

**MINUTES
REGULAR COUNCIL MEETING
OCTOBER 23, 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

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

2012-395 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- October 22 – November 2 – Early Voting at Midlothian Conference Center
- October 25 – YMCA of Waxahachie Fall Festival
- October 27 – Fort Worth Fly Fishers Fall Fling at Camp Hoblitzelle
- October 31 – Downtown Trick-or-Treat 4pm-6pm
- November 6 – Election Day
- November 11 - 3rd Annual Veterans Tribute Dinner 6:30pm – 9pm at the Midlothian Conference Center

b. Ethan Hallmark Day proclamation

The Hallmark family was not in attendance and the proclamation was read into the record later in the meeting.

c. Midlothian Fire Department “Pink Out” presentation

Sean Kelly of the Midlothian Fire Department thanked Council for their participation in the Pink Out event and announced that the City-wide Pink Out Day is October 26.

d. Vision North Texas presentation by North Central Texas Council of Governments

A presentation was provided by Jack Tidwell, Manager of Environment and Development at NCTCOG, on the community vision program North Texas 2050.

e. Administrative announcements related to personnel

None were received.

PUBLIC HEARINGS

2012-396 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE TO AMEND THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, AMENDING SECTION 7.4-2, POLITICAL SIGNS, AND SECTION 7.4-20, DEFINITIONS, INCORPORATING CHANGES TO VARIOUS ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. OZ01-2011-40)

Mayor Houston opened the Public Hearing, which is a continuance from the September 25 Council meeting. John Taylor presented the Item, which consists of three options for placement of political signs on city-owned property. Option #2 was unanimously approved by the Planning and Zoning Commission at its October 16 meeting. With no public input received, Councilmember Sibley moved to close the Public Hearing. Motion was seconded by Councilmember Henley and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2012-396 as presented, incorporating Option #2 as set out in the staff report, into the City's ordinance. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-397 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED, SECTION 7.5 (PARKING REGULATIONS), AND, INCORPORATING CHANGES TO VARIOUS ARTICLES, SECTIONS AND SUBSECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (CASE NO. OZ04-2011-62)

Mayor Houston opened the Public Hearing and John Taylor presented the proposed amendments to the existing parking regulations, which were approved unanimously by the Planning and Zoning Commission at its September 28, 2012 meeting. With no public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0). Councilmember Sibley moved to approve Item 2012-397 as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

REGULAR AGENDA

2012-398 CITIZENS TO BE HEARD

None to be heard.

2012-399 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

Mayor pro tem Frizzell reported the Midlothian Economic Development Board met on October 22; with nothing major to report. Councilmember Rodgers reported that he attended the October 16 meeting of the Planning and Zoning Commission, where a proposed new development generated a large gathering of citizens and public input.

2012-400 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF OCTOBER 9, 2012

Councilmember Kyle moved to approve Item 2012-400 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2012-401 CONSIDER AND ACT UPON A PROPOSED RESOLUTION IN SUPPORT OF A PHASE 1 AND PHASE 2 LIST OF PARKS AND RECREATION IMPROVEMENT PROJECTS

Billy King, Interim Parks Manager, presented a list of proposed Phase 1 and Phase 2 park and recreation improvement projects, which was previously discussed at a joint workshop between the City Council and Parks Board on August 28, 2012. Councilmember Sibley moved to approve Item 2012-401 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2012-402 CONSIDER AND ACT UPON AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MIDLOTHIAN, TEXAS TAX NOTES, SERIES 2012, IN THE PRINCIPAL AMOUNT OF \$2,100,000; APPROVING THE SALE OF THE NOTES; AND ORDAINING OTHER MATTERS RELATED THERETO, INCLUDING IMMEDIATE EFFECTIVENESS

Chris Dick presented the list of projects which were previously reviewed by Council during the budget process, and has since been revised to add three fire engines and Justice Center HVAC units, due to interest rate savings compared to the funding methods originally proposed. Mark McLinney of Southwest Securities reported that eight bids were received and the low bidder was First Financial Bank, a local financial institution. Councilmember Henley moved to approve Item 2012-402 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

Council moved to Executive Session at 7:22 p.m. for the purpose of discussing Items 1, 5 and 6, and with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney, and Terry Morgan, Attorney.

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 AND EASEMENTS NECESSARY FOR ROADWAY, UTILITY 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 |
| 6. | SECTION
551.074 | PERSONNEL: DELIBERATE THE DUTIES OF THE CITY MANAGER |

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 9:49 p.m. with no action taken in Executive Session; the proclamation honoring Ethan Hallmark was read into the record prior to adjournment.

REGULAR AGENDA

2012-403 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

No action taken following Executive Session.

2012-404 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

The Item was not discussed during Executive Session.

2012-405 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

The Item was not discussed during Executive Session.

2012-406 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: DENTON

The Item was not discussed during Executive Session.

**2012-407 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5:
CONTEMPLATED LITIGATION**

No action taken following Executive Session.

**2012-408 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: CITY
MANAGER**

No action taken following Executive Session.

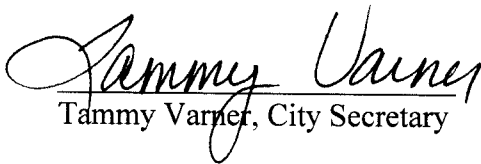
2012-409 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:51 p.m.



Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary