

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

Tuesday, August 9, 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

2011-307 Announcements/Presentations

- a. Community Affairs calendar
- b. Quarterly Investment Report by Linda Patterson of Patterson & Associates
- c. Best Southwest presentation regarding 2011 activities
- d. Administrative announcements related to personnel

WORKSHOP #1: BUDGET

2011-308 Review and discuss City of Midlothian Draft Budget for FY 2011-2012

- a. Agency Budget Presentations and Requests
- b. Overall Budget

WORKSHOP #2: UTILITY PROGRAM

2011-309 Review and discuss Utility Program

(Please see separately posted agenda for joint meeting with Utility Advisory Board)

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.

2011-310 Consider and act upon minutes from City Council meetings of July 26, 28, 29 and 30, 2011

2011-311 Consider and act upon a waiver of building permit and plan review fees for the MidWay Regional Airport Terminal Building Renovation Project

2011-312 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, (“City”) approving a negotiated resolution between the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”) and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) regarding the Company’s fourth annual rate review mechanism (“RRM”) filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the Company to reimburse Cities’ reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the Steering Committee’s legal counsel

REGULAR AGENDA

2011-313 Citizens to be heard

- 2011-314 Consider and act upon an agreement among the Trinity River Authority of Texas, the Cities of Grand Prairie, Midlothian, and Venus, Ellis County, the Dalworth Soil and Water Conservation District #519, and One Windsor Hills, L.P. for project funding assistance in the improving, rehabilitating or repairing of Padera Lake, with Midlothian's local share in an amount not to exceed \$11,450
- 2011-315 Consider and act upon an ordinance repealing Ordinance No.'s 298, 340, 368A, 396, 425, 593, 620, 694, 714, 86-56, 94-17, 99-36, 2000-14, 2000-28, 2001-41, 2002-10, 2002-16, 2003-56, 2004-63 and 2006-41 in their entirety and establishing an ordinance adopting monthly water and wastewater rates to be charged for residential, multi-family, commercial, industrial and wholesale customers of the City of Midlothian, Texas attached hereto as Exhibit "A"; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer 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 five hundred dollars (\$500.00), each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; providing for a severability clause; and setting an effective date
- 2011-316 Consider and act upon 2011 property tax abatements for Target and Ennis Business Forms

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. 74,681; City of Midlothian v. Corgan Associates, et al

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

- 2011-317 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-318 Action resulting from Executive Session, Item #2: Randall Denton, et al

- 2011-319 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-320 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-321 Action resulting from Executive Session, Item #5: Economic Development
- 2011-322 Action resulting from Executive Session, Item #6: ECOM
- 2011-323 Action resulting from Executive Session, Item #7: Holnam
- 2011-324 Action resulting from Executive Session, Item #8: Corgan
- 2011-325 Action resulting from Executive Session related to Section 551.071(2)
- 2011-326 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 5th day of August, 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.**