0).

PUBLIC HEARINGS

2012-129 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE DESIGNATING ASH GROVE ADDITION, BLOCK 1, LOT 1R AS THE NORTHWEST TAX ABATEMENT REINVESTMENT ZONE NUMBER ONE, CONTAINING APPROXIMATELY 113.267 ACRES, LOCATED NORTH OF GIFCO ROAD AND 3,478 FEET WEST OF OLD HIGHWAY 67, IN THE CITY OF MIDLOTHIAN, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Houston opened the Public Hearing and Mr. Garfield presented the first of a two-step process for the Ashgrove abatement. Action regarding the abatement is to be considered April 24.

Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (6-0). Councilmember Sibley moved to approve Item 2012-129 as presented. Motion was seconded by Councilmember Massey and carried unanimously (6-0).

REGULAR AGENDA

2012-130 CITIZENS TO BE HEARD

None were received.

Items 2012-131, 2012-132, and 2012-133 were discussed jointly but action was taken separately and in the order listed

2012-133 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN'S FY 2011-2012 UTILITY FUND BUDGET APPROPRIATIONS IN AN AMOUNT NOT TO EXCEED \$768,712 FROM THE UNRESERVED FUND BALANCE FOR CAPITAL PROJECTS RELATING TO WATER TREATMENT PLANT NO. 2 AND A PRIORITY SANITARY SEWER SYSTEM IMPROVEMENT, IN ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING VARIOUS AMOUNTS THEREOF; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

Mike Adams presented the funding request for the two projects (2012-132, 2012-131) determined to be priorities by the Utility Advisory Board and Utility Subcommittee on March 29.

Councilmember Sibley moved to approve Item 2012-133 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-132 CONSIDER AND ACT UPON A CONTRACT WITH CIRCLE H CONTRACTORS OF MIDLOTHIAN, TEXAS, FOR THE CONSTRUCTION OF THE NORTHRIDGE SANITARY SEWER PROJECT (SOUTH TRUNK LINE) IN AN AMOUNT NOT TO EXCEED \$308,320.00

Billy King presented the request for the rehabilitation project unanimously recommended for approval by the Utility Advisory Board and Utility Subcommittee on March 29.

Councilmember Sibley moved to approve Item 2012-132 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-131 CONSIDER AND ACT UPON AUTHORIZING THE PURCHASE OF AN ONSITE HYPOCHLORITE GENERATOR SYSTEM FOR WATER TREATMENT PLANT NO. 2 FROM PROCESS SOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED \$460,392

Ben Wilson presented the request to purchase chlorine generators due to safety factors for the operator and surrounding developments, and recommended for approval by the UAB and Utility Subcommittee.

Councilmember Sibley moved to approve Item 2012-131 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-134 CONSIDER AND ACT UPON APPROVING THE EXPENDITURE OF FUNDS FOR PAVEMENT RESURFACING SERVICES FOR OLD FORT WORTH ROAD WITH REYNOLDS ASPHALT AND CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$56,147.60

Mike Adams presented the request for improvements to the road identified on the City's Master Thoroughfare Plan as a future minor arterial.

Councilmember Kyle moved to approve Item 2012-134 as presented. Motion was seconded by Councilmember Massey and carried unanimously (6-0).

Council moved to Executive Session at 6:40 p.m. for the purpose of discussing Items 3 and 6, and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, and Massey; City Manager and City Attorney

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 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS
- 5. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
- 6. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT)

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 7:07 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-135 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: RANDALL DENTON, ET AL

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

2012-136 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: TEXAS CENTRAL BUSINESS LINES

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

2012-137 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT

CEDM President/CEO Larry Barnett participated in Executive Session; no action was taken.

2012-138 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL ESTATE

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

2012-139 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: REAL ESTATE

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

2012-140 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CONTEMPLATED LITIGATION (CONSTRUCTION)

No action was taken following Executive Session.


2012-141 ACTION RESULTING FROM EXECUTIVE SESSION RELATED TO SECTION 551.071(2)

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

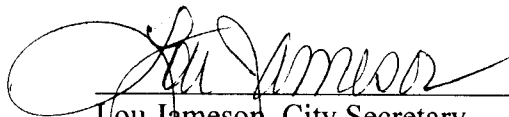
2012-142 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:08 p.m.

ATTEST:



Bill Houston, Mayor



Lou Jameson, City Secretary