

**MINUTES
REGULAR COUNCIL MEETING
DECEMBER 11, 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	@ 6:00 p.m.
Jason Kyle	§	Councilmember Place 3	
Joe Frizzell	§	Mayor Pro Tem Place 4	
T. J. Henley	§	Councilmember Place 5	@ 5:30 p.m.
Ted Miller	§	Councilmember Place 6	

WORK SESSION AGENDA

Mayor Houston called the work session to order at 5:00 p.m. with notice of the meeting duly posted.

2012-465 CONDUCT ANNEXATION WORKSHOP

John Taylor provided an overview of the annexation process and proposed timelines for the various types of annexation. Council directed staff to prepare a draft ordinance for the three “technical” annexation tracts and to analyze service plan issues for the proposed “three-year” annexation tracts. Council will discuss the issue again during its regularly scheduled January 22, 2013 meeting.

2012-466 REVIEW AND DISCUSSION OF REGULAR AGENDA ITEMS.

The Item was not discussed during the work session. With there being no other business to discuss, Mayor Houston adjourned the work session at 5:52 p.m.

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:01 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.

2012-467 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- City offices will be closed Monday & Tuesday, December 24th & 25th
- Midlothian Amateur Baseball Association 2013 Spring Season online registration has started – visit www.midlothianbaseball.org
- Keep Midlothian Beautiful Christmas Tree Recycling: Monday – Friday, January 2 – 11, 2013, 7:30am – 3:00pm at the Ellis County Barn, 1011 Eastgate

b. Presentation of Project C.H.E.W.Y. by Middle School Problem Solvers

Instructor Christina McDaniel and MISD middle school students gave a presentation for Project C.H.E.W.Y. – Classmates Helping classmates Eat on the Weekend Yum!

c. Administrative announcements related to personnel

None received

CONSENT AGENDA

2012-468 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF NOVEMBER 27, 2012

2012-469 CONSIDER AND ACT UPON CANCELLING THE DECEMBER 25, 2012 REGULAR CITY COUNCIL MEETING

Councilmember Kyle moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

REGULAR AGENDA

2012-470 CITIZENS TO BE HEARD

None to be heard.

2012-471 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2012-472 CONTINUE THE DISCUSSION OF THE FENCE ISSUE ON SOUTH FIFTH STREET AND PROVIDE STAFF DIRECTION REGARDING FENCE REPLACEMENT ALTERNATIVES

John Taylor provided a brief update on the Item that is being continued from the November 27 Council meeting. Adam Mergener provided the bid results that were received from five fence contractors. The results were considered and discussed by Council for a "side by side" wood fence option and a "board on board" wood fence option. It was also noted for the record that the subject fence located at Fifth Street and 416 W. Avenue I will forever be the responsibility of the City and maintained into perpetuity in a high-quality manner by the City of Midlothian. Carolyn Wellborn Meacham of 416 W. Avenue I addressed the Council to clarify her concerns regarding the fence construction and expressed her appreciation for a favorable result. A pre-construction meeting will be scheduled with the property owner, the contractor and City representatives to occur sometime after January 7, 2013. Mayor Houston moved to direct staff to contact references for All Star Fence, Custom Fence and Landscaping, and Griffith Fence Company, to proceed with replacement of the fence at a cost not to exceed \$9,240 and to specifically use "pre-dipped" cedar pickets treated with oil-based wood stain at an additional cost not to exceed \$1,000. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

2012-473 CONSIDER AND ACT UPON AN ORDINANCE REPEALING ORDINANCES 2007-40, 2002-30 AND 2001-49 IN THEIR ENTIRETY AND ESTABLISHING AN ORDINANCE ADOPTING THE BUILDING PERMIT FEE SCHEDULE OF THE CITY OF MIDLOTHIAN, TEXAS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Chief Building Inspector Tim Littlejohn presented the Item, explaining that in 2011 the state legislature amended the Texas Occupations Code, no longer requiring plumbers to pay annual registration fees with municipalities. Currently, electricians are the only trade that is required to pay an annual registration fee to the City. Councilmember Sibley moved to approve Item 2012-473 as presented. Motion was seconded by Councilmember Kyle and carried by a vote of 6-1, with Councilmember Henley voting in opposition.

