

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, May 8, 2012**

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

2012-167 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing May 13 through 19 as Police Week
- c. Proclamation recognizing Midlothian ISD Middle School Problem Solvers
- 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.

2012-168 Consider and act upon minutes from City Council meeting of April 24, 2012

2012-169 Consider and act upon a resolution authorizing the 4th Annual Victims of Fire 5K Fun Run/Walk hosted by the Midlothian Firefighter's Association scheduled for Saturday, May 19, 2012, 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. RES13-2011-49)

2012-170 Consider and act upon a resolution authorizing a Downtown Street Dance, presented by the City of Midlothian Parks Department on Saturday, May 19, 2012 in accordance with zoning requirements established for City events requiring street closure (Case Number RES14-2011-50)

2012-171 Consider and act upon an Interlocal Agreement between the Midlothian Independent School District (MISD) and the City of Midlothian, Texas for the assignment of a City of Midlothian police officer to MISD during the 2012-13 school year

2012-172 Consider and act upon a resolution of the City of Midlothian denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") requested rate change; requiring the company to reimburse the city's reasonable ratemaking expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and ACSC's legal counsel

REGULAR AGENDA

2012-173 Citizens to be heard

2012-174 Consider and act upon an amendment to the Retail Water Service Area Agreement with Mountain Peak Special Utility District for the transfer of certain Certificate of Convenience and Necessity (CCN) areas

- 2012-175 Consider and act upon an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match with the Texas Department of Transportation (TxDOT) for the FM 1387 roadway improvement project at Walnut Grove Road
- 2012-176 Consider and act upon a request for approval of a Letter of Intent between Ash Grove Texas LP (“Company”) and the Corporation for Economic Development of Midlothian (“CEDM”) for a sales tax grant for a portion of sales taxes paid on construction materials used for improvements to property located at 900 Gifco Road, in Ash Grove Addition, Block 1, Lot 1R of the Northwest Tax Abatement Reinvestment Zone, City of Midlothian, Texas
- 2012-177 Consider and act upon an amended Resolution regarding the sale of land to MCDC for a future hotel site
- 2012-178 Consider and act upon a proposed lease agreement between the City of Midlothian and Ellis County for office space for the Ellis County Constable, Precinct 4, and Justice of the Peace, Precinct 4 at the Midlothian Justice Center

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 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
3. Section 551.087 Deliberation regarding economic development negotiations
4. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
5. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
6. Section 551.071 Legal: Consultation with attorney regarding contemplated litigation (construction contract)
7. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

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

- 2012-179 Action resulting from Executive Session, Item #1: Randall Denton, et al
- 2012-180 Action resulting from Executive Session, Item #2: Texas Central Business Lines
- 2012-181 Action resulting from Executive Session, Item #3: Economic Development
- 2012-182 Action resulting from Executive Session, Item #4: Real Estate
- 2012-183 Action resulting from Executive Session, Item #5: Real Estate
- 2012-184 Action resulting from Executive Session, Item #6: Contemplated litigation (construction)
- 2012-185 Action resulting from Executive Session, Item #7: Contemplated litigation
- 2012-186 Action resulting from Executive Session related to Section 551.071(2)

2012-187 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 May, 2012 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.**