

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

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.

2012-299 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- August 17th – 19th Tax Free Weekend;
- August 18th & 25th Downtown Farmers Market 8am-1pm at Heritage Park
- August 20th – Wildflower & Bird Walk 8:30am at Mockingbird Nature Park
- August 25th – Ellis County SPCA “Wish Upon A Paw” event – 6pm at Waxahachie Civic Center

b. Presentation of the Gold Leadership Circle Award and Distinguished Budget Presentation Award to Finance Department

The two awards were presented to Finance Director Chris Dick, Assistant Finance Director Suzanne McKenrick and Budget Analyst Teresa Bateman by Mayor Houston

c. Administrative announcements related to personnel

Don Hastings read from an e-mail received from a representative of the Texans Fastpitch Softball organization expressing appreciation to personnel of the Parks Department for their assistance during the weekend tournament. Mr. Hastings also expressed the City’s appreciation to the Parks Department for a job well done.

WORKSHOP: BUDGET

2012-300 REVIEW AND DISCUSS CITY OF MIDLOTHIAN DRAFT BUDGET FOR FY 2012-2013

A. AGENCY BUDGET PRESENTATIONS AND FUNDING REQUESTS

Funding requests for the upcoming year were received from agency representatives of the Meadows Library, REACH, Gingerbread House and CASA. No funding increases were requested.

B. DRAFT FY 2012-2013 ANNUAL OPERATING BUDGETS AND RELATED FINANCIAL MATTERS

Discussion included MidTowne PID budget; adjustments made to the proposed budget thus far, as per Council request; fire apparatus replacement scenarios; and, a proposed tax note and related projects. Mayor Houston requested a consensus of councilmembers regarding acceptance of the General Fund and Utility Fund Budgets, agency requests, and the proposed personnel compensation package, as presented to date. No opposition was expressed by Council. The budget workshop scheduled for August 17 was cancelled.

CONSENT AGENDA

- 2012-301 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JULY 24 AND 27, AUGUST 3 AND 7, 2012**
- 2012-302 CONSIDER AND ACT UPON AN ORDINANCE TO VACATE AND ABANDON A PORTION OF PROPERTY LOCATED OUT OF THE JOHN CHAMBLEE SURVEY, ABSTRACT 192, ELLIS COUNTY, TEXAS, BEING A PORTION OF OLD U.S. HIGHWAY 287, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND SHOWN IN EXHIBIT "B", DECLARING THAT SUCH SURPLUS PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MIDLOTHIAN, TEXAS TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC OWNERSHIP, INTEREST OR CONTROL OF SAID RIGHT-OF-WAY TO THE ABUTTING FEE SIMPLE PROPERTY OWNER; PROVIDING FOR ENGROSSMENT AND ENROLLMENT AND PROVIDING FOR AN EFFECTIVE DATE**
- 2012-303 CONSIDER AND ACT UPON 2012 PROPERTY TAX ABATEMENTS FOR TARGET AND ENNIS BUSINESS FORMS**
- 2012-304 CONSIDER AND ACT UPON AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF MIDLOTHIAN AND BOY SCOUT TROOP 512 FOR PROPERTY LOCATED AT S. 5TH STREET AND U.S. BUSINESS 67 (SPUR 73)**

Item 2012-304 was removed from the Consent Agenda at the request of Mayor Houston. Mayor pro tem Frizzell moved to approve the amended Consent Agenda as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

REGULAR AGENDA

- 2012-304 CONSIDER AND ACT UPON AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF MIDLOTHIAN AND BOY SCOUT TROOP 512 FOR PROPERTY LOCATED AT S. 5TH STREET AND U.S. BUSINESS 67 (SPUR 73)**

Billy King presented the revised lease agreement, with a minor change in the document verbiage and a change in the signatory of the Lessee. Councilmember Kyle moved to approve the amended document as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

PUBLIC HEARINGS

- 2012-305 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION OVERLAY (H) DESIGNATION FOR THE NEWTON CEMETERY, LOCATED AT THE END OF WALTER STEPHENSON ROAD. THIS HISTORICAL LANDMARK DESIGNATION IS INTENDED TO PROTECT, ENHANCE AND PERPETUATE HISTORICAL LANDMARKS WHICH REPRESENT OR REFLECT DISTINCTIVE AND IMPORTANT ELEMENTS OF THE CITY. (CASE NO. Z07-2011-56)**

