

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

Tuesday, April 12, 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

2011-128 Announcements/Presentations

- a. Community affairs calendar
- b. Proclaiming recognizing Public Safety Telecommunicators Week
- c. Recognition of Water Treatment Plant Staff
- 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.

2011-129 Consider and act upon minutes from City Council meeting of March 22, 2011

2011-130 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 July 22, 23 and 24, 2011 event to be held at MidWay Airport

2011-131 Consider and act upon a request to authorize the City Manager to execute a General Warranty Deed on behalf of the City of Midlothian deeding 21.89 acres of land to the Trinity River Authority of Texas, said land is more commonly referred to as the “old” Wastewater Treatment Plant property

PUBLIC HEARINGS

2011-132 Conduct a public hearing to consider and act upon an application to amend Ordinances 2005-38 and 2010-19, the Planned Development ordinances for Midlothian Meadows Phase VI (PD-14A-1) by reducing side yard setbacks from 6 feet to 5 feet. Property is east of Walter Stephenson and north of US Hwy 287, in the City of Midlothian, Texas. (Case No. Z03-2010-31)

REGULAR AGENDA

2011-133 Citizens to be heard

2011-134 Consider and act upon an ordinance establishing a Municipal Court Juvenile Case Manager Fund; providing for the assessment and collection of a Municipal Court Juvenile Case Manager Fee; providing for a severability and penalty clause; and setting an effective date

- 2011-135 Consider and act upon an ordinance amending the City of Midlothian, Texas, Code of Ordinances, Article 9.02, Division 2, by amending the regulations governing the Police Reserves by implementing City Council approval of reserve officers' appointment to discharge official duties as a peace officer
- 2011-136 Consider and act upon approval of all currently appointed reserve officers for the City of Midlothian
- 2011-137 Consider and act upon an Engineering Services Agreement for the FM 663 at US Highway 287 Bridge Reconstruction and Widening Project with Schrickel, Rollins and Associates, Inc. in an amount not to exceed \$366,160
- 2011-138 Consider and act upon establishing an ordinance to adopt landscape and lawn irrigation conservation measures for properties located within the corporate boundary of the City of Midlothian; providing that this ordinance shall be cumulative of all ordinances; providing for a severability clause; providing for a penalty that any violation of the terms of this ordinance is declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; and providing for an effective date

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 551.071 Legal: Consultation with attorney regarding Cause No. 03-11-00007-CV, Wax Mid, Inc. v. TCEQ, et al
9. Section 551.072 Real Estate: Deliberation regarding condemnation of real property for U.S. Highway 67 grade separation project

REGULAR AGENDA

- 2011-139 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-140 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-141 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-142 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-143 Action resulting from Executive Session, Item #5: Economic Development
- 2011-144 Action resulting from Executive Session, Item #6: ECOM
- 2011-145 Action resulting from Executive Session, Item #7: Holnam Texas
- 2011-146 Action resulting from Executive Session, Item #8: Wax Mid, Inc.
- 2011-147 Action resulting from Executive Session, Item #9: U.S. Highway 67
- 2011-148 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 8th day of April, 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.**