

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

Tuesday, May 24, 2011

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

2011-184 Announcements/Presentations

- a. Canvass votes from City Council Election of May 14, 2011
- b. Administer Oath of Office to Mayor and Councilmembers Places 1 and 2
- c. Elect Mayor pro tem
- d. Administer Oath of Honor to new Police Dept. personnel
- e. Proclamation recognizing Click It or Ticket campaign
- f. Community Affairs calendar
- 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.

2011-185 Consider and act upon minutes from City Council meeting of May 10, 2011

2011-186 Consider and act upon a resolution to authorize the setting of a City Council public hearing to be held Tuesday, June 28, 2011 at 6:00 pm, in accordance with the requirements of Chapter 395 of the Texas Local Government Code. (Case No. RES15-2010-47) related to the update of the City's impact fee ordinance

2011-187 Consider and act upon a resolution authorizing a Downtown Street Dance, presented by the City of Midlothian Parks and Recreation Department and the City of Midlothian Municipal Park Board on Saturday, May 28, 2011 in accordance with zoning requirements established for City events requiring street closure (Case Number RES16-2010-51)

2011-188 Consider and act upon a resolution to approve the City of Midlothian's Investment Policy and Strategies with changes, as required by the Public Funds Investment Act

PUBLIC HEARINGS

2011-189 Continue a public hearing to consider and act upon an ordinance amending Ordinance No. 2010-14, the MidTowne Planned Development Ordinance (PD-41), to allow independent senior living uses located at the intersection of George Hopper Road and the southern extension of Abigail Way. (Case No. Z04-2010-32)

REGULAR AGENDA

2011-190 Citizens to be Heard

2011-191 Consider and act upon a request to increase the Police Department fleet by one vehicle acquired from the Texas 1033 Military Surplus Program and add said vehicle to the City's insurance policy

- 2011-192 Consider and act upon an Engineering Services Agreement with Schrickel, Rollins and Associates, Inc. for Phase II construction phase services for Water Treatment Plant No. 2 in an amount not to exceed \$789,500
- 2011-193 Consider and act upon authorizing staff to replace the lighting fixtures within the Justice Center to more efficient fixtures in an amount not to exceed \$50,000.00
- 2011-194 Consider and act upon an ordinance of the City of Midlothian, Texas, (“City”) approving a negotiated resolution between the Steering Committee of Cities Served by Oncor (“Steering Committee”) and Oncor Electric Delivery Company LLC (“Oncor” or “Company”) regarding the company’s application to increase electric rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; Approving Oncor’s proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; and requiring delivery of this ordinance to the Company and The Steering Committee’s legal counsel
- 2011-195 Consider and act upon a request to allow The Corporation for the Economic Development of Midlothian (CEDM) to provide funding for a classroom remodel at Navarro College Building II to accommodate administrative offices for Texas A&M University-Commerce and Tarleton State University
- 2011-196 Annual review of the *Policy on Governance Process* and *Code of Ethics*
- 2011-197 Consider and act upon appointments to Council Subcommittees

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. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian
5. Section 551.087 Deliberation regarding economic development negotiations
6. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
7. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al

REGULAR AGENDA

- 2011-198 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-199 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-200 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-201 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-202 Action resulting from Executive Session, Item #5: Economic Development
- 2011-203 Action resulting from Executive Session, Item #6: ECOM
- 2011-204 Action resulting from Executive Session, Item #7: Corgan
- 2011-205 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 20th day of May, 2011 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.**