

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

October 13, 2009

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 PM

Call to Order, Invocation and Pledge of Allegiance

2009-372 Citizens to be Heard

2009-373 Announcements/Presentations

- a. Community Affairs calendar
- b. Recognition of Finance Department for receipt of two awards: the Certificate of Achievement for Excellence in Financial Reporting and the Government Finance Officer's Association (GFOA) Distinguished Budget Presentation Award for the Fiscal Year beginning October 1, 2008
- c. National League of Cities Drug Prescription Discount program
- d. Firefighters Cancer Awareness Pink Out campaign
- e. Fire Department badge pinning ceremony
- f. Draw names for a place on the ballot for November 3, 2009 City Council elections
- g. 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.

2009-374 Consider and act upon minutes from City Council meeting of September 22, 2009

2009-375 Consider and act upon a resolution to nominate five candidates to the 2010-2011 Board of Directors for the Ellis Central Appraisal District

2009-376 Consider and act upon a resolution authorizing the Annual Christmas Parade and Tree Lighting at Kimmel Park. The event will be hosted by the Midlothian Downtown Business Association and the City of Midlothian on Monday, December 7, 2009, in accordance with zoning requirements for Special events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES01-2009-02)

2009-377 Consider and act upon an Ordinance requesting an equipment encroachment and maintenance easement from Midlothian Addition #2 Block 1, Lot 3 (Navarro College) onto Midlothian Addition #2 Block 1, Lot 4, of approximately +/- 500 square feet. Property is generally located east of 14th Street and south of US Hwy 287 in the City of Midlothian, Ellis County, Texas (Case No. M01-2009-03)

2009-378 Consider and act upon a "Third Amended Agreement" by and between Kehe Foods, Inc., Ellis County and the City of Midlothian relating to the upcoming arbitration between the parties

REGULAR AGENDA

- 2009-379 Consider and act upon a thirty-six (36) month Fair Market Value lease with Dell Computers in the total amount of \$40,114.86 for the lease of 25 desktops, monitors and 10 laptops as part of the City's replacement program as approved in the Capital Equipment Program and the FY 2009-2010 Budget
- 2009-380 Consider and act upon Change Order No. 1 to the South Outfall Sanitary Sewer Main project with Circle H Contractors, L.P. for sanitary sewer main replacement within the Westview Addition in an amount not to exceed \$107,450
- 2009-381 Consider and act upon a Professional Services Agreement with V&A Consulting Engineers of Oakland, California to provide GPS Manhole Locating and Assessments of Identified Sanitary Sewer Manholes within the City Limits in an amount not to exceed \$24,950
- 2009-382 Consider and act upon authorizing a bid award to Austin Bridge & Road for the Mid-Way Airport Runway Extension project, in an amount not to exceed \$4,321,318.75
- 2009-383 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

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 Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
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 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
4. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods

REGULAR AGENDA

- 2009-384 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-385 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-386 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-387 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2009-388 Action resulting from Executive Session, Item #5: Corgan Associates, et al
- 2009-389 Action resulting from Executive Session, Item #6: Kehe Foods
- 2009-390 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 9th day of October, 2009, 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.**