

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

Tuesday, September 28, 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

- 2010-348 Announcements/Presentations
- a. Community Affairs calendar
 - b. 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.

- 2010-349 Consider and act upon minutes from City Council meeting of September 14, 2010
- 2010-350 Consider and act upon a Resolution authorizing the Midlothian Chamber of Commerce Fall Festival/Christelle Moser Memorial 5K Run/Walk, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 16, 2010, 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. RES17-2009-66)
- 2010-351 Consider and act upon a Financial Advisory Contract with Southwest Securities, Inc.

PUBLIC HEARINGS

- 2010-352 Conduct a public hearing to consider and act upon an application to amend Meadows at Longbranch Planned Development (PD-16) Ordinance 2001-19, Exhibit C (Narrative and Graphic, Number #3) Development Regulations, which currently require side-entry garages on all lots and requesting to revise said language to include the additional option of front loading garages with upgraded front elevation standards and an increase to the minimum residential floor area to 2,000 sf for a minimum of 75% of the 116 undeveloped lots located in *Meadows at Longbranch, Phase 1, Block 2, Lot 2 and Block 8, Lot 2, Phase 2, Block 2, Lots 36 & 40, Block 6, Lot 13, Block 7, Lots 1 thru 6, Block 8, Lots 3 thru 6, Block 9, Lots 3 thru 7, Block 10, Lots 13 thru 22, Phase 3, Block 8, Lots 16 & 22, Block 9, lots 1 & 2, Block 11, Lots 14 & 16, Block 12, Lots 5 thru 9 & 12, Block 13, Lots 5 & 6 and 9 & 10, and all of Phase 4.* Property is located north of FM 1387 and west of Bryson Lane, in the City of Midlothian, Texas (Case No. Z06-2009-57)
- 2010-353 Conduct a public hearing to consider and act upon an application to amend Planned Development 36, 810 E. Main Street, Ordinance 2006-17, requesting to keep the same nursery/ancillary uses but increase the current ± 1.23 acres survey boundary, with an additional ± 4.03 acres currently zoned Single Family Three (SF3) District, for a total of ± 5.26 acres. The additional ± 4.03 acres are located south of E. Main Street and east of 14th Street, in the City of Midlothian (Case Z05-2009-56)

REGULAR AGENDA

- 2010-354 Citizens to be Heard
- 2010-355 Consider and act upon 2010 property tax abatements for Toys “R” Us, Target, and Ennis Business Forms
- 2010-356 Consider and act upon a petition according to Texas Local Government Code, Section 43.28, for the voluntary annexation of \pm 1.147 acres of land, out of the John Crane Survey, Abstract No. 246, generally located \pm 285 feet east of where North Shiloh Road makes a sharp 90° turn to the west, in Ellis County, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the Extraterritorial Jurisdiction (ETJ) of the City of Midlothian. The petition was filed with the City on September 14, 2010, according to Texas Local Government Code, Section 43.028 and is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX01-2007-11)Accept annexation petition
- 2010-357 Act upon an Ordinance according to Texas Local Government Code, Section 43.028 extending the Municipal Boundary limits of the City of Midlothian, Texas, by the voluntary annexation of +/- 1.147 acres of Land, said land is out of the John Crane Survey, Abstract No. 246, generally located \pm 285 feet east of were North Shiloh Road makes a sharp 90° turn to the west, in Ellis County, Texas; and, adjoining the present boundary limits of the City of Midlothian; Providing that the annexed property shall be subject to the AD Valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; Proposed annexation being fully described in the Exhibit “A” of attached ordinance hereto and made a part of for all purposes of voluntary annexation procedures; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX01-2009-65)
- 2010-358 Consider and act upon a bid award to John McMichael, of McMichael Contractors, Texas for construction of the Hawkins Spring Park Concession/Restroom/Picnic Pavilion in an amount not to exceed \$ 190,000

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. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney’s ethical duty to advise City regarding such matters

5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian

REGULAR AGENDA

- 2010-359 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
2010-360 Action resulting from Executive Session, Item #2: Randall Denton, et al
2010-361 Action resulting from Executive Session, Item #3: Texas Central Business Lines
2010-362 Action resulting from Executive Session, Item #4: Ken Chambers, et al
2010-363 Action resulting from Executive Session, Item #5: Paul Nichols
2010-364 Adjourn

I, Lou Jameson, 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 24th day of September, 2010 at or before 5:00 p.m.

Lou Jameson, 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.**