

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, February 23, 2010**

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

- 2010-49 Announcements/Presentations
- a. Community Affairs calendar
 - b. Recognition of City of Midlothian Public Works staff for outstanding performance
 - c. Presentation of annual Racial Profiling Report provided by the Midlothian Police Department in compliance with SB1074 enacted by the Texas Legislature in 2001
 - d. Presentation of City's financial audit for Fiscal Year 2008-09 by representatives of Weaver and Tidwell, LLP
 - e. 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.

- 2010-50 Consider and act upon minutes from City Council meetings of January 26 and February 9, 2010
- 2010-51 Consider and act upon authorizing the City Manager to donate 25 Interspiro SCBAs and 38 spare cylinders to the Texas Forest Service Helping Hands Program
- 2010-52 Consider and act upon signing a Cooperative Purchasing Agreement with the City of Brenham, Texas
- 2010-53 Consider and act upon Amendment One to the City of Midlothian's "Temporary Contract Relating to Raw Water Diversions from Joe Pool Reservoir" with Carrizo Oil & Gas, Inc. for the diversion and purchase of additional raw water for gas well drilling operations
- 2010-54 Consider and act upon awarding a contract to Reynolds Asphalt and Construction Company for Hot Mix Asphaltic Concrete (HMAC) overlay work for various projects throughout the City of Midlothian
- 2010-55 Consider and act upon authorizing Change Order No. 2 to Fox Contractors, Inc. for the Water Transmission Main for Water Treatment Plant No. 2 in a deductive amount of \$197,882.40, resulting in a revised final contract amount of \$1,251,649.65
- 2010-56 Consider and take action to approve the purchase of an Electrovote Electronic Voting System for use in the City Council Chambers

REGULAR AGENDA

- 2010-57 Citizens to be Heard
- 2010-58 Consider and act upon approval of a Resolution adopting the amended *Policy on Governance Process and Code of Ethics*

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. 68846, ECOM Real Estate Management, Inc. v. City of Midlothian
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. D-1-GN-08-000516, Wax Mid, Inc. v. Texas Commission on Environmental Quality and City of Midlothian, et al

REGULAR AGENDA

- 2010-59 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2010-60 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2010-61 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2010-62 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2010-63 Action resulting from Executive Session, Item #5: ECOM
- 2010-64 Action resulting from Executive Session, Item #6: Wax Mid, Inc.
- 2010-65 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 19th day of February 2010 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.**