

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, October 12, 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

- 2010-365 Announcements/Presentations
- a. Community Affairs calendar
 - b. Proclamation recognizing Breast Cancer Awareness Month
 - c. Proclamation recognizing National Hospice and Caregivers Month
 - d. TCEQ award presentation to the Water Treatment Plant
 - 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.

2010-366 Consider and act upon minutes from City Council meeting of September 28, 2010

2010-367 Consider and act upon a Resolution authorizing the Annual Christmas Parade and Tree Lighting at Kimmel Park hosted by the Midlothian Downtown Business Association and the City of Midlothian on Monday, December 6, 2010 (if inclement weather cancels the event, the event will be rescheduled to the following Monday, December 13, 2010), 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. RES01-2010-01)

2010-368 Consider and act upon approval of an Administrative Services Contract between the City of Midlothian and the Midlothian Community Development Corporation

PUBLIC HEARINGS

2010-369 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 requires 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)

2010-370 Continue 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

- 2010-371 Citizens to be Heard
- 2010-372 Consider and act upon approval of the actions taken by the Midlothian Community Development Corporation to proceed with the preparation of documents in respect to the refunding of the outstanding Midlothian Community Development Corporation Sales Tax Revenue Bonds, Series 2001
- 2010-373 Consider and act upon a Resolution authorizing financial assistance from the Texas Department of Transportation for certain improvements to the MidWay Regional Airport, and to have the Texas Department of Transportation act as the City agent for the implementation of these improvements. (Case No. RES02-2010-02)
- 2010-374 Consider and act upon a professional service agreement with Freese and Nichols (Case No. M01-2010-03), to prepare an update of the Impact Fee Program's Land Use Assumptions and Capital Improvement Plan for Roadway Facilities in an amount not to exceed \$40,000
- 2010-375 Consider and act upon a professional service agreement with Freese & Nichols, Inc., to prepare an update of the City's Water and Wastewater Impact Fee Program in an amount not to exceed \$55,500
- 2010-376 Receive update and review Ordinance 2010-01 Temporary Reduction of Impact Fee rates for construction of single family residences within the City of Midlothian
- 2010-377 Consider and act upon staff's request to order and lease two Chevrolet Tahoe Police Package Pursuit Vehicles as approved in the FY 2010-11 Budget
- 2010-378 Consider and act upon an ordinance repealing Ordinances 2008-42 and 2007-23 and adopting an ordinance, special design and construction standards for the Eagle Ford (Soils) Group by Establishing Policy; 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 one thousand dollars (\$1,000.00); 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

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
6. Section 551.087 Deliberation regarding economic development negotiations

REGULAR AGENDA

- 2010-379 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-380 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2010-381 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2010-382 Action resulting from Executive Session, Item #4: Ken Chambers, et al
- 2010-383 Action resulting from Executive Session, Item #5: Paul Nichols
- 2010-384 Action resulting from Executive Session, Item #6: Economic Development
- 2010-385 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 8th day of October, 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.**