

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS**

Tuesday, May 25, 2010

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA – 6:00 P.M.

Call to Order, Invocation and Pledge of Allegiance

2010-158 Announcements/Presentations

- a. Community Affairs calendar
- b. Administer oath of office to new Police Reserve Officers
- c. Recognition of 2010-11 Midlothian FFA officers
- d. Administrative Announcements related to personnel

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2010-159 Consider and act upon minutes from City Council meeting of May 11, 2010.

2010-160 Consider and act upon awarding a contract to General Chemical Performance Products, LLC to provide Bulk Aluminum Sulfate and to reject the alternate bid for a bulk chemical storage tank in bid specification 2010-03

2010-161 Consider and act upon awarding a contract to Lindsey Contractors, Inc., for surface course/chip seal services on various roadway projects throughout the City of Midlothian

2010-162 Consider and take action upon a resolution to approve the City of Midlothian's Investment Policy for the Fiscal Year 2010-2011

2010-163 Consider and act upon approval of the Summer Balloon Classic and Airfest request to expend \$5,000 of Municipal Hotel/Motel Tax monies for Design and Marketing of Promotional Material expenditures for the June 11th thru the 13th, 2010 event to be held at MidWay Airport

2010-164 Consider and act upon a resolution authorizing the Bike Around Midlothian (BAM) hosted by the Midlothian Chambers of Commerce scheduled for Saturday, July 24, 2010, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES11-2009-36)

2010-165 Consider and act upon a resolution authorizing the Honeysuckle Estates Neighborhood Watch and Block Party hosted by the residents of Honeysuckle Estates scheduled for Saturday, June 5, 2010, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES14-2009-34)

2010-166 Discussion and consideration for a Resolution authorizing the Independence Day Parade, an event hosted by the City of Midlothian Parks and Recreation Department and the City of Midlothian Parks Advisory Board scheduled for Saturday, July 3, 2010, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES15-2009-43)

PUBLIC HEARINGS

- 2010-167 Conduct a public hearing to consider and act upon an Ordinance amending Ordinance No. 2006-44, the original Planned Development Ordinance of MidTowne (PD-41), by amending Section 2, the Planned Development Conditions of Use, revising the Design Booklet to better clarify its intent regarding the development of MidTowne, and any other corresponding deletions or changes to various sections and subsections. Property contains ± 131.42 acres, in the W. Hawkins Survey, Abstract No. 465 and the B.F. Hawkins Survey, Abstract No. 464, and is generally located east of FM 663 and west of South 14th Street, in the City of Midlothian, Texas; preserving all other portions of Ordinance 2006-44; providing a conflicts clause; providing a severability clause; and providing an effective date. (Case No. Z02-2009-31)

REGULAR AGENDA

- 2010-168 Citizens to be Heard
- 2010-169 Consider and act upon a request for approval of a proposed economic development loan and performance agreement between the Corporation for the Economic Development of Midlothian and Quik N Tasty Foods, Inc. for property located at 4200 RailPort parkway in RailPort Commercial- Industrial Tax Abatement Reinvestment Zone Number 5 and Tax Increment Reinvestment Zone Number Two, City of Midlothian
- 2010-170 Consider and act upon an agreement for Construction Manager at Risk services for Water Treatment Plant No. 2 with Garney Companies, Inc. out of Kansas City, Missouri and authorize the commencement of pre-construction and procurement services in an amount not to exceed \$185,000
- 2010-171 Consider and Act upon a thirty-six (36) month Fair Market Value lease with Cisco Systems in the total amount of \$73,835.60 for the lease of 16 switches, routers, and associated equipment to upgrade the City's network infrastructure
- 2010-172 Consider and act upon an agreement with Insituform Technologies, Inc. of Corinth,, Texas for a 2010 Manhole Rehabilitation Phase I Project– with SpectraShield multi-layered liner system, in an amount not to exceed \$72,303.55
- 2010-173 Consider and act upon approval of a purchase agreement with Knight Security to provide controlled access at the Midlothian Justice Center in an amount not to exceed \$104,257.00
- 2010-174 Consider and act upon an ordinance providing for a curfew for minors under the age of 17 years of age. The ordinance is designed to prohibit the unsupervised and random movement of juveniles in the night time to prevent harm to the juvenile as well as deter crimes committed by juveniles
- 2010-175 Consider and act upon appointments to Council Subcommittees: Utility, Planning/Economic Development, Transportation/Public Safety, and Nomination Subcommittee

EXECUTIVE SESSION

Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods
2. Section 551.087 Deliberation regarding economic development negotiations

3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
6. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
7. Section 551.074(a)1 Personnel Matters: to deliberate the Municipal Court Judge position

REGULAR AGENDA

- 2010-176 Action resulting from Executive Session, Item #1: Kehe Foods
- 2010-177 Action resulting from Executive Session, Item #2: Economic development negotiations
- 2010-178 Action resulting from Executive Session, Item #3: Cause No. 67202, TCBL
- 2010-179 Action resulting from Executive Session, Item #4: Cause No. 75885, Randall Denton
- 2010-180 Action resulting from Executive Session, Item #5: Cause No. 3-07-CV-1351-N, TCBL
- 2010-181 Action resulting from Executive Session, Item #6: Real Estate/Roadway and Parks
- 2010-182 Action resulting from Executive Session, Item #7: Personnel
- 2010-183 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 21st day of May, 2010 at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**