

**MINUTES
REGULAR COUNCIL MEETING
JUNE 12, 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
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: None

REGULAR AGENDA – 6:00 P.M.

Mayor Houston called the meeting to order at 6:03 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Henley gave the invocation and led in the pledges.

2012-209 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

June 16 – Downtown Farmers Market; June 18 – Wildflower and Bird Walks at Mockingbird Nature Park; June 22 – Night Hike at Mockingbird Nature Park

b. Proclamation honoring Larry Pool for his tenure as Planning and Zoning Commission chairman

Mayor Houston presented Larry Pool with a proclamation honoring him for 18 years of service to the City of Midlothian

c. Administrative announcements related to personnel

Water Treatment Plant staff placed 8th at the National Top Ops Competition held in Dallas, Texas

2012-210 CITIZENS TO BE HEARD

None to be heard

2012-211 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MAY 21, 2012

Mayor pro tem Frizzell moved to approve Item 2012-211 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-212 CONSIDER AND ACT UPON RESOLUTIONS AMENDING THE AUTHORIZED REPRESENTATIVES FOR TEXPOOL AND TEXSTAR AND DESIGNATING INVESTMENT OFFICERS

Chris Dick presented the request to replace retiring staff on the City's TexPool and TexStar accounts with newly designated personnel. Councilmember Sibley moved to approve Item 2012-212 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-213 CONSIDER AND ACT UPON A REQUEST TO ENCROACH 3.8 FEET OF THE RIGHT-OF-WAY OF W. AVENUE E TO ALLOW AN EXISTING GARAGE. PROPERTY IS LOCATED AT 303 N. 4TH STREET AND CONTAINS ± 0.169 ACRES AND GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF N. 4TH STREET W. AVE. E. IN THE CITY OF MIDLOTHIAN, TEXAS

Alberto Mares presented the request to allow the encroachment of the existing improvement in the City's right-of-way. Mayor pro tem Frizzell moved to approve Item 2012-213 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2012-214 CONSIDER AND ACT UPON A PROPOSED AMENDED LEASE AGREEMENT BETWEEN THE CITY OF MIDLOTHIAN AND ELLIS COUNTY FOR OFFICE SPACE FOR THE ELLIS COUNTY CONSTABLE PRECINCT 4, AND JUSTICE OF THE PEACE PRECINCT 4 AT THE MIDLOTHIAN JUSTICE CENTER

Chief Smith presented the amended lease agreement that was originally approved by the City Council at its May 8 meeting. Ellis County requested the document be amended to state that the City's janitorial staff will clean the County's leased portion of the building and the higher lease amount is effective October 1, 2012. Mayor pro tem Frizzell moved to approve Item 2012-214 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2012-215 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 Community Development Corporation: reappoint incumbents Tami Tobey, Randy Osburn and Douglass Baker, with Mayor Houston as the Council liaison; Midlothian Development Authority – reappoint incumbents Chris Dick, Amy Messer and Tom Sawyer; Park Board – Jon Conley, Daniel Tompkins, Elizabeth Patzig, Sandra Martin, with Councilmember Henley as the Council liaison; Library Board – Mark Fletcher; Historic Advisory Board – reappoint incumbents Judy Howard, Karen Esberger, John Holveck, and Terry Schick; appoint incumbent Christina Chambers from a non-voting to a voting position; Planning and Zoning Commission – reappoint incumbent Lynda Johnson, appoint Brett Kemp, Robert Seeds, and Michael Griffith to replace former members Larry Pool, Jack Bureson and Richard Doss, with Councilmember Rodgers as the Council liaison; Corporation for Economic Development – reappoint incumbents Kevin Blankenship and Mike Houston, appoint Shawn Yarbrough to replace former member Joe Wright; Utility Advisory Board – reappoint John Bottkol, Jimmy Bonney, Jimmie Mitchell, appoint Steve Massey to replace former member Ted Miller; Airport Board – reappoint Kyle Ballard; Zoning Board of Adjustments – reappoint incumbents Dan Altman and Gary Shone. Mayor pro tem Frizzell moved to approve and appoint the nominees as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

Council moved to Executive Session at 6:29 p.m. for the purpose of discussing Items 1, 2, 5, 6 and 7 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, City Engineer, Interim Planning Director and Ben Wilson.

EXECUTIVE SESSION

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| 1. | SECTION
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
551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |
| 3. | SECTION
551.072 | REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS |
| 4. | SECTION
551.072 | REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY |

5. SECTION LEGAL: CONSULTATION WITH ATTORNEY REGARDING
551.071 CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT)
6. SECTION LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN
551.071 ETHICAL DUTY TO ADVISE REGARDING POTENTIAL
LITIGATION
7. SECTION PERSONNEL MATTERS: (A)(1) TO DELIBERATE THE
551.074 APPOINTMENT, EMPLOYMENT, EVALUATION,
REASSIGNMENT, AND DUTIES OF THE PARKS MANAGER,
UTILITY SUPERINTENDENT AND PLANNING DIRECTOR
POSITIONS

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 7:58 p.m. with no action taken in Executive Session.

REGULAR AGENDA

**2012-216 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS
CENTRAL BUSINESS LINES**

No action was taken following Executive Session.

**2012-217 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC
DEVELOPMENT**

No action was taken following Executive Session.

**2012-218 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL
ESTATE**

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

**2012-219 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL
ESTATE**

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

**2012-220 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5:
CONTEMPLATED LITIGATION (CONSTRUCTION)**

No action was taken following Executive Session.

**2012-221 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6:
CONTEMPLATED LITIGATION**

No action was taken following Executive Session.

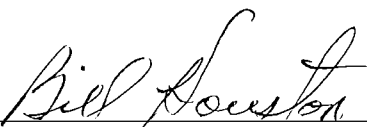
2012-222 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #7: PERSONNEL

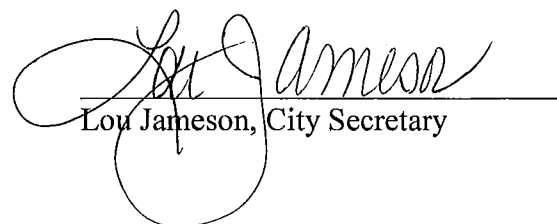
No action was taken following Executive Session.

2012-223 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:58 p.m.

ATTEST:


Bill Houston, Mayor


Lou Jameson, City Secretary