

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, June 28, 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

- 2011-228 Announcements/Presentations
- a. Community Affairs calendar
  - b. Recognition of Fire Academy graduates
  - c. 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.*

- 2011-229 Consider and act upon minutes from City Council meeting of June 14, 2011
- 2011-230 Consider and act upon approval of the Midlothian Community Development Corporation (4B) and the Midlothian Development Authority Investment Policies as approved by the respective boards of each entity
- 2011-231 Consider and act upon a resolution authorizing the Allison Wells Cancer Fund Fundraiser 5K Run hosted by Main Street Gym and scheduled for Saturday, July 16, 2011, 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. RES18-2010-56)

**WORKSHOP**

- 2011-232 Receive a utility rate presentation from economist.com and direct staff accordingly

**PUBLIC HEARINGS**

- 2011-233 Conduct a public hearing and act upon an impact fee ordinance relative to the “Roadways, Water and Wastewater Impact Fee CIP Study” as required by Chapter 395, Texas Local Government Code, and consider and act upon on Roadway, Water and Wastewater Capital Improvements Plan update
- 2011-234 Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Comprehensive Plan, Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: (1) the reclassification of FM 1387 to a major arterial (2) the reclassification of Ashford Lane to a major collector (3) the extension of a unnamed major collector street (4) the realignment and reclassification of the Tower Road to a major collector (5) the realignment and reclassification of Brookhollow Drive to a major collector/minor arterial (6) the realignment of FM 875, or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2010-23)

- 2011-235 Conduct a public hearing to consider and act upon an ordinance to delete Appendix D (Fee Schedule) of the Subdivision Regulations to create a separate stand-alone ordinance related to the City's Development Fee Schedule (Case No. OS02-2010-49)

### REGULAR AGENDA

- 2011-236 Citizens to be Heard
- 2011-237 Consider and act upon an ordinance adopting the City of Midlothian Development Fee Schedule; providing that this ordinance is cumulative of all other ordinances; providing for severability and conflicts clauses; and providing for an effective date (Case No. M09-2010-53)
- 2011-238 Consider and act upon a speed zone ordinance altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon U.S. Highway 67 frontage road or parts thereof, within the corporate limits of the City of Midlothian, providing for appropriate signs to be erected; providing that this ordinance shall be cumulative of all ordinances; providing for a severability clause; providing for a penalty that any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not to exceed two hundred dollars (\$200.00), and each occurrence that such violation continues shall constitute a separate offense and shall be punishable accordingly; and providing for an effective date
- 2011-239 Consider and act upon a speed zone ordinance altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon U.S. Highway 287 frontage roads or parts thereof, within the corporate limits of the City of Midlothian, providing for appropriate signs to be erected; providing that this ordinance shall be cumulative of all ordinances; providing for a severability clause; providing for a penalty that any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not to exceed two hundred dollars (\$200.00), and each occurrence that such violation continues shall constitute a separate offense and shall be punishable accordingly; and providing for an effective date
- 2011-240 Consider and act upon a resolution approving an expenditure of funds in an amount not to exceed fifty thousand and 00/100 (\$50,000.00) dollars, to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to help fund upgrades at the Midlothian Conference Center
- 2011-241 Consider and act upon the proposed Strategic Guide (Capital Projects), a long-range planning document to be utilized by City of Midlothian staff, boards and commissions to assist with decision-making (Case No. M06-2010-45)
- 2011-242 Consider and act upon approval of the purchase of sixteen (16) Motorola XTL2500 mobile radios from BearCom Communications under the Texas Conventional Promo Pricing schedule on H-GAC contract in the amount of \$36,734.40

### 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 regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
8. Section 551.074 Personnel: Discussion of appointment of board of directors to the Corporation for the Economic Development of Midlothian

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

#### REGULAR AGENDA

- 2011-243 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-244 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-245 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-246 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-247 Action resulting from Executive Session, Item #5: Economic Development
- 2011-248 Action resulting from Executive Session, Item #6: ECOM
- 2011-249 Action resulting from Executive Session, Item #7: Corgan
- 2011-250 Action resulting from Executive Session, Item #8: CEDM
- 2011-251 Action resulting from Executive Session related to Section 551.071(2)
- 2011-252 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 24<sup>th</sup> day of June, 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.**