

**MINUTES
REGULAR COUNCIL MEETING
JULY 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
Ted Miller	§	Councilmember Place 6

Absent: Councilmember Henley (vacation)

REGULAR AGENDA – 6:00 P.M.

Mayor Houston called the meeting to order at 6:02 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Mike Rodgers gave the invocation and led in the pledges.

2012-259 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

July 14 – Downtown Farmers Market and Movies in the Park featuring “Soul Surfer”

b. Administrative announcements related to personnel

None were received.

CONSENT AGENDA

2012-260 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JUNE 26 AND JUNE 28, 2012

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

PUBLIC HEARINGS

2012-261 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE AMENDING SECTION 7.4-8.3 (SIGNS LOCATED IN THE GENERAL PROFESSIONAL (GP), COMMUNITY RETAIL (CR) OR COMMERCIAL (C) DISTRICT), SPECIFICALLY AMENDING ELECTRONIC SIGN MESSAGES, INCORPORATING CHANGES TO VARIOUS, ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. OZ03-2011-60) ELECTRONIC MESSAGE SIGNS

Mayor Houston opened the Public Hearing and Alberto Mares, Interim Planning Director, presented the item. Amendments to the existing electronic sign regulations include 200' separation distance between signs on the same side of the street, instead of the current 500' requirement and a static time of 20 seconds on signs that are 200' feet apart. Council discussed individual concerns regarding the 200' distance amendment. Charlotte Bailey, 1647 Alexis, spoke in opposition of the proposed amendment. Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Jason Kyle and carried unanimously (6-0).

Mayor pro tem Frizzell moved to adopt Item 2012-261 as presented. Motion was seconded by Mayor Houston, with the vote failing due to lack of a majority vote (3-3). Mayor Houston, Mayor pro tem Frizzell and Councilmember Miller voted in favor of the motion and Councilmembers Sibley, Rodgers and Kyle voted in opposition.

Councilmember Kyle moved to adopt Item 2012-261 as presented, with the following conditions:

- Minimum requirement of 500' spacing requirement for electronic signs on the same side of the street;
- Any electronic sign that exceeds the 55% message sign area requirement, shall apply for a Specific Use Permit; and
- Add a provision that would waive the Specific Use Permit application fee for electronic signs

Motion was seconded by Councilmember Sibley, with the vote failing due to lack of a majority vote (3-3). Councilmembers Sibley, Rodgers and Kyle voted in favor of the motion and Mayor Houston, Mayor pro tem Frizzell and Councilmember Miller voted in opposition.

Mayor Houston moved to table Item 2012-261 until the August 14 Council meeting. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

REGULAR AGENDA

2012-262 CITIZENS TO BE HEARD

None to be heard.

2012-263 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None to be heard.

2012-264 CONSIDER AND ACT UPON THE PROPOSED STRATEGIC GUIDE (CAPITAL PROJECTS), A LONG-RANGE PLANNING DOCUMENT TO BE UTILIZED BY CITY OF MIDLOTHIAN STAFF, BOARDS AND COMMISSIONS TO ASSIST WITH DECISION-MAKING (CASE NO. M07-2011-44)

Ryan Spencer, Comprehensive Planning Manager, gave a presentation of the Strategic Guide – Capital Facilities, which is updated annually as part of the budgeting process. Recently completed projects were reviewed and current and proposed projects for the near future were discussed, along with growth and development trends. Councilmember Kyle moved to approve Item 2012-264 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2012-265 CONSIDER AND ACT UPON THE IMPACT FEE ADVISORY COMMITTEE'S STATUS REPORT TO THE CITY COUNCIL REGARDING THE MIDLOTHIAN IMPACT FEE PROGRAM

Ryan Spencer gave a report on the City's Impact Fee Program as required by statute and advised that the City is in compliance with the requirements of the program. Councilmember Sibley moved to approve Item 2012-265 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (6-0).

2012-266 CONSIDER AND TAKE ACTION TO APPROVE BLUE CROSS BLUE SHIELD TO PROVIDE MEDICAL AND DENTAL INSURANCE BENEFITS TO EMPLOYEES

Janet Goad, Human Resources Director, reported that Blue Cross Blue Shield initially proposed an increase of 6.2% in the City's medical and dental insurance rates. Through the bidding process and with the assistance of the City's benefits consultant, Benefits Seminar Plus, a zero percent increase was finally agreed upon, with no change in employee benefits. Mayor Houston moved to approve Item 2012-266 as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (6-0).

2012-267 CONSIDER AND ACT UPON RECOMMENDATIONS OF THE CITY COUNCIL NOMINATION SUBCOMMITTEE FOR APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

There was no discussion nor action on this item.

With no updates to receive, Executive Session was cancelled.

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 551.071 | LEGAL: CONSULTATION WITH ATTORNEY REGARDING CITY OF MIDLOTHIAN V. RANDALL DENTON, MIDTEXAS INTERNATIONAL CENTER, INC., TEXAS PROPERTIES TRUST AND TRADE ZONE OPERATIONS, INC. |
| 5. | SECTION 551.071 | LEGAL: CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION (CONSTRUCTION CONTRACT) |
| 6. | SECTION 551.071 | LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION |

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).

REGULAR AGENDA

2012-268 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

Executive Session was not conducted.

2012-269 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

Executive Session was not conducted.

2012-270 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

Executive Session was not conducted.

2012-271 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

Executive Session was not conducted.

**2012-272 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5:
CONTEMPLATED LITIGATION (CONSTRUCTION)**

Executive Session was not conducted.

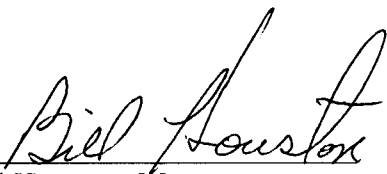
**2012-273 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6:
CONTEMPLATED LITIGATION**

Executive Session was not conducted.

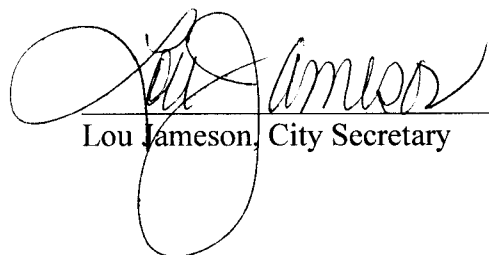
2012-274 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:38 p.m.

ATTEST:



Bill Houston, Mayor



Lou Jameson, City Secretary