

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, November 23, 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

- 2010-442 Announcements/Presentations
- a. Community Affairs calendar
 - b. Recognition of Veterans Day Dinner organizers
 - c. Administrative Announcements related to personnel

CONSENT AGENDA

- 2010-443 Consider and act upon minutes from City Council meetings of November 4 and 9, 2010
- 2010-444 Consider and act upon approval of a resolution authorizing the Ellis County Toy Run (Motorcycle Parade). The event will be hosted by the Gryphon Motorcycle Club of Ellis County on Sunday, December 12th, 2010, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES03-2010-13)

PUBLIC HEARINGS

- 2010-445 Conduct a public hearing and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, creating a new zoning district; Section 6.7– North 8th Street (N8) District, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date, and consider and act upon an ordinance to rezone the properties along North 8th Street between West Avenue E and south of the 8th Street Bridge to the North 8th Street (N8) District, the segment of properties contain 29 parcels of land and are currently zoned either Commercial (C) District, General Professional (GP) District, Residential Three (R3) District, or Urban Village Planned Development (UVPD) (Case No. OZ01-2010-06)

REGULAR AGENDA

- 2010-446 Citizens to be heard
- 2010-447 Receive information from staff and provide direction regarding possible functional changes to the Council Laptop Program and take action as necessary
- 2010-448 Consider and act upon a request to authorize the City Manager to execute a Pass-Through Agreement for payment of pass-through tolls with the Texas Department of Transportation for the reconstruction and widening of the existing bridge at FM 663 and the U.S. Highway 287 Bypass; and, a reimbursement agreement with the Midlothian Development Authority (MDA)

- 2010-449 Consider and act upon a request to authorize the City Manager to execute a Pass-Through Agreement for payment of pass-through tolls with the Texas Department of Transportation for the construction of a grade separated interchange at U.S. Highway 67 and RailPort Parkway/Miller Road; and, a reimbursement agreement with the Midlothian Development Authority
- 2010-450 Consider and act upon a resolution supporting legislation creating the “Windsor Hills Municipal Management District #1”

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, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
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
6. Section 551.087 Deliberation regarding economic development negotiations
7. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
8. 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

REGULAR AGENDA

- 2010-451 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-452 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2010-453 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2010-454 Action resulting from Executive Session, Item #4: Ken Chambers, et al
- 2010-455 Action resulting from Executive Session, Item #5: Paul Nichols
- 2010-456 Action resulting from Executive Session, Item #6: Economic Development
- 2010-457 Action resulting from Executive Session, Item #7: ECOM
- 2010-458 Action resulting from Executive Session, Item #8: Chambers

2010-459 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 19th day of November, 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.**