

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

Tuesday, August 24, 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

2010-284 Announcements/Presentations

- a. Community Affairs calendar
- b. Administer Oath of Office to Kent Traylor, City of Midlothian Municipal Judge
- c. Recognize Frank “Wormy” Miller for prevention of theft of City property
- d. Recognize the Midlothian Chamber of Commerce and Paul Nelson for the successful “Bike Around Midlothian” event on July 24, 2010
- e. Proclamation honoring Amanda Miller of the Midlothian Chamber of Commerce
- f. Constitution Week Proclamation
- g. 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.

2010-285 Consider and act upon minutes from City Council meetings of August 5 and 10, 2010

2010-286 Consider and act upon approval of a “Recession Day” or one paid day with leave for all regular full-time employees

PUBLIC HEARINGS

2010-287 Conduct a public hearing regarding the proposed FY 2010-2011 Annual Operating Budgets for the City of Midlothian

2010-288 Conduct a public hearing regarding the proposed FY 2010-2011 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code (Case No. M13-2009-58)

2010-289 Conduct a public hearing to consider and act upon an Ordinance to amend Midlothian Meadows Phase VI Planned Development (PD-14A-1) Ordinance 2005-38, requesting to reduce front and rear setbacks, and increasing the minimum house square footage. Property is east of Walter Stephenson and north of US Hwy 287, in the City of Midlothian, Texas. Preserving all other portions of Ordinance 2005-38; providing a conflicts clause; providing a severability clause; and providing an effective date. (Case No. Z04-2009-53)

- 2010-290 Conduct a public hearing to consider and act upon an Ordinance regarding a Specific Use Permit (SUP) request to allow a restaurant at 110 North 13th Street. Property is zoned Commercial (C) District, consisting of ± 0.621 acres out of the Zeman Addition, Block 1, Lot 2, and is generally located east of North 13th Street and ± 44 feet north of East Main Street, in the City of Midlothian. (Case No. SUP05-2009-54)
- 2010-291 Conduct a public hearing to consider and act upon an Ordinance regarding a Specific Use Permit (SUP) request to allow outside display and sales (sections of various fence panels) at 1604 North Hwy. 67. Property is zoned Light Industrial (LI) District, consisting of ± 1.01 acres out of the H. F. Hinkley Survey, Abstract No. 459, and is generally located east of US Hwy 67 northbound service road and ± 2,660 feet northeast of the intersection of North 9th Street and the US Hwy 67 northbound service road, in the City of Midlothian. (Case No. SUP04-2009-52)

REGULAR AGENDA

- 2010-292 Citizens to be Heard
- 2010-293 Consider and act upon an ordinance authorizing the issuance and sale of City of Midlothian, Texas General Obligation Refunding Bonds, Series 2010; and ordaining other matters related thereto, including immediate effectiveness
- 2010-294 Consider and act upon approval of a purchase/installation agreement with Ford Audio to provide installation and integration of a computer and audio/video equipment at the Midlothian Justice Center Emergency Operation Center in an amount not to exceed \$44,616.07

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 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
2. Section 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton and Musket Corporation
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian

REGULAR AGENDA

- 2010-295 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-296 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2010-297 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2010-298 Action resulting from Executive Session, Item #4: Ken Chambers, et al
- 2010-299 Action resulting from Executive Session, Item #5: Paul Nichols

2010-300 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 20th day of August, 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.**