Mayor Houston opened the Public Hearing and Alberto Mares presented the request that was previously approved by the Planning and Zoning Commission and the Midlothian Cemetery Association, explaining that the designation is intended to protect the historic integrity of the property and prevent any significant alterations without review and authorization from P&Z and City Council. Councilmember Kyle moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Mayor pro tem Frizzell moved to approve Item 2012-305 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-306 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION OVERLAY (H) DESIGNATION FOR THE MIDLOTHIAN CEMETERY, LOCATED WEST OF 9TH STREET AND ± 500 FEET SOUTH OF MAIN STREET. THIS HISTORICAL LANDMARK DESIGNATION IS INTENDED TO PROTECT, ENHANCE AND PERPETUATE HISTORICAL LANDMARKS WHICH REPRESENT OR REFLECT DISTINCTIVE AND IMPORTANT ELEMENTS OF THE CITY. (CASE NO. Z02-2011-24)

Mayor Houston opened the Public Hearing and Alberto Mares presented the request. Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Councilmember Rodgers moved to approve Item 2012-306 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

REGULAR AGENDA

2012-307 CITIZENS TO BE HEARD

None to be heard.

2012-308 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2012-309 CONSIDER AND ACT UPON CHANGING THE NAME OF THE ORGANIZATION FROM “CORPORATION FOR THE ECONOMIC DEVELOPMENT OF THE CITY OF MIDLOTHIAN, TEXAS” TO “MIDLOTHIAN ECONOMIC DEVELOPMENT”, CHANGING THE REGISTERED AGENT NAME FOR THE CORPORATION, AND SUBMITTING APPROPRIATE PAPERWORK TO THE OFFICE OF THE TEXAS SECRETARY OF STATE

Larry Barnett, President and CEO of Midlothian Economic Development, explained that the new name is intended to be less cumbersome and will simplify marketing strategies. The updated website was presented. Midlothian Economic Development board approved the name change at its July 16 meeting. Mayor Houston moved to approve Item 2012-309 as presented and to approve the City Secretary, Tammy Varner, as the registered agent for Midlothian Economic Development. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-310 CONSIDER AND ACT UPON A RESOLUTION TO APPROVE THE AMENDED TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MIDLOTHIAN AND QUIK’ N TASTY FOODS, INC.

Chris Dick reported that the 2012 tax year value of the new improvements fell below the threshold set out in the current abatement agreement, requiring an adjustment in the abatement percentage. Councilmember Kyle moved to approve Item 2012-310 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-311 CONSIDER 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)

Alberto Mares presented the Item continued from the July 10 Council meeting. By consensus, at its July 17 workshop, the Planning and Zoning Commission recommended a minimum distance of 375 feet between existing signs located on the same side of the street without triggering the SUP process. Councilmember Kyle moved to approve the 375' distance as a minimum distance between electronic signs located on the same side of the street without a SUP, to not include the timing interval as part of the SUP process, and, to leave current SUP fees for electronic signs in place. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (7-0).

Council moved to Executive Session at 8:30 p.m. for the purpose of discussing Items 3 and 5 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, City Engineer and Interim Planning Director.

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 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).

Council reconvened in Regular Session at 9:35 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2012-312 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

No discussion; no action

2012-313 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

No discussion; no action

2012-314 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

No action was taken following Executive Session.

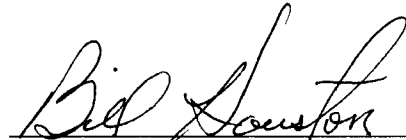
2012-315 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

No discussion; no action

2012-316 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION

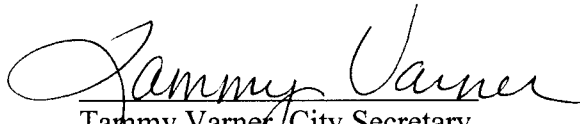
No action was taken following Executive Session.

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:35 p.m.



Bill Houston, Mayor

ATTEST:



Tammy Varner, City Secretary