

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

Tuesday, March 8, 2011

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

- 2011-79 Announcements/Presentations
- a. Community affairs calendar
 - b. Proclamation declaring March 2011 as Legacy DeMolay Month
 - c. Receive update on MidWay Airport projects
 - d. Review of Parks and Recreation calendar and community events
 - e. 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.

- 2011-80 Consider and act upon minutes from City Council meeting of February 22, 2011
- 2011-81 Consider and act upon a resolution authorizing and approving the name “Mockingbird Nature Park” for the public land located at 1361 Onward Road, in accordance with the City of Midlothian’s policy for naming parks and recreational facilities; plaques, and markers, as set out in Resolution No. 2007-03; and providing an effective date
- 2011-82 Consider and act upon a resolution authorizing the annual Spring Fling Arts & Crafts Fair, including the temporary closure of West Avenue F (between North 8th Street and Plaza Drive). This event is hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, April 30, 2010, in accordance with the zoning requirements for this type of event, as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES05-2009-19)

REGULAR AGENDA

- 2011-83 Citizens to be heard
- 2011-84 Consider and act upon authorizing the City Manager to execute a professional services contract with Dunkin Sims Stoffels, Inc.; the purpose and scope of said contract being to update the 2006 Parks, Recreation and Open Space Master Plan, create a Community Park Master Plan, prepare and submit a Texas Parks & Wildlife Department Grant application; in an amount not to exceed Sixty One Thousand Dollars (\$61,000)
- 2011-85 Consider and act upon a request to allow on-street parking along George Hopper Road, between S. 14th Street and FM 663, said parking being a part of the overall concept plan for MidTowne

- 2011-86 Consider and act upon a petition according to Texas Local Government Code, Section 43.28, for the voluntary annexation of ± 47.49 acres of land, located in the R. Hosford Survey, Abstract No. 533, and the J. L. Blanton Survey, Abstract 1284, generally located ± 253 feet north of Walnut Road and east of South Walnut Grove Road, in Ellis County, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the Extraterritorial Jurisdiction (ETJ) of the City of Midlothian. The petition was filed with the City on February 22, 2011, according to Texas Local Government Code, Section 43.028 and is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX01-2010-28)
- 2011-87 Consider and act upon an ordinance according to Texas Local Government Code, Section 43.028 extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 47.49 acres of land, located in the R. Hosford Survey, Abstract No. 533 and the J. L. Blanton Survey, Abstract 1284, generally located ± 253 feet north of Walnut Road and east of South Walnut Grove Road, in Ellis County, Texas; and, adjoining the present boundary limits of the City of Midlothian; providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; proposed annexation being fully described in Exhibit “A” of attached ordinance hereto and made a part of for all purposes of voluntary annexation procedures; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX01-2010-28)

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. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian
5. Section 551.087 Deliberation regarding economic development negotiations
6. 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.
7. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding Cause No. 66,519; Holnam Texas Limited Partnership vs. Ellis Central Appraisal District, et al
8. Section 551.072 Real Estate: Deliberation regarding real property; to deliberate the purchase, exchange, lease or value of real property – Joe Clark

9. Section 551.071 Legal: Consultation with attorney regarding Cause No. 03-11-00007-CV, Wax Mid, Inc. v. TCEQ, et al

REGULAR AGENDA

- 2011-88 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
2011-89 Action resulting from Executive Session, Item #2: Randall Denton, et al
2011-90 Action resulting from Executive Session, Item #3: Texas Central Business Lines
2011-91 Action resulting from Executive Session, Item #4: Paul Nichols
2011-92 Action resulting from Executive Session, Item #5: Economic Development
2011-93 Action resulting from Executive Session, Item #6: ECOM
2011-94 Action resulting from Executive Session, Item #7: Holnam Texas
2011-95 Action resulting from Executive Session, Item #8: Clark
2011-96 Action resulting from Executive Session, Item #9: Wax Mid, Inc.
2011-97 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 4th day of March, 2011 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.**