2012-474 CONSIDER AND ACT UPON A PROPOSAL FOR A PARKING LOT AND FENCE FOR RIDGEVIEW PARK LOCATED SOUTH OF WALTER STEPHENSON ROAD AND ± 630 FEET WEST OF SOUTH 5TH STREET IN AN AMOUNT NOT TO EXCEED \$35,000. THIS AMOUNT INCLUDES \$16,085 TO CONSTRUCT A 6 FOOT COMMERCIAL GRADE "WROUGHT IRON APPEARANCE" STEEL FENCE BETWEEN 700 WALTER STEPHENSON ROAD AND RIDGEVIEW PARK

Billy King, Parks Manager, reported that the Park Board considered two options for the fence installation, a 6' wrought iron fence vs. a 4' wrought iron fence to be installed on the Durston property side of the park, with a price difference of \$1,020. During its November 12, 2012 meeting, the Park Board recommended approval of Plan A, which included the 6' fence. City Council directed staff to obtain three bids for black-coated chain link fencing, provide Council with an aerial map of Ridgeview Park depicting the fence boundaries, and to bring the Item back for consideration at the January 8, 2013 Council meeting. No action taken.

2012-475 RECEIVE A REPORT AND DISCUSS A REQUEST TO REZONE ± 0.3844 ACRES FROM MULTI-FAMILY (MF) DISTRICT TO A COMMERCIAL (C) DISTRICT AT 402 E. MAIN STREET. PROPERTY IS LOCATED ON THE SOUTH SIDE OF E. MAIN STREET AND ± 478 FEET SOUTHEAST OF 11TH STREET, IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. Z02-2012-16)

John Taylor advised Council that due to a public hearing notification error by the *Waxahachie Daily Light* newspaper, the Public Hearing for this Item had to be rescheduled to January 8, 2013. However, the applicant is scheduled to close on the purchase of the property on December 12, and requested that the Item be placed under the regular agenda to answer any questions Council may have regarding the rezoning request. There was no opposition expressed by City Council and no action was taken.

2012-476 CONSIDER AND ACT UPON THE REPEAL OF SECTIONS OF THE 1997 UNIFORM HOUSING CODE AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS GOVERNING THE HEARING PROCESS, ORDERS AND ABATEMENT OF SUBSTANDARD AND OR DANGEROUS STRUCTURES; ADOPT A STAND-ALONE ORDINANCE THAT GOVERNS THE HEARING PROCESS, ORDERS AND ABATEMENT OF SUBSTANDARD STRUCTURES. STAND-ALONE ORDINANCE WILL REMOVE THE HEARING PROCESS FROM AN APPOINTED BOARD AND PLACE THE HEARING PROCESS UNDER THE MUNICIPAL COURT

At the request of staff, the Item was continued to a later time.

2012-477 CONSIDER AND ACT UPON A RESOLUTION SUPPORTING THE RE-ESTABLISHMENT OF A MUNICIPAL MANAGEMENT DISTRICT IN THE CITY OF MIDLOTHIAN FOR THE WINDSOR HILLS DEVELOPMENT

John Taylor presented the Item requesting a resolution in support for the re-establishment of a Municipal Management District. The previous resolution passed by Council expired by its own terms on September 1, 2012. Kirk Wilson, representing Centurion American Development, answered questions regarding the Windsor Hills Development. After discussion by Council, Councilmember Sibley moved to approve Item 2012-477 as presented. Motion was seconded by Councilmember Henley and carried by a vote of 4-3, with Mayor pro tem Frizzell, Councilmembers Rodgers and Miller voting in opposition.

2012-478 CONSIDER AND ACT UPON AN ANNUAL CONTRACT FOR BULK UNLEADED AND DIESEL FUEL WITH DOUGLASS DISTRIBUTING COMPANY BY UTILIZING THE TARRANT COUNTY COOPERATIVE PURCHASING AGREEMENT

Chris Dick presented the Item which will result in significant fuel cost savings for the City. Councilmember Kyle moved to approve Item 2012-478 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

Council moved to Executive Session at 7:56 p.m. for the purpose of discussing Items 2 and 3, with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, Kyle, Henley, Miller; City Manager, City Attorney and Midlothian Economic Development President, Larry Barnett

- 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
- 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 9:00 p.m. with no action taken in Executive Session.

REGULAR AGENDA	
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2012-479 Action resulting from Executive Session, Item #1: Texas Central Business Lines
The Item was not discussed during Executive Session.

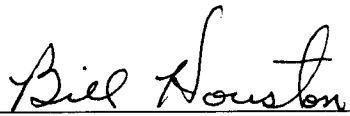
2012-480 Action resulting from Executive Session, Item #2: Economic Development
No action taken following Executive Session.

2012-481 Action resulting from Executive Session, Item #3: Real Estate
No action taken following Executive Session.

2012-482 Action resulting from Executive Session, Item #4: Denton
The Item was not discussed during Executive Session.

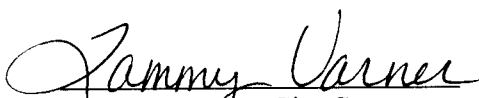
2012-483 Action resulting from Executive Session, Item #5: Contemplated litigation
The Item was not discussed during Executive Session.

2012-484 Adjourn
With there being no further business to discuss, Mayor Houston adjourned the meeting at 9:00 p.m.



Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary