

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 27, 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

2011-373 Announcements/Presentations

- a. Community Affairs calendar
- b. Recognition of ten-year-old Sammie Rodarte for alerting her family to a house fire
- c. Announcement of new ISO Public Protection Class rating
- d. 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.

2011-374 Consider and act upon minutes from City Council meeting of September 13, 2011

2011-375 Consider and take action upon a resolution to approve the City of Midlothian, the Corporation for the Economic Development of Midlothian (CEDM), the Midlothian Community Development Corporation (MCDC), and the Midlothian Development Authority's (MDA) Investment Policies

2011-376 Consider and act upon a one-year contract with Ellis County Emergency Services District No. 2 (ESD) to provide fire and EMS response

2011-377 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 15, 2011, 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. M13-2010-63)

2011-378 Consider and act upon approving an auction to sell miscellaneous items that are outdated, broken or beyond economical repair

2011-379 Consider and act upon approval of an Administrative Services Contract between the City of Midlothian and the Corporation for the Economic Development of Midlothian

2011-380 Consider and act upon approval of an Administrative Services Contract between the City of Midlothian and the Midlothian Community Development Corporation

WORKSHOP

2011-381 Receive a Zoning Ordinance update and direct staff accordingly

PUBLIC HEARING

- 2011-382 Conduct a Public Hearing and act upon an Ordinance regarding amendments to the City of Midlothian Comprehensive Plan, Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: (1) the capacity revision of Plainview Road; (2) the realignment of FM 1387 future extension; or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP03-2010-60)
- 2011-383 Conduct a Public Hearing to consider and act upon a request to rezone property at 3261 FM 663, being out of the M. Brenan Survey, Abstract Number 43 from its current Agricultural (A) District to a Commercial (C) District. Property contains ±1.0869 acres and is located ±531 feet south of Belmont Street and west of FM 663, in the City of Midlothian, Texas (Case No. OZ07-2010-64)
- 2011-384 Conduct a Public Hearing to consider and act upon a request for a Specific Use Permit (SUP), to allow a convenience store on property zoned Commercial (C) District. Property is located at 3261 FM 663, being out of the M. Brenan Survey, Abstract 43, containing ±1.0869 acres and is located ±531 feet south of Belmont Street and west of FM 663, in the City of Midlothian, Texas (Case No. SUP01-2010-65)
- 2011-385 Conduct a Public Hearing to consider and act upon a request to rezone property at 114 South 6th Street and being in Original Town, Block 22, Lots 11 and 12 from its current Commercial (C) District to a proposed Single Family Four (SF-4) District (single family residential use). Property is located ±187 feet south of Main Street and east of South 6th Street, in the City of Midlothian, Texas. (Case No. OZ08-2011-67)

REGULAR AGENDA

- 2011-386 Citizens to be heard
- 2011-387 Consider and act upon approval of a proposal to replace the fence and lighting at Kimmel Park in an amount not to exceed \$57,000
- 2011-388 Consider and act upon authorizing Amendment No. Four to the agreement for Construction Manager at Risk Services for Water Treatment Plant No. 2 with Garney Companies, Inc. to award a portion of the Bid Set One packages in a total amount not to exceed \$1,832,384
- 2011-389 Consider and act upon authorizing the City Manager to execute a contract with Siemens Industry, Inc. for supplying the necessary equipment, chemicals, preventative maintenance and monitoring services for the generation of chlorine dioxide used in the treatment process at the Tayman Water Treatment Plant.
- 2011-390 Consider and act upon an ordinance amending the Midlothian Conference Center's fiscal year 2010-2011 budget appropriations in an amount not to exceed \$125,086 to be paid from excess revenue collections to cover increased operating expenses resulting from a significant increase in event activity, in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; providing for a cumulative effect; providing for a severability clause; and establishing an effective date
- 2011-391 Consider and act upon a resolution approving adoption of GASB 54 standards and application
- 2011-392 Consider and act upon a Resolution to nominate five candidates to the 2012-2013 Board of Directors for the Ellis Central Appraisal District

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 City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
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. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian
4. Section 551.087 Deliberation regarding economic development negotiations
5. 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.
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
7. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
8. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment or duties of the Executive Director of the Corporation for the Economic Development of Midlothian

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

REGULAR AGENDA

- 2011-394 Action resulting from Executive Session, Item #1: Randall Denton, et al
- 2011-395 Action resulting from Executive Session, Item #2: Texas Central Business Lines
- 2011-396 Action resulting from Executive Session, Item #3: Paul Nichols
- 2011-397 Action resulting from Executive Session, Item #4: Economic Development
- 2011-398 Action resulting from Executive Session, Item #5: ECOM
- 2011-400 Action resulting from Executive Session, Item #6: Corgan
- 2011-401 Action resulting from Executive Session, Item #7: Real Estate
- 2011-402 Action resulting from Executive Session, Item #8: Personnel
- 2011-403 Action resulting from Executive Session related to Section 551.071(2)
- 2011-404 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 23rd day of September, 2011 at or before 5:00 p.m.



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.**